

Comments for Planning Application 19/00707/FULM

Application Summary

Application Number: 19/00707/FULM

Address: Field Opposite Westfield Drive Westfield Loan Forfar

Proposal: Residential Development of 175 Dwellings including Formation of Vehicular Access, Access Roads, Open Space, Landscaping, SUDS and Associated Infrastructure

Case Officer: Ruari Kelly

Customer Details

Name: Mrs Sonja McIntosh

Address: 1 Burn Place Halfpenny Burn Forfar DD8 1TE

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I would like to object to the proposed development at field opposite Westfield drive, Westfield loan. I would like a representative to possibly consider and take on board suggestions to alleviate any concerns I am about to raise. Please consider the increased traffic which affects the residence of Halfpenny burn. It is difficult at the best of times to exit driveways onto the Glamis road due to heavy traffic flow both ways. The increased noise in the area along with road safety that poses a threat during and after completion. Currently the visual appearance and surroundings do not cause any concern however the proposed development will bring high volumes of traffic to the area along with noise pollution and an impact on the environment. There is a risk of possible flooding which would flow into the properties of Halfpenny burn due to developing the area with the amount of properties suggested, The reduction of an adequate green belt along with the interference of technology issues by blocking transmitters and satellite dishes as currently growing vegetation has an impact until they are trimmed down or removed, building houses directly off the Glamis road section of Halfpenny Burn would greatly affect the residence on the Halfpenny burn side unless a green belt is between the Glamis road and the new development of a considerable distance to help reduce noise and interference pollution along with a vehicle access point away from the residence area of Halfpenny burn due to the high volumes of traffic that will appear should the development have approval. Concern over the water table as a natural burn runs diagonally down between the residence of Halfpenny Burn, excessive development would possibly cause this water table to divert further towards the residence causing damage to foundations and property alike due to the high ground level which runs from the Dundee road point towards Glamis road.



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23rd October 2019

Ruari Kelly
Planning Service
Angus Council
Angus House
Orchardbank Business Park
Forfar
DD8 1AX

Dear Mr Kelly,

19/00707/FULM Residential Development of 175 Dwelling houses including Formation of Vehicular Access, Access Roads, Open Space, Landscaping, SUDS and Associated Infrastructure Field Opposite Westfield Drive Westfield Loan Forfar

We refer to the abovementioned application and wish to this opportunity to register our formal **objection** to the proposal. Although we recognise that the Westfield site is an allocated site for development, and therefore part of the strategy of the adopted LDP 2016, development is not to be at the cost of natural and built heritage on the site. We consider that *insufficient information or investigation* has been carried out to allow the Council to determine the proposals as submitted. The basis for our objection is as follows:

1. Premature Timing of Application - As you will be aware the site is allocated as site F4 Housing – Westfield within the extant Angus LDP 2016. The wording of the allocation confirms 38.8 Ha of land west of Westfield Loan is allocated for residential development of around 300 dwellings in the second phase of the plan (2021 – 2026). The Design and Access statement lodged in support of the application indicates that *“Commencement of the construction of the proposed development is in envisaged in mid 2020”*. Clearly this intended start is contrary to the adopted plan allocation and the related policy. It has not been demonstrated in accordance with the terms of Policy TC1 that an earlier release is appropriate.

2. Adequate Land Supply - Angus Housing Land Audit 2019 identifies that there is currently a generous effective land supply of housing in the West Angus HMA. As such there is absolutely no requirement to bring forward development of the land at Westfield in advance of the phasing as stated within the allocation. Therefore, at this time we consider the application should be refused as it is premature and contrary to Policy TC1. However, should this application be approved, we would request a condition be attached confirming no development pursuant to the consent is permitted to commence on site until after 1st January 2021.

3. Impact on Roads Network A90 and West Port Junction- The adopted F4 housing allocation F4 confirms that *“No development will be allowed until a full assessment of the potential impact on the A90 junctions (including Lochlands) is completed and any resulting mitigation is agreed with Angus Council and Transport Scotland.”* Furthermore Policy DS2 Accessible Development requires development proposals to demonstrate that the development (amongst other things) is or can be made accessible to existing or proposed public transport networks and are located where there is

adequate local road network capacity or where capacity can be made available. We note that Transport Scotland has lodged a holding objection which states that an updated Transport Assessment (TA) will require to be submitted. It is clear that at this point Transport Scotland are querying the sufficiency of the TA information provided in support of the application. Elite homes have always considered that this development will have a significant and unacceptable impact on the surrounding roads network. We request the opportunity to make further detailed comment once the updated TA has been submitted.

4. Education- we are aware that the Forfar Academy and Langlands Primary School are both operating over the 80% accepted capacity. As the current proposal is a major development which may result in further housing within the Westfield area the matter of school capacity should be addressed before any consent is issued. At the present time Forfar includes a primary school to the west of the town, Langlands, to the centre of the town, Strathmore and to the east of the town, Whitehills. There is no primary school local to the north of the town and therefore, any new school should be located to the north of the town adjacent to the community campus, benefiting from cross use of facilities and ensuring safe walk routes to schools for the younger children. The allocation of site F4 refers to the additional land beyond 2026 being required to accommodate the provision of a new primary school. No such considerations are shown in the supporting information lodged with the application. The requirement for a masterplan has not been met. It is not clear therefore that the terms of Policy DS5 Developer Contributions has been met.

5. Contamination-It is acknowledged that a Contamination Report has been lodged in support of the application, which acknowledges that a historical anthrax burial site forms part of the application site requires further investigation (Table 4/5A). At Para 1.3.1 the Report author confirms the limitations of the document stating

“Our interpretations of the ground conditions are based primarily on the information retrieved from the exploratory pits and bores sunk at the site during the investigations. While we have carried out some interpretation of the ground conditions between the exploratory locations, it should be recognised that soil and groundwater conditions can vary from point to point. As such, ground conditions at variance with those indicated by the exploratory pits/bores may exist in areas not investigated.”

We have significant concerns with regard to the proximity of proposed new houses to the known area of anthrax ash burial remains. Para 3.3.3 of the Contamination Report confirms that *“Following discussions with Angus Council, it was agreed that no excavations would be undertaken within 30m of the known copse of mature trees that demarcate the area of anthrax ash burial.”*

From our experience on other sites within Angus the suggested exclusion area seems inadequate. Angus Council have previously required a separation distance of 400 metres between residential properties and an intensive livestock unit. While a cordon sanitaire of 100 metres is required between a proposed residential development and a small waste water treatment plant.

With the prevailing winds in the area from the west any disturbance of anthrax remains on site could present a very real public health risk for all residents of Forfar. Given the very real danger to human life from disturbing an anthrax burial site we suggest a much greater separation distance between a known anthrax burial sites and proposed residential properties requires to be imposed than is suggested in the Contamination Report. Furthermore even if nothing is to be built in the contaminated area, given the historic contamination the area affected and the trees nearby cannot count towards useable open green space. It is not clear that the requirements of Policy PV2 Open space provision

can still be met when the historic contamination is considered and that the requirements of Policy DS4 on Amenity can be satisfied.

At this time, we have very serious concerns that the issue of anthrax remains at Westfield has not been fully considered. Therefore, we would request sight of all information provided to the elected members at the time this site was included within the draft Local Development Plan, and confirmation that this information was then passed to the Reporter as part of the Examination of the Local Development Plan in 2016. To be clear we can find no mention of the issue of anthrax in the Report on the Examination of the LDP and as such we have very real concerns that this very serious matter of anthrax was not fully considered at the time the site was allocated within the Angus LDP.

Further, we seek an absolute guarantee from Angus Council to reassure the elected members and the residents of Forfar that any proposed development at Westfield will not result in any dispersion of live anthrax spores and that there is no potential risk to the Health and Safety of the people of Forfar should consent for the development of this site be granted.

6. Archaeology- This was a matter which was raised as a significant area of concern at the time the land was considered for inclusion within the ALDP 2016. At that time the concerns of Elite Homes were totally ignored. We are pleased to note that the Archaeology Service have submitted an objection to the proposal. It is clear from their comments that the applicants have no real understanding of the Scheduled Ancient Monuments (SAMs) on the site and have not undertaken any pre-application discussions. As a result, the submitted scheme does not respect and protect the SAMs. The objection requires material changes to the layout to ensure no detrimental impact on the SAMs. The application is contrary to Policy PV8 Built and Cultural Heritage. We request a further opportunity to make comment on the proposal is provided as any necessary amendments will have an impact on how the proposed site will connect to Forfar.

7. Affordable Housing – We note that the Council’s Housing Service have already commented on the application and advise that the proposal is not in accordance with the requirements for provision of affordable housing which is required in the area. Policy TC3 requires provision of 25% affordable housing, rather than the suggested 20% in the Housing Service response. Given the changes and further information provided, which may impact on the layout of the proposed development, it is not clear if the requirements of Policy TC3 can be met.

8. Other technical information – We note that despite the application being for planning permission, no details of the energy efficiency (low and zero carbon buildings) measures are provided nor are details of waste management for the proposed housing. The application therefore fails to comply with the requirements of both Policies PV11 and 18 respectively.

9. Environmental Impact Assessment-We note that Angus Council have determined that an EIA is not required in this instance. As a Schedule 2 development the determining factor is whether the proposal is likely to have a significant effect on the environment. In determining 'significance' the key question to consider is whether the particular project, by virtue of factors such as its "nature, size or location" is likely to have significant effects on the environment.

Elite Homes would submit that the scale of development in isolation or in combination with a possible expansion to the west is such that impacts on the environment are likely to be significant. The proposal forms part of a potentially significant and more substantial development which will result in an extension to the settlement. The site includes 2 large scheduled ancient monuments and will have an impact on the surrounding roads network, including the A90 trunk road, which impacts do not appear to have been assessed correctly based on the information submitted. There are areas

of contamination which may result in air borne pollution, as yet uninvestigated . For these reasons to is not clear on what basis the Council has been able to determine in accordance with their duties and responsibilities under the Environmental Impact Regulations that the proposed scheme will not have a “significant” impact on the environment. In light of the issues noted in this letter, an EIA should be required.

10. Provision of full information - We would wish to highlight that development at Westfield, of which this application forms part, has been repeatedly supported by Angus Council over the past 20 years, spanning a number of local plan processes. At the time of the 2009 Angus Local Plan the Scottish Government Reporter removed the allocation at Westfield concluding amongst other issues that the accessibility was not ideal, impacts on wider traffic implications required detailed assessment and fundamentally that the “visual impact would be significantly adverse and the landscape setting of Forfar would be reduced to an unacceptable extent.”

As part of the ALDP 2016, the Reporter concluded “I can see no reason not to allocate Westfield”

To be clear, this did not say there were *no* reasons, but only that he could see no reasons.

It is a matter of some concern to Elite Homes that despite many unresolved concerns continually being highlighted during the Local Development Plan process, any of which in isolation may render the site ineffective including the fact the site was removed from previous local development plans due to the concerns on the unacceptable impact on the landscape setting of Forfar, Angus Council has been single minded in its determination to support development at Westfield. Scottish Planning Policy requires the delivery of housing through the development plan to support the creation of sustainable mixed communities which depends on a generous supply of appropriate and *effective* sites. Given these many unresolved issues remain, and no supporting information provided with the current application, it is clear that there are very real doubts whether this site is effective and therefore land at Westfield should not have been allocated until these material planning matters had been resolved. As experienced developers within Angus we can say with certainty that should any of our sites had any of the problems highlighted, it would not have been allocated. Therefore, it is with significant concern that we would question why a site with so many unresolved issues were allocated for housing development in the first place.

Finally, we note Angus Council and Muir (Hermiston Securities Ltd) have been in a joint agreement for the development of Orchardbank Business Park since around 2000. Given this partnership we would be grateful if Angus Council can confirm there is no conflict of interest which would render them unable to determine the current application.

The Council will be aware of their obligations under the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009 which provides guidance on the circumstances in which planning authorities must notify Scottish Ministers prior to granting planning permission. Given the financial interest of the Council in the proposal and that, in light of the lack of supporting information, the proposal could be considered to be a significant departure from the development plan, in addition to the objections from a government agency (Transport Scotland) then we consider that the application should be notified to Scottish Ministers if it is proposed to grant consent.

Conclusion

The allocation of site F4 Housing Westfield contains a number of requirements. Based on the foregoing it is quite clear that the proposal does not meet a number of the identified aspects of the allocation. We have summarised in brief terms the requirements and the reason for the failure below::

- No development will be allowed until a full assessment of the potential impact on the A90 junctions (including Lochlands) is completed and any resulting mitigation is agreed with Angus Council and Transport Scotland **Response- Insufficient information provided in support of application**
- Development should be in accordance with a masterplan prepared for the site. **Response- no such masterplan accompanies the application and only vague reference has been made to the Framework prepared in 2013 and the Council's development brief for the site.**
- design and site layout which takes account of the existing landscape character, pattern of development and character of neighbouring uses and buildings; **Response- Until a full understanding of the anthrax remains and the SAMs has been understood a layout cannot be agreed**
- the protection of scheduled ancient monuments within the site and how these will be managed; Application does not adequately address the SAM's, **Response- no preapplication discussions, SAMs not respected or protected as part of the proposed scheme layout requires to be reconsidered**
- a landscape framework, preserving existing woodland and hedges and setting out structural planting and landscaping within and around the site to enhance biodiversity and to create an appropriate town edge; **Response- Until a full understanding of the anthrax remains and the SAMs has been understood a layout cannot be agreed. Little landscaping information has been submitted beyond that included in the Framework dated from 2013.**
- appropriate developer contributions, towards education infrastructure; **Response- the current application forms part of a potentially much larger scheme. As such the impacts on education provision within Forfar as a whole require to be fully assessed and the best possible solution for the long term determined in full consultation with the people of Forfar.**
- the potential for a new distributor road linking Dundee Road and Westfield Loan with Glamis Road, taking account of any potential impact on the A90 junctions (including Lochlands) in conjunction with Angus Council, TACTRAN and Transport Scotland; **Response- Insufficient supporting information provided, updated TA required, possible mitigation agreed with Transport Scotland**
- the provision of open space and SuDS as necessary; **Response- Until a full understanding of the anthrax remains and the SAMs has been understood a layout cannot be agreed. The impact of the anthrax contamination has not been fully investigated and as such the provision of and compliance with the requirements for useable open space on the site cannot be determined.**
- opportunities for active travel through improved linkages with the existing path/Green Network; **Response- Until a full understanding of the anthrax remains and the SAMs has been understood a layout cannot be agreed**
- supporting information including a Flood Risk Assessment, Drainage Impact Assessment, Sustainable Drainage and Surface Water Management Plan, Contaminated Land Investigation Report and a Transport Assessment which should include assessment of the West Port junction and analysis of the traffic flows and junctions along East and West High Streets. **Response- whilst certain of the reports have been submitted with the application, it is clear that further work is required in terms of contamination and the TA.**

It is clear for the above that insufficient information has been lodged in support of the application to allow its determination. Given the lack of supporting information, and for the reasons stated in this letter, the application requires to be refused. Should further information be submitted, the application requires to be re-notified and re-advertised to allow all parties interested in the proposal a chance to re-evaluate and a further opportunity provided to make comment to allow for proper consultation and consideration of all relevant factors.

We trust that the points raised in this letter will be taken into account when determining the application in due course. Our client reserves the right to expand on the points mentioned herein should further information be submitted by the Applicant. Our client would also request an opportunity to address the Members should the application proceed to Committee.

Kindly acknowledge safe receipt of this letter.

Your sincerely

Elite Homes (Tayside) Ltd
Elite Homes (Tayside) Ltd





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19 December 2019

Ruari Kelly
Planning Service
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Dear Mr Kelly,

19/00707/FULM Residential Development of 175 Dwelling houses including Formation of Vehicular Access, Access Roads, Open Space, Landscaping, SUDS and Associated Infrastructure Field Opposite Westfield Drive Westfield Loan Forfar

We refer to the abovementioned application and to our previous objection dated 23rd October 2019 at which time we requested the opportunity to make a further detailed objection at the time additional information had been received. All comments in our earlier objection are maintained however we would now make the following additional comments

1. Adequate Land Supply and Premature Timing of Application — We note the consultee response from Local Development Plan Team dated 24th October 2019 confirms that there is currently an adequate supply of land for housing development to meet the requirements for the West Angus Housing Market Area and there is no evidence requiring the early release of housing land from the Westfield site at this time. Therefore, the granting of planning consent at this time would be contrary to Policy TCI.

2. Impact on Roads Network A90 - The adopted F4 housing allocation F4 confirms that "No development will be allowed until a full assessment of the potential impact on the A90 junctions (including Lochlands) is completed and any resulting mitigation is agreed with Angus Council and Transport Scotland. "

We note Transport Scotland have requested an updated TA be lodged, this has still to be submitted we maintain our request to make further representations once this has been received.

We further note the Roads Service of Angus Council have yet to make comment on the application, again we would reserve our right to make further representation once this has been received.

Meantime, Elite Homes (Tayside) Ltd instructed Dougall Baillie Associates to review the TA as currently submitted, a copy of their detailed comments is attached to this letter. They have highlighted a number of deficiencies in the TA which can be summarised as follows

- 1) the actual, practical level of accessibility of all dwellings to bus services requires further consideration;
- 2) the safety of proposed site access junctions, these appear to have been designed as priority crossroads, but provided with visibility standards for much higher speeds are therefore not consistent with Designing Streets policy;
- 3) the TA junction check analysis should be updated to represent a practicable build date for residential development on this scale that is consistent with the Local Development Plan;
- 4) the TA must be updated to representatively model the impact of Westfield development traffic on the A90 / A926 /Westport signalised cross-roads; and
- 5) the TA must address the obvious road safety implications of increased queuing at the A90 / A932, Dundee Road trunk road priority junction, given its continuing safety issues.
- 6) A full assessment of the potential impact on the A90 junctions (including Lochlands) has yet to be completed and any resulting mitigation is agreed with Angus Council and Transport Scotland.

Therefore, at the present time the proposal is contrary to Policy F4.

3. Flood Risk- we note SEPA have lodged an objection to the proposal as the site may be at risk of flooding. We consider this matter must be fully considered and resolved. We note from the SEPA flood maps that much of Orchardbank Business Park is currently at high risk of flooding as such any development at Westfield must consider the potential impact on this area.

4. Design and Layout- Elite Homes has appointed OPEN, Optimised Environments, who have reviewed the application, a copy of their detailed comments is attached. There are a number of legitimate and very real constraints to the development layout as submitted including the following

- 1) two Scheduled Ancient Monuments, which further require a 10-metre buffer which has not been incorporated,
- 2) known anthrax burial site to the east of the application site, which we would suggest requires a cordon sanitaire to ensure no remains are disturbed during development, and
- 3) Halfpenny Burn, again which requires a standoff to ensure no risk of flooding, and
- 4) Area effectively sterilised for development due to noise from the adjacent road and neighbouring 24-hour industrial operations, and
- 5) 90 metre AOD beyond which the Reporter at the time of the adopted ALDP 2016 confirmed no development should be permitted.

These constraints have been annotated on the attached plan. It is clear that these legitimate constraints have a significant impact on the developable area and will impact on the opportunities to create a cohesive and considered development, OPEN highlight there are several issues with the layout, these being:

- Legitimate noise constraints are likely to ensure there is no frontage on Glamis Road and land to the south of it is effectively sterilised;
- The layout does not constitute good placemaking in terms of how it relates to Forfar: the development does not consolidate the urban edge and will be disparate and feel divorced from the existing settlement;
- This is reinforced by a poor approach to connectivity. A lack of connections allowing easy access to bus stops, paths and cycling options will compound with a sense of isolation and will foster car driving as a default position in direct contravention of Scottish Government Policy;
- The level of constraint makes it hard to achieve an appropriate form and density, with the appropriate levels of usable open space. The layout within the application demonstrates this;
- The constraints are almost impossible to mitigate: the location of the northern SAM constrains mitigating noise issues from the factory, and there are significant risks to human health in relocating anthrax diseased burial areas;

- Inefficient use of land, disturbance to protected areas, lack of usable space, incoherent layout and putting the car first; these all flaunt the need to design sustainably and to consider climate change impacts.

Policy F4 is clear in that any development proposal should be in accordance with an approved masterplan which covers a number of matters including the design and site layout, the protection of scheduled ancient monuments, design of a landscape framework, preserving existing woodland and hedges and setting out structural planting and landscaping within and around the site to enhance biodiversity and to create an appropriate town edge, the potential for a new distributor road linking Dundee Road and Westfield Loan with Glamis Road, taking account of any potential impact on the A90 junctions (including Lochlands) in conjunction with Angus Council, TACTRAN and Transport Scotland, the provision of open space and SuDS as necessary, opportunities for active travel through improved linkages with the existing path/Green Network.

No such Masterplan document has been prepared or lodged in support of the proposal as such the application is contrary to Policy F4.

5. Noise We note that the frontage of the application site lies to the south of the Glamis Road, a busy main distributor road to the north of which is located the Don and Low factory, the largest industrial operation and significant employer in Forfar which legitimately operates 24 hours a day. The applicants have lodged a Noise Assessment which confirms that there are large areas of the proposed development site which will experience unacceptable levels of noise disturbance both internally and in the outdoor amenity space as a result of these existing uses. The report therefore recommends a strategy of closed windows and an acoustic barrier both of which are neither practical or appropriate. It is clear that the existing industrial premises and the busy adjacent distributor road will result in noise disturbance to an unacceptable level and there is no way to effectively and appropriately mitigate this noise disturbance.

It is worth highlighting that the industrial operator, Don and Low, a long-term industrial function in Forfar and a major employer, has objected as they have serious concerns that the noise will lead to complaints which will in turn lead to restrictions on operations. A totally unacceptable situation for both the established industrial operator and the prospective residents. Elite Homes fully support these concerns, it is imperative that Don and Low, as a major employer within Forfar, are not impeded in any way in their operation and ability to provide employment by a proposed new housing development at Westfield. We further note these concerns have been reiterated by the Environmental Health Service who have objected to the current proposal.

As such at present the proposal is contrary to Policy DS4 Amenity of the ALDP.

6. Contamination We note that a consultation response has been received from the Environmental Protection Officer dated 22 November 2019 in which he states: 'I am satisfied this site does not pose a significant risk of harm to the proposed use from land contamination' and confirms no objection to the current application. Such a statement makes no reference to human health instead it only confirms that there is no 'significant' risk of the site being impacted by contamination. We would consider it relevant for the Environmental Protection Officer to consider whether the proposed use poses an, no matter how small, risk to human health given its proximity to a known anthrax burial site.

An area of known anthrax burial remains is located to the east of the application site within the immediate environs of the application site. It would appear from documentation received as part of a recent Freedom of Information Request dated 4th November 2019 that there is some question over the exact location of the anthrax burial site and what the remains comprise.

In a letter dated the 15th April 1999, Letter from consultant in Public Health to Webster Contracts (previous owners of the site), confirms the risk from "alleged carcasses burial being sited near to your proposed housing development site is negligible". This is information, which is over 30 years old, confirms the risk to be "negligible", not non-existent as is surely required to ensure public safety. Elite Homes would submit on a matter with such potential to impact public health the risk to human health must be confirmed as non-existent.

The letter goes on "The Scottish Office letter implies, the infected animals were disposed of by incineration and burial of the ashes with quicklime". Again, no certainty exists on how the carcasses

were treated and where the infected carcasses were buried. This is further confirmed in an e mail exchange dated 28th March 2007 from a Senior planner to EHO which states that the site is a known anthrax burial site. The correspondence goes on

"our difficulty is that we have no certainty regarding the accuracy of the assessment of the extent of the burial area. This makes it difficult to confirm that the burial area does not encroach into the proposed development area and therefore difficult to confirm that the development would not potentially disturb the burial area."

Elite Homes (Tayside) Ltd sought our own advice on this issue from EnviroSurvey who reviewed the submitted Contamination Report, a copy of their detailed comments is attached. This concluded that significantly more information should be obtained on the anthrax area. This is an issue of the upmost concern for the health and safety of the people of Forfar and as such a full desk-based element risk assessing the anthrax issue should be undertaken. In EnviroSurvey's considerable experience, and after discussion with other Local Authorities throughout Scotland, there appears to be no precedent of new residential development in such proximity to a recognised anthrax burial site. It is clear that a cordon sanitaire is required around the known anthrax burial site, the standard cordon sanitaire around an intensive livestock operation, slurry or sewage store is 400m (UK Planning Circular, 2/2015), this is to protect against odour but also airborne disease, we would suggest a similar buffer would be appropriate to protect public health at Westfield.


Therefore, on the basis of this additional information we would reiterate our request that Angus Council Planning Service provide an absolute and evidence based guarantee to reassure the elected members and the residents of Forfar that any proposed development at Westfield will not result in any dispersion of live anthrax spores and that there is no potential risk to the Health and Safety of the people of Forfar should consent for the development of this site be granted.

It is clear from all the above that insufficient information has been lodged in support of the application to allow its determination. Given the lack of supporting information, and for the reasons stated in this letter, the application must therefore be refused. Should further information be submitted, the application requires to be re-notified and re-advertised to allow all parties interested in the proposal a chance to re-evaluate and a further opportunity provided to make comment to allow for proper consultation and consideration of all relevant factors.

We trust that the points raised in this letter will be considered when determining the application in due course. We reserve the right to expand on the points mentioned herein should further information be submitted by the applicant. We would also request an opportunity to address the Members should the application proceed to Committee.

Kindly acknowledge safe receipt of this letter.

Your sincerely



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SH/RCMD/19304let01

18 December 2019

Karen Clark,
Elite Homes (Tayside) Ltd,
17 Academy Street,
Forfar,
Angus, DD8 2HA

Dear Karen,

**Westfield Development, Forfar
Planning Application 19/00707/FULM
Transportation Assessment**

DBA have reviewed the attached list of material associated with Planning Application 19/00707/FULM for the development of 175 residential units on a site in Forfar. Specific issues with the content of the TA or implications and impacts of the proposed development are numbered (consecutively), and referenced to the TA by way of a bracketed paragraph number, e.g. (2.6). Conclusions are highlighted in **Bold**.

DBA note the TR/NPA/1A response from Transport Scotland which indicates that a revised TA will require to be submitted. The following comments refer to the first TA lodged (in four parts) on the Council's website, dated September 2017. DBA will require to review any subsequent TA produced to examine the relevant issues.

1. (2.6) There are no existing footways on any frontage of the site, either on Glamis Road or on Westfield Loan. The only footway provision is on the opposite (north) side of Glamis Road and the opposite (east) side of Westfield Loan). There is only one designed pedestrian crossing point on Glamis Road in the vicinity of the site, which is of poor standard, requiring pedestrians to cross the equivalent of four lanes of traffic with no priority. **These facilities are inadequate to serve development on the scale proposed, and new pedestrian facilities should be provided on the boundary of the site, and within it, to provide adequate routes for pedestrians walking to and from the development, for reasons of road safety, particularly that of vulnerable road users.**
2. (2.12) The footways on Dundee Road to the south of the site are characterised as *"wide footways on both sides of the carriageway"*. This is clearly not the case, even from examination of the images in the TA itself. The image referred shows an isolated section of footway tapering sharply at a priority junction and presumably provided for local visibility purposes. **The term "wide" cannot be used to describe the majority of footways on both sides of Dundee Road, which appeared to fall below a standard of 2.0m width over many sections.**
3. (2.21) The TA's review of cycle facilities acknowledges that there are no identified and maintained cycle routes in the vicinity of the development site. There are some local facilities, but these are discontinuous and of only limited benefits in cyclists seeking to make journeys on the local road network. **A development on this scale, and generating the level of cycle activity that can be expected, should contribute**

to the upgrading and/or provision of new cycle facilities on the local road network, in the interests of encouraging sustainable travel and of road safety.

4. (2.24-2.28) The TA described walking distances from the nearest bus stops to the edges of the site. This is misleading and does not represent the actual accessibility of the site to public transport services. The stops on Dundee Road to the south are over 900 metres from the closest residential unit within the development layout, according to the site layout lodged with the application. Furthermore, no footpath link would be provided as part of this application, therefore these stops can be discounted as contributing to accessibility for this application.

Furthermore, the stops on Westfield Loan / Threewells Drive, which are some 600m from the furthest unit, have a poor frequency for the purposes of serving residential development and encouraging sustainable travel, of only 1 per hour, and it appears that services do not start until after 8.00am and stop before 6.00pm. Clearly, a significant number of units in the application layout would be outwith the accepted 400m walking distance to public transport services. The same applies to the stops on the A94 to the west, although these have better frequency at circa 20 minutes, on average, and operate at suitable times. The conclusion of the TA assessment in 2.30 that a “good volume of bus routes (sic)” service stops on Westfield Loan and Threewells Drive is manifestly not the case.

Considering walking distances in greater detail, there are only two pedestrian access points shown on the proposed site layout plan. These are located at the vehicular accesses on A94 Glamis Road, and on Westfield Loan opposite Threewells Drive. Discounting the bus stops on Westfield Loan due to their infrequent service which, it is considered, is inadequate for commuting purposes, the average distance from the A94 stops to the main site entrance is some 355m, leaving a walking distance of only 45m within the site to reach units. This results in only three units being within the 400m walking distance identified in transport policy guidance.

The Westfield Loan access is located on average some 265m from the bus stops on Glamis Road, leaving some 135m walking distance to reach units within the development. This results in 28 units being within the 400m walking distance identified in transport policy guidance.

Thus, it is apparent that only 31 of the proposed 175 residential units are within the 400m walking distance identified in transport policy guidance, which equates to only 18% of the development. This is a very poor level of accessibility to public transport. **The applicant should be required to install new bus stops on the A94 Glamis Road frontage of the development to bring a much higher proportion of the development within suitable walking distance of public transport services.** Furthermore, if reliance is placed on the bus stops on Westfield Loan, the applicant should be required to take suitable actions to ensure that the frequency of services at these stops is increased to a level adequate to service and be attractive to community demand from the development. Any new bus stops, or existing stops that do not have them, should be provided with bus shelters at the expense of the applicant to increase the attraction of public transport to commuters to and from the development.

5. (2.32) It is clear that no reliance can be placed on rail services for the purposes of travel to and from the development.
6. (2.35) Reference is made to the development being “located in close proximity to well established pedestrian and cycle routes”, this conclusion however is contradictory to 2.21, which states that “There are no national or local cycle routes

in the immediate vicinity of the application site, although there are some shared footway/cycleways, particularly along the A94 Glamis Road. Otherwise cyclists require to share the carriageway with other road users". This underlines the importance of the conclusions above in relation to Issues 1, 3 and 4, above, that the applicant should be required to invest in the improvement of pedestrian, cycle and bus facilities in the area.

7. (3.3) The site layout plan lodged with the application (JFC plan reference 17.029.P.002, Revision C), shows no new footways on the west side of Westfield Loan. Thus, the proposed development is contrary to the TA's assessment of sustainable transport access requirements, which states that *"new footway provision / crossing points along the western side of Westfield Loan"*. **The applicant should be required to include in the proposals new footway provision on and crossing(s) to the west side of Westfield Loan in order that "Pedestrians will be able to access the development site making use of the existing off site footway and footpath network on the surrounding streets and new planned linkages that will connect with these" as stated in the TA.**
8. (3.6) The TA states that *"The site is therefore located within walking distance of existing public transport services and these can be reached using existing and planned foot and cycle links."* This is demonstrably not the case, as this assessment demonstrates that only 18% of units within the proposed development (Phase 1) would be within 400m walking distance of existing bus stops, and no new bus stops or services are proposed.
9. (3.7-3.9) The TA identifies the creation of three new cross-roads priority junctions for the purposes of providing vehicular access to the site. For many years, the use of priority cross-roads junctions was not permitted due to the inherent road safety risks and poor safety performance of such junctions. Design Streets policy has reintroduced the use of priority cross-roads junctions, but only in low speed environments, within development, with attendant appropriate design of streetscape, road alignment, etc. to reinforce and ensure low vehicle speeds.

The proposals for access junctions illustrated in the TA clearly are not founded on the principles of Design Streets, which provides for maximum visibility splays of 2.5m by 43m at junctions, reflecting the low speed environment. The access proposals for this development reflect much higher vehicles speeds by catering for splays of 120m (50mph) on Glamis Road, and 90m (40mph) on Westfield Loan. This implies that there is an expectation of higher than permitted speeds on Glamis Road (speed limit, 40mph) and Westfield Loan (speed limit, 30mph).

10. (6.4) It is stated that traffic surveys were undertaken in June 2016, however 6.13 indicates the traffic growth factors have been development and applied from 2017 to 2021. As a result, it appears that the application of growth factors is incorrect, and would underestimate growth in background traffic levels within the Traffic Impact Analysis. Examination of scoping correspondence in Appendix C however suggests that the survey date quoted is incorrect. **It should be confirmed that design year traffic flows are correctly growthed.**
11. (6.9) The TA states a year of opening assumed to be 2021. However, the email from Systra to TPL notes that the designated Westfield site (F4 in the Angus LDP of September 2016) identifies that the development is planned as being phased between 2021 and 2026. Thus, the year of completion can reasonably be deemed to be 2026. Transport Scotland's Transport Assessment Guidance states (paragraph 2.9) that *"The assessment years will be year of opening or completion for developments with short construction periods (say up to 2 years), and year of opening (or first full*

year) plus year of completion for developments which are phased over 3 or more years.” Clearly, the F4 release at Westfield is identified in the Angus LDP as having a five-year build period, and therefore a year of completion assessment at 2026 should be undertaken or the TA will not comply with Transport Assessment Guidance. Therefore, the Transportation Assessment should be updated accordingly to bring it into compliance with TA guidance representing a practicable build rate for residential development on this scale.

12. It is noted that (in TA Appendix C) Systra (for Transport Scotland) accept the analysis year of 2021, however they only do this on the basis that all units are occupied in 2021. Clearly, this would not be the case, as no builder reasonably would construct and complete 300 units on a single site in one year. The Council acknowledge this in their response to the TA scoping, requesting a year of assessment of 2027. This has not been examined.
13. (7.15-7.16) The approach taken to assessing vehicle trip generation is considered reasonable. In terms of the distribution, while the utilised pattern may reasonably apply to development car trips in the northern part of the site, such as are contained within the 175-unit development subject to planning application 19/00707/FULM, development to the south, near A932 Dundee Road, would be expected to exhibit higher proportions of commuting car trips using the A90 / A932 priority junction, in this respect therefore, the TA is considered to underestimate the impact of Westfield Development traffic at the A90 / A932 trunk road junction.
14. Notwithstanding this, even the existing distribution pattern is shown in the TA to have an adverse operational impact on the capacity of the A90 / A932 junction. This trunk road junction is the site of some 17 injury accidents over a 20-year period, including 1 Fatal; 8 Serious and 8 Slight (see attached Diagram 19304/1). As a result, there is an obligation on the Roads Authorities to ensure that the impact of the Westfield development on the junction is mitigated, and that Westfield development traffic does not cause a detrimental impact on the capacity and safety (due to increased queuing).
15. With respect to the junction analysis in general, we take no issue with the modelling of any of the individual roundabout and priority junctions. The modelling of the traffic signal junction of the A94 Glamis Road / A926 / West High Street has issues that will tend to exaggerate the capacity of the junction. All lanes have been modelled in LINSIG as infinitely long. The right turn lanes on the A94 Glamis Road and A926 Craig O’Loch Road exceed 60m in length (circa 10/11 Passenger Car Units, PCUs) which is a reasonable approximation for modelling purposes. However, the right turn lane on the A926 Dundee Loan is only 5 PCUs in length and in addition has a ‘KEEP CLEAR’ zone which further restricts queuing space (see attached Diagram 19304/2). Since, in the Weekday PM peak, the predicted queue in the Straight and Left lane exceeds 5 vehicles in length, this approach to the junction will not function as it has been modelled, and more representative analysis results will be worse than those presented in the TA. The analysis of this junction should be updated to more correctly model operation of the junction in the design year, and therefore more accurately and representatively model the impact of Westfield development traffic at this junction.

In conclusion, it is clear that there are several issues that have not been adequately examined in the TA for this planning application, chief among which are:

- 1) the actual, practical level of accessibility of all dwellings to bus services;

- 2) the safety of proposed site access junctions, which are designed as priority cross-roads, but provided with visibility standards for much higher speeds that are not consistent with Designing Streets policy;
- 3) the TA junction analysis should be updated to represent a practicable build date for residential development on this scale that is consistent with the Local Development Plan;
- 4) the TA must be update to representatively model the impact of Westfield development traffic on the A90 / A926 signalised cross-roads; and
- 5) the TA must address the obvious road safety implications of increased queuing at the A90 / A932 trunk road priority junction, given its continuing safety issues.

In our assessment, these matters require to be addressed, and the Transportation Assessment updated accordingly, before any planning permission is granted. Also, appropriate mitigation measures and accessibility improvements should be attached as conditions to any planning consent granted.

Yours faithfully,
for Dougall Baillie Associates



Stuart Harrow
stuart.harrow@dougallbaillie.com

Enc.

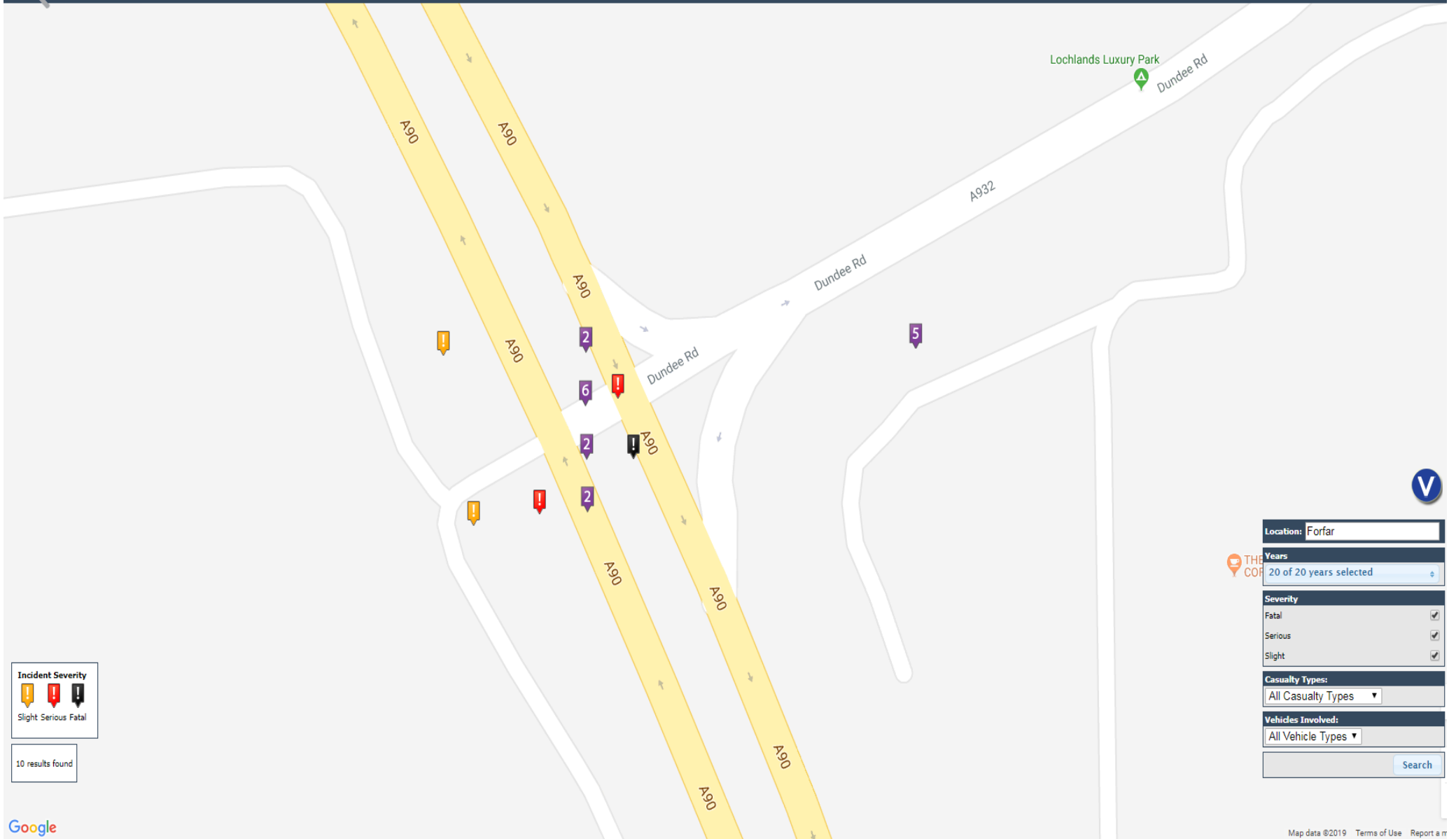


Diagram 19304/1 – 20-year Accident record (Source: Crashmap.co.uk, details should be confirmed with official record)



Diagram 19304/2 – A926 Dundee Loan approach to A90 /A926 signals (Source: Google Streetview, not for publication)

Comments on the Westfield Application

19/00707/FULM

1 Accompanying drawing

The accompanying drawing prepared by OPEN shows the following:

- full allocated site together with the extent of the safeguarded land area;
- the application site boundary (although see comments on this)
- the contaminated land area, suspected as anthrax, together with 3 suggested levels of cordon sanitaire;
- the Core Path;
- the 2 Scheduled Ancient Monuments plus a 10m buffer area as indicated (note these are accurate from HES shapefiles);
- the 90m contour line;
- residual land area calculation based on the allocation, abstracting the middle cordon extent land, and the SAM areas.

This drawing has been referenced in assessing the proposals.

2 Comment on the application

The Design and Access Statement should be the central document to the application, describing the proposal, setting it in context, and referring to technical studies as appropriate. However it is short on detail and disconnected from the rest of the application submissions. Some notable errors and contradictions (described; there are no page numbers):

- It's hard to tell what the application area is. A Location Plan marked "Planning" is provided with the planning application; this then doesn't align with the red line drawing accompanying "Site" in the opening pages of the DAS and further on in "Design Solution" an area in the new corner is marked up as "subject to a separate application" but no context for this is set out anywhere;
- The text within the DAS isn't followed through into the layout; good connectivity is described yet there are no path connections allowing easy access to the bus stops on Glamis Roads except those along the roads which are far apart. This will discourage public access use;
- Reference is made to Core Path links, but these aren't shown on the drawing nor (despite what is said) are they well-connected into the development layout;
- Reference is made to play; I assume this is the central area shown on the landscape drawing in the middle of the SAM which isn't marked up and which completely differs from the paths and planting shown on the SAM on the DAS;
- The DAS refers to the Scottish Executive (long gone!) and to PAN 76 New Residential Streets which has long been replaced by Designing Streets;

optimised environments ltd

Quartermile Two | Level 2 | 2 Lister Square | Edinburgh | EH3 9GL
t 0131 221 5920 | w optimisedenvironments.com

- The Tree Protection Plan shows development within the Root Protection Areas; this is disingenuous;
- Also disingenuous is how noise protection measures will impact on the layout or the physical environment; a 2.2m acoustic fence along Glamis Road appears to be proposed which further segregates the development from the town;
- Reference to National Monuments doesn't reflect Scottish policy where we call them Scheduled Ancient Monuments;
- Paths and planting and, I suspect, a play area is all proposed for the SAM. In our experience none of these would be acceptable to HES;
- I agree with the comments of the landscape officer "A new public landscaped space will be provided over the railway tunnels and a toddlers play area is located centrally within the development.' It could not be ascertained where the play area is to be located or where the position of the railway tunnels is within the site."

3 Comments on the Layout

The development form poorly addresses Glamis Road; there are properties which address the road along it and there are good bus links. A strategy which addressed the road, albeit behind a landscaped area and secondary road would be much preferable.

However there are difficulties in achieving this; the edge of the SAM is 37m from the road and accounting for the additional 10m buffer around the SAM would leave 27m. Guidance for noise mitigation will accept higher limits for front facing development as the buildings themselves form the noise shield and allow more acceptable limits within back gardens- this is an option here, especially as the gardens would be south facing. If the existing trees were removed and plot depth was 18m, then there would be space for a 4m private access road and a new verge with replacement tree planting. This would be subject to detailed topographical information.

There is also the issue of the Don & Low Ltd factory (one of Forfar's largest employers) across the road, and it is noted that both Don & Low and Angus Council Environmental Health object to all properties along the northern edge on grounds of 24-hour noise. This would negate a substantial swathe of the housing proposal which would then combine with the land sterilised by the SAM to create isolated pockets of development, visually and physically separated from the settlement. What this would serve to do is give a perception of the site being further from the town centre than it actually is hence forcing most traffic movements to be car borne.

The other alternative is that the applicant pursues development along the front and mitigates noise through a bund and acoustic fence; this would be intrusive in landscape and visual terms, effectively creating a barrier along Glamis Road, one of the main entries into the town.

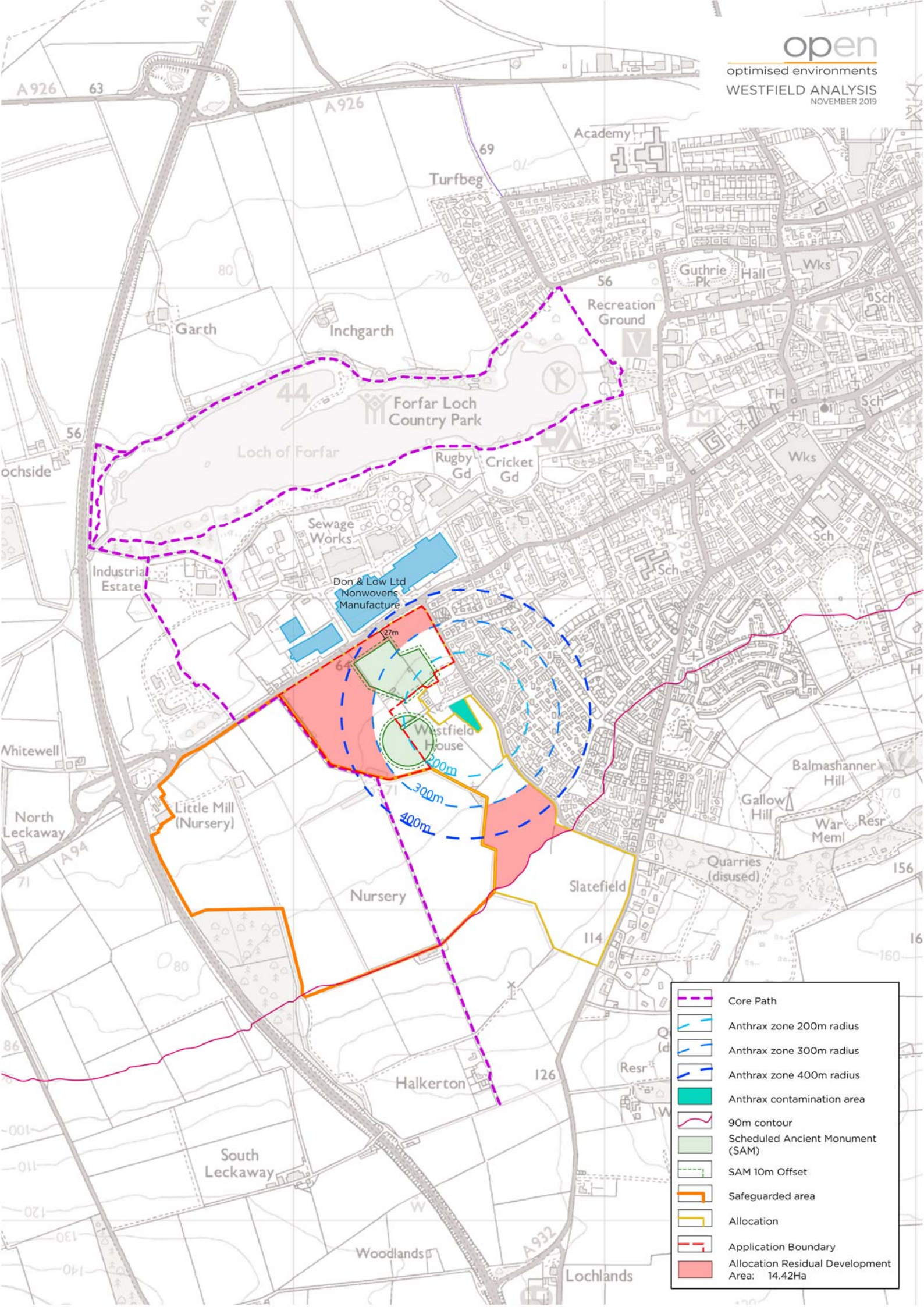
The SAM is a major constraint to achieving acceptable urban form in this location. Not only does it sterilise land, there are normally constraints around land-raising within the vicinity of them. The applicant doesn't seem to provide detailed topography plan showing existing and proposed landform so the proposed platforming can't be assessed; maintaining levels within these areas will prove difficult.

The Council state that 1.06 ha of usable open space is required here. The conclusion would be that the SAMs do not constitute open space, and the developer will need to reduce development further to accommodate it. The proposal overall is lacking in an open space strategy or in any contextual approach to design, and overall the development doesn't offer a good fit with the western edge of Forfar.

4 Summary

In summary there are several issues with the layout:

- Legitimate constraints are likely to ensure there is no frontage on Glamis Road and land to the south of it is effectively sterilised;
- It is clear from the objection made by Don & Low that the current layout cannot meet with the minimum noise mitigation along Glamis Road. As proposals already currently entail a 2.2m acoustic fence there are limited means for achieving mitigation without removing development;
- It is likely that whichever acoustic treatment is applied to a revised development form, this will either entail a barrier or moving development further south thus further isolating the new development from the town;
- The layout does not constitute good placemaking in terms of how it relates to Forfar: the development does not consolidate the urban edge and will be disparate and feel divorced from the existing settlement;
- This is reinforced by a poor approach to connectivity. A lack of connections allowing easy access to bus stops, paths and cycling options will compound with a sense of isolation and will foster car driving as a default position in direct contravention of Scottish Government Policy;
- The level of constraint makes it hard to achieve an appropriate form and density, with the appropriate levels of usable open space. The layout within the application demonstrates this;
- The constraints are almost impossible to mitigate: the location of the northern SAM constrains mitigating noise issues from the factory, and there are significant risks to human health in relocating anthrax diseased burial areas;
- Inefficient use of land, disturbance to protected areas, lack of usable space, incoherent layout and putting the car first; these all flaunt the need to design sustainably and to consider climate change impacts.



	Core Path
	Anthrax zone 200m radius
	Anthrax zone 300m radius
	Anthrax zone 400m radius
	Anthrax contamination area
	90m contour
	Scheduled Ancient Monument (SAM)
	SAM 10m Offset
	Safeguarded area
	Allocation
	Application Boundary
	Allocation Residual Development Area: 14.42Ha



TAYSIDE HEALTH BOARD

Your Ref:

Our Ref: MR/AU/TD12

Enquiries to: [REDACTED] Communicable Diseases Dept

Direct Dial: 01382 596888

E-mail: [REDACTED]

15 April 1999

[REDACTED]
Webster Properties (Tayside) Ltd
Kingsmuir
FORFAR
DD8 2NS

21 JUN

Dear [REDACTED]

GROUND FOR HOUSING DEVELOPMENT AT WESTFIELD, FORFAR

Thank you for your letter of 11 June 1999. It is my view that the risk to human health of the alleged carcass burial being sited near to your proposed housing development is negligible. If, as the Scottish Office letter implies, the infected animals were disposed of by incineration and burial of the ashes with quicklime, this should have destroyed any anthrax spores that were present in the animals' tissues. Even if there were any present, the fact that you are not planning to carry out digging near the suspected burial site means that no-one would be coming into contact with anthrax spores.

In summary, I do not think that there is any threat to human health from what you are proposing to do at Westfield. I think it is important to re-iterate the advice contained in the Scottish Office letter to the effect that, if you do come across any areas during development which would suggest that it is a burial site of some description then the work should stop immediately and both the Scottish Office and myself should be informed. If, however, your maps are accurate then this should not occur.

I hope that this provides reassurance, both to your company and to the prospective buyers of the new houses.

With thanks.

Yours sincerely

[REDACTED]

MilneAJ

From: [REDACTED]
Sent: 09 April 2007 14:30
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: Westfield Forfar

[REDACTED]
Having reviewed your summary of our discussions below I have the following comments:

1. An intrusive assessment needs to be completed prior to a planning decision that clearly defines the extent of the burial area.
2. It would be helpful if this survey included tests to define whether any material remained active for Anthrax.
3. Having spoken to various sources the expertise does exist locally to sample, transport and test this type of potential contaminant.
4. Before undertaking any intrusive work a detailed risk assessment and method statement is required to ensure protection of public health or the spread of contaminants into the environment which may be prejudicial to human health, as defined in Section 79 of the Environmental Protection Act 1990.
5. I agree with the general assumption that no development will be permitted on the burial area itself, however an additional remediation statement for any proposed development will still be required to clarify the precautions that will be in place in case of finding other suspect material.

[REDACTED] – Please could you let [REDACTED] have any extra comments if necessary. Thanks

Regards

[REDACTED]
Contaminated Land Officer

Environmental & Consumer Protection
Town House, High Street
Montrose, DD10 8QL
Tel: 01674 664130
Fax: 01674 671117

Angus Council - Infrastructure Services
Director [REDACTED]

-----Original Message-----

From: [REDACTED]
Sent: 28 March 2007 12:29
To: [REDACTED]
Subject: Westfield Forfar

[REDACTED]
I refer to our telephone conversation today and to our previous discussion on the above planning application and attach a copy of the policy from the Angus Local Plan which deals with contaminated land. This states that: -

Policy ENV 61: Contaminated Land

Development will only be permitted on, or in the vicinity of land that is known to be, or may be unstable, contaminated or affected by landfill gas where Angus Council is satisfied that the actual or potential risk can be overcome. All development proposals will require to be supported by appropriate survey information, detailing the extent and nature of ground instability/ contamination, the resultant implications for site development and possible remedial measures. Where necessary Angus Council will require appropriate remedial

measures to be undertaken to overcome any identified problems prior to the commencement of development.

In this case we know that land in the vicinity of the site was historically used as an anthrax burial area and this would trigger the requirements of the policy. I understand that you have spoken to various parties regarding this matter and in this respect you consider that potential risk at the site could be overcome by avoiding any development on the anthrax burial site itself. In this respect the proposal could potentially be compatible with the first requirement of the above policy.

In relation to the second aspect of the policy, the survey work appears to comprise a desk top study which provides an indication of the likely extent of the burial area. The inference from this is that the development would not occur within the suspected extent of the burial area. However, our difficulty is that we have no certainty regarding the accuracy of the assessment of the extent of the burial area. This makes it difficult to confirm that the burial area does not encroach into the proposed development area and therefore difficult to confirm that development would not potentially disturb the burial area.

However, the current planning application is seeking to establish the acceptability of the principle of housing development on this area of land. My understanding from our discussions is that, if anthrax was found to be present within the development area itself, the appropriate strategy could be to avoid development within that area. This clearly has implications in terms of the acceptability of the principle of development on this area.

As we discussed, with other forms of contamination it might be appropriate to attach planning conditions requiring assessment and remediation as part of the ongoing development on the basis that remediation measures would not prohibit development of the site or part thereof. However, if we were to grant planning permission on this basis in this case, we could have a situation whereby we would have granted planning permission for houses on an area where we would, subsequent to the commencement of development, be indicating should not be developed. We agreed that this would not be appropriate.

On this basis, and in light of the terms of the above policy, you indicated that it would be appropriate to require the applicant to undertake further survey work in order to confirm the location and extent of the burial area in advance of the planning application being determined.

I would be grateful if you could confirm that the above reflects our discussion and represents an accurate indication of your position in relation to the requirement for additional information.

Thanks in anticipation.

██████████
Senior Development Control Officer
Angus Council, Infrastructure Services Dept.
Planning & Transport Division
St James House, St James Road, Forfar, DD8 2ZP
Tel: 01307 473502 Fax: 01307 461895
E-mail: ██████████

[REDACTED]

From: [REDACTED]
Sent: 15 January 2007 12:28
To: [REDACTED]
Subject: RE: Enquiry re Anthrax

Hi [REDACTED]
The contacts for environmental anthrax sampling are the Health Protection Agency at Porton Down (01980 612100) they should be able to advise on sampling and logistics and have probably had experience of similar problems with building applications. The Government Decontamination Service <http://www.gds.gov.uk> is more concerned with CBRN (terrorist release) or HAZMAT accidental release but they may be able to offer advise on who to contact.

Regards

[REDACTED]
VLA Weybridge
Statutory and Exotic Bacteria Department

From: [REDACTED]
Sent: 15 January 2007 11:32
To: [REDACTED]
Subject: Enquiry re Anthrax

This e-mail is confidential and intended solely for the use of the individual to whom it is addressed. Any views or opinions presented are those of the author and do not necessarily represent those of Angus Council. If you are not the intended recipient be advised that you have received this e-mail in error and that any use, dissemination, forwarding, printing, or copying of this e-mail or its content is strictly prohibited and may be unlawful. If you have received this e-mail in error please contact it@angus.gov.uk quoting the sender and delete the message and any attached documents.
Angus Council email may be subjected to monitoring for security and network management reasons. If a message contains inappropriate content it may be automatically intercepted.

[REDACTED]

Thanks again for your call.

Please can I ask you to supply the contact details as discussed.

Regards

[REDACTED]
Contaminated Land Officer
Angus Council
Infrastructure Services
Environmental & Consumer Protection
Town House
High Street
MONTROSE
DD10 8QL

Veterinary Laboratories Agency (VLA)

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04/07/2007

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Communications on VLA's computer systems may be monitored and/or recorded to secure the effective operation of the system and for other lawful purposes.

[REDACTED]

From: [REDACTED]
Sent: 12 January 2007 14:56
To: [REDACTED]
Subject: Anthrax reference laboratory.

Dear Mr. [REDACTED]

Following our telephone conversation earlier today regarding sending soil samples to test for spores of anthrax I can confirm that the Veterinary Laboratories Agency in Weybridge, England is UK's reference laboratory for the diagnosis of Anthrax. I would advise before sending any samples contacting the laboratory to know the appropriate procedures in conditioning such samples, although the spores are quite resistant to pretty much any kind of transport conditions you impose, the laboratory will probably have security procedures in handling sampling with potential biological hazard such as these. If you have any other queries regarding this matter or any other please do not hesitate to contact our office.

Best regards.

[REDACTED]

[REDACTED]

From: [REDACTED]
Sent: 11 January 2007 17:46
To: [REDACTED]
Subject: 06/01598/OUT - Westfield Loan Forfar

[REDACTED]

I refer to our consultation request to you dated 15 November 2006 regarding the above planning application.

As you may have noticed from the Public Access system correspondence has been received regarding anthrax at the site location. I am sure you are considering this matter but it would be helpful if your comments could deal specifically with this matter and identify any investigation or further consultation that may be required in relation to this matter.

Thanks in anticipation.

[REDACTED]

Senior Development Control Officer
Angus Council, Infrastructure Services Dept.
Planning & Transport Division
St James House, St James Road, Forfar, DD8 2ZP

[REDACTED]

Date: 7th November 2019

Subject: Review of development at Westfield Drive, Forfar covered by application 19/00707/FULM.

We were instructed by Elite Homes (Tayside) Ltd to carry out an independent review of the information relating to potential risk from anthrax-impacted material which is known to be buried within a stand of mature trees in close proximity to a proposed new housing development at Westfield Drive, Forfar. We understand that the area is allocated for future housing in the Local Development Plan. An application by Muir Homes for 175 homes in this area has included an environmental review by Mason Evans with an intensive site investigation. We understand that there is a recommendation that there be no disturbance within 30m of the known buried anthrax-contaminated ash.

The following are our observations/comments on this matter:

- Anthrax is a fatal infectious disease, caused by *Bacillus Anthracis* when spores are released. It is very rare now however, but is a Notifiable Disease.
- The Mason Evans report is comprehensive for the site; but the area of historic anthrax burial is not identified on any plan, nor is any detail given on whether this is ash or carcasses, or when the burial took place. **Crucially** there is no information on where any burning of carcasses took place- the Anthrax Order 1991 states carcasses should be burnt on site, and then the ash incinerated. It is imperative that further information is obtained relating to this. The photographic record in Appendix A of the report does not identify any location on the large site and it is unclear what the woodland looks like where the anthrax material is buried. Will this be readily accessible to nearby residents walking their dogs for example?
- The area of investigation by Mason Evans is much larger than that shown in the planning site outline. This suggests the intention may have been to develop this SE corner originally but that this has changed.
- DEFRA Science Advisory Committee report (March 2017) relating to burial of carcasses infected by Foot & Mouth also repeatedly discusses the risk of anthrax spores. Their recommendation is that an area of ash or carcass burial should not be disturbed as there is a low risk of releasing anthrax spores.
- We acknowledge that disturbance of the area where anthrax ash is buried is not included in the development plan, so consideration is given to a suitable cordon sanitaire to prevent/minimise any impact from air-borne spores.
- The standard *cordon sanitaire* around an intensive livestock operation, slurry or sewage store is 400m (UK Planning Circular, 2/2015). This is to protect against odour but also airborne disease.

- HOPS (Head of Planning Scotland) in April 2017 recommended that should a building be built on a farm, for farm use, where intensive livestock operations take place, there should be a minimum 200m *cordon sanitaire* to any other non-farm owned housing.
- Public Health England produced a Guidance on assessing risk of anthrax on Building land in 2014. This relates primarily to sampling methodology and types of industry relating to potential risk however.

It is our opinion that further information needs to be acquired relating to the timing of anthrax-impacted burial, the quantity of the material buried, what depth it was buried at, was this before the trees were planted (bearing in mind mature tree roots can cause significant ground disturbance), was it ash or carcasses that were buried, where did burning take place? All of these will form the basis of a strong risk assessment on the potential impact of anthrax to this development.

As the proposed development is residential, and therefore the highest sensitivity for impact, we recommend that a much larger *cordon sanitaire* is applied to the site, with a minimum of 200m being considered. The nature of a housing development means children will wander to woodland with friends to play, and locals will walk their dogs in the area- all leading to potential exposure or disturbance unless information can be obtained to rule this out. Consideration of secure fencing around the woodland should also be reviewed.



Dr. Fiona Moore

EnviroSurveying Ltd, The Willows, Frain Drive, Laurencekirk, Aberdeenshire, AB30 1HJ
Tel/Fax: 01561 376108, Mob: 07794 265663
email: info@envirosurveying.co.uk
<http://www.envirosurveying.co.uk>
Vat reg. no: 925 2367 24
Company registration no: SC335464

KellyR

From: enquiries@elite-homes-tayside.co.uk
Sent: 09 January 2020 12:12
To: KellyR
Subject: Fwd: Application 19/00707/FULM Residential Development of 175 Houses, Field opposite Westfield Loan, Forfar
Attachments: E Mail Response M Park 27-12-19 .docx; E Mail Elite HOmes to APHA 12-12-19.docx

Dear Mr Kelly,

We refer to the abovementioned application currently pending consideration with Angus Council and to our previous objections which amongst other matters expressed concerns with regard to the known anthrax burial site located east of the application site. Please find attached a copy of an e mail from Michael Park, Veterinary Lead, Scotland, Animal and Plant Health Agency (APHA). This confirms that as there is no register of historical animal burial sites the Animal & Plant Health Agency is not in a position to provide reassurance with respect to the suitability of the land for development. It is worth noting that that Mr Park did not guarantee the health of the people of Forfar if anthrax spores were dispersed as a result of development works as requested in our e mail of the 12th December 2019, copy attached.

He further confirms that anthrax was diagnosed in livestock on Westfield Farm, Forfar, in 1944 and, while usual the practice in 1944 would have been to burn and then bury the carcasses, APHA do not have access to how carcasses were handled on Westfield in 1944. It is possible they were not buried, possible that they were burned and buried, and possible that they were buried without being burned.

On the basis of this information we would submit that it is clearly essential that a suitable cordon sanitaire is provided around the known anthrax burial site. It is our information is that the standard cordon sanitaire around an intensive livestock operation, slurry or sewage store is 400m (UK Planning Circular, 2/2015), this is to protect against odour but also airborne disease, we would suggest a similar buffer would be appropriate to protect public health at Westfield.

Further, it is worth highlighting the limitations and caveats contained within the Report on Site Investigations completed by Mason Evans on behalf of Muir Homes Ltd and lodged in support of the application, these are as follows:

Para 1.3 Limitations

"1.3.1 Our interpretations of the ground conditions are based primarily on the information retrieved from the exploratory pits and bores sunk at the site during the investigations. While we have carried out some interpretation of the ground conditions between the exploratory locations, it should be recognised that soil and groundwater conditions can vary from point to point. As such, ground conditions at variance with those indicated by the exploratory pits/bores may exist in areas not investigated.

1.3.2 It should be recognised that this report is prepared in accordance with current recommended practice and existing legislation. It is written in the context of a residential development with garden areas.

Should there be any alternative end-use, it would be prudent to consult MEP further to ensure the continued pertinence of the recommendations advised."

In relation to Site History the Report confirms in Para 2.2.2

"It should be noted, however, that considerable periods of time elapsed between successive Ordnance Survey map editions and the possibility that further land uses occurred in the intervening years and were not therefore recorded by the maps, cannot be discounted. In these circumstances, while we have tried to ascertain the complete record of the site history, the possibility that other significant land uses occurred, while considered unlikely, cannot be discounted."

Summary of Ground investigations, Para 3.3.1 confirms

"The scope and location of the works was determined by Mason Evans, where access permitted."

Para 3.3.3

"Following discussions with Angus Council it was agreed that no excavations would be undertaken within 30m of the known copse of mature trees that demarcate the area of anthrax ash burial."

Para 10.3.1 "No elevated concentrations of toxic or phytotoxic contaminants were encountered within the tested soil samples. In addition, no asbestos fibres were recorded in any of the samples tested.

The additional testing carried out in the vicinity of the conjectured site of historic anthrax burial recorded no detection of Bacillus Anthrax. It was therefore considered the risk posed by the shallow soils to ground workers and future site users was low."

Para 103.8 Construction/Maintenance Workers- All site staff should remain vigilant to the possible risk of encountering isolated areas of unrecorded contaminated material. Should such materials be encountered, further testing may be required to assess the risk to health and safety of the site workers and the environment.

The above limitations and caveats appear to clearly confirm that Mason Evans, like Angus Council, are in no position to guarantee the location of the anthrax spores and as such the future health of the people of Forfar.

We trust you will take this information into consideration in the determination of the current application and ensure that public health of the people of Forfar is protected at all times.

Yours sincerely
Elite Homes (Tayside) Ltd

E mail issued 12/12/19

Dear Sir,

We write to you in your capacity as a Senior Veterinary Inspector and animal health specialist.

We are currently involved with a potential development site at Westfield Farm, Forfar located to the west of the town with winds prevailing from the west across the town around 90% of the time. Westfield Farm includes a known anthrax burial site or sites.

A planning application is currently pending with Angus Council for a large residential development and there is concern that anthrax spores could be released as a result of these works and spread by contact/become wind borne across the town. We understand anthrax spores can remain live in the soil for 100 years or more and humans can be infected by these spores with significant and possibly fatal consequences.

We have serious concerns that development at Westfield Farm may result in disturbance of these anthrax remains and pose a very real risk to public health in Forfar.

We have discussed this matter with specialist environmental consultants who are unaware of residential development ever being considered anywhere in the United Kingdom in such close proximity to an anthrax burial site.

We wonder if in your professional capacity in animal health you, or indeed any other professional person or organisation you would know of, would be in a position to guarantee the health of the people of Forfar if anthrax spores were dispersed as a result of development works.

It is our understanding that the required standard cordon sanitaire around an intensive livestock operation, slurry or sewage store is 400m (UK Planning Circular 2/2015) to protect residents from odour and airborne disease.

As an expert in animal health we would be grateful if you could confirm whether, in your opinion, if such a cordon sanitaire would be an appropriate form of mitigation in this instance to guarantee to public health for Forfar.

Many thanks in anticipation of receiving your assistance.

Elite Homes (Tayside) Limited

Thank you for your email enquiry regarding potential notifiable disease burial sites.

There is no register of historical animal burial sites to assist with your query, consequently the Animal & Plant Health Agency is generally not in a position to provide reassurance with respect to the suitability of the land for development.

However, I am aware that anthrax was diagnosed in livestock on Westfield Farm, Forfar, in 1944 . The usual practice in 1944 would have been to burn and then bury the carcasses but we do not have access to how carcasses were handled on Westfield in 1944. It is possible they were not buried, possible that they were burned and buried, and possible that they were buried without being burned.

In addition, The FMD 2001 Anderson Report (2002) is publicly available and a source of information relating to the 2001 FMD outbreak. This can be found here and may assist you:

http://webarchive.nationalarchives.gov.uk/20100809105008/http://archive.cabinetoffice.gov.uk/fmd/fmd_report/report/index.htm

If burial sites are disturbed, there may be implications under the Control of Pollution Act 1974 and in this respect then the responsible person should contact the applicable local authority.

In the event that animal remains are discovered in the course of land excavation, work should cease immediately and the occurrence or suspicions should be reported to this office. An exhumation licence will be required under the above legislation to enable the excavation and subsequent disposal of the remains in compliance with the Animal By-Products Regulations.

I have enclosed a copy of the Guidelines for Exhumation and Disposal of Animal Carcasses for your information.

Please don't hesitate to contact me if you require further assistance

Kind regards

Michael Park BVMS, PhD, MRCVS

Veterinary Lead, Scotland

Field Services, Scotland

Animal and Plant Health Agency (APHA)

Telephone: 020841 52428 | Mobile: 07785303451 | Email: michael.park@apha.gov.uk

Website: www.gov.uk/apha | Twitter: [@APHAgovuk](https://twitter.com/APHAgovuk) | Facebook: [APHAgov](https://www.facebook.com/APHAgov)

Address: Galashiels Field Services, Cotgreen Road, Tweedbank, Galashiels, TD1 3SG

My email address has changed. 'gsi' has been removed from my email address. My new email address is Michael.Park@apha.gov.uk I will still receive emails with the old address until March, but please update my email address in your address book. Thank you

Department for Environment, Food and Rural Affairs (Defra) This email and any attachments is intended for the named recipient only. If you have received it in error you have no authority to use, disclose, store or copy any of its contents and you should destroy it and inform the sender. Whilst this email and associated attachments will have been checked for known viruses whilst within Defra systems we can accept no responsibility once it has left our systems. Communications on Defra's computer systems may be monitored and/or recorded to secure the effective operation of the system and for other lawful purposes.

Letter received from John Gordon Webster, The Bothy, West Ingliston, Forfar DD8 1TJ received on 17 January 2020 reads as follows:-

RESIDENTIAL DEVELOPMENT OF 175 DWELLINGHOUSES INCLUDING FORMATION OF VEHICULAR ACCESS, ACCESS ROADS, OPEN SPACE, LANDSCAPING, SUDS AND ASSOCIATED INFRASTRUCTURE - FIELD OPPOSITE WESTFIELD DRIVE, WESTFIELD LOAN, FORFAR - 19/00707/FULM

Dear Sir/Madam

“Having read most of the press coverage of this matter I would like you to be aware of my (and others) views.

I know nothing of planning rules etc. but make the following general observations:-

1. Why is the development even being considered? Clearly Forfar does not need several hundred extra new houses (most of which will be unaffordable to the average local resident) on top of the hundreds of others built around the town in recent years.
2. I regard the anthrax scare a “red herring” and has more to do with which developer is given the right to desecrate the environment.
3. Will the Council not be satisfied until every inch of land in Angus is covered in concrete? We already have a serious reduction in bird and animal populations. In the last 20 years there has been a huge reduction in numbers and species of birds in particular.
4. Building on ever more agricultural land is likely to increase the risk of flooding because there is nowhere for rainfall to go (at least not without huge public expenditure on prevention measures).

I could go on but am trying to make a general point of principal rather than a specific objection. Developments such as these are to do with money. Money for the developers, money for the Council, money for the landowners. No consideration appears to be given to anything else. It is time to call a halt to large scale housing schemes on farmland around Forfar”.

Yours faithfully

John Gordon Webster

Comments for Planning Application 19/00707/FULM

Application Summary

Application Number: 19/00707/FULM

Address: Field Opposite Westfield Drive Westfield Loan Forfar

Proposal: Residential Development of 175 Dwellings including Formation of Vehicular Access, Access Roads, Open Space, Landscaping, SUDS and Associated Infrastructure

Case Officer: Ruari Kelly

Customer Details

Name: Mr Jonathan Adlum

Address: 57 Westfield Loan Forfar DD8 1JN

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Dear Sir/Madam,

My parents moved into their new house on Westfield Loan some 35 years ago when the site was developed under the assumption and protection (greenbelt land) of a truly stunning view of the Forfar valley from their front window.

For the last 30 years they have spent more time watching this view than looking at their TV. This view, the calm and the quiet is truly what makes this area special for all who live here, or walk their dogs or simply drive through this location.

Only you can truly advise on the need for more dwellings and whether or not the community, roads, school and overall infrastructure can support this growth.

However, what I can advise you with great confidence is that by building yet another batch of generic new builds on this land (aren't there enough already) you are destroying a truly beautiful place and angering people who love being in Forfar.

My final concern on this build would be the dangerous increase in traffic on already busy roads in the area with its associated rise in injury, deaths and the short term and longer term impacts on the environment from a noise and emissions standpoint.

I hope you continue to think hard and ultimately decide against the location of this project.

Kind Regards

Jon

Comments for Planning Application 19/00707/FULM

Application Summary

Application Number: 19/00707/FULM

Address: Field Opposite Westfield Drive Westfield Loan Forfar

Proposal: Residential Development of 175 Dwellinghouses including Formation of Vehicular Access, Access Roads, Open Space, Landscaping, SUDS and Associated Infrastructure

Case Officer: Ruari Kelly

Customer Details

Name: Mr James Anderson

Address: Not Available

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I feel the continuous expansion of housing development outwards from the perimeter of Angus burghs will come at the cost of creating empty town centres.

This development along with others in Forfar will remove good farming land from use, land that is also occupied by wildlife that will not use the park areas that are planned enclosed by housing.

With reference to the road layout, if the development goes ahead, can a roundabout be provided on Glamis Road at the factory entrance to assist traffic movement from the new road. This is a very busy road, and the road layout implies further development to the south of the current proposal.

On a similar item, can the new access road onto Westfield Loan not be granted, as the road is a rat run for traffic (including heavy lorries), and it would be beneficial for the existing area to direct all new traffic up off Glamis Road.

Our Ref ELI/1007/7/AOS/FCloss
Your Ref 19/00707/FULM

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FAO: Ruari Kelly
Sent by email to: Kellyr@angus.gov.uk



Angus Council
Angus House
Orchardbank Business Park
Forfar
DD8 1AN

25 November 2020

Dear Sirs

APPROVAL OF MASTERPLAN FOR THE LOCAL DEVELOPMENT PLAN ALLOCATED SITE F4 AT WESTFIELD, FORFAR

We act for Elite Homes (Tayside) Limited. Our clients have objected to an application for planning permission for a residential development of 175 dwellinghouses at Westfield, Forfar (19/00707/FUL) (“the Westfield Application”).

Our clients have raised concerns with planning officers regarding Angus Council’s approach to agreeing the Masterplan for allocated site F4, as an internal part of the determination of the Westfield Application.

We understand from the processing agreement between the Council and the applicant (dated 18 February 2020) that the applicant will submit a finalised draft Masterplan for the Development Standards Committee’s approval as a material consideration “*in the consideration of planning application 19/00707/FULM and any future applications at site F4.*”

We also understand from correspondence with planning officers that the Council is applying its process for Consultation Procedures for Development Briefs & Development Guidance (Development Standards Committee Report No. 11/18).

We consider the approach being taken to agreeing the Masterplan as part of the Westfield Application is deeply problematic and inappropriate, for both the Westfield Application itself and the proper masterplanning of the F4 site as a whole.

We consider the Westfield Application premature. The Masterplan should be agreed as a separate process following proper consultation before any application is submitted for development of any part of the F4 site.

Masterplan Consultation

It is our understanding from the Processing Agreement that the Masterplan area extends beyond the red line boundary of the Application. It extends to both the F4 allocated site for existing housing and the F4 safeguarded site. Approving the Masterplan as part of a process internal to the Westfield Application denies stakeholders the proper opportunity to comment and input into the process, and prevents proper consultation.

It appears from the processing agreement that the Council and the Applicant are applying the Council's Consultation Procedures for Development Briefs and Development Guidance (Report No 11/18). It is clear from that guidance that development briefs should be agreed in consultation with outside agencies and the public before any application for planning permission is made. Indeed, public consultation is so important that there is a requirement to engage in pre-application consultation with the community to demonstrate how the principles set out in the development brief have been applied even if the proposal is not for a major application. Pre-application consultation is clearly an important feature where a development brief applies.

The Westfield Application has not been informed by an approved Masterplan. The public has not been consulted in relation to the Masterplan. The processing agreement requires the Applicant to amend the Westfield Application to take account of the Masterplan, and thereafter undertake community consultation on the approved Masterplan to demonstrate how its principles have informed the revised development. The correct process to be followed would be for the Masterplan to be subject to proper consultation with stakeholders, allowing them to feed into the process, prior to any application being submitted.

The extent of the Masterplan across the F4 allocated site is of real concern, particularly the extent to which it is proposed to cover the F4 safeguarded land. Policy F4 of the Council's Local Development Plan confirms that:

- “ Additional land is safeguarded for further residential development in the period beyond 2026. The scale of further land release in the period beyond 2026 will be determined by a future Local Development Plan and may also include:
- provision of a new Primary School.
 - an area of land south of Glamis Road for further business / employment development.”

The land release of the safeguarded element of allocated site F4 is clearly to be dealt with under a future local development plan and as such the land should not be covered by a Masterplan under the current LDP.

Policy F4 further states:

“No development will be allowed until a full assessment of the potential impact on the A90 junctions (including Lochlands) is completed and any resulting mitigation is agreed with Angus Council and Transport Scotland.”

To date there does not appear to have been any assessment of the potential impact on the A90 junctions. There are clear infrastructure constraints on the site at present which renders the site ineffective.

The Masterplan will be a material consideration for all planning applications submitted within the Masterplan area. This is a process which should be completed outwith the determination of a planning application; it should not form part of a live planning application for part only of the Masterplan area.

We consider that it is contrary to the Council’s own guidance, and in any event wholly inappropriate for the Masterplan for site F4 to be agreed in this manner.

Material consideration

We consider there is a fundamental issue with Council agreeing the Masterplan as a material consideration in the determination of the Westfield Application as an internal process in the determination of the same application. The Council is essentially prejudging and pre-determining the application. Any decision that attaches weight to the Masterplan, or the Westfield Application’s compliance with the Masterplan, will be susceptible to challenge.

For the reasons set out above, we consider the Council’s process for approving the Masterplan is wholly inappropriate and poses a real problem for the lawful determination of the Westfield Application.

We suggest the Westfield Application should be withdrawn to allow for proper consultation on the Masterplan before any application is made.

Yours faithfully

A black rectangular redaction box covering the signature of Alasdair Sutherland.

Alasdair Sutherland

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Our Ref FZM/S-00091599
 Date 19 May 2021

Dear Sirs

**SITE F4 - WESTFIELD, FORFAR
 PLANNING APPLICATION 19/00707/FULM**

We act on behalf of Elite Homes (Tayside) Limited. Burness Paull advises our client on other planning matters and previously submitted a letter of objection, on our client's behalf, in connection with planning application reference 19/00707/FUL ("**the Westfield Application**"). This letter expands on the issues raised in the Burness Paull objection.

1. Objection

In our view, the Council's stated approach to determining the Westfield Application (as set out in the processing agreement entered in between the Council and Muir Homes on 18 February 2020) is flawed. It fails to take into account the policy requirement for a masterplan to be prepared for the site before the submission of a planning application in relation to any part of Site F4.

We have set out below the detailed reasons for considering the Council's approach to be flawed.

2. Angus Local Development Plan Policy F4

Policy F4 of the Angus Local Development Plan 2016 ("**the 2016 LDP**") sets out the policy relating to development proposals for Site F4. Site F4 is made up of two adjacent areas identified on the Forfar Proposals Map (Inset Map 4 in the Written Statement of the 2016 LDP) as the Allocated Housing Site and the Safeguarded Site. The Westfield Application relates to only part of Site F4. The Forfar Proposals Map contains the wording: "*This proposals map should be read in conjunction with the Written Statement*".

The third paragraph of Policy F4 clearly states that:

"Development proposals should be in accordance with a masterplan prepared for the site."

The site in this context is both the Allocated Housing Site and the Safeguarded Site.

The terms of Policy F4 naturally mean that a masterplan should be prepared before a planning application is submitted. The reason for this is straightforward. In order for a planning application to be in accordance with a masterplan, the applicants must first know the terms of that masterplan. Logically there is no other way to determine, at the point at which the planning application is formulated, whether it is in accordance with the masterplan.

It should also be noted that the meaning of this part of Policy F4 is clear. It relates to development proposals, and those development proposals should be in accordance with a masterplan prepared for the site. The term "prepared" is deliberately expressed in the past tense. It does not relate to a masterplan "to be prepared". The preparation of a masterplan must therefore pre-date the submission of a development proposal (i.e. a planning application).

The applicant has submitted a planning application in the absence of a masterplan having been prepared. Therefore, the planning application is in breach of this policy requirement. The Council's approach to accepting, assessing and determining the planning application is therefore flawed.

3. Interpretation of Policy

In the case of *Tesco Stores Limited v Dundee City Council*¹, the Supreme Court set out its opinion that the interpretation of development plan policy is a matter of law for the Court to decide, and that the application of policy is a matter of planning judgment for the planning authority to exercise. When interpreting policy, the Court said: "*policy statements should be interpreted objectively in accordance with the language used, read as always in its proper context*". Further, it made it clear that: "*planning authorities do not live in the world of Humpty Dumpty: they cannot make the development plan mean whatever they would like it to mean.*"

In our view, in dealing with this application, the Council has failed to interpret Policy F4 objectively or in its proper context. Policy F4 is clear in its terms. However, the Council has sought to make the policy mean something else.

It should be noted that during the Examination of the LDP, the Reporter confirmed that: "*The large area of land release at Westfield warrants a masterplanned approach*"². The meaning of the policy was therefore made clear prior to the adoption of the plan.

In our view, the Council's interpretation of Policy F4 is therefore irrational.

4. Processing Agreement

The processing agreement purports to "*set out the information required to process the application and also identifies key milestones*". Section 3 of the agreement is entitled "*Masterplan Process*". It sets out a timetable from February 2020 until July 2020 that deals with the submission of an outline scope of the proposed masterplan, the approval of the masterplan and, lastly, "*community consultation on the approved masterplan to demonstrate how the principles set out in the document have informed the revised development*".

¹ [2012] UKSC 13, paragraphs 18 to 20

² Examination Report, page 244 (paragraph 23)

The agreement envisaged the masterplan being approved on 19 June 2020 with revised plans and supporting information being submitted by the applicant to the Council by 1 July. Section 4 of the agreement says that:

"The Planning Authority confirm that following committee approval of a masterplan; planning application 19/00707/FULM requires to be amended to take into account of [sic] the masterplan and matters raised by the Planning Authority. The amended development proposal must also address matters raised by consultees and third parties to the initial submission. Information identified below is required in order to allow the planning application to be progressed to determination."

The "information identified below" is contained in a table in Section 4 of the agreement. It comprises, in effect, an entirely new planning application.

The terms of the processing agreement indicate that the Council has fundamentally misinterpreted its own policy. Policy F4 makes the submission of a planning application suspensively conditional upon a masterplan first being prepared. By contrast, the terms of the processing agreement indicate that the Council has interpreted the policy as one which provides for the following three-stage approach to the submission and determination of a planning application for any part of Site F4:

- (i) The first stage is to allow the submission of a planning application for any part of Site F4 in the absence of an approved masterplan;
- (ii) The second stage is to pause the consideration of that application and delay its determination in order to allow a masterplan to be submitted to and approved by the Council; and
- (iii) The third stage is to require the applicant to amend all of the detailed plans and supporting information submitted with the planning application to reflect the terms of the approved masterplan.

That is clearly not what is set out in Policy F4. The Council's interpretation of the policy places the cart before the horse. The policy does not, on any objective reading, support that approach. In our view, the Council's interpretation of Policy F4 is irrational.

Further, in the final row of the table in Section 3 of the processing agreement, there is a requirement to "*Undertake community consultation on approved Masterplan to demonstrate how the principles set out in the document have informed the revised development*". This is contrary to the Council's own Consultation Procedures for Development Briefs and Development Guidance approved by the Development Standards Committee in January 2018. Figure 1 of those Consultation Procedures contains a: "*Requirement for developer to undertake community consultation to demonstrate how the principles set out in the development brief have been applied to the development of their proposal prior to the submission of a planning application*". This is of sufficient importance that the Consultation Procedures go on to make it clear that: "*The requirement to undertake consultation will apply to all proposals where the requirement for a development brief is identified in the LDP, even if the proposal is not identified as a major application.*" We understand that the Council's Consultation Procedures are intended to be used for masterplans as well as development briefs and development guidance.

5. Pre-Application Consultation

It is a clear requirement of Policy F4 that before a planning application comes forward for a development proposal on any part of Site F4, a masterplan must be approved. The reason for this is straightforward. Site F4 has the capacity for 300 housing units on the allocated portion of the site alone. The site is not in unitary ownership. There are strategic issues that affect the site, in particular contaminated land and the impact of residential development of the scale proposed on the trunk road network. These issues require a site-wide approach to resolve them. The requirement for a masterplan is therefore a necessary step in the planning process.

The national policy basis for masterplans is set out in paragraph 57 of Scottish Planning Policy 2020. This refers to a masterplan as a “*tool for making better places*”. The table in paragraph 57 refers to masterplans as being:

- a) For a specific site that may be phased so able to adapt over time.
- b) To describe and illustrates how a proposal will meet the vision and how it will work on the ground.
- c) May include images showing the relationship of people in place.

It then refers to Planning Advice Note 83: Masterplanning (“**PAN 83**”). In reference to a masterplan, page 6 of PAN 83 provides that: “*most commonly, it is a plan that describes and maps on overall development concept, including present and future land use, urban design and landscaping, built form, infrastructure, circulation and service provisions. It is based upon an understanding of place and is intended to provide a structured approach to creating a clear and consistent framework for development.*”

Page 7 provides that an effective masterplan “*should explain how a site, or series of sites, will be developed, describing and illustrating the proposed urban form in the three dimensions. It should show how that form will achieve the intended vision for the place, and how and distinct and appropriate character will be created. It should also describe how the project will be implemented through a delivery strategy which sets out phasing, timing and funding.*”

If the terms of the PAN are adhered to in the preparation of a masterplan (as they should be), then the masterplan will contain a significant amount of detail. It will provide a framework that will assist in the formulation of development proposals.

Therefore, the purpose of the masterplan for Site F4 would be to guide the development proposals. In the absence of the masterplan, the applicant had no way of knowing at the time the planning application was submitted what the wider framework will be (and that remains the case). This is no doubt the reason for the processing agreement requiring the submission of amended plans and supporting information once the masterplan is approved.

However, this requirement cannot cure the procedural flaws that arise as a result of the Council's interpretation of Policy F4. In particular, the Council's approach would subvert pre-application consultation – a cornerstone of the planning system in Scotland since 2009. Pre-application consultation is required before an application for a major development is submitted. The 1997 Act and the related Regulations require a proposal of application notice to be submitted a minimum of 12 weeks before the related planning application is made. Within this twelve-week period the applicant is required to carry out a series of consultation events with community councils and the public. The purpose of the pre-application consultation is to ensure that members of the public have an opportunity to fully understand the development proposals and provide their comments on them. The applicant can then take those comments into account when formulating their planning application.

The Council's approach to Policy F4 means that the public were denied proper pre-application consultation on the Westfield Application. In order to fully understand the terms of the application, the terms of the masterplan must be known. The masterplan is intended to provide a framework that will shape the planning application. The Council and the applicant clearly anticipate that an approved masterplan will result in significant changes to the Westfield Application. The processing agreement requires the submission of an amended version of every detailed plan and every item of supporting information that forms part of the Westfield Application once the masterplan is approved. In effect, it requires the submission of a new planning application. However, these amended plans will not be subject to pre-application consultation. Furthermore, the pre-application consultation that was carried out will have been in connection with an entirely different development proposal.

Therefore, if the terms of the processing agreement are adhered to, the applicant and the Council will deny the public its statutory right to properly participate in pre-application consultation. The process is therefore fundamentally flawed and cannot be remedied by re-consulting on the amended application documents. The error in approach in accepting the Westfield Application in the absence of an approved masterplan infects all that follows. In our view, the error cannot be cured. Any decision taken to approve the Westfield Application would therefore be vulnerable to legal challenge.

We note that Scotia Homes Limited submitted a proposal of application notice on 19 January 2021 (reference 21/00035/PAN) for another area, unconnected to the Westfield Application site, within the allocated F4 site. The notice indicated that a virtual public event was planned for 25 March 2021. Our understanding is that this event did not take place and that the pre-application consultation process has not proceeded. We would be grateful if you could confirm your understanding of the reason for this.

6. Conclusion and Next Steps

Before a planning application is competently made for any part of Site F4, the policy requires that a masterplan should be approved for the site. The Westfield Application has been made before a masterplan has been approved. It therefore does not adhere to the clear requirements of Policy F4 and, if it were to be progressed, it would inevitably breach procedural requirements in connection with pre-application consultation. In our view any decision to approve the Westfield Application would be unlawful and vulnerable to legal challenge.

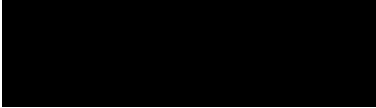
In terms of dealing with the Westfield Application, it is our view that the following steps should be taken:

- (i) The applicants should be invited to withdraw the Westfield Application. In the event that the applicants refuse to do so, the Westfield Application should be refused.
- (ii) The applicants, together with other interested parties, should submit a masterplan to the Council in respect of the entirety of Site F4. The Council should consider that masterplan in accordance with the terms of PAN 83 and the Council's own Consultation Procedures for Development Briefs and Development Guidance.
- (iii) Once the Council has approved the masterplan, or adopted it as supplementary planning guidance, a new application for any part of Site F4 may be submitted. That application must be in accordance with the terms of the masterplan.

We would be grateful if you could acknowledge receipt of this letter and confirm, within 21 days, that the steps outlined in Section 6 will be followed.

This letter is written without prejudice to our client's whole rights and pleas in law, which are reserved, and shall not be relied upon in any future proceedings without our client's express consent.

Yours faithfully



Fraser Mitchell
Partner
SHOOSMITHS LLP

Comments for Planning Application 19/00707/FULM

Application Summary

Application Number: 19/00707/FULM

Address: Field Opposite Westfield Drive Westfield Loan Forfar

Proposal: Residential Development of 175 Dwellinghouses including Formation of Vehicular Access, Access Roads, Open Space, Landscaping, SUDS and Associated Infrastructure

Case Officer: Ruari Kelly

Customer Details

Name: Mr Thomas OBrien

Address: 65 glenmoy terrace forfar

Comment Details

Commenter Type: Member of Public

Stance: Customer made comments neither objecting to or supporting the Planning Application

Comment Reasons:

Comment: While they may be a need for new houses in Forfar, a lot more social housing is needed. Also Again the town infrastructure such as transport, health and education provision is not catered for in this development. No consideration for 20 min neighbourhoods or impact on school rolls and doctors surgeries. This mainly means the town becomes a hub and people will not use the shops etc in the town, also no local shop provision in the plan from the council or developer.

Comments for Planning Application 19/00707/FULM

Application Summary

Application Number: 19/00707/FULM

Address: Field Opposite Westfield Drive Westfield Loan Forfar

Proposal: Residential Development of 175 Dwellinghouses including Formation of Vehicular Access, Access Roads, Open Space, Landscaping, SUDS and Associated Infrastructure

Case Officer: Ruari Kelly

Customer Details

Name: Mr Thomas O'Brien

Address: 65 Glenmoy Terrace Forfar

Comment Details

Commenter Type: Member of Public

Stance: Customer made comments neither objecting to or supporting the Planning Application

Comment Reasons:

Comment: There are issues with any development in this area, these are education provision, health care provision such as doctors. There are also transport issues with extra traffic putting pressure on the Lochlands and Glamis road junctions. Also we need more social housing in the area and this may have an effect on the town centre as the development may become a satellite for Dundee and Aberdeen. There is no consideration for 20min neighbourhoods or any provision for shops etc.

Comments for Planning Application 19/00707/FULM

Application Summary

Application Number: 19/00707/FULM

Address: Field Opposite Westfield Drive Westfield Loan Forfar

Proposal: Residential Development of 175 Dwellinghouses including Formation of Vehicular Access, Access Roads, Open Space, Landscaping, SUDS and Associated Infrastructure

Case Officer: Ruari Kelly

Customer Details

Name: Ms Eleanor Feltham

Address: 92 St. Ninians Road Padanaram Padanaram by Forfar

Comment Details

Commenter Type: Member of Public

Stance: Customer made comments neither objecting to or supporting the Planning Application

Comment Reasons:

Comment:Transport: I noted that Roads have requested an updated Transport Assessment and i totally agree that the Glamis Road junction/A90 slip road especially southward direction needs special attention and totally inadequate for current traffic far less future traffic created by many factors. Housing: I agree that the current house building trend on mass is overwhelming current every day services. Scotland's population is aging and decreasing and the appropriate household size build is vital. Land: again loss of yet more prime agricultural lands and wildlife corridors where natural habits are being destroyed. Flooding especially noted if walking down the Network Path from this area to the Forfar Loch at specific flooding events, spill over the exisiting paths. The run offs of all this flooding despite SUDS in the areas to Padanaram cause localised flooding. Building in the 'Bowl of Forfar' will notably increase pluvial flooding to the extent as seen around Padanaram, fields of water near road networks. This is current observations without anymore developments surrounding Forfar.

Comments for Planning Application 19/00707/FULM

Application Summary

Application Number: 19/00707/FULM

Address: Field Opposite Westfield Drive Westfield Loan Forfar

Proposal: Residential Development of 136 Dwellinghouses including Formation of Vehicular Access, Access Roads, Open Space, Landscaping, SUDS and Associated Infrastructure

Case Officer: Ruari Kelly

Customer Details

Name: Mr John Webster

Address: The Bothy forfar

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:I have objected to proposed development on this site before and my reasons have not changed.They are basically to do with the destruction of the environment and natural habitat leading to the all too obvious decimation of all forms of wildlife.

Why should the Council even consider allowing houses to be built on green sites?If there is a need for housing for local people,which I doubt,then developers should be forced to use brownfield sites or convert old disused property eg the old academy development.

Muir Homes have been allowed to build hundreds of houses on the Kirriemuir road.Whatever the quality, it amounts to environmental vandalism and should not be repeated to the west of town.

Comments for Planning Application 19/00707/FULM

Application Summary

Application Number: 19/00707/FULM

Address: Field Opposite Westfield Drive Westfield Loan Forfar

Proposal: Residential Development of 136 Dwellings including Formation of Vehicular Access, Access Roads, Open Space, Landscaping, SUDS and Associated Infrastructure

Case Officer: Ruari Kelly

Customer Details

Name: Miss Sonja Ferrier

Address: 1 Burn Place, Halfpennyburn Angus Forfar

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Forfar is struggling enough as it is with resources such as doctors surgeries! Adding more properties in a green belt will put further strain on the town! Also there is question against the access road leading into the development as the Glamis road is saturated by traffic causing access and exit issues for the properties adjacent the planned development being submitted!

Concern over the water table and diversions that will impact the Halfpenny burn which crosses one of the residential properties that lie on the side of Don & Low factory and apparently are forgotten about as the 5 residential properties sit on the industrial estate side of Glamis road.

Another development site needs to be looked at outwith Forfar as the impact these phases will have during building and after will cause stress on the resources Forfar currently have not to mention the impact environmentally and on the existing dwellings when the access point becomes operational! I myself have sat waiting on leaving my drive onto the Glamis road for near 20 minutes or longer waiting on exiting into the Glamis road from Halfpenny burn.

The fact that this application is now for less than 200 is clearly to gain permission to then after submit further phases that Forfar as a town cannot cope with and the destruction of wildlife habitat and losing adequate green belt to ensure access into Forfar remains a reasonable traffic footprint!

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Sent: By email to
planning@angus.gov.uk

Our Ref FZM/S-00091599
Date 25 May 2022

Dear Angus Council

**MUIR HOMES LIMITED
PLANNING APPLICATION 19/00707/FULM
WESTFIELD, FORFAR**

We have been instructed by, our client, Elite Homes (Tayside) Limited to raise two key issues in relation to planning application 19/00707/FULM. These issues are fundamental to the consideration of the planning application. It would be helpful at this stage, and as a matter of urgency, to understand the Council's intended approach to dealing with them.

Background

By way of background, we are aware that a suite of new supporting documents has been submitted by Muir Homes in support of the application. The letter from Jacqueline Forbes Consulting (Muir Homes' planning consultant) to the Council dated 28 March 2022 identifies the documents that have been submitted as follows:

1. Revised Architectural Layout
2. Updated Design & Access Statement
3. Updated Surface Water Management Plan & Drainage Proposals
4. Updated Level Proposals
5. Updated House Type Plans & Elevations
6. Updated Landscape Layout and Planting Plans
7. Updated Noise Report
8. Updated Transport Assessment
9. Updated Flood Risk Assessment responding to SEPA's comment
10. Specification for Areas of Architectural Interest / Ancient Monuments
11. Updated Ecology Report
12. Update Construction Environmental Management Plan
13. Masterplan Document

The changes to the application also include a reduction in the number of residential units being sought, from 175 to 136 as well as a change to the redline boundary of the application site.

Legal Framework

Section 32A of the Town and Country Planning (Scotland) Act 1997 sets out the framework for varying a planning application.

Section 32A(1) contains the general rule that an application may be varied with the agreement of the planning authority. Section 32A(2) contains the qualification to that general rule, which provides that: "*if the planning authority consider the variation to be such that there is a substantial change in the description of the development for which planning permission is sought, they are not to agree to the variation.*"

Substantial Variation

Our client has reviewed the new supporting information. It is their conclusion that the new information, in effect, constitutes a new planning application and that substantial changes have been made to the existing application. Our understanding of these changes include:

1. The number of proposed residential units has significantly reduced, with 39 fewer units now being sought (a reduction of over 20%).
2. The redline boundary of the application site has changed, with the removal of a significant parcel of land from the south west and the loss of open space to the south.
3. The internal layout of the site has changed. Residential units have been removed from the frontage of the Glamis Road along the northern boundary of the site. The layout now comprises two unconnected development sites. In addition, five new house types have been introduced.
4. Along the frontage of the site facing the Glamis Road it is now proposed to have a three-metre high bund together with a two-metre high fence. This will provide a five-metre high visual barrier between the site and the road. This significant new mitigation was not anticipated in the original application.
5. A masterplan has now been lodged in support of the application. This includes reference to a wide range of matters that, as far as our client is aware, have not been fully addressed.

It appears to our client that these component changes may individually constitute a substantial change to the application and that, in any event, cumulatively it is highly likely that the changes are a substantial change. The nature and extent of the changes means that, in planning terms, there are significant new matters to be assessed and issues to be addressed. The development that is now proposed is not the same as that contained in the original application.

Connected to this, we are aware that Muir Homes has submitted a fresh proposal of application notice (reference 22/00295/PAN) for residential development over the same area as the original (now superseded) site plan. Whilst doing so is a matter for the applicant, it may indicate a concern on their part that the new information that has been submitted does substantially change the current application and that a new application will be required. In any event, the submission of a PAN indicates that a fresh application will be submitted in due course.

We would therefore be very grateful if you could confirm the Council's position on the submitted changes to the application. If the changes are substantial, as our client believes they are, then it would not be competent for the Council to accept them as a variation to the application. To do so in those circumstances would mean that any subsequent determination of the application would be vulnerable to legal challenge.

Masterplan

We have previously set out our client's view that the appropriate way to authorise development at Site F4 is to first approve a masterplan for the entire site, and then bring forward planning applications that are in accordance with that approved masterplan. Muir Homes has indicated that they disagree with that view and the Council has indicated that the masterplan will be dealt with as an internal part of the planning application. It is unclear whether the masterplan will be subject to an approval process.

Our understanding is that up until recently the Council's position was that the masterplan process would follow the procedures as set out in the Council's Consultation Procedures for Development Briefs and Development Guidance 2018. This position was reflected in the processing agreement entered into by the Council and Muir Homes in 2020 and, we understand, in advice provided to Muir Homes.

However, in a letter to us dated 10 May 2022, the Council's Service Leader (Planning and Sustainable Growth) advised that:

"PAN83 provides different mechanisms for how a masterplan might be embedded as part of the planning process. Those with an interest in the site have chosen to submit the masterplan as part of a planning application. In this circumstance the adequacy of the masterplan and the weight attached to it will be considered through the planning application process. If you wish to make comment on the matter I would suggest that you do so through submission of formal representation on the planning application."

Approval of the Current Masterplan

If the approach outlined above is followed, it is likely to give rise to an issue in relation to the competence of the masterplan and any permission subsequently granted pursuant to Muir Homes' application.

The Council and the applicant have made it clear that they intend to deal with the masterplan as an internal part of the planning application. However, the masterplan covers the entire allocated area of Site F4 and also refers to the safeguarded area whereas the planning application site forms only part of it (roughly one third of the allocated part of Site F4). The masterplan area is therefore significantly larger than the red line boundary of the application site. If it is the intention to approve the masterplan as an internal part of the planning application, then an issue around the competency of that decision will arise.

To explain, the Council only has the statutory power to approve development (or indicative development) within the redline boundary area of a planning application. Therefore, if the masterplan is to be approved as an internal part of the current planning application (i.e. in the same way as an approved plan), that approval will not attach to any parts of Site F4 that are located out with the redline boundary of the application site. Therefore, it appears to us that this approach cannot result in the competent approval of the masterplan.

If it is the intention to approve the masterplan as part of the planning application, can you explain how this issue will be addressed?

Muir Homes' agents have previously indicated that a masterplan is commonly dealt with as an internal part of a planning application by planning authorities throughout Scotland. It is our view that that is likely only to be the case where the red line boundary of the application site aligns with the area to be covered by the masterplan. To give an example, that approach may be taken where policy supports it, where one application for planning permission (most likely a planning permission in principle) is made with the intention of bringing development forward in separate phases, and a supporting masterplan is submitted over the same site. The masterplan may be considered as an internal part of the application in those circumstances where, crucially, it would apply to the same site and indicate where and in which order development would come forward. That could give the masterplan relevance and weight in the decision making process, and make it a binding part of the planning permission. For a planning permission in

principle, it would set out the parameters within which approval of matters applications could be made. In our view, that is different to the current circumstances where the application seeks permission for only a fraction of the land that is intended to be bound by the masterplan.

In our view, contrary to the view of the Council, the current approach being taken is not one that is recognised by PAN 83.

Failure to Approve a Policy-Compliant Masterplan

If the Council does not intend to approve the masterplan for the entire site before the planning application is determined, then there may be further issues in relation to the relevance and weight of the masterplan, the reasons for granting permission, and the reasonableness of that decision. We consider that the following specific issues may arise if a policy-compliant masterplan is not approved prior to the determination of any planning application for site F4:

1. The determination process in connection with the planning application will, in our client's view, not be in accordance with Policy F4. We accept that the Council and the applicant do not share that view. However, if the planning application is determined as a departure from policy it must be justified by clear and intelligible reasons. Failure to provide those reasons would render any decision to grant planning permission vulnerable to legal challenge. In setting aside the requirements of Policy F4, the Council would have to explain why those requirements are not important or relevant to the application site.
2. It would remain difficult to see how the masterplan would have the status of a material consideration in the determination of the planning application (and any other applications for Site F4). If it is not subject to any approval process, the masterplan will not have been subject to any material scrutiny by the Council. It will essentially be an expression of the applicant's preferred approach to development at the application site and over the wider F4 site. It would not be a masterplan as envisaged by Policy F4 and as recommended by the Examination Reporter. In those circumstances, it will not have a status equivalent to supplementary guidance, a development brief, or any other document that is intended to inform and guide development proposals as a material consideration. Even if it were considered to be relevant to the determination of the application, in the absence of an approval process it would attract only limited weight for the reasons noted in this paragraph.
3. Further to point 2 above, if the masterplan is not approved, the likelihood is that the requirements set out in Policy F4 will not be fully addressed. The most recent consultation responses indicate that there are a significant number of matters that have not been dealt with. Even if these matters are dealt with, the masterplan will not be binding on any other part of Site F4 other than the application site. The masterplan for Site F4 should provide a coherent layout and design for the entire site, provide assessments in relation to a range of important strategic issues that must be carried out in order to understand the practical impact of the development, and set out the mitigation that will be required. These practical issues are of real importance in the consideration of development proposals across the entire site, and the wider Forfar area (particularly in relation to roads). If the masterplan is not approved and these matters are not addressed, an issue will arise in relation to the reasonableness of any decision to grant planning permission for any part of Site F4. Again, any such decision taken in those circumstances would be vulnerable to legal challenge.

We would be very grateful if you could explain how these points relating to the masterplan will be reconciled and addressed by the Council.

We look forward to hearing from you as a matter of urgency.

Yours faithfully



Fraser Mitchell
Partner
SHOOSMITHS LLP



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Ruari Kelly
Planning Officer
Planning & Sustainable Growth
Vibrant Communities
Angus Council

30th May 2022

Dear Mr. Kelly,

Planning Application Ref 19/00707/FULM Residential Development of 136 Dwellinghouses including Formation of Vehicular Access, Access Roads, Open Space, Landscaping, SUDS and Associated Infrastructure, Field Opposite Westfield Drive Westfield Loan Forfar

We refer to the abovementioned planning application validated on 26 September 2019, the amended plans and additional information dated 30 March 2022, the associated Masterplan Framework dated March 2022, and to our previous comments dated 23 October 2019, 19 December 2019, 9 January 2020, and 19 May 2021.

We have reviewed the amended plans, additional supporting information and the submitted Masterplan Framework dated March 2022. Notwithstanding our concerns regarding the validity of the approach being taken to the application and the Masterplan Framework which our solicitors Shoosmiths have highlighted in a letter dated 25 May 2022, we take this opportunity to provide our comments on both the additional planning application documents and to the Masterplan Framework March 2022.

Considering these matters in turn:

Process for approving the Masterplan

Firstly, and as we have consistently stated since submission of the current application in September 2019, the submission of any application on the site allocated as F4 Housing - Westfield is premature as a masterplan for the whole of the site has not been approved by Angus Council. The applicants have now formally submitted a Masterplan Framework dated March 2022 for the site F4 - Housing Westfield and, within the covering information, have confirmed that they are not seeking the approval of the Council to it. Therefore, it is unclear what purpose this document serves.

Angus Council have on several occasions confirmed that any masterplan should follow the procedures as set out in Consultation Procedures for Development Briefs and Development Guidance, Report 11/18.

This requires that development briefs adhere to the following procedures:

Elite Homes (Tayside) Limited

Directors: N. McLagan, M. Guild, W.G. Beattie

Company Registration No. SC214985 • Registered Office: Whitehall House, 35 Yeaman Shore, Dundee DD1 4BJ • VAT Reg. No. 774 6293 91



1. Draft Development Brief/Development Guidance prepared setting out the key design and development principles pertinent to the site.
2. Circulate to and consult local Ward Members
3. Finalise Development Brief and report to Development Standards Committee for agreement as a material consideration in guiding development proposals and consideration of planning applications.
4. Issue approved development brief to landowner/developer and local Community Council. Publish approved Development Brief on Angus Council website
5. Requirement for developer to undertake community consultation to demonstrate how the principles set out in the development brief have been applied to the development of their proposal prior to the submission of a planning application.

There appears to have been two masterplan framework documents lodged, the first in October 2021 and the second in March 2022. To date, neither has been formally circulated to members, neither have been reported to the Development Standards Committee, and neither have been approved by that committee. The documents have not been published and no community consultation has been undertaken on the final submitted version of the document (dated March 2022).

The Council has recently indicated that the Consultation Procedures may now not be followed but that the masterplan will be consistent with PAN 83. If the masterplan is not subject to any formal process with proper consultation on the final document followed by a consideration of the acceptability of the masterplan by the Council, then we do not see how it can be consistent with PAN 83. Page 20 of PAN 83 clearly says that there are three ways to embed a masterplan in the planning system – adoption as SPG, endorsement as a material consideration, or forming the basis of a planning application. In each case approval of the masterplan is required. The approach taken by the applicant does not align with any of these options. PAN 83 also says that the parties should be clear about the process prior to engaging in the masterplanning process. It seems to us that there has been no clarity at all on the process by any of the parties.

Therefore, the masterplan has not undergone the required scrutiny and has not been approved by Angus Council.

We are aware that the applicant now considers that the masterplan can be submitted as part of the planning application process. However, given that the Masterplan is required for the whole F4 allocation together with the safeguarded land at Westfield it still appears to us to be necessary that the masterplan, as a strategic document, is approved first, prior to the submission of any planning application which would obviously need to be compliant with that approved masterplan. The issues that the applicant is facing are likely to be a result of not adopting this approach. If the masterplan is to apply to the entire F4 site (allocated and safeguarded) then it makes sense that it is approved in connection with that larger site, rather than coming forward in relation to only a small part of that site as part of a discreet planning application.

Requirements of Policy F4 Housing Westfield - Policy F4 for the Masterplan

However, setting aside the issue of procedures, the submitted Masterplan Framework March 2022 does not fulfil the requirements of Policy F4 Housing - Westfield and the repeated advice provided by Angus Council Planning Service in terms of the content and the required supporting information for a masterplan.

It is clear in that the adopted policy requires that:

1. No development will be allowed until a full assessment of the potential impact on the A90 junctions (including Lochlands) is completed and any resulting mitigation is agreed with Angus Council and Transport Scotland.
2. Development proposals to be in accordance with a masterplan prepared for the site.

These requirements were set out by the Reporter at the time of the Examination of the ALDP and were confirmed by Angus Council in the adopted Angus LDP 2016. The Reporter set out his reasoning for these requirements on page 244 of the Examination Report, in recognising the many outstanding issues on the site he confirmed:

"A range of issues are highlighted in the development of this large area to the southwest of Forfar including the need for a long-term view and master planned approach which considers the combined impact of residential, industrial and agricultural traffic on nearby road junctions."

The applicant's agents in their emails dated 3 and 21 March 2022 consider that the information provided in the submitted Masterplan Framework March 2022 is sufficient and that the detail of the proposal will come forward as part of the various individual phased planning applications.

In an email dated 17 March 2021 Angus Council confirmed that a TA for the whole allocation of 300 houses must be assessed in advance stating *"it is not appropriate for transport impacts to be assessed on a piecemeal basis through individual planning applications."* In an email dated 24 June 2021 Angus Council confirmed that a TA is required for the allocated site and the safeguarded site, therefore it is clear a TA which covers the allocated and safeguarded sites must be submitted as part of the Masterplan document.

This was further confirmed in an email of 7 February 2022 from Angus Council to the applicant's agents at which time it was noted that no Transport Assessment had been submitted (contrary to the requirements of the Local Development Plan), and that the TA is necessary to establish the impact of the proposed scale of development (including the potential future scale of development in the safeguarded area) on the A90 junctions and the town network including the West Port traffic lights. Angus Council's letter (24 June 2021) confirmed that Transport Scotland had indicated this was necessary and that there was no technical reason such an assessment should not be possible.

The latest TA dated March 2022 considers the current proposal and tests the 300-house development but does not consider the wider safeguarded site. The TA recognises the issues surrounding the Lochlands junction and Para 9.23 confirms that *"mitigation at Lochlands requires further discussion."*

The TA goes on:

"9.24 The contents of this report illustrate that there are no outstanding transport related issues associated with the proposals, save for addressing the Lochlands junction on the A90 which continues to exist as a longstanding issue which Angus Council and Transport Scotland have over the years sought to address from as far back as 2008.

9.35 Whilst it is recognised that this requires further dialogue, suggestions have been made above that could offer a way forward to enable development at Westfield to take place in early course."

In Appendix 5 Statement on Access and Impact on Existing Junctions of the Masterplan Framework the applicant states that *"the performance and safety issues associated with the Lochlands junction exist and as noted above Angus Council and Transport Scotland have not come up with a solution to the problem."*

Therefore, as the necessary full assessment of the potential impact on the A90 junctions (including Lochlands) has not been completed and the resulting mitigation has not been agreed with Angus Council and Transport Scotland (in fact, it has not even been identified) the Masterplan Framework March 2022 does not meet the requirements of Policy F4.

This outstanding fundamental issue has now been confirmed by Transport Scotland in their consultation response dated 12 May 2022. This correspondence confirms that while the updated TA accepts that there is an issue at the Lochlands junction, no scheme to address the impact on the Lochlands junction, as required by Policy F4, has been identified. Transport Scotland confirm that the options promoted by the applicant would be neither appropriate nor acceptable and that further discussion is required between the applicant and Angus Council.

This issue is further confirmed by the Roads Service of Angus Council in their consultation response dated 20 May 2022, which confirms that the issue surrounding the impact of the development on the Lochlands junction requires further dialogue with Transport Scotland.

Therefore, it is clear that all parties agree with the policy position that there is an existing issue at the Lochlands junction, and that the proposed development will further increase the traffic burden at that junction to an unacceptable level. However, no solutions or mitigation have been proposed by the applicant, none have been agreed, and indeed no party wishes to take responsibility for the required improvements. Therefore the issue appears at an impasse with no progress likely in the near future.

Further, the Masterplan Framework March 2022 fails to meet the requirements set out by the Examination Reporter and confirmed by Angus Council in Policy F4 - Housing Westfield for the following reasons:

- Policy F4 Requirement: 38.8 Ha of land west of Westfield Loan is allocated for residential development of around 300 dwellings in the second phase of the plan (2021 – 2026).

Elite Homes' Response: The Masterplan Framework March 2022 proposes a number of development blocks including the immediate delivery of circa 170 units by Muir Homes (current application Ref 19/00707/FULLM now reduced to 136 units) in the period 2022-25 and 165 units to be delivered by Scotia Homes in the period 2023-26. Additional development blocks are confirmed and demonstrated in Figure 9: The Concept Masterplan of the Masterplan Framework March 2022. As a result, the total number of units within the current allocated site will significantly exceed the site allocation to double its indicated capacity, with the developer suggesting a figure of around 600 units.

The landowners and their agents have been informed previously by Angus Council in an email dated 17 March 2021 that the level of development of 300 units stated in Policy F4 was decided considering the site characteristics, topography, landscape features, watercourses, core paths and SAMs and that the Policy does not refer to a phased development. The email goes on to confirm that *"we [Angus Council] are unable to support a masterplan that more than doubles the number of units."* This was further reiterated in an email dated 24 June 2021 where once again Angus Council confirmed the scale of

development proposed in the draft masterplan to be unacceptable. In a further email of 7 February 2022, the scale of development was once again raised as an issue, highlighting that the Draft Masterplan Framework (October 2021) continued to indicate a development scheme for the allocated area of in excess of 600 units, with pockets of development split across the different ownerships to provide around 335 units to 2026, leaving other pockets within the allocated site 'to be considered by a future LDP'. This approach continued to ask Angus Council to determine that double the site allocation is appropriate and accept a piecemeal approach to development which was considered unacceptable.

Therefore, as the Masterplan Framework March 2022 continues to provide for development blocks which will significantly exceed the allocated 300 units, the Masterplan does not meet the requirements for a masterplan for Westfield, that are set out in Policy F4.

- **Policy F4 Requirement:** The development should commence at the north of the site with access from Glamis Road. No development will be allowed until a full assessment of the potential impact on the A90 junctions (including Lochlands) is completed and any resulting mitigation is agreed with Angus Council and Transport Scotland.

Elite Homes' Response: As discussed, a satisfactory TA which fully assesses the issues at the A90 junctions including Lochlands and provides agreed mitigation has not been submitted. The policy is clear that no development should be "allowed" until this is done which, in our view, means that no development should be authorised. There is a deliberate contrast in language used in this part of the policy. It refers to the "commence" of development in the first sentence of the second paragraph of Policy F4. Similar language could have been used in relation to the A90 junctions (i.e. "no development will commence until...") but the Council and Reporter chose to make it clear that "no development will be allowed until...". It is therefore a necessary step on the way to securing planning permission that a full assessment of the proposals on the A90 junctions is carried out, and that any necessary mitigation is agreed with the Council and Transport Scotland. It is not an issue that can, or should, be passed down to planning conditions. Granting planning permission without addressing these points would breach the policy requirements and would ultimately grant permission without resolving a known constraint.

- **Policy F4 Requirement:** appropriate developer contributions, towards education infrastructure.

Elite Homes' Response: the masterplan has not been supported with an Education Impact Assessment to assess the impact that the entire site will have on the education infrastructure for Forfar and thus provide adequate mitigation through financial contributions or through provisions to accommodate this within the site itself.

- **Policy F4 Requirement:** the potential for a new distributor road linking Dundee Road and Westfield Loan with Glamis Road, taking account of any potential impact on the A90 junctions (including Lochlands) in conjunction with Angus Council, TACTRAN and Transport Scotland;

Elite Homes' Response: As above. The masterplan does not address this fundamental issue suggesting this is for Angus Council and Transport Scotland to deal with. While recognising that there is an issue at the Lochlands junction, the updated TA fails to provide any form of acceptable mitigation. Policy F4 is clear that this is an issue to be addressed in advance of any development as part of the masterplan process.

In addition to the masterplan not adhering to the specific requirements of Policy F4, the masterplan framework fails to understand or chooses to ignore the landscape capacity of the site. The Reporter and the Council's Landscape Strategy confirms that the landscape capacity should not extend beyond the 90 AOD with the Reporter commenting:

"The council's landscape capacity study concludes that the area of Westfield, north towards Glamis Road, is of low visual sensitivity whereas sensitivity increases on higher ground above 90 AOD (above ordnance datum) and has greater landscape value. I agree with this overall assessment and that the development of the allocated area, which avoids the higher ground, would relate well to the existing urban area."

Angus Council confirmed in correspondence dated 4 May 2021, 24 June 2021 and most recently in a letter of 7 February 2022, that the draft layout, which included development blocks above the 90 AOD, did not conform with the ALDP 2016 and asked the applicant to reconsider development above the 90 AOD.

The Masterplan Framework March 2022 continues to include proposed development blocks above the 90 AOD and as such the Masterplan does not accord with the ALDP, the Reporters findings or the advice of Angus Council.

Therefore, for the reasons set out above the Masterplan Framework March 2022 does not comply with Policy F4. Previous advice from Angus Council has been largely ignored by the applicant. This means that those comments remain outstanding and, because of this, our conclusion is that the masterplan as it stands is neither agreed nor acceptable. The required masterplan process has not been completed and as such any planning application on the site allocated as F4 Housing - Westfield is premature. As we have mentioned in previous correspondence, the process could be resolved if the applicant (and other landowners at Site F4) were, prior to submitting a planning application, to prepare a masterplan following the Council's advice, addressing all the matters that are clearly set out in Policy F4, consult on the terms of that masterplan, and then subject it to an approval process within the Council. Once the outcome of that masterplan process was known, planning applications could then be submitted for the various parcels of land within Site F4. At that stage it would be clear whether those development proposals were in accordance with the masterplan which, having been properly prepared, would be a relevant material consideration.

Additional Information

As mentioned above, amended plans were lodged in support of application Ref 19/00707/FULM on 30 March 2022. The amended plans have significantly altered the proposed development with, among other things, a notable reduction in the proposed number of houses from 175 to 136. Further, the layout of the development has altered with housing removed from the north boundary a new noise barrier introduced along the northern boundary, and a change in the house types, with five new house types introduced. This means that the updated development is effectively a new proposal. Additional information has also been lodged in the form of an amended Transport Assessment, Drainage Assessment, Flood Risk Assessment, Noise Assessment, and Design and Access Statement.

The amended information has now been the subject of review by the necessary statutory consultees and it is clear that there remains considerable outstanding issues and the need for further information, with further amendments identified as possible requirements by those consultees.

To date we would highlight our following objection to the proposal:

Roads

An updated TA has been lodged in support of the application. Elite Homes have sought an independent review of that document by Dougall Baillie Associates, see enclosed letter dated 24 May 2022. This letter highlights many deficiencies in the TA and outstanding issues which must be addressed before any permission can be granted. Most notably these include the following:

- 1) the actual, practical level of accessibility of all dwellings to bus services should be identified, including true walking distances to dwellings furthest from public transport services, and new bus stops provided on Glamis Road, on the development frontage;
- 2) the applicant should provide physical improvements to facilities for crossing of roads adjacent to the development site, namely Glamis Road, where new crossings are identified on the site layout plan, but no details provided, and Westfield Loan, where no meaningful measures are proposed;
- 3) the applicant should address the low number of bus services adjacent to the site, and provide new bus stops to address substandard walking distances to suitable public transport services (existing bus services are not accurately presented in the updated TA);
- 4) the safety of proposed site access junctions, which are designed as priority cross-roads, but provided with visibility standards for higher speeds that are not consistent with Designing Streets policy, and to address the clear conflict with commercial traffic at the site access on Glamis Road (Don & Low access immediately opposite);
- 5) the TA must be updated to representatively model the impact of Westfield development traffic on the Westport traffic signals; and
- 6) the TA must identify adequate traffic impact mitigation at the Lochlands junction, properly assessing a realistic distribution of development traffic to Lochlands and must analyse the impact on the local road network of any redistribution of traffic away from Lochlands in the event that banning of traffic movements forms part of the mitigation of development traffic impact.

Both Transport Scotland and Angus Council Roads Service share these outstanding concerns regarding some of the methodology and calculations used in the amended TA and fundamentally, they maintain their concerns with regard to the potential impact of the development on the A90 junctions, specifically the Lochlands junction. Transport Scotland acknowledge that this is an issue which was highlighted as part of Policy F4 which requires that *"No development will be allowed until a full assessment of the potential impact on the A90 junctions (including Lochlands) is completed and any resulting mitigation is agreed with Angus Council and Transport Scotland."*

Transport Scotland confirm that whilst the TA now acknowledges that an issue exists at Lochlands junction, it does not appear that matters have moved on from previous discussions with them and that there is still no scheme identified to address the impact at Lochlands or a mechanism in place to secure its delivery. Transport Scotland confirm that it is their view that the assessment of the impact on the Lochlands junction as a result of the development and identification of the necessary mitigation lies primarily with the applicant and Angus Council.

Angus Council Roads Service agree that the TA fails to address the Lochlands junction on the A90(T) which continues to be a longstanding issue. However, they consider that further dialogue is required with the trunk road authority to resolve the matter.

We fully concur with the comments of Transport Scotland and the Roads Service. Policy F4 is clear that any development proposal must fully assess the potential impact on the A90 junctions (including Lochlands) and resulting mitigation is agreed with Angus Council and Transport Scotland. This has not been completed.

Noise

An updated Noise Assessment has been lodged in support of the application. We have sought an independent review of this document by Vibrock, please see the letter enclosed with this submission dated 25 May 2022. In summary, Vibrock have highlighted various queries with regard to the methodologies and assumptions made in the NIA, concluding that the assessment for road traffic and industrial commercial noise is likely to underestimate the significance of effect for plots in the north-east and north-west of the development site. Where the NIA predicts effects of moderate/large in the cumulative assessment, when taking into consideration the highlighted uncertainties in the model predictions and industrial commercial noise predictions, it is likely that in fact effects of large/very large significance exist for daytime and night-time periods for north-east through to north-west areas of the site.

Further, the NIA fails to explore all mitigation options in its appraisal of mitigation. Contrary to PAN 1/2011 (Planning and Noise), the NIA makes recommendations for a suitable glazing specification and alternative ventilation to an open window, without exploring options such as layout design, building orientation and internal room layouts. National planning advice in Scotland is clear that all other options should be explored in the mitigation appraisal with glazing and alternative ventilation as an option of last resort.

As a result of the uncertainties presented in the NIA, the resulting magnitude of impact and significance of effects cannot be relied upon to present a robust assessment of noise at the development site. As a result, effects of large/very large significance cannot be ruled out. The advice in PAN 1/2011 and the associated Technical Advice Note for effects of 'large/very large' are as follows:

"Very Large: These effects represent key factors in the decision-making process. They are generally, but not exclusively, associated with impacts where mitigation is not practical or would be ineffective."

Therefore, it appears to us that a significant area to the north of the development site is likely to experience unacceptable levels of noise disturbance from the road and industrial/commercial operations and that there is no possible mitigation which would reduce the impacts to an acceptable level. Therefore, the north section of the site is effectively sterilised from any possible development due to noise.

Design and Layout

Policy DS3: Design Quality and Placemaking, supported by Supplementary Guidance on Design Quality and Placemaking, requires:

"Development proposals are required to deliver a high design standard and draw upon those aspects of landscape or townscape that contribute positively to the character and sense of place of the area in which they are to be located. Development proposals should create buildings and places which are:

- *Distinct in Character and Identity: Where development fits with the character and pattern of development in the surrounding area, provides a coherent structure of streets, spaces and buildings and retains and sensitively integrates important townscape and landscape features.*
- *Safe and Pleasant: Where all buildings, public spaces and routes are designed to be accessible, safe and attractive, where public and private spaces are clearly defined, and appropriate new areas of landscaping and open space are incorporated and linked to existing green space wherever possible.*
- *Well Connected: Where development connects pedestrians, cyclists and vehicles with the surrounding area and public transport, the access and parking requirements of the Roads Authority are met, and the principles set out in 'Designing Streets' are addressed.*
- *Adaptable: Where development is designed to support a mix of compatible uses and accommodate changing needs.*
- *Resource Efficient: Where development makes good use of existing resources and is sited and designed to minimise environmental impacts and maximise the use of local climate and landform."*

The proposed layout includes a 3-metre bund with a 2-metre acoustic fence, in total a 5-metre boundary. This is to be located along the full length of the Glamis Road frontage. We believe this is necessary in an attempt to ensure noise from the neighbouring factory does not cause a nuisance to prospective residents. However, this blank frontage is contrary to the advice contained in Policy DS3 and the associated supplementary guidance, which looks to ensure that development contributes positively to the public realm. Boundaries that abut public spaces and routes are required to be attractive. Large areas of fencing or blank elevations are not acceptable where they form a public/private interface.

In the current circumstances the proposed development will result in a blank frontage the full length of the Glamis Road. This is not considered appropriate on this frontage and will not contribute towards a development which adheres to the six qualities of successful places.

A recent planning application, Ref 21/00781/PPPM Residential development (Major) including formation of vehicular access, access roads, open space, landscaping, SUDS and associated Infrastructure Field 50M North Victoria Street Monifieth, included an acoustic fence of only 1.7m in height along the boundary of the site with a public road. In the Report to Committee the Planning Service confirmed that: "A wall or fence of that height and length adjacent to the dual carriageway would not be acceptable. No information has been provided to demonstrate that a barrier could be provided in a manner that would be appropriate for a highly prominent location that provides the transition between town and country."

Further, the Countryside Officer has confirmed that many of his original comments and concerns remain outstanding, as such further information and amendments to the design and layout may be required

Archaeology

The layout plan indicates that there are Scheduled Ancient Monuments within the proposed areas of open space, with walking routes and additional landscaping indicates within the identified SAM area. The advice from both Historic Environment Scotland and the Archaeology Service is that no planting is permitted in the SAM area. Both consultees maintain their objection to the amended proposal on that basis.

Further, Angus Council Landscape Services recommend that a 10 metre stand off from the SAM should be incorporated into the layout to ensure the buildings and road infrastructure are embedded into the landscape. The inclusion of this required 10m buffer will have a knock-on impact on the housing layout requiring further amendments.

Contamination

We maintain our concerns that the development site is within an area of known and potentially unknown anthrax remains. We refer to comments made within our previous objection dated 19 December 2019. Consideration of any planning application which is in close proximity to an anthrax burial site must be undertaken with extreme caution. Given the risks posed if anthrax remains are disturbed in any way, we consider that a significant stand off from the anthrax burial site is warranted. Previously we have suggested a standoff of a minimum 400metres is appropriate, similar to that imposed for intensive livestock uses.

Flood Risk

Both SEPA and Angus Council Roads - Flood Risk and Structure confirm that the information supplied with the planning application is insufficient to allow them to determine the potential impacts. Therefore, SEPA maintain their holding objection.

Objection

In conclusion, for the reasons stated above we consider that the Masterplan Framework 2022 does not accord with the requirements set out in Policy F4 Housing Westfield of the Angus LDP 2016. Further, this document has not been subject to the necessary scrutiny and, in its current form, cannot be approved or adopted by Angus Council.

In terms of the application ref 19/00707/FULM, despite having nearly 3 years since lodging the application and 6 years since the original allocation of the site, the applicant has still not provided a satisfactory layout and the submitted supporting information does not address the requirements of Policy F4 of the Angus Local Development Plan 2016, or other issues raised by consultees (many of which were identified when the application was first consulted upon in 2019). Fundamentally, and as clearly set out in Policy F4, while there is agreement that the proposed development will have an unacceptable impact on the capacity of the Lochlands junction, no acceptable solution has been provided and the necessary mitigation has not been agreed. There also appears to be no agreement regarding who is responsible for this work, with all parties passing the responsibility on to each other.

No justification has been provided to set aside the requirements of the ALDP and therefore we cannot see now how the masterplan can be considered acceptable, or how the application can be competently approved.

The consultation responses received to date indicate that significant work is still required in terms of assessing the site, particularly in relation to the impact of any development on the road network. At this stage it is also unknown whether the masterplan will be subject to an approval process. Given the outstanding issues identified by consultees, it is also not known what the final version of the masterplan might look like. In the absence of that, it is not possible to have any idea at this stage as to whether the development proposals are in accordance with the masterplan.

We trust these comments will be taken into consideration and the appropriate action taken.

Yours sincerely

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SH/RCMD/22123let01

24 May 2022

Karen Clark,
Elite Homes (Tayside) Ltd,
17 Academy Street,
Forfar,
Angus, DD8 2HA

Dear Karen,

Westfield Development, Forfar
Planning Application 19/00707/FULM
Updated Transportation Assessment

In December 2019, DBA reviewed the Transport Assessment and planning documents associated with Planning Application 19/00707/FULM for the development of 175 residential units on the Westfield site in Forfar. Specific issues with the content of the TA were identified that resulted in DBA concluding that the TA did not adequately consider certain traffic and transport impacts of the proposed development, and that the application did not provide sufficient transport infrastructure or mitigation of certain transport impacts.

Update Transport Assessment, TPL, March 2022

DBA note that an updated Transport Assessment has been submitted, and also that a Masterplan Framework has been prepared for the wider allocated Phase 1 of the LDP site F4 Land at Westfield Loan. The following comments refer to the updated TA lodged on the Council's website in three parts, and dated March 2022.

DBA's comments are referenced to the updated TA by way of a bracketed paragraph number, e.g. (2.6). Conclusions are highlighted in **Bold**. Plan extracts are provided within this response to highlight certain issues referred to, for ease of reference. These extracts are taken from the JFC development layout plan submitted with the application, reference 17.029.P.002 (Revision R).

1. (1.22) The structure shown does not reflect that of the report itself. **This should be updated to assist review of the TA report.**
2. (2.5) Appendix A, Figure 2 does not provide an accurate representation of travel distance from the application site, as circular isochrones do not reflect the actual path of the traveller. This is not, in practice, a straight line from the centre of the site, and will always be longer, and therefore reach less far from the site in the relevant time. **Travel isochrones should be updated to better reflect travel times.**
3. (2.6) There are no existing footways on any frontage of the application site, either on Glamis Road or on Westfield Loan. The only footway provision is on the opposite (north) side of Glamis Road and the opposite (east) side of Westfield Loan). There is only one designed pedestrian crossing point on Glamis Road in the vicinity of the site, but not on its frontage, which is of poor standard, requiring pedestrians to cross the equivalent of four lanes of traffic with no priority.

- a. It is noted that the development proposals include the provision of a new remote footway on the south side of Glamis Road (Plan Extract A, below) over the length of the development frontage, however no such provision is proposed on Westfield Loan, despite the development relying on the use of bus stops on Westfield Loan for its accessibility to public transport.
- b. It is identified on the site plan that two new crossing points will be installed on Glamis Road (Plan Extract A, below), however no reference is made to what infrastructure will be provided to address pedestrian safety issues given the speed of traffic on this road, and the significant crossing width for pedestrians, and that fact that these crossings are shown at the access to Don & Low to the north, which incorporates a flared radius which significantly increases crossing distance on the east side of the junction.



Plan Extract A



Image 1, sole existing crossing of Glamis Road (source: Google Streetview)

- c. The proposed facilities, and the absence of proposals in some areas, are inadequate to serve development on the scale proposed, and new pedestrian facilities should be provided along the eastern frontage of the site, even if remote, to provide adequate direct routes for pedestrians walking to and from the development, for reasons of road safety, particularly that of vulnerable road users. Clarification must be provided as to the design intention for the new pedestrian crossings of Glamis Road, as indicated on the proposed site plan (Extract A, above). The importance of this cannot be overstated. At present only one pedestrian crossing of doubtful utility exists away from the frontage of the application site (Image 1, above).

4. (2.13) The footways on Dundee Road to the south of the site are characterised as “wide footways on both sides of the carriageway”. This is clearly not the case (Image 2, below), even from examination of the images in the TA itself. The image referred shows an isolated section of footway tapering sharply at a priority junction and presumably provided for local visibility purposes. The term “wide” cannot be used to describe the majority of footways on both sides of Dundee Road, which appeared to fall below a standard of 2.0m width over many sections. The typical range of footway width measurement along Dundee Road (minima and maxima) should be provided if the term ‘wide’ is to be included, or this could mislead those determining the application.



Image 2, footways on Dundee Road (source: Google Streetview)

5. (2.16) Core paths - It is notable from the TA map extract that Westfield Loan is not identified as a core path by the Council. This is considered to indicate the point above (3.) that significant improvement to the pedestrian infrastructure on Westfield Loan should be provided by the developer in order to bring that route up to a standard that it can provide reasonable pedestrian accessibility to a development on the scale proposed.
6. (2.19) Schools - The TA identified Langlands Primary as accessible from the site, however, this involves young children crossing Westfield Loan, where there are no pedestrian facilities on the development (west) side of the road, and no crossing facilities on Westfield Loan. Either a detour would be required via Glamis Road, or, as is more likely, some parents may choose to cross Westfield Loan in the absence any site-side pedestrian facilities, or crossing facilities. As noted in Point 3., above, the developer should provide a footway on the west side of Westfield Loan, to cater for pedestrian demand from this significant development.
7. (2.20) Walking to Forfar Academy is likely to generate pedestrian movement using the poor standard pedestrian crossing facility on Glamis Road in the vicinity of Westfield Loan. The applicant should provide improved pedestrian crossing facilities of Glamis Road to address and mitigate pedestrian and road safety issues associated with significant additional demand for crossing of Glamis Road as a result of the proposed development.
8. (2.21) The updated TA acknowledges there are no identified and maintained cycle routes in the vicinity of the development site. There are some local facilities, but these are discontinuous and of only limited benefit in cyclists seeking to make journeys on the local road network. Largely, cyclists to and from the development site would be required to share busy roads with vehicles. A development on this scale, and generating the level of cycle activity that can be expected, should contribute to the upgrading and/or provision of new cycle facilities on the local

road network, in the interests of encouraging sustainable travel and of road safety.

9. (2.24-2.28) The TA describes walking distances from the nearest bus stops to the edges of the site. This is misleading and does not represent the actual accessibility of the site to public transport services. The stops on Dundee Road to the south are over some 900 metres from the closest residential unit within the development layout, according to the site layout lodged with the application. Also, no footpath link would be provided as part of this application, therefore these stops can be discounted as contributing to accessibility for this application.
 - a. Furthermore, the stops on Westfield Loan / Threewells Drive, which are some 600m from the furthest unit, have a poor frequency for the purposes of serving residential development and encouraging sustainable travel, providing only one bus per hour. Clearly, a significant number of units in the application layout would lie outwith the accepted 400m walking distance to public transport services. The same applies to the stops on the A94 to the west, although these have better frequency during peak hours. The conclusion of the updated TA in 2.30 that a “good volume (sic) of bus routes” service stops on Westfield Loan and Threewells Drive is manifestly not the case.
 - b. Also, the latest timetable information on the Stagecoach website confirms that the 27 service does not operate to Westfield Loan and Threewells Drive stops during the day (Timetable extract, below), and therefore this service provide little benefit to the accessibility of the development site. The updated TA implies that the development relies on this service to achieve what is characterised as a good level of public transport accessibility. The developer should therefore be required to enter negotiation with Stagecoach to secure the servicing of the Westfield Loan and Threewells Drive stops during the day before any units in the Phase 1a development are occupied.

Days of Operation	Monday to Friday														Commencing 10-08-2020		
Service Number	S027_Ar																
Service Description	Forfar - Arbroath																
Service No.	27	27A	27	27	27	27	27A	27B	27	27	27	27	27	27	27	27	27
	Col	NCol					FNS	MTS							F	NF	F
Kirriemuir Bank Street	-	0740	0740	-	then	-	Until	-	-	-	-	-	-	-	-	-	-
Orchardbank opp council offices	-	0752	0752	-	at	-	-	-	-	-	-	-	-	-	-	-	-
Orchardbank council offices	-	-	-	-	these	-	-	-	-	1645	-	-	-	-	-	-	-
Forfar Community Campus	-	-	-	-	times	-	-	1555	-	-	-	-	2005	2025	2125	-	-
Don Street opp Tesco	-	-	-	-	each	-	-	-	-	-	-	-	-	2027	2127	2227	2227
Whitehills HCCC entrance	-	-	-	-	hour	-	-	-	-	-	-	-	-	2031	2131	2231	2231
Forfar opp bus depot	-	-	-	-	-	-	-	-	-	-	-	-	-	2033	2133	2233	2233
Forfar East High St opp Arbroath	-	-	-	-	-	-	-	-	-	-	-	-	-	2035	2135	2235	2235
Orchardbank roundabout	-	-	-	-	-	-	-	-	-	-	-	-	-	2039	2139	2239	2239
Westfield Threewells Drive	-	-	-	-	-	-	-	-	-	-	-	-	-	2041	2141	2241	2241
Glenshade Glenclova Terrace	-	-	-	-	-	-	-	-	-	-	-	-	-	2047	2147	2247	2247
Forfar New Road opp Arbroath	-	-	-	-	-	-	-	-	-	-	-	-	-	2053	2153	2253	2253
Forfar East High St Royal Bank	-	0757	0757	-	-	-	-	-	-	1650	-	-	-	2010	2054	2154	2254
Forfar East High St Royal Bank	0647	0802	0805	0905	05	1505	1550	-	1653	1755	1845	2010	-	2155	2300	2300	-
Restenneth Drive	0650	-	0808	0908	08	1508	-	-	1656	1758	1848	2013	-	2158	2303	2303	-
Kingsmair old school	0653	0806	0811	0911	11	1511	1554	1604	1659	1801	1851	2016	-	2201	2306	2306	-
Dunnichen	-	-	-	-	-	-	-	-	1607	-	-	-	-	-	-	-	-
Craichie village	0658	0811	0816	0916	16	1516	1559	-	1704	1806	1856	2021	-	2206	2311	2311	-
Letham West Hemming Street	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	2318
Letham West Hemming Street	0704	0817	0822	0922	22	1522	1605	1610	1710	1812	1902	2027	-	2212	2317	-	-
Guthrie village	0713	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Frickheim bus stance	0720	0828	0833	0933	33	1533	1616	1620	1721	1823	1912	2037	-	2222	2327	-	2329
Colliston opp Inn	0726	0834	0839	0939	39	1539	1622	1626	1727	1829	1918	2043	-	2228	-	-	2335
Keptie Road Angus College	-	0841	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Arbroath bus station	-	0848	0848	0948	48	1548	1631	1635	1736	1838	1927	2052	-	2237	-	-	2344
Arbroath bus station 4	0735	-	-	-	-	-	-	-	-	-	-	-	-	1928	-	-	-
Arbroath High Street Gala Bingo	-	-	-	-	-	-	-	-	-	-	-	1930	-	-	-	-	-

Image 3, Extract from Stagecoach timetable, Service 27

- c. Considering walking distances in greater detail, there are only two pedestrian access points shown on the proposed site layout plan. These are located at the vehicular accesses on A94 Glamis Road, and on Westfield Loan opposite Threewells Drive. Discounting the bus stops on Westfield Loan due to their infrequent service which, it is considered, is inadequate for commuting purposes, the average distance from the A94 stops to the main site entrance is some 355m, leaving a walking distance of only 45m within the site to reach units. This results in a significant majority of units being outwith the 400m walking distance identified in transport policy. This is considered a poor level of accessibility to public transport.
 - d. **The applicant should be required to install new bus stops on the A94 Glamis Road frontage of the development to bring a much higher proportion of the development within suitable walking distance of public transport services. Furthermore, if reliance is placed on the bus stops on Westfield Loan, the applicant should be required to take suitable actions to ensure that the frequency of services at these stops is increased to a level adequate to service and be attractive to demand from the development. Any new bus stops, or existing stops that do not have them, should be provided with bus shelters at the expense of the applicant to increase the attraction of public transport to commuters to and from the development.**
10. (2.35/2.36) Conclusions are drawn by the update TA that (a) the development is *“located in close proximity to well established pedestrian and cycle routes”*, (b) *“bus stops are located close to the site”* (without characterising their suitability, or level of service), and (c) *“These facilities provide a wide range of non-car travel opportunities covering a range of key destinations”*. These conclusions however are, it is considered, not supported by the assessment of actual accessibility of the site, and quality of public and sustainable transport facilities available. **This underlines the importance of the applicant being required to invest in the improvement of pedestrian, cycle and bus facilities and services in the area.**
11. (3.4) The latest site layout plan lodged with the application (JFC plan reference 17.029.P.002, Revision R), shows no meaningful new footway on the west side of Westfield Loan. Thus, the proposed development layout is contrary to the TA’s assessment of sustainable transport access requirements, which states that *“new footway provision / crossing points along the western side of Westfield Loan”*. **The applicant should be required to include in the proposals new footway provision on and crossing(s) to the west side of Westfield Loan in order that the development proposals are consistent with the findings of the updated TA.**
12. (3.6/3.7) The TA’s conclusions on accessibility of the development are demonstrably not the case, as walking distances are not accurately measured, and only measured to the boundary of the site, not the furthest unit within the proposed development, and no new bus stops or services are proposed. Also, benefit is taken from certain bus stops that are considerably in excess of the 400m distance specified in transport policy guidance.
13. (3.8-3.10) The TA identifies the creation of two new cross-roads priority junctions for the purposes of providing vehicular access to the development. For many years, the use of priority cross-roads junctions was not permitted due to the inherent road safety risks and poor safety performance of such junctions. Designing Streets policy has reintroduced the use of priority cross-roads junctions, but only in low speed environments, within development, with attendant appropriate design of streetscape, road alignment, etc. to reinforce and ensure low vehicle speeds.

- a. The proposals for access junctions illustrated in the TA clearly are not founded on the principles of Design Streets, which provides for maximum visibility splays of 43m long (Y-distance) at junctions, reflecting the intended low speed environment. The access proposals for this development reflect much higher vehicles speeds by catering for splays of 120m on Glamis Road, which appears nowhere in Designing Streets, but in which location the applicant proposes new pedestrian crossing facilities (see plan Extract A, above).
 - b. **The applicant should be required to provide physical road safety measures to deliver expectations for design speeds within Designing Streets, and show how traffic speeds will be controlled in the vicinity of development site access junctions, particular on Glamis Road (a 40mph road), opposite a business where heavy goods vehicles regularly access, and where many large commercial vehicles use the A94 Glamis Road to access Forfar from the A90 trunk road.**
14. (7.25) Trip Distribution - While the approach taken to assessing vehicle trip distribution may reasonably apply to development car trips in the northern part of the site, such as are contained within the 175-unit development subject to the current planning application, development to the south, near A932 Dundee Road, would be expected to exhibit much higher proportions of commuting car trips using the A90(T) / A932 Lochlands priority junction, in this respect therefore, the TA is considered to underestimate the Trunk Road impact of the proposed development. **The updated TA should be revised to reflect a more realistic trip distribution for the 300-unit development test of the traffic impact of Westfield, Phase 1.**
15. (8.49) Notwithstanding the above, even the updated TA's distribution pattern is shown to have an adverse operational impact on the capacity of the A90(T) / A932 Lochlands junction.
 - a. Table 8.8 does not provide analysis results for the 2023 AM/PM +Com +175 units development scenario. As such, the traffic impact of the current application on the Lochlands trunk road junction is not presented in the TA. **The updated TA should be revised to show the impact of the Phase 1a current planning application on the Lochlands junction, as the impact is shown for all other junctions, regardless of the percentage impact of Phase 1a development traffic at Lochlands, which is a discretionary measure of significance.**
 - b. Table 8.8 shows the Lochlands junction operating beyond the limiting RFC value of 0.750 for high-speed roads in the 2023 PM base scenario, and again in the 2023 AM and PM peak scenarios with committed development traffic included. Clearly, both the Phase 1a, and complete Phase 1 developments comprised in the F4 allocation at Westfield will impact adversely on this base situation. **The applicant must be required to identify mitigation, analyse in the TA, and contribute to measures for the mitigation of their development traffic impact at the Lochlands junction. Updated junction analysis of mitigation measures should be provided, including the impact of any localised traffic rerouting as a result of banning traffic movements at Lochlands, should that be part of the traffic impact mitigation identified.**
 - c. The Lochlands trunk road junction is the site of some 25 injury accidents over a 23-year period, including 1 Fatal; 10 Serious and 13 Slight (Image 4, below). **As a result, there is an obligation on the Roads Authorities to ensure that the impact of the Westfield development on the junction is**

mitigated, and that Westfield development traffic does not cause a detrimental impact on the capacity and safety (due to increased queuing).

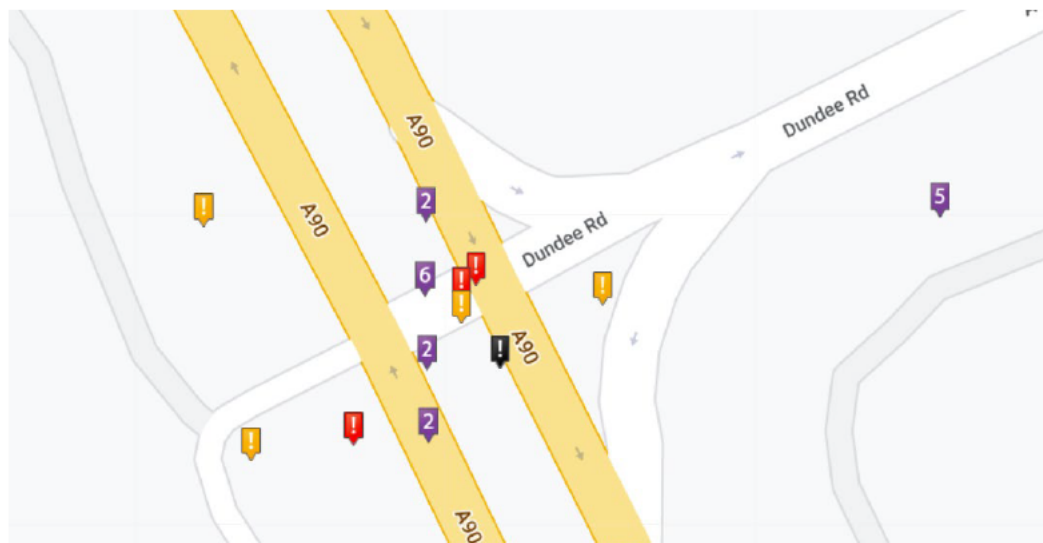


Image 4, A90(T)/A932 Lochlands Junction, accidents 1999-2021
(source: CrashMap.co.uk)

16. (8.24) With respect to the junction analysis, the modelling of the traffic signal junction of the A94 Glamis Road / A926 Craig O'Loch Road / West High Street (Westport) has issues that will tend to exaggerate the capacity of the junction. All lanes have been modelled in LINSIG as infinitely long. The right turn lanes on the A94 Glamis Road and A926 Craig O'Loch Road exceed 60m in length (circa 10/11 Passenger Car Units, PCUs) which is a reasonable approximation for modelling purposes. However, the right turn lane on the A926 Dundee Loan is only 5 PCUs in length and in addition has a 'KEEP CLEAR' zone which further restricts queuing space. Since, in the Weekday PM peak, the predicted queue in the Straight and Left lane significantly exceeds 5 PCU's in length, this approach to the junction will not function as it has been modelled, and more representative analysis results will be worse than those presented in the TA. **The analysis of this junction should be updated to more correctly model operation of the junction in the design year, and therefore more accurately and representatively model the impact of Westfield development traffic at this junction.**

Angus Council, Roads - response to Updated TA (memo, 20-5-22)

17. The memorandum from AC, Roads reviewing the updated TA simply replicates large sections of text from the TA document itself and does not, it is considered, assess the conclusions of the TA against actual conditions and transport facilities on the ground. This letter identifies above numerous shortcomings of the updated TA, and impacts of the proposed development that are not addressed in the TA, or the applicant's proposals.
18. DBA fully support AC Roads requirement that details of the new access junction arrangement on Glamis Road must be provided, and would wish to review those details when they are submitted. These details must include measures to pedestrians crossing A94 Glamis Road. Furthermore, these measures should be the subject of a Road Safety Audit, as there must be significant concern over the mixing in close proximity of cars, goods vehicles and pedestrians by having a residential development accessed opposite an accessed used continuously by Heavy Goods Vehicles.

19. DBA also fully support AC Roads' requirement that a footway be provided on the west side of Westfield Loan along the entire development frontage.

Transport Scotland - response to Updated TA (letter, 12-5-22)

20. In their letter reviewing the updated TA, Transport Scotland identify what they consider a critical aspect of their consideration, i.e. the "unrealistic" distribution applied to the traffic impact test of the 300 units of Phase 1 development at Westfield Loan. DBA fully support this conclusion, and consider that further updating of the traffic impact assessment is required.
21. As noted by Transport Scotland, neither does the updated TA analyse the effectiveness of any mitigation of development traffic impact at Lochlands, or identify a solution. It should be a requirement of any consent for Phase 1a development at Lochlands that a considered approach is taken the mitigation of development of the allocated and safeguarded sites. Piecemeal development of this area could have a significantly adverse impact of road network operation, in terms of capacity and road safety.
22. Transport Scotland's response notes that any access to the allocated development area from Westfield Loan would be expected to have an adverse impact on the Lochlands junction. DBA would note that the Masterplan Framework identifies a core access road and four access junction on Westfield Loan, therefore any development of F4 Westfield must be considered as having an adverse impact on Lochlands junction that requires mitigation.

In conclusion, it is clear that there are several issues that have not been adequately examined in the updated TA for this planning application, chief among which are:

- 1) the actual, practical level of accessibility of all dwellings to bus services should be identified, including true walking distances to dwellings furthest from public transport services, and new bus stops provided on Glamis Road, on the development frontage;
- 2) the applicant should provide physical improvements to facilities for crossing of roads adjacent to the development site, namely Glamis Road, where new crossings are identified on the site layout plan, but no details provided, and Westfield Loan, where no meaningful measures are proposed;
- 3) the applicant should address the low number of bus services adjacent to the site, and provide new bus stops to address substandard walking distances to suitable public transport services (existing bus services are not as presented in the updated TA);
- 4) the safety of proposed site access junctions, which are designed as priority cross-roads, but provided with visibility standards for higher speeds that are not consistent with Designing Streets policy, and to address the clear conflict with commercial traffic at the site access on Glamis Road (Don & Low access immediately opposite);
- 5) the TA must be updated to representatively model the impact of Westfield development traffic on the Westport traffic signals; and
- 6) the TA must identify adequate traffic impact mitigation at the Lochlands junction, properly assessing a realistic distribution of development traffic to Lochlands, and must analyse the impact on the local road network of any redistribution of traffic away from Lochlands in the event that banning of traffic movements forms part of the mitigation of development traffic impact.

In our assessment, these matters require to be addressed, and the Transport Assessment further updated accordingly, before any planning permission can be granted. Also,

appropriate mitigation measures and accessibility improvements should be attached as conditions to any planning approval.

Yours faithfully,
for Dougall Baillie Associates



Stuart Harrow
stuart.harrow@dougallbaillie.com

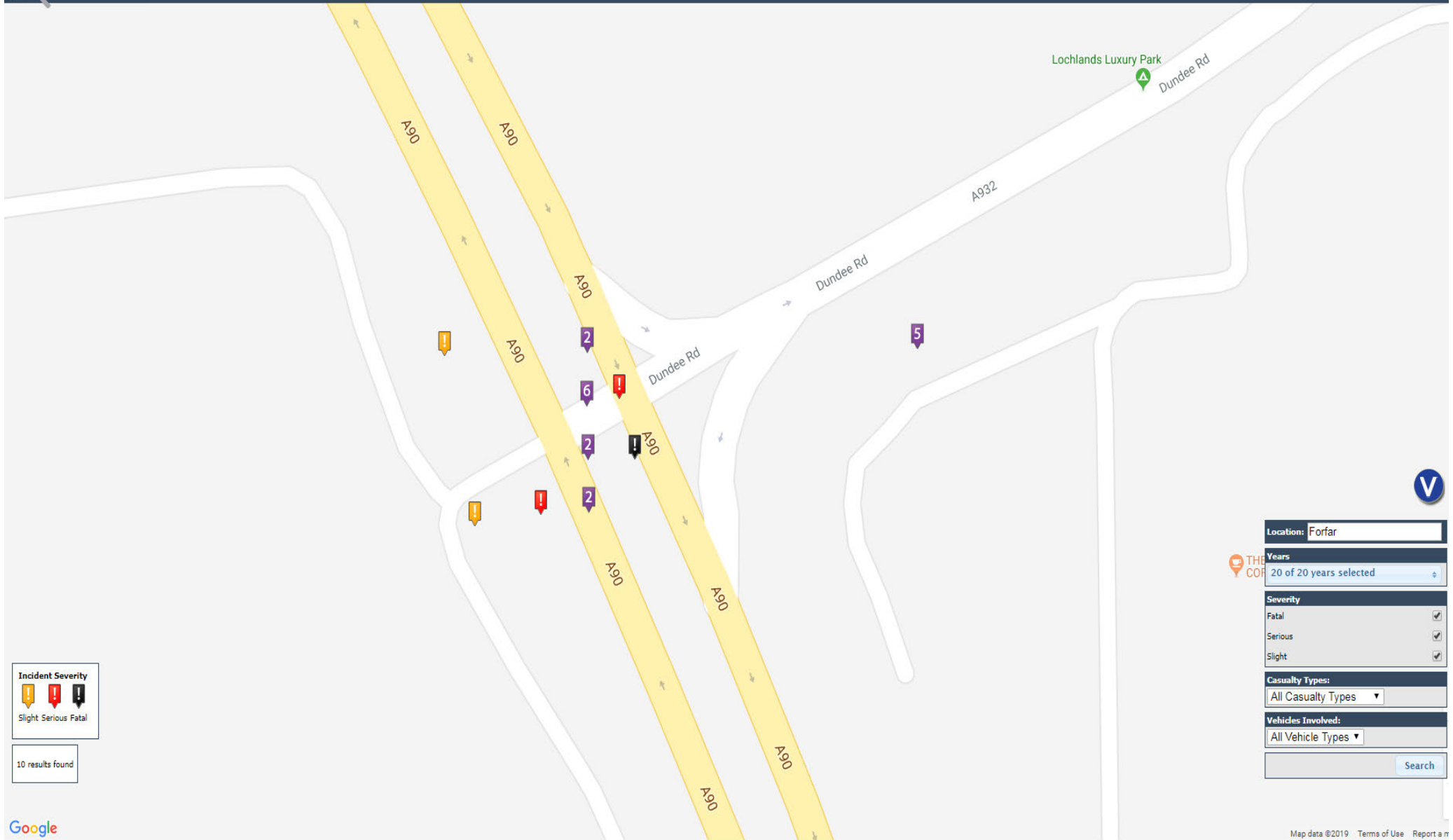


Diagram 19304/1 – 20-year Accident record (Source: Crashmap.co.uk, details should be confirmed with official record)



Diagram 19304/2 – A926 Dundee Loan approach to A90 /A926 signals (Source: Google Streetview, not for publication)

25 May 2022

Our Ref: R22.11531/1/IK/Let1

e-mail to: developmentplanning@guild-homes.co.uk
debbie@guild-homes.co.uk



Guild Homes (Tayside) Ltd
Chapelark House
17 Academy Street
Forfar
DD8 2HA

Dear Guild Homes

**Re: Planning Reference: 19/00707/FULM - Noise Impact Assessment Peer Review,
Westfield Loan**

Please find below our review of a Noise Impact Assessment (NIA) Glamis Road Forfar (Reference: 1267 004) produced by CSP Acoustics as supporting documentation for the planning application 'Field 280 metres West Of Westfield House, Westfield Loan Forfar' (Planning reference: 22/00295/PAN).

The introduction and summary sections state the NIA is required as part of the planning application and that the latest revision takes account of previous assessments dated 30 March 2018 and 28 August 2019. To inform the assessments, noise measurement data from historical noise surveys (March 2018 & February March 2020) have been utilised. Discussion of whether the measurement data is still representative of the current ambient noise climate is presented in the report. The NIA takes account of noise from existing sources in the vicinity of the site including road traffic noise and noise from the various industrial/commercial uses located to the north of the site.

Standards and guidance including Calculation of Road Traffic Noise (CRTN), BS8233:2014 and BS4142:2014 are referenced for the various assessments. Noise predictions have been undertaken utilising CadnaA acoustic 3D modelling software the results of which indicate that mitigation would be required to ensure internal and external noise criteria can be met.

The latest assessment is based on the masterplan 'Site Layout Plan – Phase 1' (Drawing number 17.029.P.002) which indicates a total housing allocation of 135 units.

A review has been undertaken of the assessment methodology, the scope of the baseline noise survey, the 3D acoustic model, associated data and outputs and any proposed mitigation.

VibroRock Limited

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Registered No. 03716013

Please find the results of the review presented below. For ease of reference, heading numbers refer to the reviewed document, rather than the structure of this letter.

3.00 Assessment Framework and Criteria

The NIA references PAN 1/2011 Planning and Noise and the accompanying Technical Advice Note (TAN) as the relevant Planning Policy. Table 1 presents the noise level change categories adopted to define the magnitude of noise impact for the various assessments. The example noise level change scales define Major Adverse impact as an excess of 10 dB or more over the agreed criteria. The scales adopted are consistent with other NIAs undertaken across Angus for similar developments and existing noise sources.

3.13 Angus Council

This section summarises the consultation undertaken with Iain Graham, Environmental Health Officer at Angus Council. Paragraph 3.14 states that the assessment is to be undertaken having regard to an open window scenario and that the sound reduction afforded by an open window is 15 dB. Clarification is presented that a reduction of 15 dB is typically given in British Standards and guidance. The Standard or guidance document is not referenced or that the 15 dB reduction quoted is typically given as the reduction from an external façade noise level rather than a free field noise level. In our experience Angus Council typically agree a free field noise level reduction across an open window of between 10-13 dB, or 15 dB for a façade level.

This is an important point where 3D noise modelling software such as CadnaA is adopted. Unless coded to predict a façade level noise level, predictions in CadnaA at a building location, even where the receiver is set to a façade location will predict to free field conditions. Therefore, the sound level reductions applied for an open window to the predicted noise levels from the CadnaA model should be 10-13 dB.

5.00 Road Traffic

It is stated that the assessment of road traffic noise was undertaken using the methodology in CRTN and acoustic prediction software CadnaA. A statement regarding the application of 2.5 dB for a façade reflection is mentioned and it is not clear whether this has been applied through correction within the model or not.

This point will be referred to later in this letter as it forms a significant degree of uncertainty to all of the predictions and resulting significance of effect presented in the NIA.

5.06 Road Traffic Noise Assessment

This section presents the findings of the road traffic noise assessment and begins by presenting the external trigger levels derived by adding the noise level reduction of 15 dB across an open window to the internal noise criteria. As stated earlier, the open window reduction of 15 dB would be acceptable if the predicted noise levels from CadnaA are façade levels.

5.09 and Table 17

The table presents the TAN to PAN 1/2011 assessment including the magnitude of impact and significance of effect. For day and night-time periods the significance of effect for plots at the north east boundary are predicted to be moderate/large. For the daytime only the significance of effect for plots at the north-west and south-west boundaries is predicted to be moderate/large. If the predicted road traffic noise levels from CadnaA are free field noise levels then the trigger level will shift to 47 dB $L_{Aeq,T}$ for day and 42 dB $L_{Aeq,T}$ for night-time. The resultant significance of effect will be large/very large for day and night-time periods for some areas of the site.

6.00 Industrial Noise Assessment

This section describes the methodology and assessment of industrial and commercial noise. It is stated the assessment has been undertaken in accordance with BS4142:2014 considering the more onerous night-time period. Predictions of noise have been undertaken using CadnaA with the industrial noise sources having been calibrated into the model using the L_{A50} statistical parameter. Whilst not a common approach, it is stated that this method was preferred to address the contributions from road traffic at the application site. The continuous equivalent noise level or $L_{Aeq,T}$ would be the preferred parameter. This because the statistical L_{A50} parameter is the noise level exceeded for 50% of the measurement period. It is conceivable therefore that in a 15-minute measurement period, 7.5 minutes of activity from the site are ignored. For example, an HGV unloading for 7 minutes at Don and Low would not necessarily be captured in the final statistical value. With the $L_{Aeq,T}$ parameter this event will be included as the energy equivalent value over the entire measurement period. It is likely that the industrial commercial noise sources calibrated within the CadnaA model are underpredicting at the application site.

6.06 and Table 18

It is not obvious how the acoustic correction of 0 dB for tonality has been arrived at. A footnote to Table 18 states that "*No tonal component apparent in site measurements*". This implies that an objective rather than subjective method for establishing presence of tonality has been undertaken. As there is no presentation of one third octave band centre frequency data for the industrial noise measurements or discussion of other reference methods used, it is difficult to arrive at the same conclusions presented within the NIA regarding tonality. Without this information the addition of a 2-4 dB correction for tonality which is just audible or clearly perceptible within the application site cannot be discounted.

The industrial commercial assessment predicts significant adverse impacts for plots in the north-east of the development site during the night-time. The predictions are for a nominal receiver set to 1.5 metres above local ground level. However, during the night-time and where plots are of 2-storeys, predictions should be presented for first floor i.e., 4 metres above local ground. This is representative of bedrooms and where future residents will sleep.

6.11

It is incorrectly stated that *“the BS4142 assessment completed is for outdoor noise...Consequently external noise levels become less relevant for the assessment of impact.”* In fact, BS 4142:2014 assumes the magnitude of impact to be the same indoors as it is outdoors. As such, no account of the sound insulation afforded by the façade of a dwelling is taken into consideration in the BS 4142 assessment process. Where the impacts are predicted during the night-time when residents are likely to be indoors resting, BS 4142 indicates that other Standards may be of more relevance in the assessment process and to add context to the overall assessment of impact. The NIA does not address the subject of context as described within BS 4142 and attempts to under value the magnitude of the adverse impact in the assessment outcome.

6.12 and Table 20

This section presents the industrial commercial noise as an absolute noise level against external the trigger levels derived for road traffic noise. As for road traffic noise the significance of effect at plots in the north-east of the site have been predicted to be slight/moderate for daytime and moderate/large during night-time periods. If the predicted noise levels from CadnaA are in fact free field noise levels then the trigger level will shift to 47 dB $L_{Aeq,T}$ for day and 42 dB $L_{Aeq,T}$ for night-time. The resultant significance of effect will be moderate / large for both daytime and night-time periods for some areas of the site.

6.13

If the CadnaA model is predicting free field noise levels and assuming an open window affords 10-13 dB reduction rather than 15 dB for a façade level, the resultant noise contour plots would illustrate larger areas of the site within the red contour.

6.14

It is stated that mitigation in the form of a closed windows strategy will be required to address the excess of the agreed noise criteria. This is presented without exploration of other mitigation options as is required within PAN 1/2011. The sound insulation afforded by the fabric of the building in the mitigation appraisal should be considered as a last resort once all other options have been exhausted.

7.00 Cumulative Noise Impact Assessment

This section presents an assessment of the cumulative impact of road traffic and industrial commercial noise sources. As stated above the same uncertainty remains over the CadnaA model predicting free field or façade noise levels and the application of the appropriate open window noise level reductions.

There is also uncertainty within the prediction of industrial commercial noise sources and how these have been calibrated using the L_{A50} parameter. Taking these uncertainties into account the final cumulative noise level is likely to be some 3-6 dB greater than those presented in the NIA. The resulting significance of effect will be large/very large for daytime and night-time periods for north-east through to north-west areas of the site. The noise contour plots are therefore likely to illustrate large areas of the site within the red contour.

9.00 Mitigation

The NIA presents a mitigation appraisal to address the excess of the agreed noise criteria at the worst affected plots. This includes a proposal for a 5-metre-high acoustic bund/fence combination and a requirement for glazing and alternative ventilation to an open window to address the excess of the internal noise levels. There is no appraisal of other mitigation options, such as layout design, building orientation and room layouts to achieve the objectives as required in Scottish Planning Policy for noise.

The NIA discusses the statement within PAN 1/2011, where achieving internal noise levels with an open window is 'preferable' rather than being an absolute requirement. However, the mitigation section does not explore the statement in PAN 1/2011 which requests "practicable mitigation solutions should be explored" which the NIA reproduces in full and with emphasis.

Conclusion

There is uncertainty over the CadnaA model predicting free field or façade noise levels and the application of the appropriate open window noise level reductions.

Due to the approach used to calibrate the industrial commercial noise sources within the 3D acoustic model predictions of industrial noise are likely to be underestimated.

The NIA does not present how tonality has been determined from the survey measurement results in accordance with the methodology presented in BS 4142:2014.

In the assessment of industrial commercial noise, the NIA attempts to contextualise the magnitude of the assessment outcome through inaccurate statements of the situations where BS 4142:2014 will apply. The qualitative text attempts to underestimate the significance of the magnitude of the impact.

The assessment outcome for road traffic and industrial commercial noise is likely to be underestimating the significance of effect for plots in the north-east and north-west of the development site. Where the NIA predicts effects of moderate/large in the cumulative assessment, when considering the uncertainties in the model predictions and industrial commercial noise predictions it is likely that effects of large/very large significance exist for daytime and night-time periods for north-east through to north-west areas of the site.

The NIA does not explore all mitigation options in its appraisal of mitigation. Contrary to Scottish Planning Policy for noise, the NIA makes recommendations for a suitable glazing specification and alternative ventilation to an open window, without exploring options such as layout design, building orientation and internal room layouts. Planning Policy in Scotland is clear, all other options should be explored in the mitigation appraisal with glazing and alternative ventilation as an option of last resort.

As a result of the uncertainties presented in the NIA the resulting magnitude of impact and significance of effects cannot be relied upon to present a robust assessment of noise at the development site. Effects of large /very large significance cannot be ruled out of the assessment at the future noise sensitive aspects of the site. On this basis, the mitigation proposals presented in the NIA are likely to be ineffective in adequately addressing all impacts. Advice in PAN 1/2011 and TAN for effects of 'large/very large' are as follows:

*“**Very Large:** These effects represent key factors in the decision-making process. They are generally, but not exclusively, associated with impacts where mitigation is not practical or would be ineffective.”*

Scottish Planning Policy is clear in this situation that mitigation measures are likely to be ineffective at reducing the overall magnitude of impact, without impacting upon other considerations such as thermal comfort or having to keep windows closed at all times to aid sleep. The TAN adds a qualitative description for this major magnitude of impact:

*“**Noticeable (Very disruptive):** Significant changes in behaviour and/or an inability to mitigate effect of noise leading to psychological stress or physiological effects, e.g. regular sleep deprivation/awakening; loss of appetite, significant, medically definable harm.”*

These effects should be considered of significant importance in the decision-making process.

If you have any questions in relation to the matters above, please do not hesitate to contact me directly.

Yours sincerely



Iain Kelly
Consultant



Our Ref: OM01

Your Ref: 19/00707/FULM

7 June 2022

FAO: Ruari Kelly
Angus Council
Communities – Planning and Place
County Buildings
Market Street
FORFAR
DD3 3LG

Dear Mr Kelly

**Representation on behalf of Don & Low Ltd to Planning Application Red: 19/00707/FULM
Residential Development of 136 Dwellings including Formation of Vehicular Access,
Access Roads, Open Space, Landscaping, SUDS and Associated Infrastructure**

At: Field Opposite Westfield Drive Westfield Loan Forfar

We act on behalf of Don & Low Ltd who operate from a factory based industrial estate fronting the A94, Glamis Road, to the south west of Forfar. The above planning application site is located directly opposite their premises, to the south east. The application site is an Allocated Housing Site in the Angus LDP.

This representation is made in direct response to the recently revised submission made by the applicant and follows useful dialogue directly with the applicant. Following a review of the revised submission, **Don & Low are now able to withdraw their objection to the proposals**, on the proviso appropriate conditions are included should the planning application be approved by Angus Council.

We also wish to remind Angus Council that following the original application submission in 2017, the Planning (Scotland) Act 2019 introduces the 'agent of change' principle, discussed further below.

Background

Don & Low Ltd is an internationally recognised manufacturer of woven and nonwoven polyolefin technical textiles. The wider company has a turnover of £60m and employs around 450 people. The company has a long history, established in 1792. Don & Low Ltd has been operating within Forfar for over 35 years. They are keen that their business interests at Glamis Road are fully protected, in terms of the existing 24 hour operations on site yet also regarding what the company might potentially seek to do in future within their Class 5 General Industrial Use. Don & Low Ltd's operation complies squarely with the statutory development plan. The Angus Local

Development Plan (LDP) Forfar Inset Map identifies Don & Low Ltd's site as F9: an Existing Employment Site.

On behalf of Don & Low we wrote to object to the application, as per our letter dated 23 October 2019. The objection was on the basis that a deficient Noise Impact Assessment had been submitted as part of the application. It was our view that the failure by the applicant to properly assess noise impact on new residential properties from an existing industrial operation could cause complaints from future residents. The full details of our objection were contained within our objection of 2019, a copy of which is available on the planning portal.

Revised Planning submission

Following the original planning application, the applicant has recently redesigned the scheme, including the preparation of a revised Noise Impact Assessment culminating in a revised planning application submission being made under the original application reference number, ref 19/00707/FULM.

To establish whether the revised submission continued to pose a threat to our clients operation, our client appointed Paul Horsley Associates (PHA), an expert noise consultant, to review this revised technical documentation due to our previous concerns that the original assessment did not fully address or provide sufficient mitigation in regards to protecting the residential amenity of the proposed residential development. PHA's report is contained as Appendix 1 to this letter.

The review of the updated Noise Impact Assessment found that due to scheme redesign, mitigation proposed, and that the assessment now considers a more accurate noise level from the surrounding area, including the Don and Low operation, it is unlikely that any adverse amenity impact on the proposed new residential properties would be had.

This position is on the proviso that appropriate conditions were included on any planning permission should Angus Council be minded to approve the application in due course.

For the avoidance of doubt, we consider that the following conditions (or similar appropriate wording) are therefore necessary:

- Details of glazing units and specification where mitigation (trickle vents) are required as demonstrated by figure 7 and table 23 as contained within the CSP Acoustics Report, document reference CSP/004/01 version 1267 004AH dates 16/03/2022.
- Delivery of a 3m earth bund with a 2m acoustic barrier atop the bund. This does not appear to be explicitly identified on the submitted planning drawings, however appears to be shown by the purple line on the Site Layout Plan, drawing reference 17.029.P.002 Rev R. It is also referred to within the CSP Acoustics Report as identified above but also at page 31 of 36 (as indicated) of the document, albeit we note this is PDF page 32.

Should these conditions be included if the Council are minded to approve the application, Don & Low would be able to remove their objection to the application.

Agent of Change Principle.

The Planning (Scotland) Act 2019 introduces the ‘agent of change’ principle at section 25, which is now national policy. In essence this puts the onus on developers of noise sensitive properties such as residential accommodation, to effectively deal with potentially problematic noise sources, rather than curtailing an existing noise.

The Act requires planning authorities to *“take particular account of whether the development includes sufficient measures to mitigate, minimise or manage the effect of noise between the development and any existing....businesses in the vicinity of the development”*.

Applying the principle to these proposals, it is for the applicant to ensure that their proposed residential development is not adversely impacted from a noise perspective from an existing source of noise, in this case the Don & Low facility opposite the application site.

We consider that based on the revised noise assessment completed by the applicant, that the way to achieve this on this scheme is through appropriate mitigation. Therefore, a need for this mitigation to be established through the planning process, or by condition, is necessary in this case.

Conclusions

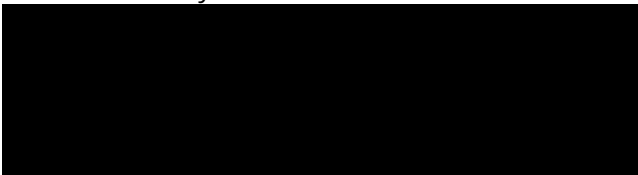
In light of the above comments, we are therefore writing to request that appropriate planning conditions as set out above are included should the planning application be approved, to ensure that the positive aspects of the proposal are not outweighed by the potential for significant impacts on our client’s operations. **This would allow Don & Low’s objection to the proposal to be removed.**

I trust that this representation will therefore be considered during your determination of the application.

We reserve our right to provide a further letter of representation (objection or otherwise) should further supporting information be submitted as part of this application.

I hope that this letter has been helpful to set out our client’s position on the proposals and look forward to receiving recognition of receipt of this representation in due course. Please do not hesitate to contact me if you wish to discuss further.

Yours sincerely



Senior Planner
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oliver.munden@avisonyoung.com
For and on behalf of Avison Young (UK) Limited

Appendix 1

Paul Horsley Acoustics: Review of CSP Acoustic Noise Impact Assessment

Acoustic Report

Review of the CSP Acoustics Noise Impact Assessment Report Relating to the Proposed Glamis Road, Forfar Residential Development on Behalf of Don & Low Ltd

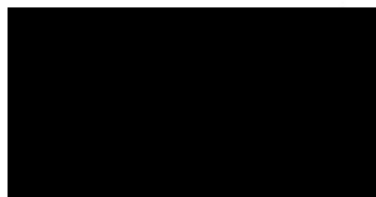
Our Reference – J3119

Review Date – 31.05.22

Review by – Paul Horsley MIOA

Report compiled by: Paul Horsley MIOA

Date of Report: 31.05.22



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- 5.0 Report Review Conclusions

1.0 Agent

Avison Young
40 Torphichen Street
Edinburgh
EH3 8JB

2.0 Proposed Development Site

Land to the south of Glamis Road (A94), Forfar.

3.0 Brief

Provide a review of the revised Noise Impact Assessment report completed by CSP Acoustics, reference No 1267 004 AH dated 16th March 2022, in support of the proposed residential development to the south of Glamis Road, Forfar with respect to the existing industrial estate positioned directly north of Glamis Road.

Advise on the validity of the report's content, assessment methodology and conclusions.


Provide further advice relating to the impact and potential restrictions the proposed development may have on the existing and future operations and activities of the Don & Low Ltd Industrial Estate.

4.0 CSP Acoustics Noise Impact Assessment Report Review

The following is assessment review of the revised CSP Acoustics Noise Impact Assessment report, reference 1267 004 AH, completed in support of the proposed residential development by Muir Homes Ltd on Land to the south of Glamis Road.

The original monitoring was completed on 19th and 20th March 2018 and included road traffic, ambient and industrial noise surveys. Additional surveys were completed on 26th – 27 February 2020 and 19th March 2020.

The report is set out in 10 No section headings, with accompanying Appendices, as noted below: -

Noise Impact Assessment Glamis Road, Forfar Muir Homes Ltd		
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Each section will be analysed, and our comments provided with respect to the contents.

4.1 Section 1.0 Introduction

The introduction lays out the structure of the report that follows and indicates the amendments made to the original site layout from those appearing within the original 2019 report.

This is a standard format introduction, and we have no further comments.

4.2 Section 2.0 Summary

The summary provides an overview of the noise assessment completed and the conclusions drawn from the report. It indicates that additional noise monitoring was completed pre-pandemic and states that these values will still be relevant, post-pandemic.

The summary section is concise providing an overview of the surveys conducted and does not provide specific details of the conclusions, other than to state that mitigation measures will be necessary to meet the internal levels of the agreed criteria.

This section has not significantly altered from the original and as such we have no further comments relating to the summary section.

4.3 Section 3.0 Assessment Framework and Criteria

This section provides details of the Planning Policy relevant to the development of residential premises in Scotland. These include PAN 1/2011: Planning Advice Note (PAN) with accompanying Technical Advice Note (TAN). It provides 2 No tables setting out the criteria for assessing noise with respect to magnitude of noise impact and level of significance. Both these tables indicate receptor sensitivities to noise in the built environment.

The section also provides details on Standards and Guidance for assessing noise, including reference to BS8233:2014, WHO guidelines, and BS4142:2014 +A1:2019. All these are relevant to the assessment of noise with respect to residential developments.

Additionally, Angus Council had been approached for their advice relating to limiting noise levels for the proposed residential development and Mr Ian Graham, Environmental Health Officer, provided internal noise limits to be achieved, with a specific assessment value for slightly open windows of 15 dB reduction as accepted British Standard value of 15 dB. This now aligns the Angus Council requirements with the accepted British Standard value, which they opposed previously and recommended a lower ingress reduction of -13 dB.

The assessment frameworks and criteria considered within the report are acceptable with respect to the proposed development. The use of these criteria in the noise impact assessment of the local environment should account for the noise levels present, including existing industrial noise.

4.4 Section 4.0 Survey

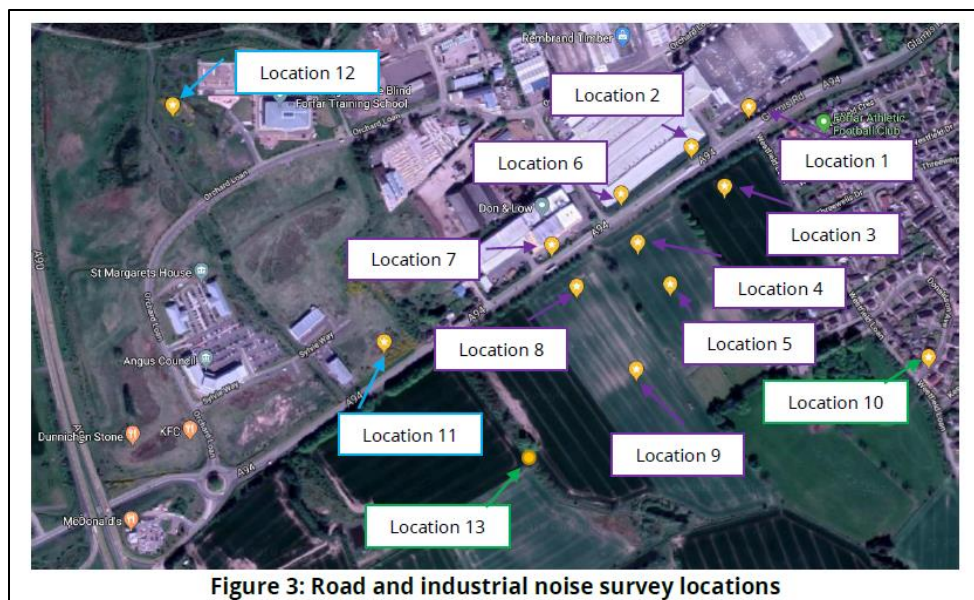
The survey section provides details of the actual noise assessment completed for the development, detailing the 13 No positions and times the works were completed.

The traffic assessment was completed during the daytime of 19th March 2019 between 14.00 and 17.00 hours. It is noted that these values are relevant irrespective of the passage of time. Since no major changes to the road network or significant development have taken place, we agree with this statement.

The original industrial noise assessment was completed on 20th March 2019 at night between 01.00 and 03.00 hours, as detailed in 4.05 of the report. Any passing traffic movements were noted as being paused out of the results, thereby, the results relate only to industrial sources.

It is also noted within 4.04 that additional more detailed measurements were completed on 26th and 27th February 2020. These updated noise monitoring sessions included relevant noise sources attributable to the site activities and operations of the Don & Low Ltd, which were not included within the original report.

Below is a copy Figure 3 from the report indicating the noise assessment locations.



The noise monitoring was completed at representative positions to account for the Don & Low Ltd activities.

The table of results, Table 5, show the results collected for the industrial assessment part of the survey. A copy is provided below for reference.

Noise Impact Assessment
Glamis Road
Muir Homes Ltd

Table 5: Industrial Noise measurement Results

Location	Measurement Period (5 min sample)	L _{Aeq} (dB)	L _{Amax} (dB) ⁽¹⁾	L _{A90} (dB)
1	01:01 to 01:06 hrs	50.9	53.4	50.1
2	01:07 to 01:12 hrs	52.6	55.0	52.0
3	01:14 to 01:19 hrs	49.0	52.1	48.4
4	01:25 to 01:30 hrs	49.0	53.8	47.8
5	01:34 to 01:39 hrs	46.2	52.6	44.5
6	01:43 to 01:48 hrs	55.0	60.1	54.7
7	01:49 to 01:54 hrs	47.8	55.1	46.0
8	02:00 to 02:05 hrs	48.5	55.8	44.8
9	02:10 to 02:15 hrs	46.6 ⁽¹⁾	57.5 ⁽¹⁾	42.3 ⁽¹⁾

⁽¹⁾ Measurements include both, industrial and road traffic noise on Glamis road

However, additional to the original monitoring results, the revised report includes Tables 9 to 14. These tables of results now account for the industrial noise levels associated with the Don & Low Ltd activities for both daytime and nighttime period, which was not present within the original report.

Our comments relating to the industrial assessment are as follows:

The revised noise assessment has now considered noise attributable to the Don & Low Ltd noise sources, including lorry movements, delivery activities in the service yard, with general noise assessed accordingly along the full length of the southern boundary of the Don & Low Ltd site.

The results presented within Tables 5 to 14 inclusive now provide representative results over relevant time periods that the site operates of specific activities and that are likely to be present when the incumbent occupants of the residential development take residence.

The results tables included within the report are now considered acceptable for use when considering the current noise climate within the area of the proposal site.

4.5 Section 5.0 Road Traffic

This section deals with the road traffic assessment.

It makes use of the daytime results and utilises the methodology of Calculation of Road Traffic Noise, 1998 (CRTN'88) in the analysis. It also generates CadnA® noise mapping predictions of noise generation onto the site.

The above methodology is acceptable, and we have no comments relating to this or the predicted results on the proposed revised layout residential development gained thereafter.

The results indicate that road traffic noise is likely to be produce an adverse impact on the development and further mitigation is required.

4.6 Section 6.0 Industrial Noise Assessment

The industrial noise assessment completed makes use of the rating methodology of BS4142:2014+A1:2019.

This is the appropriate method of rating the likely effect that industrial noise will have on a background when considered at a noise sensitive receptor location.

The background level, recorded away from the influence of the industrial activities, is a relevant position for executing such an assessment.

The report acknowledges that industrial noise will impact on the proposed development, see 6.04, and indicates the potential highest exposure positions of the development.

Below is a copy of the BS4142:2014+A1:2019 nighttime assessment rating for the most exposed proposed residential locations considered:

6.06 Detailed results determined from noise contour maps at 1.5m above local ground level are shown in Appendix C.

Table 18: Proposed Development Night-time Noise Levels at Nearest Dwellings in dB				
Calculation Notes	North-east Plot 22	North-east Plot 30	North-west Plot 39	North-west Plot 128
Don & Low Operational Noise Level, $L_{Aeq,1hr}$	42.3	44.2	40.2	34.2
Tonality correction (dB)	+0 ⁽¹⁾	+0 ⁽¹⁾	+0 ⁽¹⁾	+0 ⁽¹⁾
Impulsivity correction (dB)	+3	+3	+3	+3
Rating level (dBA)	45	47	43	37
Background Noise L_{A90} (dB)	37	37	37	37
Level above or below Noise Level (dB)	+8	+10	+6	+0
Notes: (1) No tonal component apparent in site measurements				

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CSP Acoustics LLP

The plots considered within the assessment above are based upon the revised site layout for the development and represent the most exposed dwellings along the northern site boundary of the development site, with potentially a direct line of sight of the Don & Low Ltd factory.

The monitored industrial noise levels from the Don & Low Ltd activities have been utilised within the subsequent assessment, however, this is only a single L_{Aeq} dB value, and no frequency content has been provided for inspection or corroboration to justify no tonal content to the characteristic.

The results of the BS4142:2014 assessment indicate rating values up to +10 dB above background. This is a significant value and likely to result in justifiable complaints relating to noise from noise sensitive premises. If the rating were assessed for industrial development purposes against residential premises, significant mitigation measures would be required to reduce the noise at source.

The problem that could arise in the future is that once the proposed development premises are occupied, justifiable complaints could be forthcoming against the existing noise generated by the industrial activities.

The revised report confirms that the industrial noise is likely to result in a significant adverse impact on the development, dependent upon context.

The context of the industrial noise is considered and concludes that traffic noise is likely to be more dominant than industrial sources during daytime periods. The context is also considered against Trigger

Noise Levels for the Don & Low impact. The results of this context assessment still indicate a significant adverse impact due to industrial noise levels, as noted in Table 20.

The recommendation concluded within 6.14 is that windows along the northern elevation of the proposed development should consider a strategy of closed windows along this elevation to mitigate against the industrial noise intrusion.

4.7 Section 7.0 Cumulative Noise Impact Assessment

This is a new section within the revised report and makes a collective impact assessment of both the traffic and industrial noise sources.

It compares the cumulative daytime and nighttime values with trigger values for the worst-case dwellings on the proposal site and includes an impact assessment table in accordance with TAN and PAN1/2011.

The results of the assessment indicate that there is likely to be moderate to large significance for the with respect to current noise sources of a traffic and industrial nature and that mitigation measures will be necessary to alleviate the impact upon the proposed development.

A copy of the Table 22 is included for reference

Table 22: TAN to PAN 1/2011 Assessment						
Location	Excess Over Daytime Trigger Level 50 dB L _{Aeq,16hr}	Excess Over Night-time Trigger Level 45 dB L _{Aeq,8hr}	Magnitude of Impact		Significance of Impact	
			Day	Night	Day	Night
Northeast Boundary (Plot 22)	9.9	6.8	Moderate	Moderate	Moderate / Large	Moderate / Large
Northeast Boundary (Plot 35)	7.8	6.1	Moderate	Moderate	Moderate / Large	Moderate / Large
Northwest Boundary (Plot 36)	8.9	5.3	Moderate	Moderate	Moderate / Large	Moderate / Large
Southwest Boundary (Plot 128)	5.0	0.0	Moderate	No Change	Moderate / Large	Neutral

This section provides adequate information and is acceptable therefore we have no further comments.

4.8 Section 8.0 Outdoor Amenity Area

Outdoor amenity is considered using the WHO Guidelines, where a noise exposure value limit of 55 dB LAeq dB is recommended.

The report concludes that the north-eastern elevation of the proposed residential site will exceed this limit and indicate mitigation measures in the form of fencing to the back gardens of the worst-affected dwellings.

We have no further comment relating to this conclusion.

4.9 Section 9.0 Mitigation

CSP Acoustics have considered mitigation options and conclude that an acoustic barrier alone will not mitigate against noise intrusion into internal spaces.

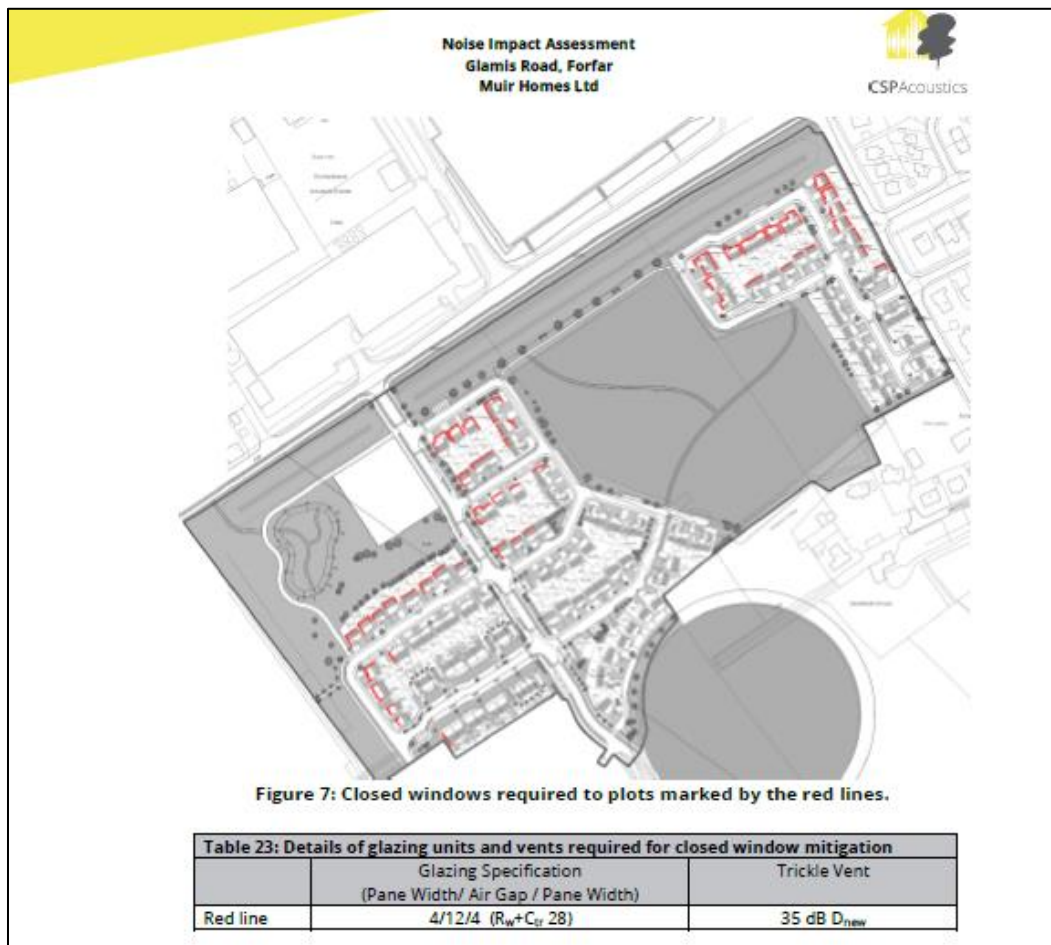
Section 9.01 details the fact that the site layout has been modified by the developer to incorporate a 3m high earth bund along the northern site boundary with a 2m high acoustic barrier atop the bund. The acoustic performance of this barrier inclusion has been utilised throughout the report by CSP Acoustics. However, it should be noted that, other than the results included within the electronic contour maps, no confirmation of the barrier correction value used has been provided within the report for verification purposes.

The report indicates that a specification of glazing and alternative ventilation method will be necessary.

The section goes on to consider PAN 1/2011, stating that opening a window is not a necessity and internal noise levels and ventilation can be achieved using alternative methods.

Para 9.07 provides a table of glazing recommendations for the various locations on site, with a plot of specific locations where opening a window is not recommended.

Figure 7 and Table 23 have been reproduced below for reference.



As can be seen the proposal is for closed windows primarily for the northern elevation of the site.

Trickle vents are proposed as an alternative form of ventilation and supplier details provided. Whilst trickle vents provide an alternative background ventilation, they do not address the requirements of a rapid purge ventilation scenario as an alternative to opening a window. This may require additional forced ventilation and we would recommend that the developer seek further information in this respect from the 'Acoustics Ventilation and Overheating, Residential Design Guide' publication, Jan 2020, Version 1.1.

Para 9.09 clarifies the situation that further calculations will be required and recommends this be conditioned through the planning process.

Whilst there is additional work required to verify that the amenity of the internal spaces for the residential premises can be achieved, this element can also be conditioned through the planning process and should not unduly impact upon the current or future activities of the Don & Low Ltd site.

4.10 Section 10.0 Conclusions

The conclusions of the report provide an overview of the methodology and survey completed, siting CTRN for traffic noise and BS4142:2014+A1:2019 for industrial noise.

The conclusions indicate that the noise data gathered has been used to generate CadnA® noise maps for the proposed site.

The outcome concludes that a large proportion of the site does not require mitigation and that trickle vents accompanied by acoustic glazing is required as indicated.

It does not clarify that a 3m high earth bund along the northern boundary, topped with a 2.0m high acoustic barrier, has been included within the evaluation of the proposed site noise exposure calculations.

This conclusion is a confirmation that noise is likely to be an issue with respect to an adverse impact on the proposed residential development at this specific site, however, with the mitigation measures proposed both the internal and external amenity of the incumbent residents will be preserved.

5.0 Report Review Conclusions

The CSP Acoustics revised report reference 1267 004 AH has provided baseline noise assessments in support of a proposed residential development on land to the south of Glamis Road.

Don & Low Ltd, an industrial premises is located on the northern side of Glamis Road, directly opposite the proposed development site.

The proposed development site is currently open fields used for growing crops.

The CSP Acoustics report has now considered traffic noise and industrial noise in isolation of each other and cumulatively.

The revised report includes for more extensive consideration of the Don & Low Ltd noise sources for both day and nighttime periods.

The data gathered has been presented as broad band single figure values. Whilst this provides a specific noise level for the area, it still does not indicate the qualitative content of the sound, a full octave centre band frequency analysis of the noise climate would be required to determine this. A full sound spectrum would also allow for mitigation measures to be considered accordingly.

A BS4142:2014+A1:2019 rating of the industrial noise has been produced indicating up to a +10 dB value. This is significant and would result in justifiable complaints from noise sensitive residential premises.

The assessment locations used within the BS4142:2014+A1:2019 are now fully representative of the most exposed plots on the proposed site and consider the plots closest the Don & Low Ltd premises.

The mitigation recommendations proposed for the residential development are in the form of glazing, alternative methods of ventilation and a noise barrier.

The recommended glazing for the northern plots of the development, closest to the industrial estate, provide a recommendation for the double glazing with a specification of the minimum R_w (C, Ctr) dB rating for the glazing system.

The specification for the recommended trickle ventilation is low at 35 dB $D_{n,eW}$ and may require review following a more in-depth assessment of the development as a whole.

The report does indicate that further calculations will be necessary and should be completed as part of a Planning Conditioning process.

The report indicates that the redesign completed by the developer Muir Homes, now includes for a 3m high earth bund along the northern site boundary, with a 2m high acoustic barrier atop. The acoustic properties provided by this mitigation are used throughout the report for the assessment of exposure levels by CSP Acoustics, however, there are no sound reduction values attributable to this mitigation method provided for verification. A full acoustic barrier specification is still required to ensure compliance with the sound reduction values used by CSP Acoustics and those provided by the final installation barrier, and this should be included within any Planning Condition relating to the mitigation measures.

The report has now addressed the noise exposure along the northern elevation of the proposed development site satisfactorily for both traffic and industrial units noise output when considered at the residential premises.

The noise impact assessment completed by CSP Acoustics has now provided additional information indicating the necessary evidence of the current noise climate in the vicinity of the northern elevation of the proposed development site.

The outcome of this is that if the development progresses the industrial activities and current noise output, has now been considered and should no longer result in loss of amenity for the incumbent residents in the future and should not produce adverse reaction to the noise.

This conclusion should give the necessary assurances to the industrial premises that complaints relating to noise and should not result in action being taken by the local authorities against the industrial premises, should the development proceed, based upon the recommended mitigation measures proposed for the site and the due process of the planning condition procedures available.



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Ruari Kelly
Planning Officer
Planning & Sustainable Growth
Vibrant Communities
Angus Council

27th July 2022

Dear Mr. Kelly,

Planning Application Ref 19/00707/FULM Residential Development of 136 Dwellinghouses including Formation of Vehicular Access, Access Roads, Open Space, Landscaping, SUDS and Associated Infrastructure, Field Opposite Westfield Drive Westfield Loan Forfar

We refer to the abovementioned planning application validated on 26 September 2019, and the further additional information and covering letter from Jacqueline Forbes Consultancy which was uploaded to the public access file on the 1 July 2022.

We have set out our concerns regarding this application on a number of previous occasions most recently in our letter dated the 30 May 2022. We have no wish to restate our objections, all of which remain valid despite the additional information that the applicant has submitted. However, we do wish to highlight our continuing concerns regarding the applicant's stance to the preparation of a masterplan.

As you will be aware Policy F4 Housing- Westfield requires:

- No development will be allowed until a full assessment of the potential impact on the A90 junctions (including Lochlands) is completed and any resulting mitigation is agreed with Angus Council and Transport Scotland.
- Development proposals to be in accordance with a masterplan prepared for the site.

These requirements were set out by the Reporter at the time of the Examination of the ALDP and were confirmed by Angus Council in the adopted Angus LDP 2016. Such requirements formed the basis of the allocation and both Angus Council and the applicant appeared to have no issue with these requirements at the time of the Examination or the adoption of the LDP and, as such, we cannot understand why these requirements are not being fully adhered to now.

The Reporter set out his reasoning for these requirements on page 244 of the Examination Report, in recognition of the many outstanding issues on the site he confirmed:

"A range of issues are highlighted in the development of this large area to the southwest of Forfar including the need for a long-term view and master planned approach which considers the combined impact of residential, industrial and agricultural traffic on nearby road junctions."

We are aware that the applicant is now suggesting the masterplan can be submitted as part of the planning application process. However, given that the Masterplan is required for the whole F4 allocation together with the safeguarded land at Westfield it still appears to us to be necessary that the masterplan, as a strategic document, is approved first, prior to the submission of any planning applications for the F4 site, which would then obviously need to be compliant with that approved masterplan.

The Council and the applicant have indicated that it is their intention to deal with the masterplan as an internal part of the planning application. We have previously set out our concerns with this approach in a letter from our legal representatives, Shoosmiths, dated 25 May 2022 and we maintain these legal concerns.

The most recent letter from Jacqueline Forbes Consulting states under Paragraph 8 that:

"Whilst Transport Scotland have given a full and informative consultation response to the proposed changes much of the detail relates to the F4 Westfield masterplan and not to the Muir planning application being considered here. The Applicant understands that Transport Scotland have some wider concerns to be addressed through the masterplan process but that the specifics of this planning application they do not object."

Once again this fails to understand the necessity to address the strategic matters as part of a masterplan prior to approval of any planning application.

The issue of the Lochlands junction is highlighted in Policy F4 as a specific issue which must be addressed as part of a masterplan process before any development is allowed. This is a clear and unequivocal requirement of Policy F4, identified by the Examination Reporter and confirmed by Angus Council through their adoption of the LDP. Both Transport Scotland and the Roads Service agree that any development proposal must fully assess the potential impact on the A90 junctions (including Lochlands) and resulting mitigation must be agreed with Angus Council and Transport Scotland. For the applicant to dismiss this requirement relying on the matter to be addressed by some future masterplan demonstrates a failure to understand and comply with the policy requirements of the Angus Local Development Plan.

We would submit that as a masterplan has not been approved and the required full assessment of the potential impact on the A90 junctions (including Lochlands) has not been completed, and any resulting mitigation has not even been identified, let alone agreed, with Angus Council and Transport Scotland, the current application cannot meet the requirements of Policy F4 of the Local Development Plan. Further, the applicants has not provided any justification to set aside these fundamental elements of Policy F4.

We also note that there are outstanding objections and issues that have been raised by SEPA, Historic Environment Scotland, and the Council's Environment Health Officers. This continues to suggest that the existing planning application has not dealt with all relevant planning matters, and that it is clearly not yet in a position to be determined.

We trust these comments will be taken into consideration during the determination of the current application.

Yours sincerely

[REDACTED]
Elite Homes (Tayside) Ltd





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Ruari Kelly
Planning Officer
Planning & Sustainable Growth
Vibrant Communities
Angus Council

17th August 2022

Dear Mr. Kelly,

Planning Application Ref 19/00707/FULM Residential Development of 136 Dwellinghouses including Formation of Vehicular Access, Access Roads, Open Space, Landscaping, SUDS and Associated Infrastructure, Field Opposite Westfield Drive Westfield Loan Forfar

We refer to the abovementioned planning application validated on 26 September 2019, and the undated additional information submitted by Muir Homes posted on the Public Access file on 14 July 2022 in response to the Environmental Health Officers comments of 21 June 2022.

We have set out our concerns regarding this application on a number of previous occasions most recently in our letter dated the 27 July 2022. We have no wish to restate our objections, all of which remain valid despite the additional information that the applicant has submitted. However, we do wish to highlight our continuing concerns regarding the issue of noise.

Technical Noise Matters

As you will be aware the site is located adjacent to the A94 and in close proximity to the Don and Low factory, a 24 hour industrial operation. The holding objection from the EHO confirmed that in their opinion the impact of noise on the prospective residents from existing noise sources had been under-estimated. In addition, the EHO confirmed that the proposed windows closed mitigation strategy was not acceptable. For these reasons the EHO maintained their continuing objection.

Muir Homes has now responded to these comments. However, our specialist noise consultants Vibrock, have highlighted a number of outstanding technical issues with the NIA, namely:

- The NIA states that the industrial noise has been assessed against BS412:2014. This and the latest revision of BS4142:2014+A1:2019 presents a methodology for undertaking measurements of the specific noise level (i.e., industrial noise source). It is important to be sure that the sound pressure levels for which the industry contribute to are differentiated from other sources of noise. For this reason, BS4142 advises that where it is not possible to discern between the residual sound level (industry off) and the ambient sound level (all sound sources) then measurement closer to the source is preferable. In some cases, calculation of the industrial noise alone may be a practical solution provided the calculations are robust and include all significant noise sources. The adoption of using statistical (L_{AN}) values such as the L_{A50} to predict the industrial noise at the assessment site does not accord

with the methodology in BS4142:2014+A1:2019 and therefore the NIA is misleading in its statement in this regard.

- The L_{A50} is not comparable to the L_{Aeq} parameter which is normally associated with the 'ambient sound level' descriptor in BS4142. As stated in our previous response, the L_{A50} would exclude sounds which exceed a certain level for periods shorter than 50% of the measurement period. The L_{Aeq} parameter would integrate these shorter periods of high energy sounds in a way that certain L_{AN} values do not. This would result in a higher L_{Aeq} value than the L_{A50} value. In summary, any change in noise level during a measurement period will always cause a change in the L_{Aeq} and may not necessarily change the L_{AN} values.
- The statement by CSPA would indicate that the industrial noise does not have frequent instantaneous events. However, it goes on to state that where these did occur, short measurement durations ensured these were captured. Using the L_{A50} parameter as described above would very likely underpredict the impact of these events at the Application site.
- CadnaA does not present its values using the Building Evaluation tool as a façade level. They are always free field (i.e. 2.5 dB lower than 'façade' for road traffic noise). Reflections are only included in the predictions when using receivers and when the receiver is within the minimum distance from façade to the receiver setting value. Can CSP Acoustics confirm if building evaluations have been used to present the noise levels at each plot? Can CSP also provide the configuration settings for their acoustic model to confirm whether the model settings have allowed for this, where receivers have been used?

We would be grateful for your views (and those of the applicant's consultants) in response to these technical issues. In our view, it is not possible to properly assess the impact of noise until these (and other) issues have been addressed.

Proposed Mitigation

Overall, the development still requires a significant number of houses to have a closed window solution to ensure a satisfactory internal amenity can be achieved, it is clear that this is not acceptable to the Environmental Health Service.

Further, a fundamental requirement in response to the issue of noise is the construction of a 3m bund with a 2 metre acoustic fence, in total a 5 metre barrier which will run the full length of the A94. We have two principal concerns with this. Firstly, no details of this barrier seem to have been provided. Secondly, and as we have stated previously, this blank frontage is contrary to the advice contained in Policy DS3: Design Quality and Placemaking, supported by the Supplementary Guidance on Design Quality and Placemaking, which looks to ensure that development contributes positively to the public realm. The guidance confirms that boundaries that abut public spaces and routes are required to be attractive. Angus Council advice states that large areas of fencing or blank elevations are not acceptable where they form a public/private interface.

In the current circumstances, if this mitigation were to be approved, the proposed development would result in a blank frontage the full length of the Glamis Road. This is not considered appropriate on this frontage and will not contribute towards a development which adheres to the six qualities of successful places.

The unacceptability of a barrier of this scale and nature was confirmed by Angus Council in response to a recent planning application Ref 21/00781/PPPM Residential development (Major) including formation of vehicular access, access roads, open space, landscaping, SUDS and associated

Infrastructure Field 50M North Victoria Street Monifieth, which included a much lower acoustic barrier of only 1.7m in height along the boundary of the site with a public road. In the Report to Committee the Planning Service confirmed that: *"A wall or fence of that height and length adjacent to the dual carriageway would not be acceptable. No information has been provided to demonstrate that a barrier could be provided in a manner that would be appropriate for a highly prominent location that provides the transition between town and country."*

We trust these comments will be taken into consideration during the determination of the current application. We look forward to hearing from you on the queries raised in relation to the applicant's further noise submission.

Yours sincerely

[Redacted signature]

Elite Homes (Tayside) Ltd



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Ruari Kelly
Planning Officer
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Vibrant Communities
Angus Council

19th December 2022

Dear Mr. Kelly,

Planning Application Ref 19/00707/FULM Residential Development of 136 Dwellinghouses including Formation of Vehicular Access, Access Roads, Open Space, Landscaping, SUDS and Associated Infrastructure, Field Opposite Westfield Drive Westfield Loan Forfar

We refer to the abovementioned planning application validated on 26 September 2019, and the further additional information lodged in support of the proposal, specifically the updated consultee response from Transport Scotland dated 23 August 2022. In that response Transport Scotland appear to remove their objection to the pending application, however this is caveated by the following statement:

“Transport Scotland's response is provided on the understanding that Angus Council will develop an appropriate scheme of mitigation for the A90 / A932 Dundee Road Lochlands Junction. The mechanism for this mitigation scheme must be agreed with any future applicants before any further part of the F4 site is developed in addition to the 136 residential units covered by this planning application.”

We further refer to an email received by us through Freedom of Information Request FOI 453185734, of the same date in which Transport Scotland confirms this position, however goes on to emphasize: -

“I would however reiterate the points made in my e mail of the 12th May relating to the potential impacts arising from the remainder of the Westfield Masterplan area and from any future expansion of this allocation within subsequent LDPs. The supporting Transport Assessment has demonstrated that with the introduction of more southerly vehicular connection onto Westfield Loan, subsequent phases of development will result in a material impact on the operation of the A90 Lochlands Junction. Neither this Transport Assessment nor the Masterplan or LDP identify and appropriate solution to mitigate this impact.

I would therefore advise that Transport Scotland would require this matter to be addressed and an appropriate scheme of mitigation identified before we could support any subsequent

planning applications within the Westfield allocation that promoted access onto Westfield Loan, rather than solely via Glamis Road. (Elite Homes emphasis)

Therefore, the position of Transport Scotland is clear and accords with the requirements of Policy F4 Housing Westfield, which states that:

“No development will be allowed until a full assess of the potential impact on the A90 junctions (including Lochlands) is completed and any resulting mitigation is agreed with Angus Council and Transport Scotland.”

As, by the applicant’s own admission, the potential impact on the A90 junctions (including Lochlands) has not been completed and any resulting mitigation has not been identified or agreed, no development on F4 can be allowed at this time.

Elite Homes (Tayside) Ltd shares the concerns of Transport Scotland in relation to the development proposals at Westfield. As a result of those concerns, we asked Dougall Baillie Associates (DBA), transport consultants, to carry out a peer review of the updated Transport Assessment and the West Port Appraisal submitted by Muir Homes as well as the Council’s approach to that assessment in the recent Report to Committee in respect of their application. DBA have flagged several issues with the substance of the Transport Assessment and the West Port Appraisal. We have attached a copy of the letter from DBA addressed to Elite Homes dated 16th December 2022 which details a range of concerns related to the access infrastructure and accessibility, the traffic impact and mitigation measures, including a significant underestimate of existing committed development and the response from both Angus Council and Transport Scotland to the documents. We would request that the contents of this letter are considered as part of the application currently pending.

Further, we are aware that an amended Masterplan Framework August 2022 has now been submitted by Barton Willmore on behalf of the development consortium. The masterplan framework seeks to increase the level of housing within the F4 site to 450 with 4 accesses indicated to be taken from Westfield Loan. We are also aware that Scotia Homes have now submitted a Proposal of Application Notice in connection with their proposed development site at Westfield located to the southeast of the Muir Homes site. There is no detail within the PAN or the related consultation information to indicate how many houses are proposed, however, from information in the Masterplan Framework August 2022 Scotia Homes appear to be suggesting that they would bring forward 121 units. That would mean potential planning applications pending on Site F4 for 261 housing units with a suggested total development of 450 units within the area allocated as F4.

Therefore, even if Transport Scotland consider that the Muir Homes application would not have an adverse impact on the Lochlands Junction, the Council must consider the effects of the proposed Scotia Homes development as well as the wider proposed allocation indicated in the revised Masterplan Framework document. It is our view that this should be done anyway to ensure that the development of Site F4 is carried out in a comprehensive manner with all strategic matters addressed. It is also precisely what Policy F4 requires where it says: *“No development will be allowed until a full assessment of the potential impact on the A90 junctions (including Lochlands) is completed and any resulting mitigation is agreed with Angus Council and Transport Scotland”*. This policy plank refers to the whole of Site F4.

In addition, if the cumulative impact of the whole intended development of 450 units is not taken into account, the consequence is likely to be that Muir Homes may not have to make any contributions towards any mitigation, whereas Scotia Homes may have to bear it all. In planning terms, that would be neither fair nor reasonable, and it would mean that any obligations imposed

on the Scotia Homes site would not relate to the development in scale and kind. We are aware that Scotia Homes has now submitted a PAN in connection with the development of a site at Westfield, which forms part of Site F4, located adjacent to the Muir Homes application site. This relates to further residential development. Although no housing numbers are given in that PAN, the previous PAN for the same site indicated a development of 125 residential units – that would almost double the number of residential units proposed for Westfield. Therefore the cumulative impact of the Muir Homes application and the Scotia Homes proposal should be addressed at this stage.

We appreciate that this is labouring the point that we have repeatedly made, but addressing the cumulative site-wide impacts of development on Site F4 is precisely what a comprehensive masterplan document should do and why one was required by the Reporter and the Council in Policy F4. That would ensure that all issues are identified at the outset, with the required mitigation agreed among the parties, before any planning application is submitted.

We would request that the above comments and attached Report prepared by DBA are considered as part of the Elite Homes (Tayside) Limited objection to the application currently pending.

Your sincerely

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SH/RCMD/22123let03a

16 December 2022

Karen Clark,
Elite Homes (Tayside) Ltd,
17 Academy Street,
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Angus, DD8 2HA

Dear Karen,

**Westfield Development, Forfar
Planning Application 19/00707/FULM
Updated Transportation Assessment, Planning Report & other material**

In December 2019, DBA reviewed the Transport Assessment and planning documents associated with Planning Application 19/00707/FULM for the development of 175 residential units on the Westfield site in Forfar. Specific issues with the content of the TA were identified that resulted in DBA concluding that the TA did not adequately consider certain traffic and transport impacts of the proposed development, and that the application did not provide sufficient transport infrastructure or mitigation of certain transport impacts.

Consequently, an Updated Transport Assessment was submitted by the applicant, dated March 2022. DBA reviewed this document, and—while certain of the original TA’s deficiencies had been addressed—various issues and previously stated concerns remain unresolved.

Since that time, the Planning Authority prepared a planning report with a recommendation for refusal of the application, stating a number of reasons. DBA have now reviewed the withdrawn planning report, and we write to express concern as to the adequacy of the applicant’s current transport studies, but also the Council’s position in respect of the mitigation of traffic and transport impacts for the ALDP F4 residential allocation.

More recently, TPL submitted a “West Port appraisal” report (dated August 2022, referred to herein as WPA) which, in traffic analysis terms, is an addendum to their Updated TA for the application. In addition, a matter has come to light in relation to the committed development allowed for in the applicant’s analysis, detailed below, which results in the analysis carried out to date by the applicant being rendered significantly unrepresentative of the future design year traffic conditions.

Our report on these various issues, contained within this letter, refers to matters in the context of the current Transport Assessment. This report supersedes our previous letter SH/RCMD/22123let02, dated 24 May 2022.

Updated Transport Assessment, TPL, March 2022

DBA note that an Updated Transport Assessment (UTA) has been submitted, and also that a Masterplan Framework has been prepared for the wider allocated Phase 1 of the LDP site F4 Land at Westfield Loan.

The following comments refer to the UTA lodged on the Council's website in three parts, and dated March 2022.

DBA's comments are referenced to the UTA by way of a bracketed paragraph number, e.g. (2.6). Conclusions are highlighted in underline. Plan extracts are provided within this response to highlight certain issues referred to, for ease of reference. These extracts are taken from the JFC "Site Layout Plan, Phase 1" reference 17.029.P.002 (Revision R), dated 24/2/2022, submitted as part of the application.

Access Infrastructure and Accessibility

1. (2.5) Appendix A, Figure 2 does not provide an accurate representation of travel distance from the application site, as circular isochrones do not reflect the actual path of the traveller. This is not, in practice, a straight line from the centre of the site, and will always be longer, and therefore reach less far from the site in the relevant time. **Travel isochrones should be updated to better reflect travel times.**
2. (2.6) There are no existing footways on any frontage of the application site, either on Glamis Road or on Westfield Loan. The only footway provision is on the opposite (north) side of Glamis Road and the opposite (east) side of Westfield Loan). There is only one designed pedestrian crossing point on Glamis Road in the vicinity of the site, but not on its frontage, which is of poor standard, requiring pedestrians to cross the equivalent of four lanes of traffic with no priority.
 - a. It is noted that the development proposals include the provision of a new remote footway on the south side of Glamis Road (Plan Extract A, below) over the length of the development frontage, however no such provision is proposed on Westfield Loan, despite the development relying on the use of bus stops on Westfield Loan as part of its accessibility to public transport.
 - b. The site plan identifies that two new crossing points will be installed on Glamis Road (Plan Extract A, below), however no reference is made to what infrastructure will be provided to address pedestrian safety issues given the speed of traffic on this road, and the significant crossing width for pedestrians. Also, these proposed crossings are shown at the access to Don & Low immediately to the north, which incorporates a flared radius which significantly increases crossing distance on the east side of the junction.



Plan Extract A



Image 1, sole existing crossing of Glamis Road (source: Google Streetview)

- c. These proposed facilities, and the absence of measures in some areas, are inadequate to serve development on the scale proposed, and new pedestrian facilities should be provided along the eastern frontage of the site to provide adequate routes for pedestrians walking to and from the development, for reasons of accessibility and road safety, particularly of vulnerable road users. Clarification must be provided as to the design intention for the new pedestrian crossings of Glamis Road (as indicated at b., above). The importance of this cannot be overstated. At present only one pedestrian crossing of doubtful utility exists away from the frontage of the application site (Image 1, above).
 - d. It is noted that Angus Council (AC) Roads require details of new footways on the Glamis Road and Westfield Loan frontages of the development, and also details of the proposed access junction on Glamis Road. These details are critical to the viability of the development in transport accessibility terms, and should be applied as conditions to any consent granted.
 - e. Furthermore, in view of the position of Transport Scotland in relation to restricting access onto Westfield Loan, it must be considered critical to establish, through a further revised Transport Assessment, whether a second vehicular access is required on Glamis Road, and whether this is practically achievable, given the constraints of junction design, and also of noise attenuation and impact on properties.
3. (2.13) The footways on Dundee Road to the south of the site are characterised as “*wide footways on both sides of the carriageway*”. This is clearly not the case (Image 2, below), even from examination of the images in the TA itself.



Image 2, footways on Dundee Road (source: Google Streetview)

- 3.../ The image shows an isolated section of footway tapering sharply at a priority junction and presumably provided for local visibility purposes. The term “wide” cannot be used to describe the majority of footways on both sides of Dundee Road, which appear to fall below a standard of 2.0m width over many sections. The typical range of footway width measurement along Dundee Road (minima and maxima) should be provided if the term ‘wide’ is to be included, or this could mislead those determining the application.
4. (2.16) Core paths - It is notable from the UTA map extract that Westfield Loan is not identified as a core path by the Council. This is considered to indicate the point above (3.) that significant improvement to the pedestrian infrastructure on Westfield Loan should be provided by the developer in order to bring that route up to a standard that it can provide reasonable pedestrian accessibility to a development on the scale proposed.
 5. (2.19) Schools - The UTA identified Langlands Primary as accessible from the site, however, this involves young children crossing Westfield Loan, where there are no pedestrian facilities on the development (west) side of the road, and no crossing facilities on Westfield Loan. Either a detour would be required via Glamis Road, or, as is more likely, some parents may choose to cross Westfield Loan in the absence any site-side pedestrian facilities, or crossing facilities. As noted in Point 3, above, the developer should provide a footway on the west side of Westfield Loan, to cater for pedestrian demand from this significant development.
 6. (2.20) Walking to Forfar Academy is likely to generate pedestrian movement using the poor standard pedestrian crossing facility on Glamis Road in the vicinity of Westfield Loan. The applicant should provide improved pedestrian crossing facilities of Glamis Road to address and mitigate pedestrian and road safety issues associated with significant additional demand for crossing of Glamis Road as a result of the proposed development.
 7. (2.21) The UTA acknowledges there are no identified and maintained cycle routes in the vicinity of the development site. There are some local facilities, but these are discontinuous and of only limited benefit in cyclists seeking to make journeys on the local road network. Largely, cyclists to and from the development site would be required to share busy roads with vehicles. A development on this scale, and generating the level of cycle activity that can be expected, should contribute to the upgrading and/or provision of new cycle facilities on the local road network, in the interests of encouraging sustainable travel and of road safety.
 8. (2.24-2.28) The UTA describes walking distances from the nearest bus stops to the edges of the site. This is misleading and does not represent the actual accessibility of the site to public transport services. The stops on Dundee Road to the south are over some 900 metres from the closest residential unit within the development layout, according to the site layout lodged with the application. Also, no footpath link would be provided as part of this application, therefore these stops can be discounted as contributing to accessibility for this application.
 - a. Furthermore, the stops on Westfield Loan / Threewells Drive, which are some 600m from the furthest unit, have a poor frequency for the purposes of serving residential development and encouraging sustainable travel, providing only one bus per hour. Clearly, a significant number of units in the application layout would lie outwith the accepted 400m walking distance to public transport services. The same applies to the stops on the A94 to the west, although these have better frequency during peak hours. The conclusion of the UTA in 2.30 that a “good volume (sic) of bus routes” service stops on Westfield Loan and Threewells Drive is manifestly not the case.

- b. Also, the latest timetable information on the Stagecoach website confirms that the 27 service does not operate to Westfield Loan and Threewells Drive stops during the day (Timetable extract, below), and therefore this service provide little benefit to the accessibility of the development site. The UTA implies that the development relies on this service to achieve what is characterised as a good level of public transport accessibility. The developer should therefore be required to enter negotiation with Stagecoach to secure the servicing of the Westfield Loan and Threewells Drive stops during the day before any units in the Phase 1a development are occupied.

Days of Operation	Monday to Friday															Commencing 10-08-2020			
Service Number	S027_Ar																		
Service Description	Forfar - Arbroath																		
Service No.	27	27A	27	27	27	27	27A	27B	27	27	27	27	27	27	27	27	27	27	27
	Col	NCol					FNS	MTS									F	NF	F
Kirriemuir Bank Street	-	0740	0740	-	then	-	Until	-	-	-	-	-	-	-	-	-	-	-	-
Orchardbank opp council offices	-	0752	0752	-	at	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Orchardbank council offices	-	-	-	-	these	-	-	-	1645	-	-	-	-	-	-	-	-	-	-
Forfar Community Campus	-	-	-	-	times	-	-	-	1555	-	-	-	2005	2025	2125	-	-	-	-
Don Street opp Tesco	-	-	-	-	each	-	-	-	-	-	-	-	-	2027	2127	2227	2227	2227	-
Whitehills HCCC entrance	-	-	-	-	hour	-	-	-	-	-	-	-	-	-	2031	2131	2231	2231	-
Forfar opp bus depot	-	-	-	-	-	-	-	-	-	-	-	-	-	2033	2133	2233	2233	2233	-
Forfar East High St opp St Johns	-	-	-	-	-	-	-	-	-	-	-	-	-	2035	2135	2235	2235	2235	-
Orchardbank roundabout	-	-	-	-	-	-	-	-	-	-	-	-	-	2039	2139	2239	2239	2239	-
Westfield Threewells Drive	-	-	-	-	-	-	-	-	-	-	-	-	-	2041	2141	2241	2241	2241	-
Glenshade Glenclouva Terrace	-	-	-	-	-	-	-	-	-	-	-	-	-	2047	2147	2247	2247	2247	-
Forfar New Road opp St Johns	-	-	-	-	-	-	-	-	-	-	-	-	-	2053	2153	2253	2253	2253	-
Forfar East High St Royal Bank	-	0757	0757	-	-	-	-	-	1650	-	-	-	2010	2054	2154	2254	2254	2254	-
Forfar East High St Royal Bank	0647	0802	0805	0905	05	1505	1550	-	1653	1755	1845	2010	-	2155	2300	2300	2300	2300	-
Restenneth Drive	0650	-	0808	0908	08	1508	-	-	1656	1758	1848	2013	-	2158	2303	2303	2303	2303	-
Kingsmuir old school	0653	0806	0811	0911	11	1511	1554	1604	1659	1801	1851	2016	-	2201	2306	2306	2306	2306	-
Dunnichen	-	-	-	-	-	-	-	-	1607	-	-	-	-	-	-	-	-	-	-
Craichie village	0658	0811	0816	0916	16	1516	1559	-	1704	1806	1856	2021	-	2206	2311	2311	2311	2311	-
Letham West Hemming Street	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	2318
Letham West Hemming Street	0704	0817	0822	0922	22	1522	1605	1610	1710	1812	1902	2027	-	2212	2317	2317	2317	2317	-
Guthrie village	0713	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Friockheim bus stance	0720	0828	0833	0933	33	1533	1616	1620	1721	1823	1912	2037	-	2222	2327	2327	2327	2327	2329
Colliston opp Inn	0726	0834	0839	0939	39	1539	1622	1626	1727	1829	1918	2043	-	2228	-	-	-	-	2335
Keptie Road Angus College	-	0841	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Arbroath bus station	-	0848	0848	0948	48	1548	1631	1635	1736	1838	1927	2052	-	2237	-	-	-	-	2344
Arbroath bus station 4	0735	-	-	-	-	-	-	-	-	-	-	-	-	1928	-	-	-	-	-
Arbroath High Street Gala Bingo	-	-	-	-	-	-	-	-	-	-	-	-	-	1930	-	-	-	-	-

Image 3, Extract from Stagecoach timetable, Service 27

- c. Considering walking distances in greater detail, there are only two pedestrian access points shown on the proposed site layout plan. These are located at the vehicular accesses on A94 Glamis Road, and on Westfield Loan opposite Threewells Drive. Discounting the bus stops on Westfield Loan due to their infrequent service which, it is considered, is inadequate for commuting purposes, the average distance from the A94 stops to the main site entrance is some 355m, leaving a walking distance of only 45m within the site to reach units. This results in a significant majority of units being outwith the 400m walking distance identified in transport policy (See Diagram 22123/3, attached). This is considered a poor level of accessibility to public transport.
- d. The applicant should be required to install new bus stops on the A94 Glamis Road frontage of the development to bring a much higher proportion of the development within suitable walking distance of public transport services. Furthermore, if reliance is placed on the bus stops on Westfield Loan, the applicant should be required to take suitable actions to ensure that the frequency of services at these stops is increased to a level adequate to service and be attractive to demand from the development. Any new bus stops, or existing stops that do not have them, should be provided with bus shelters at the expense of the applicant to increase the attraction of public transport to commuters to and from the development.

9. (2.35/2.36) Conclusions are drawn by the UTA that (a) the development is “located in close proximity to well established pedestrian and cycle routes”, (b) “bus stops are located close to the site” (without characterising their suitability, or level of service), and (c) “These facilities provide a wide range of non-car travel opportunities covering a range of key destinations”. These conclusions however are, it is considered, not supported by the assessment of actual accessibility of the site, and quality of public and sustainable transport facilities available. This underlines the importance of the applicant being required to invest in the improvement of pedestrian, cycle and bus facilities and services in the area.
10. (3.4) The latest site layout plan lodged with the application (JFC plan reference 17.029.P.002, Revision R), shows no meaningful new footway on the west side of Westfield Loan. Thus, the proposed development layout is contrary to the UTA’s assessment of sustainable transport access requirements, which states that “new footway provision / crossing points along the western side of Westfield Loan”. The applicant should be required to include in the proposals new footway provision on and crossing(s) to the west side of Westfield Loan in order that the development proposals are consistent with the findings of the UTA. It is noted that this has been specified as a requirement of Phase 1 development by AC Roads, and should therefore be applied as a planning condition.
11. (3.6/3.7) The UTA’s conclusions on accessibility of the development are demonstrably not the case, as walking distances are not accurately measured, and only measured to the boundary of the site, not the furthest unit within the proposed development, and no new bus stops or services are proposed. Also, benefit is taken from certain bus stops that are considerably in excess of the 400m distance specified in transport policy guidance.
12. (3.8-3.10) The UTA identifies the creation of two new cross-roads priority junctions for the purposes of providing vehicular access to the development. For many years, the use of priority cross-roads junctions was not permitted due to the inherent road safety risks and poor safety performance of such junctions. Designing Streets policy has reintroduced the use of priority cross-roads junctions, but only in low speed environments, within development, with attendant appropriate design of streetscape, road alignment, etc. to reinforce and ensure low vehicle speeds.
 - a. The proposals for access junctions illustrated in the UTA clearly are not founded on the principles of Design Streets, which provides for maximum visibility splays of 43m long (Y-distance) at junctions, reflecting the intended low speed environment. The access proposals for this development reflect much higher vehicles speeds by catering for splays of 120m on Glamis Road, which appears nowhere in Designing Streets, but in which location the applicant proposes new pedestrian crossing facilities (see plan Extract A, above).
 - b. The applicant should be required to provide physical road safety measures to deliver expectations for design speeds within Designing Streets, and show how traffic speeds will be controlled in the vicinity of development site access junctions, particular on Glamis Road (a 40mph road), opposite a business where heavy goods vehicles regularly access, and where many large commercial vehicles use the A94 Glamis Road to access Forfar from the A90 trunk road.
 - c. It is noted that AC Roads has identified these details as a requirement, and planning consent should not be granted until the applicant has demonstrated the engineering feasibility of their access solutions, and also if a second access on Glamis Road physically can be achieved, given the restrictions indicated by Transport Scotland in relation to access on Westfield Loan.

Traffic Impact and Mitigation Measures

13. (UTA 6.19, WPA 1.19) Committed Development - As is appropriate in all traffic analysis of future design years, account is taken by the UTA of committed development traffic; traffic associated with development holding planning permission, not yet built out, but which can be built out in future without further recourse to the PPiP process.
14. It has become apparent that no account is taken in the original application TA, the UTA, or the most recent WPA of committed business and industrial development at Orchardbank Business Park, consented in 2004 under application 03/01306/FUL.
15. That consent grants permission for Business Park, Hotel and Roadside Services to the extent of a 60-bed, travel lodge-type hotel, Class 4 business development to a maximum of 160,000ft² (14,864m²), Class 5 distribution development of 400,000ft² (37,160 m²), and Class 6 warehousing development of 150,000ft² (13,935), with any future Petrol Filling Station (within the roadside services portion) to be supported by a separate future TA, as appropriate.
16. A later Transportation Statement (TS) was prepared by Millard Consulting for an application by A.M. Phillip for 4,850m² of Class 6 development within the Orchardbank Business Park. This TS takes account of the wider consented Orchardbank development in its assessment, and was approved by both Transport Scotland and Angus Council.
17. It is apparent that further development has taken place within the Business Park since the time of the Millard assessment of October 2020, and therefore would be included in traffic surveys undertaken by the applicant. However, it also is clear that there is a substantial portion of the extant Orchardbank Business Park consent of 2004, implemented by the development of various plots within that consent, which has not been built out, as evidenced by the vacant plots in the application area.
18. Regardless for the reason for this omission, a significant volume of extant business, industrial and warehousing development (approved up to 710,000ft² (65,959m²)) has been excluded from the Westfield applicant's Transportation Assessment, UTA and WPA, and all analysis of relevant junctions, in particular the A90(T)/A932 Dundee Road (Lochlands) and A90(T)/A94 Glamis junctions, and the A94 Orchard Loan roundabout, but also other local road junctions. This additional committed development must be accounted for, and the current WPA and UTA junction analysis further updated, for the assessment of Westfield development traffic impact to be an adequate basis to assess the proposed development with respect to relevant TA guidance.
19. (7.25) Trip Distribution - While the approach taken in the UTA to assessing vehicle trip distribution may reasonably apply to development car trips in the northern part of the site, such as are contained within the 175-unit development subject to the current planning application, development to the south, near A932 Dundee Road, would be expected to exhibit much higher proportions of commuting car trips using the A90(T) / A932 Lochlands priority junction, in this respect therefore, the UTA is considered to underestimate the Trunk Road impact of the proposed development at the Lochlands junction.
20. Furthermore, The UTA should be revised to reflect a more realistic trip distribution for the 300-unit development test of the traffic impact of Westfield, Phase 1.
21. (8.49) Notwithstanding the above, even the UTA's distribution pattern is shown to have an adverse operational impact on the capacity of the A90(T)/A932 Lochlands junction.

- a. Table 8.8 does not provide analysis results for the 2023 AM/PM +Com +175 units development scenario. As such, the traffic impact of the current application on the Lochlands trunk road junction is not presented in the UTA. The UTA should be revised to show the impact of the Phase 1a current planning application on the Lochlands junction, as the impact is shown for all other junctions, regardless of the percentage impact of Phase 1a development traffic at Lochlands, which is a discretionary measure of significance.
 - b. Table 8.8 shows the Lochlands junction operating beyond the limiting RFC value of 0.750 for high-speed roads in the 2023 PM base scenario, and again in the 2023 AM and PM peak scenarios with committed development traffic included. Clearly, both the Phase 1a, and complete Phase 1 developments comprised in the F4 allocation at Westfield will impact adversely on this base situation. The applicant must be required to identify mitigation, analyse in the UTA, and contribute to measures for the mitigation of their development traffic impact at the Lochlands junction. Updated junction analysis of mitigation measures should be provided, including the impact of any localised traffic rerouting as a result of banning traffic movements at Lochlands, should that be part of the traffic impact mitigation identified.
 - c. In addition, the design year of 2023 reflected in the UTA is no longer valid, as it must now be considered infeasible to complete the development of 136 units from start to finish before at the earliest 2024. However, since the TA is predicated on analysing the development of 300 units, a more realistic design year for that test scenario would be at least 2025, or indeed 2026 which is the end of the period identified for development of the wider allocation (Council planning report, 8.49).
 - d. In addition, it is understood that the applicant argues that the F4 allocation at Lochlands is capable of accommodating significant higher levels of development. That being the case, the analysis of 300 units as presented in the UTA must be deemed to underestimate the full potential of the site. Therefore, any competent analysis of potential development impact should properly consider the top level of potential traffic impact, in order the effective impact mitigation is achieved.
 - e. The Lochlands trunk road junction is the site of some 27 injury accidents over a 23-year period, including 1 Fatal; 11 Serious and 14 Slight (Diagram 22123/1, attached). It is clear that the Lochlands junction is a locus for injury accidents, and that the severity of accidents in this location is skewed disproportionately to resulting Severe injuries. As a result, there is an imperative obligation on the Roads Authorities to ensure that the traffic impact of the Westfield development on this junction is mitigated adequately mitigated. No development should be permitted until a mitigation scheme for Lochlands is agreed, as there is no means to prevent new development traffic from using the Lochlands junction.
22. (8.24) With respect to the junction analysis, the modelling of the traffic signal junction of the A94 Glamis Road / A926 Craig O'Loch Road / West High Street (West Port) has issues that will tend to exaggerate the capacity of the junction. All lanes have been modelled in LINSIG as infinitely long. The right turn lanes on the A94 Glamis Road and A926 Craig O'Loch Road exceed 60m in length (circa 10/11 Passenger Car Units, PCUs) which is a reasonable approximation for modelling purposes.
 23. However, the right turn lane on the A926 Dundee Loan is only 5 PCUs in length and in addition has a 'KEEP CLEAR' zone which further restricts queuing space (Diagram 22123/2, attached). Since, in the Weekday PM peak, the predicted queue in the

Straight and Left lane significantly exceeds 5 PCU's in length, this approach to the junction will not function as it has been modelled, and more representative analysis results will be worse than those presented in the TA. The analysis of this junction should be updated to more correctly model operation of the junction in the design year, and therefore more accurately and representatively model the impact of Westfield development traffic at this junction.

Angus Council, Roads - response to Updated TA (memo, 20-5-22)

24. The memorandum from AC, Roads reviewing the UTA simply replicates large sections of text from the TA document itself and does not, it is considered, assess the conclusions of the TA against actual conditions and transport facilities on the ground. This letter identifies above numerous shortcomings of the UTA, and impacts of the proposed development that are not addressed in the TA, or the applicant's proposals. These unaddressed roads, transport and safety matters should be clarified or supported with further information before any consent is granted.
25. DBA fully support AC Roads requirement that details of the new access junction arrangement on Glamis Road must be provided, and would wish to review those details when they are submitted. Access details must include measures to pedestrians crossing A94 Glamis Road. Furthermore, these measures should be the subject of a Road Safety Audit, as there must be significant concern over the mixing in close proximity of cars, goods vehicles and pedestrians by having a residential development accessed opposite an accessed used continuously by Heavy Goods Vehicles.
26. DBA also fully support AC Roads' requirement that a footway be provided on the west side of Westfield Loan along the entire development frontage.

Transport Scotland - response to Updated TA (letter, 12-5-22)

27. In their letter reviewing the UTA, Transport Scotland identify what they consider a critical aspect of their consideration, i.e. the "unrealistic" distribution applied to the traffic impact test of the 300 units of Phase 1 development at Westfield Loan. DBA fully support this conclusion, and consider that further updating of the traffic impact assessment is required.
28. In addition, it is noted that the potential of higher levels of development within the F4 allocation site have been identified by the applicant, potentially from 600 to 700 units. In this event, it is essential that traffic impact analysis in a further UTA reflect this potential out turn of development, to ensure that roads and access solutions, and offsite traffic impact can be addressed and mitigated, and that piecemeal development of the F4 allocation does not lead to significant traffic and safety impacts on the surrounding travel network. In the event that the applicant does not undertake this analysis, it must be undertaken by the Council in order to establish the appropriate level of, and scheme for, mitigation of impact at Lochlands junction.
29. As noted by Transport Scotland, the UTA does not analyse the effectiveness of any mitigation of development traffic impact at Lochlands, or identify a solution. It should be a requirement of any consent for Phase 1a development at Lochlands that a considered approach is taken the mitigation of development of the allocated and safeguarded sites. Piecemeal development of this area could have a significantly adverse impact of road network operation, in terms of capacity and road safety.
30. Transport Scotland's response notes that any access to the allocated development area from Westfield Loan would be expected to have an adverse impact on the Lochlands junction. DBA would note that the Masterplan Framework identifies a core access road and four access junction on Westfield Loan, therefore any development

of F4 Westfield must be considered as having an adverse impact on Lochlands junction that requires mitigation.

Angus Council - Planning Report (draft, 6-9-22)

31. (8.39) The Council notes that TS *“does not object to the planning application [...] on the basis that an appropriate scheme of mitigation for the A90 Lochlands junction would be provided, and that the mechanism for this mitigation scheme would be agreed before any part of the F4 site is developed.”* Accordingly, this requirement must be written into any consent for the development regardless of the number of units consented, and that no development takes place until TS’s requirements are met.
32. (8.41) It is clear that any development at Westfield will have some degree of impact on the Lochlands junction, and redirecting development traffic away from Westfield Loan by avoiding taking access to Westfield from there would not prevent development traffic exiting to Glamis Road then turning south on Westfield Loan to use Lochlands junction, even if the proportion of traffic that performed this manoeuvre was reduced.
33. Thus, as the Council identifies in its planning report, any level of development at Westfield must identify a traffic impact mitigation at Lochlands and make some contribution to it, otherwise piecemeal development will cause cumulative traffic impact at Lochlands, and result in any mitigation going undelivered due to only partial funding.

West Port Appraisal, TPL, August 2022

34. As noted above in terms of both the Update TA and the West Port Appraisal itself, there are a number of technical reasons as to why the WPA does not represent an adequate analysis of the traffic impact of the 450 units studied in the WPA report. Further deficiencies also arise in a review of the WPA report document itself.
35. (1.4) The document limits itself to studying the impact of 450 units on West Port. Any application for 450 units should be accompanied by a full revised TA, reflecting all of the issues in this letter, and studying all relevant junctions. As the original Westfield Loan TA studied up to 600 units, it is evident that now a revised TA must be produced to consider the impact of at least 750 units, and in fact should consider the implications of all of the identified housing land in this area related to the F4 allocation in order properly to understand the impact on the critical Lochlands junction in particular, to establish that development traffic impact mitigation - which is the responsibility of the applicant - is achieved.
36. (1.17) The traffic flow diagrams provided in the online scan of the WPA report are illegible, therefore the design year traffic flows used in this assessment cannot be reviewed by members of the public and parties interested in the application. New traffic flow diagrams must be provided for online access to allow the public to review the document lodged, and the application should not be determined until this is done.
37. (2.16) The WPA report states that *“there is an existing issue with this junction (Lochlands), irrespective of the Westfield traffic”*. This is exactly the reason why the Westfield application must demonstrate the ability to mitigate the traffic impact of the F4 allocation and the application content, and to contribute financially to the implementation of that traffic solution at Lochlands, in accordance with planning policy and procedure.
38. (2.17) The WPA report states that *“addition of southbound traffic (to the A90, from committed development to the north) reduces gaps for right turners at Lochlands and reduces the capacity of the right turn.”* This is irrelevant to the consideration of

the traffic impact of Westfield. It is a long-established facet of traffic impact analysis that committed development increases base traffic on the road network. This is one of the reasons for testing future design years on the basis of committed development traffic. This does not change the fact that Westfield development traffic impact must be mitigated, or financial contribution made to mitigating junction improvements implemented by others parties.

39. (2.23) The reduction of speed limit on the A90 locally to the A932 Lochands junction is suggested as an approach to the mitigation of traffic impact from the Westfield development. This is contrary to Transport Scotland policy on the review and revision of speed limits on the Trunk Road Network, and to the applicable guidance to roads authorities for setting speed limits.
40. Scotland's Road Safety Framework to 2030 was published in February 2021, and provides the framework for any consideration of Speed Limit alteration on the Trunk Road Network. Transport Scotland have said in relation to other projects that *"Applying an inconsistent approach to speed limits in any location would be at odds with the current application of speed limit guidance..."* Reducing the speed limit on the A90 at Lochlands junction to accommodate new development traffic would be entirely contrary to policy and technical guidance, and would reduce the strategic function of the Trunk Road for the benefit of private development.
41. Any consideration of revision to speed limits locally also would need to be undertaken in the context of Transport Scotland's National Speed Limit Review, but also under the terms of the document 'Setting Local Speed Limits: Guidance for Local Authorities: ETLCD Circular 1/2006'. Paragraph 40 of the circular states that *"Speed limits should not be used to attempt to solve the problem of isolated hazards, such as a single road junction [...] as they would be difficult to enforce over such a short length. Other measures such as warning signs, carriageway markings, junction improvements, superelevation of bends and new or improved street lighting are likely to be more effective."*
42. (2.24) The WPA states that *"closure of the right turn (at Lochlands) is projected to be able to be accommodated in traffic terms within Forfar."* The assessment of traffic impact summarised in the WPA report is not adequate to draw this conclusion, for the following reasons:
 - a. Only one junction (West Port) is analysed in the WPA. The impact of the Lochlands right turn closure on other relevant Westfield TA junctions is not tested;
 - b. Orchardbank Business Park committed development is not included in any of the applicant's traffic impact analysis;
 - c. The level of development tested is not representative of the potential of the F4 allocation, according to the Council's position, according to the applicant's own Masterplan Framework document, and to the applicant's latest WPA analysis, which includes a further 150 units over and above anything tested in the Westfield TA or UTA;
 - d. There is a range of technical matters relevant to the traffic impact analysis, set out in this letter, that results in the analysis of West Port, and other junctions tested in the UTA, not being suitable for the purpose of establishing Westfield development traffic impact, and no competent planning approval can be issued based on this information.
43. (2.26) The comparison of Lochlands with the junction at Laurencekirk in terms of accident profiles is misleading, as conditions there are completely different, and accident causation factors have not been considered. Only a detailed analysis of accidents conditions, causation, comparative traffic flows, road geometry, etc. by

an experienced accident investigator would permit any comparative conclusion to be drawn, and this analysis has not been undertaken. The comparison is superficial and therefore must be discounted from the decision-making process of the Planning Authority, and the advice given to the Planning Authority by the Roads Authorities.

44. (2.32) The use in the WPA report of the word “intractable” in relation to the resolution of traffic impact at Lochlands junction is misleading, as it characterises the issue as ‘stubborn, difficult or problematic’. The only difficulty in relation to this issue is the applicant’s own unwillingness to accept the fundamental and long-established principle of transport planning and development policy. This principle is that a development that causes an adverse traffic impact on the road network must provide for the mitigation of that adverse impact. Numerous times in the course of this application the applicant’s transport studies have rejected the notion that the application should provide for the mitigation of its own traffic impact. For this reason alone the Council reasonably could refuse the application.
45. (2.37) For the reasons set out in this letter, the conclusion of the West Port Appraisal report in relation to that junction, and the A90 Lochlands junctions, should not be accepted by the Planning Authority, or either the Local or Trunk Road Authority. Further *revised) studies are required to establish the matters in question.

Angus Council - Roads response to WPA (16-9-22)

46. Angus Council, Roads have reviewed the WPA. DBA have reviewed this response, and would comment as follows.
47. It is important to note that Angus Council, Roads do not accept the WPA analysis as representing a sound basis on which to reach a conclusion on the traffic impact of the Westfield application. DBA endorse this view. The reasons stated by AC Roads are noted below, along with DBA’s comment on these reasons.
 1. The impact of the 450-house scenario should be demonstrated on the basis of pre-pandemic base traffic flows - DBA defer to the Council on the basis of background traffic information, HOWEVER, it is critical that the extant consented development at Orchardbank Business Park is included in any updated analysis of all relevant road network junctions.
 2. *“The impacts on the local road network other than the A94 Glamis Road towards West Port traffic signals are not covered”* - DBA have noted this point earlier in this letter. It is clear that AC Roads support the position that analysis of all relevant road network junctions must be carried out to properly established the traffic impact of (a) full development at Westfield; (b) the diversion effects of a banning of right turns at Lochlands, and (c) this be carried out on the basis of suitable design year traffic flows, which DBA contend MUST include extant committed development within the Orchardbank Business Park.
 3. *“Clarity about the number and location of vehicular and non-vehicular access points on Glamis Road, Westfield Loan and the connections and links across the site”* - The UTA implies the formation of additional access points, and/or vehicular access that does not accord with Transport Scotland’s stated position with respect to the impact of development traffic on the A90 Lochlands junction. DBA endorse AC Roads’ position that clarity on this point is required, which must include demonstration that additional accesses can be delivered in engineering design terms without compromising (a) the road layout and road/pedestrian safety on Glamis Road, and (b) resulting in unacceptable and unmitigated traffic impact on the Lochlands junction in either the interim or ultimate development condition.

4. *“pre- and post-pandemic scenario testing should also be run taking account adding in [sic] the potential scale of development of the area of safeguarded land.”* - DBA raise the same issue in this letter, namely that none of the traffic impact testing carried out to date, either in the original TA, the UTA of the WPA most recently submitted by the applicant, reflects the potential level of development.

48. We interpret from the closing remarks in AC Roads' email message that they would not support granting consenting to the application based on the analysis submitted to date, and DBA would endorse this position.

In conclusion, it is clear that there are various issues that have not been adequately examined in the original or updated TA, or the West Post Appraisal, for this planning application, and that any consent granted without addressing these issues would not meet the requirements of the Angus LDP, or the Reporter's decision in relation to the F4 allocation. As a result, the applicant should be required to provide, address and/or mitigate:

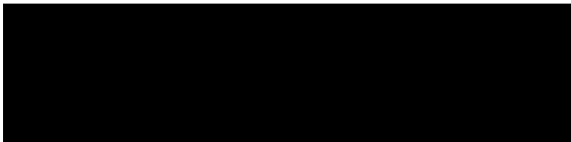
- 1) the actual, practical level of accessibility of all dwellings to bus services should be identified, including true walking distances to dwellings furthest from public transport services, and new bus stops provided on Glamis Road, on the development frontage;
- 2) physical improvements to facilities for crossing of roads adjacent to the development site, namely Glamis Road, where new crossings are identified on the site layout plan, but no details provided, and Westfield Loan, where no meaningful measures are proposed;
- 3) the low number of bus services adjacent to the site, and provide new bus stops to address substandard walking distances to suitable public transport services (existing bus services are not as presented in the UTA);
- 4) the safety of proposed site access junctions, which are designed as priority cross-roads, but provided with visibility standards for higher speeds that are not consistent with Designing Streets policy, and to address the clear conflict with commercial traffic at the site access on Glamis Road (Don & Low access immediately opposite);
- 5) account must be taken of the sizeable committed extant development of Business, Industrial and Warehousing space within the Orchardbank Business Park, which has not been accounted for in either the UTA or the most recent West Port analysis based on 450 units at Westfield Loan;
- 6) a representative analysis of the impact of Westfield development traffic on the West Port traffic signals;
- 7) adequate traffic impact mitigation at the Lochlands junction, properly assessing a realistic distribution of development traffic to Lochlands, and analysing the impact on the local road network of any redistribution of traffic away from Lochlands in the event that banning of traffic movements forms part of the mitigation of development traffic impact; and
- 8) the traffic impact of an appropriate number dwellings on the allocated site - reflecting the full potential of the F4 allocated and safeguarded areas - on the local road and transport network, to prevent piecemeal development, and a range of unmitigated transport and road user safety impacts across the local and regional network; also, to ensure that any scheme for the mitigation of traffic impact from 300 units by this applicant can be adapted for the purposes of mitigating the impact of the higher level of development, and that proportional funding of mitigation is achieved;
- 9) the option of reducing the speed limit on the A90 in the vicinity of the Lochlands junction should be discounted as being contrary to Transport Scotland's systematic

approach to the review of speed limits on the Trunk Road Network, and also contrary to the guidance employed by Transport Scotland and their management organisations in the considerations of speed limits on the Trunk Road Network, namely Circular 1/2006.

In our assessment, these matters require to be addressed, with reassessment of several critical aspects of accessibility, sustainability, and traffic impact, and the current Transport Assessment further updated accordingly. This must be done before any planning permission can be granted. As the TA document stands, the true impact of the proposed development on network capacity, sustainability criteria and road user safety has not been established.

Also, appropriate mitigation measures and accessibility improvements should be attached as conditions to any approval of this planning application, to prevent piecemeal development of a major housing release, causing unmitigated impacts across the local, and regional, transport network.

Yours faithfully,
for Dougall Baillie Associates



Stuart Harrow
stuart.harrow@dougallbaillie.com

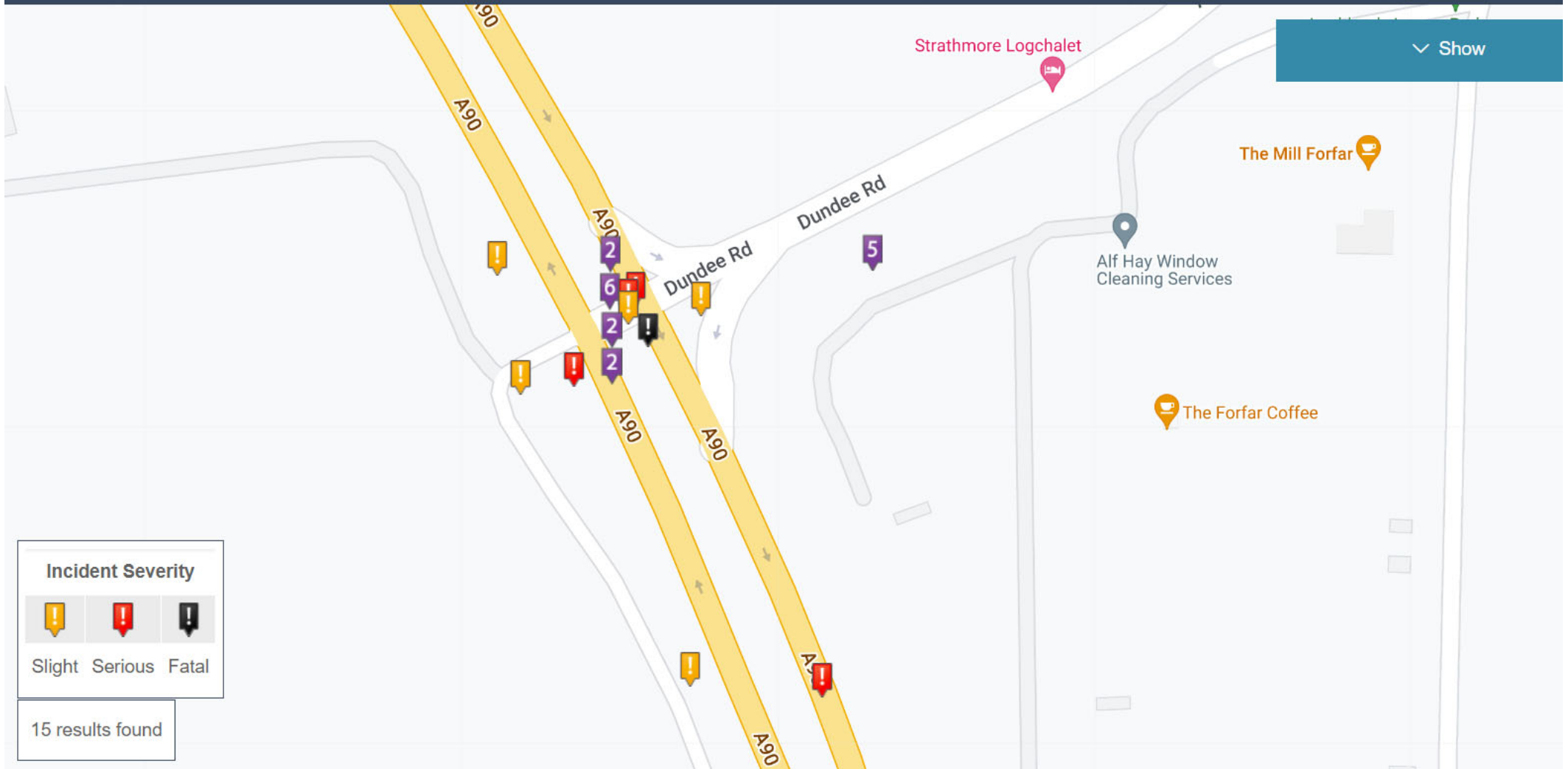


Diagram 22123/1 – 20-year Accident record (Source: Crashmap.co.uk, details should be confirmed with official record)



Diagram 22123/2 – A926 Dundee Loan approach to A90 /A926 signals (Source: Google Streetview, not for publication)

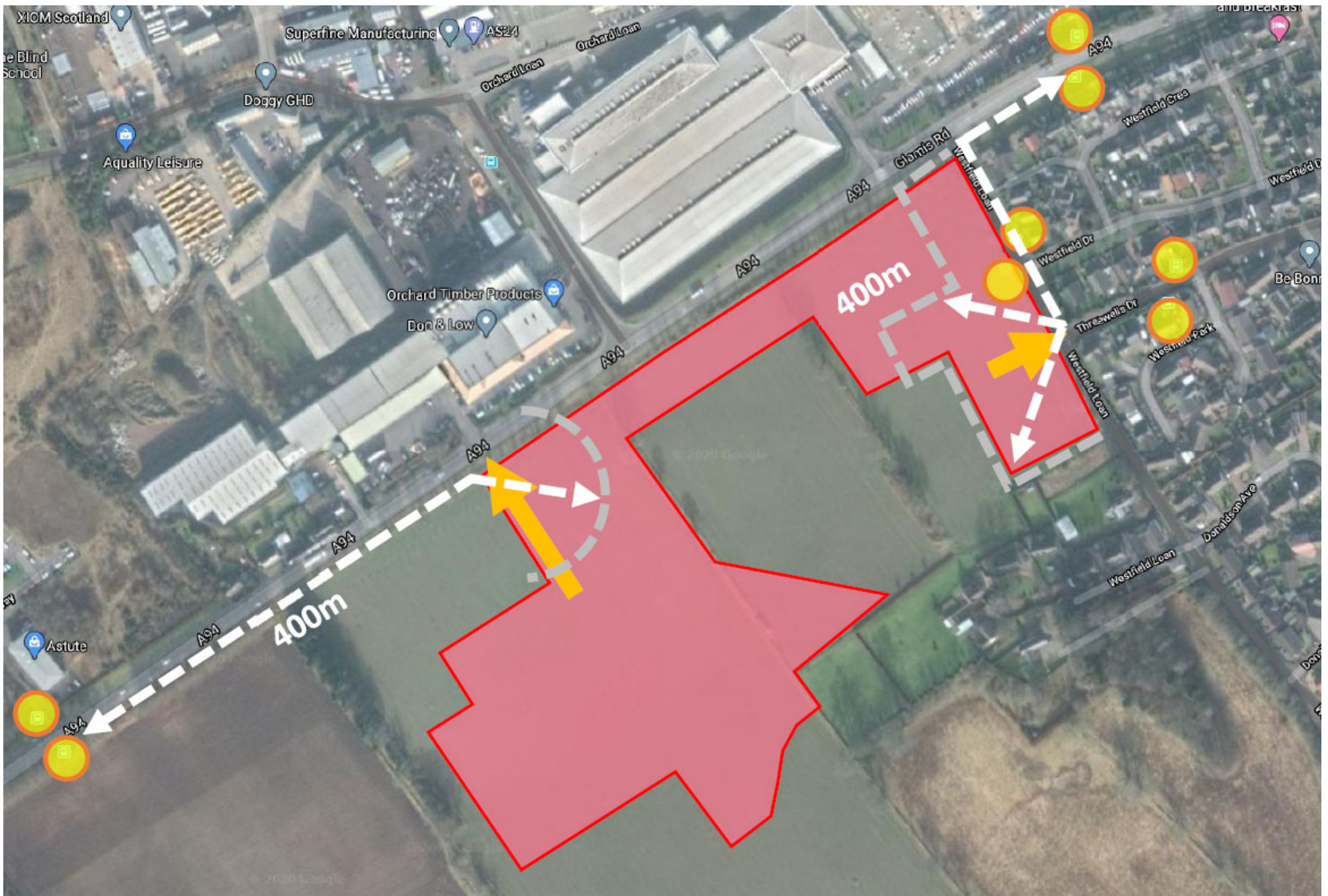


Diagram 22123/3 – Illustration of Walking Distance from proposed development to Bus Stops

Comments for Planning Application 19/00707/FULM

Application Summary

Application Number: 19/00707/FULM

Address: Field Opposite Westfield Drive Westfield Loan Forfar

Proposal: Residential Development of 159 Dwellinghouses including Formation of Vehicular Access, Access Roads, Open Space, Landscaping, SUDS and Associated Infrastructure

Case Officer: Ruari Kelly

Customer Details

Name: Mr Tom O'Brien

Address: 65 Glenmoy terrace Forfar

Comment Details

Commenter Type: Member of Public

Stance: Customer made comments neither objecting to or supporting the Planning Application

Comment Reasons:

Comment: I understand the need for additional housing, however Forfar needs more social housing rather than houses for sale. Also there is the issue with provision for health care spaces at local Doctors and the provision of spaces at local schools.

Comments for Planning Application 19/00707/FULM

Application Summary

Application Number: 19/00707/FULM

Address: Field Opposite Westfield Drive Westfield Loan Forfar

Proposal: Residential Development of 159 Dwellings including Formation of Vehicular Access, Access Roads, Open Space, Landscaping, SUDS and Associated Infrastructure

Case Officer: Ruari Kelly

Customer Details

Name: Mr Gordon Taylor

Address: 3 Burn Place Forfar

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:1. Environmental impact - Permanent loss of rural / agricultural land. Further erosion of wildlife habitat and increased noise / light pollution and reduced carbon capture acreage.

2. Increased flood risk - Latest storms have highlighted the `runoff` from these fields and the ground above the development site.

This has resulted in the closure of the A94 Glamis Road and severe flooding to the surrounding area. This situation can only be exacerbated by this development and associated hard surfacing etc. (I note in the `flood risk` assessment that great emphasis is placed on the impact to the development with scant regard to the `risk / knock on effect` to properties/ground downstream from this area. What mitigating factors are the developers, council as part of their approval process, insisting be installed both on and offsite to cope with the increased runoff in light of recent flood events.

3. Vehicular Traffic - I note that the site appears to have access / exit points both in Westfield Loan and Glamis Road. Both appear to be simple `T` junctions. Firstly, why do you require to have an access point from Glamis Road when the site could easily be served off Westfield Loan where speeds and vehicular traffic volumes are less thereby reducing risk.

If Glamis Road access `essential` why just a `simple` junction layout.

This will result in further risk to all road users on Glamis Road as a consequence of further turning manoeuvres in /out of the development. It will also cause standing traffic on Glamis Road whilst vehicles await opportunities to safely access the site.

A junction will also result in increased noise for existing adjacent residential properties as a result of vehicles braking and /or accelerating when entering or emerging from the site. Also the likelihood of stationary traffic on Glamis Road, impacting on these properties and noise levels. Constructive observations in order that all mitigation measures be considered before decision

reached.



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enquiries@elite-homes-tayside.co.uk • www.elite-homes-tayside.co.uk

Ruari Kelly
Planning Officer
Planning & Sustainable Growth
Vibrant Communities
Angus Council

1st February 2023

Dear Mr. Kelly,

19/00707/FULM Residential Development of 159 Dwellinghouses including Formation of Vehicular Access, Access Roads, Open Space, Landscaping, SUDS and Associated Infrastructure Field Opposite Westfield Drive Westfield Loan

We refer to the abovementioned planning application validated on 26 September 2019, and the further additional information lodged in support of the proposal on 26 December 2022, specifically the amended layout plan, updated Noise impact Assessment, additional house types and Design and Access Statement. We further refer to our previous letters of objection dated 19th December 2022 and 30th May 2022 and to our submissions dated 19th December 2022 regarding the draft masterplan document August 2022, all of which remain valid in relation to this latest version of the proposal. We further refer to the Report to Development Standards Committee 317/22 and submit that many of the concerns expressed within that report, which justified the recommendation for refusal, remain valid in relation to this latest proposed layout.

Firstly, and fundamentally we remain of the opinion that Policy F4 requires preparation of a masterplan for the whole F4 allocation together with the safeguarded land. As a strategic document, the masterplan should be approved first, prior to the submission of any planning application which would obviously need to be compliant with that approved masterplan. We are aware that a Masterplan Framework document was lodged in August 2022, however and as confirmed in the Report to Committee para 8.13:

“the masterplan is not considered to provide a sound basis for determination of the application having regard to the desirability of coordinating development of the F4 allocation and wider safeguarded land.”

Until a satisfactory masterplan has been agreed by all parties and has undergone the necessary level of public consultation no planning consent in isolation should be approved. Detailed justification for this was contained in our objection update dated 19 December 2022.

In terms of the details of the current proposal we wish to make the following comments:

- Roads - we have previously lodged a letter dated 16 December 2022 from Dougall Baillie Associates (DBA), see copy attached. This sets out various omissions in, and issues with, the

proposed layout and in the Traffic Assessments. No documents or further information have been submitted to address the issues noted by DBA and as such this element of our objection has not changed. Most notably it has become apparent that to date no account has been taken in any of the Traffic Assessments of the significant committed business and industrial development at Orchardbank Business Park, consented in 2004 under application 03/01306/FUL. This means that a significant volume of extant business, industrial and warehousing development (approved up to 710,000ft² (65,959m²)) has been excluded from the Westfield Transportation Assessments. This commitment is further confirmed by Policy F9 Working - Orchardbank which confirms 29.6 ha of land to the west of Orchardbank adjacent the A90(T) is reserved for a 'Gateway' development comprising Class 4 (business), Class 5 (general industry), Class 6 (storage and distribution) and Roadside facilities in accordance with Policy TC10 – Roadside Facilities. This additional committed development must be accounted for in the Transport Assessment to allow a full understanding of the current road capacity and the impact of the proposed development. Therefore, as the existing Transport Assessments are fundamentally flawed, a further amended Transport Assessment is required to be lodged after which the Angus Council Roads Service and Transport Scotland must be given the opportunity to review the updated information.

- Noise - Please refer to the attached letter from Vibrock dated 10 January 2023. This highlights various outstanding technical matters highlighted previously by both the EHO and Vibrock which have not been addressed by the updated Noise Impact Assessment. Therefore, at this time it is still not possible to confirm whether the proposed solutions will provide satisfactory amenity for the prospective residents without detriment or restriction to the existing industrial operations.
- Design and Layout - We have previously indicated that the changes made to the application are substantial and therefore should be the subject of a further application, rather than dealt with as part of the existing application. The Council disagrees with that approach but, for completeness, it remains our view.

Angus Council have been clear in their guidance that creating successful quality places underpins the development plan policy framework and that the design and placemaking supplementary guidance sets out design requirements for new development proposals. These attributes include an outward facing perimeter block structure where the frontage of buildings face streets and public spaces, paths and open space areas are connected, overlooked, and feel safe to use, and where car parking does not dominate the street scene or diminish place quality.

The proposed amended layout includes significant areas where private boundaries form the main interface with the public realm in prominent locations, most notably:

- Plots 34-53 where all houses have a rear elevation facing onto the road and public open space, and
- Plots 1, 3, 4, 14, where side elevations face Westfield Loan, and
- Plots 15-17 where rear elevations face Westfield Loan, and
- Plots 8, 10, 11 and 12 where rear/side elevations face onto public open space, and
- Plots 90-93 where rear elevations face onto public open space

This is not consistent with the supplementary guidance which seeks to promote outward facing perimeter block development.

Further, the proposal provides that the vast majority of properties are over 2-storeys. This provides limited variety or visual interest and is not reflective of the wider area where there are typically a range of single and 2-storey properties that create character.

With regard to car parking the majority of front garden areas accommodate in-curtilage parking. Therefore, overall impression is of a layout that would be dominated by car parking.

For the reasons set out above, it is considered that the detailed layout and design of the proposal is not compatible with development plan policy or with relevant supplementary guidance.

- Open Space - The layout appears to include the Scheduled Ancient Monuments as part of the required open space provision. To conform with national planning guidance open space should be designed as attractive, multi-functional places that allow for a diversity of uses, with a path network which is accessible to all, and incorporating a variety of surfaces, seating and public art.

At present no attempt has been made to integrate these two spaces into a meaningful design. At present these spaces are bland, open amenity grassland. Due to the fact they are Scheduled Ancient Monuments it is unknown if any landscaping can be undertaken within these areas. As a result these areas do not represent useable and meaningful public open space and therefore cannot be included in the overall calculation of open space provision. For a development of this scale the layout must include a minimum of 9 659sqm of useable public open space. Therefore, excluding the area of SAM which does not provide acceptable open space, the development falls well short of this requirement.

In addition, the proposed play area is remote from the majority of the proposed houses being located to the north-east of the site at the junction of two busy roads. The play area should be located at the centre of the site with safe walking routes provided. Further, the current play area is of insufficient size to accommodate a LEAP as required as part of a development of this scale. It is generally accepted that a LEAP requires around 400m² to accommodate an equipped play area and associated run about space.

- Scheduled Ancient Monuments - The proposal includes footpaths dissecting the SAM, Scheduled monument consent is likely to be required for the proposed new paths within the designated area and as such at the present time cannot be guaranteed. Further, previous concerns expressed by Historic Environment Scotland regarding potential impact on scheduled monuments arising from the proposed route of the link road connection between this phase of development and future phases to the south have not been addressed.
- Anthrax - The EHO has expressed concerns with regard to the proximity of the indicative road layout to the known anthrax burial site. It is essential for the health and safety of residents that an appropriate cordon sanitaire is placed around this known contaminated site to ensure no possible disturbance of anthrax spores.

We would request that the above comments and attached letters prepared by DBA and Vibrock are considered as part of the Elite Homes (Tayside) Limited objection to the application currently pending.

Your sincerely

Elite Homes (Tayside) Ltd



VIBROCK

10 January 2023

Our Ref: R23.11531/1/RK/Let3

e-mail to: developmentplanning@guild-homes.co.uk
debbie@guild-homes.co.uk

Guild Homes (Tayside) Ltd
Chapelark House
17 Academy Street
Forfar
DD8 2HA

Dear Sir/Madam

**Re: Planning Reference: 19/00707/FULM - Westfield Loan
Peer Review of Updated Noise Assessment**

Please find below our review of the updated Noise Impact Assessment (NIA) Glamis Road Forfar (Reference: 1267 005 AH, dated 9 December 2022) produced by CSP Acoustics as supporting documentation for the planning application 'Field 280 metres West Of Westfield House, Westfield Loan Forfar' (Planning reference: 22/00295/PAN).

As discussed, many of the points raised by Vibrock in the peer review of the initial NIA in our letter, Ref' R22.11531/1/IK/Let1, still do not appear to have been addressed in the updated NIA. Some of these points were also raised by Mr Iain Graham, EHO with Angus Council (AC), in his email dated 21 June 2022. A summary of these points are as follows:

- The improper use of the L_{A50} parameter in the assessment of industrial noise. (Section 4.07, 4.10 and 5.09)
- Clarification if predicted noise levels include for façade reflections, as Cadna software predicts free-field noise levels at façade locations in the Building Evaluation calculation method by default. (Section 5.01)
- No justification for not applying tonality correction in BS 4142 assessment (Section 6.05)

VibroRock Limited

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Registered Office: As above
Registered No. 03716013

Additional comments have been provided on the updated NIA, as follows. For ease of reference, the section numbers below relate to that of Report 1267 005 AH.

4.03 – A90 Road Traffic Noise

Reference is made to 15-minute "samples" of noise from the A90, however this limited data would not be sufficient to establish the $L_{A10,18h}$ representative of the road traffic noise from the A90 in accordance with the CRTN Shortened Measurement Method. There is no further reference to the A90 and therefore it is unclear if traffic noise from this route is modelled and subsequently assessed, or if only the traffic from Glamis Road is considered.

4.08 – Calibration

No calibration dates and/or certificates are provided.

5.05 – TRL, Converting the UK Traffic Noise Index LAeq,18hr to EU Noise Indices for Noise Mapping”

The formula provided (Equation 3) is incorrect. The correct formula is $L_{night} = 0.90 \times L_{A10,18h} - 3.77$ dB, as given in page 29 of the TRL document. If the formula stated in the CSP report has been used in the noise prediction model, then predicted levels could be around 2 dB(A) lower than expected. In addition, if it has been assumed that the façade correction of 2.5 dB has been applied by the Cadna software, as discussed earlier, then predicted road traffic noise levels could be around 4.5 dB(A) lower than reported.

6.05 - Industrial Noise Assessment (Background Noise Level)

Table 18 presents BS 4142 assessments for four plots. The first row of the table shows “*Don & Low Operational Noise Level, $L_{Aeq,1hr}$* ”. No details are provided in relation to how the industrial noise levels have been predicted, including subsequent noise contours maps. There are no details of the sound sources, sound power levels used, on-times, source heights, settings of noise prediction software, etc. Furthermore, the table suggests that a 1-hour reference time interval has been used ($L_{Aeq,1hr}$), whereas BS 4142 states in Section 7.2 that a 15-minute reference time interval should be used during the night-time. BS 4142 states that “*the shorter reference time interval at night means that short duration sounds with an on time of less than 1 h can lead to a greater specific sound level when determined over the reference time interval during the night than when determined during the day.*”

The Background Noise Level shown in the table is stated as 37 dB L_{A90} however, there is no explanation, or justification, of why this value has been selected for night-time periods. Table 8 shows the average of 5-minute measurements, recorded during 02:35 to 02:50hrs to be 37.5 dB L_{A90} , and therefore the background noise level for the BS 4142 assessment may have been selected from this. However, Table 11 on page 14 of the report also shows that a Mean/Average background sound level of 30.9 dB L_{A90} was measured during night-time periods (01:10 to 01:25hrs and 01:25 to 01:40hrs), at the same location; Location 10.

6.09 - Comparison of Absolute Noise levels Vs Rating Noise Level

The comparison of “absolute levels from road traffic noise” with the rating level is slightly misleading as BS 4142 only compares the rating level to the background sound level. The “absolute level” is an $L_{Aeq,T}$ value and not L_{A90} , and therefore a significance of impact can not be established from this method. The same method is used in Section 8.14.

8.00 - Chalet Style Housing with Pends to Form Barrier along Glamis Road

This section describes a proposed method of using “*acoustically adapted chalet-style housing with pends to form a continuous “barrier” along the worst affected areas of noise.*”

Page 31 shows the proposed internal layout of the chalet-style housing, such that no noise-sensitive rooms face towards Glamis Road. This proposed method could possibly result in acceptable internal noise levels. However, little detail is provided in terms of garden areas for these properties. It is assumed that there would be no garden areas on the north western side of the properties facing Glamis Road, as noise levels would be clearly unacceptable for outdoor amenity areas. It is possible that garden areas would be created on the south western side of the properties, and this is possibly where the external noise impact assessments have been considered in Table 24. This may just require further clarification.

8.06 – 3m High Fence

It is stated that a 3m high fence would be required along the boundary of Plot 57. This seems an excessive height for a garden space and may have a visual impact.

Summary

A number of points raised following the initial peer review appear not to have been addressed, as summarised at the start of this letter.

In addition, there are possibly inaccuracies in the predicted night-time road traffic noise levels, as the wrong formula is presented for the conversion of night-time levels ($L_{Aeq,8h}$) from the $L_{A10,18hr}$ values.

There is a lack of detail regarding the prediction of the industrial noise levels.

If you have any questions in relation to the matters above, please do not hesitate to contact me directly.

Yours sincerely



Richard Kennedy

Director

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SH/RCMD/22123let03c

30 January 2023

Karen Clark,
Elite Homes (Tayside) Ltd,
17 Academy Street,
Forfar,
Angus, DD8 2HA

Dear Karen,

**Westfield Development, Forfar
Planning Application 19/00707/FULM
Updated Transportation Assessment, Planning Report & other material**

In December 2019, DBA reviewed the Transport Assessment and planning documents associated with Planning Application 19/00707/FULM for the development of 175 residential units on the Westfield site in Forfar. Specific issues with the content of the TA were identified that resulted in DBA concluding that the TA did not adequately consider certain traffic and transport impacts of the proposed development, and that the application did not provide sufficient transport infrastructure or mitigation of certain transport impacts.

Consequently, an Updated Transport Assessment was submitted by the applicant, dated March 2022. DBA reviewed this document, and—while certain of the original TA’s deficiencies had been addressed—various issues and previously stated concerns remain unresolved.

Since that time, the Planning Authority prepared a planning report with a recommendation for refusal of the application, stating a number of reasons. DBA have now reviewed the withdrawn planning report, and we write to express concern as to the adequacy of the applicant’s current transport studies, but also the Council’s position in respect of the mitigation of traffic and transport impacts for the ALDP F4 residential allocation.

More recently, TPL submitted a “West Port appraisal” report (dated September 2022, referred to herein as WPA) which, in traffic analysis terms, is an addendum to their Updated TA for the application. In addition, a matter has come to light in relation to the committed development allowed for in the applicant’s analysis, detailed below, which results in the analysis carried out to date by the applicant being rendered significantly unrepresentative of the future design year traffic conditions.

Our report on these various issues, contained within this letter, refers to matters in the context of the current Transport Assessment. This report supersedes our previous letter SH/RCMD/22123let02, dated 24 May 2022.

Updated Transport Assessment, TPL, March 2022

DBA note that an Updated Transport Assessment (UTA) has been submitted, and also that a Masterplan Framework has been prepared for the wider allocated Phase 1 of the LDP site F4 Land at Westfield Loan.

The following comments refer to the UTA lodged on the Council's website in three parts, and dated March 2022.

DBA's comments are referenced to the UTA by way of a bracketed paragraph number, e.g. (2.6). Conclusions are highlighted in underline. Plan extracts are provided within this response to highlight certain issues referred to, for ease of reference. These extracts are taken from the JFC "Site Layout Plan, Phase 1" reference 17.029.P.002 (Revision R), dated 24/2/2022, submitted as part of the application.

Access Infrastructure and Accessibility

1. (2.5) Appendix A, Figure 2 does not provide an accurate representation of travel distance from the application site, as circular isochrones do not reflect the actual path of the traveller. This is not, in practice, a straight line from the centre of the site, and will always be longer, and therefore reach less far from the site in the relevant time. Travel isochrones should be updated to better reflect travel times.
2. (2.6) There are no existing footways on any frontage of the application site, either on Glamis Road or on Westfield Loan. The only footway provision is on the opposite (north) side of Glamis Road and the opposite (east) side of Westfield Loan). There is only one designed pedestrian crossing point on Glamis Road in the vicinity of the site, but not on its frontage, which is of poor standard, requiring pedestrians to cross the equivalent of four lanes of traffic with no priority.
 - a. It is noted that the development proposals include the provision of a new remote footway on the south side of Glamis Road (Plan Extract A, below) over the length of the development frontage, however no such provision is proposed on Westfield Loan, despite the development relying on the use of bus stops on Westfield Loan as part of its accessibility to public transport.
 - b. The site plan identifies that two new crossing points will be installed on Glamis Road (Plan Extract A, below), however no reference is made to what infrastructure will be provided to address pedestrian safety issues given the speed of traffic on this road, and the significant crossing width for pedestrians. Also, these proposed crossings are shown at the access to Don & Low immediately to the north, which incorporates a flared radius which significantly increases crossing distance on the east side of the junction.



Plan Extract A



Image 1, sole existing crossing of Glamis Road (source: Google Streetview)

- c. These proposed facilities, and the absence of measures in some areas, are inadequate to serve development on the scale proposed, and new pedestrian facilities should be provided along the eastern frontage of the site to provide adequate routes for pedestrians walking to and from the development, for reasons of accessibility and road safety, particularly of vulnerable road users. Clarification must be provided as to the design intention for the new pedestrian crossings of Glamis Road (as indicated at b., above). The importance of this cannot be overstated. At present only one pedestrian crossing of doubtful utility exists away from the frontage of the application site (Image 1, above).
 - d. It is noted that Angus Council (AC) Roads require details of new footways on the Glamis Road and Westfield Loan frontages of the development, and also details of the proposed access junction on Glamis Road. These details are critical to the viability of the development in transport accessibility terms, and should be applied as conditions to any consent granted.
 - e. Furthermore, in view of the position of Transport Scotland in relation to restricting access onto Westfield Loan, it must be considered critical to establish, through a further revised Transport Assessment, whether a second vehicular access is required on Glamis Road, and whether this is practically achievable, given the constraints of junction design, and also of noise attenuation and impact on properties.
3. (2.13) The footways on Dundee Road to the south of the site are characterised as “wide footways on both sides of the carriageway”. This is clearly not the case (Image 2, below), even from examination of the images in the TA itself.



Image 2, footways on Dundee Road (source: Google Streetview)

- 3.../ The image shows an isolated section of footway tapering sharply at a priority junction and presumably provided for local visibility purposes. The term “wide” cannot be used to describe the majority of footways on both sides of Dundee Road, which appear to fall below a standard of 2.0m width over many sections. The typical range of footway width measurement along Dundee Road (minima and maxima) should be provided if the term ‘wide’ is to be included, or this could mislead those determining the application.
4. (2.16) Core paths - It is notable from the UTA map extract that Westfield Loan is not identified as a core path by the Council. This is considered to indicate the point above (3.) that significant improvement to the pedestrian infrastructure on Westfield Loan should be provided by the developer in order to bring that route up to a standard that it can provide reasonable pedestrian accessibility to a development on the scale proposed.
 5. (2.19) Schools - The UTA identified Langlands Primary as accessible from the site, however, this involves young children crossing Westfield Loan, where there are no pedestrian facilities on the development (west) side of the road, and no crossing facilities on Westfield Loan. Either a detour would be required via Glamis Road, or, as is more likely, some parents may choose to cross Westfield Loan in the absence any site-side pedestrian facilities, or crossing facilities. As noted in Point 3, above, the developer should provide a footway on the west side of Westfield Loan, to cater for pedestrian demand from this significant development.
 6. (2.20) Walking to Forfar Academy is likely to generate pedestrian movement using the poor standard pedestrian crossing facility on Glamis Road in the vicinity of Westfield Loan. The applicant should provide improved pedestrian crossing facilities of Glamis Road to address and mitigate pedestrian and road safety issues associated with significant additional demand for crossing of Glamis Road as a result of the proposed development.
 7. (2.21) The UTA acknowledges there are no identified and maintained cycle routes in the vicinity of the development site. There are some local facilities, but these are discontinuous and of only limited benefit in cyclists seeking to make journeys on the local road network. Largely, cyclists to and from the development site would be required to share busy roads with vehicles. A development on this scale, and generating the level of cycle activity that can be expected, should contribute to the upgrading and/or provision of new cycle facilities on the local road network, in the interests of encouraging sustainable travel and of road safety.
 8. (2.24-2.28) The UTA describes walking distances from the nearest bus stops to the edges of the site. This is misleading and does not represent the actual accessibility of the site to public transport services. The stops on Dundee Road to the south are over some 900 metres from the closest residential unit within the development layout, according to the site layout lodged with the application. Also, no footpath link would be provided as part of this application, therefore these stops can be discounted as contributing to accessibility for this application.
 - a. Furthermore, the stops on Westfield Loan / Threewells Drive, which are some 600m from the furthest unit, have a poor frequency for the purposes of serving residential development and encouraging sustainable travel, providing only one bus per hour. Clearly, a significant number of units in the application layout would lie outwith the accepted 400m walking distance to public transport services. The same applies to the stops on the A94 to the west, although these have better frequency during peak hours. The conclusion of the UTA in 2.30 that a “good volume (sic) of bus routes” service stops on Westfield Loan and Threewells Drive is manifestly not the case.

- b. Also, the latest timetable information on the Stagecoach website confirms that the 27 service does not operate to Westfield Loan and Threewells Drive stops during the day (Timetable extract, below), and therefore this service provide little benefit to the accessibility of the development site. The UTA implies that the development relies on this service to achieve what is characterised as a good level of public transport accessibility. The developer should therefore be required to enter negotiation with Stagecoach to secure the servicing of the Westfield Loan and Threewells Drive stops during the day before any units in the Phase 1a development are occupied.

Days of Operation	Monday to Friday													Commencing 10-08-2020			
Service Number	S027_Ar																
Service Description	Forfar - Arbroath																
Service No.	27	27A	27	27	27	27	27A	27B	27	27	27	27	27	27	27	27	27
	Col	NCol					FNS	MTS							F	NF	F
Kitriemuir Bank Street	-	0740	0740	-	then	-	Until	-	-	-	-	-	-	-	-	-	-
Orchardbank opp council offices	-	0752	0752	-	at	-	-	-	-	-	-	-	-	-	-	-	-
Orchardbank council offices	-	-	-	-	these	-	-	-	1645	-	-	-	-	-	-	-	-
Forfar Community Campus	-	-	-	-	times	-	-	1555	-	-	2005	2025	2125	-	-	-	-
Don Street opp Tesco	-	-	-	-	each	-	-	-	-	-	-	-	-	-	-	-	-
Whitehills HCCC entrance	-	-	-	-	hour	-	-	-	-	-	-	2031	2131	2231	2231	-	-
Forfar opp bus depot	-	-	-	-	-	-	-	-	-	-	-	2033	2133	2233	2233	-	-
Forfar East High St opp St James	-	-	-	-	-	-	-	-	-	-	-	2035	2135	2235	2235	-	-
Orchardbank roundabout	-	-	-	-	-	-	-	-	-	-	-	2039	2139	2239	2239	-	-
Westfield Threewells Drive	-	-	-	-	-	-	-	-	-	-	-	2041	2141	2241	2241	-	-
Glenshade Glenclova Terrace	-	-	-	-	-	-	-	-	-	-	-	2047	2147	2247	2247	-	-
Forfar New Road opp bank	-	-	-	-	-	-	-	-	-	-	-	2053	2153	2253	2253	-	-
Forfar East High St Royal Bank	-	0757	0757	-	-	-	-	-	1650	-	2010	2054	2154	2254	2254	-	-
Forfar East High St Royal Bank	0647	0802	0805	0905	05	1505	1550	-	1653	1755	1845	2010	-	2155	2300	2300	-
Restenneth Drive	0650	-	0808	0908	08	1508	-	-	1656	1758	1848	2013	-	2158	2303	2303	-
Kingsmuir old school	0653	0806	0811	0911	11	1511	1554	1604	1659	1801	1851	2016	-	2201	2306	2306	-
Dunnichen	-	-	-	-	-	-	-	-	1607	-	-	-	-	-	-	-	-
Craichie village	0658	0811	0816	0916	16	1516	1559	-	1704	1806	1856	2021	-	2206	2311	2311	-
Letham West Hemming Street	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	2318
Letham West Hemming Street	0704	0817	0822	0922	22	1522	1605	1610	1710	1812	1902	2027	-	2212	2317	-	-
Guthrie village	0713	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Frickheim bus stance	0720	0828	0833	0933	33	1533	1616	1620	1721	1823	1912	2037	-	2222	2327	-	2329
Colliston opp Inn	0726	0834	0839	0939	39	1539	1622	1626	1727	1829	1918	2043	-	2228	-	-	2335
Keptie Road Angus College	-	0841	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Arbroath bus station	-	0848	0848	0948	48	1548	1631	1635	1736	1838	1927	2052	-	2237	-	-	2344
Arbroath bus station 4	0735	-	-	-	-	-	-	-	-	-	-	1928	-	-	-	-	-
Arbroath High Street Gala Bingo	-	-	-	-	-	-	-	-	-	-	-	1930	-	-	-	-	-

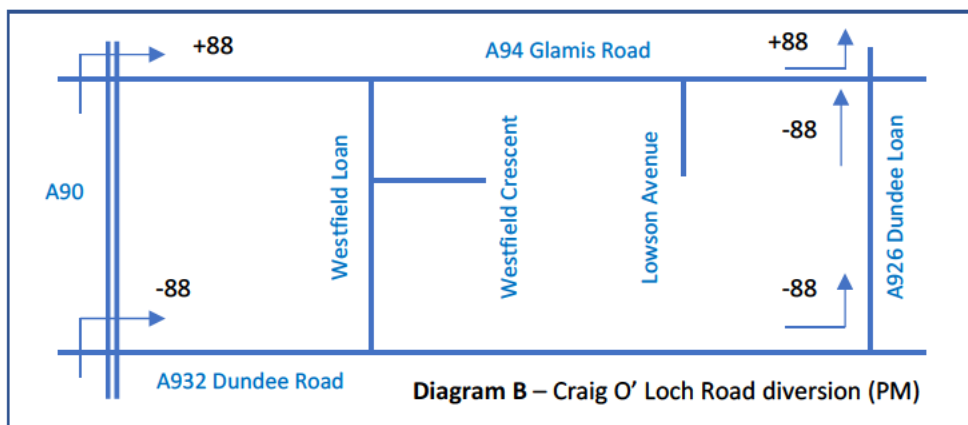
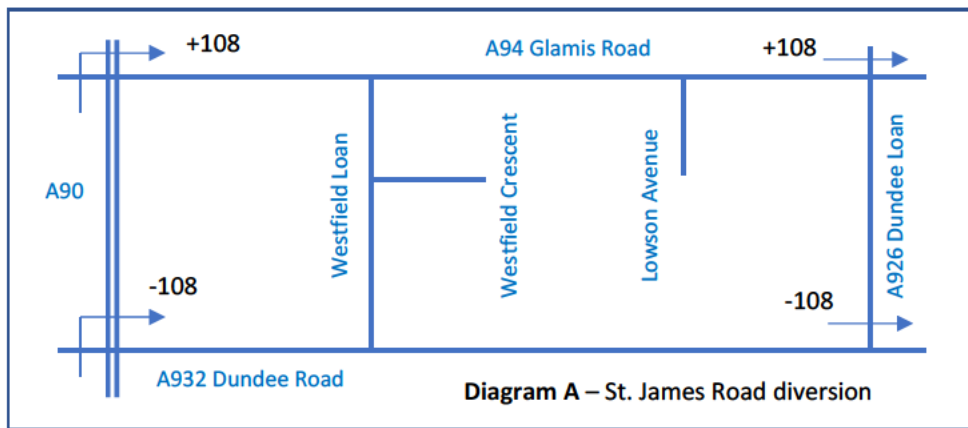
Image 3, Extract from Stagecoach timetable, Service 27

- c. Considering walking distances in greater detail, there are only two pedestrian access points shown on the proposed site layout plan. These are located at the vehicular accesses on A94 Glamis Road, and on Westfield Loan opposite Threewells Drive. Discounting the bus stops on Westfield Loan due to their infrequent service which, it is considered, is inadequate for commuting purposes, the average distance from the A94 stops to the main site entrance is some 355m, leaving a walking distance of only 45m within the site to reach units. This results in a significant majority of units being outwith the 400m walking distance identified in transport policy (See Diagram 22123/3, attached). This is considered a poor level of accessibility to public transport.
- d. The applicant should be required to install new bus stops on the A94 Glamis Road frontage of the development to bring a much higher proportion of the development within suitable walking distance of public transport services. Furthermore, if reliance is placed on the bus stops on Westfield Loan, the applicant should be required to take suitable actions to ensure that the frequency of services at these stops is increased to a level adequate to service and be attractive to demand from the development. Any new bus stops, or existing stops that do not have them, should be provided with bus shelters at the expense of the applicant to increase the attraction of public transport to commuters to and from the development.

9. (2.35/2.36) Conclusions are drawn by the UTA that (a) the development is “located in close proximity to well established pedestrian and cycle routes”, (b) “bus stops are located close to the site” (without characterising their suitability, or level of service), and (c) “These facilities provide a wide range of non-car travel opportunities covering a range of key destinations”. These conclusions however are, it is considered, not supported by the assessment of actual accessibility of the site, and quality of public and sustainable transport facilities available. This underlines the importance of the applicant being required to invest in the improvement of pedestrian, cycle and bus facilities and services in the area.
10. (3.4) The latest site layout plan lodged with the application (JFC plan reference 17.029.P.002, Revision R), shows no meaningful new footway on the west side of Westfield Loan. Thus, the proposed development layout is contrary to the UTA’s assessment of sustainable transport access requirements, which states that “new footway provision / crossing points along the western side of Westfield Loan”. The applicant should be required to include in the proposals new footway provision on and crossing(s) to the west side of Westfield Loan in order that the development proposals are consistent with the findings of the UTA. It is noted that this has been specified as a requirement of Phase 1 development by AC Roads, and should therefore be applied as a planning condition.
11. (3.6/3.7) The UTA’s conclusions on accessibility of the development are demonstrably not the case, as walking distances are not accurately measured, and only measured to the boundary of the site, not the furthest unit within the proposed development, and no new bus stops or services are proposed. Also, benefit is taken from certain bus stops that are considerably in excess of the 400m distance specified in transport policy guidance.
12. (3.8-3.10) The UTA identifies the creation of two new cross-roads priority junctions for the purposes of providing vehicular access to the development. For many years, the use of priority cross-roads junctions was not permitted due to the inherent road safety risks and poor safety performance of such junctions. Designing Streets policy has reintroduced the use of priority cross-roads junctions, but only in low speed environments, within development, with attendant appropriate design of streetscape, road alignment, etc. to reinforce and ensure low vehicle speeds.
 - a. The proposals for access junctions illustrated in the UTA clearly are not founded on the principles of Design Streets, which provides for maximum visibility splays of 43m long (Y-distance) at junctions, reflecting the intended low speed environment. The access proposals for this development reflect much higher vehicles speeds by catering for splays of 120m on Glamis Road, which appears nowhere in Designing Streets, but in which location the applicant proposes new pedestrian crossing facilities (see plan Extract A, above).
 - b. The applicant should be required to provide physical road safety measures to deliver expectations for design speeds within Designing Streets, and show how traffic speeds will be controlled in the vicinity of development site access junctions, particular on Glamis Road (a 40mph road), opposite a business where heavy goods vehicles regularly access, and where many large commercial vehicles use the A94 Glamis Road to access Forfar from the A90 trunk road.
 - c. It is noted that AC Roads has identified these details as a requirement, and planning consent should not be granted until the applicant has demonstrated the engineering feasibility of their access solutions, and also if a second access on Glamis Road physically can be achieved, given the restrictions indicated by Transport Scotland in relation to access on Westfield Loan.

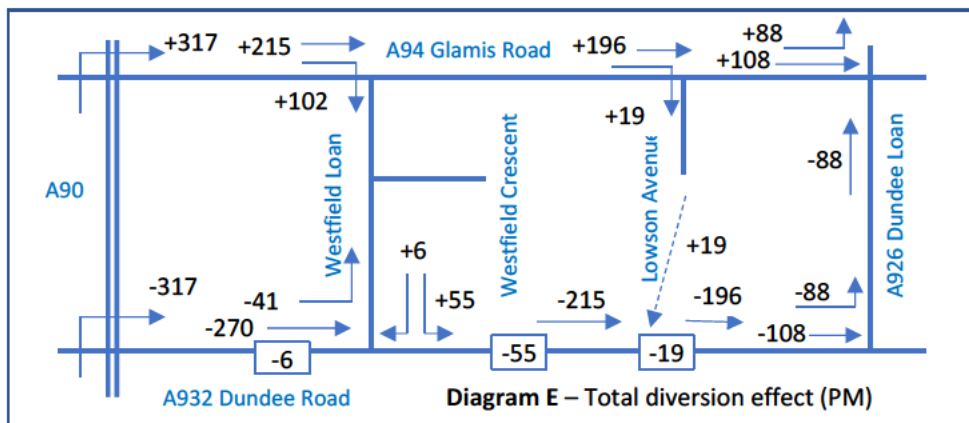
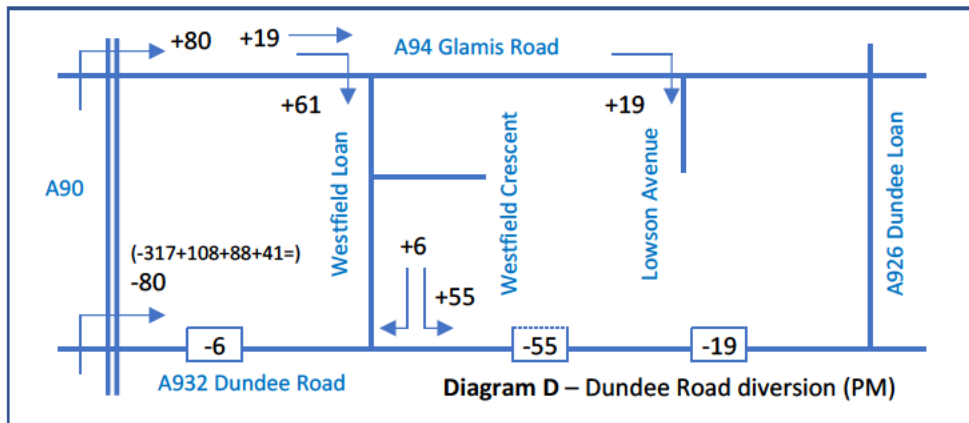
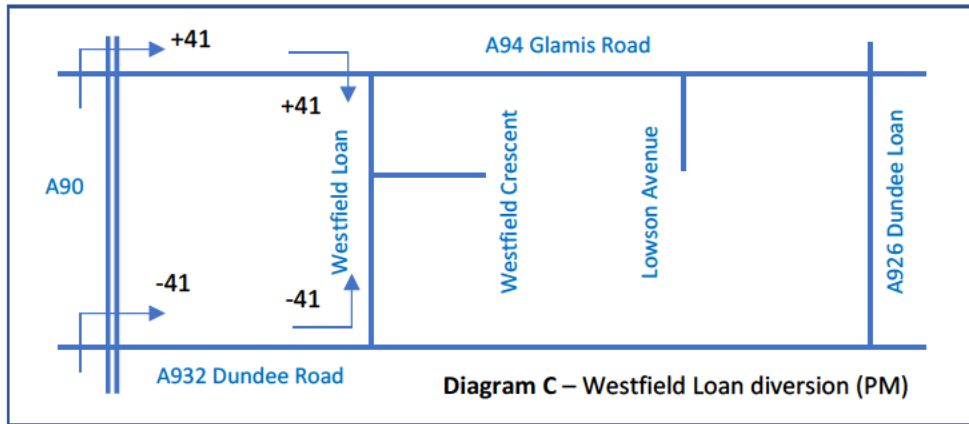
Traffic Impact and Mitigation Measures

13. (WPA 1.16) Tracking of potentially diverted traffic - The supplemental West Port Analysis document considers the potential diversion of some existing traffic as a result of a closure of the central reservation at the A90 Lochlands junction. This has been undertaken by “detailed tracking of the right turning traffic at Lochlands”. There is no explanation given of the methodology used to track vehicles through the network. This should be provided.
14. (WPA 1.17-1.20) The assumptions made in the redistribution of right-turning traffic at Lochlands are considered reasonable, however the example given (of 317 vehicles) is unclear. The issues with the approach taken are best seen in diagrammatic form (see below), considering each diversion element separately.
15. Diagram A indicates the diversion from St. James Road, and this is accepted as shown and described in the WPA report (1.17). Diagram B shows the diversion of traffic destined for A926 Craig O’ Loch Road, and this also is accepted as described (1.18).



16. Diagram C, below, shows the described diversion of right-turning traffic at Lochlands that is destined for Westfield Loan.
17. The description of the treatment of this traffic (WPA 1.19) is accepted, and this is shown in diagram below, however it is not readily apparent from Diagram 4b in the WPA report that this is reflected on the diagram. However, it is the treatment of the final component of diverted traffic that causes confusion of the traffic flow diagrams, specifically Diagrams 4a and 4b, but as a result, all consequent diagrams.
18. Diagram D shows the diversion of traffic turning right (east) at Lochlands which is assumed to have a destination on Dundee Road. The information shown on the diagram below is derived directly from the description given in the WPA report,

section 1.20, however the remainder of right-turning traffic at Lochlands would be 80 vehicles (317 -108 -88 -41), whereas WPA Diagram 4a shows only 61 southbound vehicles emerging from Westfield Loan (6 turning right, 55 turning left), and no traffic travelling south to re-join Dundee Road via Lawson Avenue, as described in WPA, Section 1.20.



19. Diagram E, above, shows the actual diversion effect described in the text of the WPA (1.17 to 1.20), but this is not the diversion effect that is shown in Diagrams 4a and 4b, and therefore the traffic flow diagrams should be updated and the analysis of the relevant local road network junctions undertaken.
20. (UTA 6.19, WPA 1.24) Committed Development - As is appropriate in all traffic analysis of future design years, account is taken by the UTA of committed development traffic; traffic associated with development holding planning permission, not yet built out, but which can be built out in future without further recourse to the PPIp process.

21. It has become apparent that no account is taken in the original application TA, the UTA, or the most recent WPA of committed business and industrial development at Orchardbank Business Park, consented in 2004 under application 03/01306/FUL.
22. That consent grants permission for Business Park, Hotel and Roadside Services to the extent of a 60-bed, travel lodge-type hotel, Class 4 business development to a maximum of 160,000ft² (14,864m²), Class 5 distribution development of 400,000ft² (37,160 m²), and Class 6 warehousing development of 150,000ft² (13,935), with any future Petrol Filling Station (within the roadside services portion) to be supported by a separate future TA, as appropriate.
23. The omission of this committed development from the applicant's studies is surprising given the Council's commitment to the business park—clearly stated in The Angus Local Development Plan, Policy F9 Working—which identifies that Orchardbank 29.6 ha of land to the west of Orchardbank adjacent the A90(T) is reserved for a 'Gateway' development comprising Class 4 (business), Class 5 (general industry), Class 6 (storage and distribution) and Roadside facilities in accordance with Policy TC10 - Roadside Facilities.
24. A later Transportation Statement (TS) was prepared by Millard Consulting for an application by A.M. Phillip for 4,850m² of Class 6 development within the Orchardbank Business Park. This TS takes account of the wider consented Orchardbank development in its assessment, and was approved by both Transport Scotland and Angus Council.
25. It is apparent that further development has taken place within the Business Park since the time of the Millard assessment of October 2020, and therefore would be included in traffic surveys undertaken by the applicant. However, it also is clear that there is a substantial portion of the extant Orchardbank Business Park consent of 2004, implemented by the development of various plots within that consent, which has not been built out, as evidenced by the vacant plots in the application area.
26. Regardless for the reason for this omission, a significant volume of extant business, industrial and warehousing development (approved up to 710,000ft² (65,959m²)) has been excluded from the Westfield applicant's Transportation Assessment, UTA and WPA, and all analysis of relevant junctions, in particular the A90(T)/A932 Dundee Road (Lochlands) and A90(T)/A94 Glamis junctions, and the A94 Orchard Loan roundabout, but also other local road junctions. This additional committed development must be accounted for, and the current WPA and UTA junction analysis further updated, for the assessment of Westfield development traffic impact to be an adequate basis to assess the proposed development with respect to relevant TA guidance.
27. (7.25) Trip Distribution - While the approach taken in the UTA to assessing vehicle trip distribution may reasonably apply to development car trips in the northern part of the site, such as are contained within the 175-unit development subject to the current planning application, development to the south, near A932 Dundee Road, would be expected to exhibit much higher proportions of commuting car trips using the A90(T) / A932 Lochlands priority junction, in this respect therefore, the UTA is considered to underestimate the Trunk Road impact of the proposed development at the Lochlands junction.
28. Furthermore, the UTA should be revised to reflect a more realistic trip distribution for the 300-unit development test of the traffic impact of Westfield, Phase 1.
29. (8.49) Notwithstanding the above, even the UTA's distribution pattern is shown to have an adverse operational impact on the capacity of the A90(T)/A932 Lochlands junction.

- a. Table 8.8 does not provide analysis results for the 2023 AM/PM +Com +175 units development scenario. As such, the traffic impact of the current application on the Lochlands trunk road junction is not presented in the UTA. The UTA should be revised to show the impact of the Phase 1a current planning application on the Lochlands junction, as the impact is shown for all other junctions, regardless of the percentage impact of Phase 1a development traffic at Lochlands, which is a discretionary measure of significance.
 - b. Table 8.8 shows the Lochlands junction operating beyond the limiting RFC value of 0.750 for high-speed roads in the 2023 PM base scenario, and again in the 2023 AM and PM peak scenarios with committed development traffic included. Clearly, both the Phase 1a, and complete Phase 1 developments comprised in the F4 allocation at Westfield will impact adversely on this base situation. The applicant must be required to identify mitigation, analyse in the UTA, and contribute to measures for the mitigation of their development traffic impact at the Lochlands junction. Updated junction analysis of mitigation measures should be provided, including the impact of any localised traffic rerouting as a result of banning traffic movements at Lochlands, should that be part of the traffic impact mitigation identified.
 - c. In addition, the design year of 2023 reflected in the UTA is no longer valid, as it must now be considered infeasible to complete the development of 136 units from start to finish before at the earliest 2024. However, since the TA is predicated on analysing the development of 300 units, a more realistic design year for that test scenario would be at least 2025, or indeed 2026 which is the end of the period identified for development of the wider allocation (Council planning report, 8.49).
 - d. In addition, it is understood that the applicant argues that the F4 allocation at Lochlands is capable to accommodating significant higher levels of development. That being the case, the analysis of 300 units as presented in the UTA must be deemed to underestimate the full potential of the site. Therefore, any competent analysis of potential development impact should properly consider the top level of potential traffic impact, in order the effective impact mitigation is achieved.
 - e. The Lochlands trunk road junction is the site of some 27 injury accidents over a 23-year period, including 1 Fatal; 11 Serious and 14 Slight (Diagram 22123/1, attached). It is clear that the Lochlands junction is a locus for injury accidents, and that the severity of accidents in this location is skewed disproportionately to resulting Severe injuries. As a result, there is an imperative obligation on the Roads Authorities to ensure that the traffic impact of the Westfield development on this junction is mitigated adequately mitigated. No development should be permitted until a mitigation scheme for Lochlands is agreed, as there is no means to prevent new development traffic from using the Lochlands junction.
30. (8.24) With respect to the junction analysis, the modelling of the traffic signal junction of the A94 Glamis Road / A926 Craig O'Loch Road / West High Street (West Port) has issues that will tend to exaggerate the capacity of the junction. All lanes have been modelled in LINSIG as infinitely long. The right turn lanes on the A94 Glamis Road and A926 Craig O'Loch Road exceed 60m in length (circa 10/11 Passenger Car Units, PCUs) which is a reasonable approximation for modelling purposes.
31. However, the right turn lane on the A926 Dundee Loan is only 5 PCUs in length and in addition has a 'KEEP CLEAR' zone which further restricts queuing space (Diagram 22123/2, attached). Since, in the Weekday PM peak, the predicted queue in the

Straight and Left lane significantly exceeds 5 PCU's in length, this approach to the junction will not function as it has been modelled, and more representative analysis results will be worse than those presented in the TA. The analysis of this junction should be updated to more correctly model operation of the junction in the design year, and therefore more accurately and representatively model the impact of Westfield development traffic at this junction.

Angus Council, Roads - response to Updated TA (memo, 20-5-22)

32. The memorandum from AC, Roads reviewing the UTA simply replicates large sections of text from the TA document itself and does not, it is considered, assess the conclusions of the TA against actual conditions and transport facilities on the ground. This letter identifies above numerous shortcomings of the UTA, and impacts of the proposed development that are not addressed in the TA, or the applicant's proposals. These unaddressed roads, transport and safety matters should be clarified or supported with further information before any consent is granted.
33. DBA fully support AC Roads requirement that details of the new access junction arrangement on Glamis Road must be provided, and would wish to review those details when they are submitted. Access details must include measures to pedestrians crossing A94 Glamis Road. Furthermore, these measures should be the subject of a Road Safety Audit, as there must be significant concern over the mixing in close proximity of cars, goods vehicles and pedestrians by having a residential development accessed opposite an accessed used continuously by Heavy Goods Vehicles.
34. DBA also fully support AC Roads' requirement that a footway be provided on the west side of Westfield Loan along the entire development frontage.

Transport Scotland - response to Updated TA (letter, 12-5-22)

35. In their letter reviewing the UTA, Transport Scotland identify what they consider a critical aspect of their consideration, i.e. the "unrealistic" distribution applied to the traffic impact test of the 300 units of Phase 1 development at Westfield Loan. DBA fully support this conclusion, and consider that further updating of the traffic impact assessment is required.
36. In addition, it is noted that the potential of higher levels of development within the F4 allocation site have been identified by the applicant, potentially from 600 to 700 units. In this event, it is essential that traffic impact analysis in a further UTA reflect this potential out turn of development, to ensure that roads and access solutions, and offsite traffic impact can be addressed and mitigated, and that piecemeal development of the F4 allocation does not lead to significant traffic and safety impacts on the surrounding travel network. In the event that the applicant does not undertake this analysis, it must be undertaken by the Council in order to establish the appropriate level of, and scheme for, mitigation of impact at Lochlands junction.
37. As noted by Transport Scotland, the UTA does not analyse the effectiveness of any mitigation of development traffic impact at Lochlands, or identify a solution. It should be a requirement of any consent for Phase 1a development at Lochlands that a considered approach is taken the mitigation of development of the allocated and safeguarded sites. Piecemeal development of this area could have a significantly adverse impact of road network operation, in terms of capacity and road safety.
38. Transport Scotland's response notes that any access to the allocated development area from Westfield Loan would be expected to have an adverse impact on the Lochlands junction. DBA would note that the Masterplan Framework identifies a core access road and four access junction on Westfield Loan, therefore any development

of F4 Westfield must be considered as having an adverse impact on Lochlands junction that requires mitigation.

Angus Council - Planning Report (draft, 6-9-22)

39. (8.39) The Council notes that TS *“does not object to the planning application [...] on the basis that an appropriate scheme of mitigation for the A90 Lochlands junction would be provided, and that the mechanism for this mitigation scheme would be agreed before any part of the F4 site is developed.”* Accordingly, this requirement must be written into any consent for the development regardless of the number of units consented, and that no development takes place until TS’s requirements are met.
40. (8.41) It is clear that any development at Westfield will have some degree of impact on the Lochlands junction, and redirecting development traffic away from Westfield Loan by avoiding taking access to Westfield from there would not prevent development traffic exiting to Glamis Road then turning south on Westfield Loan to use Lochlands junction, even if the proportion of traffic that performed this manoeuvre was reduced.
41. Thus, as the Council identifies in its planning report, any level of development at Westfield must identify a traffic impact mitigation at Lochlands and make some contribution to it, otherwise piecemeal development will cause cumulative traffic impact at Lochlands, and result in any mitigation going undelivered due to only partial funding.

West Port Appraisal, TPL, September 2022

42. As noted above in terms of both the Update TA and the West Port Appraisal itself, there are a number of technical reasons as to why the WPA does not represent an adequate analysis of the traffic impact of the 450 units studied in the WPA report. Further deficiencies also arise in a review of the WPA report document itself.
43. (1.4) The document limits itself to studying the impact of 450 units on West Port. Any application for 450 units should be accompanied by a full revised TA, reflecting all of the issues in this letter, and studying all relevant junctions. As the original Westfield Loan TA studied up to 600 units, it is evident that now a revised TA must be produced to consider the impact of at least 750 units, and in fact should consider the implications of all of the identified housing land in this area related to the F4 allocation in order properly to understand the impact on the critical Lochlands junction in particular, to establish that development traffic impact mitigation - which is the responsibility of the applicant - is achieved.
44. (2.12) This section of the WPA report incorrectly states the maximum Degree of Saturation values from the table of results above (Table 2.1). A maximum DoS of 82.9% is evident from reference to the table in question.
45. (2.13) The WPA states that “headroom” is available at the West Port traffic signals to accommodate further development traffic even with the 450 units and Lochlands diversion effects in place. This conclusion should not be accepted by the Planning Authority, due to (a) the omission from the analysis of a considerable volume of committed development traffic by the exclusion of extant development at Orchardbank Business Park, and (b) due to the continued failure of any party to test the full extent of residential development identified in planning policies for the Westfield F4 release.
46. (2.16) The WPA report states that *“there is an existing issue with this junction (Lochlands), irrespective of the Westfield traffic”*. This is exactly the reason why the Westfield application must demonstrate the ability to mitigate the traffic impact of the F4 allocation and the application content, and to contribute financially to the

implementation of that traffic solution at Lochlands, in accordance with planning policy and procedure.

47. (2.17) The WPA report states that *“addition of southbound traffic (to the A90, from committed development to the north) reduces gaps for right turners at Lochlands and reduces the capacity of the right turn.”* This is irrelevant to the consideration of the traffic impact of Westfield. It is a long-established facet of traffic impact analysis that committed development increases base traffic on the road network. This is one of the reasons for testing future design years on the basis of committed development traffic. This does not change the fact that Westfield development traffic impact must be mitigated, or financial contribution made to mitigating junction improvements implemented by others parties.
48. (2.23) The reduction of speed limit on the A90 locally to the A932 Lochlands junction is suggested as an approach to the mitigation of traffic impact from the Westfield development. This is contrary to Transport Scotland policy on the review and revision of speed limits on the Trunk Road Network, and to the applicable guidance to roads authorities for setting speed limits.
49. Scotland’s Road Safety Framework to 2030 was published in February 2021, and provides the framework for any consideration of Speed Limit alteration on the Trunk Road Network. Transport Scotland have said in relation to other projects that *“Applying an inconsistent approach to speed limits in any location would be at odds with the current application of speed limit guidance...”* Reducing the speed limit on the A90 at Lochlands junction to accommodate new development traffic would be entirely contrary to policy and technical guidance, and would reduce the strategic function of the Trunk Road for the benefit of private development.
50. Any consideration of revision to speed limits locally also would need to be undertaken in the context of Transport Scotland’s National Speed Limit Review, but also under the terms of the document ‘Setting Local Speed Limits: Guidance for Local Authorities: ETLLD Circular 1/2006’. Paragraph 40 of the circular states that *“Speed limits should not be used to attempt to solve the problem of isolated hazards, such as a single road junction [...] as they would be difficult to enforce over such a short length. Other measures such as warning signs, carriageway markings, junction improvements, superelevation of bends and new or improved street lighting are likely to be more effective.”*
51. (2.24) The WPA states that *“closure of the right turn (at Lochlands) is projected to be able to be accommodated in traffic terms within Forfar.”* The assessment of traffic impact summarised in the WPA report is not adequate to draw this conclusion, for the following reasons:
 - a. Only one junction (West Port) is analysed in the WPA. The impact of the Lochlands right turn closure on other relevant Westfield TA junctions is not tested;
 - b. Orchardbank Business Park committed development is not included in any of the applicant’s traffic impact analysis;
 - c. The level of development tested is not representative of the potential of the F4 allocation, according to the Council’s position, according to the applicant’s own Masterplan Framework document, and to the applicant’s latest WPA analysis, which includes a further 150 units over and above anything tested in the Westfield TA or UTA;
 - d. There is a range of technical matters relevant to the traffic impact analysis, set out in this letter, that results in the analysis of West Port, and other junctions tested in the UTA, not being suitable for the purpose of

establishing Westfield development traffic impact, and no competent planning approval can be issued based on this information.

52. (2.26) The comparison of Lochlands with the junction at Laurencekirk in terms of accident profiles is misleading, as conditions there are completely different, and accident causation factors have not been considered. Only a detailed analysis of accidents conditions, causation, comparative traffic flows, road geometry, etc. by an experienced accident investigator would permit any comparative conclusion to be drawn, and this analysis has not been undertaken. The comparison is superficial and therefore must be discounted from the decision-making process of the Planning Authority, and the advice given to the Planning Authority by the Roads Authorities.
53. (2.32) The use in the WPA report of the word “intractable” in relation to the resolution of traffic impact at Lochlands junction is misleading, as it characterises the issue as ‘stubborn, difficult or problematic’. The only difficulty in relation to this issue is the applicant’s own unwillingness to accept the fundamental and long-established principle of transport planning and development policy. This principle is that a development that causes an adverse traffic impact on the road network must provide for the mitigation of that adverse impact. Numerous times in the course of this application the applicant’s transport studies have rejected the notion that the application should provide for the mitigation of its own traffic impact. For this reason alone the Council reasonably could refuse the application.
54. (2.37) For the reasons set out in this letter, the conclusion of the West Port Appraisal report in relation to that junction, and the A90 Lochlands junctions, should not be accepted by the Planning Authority, or either the Local or Trunk Road Authority. Further *revised) studies are required to establish the matters in question.
55. (2.41) Alternative routing - Reference is made in the WPA report Summary that an alternative route to points east of Forfar exists via the B9127. However, the report then discounts this route due to it being rural, and largely unlit, with the diversion route via Glamis Road through Forfar being of higher quality and the same length. The reference to the alternative rural route serves no purpose in the WPA report. Clarification should be provided as to the reason for its inclusion, or it should be removed. At the very least, new information should not be introduced in the Summary of the report, as there is no reference to the B9127 in the body of the report, in the section on diverted traffic.

Angus Council - Roads response to WPA (16-9-22)

56. Angus Council, Roads have reviewed the WPA. DBA have reviewed this response, and would comment as follows.
57. It is important to note that Angus Council, Roads do not accept the WPA analysis as representing a sound basis on which to reach a conclusion on the traffic impact of the Westfield application. DBA endorse this view. The reasons stated by AC Roads are noted below, along with DBA’s comment on these reasons.
 1. The impact of the 450-house scenario should be demonstrated on the basis of pre-pandemic base traffic flows - DBA defer to the Council on the basis of background traffic information, HOWEVER, it is critical that the extant consented development at Orchardbank Business Park is included in any updated analysis of all relevant road network junctions.
 2. *“The impacts on the local road network other than the A94 Glamis Road towards West Port traffic signals are not covered”* - DBA have noted this point earlier in this letter. It is clear that AC Roads support the position that analysis of all relevant road network junctions must be carried out to properly established the traffic impact of (a) full development at Westfield; (b) the diversion effects of a banning of right turns at Lochlands, and (c)

this be carried out on the basis of suitable design year traffic flows, which DBA contend MUST include extant committed development within the Orchardbank Business Park.

3. *“Clarity about the number and location of vehicular and non-vehicular access points on Glamis Road, Westfield Loan and the connections and links across the site”* - The UTA implies the formation of additional access points, and/or vehicular access that does not accord with Transport Scotland’s stated position with respect to the impact of development traffic on the A90 Lochlands junction. DBA endorse AC Roads’ position that clarity on this point is required, which must include demonstration that additional accesses can be delivered in engineering design terms without compromising (a) the road layout and road/pedestrian safety on Glamis Road, and (b) resulting in unacceptable and unmitigated traffic impact on the Lochlands junction in either the interim or ultimate development condition.
4. *“pre- and post-pandemic scenario testing should also be run taking account adding in [sic] the potential scale of development of the area of safeguarded land.”* - DBA raise the same issue in this letter, namely that none of the traffic impact testing carried out to date, either in the original TA, the UTA of the WPA most recently submitted by the applicant, reflects the potential level of development.

58. We interpret from the closing remarks in AC Roads’ email message that they would not support granting consenting to the application based on the analysis submitted to date, and DBA would endorse this position.

In conclusion, it is clear that there are various issues that have not been adequately examined in the original or updated TA, or the West Post Appraisal, for this planning application, and that any consent granted without addressing these issues would not meet the requirements of the Angus LDP, or the Reporter’s decision in relation to the F4 allocation. As a result, the applicant should be required to provide, address and/or mitigate:

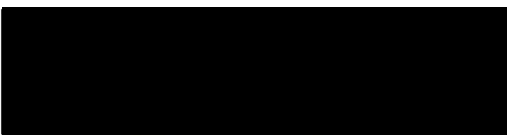
- 1) the actual, practical level of accessibility of all dwellings to bus services should be identified, including true walking distances to dwellings furthest from public transport services, and new bus stops provided on Glamis Road, on the development frontage;
- 2) physical improvements to facilities for crossing of roads adjacent to the development site, namely Glamis Road, where new crossings are identified on the site layout plan, but no details provided, and Westfield Loan, where no meaningful measures are proposed;
- 3) the low number of bus services adjacent to the site, and provide new bus stops to address substandard walking distances to suitable public transport services (existing bus services are not as presented in the UTA);
- 4) the safety of proposed site access junctions, which are designed as priority cross-roads, but provided with visibility standards for higher speeds that are not consistent with Designing Streets policy, and to address the clear conflict with commercial traffic at the site access on Glamis Road (Don & Low access immediately opposite);
- 5) account must be taken of the sizeable committed extant development of Business, Industrial and Warehousing space within the Orchardbank Business Park, which has not been accounted for in either the UTA or the most recent West Port analysis based on 450 units at Westfield Loan;

- 6) a representative analysis of the impact of Westfield development traffic on the West Port traffic signals;
- 7) adequate traffic impact mitigation at the Lochlands junction, properly assessing a realistic distribution of development traffic to Lochlands, and analysing the impact on the local road network of any redistribution of traffic away from Lochlands in the event that banning of traffic movements forms part of the mitigation of development traffic impact; and
- 8) the traffic impact of an appropriate number dwellings on the allocated site - reflecting the full potential of the F4 allocated and safeguarded areas - on the local road and transport network, to prevent piecemeal development, and a range of unmitigated transport and road user safety impacts across the local and regional network; also, to ensure that any scheme for the mitigation of traffic impact from 300 units by this applicant can be adapted for the purposes of mitigating the impact of the higher level of development, and that proportional funding of mitigation is achieved;
- 9) the option of reducing the speed limit on the A90 in the vicinity of the Lochlands junction should be discounted as being contrary to Transport Scotland's systematic approach to the review of speed limits on the Trunk Road Network, and also contrary to the guidance employed by Transport Scotland and their management organisations in the considerations of speed limits on the Trunk Road Network, namely ETLLED Circular 1/2006.

In our assessment, these matters require to be addressed, with reassessment of several critical aspects of accessibility, sustainability, and traffic impact, and the current Transport Assessment further updated accordingly. This must be done before any planning permission can be granted. As the TA document stands, the true impact of the proposed development on network capacity, sustainability criteria and road user safety has not been established.

Also, appropriate mitigation measures and accessibility improvements should be attached as conditions to any approval of this planning application, to prevent piecemeal development of a major housing release, causing unmitigated impacts across the local, and regional, transport network.

Yours faithfully,
for Dougall Baillie Associates



Stuart Harrow
stuart.harrow@dougallbaillie.com

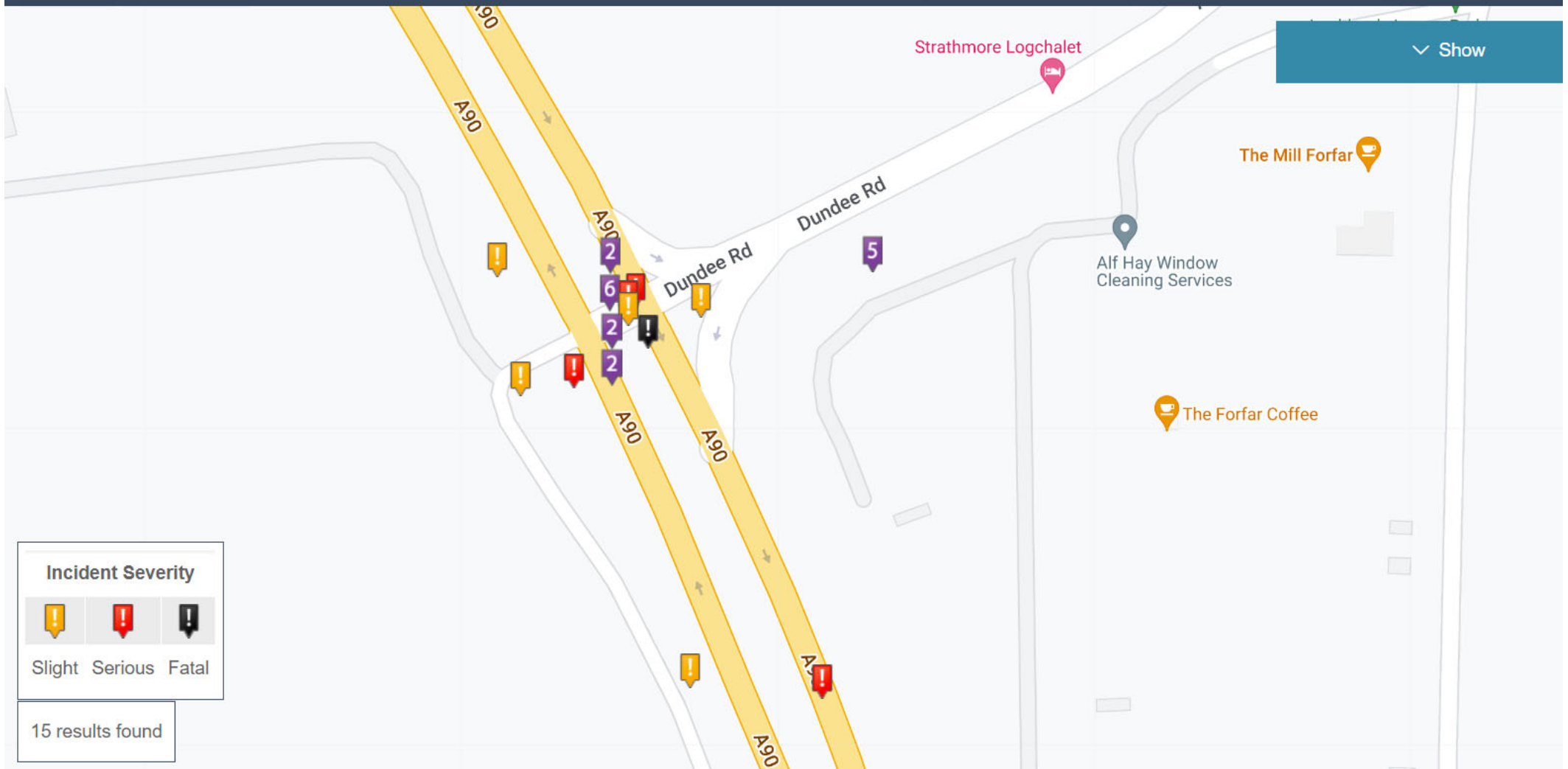


Diagram 22123/1 – 20-year Accident record (Source: Crashmap.co.uk, details should be confirmed with official record)



Diagram 22123/2 – A926 Dundee Loan approach to A90 /A926 signals (Source: Google Streetview, not for publication)



Diagram 22123/3 – Illustration of Walking Distance from proposed development to Bus Stops

Our Ref: OM01

Your Ref: 19/00707/FULM

16 February 2023

FAO: Ruari Kelly
Angus Council
Communities – Planning and Place
County Buildings
Market Street
FORFAR
DD3 3LG

Dear Mr Kelly

**Representation on behalf of Don & Low Ltd to Planning Application Red: 19/00707/FULM
Residential Development of 136 Dwellings including Formation of Vehicular Access,
Access Roads, Open Space, Landscaping, SUDS and Associated Infrastructure
At: Field Opposite Westfield Drive Westfield Loan Forfar**

We act on behalf of Don & Low Ltd who operate from a factory based industrial estate fronting the A94, Glamis Road, to the south west of Forfar. The above planning application site is located directly opposite their premises, to the south east. The application site is an Allocated Housing Site in the Angus LDP.

On behalf of Don & Low we previously wrote to object to the application, as per our letter dated 23 October 2019. The objection was on the basis that a deficient Noise Impact Assessment had been submitted as part of the application. It was our view that the failure by the applicant to properly assess noise impact on new residential properties from an existing industrial operation could cause complaints from future residents. The full details of our objection were contained within our objection of 2019, a copy of which is available on the planning portal.

The main concern of our client is to ensure that any future residential property is not adversely affected by noise from their existing operation. In this respect, we wish to reiterate that following the original application submission in 2017, the Planning (Scotland) Act 2019 introduces the 'agent of change' principle, which is also now contained in national policy through the recently adopted National Planning Framework 4. We return to this below.

A further revised submission was made in June 2023, which provided a revised layout and associated noise assessment which we considered more accurately represented the potential noise impact from our clients operation, allowing us to withdraw our objection, subject to appropriate conditions being placed on any decision.

This representation is made in direct response to the further revised submission made by the applicant in January 2023. This submission makes changes to the proposed layout and mix

across the site, particularly along the northern boundary following further discussions with the planning authority.

Revised Planning submission

The revised planning application submission of January 2023 included an array of revised plans and supporting technical documents. To ensure that the revised layout continues to provide an appropriate level of amenity for future residents from a noise perspective, a revised Noise Impact Assessment (Ref: 1267 005 AH) was provided.

To establish whether the further revised submission would pose a threat to our clients operation, our client appointed Paul Horsley Associates (PHA), an expert noise consultant, to review the further revised technical documentation due to our previous concerns that the original assessment did not fully address or provide sufficient mitigation in regards to protecting the residential amenity of the proposed residential development. PHA's report is contained as an Appendix to this letter.

The applicants updated Noise Assessment (Ref: 1267 005 AH) considered a variety of layout and design options across the site, with the PHA review adopting the same format as the updated Noise Impact Assessment. The PHA review found that the only appropriate option to ensure no adverse amenity impact on noise from the Don and Low operation would be the option for "Chalet style housing with pends" which was covered by section 8 of the applicants updated Noise Assessment. It is this option which has now been adopted by the applicant as their proposed development layout (Site Layout Plan – phase 1 ref 17.029.P.002). This includes properties with habitable rooms to the rear, facing into the application site, with non-habitable rooms facing onto Glamis Road to the north. These properties are demonstrated by a variety of submitted house type plans named 1223-LD, 1122-LD and 768-B.

On this bases, it is considered that the layout now proposed which includes the Chalet style housing (as indicated above) which front onto Glamis Road would not result in any adverse amenity from noise being had on these properties and is therefore acceptable to Don and Low.

This is on the proviso that any planning permission granted for the scheme includes an appropriate mechanism to ensure that the house types are built as per the proposed development layout (Site Layout Plan – phase 1 ref 17.029.P.002) and that they are built as according to the internal layout shown on the submitted plans.

Should such appropriate conditions be included if the Council are minded to approve the application, Don & Low would be able to remove their objection to the application.

Agent of Change Principle.

The Planning (Scotland) Act 2019 introduces the 'agent of change' principle at section 25, which is now national policy. In essence this puts the onus on developers of noise sensitive properties such as residential accommodation, to effectively deal with potentially problematic noise sources, rather than curtailing an existing noise.

The Act requires planning authorities to *“take particular account of whether the development includes sufficient measures to mitigate, minimise or manage the effect of noise between the development and any existing.....businesses in the vicinity of the development”*.

Furthermore, the principle is now included within the recently adopted National Planning Framework 4 within policy 23 and 31. A definition is also explicitly provided within the glossary of the document.

Applying the principle to these proposals, it is for the applicant to ensure that their proposed residential development is not adversely impacted from a noise perspective from an existing source of noise, in this case the Don & Low facility opposite the application site.

We consider that based on the revised noise assessment completed by the applicant and the review by PHA, the way to achieve this on this scheme is through appropriate design mitigation. Therefore, a need for this design to be delivered should be established through the planning process, or by condition, is necessary in this case.

Conclusions

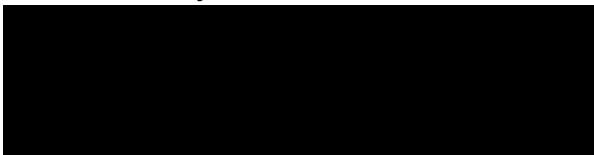
In light of the above comments, we are therefore writing to request that appropriate planning conditions as set out above are included should the planning application be approved, to ensure that the positive aspects of the proposal are not outweighed by the potential for significant impacts on our client's operations. **This would allow Don & Low's objection to the proposal to be removed.**

I trust that this representation will therefore be considered during your determination of the application.

We reserve our right to provide a further letter of representation (objection or otherwise) should further supporting information be submitted as part of this application.

I hope that this letter has been helpful to set out our client's position on the proposals and look forward to receiving recognition of receipt of this representation in due course. Please do not hesitate to contact me if you wish to discuss further.

Yours sincerely



Oli Munden MRTPI
Associate
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For and on behalf of Avison Young (UK) Limited

Appendix 1

Paul Horsley Acoustics: Review of CSP Acoustic Noise Impact Assessment

Acoustic Report

Review of the CSP Acoustics Noise Impact Assessment Report Relating to the Proposed Glamis Road, Forfar Residential Development on Behalf of Don & Low Ltd

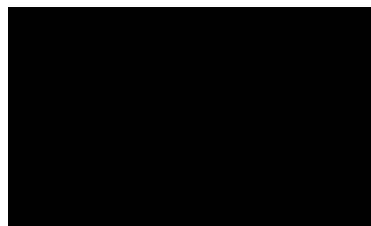
Our Reference – J3166

Review Date – 02 to 06.02.23

Review by – Paul Horsley MIOA

Report compiled by: Paul Horsley MIOA

Date of Report: 06.02.23



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- 1.0 Agent
- 2.0 Proposed Development Site
- 3.0 Brief
- 4.0 CSP Acoustics Noise Impact Assessment Report Review
 - 4.1 Section 1.0 Introduction
 - 4.2 Section 2.0 Summary
 - 4.3 Section 3.0 Assessment Framework and Criteria
 - 4.4 Section 4.0 Survey
 - 4.5 Section 5.0 Assessment Types
 - 4.6 Section 6.0 Bund and Barrier
 - 4.7 Section 7.0 Distance from Glamis Road
 - 4.8 Section 8.0 Chalet Style Housing with Pends to Form Barrier along Glamis Road
 - 4.9 Section 9.0 Conclusion
- 5.0 Report Review Conclusions

1.0 Agent

Avison Young
40 Torphichen Street
Edinburgh
EH3 8JB

2.0 Proposed Development Site

Land to the south of Glamis Road (A94), Forfar.

3.0 Brief

Provide a review of the revised Noise Impact Assessment report completed by CSP Acoustics, reference No 1267 005 AH dated 9th December 2022, in support of the proposed residential development to the south of Glamis Road, Forfar with respect to the existing industrial estate positioned directly north of Glamis Road.

Advise on the validity of the report's content, assessment methodology and conclusions.


Provide further advice relating to the impact and potential restrictions the proposed development may have on the existing and future operations and activities of the Don & Low Ltd Industrial Estate.

4.0 CSP Acoustics Noise Impact Assessment Report Review

The following is assessment review of the revised CSP Acoustics Noise Impact Assessment report, reference 1267 005 AH, completed in support of the proposed residential development by Muir Homes Ltd on Land to the south of Glamis Road.

The original monitoring was completed on 19th and 20th March 2018 and included road traffic, ambient and industrial noise surveys. Additional surveys were completed on 26th – 27 February 2020 and 19th March 2020.

The report is set out in 9 No section headings, with accompanying Appendices, as noted below: -

Noise Impact Assessment Glamis Road, Forfar Muir Homes Ltd		 CSPAoustics
Contents		
1.00	Introduction	2
2.00	Summary	4
3.00	Assessment Framework and Criteria	6
4.00	Survey	10
5.00	Assessment Types	16
6.00	Bund and Barrier	19
7.00	Distance from Glamis Road	27
8.00	Chalet Style Housing with Pends to Form Barrier along Glamis Road	30
9.00	Conclusion	39
	Appendix A: Acoustic Glossary	41
	Appendix B: Site Layouts	Error! Bookmark not defined.
	Appendix C: Noise Contours	Error! Bookmark not defined.

Each section will be analysed, and our comments provided with respect to the contents.

4.1 Section 1.0 Introduction

The introduction lays out the structure of the report that follows and indicates the amendments made to the original site layout from those appearing within the original 2019 report.

The introduction also explains the dialogue that has taken place between the local authority and the developer to steer the direction of the report and its contents with respect to acceptable assessment scenarios to be investigated.

This is a standard format introduction, and we have no further comments.

4.2 Section 2.0 Summary

The summary provides an overview of the noise assessment completed and the conclusions drawn from the report. It indicates that additional noise monitoring was completed pre-pandemic and states that these values will still be relevant, post-pandemic.

The summary section is concise providing an overview of the surveys conducted and provides details of the 4 No assessment scenarios considered within the specific report, 3 No of which are supplementary to those included within the previous March 2022 report.

This section has altered from the original providing an overview of the 4 No assessment scenarios with an indication that the final scenario considered of using chalet-style housing as a form of barrier will result in *'...slight exceedances over night-time background noise levels for the industrial noise assessment.'* It goes on to explain that *'These exceedances are understood to be an acceptable deviance'* and the proposed development is deemed acceptable for *'all relevant noise source'*.

Since the mention of exceedances on site are due to night-time industrial sources, this will be specifically investigated within the relevant section below and commented upon therein.

We have no further comments relating to the summary section.

4.3 Section 3.0 Assessment Framework and Criteria

This section provides details of the Planning Policy relevant to the development of residential premises in Scotland. These include PAN 1/2011: Planning Advice Note (PAN) with accompanying Technical Advice Note (TAN). It provides 2 No tables setting out the criteria for assessing noise with respect to magnitude of noise impact and level of significance. Both these tables indicate receptor sensitivities to noise in the built environment.

The section also provides details on Standards and Guidance for assessing noise, including reference to BS8233:2014, WHO guidelines with a rewording of the guidance recommendations relating to L_{Amax} dB noise ingress, and BS4142:2014 +A1:2019. All these are relevant to the assessment of noise with respect to residential developments.

Additionally, Angus Council had been approached for their advice relating to limiting noise levels for the proposed residential development and Mr Ian Graham, Environmental Health Officer, provided internal noise limits to be achieved, with a specific assessment value for slightly open windows of 15 dB reduction

as accepted British Standard value of 15 dB. This now aligns the Angus Council requirements with the accepted British Standard value, which they opposed previously and recommended a lower ingress reduction of -13 dB.

The assessment frameworks and criteria considered within the report are acceptable with respect to the proposed development. The use of these criteria in the noise impact assessment of the local environment should account for the noise levels present, including existing industrial noise.

This section has not significantly altered from the previous issue and as such we have no further comments relating to the summary section.

4.4 Section 4.0 Survey

The survey section provides details of the actual noise assessment completed for the development, detailing the 13 No positions and times the works were completed.

The traffic assessment was completed during the daytime of 19th March 2019 between 14.00 and 17.00 hours. It is noted that these values are relevant irrespective of the passage of time. Since no major changes to the road network or significant development have taken place, we agree with this statement.

The original industrial noise assessment was completed on 20th March 2019 at night between 01.00 and 03.00 hours, as detailed in 4.05 of the report. Any passing traffic movements were noted as being paused out of the results, thereby, the results relate only to industrial sources.

It is also noted within 4.04 that additional more detailed measurements were completed on 26th and 27th February 2020. These updated noise monitoring sessions included relevant noise sources attributable to the site activities and operations of the Don & Low Ltd, which were not included within the original report. The noise monitoring was completed at representative positions to account for the Don & Low Ltd activities and Tables 5 to account for the industrial noise levels associated with the Don & Low Ltd activities for both daytime and nighttime period, which was not present within the original report.

Other than minor explanatory changes to the dialogue there are no changes to this section from the previous issue, therefore we have no additional comments to make to Section 4 content.

4.5 Section 5.0 Assessment Types

This is a new section introduced for this report.

The section provides individual explanations of the assessment methodology for the various source types considered, in this case road traffic and industrial noise. It goes on to state how the cumulative effect of these sources is modelled using proprietary noise prediction software, CadnaA® and ISO 9613. It also determines the agreed upper limit of 55dB LAeq,T for outdoor amenity areas of the site.

The section removes the assessment details included within the previous issue which are moved to Section 6 of the new report.

In essence Section 5 is now a contents page for the assessment considerations that follow.

This section provides adequate information and is acceptable therefore we have no further comments.

4.6 Section 6.0 Bund and Barrier

This section is a new introduction within this report which did not exist in the previous issue.

The main element of this new section is for the assessment of the northern site boundary facing onto Glamis Road and ultimately Don and Low Ltd.'s industrial site with the formation of an earth bund with acoustic fence topping to act as mitigation for the development.

The section now collates the results of the 16th March 2022 report's assessments of road traffic, industrial noise, cumulative noise impact, outdoor amenity, and mitigation, which were previously entitled Sections 5 to 9 respectively, and presents them together under separate highlighted headings.

There is no change to the details included for the sub-section Road Traffic Noise Assessment from the previous Section 5 information, now included in 6.01 to 6.04.

Other than a reduced explanation of the Don and Low Ltd operations, the Industrial Noise Assessment is replicated here from the previous reports Section 6 with no changes.

The Cumulative Noise Assessment, Outdoor Amenity Assessment and Mitigation elements of the report are both direct copies from Sections 7, 8 and 9 respectively of the previous report with only minor text omissions.

This specific section has not provided any additional information that was not included previously and still indicates that industrial noise produced by Don and Low Ltd will still indicate a significant adverse impact due to industrial noise levels, as noted in Table 20, with the mitigation method installed.

The recommendation concluded within 6.14 is that windows along the northern elevation of the proposed development should consider a strategy of closed windows along this elevation to mitigate against the industrial noise intrusion.

4.7 Section 7.0 Distance from Glamis Road

This is a new section within the revised report and assesses the required distance from Glamis Road that would be necessary to allow development without the need for closed windows as a means of mitigation and the need for alternative ventilation methods.

A cumulative assessment of both road traffic and industrial noise sources has been presented and a distance of approximately 260m away from Glamis Road determined as required for development allowing opening a window for ventilation, which is noted as preclusive for the site.

Since a closed window for industrial noise sources is not allowed, following discussions with Angus Council, the section considers the minimum distance allowed for development to allow opening a window for ventilation purposes. The results indicate that a distance of 170m is required, again, classified as an inefficient use of the available land.

The distance from source to development method of mitigation has concluded that it is not an efficient use of the available land and was not explored further by CSP Acoustics.

This section provides adequate information and is acceptable and we have no further comments.

4.8 Section 8.0 Chalet Style Housing with Pends to Form Barrier along Glamis Road

This section provides a novel approach to the use of the development as the noise barrier for the remaining areas of the site to mitigate against noise source.

The proposal is to construct '*acoustically adapted chalet-style housing with pends to form a continuous 'barrier' along the worst affected areas for noise.*

This method would make use of the dwellings design to form the acoustic barrier itself. It is achieved by designing the internal layout such that there are no habitable rooms facing towards the noise sources, with all habitable rooms located on the opposite side of the property, thus providing the screening required.

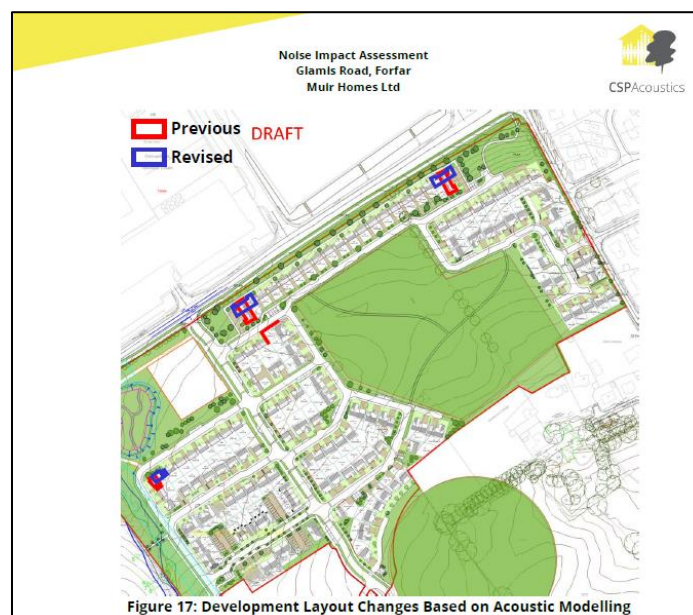
A typical design is provided for reference, reproduced here for information.



Figure 16: Proposed Chalet-Style Housing Elevation

CSP Acoustics ran initial modelling and indicated that the initial proposal site layout would not provide adequate mitigation and recommended minor alterations to 5 No plots, with a 6th plot requiring a 3m high acoustic boundary fence.

The revised site layout is provided below for reference.



A Road Traffic Noise Assessment was then completed by CSP Acoustics, which provides numeric and pictorial results for the worst-case positioned dwellings. The resulting values are then compared against trigger noise levels used within TAN to PAN 1/2011 guidance. The results appearing in Table 25: TAN to PAN1/2011 Assessment, provided below for reference, indicate that the internal noise levels inside the habitable spaces of the dwellings will be met. This is caveated with the proviso that all habitable room windows are only located on the rear of the likely exposed buildings.

Location	Excess Over Daytime Trigger Level 50 dB L _{Aeq,16hr}	Excess Over Night-time Trigger Level 45 dB L _{Aeq,8hr}	Magnitude of Impact		Significance of Impact	
			Day	Night	Day	Night
15	-1.5	-5.3	No Change	No Change	Neutral	Neutral
34	-0.7	-4.6	No Change	No Change	Neutral	Neutral
53	-1.9	-5.7	No Change	No Change	Neutral	Neutral
57	-1.2	-4.9	No Change	No Change	Neutral	Neutral
105	-7.0	-11.7	No Change	No Change	Neutral	Neutral

The main element of Section 8, likely to impact on Don and Low Ltd, is covered within the Industrial Noise Assessment, 8.10 to 8.22, of the CSP Acoustics report.

The Industrial Noise Assessment commences with a BS4142 assessment of the noise associated with the Don and Low Ltd noise output when considered at the most affected dwellings. This makes use of the noise contour maps at 1.5m above ground and predicts a 1-2 dB above night-time background rating level and is presented within Table 26 of the report.

This assessment approach is deemed appropriate for industrial noise sources, and the results appear to be in keeping with expectations.

The BS4142 rating has provided acoustic character corrections for the industrial noise output, including Impulsivity (+3 dB), however, it states that there is no Tonal Content to the sound output from the site, applying a +0 dB Correction to the calculation. Within the Table 26 notes it states, *(1) No tonal component apparent in the site measurement*, however, there are no frequency analysis tables provided of the site monitoring to allow verification of this claim. Whilst BS4142 leaves interpretation of the source tonality to the assessor with respect to correction application, it is specific as to what constitutes a tonal sound output. It would have been useful if CSP Acoustics had provided some actual verification of their claims for evaluation.

Whilst the BS4142 rating values are positive, 1-2 dB, they are low and not likely to result in adverse impact, and we agree with the assertions made within the report.

The report continues to place the results in context, as per BS4142 allowance, and states that the background level used in the above assessment is in isolation of both traffic and industrial noise sources. In reality, this will not be the case because, *'it should be reminded that background noise levels will also be greater at the plots used in the assessment due to their proximity to the road.'*, and as such will result in a higher background, *'when only industrial sources are removed for the assessment.'* This statement is a correct interpretation of the area's context and agree with this approach.

Table 27 provide details of further assessment results using a comparison of absolute noise levels with predicted rating levels and indicates negligible significance with negative value ratings.

Similarly, an assessment of the TAN to PAN 1/2011 methodology has been presented. This method provides an assessment of the Don and Low Ltd noise output at the plots against potential Trigger Noise Level values. The assessments again indicate negative value results for both daytime and night-time periods indicating no change and neutral significance of impact. Again, this approach is acceptable and the results encouraging with respect to acceptability of the development from resulting in adverse impact from the incumbent residents to Don and Low Ltd noise output.

The Section continues with a Cumulative Assessment of the worst-affected dwellings to both Glamis Road and Don and Low Ltd. Table 29 presents the results for day and night-time periods. The results are then used to provide a TAN to PAN 1/2011 assessment, as presented in Table 30. The conclusion from the assessment is that there will be a low adverse impact and goes on the state that *'...it is shown that industrial noise does have an affect on overall noise levels on site, but road traffic noise is still the dominant noise source, especially during the day.'* Based upon the evidence presented there is no reason to dispute the CSP Acoustics conclusions.

The Outdoor Amenity element is discussed and indicted that noise falls below the guidance limits with only minor mitigation for certain plots in the form of fencing. We have no comment relating to this element as the evidence is acceptable.

Based upon the assessments presented within this section, should the development be commenced, using the Chalet-Style housing acting as an acoustic barrier, through specific housing design, it would appear that the present and future activities of Don and Low Ltd should be protected. This design method will provide the necessary amenity for the incumbent residents to ensure that there is no adverse impact or complaints relating to industrial noise sources.

4.9 Section 9.0 Conclusions

The conclusions of the report provide an overview of the methodology and survey completed and agreed with Angus Council, siting CTRN for traffic noise and BS4142:2014+A1:2019.

The conclusions indicate that the noise data gathered has been used to generate CadnA® noise maps for the proposed site.

The outcome of the computer mapping exercise has been used to provide assessments of the 4 No scenarios for the development site, including.

- Barrier and Bund: where mitigation in the form of alternative ventilation is required for the site.
- Distance from Glamis Road: not considered a viable option.
- Houses Fronting Glamis Road Utilising Closed Windows: unacceptable to Angus Council, therefore, dismissed.
- Chalet Style Housing with Garage Pends to Form Barrier along Glamis Road: with layout changes this option is deemed viable with only minor exceedances for night-time industrial noise but within acceptable deviance and low adverse impact.

This conclusion is a confirmation that noise is likely to be an issue with respect to an adverse impact on the proposed residential development at this specific site for various scenarios, however, with the mitigation design measures proposed both the internal and external amenity of the incumbent residents can be preserved against the Don and Low Ltd industrial noise sources.

5.0 Report Review Conclusions

The CSP Acoustics revised report reference 1267 005 AH, dated 9th December 2022, has provided baseline noise assessments in support of a proposed residential development on land to the south of Glamis Road, along with 4 No assessment scenarios, applicable for the site development for residential housing purposes.

Don & Low Ltd, an industrial premises is located on the northern side of Glamis Road, directly opposite the proposed development site.

The proposed development site is currently open fields used for growing crops.

The CSP Acoustics report has now considered traffic noise and industrial noise in isolation of each other and cumulatively.

The revised report includes for extensive consideration of the Don & Low Ltd noise sources for both day and nighttime periods.

The data gathered has been presented as broad band single figure values. Whilst this provides a specific noise level for the area, it still does not indicate the qualitative content of the sound, a full octave centre band frequency analysis of the noise climate would be required to determine this. A full sound spectrum would also allow for mitigation measures to be considered accordingly.

The 4 No assessment scenarios and their conclusions are noted below.

- **Barrier and Bund:** This scenario is a compilation of chapters taken from the previous CSP Acoustics report, reference 1267 004. The conclusions, with respect to the site are the same, in that, the industrial noise will be excessive and opening a window along the northern elevation facing the Don and Low Ltd premises is not possible and some form of alternative ventilation is required for the site. This method of providing mitigation for the relevant premises has been deemed unacceptable to Angus Council, therefore, dismissed.
- **Distance from Glamis Road:** using distance from the source as a method of mitigation places the premises at least 170m from the Glamis Road for industrial noise sources alone and as such not considered a viable option or efficient use of the land. Again, this option has been dismissed.
- **Houses Fronting Glamis Road Utilising Closed Windows:** The use of closed windows facing Glamis Road has been deemed unacceptable to Angus Council for industrial noise sources, therefore, dismissed.

- Chalet Style Housing with Garage Pends to Form Barrier along Glamis Road: The use of appropriately designed housing with the concept including acoustic noise ingress considerations and minor layout changes. This option is the only one deemed viable for utilising the land for residential development, with only limited exceedances assessed for night-time industrial noise, however, these values are classified within acceptable deviance and low adverse impact.

The report indicates that the redesign proposed by the developer Muir Homes, including for Chalet-Style housing could overcome the previous loss of amenity and potential adverse impact for the residents with respect to industrial noise sources.

The report has now addressed the noise exposure along the northern elevation of the proposed development site satisfactorily for both traffic and industrial units noise output when considered at the residential premises.

The noise impact assessment completed by CSP Acoustics has now provided additional information indicating the necessary evidence of the current noise climate in the vicinity of the northern elevation of the proposed development site.

If the development progresses, the industrial activities and their current noise output have now been considered and should no longer result in loss of amenity for the incumbent residents in the future and should not produce adverse reaction to the noise.

This conclusion should give the necessary assurances to the industrial premises that complaints relating to noise should not result in action being taken by the local authorities against the industrial premises, should the development proceed, based upon the recommended redesign of the development and mitigation measures proposed for the site, and the due process of the planning condition procedures available.

SH/RCMD/22123let04

21 February 2023

Karen Clark,
Elite Homes (Tayside) Ltd,
17 Academy Street,
Forfar,
Angus, DD8 2HA

Dear Karen,

**Site F4 Housing Land, Westfield, Forfar
Masterplan Traffic Appraisal - Paper Apart, December 2022**

In December 2019, DBA reviewed the Transport Assessment and planning documents associated with Planning Application 19/00707/FULM for the development of 175 residential units on the Westfield site in Forfar, part of the Site F4 allocation. Specific issues with the content of the TA were identified that resulted in DBA concluding that the TA did not adequately consider certain traffic and transport impacts of the proposed development, and that the application did not provide sufficient transport infrastructure or mitigation of certain transport impacts.

Consequently, an Updated Transport Assessment was submitted by the applicant, dated March 2022. DBA reviewed this document, and—while certain of the original TA’s deficiencies had been addressed—various issues and previously stated concerns remain unresolved.

Since that time, the Planning Authority prepared a planning report with a recommendation for refusal of the application, stating a number of reasons. DBA have reviewed the withdrawn planning report, and wrote (letter SH/RCMD/22123let03c, dated 30 January 2023) to express concern as to the adequacy of the applicant’s current transport studies, but also the Council’s position in respect of the mitigation of traffic and transport impacts for the ALDP F4 residential allocation.

More recently, TPL submitted a “West Port appraisal” report (dated September 2022, referred to herein as WPA) which, in traffic analysis terms, is an addendum to their Updated TA for the application, which DBA have reviewed, and which continues to contain a number of deficiencies in relation to the study of the impact of development on the allocated F4 housing site.

DBA have been asked review that latest paper apart, dated December 2022, produced by TPL on behalf of Hermiston Securities and Scotia Homes. This letter contained DBA’s findings in relation to this latest study into the transport impacts of housing development on the allocated site. It is noted that the Masterplan Traffic Appraisal paper apart is presented as a draft, and referred hereinafter as ‘the draft MTA’.

This letter should be read in conjunction with DBA’s previous letter, reference SH/RCMD/22123let03c, dated 30 January 2023. Also, paragraph numbers within the Draft MTA report are referred to (bracketed) in this letter.

Terms of Reference of the Draft MTA study

1. Matters of sustainable transport accessibility to development on the F4 allocation site are crucial to the success of the development, and its environmental performance. These matters are considered in other studies, DBA's review of which is set out in DBA's letter of January 2023, referenced above. There are various matters identified therein which highlight that those development proposals are deficient in terms of sustainability, and encouraging sustainable travel.
2. (1.3) The scale of development and the traffic interventions considered in the MTA are noted. It is stated later in the study report (1.9) that, due to the nature of future development being unknown, other areas within the F4 allocation have been omitted from the testing. Plainly, as areas of the allocation are excluded from the analysis, the report cannot be presented as testing the impact of "Site F4 Housing Land", when other areas, untested in this report, might also contain housing development in future. Regardless, it is not possible to make long-term planning decisions on the basis of an analysis that does not encompass the full extent of the F4 allocation.
3. (1.9) Point 1 - use of "post pandemic" traffic levels: the conclusion is noted and accepted.
4. Point 2 - Geographical scope of assessment: It is noted that the impact of a Lochlands right-turn closure on other relevant local junction has been tested, and comment is made on this later in this letter.
5. Point 3 - Development access from Glamis Road: It is noted that the Draft MTA report contains consideration of additional access points on Glamis Road, as called for previously by the Council, and identified in DBA's previous correspondence. Consideration of these details is contained in this letter.
6. Point 4 - No account taken of residual ground within Allocation Site F4. As noted at 1., above, this renders the Draft MTA deficient in its ability to draw conclusions on the traffic impact of the (partial) development studied, and the effectiveness of any interventions or site access options will remain unproven, rendering flawed any planning decisions made on the basis of this study. Details set out in DBA's previous letter, and in the Council's previous responses to transport studies and the masterplan for the F4 / Westfield site confirm that the development potential of the allocation is considerably higher than 450 units.
7. (1.10) - Traffic surveys: Details of the surveys undertaken are noted and accepted.
8. (1.13) - Right-turn ban at A90 Lochlands, diversion effect: Details are provided on the assumptions made in relation to diversion of traffic as a result of a ban of the right turns at the Lochlands junction of the A90 Trunk Road and the A932 Dundee Road. DBA have assessed issue in detail our the letter of January 2023, and consider that the same adjustments of flow diagrams are required in relation to the Draft MTA report.
9. (1.27) - Committed development traffic: There is a significant omission in the committed development accounted for in all analysis undertaken to date in respect of the F4 site allocation. The details are set out in DBA's letter of January 2023, however to summarise, a significant volume of extant business, industrial and warehousing development at the Orchardbank Business Park (approved up to 710,000ft² (65,959m²)) has been excluded from the all recent junction analysis to determine the impact of development on the F4 site. As a result, none of the recent reports can be considered to be adequate to base a planning decision upon.
10. (1.31) - Design year traffic flows: For the reasons stated above and set out in detail in DBA's letter dated 30 January 2023, the design year traffic flows set out in the

- Draft MTA report, and all other recent studies of F4 site development, must be considered unrepresentative of future traffic conditions, and therefore the conclusion of those reports should be considered flawed.
11. In addition, DBA's previous review indicate issues with the trip distribution applied which are considered to result in an underestimate of the impact on the Trunk Road of development on the F4 site allocation. The same issues would apply to the analysis described in the Draft MTA report.
 12. (2.3) - Junction analysis: DBA have not reviewed the junction analysis set out in the Draft MTA report as it is demonstrably the case that this junction analysis does not represent an accurate prediction of future design year traffic conditions, for the reasons stated above. Therefore, the analysis presented cannot be considered a valid basis for reaching any planning decision in relation to development of any portion of the F4 site allocation.
 13. (2.42) - Lochlands, alternative approaches: The Draft MTA report sets out five options for the treatment/improvement of the A90 Lochlands junction with the A932 Dundee Road. DBA consider this matter in detail in our letter of January 2023 (reference SH/RCMD/22123let03c). Reference should be made to those statements in relation to the Draft MTA, but, it is essential to restate here a basic principle of traffic impact assessment, to wit, the applicant or developer must be required to identify mitigation, analyse that mitigation, and contribute to useful measures for the mitigation of their development traffic impact on the local road network, and in particular at the A90 Lochlands on the Trunk Road network.
 14. In addition, no development should be permitted until a safe, effective, and suitable mitigation scheme for Lochlands is agreed, along with a funding mechanism to which the developer makes appropriate contribution, as there is no realistic means to prevent new development traffic from using the Lochlands junction.
 15. The Lochlands junction is the site of some 27 injury accidents over a 23-year period, including 1 Fatal; 11 Serious and 14 Slight. It is clear that Lochlands is a locus for injury accidents, and that the severity of accidents in this location is skewed disproportionately to Severe injuries. As a result, there is an imperative obligation on the Roads Authorities to ensure that the traffic impact of the Westfield development on this junction is mitigated adequately mitigated.
 16. In relation to Option 5, the reduction of speed limit on the A90 locally to the A932 Lochlands junction is suggested as an approach to the mitigation of traffic impact from the F4 allocation site development. This is contrary to Transport Scotland policy on the review and revision of speed limits on the Trunk Road Network, and to the applicable guidance to roads authorities for setting speed limits.
 17. Scotland's Road Safety Framework to 2030 was published in February 2021, and provides the framework for any consideration of Speed Limit alteration on the Trunk Road Network. Transport Scotland have said in relation to other projects that *"Applying an inconsistent approach to speed limits in any location would be at odds with the current application of speed limit guidance..."* Reducing the speed limit on the A90 at Lochlands junction to accommodate new development traffic would be entirely contrary to policy and technical guidance, and would reduce the strategic function of the Trunk Road for the benefit of private development.
 18. Any consideration of revision to speed limits locally also would need to be undertaken in the context of Transport Scotland's National Speed Limit Review, but also under the terms of the document 'Setting Local Speed Limits: Guidance for Local Authorities: ETLCD Circular 1/2006'. Paragraph 40 of the circular states that *"Speed limits should not be used to attempt to solve the problem of isolated hazards, such as a single road junction [...] as they would be difficult to enforce over such a short length. Other measures such as warning signs, carriageway*

markings, junction improvements, superelevation of bends and new or improved street lighting are likely to be more effective.”

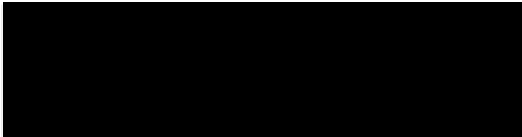
19. (2.44) The comparison of Lochlands with the junction at Laurencekirk in terms of accident profiles is misleading, as conditions there are completely different, and accident causation factors have not been considered. Only a detailed analysis of accidents conditions, causation, comparative traffic flows, road geometry, etc. by an experienced accident investigator would permit any comparative conclusion to be drawn, and this analysis has not been undertaken. The comparison is superficial, does not reflect National policy on the use of speed limits, and must be discounted from the decision-making process of the Planning Authority, and the advice given to the Planning Authority by the Roads Authorities.
20. (2.56) Public transport effects: Notwithstanding the comments in the Draft MTA in relation to availability of bus routes, as noted in DBA’s letter of January 2023, the F4 site allocation presently has a poor level of public transport provision, which is unlikely to encourage the use of public transport by residents of development at Westfield. This must be taken into account by the Planning Authority and any future planning conditions upon development should include the requirement to increase bus service frequencies, and also the number and quality of bus stops/shelters on Glamis Road and Westfield Loan.
21. (2.56) Development access from Glamis Road: (TP134/SK/602) Combined Access with Don and Low: DBA have set out important objections to the proposed cross-roads access junction proposal for the current residential planning application. The combination of residential traffic and goods vehicles turning to and from the active Don and Low facility to the north should be considered unsuitable for this type of development. Combined with these factors is the increased speed of traffic on Glamis Road, which is a long, straight road and subject to a 40mph speed limit.
22. Other proposals are illustrated in the Draft MTA for a new roundabout on Glamis Road, and it is essential, for reasons of road safety, that a roundabout be installed at the access to the existing planning application for residential development at Westfield in order to reduce the speed of traffic on Glamis Road and this shared access point, and to better manage the significant conflict between residential vehicles, goods vehicles and through traffic.
23. Furthermore, an most importantly, the access proposal shown in sketch TP134/SK/602 makes no provision for pedestrians crossing Glamis Road. Existing pedestrian crossing facilities on Glamis Road are all but non-existent, however there will be significant new demand created for residents to cross the 40mph Glamis Road to the existing eastbound bus stop (and any additional bus stop).
24. (TP134/SK/603) The alternative priority junction access to the F4 allocation site shown in this sketch is by far preferable to the option shown at Don and Low to the east. This option has not conflict with heavy goods vehicles, and provides and clear an unambiguous layout for residential traffic.
25. The access option show in combination with the Don and Low access is significantly less safe than this alternative option, which should be preferred, and the Don and Low option rejected. At the very least, a Stage 2 Road Safety Audit should be undertaken prior to planning permission being granted, to determine the most suitable access option, and appropriate road safety measures—which may include provision of a roundabout access—should be conditioned.
26. (TP134/SK/604) As noted above, roundabout access should be preferred at any location on Glamis Road to priority junction access, as traffic speed on the 40mph Glamis Road will be a safety issue for the residential traffic, and for

In conclusion, it is clear that there are numerous issues that have not been adequately examined in any of the traffic reports produced relating to the F4 site allocation or the Westfield planning application, and that any consent granted without addressing these deficiencies would not meet the requirements of the Angus LDP, or the Reporter's decision in relation to the F4 allocation.

In DBA's assessment, these matters require to be addressed, with reassessment of several critical aspects of accessibility, sustainability, and traffic impact, and current traffic studies for the F4 site allocation and Westfield planning application updated accordingly. This must be done before any planning permission can be granted. As these documents stands, the true impact of the proposed development on network capacity, sustainability criteria and road user safety has not been established.

Also, appropriate mitigation measures and accessibility improvements should be attached as conditions to any approval of this planning application, to prevent piecemeal development of a major housing release, causing unmitigated impacts across the local, and regional, transport network.

Yours faithfully,
for Dougall Baillie Associates



Stuart Harrow
stuart.harrow@dougallbaillie.com

-----Original Message-----

From: enquiries@elite-homes-tayside.co.uk <enquiries@elite-homes-tayside.co.uk>

Sent: 06 April 2023 13:05

To: Ruari Kelly <KellyR@angus.gov.uk>

Subject: 19/00707/FULM | Residential Development of 159 Dwellinghouses including Formation of Vehicular Access, Access Roads, Open Space, Landscaping, SUDS and Associated Infrastructure | Field Opposite Westfield Drive Westfield Loan Forfar

Dear Mr Kelly ,

We refer to the above-mentioned application and to the various responses recently received from various statutory consultees, specifically the following:

- Landscape Services (28/2/23)- Confirms the location and size of the play area is unacceptable. Further concerns are highlighted in relation to the integration of the Scheduled Ancient Monuments into the development along with various further detailed design matters. Please refer to our earlier comments within our letter of 1st February 2023 which sets out our detailed concerns with regard to open space, design and layout. It is apparent that the outstanding issues will require a total redesign of the proposed layout in order to accommodate the necessary open space in an appropriate, safe and connected location while providing a scheme which adheres to the guidance contained in Angus Council's Supplementary Guidance on Design Quality and Placemaking.
- EHO- Noise (6/3/23) - various technical issues are highlighted regarding the updated Noise Impact Assessment. Please refer to our detailed comments contained in previous correspondence dated 1st February 2023 and associated letter from Vibrock dated 10th January 2023.
- EHO - Contaminated Land (6/3/23) - acknowledgement that anthrax is present in the area of the proposed development. The consultee response confirms that there is no certainty on the location of the burial sites or the condition of the infected animal remains. This is an issue which Elite Homes have highlighted for over 20 years, most recently in our letter dated 19th December 2022. It is essential for the health and safety of the community that this matter is fully understood, and the necessary safeguards are put in place. As we have suggested previously in our letter dated 19th December 2019, and in line with UK Planning Circular, 2/2015, the standard cordon sanitaire around an intensive livestock operation, slurry or sewage store is 400m and is to protect against odour but also airborne disease, we would suggest a similar buffer would be appropriate to protect public health at Westfield.
- Angus Council Roads Service (6/3/23) - confirms that the most recent Transport Assessments are insufficient due to several technical matters, in addition and fundamentally, all TA documents to date have failed to consider the considerable committed development at Orchardbank Business Park. Please refer to our detailed comments in letter dated 1st February 2023 with associated letter from DBA dated 30th January 2023 and further letter from DBA dated 21st February 2023.

Considering all of the above it is clear that significant and material changes are required to the development layout before it can be considered acceptable. Further, additional supporting information is required after which all necessary statutory consultees, including Transport Scotland, must be renotified.

We would like to bring the following facts to the attention of the council:

1. The applicant has been aware of all these issues and constraints for over 7 years since the initial allocation of the Westfield site.
2. The application has been pending for over 3 ½ years, and in spite of receiving very helpful advice from Angus Council, the applicants are no nearer an acceptable development layout.
3. The consultee responses to the application confirm the clear need for a masterplanned solution in line with Policy F4 Housing Westfield of the Angus Local Development Plan. Without such an approach it is clear the Westfield site is constrained and cannot come forward.

The very real concern is that this obviously constrained site is having a detrimental impact on the effective housing land supply within the West Angus HMA, resulting in a worsening housing shortage. Angus Council have a duty to ensure fully effective sites are available.

Therefore, we would submit that at this time Angus Council should seek the withdrawal of the application or alternatively the application should be considered at the next available Development Standards Committee with a recommendation for refusal given the outstanding concerns raised by statutory consultees.

Kind regards,

Elite Homes (Tayside) Limited