

ANGUS COUNCIL

DEVELOPMENT MANAGEMENT REVIEW COMMITTEE – 9 MAY 2023

**LAND 150M WEST OF NETHERTON COTTAGES, MEMUS, FORFAR –
RESPONSE TO WRITTEN PROCEDURE NOTICE**

REPORT BY THE DIRECTOR OF LEGAL AND DEMOCRATIC SERVICES

ABSTRACT:

The Committee is asked to consider the responses in respect of the Written Procedure Notice issued following the Committee's consideration of the Notice of Review at a meeting held on 23 February 2023.

1. RECOMMENDATIONS

It is recommended that the Committee:-

- (i) note the Written Procedure Notice issued on 28 February 2023 as instructed by this Committee (Appendix 1);
- (iii) review the case submitted by the planning authority as contained within Report No 35/23 (previously circulated) and the response to the Written Procedure Notice (Appendix 2);
- (iii) review the case submitted by the applicant as contained within Report No 35/23 (previously circulated) and the further submission made by the applicant to the Written Procedure Notice Response (Appendix 3); and
- (iv) proceed to determine the Notice of Review.

2. ALIGNMENT TO THE ANGUS LOCAL OUTCOMES IMPROVEMENT PLAN/CORPORATE PLAN

This report contributes to the following outcomes contained within the Angus Council Plan:

- Safe, secure, vibrant and sustainable communities
- A reduced carbon footprint
- An enhanced, protected and enjoyed natural and built environment

3. CURRENT POSITION

The Development Management Review Committee (DMRC), at its meeting on 23 February 2023, considered an application for a Review in respect of the siting of two glamping units and associated works (non-determination), application No 22/00500/FULL, at Land 150m West of Netherton Cottages, Memus, Forfar and determined that they required further written information. The Committee agreed that the planning authority be requested to provide further representations or information in respect of the following:-

- (i) a statement on National Planning Framework 4 in respect of the proposed development;
- (ii) a statement on the Angus Local Development Plan (2016) (including appropriate Supplementary Guidance) in respect of the proposed development; and
- (iii) a copy of the information required should be submitted to the Director of Legal and Democratic Services within 28 days of the date of the Notice, with a copy to be provided to the applicant as provided for by the Written Procedure Notice.

A copy of the Written Procedure Notice together with the planning authority response and the response from the applicant is attached at Appendices 1, 2 & 3.

The Committee also agreed to undertake an unaccompanied site visit. The site visit was subsequently held on 27 April 2023.

The Committee is now invited to determine the Notice of Review unless it requires further procedure.

4. FINANCIAL IMPLICATIONS

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

5. EQUALITY IMPACT ASSESSMENT

An Equality Impact Assessment is not required.

6. CONSULTATION

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

NOTE: No background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973, (other than any containing confidential or exempt information) were relied on to any material extent in preparing the above Report.

Report Author: Sarah Forsyth
E-Mail: LEGDEM@angus.gov.uk

List of Appendices:

Appendix 1 - Written Procedure Notice

Appendix 2 - Planning Authority Response to the Written Procedure Notice

Appendix 3 - Applicant Response to Written Procedure Notice Response

Development Management Review Committee

DMRC – 23 February 2023

Written Procedure Notice

Decision by Development Management Review Committee (DMRC)

- Site Address: Land 150m West of Netherton Cottages, Memus, Forfar
- Application for a Review – Non-determination of application No 22/00500/FULL in respect of the siting of two glamping units and associated works at Land 150m West of Netherton Cottages, Memus, Forfar
- Application No. 22/00500/FULL
- Date of DMRC – 23 February 2023

Date of Written Procedure Notice: 28 February 2023

Decision

The Development Management Review Committee requires the planning authority to provide further information by way of written submissions in respect of the following:

1. A statement on National Planning Framework 4 in respect of the proposed development; and
2. A statement on the Angus Local Development Plan (2016) (including appropriate Supplementary Guidance) in respect of the proposed development.

The foregoing information is required to be submitted to the Director of Legal and Democratic Services, legdem@angus.gov.uk FAO Sarah Forsyth within 28 days of the date of this Notice (with a copy to be provided to the applicant, Mr Neil Stewart, julie1303@hotmail.co.uk). A further 14 days will be given to the parties identified to comment on the submissions made. A further meeting of the DMRC will be held once the submissions and comments have been received.

28 February 2023Signed 

Alison Watson
Service Leader - Legal and Democratic Services
Angus Council
Angus House
Forfar
DD8 1AN

Statement of NPF4 and ALDP policy compliance for review case 22/00020/NONDET

Planning Application Ref:	22/00500/FULL
Description of Development:	Siting of two Glamping units and associated works including formation of parking/access and turning area, timber decking, bike sheds, screen fencing, and wastewater arrangements
Site Address:	Land 150M West Of Netherton Cottages Memus Forfar
Grid Ref:	341851 : 759175
Applicant Name:	Mr Neil Stewart

Report of Handling

Proposal

The application proposes the siting of two glamping units with associated hot tubs, boundary treatments, bike sheds and decking on an area of agricultural land measuring around 1000sqm.

The plans indicate that the pods would measure 2.9m in height, 5.9m in length and 3.5m in width. The pods would be finished in wooden cladding and the accommodation would include an open plan living and sleeping area with bathroom and toilet facilities to the rear. The proposed bike sheds would be 1.8m high, 2m long and 1.2m wide. Vehicular access to the development would be taken from the northeast of the site via a new access onto the classified C30 Cortachy to Menmuir public road. The plans indicate that a two-metre-high grass mound would be formed to the north of the site between the northerly most pod and the public road. Hedging is proposed along the eastern site boundary, with a post and wire fence delineating the southern and western boundaries.

The application form indicates that the proposal would include private drainage arrangements for foul drainage and sustainable drainage for the treatment of surface water. A connection to the public water supply is proposed. The plans indicate that a septic tank would be sited to the west of the southerly most glamping unit, discharging to a soakaway outside of the site.

Amendments

The application has not been subject of variation.

Publicity

The application was subject to normal neighbour notification procedures.

The application was advertised in the Dundee Courier on 16 September 2022 for the following reasons:

- Schedule 3 Development

The nature of the proposal did not require a site notice to be posted.

Planning History

None.

Applicant's Case

Supporting Statement – explains the applicants desire to bring tourism into the area by providing pods in a location close to Memus but sufficiently far away from the farm operation to provide a good amenity. Suggests that the chosen location would minimise impacts and it opines that the proposed grass mound would minimise visibility of the proposed pods.

Consultations

Community Council - There was no response from this consultee at the time of report preparation.

Roads (Traffic) – Objected to the proposal on the basis that the proposed access would have insufficient visibility splays, including visibility sightlines of 2.4 x 215 metres as well as forward visibility of 215 metres being provided on the approach from the west.

In subsequent discussions roads has indicated that, if the applicant owns the field to the north of the public road (as suggested on the plans submitted), the objection could be addressed by a planning condition requiring the provision of suitable splays before development commences.

Scottish Water - No objection.

Representations

There have been no letters of representation.

Development Plan Policies

Angus Local Development Plan 2016

Policy DS1 : Development Boundaries and Priorities
Policy DS2 : Accessible Development
Policy DS3 : Design Quality and Placemaking
Policy DS4 : Amenity
Policy TC15 : Employment Development
Policy TC16 : Tourism Development
Policy PV6 : Development in the Landscape
Policy PV8 : Built and Cultural Heritage
Policy PV15 : Drainage Infrastructure
Policy PV18 : Waste Management in New Development
Policy PV20 : Soils and Geodiversity

National Planning Framework 4

Policy 1. Tackling the climate and nature crises
Policy 2. Climate mitigation and adaptation
Policy 3. Biodiversity
Policy 4. Natural places
Policy 5. Soils
Policy 7. Historic Assets and Places
Policy 9. Brownfield, vacant and derelict land and empty buildings
Policy 12. Zero waste
Policy 13. Sustainable transport
Policy 14. Design, quality and place
Policy 18. Infrastructure first
Policy 20. Blue and green infrastructure
Policy 22. Flood risk and water management
Policy 23. Health and safety
Policy 29. Rural development
Policy 30. Tourism

The full text of the relevant development plan policies can be viewed at Appendix 1 to this report.

Assessment

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

In this case the development plan comprises: -

- National Planning Framework 4 (NPF4) (Adopted 2023)
- Angus Local Development Plan (ALDP) (Adopted 2016)

The development plan policies relevant to the determination of the planning application are reproduced at Appendix 1 and have been taken into account in preparing this report.

The ALDP was adopted in September 2016 while NPF4 was adopted on 13 February 2023. Planning legislation indicates that where there is any incompatibility between the provision of the national planning framework and a provision of a local development plan, whichever of them is the later in date is to prevail.

The application site is not allocated or otherwise identified for development in the ALDP. ALDP Policy DS1 states that outwith development boundaries proposals will be supported where they are of a scale and nature appropriate to their location and where they are in accordance with relevant policies of the ALDP. Both NPF4 and the ALDP seek to encourage the reuse of brownfield land and buildings to help reduce the need for greenfield development. NPF4 Policy 9 indicates that proposals on greenfield sites will only be supported where the site is allocated for development, or the proposal is explicitly supported by policies in the LDP. NPF4 Policy 1 indicates that when considering all development proposals significant weight will be given to the global climate and nature crises.

NPF4 Policy 29 *rural development* is supportive of development proposals that contribute to the viability, sustainability and diversity of rural communities and the local rural economy including development on farms where use of good quality land is minimised and where proposals involve diversification of existing businesses. Policy 29 indicates that proposals should be suitably scaled, sited and designed to be in keeping with the character of the area. ALDP policy indicates that proposals for employment development outwith development boundaries will only be supported where the scale and nature of the development is in keeping with the character of the local landscape and pattern of development; and where the development represents rural diversification and is to be used for agriculture or uses which by their nature are appropriate to the rural character of the area.

NPF4 Policy 30 *tourism* seeks to encourage, promote and facilitate sustainable tourism development which benefits local people, is consistent with our net zero and nature commitments, and inspires people to visit Scotland. The policy offers support to new tourist accommodation in locations identified in the LDP. It indicates that consideration of proposals will take into account (amongst other things) the economic contribution of the proposal, compatibility with the surrounding area in terms of the nature and scale of the activity, and impacts of increased visitors, opportunities for sustainable travel, and opportunities to provide access to the natural environment. ALDP Policy TC16 aims to encourage and support opportunities for new or improved tourist related facilities and accommodation in order to satisfy visitor aspirations, to provide a range and quality of tourist accommodation to maintain and extend the length of the tourist season. It also requires tourism related development to be sensitively located and designed to ensure that the environmental qualities which attracted people to Angus in the first instance are not undermined. It acknowledges that tourism developments can generate large amounts of visitors and should be located in areas and locations which are accessible by public transport and, where available, other modes such as cycling and walking.

NPF4 Policy 14 *design quality and place* indicates that proposals will be designed to improve the quality of an area; and indicates proposals which are poorly designed or inconsistent with the six qualities of successful places will not be supported. Those qualities include (amongst other things) pleasant places which connect with nature including natural landscape, existing landforms and features, biodiversity and eco-systems, integrating blue and green infrastructure and visual

connection. ALDP Policy DS3 requires proposals 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. The associated Design and Placemaking Supplementary Guidance (2018) requires proposals to (amongst other things) use the landform as much as possible, avoid skyline development and suggests that landscaping should be used to provide a backcloth to reduce the impact of development from key viewpoints.

ALDP Policy PV6 indicates that Angus Council will seek to protect and enhance the quality of the landscape in Angus; and requires the siting and design of development to integrate with the landscape context and minimise adverse impacts on the local landscape. Policy PV6 requires consideration of landscape capacity having regard to relevant capacity studies including the Tayside Landscape Character Assessment (TLCA). The TLCA makes reference to caravan and chalet type development and indicates that they should be **steered to locations where the topography or land cover limits their impact on the wider landscape**.

The applicant has provided information indicating that the proposed development represents an opportunity for diversification of the existing mixed farm business at Newton of Inshewan, in a manner which does not use a significant area of agricultural land and would attract visitors to the area, supporting services in Memus, the Angus towns and rural area. The information explains that the site has been chosen to provide easy access from the public road, allow views of adjacent fields and located far enough away from the farm steadings to avoid disturbance from agricultural activities.

The proposal would be located on greenfield agricultural land which is not allocated for development. The supporting information does not include full details of the applicant's land holding, or evidence of consideration being given to other sites including any available brownfield land in the applicants control, which might negate the need to use undeveloped greenfield land to deliver the development.

While both NPF4 and the ALDP offer support to new tourism development in rural Angus, that support is qualified and requires development to be suitably scaled, sited and designed to be in keeping with the character of the local landscape and pattern of development. In summarised terms, policy and associated guidance expects new development to be sited in a way where it relates well to topography or established land cover (trees and buildings), and avoiding exposed sites without land cover in order to limit the impact of new development on the wider landscape.

The character of the area is dominated by agricultural use with land predominantly used for crop production or livestock grazing. The building pattern close to the site and outside of the village of Memus tends to be characterised by groups of buildings, either farm complexes or groups of rural housing. The site comprises an open area of agricultural land at the corner of a field adjacent to the public road. The site has no existing landscape features which would support the siting of new development, such as landform, buildings or established planting. It is an exposed and open site which is divorced from the buildings at Netherton to the east and the farm building complex at Newton of Inshewan to the west. The site selected would not minimise the impact of development on the surrounding landscape and would appear as an isolated development in the corner of a field. The proposal is inconsistent with TLCA guidance which encourages locations where the topography or land cover limits impact on the wider landscape. The proposed landscape mitigation comprising a grass mound to the north and a hedge along the eastern boundary is unlikely to significantly mitigate its appearance as an isolated development in the landscape.

Although the economic benefit of the proposal is not quantified, it is acknowledged that a proposal for this type of development has the potential to meet some of the aims of both NPF4 and the ALDP by increasing the choice of tourism accommodation, diversifying the existing farm business and providing access to the natural environment. It is a location which does not benefit from a regular public transport service, increasing reliance on the private car to access the site which conflicts with the aims of the ALDP and NPF4. However, the scale of the proposed development is such that it would not introduce a significant travel generating use, which reduces the policy tension created by the lack of sustainable travel options. The proposal also makes provision for cycle storage to promote that mode of transport.

The economic benefits of the proposal could equally be secured by siting the proposed development on brownfield land, or in a location where the topography or land cover limits the impact of

development on the wider landscape. There are numerous developments of this nature which have secured planning permission across Angus, but sites which have been granted planning permission are typically more effectively sited, using established topography or land cover (trees and buildings) to limit impact on the wider landscape.

The proposed pods would be located in an open and exposed location in the Angus countryside which relates poorly to existing buildings, landform and does not benefit from an established landscape setting. As a result, the proposal is inconsistent with TLCA landscape guidance and the development is not in keeping with the character of the local landscape and pattern of development. The proposal is therefore contrary to NPF4 policies 14, 29 and 30 and ALDP policies DS1, DS3, TC16 and PV6. The site is on greenfield land and is not allocated for development. In circumstances where the proposal is not explicitly supported by policies in the ALDP due to its poor locational characteristics, the use of greenfield land is not supported by NPF4 Policy 9.

Both ALDP (Policy DS4) and NPF4 (Policy 13) policy requires consideration of impacts associated with transport and traffic. Reference is made above to the lack of sustainable travel options available to serve the proposed development, but acknowledges that this is not a use which is likely to generate significant levels of traffic. The development does however require provision of a suitable and safe access from the public road. The road is subject to the national, derestricted speed limit of 60mph at the site access. The proposed access would be located approximately 40 metres east of a bend in the public road. To provide a safe and satisfactory access, roads has indicated that minimum visibility sightlines of 2.4 x 215 metres should be provided on both sides of the proposed access at its junction with the public road, as well as forward visibility of 215 metres on the approach to the site from the west. The forward visibility splay is important to ensure an adequate stopping distance is available to stationary or slow-moving vehicles turning right into the site. Provision of suitable visibility splays would affect land on the north side of the public road, but the land ownership information submitted suggests that the applicant controls the land required to provide those splays. As such, suitable visibility splays could be secured by planning condition.

Both NPF4 and the ALDP only allow development on prime quality agricultural land in limited circumstances, including development which is linked to a farm or other rural business and where the design and layout would minimise the land required for development. Available information is contradictory in respect of the agricultural land classification, with one source suggesting the land is prime quality (Class 2) and another suggesting the land is sub-prime (Class 3.2). However, given the relatively limited land take of the proposal (around 1000sqm), the uncertainty about its classification, and the connection of the proposal to an existing farming business, the proposal raises no significant issues against the development plan approach to safeguarding prime quality agricultural land.

The proposal does not raise any significant issues when considered against remaining development plan policies. The proposal is unlikely to result in any significant impact on neighbouring amenity. The site is not subject of any natural heritage or cultural heritage designation and the development would be unlikely to result in any significant direct or indirect impacts on the natural or built environment. Were the proposal otherwise acceptable, conditions could be used to secure biodiversity enhancement measures required by NPF4 Policy 3, although there is limited space within the site to provide any meaningful biodiversity enhancement through new planting.

The site is not within an area identified as being subject to flood risk on SEPA flood maps and there is no reason to consider the proposal would be at future risk from climate change. The proposed water supply and drainage arrangements are acceptable. Scottish Water has offered no objection to the proposal. Information relating to waste management arrangements could be secured by planning condition.

As with any application, the proposal attracts support from some development plan policies and is not entirely compatible with others. However, when those matters are balanced and considered in the round, all of the benefits that offer support to the proposal could equally be secured on an alternative site which is either brownfield land, or by using greenfield land which is less open and exposed and relates more successfully to existing buildings, landform or established landscaping. In circumstances where little regard has been given to the landscape fit of the site, and the benefits of the development could equally be secured on a more carefully selected site, it does not attract support from the development plan.

Conclusion

The application is contrary to the development plan.

Reason(s) for conclusion:

1. The proposed development would be located in an open and exposed position in the Angus countryside on a site which relates poorly to existing buildings and landform and does not benefit from an established landscape setting. The proposal is inconsistent with the Tayside Landscape Character Assessment landscape guidance for chalets, is poorly designed and insensitively located; and is not of a nature appropriate to the proposed location contrary to National Planning Framework 4 (2023) policies 14, 29 and 30 and Angus Local Development Plan (2016) policies DS1, DS3, TC16 and PV6.
2. The application proposes development on greenfield land which is not allocated for development and the proposal is not explicitly supported by policies in the Angus Local Development Plan (2016) due to its poor locational characteristics. The use of greenfield land in those circumstances is not supported by Policy 9 of National Planning Framework 4 (2023)

Notes:

Report author: Ed Taylor

Date: 27 March 2023

Appendix 1 - Development Plan Policies

NPF4 – national planning policies

Policy 1 Tackling the climate and nature crises

When considering all development proposals significant weight will be given to the global climate and nature crises.

Policy 2 Climate mitigation and adaptation

- a) Development proposals will be sited and designed to minimise lifecycle greenhouse gas emissions as far as possible.
- b) Development proposals will be sited and designed to adapt to current and future risks from climate change.
- c) Development proposals to retrofit measures to existing developments that reduce emissions or support adaptation to climate change will be supported.

Policy 3 Biodiversity

- a) Development proposals will contribute to the enhancement of biodiversity, including where relevant, restoring degraded habitats and building and strengthening nature networks and the connections between them. Proposals should also integrate nature-based solutions, where possible.
- b) Development proposals for national or major development, or for development that requires an Environmental Impact Assessment will only be supported where it can be demonstrated that the proposal will conserve, restore and enhance biodiversity, including nature networks so they are in a demonstrably better state than without intervention. This will include future management. To inform this, best practice assessment methods should be used. Proposals within these categories will demonstrate how they have met all of the following criteria:
 - i. the proposal is based on an understanding of the existing characteristics of the site and its local, regional and national ecological context prior to development, including the presence of any irreplaceable habitats;
 - ii. wherever feasible, nature-based solutions have been integrated and made best use of;
 - iii. an assessment of potential negative effects which should be fully mitigated in line with the

mitigation hierarchy prior to identifying enhancements;

iv. significant biodiversity enhancements are provided, in addition to any proposed mitigation. This should include nature networks, linking to and strengthening habitat connectivity within and beyond the development, secured within a reasonable timescale and with reasonable certainty. Management arrangements for their long-term retention and monitoring should be included, wherever appropriate; and

v. local community benefits of the biodiversity and/or nature networks have been considered.

c) Proposals for local development will include appropriate measures to conserve, restore and enhance biodiversity, in accordance with national and local guidance. Measures should be proportionate to the nature and scale of development. Applications for individual householder development, or which fall within scope of (b) above, are excluded from this requirement.

d) Any potential adverse impacts, including cumulative impacts, of development proposals on biodiversity, nature networks and the natural environment will be minimised through careful planning and design. This will take into account the need to reverse biodiversity loss, safeguard the ecosystem services that the natural environment provides, and build resilience by enhancing nature networks and maximising the potential for restoration.

Policy 4 Natural places

a) Development proposals which by virtue of type, location or scale will have an unacceptable impact on the natural environment, will not be supported.

b) Development proposals that are likely to have a significant effect on an existing or proposed European site (Special Area of Conservation or Special Protection Areas) and are not directly connected with or necessary to their conservation management are required to be subject to an "appropriate assessment" of the implications for the conservation objectives.

c) Development proposals that will affect a National Park, National Scenic Area, Site of Special Scientific Interest or a National Nature Reserve will only be supported where:

- i. The objectives of designation and the overall integrity of the areas will not be compromised; or
- ii. Any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social, environmental or economic benefits of national importance.

All Ramsar sites are also European sites and/ or Sites of Special Scientific Interest and are extended protection under the relevant statutory regimes.

d) Development proposals that affect a site designated as a local nature conservation site or landscape area in the LDP will only be supported where:

- i. Development will not have significant adverse effects on the integrity of the area or the qualities for which it has been identified; or
- ii. Any significant adverse effects on the integrity of the area are clearly outweighed by social, environmental or economic benefits of at least local importance.

e) The precautionary principle will be applied in accordance with relevant legislation and Scottish Government guidance.

f) Development proposals that are likely to have an adverse effect on species protected by legislation will only be supported where the proposal meets the relevant statutory tests. If there is reasonable evidence to suggest that a protected species is present on a site or may be affected by a proposed development, steps must be taken to establish its presence. The level of protection required by legislation must be factored into the planning and design of development, and potential impacts must be fully considered prior to the determination of any application.

g) Development proposals in areas identified as wild land in the Nature Scot Wild Land Areas map will only be supported where the proposal:

- i) will support meeting renewable energy targets; or,
- ii) is for small scale development directly linked to a rural business or croft, or is required to support a fragile community in a rural area.

All such proposals must be accompanied by a wild land impact assessment which sets out how design, siting, or other mitigation measures have been and will be used to minimise significant impacts on the qualities of the wild land, as well as any management and monitoring arrangements where appropriate. Buffer zones around wild land will not be applied, and effects of development outwith wild land areas will not be a significant consideration.

Policy 5 Soils

- a) Development proposals will only be supported if they are designed and constructed:
 - i. In accordance with the mitigation hierarchy by first avoiding and then minimising the amount of disturbance to soils on undeveloped land; and
 - ii. In a manner that protects soil from damage including from compaction and erosion, and that minimises soil sealing.

- b) Development proposals on prime agricultural land, or land of lesser quality that is culturally or locally important for primary use, as identified by the LDP, will only be supported where it is for:
 - i. Essential infrastructure and there is a specific locational need and no other suitable site;
 - ii. Small-scale development directly linked to a rural business, farm or croft or for essential workers for the rural business to be able to live onsite;
 - iii. The development of production and processing facilities associated with the land produce where no other local site is suitable;
 - iv. The generation of energy from renewable sources or the extraction of minerals and there is secure provision for restoration; and

In all of the above exceptions, the layout and design of the proposal minimises the amount of protected land that is required.

- c) Development proposals on peatland, carbon- rich soils and priority peatland habitat will only be supported for:
 - i. Essential infrastructure and there is a specific locational need and no other suitable site;
 - ii. The generation of energy from renewable sources that optimises the contribution of the area to greenhouse gas emissions reductions targets;
 - iii. Small-scale development directly linked to a rural business, farm or croft;
 - iv. Supporting a fragile community in a rural or island area; or
 - v. Restoration of peatland habitats.

- d) Where development on peatland, carbon-rich soils or priority peatland habitat is proposed, a detailed site specific assessment will be required to identify:
 - i. the baseline depth, habitat condition, quality and stability of carbon rich soils;
 - ii. the likely effects of the development on peatland, including on soil disturbance; and
 - iii. the likely net effects of the development on climate emissions and loss of carbon.

This assessment should inform careful project design and ensure, in accordance with relevant guidance and the mitigation hierarchy, that adverse impacts are first avoided and then minimised through best practice. A peat management plan will be required to demonstrate that this approach has been followed, alongside other appropriate plans required for restoring and/ or enhancing the site into a functioning peatland system capable of achieving carbon sequestration.

- e) Development proposals for new commercial peat extraction, including extensions to existing sites, will only be supported where:
 - i. the extracted peat is supporting the Scottish whisky industry;
 - ii. there is no reasonable substitute;
 - iii. the area of extraction is the minimum necessary and the proposal retains an in-situ residual depth of part of at least 1 metre across the whole site, including
 - iv. the time period for extraction is the minimum necessary; and
 - v. there is an agreed comprehensive site restoration plan which will progressively restore, over a reasonable timescale, the area of extraction to a functioning peatland system capable of achieving carbon sequestration.

Policy 7 Historic assets and places

a) Development proposals with a potentially significant impact on historic assets or places will be accompanied by an assessment which is based on an understanding of the cultural significance of the historic asset and/or place. The assessment should identify the likely visual or physical impact of any proposals for change, including cumulative effects and provide a sound basis for managing the impacts of change.

Proposals should also be informed by national policy and guidance on managing change in the historic environment, and information held within Historic Environment Records.

b) Development proposals for the demolition of listed buildings will not be supported unless it has been demonstrated that there are exceptional circumstances and that all reasonable efforts have been made to retain, reuse and/or adapt the listed building. Considerations include whether the:

- i. building is no longer of special interest;
- ii. building is incapable of physical repair and re-use as verified through a detailed structural condition survey report;
- iii. repair of the building is not economically viable and there has been adequate marketing for existing and/or new uses at a price reflecting its location and condition for a reasonable period to attract interest from potential restoring purchasers; or
- iv. demolition of the building is essential to delivering significant benefits to economic growth or the wider community.

c) Development proposals for the reuse, alteration or extension of a listed building will only be supported where they will preserve its character, special architectural or historic interest and setting. Development proposals affecting the setting of a listed building should preserve its character, and its special architectural or historic interest.

d) Development proposals in or affecting conservation areas will only be supported where the character and appearance of the conservation area and its setting is preserved or enhanced. Relevant considerations include the:

- i. architectural and historic character of the area;
- ii. existing density, built form and layout; and
- iii. context and siting, quality of design and suitable materials.

e) Development proposals in conservation areas will ensure that existing natural and built features which contribute to the character of the conservation area and its setting, including structures, boundary walls, railings, trees and hedges, are retained.

f) Demolition of buildings in a conservation area which make a positive contribution to its character will only be supported where it has been demonstrated that:

- i. reasonable efforts have been made to retain, repair and reuse the building;
- ii. the building is of little townscape value;
- iii. the structural condition of the building prevents its retention at a reasonable cost; or
- iv. the form or location of the building makes its reuse extremely difficult.

g) Where demolition within a conservation area is to be followed by redevelopment, consent to demolish will only be supported when an acceptable design, layout and materials are being used for the replacement development.

h) Development proposals affecting scheduled monuments will only be supported where:

- i. direct impacts on the scheduled monument are avoided;
- ii. significant adverse impacts on the integrity of the setting of a scheduled monument are avoided; or
- iii. exceptional circumstances have been demonstrated to justify the impact on a scheduled monument and its setting and impacts on the monument or its setting have been minimised.

i) Development proposals affecting nationally important Gardens and Designed Landscapes will be supported where they protect, preserve or enhance their cultural significance, character and integrity and where proposals will not significantly impact on important views to, from and within the

site, or its setting.

j) Development proposals affecting nationally important Historic Battlefields will only be supported where they protect and, where appropriate, enhance their cultural significance, key landscape characteristics, physical remains and special qualities.

k) Development proposals at the coast edge or that extend offshore will only be supported where proposals do not significantly hinder the preservation objectives of Historic Marine Protected Areas.

l) Development proposals affecting a World Heritage Site or its setting will only be supported where their Outstanding Universal Value is protected and preserved.

m) Development proposals which sensitively repair, enhance and bring historic buildings, as identified as being at risk locally or on the national Buildings at Risk Register, back into beneficial use will be supported.

n) Enabling development for historic environment assets or places that would otherwise be unacceptable in planning terms, will only be supported when it has been demonstrated that the enabling development proposed is:

- i. essential to secure the future of an historic environment asset or place which is at risk of serious deterioration or loss; and
- ii. the minimum necessary to secure the restoration, adaptation and long-term future of the historic environment asset or place.

The beneficial outcomes for the historic environment asset or place should be secured early in the phasing of the development, and will be ensured through the use of conditions and/or legal agreements.

o) Non-designated historic environment assets, places and their setting should be protected and preserved in situ wherever feasible. Where there is potential for non-designated buried archaeological remains to exist below a site, developers will provide an evaluation of the archaeological resource at an early stage so that planning authorities can assess impacts. Historic buildings may also have archaeological significance which is not understood and may require assessment.

Where impacts cannot be avoided they should be minimised. Where it has been demonstrated that avoidance or retention is not possible, excavation, recording, analysis, archiving, publication and activities to provide public benefit may be required through the use of conditions or legal/planning obligations.

When new archaeological discoveries are made during the course of development works, they must be reported to the planning authority to enable agreement on appropriate inspection, recording and mitigation measures.

Policy 9 Brownfield, vacant and derelict land and empty buildings

a) Development proposals that will result in the sustainable reuse of brownfield land including vacant and derelict land and buildings, whether permanent or temporary, will be supported. In determining whether the reuse is sustainable, the biodiversity value of brownfield land which has naturalised should be taken into account.

b) Proposals on greenfield sites will not be supported unless the site has been allocated for development or the proposal is explicitly supported by policies in the LDP.

c) Where land is known or suspected to be unstable or contaminated, development proposals will demonstrate that the land is, or can be made, safe and suitable for the proposed new use.

d) Development proposals for the reuse of existing buildings will be supported, taking into account their suitability for conversion to other uses. Given the need to conserve embodied energy, demolition will be regarded as the least preferred option.

Policy 12 Zero waste

- a) Development proposals will seek to reduce, reuse, or recycle materials in line with the waste hierarchy.
- b) Development proposals will be supported where they:
- i. reuse existing buildings and infrastructure;
 - ii. minimise demolition and salvage materials for reuse;
 - iii. minimise waste, reduce pressure on virgin resources and enable building materials, components and products to be disassembled, and reused at the end of their useful life;
 - iv. use materials with the lowest forms of embodied emissions, such as recycled and natural construction materials;
 - v. use materials that are suitable for reuse with minimal reprocessing.
- c) Development proposals that are likely to generate waste when operational, including residential, commercial, and industrial properties, will set out how much waste the proposal is expected to generate and how it will be managed including:
- i. provision to maximise waste reduction and waste separation at source, and
 - ii. measures to minimise the cross- contamination of materials, through appropriate segregation and storage of waste; convenient access for the collection of waste; and recycling and localised waste management facilities.
- d) Development proposals for waste infrastructure and facilities (except landfill and energy from waste facilities) will be only supported where:
- i. there are no unacceptable impacts (including cumulative) on the residential amenity of nearby dwellings, local communities; the transport network; and natural and historic environment assets;
 - ii. environmental (including cumulative) impacts relating to noise, dust, smells, pest control and pollution of land, air and water are acceptable;
 - iii. any greenhouse gas emissions resulting from the processing and transportation of waste to and from the facility are minimised;
 - iv. an adequate buffer zone between sites and sensitive uses such as homes is provided taking account of the various environmental effects likely to arise;
 - v. a restoration and aftercare scheme (including appropriate financial mechanisms) is provided and agreed to ensure the site is restored;
 - vi. consideration has been given to co-location with end users of outputs.
- e) Development proposals for new or extended landfill sites will only be supported if:
- i. there is demonstrable need for additional landfill capacity taking into account Scottish Government objectives on waste management; and
 - ii. waste heat and/or electricity generation is included. Where this is considered impractical, evidence and justification will require to be provided.
- f) Proposals for the capture, distribution or use of gases captured from landfill sites or waste water treatment plant will be supported.
- g) Development proposals for energy-from-waste facilities will not be supported except under limited circumstances where a national or local need has been sufficiently demonstrated (e.g. in terms of capacity need or carbon benefits) as part of a strategic approach to residual waste management and where the proposal:
- i. is consistent with climate change mitigation targets and in line with circular economy principles;
 - ii. can demonstrate that a functional heat network can be created and provided within the site for appropriate infrastructure to allow a heat network to be developed and potential local consumers have been identified;
 - iii. is supported by a heat and power plan, which demonstrates how energy recovered from the development would be used to provide electricity and heat and where consideration is given to methods to reduce carbon emissions of the facility (for example through carbon capture and storage)
 - iv. complies with relevant guidelines published by Scottish Environment Protection Agency (SEPA); and
 - v. has supplied an acceptable decarbonisation strategy aligned with Scottish Government decarbonisation goals.

Policy 13 Sustainable transport

- a) Proposals to improve, enhance or provide active travel infrastructure, public transport infrastructure or multi-modal hubs will be supported. This includes proposals:
- i. for electric vehicle charging infrastructure and electric vehicle forecourts, especially where fuelled by renewable energy.
 - ii. which support a mode shift of freight from road to more sustainable modes, including last-mile delivery.
 - iii. that build in resilience to the effects of climate change and where appropriate incorporate blue and green infrastructure and nature rich habitats (such as natural planting or water systems).
- b) Development proposals will be supported where it can be demonstrated that the transport requirements generated have been considered in line with the sustainable travel and investment hierarchies and where appropriate they:
- i. Provide direct, easy, segregated and safe links to local facilities via walking, wheeling and cycling networks before occupation;
 - ii. Will be accessible by public transport, ideally supporting the use of existing services;
 - iii. Integrate transport modes;
 - iv. Provide low or zero-emission vehicle and cycle charging points in safe and convenient locations, in alignment with building standards;
 - v. Supply safe, secure and convenient cycle parking to meet the needs of users and which is more conveniently located than car parking;
 - vi. Are designed to incorporate safety measures including safe crossings for walking and wheeling and reducing the number and speed of vehicles;
 - vii. Have taken into account, at the earliest stage of design, the transport needs of diverse groups including users with protected characteristics to ensure the safety, ease and needs of all users; and
 - viii. Adequately mitigate any impact on local public access routes.
- c) Where a development proposal will generate a significant increase in the number of person trips, a transport assessment will be required to be undertaken in accordance with the relevant guidance.
- d) Development proposals for significant travel generating uses will not be supported in locations which would increase reliance on the private car, taking into account the specific characteristics of the area.
- e) Development proposals which are ambitious in terms of low/no car parking will be supported, particularly in urban locations that are well-served by sustainable transport modes and where they do not create barriers to access by disabled people.
- f) Development proposals for significant travel generating uses, or smaller-scale developments where it is important to monitor travel patterns resulting from the development, will only be supported if they are accompanied by a Travel Plan with supporting planning conditions/obligations. Travel plans should set out clear arrangements for delivering against targets, as well as monitoring and evaluation.
- g) Development proposals that have the potential to affect the operation and safety of the Strategic Transport Network will be fully assessed to determine their impact. Where it has been demonstrated that existing infrastructure does not have the capacity to accommodate a development without adverse impacts on safety or unacceptable impacts on operational performance, the cost of the mitigation measures required to ensure the continued safe and effective operation of the network should be met by the developer.

While new junctions on trunk roads are not normally acceptable, the case for a new junction will be considered by Transport Scotland where significant economic or regeneration benefits can be demonstrated. New junctions will only be considered if they are designed in accordance with relevant guidance and where there will be no adverse impact on road safety or operational performance.

Policy 14 Design, quality and place

- a) Development proposals will be designed to improve the quality of an area whether in urban or

rural locations and regardless of scale.

b) Development proposals will be supported where they are consistent with the six qualities of successful places:

Healthy: Supporting the prioritisation of women's safety and improving physical and mental health.

Pleasant: Supporting attractive natural and built spaces.

Connected: Supporting well connected networks that make moving around easy and reduce car dependency

Distinctive: Supporting attention to detail of local architectural styles and natural landscapes to be interpreted, literally or creatively, into designs to reinforce identity.

Sustainable: Supporting the efficient use of resources that will allow people to live, play, work and stay in their area, ensuring climate resilience, and integrating nature positive, biodiversity solutions.

Adaptable: Supporting commitment to investing in the long-term value of buildings, streets and spaces by allowing for flexibility so that they can be changed quickly to accommodate different uses as well as maintained over time.

Further details on delivering the six qualities of successful places are set out in Annex D.

c) Development proposals that are poorly designed, detrimental to the amenity of the surrounding area or inconsistent with the six qualities of successful places, will not be supported.

Policy 18 Infrastructure first

a) Development proposals which provide (or contribute to) infrastructure in line with that identified as necessary in LDPs and their delivery programmes will be supported.

b) The impacts of development proposals on infrastructure should be mitigated. Development proposals will only be supported where it can be demonstrated that provision is made to address the impacts on infrastructure. Where planning conditions, planning obligations, or other legal agreements are to be used, the relevant tests will apply.

Where planning obligations are entered into, they should meet the following tests:

- be necessary to make the proposed development acceptable in planning terms
- serve a planning purpose
- relate to the impacts of the proposed development
- fairly and reasonably relate in scale and kind to the proposed development
- be reasonable in all other respects

Planning conditions should only be imposed where they meet all of the following tests. They should be:

- necessary
- relevant to planning
- relevant to the development to be permitted
- enforceable
- precise
- reasonable in all other respects

Policy 20 Blue and green infrastructure

e) Development proposals that result in fragmentation or net loss of existing blue and green infrastructure will only be supported where it can be demonstrated that the proposal would not result in or exacerbate a deficit in blue or green infrastructure provision, and the overall integrity of the network will be maintained. The planning authority's Open Space Strategy should inform this.

b) Development proposals for or incorporating new or enhanced blue and/or green infrastructure will be supported. Where appropriate, this will be an integral element of the design that responds to local circumstances.

Design will take account of existing provision, new requirements and network connections (identified in relevant strategies such as the Open Space Strategies) to ensure the proposed blue and/or green infrastructure is of an appropriate type(s), quantity, quality and accessibility and is designed to be multi- functional and well integrated into the overall proposals.

c) Development proposals in regional and country parks will only be supported where they are compatible with the uses, natural habitats, and character of the park.

d) Development proposals for temporary open space or green space on unused or under- used land will be supported.

e) Development proposals that include new or enhanced blue and/or green infrastructure will provide effective management and maintenance plans covering the funding arrangements for their long-term delivery and upkeep, and the party or parties responsible for these.

Policy 22 Flood risk and water management

a) Development proposals at risk of flooding or in a flood risk area will only be supported if they are for:

- i. essential infrastructure where the location is required for operational reasons;
- ii. water compatible uses;
- iii. redevelopment of an existing building or site for an equal or less vulnerable use; or.
- iv. redevelopment of previously used sites in built up areas where the LDP has identified a need to bring these into positive use and where proposals demonstrate that long- term safety and resilience can be secured in accordance with relevant SEPA advice.

The protection offered by an existing formal flood protection scheme or one under construction can be taken into account when determining flood risk.

In such cases, it will be demonstrated by the applicant that:

- o all risks of flooding are understood and addressed;
- o there is no reduction in floodplain capacity, increased risk for others, or a need for future flood protection schemes;
- o the development remains safe and operational during floods;
- o flood resistant and resilient materials and construction methods are used; and
- o future adaptations can be made to accommodate the effects of climate change.

Additionally, for development proposals meeting criteria part iv), where flood risk is managed at the site rather than avoided these will also require:

- o the first occupied/utilised floor, and the underside of the development if relevant, to be above the flood risk level and have an additional allowance for freeboard; and
- o that the proposal does not create an island of development and that safe access/ egress can be achieved.

b) Small scale extensions and alterations to existing buildings will only be supported where they will not significantly increase flood risk.

c) Development proposals will:

- i. not increase the risk of surface water flooding to others, or itself be at risk.
- ii. manage all rain and surface water through sustainable urban drainage systems (SUDS), which should form part of and integrate with proposed and existing blue- green infrastructure. All proposals should presume no surface water connection to the combined sewer;
- iii. seek to minimise the area of impermeable surface.

d) Development proposals will be supported if they can be connected to the public water mains. If connection is not feasible, the applicant will need to demonstrate that water for drinking water

purposes will be sourced from a sustainable water source that is resilient to periods of water scarcity.

e) Development proposals which create, expand or enhance opportunities for natural flood risk management, including blue and green infrastructure, will be supported.

Policy 23 Health and safety

a) Development proposals that will have positive effects on health will be supported. This could include, for example, proposals that incorporate opportunities for exercise, community food growing or allotments.

b) Development proposals which are likely to have a significant adverse effect on health will not be supported. A Health Impact Assessment may be required.

c) Development proposals for health and social care facilities and infrastructure will be supported.

d) Development proposals that are likely to have significant adverse effects on air quality will not be supported. Development proposals will consider opportunities to improve air quality and reduce exposure to poor air quality. An air quality assessment may be required where the nature of the proposal or the air quality in the location suggest significant effects are likely.

e) Development proposals that are likely to raise unacceptable noise issues will not be supported. The agent of change principle applies to noise sensitive development. A Noise Impact Assessment may be required where the nature of the proposal or its location suggests that significant effects are likely.

f) Development proposals will be designed to take into account suicide risk.

g) Development proposals within the vicinity of a major accident hazard site or major accident hazard pipeline (because of the presence of toxic, highly reactive, explosive or inflammable substances) will consider the associated risks and potential impacts of the proposal and the major accident hazard site/pipeline of being located in proximity to one another.

h) Applications for hazardous substances consent will consider the likely potential impacts on surrounding populations and the environment.

i) Any advice from Health and Safety Executive, the Office of Nuclear Regulation or the Scottish Environment Protection Agency that planning permission or hazardous substances consent should be refused, or conditions to be attached to a grant of consent, should not be overridden by the decision maker without the most careful consideration.

j) Similar considerations apply in respect of development proposals either for or near licensed explosive sites (including military explosive storage sites).

Policy 29 Rural development

a) Development proposals that contribute to the viability, sustainability and diversity of rural communities and local rural economy will be supported, including:

i. farms, crofts, woodland crofts or other land use businesses, where use of good quality land for development is minimised and business viability is not adversely affected;

ii. diversification of existing businesses;

iii. production and processing facilities for local produce and materials, for example sawmills, or local food production;

iv. essential community services;

v. essential infrastructure;

vi. reuse of a redundant or unused building;

vii. appropriate use of a historic environment asset or is appropriate enabling development to secure the future of historic environment assets;

viii. reuse of brownfield land where a return to a natural state has not or will not happen without

intervention;

- ix. small scale developments that support new ways of working such as remote working, homeworking and community hubs; or
- x. improvement or restoration of the natural environment.

b) Development proposals in rural areas should be suitably scaled, sited and designed to be in keeping with the character of the area. They should also consider how the development will contribute towards local living and take into account the transport needs of the development as appropriate for the rural location.

c) Development proposals in remote rural areas, where new development can often help to sustain fragile communities, will be supported where the proposal:

- i. will support local employment;
- ii. supports and sustains existing communities, for example through provision of digital infrastructure; and
- iii. is suitable in terms of location, access, siting, design and environmental impact.

d) Development proposals that support the resettlement of previously inhabited areas will be supported where the proposal:

- i. is in an area identified in the LDP as suitable for resettlement;
- ii. is designed to a high standard;
- iii. responds to their rural location; and
- iv. is designed to minimise greenhouse gas emissions as far as possible.

Policy 30 Tourism

a) Development proposals for new or extended tourist facilities or accommodation, including caravan and camping sites, in locations identified in the LDP, will be supported.

b) Proposals for tourism related development will take into account:

- i. The contribution made to the local economy;
- ii. Compatibility with the surrounding area in terms of the nature and scale of the activity and impacts of increased visitors;
- iii. Impacts on communities, for example by hindering the provision of homes and services for local people;
- iv. Opportunities for sustainable travel and appropriate management of parking and traffic generation and scope for sustaining public transport services particularly in rural areas;
- v. Accessibility for disabled people;
- vi. Measures taken to minimise carbon emissions;
- vii. Opportunities to provide access to the natural environment.

c) Development proposals that involve the change of use of a tourism-related facility will only be supported where it is demonstrated that the existing use is no longer viable and that there is no requirement for alternative tourism-related facilities in the area.

d) Proposals for huts will be supported where the nature and scale of the development is compatible with the surrounding area and the proposal complies with relevant good practice guidance.

e) Development proposals for the reuse of existing buildings for short term holiday letting will not be supported where the proposal will result in:

- i. An unacceptable impact on local amenity or the character of a neighbourhood or area; or
- ii. The loss of residential accommodation where such loss is not outweighed by demonstrable local economic benefits.

Angus Local Development Plan 2016

Policy DS1 : Development Boundaries and Priorities

All proposals will be expected to support delivery of the Development Strategy.

The focus of development will be sites allocated or otherwise identified for development within the

Angus Local Development Plan, which will be safeguarded for the use(s) set out. Proposals for alternative uses will only be acceptable if they do not undermine the provision of a range of sites to meet the development needs of the plan area.

Proposals on sites not allocated or otherwise identified for development, but within development boundaries will be supported where they are of an appropriate scale and nature and are in accordance with relevant policies of the ALDP.

Proposals for sites outwith but contiguous* with a development boundary will only be acceptable where it is in the public interest and social, economic, environmental or operational considerations confirm there is a need for the proposed development that cannot be met within a development boundary.

Outwith development boundaries proposals will be supported where they are of a scale and nature appropriate to their location and where they are in accordance with relevant policies of the ALDP.

In all locations, proposals that re-use or make better use of vacant, derelict or under-used brownfield land or buildings will be supported where they are in accordance with relevant policies of the ALDP.

Development of greenfield sites (with the exception of sites allocated, identified or considered appropriate for development by policies in the ALDP) will only be supported where there are no suitable and available brownfield sites capable of accommodating the proposed development.

Development proposals should not result in adverse impacts, either alone or in combination with other proposals or projects, on the integrity of any European designated site, in accordance with Policy PV4 Sites Designated for Natural Heritage and Biodiversity Value.

*Sharing an edge or boundary, neighbouring or adjacent

Policy DS2 : Accessible Development

Development proposals will require to demonstrate, according to scale, type and location, that they:

- o are or can be made accessible to existing or proposed public transport networks;
- o make provision for suitably located public transport infrastructure such as bus stops, shelters, lay-bys, turning areas which minimise walking distances;
- o allow easy access for people with restricted mobility;
- o provide and/or enhance safe and pleasant paths for walking and cycling which are suitable for use by all, and link existing and proposed path networks; and
- o are located where there is adequate local road network capacity or where capacity can be made available.

Where proposals involve significant travel generation by road, rail, bus, foot and/or cycle, Angus Council will require:

- o the submission of a Travel Plan and/or a Transport Assessment.
- o appropriate planning obligations in line with Policy DS5 Developer Contributions.

Policy DS3 : Design Quality and Placemaking

Development proposals should 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:

- o 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.
- o 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.
- o 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.

- o Adaptable: Where development is designed to support a mix of compatible uses and accommodate changing needs.
- o 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.

Supplementary guidance will set out the principles expected in all development, more detailed guidance on the design aspects of different proposals and how to achieve the qualities set out above. Further details on the type of developments requiring a design statement and the issues that should be addressed will also be set out in supplementary guidance.

Policy TC15 : Employment Development

Proposals for new employment development (consisting of Class 4, 5, or 6) will be directed to employment land allocations or existing employment areas within development boundaries, subject to the application of the sequential approach required by Policy TC19 Retail and Town Centre Uses for office developments of over 1,000 square metres gross floorspace.

Proposals for employment development outside of employment land allocations or existing employment areas, but within the development boundaries of the towns and the settlements within the rural area will be supported where:

- o there are no suitable or viable sites available within an employment land allocation or existing employment area; or
- o the use is considered to be acceptable in that location; and
- o there is no unacceptable impact on the built and natural environment, surrounding amenity, access and infrastructure.

Proposals for employment development (consisting of Class 4, 5, or 6) outwith development boundaries will only be supported where:

- o the criteria relating to employment development within development boundaries are met;
- o the scale and nature of the development is in keeping with the character of the local landscape and pattern of development; and
- o the proposal constitutes rural diversification where:
 - o the development is to be used directly for agricultural, equestrian, horticultural or forestry operations, or for uses which by their nature are appropriate to the rural character of the area; or
 - o the development is to be used for other business or employment generating uses, provided that the Council is satisfied that there is an economic and/or operational need for the location.

Policy TC16 : Tourism Development

Proposals for new or improved tourism related facilities and tourist accommodation will be directed to sites within development boundaries. Such facilities will be supported in these locations where the development is of an appropriate scale and nature and is in keeping with the townscape and pattern of development.

Outwith development boundaries, proposals for new or improved tourism related facilities and accommodation will be supported where:

- o it has been demonstrated that the proposals cannot be located within a development boundary; or
- o there is a justifiable locational requirement for the development; and
- o the scale and nature of the development is in keeping with the character of the local landscape and pattern of development; and
- o there is no unacceptable impact on the built and natural environment, surrounding amenity, traffic levels, access or infrastructure.

Angus Council will attach occupancy conditions to prevent tourist accommodation being occupied as permanent residential accommodation. Applications to remove such occupancy conditions will not be supported.

Proposals to change the use or redevelop existing leisure or tourist facilities will only be supported where it is demonstrated:

- o that the existing business is no longer viable and there is no requirement for alternative tourist facilities in the location; and
- o that the existing business has been actively marketed for sale or lease as a going concern for a reasonable period at a reasonable market price.

Policy PV6 : Development in the Landscape

Angus Council will seek to protect and enhance the quality of the landscape in Angus, its diversity (including coastal, agricultural lowlands, the foothills and mountains), its distinctive local characteristics, and its important views and landmarks.

Capacity to accept new development will be considered within the context of the Tayside Landscape Character Assessment, relevant landscape capacity studies, any formal designations and special landscape areas to be identified within Angus. Within the areas shown on the proposals map as being part of 'wild land', as identified in maps published by Scottish Natural Heritage in 2014, development proposals will be considered in the context of Scottish Planning Policy's provisions in relation to safeguarding the character of wild land.

Development which has an adverse effect on landscape will only be permitted where:

- o the site selected is capable of accommodating the proposed development;
- o the siting and design integrate with the landscape context and minimise adverse impacts on the local landscape;
- o potential cumulative effects with any other relevant proposal are considered to be acceptable; and
- o mitigation measures and/or reinstatement are proposed where appropriate.

Landscape impact of specific types of development is addressed in more detail in other policies in this plan and work involving development which is required for the maintenance of strategic transport and communications infrastructure should avoid, minimise or mitigate any adverse impact on the landscape.

Further information on development in the landscape, including identification of special landscape and conservation areas in Angus will be set out in a Planning Advice Note.

Policy PV8 : Built and Cultural Heritage

Angus Council will work with partner agencies and developers to protect and enhance areas designated for their built and cultural heritage value. Development proposals which are likely to affect protected sites, their setting or the integrity of their designation will be assessed within the context of the appropriate regulatory regime.

National Sites

Development proposals which affect Scheduled Monuments, Listed Buildings and Inventory Gardens and Designed Landscapes will only be supported where:

- the proposed development will not adversely affect the integrity of the site or the reasons for which it was designated;
- any significant adverse effects on the site or its setting are significantly outweighed by social, environmental and/or economic benefits; and
- appropriate measures are provided to mitigate any identified adverse impacts.

Proposals for enabling development which is necessary to secure the preservation of a listed building may be acceptable where it can be clearly shown to be the only means of preventing its loss and securing its long term future. Any development should be the minimum necessary to achieve these aims. The resultant development should be designed and sited carefully in order to preserve or enhance the character and setting of the listed building.

Regional and Local Sites

Development proposals which affect local historic environment sites as identified by Angus Council (such as Conservation Areas, sites of archaeological interest) will only be permitted where:

- supporting information commensurate with the site's status demonstrates that the integrity of the historic environment value of the site will not be compromised; or
- the economic and social benefits significantly outweigh the historic environment value of the site.

Angus Council will continue to review Conservation Area boundaries and will include Conservation Area Appraisals and further information on planning and the built and cultural heritage in a Planning Advice Note.

Policy PV15 : Drainage Infrastructure

Development proposals within Development Boundaries will be required to connect to the public sewer where available.

Where there is limited capacity at the treatment works Scottish Water will provide additional wastewater capacity to accommodate development if the Developer can meet the 5 Criteria*. Scottish Water will instigate a growth project upon receipt of the 5 Criteria and will work with the developer, SEPA and Angus Council to identify solutions for the development to proceed.

Outwith areas served by public sewers or where there is no viable connection for economic or technical reasons private provision of waste water treatment must meet the requirements of SEPA and/or The Building Standards (Scotland) Regulations. A private drainage system will only be considered as a means towards achieving connection to the public sewer system, and when it forms part of a specific development proposal which meets the necessary criteria to trigger a Scottish Water growth project.

All new development (except single dwelling and developments that discharge directly to coastal waters) will be required to provide Sustainable Drainage Systems (SUDs) to accommodate surface water drainage and long term maintenance must be agreed with the local authority. SUDs schemes can contribute to local green networks, biodiversity and provision of amenity open space and should form an integral part of the design process.

Drainage Impact Assessment (DIA) will be required for new development where appropriate to identify potential network issues and minimise any reduction in existing levels of service.

*Enabling Development and our 5 Criteria (<http://scotland.gov.uk/Resource/0040/00409361.pdf>)

Policy PV18 : Waste Management in New Development

Proposals for new retail, residential, commercial, business and industrial development should seek to minimise the production of demolition and construction waste and incorporate recycled waste into the development.

Where appropriate, Angus Council will require the submission of a Site Waste Management Plan to demonstrate how the generation of waste will be minimised during the construction and operational phases of the development.

Development proposals that are likely to generate waste when operational will be expected to include appropriate facilities for the segregation, storage and collection of waste. This will include provision for the separate collection and storage of recyclates within the curtilage of individual houses.

Policy PV20 : Soils and Geodiversity

Development proposals on prime agricultural land will only be supported where they:

- o support delivery of the development strategy and policies in this local plan;
- o are small scale and directly related to a rural business or mineral extraction; or
- o constitute renewable energy development and are supported by a commitment to a bond commensurate with site restoration requirements.

Design and layout should minimise land required for development proposals on agricultural land and should not render any farm unit unviable.

Development proposals affecting deep peat or carbon rich soils will not be allowed unless there is an overwhelming social or economic need that cannot be met elsewhere. Where peat and carbon rich soils are present, applicants should assess the likely effects of development proposals on carbon dioxide emissions.

All development proposals will incorporate measures to manage, protect and reinstate valuable soils, groundwater and soil biodiversity during construction.

Response to **NPF4 and ALDP policy compliance for review case 22/00020/NONDET**

Thank you for your response to; Statement of NPF4 and ALDP policy compliance for review case 22/00020/NONDET

It is disappointing that the conclusion has denied planning; more for the positive impact the idea of inviting people to rural countryside may have on their lives and wellbeing.

To clarify a few points of concern on the proposal, I would like to add that we have a wind turbine on-site at the farm and the accommodation would be powered by the wind turbine. Electric charging points would be installed to encourage low carbon transport usage and the bike sheds were to house hired electric bikes to allow the visitors the chance to cycle around the area with the added benefit of electric power, especially when they inevitably come across a hill. Hire businesses I have come across so far are in Dundee and Arbroath. The bike shed will also hopefully encourage people to bring their own bicycles.

For reasons attributed to the ADLP and NP4 framework,

While both NPF4 and the ALDP offer support to new tourism development in rural Angus, that support is qualified and requires development to be suitably scaled, sited and designed to be in keeping with the character of the local landscape and pattern of development.

*ALDP Policy PV6 indicates that Angus Council will seek to protect and enhance the quality of the landscape in Angus; and requires the siting and design of development to integrate with the landscape context and minimise adverse impacts on the local landscape Policy PV6 requires consideration of landscape capacity having regard to relevant capacity studies including the Tayside Landscape Character Assessment (TLCA). The TLCA makes reference to caravan and chalet type development and indicates that they should be **steered to locations where the topography or land cover limits their impact on the wider landscape.***

Holiday or Glamping Pods are designed to blend in with the countryside, they are not white blots on the countryside as caravans or motorhomes are, they are not alarming colours, they are aesthetically designed and are situated up and down the UK, well known as glamping pods. The area two pods would take is 0.012 of an acre; the impact of inviting people to enjoy the countryside far outweighs the amount of Greenfield lost in the process. In any case, the site is on a field margin alongside a fence, positioned so as not to spoil the field size or use. Glamping pods are supposed to blend into the countryside, a grass mound, shrubs and wild flowers to attract insect habitat, to further give the person visiting a compassionate understanding of Rural life.

For Added Carbon Net Zero response; we have researched better ways of installing the pods, steering from concrete which contributes to the 10% Carbon Emissions (CO₂) of global concrete production and found a local business; **No More Digging**, Ground screws, established in Dundee. Installation means no concrete base, no digging up of grass; low carbon, low impact. Once the lifespan of the pods is over; removing them will show little to no impact on the ground; no concrete base to dispose of.

Understandably, the NP4 Framework considers the carbon effect development will have on the UK; the NP4 Framework is not designed to stifle progress and rather prefers carbon effect to be considered, when building new developments. Being working farmers, our role is to be a caretaker to the land which we work on and the animals we care for. Our future is very much determined by a clean climate and environmentally friendly activities. This proposal has more benefits than disadvantages to the environment which we are responsible for.

Access to Greenspace is beneficial and extremely important to those who live in built up areas or who do not have the ability to access the outdoors as much as they should.

It is our intention to invite the visitors to the farm, to observe daily tasks, to join in with some tasks should they want to. As stated in the planning statement; there are no camping sites nearby; costly hotel stays will limit who can access the area, why should there be limits on who visits?

Young people's climate anxiety is soaring due to lack of access to green space, says Woodland Trust

Sophie Law Tuesday 21 March 2023 - 07:22

Research showed that although seven out of 10 young people are worried about climate change and its effects, 86% of people surveyed felt that being outdoors and among nature had a positive effect on their mental health. "We know that being outdoors and among nature has a positive effect on mental health – but the level of access to green space in the UK is simply not good enough."

Above is an extract from Scottish Rural Network Website.

Mairi Gougeon Scottish Government Cabinet Secretary for Rural Affairs; Is behind rural diversification, it enriches Scottish Rural economy, enriches lifestyles of the visitors and the patrons.

Agritourism is a thriving new sector within the wider tourism industry and it is one with huge potential, especially now with more people taking a "staycation" and wanting to spend more time enjoying Scotland's great outdoors. Recognising the importance of this sector, in the first 100 days of the new government, we have committed to setting up a taskforce to develop a growth strategy for agritourism. Q & A: New Scottish Rural Affairs Minister Quizzed on Policy

The economic benefits of the proposal could equally be secured by siting the proposed development on brownfield land, or in a location where the topography or land cover limits the impact of development on the wider landscape. Is Angus Planning open to discussing further? We are amenable to look for better placed sites on the ground owned. The site, if you remember was chosen by Stephanie, Angus Planning Officer, who assured us that Planning would be behind tourism in Angus prior to purchase.

The Third National Planning Framework (NPF3) and Scottish Planning Policy (SPP) (both 2014) set out a single vision for the planning system in Scotland: "We live in a Scotland with a growing, low carbon economy with progressively narrowing disparities in well-being and opportunity. It is growth that can be achieved whilst reducing emissions and which respects the quality of environment, place and life which makes our country so special. It is growth which increases solidarity – reducing inequalities between our regions. We live in sustainable, well-designed places and homes which meet our needs. We enjoy excellent transport and digital connections, internally and with the rest of the world." ALDP

Growth and reducing emissions; both of which the proposal adopts.

The TAYplan Strategic Development Plan (TAYplan SDP) sets out a broad vision for what the region (including most of Angus) should be like in 20 years time. TAYplan SDP focuses on sustainable economic growth and a better quality of life through a stronger and more resilient economy, better quality places, reduced resource consumption and better resilience to climate change. The vision to guide new development is as follows: "By 2032 the TAYplan region will be sustainable, more attractive, competitive and vibrant without creating an unacceptable burden on our planet.

The quality of life will make it a place of first choice where more people will choose to live, work, study and visit, and where businesses choose to invest and create jobs.”

Place of first choice to visit; Green energy fuelling the pods, electric charging points, encouraging people to visit the countryside. Stronger and resilient economy; allowing development which is sensitive to Net Zero.

The proposed development would be located in an open and exposed position in the Angus countryside on a site which relates poorly to existing buildings and landform and does not benefit from an established landscape setting. The proposal is inconsistent with the Tayside Landscape Character Assessment landscape guidance for chalets, is poorly designed and insensitively located; and is not of a nature appropriate to the proposed location contrary to National Planning Framework 4 (2023) policies 14, 29 and 30 and Angus Local Development Plan (2016) policies DS1, DS3, TC16 and PV6.

Angus Countryside is overall open and exposed, siting pods next to woods or plantations, could infringe on the natural habitats formed there. Noise from the movement of people will force wildlife from their habitat to another area; going completely against any policy I know of. The site referred to as relating poorly to existing buildings; what building should the pods be near? Along the road the site is proposed; there are 1 or 2 houses at the roadsides, next to corners and all varying in aesthetics. The pods will be partially covered by a grass mound which will be grazed by animals and give natural habitat to insect life. The grass mounds themselves will be a structural source which will not be an exposed site.

Poorly designed; the pods are similar to all other pods located all over the UK, they were chosen for their sensitive appearance. Insensitively located; Stephanie Porter didn't think so, maps and location plans were exchanged. Knowing our farm, we chose the site to ensure limited impact on the ground and consider the site to be best placed for the pods so as not to infringe on natural habitat, people nearby and agricultural ground use.

The NP4 Framework is not designed to stifle progress or development, it is designed to encourage better understanding of lowering climate impact when developing areas. The site is 0.012 of an acre, the NP4 Framework is not concerned with small sites which have far more positive attributes to lifestyle experiences than the extremely low carbon footprint the site impacts on.

The application proposes development on greenfield land which is not allocated for development and the proposal is not explicitly supported by policies in the Angus Local Development Plan (2016) due to its poor locational characteristics. The use of greenfield land in those circumstances is not supported by Policy 9 of National Planning Framework 4 (2023)

The site is a minimal 0.012 of an acre on the margin of a field, not in the middle of a field, not destroying natural habitat, not adding to carbon emissions. Policies in the ALDP are in support of making Angus a widely enjoyed space; I have not read any evidence where Angus should be uninviting to visitors, restrictive to Agri-tourism or prevent developments which could enhance the economy of the County.

The proposed siting of Two Glamping Pods has been thoroughly considered by the farmers of Newton of Inshewan; who take seriously their role of conserving the environment in which they work. Agri-Tourism is being widely supported by Scottish Government; encouraging visitors to the countryside; encouraging a better economy for local businesses to thrive.

Response to **NPF4 and ALDP policy compliance for review case 22/00020/NONDET**

I encourage Angus Planning Officers to further discuss this proposal with us rather than refuse, the idea is a positive one for the economy, living standards, public involvement all via Tourism. Siting can be discussed during an on-site meeting and solutions can be met as demonstrated with Roads Department resolutions. Proposed site inspection 27th April, one pod can be seen by members of the committee if they wish, also the Wind Turbine should you require more information, we will be happy to discuss further.