

ANGUS COUNCIL

DEVELOPMENT STANDARDS COMMITTEE – 13 FEBRUARY 2024

PLANNING APPLICATION – LAND WEST OF EASTER MEATHIE FARM BUNGALOW  
LOUR FORFAR

GRID REF: 346086 : 746549

REPORT BY SERVICE LEADER – PLANNING & SUSTAINABLE GROWTH

**1. ABSTRACT**

- 1.1 This report deals with planning application No. [21/00602/FULM](#) submitted by Craignathro Eggs Ltd for the erection of two 32,000 capacity free-range hen sheds, feed silos, egg packaging facility, vehicular access, access tracks, drainage, landscaping and associated works on land west of Easter Meathie Farm, Lour, Forfar. This application is recommended for conditional approval.

**2. RECOMMENDATION**

- 2.1 It is recommended that the application be approved for the reason and subject to the conditions given in Section 10 of this report.

**3. INTRODUCTION**

- 3.1 Full planning permission is sought for the erection of two 32,000 capacity free-range hen sheds, feed silos, egg packaging facility, vehicular access, access tracks, drainage, landscaping and associated works on land west of Easter Meathie Farm, Lour, Forfar. A plan showing the location of the site is provided at Appendix 1.
- 3.2 The application site extends to around 43ha. It comprises agricultural land currently used for arable purposes. Surrounding land to the north, east and west is predominantly in agricultural use and there is woodland to the south where the land rises on Fotheringham Hill. There are three residential properties and a number of agricultural buildings located to the east at Mains of Easter Meathie Farm, and one of those dwellings is occupied by the applicant. The landform within the site rises to the south and is situated on the northern slope of Fotheringham Hill, from a low point to the north at around 97m AOD to a maximum elevation of around 155m AOD. There is an electricity transmission line which runs through the site towards its north-western corner.
- 3.3 The proposed hen sheds would be located around 1km to the south of the C55 Lochlands to Mossie public road. Each shed would house 32,000 hens (64,000 birds in total) and would be sited on an area of hardstanding formed through cut and fill on the hill slope. The sheds would be 110m long, 24m wide and 7m to roof ridge. A packing house 20m long, 20m wide and 7m high is proposed to the east of the sheds. Two feed silos are proposed to the northeast of the northerly most shed, with a further two proposed to the southeast of the southerly most shed. The area covered by the hen sheds, packing house and building apron would amount to around 1.5ha and the buildings would be constructed on a platform at 99.5mAOD. A 40ha external range is proposed around the hen sheds which would be enclosed by post and wire fencing. Tree planting would take place in the range area. An area of compensatory flood storage covering around 1ha would be provided to the northwest of the proposed sheds. This would be formed by reducing land levels in that area by cutting into the slope. Excess material excavated from operations on site following

cut and fill operations would be deposited on land on the range area to the south of the proposed sheds. A private drainage system would be used to treat foul water. Roof water drainage would be managed through sustainable drainage methods (SUDS). Access to the site is proposed to be taken using the existing tarred farm road from the C55 to the north, south to Easter Meathie, where the existing track to the west of the farm complex would be improved to provide access to the proposed sheds. 2.6HA of native species trees are proposed to be planted in the range area.

- 3.4 The application has been amended to incorporate the formation of a flood storage area to the west/northwest of the proposed sheds in order to address flood risk.
- 3.5 The application is supported by an Environmental Impact Assessment Report (EIA Report) and constitutes a major development in terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. The application and the EIA Report have been subject of statutory advertisement in the local press.

#### **4. RELEVANT PLANNING HISTORY**

- 4.1 A Proposal of Application Notice (Application Ref: [20/00571/PAN](#)) for the erection of two 32,000 capacity free-range hen sheds and associated infrastructure at Easter Meathie was considered by committee at its meeting on 15 September 2020 ([Report No. 227/20](#)). A further Proposal of Application Notice (Application Ref: [20/00809/PAN](#)) in respect of the erection of two 32,000 capacity free-range hen sheds and associated infrastructure (including an external range) at the site was considered by committee at its meeting on 15 December 2020 ([Report No. 322/20](#) refers). Committee noted the key issues identified in the reports.
- 4.2 While not directly relevant to the determination of the current application, planning permission was granted at Craginathro (application 16/00975/FULL) for one 32,000 hen shed for the production of free range eggs around 2km to the north of the site. That development is operational and is operated by the applicant.

#### **5. APPLICANT'S CASE**

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

5.4 The following supporting information has also been submitted: -

- Pre-application Consultation Report
- Design and Access Statement
- Planning Statement
- NPF4 Statement

5.5 The EIA Report, associated NTS and other supporting information listed above is available to view on the council's [Public Access](#) system and a copies of the NTS are provided at Appendix 2. The other supporting documents are also available on the [Public Access](#) system and are summarised at Appendix 3.

## 6. CONSULTATIONS

6.1 **Angus Council – Roads** – has considered the information submitted and has considered potential impacts on the local road network. Roads indicate that whilst the operation of the hen sheds requires the movement of heavy goods vehicles along Mossie Road. Movements to and from the site will be scheduled to times outside of the usual morning and afternoon peak hours. It indicates that HGV vehicle movements during the operation of the development will be low, but has requested measures to mitigate impacts of the development on the public road network. Those measures include the formation of passing places on Mossie Road between the site access and the A932 (Dundee Road) and the submission of a Construction Traffic Management Plan. Roads consider that the installation of passing places on Mossie Road would provide a long term and lasting benefit to all road users.

In relation to flooding and drainage, it notes that the fluvial element and compensatory flood storage to offset the loss of floodplain from the Spittal Burn has been discussed and agreed with SEPA. It notes that the proposed SuDS scheme has been designed in line with relevant guidance and considers it to be generally satisfactory. It has no objection to the proposal in relation to flooding and drainage subject to a planning condition to secure additional detail in relation to the surface water drainage scheme.

6.2 **Transport Scotland** – no objection but requests planning conditions in relation to traffic management in order to minimise interference with the safety and free flow of traffic at the Lochlands junction on the A90 trunk road.

6.3 **Angus Council – Environmental Health** – has assessed information in relation to air quality, noise, odour, dust, and manure management and has no objection to the proposal. It requests planning conditions to deal with construction impacts and operational impacts related to noise, odour and the timing of HGV movements.

6.4 **Scottish Environment Protection Area (SEPA)** – has offered no objection to the application and has advised that the proposal falls under the Pollution Prevention and Control (PPC) Regulations 2012 which requires a PPC permit from SEPA for rearing poultry intensively in an installation with more than 40,000 places. SEPA has advised that a PPC Permit has been granted for the development and that the permit includes conditions relating to the management of manure, emissions to air, water and land, odour, noise, and the protection of soil and groundwater. The permit indicates that all emissions to air from the installation shall be free from offensive odour outside of the site boundary.

In respect of manure management, SEPA has indicated that general binding rules set minimum distances for the spreading of organic fertiliser and the proposals in the manure management statement aligns with those rules.

In respect of flooding, SEPA has indicated that the proposed compensatory flood risk storage is adequate to address the loss of flood storage created by the building platform. SEPA notes that while the land to the north of the development is frequently inundated with flood water from the Spittal Burn, it has indicated that the development would not be surrounded by flood water as it would be connected to higher ground to the south. SEPA has indicated that the proposed compensatory storage is not a flood prevention scheme but provides localised mitigation for the proposed development, which will be on an elevated platform with a ground level set at the approximate estimated 1 in 200 year plus climate change flood level.

- 6.5 **NatureScot** – notes that an air quality assessment has been produced and indicates that it would be consulted by SEPA if that raised any potential impacts on designated sites. It has no additional comments to make on the application.
- 6.6 **Historic Environment Scotland (HES)** – considers that the development would have some impact on the setting of the monument Easter Meathie Church (SM10090) in views north from and south towards the church. However, as the proposed development lies 45m below the level of the church and of relatively low profile, it does not consider that the development would raise issues for the national interest.
- 6.7 **Rural Payments and Inspections Division** – has indicated that the proposal includes sufficient range area for this installation to comply with the Action Programme for Nitrate Vulnerable Zones (Scotland) Regulations 2008.
- 6.8 **Scottish Water** – has offered no objection to the proposal.
- 6.9 **Inverarity Community Council** – indicated that members of the community had expressed concern to the community council about a number of matters which they wish to relay relating to amenity, noise, odour, pollution, traffic/road safety, the size of the buildings, and vermin. They also relay concerns relating to potential adverse impact on tourism, loss of prime agricultural land, and landscape and visual impacts.
- 6.10 **Archaeology Service** – offer no objection.
- 6.11 **SSE** – no objection having regard to the distance between the proposed sheds and flood storage area and the transmission line.

## 7. REPRESENTATIONS

- 7.1 212 letters of representation have been received with 206 expressing objection and 6 offering support. Those letters are provided at Appendix 4 and are available to view on the council's [Public Access](#) website.
- 7.2 The following matters have been raised as objections: -
- **The proposal is contrary to the development plan and government guidance;**
  - **Loss of prime quality agricultural land;**
  - **Lack of need for the development;**
  - **There are differences between the PPC Permit and what is proposed in the planning application;**
  - **Deficiencies/ inaccuracies in the supporting information;**
  - **Alternative locations should be considered;**
  - **Limited economic benefit related to the proposal;**
  - **Unacceptable impacts on amenity from noise, dust, odour, air pollution and light pollution;**
  - **Unacceptable amenity impacts from the spreading of chicken litter and manure management arrangements;**

- **Unacceptable landscape and visual impacts;**
- **Unacceptable cumulative impacts associated with existing chicken sheds at Craignathro;**
- **Impacts on the natural environment, protected sites, protected species, trees, wildlife and impact on habitat;**
- **Unacceptable impacts on the environment from pollution and carbon;**
- **Impacts on the water environment;**
- **Flood risk and drainage issues;**
- **Road/traffic safety impacts; and**
- **Impact on tourism.**

7.3 The following matters are raised in support: -

- **Economic benefits and job creation;**
- **Contributes to food security;**
- **Reduces the requirement to import food and reduces food miles;**
- **Limited odour or noise impact; and**
- **Free range rearing provides a high standard of animal husbandry.**

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

- **Issues associated with avian flu** – the Animal and Plant Health Agency is responsible for animal, plant and bee health and also has responsibility for identifying and controlling endemic and exotic diseases. Advice has been issued to poultry keepers regarding biosecurity measures that should be implemented to prevent the spread of disease. Those include the restriction on non-essential personnel onsite, changing all clothing & footwear before entering the bird enclosures, as well as disinfecting site vehicles regularly. An avian flu outbreak would result in significant financial loss for the farmer, and it is therefore in the interests of every livestock keeper to adhere to the biosecurity measures. The UK Health Security Agency has said that bird flu is primarily a disease of birds and the risk to the general public's health is very low.
- **Potential increase in vermin** – this is a rural area and general farming activities, including cereal crop production and storage may attract rodents. However, the applicant has indicated that vermin/ rodents are a biosecurity risk to poultry farms as they can spread disease throughout the flocks. As such, standard measures are typically employed to control vermin/ rodents and minimise associated risks.
- **Impact on property value** – perceived impacts on property value as a result of the development is not a material planning consideration.

7.5 Some comment has been provided in relation to matters of animal welfare and cruelty and associated moral and ethical issues related to intensive livestock. However, matters related to animal husbandry and welfare are controlled by other legislation and case law has determined that moral considerations arising from developments are not material planning considerations.

## **8. PLANNING CONSIDERATIONS**

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

- 8.2 In this case the development plan comprises: -
- [National Planning Framework 4](#) (NPF4) (Published 2023)
  - [Angus Local Development Plan](#) (ALDP) (Adopted 2016)
- 8.3 The development plan policies relevant to the determination of the application are reproduced at Appendix 5 and have been taken into account in preparing this report. Scottish Government's Planning Advice Note 39 sets out general advice on the siting and design of farm and forestry buildings, and the council's advice note 1 provides general advice on the siting and design of farm buildings. Those documents have also been considered in the preparation of this report.
- 8.4 The ALDP was adopted in September 2016 while NPF4 was adopted on 13 February 2023. Planning legislation indicates that where there is any incompatibility between the provision of the national planning framework and a provision of a local development plan, whichever of them is the later in date is to prevail.
- 8.5 The submitted EIA Report has been reviewed by relevant consultation bodies and it has been amended to reflect comment received. It has been subject of revision and addendum and appropriate consultation. The EIA Report as amended, along with the consultation responses received, is sufficient to allow informed understanding of the likely significant impacts of the proposed development on the environment.
- 8.6 The application site is not allocated or otherwise identified for development in the ALDP. ALDP Policy DS1 states that outwith development boundaries proposals will be supported where they are of a scale and nature appropriate to their location and where they are in accordance with relevant policies of the ALDP. The policy promotes the redevelopment of brownfield land in preference to greenfield sites. NPF4 Policy 9 indicates that proposals on greenfield sites will only be supported where the site is allocated for development, or the proposal is explicitly supported by policies in the LDP.
- 8.7 NPF4 seeks amongst other things to promote rural revitalisation by encouraging sustainable development in rural areas, recognising the need to grow and support rural communities. The strategy of the ALDP seeks amongst other things to provide opportunities for appropriate diversification of the rural economy. Both documents also seek to safeguard the environment. NPF4 offers encouragement to rural economic activity, innovation and diversification whilst seeking to ensure that the distinctive character of the rural area, natural assets and cultural heritage are safeguarded and enhanced. Policy 29 *Rural Development* is supportive of development proposals that contribute to the viability, sustainability and diversity of rural communities and the local rural economy including development on farms where use of good quality land is minimised; where proposals involve diversification of existing businesses; or the proposal is for production and processing facilities for local produce or local food production. ALDP policy indicates that proposals for employment development outwith development boundaries will only be supported where the scale and nature of the development is in keeping with the character of the local landscape and pattern of development; and where the development represents rural diversification and is to be used for agriculture or uses which by their nature are appropriate to the rural character of the area. Both NPF4 and the ALDP only allow development on prime quality agricultural land in limited circumstances, including development which is linked to a farm or other rural business and where the design and layout would minimise the land required for development.
- 8.8 The proposed development is related to an existing agricultural business and proposes an agricultural use in a rural area where agriculture is the predominant land use. Supporting information indicates that there is a need for additional free-range poultry buildings to meet the demand for free-range eggs, driven by the move away from caged facilities. The information also indicates that there was insufficient egg

production to meet market demand during 2023 as well as an increase in egg imports to the UK. The nature of the development is such that free range hens require agricultural land to roam and forage.

- 8.9 There is no suitable brownfield land in the vicinity that could accommodate the development and brownfield land would not lend itself to the provision of an outdoor range. Published maps indicate that the area where the sheds would be constructed is classified as prime quality (class 2 and/ or 3.1) agricultural land. The proposed buildings and associated hard standing areas would be permanent features covering an area of around 1.5ha of prime land. However, these features occupy only a small percentage of the overall development. The 40ha range area would not be permanently lost as agricultural land and there is no evidence that the relatively limited land-take involved would adversely affect the viability of the farm unit. Conversely, the proposal, which is directly related to the applicant's existing agricultural operation, is likely to support the viability of the farm business. The EIA Report includes information relating to the factors which influenced site selection and the principle of developing agricultural land for an agricultural operation in a predominantly agricultural area does not conflict with the intentions of the above policies. Agricultural development in the rural area attracts some support from development plan policy.
- 8.10 The key consideration in relation to this development is whether it can operate without giving rise to unacceptable amenity or environmental impacts having regard to development plan policy and available environmental information. The main development plan issues in relation to this application are: -
1. Impact on amenity and compatibility of land use;
  2. Landscape and visual impact;
  3. Impact on natural heritage interests;
  4. Flood risk and impacts on the flood plain of the Spittal Burn;
  5. Impact on built and cultural heritage interests; and
  6. Impact on infrastructure, including issues related to access and road safety.
- 8.11 Development plan policy requires consideration of the impact of proposals on amenity. It seeks to ensure that impacts on amenity are minimised and to prevent unacceptable amenity impacts that would adversely affect an area and those within it. Specifically, it is stated that development proposals likely to have significant adverse effects on air quality or raise unacceptable noise issues will not be supported. Policy indicates that planning conditions or obligations may be used to mitigate or compensate for amenity impacts in appropriate circumstances. The development plan also requires consideration of waste management during the construction and operation of development and seeks to promote development that is consistent with the waste hierarchy.
- 8.12 Intensive livestock installations have potential to impact on amenity by virtue of odour, air quality and noise, including from increased movement and activity. The closest houses have garden boundaries 340m (Easter Meathie Bungalow, to the east), 348m (Easter Meathie Farmhouse, to the east), 400m (The White Cottage, to the east), and 800m (Wester Methie Farmhouse, to the west) from the proposed buildings. Published guidance from the Scottish Government (Prevention of Environmental Pollution from Agricultural Activity, (PEPFAA) 2005) indicates that new livestock buildings should avoid sites within 400m of residential accommodation in order to minimise odour. The 400m separation distance is also referenced in planning regulations that relate to permitted development rights. However, in those instances the separation distance simply removes permitted development rights that would otherwise allow a building to be constructed without submission of a planning application; it does not prevent submission and subsequent approval of such development if the proposal is considered acceptable.

- 8.13 The EIA Report provides an assessment of air quality impacts including impacts upon both human health and designated habitats by assessing the atmospheric pollutants of Ammonia (NH<sub>3</sub>), Particulate Matter (in the PM<sub>10</sub> fraction), and odour concentrations from the proposed development. In relation to human health impacts, it concludes that the proposed development is not forecast to result in or contribute to the exceedance of any air quality standards or guidelines at relevant sensitive receptors. In relation to impacts at designated nature conservation sites it indicates no exceedances for critical level for annual mean ammonia concentrations are predicted to occur and no exceedances of the critical loads for total nitrogen and acidity deposition at any of the identified habitat sites are predicted to occur.
- 8.14 The EIA Report and Manure Management Addendum includes details relating to the management and use of manure and chicken litter produced by the development, which would be the main source of waste. The use of manure and chicken litter on land outside of the site is a potential source of odour and dust associated with the proposed development. The applicant has provided a Manure Management Statement, which indicates that the manure and chicken litter from the development would be used as fertiliser on agricultural land outside of the range area, either farmed by the applicant or by third parties. The statement has limitations in that it only deals with the precise manure management arrangements on the applicant's own land, and it lacks certainty as to where other manure and litter produced by the development would be stored and used once it leaves the site. The applicant proposes to require customers purchasing manure to agree to management plans for its storage and spreading, which are based on the good management practices set out in government guidance (PEPFAA). It is suggested that this would reduce the significance of odour and dust impacts on sensitive receptors.
- 8.15 SEPA and environmental health reviewed the information in relation to odour and air quality impact and requested that updated assessments be undertaken. Following update of the information neither party has objected. It is relevant to note that SEPA has granted a pollution prevention and control (PPC) permit for the poultry operation. Conditions of the permit indicate that offensive odours must not be emitted beyond the boundary of the site, and control air quality, including requirements for monitoring. Discussion with SEPA indicates that odour levels can be suitably controlled through appropriate site management. While odour may not be eliminated under all conditions, on the basis that levels are controlled at the boundary of the installation in accordance with the permit conditions, it is reasonable to conclude that the operation of the unit would not give rise to unacceptable impact on the amenity of occupants of neighbouring property. That conclusion is supported by available environmental information. Similarly, having regard to available environmental information, including the EIA Report, consultation responses, and the permit conditions, there is no reasonable basis to require the buildings to be sited more than 400m from neighbouring residential property.
- 8.16 The significance of odour and dust impacts associated with the spreading of manure by third parties is likely to be reduced by the relatively infrequent nature of spreading (the applicant has indicated that it is applied once per year on their land), with impacts likely to be over a short duration (PEPFAA guidance suggests that manure should be incorporated into uncropped land as soon as possible, and preferably within 24 hours of spreading). It is not uncommon for manure to be used as fertiliser on agricultural land and environmental health has indicated that there have been very few recent complaints associated with the spreading of manure in Angus. It is an activity which already takes place at Easter Meathie. Both SEPA and environmental health have advised that they have received no complaints in relation to existing manure storage or application of organic fertiliser to land at Easter Meathie. In discussion, SEPA has also indicated that compliance with general binding rules which seek to safeguard the water environment, are also likely to help minimise odour impacts. The impacts associated with the spreading of manure are likely to be infrequent and of short-duration, and they are impacts that could, and likely would



occur in the rural environment irrespective of the outcome of this planning application. The planning authority cannot reasonably control impacts associated with the use of manure once it leaves the site and it would not be practicable to monitor compliance with the management plan in that respect. The use of the manure and chicken litter waste generated by the development as fertiliser is also consistent with the waste hierarchy; and the use of manure in the surrounding area may reduce the requirement for that material to be imported from further afield. Conditions are proposed to minimise potential impacts associated with odour.

- 8.17 The EIA Report considers impact of noise on the closest residential properties. Updated noise information was submitted in response to feedback from environmental health. The assessment considers operational noise from the development which includes noise from ventilation fans and noise from delivery and collection vehicles on the access road. There would be additional activity on the road network during the construction period and additional activity in the vicinity of the site access has potential to impact on amenity. However, having regard to the likely volume of traffic, the nature of activities, duration of works, and the relationship between the site, site access, and neighbouring property, the impact of construction works should not be unacceptable subject to appropriate control by condition. Overall, the EIA Report considers that operational noise levels from the development would not give rise to significant adverse noise impacts. The environmental health service has reviewed the noise assessment and is satisfied that both plant noise and noise associated with delivery and collection traffic are unlikely to give rise to significant impacts on amenity. Conditions are proposed that set noise limits at nearby properties, control the times during which HGVs can access the site, and require the provision of a noise management plan including a scheme for the monitoring of noise from the development. The PPC Permit also includes a condition indicating that noise from the authorised activity must not have a significant impact on the environment, people or property beyond the site boundary.
- 8.18 The EIA Report indicates that external lighting would be motion-activated and therefore only active when persons are on site. A condition is proposed that seeks to control external lighting to minimise impact on the amenity of the wider area.
- 8.19 The EIA Report indicates that the development could be undertaken in a manner that would avoid unacceptable impact on amenity. The poultry use is compatible with the predominant surrounding agricultural land use, and relevant consultees have suggested planning conditions that would minimise impacts on the amenity of the area and those who live in and visit it. Available evidence suggests that the proposed development could operate without giving rise to unacceptable amenity impacts subject to the proposed planning conditions and mitigation measures identified in the EIA Report. Similarly, there is no evidence to suggest that the development would give rise to any significant impact in terms of human health.
- 8.20 Development plan policy requires consideration of landscape and visual impact. Policy indicates that the capacity to accept new development in the landscape will be considered within the context of the Tayside Landscape Character Assessment (TLCA) and relevant landscape capacity studies, formal designations and special landscape areas. Development which has an adverse impact on landscape will only be permitted where the site selected is capable of accommodating the proposed development, the siting and design integrate with the landscape context and minimise adverse impacts on local landscape, cumulative impacts are not unacceptable and mitigation measures and/or reinstatement are appropriate. Policy also requires proposals to deliver a high standard of design and to be consistent with the six qualities of successful places, and that includes consideration of existing natural landscape and existing landforms.
- 8.21 The application site is not located within an area designated as being of particular landscape value or sensitivity and the main issue is whether the development can be

accommodated in the existing landscape and whether associated visual impacts are acceptable. The application site falls within a landscape type described as Low Moorland Hills. The TLCA indicates that this landscape type is characterised by a combination of low, rounded hills and craggy, ridged upland. Agriculture in this area is described as being dominated by pasture with some arable land on gentler and lower eastern slopes. It is also described as having panoramic views, being medium-scale and with open enclosure. The settlement pattern is described as a scatter of isolated farmsteads, with no villages. The TLCA acknowledges that the erection of modern farm buildings coupled with the absence of woodland cover in this area can have a visual and landscape impact. The TLCA landscape guidelines encourage the replanting of trees and farm woodlands, and seeks to influence the design, colour, materials, screening and location of farm buildings. It advocates the use of planning conditions to secure screening where appropriate.

- 8.22 Published advice and good practice on the siting and design of new farm buildings seeks to ensure that new farm buildings are sited and designed to minimise landscape and visual impacts and encourage new buildings to relate well to existing building groups, avoid hillcrest or skyline locations, make use of landform and build close to groups of trees. Planning Advice Note 39 requires consideration to be given to siting and visual impact as well as the operational requirements of the building.
- 8.23 The EIA Report includes a landscape and visual assessment of the proposal to evaluate the predicted landscape and visual impacts and identify mitigation measures which could be incorporated into the development in order to reduce such impacts. The report indicates that the footprint of the development will result in the irreversible loss of land, though given the scale in the context of the landscape character type (LCT), this loss is described as negligible in scale and the significance of effects on the LCT is described as minor. The report suggests that the agricultural nature of the development is in keeping with the rural setting of the landscape in which it is located and opines that the scale and mass would not alter the character of this LCT. In relation to visual impacts, the EIA Report indicates that these are assessed in relation to viewpoints which were identified as being representative of visual receptors in the area. Photomontages are provided from those locations. The EIA Report suggests that visual impacts would range from being of minor significance to moderate significance depending on the distance the receptor is from the proposed development.
- 8.24 The buildings and concrete apron would cover an area of around 1.5ha and the height of the poultry sheds would be around 7m to ridge. The sheds would appear more elevated in views from the east and north due to the necessity to create a platform for the buildings using cut and fill operations. There would also be some alteration to land levels west/northwest of the sheds to create a compensatory flood storage area and associated with the deposition of excavated material to the south of the sheds. Although the proposed buildings would not be sited next to the existing building group, there are operational reasons for them being remote. The proposed development is located on the lower slopes of Fotheringham Hill and there are relatively open views across the valley bottom towards the development from areas to the west including a section of the A90(T) south of Lochlands, and from rural roads between the trunk road in the west, Caldhome in the east, and towards Craignathro in the north. The location of development on the lower slopes of Fotheringham Hill limits views of the development from the south and provides a landform backdrop in views of the development from the north. Although the development would be a visible feature in the agricultural landscape, it would not be overly discordant. The proposal incorporates mitigation through the use of recessive colours for the buildings and landscaping adjacent to the buildings in the range area. Planning conditions could be used to secure an appropriate scheme of landscaping (including the introduction of field boundary trees) and to ensure a suitable recessive finish on the buildings. The siting and design of the proposed buildings is generally consistent with published guidance. The flood storage area would change the level of land in

that location and the appearance of that area would consequently have a less natural topography, but it would affect a relatively small area and it would retain its general appearance as agricultural land with impacts partly mitigated as a result of new planting. Similarly, the deposition of excess excavated material to the south of the sheds could be graded such that the level of change would be insignificant and mitigated by new planting. The nature of the development is such that the magnitude and significance of impact would reduce with distance and therefore the apparent extent of landscape impact would be reasonably localised. The proposal would have the appearance of an isolated farmstead, which is a feature characteristic of the Low Moorland Hills and the introduction of tree planting, including new planting along field boundaries is consistent with TLCA guidance.

- 8.25 The most direct visual impacts arising from the proposed development would be on the closest residential properties. The closest residential properties to the proposed poultry sheds are located within the Easter Meathie building group to the east, including Easter Meathie Bungalow (340m east), Easter Meathie Farmhouse (348m east), and White Cottage (400m east). There are other properties at a greater distance from the proposed poultry buildings to the north. The information submitted suggests that there would be no visibility of the proposed sheds from property at Wester Meathie (around 860m west of the proposed buildings). The properties to the east of the site would have open views west towards the proposed development, and the buildings would be apparent from their environs and approaches. The visualisation from this location suggests that the views of the development would be mainly of the eastern gable of the buildings and the platform on which the sheds would be sited. Landform would obscure a small part of the southern shed and the development would be seen against a backcloth of rising land. The planting of trees along field boundaries and adjacent to the access track may also enhance screening mitigation as it matures. Having regard to the orientation of the proposed buildings, the mitigation proposed and the distance to the proposed buildings, the impact on the visual amenity of the occupants of residential property at Easter Meathie is not considered to be unacceptable. The relationship between the properties and the proposed buildings, and the resultant impacts would not be untypical of those commonly found throughout rural Angus.
- 8.26 There are other properties in the wider area that would have views of the development and where the development would be an obvious feature from their environs and approaches. They are mainly located to the northwest, north and northeast and are at least 1.2km away from the proposed sheds. The impact on the visual amenity of occupants of those properties would not be unacceptable and the significance of impact would reduce with distance. Planting is proposed within the site and that may provide some mitigation over time.
- 8.27 There are public roads in the vicinity of the site, including the A90(T) to the west, the C55 Lochlands to Mossie road to the north, the U366 Craignathro road to the north, and Lour Road to the northeast. They are at least 1km from the proposed sheds. The core path between Craignathro and West Craig is around 2km north of the proposed sheds. There would be some visual impact on users of those routes as a consequence of the development and this would be most evident from routes to the north where there are open views across the valley bottom towards the proposed development (a visualisation is provided from Mossie Road which illustrates this). Available information suggests that at the distances involved, and having regard to rising land to the south of the site which provides a landform backcloth for the buildings and associated changes to site levels, the visual impacts would not be unacceptable. The visual impact would be typical of that experienced by road and path users as they travel through the rural area and view agricultural buildings.
- 8.28 There are other developments within the wider area that contribute to cumulative landscape and visual impacts, not least existing agricultural buildings at Easter Meathie, the overhead transmission line which runs through the site, and the wind

turbines at Wester Meathie. Regard has also been given to the relationship between the existing poultry shed at Craignathro, around 2km to the north and the proposal. However, the cumulative impact is not such that it substantially changes the landscape character of the wider area, and it does not give rise to significant visual impact in association with the development proposed. The proposal does not give rise to other significant cumulative impacts in relation to other relevant matters.

- 8.29 Development plan policy seeks to safeguard natural heritage interests, including designated sites and protected species. In relation to acceptability of impact on sites of national interest it indicates that consideration will be given to the economic and social benefits associated with the development proposal, and the proposed mitigation and restoration measures. NPF4 offers support to proposals which expand tree cover. It also requires proposals to contribute to the enhancement of biodiversity and requires regard to be given to the existing characteristics of the site, to provide nature-based solutions, include an assessment of potential negative effects and mitigation measures, and provide biodiversity enhancement measures.
- 8.30 The application site is not designated for any natural heritage reasons and there are no sites designated for natural heritage value directly affected by the development proposal. There are designated nature conservation sites in the wider area, the closest of which are the Kerbet Water (forming part of the River Tay SAC, around 2km southwest), Restenneth Moss SSSI (5km northeast), Rescobie and Bagavies SSSI (6km northeast), Dilty Moss SSSI (6.5km southeast). The EIA Report includes an assessment of ecological impacts. Surveys have been undertaken of habitats and species including bats, badger, birds and other notable species. The EIA Report concludes that the development would not have significant impacts on designated sites or protected species subject to appropriate mitigation. Impacts on the water environment are discussed below but do not alter this conclusion. The Air Quality Assessment assesses impacts on designated habitats within 10km of the site. The assessment found there would be no significant impacts due to air pollution at any protected habitat site. The application site comprises predominantly cultivated agricultural land. The surveys have not identified any notable habitats or plant species, but they recommend mitigation measures and biodiversity enhancements including the planting of around 2.6ha of native trees adjacent to the proposed sheds in the range area.
- 8.31 NatureScot notes that an air quality assessment has been produced and has indicated that it has no comment on the application. SEPA has considered the amended air quality assessment and is satisfied that impacts at designated nature conservation sites would not be adverse. The PPC permit includes conditions to control emission of pollutants to soil and groundwater from the installation and requires groundwater and soil monitoring.
- 8.32 Development plan policy requires consideration of flood risk and water management. NPF4 Policy 22 seeks to strengthen resilience to flood risk by promoting avoidance as a first principle and reducing the vulnerability of existing and future development to flooding. It indicates that development proposals at risk of flooding or in a flood risk area will only be supported in limited circumstances. Those circumstances include where the proposal involves essential infrastructure, where a water compatible use is proposed, or where a proposal involves redevelopment of an existing building or site in defined circumstances. Policy 22 requires that all risks of flooding are understood and addressed, and there is no reduction in floodplain capacity (amongst other things). ALDP Policy 12 also seeks to avoid development on or landraising within the functional floodplain. Development plan policy also promotes the sustainable management of surface water and permits private foul drainage in areas not served by the public drainage network.
- 8.33 Areas to the north of the application site are identified as being subject to both fluvial and surface water flood risk on SEPA flood maps. The application is accompanied by

flood risk assessment information and the proposal has been amended following discussion with SEPA to address flood risk associated with the Spittal Burn, which is located around 325m north of the proposed sheds. The proposal would involve cut and fill operations to create a level surface on which the sheds would be located. A section of the fill required to create this platform would be located within the functional floodplain of the Spittal Burn. This landraising would reduce the flood storage capacity of the floodplain and displace floodwater elsewhere. In order to address this, the applicant has proposed compensatory flood storage on land to the northwest/west of the proposed sheds which would be formed by excavating land in that location. The provision of compensatory flood storage would ensure that there would be no loss of flood storage in the functional floodplain and that position has been agreed with SEPA. The buildings would be elevated above the floodplain and available information suggests that mitigation would ensure that they are not subject to an unacceptable level of fluvial flood risk. It is acknowledged that the range area to the north of the site would flood periodically, as is the case at present. In those periods there would continue to be areas of the range outside of the flood risk area which would remain free of flooding and SEPA is satisfied with the mitigation proposed to address flood risk.

- 8.34 The information submitted also includes a number of steps to manage surface water. Drainage is proposed on the south side of the development to intercept water travelling down the northern slope of Fotheringham Hill. Rural sustainable drainage techniques are proposed to manage surface water from the development, which would eventually discharge into the ditch to the east of the sheds. The roads service has no objection to the proposal in respect of flooding or drainage, subject to the provision of additional information which they have indicated can be secured through planning condition. SEPA would also be consulted on that information to secure consistency with the PPC Permit, which the applicant has indicated would be amended to reflect the arrangements proposed in the planning application. The site is not served by public drainage infrastructure and private foul drainage arrangements are acceptable.
- 8.35 Landraising within the functional floodplain of the Spittal Burn is not entirely consistent with those development plan policies that deal with flood risk. However, in this case, the proposal makes provision for compensatory flood storage, and SEPA is satisfied that the proposal is not at unacceptable risk of flooding, and that there is no net loss of functional floodplain within the site. Available information and consultee advice suggests that the risks of flooding at the site are understood and can be addressed. Agricultural land at this location is at risk of flooding, and while the specific location and extent of land subject to risk would change as a consequence of the development, neither SEPA nor the council's roads service has objected to the proposal on the basis of flood risk, subject to the provision of compensatory flood storage and appropriate surface water management arrangements. As such, the proposal is not inconsistent with the outcomes development plan policy is seeking to achieve and therefore any tension with policy does not justify refusal of planning permission.
- 8.36 On this basis and having regard to the physical characteristics of the site combined with the separation distance to the designated sites and the nature of the operations, the proposal is unlikely to give rise to significant adverse impacts on sites and species protected for natural heritage interests. The landscape proposals including the proposed 2.6ha of new native trees provide opportunity for improved habitat and offer an opportunity for biodiversity enhancement of the site and that is addressed by proposed planning conditions. The proposal does not give rise to any unacceptable impacts on the natural environment and does not give rise to unacceptable flood risk. Relevant consultation bodies have raised no concern that the development is likely to impact private water supplies in the area.
- 8.37 Development plan policy seeks to safeguard built and cultural heritage interests

including scheduled monuments, listed buildings, historic or designed landscapes, conservation areas and sites of archaeological interest. In relation to acceptability of impact on sites of local historic interest it indicates that consideration will be given to the economic and social benefits associated with the development proposal.

- 8.38 The application site is not designated for any built or cultural heritage reasons. Meathie church and graveyard scheduled monument to the southeast of the range area is around 460m from the proposed buildings and on ground elevated around 45m higher than the proposed buildings. Historic Environment Scotland (HES) has been consulted on the proposal and has indicated that while the development would have some impact on the setting of the monument in views north from and south towards the church, the elevation difference and the low profile of the proposed development would ensure impacts on the monument would not raise issues of national interest. HES has no objection to the proposal in respect of impacts on scheduled monuments and their setting, category A-listed buildings and their setting, and gardens and designed landscapes (GDLs) and battlefields in their respective inventories. There are a number of listed buildings and historic environment interests in the wider area but given the nature of those interests and the separation distances, the proposed development would not give rise to any significant impacts on the setting of those features. There are no known archaeological interests that would be affected by the proposed development and the council's archaeological advisor confirmed archaeological mitigation was not necessary. Overall, the proposal would not give rise to any unacceptable impacts on built or cultural heritage interests.
- 8.39 Development plan policy seeks to ensure that proposals do not give rise to unacceptable impacts on infrastructure, including the road network and recreational access.
- 8.40 The EIA Report includes an access and transport statement in which the impacts on the local road network are considered along with any increased traffic numbers and any proposed mitigation measures to be adopted into design. In relation to vehicle movements, the main impacts would be during the construction phase which would take between 16 – 24 weeks with traffic generation likely to be similar to agricultural construction projects that are commonly undertaken in the rural area. During the operational phase the hen sheds require regular feed deliveries (1 HGV lorry twice per week), egg collection (1 HGV lorry twice per week) and scheduled bird delivery and collection (around 4 HGV lorries every 60 weeks). The sheds would be serviced daily by farm workers/stockmen but this would consist of a car, 4x4, or small vans entering and leaving the site. There would also be additional vehicle movements associated with the removal of manure, which it is understood would involve one tractor and trailer every 4 days.
- 8.41 Access to the site is to be taken from the C55 Mossie Road, which would connect to the Easter Meathie farm road, which in turn connects to a section of track at Easter Meathie farm which extends west towards the proposed sheds. The track would be upgraded to facilitate year-round access. The EIA Report suggests that the existing passing places along Mossie Road, the existing roadway and junction geometry, and managed verges provide adequate roadway infrastructure to serve the development. It suggests that mitigation in the form of a road condition survey prior to development commencing and following completion would allow an appraisal of any damage which could be rectified by the applicant. It also proposes a traffic management plan for the development, and a draft plan is provided.
- 8.42 The roads service has reviewed the transportation information submitted and has considered potential impacts on the public road network. It considers the junction of the Easter Meathie farm track with Mossie road to provide a suitable junction to allow safe vehicle movements but requests the provision of passing places along Mossie Road between its junction with Easter Meathie Farm and the A932 at Lochlands. It notes that whilst the operation of the hen sheds requires the movement

of HGVs along this rural road, movements to and from the site will be scheduled to times which are outside of the usual morning and afternoon peak hours. Roads note that HGV movements during operation of the development will be low and suggests that the road improvements would provide a long term and lasting benefit to all road users. Transport Scotland has no objection to the proposal in respect of impacts on the trunk road network, subject to condition, including a requirement for a traffic management plan.

- 8.43 The development also has potential to impact on recreational access in the area, both in relation to the development of the land and in relation to increased vehicle movement on the road network. There are no core paths or promoted routes in the immediate vicinity of the site and levels of public access are likely to be low. Development is proposed on land where access rights apply, and the development would result in some restriction of public access in the area. However, this is a rural area and there are other areas in the vicinity that can be used for recreational access. The proposed development is unlikely to have significant impact of people's ability to exercise access rights. The increase in vehicular traffic on the road network is not significant and is unlikely to have any significant impact on recreational use of the network.
- 8.44 In overall terms, and having regard to available information, the increase in vehicular movement associated with the development is not significant and is unlikely to adversely affect the safety of the local road network. The provision of passing places along a section of the C55 Mossie Road is likely to provide some wider benefit.
- 8.45 NPF4 Policy 1 gives significant weight to the global climate and nature crises. Policy 2 requires proposals to be sited and designed to minimise lifecycle greenhouse gas emissions as far as possible and requires that proposals are designed to adapt to current and future risks from climate change. Policy 3 indicates that proposals will only be supported where it can be demonstrated the proposal will conserve, restore and enhance biodiversity, including nature networks so they are in a demonstrably better state than without intervention. It requires regard to be given to the existing characteristics of the site, to provide nature-based solutions, include an assessment of potential negative effects and mitigation measures, and provide biodiversity enhancement measures.
- 8.46 In respect of those policies, the buildings would be insulated to reduce heat loss and prevent overheating. The development would generate power through the use of roof mounted solar panels. The waste/ manure produced by the activities would provide a valuable source of fertiliser, which may reduce the need for that material to be imported from elsewhere and may reduce the need for artificial fertiliser. The drainage system incorporates measures for the sustainable treatment of surface water. The development would generate greenhouse gas emissions during its construction and operation, but that would be the case with any proposal of this nature. Balanced against that, the development would provide a source of eggs which would increase food security and may reduce carbon emissions associated with food miles when compared to imported eggs. The ecological information submitted suggests that the site currently has limited biodiversity value as cultivated agricultural land, and the proposal includes measures which would enhance biodiversity including significant tree planting within the range area. Planning conditions are proposed to ensure that a biodiversity enhancement is secured and in circumstances where the proposal generally accords with detailed policies and does not give rise to unacceptable impacts, it is compatible with the general and overarching policies and with the general spatial principle of rural revitalisation.
- 8.47 As with any proposal, the application attracts support from some development plan policies and is not entirely compatible with others. However, when those matters are balanced and considered in the round, the proposal is in general compliance with the development plan. In relation to material considerations, it is relevant to have regard

to the planning matters that have been raised in letters of representation. The substantive issues raised in those letters have been discussed above in relation to relevant policy.

- 8.48 Issues regarding compliance with development plan policy are discussed above. As indicated, the proposal is in general compliance with the relevant development plan policy. The assessment above includes consideration of matters related to use of greenfield and prime quality agricultural land.
- 8.49 Concerns are raised relating to the quality and reliability of the supporting information, including the methodology and findings of the EIA Report. Consultants acting on behalf of third parties have provided critical analysis of that information on matters relating to air quality, odour, hydrology, flooding, drainage, manure management, and landscape and visual impact. Where necessary, additional information or clarification has been provided to address these matters. As indicated above, the EIA Report as amended, along with the consultation responses received, is considered acceptable to allow informed understanding of the likely significant impacts and significance of those impacts on the environment.
- 8.50 The representations note differences between the development as approved by SEPA through the PPC Permit (PPC/A/5003791) and the detail of the development as proposed in the application. The main difference is the location of drainage infrastructure, which the PPC Permit identifies as being located to the north of the sheds. That matter has been raised with the applicant and SEPA. The applicant has confirmed their intention to amend the PPC Permit to address any inconsistency with the information contained in the planning application. Conflicting information has been submitted as to how manure would be dried within the sheds, but SEPA has clarified that this would be achieved using a manure belt ventilation system as specified in the PPC Permit (and not a heat exchanger).
- 8.51 Concerns are raised relating to the need for the development and the consideration which has been given to alternative sites. In this respect, case law has determined that lack of need is not a valid reason in itself for refusing permission, unless the lack of need is relevant because of the detrimental effects of the development. However, submitted information indicates that there is a need for additional free range egg production because of a move away from caged egg production and due to a shortage of egg supply in the UK market, and the proposal represents an expansion of an existing egg production operation based 2km north at Craignathro. Supporting information indicates that there was a 125% increase in the importation of eggs to the UK during the period August 2022 to August 2023, and additional domestic egg production may reduce the need for imported eggs. The information submitted also provides some explanation of the factors which influenced site selection. While there may be other areas available to the applicant which could accommodate the proposed development, overall environmental impacts are unlikely to be significantly different in those locations; and the information submitted suggests impacts associated with the proposed location can be adequately mitigated. A location closer to the existing farm complex might have some benefit in landscape terms, but it would move the proposed buildings closer to residential properties that are located to the north of that complex and would give rise to potentially different impacts on those properties. The location proposed development strikes a reasonable balance between relevant considerations.
- 8.52 Concerns raised by those that live in the vicinity of the site regarding impact on amenity are understandable and the development would have some impact on the amenity of the area. However, the relevant planning consideration is whether impacts can be controlled such that they do not exceed recognised limits and do not give rise to unacceptable impacts. In reaching conclusions in relation to these matters it is relevant to have regard to the nature of the area and the type of activity that can reasonably be expected in a working agricultural landscape. In this case the EIA



Report indicates that impacts can be managed such that they are not unacceptable. SEPA has confirmed that issues of odour, noise, and air quality (mainly dust and ammonia) are considered under its remit as part of the permitting process under the Pollution Prevention and Control (Scotland) Regulations 2012. As indicated above, conditions of the approved PPC permit requires all emissions to air from the installation to be free from offensive odour outside of the site boundary, and they control air quality including requirements for monitoring. The environmental health service has similarly assessed the information submitted in support of the application and reviewed matters raised in objection. It has suggested conditions to deal with noise and odour, including requirements for ongoing monitoring. Matters relating to impacts arising from the third-party use of manure and chicken litter as fertiliser are considered in the manure management information, and impacts associated with the use of that material are unlikely to be significant due to the limited frequency of fertiliser application, and the short duration of the associated impact. As recognised above, manure can be and is likely to be spread in the rural area irrespective of the outcome of this application. SEPA and environmental health have confirmed that there have been limited complaints in respect of spreading activities on agricultural land and has no objection to the manure management information. For the reasons set out in the detailed discussion above, it is concluded that impacts arising from the development would not be unacceptable subject to compliance with the proposed planning conditions and adherence to the mitigation measures identified in the EIA Report.

- 8.53 The proposal would give rise to visual impacts and introduce a new element into the landscape but for the reasons set out above those impacts are not considered to be unacceptable subject to the proposed mitigation. This is a working rural landscape where activity and manmade change is not uncommon. The proposed development would be seen against rising landform from most locations and mitigation measures should minimise the impacts on the character of the area. The proposal would provide a fairly typical agricultural building complex in a rural area where agricultural buildings are characteristic.
- 8.54 The EIA Report has considered the potential impact of the development on wildlife and habitats and no unacceptable impacts have been identified. NatureScot has been consulted on the application and has raised no concern. The site is not designated for any natural heritage reasons and there is no evidence to suggest that the development would give rise to significant or unacceptable impacts on wildlife or habitats. The proposal would result in the provision of additional tree planting.
- 8.55 Revisions of the arrangements proposed to manage flood risk have been made to address the concerns identified by SEPA. While the proposal involves landraising in the functional floodplain, SEPA is satisfied that the compensatory flood storage would ensure that there would be no net loss of floodplain, and the built development within the site would be constructed above the 1 in 200 year plus climate change flood level. Parts of the range area to the north of the proposed sheds would continue to act as a floodplain and information has been submitted showing flood waters in that area. SEPA has reviewed information provided by third parties (including photographs of flooding in the proposed northern range area) and has confirmed that it is aware that this land is frequently inundated with flood water from the Spittal Burn, but notes that the proposed development is connected to higher ground to the north and would not be surrounded by flood water in flooding events. SEPA and the council's roads service has considered flood risk associated with the proposal and are satisfied that adequate mitigation can be provided. The application does not propose any works to existing pumping infrastructure within the northern range area between the proposed sheds and the Spittal Burn and SEPA has raised no objection regarding this arrangement.
- 8.56 This proposal is directly related to an existing rural business which is seeking to expand its egg production operations. The economic benefits associated with the

proposal are not clearly detailed or quantified in the information submitted with the application. However, it is reasonable to conclude that the expansion of the applicants existing egg production business would aid the viability of the existing business, which makes a positive contribution to the local economy. While some parties have suggested that the proposal might adversely affect tourism in the area, no evidence to support that proposition has been provided. In circumstances where the development is unlikely to give rise to unacceptable environmental, infrastructure and amenity impacts, it is reasonable to conclude that the proposal, including the construction activity, would give rise to some net economic benefit. Policy generally supports proposals that support the rural economy.

- 8.57 The letters in support of the proposal are noted and the relevant planning matters have been addressed in the assessment of the application.
- 8.58 In conclusion, any proposal for intensive livestock installations will give rise to environmental impacts and will have potential to impact on the amenity of the surrounding area. The key considerations are compatibility with development plan policy, the significance of environmental and amenity impacts, and other relevant material considerations.
- 8.59 The EIA Report and consultation responses indicate that, subject to appropriate mitigation and planning conditions, the proposed development should not give rise to unacceptable environmental or amenity impacts. The matters raised in representations, both in objection and support, have been considered in preparing this report and where appropriate matters are addressed by proposed planning conditions. The proposed conditions would ensure that the operation of the development would not give rise to unacceptable impacts on the amenity of those that live in or visit the area.
- 8.60 The proposed development complies with relevant development plan policy subject to the proposed planning conditions. There are no material considerations that justify refusal of the application.

## **9. HUMAN RIGHTS IMPLICATIONS**

- 9.1 The recommendation in this report for grant of planning permission, subject to conditions, has potential implications for neighbours in terms of alleged interference with privacy, home or family life (Article 8) and peaceful enjoyment of their possessions (First Protocol, Article 1). For the reasons referred to elsewhere in this report justifying this recommendation in planning terms, it is considered that any actual or apprehended infringement of such Convention Rights, is justified. The conditions constitute a justified and proportional control of the use of the property in accordance with the general interest and have regard to the necessary balance of the applicant's freedom to enjoy his property against the public interest and the freedom of others to enjoy neighbouring property/home life/privacy without undue interference.

## **10. CONCLUSION**

- 10.1 It is recommended that the application be approved for the following reason, and subject to the following condition(s):

### **Reason(s) for Approval:**

The development provides for the expansion of an existing rural business in a manner that would contribute to food supply. Environmental, amenity and infrastructure impacts associated with the proposed development can be appropriately mitigated such that they are not unacceptable, subject to the stated planning conditions and the mitigation measures identified in the Environmental

Impact Assessment Report. The proposal complies with development plan policy subject to the stated planning conditions and there are no material considerations that justify refusal of the planning application contrary to the provisions of the development plan.

**Conditions:**

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

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

2. That except as otherwise provided for and amended by the terms of this permission, the development shall be undertaken in accordance with the provisions of the Easter Meathie Environmental Impact Assessment Report, Version 1 dated 15 July 2021 and its Manure Management Statement Addendum Version 1 dated November 2022, and its Flood Storage Compensation Addendum Version 1 dated September 2023 and the Technical Appendices which shall be implemented upon the commencement of development and all mitigation measures shall be implemented at the appropriate and necessary stage of the development and during operation of the use. For the avoidance of doubt, there shall be no more than 64,000 chickens housed within the site at any time.

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

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

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

- (i) Agreement with the Roads Authority and Transport Scotland on the routing for abnormal loads;
- (ii) The type and volume of vehicles to be utilised in the delivery to the site of construction materials associated with the construction of the hen sheds and their associated infrastructure;
- (iii) Any proposed accommodation works / mitigating measures affecting the public roads in order to allow for delivery loads, including carriageway widening, junction alterations, associated drainage works, protection to public utilities, temporary or permanent traffic management signing, and temporary relocation or removal of other items of street furniture;
- (iv) The restriction of delivery traffic to agreed routes;
- (v) The timing of construction traffic to minimise impacts on local communities, particularly at school start and finish times, during refuse collection, at weekends and during community events;
- (vi) A code of conduct for HGV drivers to allow for queuing traffic to pass;
- (vii) Liaison with the roads authority regarding winter maintenance;
- (viii) Contingency procedures, including names and telephone numbers of persons responsible, for dealing with vehicle breakdowns;
- (ix) A dust and dirt management strategy, including sheeting and wheel cleaning prior to departure from the site;

- (x) The location, design, erection and maintenance of warning/information signs for the duration of the works at the site access and crossovers on private haul roads or tracks used by construction traffic and pedestrians, cyclists or equestrians;
- (xi) Contingencies for unobstructed access for emergency services;
- (xii) Co-ordination with other major commercial users of the public roads on the agreed routes in the vicinity of the site;
- (xiii) Traffic management, in the vicinity of temporary construction compounds;
- (xiv) Arrangements for the monitoring, reviewing and reporting on the implementation of the approved plan; and
- (xv) Procedures for dealing with non-compliance with the approved plan.

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

- (b) A scheme of improvements to Mossie Road (C55) between the Easter Meathie Farm Access (NO4621547580) extending westwards for a distance of 1.3km or thereby to Southbank (NO4484547455). The scheme of improvement shall include: -
  - (a) the provision of inter-visible passing places;
  - (b) adequate provisions for dealing with road surface water; and
  - (c) detailed plans and particulars relating to road layout design, specification and construction.

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

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

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

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

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

(e) A Construction Environmental Management Plan (CEMP). The submitted CEMP shall include but not be limited to: -

- Site working hours;
- Location of construction compounds and/ or storage areas (which avoids locations within the functional floodplain);
- Mitigation measures for dust and machinery emissions arising from the construction phase and dust complaint investigation procedure;
- Mitigation measures for noise and vibration impacts and a noise and vibration complaint investigation procedure;
- A Site Waste Management Plan (SWMP) including details for the management of pollution prevention monitoring and mitigation measures for all construction activities;
- Adherence to good practise in protecting the environment and ecology; and
- Procedures for monitoring compliance and dealing with any breach of the approved plan.

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

(f) Revised proposals for the management of foul and surface water within the site which shall be subject to consultation with SEPA. The submitted details shall be in accordance with CREW's Rural SuDS guidance, CIRIA C635, C753, Water Environment CAR Practical Guide, and Constructed Farm Wetlands (CFW) Design Manual for Scotland and Northern Ireland and Angus Council's Flood Risk and Surface Water Drainage Requirements Technical Guidance (September 2023) and shall include:-

- (i) Calculations to confirm that for the proposed SuDS there should be no exceedance for up to and including the 1 in 30 year critical rainfall event inclusive of a 39% uplift for climate change; and there should be no surface water flooding from the proposed SuDS to the proposed buildings, or out-with the site for up to and including the 1 in 200 year critical rainfall event inclusive of a 39% uplift for climate change. Details shall include the exceedance flow design. If infiltration to the ground is proposed evidence of porosity tests and groundwater levels to support the proposal shall be provided. All calculations shall be signed off by a Chartered or Incorporated Engineer or Hydrologist. If discharging to a watercourse or culvert, then the capacity of that receiving body must be confirmed and a neutral or better effect upon flood risk demonstrated.
- (ii) Measures to improve the biodiversity value of the proposed SuDS;
- (iii) Precise details of the surface water treatment for the proposed access track; and
- (iv) Maintenance arrangements for surface water disposal infrastructure.

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

(g) A revised levels survey of the site. The detailed drawings shall show proposed ground and floor levels of the development relative to existing ground levels; neighbouring land/properties and a fixed ordnance datum point. The information shall include details of proposed levels arising from the deposition of materials to the south of the proposed sheds. Thereafter the development shall be carried out in accordance with the approved

details. For the avoidance of doubt, there shall be no land raising within the functional floodplain of the Spittal Burn other than that shown in the the BoothKing Flood Plain Earthworks Proposed Cut and Fill GA drawing contained within the Cogeo Easter Meathie Hen Shed Flood Storage Compensation EIA Addendum Version 1 dated 09/2023.

- (h) The precise details of external material finishes and colour of all buildings. For the avoidance of doubt the external colour should be of a recessive shade. Thereafter the buildings shall be finished in accordance with the approved details.
- (i) Details of all proposed boundary enclosures. Thereafter only the approved boundary enclosures shall be erected within the site.
- (j) Details of any external, artificial lighting and measures and controls to mitigate impact of light pollution on the amenity of the surrounding area and occupants of nearby property. Thereafter the lighting shall be provided and operated only in accordance with the approved details.
- (k) A scheme of landscaping including measures to ensure that the development results in an enhancement to the biodiversity value of the site having regard to NatureScot Developing with Nature Guidance. The submitted scheme shall include: -
  - (i) Existing landscaping features and vegetation to be retained;
  - (ii) The location of new trees, shrubs, hedges and areas to be sown in wildflowers. For the avoidance of doubt, this shall include new tree planting both within the range area and along field boundaries within the site;
  - (iii) A schedule of plants to include species, age/height of planting stock, and proposed numbers and density. This shall include provision for standard and heavy standard planting stock on field boundaries, as well as provision for fast growing and water tolerant species in the range area to the north;
  - (iv) Measures to protect all planting from grazing mammals; and,
  - (v) Details of measures for the management and maintenance of the landscaped areas for the duration of the development.

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

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

- 4. That prior to the commencement of any other development in association with this planning permission: -
  - (i) the scheme of improvements to the C55 Mossie Road required under condition 3 shall be completed in accordance with the approved details.
  - (ii) the flood storage compensation as detailed on the BoothKing Flood Plain Earthworks Proposed Cut and Fill GA contained within the Cogeo Easter Meathie Hen Shed Flood Storage Compensation EIA

Addendum Version 1 dated 09/2023 shall be formed in its entirety in accordance with the approved details.

*Reason: In order to ensure safe and suitable access arrangements, and to ensure that the proposed development does not result in any reduction to the functional floodplain of the Spittal Burn.*

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

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

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

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

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

Day	Time	Average Period (t)	Noise Limit	Notes
Monday-Sunday inclusive	0700-1900	1 hour	41dBA Leq t	1, 2, 3
Monday-Sunday inclusive	1900-2300	1 hour	30dBA Leq t	1, 2, 3
Monday-Sunday inclusive	2300-0700	15 minutes	30dBA Leq t	1, 2, 3

#### Notes

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

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

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

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

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

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**DATE: 01 FEBRUARY 2024**

APPENDIX 1: LOCATION PLAN

APPENDIX 2: EIA REPORT NON-TECHNICAL SUMMARY (INCLUDING MANURE MANAGEMENT PLAN NON-TECHNICAL SUMMARY AND FLOOD STORAGE COMPENSATION NON-TECHNICAL SUMMARY)

APPENDIX 3: SUMMARY OF APPLICANTS SUPPORTING INFORMATION

APPENDIX 4: LETTERS OF REPRESENTATION

APPENDIX 5: DEVELOPMENT PLAN POLICIES