

ANGUS COUNCIL

MINUTE of HYBRID MEETING of the **DEVELOPMENT STANDARDS COMMITTEE** held in the Town and County Hall, Forfar on Tuesday 11 February 2025 at 10.00am.

Present: Councillors DAVID CHEAPE, BRENDA DURNO, CHRIS BEATTIE, KENNY BRAES, SERENA COWDY, HEATHER DORAN, BILL DUFF, CRAIG FOTHERINGHAM, IAIN GALL, IAN MCLAREN, LLOYD MELVILLE and GAVIN NICOL.

Councillor CHEAPE, Convener, in the Chair.

1. APOLOGIES FOR ABSENCE

An apology for absence was intimated on behalf of Councillor Tommy Stewart.

2. DECLARATIONS OF INTEREST/STATEMENTS OF TRANSPARENCY

Councillor Durno made a statement of transparency in relation to item 6 in that she had received email correspondence from an objector regarding the application but had intimated that she could not comment. She also advised that she had had a conversation with the applicant regarding a fallen tree but had had no discussion regarding the application.

3. BUILDING WARRANTS

The Committee noted that during the period 7 December 2024 to 31 January 2025, a total of 68 Building Warrants, 4 Demolition Warrants and 33 Amendment to Warrants had been approved with an estimated cost of £14,660,064.

4. DELEGATED DECISIONS

The Committee noted that during the period 7 December 2024 to 31 January 2025, a total of 68 applications had been approved and 2 refused under the planning Acts through the Scheme of Delegation to Officers.

5. MINUTE OF PREVIOUS MEETING

The minute of meeting of this Committee of 17 December 2024 was approved as a correct record and signed by the Convener.

6. LAND 200M WEST OF DENFIELD, ARBROATH

There was submitted Report No 41/25 by the Service Leader – Planning and Sustainable Growth detailing planning application No. 24/00589/FULL submitted on behalf of Peter J Stirling Ltd for a proposed new solar farm installation, including battery storage facility, on land 200 metres west of Denfield, Arbroath. The application was recommended for approval subject to conditions.

Slides were shown following which officers responded to members' questions regarding surface water management, cumulative impact, wildlife habitat and biodiversity, limitations on agricultural land being used for solar farms and the proposed environmental construction management plan.

Thereafter, Mr Hicks, Mr Whitton, Mr Anderson and Mr Robinson, objectors to the application, and Mr Fotheringham, on behalf of the applicant, addressed the meeting. Mr Fotheringham also responded to members' questions regarding the timeline for panel installation, advancements of technology, specific mitigations to manage water run off, proposed measures relating to fire safety management and contaminated material, and landscaping and planting mitigations. Officers also responded to members' questions regarding the possibility of enhancing the wording of condition 3H.

Following comments from a number of members, Councillor Nicol gave notice of an amendment.

At this stage in the meeting (11.34am) the Committee agreed to adjourn for 10 minutes to allow Councillor Nicol to take advice from officers. The meeting resumed at 11.44am.

COUNCILLOR CHEAPE, SECONDED BY COUNCILLOR DURNO MOVED THAT THE APPLICATION BE APPROVED FOR THE REASON AND SUBJECT TO THE CONDITIONS, AS DETAILED IN SECTION 10 OF THE REPORT, AND SUBJECT TO THE WORDING OF CONDITION 3H BEING AMENDED TO REPLACE THE WORD “MINIMISE” WITH “PREVENT”.

Councillor Nicol, seconded by Councillor Beattie, moved as an amendment, that the Committee refuse the application as the proposal was not suitably scaled, sited or designed to be in keeping with the character of the rural area and was therefore contrary to National Planning Framework 4, Policy 29b.

On a vote being taken, the members voted:-

For the motion:-

Councillors Cheape, Durno, Braes, Cowdy, Doran, Duff, Gall and McLaren (8).

For the amendment:-

Councillors Beattie, Fotheringham, Melville and Nicol (4).

The motion was declared carried and planning permission granted subject to the following amended condition:

‘3(h) a fire and safety management plan. The plan shall include detail of the specific siting and spacing of all container units, including battery container units, precise details of the battery technology deployed at the site, and measures to prevent potential for any untreated water from the battery containers or batteries arising because of an emergency situation to leave the site. Thereafter the development shall be constructed and operated in accordance with the approved plan.’

7. 11 AULDBAR ROAD, LETHAM, FORFAR

There was submitted Report No 42/25 by the Service Leader – Planning and Sustainable Growth detailing planning application No. 24/00460/FULL submitted on behalf of Letham Craft Shop for proposed extension to Letham Craft shop at 11 Auldbar Road, Letham to create a new cafe area and storage and to enlarge the existing sales area, and external works to provide for additional customer parking, pedestrian paths and outdoor seating. The application was recommended for approval subject to conditions.

Slides were shown following which officers responded to members’ questions regarding access arrangements to the new car parking facilities, land ownership certification and maintenance of the green road.

Thereafter, Mr Anderson, an objector, addressed the meeting, with officers responding to a member’s question regarding the potential for double yellow lines to be established in the area outside the premises should any issues arise. Mr Sturrock, the applicant, also addressed the meeting and responded to members’ questions regarding electric vehicle charging points, accessibility access to the green road and staff and resident parking.

Following comments from a number of members, and having had regard to all submissions, the Committee agreed that the application be approved for the reason and subject to the conditions, as detailed in Section 10 of the Report.

8. PITAIRLIE QUARRY, MONIKIE

There was submitted Report No 43/25 by the Service Leader – Planning and Sustainable Growth detailing planning application No. 24/00427/FULL by Denfind Stone Ltd, which related to the operation of buildings at Pitairlie Quarry, Monikie. The application was made under section 42 of the Town and Country Planning (Scotland) Act 1997 (as amended) which sought permission to undertake development subject to different conditions than those attached to planning permission No.17/00917/FULL. Principally, the application sought a variation to condition 2 of that permission and associated changes to other conditions to allow the cutting of stone by means of a saw within a building between 0700 hours Monday and 2359 hours Saturday. The application was recommended for approval subject to conditions.

Slides were shown.

At this stage in the meeting, the Convener made a statement of transparency in that he was acquainted with the applicant as she was a member of the Monikie & Newbigging Community Council, the meetings of which he attended. The Convener intimated that he had not discussed the application at these meetings and had removed himself from the meetings when any planning applications were being discussed.

Thereafter, officers responded to members' questions regarding the dust management plan and noise mitigations. The applicants also provided further clarification regarding dust suppression and responded to members' questions regarding noise management, increase in additional output due to demand, and rationale for extended hours.

At this point in the meeting (the time being 12.52pm), the Committee resolved, in accordance with the provisions of Standing Order 21(5), that the meeting continue to the conclusion of the business.

Following comments from members and having regard to all submissions, the Committee agreed that the application be approved for the reason and subject to the conditions, as detailed in Section 10 of the Report.

9. PROPOSAL OF APPLICATION NOTICE: LAND 250M SOUTH OF PITPOINTIE, KIRKTON OF AUCHTERHOUSE

There was submitted Report No 44/25 by the Service Leader – Planning and Sustainable Growth outlining a proposal of application notice, application No. 25/00012/PAN, which had been submitted by Murray Planning Associates on behalf of Mespil Solar Energy Ltd in respect of a major development comprising of the construction and operation of a solar farm with an output of up to 46MW and its associated infrastructure on land 250m south of Pitpointie, Kirkton of Auchterhouse. The Committee was invited to identify issues which it would like to see addressed in the planning application that would subsequently be submitted.

Slides were shown following which the Committee agreed to note the key issues identified by officers as set out in paragraph 4.4 of the Report and welcomed the proposed change in location for the public engagement events, however highlighted that there should also be additional publicity regarding the proposal. Members also emphasised that the application should contain detailed information on the potential impacts on Dronley Wood and its species.

10. PLANNING APPEAL DECISION: LAND AT COTTON OF LOWNIE, KINGSMUIR, FORFAR

There was submitted Report No 45/25 by the Service Leader – Planning and Sustainable Growth presenting the findings of the Reporter appointed by Scottish Ministers to determine an appeal by Industria Solar Forfar Ltd against the decision of Angus Council to refuse planning permission for the construction of a solar farm together with battery energy storage system, underground cable, substation buildings, new access and access tracks, security measures, associated infrastructure and works, and substantial landscape and biodiversity enhancements on land at Cotton of Lownie, Kingsmuir, Forfar. The Reporter had dismissed the appeal and refused planning permission.

Following comments from members, who welcomed the decision of the Reporter, the Committee agreed to note the outcome of the appeal.