

AGENDA ITEM NO 5

REPORT NO 269/23

ANGUS COUNCIL**DEVELOPMENT MANAGEMENT REVIEW COMMITTEE – 27 SEPTEMBER 2023****LAND AT BALBEUCHLEY HOUSE, BALBEUCHLEY, KIRKTON OF AUCHTERHOUSE****REPORT BY THE DIRECTOR OF LEGAL AND DEMOCRATIC SERVICES****ABSTRACT:**

The Committee is asked to consider an application for a review in respect of Conditions 2 and 4 of planning permission ref 22/00787/FULL, for erection of staff accommodation for seasonal workers and associated works at Land 400M North Balbeuchley House, Balbeuchley, Kirkton of Auchterhouse.

1. RECOMMENDATIONS

It is recommended that the Committee:-

- (i) review the case submitted by the Planning Authority (**Appendix 1**); and
- (ii) review the case submitted by the Applicant (**Appendix 2**).

2. ALIGNMENT TO THE ANGUS LOCAL OUTCOMES IMPROVEMENT PLAN

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

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

3. CURRENT POSITION

The Development Management Review Committee is required to determine if they have sufficient information to determine the Review without further procedure. If members do not determine the review without further procedure, the Review Committee must determine the manner in which the review is to be conducted. The procedures available in terms of the regulations are: written submissions, hearing sessions or inspection of the land to which the review relates.

4. FINANCIAL IMPLICATIONS

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

5. EQUALITY IMPACT ASSESSMENT

An equality impact assessment is not required.

6. CONSULTATION

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

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

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Appendix 1 – Submission by Planning Authority

Appendix 2 – Submission by Applicant

ANGUS COUNCIL'S SUBMISSION ON GROUNDS OF REFUSAL**APPLICATION NUMBER – 22/00787/FULL****APPLICANT - Mrs A Nissen****PROPOSAL & ADDRESS – Erection of staff accommodation for seasonal workers and associated works at Land 400M North Of Balbeuchley House, Balbeuchley, Kirkton Of Auchterhouse****CONTENTS**

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Angus Council

Application Number:	22/00787/FULL
Description of Development:	Erection of staff accommodation for seasonal workers and associated works
Site Address:	Land 400M North Of Balbeuchley House Balbeuchley Kirkton Of Auchterhouse
Grid Ref:	335817 : 738304
Applicant Name:	Nissen Cristmas Trees

Report of Handling**Proposal**

The application seeks planning permission for the erection of 2 seasonal worker accommodation units on a site measuring around 1550sqm that is located to the south of the C6 public road. The application site is open scrub land with a concrete base visible at its eastern end. The north, east and south boundaries comprise stone dykes with the west boundary defined by a low deer fence. Vehicular access gates are located at the northeast corner and at the east boundary.

The proposed accommodation buildings are to be located around 21m to the south of the public road. The flat roofed buildings have a footprint of 30sqm and 60sqm with an overall height of 2.88m. The external finishes comprise vertical timber lined walls and metal profiled sheet roof. The accommodation in the smaller unit comprises an open plan kitchen, dining and living area, bedroom and shower room. The larger unit accommodates an open plan kitchen, dining and living area, 2 bedrooms and 2 shower rooms. Hardcore pathways and parking areas are to be provided with the structures. Landscape planting is incorporated around the buildings. The vehicular access at the east boundary is to be enlarged to provide access to the site with the concrete hardstanding at the east of the site retained as a pick-up and drop-off area. The submitted information indicates the structures would connect to the public water supply; foul drainage would be directed to a septic tank which would discharge to land via a soakaway; and surface water would be dealt with via sustainable drainage.

The application has not been subject of variation.

Publicity

The nature of the proposal did not require the application be the subject of Neighbour Notification.

The application was advertised in the Dundee Courier on 30 December 2022 for the following reasons:

- Neighbouring Land with No Premises

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

Planning History

None.

Applicant's Case

The following information has been provided in support of the application: -

Supporting Statement - this document provides a justification for the proposed accommodation. It indicates that the company owns 280Ha of land at Balbeuchley and Balmuir Farms in Angus and rents an additional 100Ha at Balfour farm near Brechin. There are over 1.5 million trees currently in cultivation, this

November, 75,000 trees were harvested with an expected increase in production in the business over the next few years, reaching 125,000 trees to be harvested per year in approximately 5 years' time. The nature of the business means that throughout the year, there are more labour-intensive months than others - such as November, when overall staff numbers exceed 30, as opposed to the January period when only a skeleton staff of 2 are required in the office. Summer months range from 4 - 8 staff. Due to the overall size of the tree plantations, labour is required in some capacity throughout the year, for continuous hands-on care of the trees. The owners both work full time for the business and are the only full-time members of staff. Recruitment of full-time staff is incredibly challenging in addition to the challenges of seasonal staff. Purpose built housing is necessary on site to be able to recruit temporary staff either through seasonal worker agencies and/or through frontier visas. There is little suitable accommodation locally, and in the case of national seasonal labour agencies recruitment, accommodation on site is a necessity, similar to all the fruit farms in the area.

Further information has also been provided by the agent which advises that staff currently pay for temporary holiday accommodation on the farm when it is available, they also use air B&B, caravans (pre covid) and at times (usually harvest) accommodation has been arranged at an outdoor education centre in Meikle. Because the nature of the work depends on weather and the growing season, times requiring accommodation needs to be very flexible, throughout the year. This proves difficult to predict for renting and arranging. The caravan option, like with all Berry farmers is the most convenient way for our company to achieve this flexibility, however, we find that these container houses to be a better climate solution and an appropriate form of accommodation to live in and yet still offer the temporary installation that a caravan does. The main reason for site selection has been defined by looking at land owned by the applicant. The application site is well situated to meet Policy TC5, being previously developed, close to public transport routes and being in character with development along the Tealing Road which displays a series of sporadic developments close to the road. To soften the appearance and screen the proposal in time landscaping is proposed to the north of the development.

Preliminary Ecological Appraisal - this document provides an assessment of the ecological features present or potentially present within the development site and its environs. The appraisal indicates that the site largely comprises an area of poor semi-improved grassland, bounded to the south, east and west by developing mixed plantation woodland. The survey concludes few signs of protected species were found on the site. A single mature sycamore tree located at the northwest corner of the site has been identified as having low suitability to support roosting bats. The mixed woodland habitats are considered to be generally too young to present appropriate habitat for bats. Badger dung was recorded on the ground at the southern extent of the site but no setts or any other evidence of the presence of badger was recorded. No evidence of otter or water vole was recorded within the survey area. No evidence of the presence of reptiles was recorded during the survey visit. A number of bird species were recorded during the survey visit and it is considered that the wooded areas and scrub vegetation provide suitable nesting habitat for common bird species. In terms of mitigation measures it is recommended the mature sycamore tree assessed as having low suitability to support roosting bats is retained. Night-time works should be minimised, and any artificial light spill is directed away from wooded areas and linear navigation features favoured by bats. Construction should be timed to either avoid the breeding season altogether or scheduled to start before the breeding season starts. If that is not possible then prior to the commencement of clearance works, all suitable nesting habitat should first be checked by an experienced ecological clerk of works (ECoW).

SEPA Flood Map - this document identifies the site relative to existing flood extents.

Consultations

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

Roads (Traffic) - This consultee has offered no objection to the proposal.

Scottish Water - This consultee has offered no objection to the proposal.

Environmental Health (Arbroath) - This consultee has offered no objection to the proposal and has advised that the application buildings meet the legal definition of caravans, therefore their use as accommodation for forestry workers means they are exempt from requiring a caravan site licence in terms

of the Caravan Sites and Control of Development Act 1960. Should the structures be occupied at any point by persons not directly involved in forestry, including those employed in agricultural activities, they will require to submit an application for a caravan site licence to Angus Council.

Scottish Fire & Rescue Service - There was no response from this consultee at the time of report preparation.

Representations

There were no letters of representation.

Development Plan Policies

NPF4 – national planning policies

Policy 1 Tackling the climate and nature crises
 Policy 2 Climate mitigation and adaptation
 Policy 3 Biodiversity
 Policy 4 Natural places
 Policy 5 Soils
 Policy 9 Brownfield, vacant and derelict land and empty buildings
 Policy 13 Sustainable transport
 Policy 14 Design, quality and place
 Policy 17 Rural homes
 Policy 18 Infrastructure first
 Policy 22 Flood risk and water management
 Policy 29 Rural development

Angus Local Development Plan 2016

Policy DS1 : Development Boundaries and Priorities
 Policy DS3 : Design Quality and Placemaking
 Policy DS4 : Amenity
 Policy TC5 : Seasonal / Transient Worker Accommodation
 Policy PV6 : Development in the Landscape
 Policy PV15 : Drainage Infrastructure
 Policy PV20 : Soils and Geodiversity

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

Assessment

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

In this case the development plan comprises: -

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

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

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

The site is located outwith a development boundary and is not allocated or otherwise identified for development in the ALDP. Policy DS1 of the Angus Local Development Plan (ALDP) indicates that

proposals for development outwith development boundaries will be supported where they are of a scale and nature appropriate to the location and where they are in accordance with relevant policies of the ALDP. Both the ALDP and NPF4 encourage the reuse of brownfield land in preference to the use of greenfield land. NPF4 Policy 9 indicates that proposals on greenfield sites will not be supported unless the site has been allocated for development or the proposal is explicitly supported by policies in the local development plan. NPF4 Policy 5 seeks to minimise the disturbance of soils from development and (amongst other things) only allows the development of prime quality land in limited circumstances. In all circumstances, it requires the layout and design to minimise the amount of protected land that is required.

The ALDP indicates that proposals for the development of temporary accommodation (including residential caravans and mobile homes) for seasonal or transient workers will be supported where there is a functional and essential economic need for the amount and type of accommodation proposed that cannot be reasonably met elsewhere in the locality; the accommodation is required to house seasonal or transient workers employed on the agricultural unit; the proposal involves the conversion, reuse or redevelopment of suitable vacant buildings or brownfield land on, or adjoining, the agricultural unit or it can be demonstrated that there are no such buildings or sites capable of accommodating the proposed development; the proposed site will provide a good residential environment with adequate access to facilities; the scale and nature of the development is in keeping with local landscape character and pattern of development; and there is no unacceptable impact on the built and natural environment, surrounding amenity, access and infrastructure. NPF4 Policy 29 Rural Development is supportive of development proposals that contribute to the viability, sustainability and diversity of rural communities and the local rural economy including development for land use businesses where use of good quality land is minimised; where proposals involve diversification of existing businesses; or the proposal is small scale developments that support new ways of working.

The site whilst containing an area of hardstanding is generally greenfield in character, but it is not prime quality land and is not in productive agricultural use. The supporting information indicates that there is a functional need for the amount and type of accommodation to support the operation of the established business. The accommodation is required to house seasonal or transient workers employed as part of the established business, and although not specifically related to agriculture the business relates to a forestry business which is similar in nature. The supporting information also confirms that there are no existing buildings or brownfield land capable of providing the proposed accommodation. This information describes why the accommodation requirement cannot be reasonably met elsewhere in the locality. There is a reasonable justification for provision of the temporary worker accommodation in order to support the operation of the existing forestry business and the principle of the accommodation is justified. The proposed development is considered capable of providing a good residential environment for occupants. As the application proposes temporary accommodation, it is appropriate to limit the duration of the planning permission to a temporary five-year period. Planning conditions are also attached to ensure that the accommodation is used by staff associated with the applicant's forestry operation only. Such a control would also satisfy the requirements of environmental health.

The application site is reasonably well contained in landscape terms and benefits from established planting to the south and is set below the level of the public road to the north. Views of the development would be relatively limited and predominantly in locations close to the site or from elevated land at considerable distance. The external materials proposed are typical of those seen elsewhere in rural Angus. The proposed buildings are small scale, utilitarian and functional in design. The site could accommodate the development without any significant adverse impacts on the character of the local landscape or pattern of development.

In terms of any impacts on amenity, the buildings would be located around 100m from residential properties that are located to the northeast. The design of the proposed buildings and their distance from those neighbouring properties is such that it would not give rise to any direct impact on occupants of the houses. The Roads Service has reviewed the proposal and offered no objection to the development. There would be no unacceptable impacts upon surrounding amenity resulting from the proposal.

Both NPF4 and the ALDP promote development in accessible locations with the overall aim of reducing dependency on the private car and encouraging sustainable travel options. It is likely that the proposal would be accessed by private transport and would increase reliance upon private vehicles as a means of transport. However the location of the application site is related to the applicant's existing business, and

this has influenced its chosen location. In circumstances where the site provides for seasonal worker accommodation as set out in ALDP Policy TC5 that is not unacceptable, and the development is not in itself a significant travel generating use. The location of the site would provide access to the natural environment, the proposal provides vehicular access, parking and turning arrangements in the site in accordance with the council's standards.

The site is not identified on SEPA flood maps as being at risk of flooding. The dwelling would connect to the public water supply network with foul drainage to be dealt with by private drainage arrangements. The site is located outside of a public sewered area and the principle of private drainage arrangements is acceptable. Surface water would be managed by means of sustainable drainage. The proposed drainage arrangements are considered to be acceptable.

The site is not designated for any for natural heritage reasons and information submitted suggests it has limited biodiversity value. The submitted information concludes that the development would not have significant impacts on any species or habitat. The submitted information indicates that a scheme of landscape planting would be incorporated into the development however precise details have not been provided. Provision of appropriate landscaping could help secure some biodiversity improvement in terms of the requirements of NPF4 Policy 3. Precise details regarding the landscaping and good practice mitigation measures recommend in the submitted Preliminary Ecological Appraisal will be secured by condition.

The application site is not designated for any built heritage reasons and the proposal would be unlikely to give rise to any unacceptable impacts on built heritage interests.

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 requires proposals for local development to include appropriate measures to conserve, restore and enhance biodiversity, in accordance with national and local guidance.

In respect of those policies, the proposed accommodation buildings have been sited, to maximise its benefit from solar gain as they are orientated in a southerly direction. Information relating to biodiversity enhancement is limited, but new planting is secured via condition to protect and enhance the biodiversity value of the site, and accordingly that could help to address both the climate and nature crises. The proposal is or can be made consistent with the aims of those policies subject to the proposed planning conditions.

The proposal does not give rise to any significant issues in terms of other development plan policy. The proposal in overall terms is compatible with the development plan.

As with any proposal, it attracts support from some 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. There are no material planning considerations which would justify the refusal of planning permission.

Human Rights Implications

The decision to grant permission/consent, 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 decision 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.

Decision

The application is approved subject to conditions

Reason(s) for Decision:

1. The proposal is generally in accordance with the development plan as it would provide for seasonal worker accommodation in manner that is compatible with the locational criteria identified in the plan and as it does not give rise to unacceptable impacts on amenity, natural and built environment, road safety or infrastructure subject to conditions. There are no material considerations that justify refusal of planning permission 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 the use/development hereby permitted shall be restricted to a period of five years from the date of this permission.

Reason: In order that the Council can control and review the length of time during which the development is permitted to continue in the interests of the general amenity of the area in accordance with Policy TC5 in the Angus Local Development Plan.

3. That on or before the expiration of the period stated in Condition 2, the use of land hereby permitted shall be discontinued and all buildings, plant, machinery or materials associated with that use shall be removed. Unless otherwise approved by a grant of planning permission.

Reason: In order that the general amenity of the area shall not be affected and to ensure that the site is restored to an acceptable condition upon the cessation of the use.

4. That the accommodation hereby approved shall only be occupied on a temporary basis by seasonal workers employed by Nissen Christmas Trees Ltd, Balbeuchley, Auchterhouse, Dundee, Scotland, DD3 0QX and that none of the accommodation provided under the provision of the permission hereby granted shall be occupied within the periods 01 January to 31 January inclusive in any year as long as this permission endures.

Reason: In order to ensure that the accommodation is provided for seasonal workers employed in association with the applicant's forestry business and to ensure that the accommodation is used as temporary accommodation only for those workers.

5. 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 scheme for the provision of hard and soft landscaping of the site. The submitted scheme shall include protection measures for existing trees within and adjacent to the site, during construction works as well as measures employed in the design of the development to ensure an enhancement to biodiversity. All hard landscaping shall be completed in accordance with the approved details prior to the commencement of use of the buildings and the soft landscaping shall be completed in accordance with the approved details no later than the end of the first planting season following completion of the development. Any plants or trees which within a period of five years from the commencement of the use die; are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species.

(b) A detailed levels survey of the site. The detailed drawings shall show finished ground and floor levels of the proposed development relative to existing ground levels; neighbouring land/properties and a fixed ordnance datum point. Thereafter the development shall be carried out in accordance with the

approved details.

Reason: In order that the planning authority may verify the acceptability of the specified matters having regard to visual amenity, biodiversity and residential amenity considerations.

6. That the development shall be undertaken in accordance with the Preliminary Ecological Appraisal: WLC 22037 Nissen Christmas Trees Ltd by Wildlife Consulting dated 23 September 2023.

Reason: In order to ensure adverse effects on biodiversity as a consequence of the proposed development are mitigated.

Notes:

Case Officer: Ruari Kelly
Date: 15 May 2023

Appendix 1 - Development Plan Policies

NPF4 – national planning policies

Policy 1 Tackling the climate and nature crises

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

Policy 2 Climate mitigation and adaptation

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

Policy 3 Biodiversity

- a) Development proposals will contribute to the enhancement of biodiversity, including where relevant, restoring degraded habitats and building and strengthening nature networks and the connections between them. Proposals should also integrate nature-based solutions, where possible.
- b) Development proposals for national or major development, or for development that requires an Environmental Impact Assessment will only be supported where it can be demonstrated that the proposal will conserve, restore and enhance biodiversity, including nature networks so they are in a demonstrably better state than without intervention. This will include future management. To inform this, best practice assessment methods should be used. Proposals within these categories will demonstrate how they have met all of the following criteria:
 - i. the proposal is based on an understanding of the existing characteristics of the site and its local, regional and national ecological context prior to development, including the presence of any irreplaceable habitats;
 - ii. wherever feasible, nature-based solutions have been integrated and made best use of;
 - iii. an assessment of potential negative effects which should be fully mitigated in line with the mitigation hierarchy prior to identifying enhancements;
 - iv. significant biodiversity enhancements are provided, in addition to any proposed mitigation. This should include nature networks, linking to and strengthening habitat connectivity within and beyond the development, secured within a reasonable timescale and with reasonable certainty. Management arrangements for their long- term retention and monitoring should be included, wherever appropriate; and
 - v. local community benefits of the biodiversity and/or nature networks have been considered.
- c) Proposals for local development will include appropriate measures to conserve, restore and enhance biodiversity, in accordance with national and local guidance. Measures should be proportionate to the nature and scale of development. Applications for individual householder development, or which fall within scope of (b) above, are excluded from this requirement.
- d) Any potential adverse impacts, including cumulative impacts, of development proposals on biodiversity, nature networks and the natural environment will be minimised through careful planning and design. This will take into account the need to reverse biodiversity loss, safeguard the ecosystem services that the natural environment provides, and build resilience by enhancing nature networks and maximising the potential for restoration.

Policy 4 Natural places

- a) Development proposals which by virtue of type, location or scale will have an unacceptable impact on the natural environment, will not be supported.
- b) Development proposals that are likely to have a significant effect on an existing or proposed European site (Special Area of Conservation or Special Protection Areas) and are not directly connected with or necessary to their conservation management are required to be subject to an "appropriate assessment" of the implications for the conservation objectives.

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

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

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

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

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

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

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

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

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

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

Policy 5 Soils

a) Development proposals will only be supported if they are designed and constructed:

- i. In accordance with the mitigation hierarchy by first avoiding and then minimising the amount of disturbance to soils on undeveloped land; and
- ii. In a manner that protects soil from damage including from compaction and erosion, and that minimises soil sealing.

b) Development proposals on prime agricultural land, or land of lesser quality that is culturally or locally important for primary use, as identified by the LDP, will only be supported where it is for:

- i. Essential infrastructure and there is a specific locational need and no other suitable site;
- ii. Small-scale development directly linked to a rural business, farm or croft or for essential workers for the rural business to be able to live onsite;
- iii. The development of production and processing facilities associated with the land produce where no other local site is suitable;
- iv. The generation of energy from renewable sources or the extraction of minerals and there is secure provision for restoration; and

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

c) Development proposals on peatland, carbon- rich soils and priority peatland habitat will only be

supported for:

- i. Essential infrastructure and there is a specific locational need and no other suitable site;
 - ii. The generation of energy from renewable sources that optimises the contribution of the area to greenhouse gas emissions reductions targets;
 - iii. Small-scale development directly linked to a rural business, farm or croft;
 - iv. Supporting a fragile community in a rural or island area; or
 - v. Restoration of peatland habitats.
- d) Where development on peatland, carbon-rich soils or priority peatland habitat is proposed, a detailed site specific assessment will be required to identify:
- i. the baseline depth, habitat condition, quality and stability of carbon rich soils;
 - ii. the likely effects of the development on peatland, including on soil disturbance; and
 - iii. the likely net effects of the development on climate emissions and loss of carbon.

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

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

Policy 9 Brownfield, vacant and derelict land and empty buildings

- a) Development proposals that will result in the sustainable reuse of brownfield land including vacant and derelict land and buildings, whether permanent or temporary, will be supported. In determining whether the reuse is sustainable, the biodiversity value of brownfield land which has naturalised should be taken into account.
- b) Proposals on greenfield sites will not be supported unless the site has been allocated for development or the proposal is explicitly supported by policies in the LDP.
- c) Where land is known or suspected to be unstable or contaminated, development proposals will demonstrate that the land is, or can be made, safe and suitable for the proposed new use.
- d) Development proposals for the reuse of existing buildings will be supported, taking into account their suitability for conversion to other uses. Given the need to conserve embodied energy, demolition will be regarded as the least preferred option.

Policy 13 Sustainable transport

- a) Proposals to improve, enhance or provide active travel infrastructure, public transport infrastructure or multi-modal hubs will be supported. This includes proposals:
 - i. for electric vehicle charging infrastructure and electric vehicle forecourts, especially where fuelled by renewable energy.
 - ii. which support a mode shift of freight from road to more sustainable modes, including last-mile delivery.
 - iii. that build in resilience to the effects of climate change and where appropriate incorporate blue and green infrastructure and nature rich habitats (such as natural planting or water systems).
- b) Development proposals will be supported where it can be demonstrated that the transport requirements generated have been considered in line with the sustainable travel and investment hierarchies and where appropriate they:
 - i. Provide direct, easy, segregated and safe links to local facilities via walking, wheeling and cycling

networks before occupation;

- ii. Will be accessible by public transport, ideally supporting the use of existing services;
 - iii. Integrate transport modes;
 - iv. Provide low or zero-emission vehicle and cycle charging points in safe and convenient locations, in alignment with building standards;
 - v. Supply safe, secure and convenient cycle parking to meet the needs of users and which is more conveniently located than car parking;
 - vi. Are designed to incorporate safety measures including safe crossings for walking and wheeling and reducing the number and speed of vehicles;
 - vii. Have taken into account, at the earliest stage of design, the transport needs of diverse groups including users with protected characteristics to ensure the safety, ease and needs of all users; and
 - viii. Adequately mitigate any impact on local public access routes.
- c) Where a development proposal will generate a significant increase in the number of person trips, a transport assessment will be required to be undertaken in accordance with the relevant guidance.
- d) Development proposals for significant travel generating uses will not be supported in locations which would increase reliance on the private car, taking into account the specific characteristics of the area.
- e) Development proposals which are ambitious in terms of low/no car parking will be supported, particularly in urban locations that are well-served by sustainable transport modes and where they do not create barriers to access by disabled people.
- f) Development proposals for significant travel generating uses, or smaller-scale developments where it is important to monitor travel patterns resulting from the development, will only be supported if they are accompanied by a Travel Plan with supporting planning conditions/obligations. Travel plans should set out clear arrangements for delivering against targets, as well as monitoring and evaluation.
- g) Development proposals that have the potential to affect the operation and safety of the Strategic Transport Network will be fully assessed to determine their impact. Where it has been demonstrated that existing infrastructure does not have the capacity to accommodate a development without adverse impacts on safety or unacceptable impacts on operational performance, the cost of the mitigation measures required to ensure the continued safe and effective operation of the network should be met by the developer.

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

Policy 14 Design, quality and place

- a) Development proposals will be designed to improve the quality of an area whether in urban or rural locations and regardless of scale.
- b) Development proposals will be supported where they are consistent with the six qualities of successful places:

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

Pleasant: Supporting attractive natural and built spaces.

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

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

Sustainable: Supporting the efficient use of resources that will allow people to live, play, work and stay in

their area, ensuring climate resilience, and integrating nature positive, biodiversity solutions.

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

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

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

Policy 17 Rural homes

a) Development proposals for new homes in rural areas will be supported where the development is suitably scaled, sited and designed to be in keeping with the character of the area and the development:

- i. is on a site allocated for housing within the LDP;
- ii. reuses brownfield land where a return to a natural state has not or will not happen without intervention;
- iii. reuses a redundant or unused building;
- iv. is an appropriate use of a historic environment asset or is appropriate enabling development to secure the future of historic environment assets;
- v. is demonstrated to be necessary to support the sustainable management of a viable rural business or croft, and there is an essential need for a worker (including those taking majority control of a farm business) to live permanently at or near their place of work;
- vi. is for a single home for the retirement succession of a viable farm holding;
- vii. is for the subdivision of an existing residential dwelling; the scale of which is in keeping with the character and infrastructure provision in the area; or
- viii. reinstates a former dwelling house or is a one-for-one replacement of an existing permanent house.

b) Development proposals for new homes in rural areas will consider how the development will contribute towards local living and take into account identified local housing needs (including affordable housing), economic considerations and the transport needs of the development as appropriate for the rural location.

c) Development proposals for new homes in remote rural areas will be supported where the proposal:

- i. supports and sustains existing fragile communities;
- ii. supports identified local housing outcomes; and
- iii. is suitable in terms of location, access, and environmental impact.

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

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

Policy 18 Infrastructure first

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

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

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

- be necessary to make the proposed development acceptable in planning terms
- serve a planning purpose

- relate to the impacts of the proposed development
- fairly and reasonably relate in scale and kind to the proposed development
- be reasonable in all other respects

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

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

Policy 22 Flood risk and water management

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

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

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

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

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

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

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

c) Development proposals will:

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

d) Development proposals will be supported if they can be connected to the public water mains. If connection is not feasible, the applicant will need to demonstrate that water for drinking water purposes will be sourced from a sustainable water source that is resilient to periods of water scarcity.

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

Policy 29 Rural development

- a) Development proposals that contribute to the viability, sustainability and diversity of rural

communities and local rural economy will be supported, including:

- i. farms, crofts, woodland crofts or other land use businesses, where use of good quality land for development is minimised and business viability is not adversely affected;
- ii. diversification of existing businesses;
- iii. production and processing facilities for local produce and materials, for example sawmills, or local food production;
- iv. essential community services;
- v. essential infrastructure;
- vi. reuse of a redundant or unused building;
- vii. appropriate use of a historic environment asset or is appropriate enabling development to secure the future of historic environment assets;
- viii. reuse of brownfield land where a return to a natural state has not or will not happen without intervention;
- ix. small scale developments that support new ways of working such as remote working, homeworking and community hubs; or
- x. improvement or restoration of the natural environment.

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

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

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

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

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

Angus Local Development Plan 2016

Policy DS1 : Development Boundaries and Priorities

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

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

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

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

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

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

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

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

*Sharing an edge or boundary, neighbouring or adjacent

Policy DS3 : Design Quality and Placemaking

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

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

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

Policy DS4 : Amenity

All proposed development must have full regard to opportunities for maintaining and improving environmental quality. Development will not be permitted where there is an unacceptable adverse impact on the surrounding area or the environment or amenity of existing or future occupiers of adjoining or nearby properties.

Angus Council will consider the impacts of development on:

- Air quality;
- Noise and vibration levels and times when such disturbances are likely to occur;
- Levels of light pollution;
- Levels of odours, fumes and dust;
- Suitable provision for refuse collection / storage and recycling;
- The effect and timing of traffic movement to, from and within the site, car parking and impacts on highway safety; and
- Residential amenity in relation to overlooking and loss of privacy, outlook, sunlight, daylight and overshadowing.

Angus Council may support development which is considered to have an impact on such considerations, if the use of conditions or planning obligations will ensure that appropriate mitigation and / or compensatory measures are secured.

Applicants may be required to submit detailed assessments in relation to any of the above criteria to the Council for consideration.

Where a site is known or suspected to be contaminated, applicants will be required to undertake investigation and, where appropriate, remediation measures relevant to the current or proposed use to prevent unacceptable risks to human health.

Policy TC5 : Seasonal / Transient Worker Accommodation

Proposals for the development of temporary accommodation (including residential caravans and mobile homes) for seasonal or transient workers will only be permitted where:

- o there is a functional and essential economic need for the amount and type of accommodation proposed that cannot be reasonably met elsewhere in the locality;
- o the accommodation is required to house seasonal or transient workers employed on the agricultural unit;
- o the proposal involves the conversion, reuse or redevelopment of suitable vacant buildings or brownfield land on, or adjoining, the agricultural unit or it can be demonstrated that there are no such buildings or sites capable of accommodating the proposed development;
- o the proposed site will provide a good residential environment with adequate access to facilities;
- o the scale and nature of the development is in keeping with local landscape character and pattern of development; and
- o there is no unacceptable impact on the built and natural environment, surrounding amenity, access and infrastructure.

Planning permission will not normally be granted for more than 5 years when the requirement for seasonal or transient worker accommodation can be reviewed. Temporary structures, including residential caravans, must be removed when the need for them ceases or the planning permission expires, whichever is sooner.

Policy PV6 : Development in the Landscape

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

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

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

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

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

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

Policy PV15 : Drainage Infrastructure

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

Where there is limited capacity at the treatment works Scottish Water will provide additional wastewater

capacity to accommodate development if the Developer can meet the 5 Criteria*. Scottish Water will instigate a growth project upon receipt of the 5 Criteria and will work with the developer, SEPA and Angus Council to identify solutions for the development to proceed.

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

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

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

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

Policy PV20 : Soils and Geodiversity

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

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

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

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

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

ANGUS COUNCIL

PLACE
PLANNING

CONSULTATION SHEET

PLANNING APPLICATION NO

22/00787/FULL

Tick boxes as appropriate

ROADS

No Objection

Interest

(Comments to follow within 14 days)

Date

21	12	22
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WILL BE PROVIDED ON REQUEST

ELECTRONIC SUBMISSION DRAWINGS TO BE VIEWED VIA IDOX

From:Iain H Graham
Sent:Wed, 1 Feb 2023 14:52:53 +0000
To:James Wright
Cc:Steven D Thomson
Subject:22/00787/FULL Erection of staff accommodation Land 400M North Of Balbeuchley House
Balbeuchley Kirkton Of Auchterhouse

James

Thank you for consulting this Service on the above application. I have looked at the information submitted and I am satisfied that the proposal is compatible with neighbouring land uses as well as providing an acceptable level of amenity to the occupants of the development. It should be noted that whilst the application buildings meet the legal definition of caravans, their use as accommodation for forestry workers means they are exempt from requiring a caravan site licence in terms of the Caravan Sites and Control of Development Act 1960. The applicant should however be aware that if they intend at any time to use these buildings to accommodate any persons not directly involved in forestry, including those employed in agricultural activities, they will require to submit an application for a caravan site licence to Angus Council.

I trust you find the above comments helpful but please do not hesitate to contact me if you wish to discuss anything further.

Regards

Iain

Iain Graham | Environmental Health Officer | Angus Council - Place | Housing, Regulatory and Protective Services | Angus House, Orchardbank Business Park, Forfar, DD8 1AN | 📞01307 492026

Tuesday, 20 December 2022



Local Planner
 Planning Service
 Angus Council
 Forfar
 DD8 1AN

Development Operations
 The Bridge
 Buchanan Gate Business Park
 Cumbernauld Road
 Stepps
 Glasgow
 G33 6FB

Development Operations
 Freephone Number - 0800 3890379
 E-Mail - DevelopmentOperations@scottishwater.co.uk
www.scottishwater.co.uk



Dear Customer,

400M North Of Balbeuchley House, Balbeuchley, Kirkton Of Auchterho
Planning Ref: 22/00787/FULL
Our Ref: DSCAS-0078242-JKF
Proposal: Erection of staff accommodation

Please quote our reference in all future correspondence

Audit of Proposal

Scottish Water has no objection to this planning application; however, the applicant should be aware that this does not confirm that the proposed development can currently be serviced. Please read the following carefully as there may be further action required. Scottish Water would advise the following:

Water Capacity Assessment

Scottish Water has carried out a Capacity review and we can confirm the following:

- ▶ This proposed development will be fed from Clatto Water Treatment Works. Unfortunately, Scottish Water is unable to confirm capacity currently so to allow us to fully appraise the proposals we suggest that the applicant completes a Pre-Development Enquiry (PDE) Form and submits it directly to Scottish Water via [our Customer Portal](#) or contact Development Operations.

Waste Water Capacity Assessment

- ▶ Unfortunately, according to our records there is no public Scottish Water, Waste Water infrastructure within the vicinity of this proposed development therefore we would advise applicant to investigate private treatment options.

Please Note

- ▶ The applicant should be aware that we are unable to reserve capacity at our water and/or waste water treatment works for their proposed development. Once a formal connection application is submitted to Scottish Water after full planning permission has been granted, we will review the availability of capacity at that time and advise the applicant accordingly.

Surface Water

For reasons of sustainability and to protect our customers from potential future sewer flooding, Scottish Water will not accept any surface water connections into our combined sewer system.

There may be limited exceptional circumstances where we would allow such a connection for brownfield sites only, however this will require significant justification from the customer taking account of various factors including legal, physical, and technical challenges.

In order to avoid costs and delays where a surface water discharge to our combined sewer system is anticipated, the developer should contact Scottish Water at the earliest opportunity with strong evidence to support the intended drainage plan prior to making a connection request. We will assess this evidence in a robust manner and provide a decision that reflects the best option from environmental and customer perspectives.

General notes:

- ▶ Scottish Water asset plans can be obtained from our appointed asset plan providers:
 - ▶ Site Investigation Services (UK) Ltd
 - ▶ Tel: 0333 123 1223
 - ▶ Email: sw@sisplan.co.uk
 - ▶ www.sisplan.co.uk
- ▶ Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements to be installed, subject to compliance with Water Byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area, then they should write to the Customer Connections department at the above address.
- ▶ If the connection to the public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s) by way of a deed of servitude.
- ▶ Scottish Water may only vest new water or waste water infrastructure which is to be laid through land out with public ownership where a Deed of Servitude has been obtained in our favour by the developer.

- ▶ The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or SUDS proposed to vest in Scottish Water is constructed.
 - ▶ Please find information on how to submit application to Scottish Water at [our Customer Portal](#).
-

Next Steps:

▶ All Proposed Developments

All proposed developments require to submit a Pre-Development Enquiry (PDE) Form to be submitted directly to Scottish Water via [our Customer Portal](#) prior to any formal Technical Application being submitted. This will allow us to fully appraise the proposals.

Where it is confirmed through the PDE process that mitigation works are necessary to support a development, the cost of these works is to be met by the developer, which Scottish Water can contribute towards through Reasonable Cost Contribution regulations.

▶ Non Domestic/Commercial Property:

Since the introduction of the Water Services (Scotland) Act 2005 in April 2008 the water industry in Scotland has opened to market competition for non-domestic customers. All Non-domestic Household customers now require a Licensed Provider to act on their behalf for new water and waste water connections. Further details can be obtained at www.scotlandontap.gov.uk

▶ Trade Effluent Discharge from Non-Domestic Property:

- ▶ Certain discharges from non-domestic premises may constitute a trade effluent in terms of the Sewerage (Scotland) Act 1968. Trade effluent arises from activities including; manufacturing, production and engineering; vehicle, plant and equipment washing, waste and leachate management. It covers both large and small premises, including activities such as car washing and laundrettes. Activities not covered include hotels, caravan sites or restaurants.
- ▶ If you are in any doubt as to whether the discharge from your premises is likely to be trade effluent, please contact us on 0800 778 0778 or email TEQ@scottishwater.co.uk using the subject "Is this Trade Effluent?". Discharges that are deemed to be trade effluent need to apply separately for permission to discharge to the sewerage system. The forms and application guidance notes can be found [here](#).
- ▶ Trade effluent must never be discharged into surface water drainage systems as these are solely for draining rainfall run off.
- ▶ For food services establishments, Scottish Water recommends a suitably sized grease trap is fitted within the food preparation areas, so the

development complies with Standard 3.7 a) of the Building Standards Technical Handbook and for best management and housekeeping practices to be followed which prevent food waste, fat oil and grease from being disposed into sinks and drains.

- ▶ The Waste (Scotland) Regulations which require all non-rural food businesses, producing more than 50kg of food waste per week, to segregate that waste for separate collection. The regulations also ban the use of food waste disposal units that dispose of food waste to the public sewer. Further information can be found at www.resourceefficientscotland.com

I trust the above is acceptable however if you require any further information regarding this matter please contact me on **0800 389 0379** or via the e-mail address below or at planningconsultations@scottishwater.co.uk.

Yours sincerely,

Angela Allison

Development Services Analyst




















PlanningConsultations@scottishwater.co.uk

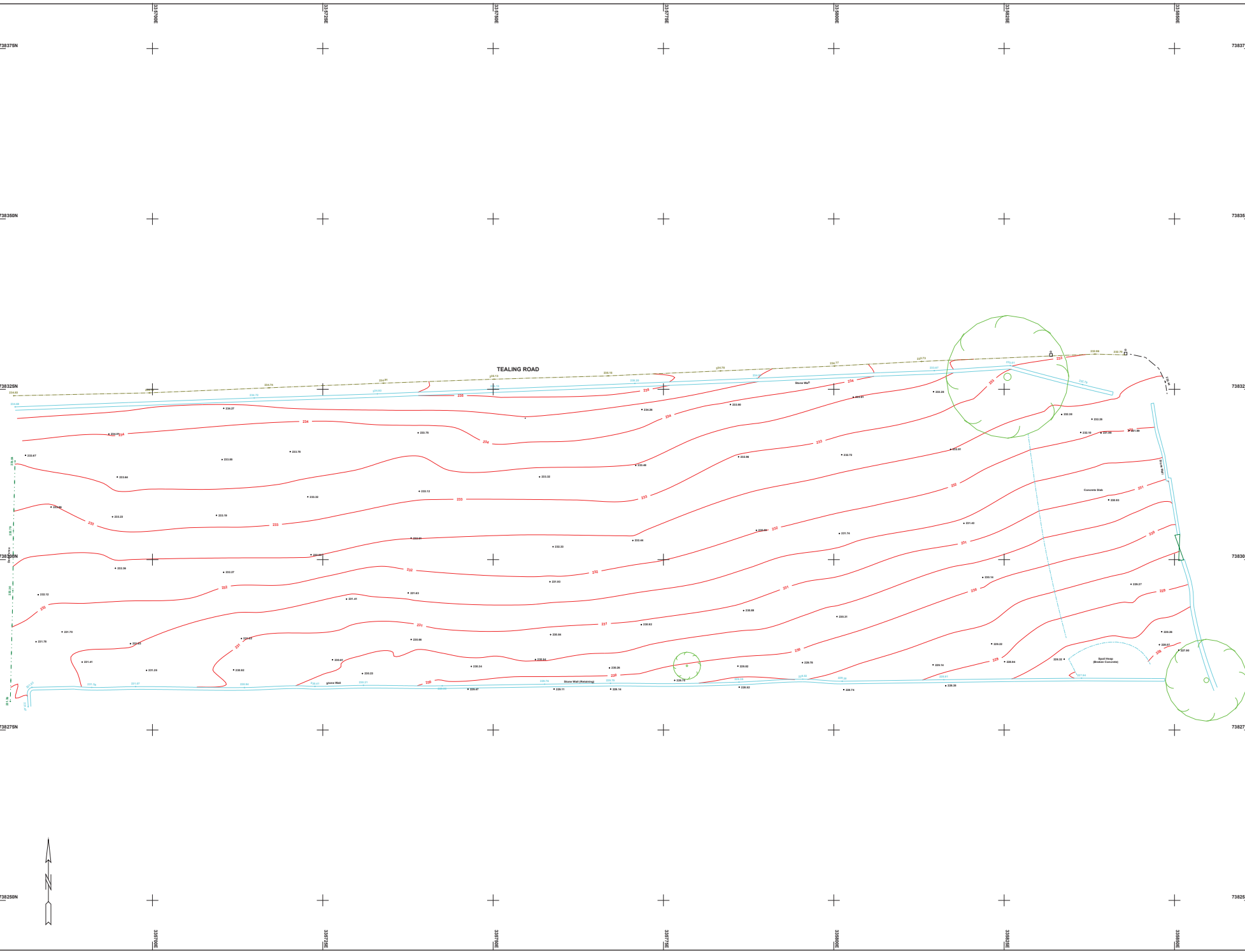
Scottish Water Disclaimer:

"It is important to note that the information on any such plan provided on Scottish Water's infrastructure, is for indicative purposes only and its accuracy cannot be relied upon. When the exact location and the nature of the infrastructure on the plan is a material requirement then you should undertake an appropriate site investigation to confirm its actual position in the ground and to determine if it is suitable for its intended purpose. By using the plan you agree that Scottish Water will not be liable for any loss, damage or costs caused by relying upon it or from carrying out any such site investigation."

AC5

Legend

-  Standard Manhole Square
-  Standard Manhole Triangular
-  Standard Manhole Round
-  Gully
-  Rodding Eye
-  Scour Valve
-  Fire Hydrant
-  Finished Floor
-  Sign Post
-  Lamp Post
-  Gas Valve
-  Tree
-  Tree Stump
-  Water Stop Valve
-  Road Sign
-  Ridge Level
-  Eaves Level
-  Borehole
-  Trial Pit



DG Surveys
Office 25, Evans Business Centre
Whitehouse Road
Stirling
FK7 7SP
Tel: 01786 47019 enquiries@dg-surveys.co.uk

Tealing Road, Auchterhouse
Topographical Survey

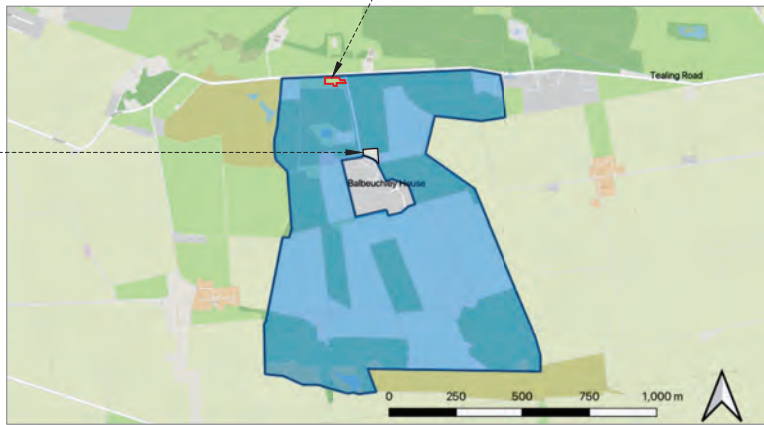
Scale 1:250 JUL 22



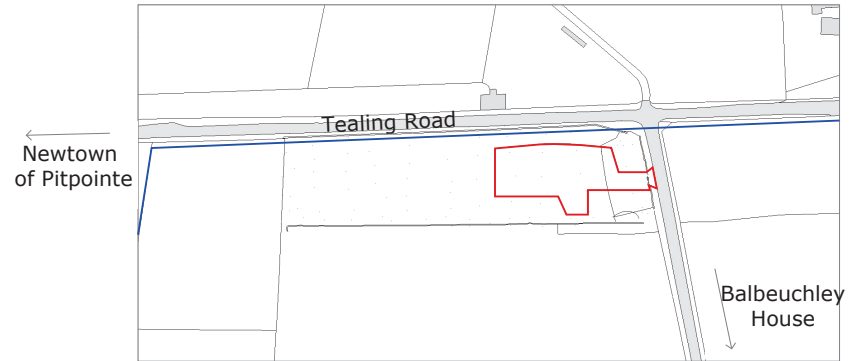
BLOCK PLAN 1:600 @A1



Application site 0.15 hectares



OWNERSHIP PLAN 1:10000 @A1



LOCATION PLAN 1:1250 @A1

www.revolutionarchitecture.co.uk
www.prospus.co.uk

The Oxford Office
(+44) 1865 703151
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BLOCK PLAN LOCATION PLAN

NO	MM/DD/YY	REVISIONS
A	10/10/2022	Original
B	08/12/2022	Ownership boundaries confirmed
C		
D		
E		
F		
G		



PROJECT: HISSEN WORKERS ACCOMMODATION DD3 00K
CLIENT: HISSEN CHRISTMAS TREES LTD

1:600 @A1 & 1:1250 @A1

PL 01 B



NORTH ELEVATION



WEST ELEVATION

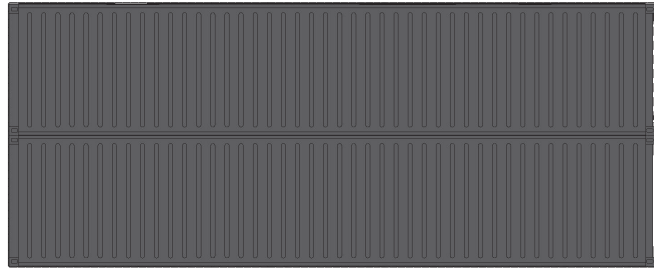


SOUTH ELEVATION

12.10 m



EAST ELEVATION



ROOF PLAN



2.88 m

SECTION



4.88 m

PLAN

AC7

UNIT 2



NORTH ELEVATION



WEST ELEVATION



SOUTH ELEVATION



EAST ELEVATION



ROOF PLAN



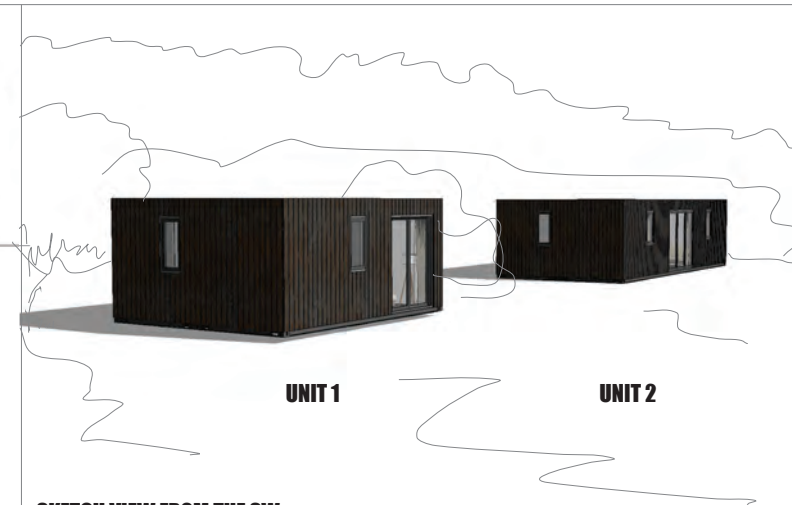
2.88 m

SECTION



4.88 m

PLAN



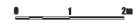
UNIT 1

UNIT 2

SKETCH VIEW FROM THE SW

Windows and doors will be uPVC double glazed in anthracite grey RAL7016
 Timber cladding to be dark burnt finish
 Rainwater goods uPVC square profile black

MATERIALS



UNIT 1

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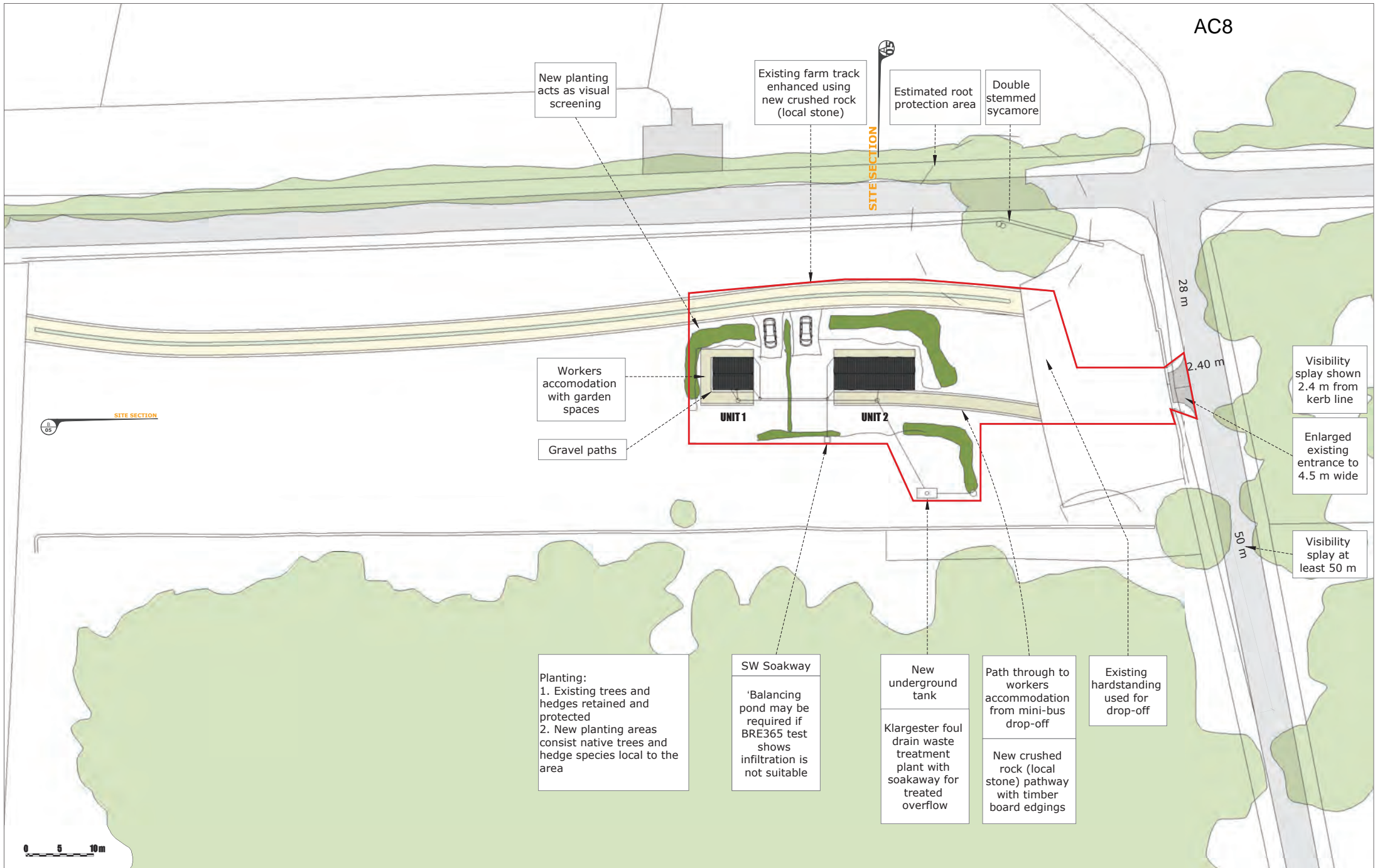
PLANS & ELEVATIONS

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PROJECT: NISSEN WORKERS ACCOMMODATION DD3 0RX
CLIENT: NISSEN CHRISTMAS TREES LTD

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SKETCH MODEL VIEW FROM THE SOUTH



SITE SECTION A



SITE SECTION B

www.revolutionarchitecture.co.uk
www.prospus.co.uk
The Oxford Office
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PROJECT: NISSEN WORKERS ACCOMMODATION DD3 0RX
CLIENT: NISSEN CHRISTMAS TREES LTD

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ANGUS COUNCIL

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997
(AS AMENDED)TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT
PROCEDURE) (SCOTLAND) REGULATIONS 2013

PLANNING PERMISSION - CONDITIONAL APPROVAL

REFERENCE : 22/00787/FULL



To: **Nissen Cristmas Trees**
c/o Prospus Group Ltd
Tom Woof
Furrow Green Farm
Wharton
Kirkby Stephen
Cumbria
CA17 4LQ

With reference to your application dated **15 December 2022** for planning permission under the above mentioned Acts and Regulations for the following development viz:-

Erection of staff accommodation for seasonal workers and associated works at Land 400M North Of Balbeuchley House Balbeuchley Kirkton Of Auchterhouse for Nissen Cristmas Trees

The Angus Council in exercise of their powers under the above mentioned Acts and Regulations hereby **Grant Planning Permission (Delegated Decision)** for the said development in accordance with the particulars given in the application and plans docquetted as relative hereto in paper or identified as approved on the Public Access portal.

The permission is subject to the following conditions, namely:-

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.
2. That the use/development hereby permitted shall be restricted to a period of five years from the date of this permission.
3. That on or before the expiration of the period stated in Condition 2, the use of land hereby permitted shall be discontinued and all buildings, plant, machinery or materials associated with that use shall be removed. Unless otherwise approved by a grant of planning permission.
4. That the accommodation hereby approved shall only be occupied on a temporary basis by seasonal workers employed by Nissen Christmas Trees Ltd, Balbeuchley, Auchterhouse, Dundee, Scotland, DD3 0QX and that none of the accommodation provided under the provision of the permission hereby granted shall be occupied within the periods 01 January to 31 January inclusive in any year as long as this permission endures.
5. 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 scheme for the provision of hard and soft landscaping of the site. The submitted scheme shall include protection measures for existing trees within and adjacent to the site, during construction works as well as measures employed in the design of the development to ensure an enhancement to biodiversity. All hard landscaping shall be completed in accordance with the approved details prior to the commencement of use of the buildings and the soft landscaping shall be completed in accordance with the approved details no later than the

end of the first planting season following completion of the development. Any plants or trees which within a period of five years from the commencement of the use die; are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species.

- (b) A detailed levels survey of the site. The detailed drawings shall show finished ground and floor levels of the proposed development relative to existing ground levels; neighbouring land/properties and a fixed ordnance datum point. Thereafter the development shall be carried out in accordance with the approved details.
6. That the development shall be undertaken in accordance with the Preliminary Ecological Appraisal: WLC 22037 Nissen Christmas Trees Ltd by Wildlife Consulting dated 23 September 2023.

The foregoing conditions are imposed by the Council for the following reasons:-

1. 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. In order that the Council can control and review the length of time during which the development is permitted to continue in the interests of the general amenity of the area in accordance with Policy TC5 in the Angus Local Development Plan.
3. In order that the general amenity of the area shall not be affected and to ensure that the site is restored to an acceptable condition upon the cessation of the use.
4. In order to ensure that the accommodation is provided for seasonal workers employed in association with the applicant's forestry business and to ensure that the accommodation is used as temporary accommodation only for those workers.
5. In order that the planning authority may verify the acceptability of the specified matters having regard to visual amenity, biodiversity and residential amenity considerations.
6. In order to ensure adverse effects on biodiversity as a consequence of the proposed development are mitigated.

The reason(s) for the foregoing decision by the Council are as follows:-

1. The proposal is generally in accordance with the development plan as it would provide for seasonal worker accommodation in manner that is compatible with the locational criteria identified in the plan and as it does not give rise to unacceptable impacts on amenity, natural and built environment, road safety or infrastructure subject to conditions. There are no material considerations that justify refusal of planning permission contrary to the provisions of the development plan.

Dated this **29 May 2023**

Jill Paterson
Service Lead
Planning and Sustainable Growth
Angus Council
Angus House
Orchardbank Business Park
Forfar
DD8 1AN

The decision was based on the following amendment(s):-

AC10

Amendments:

The application has not been subject of variation.

It should be understood that this permission does not carry with it any necessary consent or approval to the proposed development under other statutory enactments e.g. the Building (Scotland) Act 2003 and the Building (Scotland) Regulations 2004 as amended.

WARNING ANY ALTERATIONS MADE TO THE APPROVED PLANS OR STATED CONDITIONS WITHOUT THE PRIOR CONSENT OF THE LOCAL PLANNING AUTHORITY COULD LEAD TO ENFORCEMENT ACTION BEING TAKEN TO REMEDY OR REINSTATE THE UNAUTHORISED ALTERATIONS

WARNING

NON-COMPLIANCE WITH ANY OF THE CONDITIONS TO THIS PLANNING CONSENT COULD LEAD TO ENFORCEMENT ACTION BEING PURSUED BY THE COUNCIL.

NOTE: CONDITIONS ATTACHED BY THE COUNCIL TAKE PRECEDENCE OVER THE SUBMITTED/ APPROVED PLANS.

NO ALTERATIONS OR DEVIATIONS FROM THE APPROVED PLANS SHOULD BE UNDERTAKEN WITHOUT THE PRIOR APPROVAL OF THE PLANNING AUTHORITY. FAILURE TO OBTAIN APPROVAL COULD LEAD TO ENFORCEMENT ACTION BEING TAKEN.

Produced by:

Angus Council
Planning Service
Angus House
Orchardbank Business Park
Forfar
DD8 1AN

Planning Decisions – Guidance Note

Please retain – this guidance forms part of your Decision Notice

You have now received your Decision Notice. This guidance note sets out important information regarding appealing or reviewing your decision. There are also new requirements in terms of notifications to the Planning Authority and display notices on-site for certain types of application. You will also find details on how to vary or renew your permission.

Please read the notes carefully to ensure effective compliance with the new regulations.

DURATION

The duration of any permission granted is set out in conditions attached to the permission. Where no conditions are attached the duration of the permission will be in accordance with sections 58 and 59 of the Town and Country Planning (Scotland) Act 1997 (as amended).

PLANNING DECISIONS

Decision Types and Appeal/Review Routes

The 'decision type' as specified in your decision letter determines the appeal or review route. The route to do this is dependent on the how the application was determined. Please check your decision letter and choose the appropriate appeal/review route in accordance with the table below. Details of how to do this are included in the guidance.

Determination Type	What does this mean?	Appeal/Review Route
Development Standards Committee/Full Council	National developments, major developments and local developments determined at a meeting of the Development Standards Committee or Full Council whereby relevant parties and the applicant were given the opportunity to present their cases before a decision was reached.	<i>DPEA (appeal to Scottish Ministers) – See details on attached Form 1</i>
Delegated Decision	Local developments determined by the Service Manager through delegated powers under the statutory scheme of delegation. These applications may have been subject to less than five representations, minor breaches of policy or may be refusals.	<i>Local Review Body – See details on attached Form 2</i>
Other Decision	All decisions other than planning permission or approval of matters specified in condition. These include decisions relating to Listed Building Consent, Advertisement Consent, Conservation Area Consent and Hazardous Substances Consent.	<i>DPEA (appeal to Scottish Ministers) – See details on attached Form 1</i>

NOTICES

Notification of initiation of development (NID)

Once planning permission has been granted and the applicant has decided the date they will commence that development they must inform the Planning Authority of that date. The notice must be submitted before development commences – failure to do so would be a breach of planning control. The relevant form is included with this guidance note.

Notification of completion of development (NCD)

Once a development for which planning permission has been given has been completed the applicant must, as soon as practicable, submit a notice of completion to the planning authority. Where development is carried out in phases there is a requirement for a notice to be submitted at the conclusion of each phase. The relevant form is included with this guidance note.

Display of Notice while development is carried out

For national, major or 'bad neighbour' developments (such as public houses, hot food shops or scrap yards), the developer must, for the duration of the development, display a sign or signs containing prescribed information.

The notice must be in the prescribed form and:-

- displayed in a prominent place at or in the vicinity of the site of the development;
- readily visible to the public; and
- printed on durable material.

A display notice is included with this guidance note.

Should you have any queries in relation to any of the above, please contact:

Angus Council
Planning Service
Angus House
Orchardbank Business Park
Forfar
DD8 1AN

Telephone 03452 777 780
E-mail: planning@angus.gov.uk
Website: www.angus.gov.uk



TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED)

The Town & Country Planning (Development Management Procedure) (Scotland) Regulations 2013 – Schedule to Form 1

*Notification to be sent to applicant on refusal of planning permission
or on the grant of permission subject to conditions decided by Angus Council*

1. If the applicant is aggrieved by the decision of the Planning Authority to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may appeal to the Scottish Ministers under Section 47 of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this Notice. The notice of appeal should be addressed to The Planning and Environmental Appeals Division, Scottish Government, Ground Floor, Hadrian House, Callendar Business Park, Callendar Road, Falkirk, FK1 1XR. Alternatively you can submit your appeal directly to DPEA using the national e-planning web site <https://eplanning.scotland.gov.uk>
2. If permission to develop land is refused or granted subject to conditions, whether by the Planning Authority or by the Scottish Ministers, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the Planning Authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.



Comhairle Aonghais

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED)

The Town & Country Planning (Development Management Procedure) (Scotland) Regulations 2013 – Schedule to Form 2

*Notification to be sent to applicant on refusal of planning permission
or on the grant of permission subject to conditions decided through
Angus Council's Scheme of Delegation*

1. If the applicant is aggrieved by the decision to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the Planning Authority to review the case under Section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this Notice. The notice of review should be addressed to Sarah Forsyth, Committee Officer, Angus Council, Resources, Legal & Democratic Services, Angus House, Orchardbank Business Park, Forfar, DD8 1AN. A Notice of Review Form and guidance can be found on the national e-planning web site <https://eplanning.scotland.gov.uk> . Alternatively you can return your Notice of Review directly to the local planning authority online on the same web site.
2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the Planning Authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

NOTIFICATION OF INITIATION OF DEVELOPMENT

AC10

This notice must be fully completed by the person intending to carry out the development as approved in application reference **22/00787/FULL** for **Erection of staff accommodation for seasonal workers and associated works** at **Land 400M North Of Balbeuchley House Balbeuchley Kirkton Of Auchterhouse** for **Nissen Christmas Trees** dated **29 May 2023** and thereafter submitted to the Service Manager, Angus Council, Planning Service, Angus House, Orchardbank Business Park, Forfar, DD8 1AN

Full Name:

Address:

Do you own the land subject to the above permission?

If not, please provide the full name and address of the land owner:

Is there a person appointed to oversee the development? If so, please provide their full name and contact details:

Date you intend to commence the above development:

NOTIFICATION OF COMPLETION OF DEVELOPMENT (NCD)

AC10

This notice should be fully completed by the person who completed the development approved in application reference **22/00787/FULL** for **Erection of staff accommodation for seasonal workers and associated works** at **Land 400M North Of Balbeuchley House Balbeuchley Kirkton Of Auchterhouse** for **Nissen Christmas Trees** dated **29 May 2023** and thereafter submitted to the Service Manager, Angus Council, Planning Service, Angus House, Orchardbank Business Park, Forfar, DD8 1AN

Full Name:

Address:

Date of completion of the above development:

SCHEDULE 7

Development at **Land 400M North Of Balbeuchley House Balbeuchley Kirkton Of Auchterhouse**

Notice is hereby given that planning permission has been granted subject to conditions to **Nissen Christmas Trees** on **29 May 2023**.

Application reference **22/00787/FULL**

The development comprises **Erection of staff accommodation for seasonal workers and associated works**

Further Information regarding the planning permission including the conditions, if any, on which it has been granted can be obtained at all reasonable hours at:

Angus Council
Planning Service
Angus House
Orchardbank Business Park
Forfar
DD8 1AN

Enquiries should be directed to the Service Leader at the above address or to planning@angus.gov.uk

There are a number of risks created by built over gas mains and services; these are:

- *Pipework loading – pipes are at risk from loads applied by the new structure and are more susceptible to interference damage.*
- *Gas entry into buildings – pipework proximity increases risk of gas entry in buildings. Leaks arising from previous external pipework able to track directly into main building from unsealed entry.*
- *Occupier safety – lack or no fire resistance of pipework, fittings, or meter installation. Means of escape could be impeded by an enclosed meter.*

Please note therefore, if you plan to dig, or carry out building work to a property, site, or public highway within our gas network, you must:

1. *Check your proposals against the information held at <https://www.linerearchbeforeudig.co.uk/> to assess any risk associated with your development **and***
2. *Contact our Plant Protection team to let them know. Plant location enquiries must be made via email, but you can phone us with general plant protection queries. See our contact details below:*

Phone 0800 912 1722 / Email plantlocation@sgn.co.uk

In the event of an overbuild on our gas network, the pipework must be altered, you may be temporarily disconnected, and your insurance may be invalidated.

Further information on safe digging practices can be found here:

- *Our free Damage Prevention e-Learning only takes 10-15 minutes to complete and highlights the importance of working safely near gas pipelines, giving clear guidance on what to do and who to contact before starting any work <https://www.sgn.co.uk/damage-prevention>*
- *Further information can also be found here <https://www.sgn.co.uk/help-and-advice/diggingsafely>*

PLANNING

Your experience with Planning

Please indicate whether you agree or disagree with the following statements about your most recent experience of the Council's handling of the planning application in which you had an interest.

Q.1 I was given the advice and help I needed to submit my application/representation:-

Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree	It does not apply
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Q.2 The Council kept me informed about the progress of the application that I had an interest in:-

Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree	It does not apply
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Q.3 The Council dealt promptly with my queries:-

Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree	It does not apply
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Q.4 The Council dealt helpfully with my queries:-

Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree	It does not apply
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Q.5 I understand the reasons for the decision made on the application that I had an interest in:-

Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree	It does not apply
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Q.6 I feel that I was treated fairly and that my view point was listened to:-

Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree	It does not apply
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

OVERALL SATISFACTION: Overall satisfaction with the service:

Q.7 Setting aside whether your application was successful or not, and taking everything into account, how satisfied or dissatisfied are you with the service provided by the council in processing your application?

Very satisfied	Fairly satisfied	Neither Satisfied nor Dissatisfied	Fairly Dissatisfied	Very Dissatisfied
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

OUTCOME: Outcome of the application:

Q.8 Was the application that you had an interest in:-

Granted Permission/Consent	<input type="checkbox"/>	Refused Permission/Consent	<input type="checkbox"/>	Withdrawn	<input type="checkbox"/>
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Q.9 Were you the:- Applicant Agent Third Party objector who made a representation

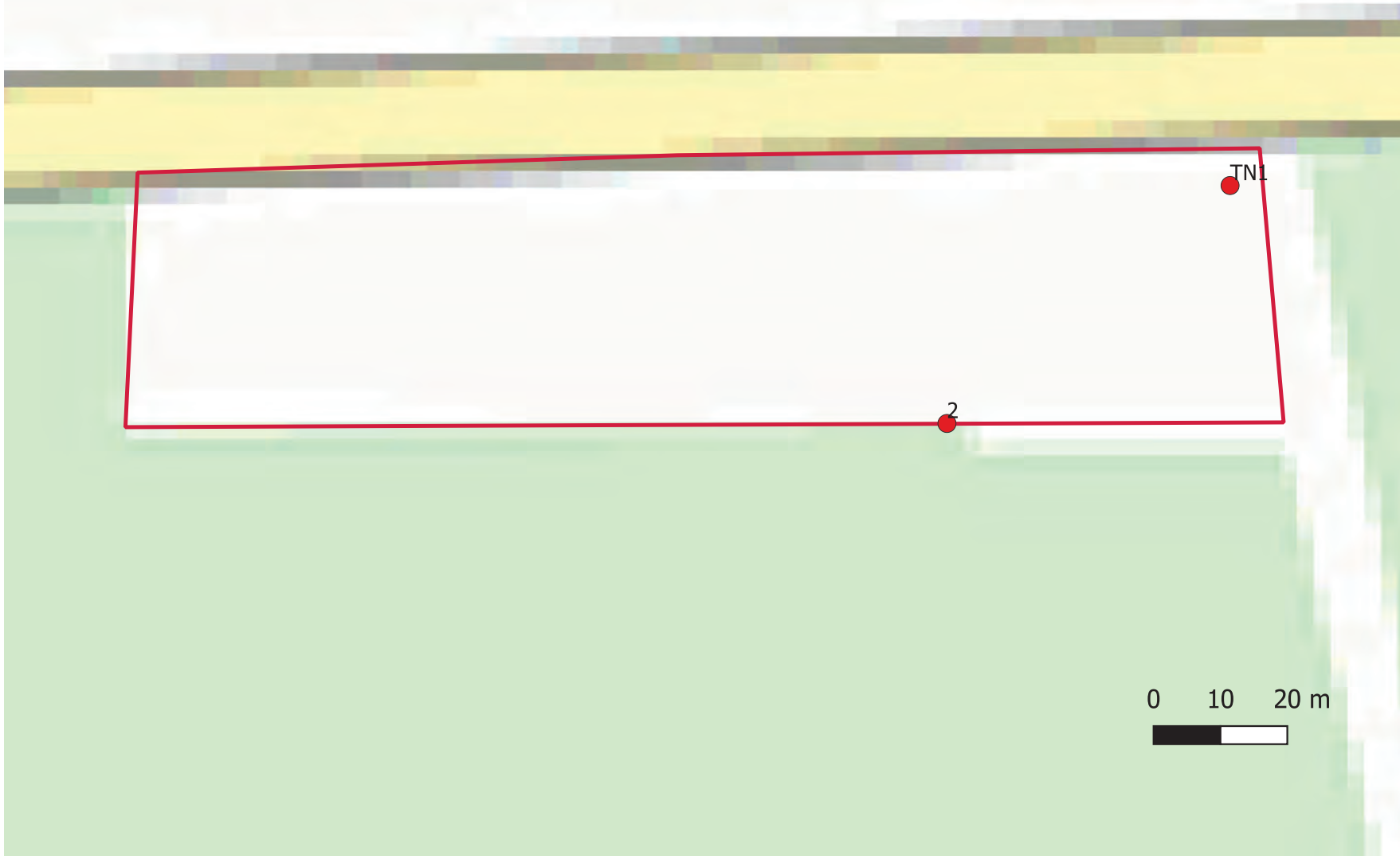
Please complete the form and return in the pre-paid envelope provided.
Thank you for taking the time to complete this form.



LEGEND

-  Site Boundary
-  Target Notes

AC11



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Cnoclee Ltd
Nissen Christmas Trees - Holiday Park

Preliminary Ecology Appraisal

Figure 1 - Site and Target Notes

Version: 1.0
Date: 23/09/22
Scale: 1:9,00

WLC 22037 Nissen Christmas Trees Ltd

Preliminary Ecological Appraisal

23/09/2022

Prepared By:



Wildlife Consulting Ltd | Ecology | Environmental Consultancy

Company Number: SC620396

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1 INTRODUCTION

1.1 Background

Wildlife Consulting Ltd (WLC) was commissioned by Cnoclee Environmental to undertake a Preliminary Ecology Appraisal (PEA) in respect of a proposed holiday home development on land owned by Nissen Christmas Trees Ltd.

1.2 Site Location

The site is centred on British National Grid reference NO 35759 38309.

2 METHODS

2.1 Desktop Study

A desktop study was carried out at the start of the commission and ahead of the field survey. Information sources used for this study are described below:

- Google Earth (<http://earth.google.co.uk>) - aerial imagery was obtained and used to inform the field survey;
- SNH Website (protected areas) – the SNH website was used to inform on relevant legislation for protected species found to be present in the vicinity of the project; and
- SNH Sitelink (<http://gateway.snh.gov.uk/sitelink/>) - sitelink was used to determine the location of any sites designated for nature conservation and their qualifying features.

2.2 Field Survey

The field survey was undertaken with reference to guidance outlined by the Chartered Institute of Ecology and Environmental Management (CIEEM)ⁱ. Species specific survey areas are described in Table 2-1 below. Surveys focused on recording any evidence of the presence of protected species and invasive species. The field survey methods undertaken centred on species with the potential to be present as derived from the habitats present and on our knowledge of the local area. Field survey methods are presented in Table 2-1 below. The survey was undertaken in August, 2022.

Table 2-1: Field Survey Methods

Species/Guild	Survey Methods
Bats	Collins (2016). Bat Surveys for Professional Ecologists: Good Practice Guidelines. The buildings, woodland areas and standard trees within the site were categorised (high, medium, low or negligible) for their potential to support roosting bats. The survey area for this receptor comprised accessible land within 50m of the site.
Badger	Harris et al. (1989) "Surveying Badgers". Evidence for the presence of badger was searched for including the presence of setts, foraging signs, latrines, prints, mammal paths and guard hairs, as well as any badger sightings. The survey area for this receptor comprised accessible land within 100m of the site.
Otter and Water Vole	Chanin (2003) "Monitoring the Otter" and Liles (2003) "Conserving Otter Breeding Sites". The survey area for otter comprised accessible, suitable habitats within 100m of the site.

ⁱ CIEEM (2017) Guidelines for Preliminary Ecological Appraisal, 2nd edition. Chartered Institute of Ecology and Environmental Management, Winchester.

<i>Species/Guild</i>	<i>Survey Methods</i>
Reptiles	A watching brief was maintained throughout the survey for the presence of common reptile species and notes on suitable habitat to support this group were made within 100m of the site.
Birds	<p>Although a full breeding bird survey was not undertaken, all breeding or potentially breeding bird species present were recorded during the survey visit.</p> <p>The survey area for this receptor comprised accessible land within 50m of the site.</p>
Invasive Species	<p>A walkover survey was undertaken to record the presence of any invasive species listed on Schedule 9 of the Wildlife and Countryside Act.</p> <p>Search area within and adjacent to the site.</p>

3 RESULTS

3.1 Desktop Study

3.1.1 Statutory Designated Sites

Statutory designated sites located within 1 km of the development site are considered in this assessment. Statutory designated sites are protected by EU and UK legislation and include:

- Special Protected Areas (SPA);
- Special Areas of Conservation (SAC);
- Ramsar sites;
- Sites of Special Scientific Interest (SSSI);
- National Nature Reserves (NNR); and
- Local Nature Reserves (LNR).

There are no statutory sites designated for nature conservation or areas of woodland listed on the Ancient Woodland Inventory within 1 km of the route.

The closest ecologically designated site is Auchterhouse Hill SSSI which lies 1.1km to the north of the site at its closest point and is notified on account of its heathland habitats.

3.2 Field Survey

The habitats recorded within the survey area are summarised below.

3.2.1 Context

The site lies in a rural area approximately 4km northwest of Dundee. To the south, west and east the site is surrounded by young broadleaf plantation and the north the site is bound by Tealing Road, beyond which lies farmland.

3.2.2 Open Habitats

The land within the site largely comprises an area of poor semi-improved grassland, which has been encroached with gorse *Ulex europaeus* and broom *Cytisus scoparius* scrub, bracken *Pteridium aquilinum* and ruderal vegetation including species such as broad-leaved dock *Rumex obtusifolius* and creeping thistle *Cirsium arvense*. The grassland sward is dominated by coarse grasses such as Yorkshire fog *Holcus lanatus* and cocksfoot *Dactylis Glomerata* and perennial ryegrass *Lolium perenne*. Herb species present here include species such as creeping buttercup *Ranunculus repens*, and white clover *Trifolium repens*. The sward is rank in nature and has not been recently managed, hence the scrub and ruderal encroachment. The ground eastern extent of the site has been previously clear and contains an area of bare recolonising ground at the entrance gate.

3.2.3 Woodland Habitats

The site is bounded to the south, east and west by developing mixed plantation woodland. Species present include ash *Fraxinus excelsior*, alder *Alnus glutinosa*, downy birch *Betula pubescens*, oak *Quercus* sp, cherry *Prunus* sp beech *Fagus sylvatica* and sycamore *Acer pseudoplatanus*. Sitka spruce *Picea sitchensis* is also present.

3.2.4 Other Habitats

The site is bound by a combination of dry stone dykes and post and rail fencing. Some of the stone walls have partially collapsed to at the southern boundary.

3.3 Protected Species

3.3.1 Bats

A single mature sycamore tree located at the northwest corner of the site has been identified as having low suitability to support roosting bats.

The mixed woodland habitats are considered to be generally too young in nature to have developed features such as cracks, splits or rot holes as favoured by roosting bats. The woodland edges are considered to offer some foraging and commuting opportunities for this group. As such, it is considered that no further bat surveys are required to safeguard bats.

3.3.2 Badger

Badger dung was recorded on the ground at the southern extent of the site (Target Note 2). Despite rigorous searching no setts or any other evidence of the presence of badger was recorded. The open habitats that form the majority of the site, would offer foraging opportunities for this species.

3.3.3 Otter and Water Vole

No evidence of the presence of these species was recorded within the survey area and there is a lack of suitable habitat present for these species.

3.3.4 Reptiles

No evidence of the presence of reptiles was recorded during the survey visit. The dry stone walls present around the site are considered to provide some sub-optimal hibernacula potential for reptiles however, the surrounding woodland and well managed farmland habitats are of limited suitability for this group, it is considered unlikely that this group is present.

3.3.5 Birds

A number of bird species were recorded during the survey visit and it is considered that the wooded areas and scrub vegetation suitable nesting habitat for common bird species. Birds recorded during the survey visit are listed in Table 3-1 below.

Table 3-1: Birds present during field survey

Common name	Scientific Name	Conservation Status*
Woodpigeon	<i>Columba palumbus</i>	-
Carrion Crow	<i>Corvus corone</i>	-
Blue Tit	<i>Cyanistes caeruleus</i>	-
Wren	<i>Troglodytes troglodytes</i>	-
Willow Warbler	<i>Phylloscopus trochilus</i>	Amber
Chiffchaff	<i>Phylloscopus collybita</i>	-
Blackbird	<i>Turdus merula</i>	-
Robin	<i>Erithacus rubecula</i>	-

<i>Common name</i>	<i>Scientific Name</i>	<i>Conservation Status*</i>
Chaffinch	<i>Fringilla coelebs</i>	-

* Based on conservation status according to *Birds of Conservation Concern 5*ⁱⁱ

3.3.6 *Other species*

A roe deer was recorded, in the south of the site.

3.3.7 *Invasive species*

No invasive species listed on Schedule 9 of the Wildlife and Countryside Act were recorded during the survey visit.

ⁱⁱ Stanbury, A., Eaton, M., Aebischer, N., Balmer, D., Brown, A., Douse, A., Lindley, P., McCulloch, N., Noble, D., and Win I. 2021. The status of our bird populations: the fifth Birds of Conservation Concern in the United Kingdom, Channel Islands and Isle of Man and second IUCN Red List assessment of extinction risk for Great Britain. *British Birds* 114:723-747

4 Appraisal and Mitigation

4.1 Bats

It is recommended the mature sycamore tree assessed as having low suitability to support roosting bats is retained. However, under Bat Conservation Trust guidance (Collins, 2016) trees with low roosting bat potential can be cautiously felled without the need for further survey. Nonetheless, should roosting bats be present, works should cease immediately and NatureScot contacted to obtain a licence prior to proceeding.

The wooded areas surrounding the south, east and west of the site are generally considered to be too young in nature to provide roosting opportunities for bats. These habitats present do have some suitability for foraging and commuting bats and, as such, it is advised night-time works are minimised and any artificial light spill is directed away from wooded areas and linear navigation features favoured by bats.

4.2 Other Mammals

There was no evidence of the presence of any other protected mammal species recorded during the survey work. Common mammal species such as roe deer are present. As such, standard mitigation is advised, such as covering any excavations (or providing mammal ramps), sealing and safely storing any COSHH materials and (similarly to bats above) minimising light spill and night-time works.

4.3 Reptiles

No reptiles were recorded and save for the presence of sub-optimal hibernacula the site is isolated from suitable habitat for this group. As such, it is considered reptiles are almost certainly absent and no further work is required in respect of this group.

4.4 Breeding Birds

The scrub within the site and surrounding wooded habitats within the survey area provide nesting opportunities for birds. The bird breeding season runs from April to August inclusive.

It is recommended that construction is timed to either avoid the breeding season altogether, or scheduled to start before the breeding season starts (ideally before mid-March) so that birds returning to the area to breed can choose a territory/nest location away from potentially disturbing activities.

In the event this is not possible, prior to the commencement of clearance works, all suitable nesting habitat should first be checked by an experienced ecological clerk of works (ECoW). If an active nest is confirmed to be present, an exclusion zone should be erected around the nest until all dependent young have fledged, or if the ECoW confirms that the nest is no longer active.

5 REFERENCES

- Chanin P (2003).Monitoring the Otter *Lutra lutra*. Conserving Natura 2000 Rivers Monitoring Series No. 10, English Nature, Peterborough
- Collins (2016). Bat Surveys for Professional Ecologists: Good Practice Guidelines (3rd Edition). The Bat Conservation Trust, London.
- Harris, S., Cresswell, P. & Jefferies, D. (1989) - Surveying for badgers. Occasional Publication of the Mammal Society No. 9. Mammal Society, Bristol.
- JNCC (2010) Handbook for Phase 1 Habitat Survey A Technique for Environmental Audit
- Mitchell-Jones, A.J, & McLeish, A.P. Ed., (2004), 3rd Edition Bat Workers' Manual, 178 pages b/w photos, softback, ISBN 1 86107 558 8

6 APPENDICES

6.1 Appendix A (Target Notes)

Target Note Number	Easting	Northing	Feature
1	335849	738317	Sycamore with low potential to support roosting bats.
2	335805	738282	Badger dung on ground.

6.3 Appendix B (Legislation)

6.3.1 Birds

Protection

All wild birds in the UK are protected under the Wildlife and Countryside Act 1981 (as amended). Some rarer species, or those that are vulnerable to disturbance or persecution receive further protection.

Offences

It is an offence to intentionally or recklessly:

- kill, injure or take a wild bird;
- take, damage, destroy or interfere with a nest of any wild bird whilst it is in use or being built (or at any time for a nest habitually used by any bird listed in Schedule A1;
- obstruct or prevent any wild bird from using its nest;
- take or destroy an egg of any wild bird;
- disturb any wild bird listed on Schedule 1 whilst it is building a nest or is in, on, or near a nest containing eggs or young, or whilst lekking;
- disturb the dependent young of any wild bird listed on Schedule 1; and
- harass any wild bird listed on Schedule 1A.

It is also an offence to possess or control a live or dead wild bird, an egg of a wild bird (or any such derivatives), or to knowingly cause or permit any of the above acts to be carried out.

There are additional offences in relation to use of prohibited methods of killing or taking wild birds, for the sale of live and dead wild birds (listed on Schedule 3) and for registration and keeping of captive wild birds (Schedule 4).

There are a number of exceptions to these offences including shooting outside of the closed season for certain species (Schedule 2).

With specific reference to forestry activities, disturbance is likely to arise where forest management or recreational activities cause specially protected birds to change their behaviour with potentially adverse effects on their breeding success. In the worst case, they could desert a nest or fail to rear young successfully. Such disturbance can be intentional, reckless or accidental, and can be caused by forest managers and their agents, or by event organisers or other users of the forest.

It is necessary for managers/users to be able to show that reasonable precautions were taken to avoid committing the damage or disturbance, and that if it occurred, that steps were taken to minimise or prevent further damage or disturbance. Reasonable' in this context may be open to interpretation, but general guidance on this is given in Forest Operations and Birds in Scottish Forests (Forestry Commission, 2006).

Licensing

Licences are available to allow specified people to carry out actions that could otherwise constitute an offence. As with any protected species, licences can only be issued for specific purposes that are set out in the legislation. If you are planning any activities that could affect wild birds or the places they use, you should make sure that you stay within the law.

If you are proposing to undertake an action that might otherwise constitute an offence, you may need a licence and should refer to the SNH website licensing and birds pages.

6.3.2 *Bats*

Protection

There are at least nine species of bat to be found in Scotland. All bat species are classed as European protected species and are fully protected under the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended). This lists a number of offences in relation to bats and the places in which they live.

Offences

The following provides a summary of the offences in the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended) in relation to bats.

It is an offence to deliberately or recklessly:

- capture, injure or kill a wild bat;
- harass a wild bat or group of bats;
- to disturb a wild bat in a roost (any structure or place it uses for shelter or protection);
- to disturb a wild bat while it is rearing or otherwise caring for its young (this would be a 'maternity' roost);
- to obstruct access to a bat roost or to otherwise deny the animal use of the roost;
- to disturb such a wild bat in a manner that is, or in circumstances which are, likely to significantly affect the local distribution or abundance of that species; and
- to disturb a wild bat in a manner that is, or in circumstances which are, likely to impair its ability to survive, breed or reproduce, or rear or otherwise care for its young.

It is also an offence to:

- damage or destroy a breeding site or resting place of such an animal (note: this does not need to be deliberate or reckless to constitute an offence); and
- keep, transport, sell or exchange or offer for sale or exchange any wild bat or any part or derivative of one (if obtained after 10 June 1994).

Licensing

Licences are available to allow specified people to carry out actions that could otherwise constitute an offence. As with any European protected species, licences can only be issued for specific purposes that are set out in the legislation. If you are planning any activities that could affect bats or their habitats, you should make sure that you stay within the law.

6.3.3 *Badger*

Protection

Badgers have been subject to a history of persecution, and as such badgers and their setts are protected by law in the Protection of Badgers Act 1992 (as amended).

Offences

Offences under the Protection of Badgers Act 1992 (as amended) include:

- wilfully taking, injuring or killing badgers;
- cruelty;
- intentionally or recklessly interfering with a badger sett*;
- selling and possession; and
- marking and ringing.

*Interfering with a badger sett includes damaging or destroying a badger sett or any part of it, obstructing access to a sett, disturbing a badger whilst it is in a sett, or causing or allowing a dog to enter a badger sett.

Licensing

Licences are available to allow specified people to carry out actions that could otherwise constitute an offence. Licences can only be issued for specific purposes that are set out in the legislation. If you are planning any activities that could affect badgers or their setts, you should make sure that you stay within the law.



Planning Department
Angus Council
Angus House
Orchardbank Business Park
Forfar
DD8 1AN

8th December 2022

Dear Sirs

Re Nissen Christmas Tree Farm - Staff Accommodation Proposal

The proposal comprises:

- This letter
- Planning Application form
- Plans - P01 Location Plan, P02 Site Layout, P03 Plans and elevations, and P04 Site sections and view
- Preliminary Ecological Appraisal and Target Note Figure
- Topographic Survey
- Flood Map

Description of Development Proposal

Erection of new staff accommodation buildings for seasonal staff with parking and landscaping.

Background and need for Staff Accommodation

Nissen Christmas Trees Ltd, is a well-established family business (over 20 years) specialising in the growing and selling of Christmas trees in the UK to wholesale and retail markets.

The company owns 280Ha of land at Balbeuchley and Balmuir Farms in Angus and rents an additional 100Ha at Balfour farm near Brechin. All farms are planted with Christmas Trees, with the owned land in a continuous cycle of plant and replant and Balfour rented for a period of approximately 15 years. There are over 1.5 million trees currently in cultivation, this November,

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75,000 trees were harvested with an expected increase in production in the business over the next few years, reaching to 125,000 trees to be harvested per year in approximately 5 years time.

The nature of the business means that throughout the year, there are more labour-intensive months than others - such as November, when overall staff numbers exceed 30, as opposed to the January period when only a skeleton staff of 2 are required in the office. Summer months range from 4 - 8 staff. Due to the overall size of the tree plantations labour is required in some capacity throughout the year, for continuous hands-on care of the trees. Similar to Horticulture, Christmas Trees require hand pruning, shaping, bottom branching and bud breaking for the trees to be suitable for sale in the UK. This is all done by hand. Some of these jobs have a small nature window, meaning more hands are required to get through the work that at other times. For example, leader control has to occur in July when all trees need to be treated, whereas bottom branching can occur throughout the winter months.

The business has a fluctuating need for staff in its numbers throughout the calendar year, it requires a flexibility in recruitment and staffing depending on how the growing season is going year on year.

It has been increasingly difficult for the Business to predict exactly the numbers required due to many factors, with COVID and Brexit creating labour concerns across the Christmas Tree Sector and, more generally, over the wider Farming sector.

The owners both work full time for the business and are the only full-time members of staff. However, there was another full-time member of staff in 2021/22 season but this position has yet to be re-filled due to current labour market issues. Recruitment of full-time staff is incredibly challenging in addition to the challenges of seasonal staff. Approaches to local labour firms, national agency labour firms and previous workers are all avenues that are explored by the company to secure labour for every year, where previously (pre Brexit) the staff was generally continuous and same staff members returned year after year.

Purpose built Housing is necessary on site to be able to recruit temporary staff either through seasonal worker agencies and/or through frontier visas. There is little suitable accommodation locally, and in the case of National seasonal labour agencies recruitment, accommodation on site is a necessity, similar to all the fruit farms in the area.

Staff need to work in difficult weather especially during harvest. Purpose built accommodation is required to attract suitable staff and to provide them with comfortable living quarters with facilities for drying and maintaining their PPE.

Seasonality of the operation

The needs of the business are closely tied to the seasonality of the growing process and the single market period throughout the year. Although the work through the year is well

understood, it is noticeable that there are changes in the seasonal work caused by climate change. These changes are ongoing.

The work involved is essentially horticultural tending of stock to provide a healthy, good-shaped specimens for sale in November.

Over the course of the year the following work is required to the whole of the holding.

Period	Task	Workers in the accommodation	Contractors
January	Office	0	
February	Office, Bottom branching	4	1 (tractor)
March	Office , tree tending	6	1-2 men machinery
April	Office, Planting new stock	4	4 contractors
May - July	Office, Bud breaking and leader control	4 - 6	1 contractor + students
August	Office, Categorizing and labelling	4	Family and friends
September	Office, Trimming/tidying	4	1 contractor
October	Harvest preparation - Machine servicing/repair	4	
November	Harvest	6	Up to 20 contractors
December	Office, harvest tidy	0 (from mid December)	

Layout of the Farm operation

The Farm business is set up with a central yard for the storing and loading of the harvest close to the main farm-house. The yard is busy with heavy machinery throughout the year with articulated lorries/ forklifts and tractors working continuously throughout November into mid December in this area. In addition, space is required in the yard to store the trees before loading. The yard is the main loading area for the trees during harvest.

The yard is locked and secured when not in use. The farm shed and yard has been robbed 3 times in 2021/22 with an increasing need for CCTV and security systems being put in place in

recent years. It is not practical to house workers within this area due to issues with security and health and safety at work.

There is no other previously developed land than the Proposal site on the holding for the staff accommodation and it is conveniently located both for public transport, working at this holding and transport to other areas of land in the business which are further afield.



Relevant areas of the farm business.

Description of the Site and Surroundings

The site is approximately 0.24ha and consists of part of a 6.7ha site adjacent to Tealing Road. The road is straight at this location with a woodland and fields either side interspersed with tourist accommodation, housing and farm steadings. The Proposal site is open scrub land with a former silage clamp or other agricultural concrete base visible at its eastern end. A drystone dyke bounds the wider site. Christmas Trees are grown on much of the surrounding land. A multi-stemmed sycamore tree is on the boundary with the site and the Highway. The tree will remain. The site is slightly lower than Tealing Road and falls gently to the south.

The Proposal

The Proposal is for two buildings to house up to six people in total constructed in pre-fabricated units which can be delivered to site for fixing to pre-installed ground screws. The existing hard standing on the site will be used for mini-bus drop off and pick up of staff and staff parking will be provided off the existing farm access track that crosses the wider site. Drainage for rain fall

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and foul water will be directed to separate systems and treated on site. Structural planting will be provided to help screen the accommodation from the road. Power and water supplies are in the adjacent highway.

Context and Use

The Proposal site is not allocated in the local plan and it is not part of any protected designation. It is located off the Tealing Road which connects the A90 to the A9 and is used as a public transport route, carrying the 137 and 138 services to Dundee. The area is characterised by a series of farms, tourist facilities, housing and small villages. The proposed use of the site is for seasonal workers in which no extended or permanent residence is intended. The proposal would not be out of place within this context.

Siting and scale of building

The buildings are to be sited close to the highway access and existing hard standing on the site. They will be set back from the public highway by some 20m and screened behind new structural planting. The buildings will be single storey and comprise approximately 60m² and 30m² GIA units.

Building Design

The buildings are designed to be brought to site in volumetric sections (two sections per building) and mounted directly onto load-bearing ground screws which minimise the need for ground works and will allow the units to be demounted and relocated should that be necessary in the future or at the end of any temporary permission.

The proposal includes an onsite foul sewage treatment plant with a soakaway for the treated discharge. Surface water will have its own soakaway and exceedance flows are directed to the nearby burn to the south.

Operational Development

Aside from the siting of the two units, the operational development associated with this proposal will be the installation of 8 ground-screws per unit, laying down of gravel paths for pedestrian use, laying out of two permeable car parking spaces of crushed local stone, the installation of the proposed drainage systems (see PL02A) and the bringing in of power and water supplies from the road and the formation of a new road access.

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Access

There is a specified amount of staff parking on the site although a staff minibus is intended to pick up staff for journeys to further afield parts of the farm. The parking and turning area will reuse the existing hard standing on the site which is a former silage clamp with a concrete base.

All internal fittings within the buildings are designed to be accessible to all sections of society. There is a public transport service that serves the site along the Tealing Road.

Planning Policy

Angus Local Plan 2016 - 2026

Policy TC5 Seasonal or Transient Worker Accommodation

Proposals for the development of temporary accommodation (including residential caravans and mobile homes) for seasonal or transient workers will only be permitted where:

- *there is a functional and essential economic need for the amount and type of accommodation proposed that cannot be reasonably met elsewhere in the locality;*
- *the accommodation is required to house seasonal or transient workers employed on the agricultural unit;*
- *the proposal involves the conversion, reuse or redevelopment of suitable vacant buildings or brownfield land on, or adjoining, the agricultural unit or it can be demonstrated that there are no such buildings or sites capable of accommodating the proposed development;*
- *the proposed site will provide a good residential environment with adequate access to facilities;*
- *the scale and nature of the development is in keeping with local landscape character and pattern of development; and*
- *there is no unacceptable impact on the built and natural environment, surrounding amenity, access and infrastructure.*

Planning permission will not normally be granted for more than 5 years when the requirement for seasonal or transient worker accommodation can be reviewed. Temporary structures, including residential caravans, must be removed when the need for them ceases or the planning permission expires, whichever is sooner.

Accommodation for Seasonal or Transient Workers

Changes in the nature and operation of agriculture (including horticulture) across Angus have seen growth in the use of seasonal and transient workers, including increased numbers of

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foreign migrant workers. This has resulted in an increased requirement for temporary accommodation associated with the place of employment, normally an agricultural unit or business.

Agriculture is an important component of the Angus economy and Angus Council recognise the important role the provision of suitable temporary accommodation for seasonal and transient workers has in supporting agricultural activity.

Wherever possible such accommodation should be located adjacent to public transport routes to provide access to shops and other essential services. All such development should be designed and located to minimise adverse impacts on local amenity, access, infrastructure and local landscape character.

Policy Discussion

Policy TC5 (set out above) is the main policy relevant to this proposal and the main aspect of this policy is to seek the demonstration of the functional or essential economic need for the accommodation which cannot be met elsewhere. The need for the accommodation is set out above and stems from the lack of reasonably available suitable accommodation in the existing housing market. Seasonal staff at the Farm require some specific facilities to dry and maintain their all-weather PPE daily.

The Proposal would be available for seasonal workers only which can be secured by condition.

There are no alternative buildings suitable for reuse or conversion within the farm steading.

As can be seen from the submitted drawings, the Proposal will provide a good standard of accommodation within a good residential environment.

The local landscape character is receptive to dispersed housing close to the public highway with suitable structural landscaping in place. It would be within the range of development that forms part of the character of the area.

There will be no unacceptable impact on the built or natural environment - the preliminary ecological assessment demonstrates. There will be no unacceptable impact on amenity, access of infrastructure being a development within a relatively large plot with its own access and existing hardstanding. It is capable of managing both surfaced and foul drainage systems.

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The proposal is fully demountable and can be removed if necessary as suggested by the policy. This can be secured by condition.

Other Material Considerations

Flood Risk

The submitted SEPA Flood risk map demonstrates that the site falls outside any flood risk zone either from Pluvial or Fluvial flows.

Ecological Assessment

The submitted Preliminary Ecological Assessment demonstrates that there are no known priority habitats on the site and the standard species mitigation can be proposed during construction phase of the development.

Heritage

There are no Listed Buildings or Scheduled Ancient Monuments on the site and the nearest Heritage Assets (Standing Stone of Balkello to the east, Railway cutting to the south, Iron Age settlement to the west) are considered not to be impacted by this proposal by virtue of their distance from it. The construction method of using ground screws and existing features on site will minimise any potential disturbance to unknown archaeology on the site.

Summary

The proposal is fully supported by the most relevant policy in the Local Plan (TC5) and there are no policy barriers to a development on this site which has no specific designation or protection. The Local Plan policy criteria can be demonstrated to be met either within the submission or secured by condition, and therefore the Proposal should be approved without delay.

Please let me know if there is any further information that you require,

Yours faithfully

Tom Woof BEM MRTPI

Director

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TOWN AND COUNTRY PLANNING ACT 1990

Appeal Statement

Angus Council

LPA ref. 22/00787/FULL

Erection of staff accommodation for seasonal workers and associated works at Land 400M North Of Balbeuchley House Balbeuchley Kirkton Of Auchterhouse

Appeal by Mrs Amanda Nissen

Against the imposition of conditions on

Land at:

400M North of Balbeuchley House Balbeuchley Kirkton of Auchterhouse

Northing 738059

Easting 335792

Report prepared by

Tom Woof BEM MRTPI

Director of Prospus Group Ltd

Dated 16th August 2023

Introduction

1. On May 29th Angus Council granted consent for planning application 22//00787/FULL, Erection of staff accommodation for seasonal workers and associated works at Land 400M North Of Balbeuchley House Balbeuchley Kirkton Of Auchterhouse for Nissen Christmas Trees providing the following 2 conditions which are the subject of this appeal:
 2. **Condition 2 - That the use/development hereby permitted shall be restricted to a period of five years from the date of this permission.**
 3. **Reason -** In order that the Council can control and review the length of time during which the development is permitted to continue in the interests of the general amenity of the area in accordance with Policy TC5 in the Angus Local Development Plan.
 4. **Condition 4 - That the accommodation hereby approved shall only be occupied on a temporary basis by seasonal workers employed by Nissen Christmas Trees Ltd, Balbeuchley, Auchterhouse, Dundee, Scotland, DD3 0QX and that none of the accommodation provided under the provision of the permission hereby granted shall be occupied within the periods 01 January to 31 January inclusive in any year as long as this permission endures.**
 5. **Reason -** In order to ensure that the accommodation is provided for seasonal workers employed in association with the applicant's forestry business and to ensure that the accommodation is used as temporary accommodation only for those workers.

Preamble

6. The applicant would be most grateful if the Committee would agree to her making an oral address to Members. She recognises that the Committee may not be familiar with the pressures faced by her business which, unlike arable or fruit picking farms, has a

much longer cultivation to harvest time frame and is faced with climate effects over that longer time frame. It cannot change crops to account for changes to the climate in the short term.

7. She also feels it would be helpful for members to be able to ask questions about the operation on matters that are not covered in the current documentation, should they wish to do so.
8. We look forward to hearing from the Committee about this.

Background

9. Nissen Christmas Trees Ltd, is a well-established family business (over 20 years) specialising in the growing and selling of Christmas trees in the UK to wholesale and retail markets. In November 2022 75,000 trees were harvested with harvest numbers expected to rise to 125,000 trees to be harvested annually over the next 15 years. The business plants 125,000 trees per year and has a 15 year growing cycle meaning that there are currently up to 2 million trees planted at present and a harvest in the ground for the next 15 years. This business is based on medium to long term investments and the anticipated steady market for Christmas trees.
10. Due to the overall size of the tree plantations labour is required in some capacity throughout the year, for continuous hands-on care of the trees. Similar to Horticulture, Christmas Trees require hand pruning, shaping, bottom branching and bud breaking for the trees to be suitable for sale in the UK. This is all done by hand. It is a labour intensive business. Some of these jobs have a small nature window, meaning more hands are required to get through the work that at other times. For example, leader control has to occur in in July when all trees need to be treated, whereas bottom branching can occur throughout the winter months.
11. It has been increasingly difficult for the Business to hire workers to undertake the various jobs on the farm. For example, currently the business is operating with only

four labourers on Frontier Visas, other work is carried out by the owners plus a contractor and additional work is carried out by local machine contractors as required, such as in harvest time.

12. While the machine workers have been provided locally, the seasonal outdoor workers cannot be recruited locally because local people are unwilling to take such jobs due to the intermittent nature and type of job. However, to make matters worse, the availability of workers on Frontier Visas or from national recruitment agencies is increasingly sporadic and unreliable (as with all farmers currently). The reality of the labour environment is that the Business needs to take workers when they are available and adjust the work from an ideal programme to one which is achievable. This may be at any time of the year.
13. Another significant issue for the business is how the trees respond to the changing climate and the changing growing cycle of the trees. The season of growth for the trees is being affected by milder winters and wetter summers. So, crop management work needs to be done when the trees require it not necessarily when the planning conditions allow it. The unpredictability of seasons means that the business requires maximum flexibility in how it arranges work across the 15 year harvest timeline.
14. It is difficult to predict exactly the numbers of workers required due to many factors, with COVID and Brexit creating labour concerns across the Christmas Tree Sector. Recruitment of full-time staff is incredibly challenging in addition to the challenges of seasonal staff. Approaches to local labour firms, national agency labour firms and previous workers are all avenues that are explored by the company to secure labour for every year, where previously (pre Brexit) the staff was generally continuous and same staff members returned year after year.
15. Purpose built Housing is necessary on site to be able to recruit temporary staff either through seasonal worker agencies and/or through frontier visas. There is no suitable accommodation locally, and in the case of National seasonal labour agencies

recruitment, accommodation on site is a necessity, as with all the fruit farms in the area.

16. Staff need to work in difficult weather especially during harvest. Purpose built accommodation is required to attract suitable staff and to provide them with comfortable living quarters with facilities for drying and maintaining their PPE.
17. The growing cycle for Christmas Trees is at least 15 years from seedling to harvest. The 5 year limit on the consent makes it impossible to justify a building to serve a 15 year harvest cycle.

Policy Assessment

18. As stated in the Application Letter the main policy is TC5 in the Angus Local Development Plan. The need for the accommodation is laid out in the Application Letter and as stated in that document there is no other available building to host the accommodation. This has resulted in Nissen Christmas Trees Ltd having to invest heavily to accommodate their staff to a high standard to attract workers and ensure their safety. The Angus area has seen a growth in the use of seasonal and transient workers which has resulted in an increase in the requirement for temporary accommodation.
19. The principle of the provision of staff accommodation is accepted by Angus Council through its granting the consent. However, the imposition of Condition 2 undermines the viability of the proposal. If seasonal staff accommodation is restricted to consents of 5 years, there will not be any incentive on those providing the accommodation to provide better accommodation and to improve the amenity of the areas in which these developments are sited. Rather it will act conversely and economic imperatives will tend towards lower quality accommodation and lower quality amenity. The Applicant in this case seeks a high quality accommodation and surroundings. Such investments require a longer timeframe than 5 years to justify them.

20. The requirements of Condition 4 (to have the properties vacant for January each year) is an unnecessary burden on the business. The applicant has no concerns about the first part of this condition requiring the accommodation be used for seasonal workers but given the unpredictability of their availability it makes no sense to prevent the hiring of workers in January, if they are available, when they may not be available later in the year. The business needs the flexibility to use the accommodation through the year to take account of the changing climate and the availability of workers to allow flexibility in responding to work needs. An alternative approach could be, say, to prevent any single worker from staying in the accommodation more than 11 months of the year. This would provide the flexibility required and prevent permanent residential use on the site.

Argument

Effect of the Conditions

21. Condition 2 effectively threatens the removal of the accommodation after a 5 year period and requires the applicant to spend time and money to reapply for the existing use every 5 years. There is no guidance as to the criteria that the LPA will use to judge if the 'general amenity' of the area falls short in any way. The applicant is simply left at the mercy of planning officers every five years who may operate to a vague policy or set of criteria that is unclear and potentially changeable on the whim of officers. This is an unjust position to put the applicant in.

22. Condition 4 creates a level of inflexibility for the Business that is a disproportionate response to the issue of preventing permanent residential use on the site. There are other more sensible methods to do so (as set out above) and which would not potentially harm the business as this condition would do.

Unequal use of Policy TC5

23. Prior to this application, there have been other applications which requested permission for the formation of staff accommodation at two different Christmas Tree

Farms in the Angus area. Application numbers, 21/00352/FULL and 18/00129/FULL were granted permission without the 5 years condition placed on them and the only condition applied was that they were to only be used by workers employed by the relevant farms to comply with Policy TC5. That is the same policy that has been used to place the 5-year condition highlighting the irregularity of the use of Policy TC5. There has been no change in policy since these other consents were granted and no overriding material consideration that suggests that a different approach should be taken.

24. It is no defence to say simply that the policy seeks such a restriction when it has not been imposed in the 7 years since the policy's adoption and particularly when this restriction would have the opposite effect to that which is intended.

25. These other consents also do not restrict occupancy to certain months of the year and the applicant expects to be treated the same.

Muddled logic

26. The reason given for Condition 2 is to allow the council to control the 'general amenity of the area in accordance with Policy TC5'. However, the consent also includes condition 5 which deals specifically with the visual and residential amenity of the site and requires the applicant to submit details plans for the landscaping and levels prior to commencement of the development. If those matters are pre-approved, what then is the purpose of Condition 2 and how would it contribute to the maintenance of the amenity of the area?

27. Furthermore, there are other, better ways to ensure the amenity of the area is maintained than the threat of removing the development. It is a disproportionate sanction. An alternative approach could be to have, say, a five yearly review of the landscaping.

28. As an additional point, the applicant has received strong support locally for the proposal particularly from neighbours. The area has suffered a number of break-ins over the previous few years. It is felt that the proposal will provide some further security to the farm area. The local residential amenity of the area will be improved by the additional security that the proposal will bring to the area.

Modular construction

29. The original application is requesting permission for the permanent siting of seasonal staff accommodation. Despite this, the client is using a modular method of construction which can be brought to and removed from site with very little impact on the site. This reduces the possibility of a negative impact on the site. This means that if the business closes for any unforeseen circumstances the site can easily be returned to its original state and the 5 year consent limit is not required.

Summary and Conclusions

30. The Committee is invited to consider the application submission comprising the drawings and application letter. The applicant has an expectation that she will be treated the same as other Christmas tree farms in the area with respect to the implementation of TC5. The accommodation that Nissen Christmas Tree Farm wishes to build is requiring a large upfront investment to ensure that the employees are housed in a safe and comfortable accommodation (which is more sustainable too) to allow them to dry their PPE equipment and recover from the harsh weather in winter. The high quality of the accommodation will also help attract workers to the area. The provisions of Condition 5 allow the Council to control the local visual and residential amenity and pre-approve the landscaping to be provided. The construction technique allows the development to be removed if it is not required without any substantial impacts on the site. The large tree stock which the business carries, and the

unlikelihood of Christmas being cancelled suggests a viable future for the business for much longer than 5 years.

31. The imposition of Condition 2 will be likely to adversely affect the amenity of the area or otherwise work to undermine the viability of the business itself which is the opposite of the Council's intention in developing this part of the policy TC5. This inconsistency has been recognised previously in applications for similar accommodation and the 5 year consent limit has been duly waived. The same should happen in this case.

32. In respect of Condition 4, the requirement to have the units unoccupied in January will prevent much needed flexibility in the businesses ability to take advantage of workers or weather when required. A more sensible wording of a condition would serve the interests of the LPA and the applicant better.

List of Appendices

In order to save data and paper the following appendices do not include repeated documentation – such as location plans and existing plans in the various iterations, or superfluous documents such as application forms. Each document submitted is named according to the Appendix in which it lies with a description

Appendix 1 List of documents submitted as part of the application

Appendix 1 - List of documents submitted as part of the application

Initial submission

Planning Permission-4

Application letter 081222

SEPA Flood Map

Preliminary Ecological Assessment

Drawings:

PL_01_B Existing block plan and location plan PROPOSED WORKERS ACCOMMODATION

PL_02_B Proposed site layout PROPOSED WORKERS ACCOMMODATION

PL_03_A Elevations

PL_04_A Site Sections

Approved Plan Set out in Approval of Condition 5

TD_06_D landscape & planting plan

WLC 22037 Nissen Christmas Trees Ltd

Preliminary Ecological Appraisal

23/09/2022

Prepared By:



Wildlife Consulting Ltd | Ecology | Environmental Consultancy

Company Number: SC620396

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1 INTRODUCTION

1.1 Background

Wildlife Consulting Ltd (WLC) was commissioned by Cnoclee Environmental to undertake a Preliminary Ecology Appraisal (PEA) in respect of a proposed holiday home development on land owned by Nissen Christmas Trees Ltd.

1.2 Site Location

The site is centred on British National Grid reference NO 35759 38309.

2 METHODS

2.1 Desktop Study

A desktop study was carried out at the start of the commission and ahead of the field survey. Information sources used for this study are described below:

- Google Earth (<http://earth.google.co.uk>) - aerial imagery was obtained and used to inform the field survey;
- SNH Website (protected areas) – the SNH website was used to inform on relevant legislation for protected species found to be present in the vicinity of the project; and
- SNH Sitelink (<http://gateway.snh.gov.uk/sitelink/>) - sitelink was used to determine the location of any sites designated for nature conservation and their qualifying features.

2.2 Field Survey

The field survey was undertaken with reference to guidance outlined by the Chartered Institute of Ecology and Environmental Management (CIEEM)ⁱ. Species specific survey areas are described in Table 2-1 below. Surveys focused on recording any evidence of the presence of protected species and invasive species. The field survey methods undertaken centred on species with the potential to be present as derived from the habitats present and on our knowledge of the local area. Field survey methods are presented in Table 2-1 below. The survey was undertaken in August, 2022.

Table 2-1: Field Survey Methods

Species/Guild	Survey Methods
Bats	Collins (2016). Bat Surveys for Professional Ecologists: Good Practice Guidelines. The buildings, woodland areas and standard trees within the site were categorised (high, medium, low or negligible) for their potential to support roosting bats. The survey area for this receptor comprised accessible land within 50m of the site.
Badger	Harris et al. (1989) "Surveying Badgers". Evidence for the presence of badger was searched for including the presence of setts, foraging signs, latrines, prints, mammal paths and guard hairs, as well as any badger sightings. The survey area for this receptor comprised accessible land within 100m of the site.
Otter and Water Vole	Chanin (2003) "Monitoring the Otter" and Liles (2003) "Conserving Otter Breeding Sites". The survey area for otter comprised accessible, suitable habitats within 100m of the site.

ⁱ CIEEM (2017) Guidelines for Preliminary Ecological Appraisal, 2nd edition. Chartered Institute of Ecology and Environmental Management, Winchester.

<i>Species/Guild</i>	<i>Survey Methods</i>
Reptiles	A watching brief was maintained throughout the survey for the presence of common reptile species and notes on suitable habitat to support this group were made within 100m of the site.
Birds	<p>Although a full breeding bird survey was not undertaken, all breeding or potentially breeding bird species present were recorded during the survey visit.</p> <p>The survey area for this receptor comprised accessible land within 50m of the site.</p>
Invasive Species	<p>A walkover survey was undertaken to record the presence of any invasive species listed on Schedule 9 of the Wildlife and Countryside Act.</p> <p>Search area within and adjacent to the site.</p>

3 RESULTS

3.1 Desktop Study

3.1.1 Statutory Designated Sites

Statutory designated sites located within 1 km of the development site are considered in this assessment. Statutory designated sites are protected by EU and UK legislation and include:

- Special Protected Areas (SPA);
- Special Areas of Conservation (SAC);
- Ramsar sites;
- Sites of Special Scientific Interest (SSSI);
- National Nature Reserves (NNR); and
- Local Nature Reserves (LNR).

There are no statutory sites designated for nature conservation or areas of woodland listed on the Ancient Woodland Inventory within 1 km of the route.

The closest ecologically designated site is Auchterhouse Hill SSSI which lies 1.1km to the north of the site at its closest point and is notified on account of its heathland habitats.

3.2 Field Survey

The habitats recorded within the survey area are summarised below.

3.2.1 Context

The site lies in a rural area approximately 4km northwest of Dundee. To the south, west and east the site is surrounded by young broadleaf plantation and the north the site is bound by Tealing Road, beyond which lies farmland.

3.2.2 Open Habitats

The land within the site largely comprises an area of poor semi-improved grassland, which has been encroached with gorse *Ulex europaeus* and broom *Cytisus scoparius* scrub, bracken *Pteridium aquilinum* and ruderal vegetation including species such as broad-leaved dock *Rumex obtusifolius* and creeping thistle *Cirsium arvense*. The grassland sward is dominated by coarse grasses such as Yorkshire fog *Holcus lanatus* and cocksfoot *Dactylis Glomerata* and perennial ryegrass *Lolium perenne*. Herb species present here include species such as creeping buttercup *Ranunculus repens*, and white clover *Trifolium repens*. The sward is rank in nature and has not been recently managed, hence the scrub and ruderal encroachment. The ground eastern extent of the site has been previously clear and contains an area of bare recolonising ground at the entrance gate.

3.2.3 Woodland Habitats

The site is bounded to the south, east and west by developing mixed plantation woodland. Species present include ash *Fraxinus excelsior*, alder *Alnus glutinosa*, downy birch *Betula pubescens*, oak *Quercus* sp, cherry *Prunus* sp beech *Fagus sylvatica* and sycamore *Acer pseudoplatanus*. Sitka spruce *Picea sitchensis* is also present.

3.2.4 Other Habitats

The site is bound by a combination of dry stone dykes and post and rail fencing. Some of the stone walls have partially collapsed to at the southern boundary.

3.3 Protected Species

3.3.1 Bats

A single mature sycamore tree located at the northwest corner of the site has been identified as having low suitability to support roosting bats.

The mixed woodland habitats are considered to be generally too young in nature to have developed features such as cracks, splits or rot holes as favoured by roosting bats. The woodland edges are considered to offer some foraging and commuting opportunities for this group. As such, it is considered that no further bat surveys are required to safeguard bats.

3.3.2 Badger

Badger dung was recorded on the ground at the southern extent of the site (Target Note 2). Despite rigorous searching no setts or any other evidence of the presence of badger was recorded. The open habitats that form the majority of the site, would offer foraging opportunities for this species.

3.3.3 Otter and Water Vole

No evidence of the presence of these species was recorded within the survey area and there is a lack of suitable habitat present for these species.

3.3.4 Reptiles

No evidence of the presence of reptiles was recorded during the survey visit. The dry stone walls present around the site are considered to provide some sub-optimal hibernacula potential for reptiles however, the surrounding woodland and well managed farmland habitats are of limited suitability for this group, it is considered unlikely that this group is present.

3.3.5 Birds

A number of bird species were recorded during the survey visit and it is considered that the wooded areas and scrub vegetation suitable nesting habitat for common bird species. Birds recorded during the survey visit are listed in Table 3-1 below.

Table 3-1: Birds present during field survey

Common name	Scientific Name	Conservation Status*
Woodpigeon	<i>Columba palumbus</i>	-
Carrion Crow	<i>Corvus corone</i>	-
Blue Tit	<i>Cyanistes caeruleus</i>	-
Wren	<i>Troglodytes troglodytes</i>	-
Willow Warbler	<i>Phylloscopus trochilus</i>	Amber
Chiffchaff	<i>Phylloscopus collybita</i>	-
Blackbird	<i>Turdus merula</i>	-
Robin	<i>Erithacus rubecula</i>	-

<i>Common name</i>	<i>Scientific Name</i>	<i>Conservation Status*</i>
Chaffinch	<i>Fringilla coelebs</i>	-

* Based on conservation status according to *Birds of Conservation Concern 5*ⁱⁱ

3.3.6 *Other species*

A roe deer was recorded, in the south of the site.

3.3.7 *Invasive species*

No invasive species listed on Schedule 9 of the Wildlife and Countryside Act were recorded during the survey visit.

ⁱⁱ Stanbury, A., Eaton, M., Aebischer, N., Balmer, D., Brown, A., Douse, A., Lindley, P., McCulloch, N., Noble, D., and Win I. 2021. The status of our bird populations: the fifth Birds of Conservation Concern in the United Kingdom, Channel Islands and Isle of Man and second IUCN Red List assessment of extinction risk for Great Britain. *British Birds* 114:723-747

4 Appraisal and Mitigation

4.1 Bats

It is recommended the mature sycamore tree assessed as having low suitability to support roosting bats is retained. However, under Bat Conservation Trust guidance (Collins, 2016) trees with low roosting bat potential can be cautiously felled without the need for further survey. Nonetheless, should roosting bats be present, works should cease immediately and NatureScot contacted to obtain a licence prior to proceeding.

The wooded areas surrounding the south, east and west of the site are generally considered to be too young in nature to provide roosting opportunities for bats. These habitats present do have some suitability for foraging and commuting bats and, as such, it is advised night-time works are minimised and any artificial light spill is directed away from wooded areas and linear navigation features favoured by bats.

4.2 Other Mammals

There was no evidence of the presence of any other protected mammal species recorded during the survey work. Common mammal species such as roe deer are present. As such, standard mitigation is advised, such as covering any excavations (or providing mammal ramps), sealing and safely storing any COSHH materials and (similarly to bats above) minimising light spill and night-time works.

4.3 Reptiles

No reptiles were recorded and save for the presence of sub-optimal hibernacula the site is isolated from suitable habitat for this group. As such, it is considered reptiles are almost certainly absent and no further work is required in respect of this group.

4.4 Breeding Birds

The scrub within the site and surrounding wooded habitats within the survey area provide nesting opportunities for birds. The bird breeding season runs from April to August inclusive.

It is recommended that construction is timed to either avoid the breeding season altogether, or scheduled to start before the breeding season starts (ideally before mid-March) so that birds returning to the area to breed can choose a territory/nest location away from potentially disturbing activities.

In the event this is not possible, prior to the commencement of clearance works, all suitable nesting habitat should first be checked by an experienced ecological clerk of works (ECoW). If an active nest is confirmed to be present, an exclusion zone should be erected around the nest until all dependent young have fledged, or if the ECoW confirms that the nest is no longer active.

5 REFERENCES

- Chanin P (2003).Monitoring the Otter *Lutra lutra*. Conserving Natura 2000 Rivers Monitoring Series No. 10, English Nature, Peterborough
- Collins (2016). Bat Surveys for Professional Ecologists: Good Practice Guidelines (3rd Edition). The Bat Conservation Trust, London.
- Harris, S., Cresswell, P. & Jefferies, D. (1989) - Surveying for badgers. Occasional Publication of the Mammal Society No. 9. Mammal Society, Bristol.
- JNCC (2010) Handbook for Phase 1 Habitat Survey A Technique for Environmental Audit
- Mitchell-Jones, A.J, & McLeish, A.P. Ed., (2004), 3rd Edition Bat Workers' Manual, 178 pages b/w photos, softback, ISBN 1 86107 558 8

6 APPENDICES

6.1 Appendix A (Target Notes)

Target Note Number	Easting	Northing	Feature
1	335849	738317	Sycamore with low potential to support roosting bats.
2	335805	738282	Badger dung on ground.

6.3 Appendix B (Legislation)

6.3.1 Birds

Protection

All wild birds in the UK are protected under the Wildlife and Countryside Act 1981 (as amended). Some rarer species, or those that are vulnerable to disturbance or persecution receive further protection.

Offences

It is an offence to intentionally or recklessly:

- kill, injure or take a wild bird;
- take, damage, destroy or interfere with a nest of any wild bird whilst it is in use or being built (or at any time for a nest habitually used by any bird listed in Schedule A1);
- obstruct or prevent any wild bird from using its nest;
- take or destroy an egg of any wild bird;
- disturb any wild bird listed on Schedule 1 whilst it is building a nest or is in, on, or near a nest containing eggs or young, or whilst lekking;
- disturb the dependent young of any wild bird listed on Schedule 1; and
- harass any wild bird listed on Schedule 1A.

It is also an offence to possess or control a live or dead wild bird, an egg of a wild bird (or any such derivatives), or to knowingly cause or permit any of the above acts to be carried out.

There are additional offences in relation to use of prohibited methods of killing or taking wild birds, for the sale of live and dead wild birds (listed on Schedule 3) and for registration and keeping of captive wild birds (Schedule 4).

There are a number of exceptions to these offences including shooting outside of the closed season for certain species (Schedule 2).

With specific reference to forestry activities, disturbance is likely to arise where forest management or recreational activities cause specially protected birds to change their behaviour with potentially adverse effects on their breeding success. In the worst case, they could desert a nest or fail to rear young successfully. Such disturbance can be intentional, reckless or accidental, and can be caused by forest managers and their agents, or by event organisers or other users of the forest.

It is necessary for managers/users to be able to show that reasonable precautions were taken to avoid committing the damage or disturbance, and that if it occurred, that steps were taken to minimise or prevent further damage or disturbance. 'Reasonable' in this context may be open to interpretation, but general guidance on this is given in Forest Operations and Birds in Scottish Forests (Forestry Commission, 2006).

Licensing

Licences are available to allow specified people to carry out actions that could otherwise constitute an offence. As with any protected species, licences can only be issued for specific purposes that are set out in the legislation. If you are planning any activities that could affect wild birds or the places they use, you should make sure that you stay within the law.

If you are proposing to undertake an action that might otherwise constitute an offence, you may need a licence and should refer to the SNH website licensing and birds pages.

6.3.2 *Bats*

Protection

There are at least nine species of bat to be found in Scotland. All bat species are classed as European protected species and are fully protected under the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended). This lists a number of offences in relation to bats and the places in which they live.

Offences

The following provides a summary of the offences in the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended) in relation to bats.

It is an offence to deliberately or recklessly:

- capture, injure or kill a wild bat;
- harass a wild bat or group of bats;
- to disturb a wild bat in a roost (any structure or place it uses for shelter or protection);
- to disturb a wild bat while it is rearing or otherwise caring for its young (this would be a 'maternity' roost);
- to obstruct access to a bat roost or to otherwise deny the animal use of the roost;
- to disturb such a wild bat in a manner that is, or in circumstances which are, likely to significantly affect the local distribution or abundance of that species; and
- to disturb a wild bat in a manner that is, or in circumstances which are, likely to impair its ability to survive, breed or reproduce, or rear or otherwise care for its young.

It is also an offence to:

- damage or destroy a breeding site or resting place of such an animal (note: this does not need to be deliberate or reckless to constitute an offence); and
- keep, transport, sell or exchange or offer for sale or exchange any wild bat or any part or derivative of one (if obtained after 10 June 1994).

Licensing

Licences are available to allow specified people to carry out actions that could otherwise constitute an offence. As with any European protected species, licences can only be issued for specific purposes that are set out in the legislation. If you are planning any activities that could affect bats or their habitats, you should make sure that you stay within the law.

6.3.3 *Badger*

Protection

Badgers have been subject to a history of persecution, and as such badgers and their setts are protected by law in the Protection of Badgers Act 1992 (as amended).

Offences

Offences under the Protection of Badgers Act 1992 (as amended) include:

- wilfully taking, injuring or killing badgers;
- cruelty;
- intentionally or recklessly interfering with a badger sett*;
- selling and possession; and
- marking and ringing.

*Interfering with a badger sett includes damaging or destroying a badger sett or any part of it, obstructing access to a sett, disturbing a badger whilst it is in a sett, or causing or allowing a dog to enter a badger sett.

Licensing

Licences are available to allow specified people to carry out actions that could otherwise constitute an offence. Licences can only be issued for specific purposes that are set out in the legislation. If you are planning any activities that could affect badgers or their setts, you should make sure that you stay within the law.



Angus House Orchardbank Business Park Forfar DD8 1AN Tel: 01307 473360 Fax: 01307 461 895 Email: plnprocessing@angus.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100602794-002

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Type of Application

What is this application for? Please select one of the following: *

- Application for planning permission (including changes of use and surface mineral working).
- Application for planning permission in principle.
- Further application, (including renewal of planning permission, modification, variation or removal of a planning condition etc)
- Application for Approval of Matters specified in conditions.

Description of Proposal

Please describe the proposal including any change of use: * (Max 500 characters)

Erection of staff accommodation for seasonal workers and associated works.

Is this a temporary permission? * Yes No

If a change of use is to be included in the proposal has it already taken place?
(Answer 'No' if there is no change of use.) * Yes No

Has the work already been started and/or completed? *

No Yes – Started Yes - Completed

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:	Prospus Group Ltd		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Tom	Building Name:	Furrow Green Farm
Last Name: *	Woof	Building Number:	
Telephone Number: *		Address 1 (Street): *	Wharton
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Kirkby Stephen
Fax Number:		Country: *	Cumbria
		Postcode: *	CA17 4LQ
Email Address: *	tom.woof@prospus.co.uk		

Is the applicant an individual or an organisation/corporate entity? *

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Mrs	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	Bankfield
First Name: *	Amanda	Building Number:	
Last Name: *	Nissen	Address 1 (Street): *	Balbeuchley
Company/Organisation	Nissen Cristmas Trees	Address 2:	Auchterouse
Telephone Number: *		Town/City: *	Dundee
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	DD3 0QX
Fax Number:			
Email Address: *	amanda@nissenchristmastrees.com		

Site Address Details

Planning Authority:

Angus Council

Full postal address of the site (including postcode where available):

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

Land to the south of Tealing Road

Northing

738059

Easting

335792

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Site Area

Please state the site area:

0.15

Please state the measurement type used:

Hectares (ha) Square Metres (sq.m)

Existing Use

Please describe the current or most recent use: * (Max 500 characters)

Forestry/Agriculture

Access and Parking

Are you proposing a new altered vehicle access to or from a public road? *

Yes No

If Yes please describe and show on your drawings the position of any existing. Altered or new access points, highlighting the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

<p>Are you proposing any change to public paths, public rights of way or affecting any public right of access? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.</p>
<p>How many vehicle parking spaces (garaging and open parking) currently exist on the application Site? 0</p> <p>How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the Total of existing and any new spaces or a reduced number of spaces)? * 2</p> <p>Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycles spaces).</p>
<h2 style="margin: 0;">Water Supply and Drainage Arrangements</h2> <p>Will your proposal require new or altered water supply or drainage arrangements? * <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>Are you proposing to connect to the public drainage network (eg. to an existing sewer)? *</p> <p><input type="checkbox"/> Yes – connecting to public drainage network</p> <p><input checked="" type="checkbox"/> No – proposing to make private drainage arrangements</p> <p><input type="checkbox"/> Not Applicable – only arrangements for water supply required</p>
<p>As you have indicated that you are proposing to make private drainage arrangements, please provide further details.</p> <p>What private arrangements are you proposing? *</p> <p><input type="checkbox"/> New/Altered septic tank.</p> <p><input checked="" type="checkbox"/> Treatment/Additional treatment (relates to package sewage treatment plants, or passive sewage treatment such as a reed bed).</p> <p><input type="checkbox"/> Other private drainage arrangement (such as chemical toilets or composting toilets).</p>
<p>Please explain your private drainage arrangements briefly here and show more details on your plans and supporting information: *</p> <div style="border: 1px solid black; padding: 10px; min-height: 100px;"> <p>The proposal includes an onsite foul sewage treatment plant with a soakaway for the treated discharge. Surface water will have its own soakaway and exceedance flows are directed to the nearby burn to the south.</p> </div>
<p>Do your proposals make provision for sustainable drainage of surface water?? * <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>(e.g. SUDS arrangements) *</p> <p>Note:-</p> <p>Please include details of SUDS arrangements on your plans</p> <p>Selecting 'No' to the above question means that you could be in breach of Environmental legislation.</p>
<p>Are you proposing to connect to the public water supply network? *</p> <p><input checked="" type="checkbox"/> Yes</p> <p><input type="checkbox"/> No, using a private water supply</p> <p><input type="checkbox"/> No connection required</p> <p>If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).</p>

Assessment of Flood Risk

Is the site within an area of known risk of flooding? *

Yes No Don't Know

If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your Planning Authority or SEPA for advice on what information may be required.

Do you think your proposal may increase the flood risk elsewhere? *

Yes No Don't Know

Trees

Are there any trees on or adjacent to the application site? *

Yes No

If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste (including recycling)? *

Yes No

If Yes or No, please provide further details: * (Max 500 characters)

Domestic waste and recycling will be stored in suitable moveable containers for collection by public operators or disposal at a designated disposal site by the occupants.

Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats? *

Yes No

All Types of Non Housing Development – Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? *

Yes No

All Types of Non Housing Development – Proposed New Floorspace Details

For planning permission in principle applications, if you are unaware of the exact proposed floorspace dimensions please provide an estimate where necessary and provide a fuller explanation in the 'Don't Know' text box below.

Please state the use type and proposed floorspace (or number of rooms if you are proposing a hotel or residential institution): *

Not in a Use Class

Gross (proposed) floorspace (In square meters, sq.m) or number of new (additional) Rooms (If class 7, 8 or 8a): *

4

If Class 1, please give details of internal floorspace:

Net trading spaces:

Non-trading space:

Total:

If Class 'Not in a use class' or 'Don't know' is selected, please give more details: (Max 500 characters)

90m2 of staff accommodation

Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013? *

Yes No Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.

If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.

Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? *

Yes No

Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013

One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? *

Yes No

Is any of the land part of an agricultural holding? *

Yes No

Do you have any agricultural tenants? *

Yes No

Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate E

Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Certificate E

I hereby certify that –

(1) – No person other than myself/the applicant was the owner of any part of the land to which the application relates at the beginning of the period 21 days ending with the date of the application.

(2) - The land to which the application relates constitutes or forms part of an agricultural holding and there are no agricultural tenants

Or

(1) – No person other than myself/the applicant was the owner of any part of the land to which the application relates at the beginning of the period 21 days ending with the date of the application.

(2) - The land to which the application relates constitutes or forms part of an agricultural holding and there are agricultural tenants.

Name:

Address:

Date of Service of Notice: *

(4) – I have/The applicant has taken reasonable steps, as listed below, to ascertain the names and addresses of the other owners or agricultural tenants and *have/has been unable to do so –

Signed: Tom Woof

On behalf of: Mrs Amanda Nissen

Date: 15/12/2022

Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

a) If this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? *

Yes No Not applicable to this application

b) If this is an application for planning permission or planning permission in principle where there is a crown interest in the land, have you provided a statement to that effect? *

Yes No Not applicable to this application

c) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major development (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? *

Yes No Not applicable to this application

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

d) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, have you provided a Design and Access Statement? *

Yes No Not applicable to this application

e) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2013) have you provided a Design Statement? *

Yes No Not applicable to this application

f) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration? *

Yes No Not applicable to this application

g) If this is an application for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, have you provided any other plans or drawings as necessary:

Site Layout Plan or Block plan.

Elevations.

Floor plans.

Cross sections.

Roof plan.

Master Plan/Framework Plan.

Landscape plan.

Photographs and/or photomontages.

Other.

If Other, please specify: * (Max 500 characters)

Provide copies of the following documents if applicable:

- | | |
|--|--|
| A copy of an Environmental Statement. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Design Statement or Design and Access Statement. * | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> N/A |
| A Flood Risk Assessment. * | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> N/A |
| A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). * | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> N/A |
| Drainage/SUDS layout. * | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> N/A |
| A Transport Assessment or Travel Plan | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| Contaminated Land Assessment. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| Habitat Survey. * | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> N/A |
| A Processing Agreement. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |

Other Statements (please specify). (Max 500 characters)

Declare – For Application to Planning Authority

I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying Plans/drawings and additional information are provided as a part of this application.

Declaration Name: Mr Tom Woof

Declaration Date: 17/11/2022

Payment Details

Online payment:

Payment date:

Created: 15/12/2022 09:25

Planning Department
Angus Council
Angus House
Orchardbank Business Park
Forfar
DD8 1AN

8th December 2022

Dear Sirs

Re Nissen Christmas Tree Farm - Staff Accommodation Proposal

The proposal comprises:

- This letter
- Planning Application form
- Plans - P01 Location Plan, P02 Site Layout, P03 Plans and elevations, and P04 Site sections and view
- Preliminary Ecological Appraisal and Target Note Figure
- Topographic Survey
- Flood Map

Description of Development Proposal

Erection of new staff accommodation buildings for seasonal staff with parking and landscaping.

Background and need for Staff Accommodation

Nissen Christmas Trees Ltd, is a well-established family business (over 20 years) specialising in the growing and selling of Christmas trees in the UK to wholesale and retail markets.

The company owns 280Ha of land at Balbeuchley and Balmuir Farms in Angus and rents an additional 100Ha at Balfour farm near Brechin. All farms are planted with Christmas Trees, with the owned land in a continuous cycle of plant and replant and Balfour rented for a period of approximately 15 years. There are over 1.5 million trees currently in cultivation, this November,

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75,000 trees were harvested with an expected increase in production in the business over the next few years, reaching to 125,000 trees to be harvested per year in approximately 5 years time.

The nature of the business means that throughout the year, there are more labour-intensive months than others - such as November, when overall staff numbers exceed 30, as opposed to the January period when only a skeleton staff of 2 are required in the office. Summer months range from 4 - 8 staff. Due to the overall size of the tree plantations labour is required in some capacity throughout the year, for continuous hands-on care of the trees. Similar to Horticulture, Christmas Trees require hand pruning, shaping, bottom branching and bud breaking for the trees to be suitable for sale in the UK. This is all done by hand. Some of these jobs have a small nature window, meaning more hands are required to get through the work that at other times. For example, leader control has to occur in July when all trees need to be treated, whereas bottom branching can occur throughout the winter months.

The business has a fluctuating need for staff in its numbers throughout the calendar year, it requires a flexibility in recruitment and staffing depending on how the growing season is going year on year.

It has been increasingly difficult for the Business to predict exactly the numbers required due to many factors, with COVID and Brexit creating labour concerns across the Christmas Tree Sector and, more generally, over the wider Farming sector.

The owners both work full time for the business and are the only full-time members of staff. However, there was another full-time member of staff in 2021/22 season but this position has yet to be re-filled due to current labour market issues. Recruitment of full-time staff is incredibly challenging in addition to the challenges of seasonal staff. Approaches to local labour firms, national agency labour firms and previous workers are all avenues that are explored by the company to secure labour for every year, where previously (pre Brexit) the staff was generally continuous and same staff members returned year after year.

Purpose built Housing is necessary on site to be able to recruit temporary staff either through seasonal worker agencies and/or through frontier visas. There is little suitable accommodation locally, and in the case of National seasonal labour agencies recruitment, accommodation on site is a necessity, similar to all the fruit farms in the area.

Staff need to work in difficult weather especially during harvest. Purpose built accommodation is required to attract suitable staff and to provide them with comfortable living quarters with facilities for drying and maintaining their PPE.

Seasonality of the operation

The needs of the business are closely tied to the seasonality of the growing process and the single market period throughout the year. Although the work through the year is well

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understood, it is noticeable that there are changes in the seasonal work caused by climate change. These changes are ongoing.

The work involved is essentially horticultural tending of stock to provide a healthy, good-shaped specimens for sale in November.

Over the course of the year the following work is required to the whole of the holding.

Period	Task	Workers in the accommodation	Contractors
January	Office	0	
February	Office, Bottom branching	4	1 (tractor)
March	Office , tree tending	6	1-2 men machinery
April	Office, Planting new stock	4	4 contractors
May - July	Office, Bud breaking and leader control	4 - 6	1 contractor + students
August	Office, Categorizing and labelling	4	Family and friends
September	Office, Trimming/tidying	4	1 contractor
October	Harvest preparation - Machine servicing/repair	4	
November	Harvest	6	Up to 20 contractors
December	Office, harvest tidy	0 (from mid December)	

Layout of the Farm operation

The Farm business is set up with a central yard for the storing and loading of the harvest close to the main farm-house. The yard is busy with heavy machinery throughout the year with articulated lorries/ forklifts and tractors working continuously throughout November into mid December in this area. In addition, space is required in the yard to store the trees before loading. The yard is the main loading area for the trees during harvest.

The yard is locked and secured when not in use. The farm shed and yard has been robbed 3 times in 2021/22 with an increasing need for CCTV and security systems being put in place in

recent years. It is not practical to house workers within this area due to issues with security and health and safety at work.

There is no other previously developed land than the Proposal site on the holding for the staff accommodation and it is conveniently located both for public transport, working at this holding and transport to other areas of land in the business which are further afield.



Relevant areas of the farm business.

Description of the Site and Surroundings

The site is approximately 0.24ha and consists of part of a 6.7ha site adjacent to Tealing Road. The road is straight at this location with a woodland and fields either side interspersed with tourist accommodation, housing and farm steadings. The Proposal site is open scrub land with a former silage clamp or other agricultural concrete base visible at its eastern end. A drystone dyke bounds the wider site. Christmas Trees are grown on much of the surrounding land. A multi-stemmed sycamore tree is on the boundary with the site and the Highway. The tree will remain. The site is slightly lower than Tealing Road and falls gently to the south.

The Proposal

The Proposal is for two buildings to house up to six people in total constructed in pre-fabricated units which can be delivered to site for fixing to pre-installed ground screws. The existing hard standing on the site will be used for mini-bus drop off and pick up of staff and staff parking will be provided off the existing farm access track that crosses the wider site. Drainage for rain fall

and foul water will be directed to separate systems and treated on site. Structural planting will be provided to help screen the accommodation from the road. Power and water supplies are in the adjacent highway.

Context and Use

The Proposal site is not allocated in the local plan and it is not part of any protected designation. It is located off the Tealing Road which connects the A90 to the A9 and is used as a public transport route, carrying the 137 and 138 services to Dundee. The area is characterised by a series of farms, tourist facilities, housing and small villages. The proposed use of the site is for seasonal workers in which no extended or permanent residence is intended. The proposal would not be out of place within this context.

Siting and scale of building

The buildings are to be sited close to the highway access and existing hard standing on the site. They will be set back from the public highway by some 20m and screened behind new structural planting. The buildings will be single storey and comprise approximately 60m² and 30m² GIA units.

Building Design

The buildings are designed to be brought to site in volumetric sections (two sections per building) and mounted directly onto load-bearing ground screws which minimise the need for ground works and will allow the units to be demounted and relocated should that be necessary in the future or at the end of any temporary permission.

The proposal includes an onsite foul sewage treatment plant with a soakaway for the treated discharge. Surface water will have its own soakaway and exceedance flows are directed to the nearby burn to the south.

Operational Development

Aside from the siting of the two units, the operational development associated with this proposal will be the installation of 8 ground-screws per unit, laying down of gravel paths for pedestrian use, laying out of two permeable car parking spaces of crushed local stone, the installation of the proposed drainage systems (see PL02A) and the bringing in of power and water supplies from the road and the formation of a new road access.

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Access

There is a specified amount of staff parking on the site although a staff minibus is intended to pick up staff for journeys to further afield parts of the farm. The parking and turning area will reuse the existing hard standing on the site which is a former silage clamp with a concrete base.

All internal fittings within the buildings are designed to be accessible to all sections of society. There is a public transport service that serves the site along the Tealing Road.

Planning Policy

Angus Local Plan 2016 - 2026

Policy TC5 Seasonal or Transient Worker Accommodation

Proposals for the development of temporary accommodation (including residential caravans and mobile homes) for seasonal or transient workers will only be permitted where:

- *there is a functional and essential economic need for the amount and type of accommodation proposed that cannot be reasonably met elsewhere in the locality;*
- *the accommodation is required to house seasonal or transient workers employed on the agricultural unit;*
- *the proposal involves the conversion, reuse or redevelopment of suitable vacant buildings or brownfield land on, or adjoining, the agricultural unit or it can be demonstrated that there are no such buildings or sites capable of accommodating the proposed development;*
- *the proposed site will provide a good residential environment with adequate access to facilities;*
- *the scale and nature of the development is in keeping with local landscape character and pattern of development; and*
- *there is no unacceptable impact on the built and natural environment, surrounding amenity, access and infrastructure.*

Planning permission will not normally be granted for more than 5 years when the requirement for seasonal or transient worker accommodation can be reviewed. Temporary structures, including residential caravans, must be removed when the need for them ceases or the planning permission expires, whichever is sooner.

Accommodation for Seasonal or Transient Workers

Changes in the nature and operation of agriculture (including horticulture) across Angus have seen growth in the use of seasonal and transient workers, including increased numbers of

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foreign migrant workers. This has resulted in an increased requirement for temporary accommodation associated with the place of employment, normally an agricultural unit or business.

Agriculture is an important component of the Angus economy and Angus Council recognise the important role the provision of suitable temporary accommodation for seasonal and transient workers has in supporting agricultural activity.

Wherever possible such accommodation should be located adjacent to public transport routes to provide access to shops and other essential services. All such development should be designed and located to minimise adverse impacts on local amenity, access, infrastructure and local landscape character.

Policy Discussion

Policy TC5 (set out above) is the main policy relevant to this proposal and the main aspect of this policy is to seek the demonstration of the functional or essential economic need for the accommodation which cannot be met elsewhere. The need for the accommodation is set out above and stems from the lack of reasonably available suitable accommodation in the existing housing market. Seasonal staff at the Farm require some specific facilities to dry and maintain their all-weather PPE daily.

The Proposal would be available for seasonal workers only which can be secured by condition.

There are no alternative buildings suitable for reuse or conversion within the farm stading.

As can be seen from the submitted drawings, the Proposal will provide a good standard of accommodation within a good residential environment.

The local landscape character is receptive to dispersed housing close to the public highway with suitable structural landscaping in place. It would be within the range of development that forms part of the character of the area.

There will be no unacceptable impact on the built or natural environment - the preliminary ecological assessment demonstrates. There will be no unacceptable impact on amenity, access of infrastructure being a development within a relatively large plot with its own access and existing hardstanding. It is capable of managing both surfaced and foul drainage systems.

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The proposal is fully demountable and can be removed if necessary as suggested by the policy. This can be secured by condition.

Other Material Considerations

Flood Risk

The submitted SEPA Flood risk map demonstrates that the site falls outside any flood risk zone either from Pluvial or Fluvial flows.

Ecological Assessment

The submitted Preliminary Ecological Assessment demonstrates that there are no known priority habitats on the site and the standard species mitigation can be proposed during construction phase of the development.

Heritage

There are no Listed Buildings or Scheduled Ancient Monuments on the site and the nearest Heritage Assets (Standing Stone of Balkello to the east, Railway cutting to the south, Iron Age settlement to the west) are considered not to be impacted by this proposal by virtue of their distance from it. The construction method of using ground screws and existing features on site will minimise any potential disturbance to unknown archaeology on the site.

Summary

The proposal is fully supported by the most relevant policy in the Local Plan (TC5) and there are no policy barriers to a development on this site which has no specific designation or protection. The Local Plan policy criteria can be demonstrated to be met either within the submission or secured by condition, and therefore the Proposal should be approved without delay.

Please let me know if there is any further information that you require,

Yours faithfully

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Tom Woof BEM MRTPI

Director

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ANGUS COUNCIL

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997
(AS AMENDED)TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT
PROCEDURE) (SCOTLAND) REGULATIONS 2013

PLANNING PERMISSION - CONDITIONAL APPROVAL

REFERENCE : 22/00787/FULL



Comhairle Aonghais

To: **Nissen Cristmas Trees**
c/o Prospus Group Ltd
Tom Woof
Furrow Green Farm
Wharton
Kirkby Stephen
Cumbria
CA17 4LQ

With reference to your application dated **15 December 2022** for planning permission under the above mentioned Acts and Regulations for the following development viz:-

Erection of staff accommodation for seasonal workers and associated works at Land 400M North Of Balbeuchley House Balbeuchley Kirkton Of Auchterhouse for Nissen Cristmas Trees

The Angus Council in exercise of their powers under the above mentioned Acts and Regulations hereby **Grant Planning Permission (Delegated Decision)** for the said development in accordance with the particulars given in the application and plans docquetted as relative hereto in paper or identified as approved on the Public Access portal.

The permission is subject to the following conditions, namely:-

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.
2. That the use/development hereby permitted shall be restricted to a period of five years from the date of this permission.
3. That on or before the expiration of the period stated in Condition 2, the use of land hereby permitted shall be discontinued and all buildings, plant, machinery or materials associated with that use shall be removed. Unless otherwise approved by a grant of planning permission.
4. That the accommodation hereby approved shall only be occupied on a temporary basis by seasonal workers employed by Nissen Christmas Trees Ltd, Balbeuchley, Auchterhouse, Dundee, Scotland, DD3 0QX and that none of the accommodation provided under the provision of the permission hereby granted shall be occupied within the periods 01 January to 31 January inclusive in any year as long as this permission endures.
5. 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 scheme for the provision of hard and soft landscaping of the site. The submitted scheme shall include protection measures for existing trees within and adjacent to the site, during construction works as well as measures employed in the design of the development to ensure an enhancement to biodiversity. All hard landscaping shall be completed in accordance with the approved details prior to the commencement of use of the buildings and the soft landscaping shall be completed in accordance with the approved details no later than the

end of the first planting season following completion of the development. Any plants or trees which within a period of five years from the commencement of the use die; are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species.

- (b) A detailed levels survey of the site. The detailed drawings shall show finished ground and floor levels of the proposed development relative to existing ground levels; neighbouring land/properties and a fixed ordnance datum point. Thereafter the development shall be carried out in accordance with the approved details.
6. That the development shall be undertaken in accordance with the Preliminary Ecological Appraisal: WLC 22037 Nissen Christmas Trees Ltd by Wildlife Consulting dated 23 September 2023.

The foregoing conditions are imposed by the Council for the following reasons:-

1. 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. In order that the Council can control and review the length of time during which the development is permitted to continue in the interests of the general amenity of the area in accordance with Policy TC5 in the Angus Local Development Plan.
3. In order that the general amenity of the area shall not be affected and to ensure that the site is restored to an acceptable condition upon the cessation of the use.
4. In order to ensure that the accommodation is provided for seasonal workers employed in association with the applicant's forestry business and to ensure that the accommodation is used as temporary accommodation only for those workers.
5. In order that the planning authority may verify the acceptability of the specified matters having regard to visual amenity, biodiversity and residential amenity considerations.
6. In order to ensure adverse effects on biodiversity as a consequence of the proposed development are mitigated.

The reason(s) for the foregoing decision by the Council are as follows:-

1. The proposal is generally in accordance with the development plan as it would provide for seasonal worker accommodation in manner that is compatible with the locational criteria identified in the plan and as it does not give rise to unacceptable impacts on amenity, natural and built environment, road safety or infrastructure subject to conditions. There are no material considerations that justify refusal of planning permission contrary to the provisions of the development plan.

Dated this **29 May 2023**

Jill Paterson
Service Lead
Planning and Sustainable Growth
Angus Council
Angus House
Orchardbank Business Park
Forfar
DD8 1AN

The decision was based on the following amendment(s):-

Amendments:

The application has not been subject of variation.

It should be understood that this permission does not carry with it any necessary consent or approval to the proposed development under other statutory enactments e.g. the Building (Scotland) Act 2003 and the Building (Scotland) Regulations 2004 as amended.

WARNING ANY ALTERATIONS MADE TO THE APPROVED PLANS OR STATED CONDITIONS WITHOUT THE PRIOR CONSENT OF THE LOCAL PLANNING AUTHORITY COULD LEAD TO ENFORCEMENT ACTION BEING TAKEN TO REMEDY OR REINSTATE THE UNAUTHORISED ALTERATIONS



WARNING

NON-COMPLIANCE WITH ANY OF THE CONDITIONS TO THIS PLANNING CONSENT COULD LEAD TO ENFORCEMENT ACTION BEING PURSUED BY THE COUNCIL.

NOTE: CONDITIONS ATTACHED BY THE COUNCIL TAKE PRECEDENCE OVER THE SUBMITTED/ APPROVED PLANS.

NO ALTERATIONS OR DEVIATIONS FROM THE APPROVED PLANS SHOULD BE UNDERTAKEN WITHOUT THE PRIOR APPROVAL OF THE PLANNING AUTHORITY. FAILURE TO OBTAIN APPROVAL COULD LEAD TO ENFORCEMENT ACTION BEING TAKEN.

Produced by:

Angus Council
Planning Service
Angus House
Orchardbank Business Park
Forfar
DD8 1AN

Planning Decisions – Guidance Note

Please retain – this guidance forms part of your Decision Notice

You have now received your Decision Notice. This guidance note sets out important information regarding appealing or reviewing your decision. There are also new requirements in terms of notifications to the Planning Authority and display notices on-site for certain types of application. You will also find details on how to vary or renew your permission.

Please read the notes carefully to ensure effective compliance with the new regulations.

DURATION

The duration of any permission granted is set out in conditions attached to the permission. Where no conditions are attached the duration of the permission will be in accordance with sections 58 and 59 of the Town and Country Planning (Scotland) Act 1997 (as amended).

PLANNING DECISIONS

Decision Types and Appeal/Review Routes

The 'decision type' as specified in your decision letter determines the appeal or review route. The route to do this is dependent on the how the application was determined. Please check your decision letter and choose the appropriate appeal/review route in accordance with the table below. Details of how to do this are included in the guidance.

Determination Type	What does this mean?	Appeal/Review Route
Development Standards Committee/Full Council	National developments, major developments and local developments determined at a meeting of the Development Standards Committee or Full Council whereby relevant parties and the applicant were given the opportunity to present their cases before a decision was reached.	<i>DPEA (appeal to Scottish Ministers) – See details on attached Form 1</i>
Delegated Decision	Local developments determined by the Service Manager through delegated powers under the statutory scheme of delegation. These applications may have been subject to less than five representations, minor breaches of policy or may be refusals.	<i>Local Review Body – See details on attached Form 2</i>
Other Decision	All decisions other than planning permission or approval of matters specified in condition. These include decisions relating to Listed Building Consent, Advertisement Consent, Conservation Area Consent and Hazardous Substances Consent.	<i>DPEA (appeal to Scottish Ministers) – See details on attached Form 1</i>

Notification of initiation of development (NID)

Once planning permission has been granted and the applicant has decided the date they will commence that development they must inform the Planning Authority of that date. The notice must be submitted before development commences – failure to do so would be a breach of planning control. The relevant form is included with this guidance note.

Notification of completion of development (NCD)

Once a development for which planning permission has been given has been completed the applicant must, as soon as practicable, submit a notice of completion to the planning authority. Where development is carried out in phases there is a requirement for a notice to be submitted at the conclusion of each phase. The relevant form is included with this guidance note.

Display of Notice while development is carried out

For national, major or 'bad neighbour' developments (such as public houses, hot food shops or scrap yards), the developer must, for the duration of the development, display a sign or signs containing prescribed information.

The notice must be in the prescribed form and:-

- displayed in a prominent place at or in the vicinity of the site of the development;
- readily visible to the public; and
- printed on durable material.

A display notice is included with this guidance note.

Should you have any queries in relation to any of the above, please contact:

Angus Council
Planning Service
Angus House
Orchardbank Business Park
Forfar
DD8 1AN

Telephone 03452 777 780
E-mail: planning@angus.gov.uk
Website: www.angus.gov.uk



TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED)

The Town & Country Planning (Development Management Procedure) (Scotland) Regulations 2013 – Schedule to Form 1

*Notification to be sent to applicant on refusal of planning permission
or on the grant of permission subject to conditions decided by Angus Council*

1. If the applicant is aggrieved by the decision of the Planning Authority to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may appeal to the Scottish Ministers under Section 47 of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this Notice. The notice of appeal should be addressed to The Planning and Environmental Appeals Division, Scottish Government, Ground Floor, Hadrian House, Callendar Business Park, Callendar Road, Falkirk, FK1 1XR. Alternatively you can submit your appeal directly to DPEA using the national e-planning web site <https://eplanning.scotland.gov.uk>
2. If permission to develop land is refused or granted subject to conditions, whether by the Planning Authority or by the Scottish Ministers, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the Planning Authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.



TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED)

The Town & Country Planning (Development Management Procedure) (Scotland) Regulations 2013 – Schedule to Form 2

*Notification to be sent to applicant on refusal of planning permission
or on the grant of permission subject to conditions decided through
Angus Council's Scheme of Delegation*

1. If the applicant is aggrieved by the decision to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the Planning Authority to review the case under Section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this Notice. The notice of review should be addressed to Sarah Forsyth, Committee Officer, Angus Council, Resources, Legal & Democratic Services, Angus House, Orchardbank Business Park, Forfar, DD8 1AN. A Notice of Review Form and guidance can be found on the national e-planning web site <https://eplanning.scotland.gov.uk> . Alternatively you can return your Notice of Review directly to the local planning authority online on the same web site.
2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the Planning Authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

NOTIFICATION OF INITIATION OF DEVELOPMENT

AC19

This notice must be fully completed by the person intending to carry out the development as approved in application reference **22/00787/FULL** for **Erection of staff accommodation for seasonal workers and associated works** at **Land 400M North Of Balbeuchley House Balbeuchley Kirkton Of Auchterhouse** for **Nissen Christmas Trees** dated **29 May 2023** and thereafter submitted to the Service Manager, Angus Council, Planning Service, Angus House, Orchardbank Business Park, Forfar, DD8 1AN

Full Name:

Address:

Do you own the land subject to the above permission?

If not, please provide the full name and address of the land owner:

Is there a person appointed to oversee the development? If so, please provide their full name and contact details:

Date you intend to commence the above development:

NOTIFICATION OF COMPLETION OF DEVELOPMENT (NCD)

AC19

This notice should be fully completed by the person who completed the development approved in application reference **22/00787/FULL** for **Erection of staff accommodation for seasonal workers and associated works** at **Land 400M North Of Balbeuchley House Balbeuchley Kirkton Of Auchterhouse** for **Nissen Christmas Trees** dated **29 May 2023** and thereafter submitted to the Service Manager, Angus Council, Planning Service, Angus House, Orchardbank Business Park, Forfar, DD8 1AN

Full Name:

Address:

Date of completion of the above development:

THE TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND)
REGULATIONS 2013

SCHEDULE 7

Development at **Land 400M North Of Balbeuchley House Balbeuchley Kirkton Of Auchterhouse**

Notice is hereby given that planning permission has been granted subject to conditions to **Nissen Christmas Trees** on **29 May 2023**.

Application reference **22/00787/FULL**

The development comprises **Erection of staff accommodation for seasonal workers and associated works**

Further Information regarding the planning permission including the conditions, if any, on which it has been granted can be obtained at all reasonable hours at:

Angus Council
Planning Service
Angus House
Orchardbank Business Park
Forfar
DD8 1AN

Enquiries should be directed to the Service Leader at the above address or to planning@angus.gov.uk

SGN Overbuild Advisory Note

There are a number of risks created by built over gas mains and services; these are:

- *Pipework loading – pipes are at risk from loads applied by the new structure and are more susceptible to interference damage.*
- *Gas entry into buildings – pipework proximity increases risk of gas entry in buildings. Leaks arising from previous external pipework able to track directly into main building from unsealed entry.*
- *Occupier safety – lack or no fire resistance of pipework, fittings, or meter installation. Means of escape could be impeded by an enclosed meter.*

Please note therefore, if you plan to dig, or carry out building work to a property, site, or public highway within our gas network, you must:

1. *Check your proposals against the information held at <https://www.linerearchbeforeudig.co.uk/> to assess any risk associated with your development **and***
2. *Contact our Plant Protection team to let them know. Plant location enquiries must be made via email, but you can phone us with general plant protection queries. See our contact details below:*

Phone 0800 912 1722 / Email plantlocation@sgn.co.uk

In the event of an overbuild on our gas network, the pipework must be altered, you may be temporarily disconnected, and your insurance may be invalidated.

Further information on safe digging practices can be found here:

- *Our free Damage Prevention e-Learning only takes 10-15 minutes to complete and highlights the importance of working safely near gas pipelines, giving clear guidance on what to do and who to contact before starting any work <https://www.sgn.co.uk/damage-prevention>*
- *Further information can also be found here <https://www.sgn.co.uk/help-and-advice/diggingsafely>*

PLANNING

Your experience with Planning

Please indicate whether you agree or disagree with the following statements about your most recent experience of the Council's handling of the planning application in which you had an interest.

Q.1 I was given the advice and help I needed to submit my application/representation:-

Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree	It does not apply
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Q.2 The Council kept me informed about the progress of the application that I had an interest in:-

Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree	It does not apply
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Q.3 The Council dealt promptly with my queries:-

Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree	It does not apply
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Q.4 The Council dealt helpfully with my queries:-

Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree	It does not apply
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Q.5 I understand the reasons for the decision made on the application that I had an interest in:-

Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree	It does not apply
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Q.6 I feel that I was treated fairly and that my view point was listened to:-

Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree	It does not apply
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

OVERALL SATISFACTION: Overall satisfaction with the service:

Q.7 Setting aside whether your application was successful or not, and taking everything into account, how satisfied or dissatisfied are you with the service provided by the council in processing your application?

Very satisfied	Fairly satisfied	Neither Satisfied nor Dissatisfied	Fairly Dissatisfied	Very Dissatisfied
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

OUTCOME: Outcome of the application:

Q.8 Was the application that you had an interest in:-

Granted Permission/Consent	<input type="checkbox"/>	Refused Permission/Consent	<input type="checkbox"/>	Withdrawn	<input type="checkbox"/>
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Q.9 Were you the:- Applicant Agent Third Party objector who made a representation

Please complete the form and return in the pre-paid envelope provided.
Thank you for taking the time to complete this form.

Ruari Kelly

From: Tom Woof <tom.woof@prospus.co.uk>
Sent: 02 March 2023 14:53
To: James Wright
Cc: Amanda Nissen; Alistair Fell
Subject: Re: 22/00787/FULL

Dear Mr Wright

Many thanks for your email, I too apologise for the delay in responding it has been half term and difficult to find cover, as I am sure you are aware. To answer your questions I will quote directly from my client (in italics) who says:

Need for accommodation

Staff currently pay for temporary holiday accommodation on the farm when it is available, they also use air b and b, caravans (pre covid) and at times (usually harvest) accommodation has been arranged at an outdoor education centre in Meikle.

Over the last few years pre and post covid accomodation has been found via all three of these options. No workers were available during the pandemic.

Because the nature of the work depends on weather and the growing season, times requiring accommodation needs to be very flexible, throughout the year. So it proves difficult to predict for renting and arranging. For eg, from a company perspective, we know we require men in April for planting but as of now we do not know exact dates for weather and also for importing of the trees themselves, and so it proves difficult to predict when the men need to be here. For eg, over harvest we know that it will start around 1/11 but we do not know when it will finish.....therefore we require flexibility within our company for housing men ourselves rather than on a rental basis.

The caravan option, like with all Berry farmers is the most convenient way for our company to achieve this flexibility, however, we find that these container houses to be a better climate solution and a nicer accomodation to live in and yet still offer the temporary installation that a caravan does.

Brexit changed our workers flexibility and residential status, the covid pandemic has altered options for accomodation too. There is very little temporary accomodation close to the farm available in Angus. These two issues plus new rules on holiday accommodation has placed their ability to find accommodation under major pressure.

The men currently (2022/23) utilise holiday accommodation [not part of the applicant's holding] on the Balbeuchley farm when possible. However, due to the new rules on holiday letting and air B and B, this cottage will no longer be available for rental as temporary holiday accommodation and the plan is that it will be rented out on a full term basis. A full term rental for the men is not possible for them to arrange due to their residency status.

The men currently employed (2023) are temporary, working under a Frontier Visa. They come from Lithuania and have no independent means of transportation. They may come for a month at a time or for 3 months. It depends on the time of year and job required. When here, they have direct access to Balbeuchley plantations. Balbeuchley is the centre of operations for equipment, storage etc. When working offsite, the men are able to use a farm company pickup to go to and from additional plantation sites. All other tree plantation locations are on rented land.

Site selection (see attached image)

The main reason for site selection has been defined by looking at land owned by Nissen Christmas Trees Ltd. After considering this and then land with good accessibility, the brownfield site chosen we feel to be the most well suited. Especially as it is a brownfield site and had a pre-existing building on it several years ago.

In regards to the diagram included hopefully this above information the following responses will help to clarify reasoning.

- 1. Bankfield house site** - marked in red. This is our private home and not land owned by Nissen Christmas Trees Ltd. the area free of building is a parking area and after the garden, the land is fully surrounded by woodland grant scheme.
- 2. Yard/Shed Area - Marked in red.** As previously mentioned in previous information, this area is full of heavy machinery and fully utilised for storage of equipment. During harvests the full area is filled with trees on pallets and arctic lorries. Security is a massive issue and the site remains locked at all times and is not a possible location for housing. The trees surrounding the shed and yard is woodland grant scheme and that land is privately owned.
- 3. Pink area** - this land is privately owned, has no direct access, is placed over very wet ground next to a pond.
- 4. Blue area**- this is Balbeuchley House land and has nothing to do with Nissen Christmas Trees Ltd.



I think that overall, the need for seasonal staff at this enterprise is very similar to the need for seasonal staff for the Berry Farms in the area and the Council has policy which recognises that this need exists. It also appears that other (non-planning) policy initiatives are having an effect on the availability of accommodation which was always a difficulty to secure. Such as holiday letting licences are likely to reduce the amount of potential seasonal accommodation available elsewhere in the area and Brexit is preventing overseas workers from taking up longer term lets.

In terms of the site selection, the proposal site is well situated to meet that policy, being previously developed, close to public transport routes and being in character with development along the Tealing Road which displays a series of sporadic developments close to the road. In this case we have suggested providing landscaping to soften the appearance and screen the proposal in time. However, in these circumstances even if there were a suitable plot on Balbeuchley lane, I am struggling to see the policy or impact effect that would make materially better than the proposed plot. As it is, my client has set out why the site you suggest is not suitable (it is in crop, not owned by the business, part of a woodland grant scheme and boggy ground).

I trust this provides you with sufficient information to assist you reach a positive determination of the application. But is not please let me know if there is any further information you require for you to do so.

I and my client would also be happy to have a virtual meeting with you where we could go through plans or maps to discuss further, if you wish.

Kind regards

Tom Woof
Director



T: [REDACTED]
E: tom.woof@prospus.co.uk
www.prospus.co.uk

Prospus House, Furrow Green Farm, Wharton, Kirkby Stephen CA17 4LQ

DEVELOPMENT MANAGEMENT REVIEW COMMITTEE

APPLICATION FOR REVIEW –

**LAND 400M NORTH OF BALBEUCHLEY HOUSE, BALBEUCHLEY,
KIRKTON OF AUCHTERHOUSE**

APPLICATION NO 22/00787/FULL

APPLICANT'S SUBMISSION

Page No

ITEM 1	Notice of Review
ITEM 2	Statement of Appeal
ITEM 3	Decision
ITEM 4	Handling Report
ITEM 5	Primary Ecological Appraisal
ITEM 6	SEPA Flood Map
ITEM 7	Supporting Statement
ITEM 8	Site Plan, Location Plan, Elevations etc



Angus House Orchardbank Business Park Forfar DD8 1AN Tel: 01307 473360 Fax: 01307 461 895 Email: plnprocessing@angus.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100602794-010

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:

Ref. Number: You must enter a Building Name or Number, or both: *

First Name: * Building Name:

Last Name: * Building Number:

Telephone Number: * Address 1 (Street): *

Extension Number: Address 2:

Mobile Number: Town/City: *

Fax Number: Country: *

Postcode: *

Email Address: *

Is the applicant an individual or an organisation/corporate entity? *

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mrs"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text" value="Bankfield"/>
First Name: *	<input type="text" value="Amanda"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text" value="Nissen"/>	Address 1 (Street): *	<input type="text" value="Balbeuchley"/>
Company/Organisation	<input type="text" value="Nissen Christmas Trees Ltd"/>	Address 2:	<input type="text" value="Auchterhouse"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Dundee"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="United Kingdom"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="DD3 0QX"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="amanda@nissenchristmastrees.com"/>		

Site Address Details

Planning Authority:

Full postal address of the site (including postcode where available):

Address 1:	<input type="text"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text"/>
Post Code:	<input type="text"/>

Please identify/describe the location of the site or sites

<input type="text" value="Land to the south of Tealing Road"/>
--

Northing	<input type="text" value="738059"/>	Easting	<input type="text" value="335792"/>
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Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: *
(Max 500 characters)

Erection of staff accommodation for seasonal workers and associated works at Land 400M North Of Balbeuchley House
Balbeuchley Kirkton Of Auchterhouse

Type of Application

What type of application did you submit to the planning authority? *

- Application for planning permission (including householder application but excluding application to work minerals).
- Application for planning permission in principle.
- Further application.
- Application for approval of matters specified in conditions.

What does your review relate to? *

- Refusal Notice.
- Grant of permission with Conditions imposed.
- No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

Seeking the removal of Condition 2 and Condition 4 (or rewording of Condition 4) which is set out in, 22/030 Appeal Statement 150823

Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? *

Yes No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters)

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: * (Max 500 characters)

22030 Appeal Statement 150823 Initial submission PlanningPermission-4 Application letter081222 SEPA Flood Map Preliminary Ecological Assessment Drawings: PL_01_B Existing block plan and location plan PROPOSED WORKERS ACCOMMODATION PL_02_B Proposed site layout PROPOSED WORKERS ACCOMMODATION PL_03_A Elevations PL_04_A Site Sections TD_06_D landscape & planting plan

Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.

22/00787/FULL

What date was the application submitted to the planning authority? *

15/12/2022

What date was the decision issued by the planning authority? *

29/05/2023

Review Procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *

Yes No

In the event that the Local Review Body appointed to consider your application decides to inspect the site, in your opinion:

Can the site be clearly seen from a road or public land? *

Yes No

Is it possible for the site to be accessed safely and without barriers to entry? *

Yes No

Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant?. *

Yes No

Have you provided the date and reference number of the application which is the subject of this review? *

Yes No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? *

Yes No N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? *

Yes No

Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review *

Yes No

Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.

Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mr Ben Newton

Declaration Date: 24/08/2023

TOWN AND COUNTRY PLANNING ACT 1990

Appeal Statement

Angus Council

LPA ref. 22/00787/FULL

Erection of staff accommodation for seasonal workers and associated works at Land 400M North Of Balbeuchley House Balbeuchley Kirkton Of Auchterhouse

Appeal by Mrs Amanda Nissen

Against the imposition of conditions on

Land at:

400M North of Balbeuchley House Balbeuchley Kirkton of Auchterhouse

Northing 738059

Easting 335792

Report prepared by

Tom Woof BEM MRTPI

Director of Prospus Group Ltd

Dated 16th August 2023

Introduction

1. On May 29th Angus Council granted consent for planning application 22//00787/FULL, Erection of staff accommodation for seasonal workers and associated works at Land 400M North Of Balbeuchley House Balbeuchley Kirkton Of Auchterhouse for Nissen Christmas Trees providing the following 2 conditions which are the subject of this appeal:
 2. **Condition 2 - That the use/development hereby permitted shall be restricted to a period of five years from the date of this permission.**
 3. **Reason -** In order that the Council can control and review the length of time during which the development is permitted to continue in the interests of the general amenity of the area in accordance with Policy TC5 in the Angus Local Development Plan.
 4. **Condition 4 - That the accommodation hereby approved shall only be occupied on a temporary basis by seasonal workers employed by Nissen Christmas Trees Ltd, Balbeuchley, Auchterhouse, Dundee, Scotland, DD3 0QX and that none of the accommodation provided under the provision of the permission hereby granted shall be occupied within the periods 01 January to 31 January inclusive in any year as long as this permission endures.**
 5. **Reason -** In order to ensure that the accommodation is provided for seasonal workers employed in association with the applicant's forestry business and to ensure that the accommodation is used as temporary accommodation only for those workers.

Preamble

6. The applicant would be most grateful if the Committee would agree to her making an oral address to Members. She recognises that the Committee may not be familiar with the pressures faced by her business which, unlike arable or fruit picking farms, has a

much longer cultivation to harvest time frame and is faced with climate effects over that longer time frame. It cannot change crops to account for changes to the climate in the short term.

7. She also feels it would be helpful for members to be able to ask questions about the operation on matters that are not covered in the current documentation, should they wish to do so.
8. We look forward to hearing from the Committee about this.

Background

9. Nissen Christmas Trees Ltd, is a well-established family business (over 20 years) specialising in the growing and selling of Christmas trees in the UK to wholesale and retail markets. In November 2022 75,000 trees were harvested with harvest numbers expected to rise to 125,000 trees to be harvested annually over the next 15 years. The business plants 125,000 trees per year and has a 15 year growing cycle meaning that there are currently up to 2 million trees planted at present and a harvest in the ground for the next 15 years. This business is based on medium to long term investments and the anticipated steady market for Christmas trees.
10. Due to the overall size of the tree plantations labour is required in some capacity throughout the year, for continuous hands-on care of the trees. Similar to Horticulture, Christmas Trees require hand pruning, shaping, bottom branching and bud breaking for the trees to be suitable for sale in the UK. This is all done by hand. It is a labour intensive business. Some of these jobs have a small nature window, meaning more hands are required to get through the work that at other times. For example, leader control has to occur in in July when all trees need to be treated, whereas bottom branching can occur throughout the winter months.
11. It has been increasingly difficult for the Business to hire workers to undertake the various jobs on the farm. For example, currently the business is operating with only

four labourers on Frontier Visas, other work is carried out by the owners plus a contractor and additional work is carried out by local machine contractors as required, such as in harvest time.

12. While the machine workers have been provided locally, the seasonal outdoor workers cannot be recruited locally because local people are unwilling to take such jobs due to the intermittent nature and type of job. However, to make matters worse, the availability of workers on Frontier Visas or from national recruitment agencies is increasingly sporadic and unreliable (as with all farmers currently). The reality of the labour environment is that the Business needs to take workers when they are available and adjust the work from an ideal programme to one which is achievable. This may be at any time of the year.
13. Another significant issue for the business is how the trees respond to the changing climate and the changing growing cycle of the trees. The season of growth for the trees is being affected by milder winters and wetter summers. So, crop management work needs to be done when the trees require it not necessarily when the planning conditions allow it. The unpredictability of seasons means that the business requires maximum flexibility in how it arranges work across the 15 year harvest timeline.
14. It is difficult to predict exactly the numbers of workers required due to many factors, with COVID and Brexit creating labour concerns across the Christmas Tree Sector. Recruitment of full-time staff is incredibly challenging in addition to the challenges of seasonal staff. Approaches to local labour firms, national agency labour firms and previous workers are all avenues that are explored by the company to secure labour for every year, where previously (pre Brexit) the staff was generally continuous and same staff members returned year after year.
15. Purpose built Housing is necessary on site to be able to recruit temporary staff either through seasonal worker agencies and/or through frontier visas. There is no suitable accommodation locally, and in the case of National seasonal labour agencies

recruitment, accommodation on site is a necessity, as with all the fruit farms in the area.

16. Staff need to work in difficult weather especially during harvest. Purpose built accommodation is required to attract suitable staff and to provide them with comfortable living quarters with facilities for drying and maintaining their PPE.
17. The growing cycle for Christmas Trees is at least 15 years from seedling to harvest. The 5 year limit on the consent makes it impossible to justify a building to serve a 15 year harvest cycle.

Policy Assessment

18. As stated in the Application Letter the main policy is TC5 in the Angus Local Development Plan. The need for the accommodation is laid out in the Application Letter and as stated in that document there is no other available building to host the accommodation. This has resulted in Nissen Christmas Trees Ltd having to invest heavily to accommodate their staff to a high standard to attract workers and ensure their safety. The Angus area has seen a growth in the use of seasonal and transient workers which has resulted in an increase in the requirement for temporary accommodation.
19. The principle of the provision of staff accommodation is accepted by Angus Council through its granting the consent. However, the imposition of Condition 2 undermines the viability of the proposal. If seasonal staff accommodation is restricted to consents of 5 years, there will not be any incentive on those providing the accommodation to provide better accommodation and to improve the amenity of the areas in which these developments are sited. Rather it will act conversely and economic imperatives will tend towards lower quality accommodation and lower quality amenity. The Applicant in this case seeks a high quality accommodation and surroundings. Such investments require a longer timeframe than 5 years to justify them.

20. The requirements of Condition 4 (to have the properties vacant for January each year) is an unnecessary burden on the business. The applicant has no concerns about the first part of this condition requiring the accommodation be used for seasonal workers but given the unpredictability of their availability it makes no sense to prevent the hiring of workers in January, if they are available, when they may not be available later in the year. The business needs the flexibility to use the accommodation through the year to take account of the changing climate and the availability of workers to allow flexibility in responding to work needs. An alternative approach could be, say, to prevent any single worker from staying in the accommodation more than 11 months of the year. This would provide the flexibility required and prevent permanent residential use on the site.

Argument

Effect of the Conditions

21. Condition 2 effectively threatens the removal of the accommodation after a 5 year period and requires the applicant to spend time and money to reapply for the existing use every 5 years. There is no guidance as to the criteria that the LPA will use to judge if the 'general amenity' of the area falls short in any way. The applicant is simply left at the mercy of planning officers every five years who may operate to a vague policy or set of criteria that is unclear and potentially changeable on the whim of officers. This is an unjust position to put the applicant in.

22. Condition 4 creates a level of inflexibility for the Business that is a disproportionate response to the issue of preventing permanent residential use on the site. There are other more sensible methods to do so (as set out above) and which would not potentially harm the business as this condition would do.

Unequal use of Policy TC5

23. Prior to this application, there have been other applications which requested permission for the formation of staff accommodation at two different Christmas Tree

Farms in the Angus area. Application numbers, 21/00352/FULL and 18/00129/FULL were granted permission without the 5 years condition placed on them and the only condition applied was that they were to only be used by workers employed by the relevant farms to comply with Policy TC5. That is the same policy that has been used to place the 5-year condition highlighting the irregularity of the use of Policy TC5. There has been no change in policy since these other consents were granted and no overriding material consideration that suggests that a different approach should be taken.

24. It is no defence to say simply that the policy seeks such a restriction when it has not been imposed in the 7 years since the policy's adoption and particularly when this restriction would have the opposite effect to that which is intended.

25. These other consents also do not restrict occupancy to certain months of the year and the applicant expects to be treated the same.

Muddled logic

26. The reason given for Condition 2 is to allow the council to control the 'general amenity of the area in accordance with Policy TC5'. However, the consent also includes condition 5 which deals specifically with the visual and residential amenity of the site and requires the applicant to submit details plans for the landscaping and levels prior to commencement of the development. If those matters are pre-approved, what then is the purpose of Condition 2 and how would it contribute to the maintenance of the amenity of the area?

27. Furthermore, there are other, better ways to ensure the amenity of the area is maintained than the threat of removing the development. It is a disproportionate sanction. An alternative approach could be to have, say, a five yearly review of the landscaping.

28. As an additional point, the applicant has received strong support locally for the proposal particularly from neighbours. The area has suffered a number of break-ins over the previous few years. It is felt that the proposal will provide some further security to the farm area. The local residential amenity of the area will be improved by the additional security that the proposal will bring to the area.

Modular construction

29. The original application is requesting permission for the permanent siting of seasonal staff accommodation. Despite this, the client is using a modular method of construction which can be brought to and removed from site with very little impact on the site. This reduces the possibility of a negative impact on the site. This means that if the business closes for any unforeseen circumstances the site can easily be returned to its original state and the 5 year consent limit is not required.

Summary and Conclusions

30. The Committee is invited to consider the application submission comprising the drawings and application letter. The applicant has an expectation that she will be treated the same as other Christmas tree farms in the area with respect to the implementation of TC5. The accommodation that Nissen Christmas Tree Farm wishes to build is requiring a large upfront investment to ensure that the employees are housed in a safe and comfortable accommodation (which is more sustainable too) to allow them to dry their PPE equipment and recover from the harsh weather in winter. The high quality of the accommodation will also help attract workers to the area. The provisions of Condition 5 allow the Council to control the local visual and residential amenity and pre-approve the landscaping to be provided. The construction technique allows the development to be removed if it is not required without any substantial impacts on the site. The large tree stock which the business carries, and the

unlikelihood of Christmas being cancelled suggests a viable future for the business for much longer than 5 years.

31. The imposition of Condition 2 will be likely to adversely affect the amenity of the area or otherwise work to undermine the viability of the business itself which is the opposite of the Council's intention in developing this part of the policy TC5. This inconsistency has been recognised previously in applications for similar accommodation and the 5 year consent limit has been duly waived. The same should happen in this case.

32. In respect of Condition 4, the requirement to have the units unoccupied in January will prevent much needed flexibility in the businesses ability to take advantage of workers or weather when required. A more sensible wording of a condition would serve the interests of the LPA and the applicant better.

List of Appendices

In order to save data and paper the following appendices do not include repeated documentation – such as location plans and existing plans in the various iterations, or superfluous documents such as application forms. Each document submitted is named according to the Appendix in which it lies with a description

Appendix 1 List of documents submitted as part of the application

Appendix 1 - List of documents submitted as part of the application

Initial submission

PlanningPermission-4

Application letter081222

SEPA Flood Map

Preliminary Ecological Assessment

Drawings:

PL_01_B Existing block plan and location plan PROPOSED WORKERS ACCOMMODATION

PL_02_B Proposed site layout PROPOSED WORKERS ACCOMMODATION

TD_02_A plan UNIT 1

TD_04_A plan UNIT 2

TD_03_A elevations UNIT 1

TD_05_A elevations UNIT 2

TD_07_A setting out plan

TD_06_D landscape & planting plan



The Scottish Government

Planning and Environmental Appeals Division

Planning and Environmental Appeals Division

Appeals cannot be validated until all the necessary documentation has been submitted.

Thank you for completing this appeal form:

ONLINE REFERENCE 100602794-008

The online reference is the unique reference for your online form only. The Planning and Environmental Appeals Division will allocate an Appeal Number when your form is validated. Please quote this reference if you need to contact the Planning and Environmental Appeals Division about this appeal.

Appellant or Agent Details

Are you an appellant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this appeal)

Appellant Agent

Agent Details

Please enter Agent details

Company/Organisation:

Ref. Number: You must enter a Building Name or Number, or both: *

First Name: * Building Name:

Last Name: * Building Number:

Telephone Number: * Address 1 (Street): *

Extension Number: Address 2:

Mobile Number: Town/City: *

Fax Number: Country: *

Postcode: *

Email Address: *

Is the applicant an individual or an organisation/corporate entity? *

Individual Organisation/Corporate entity

Appellant Details

Please enter Appellant details

Title:	<input type="text" value="Mrs"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text" value="Bankfield"/>
First Name: *	<input type="text" value="Amanda"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text" value="Nissen"/>	Address 1 (Street): *	<input type="text" value="Balbeuchley"/>
Company/Organisation	<input type="text" value="Nissen Christmas Trees Ltd"/>	Address 2:	<input type="text" value="Auchterhouse"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Dundee"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="United Kingdom"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="DD3 0QX"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="amanda@nissenchristmastrees.com"/>		

Site Address Details

Planning Authority:

Full postal address of the site (including postcode where available):

Address 1:	<input type="text"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text"/>
Post Code:	<input type="text"/>

Please identify/describe the location of the site or sites

<input type="text" value="Land to the south of Tealing Road"/>
--

Northing	<input type="text" value="738059"/>	Easting	<input type="text" value="335792"/>
----------	-------------------------------------	---------	-------------------------------------

Description of Proposal

Please provide a description of your proposal. The description should be the same as given in the application form, or as amended (with the agreement of the planning authority): *
(Max 500 characters)

Erection of staff accommodation for seasonal workers and associated works at Land 400M North Of Balbeuchley House
Balbeuchley Kirkton Of Auchterhouse

Type of Application

What type of application did you submit to the planning authority? *

- Application for Planning Permission (including householder application – excluding application to work minerals).
- Application for Certificate of Lawfulness.
- Application for Listed Building Consent.
- Application for Conservation Area Consent.
- Application for Advertisement Consent.
- Application for Prior Approval.
- Application for Tree Works Consent.
- Application for Certificate of Appropriate Alternative Development.
- Application for Planning Permission to work minerals.

What type of planning application was submitted to the planning authority? *

- Application for Planning Permission.
- Application for Planning Permission in principle.
- A Further Application (including renewal of planning permission, modification, variation or removal of a planning condition etc).
- Approval of matters specified in conditions.

What type of decision did you receive from the planning authority and are now appealing against? *

- Refusal Notice.
- Grant of permission with Conditions imposed.
- No decision – deemed refusal (NB: This does not apply to Prior Approvals).

Statement of Appeal

You must state in full, why you are appealing against the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider required to be taken into account in determining your appeal: * (Max 500 characters)

Note: you might not have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You will though be entitled to comment on (i) any additional matter which may be raised by the planning authority in its response to your appeal, or (ii) any representations the Scottish Government might receive from any other person or body.

See attached Appeal Statement

Have you raised any matters which were not before the planning authority at the time the decision
You are appealing against was made? *

Yes No

Please provide a list of all documents, materials and evidence which you have provided with your appeal and intend to rely on in support
of your appeal, ensuring that all documents are clearly numbered: * (Max 500 characters)

Appeal Statement

Are you providing a separate statement of your Grounds of Appeal? *

Yes No

If Yes then please be prepared to upload this when you reach the end of the form.

Application Details

Please provide details of the application and decision.

What is the application reference number? *

22/00787/FULL

What date was the application submitted to the planning authority? *

15/12/2022

What date was the decision or certificate issued by the planning authority? *

29/06/2023

Appeals Procedure

The person appointed to determine your appeal will decide upon the procedure to be used. However you should indicate what
procedure you think is the most appropriate for the handling of the appeal.

Can this appeal continue to a conclusion in your opinion, based on a review of the relevant information provided by yourself and other
parties without any further procedures? *

Yes No

In the event that the Scottish Government Reporter appointed to consider your appeal decides to inspect the appeal site, in your
opinion:

Can the site be clearly seen from a road or public land? *

Yes No

Is it possible for the site to be accessed safely and without barriers to entry? *

Yes No

If there are reasons why you think the Reporter would be unable to access and view the appeal site alone, please explain here. (Max
500 characters)

Other Appeals Submitted Details

Have you or anyone else made any other related appeals to Scottish Ministers regarding this building and/or
Site?

Yes No

Checklist – Appeal Against Planning Authority Decision Or Failure of Planning Authority To Give Decision

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid. The Planning and Environmental Appeals Division cannot start processing your appeal until it is valid.

Are you submitting a supplementary statement with your grounds of appeal? *

Yes No

If the appeal concerns approval of matters specified in conditions, or a Further Application to vary conditions – please attach a copy of the application, approved plans and decision notice from that earlier consent. *

Submitted Not Applicable

Copy of Plans/Drawing *

Yes No

Copy of planning authority decision notice (if no decision then this is deemed as a refusal). *

Yes No No decision

A copy of original application form and if applicable include certificates relating to land ownership. *

Yes No

Other documents, materials and evidence which you intend to rely on. *

Yes No

The Report of Handling prepared by the planning authority in respect of your application, where one exists. *

Yes No

Declare – Appeals against Refusals and other decisions

I/We the applicant/agent certify that this is an appeal to Scottish Ministers on the grounds stated.

Declaration Name: Mr Tom Woof

Declaration Date: 16/08/2023

ANGUS COUNCIL

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997
(AS AMENDED)TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT
PROCEDURE) (SCOTLAND) REGULATIONS 2013

PLANNING PERMISSION - CONDITIONAL APPROVAL

REFERENCE : 22/00787/FULL



To: Nissen Cristmas Trees
c/o Prospus Group Ltd
Tom Woof
Furrow Green Farm
Wharton
Kirkby Stephen
Cumbria
CA17 4LQ

With reference to your application dated **15 December 2022** for planning permission under the above mentioned Acts and Regulations for the following development viz:-

Erection of staff accommodation for seasonal workers and associated works at Land 400M North Of Balbeuchley House Balbeuchley Kirkton Of Auchterhouse for Nissen Cristmas Trees

The Angus Council in exercise of their powers under the above mentioned Acts and Regulations hereby **Grant Planning Permission (Delegated Decision)** for the said development in accordance with the particulars given in the application and plans docquetted as relative hereto in paper or identified as approved on the Public Access portal.

The permission is subject to the following conditions, namely:-

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.
2. That the use/development hereby permitted shall be restricted to a period of five years from the date of this permission.
3. That on or before the expiration of the period stated in Condition 2, the use of land hereby permitted shall be discontinued and all buildings, plant, machinery or materials associated with that use shall be removed. Unless otherwise approved by a grant of planning permission.
4. That the accommodation hereby approved shall only be occupied on a temporary basis by seasonal workers employed by Nissen Christmas Trees Ltd, Balbeuchley, Auchterhouse, Dundee, Scotland, DD3 0QX and that none of the accommodation provided under the provision of the permission hereby granted shall be occupied within the periods 01 January to 31 January inclusive in any year as long as this permission endures.
5. 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 scheme for the provision of hard and soft landscaping of the site. The submitted scheme shall include protection measures for existing trees within and adjacent to the site, during construction works as well as measures employed in the design of the development to ensure an enhancement to biodiversity. All hard landscaping shall be completed in accordance with the approved details prior to the commencement of use of the buildings and the soft landscaping shall be completed in accordance with the approved details no later than the

end of the first planting season following completion of the development. Any plants or trees which within a period of five years from the commencement of the use die; are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species.

- (b) A detailed levels survey of the site. The detailed drawings shall show finished ground and floor levels of the proposed development relative to existing ground levels; neighbouring land/properties and a fixed ordnance datum point. Thereafter the development shall be carried out in accordance with the approved details.
6. That the development shall be undertaken in accordance with the Preliminary Ecological Appraisal: WLC 22037 Nissen Christmas Trees Ltd by Wildlife Consulting dated 23 September 2023.

The foregoing conditions are imposed by the Council for the following reasons:-

1. 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. In order that the Council can control and review the length of time during which the development is permitted to continue in the interests of the general amenity of the area in accordance with Policy TC5 in the Angus Local Development Plan.
3. In order that the general amenity of the area shall not be affected and to ensure that the site is restored to an acceptable condition upon the cessation of the use.
4. In order to ensure that the accommodation is provided for seasonal workers employed in association with the applicant's forestry business and to ensure that the accommodation is used as temporary accommodation only for those workers.
5. In order that the planning authority may verify the acceptability of the specified matters having regard to visual amenity, biodiversity and residential amenity considerations.
6. In order to ensure adverse effects on biodiversity as a consequence of the proposed development are mitigated.

The reason(s) for the foregoing decision by the Council are as follows:-

1. The proposal is generally in accordance with the development plan as it would provide for seasonal worker accommodation in manner that is compatible with the locational criteria identified in the plan and as it does not give rise to unacceptable impacts on amenity, natural and built environment, road safety or infrastructure subject to conditions. There are no material considerations that justify refusal of planning permission contrary to the provisions of the development plan.

Dated this **29 May 2023**

Jill Paterson
Service Lead
Planning and Sustainable Growth
Angus Council
Angus House
Orchardbank Business Park
Forfar
DD8 1AN

The decision was based on the following amendment(s):-

Amendments:

The application has not been subject of variation.

It should be understood that this permission does not carry with it any necessary consent or approval to the proposed development under other statutory enactments e.g. the Building (Scotland) Act 2003 and the Building (Scotland) Regulations 2004 as amended.

WARNING ANY ALTERATIONS MADE TO THE APPROVED PLANS OR STATED CONDITIONS WITHOUT THE PRIOR CONSENT OF THE LOCAL PLANNING AUTHORITY COULD LEAD TO ENFORCEMENT ACTION BEING TAKEN TO REMEDY OR REINSTATE THE UNAUTHORISED ALTERATIONS



WARNING

NON-COMPLIANCE WITH ANY OF THE CONDITIONS TO THIS PLANNING CONSENT COULD LEAD TO ENFORCEMENT ACTION BEING PURSUED BY THE COUNCIL.

NOTE: CONDITIONS ATTACHED BY THE COUNCIL TAKE PRECEDENCE OVER THE SUBMITTED/ APPROVED PLANS.

NO ALTERATIONS OR DEVIATIONS FROM THE APPROVED PLANS SHOULD BE UNDERTAKEN WITHOUT THE PRIOR APPROVAL OF THE PLANNING AUTHORITY. FAILURE TO OBTAIN APPROVAL COULD LEAD TO ENFORCEMENT ACTION BEING TAKEN.

Produced by:

Angus Council
Planning Service
Angus House
Orchardbank Business Park
Forfar
DD8 1AN

Planning Decisions – Guidance Note

Please retain – this guidance forms part of your Decision Notice

You have now received your Decision Notice. This guidance note sets out important information regarding appealing or reviewing your decision. There are also new requirements in terms of notifications to the Planning Authority and display notices on-site for certain types of application. You will also find details on how to vary or renew your permission.

Please read the notes carefully to ensure effective compliance with the new regulations.

DURATION

The duration of any permission granted is set out in conditions attached to the permission. Where no conditions are attached the duration of the permission will be in accordance with sections 58 and 59 of the Town and Country Planning (Scotland) Act 1997 (as amended).

PLANNING DECISIONS

Decision Types and Appeal/Review Routes

The 'decision type' as specified in your decision letter determines the appeal or review route. The route to do this is dependent on the how the application was determined. Please check your decision letter and choose the appropriate appeal/review route in accordance with the table below. Details of how to do this are included in the guidance.

Determination Type	What does this mean?	Appeal/Review Route
Development Standards Committee/Full Council	National developments, major developments and local developments determined at a meeting of the Development Standards Committee or Full Council whereby relevant parties and the applicant were given the opportunity to present their cases before a decision was reached.	DPEA (<i>appeal to Scottish Ministers</i>) – See details on attached Form 1
Delegated Decision	Local developments determined by the Service Manager through delegated powers under the statutory scheme of delegation. These applications may have been subject to less than five representations, minor breaches of policy or may be refusals.	Local Review Body – See details on attached Form 2
Other Decision	All decisions other than planning permission or approval of matters specified in condition. These include decisions relating to Listed Building Consent, Advertisement Consent, Conservation Area Consent and Hazardous Substances Consent.	DPEA (<i>appeal to Scottish Ministers</i>) – See details on attached Form 1

NOTICES

Notification of initiation of development (NID)

Once planning permission has been granted and the applicant has decided the date they will commence that development they must inform the Planning Authority of that date. The notice must be submitted before development commences – failure to do so would be a breach of planning control. The relevant form is included with this guidance note.

Notification of completion of development (NCD)

Once a development for which planning permission has been given has been completed the applicant must, as soon as practicable, submit a notice of completion to the planning authority. Where development is carried out in phases there is a requirement for a notice to be submitted at the conclusion of each phase. The relevant form is included with this guidance note.

Display of Notice while development is carried out

For national, major or 'bad neighbour' developments (such as public houses, hot food shops or scrap yards), the developer must, for the duration of the development, display a sign or signs containing prescribed information.

The notice must be in the prescribed form and:-

- displayed in a prominent place at or in the vicinity of the site of the development;
- readily visible to the public; and
- printed on durable material.

A display notice is included with this guidance note.

Should you have any queries in relation to any of the above, please contact:

Angus Council
Planning Service
Angus House
Orchardbank Business Park
Forfar
DD8 1AN

Telephone 03452 777 780
E-mail: planning@angus.gov.uk
Website: www.angus.gov.uk



TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED)

The Town & Country Planning (Development Management Procedure) (Scotland) Regulations 2013 – Schedule to Form 1

*Notification to be sent to applicant on refusal of planning permission
or on the grant of permission subject to conditions decided by Angus Council*

1. If the applicant is aggrieved by the decision of the Planning Authority to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may appeal to the Scottish Ministers under Section 47 of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this Notice. The notice of appeal should be addressed to The Planning and Environmental Appeals Division, Scottish Government, Ground Floor, Hadrian House, Callendar Business Park, Callendar Road, Falkirk, FK1 1XR. Alternatively you can submit your appeal directly to DPEA using the national e-planning web site <https://eplanning.scotland.gov.uk>
2. If permission to develop land is refused or granted subject to conditions, whether by the Planning Authority or by the Scottish Ministers, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the Planning Authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.



Comhairle Aonghais

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED)

The Town & Country Planning (Development Management Procedure) (Scotland) Regulations 2013 – Schedule to Form 2

*Notification to be sent to applicant on refusal of planning permission
or on the grant of permission subject to conditions decided through
Angus Council's Scheme of Delegation*

1. If the applicant is aggrieved by the decision to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the Planning Authority to review the case under Section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this Notice. The notice of review should be addressed to Sarah Forsyth, Committee Officer, Angus Council, Resources, Legal & Democratic Services, Angus House, Orchardbank Business Park, Forfar, DD8 1AN. A Notice of Review Form and guidance can be found on the national e-planning web site <https://eplanning.scotland.gov.uk> . Alternatively you can return your Notice of Review directly to the local planning authority online on the same web site.
2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the Planning Authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

NOTIFICATION OF INITIATION OF DEVELOPMENT

This notice must be fully completed by the person intending to carry out the development as approved in application reference **22/00787/FULL** for **Erection of staff accommodation for seasonal workers and associated works** at **Land 400M North Of Balbeuchley House Balbeuchley Kirkton Of Auchterhouse** for **Nissen Christmas Trees** dated **29 May 2023** and thereafter submitted to the Service Manager, Angus Council, Planning Service, Angus House, Orchardbank Business Park, Forfar, DD8 1AN

Full Name:

Address:

Do you own the land subject to the above permission?

If not, please provide the full name and address of the land owner:

Is there a person appointed to oversee the development? If so, please provide their full name and contact details:

Date you intend to commence the above development:

NOTIFICATION OF COMPLETION OF DEVELOPMENT (NCD)

This notice should be fully completed by the person who completed the development approved in application reference **22/00787/FULL** for **Erection of staff accommodation for seasonal workers and associated works** at **Land 400M North Of Balbeuchley House Balbeuchley Kirkton Of Auchterhouse** for **Nissen Christmas Trees** dated **29 May 2023** and thereafter submitted to the Service Manager, Angus Council, Planning Service, Angus House, Orchardbank Business Park, Forfar, DD8 1AN

Full Name:

Address:

Date of completion of the above development:

THE TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND)
REGULATIONS 2013

SCHEDULE 7

Development at **Land 400M North Of Balbeuchley House Balbeuchley Kirkton Of Auchterhouse**

Notice is hereby given that planning permission has been granted subject to conditions to **Nissen Cristmas Trees** on **29 May 2023**.

Application reference **22/00787/FULL**

The development comprises **Erection of staff accommodation for seasonal workers and associated works**

Further Information regarding the planning permission including the conditions, if any, on which it has been granted can be obtained at all reasonable hours at:

Angus Council
Planning Service
Angus House
Orchardbank Business Park
Forfar
DD8 1AN

Enquiries should be directed to the Service Leader at the above address or to planning@angus.gov.uk

SGN Overbuild Advisory Note

There are a number of risks created by built over gas mains and services; these are:

- *Pipework loading – pipes are at risk from loads applied by the new structure and are more susceptible to interference damage.*
- *Gas entry into buildings – pipework proximity increases risk of gas entry in buildings. Leaks arising from previous external pipework able to track directly into main building from unsealed entry.*
- *Occupier safety – lack or no fire resistance of pipework, fittings, or meter installation. Means of escape could be impeded by an enclosed meter.*

Please note therefore, if you plan to dig, or carry out building work to a property, site, or public highway within our gas network, you must:

1. *Check your proposals against the information held at <https://www.linerearchbeforeudig.co.uk/> to assess any risk associated with your development **and***
2. *Contact our Plant Protection team to let them know. Plant location enquiries must be made via email, but you can phone us with general plant protection queries. See our contact details below:*

Phone 0800 912 1722 / Email plantlocation@sgn.co.uk

In the event of an overbuild on our gas network, the pipework must be altered, you may be temporarily disconnected, and your insurance may be invalidated.

Further information on safe digging practices can be found here:

- *Our free Damage Prevention e-Learning only takes 10-15 minutes to complete and highlights the importance of working safely near gas pipelines, giving clear guidance on what to do and who to contact before starting any work <https://www.sgn.co.uk/damage-prevention>*
- *Further information can also be found here <https://www.sgn.co.uk/help-and-advice/diggingsafely>*

PLANNING

Your experience with Planning

Please indicate whether you agree or disagree with the following statements about your most recent experience of the Council's handling of the planning application in which you had an interest.

Q.1 I was given the advice and help I needed to submit my application/representation:-

Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree	It does not apply
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Q.2 The Council kept me informed about the progress of the application that I had an interest in:-

Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree	It does not apply
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Q.3 The Council dealt promptly with my queries:-

Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree	It does not apply
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Q.4 The Council dealt helpfully with my queries:-

Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree	It does not apply
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Q.5 I understand the reasons for the decision made on the application that I had an interest in:-

Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree	It does not apply
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Q.6 I feel that I was treated fairly and that my view point was listened to:-

Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree	It does not apply
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

OVERALL SATISFACTION: Overall satisfaction with the service:

Q.7 Setting aside whether your application was successful or not, and taking everything into account, how satisfied or dissatisfied are you with the service provided by the council in processing your application?

Very satisfied	Fairly satisfied	Neither Satisfied nor Dissatisfied	Fairly Dissatisfied	Very Dissatisfied
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

OUTCOME: Outcome of the application:

Q.8 Was the application that you had an interest in:-

Granted Permission/Consent	<input type="checkbox"/>	Refused Permission/Consent	<input type="checkbox"/>	Withdrawn	<input type="checkbox"/>
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Q.9 Were you the:- Applicant Agent Third Party objector who made a representation

Please complete the form and return in the pre-paid envelope provided.
Thank you for taking the time to complete this form.

Angus Council

Application Number:	22/00787/FULL
Description of Development:	Erection of staff accommodation for seasonal workers and associated works
Site Address:	Land 400M North Of Balbeuchley House Balbeuchley Kirkton Of Auchterhouse
Grid Ref:	335817 : 738304
Applicant Name:	Nissen Cristmas Trees

Report of Handling**Proposal**

The application seeks planning permission for the erection of 2 seasonal worker accommodation units on a site measuring around 1550sqm that is located to the south of the C6 public road. The application site is open scrub land with a concrete base visible at its eastern end. The north, east and south boundaries comprise stone dykes with the west boundary defined by a low dear fence. Vehicular access gates are located at the northeast corner and at the east boundary.

The proposed accommodation buildings are to be located around 21m to the south of the public road. The flat roofed buildings have a footprint of 30sqm and 60sqm with an overall height of 2.88m. The external finishes comprise vertical timber lined walls and metal profiled sheet roof. The accommodation in the smaller unit comprises an open plan kitchen, dining and living area, bedroom and shower room. The larger unit accommodates an open plan kitchen, dining and living area, 2 bedrooms and 2 shower rooms. Hardcore pathways and parking areas are to be provided with the structures. Landscape planting is incorporated around the buildings. The vehicular access at the east boundary is to be enlarged to provide access to the site with the concrete hardstanding at the east of the site retained as a pick-up and drop-off area. The submitted information indicates the structures would connect to the public water supply; foul drainage would be directed to a septic tank which would discharge to land via a soakaway; and surface water would be dealt with via sustainable drainage.

The application has not been subject of variation.

Publicity

The nature of the proposal did not require the application be the subject of Neighbour Notification.

The application was advertised in the Dundee Courier on 30 December 2022 for the following reasons:

- Neighbouring Land with No Premises

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

Planning History

None.

Applicant's Case

The following information has been provided in support of the application: -

Supporting Statement - this document provides a justification for the proposed accommodation. It indicates that the company owns 280Ha of land at Balbeuchley and Balmuir Farms in Angus and rents an additional 100Ha at Balfour farm near Brechin. There are over 1.5 million trees currently in cultivation, this

November, 75,000 trees were harvested with an expected increase in production in the business over the next few years, reaching 125,000 trees to be harvested per year in approximately 5 years' time. The nature of the business means that throughout the year, there are more labour-intensive months than others - such as November, when overall staff numbers exceed 30, as opposed to the January period when only a skeleton staff of 2 are required in the office. Summer months range from 4 - 8 staff. Due to the overall size of the tree plantations, labour is required in some capacity throughout the year, for continuous hands-on care of the trees. The owners both work full time for the business and are the only full-time members of staff. Recruitment of full-time staff is incredibly challenging in addition to the challenges of seasonal staff. Purpose built housing is necessary on site to be able to recruit temporary staff either through seasonal worker agencies and/or through frontier visas. There is little suitable accommodation locally, and in the case of national seasonal labour agencies recruitment, accommodation on site is a necessity, similar to all the fruit farms in the area.

Further information has also been provided by the agent which advises that staff currently pay for temporary holiday accommodation on the farm when it is available, they also use air B&B, caravans (pre covid) and at times (usually harvest) accommodation has been arranged at an outdoor education centre in Meikle. Because the nature of the work depends on weather and the growing season, times requiring accommodation needs to be very flexible, throughout the year. This proves difficult to predict for renting and arranging. The caravan option, like with all Berry farmers is the most convenient way for our company to achieve this flexibility, however, we find that these container houses to be a better climate solution and an appropriate form of accommodation to live in and yet still offer the temporary installation that a caravan does. The main reason for site selection has been defined by looking at land owned by the applicant. The application site is well situated to meet Policy TC5, being previously developed, close to public transport routes and being in character with development along the Tealing Road which displays a series of sporadic developments close to the road. To soften the appearance and screen the proposal in time landscaping is proposed to the north of the development.

Preliminary Ecological Appraisal - this document provides an assessment of the ecological features present or potentially present within the development site and its environs. The appraisal indicates that the site largely comprises an area of poor semi-improved grassland, bounded to the south, east and west by developing mixed plantation woodland. The survey concludes few signs of protected species were found on the site. A single mature sycamore tree located at the northwest corner of the site has been identified as having low suitability to support roosting bats. The mixed woodland habitats are considered to be generally too young to present appropriate habitat for bats. Badger dung was recorded on the ground at the southern extent of the site but no setts or any other evidence of the presence of badger was recorded. No evidence of otter or water vole was recorded within the survey area. No evidence of the presence of reptiles was recorded during the survey visit. A number of bird species were recorded during the survey visit and it is considered that the wooded areas and scrub vegetation provide suitable nesting habitat for common bird species. In terms of mitigation measures it is recommended the mature sycamore tree assessed as having low suitability to support roosting bats is retained. Night-time works should be minimised, and any artificial light spill is directed away from wooded areas and linear navigation features favoured by bats. Construction should be timed to either avoid the breeding season altogether or scheduled to start before the breeding season starts. If that is not possible then prior to the commencement of clearance works, all suitable nesting habitat should first be checked by an experienced ecological clerk of works (ECoW).

SEPA Flood Map - this document identifies the site relative to existing flood extents.

Consultations

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

Roads (Traffic) - This consultee has offered no objection to the proposal.

Scottish Water - This consultee has offered no objection to the proposal.

Environmental Health (Arbroath) - This consultee has offered no objection to the proposal and has advised that the application buildings meet the legal definition of caravans, therefore their use as accommodation for forestry workers means they are exempt from requiring a caravan site licence in terms

of the Caravan Sites and Control of Development Act 1960. Should the structures be occupied at any point by persons not directly involved in forestry, including those employed in agricultural activities, they will require to submit an application for a caravan site licence to Angus Council.

Scottish Fire & Rescue Service - There was no response from this consultee at the time of report preparation.

Representations

There were no letters of representation.

Development Plan Policies

NPF4 – national planning policies

Policy 1 Tackling the climate and nature crises

Policy 2 Climate mitigation and adaptation

Policy 3 Biodiversity

Policy 4 Natural places

Policy 5 Soils

Policy 9 Brownfield, vacant and derelict land and empty buildings

Policy 13 Sustainable transport

Policy 14 Design, quality and place

Policy 17 Rural homes

Policy 18 Infrastructure first

Policy 22 Flood risk and water management

Policy 29 Rural development

Angus Local Development Plan 2016

Policy DS1 : Development Boundaries and Priorities

Policy DS3 : Design Quality and Placemaking

Policy DS4 : Amenity

Policy TC5 : Seasonal / Transient Worker Accommodation

Policy PV6 : Development in the Landscape

Policy PV15 : Drainage Infrastructure

Policy PV20 : Soils and Geodiversity

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

Assessment

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

In this case the development plan comprises: -

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

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

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

The site is located outwith a development boundary and is not allocated or otherwise identified for development in the ALDP. Policy DS1 of the Angus Local Development Plan (ALDP) indicates that

proposals for development outwith development boundaries will be supported where they are of a scale and nature appropriate to the location and where they are in accordance with relevant policies of the ALDP. Both the ALDP and NPF4 encourage the reuse of brownfield land in preference to the use of greenfield land. NPF4 Policy 9 indicates that proposals on greenfield sites will not be supported unless the site has been allocated for development or the proposal is explicitly supported by policies in the local development plan. NPF4 Policy 5 seeks to minimise the disturbance of soils from development and (amongst other things) only allows the development of prime quality land in limited circumstances. In all circumstances, it requires the layout and design to minimise the amount of protected land that is required.

The ALDP indicates that proposals for the development of temporary accommodation (including residential caravans and mobile homes) for seasonal or transient workers will be supported where there is a functional and essential economic need for the amount and type of accommodation proposed that cannot be reasonably met elsewhere in the locality; the accommodation is required to house seasonal or transient workers employed on the agricultural unit; the proposal involves the conversion, reuse or redevelopment of suitable vacant buildings or brownfield land on, or adjoining, the agricultural unit or it can be demonstrated that there are no such buildings or sites capable of accommodating the proposed development; the proposed site will provide a good residential environment with adequate access to facilities; the scale and nature of the development is in keeping with local landscape character and pattern of development; and there is no unacceptable impact on the built and natural environment, surrounding amenity, access and infrastructure. NPF4 Policy 29 Rural Development is supportive of development proposals that contribute to the viability, sustainability and diversity of rural communities and the local rural economy including development for land use businesses where use of good quality land is minimised; where proposals involve diversification of existing businesses; or the proposal is small scale developments that support new ways of working.

The site whilst containing an area of hardstanding is generally greenfield in character, but it is not prime quality land and is not in productive agricultural use. The supporting information indicates that there is a functional need for the amount and type of accommodation to support the operation of the established business. The accommodation is required to house seasonal or transient workers employed as part of the established business, and although not specifically related to agriculture the business relates to a forestry business which is similar in nature. The supporting information also confirms that there are no existing buildings or brownfield land capable of providing the proposed accommodation. This information describes why the accommodation requirement cannot be reasonably met elsewhere in the locality. There is a reasonable justification for provision of the temporary worker accommodation in order to support the operation of the existing forestry business and the principle of the accommodation is justified. The proposed development is considered capable of providing a good residential environment for occupants. As the application proposes temporary accommodation, it is appropriate to limit the duration of the planning permission to a temporary five-year period. Planning conditions are also attached to ensure that the accommodation is used by staff associated with the applicant's forestry operation only. Such a control would also satisfy the requirements of environmental health.

The application site is reasonably well contained in landscape terms and benefits from established planting to the south and is set below the level of the public road to the north. Views of the development would be relatively limited and predominantly in locations close to the site or from elevated land at considerable distance. The external materials proposed are typical of those seen elsewhere in rural Angus. The proposed buildings are small scale, utilitarian and functional in design. The site could accommodate the development without any significant adverse impacts on the character of the local landscape or pattern of development.

In terms of any impacts on amenity, the buildings would be located around 100m from residential properties that are located to the northeast. The design of the proposed buildings and their distance from those neighbouring properties is such that it would not give rise to any direct impact on occupants of the houses. The Roads Service has reviewed the proposal and offered no objection to the development. There would be no unacceptable impacts upon surrounding amenity resulting from the proposal.

Both NPF4 and the ALDP promote development in accessible locations with the overall aim of reducing dependency on the private car and encouraging sustainable travel options. It is likely that the proposal would be accessed by private transport and would increase reliance upon private vehicles as a means of transport. However the location of the application site is related to the applicant's existing business, and

this has influenced its chosen location. In circumstances where the site provides for seasonal worker accommodation as set out in ALDP Policy TC5 that is not unacceptable, and the development is not in itself a significant travel generating use. The location of the site would provide access to the natural environment, the proposal provides vehicular access, parking and turning arrangements in the site in accordance with the council's standards.

The site is not identified on SEPA flood maps as being at risk of flooding. The dwelling would connect to the public water supply network with foul drainage to be dealt with by private drainage arrangements. The site is located outside of a public sewered area and the principle of private drainage arrangements is acceptable. Surface water would be managed by means of sustainable drainage. The proposed drainage arrangements are considered to be acceptable.

The site is not designated for any for natural heritage reasons and information submitted suggests it has limited biodiversity value. The submitted information concludes that the development would not have significant impacts on any species or habitat. The submitted information indicates that a scheme of landscape planting would be incorporated into the development however precise details have not been provided. Provision of appropriate landscaping could help secure some biodiversity improvement in terms of the requirements of NPF4 Policy 3. Precise details regarding the landscaping and good practice mitigation measures recommend in the submitted Preliminary Ecological Appraisal will be secured by condition.

The application site is not designated for any built heritage reasons and the proposal would be unlikely to give rise to any unacceptable impacts on built heritage interests.

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 requires proposals for local development to include appropriate measures to conserve, restore and enhance biodiversity, in accordance with national and local guidance.

In respect of those policies, the proposed accommodation buildings have been sited, to maximise its benefit from solar gain as they are orientated in a southerly direction. Information relating to biodiversity enhancement is limited, but new planting is secured via condition to protect and enhance the biodiversity value of the site, and accordingly that could help to address both the climate and nature crises. The proposal is or can be made consistent with the aims of those policies subject to the proposed planning conditions.

The proposal does not give rise to any significant issues in terms of other development plan policy. The proposal in overall terms is compatible with the development plan.

As with any proposal, it attracts support from some 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. There are no material planning considerations which would justify the refusal of planning permission.

Human Rights Implications

The decision to grant permission/consent, 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 decision 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.

Decision

The application is approved subject to conditions

Reason(s) for Decision:

1. The proposal is generally in accordance with the development plan as it would provide for seasonal worker accommodation in manner that is compatible with the locational criteria identified in the plan and as it does not give rise to unacceptable impacts on amenity, natural and built environment, road safety or infrastructure subject to conditions. There are no material considerations that justify refusal of planning permission 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 the use/development hereby permitted shall be restricted to a period of five years from the date of this permission.

Reason: In order that the Council can control and review the length of time during which the development is permitted to continue in the interests of the general amenity of the area in accordance with Policy TC5 in the Angus Local Development Plan.

3. That on or before the expiration of the period stated in Condition 2, the use of land hereby permitted shall be discontinued and all buildings, plant, machinery or materials associated with that use shall be removed. Unless otherwise approved by a grant of planning permission.

Reason: In order that the general amenity of the area shall not be affected and to ensure that the site is restored to an acceptable condition upon the cessation of the use.

4. That the accommodation hereby approved shall only be occupied on a temporary basis by seasonal workers employed by Nissen Christmas Trees Ltd, Balbeuchley, Auchterhouse, Dundee, Scotland, DD3 0QX and that none of the accommodation provided under the provision of the permission hereby granted shall be occupied within the periods 01 January to 31 January inclusive in any year as long as this permission endures.

Reason: In order to ensure that the accommodation is provided for seasonal workers employed in association with the applicant's forestry business and to ensure that the accommodation is used as temporary accommodation only for those workers.

5. 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 scheme for the provision of hard and soft landscaping of the site. The submitted scheme shall include protection measures for existing trees within and adjacent to the site, during construction works as well as measures employed in the design of the development to ensure an enhancement to biodiversity. All hard landscaping shall be completed in accordance with the approved details prior to the commencement of use of the buildings and the soft landscaping shall be completed in accordance with the approved details no later than the end of the first planting season following completion of the development. Any plants or trees which within a period of five years from the commencement of the use die; are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species.

(b) A detailed levels survey of the site. The detailed drawings shall show finished ground and floor levels of the proposed development relative to existing ground levels; neighbouring land/properties and a fixed ordnance datum point. Thereafter the development shall be carried out in accordance with the

approved details.

Reason: In order that the planning authority may verify the acceptability of the specified matters having regard to visual amenity, biodiversity and residential amenity considerations.

6. That the development shall be undertaken in accordance with the Preliminary Ecological Appraisal: WLC 22037 Nissen Christmas Trees Ltd by Wildlife Consulting dated 23 September 2023.

Reason: In order to ensure adverse effects on biodiversity as a consequence of the proposed development are mitigated.

Notes:

Case Officer: Ruari Kelly
Date: 15 May 2023

Appendix 1 - Development Plan Policies

NPF4 – national planning policies

Policy 1 Tackling the climate and nature crises

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

Policy 2 Climate mitigation and adaptation

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

Policy 3 Biodiversity

a) Development proposals will contribute to the enhancement of biodiversity, including where relevant, restoring degraded habitats and building and strengthening nature networks and the connections between them. Proposals should also integrate nature-based solutions, where possible.

b) Development proposals for national or major development, or for development that requires an Environmental Impact Assessment will only be supported where it can be demonstrated that the proposal will conserve, restore and enhance biodiversity, including nature networks so they are in a demonstrably better state than without intervention. This will include future management. To inform this, best practice assessment methods should be used. Proposals within these categories will demonstrate how they have met all of the following criteria:

- i. the proposal is based on an understanding of the existing characteristics of the site and its local, regional and national ecological context prior to development, including the presence of any irreplaceable habitats;
- ii. wherever feasible, nature-based solutions have been integrated and made best use of;
- iii. an assessment of potential negative effects which should be fully mitigated in line with the mitigation hierarchy prior to identifying enhancements;
- iv. significant biodiversity enhancements are provided, in addition to any proposed mitigation. This should include nature networks, linking to and strengthening habitat connectivity within and beyond the development, secured within a reasonable timescale and with reasonable certainty. Management arrangements for their long- term retention and monitoring should be included, wherever appropriate; and
- v. local community benefits of the biodiversity and/or nature networks have been considered.

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

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

Policy 4 Natural places

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

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

- c) Development proposals that will affect a National Park, National Scenic Area, Site of Special Scientific Interest or a National Nature Reserve will only be supported where:
- i. The objectives of designation and the overall integrity of the areas will not be compromised; or
 - ii. Any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social, environmental or economic benefits of national importance.

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

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

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

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

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

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

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

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

Policy 5 Soils

- a) Development proposals will only be supported if they are designed and constructed:
- i. In accordance with the mitigation hierarchy by first avoiding and then minimising the amount of disturbance to soils on undeveloped land; and
 - ii. In a manner that protects soil from damage including from compaction and erosion, and that minimises soil sealing.
- b) Development proposals on prime agricultural land, or land of lesser quality that is culturally or locally important for primary use, as identified by the LDP, will only be supported where it is for:
- i. Essential infrastructure and there is a specific locational need and no other suitable site;
 - ii. Small-scale development directly linked to a rural business, farm or croft or for essential workers for the rural business to be able to live onsite;
 - iii. The development of production and processing facilities associated with the land produce where no other local site is suitable;
 - iv. The generation of energy from renewable sources or the extraction of minerals and there is secure provision for restoration; and

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

- c) Development proposals on peatland, carbon- rich soils and priority peatland habitat will only be

supported for:

- i. Essential infrastructure and there is a specific locational need and no other suitable site;
 - ii. The generation of energy from renewable sources that optimises the contribution of the area to greenhouse gas emissions reductions targets;
 - iii. Small-scale development directly linked to a rural business, farm or croft;
 - iv. Supporting a fragile community in a rural or island area; or
 - v. Restoration of peatland habitats.
- d) Where development on peatland, carbon-rich soils or priority peatland habitat is proposed, a detailed site specific assessment will be required to identify:
- i. the baseline depth, habitat condition, quality and stability of carbon rich soils;
 - ii. the likely effects of the development on peatland, including on soil disturbance; and
 - iii. the likely net effects of the development on climate emissions and loss of carbon.

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

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

Policy 9 Brownfield, vacant and derelict land and empty buildings

- a) Development proposals that will result in the sustainable reuse of brownfield land including vacant and derelict land and buildings, whether permanent or temporary, will be supported. In determining whether the reuse is sustainable, the biodiversity value of brownfield land which has naturalised should be taken into account.
- b) Proposals on greenfield sites will not be supported unless the site has been allocated for development or the proposal is explicitly supported by policies in the LDP.
- c) Where land is known or suspected to be unstable or contaminated, development proposals will demonstrate that the land is, or can be made, safe and suitable for the proposed new use.
- d) Development proposals for the reuse of existing buildings will be supported, taking into account their suitability for conversion to other uses. Given the need to conserve embodied energy, demolition will be regarded as the least preferred option.

Policy 13 Sustainable transport

- a) Proposals to improve, enhance or provide active travel infrastructure, public transport infrastructure or multi-modal hubs will be supported. This includes proposals:
 - i. for electric vehicle charging infrastructure and electric vehicle forecourts, especially where fuelled by renewable energy.
 - ii. which support a mode shift of freight from road to more sustainable modes, including last-mile delivery.
 - iii. that build in resilience to the effects of climate change and where appropriate incorporate blue and green infrastructure and nature rich habitats (such as natural planting or water systems).
- b) Development proposals will be supported where it can be demonstrated that the transport requirements generated have been considered in line with the sustainable travel and investment hierarchies and where appropriate they:
 - i. Provide direct, easy, segregated and safe links to local facilities via walking, wheeling and cycling

networks before occupation;

- ii. Will be accessible by public transport, ideally supporting the use of existing services;
- iii. Integrate transport modes;
- iv. Provide low or zero-emission vehicle and cycle charging points in safe and convenient locations, in alignment with building standards;
- v. Supply safe, secure and convenient cycle parking to meet the needs of users and which is more conveniently located than car parking;
- vi. Are designed to incorporate safety measures including safe crossings for walking and wheeling and reducing the number and speed of vehicles;
- vii. Have taken into account, at the earliest stage of design, the transport needs of diverse groups including users with protected characteristics to ensure the safety, ease and needs of all users; and
- viii. Adequately mitigate any impact on local public access routes.

c) Where a development proposal will generate a significant increase in the number of person trips, a transport assessment will be required to be undertaken in accordance with the relevant guidance.

d) Development proposals for significant travel generating uses will not be supported in locations which would increase reliance on the private car, taking into account the specific characteristics of the area.

e) Development proposals which are ambitious in terms of low/no car parking will be supported, particularly in urban locations that are well-served by sustainable transport modes and where they do not create barriers to access by disabled people.

f) Development proposals for significant travel generating uses, or smaller-scale developments where it is important to monitor travel patterns resulting from the development, will only be supported if they are accompanied by a Travel Plan with supporting planning conditions/obligations. Travel plans should set out clear arrangements for delivering against targets, as well as monitoring and evaluation.

g) Development proposals that have the potential to affect the operation and safety of the Strategic Transport Network will be fully assessed to determine their impact. Where it has been demonstrated that existing infrastructure does not have the capacity to accommodate a development without adverse impacts on safety or unacceptable impacts on operational performance, the cost of the mitigation measures required to ensure the continued safe and effective operation of the network should be met by the developer.

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

Policy 14 Design, quality and place

a) Development proposals will be designed to improve the quality of an area whether in urban or rural locations and regardless of scale.

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

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

Pleasant: Supporting attractive natural and built spaces.

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

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

Sustainable: Supporting the efficient use of resources that will allow people to live, play, work and stay in

their area, ensuring climate resilience, and integrating nature positive, biodiversity solutions.

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

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

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

Policy 17 Rural homes

a) Development proposals for new homes in rural areas will be supported where the development is suitably scaled, sited and designed to be in keeping with the character of the area and the development:

- i. is on a site allocated for housing within the LDP;
- ii. reuses brownfield land where a return to a natural state has not or will not happen without intervention;
- iii. reuses a redundant or unused building;
- iv. is an appropriate use of a historic environment asset or is appropriate enabling development to secure the future of historic environment assets;
- v. is demonstrated to be necessary to support the sustainable management of a viable rural business or croft, and there is an essential need for a worker (including those taking majority control of a farm business) to live permanently at or near their place of work;
- vi. is for a single home for the retirement succession of a viable farm holding;
- vii. is for the subdivision of an existing residential dwelling; the scale of which is in keeping with the character and infrastructure provision in the area; or
- viii. reinstates a former dwelling house or is a one-for-one replacement of an existing permanent house.

b) Development proposals for new homes in rural areas will consider how the development will contribute towards local living and take into account identified local housing needs (including affordable housing), economic considerations and the transport needs of the development as appropriate for the rural location.

c) Development proposals for new homes in remote rural areas will be supported where the proposal:

- i. supports and sustains existing fragile communities;
- ii. supports identified local housing outcomes; and
- iii. is suitable in terms of location, access, and environmental impact.

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

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

Policy 18 Infrastructure first

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

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

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

- be necessary to make the proposed development acceptable in planning terms
- serve a planning purpose

- relate to the impacts of the proposed development
- fairly and reasonably relate in scale and kind to the proposed development
- be reasonable in all other respects

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

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

Policy 22 Flood risk and water management

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

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

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

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

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

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

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

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

c) Development proposals will:

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

d) Development proposals will be supported if they can be connected to the public water mains. If connection is not feasible, the applicant will need to demonstrate that water for drinking water purposes will be sourced from a sustainable water source that is resilient to periods of water scarcity.

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

Policy 29 Rural development

a) Development proposals that contribute to the viability, sustainability and diversity of rural

communities and local rural economy will be supported, including:

- i. farms, crofts, woodland crofts or other land use businesses, where use of good quality land for development is minimised and business viability is not adversely affected;
- ii. diversification of existing businesses;
- iii. production and processing facilities for local produce and materials, for example sawmills, or local food production;
- iv. essential community services;
- v. essential infrastructure;
- vi. reuse of a redundant or unused building;
- vii. appropriate use of a historic environment asset or is appropriate enabling development to secure the future of historic environment assets;
- viii. reuse of brownfield land where a return to a natural state has not or will not happen without intervention;
- ix. small scale developments that support new ways of working such as remote working, homeworking and community hubs; or
- x. improvement or restoration of the natural environment.

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

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

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

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

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

Angus Local Development Plan 2016

Policy DS1 : Development Boundaries and Priorities

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

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

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

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

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

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

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

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

*Sharing an edge or boundary, neighbouring or adjacent

Policy DS3 : Design Quality and Placemaking

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

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

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

Policy DS4 : Amenity

All proposed development must have full regard to opportunities for maintaining and improving environmental quality. Development will not be permitted where there is an unacceptable adverse impact on the surrounding area or the environment or amenity of existing or future occupiers of adjoining or nearby properties.

Angus Council will consider the impacts of development on:

- Air quality;
- Noise and vibration levels and times when such disturbances are likely to occur;
- Levels of light pollution;
- Levels of odours, fumes and dust;
- Suitable provision for refuse collection / storage and recycling;
- The effect and timing of traffic movement to, from and within the site, car parking and impacts on highway safety; and
- Residential amenity in relation to overlooking and loss of privacy, outlook, sunlight, daylight and overshadowing.

Angus Council may support development which is considered to have an impact on such considerations, if the use of conditions or planning obligations will ensure that appropriate mitigation and / or compensatory measures are secured.

Applicants may be required to submit detailed assessments in relation to any of the above criteria to the Council for consideration.

Where a site is known or suspected to be contaminated, applicants will be required to undertake investigation and, where appropriate, remediation measures relevant to the current or proposed use to prevent unacceptable risks to human health.

Policy TC5 : Seasonal / Transient Worker Accommodation

Proposals for the development of temporary accommodation (including residential caravans and mobile homes) for seasonal or transient workers will only be permitted where:

- o there is a functional and essential economic need for the amount and type of accommodation proposed that cannot be reasonably met elsewhere in the locality;
- o the accommodation is required to house seasonal or transient workers employed on the agricultural unit;
- o the proposal involves the conversion, reuse or redevelopment of suitable vacant buildings or brownfield land on, or adjoining, the agricultural unit or it can be demonstrated that there are no such buildings or sites capable of accommodating the proposed development;
- o the proposed site will provide a good residential environment with adequate access to facilities;
- o the scale and nature of the development is in keeping with local landscape character and pattern of development; and
- o there is no unacceptable impact on the built and natural environment, surrounding amenity, access and infrastructure.

Planning permission will not normally be granted for more than 5 years when the requirement for seasonal or transient worker accommodation can be reviewed. Temporary structures, including residential caravans, must be removed when the need for them ceases or the planning permission expires, whichever is sooner.

Policy PV6 : Development in the Landscape

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

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

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

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

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

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

Policy PV15 : Drainage Infrastructure

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

Where there is limited capacity at the treatment works Scottish Water will provide additional wastewater

capacity to accommodate development if the Developer can meet the 5 Criteria*. Scottish Water will instigate a growth project upon receipt of the 5 Criteria and will work with the developer, SEPA and Angus Council to identify solutions for the development to proceed.

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

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

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

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

Policy PV20 : Soils and Geodiversity

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

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

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

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

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

WLC 22037 Nissen Christmas Trees Ltd

Preliminary Ecological Appraisal

23/09/2022

Prepared By:



Wildlife Consulting Ltd | Ecology | Environmental Consultancy

Company Number: SC620396

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1 INTRODUCTION

1.1 Background

Wildlife Consulting Ltd (WLC) was commissioned by Cnoclee Environmental to undertake a Preliminary Ecology Appraisal (PEA) in respect of a proposed holiday home development on land owned by Nissen Christmas Trees Ltd.

1.2 Site Location

The site is centred on British National Grid reference NO 35759 38309.

2 METHODS

2.1 Desktop Study

A desktop study was carried out at the start of the commission and ahead of the field survey. Information sources used for this study are described below:

- Google Earth (<http://earth.google.co.uk>) - aerial imagery was obtained and used to inform the field survey;
- SNH Website (protected areas) – the SNH website was used to inform on relevant legislation for protected species found to be present in the vicinity of the project; and
- SNH Sitelink (<http://gateway.snh.gov.uk/sitelink/>) - sitelink was used to determine the location of any sites designated for nature conservation and their qualifying features.

2.2 Field Survey

The field survey was undertaken with reference to guidance outlined by the Chartered Institute of Ecology and Environmental Management (CIEEM)ⁱ. Species specific survey areas are described in Table 2-1 below. Surveys focused on recording any evidence of the presence of protected species and invasive species. The field survey methods undertaken centred on species with the potential to be present as derived from the habitats present and on our knowledge of the local area. Field survey methods are presented in Table 2-1 below. The survey was undertaken in August, 2022.

Table 2-1: Field Survey Methods

Species/Guild	Survey Methods
Bats	Collins (2016). Bat Surveys for Professional Ecologists: Good Practice Guidelines. The buildings, woodland areas and standard trees within the site were categorised (high, medium, low or negligible) for their potential to support roosting bats. The survey area for this receptor comprised accessible land within 50m of the site.
Badger	Harris et al. (1989) "Surveying Badgers". Evidence for the presence of badger was searched for including the presence of setts, foraging signs, latrines, prints, mammal paths and guard hairs, as well as any badger sightings. The survey area for this receptor comprised accessible land within 100m of the site.
Otter and Water Vole	Chanin (2003) "Monitoring the Otter" and Liles (2003) "Conserving Otter Breeding Sites". The survey area for otter comprised accessible, suitable habitats within 100m of the site.

ⁱ CIEEM (2017) Guidelines for Preliminary Ecological Appraisal, 2nd edition. Chartered Institute of Ecology and Environmental Management, Winchester.

<i>Species/Guild</i>	<i>Survey Methods</i>
Reptiles	A watching brief was maintained throughout the survey for the presence of common reptile species and notes on suitable habitat to support this group were made within 100m of the site.
Birds	<p>Although a full breeding bird survey was not undertaken, all breeding or potentially breeding bird species present were recorded during the survey visit.</p> <p>The survey area for this receptor comprised accessible land within 50m of the site.</p>
Invasive Species	<p>A walkover survey was undertaken to record the presence of any invasive species listed on Schedule 9 of the Wildlife and Countryside Act.</p> <p>Search area within and adjacent to the site.</p>

3 RESULTS

3.1 Desktop Study

3.1.1 Statutory Designated Sites

Statutory designated sites located within 1 km of the development site are considered in this assessment. Statutory designated sites are protected by EU and UK legislation and include:

- Special Protected Areas (SPA);
- Special Areas of Conservation (SAC);
- Ramsar sites;
- Sites of Special Scientific Interest (SSSI);
- National Nature Reserves (NNR); and
- Local Nature Reserves (LNR).

There are no statutory sites designated for nature conservation or areas of woodland listed on the Ancient Woodland Inventory within 1 km of the route.

The closest ecologically designated site is Auchterhouse Hill SSSI which lies 1.1km to the north of the site at its closest point and is notified on account of its heathland habitats.

3.2 Field Survey

The habitats recorded within the survey area are summarised below.

3.2.1 Context

The site lies in a rural area approximately 4km northwest of Dundee. To the south, west and east the site is surrounded by young broadleaf plantation and the north the site is bound by Tealing Road, beyond which lies farmland.

3.2.2 Open Habitats

The land within the site largely comprises an area of poor semi-improved grassland, which has been encroached with gorse *Ulex europaeus* and broom *Cytisus scoparius* scrub, bracken *Pteridium aquilinum* and ruderal vegetation including species such as broad-leaved dock *Rumex obtusifolius* and creeping thistle *Cirsium arvense*. The grassland sward is dominated by coarse grasses such as Yorkshire fog *Holcus lanatus* and cocksfoot *Dactylis Glomerata* and perennial ryegrass *Lolium perenne*. Herb species present here include species such as creeping buttercup *Ranunculus repens*, and white clover *Trifolium repens*. The sward is rank in nature and has not been recently managed, hence the scrub and ruderal encroachment. The ground eastern extent of the site has been previously clear and contains an area of bare recolonising ground at the entrance gate.

3.2.3 Woodland Habitats

The site is bounded to the south, east and west by developing mixed plantation woodland. Species present include ash *Fraxinus excelsior*, alder *Alnus glutinosa*, downy birch *Betula pubescens*, oak *Quercus* sp, cherry *Prunus* sp beech *Fagus sylvatica* and sycamore *Acer pseudoplatanus*. Sitka spruce *Picea sitchensis* is also present.

3.2.4 Other Habitats

The site is bound by a combination of dry stone dykes and post and rail fencing. Some of the stone walls have partially collapsed to at the southern boundary.

3.3 Protected Species

3.3.1 Bats

A single mature sycamore tree located at the northwest corner of the site has been identified as having low suitability to support roosting bats.

The mixed woodland habitats are considered to be generally too young in nature to have developed features such as cracks, splits or rot holes as favoured by roosting bats. The woodland edges are considered to offer some foraging and commuting opportunities for this group. As such, it is considered that no further bat surveys are required to safeguard bats.

3.3.2 Badger

Badger dung was recorded on the ground at the southern extent of the site (Target Note 2). Despite rigorous searching no setts or any other evidence of the presence of badger was recorded. The open habitats that form the majority of the site, would offer foraging opportunities for this species.

3.3.3 Otter and Water Vole

No evidence of the presence of these species was recorded within the survey area and there is a lack of suitable habitat present for these species.

3.3.4 Reptiles

No evidence of the presence of reptiles was recorded during the survey visit. The dry stone walls present around the site are considered to provide some sub-optimal hibernacula potential for reptiles however, the surrounding woodland and well managed farmland habitats are of limited suitability for this group, it is considered unlikely that this group is present.

3.3.5 Birds

A number of bird species were recorded during the survey visit and it is considered that the wooded areas and scrub vegetation suitable nesting habitat for common bird species. Birds recorded during the survey visit are listed in Table 3-1 below.

Table 3-1: Birds present during field survey

Common name	Scientific Name	Conservation Status*
Woodpigeon	<i>Columba palumbus</i>	-
Carrion Crow	<i>Corvus corone</i>	-
Blue Tit	<i>Cyanistes caeruleus</i>	-
Wren	<i>Troglodytes troglodytes</i>	-
Willow Warbler	<i>Phylloscopus trochilus</i>	Amber
Chiffchaff	<i>Phylloscopus collybita</i>	-
Blackbird	<i>Turdus merula</i>	-
Robin	<i>Erithacus rubecula</i>	-

<i>Common name</i>	<i>Scientific Name</i>	<i>Conservation Status*</i>
Chaffinch	<i>Fringilla coelebs</i>	-

* Based on conservation status according to *Birds of Conservation Concern 5*ⁱⁱ

3.3.6 *Other species*

A roe deer was recorded, in the south of the site.

3.3.7 *Invasive species*

No invasive species listed on Schedule 9 of the Wildlife and Countryside Act were recorded during the survey visit.

ⁱⁱ Stanbury, A., Eaton, M., Aebischer, N., Balmer, D., Brown, A., Douse, A., Lindley, P., McCulloch, N., Noble, D., and Win I. 2021. The status of our bird populations: the fifth Birds of Conservation Concern in the United Kingdom, Channel Islands and Isle of Man and second IUCN Red List assessment of extinction risk for Great Britain. *British Birds* 114:723-747

4 Appraisal and Mitigation

4.1 Bats

It is recommended the mature sycamore tree assessed as having low suitability to support roosting bats is retained. However, under Bat Conservation Trust guidance (Collins, 2016) trees with low roosting bat potential can be cautiously felled without the need for further survey. Nonetheless, should roosting bats be present, works should cease immediately and NatureScot contacted to obtain a licence prior to proceeding.

The wooded areas surrounding the south, east and west of the site are generally considered to be too young in nature to provide roosting opportunities for bats. These habitats present do have some suitability for foraging and commuting bats and, as such, it is advised night-time works are minimised and any artificial light spill is directed away from wooded areas and linear navigation features favoured by bats.

4.2 Other Mammals

There was no evidence of the presence of any other protected mammal species recorded during the survey work. Common mammal species such as roe deer are present. As such, standard mitigation is advised, such as covering any excavations (or providing mammal ramps), sealing and safely storing any COSHH materials and (similarly to bats above) minimising light spill and night-time works.

4.3 Reptiles

No reptiles were recorded and save for the presence of sub-optimal hibernacula the site is isolated from suitable habitat for this group. As such, it is considered reptiles are almost certainly absent and no further work is required in respect of this group.

4.4 Breeding Birds

The scrub within the site and surrounding wooded habitats within the survey area provide nesting opportunities for birds. The bird breeding season runs from April to August inclusive.

It is recommended that construction is timed to either avoid the breeding season altogether, or scheduled to start before the breeding season starts (ideally before mid-March) so that birds returning to the area to breed can choose a territory/nest location away from potentially disturbing activities.

In the event this is not possible, prior to the commencement of clearance works, all suitable nesting habitat should first be checked by an experienced ecological clerk of works (ECoW). If an active nest is confirmed to be present, an exclusion zone should be erected around the nest until all dependent young have fledged, or if the ECoW confirms that the nest is no longer active.

5 REFERENCES

- Chanin P (2003).Monitoring the Otter *Lutra lutra*. Conserving Natura 2000 Rivers Monitoring Series No. 10, English Nature, Peterborough
- Collins (2016). Bat Surveys for Professional Ecologists: Good Practice Guidelines (3rd Edition). The Bat Conservation Trust, London.
- Harris, S., Cresswell, P. & Jefferies, D. (1989) - Surveying for badgers. Occasional Publication of the Mammal Society No. 9. Mammal Society, Bristol.
- JNCC (2010) Handbook for Phase 1 Habitat Survey A Technique for Environmental Audit
- Mitchell-Jones, A.J, & McLeish, A.P. Ed., (2004), 3rd Edition Bat Workers' Manual, 178 pages b/w photos, softback, ISBN 1 86107 558 8

6 APPENDICES

6.1 Appendix A (Target Notes)

Target Note Number	Easting	Northing	Feature
1	335849	738317	Sycamore with low potential to support roosting bats.
2	335805	738282	Badger dung on ground.

6.3 Appendix B (Legislation)

6.3.1 Birds

Protection

All wild birds in the UK are protected under the Wildlife and Countryside Act 1981 (as amended). Some rarer species, or those that are vulnerable to disturbance or persecution receive further protection.

Offences

It is an offence to intentionally or recklessly:

- kill, injure or take a wild bird;
- take, damage, destroy or interfere with a nest of any wild bird whilst it is in use or being built (or at any time for a nest habitually used by any bird listed in Schedule A1);
- obstruct or prevent any wild bird from using its nest;
- take or destroy an egg of any wild bird;
- disturb any wild bird listed on Schedule 1 whilst it is building a nest or is in, on, or near a nest containing eggs or young, or whilst lekking;
- disturb the dependent young of any wild bird listed on Schedule 1; and
- harass any wild bird listed on Schedule 1A.

It is also an offence to possess or control a live or dead wild bird, an egg of a wild bird (or any such derivatives), or to knowingly cause or permit any of the above acts to be carried out.

There are additional offences in relation to use of prohibited methods of killing or taking wild birds, for the sale of live and dead wild birds (listed on Schedule 3) and for registration and keeping of captive wild birds (Schedule 4).

There are a number of exceptions to these offences including shooting outside of the closed season for certain species (Schedule 2).

With specific reference to forestry activities, disturbance is likely to arise where forest management or recreational activities cause specially protected birds to change their behaviour with potentially adverse effects on their breeding success. In the worst case, they could desert a nest or fail to rear young successfully. Such disturbance can be intentional, reckless or accidental, and can be caused by forest managers and their agents, or by event organisers or other users of the forest.

It is necessary for managers/users to be able to show that reasonable precautions were taken to avoid committing the damage or disturbance, and that if it occurred, that steps were taken to minimise or prevent further damage or disturbance. Reasonable' in this context may be open to interpretation, but general guidance on this is given in Forest Operations and Birds in Scottish Forests (Forestry Commission, 2006).

Licensing

Licences are available to allow specified people to carry out actions that could otherwise constitute an offence. As with any protected species, licences can only be issued for specific purposes that are set out in the legislation. If you are planning any activities that could affect wild birds or the places they use, you should make sure that you stay within the law.

If you are proposing to undertake an action that might otherwise constitute an offence, you may need a licence and should refer to the SNH website licensing and birds pages.

6.3.2 *Bats*

Protection

There are at least nine species of bat to be found in Scotland. All bat species are classed as European protected species and are fully protected under the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended). This lists a number of offences in relation to bats and the places in which they live.

Offences

The following provides a summary of the offences in the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended) in relation to bats.

It is an offence to deliberately or recklessly:

- capture, injure or kill a wild bat;
- harass a wild bat or group of bats;
- to disturb a wild bat in a roost (any structure or place it uses for shelter or protection);
- to disturb a wild bat while it is rearing or otherwise caring for its young (this would be a 'maternity' roost);
- to obstruct access to a bat roost or to otherwise deny the animal use of the roost;
- to disturb such a wild bat in a manner that is, or in circumstances which are, likely to significantly affect the local distribution or abundance of that species; and
- to disturb a wild bat in a manner that is, or in circumstances which are, likely to impair its ability to survive, breed or reproduce, or rear or otherwise care for its young.

It is also an offence to:

- damage or destroy a breeding site or resting place of such an animal (note: this does not need to be deliberate or reckless to constitute an offence); and
- keep, transport, sell or exchange or offer for sale or exchange any wild bat or any part or derivative of one (if obtained after 10 June 1994).

Licensing

Licences are available to allow specified people to carry out actions that could otherwise constitute an offence. As with any European protected species, licences can only be issued for specific purposes that are set out in the legislation. If you are planning any activities that could affect bats or their habitats, you should make sure that you stay within the law.

6.3.3 *Badger*

Protection

Badgers have been subject to a history of persecution, and as such badgers and their setts are protected by law in the Protection of Badgers Act 1992 (as amended).

Offences

Offences under the Protection of Badgers Act 1992 (as amended) include:

- wilfully taking, injuring or killing badgers;
- cruelty;
- intentionally or recklessly interfering with a badger sett*;
- selling and possession; and
- marking and ringing.

*Interfering with a badger sett includes damaging or destroying a badger sett or any part of it, obstructing access to a sett, disturbing a badger whilst it is in a sett, or causing or allowing a dog to enter a badger sett.

Licensing

Licences are available to allow specified people to carry out actions that could otherwise constitute an offence. Licences can only be issued for specific purposes that are set out in the legislation. If you are planning any activities that could affect badgers or their setts, you should make sure that you stay within the law.

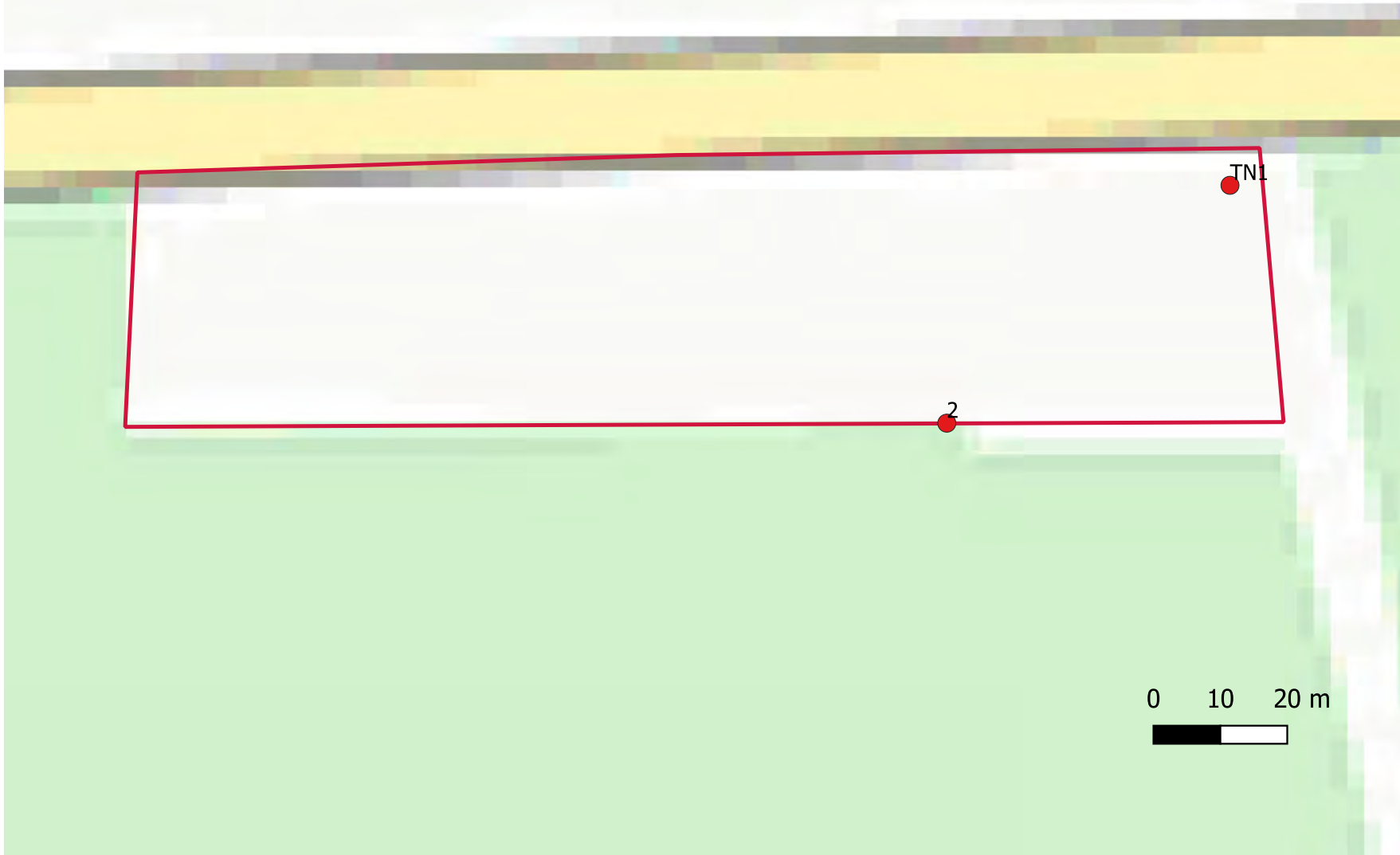


LEGEND

 Site Boundary

 Target Notes

ITEM 5ii



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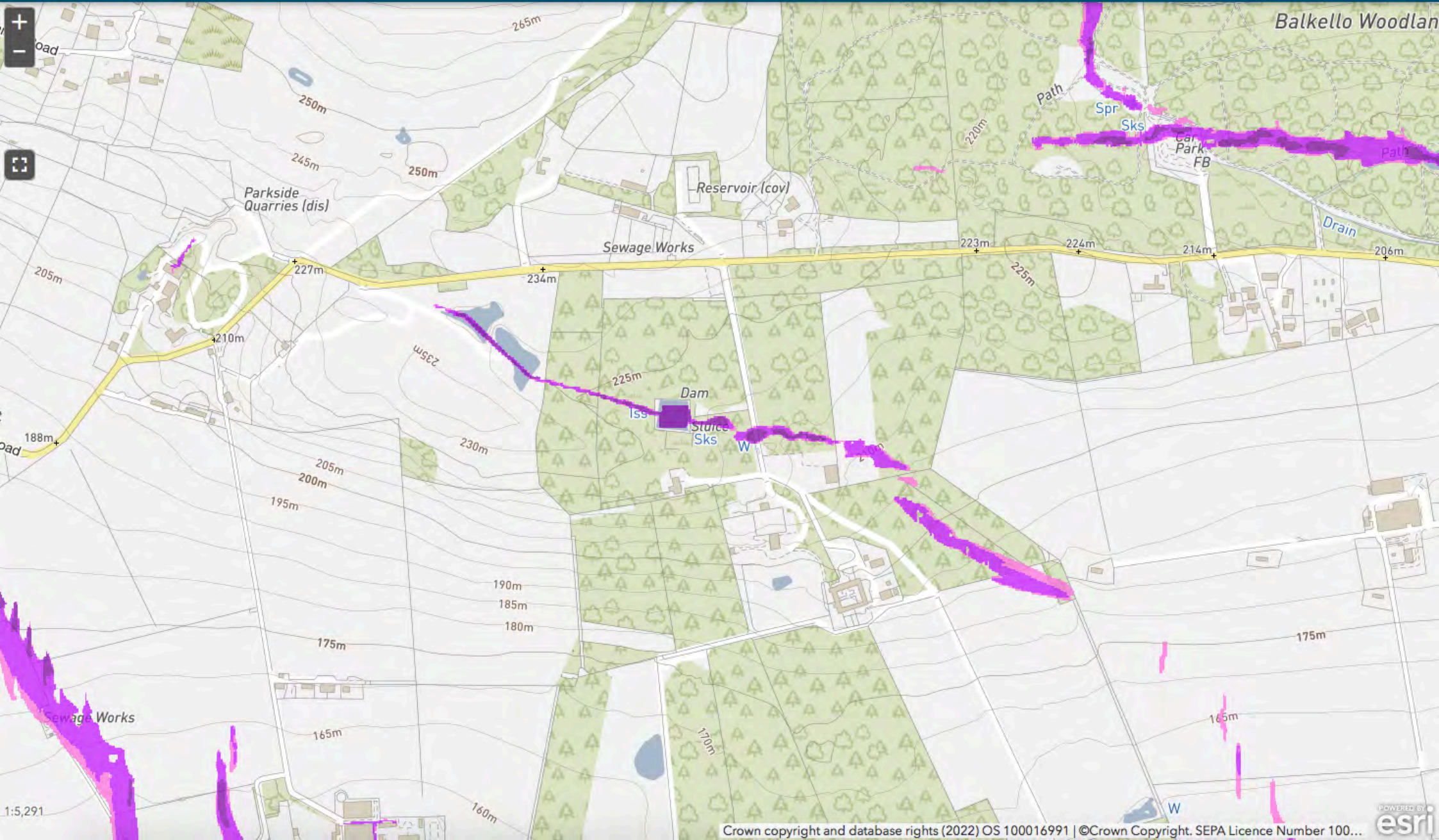


Cnoclee Ltd
Nissen Christmas Trees - Holiday Park

Preliminary Ecology Appraisal

Figure 1 - Site and Target Notes

Version: 1.0
Date: 23/09/22
Scale: 1:9,00



Planning Department
Angus Council
Angus House
Orchardbank Business Park
Forfar
DD8 1AN

8th December 2022

Dear Sirs

Re Nissen Christmas Tree Farm - Staff Accommodation Proposal

The proposal comprises:

- This letter
- Planning Application form
- Plans - P01 Location Plan, P02 Site Layout, P03 Plans and elevations, and P04 Site sections and view
- Preliminary Ecological Appraisal and Target Note Figure
- Topographic Survey
- Flood Map

Description of Development Proposal

Erection of new staff accommodation buildings for seasonal staff with parking and landscaping.

Background and need for Staff Accommodation

Nissen Christmas Trees Ltd, is a well-established family business (over 20 years) specialising in the growing and selling of Christmas trees in the UK to wholesale and retail markets.

The company owns 280Ha of land at Balbeuchley and Balmuir Farms in Angus and rents an additional 100Ha at Balfour farm near Brechin. All farms are planted with Christmas Trees, with the owned land in a continuous cycle of plant and replant and Balfour rented for a period of approximately 15 years. There are over 1.5 million trees currently in cultivation, this November,

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75,000 trees were harvested with an expected increase in production in the business over the next few years, reaching to 125,000 trees to be harvested per year in approximately 5 years time.

The nature of the business means that throughout the year, there are more labour-intensive months than others - such as November, when overall staff numbers exceed 30, as opposed to the January period when only a skeleton staff of 2 are required in the office. Summer months range from 4 - 8 staff. Due to the overall size of the tree plantations labour is required in some capacity throughout the year, for continuous hands-on care of the trees. Similar to Horticulture, Christmas Trees require hand pruning, shaping, bottom branching and bud breaking for the trees to be suitable for sale in the UK. This is all done by hand. Some of these jobs have a small nature window, meaning more hands are required to get through the work that at other times. For example, leader control has to occur in July when all trees need to be treated, whereas bottom branching can occur throughout the winter months.

The business has a fluctuating need for staff in its numbers throughout the calendar year, it requires a flexibility in recruitment and staffing depending on how the growing season is going year on year.

It has been increasingly difficult for the Business to predict exactly the numbers required due to many factors, with COVID and Brexit creating labour concerns across the Christmas Tree Sector and, more generally, over the wider Farming sector.

The owners both work full time for the business and are the only full-time members of staff. However, there was another full-time member of staff in 2021/22 season but this position has yet to be re-filled due to current labour market issues. Recruitment of full-time staff is incredibly challenging in addition to the challenges of seasonal staff. Approaches to local labour firms, national agency labour firms and previous workers are all avenues that are explored by the company to secure labour for every year, where previously (pre Brexit) the staff was generally continuous and same staff members returned year after year.

Purpose built Housing is necessary on site to be able to recruit temporary staff either through seasonal worker agencies and/or through frontier visas. There is little suitable accommodation locally, and in the case of National seasonal labour agencies recruitment, accommodation on site is a necessity, similar to all the fruit farms in the area.

Staff need to work in difficult weather especially during harvest. Purpose built accommodation is required to attract suitable staff and to provide them with comfortable living quarters with facilities for drying and maintaining their PPE.

Seasonality of the operation

The needs of the business are closely tied to the seasonality of the growing process and the single market period throughout the year. Although the work through the year is well

understood, it is noticeable that there are changes in the seasonal work caused by climate change. These changes are ongoing.

The work involved is essentially horticultural tending of stock to provide a healthy, good-shaped specimens for sale in November.

Over the course of the year the following work is required to the whole of the holding.

Period	Task	Workers in the accommodation	Contractors
January	Office	0	
February	Office, Bottom branching	4	1 (tractor)
March	Office , tree tending	6	1-2 men machinery
April	Office, Planting new stock	4	4 contractors
May - July	Office, Bud breaking and leader control	4 - 6	1 contractor + students
August	Office, Categorizing and labelling	4	Family and friends
September	Office, Trimming/tidying	4	1 contractor
October	Harvest preparation - Machine servicing/repair	4	
November	Harvest	6	Up to 20 contractors
December	Office, harvest tidy	0 (from mid December)	

Layout of the Farm operation

The Farm business is set up with a central yard for the storing and loading of the harvest close to the main farm-house. The yard is busy with heavy machinery throughout the year with articulated lorries/ forklifts and tractors working continuously throughout November into mid December in this area. In addition, space is required in the yard to store the trees before loading. The yard is the main loading area for the trees during harvest.

The yard is locked and secured when not in use. The farm shed and yard has been robbed 3 times in 2021/22 with an increasing need for CCTV and security systems being put in place in

recent years. It is not practical to house workers within this area due to issues with security and health and safety at work.

There is no other previously developed land than the Proposal site on the holding for the staff accommodation and it is conveniently located both for public transport, working at this holding and transport to other areas of land in the business which are further afield.



Relevant areas of the farm business.

Description of the Site and Surroundings

The site is approximately 0.24ha and consists of part of a 6.7ha site adjacent to Tealing Road. The road is straight at this location with a woodland and fields either side interspersed with tourist accommodation, housing and farm steadings. The Proposal site is open scrub land with a former silage clamp or other agricultural concrete base visible at its eastern end. A drystone dyke bounds the wider site. Christmas Trees are grown on much of the surrounding land. A multi-stemmed sycamore tree is on the boundary with the site and the Highway. The tree will remain. The site is slightly lower than Tealing Road and falls gently to the south.

The Proposal

The Proposal is for two buildings to house up to six people in total constructed in pre-fabricated units which can be delivered to site for fixing to pre-installed ground screws. The existing hard standing on the site will be used for mini-bus drop off and pick up of staff and staff parking will be provided off the existing farm access track that crosses the wider site. Drainage for rain fall

and foul water will be directed to separate systems and treated on site. Structural planting will be provided to help screen the accommodation from the road. Power and water supplies are in the adjacent highway.

Context and Use

The Proposal site is not allocated in the local plan and it is not part of any protected designation. It is located off the Tealing Road which connects the A90 to the A9 and is used as a public transport route, carrying the 137 and 138 services to Dundee. The area is characterised by a series of farms, tourist facilities, housing and small villages. The proposed use of the site is for seasonal workers in which no extended or permanent residence is intended. The proposal would not be out of place within this context.

Siting and scale of building

The buildings are to be sited close to the highway access and existing hard standing on the site. They will be set back from the public highway by some 20m and screened behind new structural planting. The buildings will be single storey and comprise approximately 60m² and 30m² GIA units.

Building Design

The buildings are designed to be brought to site in volumetric sections (two sections per building) and mounted directly onto load-bearing ground screws which minimise the need for ground works and will allow the units to be demounted and relocated should that be necessary in the future or at the end of any temporary permission.

The proposal includes an onsite foul sewage treatment plant with a soakaway for the treated discharge. Surface water will have its own soakaway and exceedance flows are directed to the nearby burn to the south.

Operational Development

Aside from the siting of the two units, the operational development associated with this proposal will be the installation of 8 ground-screws per unit, laying down of gravel paths for pedestrian use, laying out of two permeable car parking spaces of crushed local stone, the installation of the proposed drainage systems (see PL02A) and the bringing in of power and water supplies from the road and the formation of a new road access.

Access

There is a specified amount of staff parking on the site although a staff minibus is intended to pick up staff for journeys to further afield parts of the farm. The parking and turning area will reuse the existing hard standing on the site which is a former silage clamp with a concrete base.

All internal fittings within the buildings are designed to be accessible to all sections of society. There is a public transport service that serves the site along the Tealing Road.

Planning Policy

Angus Local Plan 2016 - 2026

Policy TC5 Seasonal or Transient Worker Accommodation

Proposals for the development of temporary accommodation (including residential caravans and mobile homes) for seasonal or transient workers will only be permitted where:

- there is a functional and essential economic need for the amount and type of accommodation proposed that cannot be reasonably met elsewhere in the locality;*
- the accommodation is required to house seasonal or transient workers employed on the agricultural unit;*
- the proposal involves the conversion, reuse or redevelopment of suitable vacant buildings or brownfield land on, or adjoining, the agricultural unit or it can be demonstrated that there are no such buildings or sites capable of accommodating the proposed development;*
- the proposed site will provide a good residential environment with adequate access to facilities;*
- the scale and nature of the development is in keeping with local landscape character and pattern of development; and*
- there is no unacceptable impact on the built and natural environment, surrounding amenity, access and infrastructure.*

Planning permission will not normally be granted for more than 5 years when the requirement for seasonal or transient worker accommodation can be reviewed. Temporary structures, including residential caravans, must be removed when the need for them ceases or the planning permission expires, whichever is sooner.

Accommodation for Seasonal or Transient Workers

Changes in the nature and operation of agriculture (including horticulture) across Angus have seen growth in the use of seasonal and transient workers, including increased numbers of

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foreign migrant workers. This has resulted in an increased requirement for temporary accommodation associated with the place of employment, normally an agricultural unit or business.

Agriculture is an important component of the Angus economy and Angus Council recognise the important role the provision of suitable temporary accommodation for seasonal and transient workers has in supporting agricultural activity.

Wherever possible such accommodation should be located adjacent to public transport routes to provide access to shops and other essential services. All such development should be designed and located to minimise adverse impacts on local amenity, access, infrastructure and local landscape character.

Policy Discussion

Policy TC5 (set out above) is the main policy relevant to this proposal and the main aspect of this policy is to seek the demonstration of the functional or essential economic need for the accommodation which cannot be met elsewhere. The need for the accommodation is set out above and stems from the lack of reasonably available suitable accommodation in the existing housing market. Seasonal staff at the Farm require some specific facilities to dry and maintain their all-weather PPE daily.

The Proposal would be available for seasonal workers only which can be secured by condition.

There are no alternative buildings suitable for reuse or conversion within the farm steading.

As can be seen from the submitted drawings, the Proposal will provide a good standard of accommodation within a good residential environment.

The local landscape character is receptive to dispersed housing close to the public highway with suitable structural landscaping in place. It would be within the range of development that forms part of the character of the area.

There will be no unacceptable impact on the built or natural environment - the preliminary ecological assessment demonstrates. There will be no unacceptable impact on amenity, access of infrastructure being a development within a relatively large plot with its own access and existing hardstanding. It is capable of managing both surfaced and foul drainage systems.

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The proposal is fully demountable and can be removed if necessary as suggested by the policy. This can be secured by condition.

Other Material Considerations

Flood Risk

The submitted SEPA Flood risk map demonstrates that the site falls outside any flood risk zone either from Pluvial or Fluvial flows.

Ecological Assessment

The submitted Preliminary Ecological Assessment demonstrates that there are no known priority habitats on the site and the standard species mitigation can be proposed during construction phase of the development.

Heritage

There are no Listed Buildings or Scheduled Ancient Monuments on the site and the nearest Heritage Assets (Standing Stone of Balkello to the east, Railway cutting to the south, Iron Age settlement to the west) are considered not to be impacted by this proposal by virtue of their distance from it. The construction method of using ground screws and existing features on site will minimise any potential disturbance to unknown archaeology on the site.

Summary

The proposal is fully supported by the most relevant policy in the Local Plan (TC5) and there are no policy barriers to a development on this site which has no specific designation or protection. The Local Plan policy criteria can be demonstrated to be met either within the submission or secured by condition, and therefore the Proposal should be approved without delay.

Please let me know if there is any further information that you require,

Yours faithfully

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Tom Woof BEM MRTPI

Director

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NORTH ELEVATION



WEST ELEVATION

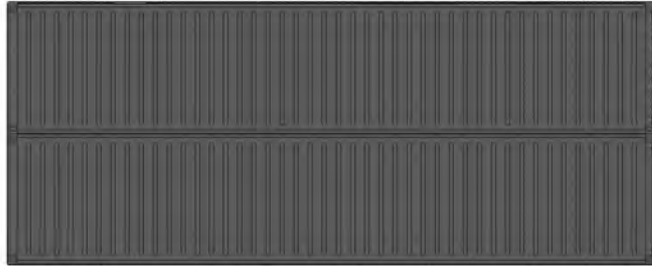


SOUTH ELEVATION

12.10 m



EAST ELEVATION



ROOF PLAN



SECTION

2.88 m



PLAN

4.88 m

UNIT 2

Town & Country Planning (Scotland) Act 1997 As Amended

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NORTH ELEVATION



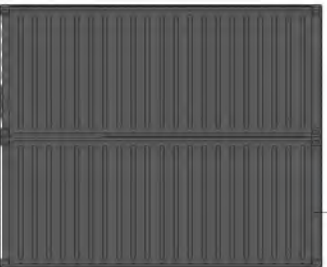
WEST ELEVATION



SOUTH ELEVATION



EAST ELEVATION



ROOF PLAN



SECTION



PLAN

2.88 m

4.88 m



UNIT 1

UNIT 2

SKETCH VIEW FROM THE SW

Windows and doors will be uPVC double glazed in anthracite grey RAL7016
Timber cladding to be dark burnt finish
Rainwater goods uPVC square profile black

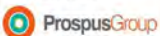
MATERIALS



UNIT 1

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PLANS & ELEVATIONS

NO./DATE	REVISIONS
A	10/10/2022 Original
B	
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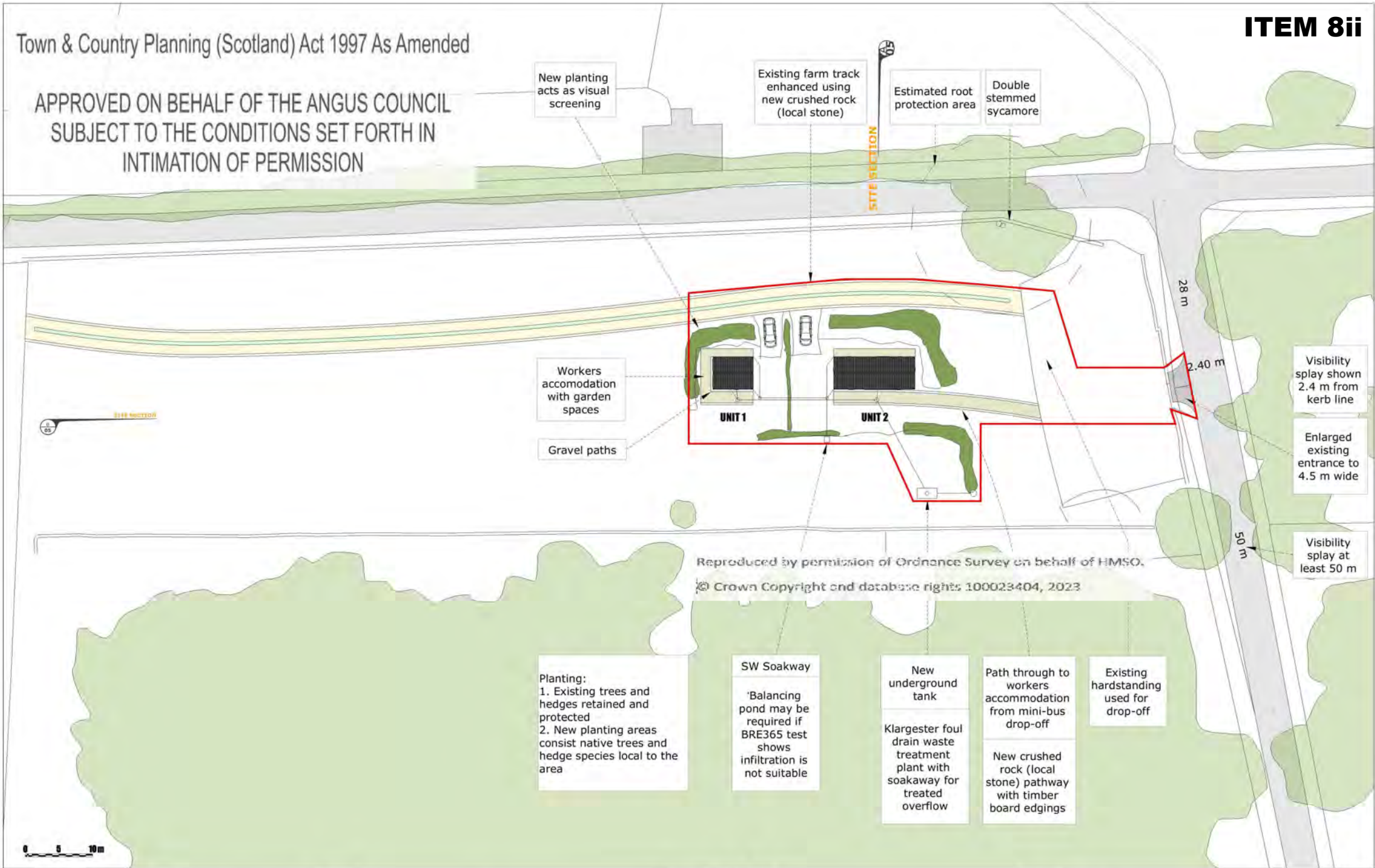
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PL 03 A

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Workers accommodation with garden spaces

Gravel paths

UNIT 1

UNIT 2

Visibility splay shown 2.4 m from kerb line

Enlarged existing entrance to 4.5 m wide

Visibility splay at least 50 m

Planting:
1. Existing trees and hedges retained and protected
2. New planting areas consist native trees and hedge species local to the area

SW Soakway
'Balancing pond may be required if BRE365 test shows infiltration is not suitable

New underground tank
Largest foul drain waste treatment plant with soakaway for treated overflow

Path through to workers accommodation from mini-bus drop-off
New crushed rock (local stone) pathway with timber board edgings

Existing hardstanding used for drop-off

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SITE LAYOUT

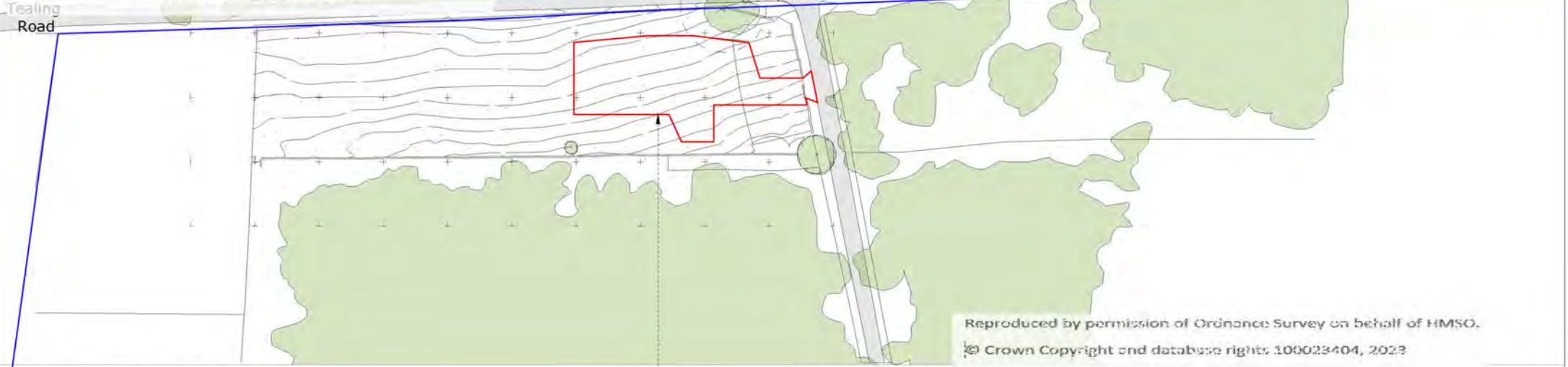
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A	10/10/2022 Original
B	09/12/2022 Red line added
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PL 02 B

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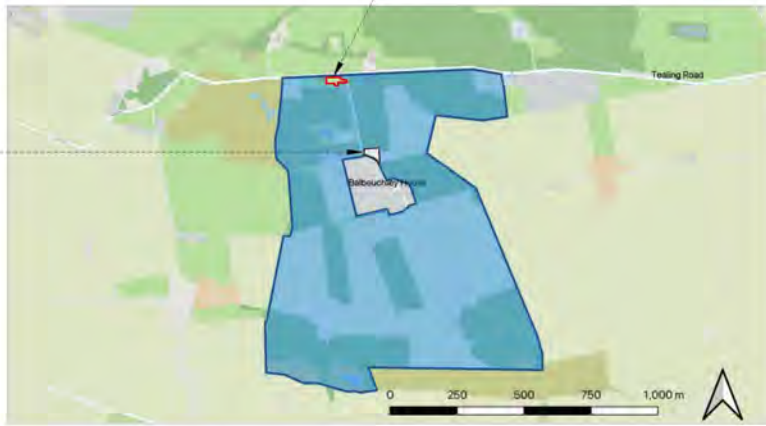


BLOCK PLAN 1:600 @A1



Application site 0.15 hectares

Operational yard for business



OWNERSHIP PLAN 1:10000 @A1

Newtown of Pitpointe



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LOCATION PLAN 1:1250 @A1



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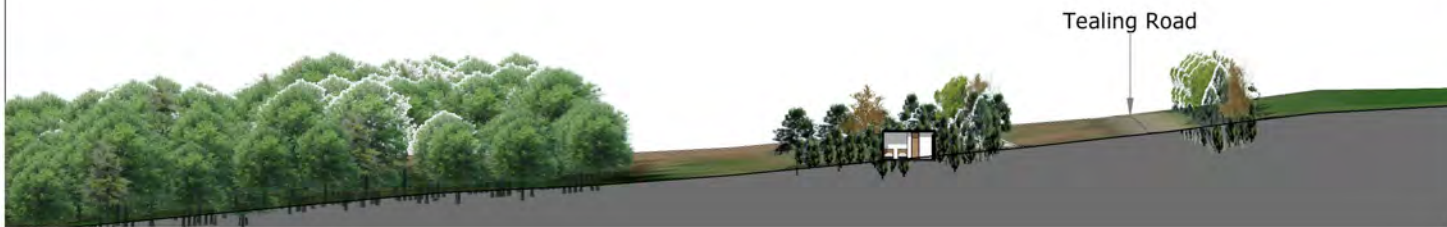
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BLOCK PLAN LOCATION PLAN

NO/NO/YY	REVISIONS
A	30/10/2022 Original
B	08/12/2022 Ownership boundaries confirmed
C	
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SKETCH MODEL VIEW FROM THE SOUTH



SITE SECTION A

Town & Country Planning (Scotland) Act 1997 As Amended

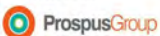
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SITE SECTION B

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SITE SECTIONS

NO./DA/YY	REVISIONS
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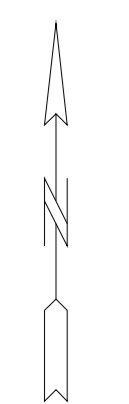
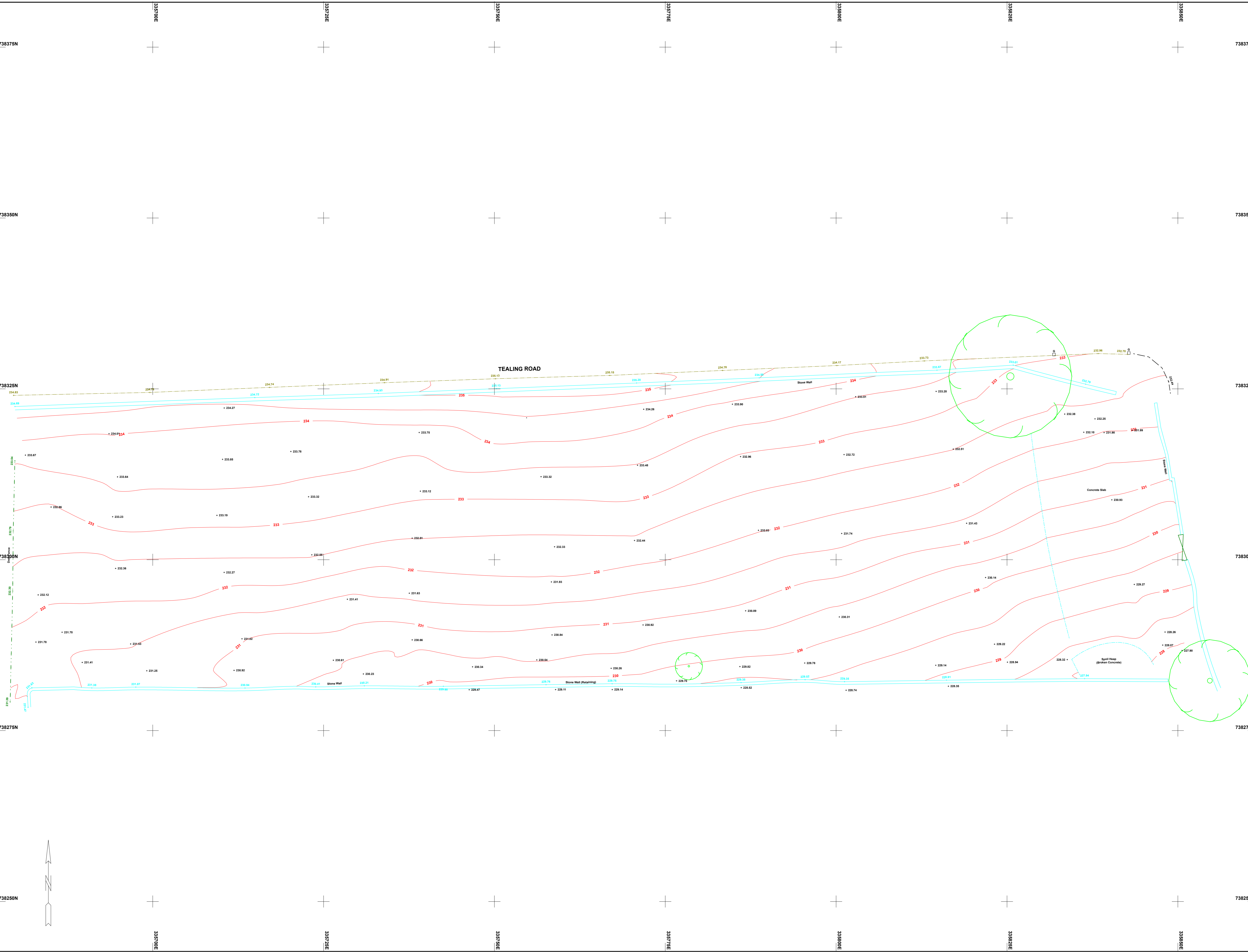
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PL 04 A

ITEM 8v

Legend

- MH □ Standard Manhole Square
- MH △ Standard Manhole Triangular
- MH ○ Standard Manhole Round
- G □ Gulley
- RE □ Rodding Eye
- SV □ Scour Valve
- FH □ Fire Hydrant
- PFL □ Finished Floor
- SP □ Sign Post
- LP □ Lamp Post
- GAS □ Gas Valve
- Tree (Green Circle) Tree
- Tree Stump (Green Circle with 'x')
- WT □ Water Stop Valve
- RS □ Road Sign
- RL ^ Ridge Level
- EL < Eaves Level
- BH + Borehole
- TP □ Trial Pit



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Tealing Road, Auchterhouse
Topographical Survey

Scale 1:250 JUL 22