

**ANGUS COUNCIL**

**INFRASTRUCTURE SERVICES COMMITTEE – 25 AUGUST 2009**

**SUBJECT: FINALISED SUPPLEMENTARY PLANNING GUIDANCE FOR GAIRIE WORKS,  
BELLIES BRAE, KIRRIEMUIR**

**REPORT BY DIRECTOR OF INFRASTRUCTURE SERVICES**

**Abstract: This report outlines and comments on the responses to consultation on the draft supplementary planning guidance for any future development of Gairie Works, Bellies Brae, Kirriemuir.**

**1 RECOMMENDATION**

It is recommended that the Committee:-

1. note the response to the consultation on the draft supplementary planning guidance as set out in [Annex 1](#) ; and
2. agree the finalised supplementary planning guidance as set out in Annex 2.

**2 INTRODUCTION**

- 2.1 The Infrastructure Services Committee at their meeting of 21 April 2009 approved draft supplementary planning guidance for Gairie Works, Kirriemuir as a basis for consultation (report 346/09 refers).
- 2.2 The draft supplementary planning guidance was circulated to a range of organisations including Kirriemuir Community Council, the landowners, Scottish Natural Heritage, Scottish Environmental Protection Agency, Scottish Water and Historic Scotland and also made available for public viewing in Kirriemuir and Forfar. A summary of responses and the consideration outcome of each are attached as Annex 1.
- 2.3 This report summarises the main points arising from the responses and sets out the finalised supplementary planning guidance that will guide any future development of the site.

**3 RESPONSES TO DRAFT SUPPLEMENTARY PLANNING GUIDANCE**

- 3.1 Following the consultation process, six responses were received from external bodies and considered alongside the draft documentation within the consultation period. Two of the responses were general notes of positive comment welcoming guidance on the site. A number of issues were raised regarding the potential for flooding and the need for sufficient assessment of risk by any potential developer and measures as appropriate. This has been incorporated into the finalised documentation.

- 3.2 Other points raised included the inclusion of biodiversity impacts and the further consideration of other environmental issues including protected species and habitats, sustainable urban drainage, waste management and pollution. All these factors have been considered and included within the finalised document. This has included further clarification on national and local policy and guidance and requirements for additional supporting information, where required, for any planning application.
- 3.3 Concern was noted about the lack of clarity regarding national and local policy on listed buildings. This has been addressed within the document and guidance set out regarding the need for an options appraisal and consideration of the re-use of the existing structure.
- 3.4 The summary of comments and resulting report amendments are set out in Annex 1.

#### **4 FINANCIAL IMPLICATIONS**

- 4.1 If adopted a small number of the supplementary guidance document will be produced in hard copy for those organisations consulted and a number of other groups. The cost of this is expected to be approximately £250. This sum will be met from the Head of Planning & Transport's Conservation Grants Revenue Budget in 2009/10.

#### **5 HUMAN RIGHTS IMPLICATIONS**

- 5.1 There are not any human rights implications arising from the recommendations of this report.

#### **6 EQUALITIES IMPLICATIONS**

- 6.1 The issues dealt with in this report have been the subject of consideration from an equalities perspective (as required by legislation). An [equalities impact assessment](#) is not required.

#### **7 SINGLE OUTCOME AGREEMENT**

- 7.1 This report contributes to the following local outcomes contained within the Single Outcome Agreement for Angus.
9. We live our lives safe from crime, disorder and danger
- Communities in Angus are safe, secure and vibrant
12. We value and enjoy our built and natural environment and protect it and enhance it for future generations
- The importance and benefits to society of the environment is recognised.

#### **8 STRATEGIC ENVIRONMENTAL ASSESSMENT**

- 8.1 Strategic Environmental Assessment (SEA) is a legal requirement under the Strategic Environmental Assessment (Scotland) Act 2005. SEA applies to all plans, programmes and strategies (PPS) and this includes policies.

- 8.2 The Angus Local Plan Review (2009) was exempt from a Strategic Environmental Assessment and as the character appraisal is produced in accordance with, and as an extension to policies in the Angus Local Plan Review (2009), then this document is also exempt.

## **9 CONSULTATION**

- 9.1 The Chief Executive, Director of Corporate Services, Head of Finance, Head of Law & Administration and Head of Property have been consulted in the preparation of this report.

## **10 CONCLUSION**

- 10.1 This site has been established in a prominent area of Kirriemuir's townscape for over 150 years and is an important part of Kirriemuir's industrial heritage. Following contact from the site owner it had become apparent that there was the potential for redevelopment on the site as the factory was soon to become vacant. As a windfall site the opportunity was taken to establish guidance and development principles which would aide the regeneration of the area. As a result of site availability a subsequent planning application has been lodged with Angus Council and, notwithstanding, should take cognisance of the broad principles, particularly in relation to the importance of townscape, set out within the finalised guidance.

**ERIC S LOWSON  
DIRECTOR OF INFRASTRUCTURE SERVICES**

**NOTE:** The background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973, (other than any containing to confidential or exempt information) were relied on to a material extent in preparing the above report are:

- Report 346/09 Angus Council Infrastructure Services Committee, April 2009

**P&T/GWC/KM  
14 August 2009**

**ANNEX 1 CONSULTATION RESPONSES AND CONSIDERATION**

Name of Responding Consultee	Comments	Response to Comment if Applicable
Historic Scotland	Tone and content of guidance at Opportunities & Guidelines for Development, Conclusion and Key Design Guidelines to adequately reflect national and local policy relating to listed buildings.	Wording amended to reflect comments.
	Include reference of Scottish Historic Environment Policy (2008) in paragraph 2.29 and Annex 5.	Included in revised document.
Scottish Water	Note of investigation on site to confirm capacity at Kirriemuir Treatment Works.	Inserted into paragraph 3.30.
Scottish Natural Heritage	Guidance to refer to the biodiversity value of the Gairie Works and its grounds and set out requirements for the protection of species.	"Biodiversity" sub-heading included in finalised document under the Opportunities & Guidelines for Development section.
	Note of the requirement for a tree survey before commencement of development if proposal affects trees and that any new planting should be native trees and shrubs.	Included under "Biodiversity" as above.
	Inclusion of details of sustainable urban drainage systems (SUDS) and their future management and the consideration of ecological solutions.	Now included within paragraph 3.30.
Scottish Environmental Protection Agency	Development should not occur within the flood area under SPP7: Planning and Flooding.	This has been incorporated into the revised document at paragraph 3.31
	Consideration should be given to the suitability of end uses.	Noted within the revised document at paragraph 2.4.
	Document should refer to flood risk appraisal guidance.	This has been incorporated into the revised document at paragraph 3.31
	Protection of pollution of Gairie Burn during redevelopment of the site.	Inserted as paragraph 3.46.
	Contact to be made with Scottish Water regarding the public sewerage system.	This is noted within the document at paragraph 3.30.
	Adjacent process from neighbouring existing buildings and functions requires consideration of suitability of any proposed new development in co-location with existing neighbouring uses.	Agreed and comment noted at paragraph 4.1.
	Requirement for a site waste management plan to be submitted as part of a planning application to prevent, minimise and manage waste as per national policy and guidance.	Paragraph 3.42 notes the requirement for a site waste management plan.
Development Planning Partnership LLP	General notes of positive comment.	N/A
J & D Wilkie	General notes of positive comment.	N/A

**ANNEX 2 REVISED SUPPLEMENTARY PLANNING GUIDANCE**

Please see the document which is attached separately.