

**KEY INFORMATION**

**Ward** Balgillo

**Proposal**  
Construction of new road

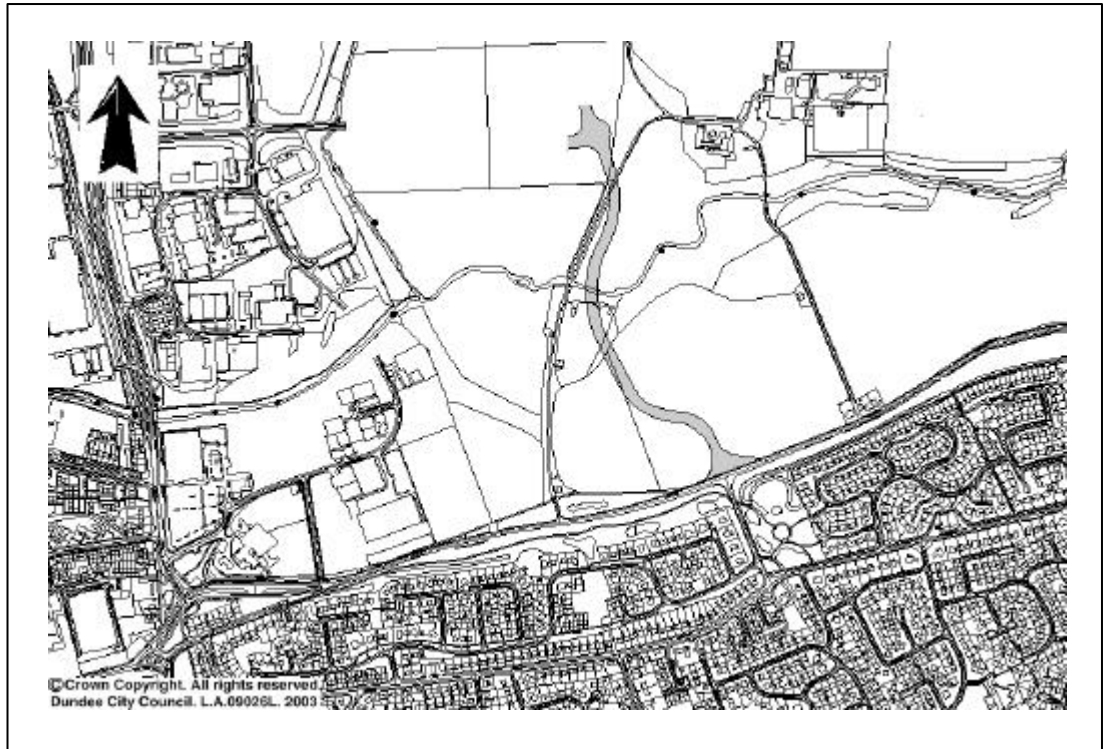
**Address**  
Land North of East Balgillo  
Road and Southwest of  
Linlathen Nursing Home  
Arbroath Road  
Broughty Ferry  
DUNDEE

**Applicant**  
Linlathen Developments  
15 South Tay Street  
Dundee  
DD1 1NU

**Agent**

**Registered** 15 Feb 2005

**Case Officer**



## New Access Road Proposed North of East Balgillo Road

The construction of a new road is **RECOMMENDED FOR APPROVAL SUBJECT TO CONDITIONS.**  
Report by Director of Planning and Transportation

**RECOMMENDATION**

The proposed development complies with the Development Plan and is recommended for **APPROVAL** subject to a notification to the Scottish Ministers.

**SUMMARY OF REPORT**

- Planning permission is sought to construct a new road from the roundabout currently being formed at the junction of the A92 and Balgillo Road East to the Council's allocated economic development site at Linlathen. It will be raised on an embankment and includes a stone faced bridge over the Dighty.
- The trees along the driveway to the west of the site are covered by a tree preservation order and the bridge over the Dighty is category A listed.
- The open countryside, open space and natural environment policies of the Adopted and Finalised Local Plans are relevant.
- The developers of the housing site at North Balgillo have objected to the timing of the proposal. The Community Council are concerned about possible future housing developments, flooding, and impact on trees and on the listed bridge. Historic Scotland are concerned about the severing of the historic access to Linlathen and the design of the new bridge.
- The proposed development will comply with the Development Plan. Conditions covering detailed matters including nature conservation and public access are appropriate. The development will not result in any increased flooding risk and the design of the new bridge is satisfactory.

## DESCRIPTION OF PROPOSAL

Planning permission is sought to construct a new road from the roundabout currently being formed at the junction of the A92 and Balgillo Road East (as part of the dualling of the Arbroath Road) to the Council's allocated economic development site at Linlathen. The road will extend to a total of some 770 metres and will include a bridge over the Dighty. It will terminate in the Council's industrial site with a roundabout with north and west facing legs. Along its route it will pick up the existing farm track serving Linlathen nursing home, farm and farm cottages and the gate lodge on the Arbroath Road as well as a new entrance point for the proposed development of 150 houses at North Balgillo (the Committee has resolved to grant outline planning permission for this development but the issuing of the decision notice awaits the conclusion of a Section 75 Agreement).

The proposed road will have a standard carriageway width of 7.3 metres with a grass verge and a footway on either side. It will be raised on an embankment for much of its length as it crosses the flood plain of the Dighty where it will reach a maximum height of some 3.5 metres above existing ground levels. The proposed bridge over the Dighty has a span of some 10.5 metres and is to be finished in natural stone. It is also proposed to form 4 flood relief arches, each with a span of 4.5 metres, in the embankment north of the proposed bridge.

The proposed road cuts through trees forming a field boundary on the south side of the Dighty as well as the driveway trees (protected by a Tree Preservation Order) on the road to Linlathen Nursing Home on the north side of the river.

The applicants have submitted a letter in support of their application. It states that the new road will serve the Council's economic development site, the main part of Linlathen Estate Farm and the North Balgillo housing site. It states that with this proposed new road access to the Council's major economic development site would no longer be restricted to Barlow Avenue and its attractiveness would be greatly enhanced by a new and prestigious

access. It also permits the farmer of Linlathen Estate to get large machinery from the north to the south side of the Dighty.

The letter in support sees an opportunity with the dualling of the A92 and the formation of a new roundabout at Balgillo Road East to improve access arrangements in the Linlathen area especially since the existing driveway cannot be improved as the listed bridge cannot be widened and the road is flanked on both sides by protected trees. It states that the new bridge takes account of flooding matters and is designed to reflect the character of the area.

A Flood Risk Assessment has been submitted for the proposed development indicating the necessity to build the road on an embankment and the need for a bridge with a wide span and additional flood relief culverts.



A Tree Report has also been prepared on behalf of the applicants. It states that 15 trees would be felled at the southernmost band about half of which the report notes as good and the remainder as fair or poor. The report states that this band of trees mainly comprise dying or dead mature Sycamore, Ash, Beech, Oak and Scots Pine which have been planted too close together and have not been maintained. A further 8 trees (a mix of maple, beech and pine in fair condition) would be felled where the link road joins Linlathen Lane to the north of the gate lodge. It notes that 5 limes along the existing driveway of mature lime trees (which it reports as being in poor condition) would be felled and a further 10 will need careful protection. Finally it states that a beech tree would

be felled and what it terms to be an area of unmanaged largely scrub woodland would be affected at the northern end of the proposed road and roundabout.

It concludes that most of the trees required to accommodate the road are in poor condition and suggest new planting in the form of 66 extra heavy standard trees (beech, lime and oak) mainly at the roundabout on the A92 and at the northern end of the road where it intersects the existing driveway.

## SITE DESCRIPTION

The site comprises farmland in open countryside on the north side of the A92. To the west is 1 of the 2 original accesses to the former Linlathen House comprising a tree lined driveway with a Category B listed gate lodge and gate piers at the Arbroath Road entrance and a Category A listed bridge over the Dighty. The trees along this driveway and the woodland area to the north are protected by a Tree Preservation Order.

The fields immediately north of the A92 Arbroath Road are relatively flat with few features other than boundary hedges (intermittent in parts). The land then drops down to the Dighty where there are small agricultural buildings and then it rises again to the north. The Dighty meanders slowly through this flood plain.

This farmland, other than the floodplain of the Dighty, is classified as prime land for agricultural purposes.

## POLICY BACKGROUND

### Dundee and Angus Structure Plan 2001-2016

There are no policies relevant to the determination of this application.

### Dundee Local Plan 1998

The site cuts through land allocated as Open Countryside and Open Space in the adopted Local Plan. The Open Countryside policies focus mainly on the provision of new housing. Policy RD15 sets out criteria for new development in open countryside including requirements (C) that it does not use a significant area of prime agricultural land and (E) that it does not contravene the policies relating to

the natural environment contained elsewhere in the plan.

The Dighty corridor is allocated as open space and Policy OS1 contains a presumption in favour of retaining such areas. The Dighty is also a Category A wildlife site and a wildlife corridor protected by Policies ENV4 and ENV5 of the Plan.

The Council's economic development site at Linlathen is allocated for employment uses. 30 ha of this site are allocated under Proposal EP5 for a major industrial development. Access is to be taken from Barlow Avenue to the west and in order to provide satisfactory access to this site the proposal states that secondary accesses cannot be taken from this main access road. The remaining 10 hectares are allocated for general industrial use under Proposal EP1.

### Dundee Urban Nature Conservation Subject Local Plan 1995

Policies SP1 and WC01 protect the Category A wildlife site and the wildlife corridor at the Dighty.

### Finalised Dundee Local Plan Review

In this plan the site is also allocated as open countryside and Policy 74 contains a presumption against unallocated development in this area. Policy 66B contains a general presumption against the development of open space.

The site is also indicated as a site of importance for nature conservation and a wildlife corridor protected by Policy 70. Policy 76 on Flood Risk requires a Flood Impact Assessment to be submitted for proposals in areas such as this where there is a risk of flooding. Policy 55 states that all development should respect the setting of listed buildings.

The allocation of the Council's site at Linlathen for economic development purposes under Proposal 4 continues the designations in the adopted Local Plan, 30 ha being allocated for a single user (a potential army college is mentioned) and the balance of 10 ha for general business development.

In addition a modification to Policy 86b of this plan was published on 1/4/05 which makes reference to the

dualling of the A92 and the need to "promote the construction of a road northwards from the A 92 in the vicinity of Linlathen Lodge House to serve the Linlathen Economic Development site". The new preamble makes reference to the desire to enhance the development opportunities of the single user site at the Linlathen Economic Development Area and the conversion of the existing road and bridge for pedestrian and cycle use to serve the economic development site and promote general access to the countryside. An objection to this modification has been received which is similar in terms to the objection to the current planning application.

### Scottish Planning Policies, Planning Advice Notes and Circulars

The following are of relevance:

SPP7 Planning and Flooding requires it to be demonstrated that the proposed development can be constructed with an acceptable risk of flooding and that it will not increase the flood risk to other property.

### Non Statutory Statements of Council Policy

There are no non statutory Council policies relevant to the determination of this application.

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### LOCAL AGENDA 21

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The Council's Local Agenda 21 policies promote the protection of the environment.

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### SITE HISTORY

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A planning application by the current applicants for a roadside services development on the field closest to the A92 was refused by the Scottish Executive in April 2002 following an appeal for non determination - application ref no 01/25176/D refers.

The Committee decided to grant outline planning permission for a development of 150 houses at North Balgillo on land to the east of the road currently proposed in February 2004 - application ref no 03/00650/OUT refers. The decision will not be issued until the Section 75 agreement has been concluded. This development is to take access directly from the new roundabout being formed on the A92.

There is a current application, also by Linlathen Developments, for a Centre of Sporting Excellence on land to the north east of the road currently proposed - application ref no 03/00002/OUT refers. An Environmental Assessment was requested but has not been submitted.

Finally Linlathen Developments made a case for the allocation of a further housing development on land around Linlathen Nursing Home. The Council opposed this allocation and the Inquiry Reporter agreed that no such allocation should be made.

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### PUBLIC PARTICIPATION

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Statutory neighbour notification was carried out and the proposal was advertised as both affecting the setting of the Category A listed bridge and as potentially contravening open countryside and nature conservation policies of the adopted Local Plan.

A letter was received on behalf of the developers of the proposed housing site at North Balgillo to the east of the proposed new road (copies available for inspection in the Members Lounge). They do not wish to object in principle to the proposal but would object if the Council were to approve this application before both the decision notice for their development was issued as well as permission having been granted for an alternative means of access to their site from the proposed new road.

The points raised in this letter are fully considered in the Observations section of this report.

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### CONSULTATIONS

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Historic Scotland has been consulted as the proposal affects the setting of the Category A listed Linlathen West Bridge. It is concerned that the new road cuts across the existing driveway thus cutting off access and adversely affecting its setting and the relationship to the historic main drive to Linlathen Estate. It considers that if the proposal is to proceed then funds should be set aside for the maintenance of the listed bridges at Linlathen. Finally it is critical of the design of the new bridge which it considers should be more straightforward and simple in design. It adds that as it is objecting to the proposed development then the application should be referred to the

Scottish Ministers before planning permission is granted.

Broughty Ferry Community Council has objected to the proposed development. It considers that the prime motivation for the new road is to provide for future housing developments in what is now open countryside. It is concerned about development in the Dighty flood plain and the possibility of flooding, the destruction of a number of protected trees on the estate driveway and the adverse impact on the setting of the Category A listed bridge. It states that if planning permission is to be granted then a legal agreement should be concluded to ensure that the developer is responsible for the restoration and protection of the listed bridge.

Angus Council Roads Department was consulted in connection with the relationship of the proposed development to the dualling of the A92. It has responded stating that there will be no physical impact on the dualling project and that if the proposed road was constructed expeditiously then it could remove the need for a service road from Linlathen Lane to the A92. However it adds that it cannot comment on the impact of the proposed new road on the capacity of the roundabout currently being formed on the A92 because the levels of traffic generated are unknown. It expresses a concern that additional traffic could result in increased congestion at Claypotts in the morning peak therefore encouraging traffic to leave the A92 further to the east and seeking alternative routes through the city.

The Council's Forestry Officer is in general agreement with the applicants tree report but notes that minor adjustments to the development could reduce the number of trees to be felled and would increase the protection of the limes on the east side of Linlathen Lane.

SEPA has been formally consulted and the agency has been involved in the assessment of the land drainage aspects of the application. They did not respond to the consultation.

## OBSERVATIONS

In accordance with the provisions of Section 25 of the Act the Committee is required to consider

- a whether the proposals are consistent with the provisions of the development plan; and if not
- b whether an exception to the provisions of the development plan is justified by other material considerations.

In addition Section 59(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires the Council to pay special regard to the desirability of preserving the setting of the Category A listed Linlathen West Bridge.

## The Development Plan

The provisions of the development plan relevant to the determination of this application are specified in the Policy background section above. In terms of the rural development policies (RD15), taking into account the extent of the site and the fact that the floodplain area is of limited agricultural use, it is not considered that the proposed development uses such a significant area of prime agricultural land as to contravene Policy RD15(C). Policy RD15(E) refers to the natural environment policies in the Plan.

The middle section of the road proposals around the Dighty affects land that is allocated as Open Space in the adopted Local Plan (Policy OS1 refers). There is a presumption in favour of retaining open space identified on the Proposals Map. However this presumption can be addressed depending on the amount and distribution of alternative areas of open space, the importance of the site to the visual amenity of the area and the nature conservation value of the site.

In this case the proposed development occupies a very small portion of the extensive area of open space allocated along the Dighty corridor. In addition, a planning condition can be attached safeguarding pedestrian movement along the Dighty valley. The visual impact of the proposed development will be significant, principally due to the felling of trees and the raising of the new road on an embankment. The nature conservation issue is considered below.

The issue of whether the proposed development contravenes the Development Plan (in this case the adopted Dundee Local Plan 1998 and

the Dundee Urban Nature Conservation Subject Local Plan) hinges principally on the impact of the proposed development on nature conservation.

Under the provisions of policies ENV5 and WCO1, any development within Wildlife Corridors must make suitable provision for nature conservation, taking account of the scale and type of development and characteristics of the Wildlife Corridor. Development that would adversely affect the viability or continuity of Wildlife Corridors will not be permitted.

It is unclear what, if any, mitigating measures are proposed by the applicants to make suitable provision for nature conservation. The Wildlife Corridor is fairly extensive in this location, and in relative terms a reasonably small proportion of it would be lost if the road were to obtain planning consent. For this reason, Wildlife Corridor continuity would appear to be less of an issue than viability in this instance. The proposal is unlikely to adversely affect the viability of the Corridor as the embankment is permeated by the span of the bridge and the flood relief arches. However some loss of natural habitat and species disturbance associated with increased road noise may occur but can be minimised by provisions for nature conservation required by planning conditions.

Under the terms of policies ENV4 and SP1, there is a presumption against adverse development of Category A Wildlife Sites. The road building proposal could potentially have an adverse impact on the Dighty watercourse and its banks. However, in the light of the scale of the project it is considered that the likely impact on the ecology of the Category A wildlife site will not be sufficiently significant that the conclusion could be reached that these policies are contravened. Nevertheless, it is appropriate to add a suitable condition should Members be minded to grant planning permission.

It is concluded from the foregoing that the proposal complies with the provisions of the development plan.

## Section 59(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997

This legislation requires the Council to pay special regard to the desirability of preserving the setting of the Category A listed Linlathen West Bridge. This bridge is in poor condition with part of its cast iron balustrade missing.

Due to flooding considerations, the proposed new road will sit on an embankment, increasing its visual prominence. The new bridge over the Dighty would be some 33 metres downstream of and 2 metres higher than Linlathen West Bridge but the embankment slopes will start within 20 metres of the bridge. Where it cuts through Linlathen Lane some 170 metres north of the bridge it would be between 1 and 1.5 metres higher than the existing road.

In these circumstances there will be a significant visual impact on the listed bridge and Historic Scotland has written objecting to the proposed development. However if there must be a new road at this location (and this matter is examined below) then the proposed development in very much more preferable than altering and widening the existing road with the inevitable consequence of destroying the listed bridge.

Historic Scotland is concerned by the severing of Linlathen Lane north of the bridge but it should be possible to provide pedestrian access from the lane to and across the new road to provide continuity of access and should Members be minded to approve this application a condition to this effect can be imposed. Indeed this would accord with the proposed modification of the Finalised Local Plan which refers to the conversion of the existing road and bridge for pedestrian and cycle use to serve the economic development site and promote general access to the countryside.

Historic Scotland raises concerns about the design of the new bridge, suggesting that a more simple modern structure would be preferable with the savings in costs ploughed into the restoration of the listed bridges nearby. However it is considered that the design of the proposed bridge is satisfactory for this location.

Both Historic Scotland and the Community Council have suggested that if planning permission is granted then money should be set aside for the maintenance of the listed bridge. The proposed new road does not include any new development that could fund improvements to this bridge. However this is a matter that could be considered in the future should development taking access from this road be proposed. It is considered that with a planning condition ensuring continuity of access along Linlathen driveway and the design of the proposed bridge being satisfactory that the statutory duty under Section 59 of the Act is discharged by the Council in this case.

### Other Material Considerations

The other material considerations to be taken into account are as follows:

#### **The Finalised Dundee Local Plan Review 1998**

The policies in this Plan relating to development in open space and nature conservation are broadly similar to those in the adopted Local Plan and the Nature Conservation Subject Local Plan.

Following an independent study on behalf of the Council in 2001, the status of the designations affecting the Dighty watercourse has changed. The Dighty is identified in the Finalised Local Plan as a Site of Importance for Nature Conservation (SINC) in view of its fisheries interest. Under the terms of Policy 70 Semi Natural Greenspaces of Local Nature Conservation Importance, development proposals must not adversely affect the nature conservation qualities of SINC's, and any development proposals affecting these sites must be accompanied by an ecological assessment that details the likely impact of the proposal on the conservation interests of the designation. Given the scale and type of construction associated with the proposal, adverse effects on the fisheries interest are possible, particularly in relation to the bridge area but this can be addressed by the attached planning conditions.

The Wildlife Corridor in the vicinity of Arbroath Road is far less extensive than that identified in the adopted Local Plan and Urban Nature Conservation Subject Local Plan, and only the middle section of the

proposed road around the new bridge area coincides with the Wildlife Corridor in the Finalised Plan. However, under the provisions of Policy 70, there is a presumption against the development of semi-natural greenspaces within Wildlife Corridors per se, to minimise physical barriers to continuity, safeguard ecological integrity and promote biodiversity conservation. As above, the conditions attached are intended to address any concerns in this respect.

There is a proposed modification to the Finalised Plan to include a reference to the construction of a road northwards from the A 92 in the vicinity of Linlathen Lodge House to serve the Linlathen Economic Development site. The amendment to the proposals map shows a road on an alignment similar to that proposed in the current application. This proposed modification provides support for the proposed development, although an objection to it has been received.

Policy 55 on the setting of listed buildings has already been considered in the context of Section 59 of the Listed Buildings and Conservation Areas Act above and Policy 76 on flood risk is considered below.

#### **Flood Impact**

A Flood Risk Assessment has been submitted in accordance with SPP7 and Policy 76 of the Finalised Local Plan and considered by the Council. The design of the road, bridge and flood relief arches have all been influenced by this assessment and as a result the proposed development will not be affected by flooding and nor will it result in any increased flood risk in the Dighty catchment. In addition the construction of the proposed new road will not have any adverse flooding impact on the listed bridges upstream and downstream of the site.

#### **Impact on Trees**

The proposed development will result in the felling of 29 trees, 14 of which are protected by a Tree Preservation Order. Many of these trees are in poor condition and there has been no evidence of maintenance of these trees for many years. It is impossible for a new road to serve the Councils economic development site at Linlathen from the A92 and avoid crossing these trees. However the impact can be minimised by small adjustments to the proposals and

adequate protection measures, both of which can be made the subject of planning conditions. In addition the proposals to plant 66 new extra heavy standard trees (beech, lime and oak) will compensate for the loss of trees at other locations. It is concluded that in these circumstances the impact of the proposed road on trees is acceptable.

### **Traffic Implications**

The proposed new road has been designed to take industrial traffic serving the Council's economic development site at Linlathen and well as from Linlathen Nursing Home and a handful of farm cottages. Angus Council, as lead authority for the A92 dualling project, has confirmed that there will be no physical impact on the A92 scheme.

However it has suggested that further development could impact on the capacity of the roundabout currently being formed on the A92 and additional traffic could result in increased congestion at Claypotts in the morning peak therefore encouraging traffic to leave the A92 further to the east and seeking alternative routes through the city. This application is for the proposed road to serve the economic development site. If and when a planning application is submitted for development on this site then the traffic implications can be considered at that stage.

### **Views of the Objector and the Community Council**

A letter was received on behalf of the developers of the proposed housing site at North Balgillo to the east of the proposed new road. They do not wish to object in principle to the proposal but would object if the Council were to approve this application before both the decision notice for their development was issued as well as permission having been granted for an alternative means of access to their site from the proposed new road. In fact these developers own part of the land which is the subject of the current planning application and have the power to prevent the development occurring if they felt their interests were not being maintained. The Council resolved to grant planning permission for their development in February 2004 and the fact that outline planning permission has not been issued has largely been due to their tardiness in concluding the Section 75

Agreement relating to their development. It is not considered that the current application for a new road should be delayed on this basis.

Broughty Ferry Community Council has objected to the proposed development. It considers that the prime motivation for the new road is to provide for future housing developments in what is now open countryside. It is concerned about development in the Dighty flood plain and the possibility of flooding, the destruction of a number of protected trees on the estate driveway and the adverse impact on the setting of the Category A listed bridge. It states that if planning permission is to be granted then a legal agreement should be concluded to ensure that the developer is responsible for the restoration and protection of the listed bridge.

This application is for a new road to serve the Council's economic development site at Linlathen. Proposals previously put forward by the applicants for an additional housing development at Linlathen Nursing Home were opposed by the Council and rejected by the Inquiry Reporter. The granting of planning permission for this road in no way indicates a willingness by the Council to consider further housing development at Linlathen.

The issues of the impact of the proposed development on flooding, on protected trees and on the setting of the listed bridge have already been considered above and it was considered that the development was satisfactory.

### **The Supporting Information provided by the Applicants**

It is clear that the proposed development raises issues of concern regarding its impact on nature conservation, the felling of trees, the impact on the Category A listed bridge and the incursion into an area of open countryside and open space around the Dighty corridor.

However it is justified on the basis that planning conditions can be imposed to overcome these issues and that the development would greatly enhance the Council's major economic development site at Linlathen by forming a new and prestigious access. This site has been allocated for economic development purposes for

many years but there have been no firm development proposals made.

The issue of permitting the farmer of Linlathen Estate to get large machinery from the north to the south side of the Dighty is not of major significance because the field on the south side of the Dighty is small and if the proposed new road is constructed much of it will be lost to farming operations.

It is concluded from the foregoing that there are no material considerations that would justify a departure to the policies of the development plan in this instance. In addition, it is considered that insufficient weight can be accorded to the views of the objectors such as to justify the refusal of planning permission. It is therefore recommended that planning permission be granted subject to conditions.

### **Design**

The design of the road, bridge and flood relief arches have all been influenced by the need to avoid flooding and to take into account the proximity to the listed Linlathen West Bridge. It is considered that the design of the proposed bridge is satisfactory for this location and that the use of natural stone facing will help integrate it into the landscape.

### **CONCLUSION**

It is considered that the proposed development is in accordance with the policies of the development plan and that there are no material considerations that would justify a departure to the development plan in this instance. In addition, it is considered that insufficient weight can be accorded to the views of the objectors such as to justify the refusal of planning permission. As outlined in the report conditions covering detailed matters will be required to ensure that the development is carried out in an appropriate manner. It is therefore recommended that planning permission be granted with conditions.

### **RECOMMENDATION**

#### **Recommendation 1**

In terms of the Town and Country Planning (Notification of Applications) (Scotland) Direction 1997, if Members are minded to approve the planning application it will be necessary to refer

it to the Scottish Ministers due to Historic Scotland having been consulted under Article 15 of the GDPO as development affecting the setting of a Category A listed building and having advised against granting planning permission.

## Recommendation 2

It is recommended that planning permission be GRANTED subject to the following conditions:-

- 1 The development hereby permitted shall be commenced within five years from the date of this permission
- 2 Details of an amended relationship between the proposed new road and the existing main driveway to Linlathen which shall make provision for pedestrian and cycle access between the 2 roads and across the new road shall be submitted to the Council for approval before any development is commenced and if approved the development shall be carried out only in full accordance with such approved details.
- 3 The proposed development shall take full account of the Flood Risk Assessment submitted with the application to the written satisfaction of the Council. In addition details of a flood storage compensation area shall be submitted to the Council for approval before any development is commenced and if approved the development shall be carried out only in full accordance with such approved details.
- 4 Details of the design of the proposed bridge and flood relief arches including a sample of the proposed natural stone to be used and a detail of the balustrade railings shall be submitted to the Council for approval before any development is commenced and if approved the development shall be carried out only in full accordance with such approved details.
- 5 The proposed new road shall be adjusted to relocate the junction of the link road and Linlathen Lane to the north of the gate

lodge and to increase the distance between the new road and Linlathen Lane to the north of the Dighty in order to minimise the felling of trees and to increase the protection of driveway trees. Details of these adjustments and of the protection of trees within and adjoining the application site, including the erection of protective fencing, shall be submitted to the Council for approval before any development is commenced and if approved the development shall be carried out only in full accordance with such approved details.

- 6 The proposed tree planting set out in Drawing 04-23/P1 entitled "Tree Planting Proposals Proposed Road at Linlathen" shall be adjusted to provide a greater mix of species in the area where 10 *Fagus Sylvatica* are proposed to the north of the intersection of the new road and Linlathen Lane and this revised scheme shall be fully implemented to the satisfaction of the Council within 6 months of the completion of the road. Any trees or shrubs removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced by trees or shrubs of similar size and species to those originally required to be planted in terms of this condition.
- 7 Details of the provision for nature conservation as part of the proposed development including the continuity of the wildlife corridor along the Dighty, the treatment of the river banks at the proposed new bridge and the timing and duration of construction shall be submitted to the Council for approval before any development is commenced and if approved the development shall be carried out only in full accordance with such approved details.
- 8 Details of the provision for public access along the Dighty valley shall be submitted to the Council for approval before any development is commenced and if approved the development

shall be carried out only in full accordance with such approved details.

## Reasons

- 1 To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997
- 2 In order to provide pedestrian and cycle access to the Councils economic development site at Linlathen, to facilitate access to the countryside and to provide continuity of access along the historic driveway to the former Linlathen House.
- 3 To ensure that the proposed road will not flood and that it will not result in any increased risk of flooding of upstream or downstream properties.
- 4 In the interests of visual amenity and to protect the setting of the listed Linlathen West Bridge.
- 5 to protect those landscape features which are of significant amenity value to the area and which would ensure a satisfactory standard of appearance of the development.
- 6 to ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area
- 7 In order to make adequate provision for nature conservation under the requirements of Policies ENV4 and ENV5 of the adopted Dundee Local Plan 1998 and Policies SP1 and WC01 of the Dundee Urban Nature Conservation Subject Local Plan.
- 8 In order to make adequate provision for public access.