

ANGUS COUNCIL

DEVELOPMENT STANDARDS COMMITTEE – 6 OCTOBER 2015

**PLANNING APPLICATION – FIELD 225M NORTH EAST OF PRESSOCK FARM, PRESSOCK,
GUTHRIE**

GRID REF: 356956 : 749472

REPORT BY HEAD OF PLANNING AND PLACE

Abstract:

This report deals with planning application No 15/00330/FULL for the Installation of a Solar Farm up to 5MW and Associated Development for Green Power Consultants at Field 225m North East of Pressock Farm, Pressock, Guthrie. This application is recommended for conditional approval.

1. RECOMMENDATION

It is recommended that the application be approved for the reasons given in Section 10 of this report.

**2. ALIGNMENT TO THE ANGUS COMMUNITY PLAN/SINGLE OUTCOME AGREEMENT/
CORPORATE PLAN**

This report contributes to the following local outcome(s) contained within the Angus Community Plan and Single Outcome Agreement 2013-2016:

- Our communities are developed in a sustainable manner
- Our natural and built environment is protected and enjoyed

3. INTRODUCTION

- 3.1 The applicant seeks full planning permission for the formation of a Solar Park up to 5MW and associated development.
- 3.2 The application site is located on agricultural land to the north east of the small grouping of houses at Pressock. The site is bound by the public road to the west, further agricultural land to the east and a small watercourse to the north (Vinny Water) with agricultural land beyond. The House of Pitmuies designed landscape is located to the north west of the proposal.
- 3.3 The proposal would involve the installation of an angled solar PV array up to 5MW, small equipment housings, perimeter fencing, CCTV columns, access tracks and mitigation and enhancement planting.
- 3.4 The PV panel structures would be approximately 1.65m (h) x 1m (w), positioned at an angle of between 20 and 30 degrees and the panels would be non-reflective. The 20,000 panels would be mounted on galvanised steel structures that would be driven around 1-1.5 metre into the ground. The maximum total height of the panels would be 3.23m. No concrete foundations would be required.
- 3.5 The equipment housings which would be located at strategic locations within the site, near by the panel array would measure 3m x 3m x 2.5m and be painted green. A sub station is also proposed.
- 3.6 The perimeter fencing would comprise a 2.1m high anti-climb mesh fence or similar, surrounding the site which would be monitored by CCTV cameras. The height of the cameras would be approximately 3m and there would be four cameras, one located at each corner of the site.

- 3.7 The access to the panel array would be taken from the public road to the west and there would also be a pedestrian access. A hard-core maintenance track constructed of porous crushed stone, approximately 3.5m wide, would run the perimeter of the panels, stepped in from the site perimeter, to enable vehicular access to the panels for maintenance. The drawings indicate that the maintenance track will be grassed except for vehicle turning area adjacent to the substation/transformer. No specific details of the substation/transformer have been provided. Locally appropriate hedgerows would be planted around the site boundary to provide visual screening. In addition to this a landscaped bund is proposed adjacent to Quarry Cottage to increase screening along the western edge of the site.
- 3.8 The proposal has been varied through the submission of An Amended Proposed Site Plan which was provided on 17 September 2015. That plan provides for a reduction in the number of panels which allows for a larger separation distance between the panels and the western site boundary (Drawing number CAL020315 Rev C refers).
- 3.9 The application was advertised in the Dundee Courier as required by legislation.

4. RELEVANT PLANNING HISTORY

None.

5. APPLICANT'S CASE

- 5.1 The following documents have been submitted in support of the application:
- A Design and Access Statement
 - A Heritage Statement
 - A Preliminary Archaeological Assessment;
 - An Ecological and Ornithological - Phase 1 Report;
 - A Flood Risk Assessment;
 - A Landscape and Visual Impact Assessment (LVIA);
 - A Transport Statement;
 - An Agricultural Land Assessment.
- 5.2 The agent submitted a letter from the Community Council which indicated they are happy to support the development and have no objections to the application.
- 5.3 The supporting information is available to view on the Council's Public Access system and is summarised at Appendix 2 below.
- #### **6. CONSULTATIONS**
- 6.1 **Community Council** - No response received.
- 6.2 **Angus Council – Roads (traffic)** - No objection subject to conditions being attached.
- 6.3 **Scottish Water** - There was no response from this consultee at the time of report preparation.
- 6.4 **Scottish Environment Protection Agency** - SEPA has considered the Flood Risk Assessment submitted. They initially objected to the application. However following submission of further information they removed their objection. The structures, including the fence have been marked on the map and the construction area is sufficiently far enough away and unlikely to cause impact on the swamp / wetland. They requested a 10metre buffer zone as a minimum exclusion zone to prevent accidental damage from personnel or vehicles during construction.
- 6.5 **Scottish Natural Heritage** - There was no response from this consultee at the time of report preparation.
- 6.6 **RSPB** – Made general comments on the application and indicated that this part of Angus is just a few kilometres from the strongholds for corn buntings in Scotland. Provided advice and recommended that targeted management for corn buntings and other farmland wildlife could form part of and enhance the biodiversity management plan for a solar farm such as this.

- 6.7 **Historic Scotland** – No objections but made specific reference to the House of Pitmuies. Indicated that they are satisfied that outward views from most of the inventory site towards the development site are limited by the low lying nature of the surrounding landscape and the mature estate woodlands. Highlighted that a walk leads from the southern boundary, however given the orientation of the development site and the proposed screen planting, they are satisfied that although the development may have some impact on the views from this part of the inventory site, it is not significant. Historic Scotland agree with the submitted heritage statement that it is possible that distant views from locations within the wider landscape could contain views of the Inventory Site and solar farm. However the distance of those views would make the legibility of the settings context difficult to discern.
- 6.8 **Ministry Of Defence** - There was no response from this consultee at the time of report preparation.
- 6.9 **Civil Aviation Authority** - There was no response from this consultee at the time of report preparation.
- 6.10 **Dundee Airport Ltd** - There was no response from this consultee at the time of report preparation.
- 6.11 **Angus Council - Flood Prevention** – No objections raised Based on the revised FRA.
- 6.12 **Angus Council Environmental Health** – No objections subject to conditions being attached.
- 6.13 **NERL Safeguarding** - No safeguarding objection is raised.
- 6.14 **Aberdeenshire Council Archaeology Service** - No archaeological mitigation would be required.

7. REPRESENTATIONS

- 7.1 149 letters of representation were received. This consisted of 72 letters of objection, 74 in support and 3 letters of representation making general comments. The letters of representation will be circulated to Members of the Development Standards Committee and a copy will be available to view in the local library or on the council's Public Access website.
- 7.2 The main points of concern raised are as follows:
- Loss of prime quality agricultural land / the field is capable of producing a wide range of crops;
 - That the lower section of the field is subject to flooding issues along with flooding on the public road (site had regular flooding issues until landowner blocked the drains and now the public road floods);
 - Unacceptable impacts on amenity and privacy on neighbouring properties and compatibility with neighbouring uses and impact on property prices;
 - Creation of a precedent for more of the same in and around Pressock Farm;
 - Impacts on and suitability of road network / Angus Council Roads has been previously made aware of works on the site and comments that these works do not comply with the Roads Act;
 - That the erection of the security fencing is industrial in nature and would be an eyesore;
 - Concerns raised regarding neighbour notification and inaccuracies in the supporting information;
 - Impact on designed landscape / built environment, specifically Pitmuies Gardens and Gardyne Castle and other visitor attractions;
 - Adverse impacts on wildlife;
 - Concerns regarding glint and glare on properties;
 - That the developer will suffer a poor working relationship with the local community;
 - Health risks – solar panels contain chemicals which could cause damage to the local environment;
 - Compatibility with planning policy at a local and national level;
 - Adverse impacts on tourism;
 - Lack of energy generation benefit;
 - Solar farms should be near cities and industrial centres;
 - That the siting is inappropriate and it has not been proven that there is a public interest

- which cannot be met in other less damaging locations;
- Whilst vegetative screening is proposed it will take a significant length of time to establish;
- That although the application is limited to 25 years the impact must be assessed as permanent.

7.3 The main points of support are as follows:

- Minimal visual impacts as the panels are low in height and existing landscape features and additional planting will adequately screen them;
- Proposals offer a number of long terms environmental benefits including clean and sustainable energy;
- That the proposal would not create noise or odours;
- Proposal would retain and increase biodiversity around the site and new landscaping would improve habitats for farmland species;
- Have seen a number of solar farms around Europe and they aren't as visually intrusive as windfarms;
- There would be no contamination from fertiliser or chemicals and this would improve the quality of local water;
- The solar farm is only proposed for a temporary period and the site will be returned to its former state at a later date;
- Improve diversification of the farm;
- Developers at a meeting offered a donation to help support any community project;
- No objections received from consultees which suggests that this is an excellent idea;
- Proposal still allows to retain agricultural nature of the site;
- Solar panels will help reduce CO2 emissions and help Scotland reach its renewable energy target;
- NFU Scotland indicates that this is a valuable project for the business;
- Land is not best quality agricultural land.

Scotland's Garden and Landscape Heritage (formerly Garden History Society), commented that they were disappointed that they were not included in this consultation. However they have provided general comment that indicates there will be some detrimental impact on the House of Pitmuies but the proposed mitigation measures are welcomed.

7.4 The matters identified above, in so far as they raise material planning considerations, are addressed below.

8. PLANNING CONSIDERATIONS

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

8.2 In this case the development plan comprises:-

- TAYplan (Approved 2012)
- Angus Local Plan Review (Adopted 2009)

8.3 The relevant policies of TAYplan and of the Angus Local Plan Review are reproduced at Appendix 3.

8.4 In addition to the development plan a number of matters are also relevant to the consideration of the application and these include:

- National Planning Framework for Scotland 3 (NPF3);
- Scottish Planning Policy (SPP);
- Scottish Government 'Specific Advice Sheet' on Large Photovoltaic Arrays;
- The supporting information submitted in respect of this application;
- Tayside Landscape Character Assessment;
- Angus Council Implementation Guide for Renewable Energy Proposals (2012);

8.5 NPF3 states that 'Planning will play a key role in delivering on the commitments set out in Low Carbon Scotland: the Scottish Government's report on proposals and policies (RPP2). The priorities identified in this spatial strategy set a clear direction of travel which is consistent with

our world-leading climate change legislation'. NPF3 goes on to state: 'By 2020, we aim to reduce total final energy demand by 12%. To achieve this, and maintain secure energy supplies, improved energy efficiency and further diversification of supplies will be required'. While NPF3 is relatively silent on the issue of photovoltaic power, it does envisage a diversified approach to renewable energy production in stating: 'The low carbon energy sector is fast moving and will continue to be shaped by technological innovation and a changing environment. As a result, our strategy must remain sufficiently flexible to adapt to uncertainty and change so we are well placed to make the most of the new opportunities that will undoubtedly emerge'.

- 8.6 The Scottish Planning Policy (SPP, June 23, 2014) represents a statement of government policy on land use planning. In respect of renewable energy, the SPP focusses primarily on wind energy development however the SPP does state that the planning system should support the development of a diverse range of electricity generation from renewable energy technology including the expansion of renewable energy generation capacity.
- 8.7 The Scottish Government's Planning Advice Notes relating to renewable energy have been replaced by Specific Advice Sheets (SAS). The 'Large Photovoltaic Arrays SAS' identifies typical planning considerations in determining planning applications for large PV arrays. Such considerations may include but are not limited to:
- Landscape and Visual Impact;
 - Ecological Impacts;
 - Archaeology;
 - Community Impacts;
 - Glint and Glare;
 - Aviation Matters;
 - Decommissioning.
- 8.8 Angus Council has produced an Implementation Guide for Renewable Energy Proposals. In respect of solar and PV arrays, the guide identifies the localised planning concerns that can arise such as visual impacts and impacts on built heritage designations.
- 8.9 Bringing the above together, the key policy and material considerations in relation to the determination of the application for a solar array of this scale are:
- Environmental Benefits;
 - Landscape Impact;
 - Visual Impact;
 - Impact on Residential Amenity;
 - Archaeological and Built Heritage Impacts;
 - Ecological Impact;
 - Other Development Plan Considerations;
 - Other Material Considerations.
- 8.10 Policy 6 of TAYplan indicates that one of its aims for the city region is to deliver a low/zero carbon future and contribute to meeting Scottish Government energy and waste targets. The local plan indicates that Angus Council supports the principle of developing sources of renewable energy in appropriate locations. The proposed development would be capable of generating up to 5 MW of renewable energy with an annual output that is expected to meet the average annual power requirements of 1111 homes and offset 2,549,470kg/CO₂. In this respect it is accepted that the proposed array would make a contribution towards renewable energy generation and as such the proposal attracts, in principle, support from the development plan.

Landscape Impacts:

- 8.11 Policy 3 of TAYplan advocates responsible management of the areas assets by amongst other things ensuring development does not adversely affect landscapes. Policy 6 indicates that in determining proposals for energy development consideration should be given to landscape sensitivity. Local Plan Policy ER5 (Conservation of Landscape Character) requires development proposals to take account of the guidance provided by the Tayside Landscape Character Assessment (TLCA), prepared for Scottish Natural Heritage (SNH) in 1999, and indicates that, where appropriate, sites selected should be capable of absorbing the proposed

development to ensure that it fits into the landscape. Policy ER34 of the local plan indicates that proposals for renewable energy development will be assessed on the basis of no unacceptable adverse landscape and visual impacts having regard to landscape character, setting within the immediate and wider landscape, and sensitive viewpoints

- 8.12 The proposed site is within the Landscape Character Type (LCT) TAY13 Dislope Farmland as defined within the Tayside Landscape Character Assessment (TLCA). This LCT is generally characterised by open expansive farmland with rectilinear fields of medium to large scale generally sloping northwest to southeast but more enclosed than the higher areas of Dipslope and dominated by varied agriculture, large agricultural buildings, rows of trees and hedges. The settlement pattern is dispersed and road network is extensive with a higher population making it more visually sensitive. This area also has two Designed Landscapes and numerous listed buildings. The sensitivity to change of this LCT is medium.
- 8.13 The applicant has submitted a Landscape and Visual Impact Assessment in support of the proposal. It concludes that the only landscape characteristic that would be subject to any adverse effect in terms of the wider landscape character is the activity and land use. It also suggests that there will be some benefits to the landscape through the introduction of additional planting that would help reinforce historic field patterns. The document indicates that the introduction of modern human elements to the immediate landscape would result in a partial loss of historic agricultural use to this part of the landscape character area; this would be a medium magnitude of impact and a moderate significance of effect on the immediate landscape character. However, it further indicates that due to the semi-enclosed nature of the site and relatively low height of the solar farm, it would result in only a very minor alteration to the character, and therefore only a negligible magnitude of impact and negligible significance of effect on the overall LCA.
- 8.14 The landscape is characterised by a mosaic of agricultural fields of varying size. Traditional fields boundaries comprising walls and trees are still evident in the area. The application site itself is reasonably low-lying and comprises a single field. It is bound to the north by the Vinny Water which is lined by trees and stone dyking. A stone dyke also forms the western boundary while the southern/eastern boundary is partially formed by woodland associated with a discussed quarry. Large agricultural sheds also lie to the south of the site beyond the woodland. The land is currently used for agricultural purposes.
- 8.15 The development would generally follow existing field boundaries although it would be set back from the western boundary in order to provide some separation from the closest public road, houses and historic assets at House of Pitmuies and Pitmuies bridge. Following those patterns helps enable the development to be absorbed into the character and pattern of the landscape. The development would conform with the existing structure of the landscape and the opportunity to reinforce this structure with additional peripheral planting is also presented helping to reinforce the field pattern. The wider landscape is in part characterised by development associated with agricultural activity, including some extensive areas of poly tunnels. The solar panels would give rise to similar landscape impacts. The land would no longer be actively farmed and the underlying vegetation would change but topography would be unchanged.
- 8.16 The proposed solar development would introduce a new element into the landscape and the landscape in the local area is of some value given the presence of features such House of Pitmuies and Guthrie Castle. However, it is considered that the development is capable of being absorbed into the character of the landscape.

Visual Impact:

- 8.17 Development plan policy requires that proposals should not give rise to unacceptable visual impacts. Policy ER34 of the local plan also indicates that renewable energy development will be assessed on the basis of no unacceptable adverse landscape and visual impacts having regard to landscape character, setting within the immediate and wider landscape, and sensitive viewpoints.
- 8.18 The applicant has provided a Landscape and Visual Impact Assessment in support of the application. That document suggests that the proposed solar farm would be most visible from the immediate vicinity, in particular from the A932 to the north, and the unnamed road immediately adjacent to the west. It indicates that the low profile of the panels and semi-enclosed character of the application site ensures that any effects quickly dissipate, with nil to

negligible visual effects likely in the wider area. It is suggested that the highest significance of effect is on heritage and residential receptors located along the A932, and heritage receptors to the south-east at Gardyne Castle. The document suggests that effects on residential receptors is limited due to the fact that the properties are all single-storey, and only the property at East Mains of Pitmuies would have its principal elevation facing the site. It also indicates that there would be no visual effects on the garden and designed landscapes due to the enclosed nature of their setting; any wider perception of the gardens and designed landscapes with the solar farm are negligible at worst, due to their secluded nature as a result of the containing tree belts. Finally it is suggested that there are also no visual impacts on any recreational receptors, and road users would have short fleeting peripheral glances from the A932 and the unnamed road immediately adjacent to the western boundary of the proposal site.

- 8.19 The closest residential properties affected by the proposal (apart from Quarry Cottage) are located to the south and north of the proposal. However, given the existing mature screening and changes in land form, these properties are not considered to experience significant adverse visual impacts from the proposals. The photomontages submitted show the limited visibility of the proposed development from the surrounding properties. It should be noted that the solar array would be visible from areas around the properties and on the approach to the properties from the wider road network. However, such impact would be similar to that experienced in the vicinity of large areas of poly-tunnels which are not uncommon. In relation to the closest residential property at Quarry Cottage, specific mitigation which involves the formation of a 1 - 1.5 metre high landscaped bund is proposed. In addition, following concerns raised by officers, the applicant has increased the proposed stand-off between that dwelling and the closest solar panels.
- 8.20 As originally proposed the solar array was close to western boundary of the site, the public road and House of Pitmuies (a Category A listed building and historic garden / designed landscape) which lies to the northwest. It was also close to Pitmuies Bridge which is a Category C listed building. The solar array would have been reasonably visible from both and on approach to both. The impact on historic interests is discussed below but it is also relevant to consider the visual impact. In this respect, and again following concerns raised by officers, the applicant has amended the proposal to increase the proposed stand-off between the public road and the solar array (and its associated 2-metre high fence) to 30 metres. Additional planting would be provided between the solar array and the public road. The solar array would still be visible but given the 30 metre set-back the impacts are not considered unacceptable.
- 8.21 In the immediate locality the site will only be seen intermittently due to the nature of the surrounding landform and existing screening. When travelling along the public road to the west, the site will only be a prominent feature when viewed on the section between Pitmuies Bridge and the existing residential property at Quarry Cottage. The nature of the landform and the existing woodland at Pressock with the landscaping at Pitmuies means that the site will have limited prominence immediately to the north and the south. In broad terms the photomontages and visualisations submitted in support of the application indicate that visual impacts associated with the development would be reasonably limited. I also accept that additional planting, whilst taking some time to establish, would help mitigate the impact of the development in the medium term and would provide a longer-term benefit to the area. Traditional landscape elements such as rural hedgerows could be a suitable mitigation method to reduce landscape impacts.
- 8.22 At close range such as along the road and from the environs of nearby dwellings the development will be visually unavoidable. At mid distance and from elevated locations overlooking the valley the panels are also likely to be obvious. However, the panels are likely to give rise to similar visual impacts as those associated with agricultural poly-tunnels which are not uncommon within the wider area and that appear to co-exist with housing without unacceptable adverse visual impact. Specific concerns regarding the appearance of the proposed fencing are noted but again the fencing is set back from the road and will be seen against the backdrop of the solar panels. A condition is proposed to require details of the fencing and ancillary infrastructure to be approved.

Cumulative Landscape and Visual Effects:

- 8.23 There are approved solar farms at The Guynd and Kinblethmont as well as other proposals in the wider area. However, due to the separation distances between and the intervening topography there are not considered to be significant cumulative landscape or visual impacts.

Impacts on Residential Amenity:

- 8.24 The impact of the development on visual amenity of occupants of nearby residential property is discussed above. As indicated, there are not considered to be unacceptable impacts on residential amenity as a consequence of the visual impact of the development.
- 8.25 The submitted Design and Access Statement contains an appraisal of the potential for glint and glare effects. The statement indicates that solar PV panels are generally designed to absorb light and are therefore not particularly reflective. Impacts of glint and glare occur during the sunrise and sunset periods and would only be for a limited period of time. The report indicates that impacts only occur where a direct sight of the panel can occur and there is no intervening barrier between the receptor and the panel.
- 8.26 Environmental Health has reviewed this information in relation to potential impact on sensitive receptors. No objection is offered to the amended proposal which provides for greater separation between the proposed solar panels and the nearest residential properties. However, a condition regarding the solar panels is proposed in order to reduce potential adverse impact from glint and glare. Environmental Health has also requested conditions to limit operational and construction noise.

Archaeological and Built Heritage Impacts:

- 8.27 Cultural heritage interests include listed buildings, conservation areas, historic gardens and designed landscapes, scheduled monuments and local archaeological interests. The applicant has provided a Heritage Statement and Archaeology Assessment in support of the application. Historic Scotland and Aberdeenshire Council Archaeology have been consulted on the development proposal.
- 8.28 The Archaeological Assessment indicates that there are no significant interests within the application site or affected by the development. Aberdeenshire Council in its capacity as the Council's archaeology advisor has indicated that no archaeological mitigation is required in this instance.
- 8.29 The Heritage Statement identifies relevant historic assets in the area and considers the impact of the development upon them. It concludes that impacts are not unacceptable. Historic Scotland has reviewed the submitted information and considered the impact of the proposal in relation to its remit. Whilst it is indicated that the proposal would have some impact on interests at House of Pitmuies, Historic Scotland does not consider those impacts are unacceptable or merit objection. It is relevant to note that in the period since Historic Scotland provided comment, the applicant has amended the proposal and removed the section of solar panels that were closest to House of Pitmuies and the listed Pitmuies Bridge. This has further reduced impacts on the closest historic assets. The development is likely to be inter-visible with other listed buildings and historic assets in the wider area but such impacts are not considered unacceptable. Overall the proposal, as amended, is not considered to give rise to unacceptable impacts on relevant heritage interests.

Ecological Impacts:

- 8.30 Development plan policy requires consideration of the impact of development proposals on natural heritage interests including protected species and important habitats. In this case the site is not located within an area designated for its natural heritage interests and is some distance from such designations. The applicant has provided an Ecological and Ornithological Report which uses desktop and field studies to identify baseline ecological and ornithological conditions. It concludes that no badgers would be affected and that the development will not impact on bat populations. It recognises that geese may use the area for foraging but concludes that the development will not significantly impact upon the SPA geese.

- 8.31 RSPB has provided comment in relation to the proposal noting that this part of Angus is a few kilometres from strongholds for corn bunting. RSPB provide advice and recommended that targeted management for corn buntings and other farmland wildlife could form part of and enhance the biodiversity management plan for the solar farm. A condition of the permission requires details of a biodiversity enhancement plan in order to offset any adverse impact associated with the provision of structures on otherwise open fields.
- 8.32 SNH was consulted on the application but has offered no objection. Whilst the concerns raised by third parties are noted, there is no evidence to suggest that ecological impacts associated with the development would be unacceptable. Based on available information it is considered natural heritage interests would not be adversely affected by the proposal and the proposal would not have an unacceptable impact on protected species provided that the mitigation measures identified in the report are adhered to.

Other Development Plan Considerations:

- 8.33 The remaining policy tests cover the impact of transmission lines associated with energy generation developments; impact of transporting equipment via road network and associated environmental impacts of this, flood risk and impacts on prime agricultural land.
- 8.34 The likely grid connection arrangements associated with the development have been indicated as being exported straight to the distribution network close to the site. There would not be any anticipated extraordinary transmission requirements associated with the development and it is considered that this matter can be regulated by condition.
- 8.35 In terms of transport to the proposed site, the proposal is not expected to give rise to any requirement for extra ordinary transportation requirements unlike wind energy development for example. Whilst a number of representations have raised points regarding access and road safety, the Council's Roads Service has considered the likely impact of the development on the local roads network and raised no objection to the proposal subject to planning conditions.
- 8.36 In terms of flood risk, a Flood Risk Assessment (FRA) has been undertaken and submitted. Following comments from SEPA and the Councils Roads Service, this was updated. SEPA has indicated no objection to the application but has requested a 10m exclusion zone from the swamp/heathland and the applicant has revised the proposal to incorporate this requirement. The Roads Service has also indicated that they have no objections to the proposals.
- 8.37 In relation to the impact of the development on aircraft activity, the MOD, NATS, CAA and Dundee Airport have been consulted. NATS has not raised any objection to the application. There was no response from Dundee Airport, CAA or MOD at the time of report preparation. In these circumstances there are not considered to be unacceptable impacts on aviation interests.
- 8.38 The final Development Plan consideration is the impact of the development on prime agricultural land. TAYplan Policy 3 seeks to safeguard prime quality agricultural land. Policy ER30 presumes against proposals on unallocated sites that would result in the permanent loss of prime quality agricultural land or which would affect the viability of the farm business. Published maps that show land capability for agriculture provide contradictory information in relation to the classification of the land with one publication indicating that the site is prime land and another suggesting that it is not. This matter has been raised with the applicant and a site specific Soil Quality Report has been submitted. The submitted report indicates that the land is Class 3.2 and as such is not prime quality agricultural land. As such the proposal would not conflict with Policy ER30. Notwithstanding this it is worth noting that the development could be removed should it become surplus to requirements and a condition is attached to ensure that a suitable and enforceable scheme for restoration of the site is in place prior to the commencement of any works on site. This does presume that the site will be decommissioned after 25 years but the possibility that it could be re-used or re-equipped beyond the 25 year period (subject to further consent and depending on prevailing policy of the time) is equally not removed by the use of such a condition.

- 8.39 Overall it is considered that the proposal does not give rise to any unacceptable impacts in terms of the above assessment. It is considered that the proposed site represents a reasonable choice given the locational constraints that the issue of reaching viable irradiation levels dictates.

Other Material Considerations:

- 8.40 Representations have been received both in support and opposition to the application and the issues have largely been addressed above. However, it is relevant to note that publicity and consultation associated with the application has been undertaken in accordance with relevant regulations. Issues regarding impact on property values are not material to the determination of this application. Issues regarding health risks associated with chemicals contained within panels are not matters for the land use planning system. The concerns regarding potential impact on tourism are noted but no evidence to substantiate this claim has been provided and, as indicated elsewhere, the visual impact associated with the development is likely to be comparable with agricultural poly-tunnels which are not uncommon in the wider area. The general points offering support to the proposal are noted but the application must be determined on the basis of the site specific assessment having regard to development plan policy and other material planning considerations.
- 8.41 Scottish Government policy supports the provision of renewable energy development. The SPP confirms that planning authorities should support the development of a diverse range of renewable energy technologies in locations where the technology can operate efficiently and environmental and cumulative impacts can be satisfactorily addressed.
- 8.42 The potential generating capacity from the development is reasonable for the size of the array. The nature of the site is such that the environmental, landscape and visual effects are localised and the development would not result in unacceptable amenity impacts either individually or cumulatively.

Conclusion:

- 8.43 Regard has been given to the Development Plan and to the environmental information provided in relation to the application and comments received from third parties and consultees. Account has also been taken of all relevant material considerations over and above the current Development Plan position.
- 8.44 The proposal will have some landscape and visual impact. It will also have some impact on the setting of House of Pitmuies and its historic garden. However, it is considered that these impacts would not be unacceptable. Historic Scotland has indicated that it does not object to the proposal in terms of impacts on House of Pitmuies and the proposal has been amended to increase separation distance between the proposed PV array and the designed site. Other consultees have raised no significant issues regarding the proposal and I consider that impacts arising from the development could be mitigated to a satisfactory degree by the proposed planning conditions.
- 8.45 The development would contribute towards meeting government energy targets and government guidance confirms that schemes should be supported where the technology can operate efficiently and environmental and cumulative impacts can be satisfactorily addressed. In this case the technology would appear to have potential to operate efficiently and available evidence suggests that environmental impacts can be satisfactorily addressed.
- 8.46 The proposal is considered to accord with the development plan subject to appropriate planning conditions. There are no material considerations that would justify refusal of the application.

9. OTHER MATTERS

HUMAN RIGHTS IMPLICATIONS

The recommendation in this report for grant of planning permission, subject to conditions, has potential implications for neighbours in terms of alleged interference with privacy, home or family life (Article 8) and peaceful enjoyment of their possessions (First Protocol, Article 1). For the reasons referred to elsewhere in this report justifying this recommendation in planning terms, it is considered that any actual or apprehended infringement of such Convention

Rights, is justified. The conditions constitute a justified and proportional control of the use of the property in accordance with the general interest and have regard to the necessary balance of the applicant's freedom to enjoy his property against the public interest and the freedom of others to enjoy neighbouring property/home life/privacy without undue interference.

EQUALITIES IMPLICATIONS

The issues contained in this report fall within an approved category that has been confirmed as exempt from an equalities perspective.

10. CONCLUSION

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

Reason(s) for Approval:

The proposal will provide a source of renewable energy generation in a manner that complies with relevant policies of the development plan subject to conditions. There are no material considerations that justify refusal of the planning application contrary to the provisions of the development plan.

Conditions:

1. The solar array and associated infrastructure hereby approved shall be removed from the site no later than 26 years after the date when electricity is first generated unless otherwise approved by the planning authority through the grant of a further planning permission following submission of an application. Written confirmation of the commencement date of electricity generation shall be provided to the planning authority within one month of that date.

Reason: In order to limit the permission to the expected operational lifetime of the solar array and to allow for restoration of the site in the event that the use is not continued by a further grant of planning permission for a similar form of development.

2. That before the start of the development, the developer shall provide to the Planning Authority details of a bond or other financial provision which it proposes to put in place to cover all decommissioning and site restoration costs. No work shall commence on the site until the developer has provided documentary evidence that the proposed bond or other financial provision is in place and written confirmation has been given by the Planning Authority that the proposed bond or other financial provision is satisfactory. The developer shall ensure that the approved bond or other approved financial provision is in place throughout the operational life of the development hereby approved.

Reason: To ensure that there are sufficient funds available throughout the life of the development to carry out the full restoration of the site following decommissioning.

3. That prior to the commencement of any works in connection with the planning permission hereby approved a scheme of decommissioning and restoration of the site including aftercare measures shall be submitted for the further written approval of the planning authority. The scheme shall set out the means of reinstating the site to agricultural use following the removal of the components of the development. The applicants shall obtain written confirmation from the planning authority that all decommissioning has been completed in accordance with the approved scheme and (unless otherwise dictated through the grant of a new planning permission for a similar form of development) the scheme shall be implemented within 12 months of the final date electricity is generated at the site and in any case before the expiry of the time period set by condition 2 of this planning permission.

Reason: In to ensure that the site is satisfactorily restored following the end of the operational life of the development in the interests of the amenity of the area.

4. That no solar panel shall be fixed at an angle greater than 30degrees relative to the horizontal and the structure supporting the solar panels shall contain no moving parts unless otherwise approved in writing by the planning authority. Within 2 months from receipt of a written request from the planning authority following a complaint to it from an occupant of a sensitive property, the solar farm operator shall, at its expense, undertake and submit a glint and glare assessment, including the identification of any mitigation measures required if appropriate, for the written approval of the planning authority. Once approved the operation of the solar farm shall take place in accordance with the said scheme unless the planning authority gives written consent to any variation. For the avoidance of doubt sensitive receptors includes all residential properties, hospitals, schools and office buildings.

Reason: In the interests of the amenity of nearby sensitive property.

5. Noise emissions from the operation of the solar farm shall not exceed: -

- i) a level equivalent to NR curve 30 between 0700 and 2200 and NR curve 20 at all other times, when assessed with windows open within any dwelling or noise sensitive building;
- ii) 50 dB(A) Leq(1hr) when measured within the external amenity space of any dwelling or noise sensitive building.

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

6. Noise associated with construction operations including the movement of materials, plant and equipment shall not exceed the noise limits shown in the table below for the times shown. At all other times noise associated with construction operations shall be inaudible at any sensitive receptor. For the avoidance of doubt sensitive receptors includes all residential properties, hospitals, schools and office buildings. Delivery vehicle movements to and from the site shall be restricted to 0700 to 1900 (Monday - Friday) 0700 to 1300 (Saturday) and not at all on Sundays.

Day	Time	Average Period (t)	Noise limit
Monday-Friday	0700-0800	1 hour	55 dBA Leq
Monday-Friday	0800-1800	10 hour	65 dBA Leq
Monday-Friday	1800-1900	1 hour	55 dBA Leq
Saturday	0700-0800	1 hour	55 dBA Leq
Saturday	0800-1800	10 hour	65 dBA Leq
Saturday	1800-1900	1 hour	55 dBA Leq
Sunday	0800-1800	10 hour	55 dBA Leq

Reason: In the interests of safeguarding the amenities of occupants of residential property during the construction of the development.

7. That no works in connection with the development hereby approved shall take place until precise details of all infrastructure and ancillary development, including walls, fences, CCTV cameras and supports, gates and any sub-station/transformer have been submitted to and approved in writing by the Planning Authority. Thereafter the development shall be undertaken in accordance with the details as approved.

Reason: In order that the planning authority may verify the acceptability of the proposals in the interests of the visual amenity of the area.

8. That no works in connection with the development hereby approved shall take place unless details of a scheme of landscaping works to be undertaken on the site has been submitted to and approved in writing by the Planning Authority. Details shall include:

- i) Existing landscaping features and vegetation to be retained. For the avoidance of doubt from the date of this permission, no trees or hedgerows within or adjacent to the site shall be felled, lopped, topped or otherwise interfered with, without the advance written approval of the planning authority;
- ii) The location of new trees shrubs and hedges;
- iii) A schedule of plants to comprise species, proposed numbers and density;
- iv) Measures to protect planting from grazing animals.

Once approved, all landscaping works shall be carried out in accordance with the agreed scheme and shall be completed in the planting season immediately following the commencement of the development or such other date as may be agreed in writing with the planning authority. Any planting which, within a period of five years of the completion of the development is considered by the planning authority to be dead, dying, severely damaged, or diseased shall be replaced by plants of a similar size and species to those originally approved.

Reason: In order to ensure provision of appropriate landscaping necessary to mitigate the visual impact of the development.

9. Prior to the commencement of the development the verge crossing at the proposed access shall be formed and constructed in accordance with the National Roads Development Guide (SCOTS).

Reason: To provide a safe and satisfactory access in a timely manner.

10. Prior to the commencement of development, a DVD video route survey from the A932 Forfar- Arbroath Road to the site shall be submitted to and approved in writing by the Planning Authority.

Reason: In order to establish a baseline condition for the public road.

11. That prior to the commencement of development details of the precise route and details of the transmission cables proposed from the solar farm are submitted to and approved in writing by the planning authority. Thereafter the transmission cables shall be provided only in accordance with the approved details.

Reason: In order that the Planning Authority may verify the acceptability of the transmission lines.

12. That prior to the commencement of development a biodiversity mitigation and enhancement plan shall be submitted to and approved in writing by the planning authority. This shall include timescales for the completion of the mitigation and enhancement measures proposed. The development shall thereafter be completed in accordance with the biodiversity mitigation and enhancement plan and the timings contained therein.

Reason: In order to offset any adverse biodiversity impacts associated with the proposed development in accordance with Policy ER4 of the Angus Local Plan Review (2009).

13. That the development shall be undertaken in accordance with the mitigation measures identified in the Ecological and Ornithological Scoping Report for Pressock Farm Solar Park by Dr Eric Donnelly dated 14 April 2015.

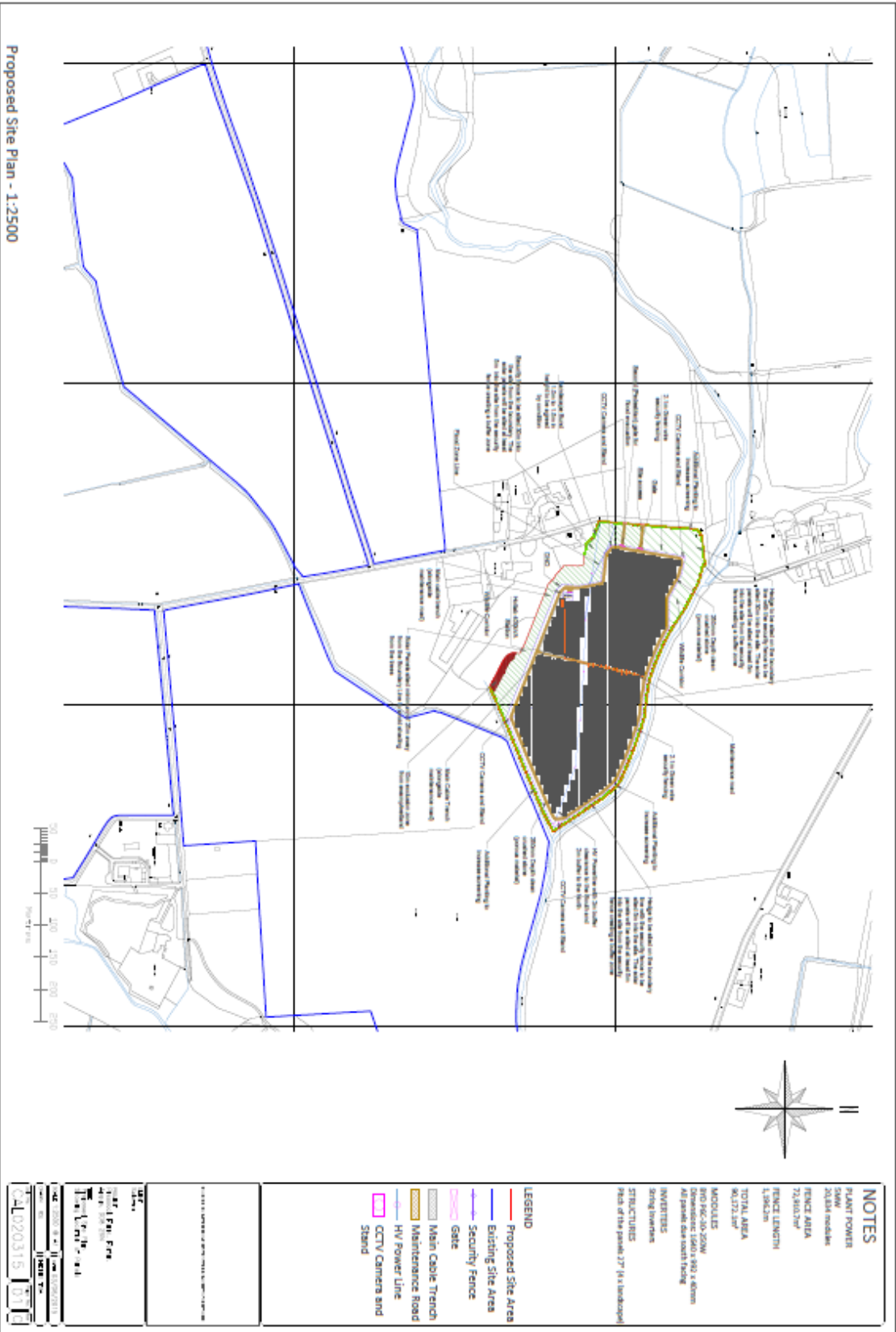
Reason: In order to offset any adverse biodiversity impacts associated with the proposed development in accordance with Policy ER4 of the Angus Local Plan Review (2009).

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

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DATE: 22 SEPTEMBER 2015

APPENDIX 1 : LOCATION PLAN
APPENDIX 2 : SUMMARY OF APPLICANTS SUPPORTING INFORMATION
APPENDIX 3 : DEVELOPMENT PLAN POLICIES

Appendix 1 : Location Plan



Appendix 2 – Summary of Applicants Supporting Information

The Design and Access Statement is an overarching document which describes the site and its context. The factors of design are detailed covering land use, technical details, scale, landscape, appearance, and visual assessment. Construction and access arrangements are also detailed and the relevant National and Local Planning policy context and other material planning considerations are discussed. The statement concludes by providing a reasoning why the application should be granted. The positive benefits of the scheme in terms of electricity generation are also highlighted. It considers that the application should be granted subject to reasonable and appropriate conditions.

The Heritage Statement uses a ZTV to demonstrate the solar farm would not be a prominent feature within the landscape and uses it to assess impacts on Designed Landscapes and Gardens, Conservation Areas and Category A, B and C listed buildings. The statement concludes there are three Category A listed buildings located within 2km of the site, 5 Scheduled Ancient Monuments (SAMs) and two designed landscapes at the House of Pitmuies and Guthrie Castle. The report concludes that there are no mitigation measures possible that would completely screen the solar farm from all views but it is considered that the solar farm can be accommodated within the landscape without resulting in a substantial adverse impact on the cultural heritage of the area.

The Preliminary Archaeological Assessment states there are no known archaeological sites within the boundaries of the proposed development.

The Phase 1 Ecological and Ornithological Report uses desktop and field studies to identify baseline ecological and ornithological conditions to allow assessment of potential impacts on species and habitats. The survey concludes that no badgers would be affected and that the development will not impact on bat populations. It did highlight that there are a number of Special Protection Areas (SPA) present within 20km of the site and that the habitat on the site is suitable for foraging geese. However, it concluded that the development will not significantly impact upon the SPA geese.

The Flood Risk Assessment notes that the site is situated in a low flood risk zone but has identified an actual risk of fluvial flooding from the Vinny Burn. In order to manage the flood risk on the site, the report identified that flood vulnerable aspects of the solar panels will be raised to 1.3m in height, which is the maximum achievable in the proposal. This would exceed the design and extreme flood depths by 0.3m. Essential ground based infrastructure such as the DNO (transformer station) is located outwith the flood risk area.

The LVIA provides a description of the development in the context of the local landscape and provides an analysis of the same. The study contains an assessment of the landscape and any likely landscape effects that may arise. Similarly an assessment of visual effects and visualisations are also provided. A summary of the landscape and visual impacts is provided along with a landscape mitigation strategy.

The Transport Statement advises approximately 60 Heavy Goods Vehicles (HGVs) would be accessing the site during the construction phase of the development, which is estimated to span 9 weeks. All elements of the development can be transported to the site via HGV with the possible exception of the transformer station which may be too wide. The statement indicates that the haulage contractor / component suppliers should confirm the vehicle types and loads and that the route is suitable. It indicates that a construction management plan will also be produced to control the vehicle delivery times, types and sizes and to specify the delivery route. It also concludes that delivery of materials to the solar farm can be achieved safely with minimal impact on the surrounding network.

An agricultural land assessment was submitted as part of the application. This included a Soil Quality Report following discussions with the applicant relating to whether the site was prime quality agricultural land or not. This report indicates that although identified on mapping as Class 2 prime quality agricultural land, it is in fact Class 3.2 and therefore non-prime quality agricultural land. The land assessment concludes that the site was chosen for a number of reasons including the assumption of a lower non-prime agricultural class. A map was submitted which showed that the distribution network (33kV) runs directly through the site and can be connected to the grid both cost effectively and easily with no disruptions caused to any other land. The supporting information indicates that other fields were discounted as the fields have no infrastructure and are more productive in terms of producing crops. It indicates that all of the other fields are relatively open and expansive which would result in major landscape and visual impacts. It indicates that notwithstanding a review of the other sites, that the current site location on low ground, making use of existing screening (complimented with additional planting) and the grid connection on the site results in the application site being an ideal site for the proposed development.

Appendix 3 : Development Plan Policies

TAYplan Strategic Development plan

Policy 3 : Finite Resources

Using the location priorities set out in Policy 1 of this Plan to: -

- safeguard minerals deposits of economic importance and land for a minimum of 10 years supply of construction aggregates at all times in all market areas; and,
- protect prime agricultural land, new and existing forestry areas, and carbon rich soils (where identified) where the advantages of development do not outweigh the loss of productive land.

Policy 3 : Natural and Historic Assets

Understanding and respecting the regional distinctiveness and scenic value of the TAYplan area through:-

- ensuring development likely to have a significant effect on a designated or proposed Natura 2000 sites (either alone or in combination with other sites or projects), will be subject to an appropriate assessment. Appropriate mitigation requires to be identified where necessary to ensure there will be no adverse effect on the integrity of Natura 2000 sites in accordance with Scottish Planning Policy;
- safeguarding habitats, sensitive green spaces, forestry, watercourses, wetlands, floodplains (in-line with the water framework directive), carbon sinks, species and wildlife corridors, geo-diversity, landscapes, parks, townscapes, archaeology, historic buildings and monuments and allow development where it does not adversely impact upon or preferably enhances these assets; and,
- identifying and safeguarding parts of the undeveloped coastline along the River Tay Estuary and in Angus and North Fife, that are unsuitable for development and set out policies for their management;
- identifying areas at risk from flooding and sea level rise and develop policies to manage retreat and realignment, as appropriate.

Policy 6A : Identification of Areas

Local Development Plans should identify areas that are suitable for different forms of renewable heat and electricity infrastructure and for waste/resource management infrastructure or criteria to support this; including, where appropriate, land for process industries (e.g. the co-location/proximity of surplus heat producers with heat users).

Policy 6C : Consider Criteria as Minimum

Local Development Plans and development proposals should ensure that all areas of search, allocated sites, routes and decisions on development proposals for energy and waste/resource management infrastructure have been justified, at a minimum, on the basis of these considerations:-

- The specific land take requirements associated with the infrastructure technology and associated statutory safety exclusion zones where appropriate;
- Waste/resource management proposals are justified against the Scottish Government's Zero Waste Plan and support the delivery of the waste/resource management hierarchy;
- Proximity of resources (e.g. woodland, wind or waste material); and to users/customers, grid connections and distribution networks for the heat, power or physical materials and waste products, where appropriate;
- Anticipated effects of construction and operation on air quality, emissions, noise, odour, surface and ground water pollution, drainage, waste disposal, radar installations and flight paths, and, of nuisance impacts on of-site properties;
- Sensitivity of landscapes (informed by landscape character assessments and other work), the water environment, biodiversity, geo-diversity, habitats, tourism, recreational access and listed/scheduled buildings and structures;
- Impacts of associated new grid connections and distribution or access infrastructure;
- Cumulative impacts of the scale and massing of multiple developments, including existing infrastructure;
- Impacts upon neighbouring planning authorities (both within and outwith TAYplan); and,
- Consistency with the National Planning Framework and its Action Programme

Policy S1 : Development Boundaries

(a) Within development boundaries proposals for new development on sites not allocated on Proposals Maps will generally be supported where they are in accordance with the relevant policies of the Local Plan.

(b) Development proposals on sites outwith development boundaries (i.e. in the countryside) will generally be supported where they are of a scale and nature appropriate to the location and where they are in accordance with the relevant policies of the Local Plan.

(c) Development proposals on sites contiguous with a development boundary will only be acceptable where there is a proven public interest and social, economic or environmental considerations confirm there is an overriding need for the development which cannot be met within the development boundary.

Policy S3: Design Quality

A high quality of design is encouraged in all development proposals. In considering proposals the following factors will be taken into account:

- site location and how the development fits with the local landscape character and pattern of development;
- proposed site layout and the scale, massing, height, proportions and density of the development including consideration of the relationship with the existing character of the surrounding area and neighbouring buildings;
- use of materials, textures and colours that are sensitive to the surrounding area; and
- the incorporation of key views into and out of the development.

Innovative and experimental designs will be encouraged in appropriate locations.

Policy S6 : Development Principles (Schedule 1)

Proposals for development should where appropriate have regard to the relevant principles set out in Schedule 1 which includes reference to amenity considerations; roads and parking; landscaping, open space and biodiversity; drainage and flood risk, and supporting information.

Schedule 1 : Development Principles

Amenity

(a) The amenity of proposed and existing properties should not be affected by unreasonable restriction of sunlight, daylight or privacy; by smells or fumes; noise levels and vibration; emissions including smoke, soot, ash, dust, grit, or any other environmental pollution; or disturbance by vehicular or pedestrian traffic.

(b) Proposals should not result in unacceptable visual impact.

(c) Proposals close to working farms should not interfere with farming operations, and will be expected to accept the nature of the existing local environment. New houses should not be sited within 400m of an existing or proposed intensive livestock building. (Policy ER31).

Roads/Parking/Access

(d) Access arrangements, road layouts and parking should be in accordance with Angus Council's Roads Standards, and use innovative solutions where possible, including 'Home Zones'. Provision for cycle parking/storage for flatted development will also be required.

(e) Access to housing in rural areas should not go through a farm court.

(f) Where access is proposed by unmade/private track it will be required to be made-up to standards set out in Angus Council Advice Note 17 : Miscellaneous Planning Policies. If the track exceeds 200m in length, conditions may be imposed regarding widening or the provision of passing places where necessary.

(g) Development should not result in the loss of public access rights. (Policy SC36)

Landscaping / Open Space / Biodiversity

(h) Development proposals should have regard to the Landscape Character of the local area as set out in the Tayside Landscape Character Assessment (SNH 1998). (Policy ER5)

(i) Appropriate landscaping and boundary treatment should be an integral element in the design and layout of proposals and should include the retention and enhancement of existing physical features (e.g. hedgerows, walls, trees etc) and link to the existing green space network of the local area.

(j) Development should maintain or enhance habitats of importance set out in the Tayside Local Biodiversity Action Plan and should not involve loss of trees or other important landscape features or valuable habitats and species.

(k) The planting of native hedgerows and tree species is encouraged.

(l) Open space provision in developments and the maintenance of it should be in accordance with Policy SC33.

Drainage and Flood Risk

(m) Development sites located within areas served by public sewerage systems should be connected to that system. (Policy ER22)

(n) Surface water will not be permitted to drain to the public sewer. An appropriate system of disposal will be necessary which meets the requirements of the Scottish Environment Protection Agency (SEPA) and Angus Council and should have regard to good practice advice set out in the Sustainable Urban Drainage Systems Design Manual for Scotland and Northern Ireland 2000.

(o) Proposals will be required to consider the potential flood risk at the location. (Policy ER28)

(p) Outwith areas served by public sewerage systems, where a septic tank, bio-disc or similar system is proposed to treat foul effluent and /or drainage is to a controlled water or soakaway, the consent of SEPA and Angus Council will be required. (Policy ER23).

(q) Proposals should incorporate appropriate waste recycling, segregation and collection facilities (Policy ER38)

(r) Development should minimise waste by design and during construction.

Supporting Information

(s) Where appropriate, planning applications should be accompanied by the necessary supporting information. Early discussion with Planning and Transport is advised to determine the level of supporting information which will be required and depending on the proposal this might include any of the following:

Air Quality Assessment; Archaeological Assessment; Contaminated Land Assessment; Design Statement; Drainage Impact Assessment; Environmental Statement; Flood Risk Assessment; Landscape Assessment and/or Landscaping Scheme; Noise Impact Assessment; Retail Impact Assessment; Transport Assessment.

Policy ER3 : Regional and Local Designations

Development which would adversely affect sites containing habitats, species, and/or geological or geomorphological features of local or regional importance, whether designated or otherwise, will only be permitted where:

(a) ecological appraisals have demonstrated to the satisfaction of the Council that the overall integrity of the site and the features of natural heritage value will not be compromised; or

(b) the economic and social benefits arising from the proposal significantly outweigh the natural heritage value of the site.

Policy ER4 : Wider Natural Heritage and Biodiversity

The Council will not normally grant planning permission for development that would have a significant adverse impact on species or habitats protected under British or European Law, identified as a priority in UK or Local Biodiversity Action Plans or on other valuable habitats or species.

Development proposals that affect such species or habitats will be required to include evidence that an assessment of nature conservation interest has been taken into account. Where development is permitted, the retention and enhancement of natural heritage and biodiversity will be secured through appropriate planning conditions or the use of Section 75 Agreements as necessary.

Policy ER5 : Conservation of Landscape Character

Development proposals should take account of the guidance provided by the Tayside Landscape Character Assessment and where appropriate will be considered against the following criteria:

(a) sites selected should be capable of absorbing the proposed development to ensure that it fits into the landscape;

(b) where required, landscape mitigation measures should be in character with, or enhance, the existing landscape setting;

(c) new buildings/structures should respect the pattern, scale, siting, form, design, colour and density of existing development;

(d) priority should be given to locating new development in towns, villages or building groups in preference to isolated development.

Policy ER6 : Trees, Woodlands and Hedgerows

Trees, woodlands and hedgerows which have a landscape, amenity and/or nature conservation value will be protected from development. Development that would result in the loss of or damage to ancient or semi-natural woodlands will not be permitted. Tree Preservation Orders will be promoted to protect groups of trees or individual significant trees of importance to the amenity of a surrounding area where such trees and woodland are under threat. Management Agreements will be introduced, where appropriate, to ensure the establishment of new and replacement planting. Tree planting initiatives such as Community Woodland proposals and other amenity planting will continue to be supported and encouraged.

Policy ER7 : Trees on Development Sites

Planning applications for development proposals affecting sites where existing trees and hedges occur and are considered by Angus Council to be of particular importance will normally be required to:

- (a) provide a full tree survey in order to identify the condition of those trees on site;
- (b) where possible retain, protect and incorporate existing trees, hedges, and treelines within the design and layout;
- (c) include appropriate new woodland and or tree planting within the development proposals to create diversity and additional screening, including preserving existing treelines, planting hedgerow trees or gapping up/ enhancing existing treelines.

In addition developers may be required to provide an Arboricultural Methods Statement, a Performance Bond and/or enter into Section 75 Agreements.

Policy ER16 : Development Affecting the Setting of a Listed Building

Development proposals will only be permitted where they do not adversely affect the setting of a listed building. New development should avoid building in front of important elevations, felling mature trees and breaching boundary walls.

Policy ER19 : Archaeological Sites of Local Importance

Where development proposals affect unscheduled sites of known or suspected archaeological interest, Angus Council will require the prospective developer to arrange for an archaeological evaluation to determine the importance of the site, its sensitivity to development and the most appropriate means for preserving or recording any archaeological information. The evaluation will be taken into account when determining whether planning permission should be granted with or without conditions or refused.

Where development is generally acceptable and preservation of archaeological features in situ is not feasible Angus Council will require through appropriate conditions attached to planning consents or through a Section 75 Agreement, that provision is made at the developer's expense for the excavation and recording of threatened features prior to development commencing.

Policy ER20 : Historic Landscapes and Designed Landscapes

Sites included in the "Inventory of Gardens and Designed Landscapes in Scotland", and any others that may be identified during the plan period, will be protected from development that adversely affects their character, amenity value and historic importance. Development proposals will only be permitted where it can be demonstrated that:

- (a) the proposal will not significantly damage the essential characteristics of the garden and designed landscape or its setting; or
- (b) there is a proven public interest, in allowing the development, which cannot be met in other less damaging locations or by reasonable alternative means.

Protection will also be given to non-inventory historic gardens, surviving features of designed landscapes, and parks of regional or local importance, including their setting.

Policy ER27 : Flood Risk - Consultation

Angus Council will routinely consult with SEPA on all development proposals adjacent to or potentially affected by:-

- (a) the North Esk, south of Edzell;
- (b) the South Esk;
- (c) the Brothock Burn, south of Leysmill;

- (d) the Elliot Water, south of Arbirlot;
- (e) the catchment of the Dighty Water and its tributaries; and
- (f) other watercourses and lochs of known potential flood risk.

Angus Council may require developers to submit a flood risk assessment in support of a planning application.

Policy ER28 : Flood Risk Assessment

Proposals for development on land at risk from flooding, including any functional flood plain, will only be permitted where the proposal is supported by a satisfactory flood risk assessment. This must demonstrate to the satisfaction of Angus Council that any risk from flooding can be mitigated in an environmentally sensitive way without increasing flood risk elsewhere. In addition, limitations will be placed on development according to the degree of risk from coastal, tidal and watercourse flooding. The following standards of protection, taking account of climate change, will be applied:-

- In Little or No Risk Areas where the annual probability of flooding is less than 0.1% (1:1000 years) there will be no general constraint to development.
- Low to Medium Risk Areas where the annual probability of flooding is in the range 0.1% - 0.5% (1:1000 – 1:200 years) are suitable for most development. Subject to operational requirements these areas are generally not suitable for essential civil infrastructure. Where such infrastructure has to be located in these areas, it must be capable of remaining operational during extreme flood events.
- Medium to High Risk Areas (see 2 sub areas below) where the probability of flooding is greater than 0.5% (1:200 years) are generally not suitable for essential civil infrastructure, schools, ground based electrical and telecommunications equipment.
 - (a) *Within areas already built up* sites may be suitable for residential, institutional, commercial and industrial development where an appropriate standard of flood prevention measures exist, are under construction or are planned.
 - (b) *Undeveloped or sparsely developed areas* are generally not suitable for additional development.

Policy ER30 : Agricultural Land

Proposals for development that would result in the permanent loss of prime quality agricultural land and/or have a detrimental effect on the viability of farming units will only normally be permitted where the land is allocated by this Local Plan or considered essential for implementation of the Local Plan strategy.

Policy ER34 : Renewable Energy Developments

Proposals for all forms of renewable energy developments will be supported in principle and will be assessed against the following criteria:

- (a) the siting and appearance of apparatus have been chosen to minimise the impact on amenity, while respecting operational efficiency;
- (b) there will be no unacceptable adverse landscape and visual impacts having regard to landscape character, setting within the immediate and wider landscape, and sensitive viewpoints;
- (c) the development will have no unacceptable detrimental effect on any sites designated for natural heritage, scientific, historic or archaeological reasons;
- (d) no unacceptable environmental effects of transmission lines, within and beyond the site; and
- (e) access for construction and maintenance traffic can be achieved without compromising road safety or causing unacceptable permanent change to the environment and landscape, and
- (f) that there will be no unacceptable impacts on the quantity or quality of groundwater or surface water resources during construction, operation and decommissioning of the energy plant.