

ANGUS COUNCIL

DEVELOPMENT STANDARDS COMMITTEE – 3 NOVEMBER 2015

PLANNING APPLICATION – FIELD 270M NORTH EAST OF 15 TEALING HOLDINGS, TEALING

GRID REF: 341565 : 738611

REPORT BY HEAD OF PLANNING AND PLACE

Abstract:

This report deals with planning application No 15/00331/FULL for the Installation of a Solar Farm up to 5MW and Associated Development for Green Power Consultants at Field 270m North East of 15 Tealing Holdings, Tealing. 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 5 Megawatt (MW) and associated development.
- 3.2 The application site is located on agricultural land 70 metres (m) to the west of the A90 dual carriageway some 203m north east of the village of Tealing. The site is bound by agricultural land to the north, south, east and west. The closest residential property 15 Holding, Tealing.
- 3.3 The proposal would involve the installation of an angled solar photovoltaic (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 1.64m (h) x 1m (w), positioned at an angle of 25 degrees and the panels would be non-reflective. The 20,834 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 2.73m. No concrete foundations would be required.
- 3.5 A number of transformer stations would be located at strategic locations within the site and these would measure 2.2m x 1.25m x 2.479m. A substation for connection to the National Grid is also proposed, however, little detail has been provided; the submitted information indicates these cabinets would likely measure 3m x 3m x 2.5m and be painted green.
- 3.6 The perimeter fencing would comprise a 1.9m high deer fencing surrounding the site which would be monitored by pole mounted CCTV cameras. The height of the cameras would be approximately 3m and there would be five cameras, one located at each corner of the site and one close to the vehicular access to the site.

- 3.7 The access to the panel array would be taken from the farm track to the south west of the application site. A hard-core maintenance track constructed of porous crushed stone, approximately 3.5m wide, would run around 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 would be grassed except for the vehicle turning area adjacent to the substation/transformer adjacent to the southern boundary of the site. Locally appropriate hedgerows such as Hawthorn, (*Craetaegus monogyna*), Holly (*Ilex aquifolium*) and Beech (*Fagus sylvatica*), complemented by solitary trees of Oak (*Quercus robur*), Ash (*Sorbus aria*), and Sycamore (*Acer pseudoplatanus*) would be planted around the site boundary to provide visual screening.
- 3.8 The proposal has been varied through the submission of an Amended Proposed Site Plan which was provided on 22 September 2015. That plan provides for the relocation of the substation which allows for a larger separation distance between the substation and 15 Holding, Tealing (Drawing number CAL060215 Rev C refers). The perimeter fencing around the site has also been amended from 2.1m high mesh fencing to 1.9m high deer fencing.
- 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 - Scoping Report;
- A Flood Risk and Outline Drainage Assessment;
- A Landscape and Visual Impact Assessment (LVIA);
- A Transport Statement;

5.2 The agent has submitted a response to a number of the points of objection.

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 **Angus Council – Roads (traffic)** – No objection in respect of traffic safety.

6.2 **Angus Council - Flood Prevention** –No objections based on the conclusions of the revised flood risk assessment (FRA).

6.3 **Angus Council Environmental Health** –No objections subject to conditions being attached.

6.4 **Transport Scotland** – Offer no objection in respect of the impacts from the proposed development on the trunk roads network.

6.5 **Historic Environment Scotland (formerly Historic Scotland)** –Considers there are unlikely to be any significant impacts on historic environment features within its statutory remit, and offers no objection to the proposal.

6.6 **Aberdeenshire Council Archaeological Service** –No archaeological mitigation is required.

6.7 **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 and indicated 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.

- 6.8 **National Air Traffic Services (NATS)** –No objections to the proposal in relation to safeguarding impacts.
- 6.9 **Ministry Of Defence (MoD)** – There was no response from this consultee at the time of report preparation.
- 6.10 **Civil Aviation Authority** – There was no response from this consultee at the time of report preparation.
- 6.11 **Dundee Airport Ltd** – There was no response from this consultee at the time of report preparation.
- 6.12 **Scottish Water** – There was no response from this consultee at the time of report preparation.
- 6.13 **Tealing Community Council** –Objects to the application with concerns relating to adverse landscape and visual impacts, cumulative impacts with other renewable energy developments in the Tealing area and flood risk concerns. A further submission was made that raised concerns regarding a lack of consultation with the community given the scale of the development; road traffic safety concerns and lack of community benefits. The full representations from the community council will be circulated to members of the Development Standards Committee and copies are available to view in the local library or on the council's Public Access website.

7. REPRESENTATIONS

- 7.1 Forty two (42) letters of representation have been received from 33 properties; 17 are in support of the proposal with 25 raising objection. 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 support are as follows:
- The proposal conforms with national and local policy and guidance;
 - A solar farm is a clean and sustainable form of electricity generation;
 - The proposed development would have minimal visual impacts as the panels are low in height and existing landscape features and additional planting would adequately screen them;
 - The solar farm is only proposed for a temporary period and the site would be returned to its former state at a later date;
 - The nature of the development allows the areas surrounding the panels to retain an agricultural use or incorporate biodiversity improvements;
 - The proposal would not create unacceptable noise impacts or odours; and
 - Disruption during construction works would be limited as there are no large vehicles associated with the delivery of the apparatus.
- 7.3 The main points of concern raised are as follows:
- Contrary to policy and guidance;
 - Adverse landscape and visual impacts;
 - Impacts on residential amenity;
 - Adverse impacts on built and cultural heritage;
 - Adverse impacts on ecology and wildlife;
 - Loss of prime quality agricultural land;
 - Flooding and drainage impacts; and
 - Road traffic safety impacts.
- 7.4 The substantive issue is whether the proposed development subject of this application is appropriate on the application site. The material planning considerations identified above are discussed under Section 8, Planning Considerations below. Other matters raised are as follows:

- **The route of the grid connection has not been specified** – the applicant's agent has advised that the finalised route of the cable route has yet to be confirmed as a number of options are being considered.
- **Impacts on adjoining agricultural land from the proposed landscaping associated with the development** – the effects from the proposed landscaping associated with the development would be negligible as native hedgerow with individual trees planted and would not impact on the operations of the field in any other way than a traditional hedgerow bordering a field and common throughout the area and indeed around the immediate vicinity of the application site.
- **Impacts from the proposed CCTV on adjacent residential properties** – the CCTV would be orientated to overlook the application site and given the separation distance to the closest residential property I am not concerned that the provision of CCTV with the development would result in unacceptable amenity impacts on the closest residential property.
- **Safety and security concerns with children being able to access the solar farm** – the proposal incorporates crime prevention measures in accordance with national guidance which are considered adequate to ensure that the security of the site is maintained.
- **Adverse health consequences** – I do not consider that the proposal should give rise to any significant health issues provided it is capable of complying with relevant conditions in relation to matters such as noise levels.
- **The applicant has never contributed to the upkeep of the access track over the years** – historic maintenance of the access track would be a civil matter between the individual track owners.
- **The co-owners of the access track would not allow cables to be laid alongside the tack** – this would be a civil matter between the track owners and the applicant.
- **The use of the access track for a commercial development is at odds with the content of title deeds of the properties regarding the use of the access track which state the track is for domestic and agricultural use only** – this is a civil matter and not a valid planning objection.
- **Why were the neighbouring land owners not notified directly of the planning application?** – Angus Council has undertaken the neighbour notification process in accordance with the requirements of relevant Regulations. Not all of the adjoining land contained buildings to which a notification could be sent therefore the application was advertised in the local press in accordance with the Regulations.
- **The proposal is of no advantage to the community with the land owner the only beneficiary** – the effectiveness or efficiency of a solar farm is not a matter for Council to consider in the determination of this application. However, an evaluation of the environmental impact of the development balanced against the environmental benefit of renewable energy generation is provided under Planning Considerations below.
- **Creation of a precedent** – every application is considered on its own merits against relevant development plan policies and other material planning considerations. The acceptability of this application is assessed below.
- **Loss of view** – Members will be aware this is not a valid planning objection.

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;
 - Cumulative Landscape and Visual Impact;
 - Impact on Residential Amenity;
 - Archaeology and Built Heritage Impacts;

- Ecological Impacts;
- Other Development Plan Considerations; and
- Other Material Considerations.

Environmental Benefits

- 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 1100 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 Impact

- 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 and dominated by varied agriculture, large agricultural buildings, rows of trees, hedges and small dispersed settlement pattern. The settlement pattern consists of a collection of vernacular residences some rural, farmsteads and others suburban in style. South of Tealing as one moves towards Dundee's outskirts there is a sense of fragmentation and a sense of rural character erosion as traditional field boundaries have been lost or degraded with many replaced by post and wire. Dundee is itself well screened by the intervening ridgeline which lies on an east to west axis. There are numerous vertical structures mostly related to the electricity sub-station with a high concentration of associated pylons, but also communication masts which are visible on the surrounding hill-tops and a 86.5m sized wind turbine on the Former Airfield at Tealing as well as industrial poultry farming. The high concentration of pylons and other infrastructural development reduce the landscape sensitivity to change. The sensitivity to change of this LCT is low to moderate.
- 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 that have been lost. 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 low magnitude of impact and a minor/moderate significance of effect on the immediate landscape character. However, it further indicates that due to the limited extent of the area and the low degree of topographical exposure of the application site 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 As indicated above the landscape is characterised by open expansive farmland with rectilinear fields of medium to large scale. The application site consists of several arable fields and the proposal would involve the removal of two established drystone dykes (reinforced with post and wire fencing) which results in the provision of a scale of development that

reflects the adjoining medium to large rectilinear fields to the north. The A90 dual carriageway is located to the east of the application site although views of the site are partly screened due to the presence of an existing shelterbelt of trees to the south east and the topographical difference between the road and the application site. The village of Tealing is located to the south/south west of the site where the residential properties are located in a north to south direction either side of the public road (C6 Dundee – Tealing - Auchterhouse). A farm track is located to the west of the site which provides access to New Mains of Tealing, New Mains Cottage and 15 Holding.

- 8.15 The proposed development would be located between the settlement of Tealing and the A90 dual carriageway. The relatively low height of the solar panels and the horizontal nature of the development assist in enabling the development to be absorbed into the character and pattern of the landscape. The development generally conforms with the existing structure of the landscape and the opportunity to reinforce this structure with additional peripheral planting is also presented which would assist in restoring landscape features that have historically been lost within this landscape. The wider landscape is in part characterised by utilitarian features and development associated with agricultural activity, including some 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. 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 A90 to the east, minor roads in the vicinity and a number of residential properties within the village of Tealing to the south and south west. The impacts on the A90 are identified as being negligible due to a number of factors such as the speed of vehicles on this route, the topography of the land and existing landscape features. The document suggests that effects on residential receptors are limited due to the fact that there would be no properties with principal windows facing the site. Effects on recreational receptors are suggested to be negligible given the topography of the land and the intervening features when viewed from the Sidlaw Hills to the north west. Finally it is suggested that heritage receptors would experience a medium magnitude of change due to the impacts related to a road bridge at Mill of Tealing (388m to the south west). The assessment indicates that due to the low profile of the panels, and subject to the proposed planting being established, the overall magnitude of effect at worst is low.
- 8.19 Within views from the A90 visibility of the proposed development is likely to be limited. Theoretical visibility affects the stretch between the two ridgelines, north of Dundee and at Petterden; however in reality visibility would be much more limited to between the C6 junction with the A90 and the A928 junction with the A90 (approximately 2km). When travelling along the A90 in a northward direction, the site is located approximately 2m below the level of the road and due to the presence of an existing belt of trees to the south east the site would only be a prominent feature over a distance of 300m. The impact could be mitigated through the provision of additional landscaping at the east boundary of the site. The provision of such landscaping would also mitigate the impacts when travelling southwards along the A90, where views would predominantly be of the rear of the panels. Considering the low height of the proposed development the visual impacts on users of the A90 are not considered to be unacceptable given the high concentration of utilitarian features in the landscape as the development would reinforce the utilitarian characteristic. In relation to impacts on other minor public roads to the south and south west of the site due to the alignment of the roads and a combination of topography and distance to the site there would be no unacceptable visual effects arising.

- 8.20 The closest residential properties affected by the proposal are located to the north, west and south of the site. Beyond these properties there are a number of other properties within 1km of the proposed development, including in the village of Tealing. The submitted information suggests that 28 properties could potentially experience significant effects, being acute for the six properties. The photomontages submitted show the visibility of the proposed development from some of the surrounding properties and these suggest that due to the horizontal nature of the development visual impacts would be limited and that the development would not be visually overbearing. 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. The incorporation of effective vegetation around the south and west boundaries of the development would be an effective mitigation measure to reduce the visual effects on the closest residential properties and I consider that introducing some faster growing heavy standard tree species when planted would ensure early screening of the development to reduce the post completion residual effects on the closest residential properties. It is therefore considered that the proposal would not give rise to unacceptable visual impacts on residential properties subject to appropriate mitigation through screen planting.
- 8.21 To the north-west of the development are a number of recreational paths and viewpoints which would likely be affected by the development, which are part of the Sidlaw Hills within the Igneous Hills LCA contrary to the opinion expressed in the Landscape and Visual Impact Assessment submitted in support of the application. A variety of paths and core-paths (206 and 208) create access to viewpoints and walks where scenic panoramic views over the Tealing valley and the landscape beyond to the sea can be gained. A core-path leading up Gallow Hill and Balluderon Hill, including a viewpoint on Balluderon Hill would likely experience views of the development. The visualisation for viewpoint 12 from Gallow Hill demonstrates the approximate significance of visual impact affecting these locations. The scale and horizontal extent of the development become more evident from this viewpoint. Moderate adverse visual impacts would arise from the scale and the shape of the development, disrupting the regular field patterns as seen from above. Moderate to significant adverse visual impacts may also arise from the visual prominence of the panels when reflecting sunlight and create a visual prominence that the development would otherwise not have, however these would unlikely be permanent but limited in duration. Screening by vegetation could partly mitigate the visual effects of the development on these viewpoints.
- 8.22 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.
- 8.23 At close range such as the A90 and from the environs and approaches of nearby dwellings the development would 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.

Cumulative Landscape and Visual Impact

- 8.24 An assessment of cumulative landscape and visual effects is also considered through local and national policy. In this case within the Dipslope Farmland LCT there is a 31MW solar farm consented at the Former Airfield at Tealing, approximately 1.4km to the south of the application site. In considering the cumulative landscape effects there are likely to be in combination and sequential effects arising between the two developments. However there is limited inter-visibility between the two solar farms due to the intervening topography and associated landscape features therefore the cumulative landscape effects would be low when considering the landscape context. Turning to cumulative visual effects there would also be in combination, in succession and sequential visual effects arising. In combination effects would occur from the Sidlaw Hills due to their elevated nature with sequential effects occurring from the A90 and other minor public roads in the Tealing area. These cumulative effects are likely

to be low-moderate and potentially diminish over time if effective landscaping is incorporated into the proposal. Having considered the relationship between the solar farm developments, there are not considered to be significant cumulative landscape or visual impacts arising.

Impact on Residential Amenity

- 8.25 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.
- 8.26 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.
- 8.27 Environmental Health has reviewed this information in relation to potential impact on sensitive receptors. No objection is offered to the proposal subject to a condition regarding the solar panels in order to reduce potential adverse impact from glint and glare. Environmental Health has also requested conditions to limit operational and construction noise.

Archaeology and Built Heritage Impacts

- 8.28 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.
- 8.29 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.
- 8.30 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 Environment Scotland (formerly Historic Scotland) has reviewed the submitted information and considered the impact of the proposal in relation to its remit. Historic Environment Scotland does not consider that the impacts on Tealing souterrain raise issues of national significance. The development is likely to be inter-visible with other listed buildings and historic assets in the wider area in particular the road bridge at Mill of Tealing but such impacts are not considered unacceptable. Overall the proposal, is not considered to give rise to unacceptable impacts on relevant heritage interests.

Ecological Impacts

- 8.31 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 European Protected Species or other protected mammals would be affected by the development. It recognises that geese may use the area for foraging but concludes that the development would not significantly impact upon the SPA geese.
- 8.32 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.

- 8.33 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

- 8.34 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.
- 8.35 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.
- 8.36 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. It is noted that the application site is accessed by a farm track that serves an existing farm as well as a number of residential properties. Concerns have been raised by third parties that the development would have significant adverse impacts on the condition of the access track given the increase in vehicle movements particularly during the construction phase. Having assessed these impacts a planning condition is attached to ensure that the condition of the access track between the site access and public road is maintained for the life of the development.
- 8.37 In terms of flood risk, a Flood Risk Assessment (FRA) has been undertaken and submitted. Following comments from the Councils Roads Service, this document was updated. The Roads Service has indicated that they have no objections to the proposals.
- 8.38 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.
- 8.39 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 indicates that the application site encompasses 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.
- 8.40 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

- 8.41 Representations have been received both in support and opposition to the application and the issues have largely been addressed above. It is relevant to note however 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 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.

- 8.42 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.
- 8.43 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

- 8.44 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. The proposal will have some landscape and visual impact however 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 no solar panel shall be fixed at an angle greater than 25 degrees 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.

4. 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.

5. 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.

6. That no development in connection with the planning permission hereby approved shall take place unless:

- (i) 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 1 of this planning permission.
- (ii) 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.
- (iii) 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.

- (iv) 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.
- (v) 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.

- (iv) A scheme for the maintenance of the access track shall be submitted for the written approval of the Planning Authority (hereafter referred to as 'the scheme'). The scheme shall include proposals for the regular inspection, maintenance and repair of the access track (between the access to the site hereby approved and the public road). The access track shall thereafter be inspected, maintained and repaired in accordance with the approved scheme for the duration of the use of the site as a solar farm.

Reason: In order 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; in order that the planning authority may verify the acceptability of the proposals in the interests of the visual amenity of the area; in order to ensure provision of appropriate landscaping necessary to mitigate the visual impact of the development; in order that the Planning Authority may verify the acceptability of the transmission lines; 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); in the interests of pedestrian and vehicle traffic safety, free traffic flow and residential amenity.

7. That except as otherwise provided for and amended by the terms of this permission, the development shall be undertaken in accordance with the provisions of the Flood Risk & Outline Drainage Assessment for Land to the North East of Tealing, Dundee by Flood Risk UK dated June 2015; Ecological and Ornithological Scoping Report for Tealing Solar Park by Dr Eric Donnelly dated 24 February 2015 and Transport Statement for Proposed Solar Farm at Land to the North of Tealing, Near Dundee by HY Consulting dated February 2015 unless otherwise approved in writing by the Planning Authority.

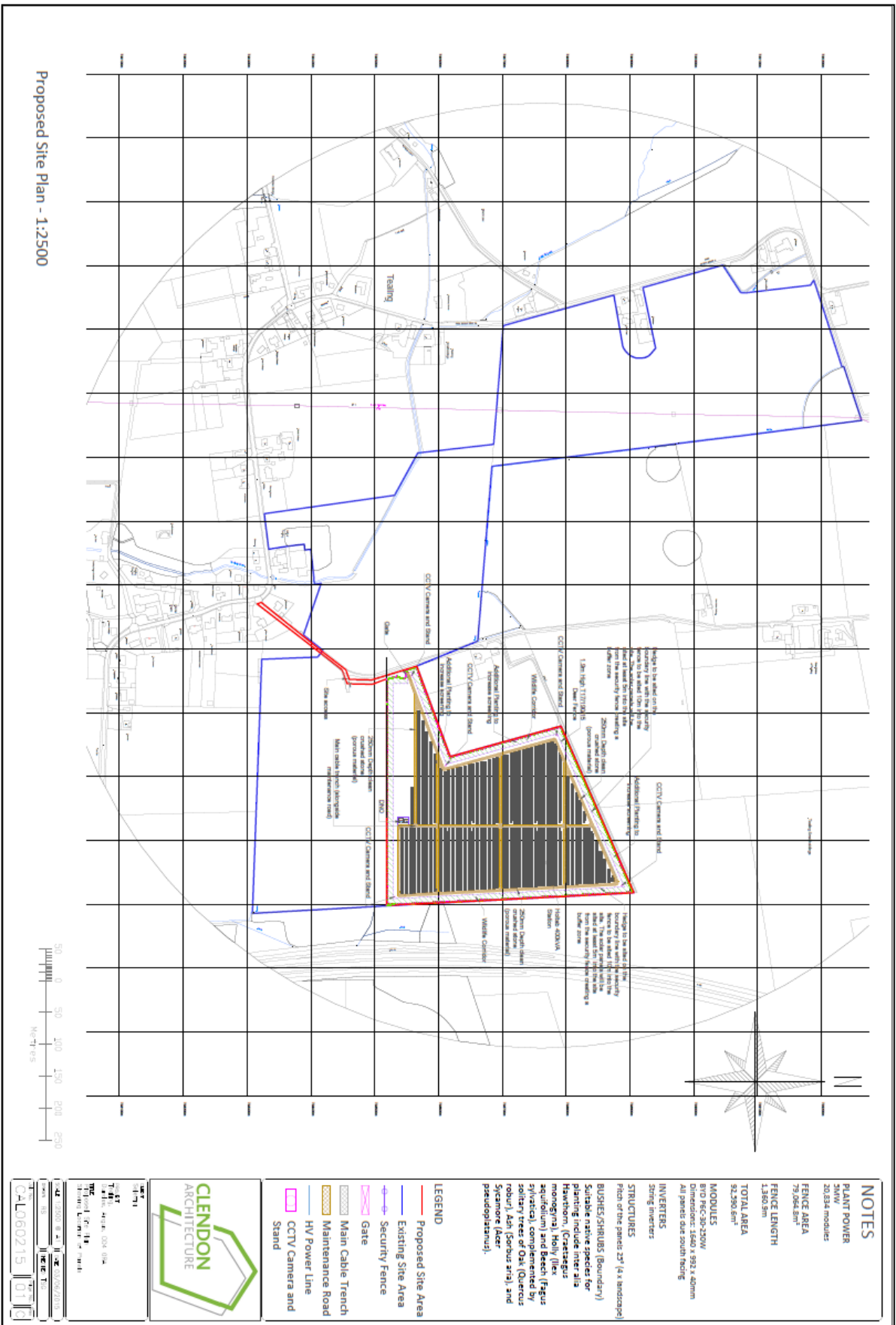
Reason: To ensure that the development is undertaken in accordance with the supporting documents in order to mitigate impact of the development on the environment.

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: 20 OCTOBER 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 that within 5km of the site there are no gardens & designed landscapes, no Category A listed buildings and five Scheduled Ancient Monuments (SAMs). 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 Ecological and Ornithological Scoping 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 there were no signs of bat, otter, red squirrel and pine marten on or around the site therefore it is considered that the development would not impact upon these species. 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 and Outline Drainage Assessment notes that the site is at a low risk of flooding from riverine, coastal and groundwater sources but is at risk from surface water flooding. A drainage impact assessment has been carried out for the site in-line with Angus Council's Roads Service requirements to manage surface water in a sustainable manner. This assessment indicates that through the use of porous materials and maintenance of grass it would ensure the rates and volumes of runoff are not significantly increased from those pre-development and indeed that some betterment may be achieved.

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.

APPENDIX 3

TAYplan

Policy 3: Managing TAYplan's Assets

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.

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 6: Energy and Waste/Resource Management Infrastructure

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).

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.

ANGUS LOCAL PLAN REVIEW

DEVELOPMENT PLAN POLICIES AGAINST WHICH THE PROPOSAL HAS BEEN ASSESSED

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 S5: Safeguard Areas

Planning permission for development within the consultation zones of notifiable installations, pipelines or hazards will only be granted where the proposal accords with the strategy and policies of this Local Plan and there is no objection by the Health & Safety Executive, Civil Aviation Authority or other relevant statutory agency.

Policy S6: Development Principles

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 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 ER11: Noise Pollution

Development which adversely affects health, the natural or built environment or general amenity as a result of an unacceptable increase in noise levels will not be permitted unless there is an overriding need which cannot be accommodated elsewhere.

Proposals for development generating unacceptable noise levels will not generally be permitted adjacent to existing or proposed noise-sensitive land uses. Proposals for new noise-sensitive development which would be subject to unacceptable levels of noise from an existing noise source or from a proposed use will not be permitted.

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 ER18: Archaeological Sites of National Importance

Priority will be given to preserving Scheduled Ancient Monuments in situ. Developments affecting Scheduled Ancient Monuments and other nationally significant archaeological sites and historic landscapes and their settings will only be permitted where it can be adequately demonstrated that either:

- (a) the proposed development will not result in damage to the scheduled monument or site of national archaeological interest or the integrity of its setting; or
- (b) there is overriding and proven public interest to be gained from the proposed development that outweighs the national significance attached to the preservation of the monument or archaeological importance of the site. In the case of Scheduled Ancient Monuments, the development must be in the national interest in order to outweigh the national importance attached to their preservation; and
- (c) the need for the development cannot reasonably be met in other less archaeologically damaging locations or by reasonable alternative means; and
- (d) the proposal has been sited and designed to minimise damage to the archaeological remains.

Where development is considered acceptable and preservation of the site in its original location is not possible, the excavation and recording of the site will be required in advance of development, at the developer's expense.

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 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.