

**ANGUS COUNCIL**

**DEVELOPMENT STANDARDS COMMITTEE – 24 NOVEMBER 2015**

**PLANNING APPLICATION - MONTREATHMONT MOOR FOREST MONTREATHMONT FORFAR**

**GRID REF: 359078 : 753873**

**REPORT BY HEAD OF PLANNING AND PLACE**

**Abstract:**

This report deals with planning application No. 15/00747/FULM for Installation and operation of a 42MW solar farm and associated infrastructure, including photovoltaic panels, mounting frames, inverters, transformers, substations, communications building, fence and pole mounted security cameras, for the operational lifespan of the solar farm at Montreathmont Moor Forest, Montreathmont, Forfar for Lightsource SPV 60 Ltd. This application is recommended for conditional approval.

**1. RECOMMENDATION**

It is recommended that the application be approved for the reasons and subject to the conditions 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 42MW Solar Park and ancillary infrastructure, including photovoltaic panels, mounting frames, inverters, transformers, substations, a communications building, a security fence and pole mounted security cameras on land at Montreathmont Moor Forest, Montreathmont, Forfar.

3.2 The application site measures around 88.7 hectares (219.31 acres) and consists of a large forest clearing that is centrally located within Montreathmont Forest. The site has been historically associated with agricultural use and wartime listening operations. The site is bound on all sides by Montreathmont Forest.

3.3 The proposed development would consist of the installation of a large solar photovoltaic (PV) array comprising multiple solar PV panels grouped in tables and ground mounted and erected in multiple rows not expected to exceed 2.5 metres in height. 12 field transformers and associated inverters would be erected at strategic points around the site and an auxiliary site transformer, a communications building, a storage shed and a Client Side Substation (shuts off the solar farm from the grid) along with a DNO substation (shuts off the grid from the solar farm) would be erected at the south of the site near the site entrance. The site would be contained by a 2 metre tall deer fence with small mammal gates fitted. CCTV surveillance would be enabled by around 40 CCTV cameras mounted on 2.4 metre poles around the site perimeter and at various points throughout the site.

- 3.4 The tables of mounted solar PV panels would stand around 2.35 metres in height and would typically be spaced around 4.8 metres apart. The inverter housing buildings would typically be flat roofed or mono pitched and simplistically designed.
- 3.5 The site currently consists of a generally flat area of arable agricultural land that has some gentle undulations at various points set within a large clearing of Montreathmont Moor Forest. A single access point pierces the treed perimeter to the south of the site and is taken direct from the B9113 Forfar to Montrose Road. A former military wireless station stands roughly centrally within the clearing and is contained by a security fence. The buildings are now occupied as a dwellinghouse. An area of scrubland that forms part of the forest fringe lies to the east of the former wireless station. This area lies outwith the proposed operational site. Other notable features within and around the site consist of Rough Moss Burn which runs to the south of the SE corner, Battle Burn and Lunan Den Burn which both traverse the site in an east-west manner and are culverted under the existing site access. An overhead power line over sails the north west corner of the site.
- 3.6 The application has not been subject of variation. The application was advertised in the Dundee Courier as required by legislation.

#### **4. RELEVANT PLANNING HISTORY**

The planning history relevant to the site is limited to a proposal to erect 11 wind turbines that was submitted under ref: 07/01632/FUL. Although the majority of the development proposed by the application would have been located within the forest to the north, east and west of the site, one of the turbines would have been located within the western extent of the site. The proposal was subject of an appeal to the DPEA and was considered at a conjoined Inquiry along with a proposal relating to further wind energy development at Rossie Moor to the east under reference P\PPA\120\242. The appeal was dismissed in respect of both development proposals on 26 May 2009.

#### **5. APPLICANT'S CASE**

5.1 The following has been submitted in support of the proposal:

- A Breeding Bird Survey;
- A Design and Access Statement;
- An Ecological Appraisal;
- A Flood Risk Assessment;
- A Glint and Glare Assessment;
- An Archaeology and Cultural Heritage Assessment;
- A Landscape and Visual Impact Appraisal (LIVA);
- A Planning Summary Report;
- A Pre-application Consultation Report (PAC Report);
- A Soils and Capability Classification for Agriculture Report.

5.2 The supporting documents are summarised at Appendix 2 and are available to view on the Council's Public Access system.

#### **6. CONSULTATIONS**

- 6.1 **Community Council** - There was no response from this consultee at the time of report preparation.
- 6.2 **Angus Council - Roads** - No objection in relation to road safety subject to 4 conditions relating to access improvements and in relation to flood risk, no objection.
- 6.3 **Scottish Water** - There was no response from this consultee at the time of report preparation.
- 6.4 **Aberdeenshire Council Archaeology Service** – No objection subject to a condition relating to the implementation of a programme of archaeological works.

- 6.5 **Civil Aviation Authority** - There was no response from this consultee at the time of report preparation.
- 6.6 **NERL Safeguarding** - No safeguarding objection.
- 6.7 **Dundee Airport Ltd** - No safeguarding objection.
- 6.8 **Angus Council Environmental Health** - No objection subject to conditions relating to glint and glare mitigation, operational noise limits and construction noise,
- 6.9 **Ministry Of Defence** - The consultee indicates that the application relates to a site that lies outwith MoD safeguarding areas and offers no objection on that basis.

## 7. REPRESENTATIONS

- 7.1 One letter of representation was received. The letter 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 letter indicates that the proposed layout is as agreed with the party making the representation and offers support for the development.

## 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 Angus Council is progressing with preparation of a Local Development Plan to provide up to date Development Plan coverage for Angus. When adopted, the Angus Local Development Plan (ALDP) will replace the current adopted Angus Local Plan Review (ALPR). The Proposed Angus Local Development Plan was approved by Angus Council at its meeting on 11 December 2014 and published the Proposed Angus Local Development Plan for a statutory period for representations. The Proposed ALDP sets out policies and proposals for the 2016-2026 period consistent with the strategic framework provided by the approved TAYplan SDP (June 2012) and Scottish Planning Policy (SPP) published in June 2014. The statutory period for representation has now expired and submitted representations are in the process of being assessed. Any unresolved representations are likely to be considered at an Examination by an independent Reporter appointed by Scottish Ministers. The Council must accept the conclusions and recommendations of the Reporter before proceeding to adopt the plan. Only in exceptional circumstances can the Council choose not to do this. The Proposed ALDP represents Angus Council's settled view in relation to the appropriate use of land within the Council area. As such, it is a material consideration in the determination of planning applications. The Proposed ALDP is, however, at a stage in the statutory process of preparation where it may be subject to further modification. Limited weight can therefore currently be attached to its contents until the level and significance of any objection to the policies and proposals of the plan are known. Relevant policies of the PALDP will only be referred to in this report where they are not subject of objection or where they introduce new considerations or are materially different from existing policies in the ALPR.

- 8.5 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);
- 8.6 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'.
- 8.7 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.
- 8.8 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.
- 8.9 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.
- 8.10 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.

## Environmental Benefits

- 8.11 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 42 MW of renewable energy with an annual output that is expected to meet the average annual power requirements of 11,200 homes and offset 19,108tonnes/CO2 annually. 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

- 8.12 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.
- 8.13 The proposed site is within the Landscape Character Type (LCT) TAY12: Low Moorland Hills as defined within the Tayside Landscape Character Assessment (TLCA). This LCT is generally characterised by a combination of low, rounded hills and craggy, ridged upland. Moorland character is evident in the LCT and there are areas of extensive woodland and scattered settlement patterns. Within the Montreathmont Moor sub-area the landform is predominantly gently undulating and gradually slopes down towards Montrose Basin to the east. There are no distinctive hill landforms and it is a medium to large scale farming and forestry landscape dominated by Montreathmont Forest.
- 8.14 The applicant has submitted a Landscape and Visual Impact Appraisal in support of the proposal. It indicates that the landscape character of the site relates to its location within the Montreathmont Forest. The local dominance of the forest determines that the landscape of the site and its immediate surroundings is of low sensitivity to development such as the proposed solar PV farm at Montreathmont.
- 8.15 The LIVA concludes that the solar PV development would not result in changes to the key characteristics of the LCT. The LIVA further states that forest cover would be unaffected by the development and that effects would be extremely limited and would almost entirely relate to the area within the site boundary. The LIVA assesses the magnitude of landscape effects upon the *Low Moorland Hills* as being negligible-low and the overall level of effect as being imperceptible – slight adverse.
- 8.16 The site is currently in agricultural use and the introduction of the proposed solar development would introduce a new element into the landscape. However, the topography would not be altered and the use would be temporary. Given the contained nature of the site and the dominance of the surrounding forest it is considered that the development is capable of being absorbed into the character of the landscape without significant or unacceptable effect.

## Visual Impacts

- 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 As noted above, 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 two residential receptors to varying degrees, from the B9133 Road which passes the site access to the south, from Core Path 067 along a 30m section to the east of the north east corner of the site and from a 30m long section of road on Bolshan Hill.

- 8.19 Of the two residential receptors mentioned, Montreathmont Moor House which is the former wireless station that stands adjacent to the site at the centre of the forest clearing would be the most effected. Due to proximity there would be open views of the construction of the solar PV development, however a stand-off to the development boundary would reduce visual impact. Construction effects upon Montreathmont Moor House are assessed as being high in magnitude and substantial adverse in overall. Operational effects on Montreathmont Moor House would be high initially; however, proposed hedgerow and scrub planting would strengthen the existing strip of vegetation along the Battle Burn and would ensure that the development would be progressively screened as this vegetation establishes. Such effects would be reduced to medium in magnitude and moderate beneficial in overall level of effect. It is noted that the occupier of Montreathmont Moor House has submitted a letter in support of the development.
- 8.20 Al Alamein which is a former military billet adjacent to the site entrance to the north of the B9133 Road would experience glimpses into the development from the access track however all other parts of the proposed development would be screened from view by existing dense intervening tree cover. Otherwise, residential visual impacts would be very limited and negligible.
- 8.21 In terms of transport and recreational receptors, the visual impact for users of the B9133 Road would be limited to passing glimpses into the site along the access track and visual effects are assessed as being negligible in magnitude and imperceptible, neutral in overall level of effect. Similarly, users of Core Path 067 would be able to view some panels through foreground scrub and trees and visual effects upon this 30m section of core path 067 are assessed as being low in magnitude and slight adverse in overall level of effect. A similar assessment is given of visual impact from the road on Bolshan Hill where visual effects are assessed as being negligible-low in magnitude and imperceptible-slight and beneficial in overall level of effect.
- 8.22 Whilst the visual effects of the development are undoubtedly mitigated to a large degree by the fact that the site is enclosed by an established forest, the fact that the forest is a long-term crop which is planted, grown and harvested (felled) cannot be ignored. The LIVA makes reference to the Felling Plan for South Esk Estate which shows that only one forest compartment (63b) which is located adjacent to the south-west corner of the site, is earmarked for felling during the period 2023 – 2027 however a significant buffer of forestry is shown, on the Ordnance Survey background to the Felling Plan, to the west of compartment 63b and so it can be assumed that there would not be any additional or increased landscape or visual effects on receptors to the west or south-west of the site. No other felling is planned around the site within the proposed operational lifespan of the development. It is considered that there would not be unacceptable visual effects arising from the development proposal.

#### Cumulative Landscape and Visual Effects

- 8.23 There are approved solar farms at The Guynd, Kinblethmont and Pressock as well as other proposals in the wider area. However, due to the separation distances and the intervening topography there are not considered to be significant cumulative landscape or visual impacts. Again, the screened nature of the site is also a significant factor in minimising any potential for cumulative effects arising from the development.

#### 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 An appraisal of the potential for glint and glare effects has been submitted in support of the application. Solar PV panels are generally designed to absorb light and are therefore not particularly reflective. The wireless station residence is located just outside the eastern site boundary where the trees protrude into the wider site area. The buildings lie within the ground glint zone and have the potential to receive glint. Computer modelling suggests that glint may be

visible in the morning during late March and late September between 06:00 and 06:30. Effects last for a maximum of 20 minutes per day in the morning. Glint may also be visible in the early evening from late March to mid- September between 18:10 to 19:15 but not for longer than 35 minutes per day in the evening. In all instances the glint modelled is of a low intensity. Trees and hedgerows surround the buildings at the wireless station, in some areas this will provide complete screening from glint in others it will be partial. In addition, mitigating planting is proposed.

- 8.26 Environmental Health has reviewed this information in relation to potential impact on sensitive receptors. No objection is offered to the proposal however, conditions relating to glint and glare mitigation and noise are suggested. It is considered that there would be no unacceptable effects on residential amenity arising as a result of the development subject to the attached conditions.

#### Archaeology 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 an Archaeology and Cultural Heritage Assessment in support of the application. The assessment identifies that there are no designated heritage assets within the boundary of the site. However the assessment confirms that the Angus Historic Environment Record (HER) identifies a non-designated site within the application boundary and this comprises the apparent remains of at least three small cairns measuring up to 2m in diameter, located just to the west of the Listening Station (HER Ref.NO55SE0028). Within close proximity to the site boundary, there are standing remains associated with the World War Two Listening Station (HER Ref.NO55SE0043); the remains of two possible cairns to the east (HER Ref.NO55SE0017); and the remains of a hut circle and associated field system to the west (HER Ref.NO55NE012). Aberdeenshire Council Archaeology Service has not objected to the proposal but has recommended that a condition is attached requiring the undertaking of a programme of archaeological works as part of any development proposal.
- 8.28 The Archaeology and Cultural Heritage Assessment identifies relevant historic assets in the area and considers the impact of the development upon them. It concludes that impacts are not unacceptable. This is primarily due to the site's location within a clearing of a dense coniferous forest. There are no inter-visible views with any designated cultural heritage assets in the area. The development would have an effect on the setting of the non-designated former listening station however this is not in itself considered to amount to an unacceptable impact on heritage interests in the area. An archaeological condition is proposed that would seek to safeguard non-designated assets within the site.

#### Ecological Impacts

- 8.29 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. An Ecological Appraisal has been undertaken in support of the proposal. Badgers and nesting birds were identified as potential ecological constraints however the closest badger sett which is located within Montreathmont Forest is outwith relevant distances where a licence would be required. The presence of nesting birds in and around the site would be addressed by undertaking works outwith the usual bird breeding season or that appropriate mitigation is undertaken when this cannot be accommodated. Furthermore a range of ecological works are recommended to be undertaken as part of the development that would enhance foraging opportunities for birds and bats, nectar sources for invertebrates, and measures to improve habitat for small mammals, amphibians and invertebrates. The site is currently in use as agricultural land. Post-construction, the site will create a more stable basis for habitat formation than it does at present. Based on available information it is considered natural heritage interests would not be adversely affected and the proposal would not have an unacceptable impact on protected species provided that the mitigation measures identified in the submitted Ecological Appraisal are adhered to. This matter is addressed by a proposed condition.

#### Other Development Plan Considerations

- 8.30 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.
- 8.31 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.
- 8.32 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. 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.
- 8.33 In terms of flood risk, a Flood Risk Assessment (FRA) has been undertaken and submitted. The Council's Roads Service, has considered the FRA and offers no objection. The FRA indicates that the development would not give rise to significant flood risk within or around the site.
- 8.34 In relation to the impact of the development on aircraft activity, the MOD, NATS, CAA and Dundee Airport have been consulted. NATS, Dundee Airport and the MoD have not raised any objection to the application in respect of aviation safeguarding. There was no response from the CAA at the time of report preparation however in these circumstances there are not considered to be unacceptable impacts on aviation interests.
- 8.35 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 vast majority of the site is land within Class 3.2 and Class 4.1 and as such is not prime quality agricultural land. Around 9% of the site is within Class 3.1 however the soil analysis does indicate that soil quality is not consistent across the site. Although the proposal would involve the use of a small area of prime land, the areas identified are small, discreet pockets of land that would not be viable agriculturally in isolation and their potential use for agriculture would not be permanently lost. 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 30 years but the possibility that it could be re-used or re-equipped beyond the 30 year period (subject to further consent and depending on prevailing policy of the time) is equally not removed by the use of such conditions.
- 8.36 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

- 8.37 One representation has been received in support of the application from the single property that would be most affected by the proposal. The support offered by the occupant of that property has been taken into account in the assessment of the acceptability of impacts.



- 8.38 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.
- 8.39 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

- 8.40 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.
- 8.41 The proposal will have limited landscape impact and visual impact will similarly be extremely limited due to the enclosed nature of the site. 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. The support offered by the occupant of the closest residential property is noted and has been taken into account.
- 8.42 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.
- 8.43 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 reasons, 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 30 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 1 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 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 a glint and glare assessment, including the identification of any mitigation measures required if appropriate, to be submitted for the written approval of the Planning Authority. Thereafter any mitigation measures required by the Planning Authority shall be fully implemented and the operation of the solar farm shall take place in accordance with the said measures within 1-month of the date of the Planning Authority giving written notification of the measures to the operator. 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. That noise emissions from any plant and equipment associated with the operation of the solar farm shall not exceed:
  - a) 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;
  - b) 50 dB(A) Leq(1hr) when measured within the external amenity space of any dwelling or noise sensitive building.

*Reason: In order to ensure that operational noise from the development is controlled to an appropriate level in the interests of the amenities of nearby noise sensitive properties.*

6. That delivery vehicles associated with the construction of the solar farm shall not enter or leave the site other than between the hours of 0700 to 1800 Monday – Friday and 0800 to 1300 on Saturdays. For the avoidance of doubt there shall be no access to or egress from the site by construction delivery vehicles on Sundays.

*Reason: In order to minimise impact of construction delivery vehicles on the amenity of occupants of nearby residential property.*

7. That 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.

<b>Day</b>	<b>Time</b>	<b>Average Period (t)</b>	<b>Noise limit</b>
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.*

8. No works shall take place within the development site until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant, agreed by the Aberdeenshire Council Archaeology Service, and approved by the Planning Authority. The scheme shall include provision for the protection of Angus Historic Environment Record Ref.NO55SE0028. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority in agreement with the Aberdeenshire Council Archaeology Service.

*Reason: In order to safeguard and record the archaeological potential of the area.*

9. That, prior to the commencement of development, visibility splays shall be provided at the junction of the proposed access with of B9113 Forfar – Montrose Road giving a minimum sight distance of 215 metres in each direction at a point 2.4 metres from the nearside channel line of B9113 Forfar – Montrose Road. Thereafter, nothing shall be erected, or planting permitted to grow to a height in excess of 1050mm above the adjacent road channel [875mm above the adjacent footway] level within the visibility splays.

*Reason: to ensure a safe and suitable access, in the interests of road safety.*

10. That, prior to the solar park hereby approved being brought into use, the footway/verge crossing at the proposed access shall be formed and constructed in accordance with the National Roads Development Guide (SCOTS).

*Reason: In order to ensure that a satisfactory and safe access is provided in a timely manner.*

11. That, prior to the commencement of development, a scheme of improvements to the access track between the public road B9113 Forfar-Montrose Road and the application site shall be submitted to and approved in writing by the Planning Authority. The scheme of improvement shall include a drawing showing the widening of the track and/or provision of inter-visible passing places at 150m c/c, or junction layout improvements. The scheme of improvements to the access track shall thereafter be completed prior to the commencement of construction of the solar park hereby approved.

*Reason: In order to ensure that a satisfactory and safe access is provided in a timely manner.*

12. That the solar park development shall be undertaken in accordance with the mitigation measures contained in the Montreathmont Moor Forest Breeding Bird Survey of July 2015 by Wardell Armstrong and with the ecological enhancements recommended in the Montreathmont Moor Forest Preliminary Ecological Appraisal of July 2015 by Wardell Armstrong that were submitted in support of the planning application hereby approved.

*Reason: In order to offset any adverse biodiversity impacts associated with the proposed development and to improve the biodiversity of the area.*

13. 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 arrangements.*

**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.

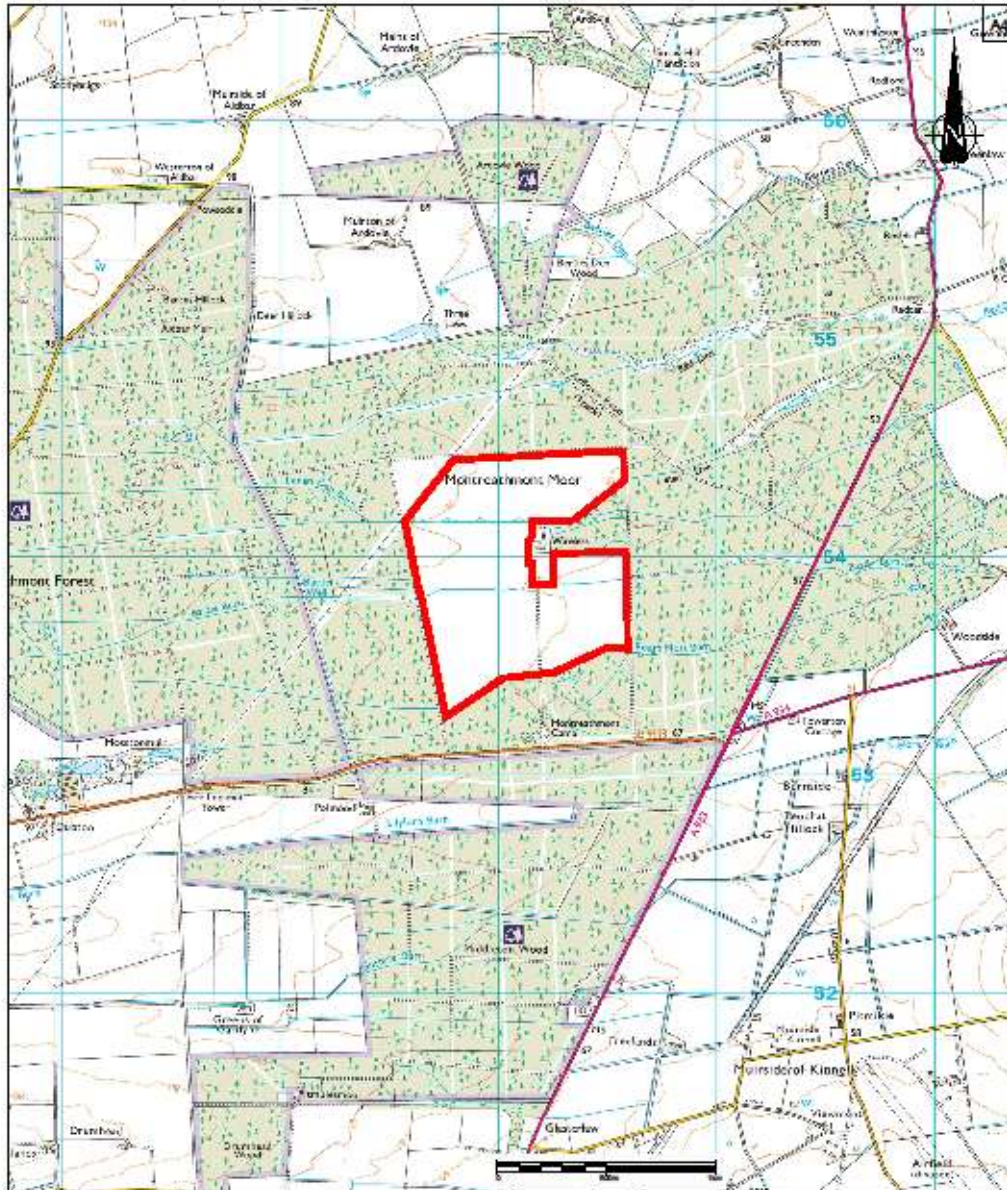
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**Date: 16 November 2015**

**Appendix 1 : Location Plan**  
**Appendix 2 : Summary of Applicants Supporting Information**  
**Appendix 3 : Development Plan Policies**



# Appendix 1 : Location Plan



 Site Location (indicative red line boundary only)

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<p>CLIENT</p> 	<p>DRG No.</p> <p>ED11531-001</p>	<p>SCALE</p> <p>1:25,000 @ A4</p>	<p>DATE</p> <p>01/05/15</p>
<p>PROJECT</p> <p>Solar PV Site Montreatmont, Fortar</p>	<p>DRAWN BY</p> <p>GMB</p>	<p>CHECKED BY</p> <p>NS</p>	<p>APPROVED BY</p> <p>NS</p>
<p>DRAWING TITLE</p> <p>Site Location</p>		 <p>your earth our world</p>	



## Appendix 2 : Summary of Applicants Supporting Information

The Breeding Birds Survey identifies breeding bird species occurrence and distribution across the site in order to inform the design of the solar PV array. The report sets out the findings of the breeding bird survey and where possible, provides an estimate of the numbers of breeding pairs. An evaluation of the value of the site in terms of breeding birds is also provided. The breeding bird survey undertaken in April – July 2015 confirmed a diverse assemblage of birds on site. These included species associated with woodland and farmland, with a number of the woodland species seen visiting the farmland to feed. Greatest diversity and numbers of individual birds was found within the fringes of the farmland and woodland where scrub, deciduous trees and variety of age and structure of trees was greatest. The report contains recommendations and mitigation measures to be implemented as follows:

- Retention of existing scrub and trees on site;
- Any vegetation pruning/clearance of trees or scrub takes place outside of the breeding bird season (which runs from March – August inclusive); and
- If it is necessary to undertake topsoil stripping during the breeding season when constructing tracks within the site, a vantage point and walkover checking survey should be undertaken immediately prior to the works, by a suitably qualified ecologist; and
- In the event that active nests are recorded, habitat clearance should be ceased in the vicinity of the nest until the nesting attempt is complete/the young have fledged. The area immediately surrounding the active nest i.e. a protective 'buffer' should be clearly marked to prevent machinery incursion. The extent of the 'buffer' will be set by the suitably qualified ecologist.

No Schedule 1 species were found to be dependent on the site although surrounding forestry provides a suitable food resource for Crossbill. Forestry will be unaffected by the proposed solar farm development and so there would be no impact upon this species. A number of UKBAP, Birds of Conservation Concern and Scottish Biodiversity List species (Oystercatcher, Lapwing and skylark) were found to be nesting in the fields with others in the scrub along the burns and edges of the site (Yellowhammer and reed bunting). While the proposed development may affect some ground nesting species, including some displacement of nesting skylark, biodiversity enhancements and management will result in overall benefits. Nightjar are known to breed in Montreathmont Forest and so specialist surveys were undertaken on areas of suitable breeding habitat within 50m of the site boundary. No nightjar were present.

The Design and Access Statement is a statutory requirement on development proposals classified as major in terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. The statement outlines the development and the design considerations that have been taken into account. The statement also outlines access considerations relevant to the development type. The statement concludes that technical requirements dictate to a large degree the site design however care has been taken in selecting a fully enclosed site and to ensure that an appropriate stand-off from Montreathmont Moor House is provided, along with appropriate edge planting. In terms of access it is noted that the equipment on site is electrical in nature and as such is not appropriate for public access. There is therefore no permanent public access proposed for the site, though Lightsource often take guided tours of their solar farms for schools, community groups and local authority staff. The existing core path and the informal tracks running through the surrounding woodland would not be obstructed by the proposed solar PV development.

The Ecological Appraisal identifies the likely presence of ecological features within or near the application site that could potentially pose a constraint to the proposed development and considers:

- Statutory and non-statutory designated conservation areas;
- UK and local Biodiversity Action Plan (BAP) habitats;
- Areas of Ancient Woodland;
- Legally protected species;
- UK and local BAP species; and
- Invasive species.

The report also seeks to identify any requirement for further specialist survey where the initial assessment cannot be relied upon to adequately determine presence or reliably infer absence of protected species/taxa. Mitigation and enhancement opportunities are also discussed. The report notes that there are no statutory designated conservation sites within 2 km of the development site. A single 5 hole active



badger sett was recorded within 30 m of the site boundary. No great crested newts were recorded. No invasive species were recorded during the field survey. The report evaluates badger, birds and nesting birds to be potential ecological constraints and contains recommendations relating to the mitigation of any potential impacts on species on and around the site in the construction and operational phases along with recommendations relating to ecological enhancement.

The Flood Risk Assessment considers both the potential flood risk to the proposed development and the potential risk of the proposed development contributing to flood risk offsite. The FRA concludes that the proposed development is located in an area at little to no risk (less than 0.1% annual probability) of fluvial flooding. The risk of flooding to the proposed development from, tidal sewers and artificial sources is considered to be absent or negligible. The risk of flooding to the proposed development from fluvial, pluvial/overland flow and groundwater is considered to be low. The vulnerability classification of a development is defined by the SPP and by SEPA in their Land Use Vulnerability Guidance (2012). The FRA identifies that solar developments are akin to wind farm developments and substations in their nature and therefore are classed as “essential utility infrastructure” which is an appropriate development type within all flood zones. The SEPA’s flood map1 shows that there is little to no risk of fluvial flooding to the Site and, therefore, the proposed development may be permitted in terms of flood risk. The FRA states that there are no local site-specific conditions that would adversely affect SEPA’s published flood risk categorisation. Similarly, there would be no significant increase in flood risk to external areas as a result of the proposed development. The Site is, therefore, considered suitable, in terms of flood risk, for the type of development proposed.

The Glint and Glare Assessment is set out to demonstrate the possible effects that reflected sunlight from the proposed solar farm would have on receptors in the vicinity including residential properties, road, rail and air traffic and users of public rights of way. The assessment concludes that solar farm is positioned within dense woodland which is beneficial to local receptors as this woodland will provide complete screening from any potential effects outside the immediate vicinity of the site. The only property with the likely potential to experience glint is the Wireless station which has been modelled to show low intensity glint at certain dates and times of the year. There are no negative effects anticipated towards public highways, rights of way, historical buildings and features, railway tracks or aerodromes (civilian or military).

The Archaeology and Cultural Heritage Assessment sets out the archaeological and historical background of the site and provides an evaluation of the significance of known and potential heritage assets within the proposed site boundary. The report establishes that no designated heritage assets will be physically impacted upon by the proposals, and there would be no impact to the setting of these assets. With regards to non-designated heritage assets, the report indicates that the Listening Station element of Montreathmont Camp (Ref.NO55SE0043) would not be physically impacted by the proposed solar farm; however the setting, which currently relates to an agricultural landscape bounded by dense coniferous plantations, would experience moderate adverse effects. These would be temporary in nature, and the setting of the non-designated heritage asset would be fully restored following decommission. In respect of buried archaeological remains the report indicates that the baseline assessment undertaken as part of this report has indicated that it is possible below ground remains for cairns may exist within the site boundary. It has been established that any effects upon these potential remains can be dealt with as a condition of any planning consent issued.

The Landscape and Visual Impact Appraisal (LIVA) identifies and assesses the likely landscape and visual effects of the proposed development of the proposed solar development. The landscape and visual impact appraisal considers the site and its surroundings, encompassing an area within a 5km radius of the outermost edge of the development. The appraisal concludes that in terms of landscape effects, the magnitude of landscape effects upon the Low Moorland Hills is assessed as being negligible-low and the overall level of effect as being imperceptible – slight adverse. Indirect effects upon the small area of Dipslope Farmland would be barely perceptible and so are assessed as being negligible in magnitude and imperceptible, adverse in overall level of effect. In terms of visual effects, the appraisal highlights that the surrounding forestry provides a dense visual screen which ensures that, in general, there would be no adverse visual effects on surrounding visual receptors within 5km of the site and in the ZTV with few exceptions, those being Al Alamein residence; users of the B9113 passing the south end of the site access track; users of a 30m long section of Core Path 067 and only one, a single residential receptor, with high adverse levels with effects reducing to moderate beneficial in the medium term, following establishment of mitigation screen planting. Distant views from Bolshan Hill are also highlighted as being less conspicuous than some crops due to the recessive nature of the proposed panels and

associated visual effects are considered to be negligible-low in magnitude and imperceptible-slight beneficial. The appraisal also concludes that as the scheme is designed to be temporary in nature there would be no residual landscape or visual effect and there would be no cumulative landscape or visual effects.

The Planning Summary Report provides an overview of the proposal, lists the assessments undertaken in support of the proposal and assesses the proposal against national and Council policy. The report concludes that the proposed solar PV development would not conflict with national or local policies.

The Soils and Capability Classification for Agriculture Report describes soils and provides Land Capability Classification for Agriculture (LCCA) for the Site; and includes an assessment of the potential effects of the proposed solar farm development on the soils and agricultural land. The report identified that in terms of the James Hutton Institute classifications, the site is a mix of 3.1 (prime) and 4.1 (non-prime) and that due to the continued use of the land within the development area for agricultural purposes, low levels of disturbance to the soil resources during construction of the solar farm, and the cessation of intensive cultivation throughout the project lifetime, it is considered that with the recommended good practice mitigation in place, the Montreathmont Moor Solar Farm would have a beneficial impact on soil resources, and a negligible impact on agricultural land and agricultural drainage. As part of the assessment of the application, further soil reports have been requested. The site specific report confirms that in terms of the James Hutton Land Institute Land Classifications, the majority of the site is actually class 3.2 (non-prime) with areas of 4.1 and small pockets of 3.1.



## **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.

## Angus Local Plan Review 2009

### 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 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 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.