

ANGUS COUNCIL

DEVELOPMENT STANDARDS COMMITTEE – 29 AUGUST 2017

PLANNING APPLICATION - LAND AT FORMER AIRFIELD TEALING

GRID REF: 340464 : 737009

REPORT BY HEAD OF HOUSING, REGULATORY AND PROTECTIVE SERVICES

Abstract: This report deals with planning application No. 17/00478/FULL which relates to an Application under Section 42 of the Town and Country Planning (Scotland) Act 1997 (as amended) for the installation and operation of a 31MW solar park and ancillary infrastructure, including Internal site access tracks, inverter housing units and a security fence without complying with conditions to which planning permission 14/00428/FULM was granted - Condition 7 (perimeter security fencing) at the former Tealing Airfield, Tealing, Angus for Tealing Solar Park 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 applicants seek planning permission to develop and operate a 31MW solar park at the former Tealing Airfield, Tealing without complying with Condition 7 of a previous planning permission for the development. The condition states:

That the proposed perimeter security fence shall be constructed before any other works relating to the development hereby approved are undertaken and the security fence shall thereafter be maintained for the duration of the development unless otherwise agreed in writing by the planning authority.

The reason for the condition is:

In order to minimise in as far as is possible the number of potential receptors that could be exposed to radioactive contaminants should it be found to be present in light of the potential for radium 226 to exist given the site's former use as an RAF airfield.

- 3.2 The Development Standards Committee resolved to grant planning permission for the development at its meeting of 25 November 2014 with conditions delegated to officers. The planning permission for the development was subsequently issued on 11 December 2014 and could be lawfully implemented up to 10 December 2017. The application does not seek to vary

the detail of the development beyond the stated intention to develop without Condition 7 compliance.

- 3.3 The application is made under the provisions of Section 42 of the Town and Country Planning (Scotland) Act 1997 (as amended). Section 42 makes provision for the determination of applications to develop land without compliance with conditions previously attached and states that on such an application, the planning authority shall consider only the question of the conditions subject to which planning permission should be granted.
- 3.4 The application site measures 51.2 hectares and consists of a significant part of the former R.A.F. Tealing Airfield. The former airfield lies within the Tealing Valley and lies around 4 km north of Dundee. The Tealing Valley marks the beginning of the rural open landscape after leaving the Dundee conurbation when travelling north on the A90. Tealing and the surrounding farmland is distinguished by the backdrop of the Sidlaw Hills to the north.
- 3.5 The proposed development would consist of the installation of a large solar photovoltaic (PV) array comprising around 122 400 solar PV panels, mounting structures, 30 electrical invertors stored in 15 inverter housing units, around 2km of internal site access track and a 2 metre tall green mesh security fence around the site perimeter. CCTV installations would also be erected at various points throughout the site as yet unspecified.
- 3.6 The mounted solar PV panels would stand 2.2 metres in height and would be spaced around 4.4 metres apart. Each mounting structure with panels would be 9.9 metres long and 3.9 metres wide. The inverter housing buildings would be flat roofed and simplistically designed. Each housing would be 3.3 metres in height, 2.8 metres in width and 6.2 metres long.
- 3.7 The site currently consists of a generally flat area of land that is a mix of vacant land and productive agricultural land. The former airfield access tracks and runways are evident in various states of repair throughout the site and the basic shell of the former control tower still stands to the south east. There is also a wind turbine of around 86.5 metres in height to blade tip and its associated infrastructure within the site. The turbine stands around 20 metres from the north boundary. There are also a number of high voltage electricity cables overflying the site. There are supporting pylons for the cables located at several points throughout the site.
- 3.8 Part of the south boundary of the site is marked by the Fithie Burn with arable land rising to the south towards the crest at Emmock before falling towards Dundee. The site boundary forms a dog leg to the north around Muir of Pert which is a former piggery consisting of a wide range of buildings and structures in varying states of repair. The south east boundary also bounds Muir of Pert and agricultural land. The north of the site runs contiguously with an existing poultry growing operation along part of its length. The poultry operation has eight large broiler sheds arranged along a large section of the former west to east part of the runway of the former airfield. The balance of the north boundary has a cropped part of the former airfield beyond. Beyond the north boundary the land rises gently to the north towards Kirkton of Tealing and Tealing Village.
- 3.9 The west boundary partly bounds the existing large electricity substation at Tealing and partly bounds Myerton of Claverhouse Farm. There is no east boundary as such as the site comes to a point to the east adjacent to two chalet style dwellings that are associated with the adjacent chicken growing operation. Access to the site can be gained at this point via a hardcore track that runs from Kirkton of Tealing although the site access for the purposes of the development would be direct from the A 90 (T) through Inveraldie Farm and Muir of Pert. The access route also serves Moatmill Farm and is an adopted road up to that point.
- 3.10 The application has not been subject of variation. The nature of the proposal did not require that the application be the subject of press advertisement. The application relates to a development proposal that is a major development in term of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009 and as such must be determined by the Development Standards Committee.

4. RELEVANT PLANNING HISTORY

- 4.1 The site has a varied planning history. The most relevant planning history in relation to the development and the current application is detailed below.
- 4.2 09/00041/FUL for the erection of a wind turbine was granted full planning permission subject to conditions and a S75 planning obligation on 21 June 2010 following an appeal to the DPEA against non-determination.
- 4.3 14/00428/FULM for the installation and operation of a 31MW Solar Park and ancillary infrastructure including internal site access tracks, inverter housing units and security fence was granted full planning permission subject to conditions by the Development Standards Committee at the meeting of 25 November 2014. A copy of the report considered by Committee is attached at Appendix 2.
- 4.4 16/00520/EIAN for the formation of onshore electrical transmission infrastructure between Carnoustie and Tealing to service the Seagreen Alpha and Seagreen Bravo Phase 1 offshore wind farms comprising 19km of underground electricity transmission cables, a new substation/convertor station at Tealing and the formation of associated vehicular access and temporary and permanent ancillary works was granted full planning permission by Angus Council at the special meeting of 08 December 2016. The site of the proposed substation/convertor station and part of the cable route approved takes in part of the application site. This planning permission consolidated the cable route and infrastructure site that was approved by preceding applications made under references 13/00496/PPPM and 14/00918/PPP.

5. APPLICANT'S CASE

- 5.1 The applicant's agent has submitted a planning justification statement in support of the application. The supporting statement outlines the legislative context in which the application is submitted, details the condition that the application relates to and clarifies that no change to the extant planning permission for the development is sought beyond the non-compliance with Condition 7. It is summarised below but can be viewed on the Council's [Public Access](#) website.
- 5.2 The supporting statement highlights a number of challenges and time delays that have delayed the initiation of the project. The most significant of these has been the delay in the availability of a viable grid connection. It is highlighted that the Distribution Network Operator (DNO) had previously agreed an in-principle connection for the project however in the interim it has become apparent that there were significant issues with the grid network and that connection to the grid could not be achieved within the consented timescale.
- 5.3 The UK Government decision to remove subsidy support for standalone solar projects has further impacted. The developer highlights that whilst the irradiance levels in Angus are amongst the best in Scotland, the project cannot compete with similar developments in the southern part of the UK and without subsidy support, the project can only become viable if capital cost reductions are achieved. The statement also highlights that the developer is engaging with manufactures and suppliers to ascertain what opportunities exist for capital cost reduction and it is anticipated that based upon current market trends, viability could be achieved within 12 months. It is also indicated that a grid connection could become available in the near future. The agent states that within such a context the ability to mobilise quickly in the event of viability being achieved is important.
- 5.4 The supporting statement details that in order to facilitate timely initiation of the development, the developer is about to begin the discharge of conditions process. A detailed analysis of the planning conditions relevant to the extant planning permission has however highlighted that there is a potential operational issue created by Condition 7 of the current permission.
- 5.5 The applicant's agent highlights that the purpose of Condition 7 is to restrict access to the site during the construction phase in order to minimise the risk of exposure to radioactive contamination from Radium 226 which may be present at the site due to its former use as an RAF airfield. The supporting statement highlights that due to the particular circumstances of the site it is unlikely that Radium 226 would be present and that if it were; the erection of the fence would

not in itself mitigate the exposure risk.

- 5.6 The historic and current land uses at the site (including the production of food) are also highlighted as well as other developments that have been undertaken in and around the former airfield without any requirement to have regard for the presence of Radium 226. It is also highlighted that the formation of a solar park is not a particularly intrusive exercise in terms of ground disturbance.
- 5.7 The supporting statement highlights that erecting the security perimeter fence prior to the commencement of other development creates an issue in terms of the construction programme, this being the component that is typically generally the last thing to be erected in a solar park project. The statement concludes that as the access of persons and personnel will be restricted during construction, there is no requirement to erect the fence prior to any other development taking place.

6. CONSULTATIONS

- 6.1 **Scottish Environment Protection Agency** – No objection
- 6.2 **Scottish Natural Heritage** - There was no response from this consultee at the time of report preparation.
- 6.3 **Transport Scotland** - There was no response from this consultee at the time of report preparation.
- 6.4 **Dundee Airport Ltd** – No safeguarding objection.
- 6.5 **Ministry Of Defence** – No safeguarding objection.
- 6.6 **Civil Aviation Authority** -There was no response from this consultee at the time of report preparation.
- 6.7 **National Grid Plant Protection** - There was no response from this consultee at the time of report preparation.
- 6.8 **Angus Council - Flood Prevention** - There was no response from this consultee at the time of report preparation.
- 6.9 **Angus Council Environmental Health** – No objection to the application.
- 6.10 **NERL Safeguarding** – No safeguarding objection.
- 6.11 **Aberdeenshire Council Archaeology Service** – No objection.
- 6.12 **Community Council** - There was no response from this consultee at the time of report preparation.
- 6.13 **Angus Council - Roads** – No objection.
- 6.14 **Scottish Water** - There was no response from this consultee at the time of report preparation.

7. REPRESENTATIONS

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. The main issues raised relate to:

- **Concerns regarding the routing of construction traffic**- This matter is discussed in Section 8 below. However, it must be recognised that there is a planning permission in place that allows for the construction of the solar development. This application relates primarily to consideration as to whether the development should be allowed to proceed without complying with a condition that requires perimeter security fencing to be erected in advance

of any other works. It does not seek to alter the construction traffic routes.

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 Development Plan (Adopted 2016)

8.3 The relevant policies from the development plan are reproduced at Appendix 3 below.

8.4 As advised above, the current application is made under Section 42 of the above Act as it constitutes an application to develop land without compliance with conditions previously attached to planning permission 14/00428/FULM. For an application made under Section 42 the planning authority typically must only consider the question of the conditions subject to which planning permission should be granted, however, Government guidance indicates that this does not preclude consideration of the overall effect of granting a new planning permission in some cases.

8.5 In this case application has been made to undertake the development without complying with conditions; specifically Condition 7 that requires a perimeter security fence to be erected around the site prior to the undertaking of any other development. The condition states:

That the proposed perimeter security fence shall be constructed before any other works relating to the development hereby approved are undertaken and the security fence shall thereafter be maintained for the duration of the development unless otherwise agreed in writing by the planning authority.

The reason for the condition is:

In order to minimise in as far as is possible the number of potential receptors that could be exposed to radioactive contaminants should it be found to be present in light of the potential for radium 226 to exist given the site's former use as an RAF airfield.

8.6 As can be seen from the above, the condition was attached in order to minimise in as far as is possible the number of potential receptors that could be exposed to Radium 226 in the construction phase of the development. Radioactive Contaminated Land (RCL) is a matter that is regulated by SEPA. In its response to the original planning application (Ref: 14/00428/FULM), SEPA indicated that it had no awareness of radioactive contaminants at the site but acknowledged the potential for Radium 226 to be present due to the former use of the airfield. SEPA had indicated that providing the proposed security fence was constructed prior to further works on site; primarily shallow excavation works, the receptors on the site would be restricted to construction workers who would be protected by health and safety legislation.

8.7 The applicants have submitted a supporting statement that details reasons why they consider that the condition would not be required. These include the presence of a locked gate at the site entrance, the lack of evidence to support the possibility that aircraft were disposed of at the site and the subsequent use and development of various parts of the former airfield including agricultural use for food production that has given rise to no evidence of radioactive contaminants. SEPA has been consulted on the application in relation to flood risk and RCL and has offered no objection to the proposal to develop without compliance with Condition 7. On that basis it is considered that there is no reason for the continued application of the condition as it was originally attached in response to comments received from SEPA in relation to RCL potential at the site.

8.8 As stated at 8.4 above an application to develop without complying with conditions under Section 42 of the Town and Country Planning (Scotland) Act 1997 (as amended) generally only requires the question of the condition that the application is subject of to be considered. Committee should however be made aware that the resulting effect of granting permission on a Section 42

application is that a new and separate planning permission will exist for the development with either different, or in some circumstances, no conditions and that the original permission is not altered or varied by the decision on the S42 application. The requirement to attach any other relevant conditions from the extant permission that are not subject of the application under S42 to any new permission is also highlighted. As also stated at 8.4 above, Government guidance does indicate that the consideration of the overall effect of granting a new planning permission should not necessarily be precluded as the effect of the grant of this application is that a new planning permission would be issued that would have a further 3-years to be implemented.

- 8.9 Planning permission ref: 14/00428/FULM was determined at the Development Standards Committee Meeting of 25 November 2014. The relevant report ref: 485/14 is appended to this report as appendix 2 for Members' information. Committee will note that the report refers to the policies of the Angus Local Plan Review and that in that instance the officer recommendation was that the application be refused.
- 8.10 Report ref: 485/14 indicated that the development was generally consistent with the provisions of the Development Plan with the exception of a conflict with Policy 6 in TAYplan which requires that energy and waste management infrastructure should be consistent with the National Planning Framework (NPF3) and its associated Action Programme. It was considered that the development was not consistent with NPF3 as it would take place in part on land that has been identified as being required for a NPF3 project in the form of the upgrading of the national high voltage electricity transmission connection which will in part contribute to the delivery of an enhanced high voltage electricity transmission grid. The development in question relates to the onshore transmission of electricity generated from proposed offshore wind generation activity in the Firths of Forth and Tay. This position has not changed since the time of the original grant of planning permission and in the interim period a further planning permission (ref: 16/00520/EIAN) has been granted for the onshore transmission infrastructure that would service offshore electricity generation in the Firth of Tay from a proposed 1050MW development. At the Meeting of 24 November 2014 Committee determined that the proposed development would not impede the delivery of the NPF3 development highlighted in Report No 485/14 and that the development was compliant with the Development Plan. In respect of Policy 6 in TAYplan, there has been no change in circumstance in relation to TAYplan policy since that decision was reached. The previous grant of planning permission for the same development is however a material consideration in the determination of this application. The national policy context referred to in Report No 485/14 remains relevant and has not changed since that time. Committee has previously determined that the proposal presents no conflict with national policy in respect of renewable energy development.
- 8.11 In respect of the Local Plan policy position presented in Report No 485/14, there has been a material change in circumstance in the form of the adoption of the Angus Local Development Plan. The report makes reference to the Council's Implementation guide for Renewable Energy Proposals which was produced in support of the renewable energy policies of the Angus Local Plan Review and as such it is now of limited relevance in the consideration of renewable energy proposal in Angus. The Implementation Guide will shortly be replaced by Supplementary Guidance in relation to Renewable and Low Carbon Energy Development. That guidance when adopted will support the renewable energy policy in the Adopted Angus Local Development Plan. The emerging supplementary guidance does not introduce any new considerations that would affect the development as previously approved or which would alter the Council's position in relation to solar energy generation. The guidance was approved by Angus Council on 29 June 2017 and has been submitted to the Scottish Government for approval and will be adopted in due course. The national policy context referred to in Report No 485/14 remains relevant and has not changed since that time.
- 8.12 Report No 485/14 considered the proposal in terms of a number of key policy and material considerations in relation to the determination of the application for a solar array of the proposed scale. These considerations were:
- Environmental and Economic Benefits;
 - Landscape Impact;
 - Visual Impact;
 - Impact on Residential Amenity;
 - Ecology Impact;

- Glint, Glare and Aviation Impacts;
- Archaeological and Built Heritage Impacts;
- Other Development Plan Considerations;
- Other Material Considerations.

- 8.13 The foregoing considerations and the assessment contained in Report No 458/14 has been considered further within the policy context of the Angus Local Development Plan identified above and detailed in Appendix 3.
- 8.14 In terms of environmental and economic benefits, Angus Council continues to support the principle of developing sources of renewable energy in appropriate locations. The proposed development would continue to have a capacity of 31 MW capable of generating 25.4 GWh of electricity annually which is roughly enough to provide power for 6060 homes. This equates to around 11% of the household electricity demand for Angus. In this respect it is accepted that the proposed array would make a contribution towards renewable energy generation and as such the proposals continue attract in principle support from the current development plan.
- 8.15 In terms of Landscape Impact, Visual Impact and Cumulative Landscape and Visual Impact, Policy PV 9 in the Angus Local Plan Review continues to identify these impacts are relevant considerations as does policy PV6 which seeks to protect and enhance the quality of the Angus landscape. No significant changes have occurred in the environment on or around the site in the interim period since planning permission ref: 14/00428/FULM was granted and the supporting assessments of landscape and visual impacts submitted with that proposal remain relevant.
- 8.16 Report No 485/14 identified that the sensitivity of the landscape surrounding the proposed site is medium-low due to the presence of other infrastructure development, the high concentration of pylons, the sealed surfaces of the runways and the industrial sheds and farm structures in the vicinity. Rather than a change in landscape character there would be a reinforcement of the utilitarian character-element of the Tealing landscape. In this regard the landscape impact of the proposed development was not considered to be unacceptable. The report went on to consider visual impact and concluded that the low rise nature of the development also facilitates efficient forms of mitigation measures such as planting for the screening of the development. The report identified that the Dipslope Farmland is characterised by its loss of traditional field boundaries and developments like the Solar Park could offer an opportunity to restore hedgerows or riparian vegetation along watercourses, such as the Fithie Burn to the south of the development site. Overall it was considered that the proposal would not give rise to unacceptable visual impacts subject to appropriate mitigation through screen planting.
- 8.17 In terms of cumulative landscape and visual effects report No 485/14 identified that there are no other solar park developments in the area but cumulative effects could arise in combination with polytunnels which have a similar landscape and visual impact of a similar surface coverage, height, striped pattern and reflecting artificial material. There are polytunnels neighbouring the site of the proposal. Combined landscape effects would increase the artificially covered surface area and obscure otherwise agricultural terrain, which results in a loss of rural more natural landscape texture and colour and give the landscape an increasing industrial appearance. Impacts resulting from the two features are moderate when considering the landscape context. The increasing amount of artificial surface cover in a rural landscape and the potential reflectivity of the developments would create moderate adverse cumulative visual effects within views from the Sidlaw Hills. Within views from the higher ground to the south-west in Emmock road, the scale of the surfaces artificially covered would be increased by the two features in combination and therefore cause moderate cumulative impact.
- 8.18 Overall however, in the absence of any significant changes in either the policy approach to considering landscape and visual impact or in the physical characteristics of the site and its surroundings, it is considered that there are no new landscape or visual concerns that would lead to the conclusion that the proposal would conflict with current Development Plan policy in respect of the assessment of either impact. In addition to the foregoing, it is worthy of note that at the Development Standards Committee meeting of 13 September 2016, Committee noted the Strategic Landscape Capacity Assessment for Solar Energy in Angus as a material consideration in determining planning applications (Report No 342/16). Regard has been given to the assessment of landscape capacity for solar development which identifies the site as an existing

site within a medium capacity landscape. There is no conflict with the guidance contained within the assessment in landscape terms.

- 8.19 Impact on residential amenity was identified as a relevant consideration in the initial assessment of the proposal and still remains relevant. Policy DS4 in the Local Development Plan relates to amenity and states that development will not be permitted where there is an unacceptable adverse impact on the surrounding area or on the environment or amenity of existing or future occupiers of adjoining or nearby properties. Report No 485/14 considered the effects of the development on nearby residential receptors as well as recreational users using paths close to the site. It was concluded that any impacts on either of these receptors could be adequately mitigated with screen planting. No physical changes have occurred in the interim period that would lead to the conclusion that the development would have a greater impact on sensitive receptors than previously anticipated or that the proposal is in conflict with the amenity considerations of the current Local Development Plan.
- 8.20 Turning to the assessment of ecological impacts, the current LDP seeks to protect sites designated for natural heritage and biodiversity value (Policy PV4) and protected species (Policy PV5). At the time of planning application ref 14/00428/FULM, the impact of development proposals on natural heritage interests including protected species and important habitats was considered. It was identified that the site is not located within an area designated for its natural heritage interests and is some distance from such designations and that the site consists of a former RAF airfield that is of mixed vacant and agricultural character. It was identified that there is large scale infrastructure present on and adjacent to the site and the surrounding land is of arable agricultural character. At that time, no signs of protected species were recorded at the site. It was also concluded that there was a poor species list of potential breeding birds at the site and that the nature of the locale did not make a good breeding bird habitat. It was also considered that the solar park may improve habitat for breeding birds, particularly ground breeding species, as the land would no longer be intensely farmed. There would be no significant effects on protected species or priority habitats arising from the development. SNH was consulted at the time of the original application and have been re-consulted on this application but have offered no response or objection. There is no reason to consider that the array would have an unacceptable impact on ecological or natural heritage interests beyond these previously considered as no changes in the physical characteristics of the site have occurred in the interim period.
- 8.21 In terms of glint and glare assessment Policy PV9 in the current LDP seeks to safeguard existing aviation and defence facilities. In relation to the impact of the development on aircraft activity, the MOD, NATS, CAA and Dundee Airport were consulted on the original application and were re-consulted on this application. None of these consultees and have raised any safeguarding objection to the application. No significant impact on aircraft activity is anticipated. A Glare Assessment was undertaken at the time of the original application which highlighted that a 3km buffer zone was set around aerodromes by the Non-Domestic Microgeneration (Scotland) Amendment Order 2011. The development would be located around 7.5 km from Dundee Airport. Also of worthy note is that no objection was raised from the MOD in respect of aircraft activity at RAF Leuchars which was until relatively recently operating fast jets. The development would not produce valid reflections to aircraft either on approach or departing, nor would it affect air control personnel at either airport. The report concluded that the development would have negligible effects on aviation operations in the area and highlighted that solar PV panels have been utilised successfully on airport buildings elsewhere in the UK without any impact on aircraft activity. No changes in approach to aviation safeguarding have occurred in the interim period since the initial assessment of the proposal and there are no conflicts with current LDP policy on aviation safeguarding arising.
- 8.22 Policy PV8 in the LDP relates to built and cultural heritage interests and states that Angus Council will work with partner agencies and developers to protect and enhance areas designated for their built and cultural heritage value. Such interests include listed buildings, conservation areas, historic gardens and designed landscapes, scheduled monuments and local archaeological interests. At the time of the original application, the applicant provided a Cultural Heritage and Archaeology Survey in support of the application. Historic Environment Scotland and Aberdeenshire Council Archaeology Service were consulted on the original application. The baseline assessment concluded that there would be an overall negligible indirect visual impact upon the historic features within 3km of the site. Aberdeenshire Council Archaeology Service and Historic Environment Scotland indicated that the application raised no issues for them in terms of

impacts on built heritage assets in the area. It is considered that in the absence of any change in local circumstance in the interim period, the development would continue to have no impact on the fabric or the setting of any cultural heritage site to a degree that could be considered to be in conflict with current development plan policy.

- 8.23 The remaining policy tests cover the impact of transmission lines associated with energy generation developments (Policy PV9); impact of transporting equipment via road network and associated environmental impacts of this (Policy PV9) , flood risk (Policy PV12) and impacts on prime agricultural land (Policy PV20).
- 8.24 The transmission arrangements associated with the development would be minimal due to the close proximity of the large electrical substation at Tealing which lies adjacent to the site. The substation provides ready access to the existing high voltage transmission network although the issues in obtaining a connection to this infrastructure highlighted in the submitted supporting statement are noted. On this basis it is considered that the transmission arrangements for the proposal would not give rise to any unacceptable impacts beyond the reasonably significant impact that the existing substation and its associated overhead power lines and pylons have in the landscape. The proposal creates no conflict with Policy PV9 in this respect.
- 8.25 In terms of transport and access to the proposed site the assessment of the original application in Report No 458/14 stated that the proposal was not expected to give rise to any requirement for extra ordinary transportation requirements. The Council's Roads Division and Transport Scotland were re-consulted on the current application and neither offered any further comment or objection. They had however considered the likely impact of the development on the roads network at the time of application ref: 14/00428/FULM and raised no objection. Construction access would be via the existing access at Inveraldie Farm which has previously been utilised for the delivery of wind turbine components without significant impact. It is noted that a letter of representation was received in respect of this aspect of the proposal however construction access does not raise any issues or conflicts with Policy PV9. The deletion of condition 7 which relates to boundary enclosure would not affect the transport or access arrangements associated with the development.
- 8.26 In terms of flood risk, a Flood Risk Assessment was undertaken and submitted at the time of planning application ref: 14/00428/FULM as part of the site is known to be at risk of flooding from the Fithie Burn and the Tealing Burn. The FRA was considered by both SEPA who had initially objected to the proposal on the basis of lack of information and by Angus Council Roads Division in its capacity as the local Flood Prevention Authority. SEPA subsequently rescinded its initial objection as it considered that the issue of flooding was adequately addressed. The Flood Prevention Authority did not object but highlighted that the development should be undertaken in accordance with the FRA recommendations regarding the location of transmission equipment and levels of panel mounts on areas of the site that are susceptible to flooding. Recommendations were also made about the surface treatment and levels of roads and tracks. Both SEPA and Roads were re-consulted on the application and have offered no objection to the development being undertaken in the manner proposed. There has been no material change in circumstance in the interim period that would lead to the conclusion that the site is more susceptible to flooding than previously indicated and the proposal is considered to offer no conflict with Policy PV12 which relates to the management of flood risk.
- 8.27 The final Development Plan consideration is the impact of the development on prime agricultural land which Policy PV20 states a general presumption against in all but a few circumstances. One exception to this presumption is where the development relates to a renewable energy development and the proposal is supported by a commitment to a bond commensurate to site restoration requirements. The site is a mix of Class 3.1 and Class 3.2 land which puts the majority of the site in the prime agricultural land category. Although the application is not supported by a restoration bond, conditions requiring such a bond and a scheme of restoration to be provided were attached to planning permission ref: 14/00428/FULM and similar conditions in this case. The typical operational period of the array would be 25 years and, following this, the array would be decommissioned and the land returned as close as practicable, to its original state. The nature of the proposed development would ensure that the agricultural land would not be permanently lost. While there was a suggestion at the time of planning application ref: 14/00428/FULM that grazing would take place within the site during the lifetime of the development, this low grade activity is not akin to the range of activity available under normal

circumstances and is of little relevance in reality. The development could however be removed fairly readily without permanent damage or loss should it become surplus to requirements. This does presume that the site would be decommissioned after 25 years and 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 along with other considerations is equally not diminished by the intention to attach decommissioning and restoration conditions in order that the development is brought into compliance with current Development Plan requirements; specifically the restoration requirements of Policy PV20 and PV9.

8.28 In summary, the application relates to a proposal to develop the site in the manner approved by Development Standards Committee on 25 November 2014 without complying with Condition 7 of the previous planning permission. As the condition related specifically to an issue that is regulated by SEPA who have offered no objection to the proposal to remove the condition, it is considered that there is no longer any valid reason to insist on its continued application. It has been established that there has been a material change in circumstance since the initial grant of planning permission in that the Angus Local Plan Review has been superseded and replaced by the Adopted Angus Local Development Plan. However the relevant considerations have been re-assessed in the context of the policies of that plan and it has been established that there is similar support for the development type proposed within the policies of the LDP. No significant changes have occurred in the physical attributes of the site and its surroundings and the supporting information and technical assessments undertaken in support of planning application ref: 14/00428/FULM are considered to remain relevant to the consideration of the identified potential impacts within the up-to-date policy context. Finally, there is a significant material consideration that needs to be taken into account in the form of an extant planning permission as previously granted by the Development Standards Committee for the same development on the same site. Taking all of the foregoing into account it is considered to be appropriate to issue a new planning permission for the development without Condition 7 as detailed in planning permission ref: 14/00428/FULL attached. An appropriately amended schedule of conditions is attached at Section 10 below. The proposal complies with relevant development plan policy and there are no material planning considerations that justify refusal.

9. OTHER MATTERS

HUMAN RIGHTS IMPLICATIONS

The decision to grant permission/consent, 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 decision 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 to undertake the development without compliance with Condition 7 of planning permission ref: 14/00428/FULM would not give rise to any conflicts with the policies of the Development Plan and would not give rise to any unacceptable public safety impacts. SEPA in its capacity as the appropriate consultee in respect of Radioactive Contaminated Land has considered the request to develop without compliance with Condition 7 of planning permission ref: 14/00428/FULM and have raised no objection. On that basis there is no continued

requirement to attach the condition. Furthermore there is an extant planning permission in place for a development of the same nature on the same site following the decision of the Development Standards Committee to grant planning permission on 25 November 2014 where it was determined that the proposed development would not impede the previously approved development (Planning Permission Reference 13/00469/PPPM) on the site and that the development was therefore compliant with National Planning Framework for Scotland 3 (NPF3) and that the proposed development was compliant with the Development Plan and Policy 6 of TAYplan in particular. This represents a material consideration of considerable weight in the determination of the application. The proposal complies with development plan policy subject to the stated planning conditions and there are no material considerations that justify refusal.

Conditions:

1. 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 financial provision is maintained throughout the operational life of the development hereby approved.

Reason: To ensure that the development complies with Policies PV9 and PV 20 in the Angus Local Development Plan by ensuring that there are sufficient funds available throughout the life of the development to carry out the full restoration of the site following decommissioning.

2. 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.

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

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

4. That no solar panel shall be fixed at an angle greater than 25 degrees relative to the horizontal unless otherwise agreed in writing by the planning authority following the submission of an updated glint and glare assessment.

Reason: In order to ensure that direct reflected light is controlled in accordance with the assessments upon which the planning permission is based in the interests of the amenity of the area.

5. 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 relating to direct reflected light, 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. Once approved the operation of the solar farm shall take place in accordance with the said mitigation 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.

6. In order to control noise from the development to an acceptable level, the following shall apply:

a) Noise emissions from the operation of the solar park shall not exceed NR Curve 25 between 2300 and 0700 and NR Curve 35 at all other times as measured within any dwelling or noise sensitive premises with the windows open at least 50mm.

b) Noise emissions from the operation of the solar park shall not exceed 50 dB(A) Leq(1hr) as measured within the external amenity space of any noise sensitive premises.

c) 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.

d) 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.

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 the amenities of noise sensitive properties.

7. That the proposal shall be undertaken in accordance with the recommendations contained in the relevant Flood Risk Assessment by Millard Consulting of September 2014 reference 12923/BC/247. In particular the following recommendations shall be adhered to:

a) Where flooding is predicted the minimum height of the lower edge each solar panel should be set 300mm above the predicted flood level.

b) All transformers should be located out with the functional floodplain, where this is not possible they should be raised at least 600mm above the functional flood plain.

c) All tracks should be constructed with a permeable surface as no formal drainage is proposed.

d) All tracks should be formed such that there is no change to the original ground level.

Reason: In order to ensure that adequate flood protection is achieved within the site and to ensure that flood risk is not increased outwith the site.

8. That no works in connection with the development hereby approved shall take place unless a scheme of hard and soft landscaping works has been approved in writing by the planning authority. Details of the scheme shall include:

a) Existing landscaping features and vegetation to be retained;

b) A scheme of mitigating hedgerow and riparian planting along the south and north of the site consisting of suitable planting in the form of Hawthorn, (*Craetaegus monogyna*), Holly (*Ilex aquifolium*) and Beech (*Fagus sylvatica*), but could be complemented by solitary trees of Oak (*Quercus robur*), Ash (*Sorbus aria*), and Sycamore (*Acer*

- pseudoplatanus), which are native to the landscape. Suitable species for mitigation planting along watercourses would be Alder (*Alnus glutinosa*) and willow (*Salix* spp.);
- c) The location and design and materials of all hard landscaping works including walls, fences and gates;
 - d) A programme for the completion and subsequent maintenance of the proposed landscaping.

All hard and soft landscaping proposals shall thereafter be carried out in accordance with the approved scheme and shall be carried out in the planting season immediately following the commencement of development or such other date as may be agreed in writing with the planning authority. Any planting which within 5 years from the completion of the development, is considered in the view of the planning authority to be severely damaged, seriously diseased, or dying shall be replaced by similar plants or such other plants as agree with the planning authority.

Reason: To ensure the implementation of a satisfactory scheme of landscaping that will help to integrate the development into the local landscape and mitigate landscape and visual impacts in the interests of the visual amenity of the area.

**STEWART BALL
HEAD OF HOUSING, REGULATORY AND PROTECTIVE SERVICES**

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: 18 AUGUST 2017

Appendix 1: Location Plan
Appendix 2: Report Number 485/14
Appendix 3: Development Plan Policies

Appendix 1 – Location Plan

ANGUS COUNCIL**DEVELOPMENT STANDARDS COMMITTEE - 25 NOVEMBER 2014****PLANNING APPLICATION - LAND AT FORMER AIRFIELD TEALING****GRID REF: 340452 : 736847****REPORT BY HEAD OF PLANNING AND PLACE****Abstract:**

This report deals with planning application No 14/00428/FULM for the formation of a 31MW Solar Park and ancillary infrastructure, including internal site access tracks, inverter housing units and a security fence for Tealing Solar Park Ltd at Land at the Former Tealing Airfield, Tealing. This application is recommended for refusal.

1. RECOMMENDATION

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

2. INTRODUCTION

- 2.1 The applicant seeks full planning permission for the formation of a 31MW Solar Park and ancillary infrastructure, including internal site access tracks, inverter housing units and a security fence.
- 2.2 The application site measures 51.2 hectares and consists of a significant part of the former R.A.F. Tealing Airfield. The former airfield lies within the Tealing Valley and lies around 4 km north of Dundee. The Tealing Valley marks the beginning of the rural open landscape after leaving the Dundee conurbation when travelling north on the A90. Tealing and the surrounding farmland is distinguished by the backdrop of the Sidlaw Hills to the north.
- 2.3 The proposed development would consist of the installation of a large solar photovoltaic (PV) array comprising around 122 400 solar PV panels, mounting structures, 30 electrical invertors stored in 15 inverter housing units, around 2km of internal site access track and a 2 metre tall green mesh security fence around the site perimeter. CCTV installations would also be erected at various points throughout the site as yet unspecified.
- 2.4 The mounted solar PV panels would stand 2.2 metres in height and would be spaced around 4.4 metres apart. Each mounting structure with panels would be 9.9 metres long and 3.9 metres wide. The inverter housing buildings would be flat roofed and simplistically designed. Each housing would be 3.3 metres in height, 2.8 metres in width and 6.2 metres long.
- 2.5 The site currently consists of a generally flat area of land that is a mix of vacant land and productive agricultural land that has been recently cropped with grain and potatoes. The former airfield access tracks and runways are evident in various states of repair throughout the site and the basic shell of the former control tower still stands to the south east. There is also a wind turbine of around 86.5 metres in height to blade tip and its associated infrastructure within the site. The turbine stands around 20 metres from the north boundary. There are also a number of high voltage electricity cables overflying the site. There are supporting pylons for the cables located at several points throughout the site.
- 2.6 Part of the south boundary of the site is marked by the Fithie Burn with arable land rising to the south towards the crest at Emmock before falling towards Dundee. The site boundary forms a dog leg to the north around Muir of Pert which is a former piggery consisting of a wide range of buildings and structures in varying states of repair. The south east boundary also bounds Muir of

Pert and agricultural land. The north of the site runs contiguously with an existing poultry growing operation along part of its length. The poultry operation has eight large broiler sheds arranged along a large section of the former west to east part of the runway of the former airfield. The balance of the north boundary has a cropped part of the former airfield beyond. Beyond the north boundary the land rises gently to the north towards Kirkton of Tealing and Tealing Village.

- 2.7 The west boundary partly bounds the existing large electricity substation at Tealing and partly bounds Myerton of Claverhouse Farm. There is no east boundary as such as the site comes to a point to the east adjacent to two chalet style dwellings that are associated with the adjacent chicken growing operation. Access to the site can be gained at this point via a hardcore track that runs from Kirkton of Tealing although the site access for the purposes of the development would be direct from the A 90 (T) through Inveraldie Farm and Muir of Pert. The access route also serves Moatmill Farm and is an adopted road up to that point.
- 2.8 The application has not been subject of variation.
- 2.9 The application was advertised in the Dundee Courier as required by legislation.

3. RELEVANT PLANNING HISTORY

13/00496/PPPM for Formation Of Onshore Electrical Transmission Infrastructure Between Carnoustie And Tealing To Service Seagreen Alpha And Seagreen Bravo Phase 1 Offshore Wind Farms, Comprising Of 19km Of Underground Electricity Transmission Cables, A New Substation/Convertor Station Adjacent To Existing Electricity Substation At Tealing And Formation Of Associated Vehicular Access And Temporary And Permanent Ancillary Works was determined as "Approved subject to conditions" on 5 December 2013.

4. APPLICANT'S CASE

- 4.1 The following has been submitted in support of the proposal:

A Pre-application Consultation Report;
A Design and Access Statement;
An Environmental Report;
A Landscape and Visual Impact Assessment;
A Flood Risk Assessment.

- 4.2 The Pre- Application Consultation Report details the level of community engagement undertaken prior to the submission of the planning application along with details of how the application process was influenced by the community engagement process. The report highlights that as the proposal relates to a Major Development in terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009 a pre application consultation exercise had to be undertaken that was at least in compliance with the minimum statutory consultation requirements prescribed in legislation. The report concludes that of the 18 members of the public that attended a public exhibition, 5 completed a questionnaire. Two of the questionnaires expressed strong objection against the development and tree planting has been proposed along the north of the site to address these concerns. Other concerns expressed related to the loss of footpaths around the site and a minimum 1 metre strip is proposed to be left around the site perimeter to address this. Other submitted questionnaires expressed support for the development. The report also details a Community Council Meeting that was attended by the applicant's representative on 21 May 2014.
- 4.3 The design and access statement sets out the criteria and principles against which the Tealing Solar Park proposal was designed. It is stated that the statement demonstrates how the site and its surroundings have been fully appraised to ensure that the final design solution is the most suitable for the site. Details are also provided on the access arrangements to the development, including disabled access. It is highlighted that the statement should be read in conjunction with the Environmental Report (ER), which also contains information on the description of the development, predicted environmental effects and traffic effects. The statement gives a summary of the background to the development highlighting that the applicant identified the site at Tealing as a suitable location for a Solar Park development following a rigorous screening assessment and notes the proximity to a suitable grid connection point at the adjacent electrical substation.

- 4.4 The Design and Access Statement contains a summary of site design considerations and includes an overview of the main features of the development along with sections on site selection, environmental considerations, landscape and visual impact, ecology and biodiversity, cultural heritage and archaeology, cumulative impacts, transport and access, glare, flood risk, impact on agricultural land and layout. The Design and Access Statement concludes that the proposal is considered to be in line with current national and local renewable energy policies relating to Scottish Government commitment to tackling climate change, moving towards a zero-waste Scotland and increasing the use of various renewable energy technologies. It is stated that the applicant believes that the proposed development has been carefully and methodically designed and is sensitive to the local surroundings and environment of the site. Given the site's irradiation resource afforded by the location, and the proximity to the grid connection, it is stated that the applicant is of the opinion that the site is ideally located for the proposed Solar Park.
- 4.5 The Environmental Report gives general background about the development proposal, the land owner, the developer and the rationale for the development report assesses the environmental impacts likely to result from the proposal for a 31MW Solar Park at Tealing former airfield. The applicants agent states that the report provides a level of detail appropriate to the scale of the development, and has been produced in line with relevant environmental policies and planning guidance and has been informed by scoping with Angus Council.
- 4.6 The report contains sections covering the proposal, the planning and environmental landscape and visual impact, cultural heritage and archaeology, glare and surface water and hydrology. The report also contains Appendices in the form of a viewpoint assessment and a residential property assessment. The report concludes that the proposal is in line with current national and local renewable energy policy that states the Scottish Government's commitment to tackling climate change, moving towards a zero-waste Scotland and increasing the use of various renewable energy technologies. In terms of Local Planning Policy, it is stated that the Tealing site is located in a Landscape Character Area of lower sensitivity to development.
- 4.7 The report states that environmental assessments have found no adverse impact predicted as a result of the proposed development and that the applicant believes that the proposed development has been carefully and methodically designed and is sensitive to the local surroundings and environment of the site. It is the applicant's stated opinion that the Tealing Solar Park proposal is consistent with local and national planning policy and that the generation of clean energy as well as potential local benefits, effectively resulting from the improvement to the current condition of the site and biodiversity, will be greater than any negative environmental effects, which are predicted to be minor. Given the site's irradiation resource afforded by the location, and the proximity to the grid connection, the applicant is of the opinion that the site is ideally located for the proposed Solar Park. The report concludes that development would provide Angus with 11% of its electricity demand, over 6,000 homes, and would increase Angus' renewable energy capacity by 150%. This would provide a significant boost for Angus' renewable energy statistics and contribute significantly to the overarching national target of 100% electricity demand produced by renewable energy, without causing adverse or significant environmental impacts.
- 4.8 The Landscape and Visual Impact Assessment contains a number of illustrated figures. The Site and study area are identified, and there is a visual representation of landscape character and a Zone of Theoretical Visibility (ZTV) illustration as well as 12 viewpoints showing the development in context utilising map based assessments, photomontages and wireline illustrations. The illustrated viewpoints accompany the viewpoint assessment contained in Appendix 1 of the submitted Environmental Report as summarised above.
- 4.9 The submitted Flood Risk Assessment is stated to be carried out in accordance with the requirements of the Scottish Planning Policy (SPP). The assessment utilises a set of procedures originally set out in the Flood Estimation Handbook (Institute of Hydrology, 1999) and embodied in the relevant software packages currently used. The assessment is prepared using best engineering judgement but it is stated that there are levels of uncertainty implicit in the historical data and methods of analysis. Details of the range of possible error in the methods of flood estimation are given in the Flood Estimation Handbook (FEH). It is stated that flood risk is typically assessed for a 1 in 200 year flood event.

- 4.10 It is concluded that Flooding is predicted on parts of the site during a 1 in 200 year flood event, due to floodwater associated with the functional floodplain of the Fithie Burn. There are also likely to be areas of overland flow associated with the overtopping of flood flows from with the Fithie Burn and the Tealing Burn. These overland flows are likely to be shallow, typically less than 100m deep. Where this is the case these flows will have no effect on placement of the proposed solar array. There are some relatively limited areas where overland flow is predicted to be greater than 200mm deep. These areas are indicated along with areas of direct flooding due to floodplain extents, on drawing 12923/21/001. Where flooding is predicted, the minimum height of the lower edge of each individual solar panel table should be set so that it is at least 300mm above the predicted flood level. When possible, the required transformers indicated on the solar farm masterplan drawing should be relocated outwith the functional floodplain. Where this is not possible, they should be raised on poles so that they are at least 600mm above predicted flood levels. All access tracks to be formed within the site should be of permeable type surfacing (e.g. gravel) which should not generate additional runoff over and above greenfield runoff. Hence formal drainage of the site will not be required. All access tracks should be formed in such a way that there is no change in levels compared with original ground levels. Alternatively if any increases in levels are proposed, compensatory flood storage will be required.

5. CONSULTATIONS

- 5.1 **Community Council** - The Community Council has objected to the proposal. The following points of objection have been stated:
- Cumulative Impact;
 - Failure of the landowner to maintain the land in a satisfactory condition and should not now be offered the opportunity to profit from industrialisation of the countryside;
 - The development will contribute towards a change in the character of Tealing which is a farming community despite the locality already having reached capacity in terms of the number of wind energy related developments that has taken place;
 - The proposal would take place on land that has already been approved for development associated with offshore wind energy development;
 - That local residential concern has been expressed relating to impact on house prices and that not enough is known about the impact of such proposals on the wellbeing of livestock and people;
 - That the proposal would have a negative impact on the airfield which is considered by the community to be a local heritage asset;
 - That access from the A90 would be dangerous and the farm access road is below standard;
 - That the proposal to graze animals on the site would be contrary to research that suggests that the heat generated under the solar array would have a negative effect on livestock.
- 5.2 **Angus Council - Roads** - No objection is stated. Access to the airfield is via the A90(T) and the U319 Moatmill Road. Moatmill Road is a public road up to the access to Moatmill Farm. The carriageway of the road is generally, 5 metres wide and relatively straight in alignment.
- 5.3 The applicant has submitted an Environmental Report which indicates that the deliveries to the solar park would use standard deliver vehicles as opposed to any specialist vehicles required to move abnormal loads. No concerns are expressed regarding the use of the proposed access road by construction traffic. The proposal has been considered in terms of the traffic likely to be generated by it, and its impact on the public road network. As a result, no objection is raised in relation to the application.
- 5.4 **Scottish Water** - There was no response from this consultee at the time of report preparation.
- 5.5 **Scottish Environment Protection Agency** - SEPA has considered the Flood Risk Assessment by Millard Consulting entitled "Proposed Solar Farm at Tealing Airfield, Tealing Angus" dated September 2014, reference 12923/BC/247. SEPA has removed its initial objection to the proposed development on flood risk grounds. In respect of the issue of Radioactive Contaminated Land SEPA has indicated that it is not aware of any measured radioactive contaminants on the site or any documentary evidence to suggest that radioactive contaminants may be present. However, given the site's former use as a military airfield radium 226 may be present due to its use in aircraft dials during WWII. The proposed development will involve the construction of a security fence. Providing that this fence is constructed prior to further works, primarily the shallow

excavation works for the cable burial, the receptors on the site will be restricted to construction workers and latterly maintenance crew and any risk from potential radioactive contaminants must be considered under health and safety legislation during the works and in working procedures for ongoing maintenance.

- 5.6 **Scottish Natural Heritage** - There was no response from this consultee at the time of report preparation.
- 5.7 **Transport Scotland** - The Director does not advise against granting planning permission.
- 5.8 **Health & Safety Executive** - There was no response from this consultee at the time of report preparation.
- 5.9 **Dundee City Council** - There was no response from this consultee at the time of report preparation.
- 5.10 **Historic Scotland - Archaeology** - Historic Scotland have considered the consultation and have no comments to make on the proposals. Historic Scotland confirms that Angus Council should proceed to determine the application without further reference to them.
- 5.11 **Ministry Of Defence** - No safeguarding objection is stated.
- 5.12 **Civil Aviation Authority** - There was no response from this consultee at the time of report preparation.
- 5.13 **Dundee Airport Ltd** - Assurances are sought on glint and glare impacts on pilots. Information submitted in this respect has been passed to the Airport operator and no further comment has been provided.
- 5.14 **National Grid Plant Protection** - There was no response from this consultee at the time of report preparation.
- 5.15 **Angus Council - Flood Prevention** - The recommendations within the flood risk assessment should be adhered to specifically:
- Where flooding is predicted the minimum height of the lower edge each solar panel should be set 300mm above the predicted flood level;
 - All transformers should be located out with the functional floodplain;
 - Where this is not possible they should be raised at least 600mm above the functional flood plain;
 - All tracks should be constructed with a permeable surface as no formal drainage is proposed;
 - All tracks should be formed such that there is no change to the original ground level.
- 5.16 **Angus Council Environmental Health** - The Environmental Report includes a basic theoretical assessment that suggests that direct reflected light will not occur below 50° to the horizontal if the panels are fixed at the proposed 25° and as such concludes that no sensitive properties will be adversely affected. As the angle of the panel is fundamental to the angle of the reflected light, it is requested that a condition controlling this issue be included in any consent granted. As an additional safeguard it is requested that a condition is attached placing an obligation on the solar farm operator to investigate any complaint of reflected light if requested by the Planning Authority to do so.

Operational noise is not likely to be a major concern but in the absence of any noise data it is requested that a condition designed to protect nearby amenity levels be attached. Construction activities, particularly delivery vehicle movements do have the potential to cause significant noise impacts if not suitably controlled and in this respect it is suggested that conditions that set limits on noise from construction activities as well as controlling the times that deliveries can be made to the site.

In respect of contaminated land, available information including historic mapping and aerial photography has been reviewed and it is considered that the site does not pose a significant risk of harm to the proposed use from land contamination.

- 5.17 **NERL Safeguarding** - No safeguarding objection is raised.
- 5.18 **Aberdeenshire Council Archaeology Service** - No archaeological mitigation would be required, however it is requested that the applicant is advised of the potential for unexploded ordnance to survive in the area from the site's former use as a World War II Airfield.

6. REPRESENTATIONS

6.1 Six (6) letters of representation were received from three parties. The letters state objection to the proposal. No letters of support were received. 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.

6.2 The main points of concern were as follows:

- That the proposed development would contribute to the industrialisation of the land around Tealing at the expense of the traditional farming activity of the locale.
- That the proposal would have a negative visual effect on the surrounding countryside when viewed cumulatively with existing built and proposed development in the form of wind turbines and the proposed substation extension associated with the Seagreen Alpha and Bravo offshore wind energy development.
- That the proposed development would have a negative impact on the historic environs of the former World War 2 airfield.
- That the proposed development would have a negative impact on the amenity and value of nearby residential properties.
- Loss of an area of recreational value.
- Lack of information relating to potential risk to health of people and livestock arising from the development.
- Negative landscape effects.
- That the proposed development would have significant implications for the realisation of the proposed and approved substation/ converter station development and the approved cable route associated with the 1050MW Seagreen Phase 1 offshore wind energy project as approved under planning ref: 13/00496/PPPM.
- That the proposed solar park includes the entire site for the new substation/converter station forming part of the approved electricity grid connection arrangements for two offshore wind farms. The grid connection is recognised as a National Development for which there is a national need as detailed in Annex A of the third National Planning Framework (NPF3). As a result the solar park as proposed is in clear and fundamental conflict with NPF3 priorities.
- That there is clear legal precedent that states that in appropriate circumstances, planning permission can be refused on the basis of conflict with an alternative proposal for the same land.
- That the benefits that could be derived from the solar park are insignificant compared to the benefits that would be derived from the proposed offshore wind projects and that the proposed solar park would impede the delivery of these projects.
- The grid connection point at Tealing for the Seagreen offshore wind projects was determined by National Grid who are under a statutory obligation to identify the most economically efficient connection points for new generating capacity. The grid connection point at Tealing associated with the Seagreen offshore wind projects has been fixed since 2010 when connection agreements were signed for a connection in 2018.
- The developer of the solar park has failed to take the grid connection for the consented offshore wind energy developments into account in designing the scheme and the matter could not be remedied through a variation to the scheme

7. PLANNING CONSIDERATIONS

7.1 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.

7.2 In this case the development plan comprises:-

- TAYplan (Approved 2012)
 - Angus Local Plan Review (Adopted 2009)
- 7.3 The relevant policies of TAYplan and of the Angus Local Plan Review are reproduced at Appendix 1.
- 7.4 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);
- 7.5 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'.
- 7.6 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.
- 7.7 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.
- 7.8 Angus Council has produced an Implementation Guide for Renewable Energy Proposals. It provides guidance for development proposals ranging from small single turbines to major wind farms and does tend to focus mainly on wind 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.
- 7.9 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 and Economic Benefits;
 - Landscape Impact;
 - Visual Impact;

- Impact on Residential Amenity;
- Ecology Impact;
- Glint, Glare and Aviation Impacts;
- Archaeological and Built Heritage Impacts;
- Other Development Plan Considerations;
- Other Material Considerations.
- Environmental and Economic Benefits:

7.10 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. Policy 6 identifies matters that should be considered when determining planning applications for development proposals, including consistency with the National Planning Framework and its Action Programme. The current application site overlays the site of a previously approved scheme for the formation of a new substation/convertor station adjacent to the existing electricity substation at Tealing and the formation of associated vehicular access and temporary and permanent ancillary works amongst other things (See Section 3 above). Around 67.5% of the application site or thereby covers the site identified in planning permission ref: 13/00496/PPPM. Since the time of granting that permission, National Planning Framework 3 (NPF3) has been published. The development approved in planning permission ref: 13/00496/PPPM would be part of a national development should it be implemented. As the proposal seeks to bring forward an alternative development on a site that has been identified as being required for the realisation of a development that falls within a category identified in NPF3 as a National Development without any indication of how the National Planning Framework has been taken into account, the proposal is not considered to be consistent with the NPF and subsequently is also considered to be inconsistent with TAYplan Policy 6.

7.11 Notwithstanding this inconsistency a full assessment of the proposal in relation to development plan policy is provided. In this respect the local plan indicates that Angus Council supports the principle of developing sources of renewable energy in appropriate locations. The proposed development would have a capacity of 31 MW capable of generating 25.4 GWh of electricity annually which is roughly enough to provide power for 6060 homes. This equates to around 11% of the household electricity demand for Angus. In this respect it is accepted that the proposed array would make a contribution towards renewable energy generation and as such the proposals attract in principle support from the development plan. To assess the acceptability of the proposals in terms of the more detailed technical issues, the policy tests must be explored.

Landscape Impacts:

7.12 Policy 6 of TAYplan 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.

7.13 The site is within the larger categories of the TAY13 Dipslope Farmland Landscape Character Area (LCA). The Dipslope Farmland in general is an open and agricultural landscape of medium to large scale, with industrial sized farm buildings and dispersed settlements. Characteristic for this LCA are the loss of traditional field boundaries which provide a smaller scale landscape texture.

7.14 The proposed site is part of the Tealing Farmland, a sub-area of the LCA north of Dundee. The entering of the Tealing valley marks the beginning of the rural open landscape after leaving the Dundee conurbation when travelling north on the A90.

7.15 Within the Dipslope Farmland, the Tealing Farmland is distinguished by the backdrop of the Sidlaw Hills and a higher density of urban and infrastructural development. There are a large amount of vertical structures in the area, mostly related to the presence of the electricity substation with a concentration of associated pylons, but also communication masts which are visible

on the surrounding hill-tops and a 86.5m sized wind turbine on Tealing airfield. Tealing farmland has a less developed character to the west of the site where the Dipslope Farmland merges into the Sidlaws.

- 7.16 The immediate surroundings of the site are characterised by the neighbouring substation and a high concentration of electricity pylons, industrial farming uses such as the poultry sheds on the runway along the northern edge of the proposed site and the large complex of the Muir of Pert Farm which has a variety of different agricultural structures and abandoned sheds, laid out in a cluttered accumulation along the eastern edge of the airfield. The airfield and the abandoned associated buildings along with spoil heaps add to a derelict appearance to the immediate surroundings contrasting with rural and picturesque elements of the surrounding landscape, such as fields and hedgerows with field-trees and larger groups of mature deciduous trees, such as around Tealing, Inveraldie, Balnuith and others. Although these are examples of remaining field boundaries there are other locations where field boundaries are degraded or absent.
- 7.17 There would be a change in the landscape quality affecting the area which is covered by the development. The proposed Solar Park would obscure a large surface area that would usually constitute part of the rural and agricultural appearance of open fields, exhibiting colours and textures of the seasonal crop-growing cycle throughout the year. The solar-panels would remove these rural landscape qualities from the proposed site, giving it a more industrial appearance even if grazing would be preserved underneath the panels. The change in landscape character would be a reinforcement of the utilitarian and industrial character-element of the Tealing Landscape.
- 7.18 Due to the limited extent of the area and the low degree of topographical exposure of the site the impact of these landscape effects would be limited and could be successfully mitigated by screening vegetation which integrates with existing vegetation patterns. This would help restoring some of the rural landscape elements which have a tendency of disappearing and could therefore have beneficial landscape effects.
- 7.19 Landscape sensitivity of the landscape surrounding the proposed site is medium-low due to the presence of other infrastructural development, the high concentration of pylons, the sealed surfaces of the runways and the industrial sheds and farm structures in the vicinity. Rather than a change in landscape character there would be a reinforcement of the utilitarian character-element of the Tealing Landscape. In this regard the landscape impact of the proposed development is not considered unacceptable.

Visual Impact:

- 7.20 Policy S6 of the Angus Local Plan Review 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.
- 7.21 The proposed site is located in a dip of the Tealing valley, between the southern edge of the Sidlaws and north of Dundee. Due to the topographical ridge separating the valley from the Dundee conurbation the site will have no visual impacts on the Dundee area. The site would be particularly visible from elevated locations overlooking the valley such as the surrounding hills, affecting views from viewpoints, recreational paths and roads in elevated locations. The main receptors which would be possibly affected by visual impacts would be views from the dual carriageway, scenic views from minor roads in the vicinity, the visual amenity in places of residence at close proximity and walkers during recreational activities on the surrounding hills.
- 7.22 Within views from the A90 visibility of the proposed Solar Park is likely to be limited. Theoretical visibility affects the stretch between the two ridgelines, north of Dundee and at Petterden, however in reality visibility will be much more limited, due to frequent screening by buildings and vegetation and the distance and the low height of the proposed development.
- 7.23 The general sensitivity of the receptor is considered medium, however visual impacts could be significant where panoramic landscape views are a particularly scenic experience, when seen from a car while travelling. This would include the scenic view that is gained when travelling north

on the A90 and when crossing the ridge north of Dundee past Emmock road. In this location after passing the woodland and the cutting large panoramic landscape views over the valley open up (Viewpoint 9).

- 7.24 However the proposed development would be located in a flat and low lying terrain at considerable distance. Judged by the visualisation for viewpoint 9 the development would be largely screened by buildings and hedgerows.
- 7.25 Other locations from the A90 would be less sensitive as views are less scenic and offering less of an overview of the landscape but rather fragmented by screening in the fore - mid and background. However there are locations where an unobstructed view of the site can be obtained such as to the north of the valley as demonstrated in Viewpoint 7.
- 7.26 Scenic landscape views over the Tealing valley and the Sidlaws beyond are also available from the high ground on Emmock road to the south west of the site, as partly represented in the visualisation for Viewpoint 4. The full extent of the development would be visible without screening from this location and obscure a large proportion of the present agricultural terrain. This would have moderate to significant adverse visual effects given the horizontal extent occupying the landscape view. Although the proximity to the existing substation and the high concentration of pylons make the view less sensitive to infrastructure development, the proposed development would obscure a large surface area within the view and therefore screening by a hedgerow or riparian vegetation in this direction would be desirable and effective mitigation measures.
- 7.27 Small settlements potentially affected would be Kirkton of Tealing, Tealing to the north and Inveraldie to the north east. Few of the properties and roads within the settlements are openly facing the site and most of the properties are screened towards the development. Some would experience some views of the development but these are not considered unacceptable.
- 7.28 In the settlement of Inveraldie one large residential building with many windows (at Dalziel Place) and two to three properties gardens would face the site and have partly unobstructed views on the development from the distance. The visualisation for viewpoint 5 demonstrates the impact on these receptors. According to the visualisation, visual impacts for views of the site would be moderate-low.
- 7.29 There is a recreational walk adjacent to the shelterbelt to the west of the village which would experience similar visual impacts.
- 7.30 Visual effects on Kirkton of Tealing are represented in the visualisation for Viewpoint 3. There is only one property that would be affected by unobstructed views of the site, with gardens and windows facing the site. Despite the large horizontal extent of the development visual impacts are estimated to be moderate. Visual effects are largely mitigated by screening from buildings and vegetation.
- 7.31 Whereas most of Tealing is screened from the development around 10-20 properties on the edge of Tealing might theoretically get views of the development from their windows or garden spaces from a distance, however most of the development would be concealed behind poultry sheds and visual impacts are judged to be low.
- 7.32 There is a core-path connecting Kirkton of Tealing from Balnuith along the northern edge of the airfield. This path is likely to be used as a local recreational walk by people from the surrounding residences and small settlements, and would be subject to visual impact; however the sensitivity to the proposed changes of the landscape views in the direction of the development at the present is low.
- 7.33 There are 16 individual residences within the proximity of 1km of the proposed development, including properties at Tealing Airfield, Moatmill, Muir of Pert, Seventeen Acres, Myreton of Claverhouse, Balnuith, North Mains of Baldovan, North Powrie, Whitewalls and Emmock. Viewpoints 12 and 2 and 1 represent views from the closest single properties to the north and east, viewpoint 6 represents views from properties to the south. The visualisations suggest that due to the horizontal nature of the development visual impacts are limited and the development integrates into the landscape without occupying a dominant proportion of the landscape views or

being visually overbearing. Visual impact for the closest property (Seventeen Acres) is demonstrated in visualisation for viewpoint 12, where the visibility of the development is negligible. However screening by a hedgerow or riparian vegetation towards the north and south would be a desirable and effective mitigation measure for remaining visual effects.

- 7.34 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. A variety of paths and core-paths 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 11 from Craigowl Hill could be representative of the approximate significance of visual impact affecting these locations. Unfortunately the light and weather conditions of the photograph conceal most of the developments direct context and also the projected texture is unconvincing, however, the large scale and horizontal extent of the development become more evident from this viewpoint. Moderate adverse visual impacts would arise from the large 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.
- 7.35 Visual impacts would be more significant for views from the higher ground to the north-west and south-west and from the hilltops within the Sidlaws where the expansive extent of the development would become visible and obscure large areas of open fields. However, a high concentration of existing development lowers the overall sensitivity of the views over the valley.
- 7.36 The low rise nature of the development also facilitates efficient forms of mitigation measures such as planting for the screening of the development. The Dipslope Farmland is characterised by its loss of traditional field boundaries and developments like the Solar Park could offer an opportunity to restore hedgerows or riparian vegetation along watercourses, such as the Fithie Burn to the south of the development site. Overall it is considered that the proposal would not give rise to unacceptable visual impacts subject to appropriate mitigation through screen planting.

Cumulative Landscape Effects:

- 7.37 There are no other solar park developments in the area. Cumulative effects could arise in combination with polytunnels which have a similar landscape and visual impact of a similar surface coverage, height, striped pattern and reflecting artificial material. There are polytunnels neighbouring the site of the proposal. Combined landscape effects would increase the artificially covered surface area and obscure otherwise agricultural terrain, which results in a loss of rural more natural landscape texture and colour and give the landscape an increasing industrial appearance.
- 7.38 However cumulative landscape effects resulting from the two features are moderate when considering the landscape context. Changes in landscape character due to the accumulation of utilitarian and infrastructural elements of different kinds in a formerly agricultural landscape are also considered in the section on landscape effects.

Cumulative Visual Effects:

- 7.39 Again cumulative effects could occur in conjunction with other developments such as polytunnels which have a similar visual effect. Views from the higher ground to the north-west and south-west of the site have an obstructed view over the large surface areas that would be occupied by the development and the neighbouring surface areas occupied by polytunnels, such as the scenic landscape views that are also gained from Emmock Road to the south west of the site (viewpoint 4) and the views from the paths and viewpoints within the Sidlaw Hills, represented by views such as from Craigowl Hill (viewpoint 11). The increasing amount of artificial surface cover in a rural landscape and the potential reflectivity of the developments would create moderate adverse cumulative visual effects within views from the Sidlaw Hills as represented in viewpoint 11. Within views from the higher ground to the south-west in Emmock road, the scale of the surfaces artificially covered would be increased by the two features in combination and therefore cause

moderate cumulative impact.

Ecology Impacts:

- 7.40 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 site consists of a former RAF airfield that is of mixed vacant and agricultural character. There is large scale infrastructure present on and adjacent to the site and the surrounding land is of arable agricultural character. The supporting information contains a chapter on Ecology and Biodiversity and highlights that an ecological survey for protected species and habitats was carried out including European Protected Species (EPS). The survey concluded that no signs of protected species were recorded at the site. It was also concluded that there was a poor species list of potential breeding birds at the site and that the nature of the locale did not make a good breeding bird habitat. It was also considered that the solar park may improve habitat for breeding birds, particularly ground breeding species, as the land would no longer be intensely farmed. There would be no significant effects on protected species or priority habitats arising from the development. SNH was consulted but has offered no response or objection. There is no reason to consider that the array would have an unacceptable impact on ecological or natural heritage interests.

Glare and Aviation Impacts:

- 7.41 In relation to the impact of the development on aircraft activity, the MOD, NATS, CAA and Dundee Airport have been consulted and have not raised any objection to the application. However Dundee Airport has sought assurances that the array would have no impact on authorised aircraft activity in the area. The glare assessment was sent directly to the operator of Dundee Airport however no response was forthcoming. Notwithstanding this, no significant impact on aircraft activity is anticipated. A Glare Assessment was undertaken which highlights that a 3km buffer zone has been set around aerodromes by the Non-Domestic Microgeneration (Scotland) Amendment Order 2011. The development would be located around 7.5 km from Dundee Airport. Flight paths for the airport run on a west to east orientation on a parallel with the River Tay which gives a similar level of reflectivity to solar PV panels. Also of worthy note is that no objection was raised from the MOD in respect of aircraft activity at RAF Leuchars which was until recently operating fast jets. The development would not produce valid reflections to aircraft either on approach or departing, nor would it affect air control personnel at either airport. The report concludes that the development would have negligible effects on aviation operations in the area and highlights that solar PV panels have been utilised successfully on airport buildings elsewhere in the UK without any impact on aircraft activity.

Archaeological and Built Heritage Impacts:

- 7.42 Cultural heritage interests include listed buildings, conservation areas, historic gardens and designed landscapes, scheduled monuments and local archaeological interests. The applicant has provided a Cultural Heritage and Archaeology Survey in support of the application. Historic Scotland and Aberdeenshire Council Archaeology have been consulted on the development proposal. The baseline assessment concludes that there would be an overall negligible indirect visual impact upon the historic features within 3km of the site. Aberdeenshire Council Archaeology Service and Historic Scotland have indicated that the application raises no issues for them in terms of impacts on built heritage assets in the area. Having taken account of all relevant information I am satisfied that the development would not have an impact on the fabric or the setting of any cultural heritage site to a degree that would merit refusal of the application.

Other Development Plan Considerations:

- 7.43 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.
- 7.44 The transmission arrangements associated with the development would be minimal due to the close proximity of the site to the large electrical substation at Tealing which lies adjacent to the site. The substation provides ready access to the existing high voltage transmission network. On

this basis it is considered that the transmission arrangements for the proposal would not give rise to any unacceptable impacts beyond the reasonably significant impact that the existing substation and its associated overhead power lines and pylons have in the landscape.

- 7.45 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 Division and Transport Scotland have considered the likely impact of the development on the roads network and raise no objection. Construction access would be via the existing access at Inveraldie Farm which has previously been utilised for the delivery of wind turbine components without significant impact.
- 7.46 In terms of flood risk, a Flood Risk Assessment has been undertaken and submitted as parts of the site are known to be at risk of flooding from the Fithie Burn and the Tealing Burn. The FRA has been considered by both SEPA who had initially objected to the proposal on the basis of lack of information and by Angus Council Roads Division in its capacity as the local Flood Prevention Authority. SEPA has subsequently rescinded its initial objection as it considers that the issue of flooding has been adequately addressed. The Flood Prevention Authority does not object but highlights that the development should be undertaken in accordance with the FRA which makes recommendations regarding the location of transmission equipment and levels of panel mounts on areas of the site that are susceptible to flooding. Recommendations are also made about the surface treatment and levels of roads and tracks.
- 7.47 The final Development Plan consideration is the impact of the development on prime agricultural land. The site is a mix of Class 3.1 and Class 3.2 land which puts the majority of the site in the prime agricultural land category. The typical operational period of the array would be 25 years and, following this, the array would be decommissioned and the land returned as close as practicable, to its original state. 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. The nature of the proposed development would ensure that the agricultural land would not be permanently lost. While there is a suggestion that grazing would take place within the site during the lifetime of the development, this low grade activity is not akin to the range of activity available under normal circumstances and is of little relevance in reality. The development could however be removed fairly readily without permanent damage or loss should it become surplus to requirements. This does raise the question of decommissioning however this matter could be addressed through a planning condition to ensure that a suitable and enforceable scheme for this is agreed prior to the commencement of any works on site. This does presume that the site would be decommissioned after 25 years and 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 along with other considerations is equally not diminished by the use of such a condition.
- 7.48 Overall it is considered that the proposal does not give rise to any unacceptable impacts in terms of the above assessment in terms of local plan considerations. Notwithstanding this, the assessment of the proposal in terms of Policy 6 of TAYplan at 7.10 above needs to also be taken into account. The development proposal would take place on a site, the majority of which has been identified as being required in order to bring forward a development type that has been identified in NPF3 as being in the national interest. While the proposal would be consistent with the NPF in terms of the development making a contribution towards meeting national renewable targets, there has been no demonstration of how the proposal would be consistent with the National Planning Framework in terms of its potential to impact on a category of development identified in NPF3 as being in the national interest, namely the new and or upgraded High Voltage Electricity Transmission Network. In this respect it is considered that the location and extent of the development has not been justified having regard to the national development identified in NPF3. The proposal is therefore inconsistent with the Development Plan in this respect.

Other Material Considerations:

- 7.49 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.
- 7.50 The potential generating capacity from the development is reasonable for the size of the array.

The array would produce the equivalent of several large wind turbines with arguably a much lesser landscape and visual impact and negligible noise impact. 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.

- 7.51 National Planning Framework 3 (NPF3) has been referred to above in terms of its general support for renewable energy development and also in respect of its status as a relevant consideration in terms of assessing applications for energy infrastructure under Policy 6 of TAYplan. NPF3 was laid before Parliament on 23 June 2014 and sets out the Scottish Government's plans for development and investment in infrastructure. NPF3 is the up-to-date spatial expression of Government Economic Strategy and as such development plans are expected to support the priorities contained in NPF3 in order that planning decisions are taken that enable the delivery of national developments as identified in Annex A of the framework.
- 7.52 At this time the Angus Local Development Plan and TAYplan 2 Strategic Development Plan are in the process of being formulated. The existing development plan framework predates NPF3 and therefore does not fully reflect the NPF3 priorities either at a local or strategic level. As the most up-to-date expression of strategic national policy in relation to major infrastructure priorities in Scotland, NPF3 is therefore considered to be a material consideration of some weight in the determination of planning applications that relate to identified national developments. It is considered similarly material when considering development proposals that could impact on such identified national developments.
- 7.53 As identified in Section 3 above, the site is subject to an extant planning permission (approved by the Development Standards Committee on 26 November 2013 under planning permission reference 13/00469/PPPM (report No 643/13)) relevant to the formation of onshore electrical transmission infrastructure between Carnoustie and Tealing to service Seagreen Alpha and Bravo Phase 1 offshore wind farms. Part of the development as approved under that reference includes the formation of a new substation and converter station adjacent to the existing electricity substation at Tealing as well as the formation of associated vehicular access and temporary and permanent ancillary works. The site identified for this element of the development covers a significant part of the area identified for the proposed solar park (approximately 67.5%).
- 7.54 The approved grid connection and associated transmission cabling falls within a category of National Development identified in Annex A of NPF3 that being the High Voltage Electricity Transmission Network including new and/or upgraded electricity cabling in excess of 132 kv and new and /or upgraded onshore converter stations directly linked to onshore and/or offshore electricity transmission cables. The associated statement of need states:
- 'These classes of development are needed to support the delivery of an enhanced high voltage electricity transmission grid which is vital in meeting national targets for electricity generation, statutory climate change targets, and security of energy supplies'
- 7.55 In respect of the projects in the Firths of Forth and Tay, NPF3 states 'we also expect proposals for offshore wind to come forward off the Firths of Forth and Tay'. It is therefore considered that NPF3 states a strong expectation that the offshore developments with which the onshore connection approved under ref: 13/00469/PPPM will be realised. This view is strengthened further by the recent grant of consent by Ministers on 10 October 2014 for the Seagreen Alpha and Bravo Phase 1 offshore wind farms.
- 7.56 In all but exceptional circumstances competing land uses on the same land will not generally be a material consideration for the purposes of determining planning applications. The applicant and the land owner have put forward legal arguments to support the view that this application should be approved. Arguments are also advanced as to whether the onshore works associated with the Seagreen proposal comprise part of the national development. An objector has put forward legal argument to support the view that a development that compromises the deliverability of a national development should not be supported.
- 7.57 Legal cases stated in support or objection of any planning application will rarely match the exact circumstances of the case. The objector's legal argument is relevant to a case where an infrastructure project of national importance was afforded significant weight due to its importance and desirability in the public interest. In response to this the applicant's legal representative has stated from the same case that the likelihood of the development coming about is also a highly

material consideration. The applicant's representative also cites a case from a higher court that states that landowners are entitled to do as they wish with their land as long as it is acceptable in planning terms. The case cited gave several propositions that were statements of law in considering cases where competing future uses were under consideration. The propositions include well established principles such as the ability to have a number of alternative approvals on the same land if they are acceptable in planning terms, whether the development would amount to planning harm, the irrelevance of relative advantages of competing uses, the irrelevance of alternative proposals and perhaps most notably that even in exceptional circumstances where alternative proposals might be relevant, inchoate or vague schemes and/or those likely to have no real possibility of coming forward should be considered irrelevant or given no weight.

- 7.58 In this case the alternative proposal is an identified national project albeit that it was not so at the time of its initial consideration. This does not however mean that a clear and up-to-date statement of national policy can be set aside. While the onshore works are a relatively small part of the overall Seagreen project, it is nonetheless a vital component. At the time that the applicant's representative made initial submissions, there was no offshore development consent issued for the Seagreen projects.
- 7.59 It may have been argued at that point that there was a degree of uncertainty about whether or not the scheme would secure the necessary ministerial approval and then be implemented although the complexity of the design and consent process involved does require a significant lead-in time and this much is understood. The recent granting of the relevant offshore consent and electrical consents for the projects does however add additional weight to them as projects that are likely to be realised. There is nothing vague about the wording or the intent of NPF3 in this respect and there is nothing in the actions of the offshore developer to suggest that the project is not being progressed with a view to undertaking the development.
- 7.60 The ability of Seagreen to compulsorily acquire the site or otherwise is considered to be of limited relevance to considering whether or not to grant planning permission for the solar park. The matter of co-existence; desirable as it may be is again of limited relevance. If it had been the intent of the applicant to bring forward a scheme that allowed co-existence to take place, then the proposal would have reflected this in the first instance. The southern section of the site lies outwith the Seagreen site as identified in 13/00469/PPPM and could have been brought forward for development separately without any potential for conflict with the national development on an area of the site that is largely un-cropped as opposed to the balance of the site which is agriculturally productive.
- 7.61 Draft layouts showing the 'no development' area that the applicant has referred to in submissions were tabled at a late stage however these schemes are not based on detailed designs for the onshore connection scheme and could not have been accepted as amendments to the submitted scheme in any case as they would have materially changed the proposal both in terms of its physical attributes and description. It was clear at the time of application what the extent of the consented area for the Seagreen development was. In the absence of detailed designs, any co-existence proposal is purely speculative at this stage. The site that was approved under reference 13/00469/PPPM should therefore be taken to be the extent of the Seagreen development site for the purposes of considering this application and the development must be considered as submitted.
- 7.62 Furthermore, it has always been understood that the Seagreen onshore connection is prescribed by the National Grid and there is therefore limited flexibility around this matter as opposed to the location of a solar array that can be relatively flexibly located subject to relevant planning considerations. In light of this it is considered that to bring forward competing alternative development on land consented and identified as being required for the realisation of an identified national development in terms of NPF3 would at best be short sighted. It is the purpose of the planning system to regulate the use of land in the public interest and as the High Voltage Electricity Transmission Network installation and upgrade is an identified national development there is a clear long term public interest to be served through ensuring that the necessary installation and upgrade works are realised. The development of Seagreen Alpha and Bravo and the resultant electrical generation capacity has far greater potential to be in the public interest than the application under consideration. NPF3 states that planning authorities should enable

national developments.

- 7.63 Siting the proposed solar farm on land that has been identified and consented for a national development could delay the delivery of that national development. For example, if the solar farm was to be commissioned before the onshore grid connection project proceeds there could be un-programmed delay in the delivery of the national development; indeed it could introduce uncertainty in any compulsory purchase process. Such circumstance could compromise the deliverability of the national development and the submissions made in objection by the developer of the proposed national development add further weight to this view.
- 7.64 It is recognised that the proposal would deliver some environmental benefit through the production of renewable energy. However the identified generation capacity of 31MW (which would likely be reduced if the scheme was revised to allow co-existence with the national development) is small in comparison to the generation capacity of 1050MW that would be provided by the offshore wind turbine development. Accordingly it is considered that the public interest lies with ensuring that a proposal that could prejudice delivery of a national development is not permitted.
- 7.65 The other issues raised in representations by third parties and by the Community Council do not give rise to any issues that would change the recommendation for refusal.
- 7.66 In summary the proposal attracts some support from the development plan. However, it also gives rise to some tension with Policy 6 of TAYplan as the proposal has not been justified in the context of inconsistency with a national development as identified in the National Planning Framework. The NPF3 is a material consideration in the determination of this application and it is considered that this proposal could compromise the deliverability of a national development. In these circumstances it is considered that the application should be refused.

8. OTHER MATTERS

HUMAN RIGHTS IMPLICATIONS

The decision to refuse this application has potential implications for the applicant in terms of his entitlement to peaceful enjoyment of his possessions (First Protocol, Article 1). For the reasons referred to elsewhere in this report justifying the decision in planning terms, it is considered that any actual or apprehended infringement of such Convention Rights, is justified. Any interference with the applicant's right to peaceful enjoyment of his possessions by refusal of the present application is in compliance with the Council's legal duties to determine this planning application under the Planning Acts and such refusal constitutes a justified and proportionate control of the use of property in accordance with the general interest and is necessary in the public interest with reference to the Development Plan and other material planning considerations as referred to in the report.

EQUALITIES IMPLICATIONS

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

9. CONCLUSION

It is recommended that the application be refused for the following reasons.

1. *Reason: That the development as proposed would impede the realisation of a national development as defined in NPF3.*
2. *Reason: That the development as proposed is not consistent with NPF3 as such is contrary to Policy 6 of TAYplan which requires renewable energy proposals to be consistent with the National Planning Framework and its Action Programme.*

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.

P&P/IM/MA

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Date: 13.11.2014

Appendix 1 - Development Plan Policies

Development Plan Policies

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 S4 : Environmental Protection

Where development proposals raise issues under environmental protection regimes, developers will require to demonstrate that any environmental protection matter relating to the site or the development has been fully evaluated. This will be considered alongside planning matters to ensure the proposal would not unacceptably affect the amenity of the neighbourhood.

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 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 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.

TAYplan Strategic Development Plan

Policy 6 : Energy and Waste/Resource Management Infrastructure (Extract)

C. 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.

Development Plan Policies

Angus Local Development Plan 2016

Policy DS1 Development Boundaries and Priorities

All proposals will be expected to support delivery of the Development Strategy.

The focus of development will be sites allocated or otherwise identified for development within the Angus Local Development Plan, which will be safeguarded for the use(s) set out. Proposals for alternative uses will only be acceptable if they do not undermine the provision of a range of sites to meet the development needs of the plan area.

Proposals on sites not allocated or otherwise identified for development, but within development boundaries will be supported where they are of an appropriate scale and nature and are in accordance with relevant policies of the ALDP.

Proposals for sites outwith but contiguous* with a development boundary will only be acceptable where it is in the public interest and social, economic, environmental or operational considerations confirm there is a need for the proposed development that cannot be met within a development boundary.

Outwith development boundaries proposals will be supported where they are of a scale and nature appropriate to their location and where they are in accordance with relevant policies of the ALDP.

In all locations, proposals that re-use or make better use of vacant, derelict or under-used brownfield land or buildings will be supported where they are in accordance with relevant policies of the ALDP.

Development of greenfield sites (with the exception of sites allocated, identified or considered appropriate for development by policies in the ALDP) will only be supported where there are no suitable and available brownfield sites capable of accommodating the proposed development.

Development proposals should not result in adverse impacts, either alone or in combination with other proposals or projects, on the integrity of any European designated site, in accordance with Policy PV4 Sites Designated for Natural Heritage and Biodiversity Value.

**Sharing an edge or boundary, neighbouring or adjacent*

Policy DS4 Amenity

All proposed development must have full regard to opportunities for maintaining and improving environmental quality. Development will not be permitted where there is an unacceptable adverse impact on the surrounding area or the environment or amenity of existing or future occupiers of adjoining or nearby properties.

Angus Council will consider the impacts of development on:

- Air quality;
- Noise and vibration levels and times when such disturbances are likely to occur;
- Levels of light pollution;
- Levels of odours, fumes and dust;
- Suitable provision for refuse collection / storage and recycling;
- The effect and timing of traffic movement to, from and within the site, car parking and impacts on highway safety; and
- Residential amenity in relation to overlooking and loss of privacy, outlook, sunlight, daylight and overshadowing.

Angus Council may support development which is considered to have an impact on such considerations, if the use of conditions or planning obligations will ensure that appropriate mitigation and / or compensatory measures are secured.

Applicants may be required to submit detailed assessments in relation to any of the above criteria to the Council for consideration.

Where a site is known or suspected to be contaminated, applicants will be required to undertake investigation and, where appropriate, remediation measures relevant to the current or proposed use to prevent unacceptable risks to human health.

Policy PV4 Sites Designated for Natural Heritage and Biodiversity Value

Angus Council will work with partner agencies and developers to protect and enhance habitats of natural heritage value. Development proposals which are likely to affect protected sites will be assessed to ensure compatibility with the appropriate regulatory regime.

International Designations

Development proposals or land use change which alone or in combination with other proposals could have a significant effect on a Ramsar site or a site designated or proposed under the Birds or Habitats Directive (Special Areas for Conservation and Special Protection Areas) and which is not directly connected with or necessary to the management of the site, will only be permitted where:

- an appropriate assessment demonstrates the proposal will not adversely affect the integrity of the site; or
- there are no alternative solutions; and
- there are imperative reasons of overriding public interest, including those of social or economic nature; and
- compensatory measures are provided to ensure that the overall coherence of the Natura Network is protected.

The Council will seek to protect and enhance the nature conservation interests within the River Tay and River South Esk Catchment areas. In order to ensure no adverse effects on the River Tay SAC or the River South Esk SAC, development proposals should take account of the detailed advice* on the types of appropriate information and safeguards to be provided in support of planning applications.

National Designations

Development proposals which affect Sites of Special Scientific Interest will only be permitted where:

- the proposed development will not adversely affect the integrity of the area or the reasons for which it was designated either individually or in combination with other proposals; or
- any adverse effects on the qualities of any designated site are outweighed by social, environmental or economic benefits of national significance; and
- mitigation and restoration measures are provided.

Development affecting sites and species protected by national or international legislation may require to be accompanied by an Environmental Impact Assessment and/or a Habitats Regulation Appraisal.

Further information on protected sites and species and their influence on proposed development will be set out in a Planning Advice Note.

“River Tay Special Area of Conservation (2011)” and “River South Esk Special Area of Conservation (2011)” guidance produced jointly by SNH, Angus Council and SEPA, available on SNH website at www.snh.gov.uk

Policy PV5 Protected Species

Angus Council will work with partner agencies and developers to protect and enhance all wildlife including its habitats, important roost or nesting places. Development proposals which are likely to affect protected species will be assessed to ensure compatibility with the appropriate regulatory regime.

European Protected Species

Development proposals that would, either individually or cumulatively, be likely to have an unacceptable adverse impact on European protected species as defined by Annex 1V of the Habitats Directive (Directive 92/24/EEC) will only be permitted where it can be demonstrated to the satisfaction of Angus Council as planning authority that:

- there is no satisfactory alternative; and
- there are imperative reasons of overriding public health and/or safety, nature, social or economic interest and beneficial consequences for the environment, and
- the development would not be detrimental to the maintenance of the population of a European protected species at a favourable conservation status in its natural range.

Other Protected Species

Development proposals that would be likely to have an unacceptable adverse effect on protected species unless justified in accordance with relevant species legislation (Wildlife and Countryside Act 1981 and the Protection of Badgers Act 1992) subject to any consequent amendment or replacement.

Further information on protected sites and species and their influence on proposed development will be set out in a Planning Advice Note.

Policy PV6 Development in the Landscape

Angus Council will seek to protect and enhance the quality of the landscape in Angus, its diversity (including coastal, agricultural lowlands, the foothills and mountains), its distinctive local characteristics, and its important views and landmarks.

Capacity to accept new development will be considered within the context of the Tayside Landscape Character Assessment, relevant landscape capacity studies, any formal designations and special landscape areas to be identified within Angus. Within the areas shown on the proposals map as being part of 'wild land', as identified in maps published by Scottish Natural Heritage in 2014, development proposals will be considered in the context of Scottish Planning Policy's provisions in relation to safeguarding the character of wild land.

Development which has an adverse effect on landscape will only be permitted where:

- the site selected is capable of accommodating the proposed development;
- the siting and design integrate with the landscape context and minimise adverse impacts on the local landscape;
- potential cumulative effects with any other relevant proposal are considered to be acceptable; and
- mitigation measures and/or reinstatement are proposed where appropriate.

Landscape impact of specific types of development is addressed in more detail in other policies in this plan and work involving development which is required for the maintenance of strategic transport and communications infrastructure should avoid, minimise or mitigate any adverse impact on the landscape.

Further information on development in the landscape, including identification of special landscape and conservation areas in Angus will be set out in a Planning Advice Note.

Policy PV8 Built and Cultural Heritage

Angus Council will work with partner agencies and developers to protect and enhance areas designated for their built and cultural heritage value. Development proposals which are likely to affect protected sites, their setting or the integrity of their designation will be assessed within the context of the appropriate regulatory regime.

National Sites

Development proposals which affect Scheduled Monuments, Listed Buildings and Inventory Gardens and Designed Landscapes will only be supported where:

- the proposed development will not adversely affect the integrity of the site or the reasons for which it was designated;
- any significant adverse effects on the site or its setting are significantly outweighed by social, environmental and/or economic benefits; and
- appropriate measures are provided to mitigate any identified adverse impacts.

Proposals for enabling development which is necessary to secure the preservation of a listed building may be acceptable where it can be clearly shown to be the only means of preventing its loss and securing its long term future. Any development should be the minimum necessary to achieve these aims. The resultant development should be designed and sited carefully in order to preserve or enhance the character and setting of the listed building.

Regional and Local Sites

Development proposals which affect local historic environment sites as identified by Angus Council (such as Conservation Areas, sites of archaeological interest) will only be permitted where:

- supporting information commensurate with the site's status demonstrates that the integrity of the historic environment value of the site will not be compromised; or
- the economic and social benefits significantly outweigh the historic environment value of the site.

Angus Council will continue to review Conservation Area boundaries and will include Conservation Area Appraisals and further information on planning and the built and cultural heritage in a Planning Advice Note.

Policy PV9 Renewable and Low Carbon Energy Development

Proposals for renewable and low carbon energy development* will be supported in principle where they meet the following criteria:

- the location, siting and appearance of apparatus, and any associated works and infrastructure have been chosen and/or designed to minimise impact on amenity, landscape and environment, while respecting operational efficiency;
- access for construction and maintenance traffic can be achieved without compromising road safety or causing unacceptable change to the environment and landscape;
- the site has been designed to make links to the national grid and/or other users of renewable energy and heat generated on site;
- there will be no unacceptable impact on existing or proposed aviation, defence, seismological or telecommunications facilities;
- there will be no unacceptable adverse impact individually or cumulatively with other existing or proposed development on:
 - landscape character, setting within the immediate and wider landscape (including cross boundary or regional features and landscapes), sensitive viewpoints and public access routes;
 - sites designated for natural heritage (including birds), scientific, historic, cultural or archaeological reasons;
 - any populations of protected species; and
 - the amenity of communities or individual dwellings including visual impact, noise, shadow flicker.
- during construction, operation and decommissioning of the energy plant there will be no unacceptable impacts on:
 - groundwater;
 - surface water resources; or
 - carbon rich soils, deep peat and priority peatland habitat or geodiversity.

Where appropriate mitigation measures must be supported by commitment to a bond commensurate with site restoration requirements.

Consideration may be given to additional factors such as contribution to targets for energy generation and emissions, and/or local socio-economic economic impact.

Supplementary guidance will be prepared to set out a spatial framework to guide the location of onshore wind farm developments, consistent with the approach set out in Table 1 of Scottish Planning Policy. It will also provide further detail on the factors which should be taken into account in considering and advising on proposals for all types of renewable energy development.

Prior to the adoption of that supplementary guidance, the Council will apply the principles and considerations set out in Scottish Planning Policy in assessing the acceptability of any planning applications for onshore wind farms.

**infrastructure, activity and materials required for generation, storage or transmission of energy where it is within the remit of the council as local planning authority (or other duty). Includes new sites, extensions and/or repowering of established sites for onshore wind.*

Policy PV12 Managing Flood Risk

To reduce potential risk from flooding there will be a general presumption against built development proposals:

- on the functional floodplain;
- which involve land raising resulting in the loss of the functional flood plain; or
- which would materially increase the probability of flooding to existing or planned development.

Development in areas known or suspected to be at the upper end of low to medium risk or of medium to high flood risk (as defined in Scottish Planning Policy (2014), see Table 4) may be required to undertake a flood risk assessment. This should demonstrate:

- that flood risk can be adequately managed both within and outwith the site;
- that a freeboard allowance of at least 500-600mm in all circumstances can be provided;
- access and egress to the site can be provided that is free of flood risk; and
- where appropriate that water-resistant materials and construction will be utilised.

Where appropriate development proposals will be:

- assessed within the context of the Shoreline Management Plan, Strategic Flood Risk Assessments and Flood Management Plans; and
- considered within the context of SEPA flood maps to assess and mitigate surface water flood potential.

Built development should avoid areas of ground instability (landslip) coastal erosion and storm surges. In areas prone to landslip a geomorphological assessment may be requested in support of a planning application to assess degree of risk and any remediation measures if required to make the site suitable for use.

Policy PV20 Soils and Geodiversity

Development proposals on prime agricultural land will only be supported where they:

- support delivery of the development strategy and policies in this local plan;
- are small scale and directly related to a rural business or mineral extraction; or
- constitute renewable energy development and are supported by a commitment to a bond commensurate with site restoration requirements.

Design and layout should minimise land required for development proposals on agricultural land and should not render any farm unit unviable.

Development proposals affecting deep peat or carbon rich soils will not be allowed unless there is an overwhelming social or economic need that cannot be met elsewhere. Where peat and carbon rich soils are present, applicants should assess the likely effects of development proposals on carbon dioxide emissions.

All development proposals will incorporate measures to manage, protect and reinstate valuable soils, groundwater and soil biodiversity during construction.

TAYplan Strategic Development plan

Policy 6: Energy and Waste/Resource Management Infrastructure

To deliver a low/zero carbon future and contribute to meeting Scottish Government energy and waste targets:

A. 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).

B. Beyond community or small scale facilities waste/resource management infrastructure is most likely to be focussed within or close to the Dundee and/or Perth Core Areas (identified in Policy 1).

C. 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.