

**ANGUS COUNCIL**

**DEVELOPMENT STANDARDS COMMITTEE – 11 DECEMBER 2018**

**PROPOSAL OF APPLICATION NOTICE  
LAND NORTH OF BINNS INVERGOWRIE**

**GRID REF: (E) 330360 : (N) 733820**

**REPORT BY SERVICE LEADER – PLANNING & COMMUNITIES**

**Abstract:**

This report advises Committee that a Proposal of Application Notice (ref. 18/00930/PAN) has been submitted in respect of a Major Development comprising the Installation of a 49.99MW Ground Mounted Solar Energy Generation System and Associated Infrastructure at Land North of Binns, Invergowrie for Lightsource BP. Committee is invited to identify issues which it would like to see addressed in the planning application.

**1. RECOMMENDATION**

It is recommended that Committee notes the key issues identified at this stage and advises of any other issues it considers should be addressed in any planning application that is subsequently submitted.

**2. ALIGNMENT TO THE ANGUS LOCAL OUTCOMES IMPROVEMENT PLAN/CORPORATE PLAN**

This report contributes to the following local outcome(s) contained within the Angus Local Outcomes Improvement Plan and Locality Plans:

- Safe, secure, vibrant and sustainable communities
- A reduced carbon footprint
- An enhanced, protected and enjoyed natural and built environment

**3. INTRODUCTION**

3.1 At its meeting on 19 June 2014, Council approved a guidance note on the role of Councillors in pre-application procedures in respect of national and major planning applications (Report 275/14 refers). A key element of that guidance requires officers to present a report to Committee when a Proposal of Application Notice (PAN) is submitted. Such a report will set out what are considered to be the key considerations in the determination of any subsequent planning application and allow Members opportunity to identify any additional issues that they consider should be addressed when a planning application is submitted.

3.2 A PAN (ref. 18/00930/PAN) has been received. It indicates that an application for planning permission is to be submitted for the installation and operation of a 49.99Mw ground mounted solar energy generation system and associated infrastructure on land north of Binns, Invergowrie. The proposed development site measures 120 ha (approx.) and comprises 3.1 (prime) and 3.2 (non-prime) agricultural land. A plan showing the outline of the site on which the development is proposed has been submitted and is attached at Appendix 1. No further details relating to the proposed application have been provided at this stage.

3.3 The submitted PAN sets out the proposed consultation that the applicant intends to undertake with local communities and the applicant has indicated that a copy of the PAN has been served on Muirhead, Birkhill and Liff Community Council and Longforgan Community Council. The PAN has also been sent to local councillors within the Monifieth and Sidlaw Ward as well

as the councillors in the Carse of Gowrie Ward in Perth & Kinross. A public exhibition is to be held at Easter Fowlis Hall. The date of 28 January 2019 between 1400 and 1930 has been indicated for the exhibition. Notification of the public event will also be posted on the public information board in Fowlis village.

- 3.4 The results of the community consultation will be submitted with any subsequent major planning application in the form of a pre-application consultation report (PAC Report) as required by Development Management Regulations.
- 3.5 Members are also advised that in addition to the community consultation identified by the applicant the Planning Service has recommended to the applicant that the pre-application consultation (PAC) proposed within the PAN should be extended to include that specific invitations to the consultation event be sent to parties that neighbour or are within close proximity to the site (47 in total). At this time confirmation was also given that a planning application could not be submitted prior to the date of 18 February 2019 (12 weeks from the submission of the PAN).

#### **4. BACKGROUND**

- 4.1 The site that is subject of the PAN lies around 380m to the west of the village of Fowlis and to the south of Piperdam. The land is accessed from the U331 Road and the proposed site lies to the north of that road. It comprises a number of agricultural fields and represents an extensive area of land. It is largely in agricultural use and is a mixture of Class 3.1 (prime) and 3.2 (non-prime) agricultural land.
- 4.2 The site is mainly bound by agricultural land and existing field boundaries but abuts the golf course at Piperdam to the north. Small areas of woodland are located at various locations across the site with a minor watercourse running through it. A number of residential properties are located around its perimeter.
- 4.3 A previous Proposal of Application Notice (ref: 18/00388/PAN) for a similar development at this site was notified to members through a Briefing Paper on 29 May 2018. The public consultation event proposed in the Notice was undertaken however a different applicant is now pursuing the development on a different development site hence the submission of a new PAN.

#### **5. DISCUSSION**

- 5.1 The main policy that deals with the principle of energy development in TAYplan is:

##### **Policy 7: Energy, Waste and Resources**

*To deliver a low/zero carbon future and contribute to meeting Scottish Government energy and waste targets and prudent resource consumption objectives:*

- A. *Local Development Plans should identify areas that are suitable for different forms of energy, waste and resource management infrastructure\* and policy to support this. This can include, where appropriate, locations of existing heat producers (e.g. waste management or industrial processing), renewable sources of heat and electricity, and existing waste management facilities to ensure the co-location/proximity of surplus heat producers and heat users.*
- B. *Strategic Waste management infrastructure, beyond community or small scale facilities, is most likely to be focussed within or close to the Dundee and/or Perth Core Areas (identified in Policy 1).*
- C. *Infrastructure associated with the extraction, transfer and distribution of liquid and gas minerals may take advantage of the locational flexibilities offered by various extraction techniques to overcome issues relating to the scale and impacts of any buffer zones and residential proximity in a manner which reflects Policy 7D and Policy 2.*
- D. *Local Development Plans and development proposals should ensure that all areas of search, sites and routes for energy, waste and resource management infrastructure have been justified, at a minimum, on the basis of these following considerations:*

- i. *The specific land take requirements associated with the infrastructure technology and associated statutory safety exclusion zones or buffer areas where these exist;*
- ii. *Waste management proposals are justified against the Scottish Government's Zero Waste Plan (2010) to support the delivery of the waste management hierarchy, and, Safeguarding Scotland's Resources (2013);*
- iii. *Proximity of resources (e.g. geo-thermal heat, sand, gravel, gas, oil, woodland, wind or waste material); and to users/customers, grid connections and distribution networks for the heat, power or physical materials, by-products and waste that are produced, as appropriate;*
- iv. *Anticipated effects of construction and operation on air quality, carbon emissions, noise and vibration levels, odour, surface and ground water pollution, drainage, waste disposal, leakage of hazardous substances, radar installations, navigation aids and aviation landing paths;*
- v. *Sensitivity of landscapes, the water environment, biodiversity, geo-diversity, habitats, tourism, recreational interests and listed buildings, scheduled monuments and conservations areas;*
- vi. *Impacts of infrastructure required for associated new grid connections and distribution or access infrastructure;*
- vii. *Cumulative impacts of the scale and massing of multiple developments, including existing infrastructure in general but particularly in sensitive areas;*
- viii. *The appropriate safety regimes and postoperational restoration of land, particularly for extraction of solid, liquid and gas minerals;*
- ix. *Strategic cross-council boundary impacts as a result of energy proposals which may be strategically significant (as defined on page 45) including landscape, historic and environmental considerations identified in the spatial framework (Map 7b); and,*
- x. *Consistency with the National Planning Framework and its Action Programme.*

5.2 In this case the land subject of the Proposal of Application Notice (PAN) is not allocated in the adopted Angus Local Development Plan for any specific use. The appropriate policy relating to the proposed renewable energy development is Policy PV9. The policy states:

***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.*

5.3 Other policies in the Angus Local Development Plan will be relevant, including those that deal with protection of amenity; natural and built environment; access and informal recreation; essential infrastructure and the water environment will be relevant to the determination of any application. Further guidance on information likely to be required to support a planning application is provided in the Council's Supplementary Guidance on Renewable and Low Carbon Energy Development June 2017.

5.4 In these circumstances it is considered that the key issues in relation to the determination of a subsequent planning application will be whether the proposal complies with relevant development plan policies or whether there are other material considerations that justify a departure from relevant policies. In this respect key issues are likely to be: -

- Locational justification for proposed development;
- Soil quality and farm viability;
- Landscape and visual Impact;
- Impact on amenity, including residential and recreational amenity;
- Ecological impact, including disturbance, displacement, habitat loss and/or fragmentation and/or opportunities for habitat improvement;
- Archaeological and built heritage impacts;
- Impacts on infrastructure, including public road network and pipelines;
- Impacts on the water environment, including flood risk;
- Glint, glare and aviation impacts;
- Electricity transmission arrangements;
- Cumulative impacts;
- Site decommissioning and restoration;
- Contribution to energy generation targets and local socio-economic impact;
- Other material considerations including relevant local and national guidance on Solar PV development, and representations in support or objection to the proposal that raise relevant planning considerations.

5.5 Whilst other issues may emerge through the publicity and consultation process associated with any planning application, the above matters are considered to represent the main issues that should be considered at the pre-application stage that are likely to be determining factors for any subsequent planning application. However, Committee is invited to identify any additional matters that it would wish to see addressed.

## **6. FINANCIAL IMPLICATIONS**

There are no financial implications arising from this report.

## **7. OTHER IMPLICATIONS**

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

**KATE COWEY  
SERVICE LEADER – PLANNING & COMMUNITIES**

**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.

**REPORT AUTHOR: KATE COWEY  
EMAIL DETAILS: [PLANNING@angus.gov.uk](mailto:PLANNING@angus.gov.uk)  
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**APPENDIX 1: LOCATION PLAN**