

ANGUS COUNCIL

DEVELOPMENT STANDARDS COMMITTEE – 6 AUGUST 2019

PLANNING APPLICATION – PRESSOCK SOLAR FARM, PRESSOCK, GUTHRIE

GRID REF: 356951 : 749462

SERVICE LEADER – PLANNING & COMMUNITIES

Abstract:

This report deals with planning application No. 19/00439/FULL which is an application under Section 42 that seeks permission to allow development to undertaken without complying with condition 1 of Planning Permission 15/00330/FULL. The application seeks to extend the operational life of the permitted and constructed Solar Farm for an additional five year period, from 26 years after the date when electricity is first generated to 31 years. The application is made by Sel PV 09 Limited. This application is recommended for conditional approval.

1. RECOMMENDATION

It is recommended that the application be approved for the reason and subject to the conditions given in Section 10 of this report.

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. BACKGROUND

3.1 At its meeting on 6 October 2015 Committee considered an application for planning permission ([15/00330/FULL](#)) for the installation of a solar farm generating up to 5MW of electricity and associated development on a field 225m northeast of Pressock Farm, Pressock, Guthrie. (Report No [392/15](#) refers). A plan showing the location of the site is provided at Appendix 1.

3.2 Committee resolved to approve the application and planning permission was grant on 8 October 2015 subject to conditions.

3.3 The solar park has subsequently been constructed and it began to generate electricity on 28 March 2017.

4. INTRODUCTION

4.1 The current application has been submitted under the provisions of Section 42 of the Town and Country Planning (Scotland) Act 1997 (as amended). Accordingly, the applicant seeks permission to develop the land without complying with conditions to which the previous planning permission was granted. The application seeks permission not to comply with Condition 1 of permission 15/00330/FULL specifically by allowing the development to remain on site for a period of 31 years rather than for the 26 year period specified in the condition. The conditions attached to permission 15/00330/FULL have been reproduced at Appendix 2 but condition 1 and its associated reason are as follows: -

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.

- 4.2 The solar development that was approved by permission 15/00330/FULL has been constructed and is operational. This application does not propose any alteration to the physical characteristics of the development as constructed. It relates solely to the time period that the development can remain on site before it must be removed and the site restored.
- 4.3 Planning legislation indicates that the planning authority must only consider the question of the conditions subject to which planning permission should be granted and if they decide that permission should be granted subject to the same conditions as detailed on the earlier permission, they shall refuse the application (Section 42(2)(b)). If they decide that planning permission should be granted subject to conditions differing from those previously attached to the permission, they shall grant planning permission accordingly (Section 42(2)(a)). The effect of granting permission for a Section 42 application is such that a new and separate permission exists, with any conditions attached as appropriate. The previous planning permission remains unaltered by, and is not varied by, the decision on the section 42 application.
- 4.4 The application has been advertised in the press and was subject of statutory neighbour notification as required by legislation.
- 4.5 This application requires to be determined by Committee because it is recommended for approval in circumstances where there are more than five objections.

5. RELEVANT PLANNING HISTORY

- 5.1 Planning permission [15/00330/FULL](#) was approved on 8 October 2015. That permission provided for the construction of a solar array on the current application site. That development has been constructed and is operational.
- 5.2 Planning permission [17/00614/FULL](#) was approved on 22 September 2017. That permission provided for the siting of a metal storage container on the current application site. The storage container is in situ.

6. APPLICANT'S CASE

The applicant has submitted a letter in support of the application which can be viewed on the council's [Public Access](#) system. It is summarised as follows:

- The application seeks approval for a Variation of Condition 1 to extend the operational life of the permitted and constructed Solar Farm (reference: 15/00330/FUL) by a period of 5 years;
- With regards to planning permission 15/00330/FULL, condition submissions were subsequently made and approved and the Solar Farm was connected to the electricity grid on 28th March 2017. Three Non-Material Variations have been agreed with Officers which have amended the drawings associated with the Planning Permission. The Solar Farm remains in operation and continues to generate renewable energy which is exported to the electricity grid;
- As Solar PV is a relatively new technology in the UK, the period for which the solar installation can effectively operate is longer than initially thought. Extending the operational life to 30 years would maximise the period within which the Solar Farm can generate renewable electricity prior to removal and recycling, thereby avoiding premature decommissioning and providing a valuable contribution to the UKs low carbon energy needs;
- Regular maintenance visits will continue during the additional 5 year period;

- The longer operational period of the Solar Farm represents no materially greater harm, particularly given landscaping will be well established;
- The time extension sought raises no new material issues above the considerations of Officers in the 2015 approval. The Solar Farm remains temporary in nature and fully reversible;
- The additional period of very limited effects by virtue of the additional 5 year presence should be balanced against the considerable benefits of the additional period of renewable energy generation.

7. CONSULTATIONS

- 7.1 **Angus Council - Flood Prevention** – There was no response from this consultee at the time of report preparation. It is relevant to note that in relation to the previous application at the site this consultee reviewed a flood risk assessment and offered no objection.
- 7.2 **NERL Safeguarding** - No safeguarding objection is raised.
- 7.3 **Angus Council Environmental Health** – There was no response from this consultee at the time of report preparation. It is relevant to note that in relation to the previous application at the site this consultee offered no objection subject to a number of conditions. Appropriate conditions were attached to the permission and the development has been operated in accordance with those conditions.
- 7.4 **Ministry Of Defence** – No safeguarding objections.
- 7.5 **Angus Council - Roads** – No objections.
- 7.6 **Dundee Airport Ltd** – No objections.
- 7.7 **Aberdeenshire Council Archaeology Service** – No archaeological mitigation is required.
- 7.8 **Scottish Natural Heritage** – Confirmed it had no comment to make on the proposal.
- 7.9 **Scottish Environment Protection Agency** – There was no response from this consultee at the time of report preparation. It is relevant to note that in relation to the previous application for the site SEPA reviewed a flood risk assessment and offered no objection to that application.
- 7.10 **Community Council** - There was no response from this consultee at the time of report preparation. This consultee similarly made no comment in relation to the previous application for the site.
- 7.11 **Historic Environment Scotland** – Confirmed it has no comment to make on the proposals. It is relevant to note that in relation to the previous planning application HES advised that impacts on House of Pitmuies would not be significant.
- 7.12 **RSPB** - There was no response from this consultee at the time of report preparation. RSPB made no objection to the previous application for the site.
- 7.13 **Scottish Water** – No objections.
- 7.14 **Civil Aviation Authority** - There was no response from this consultee at the time of report preparation. This consultee similarly made no comment in relation to the previous application for the site.

8. REPRESENTATIONS

- 8.1 18 letters of representation have been received. The letters will be circulated to Members and a copy will be available on the council's [Public Access](#) website. The following matters have been raised in relation to the application and are discussed under Planning Considerations below: -

- Policy changes since previous approval;

- Impacts on listed buildings;
- Power generation schemes are not viable;
- Restoration bond needs updated;
- Application is a method to delay decommissioning and restoration.

8.2 The following comments have also been made and addressed at this stage: -

- Errors and inaccuracies in supporting information – adequate information has been submitted to allow proper determination of the application.
- Subsidence of panels and further works required – this is not material to the determination of this application. It is understood that there has been some settlement and minor works have been undertaken to address that issue. If any further works are necessary they will be considered as appropriate but minor works are unlikely to represent a material change to the planning permission;
- Changes to ownership of site – land ownership is not a material planning consideration;
- Appropriateness of procedures relating to the previous application and accuracy of supporting information at that time – issues associated with the previous planning application and subsequent permission are not material to the determination of this planning application. That permission was granted, has been implemented and the period for legal challenge expired several years ago. Notwithstanding, it should be noted that an interested party made complaint in relation to the handling of that application. The matters raised were investigated and the complaint was not upheld.

9. PLANNING CONSIDERATIONS

9.1 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.

9.2 In this case the development plan comprises:-

- [TAYplan](#) (Approved 2017)
- [Angus Local Development Plan](#) (ALDP) (Adopted 2016)

9.3 The relevant development plan policies are reproduced at Appendix 3.

9.4 The application is made under Section 42 of the above Act to allow the development without compliance with conditions attached to the previous planning permission. Specifically the application seeks permission to allow the development without complying with condition 1 of planning permission 15/00330/FULL. The application effectively seeks to extend the operational life of the development by 5 years.

9.5 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 does indicate that this does not preclude consideration of the overall effect of granting a new planning permission in some cases but this is primarily where the previous permission has lapsed or is incapable of being implemented.

9.6 Circular 3/2013 confirms that the effect of granting permission for a section 42 application is that a new and separate permission exists for the development with different (or no) conditions attached. The previous planning permission remains unaltered by, and is not varied by, the decision on the section 42 application.

9.7 The development approved by planning permission 15/00330/FULL has been constructed and can lawfully remain on site until March 2043, irrespective of any decision on the current planning application. This application is not an opportunity to reconsider the acceptability of the principle of the development on this site.

9.8 The key consideration in relation to this application is whether it is appropriate to allow the development to remain in situ for an extended period of time, and if so what conditions should be attached to any planning permission granted. In this respect it is necessary to consider the reason for the timescale specified in the original planning condition and whether allowing the

development to be in situ for 31 years rather than the previously approved 26 years is likely to give rise to any significant issues in terms of the development plan or other material considerations. It is also necessary to consider whether any identified impacts could be addressed by planning conditions.

- 9.9 In the period since application 15/00330/FULL was granted planning permission the development plan framework in Angus has been updated with the approval of TAYplan in 2017 and the adoption of the ALDP in 2016. Additionally, the council has produced and adopted supplementary guidance that deals with renewable energy and low carbon energy development. It has also undertaken a strategic landscape capacity assessment for solar energy development in Angus. That landscape assessment identified Pressock as an area where there was permission for a solar development and indicated it was within an area of where there is 'medium' capacity for solar development. It suggests that capacity for solar development is greatest on lower ground, where significant impacts upon designed landscapes are avoided and where existing woodland provides a framework for development.
- 9.10 Those plans continue to offer general support for renewable energy development subject to assessment in relation to specified criteria. The specified criteria are not significantly different from the criteria that were used to assess application 15/00330/FULL. The revised development plan framework and the associated guidance is relevant in considering whether the development is acceptable at this location for an additional period of 5-years but does not alter the fundamental fact that the solar development can lawfully remain on site until March 2043.
- 9.11 Condition 1 of planning permission 15/00330/FULL required the solar array and associated infrastructure to be removed from the site no later than 26 years after the date when electricity was first generated *unless otherwise approved through the grant of a further planning permission*. The condition was attached having regard 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*.
- 9.12 The applicant has indicated that the operational life of the solar panels has been reviewed and is likely to extend to around 30 years rather than the originally anticipated 25 years. It must also be recognised that panels could be replaced on a like-for-like basis during the operational life of the development without the need for planning permission. There is currently no reasonable basis to doubt that the development could continue to operate productively for a period of around 30 years. Allowing the development to remain on site for 31 years rather than the currently approved 26 years would not alter the ability to secure restoration of the site provided suitable planning conditions were attached to any further permission.
- 9.13 The terms of the original condition contemplate a situation where the duration of the development could be extended where a planning application is submitted. A planning application has been submitted that seeks to allow the development to remain in situ for an extended period of time and revised conditions could ensure that the intent of the original condition would be met.
- 9.14 Planning policy does not specify a timescale for the operational life of a solar development and it does not require such development to be removed within a specified period of time. The 26 year timescale specified in the original planning condition was not requested by any consultation body and it was not attached to address any specific environmental concern.
- 9.15 Impacts directly associated with the construction of the solar energy development have already occurred and would not be altered by allowing the development to remain on site for a further 5-year period. Conditions that controlled the construction process or the detail of the development that was to be constructed are no longer relevant.
- 9.16 The development would remain in the landscape for an extended period of time and the visual impact associated with it would be experienced for a longer time period. However, those impacts were determined to be acceptable for 26 years and an additional period of 5 years is not considered to give rise to materially different impacts. An additional period of 5 years is not considered unacceptable in terms of landscape and visual impact. The landscaping that has been provided will mature over any extended period and would continue to mitigate impacts.

- 9.17 There would be vehicular movement and activity associated with ongoing maintenance of the development over 31 years rather than the previously approved 26 years. Movement and activity associated with the decommissioning of the site would similarly occur 5 years later than previously anticipated. However, there is no reasonable basis to conclude that this would give rise to significantly greater environmental or amenity impacts.
- 9.18 There is no evidence to suggest that allowing the development to remain on site for an extended period of 5 years would adversely affect protected species or sites designated for natural heritage, scientific, historic, cultural or archaeological reasons. All relevant bodies have been consulted on this application and no concerns have been raised in relation to these matters.
- 9.19 Committee has previously determined that impacts from a solar development at this location on the amenity of those that live in its vicinity would not be unacceptable over a 26 year time period subject to planning conditions. Allowing the development to remain in situ for an additional period of 5 years would extend the duration of those impacts. However, planning conditions could be attached to ensure impacts are not significant or unacceptable. Visual impact on residential amenity will reduce as previously provided landscaping matures.
- 9.20 There is an existing bond in place to cover costs associated decommissioning of the site. Extending the period of time during which the development could remain it situ would necessitate amendment to the existing bond or provision of a new bond. That matter could be addressed by planning conditions requiring an appropriate decommissioning scheme and restoration bond.
- 9.21 The development has been constructed and it is in situ. Consultation undertaken in association with this application does not identify that extending the operational life of the development by a further 5 years to a total of 31 years would give rise to any significant or unacceptable environmental or amenity impact. The proposal does not give rise to any significant issue in terms of relevant development plan policy.
- 9.22 In terms of material considerations account must be had for the existing planning permission that allows the development to remain in place until March 2043. The impacts associated with undertaking that development have occurred and any operational impacts will be experienced over that period irrespective of the outcome of this application.
- 9.23 It is also relevant to consider that the proposal offers potential to maximise energy generation from renewable and low carbon sources which would ultimately contribute to a reduction in the outputs of greenhouse gases; sustainable economic growth, and a largely decarbonised society as identified in the development plan. Extending the operational life of the development by 5 years would maximise the period within which the Solar Farm can generate renewable electricity prior to removal and recycling.
- 9.24 A number of representations have been submitted in objection to the proposal and it is relevant to have regard to those in so far as they raise material planning issues.
- 9.25 The development plan framework has been updated in the period since grant of the original planning permission for this development. However, the revised policy framework remains supportive of renewable energy development and this proposal, which effectively provides for the development to remain in place for an additional period of 5 years, does not give rise to any conflict with relevant development plan policy.
- 9.26 Historic Environment Scotland advised it had no objection to the original planning application that allowed for the establishment of a solar development at this location and issues associated with impact on listed buildings and other heritage interests were determined to be acceptable when Committee approved that application in 2015. Historic Environment Scotland has been consulted on this application and again has offered no objection. The development is visible from listed buildings and is inter-visible with listed buildings in the wider landscape. However, those impacts are not unacceptable and extending the time period during which the development would remain in situ would not material alter the significance of those impacts.
- 9.27 The cost of the proposed development is not a material consideration and it is generally accepted that the assessment of financial viability of a development is best carried out by the

developer. National and local planning policy is supportive of renewable energy development and does not require consideration of development viability. In this case it is evident that significant financial investment has taken place at this site and there can be little doubt that extending the period of time that the development can remain in situ is likely to increase its viability.

- 9.28 Approval of this application would delay decommissioning and restoration of the site but that in itself is not unacceptable. As indicated above, allowing the development to remain in situ for an additional period of 5 years does not give rise to any significant or unacceptable impacts. Planning conditions can secure restoration of the site and can require necessary provision of a restoration bond.
- 9.29 In summary Committee has previously determined through the grant of planning permission 15/00330/FULL that this development is acceptable at this location for a period of up to 26 years. The development has been constructed and has operated for some time without significant or unacceptable impacts. The developer has requested an extension to the operational life of the solar park to maximise the period within which it can generate renewable electricity prior to removal and recycling, thereby avoiding premature decommissioning and providing a continued contribution to renewable energy production. The time period specified in the original planning permission was attached having regard to the likely operational life of the development and to ensure subsequent restoration. Consultation undertaken in relation to this application has not identified any reason why it would be inappropriate to allow the development to remain on the site for an additional period of 5 years.
- 9.30 The matters raised in letters of objection have been taken into account but they do not raise material planning considerations that justify refusal of the application. Planning conditions are proposed that seek to control the ongoing operation of the development and that require appropriate decommissioning and restoration. Conditions attached to the previous planning permission that sought to control the detail of the development to be constructed or the construction process itself are no longer necessary as the development has been built. The proposal is compatible with the development plan and there are no material 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 reason, and subject to the following condition(s):

Reason(s) for Approval:

The proposal would allow for an existing source of renewable energy generation to be operational for an additional five year period in a manner that complies with relevant policies of the development plan subject to conditions. There are no material considerations that justify refusal of the planning application contrary to the provisions of the development plan.

Conditions:

1. The solar array and associated infrastructure hereby approved shall be removed from the site no later than 28 March 2048 being the date 31 years after the date when electricity was first generated unless otherwise approved by the planning authority through the grant of a further planning permission following submission of an application.

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

2. That prior to implementation of the planning permission hereby approved, 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. The current planning permission will not be deemed to be implemented until the developer has provided documentary evidence that the proposed bond or other financial provision is in place and written confirmation has been given by the Planning Authority that the proposed bond or other financial provision is satisfactory. The developer shall ensure that the approved bond or other approved financial provision is in place throughout the operational life of the development hereby approved.

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

3. That prior to implementation of the planning permission hereby approved, a scheme of decommissioning and restoration of the site including aftercare measures shall be submitted for the further written approval of the planning authority. The scheme shall set out the means of reinstating the site to agricultural use following the removal of the components of the development. The applicants shall obtain written confirmation from the planning authority that all decommissioning has been completed in accordance with the approved scheme and (unless otherwise dictated through the grant of a new planning permission for a similar form of development) the scheme shall be implemented within 12 months of the final date electricity is generated at the site and in any case before the expiry of the time period set by condition 1 of this planning permission.

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

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

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

5. Noise emissions from the operation of the solar farm shall not exceed: -
 - i) a level equivalent to NR curve 30 between 0700 and 2200 and NR curve 20 at all other times, when assessed with windows open within any dwelling or noise sensitive building;
 - ii) 50 dB(A) Leq(1hr) when measured within the external amenity space of any dwelling or noise sensitive building.

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

6. Noise associated with construction or decommissioning 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 or decommissioning operations shall be inaudible at any sensitive receptor. For the avoidance of doubt sensitive receptors includes all residential properties, hospitals, schools and office buildings. Delivery vehicle movements to and from the site shall be restricted to 0700 to 1900 (Monday - Friday) 0700 to 1300 (Saturday) and not at all on Sundays.

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

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

- Any planting identified on the approved landscaping scheme (as identified on drawing number 2514-DR-LAN-101-G dated 16.08.16) which, within a period of five years of the completion of the development is considered by the planning authority to be dead, dying, severely damaged, or diseased shall be replaced by plants of a similar size and species to those originally approved.

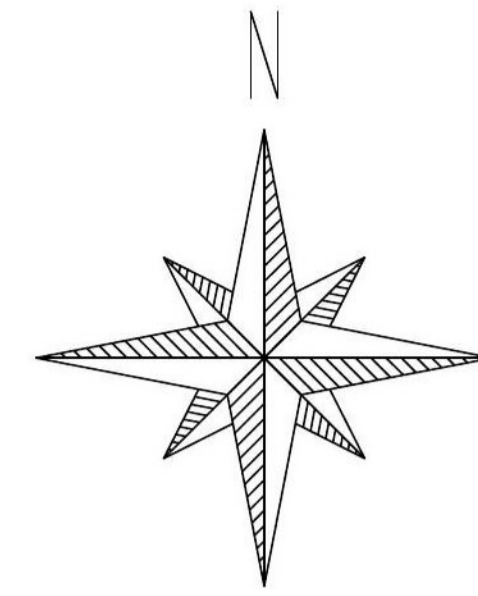
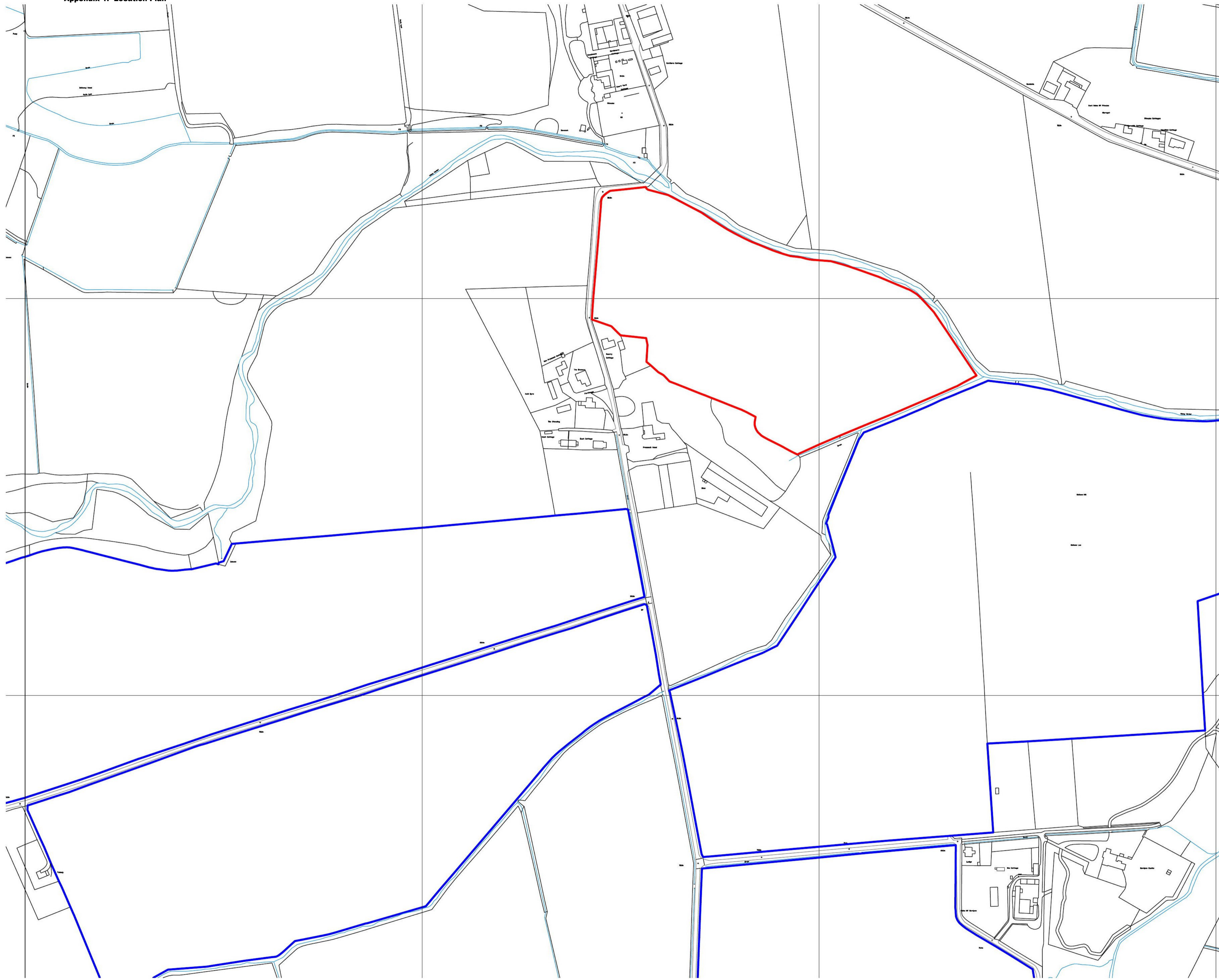
Reason: In order to ensure the existing landscaping is retained and maintained for a period of 5 years in the interest of visual amenity.

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

DATE: 29 JULY 2019

APPENDIX 1: LOCATION PLAN
 APPENDIX 2: PLANNING CONDITIONS FOR PERMISSION 15/00330/FULL
 APPENDIX 3: DEVELOPMENT PLAN POLICIES



NOTES

LEGEND

- Proposed Site Area
- Existing Site Area



CLIENT
Selettra

PROJECT
Pressock Farm, Forfar,
Angus, DD8 2SN

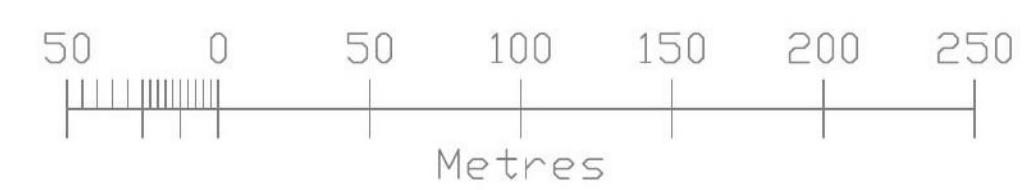
TITLE
Existing Site Plan

SCALE 1:2500 © A1 DATE 31/03/2015

DRAWN RS CHECKED TBA

Job No. CAL020315	Page No. 03	Rev A
----------------------	----------------	----------

Reproduced by permission of Ordnance Survey on behalf of HMSO.
 © Crown Copyright and database rights 100023404, 2019.



Existing Site Plan - 1:2500

PLANNING PERMISSION - CONDITIONAL APPROVAL
Reference 15/00330/FULL

Installation of a Solar Farm up to 5mw and Associated Development at Field 225M North East of Pressock Farm Pressock Guthrie for Green Power Consultants

The Angus Council in exercise of their powers under the above mentioned Acts and Regulations hereby Grant Planning Permission (Committee Decision) for the said development in accordance with the particulars given in the application and plans docqueted as relative hereto in paper or identified as approved on the Public Access portal.

The permission is subject to the following conditions, namely:-

- 1 The solar array and associated infrastructure hereby approved shall be removed from the site no later than 26 years after the date when electricity is first generated unless otherwise approved by the planning authority through the grant of a further planning permission following submission of an application. Written confirmation of the commencement date of electricity generation shall be provided to the planning authority within one month of that date.
- 2 That before the start of the development, the developer shall provide to the Planning Authority details of a bond or other financial provision which it proposes to put in place to cover all decommissioning and site restoration costs. No work shall commence on the site until the developer has provided documentary evidence that the proposed bond or other financial provision is in place and written confirmation has been given by the Planning Authority that the proposed bond or other financial provision is satisfactory. The developer shall ensure that the approved bond or other approved financial provision is in place throughout the operational life of the development hereby approved.
- 3 That prior to the commencement of any works in connection with the planning permission hereby approved a scheme of decommissioning and restoration of the site including aftercare measures shall be submitted for the further written approval of the planning authority. The scheme shall set out the means of reinstating the site to agricultural use following the removal of the components of the development. The applicants shall obtain written confirmation from the planning authority that all decommissioning has been completed in accordance with the approved scheme and (unless otherwise dictated through the grant of a new planning permission for a similar form of development) the scheme shall be implemented within 12 months of the final date electricity is generated at the site and in any case before the expiry of the time period set by condition 1 of this planning permission.
- 4 That no solar panel shall be fixed at an angle greater than 30degrees relative to the horizontal and the structure supporting the solar panels shall contain no moving parts unless otherwise approved in writing by the planning authority. Within 2 months from receipt of a written request from the planning authority following a complaint to it from an occupant of a sensitive property, the solar farm operator shall, at its expense, undertake and submit a glint and glare assessment, including the identification of any mitigation measures required if appropriate, for the written approval of the planning authority. Once approved the operation of the solar farm shall take place in accordance with the said scheme unless the planning authority gives written consent to any variation. For the avoidance of doubt sensitive receptors includes all residential properties, hospitals, schools and office buildings.
- 5 Noise emissions from the operation of the solar farm shall not exceed: -
 - i) a level equivalent to NR curve 30 between 0700 and 2200 and NR curve 20 at all other times, when assessed with windows open within any dwelling or noise sensitive building;
 - ii) 50 dB(A) Leq(1hr) when measured within the external amenity space of any dwelling or noise sensitive building.
- 6 Noise associated with construction operations including the movement of materials, plant and equipment shall not exceed the noise limits shown in the table below for the times shown. At all other times noise associated with construction operations shall be inaudible at any sensitive receptor. For the avoidance of doubt sensitive receptors includes all residential properties, hospitals, schools and office buildings. Delivery vehicle movements to and from

the site shall be restricted to 0700 to 1900 (Monday - Friday) 0700 to 1300 (Saturday) and not at all on Sundays.

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

- 7 That no works in connection with the development hereby approved shall take place until precise details of all infrastructure and ancillary development, including walls, fences, CCTV cameras and supports, gates and any sub-station/transformer have been submitted to and approved in writing by the Planning Authority. Thereafter the development shall be undertaken in accordance with the details as approved.
- 8 That no works in connection with the development hereby approved shall take place unless details of a scheme of landscaping works to be undertaken on the site has been submitted to and approved in writing by the Planning Authority. Details shall include:
- i) Existing landscaping features and vegetation to be retained. For the avoidance of doubt from the date of this permission, no trees or hedgerows within or adjacent to the site shall be felled, lopped, topped or otherwise interfered with, without the advance written approval of the planning authority;
 - ii) The location of new trees shrubs and hedges;
 - iii) A schedule of plants to comprise species, proposed numbers and density;
 - iv) Measures to protect planting from grazing animals.

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

- 9 Prior to the commencement of the development the verge crossing at the proposed access shall be formed and constructed in accordance with the National Roads Development Guide (SCOTS).
- 10 Prior to the commencement of development, a DVD video route survey from the A932 Forfar-Arbroath Road to the site shall be submitted to and approved in writing by the Planning Authority.
- 11 That prior to the commencement of development details of the precise route and details of the transmission cables proposed from the solar farm are submitted to and approved in writing by the planning authority. Thereafter the transmission cables shall be provided only in accordance with the approved details.
- 12 That prior to the commencement of development a biodiversity mitigation and enhancement plan shall be submitted to and approved in writing by the planning authority. This shall include timescales for the completion of the mitigation and enhancement measures proposed. The development shall thereafter be completed in accordance with the biodiversity mitigation and enhancement plan and the timings contained therein.
- 13 That the development shall be undertaken in accordance with the mitigation measures identified in the Ecological and Ornithological Scoping Report for Pressock Farm Solar Park by Dr Eric Donnelly dated 14 April 2015.

The foregoing conditions are imposed by the Council for the following reasons:-

- 1 In order to limit the permission to the expected operational lifetime of the solar array and to allow for restoration of the site in the event that the use is not continued by a further grant of planning permission for a similar form of development.
- 2 To ensure that there are sufficient funds available throughout the life of the development to carry out the full restoration of the site following decommissioning.

- 3 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 In the interests of the amenity of nearby sensitive property.
- 5 In the interests of the amenities of noise sensitive properties.
- 6 In the interests of safeguarding the amenities of occupants of residential property during the construction of the development.
- 7 In order that the planning authority may verify the acceptability of the proposals in the interests of the visual amenity of the area.
- 8 In order to ensure provision of appropriate landscaping necessary to mitigate the visual impact of the development.
- 9 To provide a safe and satisfactory access in a timely manner.
- 10 In order to establish a baseline condition for the public road.
- 11 In order that the Planning Authority may verify the acceptability of the transmission lines.
- 12 In order to offset any adverse biodiversity impacts associated with the proposed development in accordance with Policy ER4 of the Angus Local Plan Review (2009).
- 13 In order to offset any adverse biodiversity impacts associated with the proposed development in accordance with Policy ER4 of the Angus Local Plan Review (2009).

The reason(s) for the foregoing decision by the Council are as follows:-

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

Dated this 8 October 2015

Appendix 3 – Development Plan Policies

TAYplan

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 post operational 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.

Footnote

*Energy, waste and resource management infrastructure: Infrastructure for heat and power generation, storage, transmission; for collection, separation, handling, transfer, processing, resource recovery and disposal of waste; and; for exploration, extraction, transfer, distribution and storage of solid, liquid or gas minerals. This includes recycling plants, biological/thermal/mechanical processing, energy from waste plants, wind turbines (including repowering), geo-thermal heat, biomass plants, combined heat and power plants, solar power, hydroelectric power plants, quarrying and mining equipment, unconventional gas and oil extraction equipment, electricity transmission lines, oil and gas pipelines (including carbon capture and storage), solid mineral sorting and transfer facilities.

Policy 9 MANAGING TAYPLAN'S ASSETS

Land should be identified through Local Development Plans to ensure responsible management of TAYplan's assets by:

A. Finite Resources using the location priorities set out in Policy 1 of this Plan to:

- i. identify and protect known deposits of solid, liquid and gas minerals of economic importance;
- ii. maintain a minimum of 10 years supply of construction aggregates at all times in all market areas;
- iii. identify and protect deposits of nationally important minerals identified on the British Geological Survey's Critical List; and,
- iv. protect prime agricultural land or land of lesser quality that is locally important, new and existing forestry areas, and carbon rich soils where the advantages of development do not outweigh the loss of this land.

B. Protecting Natura 2000 sites ensuring development likely to have a significant effect on a designated or proposed Natura 2000 site(s) (either alone or in combination with other sites or projects), will be subject to an appropriate assessment. Appropriate mitigation must be identified, where necessary, to ensure there will be no adverse effect on the integrity of Natura 2000 sites in accordance with Scottish Planning Policy.

C. Safeguarding the integrity of natural and historic assets

- i. understanding and respecting the regional distinctiveness and scenic value of the TAYplan area through safeguarding the integrity of natural and historic assets; including habitats, wild land, sensitive green spaces, forestry, water environment, wetlands, floodplains (in-line with the Water Framework Directive), carbon sinks, species and wildlife corridors, and also geo-diversity, landscapes, parks, townscapes, archaeology, historic battlefields, historic buildings and monuments; and by allowing development where it does not adversely impact upon or preferably enhances these assets. Local Development Plans should set out the factors which will be taken into account in development management. The level of protection given to local designations should not be as high as that given to international or national designations. International, national and locally designated areas and sites should be identified and afforded the appropriate level of protection, and the reasons for local designations should be clearly explained and their function and continuing relevance considered, when preparing plans.
- ii. Protecting and improving the water environment (including groundwater) in accordance with the legal requirements in the Water Framework Directive 2000/60/EC and the Water Environment and Water Services (Scotland) Act 2003 which require greater integration between planning and water management through River Basin Management Plans.

D. Safeguarding the qualities of unspoiled coast identifying and safeguarding parts of the unspoiled coastline along the River Tay Estuary and in Angus and North Fife, that are unsuitable for development. Local Development Plans should also set out policies for their management; identifying areas at risk from flooding and sea level rise and develop policies to manage retreat and realignment, as appropriate. Local Development Plans should have regard to the National Marine Plan, and Regional Marine Plans, where appropriate.

Angus Local Development Plan

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 DS3 : Design Quality and Placemaking

Development proposals should deliver a high design standard and draw upon those aspects of landscape or townscape that contribute positively to the character and sense of place of the area in which they are to be located. Development proposals should create buildings and places which are:

o Distinct in Character and Identity: Where development fits with the character and pattern of development in the surrounding area, provides a coherent structure of streets, spaces and buildings and retains and sensitively integrates important townscape and landscape features.

o Safe and Pleasant: Where all buildings, public spaces and routes are designed to be accessible, safe and attractive, where public and private spaces are clearly defined and appropriate new areas of landscaping and open space are incorporated and linked to existing green space wherever possible.

o Well Connected: Where development connects pedestrians, cyclists and vehicles with the surrounding area and public transport, the access and parking requirements of the Roads Authority are met and the principles set out in 'Designing Streets' are addressed.

o Adaptable: Where development is designed to support a mix of compatible uses and accommodate changing needs.

o Resource Efficient: Where development makes good use of existing resources and is sited and designed to minimise environmental impacts and maximise the use of local climate and landform. Supplementary guidance will set out the principles expected in all development, more detailed guidance on the design aspects of different proposals and how to achieve the qualities set out above. Further details on the type of developments requiring a design statement and the issues that should be addressed will also be set out in supplementary guidance.

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 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:

- o there is no satisfactory alternative; and
- o there are imperative reasons of overriding public health and/or safety, nature, social or economic interest and beneficial consequences for the environment, and
- o 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:

- o the site selected is capable of accommodating the proposed development;
- o the siting and design integrate with the landscape context and minimise adverse impacts on the local landscape;
- o potential cumulative effects with any other relevant proposal are considered to be acceptable; and
- o 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 PV7 : Woodland, Trees and Hedges

Ancient semi-natural woodland is an irreplaceable resource and should be protected from removal and potential adverse impacts of development. The council will identify and seek to enhance woodlands of high nature conservation value. Individual trees, especially veteran trees or small groups of trees which contribute to landscape and townscape settings may be protected through the application of Tree Preservation Orders (TPO).

Woodland, trees and hedges that contribute to the nature conservation, heritage, amenity, townscape or landscape value of Angus will be protected and enhanced. Development and planting proposals should:

- o protect and retain woodland, trees and hedges to avoid fragmentation of existing provision;
- o be considered within the context of the Angus Woodland and Forestry Framework where woodland planting and management is planned;
- o ensure new planting enhances biodiversity and landscape value through integration with and contribution to improving connectivity with existing and proposed green infrastructure and use appropriate species;
- o ensure new woodland is established in advance of major developments;
- o undertake a Tree Survey where appropriate; and
- o identify and agree appropriate mitigation, implementation of an approved woodland management plan and re-instatement or alternative planting.

Angus Council will follow the Scottish Government Control of Woodland Removal Policy when considering proposals for the felling of woodland.

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:

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

- o on the functional floodplain;
- o which involve land raising resulting in the loss of the functional flood plain; or
- o 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:

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

Where appropriate development proposals will be:

- o assessed within the context of the Shoreline Management Plan, Strategic Flood Risk Assessments and Flood Management Plans; and
- o 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:

- o support delivery of the development strategy and policies in this local plan;
- o are small scale and directly related to a rural business or mineral extraction; or
- o 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.