

ANGUS COUNCIL

DEVELOPMENT STANDARDS COMMITTEE – 15 SEPTEMBER 2020

PLANNING APPLICATION – FIELD 600M SOUTH OF EAST BALLOCHY
EAST BALLOCHY MONTROSE

GRID REF: 366745 : 762300

REPORT BY SERVICE LEADER – PLANNING & COMMUNITIES

Abstract: This report deals with planning application No. [20/00019/FULM](#) for the installation of a solar photovoltaic array, battery energy storage system with a private wire grid connection and associated infrastructure for Scottish Power Renewables at Field 600m South of East Ballochry, East Ballochry, Montrose. This application is recommended for conditional approval.

1. RECOMMENDATION

It is recommended that the application be approved for the reason and subject to the direction and 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. INTRODUCTION

3.1 The applicant seeks full planning permission for the installation of a solar photovoltaic array, battery energy storage system and associated infrastructure on land 600m South of East Ballochry, East Ballochry, Montrose, and a private wire grid connection between that site and Montrose. A plan showing the location of the site is provided at Appendix 1.

3.2 The application site extends to some 161.63ha and comprises an area of 82.2ha at East Ballochry where the solar site would be located, with the private wire grid connection comprising an area of 79.43ha over a distance of 7.5km between East Ballochry and a point at Montrose harbour. The proposed solar photovoltaic site comprises agricultural land and is surrounded by agricultural land and woodland. A number of residential properties are located around its perimeter. The private wire grid connection extends in a south-easterly direction from the solar array site towards Mains of Hedderwick before extending in a southerly direction towards Montrose where it would enter the town at Newhame Road in the vicinity of the East Coast Railway Line (two possible route options are shown to the west of the railway line). The route follows Newhame Road onto North Esk Road then Broomfield Road, Rosehill, Whinfield Road and Faulds Road before crossing the Montrose Links in the vicinity of Marine Avenue and Provost Reid's Road before heading eastwards along the stopped-up road to the north of the GSK site. The private wire connection route predominantly traverses agricultural land before entering Montrose. A number of

residential properties are located adjacent to the private wire connection route between the solar site and the edge of Montrose with a significant number of properties in Montrose located adjacent to the route as it crosses the town.

- 3.3 The solar site would comprise an array of ground mounted solar panels with a generation capacity of 39.9MW, a battery energy storage system (BESS) with a capacity of 10MW and a substation compound. A total of 140,000 solar panels would be located at the site, mounted on metal supports driven up to 2m into the ground. The rows of panels would be spaced up to 6m apart and located up to 3m above ground level with the panels positioned at an angle of up to 25 degrees. 20 inverter and transformer units with individual footprints of 15sqm and a height of 2.9m are proposed at various locations of the solar farm. The perimeter of the solar farm would be enclosed by 2m high stock proof fencing with CCTV cameras located around the perimeter. Landscaping is proposed at specific locations around the perimeter of the site. A number of new access tracks are proposed within the site with access to the solar farm taken from the existing track to the north that connects to the C35 public road.
- 3.4 The BESS compound would be located adjacent to the east boundary of the site and would utilise an area of 6,400sqm. The BESS consist of 16 battery containers with individual footprints of 30.5sqm and a height of 2.6m; 6 containers housing inverters and high voltage transformers with individual footprints of 15sqm and a height of 3m; a substation unit containing switchgear and control equipment with a footprint of 75sqm and height of 3.2m; and a spares container with a footprint of 15sqm and height of 2.6m. 3m high fencing is proposed around the perimeter of the compound with woodland screen planting proposed adjacent to the south and west perimeter of the compound. A substation compound is located to the south of the BESS compound and encompasses an area of 400sqm. This would accommodate a control building with a footprint of 84.6sqm and height of 5.5m and a spares container with a footprint of 30sqm and a height of 2.6m. 3m high fencing is proposed around the perimeter of the compound.
- 3.5 The proposed private wire grid connection involves the excavation of a single open trench 0.7m in width which would contain three 33kV cables, a fibre optic cable and an earth electrode. The cables would be located a minimum of 800mm below ground level. In the vicinity of Borrowfield Farm two potential routes have been identified for the cable route. At road crossings the trench excavation would increase in width to 1.3m with the ducting containing the cables located a minimum of 0.97m below ground level. Along the cable route manhole covers would be present at each fibre optic joint bay. The private wire grid connection would provide opportunity to supply an unidentified existing business located close to Montrose harbour with electricity generated from the solar array.
- 3.6 The application has been varied to amend the layout of the solar farm and to incorporate a pedestrian route to connect the tracks to the north and south of the solar farm site.
- 3.7 The application has been subject of statutory neighbour notification and was advertised in the press as required by legislation.

4. RELEVANT PLANNING HISTORY

- 4.1 Planning permission (Application Ref: [14/00549/FULL](#)) for a 19MW solar array development and associated infrastructure at a similar location to the solar development proposed by this PAN was approved on 11 December 2014. That permission subsequently expired without being implemented.
- 4.2 A Proposal of Application Notice (Application Ref: [19/00722/PAN](#)) in respect of the installation of a solar photovoltaic array and private wire grid connection at the site

was considered by Committee at its meeting on 8 October 2019 (Report No. [344/19](#) refers). Committee noted the key issues identified in that report and requested that the application should contain information on how the proposal would relate to the proposed link road from Montrose to the A90, and the impact of the solar photovoltaic array on the woodland plantation. *Committee is advised that roads colleagues are satisfied that the development would not affect the proposed Montrose/A90 link road, and that the East Ballochy plantation shown on plans was clear felled in 2014.*

5. APPLICANT'S CASE

5.1 The following documents have been submitted in support of the application:

- Planning Statement;
- Design and Access Statement;
- Landscape and Visual Report;
- Landscape and Visual Assessment of Cable Route;
- Pre-application Consultation Report;
- Ecology Appraisal including Phase 1 Habitat Survey;
- Solar Farm Habitats Regulations Appraisal;
- Grid Connection Habitats Regulations Appraisal;
- Outline Biodiversity Management Plan;
- Noise Impact Assessment; and
- Archaeological Desk Based Assessment.

5.2 The information submitted in support of the application is available to view on the [Public Access](#) system and is summarised at Appendix 2.

6. CONSULTATIONS

6.1 **Angus Council – Roads** – has reviewed the submitted information and offered no objection to the application. No objection is offered in relation to flooding and drainage.

6.2 **Angus Council – Environmental Health** – has reviewed the submitted information and offered no objection.

6.3 **Angus Council – Environmental Services** – has reviewed the submitted information and offered no objection.

6.4 **SEPA** – has reviewed the submitted information and offered no objection.

6.5 **Scottish Natural Heritage** – has reviewed the submitted information and offered no objection.

6.6 **Historic Environment Scotland** – has reviewed the submitted information and offered no objection.

6.7 **Aberdeenshire Archaeological Service** – has reviewed the submitted information and offered no objection.

6.8 **National Grid** – has reviewed the submitted information and offered no objection.

6.9 **Health & Safety Executive** – does not advise on safety grounds against the granting of consent in this case.

6.10 **NERL Safeguarding** – has reviewed the submitted information and offered no objection.

6.11 **Dundee Airport Ltd** – has reviewed the submitted information and offered no

objection.

6.12 **Network Rail** – has confirmed no objection to the application.

6.13 **Community Councils** – no comments have been received from affected community councils.

7. REPRESENTATIONS

Two letters of representation have been received. Those letters are provided at Appendix 3 and are available to view on the council's [Public Access](#) website. The following matters have been raised as objections: -

- **Unacceptable impacts on Dubton Terrace including noise, privacy, visual appearance and compatibility with surroundings, impact on traffic movements, road safety and environmental impacts.**

These issues are discussed under Planning Considerations.

In addition, concern has been raised regarding possible damage to a car park area at Rosehill, Montrose if it is used in association with the formation of the cable route. That issue is a civil matter and cannot be considered in the determination of this application. However, the applicant has advised that if this area is used during the construction of the private wire connection any damage caused to the area would be repaired.

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 Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires that in considering whether to grant planning permission for development which affects a listed building or its setting special regard shall be paid to the desirability of preserving the building or its setting. Section 64 of that Act also requires the Planning Authority to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.

8.3 In this case the development plan comprises: -

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

8.4 The development plan policies relevant to the determination of the application are reproduced at Appendix 4 and have been taken into account in preparing this report.

8.5 The development plan framework provides policies that deal specifically with applications for renewable energy development and associated infrastructure. Those policies support proposals for renewable energy development and associated development subject to assessment against identified criteria. The renewable energy policy in the ALDP is supported by statutory supplementary guidance.

8.6 The key development plan issues in relation to this application are: -

1. Landscape and visual impact;
2. Amenity impacts;
3. Impact on natural and built heritage;
4. Impacts on the water environment;

5. Impacts on infrastructure and other land uses; and,
 6. Site decommissioning and restoration.
- 8.7 Development plan policy requires consideration of landscape and visual impact. Policy indicates that the capacity to accept new development in the landscape will be considered in the context of the Tayside Landscape Character Assessment (TLCA) and relevant landscape capacity studies, formal designations and special landscape areas. 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, and public access routes. 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 East Ballochry as an area where there was permission for a solar development and indicated it was within an area where there is 'medium' capacity for solar development.
- 8.8 The applicant has submitted a Landscape and Visual Appraisal in support of the proposal. In relation to the solar farm and BESS it indicates the landscape would be able to accommodate this element, taking account of the existing character and quality of the landscape. The resultant landscape effects would be moderate adverse but reversible, and there would be no discernible deterioration to the existing landscape character of the local landscape, and moderate improvement in the fabric of the landscape could be achieved with enhanced hedgerow trees and hedgerows around the boundary of the site. In relation to the private wire grid connection it indicates that there would be direct landscape effects on the landscape character and the local landscape elements during the construction phase however the land would be reinstated to its previous use and there would be no long-term landscape effects arising from this element of the proposal.
- 8.9 The applicant's assessment of landscape impact is reasonable. The proposed solar farm and BESS would introduce a new element into the landscape and the landscape in the local area is of some value given the presence of features such as Montrose Basin and House of Dun. However, it is considered that the development is capable of being absorbed into the character of the landscape subject to the proposed mitigation.
- 8.10 Turning to visual impacts, the applicant's Landscape and Visual Appraisal indicates that these are assessed in relation to a number of viewpoints which were identified as being representative of visual receptors in the area. It suggests that the solar farm and BESS would be most visible within a 2km radius due to the site topography and the existing woodland cover which results in moderate to moderate – major visual effects although these would reduce over time as a result of the proposed landscape mitigation. The document suggests that there would be a range of visual effects on residential receptors varying from negligible to major subject to property orientation and presence of existing mature screening and changes in landform. Similar impacts would also be experienced by road users however these effects would be moderate at most again due to localised screening. In relation to the private wire grid connection it indicates there would be no long-term visual effects associated with this element however there would be major temporary visual effects during its construction.
- 8.11 The closest residential properties affected by the proposal (apart from East Ballochry Farmhouse) are located to the north and south of the proposal. However, given the existing mature screening and changes in landform, these properties are not considered to experience significant adverse visual impacts from the proposals. The photomontages submitted show the limited visibility of the proposed development from the surrounding properties. It should be noted that the solar array and BESS

would be visible from areas around the properties and on the approach to the properties from the wider road network. However, such impacts would be similar to that experienced in the vicinity of large areas of poly-tunnels which are not uncommon in the rural area. In relation to the closest residential property at East Balloch Farmhouse, specific mitigation which involves the planting of trees and hedging along the north boundary of the solar farm is proposed.

- 8.12 The solar farm site is located around 900m to the north east of House of Dun (a Category A listed building and historic garden / designed landscape). The impact on historic interests is discussed below but it is also relevant to consider the visual impact. In this respect, it is considered that the topography of the land, as well as the intervening trees would screen views towards the solar farm and BESS. In relation to visual impacts from Montrose Basin which is located around 5.64km to the south of the solar farm. The solar array would be visible due to it being located on a higher elevation in views from the Basin and would form a large horizontal feature in the field and woodland pattern. Given the low height of the proposed array and the distance from which it would be seen the development has potential to integrate as part of the pattern of fields and forestry. The introduction of additional landscaping along its southern boundary and around the perimeter of the BESS compound would reduce its visual impact from the Basin and the resultant impacts are not considered unacceptable.
- 8.13 In the immediate locality, the site will only be seen intermittently due to the nature of the surrounding landform and existing screening. When travelling along the public road to the west, the site will only be a prominent feature when viewed on the section in the vicinity of Fordhouse and the southern edge of North Dun wood. The nature of the landform and the existing woodland at Glen Wood and Glenskinno Wood with the general landscaping in the wider area means that the site will have limited prominence immediately to the northeast, east and southeast. In broad terms the photomontages and visualisations submitted in support of the application indicate that visual impacts associated with the development would be reasonably limited. It is also accepted that additional planting, whilst taking some time to establish, would help mitigate the impact of the development in the medium term and would provide a longer-term benefit to the area. Traditional landscape elements such as rural hedgerows could be a suitable mitigation method to reduce landscape impacts.
- 8.14 At close range, from local roads, and from the environs of nearby dwellings the development will be visually unavoidable. At mid distance and from locations looking towards the site the panels are also likely to be obvious. However, the panels are likely to give rise to similar visual impacts as those associated with agricultural poly-tunnels which are not uncommon within the wider area and that appear to co-exist with housing without unacceptable adverse visual impact.
- 8.15 In respect of cumulative impacts there is an approved solar farm at Arrats Mill as well as other proposals in the wider area. However, due to the separation distances between the sites and the intervening topography there are not considered to be significant cumulative landscape or visual impacts.
- 8.16 The construction of the private wire cable route has the potential to result in landscape and visual impact. The submitted Cable Route Landscape Design Statement indicates the existing landform would be reinstated following the installation of the cable. That statement indicates the reinstatement works include provision for replanting of trees and hedging. Short-term impacts associated with the construction of the cable route would be reasonably significant with localised alteration of landform and construction machinery, equipment, compounds and activity evident. However, those impacts would be over a limited duration and following restoration, the landscape and visual impact associated with the underground cable route would be insignificant. The significance of those impacts does not change materially irrespective of the cable route chosen in the region of

Borrowfield Farm. The permanent above ground structures would be limited to manhole covers. Those would have limited landscape or visual impact.

- 8.17 Development plan policy requires consideration of the impact of development on residential amenity and seeks to prevent unacceptable impacts that would adversely affect the occupants of residential property. In this case the main amenity impacts associated with the development relate to noise, air quality, vibration and disturbance from traffic and construction activity.
- 8.18 In terms of noise the potential impacts are associated with the construction and operation of the solar farm and BESS and from the construction of the private wire connection. There are a number of residential properties and other noise sensitive receptors that would be affected by the construction works associated with the development. The Environmental Health Service has reviewed the submitted Noise Impact Assessment and has indicated that appropriate planning conditions can be used to control predicted construction levels in line with guidance in BS5228. Conditions are proposed to safeguard amenity during the construction phase of the development. Construction activity also has potential to cause vibration and dust. Again, conditions are proposed to address these matters.
- 8.19 In relation to operational noise from the solar farm and BESS, noise limits are proposed by condition and the Environmental Health Service has indicated that adherence to these levels would prevent unacceptable impacts on the residential amenity of the closest receptors.
- 8.20 In relation to glint and glare impacts the submitted assessment indicates that modern solar panels are designed to absorb as much light as possible. Taking account of the orientation of the panels towards the south and intervening landforms and vegetation, there is considered to be a low risk of glint and glare affecting road users. There are three residential properties to the south of the solar farm that could be subject to glint and glare impacts however it is proposed to incorporate additional landscaping along the south boundary of the site to reduce any potential impacts.
- 8.21 The proposal would result in additional vehicle movements across the public road network, but the Roads Service has reviewed the proposals and confirmed that the development can be accommodated within the existing network. Movement and activity associated with the development would have some impact on the amenity of the occupants of property in the vicinity of the development site during the construction phase. The setting of noise and vibration limits, and the controls that would be provided by the construction noise, vibration and dust management plans should minimise impacts on amenity.
- 8.22 The proposed private wire connection would be developed on a phased, sectional basis over a period of 9-months and the phasing is proposed to be controlled by planning condition. This should ensure that impacts at any specific location are temporary and relatively short-term. The significance of impacts does not change materially irrespective of the cable route chosen in the region of Borrowfield Farm.
- 8.23 The private wire connection would be close to many residential properties, but it comprises 33kV cables that would be located underground. Cables of this nature are common in and around urban areas and the applicant has confirmed that the wire connection will be designed to comply with ICNIRP 1998 which sets standards and provide guidelines for EMF emissions in the UK.
- 8.24 Overall while the proposal will give rise to some impacts on amenity, particularly during the construction phase of the private wire grid connection, it is considered that, subject to the proposed conditions, those impacts can be mitigated to ensure that any impacts are not unacceptable.

- 8.25 Development plan policy seeks to safeguard natural heritage interests, including designated sites and protected species. The application site is not designated for any natural heritage reasons however the location of the application site has the potential to affect Montrose Basin Special Protection Area (SPA) which is designated for its internationally important waterfowl assemblage, which includes populations of pink footed goose and greylag goose. The applicant's supporting information includes surveys and appraisals on potential impacts on various species. The applicant has also provided Habitat Regulations Appraisals for the solar farm and private wire grid connection which aim to provide the necessary information to enable the Competent Authority (Angus Council) to discharge its obligations under Council Directive 92/43/EEC on the conservation of natural habitats and of wild flora and fauna (the 'Habitats Directive').
- 8.26 SNH has indicated that the proposal is likely to have a significant effect on the qualifying interests of the SPA by virtue of the potential loss of foraging resource available to goose populations. However, SNH considers that as the proposal would only result in the loss of 0.15% of all foraging resource available to the SPA goose populations there would be no adverse effect on the integrity of Montrose Basin SPA. An 'Appropriate Assessment' has been undertaken in relation to potential impact on the SPA and is attached as Appendix 5 to this report.
- 8.27 In respect of impacts on other ecological interests across the remainder of the application site an Ecological Appraisal has been undertaken. This indicates that the proposal could have impacts on habitat and species however it proposes specific mitigation measures to ensure there are no significant impacts as a result of the development. SNH support the recommendations within the Ecological Appraisal in order to determine any protected species licensing requirements. The proposal will give rise to some impacts on natural heritage interests. However, having regard to the supporting ecological information and the responses received from consultees these impacts can be suitably mitigated subject to conditions as detailed below. The significance of impacts does not change materially irrespective of the cable route chosen in the region of Borrowfield Farm. The proposal does not give rise to any unacceptable impacts on the natural environment of the area.
- 8.28 Development plan policy seeks to safeguard built heritage interests including listed buildings conservation areas and sites of archaeological interest. These matters are addressed in the submitted supporting information which considers the potential impacts of the development on a range of built heritage interests.
- 8.29 The application site is not designated for any built heritage reasons. Historic Environment Scotland (HES) has been consulted on the proposal and is content that there would be no adverse impact on assets within its statutory remit. HES has confirmed that potential impacts on House of Dun, House of Dun Court of Offices (Category A listed buildings) and House of Dun Garden and Designed Landscape from the solar farm would not be unacceptable due to existing tree cover and landform which screen views towards the site.
- 8.30 A number of listed buildings and Montrose conservation area are located within the vicinity of the cable route. The setting of those buildings and the conservation area would be affected for a short duration during construction of the private wire grid connection, but this would not be significant or unacceptable. The supporting information indicates that through a programme of mitigation there would be no adverse impacts upon built heritage assets. The Archaeology Service has reviewed this information and is satisfied with the mitigation proposed but has requested a programme of archaeological works condition to prevent any adverse impacts on previously unrecorded archaeological features. The significance of impacts does not change materially irrespective of the cable route chosen in the region of Borrowfield Farm. Overall, the proposal would not give rise to any unacceptable impacts on built heritage interests.

- 8.31 Development plan policy seeks to ensure that proposals do not give rise to unacceptable impacts on the road network or on recreational access. The submitted Design and Access Statement considers the issues surrounding the impacts of traffic generated by the proposed development. The main impacts arise from traffic during the construction phase of the proposals and include construction vehicle movements. The construction of the solar farm and BESS is expected to generate a greater number of vehicular traffic movements than the cable construction. The Roads Service has confirmed that vehicle movements associated with the development can be accommodated on the existing road network. They have also advised that total vehicle movements associated with the development are higher than usually associated with a solar development, but this is due to the inclusion of the private wire grid connection. The project would take place in a phased manner over an extended period of time and consequentially the daily increase in vehicle movements that would be experienced would not be significant in terms of road traffic safety. The significance of impacts does not change materially irrespective of the cable route chosen in the region of Borrowfield Farm. A condition is proposed that would require approval of a Traffic Management Plan to manage the impacts arising from construction traffic. The proposal does not give rise to any unacceptable impacts in terms of road traffic safety.
- 8.32 The development also has potential to impact on recreational access in the area. The solar farm and BESS are proposed on land where access rights under the Land Reform (Scotland) Act 2003 currently apply. In order to ensure there is no loss of access rights, an access path is provided which links to the existing tracks to the north and south of the site. Where the private wire grid connection crosses footpaths and tracks in Montrose measures would need to be implemented in order to manage and minimise the impact on public access during the construction of the private wire grid connection. Within Montrose, access restrictions would likely occur to National Cycle Route 1 and Core Path 89 during the installation process. It is anticipated that any disruption would be for a short period and full access would thereafter be restored. There would be additional activity in the vicinity of other core paths and other recreational routes would be affected on a similar basis. In order to manage and mitigate access impacts a condition is proposed requiring approval of an Access Management Plan to manage and mitigate access impacts. The significance of impacts does not change materially irrespective of the cable route chosen in the region of Borrowfield Farm. The proposal is not considered to give rise to unacceptable impacts on access and associated recreational amenity.
- 8.33 Development plan policy seeks to safeguard the water environment and seeks to ensure developments are not adversely affected by flooding or increase flood risk in the surrounding area. The Development Plan also seeks to ensure that appropriate drainage arrangements are in place.
- 8.34 The submitted supporting information indicates that small areas of the solar farm and BESS site are at risk of surface water flooding. It is indicated that in order to mitigate against any potential increase in surface water flooding it is proposed to incorporate drainage swales and plant a suitable grass mix underneath the panels to ensure the surface water runoff rate from the site is no worse than the current situation.
- 8.35 SEPA and the Roads Service have reviewed the proposal in relation to impacts on the water environment and have indicated that they are satisfied that the development does not pose an unacceptable flood risk. Both consultees are also satisfied with the drainage arrangements associated with the solar panels, however they have requested conditions be attached to deal with specific detail of the drainage swales, the drainage arrangements associated with the BESS and the new access tracks. In relation to the private wire grid connection further information regarding the construction method to be used to cross water bodies is required by proposed planning conditions. The proposal does not give rise to any significant

adverse impact on the water environment.

- 8.36 The route of the private wire grid connection has potential to impact on the use of areas of open space within Montrose particularly during the construction phase however potential impacts during the operational phase would be limited as the cable would be underground and any effected areas restored to their former condition. The council's Environmental Service (Parks and Burial Grounds) has been consulted on the proposal and has offered no objection. Conditions are proposed requiring the submission of further information in order to ensure there are no unacceptable impacts on existing areas of open space or landscaping.
- 8.37 A high-pressure gas pipeline dissects the solar site and the layout has been configured to take account of this infrastructure. The Health and Safety Executive (HSE) and National Grid have raised no objection and there is no reason to consider that the development would adversely affect the pipeline or associated infrastructure.
- 8.38 In relation to the impact of the development on aircraft activity, the applicant has indicated that the development is located in excess of 40km from any active aerodrome, and suggests that at such a distance the solar array would not produce valid reflections to aircraft either on approach or departing. NATS and Dundee Airport have not offered objection and no significant impact on aircraft activity is anticipated.
- 8.39 The solar farm and BESS are proposed to be connected to the distribution network close to the site and it is anticipated that this would not require any extraordinary transmission requirements. The private wire grid connection is proposed in order to provide renewable energy to an offsite user which is supported by Development Plan Policy. It is also relevant to consider that the private wire grid connection has the potential to provide opportunities for other users and developments to connect to a renewable source of electricity which offers opportunities to reduce reliance on fossil fuels. As discussed above there would be some impacts associated with the provision of the private wire grid connection during its construction however these impacts are not considered to be unacceptable. The significance of impacts does not change materially irrespective of the route chosen in the region of Borrowfield Farm. Conditions are proposed requiring precise details of the specific route of the transmission cables for the grid connection as well as the specific route of the private wire grid connection.
- 8.40 Published maps indicate that the site of the solar farm occupies prime agricultural land, but council policy allows use of prime land for renewable energy development. There is no evidence to suggest that the development would negatively affect the viability of any farm unit. A condition is proposed to ensure that a suitable scheme for restoration of the site is in place prior to the commencement of any works.
- 8.41 A section of the route for the private wire grid connection would utilise agricultural land, including prime quality land. The applicant has indicated that there would not be any permanent loss of agricultural land as it would be reinstated and returned to its previous use following installation of the cable. A condition is proposed requiring provision of a Soil Management Plan in order to ensure there is no loss of agricultural land or loss of productivity across the cable corridor. This plan would incorporate pre and post soil condition surveys to identify appropriate forms of management, monitoring and reinstatement following recommended practices.
- 8.42 The proposed development is of a scale and nature appropriate to its location. It has potential to generate and transfer renewable energy in a manner that does not give rise to unacceptable impacts on amenity, landscape or the environment. It is compatible with development plan policy subject to the proposed planning conditions.
- 8.43 In addition to development plan policy it is relevant to have regard to other material considerations including Scottish Planning Policy (SPP), the planning history of the

site and material planning issues raised in the letters of representation.

- 8.44 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. The proposal offers the potential to meet the electricity demand of 12,000 average homes, generating renewable energy in a manner that is compatible with SPP. The private wire grid connection offers the potential to provide renewable energy to an industrial facility at Montrose harbour in order to reduce dependency on the electricity distribution network and fossil fuels. The proposal is compatible with SPP.
- 8.45 Planning permission was previously granted for a solar array development and associated infrastructure at a similar location to the solar development proposed by this application. In the period since application 14/00549/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 East Ballochry as an area where there was permission for a solar development and indicated it was within an area where there is 'medium' capacity for solar development. The revised policy framework remains supportive of renewable energy development at this location and this proposal, does not give rise to any conflict with relevant development plan policy.
- 8.46 The letters of representation are relevant in so far as they raise material planning issues. The site of the solar array and BESS is not readily visible from the objectors' properties and its construction and operation would have little if any impact on their amenity given the separation distances involved. The formation of the private wire connection would cause some localised activity and associated disturbance. However, it involves formation of a single trench that is little more than a metre in depth. Operations of the nature proposed associated with infrastructure provision and maintenance are not untypical in urban or rural areas. Activity in the vicinity of individual houses would be relatively short-term and conditions are proposed to ensure that impacts are not unacceptable.
- 8.47 In conclusion, the supporting information and consultation responses indicate that subject to appropriate mitigation and planning conditions, the development should not give rise to unacceptable amenity, landscape or environmental impacts. The matters raised in objection to the application have been considered in preparing this report and where appropriate matters are addressed by proposed planning conditions. The proposed conditions would ensure that the development would not give rise to unacceptable impacts on the amenity of those that live in the area. The development would contribute towards meeting government energy targets and government guidance confirms that schemes should be supported where the technology can operate efficiently, and environmental and cumulative impacts can be satisfactorily addressed. In this case the technology would appear to have potential to operate efficiently and available evidence suggests that environmental impacts can be satisfactorily addressed.
- 8.48 The proposed development complies with relevant development plan policy subject to the proposed planning conditions. There are no material considerations that justify refusal of the application.
- 8.49 Committee should note that the applicant has made a request for a period of 10-years (rather than the usual 3-years provided by legislation) in which to commence development, should planning permission be granted. This is a reasonably significant development and an extended period is considered appropriate. However, once

approved the development would need to be considered in determining other proposals in the wider area, and in this regard, it could act as a constraint in granting other desirable development and a 10-year period is considered excessive. Having regard to the nature of the project and its complexity, an extended period of 5-years in which to commence development is considered to be appropriate.

- 8.50 The application involves land in which the council has a financial interest as landowner. However, the proposal is not significantly contrary to the development plan and there is therefore no requirement to notify Scottish Ministers of the decision to approve the application.

9. OTHER MATTERS

HUMAN RIGHTS IMPLICATIONS

The recommendation in this report for grant of planning permission, subject to conditions, has potential implications for neighbours in terms of alleged interference with privacy, home or family life (Article 8) and peaceful enjoyment of their possessions (First Protocol, Article 1). For the reasons referred to elsewhere in this report justifying this recommendation in planning terms, it is considered that any actual or apprehended infringement of such Convention Rights, is justified. The conditions constitute a justified and proportional control of the use of the property in accordance with the general interest and have regard to the necessary balance of the applicant's freedom to enjoy his property against the public interest and the freedom of others to enjoy neighbouring property/home life/privacy without undue interference.

EQUALITIES IMPLICATIONS

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

10. CONCLUSION

It is recommended that the application be approved for the following reason, and subject to the following condition(s):

Reason(s) for Approval:

The proposed development would provide a source of renewable energy generation and a means for its transfer in a manner that would not give rise to unacceptable impacts on amenity, landscape or environmental interests. Impacts associated with built and natural heritage interests, including the Montrose Basin Special Protection Area are not unacceptable. The proposal complies with development plan policy subject to the stated planning conditions and there are no material considerations that justify refusal of planning permission.

Direction under Section 58(2) of the Town and County Planning (Scotland) Act 1997 (as amended):

The period of 3 years referred to in section 58(1) and (2) is substituted with a period of 5 years.

Conditions:

1. The solar array, BESS and associated infrastructure hereby approved shall be removed from the site at East Ballochry no later than 35 years after the date when electricity is first generated unless otherwise approved by the Planning Authority through the grant of a further planning permission following submission of an application. Written confirmation of the commencement date of electricity generation shall be provided to the planning

authority within one month of that date.

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

2. That no development in connection with the planning permission hereby approved shall take place until the following details have been submitted to and approved in writing by the Planning Authority: -
 - (a) Details of a bond or other financial provision which it proposes to put in place to cover all decommissioning and site restoration costs. This shall include provision for the regular review of the bond value. 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;
 - (b) A scheme of decommissioning and restoration of the application site including aftercare measures. The scheme shall set out the means of reinstating the solar farm 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.
 - (c) A Construction Traffic Management Plan (CTMP). The CTMP shall include arrangements for the following: -
 - (i) Agreement with the Roads Authority on the routing for any abnormal loads;
 - (ii) The type and volume of vehicles to be utilised in the delivery to the site of construction materials associated with the construction of the solar array;
 - (iii) Assessment of the suitability of the proposed routes, including bridge capacities, to accommodate the type and volume of traffic to be generated by the development. The assessment shall include details of swept path analyses and include a DVD video route survey along the Kirkton of Menmuir - Stracathro - Dun road between its junction with the A90(T) and the site access;
 - (iv) Any proposed accommodation works / mitigating measures affecting the public roads in order to allow for delivery loads, including carriageway widening, junction alterations, associated drainage works, protection to public utilities, temporary or permanent traffic management signing, and temporary relocation or removal of other items of street furniture;
 - (v) The restriction of delivery traffic to agreed routes;
 - (vi) The timing of construction traffic to minimise impacts on local communities, particularly at school start and finish times, during refuse collection, at weekends and during community events;
 - (vii) A code of conduct for HGV drivers to allow for queuing traffic to pass;
 - (viii) Contingency procedures, including names and telephone numbers of persons responsible, for dealing with vehicle breakdowns;
 - (ix) A dust and dirt management strategy, including sheeting and wheel cleaning prior to departure from the site;
 - (x) The location, design, erection and maintenance of warning/information signs for the duration of the works at site accesses and crossovers on private haul roads or tracks used by construction traffic and pedestrians, cyclists or equestrians;
 - (xi) Contingencies for unobstructed access for emergency services; (xii) Co-ordination with other major commercial users of the public roads on the agreed routes in the vicinity of the site;

- (xii) Traffic management, in the vicinity of temporary construction compounds;
- (xiii) Arrangements for the monitoring, reviewing and reporting on the implementation of the approved plan; and
- (xiv) Procedures for dealing with non-compliance with the approved plan.

Thereafter the development shall be undertaken in accordance with the details in the approved CTMP.

- (d) A construction noise and vibration management plan. The submitted plan shall also include: -

- The construction hours of operation;
- Detailed mitigation measures for noise and vibration impacts; and
- A noise and vibration monitoring scheme and complaint investigation procedure.

Thereafter, the approved construction noise and vibration management plan shall be fully implemented upon commencement of the development and remain in place for the duration of the construction of the development hereby approved and the noise and vibration monitoring results shall be made available to the Planning Authority upon request.

- (e) A dust management plan. The submitted plan shall also include: -

- Detailed mitigation measures for dust and machinery emissions arising from the construction phase; and
- A dust monitoring scheme and complaint investigation procedure.

Thereafter, the approved dust management plan shall be fully implemented upon commencement of the development and remain in place for the duration of the construction of the development hereby approved and the dust monitoring results shall be made available to the Planning Authority upon request.

- (f) An archaeological written scheme of investigation (WSI) and a programme of archaeological works has been carried out in accordance with the approved WSI. The WSI shall include details of how the recording and recovery of archaeological resources found within the application site shall be undertaken, and how any updates, if required, to the written scheme of investigation will be provided throughout the implementation of the programme of archaeological works. Should the archaeological works reveal the need for post excavation analysis the development hereby approved shall not be brought into use unless a post-excavation research design (PERD) for the analysis, publication and dissemination of results and archive deposition has been submitted to and approved in writing by the planning authority. The PERD shall be carried out in complete accordance with the approved details.

Reason: In order that the planning authority may verify the acceptability of the specified details in the interests of amenity, restoration of the site, road safety, environmental protection and impacts on archaeological interests.

3. That no development in connection with the solar array and BESS hereby approved shall take place until the following details have been submitted to and approved in writing by the Planning Authority: -

- (a) The precise details of all external colour of any building. For the avoidance of doubt the external colour should be of a recessive shade. Thereafter the respective buildings shall be finished in accordance with the approved details.
- (b) Precise details of all BESS infrastructure and ancillary development, including fences, CCTV cameras and supports, gates and any sub-station/transformer. Thereafter the development shall be undertaken in accordance with the approved details.
- (c) A scheme of landscaping works to be undertaken on the site. The submitted scheme shall include: -

- (i) Existing landscaping features and vegetation to be retained;
- (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; and
- (v) A landscape management and maintenance plan.

The proposed planting shall be completed within the first planting season following the initiation of development with the landscaping managed and maintained in accordance with the approved details in perpetuity. Any plants or trees that within a period of 5 years from the completion of development die; are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size or species.

- (d) A biodiversity mitigation and enhancement plan. 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.
- (e) Details of surface water disposal arrangements for the site. The submitted details shall be in accordance with CIRIA C753 "The SUDS Manual" and include: -
 - Precise details of the surface water drainage swales;
 - Precise details of the surface water treatment for the substation, control building, and Battery Energy Storage Systems;
 - Precise details of the surface water treatment for the proposed access tracks; and
 - Maintenance arrangements for surface water disposal infrastructure to be formed.

Thereafter the drainage infrastructure shall be formed in accordance with the approved details and shall be maintained in accordance with the approved maintenance scheme throughout the operational life of the solar array and BESS.

- (f) Details of the precise route and details of the transmission cables proposed from the solar farm. Thereafter the transmission cables shall be provided only in accordance with the approved details.

Reason: In order that the planning authority may verify the acceptability of the specified details in the interests of visual amenity, habitat creation and environmental protection.

- 4. That no development in connection with the private wire grid connection hereby approved shall take place until the following details have been submitted to and approved in writing by the Planning Authority: -

- (a) An Access Management Plan (AMP). The AMP shall include but not be limited to: -
 - Proposals for management of public access on core path and rights of way during construction works;
 - Details of the extent and timing of any closures and proposed diversions; and
 - Proposals for reinstatement of any core paths or other public access route and public access infrastructure (including steps, ramps, bridges and gates) which may be disturbed during construction and the timing for the completion of any works.

Thereafter the development shall be undertaken in accordance with the details in the approved AMP.

- (b) A detailed landscape and reinstatement scheme which shall include: -
 - (i) A Soil Management Plan including a map showing locations of excavated materials and details of the management and mitigation of soil resources in accordance with biosecurity best practice;
 - (ii) A schedule of all landscape features (field boundaries, walls, hedgerows, trees, shrubs or other soft landscaping) to be removed in the construction of the cable;

- (iii) Proposals for replacement and compensatory planting, including the location, size, number and species of trees and shrubs; and
- (iv) Proposals for the reinstatement of agricultural land and other landscape features.

No later than the first available planting season following completion of the cable route zone or as specified in the approved phasing plan, the landscape features shall be reinstated in accordance with the measures identified in the approved reinstatement scheme. Within 2-months of completion of the construction of the cable, plans identifying the areas and nature of replacement and compensatory landscaping shall be submitted to the Planning Authority.

- (c) A phasing plan detailing the timing of works across the route. Thereafter the development shall be carried out in accordance with the approved phasing plan.
- (d) Precise details of the specific route, depth, jointing bays, all permanent above ground features and method of installation for all road and waterway crossings. Thereafter the development shall be undertaken in accordance with the approved details.
- (e) Details of the location and number of construction compounds. The submitted information shall include: -
 - The precise location and extent of the compound;
 - Details for their phasing, removal and restoration;
 - The means of access to each compound;
 - Details of screening to mitigate impact of activities within the compound on the amenity of the surrounding area and occupants of nearby property; and,
 - Details of artificial lighting and measures and controls to mitigate impact of light pollution on the amenity of the surrounding area and occupants of nearby property.

Thereafter the compounds shall be formed and operated in accordance with the approved details and each compound shall be restored to its pre-construction condition no later than 1 month after the completion of the construction of the private wire grid connection.

Reason: In order that the planning authority may verify the acceptability of the specified details in the interests of amenity, visual impact, restoration of the site and environmental protection.

- 5. No works in association within this permission shall be undertaken until the access track at its junction with the public road has been improved in accordance with the details on Drawing No. B-007 Rev. B1: Junction Improvements dated 11/12/2019. The required works located within the public road shall be carried out to the standards of Angus Council.

Reason: In order to provide a safe and satisfactory access in a timely manner.

- 6. Noise from construction works when measured at the façade of any noise sensitive properties shall not exceed the noise limits shown below for the times shown. 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.
 - (a) 65 dB(A) Leq 1 hour, between 0700 – 0800 and 1800 – 1900 hours Monday to Friday;
 - (b) 70 dB(A) Leq 10 hours between 0800 – 1800 hours Monday – Friday;
 - (c) 65 dB (A) Leq 6 hours between 0700 – 13:00 hours on Saturdays; and
 - (d) 45 dB (A) Leq 1 hour at all other times.

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

7. Vibration levels associated with construction activities shall not exceed the following limits, unless agreed in writing with the Planning Authority: -
 - (a) At any residential or educational properties 1 mmms-1 PPV; and
 - (b) At any commercial or industrial properties 3 mms-1 PPV.

The above vibration limits relate to maximum PPV ground borne vibration occurring in any one of three mutually perpendicular axes. Vibration is to be measured on the foundation or on an external façade no more than 1m above ground level or on solid ground as near the façade as possible.

Reason: In order to safeguard the amenity of occupants of nearby properties that may be affected by vibration.

8. Noise from any plant and equipment associated with the development shall not exceed NR Curve 30 between 0700 and 2200 and NR Curve 20 at all other times, as measured within any dwelling or noise sensitive premises with the windows open at least 50mm.

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

9. 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 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.

10. That before the date falling 12 months after the date of commencement of development on the private wire grid connection a scheme for the annual monitoring, over a period of 5-years from the date of completion of the development, of all areas where replacement and compensatory landscape has or will take place shall be submitted to and approved in writing by the Planning Authority. That scheme shall include measures for the aftercare, maintenance and replacement of any planting that is damaged, diseased, removed or that has not survived, with a similar number of plants of the same or suitable alternative species within the first available planting season for a period of 5 years.

Reason: To assist the planning authority to monitor and retain effective control over development operations in the interests of visual amenity, effective landscape management and habitat creation and to ensure adequate measures are put in place to protect the landscaping and planting in the long term.

11. That before the date falling 3 months after the date of commencement of development on the private wire grid connection and thereafter at 3 monthly intervals until the completion of the private wire grid connection, the applicant shall submit a development progress plan for the written approval of the Planning Authority. Each progress plan shall: -

- (i) Provide an up-to-date drawing illustrating the progress of construction along the cable route zone;
- (ii) Identify the exact location of all permanent above ground features formed along the cable route zone;
- (iii) Identify the extent of restored land and implemented landscaping works; and,
- (iv) Identify the projected operations and restoration during the forthcoming 3-month period.

Reason: To assist the planning authority to monitor and retain effective control over development operations.

12. That the cables, cable ducts, joint bays and above ground infrastructure shall be constructed in the positions shown on the drawings required by Condition 4(d). The cables, cable ducts, joint bays, pulling pits, above ground infrastructure and associated access tracks may be adjusted by micro-siting within the site. However, unless otherwise approved in advance and in writing by the Planning Authority, micro-siting is subject to the following restrictions: -

- No cable ducts, joint bays, above ground infrastructure or associated access shall be moved more than 5m from the position shown on the plans required to discharge Condition 4(d);
- No micro-siting shall take place where cables, cable ducts, joint bays or above ground infrastructure would subsequently be sited closer to the boundary of any residential property from the position shown on the plans to discharge Condition 4(d); and
- All micro-siting permissible under this condition must be approved in advance and in writing by an Ecological Clerk of Work and Archaeological Clerk of Works.

No later than 1-month after the date of completion of the cable route zone that is subject of this permission, updated site plans must be submitted to the Planning Authority showing the final position of all cable ducts, cable joint bays and above ground infrastructure. For the avoidance of doubt the plans shall specify the locations where micro-siting has taken place and for each instance, be accompanied by copies of the ECoW and ACoW approval.

Reason: In order to control environmental impacts while taking account of local ground conditions and to ensure an accurate record of the development as constructed.

13. That except as otherwise provided for and amended by the terms of this permission, the development shall be undertaken in accordance with the Mitigation and Enhancement proposed at Section 6 of the East Ballochry Ecological Appraisal by MacArthur Green dated 24 June 2014 and associated covering letter by Joanne Martindale of MacArthur Green dated 11 November 2019 upon commencement of the development hereby approved and shall be adhered to at all times during the development.

Reason: In order to ensure that the development is undertaken in accordance with the detail upon which the application has been assessed and determined to be acceptable and in order to mitigate impact of the development on protected species and their habitat.

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: 7 SEPTEMBER 2020

APPENDIX 1: LOCATION PLAN
APPENDIX 2: SUMMARY OF APPLICANTS SUPPORTING INFORMATION
APPENDIX 3: LETTERS OF REPRESENTATION
APPENDIX 4: DEVELOPMENT PLAN POLICIES
APPENDIX 5: HABITATS REGULATIONS APPRAISAL
APPENDIX 6: COUNCIL PRESENTATION