



ANGUS COUNCIL

**APPROPRIATE ASSESSMENT OF DEVELOPMENT PROPOSALS WHICH ARE
LIKELY TO HAVE A SIGNIFICANT EFFECT ON A EUROPEAN SITE UNDER THE
CONSERVATION OF NATURAL HABITATS, &C REGULATIONS 1994 (AS
AMENDED)**

FOR

**INSTALLATION OF SOLAR PHOTOVOLTAIC ARRAY, BATTERY STORAGE
WITH A PRIVATE WIRE GRID CONNECTION AND ASSOCIATED
INFRASTRUCTURE**

FOR SCOTTISH POWER RENEWABLES

AT

FIELD 600M SOUTH OF EAST BALLOCHY EAST BALLOCHY MONTROSE

PLANNING APPLICATION REFERENCE: 20/00019/FULM

27/02/2020

1. INTRODUCTION

This is a record of the assessment under regulation 48 of the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended) for planning application 20/00019/FULM made by Scottish Power Renewables. These regulations are otherwise known as "the habitat regulations". It is the purpose of this assessment to inform the decision-making body (Angus Council) on the effects of the above development upon the relevant Natura sites to allow them to determine the application in accordance with the European Habitat Directive 92/43/EEC.

European Directive 92/43/EEC is transposed into law in Scotland by the habitat regulations. This requires that plans and projects considered by competent authorities that could have a likely significant effect on a Natura site, should be subject to an assessment of their potential impacts upon the site. Regulation 48 directs that:

"48 – (1) A competent authority, before deciding to undertake, or give any consent, permission or other authorisation for, a plan or project which –

- (a) is likely to have a significant effect on a European site in Great Britain (either alone or in combination with other plans or projects), and
- (b) is not directly connected with or necessary to the management of the site, shall make an appropriate assessment of the implications for the site in view of that site's conservation objectives."

It further states that:

"48 – (5) In the light of the conclusions of the assessment, and subject to regulation 49, the authority shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the European site."

Angus Council, as the competent authority, is therefore required in law to undertake this assessment in order to comply with the aforementioned regulations.

The proposal involves the development of a solar photovoltaic array with battery storage and a private wire grid connection between East Ballochry and Montrose harbour. The development site is close to a Natura site and is within the definition of a project under Regulation 54 of the Natura regulations. Regulation 54 states that:

"Regulations 48 and 49 (requirement to consider effect on European site) apply, in Scotland, in relation to –

- (a) granting planning permission on an application under Part III of the Town and Country Planning (Scotland) Act 1972."

The proposed development is not wholly concerned with the necessary management of a European site for nature conservation and requires

planning permission and so the plans must be subject to assessment under the terms of Directive 92/43/EEC.

APPLICATION RECEIVED: 27 January 2020

SNH CONSULTED: 5 February 2020

SNH RESPONSE: 14 February 2020

2(a) DETAILS OF PROPOSAL

LOCATION: FIELD 600M SOUTH OF EAST BALLOCHY EAST BALLOCHY MONTROSE

APPLICANT: SCOTTISH POWER RENEWABLES

REFERENCE: 20/00019/PPPM

DESCRIPTION OF PROPOSAL

The proposal involves the installation of a solar photovoltaic array and battery energy storage system (BESS) with a 7.5km private wire grid connection and associated infrastructure. The solar panels would cover an area of approximately 76.5ha and the BESS covering an area of 3.5ha. The export capacity of the solar array would not exceed 39.9MW with the export capacity of the BESS not exceeding 10MW. The private wire grid connection would comprise 7.5km of an underground 33kV cables between the solar site and a point near Montrose harbour.

2(b) NAME OF THE NATURA SITE AFFECTED & CURRENT STATUS

River South Esk SAC (Current)

Montrose Basin SPA (Current)

2(c) NAME OF COMPONENT SSSI

Montrose Basin Ramsar site and SSSI

2(d) EUROPEAN QUALIFYING INTEREST(S) & WHETHER PRIORITY/NON-PRIORITY

River South Esk SAC

Atlantic salmon

Freshwater pearl mussel

Montrose Basin SPA

Dunlin (*Calidris alpina alpina*)

Eider (*Somateria mollissima*)

Greylag Goose (*Anser anser*)

Knot (*Calidris Canutus*)

Oystercatcher (*Haematopus ostralegus*)

Pink-footed goose (*Anser brachyrhynchus*)
Redshank (*Tringa totanus*)
Shelduck (*Tadorna tadorna*)
Wigeon (*Anas penelope*)

Waterfowl assemblage

2(e) CONSERVATION OBJECTIVES FOR QUALIFYING INTERESTS

River South Esk SAC

To avoid deterioration of the habitats of the qualifying species or significant disturbance to the qualifying species, thus ensuring that the integrity of the site is maintained and the site makes an appropriate contribution to achieving FCS for each of the qualifying features.

To ensure for the qualifying species that the following are maintained in the long term:

- No significant disturbance of typical species of the habitats
- Distribution and extent of habitats supporting the species
- Population of the species as a viable component of the site
- Distribution of the species within site
- Structure, function and supporting processes of habitats supporting the species

Montrose Basin SPA

To avoid deterioration of the habitats of the qualifying species (listed below) or significant disturbance to the qualifying species, thus ensuring that the integrity of the site is maintained; and

To ensure for the qualifying species that the following are maintained in the long term:

- Population of the species as a viable component of the site
- Distribution of the species within site
- Distribution and extent of habitats supporting the species
- Structure, function and supporting processes of habitats supporting the species
- No significant disturbance of the species

2(f) DETAILS OF PROPOSED OPERATION

The proposed development is located around 2km to the north of the Montrose Basin and 2.9km from the SAC with the solar photovoltaic array consisting of rows of solar panels covering an area of approximately 76.5ha. Each string of panels would be mounted on a metal frame, with metal supports, pile driven into the ground approximate 1-2m deep. The BESS facility comprises a collection of steel containers within a compound encompassing an area of 6,400sqm. The 7.5km of 33kV cables are to be buried underground.

Ancillary development includes perimeter fencing, CCTV columns, access tracks and landscaping.

APPRAISAL IN RELATION TO REGULATION 48

3(a) IS THE OPERATION DIRECTLY CONNECTED WITH OR NECESSARY TO CONSERVATION MANAGEMENT OF THE SITE? YES/NO IF YES GIVE DETAILS:

No.

If yes and it can be demonstrated that the elements in 3b have been applied to all the interest features in a fully assessed and agreed management plan then consent can be issued but rationale must be provided, including reference to management objectives. If no, or if site has several European qualifying interests and operation is not directly connected with or necessary to the management of all of these then proceed to 3b.

**3(b) IS THE OPERATION LIKELY TO HAVE SIGNIFICANT EFFECT ON THE QUALIFYING INTEREST?
CONSIDER EACH QUALIFYING INTEREST IN RELATION TO THE CONSERVATION OBJECTIVES**

Yes.

Outline of Possible Impacts:

Montrose Basin SPA

Direct and indirect loss of foraging resource for pink-footed and greylag geese, which rely on these supporting habitats whilst staged at Montrose Basin; and

In-combination effects from other proposals, specifically onshore renewables projects within 20 km of the SPA (the distance known to be the core foraging range).

If yes, or in cases of doubt, proceed to 3(c). If potential significant effects can easily be avoided, go straight to 4 and record modifications required. If no for all features, a consent or non-objection response can be given and recorded under 6 (although if there are other features of national interest only, the effect on these should be considered separately).

3(c) APPRAISAL OF THE IMPLICATIONS FOR THE SITE IN VIEW OF THE SITES CONSERVATION OBJECTIVES

- i) *Describe for each European qualifying interest the potential impacts of the proposed operation detailing which aspects of the proposal could impact upon them and their conservation objectives*
- ii) *Evaluate the significance of the potential impacts, e.g. whether short/long term, reversible or irreversible, and in relation to the*

proportion/importance of the interest affected, and the overall effect on the sites conservation objectives. Record if any information or specialist advice has been obtained.

- iii) *In the light of the appraisal, ascertain whether the proposal will not adversely affect the integrity of the site for the qualifying interests. If SAC and/or SPA and/or Ramsar site give separate conclusions. If conditions or modifications are required, proceed to 4.*

Habitat loss

The development is outside of the Montrose Basin SPA boundary thus no SPA habitat will be affected, however SNH (2016) recommends 20km connectivity between goose SPA and foraging sites, therefore the development may result in loss of potential goose foraging habitat.

Available evidence suggests that the development site is unlikely to be important for foraging geese from the Montrose Basin SPA, with historical evidence suggesting that favoured feeding areas do not overlap with the development site. Under the most precautionary assumption that birds may forage within the development site, the extent of habitat lost to foraging geese within the study area (up to 0.15%) would not be seen to result in a significant imposition to individual fitness or survival levels, with abundant alternative habitat available.

Displacement

The development is outside of the Montrose Basin SPA boundary thus no SPA habitat will be affected, however SNH (2016) recommends 20km connectivity between goose SPA and foraging sites, therefore birds may be displaced from foraging habitat.

Available evidence suggests that that up to 0.15% of the total foraging habitat available to SPA geese may be directly lost due to the Development. This extent may theoretically increase beyond the Development site during the construction phase in particular due to displacement, although the additional amount of suitable foraging habitat is likely to be minimal within the context of the 20km study area, with much habitat nearby already unsuitable (e.g. forestry adjacent to the east and west, which although unsuitable would act as screening from noise and visual disturbance).

In-combination effects

It is possible that effects predicted for the Development alone may act in combination with other projects to affect the availability of foraging habitat for the SPA goose populations outside the boundary of the SPA.

Available evidence suggests that in combination with other onshore renewables projects (0.87%), 1% of the total habitat available for foraging by the SPA goose population would be lost. As such in-combination effects are not considered to have a significant effect on the integrity of the Montrose Basin SPA goose populations.

On the basis of the above and the response from SNH it is concluded that the proposal will have no adverse affect on integrity of Montrose Basin SPA.

4(a) CONDITIONS OR MODIFICATIONS REQUIRED

Indicate conditions/modifications required to ensure adverse effects are avoided, & reasons for these.

Mitigation measures are proposed to limit the identified impacts including:

- Pre-construction surveys are to be undertaken prior to work commencing on site to determine; and
- Introduction of a Biodiversity Management Plan that identifies aims, objectives and management prescriptions for the habitat and species within the development site.

5(a) ADVICE SOUGHT

Include here details of or clear reference to, advice sought from colleagues etc. If no advice sought give brief reasons/justification.

Scottish Natural Heritage (SNH)

The proposal is likely to have a significant effect on Montrose Basin Special Protection Area (SPA) but consider that the natural heritage interests of the international important site will not be adversely affected by the proposal.

6(a) CONCLUSIONS

The assessment based upon the best available scientific evidence and advice offered from SNH has shown that there is no likely significant effect from the proposed development, in combination with the additional mitigation identified, upon the qualifying features or the conservation objectives for the following Natura sites:

- River South Esk SAC (Current)
- Montrose Basin SPA (Current)

Angus Council therefore concludes that the proposed development will not adversely affect the integrity of any of these sites.