

ANGUS COUNCIL

DEVELOPMENT STANDARDS COMMITTEE – 20 APRIL 2021

PROPOSAL OF APPLICATION NOTICE
FIELD 300M WEST OF GRANGE OF BERRYHILL, INVERGOWRIE

GRID REF: 330873 : 733486

REPORT BY SERVICE LEADER – PLANNING & COMMUNITIES

Abstract:

This report advises Committee that a Proposal of Application Notice (ref. [21/00233/PAN](#)) has been submitted in respect of a major development comprising the installation of a solar photovoltaic (PV) array with an export capacity of not more than 50MW and associated infrastructure at Field 300m West of Grange of Berryhill, Invergowrie for Solar 2 Ltd. Committee is invited to identify issues which it would like to see addressed in the planning application.

1. RECOMMENDATION

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

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

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

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

3. INTRODUCTION

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

3.2 A PAN (ref. [21/00233/PAN](#)) has been received. It indicates that an application for planning permission is to be submitted for a solar photovoltaic (PV) array with an export capacity of not more than 50MW and associated infrastructure on land west of Grange of Berryhill, Invergowrie. The proposed development site measures around 121ha and comprises predominantly agricultural land. A plan showing the outline of the site on which the development is proposed has been submitted and is attached at Appendix 1. Further details relating to the proposal were provided as part of a request by the applicant for a Screening Opinion (ref. [21/00047/EIASCR](#)) to ascertain

whether the proposal constituted an Environmental Impact Assessment development. The development was screened in accordance with the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 and Circular 01/2017 and it was concluded that the proposed development was unlikely to result in significant environmental effects and does not constitute Environmental Impact Assessment development.

- 3.3 The submitted PAN sets out the proposed consultation that the applicant intends to undertake with the local community and the applicant has indicated that a copy of the PAN has been served on Muirhead, Birkhill and Liff Community Council and Longforgan Community Council. The PAN has also been sent to local councillors within the Monifieth and Sidlaw Ward as well as the councillors in the Carse of Gowrie Ward in Perth & Kinross and Lochee Ward in Dundee. Due to the COVID-19 emergency it is not currently possible to hold public meetings and the submitted PAN indicates that all documents pertaining to the development will be published on a publicly accessible website and two live and interactive web-based consultation events comprising a live video webinar with associated chat functionality will be undertaken during the weeks commencing 10 and 17 May 2021 with one event occurring in the afternoon and the other in the evening.
- 3.4 The applicant's agent has been advised that a planning application cannot be submitted prior to 24 June 2021 (the date 12 weeks from the submission of the valid PAN).
- 3.5 Members are advised that the Scottish Government has put in place legislation to temporarily suspend the requirement for a public event in relation to Pre-Application Consultation (PAC). The Scottish Government has also published guidance on how pre-application consultation should be undertaken without the need for public gatherings. The proposed consultation arrangements are considered to meet with the requirements of the temporary legislation. It is however recommended that a copy of the PAN should be sent to parties that neighbour or are within close proximity to the site. The results of the community consultation will be submitted with any subsequent major planning application in the form of a pre-application consultation report (PAC Report) as required by Development Management Regulations.
- 3.6 Proposal of Application Notices (refs: [18/00388/PAN](#) and [18/00930/PAN](#)) for a similar development at this site have previously been considered by members. In both instances the public consultation events proposed in the Notices were undertaken however no planning applications were subsequently submitted. Committee has previously indicated that it wished to see any application accompanied by information on the north facing gradient included within the site, and justification for the use of prime agricultural land.

4. DISCUSSION

- 4.1 Committee will be aware that planning legislation requires decisions in respect of planning applications to be made in accordance with the development plan unless material considerations indicate otherwise. Therefore, compatibility with the development plan will be a key issue in relation to any planning application that is submitted for the development of this land.
- 4.2 The main policy that deals with the principle of energy development in [TAYplan](#) is: -

Policy 7: Energy, Waste and Resources

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

- A. *Local Development Plans should identify areas that are suitable for different forms of energy, waste and resource management infrastructure* and policy to support this. This can include, where appropriate, locations of existing heat producers (e.g. waste management or industrial processing), renewable sources of heat and electricity, and existing waste management facilities to ensure the co-location/proximity of surplus heat producers and heat users.*
- B. *Strategic Waste management infrastructure, beyond community or small scale facilities, is most likely to be focussed within or close to the Dundee and/or Perth Core Areas (identified in Policy 1).*
- C. *Infrastructure associated with the extraction, transfer and distribution of liquid and gas minerals may take advantage of the locational flexibilities offered by various extraction techniques to overcome issues relating to the scale and impacts of any buffer zones and residential proximity in a manner which reflects Policy 7D and Policy 2.*
- D. *Local Development Plans and development proposals should ensure that all areas of search, sites and routes for energy, waste and resource management infrastructure have been justified, at a minimum, on the basis of these following considerations:*
 - i. *The specific land take requirements associated with the infrastructure technology and associated statutory safety exclusion zones or buffer areas where these exist;*
 - ii. *Waste management proposals are justified against the Scottish Government's Zero Waste Plan (2010) to support the delivery of the waste management hierarchy, and, Safeguarding Scotland's Resources (2013);*
 - iii. *Proximity of resources (e.g. geo-thermal heat, sand, gravel, gas, oil, woodland, wind or waste material); and to users/customers, grid connections and distribution networks for the heat, power or physical materials, by-products and waste that are produced, as appropriate;*
 - iv. *Anticipated effects of construction and operation on air quality, carbon emissions, noise and vibration levels, odour, surface and ground water pollution, drainage, waste disposal, leakage of hazardous substances, radar installations, navigation aids and aviation landing paths;*
 - v. *Sensitivity of landscapes, the water environment, biodiversity, geo-diversity, habitats, tourism, recreational interests and listed buildings, scheduled monuments and conservations areas;*
 - vi. *Impacts of infrastructure required for associated new grid connections and distribution or access infrastructure;*
 - vii. *Cumulative impacts of the scale and massing of multiple developments, including existing infrastructure in general but particularly in sensitive areas;*
 - viii. *The appropriate safety regimes and postoperational restoration of land, particularly for extraction of solid, liquid and gas minerals;*
 - ix. *Strategic cross-council boundary impacts as a result of energy proposals which may be strategically significant (as defined on page 45) including landscape, historic and environmental considerations identified in the spatial framework (Map 7b); and,*
 - x. *Consistency with the National Planning Framework and its Action Programme.*

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.

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

Policy PV9: Renewable and Low Carbon Energy Development

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

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

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

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

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

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

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

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

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

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

4.6 Other issues may emerge through publicity of the proposal and through the pre application consultation process associated with any resulting planning application. The above matters are considered to represent the key issues at this pre-application stage that are likely to be determining factors for any subsequent planning application. However, Committee is invited to identify any additional material planning considerations that it would wish to see addressed in a planning application for residential development at the site.

5. OTHER IMPLICATIONS

The human rights implications associated with the proposal will be considered in the determination of any subsequent application for planning permission.

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: 12 APRIL 2021

APPENDIX 1: LOCATION PLAN

APPENDIX 2: PLANNING SERVICE PRESENTATION