

ANGUS COUNCIL

DEVELOPMENT STANDARDS COMMITTEE – 8 FEBRUARY 2022

PLANNING APPLICATION – FIELD 300M WEST OF GRANGE OF BERRYHILL,
INVERGOWRIE
GRID REF: 330815 : 733493

REPORT BY SERVICE LEADER – PLANNING & COMMUNITIES

Abstract: This report deals with planning application No. [21/00535/FULM](#) submitted by Berryhill Solar Farm Limited for the installation of a solar photovoltaic array (PV) with an export capacity of not more than 49.9MW and associated infrastructure at a field 300m west of Grange of Berryhill, Invergowrie. 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 (PV) with an export capacity of not more than 49.9MW and associated infrastructure at a field 300m west of Grange of Berryhill, Invergowrie. A plan showing the location of the site is provided at Appendix 1.
- 3.2 The application site extends to around 120ha. It comprises predominantly agricultural land with associated woodland and hedgerows. Surrounding land is predominantly in agricultural use but there are several residential properties located around the site's perimeter. The landform is undulating with a minimum elevation of around 140m AOD and a maximum elevation of around 200m AOD. The site is around 80m south of the boundary with Piperdam Golf Course and around 570m west of Fowlis village. There are other individual, and groupings of houses close to the boundary of the site. Core Path 215 that runs between Piperdam and Binn dissects the site.
- 3.3 The solar site would comprise an array of ground mounted solar panels with a generation capacity of up to 49.9MW and development would occupy an area of around 63ha. In addition to solar panels the development would include a compound with substations, transformers, and storage, office, and communications accommodation; field transformers and inverters; fencing and CCTV; and a temporary construction compound. It would also provide around 4.1km of new hedgerow planting and 0.4 hectares of new woodland. The solar panels would be arranged in rows and would be up to 3m above ground level with the panels

positioned at an angle of up to 30 degrees. 15 inverter units with individual footprints of 7sqm and a height of 2.92m and 15 transformer units with individual footprints of 0.9sqm and a height of 1.2m are proposed at various locations within the development. The site would be enclosed by 2.5m high stock mesh fencing with CCTV cameras located around the perimeter. A substation and office compound with a footprint of 513sqm is contained within the site and accommodates six structures with footprints between 1sqm and 15sqm and a maximum height of 3m. Landscaping is proposed at specific locations within the site and around the perimeter. A number of new access tracks are proposed within the site and access to the site would be taken from the public road to the south that serves Binn Farm. It is estimated that construction would take around 6-months.

- 3.4 The application has been varied to amend the layout of the solar farm.
- 3.5 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 Several proposal of application notices have been submitted in relation to potential solar array development at this general location. Those did not result in the submission of planning applications.
- 4.2 A Proposal of Application Notice (Application Ref: [21/00233/PAN](#)) in respect of the installation of a solar photovoltaic array at the site was considered by Committee at its meeting on 20 April 2021 (Report No. [124/21](#) refers). Committee noted the key issues identified in that report and requested that the application should contain information in relation to all species likely to be affected by the development, information on site security in relation to public roads, and information on how north-facing slopes would be integrated in the development and the suitability of those for energy production.

5. APPLICANT'S CASE

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

- Pre-application Consultation Report;
- Planning Statement (and Addendum);
- Design and Access Statement;
- Supporting Environmental Information Report;
- Landscape and Visual Appraisal (and supporting viewpoint images);
- Flood Risk and Drainage Assessment;
- Noise Assessment;
- Archaeology and Heritage Statement;
- Ecology Assessment;
- Biodiversity Management Plan;
- Outline Construction Environmental Management Plan;
- Glint and Glare Assessment;
- Socio-economic Assessment;
- Land Capability for Agriculture Classification Survey Report; and
- Response to consultations and representations.

- 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** – no objection in relation to impacts on the road network.

No objection is offered in relation to flooding and drainage.

- 6.2 **Angus Council – Environmental Health** – no objection.
- 6.3 **SEPA** – no objection.
- 6.4 **NatureScot** – no objection but has referred to standing guidance on badgers and development.
- 6.5 **Aberdeenshire Archaeological Service** – no objection in relation to the current planning application but has advised that archaeological mitigation may be required for a future grid connection.
- 6.6 **Scottish and Southern Electricity Networks** – no objection.
- 6.7 **Nation Grid** – has no objection.
- 6.8 **Health & Safety Executive** – does not advise on safety grounds against the granting of consent in this case.
- 6.9 **NATS Safeguarding** – no objection.
- 6.10 **Dundee Airport Ltd** – no objection.
- 6.11 **Transport Scotland** – no objection.
- 6.12 **Perth and Kinross Council** – no objection.
- 6.13 **Muirhead, Birkhill and Liff Community Council** – has objected to the application. Specific concerns include the development being contrary to policies of the local development plan; the scale of the proposed development; the site being inappropriate for the form of development; unacceptable impacts on residential amenity; unacceptable landscape and visual impacts including cumulative impacts; loss of agricultural land; unacceptable access arrangements; unacceptable impacts on the natural environment. *The full representation from the community council is provided at Appendix 3 and is available to view on the council's [Public Access](#) system.*

7. REPRESENTATIONS

- 7.1 150 letters of representation have been received. 136 raise objection and 14 offer support. Those letters are provided at Appendix 3 and are available to view on the council's [Public Access](#) website.
- 7.2 The following matters have been raised as objections: -
 - **The application is contrary to the Local Development Plan;**
 - **Re-development of brownfield, vacant and derelict sites should be prioritised before developing agricultural land for solar developments;**
 - **Solar PV is an inappropriate form of renewable energy in Scotland;**
 - **Loss of agricultural land and benefits of retaining land for food production;**
 - **Unacceptable landscape and visual impacts including cumulative impacts;**
 - **The scale of the development is inappropriate for the landscape;**
 - **The application is contrary to the guidance contained in the strategic landscape capacity assessment for solar developments;**
 - **Adverse impacts on residential and recreational amenity;**
 - **Unacceptable impacts from construction of the development;**
 - **Road traffic and pedestrian safety impacts;**
 - **Unacceptable impacts on habitat and wildlife;**

- **Unacceptable impacts on built heritage interests;**
- **Flood risk impacts;**
- **Glint and glare impacts;**
- **Unacceptable impacts on tourism facilities;**
- **Health and safety impacts;**
- **Unacceptable impacts on an existing gas pipeline;**
- **The route of the grid connection has not been provided;**
- **Decommissioning and restoration of the site;**
- **Precedent for further developments of a similar nature; and**
- **If constructed the development will give rise to an increase in crime in the area.**

7.3 The following matters are raised in support: -

- **The development accords with Scottish Government policy on renewable energy developments and would help to meet carbon reduction targets;**
- **Future generations would benefit from the development;**
- **The application site is not prime quality agricultural land;**
- **The site could still be used as grazing land;**
- **The construction or operation of the solar farm would not adversely affect the local community;**
- **The development would be no more visually intrusive than polytunnels;**
- **Visual impacts on the closest residential properties would be minimal; and**
- **The development would reduce and allow for the management of flood risk from the land.**

7.4 Material planning issues are addressed below but the following matters are addressed at this stage: -

- **Lack of neighbour notification on the application** – The neighbour notification and advertisement of the application has been undertaken in accordance with the provisions of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013. In addition, details of the application have been published on the council's Public Access system.
- **Inappropriate public consultation** – As a major development the applicant has undertaken public consultation prior to submission of the application. An accessible website hosted information for the development proposal and the applicant also hosted an online interactive consultation event. In addition, the applicant held an in person public event at Fowlis Village hall. The consultation undertaken by the applicant exceeded the requirements of the legislation currently in force.
- **Community benefit fund** – local community benefits associated with renewable energy developments should not be treated as a material planning consideration unless it meets the tests set out in relevant government guidance on the use of planning obligations. In this case any community benefit fund is not a matter that can be taken into account in the determination of this application.
- **Devaluation of property** – This is not a material planning consideration and cannot be considered in the determination of this application. However, the issues that lie behind this concern such as impact on amenity are relevant matters and are discussed below.

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 considered 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. Impact on amenity;
 3. Impact on natural and built heritage;
 4. Impact on road network and access in the area;
 5. Impact on the water environment;
 6. Impact on infrastructure and other land uses; and,
 7. 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, and it has undertaken a strategic landscape capacity assessment for solar energy development in Angus. The application site lies within areas identified as 'Igneous Hills' and 'Dipslope Farmland' landscape character types. Within the 'Igneous Hills' landscape type published guidance indicates that capacity for solar farm development is varied but generally low. It suggests that solar development should avoid non-arable areas and areas where slopes are steeper and on or above hill crests, and areas overlooked from higher ground, particularly from ancient monuments and recreational, attractions. In the Dundee/ Tealing sub-area of the 'Dipslope Farmland' landscape character type, it is indicated there is 'medium' capacity for solar development. Guidance suggests that solar development should avoid areas over-looked from the Sidlaws within 2km, and that it should seek to reinforce the established field patterns and use existing woodland as a landscape structure within which to locate development.
- 8.8 The applicant has submitted a Landscape and Visual Appraisal in support of the proposal. It indicates that the proposed development would result in a large-scale change to the character of the site itself where there would be a fundamental change

in the land use from arable farming to energy generation, albeit with some capacity for productive agricultural use retained through grazing under the solar panels. Large-medium scale effects would extend around 0.4km to the south where this notable change in land use would be openly visible but would rapidly reduce to negligible scale. To the north, across the majority of the landscape character type area, there would be very little visibility of the development. Proposed landscape mitigation would result in some localised reduction in visibility from the parts of the landscape character type area in closest to the site as it matures but would not notably alter the scale of landscape change in these areas. Short-term and long-term effects would not be notably different and would be experienced within a limited extent of the landscape character type area. It concludes that the resultant landscape effects would be of moderate-slight magnitude, moderate-minor significance and adverse.

- 8.9 In relation to visual impacts, the applicant's Landscape and Visual Appraisal indicates that a number of viewpoints which were identified as being representative of visual receptors in the area were assessed. It suggests that the proposed solar farm would be most visible from the immediate vicinity, within 0.5km of the site where open views of a large proportion of the proposed development would be visible across the view. It identifies adverse visual impacts would be experienced from Core Path 215 which dissects the site, from the U331 public road to the south of the site, and from the properties in the vicinity of the site. Those impacts range from major-moderate for the closest and most direct views reducing to minor-negligible generally as separation distance increases and intervening landscape features provide some screening.
- 8.10 The applicant's assessment of landscape and visual impact is reasonable. The proposed solar farm would introduce a new element into the landscape and the landscape in the local area is of some value. The application site occupies steeper and higher ground which would result in the development being a prominent feature in the landscape. While the council's non-statutory guidance generally seeks to direct development of this nature away from sloping and elevated sites, each proposal must be considered in the context of the local landscape. In this case, available information indicates that the development would have relatively limited visibility from the north and west, but that it would be more open to view from the south and east. The nature of the development is such that the magnitude and significance of impact would reduce with distance and therefore the apparent extent of landscape impact would be reasonably localised.
- 8.11 The proposal has been subject of discussion and the applicant has amended the proposal to break up the mass of the development by removing panels and reintroducing historical field boundaries using hedging and trees. These visual breaks vary in width between 12m and 22m. While planting would take some time to establish, this arrangement would help mitigate the impact of the development in the medium term and would provide a longer-term benefit to the area. That approach is consistent with the council's published guidance and would provide some long-term landscape benefit.
- 8.12 Issues in relation to impact on the core path and on recreational access are discussed below. From local roads, close to the site, and at mid-distance from locations to the south and southeast looking towards the site the panels would likely 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 are a generally accepted part of the rural landscape. While planting associated with the development would provide some mitigation in the medium term, the development would remain obvious from many areas close to the site.
- 8.13 There are residential properties close to the proposed development, including properties close the south boundary in the vicinity of Binns Farm, a dwelling to the north at North Binn, and a dwelling to the east at Grange of Berryhill.

- 8.14 The properties to the south of the site would generally have open views of the proposed development to the north, and the solar array would be obvious from their environs and approaches. Some properties in this location would benefit from limited screening by virtue of existing planting but the resultant impacts would be significant, and they would be adverse. However, those properties generally have principal elevations with main windows facing away from the proposed development that would enjoy views typical of a rural area. The proposed panels would be sited a minimum of 50m from the dwellings and additional planting would be provided between the development and dwellings to the south. The planting would not obscure the solar array, but it would provide some mitigation as it matures although in general the development would remain obvious. However, having regard to the orientation of the buildings and the mitigation proposed, the impact on the visual amenity of the occupants of the properties is not considered unacceptable.
- 8.15 The property at North Binn would have open views of the proposed development and access to it would be through the solar array where views of it would be unavoidable. The impact on the property would be significant, and it would be adverse. The property has extensive views to the south and the proposal has been designed such that solar panels would not be located on those areas immediately to its south, east and west. These areas would be planted with scattered groups of trees that would seek to provide some mitigation of visual impact. In addition, it is indicated that a section of the approach to the property would be planted with hedgerows, again to mitigate visual impact. The planting would not obscure the solar array, but it would provide some mitigation as it matures although in general the development would remain obvious. However, having regard to the mitigation proposed, especially the open area to the south, the impact on the visual amenity of the occupants of the property is not considered unacceptable.
- 8.16 The property at Grange of Berryhill is in the ownership of a party that has a financial interest in the development. The solar array would be an obvious feature in the vicinity of that property and visual impact would be significant and adverse. However, the property would have views of open countryside to the south and east and it benefits from some existing planting to the west that would provide some screening. Additional planting is proposed to the southwest of that dwelling to increase screening. The planting would not obscure the solar array, but it would provide some mitigation as it matures although in general the development would remain obvious. However, having regard to the orientation of the building and the mitigation proposed, the impact on the visual amenity of the occupants of the property is not considered unacceptable.
- 8.17 There are other properties in the wider area that would have views of the development and where the development would be an obvious feature from their environs and approaches. The impact on the visual amenity of those properties would be adverse but the significance of impact would reduce with distance. Planting is proposed on the perimeter of the site and that would provide some mitigation.
- 8.18 At greater distance the development would be visible from some elevated areas to the north and west, and from open areas to the south and east, including the A90(T) and the Fowlis conservation area. However, available information suggests that at the distances involved, and given the intervening landform, the development would not give rise to unacceptable visual impacts. 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. The visual impact on the amenity of the conservation area would not be significant.
- 8.19 The development would be visible from some areas within Piperdam, and from the southern extent of the golf course in particular. The visual impact would be significant, and it would be adverse, but a standoff is proposed between the northern

extent of the development and the southern boundary of the Piperdam resort. Views of the wider landscape would not be obstructed by the development.

- 8.20 There are other developments within the wider area that contribute to cumulative landscape and visual impacts, not least areas of polytunnels and electricity pylons. There is also new large-scale housing development underway to the west of Dundee. However, the cumulative impact is not such that it substantially changes the landscape character of the wider area, and it does not give rise to significant visual impact in association with the development proposed. The proposal does not give rise to other significant cumulative impacts in relation to other relevant matters.
- 8.21 Overall, the proposal would give rise to significant and adverse landscape and visual impact. However, those impacts would generally be most significant in a localised area and mitigation measures that have been included within the proposal, such as the use of standoff areas in the proximity of houses, the reinstating and provision of landscaping on historical field boundaries, in the proximity of dwellings, and on the perimeter of the site would help reduce the significance of those impacts over time. It would also break up the visual mass of development and in some places, create improved visual containment of development. The landscape and visual impacts of the development are not considered unacceptable having regard to the nature of the development proposed.
- 8.22 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. Visual amenity matters have been discussed above. In this case the main amenity impacts relate to those associated with construction activity and with residual impacts associated with ongoing operation of the solar array.
- 8.23 In terms of noise the potential impacts are associated with the construction and operation of the solar farm. There are noise sensitive receptors that would be affected by the construction works associated with the development. The environmental health service has reviewed the submitted Noise Assessment and has indicated that appropriate planning conditions could be used to control predicted construction noise levels and subsequent operational noise from infrastructure associated with the solar array. Conditions are proposed that seek to mitigate amenity impacts associated with construction and operation activities.
- 8.24 In relation to glint and glare, the submitted assessment indicates that modern solar panels are designed to absorb as much light as possible. Supporting information indicates that risk of glint and glare affecting road users is low. That information indicates that a number of residential properties would have potential views of panels and could experience glint and glare in certain conditions. Existing and proposed screening would mitigate impacts and the environmental health service has offered no objection. However, a condition is proposed that seeks to ensure any residual impacts are investigated and mitigated. This approach is consistent with that taken at similar sites in Angus.
- 8.25 The proposal would result in additional vehicle movements across the public road network, and that would have some impact on the amenity of the occupants of property in the vicinity of the development site, particularly during the construction phase. Issues regarding the capacity of the road network to accommodate development traffic is discussed below. However, construction is anticipated to last for a period of around 6-months with an average of an additional 19 vehicles per day associated with that process. Thereafter vehicular activity associated with the operation of the solar area would be limited. Short-term impacts associated with development proposals are not unusual and, subject to appropriate mitigation, the vehicle movement associated with this development should not reduce residential amenity to any unacceptable extent.

- 8.26 Overall while the proposal would give rise to some impacts on amenity, particularly during the construction phase, it is considered that, subject to the proposed conditions, those impacts could be mitigated to ensure that they do not unacceptably affect the amenity of occupants of nearby property.
- 8.27 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. The applicant's supporting information includes surveys and appraisals of potential impacts on various species. The surveys identify the presence of badger setts in the general area as well as other species.
- 8.28 NatureScot has offered no objection to the application and has indicated that the proposal is unlikely to have a significant effect on Blacklaw Hill Mire SSSI. The information indicates that the identified badger setts are outwith the area directly affected by the proposed development and are outwith a potential zone of construction disturbance. The layout has been devised to take account of badger commuting routes and there are substantial areas that would remain accessible to badgers. NatureScot has offered no objection in relation to the impact of the development on badgers or on any other species. The proposal is compatible with standing guidance on badgers. The majority of the application site is currently cultivated agricultural land and the proposal would provide some habitat enhancement through provision of grassland and new tree and hedgerow planting. Having regard to the supporting ecological information and the responses received from consultation bodies, it is considered that the proposal does not give rise to unacceptable impacts on the natural heritage interests.
- 8.29 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.
- 8.30 The application site is not designated for any built heritage reasons. A number of listed buildings, scheduled monuments, and Fowlis conservation area are located within the vicinity of the application site. The proposal would have no direct effects on those designated buildings, sites, or areas. The development would be visible from a number of those historic assets, but impact on their setting would not give rise to unacceptable impact given a combination of the nature of their special interests, their orientation, distance, and intervening landform and landscaping. The archaeology service has indicated that no archaeological mitigation is required over the area of the solar array. Archaeological mitigation may be required for a future grid connection but would be subject of a separate consenting process. 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, and it is indicated that this would generate an average of 19 additional vehicles per day during that phase. The submitted information indicates that construction vehicles would utilise roads within the Perth & Kinross Council administrative area. Specifically, it is indicated that construction traffic would not utilise the U331 Balruddery Home Farm Road from Fowlis village. The road to the south that would be utilised by construction vehicles connects to the A90(T). While the road is narrow, it is currently utilised by agricultural vehicles and by vehicles associated with the transportation of agricultural produce. Perth & Kinross Council and the council's roads service have confirmed that vehicle movements associated with the development could be accommodated on the existing road network subject to appropriate mitigation and a condition requiring a Traffic Management Plan is

proposed. Transport Scotland has also advised it has no objection in relation to potential impact on the A90(T). The proposal does not give rise to any unacceptable impacts in terms of road traffic or pedestrian safety.

- 8.32 The development also has potential to impact on recreational access in the area. Core Path 215 (Piperdam to Binn) dissects the site and would be affected by the development. Submitted information indicates that construction traffic would not be routed along the core path, but it would need to be crossed during the construction process. While there would be some disruption to those using the path during the construction process, that would be for relatively short duration. However, the character of the path would be altered following construction of the solar array as it would run between solar panels rather than through open fields. Planting associated with the solar farm might provide some mitigation, but the overall attractiveness and amenity of the route would be reduced. The solar farm is proposed on land where access rights apply, and the development would result in some restriction of public access. However, this is a rural area and there are other areas in the vicinity that can be used for recreational access. The proposal would generally retain opportunity for recreational access, but the amenity of available routes, including the core path would be reduced by the development. A condition requiring an Access Management Plan to manage and mitigate access impacts is proposed.
- 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 site are at risk of surface water flooding. It is indicated that to mitigate against any potential increase in surface water flooding vegetated swales with intermittent 'check dams' would be formed along the downslope of each panel array to provide runoff attenuation, erosion protection and additional runoff storage during high rainfall events. In addition, further measures would be incorporated including gravel ditches at the downslope face of any areas of hardstanding, access tracks constructed from permeable materials, and erosion protection provided along the PV panel drip line. It is suggested that these measures would 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. The proposal does not give rise to any significant adverse impact on the water environment.
- 8.36 A high-pressure gas pipeline is located at the northwest corner of the 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.
- 8.37 In relation to the impact of the development on aircraft activity, the applicant has provided a glint and glare assessment. That has been reviewed by NATS and Dundee Airport and both have confirmed no objection on the basis no significant impact on aircraft activity is anticipated.
- 8.38 The solar farm would be connected to the distribution network at Charleston substation, Dundee, which is approximately 5km from the site and this would be subject to a separate consenting process. The archaeology service has indicated that the grid connection may require archaeological mitigation but could be controlled in relation to any subsequent application for the grid connection itself.

- 8.39 Published maps indicate that the site of the solar farm occupies prime agricultural land. A site-specific survey of the land has been undertaken for the applicant and this indicates the site is non-prime agricultural land comprising a mixture of 3.2, 4.1, 4.2 and 5.3 classifications. The use of non-prime land does not give rise to any significant issue in terms of policies that seek to safeguard prime quality agricultural land, and there is no evidence that the land-take involved would adversely affect the viability of a 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.
- 8.40 The proposed development would give rise to some adverse impact particularly in relation to landscape, visual, and recreational amenity. However, those adverse impacts do not in themselves make the proposal contrary to development plan. Policy generally recognises that some adverse impact may be expected in association with development proposals and the key test is whether those impacts are so significant as to be unacceptable. In reaching a conclusion in relation to those matters it is necessary to consider the proposal in the round, having regard to all relevant policies and the overall aims and objectives of the development plan. In this respect, the development plan provides strong support for proposals that provide for the generation of renewable energy, and the development is compatible with a large number of development plan policies. Significant adverse landscape and visual impacts would affect a relatively small area and would be subject to mitigation. Impact on recreational access would be most pronounced over the limited period of construction but there would be ongoing adverse impact on the Core Path. That impact is localised and there are other recreational access opportunities in the wider area. In these circumstances it is concluded that the application is compatible with the development plan subject to the proposed planning conditions.
- 8.41 In addition to development plan policy, it is relevant to have regard to other material considerations and in this case those are Scottish Planning Policy (SPP), material planning issues raised in the letters of representation, and draft NPF4 and its associated policy framework.
- 8.42 Paragraph 33 of Scottish Planning Policy (SPP) states that where a development plan is more than five years old, the presumption in favour of development that contributes to sustainable development will be a significant material consideration. In this case TAYplan is less than 5-years old but the ALDP has recently become more than 5-years old as it was adopted in September 2016.
- 8.43 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 around 12,500 average homes, generating renewable energy in a manner that is compatible with SPP. It is suggested that the development would provide approximately 20,070 tonnes of annual carbon emission savings. The generation of renewable energy contributes to sustainable development, and this is a significant material consideration that lends support to the proposal. Available information indicates that impacts associated with the development are not unacceptable having regard to other matters identified in the SPP and comments provided by consultation bodies.
- 8.44 Representations have been received both in support and opposition to the application. Issues are largely addressed above in relation to the relevant policy discussion and assessment. However, specific matters are addressed below.
- 8.45 Government policy is generally supportive of new solar development in appropriate locations and the council must have regard to that policy in the determination of this application. Issues regarding the effectiveness, efficiency or overall viability of the development are principally matters for the developer. In this case it is indicated that

the proposal would generate a significant amount of renewable energy and that contribution merits weight in the decision-making process.

- 8.46 Development plan policy allows development of greenfield sites where a proposal is otherwise compatible with relevant policies. Development plan policy does not prohibit development of solar farms on sloping or elevated sites. For the reasons identified above this proposal is considered compatible with national and local policy.
- 8.47 Information submitted with the application indicates that the development would not occupy prime quality agricultural land. However, and notwithstanding that, development plan policy allows loss of prime quality land where development would facilitate renewable energy generation.
- 8.48 As indicated above the proposal would result in some adverse landscape and visual impact. However, that is generally true of most energy development proposals and is recognised by policy. In this case the most significant impacts would be localised and would, in part, be mitigated. Impacts would be similar to those experienced in association with agricultural poly-tunnels which are not uncommon in the wider area. The relationship between the solar array and surrounding dwellings and roads would not be unusual or untypical of that found in relation to similar development. The affected properties would continue to enjoy views of the surrounding landscape and benefit from a good level of visual amenity. The area is not subject to any special landscape designation, and localised impacts must be balanced against the wider benefit associated with production of renewable energy.
- 8.49 There is no evidence to suggest that the development would significantly affect protected species, important habitats, or the wider biodiversity interests in the area. NatureScot has offered no objection to the application. The additional planting proposed, and the grassland areas that would be associated with the solar panels may provide some enhancement to biodiversity in comparison to the existing cultivated agricultural land.
- 8.50 The development would generate additional traffic on the road network, particularly during construction, and that may cause some localised disruption. However, it would be for relatively short duration and Transport Scotland, Perth & Kinross Council, and the council's own roads service have confirmed that the road network can safely accommodate that traffic. The roads involved are currently used by agricultural vehicles and vehicles that transport agricultural produce. A condition is proposed that seeks to mitigate traffic impacts, and conditions are proposed that seek to mitigate impacts associated with other construction activity.
- 8.51 The application includes detail to demonstrate how potential for increased flood risk would be addressed. Relevant consultation bodies have indicated that the proposal does not give rise to any significant flood risk.
- 8.52 Concern is raised that the development would have an adverse impact on tourism in the area and as indicated above, it would reduce the amenity of routes used for recreational purposes. However, there is little evidence to suggest that this would reduce the attractiveness of the area for visitors and the anticipated economic impact of any such impact is not quantified. The applicant has provided a socio-economic impact assessment and it suggests adverse economic impact associated with the development would be minimal and suggests it would represent a significant investment in Angus that would provide net-economic benefit to the local and national economy. It is indicated that the development would provide £22m investment during construction; £1.8m direct operational expenditure; £14.7m in GVA for the Scottish economy; and £30.1m in wider GVA benefit for the Scottish economy through multiplier effects.
- 8.53 There is no evidence to suggest that normal use of solar panels would give rise to

any significant risk of exposure to dangerous chemicals or risk of fire. SEPA has offered no objection in relation to pollution risk. There is no evidence to suggest that a solar array at this location would be at any greater risk of crime than a similar development at an alternative location.

- 8.54 Approval of this application would not establish a binding or irresistible precedent for further development in the area. If an application was submitted for further development in the future, any cumulative impacts could be appropriately considered at that time.
- 8.55 The general points offering support to the proposal are noted but the application must be determined based on the site-specific assessment having regard to development plan policy and other material planning considerations.
- 8.56 NPF4 has been published in draft form and contains national planning policy that will form part of the development plan. However, it has been published for consultation purposes and therefore the policies it contains merit little weight at this time. Notwithstanding that, it indicates significant weight should be given to the global climate emergency in determining development proposals and advises that proposals for all forms of renewable energy should be supported in principle. It identifies matters that are relevant to the consideration of proposals for solar arrays and indicates proposals should be supported where the planning authority is satisfied that relevant matters would not be adversely affected. It goes on to identify matters that must be considered in the determination of proposals for renewable energy development. *Those matters are consistent with the issues discussed above.*
- 8.57 In conclusion, this proposal provides for the generation of renewable energy that would meet the electricity needs of around 12,500 average homes. National and local planning policy is generally supportive of development proposals that provide for renewable energy generation. In this case relevant consultation bodies have raised no objection to the application in relation to the proposed developments impact on infrastructure, amenity, built and natural heritage interests (including landscape), or other environmental interests.
- 8.58 Notwithstanding that, the proposal would give rise to adverse impact on the landscape and visual amenity of the area; it would result in increased traffic during the construction period; and the impact on the amenity of a core path and recreational access in general would be reduced. The adverse landscape impact would be localised, and a limited number of properties would experience significant visual impact. Mitigation is proposed to reduce landscape and visual impact and those impacts are not considered unacceptable. Construction traffic associated with the development is a matter of concern to local people, but the relevant roads authorities have confirmed they are satisfied local roads can accommodate that traffic subject to appropriate mitigation. Construction would take place for a short period of time and the local roads are used by vehicles associated with agricultural activity which would be similar to those associated with development. The amenity of the core path and of recreational access in general would be reduced by the development although mitigation measures would be employed to minimise that impact. However, all adverse impacts must be balanced against the desirability of facilitating a development that would provide a significant contribution towards renewable energy generation. As indicated above development that contributes towards sustainable development represents a significant material consideration.
- 8.59 The matters raised in objection and in support of the application have been considered in preparing this report and where appropriate matters are addressed by proposed planning conditions. The proposed conditions seek to minimise adverse impacts associated with the development.
- 8.60 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.

- 8.61 The proposed development complies with the development plan and attracts significant support from Scottish Planning Policy subject to the proposed planning conditions. There are no material considerations that justify refusal of the application.
- 8.62 Committee should note that the applicant has made a request for a period of 5-years (rather than the usual 3-years provided by legislation) in which to commence development, should planning permission be granted. Having regard to the nature of the project and its scale, an extended period of 5-years in which to commence development is considered appropriate.

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.

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 in a manner that would not give rise to unacceptable impacts on infrastructure, amenity, built and natural heritage interests (including landscape), or other environmental interests subject to appropriate mitigation. The necessary mitigation can be secured by planning conditions and the proposal complies with development plan policy subject to the stated planning conditions. 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 and associated infrastructure hereby approved shall be removed from the site no later than 40 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) that shall also be subject of consultation with Transport Scotland and Perth and Kinross Council. The submitted CTMP shall include but not be limited to: -
 - (i) Agreement with the Roads Authority/ies 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) Details of HGV movements to and from the site;
 - (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 and the measures to be put in place to avoid other routes being used;
 - (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 and arrangements for cleaning of roads affected by material deposited from construction sites associated with the development;
- (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;
- (xiii) The provision and installation of traffic counters at the applicant's expense at locations to be agreed prior to the commencement of construction;
- (xiv) Traffic management, in the vicinity of temporary construction compounds including details of information signs to inform other road users of construction traffic;
- (xv) Arrangements for liaison with the Roads Authority regarding winter maintenance;
- (xvi) Arrangements for the monitoring, reviewing and reporting on the implementation of the approved plan; and
- (xvii) Procedures for monitoring compliance and dealing with any breach of the approved plan.

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

- (d) A Construction Environmental Management Plan (CEMP). The submitted CEMP shall include but not be limited to: -

- Site working hours;
- Mitigation measures for dust and machinery emissions arising from the construction phase and dust complaint investigation procedure;
- Mitigation measures for noise and vibration impacts and a noise and vibration complaint investigation procedure;;
- A Site Waste Management Plan (SWMP) including details for the management of pollution prevention monitoring and mitigation measures for all construction activities;
- Tree protection measures for trees within the site to be retained and trees outwith the site to be protected;
- Adherence to good practise in protecting the environment and ecology;
- Ecological clerk of works remit including formal monitoring, along with contact details for the ecological clerk of works;
- Invasive species risk assessment and management plan; and
- Procedures for monitoring compliance and dealing with any breach of the approved plan.

Thereafter, the approved CEMP shall be fully implemented upon commencement of the development and remain in place for the duration of the construction of the development hereby approved.

- (e) An Access Management Plan (AMP). The AMP shall include but not be limited to: -

- Proposals for management of public access on core path 215 and other public access routes within the application site during construction works;

- Details of the extent and timing of any closures and proposed diversions;
- Details of the proposed path diversion including its construction specification; enclosures to be incorporated adjacent to the path; a timescale for the provision of the path and details of any proposed maintenance (including cutting of surface vegetation or adjacent trees or hedges);
- Proposals for reinstatement of any core paths or other public access route/s) which may be disturbed during construction and the timing for the completion of any works; and
- Procedures for monitoring compliance and dealing with any breach of the approved plan.

Thereafter, the approved AMP shall be fully implemented upon commencement of the development and remain in place for the duration of the development hereby approved.

- (f) A scheme for localised road widening and provision of passing places on the U144 and U331 public roads that shall be subject of consultation with Perth and Kinross Council. No works in association within this permission shall be undertaken until the approved road improvements have been formed in accordance with the approved details and shall remain in place and be fully maintained throughout the operational life of the development hereby approved.
- (g) 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, and details of the width of standoff areas to solar panels;
 - (iii) A schedule of plants to comprise species, planting stock size, numbers and density;
 - (iv) Measures to protect planting from grazing animals; and
 - (v) A landscape management and maintenance plan.

The approved 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.

- (h) A survey of the application site to identify any existing private water supplies. In the event of any such supply or part of supply being identified the survey shall include mitigation measures designed to protect the integrity and wholesomeness of the existing water supply during both the construction and operational phases of the development. Thereafter all activities associated with the development shall be carried out in accordance with the approved mitigation measures.
- (i) 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.
- (j) The precise details of the location and external appearance of all buildings,

structures, and fencing along with the location of all CCTV cameras. Thereafter the buildings, structures, and fencing shall be constructed and the CCTV cameras located 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 amenity, restoration of the site, road safety, and environmental protection.

3. Noise associated with the construction of the development including the movement of materials, plant and equipment shall not exceed the noise limits shown in table A below for the times shown. At all other times noise associated with construction operations shall be inaudible at any sensitive receptor. For the avoidance of doubt sensitive receptors includes all residential properties, hospitals, schools and office buildings.

Table A: Construction Noise Limits Day Time Average Period Noise Limit

Day	Time	Noise Limit
Monday - Friday	07:00 – 08:00	60 dBA Leq (1hr)
Monday - Friday	08:00 – 18:00	70 dBA Leq (10 hrs)
Monday - Friday	18:00 – 19:00	60 dBA Leq (1hr)
Saturday	07:00 – 08:00	60 dBA Leq (1hr)
Saturday	08:00 – 13:00	70 dBA Leq (5 hrs)

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

4. 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.

5. Noise from any operational activities associated with the use hereby approved shall not exceed 50 dBLAeq (1hour) as measured and assessed within the external amenity area of any noise sensitive property and in accordance with BS 4142:2014 Methods for rating and assessing industrial and commercial sound.

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

6. Noise from any fixed plant associated with this development shall not give rise to a noise level assessed within any dwelling or noise sensitive building with windows partially open for ventilation, in excess of that equivalent to Noise Rating Curve 30 between 0700 and 2200 and Noise Rating Curve 20 at all other times.

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

7. 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 and submit for the written approval of the Planning Authority, a glint and glare assessment, including the identification of any mitigation measures required and timescales for their implementation. 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.

8. 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 Measures identified at Section 5 of the Berryhill Solar Farm Ecological Impact Assessment by ITP Energised updated 30 June 2021 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: 31 JANUARY 2022

APPENDIX 1: LOCATION PLAN

APPENDIX 2: SUMMARY OF APPLICANTS SUPPORTING INFORMATION

APPENDIX 3: LETTERS OF REPRESENTATION

APPENDIX 4: DEVELOPMENT PLAN POLICIES

APPENDIX 5: PLANNING SERVICE PRESENTATION