

ANGUS COUNCIL

DEVELOPMENT STANDARDS COMMITTEE – 21 JUNE 2022

PROPOSAL OF APPLICATION NOTICE
MONTREATHMONT MOOR FOREST MONTREATHMONT FORFAR

GRID REF: 358958 : 753948

REPORT BY SERVICE LEAD - PLANNING & SUSTAINABLE GROWTH

Abstract:

This report advises Committee that a Proposal of Application Notice (ref. [22/00234/PAN](#)) has been submitted in respect of a major development comprising a proposed solar farm and battery storage development with associated access and infrastructure at Montreathmont Moor Forest, Montreathmont, Forfar for Renewable Connections Developments Ltd. Committee is invited to identify issues which it would like to see addressed in the planning application that is subsequently submitted.

1. RECOMMENDATION

It is recommended that Committee notes the key issues identified at this pre-application stage and advises of any other issues it considers should be addressed in the 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. [22/00234/PAN](#)) has been received. It indicates that an application for planning permission is to be submitted for the installation and operation of a solar farm and battery energy storage system (BESS) at Montreathmont Moor Forest, Montreathmont, Forfar. The proposed development site measures around 88.7 hectares and consists of a large forest clearing that is centrally located within Montreathmont Forest. The site is bound on all sides by Montreathmont Forest. A plan showing the outline of the site on which the development is proposed has been submitted and is attached at Appendix 1.

- 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 was served on local councillors, Aberlemno Community Council and residents within 3km of the development site. It is understood that Friockheim Community Council is not currently constituted, and the applicant has been advised that should it be reconstituted in the period leading up to the submission of a planning application, they also should be notified of the PAN. The submitted PAN indicated that all documents pertaining to the development will be published on a publicly accessible website and a live and interactive web-based video webinar consultation event was scheduled to be carried out on 24 May 2022 between the hours of 1200 – 1300 and 1800 – 1900.
- 3.4 The applicant's agent has been advised that a planning application cannot be submitted prior to 16 June 2022 (the date 12 weeks from the submission of the valid PAN). Available information indicates a planning application will be submitted in the autumn of 2022.
- 3.5 The proposed consultation arrangements are considered to meet with the requirements of the legislation. The results of the community consultation will be submitted with any subsequent major planning application in the form of a PAC Report as required by Development Management Regulations.

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.
- 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 addition to policy considerations, it will be necessary to have regard to other material considerations. In this case the extant planning permission that provides for a solar PV development on this site will be a relevant matter in considering the proposal set out in the PAN.
- 4.6 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 development plan policy or whether there are other material considerations that justify a departure from that policy. In this respect key issues in the determination of any subsequent planning application are likely to be: -

- 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;
- Any opinions expressed on the proposal by statutory and non-statutory consultation bodies;
- The planning history of the site, including the terms of the extant planning permission that allows for a solar PV development on the site; and
- Any third-party representations that raise material planning issues.

4.7 While other issues may emerge through the publicity and consultation process associated with any planning application, the above matters are considered to represent the main issues that should be considered at the pre-application stage and 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.

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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APPENDIX 1: LOCATION PLAN
APPENDIX 2: PLANNING SERVICE PRESENTATION