

ANGUS COUNCIL

DEVELOPMENT STANDARDS COMMITTEE – 13 DECEMBER 2022

PLANNING APPLICATION – MONTREATHMONT MOOR FOREST MONTREATHMONT
FORFAR

GRID REF: 359078 : 753873

REPORT BY SERVICE LEADER – PLANNING & SUSTAINABLE GROWTH

Abstract: This report deals with planning application No. [22/00460/FULM](#) submitted by Renewable Connections Developments Limited for the installation of a solar farm with an export capacity of up to 42MW and battery energy storage system with associated infrastructure on land at Montreathmont Moor Forest, Montreathmont, Forfar. This application is recommended for conditional approval.

1. RECOMMENDATION

It is recommended that the application be approved for the reason and subject to the 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 farm with an export capacity of up to 42MW and battery energy storage system with associated infrastructure on land at Montreathmont Moor Forest, Montreathmont, Forfar. A plan showing the location of the site is provided at Appendix 1.

3.2 The application site measures around 88 hectares and consists of agricultural land which is surrounded by Montreathmont Forest. Access is taken from the B9113 Forfar to Montrose Road to the south. A former military wireless station stands roughly centrally within the forest clearing and is contained by a security fence. The building is now occupied as a dwellinghouse (Montreathmont Moor House). The Rough Moss Burn runs to the south of the site, and the Battle Burn and Lunan Den Burn both traverse the site. An overhead power line runs adjacent to the northwest corner of the site. There is also a dwelling close to where the site access track meets the B9113 public road (Al Alamain).

3.3 The solar panels, battery storage system and associated infrastructure would be grouped into five zones. Each of the five zones would accommodate solar panels and access tracks, with a cluster of infrastructure in the centre of each zone containing battery storage and other associated equipment.

3.4 The proposed solar panels would either be installed as a fixed system (max. height 2.8m) or a tracking system (max. height 2.4m) depending on the final equipment

specified for construction. In a fixed system, the panels remain in the same position and are installed in multiple parallel rows running east to west. In a tracking system, panels would be mounted on single axis tracking system laid out in multiple parallel rows running north to south to allow the system to tilt the panels to follow the path of the sun.

- 3.5 There would be solar panels to the immediate west and southeast of Montreathmont Moor House. No panels are proposed in an area extending around 160m to the south of the house beyond the Battle Burn; and extending from the west of the existing access track around 75m to the east. That area would be enclosed by new planting to create a stand-off to the immediate south of the dwelling which would contain no solar panels.
- 3.6 The entire site would be enclosed by security fencing, with CCTV at set intervals around the site perimeter. The fencing would run along both sides of the existing track to Montreathmont Moor House. A substation is proposed at the southwest of the site, with a new access track to it running to along much of the southern site boundary. It would contain a 4.1m high, 48sqm building. The battery storage and inverters would be contained within steel shipping containers, around 2.9m in height with ventilation ducting extending above the battery storage containers. A further 3m high 40sqm substation building is proposed in zone 2 to the west of Montreathmont Moor House.
- 3.7 The application has not been subject to variation.
- 3.8 The application has been subject of statutory neighbour notification and was advertised in the press as required by legislation.

4. RELEVANT PLANNING HISTORY

- 4.1 Planning permission [15/00747/FULM](#) for the installation and operation of a 42MW solar farm and associated infrastructure for Lightsource SPV 60 Ltd on this site was approved by the Development Standards Committee at its meeting of 24 November 2015 ([Report 458/15](#) refers). That planning permission has been implemented and remains extant.
- 4.2 A Proposal of Application Notice (Application Ref: [22/00234/PAN](#)) in respect of a proposed solar farm and battery storage development with associated access and infrastructure at the site was considered by committee at its meeting on 21 June 2022 ([Report No. 171/22](#) refers). Committee noted the key issues identified in that report and requested that the application should contain information in relation to impacts on the residential amenity of the dwelling adjacent to the site; impact on agricultural land; fire risk relating to the battery storage; and requesting meaningful consultation be carried out with the community.
- 4.3 The proposal was subject to a request for a screening opinion (ref: [22/00369/EIASC](#)) under the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017. The Screening Opinion indicated that the proposal was not an EIA development.

5. APPLICANT'S CASE

- 5.1 The following documents have been submitted in support of the application:
 - Pre-application Consultation Report
 - Planning Design and Statement
 - Glint Report
 - Noise Assessment
 - Flood Risk Assessment

- Ecological Appraisal
- Habitat Regulations Appraisal
- Red Squirrel Technical Note

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 or in relation to flooding and drainage. Conditions requested requiring the provision of suitable visibility splays, requiring improvements to the access track between the public road and the solar array and battery storage system, and requiring a dust and dirt management strategy in order ensure that dirt and mud is not transferred from the site onto the public road.

6.2 **Angus Council – Environmental Health** – no objection subject to planning conditions which regulate noise during the operation of the development and limit the hours of traffic movements during the construction of the development.

6.3 **SEPA** – no objection but request measures are undertaken to minimise any pollution from site run-off.

6.4 **Aberdeenshire Archaeological Service** – no objection but has requested a planning condition to secure a programme of archaeological works.

6.5 **NATS Safeguarding** – no objection.

6.6 **Dundee Airport Ltd** – no objection.

6.7 **Ministry of Defence** – no objection.

6.8 **Community Council, Scottish Water, Civil Aviation Authority, Scottish Badgers** – there was no response from these consultees at the time of report preparation.

7. REPRESENTATIONS

7.1 1 letter of representation has been received offering support for the proposal. The letter is provided at Appendix 3 and is available to view on the council's [Public Access](#) website.

7.2 The following matters were raised: -

- **Site only visible from one house and not from surrounding roads**
- **Closest house occupant has no objection**
- **Proposal will have a positive impact on energy supply**
- **No adverse impacts on those using the surrounding area for recreation, with the woodland unaffected**
- **The land under solar panels will be safe for wildlife**

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 In this case the development plan comprises: -

- [TAYplan](#) (Approved 2017)

- [Angus Local Development Plan \(ALDP\)](#) (Adopted 2016)

- 8.3 The development plan policies relevant to the determination of the application are reproduced at Appendix 4 and have been considered in preparing this report.
- 8.4 The ALDP is more than 5-years old as it was adopted in September 2016. TAYplan was approved in October 2017 but Scottish Government has indicated that approved strategic development plans and any associated supplementary guidance will remain in force until the publication of NPF4. Issues associated with the age of the ALDP are addressed further below.
- 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.

Landscape and visual impact

- 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.
- 8.8 The application site lies within an area identified as 'Low Moorland Hills' landscape character type (LCT) and within the Montreathmont Moor sub area. Within the 'Low Moorland Hills' landscape type published guidance indicates that overall capacity for solar farm development is generally low, but within the Montreathmont Moor sub area that capacity increases to medium. It suggests that solar development in the Montreathmont Moor sub area should *avoid development on or above the escarpment due to high prominence of these areas. Avoid development on higher more open areas and on sloping landforms where visibility is likely to be high.*
- 8.9 The applicants planning statement makes reference to the landscape and visual impact assessment (LVIA) submitted in support of the 2015 application on this site. It suggests that circumstances on the site have not materially change in the intervening period, and it considers the nature of the development proposed would not result in materially different impacts from those assessed in 2015. The planning statement acknowledges that there would be an increase in height in solar panels from 2.2m to 2.8m, and notes that panels would be slightly closer to the southwest of Montreathmont Moor House; but indicates that the original landscape and visual impact assessment conclusions remain relevant.

- 8.10 The 2015 LVIA indicated that the landscape character of the site relates to its location within the Montreathmont Forest. The local dominance of the forest determines that the landscape of the site and its immediate surroundings is of low sensitivity to development such as the proposed solar array. The LVIA concluded that the solar development would not result in changes to the key characteristics of the LCT. The LVIA further stated that forest cover would be unaffected by the development and that effects would be extremely limited and would almost entirely relate to the area within the site boundary. The LVIA assessed the magnitude of landscape effects upon the Low Moorland Hills as being negligible-low and the overall level of effect as being imperceptible – slight adverse.
- 8.11 The site is currently in agricultural use and the introduction of the proposed solar, battery storage and associated development would introduce a new element into the landscape. However, the topography would not be altered and the use would be temporary. Given the contained nature of the site and the dominance of the surrounding forest it is considered that the development is capable of being absorbed into the landscape without significant or unacceptable effects on landscape character.
- 8.12 In relation to visual impacts, the 2015 LVIA indicated that the proposed solar farm would be most visible from two residential receptors to varying degrees, from the B9133 public road which passes the site access to the south, from Core Path 067 along a 30m section to the east of the northeast corner of the site, and from a 30m long section of road on Bolshan Hill.
- 8.13 Of the two residential receptors mentioned, Montreathmont Moor House which is the former wireless station that stands adjacent to the site at the centre of the forest clearing would be the most effected. Due to the proximity of the proposal to the house, there would be open views of the construction of the development, however a stand-off to the development boundary would reduce visual impact. Construction effects upon Montreathmont Moor House are assessed as being high in magnitude and substantial adverse overall. Operational effects on Montreathmont Moor House would be high initially; however, proposed hedgerow and scrub planting would strengthen the existing strip of vegetation along the Battle Burn and would ensure that the development would be progressively screened in views to the south as this vegetation establishes. Such effects would be reduced to medium in magnitude and moderate beneficial in overall level of effect. It is noted that the occupier of Montreathmont Moor House has submitted a letter in support of the development.
- 8.14 Al Alamein which is a dwelling adjacent to the site entrance to the north of the B9133 Road would experience glimpses into the development from the access track however all other parts of the proposed development would be screened from view by existing dense intervening tree cover. Otherwise, residential visual impacts would be very limited and negligible.
- 8.15 In terms of transport and recreational receptors, the visual impact for users of the B9133 public road would be limited to passing glimpses into the site along the access track and visual effects are assessed as being negligible in magnitude and imperceptible, neutral in overall level of effect. Similarly, users of Core Path 067 would be able to view some panels through foreground scrub and trees and visual effects upon this 30m section of Core Path 067 are assessed as being low in magnitude and slight adverse in overall level of effect. A similar assessment is given of visual impact from the road on Bolshan Hill where visual effects are assessed as being negligible-low in magnitude and imperceptible-slight and beneficial in overall level of effect.
- 8.16 Whilst the visual effects of the development are undoubtedly mitigated to a large degree by the established forest, the fact that the forest is a long-term crop which is

planted, grown and harvested (felled) must be considered. The LVIA makes reference to the Felling Plan for South Esk Estate which shows that only one forest compartment (63b) which is located adjacent to the south-west corner of the site, is earmarked for felling during the period 2023 – 2027. However a significant buffer of forestry is shown on the Ordnance Survey background to the Felling Plan to the west of compartment 63b and so it can be assumed that there would not be any additional or increased landscape or visual effects on receptors to the west or south-west of the site. The landowner has also confirmed that the felled area would be replanted within 3 years of felling. It is considered that there would not be unacceptable visual effects arising from the development proposal.

- 8.17 There are operational solar farms at Pressock (4.3km south), Kinblethmont (8.5km southeast), The Guynd (10km south) and as well as other proposals in the wider area which either have planning permission or are at an earlier stage in the planning process. However, due to the separation distances and the intervening topography there are not considered to be significant cumulative landscape or visual impacts. The screened nature of the site is also a significant factor in minimising potential cumulative effects arising from the development.

Impacts on amenity

- 8.18 The impact of the development on visual amenity of occupants of nearby residential property is discussed above. As indicated, there are not considered to be unacceptable impacts on residential amenity as a consequence of the visual impact of the development.
- 8.19 An appraisal of the potential for glint/reflected light has been submitted in support of the application. Solar PV panels are generally designed to absorb light and are therefore not particularly reflective. The assessment indicates that the overall potential for glint at receptors within the vicinity of the site is low. It indicates that for solar panels with tracking, no properties have the potential to receive glint. For fixed panels, Montreathmont Moor House is assessed as being affected during 0.6% of daylight hours. The report indicates that mitigation would be introduced through the improvement of hedgerows around Montreathmont Moor House. The assessment indicates that the issue of glint is not considered to be significant. 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.
- 8.20 The proposal is supported by a noise assessment which considers potential noise associated with the proposed development at the nearest existing noise sensitive receptors. It indicates that the construction phase activities associated with the proposed development have the potential to generate short term increases in noise levels during the construction period which would be expected to last approximately 24 weeks. Details of best practice management and control measures are recommended to ensure that any potential noise impacts are minimised during the six-month construction phase.
- 8.21 Potential sources of noise during the operational phase of development include cooling fans on the solar inverters, and ventilation and air conditioning units associated with the battery containers which are described as being located approximately 200m from the nearest sensitive receptor. The assessment indicates that the noise associated with the proposal would not have an adverse impact on sensitive receptors and is unlikely to be audible to the residents. The noise assessment indicates that no noise mitigation measures are recommended during the operational phase of the development. Environmental health has reviewed the noise information and has recommended planning conditions that seek to mitigate amenity impacts associated with the construction and operational phases of development.

- 8.22 The proposal would result in additional vehicle movements on the public road network and using the access track from the B9116, 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 a maximum of 10 HGVs 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 the vehicle movement associated with this development should not impact on residential amenity to any unacceptable extent.
- 8.23 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.

Natural heritage

- 8.24 Development plan policy seeks to safeguard natural heritage interests, including designated sites and protected species. The application site is currently cultivated agricultural land and is not designated for any natural heritage reasons. Woodland surrounding the site has the potential to support a number of species and watercourses within the site are within the catchment of the River South Esk, which is a Special Area of Conservation designated for populations of freshwater pearl mussels and Atlantic salmon.
- 8.25 The proposal is supported by an Ecological Appraisal, Habitat Regulations Appraisal (in relation to Montrose Basin SPA) and a Red Squirrel Technical Note. The information includes recommendations to protect species including badgers, red squirrels and nesting birds and indicates that the proposal will result in a biodiversity net gain through the implementation of measures including the installation of bat and bird boxes, bee banks, and reptile hibernacula across the site. The information submitted in relation to flooding and surface water management indicates that measures will be required during the construction phase to ensure that soils and excess silt is not discharged into adjacent watercourses.
- 8.26 SEPA has offered no objection to the proposal and has welcomed the commitment in the supporting information to undertake surface water management to prevent siltation of local watercourses, which would mitigate the potential for adverse impacts from siltation on the River South Esk SAC. The site is currently in use as cultivated agricultural land. Post-construction, and subject to the mitigation and habitat enhancement measures proposed, the site will create a more stable basis for habitat formation than it does at present. Available information suggests that natural heritage interests would not be adversely affected, and the proposal would not have an unacceptable impact on protected species provided that the mitigation measures identified in the supporting information are adhered to.

Built heritage

- 8.27 Development plan policy seeks to safeguard cultural heritage interests including listed buildings, conservation areas, historic gardens and designed landscapes, scheduled monuments and local archaeological interests. These matters are addressed in the submitted supporting information (including the information submitted in 2015) which considers the potential impacts of the development on a range of built heritage interests.
- 8.28 An Archaeology and Cultural Heritage Assessment was submitted in support of the 2015 application. That assessment identified that there are no designated heritage

assets within the boundary of the site and indicates that there would be no indirect (setting) impacts on designated cultural heritage in the area. The assessment identified a non-designated site within the application boundary that comprises the remains of at least three small cairns measuring up to 2m in diameter, located to the west of Montreathmont Moor House (HER Ref.NO55SE0028). Within close proximity to the site boundary, there are standing remains associated with the World War Two Listening Station; the remains of two possible cairns to the east; and the remains of a hut circle and associated field system to the west. The archaeology service has offered no objection to the proposal but has recommended that a planning condition is attached requiring a programme of archaeological works.

- 8.29 The development would not result in any direct or indirect impacts on designated cultural heritage. It would impact on the setting of the non-designated former listening station, but this is not in itself considered to amount to an unacceptable impact on heritage interests in the area.

Other development plan considerations

- 8.30 Development plan policy seeks to ensure that proposals do not give rise to unacceptable impacts on the road network or on recreational access. Construction of the development is anticipated to last for a period of around 6-months with a maximum of 10 HGVs per day associated with that process. It is indicated that deliveries to the site would take place outside of traditional weekday peak hours (not before 10am and not between 4pm and 6pm). Vehicular activity associated with the operation of the solar area would be limited. The roads service has considered the information submitted and has offered no objection in respect of road traffic and pedestrian safety subject to planning conditions to secure suitable visibility splays at the junction of the site access track with the B9113, to ensure that the access track is improved, and requiring a dust and dirt management strategy including facilities for wheel cleaning.
- 8.31 The development also has potential to impact on recreational access. It would have no direct impacts on core paths, but would be visible along a short section of Core Path 067, which runs through woodland to the north of the site. 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 including extensive woodland areas surrounding the site.
- 8.32 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.
- 8.33 The Flood Risk and Surface Water Management Plan indicates that SEPA flood maps do not show any areas of fluvial (river) flooding associated with the Lunan Den Burn, the Battle Burn or the Rough Moss Burn and these watercourses are therefore not considered a flood risk to the development. It states that the solar PV arrays are proposed to be on raised stilts and the battery storage equipment would be kept away from topographical low points and areas of inundation which, alongside the use of permeable, free draining access roads for maintenance, will effectively mitigate any flood risk to the site. The proposed development is not predicted to increase flows or flooding off-site, and as such will not have any unacceptable adverse impacts in terms of flood risk.
- 8.34 SEPA and the roads service have reviewed the proposal in relation to impacts on the water environment and neither has offered any objection to the proposal on the grounds of flood risk. Mitigation measures are proposed in the submitted information to protect watercourses from pollution during the construction process, and the

proposal does not give rise to any significant adverse impact on the water environment.

- 8.35 In relation to the impact of the development on aircraft activity, the applicant has provided a glint assessment which predicts no aviation receptors are expected to be affected by the proposal. NATS, Dundee Airport and Ministry of Defence have confirmed no objection and on that basis no significant impact on aircraft activity is anticipated.
- 8.36 The solar farm would be connected to the distribution network at Lunanhead, which is approximately 11.5km from the site, via underground cable. This would be subject to a separate consenting process.
- 8.37 TAYplan Policy 9 seeks to protect prime quality agricultural land where the advantages of development do not outweigh the loss of this land. Policy PV20 indicates that development proposals on prime quality agricultural land will only be supported in limited circumstances, including where they constitute renewable energy development and are supported by a bond to secure site restoration.
- 8.38 Published maps that show land capability for agriculture provide contradictory information in relation to the classification of the land. The 2015 application was supported by a site-specific soil quality report which indicated that the majority of the site was sub-prime (within Class 3.2 and Class 4.1), but around 9% of the site was within Class 3.1 (prime quality). The soil analysis indicated that soil quality is not consistent across the site. Although the proposal would involve the use of an area of prime quality land, the areas identified are small and the nature of the proposed development is such that their potential use for agriculture would not be permanently lost. Arrangements for site restoration at the end of the 40-year operational lifespan of the development (including a suitable financial guarantee for those works) could be secured by planning condition and the proposal raises no significant issues in respect of the policy approach to the use of prime quality agricultural land.
- 8.39 Overall it is considered that the proposal does not give rise to any unacceptable impacts in terms of the above assessment. The site benefits from its relatively remote location in the centre of a woodland clearing with a substantial area of surrounding woodland. While there would be adverse visual impacts on Montreathmont Moor House during the construction of the development; impacts on that property during the operation of the proposed development would reduce, particularly as the planting around the stand-off area to the south of that property matures. Other impacts are less significant, and mitigation can be secured by planning condition. The development plan provides strong support for proposals that provide for the generation of renewable energy. The application is compatible with the development plan subject to the proposed planning conditions.

Material considerations

- 8.40 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), the previous planning permission for a similar development on the site, material planning issues raised in the letter of representation, and to NPF4 and its associated policy framework.
- 8.41 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 up to date but the ALDP has recently become more than 5-years old as it was adopted in September 2016. Paragraph 29 of SPP identifies sustainability principles that should be used to guide decisions and the proposal does not conflict with those principles.

- 8.42 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 information submitted indicates that the proposal offers the potential to meet the electricity demand of around 12,000 homes, displacing approximately 19,700 tonnes of carbon emission from fossil fuel sources every year. 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.
- 8.43 Planning permission [15/00747/FULM](#) was granted by committee in November 2015 for a 42MW solar array on this site. That permission has been implemented and remains extant. It can be completed regardless of any decision reached on the current application. The solar panels proposed in the 2015 application were static and arranged in horizontal rows, whereas the panels proposed in the current application could be delivered as panels which track the path of the sun. The earlier development did not include battery storage infrastructure. Notwithstanding these differences, the impacts associated with the 2015 proposal would be very similar to those resulting from the current proposal; and the physical characteristics of the site have not changed to any significant extent in the period since planning permission was previously granted. The 2015 planning permission for a similar development on the same site therefore represents a material consideration which attracts significant weight.
- 8.44 One representation has been received from the occupant of the dwelling which sits adjacent to the site and offers support to the proposal. The points offering support to the proposal are noted and cross over with the issues covered in the planning assessment above.
- 8.45 NPF4 has been laid before parliament and once approved it will form part of the statutory development plan. Policy 11 of that document deals with energy and states that development proposals for all forms of renewable, low-carbon and zero emissions technologies will be supported including solar arrays and battery storage. It requires proposals to demonstrate how identified impacts are addressed, which are similar to the planning considerations identified in the ALDP. The proposal is generally consistent with that policy. However, NPF4 has not been approved by parliament and may still be subject of change. While it is a material consideration, the weight that should be attached to it is limited.

Conclusion

- 8.46 In conclusion, this proposal provides for the generation of renewable energy and associated battery storage infrastructure that would meet the electricity needs of around 12,000 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 impacts on infrastructure, amenity, built and natural heritage interests, or other environmental interests. Adverse impacts associated with the proposal are limited and localised, largely as a result of the relatively isolated location of the site and the significant screening provided by established plantation woodland. The site benefits from an extant planning permission for a very similar development and that planning permission can be implemented regardless of any decision reached on this application. Impacts associated with this proposal are very similar to those previously found to be acceptable and the circumstances on site have not changed to any significant extent in the period since 2015 when the previous proposal was granted planning permission.

- 8.47 The development would contribute towards meeting government energy targets and government guidance confirms that schemes should be supported where the technology can operate efficiently, and environmental and cumulative impacts can be satisfactorily addressed. In this case the technology would appear to have potential to operate efficiently, and available evidence suggests that environmental impacts can be satisfactorily addressed.
- 8.48 The proposed development complies with 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 planning permission.

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.

Conditions:

1. The development to which this permission relates must be begun not later than the expiration of three years from the date of its grant.

Reason: In order to clarify the duration of this permission in accordance with the requirements of the Town and Country Planning (Scotland) Act 1997 (as amended) and to ensure that it will lapse if not implemented within that period.

2. 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.

3. 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 2 of this planning permission.

(c) A Construction Environmental Management Plan (CEMP). The submitted CEMP shall include: -

- Site working hours;
- Mitigation measures to prevent pollution and siltation of watercourses;
- 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;
- 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.

(d) A scheme of improvements to the site access track. The scheme of improvement shall include a drawing showing the widening of the track and/or provision of inter-visible passing places at maximum intervals of 150 metres. The approved scheme shall thereafter be completed prior to the

commencement of other construction works associated with the approved development.

- (e) A Dust and Dirt Management Strategy, including facilities for wheel cleaning prior to departure from the site. Thereafter the development shall be undertaken in accordance with the approved details.
- (f) Evidence has been provided illustrating that: (i) visibility splays have been provided at the junction of the proposed site access track with B9113 Forfar to Montrose Road giving a minimum sight distance of 215 metres in each direction at a point 2.4 metres from the nearside channel line of B9113 Forfar to Montrose Road. Within the above visibility splays nothing shall be erected, or planting permitted to grow to a height in excess of 1050 millimetres above the adjacent road channel level; and (ii) the verge crossing at the proposed access (where it meets the B9113 public road) has been formed and constructed accordance with the National Roads Development Guide (SCOTS).
- (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) An archaeological written scheme of investigation (WSI) and a programme of archaeological works has been carried out in accordance with the approved WSI. The WSI shall include details of how the recording and recovery of archaeological resources found within the application site shall be undertaken, and how any updates, if required, to the written scheme of investigation will be provided throughout the implementation of the programme of archaeological works. Should the archaeological works reveal the need for post excavation analysis the development hereby approved shall not be brought into use unless a post-excavation research design (PERD) for the analysis, publication and dissemination of results and archive deposition has been submitted to and approved in writing by the planning authority. The PERD shall be carried out in complete accordance with the approved details.
- (i) A landscape and ecology management and enhancement plan which shall include measures to enhance the habitat of the site for birds, bats, mammals and invertebrates; details of the proposed new native planting in and around the site; details of measures to facilitate access to the site by mammals for foraging; and any other measures proposed. The plan shall include timescales for the completion of the mitigation and enhancement measures proposed. The development shall thereafter be completed in accordance with the landscape and ecology management and

enhancement plan and the timings contained therein.

- (j) Confirmation as to whether the development will be constructed using the fixed or tracker panel option.

Reason: In order that the planning authority may verify the acceptability of the specified details in the interests of securing appropriate site restoration, environmental protection, road safety, amenity, biodiversity and archaeological investigation and recording.

4. 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.

5. Noise from all activities within the development site shall not exceed 33 dB L_{Ar,Tr} as measured and assessed within the external amenity area of any noise sensitive property and in accordance with BS 4142 Methods for rating and assessing industrial and commercial sound.

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

6. Noise emissions from fixed plant associated with the use hereby approved shall not individually or cumulatively exceed NR Curve 20 between 2200 and 0700 and NR Curve 30 at all other times as measured within any dwelling or noise sensitive premises with the windows open at least 50mm.

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

7. In the event of a justified noise complaint being received by the Planning Authority the operator shall, at its own expense, employ a consultant approved by the Planning Authority to carry out a noise assessment to verify compliance with conditions 4, 5 and 6 above. The assessment will be carried out to an appropriate methodology agreed in writing with the Planning Authority. If the noise assessment shows that the noise levels do not comply with conditions a scheme of noise mitigation shall be included with the noise assessment, specifying timescales for the implementation of the scheme, and shall be submitted to the Planning Authority with 28 days of the assessment. The mitigation scheme shall thereafter be implemented in accordance with the approved scheme and timescales.

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

8. Delivery vehicle movements to and from the site shall be restricted to 0700 to 1900 (Monday – Friday) and 0700 to 1300 (Saturday). No deliveries shall take place outside of these times and there shall be no deliveries on Sundays.

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

9. Within 2 months from receipt of a written request from the Planning Authority following a complaint to it from an occupant of a sensitive property relating to direct reflected light, the solar farm operator shall, at its expense, undertake 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.

10. That except as otherwise provided for and amended by the terms of this permission, the development shall be undertaken in accordance with:-

- the recommendations and ecological enhancements measures detailed in Section 4 of the Wardell Armstrong Preliminary Ecological Appraisal Update Report (April 2022);
- the best working practices described in Section 4.1.5 of the Wardell Armstrong Noise Report (June 2022); and
- the surface water management measures identified in Sections 3 & 4 of the Wardell Armstrong Flood Risk Assessment and Surface Water Management Plan (July 2022)

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 biodiversity, noise sensitive receptors, and the water environment.

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: 06 DECEMBER 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