

ANGUS COUNCIL

DEVELOPMENT STANDARDS COMMITTEE – 15 AUGUST 2023

PLANNING APPLICATION – CRAIGNATHRO FORFAR  
GRID REF: 346147 : 748614

REPORT BY SERVICE LEADER – PLANNING & SUSTAINABLE GROWTH

**Abstract:** This report deals with planning application No. [23/00077/FULL](#) for the installation of a ground-mounted solar array, containerised battery storage units and associated infrastructure at Craignathro Farm, 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 ground-mounted solar array, containerised battery storage units and associated infrastructure at Craignathro Farm, Forfar. A plan showing the location of the site is provided at Appendix 1.
- 3.2 The application site extends to approximately 8.8ha and the land is currently in agricultural use. The site comprises two distinct development areas with one located to the east and one to the west of the U366 public road. The landform is gently sloping with a minimum elevation of around 145m AOD and a maximum elevation of around 155m AOD. The surrounding land is predominantly in agricultural use. The site is located around 700m to the south of Balmashanner Hill. There are dwellings in the proximity of the site, with the closest located to the south in the vicinity of Craignathro.
- 3.3 The proposed solar array comprises a total of 10,840 panels split between the two development areas and occupy an area of around 8.2ha. They would provide a generation capacity of around 6.5MW. In addition to solar panels the development would include inverters, two GRP kiosks, fencing, CCTV and two temporary construction compounds. The solar panels would be arranged in rows and would be up to 2.3m above ground level with the panels positioned at an angle of up to 15 degrees. The GRP kiosks would have footprints of 42sqm and a height of 4m. The battery storage site would be located to the east of the public road within a hardstanding area of around 355sqm. It would be separated from the road by farm court and an existing farm building. Three container units, each with a footprint of 30sqm and a height of 2.59m would provide storage capacity for around 6MW. Each

of the development areas would be enclosed by 1.8m high wire mesh fencing with CCTV cameras located around the perimeter. Landscaping is proposed around sections of the site perimeters. Access to the site would be taken from the public road and existing farm tracks. It is estimated that construction would take around 6-months. It is indicated that the development would be operational for a period of 35 years.

- 3.4 The application has not been subject to variation.
- 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 The proposal was subject of a screening opinion (ref: [22/00241/EIASCR](#)) under the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017. The Screening Opinion indicated that the proposal was not an EIA development.
- 4.2 A number of planning applications have been approved for developments at Craignathro Farm which include agricultural buildings, a free-range chicken shed, wind turbines and ground source heat pump system but those have no direct bearing on the determination of the current application.
- 4.3 Planning application (ref: [21/00602/FULM](#)) is currently under consideration for the erection of two 32,000 capacity free-range hen sheds and associated infrastructure including feed silos, egg packaging facility, vehicular access, access tracks, drainage and landscaping on land around 1.8km to the south of the current site.

#### **5. APPLICANT'S CASE**

The following supporting information has been submitted and can be viewed on [Public Access](#) and are summarised at Appendix 2: -

- Planning Statement;
- NPF4 Compliance Statement; and
- Noise Assessment.

#### **6. CONSULTATIONS**

- 6.1 **Angus Council – Roads** – no objection.
- 6.2 **Angus Council – Environmental Health** – no objection.
- 6.3 **Historic Environment Scotland** – no objection.
- 6.4 **Aberdeenshire Archaeological Service** – no objection.
- 6.5 **Transport Scotland** – no objection.
- 6.6 **NATS Safeguarding** – no objection.
- 6.7 **Dundee Airport Ltd** – no objection.
- 6.8 **Ministry of Defence** – no objection.
- 6.9 **Community Council** – there was no response from this consultee.
- 6.10 **Scottish Water** – there was no response from this consultee.

## 7. REPRESENTATIONS

7.1 Seven letters of representation have been received. Six raise objection and one offers 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 development plan;**
- **The application is contrary to the guidance contained in the strategic landscape capacity assessment for solar developments;**
- **Unacceptable landscape and visual impacts including cumulative impacts;**
- **Adverse impacts on residential and recreational amenity including potential noise and glare impacts;**
- **Unacceptable loss of prime quality agricultural land;**
- **Unacceptable impacts on built heritage interests;**
- **Unacceptable impacts on tourism facilities;**
- **Unacceptable impacts on wildlife;**
- **Inadequate assessment of the proposal by the applicants consultants;**
- **Questionable justification for the development; and**
- **The route of the grid connection has not been provided.**

7.3 The following matters have been raised in support: -

- **The development accords with relevant renewable energy policies in the development plan;**
- **The development provides a source of renewable energy for an existing agricultural business; and**
- **Assist in meeting Scotland's net zero goal.**

## 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: -

- [National Planning Framework 4](#) (NPF4) (2023)
- [Angus Local Development Plan](#) (ALDP) (2016)

8.3 The development plan policies relevant to the determination of the application are reproduced at Appendix 4 and have been taken into account in preparing this report.

8.4 The ALDP was adopted in September 2016 while NPF4 was adopted on 13 February 2023. Planning legislation indicates that where there is any incompatibility between the provision of the national planning framework and a provision of a local development plan, whichever of them is the later in date is to prevail.

8.5 The application site is not allocated or otherwise identified for development in the ALDP. Policy DS1 of the ALDP states that outwith development boundaries proposals will be supported where they are of a scale and nature appropriate to their location and where they are in accordance with relevant policies of the ALDP. The policy promotes the redevelopment of brownfield land in preference to greenfield sites. NPF4 Policy 9 indicates that proposals on greenfield sites will only be supported where the site is allocated for development, or the proposal is explicitly supported by policies in the LDP.

8.6 NPF4 Policy 1 indicates that when considering all development proposals significant

weight will be given to the global climate and nature crises. NPF4 Policy 11 seeks to encourage, promote and facilitate all forms of renewable energy development including solar arrays and battery storage. It identifies a number of impacts and suggests that project design and mitigation should demonstrate how they are addressed. It states '*In considering these impacts, significant weight will be placed on the contribution of the proposal to renewable energy generation targets and on greenhouse gas emissions reduction targets.*' ALDP Policy PV9 states that proposals for renewable and low carbon energy development will be supported in principle where they meet a number of identified criteria relating to (amongst other things) amenity, landscape and visual impact (including cumulative impacts with other development), impact on the natural and built environment, access, grid connection, aviation and telecommunications, the water environment decommissioning and site restoration. Angus Council Renewable and Low Carbon Energy Supplementary Guidance (2017) identifies relevant planning considerations which are similar to those listed in the policy as summarised above.

- 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 the Forfar Hills sub-category of the Low Moorland Hills landscape character type. The published guidance indicates that capacity for solar farm development within this area is low. It suggests that solar development should avoid escarpments and slopes where it would be prominent or be inconsistent with the landscape pattern. Development should avoid significant impacts upon the setting of historic sites including Balmashanner Hill and recreational areas such as the Forfar path network and views from such places.
- 8.8 The applicant has submitted a landscape and visual appraisal in support of the proposal and that forms part of the planning statement. It indicates that the two development areas would result in moderate to major changes to the respective agricultural fields within which the development is located as they introduce 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. It is suggested that the eastern array and battery storage would be read in conjunction with the adjacent farm buildings and neighbouring wind turbine. It further suggests that the western array would also be read in conjunction with the existing chicken shed and wind turbine. The document indicates that as the development would be read in conjunction with the farm infrastructure, the array as a new low-level, man-made element within the wider mosaic of field pattern would not appear out of scale or incongruous within the landscape. It is suggested that significant effects associated with the development would be experienced from the south where the site is open and visible, and the landform becomes elevated, but to the north, there would be very little visibility of the development. The appraisal suggests proposed landscape mitigation would result in some localised reduction in visibility from the parts of the landscape character type area closest to the site. It is reported that 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 minor to moderate significance of effect.
- 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, particularly to the south of the site where

open views of both development areas would be visible across the view. It identifies that visual impacts would be experienced from core paths in the vicinity of the site, Balmashanner Hill (the western array), 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 moderate-minor generally as separation distance increases and intervening landscape features provide some screening.

- 8.10 The applicant's assessment of landscape and visual impact is generally reasonable. The proposed solar farm would introduce a new element into the landscape and the landscape in the local area is of some value. Both landscape and visual impact would be greatest in the immediate proximity of the development where it would be an obvious new feature. In landscape terms, the development would be sited such that it avoids steeply sloping land thus reducing impact in the wider area. The development, and in particular the western array, would be obvious from the Forfar path network and it would have some adverse impact on amenity. However, it would be seen in the context of the existing agricultural development at Craginathro, and panels would be setback from the paths with some screen planting provided. While the proposal is not entirely consistent with the council's guidance for solar development in this landscape character type, predominantly due to impact on the path network, that guidance has no statutory effect. Significant landscape impact associated with the development would be localised due to the avoidance of steeply sloping land and the comparatively modest scale of the development. 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. NPF4 policy 11 requires consideration of significant landscape and visual impacts, but states that *'that such impacts are to be expected for some forms of renewable energy. Where impacts are localised and/ or appropriate design mitigation has been applied, they will generally be considered to be acceptable.'*
- 8.11 Issues in relation to impact on core paths and on recreational access are discussed below. From the public road that dissects the site and other roads in the proximity that provide close views, the development would be visible, and it would result in significant landscape change. At mid-distance, the change in field colour would be apparent but would generally be consistent with field patterns in the area and it would be absorbed within the mosaic or patchwork appearance of the fields. 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 areas close to the site.
- 8.12 There are residential properties close to the proposed development, including properties to the east of the U366 public road and to the south of Craginathro, Balmashanner Farmhouse located to the north, and properties at Caldham to the east. Generally speaking, the view from an existing private house is not treated as a material consideration in planning. This is subject to two qualifications: first, an impact on the amenity of a community can be a material consideration; second, an impact on a house that is of a degree that would make it an undesirable or unsatisfactory place to live would also be an adverse consideration.
- 8.13 The grouping of properties to the east of the public road and to the south of Craginathro are close to the westernmost development area. The proposed panels in the west array would be sited around 100m from the dwellings while the east array panels would be sited around 280m from the dwellings. The dwellings generally sit at a lower elevation than the western array and have main windows facing east and west. There is little doubt that the panels would be obvious from the environs of and on approaches to these dwellings. However, views from main windows and private garden areas would not be unacceptably impacted by virtue of orientation and intervening landform, and it could not be said that the visual impact on the properties would be of a degree that would

make them, or the general area, an undesirable or unsatisfactory place to live. Additional planting could be provided around the perimeter of the development to further mitigate impacts on the dwellings. The planting would not obscure the solar array, but it would provide additional mitigation as it matures.

- 8.14 The property at Balmashanner Farmhouse (a category B listed building) is around 150m to the north of the proposed development. The impact on historic interests is discussed below but it is also relevant to consider the visual impact. There is some suggestion that the property is used as tourist accommodation. There is no planning permission that allows for the property to be used as anything other than a dwelling, but this assessment remains appropriate for either use. The property is orientated such that its principal views are to the south at an elevation of around 164m AOD. It would have reasonably open and unrestricted views of both the eastern and western arrays, but the property sits at a ground level approximately 9m above the proposed solar development. The proposal is designed such that the area immediately to the south of the property (around 250m in width) would not contain solar panels. The proposed battery storage containers would be located due south of the dwelling but would sit adjacent to an existing agricultural building that is significantly higher. The proposed development would generally be obvious from the environs of and on approaches to the dwelling and it would be apparent from main windows in the south facing elevation. However, the area immediately to the south of the dwelling would not contain solar panels and it would continue to benefit from views towards elevated landscape to the south in the vicinity of Hill of Lour and Fotheringham Hill. The separation distance between the property and the development, including the offset of the panels from the main arc of view, and the change in elevation, are all such that the property would retain a high degree of amenity. The visual impact would not be of a degree that would make it an undesirable or unsatisfactory place to live. Additional planting could be provided around the perimeter of the development to further mitigate impacts on the dwellings. The planting would not obscure the solar array, but it would provide additional mitigation as it matures. There are other properties to the north of Balmashanner Farmhouse but the submitted information indicates that the development would not be visible from them. While the development would be apparent on approaches to those properties from the south, the associated impact would not be unacceptable.
- 8.15 The closest property to the east at Caldame is around 400m from the proposed development. That property has principal views to the south and it has a caravan storage area to the west located between it and the proposed solar development. While the development would be visible from its environs, the visual impact on occupants of the property would not be significant. There are other properties in this area, including properties to the southeast of the proposed development that are at greater distance from the development. Again, while some may experience views of the development, the visual impact would not be such that it would make them an undesirable or unsatisfactory place to live. There are also properties to the southwest in the vicinity of Canmore. Those are in excess of 900m from the proposed development. The western extent of the solar development would largely be screened from the immediate environs of those properties by virtue of landform. The eastern extent would likely be visible but the impact on visual amenity would not be significant or unacceptable.
- 8.16 There are other properties in the wider area that would have views of the development, including property to the south in the vicinity of Easter Meathie. The closest of those properties are around 1.7km from the proposed development. While parts of the development would be visible from those properties and their environs, it would occupy a small element of the view and the impact on their visual amenity would not be significant or unacceptable. It could not reasonably be claimed that the visual impact would be such that it would make them an undesirable or unsatisfactory place to live, particularly at the distances involved.
- 8.17 The solar farm site is located around 800m to the south of Balmashanner War

Memorial (a category C listed building). The impact on historic interests is discussed below but it is also relevant to consider the visual impact. In this respect, principal views from the Memorial are to the north over Strathmore towards the Cairngorms and the visually similar Airlie Monument. Views to the south are available from the Memorial and information submitted with the application indicates that the development would be visible from its environs. The landform and separation distance, combined with the orientation of the development to the Memorial are such that the proposed development would not be a dominant or unduly prominent element in views. The impact on views from the Memorial would be adverse but not significant or unacceptable.

- 8.18 At greater distance the development would be visible from some elevated areas and from open areas to the south, east, and west, including the A90(T). 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, assessment indicates that visual impacts associated with the development would be reasonably limited.
- 8.19 In respect of cumulative impacts, there is an operational solar farm and battery storage facility at Padanaram and there are other solar developments in the wider area. However, the council's guidance on solar development suggests that this landscape type has capacity to be a landscape with occasional solar development. The proposal would not result in exceedance of that guideline threshold. There are other developments within the wider area that contribute to cumulative landscape and visual impacts including operational wind turbines and electricity pylons. Locally, the combination of development would result in significant landscape change, but that would be focused around existing agricultural development at Craignathro. 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 unacceptable visual impact in association with the development proposed. The proposal does not give rise to unacceptable cumulative impacts in relation to other relevant matters. There are large-scale solar developments proposed in the Forfar area, notably on land at Suttieside Farm, and on land in the vicinity of Cotton of Lownie. Those have potential to give rise to cumulative impacts, but those applications have not been determined and cumulative impacts can appropriately be considered when those applications are considered by committee.
- 8.20 Overall, the proposal would give rise to 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, and provision of landscaping on the perimeter of the site would help reduce the significance of those impacts over time. The landscape and visual impacts of the development are not considered unacceptable having regard to the nature of the development proposed and relevant policy.
- 8.21 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 and battery storage.
- 8.22 In terms of noise, the potential impacts are associated with the construction and operation of the development. An assessment of potential noise impact is provided in the submitted planning statement. It considers potential noise impact from the development on nearby noise sensitive properties. It concludes that associated impacts should not be unacceptable. 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 and battery

storage. Conditions are proposed that seek to mitigate amenity impacts associated with construction and operational activities.

- 8.23 In relation to glint and glare, the submitted planning statement provides an assessment and 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. However, modelling suggests that any impact would be for limited duration, typically less than 1-hour in early morning or early evening, for limited periods through the year. These results suggest that impacts would be moderate at the closest properties to the south and low at other residential receptors. It is indicated that further detailed assessment suggests that having regard to orientation of properties, landscape features, and topography, impact is unlikely to be significant. The environmental health service has offered no objection in relation to this matter, but consistent with the approach taken at other similar developments, a condition is proposed that seeks to ensure any residual impacts are investigated and mitigated.
- 8.24 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 a total of 26 HGV movements during the first week of construction then 4 vehicles per day during the subsequent construction process. Thereafter vehicular activity associated with the operation of the development 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.
- 8.25 Overall while the proposal would give rise to some impacts on amenity, particularly during the construction phase, available evidence suggests 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.
- 8.26 Development plan policy seeks to safeguard natural heritage interests, including designated sites and protected species. The applicant's supporting planning statement includes a section that deals with ecology and while the executive summary makes erroneous reference to designated sites including the Firth of Forth and Loch Leven special protection areas, the assessment considers relevant designations. It identifies assessment that has been undertaken and an appraisal of potential impact of the development on ecological interests. It reports that an extended phase 1 habitat survey was undertaken and identifies proposed mitigation measures to minimise potential impacts on wildlife. The application site is not designated for any natural heritage reasons and there are no sites designated for natural heritage value directly affected by the development proposal. The main habitats affected by the proposal are improved grassland and arable, which are otherwise plentiful in the area, but it is reported that impact on them would be minimal as the proposed panels would be elevated. Mitigation measures in relation to birds, badgers and other wildlife, and bats is identified and addressed by proposed conditions below. The proposal would provide some habitat enhancement through provision of additional landscaping. Having regard to the supporting ecological information it is considered that the proposal does not give rise to unacceptable impacts on the natural heritage interests.
- 8.27 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 planning statement which considers the potential impacts of the development on a range of built heritage interests. It concludes that impacts would not be unacceptable.

- 8.28 The application site is not designated for any built heritage reasons. Historic Environment Scotland (HES) has been consulted on the proposal and is content that there would be no adverse impact on assets within its statutory remit. HES has confirmed that potential impacts on Meathie church and graveyard (Scheduled Ancient Monuments) located around 2.4km to the south of the development would not be unacceptable.
- 8.29 A number of listed buildings are located in the vicinity of the application site. The development would be viewed from and in combination with Balmashanner War Memorial. Impact on views from the memorial are discussed above in relation to visual amenity reasons. For the reasons set out in that discussion, the impact on views from the Memorial are not considered unacceptable. The Memorial sits on the ridge of Balmashanner Hill which is lined by trees. It is a prominent and evident feature in the landscape befitting its importance to the community. While it would be intervisible with the proposed development from locations to the south, east, and west, for a combination of factors related to landform, and the nature and siting of the proposed development, the impact on the setting of the Memorial is not considered unacceptable. Balmashanner Farmhouse to the north of the development is a Category B listed building. The development would be viewed from and in combination with the house. Its setting takes advantage of views to the south over the farmland towards Hill of Lour and Fotheringham Hill and it is seen in the context of a country house with views over the surrounding land. As discussed in relation to visual amenity considerations above, views from the property would be affected by the development, but not to a level that could be considered unacceptable. For similar reasons, the impact on the listed status of the building is not considered unacceptable. While the house would be intervisible with the proposed development from locations to the south, east, and west, for a combination of factors related to landform, the special interest of the listed building, and the nature and siting of the proposed development, the impact on its setting is not considered unacceptable. The development would also be visible from other historic assets in the area, 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. Overall, the proposal would not give rise to any unacceptable impacts on built heritage interests.
- 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. As discussed above, the main impacts arise from traffic during the construction phase, and it is indicated that this would generate a total of 26 HGV movements during the first week of construction then 4 vehicles per day during the subsequent construction process. The submitted planning statement indicates that construction vehicles would utilise roads to the south of the site namely the C55 and U366 that provide access to the A90(T). While those roads are narrow, they are currently utilised by agricultural vehicles and by vehicles associated with the transportation of agricultural produce. The council's roads service has 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 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.
- 8.31 The development has potential to impact on recreational access in the area. Core Path 297 (Craignathro to West Craig) is located to the south of the western array site and would be affected by the development. Submitted information indicates that construction traffic would be routed along the core path. 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 adjacent to solar panels rather than an

open field. Planting might provide some additional mitigation, but the overall attractiveness and amenity of the route would be reduced. 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.

- 8.32 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 submitted planning statement indicates that the development site is not within an area identified as being subject to flood risk on SEPA flood maps. It is indicated that to mitigate against any potential increase in surface water flooding filter strips which consist of a grassed area on the surface, underlain by topsoil as well as a soil/sand mix, with a gravel layer below would be formed along the downslope of each panel array to provide runoff attenuation. Any road areas for vehicular access for maintenance would be formed of gravel, to ensure there is no soil erosion or channelisation at these areas. In addition, a bund would be provided at the boundaries of the lowest points of the site where any exceedance would flow to ensure that no surface water run-off would leave the site. A filter drain would also be provided immediately upstream of the proposed bunds to ensure that any surface water run-off would be collected and attenuated prior to slow release back into the ground. It is suggested that these measures would ensure the surface water runoff rate from the site is no worse than the current situation.
- 8.34 The roads service, in its capacity as flood prevention authority, has reviewed the proposal in relation to impacts on the water environment and has indicated it is satisfied that the development does not pose an unacceptable flood risk. It is also satisfied with the drainage arrangements associated with the development. 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 Ministry of Defence, NATS, and Dundee Airport have all reviewed the proposal and have confirmed no objection on the basis no significant impact on aircraft activity is anticipated.
- 8.36 Limited information on the proposed grid connection was provided with the application, but that would be subject of a separate consenting procedure. It has subsequently been indicated that a connection would be taken to the existing 33kv line that is located adjacent to the eastern array. There is no reason to consider that a suitable connection could not be achieved having regard to the nature of the surrounding area. The applicants have advised that the grid connection may not be available until October 2028. Accordingly, a period of 6-years is requested for implementation of the planning permission. That approach does not give rise to any significant issues and legislation makes provision for an authority to grant permission subject to such period as it considers appropriate when granting permission.
- 8.37 The development plan seeks to safeguard prime quality agricultural land, and published maps indicate that the development would occupy predominantly class 3.2 non-prime land, with the eastern array located on class 3.1 prime quality land and class 3.2 non-prime land. However, policy indicates that loss of prime land will be supported where proposals are small scale and directly related to a rural business, or where it constitutes renewable energy development and is supported by a commitment to a restoration bond to facilitate site restoration. In this case the proposal is related to an existing business, it involves renewable energy development, and the amount of prime agricultural land that would be lost is small (around 2.2ha). The proposal would not adversely affect the viability of a farm unit and the loss of prime land in this circumstance is compatible with policy. A condition is proposed to ensure that a suitable scheme for restoration is in place prior to the commencement of any works.

- 8.38 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 visual impacts on the local path network. 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.
- 8.39 In relation to material considerations, it is relevant to have regard to the planning matters that have been raised in letters of representation, and to recent appeal decisions regarding interpretation of policy in relation to similar development proposals.
- 8.40 Submissions have been made by interested parties variously suggesting that the proposal is either contrary to or compatible with development plan policy. Issues regarding compliance with development plan policy are addressed above. For the reasons set out above, it is concluded that the proposal complies with the development plan. In reaching that conclusion, significant weight is given to the contribution the proposal would make towards renewable energy generation and the supportive policy framework provided by NPF4.
- 8.41 As indicated above the proposal would result in some adverse landscape and visual impact as well as giving rise to impacts on the setting of listed buildings in the area. 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 landscape. 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. The combined solar and battery energy development would provide 12.5MW of renewable energy.
- 8.42 Development plan policy allows development of greenfield sites where a proposal is otherwise compatible with relevant policies. The development would involve the loss of a small area of prime quality agricultural land, but development plan policy specifically allows loss of prime quality land where development would facilitate renewable energy generation.
- 8.43 There is no evidence to suggest that the development would significantly affect protected species, important habitats, or the wider biodiversity interests in the area. 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 areas of existing cultivated agricultural land. As indicated in the discussion above, there would be no unacceptable impact on built heritage interests in the area.

- 8.44 There is no evidence to suggest that the proposal would reduce the attractiveness of the area for visitors, and no information in relation to potential adverse economic impact is provided. The impact on recreational access is difficult to quantify: the presence of the development and associated noise may make some people less inclined to use the area for recreational purposes. However, there are many examples throughout Scotland where people continue to enjoy recreational access in the vicinity of renewable energy developments, and this development is of a modest size. There is no evidence that the proposal would have an adverse impact upon tourism in the area, and the resultant renewable energy generation would be in the public interest.
- 8.45 The proposed grid connection does not form part of this application and it would be subject of a separate consenting process. However, available information suggests that a connection could be made. The applicant has indicated that the proposal seeks to reduce the carbon footprint of the business and provide a source of renewable energy that can supply the business and the grid. The information provided in support of the application has been reviewed and considered by relevant consultation bodies. It is appropriate to allow an informed decision to be made on the development proposal.
- 8.46 In addition, it is relevant to have regard to recent planning appeal decisions that provide interpretation on similar planning policy matters. While those appeal decisions are not binding and each application must be considered on its own merits, it is appropriate to have regard to how matters of policy have been interpreted and applied to ensure consistency. In that respect, regard has been had to the recent planning appeal decision relating to solar development on land 300 metres west of Grange of Berryhill, Invergowrie (ref PPA-120-2060) in undertaking the assessment of this application.
- 8.47 In conclusion, this proposal provides for the generation of renewable energy and would assist the business in reducing reliance upon fossil fuels, and consequently reduce associated carbon emissions. This would support mitigation of climate change and provide some net economic benefit. 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, or other environmental interests.
- 8.48 Notwithstanding that, the proposal would give rise to impacts on the landscape and visual amenity of the area; it would have some limited adverse impact on the amenity of occupants of the closest dwellings; it would result in increased traffic during the construction period; and 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 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 plan policy at national and local levels provides strong support for renewable energy development.
- 8.49 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.

- 8.50 The matters raised in objection 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.
- 8.51 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. 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 six years from the date of its grant.

*Reason: This condition is for the purpose of the good planning of the area, to reflect the anticipated date for grid connection, and to ensure that the permission will lapse if it is not implemented within six years.*

2. The solar array, battery storage containers, GRP kiosks, and invertors shall be removed from the site no later than 36 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 development 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 until the completion of its decommissioning and restoration.
  - (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 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. The applicants shall obtain written confirmation from the planning authority that all decommissioning has been completed in accordance with the approved scheme.
  - (c) A construction traffic management plan (CTMP). The submitted CTMP shall include but not be limited to: -
    - (a) The type and volume of vehicles to be utilised in the delivery to the site of construction components and materials associated with the proposed development;
    - (b) Details of HGV movements to and from the site;
    - (c) Assessment of the suitability of the proposed routes, including bridge capacities, to accommodate the type and volume of traffic to be generated by the development. The assessment shall include details of swept path analyses and include DVD video route surveys of Mossie Road (C55) & Craignathro Road (C55 - C56 - B9128);
    - (d) 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;
    - (e) The restriction of delivery traffic to agreed routes;
    - (f) 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;
    - (g) A code of conduct for HGV drivers to allow for queuing traffic to pass;
    - (h) Liaison with the roads authority regarding winter maintenance;
    - (i) Contingency procedures, including names and telephone numbers of persons responsible, for dealing with vehicle breakdowns;
    - (j) A dust and dirt management strategy, including sheeting and wheel cleaning prior to departure from the site;
    - (k) Arrangements for the cleaning of roads affected by material deposited from construction sites associated with the development;
    - (l) 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;
- (m) Contingencies for unobstructed access for emergency services;
  - (n) Co-ordination with other major commercial users of the public roads on the agreed routes in the vicinity of the site;
  - (o) Traffic management, in the vicinity of temporary construction compounds
  - (p) Arrangements for the monitoring, reviewing and reporting on the implementation of the approved plan; and
  - (q) 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 measures to reduce, reuse or recycle waste associated with the construction of the development and 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; 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 297 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 construction of the development hereby approved.

- (f) A scheme of landscaping works to be undertaken on the site having regard to biodiversity enhancement. 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. Notwithstanding the details provided on drawings approved with this permission, this shall make provision for the planting of a hedgerow comprising native species plants to the north of the eastern array, and additional planting comprising native hedgerows and trees to the south of the western array;
- (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.

- (g) A biodiversity mitigation and enhancement plan which has regard to NatureScot Developing with Nature guidance. This shall have regard to the ecological mitigation measures identified in section 7.6 of the of the Craignathro Farm Solar Array and Battery Storage Planning Statement by Cogeo Planning & Environmental Services Limited dated December 2022 and include timescales for the commencement of development, having regard to the bird breeding season, and a phasing plan for completion of the mitigation and enhancement measures proposed. The development shall thereafter be undertaken and completed in accordance with the biodiversity mitigation and enhancement plan and the timings contained therein.
- (h) The precise details of the location, external appearance and colour of all buildings, structures (including the number and precise location of solar panels), and fencing along with the location of all CCTV cameras. This shall include relocation of the GRP kiosk in the western array to a position further from the public roadway. Thereafter the buildings, structures, and fencing shall be constructed or sited, 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, biodiversity, restoration of the site, road safety, and environmental protection.*

- 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 noise sensitive properties*

*during the construction of the development.*

5. Vibration levels associated with construction activities shall not exceed the following limits, unless agreed in writing with the Planning Authority: -

- (a) 1mms-1 PPV at existing residential or educational properties; and
- (b) 3mms-1 PPV at existing commercial or industrial properties.

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: To safeguard the amenity of occupants of nearby properties that may be affected by vibration.*

6. Noise associated with the development shall not exceed: -

- (a) 40 dB  $L_{Ar,Tr}$  as measured within the external amenity area of the residential property known as Craignathro and in accordance with BS 4142:2014 Methods for rating and assessing industrial and commercial sound. Should this property cease to be occupied by a person/persons financially involved in the operation of the development hereby approved the limits at b) below shall be applied to this property.
- (b) 33 dB  $L_{Ar,Tr}$  as measured within the external amenity area of any other noise sensitive property and in accordance with BS 4142:2014 Methods for rating and assessing industrial and commercial sound.
- (c) NR Curve 35 between 0700 and 2300 at all other times as measured within the residential property known as Craignathro with the windows open at least 50mm. Should this property cease to be occupied by a person/persons financially involved in the operation of the development hereby approved the limits at d) below shall be applied to this property.
- (d) NR Curve 30 between 0700 and 2300 and NR Curve 20 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 safeguarding 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, Compensation and Enhancements Measures identified at Section 7.6 of the Craignathro Farm Solar Array and Battery Storage Planning Statement by Cogeo Planning & Environmental Services Limited dated December 2022 and shall be adhered to at all times during the development.

*Reason: 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: 7 AUGUST 2023**

APPENDIX 1: LOCATION PLAN

APPENDIX 2: SUMMARY OF APPLICANTS SUPPORTING INFORMATION

APPENDIX 3: LETTERS OF REPRESENTATION

APPENDIX 4: DEVELOPMENT PLAN POLICIES