

ANGUS COUNCIL

DEVELOPMENT STANDARDS COMMITTEE – 12 DECEMBER 2023

PLANNING APPLICATION – LAND 800M NORTH OF SUTTIESIDE FARM, SUTTIESIDE ROAD, FORFAR

GRID REF: 346057:752339

REPORT BY SERVICE LEADER – PLANNING & SUSTAINABLE GROWTH

Abstract: This report deals with planning application No. [22/00870/FULM](#) submitted by Relay Suttieside Ltd for the installation of a 29.1MW Solar Array with a 20.8MW Battery Energy Storage System and ancillary infrastructure on land 800 metres north of Suttieside Farm, Suttieside Road, 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 9 of this report.

2. INTRODUCTION

- 2.1. The applicant seeks full planning permission for the installation of a solar farm with an export capacity of up to 29.1MW and a battery energy storage system with capacity of up to 20.8MW as well as ancillary infrastructure on land north of Suttieside Farm, Suttieside Road, Forfar. A plan showing the location of the site is provided at Appendix 1.
- 2.2. The application site measures around 55 hectares with physical development on around 15ha. The site consists of agricultural land which is surrounded by farmland with parcels of woodland and small groupings of residential and agricultural buildings to the north, east and west. Forfar is located to the south and the northern boundary of the site extends along a stretch of the Lemno Water. An overhead electricity line dissects the southern section of the site. Temporary construction access is to be taken from the B9128 via an existing junction south of Forfar Driving Range and general site access would be taken from the Suttieside Road in the southeast of the site.
- 2.3. The proposal involves the installation of around 52000 solar panels and 14 battery storage units and associated infrastructure for a period of 40 years. The development would be grouped into two zones, one to the west, and a larger zone to the east. Both zones would accommodate solar panels, maintenance tracks and transformers. The larger eastern zone would include 14 battery storage units, seven power conversion system units, a customer cabin, and substations, as well as a 5ha biodiversity enhancement area. The panels would be installed in five array groupings, with two in the western zone and three in the eastern zone. A standoff would be provided through the arrays to accommodate the existing overhead line.
- 2.4. The proposed solar panels (max. height approx. 3.1m and minimum ground clearance 0.5m) would be installed with a tracking system. In the tracking system, panels would be arranged in north-south rows and would use a single axis tracking system that uses an east/west system with panels tilting at angles of up to +/- 35 degrees from horizontal. This would allow the system to tilt the panels to maximise exposure to the sun and reduce shadowing.

- 2.5. The eastern and western zones would be enclosed separately by 2.1m high security fencing. CCTV would be set at intervals around the site perimeter. Two flat roof structures are proposed in a central area of the site to accommodate a substation and a customer cabin. The proposed battery storage system and converters would be contained within shipping style containers, around 3.4m in height, and positioned on raised foundations around 0.5m in height. The battery storage compound would be located centrally and to the north of the site and includes a second substation. A new access track is proposed from the southeast of the site taken from a proposed access onto Suttieside Road. A temporary construction access is proposed from the west, taken from the existing track serving the Driving Range, taken from B9128.
- 2.6. No panels are proposed in the south-eastern extent of the site. A field located in the southeast corner adjacent to the properties at Benzil is indicated as a biodiversity enhancement area. A landscape parcel is proposed to the west of the main body of the site, adjacent to the construction access and hedge planting is proposed between the two north-easterly arrays and around most of the perimeter of the arrays, with larger tree belts proposed to the west and north.
- 2.7. The site layout has been revised as part of the application process to increase the separation distance and provide planting between panel arrays located in the northeast of the site. This has also resulted in a roughly 1000 less panels and a slight reconfiguration of panels in the north of the site.
- 2.8. The application has been subject of statutory neighbour notification and was advertised in the press as required by legislation.

3. RELEVANT PLANNING HISTORY

- 3.1 A Proposal of Application Notice (Application Ref: [22/00635/PAN](#)) in respect of a solar farm (export capacity of 31MW) and battery storage development with associated infrastructure at the site was considered by committee at its meeting on 15 November 2022 ([Report No. 379/22](#) refers). Committee noted the key issues identified in that report.
- 3.2 A screening opinion (ref: [20/00664/EIASC](#)) was provided in October 2020 under the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 for a 35.5MW solar array with ancillary works at the site. The screening opinion indicated that the proposal was not environmental impact assessment development.
- 3.3 The current application has been considered in terms of the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 and it does not constitute environmental impact assessment development.

4. APPLICANT'S CASE

- 4.1 The following documents have been submitted in support of the application:
- Pre-application Consultation Report
 - Planning, Design and Access Statement
 - Landscape and Visual Impact Assessment (including appendix A and cumulative addendum)
 - Noise Assessment (including addendum)
 - Glint and Glare Study
 - Flood Risk Assessment
 - Ecological Assessment
 - Biodiversity Net Gain (BNG) Assessment
 - Geological Desk Study and Agricultural Land Classification
 - Archaeological Desk Based Assessment

- Construction Traffic Management Plan
- Fire Safety Information
- Response to matters raised in representation

4.2 The information submitted in support of the application is available to view on the [Public Access](#) system and is summarised at Appendix 2.

5. CONSULTATIONS

5.1 **Angus Council – Roads** – no objection in relation to impacts on the road network subject to conditions requiring a Construction Traffic Management Plan and visibility splays onto Suttieside Road. Offers no objection in relation to flooding and drainage subject to the panel faces, battery storage and power conversion systems providing a 600mm freeboard above flooding levels.

5.2 **Angus Council – Environmental Health** – no objection in terms of potential land contamination or amenity subject to planning conditions which regulate noise during the operation of the development and deliveries and vibration during its construction.

5.3 **SEPA** – no objection but refers to standing advice in relation to surface water flood risk.

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

5.5 **NATS Safeguarding** – no objection.

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

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

5.8 **Civil Aviation Authority** – no comment.

5.9 **Community Council** - made comments neither objecting to nor supporting the application. It notes the national policy approach to renewable energy and existence of an overhead line through the site. It highlights the potential for flood risk, glint and glare, impacts upon visual and recreational amenity, and for impacts on prime quality agricultural land. It seeks traffic safety measures during construction works and appropriate decommissioning and restoration measures. It welcomes the proposed ecological improvements.

5.10 **Scottish Water** – no objection.

5.11 **Transport Scotland** – no comment.

5.12 **SSEN** – no objection.

5.13 **Scottish Fire and Rescue Service** – no comment.

6. REPRESENTATIONS

6.1 152 representations have been received, 42 offering support for the proposal and 110 in objection. The representations are provided at Appendix 3 and are available to view on the council's [Public Access](#) website.

6.2 In summary terms, the following issues are raised as objection:

- Loss of and adverse impact upon prime quality agricultural land and resultant impact upon farm viability, food crisis, and food security.

- Adverse landscape character and visual impacts, including industrialisation of the countryside and queries regarding the suitability of landscaping proposed.
- Adverse cumulative impacts.
- Adverse amenity impacts, including glint and glare, loss of privacy, noise (from apparatus and wind whistling through panels), odour, and light pollution.
- Adverse impacts on the environment, flora, and fauna, including loss of habitat for geese.
- Adverse impacts upon core paths and recreational access.
- Adverse impact on road traffic and pedestrian/ cyclists/ horse rider safety, including unsuitability of access for construction traffic.
- Adverse impacts on drainage, potential for increased flood risk, and impacts on the Lemno water.
- Impacts upon archaeology.
- General unsuitability of the site, including its proximity to housing and to the town, its orientation and landform, and poor site selection.
- Fire risk from battery storage system.
- Adverse impacts on physical and mental health/ wellbeing.
- Impacts upon Wi-Fi and electricity supply in the area.
- Adverse impact on aviation interests.
- Impacts upon tourism and employment/ farming skills.
- Insignificant power production and poor efficiency of solar panels.
- Panels are non-recyclable and require non-renewable fuels for construction.

6.3 In summary terms, the following matters are raised in support and general comment:

- Provides renewable energy source which would reduce reliance on fossil fuels and contribute towards national ambition of net zero and climate change targets, in turn preventing food crisis.
- No permanent loss of arable land and unploughed land under panels will allow carbon to be sequestered in the soil, thus reducing the carbon footprint.
- Sustain the local economy and provide farm diversification sustaining the farm on which it is based.
- Battery storage would provide energy all year round.
- Biodiversity benefits and minimal amenity and environmental impacts.
- Proposed landscaping would mitigate adverse impacts on visual amenity and path and road users.
- Accessible edge of settlement location in proximity of substation, next to industrial estate and not wholly rural setting.
- Scotland provides sufficient sunlight to support panels.
- Development revised following public comments at earlier consultation events.

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

- **Alternative forms of renewable energy generation or alternative sites such as brownfield sites and rooftop locations should be considered** – the purpose of this application is to consider the acceptability of the current proposal in terms of relevant development plan policies and any material considerations.
- **Community benefit measures advertised by applicant** – the Angus Local Development Plan confirms that while renewable energy proposals may generate contributions from developers for community initiatives, such contributions will not be considered as part of the determination of any planning application.
- **Impact on property views and prices** – these matters are not material planning considerations and cannot be considered in the determination of this application. However, the issues that lie behind these concerns, such as impact on amenity, are relevant matters and are discussed below.
- **Damage to road network or properties by construction traffic and panels blown in the wind** – the acceptability of the volume and nature of construction

traffic is considered below and there are no reasons to suggest that the panels, which are anchored into the ground, could be dislodged by the wind. Notwithstanding this any potential property damage arising from the proposal would be a civil matter between the relevant parties and is not a material planning consideration.

- **Impacts on greenbelt** – there are no designated greenbelts in Angus, but landscape and visual impacts and relevant policy matters are considered below.
- **Development owned by overseas company** - the identity of the applicant and /or development owners is generally not a material planning consideration.
- **Large amounts of land already in solar use in Angus, and further applications could be submitted in the area and set a precedent** - there is no concept of binding precedent in planning law and any application will be assessed on its own merits against the development plan and material planning considerations, including cumulative impacts.
- **Parliamentary statement seeking large scale battery energy storage systems to be classed as hazardous establishments** – concerns raised relate primarily to fire safety and issues regarding that matter are considered below. However, and for the avoidance of doubt, there is no moratorium on the determination of applications for battery energy storage and such applications must be determined having regard to current development plan policy and material considerations which are discussed below.
- **Houses previously refused in the area** – relevant planning history has been considered in the assessment of the application, but the development plan policies that relate to renewable energy development are different from those that deal with residential development.
- **Lack of noise assessment** – a noise impact assessment was submitted in support of the application and has been considered by the environmental health service.
- **Attract thieves to the area** – there is no reason to consider that the proposal is of a nature which would attract illegal activity to the area.
- **Scotland over produces clean energy and queries regarding the need for the development**– in January 2023 Scottish Government advised that Scotland had 13.4 Gigawatts of renewable electricity generation capacity with an ambition to deliver at least 20 Gigawatts of additional low-cost renewable electricity capacity by 2030. There is no ‘cap’ on the amount of renewable energy that the country (or county) should produce.
- **The development is solely for profit** – it is not unreasonable to expect a commercial operation to generate profit, but the purpose of this application is to consider the acceptability of the proposal in terms of relevant development plan policies and any material considerations, not to regulate commercial enterprise.
- **Only a third of site used for solar arrays** – undeveloped areas within the site are proposed for planting, biodiversity enhancements and other ancillary works. The acceptability of the proposed site layout is considered below.

7. PLANNING CONSIDERATIONS

7.1 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.

7.2 In this case the development plan comprises: -

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

7.3 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.

7.4 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 provisions of the national planning framework and a provision of a local development plan, whichever of them is the later in date is to prevail.

- 7.5 Policy DS1 in the ALDP states that proposals for sites outwith but contiguous with a development boundary will only be acceptable where it is in the public interest and social, economic, environmental or operational considerations confirm there is a need for the proposed development that cannot be met within a development boundary, and 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. Policy 9 in NPF4 states that proposals on greenfield sites will not be supported unless the site has been allocated for development or the proposal is explicitly supported by policies in the Local Development Plan.
- 7.6 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. Scottish Government has published planning advice on large photovoltaic arrays and the council has published supplementary guidance that deals with renewable and low carbon energy developments. These documents identify relevant planning considerations which are similar to those listed in policy as summarised above. While Scottish Government has published guidance on energy storage, it has not published specific guidance on battery storage. UK government has published guidance on planning for renewable and low carbon energy and that includes guidance on battery storage which focuses on fire safety and recommends consultation with the relevant local fire and rescue service and due cognisance of guidance produced by the National Fire Chiefs Council.
- 7.7 The application relates to an area of land that is outwith the development boundary for Forfar as defined by the ALDP. It is not allocated for development in the ALDP and a section of the site boundary is contiguous with the northern extent of the Forfar development boundary. A development of this nature and scale cannot be located within the development boundary and a proposal that generates renewable energy to meet the electricity needs of around 8000 homes is of some public interest having regard to the global climate crisis. The generation of around 49.9MW of renewable energy would assist in meeting renewable energy generation targets and on greenhouse gas emissions reduction targets. In this respect, the principle of the development proposed attracts general support from development plan policy and the contribution towards renewable energy generation merits significant weight.
- 7.8 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.

- 7.9 The site is within the Broad Valley Lowland landscape character type (LCT) as defined by the TLCA. The TLCA does not provide guidance that deals specifically with large-scale solar development. However, in relation to development pressure within the Broad Valley Lowland LCT, amongst other things, it seeks to encourage new development to reinforce the existing settlement pattern, focused on market towns and smaller villages; discourage improvements which result in further loss of field boundaries or field boundary trees; encourage replanting of trees along field boundaries, initially along roads, but also between fields (species to include oak, sycamore, beech and ash); and explore the opportunities to increase woodland cover by creating new woodland belts, particularly where there is a need to screen development. The council's landscape capacity assessment for solar energy indicates that there is medium capacity for solar farm development within this area. It suggests that the rectilinear arable field pattern of this landscape type and typical gentle slopes increase capacity for solar development. In general terms it indicates that solar development should avoid locations where it is overlooked and prominent from higher ground particularly from the north and south, and that it should avoid steeper slopes and landform crests and ridges where development would either be prominent or inconsistent with the landscape pattern. The assessment suggests this is an area with capacity to be a landscape with solar development.
- 7.10 The submitted landscape and visual assessment (LVIA) indicates that the site and its immediate setting occupy lower lying ground to the north of Forfar within the Broad Valley Lowland LCT. It states this area of the LCT is characterised by medium to large scaled open fields and sloping landform falling to the north and west from high points to the southeast. It indicates that at this location hedgerows and tree boundaries have declined with the expanding fields and limited woodland exists within or adjacent to the site. It notes the A90 runs to the north and west and the northern edge of Forfar, including the Suttieside industrial estate and Forfar Athletics' football ground provide a peri-urban landscape to the south. The assessment suggests the overall landscape value is 'medium' with moderate potential to accommodate the proposed development. The assessment states measures, such as setting the panels back from sensitive locations and boundaries, separating the panel groupings and improving landscaping in and around the site, would reduce the visual prominence of the solar array. The assessment concludes the proposal would change the pattern and texture of the arable fields but would have limited potential to affect the characteristics of the wider LCT as the development would be seen as a low horizontal feature in descending views alongside the settlement of Forfar. It suggests the development would have a medium impact upon the landscape on completion, reducing to medium to low in the medium to long-term as the proposed mitigation planting matures.
- 7.11 In relation to visual impacts, the applicant's landscape and visual appraisal indicates that a number of viewpoints were identified as being representative of key visual receptors in the area and were subsequently assessed. It suggests that the proposed solar farm would be most visible from the immediate vicinity, particularly to the east, west and north of the site. *The battery storage system is located in the north of the site and is surrounded by proposed panels on three sides. The panels are of a similar height to the battery storage units and therefore the assessment of 'solar array' impacts is considered to include consideration of the battery storage units.* The assessment suggests visual 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.
- 7.12 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 result in change from arable land to land containing modern structures. However, its siting and design would be broadly consistent with the guidance provided in the council's landscape capacity assessment for solar development. It would be sited such that it would avoid steeply sloping land, and while it would be visible and noticeable from surrounding higher land, it would not be prominent or dominant from those areas. The layout has been revised to have regard to historic field patterns. 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. While the development would be in situ for a considerable period of time, it is temporary and reversible, and a condition is proposed that would secure its removal and site restoration.

- 7.13 Issues in relation to impact on core paths and on recreational access are discussed below. From the public roads to the west of 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.
- 7.14 There are residential properties close to the proposed development, including properties to the northwest and north at Heatherstacks and Hatton of Carse respectively, to the east at the Benzil and North Whitehill, to the south at Suttieside Road, and to the southwest at the north of Forfar in the proximity of the area known as The Zoar and North Mains Farm. 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.
- 7.15 There are properties to the northwest and north of the site, at Heatherstacks and Hatton of Carse. The Heatherstacks properties generally face south but would have oblique views of the development. The properties at Hatton of Carse are south facing with their main garden ground forward of the dwellings and their principal access following the north and east boundaries of the site. They would have direct views towards the development, separated by an intervening field and a distance of around 130m. The land in the foreground between these properties and the panels is currently open and relatively flat with the land beyond, within the site, rising slightly as it extends south and sloping downwards to the east and west. There is little doubt that the panels would be obvious from the environs of and on approaches to these dwellings and the development would occupy a significant extent of the arc of view to the south. The view of the panels from the properties would change at different times of the day given the nature of the panel tracking system, but in general terms they would detract from the visual amenity the occupants currently enjoy. Additional planting is proposed along the northern perimeter of the development in this area to mitigate impacts on the dwellings, but this would take some time to become effective. The planting would not obscure the solar development, but it would provide additional mitigation as it matures. However, the dwellings would be separated from the development by a reasonable distance, and in general terms the occupants would continue to enjoy a reasonably high standard of visual amenity with largely uninterrupted views of open countryside to the north, east, and west. The resultant visual impact of the development could not be said to be such that it would make the dwellings, or the general area, an undesirable or unsatisfactory place to live. The

overall impact would be mitigated as planting matures.

- 7.16 There are small groupings of properties located close to the site to the east and southeast at Benzil and North Whitehills. The properties at Benzil are around 90 - 100m from the proposed panels. These properties have varied orientation, but some have principal elevations and garden areas facing towards the development and a number appear to have been designed to take advantage of views to the west and northwest towards the foothills of the Grampians. The area in the immediate vicinity of these properties would not contain solar panels and they would be separated from the development by the public road and areas of undeveloped field. The panels would generally be located on lower ground, but they would occupy a significant element of the arc of view to the west. The view of the panels from the properties would change at different times of the day given the nature of the panel tracking system, but in general terms they would detract from the visual amenity the occupants currently enjoy. Additional planting is proposed in the eastern section of the development in this area to mitigate impacts on the dwellings, but this would take some time to become effective. Other views from these properties would largely be unaffected by the development and they would continue to enjoy a high standard of visual amenity. While occupants of the properties would experience views of the development, the visual impact would not be such that it would make this an undesirable or unsatisfactory place to live. The properties at North Whitehills generally have a southerly aspect with predominantly ground floor windows facing north. They would be separated from the development by the public road, some intervening roadside vegetation, undeveloped agricultural land, and a distance in the region of 300m to the closest panels. The landform in this area is gently undulating such that areas of the development site would not be readily visible from the properties. The area immediately to the north of these properties would be set aside for biodiversity enhancement measures and would not contain solar panels. While the development would result in some diminution in the visual amenity enjoyed by occupants of properties at this location, it could not be considered to make them an undesirable or unsatisfactory place to live.
- 7.17 The properties to the south, in the vicinity of Suttieside Road, generally have principal elevations which face north or northwest towards the development, but they also tend to have private gardens that would be screened from the development by the buildings. The houses would be separated from the main body of the site by the public road, intervening fields, and a distance of around 200m to the panels. The landform is gently undulating and some panels within the development would be screened from those dwellings. The proposed development would generally be obvious from the environs of and on approaches to the dwellings and would be apparent from main windows in the north facing elevations. The view of the panels from the properties would change at different times of the day given the nature of the panel tracking system, but where the development is visible, it would detract from the visual amenity the occupants currently enjoy. However, views in other directions from properties at this location would be unaffected. In general terms, the separation distance between the properties and the development, the varying visual extent of the development in the mid-distance, and the change in elevation, are all such that the properties would retain a high degree of visual amenity. The visual impact would not be of a degree that would make properties at this location an undesirable or unsatisfactory place to live. Additional planting would be provided around the perimeter of the development to further mitigate impacts on these dwellings. The planting would not obscure the solar array, but it would provide additional mitigation as it matures.
- 7.18 Properties to the southwest, at North Mains Farm and the 'Zoar' area of Forfar would have oblique views of the development. The main approach to the properties at North Mains Farm, which also forms part of the North Mains to Carseview Road Core Path, would have direct views of the development and it would be an obvious presence on approach to the properties. A large tree belt is proposed to the east of the access

track and further tree planting proposed within the main body of the site. These properties would be around 300m from the closest panels, but existing farm buildings directly to the east of the North Mains properties would limit views of the wider development. The rear garden ground of the properties at the 'Zoar' would face the development, but in general would be separated from the closest panels by a distance in the region of 500m. Visual impact on these properties would not be at a level that would make the properties an undesirable or unsatisfactory place to live.

- 7.19 There are other residential properties in the wider area that would have views of the development, but consistent with the assessment for the closest properties, it could not reasonably be claimed that the visual impact on those properties would be such that it would make them an undesirable or unsatisfactory place to live. The development would not give rise to significant or unacceptable impacts on wider views that are of significance at a community level.
- 7.20 In addition to residential properties there are other land uses in the surrounding area that would be affected by visual impact associated with the development, including the golf driving range and associated facilities to the west. The gold driving range buildings, which include a café are in the region of 500m from the closest solar panels. The intervening landscape is such that sections of the proposed development would be obvious in views from the driving range and it would be apparent for those using the facility. The view of the panels from the facility would change at different times of the day given the nature of the panel tracking system, but the development would occupy a reasonably significant extent of the arc of view to the east, and in general terms it would detract from the visual amenity those using the facility currently enjoy. However, recreational use of the facility would not be compromised by the development, and a substantial area of landscaping is proposed between the development site and the driving range. While this will take some time to provide any meaningful benefit, it would provide some mitigation.
- 7.21 In respect of cumulative impacts, there is an operational solar farm and battery storage facility at Padanaram to the west and there are two contested, but incomplete, solar arrays at Carsegowrie to the northeast, as well as a number of other solar developments in the wider area. However, the council's guidance on solar development suggests that this landscape type has medium capacity for solar development and is a landscape type that can change to become a landscape with solar development. The proposal would not result in exceedance of that guideline threshold. Due to the separation distances and the intervening topography, there are not considered to be significant cumulative landscape or visual impacts with other built or consented solar development. There are other developments within the wider area that contribute to cumulative landscape and visual impacts including electricity pylons. 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.
- 7.22 Overall, the proposal would give rise to adverse landscape and visual impact although those impacts would generally be most significant in a localised area and mitigation measures have been included within the proposal which would help reduce the significance of those impacts over time. NPF4 policy 11 requires consideration of significant landscape and visual impacts, but states 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.*' In this case, the reasonably limited significant impacts must be balanced against the benefits associated with the production of renewable energy and the significant weight that policy indicates must be given to the global climate crisis. Accordingly, and having regard to the very supportive national policy framework, the landscape and visual impacts associated with the development are not considered unacceptable.

- 7.23 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. Other amenity impacts relate primarily to issues associated with potential glint and glare from operation of the panels, and issues associated with noise and activity associated with the construction and operation of the development.
- 7.24 An assessment of the potential for glint and glare has been submitted in support of the application. Supporting information indicates that risk of glint and glare affecting road users on the B9128 and the A926 are possible before noon, but any impacts are likely to be low taking account of separation distances and screening from buildings and vegetation (existing and proposed). The assessment indicates that around 41 residential properties could experience glint and glare in certain conditions but suggests only three could experience more than 60 minutes of glare in any one day. The three properties are located directly to the north of the site at Hatton of Carse. The information suggest that this level of glare would only occur for just over 3-months of the year, predominantly during November – January, and effects would not exceed 100 minutes during the course of the day. Effects during this period would be split between an event during the morning (varying between 6am and 10am) and a second event in the mid-afternoon (varying between 2pm and 4.30pm). This modelling does not automatically account of physical obstructions between reflectors and receptors, such as tree cover or geographic obstructions. The proposed landscaping scheme makes provision for the planting of a tree belt between the site and these properties. The submitted assessment indicates that impacts upon residential receptors are unlikely to be significant, taking account of the separation distance to the panel area, the position of the sun, the orientation and configuration of windows on affected properties, and the intervening structures and landscaping (existing and proposed). 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 where necessary.
- 7.25 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 noise associated with both the construction and operation of the development would not have an adverse impact on sensitive receptors. The noise assessment indicates that no noise mitigation measures are considered necessary during the operational phase of the development and that noise levels could be controlled by planning condition. 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.
- 7.26 The proposal would result in additional vehicle movements across the public road network, and that would have some impact on the amenity of the occupants of property in the vicinity of the development site, particularly during the construction phase. Issues regarding the capacity of the road network to accommodate development traffic is discussed below. However, construction is anticipated to last for a period of around 6-months with an average of nine HGV deliveries (18 two-way movements) during the peak construction period (weeks 4 - 8) then five or six vehicles per day during the remaining 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.
- 7.27 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.

- 7.28 Development plan policy seeks to safeguard natural heritage interests, including designated sites and protected species. The application site is currently cultivated agricultural land with scattered trees around field boundaries and is not designated for any natural heritage reasons.
- 7.29 The proposal is supported by ecological information, including a preliminary ecology appraisal, an extended Phase 1 habitat survey, and by a biodiversity net gain assessment. The submitted information identifies a number of designated sites within 2km of the site, but states that due to the distance of these from the application site, and lack of hydrological connectivity, the development is not anticipated to impact upon them. Having regard to available information, there is no evidence to suggest that the proposal would result in any unacceptable direct or indirect impacts upon sites designated for their natural heritage value subject to an appropriate construction environmental management plan.
- 7.30 In terms of protected species, the submitted information concludes there is no evidence of any protected species within the site, and that there would be negligible impacts upon reptiles, amphibian, mammal species or schedule 1 breeding birds in the area. It acknowledges that the site may be used for foraging by birds, such as pink-footed geese or greylag geese, but it suggests any displacement is unlikely to significantly affect the population of these species. The survey recommends precautionary measures such as an additional ecology walkover if works were to take place during the bird breeding season.
- 7.31 The supporting information also advises the site currently has low ecological value due to the type and condition of habitats present, and that the proposed development would have a substantial positive effect on biodiversity through the planting of new trees, shrubs, hedgerows, wetland habitat creation, wildflower meadows, and recommends the installation of bird and bat boxes.
- 7.32 The site is currently in use as cultivated agricultural land and this limits its biodiversity value. There is no evidence to suggest that the proposal would have any significant adverse impact on important habitats or protected species. Foraging geese may be displaced, but there is an abundance of suitable foraging habitat for them in the wider area. Post-construction, and subject to the mitigation and habitat enhancement measures proposed, the site would provide some biodiversity enhancement. Available information suggests that natural heritage interests would not be adversely affected, and the proposal would not have an unacceptable impact on protected species subject to appropriate mitigation measures as detailed in the proposed conditions.
- 7.33 Development plan policy seeks to safeguard built and cultural heritage interests including listed buildings, conservation areas, historic gardens and designed landscapes, scheduled monuments and local archaeological sites. These matters are addressed in the submitted supporting information which considers the potential impacts of the development on a range of heritage interests and concludes that any impacts could be adequately mitigated through a staged programme of archaeological recording.
- 7.34 There are no sites formally designated for built or cultural heritage reasons within the application site. The assessment identifies a scheduled monument (SAM), nine listed buildings and the northern extent of the Forfar conservation area within a 1km radius of the application site. The assessment considers the proposal would not impact upon the listed buildings nor the conservation area as the proposed development would largely be screened from view from these assets. It indicates that the SAM (Carse Grey, settlement and souterrains) is no longer appreciable as a landscape feature

and derives its cultural significance primarily from its intrinsic archaeological potential instead of wider landscape setting, and as such the proposal would not affect this asset. The proposed development is over 700m from the SAM and is separated from it by intervening planting.

- 7.35 An archaeological desk-based assessment notes the presence of a number of non-designated archaeological assets within the site and identifies these as being of either local or negligible importance. In terms of impacts upon these features, the assessment concludes that the archaeological heritage risks associated with the proposal lie predominantly with the potential for impacts upon below ground archaeology. However, the assessment suggests there is low to medium potential for previously unknown remains to exist within the site, and the presence and condition of any previously unknown archaeological remains could be confirmed through a programme of trial trenching. The council's archaeology advisor has considered the proposal and the submitted information and offers no objection subject to a planning condition to secure a programme of archaeological works.
- 7.36 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 development would not result in any direct or significant indirect impacts on designated built or cultural heritage assets. It has the potential to impact upon non-designated archaeological designations within the site, but these impacts could be mitigated via condition. Overall, the proposal would not give rise to any unacceptable impacts on heritage interests in the area.
- 7.37 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 nine HGV deliveries on average per day associated with that process. The submitted planning statement indicates that construction vehicles would utilise a temporary access located to the west, taken from the B9128 and using a section of the North Mains to Carseview Road Core Path. Once built and operational, the temporary construction route would be removed, and all access would be via a small standard field access on the northern side of Suttieside Road. Vehicular activity associated with the operation of the solar area would be limited and would generally comprise smaller 4x4 vehicles. 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 a construction traffic management plan and the provision of visibility splays at the proposed field access.
- 7.38 The development also has potential to impact on recreational access and those using path networks in the area for recreational purposes. It would have no direct impact on the Heatherstacks to Benzil core path which is located a short distance to the north of the site. But the development would be visible for those using it and the visual amenity of the route would be reduced as the character of the area would change. The North Mains to Carseview Road core path is located to the south and west of the site and it would be used on a temporary basis to facilitate construction access. This would run to the south of the golf driving range and recreational use of that facility would also be impacted by construction traffic. However, this would be a temporary impact and the level of construction vehicle movement is indicated to be reasonably limited. In such circumstance direct impact on the core path for a temporary period is not considered unacceptable and would not be unlike use by agricultural traffic during periods of significant agricultural activity. The character of this path would also be altered following construction of the solar array as it would run adjacent to solar panels rather than open fields. Planting might provide some additional mitigation, but the overall attractiveness and amenity of the core paths would be reduced. The proposal would generally retain opportunity for recreational access, but the amenity of available routes, including the core paths would be reduced by the development.

However, this is an area on the edge of a town and there are other areas in the vicinity that can be used for recreational access. The impacts of construction traffic upon the North Mains to Carseview Road could be mitigated by condition. The development would be obvious from the Forfar path network, and it would have some adverse impact on amenity. However, screen planting would be provided along the perimeter of the site to mitigate impact in the longer term.

- 7.39 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. Areas of land within the site are identified on SEPA flood maps as being at risk from flooding.
- 7.40 A submitted flood risk and drainage assessment indicates that flooding is present within the site boundary associated with the Lemno Water to the north and at topographic low points to the south of development. It states the solar infrastructure has principally been designed to avoid those areas of flooding, with the more vulnerable infrastructure including the battery storage system, customer substation and transformer stations avoiding any areas of potential flooding. The battery storage elements are also proposed on raised plinths and the panels themselves are by nature of their design raised above ground level and can be controlled to ensure their 'tilt' provides a freeboard of 600mm above surface water flooding levels. The supporting information states that solar infrastructure can be considered water compatible where it is within shallow areas of flooding, and it can remain operational during periods of floods. The document concludes that the site is not unacceptably affected by flooding from any source given the nature of the development proposed and the mitigation proposed.
- 7.41 SEPA has considered the application in relation to flood risk and potential impact of development on the water environment and has offered no objection. The roads service has considered relevant information and has offered no objection on the grounds of flood risk subject to the operational face of the panels, battery storage, and power conversion systems being installed in a manner to provide a freeboard of at least 600mm above predicted flood levels. This is generally consistent with the raised foundations and the panel levels proposed but is a matter that can be regulated by condition. A condition is attached to protect the Lemno water from pollution during the construction process, and the proposal does not give rise to any significant adverse impact on the water environment.
- 7.42 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.
- 7.43 The information submitted suggests the proposal would connect to the grid via an underground cable extending to the south and east, along existing boundaries, roads, paths and the former railway embankment, connecting to the distribution network at Lunanhead. However, this would be subject to a separate consenting process and at this stage there is no reason to consider that a suitable connection could not be achieved having regard to the nature of the surrounding area.
- 7.44 NPF4 Policy 5 seeks to minimise the disturbance of soils from development and (amongst other things) only allows the development of prime quality land in limited circumstances including where the development relates to the generation of energy from renewable sources. Similarly, ALDP 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 but where the development is supported by a bond to secure site restoration.

- 7.45 Published maps contain conflicting information, with a national scale map indicating the site is Class 3.2 non-prime land and more detailed maps suggesting it is Class 3.1 prime land. The applicant has submitted information which suggests that further consideration of the soil type indicates that the land is well drained and suitable for a moderate range of crops and suggests that for planning purposes the site be considered as Class 3.2 non-prime agricultural land. Notwithstanding this, development plan policy, including NPF4 which sets out national planning policy and which was published this year, is clear that the loss of prime land will be supported where proposals constitute renewable energy development and there is secure provision for site restoration. 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. There is no evidence to suggest that the viability of a farm unit would be adversely affected by the proposal. The proposal does not give rise to any significant issues in respect of the policy approach to the use of agricultural land, whether the land is prime or otherwise.
- 7.46 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. Adverse visual impacts on the local path network are localised and there are other recreational access opportunities in the wider area. The development would provide a source of renewable energy generation capable of meeting the electricity needs of around 8000 homes and that would make reasonable contribution towards reducing reliance carbon emissions. Policy requires that this is given significant weight. In these circumstances, it is concluded that the application is compatible with the development plan subject to the proposed planning conditions.
- 7.47 In addition to development plan policy, it is relevant to have regard to other material considerations, including the planning matters that have been raised in letters of representation and by the Forfar Community Council, as well as recent appeal decisions regarding interpretation of policy in relation to similar development proposals.
- 7.48 Submissions have been made by interested parties variously suggesting that the proposal would either result in unacceptable or acceptable impacts upon amenity, the environment and farmland. Issues regarding these matters are addressed and sufficient information has been submitted to assess the proposal. It is concluded that the proposal is in compliance with relevant development plan policies. 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.
- 7.49 As indicated above the proposal would result in some adverse landscape and visual impact. However, that is generally true of most energy development proposals and is recognised by policy. In this case the most significant impacts would be localised and would, in part, be mitigated. Impacts would be similar to those experienced in association with agricultural poly-tunnels which are not uncommon in the wider landscape. The relationship between the solar development 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 an acceptable level of visual amenity. The area is not subject to any special landscape designation, the site is considered suitable, and impacts are predominantly localised. These have been balanced against the wider benefit associated with production of 49.9MW of renewable energy which it is indicated could meet the electricity needs of 8000 homes.

- 7.50 Other impacts upon amenity have been considered above and would be acceptable subject to conditions to limit impacts, including noise associated with the development. Given the nature of the development there is no reason to consider the proposal would result in adverse odour impacts and the supporting information indicates no lighting is proposed in or around the site once operational. Concerns have been raised regarding fire risk associated with the battery storage system, however information has been submitted by the applicant to demonstrate how fire safety would be managed on the site, and the Scottish Fire and Rescue Service has been consulted but raised no objection. The proposed battery storage facility is around 50m from the closest site boundary and over 350m from the closest occupied building.
- 7.51 Development plan policy allows development of greenfield sites where a proposal is otherwise compatible with relevant policies. While the quality of the affected agricultural land is unclear, development plan policy specifically allows loss of prime quality land where development would facilitate renewable energy generation. Most recent government planning policy allows the use of prime quality agricultural land for renewable energy production notwithstanding any broader concerns regarding food security. The applicant has suggested that the development would support the existing farm businesses by generating steady income and providing energy. There is no evidence to suggest the proposal would adversely impact farm viability.
- 7.52 Cumulative landscape and visual impacts have been considered above but in relation to concerns regarding cumulative loss of prime quality agricultural land in Angus, operational or consented solar and/ or battery development on prime land, including development on mixed (prime and non-prime) sites, equate to less than 1% of Angus' prime quality land resource.
- 7.53 There is no evidence to suggest that the development would significantly affect drainage, flood risk, the Lemno water, protected species, important habitats, or the wider biodiversity interests in the area. The additional planting proposed, including the wetland habitat and the wildflower areas would provide some enhancement to biodiversity in comparison to the areas of existing cultivated agricultural land, and the development has been designed to primarily avoid areas subject to potential flood risk.
- 7.54 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 or employment impact is provided. The impact on recreational access is difficult to quantify: the presence of the development 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 reasonably modest size. The proposal would result in some adverse impact on core paths and recreational access in the area, particularly during the construction phase. However, such impact would be temporary, and a planning condition is proposed that requires provision of an access management plan to mitigate impact during the construction phase. 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.
- 7.55 Relevant consultation bodies have not identified issue in relation to aviation safety. There is no evidence to suggest the proposal would adversely affect other

infrastructure. Published planning guidance does not suggest that solar or battery energy proposals are likely to give rise to significant health impacts and there is no evidence to suggest this proposal would adversely affect the health of the community.

- 7.56 The letters submitted in support of the proposal have also been taken into account and as discussed above, relevant weight has been given to the likely lifespan of the development, the renewable energy it would generate, and the resultant contribution that would make towards the Scottish Government's renewable energy targets.
- 7.57 In addition to the letters of representation, 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.
- 7.58 In conclusion, this proposal provides for the generation of renewable energy and associated battery storage infrastructure that would meet the electricity needs of around 8000 homes. 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 impacts on amenity, built, cultural and natural heritage interests, or other environmental interests, or infrastructure.
- 7.59 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 core paths 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 paths and of recreational access in general would be reduced by the development although mitigation measures would be employed to minimise that impact and some biodiversity improvement would be delivered. 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.
- 7.60 The development would contribute towards meeting government energy targets and government guidance confirms that schemes should be supported where the technology can operate efficiently, and environmental and cumulative impacts can be satisfactorily addressed. In this case the technology would appear to have potential to operate efficiently, and available evidence suggests that environmental impacts can be satisfactorily addressed.
- 7.61 The matters raised in objection to 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.
- 7.62 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.

8. 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.

9. 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 amenity, built, cultural, and natural heritage interests or other environmental interests including landscape, or infrastructure 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 land 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 Construction Traffic Management Plan (CTMP). The CTMP shall consider arrangements for the following:
- the type and volume of vehicles to be utilised in the delivery to the site of construction materials associated with the development;
 - the restriction of delivery traffic to agreed routes;
 - 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;
 - a code of conduct for HGV drivers to allow for queuing traffic to pass;
 - contingency procedures, including names and telephone numbers of persons responsible, for dealing with vehicle breakdowns;

- a dust and dirt management strategy, including sheeting and wheel cleaning prior to departure from the site;
- the location, design, erection and maintenance of warning/ information signs for the duration of the works at site accesses, specifically on the B9128, and crossovers on private haul roads or tracks used by construction traffic and pedestrians, cyclists or equestrians;
- contingencies for unobstructed access for emergency services;
- co-ordination with other major commercial users of the public roads on the agreed routes in the vicinity of the site;
- traffic management, at the junction of the site access with Brechin Road (B9128) and in the vicinity of temporary construction compounds;

Thereafter, the approved CTMP 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 278 and other public access routes within and around the application site during construction works
- Details of the extent and timing of any closures and proposed diversions;
- Details of any necessary 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. The submitted scheme shall include: -

- Existing landscaping features and vegetation to be retained;
- The location of new trees, shrubs, and hedges, and details of the width of standoff areas to solar panels;
- A schedule of plants to comprise species, planting stock size, numbers and density;
- Measures to protect planting from grazing animals;
- 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) 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.
- (h) A landscape and ecology management and enhancement plan which shall include details of the 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, including those within the 'Biodiversity Enhancement Area' as indicated on submitted Proposed Site Plan no. EPG1003-104 and having regard to the submitted Biodiversity Net Gain Assessment and the NatureScot Developing with Nature guidance. 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.
- (i) Measures to demonstrate that all solar panels (not including frames), battery storage units, and power conversion systems shall be installed in such a way as to provide a 600mm freeboard above predicted flood levels. Thereafter the equipment shall be installed in accordance with the approved measures.

The development shall be undertaken and operated in accordance with the planning permission and the detail approved in relation to relevant planning conditions.

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

- 4. Prior to the commencement of development, visibility splays shall be provided at the junction of the proposed access with Suttieside Road giving a minimum sight distance of 120 metres in each direction at a point 2.4 metres from the nearside channel line of Suttieside Road. Within the above visibility splays nothing shall be erected, planted or permitted to grow to a height in excess of 1050 millimetres above the adjacent road channel [875 millimetres above the adjacent footway] level.

Reason: To enable drivers of vehicles leaving the site to have a clear view over a length of road sufficient to allow safe exit.

- 5. 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 noise sensitive properties.

6. Noise from all activities within the development site shall not exceed 33 dB LAr,Tr as measured and assessed within the external amenity area of any noise sensitive property and in accordance with BS 4142:2014 Methods for rating and assessing industrial and commercial sound.

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

7. 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 occupants of noise sensitive properties.

8. 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 noise limits set by conditions of this permission. 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 details and timescales.

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

9. Vibration levels associated with the construction of the development shall not exceed the following limits:-
 - (a) 1mms-1 PPV at existing residential or educational properties
 - (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: In the interests of the amenities of occupants of vibration sensitive properties.

10. Delivery vehicle movements to and from the site shall be restricted to 0700 to 1900 (Monday – Friday) and 0800 to 1400 (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 occupants of noise sensitive properties.

11. 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 occupants of nearby sensitive property.

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

- the recommendations detailed in Section 4 of the Garvia Environmental Preliminary Ecological Appraisal and Extended Phase 1 Habitat Survey (November 2023);
- the recommendations identified in Section 6 of the Garvia Environmental Flood Risk & Drainage Assessment (November 2023).

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, 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: 5 DECEMBER 2023

APPENDIX 1: LOCATION PLAN

APPENDIX 2: SUMMARY OF APPLICANTS SUPPORTING INFORMATION

APPENDIX 3: LETTERS OF REPRESENTATION

APPENDIX 4: DEVELOPMENT PLAN POLICIES