

ANGUS COUNCIL

DEVELOPMENT STANDARDS COMMITTEE – 12 MARCH 2024

PLANNING APPLICATION – LAND 500M EAST OF STONEYGROVES, LIFF  
GRID REF: 335040 : 733240

REPORT BY SERVICE LEADER – PLANNING & SUSTAINABLE GROWTH

**1. ABSTRACT**

- 1.1 This report deals with planning application No. [23/00756/FULM](#) submitted on behalf of Sonnedix Weston Ltd for the installation of a 20MW Solar farm (with peak generation capacity of 24-28MW) with associated infrastructure and landscaping at land 500m east of Stoneygroves, Liff. This application is recommended for conditional approval.

**2. RECOMMENDATION**

- 2.1 It is recommended that the application be approved for the reason and subject to the conditions given in Section 10 of this report.

**3. INTRODUCTION**

- 3.1 The applicant seeks full planning permission for the installation of a solar farm with an export capacity of 20MW (with peak generation capacity of 24-28MW) and associated infrastructure and landscaping at land 500m East of Stoneygroves, Liff. A plan showing the location of the site is provided at Appendix 1.
- 3.2 The application site measures around 30 hectares. The site consists of agricultural land which is surrounded by farmland with parcels of woodland and small groupings of residential and agricultural buildings. Birkhill is around 230m to the north of the site and Liff is located roughly 800m to the west. The Gourdie Brae with the Camperdown Country Park beyond are to the east and Liff Road and the Dundee City Council administrative area is to the south. Access to the development would be via a proposed access on to Gourdie Brae, near its northern extent.
- 3.3 The proposal involves the installation of solar panels and associated infrastructure for a period of up to 40 years. The proposed solar panels have a maximum height of approximately 2.5m and would be enclosed by 2.5m high fencing. Pole mounted CCTV would be installed on posts measuring up to 4m in height and positioned at intervals adjacent to the security fencing surrounding the panels. A substation compound would be located in the southwest of the development. The compound would include a transformer unit, a switchgear building and a Distribution Network Operator (DNO) building. The largest of the buildings/ structures would be the DNO building measuring around 4m in height and with footprint of around 21sqm. A new vehicle access onto Gourdie Brae is proposed in the northeast of the site, roughly 200m south of its junction with Coupar Angus Road. A number of access tracks are proposed around the site and 6 transformer substations are to be sited along these tracks. A landscaping is also proposed both within and around the site boundaries.
- 3.4 The proposed Landscaping Masterplan Rev3 amends the earlier versions of this plan to include a noise barrier in the southeast of the site as well as minor amendment to the proposed planting in this area.

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 A Proposal of Application Notice (Application Ref: [22/00815/PAN](#)) in respect of a solar farm (export capacity of 24MW) with associated infrastructure at the site was considered by committee at its meeting on 14 February 2023 ([Report No. 29/23](#) refers). Committee noted the key issues identified in that report.

4.2 A screening opinion (ref: 22/00527/EIASCR) under the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 was provided in September 2022 for a 24MW solar array with ancillary works at the site. The Screening Opinion indicated that the proposal was not an EIA development. The current application site is marginally smaller and includes a stand off from the public road to the south. These changes do not alter the conclusion reached in the above screening opinion.

#### 5. APPLICANT'S CASE

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

- Pre-application Consultation Report
- Planning Supporting Statement
- Design and Access Statement
- Landscape and Visual Assessment (including appendix A-D)
- Noise Assessment
- Glint and Glare Study
- Sequential Site Analysis
- Flood Risk Assessment and Surface Water Management Plan
- Land Capability Classification for Agriculture
- Preliminary Ecological Appraisal
- Biodiversity Net Gain (BNG) Assessment
- Heritage Impact Statement
- Transportation Statement

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

#### 6. CONSULTATIONS

6.1 **Angus Council – Roads** – no objection in relation to impacts on the road network subject to conditions requiring a Construction Traffic Management Plan and visibility splays provided at the proposed junction onto Gourdie Brae. Offers no objection in relation to flooding and drainage subject to suitable management measures.

6.2 **Angus Council – Environmental Health** – no objection in terms of amenity subject to planning conditions to regulate noise and vibration levels during the construction of the development and noise levels during its operation. A condition is also proposed to secure the provision of an acceptable acoustic barrier in the southeast of the site.

6.3 **SEPA** – no objection.

6.4 **Aberdeenshire Archaeological Service** – no objection.

6.5 **Dundee City Council** – no objection but suggests conditions in relation to site access and highlights recently constructed development in proximity to site within Dundee City Council boundary.

- 6.6 **Historic Environment Scotland** – no objection.
- 6.7 **NERL Safeguarding** – no objection.
- 6.8 **Dundee Airport Ltd** – no objection.
- 6.9 **Ministry of Defence** – no objection.
- 6.10 **Civil Aviation Authority** – no comment.
- 6.11 **Community Council** – no comment.
- 6.12 **Scottish Water** – no objection.
- 6.13 **Transport Scotland** – no objection.
- 6.14 **NatureScot** – no objection.
- 6.15 **SSE PLC** – no objection subject to suitable landscaping details/management.

## **7 REPRESENTATIONS**

- 7.1 No letters of representations have been submitted to the proposal.

## **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 3 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 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.
- 8.5 The site is located outwith a development boundary and is not allocated or otherwise identified for development in the ALDP. Policy DS1 in 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. 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. 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.

- 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 2 encourages development which minimises emissions and adapts to the current and future impacts on climate change. NPF4 policy 11 seeks to encourage, promote and facilitate all forms of renewable energy development including solar arrays. 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.
- 8.7 The application site comprises class 3.1 prime quality agricultural land. However, and as set out above, development plan policy 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. The applicant indicates this development has potential to generate electricity to meet the needs of around 6000 homes. 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.
- 8.8 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.
- 8.9 The application site lies within the Dundee/ Tealing sub-category of the Dipslope Farmland landscape character type (LCT). The published guidance indicates there is a medium capacity for solar farm development within this area. The guidance describes the landscape subcategory as a settled area of elevated lowland arable farmland set between the Sidlaw Hills and Dundee where the landform is gently rolling or undulating, falling south and east from the Sidlaw Hills towards Dundee and the Firth of Tay. The escarpment of the southern edge of the Sidlaws rises abruptly along the northern edge of this sub-area and land use consists of large or medium rectilinear arable fields and woodland blocks broken by occasional watercourses on lower ground. The guidance states that whilst rectilinear arable fields increase capacity for this type of development, overlooking from the Sidlaws and limited woodland cover could reduce capacity. It suggests that solar development should avoid areas within 2km of and over-looked by the Sidlaws. The guidance recommends that development should seek to reinforce established field patterns and use existing woodland as a landscape structure within which to locate development.

The assessment suggests this is an area with capacity to be a landscape with solar development.

- 8.10 The applicant has submitted a landscape and visual assessment. It indicates the proposal would result in some minor adverse effects on the landscape character as it would introduce built elements over a relatively large area of existing agricultural land and would be evident in the wider landscape setting. It indicates effects would be reduced due to the undulating and sloping nature of the landform and the retention of and offset of development from existing landscape features at the site. The supporting information suggest effects on the landscape would be reduced further once the proposed landscape mitigation (planting) has established and impacts would reduce from minor adverse to negligible.
- 8.11 In relation to visual impacts, the applicant's landscape and visual assessment indicates that a number of viewpoints were selected as being representative of identified visual receptors. Each viewpoint was subsequently assessed, and the assessment suggests that rolling landform, surrounding woodland and settlement provide a strong visual containment of the development. It indicates the southern area of the site located on the south-facing dip slope would be visible from as far as 10km away to the south but suggests the visual receptors most affected would be those located in proximity to the site, namely occupants of residential properties situated to the south and southwest and users of the local road network and core paths located close to the site. The assessment suggests the most significant adverse visual impacts resulting from the operational phase would be moderate in significance before the proposed mitigation planting matures and would reduce to minor significance thereafter.
- 8.12 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 farmland to land containing modern structures. However, the proposal's 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 it is not in a location where it would be prominent when viewed from higher land within the wider landscape character area. The layout has been designed to set panels back from existing boundaries and nearest properties and to group panels in smaller parcels with new planting proposed between these parcels, along historic field boundaries. Planting has also been proposed along the ridgeline running through the north of the site and around the perimeter of the development. While the development would be visible and noticeable from surrounding areas, it would utilise existing and proposed field boundary features and planting to provide some screening and to ensure that it is not unacceptably prominent or dominant in the wider area. 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.
- 8.13 Issues in relation to impact on core paths and on recreational access are discussed below. From the public roads in the proximity, the development would be visible intermittently, and where visible it would result in noticeable landscape change. At mid-distance, the change in field colour would be apparent but the layout would generally retain the existing field pattern at the site and the proposal 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.

- 8.14 There are residential properties close to the proposed development, including to the south at Whitelawston Cottages and Whitelawston Drive, to the west at Stoneygrove, to the north at Muirhead and Birkhill, and to the east at Wester Gourdie. 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.
- 8.15 Whitelawston Cottages on Liff Road to the south are the closest dwellings to the application site. There are other properties at Gourdie and Whitelawston Drive to the southeast and southwest respectively, but they are at slightly greater distance to the development. Whitelawston Cottages are conterminous with the southern boundary of the site. The proposed panels would be around 50m from the dwellings and a 10m wide area of landscaping would separate the gardens of the houses from a track providing access around the solar development. A further area of landscaping would sit between that track and the closest panels. A 3m high acoustic fence would also be located in this area, but it would be separated from the dwellings by proposed landscaping. The Whitelawston Cottages are orientated such that their principal elevations face south and away from the development. They also have reasonably well screened garden areas that are located to the south of the dwellings. The development would occupy a significant extent of the arc of view to the north of these properties and in general terms would detract from the visual amenity the occupants currently enjoy. The solar development would be an obvious and unavoidable feature in proximity of the cottages and on approach to them. However, the houses would retain principal views to the south and they have reasonably well screened garden areas to the south. Additional planting is proposed along the southern perimeter of site and while this would not fully obscure the solar development, it would provide additional mitigation as it matures. The properties at Gourdie and Whitelawston Drive are at greater distance from the proposed solar panels and while the visual amenity enjoyed by residents would be reduced by the solar development, the impacts would not be as great as those experienced at Whitelawston Cottages. The resultant visual impact of the development could not be said to be such that it would make the dwellings, or any other dwelling in this general location, an undesirable or unsatisfactory place to live.
- 8.16 There are a number of properties to the west in proximity of Stoneygrove which are all in excess of 300m from the proposed development. The properties are generally orientated such that principal elevations face south although some do have windows that would face the solar development. There are existing blocks of tree planting located to the west of the proposed development and those would provide some screening from the immediate environs of the closest properties in that direction. The development would occupy a significant extent of the arc of view to the east and in general terms it would detract from the visual amenity the occupants currently enjoy. Additional planting is proposed along sections of the western perimeter of site, 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 high standard of visual amenity with largely uninterrupted views of open countryside in other directions. 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.

- 8.17 The settlements of Birkhill and Muirhead are located around 200m to the north of the proposed development. Houses on Coupar Angus Road within the settlements have principal elevations that face south towards the development. The land to the south of those properties rises gently towards the development site and comprises a mixture of parkland with woodland boundaries, agricultural land in arable use, and a woodland feature known locally as 'The Roundie'. The northern extent of the proposed development would be located close to a ridge which is partly defined by a line of existing trees. The development would be visible from those houses within the settlement where views are not obscured by existing features, and it would occupy a significant extent of the arc of view to the south. Additional planting is proposed along the northern boundary of the site and in time that would provide additional screening of the proposed solar panels and associated development. At the separation distances involved, and having regard to existing and proposed planting, the proposed development would not be an unacceptably visually prominent or dominant feature. Those living in the settlements or using spaces around them would be aware of the presence of the proposed development, and it would detract from the visual amenity of the area. However, the visual impact would not be of a degree that would make properties at this location an undesirable or unsatisfactory place to live and similarly the impact on the amenity of the settlements could not be regarded as unacceptable.
- 8.18 The dwellings at Wester Gourdie are in excess of 300m to the east and south of the proposed development. They would be separated from the development by intervening fields that are in agricultural use. The dwellings are orientated such that they have principal views to the southwest which would largely be unaffected by the proposed development. The development would occupy a significant extent of the arc of view to the north and west and it would detract from the visual amenity the occupants currently enjoy. However, having regard to the orientation of the properties relative to the development, the separation distance, and proposed planting, they would retain a high degree of visual amenity. While the development would result in some reduction in the visual amenity enjoyed by occupants of these properties, it could not be considered to make them an undesirable or unsatisfactory place to live.
- 8.19 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. Overall, the development would not give rise to significant or unacceptable visual impacts on wider views that are significant or unacceptable.
- 8.20 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 an exceedance of that guideline threshold. There are other developments within the wider area that contribute to cumulative landscape and visual impacts including housing, employment uses, electricity pylons, small scale wind turbines, and polytunnels. The extent of housing development on land to the south is changing the character of the area. However, the cumulative impact is not such that it is unacceptable having regard to the changing 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.
- 8.21 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.

- 8.22 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 the operation of the panels, and issues of noise and activity associated with the construction and operation of the development.
- 8.23 An assessment of the potential for glint and glare has been submitted in support of the application. The assessment indicates there is a potential risk of glint and glare to a number of residential properties within 1km of the site. Low impacts, amounting to effects occurring for less than 3 months per year and for less than 60 minutes on any given day, are predicted at those dwellings when intervening structures and planting, expected cloud cover, and the timing of expected impacts are taken into account. 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.
- 8.24 The proposal is supported by a noise assessment which considers potential noise associated with the development at the nearest noise sensitive receptors. It indicates that the noise associated with the operation of the development would not have an adverse impact on sensitive receptors subject to the erection of a 3m high acoustic grade fence along an eastern section of the southern boundary. The environmental health service has reviewed the noise information and has recommended planning conditions which seek to mitigate amenity impacts associated with the construction and operational phases of the development and to secure details of the acoustic barrier.
- 8.25 The proposal would result in additional vehicle movements across the public road network, and that would have some impact on the amenity of the occupants of property in the vicinity of the development site, particularly during the construction phase. Issues regarding the capacity of the road network to accommodate development traffic is discussed below. However, construction is anticipated to last for a period of around 6-months with an average of 7 HGV movements per day across this period. 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.
- 8.26 Overall while the proposal would give rise to some impacts on amenity, particularly during the construction phase, it is considered that, subject to the proposed conditions, those impacts could be mitigated to ensure that they do not unacceptably affect the amenity of occupants of nearby property.
- 8.27 Development plan policy seeks to safeguard natural heritage interests, including designated sites and protected species. The application site is currently used for agriculture and is not designated for any natural heritage reasons.
- 8.28 The proposal is supported by ecological information, including a preliminary ecology appraisal and a biodiversity net gain assessment. The submitted information



identifies the Den of Fowlis Site of Special Scientific Interest and the Firth of Tay and Eden Estuary Special Area of Conservation with 5km of the site. The closest of the sites is approximately 2.5km to the west and as such the report concludes that the proposal is unlikely to impact upon the qualifying features of these designations. 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.

- 8.29 In terms of protected species, the submitted information suggests there was no direct evidence found of protected species within the site. The supporting information suggests the site generally has low ecological value due to its use for farming activities but acknowledges that existing trees to the east of the site and areas of woodland in the wider vicinity are likely to offer nesting potential for birds and foraging, commuting and roosting opportunities for bats. The survey suggests that with appropriate measures in place, impacts upon protected species and their habitats could be mitigated. These measures are to be secured via condition.
- 8.30 The site is currently in productive agricultural use, and this limits its biodiversity significance. There is no evidence to suggest that the proposal would have any significant adverse impact on important habitats or protected species. 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.
- 8.31 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 would be low or negligible.
- 8.32 The application site does not contain any assets designated for their built or cultural heritage value. The supporting information suggests that given the current land-use, and sloping nature of the site, it is assessed as having low potential for undiscovered archaeological remains. There are scheduled monuments and listed buildings in the proximity of the site, including Camperdown House and its grounds which are included in the Inventory of Gardens and Designed Landscapes. However, the proposal would not give rise to unacceptable impact on these assets, or their setting given a combination of the nature of their special interests, their orientation, distance, and intervening landform and landscaping. Both Historic Environment Scotland and the council's archaeology service have considered the proposal and offer no objection. The proposal would not result in any unacceptable impact upon heritage interests in the area.
- 8.33 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 an average of 7 HGV movements per day throughout this period. The submitted information indicates that HGV construction vehicles would generally utilise the A90 onto Coupar Angus Road before turning south onto Gourdie Brae. Access to the site would be taken from the Gourdie Brae public road at a point around 200m south of its junction with Coupar Angus Road. Vehicular activity associated with the operation of the solar array would be limited and would generally comprise of 1 visit per month by a 4x4 or light goods 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 junction of the site access onto Gourdie Brae. Goudrie Brae is maintained by Dundee City Council and it has also offered no objection subject to the provision of suitable visibility splays.

- 8.34 The development also has potential to impact on recreational access. There are no core paths within the site and the submitted information suggests there would be no requirement to use any of the core paths for construction or operational traffic. There are a small number of core paths and undesignated paths in proximity of the site, however given the separation distances involved, the existence of intervening structures and planting, as well as backcloth planting, the proposal would not result in any unacceptable impacts upon core paths or other recreational routes in the area. Furthermore, once the proposed new landscape planting surrounding the site matures, this would further screen and soften the view of the development in the longer term. The character and amenity value of recreational routes in the area would not be unacceptably reduced by the development.
- 8.35 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. An area in the northeast of the site is identified on SEPA flood maps as being at risk from surface water flooding.
- 8.36 The submitted flood risk assessment indicates that the small area in the northeast of the site is at risk of surface water flooding due to a localised depression and the placement of panels within this area should be set such that the bottom of the panels and any electrically sensitive infrastructure include a freeboard above the likely flood levels. The submitted surface water management plan makes provision for the inclusion of filter strips, filter drains and permeable access roads and hardstanding to mitigate surface water flood risk across the wider site. The document concludes that the proposed development is not predicted to increase surface water runoff or flooding to the surrounding area.
- 8.37 SEPA has been consulted on the application in relation to flood risk and the potential impact of development on the water environment and has offered no objection. The roads service has considered relevant information and has indicated it does not consider the proposal to be at significant risk of flooding or to significantly increase risk of flooding elsewhere. Precise details regarding flood mitigation and drainage matters are proposed to be dealt with by condition. The proposal would not give rise to any significant adverse impact on the water environment.
- 8.38 In relation to the impact of the development on aircraft activity, the Ministry of Defence, NATS, and Dundee Airport have all been consulted and have offered no objection on the basis no significant impact on aircraft activity is anticipated.
- 8.39 Limited details have been provided regarding the proposed connection to the grid but, 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.
- 8.40 The proposed development would give rise to some adverse impact particularly in relation to landscape, visual, and recreational amenity. However, those adverse impacts do not in themselves make the proposal contrary to development plan. Policy generally recognises that some adverse impact may be expected in association with development proposals and the key test is whether those impacts are so significant as to be unacceptable. In reaching a conclusion in relation to those matters it is necessary to consider the proposal in the round, having regard to all relevant policies and the overall aims and objectives of the development plan. In this respect, the development plan provides strong support for proposals that provide for the generation of renewable energy, and the development is compatible with a large

number of development plan policies. Significant adverse landscape and visual impacts would affect a relatively small area and would be subject to mitigation. Adverse visual impacts on routes and areas of recreational value would be localised and are not unacceptable, 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 6000 homes per year 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.

- 8.41 In addition to development plan policy, it is relevant to have regard to other material considerations, including recent appeal decisions regarding interpretation of policy in relation to similar development proposals.
- 8.42 While 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 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.
- 8.43 In conclusion, this proposal provides for the generation of renewable energy and associated infrastructure that would meet the electricity needs of around 6000 homes. This would support mitigation of climate change. 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.
- 8.44 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; and it would result in increased traffic during the construction period. 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 resultant 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 visual amenity of recreational access routes would be reduced by the development although mitigation measures would be employed to minimise impacts 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.
- 8.45 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.
- 8.46 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. HUMAN RIGHTS IMPLICATIONS

- 9.1 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

- 10.1 It is recommended that the application be approved for the following reason, and subject to the following condition(s):

### **Reason(s) for Approval:**

The proposed development would provide a source of renewable energy generation in a manner that would not give rise to unacceptable impacts on infrastructure, amenity, built and natural heritage interests (including landscape), or other environmental interests subject to appropriate mitigation. The necessary mitigation can be secured by planning conditions and the proposal complies with development plan policy subject to the stated planning conditions. There are no material considerations that justify refusal of planning permission.

### **Conditions:**

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

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

2. The solar array and associated infrastructure hereby approved shall be removed from the site no later than 40 years after the date when electricity is first generated unless otherwise approved by the Planning Authority through the grant of a further planning permission following submission of an application. Written confirmation of the commencement date of electricity generation shall be provided to the Planning Authority within one month of that date.

*Reason: In order to limit the permission to the expected operational lifetime of the solar array and to allow for restoration of the site in the event that the use is not continued by a further grant of planning permission for a similar form of development.*

3. That no development in connection with the planning permission hereby approved shall take place until the following details have been submitted to and approved in writing by the Planning Authority: -

- (a) Details of a bond or other financial provision which it proposes to put in place to cover all decommissioning and site restoration costs. This shall include provision for the regular review of the bond value. No work shall commence on the site until the developer has provided documentary evidence that the proposed bond or other financial provision is in place and

written confirmation has been given by the Planning Authority that the proposed bond or other financial provision is satisfactory. The developer shall ensure that the approved bond or other approved financial provision is in place throughout the operational life of the development hereby approved;

- (b) A scheme of decommissioning and restoration of the application site including aftercare measures. The scheme shall set out the means of reinstating the solar farm site to agricultural use following the removal of the components of the development. The applicants shall obtain written confirmation from the Planning Authority that all decommissioning has been completed in accordance with the approved scheme and (unless otherwise dictated through the grant of a new planning permission for a similar form of development) the scheme shall be implemented within 12 months of the final date electricity is generated at the site and in any case before the expiry of the time period set by condition 2 of this planning permission.
- (c) A Construction Environmental Management Plan (CEMP). The submitted CEMP shall include: -
- Site working hours;
  - Mitigation measures to prevent pollution and siltation of watercourses;
  - Mitigation measures for dust and machinery emissions arising from the construction/decommissioning phases, including a 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 outwith the site and in proximity to the development;
  - 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:
- i. the type and volume of vehicles to be utilised in the delivery to the site of construction materials associated with the development;
  - ii. details of HGV movements to and from the site;
  - iii. 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 survey of Gourdie Brae;
  - iv. any proposed accommodation works / mitigating measures affecting the public roads in order to allow for delivery loads, including carriageway widening, junction alterations, associated drainage works, protection to public utilities, temporary or permanent traffic management signing, temporary relocation or removal of other items of street furniture, and any temporary measures required to facilitate access, along with a scheme to make such works good to the standards of the roads authority following completion of construction;

- v. details of the access, including the visibility splays (which will be a minimum of 120 metres to the north and 95m to the south at a point 2.4 metres from the nearside channel line of Gourdie Brae) and evidence of consultation with Dundee Council as roads authority on these matters. Prior to the commencement of any other works on site, the access shall be set out and constructed to the approved standard. Thereafter within the above visibility splays nothing shall be erected, or planting permitted to grow to a height in excess of 1050 millimetres above the adjacent road channel;
- vi. the restriction of delivery traffic to agreed routes;
- vii. 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;
- viii. liaison with the relevant authority regarding winter maintenance;
- ix. contingency procedures, including names and telephone numbers of persons responsible, for dealing with vehicle breakdowns;
- x. a dust and dirt management strategy, including sheeting and wheel cleaning prior to departure from the site;
- xi. arrangements for the cleaning of roads affected by material deposited from the construction site;
- xii. 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;
- xiii. contingencies for unobstructed access for emergency services;
- xiv. traffic management, in the vicinity of temporary construction compounds;
- xv. arrangements for the monitoring, reviewing and reporting on the implementation of the approved plan; and
- xvi. procedures for dealing with non-compliance with the approved plan.

Thereafter the development shall be carried out in accordance with the approved plan.

- (e) The precise details of the location and external appearance of the CCTV cameras, lighting and security fencing, including full details of the acoustic barrier which shall be designed having regard to the mitigation measures detailed in the Neo Environmental Noise Impact Assessment (January 2024). Thereafter the CCTV cameras, lighting and fencing shall be installed in accordance with the approved details and the acoustic barrier shall be installed in accordance with the approved details prior to the site being operational, and it shall be maintained thereafter for the lifetime of the development in a manner to ensure it provides the noise mitigation properties specified in the noise impact assessment.
- (f) A scheme of landscaping and ecology management and enhancement works to be undertaken on the site. The submitted scheme shall have regard to NatureScot's Developing with Nature guidance, the recommendations detailed in Section 4 of the Gavia Environmental Preliminary Ecological Appraisal (December 2022), the mitigation and ecological enhancements measures detailed in Sections 4 and 5 of the Gavia Environmental Biodiversity Net Gain Assessment (September 2023), and shall include: -
  - (i) Existing landscaping features, including any stone dykes, fences or vegetation to be retained;
  - (ii) The location of new trees, shrubs, and hedges which shall have regard to location of the SSEN overhead line operational corridor in the southwest of the site;

- (iii) A schedule of plants to comprise species, planting stock size, numbers and density;
- (iv) Measures to protect planting from grazing animals;
- (v) A landscape management and maintenance plan which shall have regard to the location of the SSEN overhead line operational corridor and that will ensure no planting within this corridor shall be allowed to exceed 4m in height
- (vi) Timescales for implementation of the approved management and enhancement works.

Thereafter the development shall be undertaken in full accordance with the scheme and its approved timescales, and 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 flood risk management and drainage strategy which shall have regard to the recommendations made in Sections 5 and 6 of the Flood Risk UK Flood Risk Assessment and Surface Water Management Plan (August 2023). The strategy shall provide for a freeboard level and shall manage surface water on site for events up to and including the 1 in 200 year + CC and shall include detail of measures for the future maintenance of the drainage system.

*Reason: In order that the planning authority may verify the acceptability of the specified details in the interests of securing appropriate site restoration, environmental protection, road safety, amenity, landscaping and biodiversity enhancement, and flood risk and drainage mitigation.*

- 4. Noise associated with the construction and decommissioning 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/decommissioning 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 during the construction and decommissioning of the development.*

- 5. 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.*

6. Noise emissions from fixed plant associated with the use hereby approved shall not individually or cumulatively exceed NR Curve 20 between 2300 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.*

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

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

8. Vibration levels associated with the construction of the development shall not exceed the following limits:-
  - a. (a) 1mms-1 PPV at existing residential or educational properties
  - b. (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 nearby sensitive properties.*

9. Within 2 months from receipt of a written request from the Planning Authority following a complaint to it from an occupant of a sensitive property relating to direct reflected light, the solar farm operator shall, at its expense, undertake and submit for the written approval of the Planning Authority, a glint and glare assessment, including the identification of any mitigation measures required and timescales for their implementation. Once approved the operation of the solar farm shall take place in accordance with the said scheme unless the Planning Authority gives written consent to any variation. For the avoidance of doubt sensitive receptors includes all residential properties, hospitals, schools and office buildings.

*Reason: In the interests of the amenity of the occupants of nearby sensitive property.*

**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.



**REPORT AUTHOR: JILL PATERSON**  
**EMAIL DETAILS: [PLANNING@angus.gov.uk](mailto:PLANNING@angus.gov.uk)**

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APPENDIX 1: LOCATION PLAN

APPENDIX 2: SUMMARY OF APPLICANTS SUPPORTING INFORMATION

APPENDIX 3: DEVELOPMENT PLAN POLICIES