

**ANGUS COUNCIL**

**DEVELOPMENT STANDARDS COMMITTEE – 17 DECEMBER 2024**

**PLANNING APPLICATION – LAND 200M WEST OF DENFIELD, ARBROATH**

**GRID REF: 360968 : 742682**

**REPORT BY SERVICE LEADER – PLANNING & SUSTAINABLE GROWTH**

**1. ABSTRACT**

- 1.1 This report deals with planning application no. [24/00589/FULL](#) submitted on behalf of Peter J Stirling Ltd for a proposed new solar farm installation including battery storage facility on land 200 metres (m) west of Denfield, Arbroath. 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 application seeks full planning permission for the development of 32 hectares (ha) of land to provide 20ha of solar panels, with an export capacity of 12.5MW, and an associated 0.19ha compound containing a 7MW Battery Energy Storage System (BESS), along with associated infrastructure, standoff areas, and landscaping on land west of Denfield, Arbroath. A plan showing the location of the site is provided as Appendix 1.
- 3.2 The site is located around 1km to the northwest of Arbroath, in a single undulating agricultural field which sits between the C51 public road and the Hercules Burn. Core Path 150 runs along the southeast boundary of the site. The field slopes generally towards the southwest and the Hercules Burn but is undulating rather than having a consistent slope. A 57m buffer is shown between the BESS and Core Path 150, and a 30m gap is shown along the northeastern side of the development, increasing to 100m where residential properties face the development from the east of the C51 road. Around 175m northwest of the site is the U494 road and a number of houses at Woodville Feus.
- 3.3 The solar panels are proposed in three areas measuring approximately 5, 6 and 9 hectares, each enclosed by 2m high post and mesh fencing. The panels within the three areas would be arranged in rows facing south, angled at 23 degrees. The lower edge would be 400mm above ground level, and the highest edge would be 2.25m above ground level. The rows would be 5.4m apart, and the three areas would be separated by 25m breaks running on a southwest-northeast axis across the site. One of these breaks contains existing overhead power lines. The development is proposed to maintain a 14m buffer along the northeastern side of the Hercules Burn.
- 3.4 The proposal includes a compound area measuring 1890sqm, enclosed by a 3.5m high timber fence. The compound is proposed to house eight units as follows:
- Three containers 3.5m x 6m with a height of 3.4m to house client and DNO substations and storage.

- Two battery storage units measuring 5.8m x 15m with a maximum height of 3.55m
  - Two transformer and inverter units measuring 3.6m x 7m with a height of 2.25m
  - A welfare unit measuring 2.4m x 6.1m with a height of 2.6m.
- 3.5 Access and egress to the site would be taken from the existing track at the southeast of the site which also serves as Core Path 150.
- 3.6 Hedgerow planting is proposed to the roadside boundary and further hedge and tree planting is proposed within the application site. It is indicated that hedges within the site in proximity of the panels would be managed to a height of 2.5m. Additional woodland planting areas along with around 80 x 2.0m - 2.5m high specimen trees is proposed around the BESS compound and along the line of the C51 road to provide additional screening from the public road and the core path. Both the area under the solar panels, and land surrounding the development area would be seeded with nectar rich meadow mixes. The proposal also includes the provision of log piles and bird and bat boxes.
- 3.7 The application has been subject of notification and publicity as required by legislation.
- 3.8 The application has been amended to alter the layout of the solar panels and the landscape planting associated with the proposed development.

#### **4. RELEVANT PLANNING HISTORY**

- 4.1 Planning application 23/00706/FULL for a proposed new solar farm installation including battery storage facility was determined withdrawn on 25 September 2024. That application attracted over 50 objections. It proposed development in a similar area to the current planning application, but the extent of the site has been reduced to the southwest and increased to the north.
- 4.2 A screening opinion has been adopted and it has been determined that the proposed development is not likely to have significant adverse effects on the environment in the context of the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017.

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

- 5.1 The following documents have been submitted in support of the application:
- Design Statement – includes an explanation of the previous application on the site, and subsequent voluntary public consultation leading to the revised scheme which forms this application. The statement considers planning policy, access, site selection, design and layout, drainage and flood risk, fire risk, ecology, noise, and landscape and visual impact. It suggests that relevant assessments demonstrate that the site is suitable for the development proposed having regard to relevant policies.
  - Landscape and Visual Impact Assessment – concludes that with development would result in some change to the character of the landscape through a change of use and appearance from arable field to solar array, however it would be in an area identified as having potential for this type of development. It is suggested that the low height of the development means visibility in the landscape is limited, despite the large footprint. It suggests that the standoff between the development and the nearest dwellings, combined with proposed planting would mitigate impacts.
  - Landscape and Visual Impact Assessment – addendum on cumulative impact – this report considers consented and proposed developments for both solar

development and battery energy storage systems within a 5km radius of the site, and the combined impacts they may present. It does not identify unacceptable cumulative impact having regard to the nature and location of respective developments.

- Decommissioning and Restoration Plan.
- Ecological Survey and Impact Assessment Report – concludes that the proposed development would have a low impact on existing wildlife and there are opportunities to enhance the local habitat for the longer-term such as installing bat and bird boxes, creating wildflower meadows, wildlife habitat corridors, and planting of native trees and hedges.
- Noise Impact Assessment – concludes that detrimental noise impact on residential properties is expected to be minimal.
- Electricity Grid Connection Details – provided confidentially, evidence has been provided to confirm that connection to the electricity network will be available from 30 June 2032. On this basis a longer period of planning permission is sought, rather than the typical 3-years.
- Glint and Glare Assessment – concludes that no impacts requiring further mitigation are predicted on surrounding road safety and residential amenity.

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

## **6. CONSULTATIONS**

**6.1 Community Council** - no response.

**6.2 Roads (Traffic and Flood Prevention)** – no objection subject to a condition requiring a construction traffic management plan, which amongst other things seeks to ensure that the construction works have the least possible impact on the road network, road users, and also pedestrian, cycle and equestrian users of the core path network. The service confirms that it has no objection to the application in terms of flood risk subject to minor amendment to the layout to ensure panels are located outwith areas of identified surface water flooding, and a condition to ensure the provision of a sustainable urban drainage system.

**6.3 Environmental Health** – no objection subject to conditions that seek to minimise impact on residential amenity, including conditions dealing with noise, vibration, and glint and glare.

**6.4 Aberdeenshire Council Archaeology Service** – no objections.

**6.5 Scottish Water** – no objection but advises that there are records of live infrastructure within the site which could be impacted and indicates the developer will require to engage with it as appropriate.

**6.6 Civil Aviation Authority** - no response.

**6.7 Dundee Airport Ltd** – no objection on the basis that the panels are of an anti-glare/anti-reflective design or have such a coating on them.

**6.8 Ministry of Defence** – no objection on the basis that the development would not have a detrimental impact on the operation or capability of a defence site or asset.

**6.9 NERL Safeguarding** - no objections.

**6.10 Scottish Fire & Rescue Service** - no response.

**6.11 Scottish and Southern Electricity Networks** – no objections.

## **7 REPRESENTATIONS**

7.1 17 representations have been received from 11 households, all of which offer objection to the proposed development. The letters are provided at Appendix 2 and are available to view on the council's [Public Access](#) website.

7.2 In summary terms, the following issues are raised in objection:

- Loss of prime agricultural land.
- Adverse landscape and visual impact, and effectiveness and adverse impact of proposed mitigation.
- Cumulative impact with existing and proposed battery storage facilities and solar farms.
- Noise impacts, including wind effects.
- Light pollution from security lighting
- Glint and glare impacts.
- Impacts on privacy from CCTV.
- Impact on wildlife and habitats, including Montrose Basin Special Protection Area.
- Habitat enhancements vague and unenforceable.
- Construction and vehicle movement impacts.
- Impact of the development on pedestrians, cyclists and runners, including adverse impact on core path.
- Increased flood risk and absence of drainage information.
- No benefit to the local community.
- Safety concerns.
- Adequacy and accuracy of supporting information.
- Energy policy in other countries.
- Solar panels could be better located on rooftops.
- Solar panel manufacture is not sustainable.
- Property values will be impacted.
- Identify of the applicant and issues of probity in decision making.
- Impacts on physical and mental health of local residents.

## **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 application site sits outwith and adjacent to the Woodville development boundary as defined by the ALDP and it is not allocated or otherwise identified for development. ALDP policy Wv1 states amongst other things that within the

development boundary identified for the wider Woodville area, only proposals directly associated with agriculture or horticulture will be permitted. ALDP policy DS1 and NPF4 policy 9 are generally restrictive of development outwith settlement boundaries. This restriction applies unless sites are allocated for development or otherwise supported by local development plan policy. Policy DS1 requires proposals outwith but adjacent to development boundaries to be in the public interest and for there to be specific considerations demonstrating why the development cannot be met within a development boundary.

- 8.6 NPF4 Policy 1 indicates that when considering all development proposals significant weight will be given to the global climate and nature crises. NPF4 Policy 11 seeks to encourage, promote and facilitate all forms of renewable energy development including solar arrays and battery storage. It identifies a number of impacts and suggests that project design and mitigation should demonstrate how they are addressed. It states, *'In considering these impacts, significant weight will be placed on the contribution of the proposal to renewable energy generation targets and on greenhouse gas emissions reduction targets.'* ALDP Policy PV9 states that proposals for renewable and low carbon energy development will be supported in principle where they meet a number of identified criteria relating to (amongst other things) amenity, landscape and visual impact (including cumulative impacts with other development), impact on the natural and built environment, access, grid connection, aviation and telecommunications, the water environment, decommissioning and site restoration. 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. 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.
- 8.7 The proposed solar farm development would be capable of generating approximately 12.5MW of renewable energy while the BESS would have a capacity of up to 7MW. NPF4 requires the combined contribution of that energy generation and storage capacity towards meeting renewable energy generation targets to be given significant weight in considering other identified impacts. Limited information is provided regarding local and community socio-economic benefits, and a proposal of this nature is unlikely to provide significant local supply chain opportunities, but there may be limited short-term economic benefits associated with the construction phase.
- 8.8 The information submitted suggests the proposal would connect to the grid via an underground cable to the nearby electrical distribution station. SSEN has been consulted in respect of potential for impact on its infrastructure and has no objection to the proposal. However, it is understood that a connection to the substation may not be available until 2032 and the applicant has requested an extended implementation period of 8 years if planning permission is granted.
- 8.9 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 and are supported by a bond to secure site restoration.
- 8.10 Published maps indicate that the application site comprises Class 3.1 prime quality agricultural land. However, as indicated above, development plan policy including NPF4 which sets out national planning policy and which was published in 2023, is

clear that the loss of prime land will be supported where amongst other things, proposals constitute renewable energy development and there is secure provision for site restoration. Fairly significant areas of land within the application site would not be used for electricity generation or storage, but this is to allow standoff areas and landscaping as separation to neighbouring properties, roads and the burn. Arrangements for site restoration at the end of the 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.

- 8.11 The scale of the proposed scheme is one that would make a contribution towards renewable energy generation and as such the proposal attracts in principle support from the development plan. Large-scale solar development is not something that can readily be delivered within a development boundary due to the significant land-take required. 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. In general terms, this appears to be a location where the apparatus can function and where grid connection is available. To assess the acceptability of the proposal in terms of more detailed technical issues, other relevant policy considerations are discussed below.
- 8.12 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. ALDP policy PV6 indicates that development which has an adverse effect on landscape will only be permitted where the site is capable of accommodating the development proposed; the siting and design integrate with the landscape context and minimise adverse impacts on the local landscape; cumulative impacts are considered acceptable; and mitigation measures and/or reinstatement is proposed where appropriate. 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. NPF4 policy 11 recognises that proposals for renewable energy are likely to result in significant landscape and visual impact. It indicates that where such impacts are localised and/ or appropriate design mitigation has been applied, they will generally be considered to be acceptable. ALDP design policy seeks to ensure high design standard and for development to fit with the character and pattern of development in the surrounding area. NPF4 design policy requires development proposals to be designed to improve the quality of an area whether in urban or rural locations and regardless of scale. It indicates that attention should be given to detail of local architectural styles and natural landscapes to be interpreted, literally or creatively, into designs to reinforce identity. Additionally, the council has produced and adopted supplementary guidance that deals with renewable energy and low carbon energy development, and it has published a strategic landscape capacity assessment for solar energy development in Angus.
- 8.13 The proposed site is located within the Dipslope Farmland (Letham/ Lunan Water/ Arbroath) Landscape Character Type (LCT) as defined by the TLCA. The key characteristic of the area is intensively managed agricultural land with areas of more sheltered and intimate landscape in shallow valleys. The sub-area is typically gently rolling or undulating, shallow and sometimes indistinct valley sides, and often flat valley floors gradually descending to the North Sea coast. The area has medium rectilinear arable fields, woodland blocks, broken by watercourses on lower ground.
- 8.14 The council's strategic landscape capacity assessment for solar energy development in Angus, as referenced in Policy PV6, is not part of the development plan. It provides a technical assessment of the landscape capacity to accommodate solar farms. The

application site lies within a LCT where the assessment indicates there is medium capacity for solar development. The assessment further suggests that this is a LCT where it would be acceptable for solar development to be extensive, frequent and nearly always visible and become the dominant, defining characteristic of the landscape, but with clearly defined separation between discrete developments. The assessment suggests capacity for solar development is greatest on lower ground, where significant impacts upon designed landscapes are avoided and where existing woodland provides a framework for development. Development should be avoided on or above river valley escarpments; and on higher more open areas and on sloping landforms where visibility is likely to be high.

- 8.15 The submitted Landscape and Visual Impact Assessment (LVIA) concludes that the proposed development would result in some change to the character of the landscape, but the impacts would be localised and the existing pattern of field boundaries, walls and the core path would remain unchanged. It also suggests that while the proposed development would have a relatively long life, it is still temporary, and the landscape could be restored to productive farmland in due course.
- 8.16 Visual receptors considered in the applicant's appraisal include residential properties, towns and villages, local transportation routes, features of cultural and natural heritage interest. Eight viewpoints within the 5km study area were specifically assessed. The LVIA concludes that *"Overall, the low height of the panels which make up the solar array mean that visibility in the landscape is very limited, despite the large footprint that is occupied. Visual impacts will be limited to a small area to the south west of the A933 and south of the dwellings around Woodville Feus to the north. To the west the topography quickly curtails views and there are few notable receptors in the agricultural landscape. Dwellings which are immediately adjacent to the array will inevitably have views of the array but a standoff area adjacent to Denfield Steadings and Cottages will help to mitigate impacts and additional screen planting to the northeast of the array would further mitigate impacts. To the south views from Arbroath will be restricted due to the relatively flat topography and, again the low height of the array. Views to the array from Arbroath would therefore not be possible."*
- 8.17 While the council's published guidance indicates that this is a LCT with potential to accommodate solar development, it is a strategic assessment, and not all areas within the LCT will have the same level of capacity. Accordingly, the assessment provided in this report has regard to the published guidance, but also considers the information provided by the applicant, the content of representations made in relation to the application, information held by the council in relation to other development in the area, and on-site observation.
- 8.18 The introduction of solar panels, their associated infrastructure, and a BESS compound would change the character of landscape from generally open agricultural land to developed land that would include modern manmade features, changing the appearance of the ground and its colour. Both landscape and visual impact would be greatest in the immediate proximity of the development where it would be an obvious new feature. While the application site, and in particular its northern and eastern boundaries lack visual containment that might be provided by trees and hedgerows, the nature of the topography both on-site and in the wider area is such that the full extent of the solar development would generally not be readily apparent. 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. The proposal would not result in the landscape capacity of the area identified in council guidance being exceeded, although it may limit opportunities for other solar development in the area.

- 8.19 Issues in relation to impact on core paths and on recreational access are discussed below. The development would be set back around 175m from the public road to the north and a minimum of 30m from the public road to the east. From those roads and other roads in the proximity that provide close views, the development would be visible, and the extent of landscape change would be readily apparent and visual impact would be significant. At mid-distance, opportunity to view the development would be more limited and typically only from elevated locations. At such locations, the change in field colour may 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.
- 8.20 The applicant has proposed planting in association with the development and this would include provision of a roadside hedge and trees along the eastern boundary of the site adjacent to Denfield road, tree and hedgerow planting in the vicinity of the BESS compound and core path, and hedge planting within the site in proximity of the fences that would define the northern and eastern extents of the solar array. The effectiveness of new planting in providing any meaningful screening of the development would be limited in the short term, but it would start to provide benefit as it becomes established, and views of the development would be filtered by vegetation. However, as indicated above, a grid connection is unlikely to be available until 2032, and there is therefore opportunity for some planting to be provided in advance of the development. Significant weight is attached to the planting in terms of both the landscape and visual impact assessment and glint and glare assessment submitted by the applicant. Advance planting would offer potential for planting to become established providing some immediate benefit when development takes place. The applicant has indicated agreement to this general approach with an indication that planting would be provided before the end of 2026. This matter is addressed in proposed conditions that seek to secure advance planting and this would help reduce visual impact, and the provision of landscaping would be consistent with the character of the landscape. Early provision of the roadside planting in particular is seen as desirable and this could be provided by December 2025 without affecting continued agricultural use of the land.
- 8.21 There are residential properties close to the proposed development, including properties to the south and southeast at Denfield/ Millfield, there are six dwellings on Denfield road roughly midway along the eastern extent of the site, and there are properties to the north at Woodville Feus. There are other properties in the wider area, and while all have been assessed, this report focuses on those where impacts are likely to be greatest.
- 8.22 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.
- 8.23 The proposed BESS compound would sit between the properties in the vicinity of Denfield and Millfield and the solar development. The overall development would generally be evident and prominent on the approach to, and from the environs of these properties. The closest dwelling, identified as Catherine Bank, would be around 100m from the BESS compound and 150m from the edge of the solar array. The main elevation of that property faces south, but it does have windows in its west facing elevation where oblique views of the development would be available. However, the separation distance between that property and the BESS is greater than that which is found in association with similar development in the surrounding area. The orientation of the property, the separation distance involved, and the



landscaping proposed, including advance planting, is such that visual impacts could not be regarded as unacceptable; they would not make it an undesirable or unsatisfactory place to live. The development would be visible from other properties at this general location, but for similar reasons, the visual impacts are not considered unacceptable. The properties would continue to have a high level of visual amenity.

- 8.24 The properties midway along the eastern extent of the site on Denfield road would be separated from the development by the carriageway of the public road and with the exception of a dwelling identified as Glen Brodie, would be in excess of 100m from the proposed solar panels. Glen Brodie would be around 75m from the closest solar panels and its main elevation and a significant extent of its garden area face west towards the development. The land in the foreground between these properties and the proposed panels is currently open and relatively flat, but land in the distance rises in the proximity of Newton Hill. 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 horizontal arc of view to the west. The view of the panels would detract from the visual amenity the occupants currently enjoy. Additional planting is proposed along the eastern roadside boundary, and that includes proposed advance planting adjacent to the roadway. In addition, planting would be provided within the site in proximity of the fence enclosing the panels. While the planting would take some time to become effective, the advance planting would provide some short-term benefit. The planting would not obscure the solar development, but it would provide additional mitigation as it matures. While a significant extent of the horizontal arc of view to the west would be affected, views towards the rising ground beyond would remain available and other views from the house would not be affected to the same extent. 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. 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. The resulting buffer strip between the road and the solar panels would be planted and maintained as a wildflower rich meadow.
- 8.25 The properties at Woodville Feus are located around 175m to the north of the closest solar panels. They would be separated from the development by the carriageway of the public road and land which would remain in agricultural use. The properties are generally designed such that they have principal elevations and main windows with views towards the south, but they generally occupy land that is at slightly higher elevation than the proposed solar panels. 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 horizontal arc of view to the south. The view of the panels would detract from the visual amenity the occupants currently enjoy. Additional planting is proposed along the northern extent of the proposed solar panels, and that includes proposed advance hedgerow planting in proximity of the fence enclosing the panels. While the planting would take some time to become effective, the advance planting would provide some short-term benefit. The planting would not obscure the solar development, but it would provide additional mitigation as it matures. While a significant extent of the horizontal arc of view to the south would be affected, views over the panels to the sea beyond would remain available and other views from the house would not be affected to the same extent. 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. 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.
- 8.26 There are other dwellings in the wider area that would have views of the proposed development, including properties to the west and southwest in proximity of Lochaber

and Bankhead. However, visual impact experienced at those locations would be no greater than at the properties discussed above, and impacts are not considered unacceptable.

- 8.27 The applicant has submitted an addendum to the LVIA, identifying consented and proposed developments in the surrounding area (based on a 5km radius of the site). The report concludes that while there are other BESS schemes either built or consented to the south and west of the development, the cumulative impact with the proposal is likely to be low due to the topography of the area. That submission omits some development in the area, including solar development in the vicinity of Kinblethmont and Parkhill, both locations to the north of Arbroath. However, regard has been had for all consented and operational development in the preparation of this report.
- 8.28 There is a proposal for another much larger solar and BESS proposal to the west, around 3.25km distant from the application site. However, there is no planning application for that proposal at this time, and issues regarding cumulative impact can appropriately be considered if and when an application for that development is submitted.
- 8.29 There is other development in the wider area that contributes to cumulative impact, including buildings and electricity infrastructure. However, the cumulative impact in association with this proposal is not considered unacceptable. It would not alter the character of the wider LCT, and threshold for solar development identified in the council's approved guidance would not be exceeded.
- 8.30 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.
- 8.31 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 because 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.
- 8.32 An assessment of the potential for glint and glare has been submitted in support of the application. This does not suggest that the proposal would result in significant solar reflection impacts on occupants of neighbouring property or on users of the surrounding road network. Consultation bodies, including MOD and Dundee Airport, have not raised objection in relation to this matter, and 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.
- 8.33 A noise assessment has been submitted in support of the proposal. This document has been reviewed by the council's environmental health service and it is satisfied that the construction and operation of the development should not give rise to

unacceptable impact on the occupants of nearby noise sensitive property. Environmental health has recommended planning conditions that seek to mitigate amenity impacts associated with the construction and operational phases of development and those are reproduced below. The BESS compound would be enclosed by a 3.5m high timber panel fence to provide some noise attenuation, and conditions are proposed to ensure it is finished in a recessive colour to minimise its visual impact.

- 8.34 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. While construction traffic movement has not been quantified, this is an agricultural area where a degree of activity could reasonably be anticipated in association with continued agricultural use of the fields. Construction would likely be over a comparatively short period of time and short-term impacts associated with construction activity are not unusual throughout Angus. Issues regarding the capacity of the road network to accommodate development traffic are discussed below.
- 8.35 Overall while the proposal would give rise to some adverse 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. The resultant impacts would be similar to those that have been found to be acceptable in association with similar development elsewhere in Angus.
- 8.36 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.
- 8.37 The proposal is supported by an ecological survey and impact assessment report. This document concludes that the proposed development would have a low impact on existing wildlife and there are opportunities to enhance the local habitat for the longer-term such as installing bat and bird boxes, creating wildflower meadows, wildlife habitat corridors, and planting of native trees and hedges. A 14m buffer is proposed along the edge of the Hercules Burn, where no additional planting is proposed. The submitted information notes the value of this natural riparian corridor, and in particular highlights evidence of otters using the stream as a commuting route (although no holts were found). It is suggested that any deadwood on the site should be retained and left in the buffer area as valuable habitat for reptiles and mammals. In addition, it is indicated that the area of solar panels would be planted in a meadow mix that would be rich in wildflowers and provide a valuable nectar source for insects.
- 8.38 The site is not subject of any natural heritage designation and as cultivated agricultural land its biodiversity value is limited. 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. The proposal does not give rise to any significant conflict with those policies that seek to safeguard the natural environment.
- 8.39 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. There are no

designated sites of historic or cultural importance within the site and the development would have no direct effects on the historic environment. Similarly, there are no built heritage interests close to the site that would be impacted to any significant extent by the development.

- 8.40 Development plan policy seeks to ensure that proposals do not give rise to unacceptable impacts on the road network or on recreational access. The submitted planning statement indicates that construction vehicles and vehicles associated with the ongoing operation of the development would utilise an existing farm track at the southeast which has a junction with Denfield road. This track forms part of the core path network serving core path 150.
- 8.41 While no detailed information has been provided in relation to vehicle movement associated with the construction process, the roads service has indicated it is satisfied that the proposal should not give rise to unacceptable impact on the road network or its safe operation subject to conditions. This would include a requirement for the submission and approval of a construction traffic management plan prior to the commencement of development. The requested condition requires the applicant to provide a significant level of information prior to the commencement of development and for appropriate mitigation measures to be deployed during the construction phase of the development. Traffic movement on the public road network would increase during the construction and subsequent decommissioning phases of the development, but this is an area where seasonal increase in vehicle movement associated with agricultural operations is not uncommon. The proposed condition provides opportunity to manage traffic in a manner that reduces potential for adverse impact on the road network and on the safety of its users. The supporting information indicates that once operational, the solar farm would attract between 10 and 20 vehicle movements per annum which is insignificant.
- 8.42 The development also has potential to impact on recreational access and those using path networks in the area for recreational purposes. It would have direct impact on the eastern extent of the Millfield to Bankhead core path where access would be shared over a section of track adjacent to its junction with Denfield road, and it would impact on the attractiveness of the route as development would be located in its proximity which would result in some change of character.
- 8.43 The path is linear in nature and at both ends terminates on roads that have no footways. The eastern section, which would be used by construction and operational traffic, currently serves as an entrance to surrounding fields and is used by agricultural vehicles at varying intensity depending upon seasonal requirements. While construction (and decommissioning) activity may be over longer duration than any seasonal agricultural activity, the anticipated impact on those using the core path would be similar, and this could be mitigated by a planning condition requiring a management plan to ensure safe public access during the construction and decommissioning phases.
- 8.44 While the character of the route would be altered with the addition of development to the north, a standoff between the path and the BESS compound of around 57m would be provided. In addition, landscaping is proposed in the form of a woodland area with a mix of birch, oak, alder, rowan, hawthorn, Scots pine and larch, with a mix of size of planting stock used. While this planting would represent a change from the existing open agricultural field, and thus change the outlook from the core path, the result would be appropriate for the rural area, and introduce significant potential for improved habitats and biodiversity in the area of the site where people are most likely to be interacting with it slowly and directly, rather than by motor vehicle. Bird and bat boxes are also proposed in this location. The proposal would generally retain opportunity for recreational access, but the amenity of available routes, including the core path would be reduced by the development. 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 core path could be mitigated by condition. The development would be obvious from the path network, and it would have some adverse impact on amenity. However, screen planting would be provided to mitigate impact, and this would include advance planting.

- 8.45 Development plan policy seeks to safeguard the water environment and 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. A small area in the southwest of the site adjacent to the Hercules Burn is identified as being at risk of surface water flooding.
- 8.46 Following discussion with the council's roads service in its capacity as flood prevention authority, the proposal has been amended to ensure that panels would be located outwith those areas at greatest risk of surface water flooding. In addition, the bottom of the panels would be around 400mm above ground level. The BESS compound and its associated infrastructure would be outwith the surface water flooding area. The applicant has indicated that the compound area would be finished with a porous gravel surface, and the tracks would be compacted hardcore, reducing non permeable surfaces. However, no details of surface water drainage proposals have been submitted and having regard to advice provided by the roads service, it is considered appropriate to propose a condition that requires provision of a sustainable urban drainage system. Such a system would ensure surface water discharge is controlled to existing greenfield rates. In addition, it is appropriate to require provision of drainage information and a drainage system to address any contaminated run-off from a fire event associated with the BESS is appropriately managed to reduce potential for contamination of the watercourse. Information indicates that the proposed cable route would cross the Hercules Burn twice and a condition is recommended that requires additional details of this cabling and the means of river crossing. There is no evidence to suggest that the proposal would give rise to any significant adverse impact on the water environment subject to the proposed conditions.
- 8.47 The proposal to does not give rise to significant issue in terms of other relevant development plan policy considerations.
- 8.48 In this case, the proposal is not entirely consistent with all aspects of the development plan, but it attracts significant support from and is compatible with other elements, and particularly those that deal specifically with renewable energy development. There is no question that it would give rise to some adverse landscape and visual impact, and it would have some detrimental impact on the occupants of the closest residential properties. However, that is generally the case for most development of this nature, and development plan policy recognises that such impacts are to be expected and will generally be considered acceptable where they are localised and/ or appropriately mitigated. Consultation bodies have raised no objection to the proposal and suggest that impacts can be appropriately mitigated by planning conditions. The development plan provides strong support for proposals that provide for all forms of renewable, low carbon and zero emissions technology, including solar and battery storage. This development would provide a source of power supply to help balance energy demand in the grid and would make a reasonable contribution towards reducing 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.
- 8.49 In addition to development plan policy, it is relevant to have regard to other material considerations, which in this case are the planning matters that have been raised in letters of representation in so far as they have not been addressed above.

- 8.50 Issues regarding loss of agricultural land are discussed above. In terms of cumulative impacts and issues related to food security, indicative information suggests that less than 2% of available prime quality agricultural land in Angus accommodates currently operational or consented solar and battery energy development. As indicated, both national and local development plan policy specifically allow renewable energy development on prime quality land.
- 8.51 Issues regarding landscape and visual impact are addressed in detail above. The proposal does not give rise to any unacceptable issues in terms of cumulative impact, and development would remain within the cumulative capacity identified in council guidance.
- 8.52 Concerns have been raised relating to impact on residential amenity through noise, light pollution, glint and glare, loss of privacy associated with CCTV cameras, and disturbance during construction. Having regard to the information submitted and the advice provided by consultees, it is considered that noise and disturbance during the construction process and subsequent operation of the development could be managed through planning conditions which regulate working hours and impose noise limits. While there would inevitably be some disruption during the construction process, that would be a relatively short-term impact during daytime hours. A condition is recommended to require details of any lighting or CCTV prior to commencement of development to ensure that amenity impacts are mitigated. Similar developments elsewhere have not included a requirement for permanent lighting. Privacy issues associated with the operation of the cameras is addressed through other regulatory means. The resultant impact arising from the proposed development would be similar to that which has been determined to be acceptable elsewhere in Angus.
- 8.53 Issues regarding wildlife, habitats, and biodiversity are discussed above. There is no evidence to suggest that the proposal would have any significant adverse impact on designated sites or protected species. The provision of substantial areas of native hedgerows and woodland planting would provide some biodiversity improvement compared to the existing baseline situation.
- 8.54 Issues regarding the safety of those using the local road and path network are addressed above, but it is important to note that the roads service has indicated that it has no objection to the application and that relevant matters can appropriately be addressed by planning condition. The roads service has similarly confirmed that it has no objection in relation to potential flood risk following modification of the proposal to remove panels from areas of known surface water flood risk, and the imposition of a condition requiring further approval of an appropriate drainage system.
- 8.55 Some parties have suggested that the proposal would provide no benefit to local people. However, issues related to financial benefit are not material planning considerations. The application must be assessed having regard to relevant development plan policy. The provision of infrastructure which has potential to assist in reducing reliance on fossil fuels and help address the climate and nature emergencies is a matter of significant public interest.
- 8.56 A number of objectors raise concern regarding safety issues and fire risk associated with the proposed development. Generally speaking, requirements for the safe operation of infrastructure are dealt with under health and safety legislation. The National Fire Chiefs Council has produced guidance that deals specifically with battery energy storage, and it includes recommendations that are relevant to land use matters, but the proposal is broadly consistent with that guidance. The applicant has indicated that the development would be monitored at all times to ensure safety and has indicated that the BESS element would comply with relevant health and safety legislation. Information relating to the means of containing any contaminated runoff in

the event of a fire could be secured by planning condition. Solar panels are sealed units and there is no evidence to suggest that they would adversely impact the water environment.

- 8.57 As with any planning application submission, some of the supporting information is of varying quality and accuracy. However, information submitted in support of the application has been assessed by officers and reviewed as appropriate by consultees and it is considered adequate to allow full and proper consideration of the application.
- 8.58 Issues related to energy policy in other counties, whether solar panels are better located on roofs, the sustainability of solar panel or battery manufacture, impact on property values, and the identify of the applicant are not material planning considerations. Similarly, members will be aware that issues related to the mental health of individuals potentially affected by development proposals are not a material matter than can be taken into account in the decision-making process.
- 8.59 In conclusion, this proposal provides for the generation of renewable energy and associated battery storage infrastructure with a combined capacity of around 19.5MW. 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.
- 8.60 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 construction activity. 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.
- 8.61 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.
- 8.62 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.
- 8.63 The proposed development would provide a source of renewable energy generation in a manner that complies with the development plan as it 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 decision to grant permission/consent, 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 decision 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 complies with the development plan as it 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 which is secured by 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 eight 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 26 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 will be put in place to cover all decommissioning and site restoration costs. This shall include confirmation by a suitably qualified independent professional (whose appointment for this task has been approved in writing by the planning authority) that the amount



of the guarantee or financial provision so proposed is sufficient to meet the full estimated costs of dismantling, removing and disposing of the batteries, site restoration, remediation aftercare liabilities and incidental work as well as associated professional costs. This shall also include provision for the regular review of the bond value. No work shall commence on the site until the developer has provided documentary evidence that the proposed bond or other financial provision is in place and written confirmation has been given by the planning authority that the proposed bond or other financial provision is satisfactory. The developer shall ensure that the approved bond or other approved financial provision is in place throughout the operational life of the development until the completion of its decommissioning and restoration.

- (b) a scheme of decommissioning and restoration of the site including aftercare measures. The scheme shall set out the means of reinstating the site to agricultural use following the removal of the components of the development and address environmental impacts from pollution and surface water management resulting from decommissioning. 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 environment management plan (CEMP) which shall include the matters detailed below.
  - i. site working hours;
  - ii. the location, extent, and specification of any construction compound or laydown areas;
  - iii. an ecological construction method statement. For the avoidance of doubt this shall adopt the recommendations in section 7 of the Ecology Survey and Ecological Impact Assessment Report Revision B dated 16th September 2024;
  - iv. provision of a fence or similar barrier no closer than 14m to the Hercules burn prior to the commencement of any other development on the site. No materials shall be stored and no construction vehicles shall be permitted to enter the area between that fence and the burn;
  - v. provision for a silt barrier to prevent pollution and siltation entering into the Hercules Burn;
  - vi. measures for management of safe public access during the construction phase, and reinstatement of any damage caused to core path 150 – Millfield to Bankhead. This shall include details of the extent and timing of any closures and proposed diversion of public access;
  - vii. measures to minimise and recycle waste during the construction process;
  - viii. 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) which shall include the items listed below. Thereafter, the development shall be undertaken in accordance with the approved plan.
  - i. agreement with the roads authority on the routing for abnormal loads;

- ii. the type and volume of vehicles to be utilised in the delivery to the site of construction materials associated with the construction and erection of the solar panels;
  - iii. details of HGV movements to and from the site;
  - iv. assessment of the suitability of the proposed routes, including bridge capacities, to accommodate the type and volume of traffic to be generated by the development. The assessment shall include details of swept path analyses and include DVD video route surveys;
  - v. any proposed accommodation works / mitigating measures affecting the public roads in order to allow for delivery loads, including carriageway widening, junction alterations, associated drainage works, protection to public utilities, temporary or permanent traffic management signing, and temporary relocation or removal of other items of street furniture;
  - 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. a code of conduct for HGV drivers to allow for queuing traffic to pass;
  - ix. liaison with the roads authority regarding winter maintenance;
  - x. contingency procedures, including names and telephone numbers of persons responsible, for dealing with vehicle breakdowns;
  - xi. a dust and dirt management strategy, including sheeting and wheel cleaning prior to departure from the site;
  - xii. arrangements for the cleaning of roads affected by material deposited from construction sites associated with the development;
  - xiii. 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, tracks or Care Path 150 used by construction traffic and pedestrians, cyclists or equestrians;
  - xiv. contingencies for unobstructed access for emergency services;
  - xv. co-ordination with other major commercial users of the public roads on the agreed routes in the vicinity of the site;
  - xvi. traffic management, in the vicinity of temporary construction compounds;
  - xvii. arrangements for the monitoring, reviewing and reporting on the implementation of the approved plan; and
  - xviii. procedures for dealing with non-compliance with the approved plan.
- (e) a detailed grid connection plan, including details of cabling and any other infrastructure to be installed and a methodology for the installation. The plan shall include details of all watercourse crossings and core path crossings, and measures to minimise damage to both. Thereafter the works shall be implemented in accordance with the approved scheme.
- (f) plans and particulars of all details relating to road layout and all hardstanding areas, specification and construction, including surface water drainage. Thereafter, the development shall not commence until the planning authority has approved the details in writing and the road works shall thereafter be completed in accordance with the approved details prior to any other development commencing.
- (g) a scheme to provide surface water drainage arrangements at the site. These details must adequately demonstrate that the proposed development will not increase flood risk outwith the site up to and including a 1 in 200 year return period, inclusive of a 39% uplift for climate change. The drainage design must also adequately treat surface water prior to discharging it to the natural environment in accordance with the Simple Index Approach from CIRIA C753 "The SuDs Manual". The drainage must also be attenuated to the greenfield runoff rate and for the avoidance of doubt this must include finalised drawings

and calculations. Thereafter the approved scheme shall be provided prior to the generation of any electricity at the site and maintained in perpetuity for the lifetime of the development.

- (h) a fire and safety management plan. The plan shall include detail of the specific siting and spacing of all container units, including battery container units, precise details of the battery technology deployed at the site, and measures to minimise potential for any untreated water from the battery containers or batteries arising because of an emergency situation to leave the site. Thereafter the development shall be constructed and operated in accordance with the approved plan.
- (i) precise details of the external appearance and colour of all buildings, structures and perimeter fencing along with the location of all external lighting and CCTV. For the avoidance of doubt, both the internal and external faces of any fencing shall be painted in a recessive shade. Thereafter the buildings, structures, and fencing shall be finished in accordance with the approved details prior to the first generation of electricity within the site.
- (j) precise details of the layout of the solar development area, including but not limited to the route of all tracks and the location of all electrical infrastructure.
- (k) precise details for the phasing of the development, including timescales for the commencement and completion of development on both the solar array and battery energy storage facility, along with precise proposals for the provision of advance planting as identified on drawing number 672.01.04c dated December 2024. For the avoidance of doubt, all planting to the roadside boundary shall be provided by 31 December 2025 and all approved advance planting shall be provided by 31 December 2026.
- (l) evidence that the combined installed capacity of the overall development does not exceed 19.5MW.

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, flood mitigation, and to ensure the development is operated in accordance with the detail provided.

4. That the landscaping proposals, management and range of habitat and biodiversity measures identified on drawings 672.01.01c, 672.01.02c and 672.01.03c are implemented and maintained as described and in accordance with the detail provided in the approved phasing plan. Any planting which, within the lifetime of the development is considered by the planning authority to be dead, dying, severely damaged, or diseased shall be replaced by plants of a similar species to those originally approved and with planting stock of similar age to those being replaced.

Reason: In order to ensure provision of appropriate landscaping and habitat to integrate the development into the landscape and provide biodiversity gain in line with the development plan.

5. All solar panels installed on the site shall be finished with an anti-glare surface or coating, to the satisfaction of the planning authority.

Reason: To minimise risk of glint and glare and ensure there are no impacts on aviation.

6. Within two months from receipt of a written request from the planning authority (which may be made following a complaint to it of nuisance from reflected light from the development from an occupant of any sensitive property), the solar farm operator shall, at its expense, undertake and submit for the written approval of the planning authority, a glint and glare assessment. The assessment shall be carried out by a suitably qualified person. It shall include an assessment of the degree of any effect, identification of any mitigation measures required to address such an effect, and a scheme (including timescales) for the implementation of such measures. The development shall be adapted or operated in accordance with the approved scheme. A sensitive property includes a residential property, a hospital, a school, an office building and any similarly sensitive receptor.

Reason: In the interests of the amenity of nearby sensitive properties.

7. 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	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.*

8. Noise from all activities within the development site shall not exceed 38 dB L<sub>A</sub>r,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 protecting the amenity of occupants of noise sensitive properties.

9. 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 protecting the amenity of occupants of noise sensitive properties.

10. 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 2, 3 and 4 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.

11. Vibration levels associated with the construction and decommissioning 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.

12. All external lighting shall be sufficiently screened and aligned so as to ensure that there is no direct illumination of neighbouring land and that light spillage beyond the boundaries of the site is minimised to a degree that it does not adversely affect the amenity of the neighbouring land.

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

13. Notwithstanding the provisions of any development order, no additional fencing or other enclosures shall be erected on the site other than that shown on the approved drawings, without the express grant of permission following submission of an application for planning permission.

Reason: To protect informal public access.

**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: 9 DECEMBER 2024**

APPENDIX 1: LOCATION PLAN

APPENDIX 2: LETTERS OF REPRESENTATION

APPENDIX 3: DEVELOPMENT PLAN POLICIES