

ANGUS COUNCIL

DEVELOPMENT STANDARDS COMMITTEE – 11 FEBRUARY 2025

PLANNING APPEAL DECISION: LAND AT COTTON OF LOWNIE, KINGSMUIR,  
FORFAR

REPORT BY SERVICE LEAD – PLANNING & SUSTAINABLE GROWTH

**1. ABSTRACT**

- 1.1 This report presents the findings of the Reporter appointed by Scottish Ministers to determine an appeal by Industria Solar Forfar Ltd against the decision of the council to refuse planning permission for the construction of a solar farm together with battery energy storage system, underground cable, substation buildings, new access and access tracks, security measures, associated infrastructure and works, and substantial landscape and biodiversity enhancements on land at Cotton of Lownie, Kingsmuir, Forfar. The Reporter dismissed the appeal and refused planning permission.

**2. RECOMMENDATION**

- 2.1 It is recommended that the committee notes the outcome of the appeal.

**3. INTRODUCTION**

- 3.1 At its meeting on 11 June 2024, committee refused planning permission for a solar and battery storage development on land at Cotton of Lownie, Kingsmuir (application [23/00393/FULM](#) refers).
- 3.2 The applicants, Industria Solar Forfar Ltd, submitted an appeal to Scottish Ministers in relation to that decision. The appeal was dismissed and planning permission was refused. The Reporters decision is set out below.

**4. REPORTER'S DECISION**

**Preliminary matters**

- 4.1 In addition to the solar technology, the proposed development includes an underground cable running from the solar farm to the proposed battery storage system (BESS), substation, client substation and transformer on former quarried land at Auchterforfar Quarry. The cable then runs northwards to a further substation at Laird Aggregates, a concrete block making facility. These aspects of the proposed development are shown in the BESS and Substation Layout Plan (document APP 3.7).
- 4.2 The application was amended during the planning application process prior to appeal. The Proposed Site Plan (Revision B) and the Landscape Strategy plan (Revision J) detail the changes and supersede previous versions of those plans.
- 4.3 The council issued a screening opinion indicating 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. Consequently, environmental impact assessment is not required. I find no reason to disagree with that opinion.

## Reasoning

4.4 I am required to determine this appeal in accordance with the development plan, unless material considerations indicate otherwise. Having regard to the provisions of the development plan, the main issues in this appeal are:

- support for renewable energy, socio-economic and other benefits;
- landscape and visual impacts;
- residential and community impacts;
- loss of agricultural land;
- biodiversity and nature conservation; and
- traffic and access.

### Benefits of the proposal

4.5 The site is in the countryside and the infrastructure would be sited on greenfield land which is in agricultural use. The Angus Local Development Plan (2016) Policy DS1 and Policy 9 of National Planning Framework 4 (NPF4) 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.

4.6 In that context NPF4 Policy 1 supports the contribution the proposal would make to the global climate crises. In addition, Policy 11 of NPF4 specifically supports renewable energy development including solar arrays and battery storage. However, such support is subject to considerations of project design and impacts. I return to those site-specific matters below. The policy clarifies that in considering those impacts, “significant weight will be placed on the contribution of the proposal to renewable energy generation targets and on greenhouse gas emissions reduction targets”.

4.7 Around 30MW (mega watts) of renewable energy would be generated from the solar array for the purposes of the appellant’s concrete block making facility. In addition, the proposed 6MW battery energy storage system would help ensure that energy is available when it is required. It is indicated that any surplus energy would be exported to the wider distribution network helping to meet targets for renewable energy generation and reduction of greenhouse gas emissions.

4.8 Policy 11 also states that development proposals will only be supported where they maximise net economic impact, including local and community socio-economic benefits such as employment, associated business and supply chain opportunities. The proposal would be beneficial as it would enable a local concrete block making facility to be the first of its kind to run on 100% green electricity. The submissions explain that offering potential to reduce carbon emissions from the concrete block manufacturing plant may help safeguard the 80 jobs associated with the wider company. It is also stated that it would create an additional 8 jobs. Whilst there is limited information to support those assertions, I consider a proposal that assists a company to decarbonise would be advantageous in terms of energy and job security. There is also benefit in co-locating solar and battery storage in one project. Another benefit could be secured in terms of proposed improvements to biodiversity as rehearsed below.

4.9 Local development plan policy follows broadly similar lines to the more recent national policy although with some different emphasis that I consider below. 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, decommissioning and site restoration.

- 4.10 Subject to the detailed considerations below I find the principle of the development gains significant support from the relevant development plan policies.

#### Landscape and Visual Impact

- 4.11 The site is not within an area designated for its landscape or scenic value. 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. A low-capacity area is described as a landscape where only a slight level of change can be accommodated. It advises that on sloping landform and in open landscapes effects will be magnified.
- 4.12 The capacity study identifies the site within the Forfar Hills sub-category of the Low Moorland Hills landscape character type. Document APP 3.10 shows the location of the site within this character area. The capacity study identifies low capacity for solar farm development in this area. General advice relating to landscape sensitivity, contained within the study, indicates that solar arrays are likely to be most suited to enclosed arable landscapes with a strong framework of field boundaries, trees and woodlands. It explains that solar proposals are less suited to unenclosed landscapes.
- 4.13 I appreciate the council's capacity guidance is a strategic assessment and is not part of the development plan. It does not replace the need for site specific assessment. I rely on my observations on site and the submitted evidence including the appellant's Landscape and Visual Assessment (LVIA). I have considered the appraisal documents APP 3.18 – 20 dated June 23 and APP 4.7 dated March 2024 which assess the current scheme at appeal with the original Area A removed. The updated assessment includes photomontages for Viewpoint 1, 8,13,14 and 15 which I consider below. I accept that within an identified landscape character type there will be areas that have different landscape capacity. Indeed, I find this is illustrated by the proposal in relation to Area B.
- 4.14 For Area B, I agree with the council and appellant that it has characteristics which increase capacity for solar development. This is because it has a strong woodland framework which reinforces the field pattern. It has a containing and established landscape structure which could be further enhanced. This containment is illustrated in the photomontages. For instance, from representative Viewpoint 15 at a layby on the B9129 (3.66 kilometre from the site boundary), I consider Area B sits discreetly within the landscape so that its effects on character are more contained.
- 4.15 In comparison for Area C, the submissions and my site visit confirm there is an absence of a framework of field boundaries with very limited tree cover or hedgerows. The baseline viewpoints, including viewpoint 1, illustrate this showing the extent of the site on open agricultural land at the foot of Lownie Hill. Whilst the fields are open and unenclosed the site does not benefit from being a small element of a more extensive landscape that can more easily accommodate change. This is because the site is flanked by a hill to the east and more wooded land to the west which whilst providing some wider landscape

containment accentuate the openness and contrast of the intervening agricultural land.

- 4.16 In the main this locally prominent and open site is bounded only by post and wire fencing. The fields which make up the site are also relatively devoid of natural boundaries or features. The slight slope of the landform increases its prominence in the wider landscape when viewed from the south-east. The submitted topography plan shows higher ground over 300 metres to the immediate north-east of the site (Lownie Hill) and within 3 kilometres to the south-west. I consider these factors increase the sensitivity of the landscape to change. The appellant's study assesses the overall sensitivity of the site and the study area to the proposed development as medium and I agree with that overall assessment.
- 4.17 The baseline panoramas read with the visualisations illustrate the existing landscape character and the extent of the field of view that would be dominated by the proposed fencing and solar panels. This would result in a significant local change given the lack of site containment or subdivision. I find this would influence that character more extensively than indicated for the smaller Area B. From Viewpoint 15 (3.66 kilometres from the site) the landscape effect would be to mask the existing appearance of the fields changing them to a darker and presumably reflective colour which is uncharacteristic of this landscape. I consider this is a more significant effect than assessed by the appellant. My conclusion is that for Area C its characteristics reduce the potential to mitigate the landscape effects of the proposal.
- 4.18 From Viewpoint 13 on the site boundary the effect is assessed in the LVIA as substantial and adverse. This illustrates the open nature of the site and enables comparison of the height of the panels with the telegraph poles and the existing single storey building in the view. Viewpoint 8 (645 metres from the site) represents the effect of location on the open facing slope with the more distant hills beyond. Landform masks the impact of the full horizontal extent of the proposal. Nevertheless, it occupies the full extent of the field of view shown in this photomontage. Viewpoint 14 illustrates a substantial and adverse effect is illustrated at the foot of Lownie Hill. Again, the site extends beyond the field of view shown in the photomontage. Some agricultural land is retained in the foreground. Viewpoint 15 at Lochlair (3.66 kilometres from the site) exceeds the one-kilometre radius within which the appellant's LVIA concludes that significant effects are focussed. However, the change in the appearance of the ground, its colour and reflection would remain an extensive and eye-catching feature in the landscape at this distance and potentially beyond.
- 4.19 Overall, I consider there would be significant and adverse, albeit localised landscape effects, extending over 3 kilometres beyond the site albeit most pronounced within the more immediate vicinity. However, I agree with the appellant that due to scale an overall significant effect on any landscape character type would be avoided. I return to consideration of any cumulative effect below.
- 4.20 The main visual receptors include those living in properties close to the site and users of the surrounding road network and any core paths. I consider the number of people that would experience significant visual effects is amplified given the close proximity of some residential property and the location of public roads along the boundaries of Area C. The lack of established boundaries enables open views across Area C.
- 4.21 Users of the B9128 on the southern and western boundaries of Area C would have largely uninterrupted views of the development. Given the height of the

solar frames the effect would diminish with distance. Nevertheless, drawing on my conclusion above I consider the effect would extend potentially beyond Viewpoint 15 in driving towards Kingsmuir. In addition, there would be close, open and extensive views of the development from Lownie Moor Road (U518) and the C51 between Hillend and Dunnichen. Viewpoint 1 is at a bend on the B9128 within 10 metres of the site boundary but serves to illustrate the openness and extensive nature of the site in this view. On the minor public road leading towards Area B there is a junction that would face the site compound and Solar array on Site C. There is a core path between Lownie and Glassmonies. Bearing in mind my detailed conclusions above I generally agree with the LVIA that impacts from the representative viewpoints along these routes would be medium to high and substantial adverse at least until the hedgerow planting establishes.

- 4.22 Wider visibility and impact is enabled by the facing slope and lack of setting or screening. Whilst not a focus of the visual material submitted by the appellant there is higher land in the surrounding area where I consider the proposal would remain a visible and discordant feature in the rural landscape. The solar farm would be overlooked by the locally pronounced hill tops although I note there are no core paths to these summits.
- 4.23 Overall, I consider the identified adverse landscape and visual effects, given the location and nature of the proposal, could be described as localised. However, significant and adverse effects would be amplified, particularly in the short to medium term. This is because Area C lacks natural containment or subdivision and given the relative location of surrounding public roads and nearby properties.

#### Effects on residential property and communities

- 4.24 Significant adverse visual effects would be experienced by a number of adjacent and nearby residential properties although the solar farm would not be visible from Forfar or Kingsmuir. Viewpoint 8 represents the view from the small settlement of Craichie over field C. Impacts are assessed by the appellant as medium and moderate to substantial adverse initially due to the rising landform. Over time the proposed mitigation would provide screening as it establishes reducing the impacts to slight to moderate adverse. Impacts on a number of residential properties are indicated at paragraph 6.3.5 of the original LVIA although references to Site A would no longer apply.
- 4.25 I noted on my site visit the varying degrees of screening, orientation and separation between the proposal and potentially impacted residential properties. I particularly noted the facing view and proximity of the few properties on the immediate boundaries of Area C. Representative viewpoints illustrate that there would be close views into and across the development due to the current lack of roadside hedgerows and intervening landscaping. Effects are assessed as medium to high and substantial adverse initially, reducing to moderate adverse as the proposed hedgerow planting establishes.
- 4.26 Lownie Hill Cottage is one example of the visual effects that would be experienced. From here there would be open and unobstructed views towards and over the development in Area C. The panels and fencing would be an obvious focus from facing windows and on approaches to this property. Other properties at Glenley, Cotton of Lownie, Millpark and Whiteburn, as referenced in the council's report of handling and the appellant's LVIA, are assessed as experiencing similar particularly open and adverse visual effects.
- 4.27 Impacts from Area B would not impact directly on so many houses although

Station House is located in the region of 100 metres to the north. It would have direct views towards the development in Area B, separated by an intervening field and the public road. However, there would be some filtering of views provided by existing hedging on the south boundary of that property and on the north side of the road. Panels in Area C would also be apparent in wider views from the property. Kyleakin shares a boundary with Area B but existing woodland cover would provide some screening. Panels in Area C to the east would also be apparent from the property. For other residential property, including The Rowans, there would be some views of the solar array but with a greater separation distance and avoiding direct effects from facing windows.

- 4.28 The application includes what are described as extended standoff areas for the most affected properties to increase separation and allow for some additional planting. Notwithstanding that, the panels would remain extensive, prominent and incongruous features particularly in the short to medium term. I agree that the right to a view is not a planning consideration and that the resultant visual impact on any particular property would not make any of the dwellings at any of these locations an undesirable or unsatisfactory place to live.
- 4.29 However, I am cautious of applying the parameters of acceptability which might apply to wind turbines in the context of this proposal. I am also concerned about the acceptability of completely relying to such an extent on mitigation that would take some 5- 10 years to sufficiently establish. In this case, the scale and nature of the proposal, points to the opportunity to mitigate impacts through sensitive siting and design. The proposal would occupy a significant horizontal field of view and is not currently a familiar feature in the countryside. However, the panels are only 3 metres in height and so capable of being sensitively sited and designed to avoid more extensive and significant effects.
- 4.30 The difficulty in this case is that for Area C, unlike Area B, there is limited if any base- line mitigation of the identified locally significant visual effects. Instead, mitigation of the identified effects relies on the establishment of significant new planting of sufficient height and maturity as discussed below. In the meantime, I find the visual amenity and character of the countryside currently enjoyed by those living in properties facing the site and those travelling around the area on the adjacent public roads would be significantly and adversely changed. The open agricultural fields characteristic of this locality would be replaced by an extensive array of structures 3 metres in height, at high density and lacking intervening features or screening.
- 4.31 I have also considered the landscape and visual effects of the other elements of the proposal. The BESS site is an area of former quarrying within the sand and gravel quarry. Landcover here consists of grassland, woodland and scrub with water bodies. Tree cover in the vicinity of the BESS site is more widespread given the adjacent golf course and planting associated with areas of former quarrying. For these specific elements of the proposal, I agree with the conclusions of the LVIA that adverse effects beyond the confines of the site would be avoided.

#### Mitigation

- 4.32 New hedgerow, tree and woodland planting is proposed along the site boundaries and within the site. I accept the potential to create new landscape features and a landscape structure as the proposals establish. For Area C the initial application was modified during the planning application process to increase the proposed hedgerows from 3,860 metres to 5090 metres and proposed tree planting (0.25 hectares). The Proposed Site Plan (Revision B) and the Landscape Strategy plan (Revision J) amend and supersede previous

versions of those plans.

- 4.33 I am aware that prior to this appeal the proposal was amended to remove Area A entirely and to include additional standoffs from adjacent properties and to further break up the development in Area C with additional hedgerow planting. The revised proposal incorporated considerable reductions in the scale of the site and additional landscaping in the remaining development areas, with the primary objective of reducing and removing impacts. However, I note from the conclusion of the LVIA as updated that the revised mitigation does not change the overall conclusions of the assessment.
- 4.34 The site plan (revision B) subject of this appeal shows the site access and compound that would contain the transformer, workshop and store opposite the junction with the public road that leads to Station house and the access to Site B. It illustrates how the arrangement of panels would be set back in places where most directly affecting residential properties. For Area C it shows some narrow corridors including new hedging dividing the array. However, from the photomontages these do not appear sufficient to reflect a field pattern or break up the visible extent of the dense solar array that would cover Area C.
- 4.35 The appellant refers to the fact that Viewpoint 15 shows the different field areas of Area C are not apparent in the view due to the lack of existing field boundary features and distance. Consequently, the fields are already perceived as one large area of arable farmland. I accept that point but consider this is a limitation of the site and the proposed design. In my assessment that lack of established boundaries and intervening features prevents the achievement of a more sensitive siting and design. As stated above the proposed internal planting, even once established, does not appear sufficient to break up the area. This is illustrated by the visualisations 10 years post completion.
- 4.36 The visualisations 10 years post completion indicate that in close views subject to the establishment of planting at the required height acceptable screening could be achieved. However, the proposed hedgerows become more ineffective with distance given the rising nature of the land. Consequently, the blanket and unbroken effect of the array would remain a discordant feature in the view. Given the slope of the land I find that to be the case even although some new tree planting is proposed which would soften that effect to some extent.
- 4.37 In conclusion I find that the mitigation for Area C rather than building on existing attributes that enable satisfactory siting and design would rely on a landscape strategy that would take 5-10 years to establish. Even then, as rehearsed above, I consider elements of the applied design mitigation are not sufficiently addressed. Until such times as the intended mitigation became effective the proposal would result in significant local visibility of the uncharacteristic structures with a largely uninterrupted field of view. As a consequence, the array in Area C would be an extensive, uncharacteristic and adverse visual focus from surrounding roads, residential properties and potentially further afield.

#### Cumulative Landscape Impacts

- 4.38 I agree that the design of the proposed development would give the impression that Areas B and C are visually separate and distinct developments. I understand there are consented solar farms elsewhere within the Low Moorland Hills (Forfar Hills sub-area) at Craginathro 2km to the west, and there are two commenced, but incomplete, solar arrays at Carsegownie 6km to the north. There are also a number of other consented or operational solar farms in the wider area at Suttieside (consented – 5km north) and at Padanaram (operational – 7km north-west). The council refer to solar development

becoming a defining characteristic which would result in the area becoming a landscape with solar panels. I do not agree this is demonstrated given the visual separation, distances involved and the intervening landscape and landform. Based on the available evidence I find no significant cumulative effects.

#### Development Plan conclusions on Landscape and Visual Impacts.

- 4.39 I find clear conflict with Local Development Plan Policy PV6 as the proposal would not achieve a siting and design that minimises adverse impacts on the local landscape. Drawing on my conclusions above I also find conflict with Policy PV9 as the lack of any established screening, particularly for Area C, would result in an unacceptable impact. There would be significant effects in views from nearby public roads and residential properties. However, I am conscious that Policy 11 of NPF4 applies a different emphasis to the local development plan.
- 4.40 As Policy 11 is the more recent expression of development plan policy I rely on its terms. I have set out the assessed significant landscape and visual effects above. I accept these effects could be described as localised. However, for site C and taken together they would be extensively experienced rather than being more confined to glimpsed views and fewer locations. I consider these effects diminish with distance but could still be eye catching and incongruous up to and beyond 3 kilometres. I do not consider the adverse effects would be as localised as assessed by the appellant.
- 4.41 Policy 11 references design mitigation in the introduction to part e). Part e) ii then references significant landscape and visual effects albeit recognising that such impacts are to be expected from some forms of renewable energy. An and/or statement is subsequently included in relation to localised impacts and mitigation within part e)ii of Policy 11. Nevertheless, this part of the policy also refers to localised impacts generally being considered acceptable (my emphasis). Given my conclusions above on the nature, extent and location of the proposal and its landscape effects combined with the limitations of the proposed mitigation I am not persuaded that the intentions of Part e)ii are met in this specific case.
- 4.42 In addition, in the context of Policy 11 e) i) the nature of the proposal and its lack of effective mitigation would result in significant and detrimental visual impacts experienced by local residents and those in the wider community travelling on the adjacent road network. The project design and mitigation does not demonstrate how these impacts, taken together, would be addressed particularly in the short to medium term.
- 4.43 In considering these and any other impacts Policy 11 places significant weight on the contribution of the proposal to renewable energy generation targets and on greenhouse gas emissions reduction targets. I return to that overall balance below.

#### Loss of Agricultural Land

- 4.44 The proposal would result in a loss of prime agricultural land classified as Class 2 and Class 3.1. NPF4 Policy 5 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. There is also a requirement to minimise the land required. In that specific respect I find the proposal is tightly spaced in terms of the panel layout and there is nothing to suggest that a smaller land area would be capable of achieving the same output. This conclusion is emphasised given the site was reduced by removal of Site A during the planning



application process. The NPF4 topic specific policy on renewable energy (Policy 11) does not reference impacts of agricultural land.

- 4.45 There is no evidence to suggest that the viability of a farm unit would be adversely affected by the proposal. The council has suggested a condition on site restoration which is not disputed. Consequently, the terms of Local Development Plan Policy PV20 would also be met. Taking these matters together I consider that consistency with the relevant development plan policies on agricultural land is demonstrated. I consider the related issue of national food security as a material consideration below.

#### Other Impacts: Traffic

- 4.46 The submissions include a Transport Statement. There are local concerns expressed in representation about access and road safety during the construction phase. However, I find nothing that indicates that any issues arising could not be appropriately addressed through condition. This conclusion reflects the view of the council as roads authority.

#### Other Impacts: Biodiversity and nature conservation

- 4.47 A wildlife pond is proposed to the south-east of the site. Standoff areas from existing trees and hedgerows would protect root protection areas and the laying of gravel and geogrid membrane would protect trees and roots. Two areas of scrub and meadow grassland would be planted between the solar farm, woodlands and residential properties. Meadow grassland would also be planted on an area of steeper, south facing slope. A Landscape and Ecology Management Plan could be secured by condition to confirm the habitat creation, management measures and monitoring requirements over the 40- year management period.
- 4.48 The additional planting proposed, and the grassland areas that would be associated with the solar panels would provide some enhancement to biodiversity in comparison to the areas of existing cultivated agricultural land. An updated Biodiversity Net Gain Technical Note (document APP. 9.2) reflects the Landscape Strategy Plan submitted in March 2024 (document APP 4.6). It confirms that the proposed development could result in a net gain of habitat units of 225.83% and of hedgerow units of 383.63% when compared to the existing baseline. I consider that the proposal meets the policy expectations of NPF4 Policy 3 and that this should be considered as a benefit of the proposal as referenced above.

#### Noise and Glint and Glare

- 4.49 The proposal is supported by a Glint and Glare Assessment and a Noise Impact Assessment. The former concluded that for properties within a 5 kilometre radius there would be occasional Glint from the panel at certain times of the year and certain times of the day but overall there would be no significant impact. Subject to conditions including to secure a full noise management plan prior to the beginning of the construction phase I find no unacceptable impacts would arise.

#### Development Plan Conclusion

- 4.50 In many respects my conclusion is the proposal meets the terms of the development plan. There is significant support in contributing to renewable energy, potential for local economic benefit and a contribution to biodiversity. Setting aside the issues of landscape and visual impacts rehearsed above I find

the other assessed impacts would be acceptable.

- 4.51 Nevertheless, I find that whilst generally localised the identified scale and nature of significant landscape and visual impacts, when assessed in the context of Policy 11 e) part i) and ii), are not sufficiently addressed by project design and mitigation. In this case, I find those impacts when taken together unacceptable even when balanced against the significant weight to be placed on the contribution of the proposal to renewable energy generation targets and on greenhouse gas emissions reduction targets. In reaching that conclusion I have also considered the socio-economic benefits and the support to be gained by compliance with other development plan policies. Consequently, I find the proposal does not accord overall with the relevant provisions of the development plan.

#### Other considerations

- 4.52 I note the range of concerns expressed by community councils and local residents most of which focus on residential and visual amenity, traffic and disturbance, impacts on nature and the loss of agricultural land in an area historically and currently important for food production. I address most of these matters above. In reaching my decision I have not given weight to concerns raised on the level of offered community benefit given that is not relevant to the balance of planning considerations in this case.
- 4.53 On the matter of food security, I am aware that Scottish Ministers issued a recall direction in relation to an appeal relating to solar development on prime agricultural land in Perth & Kinross (PPA-340-2156). The council cautions that approval of this application at the current time could compromise ability to have regard to the Ministerial decision and it could compound any issue identified by Ministers. However, I have concluded above on the implications for the protection of prime agricultural land. Given my overall conclusion below I do not find it necessary to delay this decision or come to any wider conclusion on the any implications for national food security.
- 4.54 The appellant refers to the screening opinion and the council's view that the proposal did not require an Environmental Impact Assessment (EIA) to be undertaken. I agree with that conclusion above. However, I do not consider this prevents a conclusion of unacceptable impacts in the context of a planning application. Rather it reflects the fact that overall the proposal was not considered of a scale, nature or complexity to warrant EIA.
- 4.55 The appellant carried out an alternative site assessment to look at other options that would enable connection to the concrete manufacturing site. I appreciate that within the identified search area of 3 kilometres a parcel of land would have to be of a sufficient size and southerly aspect to accommodate the equipment for a 30MW solar farm and avoid areas at risk of flooding and with known environmental constraints. However, my role here is to assess the acceptability of the current scheme. That said, I appreciate that the potential lack of alternatives to deliver the intended benefits to the cement works can be considered as material in supporting the current scheme. However, having considered these matters I find nothing sufficient to alter my overall conclusion.
- 4.56 The appellant's submission also include a range of UK government publications including the National Policy Statement for Renewable Energy Infrastructure - March 2023 and British energy security strategy - 7 April 2022. I have also considered the Angus Council Transition to Net Zero Action Plan 2022-2030 - September 2022 and the Announcement of a Solar Ambition for Scotland – 28 October 2023 and the Programme for Government 2024 – 2025 Serving

Scotland.

- 4.57 Taken together all of this reflects the significant benefits of renewable energy with specific reference to the opportunities to further develop solar power. I recognise those significant benefits above and the particular opportunity this scheme would provide to enable a local business to transition to green energy whilst also potentially exporting energy to the grid. Nevertheless, I do not find these considerations sufficient to outweigh my concerns about the impacts of the proposal.
- 4.58 Given my conclusions on Site B I have considered whether a reduced scheme could be approved by omitting Site C by means of condition. However, I have not pursued this matter further given the appellant's submissions stress the importance of a site of sufficient size to achieve an output of 30MW. In addition, it would be unlikely that such a reduced scheme could support the extent of supporting infrastructure including a remote substation.

#### Overall Conclusion

- 4.59 I therefore conclude, for the reasons set out above, that the proposed development does not accord overall with the relevant provisions of the development plan and that there are no material considerations which would still justify granting planning permission.

### **5. FINANCIAL IMPLICATIONS**

- 5.1 There are no financial implications associated with this Report.

**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 a material extent in preparing the above report.

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### **APPENDIX 1: LOCATION PLAN**