

ANGUS COUNCIL

DEVELOPMENT STANDARDS COMMITTEE – 14 MAY 2024

PLANNING APPLICATION – FIELD 300M WEST OF GRANGE OF BERRYHILL,
INVERGOWRIE

GRID REF: 330815 : 733493

REPORT BY SERVICE LEADER – PLANNING & SUSTAINABLE GROWTH

1. ABSTRACT

- 1.1 This report deals with planning application No. [24/00048/FULM](#) submitted on behalf Berryhill Solar Farm Ltd, which relates to a solar photovoltaic array with an export capacity of up to 49.9MW and associated infrastructure on land 300m west of Grange of Berryhill, Invergowrie. This is an application made under section 42 of the Town and Country Planning (Scotland) Act 1997 (as amended) to develop subject to different conditions than those attached to planning permission [21/00535/FULM](#) (allowed by Scottish Government on appeal [PPA-120-2060](#)). Principally, the application seeks a variation to condition 1 to extend the timescale for implementing the planning permission until a date not later than 21 September 2027. The application is recommended for approval subject to conditions.

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 Planning application ref: [21/00535/FULM](#) for the installation of a solar photovoltaic (PV) array with an export capacity of not more than 49.9MW and associated infrastructure on land 300m west of Grange of Berryhill was granted on appeal by the Scottish Government on 21 September 2022 (ref: [PPA-120-2060](#)). A plan showing the location of the site is provided at Appendix 1.
- 3.2 The extant permission allows for an array of ground mounted solar panels with a generation capacity of up to 49.9MW on an area of land measuring around 63ha. The solar panels would be arranged in rows and would be up to 3m above ground level with the panels positioned at an angle of up to 30 degrees. In addition to solar panels the development includes a 513sqm compound with substations, transformers, storage, office, and communications accommodation; 15 field transformers; and 15 field inverters; 2.5m high stock mesh fencing with CCTV cameras located around the perimeter; and a temporary construction compound. Landscaping would be provided within the site and around the perimeter, including around 4.1km of new hedgerow planting and 0.4 hectares of new woodland. A number of new access tracks would be formed within the site and access would be taken from the public road to the south that serves Binn Farm.
- 3.3 Condition 1 of planning permission 21/00535/FULM states: –

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

Reason: This condition is for the purpose of the good planning of the area, to ensure that the permission will lapse if it is not implemented within three years. Permission granted for a development for a limited period is excepted from the operation of section 58(1) of the Town and Country Planning (Scotland) Act 1997, and without a condition to control when it would lapse, would have no restriction on the time within which it could be implemented.

- 3.4 That planning permission remains extant and can be implemented.
- 3.5 However, the applicant has indicated that a connection to the grid is unlikely to be available until August 2026, with the potential for that date to be delayed until 2027. Accordingly, additional time is sought to implement the planning permission to ensure that construction can coincide with grid connection.
- 3.6 The current application is submitted under section 42 of the Town and Country Planning (Scotland) Act 1997 (hereafter referenced as the Act). It seeks permission to develop the land subject to different conditions than those attached to the existing planning permission. Principally, it seeks to vary condition 1 of planning permission 21/00535/FULM, which requires the development to commence within 3 years of the date of permission. The application seeks a variation to extend the timescale for the implementation of the planning permission until a date not later than 21 September 2027.
- 3.7 For this type of application relevant legislation indicates that the planning authority must only consider the question of the conditions subject to which planning permission should be granted and if they decide that permission should be granted subject to the same conditions as detailed on the earlier permission, they shall refuse the application. If they decide that planning permission should be granted subject to conditions differing from those previously attached to the permission, they shall grant planning permission accordingly. The effect of granting permission for a section 42 application is that a new and separate permission exists, with any conditions attached as appropriate. The previous permission remains extant whether the section 42 application is approved or refused.
- 3.8 The proposal does not seek to materially change any physical aspect of the development previously approved by the existing permission. The application essentially seeks additional time to commence development.
- 3.9 The application has been subject of statutory neighbour notification and was advertised in the press as required by legislation.

4. RELEVANT PLANNING HISTORY

- 4.1 The planning history of the site is set out in report [34/22](#) which is attached at Appendix 2.
- 4.2 At its meeting on 8 February 2022 committee resolved to refuse planning application [21/00535/FULM](#). Committee determined that the application was contrary to policy DS4 of the Angus Local Development Plan as it would result in significant and adverse impacts on the amenity of the area and on the amenity of occupants of nearby residential property.
- 4.3 The decision was subject of appeal to Scottish Ministers (ref: [PPA-120-2060](#)) and a Reporter was appointed by the Planning and Environmental Appeals Division (DPEA) to consider the matter. The Reporter determined that the proposal did not give rise to unacceptable impacts and that it complied with relevant development plan policy. Accordingly, the appeal was allowed, and planning permission granted subject to conditions on 21 September 2022. The Reporters decision letter and the associated planning conditions are attached at Appendix 3.

5. APPLICANT'S CASE

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

- Planning statement
- Ecological impact assessment
- Ecology update
- Landscape management and maintenance plan (with associated drawings)
- Outline biodiversity management plan
- Biodiversity mitigation and enhancement plan
- Access management plan
- Road enhancement review
- Scheme of decommissioning and restoration
- Response to letters of representation

5.2 The information submitted in support of the application is available to view on the [Public Access](#) system and is summarised at Appendix 4.

6. CONSULTATIONS

6.1 **Angus Council – Roads** – no objection.

6.2 **Angus Council – Environmental Health** – no objection.

6.3 **SEPA** – no objection.

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

6.5 **Perth & Kinross Council** – no objection.

6.6 **Historic Environment Scotland** – no comment.

6.7 **NATS Safeguarding** – no objection.

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

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

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

6.11 **Muirhead, Birkhill & Liff Community Council** – no comment.

6.12 **Scottish Water** – no objection.

6.13 **Transport Scotland** – no objection.

6.14 **NatureScot** – no comment.

6.15 **SSE PLC** – no comment.

6.16 **Health and Safety Executive** – no objection.

6.17 **National Grid** – no comment.

7. REPRESENTATIONS

7.1 Five letters of representation have been received in objection to the proposal. Those letters are provided at Appendix 5 and are available to view on the council's [Public Access](#) website.

7.2 The following matters have been raised as objections: -

- Development plan policy has changed since the original application was approved;
- Loss of top grade agricultural land, including long term loss;
- Adverse impacts on wildlife; and
- Adverse impacts and congestion on the road network.

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

- **Question the appropriateness and legality of a request to alter timescale for implementation and ability to utilise provisions made by section 42 of the Act** – the planning permission is subject to a condition that requires development to commence within a period of 3-years from the date of its grant. Accordingly, application can be made under section 42 of the Act to develop land without compliance with that condition. Section 58 of the Act allows the planning authority to grant planning permission subject to a period (whether longer or shorter) other than 3 years having regard to the provisions of the [current] development plan and to any other material considerations. The application has been appropriately made and must be determined in accordance with statutory provisions.
- **New technology may mean that less land is required for an economically viable 49.9MV array** – this application does not propose any material change to the design and layout of the previously approved development.
- **Application would prolong stress and inconvenience experienced by residents** – as indicated above, planning permission has been granted for this development and it can take place irrespective of any decision on this application. The application does not propose any change to the physical characteristics of the proposal or to the nature or duration of associated construction activity. The application does not propose any alteration to condition 2 which requires the development to be removed no later than 40 years after the date when electricity is first generated.

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 6 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 As indicated, the current application is made under section 42 of the Act. It constitutes an application to develop land without compliance with conditions attached to a previous planning permission. For an application made under section 42 the planning authority typically must only consider the question of the conditions subject to which planning permission should be granted. If it is decided that permission should be granted subject to the same conditions as detailed on the earlier permission, the application shall be refused. If it is decided that planning permission should be granted subject to conditions differing from those previously attached to the permission, the application should be approved.
- 8.6 In this case the original planning permission remains extant and implementable. Accordingly, consideration of the current application is appropriately limited to the question of the conditions to which the planning permission should be granted.
- 8.7 The original planning permission was granted at a time when the statutory development plan comprised TAYplan and the ALDP, while Scottish Planning Policy (SPP) set out Scottish Government planning policy. TAYplan and SPP have now been replaced by NPF4, but the ALDP remains the adopted local development plan for the area. Scottish Government planning advice on large photovoltaic arrays and council supplementary guidance that deals with renewable and low carbon energy developments were also considered in the assessment and formulation of conditions attached to the original planning permission and they remain relevant.
- 8.8 Assessment of the solar development in terms of the ALDP policy is set out in report 34/22 (Appendix 2) and in the Reporters decision letter (Appendix 3). The detail of the proposal has not changed, and the physical characteristics of the site and the surrounding area have not changed to any material extent in the intervening period. Accordingly, the assessments set out in those documents remain appropriate and the broad nature of the planning conditions set out in the Reporters decision letter remain appropriate in the context of that policy.
- 8.9 NPF4 now forms part of the statutory development plan, and it must be taken into account in determining this application and considering the appropriateness of planning conditions.
- 8.10 For clarity, NPF4 generally provides stronger support for renewable energy development than the previous development plan framework. Specifically, policy 1 seeks to encourage, promote and facilitate development that addresses the global climate emergency and nature crisis. It states that “When considering all development proposals significant weight will be given to the global climate and nature crises.” Policy 11 seeks to encourage, promote and facilitate all forms of renewable energy development onshore and offshore. It states that development proposals for all forms of renewable, low-carbon and zero emissions technologies, including solar arrays, will be supported. It requires development proposals to maximise net economic impact, including local and community socio-economic benefits such as employment, associated business and supply chain opportunities. The policy identifies matters that should be addressed through the project design and mitigation. The policy also states that “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.”
- 8.11 The approved development is consistent with the policy framework provided by NPF4 for reasons similar to those set out in the report and decision letter provided as appendices 2 and 3. The matters that NPF4 policy 11 requires to be addressed through project design and mitigation are reflective of matters set out in the conditions attached to the original planning permission. Those conditions also address other matters relevant to NPF4 policy considerations.

- 8.12 Principally, this application seeks amendment to condition 1 of the original planning permission to allow a longer period for commencement of development. It is indicated that this request is made on the basis that a grid connection cannot be made until August 2026 with some potential for that to be delayed. Accordingly, the applicant has requested that a revised condition be attached allowing the planning permission to be implemented before 21 September 2027. Updated information has been provided which indicates that such extension would not give rise to materially different ecological impacts than those previously determined to be acceptable.
- 8.13 A condition regarding the duration of the planning permission was necessary when the original planning permission was granted, and it remains necessary by virtue of requirements of section 58 of the Act. However, all conditions must meet the tests set out in circular 4/1998 and in that respect must be necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise, and reasonable in all other respects. The circular indicates that in relation to the duration of a planning permission, an authority may specify longer or shorter periods than those specified in the Act if appropriate on planning grounds.
- 8.14 NPF4 states that grid capacity should not constrain renewable energy development and it requires proposals to maximise net economic impact. In these circumstances, it is considered reasonable to allow a longer period for implementation of the planning permission. To do otherwise would potentially constrain the development by virtue of grid capacity and that would not be compatible with what development plan policy seeks to achieve. There has been no material change in circumstance that would render an extended implementation period unacceptable and there is clear justification for the extended period requested. Allowing an extended period of time for the planning permission to be implemented does not alter construction timescales and it does not alter the duration of time that the solar development can be in situ. Accordingly, it has little if any material impact on those that live in the proximity of the development. There are planning grounds to allow a longer period for implementation of the planning permission and a condition allowing the extended period sought would be consistent with circular 4/1998.
- 8.15 In addition, environmental health colleagues have suggested revision to condition 13 of the original permission which controls operational noise associated with the proposal to reflect current practice. The proposed alteration recognises that predicted noise associated with the operation of the solar development is likely to be significantly below the current noise limit set by the condition imposed by the Reporter. The revised wording of the condition offers potential for the noise limit to be linked to existing background noise levels and as such is likely to establish a lower noise limit than is set by the existing condition. However, reference to an absolute limit which reflects the existing condition is included to ensure that the permitted noise level cannot exceed the maximum level set by the Reporter's condition. That approach has been agreed with the applicant. The environmental health service has suggested a further condition which requires the applicant to undertake investigation in the event of a noise complaint which again reflects current council practice and a condition to that effect is proposed (condition 16). Updating the noise conditions to reflect current operational practice is reasonable and provides some additional safeguard for those who live in the area.
- 8.16 Interested parties have raised objection relating to loss of agricultural land, adverse impact on wildlife, and adverse impact on road safety in the area. However, those issues were considered in the determination of the planning appeal and as indicated, this application does not provide opportunity for reconsideration of the merits of the case. The identified matters are addressed by the conditions attached to the existing planning permission and those conditions remain appropriate following the publication of NPF4. The applicant has submitted updated ecological information, and this indicates that there has been no material change in the base environment that would necessitate change to the existing conditions.

- 8.17 The applicant has submitted information to discharge conditions attached to the existing planning permission and this demonstrates that issues can be appropriately addressed to the satisfaction of relevant consultation bodies and the planning authority. However, it remains appropriate for those matters to be addressed by condition and to include the requirement for submission and approval of additional information to discharge those conditions. This approach recognises that there may be different means of providing the mitigation or enhancement required by the conditions and allows for submission and approval of relevant information at a later date.
- 8.18 In conclusion, this is an application made under section 42 of the Act. It seeks permission to undertake development in accordance with different conditions than those attached to the existing planning permission. In circumstances where the existing planning permission remains extant and implementable, the planning authority may only consider the question of the conditions subject to which planning permission should be granted.
- 8.19 In this case the planning permission remains extant and implementable. The application has been submitted primarily to seek amendment of the condition that controls the duration of time within which the planning permission can be implemented; it is seeking additional time to allow implementation of the planning permission to allow that to align with the likely timescale for availability of a connection to the grid. In addition, minor variation of the noise conditions is proposed to reflect current operational practice.
- 8.20 The revised conditions are compatible with development plan policy and they ensure that the conditions are compatible with government policy on the use of planning conditions. The proposed revisions to the conditions have raised no objection from those bodies consulted on the application. The matters raised in objection to the application have been considered, but there are no material considerations that justify refusal of the application.
- 8.21 The resultant development offers potential to generate renewable energy in a manner that would not give rise to unacceptable impacts on infrastructure, amenity, built and natural heritage interests (including landscape), or other environmental interests subject to appropriate mitigation. The necessary mitigation can be secured by planning conditions and the proposal complies with development plan policy subject to the stated planning conditions. An extended time period for implementation of the planning permission is justified to align with anticipated availability of a grid connection. There are no material considerations that justify refusal.

9. HUMAN RIGHTS IMPLICATIONS

- 9.1 The recommendation in this report for grant of planning permission, subject to conditions, has potential implications for neighbours in terms of alleged interference with privacy, home or family life (Article 8) and peaceful enjoyment of their possessions (First Protocol, Article 1). For the reasons referred to elsewhere in this report justifying this recommendation in planning terms, it is considered that any actual or apprehended infringement of such Convention Rights, is justified. The conditions constitute a justified and proportional control of the use of the property in accordance with the general interest and have regard to the necessary balance of the applicant's freedom to enjoy his property against the public interest and the freedom of others to enjoy neighbouring property/home life/privacy without undue interference.

10. CONCLUSION

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

Reason(s) for Approval:

The proposed development would provide a source of renewable energy generation in a manner that would not give rise to unacceptable impacts on infrastructure, amenity, built and natural heritage interests (including landscape), or other environmental interests subject to appropriate mitigation. The necessary mitigation can be secured by planning conditions and the proposal complies with development plan policy subject to the stated planning conditions. An extended time period for implementation of the planning permission is justified to align with anticipated availability of a grid connection. 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 21 September 2027.

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

2. The solar array and associated infrastructure hereby approved shall be removed from the site no later than 40 years after the date when electricity is first generated from any photovoltaic panel at the site. Written confirmation of the commencement date of electricity generation shall be provided to the planning authority within one month of that date. In the absence of such written confirmation, the commencement date shall be taken to be nine months after commencement of development.

Reason: In order to ensuring infrastructure is removed from the site at the end of the development's expected operational lifetime.

3. No development shall commence until details of the proposed development's final layout and the location and final designs for the external appearance of all buildings, structures, and fencing and of the location of all CCTV cameras have been submitted to and approved in writing by the planning authority. Thereafter the buildings, structures, and fencing shall be constructed, and the CCTV cameras located in accordance with the approved details. In the final approved layout, neither the proposed panels nor the proposed fencing shall be closer to the houses at North Binn or the houses on the track between Berryhill Road and Binn Farm than is depicted on the indicative layout plan version 3 dated 23 November 2021 (labelled APP 3.59). Furthermore, no noise-generating infrastructure shall be closer to any of those houses than the nearest noise-generating infrastructure depicted on that plan.

Reason: In order that the planning authority may verify the acceptability of the final layout and details of buildings and structures in the interests of amenity, restoration of the site, road safety, and environmental protection.

4. No development shall commence until the following details or evidence has been submitted to and approved in writing by planning authority:
 - (a) Details of a bond or other financial provision to be put in place to cover all decommissioning and site-restoration costs. The bond or financial provision shall be provided under terms that will allow the planning authority to call upon it if the scheme of decommissioning and restoration of the development's site referred to in condition 4 is not carried out or completed as approved under condition 5.

- (b) Provision for the regular review of the bond value to ensure it will cover the final site restoration costs.
- (c) Documentary evidence that the bond or other financial provision in the approved terms has been put in place.

The developer shall ensure that the bond or other financial provision approved is in place throughout the life of the development until the completion of its decommissioning and restoration.

Reason: To ensure that funds are available to carry out the necessary work properly to decommission the development and restore the site to its previous use even in the event of failure on the part of the developer or landowner.

- 5. No development shall commence until a scheme of decommissioning and restoration of the application site has been submitted to and approved in writing by the planning authority. The scheme shall include provision:
 - (i) setting out the means of reinstating the solar farm site to agricultural use following the removal of the components of the development,
 - (ii) requiring its completion within 18 months after the final date electricity is generated at the site, being at the latest a date 18 months after the date for removal of the development infrastructure set by condition 2 of this permission, and
 - (iii) for aftercare after restoration is complete.

The scheme shall be implemented as approved.

Reason: To ensure that the site is properly decommissioned at the end of its life and the land is restored to its former use.

- 6. No development shall commence until the following plans for the period of construction have been submitted to and approved in writing by the planning authority:
 - (a) a Construction Traffic Management Plan (CTMP) including (but not limited to) the following provisions:
 - (i) the routing for any abnormal loads;
 - (ii) the type and volume of vehicles to be used in the delivery to the site of construction materials associated with the construction of the solar array;
 - (iii) details of heavy-goods-vehicle (HGV) movements to and from the site;
 - (iv) details of any proposed accommodation works or mitigation measures affecting public roads in order to allow for delivery loads (including, without restriction, 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);
 - (v) restrictions to be placed on delivery traffic to specified routes and measures to be put in place to ensure other routes are not used;
 - (vi) 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;
 - (vii) a code of conduct for HGV drivers to allow for queuing traffic to pass;
 - (viii) contingency procedures (including names and telephone numbers of persons responsible) for dealing with vehicle breakdowns;
 - (ix) a dust- and dirt-management strategy, including requirements for sheeting of loads and wheel cleaning prior to departure from the site and arrangements for cleaning of roads affected by material deposited from construction sites associated with the development;

- (x) the location, design, erection and maintenance of warning and information signs for the duration of the works at site accesses and crossovers on private haul roads or tracks used by construction traffic and pedestrians, cyclists or equestrians;
 - (xi) contingencies for unobstructed access for emergency services;
 - (xii) co-ordination with other major commercial users of the public roads on the agreed routes in the vicinity of the site;
 - (xiii) the provision and installation of traffic counters at locations to be agreed prior to the commencement of construction;
 - (xiv) traffic management, in the vicinity of temporary construction compounds including details of information signs to inform other road users of construction traffic;
 - (xv) arrangements for liaison with the relevant roads authority regarding winter maintenance;
 - (xvi) arrangements for the monitoring and review of the approved plan and for reporting on its implementation; and
 - (xvii) procedures for monitoring compliance with the approved plan and for addressing any breach of it.
- (b) a Construction Environmental Management Plan (CEMP). The CEMP shall include (but not be limited to) provisions in respect of: -
- (i) site working hours;
 - (ii) mitigation measures for dust and machinery emissions arising from the construction phase and dust-complaint investigation procedure;
 - (iii) mitigation measures for noise and vibration impacts and an investigation procedure for noise and vibration complaints;
 - (iv) waste management;
 - (v) pollution monitoring and mitigation;
 - (vi) tree-protection measures both for trees to be retained within the site and for trees outwith the site;
 - (vii) ensuring good practice in environmental and ecological protection is adhered to;
 - (viii) the appointment of a suitably qualified ecological clerk of works (ECOW), their remit (to include monitoring of adherence to environmental requirements of these conditions), and contact details for the ECOW appointed;
 - (ix) invasive-species risk assessment and management plan; and
 - (x) procedures for monitoring compliance and dealing with any breach of the approved plan.
- (c) An Access Management Plan (AMP). The AMP shall include (but is not limited to): -
- (i) arrangements for management of public access on core path 215 (the Check Bar Road) and other public access routes within the application site during construction works;
 - (ii) details of the extent and timing of any closures and proposed diversions of such public access routes;
 - (iii) details of the proposed path diversion including:- its construction specification; enclosures to be incorporated adjacent to the path; a timescale for the provision of the path and details of any proposed maintenance (including cutting of surface vegetation or adjacent trees or hedges);
 - (iv) arrangements for reinstatement of any core paths or other public access route(s), the surface of which may be disturbed during construction, and the schedule for the completion of any works; and
 - (v) procedures for monitoring compliance and dealing with any breach of the approved plan.

The CTMP, CEMP and AMP shall be implemented as approved during the construction of the development.

Reason: To ensure that the impacts of construction and construction traffic on the environment, on the amenity of nearby residents, on road safety and convenience of road users, and on access of the public to the countryside are controlled.

7. No development shall commence until a Biodiversity Mitigation and Enhancement Plan (BMEP) has been submitted to and approved in writing by the planning authority. This shall: -
 - include proposals for mitigation and enhancement works, being as a minimum those described in section 5 of appendix F4 to the Supporting Environmental Information Report for the Berryhill Solar Farm (the Outline Biodiversity Management Plan) dated 30 June 2021,
 - provide a schedule for completion of such works, and
 - identify any ongoing activity required for the duration of the development's operation.

The BMEP shall be implemented as approved.

Reason: To ensure adverse effects on biodiversity as a consequence of the proposed development are mitigated and that the proposed development is carried out in a way that best secures and enhances biodiversity of the site during and following the development's construction.

8. No development shall commence until a scheme for localised road widening and provision of passing places on the U144 and U331 public roads, supported by evidence of consultation with Perth and Kinross Council as roads authority, has been submitted to and approved in writing by the planning authority. No deliveries of construction materials shall be made to the site until any approved road improvements have been carried out. The improvements shall remain in place and shall be fully maintained throughout the operational life of the development hereby approved.

Reason: To ensure broad arrangements for road improvements for access to the proposed development and any details of their impacts are considered and to ensure improvements are retained for the duration of the development.

9. No development shall commence until a survey of the application site to identify any existing private water supplies has been submitted to and approved in writing by the planning authority. If the survey identifies any private water supply, no development shall commence until details of mitigation measures designed to protect the integrity and wholesomeness of such a supply during both the construction and operational phases of the development has been submitted to and approved in writing by the planning authority. Development shall be carried out in accordance with the approved mitigation measures.

Reason: To ensure that any impact on private water supplies during construction are identified and mitigated.

10. No development shall commence until a scheme of landscaping works to be undertaken on the site has been submitted to and approved in writing by the planning authority. The submitted scheme shall include details of: -
 - (i) existing landscaping features and vegetation to be retained;
 - (ii) the location of new trees, shrubs, and hedges, and details of the width of standoff areas to solar panels;
 - (iii) a schedule of plants to comprise species, planting stock size, numbers and density;
 - (iv) measures to protect planting from grazing animals; and

- (v) a landscape management and maintenance plan.

The approved planting shall be completed within the first planting season following the initiation of development. The landscaping shall be managed and maintained in accordance with the approved details for the duration of the development's operation. Any plants or trees that within a period of 5 years from the completion of development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size or species.

Reason: To ensure details of landscaping are considered such that it best contributes to mitigating the adverse landscape and visual effects of the development and that it contributes to biodiversity and to ensure that the approved landscaping becomes established so that it meets those purposes.

11. Noise associated with the construction of the development including the movement of materials, plant and equipment shall not exceed the noise-immission limits at sensitive receptors shown in table A below for the times shown. At all other times noise associated with construction operations shall be inaudible at any sensitive receptor. For the avoidance of doubt, sensitive receptors includes all residential properties, hospitals, schools and office buildings.

Table A: Construction Noise Limits

Day	Time	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: To safeguard the amenity of local residents and other occupants of noise-sensitive locations during the construction of the development.

12. Vibration levels associated with construction activities shall not exceed the following limits, unless agreed in writing with the Planning Authority: -
 - (a) At any residential or educational properties 1 mms-1 PPV; and
 - (b) At any commercial or industrial properties 3 mms-1 PPV.

The above vibration limits relate to maximum PPV ground-borne vibration occurring in any one of three mutually perpendicular axes. Vibration is to be measured on the foundation or on an external façade no more than 1m above ground level or on solid ground as near the façade as possible.

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

13. Noise from any activity associated with the operation of the development hereby approved shall not exceed 35dB LAeq (1 hour), or the measured background noise level plus 5dB subject to a maximum level of 50dB LAeq (1hour)), whichever is the higher, when 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: To protect the amenity of residents and other occupants of noise-sensitive properties.

14. Noise from any fixed plant associated with this development shall not give rise to a noise level assessed within any dwelling or noise sensitive building with

windows partially open for ventilation, in excess of that equivalent to Noise Rating Curve 30 between 0700 and 2200 and Noise Rating Curve 20 at all other times.

Reason: To protect the amenity of residents and other occupants of noise-sensitive properties.

15. 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: To protect the amenity of residents and other occupants of properties sensitive to nuisance from glare.

16. 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 relevant noise limits set by conditions above. The assessment will be carried out to an appropriate methodology agreed in writing with the planning authority. If the noise assessment shows that the noise levels do not comply with conditions a scheme of noise mitigation shall be included with the noise assessment, specifying timescales for the implementation of the scheme, and shall be submitted to the planning authority with 28 days of the assessment. The mitigation scheme shall thereafter be implemented in accordance with the approved scheme and timescales.

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

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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APPENDIX 1: LOCATION PLAN
APPENDIX 2: COMMITTEE REPORT NO. 34/22
APPENDIX 3: APPEAL DECISION PPA-120-2060
APPENDIX 4: SUMMARY OF APPLICANTS SUPPORTING INFORMATION
APPENDIX 5: LETTERS OF REPRESENTATION
APPENDIX 6: DEVELOPMENT PLAN POLICIES