

## **Appendix 4 – Summary of applicants supporting information**

**Planning Statement** – provides a summary of the background to the proposal and the application site, including an overview of relevant planning history. It states this Section 42 application seeks to vary Condition 1 of a previous solar farm planning application approved at appeal. Condition 1 of that permission relates to a time limit for implementing the development. This application essentially seeks a 2-year extension of time to commence development on the basis the applicant has a signed grid connection offer to the national electricity distribution network but this cannot be provided until August 2026. It clarifies, the effect of granting consent for a variation to condition 1 is to issue a new consent. The statement confirms the current development is the same in all other respects as the previously granted planning permission and has the potential to generate approximately 45 GWh of renewable electricity annually, which is the equivalent to the average annual UK electricity consumption for approximately 12,500 homes. The statement considers the development against relevant planning policy, focusing on new policy requirements which have been introduced by NPF4 since the date of the last permission. It suggests that as the Angus Local Development Plan was fully considered by the Reporter in making the earlier appeal decision, there are no changes to the local plan position. The statement concludes that the proposal would gain additional policy support from Policies 1, 2 and 11 of NPF4 which confirm a need for suitable renewable energy development, seek to secure renewable energy generation and a contribution to national carbon reduction targets. Therefore, the document considers that the planning balance lies firmly in favour of the proposed variation of condition 1. The statement also includes a summary of the remaining conditions attached to the previous permission, suggesting a number of these should remain unchanged and some discharged or partially discharged.

**Ecological Impact Assessment** – this is a suite of documents submitted as part of the previous application and provides an assessment of the ecological features present or potentially present within the development site and its environs at that time. The assessment comprises a range of ecological studies including an ecological desk based study, an extended Phase 1 habitat survey and an update to that survey, as well as the badger and otter surveys. The development site includes a range of primarily agricultural habitats, with both semi-natural and plantation woodland, plus tree lines, hedgerows and both standing and running water. The assessment indicates evidence of badger was recorded in the vicinity and occasional otter presence was also recorded close by. The 2019 survey indicated the potential suitability of the mature tree lines for bat roosting use and the subsequent scheme designs have taken account of this potential and included a 20m stand-off from these features. Brown hare and a range of bird species were recorded on the site. Important ecological features, which are also potentially vulnerable to the proposal, were identified, and an assessment of impacts was undertaken. The ecological impact assessment was carried out in the presence of standard mitigation measures in line with guidance issued by CIEEM. This includes measures to prevent breaches of wildlife legislation. None of the construction effects were assessed as being higher than a Minor adverse impact and therefore not significant. For the operational phase, no adverse effects were identified as being higher than Minor adverse impacts which are therefore not significant. Specific habitat and species mitigation measures for the construction and operational phases of the proposed development are to be defined within a CEMP which can be secured by a planning condition.

**Ecology Update** – This assessment provides an updated ecology walk over survey to the baseline surveys undertaken in 2019 and 2021 (which are summarised above). As the field survey data in those reports is over two years old the purpose of the update survey was to ground-truth the previous findings and document any changes to the previous ecological baseline. To allow the survey data to be suitable for a Biodiversity Net Gain (BNG) assessment (if required in the future) the field survey method was also adapted to use the UK Habitat Classification Methodology. The document provides an extended UKHab survey

and targeted surveys for badger and otter. As a transition from the JNCC habitat survey method to the UKHab method is underway, the report provides both the UKHab and Phase 1 habitat classifications for completeness. Using the UKHab survey methodology has resulted in some habitats being recategorised (e.g. tall ruderal) but the habitat update survey has demonstrated that little has changed since the 2021 survey visit. Bats were scoped out of the update given previous findings and embedded mitigation. In terms of badger, similar evidence was found to previous visits, and in the first instance the survey recommends that a 30m buffer is maintained from all setts. Where this 30m buffer cannot be maintained it suggests further monitoring of the sett(s) by a suitably qualified ecologist and where applicable, this should be used to inform mitigation and to meet any NatureScot licencing requirements. It notes that badger gates are to be installed within the perimeter fencing to ensure continued passage of badger (and other mammals) and avoid loss of foraging habitat and severance of commuting routes. In considering potential impacts upon otters, evidence was found along the Blacklaw Burn similar to previous visits, but no resting sites were identified, therefore the survey suggests the area is likely to only be intermittently used for foraging and commuting. The survey recommends a sensitive lighting scheme be adopted to reduce indirect impacts on effected species. It states the scheme should avoid illumination of watercourses, ponds and foraging habitats, be limited to dark periods only and should be lighting on a warm white spectrum. In considering other matters, the survey notes that while Himalayan balsam and Japanese knotweed are within proximity of the site, biosecurity measures to prevent the spread of these species into the site, such as cleaning of machinery and equipment shall be employed. It promotes general good practise measures in relation to protecting watercourses and retained trees, as well as best practice operating procedures such as working during layout hours and fencing off any excavation/providing ramps to avoid animals being trapped.

**Outline Biodiversity Management Plan** – was submitted as part of the previous application and identifies measures to be used during the construction and operational phases of the development to protect and support biodiversity on and around the site. It is indicated that the proposed solar farm site supports a mix of semi-natural and plantation woodland, tree lines and hedgerows in what is otherwise an agricultural landscape. The design solution allows for the retention of existing landscape features and incorporates mitigation measures during the construction and operational phases of the development. During the construction phase it is intended to commence work ahead of the bird breeding season in order to reduce potential disturbance/displacement impacts on bird residents in the surrounding area and undertake pre-construction surveys of the invasive non-native species (INNS) Himalayan balsam and badgers. It is anticipated that construction mitigation biosecurity measures will be required to be in place during construction to ensure no potential exists for bio-contamination to or from the site, or for spreading potential contaminants within the working areas. In order to prevent access to the solar array of this area (and the potential for cable damage as a result of foraging activity), badger-proof weld-mesh will be required in combination with the stock fencing of the south-western array area. During the operational phase biodiversity enhancement measures are proposed to include species-rich wildflower meadow resource to be created and managed; introduce new tree and hedgerow planting; maintain hedgerows for biodiversity, with appropriately infrequent maintenance; inclusion of an appropriate mowing regime for the species-rich grasslands and grazing with animals may also be used for managing the meadow by grazing at the end and/or beginning of the growing season. Safeguard connectivity for badger movement across the Site outwith the panel areas. A monitoring, review and reporting protocol will be incorporated into the management plan in order that any changes to habitat management can be implemented during the lifespan of the development.

**Landscape Management and Maintenance Plan (with associated drawings)** – provides an overview of the landscape context of the site and details the proposed management and maintenance schemes for new and existing landscaping. The plan suggests that the proposed mitigation planting would be implemented prior to the rest of the development

works being undertaken and would take place at various times of the year in order to avoid bird nesting periods and/or optimum planting seasons. Amongst other things, in the initial years after planting, trees and shrubs will be checked for damage or disease and to ensure they are firmed in, stakes are secure and not rubbing. It states that where damage has occurred, necessary pruning, adjustments or replacements should be carried out. In year 5, following tree guard removal (if necessary), thinning of Woodland Mix (up to a maximum of 30% of total tree cover) will be implemented to maintain the health, vigour and appearance of trees. The scheme also proposes that newly planted hedgerows are to be pruned and managed with the intention of reaching 3m in height to aid screening of the proposal but where they are located under the overhead lines a 5.3m minimum clearance shall be maintained. The scheme also details timings for the planting and maintenance of the proposed wildflower meadow, including management by soft grazing of sheep and annual cutting to a height of 50mm (slightly longer in wet meadow areas) from years 2-5 in order to give wildflowers an opportunity to flower. Following practical completion of the landscape works and after the 5-year maintenance period, replacement of failures will be assessed on an individual basis but it is recommended that any individual trees that fail after year 5 are replaced to ensure screening is achieved over the 40-year operational period and that planting/grass areas which die or are damaged, as a result of environmental factors or poor design, will be addressed by redesign/replacement as appropriate.

**Biodiversity Mitigation and Enhancement Plan** – provides an overview of the site, the previously consented development and relevant planning policies. The plan states that the site includes a range of primarily agricultural habitats including arable fields and land used for grazing, with both semi-natural and plantation woodland, plus tree lines, hedgerows and both standing and running water. It indicates the habitats within the site are not considered 'priority habitats', and are generally species-poor, however, they offer some value as established semi-natural habitats but there is potential for enhancement, to improve the condition of some areas and create habitats of higher distinctiveness. The main purpose of the document is to identify positive land management measures to be implemented at the site to deliver a nature conservation benefit. Due to its large extent, the focus of the plan is on existing area of arable fields and improved grassland which cover the majority of the site. The proposed enhancement measures will correspond with any required protected species mitigation and will incorporate biodiversity enhancement consisting of the planting of species-rich hedgerows/hedgerows with trees, enhancement of existing hedgerows, vegetated swales and individual tree planting, mixed plantation woodland and the creation of a species-rich wildflower grassland under the solar arrays. These enhancement measures promote the local insect population, including pollinators, and will subsequently increase the foraging resources for the wildlife of the area. The creation of a species-rich wildflower grassland forms the key biodiversity opportunity. The proposal also incorporates a 20m stand-off from all the tree lines and plantation woodland to avoid disturbance to bats and includes provision for roost boxes within trees. Additional enhancement measures to be incorporated within the site include the provision of bat, barn owl, bird and habitat boxes. A suitable root protection area will be installed in advance of works commencing to protect the tree root system of all trees to be retained. Temporary fencing will be used to clearly demarcate the edge of work areas as required to protect these habitats. In terms of habitat management and maintenance the plan states, for the first three years after sowing/planting, and then again in years five, seven and ten, a monitoring visit during the peak flowering period (late June/July) will be undertaken by a suitably qualified ecologist to record plant species diversity within the site and to determine if the management scheme is successful or if additional measures are required. On completion of monitoring, a monitoring report will be made available to Angus Council. It states the plan is a live document and will be reviewed and, if necessary, revised during construction, as well as during the operational stage of the development, to ensure that it remains fit for purpose.

**Access Management Plan** – provides an overview of the proposal and the methodology adopted to ensure existing public access at the site would be managed during the

construction and operation of the proposal. The plan notes the applicant's intention is to keep all of the identified walking routes open during construction of the proposed development, where practicable and safe to do so. It also proposes that all footpaths within the site will remain surfaced as existing. A 5m buffer has been implemented around the core path and local access will be maintained for the duration of the construction and operation of the proposed development and internal access tracks have been designed so that construction traffic will not be routed up the core path but will cross it at a single crossing location. It is proposed that one of the frequently used paths, as noted by the landowner and nearby residents, in the southwest of the site will be redirected around the perimeter of the solar field in that area, before re-joining the existing farm track network. The re-routed path will be a mown grass path following the boundary of the solar field, in line with other informal footpaths across the landholding. Prior to commencement of the construction works, access arrangements and appropriate warnings are to be communicated to the local community via the local community council, nearby neighbour notification and on the development website, signage and a speed limit of 15mph is also proposed in the area for construction traffic. As part of the plan, interpretation boards are proposed at a number of locations around the site to provide educational information to the public on renewable energy and the proposed development itself, as well as information on local points of interest. The condition of the local path network will be monitored throughout the construction period and once the construction phase is complete, the developer will be responsible for reinstating the paths to their prior condition to the satisfaction of the Local Authority. Similarly during the operational phase, it will be the developer's responsibility to monitor the site on a minimum of a quarterly basis to establish that the access plan is being complied with, as well as maintaining a register of all actions.

**Road Enhancement Review** – provides a summary of the site and the proposed development. It reviews the proposed construction access route taken from the A90 via the C403, U144 and U331 to the site and suggests several areas of localised enhancements to improve access during the construction phase of the development. It suggests that existing passing places should be utilised and upgraded and proposes a number of new passing places be constructed along the route to provide a 6m road widening for safe passage. It recommends small areas of additional load bearing surface be formed along sections of minor road verge to assist with vehicles passing and to ease HGV access. It also suggests an existing layby should be lengthened and widened, with works proposed on both verges, and vegetation be trimmed back in areas to improve clearances. All works are proposed to be constructed to adoptable standards following initial feedback from Perth & Kinross Council (who maintain the majority of the route) and the works are to remain permanent and would be retained and maintained by P&K Council following the completion of construction works. In addition to the above the document lists general construction traffic management measures to be implemented during the construction phase, such as appropriate signage (to be agreed with Perth & Kinross Council), wheel cleaning facilities and site staff traffic introductions. It states a wear & tear agreement to cover costs and address concerns about possible damage to the public road, verges and structures will be based upon condition surveys of the road and will ensure that the condition of the road does not deteriorate as a result of the construction works.

**Scheme of Decommissioning and Restoration** – details the proposed decommissioning process to be instigated at the site following the expiry of the permitted 40 year operational period. It notes that a full ecological survey of the site will be undertaken prior to removal of any infrastructure and sufficient lead in time will be required to ensure that these surveys can be undertaken during appropriate seasons. Thereafter all materials installed as part of the development, including below and above ground infrastructure, will be removed as part of the decommissioning process. The materials will either be recycled offsite, disposed of offsite, or reused around the landowner's landholding. The electrical connections and equipment will be disconnected, panel frames dismantled, and panels removed. Cables will be excavated and removed from the ground in their entirety, then temporarily stored onsite

for disposal. If required, the aggregate may be reused to improve the access tracks utilised by decommissioning vehicles, otherwise, the aggregate will be reused offsite. Following the removal of the panels and associated infrastructure the land will be returned to its current use as arable farmland. It is not proposed to remove new hedgerows which will be left in situ following decommissioning. Restoration of the site is anticipated to occur in tandem with the removal of structures and that aftercare for the restored areas is to be undertaken for a period of 3 years. The works would be undertaken by appropriately experienced contractors. In terms of decommissioning traffic, anticipated journeys are expected to be slightly less than those estimated in the construction period due to the reduced labour requirements for decommissioning works and no abnormal loads will be required. It is considered likely that there will be significant advances in decommissioning processes, guidance and recycling technology with respect to solar sites in the UK by the time the decommissioning scheme is implemented and therefore the decommissioning plan will be developed with respect to best practice and guidance at the time of decommissioning. An estimation of restoration costings at the time of preparing the scheme was also included.

**Response to Letters of Representation** – was provided by the agent in reply to a number of representations received in objection to the proposal. It includes a summary of the key concerns raised by third parties and the agent's responses to these matters. It states the principle of the proposed development has been established through the grant of planning consent by appeal, which took into account effects on prime agricultural land, traffic and transport considerations and effects on wildlife. It clarifies that the application does not seek to revisit the principle of the development and the same development is proposed, a solar photovoltaic array with an export capacity of not more than 49.9MW within the same red-line boundary as the previous application. It states this application simply seeks to extend the life of that permission to allow construction and connection to the national electricity grid. It states the reason for the use of the time limited condition, to which this application relates, was detailed in the Reporter's decision letter, and was on the provision the use of the time limit direction does not apply to permissions which were granted for a limited period (Section.58(4)(c)). In this case, the consent was granted for a period of 40 years and as such, the statutory provisions in this regard did not apply and a specific time limit condition was attached. It goes on to state that although the appeal was decided by the DPEA, the conditions attached to that decision are capable of being varied through an application to the local planning authority and it is appropriate that this subsequent Section 42 application is assessed against the updated requirements set out in the publication of NPF4, which represents the current policy position for Scotland. The letter suggests that it is demonstrated the proposal meets new policy tests and also has the ability to meet new guidance on biodiversity net gain. It states that due to the need to meet the Scottish Government's targets on renewable energy and climate change, there are significant pressures to agree grid connections and that has had a consequential effect on construction timescales. However NPF4 Policy 11 is clear that grid capacity should not constrain renewable energy development. It opines that in this case, where a grid connection is available to contribute towards the 2030 targets, applications with a grid connection should be supported. The letter indicates that each application needs to be considered on its individual merits, and the application is not considered to set a precedent. It also states that any changes to technology which seek to increase the generation on the same land would be subject to a new application and that application would be considered on its merits against the policy position at the time of submission. In addition to the above the letter includes a summary of the consultation responses receive at that time.