

ANGUS COUNCIL

DEVELOPMENT STANDARDS COMMITTEE – 11 JUNE 2024

PLANNING APPLICATION – COTTON OF LOWNIE FORFAR

GRID REF: 348995 : 748429

REPORT BY SERVICE LEADER – PLANNING & SUSTAINABLE GROWTH

1. ABSTRACT

- 1.1 This report deals with planning application No. [23/00393/FULM](#) 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 landscape and biodiversity enhancements at Cotton of Lownie, Hillend of Lownie, Forfar. This application is recommended for refusal.

2. RECOMMENDATION

- 2.1 It is recommended that the application be refused for the reason given in Section 10 of this report.

3. INTRODUCTION

- 3.1 Full planning permission is sought for the construction of a 30MW solar farm together with a 6MW battery energy storage system, underground cable, substation buildings, new access and access tracks, security measures, associated infrastructure and works, and landscape and biodiversity enhancements at Cotton of Lownie, Hillend of Lownie, Forfar. Plans showing the location of the site are provided at Appendix 1.
- 3.2 The application site (as amended) extends to approximately 50 hectares (ha) (excluding the cable route and battery storage area) and the land is currently in agricultural use. The site comprises two main development areas identified as Field B, which amounts to approximately 6ha located to the south of the U518 Lownie Moor public road west of a dwelling identified as Kyleakin, and Field C, which is approximately 44ha located to the east and north of the B9128 public road and to the south of the C51 public road which runs between Hillend and Dunnichen. There are residential properties in the vicinity of both areas.
- 3.3 The site includes land to install an underground cable route and battery energy storage system (BESS). The underground cable route would extend around 3.3km from the solar panels along the public road west into Kingsmuir, before turning north (to the east of 21 Dunnichen Road). The cable route would then run through agricultural land along the east side of the disused railway embankment from South Cottage to connect to the Concrete Block Manufacturing Plant at Cunning Hill, north of the A932 public road. The proposed BESS would be located within a small compound at Auchterforfar Quarry, approximately 275m south of the A932.
- 3.4 The proposed development would comprise rows of solar panels laid out on an east-west axis, with a 5.6m gap between rows. The panels would be bi-facial static structures, angled at 25 degrees with a maximum height of 3m. The elevations show solar panels formed on steel frames directly inserted into the ground, and on ballasted tables (raised foundations). The solar panels would occupy the majority of Field B. The landscaping plan indicates that new hedge planting would take place along the north

(public road) and south boundaries, with tree planting along the southern part of the east boundary and new planting adjacent to the site boundary with Kyleakin. Access to Field B would be taken by improving the existing field access in its northwestern corner, onto the U518 Lownie Moor public road around 90m west of the bridge over the disused railway.

- 3.5 The solar panels would also occupy the majority of Field C. A new vehicular access would be formed from the B9128 around 130m south of Glenley. A 2.8m high green coloured steel substation building and a 3m high steel workshop building would be formed at the western side of Field C, close to the proposed access. The plans identify areas of new hedge planting around the periphery of the site and to subdivide areas of panels within Field C. New tree planting is proposed in clusters to the northwest, north, east and southeast. A wildlife pond is proposed to the southeast of Field C. The solar arrays in both areas would be surrounded by 1.9m high steel wire fencing on wooden posts and containing mammal gates. 3m high CCTV cameras would be erected adjacent to the perimeter fence at regular intervals (50-80m). The BESS would be located within a fenced compound, which would contain two BESS structures, substation buildings and associated electrical equipment. It would be surrounded by fencing and accessed from a new access onto the quarry haul road. The plans indicate that a construction compound would be formed in the northwest corner of Field C. It is indicated that the development would be operational for a period of 40 years.
- 3.6 The application has been amended to reduce the areas covered by solar panels and to alter the layout and landscaping of the proposal. Solar panels and associated development have been deleted from an 8ha area to the west of the B9128 south of Hillend (Field A), and panels have also been deleted from the proposal to increase the distance between them and housing adjacent to Field C. The Proposed Site Plan (Revision B) and the Landscape Strategy plan (Revision J) amend and supersede previous versions of those plans.
- 3.7 The application has been subject of statutory neighbour notification and was advertised in the press as required by legislation.

4. RELEVANT PLANNING HISTORY

- 4.1 A similar proposal was subject of a screening opinion (ref: [22/00329/EIASCR](#)) under the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017. The Screening Opinion indicated that the proposal was not an EIA development. That conclusion remains appropriate for the current application.
- 4.2 A Proposal of Application Notice (ref: [23/00011/PAN](#)) was considered by the Development Standards Committee ([Report 30/23](#)) on 14 February 2023. Committee requested consideration be given to the necessity to use prime quality agricultural land and the possibility of siting the development on sub-prime quality agricultural land.

5. APPLICANT'S CASE

- 5.1 The following supporting information has been submitted and can be viewed on [Public Access](#) and is summarised at Appendix 2: -
- Alternative site assessment
 - Archaeological and heritage statement
 - Badger survey report (report confidential)
 - Solar farm benefits consultation leaflet
 - Biodiversity net gain technical note
 - Breeding bird survey
 - Climate change assessment
 - Flood risk assessment

- Glint assessment
- Land capability for agriculture report
- Landscape and visual appraisal
- Landscape and visual appraisal (addendum)
- Noise assessment
- Outline construction environmental management plan
- Pre-application consultation report
- Preliminary ecological appraisal
- Preliminary ecological appraisal (cable route)
- Planning design and access statement
- Soil management plan
- Transport statement

6. CONSULTATIONS

- 6.1 **Angus Council – Roads** – no objection subject to conditions relating to the provision of suitable visibility splays and a construction traffic management plan. Roads notes that construction traffic would access the site from the A90 via Forfar town centre, and there would be no abnormal loads required during the construction process. It notes the level of predicted construction traffic and suggests that construction traffic would not result in a significant increase in traffic movements on the B9128. Roads notes that operational traffic levels would not be significant, typically one visit by 4x4 type vehicle once per week. In respect of flooding and drainage, it has offered no objection to the proposal subject to conditions to ensure suitable surface water management and maintenance is provided within the site.
- 6.2 **Angus Council – Environmental Health** – has considered the information submitted in respect of noise, glint and glare and has no objection to the proposal subject to conditions relating to noise during construction and operation of the development, vibration, and glint/ glare impacts. It notes the content of the glint and glare assessment and considers that impacts would be occasional and not significant. It also notes that mitigation measures are proposed to manage construction noise and that noise during the operational phase of development is anticipated to be inaudible in neighbouring property.
- 6.3 **Archaeology Service** – no objection.
- 6.4 **NATS Safeguarding** – no objection in respect of impact on air traffic.
- 6.5 **Highlands and Islands Airport Ltd** - no objection noting that the development would not infringe the safeguarding criteria and operation of Dundee Airport
- 6.6 **SEPA** – notes that the proposal is for essential infrastructure and refer to section 5 of its Flood Risk Standing Advice for Planning Authorities and Developers. The standing advice, amongst other things, provides commentary relating to resilience measures and requires essential infrastructure to be designed and constructed to remain operational during floods and not impede water flow, and have a sufficient freeboard allowing for the impact of climate change.
- 6.7 **Inverarity Community Council** - objects to the proposal and has indicated concerns in relation to loss of prime quality agricultural land, inadequate community benefit proposals, flooding and drainage, road safety including loss of road visibility, pollution of water environment from solar panels, impact on wildlife through loss of access caused by fencing and increase animal/ traffic collision. The full response is provided at Appendix 3.
- 6.8 **Letham and District Community Council** - objects to the proposal and has indicated concerns in relation to loss of prime quality agricultural land, disruption caused by

formation of cable route, landscape and visual impacts, impact on road safety, flooding, and the perceived inadequacy of the proposed community benefit fund. The full response is provided at Appendix 3.

- 6.9 **Forfar Community Council** – objects to the revised proposal indicating concern relating to loss of agricultural land, the lack of access provision surrounding the development, the location of the construction compound, road safety, flooding, glint and glare, noise, cumulative impacts in combination with other solar farms, impact on food security, issues over compatibility with the development plan, amenity impacts, impact on wildlife, inadequate community benefit. It suggests modifications to the proposal to reduce impacts. The full response is provided at Appendix 3.
- 6.10 **Ministry of Defence** – no objection.
- 6.11 **Scottish Fire and Rescue, Civil Aviation Authority, Scottish Water** – no comments received.

7. REPRESENTATIONS

7.1 289 letters of representation have been received. 287 raise objection or make general comment, and 2 offer support. A number of the representations have been submitted by the same parties and a number follow a standard objection template. Where they have followed a standard template they have, as far as possible, been grouped. Those letters are provided at Appendix 3 and are available to view on the council's [Public Access](#) website.

7.2 The following matters have been raised as objections: -

- **The application is contrary to the development plan and relevant guidance**
- **Lack of economic or environmental benefit associated with the proposal**
- **Development proposes unsuitable technology to power a concrete block making plant**
- **The development would have a large carbon footprint**
- **Unacceptable landscape and visual impacts (including cumulative impacts)**
- **Proposed screening unlikely to be effective in mitigating adverse impacts**
- **Lack of need for the development**
- **There are better alternative sites available**
- **Loss of prime quality agricultural land and impact on food security**
- **Adverse impact on farm viability and loss of agricultural jobs**
- **Adverse impact on residential amenity through noise, light pollution, glint and glare, loss of privacy, disturbance during construction**
- **Adverse impacts on the natural environment, including wildlife and biodiversity**
- **Impact on water environment/ pollution, flood risk and drainage issues**
- **Adverse impact on built and cultural heritage interests**
- **Road traffic and pedestrian safety issues**
- **Adverse impact on recreation and tourism**
- **Adverse impact on telecommunications equipment**
- **Health and safety concerns**
- **Fire risk associated with BESS infrastructure**
- **Inadequate, inaccurate or misleading information submitted**
- **Inadequate decommissioning details have been submitted**

7.2 The following matters have been raised in support: -

- **The proposal would contribute to Scotland meeting its net zero target.**

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

- **The development should be subject of an environmental impact assessment** – the proposal has been subject to a screening opinion under the terms of the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017. The proposal was screened as development which does not require the submission of an EIA Report.
- **Inadequate public consultation** – as a major development the applicant has undertaken public consultation prior to submission of the application. An accessible website hosted information for the development proposal and residents within 300m of the site were written to. The applicant held two in person public events in Forfar and in Kingsmuir. The consultation undertaken by the applicant was consistent with relevant requirements.
- **Lack of neighbour notification on the application** – the neighbour notification and advertisement of the application has been undertaken in accordance with the provisions of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013. In addition, details of the application have been published on the council's Public Access system. Neighbours were also renotified following the amendments made to the proposal by the applicant in March 2024. Issues associated with the suitability of the plan accompanying the neighbour notification were resolved through the renotification of neighbours with a more suitable plan showing the location of the site.
- **Increase in crime caused by siting solar equipment near to housing** – no evidence has been submitted to demonstrate that the siting of a solar farm would result in an increase in crime in the vicinity of the site. The proposal incorporates security measures including fencing and CCTV coverage of the perimeter to ensure site security.
- **Inadequate community benefit scheme** - the Angus Local Development Plan confirms that while renewable energy proposals may generate contributions from developers for community initiatives, such contributions will not be considered as part of the determination of any planning application. This is consistent with government policy guidance on the matter.
- **Devaluation of property** – This is not a material planning consideration and cannot be considered in the determination of this application. However, the issues that lie behind this concern such as impact on amenity are relevant matters and are discussed below.
- **Scotland over produces clean energy and queries regarding the need for the development** – in January 2023 Scottish Government advised that Scotland had 13.4 Gigawatts of renewable electricity generation capacity with an ambition to deliver at least 20 Gigawatts of additional low-cost renewable electricity capacity by 2030. There is no 'cap' on the amount of renewable energy that the country (or county) should produce.
- **The development is solely for profit** – it is not unreasonable to expect a commercial operation to generate profit, but the purpose of this application is to consider the acceptability of the proposal in terms of relevant development plan policies and any material considerations, not to regulate commercial enterprise.
- **Damage caused by construction activity** – there is no evidence to suggest that the proposal would result in damage to third party property and any such damage would be a civil matter between the parties involved. The applicant has indicated

that they would carry out a survey of the rural road prior to works commencing and following work completion to enable any necessary remedial works to be identified and carried out.

- **Moral or ethical considerations associated with production of solar panels** – moral and ethical considerations are not material planning considerations.
- **Obstruction of access to private property as a consequence of the development** – this is a civil matter between the parties involved.

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 4 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 provision of the national planning framework and a provision of a local development plan, whichever of them is the later in date is to prevail.

Policy assessment

- 8.5 The application site is not allocated or otherwise identified for development in the ALDP and the majority of land comprising the site (with the exception of part of the cable route which goes through Kingsmuir) is located outwith any development boundary. Policy DS1 of the ALDP states that outwith development boundaries proposals will be supported where they are of a scale and nature appropriate to their location and where they are in accordance with relevant policies of the ALDP. It states that proposals on sites not allocated or otherwise identified for development, but within a development boundary will be supported where they are of an appropriate scale and nature and are in accordance with relevant policies of the ALDP. The policy promotes the redevelopment of brownfield land in preference to greenfield sites. NPF4 Policy 9 indicates that proposals on greenfield sites will only be supported where the site is allocated for development, or the proposal is explicitly supported by policies in the LDP.
- 8.6 NPF4 Policy 1 indicates that when considering all development proposals significant weight will be given to the global climate and nature crises. Policy 2(c) indicates that development proposals to retrofit measures to existing developments that reduce emissions or support adaptation to climate change will be supported. NPF4 Policy 11 seeks to encourage, promote and facilitate all forms of renewable energy development including solar arrays and battery storage. It identifies a number of impacts and suggests that project design and mitigation should demonstrate how they are addressed. It states, *'In considering these impacts, significant weight will be placed on the contribution of the proposal to renewable energy generation targets and on greenhouse gas emissions reduction targets.'* ALDP Policy PV9 states that proposals for renewable and low carbon energy development will be supported in principle where they meet a number of identified criteria relating to (amongst other things) amenity, landscape and visual impact (including cumulative impacts with other development), impact on the natural and built environment, access, grid connection, aviation and

telecommunications, the water environment, decommissioning and site restoration. Scottish Government has published planning advice on large photovoltaic arrays and the council has published supplementary guidance that deals with renewable and low carbon energy developments. These documents identify relevant planning considerations which are similar to those listed in policy as summarised above. While Scottish Government has published guidance on energy storage, it has not published specific guidance on battery storage. UK government has published guidance on planning for renewable and low carbon energy and that includes guidance on battery storage which focuses on fire safety and recommends consultation with the relevant local fire and rescue service and due cognisance of guidance produced by the National Fire Chiefs Council.

- 8.7 Information submitted in support of the application indicates that the renewable energy produced by the solar array would be supplied to a local concrete block making facility, in order to help achieve its ambition of becoming the first concrete block plant in the UK to operate from 100% green electricity. The proposed 6MW battery energy storage system would help ensure that energy is available when it is required, and it is indicated that any surplus energy would be exported to the wider distribution network. Submitted information suggests the development would offset 8,322 tonnes of CO₂ emissions each year. The generation of around 30MW of renewable energy from the solar array and 6MW from the BESS would assist in meeting targets for renewable energy generation and reduction of greenhouse gas emissions. In this respect, the principle of the development proposed attracts general support from development plan policy and the contribution towards renewable energy generation merits significant weight.
- 8.8 Development plan policy requires consideration of landscape and visual impact. Policy indicates that the capacity to accept new development in the landscape will be considered in the context of the Tayside Landscape Character Assessment (TLCA) and relevant landscape capacity studies, formal designations, and special landscape areas. ALDP policy PV6 indicates that development which has an adverse effect on landscape will only be permitted where the site is capable of accommodating the development proposed; the siting and design integrate with the landscape context and minimise adverse impacts on the local landscape; cumulative impacts are considered acceptable; and mitigation measures and/or reinstatement is proposed where appropriate. Proposals for renewable energy development will be assessed on the basis of no unacceptable adverse landscape and visual impacts having regard to landscape character, setting within the immediate and wider landscape, and sensitive viewpoints, and public access routes. NPF4 policy 11 recognises that proposals for renewable energy are likely to result in significant landscape and visual impact. It indicates that where such impacts are localised and/ or appropriate design mitigation has been applied, they will generally be considered to be acceptable. ALDP design policy seeks to ensure high design standard and for development to fit with the character and pattern of development in the surrounding area. NPF4 design policy requires development proposals to be designed to improve the quality of an area whether in urban or rural locations and regardless of scale. It indicates that attention should be given to detail of local architectural styles and natural landscapes to be interpreted, literally or creatively, into designs to reinforce identity. Additionally, the council has produced and adopted supplementary guidance that deals with renewable energy and low carbon energy development, and it has published a strategic landscape capacity assessment for solar energy development in Angus.
- 8.9 The application site lies within the Low Moorland Hills landscape character type (LCT) as defined by the TLCA. The TLCA does not provide guidance that deals specifically with large-scale solar development, but it does provide the foundation for the council's strategic landscape capacity assessment for solar energy.
- 8.10 The application site lies within the Forfar Hills sub-category of the Low Moorland Hills landscape character type as identified in the council's landscape capacity assessment

for solar energy. That document indicates there is low capacity for solar farm development within the Forfar Hills sub-category, and that this is an area with capacity to be a landscape with occasional solar development. It indicates that the open character of this type together with the landform combines to substantially increase visibility and reduce landscape capacity for solar PV development. General advice relating to landscape sensitivity contained within the assessment indicates that solar arrays are likely to be most suited to enclosed arable landscapes with strong framework of field boundaries, trees and woodlands; and suggests that they are less suited to unenclosed landscapes. It indicates that woodland cover and field boundaries can strongly influence landscape capacity for solar PV development, in terms of providing a framework within which development may take place. In relation to landform, it indicates that solar PV on sloping sites can increase prominence and lead to development being inconsistent with landscape pattern and form.

- 8.11 In respect of landscape impacts, the applicant's landscape and visual appraisal (LVIA) and associated LVIA addendum indicates that the site and study area are of medium susceptibility to the proposed changes. It notes factors that lower its sensitivity including (amongst other things) the intensively farmed character, and the adjacent road network; and factors that increase its sensitivity including (amongst other things) the lack of enclosure at the solar farm site, and the presence of surrounding residential properties. The LVIA indicates that the magnitude of effect on the land use and land management of the site and the surroundings is assessed as medium to high, and the overall effects on the site and the surroundings is assessed as moderate to substantial adverse, initially due to lack of enclosure meaning the effects would be perceptible from the surrounding area within approximately 1km. It indicates that as planting establishes and matures effects would become more localised and reduce to moderate adverse. In respect of the proposed new structures, it indicates that the solar panels and associated structures would introduce new features, creating a new pattern which would add a different texture and colour to the existing landscape, causing a potentially adverse effect on the rural character of the area. It notes that the current lack of enclosure would mean the solar panels would be perceptible from the surrounding area within approximately 1km, but effects associated with the substations and BESS units would be more localised due to existing vegetation and undulating landform. The magnitude of effects of the new structures on the site is assessed as medium to high, and overall effects are predicted to be moderate to substantial adverse. Again, it suggests that as planting establishes and matures effects would become more localised and reduce to moderate adverse.
- 8.12 The LVIA indicates that whilst the landscape character of the site would be changed (albeit temporarily) with the solar arrays creating a new pattern in the existing landscape; these changes would be perceptible at the site level and within approximately 1km of the site due to the presence of existing vegetation, the topography of the surrounding areas, the low level nature of the solar PV proposals, and the planting of new hedgerows and blocks of woodland. It suggests that the scale of development is in keeping with the existing scale of field patterns, as the site areas are formed of large and relatively simple fields.
- 8.13 In respect of visual impacts, the applicant's LVIA indicates that a number of viewpoints were identified as being representative of key visual receptors in the area and were subsequently assessed. It indicates that the most noticeable effects experienced by residential receptors would be by the residents of properties adjacent to the solar site, including Hillend, Lownie, Station House, Cotton of Lownie, Silverhillock, Newlands and Whiteburn of Craichie, and from the small settlement of Craichie. It suggests that in the medium to long term (5-10 years), hedgerows will have grown out and are likely to screen more of the view reducing long term effects to moderate adverse. It indicates that users of the B9128 would have views of the development from Tulloes in the south-east to Kingsmuir in the north-west due to lack of boundary hedgerows. It also suggests that there would be close and open views of the development from Lownie Moor Road

(U518) and the C51 between Hillend and Dunnichen. It suggests that effects would reduce over time as planting establishes.

- 8.14 In addition to the information on landscape and visual impact submitted by the applicant, a large number of representations have been submitted by interested parties that raise concern regarding landscape and visual impact associated with the proposal. The assessments and conclusions reached by local residents and by those who use the area merit consideration in the assessment of those impacts as these are the people who would experience the development on a daily basis from their homes, local roads, and the wider area. The clear consensus of those commenting on these matters is that they find the landscape and visual impact associated with the proposal to be detrimental to the area, detrimental to the amenity of those that would live near the development, and that the proposed mitigation is unlikely to be effective.
- 8.15 The applicant's assessment of landscape and visual impacts suggests that on completion of the development, landscape and visual impacts would be moderate to substantial adverse. This is a reasonable conclusion in relation to the solar development. However, the landscape and visual impacts associated with the proposed buried cable route linking the solar arrays with the BESS and the concrete block facility are not considered unacceptable. Evident impacts of the works would be short-term and would reduce to negligible once completed. Similarly, landscape and visual impacts associated with the BESS would be localised and are not considered unacceptable.
- 8.16 While the solar arrays are located in an area identified in council guidance as having low capacity for solar development, that is a strategic assessment, and within identified landscape character types there will be areas that have different landscape capacity. In that respect, Area B, has characteristics which council guidance identifies as increasing landscape capacity for solar development, in particular a strong woodland framework which reinforces the rectilinear field pattern. Locally, Area B is considered to have some capacity for solar development and the proposed development in this area would be reasonably contained by existing landscape features and those could reasonably be enhanced to reduce the significance of visual impact in the wider area.
- 8.17 Area C on the other hand displays the characteristics that council guidance indicates reduces capacity for solar development. The landscape does not have a strong framework of field boundaries, there is limited tree and woodland cover, and it is generally unenclosed and open in character. The landform slopes within the area (dropping from around 132m in the north by the C51 to 104m in the southeast by the B9128) and there is higher land in the surrounding area. These characteristics reduce the capacity of the landscape in this area to accommodate large-scale solar development and combine to make effective landscape mitigation challenging. The proposal in this area is extensive and agricultural fields would be replaced by structures of industrial appearance which would increase the perceived human influence on the landscape. That change in itself would be significant and adverse. The development, as proposed, includes some separation and planting between zones of panels. However, these are not of sufficient width and would not allow for planting of sufficient height to avoid the impression of fields being visual amalgamated into one large and unbroken area of solar panels. This is not consistent with the council's published guidance which indicates that layouts should respect and reinforce existing field patterns and that where development is proposed in more than one field, it should be sufficiently separate to avoid visual amalgamation. The assessment predicts that landscape mitigation planting would establish within 5-10 years, reducing the significance of effects, but from a number of locations and particularly where the site is viewed from elevated land, it is unlikely to significantly mitigate adverse landscape impact. The nature of the landscape and its open character, together with the physical extent of the development disproportionately increases the prominence of development and exacerbates the significance of the adverse landscape impact.

Resultant impacts associated with the development would not be locally contained and would be apparent from distance.

- 8.18 There are public roads along the north, south and west boundaries of Area C and along the north boundary of Area B that provide close views of the solar arrays. These can be taken as representative of views from particular areas of the landscape. From the public roads surrounding Area C in particular, on completion the development would be a visible and dominant element in views, and it would result in significant landscape change. This is illustrated for the C51 Hillend to Dunnichen by the viewpoint 14 photomontage, and for the B9128 by the photomontages provided by viewpoints 1 and 13. The open and unenclosed nature of Area C created by its lack of existing trees and hedgerows, its topography sloping from north down to south, and the elevated nature of the public roads to the north, and the close proximity of other public roads to the south and west all combine to increase the significance of impact. At mid-distance, the change in field colour would be apparent and the visualisations suggest that this would give the impression of a visual amalgamation of fields in Area C, altering the existing field pattern. In addition, from higher land in the surrounding area, including land that provides recreational opportunities, the development and its resultant landscape change would be obvious. While planting associated with the development would provide some mitigation in the medium term for lower viewpoints, the development would remain obvious and dominant from some public roads close to the site and from more distant locations where there is elevated land offering open views across the landscape towards the site (as illustrated by viewpoint 15 at Lochlair).
- 8.19 There are residential properties close to Areas B and C. Dealing first with Area B, the residential properties closest to the site include property to the north at Station House, to the east at Kyleakin, and to the west at The Rowans. Generally speaking, the view from an existing private house is not treated as a material consideration in planning. This is subject to two qualifications: first, an impact on the amenity of a community can be a material consideration; second, an impact on a house that is of a degree that would make it an undesirable or unsatisfactory place to live would also be an adverse consideration.
- 8.20 Station House is located in the region of 100m north of the location of the closest solar panels in Area B and it faces south. It would have direct views towards the development in Area B, separated by an intervening field and the U518 public road. 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 U518 public road. The land in the foreground between this property and the panels is relatively flat with the land beyond and within the site, gently falling as it extends south. There is little doubt that the panels would be obvious from the environs of and on approaches to this property and the development would occupy a reasonably significant extent of the arc of view to the south. Panels in Area C to the east would also be apparent from the wider environs of the property. In general terms the solar panels would detract from the visual amenity the occupants currently enjoy. Additional planting is proposed along the northern perimeter of Area B to mitigate impacts on the dwelling and on users of the U518 public road, but this would take some time to become effective. The planting would not entirely obscure the solar development, but it would provide additional mitigation as it matures. However, the dwelling would be separated from the development by a reasonable distance, and in general terms the occupants would continue to enjoy a reasonably high standard of visual amenity with largely uninterrupted views of open countryside to the north and west. The resultant visual impact of the development could not be said to be such that it would make the dwelling an undesirable or unsatisfactory place to live. The overall impact would be mitigated as planting matures.
- 8.21 Kyleakin shares a boundary with and lies to the immediate east of Area B. It has a large, wooded curtilage which includes areas of a disused railway line. The solar

panels in Area B would be in the region of 50m from windows in the west elevation of the dwelling, but the principal aspect of the property is to the south. There would be views of the panels from within the property and its curtilage which would be more obvious towards its western boundary. The substantial woodland cover within its curtilage would provide some filtering of views, but that filtering would be less effective when the trees are not in leaf and there is less planting to the south of the property, which includes a private footpath. From areas along that footpath, there would be open views of the panels close to the path (around 15-20m). There is little doubt that the panels would be obvious from the environs of and on approaches to this property and the development would occupy views to the west and south-west of the house. Panels in Area C to the east would also be apparent from the wider environs of the property. The solar panels would detract from the visual amenity the occupants currently enjoy. Additional planting is proposed along the western perimeter of Area B to mitigate impacts on the property, but this would require some modification to mitigate impacts and would take some time to become effective. Existing woodland within the curtilage of Kyleakin and new planting within the site would not entirely obscure the solar development, but it would provide some mitigation as it matures. However, the dwelling itself would be separated from the development by a reasonable distance, and in general terms the occupants would continue to enjoy a reasonably high standard of visual amenity in what is largely a woodland setting. The resultant visual impact of the development is not considered to be such that it would make the dwelling an undesirable or unsatisfactory place to live. The overall adverse impact would be mitigated as planting matures.

- 8.22 Impacts on other residential property, including The Rowans, arising from proposed development in Area B would generally be less significant. There would be some views of the solar array from other property in the wider area, but those impacts would be mitigated by separation distance and the existing landscape. The development would be visible on some approaches to properties, but the resultant visual impact would not make any dwelling an undesirable or unsatisfactory place to live.
- 8.23 Moving on to Area C, the residential properties closest to the site include property to the north at Lownie Hill Cottage, to the northeast/ east at Wester Lownie Farm and within Craichie, to the southeast/ south at Whiteburn of Craichie, Newlands, Millpark and Silverhillock, and to the west/ northwest at Rowanburn Cottage, Cotton of Lownie, and Hillend.
- 8.24 Lownie Hill Cottage is located on the north side of the C51 Hillend to Dunnichen public road on land elevated above the public road. It would be in the region of 90m north of the closest solar panels in Area C and would be separated from solar panels by the public road and a stand off from the field boundary south of the C51. The principal aspect of Lownie Hill Cottage is to the southwest, and it would experience open and unobstructed views towards and over the development in Area C extending from the west to the southeast. The importance of views to the south for occupants of the cottage is increased by virtue of the rising landform to its north. Solar panels would occupy a significant element of the horizontal field of view. This is partly illustrated in viewpoint 14, but that photomontage is taken from around road level and only shows part of the field of view that the development would occupy. There is little doubt that the panels would be an obvious and unavoidable feature from windows, the environs of, and on approaches to this property and the development would occupy a significant extent of the arc of view. The solar panels would detract from the visual amenity the occupants currently enjoy. Occupants of the property would continue to have views over the solar panels towards the hills to the south of the development, but the visual impact would be significant, and it would be adverse. Hedgerow planting is proposed adjacent to the public road and along the eastern site boundary underneath an overhead line, but the elevated nature of Lownie Hills Cottage means this is unlikely to provide any meaningful mitigation, even when established. It appears that reasonable modification could be made to the proposal to provide more effective mitigation.

However, and on balance, while the visual impact would be significant and adverse, it would not make this an undesirable or unsatisfactory place to live.

- 8.25 Property at Wester Lownie is located at least 200m from the site while property at Craichie is in the region of 700-800m. The specific impact at each location would vary as properties have different orientation, different separation distance, and benefit from different levels of existing screening by virtue of existing landscape features. They are grouped for ease of reference as the overall impact is judged to be similar. For the avoidance of doubt property at each location has been subject of detailed assessment. The development in Area C would be obvious from the environs of and on approaches to properties at these general locations and the resultant visual impact would be reasonably significant and it would be adverse. However, the dwellings would be separated from the development by a reasonable distance, and in general terms the occupants would continue to enjoy a high standard of visual amenity. The resultant visual impact of the development could not be said to be such that it would make the dwellings at any of these locations an undesirable or unsatisfactory place to live. The overall impact would be mitigated to some extent as planting matures in the medium term, although the predicated landscape mitigation shown in viewpoint 8 provided by tree planting 10 years after completion appears to be overly optimistic.
- 8.26 Whiteburn of Craichie is located to the southeast of Area C at a distance of around 80m from the closest solar panels. The closest properties to the south and southwest of Area C include Newlands, Millpark and Silverhillock. Again, the specific impact at each location would vary as properties have different orientation, different separation distance, and benefit from different levels of existing screening by virtue of existing landscape features. They are grouped for ease of reference as the overall impact is judged to be similar, but for the avoidance of doubt each property has been subject of detailed assessment. The application includes some standoff areas along its southern boundary and that would increase separation between the development and those dwellings and allow for some additional planting. Notwithstanding that, the development in Area C would be obvious from the environs of and on approaches to properties at these locations and the resultant visual impact would be reasonably significant and it would be adverse. However, the dwellings would generally be separated from the development by a reasonable distance and/or their principal orientation is not directly towards the development such that in general terms the occupants would continue to enjoy a high standard of visual amenity. The resultant visual impact of the development could not be said to be such that it would make the dwellings at any of these locations an undesirable or unsatisfactory place to live. The overall impact would be mitigated to some extent as planting matures in the medium term.
- 8.27 Cotton of Lownie Old Farmhouse, The Bungalow and The Cottage are located west of Area C. Again, the specific impact at each location would vary as properties have different orientation, different separation distance, and benefit from different levels of existing screening by virtue of existing landscape features. They are grouped for ease of reference as the overall impact is judged to be similar, but for the avoidance of doubt each property has been subject of detailed assessment. The application includes some standoff areas and these would increase separation between the development and those dwellings and allow for some additional planting. Notwithstanding that, the development in Area C would be obvious from the environs of and on approaches to properties at these locations and the resultant visual impact would be reasonably significant and it would be adverse. However, the dwellings would generally be separated from the development by a reasonable distance and/or their principal orientation is not directly towards the development such that in general terms the occupants would continue to enjoy a high standard of visual amenity. The resultant visual impact of the development could not be said to be such that it would make any of these dwellings an undesirable or unsatisfactory place to live. The overall impact would be mitigated to some extent as planting matures in the medium term.

- 8.28 Property at Hillend is located to the northwest of the site would be located in the region of 100m from the closest solar panels in Area C. Glenley is the closest dwelling to the development. It has principal views and a garden area which faces south/ southwest and it would have direct views towards the development in Area C, separated by a standoff with solar panels at a distance of around 100m from its windows and around 50m from its garden. This view is illustrated in the viewpoint 13 photomontage. The panels would be obvious from the property, its environs and on approaches and the development would occupy a reasonably significant extent of the arc of view to the south and southeast. The solar panels would detract from the visual amenity the occupants currently enjoy. Hedge and tree planting is proposed along the northern perimeter of the development to mitigate impacts on the dwelling, but this would take some time to become effective. The planting would not entirely obscure the solar development, but it would provide some mitigation as it matures. The impact on the visual amenity of occupants of the property would be significant and it would be adverse especially at early stages when landscape mitigation would not be effective. However, the proposed standoff area between the development and the dwelling would provide some mitigation and the property would continue to have generally open views to the southwest. In general terms, the resultant visual impact of the development could not be said to be such that it would make the dwelling an undesirable or unsatisfactory place to live. The overall impact would be mitigated as planting matures in the medium term. Impacts on other property at Hillend would be less significant than for Glenley as a result of property orientation, existing boundary planting, and distance from the development.
- 8.29 There are other residential properties in the wider area that would have views of the development, but it could not reasonably be claimed that the visual impact on those properties would be such that it would make them an undesirable or unsatisfactory place to live.
- 8.30 In respect of cumulative impacts, the design of the proposed development with panels proposed in Area B and Area C with a physical separation between those areas would give the impression that they are visually separate and distinct developments, and it is appropriate to consider them as such for purposes of assessing cumulative impacts. There are consented solar farms elsewhere within the Low Moorland Hills (Forfar Hills sub-area) at Craignathro 2km to the west, and there are two commenced, but incomplete, solar arrays at Carsegowrie 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) which although outwith the Forfar Hills sub area, contribute to cumulative impact. The council's guidance on solar development suggests that this landscape type has low capacity for solar development and has capacity to be a landscape with occasional solar development. The proposed development, by virtue of its open landscape setting when combined with other approved development would be likely to result in solar development becoming a defining characteristic which would result in the Forfar Hills becoming a landscape with solar PV. The applicant has provided only limited information in relation to cumulative impact but a landscape with solar PV would result in exceedance of that guideline threshold identified in council guidance.
- 8.31 The assessment above identifies that the proposal would give rise to significant and adverse landscape and visual impact and that is generally to be expected from development of this nature. The applicant confirms that some impacts would be regarded as substantial adverse, and the applicant appears to accept that the impacts would not be localised. The visibility and disproportionate prominence in the landscape would increase the level of cumulative impact with other solar development which would increase impact on the wider area. The most significant impacts would be associated with the development in Area C where the open and unenclosed character of that area combined with its topography would result in impacts extending beyond

1km of the site. Visualisations submitted in support of the application demonstrate that the proposed mitigation incorporated in the development would take some time to become effective, and in some instances any meaningful benefit would not be derived until later stages of the consented period. From the southwest, views might be partially screened by existing vegetation, but from other directions views would generally be more open and extensive, and the development would be more widely visible, particularly from elevated ground. The absence of meaningful landscape planting to break up the zones of panels means that the apparent visual amalgamation of fields would be readily apparent, and impacts would not be limited to a localised area. The proposal is not consistent with the council's strategic guidance for solar development. The failure to respect the existing landscape pattern causes tension with development plan design policy. NPF4 policy 11 which deals specifically with energy development requires, amongst other things, project design and mitigation to demonstrate how various impacts, including significant landscape and visual impacts are addressed. The policy recognises that *'such impacts are to be expected for some forms of renewable energy. Where impacts are localised and/ or appropriate design mitigation has been applied, they will generally be considered to be acceptable.'* In this case, the impacts are not localised as they extend over a wider area, and appropriate design mitigation has not been provided. The evidence suggests that the site is not capable of accommodating the development proposed and the siting and design does not integrate with the landscape context and does not minimise adverse landscape impacts, local or otherwise.

- 8.32 The impact of the development on visual amenity of occupants of nearby residential property is discussed above. Other amenity impacts relate primarily to issues associated with potential glint and glare from operation of the panels, and issues associated with noise and activity associated with the construction and operation of the development.
- 8.33 An assessment of the potential for glint and glare has been submitted in support of the application. This indicates that there is a risk of glint affecting road users on the B9128 (Road 1), the C51 Hillend to Dunnichen Road (Road 2), and the U518 Lownie Moor Road (Road 3). Taking account of weather conditions and the proposed mitigation measures including the planting of 3m hedgerows and trees around the arrays, the assessment predicts that visibility to the glint-producing panels would be very limited, and largely restricted to entrance gaps in the hedgerows. The assessment indicates that glint is theoretically possible for many receptors before taking screening into account but is only visible to a few receptors after screening is accounted for. The assessment found that, before accounting for any screening, but allowing for localised weather conditions, glint would occur for no more than 0.89% of a daylight hour at any of the receptors and considerably less than this in most cases. The assessment indicates that any glint visible would be no worse than seeing sunlight reflected off a window or still water, as solar panels have lower reflective properties than these features. The environmental health service has offered no objection in relation to this matter and considers that impacts would be occasional and not significant. Consistent with the approach taken at other similar developments, a planning condition could be attached to ensure any residual impacts would be investigated and mitigated where necessary.
- 8.34 The proposal is supported by a noise assessment which considers potential noise associated with the proposed development at the nearest existing noise sensitive receptors. It indicates that the construction phase activities associated with the proposed development have the potential to generate short term increases in noise levels at sensitive receptors. It suggests that the scale of the proposed development means that only light infrastructure would be built, and the construction period would be relatively short and expected to last approximately 20 weeks. It indicates that management and control measures are recommended to ensure that any potential noise impacts would be minimised during the 5-month construction phase. Operational

noise generated by equipment associated with the development is predicted to be relatively low and no noise mitigation measures are identified as being required during the operational phase. The council's environmental health service has reviewed the noise information and has recommended planning conditions in the event that permission is granted to mitigate amenity impacts associated with the construction and operational phases of development.

- 8.35 The proposal would result in additional vehicle movements across the public road network, and that would have some impact on the amenity of the occupants of property in the vicinity of the development site, particularly during the construction phase. Issues regarding the capacity of the road network to accommodate development traffic is discussed below. However, construction is anticipated to last for a period of around 5-months with an average of 12 HGV deliveries per day and an average peak of 58 cars or light goods vehicles during month 3 of the construction process. Thereafter vehicular activity associated with the operation of the development would be limited. Short-term impacts associated with development proposals are not unusual and, subject to appropriate mitigation, the vehicle movement associated with this development should not reduce residential amenity to any unacceptable extent.
- 8.36 Overall while the proposal would give rise to some impacts on amenity, particularly during the construction phase, it is considered that, subject to the proposed conditions, those impacts could be mitigated to ensure that they do not unacceptably affect the amenity of occupants of nearby property.
- 8.37 Development plan policy seeks to safeguard natural heritage interests, including designated sites and protected species. The application site is currently cultivated agricultural land and is not designated for any natural heritage reasons.
- 8.38 The proposal is supported by ecological information, including a preliminary ecology appraisal, breeding bird survey, badger survey, and by a biodiversity net gain assessment. The submitted information identifies designated sites within 5km of the site but predicts no adverse effects on these sites as a result of the development. Having regard to available information, there is no evidence to suggest that the proposal would result in any unacceptable direct or indirect impacts upon sites designated for their natural heritage value.
- 8.39 In terms of protected species, the submitted information indicates that the site has the potential to support protected species including bats, badgers, red squirrel, reptiles and nesting birds and includes recommendations to ensure adverse impacts are mitigated. It suggests that the proposed development will not result in the loss of, or serious damage to any significant ecological features and will not have a negative impact on ecological diversity, subject to the avoidance, mitigation and enhancement measures proposed.
- 8.40 The supporting information suggests that the site is of low biodiversity value and the majority of the site is currently given over to arable food and cereal crop production. The biodiversity net gain information suggests that the loss of low biodiversity value cereal crop would not be significant, as it would be replaced with species-rich grassland with newly planted hedgerows. It suggests that these new habitats would achieve a higher condition and be of much higher biodiversity value than the site currently offers. It recommends a Landscape and Ecology Management Plan is produced to confirm the habitat creation, management measures and monitoring requirements over the 40-year management period.
- 8.41 The majority of the site is currently in use as cultivated agricultural land and this limits its biodiversity value. There is no evidence to suggest that the proposal would have any significant adverse impact on important habitats or protected species (including badgers). Post-construction, and subject to the mitigation and habitat enhancement

measures proposed, the site would provide some biodiversity enhancement. Available information suggests that the proposal would not have an unacceptable impact on and would be compatible with policies relating to natural heritage interests subject to appropriate mitigation which could be secured through planning condition.

- 8.42 Development plan policy seeks to safeguard the water environment and seeks to ensure developments are not adversely affected by flooding or increase flood risk in the surrounding area. The development plan also seeks to ensure that appropriate drainage arrangements are in place. SEPA flood maps indicate that neither area B or C are at risk from river or surface water flooding, save for small parts of Area C.
- 8.43 The applicants flood risk assessment indicates that the proposed development is at a very low to low risk of flooding from fluvial, surface water, groundwater and underground drainage sources. It indicates that there is anecdotal evidence that localised surface water flooding does occur during extreme storm events in this area. The assessment indicates that the solar arrays would be mounted on driven poles (with no requirement for concrete foundations) enabling rain falling onto the panels to fall onto the ground and disperse as with the existing scenario. It suggests that underground field drainage would be investigated and repaired so that it remains operational and proposes vegetated swales along all downslope field boundaries to intercept and retain runoff. It suggests this would provide a betterment to the existing scenario where runoff flows beyond field boundaries at an unrestricted rate. The flood risk assessment concludes that the risk of flooding to surrounding areas would not increase as a result of the proposed development.
- 8.44 SEPA has been consulted on the application, notes that the proposal is for essential infrastructure and refers to its standing advice. The roads service has been consulted on the application in relation to flooding and drainage and has offered no objection, indicating that a suitable drainage system could be secured by planning condition although this might require some modification to the layout and position of panels. Having regard to the content of the flood risk assessment and the measures proposed to ensure that the development does not increase flood risk to property outside of the site coupled with the advice provided by consultees, it is considered that matters relating to flooding and drainage could be appropriately designed to mitigate impacts and this could be controlled by planning condition. Planning conditions could be used to ensure that the BESS incorporates a suitable containment system to deal with potentially contaminated water in the event of a fire. There is no evidence to suggest that the proposal would give rise to any significant adverse impact on the water environment subject to conditions, and it is compatible with relevant policy in this regard.
- 8.45 Development plan policy seeks to safeguard built and cultural heritage interests including listed buildings, conservation areas, historic gardens and designed landscapes, scheduled monuments and local archaeological sites. The supporting information indicates that there are no sites or assets formally designated for built or cultural heritage reasons within the application site. It notes that within the eastern area of the site there are three non-designated heritage assets comprising the location of former cottages all of which are now demolished. It also notes the location of a disused former railway line to the east of Area B where solar panels are proposed. In respect to archaeology, the assessment has found potential for post medieval archaeological remains within the site through visible cropmarks. It indicates that archaeological potential appears to be restricted to the eastern half of the site and anticipates the remains would be of low (local) significance only. The council's archaeological advisor has considered the proposal and the submitted information and offers no objection and requests no archaeological mitigation.
- 8.46 The development would be visible from other historic assets in the area, but impact on their setting would not give rise to unacceptable impact given a combination of the

nature of their special interests, their orientation, distance, and intervening landform and landscaping. The development would not result in any direct or significant indirect impacts on designated built or cultural heritage assets. It has the potential to impact upon non-designated archaeology within the site, but those impacts would not be unacceptable. Overall, the proposal would not give rise to any unacceptable impacts on built or cultural heritage interests in the area and is compatible with relevant development plan policy in this regard.

- 8.47 Development plan policy seeks to ensure that proposals do not give rise to unacceptable impacts on the road network or on recreational access. Construction of the development is anticipated to last for a period of around 5 to 6-months with a maximum of 12 HGV deliveries on average per day associated with that process (and an average peak of 58 cars or light goods vehicles per day during month 3 of the construction process). The transport statement indicates that construction vehicles would access the site from the A90(T) Glamis junction, travelling through Forfar town centre and Kingsmuir to the construction compound which would be formed in the north-west of Area C, to the south of Glenley. Vehicular activity associated with the operation of the solar area would be limited and would generally comprise smaller 4x4 vehicles. The roads service has considered the information submitted and has offered no objection in respect of road traffic and pedestrian safety subject to planning conditions to secure a construction traffic management plan and the provision of suitable visibility sightlines at the proposed new accesses. Visibility sightlines serving the field B access would be limited by the humped-back bridge over the disused railway north of Kyleakin, but the roads service is satisfied that a 2.4m x 90m splay to the east is adequate for that access. The proposal would not give rise to unacceptable impacts on the road network, and it is compatible with relevant development plan policy in this regard, subject to appropriate mitigation that could be secured by planning condition.
- 8.48 In relation to the impact of the development on aircraft activity, the Ministry of Defence, NATS, and Dundee Airport have all been consulted on the proposal and no party has offered any objection. No significant impact on aircraft activity is anticipated as a result of the proposed development and it is compatible with development plan policy in this regard.
- 8.49 The information submitted suggests that power generated by the solar farm would be used at a local concrete block making plant. It is indicated that any excess power would be exported to the grid at Lunanhead substation, which is around 1km north of the concrete block plant. No details to show the route of any connection to the substation are provided. However, this would be subject to a separate consenting process and at this stage there is no reason to consider that a suitable connection could not be achieved having regard to the nature of the surrounding area.
- 8.50 NPF4 Policy 5 seeks to minimise the disturbance of soils from development and only allows the development of prime quality land in limited circumstances including where the development relates to the generation of energy from renewable sources. Similarly, ALDP Policy PV20 indicates that development proposals on prime quality agricultural land will only be supported in limited circumstances, including where they constitute renewable energy development but where the development is supported by a bond to secure site restoration.
- 8.51 Published maps suggest that Areas B and C contain a mix of Class 2 and Class 3.1 prime quality agricultural land. The applicants land capability for agriculture report, which involved testing the soil quality within the site, indicates that Areas B and C would result in the development of around 22ha (44%) of Class 2 prime quality land, and around 28ha (56%) of Class 3.1 prime land. Notwithstanding this, development plan policy, including NPF4 which sets out national planning policy, is clear that the loss of prime land will be supported where proposals constitute renewable energy development and there is secure provision for site restoration. Arrangements for site

restoration at the end of the 40-year operational lifespan of the development (including a suitable financial guarantee for those works) could be secured by planning condition. There is no evidence to suggest that the viability of a farm unit would be adversely affected by the proposal. The proposal does not give rise to any significant issues in respect of the policy approach to the use of agricultural land, whether the land is prime or otherwise.

- 8.52 The proposal does not give rise to significant issues in terms of other development plan policy.
- 8.53 As with any proposal, this application attracts support from some development plan policies and is not consistent with others. The issue of development plan compliance is discussed in the conclusion below.

Other matters

- 8.54 In addition to development plan policy, it is relevant to have regard to other material considerations, including the planning matters that have been raised in letters of representation and by the three community councils who have provided comment.
- 8.55 Concerns are raised relating to the compatibility of the proposal with the development plan and relevant guidance, and this matter is addressed above. As indicated, the proposal is compatible with some policies and is not compatible with others. A conclusion on compliance with the development plan is provided below.
- 8.56 Objections question the economic and environmental benefits described in the application. The submitted information indicates that the proposal would generate renewable energy and offset carbon emissions, and those benefits are as might generally be expected from a development of this nature. There is a tangible benefit associated with the production of renewable energy. It is also suggested that the proposal would offer potential to reduce carbon emissions from a local concrete block manufacturing plant, and that it may help safeguard 80 jobs associated with the wider company and create an additional 8 jobs. Little information is submitted to explain the assertions around jobs, but a proposal that assists a company to decarbonise merits some support, and if the proposal allowed the business to reduce or have certainty regarding its future energy costs, that might help secure jobs. Whether solar and battery energy provides a suitable technology to power a concrete block making plant is a commercial matter for the prospective developer. Issues related to the efficiency of the technology and carbon involved in the manufacture of solar panels or batteries are noted. However, it has been indicated in appeal decisions relating to similar development that the carbon emissions associated with the manufacture of such infrastructure are only a relatively small proportion of the emissions over their lifetime on the current grid mix of generation. Issues related to the regulation of the market for the manufacture of this infrastructure are not material planning considerations.
- 8.57 A significant number of those commenting on the application have identified that the proposal would give rise to significant and adverse landscape and visual impacts. A number have suggested that proposed mitigation would not be effective. This is discussed above, and it is accepted that the proposal would have significant and adverse impacts. In addition, a number of parties have questioned the need for the development, and some have suggested there are potentially better alternative sites.
- 8.58 In this respect, an applicant is generally not required to demonstrate need for a development. However, need can be argued as justification to allow development that gives rise to detrimental impacts. It can also be a material consideration in circumstances where there is a better alternative site. Development plan policy does not require consideration of alternative sites for this type of development, but the existence of a better alternative site can be a material consideration in circumstances

where a proposal gives rise to adverse effects and there is an alternative site where those effects would not occur or would not occur to the same extent.

- 8.59 The applicant has submitted an alternative site assessment and suggests that there are very limited suitable alternative sites for the development of a 30MW solar farm within the search area. However, the reasons for discounting at least one of the alternative sites within that assessment are questionable. The site identified to the east of Forfar Golf Club has been discounted because a small area of the site is subject to flood risk and as there are listed buildings in the wider area. However, only a very small area of that site is subject to potential flood risk, and solar panels can generally be sited or designed to reduce risk from flooding. Preliminary consideration suggests it is unlikely that the setting of nearby listed buildings would be significantly or unacceptably affected. That site would benefit from a significantly more established landscape framework provided by existing vegetation. A site with an established landscape framework is likely to have greater landscape capacity and would be more consistent with the council's landscape guidance for solar development. It could potentially give rise to less significant landscape and visual impact, and the presence of existing established vegetation would be likely to provide more effective mitigation for some of the nearby property in the short-term. That site would be closer to the concrete block plant, potentially reducing the length of the cable route. In addition, most of that site is not prime quality agricultural land and development in that area would be consistent with the policy objective of minimising the amount of protected land that is required. The alternative site assessment is intended to show that alternative sites have been considered and the proposed site is a suitable location for the development. Instead, it offers support to the proposition that the development and its associated energy generation and CO2 reduction benefits could be secured on a nearby alternative site which might not give rise to the same level of adverse impact.
- 8.60 Objections have been submitted raising concern about the loss of prime quality agricultural land and consequential impacts on food security resulting from taking prime quality land out of food production use. The three community councils have also raised objection to the proposal in relation to loss of prime quality land. As indicated above, development plan policy allows the development of prime quality agricultural land for the generation of energy from renewable sources, and it does not require consideration of cumulative impact. However, and notwithstanding the general policy position in relation to loss of prime agricultural land, it is relevant to note that Scottish Ministers have issued a recall direction in relation to an appeal relating to solar development on prime agricultural land in Perth & Kinross (PPA-340-2156). The recall direction indicates it has been issued in view of the proposed development's potential impacts on prime agricultural land, in terms of cumulative impacts with other developments and in view of the long-term strategic importance of such land for national food security, that would benefit from further scrutiny by Scottish Ministers. Cumulative loss of prime quality agricultural land and its impact on national food security must be an issue that extends beyond the administrative boundary of Perth & Kinross Council and approval of this proposal would add to cumulative impact. The issue raised by Ministers is a material planning consideration and the weight to be attached to it is a matter that is likely to be clarified by Ministers in their decision on the recalled appeal. Approval of this application at the current time would compromise ability to have regard to the Ministerial decision and it could compound any issue identified by Ministers. Matters relating to the impact of the proposal on farm viability and the potential loss of agricultural jobs are noted, but there is no evidence to suggest that the proposal would result in the agricultural operation becoming unviable, or of agricultural jobs being lost as a consequence of the proposed development.
- 8.61 Concerns have been raised relating to impact on residential amenity through noise, light pollution, glint and glare, loss of privacy associated with CCTV cameras, and disturbance during construction. Having regard to the information submitted and the advice provided by consultees, it is considered that noise and disturbance during the

construction process could be managed through planning conditions which regulate working hours and impose noise limits. While there would inevitably be some disruption during the construction process, that would be a relatively short-term impact during daytime hours. There is no proposal for external lighting of the development when operational, and it is indicated that the cameras would be infrared with the field of view contained such they would not overlook neighbouring property. Privacy issues associated with the operation of the cameras is addressed through other regulatory means. Operational noise and glint and glare impacts are predicted by assessment to be insignificant, and impacts could be controlled by planning condition.

- 8.62 There is no evidence to suggest that the development would significantly affect protected species, important habitats, or the wider biodiversity interests in the area. Mammal gates are proposed within the boundary fence to allow small mammals to continue to forage within the site, and there would be margins between the public roads which surround Area C and the proposed boundary fencing to reduce the risk of animal/traffic collision. The additional planting proposed, and the grassland areas that would be associated with the solar panels may provide some enhancement to biodiversity in comparison to the areas of existing cultivated agricultural land.
- 8.63 As indicated in the assessment provided above, there would be no unacceptable impact on built or cultural heritage interests in the area.
- 8.64 Concerns relating to flood risk and drainage are addressed in the policy discussion above. While it is understood that public roads in the surrounding area have experienced flooding events, available information suggests that the development could be designed such that it would not exacerbate flood risk in the area and the introduction of sustainable drainage may provide some betterment and reduce the rate at which runoff leaves the site. Similarly, matters relating to road capacity and safety are addressed above. The roads service has considered the applicants transport statement and is satisfied that the road network has capacity to accommodate the development and that the proposed accesses created could achieve adequate visibility sightlines, subject to planning conditions. Concerns are raised that the location of panels, fencing and boundary hedging may obscure road visibility in the area adjacent to Millpark/ Silverhillock impinging on the ability to access and egress property in a safe manner. No objection from the roads service has been raised relating to that matter, but the applicant has amended the proposal to remove solar panels in that area of the site, and it is considered that planning conditions could be used to ensure that any new hedging or fencing was located such that it would not unacceptably impinge on visibility for manoeuvring vehicles in that area.
- 8.65 The significant adverse landscape and visual impact associated with the proposal might make some people less likely to visit the area. However, that cannot be readily quantified and there is no evidence to demonstrate what if any impact there would be on tourism in the area. Similarly, the impact on recreational users of public roads is difficult to quantify: the presence of the development may make some people less inclined to use the area for recreational purposes. However, there are many examples throughout Scotland where people continue to enjoy recreational access in the vicinity of renewable energy developments and for recreational users of public roads the development is only likely to impact on part of a longer route.
- 8.66 There is no evidence that the proposal would adversely impact on telecommunications equipment in the area.
- 8.67 Concerns are raised relating to health and safety and in particular fire risk associated with the battery storage area. Generally speaking requirements for the safe operation of infrastructure are dealt with under health and safety legislation. The applicant has indicated that the development would be remotely monitored at all times to ensure safety and has indicated that the BESS element would comply with relevant health and

safety legislation. The Scottish Fire and Rescue Service has been consulted on the application but has offered no objection. The proposed battery storage facility is located within a quarry around 300m from the closest residential receptor and accordingly there is limited risk to property. Information relating to the means of containing any contaminated run-off in the event of a fire could be secured by planning condition. Solar panels are sealed units and there is no evidence to suggest that they would adversely impact the water environment.

8.68 Submitted information indicates that all equipment and infrastructure would be removed from the site at the end of the 40-year period proposed, and the site returned to agricultural use. Appropriate details of decommissioning and the provision of a financial guarantee to secure site restoration could be addressed by planning condition.

8.69 In broad terms, the information submitted by the applicant is adequate to allow determination of the application.

Conclusion

8.70 This proposal provides for a development that would generate renewable energy. Electricity generated by the development would help a local concrete block making plant to reduce its carbon footprint, and it would also supply electricity to the national grid. Consultation with expert bodies suggests that many impacts associated with the proposal would not be significant or could be appropriately mitigated. However, the proposal would result in significant and adverse landscape and visual impact, and it would give rise to significant visual impact on a number of nearby dwellings for a not inconsequential period of time while mitigation establishes.

8.71 Striking a balance between the wider environmental benefits associated with renewable energy generation and local environmental disbenefits is an exercise of planning judgement. Development plan policy provides assistance on how these matters should be considered. Significant weight must be given to the contribution the proposal would make towards addressing the global climate and nature crises and there is very strong policy support for development of this nature. However, that policy support is not unqualified, and it does not mean that other policy requirements should be set aside or disregarded. It does not mean that any renewable energy development will be acceptable anywhere irrespective of impact, and it does not mean that reasonable measures should not be taken to mitigate impact. Development plan policy at all levels seeks high quality design and for a development of this nature, a successful design is one that responds to its landscape character and context. Development plan policy at both local and national level requires consideration of landscape and visual impact and it requires proposals to have regard to landscape character in the design process. NPF4 Policy 11 which deals specifically with renewable energy proposals recognises that energy proposals are likely to give rise to significant landscape and visual impacts and it provides guidance on when those impacts are likely to be acceptable. It indicates that such impacts will generally be considered to be acceptable where they are localised and/ or appropriate design mitigation has been applied. It seeks to ensure that all renewable energy development incorporates appropriate mitigation to deal with landscape and visual impacts. NPF4 places emphasis on ensuring the right development happens in the right place.

8.72 In this case, and as described in the paragraphs dealing with landscape and visual impact above (8.10 to 8.31), the significant adverse impacts arising from this proposal would not be localised, and in any case, they have not been appropriately mitigated. This is an area where the council's guidance for solar development indicates that there is low capacity for development of this nature, and significant mitigation would be required to reduce adverse landscape and visual impacts. The proposal does not accord with the council's guidance for solar development, and it is not consistent with

development plan design, landscape, or renewable energy policies. In addition, significant adverse visual impacts would be experienced by occupants of several nearby homes. While those impacts would not be at a level that would make the dwellings unacceptable or unattractive places to live, the number of properties affected, and the duration of impact while mitigation establishes would not be insignificant. In these circumstances the significant adverse impacts are unacceptable.

- 8.73 While the applicant has amended the proposal and provided some improvement, the mitigation does not adequately address or offset the unacceptable impacts identified by officers. There is little if any justification to demonstrate why the proposal could not be modified to reduce impacts by incorporating appropriate mitigation, reflecting the requirements of development plan design and landscape policies, as well as the council's guidance for solar development. Such mitigation could help integrate the development into the landscape, and it could help reduce the significance of visual impacts, including on the amenity of occupants of nearby homes.
- 8.74 In these circumstances, the proposed development is disproportionately prominent, and the proposed mitigation is not appropriate or adequate to address the significant adverse landscape and visual impacts. The resultant adverse impacts are not localised, and in any case, have not been appropriately mitigated and they are unacceptable, and the proposal is therefore contrary to the development plan.
- 8.75 There is significant public objection to the proposal, including from three local community councils. Experience suggests that it is not unusual for this type of development to generate a high level of interest and public comment, and significant public objection is not in itself a reason to refuse planning permission. However, in the circumstances of this case, the objections regarding the significant adverse landscape and visual impacts associated with the proposed development merit weight, particularly as it does not comply with development plan policy or council guidance for those reasons. Available evidence suggests that other issues raised in objection would not merit refusal of planning permission.
- 8.76 The applicant's alternative site assessment discounts the suitability of previously quarried land, but also raises the possibility that the significant energy generation and emissions reduction contributions that the proposal would secure, could be secured on an alternative site where landscape and visual impacts might be more localised, and more capable of being effectively mitigated. The presence of existing vegetation at that location would mitigate visual impact for occupants of some nearby homes in the short-term, and the proposal would significantly reduce the amount of prime quality agricultural land that would be removed from productive agricultural use. The potential existence of an alternative site is not determinative in this case, but it is of some relevance in circumstances where its availability has been identified by the applicant, and where it offers potential to deliver a similar development in a manner that would not give rise to adverse impacts to the same extent as the current application site. It supports the conclusion that there is no overriding reason why this development is required on this site, and it supports the conclusion that there is no overriding justification to allow the application as a departure from development plan policy.
- 8.77 In summary, the proposal would deliver significant benefit, and there is a favourable policy context for renewable energy development. However, relevant policy also requires proposals to have regard to landscape character, and it requires significant adverse landscape and visual impacts to be appropriately mitigated. Information submitted by the applicant confirms that this proposal would give rise to significant and adverse, landscape and visual impacts, and those impacts would not be localised, and in any case, they have not been appropriately mitigated. In these circumstances, the proposal is not consistent with development plan design, landscape, or energy policy. The supporting justification for the proposal and the benefits it would provide, including helping reduce carbon emissions from a local business have been considered, but

there is no overriding need for this development in this location that would justify departure from the development plan. There is no evidence to demonstrate that the proposal could not reasonably be modified in a manner that would continue to deliver benefits, but without causing the significant adverse harm associated with this application. The letters of objection, in so far as they raise concern regarding landscape and visual impact arising from the proposal, support refusal of planning permission. In this case, the proposal is contrary to the development plan and there are no material planning considerations that justify approval.

9. HUMAN RIGHTS IMPLICATIONS

- 9.1 The decision to refuse this application has potential implications for the applicant in terms of his entitlement to peaceful enjoyment of his possessions (First Protocol, Article 1). For the reasons referred to elsewhere in this report justifying the decision in planning terms, it is considered that any actual or apprehended infringement of such Convention Rights, is justified. Any interference with the applicant's right to peaceful enjoyment of his possessions by refusal of the present application is in compliance with the Council's legal duties to determine this planning application under the Planning Acts and such refusal constitutes a justified and proportionate control of the use of property in accordance with the general interest and is necessary in the public interest with reference to the Development Plan and other material planning considerations as referred to in the report.

10. CONCLUSION

- 10.1 It is recommended that the application be refused for the following reason:
1. The proposed development is contrary to policies 11, 14 and 29 of NPF4 and policies DS1, DS3, PV6 and PV9 of the Angus Local Development Plan as it would give rise to unacceptable landscape and visual impact by virtue of its location and the absence of an established landscape framework, and as the design and layout does not provide appropriate mitigation.

NOTE: No background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973, (other than any containing confidential or exempt information) were relied on to any material extent in preparing the above Report.

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DATE: 31 MAY 2024

APPENDIX 1: LOCATION PLAN
APPENDIX 2: SUMMARY OF APPLICANTS SUPPORTING INFORMATION
APPENDIX 3: LETTERS OF REPRESENTATION
APPENDIX 4: DEVELOPMENT PLAN POLICIES