

Perth and Kinross Council
Development Management Committee – 18 February 2015
Report of Handling by Development Quality Manager

**Installation of 17MW photovoltaic solar farm development and ancillary works
at Shire End Farm near Path of Condie and Glenfarg, Kinross-shire**

Ref. No: 14/02077/FLL

Ward No: 8 - Kinross-shire

Summary

This report assesses the detailed application for the installation of a 17MW photovoltaic solar farm development on land associated with Shire End Farm at Shire End near Path of Condie and Glenfarg, Kinross-shire. The report recommends approval of the application.

BACKGROUND AND PROPOSAL

- 1 The proposed development site is located within the boundaries of Shire End Farm some 2.6km west of Glenfarg and approximately 5km northeast of Milnathort. The site is situated northeast of the Loch Leven basin and the M90 trunk road and is within an area of undulating topography and conical hill summits which mark the eastern extent of the Ochil Hills.
- 2 The site boundary (red line) extends to nearly 82 hectares but the actual proposed development area within the red line will comprise of three separate development areas totalling 35 hectares. Most of the land proposed is in agricultural use for the grazing of sheep (mainly) and some cattle. The majority of the development areas slope from north to south providing south facing slopes for the proposed solar panels. The surrounding area is characterised by agricultural farmland, coniferous plantations and individual dwellings.
- 3 The application proposes to install 70,000 solar panels for a period of 25 years to generate an annual energy supply of 17MW to the national grid. The solar panels will be arranged in rows, known as strings and each string will be 4-6 metres apart to prevent overshadowing and allow maintenance. Each string will be screwed into the ground rather than concrete foundations to allow the land to return to agricultural use.
- 4 Each panel will be mounted on metal racks and at its highest point the panels will be 2.2 metres high. The panels will be angled at 25 degrees and oriented to face southwards to maximise light capture.
- 5 One electrical substation will be required to support the solar panel development. The substation will be 8 metres x 4.95 metres and 4.95 metres in height. 24 power inverter stations will be located at strategic points within the site to collect the power before transferring it to the national grid. The installation will be monitored remotely and will not require any permanent staff to be located on site. The site area allows for boundary landscaping (screen planting) where required, security fencing and internal access.

- 6 Each development area will be enclosed by 2.4 metre high tensile fencing to protect the sites and also allow them to be visually permeable. The fencing is required by the insurance providers. The site will also be monitored by 26 CCTVs mounted on 3 metre high posts. Infra-red technology will be used to prevent the need for any flood lighting.
- 7 Construction of the development will take 8-10 weeks approximately and following this the underlying land will continue to be used by the landowner/farmer for the grazing of his sheep.

PRE-APPLICATION CONSULTATION

- 8 The proposed development is not classed as a major development because the output will be less than 20MW. There was therefore no formal requirement for a pre-application consultation exercise to be undertaken. However, because of the scale of development (35 hectares) and the lack of solar farm developments in Scotland the applicant carried out a pre-application consultation exercise with the local community on 21 November 2014 at Milnathort Town Hall. A Consultation Statement is included within the Planning Statement submitted with the application.

NATIONAL POLICY and GUIDANCE

- 9 The Scottish Government expresses its planning policies through the National Planning Framework 1, 2 and 3 the Scottish Planning Policy (SPP) 2014 and Planning Advice Notes (PANs).

The Scottish Planning Policy 2014

- 10 The Scottish Planning Policy (SPP) was published on 23 June 2014. It sets out national planning policies which reflect Scottish Ministers' priorities for operation of the planning system and for the development and use of land. The SPP promotes consistency in the application of policy across Scotland whilst allowing sufficient flexibility to reflect local circumstances. It directly relates to:

- the preparation of development plans;
- the design of development, from initial concept through to delivery; and
- the determination of planning applications and appeals.

- 11 Of relevance to this application are:

- Paragraphs 24 - 35: Sustainability
- Paragraphs 74 - 83: Promoting Rural Development
- Paragraphs 152 - 173 : Delivering Heat and Electricity
- Paragraphs 193 - 218: Valuing the Natural Environment
- Paragraphs 254 - 268 : Managing Flood Risk and Drainage

DEVELOPMENT PLAN

- 12 The Development Plan for the area comprises the TAYplan Strategic Development Plan 2012-2032 and the Perth and Kinross Local Development Plan 2014.

TAYplan Strategic Development Plan 2012 – 2032 - Approved June 2012

- 13 The vision set out in the TAYplan states that:

“By 2032 the TAYplan region will be sustainable, more attractive, competitive and vibrant without creating an unacceptable burden on our planet. The quality of life will make it a place of first choice, where more people choose to live, work and visit and where businesses choose to invest and create jobs.”

- 14 Under the SDP, the following principal policies apply:

- 15 **Policy 3: Managing TAYplan’s Assets:** (Finite Resources) protect prime agricultural land, new and existing forest areas and carbon rich soils (where identified) where the advantages of development do not outweigh the loss of productive land.

- 16 **Policy 6: Energy and Waste/Resource Management Infrastructure:** (c) ensure development proposals for energy infrastructure have been justified, at a minimum the following considerations:

- The specific land take requirements associated with the infrastructure technology and associated safety exclusion zones where appropriate;
- Proximity of resources and to users/customers, grid connections and distribution networks for the heat/power where appropriate;
- Anticipated effects of construction and operation on air quality, emissions, noise, odour, surface and ground water pollution, drainage and nuisance impacts on off-site properties.
- Sensitivity of landscapes, the water environment, biodiversity, geo-diversity, habitats, tourism, recreational access and listed/scheduled buildings and structures;
- Impacts of new grid connections and distribution or access infrastructure
- Cumulative impacts of the scale and massing of multiple developments including existing infrastructure.

PERTH AND KINROSS COUNCIL LOCAL DEVELOPMENT PLAN 2014

- 17 The Local Development Plan was adopted by Perth and Kinross Council on 3 February 2014 and is the most recent statement of Council policy and is supported by Supplementary Guidance which is also a material consideration in the assessment of the planning application. Policies relevant to the assessment of the application are:

- 18 **Policy PM1A - Placemaking**

Development must contribute positively to the quality of the surrounding built and natural environment, respecting the character and amenity of the place. All development should be planned and designed with reference to climate change mitigation and adaptation.

19 Policy PM1B - Placemaking

All proposals should meet all eight of the placemaking criteria.

20 TA1: Transport Standards and Accessibility Requirements

TA1B: Development proposals that involve significant travel generation should be well served by all modes of transport (in particular walking, cycling and public transport), provide safe access and appropriate car parking. Supplementary Guidance will set out when a travel plan and transport assessment is required.

21 EP1: Climate Change, Carbon Reduction and Sustainable Construction

Sustainable design and construction will be integral to new development within Perth & Kinross.

22 EP1A: Development will only be permitted on areas of undisturbed carbon rich soils, including peatland, where it has been clearly demonstrated that there is no viable alternative, or where the economic and social benefits of the development outweigh any potential detrimental effect on the environment.

23 EP2: New Development and Flooding

There is a general presumption against proposals for built development or land raising on a functional flood plain and in areas where there is a significant probability of flooding from any source, or where the proposal would increase the probability of flooding elsewhere.

24 Policy ER1A: Renewable and Low Carbon Energy Generation

Proposals for the utilisation, distribution and development of renewable and low carbon sources of energy will be supported where they are in accordance with the 8 criteria set out. Proposals made for such schemes by a community may be supported, provided it has been demonstrated that there will not be significant environmental effects and the only community significantly affected by the proposal is the community proposing and developing it.

25 Policy HE1A - Scheduled Monuments and Non Designated Archaeology

There is a presumption against development which would have an adverse effect on the integrity of a Scheduled Monument and its setting, unless there are exceptional circumstances.

26 Policy ER5 - Prime Agricultural Land

Development on prime agricultural land will not be permitted unless it is necessary to meet a specific established need such as a major infrastructure proposal, there is no other suitable site available on non-prime land or it is small scale development (generally single buildings) linked to rural business.

27 **Policy ER6: Managing Future Landscape Change to Conserve and Enhance the Diversity and Quality of the Area's Landscapes**
Development proposals will be supported where they do not conflict with the aim of maintaining and enhancing the landscape qualities of Perth and Kinross.

28 **Policy NE3 - Biodiversity**
All wildlife and wildlife habitats, whether formally designated or not should be protected and enhanced in accordance with the criteria set out. Planning permission will not be granted for development likely to have an adverse effect on protected species.

OTHER DOCUMENTS

29 **Tayside Character Landscape Assessment** – Scottish Natural Heritage 1999

30 **Draft Supplementary Guidance - Local Landscape Character Assessment**
Perth and Kinross Council 2014

31 **Online Renewables Advice - Large Photovoltaic Arrays Scottish Government 2011**

32 Whilst not a Planning Advice Note (PAN) by the Scottish Government it provides advice on the typical planning considerations in determining applications for large photovoltaic arrays. They are as follows:

- Landscape and Visual Impact
- Ecology
- Archaeology
- Impact on community
- Glint and Glare
- Aviation
- Decommissioning

PLANNING SITE HISTORY

33 14/01387/SCRN Screening Opinion Requested for 20MW solar farm. EIA not required, September 2014

34 14/01568/SCRN Screening Opinion Requested for 20MW solar farm. EIA not required, September 2014.

35 14/01870/SCRN Screening Opinion requested for 19MW solar farm. EIA not required, November 2014.

CONSULTATIONS

EXTERNAL

36 **Glenfarg Community Council:** Holding objection received and detailed comments still waited at the time of this report

37 **Milnathort Community Council:** No comments received

38 **Earn Community Council:** No comments received

INTERNAL

39 **Transport Planning:** No objections provided a number of conditions are applied to any approval

40 **Local Flood Risk:** No objection

41 **Biodiversity Officer:** No objection

42 **Council Archaeologist:** No objection

43 **Community Greenspace:** No comments

REPRESENTATIONS

44 The application has attracted 16 letters of representation. Of these, 14 were letters of objection and 2 letters of support. The objectors have raised the following issues:-

- Contrary to Development Plan
- Contrary to Scottish Planning Policy
- Inappropriate location and land use
- Loss of agricultural land
- Industrialisation of Ochil Hills
- Difficult grid connection
- Landscape and visual impact
- Loss of visual amenity
- Unacceptable design
- Transport safety issues
- Loss of trees
- Adverse impact on residential properties
- Adverse impact on biodiversity
- Adverse impact on tourism
- Lack of public consultation
- Not sustainable development
- No Environmental Impact Assessment

45 These issues are addressed in the Appraisal section.

46 One of the letters of support is from the landowner who provides reason as to why he needs this application to be successful. The other letter of support highlighted a lack of visual intrusion from their property and the top of Tillyrie Hill (Viewpoint 5) because of existing topography. They considered that there is also a demonstration to diminish any visual intrusion for nearby properties with carefully placed shelterbelt planting.

ADDITIONAL STATEMENTS

47

Environment Statement	Not Required
Screening Opinion	Submitted
Environmental Impact Assessment	Not Required
Appropriate Assessment	Not Required
Design Statement/Design and Access Statement	Submitted as part of Planning Statement
Report on Impact or Potential Impact	Planning Statement including Design & Access Statement and Consultation Statement; Landscape & Visual Impact Assessment; Archaeological Assessment; Habitat including Protected Species Survey; Flood Risk & Drainage Assessment

APPRAISAL

- 48 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. The Development Plan for the area consists of TAYplan Strategic Development Plan June 2012 and the Perth and Kinross Council Local Development Plan (February 2014).
- 49 The determining issues in this case are whether; the development would be consistent with the relevant provisions of the adopted Development Plan; or if an exception to these provisions is justified by other material considerations.

EIA Screening

- 50 Three separate screenings have been done for this site. These have been for solar farms with an energy output of between 17 and 20MW. This application's proposed output of 17MW which was considered and confirmed by the Council to not require an EIA be prepared as part of the submission. The applications site area has largely remained the same as the screening process but the area of panels within the site has been altered slightly. As the redline site is the same I consider that an appropriate screening has been carried out on the entire application site and no further screening is required.
- 51 Whilst an Environmental Statement was not required as part of the submission, the following documents were required as part of the application.
- Planning Statement including Design & Access Statement and Consultation Statement;
 - Landscape & Visual Impact Assessment;
 - Archaeological Assessment;

- Habitat Survey including Protected Species Survey;
- Flood Risk & Drainage Assessment

Policy

- 52 Scottish Planning Policy 2014 does not provide any specific guidance on solar farm developments but it is supportive of the principle of renewable energy developments to help meet Scotland's energy requirements and this includes solar energy.
- 53 The proposal is considered under various policies within TAYplan and the Local Development Plan 2014. The principal policies which apply to this development are TAYplan Policy 6 - Energy and Waste/Resource Management Infrastructure and LDP Policies PM1 – Placemaking; Policy ER1A - Renewable and Low Carbon Energy Generation and Policy ER5 - Prime Agricultural Land.
- 54 Policy ER1A states the development of renewable and low carbon sources of energy will be supported subject to a number of factors which have to be taken into account such as the individual or cumulative effects on biodiversity, landscape character, visual integrity, the historic environment, cultural heritage, tranquil qualities, water resources, aviation, telecommunications and the residential amenity of the surrounding area.
- 55 In broad terms it is considered that the proposal complies with this Policy ER1A however specific issues are covered later in the report.
- 56 Policy PM1A requires development to contribute positively to the quality of the surrounding built and natural environment, respecting the character and amenity of the place. All development should be planned and designed with reference to climate change mitigation and adaptation.
- 57 The proposed development has been designed to help with climate change mitigation with the provision of renewable energy. Its impact on the natural environment is considered to be low as there is a lack of environmental designations and sensitivities in the area. The main impact on the environment will be visual impact and this is assessed later in the report.
- 58 The use/loss of agricultural land for this development is required to be assessed under Policy ER5: Prime Agricultural Land of the LDP. Policy ER5 states that proposals for renewable energy generation uses may be permitted provided appropriate restoration proposals are implemented when the use ceases.
- 59 The Macaulay Institute classifies the application site as suitable grassland for grazing and therefore is not the highest classification of agricultural land.
- 60 This application seeks the temporary development of the land for the solar farm for a period of 25 years. This means that at the end of the 25 year period should the generation of the energy no longer be required then the land will be returned to use for agricultural. If the energy generation is still viable then a

further planning permission would be required to continue the use and the increased removal of the land from production could be further assessed.

- 61 The methods of installation for the proposal are such that it can be relatively easily returned to agricultural use with no lasting harm or structures that would compromise the agricultural productivity of the site. The rows of panels will be screwed into the site so there will be no need for any concrete foundations.
- 62 In this case due to the area of the site in relation to the wider area I consider the loss of agricultural land, in this context, to be acceptable. The level of disturbance to the land can be easily reversed and the land can continue to be used for sheep grazing by the landowner. On this basis the application is considered to comply with Policy ERD5 as it will not compromise the agricultural productivity of the site.
- 63 The other policy considerations such as archaeology, biodiversity, transport and flooding are considered in more detail in other sections of the report.

Design and Layout

- 64 There are three separate development areas proposed within the application site. Each development area will contain banks of solar panels arranged in rows, known as strings. Each string would be mounted on a rack with a distance of approximately 4 - 6 metres between each string to avoid any shadowing occurring from one panel to another and to allow for access for maintenance. The panels would be mounted at around 0.8 metres from the ground at the lowest edge, rising to around 2.2 metres at the highest point. The panels would be tilted at around 25 degrees from the horizontal, are fixed in place, and are orientated to face due south towards the sun. The panels themselves will measure 1.46m -1.49m x 0.99m and will be encased in an aluminium frame mounted on galvanised steel posts.
- 65 The proposal also includes a primary substation, 24 inverter substations, security fencing and 26 CCTV cameras. The primary substation is proposed to be located within Development Area B just off Tulloch Road at the northern end of the site. The proposed building is 8.01m x 4.95m x 4.95m high. No colour finish of this building has been confirmed but a dark colour tone to fit in with the landscape would be appropriate in this location and a condition will be added to require details to be submitted. The inverter substations are 8.2m x 2.4m x 2.2m high and will be located at strategic positions within each development area to collect the energy and transfer it. No colour finish of these buildings has been confirmed, so this will also be conditioned. The security fencing is a wire mesh fence on timber posts proposed at 2.4m in height. The CCTV cameras are fixed on 3 metre high mounts just inside the perimeter fencing of each site. The fencing and CCTV are required from a security and insurance perspective.
- 66 Whilst there are no solar farms operational within Perth and Kinross, planning consent was granted in 2014 (14/00353/FLL) for an 18MW solar farm in Errol. The scale, design and layout of this application is consistent with the approval in Errol and therefore the design and layout is considered to be acceptable.

Landscape Character

- 67 The site is located northeast of the Loch Leven basin and the M90 motorway within an area characterised by undulating topography and conical hill summits which mark the eastern end of the Ochil Hills. The area in which the development is located is characterised by agricultural land, coniferous plantations, farmhouses and sporadic residential properties.
- 68 Each of the three development areas has its own characteristics.
- 69 Development Area A: is located south west of Shire End House and is primarily south sloping. Between the site and Shire End House is a band of mixed species woodland planting and raised topography. The sites visibility is relatively restricted by the undulating topography.
- 70 Development Area B: is located west of Shire End Lodge and is slightly north sloping and protected by mature coniferous trees. The northern boundary of this area opens onto Tulloch Road which will form an access point to both Development Areas A and B. The site is currently visible from the roadside and partially visible from nearby Newtoft Farm north west of the site.
- 71 Development Area C: is located east and south east of Shire End Farmhouse and is primarily south sloping .Tulloch Road runs along its eastern and northern boundary. It is currently used for pasture by the landowner. This development area is currently more open, elevated and visible than Areas A and B. Visibility of most of this area is however reasonably limited due to surrounding topography and woodland plantations. The eastern perimeter of this site is visible from Tulloch Road. It is also visible from Tillyrie Hill but not from the summit or the core path leading to it which is popular with walkers.
- 72 The Tayside Character Landscape Assessment 1999 classifies the area as within the Ochil Igneous Hills. It describes the land as generally low fertile and used primarily for the purposes of rough grazing and coniferous forestry. Field boundaries within parcels of land are generally separated by stone dykes and post and wire fencing.
- 73 The Perth and Kinross Council's Draft Supplementary Guidance on Local Landscape Area has just finished its public consultation and while it is a material consideration, limited weight can be afforded to it at the moment. The Guidance shows that the development site is just inside the south eastern boundary of the potential designation of the Ochils Special Landscape Area (SLA). The main objective of the SLA is to promote the expansion of woodland and ensure particular care in siting and design of potentially intrusive structures such as masts and wind turbines.
- 74 In terms of impact on the overall landscape characteristic of the area it is predicted that it will have a negligible localised effect during construction. Following completion the effect is also considered to be negligible and primarily

localised. There will be some pockets of moderate impact on the landscape as a new land use is being introduced to the area.

- 75 A landscape mitigation strategy formed part of the planning application submission and with areas of significant shelter belt planting proposed in combination with existing woodland the impact on nearby residential properties should be negligible within a number of years. Development Area C is the most visible site especially from the roadside along the eastern boundary. A 10 metre buffer along this boundary with full screen planting will help mitigate this impact on the landscape. A condition requesting this buffer along the boundary will be required.

Landscape & Visual Impact

- 76 It is accepted that a development of 70,000 solar panels will provide a visual impact as it is introducing a new land use onto a rural landscape. A Landscape and Visual Impact Assessment (LVIA) was submitted in support of the application. Following the production of a Zone of Theoretical Visibility (ZTV) map the LVIA examined the impact from six key viewpoints within 2 km of the proposed site. These have been fully considered by a visit to the site and the surrounding area.

Immediate Area

- 77 Development Areas A and B are reasonably well screened by the existing landscape framework of undulating topography and existing woodland. Further shelterbelt planting along Tulloch Road will fully screen Area B from the roadside and nearby properties such as Cloverlea and Newtoft Farm including its “glamping” business.
- 78 There is a lack of residential properties close to Development Area C but it will mainly be visible to passing traffic along Tulloch Road. A 10 metre buffer and shelterbelt planting along the roadside will help mitigate this visual impact.

Viewpoints

Viewpoint 1 – Access road to Plains Farm just off Tulloch Road

- 79 This viewpoint represents the potential experiences of a nearby farm and its employees. Only parts of Development Area C (north eastern corner) will be visible from this location. Immediately following construction the visual impact at this location is considered to be medium but will only be experienced in one direction of travel. Screen planting is proposed at the northern end of Area C and in time will help mitigate the visual impact from Plains Farm and will go from medium to minor impact. It is not considered that there would be any detrimental visual impact of the development from this location.

Viewpoint 2 – Tulloch Road east of Shire End Lodge

- 80 This viewpoint is along the main access road for nearby residents, farmers and road users in the area. Development Area B runs along this roadside boundary and the solar array and substation would be visible from the roadside and some nearby properties including Newtoft Farm as there is currently a lack of screening. The magnitude of change following completion will therefore be high. Proposed screen planting along this section of the roadside will help contain Development Area B from all receptors especially from the property known as Cloverlea and Newtoft Farm and its glamping business. Following maturation of the screen planting the visual impact should move from high to moderate to minor.

Viewpoint 3 – Off-road driving centre and fishery

- 81 Located north of Development Area C along a track road leading to the off-road driving centre and fishery business, this viewpoint represents a recreational receptors impact using the track road whilst returning to Tulloch Road. It is predicted that there will be unobscured views of the northern part of Development Area C and following completion of development the visual impact is considered to be high.
- 82 Following maturation of proposed significant screen planting along the northern end of Area C the visual impact will be medium as it will screen the solar panels at the lower levels. The proposed panels at the upper level of the slope will remain visible but because the panels will be just 2.2 metres high they will sit just below the horizon and therefore their visual impact to users of the off-road driving centre and fishery will be moderate.

Viewpoint 4 – Tulloch Road south east of Development Area C

- 83 This viewpoint is located just south east of Development Area C along Tulloch Road and is representative of road users travelling northwards along Tulloch Road. Following completion a small proportion of the solar panels within Area C will be visible as most will be screened by the existing topography. The visual impact will therefore be moderate. Proposed screening planting along the eastern boundary of Area C will significantly mitigate any visual impact for road users and following maturation the impact should be minor.

Viewpoint 5 – Summit of Tillyrie Hill

- 84 This viewpoint is approximately 1.4km south of Development Area C and is representative of walkers who use core path (MTHT/110) to the summit of Tillyrie Hill. The application site has no impact on the core path itself and it is outwith the zone of theoretical visibility.
- 85 Because of its elevated position Development Areas A and C will be visible from the summit. The predicted visual impact is considered to be moderate. However because of the patchwork of grazing fields and coniferous plantations as well as the non-reflective nature of the solar panels, the solar farm should

not become a new visual focus for any walkers of this route. In addition I would consider the existing 12 turbine wind farm development at Lochel Bank north of the application site will continue to be more visually prominent than the proposed solar farm from the summit of Tillyrie Hill.

Viewpoint 6 – Crossroads at Hilton of Duncrieve east of proposed site

- 86 This viewpoint is located 2.6km east of the proposed site along a minor road between Glenfarg and Newhill and is representative of all users of the road travelling in a southerly direction toward Milnathort.
- 87 Only Development Area C will be visible from this location and because of the undulating topography and distance the visual impact of the solar panel is considered to be minor. Following construction the visual impact will continue to be minor and any screen planting will help ensure this remains the situation.
- 88 In summary while it is acknowledged that there will be visual impact associated with the development of a large scale solar farm in such a rural area, it is considered that the overall visual impact will not be significant. Solar farms are by nature low level (2.2 metres high) of non-reflective material. Much of the existing undulating topography and coniferous plantations help screen much of the visual impact. The proposed additional screen planting will also help screen the substation on Tulloch Road and the inverter stations, perimeter fencing and the CCTV cameras. Most of the inverter stations will also be screened by the solar panels themselves. The screen planting will therefore mitigate any further visual impact especially from roadside locations and most residential properties.
- 89 When compared to the visual impact of other renewable energy developments such wind turbines and hydro developments as well as polytunnel developments within Perth and Kinross, the visual impact is considered to be significantly lower.

Archaeology

- 90 The development areas were identified by Perth and Kinross Heritage Trust as having some archaeological potential. A desk based archaeological assessment and walkover survey of the site was completed and submitted with the planning application. Perth and Kinross Heritage Trust agree with the survey that the potential for buried archaeological deposits within the application area is low and as a result no planning conditions are recommended in this instance.
- 91 Therefore the proposal complies with **LDP Policy HE1A: Scheduled Monuments and Non Designated Archaeology** as there will not be an adverse effect on the integrity of any archaeology.

Biodiversity

- 92 An ecological walkover and an extended Phase 1 habitat survey was carried out and submitted as part of the planning application. Habitats within the site

and up to 100m outwith the boundary were surveyed including any field signs and suitable habitat for protected species. The assessment showed no evidence of botanical European Protected Species recorded on site or within the 100m buffer.

- 93 The Councils Biodiversity Officer has no objections to the proposal. As a consequence the proposal is considered to comply with **LDP Policy NE3: Biodiversity** as there will be minimal impact on any ecosystems or protected species.

Flooding and Drainage

- 94 A Flood Risk/Drainage Assessment (FRDA) has been carried out and submitted in support of this application. The assessment noted that with the exception of the immediate vicinity of the inverters and substation, is not intended to change ground levels from their current values. The land beneath the PV panels will continue to be available for low intensity grazing for the landowner's sheep. Access roads will be kept at existing ground level and will use existing access points.
- 95 The Councils Local Flood Risk Officer has examined the FRDA and concluded there will be no flood risk and therefore has no objections. The proposal is therefore considered to comply with **LDP Policy EP2: New Development and Flooding** as there is a low probability of flooding within or surrounding the application site.

Roads and Access

- 96 A Construction Traffic Management Statement (CTMS) has been submitted with the planning application. The CTMS states that all vehicles associated with the proposed development will access the three development sites from Tulloch Road. Temporary storage areas/compounds will be located in the vicinity of the proposed access points, which will be used to store materials and components for the development. The proposed access route connects with the M90 at Junction 6. All existing accesses to the fields will be retained in their current form.
- 97 The construction period for the solar farm is expected to last between eight and ten weeks. During this time, there will be in the order of 215 large vehicle trips, equating to 430 movements (i.e. to and from the site). In addition, there will be a number of light goods vehicle (including cars and vans) movements during this period.
- 98 In terms of traffic once the site is generating electricity, the on-going maintenance of the site will be carried out using standard cars or light vans unless a major failure occurs with a larger piece of equipment. As previously stated, the installation will be monitored remotely and will not require any permanent staff to be located on site. The proposed development is considered to be low maintenance.

- 99 Transport Planning have raised no objection to the proposed development provided certain conditions in the interest of pedestrian and traffic safety is applied with any approval.
- 100 The proposal complies with **LDP Policy TA1: Transport Standards and Accessibility Requirements** as once construction is complete the level of additional traffic on the minor road will be minimal. There will be a level of disturbance during the construction period but as this is predicted to be just 8-10 weeks the impact will be temporary.

Residential Amenity

- 101 The potential effects on residential amenity can be broken into two parts.
- 102 Construction phase: The construction phase is predicted to last 8-10 weeks and therefore is considered to be short term. There will be a need during this time for the materials to be delivered to site which will require additional vehicle movements in the area, as identified above. It is anticipated that the solar panels and supporting frames will be delivered to the site by a standard HGV articulated lorry, similar to that currently used in the area for farm collections/deliveries.
- 103 In terms of noise, there is limited noise expected during working hours while the installation is being constructed. Thereafter a very low level of noise typically associated with a smaller electricity sub-station is expected. For example no more than a small sub-station found in residential areas.
- 104 Operation phase: The proposed PV panels will be dark in colour and incorporate an anti-reflective coating to maximise the light capture of solar cells. As such they have a low level of reflection when compared to surfaces such as glass or water. Therefore no effect from glint or glare is anticipated.
- 105 As part of the Landscape and Visual Impact Assessment submitted by the applicant a Residential Receptor Impact Assessment (RRIA) was also carried out to assess the likely visual impact upon close residential properties. Eight (8) properties are shown to be within 1km of the proposed development. Two properties have no visibility of any of the development areas and therefore should not have any visual impact.
- 106 Of the remaining six properties that will have visibility of the proposal, one property (Shire End House) is considered will have a moderate impact as Development Area B may be partially visible and fragmented through existing woodland and vegetation. The five remaining properties will have either a negligible or nil effect.
- 107 However, overall the impact on residential amenity is considered to be primarily negligible.

Grid Connection

- 108 The applicant has discussed grid connection with Scottish and Southern Energy in respect of the existing infrastructure and connection to it. It has been confirmed that a grid connection has been secured.
- 109 Within the application site itself cables from the inverters will be routed to the substation via a network of shallow trenches which will be back filled and have minimal impact.

Economic Impact

- 110 The project will assist in Scottish Government targets for renewable energy production. The proposal will also create jobs through the construction of the array and ongoing maintenance of the solar farm. Once it is in operation the landowner will receive an income from it.

Community Benefit

- 111 The agent has confirmed they are committed to paying a community contribution upon successful completion of the project. The details of the contribution are as follows:
- £5,000 will be paid per megawatt peak (MWp) installed.
 - This would equate to a total payment of £85,000 for a 17MWp installation.
 - Payment will be made 30 days after the project is Ofgem accredited.
- 112 It is intended that a unilateral undertaking would be signed and that the monies would be split equally between the three community councils in the area for the purpose of community benefits. The money provided would lie completely within the hands of the community councils to use it as they see most beneficial to the community.
- 113 However, it must be stressed that there is no planning policy in place that requires a community benefit payment and the Planning Authority is not in a position to control or enforce this through the planning application where consent is granted. I therefore can attach little weight to this particular factor in the determination of the application.

Public Consultation

- 114 The proposed development is not classed as a major development because the energy output will be less than 20MW. Whilst there was no requirement for a pre-application consultation exercise to be undertaken, nevertheless, because of the scale of development (35 hectares) and the lack of information regarding solar farm developments in Scotland the applicant decided to carry out a pre-application consultation event with the local community on 21st November 2014 at Milnathort Town Hall.

- 115 Nearby residents were sent letters providing information on the proposals and details of the public exhibition. Invitations to the public exhibition were sent to Milnathort, Glenfarg and Earn Community Councils as well as the four ward Councillors in the area. In addition a notice was placed in The Courier newspaper on event and 8 provided feedback. Following feedback the applicant modified the proposed layout of the panels located close to Shire End Lodge and increased the level of screen planting.
- 116 Details of the public consultation are included within the Planning Statement submitted with the application. On the basis of this information I consider that the applicant has done more than what is required and the level of public consultation undertaken is therefore acceptable.

Other Issues

- 117 Tourism
One of the letters of objection was submitted by the owners of Newtoft Farm as they were concerned about the impact of the proposal on their “glamping” business. Part of Development Area B will be visible but because of distance, the low level of the panels and proposed screen planting along the roadside boundary, the proposed development will not be visible after a period of time and should have minimal impact on the tourism aspirations of Newtoft Farm.
- 118 Industrialisation of the Ochil Hills
As already stated it is acknowledged that the proposal will introduce a new land use to a rural area. However the proposal is a temporary use of agricultural land that can continue to be farmed by the landowner. The solar panels will only be screwed into the ground so following decommissioning the land will easily fully return to agricultural use.

Trees

- 119 One of the letter of objections raised concern over the potential for some trees close to the site boundary to fall over and damage the solar panels. The site layout plans show there to be buffer area in between boundary trees and the solar panels to prevent overshadowing, so accidental damage should not be an issue. In any event the panels are screwed into the ground and easily moveable should any risk of damage by trees become apparent.

LEGAL AGREEMENTS

- 120 None required. Details of the community benefit fund are highlighted above but this is outwith the function of the Planning Authority to control or deliver.

DIRECTION BY SCOTTISH MINISTERS

- 121 Under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, regulations 30 – 32 there have been no directions by the Scottish Government in respect of an Environmental Impact Assessment screening opinion, call in or notification relating to this application.

CONCLUSION AND REASONS FOR RECOMMENDATION

- 122 In conclusion, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise.
- 123 Whilst it is acknowledged that the application involves a large area of land (35 hectares) and will introduce a new land use into a rural location, there is planning policy support from national to local level that supports the provision of renewable energy. Therefore the principle of the proposal is supported.
- 124 In terms of a localised impact the application will be low level and not easily visible due to the undulating topography and coniferous plantations. Where it will be visible most of it can be effectively screened by further planting.
- 125 The proposal is temporary in nature and the solar panels will be screwed into the ground so it can return to its agricultural use once the operation ceases. In any event the land is primarily used by the landowner for the grazing of sheep and he will continue to be able to do so following installation.
- 126 The Landscape and Visual Impact Assessment and the Residential Receptor Impact Assessment show that the visual impact and effect on residential properties within 1km will not be significant. For most of the properties the impact on residential amenity will be negligible or non-existent.
- 127 In this respect, the proposal is considered to comply with the approved TAYplan 2012 and the adopted Local Development Plan 2014. I have taken account of material considerations and find none that would justify overriding the adopted Development Plan. On that basis the application is recommended for approval subject to conditions.

RECOMMENDATION

A **Approve the application subject to the following conditions:**

- 1 The proposed development must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed on the planning consent.

Reason - To ensure that the development is carried out in accordance with the plans approved.

- 2 The development is hereby approved for a temporary period of 25 years after which the photovoltaic array shall be decommissioned by the owner and all associated plant and equipment removed and the site reinstated the site to its pre-development condition, to the satisfaction of the Council as Planning Authority.

Reason - In view of the nature of the proposed development and to enable the Planning Authority to review the circumstances pertaining to the proposal within a reasonable period of time.

- 3 Within six months of the photovoltaic array being decommissioned or the scheme failing to produce electricity the owner shall remove all arrays, associated plant and equipment and undertake restoration measures to reinstate the site to its pre-development condition to the reasonable satisfaction of the Council as Planning Authority.

Reason - In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality.

- 4 Prior to the commencement of development details of the colour of the proposed inverter stations and primary sub-station shall be submitted for the approval of the Planning Authority. The details as approved shall be implemented prior to the use of the development.

Reason - In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality.

- 5 Prior to the commencement of development a detailed screen planting scheme for the site shall be submitted for the further approval of this Planning Authority. The scheme shall include details of the height and slopes of any mounding or recontouring of the site, species, height, size and density of trees and shrubs to be planted and the scheme as subsequently approved shall be carried out and completed within the first seeding/growing season following commencement of works on site and thereafter maintained, all unless otherwise agreed in writing with the Planning Authority.

Reason - In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality and to reserve the rights of the Planning Authority.

- 6 Any planting failing to become established within five years shall be replaced in the following planting season with others of similar size and species to the satisfaction of the Planning Authority.

Reason - To ensure any dead or damaged planting is replaced.

- 7 A minimum of a 10 metre wide buffer shall be provided along the eastern boundary of 'Development Area C' as shown on the approved plans. Within this buffer and prior to the commencement of development a detailed screen planting scheme shall also be submitted for the further approval of this Planning Authority. The scheme shall include details of the height and slopes of any mounding or recontouring of the site, species, height, size and density of trees and shrubs to be planted and the scheme as subsequently approved shall be carried out and completed within the first seeding/growing season, following the date of this consent, unless otherwise agreed in writing with the Planning Authority and thereafter maintained.

Reason - In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality and to reserve the rights of the Planning Authority.

- 8 Prior to the commencement of works the applicant shall enter into a maintenance agreement under Section 96 of the Roads (Scotland) Act 1984 in respect of the agreed haul routes. The agreement will formalise the inspection and maintenance regime specified by the Council as Roads Authority to the satisfaction of the Council as Planning Authority.

Reason - In the interests of pedestrian and traffic safety and in the interests of free traffic flow.

- 9 Any works required to accommodate construction traffic within the public road boundary shall be constructed in conformity with the Council's (as Roads Authority) specifications and to the satisfaction of the Council as Planning Authority prior to the commencement of work on the development.

Reason - In the interests of pedestrian and traffic safety and in the interests of free traffic flow.

- 10 The Construction Traffic Management Statement submitted shall be strictly adhered to during the entire site construction programme all to the satisfaction of the Council as Planning Authority.

Reason - In the interests of pedestrian and traffic safety and in the interests of free traffic flow.

B JUSTIFICATION

The proposal is considered to comply with the Development Plan and there are no other material considerations that would justify a departure therefrom.

C PROCEDURAL NOTES

None

D INFORMATIVES

- 1 This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period. (See Section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).
- 2 Under Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under Section 123(1) of that Act, which may result in enforcement action being taken.

- 3 As soon as practicable after the development is complete, the person who completes the development is obliged by Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.
- 4 This development will require the 'Display of notice while development is carried out', under Section 27C (1) of the Town and Country Planning Act 1997, as amended, and Regulation 38 of the Development Management Procedure (Scotland) Regulations 2008. The form of the notice is set out in Schedule 7 of the Regulations and a draft notice is included for your guidance. According to Regulation 38 the notice must be:
 - Displayed in a prominent place at or in the vicinity of the site of the development
 - Readily visible to the public
 - Printed on durable material.
- 5 The applicant is advised that in terms of Section 56 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.

Background Papers: 16 Letters of representation

Contact Officer: Steve Callan Ext 75337

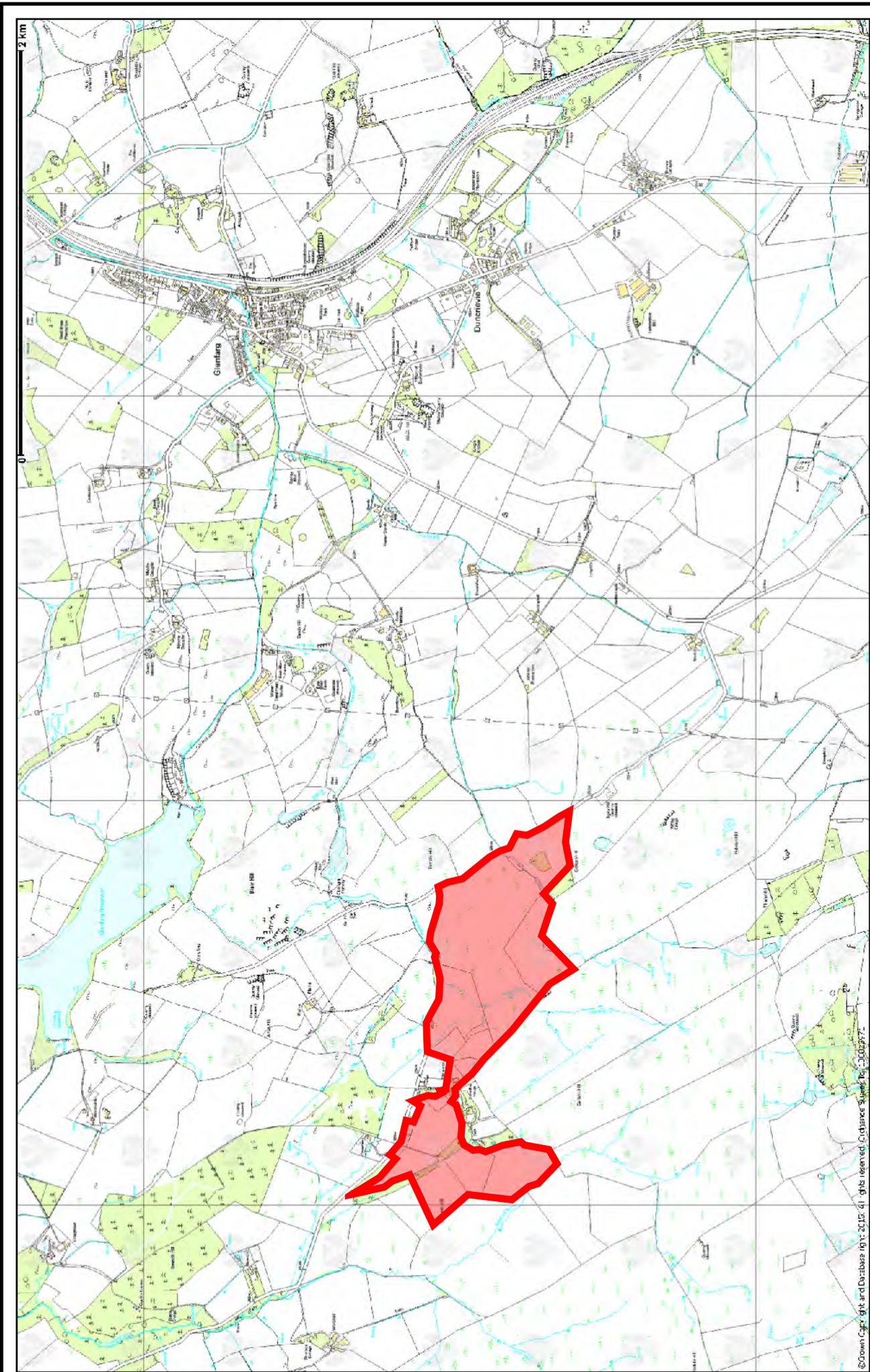
Date: 4 February 2015

Nick Brian
Development Quality Manager

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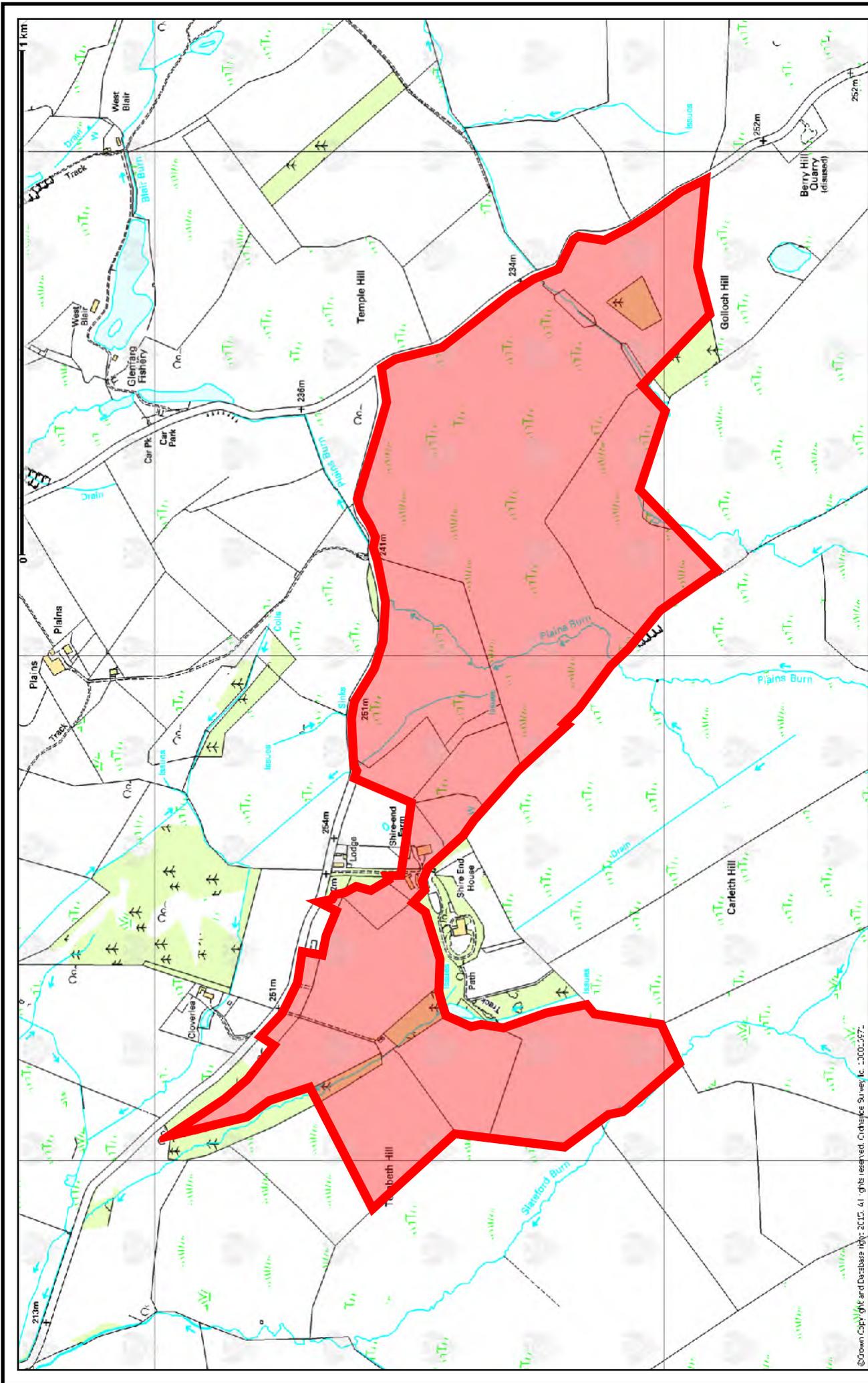
Installation of photovoltaic solar panel farm and ancillary works
at Shire-end Solar Farm, Path Of Condie



Development
Management Committee

Scale 1:25000

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Installation of photovoltaic solar panel farm and ancillary works at Shire-end Solar Farm, Path Of Condie



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