

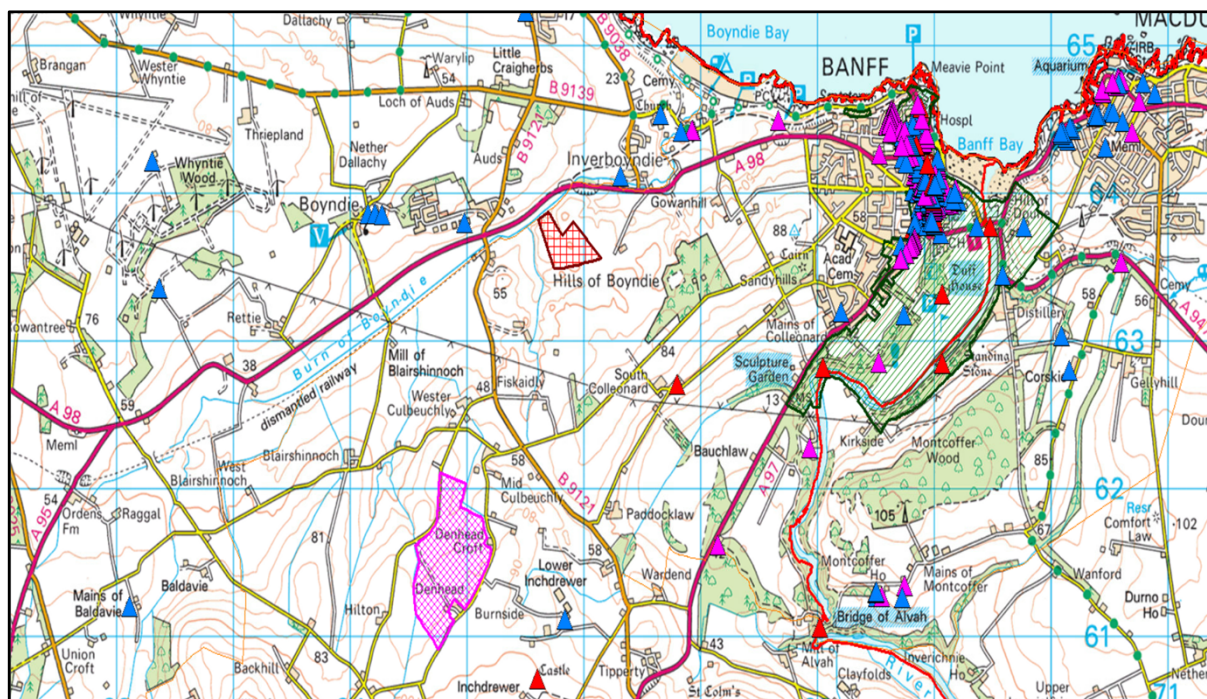


Banff & Buchan Area Committee Report – 16 April 2024

Reference No: [APP/2023/2040](#)

Full Planning Permission for Formation of 25MW Solar Farm, Siting of Substation, CCTV, Erection of Security Fencing, Formation of Access and Associated Infrastructure at Denhead, Banff, Aberdeenshire, AB45 3AL

Applicant:	ME1 Solar LTD
Agent:	Muirden Energy
Grid Ref:	E:364870 N:861515
Ward No. and Name:	W01 - Banff and District
Application Type:	Full Planning Permission
Representations	2
Consultations	13
Relevant Proposals Map Designations:	Remote Rural Area
Complies with Development Plans:	Yes
Main Recommendation	Grant



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1. Reason for Report

- 1.1 The Committee is able to consider and take a decision on this item in terms of Section B.8.1 of Part 2A List of Committee Powers and Section C.2.1 of Part 2C Planning Delegations of the Scheme of Governance as the application is for major development.
- 1.2 The Head of Finance and Monitoring Officer within Business Services have been consulted in the preparation of this report are satisfied that the report complies with the Scheme of Governance and relevant legislation.

2. Background and Proposal

- 2.1 Full Planning Permission is sought for the formation of 25MW (megawatt) solar farm, siting of substation, CCTV, erection of security fencing, formation of access, and associated infrastructure at Denhead, Banff.
- 2.2 The proposed site covering approximately 43.76ha is located in the countryside (remote rural area) approximately 3.4km southwest of the Banff settlement and approximately 3.2km south of Whitehills settlement. The site is currently arable agricultural land on slopes descending from southeast towards northwest. An overhead powerline runs through the site from south to north. The site is bounded by open agricultural land on the northeast and southwest and two minor public roads on the northwest and southeast. The A98 road lies approximately 1.3km northwest of the site whilst the B9121 road is approximately 0.6km to the northeast. Location Plan and Site Block Plan are attached as **Appendix 1** and **Appendix 2**.
- 2.3 A small area on the northern part of the site falls within the Areas of Search for Minerals Map 8 Banff West for Sand and Gravel Reserves as defined in the ALDP 2023 (**Appendix 14**).
- 2.4 The site is within the Western Coastal Farmland Landscape Character Area (LCA) of the Aberdeenshire Local Development Plan 2023. Deveron Valley Special Landscape Area (SLA) as defined in the Aberdeenshire Local Development Plan 2023 lies approximately 1.8km to the east of proposed site. North Aberdeenshire Coast (SLA) combined with Cliffs of the North and South East Coasts (LCA) lies approximately 2.6km to the north of the site boundary.
- 2.5 Cullen to Stake Ness Coast Site of Special Scientific Interest (SSSI) and Whitehills to Melrose Coast SSSI lie approximately 3.3km to the north and 3.7km to the northeast of the site respectively and are designated for geological interest and coastal habitats. Troup, Pennan, and Lion's Heads Special Protection Area (SPA) is located 14km to the northeast of the site and is primarily designated for breeding seabirds.

- 2.6 Two properties (Denhead and Denhead Croft) lie just outwith the eastern site boundary, whilst the property of Hill of Culbeuchly lies approximately 60m to the northeast of the site. A further 12 residential properties are located on the north and south within 800m radius of the site. The category A listed Inchdrewer Castle lies approximately 780m to the east of the site.
- 2.7 The proposal comprises construction and operation of a 25MW solar farm with associated electrical infrastructure including underground cables, inverters (1.125m x 0.77m x 0.384m), and a substation, erection of 15 no. of CCTV towers up to 2.9m in height at approximately 200m spacing, and 1.9m high security perimeter deer fence, as well as construction of an access road from the minor road on the west site boundary, and a temporary construction compound with laydown area, parking, and welfare and storage facilities (2 no. of 20ft modified containers). The solar farm, consisting of approximately 62,000 PV (photovoltaic) panels, would be arranged in multiple arrays across the site with a 15m buffer to the site boundaries. The panels would be mounted on a metal alloy framework at an angle of up to 30 degrees with a height up to 3m. The proposed substation would measure approximately 15.6m in length, 8.0m in width, and 5.9m in height, and would be finished in wet dash harling to walls, grey interlocking concrete roof tiles, and steel doors. Site Layout, Landscape Mitigation Plan, Substation Elevations, Substation Floor Plan, Storage Unit Plan, Welfare Unit Plans, Solar Elevations, Security Deer Fencing, and CCTV Poles are attached as **Appendix 3** to **Appendix 11**.
- 2.8 The construction period of the proposed development would be approximately 25 weeks and the operational period would be 30 years. At the end of the operation, all elements would be removed apart from underground cables and the site would be reinstated to its original condition.
- 2.9 The proposal constitutes a major development as defined in the Town and Country Planning (Hierarchy of Development) (Scotland) Regulations 2008. A Proposal of Application Notice (POAN) for erection of solar array, inverter housing, CCTV, and associated ancillary works (ENQ/2022/1388) was submitted on 15 September 2022. Pre-application consultations and a public event were carried out by the agent in November 2022 in accordance with the relevant legislation provided for the Covid-19 emergency period.
- 2.10 Under the terms of the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 the proposed development is of a type listed under Schedule 2. Given the nature, scale and location of the development, it is considered that the level of the significance of any potential impact on the environment by the development would not warrant a full Environmental Impact Assessment.
- 2.11 The application is accompanied by a list of supporting information including Pre-Application Consultation Report, Planning Statement, along with various assessment reports on issues of landscape and visual impacts, hydrology and hydrogeology, natural and built heritage, noise impact, glint and glare, and transportation. The Zone of Theoretical Visibility (ZTV) map and

Photomontages from Viewpoint 1 to Viewpoint 9 will be attached to the Committee powerpoint presentation.

2.12 Relevant Planning History

ENQ/2022/1388

Proposal of Application Notice for Erection of Solar Array, Inverter Housing, CCTV, and Associated Ancillary Works at Denhead, Banff on 15 September 2022, accepted 30 September 2022

ENQ/2022/1074

EIA Screening Opinion for Formation of 20MW Solar Farm, Substation, Access Tracks, and Ancillary Infrastructure at Denhead, Banff, EIA not required 4 August 2022

ENQ/2022/1061

Pre-Application Enquiry for Formation of 20MW Solar Farm, Substation, Access Tracks, and Ancillary Infrastructure at Denhead, Banff

ENQ/2019/1597

Pre-Application Enquiry for Erection of Ground Mounted 20MW Solar PV Farm at Culbeuchly, Banff

2.13 Supporting Information

Pre-Application Consultation (PAC) Report [ME1 Solar Ltd, October 2023]

The report provides a summary of public consultation carried out by the applicant prior to the submission of the application and contains details of engagement activities and opinions of those who attended public consultation events.

Planning Statement [ME1 Solar Ltd, October 2023]

The statement provides an overview of pre-application consultations, a description of the site, the proposed development and assessment of the proposal in relation to the relevant policies of the local development plan and NPF4.

Technical Considerations [ME1 Solar Ltd, October 2023]

The statement provides an overview of technical considerations of the development in terms of transportation and infrastructure including Scottish Water and SSEN.

Heritage Impact Assessment [ME1 Solar Ltd, October 2023]

The report outlines the legislation, policy guidance and methodology and provides assessment of potential impacts on cultural heritage by the proposal. The assessment concludes that there would be negligible or no impact on the cultural heritage within the 5km radius of the proposed site, apart from moderate impact on Inchdrewer Castle.

Ecology and Ornithology/Breeding Bird Survey Report (April to June 2023)
[SAC Conservation Services, 24 July 2023]

The report outlines the legislation, policy framework and methodology and provides assessment of potential impacts on breeding birds by the proposal. The assessment concludes that potential impacts on birds are likely to be low and there is potential to mitigate this by delivering biodiversity enhancement through sensitive management of habitats within the solar farm footprint.

Ecology Report [SAC Conservation Services, 3 November 2022]

The report outlines the legislation, policy framework and methodology and provides assessment of potential impacts on habitats, protected mammals and breeding birds by the proposal. The assessment concludes that potential impacts are likely to be low but mitigation measures should be in place to protect badgers outside of the southwest site boundary, with habitats enhancement on northern and northwest site boundaries to improve foraging habitats for bats.

Glint and Glare Screening Report [WSP, 4 October 2023]

The report provides assessment of glint and glare arising from the proposed development and concludes that no significant solar reflections are projected regarding road users and residential dwellings therefore no specific mitigation measures are proposed. Furthermore, there are no aviation constraints in the area, and thus no mitigation is required.

Hydrology and Hydrogeology including Figures and Appendix [ME1 Solar Ltd, October 2023]

The report outlines the legislation, policy guidance and methodology and provides assessment of potential impacts on hydrology and hydrogeology by the proposal. The assessment concludes that it is likely that any impacts will be limited to minor and short-term. Provided that best practice, control procedures and mitigations are followed, the risks and impacts will be reduced to an acceptable level. Detailed drainage strategy and plan is provided.

Examination of Soil & Land Capacity for Agricultural [SAC Consulting, July 2023]

The report considers the nature and quality of the soil under the Macaulay Land Capacity for Agricultural Classification and concludes that the site is situated on agricultural land of grade 3.2 and is not on prime agricultural land.

Landscape and Visual Assessment [WSP, 1 November 2023]

Figures 1 to 11.

Appendix A—Landscape and Visual Assessment (LVA) Methodology and Glossary.

Appendix B—Viewpoint Analysis; and

Appendix C—Residential Visual Amenity Assessment (RVAA).

The LVA outlines policy guidance and methodology and provides assessment of potential landscape and visual impacts by the proposal. Zone of Theoretical

Visibility (ZTV) and a series of photomontages have been provided to illustrate predicted landscape and visual impact of the proposed development. The assessment concludes that the development would result in some localised landscape effects and visual effects on a limited number of receptors, with higher levels of effect in and immediately around the site, primarily during construction and operation at Year 1; and many of these effects would gradually reduce during the operation phase as native vegetation becomes well established under the mitigation plan by Year 15.

Noise Impact Assessment [WSP, 2 October 2023]

The report outlines policy and other guidance, and methodology and provides assessment of noise impact by the proposal. The assessment concludes that construction noise is unlikely to exceed the significance threshold at any time during the work and potential operational noise is unlikely to exceed the significance threshold during the daytime or the night-time at nearest noise sensitive receptors. No requirement to recommend any specific mitigation measure to control operational noise.

Inverter Specifications [Solis]
Solis-(215-255) K-EHV-5G

Solar Specifications [Longi]
Hi-MO LR5-72HPH 540~560M

10ft Container Specifications
20ft Container Specifications

3. Representations

3.1 A total of 2 valid representations (2 support) have been received as defined in the Scheme of Governance. All issues raised have been considered. The letters raise the following material issues:

- *Renewable Energy hitting the climate change targets should be supported.*

4. Consultations

4.1 **Banff & Macduff Community Council** has not responded to the consultation.

4.2 **Civil Aviation Authority** has not responded to the consultation.

4.3 **Defence Infrastructure Organisation (Ministry of Defence Safeguarding)** has no objection to this proposal.

4.4 **Environment and Infrastructure Services (Archaeology)** has no comments to make on this application.

4.5 **Environment and Infrastructure Services (Contaminated Land)** comment that due to past and current activities at this site the ground is potentially

contaminated. The developer should be aware of the potential to encounter contaminated material during site work. Therefore, a formal note is required to be appended to the decision document.

- 4.6 **Environment and Infrastructure Services (Environment—Built Heritage)** has commented that the solar farm would not raise immediate concerns with respect to impact on the setting of Inchdrewer Castle but additional strategic landscaping along the eastern boundary of the development should be introduced.
- 4.7 **Environment and Infrastructure Services (Environment—Natural Heritage)** has assessed the submitted information with regard to impact on ecology and access and has no objection to the proposal subject to breeding bird and biodiversity enhancement plan conditions and badger licence informative.
- 4.8 **Environment and Infrastructure Services (Environmental Health)** has no objection to the proposal subject to conditions.
- 4.9 **Environment and Infrastructure Services (Flood Risk and Coastal Protection)** has no objection to the application.
- 4.10 **Environment and Infrastructure Services (Planning and Economy)** has no objection to the application, as either agricultural use or proposed development is an economically productive land use and reversible.
- 4.11 **Environment and Infrastructure Services (Roads Development)** has no objection to the application subject to conditions.
- 4.12 **National Air Traffic Service (NATS)** has no safeguarding objection to the proposal.
- 4.13 **Scottish Environment Protection Agency (SEPA)** has no objection to the application.

5. Relevant Planning Policies

5.1 National Planning Framework 4 (NPF4)

Scotland's fourth National Planning Framework (NPF4) is a long term plan looking to 2045 that guides spatial development, sets out national planning policies, designates national developments and highlights regional spatial priorities. It is part of the development plan, and so influences planning decisions across Scotland.

On 13 February 2023 (0900am) Scottish Ministers adopted and published National Planning Framework 4 (NPF4), meaning that it is in force and National Planning Framework 3 and Scottish Planning Policy are superseded from that date and time. This will also have the effect that all strategic development plans and any supplementary guidance issued in connection

with them cease to have effect on that date. As such the Aberdeen City and Shire Strategic Development Plan 2020 has now ceased to have effect. The NPF4 now forms part of the development plan (along with the Aberdeenshire Local Development Plan 2023) and as such is a significant material consideration in the decision making process.

Policy 3 Biodiversity

Policy 4 Natural places

Policy 7 Historic assets and places

Policy 9 Brownfield, vacant and derelict land and empty buildings

Policy 11 Energy

Policy 14 Design, quality and place

Policy 18 Infrastructure first

Policy 22 Flood risk and water management

Policy 23 Health and safety

Policy 33 Minerals

5.2 Aberdeenshire Local Development Plan 2023

On 13 January 2023 the Aberdeenshire Local Development Plan 2023 was adopted.

Policy C2 Renewable Energy

Policy PR1 Protecting Important Resources

Policy P1 Layout, Siting and Design

Policy P4 Hazardous and Potentially Polluting Developments and Contaminated Land

Policy C4 Flooding

Policy E1 Natural Heritage

Policy E2 Landscape

Policy HE1 Protecting Listed Buildings, Scheduled Monuments and Archaeological Sites (including other historic buildings)

Policy RD1 Providing Suitable Services

5.3 Other Material Considerations

ALDP 2023 Appendix 12 Local Nature Conservation Sites

ALDP 2023 Appendix 13 Aberdeenshire Special Landscape Areas

ALDP 2023 Appendix 14 Areas Safeguarded or Identified as Areas of Search for Minerals Development

Historic Environment Policy for Scotland (HEPS) and associated policy and guidance

6. Discussion

- 6.1 The development site is situated in the countryside (remote rural area). The main planning issues to be considered in this application are the principle of development; the layout, siting, and design; landscape and visual impact of the development; potential impact on built and natural heritage; impact on general amenity; access and servicing; as well as impact on aviation and infrastructure.

Principle of Development

- 6.2 Policy 11 Energy a) of the NPF4 states that development proposals for all forms of renewable, low-carbon and zero emissions technologies will be supported. These include:
- i. wind farms including repowering, extending, expanding, and extending the life of existing wind farms.
 - ii. enabling works, such as grid transmission and distribution infrastructure.
 - iii. energy storage, such as battery storage and pumped storage hydro.
 - iv. small scale renewable energy generation technology.
 - v. solar arrays.
 - vi. proposals associated with negative emissions technologies and carbon capture.
 - vii. proposals including co-location of these technologies.
- 6.3 Policy 11 Energy e) of the NPF4 states that in addition, project design and mitigation will demonstrate how the following impacts are addressed:
- i. impacts on communities and individual dwellings, including, residential amenity, visual impact, noise and shadow flicker.
 - ii. significant landscape and visual impacts, recognising 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.
 - iii. public access, including impact on long distance walking and cycling routes and scenic routes.
 - iv. impacts on aviation and defence interests including seismological recording.
 - v. impacts on telecommunications and broadcasting installations, particularly ensuring that transmission links are not compromised.
 - vi. impacts on road traffic and on adjacent trunk roads, including during construction.
 - vii. impacts on historic environment.
 - viii. effects on hydrology, the water environment and flood risk.
 - ix. biodiversity including impacts on birds.
 - x. impacts on trees, woods and forests.
 - xi. proposals for the decommissioning of developments, including ancillary infrastructure, and site restoration.
 - xii. the quality of site restoration plans including the measures in place to safeguard or guarantee availability of finances to effectively implement those plans.
 - xiii. cumulative impacts.

- 6.4 Policy 33 Minerals c) of the NPF4 states that development proposals that would sterilise mineral deposits of economic value will only be supported where: i. there is an overriding need for the development and prior extraction of the mineral cannot reasonably be undertaken; or ii. extraction of the mineral is impracticable or unlikely to be environmentally acceptable.
- 6.5 Policy C2 Renewable Energy of the ALDP 2023 (paragraph C2.1) states that we will support renewable energy developments, including solar, wind, biomass (energy from biological material derived from living, or recently living organisms) and hydro-electricity projects, as well as energy storage projects, which are in appropriate sites and of the appropriate design. Assessment of the acceptability of such developments will take account of any effects on: socio-economic aspects; renewable energy targets; greenhouse gas emissions; communities; landscape and visual aspects; natural heritage; carbon rich soils; the historic environment; tourism and recreation; aviation, defence, telecommunications and broadcasting interests; road traffic; hydrology; and opportunities for energy storage.
- 6.6 Policy C2 Renewable Energy of the ALDP 2023 (paragraph C2.5) states that we will approve applications for solar panel arrays greater than 4kW if: their cumulative impact with other arrays, including siting and design, has been assessed and can be dismissed; account has been taken of glint and glare issues; it has been demonstrated that any significant impacts will have a duration of less than five minutes on any receptor in any one day; there are no objections from the Ministry of Defence, the National Air Traffic Services or civil airport operators; boundary treatments limit vehicular access to the site through means designed to make any security fencing unobtrusive and screen the development.
- 6.7 Policy PR1 Protecting Important Resources of the ALPD 2023 (paragraph 1.9) states that we identify important mineral safeguarded sites where other types of development should not generally be allowed, and wider areas of search where mineral resources should not be sterilised by inappropriate developments. Major non-minerals developments will be permitted in the areas of search if an opportunity is given for the extraction of mineral resources before the development commences. On safeguarded sites non-mineral developments will be refused unless they are small-scale and ancillary to existing uses, or of a temporary nature. Safeguarded sites and areas of search are identified on the adjacent proposals map and detailed in Appendix 14, Areas Safeguarded or Identified as Areas of Search for Minerals Development.
- 6.8 The proposed site is currently in agricultural use and is not prime agricultural land. A small area on the northern part of the site falls within the Areas of Search for Minerals Map 8 Banff West for Sand and Gravel Reserves.
- 6.9 The proposal formation of a 25MW solar farm with associated infrastructure. The proposed 62,000 solar panels would be arranged in multiple arrays across the site with a 15m buffer to the site boundaries. The local

development plan policies support renewable developments such as solar arrays subject to appropriate design, wider biodiversity and landscape, historic interests, general amenity, glint and glare, and views from MOD, NATS, and civil airport operators. However, a small part of the site falls within the area that is reserved for mineral extraction, which would prevent the area for other non-mineral development. As the site has always been in agricultural use and none of the wider local area of search for mineral has actually been developed for mineral extraction, it is considered that extraction in this small part of the site for minerals is unlikely and impracticable. Environment and Infrastructure Services (Planning and Economy) have no objection to the application, as either agricultural use or proposed development is an economically productive land use and reversible. Given the nature of the development being reversible and as the affected area is limited, the Planning Service considers that the proposal does not contradict to the local development plan policies.

- 6.10 The submitted supporting documents have demonstrated that the proposed development would not have a significant impact on the surrounding area. The Planning Service therefore considers that the proposed development generally complies with Policy 11 and Policy 33 of the NPF4 and Policy C2 and Policy PR1 of the ALDP 2023 and is acceptable in principle. Issues detailed in the following sections also overlap with relevant aspects of Policy 11 of the NPF4 and Policy C2 of the ALDP 2023.

Layout Siting and Design

- 6.11 Policy P1 of the ALDP 2023 and Policy 14 of the NPF4 support development designs that demonstrate the six qualities of successful places, which includes that it is distinctive; safe and pleasant; welcoming; adaptable; efficient and well connected.
- 6.12 The development site is situated in the countryside characterised by open agricultural land with sporadic farm steadings and dwellings. The proposed solar arrays would be installed on the existing ground without changes to the ground levels. All the solar panels would be mounted on rows of steel frames with a 10m spacing at 30-degree angle up to 3m high. The inverters would be installed on the vertical frame behind the panels. There would be a 15m buffer zone between the site boundaries and the solar arrays.
- 6.13 Exclusion zones would be reserved for the water main and overhead power lines running through the site. The proposed substation building would be of a small scale pitched roof building with a similar design and building materials to an ordinary outbuilding and located on the edge of the site. It would have no significant impact to the surrounding landscape. The proposed construction compound and temporary facilities would be sited during the construction period. It is not anticipated that these would lead to any negative impact to the surrounding area.
- 6.14 The overall design and scale of the solar arrays are distinctive for this type of renewable energy development. The proposed 1.9m high security fencing and

boundary treatments would screen the development and make the site safe and unobtrusive. The proposed site would be reversible to agricultural use after the decommission of the project. The site is relatively well connected to the main public roads. The design, layout, siting, scale, and building materials of the new development would be generally in keeping with the character of the surrounding countryside. Given the nature of the renewable energy development, the Planning Service considers that the proposal is appropriately sited and designed therefore complies with Policy P1 of the ALDP 2023 and Policy 14 of the NPF4.

Landscape and Visual Impact

- 6.15 Policy 4 Natural places d) of the NPF4 states that development proposals that affect a site designated as a local nature conservation site or landscape area in the LDP will only be supported where: i. Development will not have significant adverse effects on the integrity of the area or the qualities for which it has been identified; or ii. Any significant adverse effects on the integrity of the area are clearly outweighed by social, environmental or economic benefits of at least local importance.
- 6.16 Policy E2 Landscape of the ALDP 2023 (paragraph E2.1) states that we will refuse development that causes unacceptable effects through its scale, location, or design on key characteristics, natural landscape elements, features, or the composition or quality of the landscape character as defined in the Landscape Character Assessments produced by NatureScot. These impacts can be either alone or cumulatively with other recent developments. A Landscape and Visual Impact Assessment (LVIA) may be required to assess the effects of change on a landscape that could be experienced should a development proposal be approved. Appropriate mitigation should be identified.
- 6.17 Policy E2 Landscape of the ALDP 2023 (paragraph E2.2) states that development that has a significant adverse impact on the qualifying interests of a Special Landscape Area will not be permitted unless it is adequately demonstrated that these effects are clearly outweighed by social, environmental or economic benefits of at least local importance.
- 6.18 The site is within the Western Coastal Farmland Landscape Character Area (LCA). Deveron Valley Special Landscape Area (SLA) lies approximately 1.8km to the east of proposed site, with North Aberdeenshire Coast (SLA) combined with Cliffs of the North and South East Coasts (LCA) located approximately 2.6km to the north of the site boundary.
- 6.19 The agent has submitted detailed assessment of potential landscape and visual impacts by the proposed development, including zone of theoretical visibility (ZTV) map and a series of photomontages from 9 viewpoints illustrating the predicted maximum attributable landscape and visual effects of the proposed development. Cumulative impact of the development has not been assessed, as there are no other solar arrays in the surrounding area,

apart from existing wind turbines which are considered as part of the baseline information.

- 6.20 The submitted assessment indicates that within a 5km radius, theoretical visibility is concentrated around the site and to the north, along with outskirts of Banff. Majority of the theoretical visibility falls within the Western Coastal Farmland and some falls within the Deveron Valley SLA, most of which is coincides with Montcoffer Wood.
- 6.21 The photomontages from nine locations, including viewpoints close to the site boundaries and main public roads, indicate that the development would result in localised landscape effects and visual effects areas immediately adjacent to the site (viewpoints 3, 4, 5, 7) primary during the construction period and year 1 operation. However, the impact would be gradually reduced by year 15, apart from viewpoint 7, following the implementation of proposed landscape mitigation plan, which includes planting/infill planting hedgerows and trees around the site boundaries particularly on the north and northwest boundaries.
- 6.22 The assessment has also considered the visual impacts on other receptors including residents, transport, and recreational routes users. Among the 15 studied residential properties, 4 dwellings would have major to moderate effect in year 1 but only one (Hilton Croft, to the south west) would remain to have major to moderate effect to year 15 and decommissioning.
- 6.23 The assessment further considers the residual visual impact and concludes that the overall landscape and visual effects of the proposal would be limited to a small geographical area and would affect a few, very localised, number of receptors. Strengthening of landscape features through provision of additional planting would integrate the development into the landscape in the longer term and reduce the visual effects.
- 6.24 The ZTV map indicates a localised visibility concentrated within the Western Coastal Farmland LCA. The Planning Service considers that the part of Western Coastal Farmland LCA that the proposed site falls in is generally open but with altered character by existing wind turbines. Part of the theoretical visibility falls within Deveron Valley SLA but is coincides with Montcoffer Wood. Therefore, this LCA has a medium sensitivity, and the proposed development would have a medium to low magnitude of change.
- 6.25 Based on the ZTV maps and photomontages, the medium sensitivity of the immediate LCA, the separation distance to the Deveron Valley SLA, the topography of the surrounding area, as well as the solar arrays' design and siting and their resulting magnitude of change, it is considered that the proposal would have a low to moderate visual effect on the wider landscape character and the topography of the surrounding area including very few residential receptors. The Planning Service generally agrees that the proposal would not create a significant unacceptable visual or landscape impact on the surrounding area. Therefore, the proposal complies with Policy P4 of the NPF4 and Policy E2 of the ALDP 2023.

Built & Cultural Heritage

- 6.26 Policy 7 Historic assets and places a) of the NPF4 states that Development proposals with a potentially significant impact on historic assets or places will be accompanied by an assessment which is based on an understanding of the cultural significance of the historic asset and/or place. The assessment should identify the likely visual or physical impact of any proposals for change, including cumulative effects and provide a sound basis for managing the impacts of change.
- 6.27 Policy HE1 of the ALDP 2023 (Paragraph HE1.1) will resist development that would have an adverse impact on the character, integrity or setting of listed buildings, or scheduled monuments, or other archaeological sites. If adverse impact is unavoidable, it should be minimised and justified.
- 6.28 Environment and Infrastructure Services (Archaeology) have no comments to make on this application. Environment and Infrastructure Services (Environment—Built Heritage) have commented that the solar farm would not raise immediate concerns with respect to impact on the setting of Inchdrewer Castle but additional strategic landscaping along the eastern boundary of the development should be introduced.
- 6.29 The submitted Heritage Impact Assessment indicates that there would be negligible or no impact on the cultural heritage including scheduled monuments and listed buildings within the 5km radius of the proposed site, apart from moderate impact on Inchdrewer Castle due to visibility to the setting of the castle. However, the LVA photomontage indicates that there would be no visibility to the castle. The Planning Service is satisfied that the proposal would not have a negative impact on the built heritage. The suggested landscaping along the eastern boundary of the site has been proposed, though not detailed, in the landscape mitigation plan. Therefore, it is considered that the proposal complies with Policy 7 of the NPF4 and Policy HE1 of the ALDP 2023.

Ecology

- 6.30 Policy 3 Biodiversity d) of the NPF4 states that any potential adverse impacts, including cumulative impacts, of development proposals on biodiversity, nature networks, and the natural environment will be minimised through careful planning and design. This will take into account the need to reverse biodiversity loss, safeguard the ecosystem services that the natural environment provides, and build resilience by enhancing nature networks and maximising the potential for restoration.
- 6.31 Policy 4 Natural places a) of the NPF4 states that development proposals which by virtue of type, location, or scale will have an unacceptable impact on the natural environment, will not be supported.
- 6.32 Policy 4 Natural places d) of the NPF4 states that development proposals that affect a site designated as a local nature conservation site or landscape area

in the LDP will only be supported where: i. Development will not have significant adverse effects on the integrity of the area or the qualities for which it has been identified; or ii. Any significant adverse effects on the integrity of the area are clearly outweighed by social, environmental, or economic benefits of at least local importance.

- 6.33 Policy E1 Natural Heritage of the ALDP 2023 (E1.1) will not allow new development where it may have an unacceptable adverse effect on a nature conservation site designated for its biodiversity, species, habitat, or geodiversity importance, except where certain circumstances apply. Paragraph E1.6 states that development must seek to avoid any unacceptable detrimental impact on protected species. Paragraph E1.10 states that Policy P1 also says that all developments should identify measures that will be taken to enhance biodiversity (including woodlands) in proportion to the potential opportunities available and the scale of the development.
- 6.34 The proposed site does not fall within any nature conservation sites. The closest SSSI sites are located some 4km from the site. Troup, Pennan and Lion's Heads SPA primarily designated for breeding seabirds. The submitted Ecology and Ornithology/Breeding Bird Survey Report concludes that potential impacts on birds are likely to be low and there is potential to mitigate this by delivering biodiversity enhancement through sensitive management of habitats within the solar farm footprint. Outwith the southwest site boundary mitigation measures should be in place to protect badgers, with habitats enhancement on northern and northwest site boundaries to improve foraging habitats for bats.
- 6.35 Environment and Infrastructure Services (Environment—Natural Heritage) has assessed the submitted information and consider that the proposed development would not have an adverse impact on natural heritage designations, or any qualifying interests connected to them, therefore has no objection to the proposal subject to breeding bird and biodiversity enhancement plan conditions and badger license informative. The Planning Service considers that the proposal would have no negative impact on the natural environment therefore complies with Policy 3 and Policy 4 of the NPF4 and Policy E1 of the ALPD 2023.

Impact on general amenity

- 6.36 Policy P4 of the ALDP 2023 and Policy 23 of the NPF4 do not support development if there is a risk that it could cause significant pollution, create a significant nuisance (for example through impacts on air quality or noise), or present an unacceptable danger to the public or the environment.
- 6.37 Noise Impact Assessment has been submitted which indicates that construction noise is unlikely to exceed the significance threshold at any time during the work and potential operational noise is unlikely to exceed the significance threshold during the daytime or the night-time at the nearest noise sensitive receptors. There is thus no requirement to recommend any specific mitigation measure to control operational noise.

- 6.38 Environment and Infrastructure Services (Environmental Health) has no objection to the proposal subject to conditions. The Planning Service considers that the development therefore complies with Policy 23 of the NPF4 and Policy P4 of the ALDP 2023.

Glint and glare

- 6.39 A Glint and Glare Screening Report has been submitted, which concludes that no significant solar reflections are projected in regard to road users and residential dwellings therefore no specific mitigation measures are proposed. There are also no aviation constraints in the area, and as noted above in section four of the report, although the Civil Aviation Authority has not responded to consultation, the Ministry of Defence has, and has not objected. Therefore, the Planning Service considers that the proposal complies with Policy C2 of the ALPD 2023.

Aviation and Infrastructure

- 6.40 Both Defence Infrastructure Organisation (Ministry of Defence Safeguarding) and National Air Traffic Service (NATS) have been consulted. No objections have been raised to the proposed development. The Civil Aviation Authority has not responded to the consultation. It is thus deemed that the CAA has no objection to the proposal. The Planning Service considers that the proposal complies with this aspect of the Policy 11 of the NPF4 and Policy C2 of the ALDP 2023.

Hydrology and hydrogeology

- 6.41 Policy 22 c) of the NPF4 states that development proposals will not increase the risk of surface water flooding to others, or itself be at risk.
- 6.42 The submitted hydrology and hydrogeology report indicates that it is likely that any impacts will be limited to minor and short-term. Provided that best practice, control procedures, and mitigations are followed, the risks and impacts will be reduced to an acceptable level. Detailed drainage strategy and plan is provided.
- 6.43 Environment and Infrastructure Services (Flood Risk and Coastal Protection) has no objection to the application, and SEPA has no objection to the application. The Planning Service considers that the proposal complies with Policy 22 and Policy 11 of the NPF4, and Policy C2 of the ALDP 2023.

Access and Servicing

- 6.44 Policy 18 of the NPF4 supports development which provide (or contribute to) infrastructure in line with that identified as necessary in LDPs and their delivery programmes, and where the impacts of development proposals on infrastructure are mitigated.

- 6.45 Policy RD1 of ALDP 2023 only allow development that is located and designed to take advantage of or incorporate the services, facilities, and infrastructure necessary to support it. Such matters may include sustainable transport linkages and supporting infrastructure, facilities for alternatively fuelled vehicles, road access, waste management provision, water supply, wastewater connections and treatment, and other elements as may be appropriate in the circumstances.
- 6.46 Regarding vehicular access and parking for the proposed development, Environment and Infrastructure Services (Roads Development) has no objection to the proposal subject to conditions.
- 6.47 The Planning Service therefore considers that infrastructure provisions for the proposal would be sufficient. The proposal therefore is compliant to Policy 18 of the NPF4 and Policy RD1 of the ALDP 2023.

Other issues

- 6.48 Policy 9 c) of the NPF4 states that where land is known or suspected to be unstable or contaminated, development proposals will demonstrate that the land is, or can be made, safe and suitable for the proposed new use.
- 6.49 Policy P4 of the ALDP 2023 does not support development if there is a risk that it could cause significant pollution, create a significant nuisance (for example through impacts on air quality or noise), or present an unacceptable danger to the public or the environment.
- 6.50 Environment and Infrastructure Services (Contaminated Land) comment that due to past and current activities at this site the developer should be aware of the potential for encounter contaminated material during site work. Therefore, a formal note is required to be appended to the decision document. The Planning Service considers that the development therefore complies with Policy 9 of the NPF4 and Policy P4 of the ALDP 2023.

Conclusion

- 6.51 In conclusion, the Planning Service is satisfied that the proposal complies with relevant policies of the NPF4 and the Aberdeenshire Local Development Plan 2023, in that the principle, layout, and design of the proposal are considered acceptable; the development would not create a significant unacceptable visual or landscape impact on the surrounding area; it would have no negative impact on natural and built heritage; it would not lead to significant impact on hydrology, glint and glare; the proposal would not result in material loss of amenity to sensitive receptors and would not have a negative impact on the airdrome safeguarding zones; and there would be adequate provisions with regard to vehicular access and parking. Therefore, the Planning Service is in a position to support this application.

7. Area Implications

- 7.1 In the specific circumstances of this application there is no direct connection with the currently specified objectives and identified actions of the Local Community Plan.

8. Implications and Risk

- 8.1 An integrated impact assessment is not required because the granting or refusing of the application will not have a differential impact on the protected characteristics of the applicant or any third parties.
- 8.2 There are no staffing and financial implications.
- 8.3 There are no risks identified in respect of this matter in terms of the Corporate and Directorate Risk Registers as the Committee is considering the application as the planning authority in a quasi-judicial role and must determine the application on its own merits in accordance with the Development Plan unless material considerations justify a departure.
- 8.4 No separate consideration of the current proposal's degree of sustainability is required as the concept is implicit to and wholly integral with the planning process against the policies of which it has been measured.

9. Departures, Notifications and Referrals

9.1 Development Plan Departures

None

- 9.2 The application is not a Departure from the valid Development Plan and no departure procedures apply.
- 9.3 The application does not fall within any of the categories contained in the Schedule of the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009 and the application is not required to be notified to the Scottish Ministers prior to determination.
- 9.4 The application would not have to be referred to Infrastructure Services Committee in the event of the Area Committee wishing to grant permission for the application.

10. Recommendation

10.1 GRANT Full Planning Permission subject to the following conditions:

1. In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended) this planning permission will lapse on the expiration of a period of three years from the date of this decision notice unless the development is begun within that period.

Reason: Pursuant to Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended).

2. No other development in connection with the permission hereby granted shall commence and the access hereby approved shall not be brought into use unless visibility of 120 metres in both directions along the channel line of the public road has been provided from a point 2.4 metres measured at right angles from the existing edge of the carriageway surface along the centre line of each approved new access in accordance with the Council's Standards for Road Construction Consent and Adoption. The visibility splays shall be physically formed on the ground and any existing fences, walls, hedges or other means of enclosure or obstructions within the splays shall be removed and relocated outwith the splays in accordance with the approved plans. Once formed, the visibility splays shall be permanently retained thereafter, and no visual obstruction of any kind shall be permitted within the visibility splays so formed.

Reason: To enable drivers of vehicles using the access to have a clear view of other road users and pedestrians in the interests of road safety.

3. Prior to commencement of the development hereby permitted, a lay-by measuring 8.0m by 2.5m with 45 degrees splays to be formed on frontage of the site and the proposed vehicular access to be taken via this. Construction shall be to a standard appropriate to the location and must be agreed in advance with Roads Development.

Reason: In the interests of road safety and to meet the Council's standards as contained in the Aberdeenshire Local Development Plan as to ensure the development is provided with an adequate access.

4. The development hereby permitted shall not be occupied until the vehicular access has been constructed in accordance with the approved plans as detailed below, and shall thereafter be permanently retained as such:
 - (a) The maximum gradient of the first 5m of the new access must not exceed 1 in 20.
 - (b) First 5m of access (measured from edge of road or back of footway) must be fully paved.
 - (c) Off street parking for 3 cars, surfaced in hardstanding materials, shall be provided within the site.
 - (d) A turning area, measuring not less than 7.6m x 7.6m, must be formed within the site to ensure that all vehicle movements to the public road can be undertaken in forward gear.

Reason: In the interests of road safety and to meet the Council's standards as contained in the Aberdeenshire Local Development Plan as to ensure the development is provided with an adequate access.

5. The development hereby approved shall not be brought into use until sound power level noise data is confirmed for the inverters and the substation. The sound power level noise data shall not exceed the sound power noise level data shown in WSP NIA dated October 2023, Table 4.3. Once approved, the inverters and substation proposed in the information shall be implemented, installed, and shall be retained and maintained in perpetuity.

Reason: To ensure that noise from the development does not result in undue loss of amenity for surrounding properties.

6. Noise from the proposed development shall not exceed NR20 when measured over an LZeq5min (dB) within any habitable room of any noise sensitive dwelling with an open window.

Reason: To ensure that noise from the development does not result in undue loss of amenity for surrounding properties.

7. The development hereby approved shall not be brought into use until it has been confirmed and demonstrated that sound level emission outputs result in noise level conditions modelled within the NIA. This must be provided to Environmental Health's satisfaction prior to the development becoming operational.

Reason: To ensure that noise from the development does not result in undue loss of amenity for surrounding properties.

8. Within a period of 12 months from the commencement of development, or within a timescale agreed in writing with the Planning Authority, the construction compound along with all temporary facilities shall be removed from the site and the site reinstated in accordance with a scheme of restoration which shall be submitted to the Planning Authority for approval in writing.

Reason: In order to allow the Planning Authority to retain effective control over this part of the development which is temporary by nature.

9. No works in connection with the development hereby approved shall commence unless a fully detailed scheme for the restoration of the site has been submitted to, and approved in writing by, the Planning Authority. The restoration of the site shall be carried out in complete accordance with the approved restoration scheme.

Reason: In the interests of visual amenity and landscape protection.

10. No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless a detailed check of the site for active birds' nests has been undertaken and written confirmation has been submitted to the Planning Authority that no birds will be harmed and that there are appropriate measures in place to protect nesting bird interest on the site. The check shall be undertaken no later than 14 days before the commencement of

the development and no site clearance or other works in connection with the development hereby approved shall commence unless the written confirmation and protection measures have been submitted to, and approved in writing by, the Planning Authority. The development shall be carried out in accordance with the approved protection measures.

Reason: In the interest of safeguarding the habitat of local bird species.

11. No works in connection with the development hereby approved shall commence unless a landscape and ecological management plan (LEMP) has been submitted to, and approved in writing by, the Planning Authority. The LEMP shall include the following:

- (a) Description and evaluation of features to be managed.
- (b) Ecological trends and constraints on site that might influence management.
- (c) Aims and objectives of management.
- (d) Appropriate management options for achieving aims and objectives.
- (e) Prescriptions for management actions.
- (f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- (g) Details of the body or organization responsible for implementation of the plan.
- (h) Ongoing monitoring and remedial measures.
- (i) Details of the legal and funding mechanisms by which the long-term implementation of the plan will be secured by the developer with the management bodies responsible for its delivery.

The plan shall also set out how contingencies and remedial action will be identified, agreed, and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The development shall be carried out in accordance with the approved LEMP.

Reason: In order to protect and enhance biodiversity in the environment.

12. The development hereby approved shall be carried out in strict accordance with the approved relevant landscape and ecological document as submitted and agreed as part of the planning application.

Reason: In the interests of protecting the biodiversity of the environment.

13. No works in connection with the development hereby approved shall commence unless a scheme of soft landscaping work has been submitted to, and approved in writing by, the Planning Authority.

Details of the scheme shall include:

- a) Existing landscape features and vegetation to be retained.
- b) The location of new trees, shrubs, and hedges.

- c) A schedule of planting to comprise species, plant sizes and proposed numbers and density.
- d) A programme for the implementation, completion and subsequent management of the proposed landscaping.

All soft landscaping proposals shall be carried out in accordance with the approved planting scheme and management programme. Any planting which, within a period of 5 years from the completion of the development, in the opinion of the Planning Authority is dying, being severely damaged or becoming seriously diseased, shall be replaced by plants of similar size and species to those originally required to be planted. Once provided, all hard landscaping works shall thereafter be permanently retained.

Reason: To ensure the implementation and management of a satisfactory scheme of landscaping which will help to integrate the proposed development into the local landscape in the interests of the visual amenity of the area.

14. No work in connection with the development hereby approved shall take place unless the proposed surface water drainage has been provided in accordance with the approved plans and the Hydrology and Hydrogeology including Figures and Appendix [ME1 Solar Ltd, October 2023]. The surface water drainage system shall be permanently retained thereafter in accordance with the approved scheme.

Reason: In order to ensure that adequate drainage facilities are provided, and retained, in the interests of the amenity of the area.

10.2 Reason for Decision

The proposal complies with relevant policies of the NPF4 and the Aberdeenshire Local Development Plan 2023, in that the principle, layout, and design of the proposal are considered acceptable; the development would not create a significant unacceptable visual or landscape impact on the surrounding area; it would have no negative impact on natural and built heritage; it would not lead to significant impact on hydrology, glint and glare; the proposal would not result in material loss of amenity to sensitive receptors and would not have a negative impact on the airdrome safeguarding zones; and that there would be adequate provisions with regard to vehicular access and parking.

Alan Wood
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