

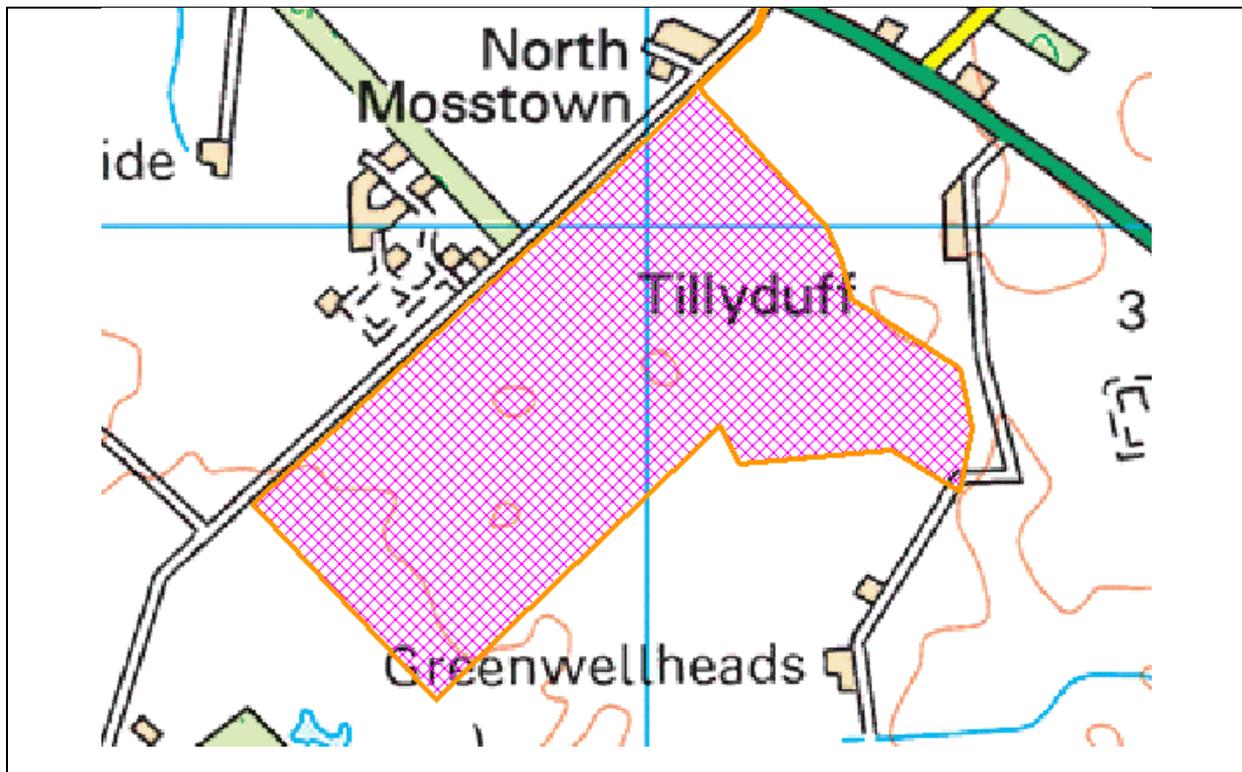
Buchan Area Committee Report 17 September 2019

Reference No: APP/2019/0296

Full Planning Permission for Installation of 36.6Mw Solar SV Park and Associated Infrastructure at Land at Bilbo Solar Farm, Moss-side, Crimond, Aberdeenshire

Applicant: Green Energy International, Metropolitan House, Station Road, Cheadle Hulme, England, SK8 7AZ
Agent: No Agent

Grid Ref: E:405938 N:855772
Ward No. and Name: W05 - Peterhead North and Rattray
Application Type: Full Planning Permission
Representations: 0
Consultations: 13
Relevant Proposals Map: Aberdeenshire Local Development Plan 2017
Designations: Rural Housing Market Area
Complies with:
Development Plans: Yes
Main Recommendation: Grant



NOT TO SCALE

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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 and their comments have been incorporated and 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 Installation of 36.6MW Solar SV Park and Associated Infrastructure on Land at Bilbo Solar Farm Moss-side, Crimond, Aberdeenshire. Permission is sought for a period of 35 years, after which time the site would be restored. A location plan and a site plan are shown in **Appendices 1 and 2** respectively.
- 2.2 This proposal is categorised as a Major Development, as defined in the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009, as an energy generating development with a capacity exceeding 20MW.
- 2.3 With regard to site history, no relevant planning applications have been made. Two enquiry numbers are associated with the site and these relate to the EIA screening for this development (ENQ/2019/0034) and Proposal of Application Notice (ENQ/2018/1391).
- 2.4 The site lies approximately 0.5km south of the Crimond settlement boundary and is currently in use for agricultural purposes. The development site is relatively flat and featureless. The site would have few neighbours, with the nearest properties located 57m (North Mosstown), 200m (Rieston, Tillyduff, Miramar), 370m (Greenwellheads) and 380m (North Lothian) from the site boundary. The remains of Crimond Camp are located to the north (albeit out with) of the site. The development site contains several field drains, and some pools of water.
- 2.5 The development would comprise 105,308 solar modules, which are grouped together to form a 'table'. Each table would comprise 28 solar panels, which would be oriented at 23 degrees on metal frames. In total the site would contain 3761 solar arrays (tables mounted on metal frames). Each Array would rise to a maximum height of 2.57m and be installed in rows. The rows would be between 3.0m – 8.5m apart, depending upon the terrain. In addition to Panels, the development would include associated infrastructure. The associated infrastructure includes gravel tracks, 6 transformers (2.5m x 4.0m x 2.5m), battery storage (13.5m x 2.5m x 2.5m), substation (3.8m x 5.0m x 10.0m) and security fencing. The transformers, battery storage and substation would all be housed within prefabricated structures. Security fencing would be agricultural deer fencing, with 100mm gaps at the bottom in order to allow wildlife to pass through.

- 2.6 The application has been subject to a period of pre application consultation (PAC) as outlined in Part 2 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013. A PAC report has been submitted in support of the application, which details the consultation which was undertaken.
- 2.7 The proposal has been screened under the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017. The initial screening was carried out at the pre-application stage, however changes to the development have necessitated a new screening to be undertaken. It is considered that the development would be unlikely to have such a significant impact upon the environment as to warrant the submission of a full EIA. The applicant has however opted to submit an environmental statement which covers:
- Planning Statement
 - Design and Access Statement
 - Construction Transport Management Plan (CTMP)
 - Glint and Glare Assessment
 - Flood Risk Assessment (FRA)
 - Ecology Reports
 - Noise Assessment
 - Pre-Application Consultation Report (PAC)
 - Landscape and Visual Impact Assessment (LVIA)
- 2.8 No additional information has been submitted, and no changes have been made to the proposal over the course of the application. No additional periods of neighbour notification or advertisement have been required.

3. Representations

- 3.1 No letters of representation have been received in relation to this application.

4. Consultations

Internal

- 4.1 **Infrastructure Services (Business Development)** has been consulted, however at the time of writing no response has been received. The lack of response is not considered to give rise to any material planning issues.
- 4.2 **Infrastructure Services (Environment Team – Natural Heritage)** has no objection to the proposed development, subject to a condition requiring adherence to the submitted Biodiversity Management Strategy. The Environment Team limited comments to terrestrial ecology, biodiversity enhancement and access. It was noted that RSPB and SNH have provided detailed comments in respect of the Loch of Strathbeg and Ornithology.
- 4.3 **Infrastructure Services (Flood Prevention and Coastal Protection)** has no objection to the proposed development. It is noted that the development site lies out with areas identified at risk of fluvial flooding on SEPA flood maps.

Sections of the site may be susceptible to surface water ponding, and this has been explored in the submitted Flood Risk Assessment (FRA). The finalised layout of the scheme has been informed by the FRA. The nature of the development would limit the impact it would have in terms of flood risk.

- 4.4 **Infrastructure Services (Roads Development)** has noted the development would take access via the A90 trunk road and therefore directed that Transport Scotland should be consulted. No further comments have been made.

External

- 4.5 **Aberdeen International Airport** has no objection to the proposed development.
- 4.6 **Health & Safety Executive** has no objection to the proposed development.
- 4.7 **Ministry of Defence (MoD)** has been consulted, however at the time of writing no response has been received. This is not considered to give rise to any issues owing to the nature and design of the proposal and other consultee responses.
- 4.8 **NATS** has no objection to the proposed development
- 4.9 **National Grid** initially requested additional time in order to allow their asset protection team to undertake further assessment of the development. The asset protection team requested that the developer confirm an appropriate offset distance between the development and their infrastructure. A distance of 12.2m was requested and the developer has confirmed this shall be 12.5m. National Grid have been provided with the opportunity to confirm that it is satisfied with this arrangement however to date no confirmation has been received. As the application complies with the details of the initial request, it is considered that the holding objection has been resolved.
- 4.10 **Royal Society for the Protection of Birds (RSPB)** has no objection to the proposed development and have requested that the mitigation measures outlined in the supporting information be carried forward, which would be achievable via planning condition. Additional details of the Habitat Management Plan have been requested, which would also be dealt with via planning condition.
- 4.11 **Scottish Environment Protection Agency (SEPA)** has no objection to the proposed development and has requested conditions in relation to buffer strips/ environmental enhancement, environmental management plans, peat survey, decommissioning and restoration.
- 4.12 **Scottish Natural Heritage (SNH)** has no objection to the proposed development and has requested conditions in relation to an environmental management plan and the decommissioning of the site. Further advice has been given in relation to Habitats Regulations.

- 4.13 **Transport Scotland** has no objection to the proposed development, subject to conditions in relation to securing appropriate access to the site, screening and wheel washing facilities.

5. Relevant Planning Policies

5.1 Scottish Planning Policy

The aim of the Scottish Planning Policies is to ensure that development and changes in land use occur in suitable locations and are sustainable. The planning system must also provide protection from inappropriate development. Its primary objectives are:

- to set the land use framework for promoting sustainable economic development;
- to encourage and support regeneration; and
- to maintain and enhance the quality of the natural heritage and built environment.

Development and conservation are not mutually exclusive objectives; the aim is to resolve conflicts between the objectives set out above and to manage change. Planning policies and decisions should not prevent or inhibit development unless there are sound reasons for doing so. The planning system guides the future development and use of land in cities, towns and rural areas in the long term public interest. The goal is a prosperous and socially just Scotland with a strong economy, homes, jobs and a good living environment for everyone.

5.2 Aberdeen City and Shire Strategic Development Plan 2014

The purpose of this Plan is to set a clear direction for the future development of the North East. It promotes a spatial strategy. All parts of the Strategic Development Plan area will fall within either a strategic growth area or a local growth and diversification area. Some areas are also identified as regeneration priority areas. There are also general objectives identified. In summary, these cover promoting economic growth, promoting sustainable economic development which will reduce carbon dioxide production, adapt to the effects of climate change and limit the amount of non-renewable resources used, encouraging population growth, maintaining and improving the region's built, natural and cultural assets, promoting sustainable communities and improving accessibility in developments.

From the 29 March 2019, the Strategic Development Plan 2014 will be beyond its five-year review period. In light of this, for proposals which are regionally or strategically significant, or give rise to cross boundary issues between Aberdeen City and Aberdeenshire, the presumption in favour of development that contributes to sustainable development will be a significant material consideration in line with Scottish Planning Policy 2014.

The Aberdeenshire Local Development Plan 2017 will continue to be the primary document against which applications are considered. The Proposed Aberdeen City & Shire SDP 2020 may also be a material consideration.

5.3 Aberdeenshire Local Development Plan 2017

Policy P4 Hazardous and potentially polluting developments
Policy E1 Natural heritage
Policy E2 Landscape
Policy C2 Renewable Energy
Policy C3 Carbon sinks and stores
Policy C4 Flooding
Policy RD1 Providing suitable services

6. Discussion

6.1 Overview

6.1.1 The main planning considerations with this application relate in the first instance to the establishment of the principle of development, and secondly to the likely environmental impacts on the landscape/visual impact, natural heritage, the water environment, access, amenity and the remediation of the site.

6.2 Principle of Development

6.2.1 Policy C2 of the Aberdeenshire Local Development Plan is key in establishing the principle of development for renewable schemes. This policy states that Aberdeenshire Council will support solar, wind, biomass and hydro-electric developments which are on appropriate sites and of the right design. In respect of Solar developments, the policy states that we will approve applications for Solar Arrays above 50kW where cumulative impact is assessed and can be dismissed, account has been taken of glint and glare (with significant impacts demonstrated to have an impact of under 5mins) and there are no objections in respect of aviation or the MOD. Security fencing is to be unobtrusive and screen the development.

6.2.2 With regard to aviation Aberdeen International Airport and NATS have both advised that they hold no objection to the proposed development. The Ministry of Defence has been consulted however, no response has been received. It is considered that the issues which would be of interest to the MoD would not be dissimilar to those of other aviation consultees. In respect of aviation, the most significant concern with solar developments relates to glint (a momentary flash of bright light) and glare (a continuous source of excessive bright light). Glint and glare are heavily influenced by two main factors, the position of the sun relative to the panels and the position of the receptor (in this case an aircraft). As no aviation specific concerns have been raised by other consultees, it is considered unlikely that these would be raised by the MoD. It is therefore considered that, based on the responses from consultees, that the development would not pose a risk to aviation and would be compliant with this aspect of Policy C2.

6.2.3 This application is the first such planning application for a major solar farm along this stretch of the A90 and therefore the Planning Service holds no concerns in relation to the cumulative impact of such developments in this area.

6.2.4 Policy C2 encompasses several aspects beyond the principle of development. Security fencing is assessed within the landscape section of this report. Glint and glare are considered with its own section of the report.

6.2.5 It is considered that the principle of development can be established under Policy C2.

6.3 Environmental Statement

6.3.1 The proposal has been screened under the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017. It was determined that the development was not likely to have such a significant impact on the environment as to warrant the submission of an Environmental Impact Assessment Report, however the applicant has submitted a voluntary Environmental Statement (ES) in support of the application. The format of the ES is orthodox, with specific chapters for each environmental category. Each chapter identifies potential receptors and the likelihood of significant adverse impacts arising due to the development are considered. Mitigation forms a key aspect of managing the likely environmental impacts, both through good practice and design.

6.4 Landscape and Visual

6.4.1 The Landscape and Visual impacts of the development have been considered in chapter 10 of the ES. The LVIA methodology is orthodox and considers Scottish Planning Policy (SPP) and the Aberdeenshire Local Development Plan 2017.

6.4.2 The existing landscape can be defined as primarily agricultural in nature. The site is currently in use for agricultural purposes and is adjoined by other similarly sized fields. The topography of the area is largely flat (35.0m – 40.0m AOD). Areas of plantation forest are evident to the south and west, with mature tree belts to the north (these separate this area from the settlement of Crimond). Large wind turbines are visible to the south of the site (Greenwellsheads), which introduces renewable energy generation as a characteristic or feature of the area.

6.4.3 The LVIA highlights that the Crimmonmogate designed landscape lies to the north west of the site (approximately 2.4km). It is however considered that due to the distance from the site, relatively low profile of the development and intervening features (settlement of Crimond and Landscaping) that the proposal would have no impact upon the designed landscape.

6.4.4 The LVIA identifies the North East Aberdeenshire Special Landscape Area (SLA) as lying 280m to the north east of the development site. Policy E2 seeks to prevent development which would significantly erode SLAs. It is considered that the impact of the development on the SLA would be limited, as the site does not form part of the designation area and is set back from the boundary of the designation which is denoted by the A90 trunk road. Notwithstanding the distance and physical barriers between the site and the SLA, the relatively low profile of the proposal and proposed screening would

further mitigate against any potential impacts. It is considered that the development would comply with the SLA aspect of Policy E2.

- 6.4.5 The LVIA has considered the impact of the development from 4 viewpoints, which represent a range of receptor types. The LVIA concludes that the development would be unlikely to have a significant impact upon the majority of receptors. A significant visual impact has been identified in respect of local residents along the minor roads which are adjacent to the site. The significant visual impact is largely attributed to the magnitude of change which would occur, were this development to proceed. In assessing this magnitude of change and relative significance, it must also be noted that the proposal has a finite lifespan of 35 years, after which time the proposals involve the restoration of the site, the reversibility of the impact is also a key consideration in the assessment of the overall landscape impact.
- 6.4.6 The infrastructure would stand 2.7m tall and cover a surface area of 50.6Ha. The Solar Farm would be visible from parts of the surrounding landscape, including the defined viewpoints as submitted. However, given the nature of the proposal and relatively low lying profile in terms of height, any adverse visual impacts would be restricted to selected viewpoints rather than the landscape as a whole. The profile of the Solar Array would also fit in with the general landscape profile, with the onus on the horizontal rather than vertical emphasis of the plant/infrastructure within the landscape. Furthermore, the supporting infrastructure including substation and transformers would be enclosed within prefabricated buildings, and as a result would not appear out of place within the rural context of the site.
- 6.4.7 The proposed fencing would be of a lightweight nature, specifically agricultural deer proof fencing which is not considered to be out of character with the surrounding area. While offering a degree of screening, this fencing would also be lightweight enough visually to avoid any significant visual impacts resulting.
- 6.4.8 Policy E2 seeks to prevent development which would have an unacceptable impact upon the landscape through scale, location or design. In considering whether the visual impact of the development would be acceptable, the wider benefits of the development must be considered, as must the site selection criteria.
- 6.4.9 In respect of the benefits of the development, it is necessary to consider the aims of the Scottish Government. The National Planning Framework 3 (NPF3) outlines the purpose of the Scottish planning system, expressed through various aims and projects. While it is accepted that this development does not form part of a project within NPF3, it would align with the aims of the document, and in particular Chapter 3. This section of NPF 3 states that:

'Our ambition is to achieve at least an 80% reduction in greenhouse gas emissions by 2050'

It is considered that this proposal would represent a diversification of the renewable energy portfolio within Aberdeenshire, which has historically been dominated by wind and to a lesser extent bio-mass development.

6.4.10 With regard to site selection criteria, solar developments favour areas of relatively flat land, free of obstructions and easily accessible in order to allow for the installation of the panels. As with other renewable schemes, an available grid connection (of adequate capacity is required). More general criteria, such as a site largely free of constraints are also considered. The prime features which have made this an attractive site for the developer include the topography, relative isolation, grid connection, lack of public pathways / rights of way and proximity to the trunk road network. It has been demonstrated within the Design and Access statement, that this site is one of the few in this region which meet the necessary criteria for a large-scale solar development.

6.4.11 On balance and given the scale and generating capacity of this development, the anticipated visual impact of the scheme, alongside the reversibility of the visual impact, it is considered that the proposal would provide a wider public benefit which would outweigh any loss of visual amenity in the immediate vicinity of the site for the lifespan of the scheme. The impact of the development would therefore be acceptable in respect of Policy E2. The development would comply with Policy E2 and the relevant part of Policy C2.

6.5 Natural Heritage

6.5.1 In considering the impact of the development upon natural heritage, Policy E1 is the most crucial consideration. ALDP Policy E1 requires designated sites, features, species, biodiversity and geodiversity to be protected with surveys required to inform appropriate mitigation.

6.5.2 The development site does not contain or about any sites designated for their ecological value however, the development lies approximately 2km from the following sites:

- Loch of Strathbeg Special Protection Area (SPA)
- Loch of Strathbeg RAMSAR
- Loch of Strathbeg Site of Special Scientific Interest (SSSI)

The SPA designation relates to ornithology, with qualifying species including non-breeding populations of pink footed, greylag and barnacle geese, whooper swan and goldeneye. The RAMSAR and SSSI designation relate to the water environment and the waterfowl populations. The Loch of Strathbeg constitutes the largest dune lake in Scotland. The shallow, nutrient rich loch is noted for its unusual water chemistry and biology. This kind of loch is referred to as a eutrophic loch.

6.5.3 RSPB, SNH, SEPA and Infrastructure Services (Environment Team – Natural Heritage) have been consulted on the proposed development. SNH has highlighted the need to undertake an Appropriate Assessment of the impact of the development upon the designation, as required under the Conservation of Natural Habitats, &c Regulations 1994. The appropriate assessment can be found within **Appendix 3**. The assessment concludes that the development has to potential to impact the European designations on two fronts, Protected Species and the water environment. Measures have been proposed through

the Biodiversity Management Plan, which includes goose management areas and the enrichment of adjoining areas to provide higher quality foraging grounds to compensate for the loss of land. The water environment concerns have been addressed through embedded design choices, including buffer strips around watercourses and would be further addressed through adherence to a Construction Environment Management Plan. It has been concluded that subject to these measures, the proposal would not have a significant negative impact on the European Designated Sites.

- 6.5.4 As a result of extensive pre-application discussions, the developer has undertaken and produced a detailed Goose Survey in order to ascertain the likely impact of the development upon the qualifying interests of the Loch of Strathbeg. This survey has demonstrated that relatively low numbers of barnacle geese were found to be using the site, and when considered in conjunction with the extensive, suitable foraging areas in the vicinity, it is unlikely that the conservation objectives for this species would be undermined. At peak count approximately 4% of the SPA wintering population of pink footed geese used the development site, with the weekly mean usage of around 1%. The report estimates that approximately 1.09% of accessible and suitable habitat (those within 20km of the Loch) would be impacted. Based upon the advice from SNH, this would be unlikely to adversely effect the population birds from the SPA which forage there.
- 6.5.5 With regard to general disturbance, the development is most likely to impact upon ornithology during construction. Construction is anticipated to be undertaken over a period of 3 months, during the summer. Some overlap may occur between construction and the arrival of qualifying species, however given the distance of the site from the Loch of Strathbeg it would be unlikely to cause significant disturbance. Once operational, the site would be unlikely to cause a level of noise, which would disturb wildlife. No operational lighting is proposed.
- 6.5.6 With regard to mitigation, the developer has proposed the implementation of a Habitat Management Plan (HMP). This would seek to improve the suitability of remaining land for the geese populations which constitute qualifying interests. This plan would constitute appropriate mitigation as required by Policy E1.
- 6.5.7 It is considered that the developer has undertaken appropriate survey work in order to understand the impact of the development upon ornithology and the qualifying interests of nearby designated sites, as required by Policy E1. The mitigation outlined by the developer is both proportional and necessary and, would be secured via planning condition as requested by SNH.
- 6.5.8 Terrestrial Ecology has been addressed through the submission of an extended Phase 1 habitat survey. The site largely constitutes improved grassland, with some areas of marshy grassland and woodland around the edges of the site. It is therefore considered that the development would be unlikely to result in the loss of ecologically valuable habitats.
- 6.5.9 A single tree with bat roost potential was noted. Infrastructure Services (Environment Team – Natural Heritage) has advised that should any works be

required within 30m of this, then a further survey will be required in order to inform any licensing requirements.

6.5.10 A badger sett was recorded near the site and there was evidence of badger use of the site. Mitigation measures are proposed including further survey work prior to the commencement of development in order to determine any licensing requirements; and general measures to ensure that mammals are not trapped in any trenches or pipes.

6.5.11 Vegetation removal will likely take place during the bird breeding season in order to avoid disturbance of geese which feed at the Loch of Strathbeg Special Protection Area (The geese found in and around the Loch of Strathbeg are non-breeding populations, the reference to breeding birds relates to other species found across the region). It is accepted that this will require survey work to ensure that no active nests are disturbed or destroyed. As above, this can all be secured through agreed mitigation and planning conditions.

6.5.12 It is considered that the development would have a relatively low probability of negatively impacting upon terrestrial ecology. While an individual bat roost and badger sett have been identified, targeted pre-commencement survey work would enable the developer to determine and fulfil their licencing obligations. Some disturbance may occur to non-protected birds owing to vegetation clearance within the bird breeding season, however it is accepted this would be in order to prevent works being carried out during time period which would disturb qualifying interests of the Loch of Strathbeg. The proposal complies with Policy E1.

6.6 Hydrology, Hydrogeology and Geology

6.6.1 The application has been supported through the submission of a Flood Risk Assessment (FRA) and Surface Water Drainage Strategy (SWDS). The development site incorporates areas which are identified as having an annual probability of fluvial and pluvial flooding that is equal to, or greater than 0.5% (0.5% AEP or 1 in 200-year return period) on the SEPA indicative flood maps. The FRA has considered the impact of flooding in respect of a 0.1% AEP (1 in 1000-year return period), and therefore has analysed the impact of a more severe event than SEPA indicative flood maps. The site layout has been informed by the FRA, and therefore no structures are proposed within areas at risk of flooding. It is noted that the development would have a low impact on flood risk, as the development would result in a relatively small increase in the area of impermeable surfaces (ground mounted panels are pile driven into the ground, and do not require foundations).

6.6.2 Infrastructure Services (Flood Risk and Coastal Protection) and SEPA have both been consulted on the application, and neither body has raised objections in respect of flood risk. It is therefore considered that the development would be unlikely to exacerbate flood risk, as demonstrated through the submission of an appropriate FRA. The development would comply with Policy C4 Flooding.

6.6.3 In respect of the water environment, SEPA has raised the matter of peat. While SEPA initially objected due to a lack of information in respect of peat, the applicant has suggested that a condition be attached in order to obtain a peat survey and mitigation ahead of the commencement of development. SEPA are agreeable to such a condition. Policy C3 Carbon Sinks and Stores seeks to prevent development which would disturb or otherwise destroy carbon stores, unless it can be demonstrated that the development, over its lifetime, would have a net positive impact upon carbon emissions. As this development relates to a renewable scheme with a lifespan of 35 years, it is considered that the proposal would likely have a net carbon benefit and therefore this aspect of the policy could be folded into the potential condition requested by SEPA, and therefore the development would comply with Policy C3.

6.7 Access

6.7.1 The development site would take access from a local road, which in turn would be accessed via the A90 trunk road. Road upgrades have been proposed in order to facilitate the development. Infrastructure Services (Roads Development) have noted that the primary impact of the development would be felt by the trunk road network and highlighted that Transport Scotland should be consulted. Transport Scotland has advised that it holds no objection to development, subject to conditions in relation to securing road upgrades. It is considered that suitable access can be formed as required by Policy RD1.

6.8 Amenity

6.8.1 As with all developments, this proposal carries the risk that it will impact upon the amenity of the surrounding area. The proposal would be unlikely to cause any significant degree of overbearing, overlooking or shadowing due to the nature of the proposal, as an unmanned facility, which rises to a maximum height of less than 3.0m (surrounding fencing).

6.8.2 The most likely impacts in respect of amenity would be noise, glint and glare and matters arising during the construction period. In respect of noise, the nature of the proposal would limit the potential impact of the development. Solar farms, by their nature contain few moving parts and therefore do not generate noise in the same way that other renewable schemes do. While the proposal does include a small number of transformers, these would be housed within structures which would dampen the effect of any noise. A Noise Impact Assessment has been undertaken, which concludes that the noise potential is considered to be negligible to low, with any effects likely to be insignificant.

6.8.3 The application has been supported through the submission of a glint and glare assessment. In assessing the impact of any glint and glare, the key consideration would be the phrasing of Policy C2, which states that 'significant impacts' should be limited to less than 5 minutes. The assessment has considered Dwellinghouse and routes/roads as receptors. In respect of dwellinghouse, 10 properties are predicted to experience glare in excess of 5 minutes (up to 15minutes) between march and September. The significance

of this impact would be diminished through intervening landscaping and due to the fact that glare would occur during periods of direct sunlight. It is therefore considered that the impact would not be significant, and the level of glint and glare in respect of dwellinghouses would comply with Policy C2. With regard to routes, glare has been identified on route 2 (the local road to the north of the site), however the impact would be limited to less than 2 minutes per day between May – July. The impact on routes would be acceptable in terms of Policy C2, and it is noted that no objections or concerns have been raised by Infrastructure Services (Roads Development) in respect of this matter. Furthermore, aviation consultees have not raised any concerns with regard to any adverse impacts in this regard. It is considered that the level of glint and glare associated with the development would be acceptable.

6.8.4 With regard to construction impacts, the development would carry similar risks to other developments. Construction risks can be managed through the adoption of a Construction Environment Management Plan, which would outline general working practices in order to minimise disruption to the environment. SEPA have requested such a plan be conditioned. It is noted that a construction traffic management plan has been submitted, and adherence to this would be conditioned.

6.8.5 ALDP Policy P4 seeks to ensure that nuisances and impacts upon the amenity of the areas are avoided or mitigated. It is considered that the submitted information demonstrates that while the development may impact upon the amenity of the area, these impacts would not be significant. The construction impacts can be managed through a CEMP.

6.9 Timescale of Development

6.9.1 The applicant has requested that Planning Permission be granted for a period of 35 years. After discussions with the applicant, it is understood that they anticipate the 35 year period to commence from energization of the site, with remediation of the site to occur after the 35 year period ends. It is the view of the Planning Service that the construction period and remediation works would need to be carried out within the life span of the Planning Permission, and therefore it would be prudent to grant permission for a period of 37 years in order to allow the applicant to undertake these aspects of the development.

6.10 Remediation

6.10.1 The application seeks permission for a period of 35 years, after which it is expected that the site would be restored through a remediation process. Given that the works to the site would be fairly minimal (as panel frames would be pile driven as opposed to requiring extensive foundations) and require little to no excavation or alterations to the topography of the site, it is considered that there is no pressing need for the restoration to be agreed at this stage of the development. SEPA has suggested that a restoration / remediation plan be submitted no later than 2 years before decommissioning of the site for agreement with the Planning Authority. It is considered that this would be a reasonable timeframe. Given that restoration would not be undertaken for a significant period of time, it would be prudent to attach a condition requiring the submission and agreement of a Restoration bond.

6.11 Conclusion

6.11.1 It is considered that the proposal is in keeping with the relevant policies of the Aberdeenshire Local Development Plan 2017. The Principle of development can be established under Policy C2 Renewable Energy as a solar development with acceptable impacts upon glint and glare, and with no outstanding objections in relation to aviation. The evidence provided suggests that no significant, adverse environmental impacts would arise from this development.

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 equality impact assessment is not required because the proposed development is not considered to give rise to any differential impacts on those with protected characteristics.

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.

9. **Sustainability Implications**

9.1 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.

10. **Departures, Notifications and Referrals**

10.1 Strategic Development Plan Departures

None

10.2 Local Development Plan Departures

None

10.3 The application is not a Departure from the Local Development Plan or Strategic Development Plan and no departure procedures apply.

10.4 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.

- 10.5 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.

11. Recommendation

11.1 GRANT Full Planning Permission subject to the following conditions:

1) Temporary Permission

Planning permission is hereby granted for a temporary period only and shall cease to have effect on 30 September 2056 (the cessation date). Prior to the cessation date, the application site shall be cleared of all works and development approved under the terms of this permission (including any subsequent ancillary works, infrastructure, fixtures, fittings and any temporary developments permitted under Class 14 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992) and reinstated in accordance with the agreed restoration scheme submitted to and approved in writing by the planning authority under the terms of condition 2 of this permission.

Reason: To enable the impact of the temporary development on the amenity of the surrounding area to be reviewed and to ensure the appropriate restoration of the site.

2) Restoration Scheme

No later than 2 years prior to the cessation date (as outlined in condition 1 of this permission), full details of a scheme for the restoration of the application site shall be submitted to and approved in writing by the planning authority. Prior to the cessation of this permission the site shall be restored in accordance with the approved restoration scheme.

Reason: To ensure the timeous and appropriate restoration of the site following the expiry of this temporary permission in the interests of the visual amenity of the area.

3) Restoration Bond

No works in connection with the development hereby approved shall commence unless the developer has provided to the planning authority written details of the guarantee or other financial provision that is proposed to be put in place to cover all site restoration liabilities at the end of the period of this permission (as per condition 1 of this notice). The developer shall also provide an independent confirmation by a chartered surveyor (whose appointment for this task has been approved in writing by the planning authority) that the amount of the guarantee or financial provision so proposed

is sufficient to meet the full estimated costs of dismantling, removal, disposal, site restoration, remediation aftercare liabilities and incidental work as well as associated professional costs. No works shall commence on site unless written confirmation has been given by the planning authority that the proposed guarantee is satisfactory and the developer has confirmed in writing to the planning authority that the guarantee has been put in place. The guarantee or other financial provision must:

- a) be granted in favour of the Council as planning authority;
- b) be from a bank or other institution which is of sound financial standing and capable of fulfilling the obligations under the guarantee;
- c) be reviewable to ensure that the specified amount of the guarantee always covers the value of the site restoration and aftercare liabilities;
- d) come into effect on or before the date of commencement of development and expire no earlier than 12 months after the end of the restoration period.

In the event that the guarantee becomes invalid for any reason, no operations shall be carried out in connection with the development hereby approved unless a replacement guarantee, completed in accordance with the terms of this condition has been submitted to, and approved in writing by the planning authority.

Reason: To ensure financial security for the cost of the site reinstatement and aftercare liabilities is in place in the interests of the visual amenity of the area and environmental protection.

4) Construction Environmental Management Plan (CEMP)

No works in connection with the development hereby approved (including demolition, ground works and vegetation clearance) shall commence unless a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Planning Authority in consultation with SEPA. The CEMP shall include the following:

- i) Operational surface water management
- ii) Site waste management
- iii) Peat management
- iv) Details of lighting, both during construction and operation of the site
- v) Hours of operation during the construction period.

All works carried out during the construction period shall be undertaken strictly in accordance with the approved CEMP.

Reason: In the interests of protecting the biodiversity of the environment, the amenity of the surrounding area.

5) Biodiversity Management Plan

The development hereby approved shall be carried out in full accordance with the approved Biodiversity Management Strategy, unless otherwise agreed in writing by the Planning Authority. The provisions of the Biodiversity Management Strategy require:

- i) Pre-commencement Surveys
- ii) Construction Mitigation
- iii) Goose Management Areas
- iv) Additional Biodiversity improvements

Where surveys or further works are required through this Biodiversity Management Plan, full details of these shall be submitted to and agreed in writing by the Planning Authority in consultation with relevant consultees prior to the implementation of the works to which the details relate.

For the avoidance of doubt, the approved biodiversity management strategy comprises:

'Bilbo Farm Solar Park Biodiversity Management Strategy, Atmos consulting, dated January 2019'

Reason: In the interests of protecting and enhance the general biodiversity of the area, and in protecting the qualify interest of the Loch of Strathbeg SPA, SSSI and RAMSAR designations.

6) Buffer Strips

No development shall take place within 8.0 m of any watercourse as detailed within paragraph 4.18 of the Surface Water Drainage Strategy.

For the avoidance of doubt the approved Surface Water Drainage Strategy comprises:

'Surface Water Drainage Strategy (SWDS) and Flood Risk Assessment, 4164_GreenEnergy_Bilbo, Ambiantal Environmental Assessment, December 2018'

The aforementioned buffer strips shall be retained in perpetuity unless otherwise agreed in writing with the Planning Authority.

Reason: In the interests of managing Flood Risk and preventing pollution during the construction period.

7) A90 access upgrades

Prior to the commencement of development of the Solar Farm, the access between the local road and A90 shall be widened in accordance with the following drawing:

ADL Traffic Highways, Drawing No 4150-101

The aforementioned road upgrades shall be retained in perpetuity unless otherwise agreed in writing with the Planning Authority.

Reason: In the interests of road safety and ensuring the site can be safely accessed.

8) A90 Screening

Prior to operation, screening shall be provided along the boundary of the development site with the A90 in accordance with the following plan: Green Energy International, Drawing No BB-LP-334, Rev A

The aforementioned screening shall be retained in perpetuity unless otherwise agreed in writing with the Planning Authority.

Reason: In the interests of road safety and ensuring the development does not compromise the safety of the A90 through glint and glare.

9) Wheel Washing

No development shall take place unless, details of wheel washing facilities (or an alternative appropriate solution as agreed, in writing, by the Planning Authority in consultation with Transport Scotland) are agreed, in writing, with The Planning Authority in consultation with Transport Scotland. The agreed plant and facilities shall be provided within the construction site and shall remain in place for the duration of the construction period, unless otherwise agreed, in writing, by the Planning Authority.

Reason: To ensure that material from the site is not deposited on the trunk road to the detriment of road safety.

10) Construction Traffic Management Plan (CTMP)

The development shall be carried out in accordance with the approved Construction Traffic Management Plan.

For the avoidance of doubt, the approved Construction Traffic Management Plan comprises:

'Construction Traffic Management Plan, ADL Traffic and Highways Engineering Ltd., Dated February 2019'

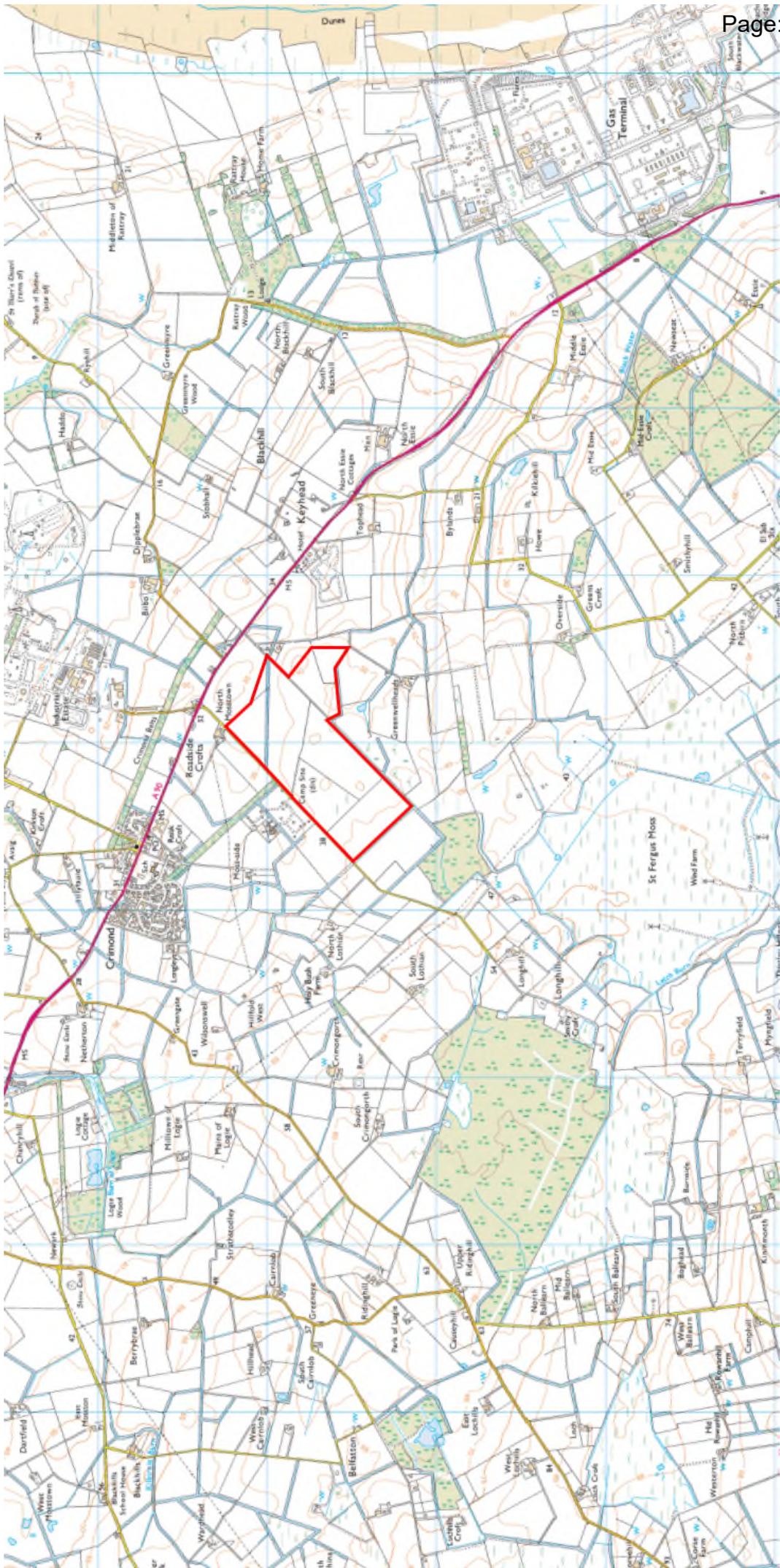
Reason: In the interest of road safety and minimising the impact of construction traffic on the road network

Reason for Decision

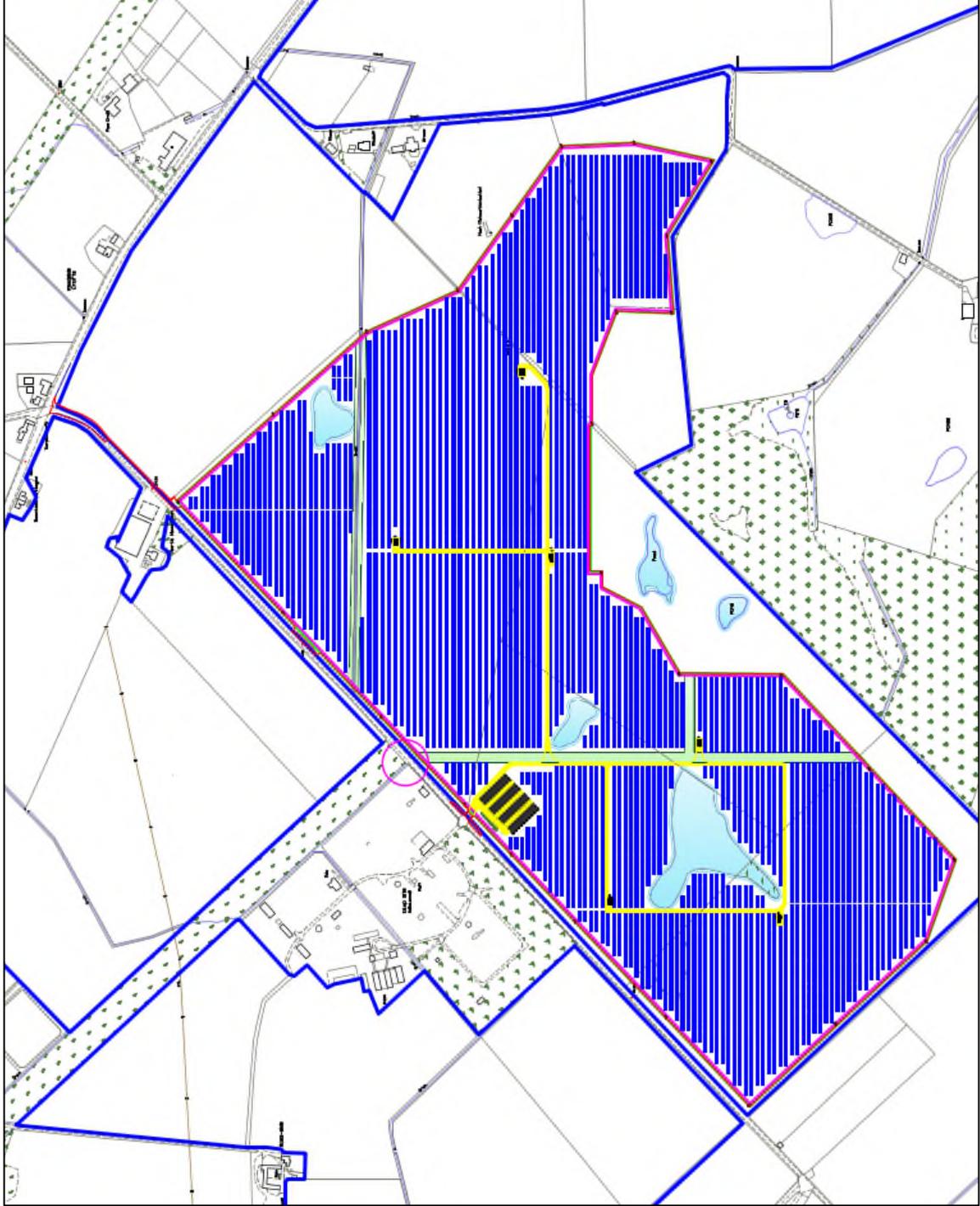
01. It is considered that the proposal is in keeping with the relevant policies of the Aberdeenshire Local Development Plan 2017. The Principle of development can be established under Policy C2 Renewable Energy as a solar development with acceptable impacts upon glint and glare, and with no outstanding objections in relation to aviation. The evidence provided suggests that no significant, adverse environmental impacts would arise from this development.

Stephen Archer
Director of Infrastructure Services
Author of Report: James Hewitt
Report Date: 5 September 2019

Appendix 1: Location Plan



Appendix 2: Site Plan



Appendix 3: Habitats Regulation Assessment

Appropriate Assessment of Development proposals which are likely to have a significant effect on a European site under the Conservation of Natural Habitats, &c Regulations 1994

Application Received 26.06.2019
SNH Consulted 26.06.2019
SNH Response 18.07.2019

1. Details of proposal

Name	Bilbo Solar Farm
Location	Land at Bilbo Solar Farm, Moss-side, Crimond, Aberdeenshire
Applicant	Green Energy International Metropolitan House, Station Road, Cheadle Hulme, ENGLAND, SK87AZ
Reference	APP/2019/0296
Description of proposal	
Full Planning Permission for Installation of 36.6Mw Solar SV Park and Associated Infrastructure on Land At Bilbo Solar Farm, Moss-side, Crimond, Aberdeenshire.	

2. Name of European site affected by the application and current designation status, including name of component SSSI(if relevant)

The development site lies approximately 2km from the Loch of Strathbeg. The Loch of Strathbeg is designated as a Special Protection Area (SPA) for wild birds, a RAMSAR site and a Site of Special Scientific Interest (SSSI).

SPA: Loch of Strathbeg
RAMSAR: Loch of Strathbeg
SSSI: Loch of Strathbeg

3. Features of European qualifying interest, whether priority or non-priority; and conservation objectives for qualifying interests.

The Loch of Strathbeg SPA supports various bird species, including non-breeding populations of pink-footed geese, barnacle geese, greylag geese, whooper swan and goldeneye. The development may impact upon pink-footed and barnacle geese, goldeneye, whooper swan and waterfowl assemblage through loss of habitat (in particular feeding ground), disturbance, collision and drainage of sediments / chemical into the SPA.

The RAMSAR and SSSI designations relate closely to the water environment. The Loch of Strathbeg is the largest dune lake in Scotland. The shallow, nutrient rich loch has an unusual water chemistry and biology. The loch is therefore sensitive to changes in the water environment, which could arise from sediment flow during construction or pollution from chemicals. The RAMSAR and SSSI designations also note that the loch supports a variety of breeding and non-breeding bird species, which may be impacted during construction.

4. Assessment of impact on European interest.
(refer to SNH's scientific appraisal)

i)	<p><i>Is the proposal directly connected with or necessary to the management of the site?</i></p> <p>No</p>
ii)	<p><i>Is the proposal likely to have a significant effect on the European Interest of the designated site?</i></p> <p>Yes</p>
iii)	<p><i>Outline of possible impacts</i></p> <p>The Loch of Strathbeg SPA is noted for non-breeding bird populations and waterfowl assemblages. The development is likely to impact upon pink-footed and barnacle geese, goldeneye and whooper swan. Pink-footed and barnacle geese are likely to be impacted primarily through loss of habitat and in particular through a loss of feeding ground. Other species may be impacted through changes to the water environment (sediment / pollution), which may upset the balance of the eutrophic lake which would result in a less favourable habitat.</p> <p>The RAMSAR and SSSI designations relate closely to the water environment and include the variety of breeding and non-breeding birds which use the site. The designation may be impacted in much the same was as the SPA designation. Pollution / sediment released during construction and remediation of the site may infiltrate the Loch and</p>

change the chemical balance, thus resulting in unfavourable habitats and undermining the very feature of the Loch (eutrophic) which constitutes a major part of the designations.

iv) Summary of appraisal in relation to possible impacts

The impact of the development upon the geese populations has been investigated by the developer. This survey has demonstrated that relatively low numbers of barnacle geese were found to be using the site, and when considered in conjunction with the extensive, suitable foraging areas in the vicinity, it is unlikely that the conservation objectives for this species would be undermined. At peak count approximately 4% of the SPA wintering population of pink footed geese used the development site, with the weekly mean usage of around 1%. The report estimates that approximately 1.09% of accessible and suitable habitat (those within 20km of the Loch) would be impacted. It is considered that in isolation, this development would not have a significant impact upon the conservation status of pink footed geese due to loss of foraging ground, as the loss would be little over 1%. It is noted that the application is supported by a biodiversity management plan, which includes provisions to enhance nearby fields to provide a more attractive habitat for said species.

With regard to pollution and the water environment, it is noted that the Loch of Strathbeg is a eutrophic loch and therefore has a sensitive chemical composition, which may be impacted by sediment and pollution. It is considered that this aspect of the designation is highly sensitive and any changes to the composition may negatively impact the ability of the Loch to support the current range of species which it does. The risk of pollution is most likely to occur during the construction phase, and during the remediation phase of the scheme. Measures can be put in place during the construction of the development in order to minimise the risk of contamination, which would be managed through a construction environment management plan. The CEMP would relate primarily to working practices. It is noted that the design of the scheme seeks to prevent pollution through siting and the inclusion of 8.0m buffer strips around watercourses / drains. The management measures would significantly reduce the risk of contamination.

5. Conclusions

Will the proposal adversely affect the integrity of the European site?

No provided mitigation (as listed in 4iv above)

Signed

Planning Officer.....James Hewitt.....

Date 02.09.2019

Senior Planning Officer.....Stuart Murison.....

Date.....04.09.2019.....