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Adele Ellis
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By email only to: ae.associates@btinternet.com
Our ref: ECU00004701

13 March 2022

Dear Adele Ellis,

ELECTRICITY ACT 1989

THE ELECTRICITY WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) REGULATIONS 2017

SCREENING OPINION OF THE SCOTTISH MINISTERS

IN RESPECT OF THE PROPOSED APPLICATION FOR CONSENT UNDER SECTION 36 OF THE ELECTRICITY ACT 1989 TO CONSTRUCT AND OPERATE THE PROPOSED TEALING SOLAR ENERGY PARK AND ASSOCIATED INFRASTRUCTURE, NEAR DUNTRUNE, DDF4 0PR.

Thank you for your request dated 12 December 2022, on behalf of Sirius EcoDev (Tealing) Ltd requesting a screening opinion in respect of an application under section 36 of the Electricity Act 1989 (“the Electricity Act”) to construct and operate a solar farm with a generating capacity up to 100 megawatts (MW), comprising of ground-mounted photovoltaic solar arrays and associated infrastructure.

Background

The proposed Development is a solar farm consisting of solar arrays with a generating capacity up to 100 MW located on land within the vicinity of the small settlements of Gagie, Kellas and Duntrune. The city of Dundee lies in the region of 6 miles to the south, with the A90 approximately 600m to the west, the village of Wellbank lies 1.58km to the east, within the planning authority area of Angus Council (“the Planning Authority”).

The proposal requires to be screened by the Scottish Ministers in accordance with regulation 7 of the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017



("the Regulations"). Following a request for a screening opinion made under regulation 8(1), Scottish Ministers are required to adopt an opinion as to whether the Development is or is not EIA development.

An original request, dated 30 March 2022, was submitted by the Company to the Scottish Ministers for a similar, larger scale development. Angus Council responded to the Scottish Ministers at that time, on 27 April 2022 that in their view, the development as presented was not EIA development, and on 25 July 2022 the Scottish Ministers provided a screening opinion to the same effect.

This subsequent screening request relates to development laid out over a more contained area of land with a minimal reduction in overall capacity.

The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017

The Regulations set out at 8(2) the information that must accompany a request to the Scottish Ministers to adopt a screening opinion. Scottish Ministers consider the information submitted by the applicant is sufficient to meet the requirements set out in regulation 8(2), and that in accordance with regulation 8 (4) the submitted information has been compiled taking into account the selection criteria in schedule 3 of the Regulations.

Statutory Consultation

Under regulation 8(5) of the Regulations, Scottish Ministers are required to consult the Planning Authority within whose land the proposed application is situated. The Planning Authority was consulted on 9th January 2023 and responded on 16 January 2023 advising that, in their view, the proposed Development would be unlikely to have significant effects on the environment and therefore does not constitute EIA development. A copy of the Planning Authority's response is annexed to this screening opinion (**Annex A**).

Scottish Ministers' Considerations

EIA development is defined in the Regulations, in respect of an application, as a proposed Development, which is either Schedule 1 development, or Schedule 2 development likely to have significant effects on the environment by virtue of factors such as its nature, size or location.

The proposed Development constitutes Schedule 2 development in terms of the Regulations.

In adopting a screening opinion as to whether Schedule 2 development is EIA development, the Scottish Ministers must in all cases take into account such of the selection criteria in Schedule 3 of the Regulations as are relevant to the proposed Development, and the available results of any relevant assessment.

Scottish Ministers have taken the selection criteria in Schedule 3 and all of the information submitted in respect of the screening request into account, and have taken account of the views of the Planning Authority. Scottish Ministers adopt the opinion that **the proposal does**

not constitute EIA development and that an application submitted for this development does not require to be accompanied by an EIA report.

In accordance with regulation 7(2), this opinion is accompanied by the following written statement with reference to the relevant selection criteria within Schedule 3 of the Regulations. In accordance with the Regulations, a copy of the screening opinion has been sent to the Planning Authority.

Written Statement

Characteristics of Development

The proposed Development is comprised of a generating station and ancillary development comprising mainly ground mounted solar panels laid out in rows, having a maximum height from the ground of 3m, across a site which extends to 167.135 hectares. In the Site it will contain, approximately 219,000 bifacial solar panels with a tip height between 2.4m – 3m, with mountings, cabling, and associated infrastructure components, including transformers, inverters, DC and AC converters, switchgear and controllers, as well as requisite substations which will be housed within units of approximate dimensions of 2.45m wide x 2.9m high and 6m long. Deer fencing will be to a 3m height. A-C cables will be buried to a depth of 600 to 1000mm to allow the interconnection of the wider site to the electrical substation. During construction, temporary welfare facilities will be provided for the construction teams, this will be a secured fenced area as well as set-down for equipment.

There is an approved solar development at the nearby former Tealing airfield, located 1km to the west of the A90 and currently a pre application consultation is underway for a Wellbank solar farm development to the east of the proposed Development. The main use of natural resources will be that of productive agricultural land over some 167 ha, some of which is prime land. Significant water usage is not envisioned and biodiversity enhancements are proposed as part of the development. Production of waste and pollution levels are expected to be low and the risk of accidents and disasters, and the risk to human health, are considered to be low.

Location of Development

The proposed Development site is located on land within the vicinity of the small settlements of Gagie, Kellas and Duntrune, the city of Dundee lies in the region of 6 miles to the south, within the Planning Authority area of Angus Council. The current land use is agricultural and some of the proposed site is prime agricultural land.

There are small areas within and adjacent to the proposed Development sites that are the subject of flood risk, and the Gagie Marsh SSSI lies to the south east of the proposed development. There are no coastal areas, mountains or forested areas affected nor are there any affected nature reserves or parks. The area contains built, cultural and natural heritage designations, including the A-listed Gagie House and its associated landscape. The Scheduled Monument Craig Hill, Fort and Broch lies 3km from the Development. The site is not close to densely populated areas or designated landscapes which could be adversely affected by the proposal given its low profile. The proposed development is located close to

Carrot Hill, a viewpoint of local significance. where current views may be impacted by the introduction of the development.

Characteristics of the Potential Impact

While the geographical area covered by the proposal extends to 167.135 hectares, the effect on population is not expected to be significant. Some limited impact on residential amenity is expected although it is expected that the effect can be mitigated. There are no expected impacts on human health. The development area is stated to have no evidence of groundwater dependent terrestrial ecosystems or protected species or habitats, and the development will incorporate biodiversity enhancement. The land is composed in part of prime agricultural land, but there is no deep excavation required, removal of soil where required can be managed, and the effects are potentially reversible and of a temporary if long term nature. The development has the potential to impact run-off rates and drainage patterns in the area, but it is considered that the probability of this impact can be reduced significantly by mitigation, which would be expected to be detailed in the proposed flood risk assessment and informed by the proposed hydrological survey. Detailed survey and consideration of mitigation would increase the possibility of effectively reducing any impact in that regard. There are no significant impacts in terms of air quality arising from this proposal and the effects on climate are expected to be positive. The development has the potential to impact the setting of cultural heritage assets, however given the low profile of the development, topography and screening the impact is not expected to be significant. There is the potential for localised impact on landscape; taking into account the nature and location of the proposal and the nature and magnitude of the impact and the sensitivity of the receiving environment it is considered that significant effects on landscape are unlikely.

Features of the proposed development and measures proposed to avoid or prevent significant effects

The proposal has been redesigned to reduce likely impacts on the SSSI, and on residential amenity. The applicant proposes biodiversity enhancements, and buffers to protect species potentially affected. Landscaping and planting will be undertaken to reduce any visual effects of the development. A Construction Environmental Management Plan is proposed and may be secured through condition. Mitigation measures are expected to be incorporated into the following documents, proposed as part of the forthcoming application –

- Justification and further detail on the loss of a significant area of prime quality agricultural land;
- A full Ecological Appraisal particularly in relation to Gagie Moss SSSI;
- Landscape and Visual Impact Assessment;
- Cultural and Heritage Assessment;
- Transport and Access Statements;
- Noise Impact Survey;
- Flood Risk Assessment and Sustainable Urban Drainage Design;
- Hydrology and Hydrogeology Environmental Survey;
- Glint & Glare Assessment;
- Full Habitat Survey.

This screening opinion does not constitute pre-application advice and is provided without prejudice to the assessment of any future application under 36 of the Electricity Act 1989.

Yours sincerely

Victoria Bonner

A member of the staff of the Scottish Government

Cc Angus Council



Your Ref: EC00004701
Our Ref: 23/00017/EIASCR

16 January 2023

Gina Mackenzie Loughrey
Directorate for Energy and Climate Change
By email to: - Econsents_Admin@gov.scot



Chief Executive
Margo Williamson

Dear Madam,

**THE TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) REGULATIONS 2017
RESPONSE OF ANGUS COUNCIL TO A REQUEST TO SCOTTISH MINISTERS FOR
A SCREENING OPINION SUBMITTED UNDER REGULATION 8 OF THE
ELECTRICITY WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND)
REGULATIONS 2017 INSTALLATION OF A SOLAR ENERGY PARK EXCEEDING
100MW IN INSTALLED CAPACITY AT SOLAR LAND AROUND GAGIE, KELLAS
SCREENING REFERENCE – 23/00017/EIASCR**

Angus Council has been consulted by Scottish Ministers under Regulation 8 of the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 and asked to express their view on whether the installation of a solar energy park up to approximately 100MW export capacity at Solar Land around Gagie, Kellas is EIA development or not.

The proposal falls within Schedule 2 Category 3(a) – Energy Industry (as the area of the development exceeds 0.5ha) of the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017.

In screening the development, it is necessary to consider the characteristics of the proposed development in combination with its proposed location to identify the potential for interactions between it and its environment and therefore determine whether the proposed development is likely to have significant effects on the environment. In determining whether a particular development is likely to have such effects, this authority has taken account of the selection criteria in Schedule 3 to the Regulations (Annex A of Circular 1/2017 refers). Three categories of criteria are listed:

1. Characteristics of the development
2. Location of the development
3. Characteristics of the potential impact

The council is mindful that regulation 8 of both the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 and the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 require a request for a scoping opinion to be accompanied by amongst other things, a description of the location of the proposed development, with particular regard to the environmental sensitivity of geographical areas likely to be affected; a description of the aspects of the environment likely to be significantly affected by the proposed development; and,

a description of any likely significant effects, to the extent of the information available on such effects, of the proposed development on the environment. The submitted screening opinion request provides limited information regarding the environmental sensitivity of the area, or on the nature or extent of environmental impact arising from the development.

Available information indicates that the area contains built, cultural, and natural heritage designations; it is interspersed with residential property; and much of the site comprises prime quality agricultural land.

Although it is acknowledged the revised proposal includes a greater standoff between an area of 'Site 3' and the category A listed Gagie House and its associated landscape, the proposed development still has potential to impact the setting of important built and cultural heritage assets, including this property and the many surrounding associated but individually listed buildings. The specific interest of each asset and its relationship with surrounding landscape has not been reviewed as part of the screening exercise, but there is potential that some have an interest that relates to the wider landscape setting. The development has potential to adversely impact views from and to important built and cultural heritage assets. The screening request does not recognise the presence of these assets and it does not provide information to demonstrate that impact on the designated sites could or would be effectively mitigated.

Gagie Marsh site of special scientific interest sits to the east of the proposed development. It is designated for its wetland plant communities and is one of the few remaining wetland habitats of this type, with a wide range of vascular plants. Although small, Gagie Marsh is of particular interest owing to its range of wetland plant communities which contain over 100 vascular plants. Marshlands fed largely byburns or rivers are scarce in the area, with few other similar intact examples. The management statement for the site indicates that monitoring the water level of the marsh and managing water levels to avoid the site drying out and minimise flooding are important to maintain the range and richness of the fen vegetation. It is acknowledged the revised proposal removes an area of proposed array located to the southwest of Gagie Marsh and the submitted information suggests a full study has been undertaken to ensure the protection and safety of the SSSI and full environmental protection will be implemented throughout the whole development area. However the development has potential to adversely impact the SSSI by altering run-off rates and drainage. The screening request does not provide detailed information to demonstrate that impact on the designated site could or would be effectively mitigated.

SEPA flood maps identify that there are small areas within and adjacent to the proposed development sites that are subject of flood risk. The development has potential to impact run-off rates and drainage patterns in the area.

While rural in character, the area accommodates a reasonable number of houses and although the standoff between the proposed development and a quantity of those houses has been increased as part of this revised proposal, there are still many dwellings which remain close to identified development areas. The occupants of those properties generally have an outlook onto an undeveloped, agricultural landscape. The development would introduce a new, man-made feature in the area which would essentially be industrial in character. The development has potential to be an unavoidable presence from some of the dwellings and it has potential to significantly impact the amenity of occupants, especially those closest to and having the appearance of being enclosed by the development.

Much of the land identified for development is categorised a prime quality agricultural land. Prime agricultural land is a resource of national importance. The development has potential to remove a significant area of prime quality agricultural land from productive arable use. The screening request is not accompanied by any information to justify site selection or to demonstrate why prime agricultural land has been identified for development in preference to previously developed land in the wider area. The former Tealing airfield located around 1km to the west of the A90(T) and a relatively short distance from the proposed development has previously been granted planning permission for a solar development.

Dodd Hill is an area where the council's [Strategic Landscape Capacity Assessment for Solar Energy](#) indicates there is low capacity for solar energy development. Carrot Hill is a popular recreational viewpoint and is located to the north of the proposed development area. Carrot Hill has a car park and viewpoint and the short walk to the trigonometry point at the summit of the hill is a popular and accessible recreational walk. The view from the summit of Carrot Hill towards Dundee and the Tay Estuary is locally valued. The development has potential to affect the recreational value of the area significantly and adversely.

The nature of the development proposed is not particularly complex, but the associated land-take is reasonably significant. The development has potential to impact a significant area of prime quality agricultural land, a site of special scientific interest, the setting of built and cultural heritage assets, the amenity of persons that live in and use the area for recreational purposes, and areas of landscape that are locally valued and sensitive to change. While limited information is provided with the screening request, it is likely that those impacts would be relatively localised; are not inter-related or complex; some could potentially be mitigated, and others could properly be considered through the consenting process with the provision and consideration of relevant supporting information. The council has reservations regarding the acceptability of the proposal but does not consider that it is environmental impact assessment development.

The council has not undertaken consultation with external bodies in relation to the screening request.

If calling or telephoning, please ask for Stephanie Porter on 01307 492378 or e-mail PorterSG@angus.gov.uk

Yours sincerely

Stephanie Porter
Planning Team Leader – Development Standards