

**P16. ERECTION OF A SINGLE WIND TURBINE (225kW, 45.9 METRES IN HEIGHT TO TIP) WITH TEMPORARY ACCESS TRACK AT SITE TO THE SOUTH WEST OF THE LEYS, DENNY FOR INTELLIGENT LAND INVESTMENTS LTD - P/12/0208/FUL (CONTINUATION)**

With reference to Minute of Meeting of the Planning Committee held on 1 May 2013 (Paragraph P10 refers), Committee gave further consideration to Report (circulated) dated 23 April 2013 by the Director of Development Services and an additional Report (circulated) dated 21 May 2013 by the said Director on an application for full planning permission for the erection of a single wind turbine (225kW, 45.9 metres in height to tip) with a temporary access track at a site to the south west of the Leys, Denny.

Councillor C Martin, seconded by Councillor McLuckie, moved that the application be granted in accordance with the recommendations in the Report.

By way of an amendment, Councillor Turner, seconded by Councillor Carleschi, moved that the application be refused on the grounds detailed in the objection by Cumbernauld Airport.

On a division, 5 Members voted for the motion and 3 voted for the amendment.

Accordingly, **AGREED** to **GRANT** planning permission, subject to the following conditions:-

- (1) The development hereby approved shall be implemented in accordance with the plan(s) itemised in the informative below and forming part of the permission unless a variation is required by a condition of the permission or a non-material variation has been agreed in writing by Falkirk Council as Planning Authority.
- (2) Before the development commences the exact details of the colour(s) of the proposed turbine and substation shall be submitted to and approved in writing by the Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.
- (3) Before the development commences, the exact details of the surface finish of the proposed access track and any hardstanding areas shall be submitted to and approved in writing by the Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.
- (4) Prior to the end of the first planting and seeding season following construction of the proposed turbine (or any alternative timescale that may be agreed in writing by the Planning Authority), the proposed access track and any hardstanding areas/disturbed land shall be soiled and grassed over, unless a minimum construction is required solely for the purposes of maintenance/turning as approved in writing by the Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.
- (5) Prior to the end of the first planting and seeding season following construction of the proposed turbine (or any alternative timescale that may be agreed in writing by the Planning Authority), any existing landscape features (e.g. hedges, tracks, fences, trees) required to be removed/altered to enable access by construction vehicles, shall be reinstated in accordance with details approved in

writing by the Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.

- (6) A micro-siting allowance of 10 metres shall be permissible for the proposed turbine to the satisfaction of the Planning Authority.
- (7) Before the development commences, a Construction Method Statement for the proposed new bridge shall be submitted to and approved in writing by the Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.
- (8) At any time upon the direction of the Planning Authority, the wind turbine operator shall, at their own expense, employ an independent consultant, approved by the Planning Authority, to assess the level of noise emission from the wind turbine, in accordance with a scoping to be agreed in writing by the Planning Authority. The report shall be submitted for the written approval of the Planning Authority within one month of the direction of the Planning Authority and shall include details of any required measures to mitigate noise disturbance. Thereafter the development shall be operated in accordance with any approved mitigation measures.
- (9) Before the development commences, a Radar Mitigation Scheme to prevent the impairment of the performance of aerodrome navigation aids and/or the efficiency of the air traffic control services shall be submitted to and approved in writing by the Planning Authority in consultation with Glasgow Airport.
- (10) The proposed wind turbine shall not be erected until the Radar Mitigation Scheme approved as part of Condition 9 above has been implemented and the development shall thereafter be operated fully in accordance with the approved scheme.
- (11) In the event that the development hereby approved ceases to be used for the purpose for which it was designed, the operator shall inform the Planning Authority, and the wind turbine and related apparatus, access road and hardstanding shall be removed from the site. Within two months of the date on which the use ceases (unless otherwise agreed in writing by the Planning Authority), the site shall be reinstated in accordance with a scheme approved in writing by the Planning Authority.

Reason(s):-

- (1) As these drawings and details constitute the approved development.
- (2-5) To safeguard the visual amenity of the area.
- (6) To provide some flexibility in siting to accommodate any site constraints that are currently unknown.
- (7) To safeguard the water environment and nature conservation interests.
- (8) To safeguard the residential amenity of the area.
- (9-10) In the interests of aviation safety.

- (11) To ensure the satisfactory removal of redundant wind turbine installations.

Informative(s):-

- (1) In accordance with section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended), the permission lapses on the expiration of a period of three years beginning with the date on which the permission is granted unless the development to which the permission relates is begun before that expiration.
- (2) For the avoidance of doubt, the plan(s) to which the decision refer(s) bear the online reference number(s) 01A, 02, 03, 04, 09A, 12, 13 and 14
- (3) The applicant is advised to contact Falkirk Council's Roads Services and Development Services (Structures Section) before the development commences to arrange pre and post construction road surveys and a culvert survey (if necessary). The Falkirk Council contact officers are Gavin Davie, Area Roads Officer, Roads Services, Earls Road, Grangemouth on telephone number 01324 501133 and Ralph Ridley, Bridges and Structure Design Co-ordinator, Abbotsford House, David's Loan, Falkirk on telephone number 01324 504825.
- (4) The applicant is advised to notify Falkirk Council of any abnormal load details, through email address: [abnormalloads@falkirk.gov.uk](mailto:abnormalloads@falkirk.gov.uk)
- (5) The applicant is advised to cease all work on the affected part of the site in the event of any made ground, suspect material or odours being encountered during site works/operations following commencement of the development. In such an event, the applicant is advised to contact the Planning Authority immediately, carry out a contaminated land risk assessment in accordance with current guidance and legislation, undertake any necessary remediation works and only recommence works with the prior written approval of the Planning Authority.
- (6) Defence Infrastructure Organisation Safeguarding wishes to be notified of the progress of this proposal to verify that it will not adversely affect defence interests. The Organisation should be advised of the following:-
  - (i) the date construction starts and ends;
  - (ii) the maximum height of construction equipment; and
  - (iii) the latitude and longitude of every turbine.

This information is vital as it will be plotted on flying charts to make sure that military aircraft avoid this area. If the application is altered in any way Defence Infrastructure Organisation Safeguarding must be consulted again as even the slightest change might be unacceptable. The above information should be submitted to Falkirk Council and Defence Infrastructure Organisation, Kingston Road, Sutton Coldfield, West Midlands B75 7RL.