

FALKIRK COUNCIL

Subject: **ERECTION OF A SINGLE WIND TURBINE MAXIMUM BLADE TIP HEIGHT OF 78 METRES, HUB HEIGHT OF 50.0 METRES AND ASSOCIATED ELECTRIC CABINET AND ACCESS TRACK AT POLMONT GOLF CLUB, SIMPSON DRIVE, MADDISTON FOR FINE ENERGY LTD - P/15/0580/FUL**

Meeting: **PLANNING COMMITTEE**

Date: **1 February 2016**

Author: **DIRECTOR OF DEVELOPMENT SERVICES**

Local Members: **Ward - Upper Braes**

Councillor Gordon Hughes
Councillor John McLuckie
Councillor Rosie Murray

Community Council: **Maddiston**

Case Officer: Julie Seidel (Planning Officer), Ext. 4880

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 This application seeks planning permission for the erection of a single 500kW wind turbine measuring 78 metres to blade tip. The turbine would be located in open countryside to the west of Polmont Golf Club. Access would be taken via the existing Golf Club access at Simpson Drive and a new track to be constructed across the golf course and countryside.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The application was called to the Planning Committee for determination by Councillor Rosie Murray and Councillor Gordon Hughes.

3. SITE HISTORY

- 3.1 A screening request for a single turbine was submitted (Ref: PRE/2014/0022/SCREEN) and an Environmental Impact Assessment (EIA) was not required for the development.

- 3.2 Planning application Ref: P/15/0239/FUL for a similar proposal was withdrawn by the applicant on 28 May 2015. This application was withdrawn as a result of an objection by the Coal Authority and National Air Traffic Services (NATS En-Route Ltd).

4. CONSULTATIONS

- 4.1 The Council's Roads Development Unit advise of a condition in relation to temporary signage and an informative in relation to the initiation of a pre-construction and post-construction road survey.
- 4.2 The Environmental Protection Unit advise that the wind turbine accords with noise criteria contained in the current government guidance. They advise of a condition relating to noise assessment and an informative relating to ground contamination.
- 4.3 Scottish Natural Heritage responded to consultation and offered no formal comment.
- 4.4 The Ministry of Defence (MOD) Defence Infrastructure Organisation Safeguarding (Wind Energy) has no objections, but requests the turbine is fitted with aviation lighting.
- 4.5 The Civil Aviation Authority (CAA) has no objections.
- 4.6 The Joint Radio Company (JRC), acting on behalf of UK Fuel and Power Industry, has no objections.
- 4.7 Windfarm Support Atkins, acting on behalf of Telecommunications Association of the UK Water Industry, has no objections.
- 4.8 National Air Traffic Services (NATS En-Route Ltd) has no objections.
- 4.9 Glasgow Airport has no objections.
- 4.10 West Lothian Council comment that the proposed turbine is approximately 2.5 km away from the mutual boundary. Two of West Lothian's local landscape designations are within a 5 km radius of the proposed development (designated Areas of Great Landscape Value and emerging Special Landscape Areas for the River Avon Valley and Bathgate Hills). West Lothian Council are concerned about the potential cumulative impact on the West Lothian area and the increasing number of granted and pending stand-alone wind turbines in the Slamannan Plateau and Avon Valley Area.
- 4.11 The Coal Authority has no objection, subject to the imposition of a condition in relation to intrusive site investigations.
- 4.12 Edinburgh Airport has no objections.
- 4.13 The Scottish Rights of Way and Access Society object on the basis of the close proximity of the proposed turbine to a recorded right of way, CF44.
- 4.14 The Police have no objections, but make comment in relation to security.
- 4.15 RSPB have no objections.

- 4.16 The Scottish Environment Agency (SEPA) have no objections.
- 4.17 Air Ambulance, BAA Safeguarding Team, Ofcom Spectrum Licensing, North Lanarkshire Council and Scottish Water have not responded to consultation.

5. COMMUNITY COUNCIL

- 5.1 The Maddiston Community Council did not make comment.

6. PUBLIC REPRESENTATION

- 6.1 A total of 3 representations (2 objections and 1 letter of support) have been received, raising issues as follows:
- Simpson Drive and the Golf Club access is too narrow to accommodate delivery vehicles;
 - The visual impact from a 78 metre high turbine, in close proximity to residential properties, would be unacceptable;
 - Some of the surrounding properties would get a direct view from their windows and garden;
 - Concerns about ground stability in relation to historic coal mining in the area;
 - Noise nuisance from the proposed wind turbine, in relation to adjacent residential properties;
 - Access should be taken from Snabhead, not as proposed from Simpson Drive;
 - The proposed turbine will dominate the view from adjacent settlements; and
 - Support for the applications. Income from the turbine will enable the Club to offer enhancements (i.e. free under 18 memberships).

7. DETAILED APPRAISAL

Under section 25 of the Town and Country Planning (Scotland) Act 1997, as amended, the determination of planning applications for local and major developments shall be made in accordance with the Development Plan unless material considerations indicate otherwise.

Accordingly,

7a The Development Plan

Falkirk Local Development Plan

7a.1 Policy CG01 - 'Countryside' states:

"The Urban and Village Limits defined on the Proposals Map represent the limit to the expansion of settlements. Land outwith these boundaries is designated as countryside, within which development will be assessed in the terms of the relevant supporting countryside policies (Policies CG03 and CG04), and Supplementary Guidance SG01 'Development in the Countryside'."

7a.2 The proposed wind turbine is outwith the urban limit as identified in the Falkirk Local Development Plan (FLDP). It is considered that wind energy development is an appropriate form of development requiring a countryside location. The application does not offend the terms of policies CG01 'Countryside'.

7a.3 Policy GN03 - 'Biodiversity and Geodiversity' states:

"The Council will protect and enhance habitats and species of importance, and will promote biodiversity and geodiversity through the planning process Accordingly:

- 1. Development likely to have a significant effect on Natura 2000 sites (including Special Protection Areas, Special Areas of Conservation, and Ramsar Sites) will be subject to an appropriate assessment. Qualifying features of a Natura 2000 site may not be confined to the boundary of a designated site. Where an assessment is unable to conclude that a development will not adversely affect the integrity of the site, development will only be permitted where there are no alternative solutions, and there are imperative reasons of overriding public interest. These can be of a social or economic nature except where the site has been designated for a European priority habitat or species. Consent can only be issued in such cases where the reasons for overriding public interest relate to human health, public safety, beneficial consequences of primary importance for the environment or other reasons subject to the opinion of the European Commission (via Scottish Ministers).*
- 2. Development affecting Sites of Special Scientific Interest will not be permitted unless it can be demonstrated that the overall objectives of the designation and the overall integrity of the designated area would not be compromised, or any adverse effects are clearly outweighed by social or economic benefits of national importance.*
- 3. Development likely to have an adverse effect on European protected species, a species listed in Schedules 5, 5A, 6, 6A and 8 of Wildlife and Countryside Act 1981 (as amended), or a species of bird protected under the Wildlife and Countryside Act 1981 (as amended) will only be permitted where the applicant can demonstrate that a species licence is likely to be granted.*
- 4. Development affecting Local Nature Reserves, Wildlife Sites, Sites of Importance for Nature Conservation and Geodiversity Sites (as identified in Supplementary Guidance SG08 'Local Nature Conservation and Geodiversity Sites'), and national and local priority habitats and species (as identified in the Falkirk Local Biodiversity Action Plan) will not be permitted unless it can be demonstrated that the overall integrity of the site, habitat or species will not be compromised, or any adverse effects are clearly outweighed by social or economic benefits of substantial local importance.*

5. *Where development is to be approved which could adversely affect any site or species of significant nature conservation value, the Council will require appropriate mitigating measures to conserve and secure future management of the relevant natural heritage interest. Where habitat loss is unavoidable, the creation of replacement habitat to compensate for any losses will be required, along with provision for its future management.*
6. *All development proposals should conform to Supplementary Guidance SG05 'Biodiversity and Development'."*

7a.4 The application site is surrounded by trees and it is noted that the Ecology Report fails to address the presence of bats or suggest that any surveys are carried out. The Ecology Report advises that BCT bat mitigation of a minimum of 50 metres from turbine blade to tree lines is proposed, however it is considered that the turbine would be within a 50 metre stand-off from adjacent trees. As such the applicant has failed to demonstrate that there would be no adverse effect on a European Protected Species, contrary to policy GN03 'Biodiversity and Geodiversity'.

7a.5 Policy GN05 - 'Outdoor Access' states:

The Council will seek to safeguard, improve and extend the network of outdoor access routes, with particular emphasis on the core path network, and routes which support the development of the Green Network. When considering development proposals, the Council will:

1. *Safeguard the line of any existing or proposed access route affected by the development, and require its incorporation into the development unless a satisfactory alternative route can be agreed;*
2. *Seek to secure any additional outdoor access opportunities which may be achievable as a result of the development; and*
3. *Where an access route is to be temporarily disrupted, require the provision of an alternative route for the duration of construction work and the satisfactory reinstatement of the route on completion of the development.*

7a.6 Policy GN05 seeks the protection of established paths and rights of way. As set out in Supplementary Guidance, SG14 'Spatial Framework and Guidance for Wind Energy Development' it is recommended, in the interests of public safety that turbines should be situated at least the height of the turbine (measured to blade tip) away from exiting paths. The proposed 78 metre high turbine is approximately 67 metres away from a Core path. Taking into account the marginal difference in distance, the location of the proposed wind turbine and potential usage of the Core Path it is considered that the proposal would not compromise the use of the Core Path and so does not conflict with the aims and objectives of Policy GN05.

7a.7 Policy RW01 - 'Renewable Energy' states:

- "1. *Renewable energy developments will be supported subject to satisfactory assessment of their impacts on the environment and communities.*
2. *Wind energy developments will be assessed in relation to the following factors, and the associated detailed guidance contained in Supplementary Guidance SG14 'Spatial Framework and Guidance for Wind Energy Developments':*
 - *Landscape and visual impacts;*
 - *Ecological impacts;*

- *Impact on green belt objectives;*
- *Impact on carbon rich and rare soils;*
- *Impact on the water environment;*
- *Impacts on the historic environment;*
- *Impacts on aviation and telecommunications interests;*
- *Impacts on communities, whether settlements or individual residential properties, including issues of noise, shadow flicker and air quality; and*
- *Cumulative impacts in relation to the above factors, arising from the combined effect of the proposal with other existing or approved wind energy developments.”*

7a.8 Policy RW01 'Renewable Energy' gives general support for renewable energy development subject to satisfactory assessment of their impacts on the environment and communities. It is considered that the proposed development would have an unacceptable landscape and visual impact particularly from the neighboring communities of Maddiston and Rumford. It is considered that the cumulative impact of the proposed development in relation to other existing or approved wind energy development would have an unacceptable impact and the applicant has failed to demonstrate that there would be no impact on local bat population. The application is contrary to policy RW01.

Falkirk Council Supplementary Guidance forming part of FLDP

7a.9 The application site is located within an area of moderate to high potential capacity for wind energy development (3(i) Slamannan Plateau) as identified in Supplementary Guidance, SG14 'Spatial Framework and Guidance for Wind Energy Development'. The proposed turbine is within a Community Separation Zone (identified to safeguard the visual amenity of settlements) and it should be noted that the application site is approximately 600 metres from the settlement edge, however some individual properties would be closer to the proposed development.

7a.10 In relation to the landscape and visual impact of the proposed development, it is considered that the proximity of the proposed turbine to residential areas, in particular Rumford and Maddiston would result in a major visual effect being experienced from the edges of these settlements and surrounding areas (including James Smith Avenue, Fairways Avenue and associated cul-de-sacs, Forgie Crescent, Simpson Drive and associated roads). Direct close views of the wind turbine would be experienced from many of these dwellings which are oriented directly to the site. This includes from their properties/gardens and roads/paths in the locality. It should be noted that the Supporting Statement recognizes that some residents at the adjacent urban limit would have a major impact on their amenity and 18 individual properties are identified as having a major to moderate impact. As such it is considered that the scale of the turbine, its elevated position and close proximity to adjacent settlements would have an unacceptable, adverse visual impact.

- 7a.11 The proposed development would also be seen with other existing and consented wind turbines, leading to a cumulative visual effect, particularly from the adjacent settlement edges. The addition of the proposed wind turbine would result in views of different moving turbines, in full and part, being seen at different distances and in random arrangement. This would give the impression that the local area is a landscape defined by wind energy development, with the proposed development being a dominant feature, giving rise to an unacceptable level of cumulative effect. This cumulative effect would also be experienced from more distant views and this is echoed in the consultation response from West Lothian Council.
- 7a.12 The supporting Ecological Report fails to appropriately demonstrate that the proposed development would not have a significant impact on ecology, specifically bats (a European Protected Species), in accordance with the guidance contained in the SG.
- 7a.13 The proposed development would not achieve at least a 10 times rotor diameter from all dwellings.
- 7a.14 The applicant has submitted a noise assessment which demonstrates that the proposed wind turbine would not significantly impact surrounding residential properties in accordance with current government guidance, ESTU-R-97.
- 7a.15 SG14 recommends that turbines should be sited at least the height of the turbine (measured to blade tip) away from paths. As set out in paragraph 7a.6 the proposal does not strictly comply with the Council's approved guidance, falling approximately 9 metres short of the recommended distance from a path but is not considered contrary to the spirit of the guidance.
- 7a.16 The SG supports the safeguarding of local airports and aviation stakeholders and it is noted that National Air Traffic Services (NATS) have withdrawn their objection (they objected in relation to planning application P/15/0239/FUL). NATS previously objected to the proposed turbine, on the basis it would cause an adverse impact on air traffic operations. An agreement has now been entered into between NATS and the applicant for the design and implementation of a mitigation solution. The mitigation solution would be completed with the applicant under agreement from NATS.
- 7a.17 The application fails to accord with the guidance contained in SG14 'Spatial Framework and Guidance for Wind Energy Development' on the basis of an unacceptable visual and cumulative impact.
- 7a.18 Accordingly, the application fails to accord with the Falkirk Local Development Plan.

7b Material Considerations

- 7b.1 The material planning considerations to be considered are National Policy, consultation responses and an assessment of public representations.

National Planning Policies and Guidance

- 7b.2 Scottish Planning Policy, 2014, states that planning authorities should support the development of a diverse range of renewable energy technologies. Planning authorities should support the development of wind energy development in locations where the technology can operate efficiently, and environmental and cumulative impacts can be satisfactorily addressed.
- 7b.3 In this instance it is considered that the environmental and cumulative impacts cannot be satisfactorily addressed and the application is assessed as not being supported in principle by National Planning Policy.

Consultation Responses

- 7b.4 West Lothian Council has raised concerns in relation to cumulative visual impact due to the number of granted and pending standalone wind turbines in the Slamannan Plateau and Avon Valley area and notes the proximity of the proposed turbine to an Area of Great Landscape Value and proposed Special Landscape Areas for the River Avon Valley and Bathgate Hills. The concerns raised by West Lothian Council regarding visual impact are shared.
- 7b.5 The Scottish Rights of Way and Access Society has lodged a holding objection to the proposal on the grounds of the proximity of the turbine to a recorded right of way but comment that they do not know what the position of the turbine is in relation to the right of way. The Society suggest the turbine should be set back from any public right of way by a distance equivalent to the height of the turbine, measured to blade tip. There is a Core Path located approximately 67 metres to the north of the turbine. Taking into account safety issues, such as structural damage, ice throw and driver distraction safety a standoff distance of at least the height of the turbine to tip height is recommended in Supplementary Guidance, SG14 'Spatial Framework and Guidance for Wind Energy Development'. The proposal is 9 metres less than the recommended distance but given the location and potential usage of the Core Path it would not be reasonable to refuse planning permission on these grounds.
- 7b.6 The Roads Development Unit have raised no objections to the proposal subject to details of temporary road signage for construction traffic and a pre-construction and post construction road survey being agreed. These matters could be conditioned and addressed by informative if the Committee are minded to grant permission.
- 7b.7 The Environmental Protection Unit have no objections. The matters they raise relating to noise and ground contamination, as set out in paragraph 4.2, can be addressed by condition and informative should the Committee be minded to grant permission.
- 7b.8 The Coal Authority have no objections subject to a condition relating to intrusive site investigation. Should Committee be minded to grant permission it would be appropriate to impose a condition as recommended by the Coal Authority.

Assessment of Public Representations

- 7b.9 The applicant has submitted a plan showing access would be possible by delivery vehicles, however it is noted that the swept path analysis shows vehicles mounting pavements and in very close proximity to residential boundaries.
- 7b.10 The visual and cumulative impact of the proposed development are discussed in section 7a of this report.
- 7b.11 It is noted that some of the surrounding properties would get a direct view from their property.
- 7b.12 The applicant has submitted a Coal Mining Risk Assessment and intrusive site investigations are required to ensure the site is suitable for development.
- 7b.13 The application generally accords with noise criteria contained in the current government guidance.
- 7b.14 This application does not include access from Snabhead.
- 7b.15 Support for the application is noted, however it is considered that the financial benefit to the Golf Club, resulting from the proposed development, do not outweigh the unacceptable visual and cumulative impact.

7c Conclusion

- 7c.1 In conclusion, it is considered that the proposed turbine fails to accord with the terms of the Falkirk Local Development Plan, Supplementary Guidance forming part of the FLDP and National Policy. The comments raised by third parties and consultees are fully discussed and addressed in the body of this report.
- 7c.2 There are no material planning considerations that would outweigh the terms of the Falkirk Local Development Plan and the application is recommended for refusal.

8. RECOMMENDATION

- 8.1 It is therefore recommended that the Committee refuse planning permission subject to the following reasons:-
 - 1. The proposed wind turbine would have an unacceptable landscape and visual impact, particularly in relation to the neighbouring settlements of Maddiston and Rumford and the combined effect in relation to other existing or approved wind energy development would result in an unacceptable cumulative impact contrary to policy RW01 'Renewable Energy' of the Falkirk Local Development Plan and Supplementary Guidance SG14 'Spatial Framework and Guidance for Wind Energy Developments'.

2. The applicant has failed to demonstrate that the wind turbine would not adversely affect European Protected Species, in this case bats, as the application site is in close proximity to an area of trees, contrary to Policy GN03 'Biodiversity and Geodiversity'.

Informative(s):-

- (1) For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01-04 and Supporting Documents.

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pp Director of Development Services

Date: 20 January 2016

LIST OF BACKGROUND PAPERS

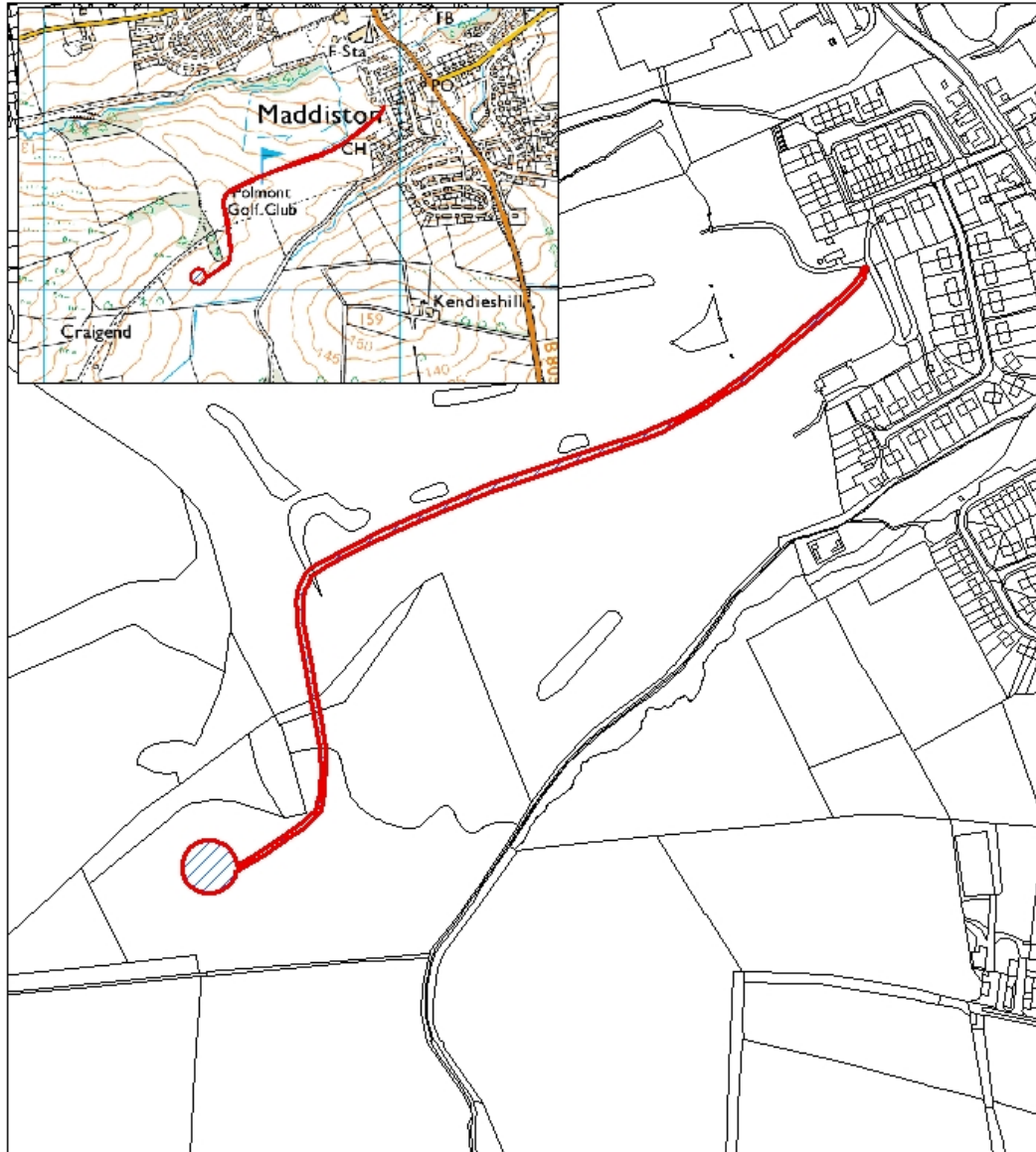
1. Falkirk Council Local Development Plan.
2. SG14 'Spatial Framework and Guidance for Wind Energy Development'.
3. Support received from Mr Des Irwin, 18 Glendevon Drive, Maddiston, Falkirk, FK2 0GT on 15 October 2015.
4. Objection received from Mr Robert Taylor, Whiterigg Farm, Maddiston, Falkirk, FK2 0BX on 9 November 2015.
5. Objection received from Mr John Rankine, 7 Sunnybrae Terrace, Maddiston, Falkirk, FK2 0LP on 2 November 2015.

Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504880 and ask for Julie Seidel, Planning Officer.

Planning Committee

Planning Application Location Plan **P/15/0580/FUL**

This plan is for location purposes only. It should not be interpreted as an exact representation of the application site.



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