

FALKIRK COUNCIL

Subject: ERECTION OF A SINGLE WIND TURBINE (225KW, 45.9 METRES IN HEIGHT TO TIP) WITH TEMPORARY ACCESS TRACK AND A SUBSTATION AT WEST KELT FARM, DENNY FK6 5NA FOR INTELLIGENT LAND INVESTMENTS LTD – P/12/0566/FUL

Meeting: PLANNING COMMITTEE

Date: 30 January 2013

Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Ward - Denny and Banknock

Councillor Jim Blackwood
Councillor Brian McCabe
Councillor John McNally
Councillor Martin David Oliver

Community Council: Banknock, Hags and Longcroft

Case Officer: Brent Vivian (Senior Planning Officer), Ext. 4935

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 The application seeks full planning permission to erect a 45.9 metre high (to blade tip) monopole wind turbine with a 27 metre blade diameter. The application also includes a substation, a temporary access track, the laying of underground electricity cables and temporary construction arrangements. Access to the site would be via an extension to an existing track on Station Road, just north of the M80. A micro-siting allowance of 10 metres is requested.
- 1.2 The application site lies to the north-east of Banknock and in close proximity to the M80. The ground level at the site is 80 metres above ordnance datum (AOD), with the hillside rising to the north to approximately 157 metres AOD. The site lies in an area of grazing land.
- 1.3 The applicant proposes to make a payment of £5000 per megawatt of installed capacity to a local community organisation i.e. £1125 per year for each year the turbine operates. The arrangements for disbursing the payments would be arranged with the relevant community organisation.
- 1.4 The following information has been submitted in support of the application: -
 - A Supporting Turbine Statement (including a Visual Impact Assessment);
 - A Noise Emission Report;

- A Great Crested Newt Appraisal;
- A Coal Mining Report and Risk Assessment; and
- A Supporting Statement in relation to Driver Distraction and Road Safety.

1.5 As detailed above, the application site lies in close proximity to the M80. The Supporting Statement in relation to Driver Distraction and Road Safety submits that:-

- To date, there has been no evidence related to any injuries or accidents occurring as a result of driver distraction due to wind turbines. Wind turbines are not a new or novel feature in the modern landscape, particularly in Scotland, and the proposed wind turbine is similar to a wide range of wind proposals in Scotland that are visible from major road networks;
- The proposed single wind turbine is not considered to offer any significant level of distraction to drivers on the surrounding road network. The turbine would slowly become discernible to view, from a distance of approximately 3 kilometres, and slowly appear larger as the receptor approaches and passes the site location. The turbine would therefore not suddenly appear in the landscape and would be seen in context with other vertical elements in the landscape including overhead lines, pylons, woodland etc; and
- The proposed transport and construction vehicles are similar to those in common use today (standard 16.5 metre HGV's) and the development would not require the use of abnormal loads. The route to the site has been assessed and considered suitable with no alterations necessary. A Traffic Management Plan and Method Statement would be submitted to the Council for approval prior to works commencing. The proposed development is therefore considered to be acceptable in road safety terms.

2. REASON FOR COMMITTEE CONSIDERATION

2.1 The application requires consideration by the Planning Committee as it has been called in by Councillors McCabe and Oliver.

3. SITE HISTORY

3.1 There is no relevant planning history for the application site.

4. CONSULTATIONS

4.1 The Roads Development Unit have advised that an informative should attach to any grant of planning permission requesting the applicant to contact them regarding the undertaking of pre and post construction road surveys. This is due to the possibility of damage to Station Road during the infrastructure delivery stage due to the restricted width and vertical and horizontal alignment of this road. They are satisfied from the information submitted that the Station Road/A803 junction could be negotiated by an articulated vehicle, and they have no comments to make to the Supporting Statement covering driver distraction and road safety.

- 4.2 The Environmental Protection Unit have noted that the Noise Assessment accompanying the application concluded that expected noise levels would meet the current Government guidance. They advise that a competent assessment of noise emissions from the turbine would be required if noise complaints are received. They note that a contaminated land assessment would be required if made ground, suspect substances or odours are encountered during construction works.
- 4.3 Scottish Water have no objection to the application.
- 4.4 Scottish Natural Heritage welcome the mitigation suggested in the Great Crested Newt appraisal report, and advise that a protection plan should be drawn up that includes the mitigation in the appraisal report. The plan should restrict the proposed micro-siting allowance so that the turbine and access track could not be located any closer to Pond 10 than their current proposed locations.
- 4.5 The Civil Aviation Authority (CAA), the British Airport Authority (BAA), National Air Traffic Services (NATS) Safeguarding, the Ministry of Defence (MOD), Safeguarding, Edinburgh Airport and Cumbernauld Airport have not raised any aviation related concerns. The MOD have requested that they be notified if planning permission is granted.
- 4.6 Ofcom have not raised any telecommunication related concerns and have listed microwave fixed links in the local area provided to them by Fixed Link operators who hold licenses with them. Windfarm Support (Atkins) have advised that the application has been examined in relation to communications used by the Telecommunications Association of the UK Water Industry (TAUWI) and there are no objections. The Joint Radio Company (JRC) do not foresee any problems with interference to any radio systems operated by the UK Fuel and Power Industry.
- 4.7 Transport Scotland have requested conditions to maintain the safety of the trunk road and to ensure that transportation of the infrastructure during construction would not have any detrimental effect on structures within the route path.
- 4.8 The Coal Authority concur with the recommendations of the Coal Mining Risk Assessment Report submitted by the applicant and recommend that conditions attach to any grant of permission to secure the undertaking of site investigation works and any necessary remedial works to safeguard the safety and stability of the proposed development.

5. COMMUNITY COUNCIL

- 5.1 The Banknock, Hags and Longcroft Community Council have not made any representation.

6. PUBLIC REPRESENTATION

- 6.1 No public representations were received in relation to the application.

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 Council Structure Plan

7a.1 The proposed development does not raise any strategic issues and has therefore been assessed against the Falkirk Council Local Plan alone.

Falkirk Council Local Plan

7a.2 Policy EQ19 - 'Countryside' states:

“(1) The Urban and Village Limits represent the desirable limit to the expansion of settlements for the period of the Local Plan. Land outwith these boundaries is designated as countryside and will be subject to the detailed policies for specific uses indicated in Table 3.3. Development proposals in the countryside for uses not covered by these policies will only be permitted where:

- it can be demonstrated that they require a countryside location;*
- they constitute appropriate infill development; or*
- they utilise suitable existing buildings.*

(2) In circumstances where development meets the relevant countryside policy criteria, the scale, siting and design of development will be strictly controlled to ensure that there is no adverse impact on the character of the countryside. In particular:

- the siting should be unobtrusive, making use of natural features to integrate development into the landform and avoiding skylines;*
- building design should be sympathetic to vernacular building styles and comply with the design principles contained within the Council's 'Design Guide for Buildings in the Rural Areas'; and*
- boundary and curtilage treatments should be sympathetic to the rural area, with a preference for stone walling and hedging using native species.”*

7a.3 This policy provides for development proposals in the countryside where there is an essential need for a countryside location. Due to the nature of the proposal, and the need for generous buffer distances to protect residential amenity, the essential need for a countryside location is accepted. In addition, the scale and siting of the proposed wind turbine are considered to be acceptable within the countryside setting (see paragraph 7a.7), and the proposed design is typical of wind turbines found within the countryside. The application is therefore considered to accord with this policy.

7a.4 Policy ST20 - 'Renewable Energy Development' states:

"The Council will support development required for the generation of energy from renewable sources, and the utilisation of renewable energy sources as part of new development, subject to assessment of proposals against other Local Plan policies. Renewable energy development will be viewed as an appropriate use in the countryside where there is an operational requirement for a countryside location."

7a.5 This policy supports development required for the generation of energy from renewable sources. Renewable energy development will be viewed as appropriate in the countryside where there is an operational need for a countryside location. The application is considered to accord with this policy.

7a.6 Policy ST21 - 'Wind Energy' states:

"Wind energy developments will be assessed in relation to the following factors:

- (1) The visual impact of the development, having regard to the scale and number of turbines, existing landscape character, and views from settlements, main transport corridors and other key vantage points. Development will not necessarily be excluded from Green Belts or Areas of Great Landscape Value, but must demonstrate particular sensitivity in terms of scale and design where these designated areas are affected;*
- (2) The ecological impact of the development, having regard to Policies EQ24 and EQ25, including impacts on both designated sites and protected species. In particular, developers will be required to demonstrate that there will be no adverse impact on migratory birds;*
- (3) The impact on the cultural heritage and the landscape setting of cultural features, having regard to Policies EQ12, EQ14, EQ16, EQ17 and EQ 18;*
- (4) The impact on aviation and telecommunications, with particular regard to the safeguarding zones and operational needs associated with Edinburgh, Glasgow and Cumbernauld airports;*
- (5) The impact on settlements and residential properties by virtue of noise and 'shadow flicker'; and*
- (6) Cumulative impacts in relation to the above factors, where there are existing developments in the area, or the development is one of a number of proposals for an area."*

7a.7 This policy outlines the considerations that wind energy developments will be assessed against. These considerations relate to visual and landscape impacts, ecology, cultural heritage, aviation, telecommunication, noise, shadow flicker and cumulative impacts. These matters have been assessed in the Supporting Turbine Assessment accompanying the application and the findings of this report are generally accepted. The visual and landscape impacts are considered to be acceptable as the proposed turbine would not, overall, be a dominant feature in the setting. Factors contributing to this are the existing vertical structures (poles, pylons and transmitters) in the setting and the topography which would provide a backdrop as it rises to the north. Ecological impacts would be negligible, and survey work did not identify any evidence of otter or badger activity and concluded that the site is unlikely to be sensitive to bird species. The Great Crested Newt survey found that the proposal would result in a loss of foraging habitat but not breeding habitat, and mitigation is proposed to address construction related impacts. No loss of amenity to the nearest receptors is anticipated in relation to noise and shadow flicker. No objections have been raised by aviation or telecommunication interests, and no significant cumulative impact is anticipated.

7a.8 Accordingly, the proposal accords with the Development Plan.

7b Material Considerations

7b.1 The material considerations in respect of the application are the National Planning Policies and Guidance and the consultation responses.

National Planning Policies and Guidance

7b.2 The Scottish Government has set ambitious targets to meet Scottish energy needs from renewable energy sources.

7b.3 Scottish Planning Policy states that planning authorities should support the development of a diverse range of renewable energy technologies. Planning authorities should support the development of wind farms in locations where the technology can operate efficiently and environmental and cumulative impacts can be satisfactorily addressed.

7b.4 Scottish Planning Policy indicates that a range of benefits are often voluntarily provided by developers to communities in the vicinity of renewable energy developments. These can include Community Trust funds. Such benefits should not be treated as material planning considerations unless they meet the tests set out in Circular 1/2010 Planning Agreements (superseded by Circular 3/2012 Planning Obligations and Good Neighbour Agreements). These tests include whether the benefit is necessary to make the proposed development acceptable in planning terms, serves a planning purpose and relates to the impact of the proposed development.

7b.5 The application is considered to be supported by Scottish Planning Policy. In accordance with Scottish Planning Policy, the proposed yearly payments to a local community organisation cannot be treated as a material planning consideration because the tests under Circular 3/2012 are not considered to be met.

Consultation Responses

7b.6 The consultation responses are summarised in section 4 of this report. No objections have been received and the matters raised could be the subject of conditions or informatives of any grant of permission.

7c Conclusion

7c.1 The application is considered to comply with the Development Plan for the reasons detailed in this report, and there are no material planning considerations to justify setting aside the terms of the Development Plan. The application is therefore recommended for approval subject to appropriate conditions. The supporting information accompanying the application is considered to be acceptable and the Roads Development Unit have not made any comments to the applicant's submissions on driver distraction and road safety, nor have Transport Scotland objected to the application.

8. RECOMMENDATION

8.1 It is therefore recommended that the Planning Committee grant planning permission subject to the following conditions:-

- (1) The development to which this permission relates must be begun within three years of the date of this permission.
- (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 this Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.
- (3) 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 this Planning Authority), any excavated material shall be levelled, soiled and grassed over, and the access track and hardstanding areas shall be partially soiled and grassed over, to ensure that a minimum construction is retained solely for the purposes of maintenance/turning, in accordance with details submitted to and approved in writing by this 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 this 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 this Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.
- (5) A micro-siting allowance of 10 metres shall be permissible for the proposed turbine provided that the proposed turbine and access track shall not be sited any closer to Pond 10 (as identified in Great Crested Newt Appraisal prepared by ECOS Countryside Services LLP, dated 18 June 2012) than the respective distances to Pond 10 shown on the approved plans.
- (6) All construction works shall take place outwith the period 1 March to 31 October.
- (7) Before the development commences, a Species Protection Plan for Great Crested Newt shall be submitted to and approved in by this Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.
- (8) Before the development commences, a Construction Method Statement in relation to any required vehicular access crossing of any watercourse shall be submitted to and approved in writing by Planning Authority. The statement shall include full details of the nature of the proposed crossing. Thereafter, the development shall be carried out in accordance with the approved details.

- (9) An archaeological watching brief shall be carried out during all ground breaking activities in accordance with a scheme approved in writing by this Planning Authority before the development commences.
- (10) At any time upon the direction of the Planning Authority, the wind operator shall, at their own expense, employ an independent consultant, approved by this Planning Authority, to assess the level of noise emissions from the wind turbine in accordance with a scoping to be agreed in writing by this Planning authority. The report shall be submitted for the written approval of the Planning Authority within 1 month of the direction of the Planning Authority, and shall include details of any required measures to mitigate noise disturbance.
- (11) Before the development commences, intrusive site investigation works shall be undertaken and the results of those intrusive works shall be submitted to and approved in writing by this Planning Authority in consultation with the Coal Authority. Any necessary remedial works to treat areas of shallow mine workings to ensure the safety and stability of the proposed development, shall be carried out in accordance with an approved remediation strategy before the development commences.
- (12) Before the development commences, the proposed route for any abnormal loads on the trunk road network shall be approved by the Planning Authority in consultation with the trunk road authority and/or Operating Company. Any accommodation measures required, including the temporary removal of street furniture, junction widening, traffic management shall similarly be approved by this Planning Authority in consultation with the trunk road authority and / or Operating Company.
- (13) Before the development commences, any need for additional signing or temporary traffic control measures, due to the size and length of the loads being delivered, shall be agreed with the Planning Authority in consultation with the trunk roads authority and/or Operating Company. Thereafter, the agreed measures shall be undertaken by a recognised Quality Assured traffic management consultant, to be approved by this Planning Authority in consultation with the trunk roads authority and/or Operating Company.
- (14) Before the development commences, the following details shall be submitted for the purpose of notification to the Ministry of Defence:-

 - (i) The date construction starts and is planned to end;
 - (ii) The maximum height of construction equipment; and
 - (iii) The latitude and longitude of the proposed turbine.
- (15) 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 2 months of the date on which the use ceases (unless otherwise agreed in writing by this Planning Authority), the site shall be reinstated in accordance with a scheme approved in writing by this Planning Authority.

Reason(s):-

- (1) To accord with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997.
- (2-4) To safeguard the visual amenity of the area.
- (5) To safeguard the visual amenity of the area and the interests of a protected species.
- (6-7) To safeguard the interests of a protected species.
- (8) To safeguard the water environment.
- (9) To safeguard possible archaeological resources in the area.
- (10) To safeguard the residential amenity of the area.
- (11) To ensure the ground is suitable for the proposed development.
- (12) To maintain safety for both Trunk Road traffic and traffic moving to and from the development, and to ensure that the transportation will not have any detrimental effects on structures within the route path.
- (13) To minimise interference with the safety and free flow of traffic on the Trunk Road Network.
- (14) To provide a consultee with the necessary information they require to safeguard aircraft safety.
- (15) To ensure the satisfactory removal of redundant wind turbine installations.

Informative(s):-

- (1) For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01-10, 11A and 12.
- (2) The applicant is advised to contact Falkirk Council Roads Services and Development Services Structures Section before the development commences to arrange pre and post construction road surveys. The Falkirk Council contacts are Alistair McEwan (Area Roads Officer), Roads Services, Earls Road, Grangemouth, tel 01324 501133 and Ralph Ridley (Bridges & Structure Design Co-Ordinator), Abbotsford House, David's Loan, Falkirk, tel 01324 504825.
- (3) The applicant is advised to notify Falkirk Council of any abnormal load details through email address: abnormalloads@falkirk.gov.uk

- (4) 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.

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Director of Development Services

Date: 22 January 2013

LIST OF BACKGROUND PAPERS

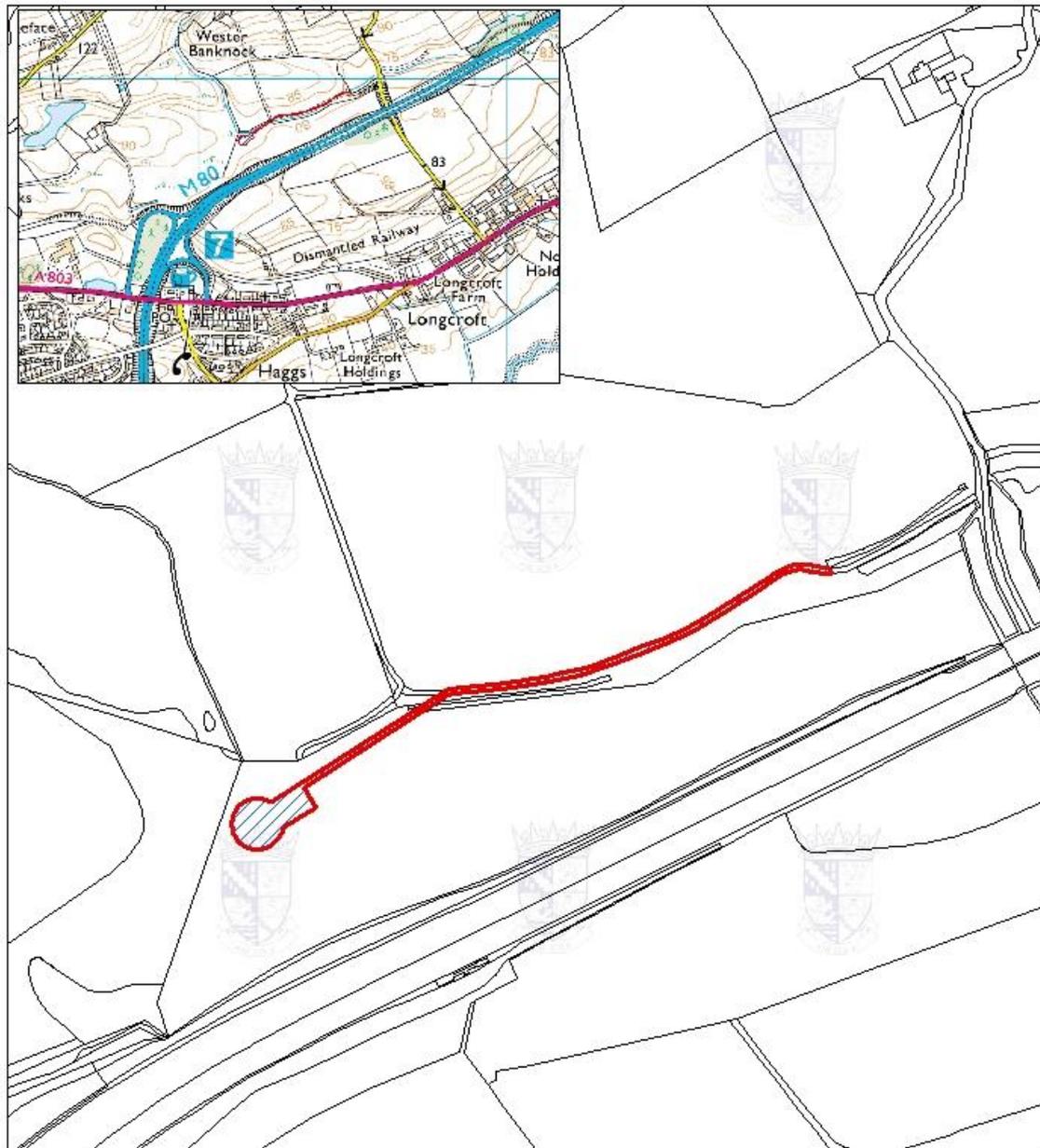
1. Falkirk Council Structure Plan
2. Falkirk Council Local Plan
3. Scottish Planning Policy
4. Circular 3/2012 Planning Obligations and Good Neighbour Agreements

Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504935 and ask for Brent Vivian, Senior Planning Officer.

Planning Committee

Planning Application Location Plan **P/12/0566/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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