



AGENDA ITEM

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**Formation Of Access Track At
Polmont Golf Club, Simpson
Drive, Maddiston, Falkirk, FK2
0LS, For Fine Energy -
P/16/0469/FUL**

FALKIRK COUNCIL

Subject: FORMATION OF ACCESS TRACK AT
POLMONT GOLF CLUB, SIMPSON DRIVE, MADDISTON,
FALKIRK, FK2 0LS, FOR FINE ENERGY - P/16/0469/FUL
Meeting: PLANNING COMMITTEE
Date: 23 November 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

UPDATE REPORT

1. Members will recall that this application was presented to the Planning Committee on 26 October (copy of previous report appended - Appendix 1), when it was agreed to continue the application to allow the assessment of the issues raised. This assessment was to include consideration of planning conditions which had been suggested as follows:
 - Due to travel movements along Simpson Drive / Sunnybrae Terrace, the following restrictions should apply. No travel movements:
Monday to Friday prior to 08:00 and after 17:00 hours
Saturday prior to 09:00 and after 16:00 hours
Sunday prior to 10:00 and after 16:00 hours
 - On Simpson Drive / Sunnybrae Terrace a speed restriction of 10mph should apply.
 - A Drainage survey should be carried out and a Drainage Strategy be presented to the Planning Authority, to ensure adequate drainage.
 - A survey in relation to infrastructure will be carried out and presented to the Planning Authority, to ensure that the infrastructure will be maintained on the land after development has been completed.
 - The roadway at Simpson Drive / Sunnybrae Terrace will be swept daily.

- The driveway entrance at the golf club to the golf club house should be swept daily.
 - All road plans and designs in relation to the car park and new club driveway should be presented to the Planning Authority to ensure that the development will be adequate to meet the demands which could be placed on them.
2. In relation to the above, the Roads Development Unit note that the site benefits from planning permission for a wind turbine and track with access via Simpson Drive/ Sunnybrae Terrace. As such they have no objection to the proposed change of route through the golf club.
 3. The Roads Development Unit also advise that Simpson Drive/ Sunnybrae Terrace is a public road and as such vehicles, including construction traffic, can use the road at all times. The Unit add that Simpson Drive is a public road with a 30mph speed restriction and Falkirk Council cannot impose an alternative speed restriction for construction traffic. The Unit consider that a Drainage Assessment is not required for the proposed development and advise that any damage to or mud /debris on the public road (as a result of development) could be dealt with by Road Services under the Roads (Scotland) Act 1984. The golf club driveway and car park is an existing private road and as such a detailed re-surfacing proposal is not a matter for consideration by the Council.
 4. The applicant has made comment following the Planning Committee meeting. He advises that access via Simpson Drive is permitted in accordance with planning permission Ref: P/15/0580/FUL and the matter before the Planning Committee is the proposal to change the route through the golf club (required to reduce the impact on the functioning of the golf club), not the principle of access via Simpson Drive.
 5. The applicant agrees to ensure that any noisy work is carried out within the hours suggested (except in emergency circumstances). They do, however, advise that Simpson Drive is a public road which they are entitled to use, observing legal speed limits (although, they do comment that they would request that any exceptional loads drive at 10mph or less along Simpson Drive).
 6. The applicant does not consider that a Drainage Survey or Infrastructure Survey is required, but they are happy to provide if requested by planning condition. In relation to possible debris on Simpson Drive and on the golf club driveway, the applicant advises that any debris would be cleaned timeously. In relation to the resurfacing of the private driveway and car park, the applicant considers that adequate information has been submitted to support the application.

Conclusion

7. Issues have been raised related to noise, access via Simpson Drive / Sunnybrae Terrace (time restrictions and speed) and good housekeeping in relation to keeping roads clean. Additional information is also requested in relation to drainage, infrastructure and the resurfacing of the private road.
8. Any complaints in relation to noise would be dealt with by the Environmental Protection Unit under statutory Noise Nuisance legislation. Simpson Drive / Sunnybrae Terrace is a public, adopted road and the Council cannot restrict the access or the speed limit of construction traffic. The applicant advises that the access road will be kept clean, however any issues could be dealt with by Road Services under the Roads (Scotland) Act 1984, should an issue occur.

9. The resurfacing of the golf club driveway and car park is classed as permitted development in accordance with the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, as amended. As such it is not considered reasonable or necessary to request a detailed design proposal for the resurfacing of the private road. It is not considered that a Drainage Strategy or Infrastructure Survey is required for the proposed access track.
10. The conditions suggested would not meet all of the six tests laid out in Circular 4/1998 - Use of Conditions in Planning Permissions these being that conditions should be necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise and reasonable in all other respects. As such the issues raised are not considered suitable to be addressed by planning conditions. It is however considered that an informative regarding noisy works being audible at the site boundary could be added, however this would not be enforceable.
11. No new issues have been raised that would amend the previous recommendation to grant planning permission.

12. RECOMMENDATION

It is therefore recommended that the Committee grant planning permission subject to the following condition(s):-

- 1) The development hereby approved shall be implemented in accordance with the plan(s) itemised in the informative below and forming part of this 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.**

Reason(s):-

- 1) As these drawings and details constitute the approved development.**

Informative(s):-

- 1. In accordance with section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended), this permission lapses on the expiration of a period of 3 years beginning with the date on which this permission is granted unless the development to which this permission relates is begun before that expiration.**
- 2. For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01 and Supporting Documents.**
- 3. In the event that unexpected contamination is encountered following the commencement of development, all work on the affected part of the site shall cease. The developer shall notify the Planning Authority immediately, carry out a contaminated land assessment and undertake any necessary remediation works. Development shall not recommence without the prior written approval of the Planning Authority.**

4. The access track, hereby approved, crosses a public right of way (CF44). It is advised that the right of way be kept open at all times during and post construction.
5. The applicant shall ensure that noisy work which is audible at the site boundary shall ONLY be conducted between the following hours:

Monday to Friday	08:00 - 18:00 Hours
Saturday	09:00 - 17:00 Hours
Sunday / Bank Holidays	10:00 - 16:00 Hours

Deviation from these hours of work is not permitted unless in emergency circumstances and with the prior approval of the Environmental Health Manager.

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pp Director of Development Services

Date: 14 November 2016

LIST OF BACKGROUND PAPERS

1. The Falkirk Local Development Plan.
2. Support received from Ms Ellie McNeill, 3 Sunnybrae Terrace, Maddiston, Falkirk FK2 0LP on 1 August 2016.
3. A petition with 16 signatures from the residents of Sunnybrae Terrace and Simpson Drive, Falkirk, FK2 0LP on 3 August 2016.

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

FALKIRK COUNCIL

Subject: FORMATION OF ACCESS TRACK AT
POLMONT GOLF CLUB, SIMPSON DRIVE, MADDISTON,
FALKIRK, FK2 0LS, FOR FINE ENERGY – P/16/0469/FUL

Meeting: PLANNING COMMITTEE

Date: 26 October 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 relates to the development of an alternative access track, to serve a wind turbine granted permission by Planning Committee (Reference: P/15/0580/FUL) on 24 February 2016. The application states that the submitted access track is required to reduce the impact of development on the functioning of the golf course.
- 1.2 The proposed access track would be similar in length to that consented, 3.5 metres wide and constructed from compact aggregate. The granted access track would be formed from half way up the existing golf club driveway (at the electricity sub-station) and would cut across the middle of the golf club from east to south west. The revised access track would take a route from the south of the club house (where the existing driveway / car park meets the golf course) following the general line of the southern golf club boundary.
- 1.3 This application includes resurfacing of the existing golf club driveway and car park. The applicant's agent confirms that there is adequate clearance under existing power lines, to allow access for construction vehicles and delivery of the turbine (4.9 metres of clearance is required).

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The application requires consideration by the Planning Committee, as it has been called in by Councillor Hughes for the following reasons:
- The number of objections from residents;

- The development will lead to erosion of the hill area, causing increased water flow;
- An alternative entrance for construction traffic is available at Craigend; and
- Concern regarding construction truck movements, access and egress onto Sunnybrae Terrace.

3. SITE HISTORY

- 3.1 A screening opinion request was submitted (reference: PRE/2013/0022/SCREEN) for the erection of a single wind turbine, with a maximum tip height of 78 metres. An Environmental Impact Assessment (EIA) was not required.
- 3.2 Planning permission (reference: P/15/0580/FUL) for the 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 was granted on 3 March 2016 (decision taken by the Planning Committee on 24 February 2016).

4. CONSULTATIONS

- 4.1 The Coal Authority have no objection to the application.
- 4.2 The Scottish Rights of Way and Access Society request that right of way (CF44) is kept open and free from obstruction, during and after proposed development.
- 4.3 The Roads Development Unit have no objection to the application.

5. COMMUNITY COUNCIL

- 5.1 Maddiston Community Council raised concerns in relation to the quality of the access via Simpson Drive and the possibility of an alternative access.

6. PUBLIC REPRESENTATION

- 6.1 In the course of the application, 1 letter of support and a petition opposing was received by the Council. The salient issues are summarised as follows:
 - Support of the application as a proponent of renewable energy. There are too many 'NIMBYs' in Simpson Drive/Sunnybrae Terrace and small inconveniences have to be made for renewable energy to work; and
 - A petition was submitted with 16 signatories objecting to the application on the basis of the access road not being suitable to accommodate required construction traffic, there will have to be a drainage system and the driveway resurfaced and that the access should be from Craigend.

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

The Falkirk Local Development Plan was adopted on 16 July 2015. It includes a number of supplementary guidance documents which also have statutory status as part of the Development Plan. The proposed development was assessed against the following policy or policies:

7a.1 Policy GN02 – Landscape states:

1. *The Council will seek to protect and enhance landscape character and quality throughout the Council area in accordance with Supplementary Guidance SG09 'Landscape Character Assessment and Landscape Designations.*
2. *Priority will be given to safeguarding the distinctive landscape quality of the Special Landscape Areas identified on the Proposals Map.*
3. *Development proposals which are likely to have a significant landscape impact must be accompanied by a landscape and visual assessment demonstrating that, with appropriate mitigation, a satisfactory landscape fit will be achieved.*

7a.2 Policy RW01 - Renewable Energy states:

1. *Renewable energy developments will be supported subject to:*
 - *satisfactory assessment of their impacts on the environment and communities; and*
 - *compliance with other relevant LDP policies and statutory supplementary guidance, which will embody all the principles in Scottish Planning Policy 2014 and will set detailed policy considerations against which all proposals for renewable energy infrastructure developments will be assessed*
2. *Wind energy developments will be assessed in relation to the following factors, as well as against the detailed spatial framework, policies and guidance contained in Supplementary Guidance SG14 'Spatial Framework and Guidance for Wind Energy Developments' prepared in full accord with Scottish Planning Policy 2014:*
 - *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;*
- *Cumulative impacts in relation to the above factors, arising from the combined effect of the proposal with other existing or approved wind energy developments;*
- *Net economic impacts, including local and community socio-economic benefits;*
- *The scale of contribution to renewable energy generation targets and the effect on greenhouse gas emissions; and*
- *Tourism and recreation impacts, including for public access and for long distance walking, cycling and scenic routes.*

7a.3 The proposed access track would run from the golf club car park to the wind turbine site, adjacent to the southern boundary of the golf course. It is considered that the proposed development represents a relatively minor change to the access track as granted and would be less visually prominent in terms of the landscape and visual character of the area and functioning of the golf course. The application accords with policies GN02 'Landscape' and RW01 'Renewable Energy'.

Supplementary Guidance Forming part of the Falkirk Local Development Plan

7a.4 The application site is located within the Slamannan Plateau Landscape Character Area, as identified in SG09 'Landscape Character Assessment and Landscape Designations'. SG09 states that any proposals for wind energy development (and associated works) should accord with SG14 'Spatial Framework and Guidance for Wind Energy Development'. SG14 acknowledges the direct visual impacts resulting from ancillary works, including proposed access tracks.

7a.5 It is considered that the proposed access track would be less visually prominent than that granted and would accord with Supplementary Guidance SG09 and SG14 and the Falkirk Local Development Plan.

7a.6 Accordingly, the application accords with the terms of the Falkirk Local Development Plan.

7b Material Considerations

The material considerations to be assessed are the planning history, assessment of public representations and supporting information received from the applicant.

Planning History

7b.1 There are no conditions on planning permission (Reference: P/15/0580/FUL) relating to the access track which require to be carried forward onto any further planning permission.

Assessment of Public Representations

7b.2 Support for the application is noted.

7b.3 Concerns in relation to the access road are noted, however, this was fully examined at the wind turbine application stage and planning permission granted. As such, the principle of access from Simpson Drive is established. The access track is considered to be of an acceptable standard for access to the wind turbine and it is noted that the Council's Roads Development Unit do not object to the proposal. The application includes resurfacing of the existing golf club driveway and car park, which is in a poor condition.

7b.4 Access is not proposed from Craigend.

7b.5 The proposed access track would be formed from crushed rock and aggregate. As such it is considered that the track would be a permeable surface and would be unlikely to cause erosion of the hill or increase water flow to the surrounding area including road network and residential properties.

Supporting Information

7b.6 The applicant raises the following issues in support of the application and in response to the reasons for the application call in by Councillor Hughes:

- If planning permission is refused for the revised access track, development will be implemented in accordance with the granted scheme, which allows access via Simpson Drive;
- Access via Craigend is not possible, as the narrow entrance into the lane running from the B805 west towards Craigend cottage, would not accommodate the size of vehicle required for delivery and construction of the wind turbine; and
- Shared use of the access track proposed for the Whiterigg turbine would require a longer length of new track to be constructed and negotiation with the developer and landowner.

7b.7 It is therefore noted that the applicant has examined taking an alternative access, but this was discounted for the reasons mentioned above. The applicant also acknowledges that there is a planning permission for a wind turbine with access track, which takes access via Simpson Drive, which can be implemented.

7c Conclusion

7c.1 This proposal is assessed as being in accordance with the Falkirk Local Development Plan. The comments received by third parties and consultees are addressed in the body of this report. There are no material planning considerations to warrant refusal of the application and it is recommended for approval.

8. RECOMMENDATION

8.1 **It is therefore recommended that the Committee grant planning permission subject to the following condition(s):-**

- 1) The development hereby approved shall be implemented in accordance with the plan(s) itemised in the informative below and forming part of this 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.

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Director of Development Services

Date: 17 October 2016

LIST OF BACKGROUND PAPERS

4. The Falkirk Local Development Plan.
5. Support received from Ms Ellie McNeill, 3 Sunnybrae Terrace, Maddiston, Falkirk FK2 0LP on 1 August 2016.
6. A petition with 16 signatures from the residents of Sunnybrae Terrace and Simpson Drive, Falkirk, FK2 0LP on 3 August 2016.

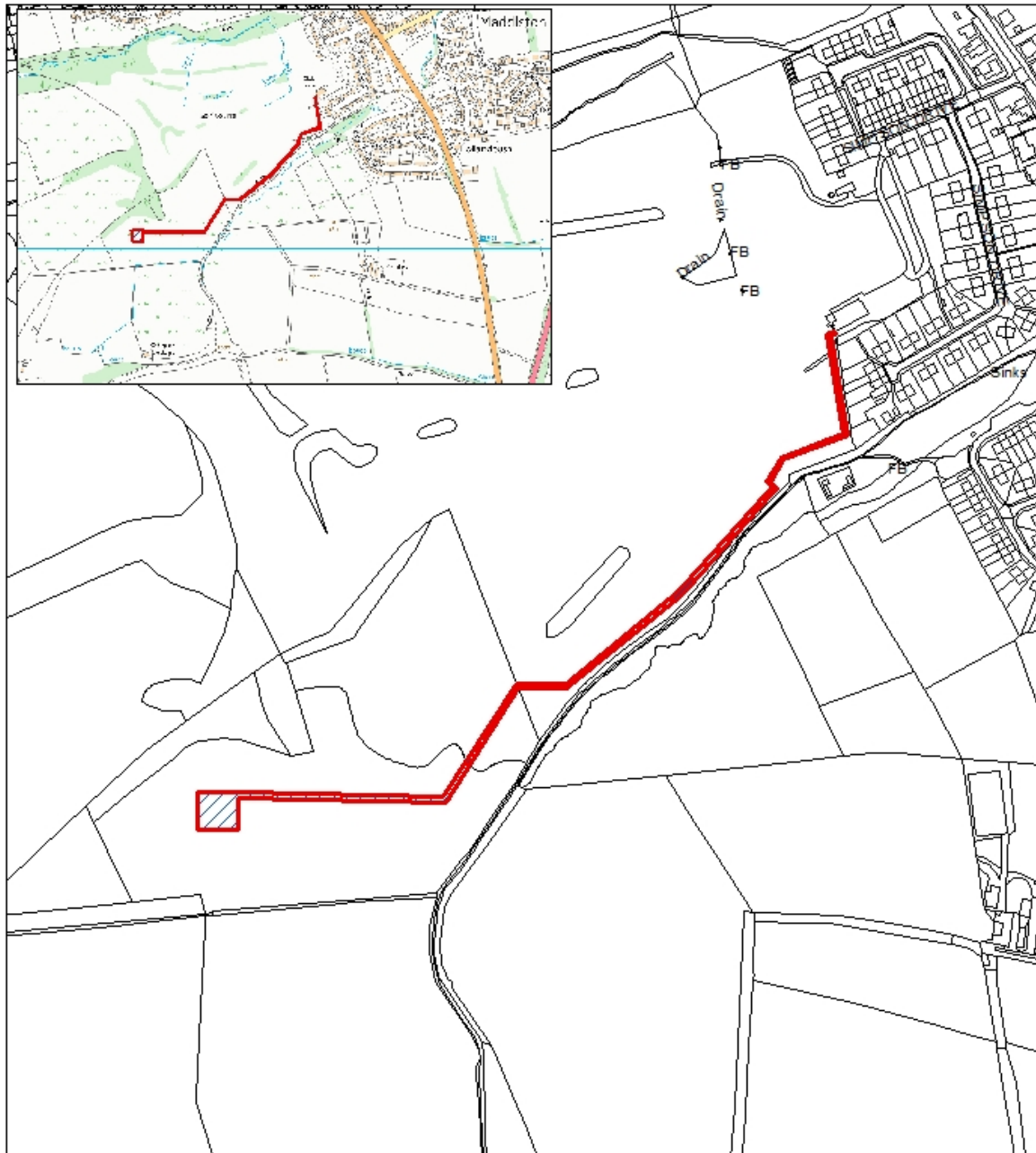
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504880 and ask for Julie Seidel, Planning Officer.

Planning Committee

Planning Application Location Plan

P/16/0469/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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