



AGENDA ITEM

8

**Installation of a Single Wind Turbine
(Height of 69 Metres to Hub, 99.5
Metres to Blade Tip) Hardstanding,
Substation Building, Transformer
Housing and Area for Micrositing
(Amendment to Planning
Permission P/14/0203/FUL) at Land
to the South of Westerglen Farm,
Falkirk for Bespoke Community
Development CIC - P/17/0766/FUL**

FALKIRK COUNCIL

Subject: INSTALLATION OF A SINGLE WIND TURBINE (HEIGHT OF 69 METRES TO HUB, 99.5 METRES TO BLADE TIP) HARDSTANDING, SUBSTATION BUILDING, TRANSFORMER HOUSING AND AREA FOR MICROSITING (AMENDMENT TO PLANNING PERMISSION P/14/0203/FUL) AT LAND TO THE SOUTH OF WESTERGLEN FARM, FALKIRK, FOR BESPOKE COMMUNITY DEVELOPMENT CIC - P/17/0766/FUL

Meeting: PLANNING COMMITTEE

Date: 30 May 2018

Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Ward - Falkirk South

Councillor Lorna Binnie
Councillor John Patrick
Councillor Pat Reid

Community Council: Falkirk South

Case Officer: John Milne (Senior Planning Officer), Ext. 4815

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 This application seeks planning permission for the erection of a single wind turbine measuring 69 metres to hub and 99.5 metres to blade tip. The turbine would be located north of Greenrigg Farm, on agricultural land and accessed via an existing farm track off the B803 Falkirk to Slamannan Road.
- 1.2 Members may recall that there was a previous approval was for a turbine measuring 50 metres to hub and 79 metres to blade tip, along with access road, hardstanding, substation building, transformer housing and area for micro-siting. The new turbine now proposed at this location represents a change of dimension of some 19 metres to hub and 20.5 metres to blade tip.
- 1.3 In support of the application, the applicants have made the following statement;-
Bespoke Community Development Community Interest Company is owned entirely by members from the local community, largely from the Falkirk area, operating for six years and currently employ two full time staff members.

Over this time the applicants point out that their achievements to date include:

- Providing employability training for 20 unemployed people through an ongoing partnership with Falkirk Council.
- Maintaining 20km of mountainbike and multi-use trails in South Falkirk.
- Supporting 12 sports events in South Falkirk.

- Constructing new walking and cycling trails along with a bike pump track at Canada Wood.
- Maintaining and enhancing Larbert High's bike pump track.
- Providing Active Schools and Outdoor Learning support for Falkirk high schools.

- 1.4 This current project is part of the long term strategy to reduce dependence on grant funding. This is a pressing need as one of the major funding sources is an EU rural funding programme.
- 1.5 The turbine project has encountered some technical and financial hurdles which have caused delay and reduced the income potential as the Feed in Tariff payments for renewable electricity have been reduced. This has driven a requirement for a higher turbine tip height to ensure the financial viability of the project.
- 1.6 It is the intention to connect the wind turbine to the electricity grid in December this year. In order to meet this deadline, the applicant requests that it is vital that members of the Planning Committee determine their planning application at the earliest opportunity.
- 1.7 It is planned to raise the finance to deliver the project after the planning application has been determined. Current advice suggests that this process will take three or four months to complete. It is therefore important that the decision is taken at the earliest opportunity to allow the funds to be secured in time to start construction in the summer months. For various practical reasons, it is much better to complete the civils works (such as the construction of the access track) during the drier summer months. Additionally, permission has been secured from Scottish Water to construct the access track over their pipework. This permission is valid until mid-August and this part of the development must be completed before then.
- 1.8 Furthermore, the lead time for the manufacture and delivery of a wind turbine is typically five to six months from the date of order. To achieve a December commissioning deadline, confirmation of our order with the manufacturer will be required in June or July. The community will need to have made significant progress raising the finance for the project by this stage to be able to place the order.
- 1.9 It is the applicant's position that a decision at the earliest opportunity is critical to ensure that the necessary finance can be raised by summer, construct the civil works during summer and place an order on a wind turbine to be able to meet the commissioning deadline in December.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The application does not fully accord with the provisions of the Development Plan. The previous application (P/14/0203/FUL) for the same site was considered by the Planning Committee and granted planning permission.

3. SITE HISTORY

- 3.1 P/14/0203/FUL - Installation of a Single Wind Turbine, New Access Road, Hardstanding, Substation Building, Transformer Housing and Area for Micrositing at Land To The South Of Westerglen Farm, Falkirk for Bespoke Community Development Company - approved 29 October 2014.

4. CONSULTATIONS

- 4.1 The Council's Roads Development Unit has no objections subject to an informative advising that pre and post development road surveys will require to be agreed with that Unit.
- 4.2 Scottish Water has no objections.
- 4.3 The Council's Environmental Protection Unit has confirmed that the proposed turbine meets statutory noise emission guidelines. A planning condition is proposed that provides the opportunity for noise emission monitoring and potential mitigation should a justified noise complaint be received. In addition, a precautionary planning condition regarding potentially contaminated land being encountered is recommended.
- 4.4 Scottish Natural Heritage has no objection but has advised that appropriate assessment is to be undertaken. The applicant has undertaken appropriate assessment and submitted this to Falkirk Council for review. No matters of environmental concern have been identified.
- 4.5 The Ministry of Defence (MOD) Defence Infrastructure Organisation Safeguarding (Wind Energy) has no objections but requests further contact on initiation of development. This can be required by planning condition.
- 4.6 The Coal Authority has no objections to the proposals subject to the imposition of planning conditions relating to further site investigation and verification of findings to date.
- 4.7 The Joint Radio Company (JRC) has no objections.
- 4.8 WS Atkins (acting for the UK Water Industry in respect of their telecommunication interests) has no objections.
- 4.9 National Air Traffic Services (NATS En-Route Ltd) has no objections subject to planning conditions relating to a radar mitigation system being employed and construction works being suspended until such radar mitigation system being employed.
- 4.10 Ofcom Spectrum Licensing do not object to the application.
- 4.11 Glasgow Airport has no objections.
- 4.12 Edinburgh Airport has no objections.

5. COMMUNITY COUNCIL

- 5.1 Shieldhill and California Community Council did not make any representations.

6. PUBLIC REPRESENTATION

- 6.1 No representations have been received.

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

7a.1 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.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 There are no objections raised by consultees in terms of landscape setting or noise nuisance. The proposal has been screened for EIA, which resulted in no EIA being required. Assessment of the proposal has demonstrated that it would not have any significant impact on the wider area in respect of visual impact or landscape setting. No unacceptable impacts would result in relation to ecology, cultural heritage, aviation or telecommunication. Noise or shadow flicker would not result, even in relation to properties in the vicinity of the site. No significant cumulative impacts would occur in respect of previously approved similar developments. The development site does not lie within an Area of Great Landscape Value (AGLV) although landscape and visual assessments have been undertaken.

7a.4 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.5 The planning application is accompanied by a comprehensive landscape and visual assessment study. This has provided confirmation that, whilst some local visual impact would result, the development would not result in any significantly greater visual impact on the quality of the wider landscape area than the proposed turbine previously approved under P/14/0203/FUL. The proposed development site does not lie within an Area of Great Landscape Value (AGLV).

7a.6 Accordingly, the proposal does not fully accord with the terms of the Development Plan in respect of policy RW01 - 'Renewable Energy' in that visual impact would result of a significance greater than considered appropriate in the Council's Supplementary Guidance SG14 "Spatial Framework and Guidance for Wind Energy Developments".

7b Material Considerations

- 7b.1 The material considerations to be assessed are site history, the Supplementary Guidance SG14 “Spatial Framework and Guidance for Wind Energy Development” (July 2015), SG09 “Landscape Character Assessment and Landscape Designations” (July 2015) and points raised through consultation. Supporting information has also been submitted by the applicant.

Site History

- 7b.2 The application site was previously the subject of a planning application for a wind turbine, approved on 30 October 2014. Falkirk Council has received notification that works had been initiated on site on 23 October 2017. The 2014 planning permission can be considered extant.

Supplementary Guidance SG14 “Spatial Framework and Guidance for Wind Energy Development” (July 2015)

- 7b.3 In respect of the Development Plan, the Council has developed “Supplementary Planning Guidance “Spatial Framework and Guidance for Wind Energy Developments”. The Spatial Framework guides the location of wind energy development within the Falkirk Council area. The Spatial Framework considers a number of criteria, including the ability, or otherwise, of all landscape areas to accommodate wind energy development.
- 7b.4 The application site lies within an area identified as the Castlecary/Shieldhill Plateau Farmland Landscape Character Area (type 3iii). This is an area of low to medium landscape capacity to accommodate wind energy development. The Spatial Framework provides guidance that wind turbines of over 50 metres to blade tip are unlikely to be considered appropriate in the area of the site. A turbine of the height proposed (99.5 metres to blade tip) is contrary to the Spatial Framework and therefore the Development Plan.
- 7b.5 However, the supporting information submitted by the applicant demonstrates that the chosen siting location (at a lower level within an undulating landscape) would result in a turbine height that would be approximately equivalent to a lesser turbine height on higher ground.
- 7b.6 The proposed turbine siting has been selected to be on low lying ground within a generally high level area comprising undulating land. Whilst SG14 does not envisage turbines at the height proposed to be acceptable in this landscape area, it is considered that the site selection would result in a lessened visual impact comparable with smaller acceptable turbine heights envisaged in SG14.
- 7b.7 The proposed development has been demonstrated, through the assessment of EIA screening, Appropriate Assessment and the assessment of supporting information, to have no adverse impact on ecology, soil, water, historic environment, aviation, telecommunication, communities or result in cumulative impact. The proposed turbine would result in visual impact on a small number of localised properties. This impact has been demonstrated to be on visual impact alone, and not others such as noise or shadow flicker.

Supplementary Guidance SG09 “Landscape Character Assessment and Landscape Designations” (July 2015)

- 7b.8 In the assessment of the submitted supporting information it is considered that the Zone of Theoretical Visibility (ZTV) of the turbine extends beyond 10-12 kilometres from the turbine site. Within 10 kilometres, the turbine or some upper parts of it are theoretically visible from areas to the north, including the southern edge of Falkirk, Hallglen and Glen Village (all at approximately 2.5 kilometres distance) and more distantly from the north side of Falkirk and Grangemouth (at 4-10 kilometres), from Larbert (at 6 kilometres) and from parts of Bonnybridge and Denny (at 7-9 kilometres). Eastwards, theoretical visibility would extend to Shieldhill (at 2.5 kilometres distance) and parts of Polmont (at 6-7 kilometres). Southwards, theoretical visibility is more sporadic over the countryside within 10 kilometres, with parts of Slamannan (at 4 kilometres distance) also receiving views. Westwards, theoretical visibility within 10 kilometres is also sporadic over the countryside with no visibility from settlements. In practice, actual visibility within 10 kilometres of the turbine would be limited by woodland/tree cover, buildings and minor topographical changes and would be less than the theoretical visibility shown on the submitted plans. Nevertheless, in all directions there would be a number of outlying rural dwellings, farms and dwellings on the edges of villages that would receive close, unrestricted and direct views of the turbine from the B803 (Falkirk to Slamannan Road), from the B8028 (Falkirk to California Road), from minor roads and from Rights of Way/Core Paths in the area.
- 7b.9 It is accepted that the overall impact of the turbine on the landscape would be low and not significant. However, the assessment recognises that within the Castlecary/Shieldhill Plateau Farmland Landscape Character Area there are localised moderate to moderate/major landscape effects. This latter landscape character area (containing the site of the proposal) covers the rural land sloping down northwards from the plateau to the settlements in the Bonny Water/River Carron river valleys. A very large proportion of this Landscape Character falls within the ZTV area and even taking into account woodland cover, it is likely that actual visibility of the turbine would still remain. Any very tall structures (e.g. wind turbines) would be visually prominent from the river valleys and settlements on lower ground to the north. The Castlecary/Shieldhill area is therefore very sensitive to wind energy development involving the taller turbine types due to the impact on the areas to the north.
- 7b.10 The proposed turbine (at 99.5 metres to tip) falls within a Landscape Character Area where turbines of over 50 metres are generally assessed as not being acceptable. However, the careful siting of the proposal means that the landscape, visual and cumulative effects have been significantly reduced for a turbine to the height proposed. Nevertheless, there are still areas where significant localised visual and cumulative issues would be experienced due to the proposed increase in the turbine height.

Consultation Responses

- 7b.11 Comments from consultees can be satisfactorily addressed by appropriate planning conditions or informatives.

Supporting Information

7b.12 The applicant has submitted a comprehensive Landscape and Visual Assessment incorporating baseline landscape assessment, turbine impact on landscape character, and includes photo-montage assessment from 14 viewpoints. The submitted Assessment concludes that:-

- impact on landscape character would not be significant;
- existing landscape character is already affected by pylons and masts;
- only a very limited number of dwellings would experience significant visual impact;
- the overall proportion of the south Falkirk area would not be affected significantly;
- cumulative impact is limited; and
- significant effects on residential amenity are unlikely.

7c Conclusion

7c.1 In conclusion, the proposed turbine does not fully accord with the terms of the Development Plan in respect of policy RW01 - 'Renewable Energy' - in visual impact terms as it relates to the Council's Supplementary Guidance SG14 - "Spatial Framework and Guidance for Wind Energy Developments". This is in relation to the height of the turbine blade tip.

7c.2 However, assessment of material considerations has determined that the selected site of the turbine is in an acceptable location. That visual impact would be lessened as a result of location on lower ground, with higher land forms adjacent in a generally high area. Whilst a small number of residential properties at Wester Shieldhill and the Three Kings wedding venue would be directly affected by proximity views, no significant amenity impact on these properties would result to justify refusal of this proposal. In the wider area of the site, it is considered that no significant visual or amenity impact would result. The increase in turbine tip height is not to be considered significant in terms of visual impact from the previous planning approval.

8. RECOMMENDATION

8.1 **It is therefore recommended that the Committee 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 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.**
- (2) Prior to operation, the proposed turbine shall be fitted with infrared aviation lighting with an optimised flash pattern of 60 flashes per minute of 200ms to 500ms duration at the highest practicable point.**

- (3) Prior to initiation of development, the applicant shall inform, in writing, the Ministry of Defence of:
- the date construction will start and end,
 - the maximum height of construction equipment, and
 - the latitude and longitude of the turbine.
- (4) Should complaints of noise be received as a result of the operation of the wind turbine, the operator shall, at its expense, employ an independent consultant (not financially involved) approved by the Planning Authority to assess the level of noise emissions from the wind turbine at the nearest noise sensitive receptor. At wind speeds not exceeding 12m/s, (referenced to a height of 10m above ground level, at the location of the turbine), the wind turbine noise level, when measured at any dwelling, shall not exceed:-
- (a) During Night Hours, 43 dB LA90,10min or the Night Hours LA90,10min Background Noise Level plus 5 dB(A), whichever is the greater.
- (b) During Daytime Hours, 35 dB LA90,10min or the Daytime Hours LA90,10min Background Noise Level plus 5 dB(A), whichever is the greater.

The report shall be submitted to the Planning Authority for perusal with a view to prevent noise disturbance.

- (5) Prior to the initiation of development, the applicant shall confirm the exact colour of turbine colour, hub, blades and all approved infrastructure with the Planning Authority. This shall be submitted for approval in writing and implemented as approved.
- (6) Prior to the initiation of development, the applicant shall provide a plan detailing any landscape features that require to be removed and reinstatement details and specification.
- (7) 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.
- (8) Prior to the initiation of development, further information shall be submitted to and approved in writing by the Planning Authority - in consultation with the Coal Authority - as to:-
- * The undertaking of a scheme of intrusive site investigations which is adequate to properly assess the ground conditions and the potential risks posed to the development by past coal mining activity, specifically shallow coal mining activity;

- * The submission of a report of findings arising from the intrusive site investigations, the results of any gas monitoring and a scheme of proposed remedial works for approval; and
 - * The implementation of those remedial works.
- (9) No development shall commence on site until a 'Radar Mitigation Scheme' (RMS), has been agreed with the Operator and approved in writing by the Local Planning Authority.
- (10) No turbines shall be built until an approved 'Radar Mitigation Scheme' (RMS) has been implemented. The Radar Mitigation Scheme (RMS) shall thereafter be implemented and operated in accordance with the approved details.

Reason(s):-

- (1) As these drawings and details constitute the approved development.
- (2) The development would not be acceptable without these additional works.
- (3) To enable the Planning Authority to consider this/these aspect(s) in detail.
- (4) To ensure that the occupants of the property are safeguarded against excessive noise intrusion.
- (5-6) In the interests of visual amenity.
- (7-8) To ensure the suitability of the ground.
- (9-10) To ensure that air traffic control is not compromised.

Informative(s):-

- (1) For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01-09.
- (2) Falkirk Council have determined the application on the basis of available information relating to ground contamination/landfill gas. The responsibility for the safe development and secure occupancy of the site remains with the applicant/developer.
- (3) The applicant will be required to negotiate pre and post construction road and bridge surveys with Falkirk Council's Roads Services, Earls Road, Grangemouth and Bridge and Structures Design, Abbotsford House, David's Loan, Falkirk.

- (4) 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.

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Pp Director of Development Services

Date: 21 May 2018

LIST OF BACKGROUND PAPERS

1. Falkirk Local Development Plan July 2015.
2. Supplementary Guidance Note SG14 July 2015 - Spatial Framework and Guidance for Wind Energy Development.
3. Supplementary Guidance SG09 July 2015 - Landscape Character Assessment and Landscape Designations.
4. Planning application ref P/14/0203/FUL

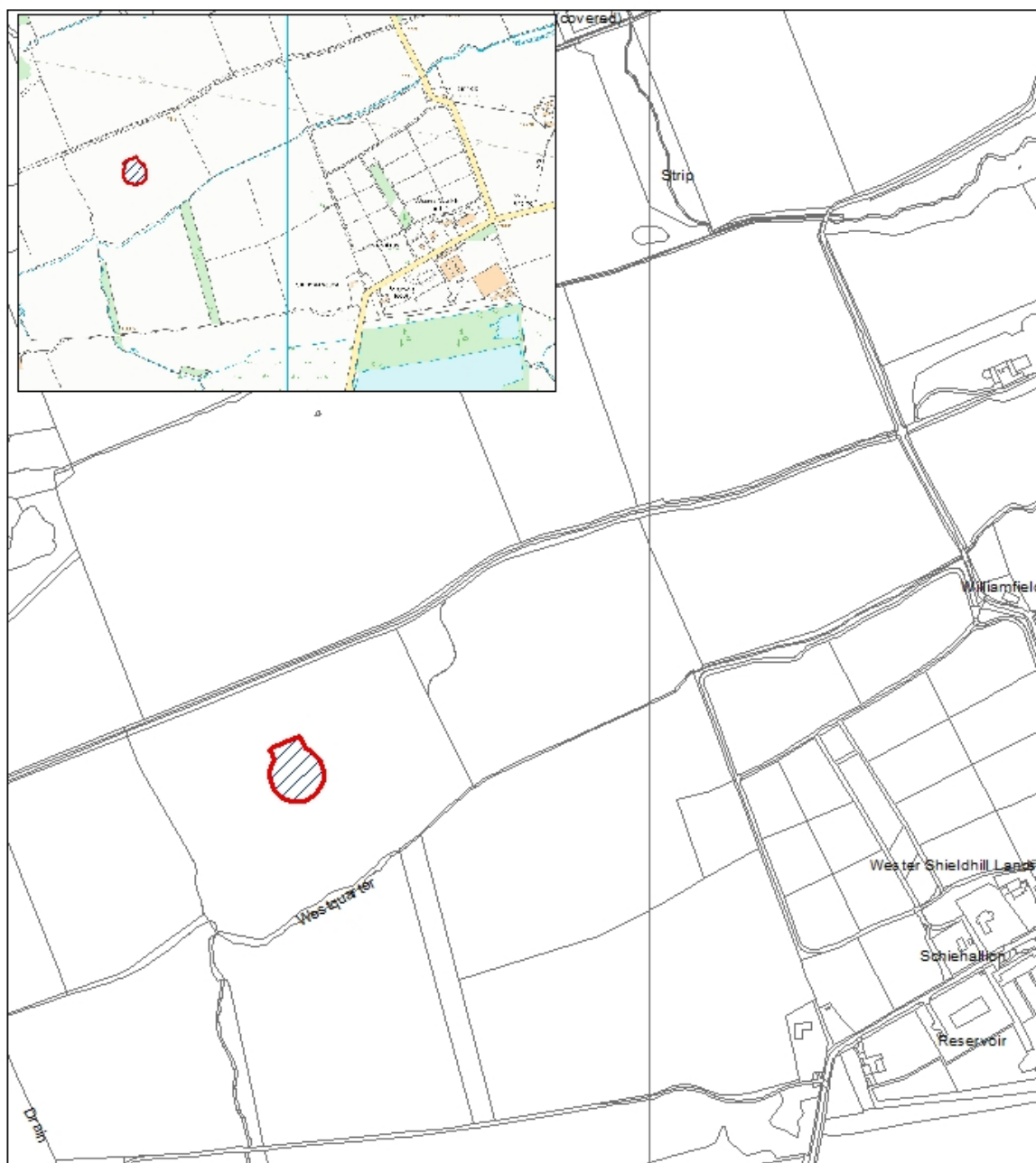
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504815 and ask for John Milne, Senior Planning Officer.

Planning Committee

Planning Application Location Plan

P/17/0766/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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