

**FALKIRK COUNCIL**

**Subject:** INSTALLATION OF A WIND TURBINE 225 KW (32.2 METRES TO HUB AND 45.7 METRES TO BLADE TIP), ANCILLARY INFRASTRUCTURE INCLUDING ACCESS TRACK, CRANE HARDSTANDING AREA AND TEMPORARY GROUND WORKS AT LAND TO THE NORTH OF KERSEBROCK FARM, FALKIRK FOR MR JOHN WATSON – P/11/0632/FUL

**Meeting:** PLANNING COMMITTEE

**Date:** 7 MARCH 2012

**Author:** DIRECTOR OF DEVELOPMENT SERVICES

**Local Members:** Ward - Carse, Kinnaird and Tryst  
Councillor Steven Carleschi  
Councillor Lynda Kenna  
Councillor Charles MacDonald  
Councillor Craig Martin

**Community Council:** Larbert, Stenhousemuir and Torwood

**Case Officer:** Allan Finlayson (Senior Planning Officer) Ext. 4706

**UPDATE REPORT FOLLOWING COMMITTEE SITE VISIT**

1. Members will recall that this application was originally considered at the meeting of Planning Committee on 1 February 2012 (copy of previous report attached, Appendix 1) when it was agreed to continue the application and to undertake a site visit. This visit took place on 20 February 2012.
2. At the site visit, the applicant was heard in relation to the proposed wind turbine. The reasons for site selection were explained and the type of turbine detailed.
3. Members requested that the applicant indicate the exact position of the proposed turbine. The applicant obliged by walking into the site. Members viewed the turbine location in the context of landscape character and setting.
4. Members raised questions in relation to the power generation of the proposed turbine, the role of the turbine in assisting with agricultural diversification and the potential for impact on wildlife as raised in the submitted objection.
5. No matters were raised which would amend the original recommendation to grant planning permission.

## **6. RECOMMENDATION**

**6.1** It is therefore recommended that 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)** Prior to the commencement of any work on site the detailed findings of a pre-construction survey to determine the existence or otherwise of other activity in proximity to the site shall be submitted for the assessment of Falkirk Council as Planning Authority. Development shall not commence until the written approval of Falkirk Council has been provided including any mitigation works determined to be required.
- (3)** Prior to the commencement of any work on site details of the specification of the proposed access road composition (incorporating cable trench layout), proposed access gate design and switchgear unit location and design shall be submitted for the assessment of Falkirk Council as Planning Authority. Development shall not commence until the written approval of these details, including amendment as required, has been provided by Falkirk Council.
- (4)** 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 commence without the prior written approval of the Planning Authority.
- (5)** Samples of the external materials, including colour specification, to be used in the development shall be submitted for the consideration of the Planning Authority and no work shall begin until written approval of the Planning Authority has been given.

**Reason(s):**

- (1)** To accord with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997.
- (2)** To ensure no impact on wildlife will result.
- (3)** In the interests of visual amenity.
- (4)** To ensure the ground is suitable for the proposed development.
- (5)** To enable the Planning Authority to consider this/these aspect(s) in detail.

**Informative(s):**

- (1)** For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01-08A, 09-20.

- (2) It is recommended that the applicant should consult with the Development Services Environmental Health Division concerning this proposal in respect of noise legislation which may affect this development.

Pp .....  
Director of Development Services

Date: 28 February 2012

#### **LIST OF BACKGROUND PAPERS**

1. Falkirk Council Structure Plan.
2. Falkirk Council Local Plan.
3. Scottish Planning Policy.
4. PAN 45.
5. Letter of objection received from Mrs Claudia Taylor, 5 Fairfields, Moss Road, by Dunmore, Falkirk, FK2 8RY on 21 December 2011

Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504706 and ask for Allan Finlayson, Senior Planning Officer.

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**Meeting:** PLANNING COMMITTEE

**Date:** 1 February 2012

**Author:** DIRECTOR OF DEVELOPMENT SERVICES

**Local Members:** Ward - Carse, Kinnaird and Tryst  
Councillor Steven Carleschi  
Councillor Lynda Kenna  
Councillor Charles MacDonald  
Councillor Craig Martin

**Community Council:** Larbert, Stenhousemuir and Torwood

**Case Officer:** Allan Finlayson (Senior Planning Officer) Ext. 4706

**1. DESCRIPTION OF PROPOSAL / SITE LOCATION**

- 1.1 This application relates to the erection of a single wind turbine on agricultural land to the north of Kersebrock Farm, Kinnaird, Falkirk.
- 1.2 The turbine would be sited remotely from any residential properties in an area of low lying level ground.
- 1.3 The proposed turbine would have a height of approximately 32 metres to turbine hub and 46 metres to blade tip.

**2. REASON FOR COMMITTEE CONSIDERATION**

- 2.1 The application has been called to Committee by Councillor Craig Martin.

**3. SITE HISTORY**

- 3.1 Erection of agricultural building, Kersebrock Farm, approved 19 April 2011 (ref: P/11/0106/AGR).

- 3.2 Confirmation that an Environmental Impact Assessment (EIA) would not be required for the proposed development was provided in a response to the submission of an Environmental Impact Assessment Screening Opinion request 8 December 2010 (ref: PRE/2010/0008/SCREEN).

#### **4. CONSULTATIONS**

- 4.1 The Roads Development Unit has no objections to the proposed development.
- 4.2 The Environmental Protection Unit has requested the submission of a Contaminated Land Assessment by means of planning conditions and the attaching of an informative to advise the applicant/developer of legislative obligations to control turbine noise.
- 4.3 Scottish Water has no objections.
- 4.4 The British Aviation Authority (BAA) has no objections on the basis that the proposed turbine does not conflict with established safety criteria.
- 4.5 National Air Traffic Services (NATS En Route) has no objections to the proposal.
- 4.6 The Ministry of Defence (Operations North) has no objections to the proposed turbine
- 4.7 Scottish Natural Heritage (SNH) has no objection to the proposed development but has advised of the requirement of the applicant to implement proposed actions to avoid any impact on wildlife.
- 4.8 Stirling Council has not made comment on the proposed development.

#### **5. COMMUNITY COUNCIL**

- 5.1 The local Community Council has not requested consultation or made comment in relation to the proposed development.

#### **6. PUBLIC REPRESENTATION**

- 6.1 One objection has been received during consideration of the application. The grounds of objection express concerns with regard to potential impact on existing wildlife using the field in which the turbine would be sited.

#### **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 Policy ENV.13 ‘General Principles for Renewable Energy’ states:

*“Proposals for the generation of energy from renewable sources will generally be supported subject to an assessment of individual proposals in relation to Structure Plan Policies ENV.1-ENV.7.*

*The council will work in partnership with other agencies to set out, in the local plan, the criteria for the location and design of renewable energy developments.”*

7a.2 This Structure Plan Policy is supportive of applications utilising renewable energy, provided issues of setting, amenity and bio-diversity are considered to be satisfactory following the assessment of detailed policies expressed in the Falkirk Local Plan.

### ***Falkirk Council Local Plan***

7a.3 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.4 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.5 The visual impact of a single turbine at this location is considered to be acceptable. The site is low lying agricultural land with no landscape features of significance. The applicant has submitted a landscape character assessment and viewpoint assessment confirming that no significant landscape impact would result from the proposed medium height turbine.
- 7a.6 The application site does not lie within an area of ecological or biodiversity classification. The site does, however, lie to the west of Letham Moss, a Site of Importance for Nature Conservation (SINC). On this basis SNH has been consulted. SNH has no objections, and their comments are discussed in paragraph 7b.4 of this report.
- 7a.7 No impact on aviation telecommunication has been demonstrated during consultation with relevant agencies. The applicant has demonstrated that “shadow flicker” will not occur given the relationship of the proposed turbine with surrounding properties. The applicant has satisfactorily demonstrated that no significant noise impact will result.
- 7a.8 The proposal is for a single turbine, and no similar developments have been approved in proximity to the site. No cumulative impact will therefore result.
- 7a.9 Accordingly, the proposal is considered to accord with the Development Plan.

## **7b Material Considerations**

- 7b.1 The material considerations to be addressed are the points raised through responses to consultation, the representation received and Scottish Planning Policy.

### ***Responses to Consultations***

- 7b.2 No objections have been received from consultees although a planning condition has been requested by the Environmental Protection Unit in order to assess the potential for contaminated land at the site and an informative requested to advise the applicant of legislative obligations to control turbine noise.
- 7b.3 Scottish Natural Heritage (SNH) has confirmed that there is no objection to the proposed turbine. Advice has been provided from SNH in relation to the mitigation measures to be employed by the applicant to lessen any potential impacts on wildlife. The applicant has confirmed acceptance of the comments provided by SNH.
- 7b.4 SNH has confirmed the presence of otters in proximity to the site and has advised that a license from SNH will be required if any works are proposed within 30 metres of any watercourse. The applicant has confirmed that works are proposed within 30 metres of a watercourse. The applicant has agreed therefore to conduct a pre-construction survey of surrounding watercourses to determine the presence of any otter spraints (droppings). Liaison with SNH will be required depending on survey results. A planning condition is proposed to require the submission of the otter survey to Falkirk Council and allow consultation with SNH. No impact on any other wildlife species will occur as a result of development.

### ***Response to Objection***

- 7b.5 The potential impact on any wildlife species has been fully considered through consultation with SNH. No impact on wildlife is considered to result from the implementation of the proposed development.

## ***Scottish Planning Policy***

- 7b.6 The National Planning Framework 2 (NPF2) sets out the Government strategic spatial planning priorities and reinforces the Scottish Government's intention to place Scotland at the forefront of renewable energy technologies as well as highlighting the important role which the renewable energy sector plays in Scotland's economy.
- 7b.7 Scottish Planning Policy 2010 (SPP) requires Development Plans to “*provide a clear indication of the potential for development of wind farms of all scales and should set out the criteria that will be considered to deciding applications for all wind farm developments including extensions*”. This includes:
- Landscape and visual impacts;
  - Effects on the natural heritage and historic environment;
  - Contribution of the development to renewable energy generation targets;
  - Effect on the local and national economy and tourism and recreation interests;
  - Benefits and disbenefits for communities;
  - Aviation and telecommunications;
  - Noise and shadow flicker; and
  - Cumulative impact.
- 7b.8 PAN 45 and Annex 2 has now been supported by a raft of online guidance relating to renewable energy. This includes specific guidance on onshore wind turbines.
- 7b.9 Falkirk Council intends to take forward its obligations under the SPP through the preparation of a Spatial Framework for Wind Energy Developments which will be adopted as Supplementary Planning Guidance.
- 7b.10 Currently a Landscape Capacity Study is in preparation to inform this Supplementary Planning Guidance.
- 7b.11 Prior to the development of specific wind energy policies, proposals should be assessed against the current Development Policies set out in the Falkirk Council Local Plan.

## **7c Conclusion**

- 7c.1 It is considered that the erection of a single turbine of medium height at this location would have minimal visual impact on the existing rural landscape setting and character. No environmental or wildlife impacts are considered likely to occur which cannot be acceptably controlled. The proposed development is supported by policies of the Development Plan. Scottish Planning Policy supports the principle of renewable energy production by means of appropriately sited wind turbines. There are no material considerations considered to outweigh the relevant policies of the Development Plan.



## 8. RECOMMENDATION

8.1 It is therefore recommended that 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) Prior to the commencement of any work on site the detailed findings of a pre-construction survey to determine the existence or otherwise of other activity in proximity to the site shall be submitted for the assessment of Falkirk Council as Planning Authority. Development shall not commence until the written approval of Falkirk Council has been provided including any mitigation works determined to be required.
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### Informative(s):

- (1) For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01-08A, 09-20.

- (2) It is recommended that the applicant should consult with the Development Services Environmental Health Division concerning this proposal in respect of noise legislation which may affect this development.



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Director of Development Services

Date: 24 January 2012

#### **LIST OF BACKGROUND PAPERS**

1. Falkirk Council Structure Plan.
2. Falkirk Council Local Plan.
3. Scottish Planning Policy.
4. PAN 45.
5. Letter of objection received from Mrs Claudia Taylor, 5 Fairfields, Moss Road, by Dunmore, Falkirk, FK2 8RY on 21 December 2011

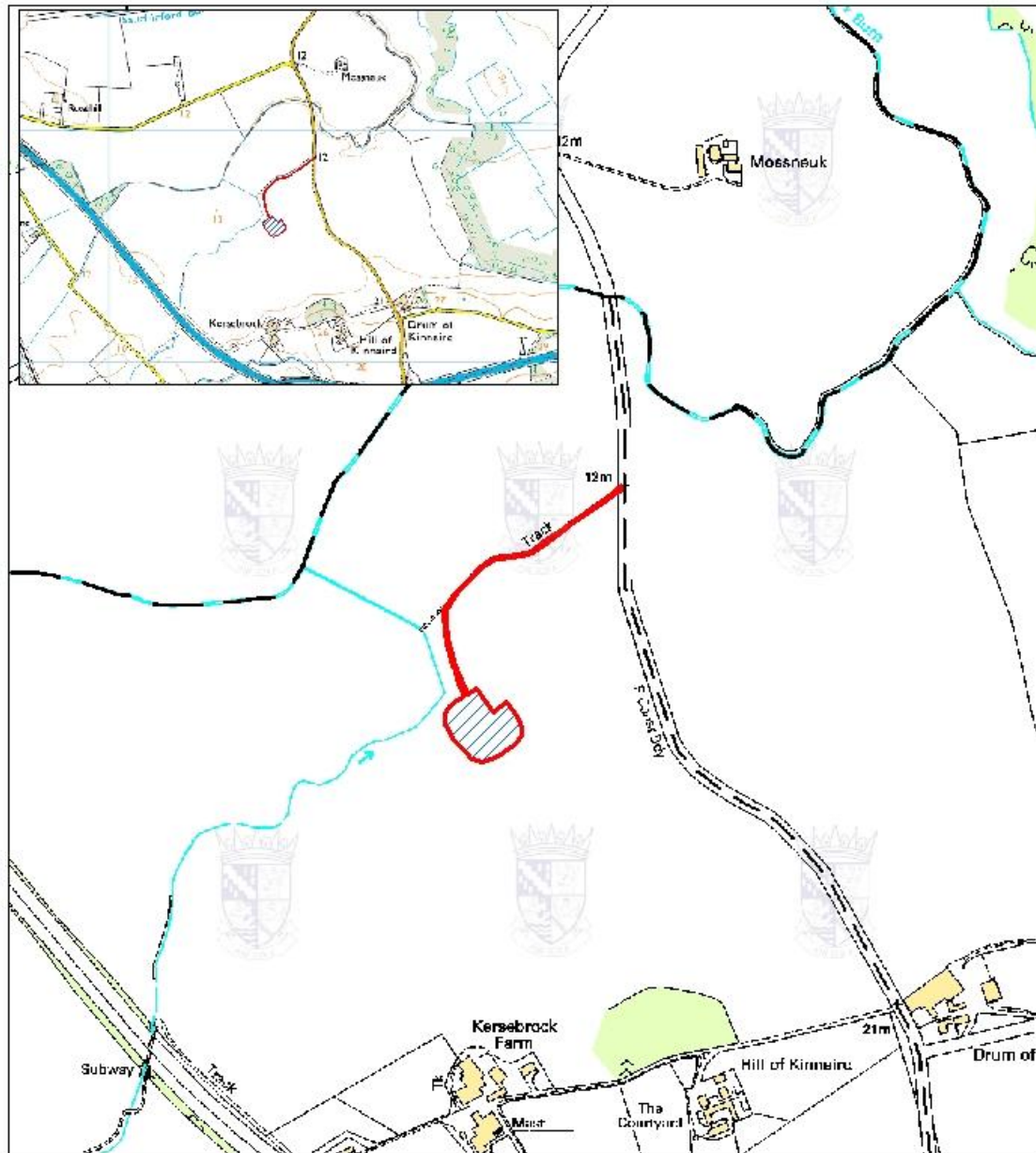
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504706 and ask for Allan Finlayson, Senior Planning Officer.

# Planning Committee

## Planning Application Location Plan

**P/11/0632/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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