

**FALKIRK COUNCIL**

**Subject:** INSTALLATION OF 2NO 50KW WIND TURBINES (36.4 METRES TO HUB), ACCESS TRACK, NEW VEHICULAR ACCESS AND ASSOCIATED ANCILLARY DEVELOPMENT AT SOUTHFIELD FARM, SLAMANNAN, FALKIRK FK1 3BB FOR THE GREEN COMPANY – P/11/0626/FUL

**Meeting:** PLANNING COMMITTEE

**Date:** 4 April 2012

**Author:** DIRECTOR OF DEVELOPMENT SERVICES

**Local Members:** Ward - Upper Braes  
Councillor Gordon Hughes  
Councillor Stephen Fry  
Councillor John McLuckie

**Community Council:** No Community Council

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

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

- 1.1 This application relates to the erection of two wind turbines on agricultural land to the south west of Slamannan village. An associated access track and equipment cabins within the site are also proposed.
- 1.2 The turbines would be sited adjacent to the B803 roadway.
- 1.3 The proposed turbines would measure 36.4 metres to turbine hub, with a total of 46 metres to blade tip (9.6 metres blade radius).

**2. REASON FOR COMMITTEE CONSIDERATION**

- 2.1 The application has been called to Committee by Councillor John McLuckie.

**3. SITE HISTORY**

- 3.1 PRE/2011/0017/SCREEN – Screening Opinion in respect of 2 wind turbines, advising that an Environmental Impact Assessment would not be required.
- 3.2 P/07/1025/FUL – Erection of Dwellinghouse – withdrawn 24 October 2007.
- 3.3 P/08/0616/FUL – Erection of Dwellinghouse – refused 26 February 2009.

- 3.4 P/09/0044/FUL – Installation of Domestic Wind Turbine – granted 26 March 2009.
- 3.5 P/09/0473/FUL – Erection of Dwellinghouse - withdrawn 14 December 2009.

#### **4. CONSULTATIONS**

- 4.1 The Ministry of Defence has no objection to the application. However, if planning permission is granted, the Ministry of Defence should be advised of:
- The date construction starts and ends.
  - The maximum height of construction equipment.
  - The latitude and longitude of each turbine.
- 4.2 The Royal Society for the Protection of Birds are content that the proposed wind turbines are unlikely to have a significant effect on the Slamannan Plateau SPA which lies within 2km of the site.
- 4.3 The Environmental Protection Unit advise that, if the application is granted, suspensive planning conditions should be imposed addressing potential contaminated land, noise and flicker disruption.
- 4.4 The British Aviation Authority (BAA) has no objections from an aerodrome safeguarding perspective.
- 4.5 National Air Traffic Services (NATS En Route) has no objections to the proposal.
- 4.6 The Roads Development Unit requested clarification over the road access location to the site. The applicant has submitted that the suggested amended access point would be over ‘made-up’ land (the area being used for material storage), would require the removal of an existing hedgerow and alteration to an overhead power supply. Therefore, the existing access is the preferred route for construction.
- 4.7 Scottish Natural Heritage consider that it is unlikely that the proposals would have a significant effect on the qualifying interests either directly or indirectly of the Slamannan Plateau SPA.

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

- 5.1 No Community Council is in operation.

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

- 6.1 No letters of comment 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

#### ***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 The Structure Plan Policy is supportive of application 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 Council Local Plan and these are considered below.

#### ***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 It is considered that the visual impact of the turbines at this location is acceptable. The site is on the boundary of the AGLV (Area of Great Landscape Value) and there is no strong argument that the proposal would be detrimental to the amenity and landscape quality of the AGLV. In addition the SNH and RSPB offer no objections in relation to the Slamannan Plateau SPA.

7a.6 Accordingly, the proposal accords with the Development Plan.

## **7b Material Considerations**

7b.1 The material considerations to be addressed are Scottish Planning Policy and the points raised through consultations.

### ***Scottish Planning Policy***

7b.2 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.3 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 impacts.

7b.4 PAN 45 and Annex 2 have now been supported by a raft of online guidance relating to renewable energy. This includes specific guidance on onshore wind turbines.

- 7b.5 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.6 Currently a Landscape Capacity Study is in preparation to inform this Supplementary Planning Guidance.
- 7b.7 Prior to the development of specific wind energy policies, proposals should be assessed against the current related policies set out in the Falkirk Council Local Plan.

### ***Responses to Consultation***

- 7b.8 The Roads Development Unit's request to reconsider the site access point was put to the applicant. The response received raised concerns that the alternative access would be inappropriate, given that:-
- The area is used as a midden and would require a lot of work to upgrade,
  - It would require the removal of a significant amount of vegetation,
  - It would potentially raise issues with power lines, while
  - The access as proposed would negate any new works to the existing road network.
- 7b.9 The alternative site access would potentially give rise to a number of problems and any concerns in relation to the access as proposed would not justify refusal on the grounds of road safety. The proposed access arrangements are considered to be acceptable.
- 7b.10 No adverse impacts on wildlife are envisaged.

### **7c Conclusion**

- 7c.1 It is considered that the erection of two single turbines 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 details of the specification of the proposed access road composition (incorporating cable trench layout), proposed access gate design and boundary treatment 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.
- (3) 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.
- (4) (i) Unless otherwise agreed in writing, no development shall commence on site until a contaminated land assessment in accordance with current guidance has been submitted and approved by the Planning Authority. The assessment shall determine the nature and extent of any contamination on the site, including contamination that may have originated from elsewhere, and also identify any potential risks to human health, property, the water environment or designated ecological sites.

(ii) Where contamination (as defined by Part IIA of the Environmental Protection Act 1990) is encountered, a detailed remediation strategy shall be submitted to and approved in writing by the Planning Authority. The strategy shall demonstrate how the site shall be made suitable for its intended use by the removal of any unacceptable risks caused by the contamination.

(iii) Prior to the commencement of development, the remediation works shall be carried out in accordance with the terms and conditions of the remediation scheme as approved in writing by the Planning Authority. No part of the development shall be occupied until a remediation completion report/validation certificate has been submitted to and approved in writing by the Planning Authority.
- (5) For the avoidance of doubt, in the event of a noise complaint, the applicant shall employ an independent acoustic consultant to carry out a full noise survey (in full accordance with ETSU-R-97) and carry out such mitigation as required, all to the satisfaction of the Planning Authority.
- (6) Prior to any works on site, a Transport Management Plan (TMP) will be submitted to and approved in writing by the Planning Authority. The TMP will provide specific information in relation to transport routes and times, the traffic management and road monitoring, with such matters implemented during the construction, decommissioning and operation of the site.
- (7) For the avoidance of doubt, good practice shall be pursued through the construction phase to ensure that no holes/trenches are left open overnight, all to the detriment of any badger activity in the area.

- (8) No development shall take place until a scheme detailing the potential for the assessment of any complaints of shadow flicker resulting from the development, including remedial measures has been submitted to and approved in writing by the planning authority.

**Reason(s):**

- (1) To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.
- (2-3) To safeguard the visual amenity of the area.
- (4) To ensure the ground is suitable for the proposed development.
- (5, 8) To safeguard the environmental amenity of the area.
- (6) To safeguard the interests of the users of the highway.
- (7) 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 -11.

pp

.....  
**Director of Development Services**

**Date:** 27 March 2012

**LIST OF BACKGROUND PAPERS**

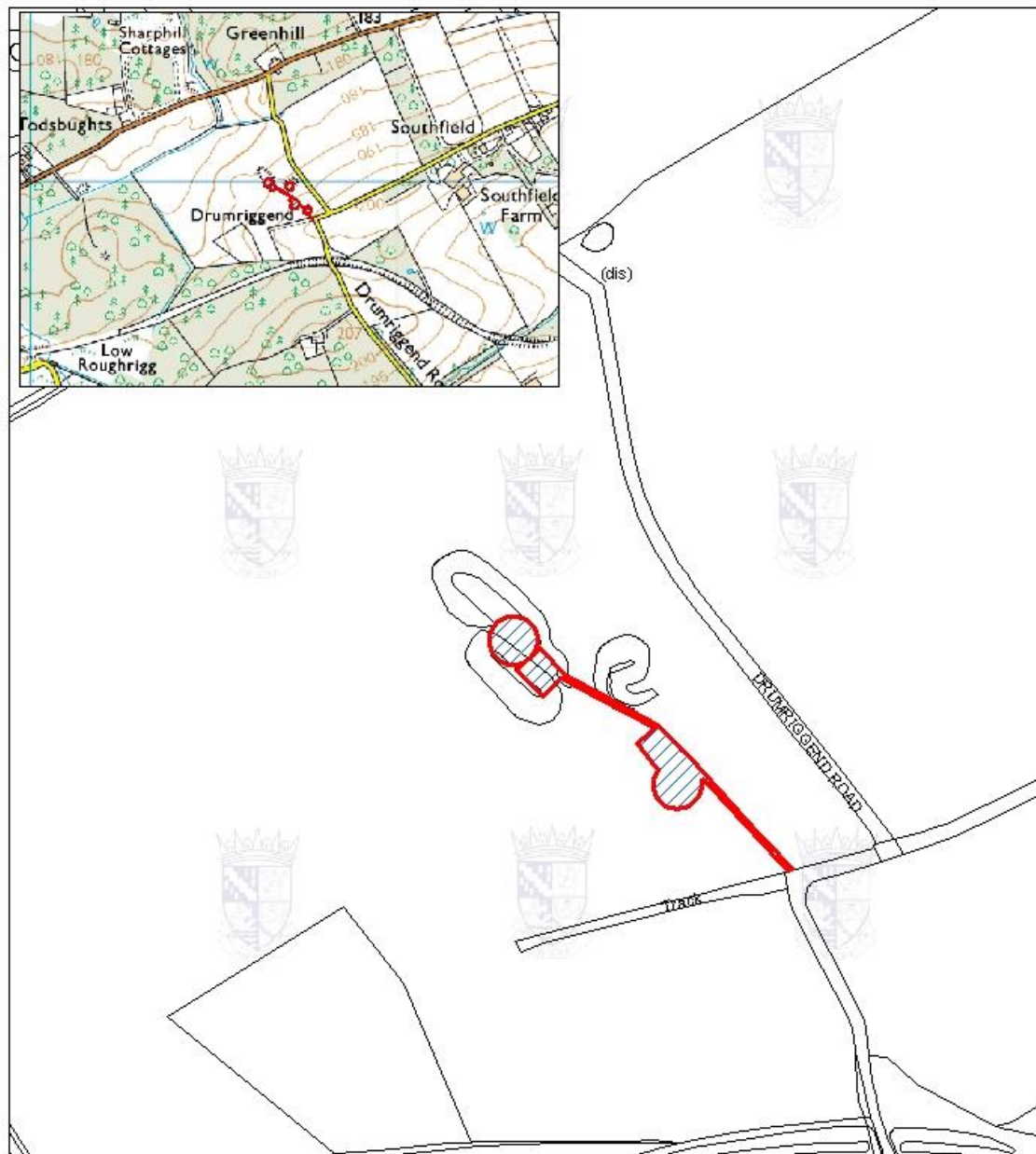
1. Falkirk Council Structure Plan
2. Falkirk Council Local Plan

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/11/0626/FUL

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



Reproduced by permission of Ordnance Survey on behalf of HMSO.  
© Crown copyright and database right 2012. All rights reserved.  
Ordnance Survey Licence number 100023384