

FALKIRK COUNCIL

Subject: INSTALLATION OF 2 NO WIND TURBINES (37M TO HUB, 58M TO TIP), ACCESS AND ASSOCIATED WORKS (2 X 100 KW) AT BALQUHATSTONE MAINS, STATION ROAD, SLAMANNAN, FALKIRK FK1 3BQ FOR MR JAMES HARVEY – P/12/0012/FUL

Meeting: PLANNING COMMITTEE

Date: 19 June 2012

Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Ward - Upper Braes
Councillor Gordon Hughes
Councillor Rosie Murray
Councillor John McLuckie

Community Council: No Community Council

Case Officer: Stephen McClure (Planning Officer), Ext. 4702

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 The site consists of a rural location to the east of Balquhatstone Mains Farm, with the farm being located adjacent to the village of Slamannan. The land to the east of the farm varies in height, although there is a general and gradual rise in the land to the east. The site boundary is located within a designated Area of Great Landscape Value and a Wildlife Site, with the general immediate area used for agricultural purposes. It is being proposed to erect two wind turbines at the site, with a height of 37 metres to the hub. An extension to an existing access track would be created to allow access to the proposed site, with equipment cabinets located adjacent to each of the proposed turbines.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The application was called to Committee by Councillor McLuckie.

3. SITE HISTORY

- 3.1 PRE/2011/0022/SCREEN - Request for an Environmental Impact Assessment (EIA) Screening Opinion - The proposal was not subject to the requirement for a full EIA.

4. CONSULTATIONS

- 4.1 The Roads Development Unit have no objection to the proposal.
- 4.2 Scottish Water have no overall objection to the proposal. However, it was stated that there was a low but present likelihood that the turbines could interfere with one of Scottish Water's radio links, and they were awaiting information to be forwarded by the office of communication (OFCOM). The OFCOM responses have come back with no issues, and Scottish Water has made no further comment.
- 4.3 The Environmental Protection Unit have no objection to the proposal. The turbine noise levels would meet the relevant criteria for nearby noise sensitive properties but a contaminated land assessment would be required given the location and historical use of nearby land.
- 4.4 The Royal Society for Protection of Birds (RSPB) have no objection to the proposal.
- 4.5 The Scottish Air Ambulance Service have not responded to consultation.
- 4.6 The Civil Aviation Authority (CAA) have no specific objection to the proposal, however, requests that NATS and the Ministry of Defense also be consulted. This has been carried out as part of the assessment of the application.
- 4.7 Central Scotland Police have not yet responded.
- 4.8 The Ministry of Defence have no objection to the proposal.
- 4.9 British Airports Authority (BAA) have no objection to the proposal.
- 4.10 National Air Traffic Services (NATS) have no objection to the proposal.
- 4.11 OFCOM have no objection to the proposal

5. COMMUNITY COUNCIL

- 5.1 No Community Council currently operates for this area.

6. PUBLIC REPRESENTATION

- 6.1 In the course of the application 9 contributors submitted letters of objection to the Council. The salient issues are summarised below:
 - Objects on visual amenity, as two turbines would dominate the landscape.
 - Species of protected geese are located in nearby locations, turbines could cause injury or death if the geese collide with the turbines.
 - There are other bird species that have been seen in the area, such as Osprey, which due to weather conditions at certain times of the year, could find it difficult to see the turbines.

- The proposed turbines would be too close to residential dwellings.
- Flicker effect from the turbines would affect residential properties.
- Not happy with further applications for wind turbines, as there are already several granted in the wider area.
- The proposed turbines would spoil views from nearby properties.
- Will affect the quietness of nearby dwellings rear gardens.
- Will have an adverse effect on the price of nearby properties.
- Noise would be an issue with regard to nearby dwellings.
- A property owner with a disability (sight impaired) has stated that the proposal could affect their health and safety due to noise.
- The site is green belt land.
- If granted, the proposal would set a precedent for other industrial units to be built in green belt areas.
- The area is scenic and should not have turbines placed on it.
- The area has frequent high winds and is cold, turbines cannot be placed in such locations, as they do not operate well in such conditions.
- The local wildlife will suffer.
- This area is used by a variety of native birds for breeding.
- There are already proposals for a nearby wind-farm, would it not be better to add to this than create a new one?
- There is no mention of community involvement in this scheme.
- Why are turbines to be shipped in from outside Europe, should use European companies?
- The turbines are around 500 metres from properties on Station Road, Slamannan.
- The owners of the property named "the Cedars" have spent around £150,000 on renovating the property. The proposal will de-value the dwelling, will the Council or land owner compensate for this?
- Appears to be a conflict in the information submitted, are the turbines 50kW or 100kW?
- The rotor blades can ice up in winter, which could be a danger to livestock when the ice melts and falls to the ground.

- During construction there would be an increase in HGV traffic through the village of Slamannan, which could be a danger to children and damage the road surface.
- Noise during construction.
- Fire risk when commissioned, as ground marshy and floods in winter.
- An earth fault in the turbines could cause issues.
- What safety measures are installed in the turbines if there is a fault?

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 applications which will utilise renewable energy, provided issues of setting, amenity and bio-diversity are considered to be satisfactory, following the assessment of detailed policies contained within the Falkirk Council Local Plan. The relevant policies are considered below.

Falkirk Council Local Plan

7a.3 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.4 The proposed site is located within the countryside and therefore will be subject to the detailed policies for renewable energy development and wind energy, as indicated within Table 3.3. of the Local Development Plan. Assessment of the relevant policies is considered below.

7a.5 Policy EQ23 - 'Areas Of Great Landscape Value' states:

"The Council will protect Areas of Great Landscape Value from development which would be detrimental to its amenity and distinctive landscape quality. In addition to satisfying other relevant countryside policies, proposals within these areas will only be permitted where accompanied by a landscape and visual assessment demonstrating that the development can be accommodated without adverse impact on the landscape quality."

7a.6 The planning application for the proposed wind turbine development includes a landscape and visual assessment. This has been assessed in relation to the Area of Great Landscape Value AGLV. It is concluded that in relation to the AGLV that the site falls within the southern part of the Lowland Plateau Landscape Character Type, which generally has a lower sensitivity to wind energy development. Although there is a large proportion of the Slamannan AGLV that may theoretically obtain views of the turbines, visibility within the area is intermittent and forestry cover and topography will further restrict views from within the AGLV. It is therefore considered that the landscape effects of the proposal would be of an acceptable level. The proposal is therefore not seen to be detrimental to the amenity and distinctive landscape quality within this area of the AGLV. The proposal therefore accords with Policy EQ23.

7a.7 Policy EQ24 – 'Ecological Sites and Features' states:

- (1) *Development likely to have a significant effect on Natura 2000 sites (including Special Protection Areas, Special Areas of Conservation, and Ramsar Sites) will be subject to an appropriate assessment. Where an assessment is unable to conclude that a development will not adversely affect the integrity of the site, development will only be permitted where there are no alternative solutions; and there are imperative reasons of overriding public interest, including those of a social or economic nature. These can be of a social or economic nature except where the site has been designated for a European priority habitat or species. Consent can only be issued in such cases where the reasons for overriding public interest relate to human health, public safety, beneficial consequences of primary importance for the environment or other reasons subject to the opinion of the European Commission (via Scottish Ministers).*
- (2) *Development affecting Sites of Special Scientific interest will not be permitted unless it can be demonstrated that the overall objectives of the designation and the overall integrity of the designated area would not be compromised, or any adverse effects are clearly outweighed by social or economic benefits of national importance.*

- (3) *Development affecting Wildlife Sites, Sites of Importance for Nature Conservation, Local Nature Reserves, wildlife corridors and other nature conservation sites of regional or local importance will not be permitted unless it can be demonstrated that the overall integrity of the site will not be compromised, or any adverse effects are clearly outweighed by social or economic benefits of substantial local importance.*
- (4) *Development likely to have an adverse affect on species which are protected under the Wildlife and Countryside Act 1981, as amended, the Habitats and Birds Directives, or the Protection of Badgers Act 1992, will not be permitted.*
- (5) *Where development is to be approved which could adversely affect any site of significant nature conservation value, the Council will require mitigating measures to conserve and secure future management of the site's natural heritage interest. Where habitat loss is unavoidable, the creation of replacement habitat to compensate for any losses will be required along with provision for its future Management.*
- (6) *The Council, in partnership with landowners and other relevant interests, will seek the preparation and implementation of management plans for sites of nature conservation interest."*

7a.8 The proposed site of the wind turbines is within a designated wildlife site. The level of information provided by the applicant in relation to the ecological impacts of the development on this site was poor. However, a basic assessment on the likely impact the proposal would have on the Wildlife Site was able to be carried out by using data held by Falkirk Council. It is noted that the turbines and associated infrastructure would be located within a less sensitive area of the wildlife site i.e. within the semi-improved acid grassland, fen and bog. As a result, with appropriate access, construction, storage and reinstatement methodologies in place, it should be possible to undertake the proposed development without a significant negative impact to the wildlife site as a whole. It was concluded that if the application were to be granted, a method statement including such detail could be conditioned and required before work commences on-site. This would ensure that the overall integrity of the site would not be compromised. It is therefore considered that the proposal accords with Policy EQ24.

7a.9 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.10 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.11 As stated previously, the proposal is located within an Area of Great Landscape Value (AGLV). However, it was concluded that the landscape effects of the proposal would be of an acceptable level at this specific site location in the AGLV. It was also concluded from the relevant information submitted, that the level of landscape and visual effects resulting from this proposal would be considered to be of an acceptable level in the overall area. The ecological impact of the development was also considered to be acceptable, as this could be mitigated with a method statement being conditioned and submitted by the applicant prior to commencement of works on-site, the content of which is detailed above. There are seen to be no impacts to cultural heritage and landscape setting of cultural features in relation to the proposal, with no such features within the immediate vicinity. The proposed wind turbines would also not have any impact on aviation and telecommunications, especially in relation to the safeguarding zones and operational needs associated with Edinburgh, Glasgow and Cumbernauld Airports. The data submitted with the application also shows that the impact on settlements and/or residential properties in relation to noise is within the acceptable limits. Shadow Flicker associated with wind turbines would also not be seen to be an issue, with the nearest residential properties and settlement out with the zone that this can occur. Finally, it is not considered that there would be an unacceptable cumulative effect in relation to existing turbine developments in the area. It is therefore considered that the proposal accords with Policy ST20 and Policy ST21.

7a.12 Accordingly, the proposal accords with the Development Plan.

7b Material Considerations

7b.1 The material considerations to be assessed are public representations received and Scottish Planning Policy.

Assessment of Public Representations

7b.2 The landscape and visual assessment have shown that in this location the turbines would be acceptable in terms of the visual amenity to the surrounding area.

7b.3 The RSPB were consulted on the application and did not raise any concerns in relation to the turbines and neighbouring bird populations.

7b.4 As with the previous response above, the RSPB did not raise any concerns in relation to the proposed turbines and the local bird populations.

7b.5 The turbines are shown to be an appropriate distance from the nearest residential dwellings, so as not to affect the properties in relation to noise, shadow flicker etc.

- 7b.6 It has been shown within the supporting information that shadow flicker would not affect any residential properties, as all are outwith the radius of the affected area.
- 7b.7 The cumulative effect of turbines within the area has been assessed. However, at present it is not considered that the addition of the proposed two turbines would have an unacceptable impact on the area.
- 7b.8 A view from a residential property is not a material planning consideration.
- 7b.9 Noise from the proposed turbines has been assessed as part of the application, and it is considered that the peak noise levels in relation to nearby dwellings is acceptable.
- 7b.10 Property price is not a material planning consideration.
- 7b.11 As previously stated, noise is not considered to be an issue to nearby dwellings, which has been assessed in relation to the type, size and position of the proposed turbines.
- 7b.12 The noise which would reach dwellings is not considered to be unacceptable, and in planning terms would not be considered to affect any resident's health and safety.
- 7b.13 The site of the proposed turbines is not designated as Green Belt land.
- 7b.14 As stated above, the land is not designated as Green Belt, and the granting of this application would not be seen to set a precedent for further turbines or any buildings of an industrial nature. All applications are fully assessed on their own merits.
- 7b.15 The land and visual assessment has shown that the turbines would not have an unacceptable impact on the amenity of the land or surrounding area.
- 7b.16 The turbines are designed to withstand the elements of the particular locations they are placed, and this will have been assessed prior to the proposed location being submitted to planning.
- 7b.17 The application has been assessed by the relevant persons in relation to local wildlife, and it is not considered that the wildlife would be affected to an unacceptable level.
- 7b.18 As previously stated, the RSPB has no concerns in relation to the proposed turbines and the local bird population.
- 7b.19 The Council has to assess all applications submitted, the larger windfarm that is proposed within the area has been submitted by a different applicant than this current application. It is not possible to suggest that they add to this site on behalf of other applicants/land owners, so as to remove the need for other proposals which may be acceptable in their own right.
- 7b.20 This scheme is private and is not related to any community schemes.
- 7b.21 The choice of turbine manufacturer is not a material planning consideration.
- 7b.22 The distance between the turbines and residential properties on Station Road, Slamannan is considered to be acceptable.
- 7b.23 Property values are not a material planning consideration.

- 7b.24 There was conflict in a section of information submitted, however, this has been resolved and it can be confirmed that the turbines will be 100kW.
- 7b.25 There is no information to suggest that the turbines will cause or be a danger to livestock or persons.
- 7b.26 The Roads Development Unit were consulted on the application. Given the scale of the proposal, it is not considered that there would be an unacceptable impact on traffic flow through the village, and therefore no increase in traffic danger to members of the public.
- 7b.27 It is not considered that there would be an unacceptable noise impact on residential properties during construction. If noise became an issue, the Environmental Protection Unit could be contacted, as this can be dealt with under their respective legislative powers.
- 7b.28 The turbine would be built to the relevant standards required by today's legislation, this would take account of ground conditions and fire safety.
- 7b.29 The internal wiring of the proposed turbines is not a material planning consideration.
- 7b.30 The turbines are monitored during operation and are installed with the required safety specifications to current legislative requirements.

Scottish Planning Policy

- 7b.31 The National Planning Framework 2 (NPF2) sets out the Government's strategic spatial planning priorities and reinforces the Scottish Government's intention to place Scotland at the forefront of renewable energy technologies. It also highlights the important role which the renewable energy sector plays in Scotland's economy.
- 7b.32 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 in deciding applications for all wind farm developments including extensions."

This will include the following:

- 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.33 Falkirk Council is currently taking 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. In relation to this, a Landscape Capacity Study is in preparation to inform the Supplementary Planning Guidance. Prior to development of specific policies in relation to this, proposals will be assessed against the current related policies as set out in the Falkirk Council Local Plan.

7c Conclusion

7c.1 It is considered that the proposal is acceptable development and is in accordance with the Development Plan. There are no other material planning considerations which would justify a refusal of planning permission.

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)
 - (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.
- (3) The final colour of the turbines shall be agreed and approved in writing by the Planning Authority prior to work commencing on-site.
- (4) The route of the cable trenching shall follow the route of the access track.

- (5) Any landscape features such as boundary hedges, trees, walls and fences that need to be removed for the access track and the construction vehicle access point to the public road shall be reinstated on completion of the turbines in accordance with details to be submitted and approved in writing by the Planning Authority.
- (6) The new access track to the turbines shall be of stone/type 1 finish.
- (7) There shall be no obstruction to the adjacent public pathways during the construction phase
- (8) Owing to the wildlife designation which covers the site, a method statement shall be submitted to and approved in writing by the Planning Authority, prior to the commencement of works on-site. The method statement shall include the following:
 - (i) Working methodologies and clearly marked access, storage and work areas to ensure that disturbance to species during construction is minimised, the overall area of habitat disturbance is minimised and that more sensitive areas of damp grassland, marsh and mire/bog are avoided.
 - (ii) Access routes to be used. These should use existing tracks as far as possible, limit the extent of new track and ensure that new tracks avoid particularly sensitive areas of damp habitat (marsh, drainage ditches, wet furrows etc).
 - (iii) Plans to reinstate/re-vegetate areas of hard standing and foundations. The most appropriate approach is likely to be to store and reuse top soil to create a layer of top soil (with its existing seed source) over the areas of foundation/hard standing which will re-vegetate naturally. If bought seed is to be used this should be an appropriate acid grassland mix.
 - (iv) An assurance that where excavated material is to be used elsewhere on site this is not deposited on any areas of valuable habitat (particularly areas of fen, bog, marsh or species-rich unimproved grassland.
 - (v) If construction takes place during the bird nesting season it will be necessary to check the area for ground nesting birds prior to work commencing. If any nests are found these should be left undisturbed.

Reason(s):

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

Informative(s):

- (1) For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01A, 02A, 03, 04 and 05.

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Director of Development Services

Date: 12 June, 2012

LIST OF BACKGROUND PAPERS

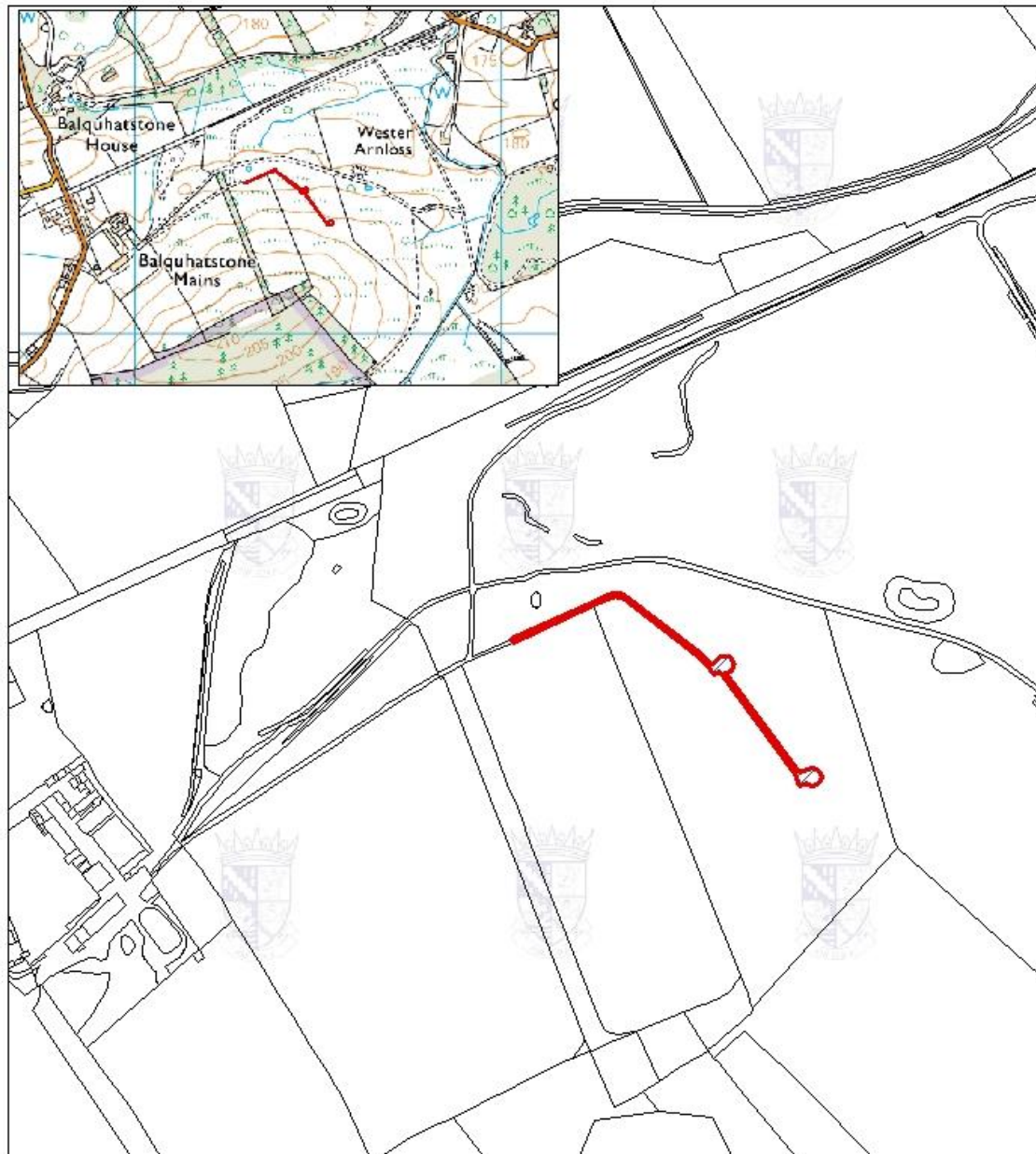
1. Falkirk Council Structure Plan 2007.
2. Falkirk Council Local Plan.
3. The National Planning Framework 2 (NPF2).
4. Scottish Planning Policy (SPP) 2010.
5. Letter of Objection from Mr John Buckden, Parklands, Station Road, Slamannan, Falkirk FK1 3BQ on 24 January 2012.
6. Letter of Objection from Mr Stan Slater, Bir Hakim, Station Road, Slamannan. Falkirk FK1 3BQ on 1 February 2012.
7. Letter of Objection from Mrs Margaret Tulloch, Northmost Cottage, Station Road, Slamannan, Falkirk FK1 3BQ on 23 January 2012.
8. Letter of Objection from Mr Henry Sherlock, Parklands, Station Road, Slamannan, Falkirk FK1 3BQ on 24 January 2012.
9. Letter of Objection from Mr David Rodgers, Parkview, Station Road, Slamannan, Falkirk FK1 3BQ on 28 January 2012.
10. Letter of Objection from Mr Angus MacIver, 45 Polwarth Avenue, Brightons, Falkirk FK2 0HQ on 22 January 2012.
11. Letter of Objection from Elizabeth Mercer, Station House, Station Road, Slamannan, Falkirk FK1 3BQ on 30 January 2012.
12. Letter of Objection from Mr Alexander Wylie, Almar, Station Road, Slamannan, Falkirk FK1 3BQ on 24 January 2012.
13. Letter of Objection from Mr and Mrs GJ and LA Smith, The Cedars, Station Road, Slamannan, Falkirk FK1 3BQ on 2 February 2012.

Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504702 and ask for Stephen McClure, Planning Officer.

Planning Committee

Planning Application Location Plan P/12/0012/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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