

**FALKIRK COUNCIL**

**Subject:** ERECTION OF SINGLE WIND TURBINE (HUB HEIGHT 49 METRES, ROTOR DIAMETER 56 METRES, AND MAXIMUM TOTAL TIP HEIGHT OF 77 METRES), WITH ASSOCIATED FOUNDATION, HARDSTANDING, TRANSFORMER AND ACCESS TRACK (500 KW) AT GLENHEAD FARM, CALIFORNIA, FALKIRK FK1 2DG FOR MR THOMAS MILLER - P/12/0002/FUL

**Meeting:** PLANNING COMMITTEE

**Date:** 22 August 2012

**Author:** DIRECTOR OF DEVELOPMENT SERVICES

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

**Community Council:** Maddiston

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

**UPDATE REPORT FOLLOWING COMMITTEE SITE VISIT**

1. Members will recall that this application was originally considered at the Planning Committee on 19 June 2012 (copy of previous report appended), where it was agreed to continue the application for a site visit. This visit took place on 6 August 2012.
2. The location of the proposed turbine, which had been clearly marked out on site, was viewed.
3. The applicant's agent spoke in support of the application.
4. The Planning Officer pointed out that since the application has been previously considered by Committee, 5 letters of objection from 4 individuals have been received. It was also clarified that the statutory requirements in relation to neighbour notification had been met and that this did not include notification to the objectors' properties, although the application had been advertised in the Falkirk Herald.
5. Objectors in attendance spoke in relation to their concerns, which included health issues, lack of neighbour notification, visual impacts, noise pollution, shadow flicker, impacts on rights of way and wildlife and devaluation of property.

6. Neighbour notification requirements are clarified above. Health issues and devaluation of property are not material planning considerations. It was clarified that although there would be localised high levels of visual impact within approximately 1km of the turbine (including the objectors' properties), it was considered that this would not justify refusal of planning permission. It was also clarified that there would be no disruption to the rights of way other than by construction/maintenance vehicles, nor would there be any unacceptable impacts on wildlife.
7. The Environmental Protection Unit's representative confirmed that a detailed assessment of the submitted information had been carried out and that there would be no unacceptable impacts caused by noise or shadow flicker.
8. No issues were raised which would amend the recommendation to grant planning permission.

## **9. RECOMMENDATION**

### **9.1 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 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.
- (3) Development shall not begin until a scheme to deal with contamination on the site has been submitted to and approved in writing by the Planning Authority. The scheme shall contain details of proposals to deal with contamination to include:
  - i. the nature, extent and types(s) of contamination on the site.
  - ii. measures to treat/remove contamination to ensure the site is fit for the use proposed.
  - iii. measures to deal with contamination during construction works.
  - iv. condition of the site on completion of decontamination measures.

Before the turbine is installed measures to decontaminate the site shall be fully implemented as approved by the Planning Authority.

- (4) 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.

- (5) 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 the traffic management and road monitoring, with such matters implemented during the construction, decommissioning and operation of the site.
- (6) For the avoidance of doubt, any complaints of shadow flicker resulting from the development shall be investigated and remedied by the applicant, all with the written approval of the Planning Authority.
- (7) Prior to any works on site, further informatives shall be submitted to and approved in writing by the Planning Authority (in consultation with the Ministry of Defence) as to:-
  - (a) the date construction starts and will be presumed to end
  - (b) the maximum height of construction equipment
  - (c) the latitude and longitude of the turbine and
  - (d) the form of aviation lighting to be employed.
- (8) For the avoidance of doubt, on the turbines cessation of use, the site shall be remediated to arable farmland, all as specified within the application supporting statement.
- (9) For the avoidance of doubt, the turbine shall be fitted with infrared aviation lighting, all to the satisfaction of the Planning Authority (in consultation with the Ministry of Defence).

**Reason(s):-**

- (1) To accord with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997.
- (2,8) In the interests of visual amenity.
- (3) To ensure the ground is suitable for the proposed development.
- (4,6-7,9) To enable the Planning Authority to consider this/these aspect(s) in detail.
- (5) In the interests of highway safety.

**Informative(s):-**

- (1) For the avoidance of doubt, the plan(s) to which this decision refers bear our online reference number(s) 01, 02, 03, 04, 05 and 06.
- (2) It is recommended that the applicant should consult with the Development Services Environmental Protection Unit concerning this proposal in respect of noise legislation which may affect this development.

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Director of Development Services

Date: 14 August 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 from Mr James Learmonth, Easter Blackrigg Cottage, Avonbridge, Falkirk FK1 2JA on 30 July 2012.
6. Letter of Objection from Mrs Ann Learmonth, Easter Blackrigg Cottage, Avonbridge, Falkirk FK1 2JA on 29 July 2012.
7. Letter of Objection from Mr James Learmonth, Easter Blackrigg Cottage, Avonbridge, Falkirk FK1 2JA on 30 July 2012.
8. Letter of Objection from Mr Thomas Dunn, Wester Blackrigg Farm, Avonbridge, Falkirk FK1 2JA on 31 July 2012.
9. Letter of Objection from Ms Amrei Ackermann, Wester Blackrigg Farm, Avonbridge, Falkirk FK1 2JA on 31 July 2012.

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

**FALKIRK COUNCIL**

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**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:** Maddiston

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

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

- 1.1 This application relates to the erection of a single wind turbine on agricultural land to the south of Glenhead Farm, which is to the south east of California. The application consists of:-
- A wind turbine, hub height of 49 metres and maximum total tip height of 77 metres.
  - A base foundation of a circular structure with an expected diameter of 15 metres. Once constructed, this structure would be backfilled so that only the tower base would be visible.
  - A transformer kiosk preferably located within the base of the tower or alternatively in a small kiosk next to the base of the tower.
  - An access road, spurring west from an existing track which runs in a north south direction through the site.
  - A construction compound, of a temporary nature, to allow the assembly of the crane and rotor.
  - An underground cable, connecting the turbine to a suitable grid connection point.

- 1.2 The turbine would be sited on agricultural land and the proposed development does not lie within a National Scenic Area (NSA) or Area of Great Landscape Value (AGLV).
- 1.3 The turbine components would be delivered in 8 to 10 individual loads.
- 1.4 On reaching the end of its operational life (25-30 years) and if no replacement is consented, the proposed turbine would be decommissioned, dismantled and removed, the site completely restored to arable farmland.

## **2. REASON FOR COMMITTEE CONSIDERATION**

- 2.1 The application has been called to Committee at the request of Councillor John McLuckie.

## **3. SITE HISTORY**

- 3.1 Confirmation that an Environmental Impact Assessment (EIA) would not be required for a turbine development of 60m to hub / 86.5m to blade tip was provided in response to the submission of an Environmental Impact Assessment Screen Opinion request date 16 March 2011 (PRE/2011/0004/SCREEN)

## **4. CONSULTATIONS**

- 4.1 Scottish Water has no objection to the application.
- 4.2 Scottish Natural Heritage (SNH) advise that the proposal lies close to both the Slamannan Plateau Special Protection Area (SPA) (classified for its wintering population of bean geese) and the Firth of Forth Special Protection Area (classified for its wintering bird populations). SNH consider it is unlikely that the proposal will have a significant effect on any qualifying interests of both SPA's either directly or indirectly. With regard to the landscape and visual impact assessment, SNH consider the turbine would be a conspicuous feature in longer views within the Falkirk Area.
- 4.3 Falkirk Council's Environmental Protection Unit advises that the noise assessment produced in support of the application concludes that noise from the operation of the turbine is unlikely to be of concern. However, the Unit recommends a planning condition should be imposed to address any complaints of noise. With regard to contaminated land the Unit also recommends that if Members are minded to grant planning permission a planning condition should be imposed requesting a contaminated land assessment to be submitted.
- 4.4 The Roads Development Unit request that planning informatives be imposed requesting additional information on the turbine access route, size and number of vehicles and any road widening required to access the site.
- 4.5 British Airports Authority (BAA) advise that the proposal does not conflict with safeguarding criteria and, therefore, have no objection.
- 4.6 National Air Traffic Services (NATS) (En Route) has no safeguarding objection to the proposal.

- 4.7 Scotia Gas Networks has no objections with regard to radio link infrastructure.
- 4.8 The Ministry of Defence have no objections, subject to planning conditions requiring infra red/red warning lights. It is also requested that the Ministry is notified if the planning application is granted.
- 4.9 Scottish Water in relation to UHF Radio Scanning Telemetry Communications, have no objections to the proposal.
- 4.10 Scottish Water, in relation to water connectivity, has no objection to the proposal.
- 4.11 The Scottish Air Ambulance Services has not responded to consultation.
- 4.12 The Royal Society for the Protection of Birds (RSPB) has not responded to consultation.
- 4.13 The Civil Aviation Authority (CAA) has not responded to consultation.

## **5. COMMUNITY COUNCIL**

- 5.1 The local Community Council has not commented.

## **6. PUBLIC REPRESENTATION**

- 6.1 No comments have been made on the application

## **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 Council Local Plan.

## **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 the renewable energy development and wind energy, as indicated within Table 3.3 of the Local Plan. Assessment of the relevant policies is considered below.

### **7a.5 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.6 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.7 Policy EQ12 - Conservation Areas, EQ14 - Conservation Areas, EQ16 - Sites of Archaeological Interest, EQ17 - Antonine Wall and EQ18 - Historic Gardens and Designed Landscapes are not considered relevant to the proposal due to its setting outwith these areas of interest.

7a.8 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.9 The proposed site of the wind turbine is not within a designated wildlife site. However, the applicant has carried out an ecological impact assessment of the development, where it was determined that the proposal presents a low risk to the ecology of the site and surrounding area.

7a.10 Policy EQ25 'Biodiversity' states:

*"The Council will promote the biodiversity of the Council area and ensure that the aims and objectives of the Falkirk Area Biodiversity Action Plan are promoted through the planning process. Accordingly:*

- (1) Developments which would have an adverse effect on the national and local priority habitats and species identified in the Falkirk Area Biodiversity Action Plan will not be permitted unless it can be demonstrated that there are overriding national or local circumstances;*
- (2) The safeguarding, enhancement and extension of the broad and key habitats and the species of conservation concern identified in 'The Biodiversity of Falkirk' will be given particular attention in the consideration of development proposals;*
- (3) Development proposals should incorporate measures to promote, enhance and add to biodiversity, through overall site planning, and infrastructure, landscape and building design, having reference to the Supplementary Planning Guidance Note on 'Biodiversity and Development'; and*
- (4) Priority will be given to securing appropriate access to and interpretation of areas of local nature conservation interest. The designation of Local Nature Reserves, in consultation with communities, local wildlife groups and statutory bodies will be pursued."*

7a.11 It is considered that the proposal would have no adverse impact on key habitats or species of conservation concern.

7a.12 It is considered the visual impact of a single wind turbine at this location is acceptable. The applicant has submitted a landscape character assessment confirming that no significant landscape impact would result from the proposed turbine. Further assessment of the landscape impact is discussed in paragraph 7b.3 of this report.

7a.13 The application site does not lie within an area of ecological or biodiversity classification. The site is, however, in proximity to the Slamannan Plateau and Firth of Forth Special Protected Area. Scottish Natural Heritage has no objection with regard to any potential ecological impacts.

7a.14 No adverse impact on aviation or telecommunications has been demonstrated during consultation with relevant agencies.

7a.15 The applicant has demonstrated that 'shadow flicker' is unlikely to occur, given the relationship of the proposed turbine with surrounding properties. Similarly, the applicant contends that no significant noise impact would occur as a consequence of development.

7a.16 Accordingly, the proposal accords with the Development Plan.

## **7b Material Considerations**

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

## ***Responses to Consultations***

- 7b.2 No objections have been raised from consultees although requests have been made to impose planning conditions and informatives to address various matters.
- 7b.3 Scottish Natural Heritage (SNH) have not objected to the proposal, but have the opinion that the proposal presents an uncharacteristic new visual element in a prominent location and would set a precedent for future development. The concern raised by SNH has been reviewed with regard to the submitted landscape and visual assessment and the site circumstances. It is considered that the level of landscape and visual effect of the turbine on the surrounding area and cumulative effects are considered to be of an acceptable level. It is accepted there would be localised high levels of visual effect within approximately 1km of the turbine. In terms of precedent, Falkirk Council are currently conducting a wind turbine capacity study, the resulting document influencing further turbine development in the Council area. Therefore, it is not considered that the approval of this particular proposal would set an unwarranted precedent for future development.

## ***Scottish Planning Policy***

- 7b.4 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.5 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 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.6 Planning Advice Note 45 'Renewable Energy' (PAN 45) and Annex 2 of the PAN has now been supported by a raft of online guidance relating to renewable energy. This includes specific guidance on onshore wind turbines.

- 7b.7 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.8 Currently a Landscape Capacity Study is in preparation to inform this Supplementary Planning Guidance.
- 7b.9 Prior to the development of specific wind energy policies, proposals should be assessed against the current 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 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.
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Before the turbine is installed measures to decontaminate the site shall be fully implemented as approved by the Planning Authority.

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  - (h) the form of aviation lighting to be employed.
- (8) For the avoidance of doubt, on the turbines cessation of use, the site shall be remediated to arable farmland, all as specified within the application supporting statement.
- (9) For the avoidance of doubt, the turbine shall be fitted with infrared aviation lighting, all to the satisfaction of the Planning Authority (in consultation with the Ministry of Defence).

**Reason(s):-**

- (1) To accord with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997.
- (2,8) In the interests of visual amenity.
- (3) To ensure the ground is suitable for the proposed development.
- (4,6-7,9) To enable the Planning Authority to consider this/these aspect(s) in detail.
- (5) In the interests of highway safety.

**Informative(s):-**

- (1) For the avoidance of doubt, the plan(s) to which this decision refers bear our online reference number(s) 01, 02, 03, 04, 05 and 06.

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

Pp

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Director of Development Services

Date: 12 June, 2012

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

1. Falkirk Council Structure Plan.
2. Falkirk Council Local Plan.
3. Scottish Planning Policy
4. PAN 45.

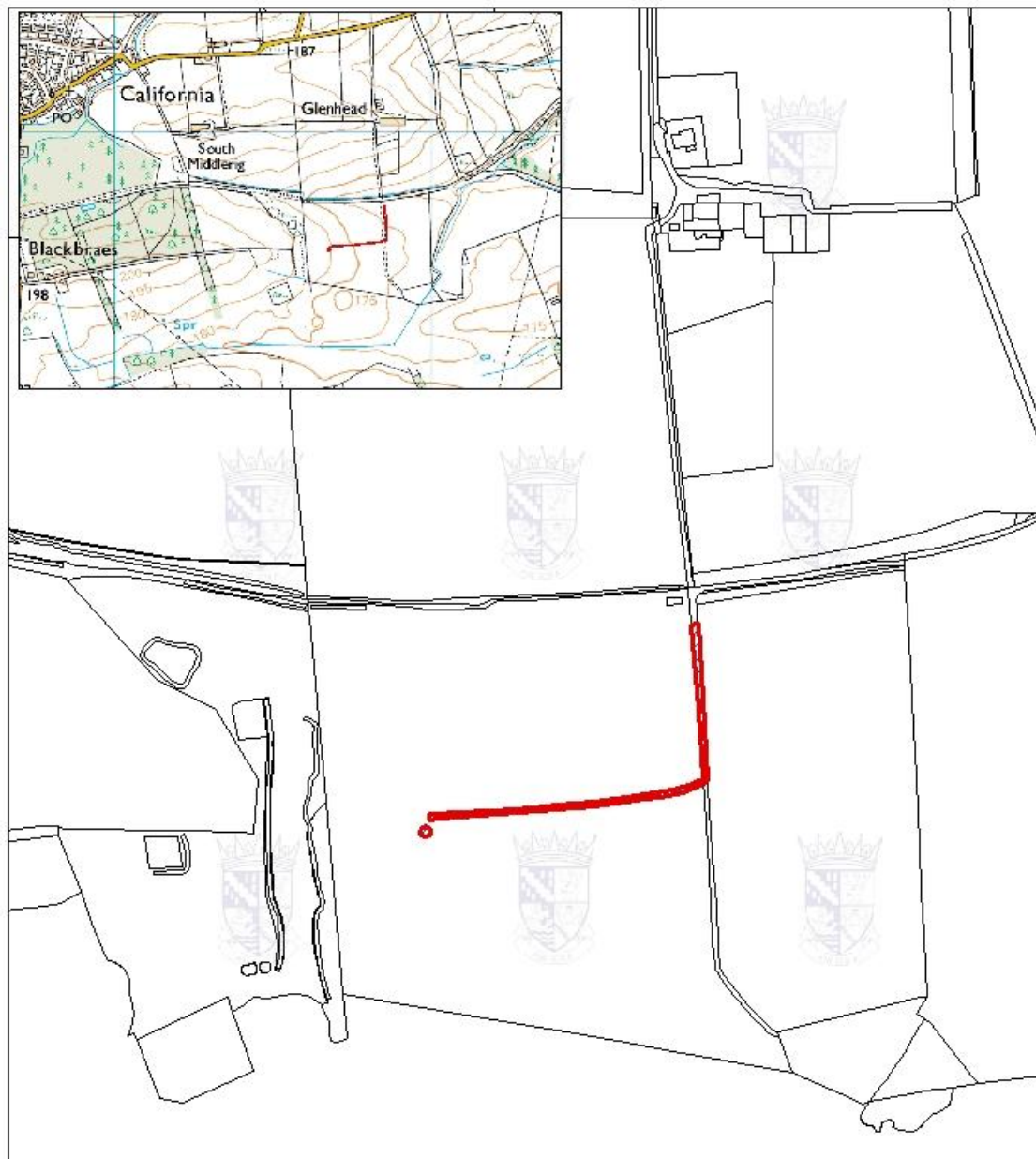
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504815 and ask for John Milne, Senior Planning Officer.

# Planning Committee

## Planning Application Location Plan

**P/12/0002/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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