

Perth and Kinross Council
Development Control Committee – 11 August 2010
Report of Handling by Development Quality Manager

Erection of 3 x 15kw Wind Turbines at Barnhill Farm, Barnhill Estates, Powmill

Ref. No: 09/02198/FLL
Ward No: 8 – Kinross-shire

Summary

This report recommends approval of this application for the erection of 3 x 15kw wind turbines at Barnhill Farm to serve a recently approved steading redevelopment of 6 houses at Pitfar.

BACKGROUND AND DESCRIPTION

- 1 This is an application for the erection of three 15 kw wind turbines on land at Barnhill Estate which is situated 1.5km to the south west of Powmill. Planning consent was granted in January 2009 for the erection of 6 dwellinghouses at the former Pitfar Steading on Barnhill Estate (07/02537FUL) which is situated 180m to the south. The proposed wind turbines would serve the new residential steading development at Pitfar and any excess will be sold back to the National Grid to offset the capital cost of the equipment.
- 2 The proposed application site is 112 sq m in area and the 3 turbines would be located in a line running from west to east and would be 35m apart. The turbines proposed are 'Proven 15' with an annual output range from 15 - 30 kw. The hub height is 15m and the height to blade tip is 19.5m. The site location is within a large agricultural field which is bounded by trees more closely to the west, but also to the east. Further to the north along the public road a line of trees provides screening from the north. The applicant has submitted a photomontage of the proposal and a noise emission report.

NATIONAL POLICY AND GUIDANCE

The Scottish Planning Policy 2010

- 3 This SPP is a statement of Scottish Government policy on land use planning and contains:
 - the Scottish Government's view of the purpose of planning,
 - the core principles for the operation of the system and the objectives for key parts of the system,
 - statutory guidance on sustainable development and planning under Section 3E of the Planning etc. (Scotland) Act 2006,
 - concise subject planning policies, including the implications for development planning and development management, and
 - the Scottish Government's expectations of the intended outcomes of the planning system.

Of relevance to this application are

- Paragraphs 125 - 148 : Landscape & Natural Heritage
- Paragraphs 182 - 195: Renewable Energy

DEVELOPMENT PLAN

- 4 The Development Plan for the area comprises the approved Perth and Kinross Structure Plan 2003 and the Adopted Kinross Area Local Plan 2004.

Perth and Kinross Structure Plan (2003)

The principal policies are in summary:

Environment and Resources Policy 14

- 5 Proposals for the development of renewable energy schemes will be supported where they are considered to be environmentally acceptable.

Kinross Area Local Plan (2004)

- 6 Under the Local Plan the application site lies within the landward area and outwith any settlement boundary.

The principal policies of relevance are in summary:

Policy 1: Sustainable Development

- 7 Identifies guidelines by which all development should be considered in relation to sound principles of sustainable development.

Policy 2: 'Development Criteria'

- 8 Provides criteria by which all developments will be judged. In particular, that the development should have a landscape framework should have regard to the scale, form, colour and density of development.

Policy 5: 'Landscape'

- 9 Indicates that developments should conserve landscape features and sense of local identity.

Policy 6: Design and Landscaping

- 10 Where high standards of design are required for all developments.

Policy 17: Renewable Energy

- 11 Where renewable energy developments will be assessed against criteria including impact on nature conservation, archaeological interests, landscape

quality and loss of amenity to neighbours in terms of noise, visual dominance or reflected light.

OTHER POLICY GUIDANCE

- 12 Perth & Kinross Council’s Supplementary Guidance for Wind Energy Proposals in Perth and Kinross (2005).

SITE HISTORY

- 13 No planning history for the application site itself. Planning consent was granted in January 2009 for the erection of 6 dwellinghouses at the former Pitfar Steading (07/02537FUL) which this proposal would serve.

CONSULTATIONS

- 14 Environmental Health – No objection subject to a noise condition.
- 15 Scottish Water – No objection

REPRESENTATIONS

- 16 5 letters of objection from separate households have been received and two others from Fossoway and District Community Council and the Kinross-Shire Civic Trust which raise the following issues:
 - The wind turbines will protrude well above the existing tree cover
 - No direct benefit to local population
 - Concern over cumulative impact of small wind turbine proposals
 - Noise impact on residential property
 - Turbines are visually intrusive
 - There are more efficient ways of saving energy than wind turbines

These issues are all raised in the Appraisal section of this report.

ADDITIONAL STATEMENTS

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Environment Statement	Not required
Screening Opinion	Completed
Environmental Impact Assessment	Not required
Appropriate Assessment	Not required
Design Statement / Design and Access Statement	None
Report on Impact or Potential Impact	Photomontage & Noise Emission Report Submitted

APPRAISAL

Policy

- 18 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) requires the determination of the proposal to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. The determining issues here are whether the proposals comply with Development Plan policy or if there are other material considerations, which justify a departure from policy. The most relevant policies of the Development Plan are Kinross Area Local Plan policies 2, 5 and 94.
- 19 The Council encourages energy generation from renewable sources in accordance with the Scottish Government's commitment of providing 40% of Scotland's energy from renewable sources provided that the impact on amenity, landscape, archaeology and habitats is mitigated or managed to ensure that the most sensitive locations are avoided.
- 20 The application site is on existing farmland and the land has no landscape or other planning designations restricting development. The principle of erecting wind turbines on the site is therefore acceptable provided other material planning considerations can be met. These are outlined below.

Visual Amenity / Landscape and Natural Heritage

- 21 One of the main issues with the development of wind turbines is their visual and landscape impact. In order to harness the wind and make best use of this resource wind turbines require to be in relatively unsheltered and open locations. Planning's role in this process is to mitigate or temper this locational requirement against the wider visual and landscape impacts of these proposals.
- 22 The proposed location for the wind turbines within the applicant's landownership has been selected to limit as far as possible the visual impact of the wind turbines and at the same time making it feasible to serve the steading development and allow viable connections to the national grid. There is no landscape or other planning designations associated with the application site. The site is within a backdrop of mature trees to the north, west and east. There are no residential properties in close proximity to the proposed turbines and the views of the turbines from the south and south east from Tethyknowe would be mitigated to an extent by existing trees and the distance to the development and the top of the turbines would be visible. The turbines would be visible from the unclassified road to the north and these views would be intermittent because of the mature trees lining the south side of the road.
- 23 It is considered that this proposal because of its location would be contained visually and there are no existing similar wind turbine or wind farm proposals in close proximity to or intervisible with this proposal which would raise any concerns about cumulative landscape and visual impact. As a result, the proposal would not have any adverse visual impact or detrimental impact on the

landscape or natural heritage interests of the wider countryside. The proposal is therefore in accordance with the Council's Supplementary Guidance for Wind Energy Proposals as this is a relatively small scale proposal in terms of wind energy production and its location within a relatively contained landscape framework will not result in any adverse cumulative landscape or visual impacts.

Residential Amenity

- 24 The proposal is considered to be sufficiently distant from any existing or proposed residential properties and therefore will not have any adverse impact on residential amenity with regard to noise, visual impact or reflected light.

Design and Layout

- 25 There are no issues with the scale and design of the Proven turbines, which are a common specification. If planning consent is forthcoming it will be useful to examine the proposed colour of the turbines as a means of further mitigating their visual impact. This would be covered by a condition on any consent.

Trees and Biodiversity

- 26 The application site is within an existing agricultural field. No existing trees, hedgerows, walls or fence line will be disturbed or removed as a result of the proposal. There will therefore be no adverse impact on the biodiversity of the area. There will be no permanent loss of any agricultural land as a result of the proposals.

Noise

- 27 The specification of the turbines in terms of noise emission and the distance from residential properties are such that it is not considered that they will lead to any adverse noise impact on residential property and Environmental Health have raised no concerns in this respect.

Traffic and Road Safety

- 28 The proposed site will not require any new access roads or parking facilities. The turbines are delivered in three sections in vans and erected over a 2-3 day period. There are no special access arrangements required and the proposal therefore does not pose any issues with regard to traffic generation or road safety.

Sustainability

- 29 The provision of wind energy resources is in accordance with both national and local planning policy as a means of achieving Scotland's renewable energy targets and is considered to be a sustainable method of harnessing energy, as opposed to the use of other non-renewable resources.

LEGAL AGREEMENTS

30 No legal agreements would be required in relation to this development.

DIRECTION BY SCOTTISH MINISTERS

31 Under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008, regulations 30 – 32 there have been no directions by the Scottish Government in respect of an Environmental Impact Assessment screening opinion, call in or notification relating to this application.

CONCLUSION AND REASONS FOR RECOMMENDATION

32 The application site has no designated landscape constraints and the proposed wind turbines will not have any adverse impact on the visual amenity of the immediate surrounding area or any adverse cumulative impact with any neighbouring or nearby wind farm proposals. The wind turbines are sufficiently distant from any residential properties and will not have any adverse operational impacts on residential amenity. There will be no loss of any existing trees or other wildlife habitat. It is concluded therefore that the proposal is a sustainable approach to energy development and is generally in accordance with the Development Plan.

RECOMMENDATION

A Approve the application subject to the following conditions:

- 1 The development shall be begun within a period of three years from the date of this consent.
- 2 The proposed development must be carried out in accordance with the approved plans, unless otherwise provided for by conditions imposed on the planning consent.
- 3 Prior to commencement of work on site the applicant shall agree in writing with the Planning Authority the colour of the wind turbines. Thereafter the approved scheme will be implemented prior to the wind turbines becoming operational.
- 4 Within six months of the wind turbines being decommissioned the owner shall remove the turbines, all associated plant and equipment and undertake restoration measures to reinstate the site to its pre-development condition to the reasonable satisfaction of the Planning Authority.
- 5 Noise arising from the wind turbines shall not exceed an $L_{A90, 10 \text{ min}}$ of 35 dB at the nearest noise sensitive premises. The foregoing condition shall apply at wind speeds not exceeding 10m/s, as measured at a height of 10m above ground at the wind turbine site.

In the event of audible tones being generated by any wind turbine, a 5dB(A) penalty for tonal noise shall be added to measured noise levels.

Any measurements and assessments of noise from the wind turbines shall be carried in accordance with ETSU report for the DTI - The Assessment and Rating of Noise from Wind Farms (ETSU-R-97).

- 6 In the event that the wind turbines affects radio, television and/or telephone devices and/or reception of these devices in the vicinity of the development site, the wind turbines shall be disconnected until the problem has been investigated and resolved.

Reasons:

- 1 In accordance with the terms of Section 58 of the Town and Country Planning (Scotland) Act 1997 as amended by Section 20 of the Planning etc (Scotland) Act 2006.
- 2 To ensure that the development is carried out in accordance with the plans approved.
- 3 In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality.
- 4 In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality.
- 5 In order to protect residential amenity.
- 6 To ensure that when the wind turbines cease to be in operational use the site is restored to its pre-development condition in the interests of visual amenity and to prevent the accumulation of clutter.

B JUSTIFICATION

The proposal is considered to comply with the Development Plan and there are no other material considerations that would justify a departure therefrom.

C PROCEDURAL NOTES

None.

D INFORMATIVES

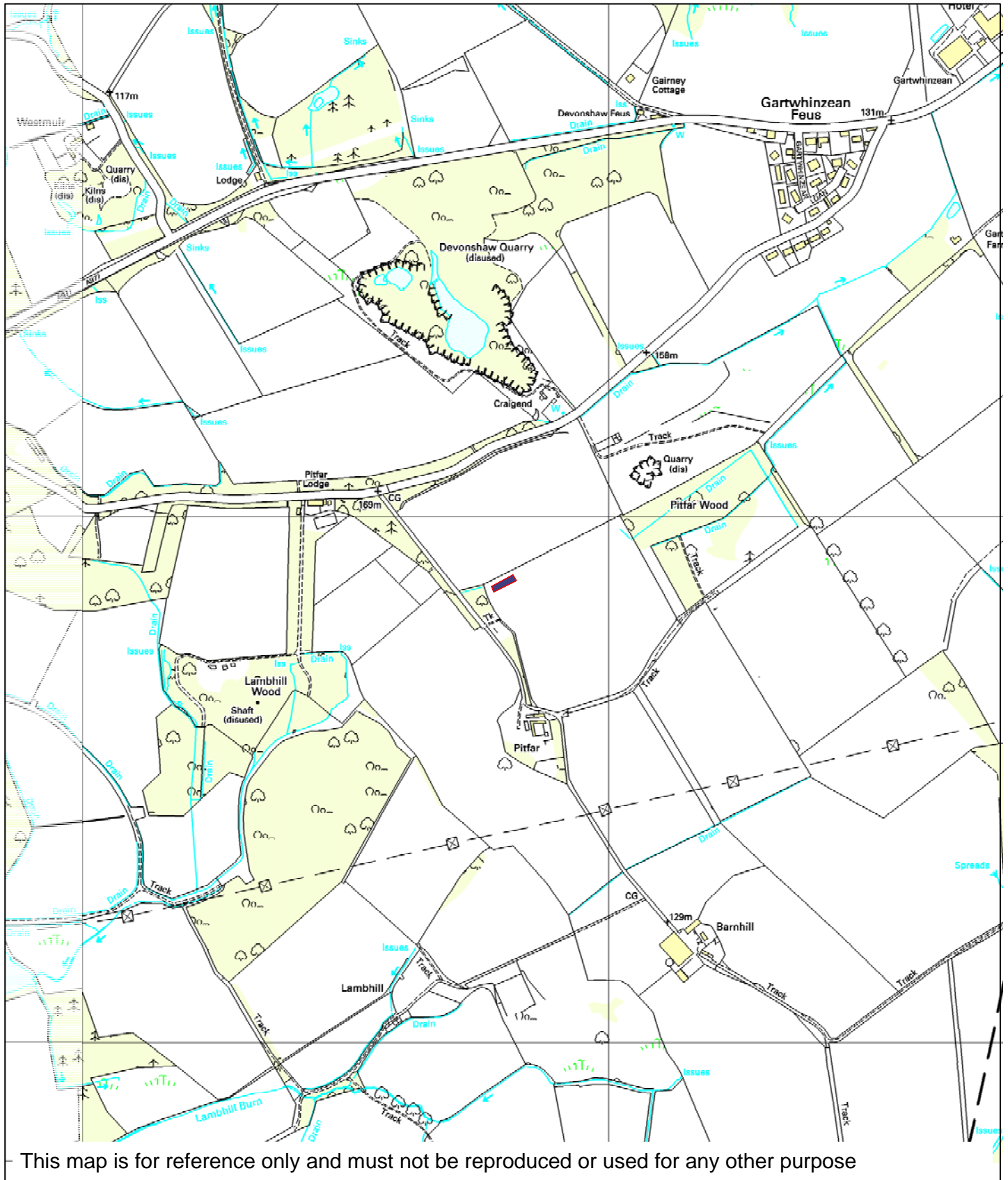
- 1 Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement

would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.

- 2 As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.

Background Papers: 7 letters of representation
Contact Officer: Mark Williamson – Ext 475355
Date: 11 June 2010

NICK BRIAN
DEVELOPMENT QUALITY MANAGER



↑ Scale
1:10000

