

Perth and Kinross Council
Development Control Committee – 7 July 2010
Report of Handling by Development Quality Manager

**Erection of 2 Wind Turbines on land at
 Mid Cambushinnie Farm, Cromlix, Dunblane, FK15 9JU**

Ref: No: 10/00397/FLL
 Ward No: N7 – Strathallen

Summary

This report recommends approval of the application for the erection of two 15 metre wind turbines as complying with the relevant policies of the Local Plan.

BACKGROUND AND DESCRIPTION

- 1 This application is for the erection of two stand alone 15m high wind turbines (15kw) on land to the east of Mid Cambushinnie, near Kinbuck. The turbine sites are to be positioned on the crest of two raised land forms located approximately 350m east of the applicant's property at Mid Cambushinnie Farm. The land surrounding the site comprises of open farm land and there is a small group of houses located approximately 370m to the North West of the application site.

NATIONAL POLICY AND GUIDANCE

The Scottish Planning Policy 2010

- 2 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 and Natural Heritage
- Paragraphs 182 -196: Renewable Energy.

Planning Advice Note 45: Renewable Energy Technologies

- 3 Covers the characteristics of the main types of electricity generation developments, using renewable energy resources, likely to be deployed in Scotland.

Planning Advice Note 56: Planning and Noise

- 4 Provides advice on good practice and other relevant information relating to noise.

Scottish Government Circular 10/1999 Planning and Noise

- 5 This Circular sets out Government policy on the role of the planning system in controlling noise.

DEVELOPMENT PLAN

- 6 The Development Plan for the area comprises the Approved Perth and Kinross Structure Plan 2003 and the Adopted Strathearn Area Local Plan 2001.

Perth and Kinross Structure Plan 2003

- 7 The principal relevant policies are in summary: -
- 8 Environment and Resources 14 - Proposals for the development of renewable energy schemes will be supported where they are considered environmentally acceptable and where their energy contribution and benefits in reducing pollution outweigh any significant adverse effects on local environmental quality. Community based renewable energy developments in particular will be encouraged. Proposals for renewable energy schemes will be assessed against the following criteria:
- The immediate and wider impact of the proposed development on the landscape and wildlife resource.
 - The need to protect features and areas of natural, cultural, historical and archaeological interest.
 - The specific benefits that the proposal would bring to the local community and/or Perth and Kinross.
 - The cumulative effects of similar developments on the local area.
- 9 An Environmental Assessment will normally be required for large-scale schemes and Local Plans will provide more detailed locational guidance particularly for windfarm developments and other renewable energy technologies.

Strathearn Area Local Plan 2001

- 10 Under the Local Plan the site lies outwith any defined settlement boundary and therefore countryside policies are relevant.
- 11 The principal relevant policies are in summary: -

Policy 11: Renewable Energy

- 12 The Council will encourage, in appropriate locations, renewable energy projects. Such developments, including ancillary transmission lines and access roads, will be assessed against the following criteria:
- a. The development will not have a significant detrimental effect on sites recognised by designation at a national, regional or local level, of nature conservation interest or sites of archaeological interest;
 - b. The development will not result in an unacceptable intrusion on the landscape character of the area.
 - c. The development will not result in an unacceptable loss of amenity to neighbouring occupiers by reasons of noise emission, visual dominance, electromagnetic disturbance or reflected light.
- 13 Developers will be required to enter into an agreement for the removal of the development and the restoration of the site following the completion of the development's useful life.

OTHER POLICIES

- 14 Perth & Kinross Council Supplementary Planning Guidance for Wind Energy Proposals

SITE HISTORY

- 15 None

CONSULTATIONS

- 16 Environmental Health - No objection subject to conditions.

REPRESENTATIONS

- 17 No of representations received: 0

ADDITIONAL STATEMENTS

Environment Statement	Not required
Screening Opinion	Not required
Environmental Impact Assessment	Not required
Appropriate Assessment	Not required
Design Statement / Design and Access Statement	Not required
Business Plan	Not required

APPRAISAL

- 18 Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that planning decisions be made in accordance with the Development Plan unless material considerations indicate otherwise. The adopted Development Plans that are applicable to this area are the Perth and Kinross Structure Plan 2003 and the Strathearn Area Local Plan 2001.
- 19 The determining issues in this case are whether: - the proposal complies with Development Plan policy; the proposal complies with supplementary planning guidance; or if there are any other material considerations which justify a departure from policy.

Siting and Design of Turbine

- 20 The policy framework for renewable energy is set out in the recently published Scottish Planning Policy (February 2010) which incorporates and supersedes Scottish Planning Policy 6: Renewable Energy. This document outlines the Scottish Governments commitment to increasing the amount of energy generated from renewable sources. It also identifies that the factors relevant to the consideration of planning applications will depend on the scale of the development and its relationship with the surrounding area, but is likely to include impact on the landscape, historic environment, natural heritage and water environment, amenity and communities, and any cumulative impacts that are likely to arise. Additional information and advice on the technologies for harnessing renewable energy is also contained in Planning Advice Note 45: Renewable Energy Technologies and the appropriate Local Plan policy is Policy 11.
- 21 Micro-wind turbines must be erected in a manner that keeps the environmental impact to a minimum whilst still ensuring they provide sufficient power. Sensitive siting and design can reduce visual intrusion and play a part in making these installations an accepted feature. Individual circumstances will dictate the optimum position for micro-wind turbines. The potential impacts of micro-wind turbines are considerably less than wind farms. However, the potential siting of micro-wind turbines close to, on, or integrated with buildings means that special attention must be given to the need to protect amenity.
- 22 The ideal location for a micro-wind turbine is up high, taking advantage of prevailing winds. It should preferably have a clear exposure, free from excessive turbulence and obstructions such as large trees or buildings. Flexibility is required in considering locations so as to ensure an adequate balance is struck between maximising energy production and minimising unwelcome visual impacts
- 23 In this circumstance the potential visual impact of the development will be from the public road to the north, B8033 Kinbuck to Braco Road and the A9 corridor to the south of the site. The turbines are to be located on the top of two raised land forms that are relatively exposed and prominent within the immediate landscape. This factor initially raised concerns in relation to the

visual impact of the structures, however following further discussion it is considered that the two turbines will be set against a strong backdrop formed by the Ochil Hills to the south and the rising topography of the land to the north. As such it is considered that the visual impact of the turbines will be relatively minimal when viewed in context to the surrounding landscape and in particular from public roads.

- 24 However it is worth noting that PAN 45 advises that the colour and finish of any wind turbine should be appropriate to its setting and designed to minimise visual impact and reflection of light. Where the main background is sky then an off-white colour may be appropriate or if the main background is vegetation then a green/brown colour may be suitable. Given that the predominant views of the turbines shall be set against the surrounding landscape it is considered appropriate that the mast of the turbines should be finished in a dark green colour and a condition could be attached to this affect.

Cumulative impact of Turbines

- 25 Structure Plan Environment and Resource Policy 14 acknowledges that the cumulative effect of renewable energy developments has to be taken into account during the assessment of applications. In this case I have taken account of the surrounding planning history and note that there are no other consents for wind turbines in the immediate vicinity of the application site. Consent has been granted for the erection of two similar wind turbines 3.3km north east of this application site at Crofthead but it is considered that these turbines are a significant distance from the site and will not be inter visible with the proposed wind turbines at Cambushinnie. On a much wider context the wind farm at Braes of Doune is visible from the site but the proposed wind turbines are much smaller and will not create any cumulative impact on the wider landscape. As such it is considered that there will not be a cumulative impact on the landscape through the introduction of the proposed wind turbines.

Impact on Road Safety

- 26 The application has been discussed with the Transport Planning Section and they have offered no objection to the application.

Impact on Residential Amenity

- 27 Planning Advice Note 56 'Planning and Noise' specifies the planning system has an important role to play in preventing and limiting noise pollution and that noise implications of development can be a material consideration in determining applications for planning permission. In this case it was noted the proposed turbine could impact on noise sensitive premises and accordingly the Council's Environmental Health Division was consulted. The consultation response highlights no objection subject to a condition relating to noise levels.

LEGAL AGREEMENTS REQUIRED

28 A legal agreement is not required for this development proposal.

DIRECTION BY SCOTTISH MINISTERS

29 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

30 In conclusion, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, it is considered the proposal complies with the Adopted Strathearn Area Local Plan 2001, in particular Policy 11. There are no material considerations that would justify refusing the application. On that basis the application is recommended for approval subject to conditions.

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 herewith, unless otherwise provided for by conditions imposed on the planning consent.
- 3 The exterior finish/colouring of the wind turbines and associated equipment shall be investigated and a sample with paint code (preferably dark green) shall be submitted to and approved by the Local Planning Authority. Thereafter the approved scheme will be implemented prior to the wind turbine becoming operational.
- 4 Noise arising from the wind turbines shall not exceed an L A90, 10min of 35 dB at the nearest noise sensitive premises. The forgoing condition shall apply at wind speeds not exceeding 10m/s, as measured at a height of 10m above the wind turbine site.
- 5 In the event of audible tones being generated by any wind turbine, a 5 dB (A) penalty for tonal noise shall be added to measured noise levels.
- 6 Any measurements and assessments of noise from the wind turbines shall be carried out in accordance with ETSU report for the DTI – The assessment and Rating of Noise from Wind Farms (ETSU-R-97).

- 7 The applicant shall, upon written request and unless otherwise agreed in writing with the planning authority, carry out measurements and assessments of noise from the wind turbine in accordance with ETSU report for the DTI – The Assessment and rating of Noise From Wind Farms (ETSU-R-97) to the satisfaction of the planning authority and make all related data available to the Planning Authority.
- 8 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.
- 9 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.

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 To protect the visual amenities of the area.
- 4-7 To ensure there are measures in place to safeguard the amenities of nearby properties.
- 8 For the avoidance of doubt and in order to protect the existing residential amenity of the occupiers of the neighbouring properties as the impact of the development on telecommunications equipment has not been formally assessed.
- 9 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

- 1 The proposal is considered to comply with the Development Plan and there are no other material considerations which 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 This development will require the 'Display of notice while development is carried out', under Section 27C(1) of the Town and Country Planning Act 1997, as amended, and Regulation 38 of the Development Management Procedure (Scotland) Regulations 2008. The form of the notice is set out in Schedule 7 of the Regulations and a draft notice is included for your guidance. According to Regulation 38 the notice must be:
 - Displayed in a prominent place at or in the vicinity of the site of the development
 - Readily visible to the public
 - Printed on durable material.

- 3 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: No letters of objection
Contact Officer: David Niven – Ext 75345
Date: 8 June 2010

Nick Brian
Development Quality Manager

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