

Perth and Kinross Council
Development Control Committee – 17 February 2010
Report of Handling by Development Quality Manager

Erection of a 15kw wind turbine at Carsefoot, Drum, Kinross, KY13 0PP

Ref: No: 09/02078/FLL
Ward No: N8 - Kinross-shire

Summary

This report recommends approval of the erection of a 15kw wind turbine at Carsefoot, Drum, Kinross as the development is considered to comply with the provisions of the Development Plan.

BACKGROUND AND DESCRIPTION

- 1 This application is for the erection of a wind turbine to the west of Carsefoot which is located outwith the settlement boundary of Crook of Devon. There is a considerable extent of history associated to this site due to amending the location of the proposed turbine as a result of overhead power lines. It should be noted that this Committee refused a previous planning application (09/01245/FLL) which sought to amend the turbine location and an appeal is currently pending (Scottish Executive ref: PPA/340/02022). The full history is set out later in this report.

NATIONAL POLICY AND GUIDANCE

Scottish Planning Policy 6: Renewable Energy

- 2 Sets out how the planning system should manage the process of encouraging, approving and implementing renewable energy proposals when preparing development plans and determining planning applications.

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 Kinross Area Local Plan 2004

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.

Kinross Area Local Plan 2004

- 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 17: Kinross Renewable Energy

- 12 The Council will encourage, in appropriate locations, renewable energy developments. Renewable energy 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 of nature conservation interest or sites of archaeological interest.

- b. The development will not result in an unacceptable intrusion on the intrinsic landscape quality of the area.
 - c. The development will not result in a loss of amenity to neighbouring occupiers by reasons of noise emission, visual dominance, electromagnetic disturbance or reflected light.
- 13 Windfarm developments will not be permitted on the Lomond Hills, Benarty Hill or along the ridgeline of the Cleish Hills, Ochils or Lendrick Hills, as viewed from the principal roads of the area.
- 14 Developers will be required to enter into an agreement for the removal of the development and the restoration of the site, at the end of the development's useful life.

OTHER POLICIES

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

SITE HISTORY

- 16 09/00175/FUL - Erection of a monopole wind turbine at Carsefoot, Drum, Kinross approved subject to conditions on the 01 April 2009.
- 17 09/00828/MOD - Modification of existing consent (09/00175/FUL) relocation of a 15m monopole wind turbine at Carsefoot, Drum, Kinross approved subject to conditions on 03 July 2009.
- 18 09/01245/FLL - Modification of existing consent (09/00828/MOD) relocation of a 15m monopole wind turbine at Carsefoot, Drum, Kinross refused by Committee 23 September 2009.
- 19 Planning Appeal PPA/340/02022: Relating to application 09/01245/FLL - Modification of existing consent (09/00828/MOD) relocation of a 15m monopole wind turbine at Carsefoot, Drum, Kinross. Pending Decision.

CONSULTATIONS

- 20 Environmental Health - No objection subject to conditions.

REPRESENTATIONS

- 21 No of representations received: 14
- 22 A total of 12 letters of representation have been received in support of the application. A further two letters of objection have been received.
- 23 Summary of issues arisen in letters of support:

- Complies with Scottish Minister's commitment to increasing electricity generated from renewable energy.
- The proposal will reduce the applicant's carbon foot print.
- The development will have a minimal visual impact.

24 Summary of issues arisen in letters of objection:

- Cumulative impact on wind turbine structures.
- Visual intrusion and safety.
- Scale of the proposed turbine.

25 All of the issues raised in letters of representation are addressed under the Appraisal Section of this report.

26 **Additional Statements Received**

Environment Statement	Not required
Screening Opinion	Not required
Environmental Impact Assessment	Not required
Appropriate Assessment	Not required
Design Statement or Design and Access Statement	Not required
Report on Impact or Potential Impact i.e. Flood Risk Assessment	Not required

APPRAISAL

27 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 Kinross Area Local Plan 2004.

28 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

29 The policy framework for renewable energy is set out in Scottish Planning Policy 6: Renewable Energy which recognises the potential conflicts relating to renewable energy developments and the need to protect and enhance Scotland's natural and historic environment. Additional information and advice on the technologies for harnessing renewable energy is contained in Planning Advice Note 45: Renewable Energy Technologies and the appropriate Local Plan policy is Policy 17.

30 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.

- 31 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
- 32 In this circumstance the potential visual impact of the development will be from the public road to the south, A977 Kinross to Crook of Devon Road and the minor road connecting the A91 to the A977 which is to the west of the site. I consider the existing foliage which bounds the road should successfully alleviate the visual impact of the turbine. However it is worth noting that PAN 46 confirms that the colour and finish of the wind turbine should be appropriate to the 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. If the main background is vegetation then a green/brown colour may be suitable. Given its location I consider that a dark green colour is more appropriate and a condition could be attached to this affect.

Cumulative impact of Turbines

- 33 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 cognisance account of the surrounding planning history and note that a turbine installation has been approved at Hoodshill further north of the proposed site, application 08/02311/FUL refers. In this case the siting of the turbines on their own site is considered acceptable. I do not consider they can be viewed together from the main public vantage points and I am of the judgement that there will not be a cumulative impact on the landscape.
- 34 There is a considerable extent of history associated to this site as highlighted in the covering letter submitted with the application. This is a result of amending the location of the turbine. The agent has confirmed this submission is to cover the applicants' options pending the outcome of the appeal and it is not the intention of the applicant to erect two turbines on the site. This assessment has only considered the erection of one turbine on the site and for the avoidance of any doubt it is considered that an appropriately worded condition should be attached to the consent to ensure only one turbine is erected on the land holding at Carsefoot.

Impact on Road Safety

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

Impact on Residential Amenity

- 36 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

- 37 A legal agreement is not required for this development proposal.

DIRECTION BY SCOTTISH MINISTERS

- 38 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

- 39 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 Kinross Area Local Plan 2004, in particular Policy 17. 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 turbine 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 turbine 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 turbine 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 turbine affects radio, television and/or telephone devices and/or reception of these devices in the vicinity of the development site, the wind turbine shall be disconnected until the problem has been investigated and resolved.
- 9 Within six months of the wind turbine being decommissioned the owner shall remove the turbine, 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.
- 10 For the avoidance of any doubt only one turbine shall be erected on the land holding.

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 To ensure there are measures in place to safeguard the amenities of nearby properties.
- 5 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.

- 6 To ensure that when the wind turbine ceases 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.
- 7 To ensure the Planning Authority can maintain effective control of development and to avoid potential visual 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: Letters of representation (14)
Contact Officer: Name John Russell – Ext 75346
Date: 25 January 2010

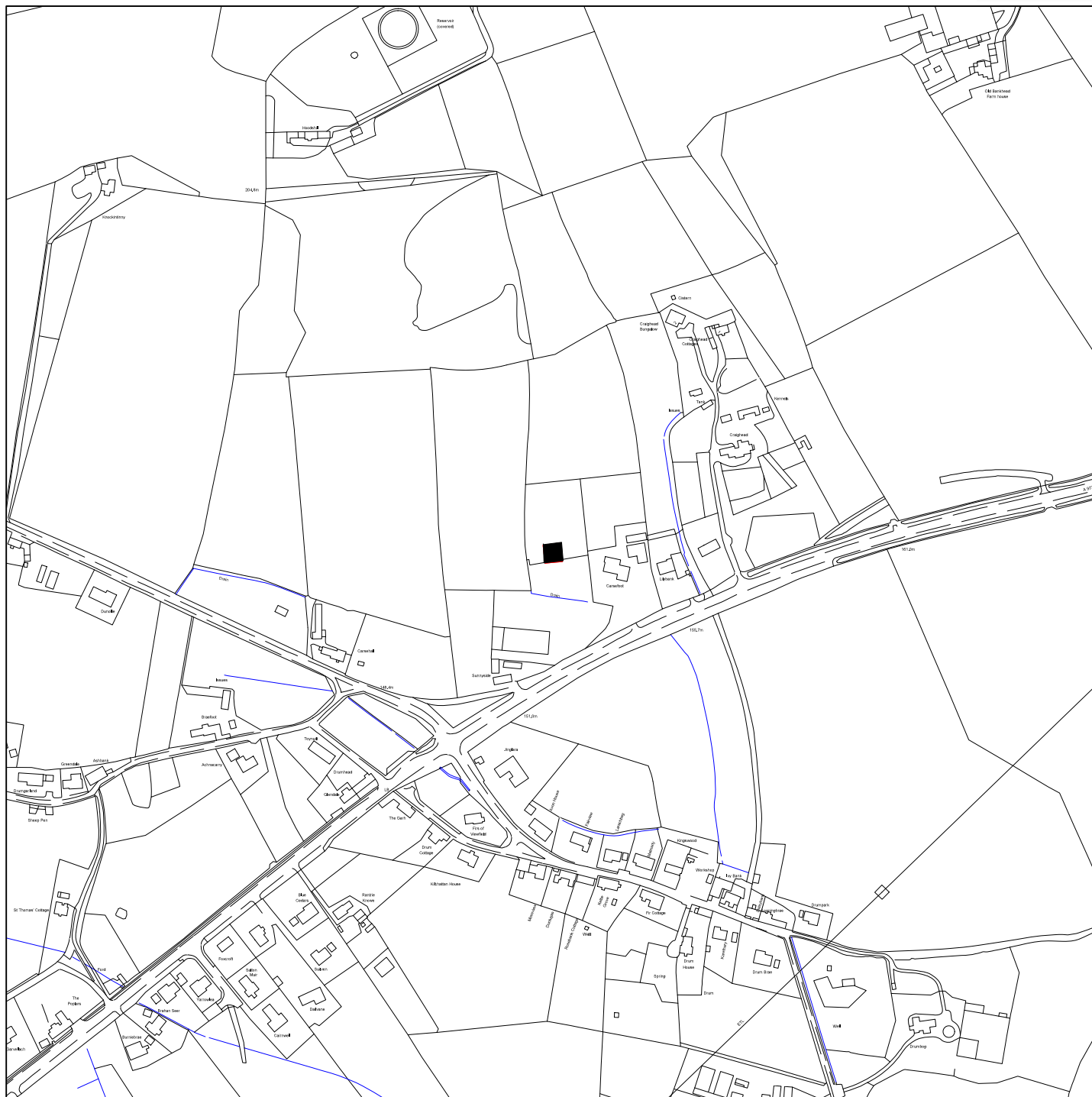
Nick Brian
Development Quality Manager

09/02078/FLL

Erection of 15kw turbine, Carsefoot, Drum



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Organisation	Perth & Kinross Council
Department	Planning
Comments	
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