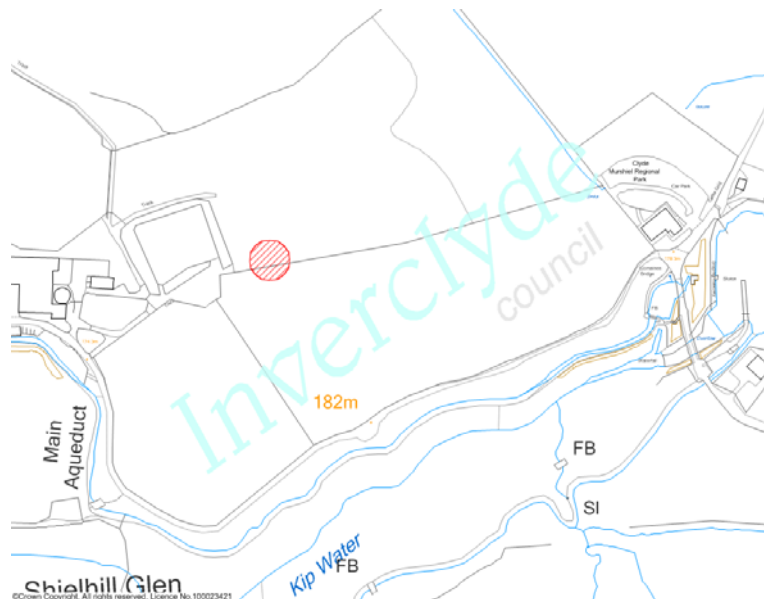

Report To:	The Planning Board	Date:	5 December 2012
Report By:	Head of Regeneration and Planning	Report No:	12/0286/IC Plan 12/12
			Local Application Development
Contact Officer:	Guy Phillips	Contact No:	01475 712422
Subject:	Erection of 1No 50Kw 34.378 metre high wind turbine at Shielhill Farm, Dunrod Road, Inverkip		

SITE DESCRIPTION

The site is in the countryside between Greenock and Inverkip, approximately 200m to the east of the farm standing at Shielhill and set back approximately 120m south of Dunrod Road. It is within the Clyde Muirshiel Regional Park and the Dunrod Hill Site of Special Scientific Interest. Running parallel to the south side of Dunrod Road is the Loch Thom to Overton Cut, which is an Outstanding Area of Regional Industrial Archaeological Significance and also designated as a Core Footpath. South of The Cut is the Shielhill Glen Site of Special Scientific Interest and the West Renfrew Hills Scenic Area. The Cut Visitor Centre is approximately 244m to the east.



PROPOSAL

It is proposed to erect a wind turbine with an overall height to blade tip of 34.3m. Also proposed is a 2.25m high, 2.7 square metre control kiosk.

The planning application is accompanied by a supporting statement containing a site analysis and assessments of the impacts upon landscape, visual amenity, natural heritage and air traffic and the

impacts of noise and shadow flicker. Wire frame diagrams and photomontages illustrating the visual impact of the turbine from key locations, a map of theoretical visibility zones and a noise contour map have also been submitted.

LOCAL PLAN POLICIES

Local Plan Policy UT6 - Renewable Energy Infrastructure

In assessing proposals for renewable energy infrastructure, Inverclyde Council, as Planning Authority, will have regard to the impact on:

- (a) the natural environment and built heritage of the locality;
- (b) the landscape, particularly when viewed from major transport corridors;
- (c) residential amenity;
- (d) tourism and leisure resources, particularly if within the Clyde Muirshiel Regional Park; and
- (e) the operation of aircraft and telecommunications equipment.

Local Plan Policy UT6A - Wind Farms of 20MW and Above

Wind farms with an output of 20MW and over will be supported where:

- a) the objectives of international natural heritage designation are not compromised or where the proposed development is likely to have an adverse effect:
 - there is no alternative solution; and
 - there are imperative reasons of over-riding public interest, including those of a social or economic nature;
- b) the objectives of national natural heritage designation and the overall integrity of the area are not compromised or where any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social and economic benefits of national importance;

and where the proposed development:

- c) is sited within the landform to ensure it does not have a detrimental effect on the landscape and wider environment;
- d) does not have an unacceptable adverse impact on the positive strategic assets of Clyde Muirshiel Regional Park and the West Renfrew Hills Scenic Area, such as:
 - i. landscape and visual amenity;
 - ii. tourism;
 - iii. recreation; and
 - iv. conservation;
- e) does not have an unacceptable adverse impact directly on the built heritage of the area or its setting;
- f) does not have an unacceptable adverse impact on biodiversity;
- g) does not have an unacceptable impact on the water environment, including its quality, quantity and ecological status;
- h) does not lead to unacceptable cumulative impacts on the landscape;

i) does not have an unacceptable adverse effect on aviation interests;

and where:

j) in consultation with the relevant bodies, the presence of notifiable installations and exclusion zones are taken into account when designing sites; and

k) in consultation with the relevant bodies, the presence of broadcasting and telecommunications infrastructure are taken into account when designing sites.

Note (1) These criteria would also apply to smaller scale wind farms (<20MW) which can often be more easily accommodated in the landscape, therefore, some of the areas that are not suitable for strategic wind farms could be acceptable. It would still be necessary to protect the environmental and built heritage resources and the local community by ensuring they were designed and sited to incur minimum impact. Given the variety of combinations and sizes of turbines that could be used to produce an output up to 20MW, it is likely that it will only be possible to determine what is acceptable when specific applications are assessed.

Local Plan Policy UT6B - Small Scale Wind Turbine Development

In assessing proposals for small scale wind turbine developments, Inverclyde Council, as Planning Authority, will be supportive where the proposed development satisfies the criteria of Local Plan Policies UT6 and UT6A, where relevant, and will have regard to the impact on:

- a) neighbouring/adjoining properties and residential amenity generally;
- b) road safety;
- c) natural and built heritage resources in proximity to the site;
- d) wildlife resources and habitats;
- e) proximity to pylons and overhead power lines, and other service infrastructure; and
- f) the landscape, especially when viewed from public vantage points, including local roads, neighbouring settlements, and when set against the skyline.

Local Plan Policy DS8 - Green Belt

There is a presumption against development in the designated Green Belt, as identified on the Proposals Map. Proposals will only be considered favourably in exceptional or mitigating circumstances and where the criteria for development in Policy DS10 for the 'Countryside' can be satisfied.

Local Plan Policy DS10 - Countryside

Development within the countryside (including the Green Belt) will be permitted only where it can be supported with reference to the following criteria:

- (a) it is required for the purposes of agriculture and forestry;
- (b) it is a recreation, leisure or tourism proposal which is appropriate for the countryside and contributes to the social and economic development of the area;
- (c) there is a specific locational requirement for the use and it cannot be accommodated on an alternative site;
- (d) it entails appropriate re-use of vacant buildings which it would be desirable to retain for their historic or architectural character; or
- (e) it forms part of an establishment or institution standing in extensive grounds; and
- (f) it does not adversely impact on the landscape character;
- (g) it does not adversely impact on the natural heritage resource;
- (h) it does not adversely affect the visual amenity of the area and is capable of satisfactory mitigation;

- (i) there is a need for additional land for development purposes, provided it takes account of the requirements of the Structure Plan; and
- (j) it complies with other relevant Local Plan policies.

Local Plan Policy HR1 - Designated Environmental Resources and Built Heritage

Development that would adversely affect, directly or indirectly, the natural or built heritage resources listed in Schedule 9.1 and where indicated, on the Proposals Map, will not normally be permitted.

Having regard to the designation of the environmental resource and built heritage, exceptions will only be made where:

- (a) Sites of Special Scientific Interest (SSSI) will not be compromised;
- (b) visual amenity and townscape will not be compromised;
- (c) no other site, identified in the Local Plan as suitable, is available;
- (d) the social and economic benefits of the scheme outweigh the total or partial loss of the environmental resource;
- (e) the developer has demonstrated that the impact of the development on the environment will be minimised; and
- (f) the loss can be compensated by habitat creation/site enhancement elsewhere, and where there are satisfactory arrangements to achieve this.

Local Plan Policy DS11 - Clyde Muirshiel Regional Park

Clyde Muirshiel Regional Park will be safeguarded by having regard to Local Plan policies DS8 and/or DS10 and in accordance with the Planning Practice Advice Notes Nos. 5 and 6, under Policy DC1.

Local Plan Policy LR6 - Inverclyde Access Strategy

Inverclyde Council, as Planning Authority, will seek to protect and promote the 'core path network' (both existing and proposed) and the other key themes of the adopted Inverclyde Access Strategy, where these do not conflict with other Local Plan policies, in particular.

CONSULTATIONS

Head of Environmental and Commercial Services - No objections subject to surface water being contained within the site, confirmation of the size and weight of vehicles to be used to transport components and carry out maintenance, the route they shall use and the number of trips required.

Head of Safer and Inclusive Communities - No objections subject to conditions to control the spread of Japanese Knotweed, importation of materials and noise. Advisory notes are recommended on CDM Regulations.

Scottish Natural Heritage - No outstanding concerns on the impacts on Renfrewshire Heights SPA and Dunrod Hill SSSI. Due to the lack of connectivity between the proposed turbine and Shielhill Glen SSSI, there are not anticipated to be any impacts on the fen meadow or broadleaved woodland for which the site is notified.

Clyde Muirshiel Park Manager - no objections.

Royal Society for the Protection of Birds – no response.

Historic Scotland - no objections.

BAA Aerodrome Safeguarding – no objections.

NATS - CTC - no objections.

MOD Safeguarding - no objections.

PUBLICITY

The nature of the proposal did not require advertisement.

SITE NOTICES

The nature of the proposal did not require a site notice.

PUBLIC PARTICIPATION

Written representations have been received from Wemyss Bay & Inverkip Community Council and the Save Your Regional Park Campaign.

The objectors are concerned that:-

Human Rights Act

- This application has implications for residents in terms of interference with privacy, home or family life (Article 8) and peaceful enjoyment of possessions (First Protocol Article 1).

Scottish Planning Policy and advice

- SPP6 presumes against wind turbines within 2km and the edges of towns and villages. Parts of Inverkip and Wemyss Bay fall within 2km.
- Residents' amenity shall be adversely impacted by noise. As such, it is contrary to PAN56.

The Glasgow and the Clyde Joint Structure Plan

- There is no justification for the proposal in the Glasgow and the Clyde Valley Joint Structure Plan 2002.
- It exacerbates the intrusion of industrial wind generation developments on the Clyde Estuary and is contrary to Strategic Policy 7.

Inverclyde Local Plan

- There is no justification within policies DS8 and DS10 to justify the release of the site from the Green Belt.
- Policies DS11, HR5 and UT6 seek to safeguard Clyde Muirshiel Regional Park.
- It exacerbates the intrusion of industrial wind generation developments on the Clyde Estuary and is contrary to Local Plan Policies DS10 and UT6.
- The amenity of residents, including those living in Inverkip, shall be adversely impacted by noise and shadow flicker. As such, it is contrary to Policy UT6.
- The turbine conflicts with policy UT6 in being visually intrusive and adversely impacting landscape character.
- The cumulative effect of the turbine shall have a detrimental effect on tourism contrary to policy UT6.
- It is contrary to policy LR9 which seeks to protect rights of way.

Impact on Clyde Muirshiel Regional Park

- Free access and views from Core Footpaths would be blighted.
- Workers or members of the public would be in mortal danger from blade throw on the Core Path if the development were allowed to proceed.
- It introduces inappropriate industrial development into Clyde Muirshiel Regional Park.

- Clyde Muirshiel Regional Park is identified as Category 5, a landscape designation by World Conservation Union (IUCN). This is defined as a protected area managed mainly for landscape/seascape conservation where the interaction of people and nature over time has produced an area of distinct character with significant aesthetic, ecological and/or cultural value, and often with high biological diversity. Safeguarding the integrity of this traditional interaction is vital to the protection, maintenance and evolution of such an area. In this designation the Park is recognised as being special and having value. The area under discussion is also in an Area of Great Landscape Value (AGLV).
- It is against the aims and objectives of the park and could open the flood gates for further applications.

The Greenock Cut

- It is close to the Greenock Cut and the Greenock Cut Visitor centre and would be highly visible from a large area of the park.

Views

- Views from a number of locations shall be degraded. They are from:-
 - The A815 Dunoon to Toward Road.
 - The Glasgow to Wemyss Bay Railway Line.
 - Homes and gardens within Inverkip.
 - Inverkip Marina including homes and gardens at Harbourside.
 - The Clyde Muirsheil Regional Park, where the Core Path beside the Greenock Cut, a former aqueduct, passes around Dunrod Hill en route from Greenock to the Cornalees Outdoor Educational Centre.
 - The Clyde Muirsheil Regional Park, where the Core Path beside the Kelly Cut, a former aqueduct, passes around Leapmoor en route from Skelmorlie to the Cornalees Outdoor Educational Centre.
 - The Firth of Clyde approaches on the River Clyde used as a yacht, boat, tourist ferry route and cruise ship passageway.
 - Everton Farm, Berfern Farm, Kelly Mains Farm, Finnockbog Farm, and many other farms and rural residencies in the local area.
 - Innellan and Toward.

Other issues

- There shall be a derogation of landscape quality that shall adversely affect local and national tourism.
- It is close to a Special Protection Area and in an area used by protected bats. Bats' lungs explode with the change in atmospheric pressure created by turbine blades.
- As a result of research in the UK, Canada and Australia, it is now recognised that there are detrimental effects on the health of many people from wind turbines. There are other safety issues with blades breaking off, turbines going on fire and ice being thrown from spinning blades. Wind turbines are not suitable for parks.

ASSESSMENT

The site is located within the Green Belt, where Local Plan policies DS8 and DS10 apply. However, as a renewable energy development which may be expected to be located in a Green Belt/rural location, it is considered appropriate to assess the proposal against national and local planning policy for such developments. I acknowledge representations made with reference to Scottish Planning Policy 6 and the Glasgow and the Clyde Valley Joint Structure Plan but note that both documents are obsolete and cannot be taken into account in my assessment. Indeed, as a single turbine this application is not of a scale representing regional significance and reference to the Structure Plan's successor, the Glasgow and the Clyde Valley Strategic Development Plan is not appropriate.

The general planning policy position, stemming from Scottish Planning Policy, is that planning authorities should support the development of a diverse range of renewable energy technologies

and that development plans or supplementary guidance must clearly indicate factors that will be taken into account in decision making. The Government itself provides web based renewables advice and this is reflected in the Council's Interim Planning Policy Position Statement on Small Scale Wind Farms, approved by the Safe Sustainable Communities Committee in March 2011. This statement introduced a new Policy UT6B which identifies that the Council will be supportive of development where the criteria of Policies UT6 (Renewable Energy Infrastructure) and UT6A (Wind Farms of 20MW and above) have been met and there has been regard to:

- a) the impact on neighbouring and nearby properties and residential amenity generally;
- b) road safety;
- c) natural and built heritage resources in proximity to the site.
- d) wildlife resources and habitats.
- e) proximity to pylons and overhead power lines and other service infrastructure.
- f) the landscape, especially when viewed from public vantage points, including local roads, neighbouring settlements, and when set against the skyline.

Policies UT6 and UT6A require consideration of the potential impact on the operation of aircraft and telecommunications equipment, and I note that the National Air Traffic Service, BAA and the MOD offer no objections.

The policies also require assessment of the impact on the natural and built environment, landscape, and residential amenity, all of which are also addressed by assessment against Policy UT6B (criteria a, c, d and f). Countryside tourism is inextricably linked to the quality of landscape and views from public vantage points, and it is appropriate to consider this in an assessment against Policy UT6B (criterion f).

Accordingly it remains to assess the application against the criteria listed in Policy UT6B with reference to Scottish Planning Policy and other development plan policies as applicable.

- a) Impact on neighbouring and nearby properties and residential amenity generally.

Policy UT6B requires development to have regard to impact on neighbours and general residential amenity. Potential impacts on nearby residential amenity arise from visual impact, noise and shadow flicker. Houses in proximity to the proposed turbine are the farmhouse and two cottages at Shielhill which are in the applicant's ownership. There are no objections from the Head of Safer and Inclusive Communities regarding noise impact. The Scottish Government's online advice "Onshore Wind Turbines" advises that where separation is provided between wind turbines and nearby dwellings of 10 rotor diameters shadow flicker should not be a problem. In this instance that figure is approximately 192m. Accordingly, the proposal accords with Government advice on separation for shadow flicker.

I note concern expressed that this will have an unacceptable impact on residential amenity from a wider perspective, including views and shadow flicker on houses as far away as Inverkip.

The proposed turbine is considerably smaller than those in commercial wind farms such as those at Ardrossan referred to by the objectors. While I note the more distant locations identified by the objectors, as confirmed by the applicant's Map of Theoretical Visibility most parts of Inverkip and all of Wemyss Bay will have no view of the turbine. Indeed, in many weather conditions the turbine shall be difficult to distinguish in longer views.

Scottish Government guidance for assessing visual impact indicates that scale is a relevant consideration, taking into account the significance of the landscape and the views, proximity, intervisibility and sensitivity of visual receptors. While the proposed wind turbine is of a size and design frequently used for small scale renewable energy developments and that while it will impact on nearby visual receptors at Dunrod Road, the Greenock to Overton Cut and the Cut Visitor Centre, I do not consider the wider visual impact on residents to justify the refusal of planning permission.

b) Road safety

There are no objections from the Head of Environmental and Commercial Services on road safety grounds.

c) and d) Natural and built heritage resources in proximity to the site and wildlife resources and habitats.

The site is within the Clyde Muirshiel Regional Park and the Dunrod Hill Sites of Special Scientific Interest and near to the Shielhill Glen Site of Special Scientific Interest and the West Renfrew Hills Scenic Area. As such, it requires assessment against Policy HR1. The policy advises that development that would adversely affect, directly or indirectly, listed natural or built heritage resources will not normally be permitted. The proposal requires further assessment against criteria (a) - (e) within policy HR1:

- HR1(a) Sites of Special Scientific Interest will not be compromised:
Scottish Natural Heritage has confirmed that there is no adverse impact upon the Dunrod Hill SSSI and the nearby Shielhill Glen SSSI and is, therefore, acceptable.
- HR1(b) Visual amenity and townscape:
I shall assess this impact in detail under criterion (f) of policy UT6B.
- HR1(c) No other site identified in the Local Plan as suitable is available:
The purpose of the proposal is to provide power for the applicant's properties at Shielhill. As such, I consider there may be some renewable energy justification for a turbine at the location. This, however, does not provide an automatic presumption in favour of development.
- HR1(d) The social and economic benefits of the scheme outweigh the total or partial loss of the environmental resource: the environmental resource directly impacted by the proposal is the Clyde Muirshiel Regional Park. I consider the economic benefits to Shielhill Farm of providing renewable energy to be outweighed by the visual impact of the turbine.
- HR1(e) The impact of the development on the environment will be minimised:
I shall assess this impact in detail under criterion (f) of policy UT6B.

I am also aware of objections lodged on the potential impact on bats SNH advise that relatively small-scale single turbines can cause bat fatalities if located in the wrong places - i.e. near bat roosts or flyways. In general, the following areas should be avoided as locations for single turbines unless supported by an appropriately undertaken bat survey that shows no bats to be present within 50m of buildings and/or along water courses, hedges or woodland edges. The Shielhill Farm turbine avoids such locations, and accordingly any impacts on bats are likely to be minimal and not of concern to SNH.

e) Proximity to pylons and overhead power lines and other service infrastructure.

An existing power line runs to the north of the site at the foot of Dunrod Hill. It is intended that a connection be formed to this line to form a grid connection. This proposal will not result in excessive additional overhead powerlines.

f) The landscape, especially when viewed from public vantage points, including local roads, neighbouring settlements, and when set against the skyline.

Criterion (b) of Policy HR1 and criterion (f) of Policy UT6B require consideration to be given to visual amenity and the visual impact when viewed from public vantage points, including local roads, neighbouring settlements and when set against the skyline.

There is a 28m high wind turbine approximately 0.5km to the east at Cornalees. Views of Cornalees turbine and that proposed at Shielhill, in conjunction with one another, are limited from the public domain. Photomontages have been submitted indicating visual impact from The Cut (at a point 513m distant), from the Cut Visitor Centre (at a point approximately 297m distant), from Dunrod Road between Sheilhill Farm and the Cut Visitor Centre (at a point approximately 314m distant) and from the east bank of Loch Thom (approximately 2km distant).

There are views across Loch Thom from Old Largs Road, but the turbine is contained within the profile of the Argyllshire Hills on the opposite side of the Firth of Clyde. At a distance of approximately 2.0km I consider the visual impact from that direction to be diminished to an acceptable degree. The Cut Visitor Centre is located between the proposed turbine and that existing at Cornalees. As a result, the turbines are not viewed as a pair from that key visual receptor. Historic Scotland are of the view the turbine will not have a significant adverse impact on the setting of the Loch Thom to Overton Cut.

From the selected Dunrod Road viewpoint all but the tips of the turbine blades are contained within the profile of Dunrod Hill. From the Cut and the Cut Visitor Centre, however, the turbine breaks the skyline. Separating distances from these key visual receptors added to the scale of the turbine combine, I consider, to introduce a dominant and unexpected visual interruption to the landscape.



I am also aware that at its closest point The Cut is approximately 150m from the turbine. While there may be a small potential risk to life from blade throw in the event of structural failure or ice throw in cold conditions, I consider that this does not justify refusal of planning permission. Of greater concern is the visual impact from The Cut in the immediate vicinity. Although the viewing points for the photomontages were selected to determine the most significant impacts upon the public domain, the greatest impact was evident from site inspection when viewing Dunrod Hill from Dunrod Road. The hill itself is an attractive landscape feature, largely unaffected by man made visual distraction. It is the combination of uninterrupted natural views interspersed with views of the built environment that gives The Cut and Dunrod Road a variety and interest. I recognise that the site is outwith the West Renfrew Hills Scenic Area and that The Clyde Muirshiel Regional Park Manager has offered no objections, but I am of the view, nevertheless, that this part of The Clyde Muirshiel Regional Park and Inverclyde's countryside is of some considerable quality readily accessible to Inverclyde residents and visitors from the nearby Cut Visitor Centre and the Loch Thom To Overton Cut.

In summary, while there are wind turbines elsewhere throughout Scotland which are significantly higher than that proposed I consider that within the context of the landscape at Dunrod Hill and the proximity to Dunrod Road, the Loch Thom to Overton Cut and the Cut Visitor Centre, the 34m high

turbine introduces a dominant and unexpected visual interruption to the landscape. I agree with representations that consider this to be to the detriment of visual amenity and tourism.

Given my unfavourable assessment on impacts upon visual amenity, landscape character and visitors' enjoyment of the countryside I consider the proposal fails to accord with Local Plan policy HR1 and criterion (f) of Policy UT6B, and consequently Policy UT6 (criteria a and b) and Policy UT6A (criterion c).

Finally, objectors have made reference to the potential conflict between this proposal and Human Rights legislation. Article 8 places an obligation on the Council to take into consideration representations on planning applications before coming to a decision on a planning application; an action it undertakes with each planning application when representations are submitted. The rights of objectors are not absolute. Human Rights legislation is not intended to and does not obstruct the Council from reaching decisions which it considers to be for the wider public good.

RECOMMENDATION

That the application be refused.

Reason

A combination of height and scale, proximity to Dunrod Road, the Greenock to Overton Cut (designated as a Core Footpath, to encourage the public into the countryside and as an Outstanding Area of Regional Industrial Archaeological Significance), Dunrod Hill and The Cut Visitor Centre combine to create an unexpected and dominant feature in this part of Clyde Muirshiel Regional Park contrary to:-

- a. Policy UT6 of the Inverclyde Local Plan, criteria (a) and (b).
- b. Interim Inverclyde Local Plan Policy UT6A, criterion (c).
- c. Interim Inverclyde Local Plan Policy UT6B, criterion (f); and
- d. Inverclyde Local Plan Policy HR1, criterion (b).

Stuart Jamieson
Head of Regeneration and Planning

BACKGROUND PAPERS

1. Application form and plans
2. Inverclyde Local Plan
3. Consultation responses
4. Written representations
5. Applicant's supporting statement



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