

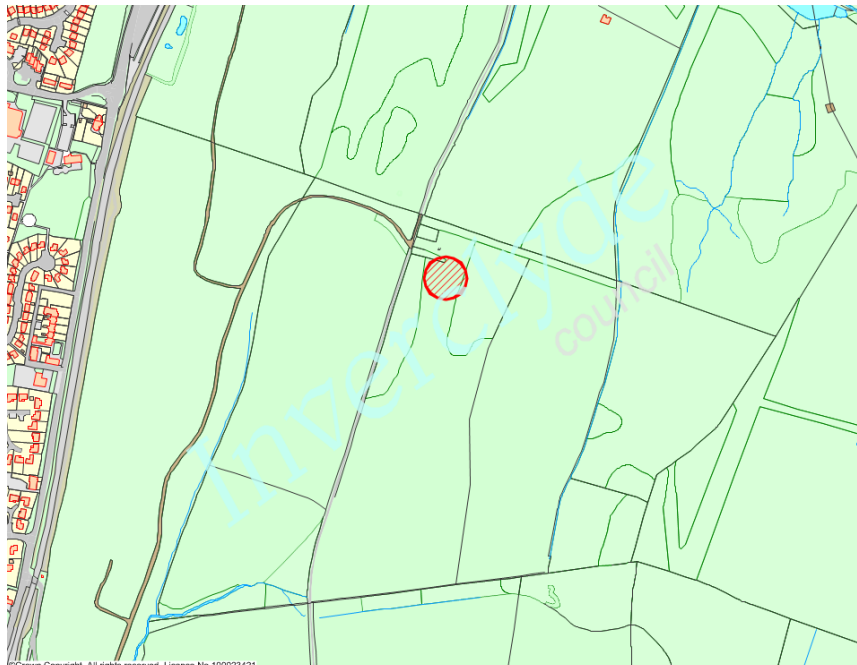
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<b>Report To:</b>	<b>The Planning Board</b>	<b>Date:</b>	<b>5th June 2013</b>
<b>Report By:</b>	<b>Head of Regeneration and Planning</b>	<b>Report No:</b>	<b>13/0077/IC Plan06/13</b>
			<b>Local Application Development</b>
<b>Contact Officer:</b>	<b>Guy Phillips</b>	<b>Contact No:</b>	<b>01475 712422</b>
<b>Subject:</b>	<b>Erection of a single 225kW, 30m to hub, 42m to blade tip wind turbine plus associated works at Kelly Mains Farm, Kelly Road, Wemyss Bay</b>		

## **SITE DESCRIPTION**

The site, at Kelly Mains Farm, Wemyss Bay, is approximately 1km to the south of Finnockbog Road and approximately 1.2km to the north of Denny's Caravan Park and the Wemyss Bay Holiday Park and is located within Clyde Muirshiel Regional Park.

From the A78 the land rises steeply and levels out onto an undulating plateau before rising steeply again to form the West Renfrew Hills. The application site is located on this plateau within a farmland setting.



Between the site and the High Finnock Plantation, to the west, is a designated Core Path footpath linking Finnockbog Road and the two caravan sites. Approximately 640m to the east and uphill is

the Leapmoor Forest Plantation and the West Renfrew Hills Scenic Area. Leapmoor Plantation is crossed by two lines of electricity pylons which run northward to an electricity sub-station on Finnockbog Road. Approximately 700m to the south and within Kelly Mains Farm is a 34.3m to blade tip wind turbine. The site of two 47m to blade tip wind turbines granted planning permission in November 2012 lies approximately 450m to the north east at Finnockbog Farm.

Residential properties in proximity to the site are at Kelly Mains Farm, approximately 1km to the south west, and Finnockbog Cottage, Finnockbog Farm and Berfern, all approximately 1 km to the north.

## **PROPOSAL**

It is proposed to construct a 42m to blade tip wind turbine, a 7.2 square metre equipment cabin and a 4m wide access track to the Core Path to the west. The planning application is accompanied by a noise assessment, design & access statement, zone to view maps, photomontages and wire frame diagrams. Within Inverclyde, the turbine would be visible from the Ardgowan Road area of Wemyss Bay (approximately 0.8km to the west), Swallow Brae and part of the Hill Farm residential developments (approximately 2.5km and 1.5km to the north east. It would also be visible from upper Skelmorlie (approximately 1.6km to the south).

Through supporting information the applicant reaches the following conclusions:

- The wind turbine is not considered to significantly detract from the existing character of the area. It is small in scale and screened from a number of sensitive receptors by vegetation and topography. The landscape has the capacity to accommodate the turbine.
- The natural environment is capable of accommodating the development without any significant adverse effects.
- Turbine noise would be masked by background wind noise and noise disturbance to neighbouring properties will not be an issue.
- No residential properties are affected by shadow flicker.
- There shall be no adverse impact upon ecological or hydrological features or assets of value.
- The proposal is in accordance with National and Local planning policy.

## **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 20 MW 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.

### CONSULTATIONS

**Civil Aviation Authority** - No objections.

**BAA Aerodrome Safeguarding** - No objections.

**NATS - CTC** - No objections.

**MOD Safeguarding** – No objections.

**Head Of Environmental And Commercial Services** - No objections.

**Head Of Safer And Inclusive Communities** - No objections subject to conditions to control the spread of Japanese Knotweed, potential ground contamination and noise.

**Scottish Natural Heritage** - Due to the likely low levels of flight activity and the very small collision risk window presented, any estimation of collision risks for hen harriers is likely to be very small in comparison with estimates of natural mortality. On this basis the proposed single turbine will not have significant effect on the population of hen harrier on the Special Protection Area.

**Clyde Muirshiel Park Manager** - The turbine is higher than others approved within the Park, will add clutter to the landscape, will adversely impact European protected hen harriers, have a negative impact on users of Core Paths falling within 1.5km of the site, be visible from public roads and be contrary to Local Plan Policy UT6. The location and scale of the turbine will result in unacceptable impacts detrimental to the aims and objectives of the Park Authority and the purposes of the Regional Park designation.

### PUBLICITY

The application was advertised in the Greenock Telegraph on 29th March 2013 as there are no premises on neighbouring land.

### SITE NOTICES

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

### PUBLIC PARTICIPATION

Four written representations have been received: two from Skelmorlie Community Council and one each from Inverkipp & Wemyss Bay Community Council, and Save Your Regional Park.

The objectors are concerned that:

- the turbine is close to housing and Glasgow Airport.
- the site is on a hillside within Clyde Muirshiel Regional Park and the proposal is contrary to the aims of Park and the Green Belt.
- the existing turbine at Kelly Mains Farm spoils the view of the countryside.

- there shall be an adverse noise impact upon houses.
- visibility from Hill Farm, Wemyss Bay, Argyll and Clyde Muirshiel Regional Park (including the Greenock Cut Visitor Centre and a number of Core Paths) shall result in an adverse impact upon tourism.
- there is a lack of information on environmental impact.
- there is no agricultural requirement for a turbine.
- there is an existing turbine at Kelly Mains farm and two others approved at the nearby Finnockbog Farm. To grant planning permission for another shall create a precedent for more turbines to be erected.
- protected hen harriers and bats shall be adversely affected.
- wind turbines are unsafe.

## **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.

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. I note, however, that the CAA, 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 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. There are 4 residential properties in the immediate area surrounding the site of the proposed wind turbines (Kelly Mains Farm, Finnockbog Cottage, Finnockbog Farm and Berfern). Potential impacts arise from shadow flicker, noise and visual 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. The necessary separation distance in this instance is 236m, which the proposal satisfies. The proposal therefore accords with Government advice on separation for shadow flicker.

With respect to the issue of noise, there are no objections from the Head of Safer and Inclusive Communities.



Adverse visual impact is of most significance to those living closest to it and is a key factor in the determination of the application. The photomontages submitted with the planning application are taken at distances ranging between 618m and 6.383km. They serve to demonstrate that the greatest impact upon nearby dwellings is at Finnockbog Farm, Finnockbog Cottage and Berfern on Finnockbog Road (ranging between 618m and 1.087km away). Separating distance, a setting containing three other wind turbines and large electricity pylons and intervening tree cover combine to satisfy me that the visual impact on closest residents of the turbine is not significant.

Housing in upper Skelmorlie and Wemyss Bay is approximately 2km and 1.1km distant and the submitted photomontages confirm that intervening vegetation restricts visibility from these locations.

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 as such it also requires assessment against Policies HR1 and DS11. HR1 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:

- (b) Visual amenity and townscape: I shall assess this impact in detail under criterion (f) of policy UT6B.
- (c) No other site, identified in the Local Plan as suitable is available: This part of Inverclyde's countryside has previously been identified as suitable for wind turbine development with three turbines approved nearby. As such, I do not consider it necessary to consider alternative sites.
- (d) The social and economic benefits of the scheme outweigh the total or partial loss of the environmental resource: The environmental resource is Clyde Muirshiel Regional Park, with the Park Manager objecting on the grounds of height, landscape clutter, impact upon hen harriers, negative impact upon users of core paths and public roads and conflict with the Local Plan. He further considers it detrimental to the aims and objectives of the Park Authority and the purposes of the Regional Park designation. The turbine is lower than the two granted planning permission at the adjoining Finnockbog Farm in November last year; these plus the turbine already at Kelly Mains Farm and the large electricity pylons combine, I consider, to create a landscape impacted by large scale engineering structures. The addition of one additional such structure, I consider, is unlikely to significantly impact Park users' enjoyment of this location. As demonstrated by the photomontages submitted with the planning application, any impact on views from public roads is limited. With Scottish Natural Heritage advising that the proposal will not have a significant effect on the population of hen harrier on the nearby Special Protection Area, overall I am in agreement with the applicant's conclusion that the natural environment is capable of accommodating the development without any significant adverse effects.
- (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.
- (f) The loss of resource can be compensated by habitat creation/site enhancement elsewhere, and where there are satisfactory arrangements to achieve this: I note concern over impact on bats, but the site is an open field with no tree cover. As such, I consider the likelihood of impact upon bats to be low and that there is no requirement for a bat survey.

Overall, I am satisfied that the proposal does not adversely affect the Regional Park, according with Policy DS11 with cross reference to criterion (f) of Policy DS10, and that Policy HR1 is not compromised.

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

There is sufficient distance between the proposed turbine and the overhead lines to the east for safety not to be an issue.

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 with particular reference to the experience of the landscape when viewed from public vantage points, including local roads, neighbouring settlements and when set against the skyline. The main public vantage points in close proximity are from Finnockbog Road to the north and from the Core Path passing to the west. My favourable assessment of the impact of the proposal upon residential properties on Finnockbog Road under Policy UT6b also holds good for the impact upon road users. Walkers on the Core Path are users of the Regional Park and I consider my favourable assessment of impact upon it under Policies HR1 and DS11 determines impact upon the Core Path to also be acceptable.



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. Overall I agree with the applicant's conclusion that the landscape has the capacity to accommodate the turbine.

I note objections raised on the basis of there being a lack of agricultural requirement for a turbine, precedent and safety, but do not consider refusal is merited on this basis. Overall, I consider that the proposal accords with the Local Plan and the Council's Interim Planning Policy Position Statement on Small Scale Wind Farms and, as such, merits support.

## **RECOMMENDATION**

That planning permission be granted subject to conditions.

1. The permission hereby granted shall endure for a period of 25 years from the commencement of development. At the end of the 25 year period, unless with the express approval in writing of the Planning Authority, the wind turbine, structures and ancillary equipment shall be dismantled and removed from the site, and the ground fully reinstated to its former condition to a depth of no less than one metre below ground surface level or such other means of restoration shall be carried out as may be agreed in writing by the Planning Authority.
2. In the event that the turbine fails to produce any electricity supplied to the grid for a continuous period of twelve months then it shall be deemed to have ceased to be required and, unless agreed in writing with the Planning Authority, the wind turbine and the ancillary equipment directly associated with that wind turbine shall be dismantled and removed from the site, and the ground fully reinstated to the written satisfaction of the Planning Authority, to the specification set out in condition 1.
3. The wind turbines shall be finished in a non-reflective semi-matt finish and should not display any advertising on any part of the turbine unless otherwise agreed in writing with the Planning Authority. Confirmation of the details of the finish and colour of all externally visible components shall be submitted to and agreed in writing by the Planning Authority prior to the commencement of development.
4. That prior to the start of development, details of a survey for the presence of Japanese Knotweed shall be submitted to and approved in writing by the Planning Authority and that, for the avoidance of doubt, this shall contain a methodology and treatment statement where any is found. Development shall not proceed until treatment is completed as per the methodology and treatment statement. Any variation to the treatment methodologies will require subsequent approval by the Planning Authority prior to development starting on site.
5. That the presence of any ground contamination that becomes evident during site works shall be brought to the attention of the Planning Authority within one week. Consequential remediation work shall not be implemented unless a report has been submitted to and approved, in writing by the Planning Authority.
6. That no fill or landscaping material shall be imported onto the site until written details of the source and intended reuse of the imported materials has been submitted for approval, in writing by the Planning Authority. The report shall characterise the chemical quality (including soil-leachate and organic content etc), volume and source of the imported materials with corresponding cross-sections and plans indicating spatial distribution and depth/thickness of material placement within the development site. The material from the source agreed only shall be imported in strict accordance with these agreed details.

7. The level of noise emissions from the wind turbines when measured at any dwelling, lawfully existing at the date of permission shall not exceed:
  - a. between the hours of 23:00 and 07:00 the greater of 43dB LA90 (10 min) or 5dB(A) above the Night Hours Background Noise level at that property; or
  - b. between the hours of 07:00 and 23:00 the greater of 40dB LA90 (10 min) or 5 dB(A) above the quiet Waking Hours Day Time Background Noise Level at that property.

#### Reasons

1. In recognition of the expected lifespan of the wind farm and in the interests of safety and visual amenity once the plant is redundant.
2. To avoid the adverse visual impact arising from a stationary or partly dismantled wind turbine.
3. In the interests of visual amenity and landscape protection.
4. To help arrest the spread of Japanese Knotweed in the interests of environmental protection.
5. To ensure that all contamination issues are recorded and dealt with appropriately.
6. To protect receptors from the harmful effects of imported contamination.
7. To protect the amenities of occupiers of premises from unreasonable noise and vibration levels.

Stuart Jamieson  
Head of Regeneration and Planning

#### BACKGROUND PAPERS

1. Application form and plans
2. Inverclyde Local Plan
3. Inverclyde Council's Interim Planning Policy Position Statement on Small Scale Wind Farms
4. Consultation Responses
5. Written representations



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