

	<h1>Report</h1>	Agenda Item <h1>12</h1>
----------------------------------------------------------------------------------	-----------------	---------------------------------------

Report to: **Planning Committee**
 Date of Meeting: **14 December 2010**
 Report by: **Executive Director (Enterprise Resources)**

Application No: HM/10/0413
 Planning Proposal: Erection of Wind Turbine and Associated Boundary Fence

1 Summary Application Information

- Application Type : Detailed Planning Application
- Applicant : Branna Renewables (LRD) Ltd
- Location : South Lanarkshire Council
Roads Depot
Carlisle Road
Larkhall
ML9 2TP

2 Recommendation(s)

2.1 The Committee is asked to approve the following recommendation(s):-

- (1) Grant Detailed Planning Permission – Subject to Conditions (based on the conditions attached).

2.2 Other Actions/Notes

- (1) The Planning Committee has delegated powers to determine this application.
- (2) If planning consent is granted, the decision notice should be withheld until a restoration bond is agreed and submitted by the applicant.

3 Other Information

- ◆ Applicant's Agent: HG Planning
- ◆ Council Area/Ward: 20 Larkhall
- ◆ Policy Reference(s): **South Lanarkshire Local Plan**
Policy ECON 5 - Proposed Industrial Sites Policy
Policy ENV 14 – Potential Windfarm Areas of Search Policy
Policy ENV 38 – Renewable Energy Site Assessment Policy
Policy DM 1 – Development Management Policy

- ◆ Representation(s):
 ▶ 0 Objection Letters

▶	0	Support Letters
▶	0	Comments Letters

◆ Consultation(s):

Environmental Services

Civil Aviation Authority

Roads and Transportation Services (Hamilton Area)

Ministry of Defence

National Air Traffic Services Ltd

BAA Aerodrome Safeguarding

S.E.P.A. (West Region)

Larkhall Community Council

TRANSCO (Plant Location)

Regeneration Services

Planning Application Report

1 Application Site

- 1.1 The application relates to an area of land situated adjacent to South Lanarkshire Council's recently constructed Roads Depot off Carlisle Road which is located between the M74 motorway and Carlisle Road at the southern side of Larkhall. The application site currently forms part of a grassed embankment directly adjacent to the Roads Depot and measures approximately 0.84 hectares. The site is bounded to the north and west by the Council's Roads Depot and to the south and east by open grassland.

2 Proposal(s)

- 2.1 This is a detailed planning application for the erection of a single wind turbine and associated boundary fence. The turbine would measure a total of 49.5 metres in height above ground level and would incorporate a tower with a hub height of 36 metres and a blade diameter of 27 metres. The turbine would generate 225 kw of power which the applicant has advised would be used locally. Should planning permission be granted for the proposal the applicant intends to enter into discussions with the Council's Roads and Transportation Service with the aim of offering a direct connection of power to the Larkhall Roads Depot. It is anticipated that this would be accomplished by way of a power purchase agreement.
- 2.2 Other components of the development include a small electrical sub-station located close to the foot of the turbine, a boundary fence and an access path and steps from the depot yard. The anticipated working life of the wind turbine would be approximately 25 years and at the end of this period the turbine would be decommissioned, removed from the site and the site re-instated to its original condition.
- 2.3 A planning statement, photomontages and windfarm visualisations were submitted with the application as supporting documents.

3 Background

3.1 Local Plan Status

- 3.1.1 The application site is located within an area designated for industrial use in the adopted South Lanarkshire Local Plan. The relevant policies in terms of the assessment of this application are Policies ECON 5 - Proposed Industrial Sites Policy, ENV 14 – Potential Windfarm Areas of Search Policy, ENV 38 – Renewable Energy Site Assessment Policy and DM 1 – Development Management Policy. The content of the above policies and how they relate to the proposal is assessed in detail in Section 6 of this report.

3.2 Relevant Government Guidance

- 3.2.1 In terms of renewable energy, Scottish Planning Policy notes that the commitment to increase the amount of electricity generated from renewable sources is a vital part of the response to climate change. Planning authorities should support the development of wind farms in locations where the technology can operate efficiently and environmental and cumulative impacts can be satisfactorily addressed. Development plans should provide a clear indication of the potential for development of wind farms of all scales, and should set out the criteria that will be considered in deciding applications for all wind farm developments including extensions. Existing

and approved grid capacity should be maximised wherever possible. However, grid constraints should not be used as a development constraint where renewable energy potential exists.

3.2.2 With specific regard to single wind turbines Planning Advice Note 45: Annex 2: Spatial Frameworks and Supplementary Planning Guidance for Wind Farms advises that single turbines of a similar size to those on wind farms are likely to be of increasing interest to developers in urban and rural areas where the power can be used on-site or can be exported to the grid. One turbine is likely to have a far smaller impact than a wind farm, other things being equal, but if several single turbines are constructed in the same area, cumulative impact may be an issue. The height of the hub and the length of the blades, the scale and character of the landscape and impacts on amenity are likely to be some of the important considerations.

3.2.3 Planning Advice Note 56 Planning and Noise advises how the planning system can play an important role in preventing and limiting the adverse effects of noise, without prejudicing investment in enterprise, development and transport. Good acoustical design and siting of turbines is essential to ensure there is no significant increase in ambient noise levels as they affect the environment and any nearby noise-sensitive properties.

3.3 **Site History**

3.3.1 South Lanarkshire Council was granted detailed planning permission for the formation of a new roads depot including the demolition of the existing dwellinghouse and formation of temporary access on land directly adjacent to the site in January 2009 (HM/08/0581). South Lanarkshire Council was also granted detailed planning consent for an amendment to this proposal, which related to the building design and the access road in September 2009 (HM/09/0258).

4 **Consultation(s)**

4.1 **BAA Plc** – have no objections to the application. The proposed development has been examined from a safeguarding perspective and does not conflict with safeguarding criteria.

Response: Noted.

4.2 **Civil Aviation Authority** – have advised that the development may have a potential to impact upon operations associated with Glasgow Airport. Given that aerodrome safeguarding responsibility rests, in all cases, with the aerodrome operator/licensee, it is essential that the aerodrome licensee (BAA) is provided the opportunity to comment upon the application and associated documentation. There may be a need to install aviation obstruction lighting to the turbine should the development be progressed. International aviation regulatory documentation requires that the rotor blades, nacelle and upper 2/3 of the supporting mast of wind turbines that are deemed to be an aviation obstruction should be painted white, unless otherwise indicated by an aeronautical study. As with the potential need for lighting, in isolation, the Civil Aviation Authority would make no special case for marking.

Response: Noted. BAA were consulted on the application and raised no objections to the proposal as it does not conflict with safeguarding criteria.

4.3 **Defence Estate Organisation (MOD)** - have no objections to the proposal.

Response: Noted.

4.4 **Environmental Services** - have no objections to the proposal.

Response: Noted.

- 4.5 **Regeneration Services** – the Council is keen to encourage the renewable energy industry where appropriate and as land owners of the site regard this proposal as a possible opportunity to increase the amount of energy produced in South Lanarkshire by renewable means. As land owners the Council would also seek to negotiate the terms of the occupation of the land by the developer and put in place an appropriate legal framework for the occupation. This would include an element of Community Benefit.
Response: Noted.
- 4.6 **Larkhall Community Council** – no response to date.
Response: Noted.
- 4.7 **National Air Traffic Services Ltd (NATS)** – have no objections to the application. The proposed development has been examined from a safeguarding aspect and does not conflict with NATS safeguarding criteria.
Response: Noted.
- 4.8 **Roads and Transportation Services (Hamilton Area)** - have no objections to the proposal. They have noted, however, that the applicant will need to separately agree construction access, future maintenance arrangements and health and safety requirements with the operators/owners of the site.
Response: Noted and an informative would be attached to any consent granted advising the applicant of the above.
- 4.9 **SEPA** – have no objections to the proposal.
Response:- Noted.
- 4.10 **Scotland Gas Networks** – have no objection to the proposal, however, they have submitted details indicating the location of their apparatus in the area.
Response: Noted and this information will be passed on to the applicant.

5 Representation(s)

- 5.1 Statutory neighbour notification procedures were undertaken and the application was advertised under Article 12 (5) – Application Requiring Advertisement due to the Nature or Scale of Development in the Hamilton Advertiser. No letters of objection were received.

6 Assessment and Conclusions

- 6.1 The applicant seeks detailed planning permission for the erection of a single wind turbine and associated boundary fence on an area of land situated adjacent to South Lanarkshire Council's recently constructed Roads Depot which is located off Carlisle Road at the southern side of Larkhall. The determining issues that require to be addressed in respect of this application are compliance with national and local plan policy, the visual impact of the proposal and the impact on both civic and military aviation.
- 6.2 In terms of national policy guidance relating to renewable energy, Scottish Planning Policy notes that the commitment to increase the amount of electricity generated from renewable sources is a vital part of the response to climate change. Planning authorities should support the development of wind farms in locations where the technology can operate efficiently and environmental and cumulative impacts can be satisfactorily addressed. Existing and approved grid capacity should be maximised

wherever possible. However, grid constraints should not be used as a development constraint where renewable energy potential exists. Supplementary planning guidance for wind farms contained within Planning Advice Note 45 – Renewable Energy Technologies advises that single turbines of a similar size to those on wind farms are likely to be of increasing interest to developers in urban and rural areas where the power can be used on-site or can be exported to the grid. One turbine is likely to have a far smaller impact than a wind farm, other things being equal, but if several single turbines are constructed in the same area, cumulative impact may be an issue. The height of the hub and the length of the blades, the scale and character of the landscape and impacts on amenity are likely to be some of the important considerations.

- 6.3 Planning Advice Note 56 - Planning and Noise advises how the planning system can play an important role in preventing and limiting the adverse effects of noise, without prejudicing investment in enterprise, development and transport. Good acoustical design and siting of turbines is essential to ensure there is no significant increase in ambient noise levels as they affect the environment and any nearby noise-sensitive properties. Given the Scottish Government's continued support for the full range of renewable generation technologies, including micro-renewables, I am satisfied that the application conforms with the general thrust of national planning policy guidance.
- 6.4 In terms of local plan policy, the application site is located within an area designated for industrial use in the adopted South Lanarkshire Local Plan. In this instance, the proposal requires to be assessed against Policies ECON 5 - Proposed Industrial Sites Policy, ENV 14 – Potential Windfarm Areas of Search Policy, ENV 38 – Renewable Energy Site Assessment Policy and DM1 – Development Management Policy.
- 6.5 Policy ECON 5 states that the Council will support development for industry and business on those sites included in the Industrial Land Audit and identified on the Proposals Map. The application site is located on land identified as a proposed industrial site and I am satisfied that the turbine is an appropriate use within this industrial area and that it conforms with the terms of this Policy. Policy ENV 14 states that in accordance with the Structure Plan and SPP6, the potential areas of search identified on the Strategy Plan should be the focus for investment in significant wind farm developments. Proposals within the potential areas of search will be assessed against the criteria set out in Policy ENV 38 – Renewable Energy Site Assessment Policy. Outwith the broad areas of search, the criteria in Policy ENV 38 will be followed to consider applications on their merits, mindful of the overall policy of support for renewable energy developments.
- 6.6 Policy ENV 38 states that all proposals for wind farms and other renewable energy developments will be assessed against the under noted criteria. The main considerations are:
- (A) International and National Heritage Designations and the Green Belt.
 - (B) Other Natural and Built Heritage Resources.
 - (C) Other Considerations;
- The above criteria are set out below and addressed in turn.

(A) International and National Heritage Designations and the Green Belt.

Response: There are no heritage designations which would be affected by the proposal and the application site is not located within the Green Belt.

(B) Other Natural and Built Heritage Resources.

Response: It is considered that the development does not have a direct impact on any other natural resources or listed buildings, ancient monuments, etc.

(C) Other Considerations;

- 1. The development will not unacceptably affect the amenity of residents of nearby towns, villages and other properties by means of noise, smell, visual dominance, shadow flicker, reflected light or other emission.**

Response: There are few residential properties located in the surrounding area, however, it is considered that residential amenity would not be significantly affected by noise, smell, visual dominance, shadow flicker, reflected light or any other emission. The issue of potential noise nuisance has been examined and given the setting of the site within an established industrial estate adjacent to the M74 Motorway and the lack of noise-sensitive properties in the area it is considered unlikely that there would be any noise nuisance arising through the erection of the turbine. Although the turbine would be visible it is considered that its impact would not be significant, given its location within an industrial area and the nearest wind farm, which currently consists of three turbines, is located some distance to the south at Lochhead Farm near Stonehouse. It should also be noted that planning permission was recently granted for the erection of a single turbine at the Rosti Site at Strutherhill Industrial Estate located approximately 500 metres to the north of the application site. At approximately 100 metres in height the Rosti turbine is almost twice the height of the turbine proposed, therefore, I am satisfied that there would be no significant cumulative or visual impact from the turbine.

- 2. Views from key tourist routes and visitor attractions will not be adversely affected to an unacceptable degree.**

Response: It is considered that views from key tourist routes and visitor attractions would not be adversely affected to an unacceptable degree by the proposed turbine. The site lies in the Western Plateau of the Plateau Farmlands Local Character Area (LCA) which is an extensive, gently undulating landscape predominantly occupied by pastoral farming in the form of large, rectilinear and evenly spaced fields. The Plateau Farmland landscape character area is considered to have a low sensitivity to change. The impacts on the immediate landscape of the site are considered to be temporary and are not considered to represent a significant effect. Due to the flat, open and elevated nature of the LCA views to existing wind turbines, wind farms, roads, major conurbations and existing transport and power infrastructure are currently available from within its boundaries. Whilst the proposed turbine would have some visual effects it is considered that significant effects would be restricted to the immediate vicinity of the development and that visual effects throughout the broader area would be limited.

- 3. The siting and external appearance of apparatus, including any locational or landscaping requirements, have been designed to minimise the impact of such apparatus on amenity, while taking account of operational efficiency.**

Response: The proposal includes a small electrical sub-station located close to the base of the turbine, a boundary fence and an access path and steps from the Roads depot yard. I am satisfied that their inclusion within the site raises no amenity issues.

4. **Access for construction traffic can be achieved without compromising highway safety, residential amenity or causing significant permanent damage to the environment.**

Response: The site is well located for access to the M74 motorway with the nearest motorway junction at Canderside Toll situated less than 200 metres to the south of the site. This should ensure that the abnormal loads required for delivery of the turbine can move with relative ease and minimum disruption to other road users. Any abnormal loads would travel to the site under escort to minimise disruption and to ensure the safety of other road users. The development would, for the short duration of the construction period, marginally increase traffic into the site. However, it is considered that the development would not cause any nuisance or distraction to drivers or have a significant effect on traffic movements on the local road network either during the construction period or when operational. Should the temporary removal of street furniture be required along the route this would be agreed with the Council through a transportation management plan. From time to time during maintenance of the operational site, and during decommissioning, it would be necessary to remove abnormal loads from the site. Again, this would be undertaken in consultation with the Council.

5. **Where there are clear landscape or other sensitivities that will have to be addressed, as agreed with the council, the environmental effects of all new transmission lines between the development and the point of contact to the grid should have been assessed and shown to have no significant adverse environmental impact, or that such impacts can be suitably mitigated.**

Response: It is considered that the proposal raises no issues in this respect as there are no sensitive landscape designations in the immediate area.

6. **No electromagnetic disturbance is likely to be caused by the proposal to any existing transmitting or receiving system or, where such disturbances may be caused, that measures will be taken to remedy or minimise any such disturbances.**

Response: The applicant has confirmed that an assessment was undertaken in relation to the potential impact on communications systems, including aviation, mobile phone, radio and television and military communications. A site study was carried out to ensure that no low level "line of site" transmitters would be affected. The result of the site study concluded that no receptors/transmitters were found that were considered as likely to be influenced by the erection of the turbine. Furthermore, in completing the consultation for the larger turbine granted consent at the Rosti site located within the adjacent industrial estate the communication systems stakeholders were consulted either directly or through the submission of the formal request for a scoping opinion to South Lanarkshire Council. In each case no objections or concerns were raised regarding the proposal which was a much higher turbine. Due to the proximity of the Rosti turbine it is considered reasonable to assume that the smaller turbine being applied for here would also result in no communications issues.

7. **The impact of the proposal on radar performance and other air safety considerations have been satisfactorily addressed and demonstrated to the satisfaction of the relevant technical authorities.**

Response: BAA (Safeguarding Team), Civil Aviation Authority (CAA), Defence Estates (Ministry of Defence) and NATS (National Air Traffic

Services) have raised no objections to the proposal as detailed above in Section 4 of this report.

8. **Where proposals are shown to have a significant adverse impact in respect of any of the above criteria, the developer will be required to demonstrate that appropriate mitigating measures will be applied.**

Response: It is considered that the proposal raises no issues in this respect.

9. **For larger schemes, and for other schemes where specific species/habitats are affected, developers may be required to submit a Habitat Management Plan setting out the means of land management that will secure biodiversity objectives.**

Response: It is considered that the proposal raises no issues in terms of adverse impact on species/habitats in the area.

10. **All windfarm applications should acknowledge the need for decommissioning, restoration and aftercare at the end of the permission or the life of the turbines, if earlier, and not renewed by the Council. Conditions, including a restoration bond where appropriate, will be imposed on any permission granted to this effect, requiring implementation measures to be agreed with the Council in accordance with best practice at the time.**

Response: It is considered that a restoration bond would be appropriate in this instance to ensure that if before the expiry of the 25 years the turbine becomes redundant or obsolete and is disused for a period of 6 months that within 1 month thereafter it would be removed and the land reinstated to its former condition to the Council's satisfaction. Any consent granted would also be conditioned to ensure that the turbine would be removed and the land restored to its former condition at the expiry of 25 years from the date of this permission unless planning permission has been granted for an extension of the period. Furthermore, any consent granted would be withheld until the required bond has been submitted for the restoration of the site.

11. **The Council will require all applications for renewable energy developments which fall within the scope of the Environmental Assessment legislation to be accompanied by an Environmental Statement, and encourages these to be preceded by a pre-application scoping report.**

Response: A screening opinion was undertaken which concluded that an Environmental Statement was not required for the development.

12. **Where appropriate, the Council will normally require an applicant to enter into a Section 75 Agreement to address community benefit payments, restoration bond requirements and other matters which cannot be controlled by the imposition of planning conditions.**

Response: With regard to community benefit the applicant has advised that the developers of the turbine would contribute to the South Lanarkshire Renewable Energy Fund at the normal annual rates established for the benefit of communities within the catchment of renewable energy developments. The applicant has also agreed to submit a restoration bond prior to any planning consent being issued. Due to the scale of the proposal it is considered that a Section 75 Agreement is not required in this instance.

13. **Applications should include details of the environmental, social and economic benefits that will arise from the project, both locally and**

nationally, including the overall number of jobs and economic activity associated with the procurement, construction and operation of the development.

Response: As discussed above, the applicant would contribute to the South Lanarkshire Renewable Energy Fund at the normal annual rates established for the benefit of communities within the catchment of renewable energy developments. In addition, the applicant has advised that the project has the potential to generate contracts for services and materials during construction which could assist with securing local employment. The applicant anticipates that approximately seven short-term, non-specialist construction jobs would be created and an estimated £150,000 would be spent on the construction of civil and electrical infrastructure works, including the grid connection. Furthermore, it is the policy of the developer to encourage local companies to tender for such work in order to ensure maximum benefit to the local community and the main turnkey contractor would be required to give these companies due consideration in the evaluation of supply contracts. During operation it is not anticipated that any full or part-time jobs would be created, however, opportunities would exist for local businesses to provide services and materials related to the maintenance of the facility.

- 6.7 In terms of the detail of the proposal Policy DM 1 requires new development to have due regard to the layout, form, design and local context of the area. For the reasons previously discussed in this report I am satisfied that the proposal meets the terms of this policy.
- 6.8 In summary, it is considered that at a national and local level there is policy support for the efficient use of renewable energy, which, at present, is best provided by wind power. Although planning policies are mainly targeted towards larger wind farms, there is clear policy support for this type of development. I am satisfied that the proposal complies with national and local plan policy, that it will not have a significant effect on the landscape character of the area and that cumulative impacts are unlikely to be significant as a result of the development. I, therefore, recommend that planning consent be granted subject to the conditions listed and the submission of an appropriate restoration bond.

7 Reasons for Decision

- 7.1 The proposal has no adverse impact on either residential or visual amenity nor raises any significant environmental or infrastructure issues, it complies with national planning policy and is in accordance with Policies ECON 5, ENV 14, ENV 38 and DM 1 of the adopted South Lanarkshire Local Plan.

Colin McDowall
Executive Director (Enterprise Resources)

1 December 2010

Previous References

HM/08/0581
HM/09/0258

List of Background Papers

- ▶ Application Form
- ▶ Application Plans

- ▶ Consultations
 - Ministry of Defence 17/09/2010
 - Environmental Services 01/09/2010
 - Roads and Transportation Services (Hamilton Area) 09/09/2010
 - BAA Aerodrome Safeguarding 06/09/2010
& 07/09/10
 - TRANSCO (Plant Location) 21/09/2010
 - Civil Aviation Authority 10/09/2010
 - Enterprise Resources - Estates 13/09/2010
 - National Air Traffic Services Ltd 29/09/2010
 - S.E.P.A. (West Region) 25/08/2010
- ▶ Representations
 - None

Contact for Further Information

If you would like to inspect the background papers or want further information, please contact:-

Jim Blake, Planning Officer, Brandon Gate, Hamilton
Ext 3508 (Tel :01698 453508)
E-mail: Enterprise.hamilton@southlanarkshire.gov.uk

CONDITIONS

- 1 The consent shall be carried out strictly in accordance with drawing numbers:
GB 8110/01
GB 8110/02A
- 2 That the development shall be carried out strictly in accordance with the plans hereby approved and no change to the design or external finishes shall take place without the prior written approval of the Council as Planning Authority.
- 3 That the wind turbine shall be matt grey in colour and no further changes to external colours shall take place without prior written consent of the Council as Planning Authority.
- 4 That the turbine hereby permitted shall be removed and the land restored to its former condition within 1 month, at the expiry of 25 years from the date of this permission, unless planning permission has been granted for an extension of the period, all to the satisfaction of the Council as Planning Authority.
- 5 That if before the expiry of the 25 years referred to in condition 4 above, the turbine becomes redundant or obsolete and is unused for a period of 6 months, within 1 month thereafter it shall be removed and the land reinstated to its former condition to the satisfaction of the Council as Planning Authority.
- 6 That before development starts, full details of the design and location of all fences and walls, including any retaining walls, to be erected on the site shall be submitted to and approved by the Council as Planning Authority.

REASONS

- 1 For the avoidance of doubt and to specify the drawings upon which the decision was made.
- 2 In the interests of amenity and in order to retain effective planning control.
- 3 In the interests of amenity and in order to retain effective planning control.
- 4 In the interests of amenity and in order to retain effective planning control. In the interests of amenity and in order to retain effective planning control.
- 5 In the interests of amenity and in order to retain effective planning control.
- 6 These details have not been submitted or approved.

For information only

For information only

