

EAST AYRSHIRE COUNCIL

NORTHERN AREA LOCAL PLANNING COMMITTEE: 15 DECEMBER 2006

**06/0623/FL: ERECTION OF SMALL WIND TURBINE 15 METRES IN HEIGHT
FOR LOCAL ELECTRICITY PRODUCTION
AT MIDLAND FARM COTTAGE, FENWICK
BY SIMON D. HOUSON CRAUFURD**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 The proposal consists of the erection of a 6 kw, 15 metre high wind turbine to generate electricity for the dwellinghouse and garage located at Midland Farm Cottage. The 15 metre dull grey galvanised steel tower has a matt black polypropylene turbine head consisting of three matt black wood epoxy rotor blades with a 5.5 metre diameter.

2. RECOMMENDATION

2.1 It is recommended that the application be approved subject to the condition indicated on the attached sheet.

3. CONCLUSIONS

3.1 As indicated in the report, the application is considered to be in accordance with the terms of the Development Plan. Therefore it should be approved unless material considerations indicate otherwise.

3.2 There are material considerations relevant to the application, however it is not considered that these are of sufficient weight to merit refusal of the application given the use of appropriate planning conditions.

CONTRARY DECISION NOTE

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning, Development and Building Standards, the application will not require to be referred to the Development Services Committee as that not would be a significant departure from Council policy.

Alan Neish
Head of Planning, Development and Building Standards

Note: This document combines key sections of the associated report for quick reference and should not in itself be considered as having been the basis for recommendation preparation or decision making by the Planning Authority.

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Report by Head of Planning, Development and Building Standards

1. PURPOSE OF REPORT

1.1 The purpose of this report is to present for determination a full planning application which is to be considered by the Local Planning Committee under the scheme of delegation, due to the fact that objections have been submitted in respect of the application.

2. APPLICATION DETAILS

1.0 **Site Description:** The application site is situated on open ground to the north and west of Midland Farm Cottage which is located to the east of the settlement of Fenwick. Access to the site is taken from the C66 road which links Fenwick to Waterside. The application site is bounded to the north, west and east by open ground. A telecommunication mast is located 180 metres to the south of the application site boundary, immediately west of Midland Farm.

2.2 **Proposed Development:** The proposal consists of the erection of a 6 kw, 15 metre high wind turbine to generate electricity for the dwellinghouse and garage located at Midland Farm Cottage. The 15 metre dull grey galvanized steel tower has a matt black polypropylene turbine head consisting of three matt black wood epoxy rotor blades with a 5.5 metre diameter.

3. CONSULTATIONS AND ISSUES RAISED

3.1 British Airport Authority, National Air Traffic Safeguarding, Glasgow Prestwick Airport and Defence Estates have raised no objections to the proposal.

Noted.

3.2 Fenwick Community Council do not object in principle to a wind turbine. However, the Community Council has raised some concern over the siting of the proposed wind turbine.

The applicant in conjunction with Proven Engineering has submitted information regarding one possible alternative location, closer to Midland Farm Cottage, which would provide good wind characteristics for the wind turbine. However, it is considered that the alternative site for the wind turbine, situated closer to the top of the hill would be more visually intrusive thereby resulting in an adverse affect on the visual amenity of the surrounding area.

In addition, the proposed siting for the wind turbine, below the brow of the hill, will provide a clear exposure, free from excessive turbulence and obstruction such as large trees and buildings. It is therefore noted that the original location of the proposed wind turbine ensures maximum power generation whilst minimising the visual impact of the proposal.

3.3 East Ayrshire Council's Environmental Health Division have raised no objections to the proposal and have offered the following comments:

- (i) The proposed location of the turbine does not give rise to concerns regarding likely noise levels given the separation distance between the proposed site and the nearest noise sensitive dwelling.
- (ii) The noise levels indicated would be significantly reduced at the nearest noise sensitive dwelling due to normal absorption by air and soft ground effects.
- (iii) Having checked the noise levels with the manufacturer's specification, any noise from the turbine is likely to be effectively masked by wind noise and can be considered to be insignificant.

Noted.

1. REPRESENTATIONS

One letter of support was received from the applicant and eight letters of objection from 11 parties were received in relation to the proposal, all are summarised below:

4.1 The letter of support received from the applicant indicates that the proposed siting for the wind turbine is the most suitable location as it provides optimum wind power and is less visually intrusive. An alternative site, adjacent

to the access road north of Midland Cottage, is stated to be compromised in some directions by buildings and trees and to be more visually open.

Noted.

In terms of the objectors' concerns, they raise the following points:-

4.2 The proposal would cause visual obtrusion and noise factors which would have an effect on horses which are stabled nearby and horse riders using the Fenwick/ Waterside Road.

The proposed colour and finished materials for the single wind turbine of dull grey galvanised steel and matt black rotor blades, are appropriate for the setting and are designed to minimise the visual impact and reflection of light. Taking into account that the location of the proposed wind turbine is 120 metres distant from the nearest public road and that new designs of micro-wind systems have greatly reduced noise levels due to improved blade design, it is considered that the proposal would not adversely affect any horse riders negotiating the traffic on the Fenwick/Waterside Road or any nearby stables.

4.3 The proposed wind turbine would be imposing in its scale, noise, motion, appearance and location. The wind turbine will have a detrimental effect on the local landscape and skyline and raise safety issues for road users and in particular for horses.

The proposed single turbine at 15 m to the hub, is of moderate height and is to be sited in a rural location some 120 metres from the nearest public road. It is considered that the proposed rural location of the wind turbine is of sufficient distance from the public road to prevent any adverse effects for road users or for horses. In addition the siting of the proposed wind turbine below the brow of the hill and in the general vicinity of an existing telecommunications mast has been undertaken in a manner that keeps the environmental impact to a minimum whilst ensuring sufficient wind power for maximum energy generation.

4.4 The height of the wind turbine at 15 metres and 5 metres for the blades, is too high for the position proposed and would be an eyesore as viewed from most areas of Fenwick.

It is considered that the proposed single wind turbine is moderate in terms of size and scale. It is proposed to site the wind turbine down from the brow of the hill and in the vicinity of the existing telecommunications apparatus to minimise the visual affect of the

wind turbine on the surrounding area. In addition, the proposed location of the turbine is considered to be of sufficient distance from the settlement of Fenwick not to adversely affect the visual or residential amenity of that settlement or the surrounding area.

4.5 Wind farms are very noisy and will upset the wildlife which lives nearby and the noise of the wind turbine will keep residents in Fenwick awake at night.

Considering that the proposal is for a single moderately sized wind turbine in a rural location, more than 300 metres from the nearest residential property in the settlement of Fenwick, it can be considered that any noise generated by the wind turbine would not be of sufficient levels to adversely affect the residential amenity of the settlement of Fenwick.

5. ASSESSMENT AGAINST DEVELOPMENT PLAN

5.1 Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of this application the development plan comprises the Approved Ayrshire Joint Structure Plan and the Adopted East Ayrshire Local Plan (2003).

Ayrshire Joint Structure Plan

5.2 Policy E11 states that proposals for wind turbine and windfarm development, including their construction, siting, access and transmission links to the grid shall conform to the Structure Plan where it can be demonstrated there is no significant adverse effect on:

- A local communities
- B landscape character and visual amenity
- C natural environment
- D built heritage
- E telecommunications, transmitting or receiving systems and;
- F prime quality, or locally important good quality agricultural land.

When assessing proposals, account will be taken of existing sites with planning permission and the cumulative impact of development proposals.

Given that the proposal is for a single wind turbine of moderate height, located in a rural location, more than 300 metres from the settlement of Fenwick, it is considered that the siting of the proposal would not result in an adverse affect on the local community. Whilst the proposed turbine will have an impact on the visual amenity of the

area it is not considered to be of such significance as to merit refusal of the application. In addition, the applicant has provided information from Proven Engineering stating that the proposed wind turbine will not adversely affect local telecommunications or transmitting/receiving systems. Furthermore, the siting of the proposed single turbine, being located below the brow of the hill, will not have a significant adverse effect on the landscape character of the area nor on the locally important agricultural land. Consequently it can be concluded that the proposal complies with Policy E11 of the Ayrshire Joint Structure Plan.

Adopted East Ayrshire Local Plan

5.3 Policy CS8 states that the Council will be supportive of renewable energy developments within the Local Plan area. Renewable energy projects will, however, only be permitted:

(i) in existing or proposed Special Protection Areas (SPAs) or Special Areas of Conservation (SACs), in the most exceptional circumstances, where it can be demonstrated conclusively that:

- the development will not adversely affect the habitats or species being safeguarded; or
- there is an overriding national interest in allowing the development to take place and no reasonable alternative is available

(ii) in existing or proposed Sites of Special Scientific Interest (SSSIs) and Environmentally Sensitive Areas (ESAs), where it can be clearly demonstrated that:

- any underlying objective and overall integrity of the designated area will remain largely unaffected; or
- any adverse effects on the environmental qualities for which the site has been designated are outweighed significantly by the national benefits that could accrue from the development.

As the proposal is not located within or adjacent to any statutory Nature Conservation sites it does accord with Policy CS8 of the East Ayrshire Local Plan.

5.4 Policy CS10 states that where a wind turbine is not in operation producing electricity for a continuous period of six months, the operator will require to provide evidence to the Council that the apparatus is in the process of being repaired or replaced. Otherwise, the Council will deem the turbine to be

surplus to requirements and must be removed, with the land restored to its original condition within an appropriate period to be agreed by the Council.

Any planning consent for this proposal will be conditioned to reflect the requirements of Policy CS10.

5.5 In conclusion it is considered that the proposal is in accordance with the provisions of the Development Plan.

6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

1.0 The principal material considerations relevant to the determination of the application are the consultation responses, the representations received, the letter of support and the impact on the amenity of the area.

Consultation Responses

6.2 The consultation responses do not indicate that the application should be refused.

Representations

6.3 The representations received have been summarised in Section 4 of the Report and are not considered to be of such weight as to merit refusal of the application.

Impact on the amenity of the area

6.4 It is considered that the proposed wind turbine is of appropriate materials, design and scale to minimise any visual intrusion in the rural area in which it is located. The proposed turbine has been sited below the brow of the hill and in the vicinity of the existing telecommunications apparatus to ensure minimal environmental and visual impact on the residential amenity of the settlement of Fenwick. In relation to noise levels generated by the proposed turbine it is considered that the location of the proposed turbine is of sufficient distance from any residential properties to minimise any adverse effects on residential amenity.

1. FINANCIAL AND LEGAL IMPLICATIONS

7.1 There are no financial or legal implications for the Council arising from this application.

2. CONCLUSIONS

8.1 As indicated in the report, the application is considered to be in accordance with the terms of the Development Plan. Therefore it should be approved unless material considerations indicate otherwise.

1.0 There are material considerations relevant to the application, however it is not considered that these are of sufficient weight to merit refusal of the application given the use of appropriate planning conditions.

9. RECOMMENDATION

9.1 It is recommended that the application be approved subject to the condition indicated on the attached sheet.

CONTRARY DECISION NOTE

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning, Development and Building Standards, the application will not require to be referred to the Development Services Committee as that would not be a significant departure from Council policy.

Alan Neish
Head of Planning, Development and Building Standards

05 December 2006
(JL/MMM)

FV/DVM

LIST OF BACKGROUND PAPERS

1. Application Form and Plans.
2. Statutory Notices and Certificates.
3. Letters of Representation.
4. Letter of Support.
5. Consultation Responses.
6. Adopted East Ayrshire Local Plan (2003)
7. Approved Ayrshire Joint Structure Plan (1999)

Anyone wishing to inspect the above papers please contact Jane Little, Planning Officer on 01563 576768.

Implementation Officer: Dave Morris

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

06/0623/FL

Site of Proposal:	Midland Farm Cottage FENWICK
Nature of Proposal:	Erection of Small Wind Turbine 15 m Height for Local Electricity Production
Name & Address of Applicant:	Simon D Houison Craufurd Midland Farm FENWICK KA3 6BY

DPOs Reference: JL/MMM

The above FULL application should be granted subject to the following conditions:-

1. Notwithstanding the plans hereby approved, should the wind turbine not be in operation producing electricity for a continuous period of six months, the operator will require to provide written evidence to the Planning Authority that the apparatus is in the process of being replaced or repaired. Otherwise, the wind turbine must be removed from the site with the land restored to its original condition within six months of the date of cessation of electricity production.

REASON To safeguard the amenity of the area.

2. Notwithstanding the plans hereby approved, the hours of construction of the turbine shall be limited to 08:00 hrs to 19:00hrs Monday to Friday and 08:00 hrs to 13:00 hrs on a Saturday, no noisy construction works shall be undertaken on a Sunday.

REASON: To prevent noise and disturbance extending into hours during which other sources of noise have subsided, in the interests of residential amenity.

NOTE:

1. All refuse arising as a result of the construction work shall be disposed of to the satisfaction of the Waste Management Authority.

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VIEWING PLEASE CONTACT (01563) 576790.**