

14 June 2016

Agenda Item No. 5 (b)

Implementation of the Outcomes of the Informal Working Group on Planning Applications for Wind Turbine and Major Applications Reports

Report by: Robin Presswood

Wards Affected: All

Purpose

This report concludes the work undertaken on the implementation of the outcomes of the Informal Working Group of the Environment, Finance and Communities Scrutiny Committee on planning applications for wind turbine and major applications reports.

Recommendation(s)

Committee notes the work undertaken to discharge this remit, and the actions summarised in this report.

Resource Implications

There are no additional or indirect resource implications.

Legal & Risk Implications

There are no risk implications arising from this report, as it is a review of existing processes and procedures.

Impact Assessment

An EqIA has not been completed and is not considered necessary as this report does not propose a change or revision to existing policies and practices.

Consultation

There have been no formal external consultation processes carried out but the report does relate to feedback and observations received from members of the Informal Working Group, and members of the planning committees who have considered reports in the revised format.

1.0 Background

- 1.1 The Informal Working Group (IWG) met during 2014, and consisted of Councillors and community representatives concerned with the impact arising from the development of wind turbines on their communities and on the wider environment in general. The group consisted of elected members, Jim Birrell the then Senior Manager- Planning, Alastair Hamilton, Service Manager, Development Management, and Chris Smith, Lead Officer (CDI).and representatives of various community groups and organisations with a particular interest in wind turbine applications.
- 1.2 The remit of the IWG was to consider the application assessment processes with particular reference to visualisations and residential amenity considerations, as well as drawing on lessons learned from the Department of Planning and Environmental Appeals (DPEA) appeal decision letters and specific issues raised by local representatives and other parties in relation to the assessment of visual and residential impact. A further critical area which was looked at was the usefulness of the submitted photomontages and the need to ensure a robust and logical assessment of the planning issues set out in a transparent and easily understood format in reports of handling.
- 1.3 In April 2015 the Scrutiny Committee agreed to implement the outcomes of the IWG, these changes were set out in Appendices 1 to 3 of the report presented to the EFCSC in January 2015. The agreed validation standard was formally implemented in June 2015. A follow up report reviewing the outcomes of the implementation of the agreed actions was brought back to the committee in September 2015 which agreed to continue the format of the wind turbine and major application reports including the incorporation of the policy matrix.

2.0 Issues and Options

- 2.1 The Visual Impact Matrix sets out the agreed changes and sets out the concerns raised by the Community representatives of the IWG. The outcomes of the IWG and accompanying actions were shared with all colleagues dealing with wind turbines and Lead Officers supervising the relevant teams. In addition briefing sessions were also undertaken with elected members of each of the three Planning Committees to ensure that they were aware of the outcomes which had been agreed to be implemented and to understand the rationale behind the changes both in content and the layout of committee reports.
- 2.2 The most recent reports presented to the planning committees are considered to fully comply with the agreed outcomes of the IWG, and draw on further comments received from the IWG community representatives received in December 2015 and January 2016, both in terms of content of submissions through the validation process and the format and quality of the assessment. The applications are assessed on a site by site basis and the photomontages carefully assessed to ensure that they provide a representative sample of the properties affected including views from nearby communities as well as more distant views to assist in the understanding of the potential impact the proposal may have. In addition case officers ensure that site specific descriptions are included in the reports and identify the details of the immediate locations in the context of the local landscape character and the scale of the proposed turbine in its specific context. The supporting documentation submitted by agents is critically evaluated and where relevant, commentary is provided in the

report of handling identifying what additional information has been requested. The applications are now submitted together with comprehensive residential visual impact assessments.

- 2.3 A great deal of time and effort has also been applied in reviewing the way in which reports are structured and the logic of how the impact proposals may have developed to arrive at the recommendation. In addition the policy context is identified clearly and the policy matrix used to provide a summary of where the policy issues are addressed in the report. Inevitably to some degree there is an element of subjectivity in assessing such applications but the work undertaken has provided a more consistent approach and framework against which to assess proposals. The validation standards which are now used to vet new applications have also significantly improved the information available both to officers assessing proposals and to communities potentially affected by wind turbine development.
- 2.4 From recent correspondence some concerns remain that the agreed report assessment format and validation process for windturbine applications is not being complied with. In relation to the use of the Ironside Farrar report this is used to define and explain the significance of the landscape characteristics and relate this to the capacity of the landscape unit which was the purpose of the study. All applications are however considered on a case by case basis and specific reference is made in the reports to describe local features and characteristics which may be affected by the proposed turbines, including referencing the particular scale of local landscape features or buildings which give context to the proposed turbines. It is of interest to note that in a recent appeal decision which was refused in line with officer recommendation at the North East Planning Committee due to the significant localised visual and cumulative impact, the Scottish Minister's Reporter overturned the decision as in his view the turbine did not significantly affect the more strategic landscape characteristics of the landscape unit identified in the Ironside Farrar study.
- 2.5 All proposals are required to provide a residential visual impact assessment and a map specifying the nearest residential properties within 2km of the proposal. The validation checklist requires this information to be submitted and this must be provided in order to assess the proposal. Failure to submit the information will of itself be a reason to refuse the application due to a lack of information. The most recent applications which have been determined have all provided this information in compliance with the agreed standards. The maps are also used as part of the presentations to the planning committees.
- 2.6 The validation standard is also being applied consistently, however due to the significant reduction in new applications the most recent case received in May 2016 being the first since the beginning of December 2015, few cases have been tested against it. The most recent proposal for 3 turbines at Scotsraig Farm near Tayport was made invalid in line with the agreed validation process as the applicant had failed to submit the required verification checklist. The applicant subsequently provided the signed checklist verifying that the requisite information had been submitted and the application was made valid. In line with the validation process the content and quality of the information submitted is now being assessed by the case officer. If it is found that the information submitted is significantly deficient in relation to the validation standard then the application may be refused without further recourse to the applicant, again this process is agreed as part of the IWG outcomes.

3.0 Conclusions

- 3.1 Having created a significant demand on staff resources over the last few years the number of planning applications for wind turbines has significantly reduced with one application for turbines having been received since December 2015. Appendix 1 indicates the applications currently in the system. The last applications for larger scale wind turbines received were in early December 2015 and the most recent a proposal for 3 turbines at Scotsraig Farm near Tayport (3 x 44.2m to blade tip).
- 3.2 Of the 13 applications yet to be determined one is a windfarm (14/00008/EIA) Blairadam Forest, Kelty for 11 turbines at 115 metres high. The remaining 12 applications are for turbine developments ranging in height from 24.9m to 131m. The applications are being project managed through the system to ensure they are determined by the relevant planning committees or delegated powers as appropriate.
- 3.3 The Planning Service would like to thank members of the IWG for the time they have taken and their work with the Service to identify improvements. The exercise was particularly valuable in testing the Service's response to the demands created by this particular type of application and how we convey the complex issues involved in the assessment of such applications within the Reports of Handling. Members of the Environment, Finance and Communities Scrutiny Committee took the decision to close the IWG and this report provides a final briefing.

List of Appendices

1. Live wind turbine planning applications awaiting determination.

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Wind Turbine Applications -May 2016

Applications

	Officer	Proposal	Tip Height	Gen Cap	Address	Com Area	Notes
1	14/00008/EIA	11 x Turbines and ancillary works etc.	115.0m	22.5MW	Blairadam Forest, Kelty	WPC	
2	14/00316/EIA	2 x Turbines and ancillary works etc.	131.0m	n/a	Land East of Junction 2A of M90, Crossgates, Dunfermline	WPC	Edinburgh Airport Obj.
3	14/04243/FULL	1 x Turbine and ancillary works etc.	45.7m	225kW	Kilernie Farm, Kilernie, Dunfermline	WPC	
4	15/00939/FULL	1 x Turbine and ancillary works etc.	67.0m	500kW	Land West of Muirhead Farm, Muirhead, Crail	NEPC	
5	15/00773/FULL	1 x Turbine, 1 x 50m met mast and ancillary works etc.	102.0m	500kW	Land East of Kirkforthar Feus Quarry, Glenrothes	CPC	
6	15/00769/FULL	1 x Turbine, 1 x 50m met mast and ancillary works etc.	77.0m	500kW	Land East of Hilton of Kirkforthar, Keithebridge	CPC	
7	15/00768/FULL	1 x Turbine, 1 x 50m met mast and ancillary works etc.	102.0m	500kW	Land South of Dalginch Farm, Newton, Star	CPC	
8	15/01648/FULL	1 x Turbine and ancillary works etc.	40.5m	n/a	Land East of Fingaask Farm, Craigsanquhar, Logie	NEPC	
11	15/02629/FULL	1 x Turbine and ancillary works etc.	27.0m	25kW	Farmhouse, Muirhouses, Largsward	NEPC	
14	15/03189/FULL	1 x Turbine and ancillary works etc.	67.0m	n/a	Land East of Wester Bucklyvie, Donibristle	WPC	
15	15/02955/FULL	2 x Turbines and ancillary works etc.	24.9m	11kW	Peikie Cottage, Boarhills, St Andrews	NEPC	
15/03830/FULL	Andrew Teece	1 x Turbine and ancillary works. Etc.	38.5m		Cuddyhouse Road, Kingseat	WPC	MOD objection
16/00988/FULL	Alex Laidler	3 x Turbines and ancillary works	44.2m		South of Scotsraig, Tayport	NEPC	