
Report to Planning Committee

Date: 30th August 2012

Subject: Planning Application- Erection and Operation of 2 No Wind Turbines and Anemometry Mast with Associated Access Roads, Hardstanding Areas and Control Building at Former Black Devon Landfill Site, Alloa (Ref 10/00288/FULL)

Report by: Head of Community and Regulatory Services

Applicant: Partnership for Renewables, Station House, 12 Melcombe Place, London, NW1 6JJ

Agent: RPS Planning and Development, Ocean Point One, 4th Floor, 94 Ocean Drive, Edinburgh

Ward: Clackmannanshire South

1.0 Purpose

1.1. This is a report of handling on the above planning application. The report summarises a planning application and accompanying Environmental Statement and, having considered the relevant Development Plan policies, national policy advice, consultation response, representations from third parties and an assessment impact on the nearby designated Firth of Forth SPA and Ramsar site, makes a recommendation on the application to Members.

1.2. Although the application is a local development, it has to be reported to the Planning Committee as the Council has an interest in the development, as owner of the site.

2.0 Recommendations

2.1 The planning application is recommended for APPROVAL subject to the conditions set out in Appendix 1.

2.2 Reasons for Decision

1. Having considered the environmental information, including within the Environmental Statements, and the potential impacts that could occur, it is concluded that the development would, on balance, accord with the Clackmannanshire Development Plan
2. Subject to the proposed conditions and mitigation measures set out in the application documents, the issues and concerns expressed by consultees and third parties could be adequately mitigated or would not result in unacceptable impacts that would justify withholding planning permission.
3. The issues raised by SEPA are also effectively regulated by the Waste Management Licence that covers the former landfill site and no work can commence on the site until SEPA has approved a variation to the licence to allow works to take place. As a precaution, a suspensive planning condition has been attached which would prevent development commencing until the relevant details have been submitted and approved by the planning authority in consultation with SEPA.
4. The development would make a valuable contribution to the Government's target for renewable electricity production.
5. It is concluded that there are no other material considerations which would outweigh the Development Plan support for the development and justify withholding permission.
6. Following an appropriate assessment of the proposals having regard to the information submitted by the applicant, the advice from SNH and subject to the proposed mitigation measures regulated by the permission, it is concluded that the development will not have adverse impacts on the integrity of the Firth of Forth Special Protection Area.

2.3 Plans to be Approved

1. Figure No 1.1 - Site Location Plan
2. Figure No 1.2a - Site Layout Plan
3. Figure No 4.1a - Indicative Turbine Details
4. Figure No 4.2 - Permanent Meteorological Mast Elevation
5. Figure No 4.3 - Typical Control Building - Plan
6. Figure No 4.4 - Typical Control Building - Elevations
7. Figure No 4.5 - Typical Cable Trench Details
8. Figure No 4.8 - Typical Track Cross Section.

3.0 Background

The Proposals

- 3.1. An amended application for planning permission accompanied by an Environmental Impact Assessment (EIA) has been submitted to erect two wind turbines, an anemometry mast, access roads (approximately 50m in length and 6m in width), crane hardstanding at each turbine location and a control building at the former Black Devon Landfill Site, south east of Alloa (see location plan). It is proposed to generate electricity for a 25 year period once the turbines have been constructed.

- 3.2. The proposed turbines would be 1.5Megawatt (MW) or similar. Each turbine comprises a 65m high tower, which supports the nacelle (it houses the generator), which is connected to the three blades. The blades would measure 41m in length. The maximum total height above ground level of each turbine would be 106m. A 65m anemometry mast would also be erected adjacent to the existing access track to the north of the landfill area. The proposed colour and finish of the turbines would be a light grey, matt finish.
- 3.3. The applicant has indicated that the development would be connected to the national grid at the substation at Kelliebank, Alloa. This work would be undertaken by Scottish Power and would involve laying a cable to link the site. This does not form part of the application.
- 3.4. The development would involve a partnership between the applicant and the Council. The Council owns the site and the Council, as landowner, has agreed a lease option subject to the applicant obtaining planning permission. Partnerships for Renewables was set up in 2006 by the Carbon Trust to help deliver renewable energy projects on public sector land. The Council would obtain revenue from the land lease and potential lower electricity costs to supply onsite energy demand. The Council decided at its meeting on 18th December 2008 that, subject to any planning approval, a community benefit fund be established which would receive 10% of the total annual income to the Council from the development to be invested in Alloa Park, Mar Policies and Bowhouse Estate. In addition, the applicant has indicated that it would establish a community benefit fund which would receive an approximate income of £7,500 per annum over the operational life of the development of 25 years. However, these financial elements would not be material planning considerations in the determination of the application.

Location

- 3.5. The site for the turbines is located at the former Black Devon Landfill Site south east of Alloa (see Plan 1).
- 3.6. The nearest settlements are Dunmore Village and Alloa, which are approximately 1.3km away. There are also several individual residential properties, the nearest of which is 830 metres away at Park Farm.
- 3.7. The former Black Devon Landfill Site was closed in 2004 and has been capped and restored as grassland. It is still covered by a Waste Management Licence which is regulated by SEPA. The Council is the licence holder. The licence contains a number of conditions which the licence holder is required to comply with, including preventing pollution to the surrounding environment. The Council has recently obtained planning permission to install a landfill gas collection system and flare to reduce the emission of greenhouse gas emissions from the site which was required to accord with one of the conditions of the licence. There is an existing leachate management system which collects the leachate (liquid from the waste mass) and pumps it to the public sewer.

Access

- 3.8. Access would be taken from Bowhouse Road along the existing private road which serves the Council's Civic Amenity Site and Depot, and the Sewage

Treatment Works to the site. The existing track to the former landfill would be upgraded as well as the tracks within the landfill site to enable access to construct the turbines.

- 3.9. The large turbine components would travel along the A876, the A907 and then along Forth Crescent to reach the site. Some minor alterations to existing junctions would be required to accommodate the long vehicles, subject to the approval of the Roads Unit.

Renewable Energy

- 3.10. The proposed two turbines would have a maximum installed capacity of 3MW. The predicted site output per year would be approximately 65700 megawatt hours. This would equate to the amount of electricity to meet the needs of 1500 households, 6.5% of households in Clackmannanshire. The applicant has predicted that the development is expected to avoid 2,825 tonnes of CO₂ emissions per year being emitted to the atmosphere.
- 3.11. There are a number of installed or approved wind farms in the surrounding area within 25km of the site. These are shown on Plan2.

Amendment to Original Application

- 3.12. Following discussion and consideration of the comments raised by the Service regarding the potential environmental impacts of the original scheme, including landscape and visual impact, noise, shadow flicker and amenity, the original application was amended in March 2012 and a Supplementary Environmental Statement submitted. The main changes to the original development can be summarised as follows:

- a reduction in the number of turbines from 4 to 2 with the deletion of one turbine on the landfill and one close to the existing civic amenity site (see Plan 1)
- a reduction in the height of the turbines. The tower was reduced from 80m to 65m and the maximum height from ground to blade tip was reduced from 125m to 106m
- a reduction in the height of the anemometry mast from 80m to 65m
- an approximate increase in the distance from the nearest turbine to Alloa (800m), Dunmore (300m) and South Alloa (800m)

- 3.13. The amended application was subject to the same publicity and consultation procedures as the original application.

4.0 Consultations

- 4.1. A number of bodies or groups have been consulted on the application and the EIA. A summary of the responses to the current proposal for 2 turbines is provided in Appendix 2.

5.0 Publicity and Representations

5.1. The proposal and application has been the subject of extensive publicity by the applicant. There are no notifiable neighbours. The publicity can be summarised as follows:

- a. Prior to the submission of the application, the applicant organised public information exhibitions in November 2009 and July 2010 at Bowmar Community Centre and in September 2010 at Airth Community Hall. These were publicised in the local papers and through contact with local bodies and groups. Further details are contained in the documents Statement of Community Involvement dated November 2010.
- b. The original application was advertised in the Alloa Advertiser and the Edinburgh Gazette as required by the Environmental Impact Assessment (EIA)(Scotland) Regulations, 1999, as amended.
- c. A public meeting was organised by Alloa Community Council in January 2011 which was attended by representatives from surrounding communities as well as the applicant and representatives from this Service.
- d. The amended application was advertised as in (b) above. In addition, consultees and third parties who had made representations on the original proposal were notified by the Council of the amended application.
- e. A public meeting was organised by Alloa Community Council in June 2012 which was attended by local residents as well as the applicant and representatives from the Service.

5.2. As a result of the publicity, a total of 183 representations have been received. 40 objections and 1 letter of support were received in response to the publicity for the amended scheme for 2 turbines. Of those, 31 had submitted objections to the original scheme. There was no letters of support for the original scheme. However, all of the representations have been taken into account in the assessment of the amended application. A summary of the issues raised is provided in Appendix 3 of the report. A list of the names and addresses of those third parties that submitted comments can be viewed on the electronic case file.

5.3. A brief analysis of the representations is provided below:

- a. Nos resident in:
 - Clackmannanshire - 75
 - Falkirk - 66
 - Stirling - 13
 - Elsewhere - 29
- b. Objections have been received from the following organisations:

Friends of the Ochils
Alloa Park Residents Association

Alloa Academy Parents Council
The Clackmannan Society
South Alloa Tenants and Residents Association
Clackmannanshire Field Study Society
Residents Against Turbines Scotland
Scottish Wildlife Trust
Clackmannan Town Hall Trust
Dollar Civic Trust

c. Objections have been received from Cathy Peattie, MSP and Councillor Martin and Councillor Lynda Kenna from Falkirk Council whose wards cover the area in Falkirk nearest to the site.

6.0 Planning Considerations

6.1. Section 25 of the Town and Country Planning (Scotland) Act 1997 requires the determination of an application to be made in accordance with the provisions of the Development Plan unless material considerations indicate otherwise. The Development Plan comprises the Clackmannanshire and Stirling Structure Plan (approved in 2002 with subsequent Alterations) and the Clackmannanshire Local Plan (adopted in 2004). An Alteration to the Structure Plan was approved in 2004 which provides policy guidance on renewable energy developments.

Determining Issues

6.2. The determining Issues are:

- a) Do the proposals accord with the Development Plan?
- b) If they do accord, are there any material reasons for not approving them?
- c) If they do not accord, are there any material reasons for approving them?

6.3. In order to address the determining issues, consideration should be given to:

- the extent of compliance with the objectives of the Development Plan and relevant policies
- consistency with national policy
- the key impacts associated with the proposals and whether these would be acceptable, with or without mitigation, having regard to the information contained in the EIA, the responses from consultees and the representations from third parties

Development Plan Position

6.4. There are a number of individual policies in the Development Plan that are relevant to the proposal. **The Service's analysis of the policies is summarised below and this process has been informed by the supplementary analysis summarised in Appendix 4 of the report.**

a. Clackmannanshire and Stirling Structure Plan

- Policy SD1 (Key Principles): *Comment: This requires an assessment of the contribution of any development to achieving the Plan's strategy of "Working Towards Sustainable Development". It is considered that a proposal for a 3MW renewable energy development would make a positive contribution to sustainable development. **Overall, the Policy is complied with.***
- Policy ENV1 (Nature Conservation): *Comment: The Policy states that developments that would impact adversely on the conservation interests of a designated area of international or national importance will normally not be permitted unless the objective of designation or overall integrity of the site will not be damaged. The advice from SNH is that the development would not have an adverse effect on the integrity of the international and national designated Firth of Forth SPA and Ramsar and SSSI or other European protected species subject to the proposed mitigation. We agree with this conclusion. **The Policy is complied with.***
- Policy ENV3 (Development in the Countryside): *Comment: The Policy restricts the type of development to that dependant on a countryside location. Renewable energy proposals would satisfy this locational test. The Policy states that proposals should be suitable for this particular location in terms of function, siting and design and respect features contributing to local character. The development of any commercial wind energy proposal will inevitably introduce large man made structures within a countryside setting which will usually result in significant landscape and visual impacts. Our consideration of landscape and visual impacts concludes that on balance, the overall impact would not be sufficiently detrimental to withhold permission although there would be localised significant impacts. **On balance, the Policy is complied with.***
- Policy ENV6 (The Built Environment): *Comment: It is considered that the development, including in relation to its potential impact on the setting of built heritage interests within 10km of the site, would not have a significant adverse impact on the character or setting of any Listed Buildings, Conservation Areas, Designed Landscape or Archaeological Remains. We concur with the advice and findings of Historic Scotland. **On balance, the Policy is complied with.***
- ENV9 (Water Resource Management): *Comment: The Policy addresses flood risk, the use of SUDS and the Forth Estuary. It is concluded that subject to the proposed conditions and mitigation, the objectives of this Policy would be achieved. **The Policy can be complied with.***

- ENV14 (Renewable Energy): *Comment: The Policy provides support for renewable energy development where these conform to other Plan policies. The supporting text recognises the role wind energy will have in meeting Government energy targets and their ability to operate over a wide range of wind exposures and speeds, although it states that "the generally supportive approach will not be at the expense of the environment". The assessment of relevant Policies in this section demonstrates that **this Policy provides support for the development.***
- ENV16 (Wind Energy): *Comment: This policy is one of the key policies in consideration of the application. The policy requires proposals to be assessed against 4 principles, comprising:*
 1. A presumption against development in defined "Exclusion Areas" to safeguard the most important landscape, built heritage and natural heritage resources. *Comment: The site is not within any of the "Exclusion Areas" and the presumption against does not apply.*
 2. Areas outwith "Exclusion Areas" are considered to be within an "Area of Search". *Comment: The site falls within the Area of Search.*
 3. Local Plans should set out detailed policy considerations. *Comment: The Clackmannanshire Local Plan has not been updated to reflect Policy ENV16 and therefore this principle is neutral in effect.*
 4. The adverse effects of cumulative impacts with other wind energy developments, either approved or at application stage, should be avoided. *Comment: Our assessment of cumulative impacts has concluded that the development would not result in unacceptable impacts on landscape, visual amenity or heritage features. **The Policy has been complied with***
- b. Adopted Clackmannanshire Local Plan
 - Policy EN1 (Sites of Ecological Importance): *Comment: The Policy requires proposals to be assessed in terms of their impact on the objectives of the Clackmannanshire Biodiversity Action Plan and any impact on non designated nature resource sites. The EIA and advice from SNH demonstrate that the proposal would not have an unacceptable detrimental impact. **The Policy has been complied with.***
 - Policy EN2 (Landscape and Ecology): *Comment: The Policy seeks to protect Areas of Great Landscape Value (AGLV) designated in Clackmannanshire and also sets out standards where landscaping proposals are submitted. The site is outwith any AGLV and would not have any significant indirect adverse impacts in terms of views to and from those nearest to the site. **The Policy is complied with.***
 - EN4 (Water Resources): *Comment: The Policy requires proposals to be assessed for flood risk and incorporate SUDS. SEPA has confirmed that it has no objection on flood risk grounds. Surface water will be managed using SUDS. **The Policy is complied with.***

- EN5 (The Coast): Comment: *This Policy states that the undeveloped coast will be protected from further damage except where it can be proven there are no viable alternative sites. Development that may damage the ecology of the coast will not normally be permitted. The Council will be guided by the need to protect the Firth of Forth SPA and Ramsar site and SSSI and by policies in the Biodiversity Action Plan. Decisions on applications will be reached having regard to the provisions of the Forth Integrated Management Strategy. The site is located on the edge of the settlement boundary of Alloa. Although we are satisfied that the development would not have an unacceptable adverse impact on the ecology of the area (and it comprises a brownfield site in the countryside), the policy would apply a presumption against development unless there are no viable alternative sites. **This Policy has not been complied with in full.***
- EN6 (Listed Buildings) - We agree with the views expressed by Historic Scotland. **The Policy has been complied with.**
- EN7 (Archaeological or Historical Sites): Comment: *The Policy protects important archaeological sites and their settings. The development would not adversely affect archaeological resources. **The Policy is complied with.***
- EN9 (Nationally Important Gardens and Designed Landscapes): Comment: *The Policy states that development that would adversely affect these features will not be permitted. We agree with the views expressed by Historic Scotland that the proposal would not result in any significant adverse impact. **The Policy is complied with.***
- EN10 (Conservation Areas): Comment: *The Policy requires that new developments must contribute to the protection and enhancement of the character of Conservation Areas. Although it does refer to their setting, this has been considered by us in relation to Conservation Areas at Dunmore, Clackmannan and Alloa. Our assessment concludes that the development would not have a significant adverse impact on the setting of these Conservation Areas. **The Policy is complied with.***
- EN11 (Enhancing Environmental Quality): Comment: *The Policy requires new development to have a positive impact on its immediate environment through good design which integrates with the character of the area and safeguarding biodiversity in and around the site. There is a degree of subjectivity in whether wind turbines of this scale are acceptable in design terms. Although there are other tall structures in the area, including pylons and chimneys, the turbines would also become a prominent feature in the area. **On balance, this represents an area of policy conflict.***
- EN14 (Contaminated Land): Comment: *The Policy states that proposals on, or in the vicinity of, land that is known to be unstable, contaminated or affected by landfill gas will only be permitted where the Council is satisfied that the risk can be overcome. Appropriate information on the potential risks and possible remedial measures will*

*be required before development can proceed. These issues can be effectively regulated using suspensive conditions and by the Waste Management Licence process regulated by SEPA. **Consequently the Policy can be complied with.***

- EN15 (Planning and Environmental Protection): *Comment: The proposed approach using suspensive planning conditions as referred to in Policy EN14 above is considered to comprise a proportionate and effective precautionary approach to the issues relating to development on the former landfill. The other key issues relating to noise impact and shadow flicker have been satisfactorily addressed. **The Policy is complied with.***
- EN18 (Development in the Countryside): *Comment: The Policy restricts development in the countryside to necessarily rural based activities which should be assessed against a number of criteria. **On balance, the Policy is complied with.***
- INF4 (Development Standards): *Comment: The proposal should not create any unacceptable road safety impacts subject to the proposed conditions. **This Policy is complied with.***
- INF9 (Renewable Energy Developments): *Comments: This Policy predates Structure Plan Policies ENV14 and ENV16. The Policy provides support for development at this location if there is no adverse impact on the built and natural environment. **On balance, the policy is complied with.***

6.5. **On balance, and taking account of the above assessment and the analysis contained in Appendix 4 and the weighting of the relevant policies, it is considered that the proposal accords with the Development Plan.**

7.0 Other Material Considerations

7.1 Relevant Scottish Government planning policy and guidance constitutes a material planning consideration. The most relevant are considered to be:

- Scottish Planning Policy (SPP), 2010
- National Planning Framework for Scotland 2 (NPF2)
- PAN1/2011 - Planning and Noise
- PAN51 - Planning, Environmental Protection and Regulation
- PAN58 - Environmental Impact Assessment
- PAN60 - Planning for Natural Heritage
- Specific Online Guidance for Onshore Windfarms (May 2012) and Process for Preparing Spatial Frameworks for Windfarms (July 2012)

- 7.2 The NPF2 highlights that tackling climate change and reducing dependence on fossil fuels are two of the major global challenges of our time. Growing demand worldwide also raises concerns about future energy prices and long term security of supply. The NFP2 states that addressing these issues will demand significant changes to the way energy is produced and the Government states that an increase in the amount of electricity generated from renewable sources is a vital part of the response to climate change.
- 7.3 The SPP supports the achievements of the Government's targets for renewable energy production, which has been increased to 100% of Scotland's gross annual electricity consumption by 2020. As the technology is well developed onshore wind energy is expected to be the main source of supply. The SPP states that:
- "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".*
- 7.4 In terms of location, a large number of objectors have stated that the proposal would be contrary to Government policy since the development would fall within 2km of the settlements of Alloa, Clackmannan, Dunmore, and South Alloa. The 2km distance is referred to in the SPP in its guidance for the preparation of spatial frameworks for onshore wind farms of over 20MW capacity. It states that as part of the process of identifying areas of search for wind farm development of this scale and above, a separation distance of 2km between areas of search and the edge of cities, towns and villages is recommended to guide development to the most appropriate sites and to reduce visual impact. The advice does explain that it does not impose a blanket restriction on development. The online advice explains that the distance is a guide not a rule and that decisions on individual applications should take into account specific local circumstances and geography. It is also worth emphasising that this report is related to a planning application, not policy preparation, and is for a smaller 3MW development and therefore the terms of the guidance would not be directly applicable to these circumstances.
- 7.5 The separation distance reference is intended to guide policy preparation for large scale wind farms over 20MW and the guidance does not state it must be applied to individual applications below this size. Our interpretation appears to be supported by recent examples of approvals for a single 100m high turbine (within the settlement boundary) at FMC Technologies, Dunfermline and 4 x 125m high turbines at Todhill Farm, Larbert (approximately 1.4km from the settlement edge of Larbert). The latter decision was granted by Scottish Ministers following an appeal against non-determination of the application. However, the impact on local communities is a material consideration. The key test is whether the proposal would have an acceptable impact on communities and, if it would, it would largely accord with national policy guidance and benefit from the level of support that this would bring as a significant material consideration.
- 7.6 The advice and comments from consultees have been summarised in Appendix 2 and considered in the assessment of the Development Plan issues in Section 6.0 and in Appendix 4. We have concluded that none of the issues raised would result in unacceptable impacts subject to the proposed mitigation set out in the EIA or regulated by the planning conditions. Although

SEPA has objected to the application, our conclusion is that the principle of the development could be established since the detailed construction design would be a Waste Management Licence (WML) issue and would have to be approved by SEPA under the requirements of the existing WML. A suspensive planning condition could also be attached so that the development would not proceed until suitable details have been prepared and approved. We are satisfied that this approach would ensure material planning issues relating to environmental risks have been suitably addressed and the risk would be suitably managed.

- 7.7 Careful consideration has been given to objections raised by third parties. These have been summarised in Appendix 3 and also examined in the supplementary analysis in Appendix 4. This includes concerns relating to landscape and visual impact, noise, health, pollution, built heritage and ecology. We have concluded that none of these would result in an unacceptable adverse impact or impacts that could not be adequately mitigated. Consideration has also been given to other issues including tourism, TV reception and precedent but there is insufficient evidence that the proposal would result in unacceptable impacts to justify withholding permission.
- 7.8 Work is progressing on the preparation of the Clackmannanshire Local Development Plan but no draft policies have been finalised yet although consultants have been commissioned to provide guidance on the landscape sensitivity to wind turbine development.
- 7.8 The development would generate renewable energy, equivalent to the annual needs of approximately 1500 homes, and saving 2825 tonnes of CO2 emissions per annum. This would make a worthwhile contribution to the objectives of the Development Plan "Working Towards Sustainable Development" and the Governments strategy to tackle climate change and the targets for renewable electricity production.

8.0 Conclusions

- 8.1 Our assessment has followed the approach set out in paragraphs 6.1 to 6.3 above. This has included:
- a. a review of relevant Development Policies and national policy guidance
 - b. analysis of the range of potential environmental impacts including the information in the EIA
 - c. consideration of the comments from consultees and third parties.
- 8.2 We have concluded in Section 6.0 of the report that, on balance, the proposal would accord with the Development Plan. The consideration of national policy guidance has concluded that these would provide strong support for renewable energy development and would support the principle of wind energy at this location as long as the environmental and cumulative impacts can be satisfactorily addressed. The comments from consultees and third parties have been assessed including careful consideration of the issues of landscape and visual impact and development on the former landfill. We are satisfied that these have been satisfactorily addressed. That is not to say that

the visual impacts on some areas would not be significant or that some people would consider the impacts to be significant and adverse. However, it is considered that overall, the significant impacts on visual and residential amenity where they occur would not be significantly detrimental to outweigh the Development Plan position.

8.3 It is therefore concluded that, on balance, there would not be sufficient grounds to justify withholding permission having regard to the level of support from Development Plan and national policy guidance and the ability to mitigate adverse impacts using planning conditions.

9.0 Resource Implications

9.1 Financial Details

9.2 The full financial implications of the recommendations are set out in the report. This includes a reference to full life cycle costs where appropriate.
Yes

9.3 Finance have been consulted and have agreed the financial implications as set out in the report.
Yes

10.0 Exempt Reports

10.1 Is this report exempt? Yes (please detail the reasons for exemption below) No

11.0 Declarations

The recommendations contained within this report support or implement our Corporate Priorities and Council Policies.

(1) **Our Priorities** (Please double click on the check box)

The area has a positive image and attracts people and businesses	<input checked="" type="checkbox"/>
Our communities are more cohesive and inclusive	<input type="checkbox"/>
People are better skilled, trained and ready for learning and employment	<input type="checkbox"/>
Our communities are safer	<input type="checkbox"/>
Vulnerable people and families are supported	<input type="checkbox"/>
Substance misuse and its effects are reduced	<input type="checkbox"/>
Health is improving and health inequalities are reducing	<input type="checkbox"/>
The environment is protected and enhanced for all	<input checked="" type="checkbox"/>
The Council is effective, efficient and recognised for excellence	<input type="checkbox"/>

(2) **Council Policies** (Please detail)

12.0 Equalities Impact

12.1 Have you undertaken the required equalities impact assessment to ensure that no groups are adversely affected by the recommendations?

Yes No

13.0 Legality

13.1 It has been confirmed that in adopting the recommendations contained in this report, the Council is acting within its legal powers. Yes

14.0 Appendices

14.1 Please list any appendices attached to this report. If there are no appendices, please state "none".

Appendix 1 - Conditions and Reasons

Appendix 2 - Summary of Consultation Replies

Appendix 3 - Summary of Third Party Representations

Appendix 4 - Supplementary Development Plan Analysis

15.0 Background Papers

15.1 Have you used other documents to compile your report? (All documents must be kept available by the author for public inspection for four years from the date of meeting at which the report is considered)

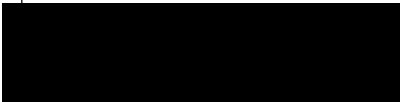
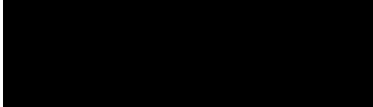
Yes (please list the documents below) No

Clackmannanshire Local Plan; Clackmannanshire and Stirling Structure Plan; SPP, NPF2, PAN Nos 1/2011, 51,58 and 60; Scottish Government Online Advice on Onshore Wind Turbines and Process for Preparing Spatial Frameworks for Wind Farms, Falkirk Council Local Plan 2010; Stirling Council Supplementary Planning Guidance - Interim Locational Policy and Guidance for Renewable Developments (Wind Turbines), March 2011; Siting and Designing Windfarms in the Landscape, SNH; Report on Review of the Noise Section of the Supplementary Environmental Information by Dick Bowdler, Acoustic Consultant, May 2012; Scottish Government Appeal Decision Notice PPA-240-2022 - Todhill Farm, Larbert; Planning Permission Ref 09/00301/WFULL - Single Wind turbine at FMC Technologies, Fife.

Author(s)

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Approved by

NAME	DESIGNATION	SIGNATURE
Julie Hamilton	Development Service Manager	
John Gillespie	Head of Community and Regulatory	

APPENDIX 1 - CONDITIONS AND REASONS FOR CONDITIONS

Conditions

1. This permission shall expire 25 years from the first date of generation of electricity from the development to the grid. By that time, unless otherwise agreed in advance by the planning authority, all wind turbines, ancillary equipment and buildings shall be dismantled and removed from the site with the ground fully reinstated in accordance with all relevant conditions below.

2. Unless otherwise agreed with the planning authority, the development shall be constructed, operated and decommissioned in accordance with;
 - a. the application, and

 - b. the Environmental Statement, as revised by the Supplementary Environmental Information,

And in accordance with the terms of these conditions.

3. Written confirmation of the date of commissioning of the development, shall be provided to the planning authority within one month of that date. All construction activities shall be completed within 15 months of the commencement of development unless otherwise approved in writing by the Council, as planning authority.

4. No development shall take place until a Construction and Environmental Management Statement has been submitted to and approved in writing by the Council as planning authority, in consultation with SEPA and any other party deemed relevant by the planning authority. Thereafter, the construction, operation and decommissioning of the development shall only be carried out in accordance with the approved Statement, subject to any variations approved in writing by the planning authority. The Construction and Environmental Management Statement shall take account of relevant "best practice" and shall address the following matters:
 - a. Details of the phasing of construction works,

 - b. Details of the construction and surface treatment of hard surfaces and tracks,

 - c. Details of the proposed storage of materials,

 - d. Dust management,

- e. Siting and details of wheel washing facilities,
- f. Details of the proposed temporary site compound for storage of materials, machinery (including areas designated for car parking),
- g. Cleaning of site entrances, site tracks and the adjacent public highway and the sheeting of all HGVs taking spoil or construction materials to/from the site to prevent spillage or deposit of any materials on the highway,
- h. Pollution control, protection of water courses, bunding of fuel storage areas, surface water drainage, flood risk, sewage disposal and discharge of foul drainage,
- i. Details and timetable for post-construction restoration/reinstatement of the temporary working areas,
- j. Details of emergency procedures and pollution response plans,
- k. Details of the protection of public footpaths and bridleways during construction,
- l. Ecological monitoring during construction,
- m. Monitoring of Private Water Supplies (PWS),
- n. Details for the protection of trees and hedgerows during construction (to include specification and location of protective fencing if necessary),
- o. Noise and vibration during construction,
- p. Storage and disposal of excavated material,
- q. Details of the proposed foundation design demonstrating its suitability for the site and its compliance with the Waste Management Licence. This shall include a leachate management and monitoring programme, detailed contingency methods for dealing with potential landfill gas and leachate releases and odour control to address the issues raised in paras 2-4 of the consultation letter dated 3rd April 2012 from SEPA. It shall also provide a detailed Construction Quality Assurance (CQA) plan and report for the reinstatement of the landfill cap.
- r. Details of the further intrusive site investigation work in accordance with the recommendation set out in para 10.95.5 - 8 of the Supplementary Environmental Information document, prepared in consultation with the Coal Authority.

5. No works shall start on site until the following details have been submitted to and approved in writing by the Council, as planning authority in consultation with SNH and SEPA and any other body deemed relevant by the planning authority;
- a. A Traffic Management Plan for the construction/ decommissioning periods of the development. This shall include; measures to manage the use of public roads and the access to the civic amenity site by construction related vehicles in a safe manner with the minimum of environmental impact; details, prepared by a suitably qualified person, that show that the abnormal load route within the Council area is suitable in terms of geometry and road safety; and the arrangements to carry out a road condition survey along the abnormal load route from Gartarry Roundabout to Bowhouse Road.
 - b. A Habitat and Protected Species Management Plan prepared in consultation with SNH and any other body deemed relevant by the planning authority, which shall include; the mitigation measures based on the details contained in sections 11.6 and 12.6 of Vol 1 of the Environmental Statement; post construction monitoring of birds in Years 1,2,3,5,10 and 15; the scope to include turbine searches for collisions, vantage point searches and estuary zone counts; the arrangements to review and respond to the results of the monitoring data including possible habitat enhancement or other mitigation to off set any unforeseen adverse impacts.
 - c. A Site Waste Management Plan based on the information contained in Appendix 13.2 of the Environmental Statement.
- Thereafter, the construction, operation and decommissioning of the development shall be carried out in accordance with the approved Plans.
6. No construction work shall take place outwith the months of April to September (inclusive) in any calendar year, unless otherwise agreed in writing by the planning authority, in consultation with Scottish Natural Heritage.
7. Before any turbine or turbine component is delivered to the site, full details of each turbine type shall have been submitted to and approved in writing by the planning authority. The details shall include the make, model, design and power. Thereafter, the development shall be completed in accordance with the approved details.
8. Before any works start on site associated with the construction of the turbine towers and all ancillary elements (including transformers, switchgear building, compound and fencing) details of the external finishes and colours of the turbines and all ancillary elements shall have been submitted to and approved in writing by the Council, as planning authority. The turbines shall be finished in a non-reflective matt pale grey finish or other finish as may be agreed by the planning authority. Thereafter, these elements of the development shall be implemented and maintained in accordance with these details as approved.
9. Unless otherwise approved in advance in writing by the planning authority, or otherwise as approved under the requirements of conditions 4 and 5 above, no

construction work shall take place, or deliveries/removal of materials or components to/from the site shall be take place outwith 0730 -1930 hours Monday to Friday and 0730 -1200 Saturday and at no time on Sunday or Scottish bank holidays.

10. Before any works start on site, details of an indicative scheme for the removal of the turbines and restoration and reinstatement of the site shall have been submitted to and approved in writing by the Council, as planning authority in consultation with SEPA and any other party deemed relevant by the planning authority. The reinstatement scheme shall be reviewed, and amended as necessary, and the amended scheme shall be approved in writing by the planning authority, at least 12 months prior to actual decommissioning and reinstatement works.

11. Before any works start on site, the developer shall provide to the planning authority details of the financial provisions it proposes to put in place to cover decommissioning and site restoration costs. No work shall commence on the site until the developer has provided documentary evidence to the planning authority that these provisions are in place and written confirmation has been given by the planning authority that the provisions are satisfactory. The approved provisions shall be maintained until the decommissioning and restoration of the site has been completed in accordance with the scheme approved under Condition 10 above.

12. The level of wind turbine noise from the development at any location where, at the date of this consent, there is an existing house or where planning permission for a residential property has been granted, shall not exceed 35dB(LA90) at any wind speed up to 10m/s, unless otherwise agreed in writing by the Council, as planning authority.

13. The operator of the wind farm shall measure and record average wind speed and wind direction data in ten minute periods on a meteorological mast at a location on the site agreed in writing with the local authority prior to the export of electricity from the site. The wind speed shall either be measured at turbine hub height or calculated at turbine hub height by the method set out in the article "Prediction and Assessment of Wind Turbine Noise" (PAWTN) published in the Institute of Acoustics Bulletin in 2009. In addition the operator shall record the operating mode of all the turbines in each ten minute period. All the data shall be in periods commencing on each hour and at ten minute intervals thereafter and shall be retained for a period of at least 12 months from the date of measurement. For the purpose of analysis and compliance testing the wind speed data shall be standardised from hub height to 10 metres height using the reference ground roughness of 0.05 metres.

14. On receipt of a complaint in relation to noise from the turbines at a residential property, the local authority shall require the operator to provide all operational data collected in terms of condition 13 relevant to the complaint. If the complaint is deemed to be justified by the local authority, the operator shall engage an independent consultant, approved in writing by the local authority, to carry out noise monitoring at the property to which the complaint relates. The monitoring shall be carried out generally in accordance with the procedure in section 2.0 of ETSU-R-97 starting at page 102 but taking account of the clarifications in these conditions. The monitoring shall be analysed to show the noise level related to the standardised wind

speed at periods when the reported noise is at its worst. If these periods are unclear then the noise levels shall be calculated at times when the property is downwind of the turbines as defined in ISO 9613-2. Periods analysed shall include only those during which all the turbines are operating normally. The duration of the monitoring shall provide sufficient data to form a reliable noise level at each wind speed up to 10m/s. The independent consultant shall thereafter forward to the local authority all data received together with a report setting out the independent consultant's conclusions as to whether or not the noise limit defined in condition 12 has been exceeded.

15. The measured noise level determined in accordance with condition 14 shall be corrected for any tonal content according to the methodology described in ETSU-R-97, *The Assessment and Rating of Noise from Wind Turbines*, at pages 104-106.

16. For all turbines a variation of their indicated position by up to 25 metres in any direction shall be permitted. A variation of greater than 25 metres shall only be permitted following the written approval of the planning authority.

17. The blades of all of the turbines shall rotate in the same direction when generating. The turbines shall not be illuminated in any manner other than aviation lighting as required by the Ministry of Defence.

18. Before any works start on site, details of the proposed arrangements for the appointment of an ecological clerk of works, including their experience, remit in terms of role and responsibilities and auditing and reporting of findings, shall have been submitted to and approved in writing by the Council, as planning authority. Thereafter, the ecological clerk of works shall be employed to oversee construction and environmental mitigation measures, where required, in accordance with the approved Construction and Environmental Management Statement and Habitat and Protected Species Management Plan.

19. Before any works start on site, the following details shall have been submitted to and approved in writing by the Council as planning authority, in consultation with the Ministry of Defence (Defence Infrastructure Organisation) as to;

- a. the date construction starts and ends
- b. the maximum height of construction equipment
- c. the latitude and longitude of the two turbines.
- d. details of the infrared aviation lighting to be installed.

The development shall be implemented in accordance with the approved details and the infrared lighting shall be maintained to ensure it remains operational on the

turbines for the lifetime of the development unless otherwise agreed in writing by the planning authority in consultation with the Ministry of Defence.

20. Prior to the erection of the turbines, a written scheme detailing a shadow flicker protocol for the assessment of shadow flicker in the event of any complaint from the owner or occupier of a dwelling shall be submitted to and approved in writing by the Council, as planning authority. The scheme shall also set out remedial action or mitigation measures necessary to overcome the occurrence of shadow flicker at a dwelling. Thereafter, the developer shall take such remedial action to overcome the occurrence of shadow flicker as agreed in writing with the planning authority.

21. Prior to the erection of the turbines, the developer shall conduct a baseline TV reception study and submit the results to the planning authority. Within 12 months of the wind farm becoming operational any claim by any individual person for TV picture loss or interference at their dwelling or other building shall be investigated by a qualified engineer, and the results submitted to the Council. If in the opinion of a qualified engineer any impairment to the TV reception is found to be attributable to the wind turbines, the developer shall remedy such impairment so that the standard of reception at the property is at least equivalent to the baseline TV reception.

22. Should any turbine cease supplying electricity to a local grid for a continuous period of 6 months (not due to it being under repair or awaiting replacement), then it will be deemed to be no longer required and unless otherwise agreed in writing with the Council, as planning authority, the wind turbine and all ancillary equipment shall be dismantled and removed from the site, with the ground fully reinstated in accordance with the decommissioning and reinstatement scheme, within the following 12 months of the deemed cessation date.

23. No symbols, logos or other lettering shall be displayed on any part of the wind turbines without the prior written approval of the Council, as planning authority.

24. Before any works start on site, details of the proposed measures to monitor the potential effect of turbine wake from Turbine 2 on the overhead powerlines within three rotor diameters to the east and the arrangements for undertaking any mitigation measures deemed necessary as a result of the monitoring, shall have been submitted to and approved in writing by the Council, as planning authority, in consultation with Scottish Power. Thereafter, the development shall be implemented in accordance with the approved details.

Reasons for Conditions

1. In recognition of the expected lifespan of the development and in the interests of safety and amenity once the plant is redundant.

2. In order to clarify the terms of the permission and ensure the development proceeds in an environmentally acceptable manner.
3. To enable the planning authority to monitor the development and to minimise the period of possible disruption to due to construction activities.
4. To protect the environment from the construction/ decommissioning of the development.
5. To avoid any adverse impacts on road safety, amenity and to the integrity of the Firth of Forth SPA and RAMSAR site.
6. To avoid any adverse impact on the integrity of the Firth of Forth SPA and RAMSAR site.
7. To ensure the amenity of nearby residents and visitors are adequately protected.
8. In the interests of visual amenity.
9. To minimise disturbance and safeguard the amenity of nearby residents.
10. To ensure that the restoration of the site is achieved after decommissioning.
11. To ensure sufficient funds are available to restore the site.
12. To control operational noise in the interests of residential amenity
13. To control operational noise in the interests of residential amenity
14. To control operational noise, in the interests of residential amenity.
15. To control operational noise in the interests of residential amenity
- 16: To ensure that any micro-siting is sensitively employed.
17. To minimise the visual impact of the turbines when operating.
18. To protect the environment from the construction of the development.

19. In the interests of aviation safety and visual amenity.
20. To protect the occupiers of nearby houses from the effects of shadow flicker.
21. To ensure that any effect on TV or radio reception is rectified.
22. In the interests of safety, amenity and environmental protection upon any such turbine becoming redundant during, or on conclusion of, the anticipated lifespan.
23. In the interests of visual amenity.
24. To avoid adverse impact on the adjacent overhead transmission lines.

APPENDIX 2 - SUMMARY OF CONSULTATION RESPONSES TO AMENDED APPLICATION

Consultee	Issues	Objection
SNH	<p><u>European and National Biodiversity Interests</u> - subject to the proposed mitigation measures, the proposal will not have an adverse impact on the integrity or notified features of the Firth of Forth Special Protection Area (SPA) and Ramsar site or the Firth of Forth Site of Special Scientific Interest (SSSI). This includes the potential impacts due to disturbance and displacement and collision mortality.</p> <p><u>Landscape and Visual Impacts</u> - the proposal would have adverse landscape and visual impacts on some local landscape features and views. The turbines would be out of scale with existing landscape character given their size in relation to existing vertical structures in the area, the perceived scale of the Ochils, and important features such as Clackmannan Tower. The turbines would be visible over a wide area of low lying carseland affecting views from nearby settlements, visitor attractions and some views towards the Ochil Hills. Cumulative landscape and visual impacts would occur with existing windfarm development in the hills and with the consented Beaully-Denny pylons.</p>	No
SEPA	<p>Concerned that the proposal may compromise the existing Waste Management Licence (WML) that covers the landfill with the site. Further information would be required to demonstrate that the conditions of the WML could be satisfactorily addressed including in relation to landfill gas management, leachate management and to the stability and settlement of the landfill due to the construction work. The development should incorporate SUDS.</p>	Yes
Scottish Government	<p>Review of ES carried out. No adverse comments.</p>	No
Historic Scotland	<p>Advises that the overall impact of the proposal on the scheduled monuments and Category A listed buildings and their respective settings, and</p>	No

	gardens and designed landscapes would not be significant. This includes Clackmannan Tower, Stirling Castle and Dunmore Park GDL.	
Coal Authority	Advise that the content and conclusions of the EIA in relation to risks from past coal mining satisfactorily demonstrate that the site is or could be made safe for the proposal. <u>Comment</u> : <i>A planning condition would be attached as recommended to ensure that the further site investigation work is carried out.</i>	No
H&S Executive	No comments	No
Scottish Power	Advise that turbine wake from Turbine 2 may cause deterioration of the transmission line due to its proximity to the line. Discussions with the developer has not reached agreement on monitoring and mitigation. <u>Comment</u> : <i>A planning condition would be attached to require the arrangements to monitor any impact to be agreed in consultation with Scottish Power.</i>	Yes
BAA Airports	No conflict with aerodrome safeguarding at Edinburgh Airport	No
National Air Traffic Service (NATS)	No conflict with its safeguarding criteria.	No
Ministry of Defence	No adverse impact on air traffic movements or air traffic control or radar installations. Advise that conditions be attached requiring that the turbines be fitted with aviation lighting (red lighting or infrared) and confirmation of the final location of turbines and the construction period.	No
Scotland Gas Networks	Satisfied no adverse impact on nearby high pressure lines	No
Roads and Transportation	Traffic Management Plan recommended to manage the impact of construction related traffic movements on the public road network.	No

Council's Museum and Heritage Officer	Advises that the archaeological assessment in the EIA is satisfactorily thorough and the conclusions sound. On site mitigation is unlikely to be required.	No
Environmental Health	<p>Independent consultant appointed to review the applicant's noise assessment. The consultant advised that:</p> <ul style="list-style-type: none"> • Turbine noise - the noise levels would not detract from the reasonable amenity of nearest residents. At worst, there may be a marginal loss of amenity at the closest houses within nearby settlements. The noise would comply with the recommended noise levels set out in ETSU-R-97. This could be regulated by using suitably worded planning conditions. • Low frequency noise - the available evidence suggests that this does not cause health problems. Satisfied no significant impact as the overall turbine noise levels are acceptable. • Effect on wildlife - no detrimental impact on wildlife in the river from noise or vibration • Construction noise - no significant impact if the proposed mitigation measures are complied with. This could be regulated by a condition. 	No
Waste Management	<p>Advise the site is subject to the condition of the WML regulated by SEPA. The Council is the licence holder. The licence would have to be amended by SEPA before the development could proceed.</p> <p>No objection in principle to the granting of planning permission.</p>	No
RSPB	<ul style="list-style-type: none"> • Concerns about the potential indirect impact on the SPA from leachate pollution to feeding areas from the Black Devon Landfill due to the development. They object to the application for this reason until the issue has been adequately addressed to the satisfaction of SEPA and SNH. 	Yes

	<ul style="list-style-type: none"> • Although the predicted collision risk for pink footed geese has been more than halved by the amended layout, the numbers (22 to 25) are likely to remain of concern to local people. One of the 2 turbines retained would pose a proportionately greater risk for bird strike to geese than the 2 that have been deleted and it would have been preferable if this turbine (proposed Turbine No 1) was removed. • If approved, consideration should be given to suggested mitigation, enhancement and monitoring measures contained in the annex to their earlier consultation letter dated 17 January 2011. 	
Falkirk Council	<p>Advise that:</p> <ul style="list-style-type: none"> • the proposal would have a significant adverse landscape and visual impacts from within Falkirk Council area, including Dunmore Village (which is a Conservation Area with listed buildings), South Alloa, the core path on the South side of the River Forth and surrounding roads. • the views of SNH on the ecology are fully taken into account. • from the data provided, the proposals should comply with the current noise guidance(ETSU-R-97) although at certain times noise from the turbines maybe audible in the Dunmore area. If granted a condition should be attached to require noise monitoring if a noise complaint is received. 	Yes
Fife Council	<p>Advise that;</p> <ul style="list-style-type: none"> • Fife Council's Wind Energy Supplementary Planning guidance indicates that the area closest to the site within Fife Council's area is an area where a development scenario of 2-5 turbines of between 50-150m in height may result in adverse effects on the 	No

	<p>landscape. A single turbine up to 100m may be acceptable.</p> <ul style="list-style-type: none"> • additional analysis of landscape impact is required comprising photomontages from the viewpoints near Saline and Kennet Pans. <u>Comment</u> : <i>This information was provided by the applicant and no further comment has been received.</i> 	
Stirling Council	<p>Advise that although the reduction in the number and height of turbines proposed would be an improvement on the original proposal, the proposal would still result in;</p> <ul style="list-style-type: none"> • intermittent but significant detrimental landscape and visual impacts on the low lying carse landscape and from locations in Fallin and Throsk, and the focal points of Stirling Castle and the Wallace Monument. • significant cumulative landscape and visual effects particularly associated with introducing large turbines into the carse landscape which would break the existing pattern of windfarms in the hills and with the consented Beauly to Denny powerline. • They also advise that Stirling Council's Interim Locational Policy and Guidance for Renewable Energy Developments (Wind Turbines) adopted in March 2011 states that the capacity of the area to accommodate additional large (80-110m) or very large (>110m) turbines is severely limited, albeit the area closest to the proposed site is identified as an "Area of Search for turbines up to 110m in height". This area includes the carse north of Cowie, including Fallin, Throsk and Bandeath Industrial Area. 	Yes
Alloa CC	<p>Raise concern about the proximity of the development to the built up area, the impacts from noise, shadow flicker, landscape impact, and existing landmarks such as Clackmannan Tower. The development would frustrate the efforts to attract investment and people. The development would adversely affect ongoing work to enhance the surrounding area as a natural asset. There is</p>	Yes

	a conflict of interest arising from the Council's position as the planning authority and as a financial beneficiary from the development. Further time should be given to allow the C.C. to undertake public consultation. <i>Comment The Service agreed to an extension to the statutory publicity period to allow a public meeting to be held and further comments to be submitted.</i>	
Clackmannan CC	Advise that the benefits associated with the amount of renewable energy produced would not outweigh the adverse impacts associated with noise, shadow flicker, health and well being of nearby residents, deterring visitors to the area and its proximity to residential properties.	Yes
Dollar CC	The proposal would adversely affect historic and natural heritage interests, would be too close to residential properties and would detract from landscape character. If permission is granted the turbines should not exceed 45m in height from base to tip.	Yes
Alva CC	Concern about the adverse landscape and visual impacts, including on the Ochil Hills and Clackmannan Tower; the impact to visitors as they approach the area; the effect on wildlife on the River Forth; the effect on the health of residents within 2km; and the absence of benefits to residents.	Yes
Airth Parish CC	Has objected on behalf of the residents in Dunmore and South Alloa. The key concerns are; <ul style="list-style-type: none"> • adverse impact on the setting of the Dunmore Village Conservation Area and the listed buildings. • noise impact 	Yes
Dunmore Village Association	Advise that the proposal would have adverse impacts due to its proximity to settlement some of which lie within the recommended 2 km buffer zone recommended by the Scottish Government, noise, including low level noise, shadow flicker, the risks to birds from pollution from the former landfill, the landscape and visual impact from this development on the setting of Dunmore Conservation Area, other historic cultural heritage interested including Clackmannan Tower and the	Yes

	Ochil Hills, the effect on property prices and the development would be contrary to local and national policy guidance.	
Visit Scotland	Advise that it is for the local planning authority to assess the merits of a particular proposal and take account of any tourist interests. They have highlighted findings of research into the likely economic impact (positive or negative) of Scottish Government priorities for wind energy on Scottish Tourism. This research published in 2008 concluded that wind farm developments have a minimal impact of tourism.	No

APPENDIX 3 - SUMMARY OF THIRD PARTY REPRESENTATIONS

1.0 Introduction

- 1.1 A total of 182 objections have been received from individuals and groups. The main points of concern have been summarised below. A summary of the points raised in the letter of support is then provided.
- 1.2 Our comments on the concerns have only been provided where there are not discussed in the main body of the report.

2.0 Summary of Objection Comments

- 2.1 The main concerns raised by objectors can be summarised as follows:

a. The development on a former landfill could result in the release of pollutants to air, land and water. This could harm the health of nearby residents, pose a safety risk and could pollute adjacent wetland areas.

Comment: This concern has been raised by several of the objectors and it is discussed in more detail in Section 6.0 and Appendix 4.

b. The water table may be affected and may cause on site flooding or affect the drainage system for the Alloa Park development. *Comment: The EIA indicates that the most significant phase in terms of potential effects on hydrogeology would be the construction phase. The information provided by the applicant indicates that the development would not pose a significant risk in terms of flood risk or the hydrogeology of the area.*

c. The risk to the stability of the turbines due to the historic uses on the site including the landfill and previous coal mining. *Comment: The Coal Authority has confirmed that they are satisfied with the recommendations in the EIA to manage and mitigate the risk from historic coal workings within or close to the development. The design and construction of the turbines would be the subject of further detailed analysis to address the issues raised by SEPA in its consultation response. These issues could effectively regulated by planning conditions to ensure that no development can commence until the further details have been submitted to and approved by the Council, in consultation with SEPA and the Coal Authority.*

d. The operation of the proposed turbines would result in blade collisions with birds attracted to the wetland areas. The development would reduce

wildlife habitat. *Comment: This concern was raised by 62 of the objectors, primarily residents in Dunmore and Alloa. This is discussed in Appendix 4. The area required to accommodate the hardstandings and turbines is currently grassed areas within the landfill site. The area would not have a significant impact on the biodiversity value of the site.*

e. Adverse impact from noise due to both audible and sub audible noise. *Comment: This issue has been raised by over 50 objectors, 22 of which live in Dunmore and 16 in Alloa. This issue is discussed in Appendix 4.*

f. Adverse visual and landscape impact of the development. The proposed turbines would be close to homes and settlements with over 1000 houses being within 2km of the development. There is Scottish Government guidance that recommends that there should be a 2km buffer around towns and villages. The development would have an adverse impact on the existing landscape character and on views towards important features, including the Ochil Hills, Clackmannan Tower and the Wallace Monument. The adverse impacts would detract from the objectives of the Ochils Landscape Partnership. The site is inappropriate for this type and scale of development. *Comment: The concern over visual impact was raised by over 85 objectors and 60 objectors referred to the 2km buffer issue. 31 of the representations were received from residents in Dunmore, 25 from Alloa, 7 from Clackmannan, 5 from rural Falkirk and 22 from outside the local area. These issues are discussed in Appendix 4 and paras 7.4 and 7.5.*

g. The development could adversely affect the health of residents in the area due to the effects from turbine noise and emissions from the former landfill site. There is also a risk of ice throw from the blades. *Comment: These concerns were raised by approximately 35 of the objectors, mainly from residents in Alloa and Dunmore. The independent noise consultant has advised that noise is not expected to result in any adverse impact on health, based on the available evidence. The proposed conditions and Waste Management Licence controls would ensure that any risks to the environment from emissions from the landfill due to the development would have to be satisfactorily addressed before work could start on site. The applicant predicts the maximum potential distance of ice throw from blades would be 188 metres. The risk can be minimised by the applicant by it monitoring ice risk conditions, installing de-icing systems to the turbines and providing warning notices. It is concluded that, based on the information and advice presented and the scope of the proposed conditions, there would be insufficient grounds to withhold permission based on the concerns on public health.*

h. The development would have an adverse impact on built and cultural heritage interests, including the historic setting of Dunmore Outstanding Conservation Area and Clackmannan Conservation Area and Tower. *Comment: This issue was raised by approximately 20 objectors including residents within Alloa, Clackmannan and Dunmore. This issue is discussed in Appendix 4.*

i. The Council objected to a proposed windfarm near Saline which was of similar scale so how can it support the proposal. *Comment: firstly, every application has to be considered and determined on its individual planning merits. The recommendation by this Service on the planning application was not to object to the application but rather, to identify a number of issues which were considered had not been adequately addressed by the application. The Planning Committee subsequently decided to object to the application. The proposal was for 4 turbines at 125m in height from ground to blade tip. The current application is for 2 turbines at 106m in height.*

j. The Council has a financial interest in the development and therefore has a vested interest in granting permission. *Comment: This was raised by 23 objectors. It is the case that the Council would benefit financially from the proposed development from income from the lease of the land and possibly from a proportion of the energy produced by the turbines. However, the Service's assessment of the planning application and recommendations to Committee is based on the planning merits of the proposal only notwithstanding the implied concerns over partiality expressed by a small number of objectors. Following our initial assessment, the applicant has amended the development and reduced the number of turbines (from 4 to 2) and the height of the turbines from 125m to 106m. The assessment and determination of the application accords with the relevant regulations and there is no requirement to notify the application to Scottish Ministers in the event that the Committee is minded to grant permission.*

k. The proposal would have an adverse impact on the tourism industry in Clackmannanshire and around. *Comment: Visit Scotland were consulted on the application. They have highlighted the results of research undertaken on behalf of Scottish Government on whether the Government priorities for wind farms in Scotland are likely to have an economic impact (positive or negative) on Scottish tourism. The results published in March 2008 concluded that wind farm developments have a minimal impact on tourism, with 97% of those surveyed saying wind farms would have no impact on their decision to visit Scotland again. On balance, it is considered that there are insufficient grounds to conclude that the proposals would result in a quantifiable detrimental impact on tourism development in the area given:*

- *Visit Scotland raised no objection. No tourist visitor related attraction has objected.*
- *our conclusions on the significance of the visual impact of the development on the main visitor attractions in the area, including Alloa Tower, Stirling Castle, Wallace Monument, The Pineapple and Dunmore Park, Falkirk Wheel and Clackmannan Tower*
- *the weight that can be attached to the impact on more local resources, including the core paths on both sides of the River forth, albeit the development is likely to have major to moderate impacts.*
- *the findings of the research to date on the likely impact of wind turbines on tourism*

l. The development, if approved, could set a precedent for more wind energy development in the lowland area, either as an extension to the current proposal or elsewhere. Comment: *Every application has to be considered on its individual planning merits. Any subsequent application within the Council area would have to be assessed against relevant Development Plan policies and the acceptance of the likely environmental impact, including any cumulative impacts. In terms of the current site, the application has been amended to reduce the number of turbines from 4 to 2.*

m. There is no community benefit but the Council will benefit financially. Comment: *The applicant has confirmed that there would be indirect economic benefits locally during the construction phase. Details of the proposed provision of "community benefit" is provided in Para 3.4 of the main report. It should be noted that these "community benefits" would not constitute a material planning consideration in the determination of the application.*

n. Potential disruption to TV reception. Comment: *The applicant has stated that it would ensure that any television or radio interference resulting as a direct effect of the development would be resolved through technical solutions such as an alternative distribution system or re-orienting affected aerials to another transmitter. This approach accords with relevant advice in PAN62 Radio Telecommunications and could be regulated using a planning condition.*

o. Shadow flicker effect. Comment: *this issue was raised by 15 objectors. Following the amendment to the application, the number of properties which may potentially be at risk from shadow flicker has reduced from 350 to one. The property (Park Farm) is outwith the likely zone of influence (10 rotor diameters) by 13 metres. However it would be possible to attach a planning condition to regulate any impact and require the mitigation measures contained in the EIA. No properties within Falkirk Council area would be at risk of shadow flicker.*

p. The application has not been fully and fairly publicised to parents and carers of pupils at Alloa Academy. Comment: *This issue was raised by 11 objectors. The application has been publicised in accordance with the regulations and it is considered that the consultation and publicity undertaken by the applicant and organised by the Alloa community Council has resulted in sufficient and fair publicity for the local community. The amended application has increased the distance from the Academy to the nearest turbine from approximately 680m to 1460m.*

q. The development would adversely affect property prices in the area. Comment: *This issue was raised by 16 objectors. This is not a material planning consideration in the assessment of the application.*

r. The turbines could adversely affect aviation radar and the nearby overhead electricity transmission lines. *Comment: None of the aviation bodies consulted have objected to the application. Scottish Power had submitted a holding objection but it is considered that a condition could be attached requiring approval of measures for the proposed monitoring and mitigation of any significant impact by the applicant*

s. Wind energy is not an efficient or effective technology. *Comment: The intermittent nature of energy production by wind turbines would not in itself justify withholding consent. SPP states that wind energy will make the most substantial contribution towards meeting renewable energy targets.*

t. There would be potential light pollution from aviation lights fitted on top of the nacelle. *Comment: The MOD has recommended that the turbines be fitted with lighting in the interests of air safety. However, this could comprise infrared lighting which would not be visible to the human eye, and a suitably worded condition is attached.*

u. Smaller turbines would be better. *Comment: the amended scheme has reduced the height of the turbines to 106m (15% reduction) and the number to two (50%). The applicant has indicated that this would be the smallest practicable and viable size available to them. The application has to be judged on the merits of the submitted proposal.*

3.0 Summary of Supporter's Comments

3.1 The main issues raised can be summarised as follows:

a. The amended application is more applicable than the previous scheme. *Comment: The changes have been outlined in paragraph 3.12 in the report. While the changes have been submitted to mitigate impacts, the application has to be considered on its own merits.*

b. Other areas have not experienced the problems highlighted by objectors. *Comment: The concerns have been examined and addressed in the report.*

c. The proposal would attract investment to the town.

APPENDIX 4 - SUPPLEMENTARY DEVELOPMENT PLAN ANALYSIS

1.0 Detailed Consideration of Key Impacts

- 1.1 The consideration of key impacts resulted in the applicant amending the application to reduce the number and height of the proposed turbines. The report addresses the assessment of the amended proposal although reference is made to changes from the original development where change is considered to comprise mitigation which helps achieve an acceptable impact.

Built Heritage and Archaeology

- 1.2 The site comprises previously disturbed ground and there is no known cultural heritage interest within the site. The wider study area in the EIA identifies a number of sensitive features including scheduled monuments, listed buildings, Gardens and Designed Landscapes and Conservation Areas. The proposal may have an indirect impact on the setting of these features due to its visual impact. A summary of the assessment in the EIA and the statutory consultation reply from Historic Scotland is provided below:

Feature	EIA Significance of Effect	Historic Scotland Significance of Effect
Clackmannan Tower	Moderate/Adverse	Moderate/Adverse
Alloa Tower	Moderate/Adverse	No Significant Impact
The Pineapple	Neutral	No Significant Impact
Parkmill Cross Slab	Slight/Adverse	No Significant Impact
Stirling Castle	Slight/Adverse	No Significant Impact
Dunmore Park and The Pineapple GDL	Both Neutral	No Significant Impact
Clackmannan Conservation Area	Slight/Adverse	Consultation does not cover this impact
Old Alloa CA	Slight/Adverse	Consultation does not cover this impact
Dunmore Village CA	Slight/Adverse	Consultation does not cover this impact

- 1.3 Historic Scotland advise that the development would not impact on the key views from Clackmannan Tower and its setting is already affected by the existing tall transmission lines. The turbines would be more prominent in views from the Tower and therefore would have a moderate adverse impact. The overall significance of the impact would not warrant an objection.
- 1.4 The Council's Museum Officer has reviewed the archaeological assessment and has advised that the study and the significance of the impacts are generally sound and appropriate. On site mitigation is unlikely to be required.

- 1.5 A number of objectors, mainly residents from Dunmore, Falkirk Council, Airth Parish Community Council and Dunmore Village Association have raised concern about the adverse impact of the development on the setting of Dunmore Village Outstanding Conservation Area due to the height and location of the turbines. We conclude that the sense of enclosure within the Conservation Area; from its focus around the village green; the vegetation to the northern boundaries; and its relationship to the surrounding Dunmore Estate to the west forms key parts of its character. While we consider that the development would have a significant visual impact when visible from the village or in conjoined views from the A905, this would not have a significant adverse impact on the setting of the Conservation Area in terms of the overall impact on how its historic significance would be understood or appreciated.
- 1.6 We concur with the EIA that the predicated slight adverse impact on the Antonine Wall which is a World Heritage Site is acceptable.
- 1.7 Although Stirling Council and SNH advise that the proposals would adversely affect the setting and focus of Stirling Castle and the Wallace Monument, we agree with the conclusion of the EIA and Historic Scotland that it would not have a significant adverse impact due to the distance between the site and these features and also that the proposals would be seen in the context of man made features in the views to and from this site.
- 1.8 In conclusion, the proposal would not result in any unacceptable adverse impacts on built heritage interests.**

Noise Impacts

- 1.9 The noise assessment undertaken in the EIA has been carried out based on the guidance in "ETSU-R-97 - The Assessment and Rating of Noise from Wind Farms". National policy guidance states that this methodology should be used by planning authorities to assess and rate noise from wind energy developments. This gives indicative noise levels thought to offer a reasonable degree of protection to wind farm neighbours.
- 1.10 In view of the specialised nature of the assessment of noise from wind turbines of this scale, advice was sought from an independent noise consultant who carried out a review of the noise assessment. This review concluded that:

In relation to the original application;

- on the basis of the information available, the significance of the effect from turbine noise on the nearest residents will be substantial. Further details are required to satisfactorily demonstrate that the ETSU noise limits would be met.
- the "swish" from the turbine blades would be noticeable from the nearest houses in Alloa

In relation to the amended application;

- the predicted turbine noise levels at surrounding noise sensitive properties would comply with the requirements of ETSU-R-97, in line with Government guidance
- the turbine noise levels at surrounding noise sensitive properties would result in no more than a marginal loss of amenity at any property having regard to existing background noise levels, although the turbines would be heard at certain times
- the attachment of a suitably worded condition would protect the reasonable amenity of residents including those residents across the River Forth who have raised concerns about the effect of transmission across the water. This would be consistent with the relevant consultation comments from Falkirk Council
- low frequency noise (infrasound with a frequency below 20Hz and low frequency sound between 20Hz and 200Hz) is not expected to raise any specific noise problem if the overall noise levels are acceptable. Contrary to the concerns expressed by a number of third parties, the available evidence suggests that low frequency noise does not cause health problems
- the potential impact from Amplitude Modulation (AM) (blade swish) would not be significant. This includes consideration of the comments on AM raised by objectors. Most cases of AM become not noticeable between 250m to 750m.
- there would be no significant impact from turbine noise on school premises in the area
- the effect of vibration or underwater noise caused by vibration in the River Forth would not have a detrimental impact on wildlife in the river
- subject to the proposed mitigation regulating the hours of operation, construction noise should not have an unacceptable impact on residential amenity.

1.11 The independent specialist noise consultant has advised that the proposal would accord with the relevant noise standards contained in Government guidance and that the predicted noise levels would have no more than a marginal effect on the amenity of neighbours, although the turbines would be heard at times. We conclude that there would not be sufficient grounds to withhold permission based on this advice.

Shadow Flicker

1.12 An assessment of shadow flicker has been undertaken as part of the EIA. Following the amendment to the scheme, there are no houses located within a distance of ten rotor diameters of the turbine (820 metres), which is the zone within which the effect is predicted to occur according to Government guidance. The applicant has carried out an assessment for the nearest house which is located 833 metres away as a precautionary measure. This predicts that if the property was affected, the effect would occur for a short period (up to 8 hours per year) but this could be satisfactorily mitigated as set out in the

ES. This could be regulated using a suitably worded planning condition. It should be noted that approximately 350 properties would have fallen within the potential zone of influence for the original proposal.

1.13 The proposal would not result in any adverse impact due to shadow flicker.

Aviation Interests

1.14 The proposal has been assessed in relation to potential conflict with national air traffic control and the safeguarding interests of Edinburgh airport. No objections have been received.

1.15 The Ministry of Defence has no objection but advises that the nacelles be fitted with lighting in the interests of air safety. This could be achieved using infrared lighting which would not affect visual or residential amenity. This could be regulated using a suitably worded condition. **There would be no adverse impacts on aviation interests.**

Traffic

1.16 The main impact on public road safety would arise during the construction phase of the development when the large turbine component would be delivered and materials imported to form the turbine foundations, the hardstandings and upgrading of the access tracks.

1.17 The main elements would involve:

- the delivery of the large components via the A876, the A907, Devon Road and Forth Crescent. This would equate up to up16 deliveries
- the delivery of approximately 1500 cubic metres of concrete for the turbine and building foundation works
- the delivery of approximately 7,000 tonnes of aggregate and 5,000 tonnes of sand from local quarries
- the importation of material would comprise 100 HGV movements in months 1 & 6 and 200 movements in months 2, 3 and 4. This is the equivalent of 5-10 movements on average per day.
- construction workers travelling to and from the site by car and minibus
- other HGV traffic movements would equate to 11 movements on average per day

1.18 There have been no objections from the Trunk Roads Authority or the Council's Roads and Transportation Unit. The road safety and environmental construction traffic impacts on the surrounding public road network could be satisfactorily managed through a Traffic Management Plan. This would include delivery times and routing.

1.19 It is concluded that, subject to the Traffic Management Plan, there would be insufficient grounds to withhold permission due to the impact of traffic having regard to the temporary nature of the impact and the

established use of the access road by HGV traffic associated with the lawful uses at Forthbank.

Landscape Impact

- 1.20 The proposed wind farm is not located within any protected landscape. The site is located within the Lowland River Valleys landscape character type and the "Carse of Forth East of Stirling, Unit D2" landscape character sub area as classified by the Stirling to Grangemouth Landscape Character Assessment. The document describes the character as:

"generally a very open, unenclosed, flat landscape in which buildings and other landscape features, such as the rare hill are conspicuous"

The main examples of these buildings and landscape features include;

- the Kincardine and Clackmannanshire Bridges
- the various transmission line pylons that cross the Carse
- the urban area of Alloa and other villages
- Clackmannan Tower

Outwith the sub area lies;

- Stirling Castle and the Wallace Monument
- The petro chemical complex at Grangemouth
- the Ochil Hills

The landscape close to the site is characterised by infrastructure including pylon lines, chimneys, stacks and roads. These include:

- a double pylon line running east-west to the north of the site. The pylons are approximately 58m in height.
- 4 pylons carrying the line over the Forth at Alloa at 78m in height.
- 4 chimneys at the glassworks in Alloa which measure 70-80m in height
- 2 pylons at the Clackmannanshire bridge which are approximately 137m and 154m in height
- the chimney at Longannet Power Station which is 180m in height

- 1.21 Given the scale of the turbines proposed, up to 106 metres to blade tip, they would become a significant element in the local landscape in some views. This is recognised in the landscape advice from SNH and by the applicant's landscape assessment which states that there would be a significant effect on landscape character within 2km of the site but that impact would be less significant beyond this distance. However, the impact would be tempered by

the existing man made infrastructure features and the context of the site within the urban fringe of Alloa. The introduction of turbines would not therefore re-define the character of the landscape area. While the scale of the turbines would exceed existing vertical elements nearby, as highlighted by SNH, the design would reflect the existing pattern of linear boundaries and pairs of pylons crossing the Carse.

1.22 In conclusion, while the proposals would be a prominent element in the local landscape, they would not result in unacceptable impact on the landscape character of the Carse as a whole having regard to:

- **the effect of existing vertical structures located across the Carse on the perception by residents and visitors**
- **the localised nature of the most significant impacts and magnitude of change**
- **the established pattern of industrial development located along parts of the River Forth**
- **the absence of significant harm on key views across the Carse including to and from Clackmannan Tower, Alloa Tower, Stirling Castle, the Wallace Monument and the Clackmannanshire Bridge**
- **the absence of any significant adverse effect on any designated landscape areas**

Visual Impact

1.23 The applicant's Visual Impact Assessment includes details of the predicted theoretical Zone of Theoretical Visibility (ZTV). This shows that the turbines would be visible from:

- most places within 5km of the site including from parts of Alloa, Clackmannan, Falkirk, Airth, Dunmore Village and from areas such as Cowie and Stirling. Visibility would extend over many places up to 10km away although some views would be screened by buildings and vegetation
- the higher peaks of the Ochils, some 7-10km to the north
- a number of cultural and visitor attractions including Stirling Castle (11 km), the Wallace Monument (10 km), Clackmannan Tower (1.5 km), Alloa Tower (1.7km) and parts of the conservation areas at Old Alloa and Alloa Glebe, Clackmannan and Dunmore Village
- a number of core paths including to the north of the site and along the south side of the River Forth and from National Cycle Route 76

It should be noted that the ZTV does not take account of buildings or vegetation which may screen or partially screen views to the site.

1.24 The EIA acknowledges that in some views the turbines would have a significant visual impact, including open views from Clackmannan Public Park

and adjacent to the River at Dunmore Village. The impact would diminish in longer range views and by the screening effect of vegetation and buildings.

- 1.25 Although significant visual impacts would be experienced in proximity to the site, the existing views from many of the settlements, houses and roads are already influenced by the existing man made vertical elements including pylons and chimneys. These would reduce the contrast and magnitude of change that would occur with the introduction of the two turbines. We have reached this conclusion having taken account of SNH's comments about the turbines being 30-50% taller than the nearest tall structures, their movement, and that the magnitude of change is underestimated in the EIA analysis for some viewpoints.
- 1.26 **However, we are not persuaded that the turbines would detract from established views or visual amenity to an unacceptable degree having regard to:**
- **the mitigating effect of the existing man made vertical features which comprise a significant element in views from and across the area experienced by residents and visitors**
 - **the mitigating effects in views from residential areas due to vegetation/wooded areas (South East Alloa, parts of Dunmore Village, Fallin), orientation of properties (Dunmore Village, Clackmannan), backclothing by the Ochils (Airth)**
 - **the acceptable level of impact on views to and from historic properties and their settings due to orientation (Clackmannan Tower), proximity (Alloa Tower, Stirling Castle, Wallace Monument), screening (Dunmore Park and The Pineapple, Antonine Wall)**
 - **the extent to which the key views across the Carse of existing focal points of interest such as the castle and towers would not be interrupted or significantly diminished by the proposed turbines**
 - **the intermittent impact on views from surrounding roads due to the varying fields of view and vegetation**
 - **the mitigatory effects on locally designed landscapes including the Ochils AGLV due to the intervening distance (7-10km), the portion of view that would be affected in longer views to the hills, and the existing man made elements visible in views south from the Ochils.**

Cumulative Landscape and Visual Effects

- 1.27 Both Development Plan and national policy guidance require the potential cumulative visual impacts to be assessed. The location of other relevant wind energy developments are shown on Plan 2.
- 1.28 SNH advise that in terms of cumulative impact the most relevant projects are Braes of Doune, Earlsburn, Craigengelt, Burnfoot Hill and Greenknowes.

Approval has also recently been given on appeal for 4 turbines (125m in height) at Todhill to the west of Larbert.

- 1.29 We agree with the conclusions of the EIA that the proposal would not result in any significant adverse impact on landscape resource due to cumulative effects with other wind energy developments.
- 1.30 The nearest existing wind farms visible from the site and its environs are approximately 20km away at Craigengelt and Earlsburn. Braes of Doune is 25km distant. Development has been approved at Todhill Farm (9km) and Asda, Falkirk (11km). The EIA confirms that there would be cumulative effects in combination and succession as a result of the proposal but these would not be significant due to the effect of the intervening distance, the screening effects of landform and vegetation or field of view. We agree with these conclusions. SNH has highlighted that the impact would be exacerbated since the proposal would break with the existing pattern of wind farm development which is one where turbines are located in the hills. However, developments have been approved at Todhill Farm and Asda, Falkirk which also break with this pattern. Therefore, we do not consider that this principle would justify withholding permission given the absence of any significant cumulative impacts between the proposal and the existing sites, or on residents or other sensitive viewpoints.
- 1.31 The introduction of the Beaully-Denny pylons (53-66m in height) has the potential to create a cumulative impact with the proposals. The most significant cumulative views identified in the ES would be from the west including from the Wallace Monument and Cowie. It is not considered that the cumulative effect of the proposal with the pylons would be sufficiently detrimental to justify withholding permission. Any sequential impact would be mitigated by the impact of existing pylons in the area.
- 1.32 We are satisfied that the development would not result in unacceptable cumulative impacts that would justify withholding permission**

Habitat and Ecology

- 1.33 The EIA has considered the potential impact of the proposals during the construction and operational phases on habitat and ecological interests within the site and in the area which may be affected. This includes the international sites designated for birds and other interests in the Firth of Forth SPA and Ramsar and SSSI which, at its nearest, lies 720m from the site. This has concluded that:
- the development would not have any significant adverse impact on European and UK protected species, including otter and bats subject to the proposed mitigation measures which could be regulated by planning conditions
 - in terms of ornithology, the potential risks of disturbance to birds during construction work could be mitigated by restricting construction work to between April-September, to avoid passage and winter periods when populations are at their highest

- during operational periods, the effect of potential disturbance on birds would not be significant. There would be a risk of collision of birds with the turning blades. The effect on most species would be negligible apart from pink footed geese which may fly through the site. Up to 25 geese may collide with the turbines each year however this represents well below 1% of the number of geese wintering on the Firth of Forth. This impact would not be significant

1.34 SNH has advised that subject to the proposed mitigation measures and compliance with the requirements of SEPA, it is satisfied that the proposal would not adversely affect any statutory designated sites or protected species. The RSPB has advised that the proposals would be compatible with the management of the Black Devon Wetland area to the north of the site. However, they object about the adequacy of the information on the potential risks from leachate pollution from the landfill site since this could indirectly impact on ecological interests in the area. We are satisfied that subject to a suspensive planning condition which would prevent work commencing until the details have been submitted and approved and the regulatory restrictions that apply to the site through the Waste Management Licence, regulated by SEPA, the risks would be sufficiently managed to allow permission to be granted.

1.35 The Firth of Forth SPA/Ramsar site is classified partly for its internationally important wintering bird populations. This status means that the requirements of the Conservation (Natural Habitats & c) Regulations 1994, as amended (the "Habitats Regulations") apply. This requires the Council to undertake an appropriate assessment of whether the proposal would adversely affect the integrity of the protected site or its qualifying interests. This assessment has been carried out using the information provided in the EIA, including a report on the potential impacts on the SPA/Ramsar (Appendix 12.2 of original EIA), and having regard to the advice provided by SNH, who have also carried out an appropriate assessment of the proposal. We are satisfied that granting of permission for the proposals would not adversely affect the integrity or qualifying interests of the SPA/Ramsar site having regard to:

- the advice from SNH that the proposal would not adversely affect the integrity of the SPA/Ramsar, subject to the proposed mitigation measures to minimise disturbance and displacement of species set out in the ES and to the satisfaction of the issues raised by SEPA; which would be regulated using planning conditions.
- the predicted significance of collision mortality on qualifying species
- the predicted effects of the development alone and in combination with other related developments in the area
- the potential risks associated with pollution from the landfill as a result of construction works would be regulated through the Waste Management Licence (WML) regime which applies to the landfill. A suspensive planning condition is considered to comprise a proportionate and effective precautionary approach since it would prevent construction work commencing until the details required by SEPA have been submitted and approved in writing in consultation with SEPA. **However, development of the landfill could not start until**

the licence holder had obtained approval from SEPA to vary the existing WML and associated Working Plan.

- 1.36 We are satisfied that, subject to the proposed mitigation, the development would not result in an unacceptable adverse impact on ecology and protected species.**

Former Black Devon Landfill

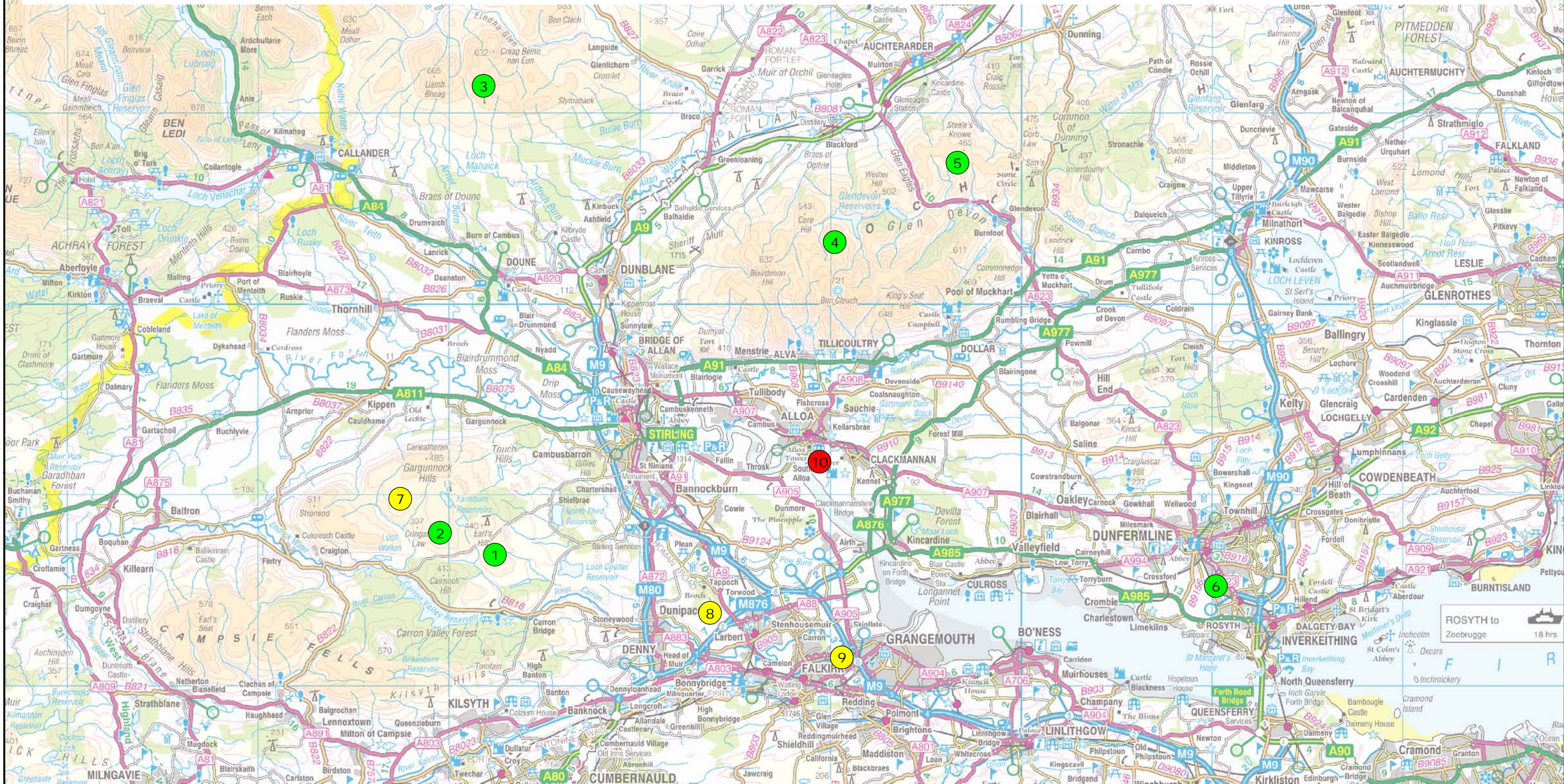
- 1.37 The proposed turbines would be installed on the former landfill site. The impact of the development on the integrity of the existing landfill is the key issue relating to potential pollution and interaction with hydrogeology in the area. The applicant has advised that the turbines would be supported by piled foundations. The piling would have to pass through the landfill cap and waste material into the underlying strata. Each turbine foundation would sit on top of a pile cap. The design would include techniques to ensure the landfill site remains contained and landfill gas and leachate would not escape to air, ground or water.
- 1.38 The landfill is covered by a WML which places a statutory obligation on the licence holder (Clackmannanshire Council) to operate and maintain the landfill in accordance with the conditions and a Working Plan to prevent pollution from the waste materials. This licence is regulated by SEPA. SEPA has objected to the application on the grounds of lack of information in respect of the impact of the construction works on the landfill and the terms of the existing WML in relation to landfill gas management, leachate management and stability and settlement of the landfill. The applicant has acknowledged that it would have to address these issues and satisfy SEPA but would undertake the detailed design work once the planning position has been established. Notwithstanding the objection from SEPA, we consider that this would not prevent a conditional planning permission being granted to approve the development given that:
- the applicant has confirmed it would prepare and submit the required detailed design work to SEPA for its approval as part of the details to be included in the Construction and Environmental Management Statement and Site Waste Management Plan. The applicant is confident that a technical solution can be submitted which would satisfy SEPA. The submission and approval of these Plans in consultation with SEPA could be made a requirement of suspensive conditions attached to the planning permission
 - the outstanding information principally relates to the operational requirements regulated by the WML. Therefore, the development could not proceed until SEPA has approved the details to allow the WML to be amended
 - the above approach would represent a sufficiently proportionate and effective way to manage the potential risks associated with pollution from the landfill site based on the regulatory controls that apply
- 1.39 We are satisfied that other related issues including flood risk, surface water management or the hydrogeology and geology of the site has been

satisfactorily addressed subject to the proposed mitigation and planning conditions.

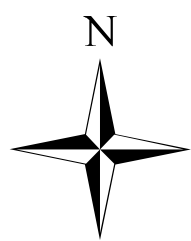
- 1.40 **We are satisfied that subject to the proposed conditions, and given the regulatory role of SEPA to control pollution risks from the landfill through the WML, there would be insufficient grounds to withhold planning permission.**

10/00288/FULL - Former Black Devon Landfill Site Alloa Clackmannanshire FK10 1DA

Erection And Operation Of 2 No. Wind Turbines and Anemometry Mast, With Associated Access Roads, Hardstanding Areas And Control Building



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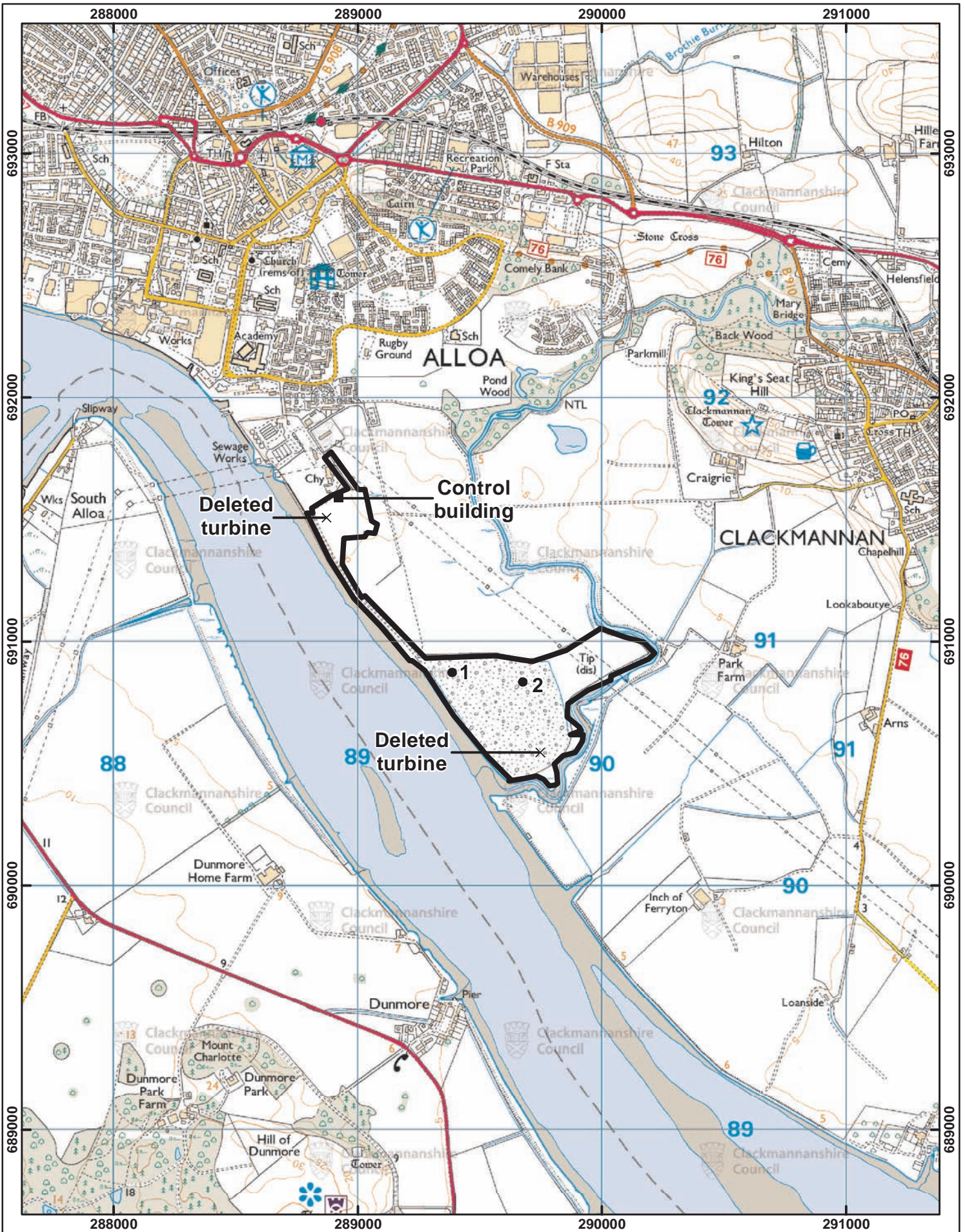
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- Application Site
- Approved site
- Approved Non-Operational

Number	Operational Site	Distance (km)	No. of Turbines	Height (m)	Status
1	Craigengelt	18	8	125	Approved
2	Earlsburn	20	15	110	Approved
3	Braes of Doune	25	36	100	Approved
4	Burnfoot Hill	11	13	102	Approved
5	Greenknowes	17	18	95	Approved
6	FMC Technologies, Dunferm	22	1	100	Approved
7	Earlsburn North	21	9	115	Approved Non-Operational
8	Todhill Farm	9	4	125	Approved Non-Operational
9	ASDA Depot, Falkirk	11	1	120	Approved Non-Operational
10	Forthbank	145	0	106	Not Approved

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Date:
17-Aug-2012

10/00288/FULL - Former Black Devon Landfill Site, Alloa
Erection And Operation Of 2 No. Wind Turbines And Anemometry Mast,
With Associated Access Roads, Hardstanding Areas And Control Building

Ward: Clackmannanshire South

OS Grid Ref: NS 89

Scale: 1:20,000



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