

Inverclyde Local Review Body

Our Ref: 12/0085/IC

REVIEW DECISION NOTICE

Decision by Inverclyde Local Review Body (the ILRB)

- Site address: Kellybank Cottage, Kelly Road, Wemyss Bay
 - Application for Review by VG Energy Ltd on behalf of Mr Alistair McIntyre against the decision by an appointed officer of Inverclyde Council
 - Application Ref: 12/0085/IC
 - Application Drawings: Proposed meter house elevations
View point location from Blaeberry Hill
View point location from Wemyss Bay Port
Wireframe from Cairn
Wireframe from White Hill Cairn
Wireframe from 17 Brueacre Drive, Wemyss Bay
Drawing No. P50/24 - turbine dimensions
Drawing No. A0001
Turbine location plan
 - Site Inspection took place on 4 January 2013
 - Date of Review Decision Notice: 28 January 2013
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Decision

The ILRB upholds the decision to refuse planning permission for the reasons given below and dismisses the review. Attention is also drawn to the Advisory Notice at the end of this Review Decision Notice.

1. Introduction

- 1.1 This Notice constitutes the formal decision notice of the ILRB as required by the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2008.
- 1.2 The above application for planning permission was considered by the ILRB firstly at a meeting held on 5 December 2012. The ILRB was constituted by Provost R Moran, Councillors T Loughran and J McColgan. At that meeting, the members of the ILRB decided that they wished to carry out a site visit before making a decision in respect of this matter. The meeting was adjourned to allow a site visit to be carried out and said site visit took place on 4 January 2013. The ILRB reconvened on 9 January 2013 to determine the matter. The ILRB on 9 January 2013 was constituted by Provost R Moran (Chair), Councillors T Loughran and J McColgan.

2. **Proposal**

- 2.1 The application proposal is for planning permission for the erection of two 33M high wind 50KW turbines with associated works including two 2.65 metre high, 6.12 square metre equipment houses and an access track at Kellybank Cottage, Kelly Road, Wemyss Bay. The application was refused consent in terms of a decision letter dated 5 July 2012.

3. **Preliminaries**

- 3.1 The ILRB members were provided with copies of the following:

- (i) Planning Application and plans specified above;
- (ii) Site photograph;
- (iii) The Appointed Officer's Report of Handling dated 5 July 2012;
- (iv) Letter of representation and consultation responses in respect of the planning application;
- (v) Decision Notice dated 5 July 2012;
- (vi) Notice of Review form and supporting documents dated 22 August 2012; and
- (vii) Draft conditions should the ILRB be minded to grant planning permission.

- 3.2 Having regard to the material before the ILRB, the ILRB resolved that the Review Application could be determined without any further procedure allowed in terms of the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2008.

4. **Findings and Conclusions**

- 4.1 The determining issue in this review is the impact of the proposal on the landscape.
- 4.2 The ILRB determined that the proposal would have an adverse visual impact in terms of landscape and visual amenity.
- 4.1 Having regard to the whole circumstances and taking the application on its individual merit, the ILRB concluded that the application has been correctly refused for the reason given in the Decision Notice dated 5 July 2012, namely:

that due to the cumulative impact with the existing nearby turbine the proposed turbines will have an adverse impact on the landscape character of the west Renfrew Hills Scenic Area. Furthermore, due to their position and height the proposed turbines will break the skyline and will thus be to the detriment of the visual amenity of adjacent and nearby residences and public vantage points within north Skelmorlie. The proposal is therefore unacceptable in terms of:-

- a. the Council's interim policy on small wind turbine development UT6B, criteria (a) and (f);
- b. the Council's interim policy on wind farms UT6A, criteria (c) and (d);
- c. Policy UT6 of the Inverclyde Local Plan, criteria (a), (b) and (c);
- d. Policy HR1;
- e. Policy HR5,

as set out in the Decision Notice dated 5 July 2012.

- 4.3 The Review Application was accordingly dismissed.

Signed _____

Head of Legal & Democratic Services
Inverclyde Council
Municipal Buildings, Greenock PA15 1LX

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

Notification to be sent to applicant on determination by the planning authority of an application following a review conducted under section 43A(8)

Notice under Regulation 21 of the Town and Country Planning (Schemes of Delegation and Local Review Procedure)(Scotland) Regulations 2008

1. If the applicant is aggrieved by the decision of the planning authority to refuse permission or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may question the validity of that decision by making an application to the Court of Session. An application to the Court of Session must be made within 6 weeks of the date of the decision.
2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part V of the Town and Country Planning (Scotland) Act 1997.