

## Inverclyde Local Review Body

Our Ref: 12/0133/IC

### REVIEW DECISION NOTICE

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Decision by Inverclyde Local Review Body (the ILRB)

- Site address: Land at Faulds Park, Gourrock
  - Application for Review by TGC Renewables Ltd on behalf of the Greenbelt Group Ltd against the decision by an Appointed Officer of Inverclyde Council
  - Application Ref: 12/0133/IC
  - Application Drawings: Key Visual Receptor Locations  
Photomontages and Wire Frame Diagrams at McInroy's Point, Cloch Point, Faulds Park, Levan Farm, Hunter's Quay, Hunter's Point, Dunoon, Lunderston Bay, Southeast of Levan Farm  
Zone of Theoretical Visibility Map  
Drawing TGC/Wind/001 - 24.6m - Turbine Elevation  
Drawing TGC/Wind/004 - 24.6m - Equipment Cabin  
Drawing TGC/Wind/005 - 24.6m - Turbine Foundations  
Construction Outfall Plan  
Drainage Plan during Construction  
Post Construction Drainage Plan  
Faulds Park Location Plans (2)  
Site Plan  
Shadow Flicker Plan  
Noise Plan  
Turbine Location Plan  
Zone of Theoretical Visibility Maps - Hub Height, Blade Tip  
Site Plan
  - 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 at a meeting held on 9 January 2013. The ILRB was constituted by Provost R Moran, Councillors G Dorrian, T Loughran, I Nelson and D Wilson.

## 2. **Proposal**

- 2.1 The application proposal is for planning permission for the erection of two 24.6M wind turbines on land at Faulds Park, Gourrock. The proposal also includes a 7.5 square metre equipment control housing and flood prevention measures, incorporating a drainage swale channel and two attenuation ponds. Access is from an existing farm track. The application was refused consent in terms of a decision letter dated 3 September 2012.

## 3. **Preliminaries**

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

- (i) Planning Application, plans and photographs;
- (ii) Site photographs;
- (iii) The Appointed Officer's Report of Handling dated 31 August 2012;
- (iv) The Scottish Government's online advice "Onshore Wind Turbines";
- (v) Representations and consultation responses in respect of the planning application;
- (vi) Decision Notice dated 3 September 2012;
- (vii) Notice of Review and supporting documents dated 14 September 2012;
- (viii) Further representation;
- (ix) Email dated 16 October 2012 from TGC Renewables Ltd enclosing response to further representation; and
- (x) 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 location of the proposed wind turbines in close proximity to residential development at Levan Farm.

- 4.2 The ILRB determined that the proposal would have a detrimental impact on the residential development at Levan Farm.

- 4.3 Having regard to the whole circumstances and taking the application on its individual merit, the ILRB concluded that the application had been correctly refused for the reason given in the Decision Notice dated 3 September 2012, namely:

a combination of height, scale and proximity to residential development at Levan Farm create a dominant and excessively prominent feature in this part of Inverclyde, contrary to:-

- 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 criterion (c); and
- c. Policy UT6 of the Inverclyde Local Plan, criteria (a), (b) and (c), as set out in the Decision Notice dated 3 September 2012.

- 4.4 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.