

LOCAL REVIEW BODY - 2 OCTOBER 2013

Local Review Body

Wednesday 2 October 2013 at 4pm

Present: Provost Moran, Councillors Dorrian, Nelson and Wilson.

Chair: Councillor Wilson presided.

In attendance: Business & Democratic Services Manager and Mr J Kerr (for Head of Legal & Democratic Services).

The following paragraphs are submitted for information only, having been dealt with under the powers delegated to the Local Review Body.

595 APOLOGIES, SUBSTITUTIONS AND DECLARATIONS OF INTEREST 595

No apologies for absence or declarations of interest were intimated.

596 CONTINUED PLANNING APPLICATION FOR REVIEW 596

**Erection of a single wind turbine with a maximum blade tip height of up to 53.7m and associated infrastructure:
Cairncurran Farm, Auchenfoil Road, Kilmacolm (12/0357/IC)**

There were submitted papers relative to the application for review of the refusal of planning permission for the erection of a single wind turbine with a maximum blade tip height of up to 53.7m and associated infrastructure at Cairncurran Farm, Auchenfoil Road, Kilmacolm (12/0357/IC), consideration of which had been continued from the meeting held on 4 September 2013 for an unaccompanied site inspection.

Mr Kerr referred to two emails, both received that day, from an interested party and Scottish Power respectively and relating to Scottish Power's proposals to remove part of the existing Erskine to Devol Moor Overhead Line Route. Mr Kerr read out these emails in detail and referred to a plan attached thereto, which he stated, in his view, constituted new material not before the appointed officer at the time the planning application was determined. He asked the Local Review Body to consider whether it wished to have regard to these emails in determining the application for review of the emails refusal of planning permission. The Chair considered his advice and, taking the views of the Members of the Body, it was agreed unanimously that the Local Review Body consider the application for review of the refusal of planning permission and not take cognisance of the new material submitted.

After discussion, Provost Moran moved:-

(1) that sufficient information had been submitted to allow the Local Review Body to decide the matter without further procedure; and

(2) that the application for review be upheld and that planning permission be granted subject to the following conditions:-

1. that the permission hereby granted shall endure for a period of 25 years from the commencement of the development. At the end of that period, unless a further application for its retention has been submitted to and approved by the Planning Authority, the wind turbine, structures and ancillary equipment shall be dismantled and removed from the site, and the ground fully reinstated to its former condition to a depth of no less than one metre below surface level, or such other means of restoration shall

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be carried out as may be agreed in writing by the Planning Authority, all such restoration to be completed within six months of the end of the 25 year period, in recognition of the expected lifespan of the wind turbine and to ensure the proper restoration of the site, in the interests of safety and visual amenity, at the end of the permitted period;

2. that in the event that the turbine fails to produce any electricity supplied to the grid for a continuous period of twelve months then it shall be deemed to have ceased to be required and, unless agreed in writing by the Planning Authority, the wind turbine, structures and ancillary equipment shall be dismantled and removed from the site, and the ground fully reinstated to its former condition in accordance with the requirements of condition 1, in the interests of the visual amenity of the area by removing redundant or partially dismantled equipment;

3. that the wind turbine shall be finished in a non-reflective, semi-matt finish and no advertising shall be displayed on any part of the turbine unless otherwise agreed in writing by the Planning Authority. Details of the finish and colour of all externally visible components shall be submitted to and approved in writing by the Planning Authority prior to the commencement of development, in the interests of the visual amenity of the area; and

4. that no development shall commence until a Drainage Impact Assessment has been submitted to and approved in writing by the Planning Authority, to prevent harm to nearby watercourses.

As an amendment, Councillor Nelson moved:-

(1) that sufficient information had been submitted to allow the Local Review Body to decide the matter without further procedure; and

(2) that the application for review be dismissed and that planning permission be refused (upholding the appointed officer's determination) for the following reason as set out in the Report of Handling dated 7 March 2013:-

1. as the height and scale of the proposed turbine, proximity to housing and the B788 road combine to create an unexpected and dominant feature in this part of the Inverclyde countryside to the detriment of visual amenity and landscape character and is thus contrary to:

a. Policy UT6 of the Inverclyde Local Plan, criterion (b) which requires regard to be given to the landscape, especially when viewed from major transport corridors;

b. Interim Inverclyde Local Plan Policy UT6A, criterion (c) which requires turbines to be sited within the landform to ensure that they do not have a detrimental effect on the landscape and wider environment;

c. Interim Inverclyde Local Plan Policy UT6B, criterion (f) which requires regard to be given to the landscape, especially when viewed from public vantage points, including local roads, neighbouring settlements and when set against the skyline; and

d. Inverclyde Local Plan Policy HR1, criterion (b) which requires that visual amenity shall not be compromised.

On a vote, 2 Members voted for the motion and 2 for the amendment. There being equality in voting, the Chair exercised his casting vote in favour of the motion which was declared carried.

Decided:

(1) that the Local Review Body consider the application for review of the refusal of planning permission and not take cognisance of the new material submitted;

(2) that sufficient information had been submitted to allow the Local Review Body to decide the matter without further procedure; and

(3) that the application for review be upheld and that planning permission be granted subject to the following conditions:-

1. that the permission hereby granted shall endure for a period of 25 years from

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the commencement of the development. At the end of that period, unless a further application for its retention has been submitted to and approved by the Planning Authority, the wind turbine, structures and ancillary equipment shall be dismantled and removed from the site, and the ground fully reinstated to its former condition to a depth of no less than one metre below surface level, or such other means of restoration shall be carried out as may be agreed in writing by the Planning Authority, all such restoration to be completed within six months of the end of the 25 year period, in recognition of the expected lifespan of the wind turbine and to ensure the proper restoration of the site, in the interests of safety and visual amenity, at the end of the permitted period;

2. that in the event that the turbine fails to produce any electricity supplied to the grid for a continuous period of twelve months then it shall be deemed to have ceased to be required and, unless agreed in writing by the Planning Authority, the wind turbine, structures and ancillary equipment shall be dismantled and removed from the site, and the ground fully reinstated to its former condition in accordance with the requirements of condition 1, in the interests of the visual amenity of the area by removing redundant or partially dismantled equipment;

3. that the wind turbine shall be finished in a non-reflective, semi-matt finish and no advertising shall be displayed on any part of the turbine unless otherwise agreed in writing by the Planning Authority. Details of the finish and colour of all externally visible components shall be submitted to and approved in writing by the Planning Authority prior to the commencement of development, in the interests of the visual amenity of the area; and

4. that no development shall commence until a Drainage Impact Assessment has been submitted to and approved in writing by the Planning Authority, to prevent harm to nearby watercourses.