

Inverclyde Local Review Body

Our Ref: 13/0036/IC

REVIEW DECISION NOTICE

Decision by Inverclyde Local Review Body (the ILRB)

- Site address: Priestside Farm, Auchentiber Road, Kilmacolm
 - Application for Review by Bryce Boyd Planning Solutions on behalf of Mr G Dunlop against the decision by an appointed officer of Inverclyde Council
 - Application Ref: 13/0036/IC
 - Application Drawings: 03 - Plan as proposed
04 - Site "A" as proposed, side elevation of turbine as proposed, front elevation of turbine as proposed, plan of turbine as proposed
05 - Site "B" as proposed, side elevation of turbine as proposed, front elevation of turbine as proposed, plan of turbine as proposed
06 - front, side, rear and side elevation of service unit as proposed and plan of service unit as proposed.
 - Site Inspection took place on 28 November 2013
 - Date of Decision Notice: 18 December 2013
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Decision

The ILRB reverses the determination reviewed by it and grants Planning Permission, subject to the conditions listed below. 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 2013.
- 1.2 The above application for planning permission was considered by the ILRB firstly at a meeting held on 6 November 2013. The ILRB was constituted by Provost R Moran, Councillors G Dorrian, T Loughran, I Nelson and D Wilson. At that meeting, the Members of the ILRB decided that they wished to carry out an unaccompanied site inspection before making a decision in respect of this matter. The meeting was adjourned to allow a site inspection to be carried out and said site inspection, attended by Provost R Moran, Councillors G Dorrian, T Loughran, I Nelson and D Wilson took place on 28 November 2013. The ILRB reconvened on 4 December 2013 to determine the matter. The ILRB on 4 December 2013 was constituted by Provost R Moran, Councillors G Dorrian, T Loughran, I Nelson and D Wilson (Chair).

2. **Proposal**

- 2.1 The application proposal is for the erection of 2 wind turbines, each with a height of 67m to blade tip. Access would be by a Y-shaped track to be formed off Devol Track, approximately 500m to the west. The access track is also within the Devol Road Upland SINC site. The application was refused consent in terms of a Decision Notice dated 23 April 2013.

3. **Preliminaries**

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

- (i) Planning Application and plans specified above;
- (ii) Site photographs;
- (iii) The Appointed Officer's Report of Handling dated 18 April 2013;
- (iv) Consultation responses;
- (v) Representations;
- (vi) Decision Notice dated 23 April 2013;
- (vii) Letter dated 16 July 2013 from Bryce Boyd Planning Solutions enclosing Notice of Review form together with supporting documents;
- (viii) Suggested conditions should planning permission be granted on review.

- 3.2 Having regard to the material produced 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 2013.

4. **Reasons**

- 4.1 The determining issue in this review is the visual impact of the proposed development.

- 4.2 The application had been refused as:

1. The height and scale of the proposed turbines and their proximity to the wind turbine granted planning permission at High Mathernock, nearby housing, Auchentiber Road, Auchenbothie Road, the B788, Kilmacolm village and the eastern part of upper Port Glasgow have a cumulative impact in creating an unexpected and dominant collective feature in this part of the Inverclyde countryside to the detriment of visual amenity and landscape character and 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.

- 4.3 The ILRB determined that having regard to the whole circumstances, including the site inspection, the topography of the application site and the number of wind turbines proposed, and taking the application on its individual merits, the review be upheld subject to the conditions listed in paragraph 5 below.

5. **Conditions**

1. 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 turbines, 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.

2. In the event that the turbines fail to produce any electricity supplied to the grid for a continuous period of twelve months then they shall be deemed to have ceased to be required and, unless agreed in writing by the Planning Authority, the wind turbines, 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.

3. The wind turbines shall be finished in a non-reflective, semi-matt finish and no advertising shall be displayed on any part of the turbines 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.

4. That prior to the start of development, details of a survey for the presence of Japanese Knotweed shall be submitted to and approved in writing by the Planning Authority and that, for the avoidance of doubt, this shall contain a methodology and treatment statement where any is found. Development shall not proceed until treatment is completed as per the methodology and treatment statement. Any variation to the treatment methodologies will require subsequent approval by the Planning Authority prior to development starting on site.

5. That the presence of any previously unrecorded contamination or variation to anticipated ground conditions that becomes evident during site works shall be brought to the attention of the Planning Authority within one week. Consequential remediation shall not be implemented unless it has been submitted to and approved, in writing by the Planning Authority.

6. That no fill or landscaping material shall be imported onto the site until written details of the source and intended reuse of the imported materials has been submitted for approval, in writing by the Planning Authority. The report shall characterise the chemical quality (including soil-leachate and organic content etc), volume and source of the imported materials with corresponding cross-sections and plans indicating spatial distribution and depth/thickness of material placement within the development site. The material from the source agreed only shall be imported in strict accordance with these agreed details.

7. The level of noise emissions from the wind turbines when measured at any dwelling, lawfully existing at the date of permission, shall not exceed:

- a. between the hours of 23:00 and 07:00 the greater of 43dB L_A90 (10 min) or 5dB(A) above the Night Hours Background Noise level at that property; or
- b. between the hours of 07:00 and 23:00 the greater of 40dB L_A90 (10 min) or 5 dB(A) above the quiet Waking Hours Day Time Background Noise Level at that property.

8. No development shall commence until the size and weight of vehicles required to transport components and carry out maintenance, their route, locations of infrastructure required to be changed to accommodate the vehicles, number of proposed delivery trips, date of trips and details of likely remediation works to roads and verges have been submitted to and approved in writing by the Planning Authority.

9. No development shall commence until drainage details, a drainage impact assessment and confirmation that SEPA's permission has been granted to cross any stream or river have been submitted to and approved in writing by the Planning Authority.

Reasons

1. 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. In the interests of the visual amenity of the area by removing redundant or partially dismantled equipment.
3. In the interests of the visual amenity of the area.
4. To help arrest the spread of Japanese Knotweed in the interests of environmental protection.
5. To ensure that all contamination issues are recorded and dealt with appropriately.
6. To protect receptors from the harmful effects of imported contamination.
7. To protect the amenities of occupiers of premises from unreasonable noise and vibration levels.
8. In the interests of road safety on Inverclyde's road network,
9. To prevent harm from flooding.

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 22 of the Town and Country Planning (Schemes of Delegation and Local Review Procedure)(Scotland) Regulations 2013

1. If the applicant is aggrieved by the decision of the planning authority -
 - (a) to refuse permission for the proposed development;
 - (b) to refuse approval, consent or agreement required by a condition imposed on a grant of planning permission; or
 - (c) to grant permission or approval, consent or agreement 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.