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**Report To:** The Planning Board **Date:** 5 February 2014

**Report By:** Head of Regeneration and Planning **Report No:** 13/0077/IC  
Plan 02/14

**Contact Officer:** Guy Phillips **Contact No:** 01475 712422

**Subject:** Notification of Planning Appeal decision: Erection of a single 225kW, 30m to hub, 42m to blade tip wind turbine plus associated works at Kelly Mains Farm, Kelly Road, Wemyss Bay

## INTRODUCTION

In June 2013 planning permission was refused for the Erection of a single 225kW, 30m to hub, 42m to blade tip wind turbine plus associated works at Kelly Mains Farm, Kelly Road, Wemyss Bay. Planning permission was refused:

1. As the proposal would lead to an unacceptable cumulative impact on the landscape character of the West Renfrewshire Scenic Hills area when considered in conjunction with other turbine developments in close proximity. This is in contradiction to Local Plan Policies UT6, HR1 and HR5;
2. As the proposal compromises the aims of the Clyde Muirshiel Regional Park in contradiction to Local Plan Policy UT6, LR6 and DS11; and
3. As the development would have an adverse impact on the CMRP population of hen harriers, which are listed as a threatened species. This is in contradiction to the EC Birds Directive, the Wildlife and Countryside Act, Local Plan Policies UT6 and DS11.



An appeal against the refusal has been lodged with the Scottish Government and considered by written submissions.

## APPEAL DECISION

The Reporter considered the determining issues to be, all with regard to the development plan, Scottish Government Policy on renewables and the effect on the West Renfrew Hills Scenic Area, on Clyde Muirshiel Regional Park and on hen harriers.

Scottish Government Policy supports wind farms where technology can operate efficiently and where the environmental and cumulative impacts can be addressed. The locations of turbines require to be considered carefully to ensure that the landscape and visual impact is minimised.



The Reporter notes that the Council recognises wind turbines have been accepted in the area, and he considers that the varying sizes and distances between turbines makes it clear that they are different schemes. Overall, he found that the landscape is compromised by other developments including power lines radiating from the nearby electricity sub station, and that the turbine will be absorbed in a landscape of woodlands, pylons, wires and other approved turbines. Consequently this turbine will have a relatively minor overall impact, not to the detriment of either the West Renfrew Hills Scenic Area or the Clyde Muirshiel Regional Park.

It was noted that Scottish Natural Heritage found there to be no significant effect on the hen harrier population and the Reporter found no reason to reject this advice.

All of the above represented, in the Reporter's view, a proposal that accords with the development plan. The appeal was sustained subject to the following conditions:

1. The permission hereby granted shall endure for a period of 25 years from the start of development. At the end of the 25 year period, unless with the express approval in writing of the planning authority, the wind turbine, structures and ancillary equipment shall be dismantled and removed from site, and the ground fully reinstated to its former condition to a depth of no less than one metre below ground surface level or such other means of restoration shall be carried out as may be agreed in writing with the planning authority.

2. In the event that the turbine fails to produce any electricity supplied to the grid for a continuous period of 12 months then it shall be deemed to have ceased to be required and, unless agreed in writing with the planning authority, the wind turbine and the ancillary equipment directly associated with that wind turbine shall be dismantled and removed from the site, and the ground fully reinstated, to the specification set out in condition 1.
3. The turbine shall be finished in a non-reflective semi-matt finish and shall not display any advertising on any part of the turbine unless otherwise agreed in writing with the planning authority. Confirmation of the details of the finish and colour of all externally visible components shall be submitted to and agreed in writing with the planning authority prior to the start of development.
4. 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, 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. The presence of any ground contamination that becomes evident during site works shall be brought to the attention of the planning authority within one week. Consequential remedial work shall be implemented, but not until a report detailing the contamination and required work has been submitted to and approved in writing by the planning authority.
6. 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), 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 LA90(10 min) or 5 dB(A) above the Night Hours Background Noise Level at that property; and
  - b. between the hours of 07:00 and 23:00, the greater of 40dB LA90 (10 min) or 5dB(A) above the Quiet Waking Hours Daytime Background Noise Level at that property.
8. The Ministry of Defence shall be informed at the earliest opportunity of: the dates when construction starts and ends; the maximum height of construction equipment; and the latitude and longitude of the turbine.

## **RECOMMENDATION**

That the Board notes the position.

Stuart Jamieson  
Head of Regeneration and Planning

## BACKGROUND PAPERS

Planning application 13/0077/IC.

Reporter's decision letter dated 10 December 2013.



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