

Inverclyde Local Review Body

Our Ref: 14/0004/IC

REVIEW DECISION NOTICE

Decision by Inverclyde Local Review Body (the ILRB)

- Site address: Land Southwest of Auchentiber Bridge, Auchentiber, Auchentiber Road by Port Glasgow
 - Application for Review by VG Energy Ltd on behalf of Mr J Dunn against the decision by an appointed officer of Inverclyde Council
 - Application Ref: 14/0004/IC
 - Application Drawings: Drawing Number WV1072/0001/B – Figure 1.1 - Site Map
Drawing Number WV1072/036/A – Figure 2.6 - Meter House
Drawing Number WV1072/037/A – Figure 2.5 - Turbine Elevation
Drawing Number WV1072/005/A – Figure 2.4 - Physical Constraints at Development Site
Drawing Number WV1072/038/A – Figure 2.2 - Site Layout
Drawing Number WV1072/039/A – Figure 2.3 - Block Plan
 - Site Inspection took place on 28 August 2014
 - Date of Review Decision Notice: 9 September 2014
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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 2013.
- 1.2 The above application for planning permission was considered by the ILRB firstly at a meeting held on 6 August 2014. 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 and D Wilson took place on 28 August 2014. The ILRB reconvened on 3 September 2013 to determine the matter. The ILRB on 3 September 2014 was constituted by Provost R Moran, Councillors G Dorrian, T Loughran and D Wilson (Chair).

2. Proposal

2.1 The application proposal is for planning permission for the construction of a 70M to blade tip wind turbine accessed by an approximately 100M long track to be formed off Auchentiber Road. Approximately 70M to the east of the proposed turbine is an approximately 12 square metre, flat roof, turbine meter housing with a roughcast finish.

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 6 March 2014;
- (iv) Consultation responses;
- (v) Representations;
- (vi) Decision Notice dated 17 March 2014;
- (vii) Notice of Review Form dated 3 June 2014 together with supporting documentation;
- (viii) Email dated 27 June 2014 from Ministry of Defence; and
- (ix) Suggested conditions should planning permission be granted on review.

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 2013.

4. Findings and Conclusions

4.1 The determining issues in this review were the impact of the proposal in relation to the surrounding landscape and the location of previously approved wind turbines. The ILRB was of the view that the proposal would be detrimental to the visual amenity and enjoyment of the countryside.

4.2 Having regard to the whole circumstances, including the site inspection, the ILRB concluded that the application had been correctly refused for the reason given in the Decision Notice dated 17 March 2014, namely that a combination of height, scale and prominence within this part of Inverclyde's countryside, proximity to three approved wind turbines and proximity to the core footpath network create an unexpected and dominant cluster of engineered structures detrimental to visual amenity and enjoyment of the countryside and contrary to:-

- (a) Policy UT6 of the Inverclyde Local Plan, criteria (a), (b), (c) and (d);
- (b) Interim Inverclyde Local Plan Policy UT6B, criteria (a) and (f);
- (c) Proposed Local Development Plan Policy INF1, criteria (b), (d) and (i);
- (d) Local Plan Policy LR6.

4.3 The Review Application was accordingly dismissed.

Signed _____

Head of Legal & Property 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.