

Inverclyde Local Review Body

Our Ref: 13/0306/IC

REVIEW DECISION NOTICE

Decision by Inverclyde Local Review Body (the ILRB)

- Site address: Scroggy Bank, Greenock
 - Application for Review by Keppie Planning & Development on behalf of Mr Neil Caskie against the decision by an appointed officer of Inverclyde Council
 - Application Ref: 13/0306/IC
 - Application Drawings: Drawing No. NWA – 30m – turbine elevations
Location Plan
Site Plan
 - Site Inspection took place on 2 March 2015
 - Date of Review Decision Notice: 17 March 2015
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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 4 February 2015. The ILRB was constituted by Councillors G Dorrian, T Loughran, I Nelson (Chair) and L Rebecchi. 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 Councillors G Dorrian, T Loughran, I Nelson and L Rebecchi took place on 2 March 2015.

The ILRB reconvened on 4 March 2015 to determine the matter. The ILRB on 4 March 2015 was constituted by Councillors G Dorrian, T Loughran, I Nelson (Chair) and L Rebecchi.

2. Proposal

- 2.1 The application proposal is for the erection of two 45.071m to blade tip wind turbines. The application was refused consent in terms of a decision letter dated 22 August 2014.

3. Preliminaries

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

- (i) Planning Application and plans;
- (ii) Site photographs;
- (iii) The Appointed Officer's Report of Handling dated 1 August 2014;
- (iv) Letters of representation and consultation responses in respect of the planning application;
- (v) Decision Notice dated 22 August 2014;
- (vi) Notice of Review form dated 21 November 2014 together with grounds for appeal to Local Review Body document;
- (vii) Further representation;
- (viii) Email dated 18 December 2014 from Keppie Planning & Development in response to further representation;
- (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 visual impact of the proposed wind turbines on the skyline, in particular when viewed from Greenock, and the proximity to the core footpath network. The ILRB considered the photomontages submitted by the applicant with the Notice of Review and noted that the wind turbines would be above the horizon. It was the ILRB's view that the wind turbines would be a dominant feature in the skyline. Members of the ILRB also expressed concern about the potential impact of the proposal on the rural landscape, tourism and use of the core footpath network by walkers.

4.2 Having regard to the whole circumstances, the ILRB concluded that the application had been correctly refused for the reason given in the Decision Notice dated 22 August 2014, namely:

- (1) A combination of height, scale and prominence within this part of the landscape of Clyde Muirshiel Regional Park and proximity to the core footpath network, combine to create an unexpected and dominant feature contrary to:-
 - (a) Policy UT6 of the Inverclyde Local Plan, criteria (a) and (b);
 - (b) Interim Inverclyde Local Plan Policy UT6A, criterion (c);
 - (c) Interim Inverclyde Local Plan Policy UT6B, criterion (f);
 - (d) Inverclyde Local Plan Policy HR1, criterion (b);
 - (e) Proposed Local Development Plan Policy INF1 criteria (a), (b) and (d);
 - (f) Local Plan Policy LR6;
 - (g) Policy ENV1(b)(i) of the proposed Local Development Plan; and
 - (h) Policy ENV3 of the proposed Local Development Plan.

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.