

MINUTE of MEETING of the LOCAL REVIEW BODY of WEST LOTHIAN COUNCIL held within COUNCIL CHAMBERS, WEST LOTHIAN CIVIC CENTRE, on 26 NOVEMBER 2014.

Present – Councillors George Paul (Chair), Lawrence Fitzpatrick, William Boyle, Harry Cartmill, Tom Kerr, Greg McCarra and John Muir

Apologies – Councillor Tom Conn and Angela Moohan

1. DECLARATIONS OF INTEREST

No declarations of interest were made.

2. MINUTE

The committee approved the Minute of the meeting held on 29 October 2014. The Minute was thereafter signed by the Chair.

3. NOTICE OF REVIEW - APPLICATION NO.0152/FUL/14 - ERECTION OF A 74M HIGH (TO BLADE TIP) WIND TURBINE AT ALDI DISTRIBUTION CENTRE, POTTISHAW ROAD, BATHGATE

The Local Review Body considered a report (copies of which had been circulated) by the Clerk and Legal Adviser to the Local Review Body which related to a Notice of Review for the erection of a single wind turbine at Aldi Distribution Centre, Pottishaw Road, Bathgate.

Attached to the report were the Notice of Review and other relevant review documents and the report identified the policies in the development plan and relevant planning guidance that had been referred to in the review documents. The report advised that the decision to refuse the application for planning permission had been based on restricted policy considerations, with the Appointed Person being satisfied in relation to relevant technical matters.

The committee noted that an unaccompanied site visit had taken place and that the case had been considered at its previous meeting when it had asked for more information in relation to ice throw. That information had been requested and provided through a Procedure Notice issued by the Clerk, and those documents were included amongst the review documents.

The Local Review Body then considered and took into account all of the review documents placed before it and in doing so noted that it was necessary in terms of Section 25 of the Town and Country Planning (Scotland) Act 1997 that the Local Review Body had regard to the Development Plan and to determine the review in accordance with the Development Plan unless material circumstances indicated otherwise.

The Local Review Body then considered whether it was now in a position

for the review to be determined or whether further representation or further information was needed. It also took into account the views expressed in the Notice of Review and it agreed that no further information or representation was required.

The Local Review Body accepted and agreed with the assessment by the Appointed Person of the proposed development against the relevant development plan policies. It identified that the key issue was the adverse visual impact of the development, from within and outwith the industrial estate, even though the site was within an industrial area. It considered that the height and proportion and relationship to the surrounding buildings on the site were unacceptable.

It then went on to consider whether there were material considerations that meant the application for review should be granted. It identified a number of material consideration including national planning policy being in favour of renewable energy developments; the absence of objections; the view of the statutory consultees; the benefits which would accrue for the environment; and the location within an industrial setting.

After assessing and balancing the relevant considerations, the Local Review Body decided that the relevant material considerations were not sufficient to mean that the application should be decided contrary to the development plan and on balance supported the refusal of planning permission.

Decision

To uphold the decision of the Appointed Person and refuse the application as the development did not accord with the development plan and the material considerations identified did not merit the review being granted.