

EAST AYRSHIRE COUNCIL

CABINET – 1 APRIL 2009

WHITELEE ACCESS ACTION PLAN

Report by the Depute Chief Executive/Executive Director of Corporate Support and the Executive Director of Neighbourhood Services

1. PURPOSE OF REPORT

- 1.1 To update Cabinet on progress being made with the Whitelee Access Action Plan, to agree East Ayrshire Council's future arrangements and requirements for management of the network; and to seek approval of (a) Whitelee Access Action Plan, and (b) continued involvement of Council Officers on the Whitelee Access Planning Group.

2. BACKGROUND

- 2.1 Whitelee Windfarm, lies within three local authority areas of East Renfrewshire (72 turbines), South Lanarkshire (43 turbines) and East Ayrshire (25 turbines) with a consented total capacity of 322 mega watts per annum. Construction commenced on site in September 2006 and is progressing as programmed. The windfarm is expected to be operational by September 2009.
- 2.2 As part of the planning process, a Section 75 Agreement was drawn up by the three Councils, Scottish Power/CRE Energy and the landowners addressing a number of issues including community benefit contributions payable by Scottish Power. The agreed contributions are based on a formula of £1,000 per mega watt of consented capacity per annum.
- 2.3 The Section 75 Agreement states that '*payments shall be used by each Council for charitable, education, environmental (including landscaping) or other appropriate purposes including the development, implementation and administration of the Access Action Plan*'. The Agreement also required an Access Action Plan be prepared and approved by the three Councils for implementation during the operation of the windfarm.
- 2.4 A Whitelee Access Planning Group was established in July 2006 comprising representatives from the three Councils, Scottish Power, Scottish Natural Heritage, the Forestry Commission and community organisations (including Darvel Improvement Group and Irvine Valley Regeneration Partnership) to set the framework for delivering access improvements.
- 2.5 In 2002 a Path Planning Study was carried out to guide the Section 75 agreement. The estimated total expenditure to deliver the Plan was £5.6m over a 28 year period of which it is proposed East Ayrshire will contribute 18% of the income. East Ayrshire Council has the largest area of forest and consequently the greatest amount of access works.

- 2.6 In order to meet the proposed expenditure projections, it was agreed at Cabinet on 22nd August 2007 that 100% of community benefit contributions are targeted at the Access Plan for the first 31 months, thereafter an appropriate proportional split between access and wider community projects be determined through a review by Planning & Economic Development and Leisure Services, as required by the Section 75 Agreement.. This was broadly in line with the proposals adopted by East Renfrewshire and South Lanarkshire Councils.
- 2.7 To assist with the implementation of the Access Action Plan, it is also agreed that the three councils jointly fund the post of a Project Development Officer for a fixed term appointment of 3 years. This officer has been in post since early 2008 and has been responsible for updating the Access Action Plan.
- 2.8 The draft Whitelee Access Action Plan was issued for Public Consultation in September 2008 for 6 weeks. A total of 76 responses were received during the consultation. These resulted in 186 substantive comments being received. Cyclists were the largest single group of respondents overall, comprising both road cyclists and mountain bikers. Equestrian users included a small number of individuals with most comments made by clubs or representative organisations. 11 respondents were less mainstream users (e.g. dog sled racing) and a limited number of submissions were received from local residents or landowners, due in part to dialogue and one to one meetings during development of the draft plan. This allowed issues or areas of potential conflict to be identified at an early stage.
- 2.9 The finalised Whitelee Access Action Plan has now been developed for the period 2009 – 2014. This has been costed for this period at a value of £1,161,469. East Ayrshire Council's pro-rata contribution (18%) of this equates to £208,915. The current agreed contribution of 31 months is £156,444. In order to implement the Access Action Plan, the Whitelee Access Planning Group would require an increase of £52,471.00 from the Community Benefit Contribution Fund over the 5 year period. This is summarised in Table 1 below:

Table 1: East Ayrshire Council contribution to Implementation costs only

<u>Original Implementation costs</u>	<u>Revised Implementation Costs</u>
£869,133	£1,161,469
<u>Original Contribution from EA Community Benefit Fund (18%)</u>	<u>Actual Contribution from EA Community Benefit Fund which is now required (18%)</u>
£156,444	£208,915

- 2.10 The Finalised Whitelee Access Action Plan includes 7.2km of new routes within East Ayrshire, giving access to a network of over 250km. It allows the existing Irvine Valley Path Network and East Ayrshire Core Path Plan to form cross boundary links to South Lanarkshire and East Renfrewshire including the implementation of the Darvel to Eaglesham section of the Weavers Trail. It also proposes a number of parking facilities and interpretation points within the East Ayrshire boundary as well as infrastructure to monitor visitor numbers at key locations.
- 2.11 The Section 75 agreement also commits the councils and wider Access Planning Group to review and update the Access Action Plan at 5 year intervals throughout the

operational life of the windfarm. East Ayrshire Council is represented on the Access Planning Group by the Outdoor Access Officer with support from the Countryside Development Manager.

2.12 Scottish Power/CRE Energy has submitted a planning application for an extension to the Whitelee Windfarm which is solely in East Ayrshire. Associated developer contributions would be included within the Community Benefits Fund.

3. FUTURE MANAGEMENT

3.1 After the initial implementation it was agreed that each Local Authority would be responsible for the network and facilities within their own areas. Under the section 75 agreement, there is an obligation on East Ayrshire Council to maintain the facilities within the East Ayrshire Boundary. South Lanarkshire are considering an allocation from their community benefit fund to be paid into a joint maintenance fund for the Whitelee Access Planning Group for the 5 years of the Action Plan. East Renfrewshire is due to take a proposal to Cabinet in late March. Officers within East Ayrshire Council Countryside Services have considered the proposed action plan and the implications for East Ayrshire Council and have made recommendations for future management and maintenance of the access network within East Ayrshire as outlined below.

3.2 East Ayrshire Countryside Services currently maintain the River Ayr Way (66km) within existing resources and have a district wide ranger service. The existing resources are not sufficient to take on further maintenance obligations. However, a dedicated officer for Whitelee Forest within the Countryside Services team would allow us to meet our obligations for maintenance within the Section 75 agreement and offer a community interface specifically for East Ayrshire. They would then have the support from the Countryside Services team and offer a consistent service throughout East Ayrshire, whilst working closely with the Whitelee partners. This officer would provide a link between the communities of the Irvine Valley and Whitelee carrying out the existing ranger service duties of outdoor learning and community engagement within this targeted area to facilitate local environmental projects..This would require an allocation from the community fund of approximately £118,267.55 for the period of the Action Plan.

Table 2: Future Maintenance and Management of the Whitelee Path Network within the local Authority boundaries of East Ayrshire.

Description	Costs 2009/2014
Provision of a Whitelee Project Officer based at Dean Castle Country Park, part of Countryside Services and employed by EAC	£118,267.55 Total £118,267.55

4. PERFORMANCE MEASUREMENT

- 4.1 The Section 75 agreement also commits the Councils and wider Access Planning Group to review and update the Access Action Plan at 5 year intervals throughout the operational life of the windfarm. East Ayrshire Council is represented on the Access Planning Group by the Outdoor Access Officer with support from the Countryside Development Manager.

5. RISK ASSESSMENT

- 5.1 It is an obligation within the Section 75 agreement that an Access Action Plan is produced and implemented. An increase of £52,471 is required to fully implement the Access Action Plan. By not agreeing this, aspects of the Action Plan within East Ayrshire will not be implemented losing vital links from the Communities within the Irvine Valley, Waterside and Fenwick to the wider network.
- 5.2 It is also an obligation of the section 75 agreement that the path network is maintained by each local authority. Failure to do so would result in non-compliance with the planning agreement.
- 5.3 East Ayrshire Council has already committed to significant investment in the implementation of this high profile network. If further commitment is not made, the paths may be lost shortly after implementation.

6. FINANCIAL IMPLICATIONS

- 6.1 There are no direct financial implications from existing resources unless Community Benefits Fund contributions cannot be secured.

7 LEGAL IMPLICATIONS

- 7.1 Under a Section 75 agreement, East Ayrshire Council is legally obliged to produce, implement and review the Whitelee Access Action Plan and maintain the subsequent path network within East Ayrshire.

8. POLICY IMPLICATIONS

- 8.1 The project is informed by the East Ayrshire Outdoor Access Strategy and Core Path Plan, the Community Plan and local/national strategies relating to tourism and economic development, biodiversity, health promotion, health inequalities and social inclusion. The Open Space Strategy will have implications for the Local Plan, Leisure and Cultural Strategy, and will contribute to delivery of the Community Plan outcomes, particularly within the Delivering Community Regeneration Action Plan and the following aims:.

- regenerate out towns centres and villages and deal with run down areas;
- grow tourism and increase visits and participation in cultural and leisure activities;
- protect, conserve and enhance the natural and built environment;

9. PERSONNEL IMPLICATIONS

9.1 Nil

10. CONCLUSION

10.1 Implementation of the Whitelee Access Action Plan will bring significant benefits to the Irvine Valley and East Ayrshire and will complement work being carried out to improve countryside access across the area.

10.2 Additional funding is now required as part of the Councils agreed contribution to the implementation and management of the Access Action Plan, this funding requirement can be summarised as follows:

- Increased contribution to implementation costs £52,471 over 5 years.
- Contribution to Future Maintenance / Management £118,267 over 5 years

10.3 It is recommended that these sums are allocated from the developer's community benefits contributions over the next five years. While this will reduce the amount available for distribution to community based environmental projects it will ensure that all the Councils obligations are met in terms of support for the Whitelee Access Action Plan and the three Council partnership which has been established, assist in the delivery of the requirements of the Section 75 Agreement relating to the windfarm.

10.4 The Corporate Management Team has considered and approved this report for submission to Cabinet. The Spokespersons for Environment and Regeneration were also consulted in the preparation of this report.

11. RECOMMENDATIONS

11.1 It is recommended that Cabinet:

- i. note the progress made in respect of Whitelee Windfarm and Whitelee Access Action Plan;
- ii. approve the additional allocation of the community benefit contributions of £52,471 for the implementation of the Access Action Plan;
- iii. approve the recommendation for future management and maintenance of the network within East Ayrshire to be funded from community benefit contributions of £118,267;
- iv. agree the continued involvement of the Outdoor Access Officer with support from the Countryside Development Manager on the Whitelee Access Planning Group; and
- v. approve the Finalised Access Action Plan

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Depute Chief Executive/Executive Director of Corporate Support

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Executive Director of Neighbourhood Services

EM&WS/JAG
25th March 2009

LIST OF PAPERS ON MEMBERS' PORTAL

1. Whitelee Forest Access Action Plan 2009-2014 and budget

LIST OF BACKGROUND PAPERS

1. Action Plan maps
2. Consultation Report

Any person wishing to inspect the background papers listed above should telephone (01563) 554748 and ask for Anneke Freel, Countryside Development Manager

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