

**EAST AYRSHIRE COUNCIL**  
**CABINET MEETING – 22nd AUGUST 2007**  
**WHITELEE WINDFARM**

**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 Windfarm; and to seek approval of (a) the dispersal of community benefit contributions from Scottish Power, (b) the appointment of a Project Development Officer, and (c) 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. East Ayrshire's contribution from Scottish Power/CRE Energy for the first year was £57,500 (received in November 2006) with a further contribution due in September 2007. Contributions will increase in line with inflation and cease approximately in 30 years time when the windfarm is decommissioned, the turbines removed and the site reinstated.
- 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. In anticipation of the terms of the Section 75 Agreement, an initial Plan was drafted in 2002 which now requires to be updated and presented to a future Cabinet meeting for approval.
- 2.4 In terms of the Section 75 Agreement, the windfarm, will provide for improved access from the surrounding communities in the Irvine Valley and beyond to Whitelee Forest. In addition, it is also expected that internal access routes though the Forest will be improved.

**3. CURRENT POSITION**

- 3.1 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) to set the framework for delivering access improvements. As stated above in paragraph 2.3, this Group prepared the initial Access Action Plan and indicative expenditure and income. The estimated total expenditure to deliver the Plan is £5.6m over a 28 year period of which it is proposed East Ayrshire will contribute 18% of the income however East Ayrshire Council has the largest area of forest and consequently the greatest amount of access works.

- 3.2 In order to meet the proposed expenditure projections, it is proposed 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 is broadly in line with the proposals adopted by the other two Council's.
- 3.3 The finalised Alteration to the East Ayrshire Local Plan will address wider windfarm policy issues and propose a consistent approach to windfarm contributions and their disbursement. A paper on this will be presented to a future Cabinet meeting and it is suggested that the contributions from Whitelee from year 4 onwards also be given further consideration at that stage.
- 3.4 To assist with the implementation of the Access Action Plan, it is also proposed that the three councils jointly fund the post of a Project Development Officer for a fixed term appointment of 3 years. This post is to be administered by East Renfrewshire Council with each council making a contribution to the cost on a pro-rata basis based on the number of turbines located within each authority area. The estimated cost for the Project Officer over the 3 year period is £111,468 which would equate to an East Ayrshire contribution of approximately £20,000 over the 3 years ( £7,000 per annum). These costs would come from the Access Action Plan Funds identified above.

#### **4. LEGAL IMPLICATIONS**

- 4.1 There are no new legal implications. The Section 75 Agreement under the Town and Country Planning Scotland Act 1997 was concluded in October 2005 and commits all parties to its obligations including preparation and implementation of an Access Action Plan.

#### **5. FINANCIAL IMPLICATIONS**

- 5.1 All financial implications can be fully met from the community benefit contributions received from Scottish Power/CRE Energy.

#### **6. COMMUNITY PLANNING ISSUES**

- 6.1 Opportunities arising from the Whitelee Windfarm are specifically identified within the Improving Opportunities Action Plan 2007-2011.
- 6.2 Longer term the wider distribution of community benefit funds will impact positively on all areas of the Community Plan.

#### **7. RECOMMENDATIONS**

- 7.1 It is recommended that Cabinet:
- I. note the progress made in respect of Whitelee Windfarm;
  - II. agree 100% allocation of the community benefit contributions for the first 31 months to the Access Action Plan and thereafter remit to Depute Chief Executive/Executive Director of Corporate Support and Executive Director of Neighbourhood Services to review the proportion of contributions between the Access Action Plan and wider community projects; based on agreed Local Plan policy and to report to Cabinet with recommendations;
  - III. agree the joint appointment with East Renfrewshire and South Lanarkshire Councils, of a Project Development Officer for a fixed term 3 year period at a cost of £20,000 from the East Ayrshire Access Action Plan Fund allocation;
  - IV. agree the continued involvement of the Developer Contributions Officer and Countryside Development Manager on the Whitelee Access Planning Group; and

- V. note that the updated Access Action Plan will be presented to a future meeting of Cabinet for approval.

Elizabeth Morton  
Depute Chief Executive/Executive Director of Corporate Support

William Stafford  
Executive Director of Neighbourhood Services

AB  
2<sup>nd</sup> August 2007

### **BACKGROUND PAPERS**

Proposed Windfarm at Whitelee by CRE Energy - Development Services Committee – 27 June 2002

Whitelee Windfarm Section 75 Legal Agreement - October 2005

Whitelee Windfarm Consent – Sec 36 Electricity Act 1989 – 05 May 2006

Any person wishing further information on this report should contact Alison Brown, Developer Contributions Officer on Tel No (01563) 576253

**Implementation Officer: Lesley Arnott, External Funding and Employability Manager**