

EAST AYRSHIRE COUNCIL**SOUTHERN LOCAL PLANNING COMMITTEE****MINUTES OF SPECIAL MEETING HELD ON FRIDAY 14 DECEMBER 2007 AT
1000 HOURS IN THE BARRHILL CENTRE, BANK AVENUE, CUMNOCK**

PRESENT: Councillors Jim Sutherland, Eric Jackson, Jimmy Kelly, Neil McGhee, Jim Roberts, William Crawford and Elaine Dinwoodie.

ATTENDING: Hugh Melvin, Principal Planning Officer; Craig Young, Solicitor; and Stuart Nelson, Administrative Officer.

APOLOGIES: Councillors Drew Filson, Barney Menzies, Kathy Morrice and Eric Ross.

CHAIR: Councillor Jim Sutherland, Vice Chair.

ORDER OF BUSINESS

1. The Chair advised, and it was noted, that Items 2 and 3 on the agenda would be dealt with at this point.

HEARING PROCEDURE

2. The Administrative Officer confirmed that the Hearing Procedure was understood by all participants.
3. **APPLICATION NO: 07/0786/FL: WIMPEY WEST SCOTLAND LTD: PUBLIC OPEN SPACE AT STEPEND ROAD, HOLMHEAD, CUMNOCK**

There was submitted an executive summary sheet and report dated 5 December 2007 (both circulated) by the Head of Planning and Economic Development on a full planning application for the erection of two gabion retention walls within public open space at Stepend Road, Holmhead, Cumnock.

3.1 Consideration of Item

The Principal Planning Officer reported that three letters of objection, with four signatories, had been received, details of all of which were contained within the report; summarised the planning considerations in respect of the application; and gave the recommendation of the Head of Planning and Economic Development: approval subject to the conditions, and for the reasons, detailed in the report.

3.2 Planning Hearing

The Committee heard Mrs Lesley Hannah, Dr John Brannan and Mrs Irene Smith, objectors, in support of their objections. Members asked questions of the objectors who responded to the issues raised, all in accordance with the Hearing Procedure.

The Committee then heard, Graham Oswald accompanied by Fiona Campbell representing the applicant, in support of the application.

The Chair closed the Hearing.

3.3 Determination of Application

It was agreed to refuse the application for the following reasons:-

- (i) since the development was significantly detrimental to the visual amenity of the dwellinghouses at Nos 6, 8 and 10 Stepend Road, and to the residential amenity of these dwellinghouses, including the increased potential for antisocial behaviour within the vicinity of these properties due to the nature of the construction of the gabion walls;
- (ii) in view of the detrimental impact of the development on surface water drainage within the rear garden areas of the dwellinghouses at Nos 6, 8 and 10 Stepend Road; and
- (iii) in view of the unsatisfactory nature of arrangements made to afford adjoining proprietors access to the development site for maintenance etc purposes.

4. PROPOSED ERECTION OF 27 WIND TURBINES AND ASSOCIATED WORKS COMPRISING A PERMANENT MONITORING MAST, TEMPORARY SITE COMPOUND, TEMPORARY CONCRETE BATCHING PLANT, FORMATION OF NEW INTERNAL ACCESS TRACKS AND UPGRADING OF EXISTING TRACKS AND CONSTRUCTION OF CONTROL BUILDING AND ELECTRICAL SUBSTATION ON LAND ADJACENT TO AFTON RESERVOIR, NEW CUMNOCK BY E.ON UK RENEWABLES LTD

There was submitted an executive summary sheet and report dated 9 December 2007 (both circulated) by the Head of Planning and Economic Development presenting for consideration a formal consultation from the Scottish Ministers on an application made under Section 36 of the Electricity Act 1989 for a proposed windfarm development at Glenafton, near New Cumnock to enable the Local Planning Committee to take a formal view on the proposed development.

In this connection, the Principal Planning Officer advised (i) that at paragraph 4.2 of the report, the response to the first comment made by East Ayrshire Environmental Health Division should read at lines 2 and 3 "...the proposal has not attracted objections from the local Community Council..."; (ii) that the final sentence of paragraph 4.6 of the report should read "However, recent correspondence received from Glasgow Prestwick Airport (GPA) confirms that the Afton development will not require to be lit"; and (iii) that Condition 1.25 of Appendix 1 to the report should read "No development shall commence until the scheme relating to off-site public road improvements and measures for the monitoring and maintenance of public roads has been submitted in writing to the Planning Authority for approval. A full structural assessment of the public section of the C90 route from the B741 to Craigdarroch (6.99km) will required to be undertaken by the developer and agreed with East Ayrshire Council as Roads Authority, prior to commencing any work on site. The scheme shall be implemented as approved. The costs of all requisite road infrastructure improvements and extraordinary road maintenance resulting from the proposed development shall be borne fully by the developer."

It was agreed:-

- (i) that the Council would not formally object to the proposed development, but that this non-objection would be strictly qualified on the following basis:

- (a) the Section 36 Consent and Deemed Planning Consent should not be granted by the Scottish Government until a suitable mitigation for aviation impacts had been identified and accepted in writing by GPA;
- (b) in reaching a decision as to a mitigation's acceptability, GPA must be satisfied that:
- the mitigation will overcome any adverse aviation impacts of the Afton wind farm on GPA'S PSR and air traffic control service;
 - the mitigation would be capable of being approved by SRG by way of Safety Case(s) and any other regulatory procedures which implementation of the solution would require;
 - the mitigation would materially preserve GPA's current and future operational efficiency, air traffic control safety requirements and consequent commercial interests;
- (c) any Section 36 Consent should include a condition which prohibits the erection of any Afton turbine (that is, its tower, nacelle and rotor) until such time as the agreed mitigation had been implemented to GPA's satisfaction (in GPA's absolute discretion);
- (d) a Section 75 and other supplementary agreements required by GPA to create real burdens in relation to the application site were entered into with the Planning Authority and with GPA to the effect that no turbine shall be constructed until a suitable mitigation had been identified and had been implemented;
- (e) the developer would meet all costs of developing and implementing a suitable mitigation and all reasonable costs incurred by GPA in relation to the Afton wind farm;
- (f) in the event that the Scottish Ministers were minded to grant consent for the Afton wind farm development, the Council respectfully requests that the conditions listed in Appendix 1 of the report submitted, as amended, be incorporated in any consent granted or secured by means of a Section 75 Agreement in terms of the Town and Country Planning Act 1997, subject to any further discussion or negotiation; and
- (g) the securing of community benefit from the proposed development by means of a Section 75 Agreement in terms of the Town and Country Planning Act 1997, implemented and administered in accordance with the report on Wind Farm Policy approved by the Council on 06 December 2007 as appended to the report submitted;
- (ii) notwithstanding the Council's non-objection to the proposed development, the Council would express strong concerns to the Scottish Ministers that the proposed Afton development together with the existing and proposed wind farm developments (Windy Standard, Harehill and Kyle), in providing a generating capacity that would meet a significant proportion of the Scottish Government's renewal energy targets, places a disproportionate

burden on the local communities in East Ayrshire in satisfying energy needs of the wider community. This is of particular relevance when considering the contribution already made by East Ayrshire in terms of existing renewable energy production and also in terms of the contribution through the production of open cast coal with the consented reserves being greater than that of any other local authority area in the UK; and

- (iii) that, subject to the amendments referred to above, a copy of the report submitted be forwarded to the Scottish Ministers as presenting the Council's formal response to the consultation on the Section 36 application for the Afton wind farm development in terms of the Electricity Act 1989.

Councillor Jim Roberts, having moved that consideration of the application be continued to a future meeting in order to enable the Committee to hear from a representative of GPA in respect of radar clutter and aircraft safety issues, which failed to receive a seconder, recorded his dissent to this decision.

5. APPLICATION NO: 07/0731/OL: AZURE INVESTMENTS: GROUND AT TEMPLETON ROUNDABOUT, AUCHINLECK

There was submitted an executive summary sheet and report dated 6 December 2007 (both circulated) by the Head of Planning and Economic Development on an outline planning application for a proposed mixed use commercial development at Templeton Roundabout, Auchinleck.

The Principal Planning Officer reported that no objections had been received; summarised the planning considerations in respect of the application; and gave the recommendation of the Head of Planning and Economic Development: approval, subject to the conditions, and for the reasons, detailed in the report.

It was agreed to approve the application subject to the conditions, and for the reasons detailed in the report.

The meeting terminated at 1120 hours