

EAST AYRSHIRE COUNCIL**NORTHERN LOCAL PLANNING COMMITTEE****MINUTES OF MEETING HELD ON FRIDAY 10 OCTOBER 2008 AT 1000 HRS
IN THE MEETING ROOM, COUNCIL HEADQUARTERS,
LONDON ROAD, KILMARNOCK**

PRESENT: Councillors Alan Brown, Rose-Ann Cuninghame, John McGhee, Willie Coffey, Tom Cook, Robert Keohone, John Campbell, Gordon Cree, John Knapp, Hugh Ross, Jim Todd and Stuart Finlayson.

ATTENDING: Fiona Finlay, Principal Planning Officer; Jane Little, Senior Planning Officer; Avril Forrest, Solicitor; and Jennifer Morrison, Administrative Officer.

APOLOGIES: Councillors John MacKay, Helen Coffey, Maureen McKay, Iain Linton, Douglas Reid, Drew McIntyre, Robert McDill and Provost Stephanie Young.

CHAIR: Councillor Alan Brown, Chair.

1. **APPLICATION FOR PROPOSED ERECTION OF 36 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 ON LAND NORTH OF THE IRVINE VALLEY, NORTH EAST OF KILMARNOCK ON EAGLESHAM MOOR BY CRE ENERGY LTD (A SUBSIDIARY OF SCOTTISH POWER RENEWABLE ENERGY LTD)** – There was submitted a report dated 1 October 2008 (circulated) by the Head of Planning and Economic Development presenting for consideration a formal consultation to be considered by the Local Planning Committee under the Scheme of Delegation. Councillor Rose-Ann Cuninghame joined the meeting at this point.

It was agreed:-

- (i) that the Council did not formally object to the proposed development, but this was strictly qualified on the following basis;
 - (i) the Section 36 Consent and Deemed Planning Consent should not be granted by the Scottish Government until a suitable mitigation for aviation impacts has been identified and accepted in writing by Glasgow Prestwick Airport (GPA);
 - (ii) any Section 36 Consent should include a condition which prohibits the erection of any Whitelee windfarm extension turbine (that is, its tower, nacelle and rotor) until such time as the agreed mitigation has been implemented to GPA's satisfaction;
 - (iii) the developer will meet all costs of developing and implementing a suitable mitigation and all reasonable costs incurred by GPA in relation to the Whitelee windfarm extension.
- (ii) that the applicant enters into an individual, legal agreement with the Council consistent with the Heads of agreement detailed under Section 8.2 of the report.

- (iii) that a copy of the report be forwarded to the Scottish Ministers as presenting the Council's formal response to the consultation on the Section 36 application for the Whitelee windfarm extension development in terms of the Electricity Act 1989.

The following issues however were raised by the Committee and it was agreed to include these as amendments to the report and thereby forming part of the overall recommendation, viz:-

- (i) an amendment to Condition (18) to read "Construction work on the site, save for the erection of turbines, shall be confined to the hours of 0730-1930 Mondays to Fridays and 0800-1330 on Saturdays with no work on Sundays or on Public Holidays. If any noise nuisance arises outwith these times such work shall cease forthwith until suitable mitigation measures are put in place. The receipt of any materials or equipment other than blades, nacelles and towers shall not take place except during the hours of 0700-1900 Mondays to Fridays";
- (ii) within three months of the construction of the turbines a scheme to restore the borrow pits shall be submitted to and agreed in writing by the Planning Authority. This scheme shall include timescales for restoration work and the said work shall be undertaken as approved.

The Committee also expressed concern about how it is intended to move electricity off site and noted that further applications may be necessary, such as overhead power lines and consequently requested that the Head of Planning and Economic Development raise this concern with the Scottish Government.

- (iv) in the event that the Scottish Ministers are minded to grant consent for the Whitelee windfarm extension development, the conditions listed in Appendix 1 of the report (as amended at the meeting and as may be further amended in future discussions or negotiations) are incorporated in any consent granted or secured by means of a Section 75 Agreement in terms of the Town and Country Planning Act 1997; and
- (v) otherwise to note the contents of the report.

The meeting terminated at 1030 hours.