

EAST AYRSHIRE COUNCIL

**DEVELOPMENT SERVICES COMMITTEE - SITTING AS A PLANNING
COMMITTEE**

**MINUTES OF SPECIAL MEETING HELD ON TUESDAY 28 NOVEMBER 2006 AT
1400 HOURS IN THE MEETING ROOM, COUNCIL HEADQUARTERS, LONDON
ROAD, KILMARNOCK**

PRESENT: Councillors Eric Ross, Jim O'Neill, John McGhee, Stephanie Young, Brian Reeves, John Weir, Drew McIntyre, John Campbell, Ray Murray, Stuart Finlayson, Robert McDill and George Smith.

ATTENDING: David Mitchell, Head of Administrative and Legal Services; Alan Neish, Head of Planning, Development and Building Standards; Hugh Melvin and Pamela Clifford, Principal Planning Officers; Craig Young, Solicitor; and Robert Beaton, Administrative Officer.

APOLOGIES: Councillors Maureen McKay, Douglas Reid, Iain Linton, Jimmy Kelly, Tommy Farrell, Elaine Dinwoodie and Jimmy Carmichael.

CHAIR: Councillor Eric Ross, Chair.

HEARING PROCEDURE

1. The Administrative Officer established that the Hearing Procedure was understood by all participants (circulated).

CONSIDERATION OF APPLICATIONS

2. **APPLICATION NO 06/0462/OL: PROPOSED HOSPITAL EXTENSION ON LAND ADJACENT TO WOODLEA COURT, NORTHWEST OF CROSSHOUSE HOSPITAL, KILMARNOCK BY NHS AYRSHIRE AND ARRAN**

There was submitted an executive summary sheet and a report dated 17 November 2006 (both circulated) by the Head of Planning, Development and Building Standards on an application for an outline planning application for a proposed hospital extension at land adjacent to Woodlea Court, Northwest of Crosshouse Hospital, Kilmarnock.

2.1 Declaration of Interest

Councillor O'Neill declared a non-financial interest in the Item which he did not consider significant in terms of Paragraphs 5.17 and 5.18 of the Code of Conduct and indicated his intention to remain and participate in consideration of this item.

2.2 Time Limit for Hearing Objectors

Councillor McDill, seconded by Councillor Campbell, moved that objectors be allowed as much time as they required to present their objections.

Councillor Ross, seconded by Councillor J McGhee, moved as an amendment that objectors be allowed up to five minutes per objector to be heard.

On a division by a show of hands, the amendment was carried by 8 votes to 3.

2.3 Consideration of Item

The Head of Planning, Development and Building Standards reported that 12 letters of objection together with a petition of 63 signatories had been received; details of which were contained within the report; summarised the planning considerations in respect of the application; and gave the recommendation, viz:- Approval, subject to the conditions and for the reasons as detailed within the report and that the issue of the Planning Decision Notice be withheld until the application has been referred to and cleared by the Scottish Ministers under the Town and Country Planning (Notification of Applications) (Scotland) Direction 1997.

2.4 Planning Hearing

The Committee then heard Mrs R Carrie, Mrs H Cassidy, Mrs Weeks (on behalf of Mr R Lucas), Mrs S McHarg, Miss F MacDonald, Mr D Campbell, Mrs Taylor, Mrs Pearce and Mrs Cowan in support of their objections.

Members of the Committee asked questions of the objectors, all in accordance with the agreed Hearing Procedure.

The Committee then heard Peter Rimmer, on behalf of NHS Ayrshire and Arran.

Members of the Committee asked questions of the representative of the applicant, all in accordance with the agreed Hearing Procedure.

The Chair closed the Hearing.

2.5 Determination of Application

It was agreed to refuse the application on the basis that the application site was safeguarded for affordable housing in terms of Policy RES 1 contained in the East Ayrshire Local Plan.

Councillor McIntyre joined the meeting at this point.

3. PROPOSED ERECTION OF 85 WIND TURBINES AND ASSOCIATED WORKS COMPRISING PERMANENT MONITORING MASTS, BORROW PITS, TEMPORARY SITE COMPOUNDS, CONCRETE BATCHING PLANT, ELECTRICAL SUB-STATIONS, FORMATION OF INTERNAL ACCESS ROADS AND NEW SITE ACCESS, UPGRADING OF EXISTING ROADS AND CONSTRUCTION OF CONTROL BUILDING AT KYLE FOREST, NEAR DALMELLINGTON BY AMEC PROJECT INVESTMENTS LIMITED

There was submitted an executive summary sheet and report dated 23 November 2006 (both circulated) by the Head of Planning, Development and Building Standards which presented for consideration under the Scheme of Delegation 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 Kyle Forest, near Dalmellington, and for the Committee to take a formal view on the proposed development as now amended.

The Head of Planning, Development and Building Standards summarised the planning considerations in respect of the application; and gave the recommendation, viz:- (i) that the Council formally objects to the proposed development, and recommends refusal of the application on the following grounds: (a) the Council considers that the proposed development would result in significant skyline disruption from most locally important vantage points and would therefore be contrary to the provisions of Policy E1(E) of the approved Ayrshire Joint Structure

Plan 1999; (b) the Council considers that the proposed Kyle development would cause unacceptable cumulative landscape and visual impacts on the wider landscape within which the development is located, taking cognisance of wind farm development (existing and proposed) and existing opencast coal extraction developments in the same locality. The proposal is therefore considered to be contrary to the provisions of Policies E10(B) and E11(B) of the approved Ayrshire Joint Structure Plan 1999; (c) in the absence of any technical solution to adverse impact on radar installations and the consequent outstanding objections from Glasgow Prestwick Airport and NATS (En-Route) Plc, the Council considers that the proposed Kyle development could have a significant adverse impact on the operational requirements of Glasgow Prestwick Airport, and consequently the proposal would not conform to the provisions of Policy E11(E) of the approved Ayrshire Joint Structure Plan 1999; (d) the proposed Kyle development, although not lying within a Sensitive Landscape Character Area, would be situated very close to the boundary of that designated area which extends along the Doon Valley to Loch Doon. The cumulative visual impact of the proposed wind farm with the existing and proposed turbines at Windy Standard would erode the natural beauty of the designated area through the stringing of turbines across valued panoramas, (e) the proposed Kyle development does not fall within the Preferred Areas of Search as identified with the Key Diagram of the Finalised Ayrshire Joint Structure Plan 2006 and the proposal would, therefore, not conform to the provisions of Policy ECON7(A) which directs large scale wind farm developments to these areas of search which have been identified primarily on landscape capacity assessment and as areas with transmission grid access; and (f) in the absence of any technical solution to adverse impact on radar installations and the consequent outstanding objections from Glasgow Prestwick Airport and NATS (En-Route) Plc, the Council considers that the proposed Kyle development could have a significant adverse impact on the operational requirements of Glasgow Prestwick Airport, and consequently the proposal would not conform to the provisions of Policy ECON7(B) of the Finalised Ayrshire Joint Structure Plan 2006; (ii) that the Council expresses its strong concerns to the Scottish Ministers that the scale of the proposed Kyle development, in providing a generating capacity that would meet a significant proportion of the Scottish Executive's renewable energy 2010 target, places a disproportionate burden on the local communities in East Ayrshire in satisfying the 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 opencast coal with consented reserves being greater than that of any local authority area in the UK; (iii) that a copy of this report be forwarded to the Scottish Ministers as presenting this Council's amended formal response to the consultation on the Section 36 application for the Kyle Wind Farm development in terms of the Electricity Act 1989; and (iv) in the event that the Scottish Ministers are minded to grant consent for the Kyle Wind Farm development, the Council respectfully requests that the conditions listed in Appendix 1 of this report (or as may be further amended in discussion or negotiation) 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.

The Committee agreed to the above recommendations of the Head of Planning, Development and Building Standards.

The meeting terminated at 1515 hours.