

**REGULATORY PANEL (SPECIAL).**

Minutes of special meeting to undertake a site visit on 11th February 2011 at 12.30 p.m.

Present: Councillors Ian Fitzsimmons (Chair), John Allan, Ian Douglas, Ann Galbraith, Sandra Goldie, Bill Grant and Alec Oattes.

Apology: Councillor Andy Campbell.

Attending: W. Carlaw, Acting Legal Manager; A. Browne, Senior Planning Development Case Officer; and A. Gibson, Committee Administrative Officer.

**1. Continued Application for Planning Permission – Maclachrieston Farm, Pinmore (Ref: 10/00323/APP).**

Reference was made to the Minutes of 20th January 2011 (Page 000, paragraph 00) when it had been agreed to continue consideration of the application for the erection of a wind turbine at Maclachrieston Farm, Pinmore, to a Regulatory Panel (Special), to allow a site visit to be conducted.

Councillor Fitzsimmons, seconded by Councillor Goldie moved that the application be approved, as detailed in the report.

By way of an Amendment, Councillor Douglas, seconded by Councillor Oattes, moved that the application be refused on the grounds that it was contrary to policy ENV8 of the South Ayrshire Local Plan and policies ECON7 and ENV2 of the Ayrshire Joint Structure Plan.

On a vote being taken by a show of hands, three Members voted for the Amendment and four for the Motion. The Motion was accordingly declared to be carried.

**Decided:** to approve the application subject to the following conditions:-

- (1) that the planning permission of the wind turbine shall be for a maximum period of 25 years from the date of the erection of the wind turbine on site. The applicant will confirm in writing with the Planning Authority the commencement date of the erection of the wind turbine under the consent hereby granted, prior to the implementation of the permission;
- (2) that the development hereby granted shall be implemented in accordance with the approved plan(s) as listed below and as forming part of this permission unless a variation required by a condition of the permission or a non-material variation has been agreed in writing by the Planning Authority;
- (3) that the wind turbine hereby granted planning permission shall be removed from the site and the use discontinued on or before the expiry of the 25 years consent. The applicant shall, within 1 month of the expiry of the 25 year consent referred to in condition 1, submit details and a suitable timescale required for the reinstatement of the land for the written approval of the Planning Authority;

- (4) that a construction statement that describes the method and timing of the construction works, including the formation of access tracks, works to connect the turbine to the National Grid and proposals for safeguarding all important natural heritage features, shall be submitted to and approved in writing by the Planning Authority in consultation with Scottish Natural Heritage prior to the commencement of works on site. This shall include details regarding the size and construction of crane platforms, any levelling of the ground and the size of any borrow pits;
- (5) that the infrastructure required to link the turbine to the National Grid shall be buried underground to the satisfaction of the Planning Authority. Full details of the route of all cabling and details of all restoration works shall be submitted for the written approval of the Planning Authority prior to the commencement of works on site;
- (6) that no vegetation shall be cleared in the locality of the site during the bird breeding season (March to July inclusive);
- (7) that the operation of the wind turbine shall be in accordance with the report from the competent acoustic consultant. The predicted noise levels at the nearby noise sensitive properties (measured as an L A90,10min ) shall be no more than 45 dB(A) at wind speeds of up to 10m/s and at 10m height at the nearest noise sensitive properties at Maclachrieston Farm and Glenaldon Cottage and no more than 35 dB(A) at wind speeds of up to 10m/s and at 10m height at Asselholm Cottage and the nearest noise sensitive properties in the village of Pinmore, to the satisfaction of the Planning Authority; and
- (8) that the turbine shall be fitted with 25 candela omni-directional lighting or infrared lighting with an optimised flash pattern of 60 flashes per minute of 200ms to 500ms duration at the highest practicable point.

**Reasons:**

- (1) to define the duration of the planning permission;
- (2) to ensure that the development is carried out in accordance with the approved plans unless otherwise agreed;
- (3) to protect landscape quality and ensure the reinstatement of the site to a satisfactory standard;
- (4) to protect landscape quality;
- (5) to protect landscape quality and ensure the satisfactory restoration of the land;
- (6) in the interests of wildlife protection;
- (7) to avoid noise disturbance in the interests of residential amenity; and
- (8) to ensure that the turbine is visible to low flying aircraft during the hours of darkness.

**Advisory Notes:**

The Ministry of Defence has requested that no work shall commence on the Site until the applicant/developer has provided the Ministry of Defence with the following information:-

- the date construction starts and ends;
- the maximum height of construction equipment; and
- the latitude and longitude of the turbine.

The contact details are as follows: Defence Estates, Operations North, safeguarding Wind Energy, Kingston Road, Sutton Coldfield, B75 7RL (tel) 0121 311 2195.

**List of Determined Plans:**

Drawing - Reference No (or Description): LOCATION PLAN;

Drawing - Reference No (or Description): SITE PLAN; and

Drawing - Reference No (or Description): E-33/S/36/3K/01.

**Reason for Decision:**

The siting and design of the development hereby approved is considered to accord with the provisions of the development plan and there is no significant adverse impact on the amenity of neighbouring land and buildings.

The meeting ended at 2.10 p.m.