

REGULATORY PANEL (SITE VISIT).

Minutes of special meeting to undertake a site visit on 14th June 2011 at 10.00 a.m.

- Present: Councillors Ian Fitzsimmons (Chair), Andy Campbell, Sandra Goldie, Bill Grant and Alec Oattes.
- Apologies: Councillors John Allan (as he had not been present when the Hearing for this application had been conducted), Ian Douglas and Ann Galbraith.
- Attending: W. Carlaw, Acting Legal Manager; C. Parish, Priority Projects Team Leader, and A. Gibson, Committee Administrative Officer.

1. Continued Application for Planning Permission – North Garphar Farm, C45 Craigneil Road, Colmonell – South West to A77 South of Ballantrae Bridge, North-East from Ballantrae (Ref: 11/00361/APP).

Reference was made to the Minutes of 19th May 2011 (Page 336, paragraph 1(3)) when it had been agreed to continue consideration of the application for the erection of two wind turbines at North Garphar Farm Farm, C45 Craigneil Road, Colmonell – South West to A77 South of Ballantrae Bridge, north-east from Ballantrae, to a Regulatory Panel (Special), to allow a site visit to be conducted.

Following the site visit, the Panel agreed, by a majority, that the decision of the Panel be made on site and not at the County Buildings, Wellington Square, Ayr.

Councillor Goldie, seconded by Councillor Campbell, moved that the application be approved, subject to the conditions as detailed in the report.

By way of an Amendment, Councillor Oattes, seconded by Councillor Grant, moved that the application be refused as the proposal was contrary to policy ECON7 of the Ayrshire Joint Structure Plan and policies STRAT5 and ENV8 of the South Ayrshire Local Plan in that there would an adverse cumulative impact on the scenic beauty of the surrounding area and on local tourism.

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

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

- (1) that the planning permission of the wind turbines 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 turbines 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 turbines 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;
- (5) that the infrastructure required to link the turbines 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 wind turbine(s) noise emission level, when measured at the nearest noise sensitive premises, for wind speeds up to 10 m/s at a height of 10 metres, during daytime (0700 to 2300) shall not exceed 35dB(A) $L_{A90,10min}$ or the measured $L_{A90,10min}$ (background) noise level plus 5dB(A), whichever is the greater;
- (8) that night time (2300 to 0700) value must not exceed 38dB(A) $L_{A90,10min}$ where measured at the nearest noise sensitive dwelling, or the measured $L_{A90,10min}$ (background) noise level plus 5dB(A), whichever is the greater; and
- (9) that in the case of properties where the occupier has some financial involvement in the wind turbines, the noise emission limits may be increased to the higher of 45 dB $L_{A90,10min}$ or 5dB above the prevailing background noise level for both daytime and night-time.

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; and
- (7) to (9) to avoid noise disturbance in the interests of residential amenity.

List of Determined Plans:

Drawing - Reference No: Location Plan;
 Drawing - Reference No: A001; and
 Drawing - Reference No: T15.

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 12.15 p.m.