

## **REGULATORY PANEL.**

Minutes of meeting held remotely  
on 3 March 2021 at 10.00 a.m.

Present: Councillors Brian Connolly, Andy Campbell, Iain Campbell, Ian Cavana, Alec Clark, Ian Fitzsimmons, Mary Kilpatrick, Craig Mackay and Margaret Toner.

Attending: K. Briggs, Service Lead – Legal and Licensing; J. Nicol, Service Lead – Planning and Building Standards; M. McClelland, Co-ordinator (Planning); A. Cooke, Co-ordinator (Planning); G. Senior, Ayrshire Roads Alliance; and A. Gibson, Committee Services Officer.

### **1. Opening Remarks.**

The Chair confirmed that today's meeting was not open to the press and public, which was permissible under the COVID-19 legislation. He also confirmed to Members the procedures to conduct this meeting.

### **2. Declarations of Interest.**

There were no declarations of interest by Members of the Panel in terms of Council Standing Order No. 17 and the Councillors' Code of Conduct.

### **3. Minutes of previous meeting.**

The minutes of 4 February 2021 ([issued](#)) were submitted and approved.

### **4. Consultation under Section 36c of the Electricity Act 1989 - Application under Section 36C of the Electricity Act 1989 requesting Scottish Ministers to further vary the existing Section 36 consent to construct and operate Chirmorie Wind Generating Station (REF: 20/00944/DEEM).**

There was submitted a report ([issued](#)) of 11 February 2021 by the Director – Place

- (1) advising that this Council had been consulted by the Scottish Government, under Section 36C of the Electricity Act 1989, on an application by Chirmorie Wind Farm Ltd to vary the existing Section 36 consent to construct and operate Chirmorie wind generating station;
- (2) intimating that this Council was not the determining authority for this proposal; and
- (3) recommending a response to the Scottish Government.

The Panel

**Decided:**

- (a) to submit the report as the Council's observations on the proposed application and that no objections be raised to the Scottish Government subject to the inclusion of the draft variations to conditions set out in the applicant's submitted document titled "Appendix 3: Draft Proposed Variations To The Conditions of the Scottish Ministers' Determination of 22nd April 2020", and subject to additional requirements in Condition 16 and Condition 26 to include a complaints procedure for the public to notify the developer of noise complaints and shadow flicker, respectively;
- (b) to agree that the Advisory Note, as set out in the report, be included in the Council's response, drawing attention to the location of the private water supply adjacent to the C72 road;
- (c) to approve delegated authority to conclude planning conditions with the Energy Consents Unit should the Scottish Government be minded to grant consent; and
- (d) to ask officers to raise their concerns with the Scottish Government Energy Consents Unit that it appeared the local community had not been formally consulted on the variation, particularly the local Community Council; and the seemingly ongoing practice of variations for incremental increases being submitted for Section 36 consents.

**5. Application for Planning Permission.**

There was submitted a report ([issued](#)) of February 2021 by the Director - Place on a planning application for determination.

The Panel decided as follows:-

- (1) **20/00863/APP – DUNDONALD - Land adjacent to the Mount Newfield Mains Road - change of use of agricultural land to form dog exercise area.**

The Chair asked the Service Lead - Planning and Building Standards, to provide a summary of the representations/objections raised, and following this, heard from the Co-ordinator (Planning) in respect of the application.

Having confirmed that they had sufficient information before them to make a decision today, the Panel

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

- (a) 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;

- (b) that the approval for the proposed use is limited to 1 year from the date of this permission at which date the use of the land as a dog exercise area shall be terminated and the site shall be restored to its former condition in accordance with a written specification, including a timescale within which the works shall be implemented, to be submitted for the prior written approval of the Planning Authority. The restoration specification shall be submitted within 2 months of the date of this planning approval;
- (c) that the business shall operate in accordance with the applicant's supporting statement (dated 14<sup>th</sup> December 2020) to the satisfaction of the Planning Authority;
- (d) that car parking shall be laid out as per the approved plans to the satisfaction of the Planning Authority; and
- (e) that no car parking shall be undertaken on the private road to the satisfaction of the Planning Authority.

**Reasons:**

- (a) to ensure that the development is carried out in accordance with the approved plans unless otherwise agreed;
- (b) to define the terms of this planning permission, and to allow for the monitoring of the operation of the business;
- (c) to define the terms of this planning permission;
- (d) in the interest of road safety and to ensure adequate off-street parking provision. To reduce the potential for congestion and obstruction caused by off site car parking; and
- (e) to define the terms of this planning permission, and in the interests of road safety.

**Advisory Notes:**

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:

[www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)

**List of Determined Plans:**

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

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

Other - Reference No (or Description): SUPPORTING STATEMENT (OCT 2020); and

Other - Reference No (or Description): SUPPORTING STATEMENT (DEC 2020).

**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 explanation for reaching this view is set out in the Report of Handling and which forms a part of the Planning Register.

The meeting ended at 10.45 a.m.