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Report to:	<b>Planning Committee</b>
Date of Meeting:	<b>17 May 2005</b>
Report by:	<b>Executive Director (Enterprise Resources)</b>

Subject:	<b>Whitelee Wind Farm</b>
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## **1 Purpose of Report**

1.1 The purpose of the report is to:-

- ◆ seek committee approval for the response to the Scottish Executive in relation to the second addendum to application by CRE Energy, a subsidiary of Scottish Power, to develop a wind farm at Whitelee Forest to the south of East Kilbride

## **2 Recommendation(s)**

2.1 The Committee is asked to approve the following recommendation(s):-

- (1) that a response to the Scottish Executive is made on the basis that the Scottish Executive:
  - a) investigate in full, either through a Public Inquiry or otherwise, the concerns raised by objectors and consultees
  - b) impose appropriate detailed conditions to the full satisfaction of the planning authorities and Scottish Natural Heritage
  - c) note that prior to any consent being issued S75 and S96 legal agreements will be concluded to the satisfaction of the planning authorities including an appropriate level of community benefit.
  - d) that clarification is provided in relation to the effects of the proposals on radar which will be fully mitigated prior to any consent being issued.
  - e) note that the Council will respond to recently issued documents, namely a Draft Habitat Management Plan and a Peat Stability Report.

## **3 Background**

3.1 The original proposal was submitted to the Scottish Executive in 2002 for consideration and determination under Section 36 of the Electricity Act 1989. Consent is required from Scottish Ministers for the construction and operation of a power generating station with a capacity of 50 MW or more. The proposal fell within this category. South Lanarkshire Council were asked by the Scottish Executive to provide comments on the proposals. Following a report to the Planning Committee on 14<sup>th</sup> May 2002 SLC comments were sent to the Scottish Executive supporting the proposal subject to a number of conditions, clarification of a number of issues and the creation of a Community Trust.

- 3.2 The applicant is CRE Energy, a wholly owned subsidiary of Scottish Power. The site was selected by CRE Energy following a site selection process. The reasons for selection of Whitelee as opposed to other sites are set out in the original Environmental and Planning Statements which required to be produced as part of the proposal and were submitted in 2002.
- 3.3 In October 2003 CRE Energy submitted an Addendum to the application which was sent out for consultation by the Scottish Executive. This addendum included "Borrow Pit" information and a "Minor Changes Document". This introduced a substantial increase in rock extraction on site and an increase in the generating capacity of each turbine. The total capacity of the site as a whole, increased to 322 MW, lengthening of the construction period to 31 months, with the reduction in number of HGV movements through Ardochrig entrance to the site and an increase in the size of the sub station at Ardochrig.
- 3.4 This addendum was reported to the Planning Committee on 3<sup>rd</sup> February 2004 when committee approved the recommendations to submit a response to the Scottish Executive. This response in summary requested that the Local Planning Authorities receive and determine planning applications for each borrow pit under relevant minerals legislation, that further information be supplied on the impact of the changes to the application and that several issues were clarified by the Scottish Executive and CRE Energy.
- 3.5 Following the submission of this SLC response and similar responses by East Ayrshire and East Renfrewshire Council's the Scottish Executive decided that separate planning applications would not be required. They stated that the borrow pits could be considered as ancillary to the main development and therefore should be dealt with as an amendment. A second Addendum was submitted in October 2004 to the Scottish Executive by CRE Energy and sent out for consultation. For clarification this second Addendum, the subject of this committee report, replaced the Addendum on the borrow pits but incorporated the original Minor Changes Document.

#### **4 Proposal**

- 4.1 This Second Addendum proposed changes to the size and number of borrow pits and provides more detailed information on each borrow pit. The changes in the size and number of borrow pits in the South Lanarkshire Area are set to the table below.

<b>Borrow Pit</b>	<b>1st Addendum Extraction Volume (cubic metres)</b>	<b>2<sup>nd</sup> Addendum Extraction Volume (cubic metres)</b>	<b>Proportion of Blasting and Ripping</b>	<b>Change</b>
<b>S</b> Muir Hill	240,000	250,000	76% Blasting 24% Ripping	Increase in volume & blasting
<b>T</b> Loudons Water	50,000	55,000	64% Blasting 36% Ripping	Increase in volume & blasting
<b>W</b> Laigh Huntlawrig	35,000	None	None	Removed
<b>X</b> High Alderstocks	35,000	82,200	63% Blasting 37% Ripping	Increase in volume & blasting
<b>Y</b> Ardochrig Hill	100,000	100,000	60% Blasting 40% Ripping	No Change
<b>Z</b> Ardochrig South	90,000	90,000	55% Blasting 45% Ripping	No Change
<b>Z1</b> High Alderstocks	60,000	60,000	50% Blasting 50% Ripping	No Change
<b>Total in SLC</b>	<b>610,000</b>	<b>637,200</b>		<b>Overall increase in volume &amp; in % extracted by blasting</b>
<b>U</b> Corse Hill (in East Renfrewshire but adjacent to SLC boundary)	680,000	680,000	88% Blasting 12% Ripping	Increase in % extracted by blasting.

It also incorporates the Minor Changes Document unchanged from that in the previous addendum.

## 5 Consultation Process and Responses

- 5.1 The Scottish Executive issued the Second Addendum and Minor Changes Document for consultation and adverts appeared in the local and national press. After receiving the Second Addendum a limited consultation exercise was undertaken by the Council. This included internal departments of the Council, specific external agencies and community councils. Responses received are available as background papers to this report.
- 5.2 The key issues arising from the consultation responses received from outside agencies and from work carried out with SLC Environmental Health Officers and the Minerals Officer can be briefly summarised as follows:

Rock Extraction Process: The information provided in the Second Addendum was limited in terms of the actual methods of working the extraction. However, formal method statements and blasting schemes will require to be submitted and approved for each borrow pit prior to work starting. (Conditions to be suggested to the Scottish Executive).

Noise Impact Assessment: After detailed analysis by Environmental Health Officers and the Minerals Planning Officer a number of detailed technical conditions have been drafted. These conditions cover a number of issues in relation to maximum noise levels at a range of locations over a controlled range of working hours. They also cover periods of construction and operation. (Conditions to be suggested to the Scottish Executive)

Ecology & Ornithology: SNH requested further information relating to the detail of the proposal including method statements for the working of the borrow pits and full survey and assessment of natural habitats. Scottish Power responded to SNH comments in February. SNH are still considering their response and further comments are expected. SNH will forward their final response to the Scottish Executive directly.

Water Quality and Water Courses: SEPA have concerns over the release into the water course of mud, silts and concrete. They stress the care required to maintain water quality for reservoir catchments and private water supplies. SEPA identify a number of guidelines which must be adhered to and the licenses required for certain elements of the proposal. Those details have been passed to Scottish Power and will also be referred to the Scottish Executive.

## **6 Assessment and Conclusions**

- 6.1 To provide a full and effective assessment of the Second Addendum on Borrow Pits and the Minor Changes Document they need to be considered in their wider context of the complete development. The summary of responses and the key issues are set out above.
- 6.2 As stressed by SNH it is vital that any effects are controlled and mitigated to the full satisfaction of the council and other agencies. However, I am satisfied that this Addendum for the borrow pits and other alterations can be supported subject to appropriate conditions and the associated legal agreement, all to be included in the Council's response to the SE. Appropriate conditions and legal agreements agreed by the planning authorities and SNH.

## **7 Draft Conditions and Legal Agreements**

- 7.1 During 2003, running in parallel with the application and borrow pits addendum to the EIA, various meetings took place between the SE, Scottish Power and SLC/ERC/EAC to investigate possible conditions to be attached to any consent and to draft other associated agreements including the S75, Roads Agreement etc.
- 7.2 By October 2003, following several meetings, a list of detailed draft conditions had been jointly prepared with initial agreement that they would form the basis of the final conditions to be attached to any consent. These conditions did not include those relating to the impact of the borrow pits as there was insufficient information on these related impacts by that time. A draft S75 Agreement had also been agreed as an initial basis for the final agreement to be attached to any consent. Again this did not include borrow pit issues.
- 7.3 On 2 February 2005 Scottish Power tabled revised versions of S75 and of the list of conditions for consideration. Discussions with the planning authorities are ongoing.

## **8 New Documents**

- 8.1 Scottish Power recently issued additional documents for consultation. These consisted of a new Draft Habitat Management Plan and a supplementary document to the EIA a Peat Stability Report. Both these documents require careful assessment by the various professionals in the Council and the views of other agencies need to be taken into consideration before a full response can be prepared. A response on these documents will therefore not be included in the response to the Second Addendum and the Minor Changes Document.

## **9 Employee Implications**

- 9.1 There would be employee implications should a consent be issued by the Scottish Executive. A consent for a proposal of this size and complexity will result in a significant level of work for planning officers, minerals officers, enforcement officers, ecologists and transportation officers particularly during the construction period.

## **10 Financial Implications**

- 10.1 None

## **11 Other Implications**

- 11.1 None

**Iain Urquhart**  
**Executive Director Enterprises Resources**  
**28 April 2005**

## **Links to Council Objectives**

### **Previous References**

- Report to Planning Committee 14<sup>th</sup> May 2002
- Report to Planning Committee 3<sup>rd</sup> February 2004

### **List of Background Papers**

- Documents submitted with consultation from Scottish Executive
- Consultation Responses and Summary Report
- Report to Planning Committee 14<sup>th</sup> May 2002
- Report to Planning Committee 3<sup>rd</sup> February 2004
- Redrafted Conditions Issued by Scottish Power February 2005
- Redrafted S75 Legal Agreement by Scottish Power February 2005

### **Contact for Further Information**

If you would like to inspect the background papers or want further information, please contact:-

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