

REGULATORY PANEL (PLANNING)

Minutes of a hybrid webcast meeting
on 27 June 2023 at 10.00 a.m.

Present

In County

Buildings: Councillors Kenneth Bell (Chair), Ian Cavana, Martin Kilbride, and Duncan Townson.

Present

Remotely: Councillor Mary Kilpatrick.

Apologies: Councillors Alec Clark, Brian Connolly, Mark Dixon and Craig Mackay.

Attending

in County

Buildings: K. Briggs, Service Lead – Legal and Licensing; C. Iles, Service Lead – Planning and Building Standards; E. Goldie, Co-ordinator (Place Planning); A. McGibbon, Supervisory Planner; R. Lee, Supervisory Planner; E. McKie, Planner; D. Manson, Ayrshire Roads Alliance; A. Gibson, Committee Services Officer; and E. Moore, Clerical Assistant.

Also

Present: W. Shand and N. Sheehy, AECOM (in attendance for items 4 and 5 only).

Chair's Remarks.

The Chair

- (1) welcomed everyone to the meeting; and
- (2) outlined the procedures for conducting this meeting and advised that this meeting would be broadcast live.

1. Sederunt and Declarations of Interest.

The Service Lead – Legal and Licensing called the Sederunt for the meeting and having called the roll, confirmed that 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.

2. Minutes of previous meetings.

- (1) The Panel agreed to continue approval of the minutes of 4 May 2023 ([Site Visit](#)) to the next meeting of this Panel as there was not a quorum of Members from that meeting present at this meeting to approve the minutes.
- (2) The minutes of 11 May 2023 ([issued](#)) were submitted and approved.

3. Hearings relating to Applications for Planning Permission -

There were submitted reports ([issued](#)) of June 2023 by the Housing, Operations and Development Directorate on planning applications for determination.

The Panel considered the following applications:-

- (1) [23/00025/APP](#) – COYLTON - Land adjacent to number 25 Hole Road – Erection of residential development.

The Panel heard from an interested party and the applicant's agent.

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

- (a) that the development hereby permitted must be begun within three years of the date of this permission;
- (b) 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;
- (c) that prior to the commencement of development, samples or a brochure of all materials to be used on external surfaces, in respect of type, colour and texture, shall be submitted for the prior written approval of the Planning Authority and implemented in accordance with the approved details;
- (d) that before any works start on site, details of the future management and aftercare of the proposed landscaping and planting shall be submitted for approval in writing by this Planning Authority. Thereafter the management and aftercare of the landscaping and planting shall be carried out in accordance with these approved details;
- (e) the approved landscaping scheme as set out in Drawing no. 22-0620-LAND-10 Rev. F shall be implemented within 3 months / first planting season following the completion or occupation of the development, whichever is the sooner. The open space/landscaped area shall be retained as open space and to this approved standard;

- (f) that the presence of any previously unsuspected or un-encountered contamination that becomes evident during the development of the site shall be brought to the attention of the Planning Authority within one week. At this stage, a comprehensive contaminated land investigation shall be carried out if requested, and which shall be submitted to for the formal prior written approval of the Council as planning authority. The investigation shall be completed in accordance with a recognised code of practice such as *British Standards Institution 'The investigation of potentially contaminated sites- Code of Practice' (BS 10175: 2001, or as may be amended)*. The report shall include a site-specific risk assessment of all relevant pollutant linkages, as required in Scottish Government Planning Advice Note 33 (or as may be amended). Any unacceptable risk or risks as defined under Part IIA of the Environmental Protection Act 1990, shall be the subject of a detailed remediation strategy which shall be submitted for the formal prior written approval of the Council as planning authority. Remediation of the site shall be carried out in accordance with the approved remediation plan prior to the occupation of the development; Any amendments to the approved remediation plan shall not be implemented unless approved in writing by the Planning Authority;
- (g) that no development shall take place within the development site as outlined in red on the approved plan until the developer has secured the implementation of a programme of archaeological works in accordance with the submitted Written Scheme of Mitigation. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority in agreement with the West of Scotland Archaeology Service;
- (h) that before occupation of the first dwelling within the development a Residential Travel Pack shall be submitted for the prior written approval of the Council as Planning Authority (in consultation with the Council as Roads Authority). The Travel Pack shall include information on walking, cycling and public transport facilities and services within the vicinity of the development sites, including journey times by sustainable modes of transport to key local destinations. The Travel Pack shall be distributed to all new residents within the development;
- (i) that the proposed access shall be constructed in accordance with the specifications in the Council's National Roads Development Guide and be a minimum of 5.5 metres wide over the initial 10 metres as measured from the rear of the public roadway and be formed with radius curves. The access shall be constructed, as approved, prior to completion of the development;
- (j) that the private access shall be surfaced for a minimum of 10 metres as measured from the rear of the public roadway, prior to occupation. Precise detail and specifications of the required surfacing shall be submitted for the prior written approval of the Council as Planning Authority (in consultation with the Council as Roads Authority) before any work commences on site;
- (k) that the discharge of water onto the public road carriageway shall be prevented by drainage or other means. Precise details and specifications of how this is to be achieved shall be submitted for the prior written approval of the Council as Planning Authority (in consultation with the Council as Roads Authority) before any work commences on site;

- (l) that a minimum of 24 off-road parking spaces and an additional 3 visitor parking spaces shall be provided within the existing site boundary to satisfy provision levels as defined within the Council's adopted National Roads Development Guide. Details of parking layouts designed to comply with the guidance set out in the Council's National Roads Development Guide, and Designing Streets as National Policy, shall be submitted for the prior written approval of the Council as Planning Authority (in consultation with the Council as Roads Authority);
- (m) that cycle parking accommodating a minimum of 1 cycle per dwelling shall be provided within the site boundary prior to the occupation of the 11th dwellinghouse. Precise details of the siting and specifications of the cycle parking stand(s) shall be submitted for the prior written approval of the Council as Planning Authority (in consultation with the Council as Roads Authority) before any work commences on site;
- (n) that the applicant shall submit a swept path analysis accommodating the largest size of vehicle expected to be used by or serve the development for the formal prior written approval of the Council as Planning Authority;
- (o) that a 2 metre wide public footway shall be provided along the site frontage(s) on Hole Road, to be designed in accordance with the specifications as set out within the Council's National Roads Development Guide. The footways shall be constructed, as approved, prior to completion of the development;
- (p) no work shall be carried out on any phase of the development unless and until an effective vehicle wheel washing facility has been installed in accordance with details that shall be submitted for the written approval of the Council as Roads Authority prior to its installation, if required for that phase. When required, such facility shall be retained in working order and used such that no vehicle shall leave the site carrying earth and mud in their wheels in such a quantity which will cause a nuisance or hazard to the road system in the locality;
- (q) the applicant/ developer shall, prior to the movement of any construction traffic to or from the site, submit a Construction Traffic Management Plan for the written approval of the Council as Roads Authority, and Police Scotland. The plan shall describe the methodology for the movement of construction traffic to and from the site, including agreement on suitable routes to and from the site, and shall require the agreement of the Council as Roads Authority and Police Scotland prior to any movement of construction traffic associated with the site;
- (r) that surface water from the site shall be treated in accordance with the principles of the Sustainable Urban Drainage Systems (SUDS) Manual, the updated version published by CIRIA in March 2015. At the Road Construction Consent stage full details of the methods to be employed, following discussions with SEPA, and including where appropriate calculations, along with details of how these measures will be maintained in perpetuity, shall be submitted for the formal prior written approval of the Council as Planning Authority before any work commences on site; and
- (s) that the flood risk mitigation measures detailed in the submitted Flood Risk Assessment v1.2 are fully implemented to the satisfaction of the Council as Planning Authority in agreement with the Ayrshire Roads Alliance as Flood Risk Management Authority.

Reasons:

- (a) to be in compliance with Section 58 of The Town and Country Planning (Scotland) Act 1997 as amended by Section 32 of The Planning (Scotland) Act 2019;
- (b) to ensure that the development is carried out in accordance with the approved plans unless otherwise agreed;
- (c) in the interests of visual amenity;
- (d) in the interests of visual amenity; to ensure that adequate measures are put in place to protect the landscaping and planting in the long term;
- (e) in the interests of visual amenity and to ensure a satisfactory standard of local environmental quality;
- (f) to ensure all contamination within the site is dealt with;
- (g) to establish whether there are any archaeological interests on this site and allow for archaeological excavation and recording;
- (h) to encourage sustainable means of travel;
- (i) in the interest of road safety and to ensure an acceptable standard of construction;
- (j) in the interest of road safety and to ensure an acceptable standard of construction;
- (k) in the interest of road safety and to avoid the discharge of water onto the public road;
- (l) in the interest of road safety and to ensure adequate off-street parking provision;
- (m) to ensure adequate provision of cycle parking on site, and encourage sustainable means of travel;
- (n) in the interest of road safety;
- (o) in the interest of road safety and to ensure that adequate provision is made for pedestrians;
- (p) in the interest of road safety;
- (q) in the interest of road safety;
- (r) to ensure the site is drained in an acceptably sustainable manner and the drainage infrastructure is properly maintained; and
- (s) in order to ensure the development is protected against flooding in an acceptable manner.

Advisory Notes:

- (1) That a Road Opening Permit shall be applied for, and obtained from the Council as Roads Authority, for any work within the public road limits, prior to works commencing on site.
- (2) The Council as Roads Authority advises that all works on the carriageway to be carried out in accordance with the requirements of the Transport (Scotland) Act 2005 and the Roads (Scotland) Act 1984.
- (3) In order to comply with the requirements of the New Roads and Street Works Act 1991, all works carried out in association with the development on the public road network, including those involving the connection of any utility to the site, must be co-ordinated so as to minimise their disruptive impact. This co-ordination shall be undertaken by the developer and his contractors in liaison with the local roads authority and the relevant utility companies.

- (4) The Council as Roads Authority advises that any costs associated with the relocation of any street furniture shall require to be borne by the applicant / developer.
- (5) The Council as Roads Authority advises that promotion of Traffic Regulation Orders resulting from this development shall require to be fully funded by the applicant – including any relevant road signs and markings.
- (6) The Council as Roads Authority advises that only signs complying with the requirements of 'The Traffic Signs Regulations and General Directions 2016' are permitted within public road limits.
- (7) Please note that Roads Construction Consent (RCC) from the Council as Roads Authority shall be required for the formation of any new road. The formation of any new road shall require to comply with the specifications of the Council's National Roads Development Guide and Designing Streets as National Policy.
- (8) 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

- (9) Please note that work should be undertaken in compliance with legislation and guidance relating to Scottish Environment Protection Agency (SEPA) Guidance Note No.8 which can be found at the website of SEPA as follows: www.sepa.org.uk
- (10) Should any EPS be found either prior to or during the period of development then a qualified ecological consultant should be contacted immediately for advice before proceeding with works. Advice from NatureScot may be required and the ecologist should be able to determine this. Further information available at <https://www.nature.scot/professional-advice/planning-and-development/planning-and-development-advice/>

List of Determined Plans:

- Drawing - Reference No (or Description): 22-0620-LOC-01- Location Plan;
- Drawing - Reference No (or Description): 22-0620-SITE-01 – Site Block Plan Existing;
- Drawing - Reference No (or Description): 22-0620-SITE-02 – Site Layout Plan Existing;
- Drawing - Reference No (or Description): 22-0620-SITE-02 Rev.A – Site Layout Plan Existing;
- Drawing - Reference No (or Description): 22-0620-SITE-10 Rev.F – Site Layout Plan Proposed;
- Drawing - Reference No (or Description): 22-0620-LAND-10 Rev.F – Soft Landscape Layout & Specification;
- Drawing - Reference No (or Description): 22-0620-LAY-005 – Topographic Survey as Existing;
- Drawing - Reference No (or Description): 22-0620-LAY-010 – Topographic Survey as Proposed;

Drawing - Reference No (or Description): 22-0620-LAY-10 Rev.A – Floor Plans – Aspen;

Drawing - Reference No (or Description): 22-0620-LAY-20 Rev.A – Ground Floor Plans - Rowan (Plot 1);

Drawing - Reference No (or Description): 22-0620-LAY-21 Rev.A – First Floor Plans – Rowan (Plot 1);

Drawing - Reference No (or Description): 22-0620-LAY-30 Rev.A – Ground Floor Plans - Rowan (Plot 11);

Drawing - Reference No (or Description): 22-0620-LAY-31 Rev.A – First Floor Plans – Rowan (Plot 11);

Drawing - Reference No (or Description): 22-0620-LAY 50 Rev.A – Floor Plans – Elm (B);

Drawing - Reference No (or Description): 22-0620-LAY 60 Rev.A – Floor Plans – Maple Plus;

Drawing - Reference No (or Description): 22-0620-ELE-10 Rev.A – Elevations – Aspen;

Drawing - Reference No (or Description): 22-0620-ELE-20 Rev.A – Elevations – Rowan (Plot 1);

Drawing - Reference No (or Description): 22-0620-ELE-30 Rev.A – Elevations – Rowan (Plot 11);

Drawing - Reference No (or Description): 22-0620-ELE-50 Rev.A – Elevations – Elm (B);

Drawing - Reference No (or Description): 22-0620-ELE-60 Rev.B – Elevations – Maple Plus;

Drawing - Reference No (or Description): 22-0620-SEC-AA-010 – Topographic Site Sections AA as Existing and Proposed;

Drawing - Reference No (or Description): 22-0620-SEC-BB-011 – Topographic Site Sections BB as Existing and Proposed;

Other - Reference No (or Description): Archaeological Mitigation – Written Scheme of Investigation;

Other - Reference No (or Description): Design and Access Statement; and

Other - Reference No (or Description): Flood Risk Assessment v1.2.

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.

- (2) [23/00176/APP](#) – AYR - Land to east of Holmston Roundabout, A77T from Whitletts Roundabout to Holmston Roundabout - Installation of energy storage facility - comprised of battery storage enclosures, associated power conversion units and transformers, substations, hardstanding area, vehicular access, grid connection and ancillary works.

The Panel heard from an interested party.

The Panel adjourned for two minutes to allow the clerk to ascertain if an interested party, who had indicated that they wished to address the Panel today and was not present in person or remotely, was present at the reception area of the County Buildings. It was noted that he was not present.

Upon reconvening, the Panel heard from the applicant's agent.

The Panel

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

- (a) that the development hereby permitted must be begun within three years of the date of this permission;
- (b) 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;
- (c) that prior to the commencement of development, samples or a brochure of all materials to be used on external surfaces, in respect of type, colour and texture, shall be submitted for the prior written approval of the Planning Authority and thereafter implemented as approved;
- (d) that prior to the commencement of development, a Species Protection Plan for bats, otters and badgers shall be submitted for the prior written approval of the Planning Authority and thereafter implemented as approved;
- (e) that before any works start on site, details of the number, species and density of all trees, shrubs and hedges to be planted, and the extent and profile of any areas of earthmounding, shall be submitted for the prior written approval of the Planning Authority. The scheme as approved shall be implemented within the first planting season following the completion of the development, whichever is the sooner;
- (f) that before any works start on site, the developer shall submit details and specifications of the root protection area and outline measures necessary to safeguard the trees on the site during operations. This Planning Authority shall be formally notified in writing of the implementation and completion of such measures and no work on site shall commence until the Planning Authority has confirmed in writing that the measures as implemented are acceptable. The protective measures shall be retained in a sound and upright condition throughout the operations and no building materials, soil or machinery shall be stored in or adjacent to the protected area, including the operation of machinery;

- (g) that no development shall take place within the development site as outlined in red on the approved plan until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted to, and approved by the Planning Authority, in agreement with the West of Scotland Archaeology Service. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority in agreement with the West of Scotland Archaeology Service;
- (h) that energisation of the Energy Storage Facility shall not occur until the applicant has undertaken a phase-to-earth study to determine the interference levels on the Scotland Gas Networks' adjacent pipelines E27 and E53 from steady state and fault conditions of the electrical infrastructure associated with the proposed development, taking into consideration the SGN pipeline(s) and associated equipment. If required, the applicant shall also design appropriate mitigation to ensure that any induced fault voltage is within appropriate limits (in accordance with BS EN 50122-1). The results of this modelling (and mitigation, if required) will be submitted for the prior written approval of the Planning Authority, in consultation with Scotland Gas Networks, before energisation;
- (i) no development shall commence unless and until a Construction Traffic Management Plan (CTMP) has been submitted to, and approved by, the Council as Planning Authority, in consultation with the Ayrshire Roads Alliance and Transport Scotland. The CTMP shall be required to include:
- a. Full confirmation of the approved/agreed routes for use by construction traffic movements, including Abnormal Indivisible Load (AIL) movements;
 - b. A full breakdown of all vehicle numbers anticipated to be generated by the development over the construction period, broken down by vehicle classification. The detail provided shall require to be sufficient to highlight periods of peak development traffic generation, and provide both estimated daily and weekly trip number estimates;
 - c. Full details of any mitigation and/or control measures required on the public road network to facilitate construction traffic. Where this requires public road layout or alignment mitigation this requires to include full detailed design/construction details;
 - d. Full details of all arrangements for emergency vehicle access;
 - e. Measures to accommodate pedestrians and cyclists where appropriate, and details of a nominated road safety person; and
 - f. Measures to control the use of any direct access onto the trunk road.

Thereafter, the development shall be carried out in full accordance with the approved CTMP, unless otherwise approved in writing by the Planning Authority, in consultation with the Ayrshire Roads Alliance and Transport Scotland;

- (j) that the development shall not become operational until vehicle wheel cleansing facilities, or other suitable facilities, have been installed and brought into

operation on the site, the design and siting of which shall be subject to the prior written approval of the Planning Authority, following consultation with Transport Scotland;

- (k) that surface water from the site shall be treated in accordance with the principles of the Sustainable Urban Drainage Systems (SUDS) Manual, the updated version published by CIRIA in March 2015. At the Road Construction Consent stage full details of the methods to be employed, following discussions with SEPA, and including where appropriate calculations, along with details of how these measures will be maintained in perpetuity, shall be submitted for the formal prior written approval of the Council as Planning Authority before any work commences on site;
- (l) that prior to operation of the development, the recommendations in the submitted Assessment of Acoustic Impact shall be implemented for the development;
- (m) that prior to the operation of the development hereby approved, a strategy for monitoring and addressing any noise complaints that may arise from the operation of the development in the future shall be submitted for the written approval of the Planning Authority and implemented as required; and
- (n) in the event that equipment becomes obsolete or redundant, it shall be removed and the site reinstated to a standard acceptable by and to the satisfaction of the Planning Authority within one month of the removal of the equipment.

Reasons:

- (a) to be in compliance with Section 58 of The Town and Country Planning (Scotland) Act 1997 as amended by Section 32 of The Planning (Scotland) Act 2019;
- (b) to ensure that the development is carried out in accordance with the approved plans unless otherwise agreed;
- (c) in the interests of visual amenity;
- (d) to ensure that the development has no adverse impact on Protected Species;
- (e) in the interests of visual amenity and to ensure a satisfactory standard of local environmental quality;
- (f) in order to ensure that no damage is caused to the existing trees during development operations;
- (g) to establish whether there are any archaeological interests on this site and allow for archaeological excavation and recording;
- (h) in order to ensure that a mechanism is in place to assess and mitigate the effects of inducing unacceptable levels of electrical currents and voltage upon other utilities in the event they arise;
- (i) in the interests of road safety;
- (j) to ensure that material from the site is not deposited on the trunk road to the detriment of road safety;
- (k) to ensure that the site is drained in an acceptable and sustainable manner;
- (l) in the interests of amenity;
- (m) in the interests of amenity; and
- (n) to minimise the level of visual intrusion and ensure the reinstatement of the site to a satisfactory standard.

Advisory Notes:

- (1) The proposed route for any abnormal loads on the trunk road network must be approved by Transport Scotland prior to the movement of any abnormal load. Any accommodation measures required including the removal of street furniture, junction widening and traffic management must similarly be approved.
- (2) Any additional signing or temporary traffic control measures deemed necessary due to the size or length of loads being delivered must be undertaken by a recognised Quality Assured traffic management consultant, to be approved by Transport Scotland before delivery commences.
- (3) The applicant should be informed that the granting of planning consent does not carry with it the right to carry out works within the trunk road boundary and that permission must be granted by Transport Scotland Roads Directorate. Where any works are required on the trunk road, contact details are provided on Transport Scotland's response to the planning authority which is available on the Council's planning portal.
- (4) Trunk Road modification works shall, in all respects, comply with the Design Manual for Roads and Bridges and the Specification for Highway Works published by HMSO. The developer shall issue a certificate to the effect, signed by the design organisation.
- (5) Trunk Road modifications shall, in all respects, be designed and constructed to arrangements that comply with the Disability Discrimination Act: Good Practice Guide for Roads published by Transport Scotland. The developer shall provide written confirmation of this, signed by the design organisation.

List of Determined Plans:

Rural Location Plan (Drawing No. 22-594-P01);
Location Plan (Drawing No. 22-594-P02);
Topographical Survey (Drawing No. 22-594-P03);
Proposed Site Plan (Drawing No. 22-594-P04);
Cross Sections (22-594-P05);
Planning Supporting Statement (Dated 06/06/22);
Pre-Application Consultation Report (Dated 06/06/22)
Pre-application Consultation – Additional Information Leaflet (Dated 06/06/22);
Pre-application Consultation – Consultee Invitation Brochure (Dated 06/06/22);
Pre-application Consultation – Copy of Notification Letter (Dated 06/06/22);
Pre-application Consultation – Copy of Press Advertisement (Dated 06/06/22);
Amended Transport Assessment (Dated 14/10/22);
Flood Risk Response and Statement to SEPA (Dated 30/11/22);
Details of Existing Watercourse – Appendix 1 of Flood Risk Response (Drawing No. 22_594_P06 Rev B, Dated 30/11/22);
Cross Section through Burn – Appendix 2 of Flood Risk Response (Drawing No. 22_594_P07, Dated 30/11/22);
Details of Existing Ditch – Appendix 3 of Flood Risk Response (Drawing No. 22_594_P06, Dated/ 30/11/22);

Site Plan as Proposed with Contours and Finished Floor Levels - Appendix 4 of Flood Risk Response ((Drawing No. 22_594_P04 Rev B, Dated 30/11/22); and Site Photographs of Watercourse - Appendix 5 of Flood Risk Response (Dated 30/11/22).

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.

4. Consultation under Section 36 of the Electricity Act 1989 - 22/01029/DEEM – Camsiscan Farm, Craigie.

There was submitted a report ([issued](#)) of June 2023 by the Housing, Operations and Development Directorate advising

- (1) that this Council had been consulted by the Scottish Government, under Section 36 of the Electricity Act 1989, on an application by the Applicant for the installation and operation of a Battery Energy Storage System facility, associated infrastructure and associated ancillary development at Camsiscan Farm, Craigie, A719 From Council Boundary South to B730 Junction at March Bridge Craigie;
- (2) that this Council was not the determining authority for this proposal but rather a consultee to the Section 36 process; and
- (3) that under the Council's Scheme of Delegation relative to planning, all Section 36 consultations from the Scottish Government Energy Consents Unit required to be referred to the Council's Regulatory Panel.

Having heard from a representative from AECOM, who were acting as the Council's consultants, the Panel

Decided:

- (a) to submit this report to the Scottish Government as no objection to the proposed battery energy storage system; and
- (b) to approve delegated authority to the Director of Housing Operations and Development to conclude planning conditions with the Energy Consents Unit, should the Scottish Government be minded to grant consent.

5. Consultation under Section 36 of the Electricity Act 1989 - 22/00654/DEEM — Scienteuch Windfarm, Straiton.

There was submitted a report ([issued](#)) of June 2023 by the Housing, Operations and Development Directorate advising

- (1) that this Council had been consulted by the Scottish Government, under Section 36 of the Electricity Act 1989, on an application by RES for the erection of a windfarm and associated ancillary development at Scienteuch Wind Farm, Straiton;

- (2) that this Council was not the determining authority for this proposal; and
- (3) that under the Council's Scheme of Delegation relative to planning, all Section 36 consultations from the Scottish Government Energy Consents Unit required to be referred to the Council's Regulatory Panel.

The Panel heard from a representative from AECOM who were acting as the Council's consultants.

In terms of Standing Order No. 19.9, there was no general agreement to the unopposed motion, therefore, the Panel moved to a vote undertaken by electronic means for or against the Motion. Four Members voted for the Motion and one Member abstained and the Panel

Decided:

- (a) to submit this report to the Scottish Government as no objection to the proposed windfarm; and
- (b) to approve delegated authority to the Director of Housing, Operations and Development to conclude planning conditions with the Energy Consents Unit, should the Scottish Government be minded to grant consent.

The meeting ended at 11.40 a.m.