

EAST AYRSHIRE COUNCIL

COUNCIL MEETING: 23 SEPTEMBER 2010

APPOINTMENT TO OPENCAST COAL LIAISON COMMITTEE

Report by the Depute Chief Executive/Executive Director of Neighbourhood Services

1. PURPOSE OF REPORT

- 1.1** The purpose of this report is to invite Council to consider Elected Member representation on the proposed Netherton Surface Mine Liaison Committee.
- 1.2** On 25 June 2010 the Southern Local Planning Committee resolved to grant planning consent for this site subject to a Section 75 legal agreement being concluded (our ref: 09/0891/PP). Part of the legal obligation contained within this agreement relates to the establishment of a formal community liaison committee.
- 1.3** The operator of the proposed site, ATH Resources, seeks to hold the first meeting of the requisite committee prior to the commencement of operations at the Netherton site to ensure that local residents are kept informed at the earliest opportunity of any developments associated with this new surface mine. A formal request has now been made by ATH Resources asking for the Council's nomination for elected member representation on the proposed community liaison committee.
- 1.4** ATH Resources already has a community liaison committee for their adjacent Skares Road surface mine which is attended by one officer from the Council's Planning Section, two representatives from Skares Community Council, Councillor Kathy Morrice, Elected Member for Ward 8, and representatives from ATH Resources.

2. OPENCAST LIAISON COMMITTEES

- 2.1** Policy MIN37 of the East Ayrshire Opencast Coal Subject Plan provides that the Council may require potential opencast developers to constitute, by legal agreement, formal Liaison Committees with the representatives of the local communities directly affected by any proposed opencast coal operation. This allows the Committee to identify and resolve any potential conflict associated with the development and to provide a forum through which relevant issues can be discussed. Liaison Committees are not empowered to act on behalf of the Council in relation to any matter falling within the scope of the Town & Country Planning (Scotland) Act, the Environmental Impact Assessment Regulations or other planning legislation.

2.2 The Liaison Committee meetings provide a good opportunity for the above parties to meet and discuss on a regular basis, issues pertaining to the particular surface mine in question. For example:-

- (i) Site progress and operations
- (ii) Site restoration and timescales involved
- (iii) Environmental issues
- (iv) Local Community concerns
- (v) Conservation Management Plans; and
- (vi) Details of any future proposals relevant to the site

3. FINANCIAL/POLICY/COMMUNITY PLANNING IMPLICATIONS

3.1 None arising directly from this report.

4. LEGAL IMPLICATIONS

4.1 None arising directly from this report.

5. RECOMMENDATION

5.1 It is recommended that the Council appoint one Elected Member from Ward 8 (Cumnock & New Cumnock) to attend the Liaison Committee meetings for the proposed Netherton Surface Mine.

Elizabeth Morton
Depute Chief Executive/
Executive Director of Neighbourhood Services

CG/HM
14 September 2010

BACKGROUND PAPERS

- 1. East Ayrshire Opencast Coal Subject Plan
- 2. Letter from ATH Resources dated 17 August 2010.

Any person wishing further information on this report should contact Colin Graham, Minerals Officer on 01563 555482.

Implementation Officer: Dave Morris