

EAST AYRSHIRE COUNCIL**MINUTES OF SPECIAL MEETING HELD ON THURSDAY 26 AUGUST 2010 AT
1000 HRS IN THE COUNCIL CHAMBERS, COUNCIL HEADQUARTERS,
LONDON ROAD, KILMARNOCK**

PRESENT: Provost Stephanie Young and Councillors John MacKay, John McGhee, Helen Coffey, Willie Coffey, Maureen McKay, Tom Cook, Robert Keohone, Iain Linton, Douglas Reid, Jim Buchanan, Depute Provost John Campbell, Councillors Drew McIntyre, John Knapp, Hugh Ross, Jim Todd, Alan Brown, Stuart Finlayson, Robert McDill, Jimmy Kelly, Neil McGhee, Jim Roberts, David Shaw, William Crawford, Barney Menzies, Kathy Morrice, Eric Ross, Elaine Dinwoodie, Drew Filson and Moira Pirie.

ATTENDING: Elizabeth Morton, Depute Chief Executive/Executive Director of Neighbourhood Services; Bill Walkinshaw, Head of Democratic Services; David Mitchell, Head of Legal, Procurement and Regulatory Services; Alan Neish, Head of Planning and Economic Development; Karl Doroszenko, Development, Planning and Regeneration Manager; Emma Fyvie, Principal Planning Officer; Craig Young, Team Leader, Litigation and Advice; and Christine Baillie, Senior Administrative Officer.

APOLOGIES: Councillors Rose-Ann Cuninghame and Gordon Cree.

CHAIR: Provost Stephanie Young, Chair for Items 1, 2, and 3 and Depute Provost John Campbell for Item 4.

CHAIR'S REMARKS

1. Following a request from the Provost, the Council agreed to amend the order of business to that shown below.

**REPORTER'S CONCLUSIONS ON EXAMINATION INTO OBJECTIONS
TO THE ALTERATION TO THE EAST AYRSHIRE LOCAL PLAN AND
PROCEDURES FOR ADOPTION (Item 13, Pages 877, 878, 97/12)**

2. There was submitted a report dated 15 July 2010 (circulated) by the Depute Chief Executive/Executive Director of Neighbourhood Services which informed Council of the conclusions reached by Scottish Government Reporters during the Examination into all outstanding objections to the Alteration to the East Ayrshire Local Plan and which outlined the procedures that required to be undertaken in order to adopt the Plan.

Councillor Cook, seconded by Councillor Douglas Reid, moved:-

- (i) to reinsert the two omitted sentences, having regard to Regulation 2, criterion (c) of the Town and Country Planning (Grounds for Declining to Follow Recommendations) (Scotland) Regulations 2009 in respect of Issue 049(k), which dealt with the non-identification of Loudoun Castle and Estate as a mixed use, tourism led, miscellaneous development opportunity site, on the grounds that the Reporter, having stated, in recommending the wording of a new policy for Loudoun Castle and Estate in Volume 3 of the Plan, he had not intended to omit the two sentences setting out what particular uses would be acceptable at this location and the Reporter, having further stated that it would

be reasonable for the Council to apply Regulation 2(c) and that this would not raise any issues with Scottish Ministers;

- (ii) to approve the contents of the schedule of post examination modifications to the Finalised Draft Alteration to the East Ayrshire Local Plan;
- (iii) to authorise the Head of Planning and Economic Development to carry out the steps outlined in paragraph 5 of the report in order to formally adopt the Alteration to the East Ayrshire Local Plan as modified; and
- (iv) to authorise the Head of Planning and Economic Development to make any minor non-material amendment to the Plan where necessary.

Following clarification by the Head of Legal, Procurement and Regulatory Services of the provisions within the planning legislation in respect of any departures from the Reporter's recommendations, Councillor Maureen McKay, seconded by Councillor Barney Menzies, moved as an amendment that the item be continued to a future meeting of Council to allow officers to seek an independent view from a QC as to whether the Reporter, in reaching his recommendation, as reported to Council, in respect of the Council's proposed Affordable Housing Policy, based his recommendation on conclusions that could not reasonably have been reached on the evidence presented to him during the Examination into all outstanding objections to the Alterations to the East Ayrshire Local Plan?

On a division by a show of hands, the motion was carried by 16 votes to 14.

It was also agreed to note that Councillor Douglas Reid, Leader of the Council, would raise with the Scottish Government the matter of developing an Affordable Housing Policy at a national level.

APPOINTMENTS

3.1 APPOINTMENTS TO OUTSIDE ORGANISATIONS - CHANGES REQUESTED BY SNP GROUP

There were submitted and noted changes requested by the SNP Group in relation to appointments to outside organisations as detailed below:-

<u>ORGANISATION</u>	<u>EXISTING REPRESENTATIVE</u>	<u>CHANGE REQUIRED</u>
Ayrshire Educational Trust	Cllr Linton	Cllr H Ross
CAREERS - Scotland - Local Advisory Board	Cllr Linton	Cllr Roberts
CoSLA Executive Groups		
Education, Children & Young People	Cllr Linton	Cllr H Ross
Resources & Capacity	Cllr H Ross	Cllr Reid
Strategic Human Resources Management	Cllr Todd	Cllr Linton
Central JCC (Local Government Employees and Craftpersons)	Cllr Todd	Cllr Linton

Joint Negotiating Committee for Teaching Staff	Cllr Linton	Cllr H Ross
Prestwick Airport Consultative Committee	Cllr H Ross	Cllr Filson
Prison Visiting Committee (Kilmarnock)	Cllr McDill	Cllr J MacKay
Scotland Excel	Cllr Hugh Ross	Cllr Reid (Sub: Cllr Linton)
Scottish Accident Prevention Council		
Home Safety Committee	Cllr Roberts	Cllr Todd
Water and Leisure Safety Committee	Cllr Brown	Cllr Todd
Southwest Scotland Community Justice Authority	Cllr Filson (Sub: J MacKay)	Cllr J MacKay (Sub: Cllr Filson)
Strathclyde Fire and Rescue Board	Cllr Roberts (Sub H Ross)	Cllr Todd (Sub: Cllr Roberts)
Strathclyde Police Authority	Cllr McDill (Sub: Cllr J MacKay)	Cllr Todd (Sub: Cllr McDill)
Strathclyde Partnership for Transport (SPT) (including appointment to Strathclyde Passenger Transport Authority)	Sub: Cllr Buchanan	Sub: Cllr Brown
Supplier Development Programme	Cllr H Ross	Cllr Reid (Sub: Cllr Linton)
West of Scotland European Forum	Sub: Cllr H Ross	Sub: Cllr Linton

It was further noted that no change was required for the East Ayrshire Woodlands and that Councillor Todd would remain as the representative.

3.2 KNOCKROON COMMUNITY LIAISON GROUP

There was submitted a report dated 19 July 2010 (circulated) by the Executive Director of Finance and Corporate Support which advised Council of the proposed establishment of the Knockroon Community Liaison Group and which invited Council to determine appropriate local Elected Member representation to this Group.

Councillor Maureen McKay, seconded by Councillor Barney Menzies, moved:-

- (i) to nominate three Elected Members from both Wards 7 and 8 to ensure a balance between Elected Members and Community Representatives, the names to be submitted to the Head of Democratic Services as soon as possible;
- (ii) that appropriate Officer representation as detailed in paragraph 3.3 be approved; and

(iii) otherwise, to note the contents of the report.

Councillor Douglas Reid, seconded by Councillor Iain Linton, moved as an amendment:-

- (i) to nominate two Elected Members from both Wards 7 and 8 as suggested under paragraph 3.4 of the report, the names to be submitted to the Head of Democratic Services as soon as possible;
- (ii) that appropriate Officer representation as detailed in paragraph 3.3 be approved; and
- (iii) otherwise, to note the contents of the report.

On a division by a show of hands the amendment was carried by 16 votes to 14.

Councillors Maureen McKay, Robert Keohone, Drew McIntyre, John Knapp, Neil McGhee, William Crawford, Eric Ross and Elaine Dinwoodie left the meeting at this point.

Provost Stephanie Young declared a non-financial interest in terms of Para 7.11 of the Councillors Code of Conduct and left the meeting.

Depute Provost John Campbell took the Chair for the undernoted item.

**RECOMMENDATION OF THE SPECIAL NORTHERN LOCAL PLANNING
COMMITTEE HELD ON 24 JUNE 2010 WHICH RELATED TO PLANNING
APPLICATION NO 08/0374/FL: ERECTION OF FOOD STORE AND
ASSOCIATED PARKING AREA AT LAND TO THE SOUTH OF THE A71,
GALSTON BY TESCO STORES LTD/DAWN DEVELOPMENTS LTD (Item 3,
Pages 1264, 07/12)**

4. There was submitted a report dated 18 August 2010 (circulated) by the Executive Director of Finance and Corporate Support which informed Council of the recommendation of the Special Northern Local Planning Committee held on 24 June 2010 regarding the above planning application and for Council to determine the application for planning permission in terms of the Scheme of Delegation on the grounds that the application under consideration proposed a major development as defined by the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009, that were significantly contrary to the Development Plan.

Councillor Alan Brown, seconded by Councillor Iain Linton, moved approval of the recommendations from the Special Northern Local Planning Committee that as the proposed social and economic benefits of the application attracted greater weight than the policy position contained within the Alteration to the East Ayrshire Local Plan:-

- (i) that the application be approved subject to the conditions as detailed at Appendix II of the report;
- (ii) that the decision notice be withheld until the Solicitor to the Council had satisfactorily concluded a formal Agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 with the applicants in respect of the matters contained in Section 7.1 of the report and the following additional matters, namely:- Support to be provided by the applicants for Business Start

Up across the whole of the Irvine Valley; support to be provided by the applicants to local schools regarding Business Start Ups as part of supporting the Curriculum for Excellence in these schools; and the traffic light upgrade as detailed in the report be paid for by the applicants;

- (iii) to note that this decision would be submitted to the Scottish Ministers in accordance with the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009.

Councillor Robert McDill, seconded by Councillor Jim Todd, moved as an amendment that the application be refused for the reasons detailed in the report by the Head of Planning and Economic Development referred to in Appendix I.

On a division by a show of hands, the motion was carried by 15 votes to 5.

The meeting terminated at 1222 hrs.