

EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE

**MINUTES OF SPECIAL MEETING HELD ON TUESDAY 20 NOVEMBER 2007 AT
1405 HOURS IN CUMNOCK TOWN HALL, GLAISNOCK STREET, CUMNOCK**

PRESENT: Councillors Drew Filson, Eric Jackson, Jimmy Kelly, Neil McGhee, Jim Roberts, William Crawford, Barney Menzies, and Eric Ross.

ATTENDING: Dave Morris, Development Management Manager; Colin Graham, Minerals Officer; Craig Young, Solicitor and Stuart Nelson, Administrative Officer.

APOLOGIES: Councillors Jim Sutherland, Kathy Morrice and Elaine Dinwoodie.

CHAIR: Councillor Drew Filson, Chair.

1. HEARING PROCEDURE

The Administrative Officer advised that a Hearing would take place in respect of the planning application to be dealt with by the Committee at this meeting, and confirmed that the Hearing Procedure was understood by all participants; and in this connection, it was agreed that, in this case, in view of the detailed nature of certain of the points of objection, each of the objectors be allowed a period of up to ten minutes to make their verbal submissions to the Committee, and that the applicant, therefore, be allowed a commensurate period of up to fifteen minutes.

**2. APPLICATION NO 06/1174/FL: ATH RESOURCES PLC: GRIEVEHILL
OPENCAST COAL SITE, NEW CUMNOCK**

There was submitted an executive summary sheet and report dated 8 November 2007 (both circulated) by the Head of Planning and Economic Development on a full planning application for the proposed extension of the existing opencast coal site to allow for the recovery of an additional 920,000 tonnes of coal over two years followed by restoration for a further year at the Grievehill Opencast Coal Site, New Cumnock.

2.1 Consideration of Item

The Development Management Manager reported that two objections had been received, details of both of which were contained within the report; summarised the planning considerations in respect of the application; and gave the recommendation of the Head of Planning and Economic Development; approval with the conditions, and for the reasons, detailed in the report, subject to Notification of Scottish Ministers under the Town and Country Planning (Notification of Applications) (Scotland) Direction 2007; and that the issue of 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 applicant and Scottish Natural Heritage in respect of the matters detailed in paragraph 8.9 of the report.

Councillor Eric Jackson joined the meeting during the verbal report by the Development Management Manager.

2.2 Planning Hearing

The Committee heard Zoe Clelland, accompanied by Aedan Smith, representing RSPB, and Greta Roberts and Brian Broadley, representing MEGA, objectors, in support of their objections. Members asked questions of the objectors' representatives who responded to the issues raised, all in accordance with Hearing Procedure.

The Committee then heard Lee Weatherall and David Brignall, accompanied by Peter Morgan and Hugh Hamilton, representing the applicant, in support of the application. Members asked questions of the applicant's representatives, who responded to the issues raised, all in accordance with the Hearing Procedure.

The Chair closed the Hearing.

2.3 Determination of Application

Councillor Jimmy Kelly, seconded by Councillor Barney Menzies moved that the application be approved, with the conditions, and for the reasons, detailed in the report, subject to notification of Scottish Ministers under the Town and Country Planning (Notification of Applications) (Scotland) Direction 2007; and that the issue of 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 applicant and Scottish Natural Heritage in respect of the matters detailed in paragraph 8.9 of the report.

Councillor Jim Roberts, seconded by Councillor Drew Filson moved as amendment that the application be approved with the conditions, and for the reasons, detailed in the report, subject to notification of Scottish Ministers under the Town and Country Planning (Notification of Applications) (Scotland) Direction 2007; and that the issue of 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 applicant and Scottish Natural Heritage in respect of the matters detailed in paragraph 8.9 of the report, subject to that Agreement providing for the securing of contributions to the Minerals Trust Fund in respect of the coals won from the Grievehill extension to reflect the agreed outcome of the review, which is currently being progressed, of the level of contributions payable by mineral operators to the Fund.

On a division by a show of hands, the motion was carried by 6 votes to 2.

The meeting terminated at 1535 hours