

**EAST AYRSHIRE COUNCIL**

**SOUTHERN LOCAL PLANNING COMMITTEE**

**MINUTES OF MEETING HELD ON FRIDAY 4 SEPTEMBER 2009 AT 1000 HOURS IN THE BARRHILL CENTRE, BANK AVENUE, CUMNOCK**

**PRESENT:** Councillors Jim Roberts, David Shaw, Barney Menzies, Kathy Morrice and Elaine Dinwoodie.

**ATTENDING:** Hugh Melvin, Principal Planning Officer; Craig Young, Team Leader - Litigation and Advice; Colin Graham, Minerals Officer; and Stuart Nelson, Administrative Officer.

**APOLOGIES:** Councillors Jimmy Kelly, Neil McGhee, William Crawford, Eric Ross and Drew Filson.

**CHAIR:** Councillor Kathy Morrice.

**APPOINTMENT OF CHAIR**

1. The Administrative Officer invited nominations for Chair, and Councillor Kathy Morrice was unanimously appointed to, and took, the Chair.

**HEARING PROCEDURE**

2. The Administrative Officer confirmed that the Hearing Procedure was understood by all participants (circulated).

**CONSIDERATION OF APPLICATION**

3. **APPLICATION NO 08/0932/FL: VIRIDOR WASTE MANAGEMENT (SCOTLAND) LIMITED: FORMER DARNCONNER OPENCAST COAL SITE, BY AUCHINLECK**

There was submitted an executive summary sheet and report dated 27 August 2009 (both circulated) by the Head of Planning and Economic Development on a full planning application for the proposed variation of Conditions 1, 19 and 20 of planning permission CD/95/0058/MIN (as Amended) relating to the obligation and rights on, and restoration of, the former Darnconner Opencast Coal Site, by Auchinleck.

**3.1 Consideration of Item**

The Principal Planning Officer reported that three objections had been received in relation to the application, details of all 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, subject to the conditions, and for the reasons, detailed in the report; and that the issue of the Decision Notice be withheld until the Solicitor to the Council had satisfactorily concluded an amended agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 with the applicant in respect of those matters indicated in Section 8.10 of the report.

It was noted that Members of the Committee had had the opportunity to attend a site visit in respect of this application prior to the meeting.

### **3.2 Planning Hearing**

The Committee heard Mr David Gibson, who spoke in support of the objections submitted by Auchinleck Community Council, and by Mrs Anna Duncan.

Members asked questions of the objector, who responded to the issues raised, all in accordance with the Hearing Procedure.

The Committee then heard Mr David Brignall, representing the applicant, accompanied by Mr Martin Grey, on behalf of the applicant, in support of the application. Members asked questions of the applicant's representative, who responded to the issues raised, all in accordance with the Hearing Procedure.

The Chair closed the Hearing.

### **3.3 Determination of Application**

It was agreed to refuse the application, the Committee being of the view that, having particular regard to the current condition of the site and the potential for future use, the proposed restoration works as set out in the application did not offer sufficient provision for development either in environmental terms; or for the benefit of the community as a whole, including the need for appropriate arrangements to ensure public health and safety within the site.

The meeting terminated at 1044 hours.