

**EAST AYRSHIRE COUNCIL**

**DEVELOPMENT SERVICES COMMITTEE**

**MINUTES OF MEETING HELD ON WEDNESDAY 15 JANUARY 2003 AT 1000 HOURS IN THE MEETING ROOM, COUNCIL HEADQUARTERS, LONDON ROAD, KILMARNOCK**

**PRESENT:** Councillors George Smith, Stephanie Young, Daniel Coffey, Lilian MacLean, Drew McIntyre, Harry Wilson, Iain Linton, John Knapp, Jim Raymond, Finlay MacLean, Robert McDill, Eric Jackson, Jimmy Kelly, Provost Jimmy Boyd and Councillors Elaine Stewart and Jimmy Carmichael.

**ATTENDING:** David Montgomery, Chief Executive; Stephen Chorley, Director of Development Services; David Mitchell, Head of Administrative and Legal Services; Alan Neish, Head of Planning and Building Control; Jim Kane, Head of Roads and Transportation; Karen McLeod, Solicitor; John Robertson, Senior Accountant; and Melanie Anderson, Administrative Officer.

**APOLOGIES:** Councillors Eric Ross, Douglas Reid, Tommy Farrell and Julie Faulds.

**CHAIR:** Councillor George Smith, Vice-Chair.

**BUDGETARY CONTROL SUMMARY STATEMENT: DEVELOPMENT SERVICES TO 17 NOVEMBER 2002 (PERIOD 8)**

1. There was submitted and noted a joint report dated 17 December 2002 (circulated) by the Director of Finance and Director of Development Services which advised of the current budgetary control position and the projected out-turn for the year for the Development Services Department, for the period ended 17 November 2002 (Period 8).

**EAST AYRSHIRE OPENCAST COAL SUBJECT PLAN: OBJECTIONS RECEIVED IN RESPECT OF POST INQUIRY MODIFICATIONS AND ADOPTION PROCEDURES (Item 6, Page 2721, 99/03)**

2. There was submitted a report dated 7 January 2003 (circulated) by the Director of Development Services which presented the results of the advertisement exercise inviting objections to the modifications made to the Subject Plan following the Public Local Inquiry into the Plan and which sought authorisation for the Head of Planning and Building Control to carry out the necessary statutory procedures to achieve formal adoption of this Plan.

It was agreed:-

- (i) that no further changes be made to the Subject Plan as a result of the representations received in respect of the modifications made to the Plan following the Public Local Inquiry into the Plan;
- (ii) to authorise the Head of Planning and Building Control to initiate the procedures required to formally adopt the Subject Plan as detailed within the report; and

- (iii) that the Director of Development Services raise with the Scottish Executive the issue of further research into the health implications of dust from opencast coal and other mineral extraction sites.

### **DEVELOPMENT PLAN WASTE POLICIES (Item 9, Page 2559, 99/03)**

3. There was submitted a report dated 8 January 2003 (circulated) by the Director of Development Services which sought approval (a) of a re-worded policy on the geographical origin of waste; (b) for a programme for the proposed alteration of the Local Plan to reflect the approved Area Waste Strategy; (c) of the interim policy framework against which planning applications would be considered; and (d) to approach the Ayrshire Joint Structure Plan and Transportation Committee to invite the other Ayrshire Councils and Dumfries and Galloway Council to work in partnership with the Council in order to address any alterations to their Development Plans necessary to allow implementation of the Area Waste Strategy.

It was agreed:-

- (i) to approve the re-worded policy on the geographical origin of waste to be disposed of or treated within new waste facilities in East Ayrshire as detailed within the report;
- (ii) to approve the programme for drawing up a Formal Alteration to the Local Plan to reflect the approved Area Waste Strategy as detailed within the report;
- (iii) to approve the procedural framework for applying existing policies against which planning applications for waste disposal and treatment facilities would be considered as detailed within the report;
- (iv) to approve the procedural framework for applying existing policies for consideration of joint facilities designed to serve more than one waste authority as detailed within the report; and
- (v) to request the Ayrshire Joint Structure Plan and Transportation Committee to invite the other Ayrshire Councils and Dumfries and Galloway Council to work in partnership with East Ayrshire Council in drawing up Alterations to their Development Plans required for the implementation of the Area Waste Strategy.

### **DAMAGE TO SHEET PILED PROTECTION WORKS AT BRIDGE NO. F/NEWM/20, MURE PLACE FOOTBRIDGE, NEWMILNS**

4. There was submitted a report dated 9 December 2002 (circulated) by the Director of Development Services which (a) informed of the collapse of the sheet piled wall, which protects the north abutment of the footbridge from river scour at Mure Place in Newmilns; and (b) advised of the investigations which had been carried out and recommended remedial measures.

It was agreed that remedial work to the sheet piled wall be carried out in accordance with Option 3 as detailed within the report, subject to prioritisation in the Committee's Capital Programme for 2003/04.

**KILMARNOCK TOWN CENTRE TRAFFIC CIRCULATION  
(Item 15, Page 2283, 99/03)**

5. There was submitted a report dated 8 January 2003 (circulated) by the Director of Development Services which (a) updated on the preliminary design of the pedestrian safety and access measures and bus rail interchange measures which formed integral parts of the Kilmarnock Town Centre Action Plan; and (b) sought approval for the preferred traffic circulation options.

It was agreed:-

- (i) to note the contents of the report;
- (ii) that Option 1 would not be pursued at this time, but may form part of a future comprehensive redevelopment at the top of the town;
- (iii) to approve Option 2 subject to further consultation on the variants outlined in Paragraph 3.4 as detailed within the report;
- (iv) that Option 3 would be the subject of further consultation; and
- (v) that Option 4 would not be pursued any further.

**STREETLIGHT MAINTENANCE CONTRACT**

6. There was submitted a report dated 8 January 2003 (circulated) by the Director of Development Services which advised of the outcome of an internal review of arrangements for Streetlight Maintenance and recommended that an in-house Streetlight Maintenance Unit be established.

It was agreed:-

- (i) to note that, in Paragraph 2.3 of the report, the word "likely" should be amended to read "unlikely";
- (ii) to bring in-house the Streetlight Maintenance Service currently contracted out;
- (iii) to note that a full trading account would be established;
- (iv) to note that the terms and conditions of the staff employed by the Unit would be the subject of a report to the Policy and Resources Corporate Sub-Committee;
- (v) to note that a Service Level Agreement and a full Business Plan and operational statement would be submitted to the Committee for approval prior to the start of the financial year 2003/04; and
- (vi) to note that an annual review would be submitted to the Committee reporting on performance levels achieved against targets and updates proposed for the Service Level Agreement and Business Plan.

**MINERALS TRUST - PERIODIC REVIEW (REVISED REPORT)  
(Item 14, page 2968, 99/03)**

**7.1 Declaration of Interest**

Councillors Kelly, Stewart and Carmichael declared an indirect and non-pecuniary interest in the following item of business.

## 7.2 Consideration of Item

There was submitted a report dated 8 January 2003 (circulated) by the Director of Development Services, together with a revised page 42 issued separately, which provided an update on activities of the Minerals Trust in relation to the Section 75 obligations placed on Opencast Coal Operators to contribute to the Trust.

It was agreed to endorse the current approach taken by the Minerals Trust in supporting local groups and building and environmental improvements using funds secured through Section 75 Agreements approved by the Council.

### **PROMOTION OF COMPULSORY PURCHASE ORDER - MOORFIELD INDUSTRIAL ESTATE, KILMARNOCK**

8. There was submitted a report dated 8 January 2003 (circulated) by the Director of Development Services which sought authority to enter formal negotiations and to promote a Compulsory Purchase Order, if required, for the acquisition of land at Moorfield Industrial Estate, Kilmarnock, to facilitate the improvement of the entrance/exit junction from the A759.

It was agreed:-

- (i) to authorise the Director of Development Services to enter into formal negotiations with the affected landowners for the purchase of the land required for the junction improvement scheme;
- (ii) to approve the use of Compulsory Purchase Powers to acquire the land needed for the junction improvement should negotiations to acquire the land voluntarily be unsuccessful; and
- (iii) to instruct the Director of Development Services and the Head of Administrative and Legal Services to proceed with the promotion of the Compulsory Purchase Order.

### **AWARDING OF CONTRACTS**

9. There was submitted and noted a report dated 16 December 2002 (circulated) by the Depute Chief Executive/Director of Corporate Resources which provided, for information, details of tenders which had been accepted, as undernoted. The amounts shown are the actual costs of the contracts and are exclusive of professional fees.

<b><u>CONTRACT</u></b>	<b><u>SUCCESSFUL CONTRACTOR</u></b>	<b><u>AMOUNT</u></b>
Gunshill Burn Culvert Replacement	W I A Gilbert, Dalry	£47,746.45
Muirkirk - Undergrounding of Scottish Power Services	McGivney Construction Ltd., Kilmarnock	£60,482.00

### **EXCLUSION OF PRESS AND PUBLIC**

10. The Committee resolved that under Section 50A(4) of the Local Government (Scotland) Act 1973, as amended, the Press and public be excluded from the meeting for the following items of business on the grounds that they involved the

likely disclosure of exempt information as defined in Paragraph 6 of Schedule 7A of the Act.

**BUDGETARY CONTROL SUMMARY STATEMENT - VEHICLE MAINTENANCE  
DSO - TRADING SERVICES TO 17 NOVEMBER 2002 (PERIOD 8)**

11. There was submitted and noted a joint report dated 17 December 2002 (circulated) by the Director of Finance and the Director of Development Services which advised of the current budgetary control position and the projected out-turn for the year for the Vehicle Maintenance DSO - Trading Services for the period ended 17 November 2002 (Period 8).

**BUDGETARY CONTROL SUMMARY STATEMENT - ROADS DLO - TRADING  
SERVICES TO 17 NOVEMBER 2002 (PERIOD 8)**

12. There was submitted and noted a joint report dated 17 December 2002 (circulated) by the Director of Finance and the Director of Development Services which advised of the current budgetary control position and the projected out-turn for the year for the Roads DLO - Trading Services for the period ended 17 November 2002 (Period 8).

The meeting terminated at 1053 hours.