

EAST AYRSHIRE COUNCIL

DEVELOPMENT SERVICES COMMITTEE: 24 APRIL 2001

EAST AYRSHIRE OPENCAST COAL SUBJECT PLAN

OUTSTANDING OBJECTIONS TO SUBJECT PLAN

AND

OBJECTIONS RECEIVED IN RESPECT OF AGREED MODIFICATIONS

Report by Director of Development Services

1. PURPOSE OF REPORT

1.1 To inform the Committee of those objections received in respect of the finalised version of the East Ayrshire Opencast Coal Subject Plan which remain outstanding and unresolved; to inform the Committee of the formal objections and representations received in respect of the modifications made to the finalised version of the Subject Plan; to inform the Committee of the Department's assessment of each objection received in respect of the modifications and to seek authorisation from the Committee to forward a copy of the remaining outstanding and unresolved objections to the Subject Plan and a copy of the objections received in respect of the modifications made to the Subject Plan to the Scottish Executive Inquiry Reporters Unit for consideration at any future Public Local Inquiry into the Subject Plan which may require to be arranged at a future date.

2. BACKGROUND INFORMATION

2.1 At its meeting on 9 May 2000 the Committee authorised the Head of Planning and Building Control to advertise the modifications and this was carried out in May 2000. It was also agreed to enter into negotiation/discussion with individual objectors with regard to objections already made or with regard to any future objections received in respect of the modifications advertise. This process has now been completed and the results of these exercises form the subject of this report.

3. OUTSTANDING OBJECTIONS

3.1 Following advertisement of the Subject Plan in May 1999, 36 responses were received by the Department encompassing a total of 460 separate points of objection. Ongoing discussion and negotiation with individual objectors has left, to date, a total of 180 points of objection which remain to be determined, 70 objections from 10 respondents by Public Local Inquiry and 110 objections from 11 respondents by written representations. A table summarising the remaining unresolved objections to be addressed at a Public Local Inquiry is attached to

this report as ANNEX 1 and a summary of those unresolved objections to be dealt with by written representations is appended as ANNEX 2.

4. OBJECTIONS TO MODIFICATIONS

4.1 Following advertisement of the Modifications to the Subject Plan in May 2000, a total of 178 points of objection from 11 respondents was received. The 178 points of objection relate to 59 of the 132 modifications advertised. Of these, 97 points of objection relating to 41 individual modifications are considered relevant and pertinent for further consideration. A list of objections to the modifications, together with a suggested Council response on each objection received has been produced as ANNEX 3 to the report. Copies of ANNEX 3 have been placed in the Members Lounge and circulated to Group Leaders accordingly. The suggested response assesses the relevance of the point to each previously agreed Council policy and does not alter the Council's position.

5. THE WAY FORWARD

5.1 Should the Council agree to the suggested response to each objection received in respect of the advertised modifications as detailed in ANNEX 3 of the report, it is proposed that the following steps be initiated in order to progress the Subject Plan to adoption:-

- (i) to arrange a Public Local Inquiry to consider any unresolved objections to both the Finalised Version of the Subject Plan and the agreed modifications
- (ii) to forward copies of the unresolved objections and the objections to the agreed modifications, together with the Council's views on each as detailed in Annex 1, 2 and 3 of this report, to the Scottish Executive Inquiry Reporters Unit for information and action
- (iii) to consider any recommendations made by the Reporter at the Public Local Inquiry
- (iv) to adopt the Subject Plan

6. FINANCIAL IMPLICATIONS

6.1 Costs will be incurred by the Department in providing a suitable venue for the Public Local Inquiry, in providing an appropriate Programmes Officer to assist the Reporter in conducting the Inquiry and in paying for the services of the Reporter.

7. LEGAL/AUTHORITY IMPLICATIONS

7.1 The Division will require legal representation at the Public Local Inquiry to assist in presenting the Council's case.

8. PERSONNEL IMPLICATIONS

8.1 The Public Local Inquiry will require inter-departmental working, especially between the Planning and Building Control Division and the Council's Legal Section, and the appointment or secondment of a suitable Inquiry Programmes Officer for the period of the Inquiry.

9. RECOMMENDATION

9.1 It is recommended that the Committee agrees:-

- (i) to approve the suggested Council response to the objections received to the modifications to the Subject Plan, as detailed in ANNEX 3 to this report;
- (ii) to forward copies of all unresolved objections to the Subject Plan (summarised in ANNEXES 1 and 2 to this report) together with copies of the objections received to the modifications and the Council's response to the objections (as detailed in ANNEX 3 to this report) to the Scottish Executive Inquiry Reporters Unit for information and action; and
- (iii) to otherwise note the contents of the report.

Stephen Chorley
Director of Development Services

5 April 2001 (JL/SA)
(FV-AN)

LIST OF BACKGROUND PAPERS

1. The East Ayrshire Opencast Coal Subject Plan – Finalised Version, as approved by the Development Services Committee on 1 September 1998 and amended on 24 November 1998.
2. Report to Development Services Committee on 9 May 2000 entitled 'East Ayrshire Opencast Coal Subject Plan: Objections and Representations Document and Schedule of Proposed Modifications.
3. In-house paper on Local Plan Objection Procedures dated 26 April 2000.

Implementation Officer: Alan Neish

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AGENDA