

**EAST AYRSHIRE COUNCIL****DEVELOPMENT SERVICES COMMITTEE****MINUTES OF MEETING HELD ON TUESDAY 9 MARCH 1999 AT 1330 HOURS IN  
THE MEETING ROOM, COUNCIL HEADQUARTERS, LONDON ROAD,  
KILMARNOCK**

**PRESENT:** Councillors Drew McIntyre, Douglas Reid, John Knapp, Daniel Coffey, Robert McDill, Eric Ross, David Sneller, Jimmy Boyd, George Smith, Jimmy Carmichael and Robert Taylor.

**ATTENDING:** Fiona Lees, Depute Chief Executive; Stephen Chorley, Director of Development Services; Robert Paton, Head of Economic Development; Alan Neish, Head of Planning and Building Control; Sandy Gillat, Acting Head of Roads and Transportation; Bill Walkinshaw, Principal Administrative Officer; David Mitchell, Principal Solicitor; Ian Arnott, Corporate Accounting Manager; John Spooner, Business Development Manager; Karen McLeod, Solicitor; and Alex Hewetson, Administrative Officer.

**APOLOGIES:** Councillor Wilma Doyle, Provost Robert Stirling and Councillors Ann Hay, David Fulton, George Turnbull and Tommy Farrell.

**CHAIR:** Councillor Drew McIntyre, Chair.

**CHAIR'S REMARKS**

1. The Chair, at his discretion and in terms of Standing Order 15.1, agreed to alter the order of business and consider Items 1.6, 1.7 and 1.8 together, under Item 2.1 (below).

The Chair also advised that Item 5; Social Inclusion Partnership; and Item 6; Proposed Coalfield Regeneration Trust had been withdrawn from the Agenda.

**PLANNING APPLICATIONS****2.1 APPLICATION NOS 98/0461/FL, 98/0445/FL AND 98/0318/FL - LOUDOUN  
CASTLE (THEME PARK) LIMITED**

There was submitted:-

- (i) a report dated 2 March 1999 (circulated) by the Director of Development Services on a full planning application for proposed change of use from various leisure uses, buildings and children's playground to amusement park at Loudoun Castle Park; Galston;
- (ii) a report dated 26 February 1999 (circulated) by the Director of Development Services on a full planning application for proposed removal of Condition 1 of planning permission 96/0624/FL (restricting height of rides) at Loudoun Castle Park, Galston; and
- (iii) a report dated 26 February 1999 (circulated) by the Director of Development Services on a full planning application for proposed erection of roller coaster (Wild Mouse) at Loudoun Castle Park, Galston.

It was agreed that Planning Application Nos 98/0461/FL; 98/0445/FL; and 98/0318/FL would be subject to planning Hearings to be held at a Special Meeting of this Committee on 22 March 1999 at 0930 hours.

## **2.2. DECLARATION OF INTEREST**

Councillor Sneller declared an indirect interest in terms of the National Code of Local Government Conduct in respect of the following Items 2.3 to 2.7 inclusive and left the meeting.

## **2.3 APPLICATION NO 98/0762/FL: LAW MINING LIMITED**

There was submitted a report dated 1 March 1999 (circulated) by the Director of Development Services on a full planning application for proposed formation of a roundabout on the A76 and rail freight terminal, Rottenyard Farm, New Cumnock.

The Head of Planning and Building Control reported:-

- (i) that two letters of objection had been received, details of which were contained within the report;
- (ii) the receipt and content of a late letter of objection from The Scottish Wildlife Trust;
- (iii) a request for a planning Hearing to be held for this application and for application nos 98/0539/FL and 98/0452/FL; (Items 2.4 and 2.5 respectively); and
- (iv) that this planning application and application nos 98/0539/FL and 98/0452/FL failed to meet the agreed criteria for planning Hearings to be held.

The Head of Planning and Building Control summarised the planning considerations in respect of the application; and recommended: (i) that the request for planning Hearings is not acceded to in these cases; (ii) Approval, subject to the following conditions, viz:- (1) The development to which this permission relates must be begun within five years from the date of this permission; (2) Prior to the commencement of development on site the proposed roundabout shall be constructed to the standards contained in the design manual for Roads and Bridges Volume 6: Advice Note TD/16/93 (Geometric Design of Roundabouts). Details of its design shall be submitted to and approved by the Planning Authority following consultation with the Roads Authority. The design of the roundabout shall include the following elements: (i) differential acceleration lanes to be incorporated to the north-west side; (ii) a continuous 2 metres wide footway to be incorporated along the north side of the A76 trunk road with street lighting to link to the existing street lighting at New Cumnock; and (iii) cycling facilities to be incorporated; (3) The site access roads shall be constructed to the standards required in the SRC Guidelines for Development of Roads 1996, for industrial use, the proposed site access road between the proposed roundabout and the rail terminal shall be bituminously surfaced from the edge of the A76 Trunk Road; (4) No drainage connection shall be made to the A76 trunk road drainage system without the prior approval of the Roads Authority. No surface water shall be allowed to discharge from the development site onto the adjacent A76 trunk road; (5) The roundabout and associated re-alignment shall be subject to safety audits in the pre-design and post construction stages. All costs incurred in the supervision and the safety audits including any additional work required shall be the responsibility of the developer in consultation with the Roads Division; (6) The access

road and A76 trunk road adjacent to the site shall be kept clear of mud or other deposited materials at all times by means of mechanical brushing as appropriate or any other measures if considered appropriate by the Planning Authority; (7) Prior to any haulage vehicle leaving the site all vehicles shall be suitably hopped to minimise traffic noise associated with empty vehicles; (8) Except in the case of emergency the hours of working of the rail terminal facility shall be restricted to between 0800 to 1630 Monday to Friday, with the exception of essential site maintenance to be agreed with the Planning Authority; (9) Notwithstanding the provisions of the (General Permitted Development) (Scotland) Order 1992 and the Town and Country Planning (Use Classes) Order 1997 (or any order or enactment replacing this), this permission relates to a rail terminal facility for the dispatch of coal only and the further express consent of the Planning Authority is required before the facility may be used for any other purpose; (10) The combined storage capacity of the three coal storage pads shall not exceed 2,000 tonnes and the maximum coal storage mound shall not exceed 2 metres in height and shall be profiled in such a manner to prevent wind whipping; (11) The operational conduct of the site shall be generally as indicated in the Project Description which forms part of the application; (12) A dust monitoring programme shall be agreed with the Planning Authority in consultation with the Environmental Health Authority and undertaken using appropriate equipment and recording devices, the results and records to be made available to the Planning Authority on a monthly basis during the operational life of the site; (13) An appropriate noise monitoring programme shall be undertaken during the operational life of the site, the details of which shall be made available to the Planning Authority on a monthly basis; (14) The noise level generated from the development hereby approved workings shall at no time exceed 50dBA Laeq, 1h (measured over an hourly period) at the nearest noise sensitive properties; (15) Prior to the commencement of operations on site, the applicant shall submit details of the means of illumination of the site for approval. This illumination shall be installed in a manner which minimises any potential nuisances; (16) Details of the design of the site office shall be submitted to and approved by the Planning Authority prior to the commencement of development on site; (17) Notwithstanding the submitted plans details of the design and construction of all fences and walls to be erected on the site shall be submitted to and approved by the Planning Authority before any development commences on the site; (18) No materials shall be burned on the site at any time; (19) Any loading and unloading of vehicles which may be required in connection with the use of the site shall take place within the curtilage of the site and at no times on the highway; (20) Prior to the commencement of the operation of the rail terminal facility two 4 metre high screen bunds shall be constructed on site; details to be submitted for approval by the Planning Authority shall include the exact location of the bunds on site, their construction, the trees and shrubs to be planted and the grass mix; (21) Notwithstanding the approved plans, the access road between the proposed roundabout and the site shall be screened; details of the screening arrangements shall be submitted to and approved by the Planning Authority prior to the commencement of development on site and implemented prior to the commencement of the operation of the rail terminal; (22) Clean surface water shall be intercepted at the site boundary and diverted around the working area of the site; (23) All contaminated drainage and run-off from the site roadways, coal handling and stocking areas shall receive adequate and appropriate treatment prior to being discharged to any watercourses, such treatment being to the satisfaction of the Planning Authority; (24) All foul drainage from the site offices shall be treated prior to

the discharge to any watercourse; (25) All oil storage tanks/drums shall be kept in a suitably bunded area, appropriate precautions shall be taken to prevent the discharge of oil from re-fuelling and servicing of the site machinery from any watercourse or surface water drains; (26) Prior to the Rottenyard Burn diversion, the applicant shall carry out an assessment of the ecology of the watercourse in order that the existing habitats can be restored as far as practicable. Details of the assessment shall be submitted to and approved by the Planning Authority before development commences on site; (27) The engineering details of the Rottenyard Burn diversion shall be agreed with the Planning Authority prior to the works commencing on site; and (28) All water treatment area/settlement lagoons shall be enclosed by a one metre high stock proof fence prior to the commencement of the use of the terminal. The fencing shall be maintained intact thereafter at all times; Condition (1) being imposed to comply with Section 58 of the Town and Country Planning (Scotland) Act 1997; Conditions (2), (4), (5) and (6) in the interests of road safety; Condition (3) in the interests of road safety and to prevent any overcarry of loose material onto the public road; Condition (7) in the interests of road safety and minimising noise impact; Condition (8) in the interests of the amenity of the area; Condition (9) to enable the Planning Authority to retain control over the future development on the site in the interests of residential amenity; Conditions (10) and (20) in the interests of visual and residential amenity; Condition (11) to ensure that the development is undertaken in accordance with the details approved; Conditions (12) and (13) to ensure that appropriate environmental standards are maintained through the life of the site; Condition (14) in the interests of residential amenity; Condition (15) in the interest of amenity; Conditions (16), (17) and (21) in the interests of visual amenity; Condition (18) to safeguard the residential amenity of the area; Condition (19) to safeguard the residential amenity of the area and in the interest of highway safety; Conditions (22), (26), (27) and (28) in the interests of public safety; and Conditions (23), (24) and (25) to prevent contamination of watercourses; and (iii) that the issue of the Decision Notice be withheld until the Solicitor to the Council has satisfactorily concluded a formal agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 in respect of the matters described in Paragraph 8.6 of the report.

Councillor McDill, seconded by Councillor Coffey, moved that consideration of planning application no 98/0461/FL be continued to enable a planning Hearing to be held and that application nos 98/0539/FL and 98/0452/FL (Items 2.4 and 2.5, respectively) be deferred to enable planning Hearings to be held.

Councillor McIntyre, seconded by Councillor Carmichael, moved as an amendment that the Committee do not accede to the request for planning Hearings on planning application nos 98/0461/FL, 98/0539/FL and 98/0452/FL and that the Committee give consideration to the applications.

On a division by a show of hands, the amendment was carried by 7 votes to 3.

Councillor Taylor, seconded by Councillor Carmichael, moved:-

- (i) to grant the application subject to the conditions and for the reasons detailed above; and
- (ii) 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 in respect of the matters described in Paragraph 8.6 of the report.

Councillor McDill, seconded by Councillor Reid, moved as an amendment that the application be refused on the grounds that it would be detrimental to the visual amenity of the area.

On a division by a show of hands, the motion was carried by 7 votes to 3.

## **2.4 APPLICATION NO 98/0539/FL: LAW MINING LIMITED**

There was submitted a report dated 1 March 1999 (circulated) by the Director of Development Services on a full planning application for proposed opencast extraction of coal at Garleffan, New Cumnock.

The Head of Planning and Building Control reported:-

- (i) that four letters of objection had been received, one of which had been subsequently withdrawn, details of which were contained within the report;
- (ii) a request for a planning Hearing to be held; and
- (iii) confirmation that the planning application failed to meet the agreed criteria for a planning Hearing to be held.

The Head of Planning and Building Control summarised the planning considerations in respect of the application; and recommended: (i) Approval, subject to the following conditions, viz:- (1) The development to which this permission relates must be begun within five years from the date of this permission; (2) The development hereby permitted shall enure for the benefit of the applicant only, and shall be commenced within six months of the date of issued notice of decision and the approved operations shall be completed within six years of the commencement date of the operations, or by such other time as may be agreed with the Planning Authority; (3) The applicant shall give notice to the Planning Authority, in writing, of the commencement of operations on site, one month prior to their commencement; (4) Prior to the commencement of operations on site, the applicant shall submit details of the proposed layout of the coal preparation area including the details of any structures to be located within this area. Details of the means of illumination of this area shall also be submitted and this illumination shall be installed in a manner which minimises any potential nuisance; (5) No development shall take place until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has received the prior approval of the Planning Authority and which is fully compliant with the Terms of Reference which will be issued by the West of Scotland Archaeology Service on behalf of the Planning Authority; (6) The site access roads shall be constructed to the standards required in the SRC Guidelines for Development of Roads, 1995, for industrial use: the access road shall be bituminously surfaced from the edge of the A76 trunk road to the vehicle wheel wash facility location within the proposed coal preparation area at Rottenyard Farm; (7) No drainage connection shall be made to the A76 trunk drainage system without the prior approval of the Roads Authority. No surface water shall be allowed to discharge from the development site on to the adjacent A76 trunk road; (8) Appropriate measures to prevent mud, dirt, dust, slurry, coal or stones being carried onto the highway shall be taken and such steps shall include the provision and use of hardstanding areas and a full wheel and body vehicle wash facility for the cleaning of all lorries, dump trucks, other heavy vehicles and plant leaving the site, all in accordance with the mitigation measures promoted within the Environmental Statement which accompanied the planning application; (9)

The access road and public road adjacent to the site shall be kept clear of mud or other deposited materials at all times by means of mechanical brushing; (10) Prior to any road vehicle loaded with coal or other minerals leaving the site, the load shall be suitably covered/happed to ensure there is no escape of materials. A hardstanding area shall be provided within the coal preparation area to facilitate the happing of haulage vehicles. Vehicles returning to the site shall also be happed to minimise traffic noise associated with empty vehicles; (11) The proposed access road shall be screened from the A76 Trunk Road in accordance with the approved plans prior to the commencement of coaling operations on site; (12) Prior to excavation works commencing on site statutory undertakers' apparatus shall be protected and diverted as required, to the satisfaction of the respective statutory undertakers and at the expense of the developer; (13) The developer shall make stock-proof and maintain, until the restoration of the site is completed, all the existing perimeter hedges and fences and shall protect these from damage during operation works. Where the site boundary does not coincide with an existing hedge or fence, then the developer shall provide and maintain stock-proof fencing with gates or cattle grids at every opening. Where the developer has the right to do so, undisturbed hedgerows, within or bounding the site, shall be maintained, and the hedgerows shall be cut and trimmed at the proper season throughout the period of working and restoration of the site. Where dry stone dykes are to be removed, the stone shall be stored and later re-used in the restoration of these dykes; (14) Topsoil and sub-soil must only be stripped when the soils are sufficiently dry so that when moved no damage will be done to the structure of the soils. Apart from the works required to enclose the site, no operations shall be carried out until the top soil is fully stripped in accordance with the phased programme of extraction as described in the Project Description which forms part of the planning application; (15) Topsoils shall be stripped to full available depth from all areas within the site except those areas designated in the approved plans as topsoil dumps. Following topsoil stripping operations from any areas of land, sub-soil shall be stripped as a separate operation to a depth, where possible, to achieve top soil and sub-soil not less than 0.9 metre at restoration; (16) The developer shall give at least two working days notice to the Planning Authority before work commences on the stripping of topsoil and sub-soil. The Planning Authority reserves the right to suspend operations during adverse conditions or to impose any conditions as it sees fit for the safe keeping of topsoil and sub-soil; (17) Bind-free soil forming material found during the course of the operations shall be reserved where practicable and stored for later use in the final restoration of the land. This material shall be used to replace shortages of subsoil and top-soil, or otherwise used to cap overburden mounds; (18) Topsoil, sub-soil and overburden shall be carefully stored in separate dumps and prevented from mixing. Topsoil dumps shall not exceed 5 metres in height. Topsoil dumps and sub-soil dumps shall be evenly graded and tops shaped to prevent water ponding. Sub-soil dumps shall not exceed 8 metres in height and overburden dumps shall not exceed 25 metres in height; (19) In the first available seeding season following their formation, all mounds of topsoil, sub-soil and soil making materials shall be seeded in grass and shall be so maintained until the soils are required for use in the restoration of the site except as may be otherwise agreed with the Planning Authority; (20) All weeds on the site, particularly those on the topsoil and sub-soil storage dumps, shall be treated with weed killer or cut to prevent spreading within the site or onto adjoining agricultural land; (21) The location of baffle embankments shall generally be as indicated on the approved plans. Their specific location should be chosen to assist in the visual screening of the site and

their form should be such as to present a natural looking feature, particularly for the screen bunding adjacent to the A76 trunk road; (22) The sub-soil and overburden storage mounds shall be so formed as to have minimal visual intrusion on the surrounding landscape; (23) Where the soils are to be used in the restoration of land to forestry, then the stripping and storage of soils shall be to the general requirements and specifications of the Forestry Commission; (24) All water treatment areas settlement lagoons shall be enclosed by a one metre high stock-proof fence and shall be implemented prior to any significant soil stripping; (25) Throughout the period of site working, agricultural restoration and after-care, the developer shall protect and maintain or divert any ditch, stream, watercourse or culvert passing through the site so as not to impair the flow nor render less effective drainage onto and from adjacent lands. If there are any watercourses that contain fish the culverts shall be constructed to allow the passage of fish through them. Any culverts installed shall be removed following reinstatement of the site; (26) Appropriate provision shall be made at all times to ensure that under drainage is maintained for land outwith the working areas. Standing water must not be allowed to gather in any area where the topsoil and sub-soil has not been stripped; (27) Alternative arrangements shall be made at all times to ensure that under drainage is maintained for land outwith the working areas. Standing water must not be allowed to gather in any area where the topsoil and sub-soil has not been stripped; (28) All contaminated drainage and run-off from the site roadways, interception ditches, overburden and other tips, coal handling and stocking areas, the working areas of the excavations and pump mine water shall receive adequate and appropriate treatment prior to being discharged to any watercourse, such treatment being to the satisfaction of the Planning Authority; (29) Appropriate precautions shall be taken to prevent the discharge of oil from fuelling, oil, storage plant maintenance and vehicle wash areas within the site; (30) All fuel, oil or other chemical storage tanks on the site shall be sited on impervious bases and surrounded by tank bund walls. The bunded areas shall be capable of containing 110% of the tank's volume and shall enclose all fill and draw pipes. If the storage tanks are to be sited at a single compound, the bund wall shall be capable of containing 110% of the volume of the largest storage tank. All fill and draw points shall be padlocked when not in use; (31) All foul drainage from sanitary facilities, canteens etc, shall be treated prior to discharge to a soakaway system. In the event that percolation tests indicate that the ground is now suitable for discharge to a soakaway then additional treatment will be necessary in order to discharge sewage effluent to any watercourse; (32) The formation of overburden areas shall be carried out, as far as practicable, behind mounds in order to reduce noise nuisance to a minimum. Whenever possible, during the hours of darkness, warning lights shall be used instead of beepers as a warning device on plant and maintenance vehicles, or such other appropriate warning devices as may be agreed with the Planning Authority; (33) The operational conduct of the site shall be generally as indicated in the Project Description which forms part of the application; (34) A dust monitoring programme shall be agreed with the Planning Authority in consultation with the Environmental Health Authority and undertaken using appropriate equipment and recording devices, the results and records to be made available to the Planning Authority on a monthly basis during the operational life of the site; (35) Except in the case of emergency, the hours of working on site, will be confined between 0700 and 1600 hours Monday to Saturday (24 hour working). With the exception of essential site maintenance and the maintenance of plant and machinery, no work shall take place on Sundays or on recognised Public Holidays in East Ayrshire; (36) Except in

cases of emergency, the dispatch of coal from the site to the proposed rail freight facility shall be confined between 0800 hours and 1600 hours Mondays to Fridays with dispatch of coal by road to local domestic markets being confined to between 0800 hours and 1800 hours Mondays to Fridays. There shall be no dispatch of coal on Saturday or Sundays; (37) No haulage of coal from the extraction area to the coal preparation area shall take place between 1800 and 0800 hours during the 24 hours working period; (38) The conduct of the site and method of operation shall comply with British Standards 5228 and Part 3 of the 1984 Code of Practice for Noise Control Application to Surface Coal Extraction by Opencast methods. Except during the formation and removal of baffle mounds and the stripping and replacement of soils, the noise limit during daytime (0700 to 1900 hours) shall not exceed 45dB Laeq, 1h and 40dB Laeq, 1h during night-time (1900 to 0700 hours) at noise sensitive properties. During the formation and removal of baffle mounds and the stripping and replacement of soils, the noise limit shall not exceed 70dB Laeq, 1h at noise sensitive properties with such works only taking place during daylight hours; (39) An appropriate noise monitoring programme shall be undertaken during the operational life of the site, the details of which shall be agreed by the Planning Authority prior to the commencement of development using appropriate equipment and recording devices, the results of which shall be made available to the Planning Authority on a monthly basis; (40) Except in cases of emergency or as otherwise may be agreed with the Planning Authority, blasting operations shall be carried out between 1000 to 1600 hours Mondays to Fridays and between 1000 to 1200 hours on Saturdays. No blasting operations shall take place on Sundays, recognised East Ayrshire Public Holidays, during the hours of darkness or during periods of adverse visibility; (41) An appropriate blast monitoring scheme shall be undertaken during the operational life of the site the details of which shall be agreed with the Planning Authority in consultation with the Environmental Health Authority, using appropriate equipment and recording devices, the results of which shall be made available to the Planning Authority on a monthly basis; (42) All opencast machinery not in use shall be parked, as far as practicable, in an inconspicuous position and shall not be astride soil or overburden mounds; (43) Any rubbish and scrap materials generated on the site shall, as far as is practicable, be kept in a screened position until disposed of in an approved manner to the satisfaction of the Planning Authority; (44) The site shall be progressively restored generally in accordance with the scheme submitted with the planning application. This scheme shall be finalised and submitted to the Planning Authority for approval within 6 months of the commencement of coaling operations on site. The details shall include provision for the coal preparation area to be restored to a suitable condition, the restoration of the remaining area of the site for agriculture or forestry or nature conservancy or natural and man-made heritage interpretation or other appropriate uses as approved by the Planning Authority. The scheme shall also include the reinstatement of any access roads/rights of way at present in existence. The procedures for replacement of overburden, sub-soil and topsoil shall generally accord with those indicated in the project description and to the satisfaction of the Planning Authority; (45) No materials for filling shall be introduced to the site from sources external to it without the prior approval of the Planning Authority; (46) The restored site shall be progressively landscaped generally in accordance with the afteruse scheme submitted with the planning application. This scheme shall be finalised and submitted to the Planning Authority for approval within 6 months of the commencement of coaling operations on site and shall include details of field patterns, forestry planting, shelter belt creation, hedgerows, nature

habitat creation including additional wetland areas and, if appropriate, broadleaf species in the design of shelter belts and the creation of imaginative walkways and nature trails; (47) The restored site shall be subsequently managed in accordance with an aftercare scheme to be submitted to and approved by the Planning Authority within 6 months of coaling operations commencing on site. The aftercare scheme shall be the subject of prior consultation with Scottish Natural Heritage, the Royal Society for the Protection of Birds and the Planning Authority; (48) There shall be an annual formal review to consider all the operations which have taken place on the site during the previous year, and to consider the programme for the ensuing year. The parties involved in the review shall include the applicant, the Mineral Operator, the owners of the land and the Planning Authority; and (49) Two weeks prior to the annual formal review an updated plan will be forwarded to the Planning Authority indicating the years work on the site and showing the anticipated work programme for the ensuing year; Condition (1) being imposed to comply with Section 58 of the Town and Country Planning (Scotland) Act 1997; Condition (2) the development is acceptable only because of the individual circumstances pertaining to the applicant and on a temporary basis; Condition (3) to ensure that the development is undertaken in accordance with the submitted plans and conditions, in the interests of visual and residential amenity; Condition (4) in the interests of amenity; Condition (5) to ensure that appropriate archaeological work is undertaken before the development commences; Condition (6) in the interests of road safety and to prevent any overcarry of loose material onto the public road; Conditions (7), (8), (9) and (31) in the interests of road safety; Condition (10) in the interests of road safety and minimising noise impact; Condition (11) in the interests of road safety and to ensure that there will be no distraction or dazzle to drivers on the trunk road; Conditions (12) and (24) in the interests of public safety; Conditions (13), (19), (21), (22), (42), (43) and (47) in the interests of visual amenity; Condition (14) to ensure that topsoil and sub-soil will be suitable for the restoration of the site following storage; Condition (15) in the interests of achieving maximum restoration potential; Condition (16) to prevent damage to soils and to ensure that the topsoil and sub-soil to be stored will be suitable for use during restoration of the site; Condition (17) to ensure that sufficient soils are available during restoration of the site; Condition (18) to prevent damage occurring to soils and in the interests of visual amenity; Condition (20) to prevent weed contamination of soils in the interests of proper site restoration; Condition (23) in the interests of site restoration; Condition (25) to prevent a detrimental effect upon adjacent agricultural and other operations; Conditions (26) and (27) to prevent damage to adjacent land and soils; Conditions (28) and (29) to prevent contamination of watercourses; Condition (30) in the interests of public safety and to prevent any pollution of watercourses; Condition (32) in the interests of minimising noise impact; Condition (33) to ensure that the development is undertaken in accordance with the details approved; Conditions (34), (39) and (41) to ensure that appropriate environmental standards are maintained throughout the life of the site; Conditions (35), (36) and (37) in the interests of the amenity of the area; Condition (38) in the interests of residential amenity; Condition (40) in the interests of amenity and public safety; Condition (44) to ensure appropriate restoration of the site; Condition (45) to enable the Planning Authority to retain control over development of the site; Condition (46) to secure appropriate restoration features and habitat enhancement; Condition (48) to enable the Planning Authority to update the operation of the site in the light of any difficulties encountered and to monitor progress of site operations; and Condition (49) to assess the operational status of the site; and (ii) that the issue

of the Decision Notice be withheld until: (a) the application has been formally notified to and has been cleared by the Secretary of State for Scotland in terms of the Town and Country Planning (Notification of Applications) (Scotland) Amendment (No 2) Direction 1998; and (b) the Solicitor to the Council has satisfactorily concluded a formal agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 in respect of the matters described in Paragraph 8.10 of the report.

Councillor Taylor, seconded by Councillor Carmichael, moved:-

- (i) to grant the application subject to the conditions and for the reasons detailed above; and
- (ii) that the issue of the Decision Notice be withheld until: (a) the application had been formally notified to and had been cleared by the Secretary of State for Scotland in terms of the Town and Country Planning (Notification of Applications) (Scotland) Amendment (No 2) Direction 1998; and (b) the Solicitor to the Council had satisfactorily concluded a formal agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 in the terms described in Paragraph 8.10 of the report.

Councillor McDill, seconded by Councillor Coffey, moved as an amendment to refuse the application on the grounds that it was detrimental to the visual amenity of the area.

On a division by a show of hands, the motion was carried by 7 votes to 3.

## **2.5 APPLICATION NO 98/0452/FL: SCOTTISH COAL COMPANY LIMITED**

There was submitted a report dated 24 February 1999 (circulated) by the Director of Development Services on a full planning application for proposed extraction of coal by opencast methods, removal of dereliction, enhancement of landscape, nature conservation interests (amended access road and amended information), Grievehill (Revised), near New Cumnock.

The Head of Planning and Building Control reported:-

- (i) that three letters of objection and two letters of representation had been received, details of which were contained within the report;
- (ii) a request for a planning Hearing to be held; and
- (iii) confirmation that the planning application failed to meet the agreed criteria for a planning Hearing.

The Head of Planning and Building Control summarised the planning considerations in respect of the application; and recommended: (i) Approval, subject to the following conditions:- (1) The development to which this permission relates must be begun within five years from the date of this permission; (2) The proposed development shall be carried out in accordance with the application form and planning application details, Environmental Statement and associated documents submitted on 2 July 1998 and 28 October 1998 as amended by the location plan, outline method statement and letter received on 9 February 1999 and 11 February 1999; (3) The development hereby permitted shall enure for the benefit of the applicant only, and shall be commenced within six months of the date of issued notice of decision and that the approved operations shall be completed within six years of the commencement date of the operations, or at such other times as may be agreed with

the Planning Authority; (4) The applicant shall give notice to the Planning Authority, in writing, of the commencement of operations on site, one month prior to their commencement; (5) Prior to the commencement of operations on site, the applicant shall submit details of the proposed layout of the coal preparation area including the details of any structures to be located within this area. Details of the means of illumination of this area shall also be submitted and this illumination shall be installed in a manner which minimises any potential nuisance; (6) No development shall take place until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has received the prior approval of the Planning Authority and which is fully compliant with the Terms of Reference which will be issued by the West of Scotland Archaeology Service on behalf of the Planning Authority; (7) The site access roads shall be constructed to the standards required in the SRC Guidelines for Development Roads, 1995, for industrial use; the access road shall be bituminously surfaced from the edge of the A76 trunk road to the vehicle wheel wash facility location within the proposed coal preparation area at Rottenyard Farm; (8) No drainage connection shall be made to the A76 trunk road drainage system without the prior approval of the Roads Authority. No surface water shall be allowed to discharge from the development site on to the adjacent A76 trunk road; (9) Appropriate measures to prevent mud, dirt, dust, slurry, coal or stones being carried onto the highway shall be taken and that such steps shall include the provision and use of hardstanding areas and a full wheel and body vehicle wash facility for the cleaning of lorries, dump trucks, other heavy vehicles and plant leaving the site, all in accordance with the mitigation measures promoted within the Environmental Statement which accompanied the planning application; (10) The access road and public road adjacent to the site shall be kept clear of mud or other deposited materials at all times by means of mechanical brushing as appropriate; (11) Prior to any road vehicle loaded with coal or other minerals leaving the site, the load shall be suitably hopped to ensure there is no escape of materials. A hardstanding area shall be provided within the coal preparation area to facilitate the hopping of haulage vehicles. Vehicles returning to the site shall also be hopped to minimise traffic noise associated with empty vehicles; (12) The proposed access road shall be screened from the A76 trunk road in accordance with the approved plans prior to the commencement of coaling operations on site; (13) Prior to excavation works commencing on site statutory undertakers' apparatus shall be protected and diverted as required, to the satisfaction of the respective statutory undertakers and at the expense of the developer; (14) The developer shall make stock-proof and maintain, until the restoration of the site is completed, all the existing perimeter hedges and fences and shall protect these from damage during operation works. Where the site boundary does not coincide with an existing hedge or fence, then the developer shall provide and maintain stock-proof fencing with gates or cattle grids at every opening. Where the developer has the right to do so, undisturbed hedgerows, within or bounding the site, shall be maintained, the hedgerows to be cut and trimmed at the proper season throughout the period of working and restoration of the site. Where dry stone dykes are to be removed, the stone shall be stored and later re-used in the restoration of these dykes; (15) Topsoil and subsoil must only be stripped when the soils are sufficiently dry so that when moved no damage will be done to the structure of the soils. Apart from the works required to enclose the site, no operations shall be carried out until the topsoil is fully stripped in accordance with the phased programme of extraction as described in the Project Description which forms part of the planning

application; (16) Topsoils shall be stripped to full available depth from all areas within the site except those areas designated in the approved plans as topsoil dumps. Following topsoil stripping operations from any areas of land, subsoil shall be stripped as a separate operation to a depth, where possible, to achieve topsoil and subsoil not less than 0.9 metre at restoration; (17) The developer shall give at least two working days notice to the Planning Authority before work commences on the stripping of topsoil and subsoil. The Planning Authority reserves the right to suspend operations during adverse conditions or to impose any conditions as it sees fit for the safe keeping of topsoil and subsoil; (18) Bind-free soil forming material found during the course of the operations shall be reserved where practicable and stored for later use in the final restoration of the land. This material shall be used to replace shortages of subsoil and topsoil, or otherwise used to cap overburden mounds; (19) Topsoil, subsoil and overburden shall be carefully stored in separate dumps and prevented from mixing. Topsoil dumps shall not exceed 5 metres in height. Topsoil dumps and subsoil dumps shall be evenly graded and tops shaped to prevent water ponding. Subsoil dumps shall not exceed 8 metres in height and overburden dumps shall not exceed 25 metres in height; (20) In the first available seeding season following their formation, all mounds of topsoil, subsoil and soil making materials shall be seeded in grass and shall be so maintained until the soils are required for use in the restoration of the site except as may be otherwise agreed with the Planning Authority; (21) All weeds on the site, particularly those on the topsoil and subsoil storage dumps, shall be treated with weed killer or cut to prevent spreading within the site or onto adjoining agricultural land; (22) The location of baffle embankments shall generally be as indicated on the approved plans. Their specific location should be chosen to assist in the visual screening of the site and their form should be such as to present a natural looking feature, particularly for the screen bunding adjacent to the A76 trunk road; (23) The subsoil and overburden storage mounds shall be so formed as to have minimal visual intrusion on the surrounding landscape; (24) Where the soils are to be used in the restoration of land to forestry, then the stripping and storage of soils shall be to the general requirements and specifications of the Forestry Commission; (25) All water treatment areas/settlement lagoons shall be enclosed by a one metre high stock proof fence and shall be implemented prior to any significant soil stripping; (26) Throughout the period of site working, agricultural restoration and after-care, the developer shall protect and maintain or divert any ditch, stream, watercourse or culvert passing through the site so as not to impair the flow nor render less effective drainage onto and from adjacent lands. If there are any watercourses that contain fish the culverts shall be constructed to allow the passage of fish through them. Any culverts installed shall be removed following reinstatement of the site; (27) Appropriate provision shall be made at all times to ensure that under drainage is maintained for land outwith the working areas. Standing water must not be allowed to gather in any area where the topsoil and subsoil has not been stripped; (28) Alternative arrangements can be made for any interruption of adjacent drainage systems. New interceptor leaders shall be laid, or ditches cut, where required, to ring the site and bleed in existing lateral drains from adjoining undisturbed land; (29) All contaminated drainage and run-off from the site roadways, interception ditches, overburden and other tips, coal handling and stocking areas, the working areas of the excavations and pump mine water shall receive adequate and appropriate treatment prior to being discharged to any watercourse, such treatment being to the satisfaction of the Planning Authority; (30) Appropriate precautions shall be taken to prevent the discharge of oil from fuelling, oil, storage

plant maintenance and vehicle wash areas within the site; (31) All fuel, oil or other chemical storage tanks on the site shall be sited on impervious bases and surrounded by tank bund walls. The bunded areas shall be capable of containing 110% of the tank's volume and shall enclose all fill and draw pipes. If the storage tanks are to be sited at a single compound, the bund wall shall be capable of containing 110% of the volume of the largest storage tank. All fill and draw points shall be padlocked when not in use; (32) All foul drainage from sanitary facilities, canteens etc, shall be treated prior to discharge to a soakaway system. In the event that percolation tests indicate that the ground is not suitable for discharge to soakaway system then additional treatment will be necessary in order to discharge sewage effluent to any watercourse; (33) No surface water from the site shall be permitted to discharge onto the A76 trunk road and all surface water from the topsoil, subsoil and overburden mounds shall be prevented from reaching the road by cut-off ditches or other means outwith the highway boundary. These cut-off drains and ditches must not connect into the roadside drainage; (34) The formation of overburden areas shall be carried out, as far as practicable, behind mounds in order to reduce noise nuisance to a minimum, and whenever possible, during the hours of darkness, warning lights shall be used instead of beepers as a warning device on plant and maintenance vehicles, or such other appropriate warning devices as may be agreed with the Planning Authority; (35) The operational conduct of the site shall be generally as indicated in the Project Description which forms part of the application; (36) A dust monitoring programme shall be agreed with the Planning Authority in consultation with the Environmental Health Authority and undertaken using appropriate equipment and recording devices, the results and records to be made available to the Planning Authority on a monthly basis during the operational life of the site; (37) Except in the case of emergency, the hours of working on site, will be confined between 0700 and 1600 hours Monday to Saturday (24 hour working). With the exception of essential site maintenance and the maintenance of plant and machinery, no work shall take place on Sundays or on recognised Public Holidays in East Ayrshire; (38) Except in cases of emergency, the dispatch of coal from the site to the proposed rail freight facility shall be confined between 0800 hours and 1600 hours Mondays to Fridays with dispatch of coal by road to local domestic markets being confined to between 0800 hours and 1800 hours Mondays to Fridays. There shall be no dispatch of coal on Saturday or Sundays or on recognised East Ayrshire Public Holidays; (39) No haulage of coal from the extraction area to the coal preparation area shall take place between 1800 and 0800 hours during the 24 hours working period; (40) The conduct of the site and method of operation shall comply with British Standards 5228 and Part 3 of the 1984 Code of Practice for Noise Control Application to Surface Coal Extraction by Opencast Methods. Except during the formation and removal of baffle mounds and the stripping and replacement of soils, the noise limit during daytime (0700 to 1900 hours) shall not exceed 45dB Laeq, 1h and 40dB Laeq, 1h during night-time (1900 to 0700 hours) at noise sensitive properties. During the formation and removal of baffle mounds and the stripping and replacement of soils, the noise limit shall not exceed 70dB Laeq, 1h at noise sensitive properties with such works only taking place during daylight hours; (41) An appropriate noise monitoring programme shall be undertaken during the operational life of the site, the details of which shall be agreed by the Planning Authority using appropriate equipment and recording devices, the results of which shall be made available to the Planning Authority on a monthly basis; (42) Except in cases of emergency or as otherwise may be agreed with the Planning Authority,

blasting operations shall be carried out between 1000 to 1600 hours Mondays to Fridays and between 1000 to 1200 hours on Saturdays. No blasting operations shall take place on Sundays, recognised East Ayrshire Public Holidays, during the hours of darkness or during periods of adverse visibility; (43) An appropriate blast monitoring scheme shall be undertaken during the operational life of the site the details of which shall be agreed with the Planning Authority in consultation with the Environmental Health Authority, using appropriate equipment and recording devices, the results of which shall be made available to the Planning Authority on a monthly basis; (44) All opencast machinery not in use shall be parked, as far as practicable, in an inconspicuous position and shall not be astride soil or overburden mounds; (45) Any rubbish and scrap materials generated on the site shall, as far as is practicable, be kept in a screened position until disposed of in an approved manner to the satisfaction of the Planning Authority; (46) The site shall be progressively restored generally in accordance with the scheme submitted with the planning application. This scheme shall be finalised and submitted to the Planning Authority for approval within 6 months of the commencement of coaling operations on site. The details shall include provision for the coal preparation area to be restored to a suitable condition, the restoration of the remaining area of the site for agriculture or forestry or nature conservancy or natural and man-made heritage interpretation or other appropriate uses as approved by the Planning Authority. The scheme shall also include the reinstatement of any access roads/rights of way at present in existence. The procedures for replacement of overburden, sub-soil and topsoil shall generally accord with those indicated in the Project Description and to the satisfaction of the Planning Authority; (47) No materials for filling shall be introduced to the site from sources external to it without the prior approval of the Planning Authority; (48) The restored site shall be progressively landscaped generally in accordance with the afteruse scheme submitted with the planning application. This scheme shall be finalised and submitted to the Planning Authority for approval within 6 months of the commencement of coaling operations on site and shall include details of field patterns, forestry planting, shelter belt creation, hedgerows, nature habitat creation including additional wetland areas and, if appropriate, broadleaf species in the design of shelter belts and the creation of imaginative walkways and nature trails; (49) The restored site shall be subsequently managed in accordance with an aftercare scheme to be submitted to and approved by the Planning Authority within 6 months of coaling operations commencing on site. The aftercare scheme shall be the subject of prior consultation with Scottish Natural Heritage, the Royal Society for the Protection of Birds and the Planning Authority; (50) There shall be an annual formal review to consider all the operations which have taken place on the site during the previous year, and to consider the programme for the ensuing year. The parties involved in the review shall include the applicant, the Mineral Operator, the owners of the land and the Planning Authority; (51) Two weeks prior to the annual formal review an updated plan will be forwarded to the Planning Authority indicating the years work on the site and showing the anticipated work programme for the ensuing year; and (52) Notwithstanding the submitted plans, the overburden tip, offices and amenity area, workshops, fuel storage area, coal stock area are not hereby approved, details of the treatment and use of this area shall be submitted to and approved by the Planning Authority before development commences on site; Condition (1) being imposed to comply with Section 58 of the Town and Country Planning (Scotland) Act 1997; Condition (2) to enable the Planning Authority to retain control over the development of the site; Condition (3) the development is acceptable only because of

the individual circumstances pertaining to the applicant and on a temporary basis; Condition (4) to ensure that the development is undertaken in accordance with the submitted plans and conditions, in the interests of visual and residential amenity; Condition (5) in the interest of amenity; Condition (6) to ensure that appropriate archaeological work is undertaken before the development commences; Condition (7) in the interests of road safety and to prevent any overcarry of loose material onto the public road; Conditions (8), (9), (10) and (33) in the interest of road safety; Conditions (11) and (34) in the interests of road safety and minimising noise impact; Condition (12) in the interest of road safety and to ensure that there will be no distraction or dazzle to drivers on the trunk road; Conditions (13) and (25) in the interest of public safety; Conditions (14), (20), (22), (23), (44), (45) and (49) in the interest of visual amenity; Condition (15) to ensure that the topsoil and subsoil will be suitable for the restoration of the site following storage; Condition (16) in the interests of achieving maximum restoration potential; Condition (17) to prevent damage to soils and to ensure that the topsoil and subsoil to be stored will be suitable for use during restoration of the site; Condition (18) to ensure that sufficient soils are available during restoration of the site; Condition (19) to prevent damage occurring to soils and in the interests of visual amenity; Condition (21) to prevent weed contamination of soils in the interests of proper site restoration; Condition (24) in the interests of site restoration; Condition (26) to prevent a detrimental effect upon adjacent agricultural and other operations; Conditions (27) and (28) to prevent damage to adjacent land and soils; Conditions (29) and (30) to prevent contamination of watercourses; Condition (31) in the interest of public safety and to prevent any pollution of watercourses; Condition (35) to ensure that the development is undertaken in accordance with the details approved; Conditions (36), (41) and (43) to ensure that appropriate environmental standards are maintained throughout the life of the site; Conditions (37), (38) and (39) in the interests of the amenity of the area; Condition (40) in the interests of residential amenity; Condition (42) in the interest of amenity and public safety; Condition (46) to ensure appropriate restoration of the site; Condition (47) to enable Planning Authority to retain control over development of the site; Condition (48) to secure appropriate restoration features and habitat enhancement; Condition (50) to enable the Planning Authority to update the operating of the site in the light of any difficulties encountered and to monitor progress of site operations; Condition (51) to assess the operational status of the site; and Condition (52) to enable the Planning Authority to retain control over the development of the site as this site is to be worked jointly with the neighbouring Garleffan site; and (ii) that the issue of the Decision Notice be withheld until: (a) the application has been formally notified to and has been cleared by the Secretary of State for Scotland in terms of the Town and Country Planning (Notification of Applications) (Scotland) Amendment (No 2) Direction 1998; and (b) the Solicitor to the Council has satisfactorily concluded a formal agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 in respect of the matters described in Paragraph 8.9 of the report.

Councillor Carmichael, seconded by Councillor George Smith, moved:-

- (i) to grant the application subject to the conditions and for the reasons detailed above; and
- (ii) that the Decision Notice be withheld until: (a) the application had been formally notified to and had been cleared by the Secretary of State for Scotland in terms of the Town and Country Planning (Notification of Applications)

(Scotland) Amendment (No 2) Direction 1998; and (b) the Solicitor to the Council had satisfactorily concluded a formal agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 in respect of the matters described in Paragraph 8.9 of the report.

Councillor McDill, seconded by Councillor Reid, moved to refuse the application on the grounds that it was detrimental to the visual amenity of the area.

On a division by a show of hands, the motion was carried by 7 votes to 3.

## **2.6 APPLICATION NO 98/0696/FL: MILLER MINING**

There was submitted a report dated 23 February 1999 (circulated) by the Director of Development Services on a full planning application for proposed small extension to permitted site boundary and extension area and variation to Condition 1 of planning permission CD/95/0268/MIN to extend operations by six months so as to comprehensively extract underlying coal reserves at Hall of Auchincross Opencast Coal Site, Benston Road, near New Cumnock (amended application).

The Head of Planning and Building Control reported that one letter of objection had been received, details of which were contained within the report; summarised the planning considerations in respect of the application; and recommended: (i) Approval, subject to the following conditions, viz:- (1) The development to which this permission relates must be begun within five years from the date of this permission; (2) That Condition 1 of the planning consent CD/95/0268/MIN dated 22 July 1996 shall be amended to read:- Condition 1 - That the development hereby permitted shall enure for the benefit of the applicant or its legal successors only and that the approved operations shall be completed by the end of August 1999; (3) The proposed development shall be carried out in accordance with the application form and plans received on 23 September 1998 and 18 February 1999 and the letters received by the Planning Authority on 23 September 1998 and 15 February 1999; and (4) The conditions of planning consent no CD/95/0268/MIN relating to the existing Hall of Auchincross Opencast Site (attached to this planning approval) shall apply to the site the subject of this application; Condition (1) being imposed to comply with Section 58 of the Town and Country Planning (Scotland) Act 1997; Condition (2) that the development is acceptable only on a temporary basis; and Conditions (3) and (4) to enable the Planning Authority to retain control over the development of the site in the interests of amenity; and (ii) that the issue of the planning Decision Notice be withheld until the Solicitor to the Council has satisfactorily concluded the varying of the Section 75 Agreement under the Town and Country Planning (Scotland) Act 1997 and the terms of the Restoration Bond.

It was agreed:-

- (i) to grant the application subject to the conditions and for the reasons detailed above; and
- (ii) that the issue of the planning Decision Notice be withheld until the Solicitor to the Council had satisfactorily concluded the varying of the Section 75 Agreement under the Town and Country Planning (Scotland) Act 1997 and the terms of the Restoration Bond.

## **2.7 APPLICATION NO 98/0705/FL: MILLER MINING**

There was submitted a report dated 23 February 1999 (circulated) by the Director of Development Services on proposed variation to Condition 31 of planning permission CD/95/0254/MIN for Area A in respect of revision of limit of excavation for working coal and for increased height for overburden storage, at Skares Road Opencast Coal Site (Area A: Milzeoch), Newfield Road, Skares, by Cumnock.

The Head of Planning and Building Control reported that no objections had been received; summarised the planning considerations in respect of the application; and recommended: Approval, subject to the following conditions, viz:- (1) The development to which this permission relates must be begun within five years from the date of this permission; and (2) That Condition 31 of Planning Consent CD/95/0254/MIN dated 13 March 1997 shall be amended to read as follows: "that the operational conduct of the site shall be generally as indicated in the Written Statement which forms part of the application, as amended by the variation statement letter dated 9 October 1998 and by the amended plan Reference No PMILZ 2BB Revision B"; Condition (1) being imposed to comply with Section 58 of the Town and Country Planning (Scotland) Act 1997; and Condition (2) in the interests of reconciling the original planning consent with amended operational aspects of the opencast workings at Milzeoch.

It was agreed to grant the application subject to the conditions and for the reasons detailed.

Councillor Sneller re-joined the meeting.

Councillor Reid left the meeting.

## **MONITORING REPORTS**

### **3.1 UNEMPLOYMENT IN EAST AYRSHIRE - NOVEMBER 1998**

There was submitted and noted a report dated 2 March 1999 (circulated) by the Director of Development Services providing statistics recently released by the Office for National Statistics relating to unemployment figures in Scotland and East Ayrshire in particular, in November 1998.

### **3.2 BUDGETARY CONTROL SUMMARY STATEMENT - DEVELOPMENT SERVICES TO 29 JANUARY 1999 (PERIOD 11)**

There was submitted and noted a joint report dated 2 March 1999 (circulated) by the Directors of Finance and of Development Services on the current budgetary control position and the projected out-turn for the year for the Department of Development Services for the period ended 29 January 1999 (Period 11).

### **3.3 BUSINESS LOANS AND GRANTS**

There was submitted and noted a report dated 22 February 1999 (circulated) by the Director of Development Services on the outcome of recent evaluation work carried out by independent consultants on the Council's Business Loans and Grants Scheme, as part of testing the impact and effectiveness of these programmes in the context of Best Value, particularly in relation to job creation/retention and value for money.

### **CONSULTATION EXERCISE: LAND USE PLANNING AND ELECTRO - MAGNETIC FIELDS (EMFs)**

4. There was submitted a report dated 25 February 1999 (circulated) by the Director of Development Services on a Draft Circular: Land Use Planning and Electro - Magnetic Fields (EMFs) which advised Planning Authorities when preparing Development Plans or determining planning proposals involving EMFs; and which sought approval of a response to the Draft Circular: Land Use Planning and Electro - Magnetic Fields to be forwarded to The Scottish Office as the Council's formal response.

It was agreed:-

- (i) to approve the comments made in respect of the Draft Circular: Land Use Planning and Electro - Magnetic Fields as detailed in the report;
- (ii) that a copy of the report be forwarded to The Scottish Office as the Council's formal response to the Draft Circular: Land Use Planning and Electro - Magnetic Fields; and
- (iii) to note that when clearer guidance and legislation became available, it would be considered in the Finalised East Ayrshire Local Plan.

### **CONTAMINATED LAND REGIME - IMPLICATIONS FOR PLANNING**

5. There was submitted a report dated 2 March 1999 (circulated) by the Director of Development Services on the potential implications for the implementation of the Ayrshire Joint Structure Plan and the East Ayrshire Local Plan which followed the introduction of a new regime (Amendment to the Environment Protection Act (1990)) for the regulation and remediation of contaminated land.

It was agreed to note that the Inspections Strategy and remediation priorities required under the new regime (Amendment to the Environmental Protection Act (1990)) for the regulation and remediation of contaminated land would require to be drawn up in collaboration with the Environmental Health Section of the Department of Community Services and the Planning and Building Control Division of the Department of Development Services.

### **H.M. PRISON, KILMARNOCK - INTEGRATION INTO LOCAL AREA**

6. There was submitted a report dated 26 February 1999 (circulated) by the Director of Development Services on the current situation with the integration of H.M. Prison, Kilmarnock, into the local area of Hurlford and its implications upon the wider economy of East Ayrshire.

It was agreed:-

- (i) that the Director of Development Services would submit a further report detailing the known business impacts upon the wider economy of East Ayrshire from the operation of H.M. Prison, Kilmarnock, to a future meeting of this Committee; and
- (ii) otherwise, to note the contents of the report.

**DEVELOPING INTERNATIONAL PARTNERSHIPS - PROPOSED AYRSHIRE  
TRADE MISSION TO FRANCE, 1-4 JUNE 1999**

7. There was submitted a report dated 2 March 1999 (circulated) by the Director of Development Services on proposals for an Ayrshire Trade Mission to France from 1-4 June 1999, which was developed under the auspices of Ayrshire Export Partnership; and which sought approval to participate in the Trade Mission by providing financial support to participating companies and by Member representation from East Ayrshire Council.

It was agreed:-

- (i) to approve participation in the proposed Trade Mission on the basis that five companies from East Ayrshire were identified and supported financially, at a total cost of £1,125, to be met from within the Business Grants budget;
- (ii) to approve the direct involvement of an Officer from the Department of Development Services, on the Trade Mission to France, to act as support for the participating companies from East Ayrshire at a cost of £260, to be met from within the Travel and Subsistence budget; and
- (iii) to refer the nomination of a Member delegate to represent East Ayrshire Council in France at civic level at any British Embassy reception to the Members' Services and Civic Ceremonial Sub-Committee of the Policy and Resources Committee.

**DALMELLINGTON ENVIRONMENTAL BASED TRAINING PROJECT - PHASE 2**

8. There was submitted a report dated 17 February 1999 (circulated) by the Director of Development Services which sought authority to enter into a Minute of Agreement regarding the funding and monitoring arrangements of the Dalmellington Environmental Based Training Project - Phase 2.

It was agreed to authorise the Solicitor to the Council to arrange execution of a Minute of Agreement regarding the funding and monitoring arrangements of the Dalmellington Environmental Based Training Project - Phase 2.

**FLOOD PREVENTION**

9. There was submitted a report dated 2 March 1999 (circulated) by the Director of Development Services on progress to date on the Council's revised Capital Programme of Flood Prevention Projects for 1998/99; and on the Council's Flood Investigation/Mitigation Works at Loreny Drive, Kilmarnock, MacDonald Drive, Kilmarnock, Irvine Road, Crosshouse, Cumnock, New Cumnock and Sorn.

It was agreed:-

- (i) to note the progress to date on the Council's Revised Capital Programme of Flood Prevention Projects for 1998/99 and plans for future programmes; and
- (ii) that the Director of Development Services would submit an update report on the completion of works at Irvine Road, Crosshouse, to the next meeting of this Committee.

**KILMARNOCK TOWN CENTRE OFF-STREET PARKING ORDER:  
IMPLEMENTATION (Item 3, Page 4138)**

- 10.** There was submitted a report dated 22 February 1999 (circulated) by the Director of Development Services on initial discussions with representatives of the Kilmarnock Taxi Trades Council; and which sought approval of steps to be taken prior to implementation of the Kilmarnock Town Centre Off-Street Parking Order.

It was agreed:-

- (i) to approve the proposals for car park direction signs as described in Paragraph 4.1.3 of the report;
- (ii) to approve the timescales for the implementation of the Kilmarnock Town Centre Off-Street Parking Order as described in Paragraph 5 of the report;
- (iii) that the response by members of the Kilmarnock Taxi Trades Council with regard to the number of taxi spaces to be provided in the Foregate South Car-park would be reported to the next meeting of this Committee; and
- (iv) otherwise, to note the contents of the report.

**REPORT ON STREET LIGHTING**

- 11.** There was submitted a report dated 15 February 1999 (circulated) by the Director of Development Services on storm damage sustained by street lighting plant on 26 December 1998; on the current levels of investment in street lighting infrastructure; and which sought approval to extend the current electricity supply agreement with Scottish Power for a further six months and then tender for the supply of electricity for street lighting and traffic signals.

It was agreed:-

- (i) to note the effect of the storm of 26 December 1998 as described in Paragraph 2 of the report;
- (ii) to note the levels of investment in street lighting infrastructure as described in Paragraph 3 of the report;
- (iii) to authorise the extension of the existing energy supply agreement with Scottish Power for a further six months; and
- (iv) to authorise the Acting Head of Roads and Transportation to issue tenders for the supply of energy for street lighting and traffic signs for a four to five year period thereafter ((iii) above).

**CHARGES FOR ROAD SERVICES**

- 12.** There was submitted a report dated 16 February 1999 (circulated) by the Director of Development Services which sought approval for the introduction of charges for the inspection and monitoring of new roads being constructed in accordance with a Construction Consent; and an increase in the charge for the construction of access crossings over footways.

It was agreed:-

- (i) to approve the introduction of charges for the inspection of new roads on the proposed scale, as described in Paragraph 3 of the report;

- (ii) to authorise the Acting Head of Roads and Transportation to alter the charges as agreed by the Roads Working Group (the Heads of Roads and Transportation of the former Strathclyde Regional Council Authorities);
- (iii) to authorise the Director of Development Services to write to CoSLA requesting them to consult with other Authorities with a view to making a submission to Central Government that charges should be introduced for Road Construction Consent;
- (iv) to approve the introduction of a standard inspection fee as described in Paragraph 3.1 of the report for access crossings carried out by private Contractors, payable by the householder, to take effect from 1 April 1999; and
- (v) to approve the increase in charges as described in Paragraph 3.2 of the report, for access crossings over footways to take effect from 1 April 1999.

### **TRAFFIC SPEED MONITORING AND ENFORCEMENT**

- 13.** There was submitted a report dated 19 February 1999 (circulated) by the Director of Development Services on the various methods of monitoring traffic for speed; and the types of enforcement employed to control speed to the legal limit.

It was agreed:-

- (i) to note the various methods employed to monitor speeds within communities when complaints were received, as described in Paragraph 3 of the report;
- (ii) to note the various measures used to combat speeding;
- (iii) to note the limitations imposed on the Roads Division by the Road Safety Budget;
- (iv) to note the participation by East Ayrshire Council in the various National advertising campaigns to change driver attitudes to speed; and
- (v) to note the high cost of mobile speed camera technology.

### **SCOTTISH WHITE PAPER - TRAVEL CHOICES FOR SCOTLAND**

- 14.** There was submitted a report dated 22 February 1999 (circulated) by the Director of Development Services on two additional follow-up documents to The Scottish Office White Paper on Integrated Transport, entitled Travel Choices for Scotland; and which sought approval of a response on the consultation reports, to The Scottish Office and the West of Scotland Transport Partnership.

It was agreed:-

- (i) to note the publication by The Scottish Office of the two supplementary consultation reports to the Scottish White Paper on Integrated Transport;
- (ii) to authorise the Director of Development Services to submit his response, as described in Paragraph 3 of the report, to these consultation papers, to The Scottish Office and the West of Scotland Partnership;
- (iii) to note that the Director of Development Services was developing proposals for the West of Scotland Transport Partnership and an Ayrshire Transport Partnership; and

- (iv) to note that the local Transport Strategy would be prepared in accordance with the guidance provided in The Scottish Office White Paper on Integrated Transport.

**M77 FENWICK TO MALLETSHEUGH/GLASGOW SOUTHERN ORBITAL - CO-ORDINATION STUDY (Item 13, Page 2924)**

15. There was submitted a report dated 23 February 1999 (circulated) by the Director of Development Services which advised that The Scottish Office commissioned East Renfrewshire Council to examine the options for improving the A77 between Fenwick and Malletsheugh to provide a satisfactory and affordable tie-in between the proposed Glasgow South Orbital and the A77.

It was agreed:-

- (i) to re-affirm overriding support for both phases of the M77 between Fenwick and Malletsheugh;
- (ii) to authorise the Director of Development Services to agree to Option 4, as described in Paragraph 2 of the report, as the first phase of the M77 between Fenwick and Malletsheugh providing:-
  - (a) a suitable junction layout would be provided to minimise delays for southbound traffic in the M77/A77 corridor at Kingswell;
  - (b) associated safety improvements would be provided at Fenwick and the A719 junction; and
  - (c) the Scottish Office would give a commitment in its programme to follow on with the construction of the M77 between Fenwick and Kingswell; and
- (iii) to note correspondence from Councillor James O'Neill which expressed his concern on the impact upon Stewarton of the routing of all northbound (A77) Ayrshire traffic through Stewarton on any occasion that there were serious problems on the A77, which recently resulted in major traffic disruption within Stewarton. Councillor O'Neill would raise this issue at the Northern Area Local Committee on 11 March 1999.

**YEAR 2000 ISSUES**

16. There was submitted and noted a report dated 18 February 1999 (circulated) by the Director of Development Services on progress to date on an exercise to identify the key systems and equipment which could be affected at the start of the Millennium and action taken, as described in the report.

**EXCLUSION OF PRESS AND PUBLIC**

17. 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 item of business on the grounds that it involved the likely disclosure of exempt information as defined in Paragraph 6 of Schedule 7A of the Act.

**BUDGETARY CONTROL SUMMARY STATEMENT ROADS DLO - TRADING  
SERVICES TO 29 JANUARY 1999 (PERIOD 11)**

- 18.** There was submitted and noted a joint report dated 22 February 1999 (circulated) by the Directors of Finance and of Development Services on the current budgetary control position and the projected out-turn for the year for Roads DLO - Trading Services for the period ended 29 January 1999 (Period 11).

The meeting terminated at 1418 hours.