

EAST AYRSHIRE COUNCIL**DEVELOPMENT SERVICES COMMITTEE****MINUTES OF SPECIAL MEETING HELD ON WEDNESDAY 23 SEPTEMBER 1998
AT 1002 HOURS IN THE MEETING ROOM, COUNCIL HEADQUARTERS,
LONDON ROAD, KILMARNOCK**

PRESENT: Councillors Drew McIntyre, Ronald Brailsford, John Knapp, Daniel Coffey, Robert McDill, Eric Ross, Jim Kelly, Jimmy Boyd and James Carmichael.

ATTENDING: Stephen Chorley, Director of Development Services; Alan Neish, Head of Planning and Building Control; Bill Walkinshaw, Principal Administrative Officer; David Mitchell, Principal Solicitor; Hugh Melvin, Planning Officer; and Alex Hewetson, Administrative Officer.

APOLOGIES: Councillors Douglas Reid, Wilma Doyle, Provost Stirling and Councillors Kathleen Hall, David Fulton, Kim Nicoll, George Turnbull, David Sneller, George Smith, Robert Taylor and Tommy Farrell.

CHAIR: Councillor Drew McIntyre, Chair.

PLANNING APPLICATION**1. APPLICATION NO 97/0749/FL: CLAY COLLIERY COMPANY LIMITED (ONYX LAND TECHNOLOGIES LIMITED) (Item 1.5, Page 2917)**

The Administrative Officer reported that the only objector and the representative of the applicant who were present had intimated that they did not wish to address the Committee.

There was submitted a report dated 9 September 1998 (circulated) by the Director of Development Services on a full planning application for amendment to approved transportation route at Burnfoot Moor Opencast Coal Site, Muirkirk, and 2 Appendices dated 10 September 1998 (circulated) reporting on a Section 75 Agreement relating to; A70 Upgrading Proposals; and Enforcement Options on Transportation of Coal from Burnfoot Moor Opencast Site.

The Head of Planning and Building Control reported that 4 letters 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; and (2) That Condition 31 of planning consent CD/94/0300/MIN dated 17 April 1996 be amended to read as follows: "that the operational conduct of the site shall be as indicated in the Written Statement which forms part of the application, as amended by the revised Coal Transportation Route Statement submitted to the Planning Authority on 5 September 1997"; Condition (1) being imposed to comply with Section 58 of the Town and Country Planning (Scotland) Act 1997; and Condition (2) to take account of the revised coal transportation route for the Burnfoot Moor Site; and (ii) that the Decision Notice be withheld pending discussion with the applicant on the proposed Section 75 Agreement on co-operation with the Council on possible proposals for the upgrading of the A70 road. The Section 75 Agreement should also include provision

for the operator to subscribe to the Council's Transportation of Coal by Road Protocol.

It was agreed:-

- (i) to grant the application subject to the conditions and for the reasons detailed; and
- (ii) that the Decision Notice be withheld pending discussion with the applicant on the proposed Section 75 Agreement on co-operation with the Council on possible proposals for the upgrading of the A70 road. The Section 75 Agreement should also include provision for the operator to subscribe to the Council's Transportation of Coal by Road Protocol.

Councillor Brailsford joined the meeting during discussion of the item.

The meeting terminated at 1013 hours.