

EAST AYRSHIRE COUNCIL**DEVELOPMENT SERVICES COMMITTEE****MINUTES OF MEETING HELD ON THURSDAY 8 OCTOBER 1998 AT 1000 HOURS IN THE MEETING ROOM, COUNCIL HEADQUARTERS, LONDON ROAD, KILMARNOCK**

PRESENT: Councillors Drew McIntyre, Wilma Doyle, Ronald Brailsford, Kathleen Hall, John Knapp, Robert McDill, Eric Ross, Jim Kelly, George Smith, Jimmy Carmichael, Robert Taylor and Tommy Farrell.

ATTENDING: David Montgomery, Chief Executive; Stephen Chorley, Director of Development Services; Kate McVey, Head of Legal Services; Alan Neish, Head of Planning and Building Control; Sandy Gillatt, Acting Head of Roads and Transportation; Ian Arnott, Chief Accountant; Bill Walkinshaw, Principal Administrative Officer; John Spooner, Business Development Manager; Hugh Melvin, Technical Planning Officer; Graham Kerr, Public Relations Officer; Lorraine Russell, Accountancy Assistant; and Alex Hewetson, Administrative Officer.

APOLOGIES: Councillor Douglas Reid, Provost Robert Stirling and Councillors Daniel Coffey, David Fulton, Kim Nicoll, George Turnbull, David Sneller and Jimmy Boyd.

CHAIR: Councillor Drew McIntyre, Chair.

PLANNING APPLICATION**1.1 APPLICATION NO 98/0271/FL: LAW MINING LIMITED****1.1.1 PLANNING HEARING**

The Hearing was being held to hear the objectors and applicant in respect of full planning application no 98/0271/FL for proposed opencast extraction of coal, sand and gravel (extension to existing site), Tardoes Farm, Muirkirk.

There was submitted in respect of the application a report dated 23 September 1998 (circulated) by the Director of Development Services summarising all information in relation to the application.

There was also submitted Note of Procedure (circulated) to be followed at the Hearing.

The Administrative Officer explained the procedure to be followed at the Hearing.

The Head of Planning and Building Control reported:-

- (i) the receipt and content of a letter, circulated to all Scottish Planning Authorities, from the Chief Planner, The Scottish Office, on Mineral Policy Guidance; and
- (ii) that 4 letters of objection, one letter of objection from a consultee and 4 letters of representation had been received, details of which were contained within the report.

The Head of Planning and Building Control summarised the planning considerations in respect of the application and recommended: Refusal for the following reasons, viz:- (1) The proposed site extension area does not fall within a Potential Coal

Extraction Area and the proposed development is therefore contrary to Policy MIN6 of the Finalised East Ayrshire Opencast Coal Subject Plan which states that all future opencast coal developments will be directed towards and limited to the Potential Coal Extraction Areas as identified in the Subject Plan. The proposal breaches the principal underlying the definition of such Areas, which is that settlements require a buffer zone around them to safeguard their amenity; (2) The boundary of the proposed site extension area encroaches within 70 metres of residential property and the proposed development is therefore contrary to Policy MIN21 of the Finalised East Ayrshire Opencast Coal Subject Plan which states that, in particular, opencast proposals will not be supported where a development has site boundaries which encroach within 600 metres of any settlement, group of dwellings or individual dwellinghouses not in the ownership of the developer. The proposal will accordingly adversely affect the amenity of such residential property; and (3) The boundary of the proposed site extension area encroaches within 70 metres of residential property with the limit of excavation encroaching within 110 metres. The proposed development is therefore contrary to the Policy MIN10 of the Finalised Cumnock and Doon Valley District Wide Local Plan which states that planning permission will not be granted for any quarrying or opencast coal applications whose site boundaries encroach within 100 metres, or whose area of extraction is within 200 metres of any existing dwellinghouse. The proximity of the proposed site extension to existing residential property in the locality will have an adverse impact on the amenity and enjoyment of the dwellings.

The Administrative Officer advised the order in which objectors would be heard in supplement to their written objections.

The Committee then heard Mr Barrie, independent objector, Ms Gordon, representative of Mining and Environment Group, Ayrshire, and Mrs Kelso and Mr Beck, Muirkirk Action Group, in support of their objections and Mr Crichton, Law Mining Limited, Mr Forman, Muirkirk Community Council, Mr Curry, Muirkirk Enterprise Group, Mr Timmons, Muirkirk Angling Club and Mr Stolt, representatives of the applicant, in support of the application.

Members asked questions of the applicant. The objectors and the representatives of the applicant responded to issues raised, all in accordance with the Hearing procedure.

The Chair closed the Hearing.

1.1.2 DETERMINATION OF APPLICATION NO 98/0271/FL

The Head of Planning and Building Control reported on the planning issues which had been raised during the Hearing.

Councillor McIntyre, seconded by Councillor Brailsford, moved that the application be refused for the reasons detailed.

Councillor Kelly, seconded by Councillor Ross, moved as an amendment that as it was considered, on this occasion, that the proposal did not present a significant detrimental impact on the amenity of the area and would sustain local regeneration, that the application be granted and that it be remitted to the Head of Planning and Building Control to determine appropriate conditions in relation to this planning application.

On a division by a show of hands, there were 6 votes for the motion and 6 votes for the amendment.

There being an equality of votes, the Chair exercised his casting vote in favour of the motion.

MONITORING REPORTS

2.1 UNEMPLOYMENT IN EAST AYRSHIRE - JULY 1998

It was agreed to withdraw this item due to inaccuracies in an Appendix to the report. An amended Appendix would be circulated by the Director of Development Services to Members of this Committee for information.

2.2 BUDGETARY CONTROL SUMMARY STATEMENT - DEVELOPMENT SERVICES TO 11 SEPTEMBER 1998 (PERIOD 6)

There was submitted and noted a joint report dated 24 September 1998 (circulated) by the Acting Director of Finance and Director 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 11 September 1998 (Period 6).

2.3 BUSINESS GRANTS AND LOAN SCHEME STATUS REPORT

There was submitted and noted a report dated 25 September 1998 (circulated) by the Director of Development Services on grant and loan support awarded to companies in East Ayrshire during the period 1 August to 30 September 1998.

2.4 ABSENCE PERFORMANCE

There was submitted and noted a report dated 30 September 1998 (circulated) by the Director of Development Services on absence levels within the Department of Development Services and action taken to address issues arising.

CONFERENCE ATTENDED

THE SCOTTISH INTEGRATED TRANSPORT WHITE PAPER

3. There was submitted and noted a report dated 29 September 1998 (circulated) by the Director of Development Services on a recent Conference attended by a senior member of staff of the Department of Development Services.

DEPARTMENT OF DEVELOPMENT SERVICES - PERFORMANCE PLAN

4. There was submitted a report dated 1 October 1998 (circulated) by the Director of Development Services seeking approval for the Department of Development Services' Performance Plan (1998).

It was agreed to approve the Department of Development Services' Performance Plan (1998) as detailed in an Appendix to the report.

REGIONAL INNOVATION PILOT - AYRSHIRE

5. There was submitted a report dated 25 September 1998 (circulated) by the Director of Development Services seeking authority to jointly support a pilot project across

Ayrshire to help local companies innovate new products and processes to allow them to improve their operational efficiency and possibly diversify.

It was agreed:-

- (i) to note that an "Ayrshire Pilot" had been prepared and had secured funding from the undernoted organisations:-

European Regional Development Fund	£33,500
Enterprise Ayrshire	£33,500
North Ayrshire Council	£5,000
South Ayrshire Council	£5,000

- (ii) to approve £5,000 towards the cost of the project to be met from within the existing "Partnership's Projects" budget; and
- (iii) otherwise, to note the contents of the report.

**DRAFT NATIONAL PLANNING POLICY GUIDELINE/PLANNING ADVICE NOTE:
TRANSPORT AND PLANNING (Item 15, Page 3646)**

6. There was submitted a report dated 29 September 1998 (circulated) by the Director of Development Services on the main contents of the Draft National Planning Policy Guideline/Planning Advice Note: Transport and Planning; assessing their implications in terms of the policies contained in the Draft East Ayrshire Local Plan and in the light of the report by the Director of Development Services and the recommendations contained therein on the Government's White Paper on Integrated Transport Policy: "Travel Choices for Scotland" which was considered by this Committee on 1 September 1998.

It was agreed to authorise the Director of Development Services to respond to The Scottish Office document; Draft National Planning Policy Guideline/Planning Advice Note: Transport and Planning, in the undernoted terms:-

- (i) that East Ayrshire Council broadly agreed with the provisions of the Draft National Planning Policy Guideline/Planning Advice Note: Transport and Planning which was already reflected in the Council's existing policies and proposals on sustainable transport;
- (ii) that there may be substantial workload and timetable implications to the Council following through on the policies contained within the document and in the preparation and implementation of future Local Transport Strategies;
- (iii) that The Scottish Office should consider changing the rules regarding grant aid for companies moving materials by rail as detailed within Paragraph 4.3 of the report; and
- (iv) that the aforementioned comments should be read in conjunction with those on the National Planning and Policy Guideline on Rural Development to ensure that an integrated transport strategy would take account of the particular difficulties in the stimulation of rural economies.

**REVIEW OF PLANNING PROCEDURES IN SCOTLAND RELATING TO
TELECOMMUNICATIONS EQUIPMENT - CONSULTATION PAPER**

7. There was submitted a report dated 28 September 1998 (circulated) by the Director of Development Services seeking approval of a consultation response in respect of the document; "Review of Planning Procedures in Scotland relating to Telecommunications Equipment - Consultation Paper", issued by The Scottish Office.

It was agreed to approve the consultation response to the "Review of Planning Procedures in Scotland relating to Telecommunications Equipment - Consultation Paper", issued by The Scottish Office in the terms detailed in Paragraph 3 of the report.

Councillor Kelly left the meeting during discussion of the above item.

ECONOMIC DEVELOPMENTS - AYRSHIRE ECONOMIC FORUM

8. There was submitted a report dated 1 October 1998 (circulated) by the Director of Development Services on recent developments and actions being taken by the Ayrshire Economic Forum with the support of The Scottish Office Business and Industry Division, following the recent job loss announcements in Ayrshire.

It was agreed:-

- (i) to note that the Ayrshire Economic Forum would produce a detailed Action Plan which would form the basis of additional/supplementary bids to Scottish Enterprise and The Scottish Office which would be submitted to the next meeting of this Committee; and
- (ii) otherwise, to note the contents of the report.

LOCAL REGENERATION IN THE IRVINE VALLEY

9. There was submitted a report dated 25 September 1998 (circulated) by the Director of Development Services on positive responses to the Department of Development Services' activities in support of the Irvine Valley Local Regeneration Partnership and its local regeneration strategy.

It was agreed:-

- (i) to continue to actively support regeneration work in the Irvine Valley in accordance with the strategy developed by the Irvine Valley Local Regeneration Partnership; and
- (ii) to note the progress made to date.

AYRSHIRE AND ARRAN TOURISM INDUSTRY FORUM (AATIF)

10. There was submitted a report dated 29 September 1998 (circulated) by the Director of Development Services seeking approval for the proposed adoption of a formal Constitution for AATIF; and the nomination of a Council representative to the Executive Committee of AATIF.

It was agreed:-

- (i) to approve the adoption of a Constitution for AATIF in the terms described in Paragraph 3 of the report; and

- (ii) to nominate the Director of Development Services or his nominee to the Executive Committee of AATIF, membership as detailed below:-

<u>ORGANISATION</u>	<u>MEMBERS</u>
Ayrshire and Arran Tourist Board	1
Tourism Business Sector	8
Colleges in Ayrshire	3
Enterprise Ayrshire	1
Ayrshire Education Business Partnership	1
Ayrshire Chamber of Commerce and Industry	1
East Ayrshire Council	1
North Ayrshire Council	1
South Ayrshire Council	1

REVIEW OF ASSISTED AREAS OF GREAT BRITAIN

11. There was submitted a report dated 28 September 1998 (circulated) by the Director of Development Services on the review currently taking place of the Assisted Areas of Great Britain in response to the new European Commission guidelines on Regional Selective Assistant grant aid.

It was agreed:-

- (i) to authorise the Director of Development Services to write to The Scottish Office on behalf of the Council, and jointly, as part of the Ayrshire Economic Forum, to lobby for full continuation of existing levels of Regional Selective Assistance grant support; and
- (ii) otherwise, to note the contents of the report.

EAST AYRSHIRE WOODLANDS

12.1 Declaration of Interest

Councillor Taylor declared a non-pecuniary interest in this item in terms of Clause 12(b) of the National Code of Local Government Conduct.

12.2 Consideration of Item

There was submitted a report dated 29 September 1998 (circulated) by the Director of Development Services on the East Ayrshire Woodlands Project outputs to date; seeking approval of a formal Constitution for the East Ayrshire Woodlands Project Partnership; and seeking support for the establishment of a Sub-Group of the Partnership's Steering Committee to investigate alternative/supplementary funding to meet a reduction in the overall funding for the project from the European Social Fund and Training for Work.

It was agreed:-

- (i) to note the East Ayrshire Woodlands Project's outputs to date and the action being taken to secure additional funding; and

- (ii) to continue consideration of the adoption of a proposed Minute of Agreement between the partners to the East Ayrshire Woodlands Project to a future meeting of this Committee.

CYCLING STRATEGY

13. There was submitted a report dated 29 September 1998 (circulated) by the Director of Development Services on the preparation of the East Ayrshire Cycle Network Study carried out by Sustainable Transport (Sustrans) being jointly funded by East Ayrshire Council, Enterprise Ayrshire and Sustrans.

It was agreed:-

- (i) to note that Sustrans were carrying out a study to identify a strategic cycle network in East Ayrshire;
- (ii) to welcome Sustrans proposals to form a cycle link between Kilmarnock and the National Cycle Network Route;
- (iii) to approve the preparation of an East Ayrshire Cycling Strategy; and
- (iv) to remit to the Director of Development Services to investigate funding and partnership scheme options as a means of providing the cycling infrastructure.

SUNDAY PARKING IN KILMARNOCK (Item 12, Page 2924)

14. There was submitted a report dated 29 September 1998 (circulated) by the Director of Development Services on the results of the recent trial of free Sunday parking in the surface car parks within Kilmarnock and seeking approval to continue with this practice, except in the Sundays during December, subject to review after one year.

It was agreed to approve the continued practice of setting of charges for the surface car parks within Kilmarnock at zero pence per hour except during the four Sundays in December when normal charges would apply.

CAR PARK IMPROVEMENTS, KILMARNOCK

15. There was submitted a report dated 29 September 1998 (circulated) by the Director of Development Services on safety and security measures proposed for the Multi-Storey Car Park in Kilmarnock and improved car park signage.

It was agreed:-

- (i) to approve the proposals to install security gates, grilles, fire extinguishers and the upgrading of emergency lighting for the Multi-Storey Car Park, at an estimated cost of £10,000, to be met from within the approved budgetary resources of the Department of Development Services;
- (ii) to note the improvements planned for signage; and
- (iii) to note that further improvements to car park facilities are under consideration.

SCHOOL CROSSING PATROL SERVICE

16. There was submitted a report dated 29 September 1998 (circulated) by the Director of Development Services seeking approval of his response to the Government's proposals to change the traffic regulation law relating to School Crossing Patrols.

It was agreed to approve the Director of Development Services' response to the Department of the Environment, Transport and the Regions, relating to School Crossing Patrols and the creation of Community Crossing Patrols as detailed in Appendix 1 to 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 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.

SITE PROVISION FOR TRAVELLING PEOPLE

18. There was submitted a report dated 2 October 1998 (circulated) by the Director of Development Services on investigations into the provision of a site for travelling people and recommendations on obtaining grant assistance from The Scottish Office.

It was agreed:-

- (i) to authorise the Director of Development Service to appoint consultants to carry out the brief on 'Site Provision for Travelling People' as outlined in Paragraph 2.3 of the report; and
- (ii) that the cost of the survey would be met from within the approved budgetary resources of the Department of Development Services.

BUDGETARY CONTROL SUMMARY STATEMENT - ROADS DLO - TRADING SERVICES TO 11 SEPTEMBER 1998 (PERIOD 6)

19. There was submitted and noted a joint report dated 24 September 1998 (circulated) by the Acting Director of Finance and the Director of Development Services on the current budgetary control position and the projected out-turn for the year for the Roads DLO - Trading Services for the period ended 11 September 1998 (Period 6).

FUNDING REQUEST

20. There was submitted a report dated 25 September 1998 (circulated) by the Director of Development Services on a funding request from a Kilmarnock Company to provide grant support towards the recruitment and training of additional staff.

It was agreed:-

- (i) to approve the said wage subsidy to the Kilmarnock company towards the recruitment and training of additional staff as detailed within Paragraph 3 of the report; and
- (ii) that the costs of the subsidy would be met from within the approved budgetary resources of the Department of Development Services.

The meeting terminated at 1133 hours.