

EAST AYRSHIRE COUNCIL

DEVELOPMENT SERVICES COMMITTEE

MINUTES OF MEETING HELD ON TUESDAY 21 OCTOBER 1997 AT 1003 HOURS IN THE MEETING ROOM, COUNCIL HEADQUARTERS, LONDON ROAD, KILMARNOCK

PRESENT: Councillors Irene Reeves, Douglas Reid, Wilma Doyle, Ronald Brailsford, John Knapp, David Fulton, George Turnbull, Robert McDill, David Sneller, George Smith and Tommy Farrell.

ALSO PRESENT: Councillor Jim Kelly.

ATTENDING: Stephen Chorley, Director of Development Services; Robert Paton, Head of Economic Development; Alan Neish, Head of Planning and Building Control; John Crawford, Head of Protective Services; Bill Taylor, Head of Roads and Transportation; Bill Walkinshaw, Principal Administrative Officer; David Mitchell, Principal Solicitor; Tom Harris, Public Relations Manager; Ian Arnott, Chief Accountant; Sandy Gillat, Chief Engineer (Roads and Transportation); Lorna Service, Senior Accountant; Hugh Melvin, Acting Senior Development Promotions Officer; and Alex Hewetson, Administrative Officer.

APOLOGIES: Councillors Drew McIntyre, Daniel Coffey and Eric Ross.

CHAIR: In the absence of the Chair and Vice-Chair, Councillor Tommy Farrell was appointed to the Chair.

PLANNING APPLICATION NO 97/0555/FL - L.A.W. MINING LTD (Item 17.5, Page 1176)

1.1 Declaration of Interest

Councillor Sneller declared a non-pecuniary interest in terms of the National Code of Local Government Conduct in this application and left the meeting.

1.2 Formal Planning Hearing

The Chair welcomed all present to the Hearing which was being held to hear the objectors and applicant in respect of a planning application for full planning permission for proposed removal of planning condition 33 from planning consent CD/96/0097/MIN, to allow blasting on site at Tardoes Farm, Opencast Coal Site, Muirkirk.

There was submitted in respect of the application a report dated 6 October 1997 (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- (i) that 73 pro-forma letters of objection, 22 individual letters of objection, one of which was subsequently withdrawn, and 2 letters in support of the application had been received, details of which were contained within the report; and
- (ii) the receipt and content of one further letter of objection and the receipt of a letter of representation to Elected Members.

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) That the blasting operations shall be carried out in such a manner that no component of the peak particle velocity attributable to any blast, measured at any point immediately adjacent to any building outside the boundaries of the site, exceeds a vibration criterion of 3mm/sec at a 95% confidence level; (3) That except in the case of emergency or as otherwise agreed with the Planning Authority blasting operations will be carried out only within two hourly periods between 0900 hours and 1700 hours in daylight Monday to Friday; (4) The number of blasts undertaken during any one working week for the site shall not exceed 3 except with the prior written approval of the Planning Authority and where justification for exceeding this level of blasting is provided by the applicant; (5) Prior to any blasting activity in Area B within the site, the applicant shall provide further information on the in-situ rock excavatability in this area to the Planning Authority for further consideration. No blasting shall take place in Area B unless justified in terms of rock excavatability and with the written consent of the Planning Authority; (6) That any explosive magazines shall be located, designed and banded to the satisfaction of the Planning Authority; (7) A blast monitoring scheme shall be undertaken on site, as agreed with the Environmental Health Division and the Planning Authority, using appropriate equipment and recording devices, the results and records of which shall be made available to the Planning Authority during the operational life of the site; (8) All blasthole drilling operations shall be undertaken using drilling equipment fitted with dust collection equipment to the satisfaction of the Planning Authority, and that dust collected, where not used for blasthole stemming shall be removed from the blast area prior to blasts taking place; Condition (1) being imposed to comply with Section 58 of the Town and Country Planning (Scotland) Act 1997; Condition (2) in the interests of amenity of nearby residential properties; Conditions (3), (4), (5) and (8) to safeguard the amenity of the area; Condition (6) in the interest of public safety; and Condition (7) to monitor and ensure compliance with blasting conditions; (ii) the existing Section 50 Agreement for the Tardoes Site be amended to provide for additional structural surveys to be carried out following agreement with the Planning Authority and the Environmental Health Division; and (iii) the issue of the Decision Notice should not be issued until appropriate Section 50 Agreement amendments have been concluded with the applicant.

The Committee then heard Mr D Atkinson in support of his objections, Mrs E Kelso, on behalf of Muirkirk Action Group, in support of their objections, Mrs S Montgomery, in support of her objections, Mr I Barry, in support of his objections, Dr D Nandy, GP, on behalf of Muirkirk Action Group in support of his and their objections, and Mr R Forman, on behalf of Muirkirk Community Council, in support of their objections and Dr R Taylor, representative of the applicant, in support of the application, all in accordance with the agreed Hearing procedure. Members asked questions of the objectors and the representative of the applicant. The objectors then responded to

issues raised by the representative of the applicant. The applicant had no other issues to be raised and the Chair closed the Hearing.

1.3 Determination of Application

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

Councillor Farrell, seconded by Councillor G Smith, moved:-

- (i) to grant the application subject to the conditions and for the reasons detailed with the exception that Condition 4 be amended to read "The number of blasts undertaken during any one working week for the site shall not exceed 2 except with the prior written approval of the Planning Authority and where justifications for exceeding this level of blasting is provided by the applicant"; to safeguard the amenity of the area;
- (ii) the existing Section 50 Agreement for the Tardoes site be amended;
 - (a) to provide for additional structural surveys to be carried out following agreement with the Planning Authority and the Environmental Health Division; and
 - (b) to provide for notification to the relevant local Community Organisations and the Planning Authority of blast operations, subject to the appropriate operational arrangements; and
- (iii) that the issue of the Decision Notice be withheld until the Section 50 Agreement amendments had been concluded with the applicant.

Councillor McDill, seconded by Councillor Brailsford, moved that the application be refused on the grounds that it would be detrimental to the amenity of the area.

On a division by a show of hands the motion was carried by 6 votes to 4.

Councillor Sneller re-joined the meeting.

ORDER OF BUSINESS

2. The Chair agreed to alter the order of business per the agenda issued and to consider the following items next.

PLANNING APPLICATION NO 97/0080/FL: PROPOSED CHANGE OF USE TO CLASS 1 RETAIL FOR THE SALE OF PETS AND PET PRODUCTS AT UNIT 4, QUEEN'S DRIVE, KILMARNOCK (Item 7.11, Page 2332)

3. There was submitted a report dated 10 October 1997 (circulated) by the Director of Development Services on recent developments and the current position in respect of notification and approval of the Secretary of State as required under the Notification of Applications (Scotland) Direction 1997 in respect of proposed change of use to Class 1 Retail for pets and pet products at Unit 4, Queen's Drive, Kilmarnock, and seeking authorisation for the Director of Development Services and the Head of Legal Services, in consultation with the Chair to determine appropriate Council representation at an Inquiry or Hearing offered by the Secretary of State to the applicant and the Council as part of the procedures.

The Head of Planning and Building Control reported that the Secretary of State had subsequently advised that a Public Inquiry would be held under the Notification of Applications (Scotland) Direction 1997 procedures.

Councillor Farrell, seconded by Councillor Sneller, moved:-

- (i) that as the Scottish Office had determined that a Public Inquiry would be held under the Notification of Applications (Scotland) Direction 1997 procedures in respect of proposed change of use to Class 1 Retail for pets and pet products at Unit 4, Queen's Drive, Kilmarnock, East Ayrshire Council should be represented; and
- (ii) to remit to the Director of Development Services and the Head of Legal Services in consultation with the Chair to determine the appropriate form of Council representation at the Public Inquiry.

Councillor Reid, seconded by Councillor Brailsford, moved as an amendment:-

- (i) that as the Scottish Office had determined that a Public Inquiry would be held under the Notification of Applications (Scotland) Direction 1997 procedures in respect of proposed change of use to Class 1 Retail for pets and pet products at Unit 4, Queen's Drive, Kilmarnock, East Ayrshire Council should be represented; and
- (ii) that the Director of Support Services submit a report to this Committee to determine appropriate terms of Council representation at the Public Inquiry.

On a division by a show of hands the motion was carried by 8 votes to 3.

PLANNING APPLICATIONS

4.1 APPLICATION NO 97/0641/RM - KILMARNOCK PRISON SERVICES LTD (Item 1.3, Page 1383)

There was submitted a report dated 1 October 1997 (circulated) by the Director of Development Services on a reserved matters application for proposed development of a prison and associated car parking and road access including formation of new roundabout on the A76, at former munitions depot at Bowhouse, Near Hurlford, Kilmarnock.

The Head of Planning and Building Control reported:-

- (i) the receipt and content of a letter of representation from an Agent on behalf of the applicant; and
- (ii) proposed amendments to Conditions 3, 10, 12 and 16 following discussions with the Scottish Environmental Protection Agency and the Roads and Transportation Division removing the requirement to submit relevant details prior to development commencing and inserting appropriate timescales instead.

The Head of Planning and Building Control summarised the planning considerations in respect of the application and recommended: Approval subject to the following conditions, amended as appropriate, in accordance with (ii) above, viz:- (1) The proposed development shall be carried out in accordance with the application form received on 28 August 1997 and the plans received by the Planning Authority on 28 August 1997, 23 September 1997, 10 October 1997 and the amended plan received

on 1 October 1997; (2) The applicant shall undertake a monitoring scheme on the area of the waste tip to ensure that leaching to the natural ground water does not occur. Details of the monitoring scheme shall be submitted to and approved by the Planning Authority within 3 months of the date of this consent; (3) The applicant shall provide evidence, by means of hydrological study, to prove that existing watercourses and culverts can cope with the proposed surface water from the site. This information shall be submitted to and approved by the Planning Authority within the first 3 months from the commencement of the development; (4) In relation to the balancing pond the applicant shall provide a report containing relevant rainfall data appropriate for an urban catchment of a similar scale which shall be used to calculate the maximum design flow required. This report shall be submitted to SEPA's Hydrotechnical Services to assess if the volume of the proposed pond is suitable; (5) All surface water from the car park and vehicle yard areas will require to pass through interceptors prior to discharge to any watercourse; (6) Any waste or contaminated soil removed from the site shall be in accordance with the relevant Waste Management Legislation; (7) The applicant shall consult SEPA prior to disposal of any standing water on the site or temporary discharges of foul and surface water drainage; (8) Construction work shall be carried out in accordance with SEPA's special requirements for working near watercourses; (9) Any alterations to ground levels and/or utilisation of any cranes or jibbed machinery in close proximity to the Railtrack boundary will require consultation with Railtrack regarding suitable protection arrangements. The applicant shall also submit a method statement for approval; (10) Notwithstanding the submitted plans, details/samples of all external materials to be used shall be submitted to and approved by the Planning Authority within 28 days of the date of this consent; (11) The roundabout shall be constructed to the satisfaction of the Roads Division and be available for use prior to the opening of the prison; (12) The landscaping scheme shall be implemented not later than the next appropriate planting season after the development has been commenced. Details shall be submitted to the Planning Authority regarding the provisions to be made for maintenance of soft and hard landscaped areas, prior to commencement of this development this element of the works and in any event not less than 6 months prior to the opening of the Prison; (13) The landscaping relating to this development shall be laid out simultaneously with the development with the adequacy of the landscaping continually monitored by the Planning Authority; (14) No construction traffic shall travel to or from the site by means of the B7073 or the A719. All construction traffic shall use the A76 trunk road; (15) Cycling facilities shall be included within the detailed roundabout design to Roads Division's standards and specifications; (16) The proposed access shall join the trunk road at the new roundabout which shall be constructed to the standard as described in the Design Manual for Roads and Bridges Advice Note TD 16/93 (Geometric Design of Roundabouts). The roundabout shall be constructed in accordance with details that shall be submitted to and approved by the Planning Authority after consultation with the Roads Authority, before this commences, which shall be in any case not more than 6 months from the commencement of the development; (17) A footway shall be provided to link the development to the existing footway network; (18) There shall be no drainage connections to the trunk road drainage system without the prior approval of the Roads Authority; (19) Differential acceleration lanes must be incorporated within the roundabout design; (20) The roundabout and associated re-alignment shall be subject to safety audits at the appropriate predesign and post-construction stages. All costs incurred in the supervision and the safety audits

including additional works, if any, will be the responsibility of the developer, in consultation with the Roads Authority; (21) Where in respect of the preceding conditions, the applicant is required to submit details for approval by the Planning or Roads Authority, such details shall be in the form of full engineering drawings; Condition (1) being imposed to ensure that the development is carried out in accordance with the approved details; Condition (2), (3), (5), (6), (7) and (8) in the interests of public health; Condition (4) in the interest of public health to ensure the volume of the balancing pond is suitable; Condition (9) in the interest of railway safety; Condition (10) in the interest of visual amenity; Condition (11), (14), (15), (16), (17), (18), (19) and (20) in the interest of road safety; Condition (12) to reduce the visual impact of the proposed development on this rural location and upon the residential properties within the vicinity of the proposed development; Condition (13) to ensure that adequate provision of landscaping is provided and to a satisfactory standard; and Condition (21) to ensure that an adequate level of information is submitted.

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

4.2 APPLICATION NO 97/0054/FL - THI LIMITED

There was submitted a report dated 6 October 1997 (circulated) by the Director of Development Services on a full planning application for proposed leisure development to include a multiplex cinema, night venue/family entertainment centre, family restaurants and themed restaurant with associated car parking at Queen's Drive, Kilmarnock.

The Head of Planning and Building Control reported:-

- (i) that 2 letters of objection had been received , details of which were contained within the report;
- (ii) the receipt of a letter dated 17 October 1997 from Montagu Evans, Chartered Surveyors, on behalf of Dawn Developments Ltd, advising that their client had commenced work on planning permission No 97/0117/RM, opposite the application site;
- (iv) that Planning and Building Control Officers had confirmed that initial preparatory works had commenced on the site referred to in (ii) above, on 16 October 1997; and
- (v) that, accordingly, Paragraph 4.2 of the report should be part amended to read; "Planning permission is in existence for a Multi-Screen cinema on an alternative site, (south of Queen's Drive) and initial preparatory works have commenced".

The Head of Planning and Building Control summarised the planning considerations in respect of the application and recommended: (i) Approval subject to the notification of the Secretary of State for Scotland under the Town and Country Planning (Notification of Applications) (Scotland) Direction 1997 and 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 proposed development shall be carried out in accordance with the application form and plans submitted on 23 July 1997 as revised by the Development Plan (No POOL rev G) received by the Planning Authority on 23 September 1997; (3) Details of external

materials, including the colour of all glazing and of all metalwork, shall be submitted to and approved by the Planning Authority prior to the commencement of development; (4) Notwithstanding the plans hereby approved, the landscaping indicated on the plans is not approved. Revised details shall be submitted indicating: (a) extensive landscaping, incorporating bunding and a predominance of heavy standard trees to the south boundary of the site; (b) the formation of a riverside walk and cycleway and landscaping along it; and (c) the species of landscaping and details of its maintenance; (5) Details of the progression of the development with regard to the implementation of the landscaping, the riverside walk and the football pitch shall be submitted to and approved by the Planning Authority prior to the commencement of the development; (6) Notwithstanding the plans hereby approved, a new bowling club is not hereby approved. A further separate Planning Permission is required for this; (7) Before work on the site is commenced, details of the following matters shall be submitted to and agreed by, and thereafter implemented to the satisfaction of, the Planning Authority; (a) measures to ensure the avoidance of flooding of the site of the proposed development and to prevent any consequential flooding effects on any other land and buildings outwith the site. (b) soil and ground conditions including details of any containments to be removed. The required details shall include an analysis of the flood capacity of the entire site prior to and after the undertaking of the development. The analysis shall also address the consequences for the maintenance of flood plain capacity of the development of the Bowling Club Relocation Option 1 site for the purposes of a Bowling green and Clubhouse; (8) Notwithstanding the provisions of the General Permitted Development (Scotland) Act 1992, no buildings or other structures shall be permitted within the landscaping areas, other than those shown on the approved plans; (9) The internal access road heading south from the main roundabout past the Bowling Club Relocation Option 1 site shall be extended to the boundary of the rugby club and shall be completed and ready for use at the same time as the new access onto Queen's Drive is completed. In addition the design of this access road, including its finished levels, shall be compatible with the measures to be taken to address flood plain and flood prevention issues; (10) Notwithstanding the Use Classes (Scotland) Order 1989, or any order revoking and re-enacting that order, further application for planning consent are to be sought from the Planning Authority before any other use is undertaken which lies within the same Use Class, or before any change to another class (in the said Order) as would normally be permitted; (11) That prior to the commencement of works on the site the applicant shall satisfy themselves as to the stability of the site; (12) Prior to the commencement of trading of any new units, the roundabouts at the junction of Lawson Street and Welbeck Street and the junction of Queen's Drive and Hurlford Road shall be upgraded to the satisfaction of the Planning Authority; ie in the first case, kerb line alterations to accommodate an inscribed circle diameter of 26.5 metres and in the second case alterations to existing kerbs on the west leg of Queen's Drive, shall be provided; (13) Prior to the commencement of development the applicant shall confirm that, issues of foul drainage, the premature operation of storm water overflows, car park surface drainage and site water discharge during construction have been addressed to the satisfaction of SEPA and West of Scotland Water; Condition (1) being imposed to comply with Section 58 of the Town and Country Planning (Scotland) Act 1997; Condition (2) to ensure that the development is carried out in accordance with the approved details; Conditions (3) and (4) in the interest of visual amenity; Condition (5) to ensure that these elements of the development are provided at an appropriate,

early opportunity; Condition (6) as insufficient information has been submitted to determine this element of the application; Condition (7) to ensure that the proposal will have no adverse impact on the ability of the site to function as a floodplain where there is a flood event; Condition (8) to safeguard from development those areas required to function as a floodplain; Conditions (9) and (12) in the interests of road safety; Condition (10) to ensure that the Planning Authority retains control over the future development of the site in the interest of the vitality and viability of the town centre; Condition (11) in the interest of public safety; and Condition (13) to prevent any pollution of adjoining land or watercourse and (ii) that the Decision Notice be withheld until the appropriate Section 75 Agreements, in the terms outlined in Paragraph 8.2(i) to 8.2(v) of the report, have been presented for registration with the Keeper of the Register of Sasines.

It was agreed:-

- (i) to note that Paragraph 4.2 of the report had been part amended to read; "Planning permission is in existence for a Multi-Screen cinema on an alternative site, (south of Queen's Drive) and initial preparatory works have commenced;
- (ii) that Paragraph 8.2(iii) of the report be amended to read; "the formation of the riverside walk, cycleway and an appropriate bridge to the Scott Ellis Playingfields, including extension of the changing rooms accommodation at Scott Ellis, together with all associated landscaping works, to be implemented within one year of the commencement of trading of the multiplex cinema";
- (iii) to grant the application subject to the notification of the Secretary of State for Scotland under the Town and Country Planning (Notification of Applications) (Scotland) Direction 1997 and to the conditions and for the reasons detailed; and
- (iv) that the Decision Notice be withheld until the appropriate Section 75 Agreements, in the terms outlined in Paragraph 8.2(i) to 8.2(v) of the report, as amended, had been presented for registration with the Keeper of the Register of Sasines.

4.3 APPLICATION NO 97/0686/FL - MR J C J READMAN

4.3.1 Declaration of Interest

Councillor Sneller declared an non-pecuniary interest in this application and left the meeting

4.3.2 Consideration of Item

There was submitted a report dated 3 October 1997 (circulated) by the Director of Development Services on proposed variation of Condition No 1 of Planning Consent CD/95/0254/MIN to effect transfer of beneficial permission from William Grant (Mining) Ltd to the Miller Group at Milzeoch Farm, land to the South of Skares Road, Near Cumnock.

The Head of Planning and Building Control reported that one letter of objection had been received, details of which were contained within the report.

The Head of Planning and Building Control summarised the planning consideration in respect of the application and recommended: (i) Approval subject to the following condition, viz:- Condition No 1 of planning consent CD/95/0254/MIN shall be

substituted with the following condition:- "The Development hereby permitted shall enure for the benefit of Rackwood Colliery Company Limited and the Miller Group only and that the approved operations shall be completed within 12 years of the commencements date of the operation, or by such other time as may be agreed with the Planning Authority"; being imposed as the development is acceptable only because of the individual circumstances pertaining to the applicants and because the operations are of a temporary nature; and (ii) that the request for an alteration to the Section 50 Agreement associated with planning consent CD/95/0254/MIN, to allow coal traffic from the Milzeoch part of the site to travel via Ochiltree to Killoch Coal Disposal point, be agreed.

Councillor Farrell, seconded by Councillor G Smith, moved:-

- (i) to approve the application subject to the condition and for the reason detailed; and
- (ii) that the Director of Development Services, in consultation with the Chair and the relevant local Elected member(s) enter into discussions with the applicant with a view to an alteration to the Section 50 Agreement associated with planning consent CD95/0254/MIN, in respect of alternative options for the movement of coal traffic from the Milzeoch part of the site and report to this Committee thereon for consideration.

Councillor Turnbull, seconded by Councillor Brailsford, moved as an amendment to continue consideration of this item in order that a report by the Director of Development Services in relation to the proposed alterations to the movement of coal traffic can be made.

On a division by a show of hands, the amendment was carried by 6 votes to 4.

Councillor Sneller re-joined the meeting.

MONITORING REPORTS

5.1 UNEMPLOYMENT STATISTICS

There was submitted and noted a report dated October 1997 (circulated) by the Director of Development Services providing statistics recently released by the Office for National Statistics relating to unemployment figures in Great Britain, and Scotland and East Ayrshire in particular in August 1997.

5.2 BUSINESS GRANTS AND LOAN SCHEME STATUS REPORT

There was submitted and noted a report dated 6 October 1997 (circulated) by the Director of Development Services on grant and loan support awarded to companies in East Ayrshire during the period 1 September to 30 September 1997.

5.3 LOANS MONITORING REPORT

There was submitted and noted a report dated 14 October 1997 (circulated) by the Director of Development Services on loans made to small businesses by the West of Scotland Loan Fund Ltd, on behalf of East Ayrshire Council, for the period 1 April 1996 to 30 September 1997 (18 months).

5.4 ROAD SAFETY IN EAST AYRSHIRE (Item 3.5, Page 1699)

There was submitted a report dated 7 October 1997 (circulated) by the Director of Development Services on the latest trends in road casualties in East Ayrshire.

It was agreed:-

- (i) to note the latest trends in road casualties in East Ayrshire; and
- (ii) to note that the Director of Development Services would submit a further report on trends in road casualties in East Ayrshire to this Committee in March 1998.

5.5 BUDGETARY CONTROL SUMMARY STATEMENT - DEVELOPMENT SERVICES TO 12 SEPTEMBER 1997 (PERIOD 6)

There was submitted and noted a report dated 30 September 1997 (circulated) by the Director of Finance on the current budgetary control position and the projected out-turn for the year for the Department of Development Services for the period ended 12 September 1997 (Period 6).

AWARDING OF TENDERS

6. There was submitted and noted a report dated 6 October 1997 (circulated) by the Director of Support Services providing details of tenders which had been awarded in respect of the undernoted Department of Development Services contracts:-

<u>CONTRACT</u>	<u>SUCCESSFUL CONTRACTOR</u>	<u>AMOUNT</u>
Demolition and Associated Works - Old Kilmarnock Infirmary	Ayrshire Contracts Ltd,	£48,630.75
Bridge Assessment Programme - Work Package No 3	Peter Fraenkel & Partners, Glasgow	£6,950.00
Footway Re-surfacing - Kilmarnock Central	Wallace Dick & Sons, Darvel	£21,921.00
Footway Re-surfacing - Dalmellington	Alistair Dick Contracts, Darvel	£23,708.80

FLOOD PREVENTION - ADDITIONAL REPORT ON WALLS AT BURNSIDE STREET AND RIVERBANK PLACE, KILMARNOCK (Item 10, Page 2054)

7. There was submitted a report dated 10 October 1997 (circulated) by the Director of Development Services seeking approval in accordance with the Council's Financial Regulations for the acceptance of a tender for the construction of retaining walls at Burnside Street and Riverbank Place, Kilmarnock, which exceeded the approved estimate by more than 10%; and providing details of the additional costs involved.

It was agreed:-

- (i) to remit to the Director of Support Services to accept a tender price of £1,459,822.00 from Farrans (Construction) Ltd, Mid Calder, to carry out the construction of retaining walls at Burnside Street and Riverbank Place, Kilmarnock; and
- (ii) to remit to the Director of Development Services to submit a report on the financial implications for the flood prevention programme following the increased costs of the Fairyhill Road and Burnside Street and Riverbank Place, Kilmarnock, flood prevention works.

WINTER MAINTENANCE (Item 10, Page 1170)

8. There was submitted a report dated 10 October 1997 (circulated) by the Director of Development Services on changes to the fixed gritting routes and preparations for the coming winter maintenance programme.

It was agreed:-

- (i) to note the changes to the fixed gritting routes as detailed in paragraph 3.2 of the report; and
- (ii) to note the preparations for the coming winter maintenance programme.

EAST AYRSHIRE BUSINESS PARTNERSHIP DELEGATED LOANS AND GRANTS SCHEME

9. There was submitted a report dated 7 October 1997 (circulated) by the Director of Development Services seeking authorisation for East Ayrshire Business Partnership to operate a small business loan scheme for Small and Medium Sized Enterprises (SME's) within the parameters of the West of Scotland Loan Fund and to make a payment of £10,000 to East Ayrshire Business Partnership as half of the budget for the new local business grants fund.

It was agreed:-

- (i) to authorise East Ayrshire Business Partnership to operate a small business loan scheme, for SME's, of up to £10,000, within the parameters of the West of Scotland Loan Fund;
- (ii) to approve an annual payment of £10,000, drawn from the Business Loans and Grants Budget, to be administered by East Ayrshire Business Partnership, to co-fund a small business grants scheme of £20,000 to support businesses employing less than 50 people for grants at a rate of 50% of project costs, subject to a maximum of £2,000, which would be funded from within existing budgetary resources; and
- (iii) to remit to the Director of Development Services to submit monitoring reports on the outputs of the small business loans scheme and small business grants scheme to this Committee on a regular basis.

SCOTTISH OFFICE DEVELOPMENT DEPARTMENT OPENCAST COAL - REVIEW OF PLANNING POLICY IN SCOTLAND

10.1 Declaration of Interest

Councillor Sneller declared a non-pecuniary interest in terms of the National Code of Local Government Conduct in this matter and left the meeting.

10.2 Consideration of Item

There was submitted a report dated 10 October 1997 (circulated) by the Director of Development Services on a consultation paper issued by the Scottish Office Development Department on the subject of Opencast Coal - Review of Planning Policy in Scotland; seeking the views of the Committee on the issues raised; and seeking authorisation for the Director of Development Services to respond to the Consultation Paper.

It was agreed:-

- (i) to endorse the comments made by the Director of Development Services in respect of the Opencast Coal - Review of Planning Policy in Scotland Consultation Paper as detailed in Paragraphs 3 and 4 of the report;
- (ii) to remit to the Director of Development Services to forward a copy of the report to the Scottish Office Development Department as East Ayrshire Council's formal response to the Opencast Coal - Review of Planning Policy in Scotland Consultation Paper; and
- (iii) that the East Ayrshire Opencast Coal Subject Plan should not be finalised until new guidance was received from the Scottish Office on the Opencast Coal - Review of Planning Policy in Scotland proposals.

Councillor Sneller re-joined the meeting.

BUSINESS SUPPORT PROGRAMMES - EMPLOYMENT GRANTS SCHEME (EGS) AND AYRSHIRE OPERATIONAL SKILLS IMPROVEMENT SCHEME (AOSIS)

11. There was submitted a report dated 6 October 1997 (circulated) by the Director of Development Services seeking approval of the revised operational guidelines for the Employment Grants Scheme (EGS) and Ayrshire Operational Skills Improvement Scheme (AOSIS) Business Support Schemes.

It was agreed to approve the revised operational guidelines for the EGS and AOSIS Business Support Schemes as detailed in Paragraphs 3 and 4 of the report.

Councillor Fulton left the meeting during consideration of this item.

RIVER AYR BRIDGE, BLEACHWORKS BRAE, CATRINE (Item 8, Page 2197)

12. There was submitted a report dated 10 October 1997 (circulated) by the Director of Development Services seeking authority to carry out major repairs to the River Ayr Bridge, Bleachworks Brae, Catrine, and to refer a request for additional funding to carry out those strengthening works, to the Policy and Resources Committee.

It was agreed:-

- (i) to approve that, subject to finance becoming available, that the River Ayr Bridge, Bleachworks Brae, Catrine, would be strengthened;
- (ii) to refer a request for finance for the River Ayr Bridge, Bleachworks Brae, Catrine, strengthening works, from the General Services Capital Budget for consideration, to the Policy and Resources Committee; and
- (iii) to authorise the Director of Development Services to negotiate a contribution to the River Ayr Bridge, Bleachworks Brae, Catrine, strengthening works costs, from Glen Catrine Bottlers.

REVIEW OF THE LOCAL ROADS AUTHORITIES' TRAFFIC ORDERS (PROCEDURE) (SCOTLAND) REGULATIONS 1987

- 13.** There was submitted a report dated 13 October 1997 (circulated) by the Director of Development Services on revisions to the Local Authorities' Traffic Orders (Procedure) (Scotland) Regulations 1987 and seeking approval of observations on the revisions to respond to The Scottish Office.

It was agreed to approve the submission of comments by the Director of Development Services on revisions to the Local Authorities' Traffic Orders (Procedure) (Scotland) Regulations 1987 to the Scottish Office as detailed in Paragraphs 3.3 and 3.4 of the report.

Councillor Fulton re-joined the meeting.

INTEGRATED TRANSPORT POLICY - GOVERNMENT CONSULTATION DOCUMENT

- 14.** There was submitted a report dated 13 October 1997 (circulated) by the Director of Development Services seeking approval for a response to the Government's Consultation Document on an Integrated Transport Policy.

It was agreed:-

- (i) to endorse the draft submissions by the Ayrshire Economic Forum and the Confederation of Scottish Local Authorities, as detailed in Appendices 1 and 2, respectively, to the report, to the Integrated Transport Policy - Government Consultation Document;
- (ii) to authorise the Director of Development Services, in consultation with the Chair, to draw up a submission on behalf of East Ayrshire Council based upon the principles as detailed in Paragraphs 3.1 to 5.8 of the report, to the Integrated Transport Policy - Government Consultation Document; and
- (iii) to advise the Irvine Valley Local Committee of the decision by Malcolm Chisholm, MP, Minister for Local Government and Transport, not to trunk the A71, in order that the Local Committee can consider requesting a meeting with the Minister, on that issue.

**PROMOTION OF TREE PRESERVATION ORDERS:
DEPARTMENTAL/FINANCIAL IMPLICATIONS**

15. There was submitted a report dated 7 October 1997 (copy enclosed) by the Director of Development Services on the backlog of work in preparing Tree Preservation Orders in the southern part of East Ayrshire.

Councillor Farrell, seconded by Councillor Sneller moved approval of priority being given to promoting those Tree Preservation Orders prepared by the former Cumnock and Doon Valley District Council which had either lapsed or been held in abeyance and emergency Tree Preservation Orders.

Councillor McDill, seconded by Councillor Brailsford, moved as an amendment, that the designation of Tree Preservation Orders within East Ayrshire should be on the basis of merit and not by geographical location.

On a division by a show of hands the motion was carried by 8 votes to 3.

LISTED BUILDINGS

16. There was submitted a report dated 9 October 1997 (circulated) by the Director of Development Services on buildings recently listed by Historic Scotland; the current procedures for responding to consultations by Historic Scotland; and proposals to work in partnership with local communities and Building Preservation Trusts to enhance the built environment.

It was agreed:-

- (i) to note the listing of Galston Primary School and Glaisnock House, Cumnock, by Historic Scotland, as Category B Listed Buildings;
- (ii) to note that in future the Director of Development Services would respond to consultations by Historic Scotland on proposals to list buildings by informing Historic Scotland of planning, development, architectural or landscape features which might have bearing on Historic Scotland arriving at a decision on proposed listings;
- (iii) to remit to the Director of Development Services:-
 - (a) to establish regular liaison with Building Preservation Trusts;
 - (b) to consult with local groups and communities to identify suitable buildings for possible renovation; and
 - (c) to submit a report identifying all Listed Buildings in East Ayrshire; those in Council ownership; the cost to the level of their upkeep under Listed Building Regulations; possible sources of external funding to assist with their upkeep; and to raise with the Government, the cost to Local Authorities, and East Ayrshire Council in particular, of the protection of Listed Buildings, to a future meeting of this Committee.

ADDITIONAL ITEM

17. The Chair agreed that this item of urgent business be considered as an early decision was required.

**STOPPING-UP ORDER - ASHDALE ROAD AND INVERCLOY PLACE,
KILMARNOCK (Item 8.2, Page 2333)**

18. The Principal Solicitor reported that no objections to the Stopping-Up Order for Ashdale Road and Invercloy Place, Kilmarnock had been received and that approval was sought to confirm the Stopping-Up Order 1997.

It was agreed:-

- (i) to confirm the Stopping-Up of Highways (Ashdale Road and Invercloy Place, Kilmarnock) Order 1997; and
- (ii) to remit to the Head of Legal Services to advertise the confirmation of the Stopping-Up of Highways (Ashdale Road and Invercloy Place, Kilmarnock) Order 1997.

The meeting terminated at 1308 hours.