

# Report

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Report to:	<b>Planning Committee</b>
Date of Meeting:	<b>23 January 2007</b>
Report by:	<b>Executive Director (Enterprise Resources)</b>

Subject:	<b>Schedules of Revised Planning Conditions for the Following Applications: (1) Extension to Coaling Boundary within Existing Consent at Wilsontown OCCS, Near Forth (Ref. CL/04/0365) and (2) Variation of Mineral Description to Include Suitable Quality Secondary Deposits of Rock and Gravel Aggregate Encountered in Disturbed Overburden Strata Lying Above Primary Coal Seams at Wilsontown OCCS, Near Forth (Ref. CL/04/0366)</b>
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## 1 Purpose of Report

1.1 The purpose of the report is to:-

- ◆ seek Committee authority to delegate the determination of revised schedules of planning conditions relating to the above proposals at Wilsontown OCCS to the Head of Planning and Building Standards Services.

## 2 Recommendation(s)

2.1 The Committee is asked to approve the following recommendation(s):-

- (1) that Committee agree to delegate the determination of the revised schedules of conditions for planning applications CL/04/0365 and CL/04/0366 to the Head of Planning and Building Standards Services.

## 3 Background

3.1 Planning permission was originally granted for the extraction of coal at Wilsontown OCCS on 18 March 2002. Work on site commenced in January 2004. Two separate planning applications were subsequently submitted in May 2004 by Patrick Gillooly Limited (the then operators of Wilsontown OCCS): (1) for an extension to the extraction area to allow the removal of additional coal from the site (CL/04/0365); and (2) to extract secondary minerals (CL/04/0366).

3.2 Both applications were reported to the Planning Committee on 1 March 2005, when the Committee resolved to grant planning permission for both proposals subject to the completion of a revised Section 75 agreement to secure additional Community Trust payments, and a revised Mineral Bond to take account of the extraction of the additional materials. The consents have not yet been issued as the Legal Agreements have not been concluded.

## **4 Current Position**

- 4.1 Since the Committee resolution in 2005, Patrick Gillooly Limited (the then operators of the site) have gone into liquidation, prior to the conclusion of the necessary Legal Agreements to allow the grant of permission for the above applications.
- 4.2 Hall Construction have now acquired the mining rights for the site, and following the conclusion of fresh legal agreements securing a restoration bond and Community Trust payments, extraction at the site recommenced in June 2006. Hall Construction are also pursuing the conclusion of the necessary Legal Agreements to facilitate the grant of permission for the additional coal and other minerals from the site as proposed in the two applications referred to above.
- 4.3 As previously stated, the purpose of this report is to seek Committee authority to delegate the determination of revised schedules of planning conditions relating to both of the above applications to the Head of Planning and Building Standards Services. The reason being that the schedules of conditions presented to Committee in March 2005 were specific to the previous operators of the site Patrick Gillooly Limited. These conditions were prescriptive in nature in order to tightly control the technical method of working the site employed by Patrick Gillooly Limited at that time. While Hall Construction are operating the site in accordance with the original planning permission for the extraction of coal, it would no longer be appropriate to issue the two additional consents as currently worded given the change in circumstances at the site.
- 4.4 Whilst legally, planning permission has been agreed by Committee, for the reason outlined above the opportunity is sought to review the technical wording and scope of the original conditions to reflect the current position on site, and current best practice in relation to mineral working. It is important to note that the principal issues in relation to the extent of the extraction area, time period for extraction, transport issues, safeguarding of residential amenity and Community Trust payments will be as the Committee approved.
- 4.5 Informal discussions have already taken place with Hall Construction regarding this matter, and the operators understand the need to alter the conditions as currently worded to avoid potential conflict upon the grant of these permissions in respect of the current method of working the site. They are agreeable to the approach set out in this report.

## **5 Employee Implications**

- 5.1 There are no personnel implications.

## **6 Financial Implications**

- 6.1 There are no financial implications.

## **7 Other Implications**

- 7.1 There are no other implications.

## **8 Consultation**

- 8.1 No consultations have been undertaken.

**Iain Urquhart**  
**Executive Director (Enterprise Resources)**

5 January 2007

**Link(s) to Council Objectives**

- Creating Successful Communities
- Living in the Community

**Previous References**

None.

**List of Background Papers**

- 1 March 2005 Planning Committee Papers (Ref. CL/04/0365 and CL/04/0366).

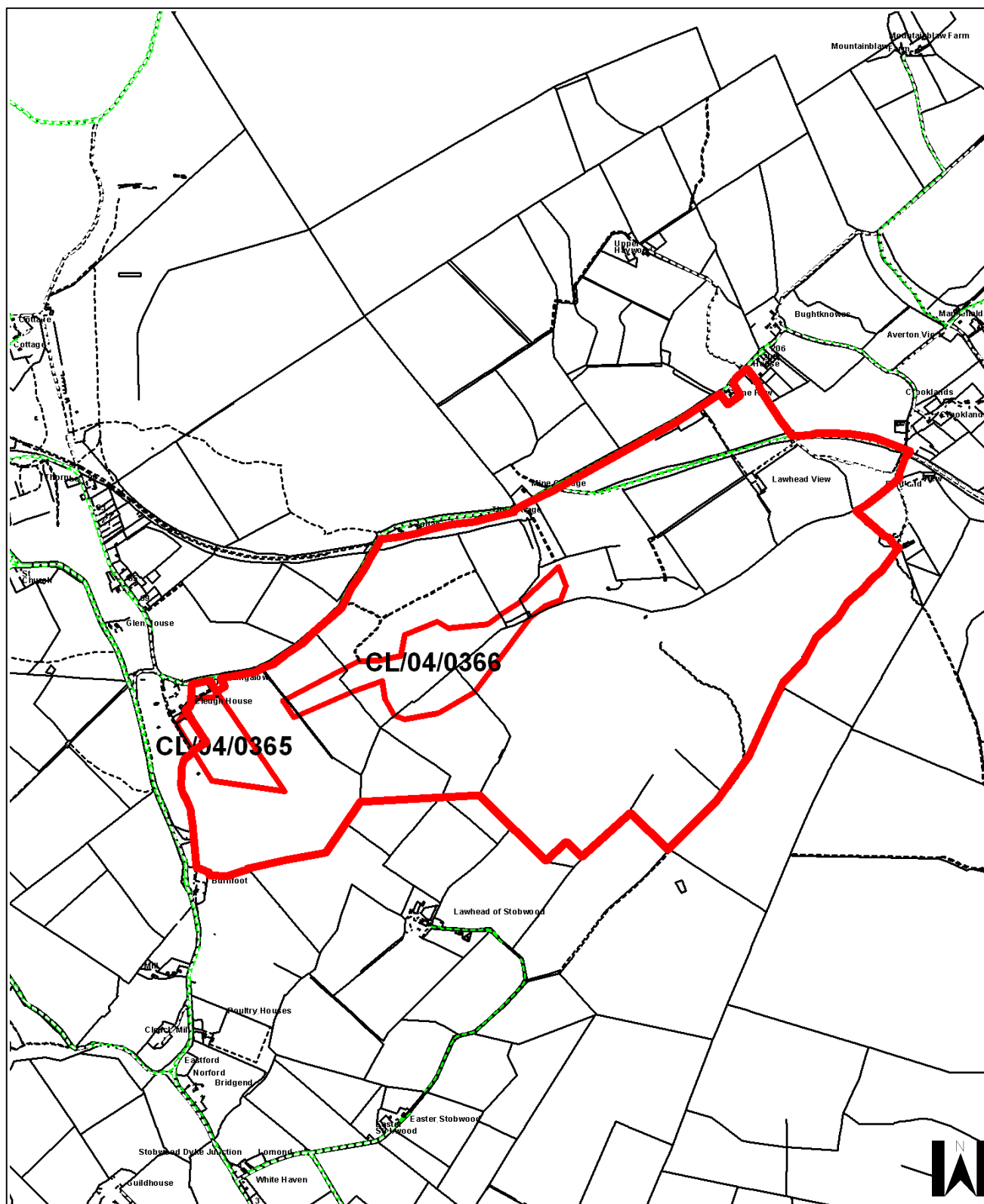
**Contact for Further Information**

If you would like to inspect the background papers or want further information, please contact:- Theo Philip, Minerals/Planning Officer, HQ, Montrose House, Hamilton

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## Planning and Building Standards Services



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