

<b>To : PLANNING AND ENVIRONMENT COMMITTEE</b>		<b>Subject : Appeal Against Refusal of Planning Permission for the Extraction of Coal by Opencast Methods, Badallan Farms, between Shotts and Fauldhouse</b>
<b>From : DIRECTOR OF PLANNING AND ENVIRONMENT</b>		
<b>Date : 20<sup>th</sup> March 2002</b>	<b>Ref : S/01/00175/MIN</b>	

**1. Purpose of Report**

The purpose of this report is to advise the Committee of notification of an appeal relating to the above, and to seek the Committee's agreement on the means of defending the appeal.

**2. Background**

The application for Extraction of Coal by Opencast Methods at Badallan Farms, was refused planning permission on 7<sup>th</sup> February 2002, following a site visit and hearing.

The Council has been notified that an appeal has been lodged against the decision and the appellants have indicated that they wish the appeal to be dealt with by written submissions.

In accordance with the agreed procedure on handling planning appeals, if the appeal relates to a relatively simple proposal, written submissions would be appropriate, however where the appeal raises complicated matters policy and/or there had been substantial representations, a Public Inquiry may be considered more appropriate. In these circumstances, where the decision is made contrary to the recommendation of the Director of Planning and Environment, presentation of the Council's case would be by Legal Services with support from Consultants.

**3. Conclusion**

The application attracted a great deal of public interest, with many representations for (79) and against (400) the proposal. Members of FATAL (Fauldhouse Against Tipping At Levensseat) addressed the Committee at the hearing as did West Lothian Council who had also objected to the proposal (members will recall that the application is close to the North Lanarkshire/ West Lothian boundary). Given the level of public interest and the nature of the proposals, Members may wish to consider whether the written submissions procedure as proposed by the applicant would be appropriate.

**4. Recommendation**

It is recommended that the Committee agrees to defend the appeal on the basis of either

- (i) written submissions or
- (ii) a public inquiry.



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DIRECTOR OF PLANNING & ENVIRONMENT