

EAST AYRSHIRE COUNCIL

SPECIAL SOUTHERN LOCAL PLANNING COMMITTEE: 17 DECEMBER 2009

UPDATE ON PROGRESS WITH RESTORATION OF CURRENT AND FORMER OPENCAST COAL SITES WITHIN EAST AYRSHIRE

Report by Head of Planning & Economic Development

1. PURPOSE OF REPORT

- 1.1 To provide information on the restoration of current and former opencast coal sites following a Committee request.

2. BACKGROUND

- 2.1 There are three main mining companies who operate opencast coal sites within the Southern Local Committee's area, namely, ATH Resources, Kier Mining and Scottish Coal:-

ATH RESOURCES:

1. Garleffan by New Cumnock (coaling complete/progressive restoration)
2. Grievehill by New Cumnock (coaling complete/progressive restoration)
3. Hannahston, Drongan (restored)
4. Laigh Glenmuir by Logan (one year restoration to be completed, but timescale is dependent on determination of Duncanziemere application)
5. Skares Road by Skares (restored – aftercare)
6. Skares Road Area 'C' (restored – aftercare)
7. Skares Road Area 'D' (operational)
8. Skares Road Area 'F' (restored – aftercare)
9. Skares Road Area 'F' (separate application) (restored – aftercare)

KIER MINING:

1. Greenburn by New Cumnock (operational)
2. Greenburn Dalgig Farm (operational)

3. Greenburn Dalgig Extension (planning approved but not yet started)
4. Greenburn North (operational)
5. Greenburn North-East (restored – aftercare)

SCOTTISH COAL:

1. Chalmerston by Dalmellington (restored – aftercare)
2. Chalmerston North & Pennyvenie (coaling complete/progressive restoration)
3. Chalmerston North Extension (operational)
4. Chalmerston North Area 'P' (restored – aftercare)
5. House of Water by New Cumnock (operational)
6. House of Water Extension (operational)
7. House of Water Area 'B' Variation (coaling complete/progressive restoration)
8. House of Water Variation and River Nith Diversion (coaling complete/progressive restoration)
9. House of Water Burnston Extension (planning approved but subject to legal agreement)
10. House of Water Lanehead Extension (planning approved but subject to legal agreement)
11. House of Water Tappet Hill Extension (operational)
12. House of Water Craighman South (planning approved but not yet started)
13. Piperhill by Sinclairston (restored – aftercare inspection to be carried out)
14. Powharnal by Muirkirk (operational)
15. Rigghead by New Cumnock - (restored – aftercare inspection scheduled for Spring 2010)
16. Spirelack by Muirkirk (operational)
17. Spirelack Grasshill Extension (operational)

18. Spireslack Grasshill Variation (planning approved but not yet started)

APPLICATIONS SUBMITTED FOR DETERMINATION:

ATH Resources:

- Duncanziemere (Laigh Glenmuir Extension) by Logan – 800,000 tonnes of coal over a 4 year period followed by 18 months of restoration.
- Netherton by Skares – 4 million tonnes of coal and 500,000 tonnes of fireclay over an 8 to 10 year period (includes restoration).

Kier Mining:

- Greenburn South by Burnside, New Cumnock – 2.85 million tonnes of coal over a 7 year period followed by 2 years of restoration.

Scottish Coal:

- House of Water (Burnston Fields Extension) by New Cumnock – 560,000 tonnes of coal over a 2 year period followed by 1 year restoration.
- Dunstonhill by Patna – 1.2 million tonnes of coal over a 3 year period followed by 2 years of restoration.
- Ponesk by Muirkirk – 1 million tonnes of coal over a 3 year period followed by 2 years of restoration.

MISCELLANEOUS OLDER SITES:

- Broomhill by Patna (restored – in aftercare)
- Burnfoot Moor, Muirkirk (restored – in aftercare)
- Darnconner by Auchinleck (Restoration Scheme refused by Southern Local Planning Committee. Discussions with Viridor Waste Management are ongoing)
- Tardoes by Muirkirk (Restoration Bond called-in by the Council. The site has been restored and is now in aftercare.

IN SUMMARY:

- there are 10 operational sites;
- there are 18 application sites which have been restored or are currently subject to progressive restoration;
- there are 6 application sites with planning approval which have not yet started;
- the restoration of 2 sites is subject to application submissions or further discussions with the applicant;
- there are 6 major opencast applications with the Council for determination.

3. RESTORATION OF SITES

- 3.1 The minerals industry plays an essential role in supporting the Ayrshire economy by providing important jobs, power generation and construction materials. However, extracting minerals can also have significant environmental consequences and it is important that these are carefully managed as, unlike most other forms of planning consent, opencast developments can continue in operation for many years. Permission is therefore generally subject to the attachment and implementation of a considerable number of detailed planning conditions that are intended to protect surrounding communities and the environment from adverse impacts.
- 3.2 Effective monitoring and, if necessary, enforcement of these conditions is necessary to ensure high environmental standards and to maintain the credibility of the planning system, particularly with those communities that are most directly affected by the extraction or haulage of coal. The Scottish Government recognises that doing so is both costly and time consuming for planning authorities and that the existing statutory fee provisions only cover the cost of processing an application and do not permit recovery of subsequent monitoring and enforcement costs.
- 3.3 In line with the 'polluter pays' principle, the Scottish Government believes that there is a case for such costs being borne by operators and not by the public and that any charging regime must deliver clear and guaranteed community and environmental benefits. Over the past five years, a number of reports have concluded that there is a strong case to empower planning authorities to recover the costs of monitoring and enforcing mineral permissions. Further, the quarrying industry has also raised its own concerns regarding the effectiveness of existing arrangements with growing concerns that mineral

planning authorities do not have sufficient resources to adequately enforce all opencast operations and operators.

- 3.4 Most of the East Ayrshire sites have Technical Support Groups involved in the overseeing of site restoration with the key stakeholders being primarily the Council, Scottish Natural Heritage, RSPB Scotland, the Scottish Environment Protection Agency, the Scottish Wildlife Trust, the site operator and other various bodies depending on the individual sites concerned. The Technical Support Groups meet on a regular basis and provide an invaluable input in terms of site operations and particularly site restoration, to ensure that competing and occasionally conflicting interests of the stakeholders are appropriately addressed.
- 3.5 In addition to the Technical Support Groups, many sites have Community Liaison Committee's which consist of representatives from the planning authority, an elected member for the area, local neighbours who may be affected by the site operations and site management. These particular meetings are an ideal forum to address day to day issues and concerns which may arise as site works progress.

4. FUTURE MONITORING OF SITES

- 4.1 Policies MIN 38, MIN 39 and MIN 40 of the East Ayrshire Opencast Coal Subject Plan (2003) require the opencast operators to assist the Council in its regular monitoring of opencast sites. Operators are required to submit mining progress plans and environmental audits, setting out the level of compliance with planning conditions and the terms of legal agreements. Any departures from the issued planning consent are identified (including implications in relation to the satisfactory reinstatement of sites) and proposals are discussed with the planning authority to regularise any shortfalls or deficiencies.
- 4.2 The attached appendices break down the level of opencast activity currently being monitored in East Ayrshire. Recognising the finite resources available to undertake such monitoring there will be a continuing reliance upon a degree of self-regulation on the part of the operators. This is the case at present with many sites where consultants are appointed to carry out environmental monitoring and to submit the necessary survey results, reports and documentation to the Council for consideration; with the Council effectively monitoring the monitor.
- 4.3 Since the last report to the Cumnock Local Area Committee (March 2007) a concerted effort was geared toward securing restoration of some of the older sites in the system. Burnfoot Moor (Muirkirk) and Broomhill (Patna) have now been fully restored and are in aftercare and the Council initiated action and 'called-in' the restoration bond associated with the former LAW Mining (in liquidation) site at Tardoes (Muirkirk) to secure over £160,000 of restoration works. Whilst this particular case was a lengthy project, it was a good example of how the Council can work with the bond provider, loss adjuster etc to ensure that the restoration obligations contained within planning consents

and legal agreements are adhered to and sites are restored to the complete satisfaction of the Council as planning authority.

- 4.4 In relation to the restoration of existing sites, it should be noted that restoration works at the Laigh Glenmuir site (by Logan) have been put on hold until the Council determine the Duncanziemere planning application submitted by ATH Resources. This proposal seeks a large extension to the north of the existing opencast site which would utilise the existing site infrastructure. If the Council decided to refuse this application it is anticipated that restoration of the Laigh Glenmuir site will take approximately one year to complete.
- 4.5 Restoration of the Darnconner site (by Auchinleck) is subject to ongoing discussion and negotiation with Viridor Waste Management (Scotland) Limited after the Council refused a proposal to extend the life of the site by a further 10 years to allow the deposition of inert waste, plus the subsequent revised restoration scheme which followed.

5. RECOMMENDATION

- 5.1 **It is recommended that the Committee note the contents of this report.**

LIST OF BACKGROUND PAPERS

1. Monitoring and Enforcing Mineral Permissions: A Consultation Paper (2003)
2. Restoration of Current and Former Opencast Coal Sites within the Local Committee's Area: Cumnock Local Area Committee (2007)

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10 December 2009
CG/HM

FV/DVM

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Scottish Coal Sites	Total Site Area	Disturbed Land	Undisturbed Land	Restored Land	Status	Comments
Chalmerston/Pennyvenie	835ha	408ha	73ha	354ha	Operational	Progressive Restoration Being Undertaken
House of Water	502ha	215ha	158ha	129ha	Operational	Progressive Restoration Being Undertaken
Piperhill	400ha	0	0	400ha	Restored	Restoration Complete - In Aftercare
Powharnal	637ha	196ha	283ha	158ha	Operational	Progressive Restoration Being Undertaken
Rigghead	88.27ha	0	0	88.27ha	Restored	Restoration Complete - In Aftercare
Spireslack/Grasshill	568ha	274ha	200ha	94ha	Operational	Progressive Restoration Being Undertaken

ATH Coal Sites	Total Site Area	Disturbed Land	Undisturbed Land	Restored Land	Status	Comments
Garleffan	180ha	120ha	10ha	50ha	Progressive Restoration	Majority of Disturbed Land at Contour Level
Grievehill	143ha	100ha	23ha	20ha	Coaling Ceased	Progressive Restoration Being Undertaken
Laigh Glenmuir	47ha	42ha	5ha	0	Coaling Ceased	Duncanziemere Application Pending
Skares Road	440ha	212ha	20ha	208ha	Operational	Majority of Disturbed Land at Contour Level
Hannahston	43.3ha	0	0	43.3ha	Restored	Restoration Completed

Kier Coal Sites	Total Site Area	Disturbed Land	Undisturbed Land	Restored Land	Status	Comments
Greenburn	260.3 ha	118.2ha	97ha	45.1ha	Operational	Progressive Restoration Being Undertaken
Dalgig Farm	100.1ha	11.1ha	89ha	0	Operational	Progressive Restoration Will Be Undertaken

Miscellaneous Sites	Total Site Area	Disturbed Land	Undisturbed Land	Restored Land	Status	Comments
Broomhill	102ha	0	0	102ha	Restored	Restoration Complete - In Aftercare
Burnfoot Moor	87.7ha	0	0	87.7ha	Restored	Restoration Complete - In Aftercare
Darnconner Landfill	31.2ha	12.1ha	0	19.1ha	Further Works Required	Discussions Ongoing with Applicant
Tardoes	65.5ha	0	0	65.5ha	Restored	Restoration Complete - In Aftercare

Last Update - Nov 09

Surface Coal Mining Sites in East Ayrshire

	Kier Mining Sites	Application Ref No.	STATUS	TIMESCALE (years)			Quantity (tonnes)	Area (Ha)
				Commence	Finish Coaling	Final Restoration		
1	Greenburn	00/0793/FL	Operational	Feb-03	Feb-10	Feb-14	3.5m	226.5
4	Dalgig Extension (original)	06/0538/FL	Planning Approved	Not Started	7 Yrs	18 mths	2.7m	284
2	Greenburn North	07/0211/FL	Operational	Jul-08	Feb-10	Feb-14	200,000	16.9
3	Greenburn North-East	07/0745/FL	Restored - Agree Aftercare	Nov-07	Mar-08	Aug-09	80,000	16.9
5	Dalgig Farm	07/0908/FL	Operational	May-09	May-12	May-14	1.5m	100.4
6	Greenburn South Proposal	N/A	N/A	N/A	N/A	N/A	N/A	N/A

	Scottish Coal Sites	Application Ref No.	STATUS	TIMESCALE (years)			Quantity (tonnes)	Area (Ha)
				Commence	Finish Coaling	Final Restoration		
7	Chalmerston	96/0076/FL	Restored	Oct-96	Oct-98	Oct-99	400,000	51
8	Chalm North & Pennyvenie	97/0582/FL	Progressive Restoration	Jun-98	Jun-08	Jun-09	4.5m	985
9	Chalm North Extension	06/0685/FL	Operational	Jul-08	Jul-12	Jul-13	1.02m	280
10	Area 'P' Chalm North	07/0448/FL	Restored - In Aftercare	Aug-07	Oct-07	Jun-09	90,000	7.9
11	House of Water	CD/94/0072/MIN	Operational	Apr-96	Mar-13	Sep-13	2.8m	408
12	House of Water Extension	96/0400/FL	Operational	Jun-98	Mar-13	Sep-13	1.8m	65
13	Area 'B' Variation	03/0506/FL	Progressive Restoration	Dec-03	Jun-05	Sep-13	200,000	12
14	Variation & Nith Diversion	04/0397/FL	Progressive Restoration	Nov-04	Nov-06	Sep-13	1.1m	14.8
15	Burnston Extension	06/0548/FL	Subject to S75	N/A	5 Yrs	1 Year	1.5m	210
16	Lanehead Extension	09/0178/FL	Subject to S75	N/A	5 Yrs	18 mths	1m	51.4
17	Tappet Hill Extension	09/0286/FL	Planning Approved	N/A	1.5 Yrs	12 mths	425,000	53
18	Craigman South Amendment	09/0364/FL	Planning Approved	N/A	16 wks	May-11	80,000	6.28
19	Burnston Fields Extension	09/0371/FL	Application Submitted	N/A	2 Yrs	1 Year	560,000	46
20	Powharnal	99/0761/FL	Operational	Sep-04	May-11	Sep-14	6.8m	414
21	Powharnal Re-Phasing	05/1242/FL	Operational	Mar-08	May-11	Sep-14	As Above	25.24
22	Rigghead	99/0355/FL	Restored - Agree Aftercare	May-01	Sep-04	Aug-09	650,000	106.5
23	Rigghead Variation	01/0629/FL	Restored - Agree Aftercare	Sep-02	Sep-04	Aug-09	110,000	4.6
24	Spireslack	96/0670/FL	Operational	Dec-00	Jan-12	Jan-13	3m	557
25	Grasshill Extension	01/0807/FL	Operational	Apr-04	Jan-12	Jan-13	572,000	24.5
26	Spire/Grass Variation	07/0444/FL	Planning Approved	May-10	May-11	May-13	250,000	9.9
27	Dunstonhill	08/0783/FL	Application Submitted	N/A	3 Yrs	2 Yrs	1.2m	776
28	Ponesk	09/0344/FL	Application Submitted	N/A	3 Yrs	2 Yrs	1.0m	473

				TIMESCALE (years)				
	ATH Sites	Application Ref No.	STATUS	Commence	Finish Coaling	Final Restoration	Quantity (tonnes)	Area (Ha)
29	Garleffan	98/0539/FL	Restored - In Aftercare	Sep-99	Sep-05	Sep-06	1.2m	19
30	Garleffan II	00/0526/FL	Progressive Restoration	Oct-01	Jun-06	Sep-10	5m	93
31	Garleffan II Extension	04/0873/FL	Progressive Restoration	Jun-05	Jun-06	Sep-10	250,000	6
32	Grievehill	98/0452/FL	Progressive Restoration	Jun-05	Oct-07	Aug-11	500,000	48
33	Grievehill Variation	06/0537/FL	Progressive Restoration	Feb-07	Oct-07	Aug-11	370,000	10
34	Grievehill Extension	06/1174/FL	Progressive Restoration	Mar-08	Sep-09	Mar-11	920,000	24.7
35	Laigh Glenmuir	05/0232/FL	Application Pending	Sep-06	Mar-09	Nov-09	500,000	47
36	Skares Road	CD/95/0254/MIN	Restored - In Aftercare	Mar-97	Mar-08	Mar-09	4.5m	630
37	Skares Road Revisions	97/0596/FL	Progressive Restoration	May-98	Oct-08	Oct-10	6.3m	191
38	Extension to Area 'F'	02/0691/FL	Restored - In Aftercare	Apr-03	Apr-04	Apr-05	600,000	24.9
39	Extension to Area 'F'	04/0210/FL	Restored - In Aftercare	Jun-04	Jul-04	Apr-05	50,000	1.56
40	Extension to Area 'C'	05/0446/FL	Restored - In Aftercare	Oct-05	Sep-09	Sep-10	350,000	46.1
41	Area 'D' Extension	08/0752/FL	Operational	Aug-09	Aug-11	Aug-12	650,000	35
42	Duncanziemere	N/A	Application Submitted	N/A	4 Yrs	18 mths	800,000	63

	Miscellaneous Sites	Application Ref No.	STATUS	Aftercare Start	Aftercare Finish
43	Broomhill	CD/95/0187/MIN	Restored - In Aftercare	Sep-08	Sep-13
44	Burnfoot Moor	CD/94/0300/MIN	Restored - In Aftercare	Oct-04	Oct-09
45	Darnconner	08/0932/FL	Ongoing Discussions	N/A	N/A
46	Tardoes	CD/96/0097/MIN	Restored - In Aftercare	Sep-09	Sep-14
47	Piperhill	CD/95/0206/MIN	Restored - Agree Aftercare	TBA	TBA

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