

EAST AYRSHIRE COUNCIL

CUMNOCK AREA LOCAL COMMITTEE MEETING – 29 MARCH 2007

UPDATE ON PROGRESS WITH RESTORATION OF CURRENT AND FORMER OPENCAST COAL SITES WITHIN THE LOCAL COMMITTEE'S AREA

Report by Head of Planning, Development and Building Standards

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 coal companies who operate opencast coal sites within the Cumnock Local Committee's area, namely, ATH Resources, Kier Construction and the Scottish Resources Group (formerly Scottish Coal). Full details as follows:-

ATH RESOURCES:

Garleffan, New Cumnock (coaling ceased)
Grievehill, New Cumnock (active)
Hannahston, Drongan (restored and in aftercare)
Laigh Glenmuir by Logan (active)
Skares Road by Skares (active)

KIER CONSTRUCTION:

Greenburn by New Cumnock (active)

SCOTTISH RESOURCES GROUP (FORMERLY SCOTTISH COAL):

Chalmerston/North Pennyvenie by Dalmellington (active)
Gasswater/Powharnal by Muirkirk (active)
Hall of Auchincross/Rigghead by New Cumnock (coaling ceased)
House of Water by New Cumnock (inactive)
Piperhill by Sinclairston (restored and in aftercare)
Spireslack by Muirkirk (inactive)

MISCELLANEOUS OTHER SITES:

Broomhill by Patna (further restoration works required)
Burnfoot Moor, Muirkirk (restored and in aftercare)
Darnconner by Auchinleck (subject of current planning application re the deposition of controlled waste and construction of a civic amenity centre)
Tardoes by Muirkirk (further restoration works required)

IN TOTAL:

- a) there are 6 active sites;
- b) there are 2 inactive sites;
- c) 2 sites have ceased coaling and are being progressively restored;
- d) 3 sites have been restored and are now in aftercare;
- e) 2 sites require further restoration works; and
- f) 1 site is subject of a current planning application.

3. RESTORATION OF SITES

- 3.1 With regard to the two sites which require additional restoration works, the following should be noted:-

Broomhill by Patna: This site has ceased coaling operations and has not yet been fully restored, mainly in respect of the former lagoons associated with the water treatment. Monitoring of the site has resulted in the operators being contacted and reminded of their duty of care in respect of this site. This Division has been advised that restoration works will recommence this year in accordance with a detailed strategy for the wetland and ponds area which has already been submitted for consideration. Works at this site will be monitored to ensure full compliance with the aforementioned restoration strategy.

Tardoes by Muirkirk: This site has in the main been fully restored with the exception of the lagoon area on the south side of the A70 public road although aftercare on the site so far has been minimal. The operator of the site went into administration in 2006 and the land was sold on for agricultural use. Meetings with the new owner have recently taken place with specific regard to securing full restoration of the remaining un-restored lagoon area. This matter is actively being pursued and arrangements are being made to have the water contained within the lagoons tested and analysed before the lagoons can be emptied and in-filled.

- 3.2 The restoration of opencast coal sites is monitored by the Council as Planning Authority in terms of the various consents granted for opencast

developments in East Ayrshire. Many of the operational sites have Technical Working Groups involved in the overseeing of site restoration with the key stakeholders being primarily the Planning, Development and Building Standards Division, 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 Working Groups meet on a regular basis and provide 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.

In addition to the Technical Working Groups, many sites have Community Liaison Committee's which consist of representatives from the planning authority, the 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 any concerns which may arise as site works progress.

4. FUTURE MONITORING OF SITES

- 4.1 In response to the increasing pressures of opencast developments and site monitoring within East Ayrshire, the Council has appointed an Assistant Minerals Officer to ensure that opencast sites continue to operate to the highest possible standards and to ensure appropriate restoration of sites within agreed timescales. The Scottish Executive has also consulted local authorities on the possibility of operator's contributing to the costs of monitoring and enforcement which this Division has welcomed. With new opencast sites and extensions to existing sites being submitted by operators on a regular basis, obligations are being placed on operators via legal agreements to fund the cost of independent monitoring of opencast sites in respect of financial bond provision and progressive restoration of sites. These policy measures, required in terms of the East Ayrshire Opencast Coal Subject Plan, should further assist in ensuring opencast operators meet their obligations to operate and restore their sites in an acceptable manner, not only to the Council, but to communities who are affected by opencast operations.

5. RECOMMENDATION

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

ALAN NEISH

Head of Planning, Development and Building Standards

07 March 2007

Implementation Officer: Alan Neish

Scottish Coal Sites	Timescales	Completion of Coaling	Final Restoration	Disturbed Land	Restored in Aftercare	Progressive Restoration
Chalmerston/Pehnyvenie	9 years into 11 year site (1998 to 2009)	30th June 2008	30th June 2009	20 ha	330 ha	180 ha
House of Water	11 years into 13 year site (1996 to 2009)	31st May 2008	31st May 2009	231 ha	122 ha	Site Inactive
Piperhill	1993 - 2003	31st March 2002	31st March 2003	None	400 ha	Completed
Powharnal	3 years into 10 year site (2004 - 2014)	30th September 2013	30th September 2014	400 ha	111 ha	20 ha
Righthead	2001 - 2004 (restoration timescale extended)	31st May 2003	Summer 2007	26 ha	36 ha	27 ha
Spineslack	6 years into 10 year site (2001 to 2011)	31st January 2010	31st January 2011	247 ha	25 ha	Site Inactive

ATH Coal Sites	Timescales	Completion of Coaling	Final Restoration	Disturbed Land	Restored in Aftercare	Progressive Restoration
Garleffan	8 years into 10 year site (1999 to 2009)	31st July 2006	By March 2009	None	125 ha	26 ha
Grievehill	2 years into 4 year site (2005 to 2009)	By September 2007	By September 2009	34 ha	42 ha	2 ha
Lough Glennmuir	1 year into 4 year site (2006 to 2010)	By February 2009	By September 2010	9 ha	None Yet	1 ha
Skarres Road	10 years into 13 year site (1997 to 2010)	By February 2009	By March 2010	53 ha	222 ha	92.5 ha
Hanneshston	Restoration Complete	1998	Finished	None	28 ha	Completed

Klir Coal Sites	Timescales	Completion of Coaling	Final Restoration	Disturbed Land	Restored in Aftercare	Progressive Restoration
Greenburn	3 years into 10 year site (2004 to 2014)	By 2009	By September 2010	134 hectares	12 hectares	28 hectares in 2007

Other Coal Sites	Timescales	Completion of Coaling	Final Restoration	Disturbed Land	Restored in Aftercare	Progressive Restoration
Broomhill	Further restoration to be undertaken	2003	Not Completed	Not Applicable	Under Assessment	During Summer 2007
Burnfoot Moor	Restored - In Aftercare	31st July 2002	Completed	Not Applicable	68 ha	Completed
Damconner	Separate consent issued for landfill use	31st October 1996	Under Assessment	Not Applicable	Under Assessment	Under Assessment
Tardoes	Almost at Final Restoration	2001	Not Completed	Not Applicable	Under Assessment	Draining of Lagoons