

## **EAST AYRSHIRE COUNCIL**

**CUMNOCK AREA LOCAL COMMITTEE: 11 SEPTEMBER 2003**

### **RESTORATION OF OPENCAST COAL SITES IN EAST AYRSHIRE**

#### **Report by Head of Planning and Building Control**

#### **1. PURPOSE OF REPORT**

1.1 The purpose of this report is to present for consideration a report on current policies for the restoration of opencast coal sites within East Ayrshire and to advise on the current restoration progress on operational sites.

1.2 At its meeting on 27 March 2003, the Local Committee agreed that a report be submitted to a future meeting of the Committee on East Ayrshire Council's policy relative to the restoration of opencast coal sites and the current position with regard to the restoration of individual sites in the area.

#### **2. DEVELOPMENT PLAN POLICY**

2.1 Policy guidance on opencast coal developments within East Ayrshire is contained within the East Ayrshire Opencast Coal Subject Plan (EAOCSPP) which was formally adopted on 14 March 2003. The EAOCSPP has been designed to provide comprehensive advice and guidance on all opencast related matters and directs future opencast developments to a series of identified Potential Coal Extraction Areas in order to ensure minimum environmental impact.

2.2 With specific regard to restoration of opencast sites, local authorities and opencast operators are taking advantage of opportunities to create high quality and diverse restoration schemes for opencast sites. The Council advocates restoration of opencast sites on a progressive basis in order to minimise the physical impact of the operations on the environment and to return the land to a productive and beneficial use at the earliest opportunity.

2.3 Policy MIN15 states that all developers are required to progressively restore their operational sites to the highest possible standards. The use of restored land for specific agricultural, forestry, recreational and nature conservation purposes will be acceptable to the Council and applicants are encouraged to create wildlife habitats and wetland areas, if appropriate, within their restoration proposals.

2.4 Policy MIN17 requires the developer, as an integral part of a planning application, to submit detailed restoration and aftercare plans for the

development site. Detailed design of restoration features and implementation of the restoration and aftercare proposals will be made the subject of conditions in any issued planning consent and other agreements as considered appropriate.

2.5 Under Policy MIN32 the Council will request operators to enter into an agreement with the Council under Section 75 of the Town and Country Planning (Scotland) Act 1997. Amongst other obligations, there would be a requirement for operators to provide adequate financial guarantees in order to ensure that they meet their obligations in respect of restoration and aftercare should work be abandoned prior to completion. Policy MIN35 indicates that such a financial guarantee should be provided by a recognised financial institution and reassessed at regular intervals. The amount lodged will be calculated on the basis of a realistic assessment of the total costs of restoration of the individual site. The Council will require a regular assessment of restoration operations carried out by an independent consultant selected through an appropriate tendering process and who is financed and funded directly by the opencast developer.

2.6 In terms of site monitoring, Policy 39 requires all opencast developers to provide annual progress plans giving an up to date position statement on the opencast operations.

2.7 It should be noted that the provisions of the EAOCSP will be applied to all new opencast development proposals. Existing operational opencast sites within East Ayrshire may not be entirely subject to the new policy provisions as some of the consents associated with these sites are historic. Nonetheless, the general principles with respect to site restoration applied to these sites are essentially similar in nature.

### **3. RESTORATION PROGRESS IN CURRENT OPERATIONAL SITES**

3.1 The following information provides a resume of site progress in relation to the current operational opencast sites within East Ayrshire. In this instance 'operational' refers to those sites which have formally started operations, are in the coaling phase or are in the restoration phase.

3.2 Spireslack Site, Muirkirk: This site is operated by Scottish Coal and is essentially an extension to the Airdsgreen/Viaduct Mine sites which have finished coaling. Restoration on this site is on a progressive basis, with successive cuts / coaling areas being backfilled as works progress on site. The former Airdsgreen /Viaduct areas have been substantially restored, except for those areas which contain site infrastructure, lagoons and overburden storage areas. The substantial opencast void that was left following the historic abandonment of previous workings has now been infilled as part of the ongoing progressive restoration of the site. In this particular site, restoration and aftercare is secured

through a Parent Company guarantee. There are no particular restoration concerns associated with this site at present.

3.3 Tardoes Site, Muirkirk: This site is operated by LAW Mining. Coaling operations have ceased and the site is undergoing restoration. The substantial earthworks and top-soil deposition works were completed in 2002. The remaining agreed programme of works to remove the site lagoons and other minor ancillary operations are due to be completed by the end of September 2003. Restoration and aftercare of this site is secured through a Restoration Bond. It is likely that failure to complete the works within this timescale could lead to enforcement action by the Council.

3.4 Burnfoot Moor / Bankend Site, Muirkirk: This site operated by UK Coal. Coaling operations ceased on this site in March 2003 and the site is undergoing restoration at this time. In approving the Bankend extension to the Burnfoot Moor site, this led to a delay in restoration in the original opencast site as the existing overburden mound was retained during operation on Bankend. Final restoration contours are expected to be achieved by the end of September 2003. Restoration of the site is secured through a Restoration Bond. There are no particular restoration concerns associated with this site at present.

3.5 Gasswater Site, Muirkirk: This site is operated by Scottish Coal. Coaling operations ceased on this site in February 2003. Of the three main coaling areas, Area B has been restored to contour levels. Final restoration contours on Area A were approved in June 2003 and it is anticipated that restoration works will commence in this area in the next few months. Area C remains as an opencast void at present, as this will be used for the initial backfill on the new Powharnal extension and will be used for the storage of overburden as part of the Powharnal development. This will inevitably result in delayed restoration on Area C but this is consistent with the planning approval for Powharnal. In this particular site, restoration and aftercare is secured through a Parent Company guarantee. There are no particular restoration concerns associated with this site at present.

3.6 Garleffan Site, New Cumnock: This site is operated by LAW Mining. The original Garleffan 1 site ceased coaling in December 2000, with coaling commencing on Garleffan 2 in April 2001. No substantial restoration works have been undertaken on Garleffan 1. Although the site has been backfilled, the area is used to store the overburden associated with the Garleffan 2 site. Operations on Garleffan 2 are not expected to be completed until 2011, and restoration consists only of progressive backfill operations. The restoration of the site is secured through a Restoration Bond. Concerns at present relate to the amount of overburden in storage, although it is anticipated that this issue will be resolved in the determination of a current planning application for a modification in operational methods on site.

3.7 House of Water Site, New Cumnock: This site is operated by Scottish Coal. Operations on site commenced in 1995 and the site is still coaling. Works have recently commenced in the final coaling area within the site and coaling is expected to cease in 2006. Restoration of the site has been progressive with significant areas now having been fully restored and in aftercare. Restoration and aftercare is secured through a Parent Company guarantee. There are no particular restoration concerns associated with this site at present, although a low flow incident relating to the River Nith is the subject of current investigation.

3.8 Hall of Auchincross / Rigghead Site, New Cumnock: This site is operated by Scottish Coal. The original Hall of Auchincross site was operated by Miller Mining. In developing the Rigghead extension, Scottish Coal assumed overall responsibility for restoration of the combined site. Substantial restoration has been completed on the original Hall of Auchincross site, but again overburden from the Rigghead extension occupies part of the original site. Operations are due to be completed in May 2004. Restoration and aftercare is secured through a Parent Company guarantee. There are no particular restoration concerns associated with this site at present.

3.9 Chalmerston North / Pennyvenie Site, Dalmellington: This site is operated by Scottish Coal. Operations on Chalmerston North commenced in 1999 following completion of coaling operations on the original Chalmerston site and this site has been substantially restored and returned to its previous agricultural use. Progressive cut and backfill operations are now being undertaken in the Pennyvenie part of the site, with ongoing restoration of the Chalmerston North part. Operations are expected to be completed by 2010. Restoration and aftercare is secured through a Parent Company guarantee. There are no particular restoration concerns associated with this site at present.

3.10 Piperhill Site, Drongan: This site is operated by Scottish Coal. Coaling operations ceased in 1996, although the planning consent was not due to expire until March 2002. Significant delay in restoration of the site occurred due to the submission of a planning application for a landfill site at Piperhill. This application was formally withdrawn by Scottish Coal in September 2002. Restoration works have now been substantially completed and the site is approaching final contour levels. There is presently no restoration guarantee associated with the Piperhill site, primarily due to the fact that the site was previously operated by British Coal. Despite the delay in restoration, there are no particular restoration concerns associated with this site at present.

3.11 Hannahston Site, Drongan: This site was operated by Rackwood Colliery Company. During the restoration phase of this site, the company went into administration, leaving a large void within the site. Although a restoration bond was in place to secure restoration, the bond provider also went into receivership with the Council being unable to call in the bond. ATH Resources, the operator of the Skares Road site took ownership of the site and final restoration contours

were achieved in 2002. The site is due to be planted out as a Community Woodland by East Ayrshire Woodlands and outline planning permission has been granted for residential development on part of the site. There are now no particular restoration concerns associated with this site.

3.12 Skares Road Site, Cumnock: This site is operated by ATH Resources. This is a large site covering some five distinct coaling areas. Coaling is currently taking place in Area F and its extension with progressive cut and backfill. Area A (Milzeoch) has been restored to final contour levels although some deposition of topsoils has still to take place, including the dismantling of perimeter soil bunds. Area B has been partially backfilled, but planning permission has been granted for use of the remaining void for landfill purposes. Area C has also been backfilled but presently is used for storage of clays to be used in the landfill operations in Area B. Area E has also been backfilled and is used for overburden storage. Coaling operations are expected to cease in 2006 with completion of restoration of the site in 2008. The restoration of the site is secured through a Restoration Bond. There are presently no restoration concerns with respect to this site.

3.13 Broomhill Site, Patna: This site is operated by IM Hall. Coaling has ceased on this site and full restoration works are currently underway. It is anticipated that the final restoration contours will be achieved by October 2003. Restoration and aftercare is secured through a Parent Company guarantee. There are no particular restoration concerns associated with this site at present, albeit that up until the Spring of 2003 progress on restoration had been slow.

#### **4. RECOMMENDATION**

**4.1 It is recommended that the Committee notes the terms of this report.**

**Alan Neish**  
**Head of Planning and Building Control**

27 August 2003

#### **BACKGROUND PAPER**

1. East Ayrshire Opencast Coal Subject Plan

Anyone wishing to inspect the above background paper should contact Mr. Hugh Melvin on 01563 555481.