

EAST AYRSHIRE COUNCIL
PLANNING COMMITTEE 18 DECEMBER 2015

**COMPLIANCE MONITORING UPDATE OF
MAJOR DEVELOPMENTS IN EAST AYRSHIRE**

Report by Head of Planning and Economic Development
Economy and Skills

PURPOSE OF REPORT

1. The Purpose of the Report is to provide an update to the Planning Committee in respect of compliance monitoring activity relating to environmental projects which are subject to planning consents and comprising the following development types:- opencast coal, quarries, landfill, onshore windfarms and the electrical interconnector between the period July 2015 and December 2015. The quarterly report has been extended to facilitate the scheduled Planning Committee Site visits at the open cast coal sites to view the ongoing restoration works.

BACKGROUND

2. The Independent Review of the Regulation of Open Cast Coal Operations in East Ayrshire included a recommendation that quarterly reports should be submitted to the Planning Committee recording progress of mining activity and restoration of the particular sites and complexes. At the Planning Committee on 27 June 2014 it was agreed that the remit of this quarterly report be widened to include the other environmental development subject to compliance monitoring including quarries, landfills, onshore wind farms and the electrical interconnector.

PROGRESS/UPDATE

3. As detailed below, the Independent Consultants have been carrying out regular inspections at the active open cast coal surface mines, opencast restoration projects, quarries, landfill, windfarms and the Electrical Interconnector site.
4. A progress report is provided within each of the appendices. The individual Compliance Monitoring Reports from the Independent Consultants are being made available on the Council Web site following formal sign off by the Operations Manager. For clarity the Appendices are separated into development types as follows:-

Table 1

Appendix	Development Type
1	Open Cast Coal Surface mines (OCCS)
2	Onshore Windfarms
3	Quarries
4	Electrical Interconnectors

5	Landfill
6	Land Use map of East Ayrshire

COMPLIANCE MONITORING VISIT

5. Within the four operational opencast coal surface mines, Dalgleish Associates Ltd (DAL), the Council's Independent Mining Engineer carry out Monitoring Visits on a monthly basis. These visits include the review of the Phased Mining Plans against the activities carried out on site to verify operational coaling and restoration activity against the approved scheme. Planning Officers attend the site with DAL and following each visit an assessment is carried out to establish whether the ongoing works are compliant with the approved schemes or whether any current or future works necessitate a variation of the Planning Consent. DAL produce a compliance monitoring report of the development which are published on the Council's web site following the assessment and sign off by the Planning Authority.
6. In respect of the Interconnector project and forthcoming onshore wind farms the compliance monitoring visit is carried out by Ironside Farrar, Environmental Consultants and Planning Officers on a monthly basis. These visits involve the review of site works against the planning conditions and the various technical and environmental reports which were approved following the discharge of the relevant Planning Conditions. Ironside Farrar produce a quarterly report detailing the status of compliance of the construction works. The sign off procedure is the same as referred to above.
7. Members will note the scheduled compliance monitoring inspections of the sites which have taken place during this period are as detailed in the table below.

Table 2

Site (Operator)	Date of Visits	Consultant
SWS Renewables Connection Project (Scottish Power Energy Networks(SPEN))	20th July 2015 28th August 2015 2nd October 2015 18th November 2015 15th December 2015	Ironside Farrar
Duncanziemere OCCS (Hargreaves)	7th July 2015	Dalgleish Associates Ltd
Netherton OCCS (Hargreaves)	7th July 2015 4th August 2015 8th September 2015 7th October 2015	Dalgleish Associates Ltd

	4th November 2015 8th December 2015	
House of Water OCCS (Hargreaves)	16th July 2015 13th August 2015 17th September 2015 15th October 2015 12th November 2015 17th December 2015	Dalgleish Associates Ltd
Greenburn OCCS (Kier)	16th July 2015 13th August 2015 17th September 2015 15th October 2015 12th November 2015 17th December 2015	Dalgleish Associates Ltd
Dunstonhill Patna Restoration contract (Hargreaves)	16th July 2015 5th August 2015 9th September 2015 6th October 2015 3rd November 2015 7th December 2015	Dalgleish Associates Ltd
Tincornhill Quarry (Breedan Aggregates)	No visits during this period	Dalgleish Associates Ltd
Garlaff Landfill (Barr Environmental)	No visits during this period	Dalgleish Associates Ltd
Craignaught landfill (LafargeTarmac)	28th August 2015	Dalgleish Associates Ltd
Clawfin Quarry (Breedan Aggregates)	28th August 2015	Dalgleish Associates Ltd
Townhead of Greenock (Hillhouse Quarry)	17th June 2015 9th December 2015	Ironside Farrar

Galawhistle Wind Farm	28 October 2015 01 December 2015 09 December 2015	Ironside Farrar
Harehill Extension Wind Farm	Expected site visit on 17 December 2015	

TECHNICAL WORKING GROUPS/ COMMUNITY LIAISON COMMITTEES

8. Table 3 below details the Technical Working Groups and Community Liaison Committees which have taken place during the last quarter and/or forthcoming meetings due to the frequency the meetings are held. All the Technical Working Groups and Community Liaison Committees which took place during this quarter were attended by Planning Officials. Copies of the Minutes and Agendas of these meetings are published within the Council Planning web site.

Table 3

Complex (operator)	Community Liaison Committee	Technical Working Group
Greenburn OCCS (Kier)	14 th April 2015 20 th October 2015	21 st April 2015 29 th October 2015
Duncanziemere OCCS (Hargreaves)	20 th May 2015	8 th May 2015 5 th August 2015
Garlaffen Coal Distribution Yard (Hargreaves)	23 rd April 2015	N/A
Netherton OCCS (Hargreaves)	9 th April 2015 9 th July 2015 8 th October 2015	17 th March 2015
House of Water OCCS (Hargreaves)	14 th August 2015	14 th August 2015
Chalmerston OCCS (Hargreaves)	30 th March 2015	Not Scheduled until further commencement of the OCCS

SWS Renewables Connection Project (SPEN)	3 rd February 2015 5 th May 2015 4 th August 2015 3 rd November 2015 (Cancelled) No further dates scheduled.	Due to poor public interest in previous meetings and with reducing attendances at each meeting other than from EAC Planning, SPEN have suggested that the Community Liaison Scheme for Part A is amended. Alternative mechanisms of communicating relevant information to the public are under considered
Dunstonhill Patna (Restoration contract)	12 th August 2105 27 th October 2015	12 th August 2015 27 th October 2015
Townhead of Greenock	26 th August 2015	26 th August 2015

9. The Planning Authority acknowledges that the Technical Working Groups and the Community Liaison Committee Meetings continue to be well attended by members of the local community, the various statutory bodies and other interested parties for the coal and minerals developments and are conducted in a frank and open manner. Each meeting involved an opportunity for all attendees to have a tour of the opencast operations to view the coaling and restoration operations.
10. However, there have been issues with the poor attendance at the Southwest Scotland Renewables Connection Project Liaison Committee Meetings, culminating in only two attendees on 4th August 2015 that were not from SPEN or those companies involved in the construction process and as a result there may need to be a review of the scheme. The meeting which was due to go ahead on 3rd November was cancelled as no responses had been received for public attendance. No public site visit has taken place at the Southwest Scotland Renewables Connection Project to date. Alternative mechanisms of communicating relevant information to the public are under considered by the Operator.

ANNUAL ENVIRONMENTAL AUDITS (AEA)

11. In line with MIN40 of the Opencast Coal Subject Plan 2003, the planning permissions for Opencast operations require the operators to submit an Annual Environmental Audit (AEA) to the Planning Authority for assessment.
12. AEA's are currently under consideration for:-
House of Water Complex 2014/2015
Netherton Complex 2014/2015.
13. The schedule for the submission of the Environmental Audits over the next 12 months for each open cast coal site is noted as follows:-

House of Water Complex	October 2016
Greenburn Complex	February 2016
Netherton Complex	April 2016
Duncanziemere Complex	As coaling has been completed at Duncanziemere the AEA is scheduled for the conclusion of the restoration works during summer 2016

14. While not subject to Policy Min 40 requirements a number operational quarry sites within the district are also required to submit an AEA in line with their planning permissions. To this end, an AEA has been reviewed and accepted for Clawfin Quarry, while a report is anticipated for Tincorn hill this month.

The schedule for the submission of the Environmental Audits over the next 12 months for each quarry is noted as follows:-

Clawfin Quarry, Dalmellington	October 2016
Townhead of Greenock, Muirkirk	October 2016
Tincorn hill, Sorn	December 2016

PLANNING COMMITTEE SITE VISIT

15. During the last period, the Planning Committee visited various opencast coal sites as detailed below:-

Dalgig, Greenburn	16 th June 2015
Duncanziemere	17 th November 2015
House of Water	2 nd of December 2015
Netherton.	2 nd of December 2015

MATTERS ARISING FROM COMPLIANCE MONITORING

19. While the appendixes detail the current status of each of the development sites it is considered appropriate to highlight the following matters:-

Killoch Coal Processing and Distribution Facility

20. Hargreaves Surface Mining Ltd who operate the coal processing and distribution facility are currently undertaking works to modernise and refurbish the coal processing and preparation plant. The works will ensure that the plant remains fit for purpose for the next 10 years of operation and is capable of producing the added value products that the specialist coal market demands. The works represent an investment in the site of approximately £1,000,000 and demonstrates the commitment of Hargreaves to maintaining a viable business in East Ayrshire.

Stockpiling of Coal on Opencast sites

21. Across the three active coal sites coal continues to be extracted with limited coal being dispatched to the market place. This is as a result of three factors; the low coal price; the milder summer and autumn weather hence reduced electricity production; and the change in the tax on coal paid by the power generators. The tax change which came into force in April 2015 resulted in the power generators buying extra coal reserves prior to the tax increase. Thus the power generators are utilising their large stockpiles of reserves at their power stations and currently do not need to purchase additional coals at this time. This

matter is being closely monitored to ensure it does not impact on the restoration obligations of the sites.

GREENBURN OCCS

22. As has been indicated previously, Keir Infrastructure have indicated to the Council that the PLC are in discussions regarding the transfer of ownership of the Greenburn Opencast Coal mining complex to a third party.

GLENMUCKLOCH CONVEYOR

23. As indicated in previous Reports, the planning permission for the Glenmuckloch Conveyor Belt has expired and OCCW (Duncanziemere) indicated that they would not be utilising it to transport coal from the Glenmuckloch OCCS to Crowbandsgate Coal depot due to the cost of bringing the redundant conveyer belt up to operational standards. Therefore, given a section of the Conveyor is located within the Special Protection Area (SPA) which utilised the former mineral railway and is subject to a complaint to the European Commission relating to the breach of Habitats Regulations, the removal of the unauthorised conveyor was paramount. Work is continuing on the removal of the conveyor. Final restoration scheme for the track where it impacts the SPA is being finalised with SEPA, SNH and RSPB with the restoration works scheduled for 2016 outwith the bird breeding season.

SOUTH WEST SCOTLAND RENEWABLES CONNECTION PROJECT

24. Operations on the construction of Southwest Scotland Renewables Connection Project Part A are nearing completion. The extension to Coylton Sub-Station is complete, installation of the overland pylons is complete and all of the power lines have been strung. Bird diverters have been installed along the line between towers 9-20 as specified and Aviation obstacle lighting have been installed on towers 1-13. Removal and restoration of pads and access tracks continues along the northern section of the overhead line route (OHL) as required by the planning consent.
25. It has been noted that some of the stone which has been removed from the temporary roads along the OHL route has been taken to a number of farms in the vicinity of the route under a Waste Management Exemption and some of the landowners have stockpiled the material or have used it to re-surface or alter their farm tracks. The landowners require planning consent to undertake those works however they have failed to submit applications therefore the works already undertaken are unauthorised. All of the affected landowners have been contacted and have been advised to cease all works until all the relevant consents have been granted.
26. Consent has been given to retain a portion of temporary road at Auchlin Farm and an application for the retention of a further portion which joins it is currently being considered. It should be noted that the alterations that are proposed and have been undertaken may not be acceptable however each case will be assessed on its own merits. This matter has been discussed at length with contractors on the site and with the developers Scottish Power Energy Networks (SPEN) who are currently maintaining the position that all tracks will be removed unless the necessary consents are in place. It has been noted during compliance visits that a number of additional spurs and passing places have been constructed off of the temporary roads without consent along the southern portion of the OHL route.
27. This has been the subject of discussion with both the landowner and SPEN. A number of applications have since been received for the retention of the temporary roads in this area and some of the additional works, all of which will be assessed on their own merits. The

New Cumnock substation construction is also nearing completion and the transformers have been delivered ready for commissioning and the energizing of the OHL. Alterations have been made to the surface water drainage system at the request of SEPA and those measures appear to be addressing the surface water issues at present.

28. Ironside Farrar continues to carry out compliance inspections for the Planning Authority on a monthly basis. As discussed in the previous Compliance Monitoring Reports, compliance issues have been raised with the developer, SPEN, in relation to transport, peat management, environmental and ecology issues. The developer has been working towards addressing those issues to the Councils satisfaction and as a result the reporting mechanism has improved. Significant non-compliance issues remain particularly in relation to peat management at the New Cumnock substation however a revised Peat Management Plan which has been agreed with SEPA has been submitted to the Council for consideration which seeks to agree a methodology for the removal of the excess peat from the current peat cells and to resolve the non-compliance. The excess peat will be removed from site and rather than originally anticipated be removed to the landfill site at Irvine the material will be transferred for use at the restoration of Dunstonhill OCCS. It has also been noted that good practice has been adhered to in by the contractors along the OHL route in relation to silt management, COSHH storage and peat storage.

BLACKCRAIG AND MAGREE WIND FARMS CONNECTION PROJECT PART C:

31. Further consent has been issued by the Energy and Climate Change Directorate for further parts another major infrastructure project part of which is located within East Ayrshire namely the Blackcraig and Magree Connection Project. The element of the project within the Council area involves the erection of 44 steel towers and the removal of the existing 'N' Route. This development will take place in two phases with the new OHL being erected and commissioned prior to the removal of the existing route. Legal agreements have been prepared to address the phasing and information has been submitted for consideration under the pre-commencement conditions. The approach undertaken will be similar to that of Part B, C and D2 Southwest Scotland Renewables Connection Project.

WHITELEE WINDFARM

32. In line with all other consents of this nature a full review of the Whitelee windfarm consents and operations within the development site has been completed by Ironside Farrar with a revised Bond provision required over the entire development for East Ayrshire, East Renfrewshire and South Lanarkshire Councils. Discussions are being concluded with the windfarm operator, Scottish Power Renewables (SPR), in relation to the continued maintenance of the restoration guarantee for the windfarm.

SNEDDONS LAW

33. While the windfarm at Sneddon Law windfarm has been consented, several pre-commencement planning conditions and legal obligations remain to be discharged or are with the DPEA for determination. Work continues to progress the applicants submission to determine the pre-commencement Planning Conditions and progress the submissions to the DPEA to support the Councils decision to refuse a number of pre-commencement conditions which had insufficient information to allow the conditions to be favourably determined.

FUTURE COMPLIANCE MONITORING

34. There are a number of major developments which are either in the final stages prior to operation or if approved either by East Ayrshire Council, as Planning Authority,

the Energy Consent and Deployment Unit (ECDU) on behalf of Scottish Ministers or the Division of Planning and Environmental Appeals (DPEA), following appeal, will result in a significant additional increase in the compliance monitoring workload. Below is a list of the current and potential developments where compliance monitoring arrangements will be required. These developments are noted in Table 6 as noted below and are also illustrated on the Council's cumulative Land Use map as detailed at appendix 6.

Table 6

MAJOR RENEWABLE PROJECTS:- OVERVIEW

Operational Wind Farms				
	Project	Map Key	Application Type	Total
1	Whitelee Wind Farm	W3	Section 36	
2	Whitelee Phase 1 Wind Farm	W4	Section 36	
3	Whitelee Extension Phase 2 Wind Farm	W5	Section 36	
4	Harehill Wind Farm	W8	Planning application	4
Wind Farms/Interconnector Under Construction				
	Project	Map Key	Application Type	Total
1	Galawhistle Wind Farm	W6	Section 36	
2	Interconnector:- Part A South West Scotland Renewables Connection Project	Green Line	Section 37	
3	Harehill Wind Farm Extension	W9	Planning application	3
Approved Wind Farm/Interconnector:- Discharging Planning Conditions				
1	Sneddon Law Wind Farm	W2	Planning Application	
2	Interconnector:- Parts B,C and D2 South West Scotland Renewables Connection Project	Green Line	Section 37	
3	Blackcraig and Margree Windfarm Connection Project	Green Line	Section 37	3
Approved Wind Farm: Subject to Variation				
1	Afton Wind Farm Conditions require to be discharged	W11	Section 36	1
Appealed and with the DPEA				
	Project	Map Key	Application Type	Total
1	Whitelee Extension Phase 3 Wind Farm	W19	Section 36	
2	Kiers Hill Wind Farm	W18	Section 36	
3	South Kyle Wind Farm	W17	Section 36	3

Windfarms Refused by DPEA				
1	Ashmark Wind Farm	W10	Planning Application	
4	High Cumnock Wind Farm	W14	Planning Application	2
Wind Farms: Pending Assessment				
	Project	Map Key	Application Type	Total
1	Pencloe Wind Farm	W12	Section 36	
2	Lethans Wind Farm	W16	Section 36	
3	Penbreck Wind Farm	W7	Planning Application	
4	Garlaffen Wind Farm	W15	Planning Application	
5	Polquhairn Wind Farm	W25	Planning Application	
6	Blair Farm Wind Farm	W27	Planning Application	
7	Glenouther Renewable Energy Park	W28	Planning Application	
8	Enoch Hill Wind Farm	W26	Section 36	8
Quarries				
	Project	Map Key	Application Type	Total
Operational				
1	Tincornhill, Sorn (Rock)	Q1	Planning Application	
2	Townhead of Greenock-Muirkirk (sand)	Q3	Planning Application	
3	Clawfin Farm, Dalmellington (Rock)	Q4	Planning Application	
Application Submitted				
1	Blackhill, New Cumnock (Rock)	Q6	Planning Application	
2	Allseasons Site The Meadows A71, Galston (sand)	Q7	Planning Application	2
3	Auchenlongford Wind Farm	W24	Planning Application	
Minded to Approve Quarry: Subject to Legal Agreement				
		Map Key	Application Type	Total
	Project			
1	North Drumboy by Fenwick -	Q5	Planning Application	1
			Total	27

OPEN CAST COAL SITES

Minded to Approve Coal Sites: Subject to Legal Agreement				
	Project	Map Key	Application Type	Total
1	Duncanziemere extension	67	Planning Application	
2	House of Water OCCS restoration	17, 51, 58, 60, 61, 68	Planning Application	2
Restoration Enforcement Notice				
	Project	Map Key	Application Type	Total
1	Netherton OCCS restoration	57	Planning Application	
2	Dunstonhill OCCS restoration	48	Planning Application	2
			Total	4

FORMER OPEN CAST COAL SITES UPDATE

35. As members will be aware, significant efforts by the Coal Team in relation to the former SCCL and ATH sites has resulted in several bond calls having now been settled and in these instances the Council is progressing with the relevant procurement processes with an aim of getting best value for the bond money retrieved in the delivery of the strategy, Make Safe, Make Good, Make New set out in the "Steps To Recovery" Report of September 2013.
36. Dunstonhill - As detailed previously Hargreaves Surface Mining Ltd, were successful in winning the restoration contract for this project at the Dunstonhill OCCS. These operations commenced on the 29th of June 2015. As detailed in the tables above the operations are being monitored by the Council's Compliance Monitor (DAL) while both the Technical Working Group and Community Liaison Committee have visited the site and met to review the ongoing operations.
37. Netherton - Hargreaves Surface Mining Ltd are undertaking the finalised coaling operations at the northern void along with the restoration works approved under the Enforcement Notice. As detailed in the tables above the operations are being monitored by the Council's Compliance Monitor (DAL) while both the Technical Working Group and Community Liaison Committee have visited the site and met to review the ongoing operations.
38. Ponesk – Discussions are ongoing with the land owner (Mines Restoration Limited) regarding the utilisation of the £3million bond money to determine an alternative scheme on the site. Public meetings will be arranged following conclusion of those discussion to ensure appropriate community engagement in the process.

Disclaimed Land Belonging to Aardvark

39. As reported in the Chief Executive's Report to Council of the 19th September 2013 KPMG sought to disclaim three areas of land within the former Aardvark sites at Garleffan, Grievehill and Skares Area D. If these Disclaimers are competent (they have not yet been challenged by any party) then the ownership of the disclaimed sites falls to the Crown.

40. The Crown has a period of three years in which to decide if they wish to disclaim the property; it remains unclear what the Crown's position will be in relation to these sites which are likely to have significant responsibilities flowing from their ownership of the sites. It remains unclear who will "own" and have responsibility for the sites in the event that the Crown subsequently also disclaims the land.
41. The Council has statutory responsibilities under the Environmental Protection Act 1990 to address any statutory nuisance identified on any site (i.e. any risk to public health or safety). While the Council has statutory obligations to carry out certain assessments in relation to statutory nuisance, the Council itself is not the person/authority responsible to put in place specific measures to ensure the health and safety of these sites although it could, in certain circumstances, have the power to do so. The Council as authority of last resort may have responsibilities for contaminated land as set out within Part II A of the Environmental Protection Act 1990.
42. In view of the health and safety hazards that disclaimed sites present and in order that the risks at these are clearly understood by the Council, the Council has undertaken a programme of Health and Safety Risk Assessments at the three disclaimed sites. These assessments are based on information provided by the Independent Mining Engineers together with additional assessments, including site visits undertaken by Officers from the Council's Environmental Health and Health & Safety Sections. As an interim measure to ensure public safety the Council has agreed for Hargreaves Surface Mining Ltd to carry out regular safety checks of the sites as they manage the remainder of the former opencast Coal sites in the locality in line with the Quarry Regulations on behalf of the Hive-cos.
43. As already stated, the Council does not have specific statutory duties and responsibilities in relation to implementing necessary health and safety measures at disclaimed sites; however, the Council may require to step in as the authority of last resort in the event that any necessary measures require be put in place in order to prevent serious threat to life or limb where no one else can be held to be responsible.

SCOTTISH MINES RESTORATION TRUST/MINES RESTORATION LTD

44. Mines Restoration Ltd (MRL), a wholly owned subsidiary of Scottish Mines Restoration Trust (SMRT), retain responsibility for all the Health and Safety aspects at Dunstonhill, Dalfad/Powharnal, the Ponesk/Spireslack complex and Shiel Farm. As detailed previously, the Council continues to work with SMRT/MRL in relation to these sites.

POTENTIAL INFRACTION PROCEEDINGS

45. As noted in the Steps to Recovery Report to Council dated 19th of September 2013, a complaint has been made to the European Commission (EU) in relation to a potential breach of the Special Protection Area (SPA) Habitat Directive, following the loss of habitat from the Muirkirk and North Lowther Uplands SPA due to the unrestored opencast mines in the area.
46. If the EU has evidence that a Member state has failed to transpose a directive properly, or is not enforcing legislation correctly, then it may begin legal proceedings to rectify the situation, known as Infraction Proceedings.
47. The Council continues to be a key member of the Scottish Government working group to identify solutions to mitigate this issue and the group is currently reviewing an alternative restoration schemes for the sites affected in the SPA. It should be noted that discussions continue between the Scottish Government and the European Commission in relation to this potential breach, as well as the legal and financial implications of the Infraction

proceedings. Once final details of the work programme are agreed with the Scottish Government the action plan will be implemented.

48. As detailed above, the Glenmuckloch Conveyor belt is one of the sites which is subject of potential breach of the Special Protection Area (SPA) Habitat Directive compliant. It is noted that works to remove the conveyor belt from this route within the SPA have commenced with the track restoration scheduled for 2016.

RECOMMENDATION

49. It is recommended that the Planning Committee:
- (i) Notes the progress reports and status of each of the Environmental Projects detailed in the Appendix 1 to 5;
 - (ii) Notes the numbers of Technical Working Groups and Community Liaison Committees and Compliance Monitoring visits which have taken place during the period July to December 2015;
 - (iii) Notes that discussions continue between the Scottish Government and the European Commission in relation to the potential breach of the Habitats Directive and the potential legal and financial implications of the Infraction proceedings thereof; and
 - (iv) Otherwise note the report.

Michael Keane
Head of Planning and Economic Development
9 December 2015

BACKGROUND PAPERS

1. Opencast Mining in East Ayrshire – Steps to Recovery: Report submitted to the meeting of East Ayrshire Council on 19 September 2013.
2. Opencast Mining in East Ayrshire – Compliance Monitoring: Report submitted to the meeting of East Ayrshire Council Planning Committee on 29 November 2013.
3. Update on Operational Opencast Coal Sites in East Ayrshire: Report submitted to the meeting of East Ayrshire Council Planning Committee on 12 November 2013.
4. Independent Review of the Regulation of Opencast Coal Operations in East Ayrshire: Report submitted to the meeting of East Ayrshire Council on 28 January 2014.
5. Opencast Mining in East Ayrshire - Compliance Monitoring update: - Report submitted to the meeting of East Ayrshire Council Planning Committee on 4 April 2014
6. Opencast Coal Mining in East Ayrshire – Compliance Monitoring Update on 27 June 2014
7. Opencast Coal Mining in East Ayrshire – Compliance Monitoring Update on 14th October 2014
8. Opencast Coal Mining in East Ayrshire – Compliance Monitoring Update on 30th January 2015
9. Opencast Coal Mining in East Ayrshire – Compliance Monitoring Update on 24th April 2015
10. Opencast Coal Mining in East Ayrshire – Compliance Monitoring Update on 21st August 2015

Anyone wishing to review the above papers should contact David McDowall on 01563 576749 or Craig Iles on 01563 553503.

Implementation Officer: - David McDowall Operations Manager

Appendix 1: Open Cast Coal Sites

Site	Greenburn Complex
Operator	Kier Mining
General coal operations across the Wellhill and Braehead sites recommenced in July 2015 while the restoration works in Dalgig have been suspended.	

Site	Greenburn Complex:- Wellhill Farm
Operator	Kier Mining
Application Ref No.	12/0066/PP
Date Approved	2 nd February 2013
Site Commenced	March 2013
Site duration	5 years
Expiry Period	March 2018
Approved Estimate Coal Reserves (tonnes)	750,000
Estimated Coal Reserves remaining (tonnes)	792,600
Site Status	Coaling operations ongoing
Coaling recommenced in July 2015 despite the period of in action whilst not coaling, the development is not currently in breach of the Planning Permission. Coal is currently being stockpiled within the application site.	

Site	Greenburn Complex:- Braehead Farm
Operator	Kier Mining
Application Ref No.	10/0491/PP & 13/841/PP
Date Approved	22 February 2011
Site Commenced	June 2012
Site duration	5 years
Expiry Period	June 2017
Approved Estimate Coal Reserves	1,500,000

(tonnes)	
Estimated Coal Reserves remaining (tonnes)	757,500
Site Status	Coaling operations ongoing
Coaling recommenced in July 2015 despite the period of in action whilst not coaling, the development is not currently in breach of the Planning Permission. Coal is currently being stockpiled within the application site. It is noted that a planning application for the revision of a restoration scheme in this area is currently being considered by the Planning Authority.	

Site	Greenburn Complex:- Dalgig Farm
Operator	Kier Mining
Application Ref No.	00/0793/FL, 03/0726/FL, 04/0263/FL, 04/0717/FL, 05/0452/FL, 05/0583/FL, 07/0211/FL, 07/0745/FL, 07/0908/FL; 15/0166/PP
Date Approved	19 August 2008
Site Commenced	June 2009 (Dalgig)
Site duration	Original site 10 years; extended to 2017
Expiry Period	31/12/2017
Approved Estimate Coal Reserves (tonnes)	0
Estimated Coal Reserves remaining (tonnes)	0
Site Status	Active - Restoration
Coaling was completed at Dalgig Farm in December 2014, other than health and safety no operations are taking place on this section of the site. Given the operator has until December 2017 to complete these works this position does not constitute a Planning Breach. It is noted that a planning application for the revision of a restoration scheme in this area is currently being considered by the Planning Authority.	

Site	Duncanziemere and Laigh Glen Muir
Operator	Hargreaves Surface Mining Ltd on behalf of OCCW (Duncanziemere)
Application Ref No.	05/0232/FL, 06/0291/PP, 09/0511/PP 09/0770/PP, 12/0837/PP – 24hr working & 13/0578/PP
Date Approved	30 March 2011
Site Commenced	October 2010
Site duration	5.5 years
Expiry Period	March 2016
Approved Estimate Coal Reserves(tonnes)	800,000
Estimated Coal Reserves remaining(tonnes)	0
Site Status	Restoration
<p>The Coaling operations have concluded while restoration operations continue at the Duncanziemere site, in line with the Scenario B scheme approved by Committee on the 29th November 2013. The main works to contour and reshape the site in conjunction with Scenario B has been completed with final soiling, seeding and water management work to be completed during summer 2016.</p>	

Site	Netherton
Operator	Hargreaves Surface Mining Ltd on behalf of OCCW (Netherton)
Application Ref No.	09/0891/PP & 11/0535/PP
Date Approved	19 October 2010
Site Commenced	October 2011
Site duration	10 years
Expiry Period	October 2021
Approved Estimate Coal Reserves (tonnes)	4,100,000
Estimated Coal Reserves remaining (tonnes)	104,000

Site Status	Active
<p>Coaling is expected to conclude in February 2016 having slowed down due to the current coal market while progressive restoration is continuing within the Northern void. On the 2nd April 2015, the Planning Committee approved the serving of a positive Enforcement Notice on the Landowners to facilitate the spending of £3.96m of restoration bond monies within the site. Hargreaves are currently on site working for OCCW Netherton for the final coal extraction and carrying out of the enforcement restoration work, with the monthly compliance visits reviewing the site as works progress.</p>	

Site	House of Water – Burnston Remainder
Operator	Hargreaves Surface Mining Ltd on behalf of OCCW (House of Water)
Application Ref No.	12/0022/PP, 13/0636/PP, 13/0638/PP & 13/0056/NMV
Date Approved	13 February 2013
Site Commenced	1 May 2014
Site duration	5 years coaling + 1 year for restoration.
Expiry Period	December 2015
Approved Estimate Coal Reserves(tonnes)	1,800,000
Estimated Coal Reserves remaining(tonnes)	1,568,000
Site Status	Active
<p>Mining operations are being carried out in general accordance with the current Planning permission with the main working void being extended and deepened. The ongoing operations have resulted in the historic A5 void being infilled, to a level above the water table level and thus it no longer retains water, while infilling works continue to take place at Burnston Fields Extension and the Craigman Void.</p> <p>A revised restoration plan for the entire site setting out the restoration strategy was approved by the Planning Committee on the 3rd December 2015 as minded to grant subject to planning conditions and conclusion of a Section 75 legal agreement.</p>	

Site	Tardoes
Operator	Law Mining
Application Ref No.	CD/96/0097/MIN
Date Approved	1996
Site Commenced	1996
Site duration	8
Expiry Period	2004
Approved Estimate Coal Reserves (tonnes)	0
Estimated Coal Reserves remaining (tonnes)	0
Site Status	Restored and subject to aftercare
This site is fully restored in its final year of aftercare. The aftercare is being carried out by the Landowner financed through the restoration bond.	

Site	Darnconner
Operator	VWM (Scotland) Ltd
Application Ref No.	CD/84/0081/Q, CD/85/0148/Q, CD/87/0153/Q, CD/89/0241/Q, CD/91/169/Q, CD/95/0058/MIN CD/95/0230/DPP, 00/0118/FL 06/0480/FL, 08/0932/FL & 11/0293/PP
Date Approved	1984
Site Commenced	1984
Expiry Period	Site subject to current Planning Application
Approved Estimate Coal Reserves (tonnes)	n/a
Estimated Coal Reserves remaining (tonnes)	n/a

Site Status	Partially restored.
<p>Since the decision of the Planning Committee in February 2015 requiring the developer to redesign their landscaping plans to remove the overburden from the proposals, the Planning Authority has not received any further submissions from the Developer. However, discussions are ongoing between the Landowner and the Planning Authority about the restoration of this site.</p>	

Site	Dunstonhill Patna
Contractor	Hargreaves Surface Mining Ltd
Enforcement Notice	EN/15/0085/BPC
Date Approved	17 th June 2015
Contract Commenced	29 th June 2015
Contract duration	18 months
<p>The restoration contract has commenced onsite in line with the restoration contract drawings. Significant restoration work has been carried out to recontour the land in the southern void and tip and Polnessan burn area with work being carried out until the end of November 2015 on the northern void and tip. In line with the restoration contract the physical restoration works stopped at the end of November 2015 and will be recommenced during March 2016. The site will be subject to daily care and maintenance inspections by Hargreaves during the December 2015 – March 2016 period.</p>	

Appendix 2:- Onshore Wind Farms

Site	Whitelee Windfarm
Operator	Scottish Power Renewables (SPR)
Application Ref No.	Whitelee windfarm Section 36
Date Approved	2007
Site Commenced	2009
Site duration	25 years
Site Status	Operational
<p>In line with all other consents of this nature a full review of the Whitelee windfarm consents and operations within the development site has been carried out and Ironside Farrar have reviewed the Bond provision over the entire development for East Ayrshire, East Renfrewshire and South Lanarkshire Councils. Discussions are currently ongoing with the windfarm operator, Scottish Power Renewables (SPR), in relation to the continued maintenance of the restoration guarantee for the windfarm.</p>	

Site	Harehill Windfarm New Cumnock
Operator	Scottish Power Renewables (SPR)
Application Ref No.	CD/94/0097/DPP
Date Approved	1996
Site Commenced	1997(approximately)
Site duration	25 years
Site Status	Operational
<p>This windfarm has been operational since 1997. A review of the Planning consent is in the workplan which will be considered in line with the recently granted Harehill extension. At present there are no current compliance issue with this development.</p>	

Site	Harehill Windfarm Extension New Cumnock
Operator	Scottish Power Renewables (SPR)
Application Ref No.	07/0809/FL

Date Approved	18/06/2015
Site Commenced	December 2015
Site duration	25 years
Site Status	Under construction
An initial compliance meeting took place between the operator, Council officers, Ironside Farrar as Planning Monitoring Officer (PMO) and the Ecological Clerk of Works on 02 December 2015. The date allocated for the first site visit by the PMO is 17 th December 2015.	

Site	Galawhistle Windfarm by Muirkirk
Operator	Infinis
Application Ref No.	10/0001/S36VAR
Date Approved	Section 36 consent dated 26/05/2015
Site Commenced	October 2015
Site duration	25 years
Site Status	Under construction
Compliance Monitoring Progress Report 1 received from Ironside Farrar on 16 October 2015.	

Appendix 3:- Quarries

Site	Loudoun Hill by Darvel
Operator	LafargeTarmac
Application Ref No.	KL/FL/94/288A, 97/0032/FL, 97/0100/FL, 02/0524/FL, 02/0525/FL 02/0526/FL & 04/0681/FL
Date Approved	22.04.1995
Site Commenced	1995
Site duration	12 years
Expiry Period	2007
Site Status	Partially restored.
Discussions have been ongoing with the Operator relating to a revised restoration scheme which is the Planning Authority expect during the next quarter.	

Site	Tincornhill by Sorn
Operator	Breeden Aggregates
Application Ref No.	A/971/Q, CD/91/27/Q, CD/91/28, 02/0889/FL, 02/0890/FL, 03/1135/FL, 12/0066/PP & 14/0554/PP
Date Approved	28.07.2007
Site Commenced	28.07.2007
Site duration	15 year
Expiry Period	2022
Site Status	Active
The Planning Committee during May 2015 approved the revised restoration 15 year proposals. There are no operational concerns relating to this site.	

Site	Clawfin Quarry
Operator	Breeden Aggregates on behalf of Scottish Power
Application Ref No.	14/0269/PP
Date Approved	13.07.2007

Site Commenced	19.01.2015
Site duration	16 months
Expiry Period	19.04.2016
Site Status	Active
The use of Clawfin quarry is to provide stone for the SWS Interconnector Project. There are no operational concerns relating to this site.	
Site	Townhead of Greenock
Operator	Hillhouse Quarries
Application Ref No.	12/0831/PP
Date Approved	23 rd April 2014
Site Commenced	November 2015 (Operational).
Site duration	21 years
Expiry Period	2036
Site Status	Active – Site clearance works underway.
This development has commenced on site and was the subject of a Compliance visit by Planning Officers and Ironside Farrar. As is expected when commencing such a project, issues of best practise and water management were discussed with the operator, however no significant operational concerns were identified.	

Appendix 4:- SWS Renewables Connection Project

Site	SWS Renewables Connection Project – Part A Meiklehill to Coylton
Operator	Scottish Power Energy Networks (SPEN)
Application Ref No.	09/0131/EB
Date Approved	December 2013
Site Commenced	January 2014
Expiry Period	N/A
Site Status	Under construction

Coylton Sub-Station:

All sub-station extension works have been completed. The porta-cabins associated with the SWS Project have been removed but the temporary hardstanding will be retained as re-stringing the adjoining towers is programmed. SPEN have been informed that this retention of the hardstanding is a change from the approved scheme and will require to be regularised. The screening bund will require ripping to ease compaction and after the WA route has been completed and a revised scheme is being prepared. Waste material south of sub-station is still to be removed and the relevant Waste Transfer Notice provided to PMO's. Excess material has been generated on site, mainly consisting of subsoils and stone. This is still being stored in bunds to the south of the sub-station.

New Cumnock Sub-Station:

All main excavation work has ceased. Works completed on the control building with some interior fit-out ongoing. Sub-Station electrical works are almost complete and the transformers have been installed. Restoration of the surroundings of the sub-station and temporary compounds is still to commence. It is anticipated that works will be substantially complete by Spring 2016.

The compliance monitoring process highlighted that peat bunds around the New Cumnock sub-station were significantly different to those approved in the Peat Management Plan. An amended Peat Management Plan has been agreed with SEPA and has been submitted to Development Management for consideration.

Overhead Line Route (OHL):

Works are progressing, with towers being erected along the route and regular inspections being undertaken. All power lines have been strung along the OHL

route with bird diverters and aviation lights installed. Restoration has commenced on the pylon pads and a number of the access tracks and pads are in the process of being removed in accordance with the planning consent. Some of the stone has been removed to adjacent farms, stockpiled and used to re-surface tracks. Additional access spurs and passing places have been constructed off of the access road without consent and the matter is currently being perused with the landowners. A number of environmental issues have been noted during compliance inspections and brought to the attention of the developer. Further inspections will be undertaken to ensure that they are resolved however an improvement in work practices has been noted along the route during further monitoring visits which is encouraging. Alterations have been made to the planned access along the OHL route resulting in the OHL access track breaking between Tower 29 and 30 to avoid crossing the Black Water. Some micro-siting of towers has been undertaken within the agreed tolerances.

Project wide:

A number of ecology issues have been raised in particular the developer's failure to carry out the necessary ecology pre-commencement surveys across the project. This matter has been raised with the developer and SNH. It has been agreed following consultation with the Council's Environmental and Ecological consultants that whilst the ECOW information provided by the developer does not in their view constitute pre-commencement surveys, and following the undertaking of additional Fresh Water Pearl Mussel surveys that the Planning Authority is satisfied that the reporting addresses protection of ecological sensitivities in relation to Part A of the project.

Some environmental reporting on environmental matters as required by the Environmental Management and Mitigation Plan and Construction Management Plan are outstanding and the developer has been alerted to the requirement for their submission.

The deliveries of concrete and stone to the site have been audited by Ironside Farrar. Discrepancies between the delivery dockets recorded on site and the delivery records submitted by SPEN to Ayrshire Roads Alliance (ARA) identified during the audit process have been significant enough to merit a closer review of non-recording of vehicle movements which may in turn be significant in terms of the Section 69 Bond remuneration. The increased auditing regime is continuing however some issues have arisen regarding the availability of delivery dockets at the site. This is being discussed with the developer and ARA. No stone is currently being delivered to the site from Clawfin Quarry or from sources further afield. Any movement of stone currently underway within the site is in the main recycled from the pylon bases that have been restored where this is appropriate and the material is suitable for reuse.

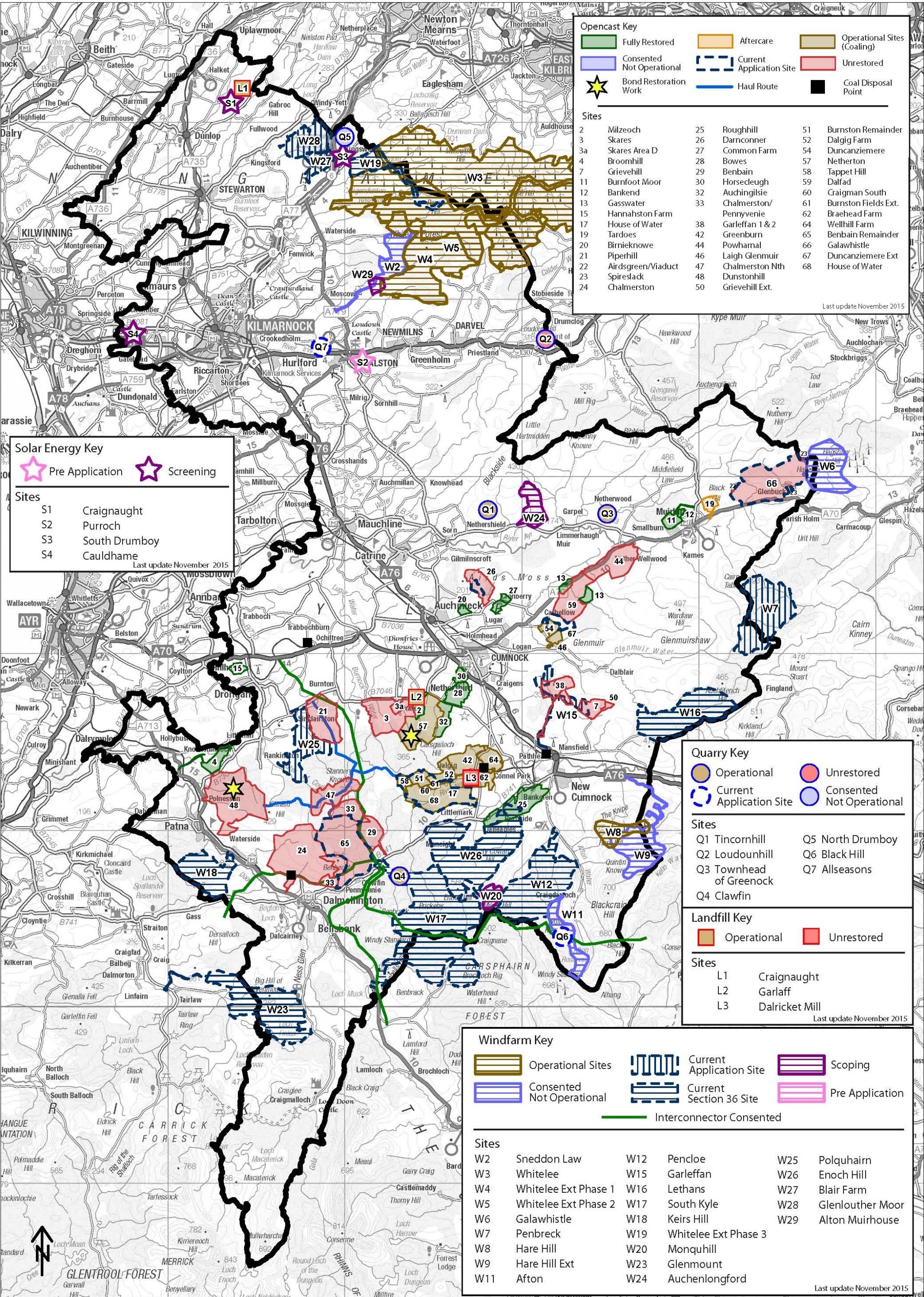
Appendix 5: Landfill Sites

Site	Garlaff Landfill by Skares
Operator	Barr Environmental
Application Ref No.	CD/90/362/Q, CD/95/0273/DPP, 97/0596/FL, 00/06/85/FL, 01/0077/FL, 02/0307/FL, 03/0723/FL, 09/0555/PP & 13/0708/PP
Date Approved	26.06.1991
Site Commenced	1991
Site duration	On-going
Expiry Period	18.9.2022 (20yrs from 00/0685/FL approval)
Site Status	Active
An existing application is under consideration for the revised size of the waste management facility comprising manual and mechanical treatment plant equipment and associated ground enabling works (13/0708/PP), this item will be presented to the Planning Committee for determination.	

Site	Craignaught By Lugton
Operator	LafargeTarmac
Application Ref No.	KL/W/77/018B, 98/0791/FL, 00/0038/FL 01/0493/FL, 07/0143/FL & 10/0463/PP
Date Approved	1976
Site Commenced	1976
Site duration	34
Expiry Period	2014
Site status	Under restoration
Planning Application 15/0623/PP, for the retention of the existing gas control unit and compound on site is currently being considered by the Planning Authority .	

Site	Dalricket Mill
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Operator	East Ayrshire Council
Application Ref No.	CD/79/50/LA
Date Approved	20 th December 1979
Site Commenced	1984
Site duration	12 Year
Expiry Period	1996
Site status	Restored, subject to further capping
<p>The site which extends to approximately 6 hectares was formerly operated as a landfill site by Cumnock and Doon Valley District Council between 1984 and 1996 for the disposal of domestic waste. The site is currently restored with a works package being prepared by East Ayrshire Councils Corporate Infrastructure Section to undertake further capping works to encapsulate the site and prevent potential leachate from the site to the adjacent watercourse. These works will be subject to compliance monitoring by DAL.</p>	



Opencast Key

Fully Restored	Aftercare	Operational Sites (Coaling)
Consented Not Operational	Current Application Site	Unrestored
Bond Restoration Work	Haul Route	Coal Disposal Point

Sites

2 Milzeoch	25 Roughhill	51 Burnston Remainder
3 Skares	26 Darnconner	52 Dalgig Farm
3a Skares Area D	27 Common Farm	54 Duncanziemere
4 Broomhill	28 Bowes	57 Netherston
7 Grievehill	29 Benbain	58 Tappet Hill
11 Burnfoot Moor	30 Horsedeugh	59 Dalfad
12 Bankend	32 Auchingilsie	60 Craigman South
13 Gasswater	33 Chalmerton/	61 Burnston Fields Ext.
15 Hannahston Farm	Pennyvenie	62 Braehead Farm
17 House of Water	38 Garleffan 1 & 2	64 Wellhill Farm
19 Tardoes	42 Greenburn	65 Benbain Remainder
20 Birnieknowe	44 Powhamal	66 Galawhistle
21 Piperhill	46 Laigh Glenmuir	67 Duncanziemere Ext
22 Airdsgreen/Viaduct	47 Chalmerton Nth	68 House of Water
23 Spirestack	48 Dunstonhill	
24 Chalmerton	50 Grievehill Ext.	

Last update November 2015

Solar Energy Key

Pre Application	Screening
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Sites

S1 Craignaught
S2 Purroch
S3 South Drumboy
S4 Cauldhame

Last update November 2015

Quarry Key

Operational	Unrestored
Current Application Site	Consented Not Operational

Sites

Q1 Tincornhill	Q5 North Drumboy
Q2 Loudounhill	Q6 Black Hill
Q3 Townhead of Greenock	Q7 Allseasons
Q4 Clawfin	

Landfill Key

Operational	Unrestored
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Sites

L1 Craignaught
L2 Garlaff
L3 Dalrick Mill

Last update November 2015

Windfarm Key

Operational Sites	Current Application Site	Scoping
Consented Not Operational	Current Section 36 Site	Pre Application
Interconnector Consented		

Sites

W2 Sneddon Law	W12 Pencloe	W25 Polquhairn
W3 Whitelee	W15 Garleffan	W26 Enoch Hill
W4 Whitelee Ext Phase 1	W16 Lethans	W27 Blair Farm
W5 Whitelee Ext Phase 2	W17 South Kyle	W28 Glenlouthier Moor
W6 Galawhistle	W18 Keirs Hill	W29 Alton Muirhouse
W7 Penbreck	W19 Whitelee Ext Phase 3	
W8 Hare Hill	W20 Monquhill	
W9 Hare Hill Ext	W23 Glenmount	
W11 Afton	W24 Auchenlongford	

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