

EAST AYRSHIRE COUNCIL

PLANNING COMMITTEE 20 JANUARY 2017

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 October 2016 and December 2016.

BACKGROUND

2. The Independent Review of the Regulation of Open Cast Coal Operations in East Ayrshire included as one of its recommendations 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. At the Planning Committee on the 22nd of April 2016 it was agreed that the remit of this Quarterly Report be expanded to include information on single turbine developments.

PROGRESS/UPDATE

3. As detailed within the Appendices 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. 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	Single and Dual Turbines
4	Quarries
5	Electrical Interconnectors
6	Landfill
7	Land Use map of East Ayrshire

MATTERS ARISING FROM COMPLIANCE MONITORING

4. While the appendices below provide further detail of the current progress and status of each of the development sites it is considered appropriate to highlight the following matters:-

Greenburn Open Cast Coal Site (OCCS) - Braehead OCCS

- 5 As reported previously a revised restoration proposal 15/0699/PP was submitted to the Planning Authority on the 10th of September 2015 with a view to retaining the current working void as a large water body and the reshaping of the overburdens in to shaped hillsides and a valley. This application remains to be determined, in part due to an objection from SEPA which the Operator is trying to address. Coaling operations have ceased at Braehead however the operator continues to carry out restoration work on site in line with their proposed restoration plan which has not been approved. The Planning Authority has written to and advised the operator and that they carry out such operations at their own risk, as the revised scheme may not get approval and they are carrying out operations which do not have planning permission. In addition, the Planning Authority has written to the Kier Limited, the providers of the Parent Company Guarantee informing them of the current site position. Operations on this section of the site have ceased for the time being. It is noted that the current works to shape the Overburden and the retention of the shaped working void are not in accordance with the final approved restoration plan, these matters are not irreversible can be rectified by the Operator if the pending planning application is refused.

With regards to the Dalgig section of the Complex it should be noted that the legal agreement for planning application 15/0203/PP, revised restoration scheme, has been concluded and the planning consent was issued on the 22nd of December 2016.

House of Water OCCS

6. It remains the position that the 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. The issue of the disclaimed land Banks Walker Banks land has now been concluded and matters are being progressed for the conclusion of the Section 75 agreement and hence the issuing of the Planning Permission.
7. The current site operations are being scrutinised by the Council's Independent Mining Engineer, Dalglish Associates Ltd (DAL) through the monthly compliance monitoring regime with all excavated overburden material being utilised to fill the voids and reduce the overall restoration liability. This strategy is in line with the Council's Enforcement Charter and Scottish Government Guidance of Enforcement action.

Potential Compliance Monitoring sites

The Committee should be aware that the Planning Authority are currently considering the following development proposals which if approved or concluded may require external independent compliance monitoring:-

- 2 Section 36 windfarm consultations from the ECDU,- Lethans and Enoch Hill;
- 2 Section 36 windfarms at Public Inquiry with DPEA - South Kyle, Pencloe
- 2 Planning Applications for Wind farms, - Polquhairn & Lorg;
- 1 windfarm which has been refused but is within the statutory appeal period - Garleffan
- 1 planning application windfarm which is currently being appealed to the DPEA- Glenouther Moor;
- 2 Windfarms applications approved looking to discharge pre-start conditions- Penbreck and Sneddon Law. A number of conditions for Sneddon Law having been appealed to the DPEA;
- 3 Quarries applications approved by Planning Committee subject to legal agreements- *North Drumboy, Blackhill and The Meadows Galston*;

FORMER OPEN CAST COAL SITES UPDATE

11. **Ponesk:-** Works continue on the £3million restoration contract. Significant progress has been made in reshaping Overburden mounds and contouring the central area of the site in preparation for final restoration.
12. **Dunstonhill:-** Works ceased on this year's restoration activity at the end of October 2016. The Restoration contract will resume with the final stages of soil spreading, grass seeding, water management and public track formation in spring 2017.
13. **Netherton:-** No operations took place on the Netherton site during this period. Soils have been strategically wind rowed around the site, and will be spread and seeded in the spring of 2017.
14. **Skares Area D:-** Initial works to reduce the water level in the void and form appropriate hauls road from the overburden mound to the void continues at the site, with work underway to fill the void.
15. **Powharnal :-** A Community Liaison Committee took place on the 4th of October 2016. The aim of the meeting was to allow the community to view the site and to inform them of the pending planning application.

Disclaimed Land Belonging to Aardvark

16. 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 (as discussed above)
17. In view of the health and safety hazards that disclaimed sites present and in order that the risks at these sites 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 and Safety Sections. As an interim measure to ensure public safety the Council 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, these operations continued throughout this period.
18. As has been previously stated, the Council does not have specific statutory duties and responsibilities in relation to implementing necessary health and safety measures at disclaimed sites; however, as part of the Master planning of all its coal complexes the Council has committed £10M towards restoration of abandoned surface coal mine sites. Cabinet approval has been given to allocate £4M of this towards the restoration of Skares Surface Coal Mine (SCM). Subject to the approval of Cabinet in due course it is the intention of the Planning and Finance sections to allocate £3M of the remaining £6M towards the Garleffan and Grievehill surface coal mine complex. Additionally, the Scottish Government has committed to spending c£1.1M on the SPA section of the Grievehill SCM. This totals £4.1M in addition to the bond monies already secured in the Garleffan/Skares settlement. Therefore an addition c£840k towards Garleffan/Grievehill complex can be added to the £4.1M resulting in a total of £4.940M. Following ongoing review of bond funding the Council may also be in a position to allocate a further c£160k. This potentially results in c£5.1M towards restoration. Subject to ongoing discussions with the various land

owners and statutory agencies it is anticipated that works are likely to commence during 2017.

SCOTTISH MINES RESTORATION TRUST/MINES RESTORATION LTD

19. As reported previously, 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 main landowners. The Council continues to work with SMRT/MRL in relation to the restoration of each of these sites.

POTENTIAL INFRACTION PROCEEDINGS

20. 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.
21. 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.
22. As has been previously reported the Council is a member of the Scottish Government Working Group to deal with this matter. Following significant work by the group which has identified a framework of actions and brought them together in a document called "Addressing Opencast Coal Impacts on the Muirkirk & North Lowther Uplands SPA" available at:-

<http://www.gov.scot/Topics/Environment/WildlifeHabitats/protectedareas/NATURA/SPAs/muirkirk>
23. This approach has been discussed with the European Commission and they have advised that they are content with the proposed mitigation works if these works are delivered to address the negative impact of the unfinished opencast operations and hence deal with the issues raised in the complaint. The Scottish Government have set a £10m budget to support the restoration of the opencast sites affecting the SPA which will be supported by the Council's £0.96M Bond Money.
24. As reported previously, in the context of the recent Referendum Vote supporting Britain leaving the European Union, the Council has received no correspondence from the European Union, the United Kingdom Government or the Scottish Government relating to the impact of the potential exit of Britain from the European Union on the infraction proceedings, therefore our strategy remains unchanged on the proposed resolution of this matter.
25. Members will be aware three specific sites were identified in the complaint about the Special Protection Area (SPA) Habitat Directive these were Powharnal, Grievehill and the Glenmuckloch Conveyor Belt.
26. With regards to the Glenmuckloch Conveyor belt, it has been previously reported that the Conveyor belt has been removed and the area re-soiled. The re-soiled area was seeded in late spring 2016 and now has a reasonable coverage of vegetation. SNH have viewed the site and are content that the area has been adequately restored.

27. With regards to Powharnal, as detailed above a planning application is expected shortly for a revised restoration scheme for the site in line with the Framework Document.
28. Discussion continue with the relevant land owners in relation to reinstatement of the section of Grievehill located within the SPA.
29. In considering this report were invited to attend a site visit at the Ponesk restoration project on the 18th January 2017. A further site visit will be undertaken at Chalmerston OCCS during the next period.

RECOMMENDATION

30. ***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 7;***
 - (ii) ***Notes the numbers of Technical Working Groups and Community Liaison Committees and Compliance Monitoring visits which have taken place during the period October to December 2016 detailed within the Appendices;***
 - (iii) ***Notes the progress of the restoration work and development of the Planning Application to mitigate 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

MK/FV

11 January 2017

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
11. Compliance Monitoring Update of Major Developments in East Ayrshire on 18th December 2015
12. Compliance Monitoring Update of Major Developments in East Ayrshire on 22nd April 2016
13. Compliance Monitoring Update of Major Developments in East Ayrshire on 26th August 2016
14. Compliance Monitoring Update of Major Developments in East Ayrshire on 11th November 2016

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; Building Standards and Development Management

Appendix 1: Open Cast Coal Sites

Site	Greenburn Complex:- Wellhill Farm
Operator	Kier Mining
Map Ref	64
Site Status	Coaling
Compliance Status	Generally compliant within Planning Permission conditions
Compliance Monitor	Dalgleish Associates
Application Ref No.	12/0066/PP
Date Approved	2 nd February 2013
Site Commenced	March 2013
Site duration	5 years
Expiry Period of consent	March 2018
Approved Estimate Coal Reserves (tonnes)	750,000
Estimated Coal Reserves remaining (tonnes)	210,000
Date of Compliance Visits	13 th October 2016 9 th November 2016 15 th December 2016
Date of Community Liaison Committee	17 th October 2016
Date of Technical Working Group	27 th October 2016
Restoration Guarantee value	£3,128,000
Restoration Guarantee Provider	Ace European Group Limited
Date of Restoration Guarantee Value renewal	Currently under review
Committee visit	None this Quarter
Annual Environment Audit (due date)	February 2017
Coaling and restoration operations have recommenced at Wellhill. It is indicated by the Operator that 8 months of Coaling operations remain.	

Site	Greenburn Complex:- Braehead Farm
Operator	Kier Mining
Application Ref No.	10/0491/PP & 13/841/PP
Site Map Ref	62
Compliance Status	Generally compliant within Planning Permission conditions.
Compliance Monitor	Dalgleish Associates
Date Approved	22 February 2011
Site Commenced	June 2012
Site duration	5 years
Expiry Period	June 2017
Approved Estimate Coal Reserves (tonnes)	1,500,000
Estimated Coal Reserves remaining (tonnes)	310,000 (eastern section of site)
Site Status	No coaling operations ongoing

Date of Compliance Visits	13 th October 2016 9 th November 2016 15 th December 2016
Date of Community Liaison Committee	17 th October 2016
Date of Technical Working Group	27 th October 2016
Restoration Guarantee Value	£9,416,000
Restoration Guarantee Provider	Kier Limited – Parent Company Guarantee
Date of Restoration Guarantee value renewal	January 2017
Committee visit	None this Quarter
Annual Environment Audit (due date)	February 2017
In addition to the comments above, it is noted that all coaling operations had ceased at Braehead during this quarter, however, the site remains within the development timescales of the approved consent.	

Site	Greenburn Complex:- Dalgig Farm
Operator	Kier Mining
Site Map Ref	52
Compliance Status	Generally Compliant within Planning Permission conditions
Compliance Monitor	Dalgleish Associates
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 15/0203/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
Date of Compliance Visits	13 th October 2016 9 th November 2016 15 th December 2016
Date of Community Liaison Committee	17 th October 2016
Date of Technical Working Group	27 th October 2016
Restoration Guarantee value	£2.5.million
Restoration Guarantee Provider	Lloyds Bank

Date of Restoration Guarantee value renewal	31 st December 2016, currently under review as a result of the new Planning Permission 15/0203/PP
Committee visit	None this Quarter
Annual Environment Audit (due date)	February 2017
The legal agreement for Planning Application 15/0203/PP for the revised restoration works, approved by the Planning Committee in June 2016, has now been concluded and the Planning Permission was issued on 22 nd December 2016	

Site	Duncanziemere and Laigh Glen Muir
Operator	Hargreaves Surface Mining Ltd on behalf of OCCW (Duncanziemere)
Site Map ref	54 & 46
Compliance Status	Generally compliant within Planning Permission conditions
Compliance Monitor	Dalgleish Associates
Application Ref No.	05/0232/FL, 06/0291/PP, 09/0511/PP 09/0770/PP, 12/0837/PP – 24hr working & 13/0578/PP, 13/0865/PP Revision B
Date Approved	30 March 2011(initial consent)
Site Commenced	October 2010
Site duration	5.5 years
Expiry Period	5 th January 2018 (Revision B)
Approved Estimate Coal Reserves(tonnes)	800,000
Estimated Coal Reserves remaining(tonnes)	0
Site Status	Restoration
Date of Compliance Visits	None during this Quarter
Date of Community Liaison Committee	15 th November 2016
Date of Technical Working Group	15 th November 2016
Restoration Guarantee remaining	£71,684
Restoration Guarantee Provider	Cash in Council Bank Account
Date of Restoration Guarantee renewal	N/A
Committee visit	None this Quarter
Annual Environment Audit (due date)	July 2017

As noted previously, 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. It should be noted that Scenario B does not result in the complete restoration of this sites and areas of the site will remain unshaped and unsoiled. Discussions are ongoing between the Planning Authority, SEPA and the Operator regarding the final water discharge from the Laigh Glen Muir and the Duncanziemere voids.

Site	Netherton
Operator	Hargreaves Surface Mining Ltd on behalf of OCCW (Netherton)
Site Map Ref	57
Compliance Status	Generally Compliant with Planning Conditions and Enforcement Notice
Compliance Monitor	Dalgleish Associates
Application Ref No.	09/0891/PP & 11/0535/PP
Date Approved	19 October 2010
Site Commenced	October 2011
Site duration	10 years
Expiry Period of consent	October 2021
Approved Estimate Coal Reserves (tonnes)	4,100,000
Estimated Coal Reserves remaining (tonnes)	zero
Site Status	Coaling complete. Site in restoration in line with Enforcement Notice.
Date of Compliance Visits	3 rd October 2016 5 th October 2016 2 nd November 2016 7 th December 2016
Date of Community Liaison Committee	None this Quarter
Date of Technical Working Group	None this Quarter
Restoration Guarantee value(remaining)	£1.7m
Restoration Guarantee Provider	Cash held by the Council
Date of Restoration Guarantee renewal	N/A
Committee visit	None this Quarter
Annual Environment Audit (due date)	February 2017
No operations took place on the Netherton site during this period. Soils have been strategically wind rowed around the site. Work to spread these soils will recommence in spring 2017.	

Site	House of Water – Burnston Remainder
Operator	Hargreaves Surface Mining Ltd on behalf of OCCW (House of Water)
Site Map Ref	17, 61, 68, 60, 51 & 58
Compliance Status	Generally compliant with Committee approved scheme
Compliance Monitor	Dalgleish Associates
Application Ref No.	12/0022/PP, 13/0636/PP, 13/0638/PP & 13/0056/NMV, 14/0822/PP
Date Approved	13 February 2013
Site Commenced	1 May 2014
Site duration	5 years coaling + 1 year for restoration.

Expiry Period	December 2015 (awaiting conclusion of legal agreement for extended date)
Approved Estimate Coal Reserves(tonnes)	1,800,000
Estimated Coal Reserves remaining(tonnes)	1,394,056
Site Status	Active coaling and restoration
Date of Compliance Visits	13 th October 2016 10 th November 2016 21 st November 2016 15 th December 2016
Date of Community Liaison Committee	None this Quarter
Date of Technical Working Group	None this Quarter
Restoration Guarantee value	£500,000 (restoration security)
Restoration Guarantee Provider	Cash held in Council account
Date of Restoration Guarantee renewal	Under constant review in relation to compliance monitoring
Committee visit	None this Quarter
Annual Environment Audit (due date)	October 2016
Planning Application 14/0822/PP for the revised restoration works, approved by the Planning Committee in December 2015, will be issued following the conclusion of the necessary legal agreement.	

Site	Darnconner
Operator	VWM (Scotland) Ltd
Site Map Ref	26
Compliance Status	Non compliant
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.
Date of Compliance Visits	None this quarter
Date of Community Liaison Committee	N/A
Date of Technical Working Group	N/A
Restoration Guarantee value	£875,000
Restoration Guarantee Provider	Barclay Bank plc

Date of Restoration Guarantee renewal	Until works completed
Date Committee last visited the site	None this quarter
Annual Environment Audit (due date)	N/A
<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 been in discussions with the applicant regarding the redesign.</p> <p>However following consideration the Developer has decided that they do not wish to redesign the scheme. Therefore, rather than concluding legal agreements and issuing a planning permission with a planning condition - which the developer would immediately appeal - it has been agreed to bring the item back to the Planning Committee for determination of the original scheme</p>	

Site	Dunstonhill Patna
Site Map Ref	48
Compliance Status	Generally Compliant
Compliance Monitor	Dalgleish Associates
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
Date of Compliance Visits	3 rd October 2016 5 th October 2016 14 th October 2016 20 th October 2016 26 th October 2016 2 nd November 2016 15 th November 2016 7 th December 2016
Date of Community Liaison Committee	27 th October 2016
Date of Technical Working Group	None this quarter
Restoration Bond remaining	£0.6 Million
Committee visit	None in this quarter
Annual Environment Audit (due date)	N/A
Works ceased on this year's restoration activity at the end of October 2016. The Restoration contract will resume with the final stages of peat spreading, grass seeding, water management and public track formation in the spring of 2017. Some of these works being completed as part of the aftercare works.	

Site	Ponesk/Spireslack by Muirkirk
Site Map Ref	66
Compliance Status	Generally Compliant
Compliance Monitor	Dalgleish Associates

Contractor	Banks Mining
Enforcement Notice	EN/16/0146/BPC
Date Approved	24 th June 2016
Contract Commenced	July 2016
Contract duration	18 months
Date of Compliance Visits	12 th October 2016 26 th October 2016 2 nd December 2016 14 th December 2016
Date of Community Liaison Committee	4 th October 2016
Date of Technical Working Group	9 th November 2016
Restoration Bond remaining	£3.14Million
Committee visit	None this quarter
Annual Environment Audit (due date)	N/A
Works continue on the £3million restoration contract. Significant progress has been made in reshaping Overburden mound and contouring the central area of the site.	

Site	Skares Area D
Site Map Ref	3A
Compliance Status	Generally Compliant
Compliance Monitor	Dalgleish Associates
Contractor	Hargreaves Surface Mining Ltd
Enforcement Notice	EN/16/0135/UA
Date Approved	24 th June 2016
Contract Commenced	August 2016
Contract duration	18 months
Date of Compliance Visits	14 th October 2016 2 nd November 2016 24 th November 2016 7 th December 2016
Date of Community Liaison Committee	None this Quarter
Date of Technical Working Group	None this Quarter
Restoration budget	£5.5 million
Committee visit	None this Quarter
Annual Environment Audit (due date)	N/A
The restoration work commenced in August 2016, with water being pumped from the void, construction of the haul road and backfilling of the void. The formal enforcement notice will be served on the relevant land owners pending the conclusion of other legal matters	

Appendix 2:- Onshore Wind Farms

Site	Whitelee Windfarm
Operator	Scottish Power Renewables (SPR)
Application Ref No.	Whitelee Windfarm Section 36
Date Approved	2006
Site Commenced	2007
Site duration	25 years
Site Status	Operational
Compliance Status	Site compliance was completed. Site Operational following construction.
Compliance Monitor	None
Restoration Guarantee value	£6.9million
Restoration Guarantee provider	Royal Bank of Scotland
Restoration Renewal date	Currently under review by East Ayrshire Council (EAC), East Renfrewshire Council (ERC) and South Lanarkshire Council (SLC)
In line with the Section 36 consent a full review of the original Whitelee windfarm financial guarantee (140 turbines) has been carried out by Ironside Farrar. Currently the financial guarantee for the original Whitelee wind farm is under review with Scottish Power Renewables (SPR) with EAC, SLC and ERC all party to the guarantee. The delay in the conclusion of this matter has been down to the joint agreement of the decommissioning works. The financial guarantee will be increased once the final guarantee value has been signed off by all parties.	

Site	Whitelee Windfarm Phase 1 & Phase 2 extensions.
Operator	Scottish Power Renewables (SPR)
Application Ref No.	Whitelee Windfarm Section 36
Date Approved	2009
Site Commenced	2009
Site duration	25 years
Site Status	Operational
Compliance Status	Site Operational following construction. No compliance monitoring carried out during construction.
Compliance Monitor	None
Restoration Guarantee value	£3.7million for extensions Phase 1 & 2
Restoration Guarantee provider	Royal Bank of Scotland
Restoration Renewal date	Currently under review by East Ayrshire Council
In terms of the Whitelee wind farm phase 1 and phase 2 extensions EAC is currently in discussions with SPR in terms of reviewing the financial guarantee for the two extensions. Currently the financial guarantee for the extensions to Whitelee wind farm is under review by Ironside Farrar.	

Site	Hare Hill 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
Compliance Status	No compliance monitoring carried out
Compliance Monitor	None
Restoration Guarantee value	£50000 between EAC and D&G
Restoration Guarantee Provider	Cash escrow held by EAC
Date of Restoration Guarantee renewal	N/A
This windfarm has been operational since 1997. A review of the Planning consent has taken place and it is considered that there are no issues which would require any enforcement action.	

Site	Hare Hill 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
Date of Compliance Visits	1 st November 2016 19 th December 2016
Compliance Monitor	Ironside Farrar
Compliance Status	Operational compliance issues being addressed by developer.
Restoration Guarantee value	£4,207,590.68p
Restoration Guarantee Provider	Euler Hermes
Date of Restoration Guarantee renewal	17 th November 2020
Compliance Monitoring identified two planning conditions, relating to peat management, which were not being complied with and required immediate attention by the Operator; while ongoing works had the potential to breach eight other planning conditions. The Operator is currently taking steps to avoid said potential breaches and the Compliance Monitoring inspections will review these mitigation works. It should be noted that 29 other planning conditions were being fully complied with.	

Site	Galawhistle Windfarm by Muirkirk
Operator	Infinis
Application Ref No.	10/0001/S36VAR
Date Approved	Section 36 variation consent dated 26/05/2015
Site Commenced	October 2015
Site duration	25 years
Site Status	Under construction and partially operational
Date of Compliance Visits	25 th October 2016 2 nd December 2016
Compliance Status	Compliance issues being addressed by developer.
Compliance Monitor	Ironside Farrar
Restoration Guarantee value	£210,388
Restoration Guarantee Provider(s)	Barclays & Santander
Date of Restoration Guarantee renewal	September 2020
<p>While construction operations continue on the site turbines within the Galawhistle Wind farm are now operational, as of the 20th of December 2016, and are exporting electricity to the National Grid</p> <p>Compliance Monitoring identified that ongoing works had the potential to breach one planning condition, the Operator is currently taking steps to avoid said potential breach. It should be noted that twenty six other planning conditions were being fully complied with.</p>	

Site	Afton Wind Farm
Operator	Afton Wind Farm Ltd
Application Ref No.	15/0003/S36VAR
Date Approved	5 th October 2015
Site Commenced	October 2016
Site duration	25 years
Site Status	Initial Set up
Date of Compliance Visits	Nil
Compliance Status	Generally Compliant
Compliance Monitor	Ironside Farrar
Restoration Guarantee value	£4,268,000
Restoration Guarantee Provider	HSBC bank PLC
Date of Restoration Guarantee renewal	7 th October 2021
<p>Compliance Monitoring identified seven areas, relating to peat silt and water management, where planning conditions were not being complied with and required immediate attention by the Operator; while ongoing works in four areas had the potential to breach other planning conditions. The Operator is currently taking steps to avoid said potential breaches and the Compliance Monitoring inspections will review these mitigation works.</p>	

Appendix 3:- Single and Dual Turbines

(this table clarifies Restoration Guarantees for single turbines)

Address	Planning Ref:	Turbine Height (M)	Status	Restoration Financial Guarantee
Wardhead Park Kilmaurs Road Stewarton Kilmarnock KA3 5LH	01/0613/FL	15	Built and Operational	Not required at time of approval
South Drumboy Farm Glasgow Road Fenwick Kilmarnock KA3 6EU	02/0395/FL	9	Built and Operational (10 year consent now expired, discussions ongoing with site owner)	Not required at time of approval
Carclout House Carclout Farm Patna Ayr KA6 7LE	03/0185/FL	15	Built and Operational	Not required at time of approval
Nith Lodge Dalleagles New Cumnock Cumnock KA18 4QP	05/1047/RM	15	Built and Operational	Not required at time of approval
Land At Little Fenwick Farm Fenwick Kilmarnock KA3 6AP	06/0360/FL	17.7	Built and Operational	Not required at time of approval
Midland Farm Fenwick Kilmarnock KA3 6BY	06/0623/FL	15	Built and Operational	Not required at time of approval
Newlands Farm Darvel KA17 0LU	07/0267/FL	11.75	Built and Operational	Not required at time of approval
Borland Reservoirs Fishery Cumnock KA18 4PJ	07/0450/FL	Roof Mounted	Built and Operational	Not required at time of approval
Galston Primary School Western Road Galston KA4 8BG	07/0763/LA	17.75	Built and Operational	Not required at time of approval
Whiteways Darvel KA17 0LT	08/0654/FL	Gable Mounted	Built and Operational	Not required at time of approval

Alton Muirhouse Farm Whatriggs Nether Newton Newmilns KA16 9LJ	08/0855/FL	15	Built and Operational	Not required at time of approval
New Intax Farm Whatriggs Nether Newton Newmilns KA16 9LJ	08/0857/FL	15	Built and Operational	Not required at time of approval
Lochfield Farm Darvel KA17 0NF	08/0862/FL	16.87	Built and Operational	Not required at time of approval
Darnhay Farm Mauchline KA5 6HG	08/0887/FL	9	Built and Operational	Not required at time of approval
Blackside Farm Sorn Mauchline KA5 6JG	08/0961/FL	15.15	Built and Operational	Not required at time of approval
Waterlands Little Cutstraw Stewarton KA3 5JE	09/0002/FL	15	Built and Operational	Not required at time of approval
Mid Grange Farm Dunlop Stewarton KA3 4EG	09/0372/FL	15	Built and Operational	Not required at time of approval
Davidston Farm Mauchline KA5 5HE	09/0570/PP	20	Built and Operational	Not required at time of approval
Millbrae Dunlop KA3 4BQ	09/0831/PP	19.5	Built and Operational	Not required at time of approval
Bibblon Lodge Netherwood Farm Muirkirk Cumnock KA18 3NJ	10/0060/PP	2 x 15	Built and Operational	Not required at time of approval
Linburn Farm Muirkirk KA18 3NL	10/0061/PP	2 x 15	Built and Operational	Not required at time of approval
The Lodge The Forkings Muirkirk KA18 3NL	10/0062/PP	2 x 15	Built and Operational	Not required at time of approval
High Clunch Clunch Road Stewarton East Ayrshire KA3	10/0216/PP	24.8	Built and Operational	Not required at time of approval

5JT				
Killochhead Galston	10/0299/PP	24.8	Built and Operational	Not required at time of approval
Lochhill Farm Mauchline KA5 5HL	10/0301/PP	15	Built and Operational	Not required at time of approval
Whitelee Poultry Farm Old Glasgow Road Stewarton KA3 5JU	10/0702/PP	15	Built and Operational	Not required at time of approval
Quilkieston Ochiltree Mauchline KA18 2QQ	10/0855/PP	19.25	Built and Operational	Not required at time of approval
Afton Road Mossmark New Cumnock KA18 4PR	11/0209/PP	19.25	Built and Operational	Not required at time of approval
Chalmerston Farm Mauchline KA5 5HN	11/0256/PP	2 x 19.25	Built and Operational	Not required at time of approval
Holehouse Farm Stewarton KA3 3ER	11/0312/PP	2 x 19.25	1 Built and Operational	Not required at time of approval
Stairaird House Barskimming Old Avenue Mauchline East Ayrshire	11/0361/PP	19.8	Built and Operational	Not required at time of approval
Turnerhill Farm Mauchline KA5 5JT	11/0400/PP	27.1	Built and Operational	Not required at time of approval
East Pokelly Farm Stewarton KA3 5HU	11/0425/PP	48	Built and Operational	Not required at time of approval
East Moorfield Industrial Estate Kilmarnock KA2 0BA	11/0489/PP	48	Built and Operational	Not required at time of approval
Pant C3 Barskimming Road Mauchline KA5 5HE	11/0510/PP	25	Built and Operational	Not required at time of approval
Mansfield Mains Mansefield Road New	11/0576/PP	44.85	Built and Operational	Not required at time of approval

Cumnock KA18 4NS				
Land At Aird Farm Hurlford	11/0698/PP	27.1	Built and Operational	Not required at time of approval
Crofthead Farm Catrine Mauchline KA5 6HW	11/0703/PP	80	Built and Operational	Not required at time of approval
Bogend Farm Galston KA4 8NW	11/0716/PP	27.1	Built and Operational	Not required at time of approval
High Park Farm Afton Road Mossmark New Cumnock KA18 4BG	11/0893/PP	75	Built and Operational	Not required at time of approval
Auchencloigh Farm Galston KA4 8NP	11/0929/PP	34	Not Constructed	Not required at time of approval
Amlaird Farm Waterside Kilmarnock KA3 6JQ	11/0934/PP	25	Built and Operational	Not required at time of approval
Langside Farm Galston KA4 8NN	11/0969/PP	48	Built and Operational	Not required at time of approval
High Dalloy Cottage Windyhill Road Newmilns KA16 9LR	11/0971/PP	19.02	Built and Operational	Not required at time of approval
Land At Linnhead Dunlop/Uplaw moor Lugton	11/0984/PP	47.1	Built and Operational	Not required at time of approval
New Benbeoch Main Road Waterside KA3 6JG	12/0036/PP	22.52	Built and Operational	Not required at time of approval
Bridgehouse Farm Mauchline Road Hurlford KA1 5JX	12/0084/PP	2 x 48.7	1 Built and Operational	Not required at time of approval
Burnhead Farm Darvel	12/0276/PP	22.52	Built and Operational	Not required at time of approval
Land North Of Low Bowhill Farm Newmilns	12/0504/PP	75	Built and Operational	Not required at time of approval
Corsehouse Farm Old Glasgow Road	12/0508/PP	27.1	Built and Operational	Not required at time of approval

Stewarton				
Clonherb Farm Stewarton	12/0519/PP	61	Built and Operational	Still in discussion with developer over quantum Escrow
Meikle Garclaugh Mansefield Road New Cumnock	13/0627/PP	24.9	Built and Operational	£6927 Escrow
Linburn Farm Muirkirk	14/0229/PP	2 x 67	Not Built	Not agreed as yet but required by condition
Taiglim Farm Glaisnock Road Netherthird Cumnock KA18 4PJ	14/0552/PP	34.2	Not Built	Notional figure assessed as £47,165 Pay as you go Escrow/Bond Hybrid
Land At Near Dareduff Hill Dunlop	14/0720/PP	68	Under Construction	£88,906 in Escrow
Auldhouseburn Farm Muirkirk Cumnock KA18 3RZ	14/0753/PP	29.6	Built and Operational	£20,853 in Bond

Appendix 4:- 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.
Date of Compliance Visits	None this quarter
Compliance Status	Non-compliant
Compliance Monitor	Dalglish Associates
Date of Community Liaison Committee	N/A
Date of Technical Working Group	N/A
Restoration Guarantee value	N/A
Restoration Guarantee Provider	N/A
Date of Restoration Guarantee renewal	N/A
Committee visit	None this Quarter
Annual Environment Audit (due date)	N/A
A revised restoration schemes was approved at the Planning Committee in August 2016 for the revised restoration scheme, the owner has indicated that they intend to carry out these works during 2017.	

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, 15/0221/AMCPP & 14/0554/PP
Date Approved	28.07.2007
Site Commenced	28.07.2007
Site duration	15 year
Expiry Period	2022
Site Status	Active
Date of Compliance Visits	None this quarter
Compliance Status	Generally compliant
Compliance Monitor	Dalglish Associates
Date of Community Liaison Committee	None this quarter
Date of Technical Working Group	None this Quarter
Restoration Guarantee value	£246,000 is provided for with £173,599.78 located within the

	Council's Accounts and a top-up bond of £73,274
Restoration Guarantee Provider	Money held by the Council, bond provider is HCC International Insurance Company Plc.
Date of Restoration Guarantee renewal	April 2020
Committee visit	None during this quarter
Annual Environment Audit (due date)	N/A
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	2 years
Expiry Period	18.01.2017
Site Status	Active
Date of Compliance Visits	25 th of October 2016
Compliance Status	Generally compliant
Compliance Monitor	Dalglish Associates
Date of Community Liaison Committee	N/A
Date of Technical Working Group	N/A
Restoration Guarantee value	N/A
Restoration Guarantee Provider	N/A
Date of Restoration Guarantee renewal	N/A
Committee visit	None this quarter
Annual Environment Audit (due date)	October 2016

The use of Clawfin quarry is to provide stone for the SWS Interconnector Project. A Section 42 planning application, 16/0922/PP, has been received to extend the time period of this quarry site by an additional year. The application is currently invalid and will be determined in due course.

Site	Garpel Quarry (Formerly 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

Date of Compliance Visits	None this Quarter
Compliance Status	Generally Compliant
Compliance Monitor	Ironside Farrah
Date of Community Liaison Committee	None this Quarter
Date of Technical Working Group	None in this quarter
Restoration Guarantee value	£280,000
Restoration Guarantee Provider	HCC International Insurance Company Plc
Date of Restoration Guarantee renewal	6 th February 2018
Date Committee last visited the site	None this quarter
Quarry Progress plan	Submission under Consideration
The site is fully operational and generally working within the terms of the Planning Permission.	

Appendix 5:- SWS Renewables Connection Project

Site	SWS Renewables Connection Project – Part A Coylton Substation to New Cumnock Substation.
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
Date of Compliance Visits	None this Quarter
Compliance Status	Various areas of non-compliance
Compliance Monitor	Ironside Farrar
Date of Community Liaison Committee	No meetings held due to poor response to meeting invites. Developer talking directly to Community Councils and sending email updates to Liaison Committee members and posting information on their dedicated website.
Date of Technical Working Group	N/A
Restoration Guarantee value	N/A
Restoration Guarantee Provider	N/A
Date of Restoration Guarantee renewal	N/A
Committee visit	None this quarter
Annual Environment Audit (due date)	N/A
<p>Overhead Line Route (OHL): Works on Part A have been substantially completed and the line was energised on early September 2016. Compliance monitoring has identified various areas of environmental reinstatement works and the removal of hard standings and tracks which require to be addressed before this section of the project can be considered to be completed.</p> <p>Coylton Sub-Station: The revision to the landscaping scheme which has now been assessed and approved. It provides an improved scheme encompassing the wider substation site and will be implemented on completion of works at the substation.</p> <p>New Cumnock Sub-Station: Construction works are complete on the control building and the substation. Final restoration of the surroundings of the sub-station and temporary compounds will be substantially complete during phased works between Summer 2016 to mid 2017.</p>	

Site	SWS Renewables Connection Project – Part B New Cumnock Substation to the new Black Hill Substation
Operator	Scottish Power Energy Networks (SPEN)
Application Ref No.	09/0132/EB
Date Approved	November 2014
Site Commenced	April / May 2016
Expiry Period	N/A
Site Status	Under construction
Date of Compliance Visits	17 th October 2016 2 nd November 2016 16 th November 2016 9 th December 2016
Compliance Status	Generally compliant
Compliance Monitor	Ironside Farrar and Ramboll Environ (Independent Auditor)
Date of Community Liaison Committee	No meetings held due to poor response to meeting invites. Developer talking directly to Community Councils and sending email updates to Liaison Committee members and posting information on their dedicated website.
Date of Technical Working Group	N/A
Restoration Guarantee value	N/A
Restoration Guarantee Provider	N/A
Date of Restoration Guarantee renewal	N/A
Committee visit	None this quarter
Annual Environment Audit (due date)	N/A
<p>Compliance Monitoring identified twelve situations, relating to issues such as silt and water management, which required the immediate attention of the Operator. While ongoing works had the potential to breach planning conditions in 13 other areas, the Operator is currently taking steps to avoid said potential breaches. It should be noted that twenty other areas were deemed to be fully complied with planning conditions.</p>	

Site	SWS Renewables Connection Project – Part C new Glenglass Substation to new Black Hill Substation.
Operator	Scottish Power Energy Networks (SPEN)
Application Ref No.	09/0133/EB
Date Approved	November 2014
Site Commenced	April / May 2016
Expiry Period	N/A

Site Status	Under construction
Date of Compliance Visits	None this quarter
Compliance Status	Generally Compliant
Compliance Monitor	Ironside Farrar and Ramboll Environ (Independent Auditor)
Date of Community Liaison Committee	No meetings held due to poor response to meeting invites. Developer talking directly to Community Councils and sending email updates to Liaison Committee members and posting information on their dedicated website.
Date of Technical Working Group	N/A
Restoration Guarantee value	N/A
Restoration Guarantee Provider	N/A
Date of Restoration Guarantee renewal	N/A
Committee visit	None this quarter
Annual Environment Audit (due date)	N/A
No Comments	

Site	SWS Renewables Connection Project – Part D2 New Cumnock Substation to Dersalloch Wind Farm
Operator	Scottish Power Energy Networks (SPEN)
Application Ref No.	09/0135/EB
Date Approved	November 2014
Site Commenced	April / May 2016
Expiry Period	N/A
Site Status	Under construction
Date of Compliance Visits	None this quarter
Compliance Status	General Compliance
Compliance Monitor	Ironside Farrar and Ramboll Environ (Independent Auditor)
Date of Community Liaison Committee	No meetings held due to poor response to meeting invites. Developer talking directly to Community Councils and sending email updates to Liaison Committee members and posting information on their dedicated website.
Date of Technical Working Group	N/A
Restoration Guarantee value	N/A
Restoration Guarantee Provider	N/A
Date of Restoration Guarantee renewal	N/A
Committee visit	None this quarter

Annual Environment Audit (due date)	N/A
All construction works are now complete. Restoration has been undertaken across the whole D2 section. However various areas have been highlighted as requiring attention to before it can be considered that the scheme has been completed.	

Site	Blackcraig and Margree Wind Farms Connection Project – Part C Between Existing Tower N230 (OS Reference NX 591891) And Meiklehill Substation (OS Reference NS 521078) decommissioning of existing N Route from towers N230 to 101.
Operator	Scottish Power Energy Networks (SPEN)
Application Ref No.	11/0259/EB
Date Approved	February 2015
Site Commenced	April / May 2016
Expiry Period	N/A
Site Status	Under construction
Date of Compliance Visits	16 th November 2016 9 th December 2016
Compliance Status	Generally Compliant
Compliance Monitor	Ironside Farrar and Ramboll Environ (Independent Auditor)
Date of Community Liaison Committee	No meetings held due to poor response to meeting invites. Developer talking directly to Community Councils and sending email updates to Liaison Committee members and posting information on their dedicated website. Next meeting scheduled for 30th August 2016.
Date of Technical Working Group	N/A
Restoration Guarantee value	N/A
Restoration Guarantee Provider	N/A
Date of Restoration Guarantee renewal	N/A
Committee visit	None this quarter
Annual Environment Audit (due date)	N/A
As per comments recorded in Part B above.	

Appendix 6: 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
Date of Compliance Visits	None this quarter
Compliance Status	Generally Compliant
Date of Liaison Committee	17 th October 2016
Restoration Guarantee value	£522,000, under review
Restoration Guarantee Provider	Under Review
Date of Restoration Guarantee renewal	Under Review
Committee visit	None this quarter
Annual Environment Audit (due date)	N/A
A review is currently underway of the Garlaff landfill site.	

Site	Craignought 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
Date of Compliance Visits	None this Quarter
Compliance Status	Generally in compliance
Date of Community Liaison Committee	N/A
Date of Technical Working Group	N/A
Restoration Guarantee value	N/A
Restoration Guarantee Provider	N/A
Date of Restoration Guarantee renewal	N/A

Date Committee last visited the site	None this quarter
Annual Environment Audit (due date)	N/A
No issues, this site is in aftercare.	

Site	Dalricket Mill
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
Date of Compliance Visits	Nil in the last Quarter
Compliance Status	Dormant site
Compliance monitor	Dalgleish Associates
Date of Community Liaison Committee	N/A
Date of Technical Working Group	N/A
Restoration Guarantee value	N/A
Restoration Guarantee Provider	N/A
Date of Restoration Guarantee renewal	N/A
Date Committee last visited the site	None this quarter
Annual Environment Audit (due date)	N/A

As previously reported, 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 however a works package is 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.

Appendix 7 Land Use Map of Major Developments within East Ayrshire

