

EAST AYRSHIRE COUNCIL

PLANNING COMMITTEE 22 APRIL 2016

**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 January 2016 and March 2016.

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 within the Appendices, 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	Quarries
4	Electrical Interconnectors
5	Landfill
6	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:-
5. **Greenburn Open Cast Coal Site (OCCS)**

Following consideration of the revised proposals for the Dalgig section of the site, investigations have identified that the area of restored land to the east of Dalgig – the original Greenburn section- which is currently in aftercare has been laid above the approved contours of the original planning permission for that area. Given this area has been topsoiled and landscaped for a number of years it is considered inappropriate to require the area to be returned to the original proposed ground level as this would result in significant disturbance to land which is currently in aftercare. Unfortunately as a direct result of the increase in levels in this area this has created a deficit of materials to fill the Dalgig void.
6. **Dalgig OCCS**

Coaling was completed at Dalgig Farm in December 2014, and operations at this site had ceased until autumn 2015 when restoration activity recommenced. The applicant is currently carrying out operations which are aligned to the submitted, but not approved, revised restoration scheme. Generally these formation levels being retained by the Operator are below the approved restoration scheme of Planning Permission 07/0908/FL however in some areas the operator is placing subsoils and topsoils. The Planning Authority has written to the Operator indicating that the soiling of those areas in line with their submitted, but not approved, proposals is entirely at their own risk and that if the Planning Committee chose to refuse their amended planning application they may be the subject of enforcement action and hence be required to remove the soils which have been placed to allow the approved contours to be achieved.
7. **Wellhill & Braehead OCCS**

All coaling and restoration operations have ceased at Wellhill and Braehead.
8. **House of Water OCCS**

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. The legal agreement has not been concluded due to legalities surrounding disclaimed land from the Liquidation of Banks Walker Banks land within the boundary of the site. It is anticipated that the matter will be concluded by July 2016 following the conclusion of the legal process relating to disclaimed land. Until that time, The Planning Authority has been agreed that the operations at the site are carried out in accordance with those plans approved by the Planning Committee in December 2015 with updated plans reflecting the final later start date of the consent. These operations are being scrutinised by the Council's Independent Mining Engineer, Dalgleish Associates Ltd (DAL) through the monthly compliance monitoring regime with all excavated overburden material being utilised to fill the voids and remove the overall restoration liability. This strategy is in line with the Council's Enforcement Charter and Scottish Government Guidance of Enforcement action.

9. **Hare Hill Extension Windfarm**

The site has commenced operations to construct the infrastructure for the windfarm. The site is generally in compliance with the planning conditions with the PMO Compliance Monitoring identifying areas of where the developer requires further work to fully comply with the approved Construction Environmental Management Plan (CEMP), Peat Management Plan PMP and Pollution Prevention Plan (PPP).

10. **Galawhistle Windfarm**

The site is split between South Lanarkshire and East Ayrshire Councils with 2 turbine located within the Council boundary and monitored by the Council's Planning Monitoring officer (PMO). The construction work is at an advanced stage, however there have been a number of water management environmental issues which SEPA have intervened on. Works have been suspended for a period of time and an Enhanced Environmental Team (EET) introduced to rectify matters which are monitored by SEPA and the PMO to verify that full compliance is being achieved.

11. **Interconnector**

The development is at the final stages with the overhead lines now in place. There are a number of outstanding issues which are being progressed through the planning system in relation to excess peat and unauthorised tracks, along with outstanding snagging works to be completed throughout the site.

12. **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 compliance monitoring :-

- 3 Section 36 windfarm consultations from the ECDU, - *Pencloe, Lethans & Enoch Hill*
- 4 Planning Application for Wind farms, - *Penbreck, Garlaffen, Polquhairn & Glenouther*
- 4 windfarms which are currently being appealed to the DPEA- *Kiers, South Kyle, Blair & Whitelee Extension Phase 3*
- 2 Windfarms applications approved looking to discharge pre-start conditions- *Sneddon Law & Afton*
- Further implementation of National Planning Framework projects for the South West Scotland transmission lines and associated infrastructure - *Parts B, C and D2 of South West Scotland Renewables Connection Project and Part C of Blackcraig And Margree Wind Farm Connection Project*
- 2 Quarries applications approved by Committee subject to legal agreements- *North Drumboy & Blackhill*
- 1 Planning application for a sand quarry- *The Meadows Galston.*

13. **Hargreaves Ownership of Former Opencast Coal Sites**

Hargreaves Surface Mining Limited have indicated to the Council that they have taken ownership from Scottish Coal's liquidator KPMG of the following opencast coal companies- OCCW Duncanziemere, OCCW Netherton & OCCW Chalmerston.

FORMER OPEN CAST COAL SITES UPDATE

14. **Ponesk:-** The Ponesk site has been subject to a tender for the alternative design and restoration scheme utilising the £3.0m bond money allocated for this site. Detailed submissions have been made by several contractors and these submissions are being

assessed by the Evaluation Panel which comprises representatives from the land owner Mines Restoration Limited, SEPA, SNH and DAL. Public meetings will be arranged following conclusion of the evaluation process to ensure appropriate community engagement in the process.

15. **Dunstonhill:-** – Restoration work recommenced on the 29th February 2016 on the bond financed restoration work at Dunstonhill near Patna. Operations are currently focused on the works to the north of the site surrounding the water void. Restoration work to the central and southern parts of the site will continue during May 2016 and once final contouring achieved the restored land will be seeded. Discussions are ongoing between one of the land owners and SPEN to bring surplus peat from the Interconnector project to the Dunstonhill to help address the areas deficient in soil making material available on the site. This work will be subject to SPEN gaining appropriate consents from both the Planning Authority and SEPA.
16. **Skares Area D-** Design proposals are currently being considered by the Planning Authority for the infilling of the Skares Area D void. Members will remember that this site was disclaimed by the liquidator of ATH under the English Liquidation Act and the site is currently ownerless. The Planning Authority held a public meeting on the 29th March 2016 with local residents to discuss initial proposals. This meeting was well attended and took design discussions forward on the final options to be considered. It was also agreed that a Community Liaison Committee be established for this site which would assist in the conclusion of the final land form and use. Various design options are being considered and being fully costed and verified by DAL prior to any award of contract with commencement of the project anticipated during Summer 2016 utilising the original Planning Consent. The variation of the restoration planning condition will be submitted to the Planning Committee for consideration through a positive Enforcement Notice once all design matters have been concluded with the Community Liaison Committee and Technical Working Group.

Disclaimed Land Belonging to Aardvark

17. 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)
18. 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 & 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.
19. 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, the Council may require to step in as the authority of last resort, as is proposed at Skares Area D, 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

20. 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 the restoration of each of these sites.

POTENTIAL INFRACTION PROCEEDINGS

21. 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.
22. 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.
23. 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/Wildlife-Habitats/protectedareas/NATURA/SPAs/muirkirk> .

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 £0.96M.

24. As 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 Glenmucklock Conveyor Belt.

With regards to the Glenmuckloch Conveyor belt it is should be noted that works to remove the conveyor belt from this route within the SPA have been completed and the earth works to restore the track to its former width of approximately 2m have recently been completed by Hargreaves Surface Mining Ltd and monitored by the Planning Authority. It is anticipated that seeding operations on the new soils will commence during May 2016.

With regards to Powharnal, MRL are in the process of preparing a planning application for a revised restoration scheme of the site in line with the Framework Document. The applicant held a Pre Application Consultation (PAC) event in Muirkirk on the 17 of March 2016 inviting comments on the proposed scheme to help inform the proposed planning application. It is anticipated that the application will be submitted during the Summer of 2016.

RECOMMENDATION

- 25 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 January to March 2016;

- (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
13 April 2016

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

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	No coaling operations ongoing
Compliance Status	Generally compliant within Planning Permission conditions
Compliance Monitor	Dalglish 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)	270,000
Date of Compliance Visits	14 th January 2016, 11 th February 2016, 17 th March 2016, 14 th April 2016
Date of Community Liaison Committee	20 th October 2015(last); 18 th April 2016 (next)
Date of Technical Working Group	29 th October 2015(last); 28 th April 2016 (next)
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
All coaling and restoration operations have ceased at Wellhill, however, the site remains within the development timescales of the approved consent.	

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)	330,000
Site Status	No coaling operations ongoing
Date of Compliance Visits	14 th January 2016, 11 th February 2016, 17 th March 2016, 14 th April 2016
Date of Community Liaison Committee	20 th October 2015 (last); 18 th April 2016 (next)
Date of Technical Working Group	29 th October 2015 (last); 28 th April 2016 (next)
Restoration Guarantee Value	£9,416,000
Restoration Guarantee Provider	Kier Limited – Parent Company Guarantee
Date of Restoration Guarantee value renewal	Currently under Review
Committee visit	None this Quarter
Annual Environment Audit (due date)	February 2017
All coaling and restoration operations have ceased at Braehead, 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
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	14 th January 2016, 11 th February 2016, 17 th March 2016, 14 th April 2016
Date of Community Liaison Committee	20 th October 2015 (last); 18 th April 2016 (next)
Date of Technical Working Group	29 th October 2015 (last); 28 th April 2016 (next)
Restoration Guarantee value	£2.5.million
Restoration Guarantee Provider	Lloyds Bank
Date of Restoration Guarantee value renewal	31 st December 2016
Committee visit	None this Quarter
Annual Environment Audit (due date)	February 2017
Restoration works are continuing on site.	

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	Dalglish Associates
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
Date of Compliance Visits	8 th March 2016
Date of Community Liaison Committee	10 th March 2016 (last) Next meeting to be arranged subject to final site restoration progress
Date of Technical Working Group	10 th March 2016 (last) Next meeting to be arranged subject to final site restoration progress
Restoration Guarantee value	£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)	As coaling has been completed at Duncanziemere the

	AEA is scheduled for the conclusion of the restoration works during summer 2016
<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. 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.</p>	

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	Dalglish 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)	10,000
Site Status	Active Coal and Restoration
Date of Compliance Visits	6 th January 2016, 3 th February 2016, 9 th March 2016, 6 th April 2016
Date of Community Liaison Committee	28 th January 2016 (last), 19 th May 2016 (Next)
Date of Technical Working Group	28 th January 2016 (last); 18 th May 2016 (Next)
Restoration Guarantee value	£3.96M

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
<p>Coaling is expected to conclude during April 2016 having slowed down due to the current coal market and relocation of resources to House of Water while progressive restoration is continuing within the Northern void.</p> <p>Bond Restoration Work- Work continues on site in relation to the Positive Enforcement Notice facilitate the spending of £3.96m of restoration bond monies. Work to shape the main Overburden continues in line with the enforcement scheme. DAL attend monthly compliance visits reviewing the site as works progress and validating the costs of the works carried out.</p>	

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	Dalglish Associates
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 (awaiting conclusion of legal agreement for extended date)
Approved Estimate Coal Reserves(tonnes)	1,800,000
Estimated Coal Reserves remaining(tonnes)	1,534,000
Site Status	Active coaling an restoration

Date of Compliance Visits	6 th January 2016; 3 rd February 2016; 9 th March 2016; 6 th April 2016
Date of Community Liaison Committee	27 th January 2016 (last); 19 th May 2016 (Next)
Date of Technical Working Group	27 th January 2016 (last); 18 th May 2016 (Next)
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
Coaling and progressive restoration are being carried out on site.	

Site	Tardoes
Operator	Law Mining
Site Map Ref	19
Compliance Status	Generally compliant
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
Compliance Monitor	Dalglish Associates
Date of Compliance Visits	15 th January 2016

Date of Community Liaison Committee	N/A
Date of Technical Working Group	N/A
Restoration Guarantee value	Nil
Restoration Guarantee Provider	N/A
Date of Restoration Guarantee renewal	N/A
Committee visit	None this Quarter
Annual Environment Audit (due date)	N/A
This site is fully restored in its final year of aftercare. The aftercare, financed through the restoration bond, is being carried out by the Landowner.	

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 to finalise the scheme which the Planning Authority would wish to conclude over the next 3 months.</p>	

Site	Dunstonhill Patna
Site Map Ref	48
Compliance Status	Generally Compliant
Compliance Monitor	Dalglish 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	2 nd February 2016; 8 th March 2016
Date of Community Liaison Committee	16 th March 2016 (last)
Date of Technical Working Group	16 th March 2016 (last)
Restoration Bond claimed	£3 million
Committee visit	None in this Quarter
Annual Environment Audit (due date)	N/A
<p>The restoration contract has re-commenced onsite following the winter shut down in line with the restoration contract drawings. Contouring work is being carried out to reshape the northern void. DAL continue to inspect the ongoing works.</p>	

Appendix 2:- Onshore Wind Farms

Site	Whitelee Windfarm and the Phase 1 & Phase 2 extensions.
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
Compliance Status	Site Operational following construction. No compliance monitoring carried out.
Compliance Monitor	None
Restoration Guarantee value	£6.9million for original site and £3.7million for extensions Phase 1 & 2
Restoration Guarantee provider	Royal Bank of Scotland
Restoration Renewal date	Currently under review
Date of Compliance Visits	None required during operational phase
Date of Community Liaison Committee	N/A
Date of Technical Working Group	N/A
Committee visit	None this quarter
Annual Environment Audit (due date)	N/A
In line with all other consents of this nature a full review of the original Whitelee windfarm consent and operations within that site has been carried out and Ironside Farrar have reviewed the Bond provision for this part of the site 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 both the original part of the Whitelee site and the two extensions.	

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
Date of Community Liaison Committee	N/A
Date of Technical Working Group	N/A
Date of Compliance Visits	None required during operational phase
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
This windfarm has been operational since 1997. A review of the Planning consent is in the work plan which will be considered in line with the recently granted Hare Hill extension. At present there are no compliance issues with this development.	

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	17 th December 2015; 2 nd February 2016, 26 th February 2016; 23 rd March 2016
Compliance Monitor	Ironside Farrar
Compliance Status	Operational compliance issues being addressed by developer.
Date of Community Liaison Committee	N/A
Date of Technical Working Group	N/A
Restoration Guarantee value	£4,207,590.68p
Restoration Guarantee Provider	Euler Hermes
Date of Restoration Guarantee renewal	17 th November 2020
Committee visit	None this quarter
Annual Environment Audit (due date)	N/A

Following a slow start due to inclement weather, works on the construction of the windfarm are now progressing at pace. The security gate and visitor car parking has been constructed, enabling site compound is in place and the main site compound area is under construction. Approximately 50-60% of tracks have been constructed as at 23rd March 2016. Tracks in Array A have been constructed as far as turbine A2, all of tracks in Array B have been completed as has the installation of the Polhigh Burn water crossing. Track is constructed as far as Borrow Pit 16 however no tracks in Arrays C & D had commenced. No turbines or hardstanding's had been constructed with works due to commence excavating turbine base A1 during April.

Borrow Pit 15 is being worked and further consent has been granted to extend the working area. The extension to the working area has been fenced off and stripped of peat. Borrow Pit 16 has been fenced, cut-off ditches in place with overburden and peat stripping ongoing. The Temporary Construction Compound Platform is complete and set-up of cabins etc. also planned for during April 2016. Substation building is under construction, with foundation partially built.

ECoW has marked all Ground Water Dependant Terrestrial Ecosystems (GWDTE's) and dependent springs on the ground, including an additional area picked up during survey works below Turbine A1. Some micro-siting has occurred within tolerances and consent has been given to allow for weekend working.

Works at the site are generally compliant with planning conditions however some issues were noted where the development was not compliant with the approved Construction Environmental Management Plan (CEMP), Peat Management Plan PMP and Pollution Prevention Plan (PPP). This has resulted in silt entering a minor

watercourse through the track bed at the junction between cut and floating track construction. Further silt was found in an area of Sphagnum/mire downstream from a lagoon system treating silty water from the control building compound. Incorrect separation and storage of peat was also noted at various locations. Those matters of non-compliance have been discussed fully with the developer and they have taken steps to address and resolve the issues where possible. Those areas will be re-inspected at the next compliance visit to ensure that the development is progressing in compliance with the CEMP, PMP and PPP.

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
Date of Compliance Visits	13 th January 2016; 23 rd February 2016; 18 th March 2016
Compliance Status	Compliance issues being addressed by developer.
Compliance Monitor	Ironside Farrar
Date of Community Liaison Committee	N/A
Date of Technical Working Group	N/A
Restoration Guarantee value	£210,388
Restoration Guarantee Provider	Barclay & Santander
Date of Restoration Guarantee renewal	September 2020
Date Committee last visited the site	None this quarter
Annual Environment Audit (due date)	N/A

The majority of the site is out with East Ayrshire Councils (EAC) boundary. The part of the development that is within the council area consists of access tracks and small part of the spine road and two turbines. Planning Monitoring Officer reporting throughout 2015/16 has charted the peaks and troughs of management in key environmental areas. However, there has been no overall upward trend in

Contractor performance despite continued input and advice from the ECoW. The development has progressed slowly overall and there have been issues due to extreme rainfall, surface water run-off and breakdown of poor quality stone on tracks resulting in silt run-off into watercourses and peat slippage. The Scottish Environmental Protection Agency (SEPA) have also visited site on a number of occasions in response to specific issues and as part of general ongoing monitoring. SEPA officers have also noted the lack of improvement in management of the water and peat environments. This intervention resulted in the developer confirming that the actions of the contractor had fallen short of expectations and requirements and as such they had placed them on formal notice. All works were suspended for a time and an Enhanced Environmental Team (EET) was brought on board to design a scheme of enhanced measures in an effort to improve the management of silt, greenfield water and peat. This resulted in the production of a Surface Water and Peat Management Strategy. That strategy has been agreed with SEPA and works have recommenced on site to implement the strategy. There had been a period of dry weather prior to the last compliance visit and although conditions generally on site appeared to be much improved with the implementation of additional mitigation measures underway, it would be difficult to tell how well the measures were working until the next period of heavy rainfall. The EET will be providing weekly updates to SEPA on environmental management.

The majority of the access tracks have now been completed within EAC boundary and have been re-capped with imported stone. The foundation for turbine 13 and 15 has been poured and works are underway to prepare the bases for the arrival of the turbines. Key issues of peat storage remain which requires to be monitored and improved across the site, as does silt mitigation and surface water management. The quality of the restoration of peat storage areas and track verges will require ongoing monitoring to ensure compliance.

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.
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
The outstanding restoration plans for the remaining lagoon area of the site have been submitted for assessment by the Planning Authority which once completed will be referred to the Planning Committee for consideration.	

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	Dalgleish Associates
Date of Community Liaison Committee	16 th March 2016
Date of Technical Working Group	None this Quarter
Restoration Guarantee value	£173,599.78 with payment top up to increase to £220,000 now due.
Restoration Guarantee Provider	Money with Council
Date of Restoration Guarantee renewal	April 2020
Committee visit	None during this quarter
Annual Environment Audit (due date)	N/A
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	2 years
Expiry Period	18.01.2017
Site Status	Active
Date of Compliance Visits	None this quarter
Compliance Status	Generally compliant
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
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. There are no operational concerns relating to this site.	

Site	Townhead of Greenock (Now known as Garpel Quarry)
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	Dalgleish Associates
Date of Community Liaison Committee	To be arranged by EAC with local community groups during May 2016
Date of Technical Working Group	2 nd October 2015 (last); (Next) May 2016 date to be arranged by EAC
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	June 2016
The site is fully operational and working within the terms of the Planning Permission.	

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
Date of Compliance Visits	4 th February 2016; 8 th March 2016
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
Coylton Sub-Station: All sub-station extension works have been completed. The porta-cabins associated with the SWS Project have been removed and re-stringing of the adjoining towers is underway. Additional contractor yard has been established under permitted development adjacent to the substation for the re-stringing project which is not part of SWS Project. Excess material has been generated on site, mainly consisting of subsoils and stone which is expected to be removed from site with waste transfer notice supplied to Planning Monitoring Officer. The screening bund to the west of the Substation has developed a natural sward of soft rush, tough grasses and other ruderal herbs; this will require significant ground preparation (deep ripping,	

cultivation and aeration), prior to consented landscaping work taking place. The additional works in the vicinity of the substation has required a 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.

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 substation and temporary compounds is still to commence. 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 which proposes to remove the excess peat off site by road to an appropriately licensed site. The licensing of Powharnal and Dunstonhill OCCS to receive this peat waste has been discussed with the Council and SEPA with the intention to use the peat waste during restoration. It is anticipated that works on the substation will be substantially complete during phased works between Spring 2016 to early 2017.

Overhead Line Route (OHL):

All power lines have been strung along the OHL route with bird diverters and aviation lights installed. Although some restoration had occurred along the northern portion of the route, restoration works are still to be completed. The majority of the temporary access tracks and pads remain along the southern length of the route which is a cause for concern. Contractors for SPEN have stated that the restoration works will not be completed until all the Snagging works have taken place however no further Snagging works have occurred since the last PMO visit on 15 December 2015 and activities on the site to date have been minimal. SPEN have been asked to confirm when Snagging will take place by providing PMO / EAC with a Snagging Schedule or Action Plan. Recent compliance visits have revealed that a number of unauthorised new tracks, hardstanding areas, turning heads and access 'spurs' have been constructed. As this section is still under SPEN construction responsibility and has not received sign-off for compliance, it is their responsibility to provide drawings and applications for these built elements. EAC have received 4 applications from the Landowners to permanently retain some of the temporary tracks built under the SWS Project for long-term use which also include some of the unauthorised tracks noted on the last compliance visit. Most of those applications are currently under consideration or are in the process of being validated. The applications however do not include the retention of the temporary pads and this issue together with the lack of movement on restoration is currently being discussed with SPEN. To date they maintain their position, that if the landowners are not granted planning permission to retain the temporary tracks, they will all be removed. Small sections of the track have been removed preventing passage between areas in different land ownership as has the culverted watercourse crossing on the Blackwater between Tower 22 and Tower 23. There was an issue with the large

track build-outs that remain on both sides of the watercourse as they were leaking silt into the Black Water. Remedial works have resolved this issue although continued monitoring will be required to assess its effectiveness long term. Water Quality Monitoring Data and ACoW pre-work checks remain outstanding and requests have been made for the environmental mitigation assessment documents in relation to the 'as-built' access tracks within the tolerances of the Infrastructure Location Allowance (ILA).

Project wide:

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.

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
Date of Compliance Visits	None this quarter
Compliance Status	Generally Compliant
Date of Community Liaison Committee	Date to be confirmed by operator
Date of Technical Working Group	Date to be confirmed by operator
Restoration Guarantee value	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
Following legal clarification regarding the restoration guarantee, the operator is now in the process of obtaining an appropriate restoration guarantee in additional to the current guarantee held with SEPA to cover environmental mitigation.	

Site	Craighaught 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)	
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 and will be reported to the Planning Committee.	

Site	Dalrick 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	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
Date Committee last visited the site	None this quarter
Annual Environment Audit (due date)	N/A
<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>	

Appendix 6 Land Use Map of Major Developments within East Ayrshire

