Comments on the Draft MIR Received as part of the Public Consultation and Workshops

EARTHRITE

Issue 1 - 3 Unrealised desired outcomes are a recurring theme in the minerals report and we therefore surprised and object to their unauthoritative reappearance in your report regarding tourism etc. whether our best efforts to assist the public wellbeing will be reflected in your final plan and address the cumulative neglect so evident in this latest incarnation ... We doubt- but here goes - below is our formal response please separate this personal letter from any publication

The draft report is refreshing and candidly admits:

A. consultations show no discernible immediate local benefits from trust schemes occurred,
B. that the anticipated developments did not materialise,
C. a general failure of bond schemes
D. Inadequate or failure of compliance regimes,
E. an awareness of deterioration
F. Failures of protection of local amenity, landscape, sense of place and identity etc.

Unsurprisingly therefore we are highly sceptical to the reports unique categorisation of Geological tourism as a justification for treating Glenbuck differently from the rest of EA.

So we do not agree with the proposed vision re issue 1

We do not agree with zoning as per issue 2 and ask you re include Spireslack site in the natural environment zoning

We wish you to explore other options for Spireslack as per issue 4

To treat this site as unique and different from all other unrestored sites in the area in your report - without any supporting business plan or evidence whatsoever - and as of international significance for scientific tourism is on the basis of 27 years’ experience highly dubious and by its very vagueness likely leave Glenbuck in its current desolation.
The only reason the report mentions that this area has been excluded from the Natural Environment Zoning is related to the sites owner and managers, the Scottish Minerals Restoration Trust.

At your departments encouragement we have both written and emailed them but received only an acknowledgment of correspondence with no substantive answers or response to our invitations to meet on site, share and discuss. This lack of transparency disadvantages us, the site and our future and does not bode well for their future management style or responsiveness.

After this consultation and research into unfulfilled outcomes it is perverse for this sole site and its new owners to cite unsubstantiated science based tourism as a rationale for failing to restore, enhance and include the site in the larger general EA policy of site restoration and genuine efforts to improve best practices and public benefit. There is clearly some politics involved but for who and what purpose?

The situation of Spireslack and Glenbuck is further left in deep untransparent limbo according to the draft report stating that no developments whatsoever on the Spireslack site will be planned unless of a geologic or H&S nature.

It is very curious indeed and we ask that the final report explain if Spireslack and Glenbuck is now excluded from The Joint Structure Plans and Local development plans etc. leaving the site after 30 years + cumulative development open to an ambiguous uncertain future.

If this excludes ecological restoration then this is unprecedented in the report and questionably bad practice given the cumulative impact of 27 years of ecological neglect in all developments hereabouts.

This entrance and end of East Ayrshire needs ecological restoring - plain and simple. Such restoration is low cost and achievable as we discuss below.

Issue 11- we do not agree with geologic zoning trumping ecological normal restoration or taking funding away from such restoration.

I emphasise again we are happy for geology students etc. to come but that's no reason for exclusion from the Natural Zoning approach throughout the rest of EA. We believe it is illogical to accept without evidence or proof of concept the claims of scientific tourism, with international significance and cannot understand why this is generally seen as a ‘good thing’.
We have written on this to the minerals restoration trust and additionally agreed the exposed cliff faces add landscape interest and allow geologic inspections of the various strata etc. but exclusion is going to leave Spireslacks restoration and future unresolved. The report makes no examination of any plan B's should this latest vision statement fail like all previous ones.

Issue 6 & issue 26-27

Whilst on the issue of exposed geology we are very keen to have any and all local spoil heaps and deep bing heaps recycled including aggregate use as soon as possible after water or dry voids are filled in and the lands profile restored as much as possible.

This can be done irrespective of the availability of soil or soil substitutes. The danger of the voids is so extreme that leaving them and having public tourist use is mutually exclusive. If the need is admit the site is too expensive to make safe and restrict access to scientific usage we urge you on behalf of EA simply to keep the site closed rather than cover up previous failures by all concerned. We have certainly made our concerns known before during and now after, to no avail.

Issue 31- With regard to restoration and use of soil substitutes. Air monitoring is not mentioned in the report. Farmyard waste was used in the site and their airborne particulates at midsummer caused headaches and stench which lasted for weeks. It was impossible to avoid and local liaison should have occurred. The bulldozers and lorry drivers have air conditioning to protect them but locals did not have any advice or protection or consideration. Better practice can easily address this in future.

Issue 36 - Sewage sludge is not used in EA but may actually smell less due to much stricter monitoring regimes than in use at farms. We suggest it be used to facilitate specific planting schemes such as amenity woodlands to assuage likely public objections. Like farmyard wastes it will require air quality and particulate monitoring compliance and monitoring needs beefing up to meet these new technologies.

Issue 29-31 We suggest that spreading of any soil substitutes should take place in cold and wet windy times to damp down the stench which was considerable. Complaints are bound to occur in future and we think common sense use of smell be the guide rather than assurance it's safe. It requires demanding air and particulate monitoring.

The draft report does not give details about the existence or extent of Spireslack bonds and or who can access them and what for but they were essentially for site restoration and we consider that a lack of transparency and unhelpful in view of the now unique status proposed as excluded from the Natural Environment Zoning proposals used throughout the rest of the county. We ask this be addressed in the final report.
This whole area has been cumulatively impacted by 30 years plus of mineral extraction, now windfarms and is proposed to have no development except Geologic and H&S. We doubt any previous bonds have been spent on site or here in Glenbuck and ask for transparency in this regard in the interest of good governance.

This is not a good idea, not good practice and leaves the area unrestored.

We mention the bonds issue because if Glenbuck is to go on being ignored is it due to lack of cash, then so be it, but please do not collude in a political convenience and claim further development is coming by not restoring the area due to scientific potential.

Many previous low cost plans have been made and it adds insult to injury to lose all previous minimalist and hard fought for ecological restoration plans and promises. The implications of past failures rarely feature in council reports but there is a lot to learn from them. Especially as tree planting and real landscape restoration have almost no cost implications given grants, climate funding and current Policies.

We have long urged that this tourist entrance to Ayrshire will benefit from planting trees, rebuilding lost landscape features stone walls (again using geology for jobs) and creating more local shorter paths with picnic and beauty spots in the River Ayr walk and create rural business and employment in the local community. These plans were all largely self-funding and of very low cost and is a bad precedent for Scotland to throw them out with the bathwater given new owners predilections and is in our view an omission in your report.

Some of these modest low cost plans included a woodland planting joining up the disconnected woodlands of West Glenbuck with east Glenbuck and the planted intentional landscapes of Glenbuck House and Loch including the Scottish Coal planted wildlife corridor along the A70 to reach the old Ponesk entrance and offices at the western end of the whole site.

It was seen as important to restore the water courses of the site affected burns this previous best practice is now all gone.

All these suggestions were intended to create spaces for people to access the countryside and enjoy this enhanced entrance to East Ayrshire much more than at present.

For this we view the exclusion of this valley and head of the river Ayr from the Natural Environment Zone as unprecedented given the almost continuous neglect and subsequent deterioration of this area for over 30 years of open casting and now windfarms.
Finally, we draw your attention to the fact that we are on record 30 years back - stating that the sum of money deposited by the mining companies for restoration was far too low and the meaningful commitment to restoring the site fake.

Issue 35 - Likewise we spoke up about the wastage of soils and leading to higher costs and neglect, the likelihood of excess soils should be presumed as highly unlikely.

Now we see the councillors are encouraged to blithely accept plans to create a Geology Park in Glenbuck which are unrealistic, un-researched or funded and that East Ayrshire should not allow these logical holes and voids in this Report to obscure the ecological neglect at this vast site.

To conclude The abuse of topsoil by the industry which has led to the use for substitutes, the loopholes and paucity of the bond scheme and the list of unrealised benefits, the unresponsive attitude of the minerals restoration trust, the absence of any supportive evidence regarding any tourist potential and the ongoing dangers of the site and the arrival of windmills above the site all make tourism a suspect conclusion that fully justify the need to alter the status your exclusion of Spireslack from Natural Environment Zoning

If allowed we urge the owners and yourselves to revisit the various VERY low cost plans to improve the upland biodiversity, beautify this entrance to the county and restore the landscape features lost over the last 30-50 years of this Viaduct, Ponesk, Airdsgreen, Spireslack etc. site.

It's a scandal that this landscapes needs be papered over yet again with unrealisable plans. We have said so before and sadly have to say it again.
Galloway and Southern Ayrshire Biosphere

The GSAB welcomes the East Ayrshire Mineral Plan believing it offers an opportunity to create a lasting legacy that will benefit both people and the natural environment on the coalfields of East Ayrshire.

NB Page 24 typo Dumfries and Southern Galloway Biosphere should read Galloway and Southern Ayrshire Biosphere.

Issue 1: Vision - do you agree with the proposed vision for the Minerals Local Development Plan? If not, what would you suggest?

We would like to see the Vision embracing the opportunities for enhancing and developing the natural heritage alongside tourism, recreations etc.

Issue 2: Aims - do you agree with these aims? If not, what would you suggest?

We broadly support the aims but believe they could be enhanced by referencing the rich cultural heritage of the region in bullet point 2.

Issue 3: Spatial Strategy – Restoration and Placemaking 1: Do you agree with the zones we have identified? Is there anything we should add or remove?

Issue 4: Spatial Strategy – Restoration and Placemaking 2: Do you wish to see other options explored on unrestored sites? If so, what?

We feel that the use of zoning fails to embrace the objectives of the Scottish Land Use Strategy and Biosphere in wishing to promote an integrated approach to landuse within the plan area.

For Instance – Zone 1 is highlighted as an area for recreation, but is equally an area that would benefit from new natural heritage enhancement that would complement the recreational aspirations. In addition there are both Geological and Biological SSSI’s within Zone 1 that receive no reference.

On page 28 regarding Zone 3 reference should be made again to the UNESCO GSAB designation and its role in nature conservation.

The map on page 29 Map 6 shows Zone 4 Geological interest being excluded from Zone 3. The geological interest is a key part of the Natural Environment and should be shown as such. Its also felt that there are other designated sites both geological and biological that should be highlighted on this map.

We would support the development on new access / interpretation opportunities throughout the plan area put particularly in Zone 1.

Issue 5: Spatial Strategy – Coal: Which option do you prefer, do you have an alternative suggestion?

Option 5 Designation Zone 2 the extraction zone would be the GSAB preference.

Issue 6: Spatial Strategy – aggregates: Which option do you prefer, or can you suggest an alternative option? If you would prefer an area of search to be designated, do you have any suggestions as to where this should be? And for which construction aggregates?
Option 1 demonstrating a proven requirement for aggregates on a case by case basis would be preferable to designating a specific area for extraction which could lead to future issues re ‘quarrying’.

**Issue 7: Spatial Strategy – Unconventional Oil and Gas: Which option do you prefer? Do you have an alternative suggestion?**

Relates to fracking and would require GSAB board position statement

**Issue 8: Policy options for peat - do you agree with any of these options? If not, can you suggest another option?**

GSAB would like to see a combination of Policy Options 2 and 3. Namely:

- Conserve all areas of active peat bog within the boundaries of a mineral development site
- Prohibit extraction on the potential peatland enhancement sites
- No export of peat for commercial purposes
- All peat required to be removed should be retained on site and used for restoration following best practice guidance and SNH advice
- Where peat soils are present applicants must assess the likely effects of the removal of peat soils on CO2 emissions (following detailed guidance) and submit this information with their application.

In addition we would like to see added;

- These rules should apply to not just “active” peat bogs but peat soils (ie. Where a bog may not be classed as active due to vegetation type/condition) as these areas are still significant carbon stores
- We would also like to see it being explicitly stated that any planning application where peat (from active bog or peat rich soils) is to be extracted must demonstrate that the development has been designed around the requirement to disturb the minimum amount of peatland possible. The impact on the hydrology of the remaining intact peat areas must also be taken into consideration with negative impacts (e.g. drop in water table, nutrient input) mitigated.
- Monitoring, and the rectifying of any failures to reach the desired condition of the restoration sites, should be mandatory. Independent checks should be carried out to ensure compliance.

**Issue 9: Policy options for flood mitigation – which option do you prefer or do you have an alternative suggestion?**

We would suggest that the SEPA flood maps should be used and considered as the bare minimum and that more detailed analysis should also be used, such as SCIMap (developed by Durham University), on a site by site basis to better assess potential impacts on hydrology – GSAB is currently considering buying SCIMap data for the Biosphere area which would include proposed activities in Zones 1 & 2 but not all of Zone 3 in Mineral Plan area where habitat enhancement could play a part in natural flood management or diffuse pollution measures.
Issue 10: Policy options for the protection of water bodies and ground water – what do you think of the potential additions to existing policy? Can you suggest anything further?

Restoration options seem reasonable – we would suggest that a phased restoration plan should be submitted at the same time as planning for new workings – with a continuous program of restoration taking place as extraction is completed.

Issue 11: Policy options for the conservation, enhancement and protection of geological interest – Which option do you prefer? Can you think of any alternative options?

Option 1 promoting the geological interest for education and tourism would be our preference.

Issue 12: Policy options for cumulative impacts on communities – which option is your preferred option? Do you have an alternative suggestion?

Option 5 determining buffers on a case by case basis would be our preference supported by good practice that advocates minimum sizes for buffers.

As previously stated we believe the cumulative impact could be lessened by a continuous program of restoration and reinstatement being agreed at the outset of operations.

Issue 13: Policy options for cumulative impacts on landscape – which option is your preferred option? Do you have an alternative suggestion?

We would be suggesting Option 4 that takes account of all landscape interventions and would expect to see an integrated approach that adopts the Scottish Land Use Strategy approach.

Issue 14: Policy options for addressing cumulative impacts on settlements as a result of durations of permissions - which option is your preferred option? Do you have an alternative suggestion? Could development start again? After how long?

Option 3 time limit of 10 years and restrictions on adjoining sites that have not been restored.

Issue 15: Policy options for the mechanism for collecting community benefit - which option is your preferred option? Do you have an alternative suggestion?

A restoration plan should be part of the initial planning request to commence operations and that restoration plan should be fully funded by the developer over and above any community benefit fund that should be available to the community or communities of interest create additionality to the restoration taking place. Community benefit funds must administered in such a way that communities are encouraged to adopt strategic thinking in how they are used.

Issue 16: Policy options for the contribution rate for community benefit - which option is your preferred option? Do you have an alternative suggestion?

We think that a combination approach based on options 1 price per tonne, 3 site area disturbed and 4 duration of work, would be most appropriate.
Issue 17: Policy options for the locational distribution of community benefit monies – which option do you prefer? Or do you have an alternative suggestion?

Option 3 on Cumnock and Doon Valley are would give the broadest coverage enabling strategic projects that benefit all the communities in the coalfields area. Past experience of land fill tax being limited to a tight radius based on specific sites can very restrictive to creative and strategic thinking and we would caution against this approach.

Issue 18: Policy options for the types of projects funded by community benefit - which option(s) do you agree with? Are there any options missing?

We would largely agree with all the options outlined however Option 2 Environmental Education should not be restricted to schools but should be open to out of school opportunities, Option 8 Restoration project should be for additionality of such schemes based an assumption that the developer is already carrying out a minimum restoration of the site.

Issue 19: Policy options for the routing of the transportation of minerals – which suggestion do you prefer? Can you think of any alternative options?

Option 2 agree haulage routes for each site and actively promote use of rail.

Issue 20: Policy options for operator contribution rates towards the maintenance of local roads - which option do you prefer? Is there anything you would add?

? outwith our knowledge base.

Issue 21: Policy options for addressing cumulative impacts of minerals related traffic - which option do you prefer? Is there anything you would add or amend?

Option1 measuring the cumulative impact on local roads, but consideration should also be given to forestry vehicle movements as well as renewables and minerals.

Issue 22: Policy options for the location of borrow pits (part 1) - Which option do you prefer? Or can you think of an alternative?
Issue 23: Policy options for the location of borrow pits (part 2) Do you agree with these proposals? Is there anything you would add to or delete from this?
Issue 24: Policy options for borrow pits (non-location based assessment criteria) - do you agree with all or some of this criteria? Is there anything you would add?
Issue 25: Policy options for recycled aggregate facilities - do you agree with all or some of these options? Is there anything you would add?
Issue 26: Policy options for the reworking of deep mining bings - Which option do you agree with? Do you think there are other options?
Issue 27: Policy options for the extraction of secondary aggregates - which option do you agree with? Can you think of any other reasonable options?
Issue 28: Policy options for the frequency of compliance monitoring – Which option do you agree with? Or do you have a different suggestion?

Issue 29: Policy options for the remit of compliance monitoring –Can you think of anything else that should be monitored?

Compliance monitoring should in our opinion also require continuous independent monitoring of environmental mitigation and landscape restoration.
Issue 30: Policy options for the assessment of compliance – Which of these options do you agree with? (Note all that apply) Can you think of any additional or alternative measures?

We would expect all 3 groups to form part of a comprehensive monitoring strategy.

Issue 31: Policy options for additional monitoring measures – do you support the implementation of any of these monitoring regimes? Can you think of any additional or alternative measures?

GSAB would also like to see Carbon monitoring included.

Issue 32: Policy options for the acceptability of financial guarantee products – which option or combination of options do you support? Or can you think of another option? Are there other types of guarantee within the matrix which you deem unsuitable?

Issue 33: Policy options for linkages between compliance monitoring and financial guarantees – which option, if any, do you support? Or can you think of another option?

Option 3 GSAB as bottom up Partnership actively support the local community being given a voice in any deviation relating to restoration guarantees.

Issue 34: Policy options for the revision of restoration liabilities – which option, if any, do you support? Or can you think of another option?

A combination of options 1 & 2 relating to completion of key phases but also regular time phases would give the most comprehensive monitoring.

Issue 35: Policy options for the reuse of excess soils – which option are you in favour of? Can you think of an alternative option?

A combination of Options 1 & 2 – we also query whether the developer should be creating an "excess soil plan" at the outset.

Issue 36: Policy options for the use of sewage sludge – which option are you in favour of? Can you think of an alternative option?

We recognise that treated sewage sludge can create issues with local communities. However it is a sustainable soil substitute and we would suggest that its use should only be considered after having been through Bio Digester or similar to remove unpleasant odours.
Thank you for your consultation on East Ayrshire Council’s draft Main Issues Report (MIR) for the Minerals Local Development Plan (MLDP). Historic Environment Scotland welcomes the opportunity to review and comment on this MIR for our historic environment interests.

The draft MIR presents a range of policy and spatial reasonable alternatives. You are seeking stakeholder feedback on these to help develop preferred options, which will be presented in the finalised Main Issues Report.

A number of the issues raised in the draft MIR have the potential to affect the historic environment, including spatial strategy and the reworking of minerals sites. However, we are content that all the alternatives presented could be managed to avoid adverse impact on the historic environment, provided that the MLDP allows for the robust application of national and LDP historic environment policies. Consequently, we have no preference in relation to the options presented at this stage.

We understand that you consider there are no main issues which relate specifically to the historic environment. However, we encourage you to seek ways of optimising potential benefits for the historic environment through the Plan. You should also explore ways in which East Ayrshire’s rich historic environment resource related to minerals working and related industries can contribute to delivering the vision and aims of the plan, including placemaking and sustainable regeneration. The strategic environmental assessment of the emerging Plan will assist with identifying these opportunities.

I hope this response is helpful to you. Please do not hesitate to contact me if you wish to discuss in further detail.
Jerry Mulders

Page 14. States: 
East Ayrshire’s former mining sites will be restored, and will provide communities with opportunities for tourism, recreation, leisure and sustainable employment. Regeneration will reconnect communities and settlements through innovative open space projects. The need for a sustainable supply of minerals will be fulfilled through a responsible approach to extraction with appropriate restoration being considered from the outset.

I would like to see the word ‘considered’ replaced with ‘guaranteed’  Considered is too weak a definition of what the communities expect as a result of the opencast debacle.

Page 15 states: 
 a. To support the creative, sustainable restoration of previously worked sites to promote tourism, recreation and leisure opportunities in and between rural communities

The phrase ‘sustainable restoration’ needs to be defined. I would prefer to see a commitment to restoration full stop! What is sustainable restoration anyhow?

b. To minimise the negative impacts of minerals extraction on people

This phrase is too vague and should include a reference to cumulative effect and that the burden of the negative impact should not be always carried by the same communities.

Page 16 States: 
To support the sustainable restoration of previously worked sites to promote tourism, recreation and leisure opportunities in and between rural communities.

It would seem appropriate to add ‘and enhance Natural environment’

Page 19 – Map 1 – Unrestored Sites
This map is not showing the current operational sites. These should also be shown as they too are ‘still to be restored’ Inclusion of these will give a more accurate view of the impact of current open casting as a whole.

Page 21 – Map 2 – Placemaking zones
This map does not show the whole of East Ayrshire and makes presumptions on the most appropriate Recreational, Extraction, Natural Environment and Geological Zones. Other areas of East Ayrshire should also be considered for these options. This map targets only the southern part of East Ayrshire. In particular, Coal reserves exist throughout East Ayrshire yet the southern area is being preferentially targeted whilst the norther half is being purposely excluded. This is an unacceptable bias and is leading the consultees down just one option.

Page 24 states: 
There are two aspects of the Masterplan which will require further consideration from the Local Development Planning perspective; the first is the proposed working of Benbain Remainder for opencast coal extraction, the second is the pumped hydro scheme which is proposed to work out of Benbain Remainder upon completion of opencast coal extraction. The issue of Benbain Remainder can be addressed through the spatial strategy on coal (see
part 4.2.1 and associated Issue 5). Pumped hydro is a matter for the general East Ayrshire Local Development Plan and this pumped hydro proposal will be given no weight or agreement in principal through the Minerals Local Development Plan.

Benbain Remainder coal extraction plan has been withdrawn and no alternative plan for Coal or Restoration has been brought forward. This statement should be removed as it is incorrect and I would like to see a reference and some recognition that opencasting & tourism/recreation/leisure cannot co-exist due to the invasive and hazard nature of mineral extraction. The Forestry Commission mission statement “The North Kyle Forest is to be a place of adventure, reflection and beauty that draws in locals and visitors, attracting and sustaining enterprise and investment and generating income for the local communities.” How do you expect entrepreneurs to invest in an area that has been zoned for coal extraction right in the centre of where they are to invest? Why are there no alternative coal extraction /placemaking zones identified in the northern part of EAC? Yet again, your minerals report is targeting ONLY the southern part of East Ayrshire and blighting the communities that have already carried the burden of ‘bad neighbour development’. The Kyle North masterplan has identified opportunities like ‘glamping’, and I fail to see how anyone wishes to invest in such a venture when campers can’t enjoy nature and the serenity of nature due to the continuous rumble and screech of open casting operations. What planet are you guys on? The communities here are deprived because it has been an unpleasant place to live and any entrepreneurs with ‘get up and go’ have found more pleasant places to thrive. Coal has in effect, held this area back by creating a dependency culture with the likes of the minerals trust. They persuaded communities to put up with the 24hr noise, dust, environment devastation and the threats of redundancies. Community benefit is a simple bribe for communities to accept the normally unacceptable. This community is long overdue some social, economic and environmental justice. You need to show other areas for further coaling as the Nith and Doon Valley have had enough to last a lifetime.

Page 26 states:
The map 5 – Zone 2: Extraction Zone seems arbitrary on 2 levels:

Level 1. Areas of previous coal extraction, deep peat bog, and untouched natural environment should be scoped out of the extraction zone so that an accurate area of search can be produced to give communities, and rural dwellings clarity and certainty.

Level 2. The area identified as zone 2, has already been subject to the disturbance of opencast from the west, North and East over several decades. It seems utterly perverse to continue to blight the same communities and residents yet again when the Coal authority maps clearly show that coaling reserves exist in other areas of East Ayrshire. Your report should show several alternative options for extraction other than continuously imposing the same communities in the south of east Ayrshire.

Page 30 states:
Zone 4 (Map 7) takes in the former opencast coal mine at Spireslack which demonstrates potential as a Geopark due to the visible geology exposed by the coal extraction process. A Geopark is an area that advances the protection and use of geological heritage in a sustainable way. We believe that Spireslack has the potential to become a nationally important educational and tourist facility as a result of its geological significance. The ‘geological zone’ will help foster tourism and bring visitors into East Ayrshire and have linkages with the core path network.
A similar feature was designed by Scottish coal at the base of Ben Beoch (Chalmerson / Benbain O/C) and should also be identified on your map. It should be included as part of the geological trail to the whole of the coal area shares in the geological visitors. In addition, Ben Beoch (SSSI) has exposed basalt pillars which should also be of geological interest. All these are missing from your map.

**Page 34 states:** Lost Doon Mining Villages including Lethanhill
You have not identified the other lost villages other than Lethanhill. There is well documented history of the Beoch Village which happened to gain the accolade as the highest deep mine in Scotland. Ref: [www.scotlandsplaces.gov.uk](http://www.scotlandsplaces.gov.uk)
Your map should show these historical places so that they can be properly identified and appropriately zoned.

**Page 35 box 2 potential funding sources states:**
You have omitted the REF and individual wind farm benefit funds that could also contribute.

**Page 47 – Map 13.**
This map needs much more refining and scoping out the areas not suitable for coal extraction. Ben Beoch for instance is a SSSI and yet on your map is identified by operators for open casting. Why are there no northern East Ayrshire areas identified as alternatives? Operators seem to be targeting the same communities regardless that other coal reserves exist elsewhere. The consultation should be giving several choices. This is an unacceptable bias and is leading the consultees down just one option. I am very disappointed at this obvious impartiality.

**Page 48 states:**
5. Designate ‘Zone 2: Extraction zone’ from the spatial strategy for restoration and placemaking. This would essentially look like option 4 (Map 13) without the land parcel identified to the east of Cumnock. We have not included an option to have no ‘area(s) of search’, as our discussions with the Scottish Government have established that this is not a reasonable option.

Should the consultation not ask if East Ayrshire Council should make representations to the Scottish Government as there are no significant coal requirement in Scotland due to environmental and climate change constraints in the foreseeable future. Should commercially viable CCS become available in the future, then the new minerals plan of the time can take account of this. I feel the consultation should make an argument to the Scottish Government for coal to be treated the same as aggregates for instance:

“On the basis that there is a plentiful supply of coal, we adopt a ‘criteria-based’ approach to policy where applicant will have to demonstrate a proven requirement for a particular type of coal. No area(s) of search would be designated and planning assessments of proposals would be determined of the basis of a proven need for the particular coal”

I think based on the ‘real world’ economics and environmental grounds, your consultation should be asking a extra set of questions. Should EAC be lobbying the Scottish Government, and by how much, trying to persuade the ministers that zoning for coal extraction is an outdated obsolete exercise. For the duration of this minerals plan anyhow.

**Page 52 – point 2 states:** • Impact on local communities, including cumulative impacts;
I feel settlements should also be included.

**Page 52 – Unconventional oil and gas**
A map of the potential areas of search should be included.
Page 54 – Bog Habitats:
You have not identified Martyrs moss although it is shown on map 14 on the next page.

Page 60. In term of restoration it states:
Wetland habitats will be supported in restoration proposals. Such proposals will seek to protect and enhance wetland habitats (For clarification, wetland habitats are land areas that are saturated with water, either permanently or seasonally, such that they take on the characteristics of a distinct ecosystem. They host aquatic plants. Most voids left by opencast workings would not qualify as wetland habitats as they are unable, due to the way in which they have been engineered (for example in terms of depth, slope gradient and hydrology) to support flora and fauna).

Should you not include a question asking if operators should be required to engineer voids so that they can support wetland flora and fauna? And if not should the operation be prohibited?

Page 61 states: ‘Geological features recognised and protected through the plan’
You have omitted the Ben Beoch sill exposure feature.

Page 62 states Issue 11: Policy options for the conservation, enhancement and protection of geological interest – Which option do you prefer? Can you think of any alternative options?

Should the consultee not be given an option to comment on a possible policy where it to pass that the geological area of interest not achieve sufficient interest and actual visitor’s numbers in the future that this area can then be zoned for restoration or alternative end uses?

Page 65 states: • The south of East Ayrshire has been exploited and communities experience cumulative impacts of opencast and wind developments. I would like to see the word ‘same’ inserted in front of communities.

Page 66 states: 2. Determine a single buffer size for all types of mineral development through the application of a standardised measurement from a settlement boundary outwards. This will be equal to or greater than 500m. Additional criteria would be set to protect hamlets and individual dwellings

Should the policy not question the disparity between the 500m buffer zone for mineral development and yet wind farms have a 2000m buffer zone? Another set of questions on this topic would seem very appropriate.

Page 66 also states: 5. Determine appropriate buffers on a case by case basis with due regard given to:
• The nature of the extractive activity
• The duration of works
• The geographic location
• The topography
• The cumulative surrounding land uses

Should this not also list: night time work disturbance? (24hr or 8 hr working)

Page 68 states: This policy would not be intended to apply to existing operational sites nor preclude restoration of sites, even if the restoration was facilitated by extraction.
Should this not be a question and should an explanation why this policy would not be intended on existing and operational sites?

**Page 71 states:** We have identified a number of options for the rate or amount of benefit collected:
1. Continue seeking a set price per tonne (or other measurement) of mineral removed from site, linked to the retail price index (each mineral would have a different rate). We propose to review the contribution rate.
2. Seek a lump sum on a case by case basis
3. Set fees/the required amount of benefits based on the site area disturbed
4. Set fees/the required amount of benefits based upon the duration of works
5. A combination of these options (please specify combination)

Should a question be asked as to when the minerals trust contributions become payable:
When extracted from the ground?
When stockpiled?
When taken off site?

This will clarify if mineral trust payments occur even when coal stockpiles are ‘mothballed’ as the nuisance of extraction has already taken place. The minerals trust contribution is ultimately a bribe for communities’ loss of environmental quality, so is it not best paid the soonest after the disturbance as possible? What happens if coal prices completely slump? Will they just lie at sites stockpiled?

**Page 72 - Type of project**
Would it be an option to ask if the funds can be used by communities to obtain independent advice on developers environmental landscape design? What about funding legal challenges should the community feel particularly aggrieved by a developer or statutory body?

**Page 75 states:** 2. Allow travel only by mutually agreed routes when applications for new sites are submitted. Each site would therefore have an individually agreed route(s) to which transportation was restricted. In addition, promote and encourage haulage routes and the transportation of minerals by rail for any new minerals sites which come forward.

Should cumulative impact also not be a consideration? How should EAC address any delays in the development and knock on effects on new developments? (One site’s delay can double the disturbance should another be scheduled to start to avoid cumulative impact for instance)

**Page 79 states:** In addition to being assessed against the broader provisions of the plan, in line with all minerals proposals, proposals for borrow pits will be considered in relation to:
1. the needs of particular construction projects
2. the distance of the project from suitable quarries
3. the number of vehicle movements which will be avoided
4. carbon assessments
5. the duration of the excavation and
6. site specific proposals for restoration

Should option 7 not also include noise, dust and working hours?

**Page 80 states:** One potential recycled / secondary aggregate source is bings. Bings are waste heaps which arise from various types of mineral working. Bearing in mind the concrete foundations of wind turbines (which we will be getting many of) that at the end of
decommissioning these can also be a source of recycled aggregate. Is this not worth mentioning?

**Page 89 states:** The Scottish Opencast Coal Task Force, led by the Scottish Government, in the paper 'Surface Coal Mine Restoration – Towards Better Regulation' states that short term insurance bonds (i.e. surety bonds) should not be used in isolation. Recommendation 23 of the paper sets out that further work will be done at a national level to produce a template for surface coal mine restoration guarantees. This is not yet available.

Should a reason why not and an indication when it is now expected?

**Page 93 states:**

8.4 Sewage sludge is a by-product of the waste-water treatment process which can be useful in agriculture and in land restoration.

By-product is incorrect, Sewage sludge is a waste product as it is classed as such by SEPA at the Waste treatment works.

**Page 93.**

I feel there is insufficient information provided in this section. I would prefer to see the following statement:

Sewage sludge is produced for land application in three distinct formats:

1. **Raw sewage sludge** which emits a strong unpleasant odour as it is the sediment filtered out from waste water

2. **Digested sewage sludge** which has been fermented to reduce the odor and bacterial continent. It does not completely remove them and E.coli still remains prevalent

3. **Dried sewage sludge** tends to be in pellet form and has no odour or bacterial content.

Sewage sludge contains industrial waste effluent and is currently not tested for things like bacterial content, dioxins, osteogenic compounds or radioactive substances.

Hence the question of: Should sewage sludge not fully analysed for its contents be used for restoration? Would seem appropriate to be included in your consultation.
John Young

The draft report gives the definition of restoration as "a process in which a damaged natural resource/area is renewed or reinstated after a period of mineral extraction." What exactly do you mean by the word "renewed"? I write in regard to the email below.

For clarity this is not simply a contribution. I require a response on this point as it looks like specific issues I raised with the Chief Executive in 2013 have sadly not been addressed, these issues being -

1) The Council redefining words, in particular the word 'restored', and

2) Completely different things being put together in the same category.

I expect a reply by the end of the week clarifying what exactly EAC mean by 'renewed' so I can question the Chief Executive on whether lessons have indeed been learned, and submit a complete contribution before the deadline.

Firstly, the OCCSP had a few flaws but it would have prevented the opencast disaster had it been implemented. The problem with EAC therefore is attitude- not procedures. A paragraph acknowledging this and stating that new policies will be implemented regardless of fear or favour would have been welcome. Any credit can only be taken if public views become policy and are ENFORCED. This is on top of the PR orientated response to this mess, including the use of the word 'restoration' which I deal with first.

Issue 1 - Vision
Page 14, Proposed Vision states
"East Ayrshire's former mining sites will be restored"

It will take £200m to restore the sites so I take it you have found this £200m from somewhere? This is great news! How come it hasn't been all over the papers??? Sarcasm aside this proposed vision is delusional as the money is not available. Restoration cannot and will not happen. The only way 'restoration' can happen without £200m is by playing about with the words 'restoration', 'restore', 'restored' etc.

The draft report gives restoration as "the process in which a damaged natural resource area is renewed or reinstated after a period of mineral extraction."

When I asked for clarification on what 'renewed' meant, I was given a dictionary definition when I was looking for an example in this context of opencast mining. For example, it seems that 'renewed' would include a geopark, or wind turbines on top of mounds.

I am well aware of the dictionary definition of the word 'restore' as this issue was one of the dozens I put to the Chief Executive in 2013. This referred specifically to Piperhill which was officially restored on the Visual Register. Piperhill contains one large void, numerous smaller water pits and grey landscape. It is not restored in line with a dictionary definition. There was clear evidence of opencast workings. To settle the issue I offered to ask members of the public at random if they thought it was 'restored'. When this scandal broke it was the time to acknowledge all past issues including how the word 'restored' and its variants are used. Sadly however it was intimated to me that Piperhill was indeed 'restored' and that 'restored' basically meant whatever the final outcome was specified as in any plan. I see that Piperhill is now 'unrestored' on the Visual Register which is welcome. I am however disappointed that
it was reclassified without an official, clear, written acknowledgment that I was right on my question on that issue.

If EAC are now proposing dictionary definitions, then 'restoration' means a process which involves taking the land back to its original state. In the context of opencast mining it would be absurd to expect every blade of grass to be returned. Therefore, as I have stated to EAC before, a solution would be that 'restored' should mean that nobody with any prior knowledge would be able to tell that an opencast had ever been there. As an example, Broomhill is restored.

A further example is the project at Dunstonhill. £10m was required. £3m was available. Restoration was not possible. Being told otherwise is insulting. The final outcome will leave two massive voids, huge overburdens and a large gouge on the side of a hill that I can see every time I look out the window. All the £3m can do is sculpt all these things slightly to tidy it up and make it a bit safer. EAC using the term 'restoration' in regard to this project is treating the public with contempt. It is NOT in line with talk of transparency, openness or regaining public trust.

The problem here is that using dictionary definitions is pointless when your final definition of 'restoration' encompasses reinstatement and renewal which are entirely different things! Previously on the Visual Register mines that were 'restored' were put into the same category as mines ‘under-restoration' which led to the Visual Register being misleading. This sort of practice cannot continue. Restoration, reinstatement and renewal CANNOT go under the term 'restoration'. There must be separate terms and categories for these outcomes. EAC would not put unpaid council tax into the same category as paid council tax so why do this?

Your proposed definition would seemingly mean that classifying Spireslack for example as a geopark would be 'renewal' - since restoration means reinstatement/renewal it would mean Spireslack is 'restored' which is not the case. There are massive voids (is one over 1km long?). It is going to be an abandoned opencast no matter how you tinker with it.

Imagine you bought an antique painting and took it to someone to restore it. Instead of taking the painting back to its original state the 'restorer' has set the painting on fire. Using the proposed definition here, they could rightly say that the painting was 'renewed' as a fire and that 'restoration' encompasses 'renewal' so the painting was restored. I don't think you would be too happy.

If I told you I had restored a 1940s Ferrari, using the proposed definition all I would need to have done is put a plant pot in the front seat and call it a greenhouse. Renewal is to 'transform into a new life'. Restoration encompasses 'renewal'. Job done according to EAC. A restored Ferrari. I could go on.

It is insane. It has to stop and I hope it stops now.

I would recommend the following -

Processes which lead to the final outcome of opencast operations to be split into 3 categories;

1) Restoration.
   Restoration is the process of fully using the overburden mounds to fully fill the voids. The final outcome being a landscape where no clear evidence exists to show opencast mining had ever taken place. Example - Broomhilll would be RESTORED

2) Partial reinstatement
A process of partially filling the voids and smoothing edges in order to make the site safer when there is a shortfall of funds to restore the site. In line with EAC talk of transparency a percentage figure should indicate how much work was done in monetary terms compared to cost of restoration. Example - Dunstonhill would be 30% reinstated.

3) Alternative use. Forget 'renewal'. Alternative use is clear and unambiguous. Alternative use would encompass sites where a massive restoration shortfall exists meaning that following extensive public consultation it has been decided the bond money should be used to help give the site an alternative use, as the % of reinstatement that can take place makes it pointless. Example, Spireslack, Chalmerston.

These three categories are clear. They are PR free. They do not insult the intelligence of people who see these voids on a daily basis and know that knocking the edge off a big hole still leaves a big hole.

This sort of shift is what is required in order for public confidence in EAC to have any hope of returning. The current strategy of photo shoots, PR and calling any work 'restoration' just keeps making the situation worse. I would say this is the last chance your organisation has of regaining any credibility. I hope you take it.

Also on Page 14 - restoration is to be 'considered'. What??? It should be guaranteed. The big mounds should be used to fill the holes back in or the mine does not happen. This is a huge step backwards from the OCCSP which required 'progressive restoration'.

Page 8- I know somebody on the Dunstonhill Liaison Committee. That person informs me there was no workshop, meeting or questionnaire in regard to this draft plan. Therefore I would like to know what engagement there was specifically with that committee on this draft plan and when this engagement took place. There is nothing about this draft plan in any of the Dunstonhill minutes.

Issue 2 – Aims- No mention of climate change. The UN state 75% of all known reserves of fossil fuels MUST stay in the ground. Coal is not sustainable as it takes thousands of millions of years to form. Do you accept the UN Intergovernmental Report on climate change? If no, then what report have EAC come up with to contradict the UN? If yes, then why are your proposals to allow more mining flying in the face of their warnings?

There are no coal power stations in Scotland anyway. Aim to keep it in the ground.

Page 16, 4.1- "The collapse of Scottish Coal Company Limited and ATH Resources resulted in substantial environmental degradation within East Ayrshire"

That statement completely untrue. The environmental degradation took place over a number of years while SC and ATH were fully functioning companies. The environmental degradation existed while these companies were trading. Their financial collapse did not cause this. These companies were required to progressively restore. The environmental degradation is a result of their greed and the failure of EAC to enforce their own polices including the failure to have appropriate bonds in place.
Page 24- The FC’s vision is laughable. The way existing paths on the other side of Patna have been destroyed and blocked by their operations tells me no confidence should be placed in their commitments regarding new paths. If they really want this area to be a place of beauty why didn’t they ask questions of how Scottish Coal were restoring it? Public inquiry please. Again, some contrition on their part would be nice. Also they merely manage land on behalf of the legal landowners, Scottish Ministers which is the legal name for the Scottish Government. The FC are constantly described as 'landowners' by EAC which must stop. This vision also references Benbain Remainder which has been withdrawn! An embarrassing contribution and they need to be told as much by yourselves.

Page 33- You do realise that at least one of these Rights of Way doesn't exist anymore right? That walking it will mean you end up drowning in an opencast void? You must also realise that another Right of Way remains blocked, when all ROWs should have been diverted in accordance with the OCCSP? The Dunstonhill Planning Officers report said that some ROWs would have to be 'stopped up'. It didn't say that at least one would have to be obliterated. Why not? Public inquiry please. Any talk on ROWs or core paths means nothing at this point. If you finally did something about the blocked ROW with a padlocked gate that I raised with EAC 3 years ago then I might have a little bit of faith in anything proposed.

Page 34- The Doon Valley Museum is referenced. Hasn't this previously museum been recommended for closure by EAC?

Issue 4- Fence off the voids to minimise the chances of people getting killed. Villages to get a cut of any money made from any forestry.

Issue 5- No areas of search is not ‘reasonable’? Really? Why not? If France can ban fracking why can we not ban opencast coaling?

There is no demand for coal. It causes climate change. Ayrshire is like a war zone because of open casting. What is exactly is ‘reasonable’ about more coaling? If there is coal near Kilmarnock how come there has never been an opencast there?

Issue 7- Fracking should be banned like it is in France.

Issue 10- There should be a presumption against the creation of any waterbodies, not just ‘deep’ ones. What depth does ‘deep’ cover? No more wetlands thanks. We have plenty.

Issue 11- The scenario where a coal company can point to some fossils and use that as a way to avoid the cost of filling a void in must be prevented. Or should I say prevented from happening again like Spireslack where the geopark was mentioned years BEFORE Scottish Coal went bust, giving them a cover story as to why the huge void wasn't being filled in. Of course the millions saved was pure co-incidence. Scottish Coal top brass just loved fossils.

Issue 12- No more coaling. Ban on night work. If future night work takes place then a requirement for all council employees and councillors that approved it to spend one night per week camping at the edge of the 'buffer zone' whilst work takes place. No, I'm not joking.

Issue 13- Option 4 is the only sensible move.

Issue 14- No coaling. 5 years max. No extensions.
No coaling operation within 5km of any previous site boundary.
No such thing as 'complexes'.

Issue 15- EAC have put forward the Minerals Trust money as a way to fund restoration. This should never be mentioned again. It was supposed to be a benefit. The MT is flawed as only registered groups can get money. The public should be able to propose ideas. Coal company employees (including councillors) were trustees. This is a shocking conflict of interest and has to stop. Have you ever heard of Jimmy Kelly? Was he likely to propose the extraction rate should rise? EAC should play no part at all in how any funds are collected or distributed.

A fee per tonne should be collected as the coal is mined.

Issue 17- Option 2 is best.

Issue 18- No community benefit should ever be used for restoration. Ever.

Options 5 and 6 are best. Money should be used to diversify away from coal in terms of business loans and training.

Issue 19- Ban on trains at night.

Issue 20- If the rate has been the same for 13 years then it should rise in line with inflation since then or is that too obvious?

Issue 21- Option 1 is best.

Page 84 - it is not a 'view' that compliance monitoring was not conducted. It is a fact. Correct this statement. It is not a view that the council are struggling with keeping the public up to date. It is a fact. How long does it take to get minutes on the website?

Issue 28- Anything other than option 1 is insane. Also the Liaison Committees and Technical Working Groups should be merged AS RECOMMENDED BY JIM MACKINNON.

Issue 29- Coal company finances should be monitored.

Issue 30- Options 2 and 3 are a must. The public must be consulted properly.

Issue 32- Money upfront or no mining.

Issue 33- If there is any deviation then work at the site stops until it is rectified. EAC need to show they mean business.

Issue 34- You can't have a 'site by site' basis. You cannot have any room for leeway as coal companies will game the system somehow. Again. Make strict rules and stick to them.

Issue 36- Ban it.
Scottish Water welcomes the opportunity to provide comment on the Draft Main Issues Report – Minerals Local Development Plan and remains fully committed to working with East Ayrshire in the on-going process of producing the Mineral Local Development Plan. Scottish Water has only commented on the areas of the Draft Main Issues Report that are relevant.

A review of our records indicates that there are operational drinking water catchments located within East Ayrshire from which Scottish Water abstractions are taken. Scottish Water abstractions are designated as Drinking Water Protected Areas (DWPA) under Article 7 of the Water Framework Directive and it is essential that water quality and water quantity in these areas are protected.

Whilst we understand that the East Ayrshire Minerals Local Development Plan (MLDP) is at an early stage of preparation, a copy of our standard advice detailing a list of precautions and protection measures to be taken within a DWPA and wider drinking water catchments is enclosed with this letter. This typically would be issued for developer information at the time of consultation on a planning application for a proposed minerals development. The precautions and protection measures also relate to the protection of Scottish Water infrastructure (including water supply and sewer pipes, water and waste treatment works etc.).

Section 5.1 Peat and Issue 8: Policy options for peat - do you agree with any of these options? If not, can you suggest another option?

We note that on page 56 of the MLDP draft Main Issues Report (dMIR) there is a reference to current policy which presumes against peat extraction within or affecting water catchment areas. We request that the safeguarding of water catchment areas is carried forward in the chosen policy option for the protection of peat.

Section 5.2 Water Environment and Issue 10: Policy options for the protection of water bodies and ground water – what do you think of the potential additions to existing policy? Can you suggest anything further?

We welcome that the section on the Water Environment makes reference to the aim of the MLDP complementing the existing legislative framework in relation to protection of the water environment. We note that discussions to date have also highlighted the possible use of flood extent maps in constraint mapping and we recommend that DWPA and associated catchments are also included in the constraints mapping process.

Section 5.2.2 Water bodies and ground water states that existing policy MIN 31: protection of Water Resources is proposed to be amended to include the following text:

“Developers will be required to identify all sources of private water supply and any mitigation measures should be comprehensively detailed and be implemented where necessary”.

We request that this is further expanded to make reference to the requirement to consult with Scottish Water in relation to establishing the location of public water supply catchments and mitigation required.

Issue 36: Policy options for the use of sewage sludge – which option are you in favour of? Can you think of an alternative option?
Most of Scottish Water’s sewage sludge cake is treated to standards commensurate with the Safe Sludge Matrix and hence agricultural outlets is predominantly used. Where Scottish Water has untreated sludge, land restoration is the main outlet for these materials. This has caused some concern in the past with over application of materials (not only sewage sludge) which has not really demonstrated the equivalent benefit for restoring land and injecting good organic matter and soil conditioning properties.

In all cases the Best Practicable Environmental Option aligned with the waste hierarchy should be adopted at all times. For Scottish Water these principles are followed by recycling and re-use of sewage sludge cake to agricultural land outlets followed by land restoration for untreated products. The last resort for any material is to landfill which relatively little or none is used by Scottish Water for sewage sludge cake.

The utilisation of land restoration is a sustainable outlet for sewage sludge cake, it followed the principles of the waste hierarchy if managed properly and adhering to the site permit and WML exemption criteria. There are a lot of brownfield and open cast mine sites in Scotland that will require to be restored and the use of sewage sludge as a product to inject soil fertility properties to these would be of major benefit.

It is worth noting that Scottish Water also produces in excess of 33,000 wet tonnes of aluminium filter cake which is a by-product of the water purification process. 95% of this tonnage currently is re-used at land restoration sites to make a “blend” with other material in order to get nutrient balance correct for application rates.

Finally, Scottish Water is working towards attaining accreditation for the Biosolids Assurance Scheme which has been formulated by Water UK the umbrella group who represents all the water companies the UK & NI. By attaining certification to the scheme this will provide greater assurance and increased marketability of the treated sewage sludge products that Scottish Water recycles to agricultural land. The Biosolids Assurance Scheme through time will also have an element of focus on land restoration as an outlet. In conclusion sewage sludge cake (biosolids) should be utilised and re-used where possible due to their nutrient and soil conditioning properties and the best fit for this is agricultural and land restoration/brownfield regeneration projects.
SportScotland

Issue 1: Vision
SportScotland supports the proposed vision which highlights the potential for former mining sites to be regenerated for recreation and leisure uses. We support the advice of paragraphs 235 and 247 of the SPP that operators should be encouraged to consider after uses of extraction sites that result in environmental improvement rather than simply restoring land to its previous state. We agree with para 235 that planning authorities should encourage after uses which add to the recreational assets of an area. Sport and recreation can be a particularly suitable, positive after use for formal mineral extraction sites; there are often features, such as water bodies, cliffs, gradients and track networks that can be easily adapted for recreational use, and quarries can be in locations or of a nature where noise from sport (e.g. motor sport) is more acceptable.

Issue 18: Types of Projects Funded by Community Benefit
SportScotland supports the inclusion of projects related to “6. Community led sports and leisure” which provide opportunities to participate in sport, as well as projects which support physical activity in general such as those detailed under “1. Environmental Projects”.

General Comments
As well as scenic qualities, physical qualities of the landscape are integral to people’s recreational use and enjoyment of the landscape. This relates to features like gradient, landform, geology, the presence of water etc. which allow certain activities to take place like rock climbing, white water canoeing, downhill mountain biking etc., and extends beyond active travel. The inclusion of Map 8 “Path Linkages/Existing Path Network” is useful. Core paths and other access routes are significant for their contribution to recreational enjoyment and participation to outdoor sport, in addition to active travel. We would highlight that there will also be wider access routes such as important water routes for access, which cannot be described as paths, as well as resources like climbing crags, which again could not be described as paths but merit policy protection under access rights.

Recommendations for zones 1, 3 and 4 include the improvement of accessibility and linkages throughout these areas. Proposals should similarly look to protect and enhance these other access routes where possible. It is important to recognise the multi-functional use, or potential use, of land or projects. It is understood that the allocation of zones is not necessarily intended to preclude proposals or projects that do not outwardly align with the defined typology of land use (i.e. recreation / extraction / natural environment) - particularly given that recommendations for all zones 1, 3 and 4 refer to improving accessibility and linkages. It is important to recognise the multi-functional use, or potential use, of land or projects and sportScotland would support proposals which would enhance opportunities to participate in recreation and sport across all the zones, not only those located within the ‘Recreation Zone’ (1).
Both the options suggested could allow the identification route options to minimise the impact transportation routes on local residents. The Ayrshire Freight Strategy considers the constraints on the road network in terms of the movement of freight and the key locations which could be important in terms of wider transportation of minerals beyond the immediate local area such as the ports of Ayr, Hunterston and Troon. The Ayrshire Freight Strategy could be used to assist in the determination of the routing options for the transportation of minerals.

Reference made within the options to the Freight Route Network identified within the Ayrshire Freight Strategy.

In 2015/16 Peter Brett Associates produced the Ayrshire Freight Strategy on behalf of SPT, Ayrshire Roads Alliance and North Ayrshire Council. This Strategy identifies a strategic road network and freight access strategy to key freight locations along with an associated signing strategy. This is of relevance in terms of the routings for the transportation of minerals.

A reference should be made to the Ayrshire Freight Strategy in the list of key documents.
**Scottish Natural Heritage**

**Issue 1: Vision** - do you agree with the proposed vision for the Minerals Local Development Plan? If not, what would you suggest?

We support the vision, however we recommend that additional text could be added to make stronger links to restoring and protecting natural heritage resources. We recommend wording could be used similar to that which is in SPP outcome 3 natural, resilient place.

In addition we recommend that additional wording is added to the current vision of restoration being considered from the outset to include a reference to emphasise that the high quality implementation and delivery of the restoration should provide multiple benefits to people and nature. In the current vision we are unsure what the vision means regarding “sustainable employment” this seems ambiguous and could be interpreted differently than intended.

**Issue 2: Aims** - do you agree with these aims? If not, what would you suggest?

In addition to conserve and enhance the natural environment, we recommend that given the legacy of damage on some of the natural heritage sites from coal then “and nature” could be added into the aim “to minimise the negative impacts of minerals extraction on people”

**Issue 3: Spatial Strategy – Restoration and Placemaking 1**: Do you agree with the zones we have identified? Is there anything we should add or remove?

Zone 1 Agree

Zone 2 Agree

Zone 3 Agree but recommend that there could be an additional natural heritage zone to the south created around Loch Doon overlapping Dalmellington.

Zone 4. We do not consider there is a need for a separate geology zone; it could be part of the natural heritage zone. If zone 4 is retained we recommend that it is widened out to cover a much bigger area to also move into zone 3. We believe any Geopark should extend across the coalfield area.

**Issue 4: Spatial Strategy – Restoration and Placemaking 2**: Do you wish to see other options explored on unrestored sites? If so, what?

We support the idea of the proposed zones and would encourage that the plan sets out strong criteria to help to deliver the plans vision and aims for each of the zones.

**Issue 5: Spatial Strategy – Coal**: Which option do you prefer, do you have an alternative suggestion?

We broadly support option 4 however we are unsure why there is an area identified to the North East of the plan area. We recommend that option 4 is refined to focus on promoting extraction within the existing complex boundaries and does promote development in new green land extensions. This would help give certainty to communities, minimise the impacts on the natural heritage and help meet the draft vision and aims of the plan whilst also giving the industry certainty on where coal extraction is most likely to be acceptable.

**Issue 6: Spatial Strategy – aggregates**: Which option do you prefer, or can you suggest an alternative option? If you would prefer an area of search to be designated, do you have any suggestions as to where this should be? And for which construction aggregates?
We recommend that as there is a plentiful supply of all construction aggregates then a criteria based approach to policy is taken forward where the applicant will have to demonstrate a proven requirement for a particular construction aggregate. We hope that within the criteria there is appropriate protection given to the natural heritage and landscape. We would be happy to work with you to develop an appropriate policy.

Issue 7: Spatial Strategy – Unconventional Oil and Gas: Which option do you prefer? Do you have an alternative suggestion?

We recommend that option 1 is taken forward and we would be pleased to help in the production of Supplementary Guidance to ensure there is appropriate protection for natural heritage and landscape.

Issue 8: Policy options for peat - do you agree with any of these options? If not, can you suggest another option?

Our preferred approach is option 2. We recommend that where there is peat within the site it should be reserved for restoration on unrestored mine sites. We would be very happy to contribute to supplementary guidance which could also provide detail on how peat should be appropriately handled, stored and reused.

Issue 9: Policy options for flood mitigation – which option do you prefer or do you have an alternative suggestion?

We will refer to our SEPA colleagues for their view on this issue.

Issue 10: Policy options for the protection of water bodies and ground water – what do you think of the potential additions to existing policy? Can you suggest anything further?

We agree with the restoration policy options identified, a potential additional criteria could seek proposals to slow the discharge of surface waters e.g. through the restoration of peatland habitats and design of drainage channels.

Issue 11: Policy options for the conservation, enhancement and protection of geological interest – Which option do you prefer? Can you think of any alternative options?

We welcome the intended protection of geological interest in the plan. We are unsure how the current options for this policy would work alongside the development of a geopark. Our view on a geopark and the protection of geological resources is that it should consider the geological resource across the whole area rather than only individual sites and cover all geological and related cultural resources.

Issue 13: Policy options for cumulative impacts on landscape – which option is your preferred option? Do you have an alternative suggestion?

We see merit in taking option 4 forward. Taking a planned approach to consider both the individual and cumulative effects of major development proposals is welcome. The number and scale of existing and planned development in the East Ayrshire countryside means that it is increasingly important that appropriate consideration is given to the cumulative effects of development on the landscape and the associated visual impacts.

Issue 14: Policy options for addressing cumulative impacts on settlements as a result of durations of permissions - which option is your preferred option? Do you have an alternative suggestion? Could development start again? After how long?
We do not have a preferred option for addressing the cumulative impacts on settlements however, we consider that by the council taking a more proactive approach to how it expects sites to be developed and working with developers to programme these works will help give certainty to communities and help address cumulative impacts.

Issue 18: Policy options for the types of projects funded by community benefit - which option(s) do you agree with? Are there any options missing?

We welcome the inclusion of environment and restoration projects within the list of types of projects

Issue 22: Policy options for the location of borrow pits (part 1) - Which option do you prefer? Or can you think of an alternative?

We agree that any borrow pit should be within the planning application boundary of the project the mineral is to be used for

Issue 23: Policy options for the location of borrow pits (part 2) Do you agree with these proposals? Is there anything you would add to or delete from this?

We found the current policy options in issue 23 and 24 to be confusing. In our view a simpler way to assess borrow pits would be to have one list of criteria. We recommend using the criteria in SPP para 237 as a starting point to develop a policy as well as demonstrating how they meet para 243 to justify the need for the borrow pit(s). This should ensure applicants submit the appropriate information and justification as part of any application which involves borrow pits.

Issue 24: Policy options for borrow pits (non-location based assessment criteria) - do you agree with all or some of this criteria? Is there anything you would add?

We found the current policy options in issue 23 and 24 to be confusing. In our view a simpler way to assess borrow pits would be to have one list of criteria. We recommend using the criteria in SPP para 237 as a starting point to develop a policy as well as demonstrating how they meet para 243 to justify the need for the borrow pit(s). This should ensure applicants submit the appropriate information and justification as part of any application which involves borrow pits.

Issue 26: Policy options for the reworking of deep mining bings - Which option do you agree with? Do you think there are other options?

Given the potential biodiversity benefits which long term bings may provide our preference is for option 3. If option 3 is progressed it is vital that measures are in place to ensure that there is full delivery of a restoration plan for the donor site. A further option which could be considered is that a policy on reworking of deep mining bings could identify that there may be occasions where the material could be used other than to infill voids and could have wider restoration uses subject to a detailed justification.

Issue 27: Policy options for the extraction of secondary aggregates - which option do you agree with? Can you think of any other reasonable options?

We broadly support option 3 however recommend that there is a requirement for economic information to show that there is an industry demand for the material. If there is not the economic demand for the product this could consequently mean long term stockpiling on the
site and mean that there is an associated delay in restoration of the site and exacerbating the landscape impacts from the site.

Issue 28: Policy options for the frequency of compliance monitoring – Which option do you agree with? Or do you have a different suggestion?

We support option 2. We consider this approach best enables the Technical Working Group to be informed.

Issue 29: Policy options for the remit of compliance monitoring – Can you think of anything else that should be monitored?

We agree with the current remit of compliance monitoring.

Issue 30: Policy options for the assessment of compliance – Which of these options do you agree with? (Note all that apply) Can you think of any additional or alternative measures?

Within our remit we are particularly keen to see options 1 and 2 progressed.

Issue 31: Policy options for additional monitoring measures – do you support the implementation of any of these monitoring regimes? Can you think of any additional or alternative measures?

We welcome the options identified. In addition to these options we suggest that there could be merit in considering the effectiveness of the minerals plan across the whole plan area rather than at each individual site level to take into account the cumulative impacts and benefits across the whole of East Ayrshire. Perhaps this could be undertaken by using the information gained through the annual compliance/environmental returns and then compare against wider existing data such as the information contained in the state of the environment baseline report which was undertaken?

Issue 35: Policy options for the reuse of excess soils – which option are you in favour of? Can you think of an alternative option?

We consider a policy which seeks to promote a positive outcome for soil both as part of restoration and post restoration would be our preferred approach. We would be happy to work with you in the development of supplementary guidance.

Issue 36: Policy options for the use of sewage sludge – which option are you in favour of? Can you think of an alternative option?

Our preferred approach is an alternative option where we consider that sewage sludge should only be used where it can support the objectives of the agreed restoration for the site. Only certain habitats can be delivered by the application of nutrient rich sludge therefore we consider that it would be most appropriately linked to a restoration policy.
Scottish Opencast Communities Alliance

Issue 1: Vision:
We agree that the Plan should focus on restoration. However it should also recognise that the demand for coal is in terminal decline and that communities in East Ayrshire do not want any further coal extraction. The Plan should therefore plan for and support progressive reduction in coal mining activity, and ensure that the transition away from coal is completed with the minimum of impact on communities and without leaving permanent scars on the environment.

In addition:
“appropriate restoration being considered from the outset” should be “mandatory and guaranteed”
“Sustainable supply of minerals” – by definition this is impossible. You cannot keep digging out minerals indefinitely. This is especially true of coal because the point of extracting it is to burn it, so (a) it cannot be re-used and (b) the act of burning it is a major contributor to climate change.

Issue 2: Aims:
What is “sustainable” restoration? Why not just commit to the standard of restoration that you, as planning authority, have deemed necessary in previous consents? Otherwise you open up, once again, the possibility of companies saying the consented restoration is not sustainable.
“To minimise the negative impacts of minerals extraction on people” – should add “the environment”
“To safeguard mineral resources from sterilisation”: this needs to be qualified. SPP para 237 states: “Local development plans should safeguard all workable mineral resources which are of economic or conservation value and ensure that these are not sterilised by other development.” So it has to be demonstrated that any additional coal in East Ayrshire has an economic value. Currently it patently does not. Also, the pre-MIR consultations in January made it clear that no-one that took part wanted any further coal extraction.
“To ensure a sustainable supply of minerals”: what can this possibly mean? When you dig out minerals you can’t replace them. They’re gone. Unless of course your aim is to keep digging out more and more, ad infinitum, by opening new sites.
Second, a sustainable supply – one that you can keep up forever - is only relevant if you have a continual and never-ending demand. But for coal you don’t. The demand is in free-fall. Therefore so should the supply be.
Then of course sustainability has to apply to the use of the minerals you extract. Is coal extraction sustainable from that perspective?
“To enforce excellence in working practices”: does this mean compliance monitoring and enforcement?

Issue 3: Spatial Strategy- Restoration and Placemaking

Page 17: Restoration Bonds box: says some restoration will be done before the Plan comes into force but “we will ensure that it does not preclude placemaking opportunities”. What does this mean? That partial restorations won’t preclude full restoration? How is that remotely possible?

Definition of placemaking seems to have no place for agriculture. It seems to be all about “reimagining and reinventing”. What about just restoring it to what it was?
There is also a large emphasis on “connecting settlements together”. It’s not at all clear what this means – what is the purpose of it, never mind how can it be achieved? And what will the people in these communities be doing with their lives? They won’t be working in coal. And tourism/recreation won’t employ anything like the required number of people. Placemaking appears to be largely a state of mind. But the problem in East Ayrshire is that people’s sense of place has been inextricably bound to their source of employment, and that’s disappeared.

Page 21: Map 2: Placemaking Zones
- the ‘extraction zone’ appears to include House of Water, Greenburn and Benbain Remainder. But (a) it’s right in the middle of the ‘recreation zone’ and (b) this is the area where there’s already been decades of devastation from extraction
- how does the ‘recreation zone’ differ from the ‘natural environment zone’? Is the latter derived solely from the fact that some it is in the SPA?
- the ‘geological zone’ appears to be based on nothing more than the long-standing proposal for a geological site of interest at Spireslack. But that’s not a zone, it’s one small part of a very large unrestored site
From the above it seems that the ‘zones’ approach has some big limitations. Perhaps it’s better just to address the issues on a site by site basis?

Page 24: “the proposed working of Benbain Remainder for opencast coal extraction” What proposal is that? The consultation on revised proposals was cancelled in March 2015. The application should have been refused/withdrawn in line with SG planning performance framework policy.

“pumped hydro scheme” at Benbain? Where has this come from? Where is the plan? And if it turns out not to be viable (e.g. because the coal extraction doesn’t go ahead), what then?

Page 27: Map 5: appears to show ‘current application sites’ at Duncanziemere, Darnconner, House of Water and Carsgailoch Hill Extension. But Carsgailoch’s been withdrawn and Hargreaves has made it clear that it has no plans to develop Duncanziemere Extension. The Duncanziemere Extension application should now be refused since it’s been 18 months since the consent and the S75 isn’t signed. What’s happening at Darnconner?
Why is Greenburn (consent expires 2017-18) in the extraction area in a plan for the period 2019-30?

Page 28: Why is it considered necessary, in areas with the highest level of environmental protection, to encourage communities to “engage with it”? And if that’s the role of Zone 3, isn’t it then a recreation zone rather than an environmental protection zone?

Page 30: Zone 4 – ‘geopark’ is only a tiny element of the Spireslack site and of Zone 4. The exposed geology has been there for a number of years (6? more?) but hasn’t yet been developed. Also not clear why non-geologists would have any interest in this, and why geologists would want to use the core paths network while/after looking at coal seams.

Page 32: Importance of linking the areas – why? And since it is being done with paths, what evidence is there that people would want to walk/cycle from (say) Dalfad to Dunstonhill?

Page 33: How many of the Rights of Way shown on Map 8 are blocked by current/former opencasts?
Page 34: Why should the unrestored Spireslack site be a tourist attraction? And if it is, why aren’t all the others? Make it a ‘Trail of Shame’?

**Issue 4: Spatial Strategy- Restoration and Placemaking 2**

“If we do not designate any further development opportunities on former opencast sites this cannot preclude applications coming forward for other uses.” But the dMIR proposes all kinds of uses for former opencasts, while excluding all kinds of others such as wind farms. Why is that?

**Issue 5: Spatial Strategy- Coal**

We do not believe there is any requirement to designate an area of search and that doing so is detrimental to what should be the central aim of the MLDP – to manage the transition away from coal. But if the Council feels it necessary to designate an area of search, a criteria-based approach across the whole coal area is likely to be more equitable than designating a specific area.

Further detailed points:

Page 37: States why supply of aggregates to the local construction industry contributes to sustainable development, but makes no mention of coal. How does coal contribute to sustainable development?

Page 39: NB SPP says areas of search are where “surface coal extraction is most likely to be acceptable during the plan period”. So it has two elements: acceptability, and ‘during the plan period’. So we should be looking at community attitudes, and at the likely demand for coal in the 2018-30 period.

“The engagement undertaken so far has found that: There is a level of community apathy to any future coaling” Apathy? There was no apathy in the workshop we attended! Did you by any chance mean antipathy? Because that was the unanimous expressed view of that workshop.

If there is “some appetite” for defining an area of search, who is saying that, and what do others think that have expressed a view? There were strong views in our workshop that there should be no areas of search, because they’re not needed.

If any future coaling is conducted in “less prominent” and “less sensitive” locations that must mean defining new areas that aren’t already devastated. But the maps show that you’re not doing that, you’re proposing more extraction in the same areas.

Page 40-48: None of these approaches to a spatial strategy for areas of search appear to be based on the one criterion that is specified in SPP, i.e. acceptability (presumably to the community). So EAC seems to be arguing that there is no option not to identify areas of search, even though the expressed community view is to have none. The delineation of these areas has no element of community acceptability.

Page 47: The sites identified from “operator consultation” appear to include:
- further extraction on an extended Garleffan site
- revival of the withdrawn Carsgalloch application
- new sites to the south of the existing Greenburn site
- large new area along north side of the B741 connecting Greenburn with Benbain

Will the operator submissions behind these proposals be made public?
Page 48: No area of search “not a reasonable option” – not reasonable to whom? If there’s no future in coal what is the point of designating areas that will be blighted from that designation even when there will be no coal developments?
At the very least there should be a criteria-based approach like there is for aggregates, where the deposits in the landbank are compared to the expected demand. There is nothing stopping EAC from adopting this approach in relation to coal as an alternative to designating areas of search.

**Issue 6: Spatial Strategy - Aggregates**

Page 50: “The community do not want to see East Ayrshire as a “dumping ground” for aggregate extraction.” Why do you not say that about coal? That’s exactly what was said about coal in the January workshop.

**Issue 10: Protection of Water bodies and ground water**

Page 60: “There will be a presumption against the creation of deep waterbodies where previously there were none” – but many decisions by EAC in recent years have created just such water bodies. Why not start with this policy NOW?
And what is the definition of ‘deep’?

**Issue 11: Conservation, enhancement and protection of geological interest**

We do not believe that the purported benefits from protection of a handful of geological sites justify not restoring those sites.

Detailed comments:
Page 61: How many of the 19 SSSIs and 32 GCR sites are former opencasts?
If the three sites identified as having geological interest don’t achieve GCR/SSSI status, will they then be properly restored?
The small part of Spireslack with the exposed geology has been in that state for years. What evidence is there that it can be made so much more of an attraction now, and what evaluation has been made of the relative benefits of leaving it unrestored for geologists to look at versus actually restoring it?
Is the whole of the Spireslack site being safeguarded against all other development, or just the geological bit? And does safeguarding against all other development include safeguarding against any further restoration?

Page 62: Same for Dalfad, Grasshill and Ponesk – isn’t this just a charter for non-restoration?
And if restoration of Dalfad, Grasshill and Ponesk is going to be stopped so that geologists can view the rocks, why are those sites not in the ‘Geological Zone’?

**Issue 12: Cumulative Impacts on Communities**

Option 1 is the best because it restores the protection to individual dwellings that was removed by the Scottish Government when it revised SPP in 2014.

**Issue 13: Cumulative Impacts on Landscape**

Option 4 is preferred since most people’s experiences and perceptions of impact are driven by the whole range of impacts from all developments, not just from coal or minerals.
**Issue 14: Cumulative Impacts on Settlements as a result of durations of permissions**

For coal, it is inconceivable that there could be reserves that are economical to mine, given the prognosis for the coal market, and which might be the subject of new applications in the period 2019-2030 and which might last more than ten years. In that sense a cumulative time period policy is not relevant for the MLDP plan period. It is, however, relevant NOW, because so many sites have exceeded the ten year period. But if an option is to be selected, Option 3 is preferred. In any cumulative policy it should also be clear that any periods during which a site is mothballed, suspended or in abeyance should count towards the overall time limit.

**Detailed points:**
Page 67: Cumulative impacts are “a situation which we think should stop and we require policy to support this”. But you have that policy in the OCCSP already; the problem is not the policy but the will to (a) apply it and (b) enforce it. This dMIR effectively advocates further cumulative impacts from the duration of mining activity, by further designating areas of search or ‘extraction zones’ up to 2030. The best way of implementing a policy on cumulative impact is to actually apply the one you have already. That should mean always saying no to applications for time extensions.

**Issue 15: Mechanism for collecting community benefit**

Policies on community benefit should reflect the fact that these funds have already effectively dried up because they are tied to the amount of coal extracted. Further decline is inevitable. Therefore the policy should be focused on ensuring that communities that were hitherto dependent on these funds are assisted to find other sources of funding for community projects.

**Issue 19: Routing of the transportation of minerals**

There should be insistence on haulage by rail for any new projects, and it should be clear that later applications to amend consents to allow road haulage will not be countenanced.

There should also be insistence that any rail transport of coal is by the more modern covered hopper wagons. Not open-topped wagons, in order to reduce dust pollution.

**Issue 28: Frequency of compliance monitoring**

Option 1 would appear to be the most straightforward approach. However it is not the frequency of monitoring visits that is the issue, it is whether the monitoring succeeds in picking up non-compliance.

The new system of compliance monitoring: failed – until it was too late – to identify that Kier had dumped Dalgig infill material elsewhere so it could not be used for the consented infill. Also, compliance assessments have consistently ignored the fact that mining and restoration plans are way behind schedule. EAC assessment of compliance reports is also way behind schedule. This suggests that even with independent compliance assessors, the system isn’t working. The question is, does EAC or indeed any planning authority have the resources to police the opencast industry in a way that actually delivers compliance?

Page 85: “Linking frequency of compliance monitoring of coal to coal prices” – if this was suggestion from operators, it presumably means less monitoring when coal prices go down. But the opposite is required – compliance is likely to decline as the economics of a mine get more challenging, so they need monitored more, not less.
**Issue 29: Remit of Compliance monitoring**

Compliance monitoring reports should also include reporting on the amount of coal extracted versus the extraction rate proposed in the consent, in order to identify potential market failures as early as possible. Compliance monitoring reports should also cover timing. Is the project proceeding according to the mine progress plan? What does that mean for the ability to meet the restoration liabilities and the completion of the project on time?

**Issue 30: Assessment of compliance**

Option 3 - CLGs should be asked to raise issues prior to compliance reporting visits. However CLGs need to be properly informed and resourced to enable them to play an effective role in monitoring.

**Issue 31: Additional Monitoring Measures**

Additional measures will involve commitment of additional resources, so their value must be considered against the risk that the core monitoring work receives less attention. The existing annual audits take so long to process that, in a rapidly changing environment as with the current coal market, it is hard to see what they add to the system of bi-monthly compliance reporting.

**Issue 32: Acceptability of Financial Guarantee Products**

We support Option 7 - Support only the lodgement of up front phased payments into ESCROW accounts in line with and prior to phases of the proposed works.

Why does the Draft SPG on financial guarantees not apply to opencast?

**Issue 33: Revision of Restoration Liabilities**

No particular preference but the effects of delays/slowdowns in extraction operations on the sufficiency/viability of financial guarantees should also be part of the process.

**Issue 35: Reuse of excess soils**

Option 1 is preferred.

**Issue 36: Sewage Sludge**

Option 1 is preferred. The type of sewage sludge should be defined and the acceptability of different types specified.
Scottish Wildlife Trust

The Following comments are made on behalf of the Scottish Wildlife Trust, Ayrshire Members Group

The history of the opencast mining industry in East Ayrshire is well known and its consequences for the environment have been of great concern to the Scottish Wildlife Trust and its members. The production of this Report is a welcome development which will hopefully prevent similar problems arising again in future and will help to ensure that the existing sites will be adequately restored.

The following comments relate in the main to the natural environment but the effects of future policy on the population of east Ayrshire are also recognised. The Aims of the Report are welcomed, in particular the emphasis on the natural environment and biodiversity.

Spatial Strategy - Placemaking
The proposal to create four notional ‘Placemaking Zones’ causes some concern. The zones shown on Map 2 to some extent mirror the existing situation particularly with Zone 3, the Natural Environment Zone. This area includes the Muirkirk and North Lowther Uplands Special Protection Area and the Airds Moss Special Area of Conservation. While acknowledging that the zones are indicative rather than prescriptive it is felt that these areas are, or at least should be, well protected and managed already and to emphasise them risks devaluing the natural heritage of the rest of the Report area.

It is suggested that a more broadly based approach is more likely to result in a more balanced and integrated environment that would provide greater benefits and opportunities for both biodiversity and the local population. The natural environment provides a framework within which the other aims of the Plan can be realised. Recreational activities and general public amenity can and should coexist within an attractive and biodiversity-rich environment.

There is great scope for habitat enhancement and creation across the whole area and the need for this is arguably greater outwith the suggested Zone 3. Such enhancement also provides the opportunity for the establishment of networks linking habitats and sites and thereby increasing their value for biodiversity and landscape.

The suggestion of a Zone 4 with the potential for a geopark is also welcome. Geodiversity has been something of a neglected topic and the scale of the open casting operation provides ideal conditions to demonstrate interesting geological features.

Spatial Strategy – Extraction
a) Coal: It is noted that the requirement for a spatial strategy comes directly from the Scottish Government and that this includes coal, aggregates and other minerals. Of these coal mining in various forms has had the main impact on the environment in Ayrshire. The current situation is due in part to a fall in coal prices which has made mining only marginally profitable at best and, given a continuing fall in price and the closure of the UK’s coal fired power stations it seems unlikely that mining has a significant future in Ayrshire. However it is important that safeguards are put in place to ensure that any future
extraction will not damage the most important parts of the council area and will not unduly inconvenience rural communities.

The Report offers four options for the identification of an Area of Search for future coal extraction. All of these include a variety of exclusions which would limit any operations and these would be limited further by the availability of suitable coal deposits. Because of the number of exclusions it might be more sensible to regard all of East Ayrshire as an Area of Search and take out all the exclusions from statutory designations such as SPA, SAC and SSSI, proximity to settlements etc. and to see what remains. It is important that the Provisional Listed Wildlife Sites are recognised in the exclusions. These may not merit statutory designation but they make up a crucial network of sites that add to the links and corridors that are essential to a healthy and connected landscape.

b) Aggregates, sand, clay etc.: Such operations are generally on a much smaller scale than opencast mining although fireclay is usually extracted as part of mining. We support the first option of a criteria based approach with no specific Area of Search and developments being treated on a case by case basis. Once again it is important to safeguard all nationally and locally designated sites and to take note of the impact on habitat networks and corridors.

c) Unconventional Oil and Gas: Although applications for such operations are thought to be unlikely in East Ayrshire due to the nature of the coal deposits it is wise to take a precautionary approach and have a policy in place. Option 3 is supported with the proviso that the conditions in Option 2 form part of any supplementary guidance.

Conserving and enhancing the natural environment

a) Peat: The importance of peat for providing ecosystem services and as an important and threatened habitat for wildlife is acknowledged in the Report. Safeguarding this resource should be a high priority and, ideally, no extraction should take place on active bogs. The policy options in the Report are generally in favour of this approach but do not place enough emphasis on the restoration of disturbed peat. If any development does take place on an area of peat then any sections which have been degraded should be restored as part of the planning conditions.

b) Water Environment: The additions to the existing policies are welcomed. The creation of wetland habitat as part of restoration proposals should contribute to the mosaic of habitats that will arise from site restoration. Wetland habitat will frequently support a range of wildlife in a shorter timescale than other habitats such as woodland and will help to make restored areas appear more mature.

One concern relates to the use of the term ‘non-indigenous’ wildlife. Ideally there should be a presumption against the introduction of any non-native species to any habitat, including wetlands. However it is not clear whether the two terms are regarded as synonymous within the Report. On the assumption that fishing might be one of the uses of at least some of any water bodies created then particular care needs to be taken with regard to species such as signal crayfish and non-native fish.

Excess Soil

Many restoration sites will have a very poor substrate which is likely to be compacted, nutrient poor and contain a lot of stones and rocks. Amelioration by the addition of imported soil will certainly help to speed up the restoration process but such soils should be free from invasive weeds such as Japanese knotweed. Care must also be taken to
avoid problems caused by the addition of very fertile soils. This may result in the restored area being colonised by vigorous grasses to the detriment of the more sensitive and, from a conservation perspective, more interesting and attractive plants.

**Sewage Sludge**

There is no objection in principle to the use sewage sludge but it needs to be used with care. The Report highlights some of the problems that have arisen elsewhere where the spreading of sludge was used as means of waste disposal. As a starter for vegetation growth it may be appropriate in certain circumstances but it should not be the norm.

In summary the Scottish Wildlife Trust Ayrshire Members Group welcomes the Report and feels that it is an important statement of intent by East Ayrshire Council. It is clear that some of the mistakes of the past have been recognised and that mechanisms and policies are being put in place to ensure that they do not arise in the future. The Ayrshire Members Group look forward to assisting the Council with its work in the coalfield area.
Linda Howie

**Issue 1: Vision:**

page 14: "...appropriate restoration being "planned" from the outset"

**Issue 2: Aims:**

page 15: bullet point 3- "...to live in" exclude "and enjoy recreationally" as cannot make people enjoy. Bullet point 5- "...identified..." change to this instead of "safeguard"?, bullet point 7- quality "working practices" Whose? EAC/operators for example. Suggest "deliver" excellence in...

**Issue 3: Spatial Strategy - Restoration and Placemaking 1:**

pg 16-36: Agree with 4 zones.

**Issue 4: Spatial Strategy - Restoration and Placemaking 2:**

pg 16-36: Agree with options

**Issue 5: Spatial Strategy - Coal:**

pg 37-48: Prefer option 5. See page 45, map 12 and page 47 map 13. Area of potential extraction lying "north" into Glenmuir Valley, may appear "spatial". However this is a small hill surrounded topography. Does not lend itself to further destruction as currently is savaged by views of Garleffan 1 and 2, Dalfad, Laigh Glenmuir and Duncanziemere. Pg 21- map 2- lies within proposed zone 3 "Natural Environment." Pg 29- map 6- area borders SPA.

**Issue 6: Spatial Strategy - Aggregates:**

page 48-50: prefer option 1.

**Issue 7: Unconventional Oil and Gas:**

page 50-52: prefer Option 3.

**Issue 8: Peat:** page 53-57:

Agree with Option 2. ".....all storage must be....the Council and Scottish Natural Heritage..."- Previous loss of peat was supposed to be avoided, the "experts" did not exhibit duty of care before, presumably "accountability" will be borne in MIR?

**Issue 9: Flood Mitigation:**

page 58-59: prefer option 1.

**Issue 10: Protection of Water bodies and ground water:**

pg 59-60- 2) Creation of wetland, do not agree if not naturally occurring prior to operations of developer. 3) Non indigenous species should not be permitted. 4) Be specific- too openly worded. Who will effectively manage? Long-term responsibility? In addition: There must be protection of agricultural water supplies, no disruption of natural historical benefits from rivers, burns, streams etc. Liability of re-instatement by operator/developer must be legally sound. No loopholes.

**Issue 11: Conservation, enhancement and protection of geological interest:**
Issue 12: Cumulative Impacts on Communities:
Pg 63-67: Prefer Option 5.

Issue 13: Cumulative Impacts on Landscape:
Pg 67: Prefer Option 4.

Issue 14: Cumulative Impacts on Settlements as a result of durations of permissions:
Pg 67-68: Prefer Option 3.

Issue 15: Mechanism for collecting community benefit:

Issue 16: Contribution rate for community benefit:
Pg 71: Prefer Option 5, Combination of 1, 3, 4.

Issue 17: Locational Distribution of Community benefit monies:
Pg 71: Prefer Option 3.

Issue 18: Types of Project funded by community benefit:
pg 71-72: Agree mainly with all 1 to 8.

Issue 19: Routing of the transportation of minerals:
pg 73-75: Prefer Option 1. Alternative: where transportation routes in identified area are not fit for purpose- No allowed development as any new infrastructure would be alien/present(prevent) risks.

Issue 20: Operator Contribution rates towards the maintenance of local roads:
pg 75- Prefer option 2. Add: Rural bridge structure protection, have operators "admit" to liability where damage evident as likely culprits.

Issue 21: Cumulative impacts of minerals related traffic:
Pg 75-76: Prefer Option 1.

Issue 22: Location of Borrow pits (Part 1):
pg 77-78: Agree with option.

Issue 23: Location of Borrow pits (Part 2):
pg 79: Agree with proposals. Add: statement to cover borrow pit as one, or even if more, no overall radius over landscape topography i.e. wide-spread, pot holing risk.

Issue 24: Borrow Pits (Non-Location Based Assessment Criteria):
pg 79: Agree with criteria.

Issue 25: Recycled Aggregate Facilities:
pg 79-81: Prefer Option 1- agree if primary site restoration gain.

Issue 26: Reworking of Deep Mining Bings:
Pg 81: Agree with Option 3.

Issue 27: Extraction of Secondary Aggregates:
pg 81- 82: Prefer Option 3.
Issue 28: Frequency of compliance monitoring:
pg 83-86: Prefer Option 1. NB? Is it to be expected that an Independent Mining Engineer will have the in-depth skills/competence to be accountable for all aspects stated? Will the Environmental Officer be influential?

Issue 33: Linkages between compliance monitoring and financial guarantees:
Pg 91: agree linkage to options 1, 2, 3. NB- does "Planning Authority" specifically break down as scrutiny for EAC lawyers/accountants?

Issue 34: Revision of Restoration Liabilities:
pg 91-91: prefer option 1, 2. NB- these two options seem to inter-link?

Issue 35: Reuse of Excess Soils:
pg 92-93: Prefer Option 1- agree with caution. Soil types can be fragile and specific to a site? Pose risks to alternative site? Option 2- risks may still occur r.e. contamination? Alternative: operators/developers must retain all soils stripped to meet finished restoration of individual site worked or work smaller areas.

Issue 36: Sewage Sludge:
pg 93-94: In favour of Option 3. Options 1, 2- carry long--term ecological/environmental risks? - "treatment" processes can fail? Alternatives: Slag Lime?

General Comments:

Page 18: What is the current position of Duncanziemere extension not mentioned in text? Focus on impact in Glenmuir Valley must be addressed. Restoration plans? Cannot be left abandoned.

Maps: Would be useful if possible; spatial strategy if coal maps were "overlaired" with placemaking maps or vice versa so that the "Big Picture" was visible for scrutiny?
Scottish Government

Please find below comments from the Scottish Government Planning and Architecture Division on the Minerals Local Development Plan Draft Main Issues Report. Unfortunately it has not been possible to fill in the online PDF but our comments are given in the same format as that form.

Issue 3: Spatial Strategy
The extraction zone highlighted on Map 5 does not include sites under current application. Does this suggest those sites are unlikely to secure approval?

There is not much differentiation between Zones 1 and 3 in terms of the overarching perspectives offered.

Issue 4: Restoration and Placemaking
The draft MIR considers that there are no linkages to be made between the extraction and the other zones but this perhaps ignores the future possibilities to be integrated once extraction has ceased.

Issue 5: Coal
It is not clear why maps 10 and 11 look so different given that the descriptions of protected areas seem to be essentially the same.

Option 4 does not seem to address Scottish Planning Policy paragraph 239 which is that the preferred programme for development of other safeguarded areas beyond the plan period should be set out. The same point could be made for Option 5.

Issue 6: Aggregates
Option 1 requires demonstration of a proven requirement for the aggregate. That goes beyond Scottish Planning Policy, which sets out a range of factors which should be addressed by specific proposals.

Issue 9: Flood Mitigation
Option 1 – it is not clear that this would accord with the intended outcomes of Scottish Planning Policy on managing flood risk. Option 2 appears to underplay the role of flood risk in informing choices about the location of development.

The restoration point seems to conflict with the options offered if development can only occur outwith the flood plain.

Issue 12: Cumulative impacts
Scottish Planning Policy paragraph 242 is clear that operators should include the provision of an adequate buffer zone between sites and settlements, taking account of the specific circumstances of individual proposals, including size, duration, location, method of working, topography, the characteristics of the various environmental effects likely to arise and the mitigation that can be provided. Paragraph 244 identifies the circumstances where site boundaries or other works within 500 metres of settlements may be acceptable. Options that restrict the flexibility in providing the adequate buffer zone would not accord with Scottish Planning Policy.

**Issue 14: Cumulative Impacts on Settlements**
Duration is an aspect which Scottish Planning Policy indicates can be taken into account when considering the likely effects of the development, although a time limited nature to permissions is not promoted by Scottish Planning Policy for mineral extraction.

**Issue 32: Financial Guarantee Products**
Scottish Planning Policy paragraph is clear that a range of financial guarantee options is currently available and planning authorities should consider the most effective solution on a site by site basis. An approach which restricts the options may not accord with Scottish Planning Policy.

**Issue 36: Sewage Sludge**
Option 2 is most reflective of the Scottish Government approach to sewage sludge

**General comments**
Page 79 – it is policy rather than legislation that highlights the importance of the supply of aggregates.

There is no reference to the 15 year review of mineral permissions, nor the review of mining waste plans, where required.
Greta Roberts

**Issue: 1: Vision:** The time period for this MLDP is not highlighted. It is stated that should link into the 2015-2030 Community Plan, but it cannot extend over that time period, as it is essentially a land-use plan (spatial strategy), so its life and application should be 5 or 10 years max. As LDPs are now being revised every 5 years, I submit that the life of any Mins Plan should be 5 years, particularly given the change in circumstances re. minerals in the last 5 years. If the spatial strategy is to show locations/broad indications for new development for the first 10 years of the plan and this will only be adopted in spring 2019: then the further 10 years of ‘vision’ is excessive if the issue of further coal extraction is included:

Apart from supplying aggregates the vision should be clearly focussed on restoration of opencast coal sites with generalised ambitions for environmentally beneficial after-use. The ‘vision’ should therefore be quantified and given some real meaning: ie:-

**To achieve the target of ecologically and environmentally acceptable restoration of all existing opencast sites before the end of the Plan period.**

The statement that the vision recognises the potential requirement for the extraction of minerals in East Ayrshire in the years to come, is thus challenged: There is no evidence that there will be further need for coal to be extracted during the realistic plan period, when there are sufficient stockpiles to satisfy any demand locally for domestic or specialist coal. The market for industrial coal-use in Scotland has ceased, and any coal required for cement works in England/Wales will be sourced near point of demand, due to freight charges. As domestic coal cannot compete with the price of imported coal unless the price is solely based on production costs; no more coal will be mined, as costs of the required restoration virtually double the price of Scottish coal.

I submit that;- given the current scenario of unrestored sites, extensive devastated landscape and consequential environmental damage ensuing from off-site impacts, that the Council must again challenge the Scottish Government about the clearly questionable need to identify sites for open-casting here.

Scottish coal cannot be extracted sustainably; - *yet sustainability* underpins the SG’s Planning Policy- SPP 14.

It is therefore unreasonable for Planning Policy to require any Search Areas in East Ayrshire. SPP14 was prepared during the collapse of the coal industry, and when Longannet & most coal fired power-stations were still operational, thus it referred to the need for an energy mix (i.e.: coal, renewables, gas and nuclear) Now that the energy mix will soon exclude the burning of coal, the Sc. Govt cannot advocate the identification of Search Areas, when none will be needed by 2020.
**Issue 2:** Agree, - though only if applicable to aggregates. Aims 1-3 are applicable to all forms of restoration including coal. But 4-7 in the case of coal should be regarded as inapplicable if there is no proven demand for further coaling.

**Issue 3:** Spatial Strategy:-Restoration & Placemaking. You state that you are using this opportunity to think about site restoration as a whole, - to work to realise the potential of the area. Yet you’re Potential Recreational Placemaking

**Zone 1** west and SW of Cumnock shows ‘a big black hole’ excluded… reserved as Zone 2 for Extraction. This will scupper Placemaking, linkages between communities and new habitat networks and green links.

Identifying a Search Area which is essentially covers unrestored sites will simply prolong the blight. It reinforces uncertainty for residents; and for any hopes of attracting more people to live in a rapidly depopulating area; -in addition to discouraging any inward investment which could have a positive beneficial effect on the area.

Before the Council decides that windfarm development will benefit the area visually, environmentally and produce lasting employment in significant terms, it must justify any such proposal, taking into account the fragility of the environment, - in terms of peat, hydrology and habitats. You state that you will build on assets there. Some ‘assets’ outside this zone were identified both by the Council and workshop attendees. I suggest you list the positive assets within this whole area, which appear to rely on its landscape and ecological value and mining history: Then examine the negative attributes and the threats to placemaking/regeneration that open-cast coal sites and the threat of further search areas will impose on these.

**Issue 4:** Spatial Strategy and Placemaking: 2: Map 8 included in this section shows some linkages: - Rights of Way and Core Paths. This is notable that in Recreation Zone 1- Recreation, it does not show linkages from the Dunstonhill Dalmellington Areas extending much beyond those 2 communities. Are all the Rights of Way shown in red still in existence? Dunstonhill and Chalmerston had many such paths, tracks, remnants of ‘tramways’... Some of which we already know were severed by opencast operations and were never reinstated.

If you are to plan for linkages between settlements in physical terms, the SW quadrant of this recreation zone appears to be isolated and would become more so, if isolated by an Extraction Zone. Linkages into South Ayrshire and into Dumfries & Galloway should also be shown, including the River Ayr Walkway SE of Tarbolton. I note that there is no sign of the proposed (Scottish) Coal route from Chalmerston to Skares, Cumnock and to beyond Powharnal. Perhaps it could be revived as a cycling route.

**Extraction Zone 2:** Differentiates between operating sites and current application sites. Essentially none of this land is fully restored, so what kind of ‘a Place-making’ area is this? You refer to the proposed working of Benbain p24 and a subsequent pumped hydro scheme: yet there are no current applications for any development either for coal, or for aggregates extraction; nor for a hydro scheme. *Why is the latter even mentioned, if it is a matter not raised in the current LDP?* The need for coal is challenged unless the Council has proof of demand during the 10 or 20 year plan period.

The need for further sites for aggregates is unjustifiable, given the current landbank and operational sites in Ayrshire. It is ironic if the Council wishes to maximise on local social history including mining history, when so much of it has gone due to open-casting: unless the aim is to leave a site un-restored, as a reminder of recent open-casting: This will happen if the Council waits for coal to be extracted on consented sites…. ‘The preferred spatial strategy for coal’ requires explanation: *This clearly cannot now be simply left to be led by*
developers who with consented sites, will simply keep them open; then from time to time perhaps remove a small amount of coal, to avoid both timely restoration or ‘abandonment’.

**Placemaking Zone 3: Natural Environment**, including Zone 4 at the east end near the County boundary. The SPA appears to be shown as currently designated. Airds Moss is shown as the SAC with part also included in the SPA. All is marked as a potential peatland enhancement site, but much of this work has already been undertaken. Are the undesignated sites shown north of Airds Moss some potential SSSIs with a view to them eventually achieving SPA status? Airds Moss also contains relics of 18th century iron works, (Tarrioch) so as with the area immediately south of Kames, Muirkirk, should be identified as an industrial archaeological site.

**Placemaking Zone 4: Spire slack; Geological Zone.** The scale of the site is such that it could not become accessible for tourists without considerable investment to render it safe and to provide facilities. Geologists will not bring in huge number of visitors spending money locally. Field trips are usually short and basic and encompass visits to several sites. Part of the site could perhaps have some value as a film location; but again without investment does not have the potential to be a honey-pot tourist destination, albeit having a ‘gateway location’.

**Issue 5:** Spatial Strategy Coal: Coal Extraction: Map 13: Will you publish the consultation response from operators which led to ‘justifying’ this map?

If you have to include a map of **Coal Resource Areas**, simply show one of the whole of East Ayrshire where there is underlying carboniferous strata. As it will be uneconomic during the plan period to extract coal sustainably by traditional means, there is no justification for further sieving out.

**Issue 6:** Aggregates: The market area for aggregates stretches beyond Ayrshire and includes Glasgow. There is no need for either option: The first is unnecessary when there is a 10 yr landbank for aggregates and increasing re-use of stone from windfarm projects, and from recycling.

Is there a demand in Scotland for brick-earth, fireclay? It is very much a by-product when mining coal, and some may still be stockpiled at Darnconner, 20 years after being extracted. If proven need for aggregates was material, this must not be subsumed by proximity to point of use. All that should be in this plan is a map showing consented sites with an estimate of remaining resources.

**Issue 7:** Oil/Unconventional Gas. No comment as SG yet to publish research, so is premature at MLP stage and will require an SPG later.

**Issue 8:** Peat: Bog enhancement is welcomed over 300 h, albeit a significant proportion of EAC’s land area is peat or peaty soils, and no bog enhancement is indicated near the interconnector nor on windfarms* or near House of Water. *3mill tonnes of peat was removed to develop Whitelee windfarm.

ENV10 in the emerging LDP states that renewable energy development is to occur (be confined?) on shallow peat areas: - yet the definition of deep peat is where it is only deeper than 0.5m.

So Option 3 should be expanded to cover ALL peat areas where the depth is over 0.5m; not just those identified for enhancement. The value of peat is such that there should be a
presumption against development (and removal) of any deep peat, as currently defined, throughout East Ayrshire.

The Council’s recognition that peat cannot be removed or stored without losing its ecological value is welcomed. It is also understood that SNH’s national map of peat cannot be relied upon, when applied at large scale.

**Issue 9:** As the extent of flooding as mapped by SEPA does not always take into account all flood prevention schemes and when SEPA is not always advised of localised flooding, particularly when it does not affect homes or roads in remoter rural areas: -then Option 2 is preferred.

**Issue 10:** MIN31: Protection of water bodies and groundwater.

Given that many upland reservoirs are becoming redundant, due to poor water quality, consideration could be given to their re-use for recreational or hydro purposes. A map is required showing protected catchments for public water supplies.

The Council should presume against the creation of any more permanent water bodies, -deep or shallow; given their threat to public health and safety.

**Issue 11:** Geological interest: Reference to BGS’s commercial reports (including one yet to be produced for Dalfad) should not be relied upon, if they prevent development over large areas of unrestored open-cast sites.

Option 1 perhaps is preferable, as some justification is required for such a narrow use. Spireslack was never identified as an SSSI: Its national importance is questioned, though as with Dalfad, it provides a good example of exposed stratas, faults and fossil bands nearby.

**Issue 12:** Cumulative Impacts on Communities: Suggest a combination of Options 1 &2, but have a buffer zone of a minimum of 500m from the minerals’ site boundary to individual dwellings and communities, and sensitive receptors.

**Issue 13:** To avoid cumulative impact where landscape capacity is REACHED (not ‘breached’) need further definition, - due to the often subjective evaluation of landscape capacity. Option 4 is preferable, if it also includes ‘mothballed’, unrestored and partially restored minerals sites, renewables and waste; - not just new minerals related development. Landscape capacity needs a definition, so that Placemaking is considered in the equation:: ie;- impact on those living & working in and visiting the area. The notion of overdevelopment is also in the eye of the beholder.

**ISSUE 14:** Duration of permissions and impacts: The time limit for extraction AND restoration, on any site should be limited to 10 years, from the date of planning consent being granted. (not issued) Developers have delayed start dates, due to delaying signing any S75: 6months for signing and issuing is sufficient to avoid local uncertainty. There is no point in allowing further extraction on any consented site in the form of working a new area within that red line site in order to add to restoration liabilities. The note under the 4 options listed needs clarification.

**Issue 15:** Community Benefit: Option 6: A Legacy Restoration Fund is preferable, as long as the funds are directed towards restoration of mineral extraction sites; - With specific projects identified by TWGs and agreed with communities. The fund must not be plundered by the Leisure Trust.
**Issue: 16:** Contribution rate/collection:

I prefer a combination of fees based on the amount of material extracted whether coal/fireclay/rock. *(Do other lpas collect from quarrying ops?)*

The area of the site being disturbed should be factored in, if the contribution is to assist in general environmental improvement in damaged/degrading upland areas.

**Issue 17:** Option2.

**Issue 18:** Option 1 should be the priority; otherwise the money will be spread too thinly. Other environmental and educational projects can be funded from other sources.

**Issue 19:** Timber transport routes need to be taken into account, due to their traffic's cumulative impact on minerals haulage routes. Operators have not always adhered to agreed routes, citing special circumstances etc.

Encourage the continued use of Killoch and re-opening of the Chalmerston rail-head to allow commercial and tourist traffic.

**Issue 20:** The Roads Dept has been somewhat reluctant to ask for contributions towards upkeep of local roads/bridges. Do quarry operators contribute?

**Issue 21:** Option 1 to include other regular carriers of heavy goods... timber.

**Issue 22:** Borrow Pits: In principle restricting borrow pits to within the associated dev. site is preferable: However restoration after-use is only possible if the land is owned by the developer. The Forestry Authority allows use of their small borrow pits which they opened in order to have small amounts of material for maintenance of forestry roads/tracks. The problem is that they may then wish other users to leave them open for future forestry use.

**Issue 23** could lead to one huge borrow pit being used... Virtually becoming a large quarry.

**Issue 24:** This may also have to be considered if some borrow pits will remain after minerals/windfarm development. If more than 2 borrow pits are required on site for a development, then more should have to be justified, using the 6 criteria listed:-with the burden imposed on them for complete and final restoration by the developer. The extent and depth of any borrow pits should be limited in all cases, to avoid yet more excavation scars on the landscape.

**Issue 25:** Option 5: Each proposal being dealt with on its own merits.

The question of recycling concrete turbine foundations might need to be addressed during the plan period: This material should be recycled at an approved waste site.

**Issue: 26:** Reworking of deep mining bings should not be supported, as it could be used as an excuse for removing dereliction when most such small old bings have been re-naturalised:- With vegetation absorbing them into the landscape. Some are now habitats for rare flowers, insects, birds and lizards.

**Issue 27:** There is no need for the further extraction of secondary aggregates including fireclay, as there are sufficient stocks of aggregates in consented quarries. There is no evidence given that there is either a local demand for specialised minerals such as fireclay in
Ayrshire, when there will be supplies nearer the point of brick production in Scotland. (Blantyre)

I note the Dum/Gal Minerals Plan does not even consider this resource.

**Issues:**

- **28-34**..no comment other than ensuring restoration bonds are 100% guaranteed and are based on area and volume of land to be restored:- as the Council knows what is required after ignoring the relevant requirements in the EAOCSP. The issue of the protracted life of extraction sites only being worked when there is a demand and the price is right needs urgent consideration :- perhaps through a strict timetable for completion of each phase with sequential restoration: Plus penalties for non-compliance…..?

**Issue 35:** Excess soils. Option 2 depending on the definition of soil… peaty soils?

**Issue 36:** Sewage Sludge: None of the 3 options if the material is sewage sludge: That is waste: It needs to be treated to kill bacteria, then dried and used sparingly as pelleted material,- not soil forming material,- but soil enrichment material.
Breedon Aggregates

We refer to the above development and thank you for providing Breedon with the opportunity to comment on the report. The report understandably has a clear emphasis on the legacy issues created following the collapse of the opencast coal industry. In the interest of brevity we have restricted our response to those issues which directly relate to our business as one of the leading producers of sands, gravel, crushed rock, asphalt, concrete and blocks in Scotland. As you are aware in East Ayrshire the company operates Tincorn hill Quarry, Kilmarnock Concrete plant and concrete and asphalt plants at Killoch, near Ochiltree. It is also intended that North Drumboy Quarry will commence operations in the relatively near future following the grant of planning permission. The business employs in excess of 120 people directly in the Breedon’s Southwest Scotland Area that incorporates East Ayrshire. For ease of reference each Issue which we intend to respond to and our response is set out in numerical order below:

**Issue 6: Spatial Strategy – aggregates: Which option do you prefer, or can you suggest an alternative option? If you would prefer an area of search to be designated, do you have any suggestions as to where this should be? And for which construction aggregates?**

We agree with the principle of adopting a ‘criteria-based’ approach to policy where applicant will have to demonstrate a proven requirement for a particular construction aggregate with the exception that, there should be no need to demonstrate need in respect of extensions to existing operating quarries given that the need for the existing working has been proven by its existence and operation.

**Issue 8: Policy options for peat - do you agree with any of these options? If not, can you suggest another option?**

Peat is relatively widespread and the needs for minerals extraction need to be carefully weighted with the need to protect important ecosystems and ecological designations. In this regard we agree with option 1 i.e. continue with the existing policy framework to conserve all areas of active peat bog within the boundaries of a site and that all peat which requires to be removed in order to access the coal reserves on site should be retained on site for future use in restoration.

This should however be extended to refer to the extraction of construction aggregates as well as coal.

**Issue 9: Policy options for flood mitigation – which option do you prefer or do you have an alternative suggestion?**

There is potential during operations and following wetland restoration for quarries and former quarries to assist in managing flood risk and drainage by providing for additional attenuation and storage areas. We therefore agree with Option 2 “That flooding constraints do not form part of the spatial strategy but that proposals are considered unacceptable where they give rise to an unacceptable increase in flood risk either during the workings or in the restoration proposals; either on or off site.”
Issue 10: Policy options for the protection of water bodies and ground water – what do you think of the potential additions to existing policy? Can you suggest anything further?

It is not clear whether these proposals are to apply only to opencast coal or to all forms of mineral extraction. If they are also to apply to all forms of mineral extraction we have the following comments:

In terms of extraction the additional policy should be amended as follows: “That further detail on water quality is mapped to prevent mineral extraction in close proximity to water bodies (ground and surface) identified with negative trends (poor or bad) by SEPA unless the applicant can demonstrate that the proposal will not have a significant negative impact upon water quality.

In terms of restoration it is considered that the “presumption against the creation of deep waterbodies where previously there were none “will unfairly prejudice hard rock quarrying proposals where there are not the opportunities to create a dry restoration without importing significant quantities of material. It is considered that the restoration of hard rock quarries to water can in many circumstances provide a beneficial afteruse in keeping with the surrounding landscape and that hard rock quarry restoration should be excluded from this policy.

Issue 12: Policy options for cumulative impacts on communities – which option is your preferred option? Do you have an alternative suggestion?

Buffer zones between settlements and quarry activities need to take into account local circumstances including the topography and duration of works as well as the type of mineral being extracted for example sand and gravel sites can be designed to restrict the use of plant and equipment within the excavation area and do not require blasting to take place. In this regard we agree with Policy Option 5 which states

“Determine appropriate buffers on a case by case basis with due regard given to:
  • The nature of the extractive activity
  • The duration of works
  • The geographic location
  • The topography
  • The cumulative surrounding land uses

Issue 13: Policy options for cumulative impacts on landscape – which option is your preferred option? Do you have an alternative suggestion?

Our preferred option would be 1) Have two separate policies as at present; one for coal, and one for other minerals and continue to only consider cumulative impacts in terms of each of these categories exclusively.

Issue 15: Policy options for the mechanism for collecting community benefit – which option is your preferred option? Do you have an alternative suggestion?

Breedon, contribute to the Tincornhill Community Fund and have agreed a contribution level in respect of North Drumboy Quarry. In this regard the Company is willing in appropriate circumstances to provide community benefit. It is however considered that additional levies for aggregates should not be applied as a matter of policy as the aggregates industry is already heavily taxed and any community benefit must take into account the contributions already paid via taxes.

Issue 16: Policy options for the contribution rate for community benefit - which option is your preferred option? Do you have an alternative suggestion?

Breedon, contribute to the Tincornhill Community Fund and have agreed a contribution level in respect of North Drumboy Quarry. In this regard the Company is willing in appropriate circumstances to provide community benefit. It is however considered that additional levies
for aggregates should not be applied as a matter of policy as the aggregates industry is already heavily taxed and any community benefit must take into account the contributions already paid via taxes.

**Issue 17: Policy options for the locational distribution of community benefit monies – which option do you prefer? Or do you have an alternative suggestion?**

Taking into account our response to Issues 15 and 16 above; in circumstances where a level of community benefit is agreed between the Council and the operator we agree with policy option 1 i.e. that monies should be spent within a specific radius of the site (as determined by nature of extraction activity, duration, location and topography).

**Issue 18: Policy options for the types of projects funded by community benefit – which option(s) do you agree with? Are there any options missing?**

Community benefit monies at Tincorn hill have primarily been provided to support environmental projects as broadly defined in Option 1 and we would confirm that we agree with the broad aims of this option. Other initiatives such as environmental education projects for schools (Option 2) community led sports and leisure facilities (Option 6) and support for other community facilities would also be considered appropriate in the right circumstances.

**Issue 19: Policy options for the routing of the transportation of minerals – which suggestion do you prefer? Can you think of any alternative options?**

Construction aggregates are required across East Ayrshire for the construction or roads buildings and structures and will be required to supply construction projects adjacent to sensitive routes in as defined in Option 1, and indeed for their repair. We therefore do not believe it is practical in these circumstances to identify sensitive routes from which construction minerals traffic will be prohibited. There are circumstances where it will be necessary to agree traffic routing, however this should be driven by the assessment of Traffic/Transport Impacts of the particular development and should not be dictated directly by policy.

**Issue 20: Policy options for operator contribution rates towards the maintenance of local roads - which option do you prefer? Is there anything you would add?**

With the exception of A roads, Policy M3 of the EALP requires all applicants for minerals developments to upgrade, maintain and repair at their own expense road where damage is shown to have been caused by vehicles serving their developments. This is an appropriate policy option. Proposals should be assessed on a case by case basis and it is not possible to provide a contribution level through policy which reflects the individual circumstances of each construction aggregates quarry.

**Issue 21: Policy options for addressing cumulative impacts of minerals related traffic - which option do you prefer? Is there anything you would add or amend?**

All significant traffic generating projects should be subject to Transport Assessment in accordance with Transport Assessment Guidance - Transport Scotland 2012. The East Ayrshire Minerals Local Development Plan should ensure conformity with this document.

**Issue 22: Policy options for the location of borrow pits (part 1) – Do you agree with this option? Or can you think of an alternative?**

We agree with the policy option that “Borrow pits will be required to be within the planning application boundary of the project the mineral is to be used for.”

**Issue 23: Policy options for the location of borrow pits (part 2) Do you agree with these proposals? Is there anything you would add to or delete from this?**

We broadly agree with these proposals.
Issue 24: Policy options for borrow pits (non-location based assessment criteria) - do you agree with all or some of this criteria? Is there anything you would add?
We broadly agree with these proposals but would add that there should be a presumption against the use of borrow pits unless there are significant environmental or economic benefits compared to obtaining material from local quarries in broad accordance with Paragraph 243 of SPP. It should be incumbent upon the proposed borrow pit developers demonstrate these benefits to the planning authority’s satisfaction in their submissions.

Issue 25: Policy options for recycled aggregate facilities - do you agree with all or some of these options? Is there anything you would add?
It is considered that unless the plan advocates specific sites for recycling which can be tested through the plan process there should be no specific promotion of a particular type of site for recycling aggregates as sites need to be tested on a case by case basis taking into account the environmental impacts including in particular the environmental impacts of transport.

Issue 28: Policy options for the frequency of compliance monitoring – Which option do you agree with? Or do you have a different suggestion?
We understand the need for compliance monitoring and have S75 Agreements in place for both Tincorn hill and North Drumboy which provide for this. We believe that there should be a minimum compliance monitoring standard for all sites which should be mineral specific to differentiate between the reduced frequency requirements for monitoring for construction aggregates in comparison with opencast coal. We also consider that East Ayrshire Council should incentivise continuously compliant sites with less frequent visits (albeit sufficient visits to correct any deviation from approved plans timeously).

Issue 29: Policy options for the remit of compliance monitoring – Can you think of anything else that should be monitored?
We agree with the current compliance monitoring regime as presented.

Issue 30: Policy options for the assessment of compliance – Which of these options do you agree with? (Note all that apply) Can you think of any additional or alternative measures?
As a responsible operator, we are comfortable with the current compliance monitoring regime as presented.

Issue 31: Policy options for additional monitoring measures – do you support the implementation of any of these monitoring regimes? Can you think of any additional or alternative measures?
As a responsible operator, we are comfortable with the current compliance-monitoring regime as presented. We consider the approach for construction aggregates is adequate and that the proposed additional monitoring would be an unnecessary burden.

Issue 32: Policy options for the acceptability of financial guarantee products – which option or combination of options do you support? Or can you think of another option?
Are there other types of guarantee within the matrix which you deem unsuitable?
The current matrix provides adequate protection for the planning authority whilst providing the operators with options in order to secure financial provision. We therefore agree and support

Option 1 - Continue with current matrix, in combination with Option 6, Allow introduction of new types of guarantee, subject to scrutiny and assigning a level of risk, if they become available.
Issue 33: Policy options for linkages between compliance monitoring and financial guarantees - which option, if any, do you support? Or can you think of another option?
We agree with option 1 “Financial guarantee milestones should be monitored and progress towards / deviation from milestones should be assessed by the independent compliance monitor and the Planning Authority prior to restoration guarantee adjustments”. This provides a transparent and efficient method of ensuring adequate provision is maintained.

Issue 34: Policy options for the revision of restoration liabilities - which option, if any, do you support? Or can you think of another option?
We are comfortable with either of the approaches listed.
Hargreaves

Issue 1: Vision
Given that the document is intended to provide policy direction to minerals applications, the
opening sentence which relates to restoration of historic sites is at odds with the purpose of
the document (which then receives scant attention throughout the draft Main Issues Report –
dMIR)

The second bullet point in the stated aims section is a more appropriate opening aim.
Given that this is a policy document, the use of the definitive verb “will” in the opening
sentence is again at odds with both the context of the dMIR and the options provided (i.e.
there appears to be no decisive mechanism to achieving restoration of the historic liabilities
of abandoned surface mines that would merit the use of the verb “will”).

The aim also seems to preclude any restoration initiatives embracing “traditional”
countryside land uses such as agriculture, forestry, fishing etc.

Suggested vision text:-
The need for a sustainable supply of minerals will be fulfilled through a responsible
approach to extraction with appropriate restoration being considered from the outset.
All avenues which will seek to implement restoration on East Ayrshire’s former
mining sites will be explored, and where appropriate will provide communities with
opportunities for tourism, recreation, leisure and sustainable employment.
Regeneration will either reconnect communities and settlements through
innovative open space projects or seek to entice traditional countryside land uses
back onto sites impacted by historic surface mining activities...

Issue 2: Aims
Bullet point 1 – no agriculture/forestry/fishing?
Bullet point 3 – restored sites can sustain employment opportunities – therefore he
inclusion of “work” is appropriate
Bullet point 4 – “on people” is unnecessary. The aim of the policy direction should be to
minimise the impacts of minerals extraction period.
Bullet point 7 – don’t see how the policy direction can enforce excellence in working
practices (it can promote them).

Issue 3: Spatial Strategy- Restoration and Placemaking 1
Zone labels are fine - however they may raise unreasonable expectation if the coal
search area (Zone 2) in the final MLDP breaches the oval blob.

This may need refinement when the final MLDP is published to encompass a more
definitive “shape” to each zone.

Issue 4: Spatial Strategy- Restoration and Placemaking 2
Support for the potential to realise all forms of renewable energy on unrestored/former
surface mining sites absent. The realisation of a renewables development can assist in:-
- Allowing productive re-used of a former mining site
• Can generate capital/revenue to fund restoration on a particular site or
• Fund other restoration/place making opportunities
• Provide long-term access to/through a site
• Can stimulate restoration/regeneration across a wider area

Issue 5: Spatial Strategy- Coal
Preferred option - Option 1 or 2.

Option 3, if this is the preferred option, needs refinement. To exclude all “former” sites which are lying unrestored may prove counterproductive. Unrestored sites are lying within valuable coal resources some of which were not fully worked. These sites may become financially viable at some point in the future (depending on the price of coal) – to exclude them from the coal search area would be counterproductive (an error made in the coal search area of the 2003 Opencast Coal Subject Local Plan).

Primarily it should be said that the existing preferred areas for coal extraction as set out in the East Ayrshire Opencast Coal Subject Plan 2003 (the Coal Plan) have been in place for the last thirteen years and have allowed the industry to continue to mine coal to supply local and national markets and maintain significant levels of local employment. These existing identified areas have, in the main, been subject to various investigations and assessments to determine the presence of economically viable coal reserves and in appropriate circumstances planning applications have been brought forward where suitable reserves exist.

However, the potential for new sites within the existing areas of search is limited and it is suggested that a broader area of search needs to be identified to allow the industry to continue to operate given the specialist nature of the Industrial & Domestic (I&D) coals that will secure surface mining activities over the anticipated 5+ years lifetime of the MLDP.

Significant areas of shallow coal reserves are located both within and outwith the adopted surface coal mining search areas as identified in the Coal Plan, which are identified on the Coal Authorities Coal Resource maps. It is therefore proposed that the coal search are be broadened to the extent of the geologically identified surface coal deposits combined with a criteria based policy direction is suggested as the best way forward. In order to realise the new level of both environmental and policy scrutiny when determining coaling prospects, potential surface coal mining developers will need a flexible approach to investigate the quality and ratio of coal deposits throughout the coalfields before the question of planning and environmental acceptability can be asked.

HSML therefore propose that the MLDP considers the authority-wide area for any new coaling prospects and any particular development can then be assessed against a suite of comprehensive policies, similar to the approach taken by neighbouring local authorities.

Strategic Level
At a strategic level, it is important that the Search Areas for surface coal mining continues to be identified in the new MLDP. In this regard HSML recommends that consideration be given to an authority-wide approach to a search area, based upon the geological maps supplied by the British Geological Survey, complemented by a comprehensive suite of policies against which each potential coaling site would have to be assessed.

The British Geological Survey data utilised for identifying where coal seams are likely to be present is a ‘broad brush’ approach whereby in reality it does not present an accurate account of the location and extent of coal seams. Furthermore, given that a surface coal
mining scheme can only be proven viable upon completion of extensive site surveys, drilling and geological modelling to determine the quality and quantity of coal in relation to overburden; pre start surveys are critical in determining whether a prospective site even exists. The MLDP should allow for these pre start surveys to be undertaken, without a presumption against potential development, in order to establish whether there is a viable scheme, before any potential scheme is scrutinised in planning and environmental terms.

It is concluded that any review of the “Coal Search Area” should identify as broad and flexible a geographic area as possible, in order that any future coal prospects are not constrained by a restrictive search area geography where no viable prospect may exist. HSML therefore request that the search area for coal extraction encompasses the authority-wide area.

HSML have provided a plan (Ref Plan 1 attached) which shows the extent of the BGS “coalfields” within the East Ayrshire locale and we would welcome the opportunity to discuss a review of the existing Area of Search through the MLDP process.

Local Level
The legacy of unrestored sites throughout the coalfields in East Ayrshire is not the result of lenient or insufficient policy making, but a result of lack of monitoring activities and implementation of restoration by the previous operators of the sites. With regard to the search area and policy and criteria contained in the current Opencast Coal Subject Plan (2003), the policy direction reflected the European, National and Strategic policy available at the time, and were therefore suitable for purpose. However since 2003 policy direction has evolved and now provides that any new application must provide a robust assessment/mitigation/restoration strategy. Therefore the emerging MLDP should reflect the up-to-date European, National and Regional policy direction available and should formulate both an updated search area and policy direction that reflects the current guidance.

Alternative Policy Direction
If East Ayrshire Council take the view that including the full local authority area as an area of search for coal will not be appropriate, HSML has prepared this alternative policy approach and believe that any defined search areas should be as wide reaching and flexible as practically feasible.

Strategic Level
At a strategic level, it is important that the Search Areas for surface coal mining continues to be identified in the new MLDP. In this regard HSML recommend that consideration be given to expanding the existing coal search areas identified on Map 12 of the dMIR. Coal search areas should represent the areas within East Ayrshire that are likely to contain economic deposits of coal. Although parcels of land identified in Map 12 may not be realistically suitable for coal extraction, it is important that the search areas are not too geographically constricted and allow for the flexibility to search for the specialist coals (I&D).

The search areas defined on the Map 12 have been identified as areas most likely to contain economical deposits of coal. However it is important to note that these areas are not exhaustive and due to the economic constraints imposed by the deflated world coal market; and to ensure the continuation of a valuable industry in an area subject to high levels of unemployment and deprivation, there should not be a presumption against any possible extraction opportunities outwith these areas.

Although it may be recognised that a potential development would be less desirable in a particular area there should not be a presumption against the development, and as per SPP, it should fall to whether the local, environmental and economic benefits of the development outweigh the ‘cost’ of the development.
It should be further noted that coaling prospects may exist in areas outwith the identified in the new identified coal search areas. The eventual policy direction should therefore recognise that the prospect of a new development, or extension to an existing development, can comply with policy direction – provided the necessary environmental, landscape and amenity impacts are successfully addressed.

Local Level
The legacy of unrestored sites throughout the coalfields in East Ayrshire is not the result of lenient or insufficient policy making, but a result of lack of monitoring activities and implementation of restoration by the previous operators of the sites. With regard to the search area and policy and criteria contained in the current Opencast Coal Subject Plan (2003), the policy direction reflected the European, National and Strategic policy available at the time, and were therefore suitable for purpose.

However since 2003 policy direction has evolved and now offers greater protection to the environment. Therefore the emerging MLDP should reflect the up-to-date European, National and Regional policy direction available and should formulate both an updated search area and policy direction that reflects the current guidance.

Furthermore, HSML believe that to realise the new level of scrutiny in determining coaling prospects going forward, there should not be a presumption against potential surface mining developments outwith the search areas proposed providing that the economic, local and environmental benefits associated with the development outweigh those negative impacts associated with the development.

HSML would welcome the opportunity to comment on any new or updated policies in due course.

Issue 6: Spatial Strategy- Aggregates
Preferred option – No 1.

It is also recommended that the emerging MDLP seeks to include a positive policy direction on the potential for existing mining operations to supply aggregates to a local market.

The new policy direction should recognise the sustainability benefits and local value of secondary and recycled aggregates that can be recovered from existing surface coal mining operations to prevent unnecessary disturbance of virgin land to fulfil local and wider market demand.

Surface mining operations frequently uncover a variety of aggregates in the process of winning coal – commonly referred to as overburden. Whilst the majority of overburden is unsuitable for the aggregates market, the scale of surface mining operations inevitably expose geology with materials that have the potential to be utilised on local and regional projects.

Any aggregate materials of suitable quality uncovered during current operations are currently engineered as backfill to previous extraction or stored in above ground overburden mounds. However with a succinct policy direction that would allow suitable materials to be utilised on appropriate projects, at appropriate locations, the energy expended in winning these materials (and ultimately placing them back into a void) could be saved by meeting an offsite demand.

Such a policy direction would effect a sustainably policy direction whereby the time, effort and energy utilised in extracting the material could be offset against the appropriate reuse elsewhere.
It is therefore recommended that the overburden produced by surface coal mining (and other forms of mining) be classified as having potential to be both:

- Recycled Martial Aggregates – this classification would be applicable to surface mining schemes where the existing aggregates, sand, gravel and fireclay have been worked but are currently classified as overburden.

- Secondary Material Aggregates – would apply to existing or future schemes where current or proposed operations would work suitable materials as a part of the surface mining scheme.

**Issue 7: Spatial Strategy- Unconventional Oil and Gas**
Preferred option 1 or 2.

**Issue 8: Peat**
Preferred option No 1.

**Issue 9: Flood Mitigation**
Preferred option No 2.

**Issue 10: Protection of water bodies and ground water**
The policy direction outlined in Issue 10 generally follows the Best Available Techniques (BAT) currently employed all surface coal mining operations.

Additionally any new sites (or extensions to existing sites) both groundwater and surface water impacts are subject to examination under the EIA regulations and SEPA Water Framework Directive legislation. Compliance (through assessment and mitigation in the EIA regulations and through permitting on the Water Framework Directive) will adequately address any impacts upon the ground and surface water environment. It is a concern to note that the intended policy direction seeks to include a presumption against the creation of deep waterbodies where there are none. A well-managed and evolving restoration on a surface coal mine will seek to progressively address the disturbed land as the engineering operations advance.

However the final phase of engineering will seek to integrate the restoration landscape in accordance with characteristics of the surrounding landscape. At this point the inclusion of a well-engineered waterbody the benefit of curtailing the length of time the engineering works will be onsite and will maximise the available funds to enhance the wider restoration scheme.

A safely engineered void/waterbody can also provide a range of habitats that can form an element of the ecological enhancement aims of the final scheme. Well-designed shallow edges to the waterbody will encourage colonisation by a diverse range of flora, whilst the edges and open body of open water provides an ideal habitat for wading birds.

A requirement to backfill any final void also has the dis-benefit of potentially having to disturb areas of the surface mine that have been restored under earlier phases of the scheme.

It is therefore recommended that a presumption against the creation of deep waterbodies be dropped from the policy direction as it evolves from now on.

However, should there be a strong desire to include policy controls on deep waterbodies, it is recommended that given the ecological benefits they can offer; there should only be a
presumption against deep waterbodies where appropriate safety and ecological issues have not been adequately addressed to the satisfaction of the Council.

**Issue 11: Conservation, enhancement and protection of geological interest**

Note - The text within the dMIR refers to geological interests – the following text relates only to this issue (not ecological interest as outlined above).

Option 2 preferred. However it should be recognised that the sites listed are abandoned surface coal mining operations and any future restoration strategy (whist seeking to protect and enhance any geological features of interest), may through health and safety or through limited restoration finances compromise the setting and/or nature of the geological interest. Policy direction should therefore recognise that the setting or interest of the geology could be compromised, but with suitable justification, should support such an action.

**Issue 12: Cumulative Impacts on Communities**

Preferred option 5.

It is recognised that the proximity of local communities, hamlets and/or individual dwellings to surface mining operations can in certain circumstances be incompatible. However to impose an arbitrary buffer around either single dwellings or settlements does not take into account any local circumstances that differ across the range of landscapes on potential sites. Each site will sit within a landscape where topography, distance and intervening visual barriers such as tree coverage can mitigate against the potential impacts normally associated with surface mining operations.

Any new sites (or extensions to existing sites) are subject to examination under the EIA regulations where landscape (views of the site), noise, dust, vehicle movements etc. are all assessed and either found not to be significant or are required to be mitigated. The assessment under the EIA regulations is a more sophisticated way of assessing the potential impacts of surface mining against the blunt instrument of arbitrary buffers. It should be further noted that occupied properties in close proximity to any surface coal mining operations can enter into a private legal agreement with the potential mining operator and will therefore have a financial interest in the realisation of the mining operations.

Imposition of a restrictive buffer regime around any site is therefore un-necessary.

**Issue 13: Cumulative Impacts on Landscape**

As previously mentioned – any new or extension to an existing surface mining operation will assess the impact of the proposal in terms of the setting on the landscape and its cumulative effect in conjunction with other nearby land uses. This assessment is carried out through the EIA regulations and the scope of the Environmental Report (agreed with the Council) will encompass adjacent land uses deemed appropriate when considering the cumulative impact.

Option No 2 is the preferred policy direction.

**Issue 14: Cumulative Impacts on settlements as a result of durations of permissions**

Preferred option No 4.

Option 1 – whist the 10 year limit may or may not prove practicable, a break of 5 years (in which time the mothballed site will suffer from so much degradation) that returning after a 5 year period is impracticable.
Option 2 – this will effectively create buffers round existing or newly consented sites – coal measures/geology usually mean that viable coal seams are only found in certain localised areas of the country, and once a viable mining scheme has commenced, extensions etc. present a way of continuing surface mining operations due to the high capital set up costs.

Option 3 – as above, however introducing unrestored sites into policy direction and including them in the “buffer” will further compromise the viability of any new/extensions to existing sites.

**Issue 15: Mechanism for collecting community benefit**
Preferred options No 1 and 6.

Option 1 – The current Minerals Trust Fund functions well in distributing community benefits to those areas most affected by the extraction activities and should be retained, however the method of spending should be restricted to uses that will benefit the area in the long term and attract further investment and funding to the area, rather than short term projects that will have no lasting impact.

Option 6 – A beneficial and long term use for the funds, or a proportion of the funds, accumulated in the Minerals Trust Fund may be more appropriately utilised as a contribution towards restoration of legacy mining sites where there are insufficient funds to restore them adequately. This will have a lasting beneficial impact on the wider area and contribute to the FCS masterplan for the area.

Option 7 would divert development contributions from an area lacking investment to other more prosperous areas within the local authority boundaries which should be avoided. Furthermore, those areas that are most affected by extraction activities should benefit from the developer contributions rather than an area that is entirely unaffected. Subsequently, Option 7 should not be considered further in the MLDP process.

**Issue 16: Contribution rate for community benefit**
Preferred option No 1.

However it is noted that the determination of the community benefit was based upon a buoyant coal market in 2008 (http://www.infomine.com/investment/metal-prices/coal/all/). In 2008 coal prices spiked at $140/tonne. The intervening period has seen a drastic reduction in the coal market with, as of 2016, coal fetching roughly $40/tonne.

It would therefore be unrealistic to link the community benefit (per tonne of coal) on the Retail Price Index, with a better mechanism for calculating the community benefit based upon the current market value of the commodity being sold.

**Issue 17: Locational distribution of community benefit**
Options 1 or 3 preferred.

Both options have the advantage of providing a locational based benefit to the communities most impacted by the presence of the surface mining operations.

Option 2 – has merits. The monies generated by the existing surface mining operations would benefit the legacy of abandoned mining operations and would provide mitigation capital across a wider area of East Ayrshire.

**Issue 19: Routing of the transportation of minerals**
Option 2 preferred.
Option 1 – Options for transportation of minerals traffic and any impact on the road network is assessed during the EIA process, as per the EIA regs. There should not be an automatic presumption against a particular route and it should be for the EIA process to establish the most suitable route for transportation of minerals.

**Issue 20: Operator contribution rates towards the maintenance of local roads**
Option 1 preferred.

**Issue 21: Addressing cumulative impacts on minerals related traffic**
Option 2 preferred.

However as previously noted, scoping of an EIA for any new application, will require the Council to assess the impact of the proposals, and if necessary include other developments which, on a cumulative basis, may require to be assessed. This should be done on a case by case basis.

**Issue 24: Borrow Pits (Non Location based assessment criteria)**
Agreed – the new policy direction should recognise the sustainability benefits and local value of secondary and recycled aggregates that can be recovered from existing surface coal mining operations to prevent unnecessary disturbance of virgin land to fulfil local and wider market demand.

Surface mining operations frequently uncover a variety of aggregates in the process of winning coal – commonly referred to as overburden. Whilst the majority of overburden is unsuitable for the aggregates market, the scale of surface mining operations inevitably expose geology with materials that have the potential to be utilised on local and regional projects.

Any aggregate materials of suitable quality uncovered during current operations are currently engineered as backfill to previous extraction or stored in above ground overburden mounds. However with a succinct policy direction that would allow suitable materials to be utilised on appropriate projects, at appropriate locations, the energy expended in winning these materials (and ultimately placing them back into a void) could be saved by meeting an offsite demand.

Such a policy would effect a sustainable policy direction whereby the time, effort and energy utilised in extracting the material could be offset against the appropriate reuse elsewhere.

**Issue 25: Recycled Aggregate Facilities**
Option 1 preferred.

**Issue 26: Reworking of deep mining bings**
Option 1 preferred.

**Issue 27: Extraction of Secondary Aggregates**
Option 3 preferred.

**Issue 28: Frequency of compliance monitoring**
Options 2 and 4 preferred.

**Issue 29: Remit of compliance monitoring**
The remit of the current compliance monitoring works well and should remain unaltered.
**Issue 30: Assessment of compliance**
Options 1 and 2 preferred.

**Issue 31: Additional Monitoring Measures**
Option No 1 has benefits. A standard pro-forma would focus the annual environmental report on a pre-defined set of topics and would therefore allow a consistent reporting approach to be adopted across all surface mining sites.

**Issue 32: Acceptability of financial guarantee products**
The complex nature of company law, commodity market prices and the environmental impact/restoration are a complex set of factors – all of which have a bearing upon the methodologies which can be utilised to secure a financial guarantee on any proposed surface mining operation.

It is recommended that all manner of financial guarantees should be considered which will reflect the nature of the operations and how finance can be secured to ensure the development proceeds in an acceptable manner (with the obvious fall back of a secure and sufficient funding mechanism being made available should progress/restoration liability ever be defaulted).

**Issue 33: Revision of restoration liabilities**
Option 1 preferred.

NB – Issue 34 in the DMIR is not reflected upon the comments sheet

**Policy options for the revision of restoration liabilities**
We have identified two options for the revision of restoration liabilities (upwards or downwards):

1. In line with pre-determined phasing (for example, when an application is approved phasing will be agreed by condition and / or legal agreement. Once each phase of the development is complete the restoration liabilities will be assessed and independently verified. Thereafter, they will be adjusted as appropriate. This approach allows a tailored approach to each site).

2. In line with a range of triggers as will be set out in the MLDP (all applications will be subject to checks on works on site against restoration liabilities at specific points. These might be, for example, time related. This would mean all applications would be assessed in a consistent manner)

**Issue 34: Revision of restoration liabilities**
Option 1 is preferred to allow a particular restoration liability to be tailored to each individual mineral type and site, in line with the pre-determined phasing.

Option 2 could be considered counterproductive and suite one type of mineral extraction but cause adverse issues and unnecessary expense for another. This may be particularly evident in extraction of construction aggregates where extraction is determined at a rate that reflects demand, and if demand were to drop and operations slow to reflect the market, a situation could occur where a restoration liability is reassessed when there has been very little change on the site, causing the operator to incur unnecessary expense.

**Issue 35: Reuse of excess soils**
Option 1 or 2 preferred.

**Issue 36: Sewage Sludge**
Option 1 or 2 preferred.
General Comments:
Coal search areas need refinement – with the Zone 2 shown on Map 4 extended south and west towards Dalmellington.

SEPA

Thank you for your consultation email which SEPA received on 7 July 2017 providing SEPA with the opportunity to comment on the draft minerals MIR.

Coal policies in the current East Ayrshire Opencast Coal Subject Plan (OCCSP) and other minerals policies in the East Ayrshire Local Plan (EALP) will be subsumed into the East Ayrshire MLDP which will consider all minerals and will include coal, sand and gravel, peat, hard rock and unconventional oil and gas.

Many of the suggestions and discussions in the draft MLDP are already considered and expected by SEPA within the required submissions for planning applications and we agree with the majority of the proposed policies. SEPA will consider every site individually with a consistent policy approach. In some cases, we are unable to offer an opinion on some of the policy options.

Many of the issues requiring consideration e.g. for groundwater, are issues which are already covered by SEPA policy or by Scottish legislation. It goes without saying that every site/activity should be risk assessed to ensure that there is an acceptable environmental impact and in the event it is unacceptable, mitigation measures should be proposed and carried out which ensure the potential impact is reduced to acceptable.

MIR General Comments

1. Policy Requirements and Recommendations

1.1 It is SEPA’s understanding that the MLDP will be a “stand alone” plan and we would therefore bring your attention to the range of issues SEPA would expect a Local Development Plan to include. These issues are outlined in our Development Plan Topic Tables (LUPS-DP-GU2a-e), a set of five documents in total. We hope that these documents will provide you with useful information when you bring together your development plan. The information contained in the documents is not an exhaustive list of the issues to be considered, but does provide a useful basis for the scope of issues we consider should be given due consideration.

1.2 Please note that some of the issues will be addressed in the EALP and there may be opportunities for several of these to be scoped out of the MLDP. The justification for this approach in relation to specific issues should be set out within the MLDP.

1.3 The Development Plan Topic Tables are split into minimum policy requirements which SEPA considers must be included in the proposed plan and additional aspects of key issues. The tables also include emerging issues which we would encourage to be included in the plan. Proposed plans which do not include SEPA’s minimum policy requirements will result in our raising an objection and to this end we would ask that you
note our requirements and recommendations available through the following links:

• Flood risk;
• Sustainable resource use including zero waste, district heating and heat networks and renewable energy;
• Water environment;
• Soils; and,
• Air quality and co-location.

1.4 Whilst it is not expected that all the requirements are explicitly referred to in the MIR it is important that it does not compromise the forthcoming plans’ ability to deliver them. For example if the role of the plan in contributing towards the objectives of the Zero Waste Plan is not identified as an issue (“main” or “other”) and there is a dearth of policy coverage in the existing plan we would highlight the need for this, with a potential objection if the proposed plan is not appropriately modified.

2. Soils

2.1 The protection of soils is a relatively new issue and I would bring your attention to our guidance document LUPS-DP-GU2e (see link above).

2.2 Soil is a key part of our environment and soil degradation can have major implications for air and water quality as well as climate, biodiversity and the economy. Sustainable management and protection of soils are key factors in ensuring that soils can deliver essential functions vital for the sustainability of Scotland’s environment and economy.

2.3 The management and protection of carbon-rich soils is seen as a key element of Scotland’s climate change mitigation strategy because of the potential of soil to store carbon and exchange greenhouse gases (CO2, CH4 and N2O) with the atmosphere. Scottish soils hold around 3 billion tonnes of carbon, which is the majority of the UK’s land based carbon, mostly in peatlands. Disruption of areas of carbon rich soil by development or cultivation can result in the loss of the stored carbon through release of greenhouse gases to the atmosphere. This is contrary to the target of reducing the emission of greenhouse gases set out in Part 1 of the Climate Change (Scotland) Act 2009 (CC Act) and efforts to mitigate climate change by reducing greenhouse gas emissions at source.

3. Further Information and Information Requests

3.1 Annex 1 contains our Local Development Plan Information Note which should help with the preparation of your plan. It also sets out the information SEPA requires in order to allow us to provide meaningful comment on the LDP. I would particularly draw your attention to section 7 of Annex 1 and SEPA’s information requirements for screening potential sites.

3.2 In order to upload any Local Development Plan site shapefiles onto our GIS system we ask that you provide dataset information for all proposed site allocations (including any sites allocated for development in the adopted plan). Annex 2 contains our Local Authority Data Form. The shapefile information must be supported by meta data.
(basically background detail regarding the shapefile information.

3.3 Given the complexity of the task in assessing the sites, we would request a consultation period of 6 weeks. We would also request that, where possible, the sites are pre-screened and that only viable sites are submitted for consultation.

3.4 We recommend that a copy of the table, including the site reference numbers/names is held in your records. We would also request that the references for site allocations are maintained and are not altered or changed as the LDP process progresses. Keeping the same site reference numbers helps with consistency and avoids the potential for confusion.

3.5 An electronic copy of the spreadsheet has been attached and should be used if appropriate.

MIR Specific Comments

4. Issues 1,2,3,4,5,6,12,14,15,16,17,18,19,20,21,30,32,33 and 34.

4.1 While a few of these issues may contain topics of some relevance to SEPA, many fall out with SEPA’s remit. I would therefore refer you to our comments below which cover those topics of most relevance to us.

5. Issue 7 Spatial Strategy - Unconventional Oil and Gas

5.1 The preamble places emphasis on the currently awarded Petroleum Exploration and Development Licence (PEDL) areas and characterises them as being centred around the Forth Estuary. This might not be reflective of potential future developments and doesn’t really reflect the locations of PEDL areas 162 and 159. The following map provides an indication of where the resource is believed to be (according to British Geological Survey (BGS)) and where the latest PEDL allocation round (14th) focused, although not implemented in Scotland.

5.2 Based on the comments below, it may be worth adding a sentence, at the beginning of this section, which highlights that there is a moratorium in place, what the moratorium means and that the proposed options only apply if the moratorium is lifted. In addition, the MIR may wish to consider SPP (para 240, 245, 246) which sets out specific requirements in relation to unconventional oil and gas policies in Local Development Plans.

5.3 With respect to unconventional oil and gas and Issues 3 and 4, it is not clear whether the extraction zone is coal only, or extends to other minerals, such as Unconventional Oil and Gas which have a very different impact (environmentally and visually for example). Clarification should be provided.

5.4 Policy Option 1 Page 51; Sensible Policy options but should include the following... “If the current moratorium is lifted…” Essentially this option is only achievable if the moratorium is lifted so that context needs to be inserted and also provides a comparable option to Option 3.

5.5 Policy Option 2 – SEPA would agree that the factors against which the proposals will be assessed are no different to those considered for any other development. It may
be helpful to reiterate that permissions will only be possible if the moratorium is lifted.

5.6 Policy Option 3 – No proposal could be supported until the moratorium is lifted regardless, otherwise this policy option provides a viable option

5.7 “Policies would apply to” Page 52

SEPA welcomes the list of unconventional “processes” to which policies would apply, as some of these do not naturally fit under the title on Unconventional Oil and Gas. Currently there is no moratorium of carbon dioxide sequestration and this should be recognised in the MIR. The comments made in the pre-MIR consultation on Carbon Capture and Storage (CCS) (i.e. that there is no current regulatory framework for onshore storage of CO2, meaning that it could not currently be licenced) have not been reflected in the draft MIR.

5.8 It should be noted that there is a moratorium on Underground Coal Gasification (which is different from the onshore oil and gas moratorium) and there is a separate examination of evidence being led by Professor Gemmell, due to be reported on by the end of this summer 2016. This might have implications for Unconventional Coal and Gas (UCG) development that are realised sooner than for onshore unconventional oil and gas.

6. Air Quality. Issue 7 (Spatial Strategy) and Issue 29 (Policy options for the remit of compliance monitoring)

6.1 Land Use Planning and Development Control: Planning for Air Quality and national air quality guidance LAQM.PG (S) 16 stresses the importance of tackling Local Development Plans and air quality in a co-ordinated manner. The MIR mentions that proposals for unconventional oil and gas will only be permitted where there is no significant adverse impact on air quality and compliance monitoring for air quality is suggested as a policy option. SEPA agrees with this approach but would like to see air pollution and climate change issues strategically linked into the environmental considerations of the plan. Any policies contained within the plan, which have the potential to influence air quality, should adhere to the general principles developed in the above guidance.

6.2 SEPA’s main concern with respect to air quality and mineral extraction developments is associated traffic emissions (the vast majority of particulate matter is > 30ug/m3) rather than on-site activities.

6.3 The potential impact of Zone 2 (extraction zone) on air quality in the surrounding areas should be considered. East Ayrshire Council is not an AQMA but there are AQMAs to the north east which are potentially vulnerable to activities in East Ayrshire due to the prevailing south west winds. Clean Air For Scotland (CAFS) identifies industrial processes (a category that includes mineral extraction activities) as the #5 sector for air pollutant emissions in Scotland, and the strategy sets a target to comply with EU air quality law by 2020. The National Modelling Framework (due to be delivered by end of 2018) could provide an appropriate constraint for the spatial strategies for coal and aggregates, through testing of the air quality implications.

7. Issue 8: Options for Peat

7.1 We welcome the reference to peat, its recognition of its importance as a carbon store and the identification of potential areas for peat restoration.

7.3 NPF3 refers to peatlands as ‘a very significant carbon store.’ (Para 4.2) and the need to secure ‘...Scotland’s long-term resilience to climate change, and reducing our national greenhouse gas emissions.’ By following the National Peatland Plan guidance for’...planning and decision-making to ensure we protect and enhance the multiple benefits of this internationally significant resource.

7.4 None of the policy options is ideal. Options 2 and 3 recognise the need to assess the likely effects of carbon rich soil removal on CO2 emissions, however there is no mention of starting from a position of first preventing/avoiding extraction, then minimising extraction by re-use.

7.5 The premise should be on minimising the impact as per SPP para 205 last sentence ‘Developments should aim to minimise this release (i.e. release of CO2 to atmosphere)’.

SEPA would recommend that options 2 and 3 are combined, there is a premise set to prevent and minimise extraction. There should be a reference to SEPA Regulatory Position Statement, “Developments on Peat”. (https://www.sepa.org.uk/media/143822/peat_position_statement.pdf

7.6 Reference should also be made to the Carbon and Peatland Map 2016, which helps identify carbon rich soil resource. See: http://www.snh.gov.uk/planning-and-development/advice-for-planners-and-developers/soils-and-development/cpp/

7.7 It should be noted that at the planning stage, developers consistently underestimate/report the amount of peat which they subsequently find has to be disturbed and removed, often requiring to be dealt with under waste legislation. MIR policies should not restrict such material, when it does arise, from being removed and made use of as restoration media elsewhere - such as abandoned OCCS. This is preferable to it being used dubiously, on the site e.g. in a sham disposal exercise.

7.8 SEPA can assist in the assessment of CO2 emissions and also on the suitability of re-use of peat on site.

8. 5.2 Water Environment

8.1 Groundwater Dependent Terrestrial Ecosystems (GWDTE)

8.2 There is a reference to wetlands being part of the water environment but there is no specific reference to Groundwater Dependent Terrestrial Ecosystems. GWDTE are protected under the Water Framework Directive and are sensitive receptors to the pressures that are potentially caused by development. I would bring your attention to our guidance note LUPS-DP-GU2b, the Water Environment and “the requirement” for local development plans to ensure that developments promote the protection of GWDTE. It would therefore seem appropriate to include a reference to GWDTE and their protection in policy terms.
8.3 SEPA holds some information on the occurrence of GWDTE, predominantly within designated sites (SSSIs, SPAs and SACs). However, there are non-designated wetlands that include GWDTE out with these areas, which are not listed. To identify non-designated GWDTE, The guidance ‘SNIFFER (2009) WFD95 – A Functional Wetland Typology for Scotland’ should be used to identify all wetland areas.

8.4 Invasive Non-Native Species (INNS).

There is no reference to Invasive Non-Native Species nor is there any detail as to the abundance and frequency of invasive species in East Ayrshire.

8.5 A number of organisations have a role to play in co-ordinating non-native species action in Scotland. Scottish Natural Heritage (SNH) is the overall lead co-ordinating organisation, with support from others in respect of specific habitats. SNH itself leads for terrestrial habitats and wetlands, SEPA for freshwater aquatic habitats, Forestry Commission Scotland (FCS) for woodland and Marine Scotland (MS) for marine habitats. These roles are set out in the Code of Practice on Non-Native Species and are referred to as the Framework of Responsibilities.

8.6 While we need to focus on improving water bodies to good status, the "no deterioration" objective is arguably more relevant as there is a recognised risk of deterioration if INNS are allowed to spread within and between water bodies and catchments. More information on classification can be found on SEPA’s River Basin Planning pages.

8.7 Issue 9: Policy Options for Flood Mitigation.

8.8 In terms of legislation, we would advise that reference is made to the Reservoirs (Scotland) Act 2011 as this provides a risk based approach to reservoir management which should help manage residual risk. Any new development in proximity to a reservoir could therefore potentially alter the existing risk designation and have implications/requirements for the specific reservoir owner.


8.10 In terms of the proposed of the minerals strategies aims (issue 2) it is also recommended that any proposal should have at least a neutral effect on flood risk both at the site and elsewhere.

8.11 The proposed zones are so strategic in scale that it is difficult to provide any specific flooding comments with regards to specific flooding issues or concerns. This puts more emphasis on an agreement on appropriate general principles pertaining to flooding.

8.12 For Issue 5 we would view sand and gravel workings in areas at medium-high
flood risk as being water compatible and therefore suitable subject to appropriate management measures to ensure no significant increase in flooding.

8.13 We would be supportive of the general principles outlined in the flooding section with key principles of avoidance and sustainable flood management stated. Reference is also made to consideration of the Flood Risk Management (Scotland) Act 2009 and the consideration of flooding from all sources along with implications of the Flood Risk Management Strategy and Local Flood Risk Management Plans for the Ayrshire area. In terms of the policy options option 1 is favoured i.e. that no mineral development should be proposed in areas within the 200 year flood extent. In line with our land use vulnerability guidance the exception to this would be water compatible uses such as sand and gravel workings. We would accept that in line with Scottish Planning Policy (SPP) a site maybe appropriate due to operational/locational reasons.

8.14 Flood Risk Caveats & Additional Information for Applicant

8.15 The SEPA Flood Maps have been produced following a consistent, nationally-applied methodology for catchment areas equal to or greater than 3km2 using a Digital Terrain Model (DTM) to define river cross-sections and low-lying coastal land. The maps are indicative and designed to be used as a strategic tool to assess flood risk at the community level and to support planning policy and flood risk management in Scotland. For further information please visit http://www.sepa.org.uk/environment/water/flooding/flood-maps/.

8.16 We refer the applicant to the document entitled: “Technical Flood Risk Guidance for Stakeholders”. This document provides generic requirements for undertaking Flood Risk Assessments and can be downloaded from http://www.sepa.org.uk/media/162602/ss-nfr-p-002-technical-flood-risk-guidance-for-stakeholders.pdf. Please note that this document should be read in conjunction Policy 41 (Part2).

8.17 Please note that we are reliant on the accuracy and completeness of any information supplied by the applicant in undertaking our review, and can take no responsibility for incorrect data or interpretation made by the authors.

9. Issue 10: Policy options for the protection of water bodies and ground water

9.1 SEPA supports the proposed additions to existing policy. Protection of the water environment should include consideration of changes that may impact the overall hydrology (not just water quality & its ecology) which could adversely affect other users of water environment e.g. not just private potable water supply abstractors, but also agricultural, recreational or industrial users.

9.2 Consideration should also be given to the available dilution factor afforded to existing authorised discharges to watercourses, all of which require to be detailed and if necessary mitigation provided. Developers should provide detailed baseline report on conditions at any potentially affected waterbody in vicinity.

10. Issue 13 Policy options for cumulative impacts on landscape

10.1 SEPA has no specific preferred policy option however, Unconventional Oil and Gas extraction should be considered because if the moratorium is lifted, development is likely to be progressive, beginning with only a few well pads at exploration stage and building up to several at production stage. The long term layout may not be clear until...
exploration and appraisal phases are complete.

11. Issues 22, 23 and 24: Policy options for the location of borrow pits

11.1 Borrow pits will be viewed as quarries by SEPA when considering their potential impact on the water environment and we will assess them as such regardless of location. Borrow pits should be sited where they have minimal potential impact.

12. Issue 25 Policy options for recycled aggregate facilities

12.1 We would support a combination of the options provided. Maximising the use of resource from waste materials, including those arising from minerals excavations, will help to support the achievement of the Zero Waste Plan aims and objectives of diverting waste from landfill, and Recycling 70% of all waste by 2025. A positive approach within the MLDP towards the use of secondary and recycled aggregates will clearly identify to members of the public and developers that there are expectations to reduce, reuse and recycle.

12.2 In policy terms, SPP (Paragraph 180) requires that Development Plan enable investment opportunities for a range of technologies and industries in order to maximise the value of waste to the economy and - in line with the waste hierarchy - encourage opportunities for reuse, refurbishment, remanufacturing and reprocessing of materials.


13.1 We support option 1. However the potential to rework deep mining bings requires careful consideration and assessment with regards to the risk of mobilising pollutants that may be contained within them. An assessment of the principle of the operation versus environmental impact should be undertaken, with any necessary mitigation being identified.


14.1 Compliance monitoring should be assessed on a site specific basis with as much focus being given to the restoration and aftercare stages. Some potential impacts, especially in relation to the water environment, may not manifest until these later stages and therefore appropriate baseline and ongoing monitoring is essential.

14.2 Monitoring is an ongoing process and should have inbuilt flexibility so as to adjust to changing circumstances. The frequency and type of monitoring should reflect ongoing site conditions and the MLDP policies should accommodate this requirement.

15. Issue 35. Policy options for the reuse of excess soils

15.1 We support the reuse of materials, diverting them from landfill.

15.2 It is fundamental to demonstrate the benefit of using excess soils at specific sites, in order to obtain a Waste Management Licence exemption from SEPA. We would agree that policy should not inhibit the acceptance of imported material where beneficial use can be demonstrated. The reuse of soils on site or at a receptor site may not always be appropriate and it is essential for early dialogue with relevant agencies including SEPA to ensure all regulatory obligations related to these activities are met.

15.3 Please note: Soil destined for landfill as a result of South West Scotland Interconnector project has not been diverted to Ponesk former opencast as stated - as far as SEPA is aware. A Waste Management Licence registration exemption is
registered with SEPA to move such material to Dunstonhill and Powharnal sites only.

16. Issue 36: Policy options for the use of sewage sludge

The appropriate use of sewage sludge would be assessed on a site specific basis and would be subject to the waste management regulations. SEPA therefore considers it inappropriate to have specific policies regarding this issue.

Sewage sludge may be spread on land without authorisation from SEPA if it is existing agricultural land under Sludge (Use in Agriculture) Reg...

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Michael Howe

Issue 1: Vision
I agree broadly with the vision but I would like to see "enhancement of the natural environment" included. I note the use of the word "responsible" with regard to further extraction.

Issue 2: Aims
Yes- agree.

Issue 3: Spatial Strategy- Restoration and Placemaking 1
I agree with 4 zones identified particularly zone 1. I would like to see zone boundaries in more detail but I agree with the principles involved.

Issue 4: Spatial Strategy- Restoration and Placemaking 2
Given the dramatic decline in breeding birds in the area that are associated with improved wetland and wet grassland I would like to see efforts made to restore protected areas. It is important that expert advice is taken in preparation of such sites and they are not just token gestures.

Issue 5: Spatial Strategy- Coal
Option 4

Issue 6: Spatial Strategy- Aggregates
Option 1

Issue 7: Spatial Strategy- Unconventional Oil or Gas
Option 2

Issue 8: Peat
Issue 9: Flood Mitigation
Option 2

Issue 10: Protection of water bodies and ground water
Very good

Issue 11: Conservation, enhancement and protection of geological interests
Option 1

Issue 12: Cumulative Impacts on communities
Option 4

Issue 13: Cumulative impacts on landscape
Option 3

Issue 14: Cumulative impacts on settlements as a result of durations of permissions
Option 3

Issue 15: Mechanism for collecting community benefit
Options 7.

Issue 16: Contribution rate for community benefit
Options 2, 3, 4.

Issue 17: Locational Distribution of community benefit monies
Option 1.

Issue 18: Types of projects funded by community benefit
Options 1,3,4,5,6,7,8.

Issue 19: Routing of the transportation of minerals
Option 1.

Issue 20: Operator contribution rates towards the maintenance of local roads
Not sure about this. Contribution should reflect usage and damage assessment.

Issue 21: Addressing cumulative impacts on minerals related traffic
Option 1

Issue 22: Location of Borrow Pits (Part 1)
Option 1

Issue 23: Location of Borrow Pits (Part 2)
Agree

Issue 24: Borrow Pits (Non Location Based assessment criteria)
Agree with all

Issue 25: Recycled Aggregate Facilities
Option 1

Issue 26: Reworking of deep mining bings
Option 3.

Issue 27: Extraction of Secondary Aggregates
Option 3

Issue 28: Frequency of compliance monitoring
Option 4

Issue 29: Remit of Compliance Monitoring
No

Issue 30: Assessment of compliance
Option 1, 2 and 3

Issue 31: Additional Monitoring Measures
All of them

Issue 32: Acceptability of financial guarantee products
Options 5, 6, 7 and 8.

Issue 33: Revision of Restoration Liabilities
Option 2

Issue 34: Reuse of Excess Soils
Option 2

Issue 35: Sewage Sludge
Option 1

General Comments: Map 8- Path Linkages does not make clear that some routes have not been completed and some are non-existent.
Anita Mulders

I would like to make the following comments on the Minerals Local Development plan.

Areas of search for Coal

I believe it is grossly unfair to restrict the areas of search for coal to the area Placemaking zone 2. This is for a number of reasons -

1) The demand for coal in Scotland is very low, and both Hargreaves and Keir have substantial stockpiles of coal on site. Burnston remainder still has coal to mine. The stockpile together with the coal in the ground at Burnston remainder will sustain any demand for coal for years to come.

2) This area has already undergone 20+ years of opencast activity.

3) There is hope that the Forestry Commission's North Kyle Masterplan will give new life to the unrestored land in the North Kyle Forest area and create a positive future of both the environment, but also for local enterprises associated with the new plan. By putting an opencast extraction zone right in the middle, new investment will be delayed or cancelled due to the noise, dust, and detrimental effect of opencast coaling on the landscape. To put it bluntly it will kill the plan before it has a chance to begin the long process of restoration, repurposing, rebranding and rebirth.

4) It would seem much more reasonable to have the extraction zone over all of the undeveloped coal field, and treat each application on its own merit not sentencing one area to prolonged blight- as the communities of Dalmellington and New Cumnock have borne more than their fair share of opencast coal development in the last 20 years.
RSPB

Issue 1: Vision - do you agree with the proposed vision for the Minerals Local Development Plan? If not, what would you suggest?

We welcome the focus on restoration and regeneration and broadly agree with the vision as stated in the dMIR. However, we are disappointed that the vision does not also include a clear statement of intent with regard to the environment. Quality of restoration and conservation of important assets should also form part of the vision. The use of the word ‘sustainable’ with regard to mineral extraction is problematic; while we welcome the intention for extraction to be responsible, extraction of non-renewable minerals cannot by its very nature be ‘sustainable’. Finally, the reference to innovative open space projects appears very specific and it is unclear what this refers to.

We suggest the following amended wording (and revision of the bold text) to address these points.

East Ayrshire’s former mining sites will be restored, enhancing the local environment and providing communities with opportunities for tourism, recreation, leisure and sustainable employment. **Regeneration will benefit communities and settlements through innovative open space projects.** Future needs for a supply of minerals will be fulfilled through a responsible approach to extraction, with appropriate restoration being considered from the outset and important environmental assets being protected.

Issue 2: Aims - do you agree with these aims? If not, what would you suggest?

We support the aims and feel these better describe the aspirations for both people and the environment than the vision. We request one change, which is to split the first aim into two as site restoration (the primary aim) helps to deliver many of the others – it is not only a mechanism for promoting tourism, recreation and leisure

- To support the creative, sustainable restoration of previously worked sites
- To promote tourism, recreation and leisure opportunities in and between rural communities

**Issue 3: Spatial Strategy – Restoration and Placemaking 1: Do you agree with the zones we have identified? Is there anything we should add or remove?**

Whilst we support a positive long-term vision and ambitious approach to placemaking, these ambitions need to be rooted in an understanding of what is likely to be achievable given current financial and technical realities, and therefore enable and encourage discussions about likely trade-offs, resource constraints and how benefits for communities and the environment can be maximised with limited resources. Some of the language around placemaking in this section does not appear to reflect some of the challenges associated with realising these ambitions.

In a broad sense, the 4 zones presented appear logical. We welcome the clear priority given to the Muirkirk and North Lowther Uplands SPA in zone 3 and we agree that there are opportunities for recreation and geological interpretation end uses in zones 1 and 4 respectively. Obviously in reality there will be significant cross over between these. In particular there is significant peatland resource in zone 1 that requires protection and enhancement and there are access and recreation opportunities in zones 3 and 4. If this zoning approach is favoured, a clear indication of the policy implications of being in a zone will be required.

The critical zone identified is zone 2 – extraction. The dMIR states that the zone encompasses the current areas of extraction at the House of Water and Greenburn complexes, and which have consent (or applications in the system). While we appreciate that the House of Water – Greenburn area is the one that retains the most viable mining opportunities from an economic perspective, the delineation of this zone (even at this broad scale) appears to include important peatlands that should not be mined, given their importance as habitats and carbon stores.

In order to prevent further environmental damage, the extent of this zone should be reduced to only cover the sites shown in map 5.

Similarly, zone 4 is in reality restricted to particular sites and the presentation of this zone as an exclusion to the natural environment zone is misleading as it includes parts of the SPA.

**Issue 4: Spatial Strategy – Restoration and Placemaking 2: Do you wish to see other options explored on unrestored sites? If so, what?**

We are aware that other end uses are being explored for sites, including as renewable energy sites and in principle we support exploration of other sustainable end uses. However, we would welcome policy to ensure that new developments, particularly where they are made possible or more likely to be consented due to the previously worked nature of the site, make a meaningful contribution to wider site restoration. We also suggest that the plan makes clear that such developments will be assessed under the development policies in the LDP, notwithstanding the fact they are on unrestored coal sites.

**Issue 5: Spatial Strategy – Coal: Which option do you prefer, do you have an alternative suggestion?**

In our previous response we recommended a **constraints mapping approach** that identifies areas where coal extraction is considered unacceptable. This would give the clear and robust framework that local communities and decision makers need and would give greater certainty to developers. We are therefore supportive of the principle of **option 1**,
subject to refinement of the constraints included. Excluded areas should include (but not be restricted to):

- **Internationally, nationally and locally designated wildlife sites**
  The Opencast Coal Subject Plan failed to protect these. In 2007, RSPB Scotland objected to the Grievehill extension within a Special Protected Area. It was consented on the basis that habitat was to be monitored and restored properly, which has not happened as a result of the collapse of ATH and grossly inadequate restoration bonds. In combination with the Powharnal OCCS, within the same SPA, this has left significant damage to a European site and risk of infraction fines.

- **Areas of deep peat (over 0.5 m)**
  This habitat is of high biodiversity value and is also a significant carbon sink. Avoiding this habitat would bring the Plan into line with SPP policies to protect and restore peatland and with SNH’s Peatland Plan. The SNH deep peat and priority peatland habitat draft map may be a useful resource for doing this: [http://www.snh.gov.uk/planning-and-development/advice-for-planners-and-developers/soils-and-development/cpp/](http://www.snh.gov.uk/planning-and-development/advice-for-planners-and-developers/soils-and-development/cpp/)

  In this way the plan would prevent the development of sites where restoration of sensitive habitats is going to be technically challenging, even with sufficient funding. Our experience is that where sites have been consented in sensitive areas, particularly in habitats such as deep peat, restoration has not been possible to the extent envisaged.

- **Additional constraints relating to cultural heritage and community interests**
  We have not attempted to define this but similar spatial exclusions could apply.

If Areas of Search are felt to be required these should be mapped outside the excluded areas. Supporting policy would need to make a clear presumption against development outside these areas of search and clear criteria would be required to assess suitability of extraction within areas of search.

**Option 2** is not consistent with the intention of SPP which aims to support a spatial planning approach as it effectively defines the whole of the East Ayrshire Coalfield as an Area of Search. We do not support this option.

**Option 3** is based on the old Potential Coal Extraction Areas which have previously been used as justification for damaging development, for example at Dalfad. A full review of the spatial plan is required and we do not support starting from the previously identified PCEAs.

**Option 4** is a solution based on developer aspirations. We do not support the plan being led by developer needs as this does not provide a strong policy context, should economic drivers change in the future and other development proposals come forward. However, if developers have identified these two areas as the only ones where there are aspirations for development, and the plan really restricts development to them, we would support a detailed constraints mapping of these areas (as option 1 but for these areas rather than the whole coalfield) to ensure that community and environmental impacts are appropriately considered in this option.

**Option 5** is not one we would support for the reasons given above in response to issue 3. As with option 4, this would need to be subject to further constraints mapping.

**Issue 6: Spatial Strategy – aggregates:** Which option do you prefer, or can you suggest an alternative option? If you would prefer an area of search to be designated,
do you have any suggestions as to where this should be? And for which construction aggregates?

We support option 1 that would use a criteria based approach to ensure the plan does not support any further extraction while the market needs are being satisfied in Ayrshire.

**Issue 7: Spatial Strategy – Unconventional Oil and Gas: Which option do you prefer? Do you have an alternative suggestion?**

We support option 3. The moratorium currently in place at national level effectively dictates that no unconventional oil and gas proposals can be supported until such time as the moratorium is lifted. It may be the case that the outcome of the research and public consultation will be a complete ban on unconventional gas extraction, therefore the development of local policies and spatial strategies at this time would be premature, based on incomplete information and an ineffective use of resources in advance of the conclusion of national processes underway.

We also agree that should unconventional gas be permitted following the research and consultation period, the Council should consult on and adopt Supplementary Guidance including spatial guidance prior to determining any application. Should any unconventional gas extraction be permitted by the Scottish Government, spatial strategies will be important to avoid impacts on sensitive species and habitats including designated sites and peatlands, and detailed consideration of restoration and aftercare (including potentially long-term monitoring e.g. of methane leakage) needs and requirements will be required.

**Issue 8: Policy options for peat - do you agree with any of these options? If not, can you suggest another option?**

We welcome the recognition of the importance of peat as a habitat and carbon store within the dMIR and the acknowledgement of the enhancement work carried out by the CEI. However, we note that map 14 only shows the areas identified by CEI as priority sites for peatland enhancement projects by that organisation. This took into account practical and organisational considerations and is not a map of all peatland that should be protected from damaging development. On its own, it is therefore not an appropriate or complete spatial strategy for the purposes of the Mineral Plan Policy.

Non-designated areas of peatland can be incredibly valuable; active blanket bog is a priority habitat in the Habitats Directive and UK Biodiversity Action Plan and only a small proportion of this active bog area is designated. It is critical that these areas receive some level of protection in the spatial strategy, and this is a key lesson that should be taken from previous experiences in East Ayrshire. The failure to recognise the value of Dalfad Moss (a provisional wildlife site but considered non-designated) led to sanctioning of its destruction and the creation of a massively problematic restoration legacy.

We therefore support option 3 with some amendments. Prohibited areas should also include Provisional Wildlife Sites and areas of non-designated deep peat (over 0.5m as adopted in forestry guidance). There is also useful text from options 1 and 2 about the use of peat where it does occur on sites that should be incorporated into option 3.

**Issue 9: Policy options for flood mitigation – which option do you prefer or do you have an alternative suggestion?**

We support the inclusion of areas of high flood risk in spatial mapping of constraints to opencast development.
However, policies are also required to ensure that where development is proposed outwith high risk areas, this does not compromise flood management proposals further downstream or pose pollution risk as a result of flooding.

**Issue 10: Policy options for the protection of water bodies and ground water – what do you think of the potential additions to existing policy? Can you suggest anything further?**

We fully support the suggested policies for the protection of water bodies and ground water. In addition we would include:

- There will be a presumption against development that requires diversion of significant watercourses
- Where watercourses are diverted, restoration should use soft engineering approaches to create habitat as near natural as possible and should revert to the original course

**Issue 13: Policy options for cumulative impacts on landscape – which option is your preferred option? Do you have an alternative suggestion?**

We have no specific comment in respect of assessing landscape impacts but generally support an assessment of all developments that affect the receptor in question so believe that option 4 is the most appropriate option.

We are disappointed that similar policy has not been proposed for natural heritage interest and recommend that this be added to ensure the LDP is consistent with SPP and environmental legislation. Similarly, policy should ensure consideration of proposals for minerals related development in cumulative terms, in particular in terms of impacts on designated sites.

**Issue 14: Policy options for addressing cumulative impacts on settlements as a result of durations of permissions - which option is your preferred option? Do you have an alternative suggestion? Could development start again? After how long?**

We welcome these policy options that attempt to address two significant issues with opencast operation in East Ayrshire, namely the long term nature of impacts caused by seeking permissions for extensions to sites and failures to complete phased restoration as consented, because of changes in working necessitated by extensions.

However, we feel the options as proposed retain some level of ambiguity with regard to extensions and adjoining sites. The crucial issue is minimising the area of disturbed ground and ensuring restoration takes place as soon as possible. We therefore support the following elements of option 2 and 3 being adopted as policy:

- Have a time limit for extraction of 10 years on any single site, including extensions (where extraction includes soils, overburden and coal)
- Extraction will not be permitted on sites within 2 kilometres of any unrestored sites or sites undergoing restoration until this restoration is complete. This would apply regardless of whether the sites were proposed by the same or a different operator.
- Extraction will not be permitted on sites within 2 kilometres of any active site, such that extraction will not endure in the same locale for longer than 10 years. This would apply regardless of whether the sites were proposed by the same or a different operator
**Issue 15: Policy options for the mechanism for collecting community benefit - which option is your preferred option? Do you have an alternative suggestion?**

We support a combined approach to managing contributions from all types of major developments (albeit with criteria to ensure spend in the areas directly affected) as part of a long term strategy to accommodate changes in the industrial activity of the area. These should include all large scale developments that have a long term impact on the environment, landscape and amenity value of the local area and should include coal, aggregate and renewable developments.

We therefore suggest a combination and variation of option 3 and 7. This would be a Council led scheme that combines contributions from all major developments that affect communities into one community fund. A proportion of this should then be given to communities to allocate using a participatory budgeting approach, with the remaining proportion allocated to long term legacy projects that deliver environmental and social benefit.

**Issue 16: Policy options for the contribution rate for community benefit - which option is your preferred option? Do you have an alternative suggestion?**

We support linking the contribution rate to the level of impact, rather than the amount or value of mineral extracted. We therefore support option 3, with the lump sum calculated to reflect both the extent and duration of the development.

**Issue 17: Policy options for the locational distribution of community benefit monies – which option do you prefer? Or do you have an alternative suggestion?**

Our suggestion would be for the participatory budgeting element of the fund to be allocated to communities within a defined radius of development sites. The wider community benefit fund should operate across Cumnock and Doon (or a wider area if including renewable developments outwith this area).

**Issue 18: Policy options for the types of projects funded by community benefit - which option(s) do you agree with? Are there any options missing?**

We agree with the types of projects listed but would suggest some clarification of the wording of project types 1 and 2 to include non-woodland habitat projects and ensure that both projects with an environmental and education purpose are supported. We suggest the following wording:

1. **Environmental Projects**: For example, habitat restoration, or management, woodland planting and maintenance, town/village streetscape projects, community allotments, community gardens, environmental art projects, landscape schemes

2. **Environmental Education Projects**: For example, school sensory gardens, weather stations and habitat creation in school grounds, environmental education packs and environmental education projects on local nature reserves.

Cycle tracks and path networks are not environmental projects and should be included with other capital works in **6. Community led sports and leisure**

**Issue 21: Policy options for addressing cumulative impacts of minerals related traffic - which option do you prefer? Is there anything you would add or amend?**
No comment.

**Issue 22: Policy options for the location of borrow pits (part 1) - Which option do you prefer? Or can you think of an alternative?**

We agree with the suggested policy that borrow pits should be within the planning application boundary of the project the mineral is to be used for.

**Issue 23: Policy options for the location of borrow pits (part 2) Do you agree with these proposals? Is there anything you would add to or delete from this?**

We agree with all these criteria. An additional consideration is disturbance impacts on wildlife as there may be some times of year when extraction from a particular location is unacceptable if it causes disturbance to breeding or lekking birds.

**Issue 24: Policy options for borrow pits (non-location based assessment criteria) - do you agree with all or some of this criteria? Is there anything you would add?**

We agree with all these criteria.

**Issue 25: Policy options for recycled aggregate facilities - do you agree with all or some of these options? Is there anything you would add?**

We have no preferred option but note and support the need to assess the biological value of bings prior to considering extraction. There are likely to be environmental benefits to locating any facilities at existing mineral or waste sites rather than at a new site.

**Issue 26: Policy options for the reworking of deep mining bings - Which option do you agree with? Do you think there are other options?**

As the dMIR states, bings often develop a valuable flora and therefore reworking should only be supported if this will not cause adverse impacts on biodiversity and if a specific need has been determined for the minerals won (as with new aggregates extraction, as set out in issue 6).

**Issue 27: Policy options for the extraction of secondary aggregates - which option do you agree with? Can you think of any other reasonable options?**

We support option 3, subject to a clear statement in the plan that this excludes peat.

**Issue 28: Policy options for the frequency of compliance monitoring – Which option do you agree with? Or do you have a different suggestion?**

We support option 2 but agree that option 4 could be added to this to allow reduced frequency in certain phases of the development. This should be with the agreement of the TWG.

**Issue 29: Policy options for the remit of compliance monitoring – Can you think of anything else that should be monitored?**

We support the suggested options along with those covered by issue 31.

**Issue 30: Policy options for the assessment of compliance – Which of these options do you agree with? (Note all that apply) Can you think of any additional or alternative measures?**
Given issues of capacity to assess reports, and the level of expertise required, we support option 1. However, to ensure transparency, all reports should continue to be made available to TWGs and CLGs and meetings of these groups should receive a summary of compliance issues.

**Issue 31: Policy options for additional monitoring measures – do you support the implementation of any of these monitoring regimes? Can you think of any additional or alternative measures?**

Compliance monitoring has historically been restricted to restoration and on site conditions so conditions that stipulate off site ecological mitigation are not covered by this system and rely on members of the TWG to oversee, which we consider to be unacceptable. We therefore support all 3 options and welcome the fact that these address concerns raised in our earlier responses.

We also support the approach set out by the Council in Policy RE9: Financial Guarantees and RE10: Compliance Monitoring (p88 of the adopted LDP), which require developers to contribute towards the financial burden of compliance monitoring.

As a minimum, compliance monitoring should (on a less frequent basis than for the on-site topics) report on other mitigation. This may by necessity be a compilation of information provided by the developer's Ecological Clerk of Works but would as a minimum bring reporting of this work into the monitoring summary and allow checking by members of TWG and CLGs.

We hope, as suggested here, that there is the potential to do more than this and would be happy to work with EAC to explore ways to take forward these options.

**Issue 32: Policy options for the acceptability of financial guarantee products - which option or combination of options do you support? Or can you think of another option? Are there other types of guarantee within the matrix which you deem unsuitable?**

We remain of the view that an ESCROW (ring-fenced fund), either as an initial lump sum, or a pay as you go ESCROW in combination with a bond to ensure full coverage during the initial period, is likely to be the lowest risk option for developments with significant restoration liabilities, as ESCROW funds will be readily accessible to the Council.

We recommend that a clear preference is given to this approach in the MIR. Should other options be considered, we agree that the risk matrix is useful to steer decision-making and high risk options should not be used unless in combination with a lower risk option.

We recognise the reality that operators may refuse to agree to a lump sum ESCROW as they require a significant up-front investment compared to bonds/bank guarantees. If a bond/bank guarantee is the only option it is important to ensure that it is well quantified and periodically reviewed to mitigate the higher level of risk associated with not using as ESCROW. It must also be clear how the trigger for calling on a bond or bank guarantee relates to outcomes of compliance monitoring. In particular, the Council's review of financial guarantee options noted that in the case of a planning breach, the developer may argue that calling on a bank guarantee will result in insolvency, resulting in pressure on the Council to not call on it. Banks may also contest the calling leading to delay. This has been the experience in the past with bonds, resulting in costly legal disputes. These risks could be mitigated through a very clear relationship between compliance issues and the circumstances where bonds/bank guarantees will be called upon.
Issue 33: Policy options for linkages between compliance monitoring and financial guarantees - which option, if any, do you support? Or can you think of another option?

We support a combination of all of these options. The fundamental procedure is set out in option 1 i.e. that financial guarantee milestones should be monitored and progress towards or deviation from milestones should be assessed by the independent compliance monitor and the Planning Authority prior to restoration guarantee adjustments. The method for recording and communicating this would seem to be via compliance monitoring reports as set out in option 2, and these should be made publically available. It is also important that progress towards restoration milestones is discussed in technical working groups, and outcomes of those discussions may usefully feed in to any decisions around adjustments to the financial guarantee. For transparency, this information should also be made available to community liaison group meetings with an opportunity to comment before key decisions are taken.

Issue 34: Policy options for the revision of restoration liabilities - which option, if any, do you support? Or can you think of another option?

We support option 1 that allows a tailored approach to each site. However, the MLDP should also contain triggers that would prompt a review of restoration liabilities between phases. This could include:

- Significant compliance issues showing deviation from planning conditions relevant to restoration liability
- Any amendments to the planning condition
- Any changes in timing or phasing of operations

Issue 35: Policy options for the reuse of excess soils – which option are you in favour of? Can you think of an alternative option?

We see merit in both options as future needs should be able to be identified in restoration plans, allowing for forward planning (our understanding of option 2). We understand this option to mean send to minerals sites rather than landfill, not to minerals sites from landfill.

Issue 36: Policy options for the use of sewage sludge – which option are you in favour of? Can you think of an alternative option?

We support a combination of option 1 and 2 as follows:

Sewage sludge can be used in restoration of all sites, existing and in the future, where there are inadequate soils to allow regeneration of fauna.
Part 1: Discussion

Question 1: What do you find attractive in East Ayrshire? Where do you visit currently? (Dots placed to illustrate place where assets are present)

- ** Kyle Forest **
- Craignengillan
- Dark Sky Park
- Auchinleck House
- Whitelee Wind Farm (cycling and walks)
- Loch Doon/Ness Glen (sailing and camping)
- Cessnock Castle and its ancient woodland
- Loudoun Castle
- Loudoun Hill
- Scottish Industrial Railway Centre in Dalmellington
- Waterside Cottages (open to the public?)
- Kilmarnock to Irvine Cycle Route
- High House
- Peat Bog (dot placed near ‘Dalgig’ on blank map)
- Highhouse Colliery/Highhouse Industrial Estate
- Pathhead Bakery Ltd
- Wildlife Gardens (New Cumnock)
- Lochside Hotel & Spa (New Cumnock)
- Dean Castle Country Park (Kilmarnock)
- Dick Institute (Kilmarnock)
- Sorn Castle
- Sorn to Muirkirk route (through Airds Moss, SAC and SPA)
- Catrine House
- Lethan Hill route to Dalmellington (starting east north east of New Cumnock along the boundary of East Ayrshire and Dumfries & Galloway)
- Dumfries House
- Riding School
- Glaisnock House – could be turned into hotel
- Geology – Black Rock, Lugars Hill, the Cairn

Question 2: What types of uses would you like to see?

- ** There was a real desire to see more linkages between sites
- Improving facilities at Muirkirk
- Forestry land
- Things to do for young people
- Safe land
- Places to stay in Patna and Dalmellington
- ** Linking core pathways (loops rather than doubling back)
- Walking arranged trips
- Chalmerston to Muirkirk coal route
- Agriculture returned to sites (even just grazing)
- Reconnecting river channels to floodplains to mitigate against flooding (E.g. River Nith)
- Wildlife learning centre (with outdoor classrooms)
- ** Signage (with Lethan Hill mentioned in particular)
- ** See that the landscape is mended --- mending what has been broken first and then see what opportunities become available through this
Infrastructure and connections that will allow opportunities to arise (e.g. one big idea that will draw people to visit East Ayrshire)
- ** Bird watching facilities
- Proposals need to be site specific
- One big tourist investment
- Basic infrastructure to support this
- Set up a trust for funding
- Tourist infrastructure/visitor stopping points, i.e. car parks, toilets
- Needs to fit in with topography
- Rigorous enforcement
- Proposals need to be site specific
- Scenic/Railway Lines
- Visitor Accommodation
- Craft Village
- Kayaking (Ness Glen)
- Cycling (Kyle Forest)
- Re-Naturalisation (e.g. Glenmuir)
- Indoor Shooting Range – an attraction that covers all year round so it doesn’t turn into a ghost town
- Indoor activity for children
- Coffee Shops to support big tourist attraction
- Off road driving/Adventure Sports
- Something similar to Eden Project?
- Activity within woodland area
- Canoeing
- Youth Hostel
- Good Accessibility for disabled
- Employment - A project which will create jobs – hills, water, viewpoints, heritage
- Internet – everyone needs access to this
- Get the community to work together
- Capitalise on Burns Heritage/ Covenanters History/Beauty spots
- Hydro/Wind power

Question 3: Who should be involved in restoration plans?

- Landowners
- Communities (get jobs out of the projects)
- There is definitely a need to incorporate local businesses
- NGO’s for extra funding (E.g. RSPB)
- Government
- East Ayrshire Council
- Energy companies
- ** Employment is highly desirable
- There is a need to work with everyone --- and everyone needs to consider their role
- Encourage outside investment

Part 2: Annotating maps

Question 1: Where should restoration projects take place? (Annotated on map)

Kames
- Restoring paths through the SPA
- Build an education facility --- This could be a location where useful data can be gather as well.
Improvements for camping facilities

Walking and cycling facilities
- Facilities that link to each other (rather than sporadically placed facilities)
- Introduce something around Ayrshire similar to the North Coast 500 Trail
- Cycle hubs --- E.g. North Kyle Forest have a network of small cycling hubs
  --- E.g. In town centres to bring people in
- A cycle track which links all of the Kyle Forest (and also old mineral lines)

Wildlife sites
- Improve existing wildlife sites/environments
- These have become degraded (improvements needed)

More vantage points

Upland grazing
Keen to see mixed native woodlands

Mountain biking routes

Signage
- Sign boards everywhere
- Particularly along woodland trails

Question 2: What would you like to see? (Annotated on map)

** Create a cleaner, more pleasant environment and see what opportunities arise from this
- A few iconic ideas to attract people
- Something which encourages local tourism as much as international tourism (day trips)
- ** Broadband infrastructure which will facilitate and attract more visitors
- ** A key attraction situated just east of Patna
- Natural flood protection along the River Nith with buffers and funding to carry out the work as well as peatland restoration --- An interactive map which explains and illustrates the need for natural flood defences

Part 3: Combined discussion

- ** Shuttle bus that has predetermined looping routes allowing people to jump on and off
  - Bus could effectively be a free service (but the price of this service be included within admission fee)
  - Access for the disabled
  - Network of paths
  - ** Need to make people stay in local areas
  - There is a need for an iconic building (could be a field study centre --- possible competition for the best design)
  - East Ayrshire needs repeat visitors. There needs to be quality in the design and building of facilities as well as repetitive and frequent maintenance
  - Facilitate different price brackets to optimise visits and local income
  - ** There is a need for a proper visitors centre
  - Idea of a local app which visitors can download that notifies them for the facilities and tourist attractions that they are approaching

There could be an entrepreneurial competition to design the best app within academies across the area or a competition for various Council areas to come up with an idea for a
large scale development which would create publicity and the winner would be backed by Government and receive funding for this. Furthermore, a key point which was made was that local communities do not want to see any money being wasted but spent wisely and to the best advantage. Regarding the possibility for water recreational sailing areas – an East Ayrshire outdoor education officer has previously investigated the possibility for sailing and it has been ruled out. This does not, however rule out other water activities. Research is required to research where people come from to visit existing hot spots. Planning applications for opencast involve reading, digesting and understanding a huge amount of information. This is very onerous for the public, who need support. [Could Planning Aid for Scotland or EAC Vibrant Communities team provide that support?]
Part 1: Discussion: What impacts does coal extraction have on you?

Negative

- Amount of traffic - which leads to damage to infrastructure such as footpaths and bridges.
- Dust - this effects people in day-to-day life and can cause health issues.
- Air Pollution- particles from diesel engines (PM10) - not just communities that suffer but workers too which can lead to fatal accident enquiries on site.
- Noise - it goes on for 24 hours a day (or it seems like it) - although during the day it doesn't bother you but at night the noise is very bad/prominent, it is the running noise from loud machinery but it is also the noise of large rocks being dropped into the chambers.
- Blasting – noise and vibration from this.
- There was a workshop in Cumnock 2 years ago which addressed the effects of noise on the surrounding communities. As a result of this, there was a reduced noise condition at Duncanziemere - but they did not reduce the noise, they averaged the noise out to keep it below the acceptable level- but it also depends on the weather, the noise can be worse in some weather conditions such as when there is no wind. It can be very noisy though. It feels louder at night. Temperature inversion- noise travels. The topography of the area can contribute to the noise level. The night-time work is an issue and it is not a continuous drone but various thumps (bumps). The machine maintenance can matter too as some older machines can be noisier but the newer machines can be quieter. Example at Sorn - music playing loudly in the area and upon investigation, there was an operator playing music loudly at his machine. The main point to make is the quality of noise and fact that you can listen to it night after night and this makes you irritable, cranky and it can create tension, anxiety and stress.
- Devastation of the Environment - we are talking about a large area of land being disturbed and it is also the time aspect of this because there is the prospect of the land never properly being restored. Therefore, it can be perceived as a continuous impact.
- Peat - the removal of peat and carbon sink can affect the hydrology of the land.
- Increased outfall of streams and ponds and rivers, altering the course of the water, altering topography.
- Landscape Impacts - the result of opencast coal is that you are left with mountains (hills) and voids, the landscape that is left/created after restoration is not keeping with the character of the previous landscape.
- Depopulation - Loss of historic farmsteads.
- Loss of employment - loss of jobs in farming, monoculture- one thing happens and excludes other things going on (this is what happened.)
- Restoration – cases where previous restoration had been dug up as it was not done properly in first place
- No drainage on early restoration projects – just rubble basically – no field drains
- Ecologically valuable restoration – does it really work and is it an improvement on what was there previously?
- Impact of blasting causes concern
- Failure of a financial system – looking at what has happened previously – devastation to East Ayrshire – argue that going into and mining new coal areas, given price and demand, is not financially rewarding.

Positive

- People who got jobs in opencast far out way the benefits of the people who worked in farming. The jobs in opencast were short term jobs but employees got paid very well. They were dirty and high-risk jobs and as time went on there were less and less jobs available or being created.
- Noise- Duncanziemere- it did die down in this location after the restriction was put in place.
• Ecological Opportunities
  How many sites have been restored well? - original restoration plans looked wonderful but they haven’t been fulfilled - some sites have been restored to a reasonable standard- there was a split in industry (good restoration) now evolved into restoration not done properly (Burnfootmuir - forestry), the restoration we had before on sites is wrong but the operators are capable of doing a good job, take poor quality farmland can be restored into lots of ecological possibilities- some have better ecology than before, the industry has failed in relation to the quality of restoration given after mineral extraction activity.
  Restoration- some of the restoration before liquidation was disturbed (dug up) and the reason given for this was that the quality of restoration was not good enough. So what does bad restoration look like? - rubble, no drainage, if a field is going back to agriculture use there need to be flooding mitigation measures on the land (stones, altering the landscape-hills, natural flooding mitigation measures.

Final Negative Points
• Blasting- this is an issue raised by local people and their concerns about air overpressure (feeling of the blast), there seems to be no regulated safety distance and it was just up to the operator to judge where blasting on a site could occur in relation to surrounding uses in the area. It is more regulated now.
• Failure of Financial System- they didn’t put money aside for restoration, there was no financial common sense to get into coal extraction after liquidation. No financial sense to restore sites properly either.

Conversation turned to the need for Areas of Search by the participants.

Areas of Search
• We don’t understand why we need an area of search if we don’t need coal anymore therefore we should put forward the Coal Resource Map or we need to ask Hargreaves if they will continue coaling for another 5 years.
• Coal is different to anything else as you cannot predict the market (viability cannot be mapped), Option 4 and Option 5 are areas where operations are happening just now.
• What is the purpose of the Area of Search? Coal will disappear in the plan period, Carbon capture is not viable for a 10 year minerals plan. If you have an area of search, do you have less stringent planning policies in this area compared to other areas? The community do not want it anymore, we could have the Coal Resource Area as an area of search but have stringent criteria in place. This might be the better way to go.
• We can see that this is a problem, you are being backed into a corner by the Scottish Government, SPP says “should” therefore this could be interpreted as having some lee-way for having to designate Areas of Search.
• The Council need to stand up to the Scottish Government and say we have had enough, we have coal and if you want to do gasification then come up with a policy for it.
• Rather than an Area of Search, should the LDP instead set criteria (stringent!) for operators? In other words, criteria-based policy rather than spatial policy? [My feeling on this is that it all becomes spatial at some point in the end - so I don’t really see a distinction - and it helps everyone if spatial impact of the criteria can be mapped through the LDP process, so everyone’s clear on what areas would be left for coaling once the criteria have been applied.]
• Cumulative aspect should ideally cover a number of aspects: time/duration of coaling (see point 3), landscape impact of multiple opencasts, and impact of opencast and renewable power generation (turbines).
• In terms of SPP, the council look like they are in a strong position to recommend a review of SPP because the situation on the ground has changed.
• Hargreaves intentions - projections are they will extract 330,000 tonnes per year and they want to see the sites out. But you are talking about current operations. What will they do when it extraction ends? Is there a plan afterwards? Operators need to say what they will extract between 2019-2025 (the plan period.) But then they will be stockpiling it which is a problem too.
Some participants began to talk about specific sites such as Lanehead (application expired) and Carsgailoch Hill (approved but the legal agreement was not concluded).

Mapping Exercise
These constraints are the ones we started with:
- Settlements
- SPA/SAC/SSSI
- Peat and Carbon Soils
- Biosphere
- Dark Sky Park
- Sensitive Landscape Areas
- Gardens and Designed Landscapes
- Ancient Woodland
- Archaeology

Constraints that were suggested by the participants:
- Areas if high landscape value
- Agricultural Land
- Other mineral extraction
- Cumulative Impacts
- Area/Corridors of High tourist potential (don’t want people to drive through an opencast to get to these)
- Landscape features associated with human population
- North Coast 500 Trail (Scotland)
- River Ayr Trail
- North Kyle Forest Masterplan

NB: Dark Sky Park- different to Craigengillan Estate – there is a need to separate these from each other in the MIR. It is part of the Galloway Forest.

- Will there be a policy in MLDP where a coal site could be rejected if it is near any of these constraints? Would you rather have a criteria based area of search? This would mean the whole of the local authority area would be the area of search.
  - The 2003 plan was good and won awards but it was not applied.
  - Looking at the Potential Coal Extraction Areas in the OCCSP some areas of coal are not identified and other areas of coal operators had already come in for before the old map was published.
  - Effects of wind and coal in the south - becoming a blight.
  - Lethan - 5 turbines that will be 76 m tall. Some of these windfarms in the south will happen and the problem is just the extent of them.
  - Criteria based approach- don’t think we need to necessarily look at it spatially. Does this mean that a site can be rejected if it goes against one constraint? Force operators into Areas of Search.
  - Does the Council have a view of coal extraction or is it forced on council by Scottish Government. Council encourages economic development as long as it is suitable, first look at the appropriateness of the development, then look at the impacts of the development and this is all assessed in the planning application process.
  - Looking at the coal map from the 1st workshop - there is still a lot of coal near Kilmarnock, viability is not on the map because it cannot be mapped, it changes every day, it may be better to use the Coal Resource Map.

Conclusions
Criteria Based approach seemed popular over the other options. They would rather not identify an Area of Search within the Coal Resource Area. However, some participants were keen to use the Coal Resource Map as the Area of Search. Participants were encouraged to use the representations to tell us what the criteria should be as the workshop did not have time to come up with any ideas.
Discussion: What attractions do you like to visit just now?

- Ochiltree (community council are raising money to improve the walking and cycling paths to Dumfries House/Barony A Frame). Also to Auchinleck House to Mauchline Estate and River Ayr and Cumnock.
- Barony A Frame
- Auchinleck House
- Loch Doon (scenic views)
- Dumfries House
- Muirkirk (paths around Muirkirk)
- Dalmellington Moss
- New Cumnock (lagoon)
- Dalmellington Moss
- Biosphere- Core area always seems to be the very important area and the Outer zones look less important but they aren’t. They are just as important as the Core Zone. Everything is valuable. Natural zone- some people find this confusing, zones should not be intended to separate areas but should reflect a strategy for restoration of the whole area and how this links into the rest of East Ayrshire. Like the Biosphere, most of the land is designated/protected so there is not a lot you can do with the area (not accessible for development.) The potential lies where designations do not exist.
- Tappet Hill- areas of peat.
- High Value Nature Areas
- Wallace’s Cave
- SWT Reserve at Knochshinnoch – well used by the local community and seen as an asset
- Whitelee Wind Farm
- Crawick Multiverse, Sanquhar
- What types of restoration would you like to see?
  - How can we link the zones to restoration? - how can we integrate operational and unrestored land into placemaking/restoration. First the sites need to be made safe and then we expect that there will be minimal restoration.
  - How do you want the land to be- it will never go back to what it was previous to mineral extraction.
  - Variety of landscapes and habitats- we want a bit of everything (forestry, streams) but the land should be productive as well with a satisfying outcome.
  - Zoning approach might not work.
  - The soft approach (not zoning anything and just restoring the land to a standard suitable for development) is accessible and attractive to the general public.
  - Loch Doon- presence of an osprey and they have a viewing platform (5,000 people went to Loch Doon annually.) There used to be caravans at Loch Doon which were not looked after but they have been moved away and moved back and now people are looking after them and it is a nice place to go. Great infrastructure there for caravans now.
  - Transport- good roads getting into Cumnock from the south but the roads are poor across East Ayrshire.
  - Walking trails- this would tie in the area and connect places together.
  - Health and Wellbeing- with access to soft places this would improve the health and wellbeing of the public. People can go and enjoy these places.
  - Kyle Haul Road- taken onboard by local community as an asset, it has benches along it now.
  - Should the new development be for visitors or locals? - somewhere that is good enough that people are proud of the area/create a sense of belonging again and it will appeal to a wider audience but local people may be the most important people to aim
development for (Dumfries House, Craigengillan Estate.) Start with the local communities and build on this, communities could be the economic drivers.

- Local economic drivers can then push out to other people in other areas (tourists/visitors), enhance local business and assets, we want 50,000 people to stay for the weekend not just come down for the day, there are not enough hotels and facilities to cater for this.
- The only constraint for all this development is that the land we have is rubbish (bad quality), example: Crawick Universe- an example of something you can do with an opencast site inexpensively.
- Shooting range would be good to see in the area and they are very popular at the moment. The areas of the opencast coal sites are big enough for a shooting range that they could hide the development. But what site would you put this on?
- GO APE- Benbain void could be turned into a Go Ape and the void could have a zip line across it, companies like GO APE find it difficult to find suitable sites so the council could zone for this and offer them an opportunity.
- Amphitheatre- the acoustics would make it a good site for this kind of development.
- Geopark- instead of developing something else on opencast sites, open them up to the public as a tourist attraction. At the moment, there is a feeling of shame around opencast coaling in East Ayrshire and that we want to hide these sites, but maybe we should capitalise on having these sites in our area and celebrate the industry by opening the sites to the public.
- Diggerland- this could link in with opencast sites, have an operational site as a tourist attraction-could generate a lot of interest. Some people may find this fascinating to see. It is a little boy’s dream to look at big trucks and diggers. (an every adult boys dream)
- Most of the land could be left for natural regeneration (Barony A Frame Bing), this would bring in species and habitats not seen in the area before, the important aspect of natural regeneration is you need to explain to the communities and people that this is what you are doing so that people can get onboard with this idea. If you do not tell people what you are doing with the land, the people may think that you have run out of money for restoration and are not doing anything with the land, this could lead to bad press but if you tell them that you are leaving the land to regenerate deliberately then this is good.
- Cultural Heritage- our heritage and landscape have been shaped by events in the past, we need to respect the changes in the past, it is a huge part of our heritage.
- South Ayrshire have taken all evidence of mining away and it is only until you get into East Ayrshire that you see mining heritage. Let’s be different to South Ayrshire and celebrate the heritage- this could be our niche in the market (Mining Trail)
  - Historical towns
  - Covenant and Burns history- link them in to what we want to do in the future.
  - Apps/Social Media- help to spread the message and advertise.

Who is going to get involved?

- How will we physically manage the sites? The Forestry Commission own some of the sites, such as, Kyle Haul Road. This already has infrastructure but we just need to make it better, we already have forestry so let’s build upon this (different species of trees could be introduced.)
- Spend big money on big legacy projects, there are ways and means of accessing money (grants, heritage lottery fund, LEADER etc.)
- What would be the role of the communities? Communities should be involved. In Ochiltree, they are raising funds for a community centre and to opening up the walkway and cycle paths around the town, look at how communities can improve the tourism, we need the information and staff to access this market, it would be good to have a hub where information could be given out to tourists and this would facilitate tourism, we need to get communities involved with Tourism Scotland, need to link different aspects of local community and move out to the wider area.
• Historical Aspect (Communities role) - some book towns have an edge, places to stay and eat.
• Dumfries House - there are different levels of tourism (local and national), we need to cater to all wants and types of stays and holidays (camping to hotels) - Whitelee.
• Annual Events - organise activities - this would lift the profile of the area. We need to make the spaces suitable for these events, create gateways (Dunstonhill, Chalmerston, Pennyvenie, Dalmellington (epi-centre), New Cumnock)
  • Ochiltree - hub like Dalmellington.
  • Quiet back roads for cycling/walking
  • Muirkirk - a gateway.
  • Patna
  • Could cycle all the way down to Dumfries and Galloway from Cumnock, Dalmellington, Muirkirk, Patna with hotels dotted around.
  • Hub - these could be located within the restored sites (House of Water)
  • Peat Restoration - creation of viewpoints/vantage points to look out over the landscape, pay big companies to offset the carbon, payment for ecological services and could lead to publicity for a company (CEI could work with Shell.)
  • Looking at the map: Mining Trail: Lethanhill-Dunaskin-Waterside-Dalmellington (old railway)
  • Auchinleck House, Catrine House, Craigengillan, Barony A Frame, Sorn Castle.
  • Geology - Ness Glen, Benballoch - Geological Trail? Wallace's Cave (Auchinleck House-Lugar Water), Covenanters trail - Possible festival.
  • Long distance walking - Skares ideal for mountain biking. Involve Cumnock Cycling Group. There is a market for more family orientated biking.

Criteria for Restoration
• Make the land safe first – something which is relatively cheap to do.
• Variety of landscapes & habitats, i.e. lochs, woodland, streams, farmland, recreation, development, a variety.
  • Multi-functional landscapes/areas
  • Accessible to general public, so it doesn’t feel restricted
  • Link to local attractions – improve connectivity and roads – Dumfries House, River Ayr, River Lugar, Wallace’s Cave, etc.
• Signposting/walking roots (links to health and wellbeing)
• Start with local communities and then appeal to visitors and build on this. Having economic drivers locally then this disperses out.
• Increase employability from local economic drivers
• High Quality
• Natural Re-generation

Potential Uses
• Depend on activity
• Something that is flexible
• Shooting range/archery
• Art in the landscape
• Paintballing
• Paths
• Cycling – road and mountain biking
• Glamping
• Water sports
• “Go Ape” Idea
• Natural venues
• Geopark – celebrate the opencast, don’t hide it!
• Digger-land
• Place-making is very much about the past and how landscapes are always changing so why can’t we make something of the Natural Heritage in East Ayrshire:
  • Mining Trail (heritage)
  • Burns/Covenaniting history
  • Events (always increase the profile of the area)/activities
  • Places to eat/Places to stay
  • Do not underestimate Natural Regeneration

Who should be Involved?
• Central Scotland Green Network
• Council
• Forestry Commission
• Landfill funding
• Heritage Lottery
• Biosphere
• Dark Skies
• CSGN
• Visit Scotland
• Communities – Raise Funds, Community Led Action Plan Groups, Locals (personal histories/stories)

Other points that were made
• How are we going to physically manage these sites?
• Create better quality landscape to create multi forest use
• Spend money on big legacy projects rather than all different small projects
• Think differently on where to get funding
• Be a hub to link into different aspects of local community
• Create Gateways – outside Dalmellington, Dunstonhill, Belston Loch
• 3 Hubs; Dalmellington – epi centre, gateway. Ochiltree. New Cumnock
• Gateway – Muirkirk
• Hub within a restored site – House of Water

Conclusion
There was not a lot of discussion about conservation or habitat opportunities. What about the zones? - using a map is a better way to look at restoration as an area wide project. This approach means more connections are established and it doesn’t look like you leave any communities out. Join communities together if you look at restoration and placemaking spatially.