East Ayrshire Opencast Coal Subject Plan
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SECTION 1

Foreword

All of us who live and work in East Ayrshire are aware of the important role that the coal industry has played, historically, in the economic development of the area. Although all deep mining in East Ayrshire has now ceased, considerable pressures for the extraction of coal by opencast methods are still being experienced, especially in the Cumnock and Doon Valley areas.

While recognising the importance of coal mining to the local economy and the jobs that the industry creates for local residents, the Council is equally aware of the impact that opencast coal operations can have on the amenity of local residents and communities, and on the environment in general. There is a wide variety of issues associated with new opencast coal extraction proposals and, in order to address these issues, the Council has now produced and adopted the East Ayrshire Opencast Coal Subject Plan.

Together with the East Ayrshire Local Plan and the Ayrshire Joint Structure Plan, the East Ayrshire Opencast Coal Subject Plan forms the development plan for East Ayrshire and the Subject Plan itself provides the policy document against which all opencast related applications will be assessed. Throughout its preparation, the Subject Plan has been the subject of wide ranging public consultation and I would like to take this opportunity to thank all those persons, groups and organisations who made informed comment on the plan at each stage of its production. The comments received have been of invaluable assistance in the formulation of the plan and are much appreciated.

The Opencast Coal Subject Plan has been designed to provide comprehensive advice and guidance on all opencast related matters and directs future opencast developments to a series of identified Potential Coal Extraction Areas where they will have minimum environmental impact. I have no hesitation in commending the plan to all members of the general public, local residents, opencast operators and other interested bodies and organisations, as a clear and up-to-date statement as to how the Council views opencast coal developments within East Ayrshire and welcome the publication of the document.

Eric Ross,
Chair of the Development Services Committee,
East Ayrshire Council.
1 Introduction
1. Introduction

The Subject Plan

1.1 In accordance with the Town & Country Planning (Scotland) Act 1997 and associated legislation, East Ayrshire Council has produced an Opencast Coal Subject Plan which sets out the strategy adopted by the Council regarding opencast coaling in the area. The Opencast Coal Subject Plan will supersede the policy advice on opencast matters detailed in the Council’s existing adopted local plans. The plan provides the policy framework for opencast developments for a period of at least 5 years and it is the Council’s intention to review the plan within 5 years of its adoption.

1.2 The Subject Plan sets out and provides detailed guidance relating to sustainable opencast coal extraction throughout the whole of East Ayrshire and establishes a clear policy framework within which individual opencast coal development proposals will be assessed. The plan has been prepared to bring to the attention of the general public and other interested parties, the main issues which have arisen through the development of opencasting within the area, and details the Council’s approach by which these issues can be addressed. It also provides clear advice to developers on the Council’s approach to opencast proposals and identifies criteria for the operation, restoration, aftercare and after-use opencast sites.

1.3 The Council is aware that the opencast coal industry provides substantial employment in an area of very high unemployment, helps sustain existing services and contributes to the prosperity of local residents. Opencast developments can also, through sensitive restoration, improve the appearance of the countryside by clearing derelict or despoiled land and by introducing new and improved land uses. On the other hand, the Council recognises that opencast operations can be a cause of concern to neighbouring residents, can place strains on transport infrastructure and lead to scarring of the landscape. The area also possesses a landscape of great quality and diversity containing numerous sites of nature conservation, heritage and environmental interest which are considered worthy of protection and enhancement. Accordingly, the Subject Plan is intended to guide opencast activities to areas where opportunities for extraction exist and where such development is considered appropriate. The Plan seeks to facilitate the economic benefits to the community of coal extraction while at the same time ensuring that its impact on the amenity and environment of local communities is kept to an absolute minimum.

Structure of the Subject Plan

1.4 The Opencast Coal Subject Plan has been prepared in three distinct sections, each section dealing with particular aspects of opencast coal extraction within East Ayrshire, viz:

Section 1
- Introduction
- Existing Legislative & Policy Background
- Strategic Approach

Section 2
- The Opencast Coal Resource
- Opencast Coal Extraction
- Environmental Considerations
- Opencast Coal: Application Requirements and Other Considerations
- The Effects of Opencast Coal Mining
- Transportation of Coal by Road
- Transportation of Coal by Rail

Section 3
- Policy & Recommendations
1.5 The Subject Plan indicates the attitude of East Ayrshire Council to opencast coal development and provides a comprehensive guide for development promotion. Many of the policies and recommendations promoted in the document are interrelated and any new development proposal should be looked at in the light of all relevant policies described.

1.6 A series of appendices and a glossary is attached to the rear of the plan, supplementing the information contained in the document, together with a synopsis of the policies formulated in the plan.

The Subject Plan Area

1.7 As indicated in Figure 1, the Subject Plan covers the whole of East Ayrshire. Underlying coal deposits are to be found throughout the subject area as shown in Figure 2 although most developer interest to date has been directed to the southern portion of the area comprising the former Cumnock & Doon Valley District. The main areas of opencast activity have been concentrated in that part of the coalfield which runs diagonally north east to south west in a broad band through the central parts of the former District Council area. However, a substantial portion of land comprising the western and central parts of the former Kilmarnock & Loudoun District is also underlain by shallow coal deposits which may be subject to development pressure in the longer term, outwith the period of the Subject Plan.
SECTION 1

Existing Legislative and Policy Background
National Legislation, Advice and Guidance

2.1 The powers of local authorities to control mineral working stem principally from the Town and Country Planning (Scotland) Act 1997 and the Town and Country Planning (Minerals) Act 1981. The Subject Plan takes account of these statutes, together with legislative changes introduced by the Planning and Compensation Act 1991 and the Town and Country Planning (General Permitted Development) and (General Development Procedures) (Scotland) Orders 1992.

2.2 In preparing the Opencast Coal Subject Plan, the Council has taken into account all relevant planning advice and guidance provided by the Scottish Executive Development Department through its production of National Planning Policy Guidelines (NPPGs), Planning Advice Notes (PANs) and Circulars covering a wide range of opencast coal related matters. These consist of:

- NPPG1: The Planning System
- NPPG5: Archaeology and Planning
- NPPG14: Natural Heritage
- NPPG16: Opencast Coal and Related Minerals
- NPPG17: Transport and Planning
- NPPG18: Planning and the Historic Environment
- PAN50: Controlling the Environmental Effects of Surface Mineral Working
- PAN50: Annex A: The Control of Noise at Surface Mineral Workings
- PAN50: Annex B: The Control of Dust at Surface Mineral Workings
- PAN50: Annex C: The Control of Traffic at Surface Mineral Workings
- PAN50: Annex D: The Control of Blasting at Surface Mineral Workings
- PAN51: Planning and Environmental Protection

2.3 Throughout the preparation of the Subject Plan, the Council has given prime consideration to the principles of Sustainable Development as described in NPPG 16: Opencast Coal and Related Minerals and has adopted a sustainable approach to opencast coal extraction in line with the Government’s Sustainable Development Strategy, in particular:

- To safeguard local communities from the significant adverse effects of opencast extraction and to protect the local environment from irreversible damage
- To conserve minerals as far as possible, while ensuring an adequate supply to meet the needs of society for minerals
- To encourage sensitive working practices during minerals extraction and to preserve or enhance the overall quality of the environment once extraction has ceased.
- To protect designated areas of critical landscape or nature quality from development, other than in exceptional circumstances where it has been demonstrated that development is in the public interest.
- To minimise impacts from the transport of minerals.

2.4 The Council has, in the preparation of the plan, given full and particular consideration, to the effect and potential disturbance that opencast coal and related mineral extraction can have on local communities. It is recognised that to be sustainable, the working of opencast coal and related minerals should maximise the social and economic benefits accruing to local communities and the local area, both during extraction of coal and after completion of working, while having full regard to the national and local environmental context. The Council shares the Governments commitment to ensuring that new developments and extensions to existing operations proceed only where they are environmentally acceptable or if not, where there would be overriding local community benefits.
The Subject Plan has been prepared in parallel with the new East Ayrshire Local Plan and the new Ayrshire Structure Plan and all efforts are being made to ensure that the strategic approach adopted in all three plans as regards opencast coal extraction remains entirely compatible.

The Structure Plan Context

It is a requirement that all local plans, including specific Subject Plans, should conform to the provisions of the Structure Plan for the area. The Structure Plan sets the overall framework within which Local and Subject Plans must be prepared and the Council has sought to comply with the provisions of the Structure Plan, translating Structure Plan Strategy as regards minerals matters, into local action.

East Ayrshire Council, together with North and South Ayrshire Councils, have recently produced the Ayrshire Joint Structure Plan which was approved by the Scottish Ministers in January 2000. The Ayrshire Joint Structure Plan has superseded the Strathclyde Structure Plan insofar as the Ayrshire authorities are concerned. The Joint Structure Plan, like the Strathclyde Plan, also addresses minerals issues and the principle policies relating to opencast coal extraction are:

ENV14

(A) Development opportunities for opencast coal working shall be directed to Preferred Areas of Search in East Ayrshire identified on the Key Diagram. Local plans shall bring forward detailed policies and proposals for opencast coal working within these areas.

(B) In North and South Ayrshire, and the remaining parts of East Ayrshire, outwith the Preferred Areas of Search opencast coal working shall not conform to the structure plan except where there is a clearly demonstrated environmental benefit achieved through the removal of existing areas of dereliction and there is an overall benefit for the communities affected including local employment. In these circumstances, proposals for small-scale, short-term extraction shall be supported. Any proposals will be considered against the criteria in Policy E13.

N.B. "Small-scale" relates to proposals of less than 25ha. of total site area; “short-term” relates to proposals with a total extraction and restoration period of less than 2 years.

The Local Plan Context

The adopted local plans of the former Cumnock & Doon Valley and Kilmarnock & Loudoun District Councils vary considerably in their treatment of minerals or opencast coal related matters. Although they may contain tracts of opencastable coal within their boundaries, some local plans contain no policies whatsoever dealing with opencast coal. Other, more recent adopted local plans give the subject much more serious attention.

East Ayrshire Council, in November 1999, approved the finalised version of the East Ayrshire Local Plan. The Local Plan does not address any issues relating to opencast coal extraction, this issue remaining to be addressed by the East Ayrshire Opencast Coal Subject Plan.

Monitoring and Review

The policies of the Subject Plan will be regularly monitored to ensure that they genuinely reflect and achieve the stated aims of the Plan. The Plan itself will be reviewed as considered appropriate and as changing circumstances may dictate.
3 The Strategic Approach
East Ayrshire Council Strategy

3.1 East Ayrshire Council is committed to providing services based on the interrelated principles of quality, equality, access and partnership and has formulated a number of key strategies as cornerstones of its approach to service delivery. These strategies, in particular the Council’s Economic and Environmental Strategies, are of particular importance to the preparation of the Subject Plan as they both incorporate elements relating to the use and development of land insofar as opencast coal extraction is concerned. In particular, the Economic Strategy aims to create and sustain jobs and regenerate the economy through a number of pathways to economic development, one of which is “to provide a framework for the development of the opencast mining industry which leaves the area with an enhanced environment.” Closely allied to the issue of opencasting is a further pathway to “exploit the potential of rail access direct to a number of potential industrial sites.”

3.2 The Council’s Environmental Strategy encompasses the Council’s commitment to develop sound environmental policies. Central to the strategy is the concept of sustainability and the requirement to ensure that all development meets the needs of the present without compromising the ability of future generations to meet their own needs. The Opencast Coal Subject Plan has adopted those objectives of the Environmental Strategy that have planning and land use implications and in particular, the plan advocates the safeguarding and enhancement of the natural environment and built heritage, which has been adopted as a prime subject plan objective.

The Subject Plan Development Strategy

3.3 As a means of achieving the economic and environmental improvement of East Ayrshire, as enshrined in the Council’s key strategies, the following approach to opencast coal extraction has been formulated with the aims of the strategy being:

AIM 1 - to contribute positively to society’s needs insofar as these may be met by the working of opencast coal resources. This will be achieved by:

(i) directing developers towards a series of potential opencast coal extraction areas (Policy MIN1, 2 & 3);

(ii) requiring applicants to provide the Council with full operational details (Policies MIN5, 6 & 13);

(iii) requiring applicants to submit formal Environmental Impact Assessments (Policy MIN8);

(iv) requiring opencast operators to ensure their proposals are environmentally acceptable and, if not, are of overriding local or community benefit (Policy MIN7);

(v) encouraging the recovery of reserves which might otherwise be sterilised by development (Policies MIN9 & 10);

(vi) encouraging opencast operators to contribute by agreement to a Minerals Trust Fund (Policies MIN34 & 35); and

(vii) requiring removal of all economic minerals at the same time as the extraction of coal (Policy MIN10).

AIM 2 - to conserve and enhance the character, appearance and amenity of rural area, its landscape quality and areas of nature conservation and heritage interest. This will be achieved by:

(i) supporting acceptable proposals for opencasting which lead to the restoration and improvement of degraded land (Policy MIN14);
(ii) protecting areas of high landscape value and of importance to natural and built heritage (Policies MIN11, 27, 28, 29, 30 & 31); and
(iii) encouraging operators to create wildlife habitats and wetland areas in their restoration proposals (Policy MIN15).

**AIM 3** - to reduce the impact of opencasting on the environment and to protect the amenity of local residents and communities from the adverse effects of opencast operations. This will be achieved by:

(i) discouraging opencast developments which encroach within unacceptable distances of existing dwellinghouses (Policies MIN24 & 26);
(ii) discouraging opencast operations which, either individually or cumulatively, cause unacceptable detriment to the amenity of communities (Policy MIN12);
(iii) encouraging operators to utilise rail facilities for the transportation of coal (Policy MIN18);
(iv) requiring operators to bring road haulage routes up to acceptable standards to accommodate coal haulage vehicles (Policy MIN20);
(v) requiring operators to give due consideration to the impact of their proposals on local communities. (Policies MIN22, 23, 24 & 25);
(vi) requiring operators to engage best practice regarding haulage of coal by road (Policies MIN19 & 21); and
(vii) requiring operators to protect water resources (Policy MIN32).

**AIM 4** - to achieve a high standard of restoration and aftercare and to provide for beneficial after-uses when opencasting has ceased. This will be achieved by:

(i) requiring applicants to present full restoration plans at the time of application (Policy MIN7);

(ii) requiring applicants to lodge appropriate financial guarantees regarding restoration and aftercare in respect of their developments (Policies MIN36 & 37); and
(iii) requiring operators to reinstate public Rights of Way and to provide improved public access (Policy MIN 16).

**AIM 5** - to promote a high level of community liaison and planning control over the management of opencast operations. This will be achieved by:

(i) requiring opencast operators to enter into Section 75 agreements (Policy MIN33);
(ii) requiring operators to constitute Opencast Coal Liaison Groups (Policy MIN38); and
(iii) requiring operators to provide regular, comprehensive monitoring information (Policies MIN39, 40 & 41).
4 The Opencast Coal Resource
Existing Opencast Coal Resources

4.1 Information received from British Geological Survey, as indicated in Figure 2, details the extent of the coal bearing geological strata within East Ayrshire. As can be seen, coal deposits are found throughout the area north of a line, comprising the Southern Upland Fault, extending north eastwards from Dalmellington to New Cumnock. The coal resource is to be found in the Carboniferous and Limestone Series of rocks and comprise the following:

- Limestone Coal Formation
- Lower Coal Measures (and coal measures undivided)
- Middle Coal Measures
- Upper Limestone Formation

4.2 No attempt has been made in the Plan to differentiate between the coal bearing characteristics of the various coal measures identified, nor to accurately define or prove precise and specific coal bearing tracts of land contained within each. This was considered to be outwith the scope of the Plan and would have involved the sinking of extensive exploratory holes to accurately determine the thickness, depth and extent of individual coal seams, the disruption of coal seams by faulting and the potential presence of washout features. Laboratory testing to determine coal quality would also have been required. While the broad geological information has been invaluable to the Council in defining those areas to which the Council’s strategy for opencast coal extraction applies, individual developers and operators are expected to carry out any necessary further detailed investigation required to assess the quantity, quality and economic viability of the coal reserves contained in the areas in which they have an interest.

Potential Coal Extraction Areas

4.3 As an integral part in the preparation of the Opencast Coal Subject Plan, the Preferred Areas of Search for opencast coal extraction as identified in the Ayrshire Joint Structure Plan have been based on and reflect information provided by British Geological Survey, current government advice and existing environmental considerations. A series of ‘Potential Coal Extraction Areas’ has been identified within the Preferred Areas of Search and these are shown on Figure 3.

4.4 Large portions of East Ayrshire are underlain by coal and, in compliance with the Structure Plan, the Council will direct opencast development to the Potential Coal Extraction Areas identified in the Structure Plan Document. It is considered that substantial areas of opencastable coal reserves remain within these areas to meet any anticipated future demand for coal. The Subject Plan therefore aims to encourage potential developers to focus their attention positively to areas where extraction is environmentally most appropriate. Applicants for development will be expected to demonstrate a commitment to this positive approach. Much of the land within these areas has previously been despoiled to some degree by past mining activity and encouragement will be given particularly to those opencast applications which result in their restoration and rehabilitation. Where the opportunity arises, development should seek to clear areas of existing dereliction, improve the environmental quality of the rural area and enhance the amenity of local communities. It is accepted that areas of dereliction and despoiled land, overlying opencastable coal reserves, do exist outwith the Potential Coal Extraction areas and in certain circumstances extraction of coal from these areas may be acceptable provided the
Figure 2
Coal Resources in East Ayrshire

Key
- Limestone Coal Formation
- Upper Limestone Formation
- Lower Coal Measures
- Middle Coal Measures
- Main Settlements
- Main Road Network
workings are short term in nature, cause minimal environmental disruption and maximum environmental benefit through restoration and are fully justifiable in economic terms.

**Factors Affecting Potential Coal Extraction Area Designation**

4.5 Throughout East Ayrshire, there are certain areas of land which are afforded statutory protection under planning and other legislation as well as some areas, such as prime quality agricultural land, which are considered to be an important national resource. In addition, other areas are considered to be important in landscape or amenity terms both in a national, Ayrshire or more local context and consequently worthy of protection against insensitive or inappropriate, intrusive development. The Potential Coal Extraction Areas have been defined so as to exclude such sensitive areas and, in drawing up the definitive boundaries for these areas, care has also been taken to protect the amenity of local settlements through the creation of buffer zones around communities within which no opencast operations will be allowed. The Potential Coal Extraction Areas have also been defined, taking into account the extent of areas of land degraded or despoiled through past mining or other minerals activity.

4.6 In formulating their Preferred Areas of Search, the Ayrshire Joint Structure Plan excluded the following categories of land, in order that those elements of the natural and built environment most worthy of conservation are protected. In order to comply and be consistent with the provisions of the Structure Plan, it is necessary for the Council to mirror this approach and the following areas have been excluded from the Potential Coal Extraction Areas identified in the Subject Plan:

- Prime Quality Agricultural Land and the highest category of good quality, locally important agricultural land (Macauley Class 1, 2, 3.1 & 3.2);
- Sites of International and National Nature Conservation Interest (Special Protection Areas, Special Areas for Conservation and Sites of Special Scientific Interest);
- National Heritage Resources (Scheduled Ancient Monuments, Category ‘A’ Listed Buildings, Historic Gardens and Designed Landscapes, Archaeological Locations, Rural Conservation Areas);
- Buffer zones of 500m around settlements;
- Important Rural Tourism and Recreational Resources;
- Areas of High Visual Amenity;
- Areas of Landscape Significance; and
- Areas of Ancient and Semi-Natural Woodland.

4.7 Opencast coal development is also directed, wherever possible, away from the following areas and developers are expected in both the Structure Plan and the Subject Plan to conserve and respect the interests of these resources when formulating their development and restoration proposals:

- Sites of Local Nature Conservation Interest (Listed Wildlife Sites, Local Nature Reserves etc);
- Local Heritage Resources (Category ‘B’ and ‘C(s)’ Listed Buildings, Archaeological Sites);
- Water Supplies and Water Catchment Areas; and
- Areas with Transportation Constraints

4.8 Sites which have been previously worked and restored are excluded from the Potential Coal Extraction Areas, as are sites which are currently operative or under restoration.

4.9 While the Subject Plan attempts to protect all of the above categories of land from opencast development, it has not been possible to define the Potential Coal Extraction Areas to take account
Figure 3
Potential Coal Extraction Areas

Key
- Potential Coal Extraction Areas
- Main Settlements
- Main Road Network

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of all resources considered worthy of protection. Some localised sensitive areas may therefore remain within the broad Potential Coal Extraction Areas and prospective developers should take account of this possibility when formulating their development proposals, including detailed proposals for their protection in any extraction schemes that may be prepared. Pre-application consultation with the Planning Authority is particularly recommended in this regard.

National Policy on Conservation of Resources

4.10 National policy seeks to sustain the availability of energy resources for the long term benefit of the Country. Although coal has been, to some extent, replaced by nuclear power and to a lesser extent by gas, coal remains as a major national source of energy. The Coal Resource is, however, substantial. It is the Governments view that the demand for opencast coal output should be determined by market forces. The Government does not, therefore, have any particular targets for one fuel or another and it is not currently minded to set any such targets for opencast coal production. While current national policy is to protect reserves from sterilisation by development, it is improbable that permanent development on any coal areas in East Ayrshire within the foreseeable future would be of a sufficient scale to make a material difference to the balance of energy reserves remaining at the national level. However, if in line with opencast policy, where a large scale permanent development is proposed on coal bearing land within the potential coal extraction areas, the extraction of the resource in conjunction with or prior to the development of the land is seen as being an acceptable means of resolving any conflict in this regard. In order to minimise further disturbance to local communities, government guidance in NPPG16 also requires that all other economic minerals within an authorised opencast coal site should be removed at the same time as the coal.
Opencast Coal Extraction
### Historical Perspective

#### 5.1 The extraction of coal, predominantly by deep and shallow underground mining, has historically been a major source of employment for those communities located within the Ayrshire coalfield. Indeed, many settlements within Ayrshire were founded principally to house workers employed in the mining industry. The years between 1945 and 1988 saw a massive decline in the deep mining industry, with some 59 pit closures throughout Ayrshire, of which 31 were in the Cumnock & Doon Valley sector of East Ayrshire. The closure of Barony Colliery in 1988 heralded the total demise of deep mining both within East Ayrshire and Ayrshire as a whole. For economic and geological reasons, there is no evidence of any current or future interest in the revival of deep mining activity in East Ayrshire.

#### 5.2 Although all deep mining activity has now ceased, there still remain large quantities of high quality coal throughout East Ayrshire, much of which lies at shallow depths. Since the early 1970s, there has been keen interest shown in exploiting these reserves through opencasting methods and a number of sites have now been successfully worked and restored. Early opencast activity was carried out by companies contracted to the former British Coal organisation under authorisation and without the need for any formal planning consents to be obtained, a total of five such sites being worked under these arrangements. A further eight sites were worked by other coal operators under special licence from British Coal and, in these cases, formal planning consent for the development of the sites concerned was required.

### Current Levels of Opencast Extraction

#### 5.3 Information received from the Coal Authority indicates that between 1 April 1997 and 31 March 1998, a total of 6.33m tonnes of coal was extracted by opencast methods in Scotland, of which some 2.14m tonnes was extracted in East Ayrshire. East Ayrshire also accommodated 12 out of Scotland’s 47 operational opencast sites during that period. East Ayrshire, therefore, produced some 33.8% of all opencast coal extracted in Scotland from 25% of the Country’s opencast sites. (See Table 1 below). East Ayrshire produced, in that period 13.2% of opencast coal extracted in England, Scotland and Wales. As can be seen from Table 1, some 648 persons were directly employed in the opencast coal industry in East Ayrshire at March 1998.

**Table 1: Opencast Extraction Data**

<table>
<thead>
<tr>
<th></th>
<th>No of Sites</th>
<th>Manpower</th>
<th>Tonnage</th>
</tr>
</thead>
<tbody>
<tr>
<td>East Ayrshire</td>
<td>12</td>
<td>648</td>
<td>2,143,051</td>
</tr>
<tr>
<td>Scotland</td>
<td>47</td>
<td>1600</td>
<td>6,326,032</td>
</tr>
<tr>
<td>National Total</td>
<td>120</td>
<td>4559</td>
<td>16,217,168</td>
</tr>
</tbody>
</table>

Source: Coal Authority Statistics

#### 5.4 The Planning Officers’ Society has also provided statistical information for the period 1 April 1996 to 31 March 1997 which shows that within Scotland, of all the opencast sites that received Planning Permission in that period, 47% were located in East Ayrshire, representing 83% of the land area given approval. (See Table 2 below). On a national level, the number of opencast sites approved in East Ayrshire represented 18% of the total number of approvals granted in the whole of England, Scotland and Wales and comprised 48% of the total land area granted consent.

**Table 2: Number of Planning Applications**

<table>
<thead>
<tr>
<th></th>
<th>No of Apps</th>
<th>Hectares</th>
<th>Tonnage</th>
</tr>
</thead>
<tbody>
<tr>
<td>East Ayrshire</td>
<td>8</td>
<td>1348</td>
<td>9,180,000</td>
</tr>
<tr>
<td>Scotland</td>
<td>17</td>
<td>1623</td>
<td>11,515,000</td>
</tr>
<tr>
<td>National Total</td>
<td>45</td>
<td>2784</td>
<td>18,984,000</td>
</tr>
</tbody>
</table>

Source: Planning Officers’ Society Statistics
5.5 Analysis of the tonnages approved in the above period indicate that East Ayrshire approvals account for 79% of all tonnages approved in Scotland and 48% of all tonnages approved on a national level in England, Scotland and Wales. The tonnages approved in East Ayrshire alone (9.18m tonnes) significantly exceeds the total approved for the whole of England and Wales for the same period (7.47m tonnes). Table 2 also gives an indication of the size of sites granted approval, with the East Ayrshire sites averaging some 168.5 ha in area, compared to the average of other authority areas in Scotland of 32.6 ha and the English and Welsh average of 41.4 ha. These figures indicate the importance of opencast coal extraction within East Ayrshire to the national opencast coal industry and gives a strong indication as to the extent of pressures placed by the industry on the area.

5.6 In recent years the amount of coal extracted by opencast operators has increased substantially. The Coal Industry Act of 1994 has removed the previous established extraction quota of 250,000 tonnes which had limited the size of opencast sites and the Council is currently receiving planning applications for sites much larger than had been received in previous years. The Subject Plan has been produced specifically to address the problems associated with the anticipated additional demands of the opencast industry on the area's coal reserves.

5.7 There is presently keen developer interest in the area and discussions are ongoing with various operators regarding their future development proposals prior to being made the subject of formal application to the Council. Details of the operative opencast sites, sites with permission and sites being the subject of planning applications as of March 2000 are given in Appendix 1. Details of all past sites worked, current operative sites, sites with permission and sites that are the subject of current application are given in Appendix 2 and are as shown in Figure 4.

5.8 In association with the development of opencasting within the area, three coal disposal and rail handling points facilitate the transfer of coal out of the area by rail. These disposal points are located at Killoch, a facility which previously served the former Killoch Colliery, at Knockshinnoch near New Cumnock and at Chalmerston near Dalmellington. The location of the three existing Coal Disposal Points are shown in Figure 11.

Opencast Extraction Operations

5.9 Most Opencast Coal enquiries and applications received by East Ayrshire Council relate to new opencast operations on land which has not previously been subject to any previous opencast coal mining activity. This is not, however, exclusively the case and operations such as the proposed extraction at Spireslack relates to areas which have been the subject of previous opencast activity. In such a case, existing areas of severe dereliction will be removed as part of the extraction operations, this being very much in line with Council Policy. In other cases such as at Hannasthan, near Drongan, advances in mining technology has allowed land already opencasted to be reworked for deeper seams. As well as new operations on new sites, the Council is also receiving increasing numbers of enquiries relating to the extension of existing operative sites and the potential exists for coal to be won through the reworking of spoil heaps formed in association with former deep mining activity within the area.
Extensions to Existing Opencast Sites

5.10 The Council is generally supportive of proposals to extend the working area of existing opencast sites, either laterally or through an increase in the depth of existing workings, provided the extended development does not detract from the existing amenity of the area or create any significant environmental disruption. The extension of existing workings may be preferred to the development of new opencast sites elsewhere, where an extended site can guarantee extended jobs for an existing workforce and existing site facilities can be used to service the proposed operations, minimising environmental impact. It is considered important, however, that any workings of an extended site take place only as a separate phase of development, linked into or appended onto the originally approved operations. This would ensure that duplication of traffic movements from the site and duplication of any environmental disturbance etc, does not occur from two closely related areas being worked at the same time. Any extension to an existing working should reflect the working standards, extraction rates etc of the original site to avoid any intensification of use of the site which may result in increased environmental or amenity disturbance to local residents. Any extension will also involve restoration and it is considered appropriate that the requirements for a developer to provide a financial guarantee regarding restoration and aftercare and contribute to the Minerals Trust Fund should be respected. In this regard, each application for an extension will be treated as if it were a new and separate application for an isolated site. Extensions will be considered in light of the most up-to-date, current policies, rather than the policies that may have been in place at the time of the original application.

Reworking of Spoil Heaps

5.11 The area has a long history of underground mining of both deep and shallow coal reserves which has resulted in areas of land being scarred by spoil heaps and associated dereliction. The working (or reworking) of such areas by opencast methods is seen as a means of effecting the restoration and rehabilitation of the sites and worthy of support, provided that the extraction proposals accord with all relevant provisions of the Subject Plan.
Figure 4
Location of Opencast Sites
March 2000

Key
- Restored Sites
- Operational Sites
- Application or with Permission
- Sites Under Restoration
- Main Settlements
- Main Road Network

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Environmental Considerations
Landscape Quality

6.1 With the exception of the main settlements, the Subject Plan area is essentially rural in nature and contains large tracts of open countryside which are often of high landscape quality and of local scenic importance. The landscape environment is diverse and ranges from areas of good quality agricultural land, typified by a landscape of fields, hedgerows, trees and woodlands, to areas of open, rolling uplands.

6.2 Public awareness of changes to the landscape brought about by development proposals, including opencast coal extraction, is increasing and, for this reason, an Ayrshire Landscape Assessment has been produced by the three Ayrshire Councils, Scottish Natural Heritage and Enterprise Ayrshire through the Ayrshire Joint Structure Plan Committee. The Ayrshire Landscape Assessment provides information on basic landscape character types across Ayrshire, identifies potential pressures for landscape change and assists the Councils in developing guidelines for landscape conservation, enhancement or restructuring.

6.3 The diverse nature and quality of the East Ayrshire landscape is an important asset to the Authority in terms of its economic development potential, particularly for leisure, recreation and tourism uses. The Council is therefore anxious to ensure that any permitted rural developments such as opencast coal extraction fully respect the landscape value and quality of the area, so as not to prejudice future developments in the area for other purposes. Different parts of East Ayrshire have different landscape characteristics, as recognised in the Ayrshire Landscape Assessment Report and the Council is committed to maintaining the character and qualities of each particular landscape type found throughout the area. Consequently, because of the nature of opencast operations and the potential effects that such developments have on the landscape, the Council is taking positive steps to protect the character, diversity and distinctiveness of the landscape, by promoting the conservation of the wide range of natural and built features which contribute to and form the basis of that character. This would, in the opinion of the Council, provide and maintain an attractive landscape setting for other alternative rural developments, particularly of a tourism, leisure or recreational nature.

6.4 Insofar as East Ayrshire is concerned, a total of 13 distinct landscape types have been identified, each of which has its own, relatively homogenous character. Through the Subject Plan, the Council will ensure that all opencast coal proposals recognise and fully respect the landscape characteristics of the particular landscape type within which the development is proposed. All opencast proposals will be assessed against the Management and Planning Guidelines identified in the Ayrshire Landscape Assessment to ensure that the distinctive local character of East Ayrshire is conserved, maintained and enhanced as considered appropriate.

6.5 Of the 13 distinct landscape character types identified in the Landscape Assessment as pertaining to East Ayrshire, coal reserves exist under 6 of these areas. Of these, the landscape character of two particular areas are recommended for conservation ie:

- Conservation of the high quality pastoral landscape of the Ayrshire Lowlands (Area G). Retention of the area’s legacy of hedges and hedgerow trees is central to this aim.
- Conservation of the distinctive and small scale pastoral and woodland landscapes of the lowland river valleys (Area I).

6.6 It is the view of the Council that opencast coal extraction in these areas would not be warranted, resulting in the widespread destruction of those landscape features which give the areas
Figure 5
Areas of Conflict with Landscape Areas worthy of Conservation
their unique landscape character. Areas of mature, ancient and semi-natural woodland, mature hedgerows, shelterbelts and the traditional field pattern which characterise these areas are irreplaceable in the short term and coal extraction which would result in the loss of these features is not considered justifiable.

6.7 Within the Landscape Assessment, the Irvine Valley settlements of Darvel and Newmilns are shown as being located within an Upland River Valley Area which, unlike other Upland River Valleys in East Ayrshire, is more settled and more wooded with valley slopes lying under pasture and often enclosed with treelined hedgerows. For this reason, it is considered that these aspects of the Irvine Valley landscape should also be protected from the adverse effects of Opencast developments.

6.8 In addition to the pastoral landscapes of the Ayrshire Lowlands and the River Valley landscapes, the Landscape Assessment also recommends the conservation of the open and largely undeveloped character of the moorland hills comprising much of the eastern portion of East Ayrshire (Areas R & R(b)). It is recognised, however, that parts of these moorland areas have been subject to past mining activity leaving a legacy of dereliction. While wishing to protect unspoiled areas of the plateau moorlands from opencast coal development, it is accepted that previously despoiled areas may be removed through sensitive restoration associated with opencasting. For this reason, and in the absence of any detailed information regarding the extent of existing dereliction in these moorland areas, the plateau moorlands, as indicated in the Landscape Assessment, have not been specifically safeguarded against future opencast operations.

6.9 The extent of the pastoral areas identified for conservation are shown in Figure 5 and the various landscape character areas identified in the Ayrshire Landscape Assessment pertinent to East Ayrshire are indicated in Appendix 7. In general terms, the Council will presume against the loss of the areas’ high quality pastoral and woodland landscapes and development which would compromise the conservation of the open character of the areas’ moorland hills. Wherever possible, future opencast development will be directed towards less sensitive landscape areas where high quality restoration would lead to improved landscape character through the removal of dereliction, additional amenity planting etc.

Agriculture

6.10 Apart from a number of small pockets of land in the westernmost parts of East Ayrshire, in the vicinity of Drongan and Kilmarnock, little of the land in the area is prime quality agricultural land (Categories 1, 2 and 3.1 in the land capability classification of the Macauley Land Use Research Institute, Aberdeen). There are, however, substantial areas of non-prime quality but locally important in-bye agricultural land (Category 3.2 and 4.1), especially in the western parts of the area and along the River Ayr, Doon and Nith valleys. Areas of good quality hill grazings (Category 5.1 and 5.2) are also to be found, particularly in the southern and eastern portions of the area. It is considered that prime quality agricultural land (Category 3.1 and above) and the highest category of locally important agricultural land (Category 3.2) should generally be protected against permanent development or irreversible damage. Accordingly, where an application for opencast coal extraction is received, there will be a presumption against any development in such areas. It is also considered important that any areas of good quality, locally important agricultural land affected by opencast development should be reinstated to its previous agricultural quality once extraction has ceased. The extent of the prime quality and the highest category of locally important agricultural land
Figure 6
Areas of Conflict with Agricultural Land worthy of Conservation

Key
- Area of Conflict
- Agricultural Land
- Coal Reserves
- Main Settlements
- Main Road Network

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(Category 3.2) is indicated in Appendix 8. The extent of conflict between opencast development and the protection of these grades of agricultural land is shown in Figure 6.

**Environmentally Sensitive Areas**

**6.11** In 1993, the Scottish Office designated a number of Environmentally Sensitive Areas in Scotland, parts of two of which affect East Ayrshire. The north eastern quarter of the area between Cumnock and Muirkirk is designated as part of the Central Southern Uplands E.S.A and the southernmost portion of the area between New Cumnock and Dalmellington and including Loch Doon is designated as part of the Western Southern Uplands E.S.A. Environmentally Sensitive Areas are considered to be of special environmental significance where landscape, wildlife and historical features may be protected or enhanced by the pursuit of practical agricultural operations. In such areas, financial incentives can be given to individual farmers for the introduction of special farming practices, protection measures, environmental enhancement and positive conservation measures. The Council will seek to ensure that these improvement/protection measures are consistent with policies adopted within its various Local Plans and the Opencast Coal Subject Plan. (The location and extent of ESA coverage in the area is shown in Appendix 9).

**Nature Conservation**

**6.12** East Ayrshire presently contains a total of 19 Sites of Special Scientific Interest (SSSIs) as designated under the Wildlife and Countryside Act 1981. A total of 111 Listed Wildlife Sites have also been identified within the Council Area all of which are considered important for nature conservation. In addition, other sites, which include wetlands and water courses, are recognised as being of nature conservation interest. The Opencast Coal Subject Plan acknowledges the importance of SSSIs, Listed Wildlife Sites and other sensitive areas and seeks to ensure that designated sites are afforded maximum protection.

**6.13** It is acknowledged that a number of existing and potential SSSIs lie within or in close proximity to areas of coal bearing land which may come under pressure for development. It is the opinion of the Council that, on balance, the greater environmental considerations of the SSSI designation in these areas should prevail. The integrity of any Listed Wildlife Sites within the potential areas should also be protected from any significant adverse effects of any opencasting proposal. Details of Listed Wildlife Sites are contained within Appendix 10. Statutory sites considered worthy of protection from opencast operations and the extent of the conflict between these areas and areas of existing coal reserves are shown in Figure 7.

**6.14** The Subject Plan Area contains both breeding and wintering bird populations of international importance. Annex 1 of the European Community (EC) Birds Directive 79/409 requires member states to take all requisite measures to conserve habitats and populations of Annex 1 breeding birds. Airds Moss and the Muirkirk Uplands are of particular importance in terms of their significance in this regard. Habitat loss in respect of a single opencast coal site may not in itself be sufficient reason to prevent that site from being worked. The cumulative effects of a number of opencast sites, however, may be seriously detrimental to the bird life of a particular area in its wider context.

**6.15** As well as those sites designated as SSSIs, the EC Birds Directive and the European Union (EU) Habitats Directive have identified “candidate” sites likely to be chosen as Special Protection Areas (SPAs) and Special Areas for Conservation (SACs). One potential SAC has been identified.
Figure 7
Areas of Conflict with Nature Conservation Sites worthy of Conservation

Key
- Area of Conflict
- Nature Conservation Sites
- Coal Reserves
- Main Settlements
- Main Road Network

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within East Ayrshire to the south of Loch Doon on non-coal bearing land. Other parts of the area based on the Muirkirk Uplands are understood to meet the criteria for SPA designation and, although no definitive boundaries have yet been finally agreed, it is likely that this may affect land with potentially opencastable coal reserves.

6.16  Proposals to develop coal resources within or affecting areas of important nature conservation interest are unlikely to be acceptable and will only be considered favourably in circumstances when comprehensive measures to mitigate all adverse effects of the operations can be successfully implemented and achieved. The extraction of opencast coal reserves in the identified Potential Coal Extraction Areas should also not impinge upon any fragile habitats which may lie within these areas. In particular, the Council would not be supportive of opencast proposals which would impinge on areas of peat which are actively growing, areas of peat which have been damaged but are capable of recovery, or other areas of peat soil which are hydrologically linked to these areas. Balancing the economic need for extraction with the protection of important habitats is a priority of the Council and developers will require to ensure that conflict in this sensitive area does not occur.

6.17  Scottish Natural Heritage, The Scottish Wildlife Trust and the Royal Society for the Protection of Birds are widely consulted on a regular basis in respect of opencast coal proposals. The Council will continue to be guided by each of these organisations on issues of nature conservation and wildlife as they affect the area.

Forestry

6.18  The rural environment of the area has been subject to considerable change due to increased afforestation by both the Forestry Commission and private woodland owners. To date, most forestry planting has taken place mainly in the upland areas in the southern and northernmost portions of the area and further expansion of these afforested areas is anticipated under the various Woodland Grant Schemes operated by the Forestry Authority. The operation of the Farm Woodland Scheme may also have implications for the rural environment in areas other than the upland parts of the District (now mostly covered by E.S.A. designation) on better quality agricultural land.

6.19  The Council, is keen to encourage sensitive forestry planting in those areas best suited for such a use while protecting those areas which are sensitive for reasons of their nature conservation or landscape value, or for the preservation of the quality of water and agriculture. It is acknowledged that both existing and potential areas of forestry planting do, in some instances, come under pressure for opencast coal development. Where considered appropriate, any such development should seek to utilise existing areas of forestry planting to screen or reduce the visual impact of on-site coaling activities. Forestry usage of restored opencast sites would be considered appropriate in situations where there would be no detrimental impact on sites of recognised nature conservation interest or on the landscape quality of the area concerned.

Rural Dereliction and Restoration

6.20  Mainly because of the dominance of the extractive industries in the economy of the area, there is a considerable legacy of especially rural dereliction. Untreated and abandoned bings associated with former coal mining activities, derelict industrial buildings and ongoing and abandoned opencast coal operations have all had a severe environmental impact on the rural area and the rehabilitation of these sites is urgently required to improve the general environment and appearance of the area. It is advocated that all Opencast coal development proposals should seek to include any contiguous areas of dereliction and despoiled land within their site boundaries.
Figure 8: Areas of Conflict with Heritage Resources worthy of Conservation

Key
- Area of Conflict
- Heritage Resources
- Coal Reserves
- Main Settlements
- Main Road Network

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Proposals should ensure that restoration schemes will result in the removal of these areas in order to benefit visual amenity, in accordance with both Structure and Local Plan policies. It is accepted that, through natural regeneration, some abandoned minerals workings may now form natural habitats for local flora and wildlife, e.g. Knockshinnoch Lagoons at New Cumnock. Where the nature conservation value of such sites is recognised by Scottish Natural Heritage (SNH), steps will be taken by the Council to ensure that the nature conservation interest of the sites is respected by any potential opencast developer with an interest in the area concerned.

6.21 Standards of opencast coal site restoration are rising. It is recognised, however, that the majority of opencast sites are returned mainly to either agricultural or forestry use which generally provides little benefit to local communities or wildlife populations. Current agricultural surpluses allow alternative restoration proposals which could mean the alternative creation of wildlife habitats in association with recreational activities.

6.22 The Council, when granting planning permission for opencast coal developments, advocates that formal agreements under Section 75 of the Town and Country Planning (Scotland) Act 1997 are entered into between the local authority and the opencast operator especially with regard to the lodging of appropriate financial guarantees regarding restoration and aftercare with the Council which the local authority can use to implement restoration works should the operations be abandoned prior to works being completed.

Archaeology & Heritage Resources

6.23 The Government’s approach as to how archaeological remains and discoveries should be considered within the existing planning system is set out in National Planning Policy Guideline NPPG 5: Archaeology & Planning. The West of Scotland Archaeological Service, provides an advisory service on Archaeological matters and operates a Sites & Monuments Record (SMR) which contains some 1055 entries for East Ayrshire. Of these, 964 sites have been assessed by the Archaeological Service and 557 have been identified as being archaeologically sensitive. In total, there are 28 recorded Scheduled Ancient Monuments in the area which are given statutory protection under the Ancient Monuments & Archaeological Areas Act 1979 (see Appendix 4).

6.24 The sites listed in the Sites & Monuments Record should not be regarded as a comprehensive inventory of the archaeological resources of the area and there are a number of significant archaeological remains within the area which have yet to be properly recorded. There are, for instance, substantial industrial archaeological landscapes in a number of areas, comprising the Doon Valley (related to the Dunaskin Ironworks) and Muirkirk (related to the Muirkirk Ironworks and also Macadams Tar Works) which have not yet been thoroughly researched. There are also important but smaller industrial complexes in other areas, such as the Glenbuck Furnace which is scheduled and the Craigdullyeart Limeworks. All of these may be regarded as being of national as well as local importance, whether currently scheduled or not. Many of the industrial archaeological remains are located in the identified coal basins and are related to early exploitation of the coal resource.

6.25 There have been occasional detailed archaeological surveys of the area’s industrial archaeology, for example, by the Royal Commission on the Ancient and Historical Monuments of Scotland at Muirkirk, or by private archaeological consultants in advance of forestry or opencast proposals. There has, however, been no systematic or comprehensive survey of the area’s industrial remains and therefore it is not possible at the present time to be definitive about the quantity and significance of any remains that may exist. As well as NPPG5 and its accompanying Planning Advice Note 42 published in 1994, the Ayrshire Joint Structure Plan also recognises the
Figure 9
Areas of Conflict with Locations of High Visual Amenity or Recreational Potential

Key
- Area of Conflict
- Location of High Visual Amenity
- Loch Doon Tourism Area
- Coal Reserves
- Main Settlements
- Main Road Network

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significance of archaeological remains. Policies within the plan presume against development which would have an adverse environmental impact on such remains.

6.26 As well as archaeological sites, there are numerous other heritage resources located throughout the rural area which are considered worthy of protection, including listed buildings and their settings, rural conservation areas and historic gardens and designed landscapes. Two rural conservation areas have been designated by the Council at Sorn Estate and at Stair and there are currently three historic gardens and designed landscapes designated by the Scottish Executive at Dumfries Estate, Loudoun Castle and Rowallan. A further six gardens and landscapes are currently in the process of being added to the Scottish Executive Inventory of Historic Gardens and Designed Landscapes in Scotland but are not identified within the Subject Plan. The extent of known existing archaeological significance is shown in Appendix 11. Areas of conflict between the heritage resource and coal bearing land is shown in Figure 8.

6.27 East Ayrshire possesses numerous small remaining areas of ancient and semi-natural woodland which constitute a valuable heritage resource, as well as being valuable natural habitats for wildlife and important features within the local landscape. It is considered that, because of their wide ranging importance, all areas of ancient and semi-natural woodland should be preserved from opencast coal extraction. The extent of these areas is shown in Appendix 12.

Leisure, Recreation & Tourism

6.28 The development of tourism is recognised by the Council in its East Ayrshire Local Plan as an important element in its strategy of expanding and diversifying the economic base of East Ayrshire and the area is considered to have significant tourism potential based on its history, heritage, diverse landscape and rural environment. Some of the features and areas which attract tourists and visitors to East Ayrshire are, however, also underlain by coal reserves which form an important economic resource for the area and it is recognised that conflict may arise between the demands of both the tourism and extractive industries over the potential development of particular areas of coal bearing land. While recognising the demands of the Opencast industry and realising that coal can only be worked where it is found, the Council is anxious to safeguard those areas with potential for substantial tourism developments from opencast operations which may well result in the destruction of the tourism interest of the wider area. So as not to prejudice future leisure, recreational and tourism developments in the area and as a means of protecting and safeguarding existing, operational facilities which are of importance to both local communities and the local economy, the Council will seek to minimise any adverse effects that opencast operations may have on this important resource.

6.29 The first impression that many tourists and visitors gain of East Ayrshire is from either the east along the A71 through the Irvine Valley or from the south along the A713 national tourist route through the Doon Valley. Both Valleys contain significant tourism facilities and, combined with a history and heritage that is often truly unique, have clear potential for further tourism development. Both valley areas are also of extremely high scenic, landscape and visual quality and are considered to be a great asset to the areas concerned and to East Ayrshire as a whole. It is the opinion of the Council that the protection and preservation of the character and appearance of both gateway valleys should take precedence over opencast developments which could well prove to be highly visually and environmentally intrusive, disruptive and detrimental to both existing future tourism development in these areas.
6.30 As well as the Irvine and Doon Valley gateway areas, Loch Doon and its surrounding hills, lochs and mountains is recognised as an area of exceptionally high landscape value and as an area which also has substantial potential for leisure, recreation and tourism development. As such, it is considered that the general Loch Doon area and its landscape setting should also be protected from intrusive and inappropriate developments which may damage that potential. The vast majority of the Loch Doon Areas is not underlain by any coal reserves although coal is found in the northernmost part of the area in the vicinity of the Auchenroy and Auldcraigoch Hills to the west of Bellsbank, south of the B741 Dalmellington/Straiton road. These hills form the northern boundary of Loch Doon wilderness area and are important features to the overall wider area in landscape and environmental terms. Opencast coal extraction in this area would not, it is considered, be acceptable.

6.31 A further area which is considered to be of high landscape and visual quality is the Glenmuir Valley, east of Logan and Lugar. This area, which is also, in part, underlain by coal reserves, is an attractive area which is well used as a recreational resource, especially by local residents. The valley is relatively self contained and unspoilt and it is felt that opencast development in this particular area would be highly intrusive and visually damaging in both environmental and recreational terms.

Visual Amenity

6.32 The protection of the visual amenity of East Ayrshire is a priority for the Council and wherever possible, opencast developments will be directed to locations which are not visually prominent. In addition to the protection of the visual amenity of the Irvine Valley and Doon Valley tourism gateway areas, the Loch Doon Area and the Glenmuir Valley discussed in Paragraphs 6.29 to 6.31 above, the Council will direct opencast developments away from locations which are visually prominent when viewed from the A76 trunk road, the A70 and the Glasgow/Dumfries railway line. Because of the nature of the topography, the A76 commands extensive views over the surrounding countryside, particularly between Cumnock, New Cumnock and the Council boundary with Dumfries and Galloway. Much of the area seen from these stretches of road is underlain by coal and it is considered that coal extraction in these areas would be highly visually damaging, creating a poor visual impression of the area for both residents and visitors to the area, as well as for potential inward investors. The same scenario also applies to the A70 route between Cumnock and the Council boundary with South Lanarkshire at Glenbuck which, although not a trunk road, is a major access route into East Ayrshire.

6.33 Many opencast coal sites have boundaries which extend directly to the boundaries of the areas’ public road and rail networks and are consequently highly visually prominent to the travelling public. While sensitive bunding along roadside boundaries and railway lines can help mitigate the visual impact of an opencast development from the public transportation network, the bunding itself can often be visually intrusive. Consequently, the Council would expect developers to minimise the visual impact of the extraction areas and all ancillary operations from the general view of the traveling public, especially along any A, B or C class road and operational passenger railway line. A number of these routes carry substantial numbers of tourists through the area and the avoidance of any mining related environmental disruption along these routes is seen by the Council as an important means of making East Ayrshire a more attractive destination for the visitor. The extent of the visual corridors along the A70, A71, A76 and A713 routes and in the Loch Doon and Glenmuir Valley areas which are considered to be of high visual amenity, is shown in Figure 9.
Transportation Constraints

6.34 The Council is of the opinion that the transportation of minerals from an extraction site can have significant environmental impact and, in line with the provisions of NPPG16, a better balance will be sought between lorry and rail transport with an increased tonnage of coal being moved by rail from as near as practicable to the extraction site. In all cases, the Council will encourage operators of opencast sites to provide new rail facilities for the transportation of coal direct from the site wherever feasible, or to utilise existing rail head/disposal points in close proximity to the site of extraction. In the context of the recently published Government White Paper on Integrated Transport Strategy and in order to ensure minimum impact of road hauled coal on the road network, the Council will in future, be particularly supportive of proposals which can be served by an existing or proposed rail disposal point or which would not necessitate the transportation of extracted materials through settlements by road. In this regard, opencast operators are requested to co-operate and co-ordinate their efforts to provide new rail disposal points at appropriate locations to jointly serve their developments. In addition, developers are requested to consider the provision of a network of off-road haulage routes linking their operative sites with existing or proposed railheads, without necessitating the transportation of coal through existing settlements.

6.35 Existing rail disposal points in East Ayrshire are concentrated within the South and Central parts of the Cumnock and Doon Valley Areas serving the existing coalfield areas. While other coal reserves exist within East Ayrshire, many of these are at some considerable distance from the existing disposal points and are not readily serviceable, because of their remote locations, by any new dedicated rail facility. Much of these remoter coal reserves lie in the northern part of East Ayrshire and exploitation of these resources would not be acceptable to the Council, in the absence of any firm proposals to extract material from site by rail.

Water Resources

6.36 The Council recognises the importance of providing the highest quality of pollution free water to serve the local community and is anxious to ensure that opencast operations do not disrupt or have any adverse impact on existing water resources throughout East Ayrshire. The Subject Plan consequently ensures that the quality of water resources is not adversely affected by opencast operations through the pollution of surface or ground water, thus protecting potable water supplies for commerce and industry, and sensitive natural habitats and species. The Council will also ensure that opencast operations do not, through the disturbance of water courses etc., give rise to problems of flooding in the area.
7 Opencast Coal: Application Requirements & Other Considerations
Outline and Repeat Applications

7.1 It is recognised by the Council that opencast coal operations may raise significant environmental issues for surrounding areas. In order to properly assess such developments, the Council is of the opinion that applicants should submit all known details relating to their proposal for consideration when submitting their applications, including operational details, an assessment of visual and environmental impact of the operations, transportation routes, restoration and aftercare proposals etc. Submission of such supporting information is considered imperative in the proper consideration of opencast coal applications and applications not accompanied by this information will not be entertained by the Council.

7.2 In designing opencast coal developments, care and attention to detail can ensure that the potential impact of the proposal is minimised and that the site is operated to the highest levels and standards, in line with best practice. Pre-submission discussions between operators and the Council can assist in reducing areas of potential difficulties and in identifying issues for particular attention in the scoping of Environmental Impact Assessments. Careful attention to the operational and good practice criteria will allow for proper consideration of an application and help developers minimise any adverse impact of the operational elements of their proposals. Where appropriate, specific conditions will be attached to any consent granted in line with the standard conditions formulated by the Council.

7.3 The Council is anxious to remove or minimise any uncertainty which may be experienced by local residents from repeat applications for new opencast sites or extensions to existing sites, where a decision against further extraction related to the same area of land has already been taken by the Council or by the Scottish Ministers on call-in or appeal. The Council may, under statute, decline to determine such applications made within 2 years of a previous refusal and this provision will be enacted as considered necessary.

Supporting Information

7.4 The Council recognises that the market demand for coal is in a constant state of flux and that it is necessary to adapt to changing demands in order to ensure continuity of employment within the industry. It is, however, accepted that demand for various grades of coal is difficult to assess and depends on a number of, mostly economic factors. It is also accepted that increased demands may be placed on the Council to release additional land for opencast coal extraction, in order to meet increased market demand for the resource. While wishing to remain responsive to meeting any increased demand for coal, the Council is nevertheless keen to ensure that the period of disturbance to local communities caused by future opencast developments can be fully assessed at the earliest opportunity and that a long term view on the wider implications of possible further extraction proposals by a developer in the vicinity of the application site can be taken as early as possible in the development process.

7.5 The Council is keen to ensure that all opencast operations are of benefit, leaving the local communities with an enhanced environment and improved amenity. Opencast operations may be, by their nature, extremely intrusive and may cause widespread destruction of existing landscapes and natural habitats, as well as causing disruption to nearby communities and local residents. As a means of compensating for the disruption caused by their operation, operators are required to demonstrate that the operations themselves will be environmentally acceptable and, if not, will result in significant benefits to the
area residents through such measures as the removal of areas of existing dereliction, the formation of positive nature conservation/recreational features as an integral part of any approved restoration proposals etc. Such measures would also be fully in accordance with the Scottish Executive’s NPPG16: Opencast Coal and Related Minerals.

**Environmental Assessment**

7.6 The Environmental Impact Assessment (Scotland) Regulations 1999, require certain types of development for which planning permission is being sought, to be accompanied by a formal Environmental Impact Assessment which enables the effects of the development on the environment to be fully considered and the measures required to minimise any adverse impact of the development to be properly assessed. Under the 1999 Regulations, Environmental Impact Assessment is now mandatory for all opencast operations where the surface area of the site exceeds 25 hectares. Planning Authorities and operators are directed to consider the need for Environmental Impact Assessment in all other cases, including extensions to existing sites. Where required under the Environmental Impact Assessment (Scotland) Regulations 1999 and its accompanying circular 15/1999, and where significant environmental effects are likely to arise, a formal Environmental Impact Assessment will be required. The information provided in the Environmental Impact Assessment should include details of those aspects of the environment likely to be significantly affected by the proposed development including, in particular, population, flora, fauna, soil, water, climatic factors, archaeological heritage features and landscape. The inter-relationship between the above factors should also be described as should the measures envisaged to prevent, reduce and offset any adverse environmental effects of the proposal. The cumulative impact of the proposed development with other existing developments such as quarries, landfill sites and rural based industries affecting the particular area concerned, will also require to be addressed in any Environmental Impact Assessment. It is strongly recommended that the scope and content of any requested Environmental Impact Assessment is fully discussed with the Local Authority prior to its production. Once submitted for consideration, formal consultations with relevant statutory and non-statutory bodies will be carried out, as required by the Regulations prior to any decision being taken on the application to which the Statement relates. In certain circumstances where complex issues are involved, the Council may seek independent expert advice on information contained in the assessment.

**Section 75 Agreements**

7.7 Opencast coal developments can have a major impact on the wider community, with effects from the operations being felt well away from the operational site itself. While on-site operations, working methods, site layout etc can be adequately controlled by the imposition of appropriate conditions in any planning consents that may be issued, associated opencasting operations and resulting effects of these operations on land outwith the application site itself cannot be controlled in this way. In such cases, the Council will require appropriate Section 75 Agreements between the Council itself and individual operators to regulate and avoid any adverse effects the development may have on the surrounding areas. Section 75 Agreements may cover a wide range of issues and may vary from site to site. The Council considers the establishment of such agreements as being in the best interests of the proper planning and environmental protection of the wider area surrounding operational sites.
Minerals Trust Fund

7.8 The Council is anxious to ensure that minerals operators should make a positive commitment to improving the environment of the area, in order to compensate to some degree for the environmental disturbance and loss of amenity to nearby residents caused by their opencast developments. It is considered that the most equitable way of ensuring that minerals operators honour their responsibilities in this regard, is through contribution to a dedicated Minerals Trust Fund, proceeds from which will be directed towards providing community benefits and improvements within those communities affected by site operations or by haulage vehicles. All minerals operators have reacted, to date, in a positive manner to this particular Council initiative. It is stressed that, in line with the provisions of NPPG16, contributions to the Minerals Trust Fund will not be treated as material considerations in the assessment of any opencast coal applications considered by the Council. In negotiating the level of contribution to the Trust Fund, the Council will take account of any particular community benefits being suggested by the operator for the particular community affected.

Restoration & Aftercare Guarantees

7.9 The East Ayrshire landscape and environment has, in the past, been affected by minerals operators abandoning workings and failing to carry out restoration of sites. In order to prevent such situations arising in the future, the Council has firmly established the principle of ensuring that Restoration and Aftercare Guarantees are in place for all future opencast operations. This is considered by the Council to be sound practice and the Council is committed to pursuing all legal means of ensuring the satisfactory restoration of opencast sites at no costs to the residents of the Authority area. All applicants for opencast developments will therefore be required to provide an appropriate financial guarantee to enable them to meet fully all restoration and aftercare conditions attached to planning consents issued. Such a guarantee is not likely, in the opinion of the Council, to be less than an average of £25,000 per hectare of disturbed land, a figure which has been promoted in previous versions of the Subject Plan.

7.10 The Town and Country Planning (Minerals) Act 1981 enables Local Planning Authorities to require mineral operators and/or landowners to carry out aftercare operations over a five year period. The utilisation of such powers is considered an appropriate and effective manner in ensuring the highest qualities of restored land are achieved. The Council, in association with all appropriate government departments, agencies and specialist organisations, seeks to ensure that all workings and restoration proposals are implemented in full cognisance of current best practice. The Council will continue to consult with the Scottish Executive and will be guided by its knowledge of the agricultural restoration requirements in respect of individual proposals. Advice will be sought from other appropriate expert bodies with regard to the aftercare requirements associated with the restoration of land to uses other than to agriculture.

Monitoring of Sites

7.11 The monitoring of opencast sites, once operative, is seen as an essential element in ensuring that a developer complies fully with all conditions and other aspects of his issued planning consent. The Council is fully aware of its responsibilities in this regard and makes all efforts to monitor all opencast operations on a regular basis. The help of individual operators in providing technical information regarding their operations is much appreciated by the Council in pursuing its monitoring function and operators are requested to provide the Council with regular information on such aspects of their operations as routing and numbers of coal haulage vehicles.
generated, noise, vibration and dust levels, blasting information etc. Operators are also requested to provide the Council with an annual Mining Progress Plan and an annual Environmental Audit to keep the Council up-to-date with the progress of operations on site and the extent to which environmental and operational conditions of the issued Planning Consent and any associated Section 75 Agreements have been complied with.

Transportation of Coal by Road Protocol

7.12 The Council is anxious to reduce any adverse environmental impact caused by coal haulage vehicles using the East Ayrshire Road Network and, in particular, on the residents of communities located along coal haulage routes. In order to achieve this aim, the Council has drawn up a Transportation of Coal by Road Protocol which addresses such issues as dust suppression measures through the use of vehicle wheel and body washing, humping of vehicles, sweeping of public roads etc. Good and courteous driving practice is advocated in the protocol together with the use of agreed haulage routes by opencast vehicles. Operators will be asked to carry out remedial work on road infrastructure where it is required to mitigate the effects of coal traffic from individual sites or cumulatively from a number of sites. Strict accordance with and commitment to the protocol by both the Council and individual opencast operators and their approved subcontractors will, it is considered, play a major part in minimising any disruption to the daily life of residents living alongside or in proximity to opencast coal haulage routes.

The Joint Environmental Accord

7.13 Over the years, the former Cumnock & Doon Valley District Council had built up a close and positive working relationship with British Coal, whereby the organisation was able to provide strict safeguards on all of the operative opencast coal sites under its control and to effectively monitor its own operations and activities. The strength of this relationship was reinforced with the signing, in December 1991, of a Joint Environmental Accord document, agreed between the District Council and British Coal, which committed British Coal to ensuring a very high standard of operational and environmental “housekeeping” in relation to all of its activities within the area. In an effort to continue the commitment embodied within the Joint Environmental Accord between the former District Council and British Coal, the Council would intend to request all Opencast operators with interests in the area to enter into a wider based Environmental Accord for Minerals Operators currently being formulated, to ensure that the highest possible standards of environmental awareness in their operation and restoration programmes are achieved.

Liaison Committees

7.14 The Council considers it important that the residents of all communities likely to be affected by an opencast proposal are made fully aware of the details of that proposal and also of any loss of amenity that they may expect to experience as a result of operations. It is also considered good practice that local residents should be able to voice their concerns about an opencast development directly to the operators and to bring to the attention of the operators, any particular problems being experienced. For these reasons, it is advocated that a formal Liaison Group be established between the operators and local residents, in the interests of good public relations, with the initiative in this regard being taken by the operators themselves. Although the Council may be invited to be a member of Liaison Committees, it is stressed that Liaison Committees are independent of the Council itself and have no powers with respect to the Councils decision making processes under the Planning Acts and other orders and regulations.
The Effects of Opencast Mining
8.1 Opencast operations can introduce potential benefits to an area through increased employment opportunities and the removal of dereliction. Opencast operations do, however, create environmental impacts which need to be taken into account in considering applications, including visual intrusion, noise, vibration, dust and traffic. Developments will only be acceptable where adverse impacts are minimal or where mitigation measures can be taken to reduce negative impacts to an acceptable level. It is also recognised that cumulative impact of opencast development may be more serious and compound the impact of individual operations.

Visual Intrusion

8.2 Opencast operations can be extremely prominent and visually intrusive within the landscape. Large stockpiles of topsoil, subsoil and overburden together with worked coal all have to be accommodated on site in addition to any coal screening or processing equipment which may be required. Screen mounding around the perimeter of sites can be an effective means of screening opencast sites from general view, especially at close quarters, but often introduces a landform alien to the area in which it is located.

Noise

8.3 The nature of opencast operations is such that heavy plant and machinery is required to initially expose coal seams and thereafter transport coal to stockpile areas within the site. Within the Southern part of East Ayrshire which is essentially rural in nature, background noise levels are generally low. Accordingly, the perceived impact of noise is often greater to residents of areas in proximity to a working site than might otherwise be the case. It is accepted, however, that noise from opencast workings can result in disturbance, annoyance and concern to nearby residents with a resultant loss of amenity.

Vibration

8.4 Where geological conditions dictate, blasting may be required to gain access to coal seams by fracturing and thereby weakening overlying hard rock. Stringent controls on blasting, which causes vibrations to travel both through the ground and through the air, are required to prevent disturbance to people and damage to property. However, for those communities in close proximity to a site where blasting is carried out, such controls may be insufficient to ensure peace of mind. Residents living along opencast haulage routes can also be affected by vibration caused by heavy goods vehicles servicing the opencast sites.

Dust

8.5 Dry internal haul roads and the transportation of extracted materials within an opencast site may result in the production of dust during periods of dry weather. Dust may also be blown off-site at all times even when daily operations at the site have ended. While it is possible to implement measures to reduce the effects of dust, the spread of dust from opencast sites is dependent to a great degree on the weather as rainfall will dramatically reduce dust production. Stripping of vegetation, top and sub-soil and overburden, blasting and coal screening activities can each add to dust production which can be extremely annoying to residents or communities in the vicinity of the site. While it is possible to control dust within an operational site, the effects and impact of dust outwith the site itself is an important consideration in relation to neighbouring properties. Government sponsored research, “Do Particulates from Opencast Mining Impair Children’s Respiratory Health?” has been concluded and the results of this research are now incorporated into formal NPPG guidance through an amendment to NPPG16: Opencast Coal and Related Minerals. (The research findings have been endorsed by the Committee on the Medical Effects of Air Pollutants, the panel of independent
Figure 10
Areas of Conflict with Established Buffer Zones Around Settlements

Note: The figure does not purport to show all communities which may potentially be affected by opencast coal mining.

Key
- Area of Conflict
- Settlement 500m Buffer Zones
- Coal Reserves
- Main Settlements
- Main Road Network

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experts which advises the United Kingdom Health Department on these matters.) In particular, both planning authorities and the industry should, as a minimum, adopt the assessment framework recommended in the research in drawing up and considering proposals for new sites or extensions or modifications to existing sites and make use of information collated by Local Authorities in undertaking the responsibilities for Local Air Quality Management. This assessment framework will be given full consideration by the Council in its determination of planning applications and in the scoping exercises carried out with regard to Environmental Impact Assessments, in order to ensure that opencast developments do not result in unacceptable levels of airborne dust.

Transportation

8.6 Historically within East Ayrshire, the movement of coal from opencast coal sites by heavy lorries has given cause for concern. Residents of houses and communities located on haul routes, can be directly affected by increases in noise, dust and vibration caused by both loaded and empty vehicles travelling to and from coal sites. Such effects last for the entire duration of coaling from an opencast development and mean that the impact of opencast coal mining may well extend beyond its site boundaries. The transportation of coal by heavy lorries from an individual site over a short period of time may not in itself be considered a significant issue. Effects can, however, be greatly exacerbated where there is a predominance of opencast sites in a certain area or where haulage routes merge. The cumulative effects in such cases can result in considerable distress to affected residents and communities.

Impact on Communities

8.7 It is very difficult to measure in quantitative terms the effects that opencast mining operations have on the environment and on the various communities within the vicinity of operational sites. Cumulatively, a number of opencast sites in any one particular area can intensify environmental impact and the strain on communities can also increase if extraction activity is allowed to be extended either by increasing the site area or by allowing working over an extended period of time. In the Government’s NPPG16: Opencast Coal and Related Minerals, development proposals which involve a substantial area for extraction over an extended extraction period of more than 10 years, or proposals which are likely to be subject to repeated extensions, perpetuating disturbance to local communities for a period substantially longer than 5 years, are likely to be considered unacceptable. The Council will, however, continue to assess each opencast application on its merits. However, should any opencast operations be proposed for periods in excess of those detailed in the NPPG as described above, developers will be expected to demonstrate that their proposals will have minimum adverse effect on the environment and, if not, that there are significant local or community benefits likely to accrue as a result of the development. Accordingly, it is in the interest of all involved parties, including residents, opencast operators and visitors, to ensure that emerging extraction schemes are properly planned and that local communities are kept fully aware of the developers’ operational timetable and restoration proposals.

Protection of Residential Amenity

8.8 Opencast operations, both on-site and in a wider context, can give rise to serious environmental problems and the amenity of local residents can be substantially eroded in cases where coal reserves lie adjacent to existing residential properties, existing towns and villages etc. The Council therefore considers it essential
that in such cases, due regard is taken of all factors which directly or indirectly affect the established setting of the properties and the amenity of residents of the settlements concerned. The existence of particular problems may not necessarily preclude development as adequate safeguards may be secured by means of appropriate mitigation measures. Opencast operators will therefore be required to demonstrate the measures that they propose to take to minimise the effects of the proposed working on existing settlements and on individual or clusters of dwellings and sensitive establishments outwith communities.

8.9 Many of the adverse impacts of opencast coal extraction can be minimised by good site planning and site management. The visual impact of a development can be reduced by the careful location of topsoil and subsoil heaps to act as screen bunds round the edges of the extraction operations. Careful landscaping and contouring of these bunds can reduce the impact of the bunds themselves on the environment and bunds themselves can be designed to fit in with the natural contours of the land depending on local conditions. Similarly, overburden heaps can have their environmental impact reduced by careful contouring and hydroseeding. Progressive restoration techniques will also ensure that the volume of overburden stored above ground will be minimised.

8.10 Well designed bunding can also double as baffle mounds deflecting noise from site workings, plant and machinery from nearby properties and settlements, as well as preventing the spread of dust from the site. Happing of haulage vehicles can also reduce dust nuisance from transported materials affecting residents and properties along transportation routes while wheel washing of vehicles prevents mud and other materials from the site being deposited on the surrounding road network. Careful control of site operations and dispatch of coal to acceptable hours also minimises disturbance to local residents as can the routing of haulage vehicles so as to avoid settlements.

8.11 Concern has been expressed by residents living in close proximity to opencast sites that the operational activities may affect the structural stability of their properties, through vibrations caused by blasting and the movement of haulage vehicles. In order to ensure that any future claims to damage to property, attributable to mining activities, have a basis for determination, the Council may, at its discretion, require developers to carry out a structural survey of properties within close proximity to a proposed opencast operation, prior to the commencement of operations.

Establishment of Protective Buffer Zones

8.12 Experience has shown that the maintenance of an adequate buffer zone between extraction or operational areas and settlement boundaries or nearby residential properties is essential. Good site management can minimise nuisances but cannot provide the same level of mitigation as a substantial buffer zone.

8.13 The preservation of amenity for residents of the area and the protection of that amenity from disruptive opencast developments is a prime aim of the Council and the Council is committed to protecting existing communities and residents from the adverse effects of noise, vibration, dust and flyrock generated by operational opencast sites. In this regard, the Council will require that protective buffer zones be established between site boundaries of opencast sites and nearby dwellings, with a view to reducing such adverse effects to acceptable levels.
Each operational site will generate its own particular levels of noise, dust and vibration, dependent on local geological and climatic conditions etc. The incidents of flyrock is also a potential hazard which can be experienced in certain circumstances. In addition, each opencast site possesses its own geographical, locational and topographical characteristics peculiar to its individual setting and physical surroundings. With so many variable factors affecting the levels of impact of an opencast operation on the amenity of an area, it has been impractical to develop a standard, empirical formula which would establish a minimum distance appropriate for each site between the site boundary and any nearby properties, beyond which no adverse impact of the opencast operations would be experienced.

A standard 500 metre buffer zone between site boundaries and local communities will therefore be established for all opencast coal operations within East Ayrshire. This distance reflects experience from a recent incident in the vicinity of Muirkirk where, during blasting operations, flyrock material was propelled some 400 metres into a nearby housing scheme. 500 metres incorporates a adequate 25% additional safety margin. Any shorter buffer zone could subject nearby residents to further danger from flyrock material, would increase the visual intrusion of the opencast operations, lessen the ability for operational dust to disperse and increase noise and vibration impact on affected properties. Opencast operations encroaching within 500 metres from a settlement or nearby houses will be acceptable in amenity or environmental terms only where the agreement of local residents has been obtained. Areas of conflict between established buffer zones and the Opencast Coal Resource is shown in Figure 10. The Council would generally agree with the views expressed in the NPPG that a group of 10 or more dwellings could normally be considered to constitute a local community. However, it is also considered that smaller groups of houses may constitute a community and consequently, no fixed definition as to how many dwellings might constitute a community has been adopted in the Subject Plan.

Cumulative Impact

In recent years, opencast coal production has been concentrated in a number of specific areas which have been largely free of any environmental constraints on extraction. Consequently, a number of communities have been experiencing the impact of successive opencast coal operations for a considerable period of time and also from a number of opencast sites operating concurrently within a limited geographical area. The Council considers that, in order to protect the amenity of affected communities, a concentration of opencast developments in any one particular area at any one particular time, or successive operations over an extended period must be discouraged. Development of an uncontrolled number of opencast sites either concurrently or successively may be environmentally unacceptable, bearing in mind that each site would require its own dedicated spoil heaps, overburden heaps, lagoon areas etc which, cumulatively could seriously detract from the amenity of residents of the area. Should a proliferation of opencast sites be allowed to occur, opencast related activity may also have significant and detrimental impact on the visual amenity of a wide geographical area. Any widespread adverse cumulative impact of opencast operations is not considered to be in the overall best interests of the proper planning of the area and would be seriously prejudicial to other primary aims and objectives of the Council. This is likely to occur in areas experiencing serious degrees of disfigurement through compounded opencast activity and may well prove a disincentive to the attraction of tourism or inward investment to the area. In this regard, the Council
would consider that any proposal which would result in more than two approved or operative sites within a 3km radius of each other or within 3km radius of any particular settlement may contribute to an unacceptable cumulative impact on the amenity of an area. Any opencast operations which would successively cause or exacerbate excessive opencast disruption in any particular settlement would also not receive support from the Council.

8.17 Opencast operations also generate substantial volumes of heavy goods haulage vehicles which, in themselves, can cause severe disturbance to local residents through noise, vibration and dust generation. Significant increases in the number of coal haulage vehicles, when considered along with existing volumes of coal haulage vehicles and other HGV traffic using agreed haulage routes, which would cause unacceptable amenity impact to any settlement or individual dwellinghouses located along such routes, will also not be considered acceptable to the Council.

Impact on Existing Businesses and Future Investment

8.18 The Council is actively promoting East Ayrshire in order to attract new investment into the area and it is recognised that opencast operations, because of their environmental impact, could pose a threat to this particular incentive if not properly controlled and managed. The possible impact on potential leisure, recreation and tourism development is discussed in Paragraph 6.28 of the Subject Plan, but opencast operations can also impact on the retention and expansion of a range of existing business activities already established in the area, and particularly to those which are sensitive to noise, dust and vibration. The possible adverse consequences of a proposed opencast development prejudicing the attraction and retention of beneficial investment in the area or adversely affecting existing businesses will therefore be given due weight in the determination of submitted opencast applications.

Potential Benefits of Opencast Mining

8.19 Although Opencast mining can be visually and environmentally intrusive and give rise to various problems, the operations themselves are important elements in the local economy and future investment in the industry can bring about certain benefits, both to local residents and to the general environment. In particular, benefits can be gained through:

(i) Increased Employment Opportunities: As of March 1998, some 648 people were employed directly at the ten opencast sites operative in East Ayrshire at that time. Of these, it is estimated that some 75% were residents of East Ayrshire. Additional indirect employment is generated from companies serving each of the operational sites and a further 71 people were employed directly at the Killoch and Knockshinnoch Coal Disposal Points by Scottish Coal. Of the total of people employed, 277 were employed at the Scottish Coal Sites of Chalmerston, Airdsgreen, House of Water and Piperhill, all of which are long term operation sites of 10 years. Coal extraction from these sites give employees some guarantee of longer term employment than the generally shorter term opencast sites operated by other smaller developers. The continuing demand for Ayrshire Coal, especially by the power generating industry, both in Scotland and elsewhere, also allows for an element of continuity of employment to be assured.

(ii) Removal of Dereliction: Within East Ayrshire there remain significant areas of rural
dereliction, especially dereliction associated with the former deep mining industry. Where such areas of dereliction are underlain by shallow coal deposits, its removal and subsequent restoration can significantly improve the appearance of an area. Contaminated sites which may not perhaps be suitable for an otherwise economically viable after use can also be reclaimed as part of an opencast development. Such environmental benefits accord with both strategic and local policies contained within existing Structure and Local Plan documents. Disused shafts and adits at a sub-surface level also constitute a form of underground dereliction and a potential danger and liability. Restoration of such areas, as a result of opencast operations can also be beneficial.

(iii) Restoration of Sites: Increasingly, local authorities and opencast operators are taking advantage of opportunities to create high quality and diverse restoration schemes for opencast sites. Restoration of opencast sites on a progressive basis is advocated by the Council in order to minimise the physical impact of the operations on the environment and to return the land to a productive and beneficial use at the earliest possible opportunity. The Council also recognises that opencast sites can be restored to a wide range of uses and that opportunities exist within restoration schemes to enhance and expand on the already diverse range of natural habitats within the area. On advice from Scottish Natural Heritage, the RSPB and other nature conservation bodies, the Council encourages applicants to incorporate wildlife and natural habitat creation proposals within their restoration schemes, particularly where these replace natural habitats destroyed by the opencast operations that have taken place. Restoration schemes should, wherever possible, also seek to include improved recreational aspects and facilities for local residents, including improved public access. Any after-use proposal which would itself result in possible nuisance, such as landfill, would require consideration as a development in its own right.

Detailed policy guidance regarding landfill waste disposal at opencast sites is addressed in the East Ayrshire Local Plan.

(iv) Renewable Energy: In line with national policy, as detailed in National Planning Policy Guideline “NPPG6: Renewable Energy”, the Council subscribes to the promotion of renewable energy developments within East Ayrshire. While interest in renewable energy projects has, to date, been limited to wind energy developments, the area is considered to have substantial potential for the development of energy crop projects based on the production of short rotation coppicing of willow and poplar. These renewable energy crops can be grown on a wide range of land including reclaimed colliery spoil and, consequently, short rotation coppicing may prove to be a possible, suitable after-use of restored opencast sites, particularly where it can be demonstrated that there would be no adverse impact on local populations or on the environment.
Transportation of Coal
Transportation Overview

9.1 Two major operational opencast coal sites are served by direct rail access. Much of the remaining coal from all other sites is also taken out of the area via the rail heads/coal disposal points at Killoch and Knockshinnoch. The road network is, however, required to accommodate heavy volumes of haulage vehicles to transport coal from individual sites to rail head and a smaller volume (around 15-20%) of coal which is destined for shipment to markets direct by road or which cannot be transported economically by rail.

9.2 The principal 'A' class roads which carry heavy volumes of coal traffic are the A76 and A70. With the exception of Cumnock and Auchinleck which are by-passed in a north/south direction by the A76 trunk road, all heavy goods traffic, including opencast coal vehicles, using the A76 and A70 routes must of necessity pass through the communities located along their routes. Particularly affected is the community of New Cumnock on the A76 and Ochiltree, Cumnock, Lugar and Muirkirk on the A70. It is considered that, unless carefully planned, any increase in opencast coal activity within East Ayrshire will undoubtedly add to the problems being experienced by these communities, specifically in relation to coal movement by heavy goods vehicles. There are no immediate plans to construct by-passes to the settlements of Mauchline, New Cumnock, Ochiltree or Muirkirk, although schemes have been designed and routes identified by the Scottish Executive for the by-passing of both Mauchline and New Cumnock.

9.3 With the substantial increase in opencast coal operations in recent years, the A70 has come under increasing pressure for the transportation of coal. Several of the existing operational opencast sites in East Ayrshire utilise parts of the A70 for the transhipment of coal. Other sites which currently have planning permission or for which consent is currently being sought, will also use the A70 for the movement of coal once extraction is underway. While there are no anticipated problems envisaged in the A70 being able to meet extra demand in terms of capacity, the A70 does experience problems of poor forward visibility because of bad bends and vertical alignment. Junctions and accesses are also frequently ill-defined, the carriageway and verge widths are occasionally substandard, there are limited overtaking opportunities and there are problems with road safety. Within the built up areas along the route, environmental damage associated with the passage of through traffic and heavy goods vehicles is experienced, traffic speeds are high and there is conflict between through traffic and service vehicles/pedestrians. All of these issues require to be addressed if any increase in opencast coal traffic is to be safely accommodated.

The Minor Road Network

9.4 Within East Ayrshire, road links between settlements are generally good with there being numerous "B", "C" and unclassified roads throughout the area. Most of these routes are lightly trafficked and experience few problems in terms of capacity. The minor road network is, however, under increasing pressure from opencast coal vehicles which, of necessity, require to utilise these routes in order to access the strategic road system, many opencast sites not having direct access to an "A" class road. These minor roads were not designed to accommodate the large haulage vehicles serving the opencast operations and these roads often require widening, strengthening and realignment in order to bring them up to an acceptable standard. Bridges along the routes also often need strengthening and upgrading, passing places require to be provided and junction sightlines improved. It is considered an essential pre-requisite by the Council that all agreed haulage routes are brought up to an acceptable standard to meet the demands placed on them by the proposed opencast developments they will serve and it is considered that the costs...
involved should be met in their entirety by the opencast operator and not from the public purse. Existing Coal Transportation Routes are shown in Figure 11.

9.5 The Council is committed to reducing the numbers of opencast haulage vehicles on the public roads network as a means of minimising the disruption and nuisance caused to local communities located along coal haulage routes. The use of internal haul roads wherever possible and the sensitive location of site accesses onto the public road system can greatly help reduce the traffic impact of opencast operations on local residents.

Opencast Coal Traffic Flows by Road

9.6 As of March 1998, the operative opencast sites in East Ayrshire were generating a total of 760 heavy goods vehicle movements per day onto the local road network, this reducing to some 604 movements in March 2000. Significant flows of opencast coal traffic are still however, experienced along the A70 with the stretch of road between Ochiltree and Killoch Coal Disposal Point being the most heavily affected. Other stretches of the A70 between Ochiltree and Cumnock, between Cronberry and Cumnock and between Cronberry and Airds Green are also heavily used by opencast heavy goods traffic. Heavy use of the A76 trunk road is also made by opencast goods vehicles particularly between Cumnock and New Cumnock.

9.7 Substantial numbers of opencast goods vehicles are also experienced on the B741 Dalmellington to New Cumnock road with traffic destined for the Knockshinnoch Coal Disposal Point, particularly between Dalkeith and New Cumnock. Other routes heavily used by opencast traffic are the B7046 Skares to Benston Farm road, the unclassified road linking the B7046 at Benston Farm with the A70 at Mote Toll near Ochiltree and the unclassified road linking the House of Water Opencast Site with the B741 at Dalleagles.

9.8 The majority of all opencast coal traffic on the East Ayrshire road network is destined for Cumnock or returning from, the two coal disposal points at Killoch and Knockshinnoch with only a small proportion of approximately 6% of vehicle movements having their destination outwith the area. Daily heavy vehicle movements generated by opencast coal operations are indicated in Appendix 6. Certain of the East Ayrshire communities are particularly affected by opencast coal traffic, particularly New Cumnock on the A70 and Cumnock, Ochiltree, Lugar and Muirkirk on the A70. The extent to which these communities are affected is shown in Table 3.

<table>
<thead>
<tr>
<th>Settlement</th>
<th>Daily Opencast Vehicle Movements</th>
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<tr>
<td>Ochiltree</td>
<td>135</td>
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<tr>
<td>Cumnock</td>
<td>117</td>
</tr>
<tr>
<td>Lugar</td>
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<td>Muirkirk</td>
<td>117</td>
</tr>
<tr>
<td>New Cumnock</td>
<td>214</td>
</tr>
</tbody>
</table>

Source: Departmental Figures

The Rail Network

9.9 The rail network serving the East Ayrshire coalfield not only accommodates the Glasgow to Carlisle line but also three dedicated freight lines. These are at Chalmersworth which, via Waterside, connects with the Glasgow/Ayr to Stranraer route at Dalrymple Junction, at Killoch which connects at Annbank with another freight line linking Ayr with Mauchline and the Glasgow/Carlisle line and at the Broomhill Opencast Site. A further rail spur off the Glasgow to Carlisle line between Cumnock
and New Cumnock also provides direct rail access to the Knockshinnoch Coal Preparation Plant/Rail Disposal Point at New Cumnock. In addition to these, proposals are currently being considered for the construction of a new railway line linking Auchinleck with the Muirkirk Coal basin. Such a link would serve the proposed Gasswater opencast coal site and would allow the transportation of coal by rail for opencast coal development in the general Gasswater/Powharnal area. Proposals for the creation of a coal disposal point served by rail at Rottenyard, New Cumnock are also under consideration to serve further opencast interests in the New Cumnock area.

9.10 It is considered that an expanded rail network will have sufficient capacity to accommodate large scale increases in coal haulage and the Council gives active encouragement to increasing the use of rail in the transportation of coal from sites within the area. At present, approximately 1,800,000 tonnes of coal is carried by lorries on the road network from existing opencast coal sites on an annual basis. This equates, using an industry standard 24 tonne lorry load, to 126,000 separate loads in a given year, or a total of 252,000 lorry movements when return journeys are included. Movements of this scale are extremely significant and justify the Council’s contention that all possible efforts be made to reduce the movement of coal by road. Every 100,000 tonnes of opencast coal taken off the roads and transported by rail would result in approximately 10,000 fewer lorry trips on the area road network.

9.11 A pre-requisite to the transportation of coal by rail is the availability of sufficient locomotives and rolling stock to transport the volumes of coal produced. Similarly, it is necessary for the trains to be at the appropriate disposal point at the correct time. Problems are occasionally experienced in providing adequate rolling stock at the preferred, correct location and this has resulted in coal being transported to its market destination by road in order to meet customer requirements. Close co-operation and co-ordination between opencast operators and rail hauliers is required to ensure that transportation of coal by rail is maximised and continues to be an efficient and effective alternative to transportation by road.

9.12 Table 4, which indicates the amounts of coal handled by the Rail Transfer Points, shows a substantial increase in the volumes of coal transported by rail, especially through Killoch and Knockshinnoch. While no capacity figures for the coal handling points are available, it is likely that both Killoch and Knockshinnoch could experience capacity problems in handling the anticipated increase in volumes of coal treated. Any new rail disposal point serving the Muirkirk area would help alleviate any rail capacity problems that may be experienced elsewhere.

9.13 It is worthy of note that much of the coal extraction from East Ayrshire is destined for the Power Generation Industry which is specifically geared to receiving coal deliveries by rail. In such cases where rail is the preferred method of transportation of coal by the end users, it is beneficial if coal can also be transported from source on the rail network to save excessive handling from one transportation mode to another. NPPG17: Transport and Planning, indicates that planning authorities should encourage the carriage of freight by rail rather than by road wherever it can provide a feasible alternative for all or part of the journey. Accordingly, proposals which provide for rail transport will be more favourably considered by the Council than those wholly dependent on road transport. Appropriate policies have therefore been included within the Subject Plan to achieve this particular objective.
**Table 4: Coal Handled by Rail Transfer Points**

[tonnes(thousands)]

<table>
<thead>
<tr>
<th>Disposal Point</th>
<th>Financial Year</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>94/95</td>
</tr>
<tr>
<td>Chalmerston</td>
<td>220kt</td>
</tr>
<tr>
<td>Killoch</td>
<td>440kt</td>
</tr>
<tr>
<td>Knockshinnoch</td>
<td>-</td>
</tr>
</tbody>
</table>

SOURCE: English, Welsh & Scottish Railway Figures

## Mitigation Measures

9.14 Notwithstanding the establishment of proposed new rail disposal facilities, the amount of heavy goods vehicle traffic generated by opencast coal operations is expected to continue especially along the A70 route. Continuing coal generated movements along this road will extend the detrimental impact on the amenity of communities lying alongside the A70 and through which coal traffic must pass. It is clear that measures will require to be taken to mitigate against the worst effects of this increase in coal generated traffic on the health and amenity of local residents and on the environment in general.

9.15 As a means of mitigating the adverse effects of opencast coal traffic on the local roads network and particularly through the area communities, the Council has produced a Transportation of Minerals by Road Protocol and all opencast operators are encouraged to subscribe to the best practice and operational measure detailed therein (see paragraph 7.12).
Policies and Recommendations
The Subject Plan Policies & Recommendations

10.1 A series of individual policies and recommendations has been formulated reflecting the strategic approach detailed in Chapter 3, with each policy being specifically geared towards achieving the sustainable management of both the minerals and the environmental resources directly affected by opencast operation. The range of policies and recommendations incorporated in the Subject Plan is intended to cover all aspects of the winning and working of coal by opencast methods which are subject to local authority control or influence, and include:

(i) Coal Extraction Policies: Policies have been drawn up which direct opencast coal operations to those particular areas considered appropriate for such development.

(ii) Community Protection Policies: Policies have been drawn up which protect certain types of land from opencast development. Advice and guidance has been formulated to ensure that the adverse effects of coal extraction on local communities and the general environment is minimised.

(iii) Operational Policies: Policies have been formulated to give direction to opencast developers on the operational aspects of extraction, restoration, aftercare and after-use of opencast sites, primarily from the development promotional viewpoint.

(iv) Transportation Policies: Policies have been formulated regarding preferred methods of transportation of coal from the extraction site to market.

(v) Additional Controls: Policies have been formulated detailing the Council’s approach to additional requirements that opencast operators may be requested to observe, such as the requirement for Section 75 agreements, contributions to a Minerals Trust Fund, Restoration and Aftercare Guarantees etc.

10.2 The policies and recommendations contained in the Subject Plan are designed to give guidance over a period of five years. It is acknowledged that the opencast sector is subject to dynamic market demands and the plan will require to be monitored on a regular basis and reviewed as and when considered necessary in order to ensure continued relevancy.
New Opencast Developments

Policy MIN 1:
All future opencast coal developments will be directed towards the Potential Coal Extraction Areas as identified in the Subject Plan and the Council will be supportive of such developments in these areas, subject to the development proposals being in compliance with all other appropriate subject plan policies.

Policy MIN 2:
There will be a presumption of refusal of applications for new opencast coal developments outwith the Potential Coal Extraction Areas with the exception of small scale, short term extraction proposals which meet the following criteria:
(i) there is clearly demonstrated environmental benefit to be achieved through the removal of existing areas of dereliction;
(ii) there is an overall benefit for communities affected including local employment; and
(iii) there are no conflicts with any other Subject Plan Policies.

There will be a presumption of refusal of other opencast developments outwith Potential Coal Extraction Areas unless there are positive reasons of sufficient weight to overcome the presumption of refusal and justify the grant of planning permission.

(NOTE: ‘Small scale’ proposals relate to proposals of less than 25ha of total site area. ‘Short term’ proposals relate to proposals with a total extraction and restoration period of less than 2 years’.)

Extensions to Existing Opencast Sites

Policy MIN 3:
Subject to detailed consideration, the Council will generally be supportive of any proposal to extend an existing operative opencast coal site within the Potential Coal Extraction Areas either laterally or through an increase in the depth of existing workings, provided that all of the following criteria are met:
(i) that the proposed extraction operations are carried out as a sequential phase of development and not independently or in isolation from the extraction programme of the original approved site;
(ii) that the extended operations utilise fully the facilities and site infrastructure serving the original opencast site;
(iii) that the scale of operations, rate of extraction and number of vehicle movements generated by the extended site are commensurate with those as existing on the original site; and
(iv) That the proposed extension does not significantly prejudice plans for the restoration of the existing site.
Outwith the Potential Coal Extraction Areas, the Council will assess any extension proposal on its own merits and against the above criteria, and will not generally be supportive of such developments except where:

(iv) there is a clearly demonstrated environmental benefit to be achieved through the removal of existing areas of dereliction;

(v) there is an overall benefit for communities affected, including local employment; and

(vi) there are no conflicts with any other Subject Plan Policies.

Any extension to an existing opencast operation which would perpetuate any existing disturbance to a local community for a total extraction period in excess of 10 years will not generally be considered acceptable, unless it can be clearly demonstrated that there are significant local community and local environmental benefits to be secured by the development.

Assessment of Applications

Policy MIN 4:

Any proposed opencast coal developments for new, small scale, short term working as detailed in Policy MIN2 above and for extensions to existing workings as detailed in Policy MIN3 which relate to areas located outwith the Potential Coal Extraction Areas will be assessed against the following criteria:

(i) the impact on agricultural land quality, the landscape character and visual amenity of the area, and the natural and built environment;

(ii) the impact on the area of noise, dust and the contamination of ground and surface water and air quality;

(iii) the impact of the development on local communities, groups of houses and individual dwellings;

(iv) the extent of any directly related community benefit to be derived from the development such as the enhancement and creation of landscapes and habitats, and the removal of dereliction;

(v) the opportunities to maximise transportation by rail;

(vi) any cumulative impact of the proposal in association with other existing or proposed opencast developments in the area, including any significant prejudice to restoration plans for any existing site;

(vii) any impact on other inward investment opportunities in the area; and

(viii) the period of extraction.

Outline and Repeat Applications

Policy MIN 5:

The Council may decline to determine an application for the development of new
opencast sites or extensions to existing sites, where a similar application has been refused either by the Council or by the Scottish Ministers on call-in or appeal, within the previous two year period, where there has been no material change in circumstances since that decision.

Supporting Information

**Policy MIN 6:**

The Council will require all opencast coal operators, when submitting their extraction proposals to the Council for consideration, to support their planning application:

(i) with information which addresses all the issues highlighted elsewhere in the Subject Plan; and

(ii) with information which indicates their understanding of the location of coal reserves in surrounding land; and

(iii) with information about their interest in any likely future extensions to current applications and future adjacent sites in which they have an interest.

In the absence of such information, there will be a presumption against further extensions and the development of adjacent new sites which could have a significant effect, both direct and indirect, on local communities.

**Policy MIN 7:**

Within Potential Coal Extraction Areas, all applicants for opencast coal development will be required to demonstrate to the Council that their proposals will not have any significant adverse effect on the community or create any permanent adverse effect on the environment. Proposals which are likely to have such effect are unlikely to be accepted unless there are counter balancing benefits. In assessing opencast coal proposals the Council will apply the following criteria:

(i) whether the proposal is acceptable in planning terms with the use of appropriate planning conditions or legal agreements; or

(ii) whether the proposal carries benefit to the effected community or the environment which sufficiently outweighs any adverse effects; or

(iii) exceptionally, whether the proposal is of such importance that it should be granted planning permission even though it fails to meet either of the previous criteria such a proposal might, for example, propose the rehabilitation of substantial areas of dereliction or the remediation of major problems left over from previous mining operations.

Applications which do not meet any of these criteria will not be acceptable to the Council and are unlikely to receive planning permission.
Environmental Impact Assessment

Policy Min 8:
In line with the provisions of the Environmental Impact Assessment (Scotland) Regulations 1999 the Council will require applicants for opencast developments to submit formal Environmental Impact Assessments in association with all submitted planning applications for sites over 25ha in extent. The submission of Environmental Impact Assessments for sites of less than 25ha in area will be required where the development meets the requirements for an Assessment to be made under the provisions of the 1999 Regulations and its accompanying Circular 15/1999. Applicants are requested to agree the scope of any Environmental Impact Assessment with the Council prior to its formulation.

Sterilisation of Coal Resources

Policy MIN 9:
When approving major development proposals or development policies, the Council will consider whether it would be of benefit and desirable to plan for the removal of any underlying coal and related minerals in advance of, or in tandem with, the development proceeding. Any such mineral extraction operation would need to be acceptable in planning terms, with particular regard to the interests of the local community.

Extraction of Related Minerals

Policy MIN 10:
Where the Council has granted consent for an opencast coal development, all other economic minerals should be removed at the same time as the extraction of the coal. The Council will ensure, through the imposition or appropriate conditions and Section 75 agreements as considered necessary, that the extraction, storage and transportation of the related minerals does not have any unacceptable adverse impact on the environment or amenity of residents. Once extraction is complete, the Council will presume against further working of the site for any minerals.

Policy MIN 11:
The Council will seek, wherever possible, to conserve all areas of active peat bog within the boundaries of an opencast coal development site. All peat which requires to be removed in order to access the coal reserves on site will require to be retained on site for future use in restoration of the area with storage being carried out to the satisfaction of the Council and Scottish Natural Heritage in purposely designed peat storage areas. The Council will not support any export of peat from the site for commercial purposes.
Cumulative Effects of Development

**Policy MIN 12:**

The Council will seek to ensure that a proliferation of opencast sites within close proximity to any one particular community or within any one particular area does not occur. In assessing opencast proposals, a prime consideration of the Council will be the possible cumulative effects that a concentration of developments may have on any one particular area or on the wider community in general. Proposals for an opencast development which may meet the provisions of all other Subject Plan Policies will not be supported where it is considered that the development would result in an unacceptable cumulative impact on the amenity of an area, either in relation to the development having, collectively, an unacceptable number of different impacts, or in relation to the development compounding the adverse effects of a number of other opencast developments or other mineral extraction sites operating either concurrently or successively in any one particular area. In this context, any proposed new opencast coal developments may be considered to contribute to an unacceptable cumulative impact on the amenity of an area where that development would:

(i) constitute a third approved or operative site within 3Kms of each other or within a 3Km radius of any particular community as indicated on the Opencast Coal Subject Plan Proposals Map; or

(ii) cause or exacerbate excessive adverse amenity and environmental disruption experienced by a community or group of dwellings from an existing operative site or from successive opencast operations over a total extraction period in excess of 10 years; or

(iii) generate volumes of heavy goods traffic which, when taken together with the volumes of coal haulage vehicles already using the routes concerned, would cause unacceptable detriment to the amenity of any community, or group of dwellings located along proposed haulage routes; or

(iv) result in an unacceptable accumulation of adverse impacts on international or nationally designated sites of nature conservation interest over time and place within a particularly locality, or an accumulation of individual impacts which collectively have a significant adverse effect on the integrity of such areas.

In situations where a concentration of workings is likely to occur, the Council will require from applicants, an assessment of the likely cumulative impacts of additional workings on local communities and the local environment, and the measures they propose to take to mitigate these impacts.

The cumulative impact of an opencast development on a community resulting from the above criteria must be addressed in any formal Environmental Impact Assessment required as part of the application submission.

(NOTE: An operative site is defined for the purposes of the Subject Plan as a site which has been commenced, a site which is coaling or a site which is undergoing restoration).
Planning Application Details

Policy MIN 13:
All applications for opencast coal working will require to contain details regarding the following factors and pertinent conditions will be attached to any issued planning consents as considered appropriate:
(i) type and amount of material(s) to be extracted;
(ii) date of commencement and anticipated completion of working;
(iii) phasing of operations and methods of working;
(iv) timescales for extraction operations, restoration work and aftercare;
(v) hours of working;
(vi) methods of transportation of extracted material;
(vii) routing and hours of dispatch and arrival of haulage vehicles;
(viii) stripping, storage and treatment of topsoil and subsoil;
(ix) contouring, landscaping and seeding of topsoil, subsoil and overburden heaps;
(x) location of topsoil, subsoil, and overburden heaps, settlement lagoons, ancillary plant, oil storage facilities, access points, explosives magazines etc;
(xi) blasting;
(xii) control of noise and dust;
(xiii) landscaping and screening of the operations;
(xiv) preparation and stocking of coal;
(xv) protection of existing landscape, nature conservation and heritage features worthy of retention eg trees, streams, hedges etc;
(xvi) site drainage arrangements;
(xvii) restoration proposals, contouring, final land form;
(xviii) reinstatement of natural features, walls, hedges, watercourses etc;
(xix) planting and aftercare proposals;
(xx) proposed after-uses of the restored site; and
(xxi) removal of plant, machinery etc on completion of works.

Reworking of Spoil Heaps

Policy MIN 14:
The Council will, subject to the provisions of all other relevant Subject Plan Policies, support proposals for the reworking of colliery spoil heaps or other coal based deposits, especially where this will lead to the restoration and environmental improvement of degraded land.
Site Restoration

Policy MIN 15:
All developers are required to restore their operational sites progressively to the highest possible standards. The use of restored land for specific agricultural, forestry, recreational and nature conservation purposes will be acceptable to the Council and applicants are encouraged to create wildlife habitats and wetland areas, if appropriate, within their restoration proposals. Developers will be required to provide for the creation of new habitats appropriate to the particular after-uses of the site concerned, as an integral part of their detailed restoration and aftercare proposals. Professional advice from Scottish Natural Heritage and other appropriate nature conservation bodies should be sought in this regard.

Policy MIN 16:
Developers are required, wherever possible, to divert and re-route any existing rights of way affected by proposed opencast operations and to ensure that any Rights of Way or other public footpaths disrupted by opencast operations are fully reinstated as an integral part of site restoration proposals. Improved public access and the provision of additional facilities for local communities in the restoration of opencast sites is also strongly advocated by the Council.

Policy MIN 17:
The Council will require all developers, as an integral part of a submitted planning application to submit detailed restoration and aftercare plans for the development site, including:

(i) the identification of those areas to be restored to particular end uses such as agriculture, forestry, wildlife purposes etc.

(ii) an assessment of the existing landscape of the development site and its wider surrounding area.

(iii) a detailed scheme showing how the restored site will be assimilated into the landscape.

(iv) details of the phasing, programming and implementation of the restoration scheme.

(v) measures to enhance the environment, recreate landscape features, wildlife habitats and public access.

(vi) measures to treat surface and groundwater run-off.

(vii) detailed arrangements for effective aftercare of the site.

Detailed design of restoration features and implementation of the restoration and aftercare proposals will be made the subject of conditions attached to any issued planning consent and any other agreements as may be considered appropriate.
Transportation

Policy MIN 18:
The Council will strongly encourage opencast coal operators to utilise existing rail facilities for the transportation of coal which is not specifically destined for local domestic Ayrshire markets. Where particular market destinations can be serviced by rail, opencast operators will be expected to make a firm commitment to transporting coal using the rail facilities available, taking coal from the extraction site to the nearest rail disposal point for onward delivery along haulage routes which, where possible, avoid passing through the area’s settlements. The provision of new railheads in connection with the development of new opencast sites will be particularly encouraged. Proposals which provide for rail transport will be more favourably considered than those wholly dependent on road transport. The Council will also encourage the provision of a network of off-road haulage routes and covered conveyors linking opencast sites with any existing or proposed railhead for the transportation of extracted materials. Opencast developments which do not incorporate proposals for the transportation of minerals by rail, should be accompanied by an explanation as to why this is not the case and a statement as to the alternative arrangements that are proposed to minimise the impact of road based haulage on local roads and communities.

Policy MIN 19:
All haulage of extracted materials between the area of excavation and the point of dispatch from the opencast site should be via internal haul roads only. The Council will ensure that all site accesses onto the public road system are located so as to avoid any unnecessary transportation of extracted material through nearby communities, en-route to its market destinations.

Policy MIN 20:
Any haulage of opencast coal on the public road system will be along clearly defined haulage routes agreed with the Council. With the exception of the ‘A’ Class Roads throughout East Ayrshire, opencast operators will be required, at their own expense, to bring all roads used by their haulage vehicles up to an acceptable standard for haulage purposes, prior to the use of the route for dispatch purposes. The Council, as Roads Authority, must be contacted for advice in this regard. Repair of damage to the road infrastructure, demonstrated to have been caused by the haulage vehicles using the routes, will also require to be carried out at the expense of the opencast operator.

Policy MIN 21:
The Council will expect and require potential opencast developers to enter into a Section 75 agreement with the Council:

(i) to ensure the highest possible operational standards for the transportation of extracted minerals;

(ii) to ensure best operational practice regarding road safety and operational matters;
(iii) to agree, regulate and monitor the routes taken by coal haulage vehicles, the arrival of coal haulage vehicles, the dispatch of coal from the site and the numbers of haulage vehicles using the agreed haulage routes;

(iv) to audit and record operational details of the transportation of coal on a regular basis; and

(v) to provide the Council with monitoring information regarding transportation and haulage of materials, breaches of protocol etc.

The Council has formulated with the co-operation of the opencast operators, a 'Transportation of Coal by Road Protocol' addressing the above issues to which existing and potential opencast operators and their approved sub-contractors will be invited to subscribe.

**Protection of Amenity**

**Policy MIN 22:**

All opencast operators are required to give proper consideration to mitigating the likely impact of their proposed developments on local communities and nearby properties. Particular attention should be given to minimising any adverse impacts of a development associated with the following:

(i) the potential effects of the operational working of the site on existing residential properties and nearby communities;

(ii) the effects of the proposal on the visual amenity and physical setting of nearby communities;

(iii) the landscaping and screening measures proposed to minimise the visual and operational impact of the proposed development;

(iv) the adequacy of the restoration and aftercare proposals and the suitability and compatibility of the intended after-uses proposed within the overall area; and

(v) the potential adverse effects of the transportation of extracted materials on local communities, groups of dwellings and individual dwellinghouses located along proposed coal haulage routes.

**Policy MIN 23:**

In order to ensure that opencast coal operations do not cause unacceptable disturbance and nuisance to residents of local communities, the Council is likely to consider opencast developments unacceptable where:

(i) a development has a boundary which encroaches within 500 metres of the community concerned, or

(ii) the proposal involves a substantial area for extraction over an extraction period in excess of ten years, or

(iii) the proposal is likely to be subject to repeated extensions, perpetuating disturbance to local communities for a period substantially longer than five years.
**Policy MIN 24:**
The Council will require all opencast developers to demonstrate the measures they propose to minimise the effect of their operations on sensitive establishments including all individual or small scale groups of dwellinghouses, located outwith communities and not in the ownership or under the control of the developer. In such cases, developers will be required to provide the Council with evidence that they are prepared to enter into appropriate legal agreements with the owners or tenants of effected properties, in order to offset any adverse effects from the development that may be experienced.

**Policy MIN 25:**
Any proposal to undertake any extraction operations or to locate operational areas relating to the storage, processing or dispatch of coal within 500 metres of any sensitive establishment, local community, group of dwellings or individual dwellinghouses not in the ownership or under the control of the developer will only be entertained by the Council where the development can be fully justified by the developer in environmental terms and where all of the following criteria are met:

(i) the Council is satisfied that there are no objections which cannot be overcome through the expeditious use of conditions or planning agreements from residents, owners, tenants or occupiers of properties located within 500 metres of the proposed working face of the site;

(ii) the total period of extraction and restoration within a distance of 500 metres from any sensitive establishment or dwelling does not exceed a period of 12 months;

(iii) the proposed extraction does not involve any blasting operations within a distance of 500 metres from any sensitive establishment or dwelling; and

(iv) the extraction or operational areas do not encroach within 100 metres of any group of dwellings, individual dwellinghouse(s) or sensitive establishment concerned.

**Protection of Areas of Nature Conservation Interest**

**Policy MIN 26:**
In order to ensure that areas of nature conservation interest are adequately protected from any direct or indirect adverse effects of opencast developments.

(i) there will be a presumption against development which could adversely affect sites designated or proposed for designation as Special Protection Areas and Special Areas for Conservation. Development will only be permitted in such areas where an assessment of the proposal indicates that it will not adversely affect the integrity of the site, that there are no alternative solutions and that there are reasons of over-riding public interest, including those of a social or economic nature;
there will be a presumption against development which could adversely affect Sites of Special Scientific Interest and National Nature Reserves. Development would only be permitted in such areas where the overall integrity of the site would not be compromised or where any significant adverse effects of the development are clearly outweighed by social or economic benefits of national importance;

(iii) development likely to have an adverse effect on local nature reserves and listed wildlife sites will be discouraged and all sites of recognised nature conservation value will be safeguarded whenever possible. Where development is approved for such sites, appropriate measures should be taken to conserve and manage, as far as possible, the sites' biological or geological interest and to provide for replacement habitats or features where damage is unavoidable; and

(iv) the management and conservation of existing landscape features which are of major importance for wild fauna and flora, including linear features such as rivers and existing field boundaries and other features such as ponds and small woods which are essential for the migration, dispersal and exchange of wild species, will be encouraged.

**Protection of the Built Heritage and Natural Environment**

**Policy MIN 27:**

The Council will ensure that opencast coal proposals do not have unacceptable adverse impact on the natural and built environment. In particular, development proposals will not be supported where they would:

(i) cause the permanent loss of or irreversible damage to prime quality agricultural land and the highest grade category of good quality, locally important agricultural land (ie Classes 1, 2, 3.1 and 3.2 in the Macaulay Land Classification System).

(ii) have a permanent adverse impact or cause irreparable damage to heritage resources requiring conservation including listed buildings, historic gardens and designed landscapes, scheduled ancient monuments, archaeological and industrial archaeological sites;

(iii) adversely affect air quality and the quality and quantity of water resources, water catchment areas; land drainage or flood protection interests or create air or water pollution problems;

(iv) result in the loss of any areas of ancient and semi-natural broadleaf woodland, or any individual trees or groups of trees covered by Tree Preservation Orders; and

(v) result in the destruction of any areas of peat which are considered to be of significant ecological value.
**Protection of Landscape**

**Policy MIN 28:**

The Council will ensure that any opencast coal development proposal respects, in terms of its design and restoration details, the distinctive local landscape characteristics of the particular area within which it is proposed. Developers will be expected to conserve, maintain and enhance, and to reinstate or replace where appropriate, those features which contribute to the intrinsic landscape value and quality of the area concerned, including:

(i) existing setting of settlements and buildings within the landscape;

(ii) existing woodlands, shelter belts, hedgerows and tree features;

(iii) existing burns, rivers, lochs and other water features;

(iv) existing field patterns and means of enclosure including dry stone dykes, hedging and fencing;

(v) existing Public Rights of Way, footpaths and bridleways; and

(vi) existing skylines, landform and contours.

The Council will not be supportive of development which creates unacceptable visual intrusion or irreparable damage to areas of established landscape character as defined by the Council’s Ayrshire Landscape Assessment.

**Protection of Tourism and Recreational Resources**

**Policy MIN 29:**

The Council will seek to ensure that opencast proposals and related development do not have an unacceptable adverse impact on existing rural tourism, leisure and recreational resources and facilities or on areas with substantial tourism or recreational development potential. In particular, the Council will not be supportive of proposals which would impinge on, or adversely affect, the physical setting, operational viability or recreational quality of specific sites and resources considered to be of importance to the local economy or the enjoyment of local residents, especially within:

(i) the Irvine and Doon Valley Tourism Gateways.

(ii) Loch Doon and its surrounding hills, lochs and mountains.

(iii) the Glenmuir Valley.

**Protection of Landscape and Visual Amenity**

**Policy MIN 30:**

In order to ensure that opencast operations do not have an unacceptable adverse
impact on the visual amenity of the area, the Council will not be supportive of proposals which could be considered to be detrimental to the visual amenity and appearance of the area or which would be visually prominent or create visual intrusion on the skyline when viewed from the area communities or from the main A class road network through the area. In particular, developments will not be considered acceptable where these would be detrimental to the landscape and scenic quality of:

(i) the Irvine and Doon Valley Tourism Gateways when viewed from the A71 and A713 tourist routes into the area;
(ii) Loch Doon and its surrounding hills, lochs and mountains;
(iii) the open views obtained from the A76 trunk road and the A70; and
(iv) the Glenmuir Valley.

**Protection of Water Resources**

**Policy MIN 31:**

The Council will not be supportive of any opencast proposals which would disrupt or otherwise adversely impact on water catchment areas, principal water courses and their tributaries or other major water resources such as lochs and reservoirs through East Ayrshire. Where it is considered that opencast operations may impact on such water resources, the Council will not be supportive of the proposals unless:

(i) adequate mitigation measures can be implemented, to the satisfaction of the Council and SEPA, to prevent any pollution of the water resource concerned; and

(ii) any changes to the levels of surface and ground water, changes to river flows and changes to water quality can be demonstrated not to have an unacceptable adverse impact on natural habitats, water abstraction schemes, or to give rise to an unacceptable increase in flood risk.

**Section 75 Agreements**

**Policy MIN 32:**

The Council will, if mindful to grant planning permission for an opencast coal development and if considered appropriate, request an application to enter into an agreement with the Council under Section 75 of the Town and Country Planning (Scotland) Act 1997 in order to regulate, by agreement, such matters as cannot adequately be regulated by the imposition of planning conditions. Such Section 75 Agreements as requested may cover the following subjects, although the list is not considered to be exclusive:

(i) the provision of adequate financial guarantees to ensure restoration and aftercare of a site should work be abandoned prior to completion;
(ii) the routing of haulage vehicles;
(iii) any necessary improvements to, and provision of maintenance costs of the public road network required as a result of the proposed development;
(iv) contribution of monies to the Minerals Trust Fund for the benefit of communities adversely affected by opencast operations;
(v) the provision of visitor facilities/educational visits to operational sites;
(vi) the establishment of local Opencast Liaison Committees;
(vii) the carrying out of structural surveys of nearby properties prior to commencement of works;
(viii) measure for the protection and monitoring of wildlife habitats, archaeological sites etc which may be affected by nearby opencast sites;
(ix) the establishment of any off-site monitoring programmes relative to noise, dust, blasting etc;
(x) the employment of local labour;
(xi) the preparation of Ecological Management Plans for sites restored to wildlife habitat uses;
(xii) subscription to the ‘Transportation of Minerals by Road Protocol’;
(xiii) subscription to the Joint Environmental Accord;
(xiv) commitment to quality management procedures; and
(xv) any other specific issue that may be raised as pertinent in connection with any particular opencast proposal.

Minerals Trust Fund

Policy MIN 33:
The Council, if mindful to grant planning permission for an opencast coal development will encourage applicants to contribute by agreement to a general Minerals Trust Fund which will be used for community improvements, with the contributions being set at a suggested minimum rate of 27.5 pence per tonne of coal removed from the site, linked to the retail price index as of 1 January 1998. Contributions made to the Minerals Trust Fund will not be treated as a material consideration in the Councils’ assessment of the particular opencast coal application to which they relate. Applicants will also be encouraged to contribute to an appropriate Fund with regard to any other material/minerals extracted in association with the coal, such as fireclay etc, at a rate to be agreed with the Council.

Policy MIN 34:
In order to assist the Council in determining contributions to the Trust Fund, all opencast operators are required to provide the Council, on a quarterly basis, with details of the tonnages of materials dispatched from the site within the previous
quarterly period and all records of materials dispatched from the site shall be made available for audit by the Council on request. Contributions to the Trust Fund shall be made by the operator on a quarterly basis throughout the extraction period of the site or under any other arrangements as may be agreed by the Council.

**Restoration Guarantees**

**Policy MIN 35:**
The Council will require all applicants for opencast coal developments to provide appropriate financial guarantees prior to the issue of any planning consent in order to ensure full restoration, reinstatement and aftercare of the site should, for any reason, works be abandoned prior to completion. A financial guarantee, provided by a recognised financial institution and reassessed at regular intervals will be considered appropriate with the amount lodged being calculated on the basis of a realistic assessment of the total costs of restoration of the individual site concerned at any particular time, the amount of disturbed land, the cost of providing for the detailed afteruses agreed for the site and appropriate costs of aftercare. The Council will require a regular assessment of restoration operations to be carried out by an independent consultant, selected through an appropriate tendering process and who is financed and funded directly by the opencast developer. The consultant will be required to provide the Council with an ongoing assessment of the degree of compliance with the approved restoration plans through the submission of updated restoration drawings and with a recalculated detailed assessment of restoration costs on a 6 monthly basis. The costs in meeting any shortfall in the agreed restoration requirements will require to be met in full by the developer through an appropriate insurance scheme or other method of funding as may be agreed with the Council. It will also be a pre-requirement of any agreement entered into in respect of restoration of the site, that the Council is absolved of any liability if problems in the restoration of the site occur.

**Policy MIN 36:**
On completion of all reinstatement, earth moving and engineering works associated with the restoration of the site and subject to all such works being carried out to the satisfaction of the Council, the Council will release the restoration financial guarantee. However, an appropriate guarantee will be retained by the Authority under the arrangements agreed for the lodging of restoration guarantees described in policy MIN 36 above, to cover a five year period within which the operator will be required to carry out any prescribed aftercare works including the provision of site drainage, landscaping, seeding, reinstatement of Rights of Way, public footpaths etc. and the enhancement of the site for nature conservation purposes. The aftercare arrangements will be reassessed on a rolling basis as and when aftercare works on any particular section of the restored site are completed to the satisfaction of the Council.
Formation of Liaison Committees

Policy MIN 37:
The Council may require potential opencast developers to constitute, by agreement, formal Liaison Committees with representatives of the local communities directly affected by any proposed opencast coal operation in order to identify and resolve any potential conflict associated with the development and to provide a forum through which relevant issues can be discussed. Liaison committees will not be empowered to act on behalf of the Council in relation to any matter falling within the scope of the Town and Country Planning (Scotland) Act, the Environmental Impact Assessment Regulations and other planning legislation.

Monitoring of Sites

Policy MIN 38:
All opencast developers will be expected and required to assist the Council in its regular monitoring of all operative opencast sites, by providing the Council with information on the following matters:

(i) the routing and numbers of coal haulage vehicles generated by the opencast site concerned;
(ii) the levels of noise generated by opencast operations from agreed, sensitive locations outwith the opencast site;
(iii) the vibration levels attributable to blasting operations from agreed, sensitive locations outwith the opencast site; and
(iv) the dust levels generated by site operations from agreed sensitive locations outwith the opencast site.

Policy MIN 39:
All opencast developers will be required, at the expiry of one year from the commencement of the development and thereafter at 12 monthly intervals, to present to the Council a formal ‘Mining Progress Plan’ giving an up-to-date position statement on the opencast operations. The Mining Progress Plan should indicate on an appropriately scaled plan, the following information:

(i) the extent of ongoing coal operations;
(ii) areas prepared for coaling;
(iii) the extent of landscaping, nature conservation and agricultural works that have been implemented.

The Mining Progress Plan should detail any proposed changes or departures from the issued planning consent pertaining to the development and address any implications that these may have on the satisfactory restoration, end uses or other operational aspects of the site.
Policy MIN 40:

During the period of operations, restoration and aftercare, the opencast operators will be required, at the expiry of one year from the commencement of the development and thereafter at 12 monthly intervals, to present to the Council an Environmental Audit addressing the following matters:

(i) the effects of the development on the environment including noise, vibration, dust and water impacts; and

(ii) the measures taken to implement the operational, restoration and aftercare provisions of the consent insofar as they affect the environment.

(iii) the effectiveness of mitigation measures promoted in Environmental Impact Assessments to reduce adverse environmental impacts.

The Environmental Audit will assess the degree of compliance with all environmental conditions and obligations relating to the issued consents, including all Section 75 Agreements and detail any remedial measures which require to be taken to rectify any identified shortfalls or deficiencies in meeting agreed environmental criteria.
**Recommendations**

**Rec 1:** Applicants for opencast coal developments, in formatting their proposals, are advised to consult fully with Scottish Natural Heritage or any other appropriate nature conservation body such as the RSPB and the Scottish Wildlife Trust, to ascertain the possible implications that their developments may have on any species of flora or fauna protected by law and to identify opportunities for natural heritage enhancement and creation. Appropriate measures should be taken to minimise any adverse effects that the proposals may have on such species and make positive provision for their protection. In restoring any part of a site for nature conservation purposes or as a wildlife habitat, it is recommended that operators engage the services of a competent ecologist to supervise the works and to ensure that an adequate quality of restoration is being achieved.

**Rec 2:** In cases where a proposed opencast development is likely to result in the destruction of a site of known archaeological interest and where the primary aim of preserving archaeological sites cannot be achieved, it is recommended that opencast developers carry out appropriate archaeological excavations and recording of remains within the development site, prior to the operations being commenced. It is further recommended that in all cases, the West of Scotland Archaeological Service is contacted by developers in formulating their proposals in order to ascertain the archaeological importance of the site and to obtain advice regarding appropriate recording and excavation methodology.

**Rec 3:** In order to provide more effective facilities for the transportation of opencast coal by rail, opencast operators are encouraged to develop, either individually or through co-operation with other operators, proposals for new railheads in appropriate locations, particularly to serve the Muirkirk and Cumnock/New Cumnock Areas, in conjunction with Railtrack and the rail operating companies.

**Rec 4:** All prospective applicants for opencast coal developments are strongly urged to enter into discussion with the Planning Authority at the very earliest stages in developing their proposals (prior to any land deals being entered into between the developer and the owners of the land) in order to agree optimum, appropriate after-uses for the land concerned, to the benefit of all interested parties including the developer, the landowner and the wider general public.

Early discussion would also facilitate restoration proposals which reflect the priorities and targets of the Local Biodiversity Action Plan.

**Rec 5:** Where an opencast site has been restored to a predominantly nature conservation after-use, developers and/or landowners are requested to consider passing on the restored site to an appropriate, interested local wildlife group, community group or other nature conservation organisation, in order that the area can be permanently retained, managed and promoted as a community facility for wider recreational or educational purposes.

**Rec 6:** In formulating their detailed restoration proposals, it is recommended that operators constitute formal Technical Working Groups comprising professional advisers from appropriate nature conservation, agricultural, forestry or recreational organisations with an interest in the after-uses proposed. The Technical Working Group would ensure that best practice is introduced both in the formulation of restoration plans for an opencast site and during the restoration and aftercare phases of the
development, ensuring full compliance with restoration, aftercare and monitoring conditions attached to the issued planning consent.

**Rec 7:** Where considered expedient, and subject to the appropriate consent of the owner/occupier concerned being obtained, developers are recommended to carry out a structural survey of properties within close proximity to a proposed opencast site prior to the commencement of works in order that the degree and extent of any damage attributable to mining activities can be assessed. Also such surveys should be carried out by a competent, professional body, agreed between the operator and the individuals/occupiers of the properties concerned.
**East Ayrshire Opencast Coal Subject Plan**

**Glossary of Terms**

This glossary defines some of the technical and planning related terms used in the text of the Subject Plan. For convenience, these terms are detailed alphabetically.

**Annex 1 Habitat Sites:**

**Archaeological Sites & Locations:**
Known sites and areas of potential archaeological interest.

**Ayrshire Joint Structure Plan:**
The strategic policy framework document for the development and use of land within Ayrshire, prepared jointly by the three Ayrshire Local Authorities and approved by the Scottish Ministers.

**Ayrshire Landscape Assessment:**
A systematic assessment of the landscape character of Ayrshire, produced jointly by the three Ayrshire Authorities forming the Ayrshire Joint Structure Plan Committee, Scottish Natural Heritage and Enterprise Ayrshire.

**Circulaires:**
Documents which provide statements of Government Policy and contain guidance on policy implementation through legislative or procedural change.

**Community:**
A town, village or hamlet and including any cluster or group of about 10 houses in the countryside.

**Conservation Areas:**
Areas of special architectural or historic interest, the character of which it is desirable to preserve or enhance and which should be protected from insensitive and inappropriate development.

**Derelict Land:**
Land which has either been so damaged by development or use that it is incapable of beneficial use or development without rehabilitation or which is not being used and where contamination is known or suspected.

**Despoiled/Degraded Land:**
Land which is characterised by being unused or unsightly and which would benefit from development or improvement.

**Ecological MasterPlan:**
A plan for site restoration and aftercare which is designed to create or enhance a range of habitat types, such as woodland, wet grassland, reed beds, open water and water courses.

**Environmental Audit:**
An assessment provided by minerals operators of the degree of compliance with all environmental conditions and obligations relating to an issued minerals planning permission.

**Environmental Impact Assessments:**
An assessment of the effect of a development proposal on people, buildings and infrastructure, natural resources and wildlife, in terms of health, safety and amenity.

**Environmentally Sensitive Areas:**
Areas designated by Government within which sensitive agricultural practices are encouraged as a means of achieving positive conservation.

**Gateway Valleys:**
The Upper Irvine Valley and Doon Valley areas targeted for tourism related development in the East Ayrshire Tourism Action Plan.
Historic Gardens & Designed Landscapes:
Areas of significant parkland and woodland generally centred on a large house or castle, which have been laid out for artistic effect and have been identified in the “Inventory of Historic Gardens & Designed Landscapes in Scotland.”

Joint Environmental Accord:
An accord, entered into by opencast developers and the Council to ensure the highest possible standards of environmental awareness are achieved in the operation and restoration of opencast coal sites.

Listed Buildings:
Buildings which appear in the Scottish Executive’s List of Buildings of Special Architectural or Historic Interest as being of national or considerable local importance and worthy of protection.

Listed Wildlife Sites:
Sites of nature conservation interest identified by the Scottish Wildlife Trust, which are considered worthy of, albeit, non-statutory protection from insensitive and inappropriate development.

Local Liaison Committees:
Committees comprising mineral developers and local community representatives to identify and resolve areas of potential conflict of a mineral operation and to discuss relevant related issues.

Mining Progress Plan:
A plan provided by minerals operators giving, on an annual basis, an up-to-date position statement on a particular minerals operation.

Minerals Trust Fund:
A fund to which minerals operators are requested to contribute and which will be used to provide community benefits to communities most affected by the operations concerned.

National Planning Policy Guidelines (NPPGs):
Statements of Government Policy on nationally important land use and other planning matters.

Planning Advice Notes (PANs):
Documents which provide advice on good planning practice and other relevant information.

Potential Coal Extraction Areas:
Areas designated on the proposals map and illustrated on Figure 10 as areas within which opencast coal mining is acceptable in principle.

Renewable Energy:
A term to cover those energy flows that occur naturally and repeatedly in the environment, e.g. from the sun, wind, oceans and the fall of water. Heat from the earth, combustible waste materials and the use of plant material (energy crops) are also important sources of renewable energy.

Restoration & Aftercare Guarantees:
Financial guarantees provided by mineral operators to fund restoration and aftercare of mineral sites, should work be abandoned prior to the completion of operations.

Section 75 Agreements:
Agreements under Section 75 of the Town & Country Planning (Scotland) Act 1997, entered into by the Council and a prospective developer to address those elements of a development proposal which cannot adequately be addressed by the use of planning conditions.

Sensitive Landscape Character Areas:
Areas identified from the Ayrshire Landscape Assessment as being particularly sensitive to change and within which the protection and enhancement of the landscape should be given priority.

Settlement:
A town, village or hamlet.

Special Areas of Conservation (SACs):
Areas designated under the EC Habitats Directive, ensuring that rare, endangered or vulnerable habitats and species of community interest are either maintained at or restored to a favourable conservation status.
**Special Protection Areas (SPAs):**
Areas identified and classified under the EC Birds Directive, for the purpose of protecting the habitats of rare, threatened or migratory bird species.

**Sites of Special Scientific Interest (SSSIs):**
Sites which are designated by Scottish Natural Heritage as containing particular species, habitats, geology or geomorphology considered worthy of statutory protection from damage or deterioration.

**Strathclyde Structure Plan:**
The strategic policy framework document for the development and use of land within the former Strathclyde Region, prepared by the former Strathclyde Regional Council and approved by the Secretary of State in 1997.

**Sustainable Development:**
Economic or social development that meets the needs of the current generation without undermining the ability of future generations to meet their own needs.

**Transportation by Road Protocol:**
An official code of practice prepared by the Council with the co-operation of opencast operators which is designed to ensure best practice by the industry in the transportation of coal by road.
Policy and Recommendation

Abstract

Policies

Policy MIN1
Future opencast developments directed towards Potential Coal Extraction Areas.

Policy MIN2
Refusal of opencast developments outwith Potential Coal Extraction Areas except in certain circumstances.

Policy MIN3
Extensions to opencast sites acceptable subject to certain criteria being met.

Policy MIN4
All applications for opencast operations assessed against certain stated criteria.

Policy MIN5
Outline applications not accepted for opencast coal developments.

Policy MIN6
All opencast coal applications to be supported with certain stated types of information.

Policy MIN7
All opencast applications assessed against their environmental impact and impact on local communities.

Policy MIN8
Environmental Impact Assessments to be submitted as required by the Environmental Assessment Regulations.

Policy MIN9
Working of opencastable coal deposits prior to alternative development taking place considered by the Council.

Policy MIN10
All other economic minerals to be extracted at the same time as the extraction of coal.

Policy MIN11
All areas of active peat bog within site boundaries to be conserved.

Policy MIN12
Developments constituting unacceptable cumulative impact on communities and the environment not permitted.

Policy MIN13
Planning applications to contain details of operational procedures, restoration proposals and aftercare.

Policy MIN14
Reworking of colliery spoil heaps supported if leading to restoration of degraded land.

Policy MIN15
Progressive restoration of sites to agriculture, forestry, recreational and nature conservation uses encouraged.

Policy MIN16
Requirement to reinstate rights of way and to provide improved public access within restored sites.

Policy MIN17
Requirement for detailed restoration and aftercare plans to be submitted along with applications.

Policy MIN18
Operators encouraged to transport coal by rail rather than by road.

Policy MIN19
Use of internal haul roads encouraged between excavation area and point of dispatch from the site.


**Policy MIN20**
Operators to pay for an upgrading of agreed haulage routes required to meet their operational requirements.

**Policy MIN21**
Operators invited to subscribe to a Transportation of Coal by Road Protocol.

**Policy MIN22**
Operators required to minimise any adverse impacts of development on local communities and nearby properties.

**Policy MIN23**
Developments with site boundaries within 500 metres of communities not considered acceptable.

**Policy MIN24**
Operators to demonstrate steps to be taken to minimise effects of proposals on properties outwith communities.

**Policy MIN25**
Opencast operations within 500m of properties outwith communities to meet certain criteria.

**Policy MIN26**
Protection of areas of nature conservation interest from adverse effects of opencast operations.

**Policy MIN27**
Protection of built heritage resources and the natural environment from adverse effects of opencast operations.

**Policy MIN28**
Protection of areas of established landscape character from adverse effects of opencast operations.

**Policy MIN29**
Protection of areas with substantial tourism or recreational potential from adverse effects of opencast operations.

**Policy MIN30**
Protection of the visual amenity of certain areas from adverse effects of opencast operations.

**Policy MIN31**
Protection of water catchments, watercourses and other water resources from adverse effects of opencast operations.

**Policy MIN32**
Operators required to enter in Section 75 Agreements where considered appropriate.

**Policy MIN33**
Mineral Trust Fund contributions requested in respect of opencast operations.

**Policy MIN34**
Information on tonnages of materials exported from opencast sites requested from developers on quarterly basis.

**Policy MIN35**
Operators required to provide financial guarantees for restoration and reinstatement of opencast sites.

**Policy MIN36**
Operators required to provide financial guarantees for aftercare of opencast sites.

**Policy MIN37**
Operators requested to constitute formal Liaison Committees with local communities whether considered appropriate.

**Policy MIN38**
Operators required to provide the Council with monitoring information on certain stated matters.

**Policy MIN39**
Operators required to present the Council with an annual Mining Progress Plan.
Policy MIN40
Operators required to present the Council with an annual Environmental Audit addressing certain stated matters.

Recommendations

Recommendation REC1
Applicants requested to seek advice from appropriate nature conservation bodies in formulating their proposals.

Recommendation REC2
Applicants requested to seek advice of the West of Scotland Archaeological Service in formulating their proposals.

Recommendation REC3
Operators requested to provide new rail disposal facilities to serve their developments and to provide a network of off-road haulage routes.

Recommendation REC4
Pre-application discussion between applicants and the Planning Authority advised.

Recommendation REC5
Applicants requested to consider passing on sites restored predominantly to nature conservation after-use, to an appropriate nature conservation body for future management.

Recommendation REC6
Operators requested to form Technical Working Groups to ensure best practice in restoration schemes.

Recommendation REC7
Developers recommend to carry out structural surveys of properties in close proximity to Open cast Sites.
### Appendix 1

EAST AYRSHIRE OPENCAST COAL SITES: EXTRACTION DETAILS, MARCH 2000

#### Existing Operative Sites

<table>
<thead>
<tr>
<th>Location</th>
<th>Operator</th>
<th>Start Date</th>
<th>Term</th>
<th>Output</th>
<th>HGV</th>
<th>No. of</th>
<th>Site Area</th>
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<tbody>
<tr>
<td>Airdsgreen/Viaduct</td>
<td>Scottish Coal</td>
<td>1990</td>
<td>10</td>
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<td>90</td>
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<td>4.6m</td>
<td>164</td>
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<td>Broomhill</td>
<td>IM Hall</td>
<td>1996</td>
<td>5</td>
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<td>10 + Rail</td>
<td>38</td>
<td>102</td>
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<tr>
<td>Skares</td>
<td>ATH Resources</td>
<td>1998</td>
<td>11</td>
<td>5.5m</td>
<td>144</td>
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<td>485</td>
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<tr>
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<td>40 + Rail</td>
<td>81</td>
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<td>Scottish Coal</td>
<td>1998</td>
<td>7.5</td>
<td>2.7m</td>
<td>150</td>
<td>70</td>
<td>445</td>
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<td>Garleffan</td>
<td>Law Mining</td>
<td>1999</td>
<td>6</td>
<td>1.2m</td>
<td>16</td>
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#### Sites with Permission/Subject to Agreement

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<th>Location</th>
<th>Operator</th>
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<th>Output</th>
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<th>No. of</th>
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<tr>
<td>Grievehill</td>
<td>Scottish Coal</td>
<td>Unknown</td>
<td>6</td>
<td>0.5m</td>
<td>Rail</td>
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<td>Spireslack</td>
<td>Scottish Coal</td>
<td>2001</td>
<td>10</td>
<td>3.0m</td>
<td>80</td>
<td>70</td>
<td>557</td>
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<td>Righead</td>
<td>Miller Mining</td>
<td>2001</td>
<td>3</td>
<td>0.6m</td>
<td>92</td>
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#### Sites Subject of Planning Application

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<th>Operator</th>
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<th>Term</th>
<th>Output</th>
<th>HGV</th>
<th>No. of</th>
<th>Site Area</th>
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<td>7</td>
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<td>234</td>
<td>80</td>
<td>414</td>
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<td>Bankend</td>
<td>RJB Mining</td>
<td>2001</td>
<td>2</td>
<td>0.75m</td>
<td>114</td>
<td>40</td>
<td>90</td>
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Note

(i) As of 1st March 2000, a total of 7 sites were under restoration with coaling having been completed.

(ii) Garleffan and Grievehill will be worked as a single operation.
Appendix 2

1. Sites worked under contract to British Coal
   (i) Auchingilsie (Cumnock)
   (ii) Bowes (Cumnock)
   (iii) Benbain (Dalmellington/New Cumnock)
   (iv) Roughhill (New Cumnock)
   (v) Ponesk (Muirkirk)

2. Sites worked under licence from British Coal/Coal Authority
   (i) Lightshaw (Muirkirk)
   (ii) Viaduct Mine (Muirkirk)
   (iii) Spireslack (1) (Muirkirk)
   (iv) Hannahston (1) (Drongan)
   (v) Darnconner (Auchinleck)
   (vi) Horsecleugh (Cumnock)
   (vii) Common Farm (Phases 1, 2 & 3) (Auchinleck)
   (viii) Birnieknowe (Auchinleck)

3. Operative Sites as of March 2000
   (i) House of Water (New Cumnock)
   (ii) Airdsgreen/Viaduct (Muirkirk)
   (iii) Broomhill (Patna)
   (iv) Skares (Cumnock)
   (v) Gasswater (Cumnock)
   (vi) Chalmerston North & Pennyvenie (Dalmellington)
   (vii) Garleffan (New Cumnock)

4. Sites being restored as of March 2000
   (i) Hall of Auchincross (New Cumnock)
   (ii) Burnfoot Moor (Muirkirk)
   (iii) Hannahston (2) (Drongan)
   (iv) Piperhill (Drongan)
   (v) Chalmerston (Dalmellington)
   (vi) Milzeoch (Cumnock)
   (vii) Tardoes (Muirkirk)

5. Sites with planning permission or awaiting Section 75 Agreement as of March 2000
   (i) Grievehill (New Cumnock)
   (ii) Spireslack (2) (Muirkirk)
   (iii) Rigghead (New Cumnock)

6. Sites subject of formal planning application as of March 2000
   (i) Powharnal (Muirkirk)
   (ii) Bankend (Muirkirk)

Appendix 3

LIST OF SITES OF SPECIAL SCIENTIFIC INTEREST

1. Ness Glen
2. Dalmellington Moss
3. River Ayr Gorge, Failford
4. Bogton Loch
5. Lugar Sill
6. Loch Doon
7. Martnaham Loch and Wood
8. Howford Bridge
9. Dunaskin Glen
10. Blood Moss and Slot Burn
11. Merrick Kells
12. Benbeoch
13. Greenock Mains
14. Nith Bridge
15. Rae Burn and Glenbuck Loch
16. Garpel Water
17. Stairhill
18. Fountain Head
19. Barlosh Moss
## Appendix 4

### SCHEDULED ANCIENT MONUMENTS IN THE AREA

#### Prehistoric, Ritual and Funerary Monuments

<table>
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<th>Grid Ref.</th>
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<td>NS 583 295</td>
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<td>NS 511 255</td>
<td>Ballochmyle Viaduct Rock Carvings</td>
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<td>NS 724 242</td>
<td>Cairn Table (2 Cairns), Muirkirk</td>
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#### Secular Monuments

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<td>NS 495 167</td>
<td>Auchencloigh Castle</td>
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<td>NS 503 257</td>
<td>Kingenceleigh Castle</td>
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<td>NS 498 233</td>
<td>Auchinleck Castle</td>
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<td>NS 458 222</td>
<td>Trabboch Castle</td>
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<td>NS 396 174</td>
<td>Martnaham Castle</td>
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<td>NS 501 232</td>
<td>Auchinleck Old House</td>
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<td>NX 484 950</td>
<td>Loch Doon Castle</td>
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<td>NS 411 447</td>
<td>Law Mount, Stewarton</td>
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<td>NS 442 469</td>
<td>Robertland Castle</td>
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<td>NS 435 424</td>
<td>Rowallan Castle</td>
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<tr>
<td>NS 463 055</td>
<td>Dalnean Hill, Farmstead &amp; Field System</td>
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<td>NS 449 088</td>
<td>Laight Castle</td>
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<td>NS 482 051</td>
<td>Dalmellington Motte</td>
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<td>NS 497 272</td>
<td>Abbot Hunters Tower, Mauchline</td>
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<td>Newmilns Tower</td>
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#### Industrial Monuments

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<td>NS 751 295</td>
<td>Glenbuck Ironworks</td>
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<td>NS 643 269</td>
<td>Old Foundry Holm Ironworks</td>
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<tr>
<td>NS 689 257</td>
<td>Remains of tar works, mines &amp; structure, Muirkirk</td>
</tr>
<tr>
<td>NS 436 087</td>
<td>Dalmellington Ironworks, Waterside</td>
</tr>
<tr>
<td>NS 437 083</td>
<td>Waterside Bing, Dalmellington Ironworks</td>
</tr>
</tbody>
</table>

#### Ecclesiastical Monuments

<table>
<thead>
<tr>
<th>Grid Ref.</th>
<th>Monument Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>NS 634 279</td>
<td>Chapelhouse, Chapel and Farmhouse</td>
</tr>
</tbody>
</table>

#### Crosses & Carved Stones

<table>
<thead>
<tr>
<th>Grid Ref.</th>
<th>Monument Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>NS 568 201</td>
<td>Market Cross, Cumnock</td>
</tr>
</tbody>
</table>
Appendix 5

BODIES TO BE CONSULTED ON ENVIRONMENTAL ASSESSMENTS

1. Adjoining Planning Authorities (where proposed development is likely to affect land in their area)
2. The Health & Safety Executive
3. Scottish Natural Heritage
4. Ayrshire Joint Structure Plan & Transportation Committee
5. Scottish Environment Protection Agency
6. Scottish Executive

BODIES TO BE CONSULTED ON OPENCAST COAL PLANNING APPLICATIONS

1. Scottish Natural Heritage
2. Royal Society for the Protection of Birds
3. Scottish Wildlife Trust
4. Scottish Power
5. Roads Division of East Ayrshire Council
6. Economic Development Division of East Ayrshire Council
7. Protective Services Division of East Ayrshire Council
8. Scottish Water
9. Scottish Environment Protection Agency
10. West of Scotland Archaeology Service
11. Forestry Commission
12. Scottish Executive Agriculture & Fisheries Department
13. Health & Safety Executive
14. Ayrshire Joint Structure Plan Committee
15. Adjoining Planning Authorities (if appropriate)
16. Affected Local Community Councils
17. British Gas (Transco)
18. Coal Authority
19. Railtrack
20. English, Welsh & Scottish Railways
21. British Telecom
22. Historic Scotland
23. Scottish Civic Trust
24. Architectural Heritage Society of Scotland
25. Salmon Fisheries Board
26. Scottish Rights of Way Society
Appendix 6

Opencast Coal Traffic: Daily Flows from Opencast Sites
(Total Loaded and Unloaded Movements) – March 1998,
January 1999 & March 2000

Source: Information received from Operators 1998

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Appendix 7
Landscape Character Areas

Key
(G) Ayrshire Lowlands
(I) Lowland River Valley
(J) Upland River Valley
(N) Upland Glen
(O) Upland Basin
(Q) Foothills
(Q(b)) Foothills with Forestry
(R) Plateau Moorlands
(R(b)) Plateau Moorlands with Forestry
(T) Southern Uplands
(T(b)) Southern Uplands with Forestry
(U) Rugged Granite Upland
(U(b)) Rugged Granite Upland with Forestry

Main Settlements
Main Road Network

Source: Ayrshire Landscape Assessment
Appendix 8
Agricultural Land Classification

Key
- **Prime Quality Agricultural Land**
  (MacAuley Class 2 & 3:1)
- **Good Quality Locally Important Land**
  (MacAuley Class 3:2)
- **Main Settlements**
- **Main Road Network**

Source: MacAuley Land Use Research Institute
Appendix 10
Sites of Nature
Conservation Interest

Key
- Listed Wildlife Sites
- S.S.S.I.’s
- Special Protection Area
- Special Area of Conservation
- Main Settlements
- Main Road Network

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Appendix 12
Areas of Ancient and Semi Natural Woodlands

Key
- Ancient and Semi Natural Woodlands
- Main Settlements
- Main Road Network

Source: Scottish Natural Heritage