

**Proposed East Ayrshire Minerals Local Development Plan Examination
Report to East Ayrshire Council – 27 June 2019**

ISSUES	REPORTER'S RECOMMENDATIONS	REPORT PAGE NO
01 Format and period of the Plan	<p>Modify the proposed local development plan by:</p> <ol style="list-style-type: none"> 1. Inserting “for the period 2018 to 2038” between “(MLDP)” and “links” in paragraph 2.1 of the vision on page 10. 2. Adding “for the period 2018 to 2030.” at the end of paragraph 4.2 of the spatial strategy on page 12. 	6
02 Terminology & Clarity	<p>Modify the proposed local development plan by:</p> <ol style="list-style-type: none"> 1. Inserting “and placemaking” between the text “encourage growth” and “within the area” within Policy MIN SS2: Minerals Restoration and Placemaking on page 16. 2. Replacing the sentence “As such the mismanagement of soils can affect the reclamation of land.” in paragraph 5.10 on page 40 with “As such the mismanagement of soils can affect how land is used now and in the future.”. 3. Replacing the word “money” with “funding” in the Glossary definition of ‘Bonds (financial)’ on page 79. 4. Inserting the words “unrestored or” between “were” and “abandoned” in the Glossary definition of ‘Former minerals opportunity sites’ on page 79. 5. Inserting the word “which” between “network” and “will” in the Glossary definition of ‘South West Scotland Connections Project’ on page 80. 	13
03 Reliance on use of ‘communities’ & the non-inclusion of ‘dwellings’ & ‘settlements’	No modifications.	18

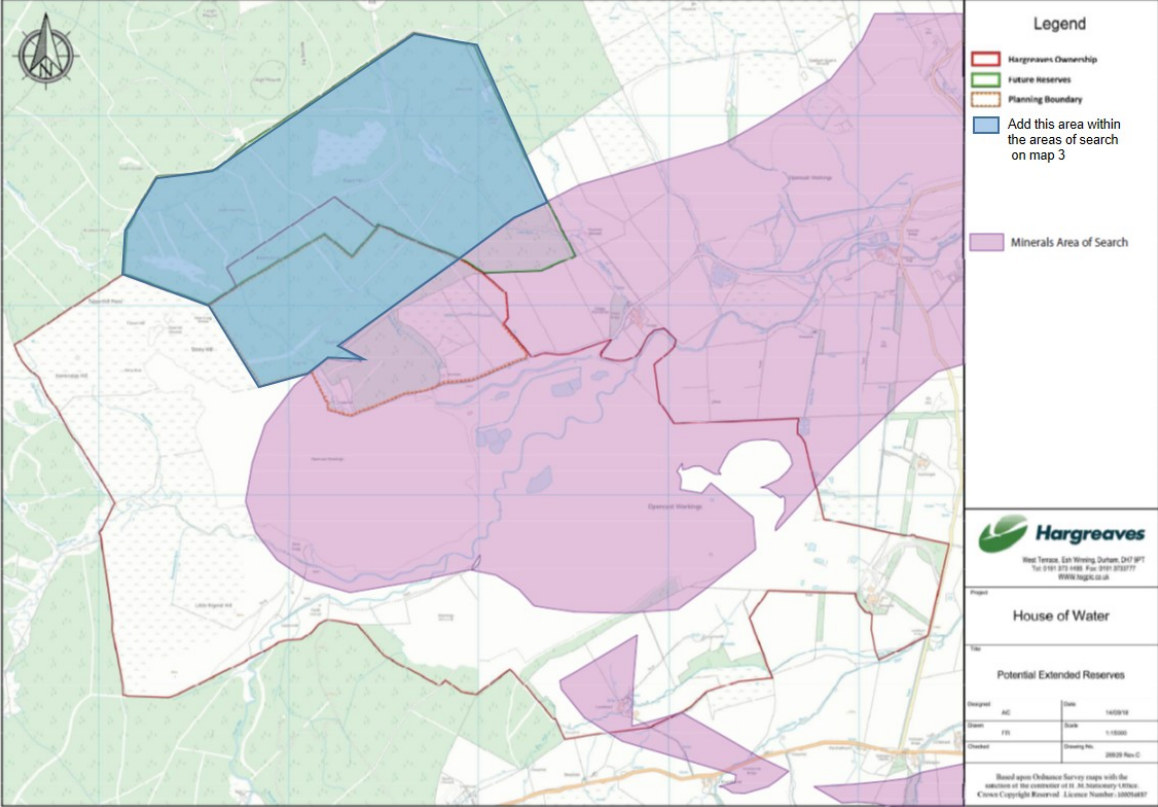
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04 Request for additional maps	<p>Modify the proposed local development plan by:</p> <p>1. Replacing the third sentence of paragraph 4.40 on page 28 with the following:</p> <p>“Present studies (DECC & BGS 2014) explain that the prospects for carbon dioxide sequestration are limited due to the extensive nature of previous underground mining activity, however, there are a number of small areas with ‘good’ potential within East Ayrshire (as identified in map 4 on page 32 of the Minerals Local Development Plan Monitoring Statement, June 2016).”.</p>	23
05 Amend the definition of green networks to include blue networks	<p>Modify the proposed local development plan by:</p> <p>1. Modifying the definition of ‘green networks’ in the Glossary of terms on page 79 as follows:</p> <p>“Green network – a network of high quality spaces, wildlife habitats, paths and other environmental infrastructure including blue features such as wetland habitats, rivers and lochs.”.</p>	25
06 The vision & aims of the Plan	<p>Modify the proposed local development plan by:</p> <p>1. Replacing the second bullet point of the Aims at paragraph 3.1 on page 11, and the second bullet point of paragraph 4.7 on page 15, with the following:</p> <p>“To encourage the development of alternative uses on former minerals opportunity sites including for tourism, leisure, forestry, biodiversity, nature conservation and agriculture to the benefit of local communities;”.</p>	31
07 Restoration & Placemaking	<p>Modify the proposed local development plan by:</p>	37

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	1. Replacing the word “an” with “a viable” within criterion (v) of Policy MIN SS1: Minerals Overarching Policy on page 14.	
08 Restoration & the Coalfield Communities Landscape Partnership	No modifications.	42
09 Development on former minerals sites	No modifications.	48
10 The area of search for coal	Modify the proposed local development plan by: 1. Including the area highlighted in blue to the north and north-east of the House of Water site (as shown on the map below) within Map 3: Areas of Search for Coal on page 25.	60

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11 Restoration Coal	<p>Modify the proposed local development plan by:</p> <ol style="list-style-type: none"> 1. Inserting “nature conservation,” after “agriculture,” in criterion (i) of Policy MIN SS6: Restoration Coal on page 26. 2. Inserting the words “viable and sustainable” before “business plan” in criterion 	65

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	<p>(iii) of Policy MIN SS6: Restoration Coal on page 26.</p> <p>3. Inserting the words “surface coal” between “restored” and “sites” in the first paragraph (third line) of Policy MIN SS6: Restoration Coal on page 26.</p> <p>4. Replacing the words “pre 2013 abandonment” with “abandoned in 2013 or earlier” in the first paragraph (third line) of Policy MIN SS6: Restoration Coal on page 26.</p>	
12 Unconventional Oil & Gas and Carbon Sequestration	<p>Modify the proposed local development plan by:</p> <p>1. Replacing the third sentence of paragraph 4.37 on page 28 with the following: “The Scottish Government announced its preferred policy position to not support the development of unconventional oil and gas in Scotland in October 2017. This preferred position is currently subject to the necessary statutory assessments, prior to finalisation.”.</p> <p>2. Replacing the criterion “Impacts upon landscape;” with “Landscape and visual impacts;” within Policy MIN SS9: Carbon Sequestration on page 29.</p>	68
13 Aggregates & fireclay	<p>Modify the proposed local development plan by:</p> <p>1. Replacing the criterion “Impacts upon landscape;” with “Landscape and visual impacts;” within Policy MIN SS10: Construction Aggregates on page 32.</p> <p>2. Deleting “(including minded to grant applications)” from Table 2: Ayrshire aggregates landbank on page 31.</p> <p>3. Inserting “(estimated reserves at time of consent)” after “Consented extraction” within Table 3: Mineral extraction in East Ayrshire on page 31.</p>	75

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14 Strategic Woodland creation	No modifications.	82
15 Peat	<p>Modify the proposed local development plan by:</p> <ol style="list-style-type: none"> 1. Replacing the second sentence of Policy MIN ENV2: Storage and removal of Peat on page 40 with “All storage of peat and its use in the restoration of a site must be carried out to the satisfaction of the Council, Scottish Natural Heritage and the Scottish Environment Protection Agency.”. 2. Inserting “Barlosh Moss” after “Glainsnock Moss” in paragraph 5.5 on page 36. 3. Identifying Barlosh Moss on Map 5: Potential Peatland Enhancement Sites on page 37. 4. Replacing the first paragraph of Policy MIN ENV1: Peat and other carbon rich soils on page 40 with: “There will be a presumption against the disturbance and/or removal of class 1 and 2 peatland, deep peat and other carbon rich soils unless for a conservation purpose.”. 	87
16 Sewage Sludge	<p>Modify the proposed local development plan by:</p> <ol style="list-style-type: none"> 1. Adding the following final sentence to paragraph 5.18 on page 42: “Regular compliance monitoring of sites will be carried out as part of the site restoration project.”. 2. Changing the word “reclamation” in paragraphs 5.15, 5.17, 5.18 and 5.20 on 	94

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	<p>pages 42 and 43 to "restoration".</p> <p>3. Removing the words "and/or reclamation" from the aim in Policy MIN ENV4: Sewage Sludge on page 43.</p>	
<p>17 Protection of the Water Environment</p>	<p>Modify the proposed local development plan by:</p> <p>1. Removing the words "surface coal" from the first bullet point in Policy MIN ENV8: Restoration and the Water Environment on page 46.</p> <p>2. Inserting a new bullet point into Policy MIN ENV8: Restoration and the Water Environment on page 46 as follows:</p> <p>"The restoration of water environments to original catchment areas will be supported."</p>	<p>101</p>
<p>18 The Built & Natural Environment</p>	<p>Modify the proposed local development plan by:</p> <p>1. Replacing criterion (i) of Policy MIN ENV9: Protection of Areas of Nature Conservation Interest on page 47 with:</p> <p>"(i) there will be a presumption against development which could adversely impact areas designated or proposed by Scottish Ministers for designation as Special Protection Areas or Special Areas of Conservation (Natura 2000 sites shown on Map 7). 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 area; or it has been demonstrated that there are no alternative solutions; there are reasons of over-riding public interest, including social and economic; and compensatory measures are taken to ensure that the overall coherence of the Natura 2000 network is protected."</p>	<p>108</p>

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	<p>2. Inserting a new criterion (ii) into Policy MIN ENV9: Protection of Areas of Nature Conservation Interest on page 47 as follows:</p> <p>“(ii) Any development affecting a site of special scientific interest will only be permitted where it will not adversely affect the integrity of the area or the qualities for which it has been designated or where any significant adverse effects on the qualities for which it is designated are clearly outweighed by social, environmental or economic benefits of national importance (Map 7).”.</p> <p>3. Re-naming criterion (ii) as (iii), and criterion (iii) as (iv), in Policy MIN ENV9: Protection of Areas of Nature Conservation Interest on page 47.</p> <p>4. Removing “, requiring conservation” from Policy MIN ENV10: Protection of Built and Natural Environment Resources on page 50.</p> <p>5. Replacing criterion (iii) of Policy MIN ENV10: Protection of Built and Natural Environment Resources on page 50 with:</p> <p>“(iii) result in adverse impacts on any areas of ancient woodland, along with other woodlands, hedgerows and individual trees, especially veteran trees of high nature conservation and landscape value or any individual or groups of trees protected by Preservation Orders. Removal of trees and/or hedgerows will only be allowed where this will achieve significant and clearly defined public benefits. The Scottish Government’s Control of Woodland Removal Policy will also be taken into account where relevant.”.</p>	
19 Landscape	<p>Modify the proposed local development plan by:</p> <p>1. Replacing the second sentence of paragraph 5.29 on page 51 with:</p>	114

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	<p>“The Plan is clear that emphasis now needs to be on protecting, restoring, enhancing and managing the landscape.”.</p> <p>2. Replacing the final sentence of Policy MIN ENV12: Assessing Landscape and Visual Impacts on page 53 with:</p> <p>“The Council will not support proposals where there will be an unacceptable cumulative landscape and/or visual impact.”.</p> <p>3. Replacing the aim of Policy MIN ENV12: Assessing Landscape and Visual Impacts on page 53 with:</p> <p>“To ensure that a full assessment can be made of the possible landscape and visual impact of any minerals proposal.”.</p>	
20 Conserving, enhancing & protecting geological interest	<p>Modify the proposed local development plan by:</p> <p>1. Replacing the final sentence of paragraph 5.33 on page 53 with:</p> <p>“East Ayrshire contains 20 SSSIs many of which contain features of geological interest including 11 Geological Conservation Review Sites.”.</p> <p>2. Deleting the first two sentences of paragraph 5.34 on page 53.</p> <p>3. Adding the following text to the end of the third sentence of paragraph 5.34 on page 53:</p> <p>“- Grasshill, Ponesk and Dalfad.”.</p>	118

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	4. Adding the words "of interest" after "geological features" in the first and second lines of Policy MIN ENV13: Conserving, enhancing and protecting geological interest on page 55.	
21 Protecting Communities	<p>Modify the proposed local development plan by:</p> <ol style="list-style-type: none"> 1. Deleting the sentence "The buffer zone should be a minimum of 500 metres." from Policy MIN PPL1: Protecting communities on page 57. 2. Replacing the word "compromising" with "including" in the second paragraph of Policy MIN PPL1: Protecting communities on page 57. 3. Replacing the final sentence of Policy MIN PPL1: Protecting communities on page 57 with: "Non-engineering works or mitigation measures within 500 metres may be acceptable." 4. Adding the following text to the end of the third sentence of paragraph 6.3 on page 56 which currently ends "justify a lesser distance": "for surface coal proposals." 5. Deleting the fourth sentence of paragraph 6.3 which begins "As a baseline..." 6. Replacing the fifth sentence of paragraph 6.3 with: "Greater separation distances would be more likely to be considered acceptable to the local community." 	126

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22 Duration of Extraction	<p>Modify the proposed local development plan by:</p> <p>1. Inserting the word “adverse” between “no” and “ongoing” in the third sentence of Policy MIN PPL3: Duration of extraction period for surface coal sites on page 58.</p>	132
23 Tourism	<p>Modify the proposed local development plan by:</p> <p>1. Replacing criterion (iii) of Policy MIN PPL6: Tourism activities on former mineral opportunity sites on page 62 with:</p> <p>“The proposal will improve/create new path networks and/or cycle networks leading to the facility which are direct, clearly legible and integrated with the wider active travel network.”.</p>	135
24 Community benefits	<p>Modify the proposed local development plan by:</p> <p>1. Replacing criterion (vi) in paragraph 6.12 on page 60 with:</p> <p>“(vi) Community led sports and leisure: For example, cycle tracks and path networks.”.</p> <p>2. Inserting the text “, non-mandatory,” between “voluntary” and “contribution” in the second last sentence of paragraph 6.6 on page 59.</p> <p>3. Deleting the final sentence of paragraph 6.6 on page 59.</p> <p>4. Replacing the first sentence of paragraph 6.8 on page 59 with:</p> <p>“Minerals proposals that are accepted and approved by the Council could be accompanied by a contribution to the Council’s new Minerals Fund.”.</p>	141

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	<p>5. Inserting the following text at the beginning of the third sentence of paragraph 6.8 on page 59:</p> <p>“If voluntary contributions are offered, the amount paid...”.</p> <p>6. Inserting the word “voluntary” before “contribution” in paragraph 6.9 on page 59.</p> <p>7. Replacing the text “expects all applicants to” with “suggests applicants” in the first sentence of paragraph 6.11 on page 59.</p> <p>8. Replacing the word “should” with “could” in the third sentence of paragraph 6.11 on page 59.</p> <p>9. Replacing the text “However, should the developer” with “Although voluntary, developers may” in the second sentence of paragraph 6.15 on page 60.</p> <p>10. Deleting “,this may be an acceptable alternative approach” from the last sentence in paragraph 6.15 on page 60.</p>	
25 Transport policies & supporting text	<p>Modify the proposed local development plan by:</p> <p>1. Amending the second sentence of paragraph 7.14 on page 67 to read “...will seek to improve existing, reinstate and create new path networks...”.</p> <p>2. Changing the word “Large” to “Light” in paragraph 7.6 on page 65.</p>	145
26 Ensuring an adequate supply of minerals	No modifications.	147

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27 Borrow Pits	<p>Modify the proposed local development plan by:</p> <p>1. Replacing the first sentence of paragraph 8.2 on page 70 with:</p> <p>“A borrow pit is an area where minerals (such as sand, gravel and rock) are extracted within a site.”.</p>	150
28 Compliance monitoring	<p>Modify the proposed local development plan by:</p> <p>1. Appending the following text to the end of the second sentence in paragraph 9.2 on page 74:</p> <p>“ being careful to be compatible with, and not duplicate, the functions of the environmental regulator – the Scottish Environment Protection Agency.”</p> <p>2. Replacing the text “as soon as practically possible” with “within 2 months” from the sentences referring to rock and sand and gravel in paragraph 9.3 on page 75.</p>	157
29 Financial guarantees	<p>Modify the proposed local development plan by:</p> <p>1. Removing the text “to be accompanied by” in the first paragraph of Policy MIN WP1: Financial Guarantees on page 77.</p> <p>2. Replacing the second sentence in criterion (i) of paragraph 9.8 on page 76 with:</p> <p>“This must include an estimated breakdown of costs, phasing and confirmation of the value of the guarantee proposed which can be verified and amended following subsequent approval of a final restoration and aftercare plan(s).”.</p>	164

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	<p>3. Replacing criterion (iii) of paragraph 9.8 on page 76 with:</p> <p>“An independent consultant (a minerals assessor or an individual with specialist knowledge in minerals) shall review and provide an assessment of the costs of restoration and aftercare throughout the lifetime of the development (including the operational, restoration, aftercare and mitigation periods). The cost of assessment will be met by the developer. The maximum figure for restoration, aftercare and mitigation, as provided by the independent consultant and taking account of inflation, contingency and any supervisory costs will be used by the Council as the required amount (quantum) in the financial guarantee provided.”.</p>	