



Minerals Local Development Plan

A detailed photograph of layered rock formations, showing various shades of blue, grey, and yellow, with distinct geological strata.

AUGUST 2019

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Introduction

Welcome to East Ayrshire's Minerals Local Development Plan.

- 1.1 Set in the context of the historic, current and potential future extraction of minerals, the Minerals Local Development Plan (MLDP) sets out what we want East Ayrshire to be like in 20 years' time. As well as indicating where minerals development should and should not occur, it also provides information about the future of abandoned and unrestored minerals sites.
- 1.2 This MLDP covers all of East Ayrshire Council's area and provides the Council's planning policy framework for all matters relating to minerals. East Ayrshire's Local Development Plan was adopted in April 2017 and deals with all matters with the exception of minerals. Further details on the preparation and production of development plans in East Ayrshire can be found in our Development Plan Scheme available on the Council's website.
- 1.3 The MLDP represents the Council's settled view on how, in relation to minerals, East Ayrshire should be developed over the next 10-20 years. The Plan has taken account of a wide range of publications and views including National Planning Framework 3 (NPF 3), Scottish Planning Policy (SPP), the Council's Community Plan (2015-2030) and representations received up to and including Main Issues Report stage.

Remit of the MLDP

- 1.4 The MLDP replaces:
- The Ayrshire Joint Structure Plan 2007 (in respect of minerals only)
 - The East Ayrshire Local Plan (EALP) 2010 (in respect of minerals only)
 - The East Ayrshire Opencast Coal Subject Plan (OCCSP) 2003
- 1.5 Remaining matters, i.e. non minerals matters such as residential or retail development, are considered in the East Ayrshire Local Development Plan (EALDP) which was adopted in April 2017.

How should the Plan be used?

- 1.6 The MLDP sits alongside the East Ayrshire Local Development Plan 2017, which, together with Supplementary Guidance, comprise the Development Plan for East Ayrshire.

The MLDP will be used by the Council in four scenarios as explained below:

The MLDP will be used to guide, assess and determine:

- (i) **planning applications for minerals extraction;**

The MLDP will be used alongside the Local Development Plan 2017 to guide, assess and determine:

- (ii) **planning applications that involve an element of mineral extraction. Mineral extraction may be secondary to the main focus of the application and/or may be to prevent the sterilisation of minerals resources;**
- (iii) **planning applications on former minerals sites that are identified in the plan as former minerals opportunity sites;**
- (iv) **planning applications within the Coalfield Communities Landscape Partnership Area, which are relevant to the aims and objectives of the Coalfield Communities Landscape Partnership.**

- 1.7 The MLDP is far more than simply a tool for determining planning applications. The Plan is intended to act as a driver for the regeneration and transformation of East Ayrshire's rural area, particularly within the south, that has long been impacted by the minerals industry. The Plan sets out a positive and proactive strategy for restoration and placemaking, providing a policy framework to help guide the development and implementation, on the ground, of projects that will contribute to environmental enhancement and bring meaningful benefits to local communities.

What are Minerals?

- 1.8 Minerals are all substances in, on or under land of a kind ordinarily won through underground or surface working and are used generally for a beneficial purpose, usually, but not exclusively related to construction, energy production or some industrial or manufacturing process. Examples of minerals are sand, gravel, fireclay, coal and hard rock.

Format of the Plan

- 1.9 The vision, aims and spatial strategy are set out respectively in Chapters 2, 3 and 4 of the MLDP. The vision looks forward 20 years and sets out how East Ayrshire will appear in the future if the proposals contained in the MLDP, as well as the Community Plan and all other Council strategies, are carried through successfully. The subsequent chapters (from chapter 5 onwards) consider matters of detail as follows and set down:
- the provisions for conserving and enhancing the natural and built environment;
 - arrangements for minimising the negative impacts of minerals extraction on people; and
 - how an adequate and steady supply of minerals can be ensured.
- 1.10 The whole plan must be taken into account when assessing relevant development proposals and this includes the vision, spatial strategy, policies, proposals and supplementary guidance.

Climate Change

- 1.11 The effects of climate change are well documented and it is clear that the MLDP has a key role to play in addressing its causes (mitigation) and dealing with its effects (adaptation). Whilst there is no chapter within the MLDP specifically covering this subject, issues relating to climate change have been considered in each chapter and underpin its provisions.
- 1.12 The winning and use of non-renewable sources of energy and/ or construction materials will result in carbon emissions. However, the MLDP mitigates against an uncontrolled increase in carbon emissions in the context of sustaining an energy mix by ensuring that:
- Peatland and carbon rich soils (which form important carbon sinks) are protected from inappropriate development.
 - Proposals for the extraction of construction aggregates meet a clear need, thereby minimising unnecessary extraction and reducing any emissions associated with long distance transportation.
- 1.13 Whilst this plan provides for the potential extraction of coal reserves, its provisions must be understood within the context of the decarbonisation of Scotland's energy requirements. The Scottish Government states in 'The Scottish Energy Strategy: The Future of Energy in Scotland' (2017) that provision of coal at this time contributes to maintaining affordable, secure and reliable electricity supplies whilst progress is made in the decarbonisation of energy production. The purpose of this plan is not therefore to determine whether coal is needed, but in the context of Government policy, to guide where it can be most effectively extracted and to ensure that extraction is to the highest environmental standards.
- 1.14 Green network objectives are an important part of mitigating against and adapting to the threats faced by climate change. Accordingly, the Spatial Strategy outlines opportunities for expanding our green network whether for example, through restoration and placemaking or woodland creation.

Strategic Environmental Assessment

- 1.15 All policies and strategies in the Plan have been assessed for their likely environmental impacts through the Strategic Environmental Assessment (SEA) process. The SEA helps to ensure that development takes place in the most appropriate locations with minimal environmental impact. The SEA also helps to determine whether the plan is likely to have a significant impact on the environment. As such all provisions of the MLDP have been assessed and where there are significant adverse environmental impacts, mitigation measures have been set out. Developers must ensure that these measures are integrated into proposals at planning application stage. Proposals failing to do this will not be supported by the Council. This requirement is reflected in overarching policy MIN SS1.

2

Vision

2.1

The vision for the Minerals Local Development Plan (MLDP) from the period 2018 to 2038 links into and is derived from the visions for East Ayrshire's Community Plan (2015-2030) and East Ayrshire's Local Development Plan (2017), which are as follows:

East Ayrshire Community Plan

"East Ayrshire is a place with strong, safe and vibrant communities where everyone has a good quality of life and access to opportunities, choices and high quality services which are sustainable, accessible and meet people's needs."

East Ayrshire Local Development Plan

"East Ayrshire will be a desirable place in which to live, work, invest and visit."

2.2

The vision for the Minerals Local Development Plan is that:

East Ayrshire's minerals supply will be fulfilled through a responsible and justified approach to extraction with appropriate progressive restoration and aftercare.

Our former minerals sites will be restored or reused resulting in a sustainable environmental, economic and social legacy, contributing to the wider regeneration and enhancement of East Ayrshire's landscape and environment.

2.3

The vision directs the focus of the Plan onto restoration and productive reuse of sites; it also recognises the likely requirement for the extraction of minerals in East Ayrshire in the years to come. The Plan provides a robust framework for the assessment of new proposals to ensure that any new extraction and restoration is carried out properly.

3

Aims

3.1

The aims underpin and relate directly to the vision statement. Moving towards or the achievement of the aims will help realise the vision of the Plan. The Plan aims are:

- **To secure restoration of previously worked sites;**
- **To encourage the development of alternative uses on former minerals opportunity sites including tourism, leisure, forestry, biodiversity, nature conservation and agriculture to the benefit of local communities;**
- **To conserve and enhance the natural and built environment where mineral extraction is not suitable and to minimise the negative impacts of mineral extraction upon the natural and built environment;**
- **To promote green networks, enhance biodiversity and create more attractive, healthy environments for people to live in, work in and which gives them opportunities for recreation;**
- **To minimise the negative impacts of minerals extraction on people;**
- **To safeguard workable mineral resources of economic or conservation value from sterilisation;**
- **To ensure an adequate and steady supply of minerals, thereby helping to contribute to sustainable economic growth; and**
- **To promote and deliver excellence in working and restoration practices of mineral extraction sites.**

4 Spatial Strategy

- 4.1 A Spatial Strategy is required by planning legislation. It should be a broadly based statement relating to the development and use of land in an area.
- 4.2 The Spatial Strategy within this plan not only builds on approaches in existing development plans and on priorities identified in SPP, but also expresses spatially the plan's vision and aims for the period 2018 to 2030.
- 4.3 The Spatial Strategy is therefore a key element of the MLDP. It sets out where minerals related development should and should not go, providing greater certainty for communities and operators. The Spatial Strategy is expressed in three sections:
- **Restoration and placemaking**, which guides the restoration and reuse of current, future and former sites and lays the framework for wider rural regeneration and placemaking;
 - **Extraction of resources**, which guides the extraction of (i) surface coal (ii) unconventional oil and gas, underground coal gasification and carbon dioxide sequestration and (iii) construction aggregates;
 - **Strategic woodland creation**, which sets the context and provides support for woodland creation on a strategic scale in appropriate locations, including former surface coal sites.



Delivery and implementation of the Spatial Strategy

- 4.4 The delivery and implementation of the Spatial Strategy is fundamental to ensuring a responsible approach to minerals extraction and to supporting positive restoration and regeneration.
- 4.5 The Council, its partners and local stakeholders will work to deliver the Spatial Strategy by:
- (i) ensuring that through the planning process, all development is appropriately planned and assessed, in accordance with the policies of the MLDP and incorporating robust restoration proposals;
 - (ii) To promote good green networks, enhance biodiversity and create more attractive, healthy environments for people to live in, work in and which gives them opportunities for recreation;
 - (iii) adopting a positive and proactive approach to developing and implementing projects on the ground, contributing to the reuse of former minerals opportunity sites and the wider regeneration of the rural area; and
 - (iv) encouraging and supporting developments that contribute to the vision and aims of the Coalfield Communities Landscape Partnership (CCLP).
- 4.6 To aid the delivery of the Spatial Strategy, and reflective of there being policy matters that are relevant to ALL development proposals, an overarching policy has been prepared against which all proposals, applicable to the MLDP, will be assessed.

Policy MIN SS1: Minerals Overarching Policy

All development proposals will require to meet the following criteria in so far as they are relevant, or otherwise demonstrate how they would contribute to sustainable development in the context of the subsequent relevant policies of the Minerals Local Development Plan and Scottish Planning Policy, so that they would outweigh any lack of consistency with the relevant criteria:

- (i) Comply with the provisions and principles of the MLDP vision and spatial strategy, all relevant MLDP policies and LDP policies, associated supplementary guidance and non-statutory guidance and any relevant provisions from Annex 1: Required information for proposals for new mineral extraction sites and extensions to existing mineral extraction sites;
- (ii) Comply with the mitigation requirements of the MLDP Environmental Report;
- (iii) Ensure that there are no overriding unacceptable impacts on the environmental quality of the area including on areas of natural and geological conservation and heritage interest;
- (iv) Ensure that they conserve and enhance the character, appearance and amenity of the rural area, communities and individual properties;
- (v) Be of the highest possible quality restoration and aftercare and provide a viable afteruse for the site;
- (vi) Prepare Master Plans for progressive restoration where requested by the Council;
- (vii) Be compatible with, and where possible, link with projects shown on the Local Development Plan 2017 placemaking maps, the Coalfield Communities Landscape Partnership projects and Ayrshire Growth Deal projects as they are developed;
- (viii) Ensure that there is no unacceptable loss of safeguarded areas of open space/green infrastructure and prime quality agricultural land;
- (ix) Protect and enhance natural and built heritage designations and link to and integrate with green infrastructure;
- (x) Ensure that there are no unacceptable impacts on the landscape character or tourism offer of the area;
- (xi) Meet with the requirements of all relevant service providers and the Ayrshire Roads Alliance; and
- (xii) Be accessible to all.

AIM: To effectively deliver the spatial strategy and ensure sustainable development.

Spatial Strategy - Restoration and Placemaking

MLDP Aims

4.7 This part of the Spatial Strategy sets out the strategy on restoration and placemaking. It relates to the following MLDP aims:

- **To secure restoration of previously worked sites;**
- **To encourage the development of alternative uses on former minerals opportunity sites for tourism, leisure, forestry, and agriculture to the benefit of local communities;**
- **To conserve and enhance the natural and built environment where mineral extraction is not suitable and minimise the negative impacts of mineral extraction upon the natural and built environment.**
- **To promote good green networks, enhance biodiversity and create more attractive, healthy environments for people to live in, work in and which gives them opportunities for recreation;**
- **To minimise the negative impacts of minerals extraction on people;**
- **To promote and deliver excellence in working and restoration practices of mineral extraction sites.**

Restoration

4.8 The collapse of the Scottish Coal Company Limited and ATH Resources left substantial environmental degradation within East Ayrshire at the surface coal sites they formerly operated. Many of the unrestored sites have bonds which remain unspent whilst best value solutions are sought for restoration including consideration of options for reuse. The former surface coal site at Dunstonhill is one of the first sites nearing the end of its restoration scheme. The Minerals Local Development Plan will encourage restoration plans to incorporate the placemaking principles and themes detailed in the spatial strategy. Further information on surface coal operations since 2013 is included in Annex 3.

4.9 The legacy of unrestored land in East Ayrshire presents the MLDP with a unique opportunity to think strategically about rural placemaking and green infrastructure in the south of East Ayrshire, and to restore and build a new sense of place for coalfield communities. The MLDP will consider the restoration of sites as a whole rather than as individual challenges in order to reimagine and realise the potential of the area. This potential is already beginning to be appreciated as stage 1 approval has been granted by Heritage Lottery Fund for the Coalfield Communities Landscape Partnership.

4.10 It is clear, based upon the restoration estimates and bonds available that restoration as originally envisaged and conditioned is no longer feasible. A best value approach is now required to be taken for restoration schemes which assess the feasibility of alternative proposals which could deliver a reasonable degree of restoration on a substantially reduced budget. The work required to facilitate and develop masterplans for individual sites can be complex and voluminous, but is critical in achieving the best outcome for these sites. The Minerals Local Development Plan will facilitate this process and act as a driver to pull in further funding such as a successful Stage 2 application to the Heritage Lottery Fund for the Coalfield Communities Landscape Partnership.

4.11 Before the aspirations for East Ayrshire's unrestored land can be realised, the MLDP must first deal with the current state of the land. Many of the former surface coal sites have been left unrestored or have been badly restored through poor working practices and inadequate monitoring. Therefore it is essential that the MLDP considers the condition and safety of the land before further development can be proposed. The main aim of the Restoration and Placemaking Spatial Strategy is to promote high quality restoration schemes which result in resilient and attractive places and to promote opportunity sites potentially capable of accommodating further appropriate development.

- 4.12 All developers are required to restore their operational sites progressively to the highest possible standards. The use of restored land for specific agricultural, forestry, sensitive rural business, 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. Advice from Scottish Natural Heritage and other appropriate nature conservation bodies should be sought.

Placemaking and Partnership

- 4.13 Placemaking is about collectively reimagining and reinventing spaces, supporting and nurturing the identity of place and capitalising on the potential within communities. Rural placemaking capitalises on the countryside as an asset by providing opportunities for tourism, recreation and leisure and supporting rural businesses which are appropriate to their rural setting. There are opportunities to create sustainable, distinctive and attractive places which support healthy lifestyles and behaviours and connect rural settlements together with each other. Rural placemaking will allow the MLDP to consider wildlife habitats and create new habitat networks throughout the area enabling species to thrive.
- 4.14 The MLDP lays the foundations for delivering the restoration and placemaking spatial strategy by supporting placemaking and identifying where certain types of uses are likely to be most appropriately accommodated. The Council will work inter-departmentally and with external stakeholders and partner organisations to proactively secure funding and deliver development in line with the aspirations of the MLDP.
- 4.15 The Council has already begun the process of delivering aspects of the restoration and placemaking spatial strategy through the successful award of a Stage 1 Heritage Lottery Fund Landscape Partnership Scheme. The partnership working, led by the Coalfield Communities Landscape Partnership, will facilitate joint working between the Council, organisations, local interest groups and communities, allowing us to work towards a renewed landscape and celebrate the unique heritage of the area.

Policy MIN SS2: Minerals Restoration and Placemaking

All development should:

- (i) Progressively restore the land to the highest possible standard which is suitable for other appropriate uses; and
- (ii) Identify opportunities for environmental improvement in restoration and incorporate these where practicable.

These principles will provide the foundation to provide appropriate future development and encourage growth and placemaking within the area.

AIM: To ensure that all sites are made safe, appropriately restored and are compatible for future uses

Coalfield Communities Landscape Partnership

- 4.16 The Heritage Lottery Fund (HLF) Landscape Partnership programme supports schemes led by partnerships of local, regional and national interests which aim to conserve areas of distinctive landscape character throughout the UK. A first round application, if successful, is followed by a Development Phase which allows time for the Partnership to further investigate and develop key projects contained in the approved stage 1 bid and to assemble funding for stage 2. A second round submission follows the Development Phase and if successful, a Delivery Phase is entered and the bulk of the overall HLF grant is spent implementing the project work devised during the Development Phase.
- 4.17 East Ayrshire Council, as the Lead Partner, along with significant assistance from local communities and organisations including Forest and Land Scotland, Central Scotland Green Network Trust, Scottish Natural Heritage, East Ayrshire Leisure Trust and Galloway and Southern Ayrshire Biosphere have been successful with a Stage 1 application for the Coalfield Communities Landscape Partnership. The Coalfield Communities Landscape Partnership is now in line for £2.56 million of National Lottery Funding subject to a successful Stage 2 application which must be submitted to HLF in November 2019. The Partnership is made up of a Board, Steering Group, Community Steering Group and themed Working Groups.
- 4.18 The vision of the Coalfield Communities Landscape Partnership complements the vision of the MLDP. Specifically that:

“Coalfield Communities share the benefits of a renewed landscape, welcoming visitors from afar to celebrate their unique heritage and promote stewardship of the land, shaped by an understanding of the past and needs of the future.”

- 4.19 The scheme boundary, as proposed, is shown in Map 1 and covers the river valleys of the Lugar and Doon and the foothills between them and includes the towns of Patna, Dalmellington, Waterside, Cumnock and Auchinleck. The proposed projects detailed in Stage 1 of the application are located within these towns and within the rural area. The projects in Annex 4 have been developed in light of extensive community consultation which was undertaken in 2017 for the preparation of the stage 1 application. These projects may be subject to change as the scheme is developed further (See Annex 4 for a full list of proposed projects for the Coalfield Communities Landscape Partnership).
- 4.20 The Coalfield Communities Landscape Partnership received their Permission to Start letter in January 2018 indicating the beginning of the Development Phase. The Development Phase will run until November 2019 when the Partnership will submit a Stage 2 application to HLF. If successful, the scheme will then move into a Delivery Phase in which the projects put forward at Stage 2 will be delivered in the area by Coalfield Communities Landscape Partnership staff, partners and most importantly, the local communities.

Policy MIN SS3: Coalfield Communities Landscape Partnership

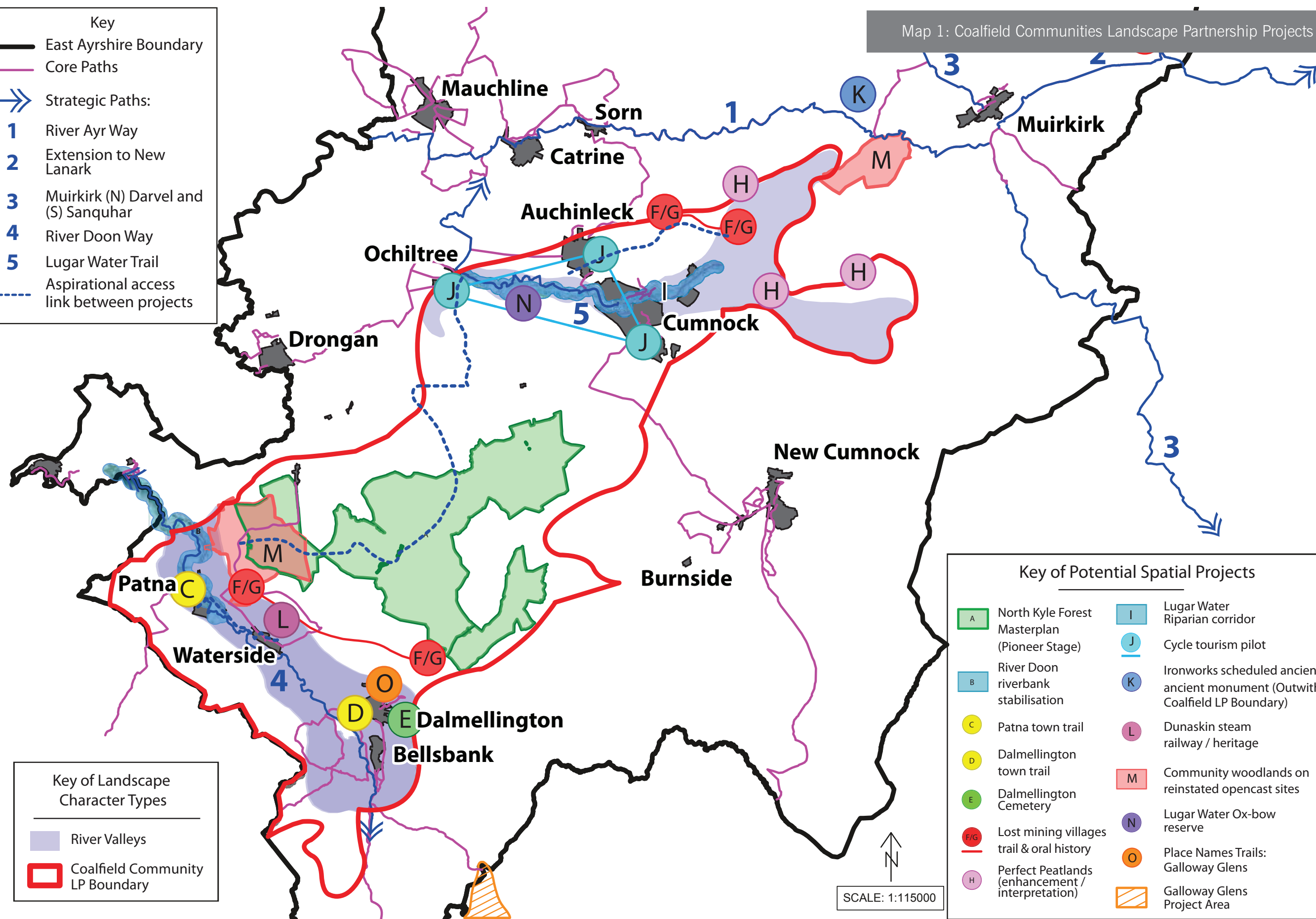
The Council will encourage and support developments that contribute to the vision and aims of the Coalfield Communities Landscape Partnership, as a key means of regenerating and rejuvenating the former coalfield area.

AIM: To support the development and implementation of the Coalfield Communities Landscape Partnership.



- Key**
- East Ayrshire Boundary
 - Core Paths
 - Strategic Paths:
 - 1 River Ayr Way
 - 2 Extension to New Lanark
 - 3 Muirkirk (N) Darvel and (S) Sanquhar
 - 4 River Doon Way
 - 5 Lugar Water Trail
 - Aspirational access link between projects

Map 1: Coalfield Communities Landscape Partnership Projects



- Key of Potential Spatial Projects**
- | | |
|---|---|
| A North Kyle Forest Masterplan (Pioneer Stage) | I Lugar Water Riparian corridor |
| B River Doon riverbank stabilisation | J Cycle tourism pilot |
| C Patna town trail | K Ironworks scheduled ancient monument (Outwith Coalfield LP Boundary) |
| D Dalmellington town trail | L Dunaskin steam railway / heritage |
| E Dalmellington Cemetery | M Community woodlands on reinstated opencast sites |
| F/G Lost mining villages trail & oral history | N Lugar Water Ox-bow reserve |
| H Perfect Peatlands (enhancement / interpretation) | O Place Names Trails: Galloway Glens |
| | Galloway Glens Project Area |

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Future uses for former minerals sites

- 4.21 The MLDP identifies a number of former minerals opportunity sites on which the Council is supportive of proposals which further regenerate the sites and, if appropriate, bring them back into use for the benefit of local communities and the local economy. As shown in Map 2, the former minerals opportunity sites encompass and where appropriate amalgamate into clusters the former surface coal sites which were abandoned in 2013 due to the liquidation of the coal companies. These sites are at differing stages of restoration, however once a site has completed its restoration scheme, the Council will encourage proposals for new, innovative and creative afteruses of the sites.
- 4.22 The Council will only support proposals that offer clear benefits to local communities. Such benefits should be on-site, in terms of providing recreational, leisure, environmental or other types of facilities that will be of value to local communities. In this context a community benefit payment is not considered an adequate community benefit.
- 4.23 The Council will particularly encourage community-led proposals and will encourage any interested parties to seek the assistance of the Council's business support services.
- 4.24 The MLDP identifies four key themes that reflect the type of development which the Council would like to see on the identified former minerals opportunity sites (indicated on Map 2).

The restoration and placemaking themes are:

Theme 1: Capitalise on social history and the historic environment and bring new recreation opportunities.

Theme 2: Conserve, enhance and promote the natural and geological environment.

Theme 3: Stimulate opportunities for inclusive economic growth in the rural area which benefits its communities.

Theme 4: Deliver well-connected and attractive places to work in, visit and celebrate.

Policy MIN SS4: Former minerals opportunity sites and placemaking

On former minerals opportunity sites the Council will support proposals that contribute to rural placemaking and provide amenity afteruses that protect and improve the environmental quality of the site and surrounding area and increase the value of the sites to local communities. Amenity afteruses are encouraged that support healthy lifestyles and improve connections between rural settlements.

Amenity afteruses include the creation of:

- formal and informal recreational areas;
- multi-functional woodland;
- geological exposures;
- wetlands;
- regenerated wildlife habitats and/or new habitat networks; and
- foot and cycle networks.

In addition to the amenity afteruses, the Council further encourages new, innovative uses on the former minerals opportunity sites which support at least one of the four restoration and placemaking themes of the MLDP. Such proposals will be required to demonstrate a clear on-site benefit to the environment and local communities.

The Council will be particularly supportive of multi-use developments that incorporate a range of uses, including the amenity afteruses listed above.

The Council encourages any interested party or potential applicant to engage with the Council and communities at an early stage of project development to agree the principle of the proposal and to promote joined up working to achieve the best possible outcome for the former minerals opportunity sites.

The principle of any proposals that come forward must be in accordance with the vision and aims of the MLDP and all relevant Development Plan policies.

AIM: To support amenity afteruses and encourage innovative uses on former mineral opportunity sites.

Proposals for East Ayrshire's Local Development Plan 2

4.25

East Ayrshire Council is seeking to combine the East Ayrshire Local Development Plan and the Minerals Local Development Plan through the preparation of Local Development Plan 2 (LDP 2). The Council will support and encourage the inclusion of former minerals opportunity sites within LDP 2, where proposals are developed in partnership with local communities and the Council and where they represent appropriate, multi-use rural developments, in accordance with the aims of the MLDP and the restoration and placemaking themes.

Spatial Strategy – Extraction of Resources

MLDP Aims

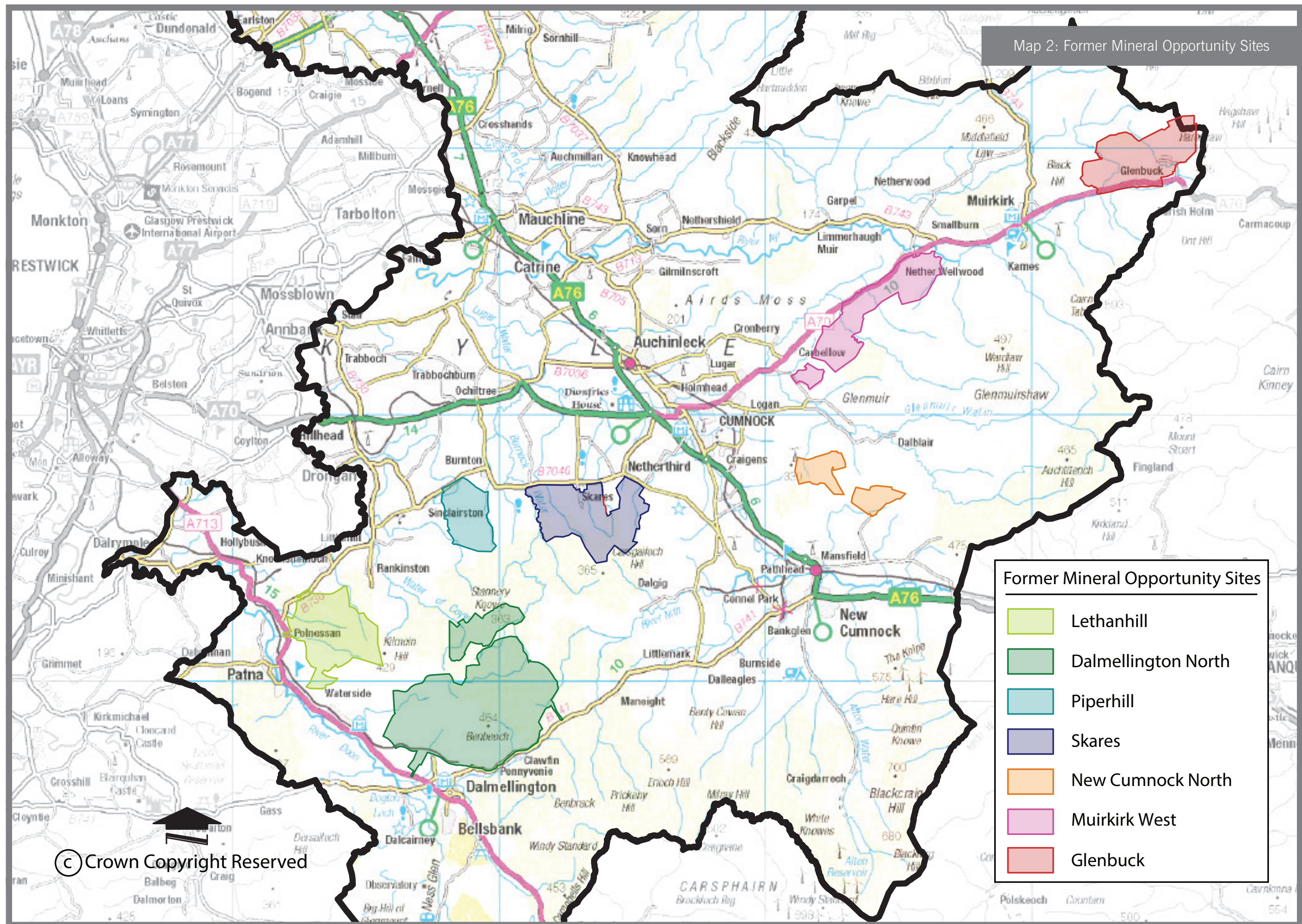
- 4.26 This part of the Spatial Strategy sets out where minerals related development should and should not go, providing a degree of certainty for communities and operators alike. It relates to the following aims:
- **To safeguard workable mineral resources of economic or conservation value from sterilisation;**
 - **To ensure an adequate and steady supply of minerals thereby helping to contribute to sustainable economic growth;**
 - **To promote and deliver excellence in working and restoration practices of mineral extraction sites.**

Mineral Extraction

- 4.27 Where minerals extraction can technically take place is dictated by geology; minerals can only be won where they exist. East Ayrshire has a plentiful resource of various minerals, and their extraction can contribute to sustainable economic development. For example, the indigenous provision of aggregates to the local construction industry reduces transportation costs and allows the local industry to be competitive and viable.
- 4.28 Sustainable economic development is a key element of our vision. It is central to the visions and policies of other related plans, policies and strategies – such as the Local Development Plan (adopted 2017) and Community Plan (2015-2030). It is also the fundamental underlying theme of Scottish Planning Policy (2014).
- 4.29 Although various minerals resources exist under extensive areas of East Ayrshire, there are various constraints to extraction, such as towns and villages and important environmental sites. This means that there sometimes can be conflicts with non-mineral related land use; in other words minerals cannot always be worked everywhere that they exist as the impacts of extraction may outweigh the economic benefits that can be generated. It is of paramount importance therefore that the winning of minerals is carried out in a responsible manner and that the impacts of extraction on our local communities, our environment and our built and natural heritage are minimised. The Minerals Local Development Plan has a particularly important role to play in this regard and it is the spatial strategy which ensures that the right type of mineral development is directed to the most suitable locations to accommodate it.
- 4.30 Our spatial strategy takes into account Scottish Planning Policy as a means of contributing to an efficient and effective planning system and thus the spatial framework differentiates between surface coal, construction aggregates and unconventional oil and gas projects.

Surface Coal Extraction

- 4.31 In line with Scottish Planning Policy, the Plan identifies areas of search where surface coal extraction is most likely to be acceptable during the plan period, with particular emphasis on protecting local communities from significant impacts including cumulative impacts.
- 4.32 Our spatial strategy for surface coal extraction has been based upon a sieving exercise which excludes:
- The Special Protection Area (SPA)
 - Special Areas of Conservation (SACs)
 - Sites of Special Scientific Interest (SSSIs)
 - Settlements with a 500m buffer



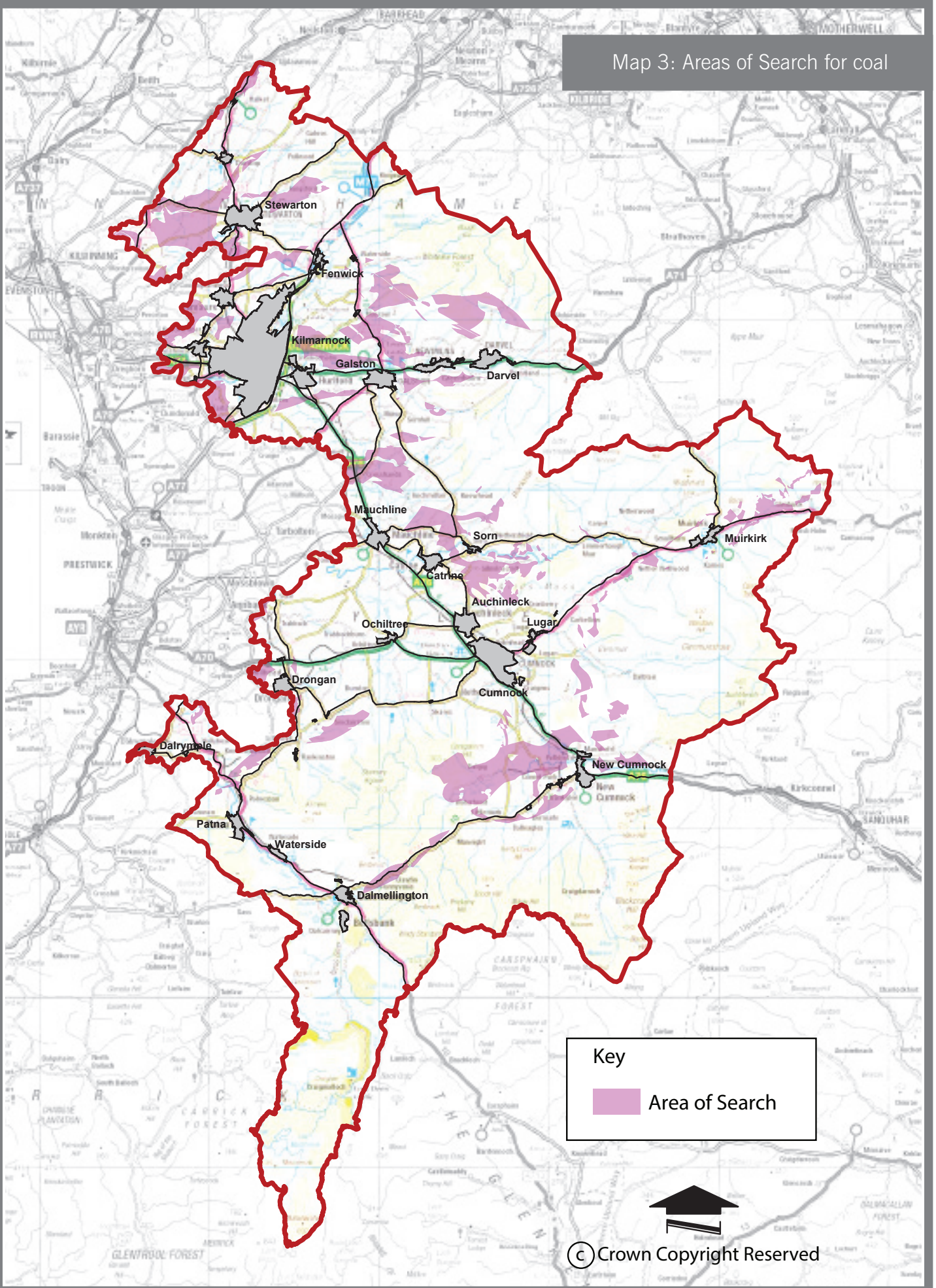
- Carbon rich soils, deep peat and priority peatland habitat
- The Coalfield Communities Landscape Partnership Area

4.33

The pink areas on Map 3 comprise the areas of search for coal. These are based on the areas where (using geological maps) it is known that coal exists, but excluding the constraints listed above. These areas of search represent the only locations where surface coal mining may prove to be acceptable in principle, further to detailed consideration at site specific level. These areas are considered entirely sufficient to meet demand during and beyond the plan period, particularly given the shift in the energy market to low carbon energy sources.



Map 3: Areas of Search for coal



As per paragraph 244 of Scottish Planning Policy (2014) site boundaries within 500 metres of the edge of settlements will only be environmentally acceptable where local circumstances, such as the removal of dereliction, small-scale prior extraction or the stabilisation of mining legacy, justify a lesser distance. Non-engineering works and mitigation measures within 500 metres may be acceptable and this will be considered at development management stage. The Area of Search for Coal includes a 500 metre buffer around all settlements. For the avoidance of doubt, proposals which infringe on the 500 metre buffer for the aforementioned reasons, or other suitable local circumstances, will not be considered to be contrary to the Spatial Strategy for Surface Coal Extraction. However, we have included the 500m buffer in defining our area of search as this makes clear that extraction is most likely to be acceptable outwith this buffer and places emphasis on protecting communities.

Policy MIN SS5: Surface Coal Extraction Developments

The Council will support, in principle, surface coal extraction in the Areas of Search, subject to the proposals being in compliance with all other relevant MLDP policies. There will be a presumption against coaling outside the Areas of Search in the plan period, with the exception of any proposal meeting the requirements of Policy MIN SS6 or SS7, with a supporting statement outlining why it is not possible to coal in the Areas of Search.

AIM: To safeguard workable resources and minimise the impacts of extraction on local communities.

Policy MIN SS6: Restoration Coal

Outwith Areas of Search for coal (as defined in Map 3) and those sites with restoration contracts utilising drawn down restoration guarantee bonds, proposals for the restoration of existing unrestored or partially restored surface coal sites (abandoned in 2013 or earlier) with coal remaining and which include a modest amount of extraction will be supported where all of the following criteria can be met:

- (i) The site is primarily developed for agriculture, nature conservation, forestry, recreational, tourist, leisure or sporting sectors, or in connection with a project forming part of the Coalfield Communities Landscape Partnership or North Kyle Forest Masterplan;
- (ii) A comprehensive masterplan has been submitted for the site, including a detailed development brief detailing all stages to full restoration;
- (iii) The developer has submitted a viable and sustainable business plan detailing how the extraction of coal cross-funds the restoration of the site;
- (iv) The proposals extend to the restoration of the entire boundary of the unrestored site, even if development is proposed in phases;
- (v) The masterplan demonstrates progressive restoration rather than post extraction restoration; and
- (vi) The proposed development of the site complies with all other relevant MLDP policies.

In such circumstances applications for planning permission in principle will not be acceptable.

AIM: To secure the sustainable restoration of sites to beneficial afteruse after working has ceased.

Policy MIN SS7: Surface coal proposals outwith the area of search and not meeting the criteria of MIN SS6

No application for surface coal extraction will be supported outwith the areas of search except where all of the following criteria can be met:

- (i) All operative sites have closed or are scheduled to exhaust coaling within one calendar year;
- (ii) It can be demonstrated beyond all reasonable doubt that the equivalent amount of coal cannot be extracted within the preferred surface coal extraction areas; and
- (iii) All other relevant policies of the MLDP can be met.

AIM: To recognise the national benefit of indigenous coal in maintaining a diverse energy mix and improving energy security.



Spatial Strategy – Unconventional Oil and Gas, Underground Coal Gasification and Carbon Dioxide Sequestration

MLDP Aims

- 4.35 This part of the Spatial Strategy sets out the strategy on Unconventional Oil and Gas, Underground Coal Gasification and Carbon Sequestration. It relates to the following MLDP aims:
- **To ensure an adequate and steady supply of minerals, thereby helping to contribute to sustainable economic growth;**
 - **To promote and deliver excellence in working and restoration practices of mineral extraction sites.**

Context

- 4.36 A UK Petroleum and Development Licence (PEDL) allows a company to pursue a range of oil and gas exploration activities, subject to necessary drilling/development consents and planning permission. There are no extant PEDLs in East Ayrshire. In the 14th round where applications for a PEDL were invited by the Department for Energy and Climate Change (DECC) which was completed in 2015, there were a number of exploratory blocks on offer within East Ayrshire. However, following discussion with prospective licensees, and in accordance with the new devolution settlements set out in the Scotland Bill which received Royal Assent in 2016, the UK Government decided that no PEDLs would be awarded in Scotland as part of the 14th round. There have been no further onshore licensing rounds to date.
- 4.37 Furthermore in 2015 the Scottish Government announced a moratorium on granting consents for unconventional oil and gas developments in Scotland until further research and a public consultation was carried out. As of October 2017, the Scottish Government's position on the matter is that the research commissioned does not provide a strong enough basis to address the concerns of communities or their impact on the environment. 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. The position is implemented using fully devolved planning powers with the Planning Direction of 2015 continuing to remain in force.
- 4.38 A separate moratorium and embargo for Underground Coal Gasification (UCG) in Scotland was put in place in 2016. The Scottish Government has indicated that it will not support UCG developments in Scotland following the publication of an independent report that highlights serious environmental concerns.
- 4.39 As of February 2018, licensing powers over onshore oil and gas are devolved to Scottish Ministers. This is in line with a commitment to devolve specific powers to Scotland in the Scotland Act 2016.
- 4.40 Carbon dioxide sequestration is not subject to any moratorium at present. There is research which summarises the general likelihood of proposals coming forward in East Ayrshire. 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). Any proposed developments relating to carbon sequestration will be controlled by the application of policy MIN SS9 and all other relevant MLDP policies.

Policy MIN SS8: Unconventional Oil and Gas

No unconventional oil and gas proposals will be supported during the lifetime of the Minerals Local Development Plan. This position will be fully reviewed if the Scottish Government's position on the embargo currently in place is revised.

AIM: To align with national policy on unconventional oil and gas.

Policy MIN SS9: Carbon Sequestration

Planning applications for carbon sequestration shall be assessed against the following criteria:

- The contribution a proposal makes towards maintaining a diverse energy mix and improving energy security;
- Impacts on local communities and other sensitive receptors;
- Impacts upon any natural or built heritage features;
- Impacts in terms of noise, dust, vibration, odour, air quality and water quality;
- Landscape and visual impacts;
- Impacts upon transport;
- The suitability of the restoration and aftercare proposals for the site; and
- The benefits accruing from the proposal including any restoration of abandoned/derelict minerals sites and local employment opportunities.

AIM: To protect the environment and residential amenity.

Spatial Strategy – Aggregates

MLDP Aims

4.41 This part of the Spatial Strategy sets out the strategy on extraction of construction aggregates. It relates to the following MLDP aims:

- **To safeguard workable mineral resources of economic and conservation value from sterilisation;**
- **To ensure an adequate and steady supply of minerals, thereby helping to contribute to sustainable economic growth;**
- **To promote and deliver excellence in working and restoration practices of mineral extraction sites.**

Construction Aggregates

4.42 Construction aggregates form an important part of the minerals extraction sector. The construction industry relies on a readily available supply of aggregates to allow essential new development to be built. Without such a supply, development would stall and economic growth and renewal would be undermined. The MLDP aims to support the extraction of construction aggregates where this is required to meet a need and where significant adverse impacts on the environment and local communities are minimised.

4.43 Construction aggregates are defined in the MLDP as:

Sand and gravel	
Clay	
Sedimentary rocks (Hard rock)	Greywacke
	Limestone
	Sandstone
Igneous rocks (Hard rock)	Felsite
	Basalt
	Quartz dolerite
	Diorite

Table 1: Construction aggregates

Supply of Construction Aggregates in Ayrshire

4.44 SPP indicates that LDPs should support the maintenance of a landbank of permitted reserves for construction aggregates of at least 10 years at all times in market areas. It indicates that this can be achieved through the identification of an area of search or alternatively, if a sufficient landbank already exists, a criteria based policy approach may be more appropriate. A survey of quarry operators carried out in 2015, as part of the evidence gathering process underpinning the MLDP, identified Ayrshire as a market area for construction aggregates; approximately 90% of aggregates quarried in Ayrshire remain within Ayrshire post-extraction.

- 4.45 In terms of supply, the evidence gathered across the Ayrshire market area demonstrates that there is a plentiful supply of all construction aggregates, with the exception of clay, for at least a 15 year period as table 2 below shows.

Type of mineral	Tonnage that can be extracted (million tonnes)	Latest expiry date of consent(s)
Sand and gravel	11.1	2036
Clay	0.9	2023
Sedimentary rock	3.7	2042
Igneous rock	12.1	2036

Table 2: Ayrshire aggregates landbank

- 4.46 The following locations within East Ayrshire contribute to Ayrshire's landbank for construction aggregates:

Quarry	Mineral	Consented extraction (estimated reserves at time of consent)(tonnes)	Approximate expiry of consent
Tincornhill, by Sorn	Hard rock (Diorite Greywacke)	6.5 million	2022
North Drumboy	Hard rock (Basalt)	1.93 million	2033
Garpel, by Muirkirk	Sand & Gravel	4 million	2036
The Meadows, by Galston	Sand & Gravel	65,000	2021

Table 3: Mineral extraction in East Ayrshire

- 4.47 As indicated above the only aggregate for which a 15 year landbank is not available is clay. East Ayrshire's supply of clay is largely confined to the coal seams (fireclay) and therefore opportunities to extract the clay are normally only explored in tandem with coal extraction.
- 4.48 As a sufficient landbank of aggregates exists in Ayrshire, the MLDP does not provide an Area of Search. Any application for new aggregates sites or extensions to existing sites will be assessed against policies MINSS10 and MINSS11 (page 32) and all other relevant policies of the MLDP.



Policy MIN SS10: Construction Aggregates

The extraction of construction aggregates will be supported where there will be no unacceptable and significant adverse impact on local communities and the environment. The following criteria will be used to assess applications, and applicants should provide supporting information accordingly:

- The contribution to the maintenance of a landbank of reserves for construction aggregates;
- Impact on local communities and other sensitive receptors;
- Impacts upon any natural or built heritage features;
- Impacts in terms of noise, dust, vibration, odour, air quality and water quality;
- Landscape and visual impacts;
- Cumulative impacts;
- Impacts upon transport;
- Suitability of the restoration and aftercare proposals for the site; and
- The benefits accruing from the proposal including local employment opportunities.

AIM: To ensure the responsible extraction of construction aggregates.

Policy MIN SS11: Fireclay

In order to ensure any demand for fireclay is met, any application for coal extraction will be expected to explore the potential for clay extraction as part of the development. Should the extraction of clay not be possible or commercially viable, the applicant should demonstrate to the Council the reason for this.

AIM: To ensure any demand for fireclay is met.

4.49

Applicants should note that the submission of any commercially sensitive information submitted to support an application will be treated in the strictest confidence.

Spatial strategy – woodland creation

MLDP Aims

4.50 This part of the Spatial Strategy sets out the strategy on Woodland Creation. It relates to the following MLDP aims:

- **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; and**
- **To promote green networks, enhance biodiversity and create more attractive, healthy environments for people to live in, work in and which gives them opportunities for recreation.**

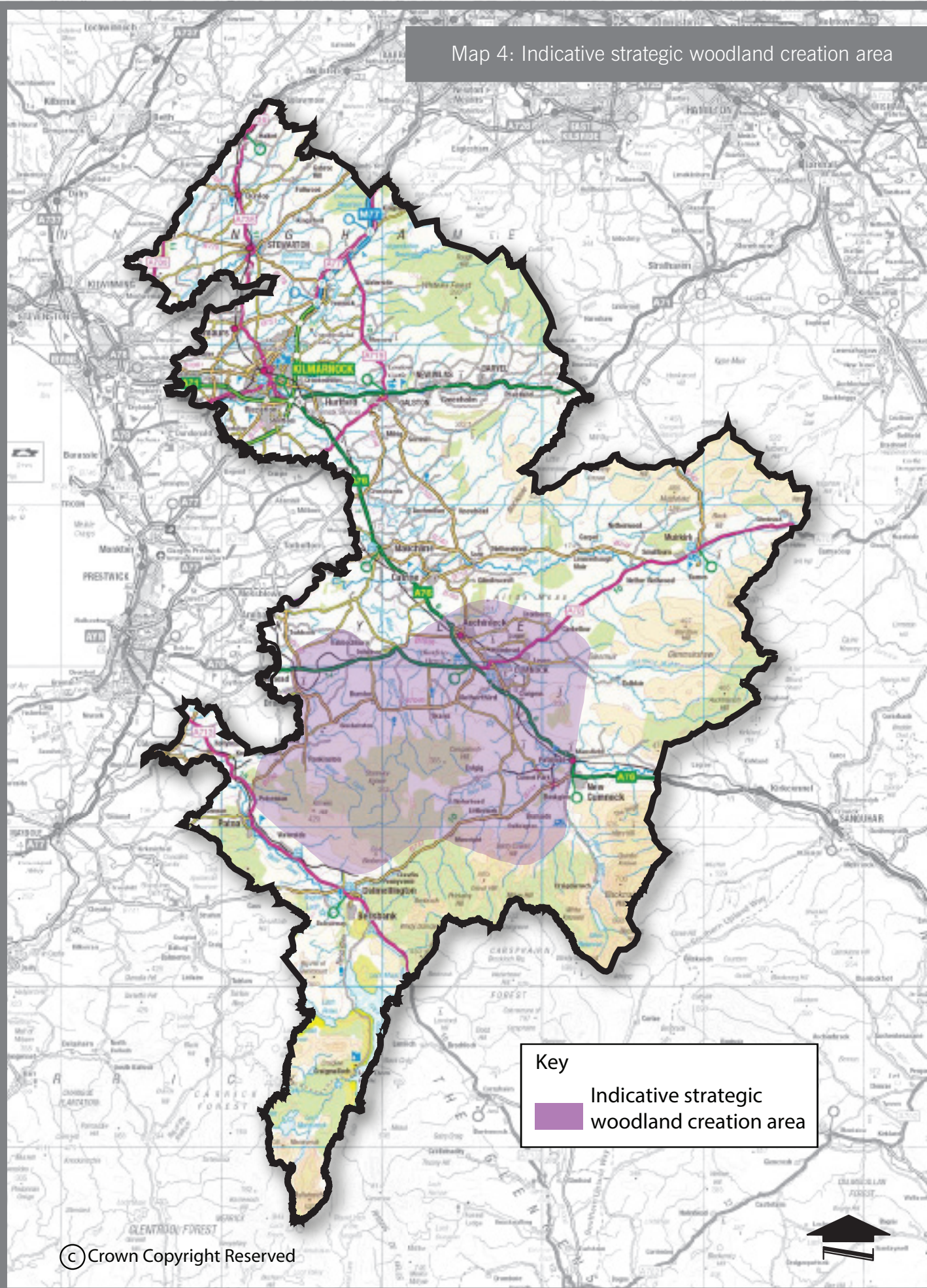
Strategic approach to woodland creation

4.51 Woodland creation is considered a key opportunity for enhancing the environment of the coalfield area and helping to address areas of unrestored land. However, the potential benefits of woodland creation go much further than simply providing a new use for derelict land; woodland creation on a strategic scale can provide a valuable resource for recreation and access, can provide new and connected habitats and can contribute towards sustainable flood management and climate change adaptation. Productive woodland also offers potential for generating income in the rural area, contributing towards the local economy and an avenue for farm diversification.

4.52 The Council recognises the benefits that a strategic approach to woodland creation can have; by taking a strategic approach care can be taken to plan what type of woodland is most appropriate in what location. Productive woodland is important for the rural economy, but will not be appropriate in all locations, particularly in terms of landscape and environmental considerations.

4.53 The Scottish Government has identified forestry as a key rural growth area; one which plays to the natural strengths of the country, delivering for the environment as well as the economy. In recognition of this, the Scottish Government through Scottish Forestry (SF), has initiated the setting up of a pilot project to explore the opportunities for large scale new woodland on a regional scale. East Ayrshire has been selected as one of four authorities to take part in the pilot. Working alongside SF, in conjunction with local stakeholders, communities and landowners, the Council will explore the potential for strategic woodland creation. This has the potential to be an exciting and innovative project, with environmental and economic benefits for East Ayrshire and beyond. For example, it has the potential to complement the Cumnock 'Green Town' initiative.

4.54 An indicative area has been identified, which might have the potential for a pilot project and which will be further explored and refined. The indicative area has been identified through a strategic mapping exercise, using as a starting point the Ayrshire and Arran Woodland Strategy (2013) which identifies 'preferred areas' for woodland creation. The indicative area shown on Map 4, is based on the preferred area, but also takes into account certain factors that may limit opportunities for larger scale woodland creation; Natura 2000 sites, areas of particularly high landscape and scenic value, prime quality agricultural land and areas where pressure for renewable energy is particularly high.



4.55 The indicative area for woodland creation does not preclude any other development coming forward. What it does is indicate the area in which the Council and SF will seek to work with communities and landowners to explore the potential and opportunities for different types of woodland creation. Partnership and collaborative working will be essential; the project will not be taken forward without buy-in from local stakeholders.

4.56 The links between the strategic woodland creation project and unrestored coal sites will be fully explored. Woodland creation is not an easy answer to addressing the unrestored sites, nor will it be possible or appropriate for all sites. The benefit of taking a strategic approach to woodland creation is that full consideration can be given to how woodland planting on unrestored sites can link with other areas of woodland and land uses, with the aim of avoiding isolated pockets of woodland on former coal sites that do not relate to their surroundings.



Policy MIN SS12: Strategic Woodland Creation

The Council will support developments and proposals that contribute to woodland creation on a strategic scale within the indicative woodland creation area.

The Council will work proactively in partnership with Scottish Forestry, landowners and other local stakeholders to explore opportunities for a range of different types of woodland creation, in doing so, seeking to ensure that any such woodland planting has multiple benefits for the environment, existing communities and the local economy.

AIM: To support a strategic approach to woodland creation in appropriate locations.

4.57 As the strategic woodland creation project progresses, it is anticipated that non-statutory planning guidance will be prepared which will be used alongside the Ayrshire and Arran Forestry and Woodland Strategy to guide woodland creation in the identified area (see Annex 2 for a full list of supplementary and non-statutory guidance).

5 Conserving and enhancing the natural and built environment

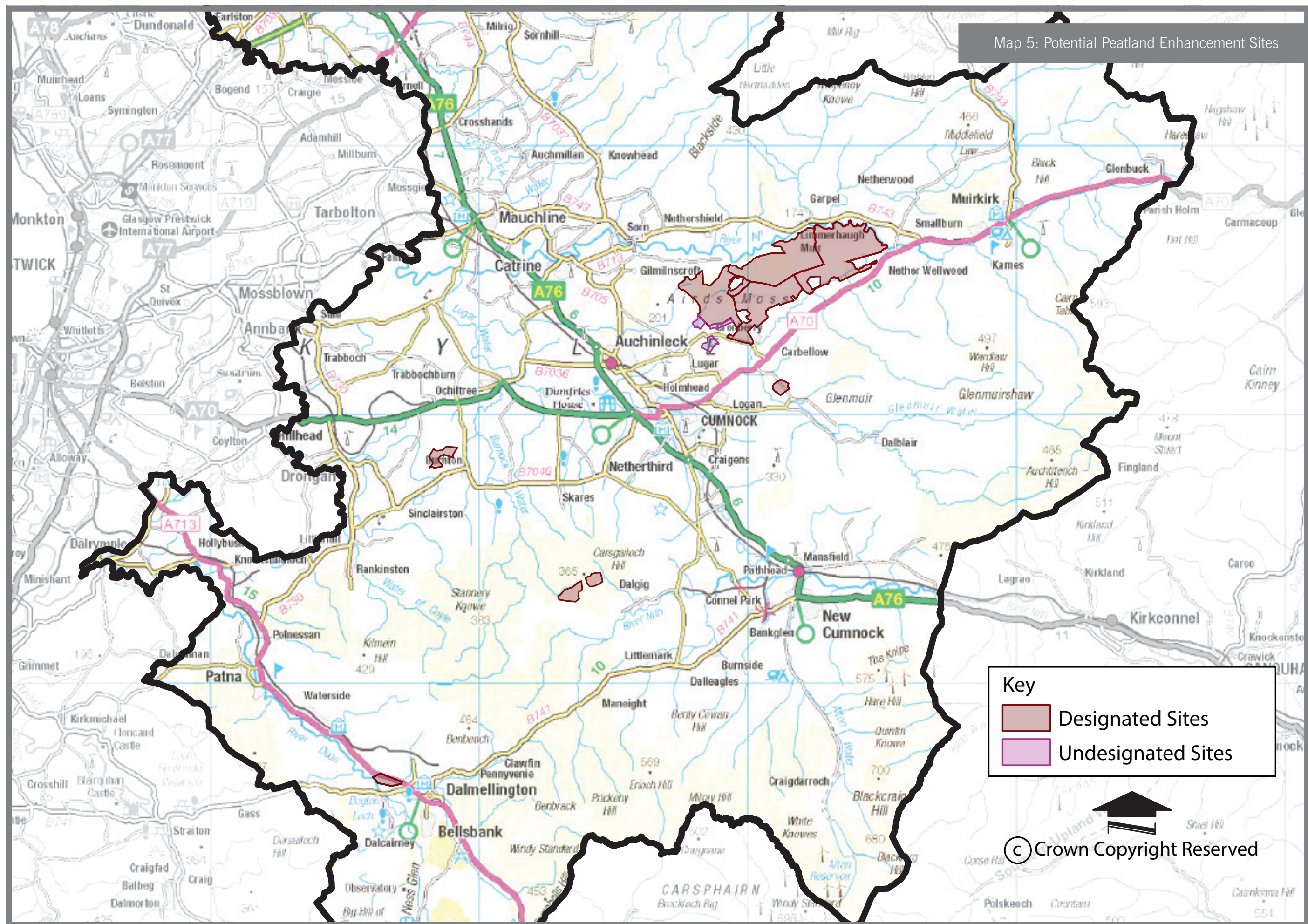
- 5.1 East Ayrshire benefits from a diverse environment, with its wide breadth of natural and built heritage features helping to shape the character and culture of the area. By protecting and enhancing our landscape and environment in an effective and meaningful way, we are better able to create successful places which, in turn, attract investment, new visitors and contribute significantly to the quality of life for local residents.

Peat

- 5.2 Peat contained in wetlands is a major carbon store. Bogs are wetland habitats that contain peat soils which provide essential ecosystem services such as carbon storage and natural flood management and are important for wildlife. Carbon-rich soils and peatland areas provide multiple benefits for humans and nature, for example by providing climate change adaptation, supporting biodiversity and delivering good water quality. In general terms, healthy peatlands act as a sink for greenhouse gases, while degraded peatlands can act as a large source of carbon dioxide emissions.

Peatland in East Ayrshire

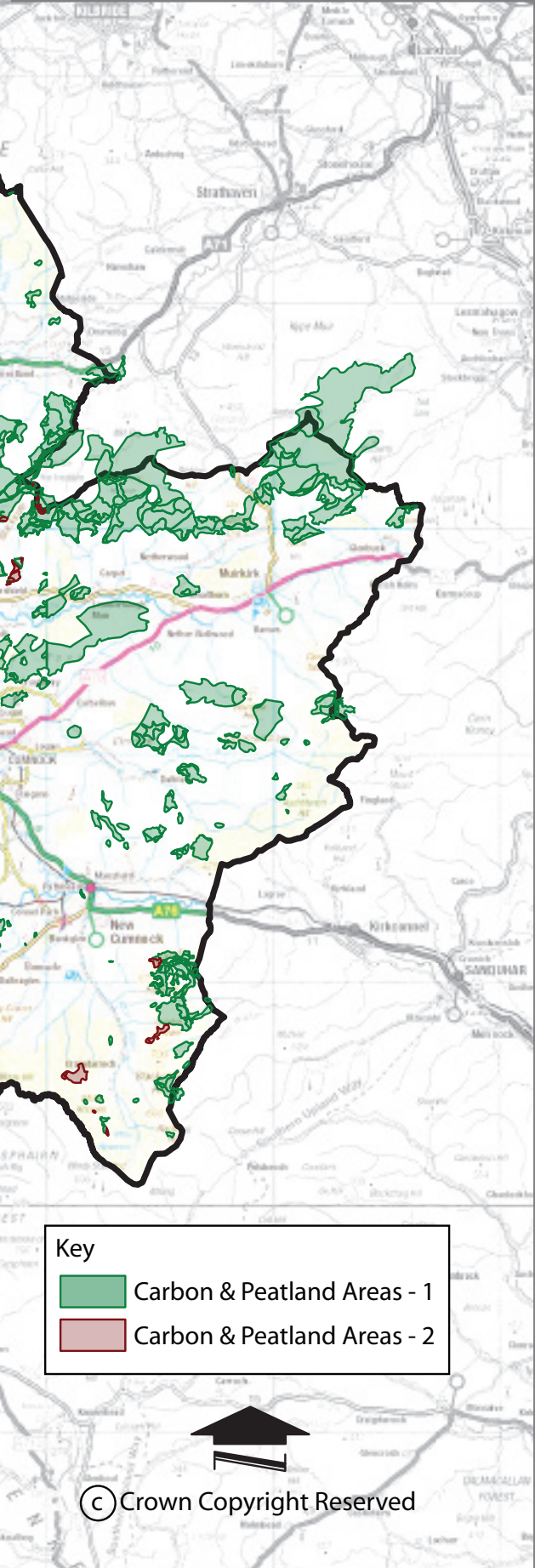
- 5.3 Whilst commercial peat extraction is not permitted in East Ayrshire, peat has been disturbed through other development and extraction. The significant amount of wind farm development and surface coal extraction which has taken place in East Ayrshire has, in some instances, involved the displacement or removal of peat (for example, at the South West Scotland Connections Project in Ayrshire). None of this peat has been exploited commercially.
- 5.4 The East Ayrshire Coalfield Environment Initiative (CEI) and partners have been working to improve bog habitats in East Ayrshire since 2013 and have delivered 479 hectares of bog enhancement work across the following six sites:
- Airds Moss (part of Muirkirk and Lowther Uplands SPA; RSPB Reserve; SSSI)
 - Dalmellington Moss (SSSI & SWT Reserve)
 - Tappethill Moss (west of Dalgig)
 - Shiel Farm (Airds Moss west and part of Muirkirk and Lowther Uplands SPA and Airds Moss SAC)
 - Low Moss (adjacent to Duncanziemere surface coal site, provisional wildlife site)
 - Common Farm (three bog units in private farm holding near Auchinleck)
- 5.5 There is the potential for future peatland enhancement work at a number of other sites throughout East Ayrshire, such as at Sorn Estate, Dumfries Estate, Glaisnock Moss, Barlosh Moss and Martyrs Moss. The CEI commenced a new project called 'Nature Network Legacy' in April 2018 with the aim of restoring new sites whilst working with local land managers and other projects (e.g. RSPB Cooperating Across Borders for Biodiversity project) to facilitate further peatland restoration across an ecologically connected network of sites. Map 5 shows potential peatland enhancement sites. Designated sites refer to sites with an environmental designation – such as a SSSI.



- 5.6 The principal aim of Scottish Government policy on peatland is to maximise greenhouse gas emissions abatement. Government objectives are set out in the National Peatland Plan and the National Planning Framework which require the planning system to deliver carbon abatement in support of Scotland's climate change targets.
- 5.7 According to SPP, where peat and other carbon rich soils are present, applicants should assess the likely effects of development on carbon dioxide (CO₂) emissions. Where peatland has been drained or otherwise disturbed, there is likely to be a release of CO₂ into the atmosphere. Any proposed developments should aim to minimise this release. Areas of peatland should be protected and extraction should only be permitted in areas suffering from historic, significant damage through human activity and areas where conservation value is low and restoration is impossible.
- 5.8 The SNH Carbon and Peatland map 2016 (see Map 6) indicates the areas of peat referred to in Table 1 of Scottish Planning Policy being carbon-rich soil, deep peat and priority peatland habitat. The map illustrates the top two classes (1 and 2) which taken together identify the nationally-important resource. Class 1 identifies areas of nationally important carbon-rich soils, deep peat and priority peatland habitat and areas likely to be of high conservation value. Class 2 identifies areas of nationally important carbon-rich soils, deep peat and priority peatland habitat and areas likely to be of high conservation value and restoration potential. These areas are not a definitive guide to the distribution of carbon rich soils, deep peat and priority peatland habitat. It indicates where these resources are likely to be found and should be used as guidance and will not be used in isolation to determine the impacts of specific development proposal on peat.



Map 6: Peat and Carbon Rich Soils



Policy MIN ENV1: Peat and other Carbon Rich Soils

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.

Where peat and other carbon rich soils are present, the likely effects of their removal on carbon dioxide (CO²) emissions are required to be comprehensively assessed and fully justified and submitted to the Council as part of any proposed minerals development. A detailed site specific survey of peatland habitats and peat depths across a site will also be required. Any detailed survey work must fully consider those areas identified as Class 1 and 2 areas of carbon rich soil, deep peat and priority peatland habitat by SNH (see Map 6).

AIM: To minimise the release of carbon dioxide emissions.

- 5.9 Non-statutory planning guidance on carbon rich soils will support the above policy by providing more detailed guidance in relation to what information should be submitted and how to assess potential impacts on peat as a result of minerals development (see Annex 2 for a full list of supplementary and non-statutory guidance).

Policy MIN ENV2: Storage and removal of Peat

If peat, which does not fall into the categories set out in Policy MIN ENV1 is required to be removed in order to access minerals reserves on site then a full justification for its removal must be provided. 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. The storage of peat must be undertaken in purposely designed peat storage areas. Careful handling of peat is fundamental to retaining any existing structure and integrity of the excavated material to be stored and reused.

The Council will not support any export of peat from a site for commercial purposes.

AIM: To seek to protect soils from damage such as erosion or compaction.

Excess Soils

- 5.10 Soils are a valuable resource and perform a wide range of essential environmental, social and economic functions, such as growing food, forestry, controlling the quality and quantity of water flow, providing habitats, sustaining biodiversity and storing carbon. Soils can carry out more than one function at a time and so can provide a range of different benefits in the same place. Ensuring that soils are in a good condition to deliver these essential functions is vital for the sustainability of Scotland's environment and economy. Soil quality is defined as the ability of soil to carry out its functions. As such the mismanagement of soils can affect how land is used now and in the future. For example once stripped from the surface, as part of any minerals development, they need to be properly stored: if not the soils will not be available for restoration.
- 5.11 There is a range of legislation which protects some aspects of soil functions but there is no overarching legislation in place in Scotland which provides protection for all soils from all threats. The Scottish Government's Scottish Soil Framework seeks to promote the sustainable management and protection of soils consistent with the economic, social and environmental needs of Scotland and Scottish Planning Policy (SPP) states that the planning system should seek to protect soils from damage.



- 5.12 The Scottish Government has adopted a Zero Waste policy in which planning authorities are asked to consider the potential to recycle waste in all its forms. Opportunities have been identified to reuse soils from other development sites originally destined for landfill to assist in restoration objectives. This can be mutually beneficial as the developer does not have to pay landfill taxes and the soil can be put to beneficial use. Within East Ayrshire, the former surface coal sites at Dunstonhill and Powharnal had insufficient soils to carry out their restoration schemes. Soils which were destined for landfill as a result of the South West Scotland Connections project were diverted to Dunstonhill and Powharnal and were used as part of their restoration plans. Many of the unrestored former surface coal sites have insufficient soils for restoration purposes. However, on sites where soils are absent or insufficient, it may be possible to create an adequate soil profile by using material from infill or overburden - this is called soil making material.
- 5.13 It is important that the soils used are of good quality and Policy MIN ENV3 considers displaced soils rather than alternatives such as sewage sludge.

Policy MIN ENV3: Reuse of Excess Soils

There will be a presumption against the removal of soils from sites. However, where this is not feasible, and soils are destined for landfill, the Council will support the exportation of any excess soils on a site to other local projects where there is a deficit of material.

In line with this, proposals for soil importation to sites with a deficit of material will be supported where it can be proven that the imported material is surplus.

Operators should consult with other agencies such as SEPA and SNH to ensure all regulatory obligations are met. Details of the handling, storage and spreading of the material should reflect current best practice. There will be a presumption against the movement of excess soils from sites where they will eventually be required.

AIM: To ensure the responsible and suitable use of excess soils on degraded land

- 5.14 Non-statutory planning guidance on excess soils will be produced to support Policy MIN ENV3 and will provide direction in terms of soil storage, handling and transfer (see Annex 2 for a full list of supplementary and non-statutory guidance).

Sewage Sludge

- 5.15 Sewage sludge is a by-product of the waste-water treatment process which can be useful in agriculture and in land restoration projects. It is produced by Scottish Water (20%) and Public Finance Initiative (PFI) contractors (80%) on a daily basis from sewage treatment centres throughout Scotland. Sewage water is separated into liquid and solid in the sewage treatment process and the solid material is known as sludge.
- 5.16 Sewage sludge can be produced in many forms:
- Raw sewage sludge
 - Digested sewage sludge
 - Dried sewage sludge
- 5.17 There are various benefits to using sewage sludge in restoration projects as it contains nutrients (e.g. nitrogen, phosphate, potash, magnesium and sulphur) which are essential to plant and animal growth, and it is recognised as a good substitute for peat in land restoration projects. It enhances peatland areas and is readily available from sewage treatment centres. Further, it is an economically advantageous product and therefore it can assist in producing best value solutions for legacy sites where there is insufficient money available for restoration to the approved scheme. As long as it is well managed, the use of sewage sludge allows recycling that is safe and environmentally beneficial.
- 5.18 Before sewage sludge is allowed to be spread on land, the operator must register for and obtain a licence from SEPA (who monitor the spreading of sewage sludge) and thereafter carry out an assessment of the soil conditions of the on-site material. Restoration projects which are well managed and spread the appropriate amount of sewage sludge to meet habitat needs can support the land to recover from previous development. However, restoration projects that are badly managed and spread too much sewage sludge on land can cause adverse impacts on the environment such as heavy metal accumulation in the soil, leaching and increased production of greenhouse gases. Therefore, it is essential that the on-site material is analysed prior to the application of the sewage sludge. Regular compliance monitoring of sites will be carried out as part of the site restoration project.

Odour and Transport Issues

- 5.19 Scottish Water recognises that untreated wastewater sludge has a significant potential to cause odour nuisance. Sludge treatment can reduce the potential for noxious odours and stabilises the product into a cake (20-25% dried solids) or pellet (98% dried solids) form, which is easier to manage.
- 5.20 Sewage sludge has been the subject of complaints from local communities surrounding restoration project sites in other areas due to the odour. However a review of the storage and spreading of sewage sludge carried out by the Scottish Government (2016¹) found no health risk associated with the spreading of sewage sludge on land in Scotland.
- 5.21 Transport is a significant financial and environmental cost of sludge management. The high water content represents a significant bulk to be transported and there is a need to strike a balance between investment in additional dewatering and optimising sludge movements.

Policy MIN ENV4: Sewage Sludge

The Minerals Local Development Plan supports the responsible use of sewage sludge where it can be conclusively shown to the Council that its use:

- (i) Meets all of the requirements of this and any other relevant policy of the Minerals LDP;
- (ii) During the operational and post operational and monitoring phases of work, meets the requirements of SEPA; and
- (iii) Positively contributes to the achievement of specific objectives detailed within an approved restoration plan.

In all cases the use of sewage sludge will be an additional method of site restoration, supplementing other available soils, rather than an alternative method.

The operator / applicant should provide appropriate information on the details of any temporary storage of sewage sludge (location, method, infrastructure required etc.), how it will be transported to site and proposed routes and vehicle movements, the method and phases of spreading, the quantity of sludge to be used in proportion to the use of other soils on the site and the type of sludge to be used. Any storage of sewage sludge on site should be located away from sensitive receptors and the planning authority will consider the need for a buffer zone dependent on the specific characteristics of individual sites.

AIM: To ensure the responsible use of sewage sludge in restoration projects

- 5.22 Non-statutory planning guidance on Sewage Sludge will be produced to support Policy MIN ENV4 (see Annex 2 for a full list of supplementary and non-statutory guidance).

¹ Review of the Storage and Spreading of Sewage Sludge on land in Scotland (The Sludge Review): Final Recommendations, Scottish Government, February 2016.

Water Environment

- 5.23 The water environment covers all surface water, ground water and wetlands. Water is a valuable resource, which has multiple uses, for example, potable water supply, ecology, conservation and recreation. There is robust legislation in Scotland which regulates activities to protect the water environment and this has led to an improvement in water quality across Scotland including East Ayrshire. The MLDP aims to complement the existing legislative framework.

Flooding and Mitigating Flood Risk

- 5.24 Flood risk is a key consideration in the siting and design of minerals extraction proposals. The effects of climate change mean that more areas are increasingly under threat from flooding. The MLDP therefore has a key role to play in ensuring that new minerals development is, as far as possible, located in areas free from flood risk and where this is not possible that satisfactory mitigation measures can be put in place. The Flood Risk Management (Scotland) Act 2009 takes a sustainable and comprehensive approach to managing flood risk, which means looking at all sources of flooding. Up to date information on areas of flood risk and Flood Risk Management Strategies are prepared by SEPA.
- 5.25 The Flood Risk Management Strategy for Ayrshire was published in December 2015. The strategy for the majority of watercourses in East Ayrshire is contained in LPD 12 - Ayrshire, whilst the strategy for New Cumnock (River Nith) is contained in LPD 14 – Solway. LPDs are Local Plan Districts which are geographical areas for the purposes of flood risk management planning. There are 14 Local Plan Districts in Scotland – these differ from Local Development Plan geographical areas which are dictated by Scotland's 32 local authorities. SPP takes full account of the Flood Risk Management (Scotland) Act 2009 and sets out national policy on managing flood risk and drainage. As well as meeting with the requirements of any policy in the MLDP, developers will also need to ensure that their proposals meet with all SPP principles.

Policy MIN ENV5: Mitigating Flood Risk

The Council will consider any proposals for minerals extraction unacceptable where they give rise, on or off site, to an increase in flood risk or where they adversely impact on flood storage and conveyancing capacity either during extraction, restoration or at completion.

The Council will not be supportive of any proposal unless:

- (i) it can be demonstrated that any changes to ground levels and to the levels of surface or ground water, to river flows and to water quality will not give rise to any unacceptable increase in flood risk; or, if they do; and
- (ii) adequate mitigation measures can be implemented, to the satisfaction of the Council and SEPA to prevent or minimise to an acceptable level flood risk.

Some minerals workings such as sand and gravel are water compatible even in medium-high flood risk areas. Any such proposals that are deemed to be in principle compatible will nevertheless be assessed to confirm that they are.

In terms of restoration, applicants will be required to consider the provision of climate change and whether any mitigation, such as greater flood storage capacity, can be achieved.

All proposals will be assessed against the principles set out in paragraph 25 of SPP (2014). Compliance with these principles will be assessed in terms of both plans for extraction and progressive restoration.

AIM: To ensure that new minerals developments fully comply with the requirements of the Flood Risk Management (Scotland) Act 2009 and Scottish Planning Policy.

Protection of Water Resources, Water Bodies and Ground Water

5.26

In line with the Water Framework Directive, the Council will give priority to maintaining and improving the quality of all water bodies and ground water. There will be a presumption against any development that will have an adverse impact on the water environment in terms of pollution levels and the ecological value of water habitats.

Policy MIN ENV6: The Protection of Water Resources, Water Bodies and Ground Water

The Council will not be supportive of any 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 throughout East Ayrshire. Where it is considered that mineral operations may impact on such water resources, the Council will not be supportive of the proposal 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;
- (ii) any changes to the levels of surface and ground water, changes to river flows, and the 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.

AIM: To promote protection and improvement of the water environment.

Policy MIN ENV7: Private Water Supply

Developers, in consultation with Scottish Water and East Ayrshire Council's Environmental Health division, will be required to identify all sources of private water supply and any mitigation measures should be comprehensively detailed and be implemented where necessary. This may include sourcing an alternative supply.

AIM: To ensure an adequate and wholesome water supply.

Policy MIN ENV8: Restoration and the Water Environment

In terms of restoration and the water environment:

- There will be a presumption against the creation of deep waterbodies on sites where previously there were none;
- Wetland habitats will be supported in restoration proposals. Such proposals will seek to protect and enhance wetland habitats;
- Uses for water bodies which include the introduction of non-native species shall not be permitted where there is connectivity to other water courses;
- Existing water bodies will require to be effectively managed, particularly in terms of water level and water quality.
- The restoration of water environments to original catchment areas will be supported.

AIM: To protect ecosystems.





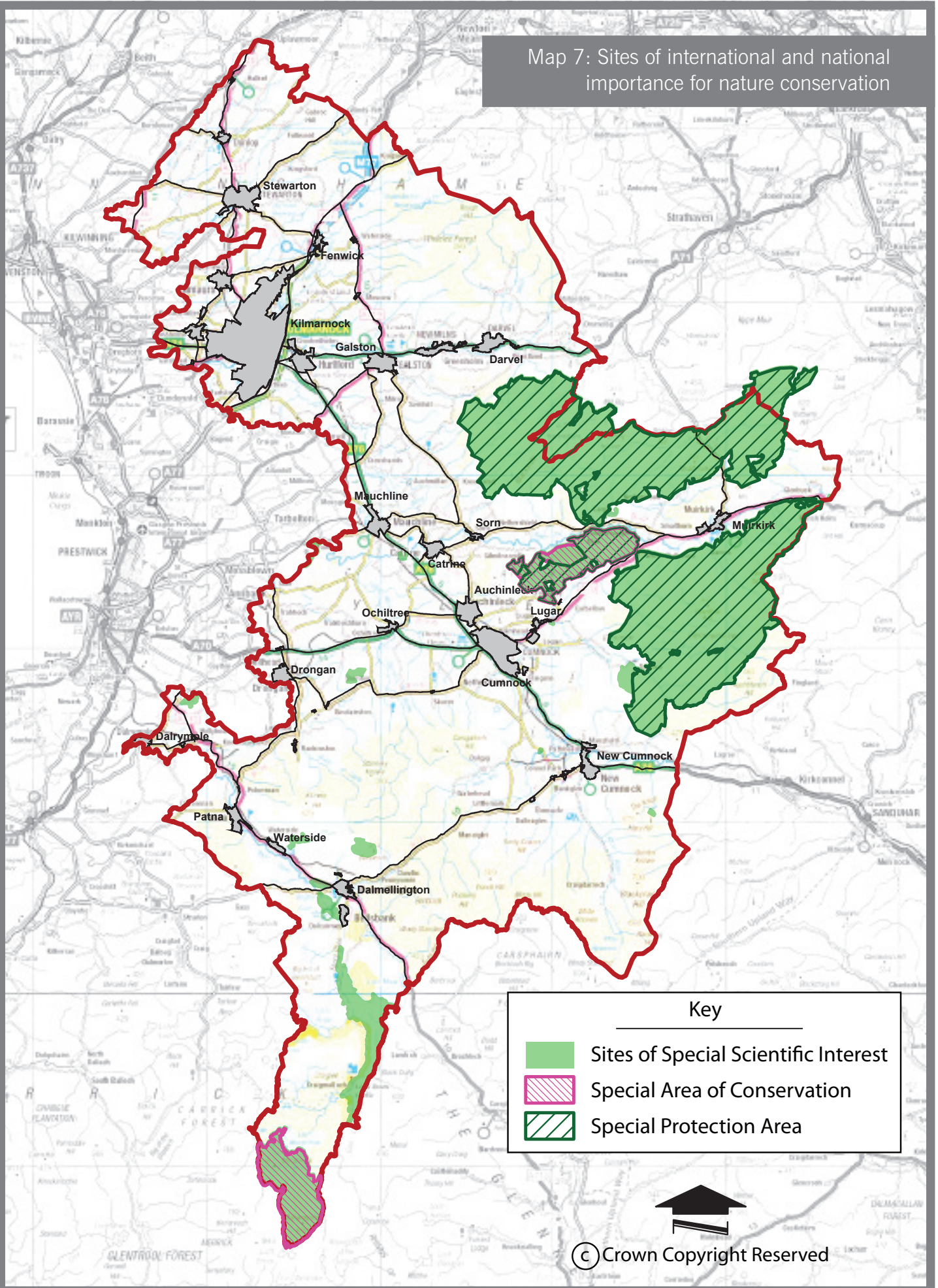
Policy MIN ENV9: Protection of Areas of Nature Conservation Interest

In order to ensure that areas of nature conservation interest are adequately protected from any direct or indirect adverse effects from development:

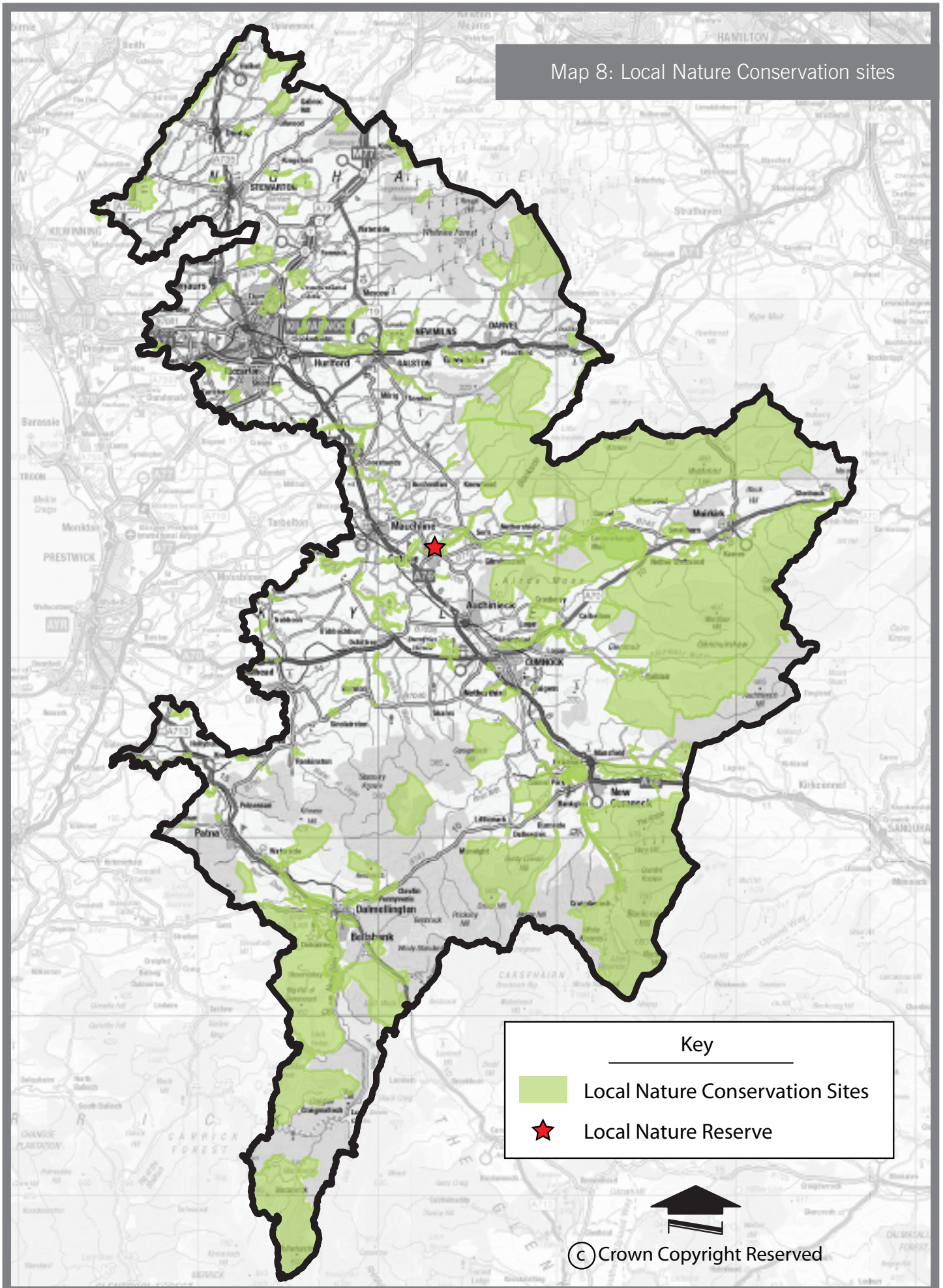
- (i) there will be a presumption against development which could adversely impact areas designated or proposed by Scottish Ministers for designation as Special Protection Areas, or Special Areas of Conservation (Natura 2000 sites shown on Map 7). Development will only be permitted in such areas where 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.
- (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).
- (iii) there will be a presumption against any development which could have an adverse impact on Local Nature Reserves and Local Nature Conservation Sites (Map 8). All sites of recognised nature conservation value will be safeguarded wherever possible. Development will only be permitted on such sites where appropriate measures will be put in place to conserve and manage, as far as possible, the site's biological or geological interest and to provide for replacement habitats, species or features where damage is unavoidable; and
- (iv) the effective 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.

AIM: To protect natural assets.

Map 7: Sites of international and national importance for nature conservation



Map 8: Local Nature Conservation sites





Policy MIN ENV10: Protection of Built and Natural Environment Resources

The Council recognise the importance of natural and built heritage assets in the assessment of development proposals. In particular, the Council will not support proposals where they would:

- (i) have a permanent adverse impact or cause irreversible damage to heritage resources and their setting, including listed buildings, gardens and designed landscapes, scheduled monuments, battlefields, archaeological and industrial archaeological sites;
- (ii) adversely affect air quality or create air pollution issues; and
- (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 group trees protected by Preservation Orders. Removal of trees and/or hedgerows will only be allowed where this will achieve significantly and clearly defined public benefits. The Scottish Government's Control of Woodland Removal Policy will also be taken into account where relevant.

AIM: To protect the built and natural environment.

East Ayrshire's Landscape

5.27

The quality and diverse nature of East Ayrshire's landscape is an important asset to the authority, in terms of a resource for tourism and recreation, and the associated economic development. It is also a critical element in defining a sense of place for local communities within the landscape and contributes to the quality of life for local residents.



5.28

The coal industry has had a significant impact on East Ayrshire's landscape. The scale of landscape change associated with surface coal extraction is vast; by its very nature surface coaling affects huge areas of land and involves highly intrusive operations. The lack of appropriate restoration following the collapse of the surface coal mining industry in 2013 has resulted in large areas of dereliction in the rural landscape. Whilst the machinery has left and operations have ceased, the landscape impact remains stark.

5.29

In considering future proposals for all types of minerals operations, the impact on the landscape will be a key consideration. The Plan is clear that emphasis now needs to be on protecting, restoring, enhancing and managing the landscape. Any proposal that will result in further disturbance to the landscape will require to be fully justified and will require to be underpinned by comprehensive restoration proposals.

Policy MIN ENV11: Protecting the landscape

The protection and enhancement of East Ayrshire's landscape character as identified in the Ayrshire Landscape Character Assessment will be a key consideration in assessing the appropriateness of development proposals for minerals extraction. Design and restoration details must respect the local landscape characteristics of the area and should seek to conserve or enhance important landscape features. Landscape features include, but are not limited to:

- (i) Settings of settlements and buildings within the landscape;
- (ii) Skylines, distinctive landform features, landmark hills and prominent views;
- (iii) Woodlands, shelter belts, hedgerows and trees;
- (iv) Field patterns and means of enclosure, such as dry stone dykes;
- (v) Burns, rivers, lochs and other water features;
- (vi) Public rights of way and footpaths.

The Council will only support a proposal where it is satisfied there will not be an unacceptable adverse impact on the landscape after adequate mitigation measures.

AIM: To ensure any proposals for minerals extraction give due weight to minimising impact on the landscape



Policy MIN ENV12: Assessing Landscape and Visual Impacts

All proposals require to be accompanied by a Landscape and Visual Impact Assessment (LVIA), demonstrating clearly the level of impact the proposal will have on the landscape. The level of detail submitted should be commensurate with the scale of the application.

The Landscape and Visual Impact Assessment must include a cumulative impact assessment, which must take account of all relevant development types, taking a broader approach than focusing on minerals extraction alone. The assessment should consider, where relevant, the cumulative impact of minerals extraction alongside renewable energy, waste management and electrical infrastructure developments, as well as any other developments applicable to the particular proposal.

The Council will not support proposals where there will be an unacceptable cumulative landscape and/or visual impact.

AIM: To ensure that a full assessment can be made of the possible landscape and visual impact of any minerals proposal.

Conservation, enhancement and protection of geological interest

- 5.30 East Ayrshire has a diverse geological resource which is important on a local, national and international level.
- 5.31 Geology describes the study of the earth's crust. Geology gives us insights into the earth's history and has value scientifically, educationally, culturally and ecologically. Geology can also prove to be a recreational and tourism asset.
- 5.32 Minerals extraction is one way in which geological features can be revealed. The extent of extraction, particularly coal mining, has revealed geological features of merit.
- 5.33 Some geological features are protected at national level as SSSIs (Sites of Special Scientific Interest). These sites are those of land and/or water which are considered to best represent natural heritage in terms of their flora, fauna, geology, geomorphology or a mixture of natural features. East Ayrshire contains 20 SSSIs many of which contain features of geological interest including 11 Geological Conservation Review Sites.
- 5.34 Three of East Ayrshire's unrestored sites in particular contain important geological features and warrant further protection through the Minerals Local Development Plan - Grasshill, Ponesk and Dalfad. It is hoped that geological features of some of these sites can be preserved and made accessible to the public in the form of a geopark. Other geological features can be promoted in the form of a Geological Trail. This trail could encapsulate such features as Wallace's Cave, Ness Glen, Lugar Water and Benbeoch (this list is not exhaustive).

Geoparks

What is a geopark?

- 5.35 A geopark is an area of outstanding interest for its geology and where greater appreciation and understanding of that geological heritage can benefit local people and business through tourism and education. Through working in partnership with a range of organisations, businesses, local interest groups and local communities, Geoparks provide a unique opportunity to tell the story of the landscape and make the geological features accessible to a range of stakeholders from school children through to research science. This in turn helps to stimulate economic growth to sensitive rural areas by creating jobs and supporting small business.
- 5.36 In Scotland, there are currently two UNESCO European Geoparks, North West Highlands and Shetland. Additionally, Lochaber continues to operate as a geopark without the UNESCO designation after losing this due to lack of funding in 2011. These geoparks cover 10% of Scotland's land area.

How are they selected?

- 5.37 In Scotland, proposals for geoparks have been developed by partnerships of local communities, local authorities, earth scientists and Scottish Natural Heritage. Applications for geopark status are submitted to the European Geoparks Network who undertake a visit to the area and a rigorous assessment of the application. Once approved as a European Geopark, the geopark is automatically endorsed by UNESCO, therefore also becoming a UNESCO Global Geopark.

How are they protected and managed?

- 5.38 Each geopark has an established management group who co-ordinate activities and promotion of the geopark. Businesses within the geopark that make use of or benefit from the areas geological heritage are encouraged to ensure that their activities are environmentally sustainable and support conservation of the heritage. Businesses that adhere to the geopark's aims may use the geopark logo to help promote their business. Landowners and managers day-to-day management of the land is unaffected by the designation.

The potential of Spireslack as a geopark

- 5.39 As a result of surface coal mining activity, the main void at Spireslack has created a 1km long and 130m high worked face, which has exposed the extent of the Limestone Coal Formation. The geological structures and strata exposed are not typically seen on other sites to the same scale or completeness across the UK. The final proposals for the site are to leave the large open void with the geological structures visible so that further study of these features can be carried out and the idea of establishing a geopark can be explored, with Spireslack at the heart of a larger area of geological interest.
- 5.40 It is believed that Spireslack has the potential to become a nationally, if not internationally, important educational and geotourist facility ("geopark"). The Minerals Local Development Plan seeks to safeguard the former surface coal site of Spireslack for a range of recreational, tourism and leisure uses that are associated with a Geopark. East Ayrshire Council will seek to work with partners to assist with studies to develop future proposals for the site.

Policy MIN ENV13: Conserving, enhancing and protecting geological interest

Development shall not be permitted which adversely impacts upon geological features of interest unless required in respect of health and safety. If development is required on areas adjacent to geological features of interest, development proposals should be accompanied by supporting documentation showing how the geological features will be protected and if possible, made accessible as an educational and/or tourist resource.

AIM: To ensure the conservation and protection of areas of geological interest.

Policy MIN ENV14: Spireslack Canyon

The Council will encourage development which will promote the geological interest of the former surface coal site at Spireslack. This does not preclude restoration of those parts of the site which are not identified as areas of geological importance.

AIM: To promote and protect geological interest of Spireslack.



Minimising the negative impacts of minerals extraction on people

Protecting communities

- 6.1 The long legacy of minerals extraction in East Ayrshire has had and continues to have a significant impact on East Ayrshire's people. Alongside the economic advantages, minerals extraction can bring with it dust, noise, vibrations and air pollution. These are real issues that affect people living in the vicinity of minerals extraction; in depth public engagement with local people carried out to inform the MLDP made this clear and made it clear that the MLDP needs to address these matters. The industry has also had a marked impact on the local landscape of the coalfield area, impacting on the setting of communities and the visual and scenic qualities of the locality. A key role of the Minerals Local Development Plan is to ensure that the quality of life of local residents and communities is not harmed by minerals extraction.
- 6.2 The Plan aims to ensure that in the first instance negative impacts on people are avoided. Avoidance is best achieved through ensuring an appropriate separation distance between residential dwellings and operational sites. For this reason, policy MIN PPL1 requires that an appropriate buffer should be in place between any proposed minerals site and settlements. The appropriate size of the buffer will be determined on a case-by-case basis, ensuring that the particular characteristics of the individual site and surrounding landscape are taken into account to avoid unnecessarily onerous buffer distances.
- 6.3 In developing this Plan, a firm steer from communities living in the vicinity of surface coal sites has been that the effects of mineral operations can be felt up to 1 or 2 km from the site and that buffer zones should reflect this reality. However, SPP is quite clear that buffer zones should be determined on a case by case basis. SPP goes on to say that site boundaries within 500 metres of the edge of a settlement will only be environmentally acceptable where local circumstances can justify a lesser distance for surface coal proposals. Greater separation distances would be more likely to be considered acceptable to the local community.

Policy MIN PPL1: Protecting communities

The Council will support proposals for minerals operations, which provide an adequate separation distance between the development site and nearby communities and sensitive receptors, and that minimise any adverse impact on them. The separation distance should be demonstrated by a buffer zone between the proposed site and communities. The precise scale of the buffer should be defined on the basis of the specific circumstances of the proposals, including:

- The nature of the extraction activity, including consideration of working hours, associated dust, noise, vibration, lighting and transportation requirements;
- The duration of the work;
- The geographic location;
- The topography of the site and surrounding landscape; and
- The surrounding land uses and surrounding development proposals.

Proposals within 500 metres of a settlement or any residential dwelling are unlikely to be supported and will only be so where local circumstances, including the removal of dereliction, small-scale prior extraction or stabilisation of mining legacy, justify a limited separation distance. Non-engineering works or mitigation measures within 500 metres may be acceptable.

AIM: To provide an appropriate buffer between communities and minerals operations to avoid or minimise possible adverse impacts on residential amenity.

Policy MIN PPL2: Protecting residential amenity

The Council will seek to ensure that all applications for mineral development will not create an unacceptable impact through the generation of noise, dust, vibration, air and light pollution particularly where they affect local communities and individual houses.

Applicants should submit supporting information with all minerals related applications which demonstrates that they have considered, minimised and if necessary mitigated:

- (i) Potential effects of the operational working of the site on existing residential properties and nearby communities, including noise, dust and vibrations;
- (ii) The effects of the proposal on the visual amenity and physical setting of residential properties and nearby communities; and
- (iii) The potential adverse effects of the transportation of extracted materials on local communities and dwellings located along proposed haulage routes.

AIM: To give appropriate weight to impacts on residential amenity in the determination of planning applications.

Duration of extraction of surface coal sites

- 6.4 Many communities in East Ayrshire have experienced impacts of the coal industry for a prolonged period, largely as a result of extensions to existing surface coal sites and the location of sites in relatively close proximity to each other. There are instances where the same settlement has been impacted by a combination of sites for a considerable period of time, sometimes in excess of 20 years. Successive physical extensions to sites can also undermine restoration; it is sometimes not possible for phased restoration plans to be carried out as proposed, due to changes in phasing to accommodate extensions. In order to safeguard the long term amenity of communities, this situation should not occur where it will adversely impact upon residential amenity.
- 6.5 Whilst consent will only be granted for surface coal extraction when the impacts on the community are deemed acceptable in the short term, this does not mean that it is acceptable for the impacts of extraction to carry on long term or indefinitely. All consents for surface coal extraction will therefore be time limited, with a presumption against extensions except when it can be demonstrated that there will be no adverse impacts on local communities and individual dwellings.

Policy MIN PPL3: Duration of extraction period for surface coal sites

In order to protect communities from significant cumulative impacts, where a proposal is acceptable against all other considerations, the Council will support surface coal operations for a period limited to 5 years, thereby preventing long term disturbance to local communities and individual houses. Any extension to the 5 years will be limited to an additional 5 years. A physical and/or time extension beyond 10 years either at the site or contiguous with the site boundary, will only be permitted in very exceptional circumstances where it can be demonstrated to the satisfaction of the Council that there will be no adverse ongoing disturbance or nuisance to the same local communities or individual houses as a result of the surface coal operations. For the avoidance of doubt, this period includes progressive restoration of the site in order that it is fully restored by the expiry of consent, or in the case of physical extensions, the original worked area should be restored as far as practicable prior to the commencement of works on an extended site. Phasing and restoration plans should demonstrate compliance with these requirements.

AIM: To protect local communities and individual houses from significant cumulative impacts.

Policy MIN PPL4: Duration of extraction period of non-coal minerals extraction

Permission granted for minerals extraction will be time limited. Any application to extend the life of the development beyond the consented period will only be supported where:

- Need and demand for the mineral in the market area can be demonstrated;
- There will not be an unacceptable adverse impact on local communities and individual houses;
- There will be no unacceptable adverse environmental impacts arising from the time extension;
- The original restoration and aftercare proposals are updated and/or revised to the satisfaction of the Council; and
- Restoration has been progressed as far as practicable on any completed areas prior to the commencement of works on an extended site.

AIM: To protect people and the environment from cumulative impacts.

Securing community benefits

- 6.6 Community benefits present an opportunity for communities to share in the benefits of minerals extraction in their area. They also represent an opportunity to offset residual impacts of minerals extraction on local communities, which even with appropriate mitigation, cannot always be completely avoided, such as heavy vehicle movements through communities and visual impacts. Community benefits are a voluntary non-mandatory contribution given to the community by operators and are completely separate from the planning process.
- 6.7 Coal operators in East Ayrshire have a long record of contributing to the Cumnock and Doon Valley Minerals Trust Fund. Significant amounts of money have been gathered and then distributed by the Minerals Trust, supporting a range of community organisations, events and projects. Separate from the Minerals Trust Fund, quarry operators in most cases, agree a community benefits arrangement directly with the nearby community, on a site by site basis. Going forward, the Council is aware of clear community support for a refocus on legacy projects and ensuring there are long term outcomes from the funds communities receive. At the same time, there is a desire for contributions to remain targeted at those communities who are impacted by the extraction activities.
- 6.8 Minerals proposals that are accepted and approved with the Council could be accompanied by a contribution to the Council's new Minerals Fund. The Minerals Fund will be held and managed by the Council, but will be used solely for strategic or community-led projects for the benefit of communities affected by minerals operations. If voluntary contribution are offered, the amount paid into the Minerals Fund should be matched by the same amount being given directly to individual communities, where there are appropriate governance arrangements in place to manage the funds. This approach mirrors the framework put in place by the Council in relation to Renewable Energy developments.
- 6.9 The Council recommends that the voluntary contribution amount should be based on the volume of minerals extracted from the ground.
- 6.10 For surface coal extraction, the suggested minimum rate is 30 pence per tonne of coal extracted from the ground, index linked to the date on which development on-site commences; 15 pence going to the Council managed Minerals Fund and 15 pence directly to communities. The Council recognises that the price per tonne of coal fluctuates significantly depending on the supply and demand for coal at any given time. Looking at the last 3 years, 30 pence per tonne represents around 0.5% of the average price of coal paid by power generators in the UK. This is a reasonable amount and is not considered unduly onerous on applicants operating in a volatile market. It is recommended that the contribution be based on coal extracted from the ground, rather than the coal that leaves the site. In most cases, it is the extraction process itself that can impact on communities, therefore it is appropriate that the contribution rate be clearly connected to extraction.
- 6.11 For non-coal extraction, the Council suggests applicants make a community contribution to help offset any impact on local communities. It is recognised that in general, sand and gravel quarries have a lesser impact on local communities given that they generally require less land and less extensive operations to access the minerals. Community contributions could therefore comprise an annual contribution, based on an appropriate rate per tonne of minerals worked, taking account of the particular site specific circumstances of the development. Again, the contribution should be halved; 50% going to the Council managed Minerals Fund and 50% going directly to an appropriately constituted community group.

- 6.12 Contributions paid into the Council's Minerals Fund will be ring fenced for those communities affected by the particular minerals extraction site. Communities affected will be identified on a site by site basis, based on the nature of the extraction activity, duration, location and topography. The money will be available to the community to carry out a wide range of projects, comprising:
- (i) Environmental projects: For example, habitat restoration and management, woodland planting and maintenance, streetscape projects, community allotments and gardens and environmental arts projects.
 - (ii) Environmental education projects: For example, school sensory gardens and habitat creation areas, weather stations and environmental education packs.
 - (iii) Employability and training programmes.
 - (iv) Community based social enterprises.
 - (v) Community led service provision.
 - (vi) Community led sports and leisure: For example, cycle tracks and path networks.
 - (vii) Community income generating projects.
- 6.13 Non-statutory guidance on community benefits from minerals extraction will provide more detailed advice for developers and the community on the Council's preferred scheme (see Annex 2 for a full list of supplementary and non-statutory guidance).
- 6.14 With respect to the Council's Minerals Fund applications for strategic long term projects will be particularly encouraged, which will result in a sustainable legacy for the funding contributions. This may include projects that are delivered by multiple funding sources, including the Council's Renewable Energy Fund.
- 6.15 The Council encourages all minerals operators to follow the approach set out above. Although voluntary, developers may wish to propose alternative arrangements which have the support of the community, are supported by a clear and community approved investment or community action plan and are in line with good practice principles in terms of community benefits.

Securing economic benefits for local communities

- 6.16 The minerals industry has for decades formed a major employment source within East Ayrshire. Whilst employment figures now stand far lower than they once were, the industry remains valuable for the local jobs market. Moving forward it is critical that the local community are able to capitalise on the economic opportunities presented by the industry, securing inclusive growth and tangible benefits for local people. The Council will therefore request that all proposals for minerals extraction set out measures demonstrating how the development will promote training and employment opportunities for local people. This should include apprenticeship and work experience opportunities. It should also involve consideration of the skills base of the area and, if appropriate, details of how the developer will work with local employment and training providers to help upskill the local labour market.
- 6.17 As part of the drive for sustainable economic growth and linked to the regeneration of the coalfield area, the Council will support and promote the growth of the tourism industry and the development of tourist orientated facilities and services throughout East Ayrshire. There is a clear aspiration within local communities that the future of the coalfield area lies in consolidating and improving the natural assets of the area and thereby enhancing the appeal of the area to tourists and visitors. The potential impact on the tourist industry will therefore be an important consideration in relation to any proposals for minerals extraction.
- 6.18 The legacy of minerals extraction in terms of the remaining unrestored sites, presents an opportunity to think creatively about the potential for such sites to be imaginatively redeveloped for tourist or countryside based sport, leisure and recreational uses. In principle, the Council will encourage and support such proposals, recognising the contribution this could make to the local economy.



Policy MIN PPL5: Tourism development

The Council will seek to ensure that mineral extraction 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 significant to local communities.

AIM: To ensure minerals extraction development does not have an adverse impact on existing and new tourism development.

Policy MIN PPL6: Tourism activities on former mineral opportunity sites

On former minerals opportunity sites only, developments associated with tourism, including sporting, leisure or recreational activities, will be supported where:

- (i) There are no significant adverse impacts on landscape, natural and/or built heritage resources;
- (ii) There are no significant adverse impacts arising from increased traffic;
- (iii) 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.
- (iv) The proposal complies with all other relevant MLDP policies.

AIM: To encourage tourism development on former mineral opportunity sites.

7

The Transportation of minerals

Transportation of Freight

- 7.1 The transportation of minerals can have particular impacts on residential amenity as it normally involves the use of Heavy Goods Vehicles (HGV) on roads. However, railway wagons and, depending upon the scarcity of the mineral or its economic value, boat, can also be used to reduce dependency on road transportation. Local communities located close to minerals sites can be especially affected by heavy lorry movements through dust, vibration and noise as well as damage to local roads. In some cases, a community can be affected simultaneously by lorry movements from various sites and projects. Map 9 illustrates the location of minerals sites, the transportation routes in relation to each site and the amount of trips made on a daily basis.
- 7.2 Scottish Planning Policy states that the planning system should minimise the impacts of extraction on local communities, the environment and built and natural heritage. It also states that LDPs should set out the factors that specific proposals will need to address including transport impacts.



Map 9: Transport Routes

Opencast Key		
	Consented Not Operational	
	Current Application Site	
	Bond Restoration Work	

Sites					
3	Skares	38	Garleffan 1 & 2	58	Tappet Hill
3a	Skares Area D	42	Greenburn	59	Dalifad
7	Grievehill	44	Powharnal	60	Craigman South
17	House of Water	46	Laigh Glenmuir	61	Burnston Fields Ext.
21	Piperhill	47	Chalmerston Nth	62	Braehead Farm
22	Airdsreen/Viaduct	48	Dunstonhill	64	Wellhill Farm
23	Spieslack	50	Grievehill Ext.	65	Benbain Remainder
24	Chalmerston	51	Burnston Remainder	66	Galawhistle
26	Darnconner	52	Dalgig Farm	67	Duncanziemere Ext.
29	Benbain	54	Duncanziemere	68	House of Water
33	Chalmerston/Pennyvenie	57	Netherton		
Last update July 2016					

Last update July 2016

Quarry Key	
	Operational
	Current Application Site
	Unrestored
	Consented Not Operational

Sites	
Q1	Tincornhill
Q2	Loudounhill
Q3	Garpel
Q4	Clawfin
Q5	North Drumboy
Q6	Black Hill
Q7	Allseasons

Last update July 2016

Route Key	
	Kyle Forest Haul Route
	Garpel Route
	North Drumboy Route
	Tincornhill Route
	Netherton Route
	House of Water Route
	SWS Interconnector Route
	Greenburn Route

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Ayrshire Freight Strategy

- 7.3 The Ayrshire Freight Strategy, prepared by SPT, Ayrshire Roads Alliance and North Ayrshire Council (March 2016) recognises that within Ayrshire there are a number of locations which act as the main generators and attractors of freight traffic. The priority of the Freight Strategy is to ensure that these facilities are linked by a suitable robust transport network that is fit for purpose and meets the individual needs of the facilities.
- 7.4 One of the main generators and attractors identified through the Ayrshire Freight Strategy are mineral extraction facilities at Greenburn and House of Water. Freight volumes per annum at House of Water (as of March 2016) were in excess of 200,000 tonnes and Greenburn were in excess of 400,000 tonnes however the closure of Longannet power station is likely to have resulted in a reduction in these figures. Coal extracted from House of Water is transported to the coal disposal point at Killoch and transported by road and rail to its end destination. The majority of coal dispatched by Greenburn has been by rail.
- 7.5 The Council recognises that aggregate facilities are also key generators and attractors of freight traffic in East Ayrshire with the majority of material being transported on roads by HGV lorries. It is acknowledged that construction aggregates are required across East Ayrshire for the creation of roads, buildings and structures and will be required to supply projects at times located close to sensitive routes. Similar arrangements are in place for forestry/timber and renewable energy works. As with coal, the transportation of other minerals by road can have a significant adverse impact on residential amenity and on the environment due to the number of trips that need to be made to and from an aggregates facility.

Capacity Constraints and Pinch points

Road

- 7.6 In terms of freight traffic on East Ayrshire roads, the capacity constraints and pinch points appear to mainly be on the strategic 'A' road network. The extraction of coal has significantly reduced in recent years within East Ayrshire and this is reflected in a reduction in traffic volume created by the transportation of coal. The impact of freight movement within East Ayrshire is mainly focused upon part of the strategic road network (M77/A77, A70, A71, A76 and A719). The Freight Strategy recognises that there is a high amount of freight traffic on the strategic road network to the east of the most populated parts of Ayrshire with a large concentration of freight traffic between key towns, such as Kilmarnock. The percentage of HGV flow of all traffic ranges from 1% to 20%, with the percentage of LGV (Light Goods Vehicles) flow ranging from 1% to 30%.
- 7.7 The volume of minerals freight traffic can have an adverse impact on East Ayrshire's road network. East Ayrshire Council in conjunction with the Ayrshire Roads Alliance therefore will either through agreement with or recovery from mineral's operators, as appropriate, seek payment towards extraordinary expenses towards the maintenance of local roads, in accord with section 96 of the Roads (Scotland) Act 1984. East Ayrshire Council will continue to work with Ayrshire Roads Alliance, North Ayrshire Council and SPT to address strategic pinch points on the transport network which inhibit freight movements.

Rail

- 7.8 The route availability in East Ayrshire tends to be fairly robust. In terms of transportation of freight by rail, the route availability defines the axle weight which can be carried over a section of rail track. East Ayrshire is mainly covered by the classification RA10, which is the current maximum for freight on the network, allowing for up to 25.4 tonnes per axle, however the route availability between Ayr and Dalmellington/Pennyvenie is covered by the classification RA7-9 which permits up to 19 tonnes per axle and 22.8 tonnes per axle respectively.

- 7.9 Network Rail use a W loading gauge classification to define the maximum height and width for railway vehicles and their loads to travel safely along sections of rail track. The classification range from W6 (smallest) to W12 (largest). Most of East Ayrshire is covered by loading gauge classifications W6, W7, W8 and W9 with the majority of rail tracks being covered by W7 and W8. Although there are not many restrictions there are issues as a result of there not being a W9 gauge in the Ayrshire region.
- 7.10 The Council seeks to encourage the transportation of minerals by rail as there is the infrastructure capacity to enable this to take place within Ayrshire. However, there are capacity constraints on key parts of the rail network including Newton-on-Ayr to Mauchline, Irvine to Kilmarnock and on the Glasgow and South Western Line. East Ayrshire Council will continue to work with Ayrshire Roads Alliance, North Ayrshire Council and SPT to address capacity constraints on the transport network which inhibit freight movements.

Policy MIN T1: Routing of the transportation of minerals

The Council will encourage any opportunities to maximise the transportation of minerals by rail, however, it is recognised that this will not always be possible. Where it is not possible, the Council will require a traffic and transport impact assessment to accompany a planning application for proposed minerals workings to justify the proposed transportation options. Such an assessment will be required to take into consideration any cumulative impacts on the transportation network as a whole arising from the proposal.

AIM: To minimise cumulative impacts of minerals transportation on the road network.

Policy MIN T2: Cumulative Impacts of Minerals Related Traffic

Any minerals development proposals that come forward during the lifetime of the MLDP will be assessed with regard to the cumulative impacts of existing minerals and renewables related traffic movements in the locale and their impact upon settlements, groups of, and, individual properties outwith settlements. Applicants will be required to assess the cumulative transportation impacts in their submissions (in respect of traffic movements related to wind farms under construction or consented, quarries and surface coal mining sites) and any mitigation measures required to reduce adverse impacts. Consideration of any assessment is not for the purposes of preventing traffic but of mitigating adverse impacts where possible.

AIM: To facilitate mitigation of adverse traffic impacts associated with minerals development.

Rights of Way and Core Paths

- 7.11 Outdoor access and recreation is a popular activity with the use of path and cycle networks increasing across Scotland. A public right of way is a right of passage between two places which is formed by people using the same route for a number of years without challenge. Rights of Way can take the form of roads, tracks, paths and routes over fields, hills and moorlands or paths in urban areas. To exist as a right of way, a route must meet the following criteria:
- the route must connect two public places;
 - the route must follow a more or less defined route;

- the route must have been used, openly and peaceably, by the general public, as a matter of right; and
- the route must have been used without substantial interruption for at least 20 years.

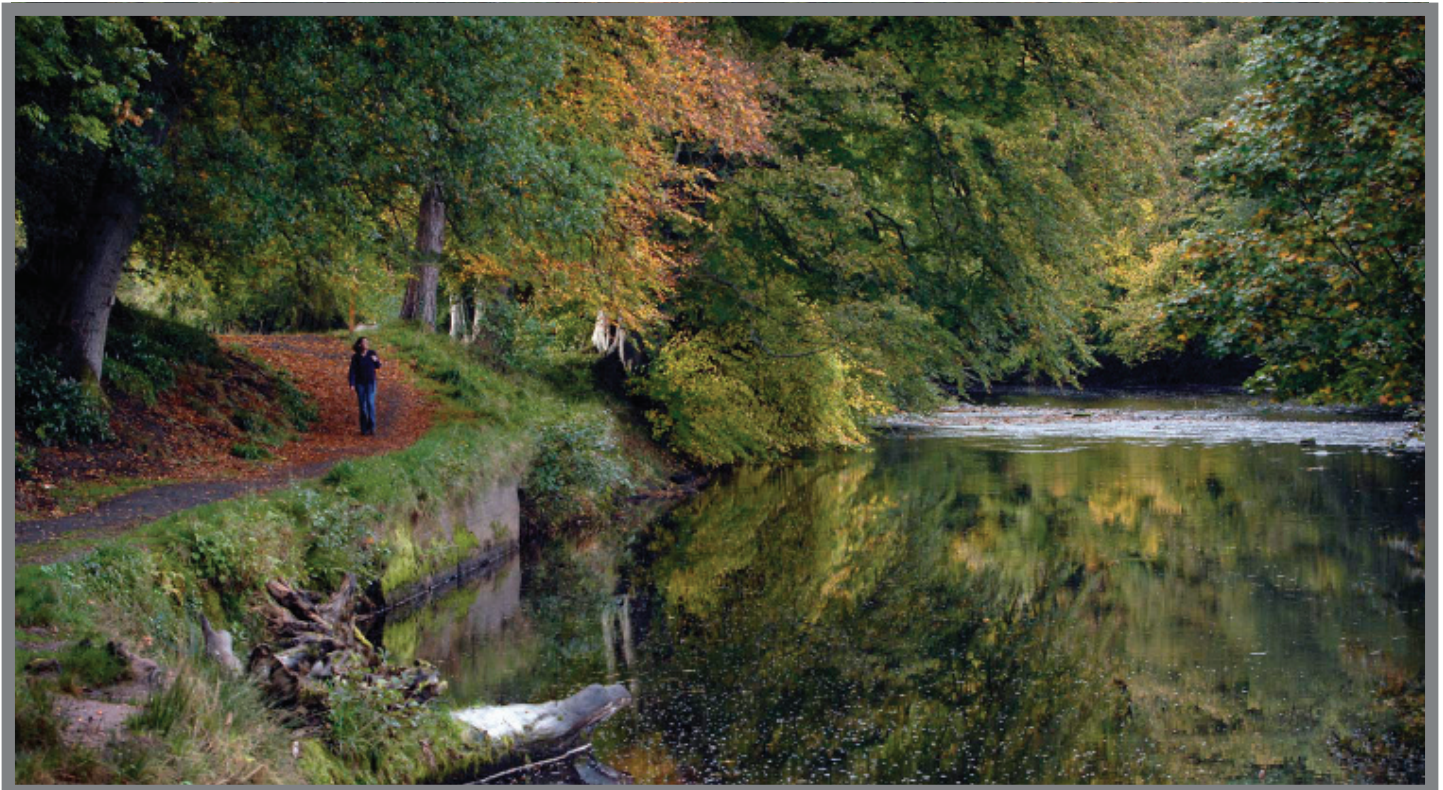
7.12 A core path is a route which facilitates access to the outdoors under the Land Reform Scotland Act (2003). This can include routes on inland water. In partnership with community groups, land managers, access interest groups, local agencies, organisations and neighbouring local authorities, East Ayrshire Leisure Trust have produced a Core Paths Plan in accordance with the Land Reform Scotland Act (2003). This plan acts as the basic framework from which the wider path network will radiate within East Ayrshire. The Core Path Plan is reviewed every 5-7 years.

7.13 Access within East Ayrshire (see Map 10) includes:

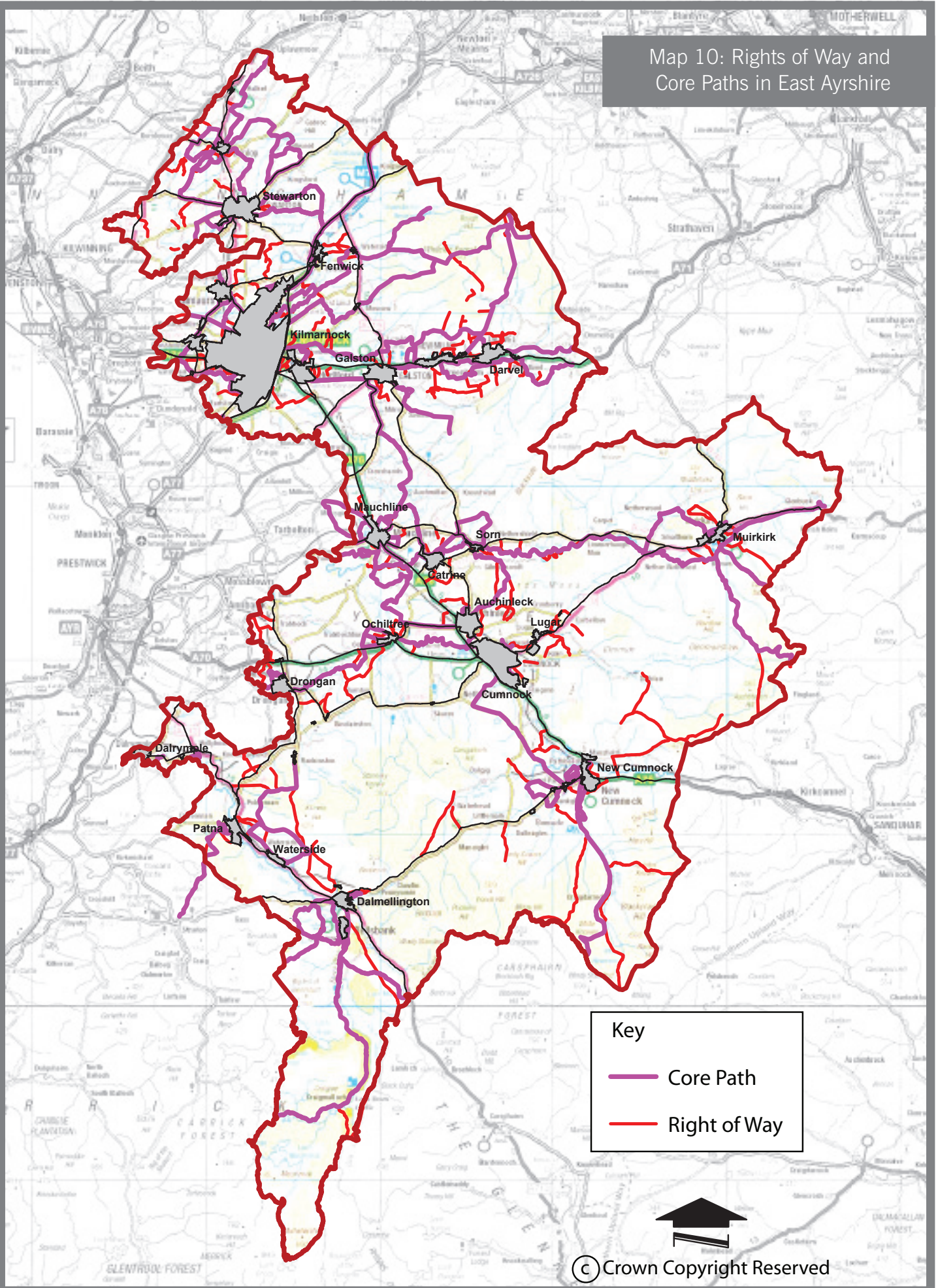
- 600km of rights of way;
- 358km of managed path network;
- The River Ayr Way which is Scotland's first source to sea path network which passes through some of Ayrshire's fantastic scenery. The route begins at Glenbuck in East Ayrshire and follows the river for 66km (44 miles) to the sea at Ayr.

7.14 The scale of the surface coal operations in East Ayrshire has led to the loss of some rights of way and other path connections between settlements and throughout the rural area. As part of the spatial strategy of the Minerals Local Development Plan, the Coalfield Communities Landscape Partnership will seek to improve existing, reinstate and create new path networks throughout the area to reconnect people with their landscape.

7.15 Operators of new and existing minerals sites are required to divert any existing rights of way or core paths which are affected by minerals operations under section 208 of the Town and Country Planning (Scotland) Act 1997 as amended. If a Right of Way has to be diverted or temporarily stopped up due to mineral extraction activity, the operator will be required to submit a Footpath Diversion Order to the Council. All restoration plans are required to ensure that any Rights of Way or core paths which have been disrupted by mineral extraction activity are fully reinstated to their original route or permanently diverted.



Map 10: Rights of Way and Core Paths in East Ayrshire



Policy MIN T3: Restoration and Access

The Council will be supportive of restoration proposals which improve and restore public access to the rural area and, if appropriate, proposals should link with or contribute to the access network created by the Coalfield Communities Landscape Partnership or the Core Path Plan.

AIM: To enhance the path network in East Ayrshire.

Policy MIN T4: Rights of Way and Core Paths

There will be a presumption against adverse impacts upon or the permanent closure of core paths, rights of way, bridle paths or footpaths used by the general public for recreation or other purposes, particularly where the route concerned forms, or has the potential to form, part of the network of circular routes or footpath links between settlements unless alternative provision is made. Where such disruption or adverse impact is unavoidable, the Council will require developers, as an integral part of the proposed development, to provide for the appropriate diversion of the route in question or to put in place appropriate measures to mitigate the adverse impact expected at the outset of the development.

AIM: To ensure there are no adverse impacts or closures of Rights of Way or Core Paths.

8 Ensuring an adequate and steady supply of minerals

- 8.1 It is important that East Ayrshire aims to provide appropriate and accessible sources of aggregates and other minerals to meet the needs of the construction and energy industries. This section of the Minerals Local Development Plan details policies which aim to secure a sustainable supply of minerals whilst protecting communities and the environment from the adverse impacts associated with minerals extraction.

Policy MIN SUP1: Sterilisation of Workable Minerals Resources

When assessing development proposals, the Council will act to ensure that all workable minerals resources which are of economic or conservation value are safeguarded and that these are not permanently sterilised by other development, unless the retention of the minerals resources in the ground can be fully justified.

AIM: To help secure a sustainable supply of minerals

Borrow Pits

- 8.2 A borrow pit is an area where minerals (such as sand, gravel and rock) are extracted within a site. Borrow pits are often found on windfarm developments and close to major construction/ infrastructure projects. The voids created by borrow pits are restored by backfilling with surplus or unusable material. Historically, borrow pits were created on small and localised sites but increasingly they are used on large scale projects such as the South West Scotland Connections Project².
- 8.3 The prime reason for allowing the creation of borrow pits is that environmental and economic benefits may ensue due to a reduction in HGV movements transporting materials to a site via local roads.
- 8.4 Within East Ayrshire, borrow pits are usually linked to applications for windfarms. Within the Environmental Statement of a windfarm planning application, specific details are usually given on the number of borrow pits, the volume of material being extracted, their location and the proposed restoration scheme. Depending on the site, borrow pits may have their own restoration bond separate from the wind turbines. Compliance monitoring regimes will regulate the infilling of the borrow pits. However, if the land were to slump or erode after restoration had been completed, there is no process or policy on how it can be remedied or what the next stages should be.

²The South West Scotland Connections Project is a project by SP Energy Networks which will support and facilitate the connection of wind farms through a new transmission system (overhead electricity line) from the existing Coylton substation to a new substation in Dalmellington.

Policy MIN SUP2: Borrow pits

Borrow pits will only be permitted where it can be demonstrated that:

- there are significant environmental or economic benefits compared to obtaining material from local quarries;
- they are time-limited;
- they are tied to a particular project; and
- there are appropriate reclamation measures in place.

All borrow pits will be required to be within the planning application boundary of the project the mineral is to be used for. The requirement for the formation of an additional borrow pit will need to be justified in terms of insufficient (fit for purpose) supplies in the first borrow pit.

In addition to being assessed against the broader provisions of the plan, proposals for borrow pits will be considered in relation to:

- (i) The needs of particular construction projects;
- (ii) The distance of the project from suitable quarries;
- (iii) The number of vehicle movements which will be avoided;
- (iv) Carbon assessments;
- (v) The duration of the excavation;
- (vi) Site specific proposals for restoration and aftercare;
- (vii) Environmental considerations such as impacts on the water environment including watercourses and GWDTEs; and
- (viii) Potential disturbance to wildlife.

The Council will require applicants to submit supporting evidence in respect of the above criteria to accompany any application which involves the creation of borrow pits.

AIM: To ensure the responsible use of borrow pits.

Recycled and Secondary Aggregates

- 8.5 The quantities of recycled and secondary aggregate produced and used within the UK has progressively increased over the last 30 years. By reducing the demand on primary aggregates, recycled and secondary aggregates are helping the minerals and construction industry to become more sustainable. Scottish Planning Policy sets out the importance of maintaining an adequate supply of aggregates for the minerals industry.
- 8.6 Recycled and secondary materials now account for 29% of Great Britain's aggregates market . However, it should be noted that recycled and secondary aggregates can never entirely replace primary aggregates as they do not always demonstrate the required properties needed for the construction of new developments.

8.7 Examples of recycled materials include:

- Construction and demolition waste
- Asphalt planings (e.g. from road surfaces)
- Railway ballast (the chipped stones found along edges of the railway track)
- Clean concrete

8.8 Secondary materials include:

- Power station ash (residue of coal production such as pulverised fuel ash)
- Slate



8.9 Some of these materials can be used to form other construction materials such as concrete and asphalt. These examples are not specific to East Ayrshire, and not all examples will be found in the area. Recycled and secondary aggregates are a means of assisting in meeting the demand for aggregates and of encouraging innovative construction techniques. Recycled and secondary aggregate industries require infrastructure (such as factories, plants or sites) to operate. If recycled materials are to be used within a proposed development the Council would expect to be provided with the details of the nature of the material, how much material is to be recycled and how and where it will be used in the proposed development.

- 8.10 The Scottish Government is supportive of a more circular economy with more materials being reused. One way in which the planning system can support the development of the circular economy is by supporting the construction of permanent facilities for the recycling of aggregates. Paragraph 182 of SPP states there is a shortfall of waste management infrastructure in Scotland and that emphasis on new waste management facilities should be placed on the need of the facility instead of proximity to source materials. As the national network of installations is further developed, SPP states that there will be scope for giving greater weight to proximity in identifying suitable locations for new waste management facilities. The introduction of the Landfill Tax and the Aggregates Levy has acted as a driver in reducing the amount of recyclable materials going to landfill.
- 8.11 One potential recycled/secondary aggregate source is spoil tips. Spoil tips are waste heaps which arise from various types of mineral working and can be seen across the landscapes of East Ayrshire. Spoil tips from former mineral extraction sites which contain residual mineral deposits may have been in place for some time and natural regeneration may have occurred. Nevertheless, the material may be suitable to use as secondary aggregates. Appropriate spoil tip restoration and monitoring would have to be carried out should the opportunities to extract from these sources prove viable. Many spoil tips which have undergone naturalisation will support a variety of flora and fauna and their environmental value would have to be assessed in any proposal to extract materials for use in restoration schemes.

Policy MIN SUP3: Reworking of Waste Spoil Tips

The Council will, subject to the provisions of all other relevant policies in the Minerals Local Development Plan, support proposals for the reworking of waste spoil tips where this will lead to the restoration or reinstatement of degraded land. This will be subject to an assessment of the risks of mobilising pollutants and contaminants and the quality, scarcity and variety of any existing spoil tip naturalisation and associated flora and fauna. This policy does not apply to sites pending restoration which require to use overburden as part of approved restoration plans.

AIM: To ensure sufficient material is available for restoration or reinstatement of degraded land.

Policy MIN SUP4: Extraction of secondary aggregates

The extraction of secondary materials with primary materials (excluding peat) will be supported subject to sufficient material being present for restoration purposes and appropriate consents being sought.

AIM: To encourage the extraction of secondary materials with primary materials.

9 Promoting and delivering excellence in working practices

Compliance monitoring

- 9.1 For the Plan, to help secure a managed and sensitive approach to minerals extraction, the industry requires to be effectively regulated. There is a responsibility on both the developers to operate within the limits of their consents, and on the Council to ensure that this is the case, where this is within its remit. It is only through careful and responsible management that the potential negative impacts of minerals extraction on the environment and communities can be avoided or minimised.
- 9.2 The Council has established a robust approach to compliance monitoring in respect of minerals extraction and places prime importance on the implementation of this compliance monitoring framework. The Council will require that compliance monitoring be carried out by an independent mining engineer paid for by the applicant being careful to be compatible with, and not duplicate, the functions of the environmental regulator – the Scottish Environmental Protection Agency. It will be regularly undertaken to ensure operations are undertaken in an acceptable manner. Compliance monitoring is required to cover:

A. Environmental monitoring. This will include, but not necessarily be limited to:

- Noise
- Blasting
- Air quality
- Water quality

Off-site environmental mitigation monitoring may also be required, recognising that developments can have impacts wider than just the site itself.

B. Compliance with planning conditions. It is critical that the planning conditions attached to the planning permission are complied with in order to avoid any breaches in planning consent. Sites will be regularly monitored to ensure development is taking place in accord with conditions, including monitoring the progress of development against agreed phasing plans and work programmes.

C. Compliance with legal agreements. Planning permission for minerals extraction is often accompanied by an associated legal agreement, covering matters such as the establishment of technical working groups and community liaison committees, undertakings in relation to vehicle movements, community benefit contributions, independent compliance monitoring and restoration and aftercare details. Compliance monitoring will ensure that the relevant legal requirements are being complied with.

D. Restoration plans. All applications for minerals working require the submission of robust restoration and aftercare plans. Restoration is not something that happens only when operations cease; it is an ongoing process, whereby part of a site can be restored as extraction activity progresses across the site. Compliance monitoring ensures that development and restoration is undertaken in line with agreed details and phasing plans.

E. Financial guarantees. All permissions for minerals extraction are required to be accompanied by a financial guarantee to ensure that there are financial means in place to undertake approved restoration schemes. A financial guarantee is an important mechanism to ensure that key obligations are met in the event that the developer is unable or unwilling to comply with the consented plans. This includes the scenarios in which the developer is in liquidation or where there is a significant planning breach. An important element of compliance monitoring is to review on a regular basis, but at least annually, the ongoing adequacy of the agreed financial guarantee. Should there be any alteration to the scope of works on site, the financial guarantee will require to be immediately reviewed and amended as necessary as part of the application process. Should there be any increase in the cost of works that require to be undertaken to fulfil restoration, be it due to rising inflation or increased costs to import materials, the financial guarantee will again require to be amended.

- 9.3 The frequency of compliance monitoring is dependent on the nature of the material being extracted and is based on the level of disruption and intrusion that is likely to occur. Unless otherwise agreed with the Council, the following requirement will apply to the frequency of compliance monitoring:

Surface coal

Compliance visits will take place monthly and compliance reports produced and submitted to the Council every 2 months.

Rock

Compliance visits will take place at 6 month intervals with compliance reports prepared and passed to the Council for approval within 2 months.

Sand and gravel

Compliance visits will take place annually, with compliance reports prepared and passed to the Council within 2 months.

For all minerals:

- The requirements for compliance monitoring will normally be secured through an appropriate legal agreement;
- Should the Council identify a need for more regular monitoring than is set out above, such as in instances when only general compliance is routinely being achieved, the developer will be required to comply with this;
- Where a Technical Working group exists, each compliance report will be passed to the group, for comment, prior to approval by the Council. The Technical Working group will be given a defined timeframe in which to comment, so as not to delay the process. Following Council approval, the compliance report will be made publicly available as soon as practically possible.

- 9.4 Should any breaches be identified through the compliance monitoring procedures the Council will expect the developer to take immediate steps to bring operations in to accordance with approved plans. If necessary, the Council will consider using enforcement measures.

Financial guarantees

- 9.5 Minerals extraction proposals require to be accompanied by restoration and aftercare plans. The Council will only support developments where it is certain that appropriate restoration will occur throughout the extraction period where possible and when the extraction operations cease.
- 9.6 Restoration and aftercare proposals require to be underpinned by a form of financial guarantee. The overarching purpose of the financial guarantee is to ensure that if development or restoration has not been carried out in accordance with the approved planning consent, and having been given the opportunity, the developer has not rectified the breach, the Planning Authority can, as part of a wider range of actions, call on either all or part of the financial guarantee to rectify the breach.
- 9.7 A fundamental principle of the financial guarantee requirement is that the value of the financial guarantee must always be sufficient to cover the extent of outstanding works. Similarly, should an operator become insolvent, the financial guarantee must be of an adequate value to cover the cost of restoring the site to its approved end use. It is critical, therefore, that the value of the financial guarantee is regularly reviewed in the context of the value of outstanding works and restoration requirements, to ensure that the financial guarantee in place remains fit for purpose. Should this not be the case, there is questionable value in having a financial guarantee.
- 9.8 The following steps will be taken to secure an appropriate financial guarantee:
- (i) All applications for minerals extraction will require to be accompanied by robust proposals for site restoration, as part of the Environmental Statement. 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).
 - (ii) The restoration plans will be assessed by the Council's independent consultant, who shall review the proposed scheme and provide an independent 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 this assessment will be met by the developer through a formal legal agreement. The maximum figure for restoration, aftercare and mitigation, as provided by the independent consultant and taking account of inflation will be used by the Council as the required amount (quantum) in the financial guarantee provided.
 - (iii) 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.

Policy MIN WP1: Financial guarantees

All proposals for minerals extraction will require a financial guarantee to ensure that all restoration, aftercare and mitigation requirements attached to planning consents can be met in full.

Any planning permission granted will be appropriately conditioned and/or subject to a Section 75 obligation to ensure that an appropriate financial guarantee is put in place to the satisfaction of the Council. No development will be permitted on site until any legal obligation and planning conditions have been discharged by the Council.

The financial guarantee mechanism and the amount covered will be agreed and verified by an independent third party. Both the mechanism and amount covered will be reviewed at regular intervals by an independent party to ensure that throughout the lifetime of the operations, the financial guarantee remains sufficient to cover all potential restoration, aftercare and mitigation costs. If necessary, an additional financial guarantee may be required, should monitoring identify a gap between the value of the guarantee and the cost of outstanding works.

AIM: To ensure the restoration, aftercare and mitigation requirements can be met in full.

9.9

Supplementary guidance on Financial Guarantees will be prepared by the Council and will support Policy MIN WP1 (see Annex 2 for a full list of supplementary and non-statutory guidance). It will provide further detail on:

- The different types of financial guarantees on the market
- The process the Council will undertake to secure financial guarantees
- How financial guarantees will be monitored, reviewed and, if necessary, amended.

10 Additional Information

List of acronyms

- BGS** - British Geological Survey
- CBM** - Coal Bed Methane
- CCLP** - Coalfield Communities Landscape Partnership
- CEI** - Coalfield Environment Initiative
- DECC** - Department for Energy and Climate Change
- EALP** - East Ayrshire Local Plan
- HGV** - Heavy Goods Vehicle
- HLF** - Heritage Lottery Fund
- LDP** - East Ayrshire Local Development Plan 2017
- LGV** - Large Goods Vehicle
- LNCS** - Local Nature Conservation Site
- LVIA** - Landscape and Visual Impact Assessment
- MLDP** - Minerals Local Development Plan
- NPF** - National Planning Framework
- OCCSP** - Opencast Coal Subject Plan
- PEDL** - Petroleum Exploration and Development Licence
- PFI** - Public Finance Initiative
- RSPB** - Royal Society for the Protection of Birds
- SAC** - Special Area of Conservation
- SEA** - Strategic Environmental Assessment
- SEPA** - Scottish Environment Protection Agency
- SF** - Scottish Forestry
- SNH** - Scottish Natural Heritage
- SPA** - Special Protection Area
- SPP** - Scottish Planning Policy
- SSSI** - Site of Special Scientific Interest
- SWT** - Scottish Wildlife Trust
- UNESCO** - The United Nations Educational, Scientific and Cultural Organisation

Glossary of terms

Aftercare - measures necessary to bring restored land up to the required standard for the intended after-use.

Aggregates (construction aggregates) - material from the ground used in construction including sand, gravel and stone.

Bings - heaped waste from mining.

Biodiversity - the variety of life on earth, the range of different species (types) and variations within them.

Bonds (financial) - funding held in security; in the case of minerals it is held for restoration in case restoration does not take place.

Buffer Zones - an area of land separating mineral development from adjoining sensitive land uses and settlements to ensure that communities are not directly affected by such forms of development.

Carbon dioxide sequestration - the storage of carbon dioxide underground.

Coal bed methane - natural gas extracted from coal beds.

Cumulative Impacts - the extra impacts caused by a proposed development in combination with other developments as the combined effect of a set of developments taken together.

Development plan - spatial plan(s) about place which guides future land use.

Former minerals opportunity sites - former surface coal sites which were unrestored or abandoned in 2013 due to the liquidation of Scottish Coal and ATH Resources on which the Council will encourage innovative and creative afteruses.

Fracking - see hydraulic fracturing

Green network - a network of high quality green spaces, wildlife habitats, paths and other environmental infrastructure including blue features such as wetland habitats, rivers and lochs.

Ground water dependent terrestrial ecosystems (GWDTE) - an ecosystem whose sustenance relies on groundwater input. These ecosystems emerge from aquifers and water tables. In simpler terms, it is a community of plants and animals which interact with each other and feed off water which comes from the ground.

Habitat - an ecological or environmental area that is inhabited by a particular species of animal, plant, or other type of organism.

Hydraulic fracturing - is the process in which rock is fractured by a pressurized liquid through a drilled pipe within a well to release natural gas.

Landbank - a stock of approved and / or implemented planning permissions, in this case for the winning and working of minerals.

Local Development Plan - local spatial plan about place which guides future land use.

Main Issues Report - a report for consultation which sets out a Council's general proposals for development and in particular where development should and should not take place and provides alternative options.

Minerals - are a naturally occurring substance that is usually solid and inorganic, formed as a result of geological processes.

Overburden - the rock from mining that lies above or adjacent to the area being worked.

Petroleum Exploration and Development Licence (PEDL) - a licence which gives the holder the right to search, bore for and get any mineral, oil or natural gas.

Policy - a statement that expresses the Council's views on a given topic, and provides standards or criteria against which proposals for development will be judged.

Placemaking - the process of creating successful places, which have 6 qualities in common: a distinct identity, safe and pleasant, easy to move around, welcoming, adaptable and resource efficient.

Restoration - a process in which a damaged natural resource/area is reinstated, partially reinstated or reused after a period of mineral extraction. Restoration need not replicate exactly what has gone before and may involve 'innovation' as well as new ways of doing things to help heal the landscape and environment. It is understood that the term restoration can be subjective.

Rights of Way - a route along which the public have a right of passage.

Settlement - the following areas as identified in the East Ayrshire Local Development Plan: Auchinleck; Bellsbank; Burnside; Catrine; Coalhall; Cronberry; Crookedholm; Crosshouse; Cumnock; Dalmellington; Dalrymple; Darvel and Priestland; Drongan; Dunlop; Fenwick and Laigh Fenwick; Galston; Gatehead; Hayhill; Hollybush and Skeldon Mills; Hurlford; Kilmarnock; Kilmaurs; Knockentiber; Leggate, Connel Park and Bank Glen; Lugar and Logan; Lugton; Mauchline; Moscow; Muirkirk; New Cumnock; Newmlins; Ochiltree; Patna; Polnessan; Rankinston; Sinclairston; Skares; Sorn; Stewarton; Waterside (by Fenwick); and Waterside (Doon Valley).

Sewage sludge - the residual, semi-solid material that is produced as a by-product during sewage treatment of municipal wastewater.

Site of Special Scientific Interest (SSSI) - designated by Scottish Natural Heritage, SSSIs contain the best examples of particular species, habitats, geology or geomorphology.

South West Scotland Connections Project - a new transmission network which will enable new sources of renewable energy to connect into the electricity transmissions systems on the borders of East Ayrshire, South Ayrshire and Dumfries and Galloway.

Special Area of Conservation (SAC) - a European designation which protects rare and threatened species and habitats listed in the Habitats Directive.

Special Protection Area (SPA) - a European designation which protects rare or threatened birds listed in the Birds Directive and migratory birds which are regular visitors, together with their habitats.

Spatial strategy - the part of the Local Development Plan which sets out the scale and location of new development and infrastructure.

Spoil - the overburden of other waste removed during mining

Sterilisation - when a change of use, or the development, of land prevents possible mineral exploitation in the foreseeable future.

Sustainable Development - development that meets the needs of the present without compromising the ability of future generations to meet their own needs (The Brundtland Definition. Our Common Future, The World Commission on Environment and Development, 1987)

Transport Assessment - a process that sets out transport issues relating to a proposed development and identifies the measures to be taken to deal with the anticipated transport impacts.

Unconventional oil and gas - is natural oil and gas which has been obtained from sources of production that are considered to be new or different. (This includes coalbed methane, methane clathrate, shale gas, oil shale and tight gas.)

Underground coal gasification - is an industrial process in which coal is converted into gas while still in the coal seam, which can then be used.

Vision - a statement which gives a broad view of the future aspirations for an area.

Wetland habitats - land areas that are saturated with water, either permanently or seasonally, such that they take on the characteristics of a distinct ecosystem. They host aquatic plants. Most voids left by surface coal workings would not qualify as wetland habitats as they are unable, due to the way in which they have been engineered (for example in terms of depth, slope gradient and hydrology) to support flora and fauna

Schedule of Land

The Planning Authority do not own any land which is affected by any of the policies, proposals or views expressed in the MLDP.

Annex 1

Required information for proposals for new mineral extraction sites and extensions to existing mineral extraction sites

Planning Application Details

All applications for mineral extraction development including coal and aggregates activity will be expected 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 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 and methods of working;
- (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, lagoons, ancillary plant, oil storage facilities, access points, explosives magazines etc.;
- (xi) Blasting;
- (xii) Control of noise and dust;
- (xiii) Landscaping and screening of operations;
- (xiv) Preparation and stocking of coal and any other materials (e.g. fireclay, aggregates);
- (xv) Protection of existing landscape, nature conservation and built heritage designations including but not restricted to SPA, SAC, SSSI, LNCS, Scheduled Monuments, Listed Buildings, carbon rich soils, deep peat and priority peatland habitat, prime quality agricultural land etc.;
- (xvi) Site drainage arrangements;
- (xvii) Restoration proposals, contouring, final land form;
- (xviii) Reinstatement of natural features, walls, hedges, water courses, rights of way, core paths etc.;
- (xix) Planting and aftercare proposals;
- (xx) Proposed afteruses of the restored site;
- (xxi) Removal of plant, machinery etc. on completion of works;
- (xxii) Maximum number of vehicle movements proposed from site per week

- (xxiii) Maximum height above Original Ground Level (OGL) of any proposed topsoil, subsoil and overburden heaps;
- (xxiv) Maximum volume of all individual overburden heaps above OGL;
- (xxv) Maximum volume of overburden above proposed restoration levels; and
- (xxvi) Volume of maximum void to be proposed at restoration levels.

Restoration and Aftercare

The Council will require all developers to submit detailed restoration and aftercare plans which should include:

- (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;
- (viii) A topographical survey of the site area prior to working with 5m contours shown (check measurement);
- (ix) Restoration strategy detailing how the site will be progressively restored while being developed; and
- (x) Restoration phasing plans showing site at 12 monthly intervals from start of restoration phase to completion.

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.

Annex 2

MLDP Supplementary Guidance and Non-statutory guidance

The table below sets out a list of Supplementary and non-statutory guidance that will sit alongside the MLDP with timescales for their production.

Title	Statutory/non-statutory	Progress/Timescale for production
Peat, Excess Soils, Sewage Sludge (compiled into one guidance document)	Non-statutory guidance	2018-2019
Community Benefits for Minerals	Non-statutory guidance	2018-2019
Financial Guarantees	Statutory guidance	2018-2019
Strategic Woodland Creation	Non-statutory guidance	2019-2020

Table 4: List of Supplementary and non-statutory guidance.

Annex 3

Background information of surface coal operations since 2013

In the Spring of 2013, the surface coal companies Scottish Coal and Aardvark (ATH) went into liquidation resulting in many surface coal complexes being placed in the hands of the receivers. Due to poor working practices and bad management of the operations by the operators and failings by the Council in its monitoring of the operations, the sites had not been worked and progressively restored in accordance with the planning permissions nor was there sufficient restoration guarantees in place to restore the sites as a result of the liquidations.

Following the demise of the coal companies, ownership of the sites reverted back to the relevant land owners where appropriate. Where the coal companies owned the land these sites were acquired either by Hargreaves Surface Mining or by Scottish Mines Restoration Trust. However due to liability issues land at Skares and at Garlaffan/Grievehill was formally abandoned by the liquidator thus leaving it with no formal owner.

The table below, sets out the surface coal complexes which were placed into the hands of the receivers, the current owners and the current status of each site.

Site	Opencast Operator	Land Owners	Restoration status as of June 2018
Dunstonhill	Scottish Coal	Mines Restoration Ltd. (MRL) Poll Estate, Scottish Forestry	Restoration work completed
Ponesk	Scottish Coal	Mines Restoration Ltd (MRL)	Restoration work concluding in August 2018
Spireslack	Scottish Coal	Mines Restoration Ltd (MRL)	Restoration work concluding in August 2018
Skares Area D	ATH	Disclaimed Land , Barr Environmental, OCCW Netherton, Scottish Forestry	Restoration work concluding in August 2018
Powharnal	Scottish Coal	Mines Restoration Ltd (MRL)	Restoration work concluding in August 2018
Chalmerston	Scottish Coal	Scottish Forestry, OCCW Chalmerston	Unrestored
Garlaffan / Grievehill	ATH	Disclaimed Land, Dumfries Estate, OCCW Duncanziemere, Mr Young	Unrestored
House of Water	Scottish Coal	OCC House of Water	Active Opencast coal complex
Duncanziemere	ATH	OCC Duncanziemere	Coaling operations concluded in line with Planning Consent 13/0865/PP
Netherton	ATH	OCC Netherton	Restoration work concluding in August 2018
Piperhill	Scottish Coal	OCC Piperhill	Poor quality restoration
Dalfad	Scottish Coal	Mines Restoration Ltd (MRL)	Unrestored

Table 5: Record of surface coal complexes subject to liquidation in 2013.

Where finance has been available from restoration guarantees or from Council or Scottish Government funding, the Council has carried out improvement works to various complexes. While the works have significantly improved the abandoned sites, unfortunately due to the failures of the working practices of the previous operators these improvement works have not been able to return the land to the original landform or quality. Hence there may be opportunity for further operations or activity on the site to enhance these areas further.

Full details of the each individual site is set out in compliance reports which are available on the Council's website. A Surface Coal Visual Register which details the progress of the surface coal sites is available at the following link:

<https://www.east-ayrshire.gov.uk/PlanningAndTheEnvironment/Visual-registers/SurfaceCoalMiningVisualRegister.aspx>

Annex 4

Coalfield Communities Landscape Partnership

A full list of projects proposed at stage 1 application.

Theme	Project title	Description
Natural heritage	Coalfields to Wildwoods	Working with local groups to establish community tree nurseries and community-managed woodlands on reinstated surface coal sites.
Natural heritage	Riparian Networks	Surveying the existing riparian woodland and morphology of the Lugar Water and River Doon, preparing an action plan, working with landowners to propose management and secure funds for enhancement, working with trainees and modern apprentices to manage/enhance riparian habitats; developing skills in local groups (e.g. anglers) in engineering eroded river banks using willow coppice.
Natural heritage	Perfect Peatlands	Peatland enhancement, training specialist volunteers (x5), engaging with land managers, creating new viewing area, access and interpretation at sites to enable viewing habitat without damaging sensitive habitats.
Natural heritage	Trees and Timber apprenticeships	4 Modern Apprentice (MAs) will be taken on every 18 months through the delivery phase. MA's will develop skills and gain accredited training in forestry and other rural skills. There will be links with East Ayrshire Woodland's existing trainee scheme, and MA's will be able to deliver some of the practical work for the LP.
Natural heritage	Rushes to Riches	A feasibility and trial project will be carried out to develop opportunities for rural diversification and conservation land management through harvesting and processing biomass (e.g. rushes, short-rotation willow coppice) for the local domestic market or to heat public buildings. This could potentially contribute to the 'Carbon Neutral Cumnock' initiative by supplying biomass pellets/ briquettes to the new Secondary school and other public buildings.
Access, recreation and interpretation	Strategic and local access routes	Improve existing and create new path networks throughout the area while also providing interpretation boards, viewpoints and seating areas which overlook the landscape. Preparation of an access accord, look at existing access for a wide range of users, prepare plans and work with people in the landscape to develop a unique marketing and branding for the scheme. The development work will engage communities in identifying local access needs, building on previous work through the CLAPS.
Access, recreation and interpretation	Cycle Friendly Tourism	A pilot scheme will offer local business skills and support development in offering a cycle friendly experience.
Built/Cultural Heritage	Town Trails	Develop town trails within Dalmellington and Patna that link with a proposed Lost Mining Row Villages heritage trail. The trails will highlight significant historical, archaeological and cultural aspects of the towns and surrounding environment. The project will include an educational pack for teachers, set of leaflets, interpretation and development of an app. Leaflets will be available for visitors to navigate the trail, include historical information, and volunteer guides will inform visitors of the area's history at CCLP events.

Theme	Project title	Description
Built/Cultural Heritage	The Lost Mining Villages	This project will work with local people to capture the 'intangible history' of life in the Row Villages. It will be an oral history project and will involve local school pupils and other groups in the process of capturing the experiences of growing up in the historic villages, allowing them to develop skills in the use of audio visual technology and interviewing. The information gathered will be used to inform the design of the heritage trail interpretation and leaflets and will be disseminated widely, e.g. through a traveling exhibition and the production of a book.
Built/Cultural Heritage	Dalmellington Cemetery	Work to restore Dalmellington cemetery through a variety of activities such as: <ul style="list-style-type: none"> • Carrying out a condition survey on McAdam's mausoleum and undertaking remedial works • Recording of tombstone inscriptions and carvings • Providing interpretation in situ and via an app • Commissioning a tree survey and tree-works (working with Trees and Timber apprentices and trainees) • Revealing the genealogical heritage of the local area (tying in the Lost Villages project) to create archives for the local community to use and explore.
Built/Cultural Heritage	Dunaskin Ironworks / Steam Railway	Explore opportunities to conserve, enhance and promote an important relic of the area's industrial heritage, the Dunaskin steam railway and village at Waterside. The industrial steam engines at this site are still in use for visiting enthusiasts and families alike, operated by a dedicated, but small group of volunteers. However, the site requires intervention at a scale beyond the reaches of this scheme. Therefore, the primary focus of this project will be two-fold viz to build upon the industrial heritage and steam train visitor experience and to build capacity in the community to take forward future funding bids.
Built/Cultural Heritage	Place names study / trail	Working in partnership with Galloway Glens LP, the LP will deliver a Place Names study which will explore the origin of place names in Cumnock and Doon Valley and informs a wider interpretation strategy. We will work with Glasgow University to commission an academic study into the origin of the place names. Galloway Glens place names trail extends to the border of the proposed LP area, offering an opportunity to develop a partnership project across both LPs.
Arts projects	Celebrating heritage through the arts	An art project will leave a physical legacy in the landscape. Research in support of the project may come from the oral history project or LCAP. The project will integrate closely with the heritage and access projects. Partners have also begun to develop a music project to be led by Sir James MacMillan CBE who lived within the project area until 1977 and who has developed The Cumnock Tryst – an annual music festival. The music festival will link with the Cumnock Tryst. Sir MacMillan's grandfather was a coalminer who played euphonium in local colliery bands and sang in his church choir and is the inspiration behind his career, the Tryst and the connection to this scheme. The project is likely to involve the composition of a piece of music delivered by community groups within the LP area.

Theme	Project title	Description
Communities / Capacity building	Third-party grants	This project will offer opportunities to develop skills in securing and managing funds, project implementation and management. Initially, the LP staff and partners will host a series of local events aimed at raising awareness of the scheme and encouraging groups to apply for funding. Applications will be scored and funding allocated by the Steering Group, using a systematic scoring criteria. We will encourage communities to work in partnership via the Communities Steering Group that will be facilitated by LP staff.
Communities / Capacity building	Community Capacity	Promote the scheme's heritage through arts and community enterprise (e.g. creating a wildlife mural trail, willow features) and offering a programme of learning opportunities for people in the landscape, increasing local knowledge and fostering a Sense of Place, using the GSA Biosphere Sense of Place toolkit, proposed access and interpretation and marketing strategies to promote the area and help businesses provide a good 'welcome' to the area and share local knowledge with visitors. We will employ a specialist member of staff for 3 years to deliver heritage skills training for local volunteers.

Table 6: List of proposed Coalfield Communities Landscape Partnership projects.



East Ayrshire Council
Comhairle Siorrachd Àir an Ear

Planning & Economic Development
The Opera House, 8 John Finnie Street
Kilmarnock, KA1 1DD

www.east-ayrshire.gov.uk