

WEST DUNBARTONSHIRE COUNCIL

Report by the Executive Director of Infrastructure and Regeneration

Planning Committee: 26 February 2013

Subject: Consultation on Opencast Coal Restoration: Effective Regulation

1. Purpose

- 1.1** To inform the Committee of the above consultation and to seek their approval to the Councils agreed response to the consultation.

2. Recommendations

- 2.1** It is recommended that the Committee agrees Appendix 1 as the Councils response.

3. Background

- 3.1** Following the collapse of Scottish Coal and other companies concerns were highlighted from those regulating opencast sites that a number of sites were left unrestored.
- 3.2** The consultation seeks views on more effective regulation regarding restoration at opencast coal sites where coaling is incomplete and for future sites. Although this Council has no opencast coal sites within the authority area, the consultation does raise issues regarding compliance monitoring and restoration bonds which are of direct relevance to landfill, quarrying and offshore wind. This Council has two quarries – Dumbuckhill and Sheephill- and two landfill sites – Auchencarroch and Rigangower- within the authority area. All four sites will require to be restored (either when operations are complete, or restored on a phase by phase basis).
- 3.3** Presently, Planning Services and Legal Services are carrying out a joint piece of work, reviewing the restoration proposals, the bond arrangements and monitoring regime for the 2 quarries and 2 landfill sites. It is understood that other Councils are carrying out a similar exercise following issues that have arisen in East Ayrshire and South Lanarkshire following the collapse of the opencast companies.
- #### **4. Main Issues**
- 4.1** Appendix 1 contains the Councils recommended response to the consultation. It is not intended that this Council will respond to each question as there are no opencast coaling operations in the authority area and many of the questions are very specific to opencast coaling. However there are a number

of issues raised in the consultation regarding restoration bonds and compliance monitoring that are relevant to quarries, landfill, offshore wind.

- 4.2** The collapse of the opencast coal industry and the associated environmental impacts of opencast coal workings have raised concerns about the need for more effective regulation. It also highlights the need to be aware of risk in relation to ongoing liabilities of other potential industry collapse in the future that would have the same environmental impacts as the opencast coal industry. Therefore it would be appropriate for Scottish Planning Policy to specify similar bond requirements for quarries, landfill sites and wind farms to safeguard and mitigate potential future risks
- 4.3** The consultation highlights the need for effective bond arrangements to be in place as well as robust monitoring and enforcement of planning and other conditions. This is relevant not just for the restoration of opencast sites but should also apply to quarries and landfill sites. There have been recent press comments from the Auditor General regarding decommissioning and end of life restoration costs for sites such as quarries and landfill as well as opencast coal. Initial work has begun on this and further information is awaited. The purpose of restoration bonds is to address risk both financial and reputational and to safeguard and mitigate against potential negative environmental impacts and wider community concerns around the restoration of sites. This consultation does not address the adequacy of bond arrangements for quarries and landfill sites, etc. and it is recommended that similar arrangements are put in place for these industries as for opencast operations. Any failures in these industries could result in similar environmental and community concerns and potential financial and other repercussions to the Council.
- 4.4** The consultation also proposes that the Scottish Government and HOPS work to develop specific conditions for restoration and standard legal agreements. These proposals are welcomed and again should be extended to quarries, landfills, and wind farms.

5. People Implications

- 5.1** There are no personnel issues associated with this report.

6. Financial Implications

- 6.1** None

7. Risk Analysis

- 7.1** There are no risks associated with this report.

8. Equalities Impact Assessment (EIA)

- 8.1** It is not considered that the report or recommendations raise any equalities issues.

9. Consultation

9.1 Consultation was carried out with the Head of Legal Services.

10. Strategic Assessment

10.1 The content of this report supports the Council Strategic Priorities .

Richard Cairns

Executive Director of Infrastructure and Regeneration

Date: 2 February 2014

Person to Contact: Pamela Clifford, Planning & Building Standards Manager,
Housing, Environmental and Economic Development,
Council Offices, Rosebery Place, Clydebank, G81 1TG
01389 738656, pamela.clifford@west-dunbarton.gov.uk

Alan Williamson, Team Leader – Forward Planning,
Housing, Environmental and Economic Development
Council Offices, Rosebery Place, Clydebank, G81 1TG
01389 738539, alan.williamson@west-dunbarton.gov.uk

Appendices:

Background Papers:

Wards Affected: All