

WEST DUNBARTONSHIRE COUNCIL**Report by the Executive Director of Infrastructure and Regeneration****Planning Committee: 30 April 2014**

Subject: Review of Quarries and Landfill sites**1. Purpose**

- 1.1** To inform the Committee of the current situation of the two quarries and two landfill sites in the West Dunbartonshire Council area with regard to restoration and progress of operations and to advise how this will be taken forward.

2. Recommendations

- 2.1** To note the content of the report and agree that an annual report is presented to the Committee addressing the matters stated in Section 4.8 below.

3. Background

- 3.1** Recent events in the opencast coal industry have highlighted shortcomings in the arrangements for the restoration of opencast coal mines elsewhere in Scotland. In the light of these events, it is understood that other Scottish local authorities are carrying out reviews of the arrangements for restoration of similar uses within their local areas. There are no opencast coal sites within this Council's planning authority area, however there are two active quarries- Sheephill and Dumbuckhill and two active landfill sites - Auchencarroch and Rigangower, all of which have substantial restoration requirements. However, the challenges facing the restoration requirements for quarries and landfill are different from those facing opencast mining. Within West Dunbartonshire, the Planning and Legal Services have jointly carried out a review of the restoration proposals, the bond arrangements and monitoring regime for the two quarries and two landfill sites.
- 3.2** The Sheephill and Dumbuckhill quarries are both historical legacies, as these quarries were originally granted permission shortly after the Second World War. The two landfill sites were both approved more recently. Expectations and procedures relating to site restoration have evolved significantly over the years, and in general older sites are less likely to have robust mechanisms for securing site restoration than would now be expected. Some old permissions, such as that for Sheephill Quarry, did not include any requirement for site restoration at all. The Environment Act 1995 introduced a requirement for Planning Authorities to identify all operating quarries and that quarry operators apply for a review of their planning conditions – referred to as a Review of Minerals Permission (ROMP). The purpose of a ROMP application is to bring the planning conditions up to date, with the new conditions being agreed

between the operator and the Planning Authority based on current good practice methods and environmental procedures.

- 3.3** The Scottish Government is very aware of the issues surrounding restoration and have issued a '*Consultation on Opencast Coal Restoration: Effective Regulation*' which seeks views on more effective regulation regarding restoration at opencast coal sites where coaling is incomplete and for future sites. The consultation does raise issues regarding compliance monitoring and restoration bonds which are also of direct relevance to landfill, quarrying and wind farms. A response to this consultation paper was agreed by the February Planning Committee and has been forwarded to the Scottish government.

4. Main Issues

- 4.1** Appendix 1 provides a summary of the current status of the four sites. It gives details of the planning history of the sites, the agreed restoration proposal, the planning controls through conditions and legal agreement, and the bond arrangements. Proposals to improve this Council's arrangements for securing restoration of these sites are set out below.

4.2 Site Monitoring

It is intended that the four sites will be formally monitored on an annual basis during the month of May, in order to allow the preparation of an annual report. These sites would be visited more frequently should this be needed, for example if complaints are received or if compliance issues come to light during the formal monitoring visit. More robust compliance monitoring guidance has been produced for planning officers. During these site visits the current progress of the operations will be recorded and compliance with the conditions of the relevant permissions will be monitored. Also the progress of the restoration scheme will be recorded and discussed with the operator. Notes of the site visit and updated information on the compliance with conditions will be recorded in the case records.

- 4.3** The monitoring of restoration works is particularly important for the Auchencarroch landfill site where the performance guarantee bond decreases as restoration works progress across the site. The Auchencarroch landfill site also has a Technical Support Group which provides input into habitat protection /enhancement works covered by the Habitat Management Plan. The legal agreement requires it to meet in November to review the Habitat Management Plan. It is intended that this visit and meeting will take place in November in addition to the May site visit.

- 4.4** Presently Sheephill quarry is subject only to the 7 conditions from a 1949 permission, none of which refer to restoration proposals for the site. An ongoing Review of Minerals Permission (ROMP) application seeks to bring the planning conditions up to date based on current best practice methods and environmental procedures, but the new conditions have not yet been agreed with the operator. It is intended that the ROMP will be returned to the

Planning Committee in the next few months. Although there are no detailed conditions to monitor until the ROMP is agreed, it is still intended that the quarry will be visited annually to establish and record the current and future operations.

4.5 Bond Agreements.

The review has identified that the bonds are 5-10 years old and do not include an inflationary figure, so there is a need to ensure that the bonds are sufficient at all stages of quarry and landfill development. Auchencarroch is a working landfill site which requires the voids to be progressively restored as operations progress on site. The bond is a “performance guarantee bond” which is set to decrease as restoration and works progress across the site. The bond was recently renewed in December.

- 4.6** Dumbuckhill quarry requires restoration on completion of quarrying. Dumbuckhill quarry has however recently changed ownership and the previous owners of the quarry are keen for the Council to formally discharge their restoration bond. The new owners have however presented a draft bank guarantee. Legal Services have drafted an alternative version which they consider more applicable to a restoration obligation and a response to that draft is pending. The Council is additionally in the process of employing a specialist consultant to assess the adequacy of the restoration bond sums. This work will provide an assessment of the breakdown of the restoration work costs against the restoration plans. If the current bond figure is found to be inadequate a new bond amount will require to be re-negotiated.

- 4.7** The other two sites have no bonds. Rigangower landfill site deals only with construction waste and its restoration is controlled by conditions attached to the planning permission. It is therefore important that these conditions are monitored to ensure compliance. Sheephill quarry has no requirements for restoration in its current 1949 consent, although it may be possible to address this through the ROMP application together with the provision of a restoration bond/guarantee. The ROMP legislation allows the ROMP to be reviewed every 15 years once agreed.

4.8 Next Steps

It is proposed that an annual report is presented to the Committee, normally in August following the formal monitoring of the sites in May. This will provide details of the progress of the quarry and landfill sites, updates on the compliance monitoring and assessment of bonds. It will also provide information on the findings of the specialist consultants.

5. People Implications

- 5.1** Staff time will be required to monitor the sites and take forward any issues which arise. This additional workload can be accommodated within existing staff resources.

6. Financial Implications

- 6.1 The costs of a specialist consultant to provide advice on the adequacy of the restoration bonds and this will be funded from the Planning and Building Standards budget. It is estimated that costs will be in the region of £6,000 - 8,000. Financial implications could arise in the future in the event of the failure of one of the site operators without a restoration bond, or the bond was not sufficient to cover the required restoration of the site.

7. Risk Analysis

- 7.1 There are financial and reputational risks to the Council if the sites are not formally monitored or the bonds are not adequate to cover the full cost of implementing the agreed restoration proposals. There is a higher risk to the Council if no bonds are in place and the operator fails.

8. Equalities Impact Assessment

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

9. Consultation

- 9.1 No consultation was necessary for the preparation of this report

10. Strategic Assessment

- 10.1 The report supports the Council priorities.

Richard Cairns

Executive Director of Infrastructure and Regeneration

Date: 15 April 2013

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

Appendices: 1: Details of the Quarry and Landfill Sites

Background Papers: None.

Wards Affected: All