

To: PLANNING AND ENVIRONMENT COMMITTEE		Subject: Restoration of Drumshangie Opencast Coal Site, near Greengairs.
From: DIRECTOR OF PLANNING AND ENVIRONMENT		
Date: 31st January 2007	Ref: C/PL/GWG/900/LK	

1. Purpose of Report

- 1.1 The purpose of this report is to advise the Committee of progress in the restoration of the Drumshangie Opencast Coal Site near Greengairs.

2. Background

- 2.1 On 1st November 2005, GM Mining Ltd. applied for planning permission (ref. no. C/05/01809/AMD) for the "Extension of Timescale for Site Restoration from 31/12/05 to 31/12/06 (Amendment to Planning Permission C/98/01569/MIN - as Amended)" at the Drumshangie Open Cast Coal Site. This was granted planning permission on 19th December 2005. Since then, GM Mining has completed around 85% of all earth moving operations and has planted several hectares of trees. Despite this progress, the requirement to complete all restoration works before 31/12/06 has not been met. In particular, it is still necessary to complete some minor earth moving works, complete several areas of tree planting, construct the network of public footpaths and carry out various other works of a miscellaneous nature. GM Mining has cited weather problems in the spring months as the main reason for the delay. In particular, the company had planned to use machinery to move soils for around 8 months of the year but found that it was only possible to use them for around 5 months with a knock-on effect on tree planting within the current planting season.
- 2.2 GM Mining has submitted a revised timetable which indicates that the majority of works (i.e. all earth moving and path construction and most tree planting) would be complete by July 2007 with all other works being complete within the planting season in late 2007.

3.0 Considerations

- 3.1 As of 1st January 2007, GM Mining Ltd. was in breach of planning permission C/05/01809/AMD in that full site restoration was incomplete on that date. In deciding what action (if any) is appropriate, it should be noted that GM Mining Ltd. remains on site and is continuing to carry out restoration works, albeit at a slower rate than expected. Also, it is considered that the revised timescale for site completion is both reasonable and feasible. Finally, it is noted that the impact on local communities of the restoration works is now much reduced following the near completion of the significant earth moving works, which tend to be the cause of significant levels of noise and dust.

- 3.2 Bearing in mind the above, it is considered that it would not be appropriate to take Planning Enforcement action against GM Mining Ltd. at this time. For the same reasons, the possibility of regularising the breach of planning control through the submission of an amended planning application was considered but discounted, as it was felt that such an application would be unlikely to reveal any information which is not currently available to the Council. Also, it is noted that the developer is co-operating with the Council to address the breach of control, and also that the time taken to address the breach is relatively small (in the context of a 10 year opencast operation).
- 3.3 On-going site restoration will continue to be monitored and any significant deviation from the revised timetable (as put forward by GM Mining Ltd.) can be presented to Committee for further consideration.

4.0 Recommendation

- 4.1 It is requested that the committee note the content of this report.



David M. Porch
DIRECTOR OF PLANNING AND ENVIRONMENT
23rd January 2006

Background Papers
Planning permission C/05/01809/AMD
Letter from GM Mining dated 27th October 2006

Local Government Access to Information Act: for further information about this report, please contact Lindsay Kellock on 01236 812379