

**Patrons:** Lord Nickson, KBE DL  
John Foster, CBE FRICS FRTPI RIBA ARIAS

**Chairman:** Robert G Maund BSc Dip TP FRTPI(rtd)  
The Barony 2 Glebe Road Kilbirnie Ayrshire KA25 6HX  
Tel: 01505 682447  
e-mail:rgmaund@thebarony.demon.co.uk

3 December 2004.

Mr Ian D Mitchell  
Scottish Executive Development Department  
Planning Division 4  
Area 2-H  
Victoria Quay  
Edinburgh  
EH6 6QQ

Dear Mr Mitchell

**RESPONSE BY THE SCOTTISH COUNCIL FOR NATIONAL PARKS TO  
SCOTTISH PLANNING POLICY (SPP) 16: OPENCAST COAL PUBLIC  
CONSULTATION.**

**Preface**

The Scottish Council for National Parks (SCNP) was formed originally in 1943 and operated until 1967, when it was stood down as a result of the setting up of the Countryside Commission for Scotland. It was reconstituted in 1990 following the publication of the CCS's report on the 'Mountain Areas of Scotland' for Government, which recommended the creation of National Parks in Scotland. The SCNP's primary aim is to promote the protection, enhancement and enjoyment of nationally outstanding areas that are National Parks, or are appropriate to be designated as such, or are of sufficient merit to warrant special protection. This is manifest in our support for good stewardship of the country's best environmental assets and encouragement of sustainable methods of development, particularly within areas of national park potential. SCNP is a registered Scottish Charity.

**Response**

The Scottish Council for National Parks (SCNP) is glad to have the opportunity to comment on the Executive's important consultation paper on Opencast Coal. Our overall reaction is to support this thorough document which consolidates, upgrades and clarifies policies in NPPG 16 and previous guidelines. We particularly welcome paragraphs 7 and 8 which give a clear indication of the Executive's concern that such operations should, where permissible, should be undertaken with due regard to environmental concerns.

There are however, still some areas of concern, namely:

1. Environmental Impact Assessment and the standard area of 25 hectares;
2. Restoration periods;
3. Length of time that some operations affect Communities.

Our detailed comments on these and other parts of the document are given below.

Page 3: para 9, line 7 - this should be firmer and the use of 'require' rather than 'expect' would

make the intention clear. Also consider adding to para 9, 'The latter aims can best be achieved by open meetings between local communities , the Operators and the Planning Authority.'

Page 4: para 12 - add to the last sentence, 'with the Planning Authority acting as mediator.'

para 14 - add, 'in cases like this, and notwithstanding the area of application, an EIA should be sought.'

Page 7: para 24 - line 3, 'will' would be more appropriate than 'should'.

Page 8: The implementation of a mandatory EIA for land areas exceeding 25 ha emanates from NPPG 16 from 1999. Having regard to current environmental sensitivity, we think 25ha is too large and a smaller area should be the norm. Indeed, in some very sensitive situations an EIA could be required for very small areas to aid the decision making process.

Page 9: para 34, line 2 - replace 'will want to' with 'should'.

Page 14: para 52 - In normal circumstances where there is no further interference of adjacent lands by further applications for extensions etc., a time limit should be set for restoration. Limits of 1 year for the commencement of restoration after cessation of operations and a further year for completion should be the norm. On very large sites that carry on for many years, it is often possible to have a phased restoration commencing before overall extraction is complete. Such opportunities should be negotiated by the Planning Authority.

para 53 - Financial guarantees in the form of bonds should apply to all sites to ensure that the possibility of defaulting or poor restoration is minimised.

Page 15: para 56 - This further identifies the greater application of EIAs as noted inn para 29, page 8.

During long periods of such operations, communities can be affected not only by the changing pattern of these operations, but also by the normal expansion of local developments, thus increasing the disturbance to that community.

Clearly, SCNP's main concern lies with the existing National Parks and those areas, as yet undefined, which may well be National Parks in the future. In the absence of any clear National Strategy for Future Parks as proposed by SCNP, it is important to put a marker down to make it clear that in the event of an area with National Park potential being identified in a coal area, opencast coal operations would not normally be seen as compatible with a National Park.

Yours sincerely

Robert Maund

Chairman