

Issue 19	Minerals	
Development plan reference:	Policy 46: Minerals and Other Extractive Activities – Safeguarding, page 76 Policy 47: Minerals and Other Extractive Activities – Supply, page 77	Reporter:
Body or person(s) submitting a representation raising the issue (including reference number):		
Scottish Natural Heritage (SNH) (0353) Scottish Government (0451) The Coal Authority (0539) Royal Society for the Protection of Birds (RSPB) (0546) Craigrossie Sand & Gravel (0560) Scottish Environment Protection Agency (SEPA) (0742)		
Provision of the development plan to which the issue relates:	Sets out the approach for the consideration of proposals for the safeguarding and supply of minerals and other extractive activities	
Planning authority's summary of the representation(s):		
<p><u>Policy 46: Minerals and Other Extractive Activities – Safeguarding</u></p> <p>The Coal Authority (0539/01/001): Supports policy 46 which aims to ensure that workable mineral deposits are not needlessly sterilised.</p> <p>The Coal Authority (0539/01/004): Site allocations should be assessed against the Coal Authority's Development Risk and Surface Coal Resource plans, which are updated annually.</p> <p>Scottish Government (0451/01/014): Policy 46 should be reframed to provide a stronger message about safeguarding mineral deposits, rather than setting out exceptions where development that would sterilise economically important workable mineral deposit would be allowed. The policy runs contrary to the principles of SPP policy in paragraph 237, which outlines that local development plans should safeguard all workable mineral resources that are of economic or conservation value and ensure that these are not sterilised by other development. It does refer to exceptions to this principle.</p> <p><u>Policy 47: Minerals and Other Extractive Activities – Supply</u></p> <p>The Coal Authority (0539/01/002): Supports policy 47 which sets out criteria against which proposals for mineral extraction will be considered. We are also pleased to see that agreement of restoration of mineral sites will need to be agreed in advance of operations.</p> <p>SEPA (0742/01/014): Supports the inclusion of water environment and flood protection interests within the wording of policy 47A. It accords with SPP paragraphs 194,195 and 255, the local authority duties as a responsible authority under the Water Environment and Water Services (Scotland) Act 2003 to ensure compliance with the WFD and River Basin Planning process in carrying out statutory functions and the duty on local authorities under the Flood Risk Management (Scotland) Act 2009 to reduce overall flood risk and promote</p>		

sustainable flood risk management when exercising their flood risk related functions.

Craigrossie Sand & Gravel (0560/1/1): Supports policy 47 as it relates to a consented sandstone extraction site at Hall of Aberuthven Farm, to the south east of the A9 trunk road between Whitemoss Road and Shinafoot. Extensions of planning consent will be pursued at this location and the policy as proposed presumes support for viable quarry sites.

SNH (0353/01/017): To ensure that opportunities are realised for geological features, the respondent suggests wording for a modification to policy 47B in respect of restoration that will conserve locally or nationally important geological sections.

RSPB (0546/01/029): Object that the policy does not set out that supplementary guidance will be provided on the use of financial mechanisms for site restoration in relation to mineral extraction sites and other large development sites. Reference is made to the guidance produced by East Ayrshire Council in respect of financial guarantees. The guidance would help to ensure that there are robust procedures for ensuring financial guarantees are appropriately quantified and monitoring to minimise financial and legal risks to the Council as well as risks to the environment and communities. Reference is also made to compliance monitoring of major development and ensuring that this is reported to the planning committee and published on the Council website.

Modifications sought by those submitting representations:

Policy 46: Minerals and Other Extractive Activities – Safeguarding

The Coal Authority (0539/01/001 & 004): No specific changes are sought, however the respondent wishes the planning authority assesses sites within areas where identified risks from coal mining legacy or surface coal resource are noted as present.

Scottish Government (0451/01/014): Amend policy 46 to safeguard all workable mineral resources that are of economic or conservation value and ensure that these are not sterilised by other development.

Policy 47: Minerals and Other Extractive Activities – Supply

The Coal Authority (0539/01/002): Support for the policy

SEPA (0742/01/014): No specific changes are sought.

Craigrossie Sand & Gravel (0560/01/001): No specific changes are sought.

SNH (0353/01/017): Amend first sentence of policy 47B to read ‘...Restoration, after-use and aftercare proposals will require to be agreed in advance of operations; modifications to conserve locally or nationally important geological sections will be supported and encouraged’

RSPB (0546/01/029): Amend policy 47 to incorporate a reference to the provision of separate supplementary guidance on the use of financial mechanisms for site restoration in relation to minerals extraction sites (and other large development sites).

Summary of responses (including reasons) by planning authority:

Policy 46: Minerals and Other Extractive Activities – Safeguarding

The Coal Authority (0539/01/004): The policies and proposals in the Plan are assessed against a wide range of environmental and other data, the outcome of which is reported in the SEA Environmental Report, published and consulted on alongside the Proposed Plan. We confirm that up to date environmental data referred to by the respondent has been used in this assessment and will be kept up to date to inform future plans and assessment of planning applications.

No modification is proposed to the Plan.

Scottish Government (0451/01/014): The policy is drafted to prevent important economically workable mineral deposits from being sterilised through the granting of planning permissions and while it advocates advance extraction where this can be accommodated it is agreed that the policy does provide a number of exceptions where proposed development could be prioritised over the minerals resource. The respondent suggests the policy should be more consistent with SPP by prioritising the safeguarding of workable mineral resources over other proposed development that could sterilise the resource.

No modification is proposed to the Plan. However there is merit in the suggestion to reframe the policy by incorporating wording from the first sentence of SPP paragraph 237 at the start of policy 46A. Insertion of ‘...The Local Development Plan will safeguard all workable mineral resources which are of economic or conservation value and ensure that these are not sterilised by other development.’ would provide the emphasis sought by the respondent and would reframe the policy to be consistent with SPP. Should the reporter be minded to make an amendment in this respect, the planning authority would be comfortable with incorporating this wording.

Policy 47: Minerals and Other Extractive Activities – Supply

SNH (0353/01/017): The Plan’s policies and proposals are drafted to facilitate minerals development where this can be accommodated, and policy 37 in particular includes measures for protecting geological features.

No modification is proposed to the Plan. However there is merit in SNH’s suggestion since it would bring significant environmental benefit, particularly where such opportunities for conservation are not initially apparent. Should the reporter be minded to make an amendment in this respect, the planning authority would be comfortable with SNH’s suggested wording.

RSPB (0546/01/029): Policy 47B specifically requires financial mechanisms for site restoration and the Council considers this wording to be sufficient for the determination of planning applications. The matter of restoration can be addressed to the extent RSPB require when assessing the development proposal and the Council does not consider separate guidance to be necessary.

In respect of the comments on regular reporting of compliance monitoring and reviews of financial guarantees, these are good suggestions and can be implemented without requiring modifications to the Plan.

No modification is proposed to the Plan. However should the reporter be considering accepting RSPB's recommendation to amend the policy to incorporate a reference to separate guidance the planning authority would be comfortable with this, and guidance could be prepared that encompasses a wider range of financial guarantees than bonds alone.

Reporter's conclusions:

Reporter's recommendations: