

Issue 54	Minerals	
Development plan reference:	Policy 54 (Para 20.28, Page 99)	Reporter:
Body or person(s) submitting a representation raising the issue (including reference number)		
Coal Authority (38), Leiths Scotland Limited (Leiths) (87), Scottish Natural Heritage (SNH) (118), Sportscotland (320), Scottish Government (324), Scottish Environment Protection Agency (SEPA) (326)		
Provision of the development plan to which the issue relates:	Minerals policy and supporting text for minerals and soils.	
Council's summary of the representation(s):		
<p><u>Surface coal reserves around Brora should be safeguarded</u>; if non-mineral development was proposed over this resource then consideration should be given to the prior extraction of coal. (38)</p> <p><u>Reorder policy sections.</u> Sections do not run together that deal with natural heritage issues, restoration/aftercare and types of extraction that would be supported. (118) Paragraph on geodiversity should be moved to the end. (324)</p> <p><u>Fifth sentence in final paragraph to be moved and reworded:</u> "The Council will expect all minerals developments to mitigate adequately their impact on residential amenity, the local natural and historic environment and infrastructure capacities" moved to after the set of three bullet points in the first paragraph and modified to read: "The Council will expect all minerals development proposals to avoid or adequately mitigate any impacts on residential amenity, the natural, built and cultural heritage, and infrastructure capacities". (118)</p> <p><u>Second sentence of para 20.27.2 should be amended</u> to read, "Spatial mapping of peatland is available. However, it does not provide any comprehensive information on the quality of the peatland." (118)</p> <p><u>Policy should be amended to allow for a minimum 10 year landbank of permitted reserves for construction aggregates. Plan should identify search areas and safeguard specific sites for certain minerals</u> Its current requirement for existing reserves to be exhausted or not economically viable before new minerals development will be permitted does not comply with Scottish Planning Policy (SPP). Second paragraph of the policy could be amended to read: 'Before a new site for minerals development will be given permission, it must be shown that other existing reserves have been exhausted or are no longer viable or, for construction aggregates, amount to less than a ten year supply of permitted reserves'. Consequential changes to supporting text at paragraph 20.27.1 will also be required.</p> <p>The penultimate paragraph of Policy 54 states that existing reserves will be protected from incompatible development, although it appears to be intended that this will only apply to existing workings or consented reserves, rather than</p>		

all reserves. The Scottish Government recognises the practical difficulties in safeguarding reserves and identifying areas of search across the full extent of Highland and recommends that Policy 54, or its supporting text, confirms to what extent (for example for which minerals and/or which areas) and by what means (for example in supplementary guidance or the area local development plans) the Highland Council proposes to implement this aspect of SPP. (324)

Supports policy. (38, 87, 326) (Assumed 320)

Modifications sought by those submitting representations:

- Surface coal resources around Brora should be safeguarded in the policy. (38)
- Reorder policy sections. (118)
- Paragraph on geodiversity should be moved to the end. (324)
- Fifth sentence in final paragraph to be moved to after set of three bullet points in 1st paragraph and wording amended. (118)
- Second sentence of para 20.27.2 should be amended. (118)
- Policy wording should be amended to allow for a minimum 10 year landbank of permitted reserves for construction aggregates. Consequential changes to supporting text at 20.27.1 will also be required. (324)
- Policy or its supporting text should confirm to what extent and by what means the Council proposes to safeguard reserves and identify areas of search. (324)

Summary of responses (including reasons) by Planning Authority:

Surface coal reserves around Brora should be safeguarded

- [Sutherland Local Plan \(SULP\)](#) has a list of development factors for Brora. One of these is: "Development proposals should have regard to the potential presence of coal mining activity". This was added following a representation made to the SULP and the additional development factor was recommended by the Reporter. Therefore it is not believed that it is necessary to amend this policy as the issue is dealt with in SULP. (38)

Reorder policy sections

- Re-ordering the paragraphs is a non-material change to the policy therefore if the Reporter sees fit, the Council would support a re-ordering of the policy sections. (118)
- Moving the paragraph on geodiversity is a non-material change to the policy therefore if the Reporter sees fit, the Council would support this. (324)

Fifth sentence in final paragraph to be moved and reworded

- The moving of the sentence as it is written in the Proposed Plan is a non-material change to the policy but the Council believes that this sentence is best placed where it currently sits as the first sentence in the final paragraph mentions mitigation as well. However if the Reporter sees fit, the Council would support the sentence being moved.

- The policy is currently asking for mitigation to be provided; the addition of the word “avoid” changes the thrust of the policy, asking for all mineral developments to avoid impacts rather than provide mitigation on their impacts. It should be remembered that policy 58 sets out the tests against which all development which affects natural, built and cultural heritage features must be assessed.
- The wording of the sentence follows the wording of [Scottish Planning Policy \(SPP\) paragraph 231](#) however if the Reporter sees fit, the Council would support changing the wording from “the local natural and historic environment” to “the natural, built and cultural heritage”. (118)

Second sentence of para 20.27.2 should be amended

- The addition of the word “comprehensive” does not change the thrust of the sentence; it still remains that the mapping is not comprehensive enough and further survey work would be required to improve the information. If the Reporter sees fit, the Council would support the additional word. (118)

Policy should be amended to allow for a minimum 10 year landbank of permitted reserves for construction aggregates. Plan should identify search areas and safeguard specific sites for certain minerals

- The Council has a list of quarries in Highland from the British Geological Survey; however this information has not been confirmed by the Council. Therefore the Council has no accurate way of calculating if a 10 year supply is available or not if applying this amendment to the policy.
- The last time the Council did a minerals audit it showed that there was an adequate supply. Existing planning permissions, extensions of existing quarries and re-opening of dormant quarries should provide enough supply for at least 10 years. We will endeavour to do a new audit of mineral supply across Highland to identify what is being extracted and the expected lifetime of quarries.
- If an audit shows that there is a supply of less than 10 years we will begin to look at identifying new areas of search. As the Scottish Government has recognised, Highland is a large area to begin to identify areas of search. However the Council has just started the first of three new area Local Development Plans and through these the Council can begin to identify areas of search and areas to be safeguarded if an audit has identified a requirement for more supply.
- If the Reporter sees fit, the Council would support this amendment to the policy, with the additional wording and any consequential changes to the supporting text at paragraph 20.27.1. (324)

Any further plan changes commended by the council

None.

Reporter’s conclusions:

Added by Reporter at later date.

Reporter's recommendations:

Added by Reporter at later date.