

Issue 5	Responsible Resource Extraction	
Development Plan reference:	Page 36 , paragraphs 4.16 – 4.21	Reporter: [Note: For DPEA use only.]
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Coal Authority (790141) Cockburn Association (037249) Eskbank and Newbattle Community Council (891202) Hargreaves Services (038881) Kelso Community Council (039365) Midlothian Green Party (778339) Moorfoot Community Council (906008) Roslin and Bilston Community Council (790524) RSPB Scotland (031480) Scottish Government (034404) Scottish Wildlife Trust (038549) Taylor Wimpey (930050)</p>		
Provision of the Development Plan to which the issue relates:	Construction aggregates and energy minerals in the region.	
Planning Authority's summary of the representation(s):		
<p><u>Coal Authority (790141)</u> Proposed Plan mineral content on mineral safeguarding, areas of search for coal and hydrocarbon extraction are matters for Local Development Plans (LDPs) as set out in paragraphs 237 and 239 - 241 of SPP.</p> <p><u>Cockburn Association (037249)</u> Generally support. Welcome restoration and regeneration of former mining sites. Opportunities for forestry and / or return to agriculture should be considered. Question roles and costs in regeneration of sites for housing.</p> <p>Plan should indicate areas where unconventional oil and gas extraction not allowed.</p> <p><u>Eskbank and Newbattle Community Council (891202)</u> Recognise and support need for 10 year reserve of construction aggregates but consider mitigating disruption to communities is important.</p> <p><u>Hargreaves Services (038881)</u> Plan should reiterate Scottish Planning Policy (SPP) paragraph 239 requiring LDPs to identify areas of search for surface coal mining. Plan should recognise coal is not solely used in energy generation and reaffirm importance of coal in economy and need for LDPs to identify areas of search. Plan should recognise contribution</p>		

coal extraction makes to Scotland's economy and make provision for surface coal mining sites should the need arise.

Plan should designate legacy and restored sites as priority sites for development to further enable restoration and maximise benefits from these sites.

Kelso Community Council (039365)

Unconventional oil and gas policy follows Scottish Government policy, but this means unconventionally extracted oil and gas is imported from the US.

Midlothian Green Party (778339)

Contradiction between identifying coal, oil and gas reserves and low carbon economy. Fossil fuel extraction cannot support a low carbon city region. No fossil fuel power stations mean that energy minerals cannot be used close to where they are extracted. Direction to LDPs to identify coal, oil and gas reserves, as opposed to areas of search, is a change since Main Issues Report. Plan should support policies for ensuring that fossil fuels are left in the ground.

Moorfoot Community Council (906008)

The requirement for LDPs to identify coal, oil and gas reserves is incompatible with strategy. This is also a change since the Main Issues Report. SPP states Local Authorities 'should' identify reserves. Plan should indicate areas not supported for the extraction of onshore gas. LDPs now having to identify reserves means there will be no direction as to where developments should or should not go.

Roslin and Bilston Community Council (790524)

Restoration should be considered in the extraction of minerals.

Minerals sites can cause pressure on unsuitable roads.

RSPB Scotland (031480)

Welcome text on restoration of former mining sites, could be extended to landfill, onshore wind and unconventional gas extraction. Plan should encourage Local Authorities to undertake compliance monitoring on opencast coal, quarries, landfill, onshore windfarms and electrical interconnector transmission lines and provision of financial guarantees to avoid liabilities passing to Local Authorities.

Reference could be made for any new areas of resource extraction to avoid impacts on deep peat. Reference could be made to protecting peatland habitats in carbon and biodiversity value in accordance with Scotland's National Peatland Plan (RSD06) and SPP. Plan should identify opportunities for peatland restoration.

Welcome minerals working group and would be happy to contribute.

Unconventional gas extraction has environmental impacts. Extraction of fossil fuels is unnecessary given the potential for renewable energy in Scotland.

Quarry at Oxwell Mains, Dunbar should have a site restoration programme to create habitat for wildlife rather than agriculture.

Scottish Government (034404)

It is not clear what the status of the output of the Minerals Working Group would be.

Scottish Wildlife Trust (038549)

Environmental liability and compensation must be established. Plan should state it opposes peat extraction for horticulture.

Taylor Wimpey (930050)

Welcome statement on LDPs to identify former mining sites and means of restoration, in relation to Blindwells former mining site.

Modifications sought by those submitting representations:

Cockburn Association (037249)

Add support for forestry and agriculture regeneration of former mining sites. Add details on role and costs in regeneration of former sites for housing.

Plan should indicate areas where unconventional oil and gas extraction not allowed.

Hargreaves Services (038881)

Plan should reiterate SPP requiring LDPs to identify areas of search for surface coal mining. Plan should recognise contribution coal extraction makes to Scotland's economy and make provision for surface coal mining sites should the need arise. Plan should designate legacy and restored sites as priority sites for development to further enable restoration and maximise benefits from these sites.

Midlothian Green Party (778339)

The Plan should not identify fossil fuel reserves. Plan should support policies for ensuring that fossil fuels are left in the ground.

Moorfoot Community Council (906008)

The requirement for LDPs to identify coal oil and gas reserves should be removed. There should be no provisions in the Plan that facilitate unconventional oil and gas developments.

RSPB Scotland (031480)

Plan should set out the need for Planning Authorities to include a requirement for financial guarantees to cover all potential restoration, aftercare, decommissioning and mitigation costs of all major infrastructure developments, as well as compliance monitoring for all development. Recommend that SESplan provides further guidance on this issue. Section should make specific reference to avoiding impacts on deep peat.

4.20 Would welcome reference to the need for LDPs to take a precautionary approach towards unconventional gas extraction, with the inclusion of policies that set a presumption against unconventional gas extraction.

4.21 Suggest 'to maximise benefits for communities and wildlife' is added at the

end of this paragraph. i.e. 'identify former mineral sites and the potential means of restoration and regeneration in accordance with the vision and spatial strategy of the Strategic Development Plan to maximise benefits for communities and wildlife.

Scottish Government (034404)

Support working group for minerals, but there should be a clear statement of intent as to what the status of the findings or output of the working group will be. This is to avoid these key strategic matters being without direction for the plan period. Although not preferred, it would be appropriate to include a statement that the output of the working group will be adopted as supplementary guidance as well as listing the elements that the development plan authority considers should be contained therein.

Scottish Wildlife Trust (038549)

Environmental liability and compensation must be established. Plan should state it opposes peat extraction for horticulture.

Summary of responses (including reasons) by Planning Authority:

Construction Aggregates

Scottish Government (034404)

Paragraph 236 of SPP (ASD06) requires Strategic Development Plans to ensure that adequate supplies of construction aggregates can be made available from within the region to meet the likely development needs over the plan period. Following the publication of the 2012 Scottish Aggregates Survey in 2015 (ASD07) it was indicated that the region's supply of sand and gravel is 32 years and the supply of Hard Rock is 15 years. At the time of preparing the SESplan Minerals Technical Note (ASD81) data from this survey was not available; however, the landbank of reserves was indicated to be a similar position i.e. exceeding 10 years supply. This technical note has now been updated (ASD54) to more accurately reflect the current position and indicates that the supply remains in excess of 10 years with levels of supply at 32-34 years for sand and gravel and 15-32 years for hard rock. The updated Minerals Technical Note has been submitted as a supporting document (ASD54).

SESplan does not accept the modification that the output of the Minerals Working Group should be adopted as Supplementary Guidance. The aim of the Minerals Working Group as indicated in the Proposed Plan is to continue to monitor the region's supply of construction aggregates over the plan period. As it is indicated that the supply of construction aggregates is in excess of 10 years it is unlikely to require any substantial corrective action in strategic policy terms. In addition, Member Authorities in the SESplan region who have the most significant minerals deposits, including Midlothian, West Lothian and Fife have prepared or are in the process of preparing their own Supplementary Guidance on minerals (including construction aggregates). East Lothian has included a number of policies within their Proposed LDP (ASD09). As such production of further Supplementary Guidance at strategic level would be considered disproportionate.

SESplan also consider that any additional supplementary guidance should be limited in line with the 2017 consultation on the Scottish planning system (ASD10)

which recommends the removal of supplementary guidance. It is however accepted that the region's position on construction aggregates could be made clearer. If the Reporter is so minded, reference could be made within the text confirming there is a sufficient supply of construction aggregates available to meet the anticipated construction needs in the city region over the SDP period and clarifying the working group's function is to monitor and review the aggregate resources of the city region. **No modifications proposed.**

Coal, Oil and Gas Reserves

Coal Authority (790141), Hargreaves Services (038881), Midlothian Green Party (778339), Moorfoot Community Council (906008)

Paragraph 4.20, line 1 of the Proposed Plan states that "Local Development Plans will identify coal, oil and gas reserves to support a diverse energy mix, giving sufficient weight to the avoidance of long term environmental impacts and greenhouse gas emissions from their use." This statement, in part, refers to SPP paragraphs 237 and 239 – 241 (ASD06).

There is no requirement for Strategic Development Plans to repeat national policy, however, if the Reporter is so minded, amending the text in paragraph 4.20, line 1 may improve consistency and clarify and confirm that this paragraph refers to LDPs identifying energy mineral areas of search. **No modification proposed.**

Hargreaves Services (038881)

Whilst the importance coal may play in the economy of the country is noted, it is not considered that it would be appropriate for the Strategic Development Plan to make provision for surface coal mining. This information would be more applicable to LDPs and Development Management decisions. **No modification proposed.**

Unconventional Oil and Gas Extraction

Cockburn Association (037249), Kelso Community Council (039365), RSPB Scotland (031480)

Scottish Government announced a moratorium on unconventional oil and gas in January 2015 and direction was issued to Planning Authorities in October 2015. This was to enable further research to be undertaken by the government. Whilst research has now been published, the process is ongoing and the moratorium remains in place with no further direction given to Planning Authorities. As a result, SESplan does not consider it appropriate to offer direction on unconventional oil and gas matters in the Proposed Plan. **No modification proposed.**

Protection of Community, Environment and Site Restoration

Cockburn Association (037249), Eskbank and Newbattle Community Council (891202), Hargreaves Services (038881), Roslin and Bilston Community Council (790524), RSPB Scotland (031480), Scottish Wildlife Trust (038549), Taylor Wimpey (930050)

The Proposed Plan includes direction to LDPs to identify former minerals sites and potential means of restoration and regeneration in accordance with the vision and spatial strategy of the Proposed Plan. The Proposed Plan does not set out or prioritise specific sites or what form of restoration or regeneration would be most appropriate as this will vary between different sites, locations and the needs of each area. Examples are given in the supporting text of regeneration schemes for

housing or employment, however, this is not intended to preclude restoration or regeneration for other uses. These examples are used as they are most relevant at a strategic planning scale. Details of compliance, funding mechanisms and liability will also be site specific, dependant on the type of works and site ownership. It is considered that detailed information on the monitoring, restoration and regeneration of former minerals sites is most appropriately dealt with through LDPs. **No modification proposed.**

RSPB Scotland (031480)

It is noted that the inclusion of other decommissioned sites including other mining works, landfill, onshore wind and unconventional gas extraction may also benefit from guidance on restoration, however it is considered these types of sites are potentially less likely to constitute development at a strategic scale at this time and such restoration and regeneration can be dealt with through LDPs. **No modification proposed.**

Eskbank and Newbattle Community Council (891202), Roslin and Bilston Community Council (790524)

It is acknowledged that minerals extraction development may impact on communities and road infrastructure, however as the Proposed Plan does not identify specific sites, the impacts of minerals extraction and any required mitigation are best dealt with by the individual local planning authorities. **No modification proposed.**

Peat

RSPB Scotland (031480), Scottish Wildlife Trust (038549)

SPP paragraph 241 states that areas of peatland should be protected and commercial extraction should only be permitted in very limited areas. Paragraph 205 provides direction to Development Management in terms of peat and development disturbance. It is not considered that the Strategic Development Plan can add further policy advice at the strategic plan scale. **No modification proposed.**

7 representations of support for this section of the Proposed Plan are noted.

Reporter's conclusions:

[Note: For DPEA use only.]

Reporter's recommendations:

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