

Issue:	026: Energy, Waste and Resources: Minerals	
Development plan reference:	Policy 7: Energy, Waste and Resources and Maps 7A and 7B, Pages 40 to 45	Reporter: [DPEA Use only]
Body or person(s) submitting a representation raising the issue representation reference:		
Seeking a change UK Coal Authority (846947) Breedon Aggregates Scotland Limited (909803)		
Provision of the development plan to which the issue relates:		
This policy covers all forms of infrastructure relating to energy, waste and liquid/solid/gas minerals in any place and of any type and scale within the TAYplan area. This specific issue relates to Minerals.		
Planning Authority's summary of the representation(s):		
Summary of Representations Seeking a change UK Coal Authority (846947) PLAN2015_18, PLAN2015_19 PLAN2015_20 & PLAN2015_21 proposes several different amendments which collectively have the result of removing fuel minerals, specifically coal and coal-bed methane, from Policy 7. They consider that Strategic Development Plans should consider the safeguarding of construction aggregates for the needs of the city region over the plan period. They consider that all other minerals issues are for Local Development Plans. This is argued on the basis that Scottish Planning Policy (2014) paragraphs 237 and 239 to 241 (Doc84). Breedon Aggregates Scotland Limited (909803) PLAN2015_258 & PLAN2015_260 considers that Policy 7D iii) should better recognise the need to work resources where they are found and that geology will dictate where minerals, including aggregates, can be extracted. They also state that the policy should also refer to hard rock (Doc80).		
Modifications sought by those submitting representations:		
UK Coal Authority (846947) PLAN2015_18 propose the deletion of policy 7C (Doc80). UK Coal Authority (846947) PLAN2015_19 propose the deletion of policy 7D viii (Doc80) where it currently says 'particularly for extraction of solid, liquid and gas minerals'. UK Coal Authority (846947) PLAN2015_20 propose the removal from the footnote in Policy 7 (Doc80) of the following text: <ul style="list-style-type: none"> • Lines 4-6 'and; for the exploration, extraction, transfer, distribution and storage of solid, liquid or gas minerals.' • Lines 10-11 "quarrying and mining equipment, unconventional gas and oil extraction equipment" • Lines 11-12 "oil and gas" • Lines 12-13 "solid mineral sorting and transfer facilities." UK Coal Authority (846947) PLAN2015_21 proposes the following amendments to Page 44 (Doc80), middle column, second paragraph: <ul style="list-style-type: none"> • Delete the text: 'extraction including coal, oil, gas and aggregates (rocks, sand and gravel). This also applies to unconventional gas; including extracting gas from coal-bed methane and underground coal gasification. Many of the specific requirements for these operations are covered by legislation and/or national policy. Measures that take advantage of the locational flexibilities offered by technology to help overcome localised constraints and practical issues, will need to be consistent with Policy 7D.' 		

- Replace this with new text so that it reads as follows: 'Policy 7 also covers minerals only in relation to the overall supply of construction aggregates; it does not cover other minerals which are matters for Local Development Plans.'

Breedon Aggregates Scotland Limited (909803) PLAN2015_258 & PLAN2015_260 propose revisions to Policy 7D iii) (Doc80) as follows:

- 'Proximity of resources (e.g. geo-thermal heat, sand, gravel, hard rock, gas, oil, woodland, wind or waste material); and to users/customers, grid connections and distribution networks for the heat, power or physical materials, by-products and waste that are produced, as appropriate'.
- They also propose stronger recognition that 'mineral resources can only be worked where they are found.'

Summary of responses (including reasons) by Planning Authority:

Context

TAYplan has recognised that solid, liquid and gas minerals are vital for everyday life and are used for a range of human activity. Extracted from the earth, they play a central role as fuel for transport, heating, building and industrial processes. Solid, liquid and gas minerals are sourced from within the TAYplan area and from elsewhere in the UK, offshore and overseas. Sourcing minerals is governed by their availability in the earth's crust, along with cost of extraction and transportation. The British Geological Survey's Risk List 2012 (026/Extract/1) identifies critical minerals that are considered economically essential but for which the UK is reliant on limited home supplies and/or imports. This was recognised in the TAYplan Main Issues Report (2014) pages 43 to 46 and Topic Paper 3: Assets, Resources and Infrastructure (2015) pages 4 and 5 and also pages 19 to 25 (Doc105).

The TAYplan area has known deposits of some critical raw materials such as Barytes, Gold, Silver and Zinc. There are also numerous deposits of construction aggregates. The Scottish Aggregates Survey, being conducted jointly by the Scottish Government and Planning Authorities across Scotland, will provide further insight into where there is a surplus or a shortfall in hard rock, sand and gravel. From a policy point of view Policy 9 Managing TAYplan's Assets (Doc80) specifically focuses on protecting the locations of sensitive assets for a limited range of land uses. This is a continuation of the current approach set out in approved TAYplan (2012) Policy 3 (Doc16). This includes areas with known mineral deposits as well as prime agricultural and important historic and environmental assets. There is specific protection for minerals identified on the British Geological Survey's Risk List (026/Extract/1). This approach is consistent with Scottish Planning Policy (2014) paragraph 235 and 236 (Doc84). More detailed matters regarding minerals are covered at Local Development Plan level as described in Scottish Planning Policy (2014) paragraphs 237 to 248 (Doc84).

Policy 7 is a continuation of the approved TAYplan (2012) Policy 6 (Doc16). It considers the factors that must be taken into account when deploying energy, waste and resource management infrastructure rather than the issues about the specific resource itself. This is an important distinction. Energy, Waste and Resource Management infrastructure are considered together in one policy because the factors and impacts that need to be considered are very similar. Infrastructure for the exploration, extraction, distribution, transfer and storage of all liquid, solid and gas minerals is included within this irrespective of whether it is for fuel minerals or those minerals used for other purposes.

Policy 7 is also reinforced by Policy 2 (Doc80) which focuses on place quality and covers all scales and all types of development including energy, waste and resource management infrastructure.

Authority's Responses to Proposed Changes

UK Coal Authority (846947) PLAN2015_18, PLAN2015_19, PLAN2015_20, PLAN2015_21

The respondent has proposed several different amendments which collectively have the result of removing fuel minerals, specifically coal and coal-bed methane, from Policy 7. They consider that Strategic Development Plans should consider the safeguarding of construction aggregates and that all other minerals issues are for Local Development Plans. This is argued on the basis that Scottish Planning Policy (2014) paragraphs 237 and 239 to 241 (Doc84).

However, as noted above in the context section, Policy 7 is not a minerals policy it is a policy which considers the impacts of the infrastructure that will be deployed for the exploration, extraction, distribution, transfer and storage of all liquid, solid and gas minerals (as well as energy, waste and other resource management infrastructure). It is rational and sensible to consider this along with energy and waste management (as described in the Policy 7 Footnote – Doc80). Given such an approach it would seem both unusual and incomplete to have such a policy which then effectively removed infrastructure relating to fuel minerals only. TAYplan considers such an approach to be illogical since, in reality, the spirit of Scottish Planning Policy (2014) (Doc84) and the Proposed Plan (2015) (Doc80) would effectively require the equivalent decisions to be taken in any event.

TAYplan cannot conceive of circumstances where the decision making framework expressed by Policy 7 (Doc80) would not be applied to the infrastructure for solid, liquid or gas fuel minerals. Nor, indeed where Policy 7 would be applied to the infrastructure for non-fuel minerals only. TAYplan is satisfied that the approach set out in Policy 7 is logical, reasonable and appropriate. TAYplan also considers that this is consistent with Scottish Planning Policy (2014) paragraph 193 (Doc84) and more broadly the intention of delivering successful, sustainable places and natural, resilient places as advocated by Scottish Planning Policy (2014) (Doc84). The proposed amendments would, in TAYplan's view, result in a situation that would make it more difficult to deliver these intended outcomes and also those of the Proposed Plan's (2015) vision (Doc80). It would also make things more confusing for users of the Plan.

On a more detailed level:

- Policy 7C sets out that infrastructure associated with extraction, transfer and distribution of liquid and gas minerals may take advantage of locational flexibilities offered by various extraction techniques. In other words technology offers the chance to overcome some of the potential impacts of activity on sensitive receptors. This supports rather than contradicts the overarching principles of Scottish Planning Policy (2014) Paragraph 235 (Doc84) to 'minimise the impacts of extraction on local communities, the environment and the built and natural heritage'.
- Policy 7D (Doc80) provides detailed criteria by which Local Development Plans and development proposals should be assessed. The reference to the extraction of solid, liquid and gas minerals in terms of land restoration in Policy 7D viii (Doc80) is consistent with Scottish Planning Policy (2014) paragraph 235 (Doc84) which specifically states in its Policy Principles that the planning system should 'secure the sustainable restoration of sites to beneficial after use after working has ceased'. Policy 7 applies this to all types of energy, waste and resource management infrastructure. It would seem unusual to remove such an important and well-established requirement from a policy which is trying to minimise the impact of infrastructure and its activity. It would also seem unusual to remove such a requirement from solid, liquid and gas minerals proposals since these are amongst those with the most recognisable and potentially significant post-operational

legacies.

- The Policy 7 footnote (Doc80) provides greater detail of the types of infrastructure that Proposed Policy is referring to. The removal of solid, liquid or gas minerals would lead to an inconsistency in the application of this policy. As mentioned above, it is unlikely that the considerations outlined in Policy 7 would not be used for such proposals yet the proposed change would result in this perception and subsequent ambiguity and confusion about what is expected.
- The respondent also refers to the safeguarding of minerals – this is considered under Policy 9: Managing TAYplan's Assets (Doc80). The respondent's comments on Policy 7 (Doc80) do not provide any alternative approach to dealing with infrastructure for minerals but simply wish to exclude minerals from being mentioned. Scottish Planning Policy does not at any point stipulate that Strategic Development Plans should not mention the extraction, safeguarding and areas of search for minerals. Nor does it prevent Strategic Development Plans from considering the impact of solid, liquid and gas mineral infrastructure or activity.

TAYplan therefore considers that the changes proposed by the respondent do not fully recognise the focus of Policy 7 on infrastructure and its impacts. TAYplan also considers that such changes would lead to confusion and ambiguity to the detriment of the Vision (Doc80) and the spirit of Scottish Planning Policy (2014) with regard to 'responsible extraction of resources' (Doc84). TAYplan is not persuaded that the respondent has adequately considered the consequent impact of the proposed changes on these broader issues. No robust or compelling evidence has been presented to justify why the proposed changes would better result in the outcomes sought by Scottish Planning Policy (2014) (Doc84) or the achievement of the Proposed Plan (2015) Vision (Doc80). TAYplan considers that the proposed changes are therefore neither necessary nor appropriate and proposes to make no changes.

Breedon Aggregates Scotland Limited (909803) PLAN2015_258 & PLAN2015_260

Policy 7D iii (Doc80) sets out requirements to consider the proximity of the factors that are involved in processing waste, generating energy or extracting resources because of the impact this will have on location choices and the transportation of material to and from site. It describes the need to consider the proximity of resources, customers/users, grid connections and distribution networks. The text provides examples of some resources 'e.g. geo-thermal, heat, sand, gravel, gas, oil, woodland, wind or waste material'. The respondent is correct that 'hard rock' has not been referenced here. However, many potential resources have also not been referenced such as surplus heat, sun light, hard rock, coal and other materials. It would not be possible to list all of the potential resources that could be described and TAYplan is satisfied that Policy 7D iii (Doc80) makes the relevant points about proximity and gives some pointers about what it means.

TAYplan agrees that minerals can only be extracted where they are found. This is why Policy 9A (Doc80) sets out an approach to protect finite resources. It is also why Policy 7C (Doc80) recognises role of technology in influencing specific location of extraction infrastructure and why Policy 7D iii (Doc80) recognises the issue of proximity.

TAYplan is satisfied that both Policy 7 and Policy 9 (Doc80) appropriately deal with the matters raised by the respondent already and is not persuaded that there is any evidence to justify why the proposed changes would better deliver the Vision (Doc80). Therefore, TAYplan does not consider the proposed changes necessary or appropriate and proposes to make no changes.

CONCLUSIONS

Policy 7 (Doc80) provides a policy framework for the consideration of energy, waste and resource management infrastructure proposals to inform decision making and aid

the Local Development Plans. This is strategically significant and a logical approach to development with strong similarities.

Neither the Scottish Government nor any other government agency has raised any issues regarding the changes sought by other respondents and TAYplan considers this to reflect their satisfaction with the approach as set out in Proposed TAYplan (2015) Policy 7 (Doc80).

TAYplan is not persuaded that the respondents have provided any robust evidence to explain why their proposed changes would better deliver the vision or would lead to a clearer and more workable framework than the one set out currently. TAYplan is therefore satisfied that the approach set out in Policy 7 (Doc80) remains appropriate.

TAYplan considers that all of the issues raised do not warrant any change to the Proposed Strategic Development Plan (May, 2015) (Doc80) and propose that the elements dealt with in this Schedule 4 Summary of Unresolved Issues remain as written and unchanged.

Reporter's conclusions:

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Reporter's recommendations:

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Committee Version