



SHETLAND ISLANDS COUNCIL

INTERIM PLANNING POLICY

MINERALS Monitoring & Main Issues Report



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Produced by

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Minerals Monitoring and Main Issues Report

Contents	Page
1. Introduction	3
2. History	
Aggregates Technical Report & Policy Paper	4
Shetland Structure Plan	4
Shetland Local Plan	5
3. Monitoring Statement	
Legislative Framework & National Guidance	6
Local Strategies and Frameworks	10
4. Monitoring Report & Identification of Main Issues	13
5. Main Issues for Consultation	
Safeguarding Existing Resources	16
Recycled and Secondary Materials	17
Minimisation of Environmental & Adverse Impacts	19
6. Environmental Report	21
7. Summary	22

Introduction

- 1.1 The current Shetland Structure Plan (2001) was based on information gathered during the late 1990s. If a new Local Development Plan is to provide sound and comprehensive policies for development leading into the next decade, it is imperative that it is based on up-to-date information and legislation. Work commenced during 2007 on a number of topic areas as national policy or changes to local objectives indicated a review was required.
- 1.2 The review of the Council's Aggregates Policy commenced, and was significantly completed, prior to the publication of the Scottish Government's new legislation for the review of Local Development Plans (Planning etc (Scotland) Act 2006). Consequently this review falls between existing and emerging changes in legislation. In order to address the situation and bring work already completed in line with these emerging changes, this Interim Planning Policy is being presented in a way which brings it into line with the new legislative requirements.
- 1.3 This Report sets out:

Monitoring Statement: the changes in the characteristics of the area, legislation, local strategies, etc. which impact on policies and proposals in the existing local development plan.

Main Issues Report: identification of the main issues that are changing from the last plan and the setting of general proposals where development should and should not occur.

Associated Documents:

Minerals Technical Paper: reviews the previous Aggregates Technical Paper and current mineral working within Shetland

Minerals Policy (Draft): sets out a draft strategic and detailed policy framework for mineral developments in Shetland.

History

2.1 Aggregates Technical Report & Policy Paper

In 1993 Shetland Islands Council undertook a review of its Aggregates Policies, in part due to a proposal by Sullom Voe Aggregates Ltd to establish a large scale coastal quarry at Haggrister. The Council instructed the then Planning Department to prepare suitable planning policies and guidelines for major export quarries in Shetland. At a later General Services Committee it was agreed to amend the instruction to apply to the winning and working of aggregate, regardless of market or scale. This allowed a review of planning policies towards smaller quarries in Shetland as well.

2.2 Although the urgency of the report resulted from the Haggrister planning application and the ongoing interest of another developer to export rock from the Gaza pier near Sullom, its preparation did fit into the context of the review of the Shetland Structure Plan and Local Plan at that time. Following a period of consultation and subsequent amendments, the Technical Report and Policy Paper were adopted by the Council in March 1994.

2.3 Development Plan : Shetland Structure Plan

The Shetland Structure Plan was adopted by the Council in July 2000 and replaced the previous Plan adopted in 1980. The Structure Plan sets out a land-use development approach for Shetland, providing the framework for the areas regarded as strategically significant for Shetland and identifies three policies for aggregates:

MIN1	Seeks to safeguard significant aggregate sources and commercially viable sites
MIN2	Implies general presumption for mineral and aggregate extraction where it does not result in adverse impact on local residents, the landscape, the best and most versatile agricultural land; water courses; nature conservation; the historic environment and the visual amenity of the area.
MIN3	Seeks to minimise disturbance by use of appropriate conditions

2.4 These policies were heavily influenced by the Council's desire to encourage diverse employment opportunities throughout Shetland whilst still encouraging sustainability. It was considered that mineral and aggregate reserves had the potential to provide employment and locally sourced materials for construction, in addition to potentially supplying export markets.

2.5 Development Plan : Shetland Local Plan

Four years later, the Shetland Local Plan whilst seeking to encourage employment opportunities, additionally sought to balance the need to

control the proliferation of quarries in the Shetland landscape, whilst providing for local aggregate demands. Policies were also brought up to date to conform to NPPG4 and the Corporate Plan and the use of Section 75 Agreements to provide a bond for restoration purpose. They do not, however, incorporate the requirements of the Environmental Impact Assessment Regulations (Scotland) 1999 or seek to encourage sustainable development. Neither did they bring forward the Structure Plan objective to safeguard the potential export quarry sites at Hamar Ness in Northmavine and north east of Sullom Voe or identify criteria to safeguard existing and commercially viable sites.

LPMIN4	Implies a general presumption against new, or extensions to existing quarries within 800 metres of occupied schools or permanently occupied houses.
LPMIN 5	Presumption against new or extended quarry developments where adequate permitted reserves already exist in order to control proliferation of quarries.
LPMIN6	Clarifies that proposals to re-establish mineral workings that are disused or abandoned and do not have planning permission will be considered as applications for new workings in policy terms.
LPMIN7	Seeks to control the proliferation of "borrow pits" in terms of size, location, limiting extraction and ensuring restoration.
LPMIN8	Seeks to encourage the re-use of former quarries for other uses for temporary uses only as restoration of all worked out or abandoned quarries is the ultimate aim.
LPMIN9	Seeks to protect the coastline from damaging extraction of sand and shingle.
LPMIN10	Implies a general presumption for commercial peat extraction provided criteria are met in terms of protection of water flows, areas of active blanket bog and bog orchid ` sites and which support otters and other wildlife and breeding birds.
LPMIN11	Relates to proposals for coastal export quarries which will only be permitted where the proposal fully complies with relevant Shetland Structure Plan and Local Plan Policies.
LPMIN12	Seeks to control stockpiles or the development or use of new and existing pierhead facilities as transshipment terminals associated with export based coastal quarries.

- 2.5 The change of emphasis of the policies contained in the Structure Plan of 2000 and the Local Plan of 2004 confirms the fact that Shetland's statutory minerals policies need to be updated, both in terms of consistency and to ensure that they are in accordance with current legislation, namely, the proposals within SPP4 (Planning for Minerals) and the Environmental Impact Assessment (Scotland) Regulations 1999.
- 2.6 Future policies will require to be more specific and more detailed in order to provide clear and consistent policy guidelines to mineral operators, local communities and the general public and provide the decision-making framework for processing minerals applications.

Monitoring Statement

Changes in legislation, guidance and local strategies and frameworks since the adoption of Shetland Islands Council development plan policy relating to Minerals extraction

Legislative Framework & National Guidance

3.1 There have been a significant number of changes in legislation since the preparation of the development plan documents relating to minerals. In particular the planning system faces its most fundamental and comprehensive reform in the new Planning etc (Scotland) Act 2006. It is expected that regulations for the preparation of future Local Development Plans (to replace existing Structure and Local Plans) will be in effect from February 2009, following prior consultation. Although not in effect at the time of preparing this Minerals Review, draft regulations circulated for consultation outline that all new development plans and supplementary guidance have a statutory requirement to place greater weight on sustainable development.

3.2 Under the new arrangements, the current system of Structure and Local Plans will ultimately be replaced by a single new style Local Development Plan, supported by Supplementary Guidance. The Council needs a comprehensive set of detailed policies to support the Local Development Plan and to provide developers, communities and others who contribute to the planning process with greater certainty and consistency. Supplementary Guidance will have a legal basis as part of the Local Development Plan. This will allow the Local Development Plan to be shorter and more concise. In addition, topic based Supplementary Guidance will be more easily adapted to changing circumstances and legislation.

3.3 Environmental Impact Assessment

Another significant change has been the implementation of the Environmental Impact Assessment (Scotland) Regulations 1999 which requires that projects which are likely to have significant effects on the environment by virtue of their nature, size or location shall be subject to an assessment of those effects". These Regulations are well bedded into the current planning system and larger scale mineral proposals fall within the thresholds for assessment.

3.4 National Guidance

National policy and advice relates more to the kinds of policies that are appropriate in statutory plans and SPPs (Scottish Planning Policies) and provide the statements of the Scottish Government's policy on nationally important land use and other planning matters. These statements of policy are material considerations to be taken into account in development plan

preparation and development management. Three particular SPPs are relevant to minerals:

3.5 SPP : Scottish Planning Policy (2008)

This document is the most up-to-date statement of Scottish Government policy on land use planning. The Scottish Planning Policy (SPP) and National Planning Policy Guidance (NPPG) series are being consolidated into one document.

3.6 To date the new SPP has not been published in its final form. Parts One and Two were published as Scottish Planning Policy (SPP) on 28 October 2008, superseding SPP1 *The Planning System (2002)*. Part Three of the consolidated SPP is currently being prepared and will be published for consultation in Spring 2009, with the aim of being published by the end of the year. Until that time, the thematic policies contained in the existing SPP/NPPG series will remain in force.

3.7 The Scottish Government indicate that:

*The new Scottish Planning Policy will rationalise national planning policy, expressing it in more concise terms, providing clarity and greater certainty of intended outcomes. **It is not our intention to change policy** (my emphasis), although some adjustments to how it is expressed will be necessary. Some NPPGs and SPPs have recently been reviewed or were under review. All of the work undertaken during these review processes will inform the policy set out in the consolidated SPP. Scottish Planning Policy Publications : 2009*

3.8 The Government believes that a number of core principles should underpin the modernised planning system and in terms of development plans:

- represent a genuine plan-led system, with succinct development plans providing the practical framework within which planning applications can be decided with a degree of certainty and efficiency;
- the primary responsibility for the operation of the planning system lies with the local and national park authorities;
- confidence in the planning system needs to be reinforced through efficient and predictable preparation of plans and transparency in decision making;
- constraints and requirements should be necessary and proportionate;
- all interests should be engaged as early and as fully as possible; and
- there should be a clear focus on the quality of outcomes, with due attention given to the considerations of the:
 - sustainable use of land,
 - good design; and
 - the protection and enhancement of the built and natural environment.

- 3.9 The Scottish Government expects development plans to:
- have a sharp focus on land and infrastructure;
 - concentrate on what will happen, where and why;
 - contain policies and proposals that will achieve predictable outcomes and provide a clear indication of how a decision maker will react to a proposal.

3.10 Monitoring should focus on what has changed and any review should focus on what has to change rather than invite the re-opening of settled issues.

3.11 **SPP1 : The Planning System (2002)**

This Minerals Review commenced at the end of 2006 and therefore a considerable time before the current Government's aspirations in terms of the consolidated SPP (October 2008). The objectives of SPP1 (current at the time of commencement of the Review) have been used to provide the framework for the Minerals Review. Despite it now having been superseded by SPP (2008) we still consider it relevant to the Review, particularly as the policy statements within SPP4 : Minerals emanated from SPP1.

3.12 SPP1 outlines the Planning System drawn from The Town & Country Planning (Scotland) Act 1997 and highlights the need to in-corporate sustainable development into the development plan process. Enabling sustainable development requires co-ordinated action, combining economic competitiveness and social justice with environmental quality. Policies and actions of the public, private and voluntary sectors should support and encourage sustainable development. The planning system is important as a means of integrating policies and decision making through its influence over the location of development and other changes in the way land is used. In relation to minerals there should be policies in place that encourage prudent use of natural resources.

3.13 SPP1 requires that development plan policies address sustainable development at the local level whilst reflecting national and international goals. Both the short-term and the long-term consequences of policies must be considered from the outset. Planning decisions should favour the most sustainable option, promoting development that safeguards and enhances the long-term needs of the economy, society and the environment. Six aims and objectives are identified which provide a useful framework for ensuring policies fulfill SPP1 requirements:

- Sustainable Development
- Economic Competitiveness
- Social Justice
- Environmental Quality
- Design
- Sustainable Transport

3.14 We consider these aims and objectives provide a useful framework for our own review of Development Plan Policy and propose to incorporate these into all supporting Supplementary Guidance and Interim Planning Policy in

order to ensure that the Shetland strategic and detailed land use planning framework, is undertaken in a consistent manner.

3.15 **SPP4 : Minerals (2006)**

SPP4 (September 2006) provides a statement of Scottish Executive policy for mineral working and replaces NPPG4 *Land for Mineral Working* (amended May 2001). The SPP takes account of developments in policy, legislation and guidance and also draws on practical experience of implementing earlier policies. **The result is an up to date policy statement for mineral working.** (This thematic SPP remains in force until replaced by the consolidated SPP at the end of 2009.)

3.16 SPP4 states that minerals are vital to the Scottish economy, providing essential raw primary materials for industry, construction aggregates and secondary aggregates for the built environment. It highlights that mineral working may have impacts on local communities and the environment and that all mineral proposals should be fully assessed so that extraction only takes place where those impacts can be made acceptable.

3.17 The following objectives for mineral working are found within SPP4 that will ensure a sustainable approach to mineral extraction:

- safeguarding minerals as far as possible for future use;
- ensuring a steady and adequate supply is maintained to meet the needs of society and the economy;
- encouraging sensitive working practices during mineral extraction that minimise the environmental and transport impacts and once extraction has ceased ensure that sites are reclaimed to a high standard or enhance the quality of the wider environment;
- promoting the use and recycling of secondary materials in development plan policies in addition to those for the release of sites for primary materials;
- protecting international, national and locally designated areas of acknowledged natural or built heritage from damage; and
- minimising the potential adverse impact of minerals extraction on communities.

3.18 **Planning Advice Notes**

The Scottish Government's series of Planning Advice Notes (PANs) provide advice on good practice and other relevant information. Two PANs in particular provide significant guidance in terms of mineral workings:

3.19 **PAN 50: Controlling the Environmental Effects of Surface Mineral Workings**

This consists of a set of 4 documents, titled as follows:

- Annex A (1996)** – The Control of Noise at Surface Mineral Workings
- Annex B (1998)** – The Control of Dust at Surface Mineral Workings
- Annex C (1998)** – The Control of Traffic at Surface Mineral Workings
- Annex D (2000)** – The Control of Blasting at Surface Mineral Workings

- 3.20 This set of PANs lay down guidance for planning authorities on how to control and minimise the impacts of surface mineral workings, including advice on defining the scope of Environmental Impact Assessments. The PAN also sets out many of the specific potential effects associated with surface mineral workings such as visual intrusion, groundwater, surface water and wastes, along with potential mitigation measures and planning responses.
- 3.21 **PAN 64: Reclamation of Surface Mineral Workings (2002)**
This document provides guidance on how new or existing mineral workings can be reclaimed to a high standard, creating or enhancing a range of habitats and landscape features.

Local Strategies and Frameworks

- 3.22 The Corporate Plan 2008-2011 sets out the Council's high level aspirations in contributing to the achievement of the Community Planning vision for Shetland, 'The Shetland Resolution'. The Shetland Resolution is encapsulated in the following statement:

"We shall work together for a future that's better and brighter. In particular, we aim to create a secure livelihood, look after our stunning environment and care well for our people and our culture".

- 3.23 The Council considers that "..... Shetland's unique and important natural environment is one of its most valuable assets. The protection and maintenance of the natural resources, as well as enhancement of the built and natural environment are regarded as priority areas. By so doing, we aim to contribute to our Single Outcome Agreement target of reducing our overall ecological footprint."
- 3.24 The purpose of the Corporate Plan is to translate the principles into actions, provide clarification for Members/officers with lead responsibility for achieving these and establish timescales against which progress can be monitored. It also acts as the Council's action plan to ensure that the priorities identified by Audit Scotland in their Audit Risk Analysis and follow up report on Best Value and Community Planning are being taken forward and progress is being monitored regularly. Consequently, any review of the development plan will require to take account of the Council's committed vision.

3.25 **Priorities & Targets**

In March 2007, the Council agreed long-term priorities and targets for Shetland. This was the culmination of work beginning late in 2004, when communities across Shetland were asked their opinion on what direction Shetland should be heading (known as *Shetland - The Long Range Forecast*). Since that time detailed information about Shetland has been gathered together and was published in September 2006. The priorities and targets agreed are believed to be what is required to tackle the issues identified and ensure Shetland moves in the direction expressed by

communities. Consequently, any review of the development plan will also require to take account of these agreed Priorities and Targets.

3.26 Scottish Climate Change Declaration

The Council signed up to the Scottish Climate Change Declaration in January 2006, which pledges the Council to taking a lead in responding to climate change. This pledge will require to be integrated into the Local Development Plan Review with policies reflecting the need to address climate change in the form of ensuring development progresses in a sustainable manner and resources are protected.

Natural Heritage Designations

3.27 Sullom Voe and Yell Sound Coast were designated by Scottish Ministers as marine Special Areas of Conservation (SAC) on 17 March 2005 under the EC Directive on the Conservation of Natural Habitats and of Wild Fauna and

Flora, commonly referred to as the Habitats Directive. The qualifying habitats/species and conservation objectives for the individual sites are as follows:

	Qualifying Habitats/Species	Conservation Objectives	Potential Harmful Aggregate Operations
Sullom Voe Marine SAC	<ul style="list-style-type: none"> ▪ coastal lagoons ▪ large shallow inlets and bays ▪ reefs 	<p>To ensure the following are maintained in the long term:</p> <ul style="list-style-type: none"> ▪ extent of the habitat on site ▪ distribution of the habitat within the site ▪ structure and function of the habitat ▪ distribution of typical species of the habitat ▪ viability of typical species as components of the habitat ▪ no significant disturbance of typical species of the habit 	<ul style="list-style-type: none"> ▪ extraction of subtidal aggregate ▪ commercial vessels ▪ civil engineering operations ▪ discharges
Yell Sound Coast	<ul style="list-style-type: none"> ▪ Common Seal <i>Phoca vitulina</i> ▪ Otter <i>Lutra lutra</i> 	<p>To ensure the following are maintained in the long term:</p> <ul style="list-style-type: none"> ▪ population of the species as a viable component of the site ▪ distribution of the species within the site ▪ distribution and extent of habitats supporting the species ▪ structure, function and supporting processes of habitats supporting the species ▪ no significant disturbance of the species 	<ul style="list-style-type: none"> ▪ civil engineering operations ▪ commercial vessels

- 3.28 The UK Regulations make it a duty for all *competent authorities* to assess development proposals in light of the Directive's requirements and planning authorities are obliged not to permit developments that may be damaging to the integrity of the site unless there are imperative reasons for overriding public interest for the development to be undertaken. Where developments are not damaging, however, they are likely to be permitted (subject to complying with all other planning policy requirements.)
- 3.29 Given the proximity of the potential coastal quarry site located at Orka Voe to both the Sullom Voe and Yell Sound Coast SACs, various tests will be required under the Habitat Regulations for any development operations in this area that may impact on the features of the SAC. Proposing a Safeguarding Area around the two potential coastal quarry sites **does not** imply a presumption in favour of development, it merely safeguards the area from inappropriate development which may prejudice its development at a future date. Any proposal to extract from the Orka Voe site would require to assess the potential impacts on the designated sites in line with the relevant Habitats Directive Regulations.



Monitoring Report and Identification of Main Issues

- 4.1 Identification of the main issues relating to minerals extraction differentiates those topics and policy areas where we may expect significant changes in direction and new issues or where existing policies require updating, all of which have arisen since the Shetland Structure Plan and Local Plan were adopted.
- 4.2 The table at Figure 1 summarises:
- the main changes in legislation and national and local policy;
 - whether the existing development plan proposals meet these changes;
 - identification of main issues relating to minerals development; and
 - options which are available to the Council to address these main issues.
- 4.3 It should be noted that in the case of the Environmental Impact Assessment (Scotland) Regulations 1999, the regulations identify the thresholds and requirements for the submission of an Environmental Statement and therefore compliance with the Regulations is not a main issue which the Council envisages will be discussed, although policies will require to be updated to accommodate the Regulations. In the same way, adopted or agreed Council policy which meets the current legislative requirements is not being opened for discussion or consultation.
- 4.4 Best practice guidance has been prepared by the Scottish Government to assist consideration of the main impacts that may arise from mineral extraction proposals and the ways in which these impacts can be controlled or minimised. Each case must be considered on its merits including the applicability and practicability of the guidance and therefore these best practice guidance notes do not present any alternatives for consideration at this main issues stage. The Council is committed to protecting the adjacent and surrounding environment and users from the adverse impact of all development and therefore endorses the guidance contained in the best practice guides.
- 4.5 The process of identifying the main issues highlights those areas which present alternatives for consideration.

		Main Aim	Compliance of Existing Local Development Plan	Identified Main Issues	Action Required
Legislation	Planning etc. (Scotland) Act 2006	Changes to the preparation of Local Development Plans	New Act requires changes to be made in terms of presentation, process and consultation	Consultation Process has already been agreed by the Council	Legislative requirements - views are not being sought on this topic
Regulations	Environmental Impact Assessment (Scotland) Regulations 1999	Formal assessment of environmental effects of proposal	Existing policies do not take account of the requirements for EIA	Incorporate into review of topic paper and policy preparation by updating policies	Legislation sets requirements for EIA submission - views are not being sought on this topic
Scottish Planning Policy (SPP)	SPP (2008) SPP1 : The Planning System (2002) SPP4 : Minerals (2006)	Promotion of sustainable development and prudent use of mineral resources Sustainable approach to development and minimising adverse impacts <ul style="list-style-type: none"> • safeguarding minerals for future use ensuring a steady and adequate supply • minimising environmental impacts (work practices and reclamation) • promote use of recycled and secondary materials • protect designated sites • minimise potential adverse impact on communities 	Existing strategic policies support sustainable development, but detailed local plan policies changed the emphasis and did not fully support the strategic framework set out by the Structure Plan Policies. The detailed Local Plan policies do not bring forward the safeguarding of sites previously identified for coastal extraction in the Aggregates Working Paper and are not specific or detailed to provide a clear and consistent framework to operators, communities and the general public	Incorporate into review of topic paper and policy preparation: <ul style="list-style-type: none"> • promotion of sustainable development, prudent use of mineral resources and minimisation of impact. • identify and safeguard existing resources. 	National Policy and a material consideration to be taken into account in development plan preparation. Contribution to sustainable development is a statutory requirement. Views sought on proposals relating to: <ul style="list-style-type: none"> • promoting use of recycled and secondary materials • establishment of a Minerals Community Trust Fund • presumption against commercial extraction of peat, sand and shingle

		Main Aim	Compliance of Existing Local Development Plan	Identified Main Issues	Action Required
Planning Advice Notes (PANs)	PAN 50	Advice and guidance for the control of environmental effects at surface mineral workings	The current Local Plan policies are not sufficiently detailed to ensure the control of environmental effects as specified by the PAN	Incorporate into review of Topic Paper and Policy Preparation by updating existing policies	Good practice guidelines which control adverse impacts and protect amenity of neighbouring individuals: views not being sought as applicants will require to demonstrate proposals do not result in adverse impact
	PAN 64	Advice and guidance to ensure the satisfactory reclamation of surface mineral workings	The current Local Plan policies are not sufficiently detailed to ensure satisfactory reclamation as specified by the PAN.	Incorporate into review of Topic Paper and Policy Preparation by updating existing policies	Good practice guidelines which control final restoration: views not being sought as applicants will require to demonstrate satisfactory restoration of development proposals in line with good practice
Shetland Islands Council	Corporate Plan	Sets out the Council's vision for the achievement of the Shetland Resolution	Existing policies conform to the Corporate Improvement Plan of the late 1990s and early 2000.	Ensure: <ul style="list-style-type: none"> • Corporate Improvement Plan 2008-2011 aspirations are incorporated into review of policies • Priorities and targets incorporated into review of policies • Council's pledge to respond to climate change incorporated into review of policies 	All adopted or agreed Council policy: views not being sought
Priorities & Targets	The Council's long term priorities and targets	Recently agreed by the Council and therefore existing policies do not incorporate these long term priorities and targets			
Climate Change Agreement	The Council's pledge to respond to climate change	Recently agreed by the Council and therefore existing policies do not incorporate these long term targets			

Main Issues for Consultation

5.1 Safeguarding Existing Resources

With a statutory requirement to deliver sustainability it is paramount that existing resources are safeguarded. The existing Structure Plan Policies already seek to ensure that significant aggregate sources and commercial viable sites for mineral extraction are safeguarded from development which would sterilise or prevent their future extraction. The addition of more detailed policies identifying existing viable sites and the two potential export sites at Hamars Ness and Orka Voe, are in line with the objectives of the existing Structure Plan policies. However, commercial extraction of peat, sand and shingle is not protected by the existing Structure Plan or Local Plan policies and the Council is keen to ensure that the existing presumption in favour of development is amended to ensure a more appropriate sustainable extraction.

Aim:	Achieved by:	Relevant Draft Policies
Safeguarding of Peat, Sand and Shingle	Extraction of these materials on a commercial basis raises particular environmental concerns which need to be balanced against an island need. The most sustainable option is to ensure extraction where an island need can be demonstrated and there are net demonstrable environmental or other sustainable benefits from developing the site.	LPDMIN1 SPGMIN4 SPGMIN5

5.2 The Council considers that the three draft policies meet the requirements of national and local guidance, and would wish to adopt the proposed draft policies in the interests of sustainable use of resources and protection and enhancement of the built and natural environment. However, the Council seeks comments on this change in policy direction.

Issue for Consultation
<p><i>Given the environmental concerns of large scale extraction, the commercial extraction of natural reserves of peat, sand and shingle should only be permitted where an island need can be demonstrated and there are net demonstrable environmental or other sustainable benefits from developing the site.</i></p> <p><i>The Council seeks views on this change in policy direction.</i></p>

5.3 Recycled and Secondary Materials

As part of its commitment to sustainable development, the Council would wish to maximise the contribution that recycled and secondary materials can make to the minerals industry. However, the Council is fully aware that there are limited opportunities in Shetland for utilising secondary aggregates. There are three potential options available to the Council:

Aim		Achieved by:	Relevant Draft Policies
1	Take No Action	No additional policies	
2	Require new proposals to consider the use of secondary and recycled materials	Require all proposals for new extractions or extensions to existing to indicate that recycling and the use of secondary materials has been considered	LDPMIN3
3	Require the use of secondary and recycled materials as a priority	Identification of suitable sites where the processing of secondary and recycled materials can take place Existing mineral extraction sites are the most appropriate locations for the processing of secondary materials, but would require the local industry operators to work with the Council to identify suitable sites and possibilities for processing and recycling.	

5.4 The Council consider that option 2 may be the most appropriate way forward given the limitations in the Shetland market, but seek comments on all three options.

Issue for Consultation
<p><i>In terms of recycled and secondary aggregates, which option should the Council pursue:</i></p> <p>Aim 1: <i>Take no action in promoting the use of recycled and secondary aggregates.</i></p> <p>Aim 2: <i>Require all proposals for new extractions or extensions to existing to indicate that this aspect of development has been considered and maximised where possible.</i></p> <p>Aim 3: <i>Identify suitable sites where the processing of secondary and recycled materials can take place. If so, how should they achieve this?</i></p>

5.5 Minimisation of Environmental and Adverse Impacts

The Council's overall objective for mineral workings to satisfy island needs is that they should be supported, provided that they are environmentally acceptable, sustainable and economically justified. Whilst minerals are an important rural activity, extraction can be an environmentally disruptive activity with effects on landscape, scenery, biodiversity and water quality. Adverse impacts on the environment not only affect the quality of life of residents but can also have a negative economic impact through damaging important tourism and recreational resources. It is therefore important that mineral extraction is carried out carefully and sensitively, having regard to restoration and after-use of the site upon cessation of workings.

5.6 The Council consider that:

Aim:	Achieved By:	Relevant Draft Policies
<p>All proposals to extend existing sites or open up new sites (excl. quarries for export) shall require to demonstrate:</p> <ul style="list-style-type: none"> • an island need for the mineral extraction • acceptable environmental impact • satisfactory management, operation, phasing and restoration arrangements 	<p>Achieved by updating existing policies</p>	<p>SPGMIN6 SPGMIN2 SPGMIN3 SPGMIN15 SPGMIN16 SPGMIN17 SPGMIN19</p>
<p>All proposals for export quarries shall require to demonstrate:</p> <ul style="list-style-type: none"> • acceptable environmental impact as determined through Environmental Impact Assessment or submission of sufficient environmental information if EIA is not required; • satisfactory management, operation, phasing and restoration arrangements, including where appropriate a financial guarantee to ensure restoration and aftercare • transportation issues have been addressed • the proposal accords with national planning guidelines • proposals supported by a geological evaluation of rock character; 	<p>Achieved by updating existing policies</p> <p>The Council may also seek to establish a Community Minerals Trust fund, funded by the operators, in recognition of the wider impact and disturbance arising to the host community from large scale quarrying</p>	<p>SPGMIN8</p>

- 5.7 The Council are not seeking views on the updating of policies to ensure minimal environmental and adverse impact as each proposal will require to be considered on its own merits, against the good practice guides (PANS 50 and 64). However, the establishment of a Community Minerals Trust Fund, funded by the operators, in recognition of the wider impact and disturbance arising to the host community from large scale quarrying, is a new proposal and the Council seeks views on this proposal.

Issue for Consultation

In the event that an export quarry is deemed appropriate for Shetland and meets all the policy requirements, would the establishment of a Community Minerals Trust Fund be appropriate?



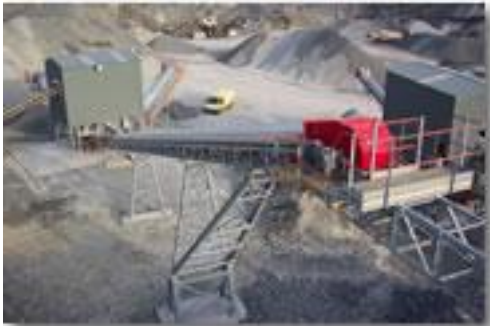
Environmental Report

- 6.1 In line with the SEA process (as determined in the Environmental Assessment (Scotland) Act 2005), an internal screening exercise was undertaken which established that the Minerals Policy Review would require strategic environmental assessment. The Review and the resultant policies would be likely to have significant environmental effects because:
- the plan would set a policy framework for all subsequent projects and activities associated with the extraction of minerals and aggregates;
 - there are a number of significant environmental issues associated with minerals extraction;
 - the potential environmental effects of minerals and aggregate extraction have been widely reported and documented;
 - effects can lead to cumulative and transboundary effects;
 - there can be risks to human health;
 - the magnitude and spatial effects can be significant; and
 - Shetland has vulnerable natural and cultural heritage assets that could be affected.
- 6.2 As a result a Scoping Report was prepared on behalf of Shetland Islands Council by Natural Capital Ltd. based on information provided by the Development Plans Officer. This Report and draft copies of the Mineral Review were submitted to the Scottish Government's SEA Gateway on 23 December 2008.
- 6.3 Following this formal consultation and response, an Environmental Report has been prepared which requires to be published for consultation at the same time as the draft Minerals Review. The Environmental Report prepared by Natural Capital Ltd. on behalf of Shetland Islands Council is attached as an Appendix to this Monitoring and Main Issues Report.

Summary

- 7.1 This Monitoring and Main Issues Report to the Minerals Interim Planning Policy has identified three broad strategic directions:
- a sustainable approach to minerals development;
 - protection of our built and natural environment; and
 - protection of those living and working in close proximity to mineral extraction.
- 7.2 Identifying the changing requirements of national and local objectives, the main issues report distinguishes those changes which are enshrined in legislation and adopted policy from those where the Council is faced with either alternative proposals and/or levels of protection. In presenting this Review for consultation, the Council seeks the views of stakeholders, industry participants and the general public on:
- the safeguarding of existing natural reserves of peat, sand and shingle;
 - maximising the use of recycled and secondary materials; and
 - the establishment of a Community Trust Fund for large scale export quarries.
- 7.3 A draft policy framework has also been presented, setting out potential strategic and detailed policies for mineral extraction in Shetland over the next five years. The draft policy framework is based on:
- the six guiding principles for the Local Development Plan Review sustainable development:
 - economic competitiveness
 - social justice,
 - environmental quality
 - design and
 - sustainable transport
 - the main issues identified by the Minerals Technical Report; and
 - the changing requirements of national and local objectives,
- 7.4 This Draft Interim Planning Policy will be subject to approval by the Planning Board. If Members are minded to confirm their agreement with the draft guidance and policy, the document will move onto the next stage in the consultation process.

7.5 Formal consultation will be undertaken over a period of eight weeks with statutory undertakers and key stakeholders, including industry participants. Deposit copies will be placed on the Council website and in other public places (Lerwick Library and Community Work Offices) and circulated to all Community Councils, developers and agents. Following the completion of the consultation period, a further report will be made to the Planning Board accompanied by an appendix in tabular form of the comments received to the consultation and the officer's response and any actions required.





MINERALS INTERIM PLANNING POLICY MONITORING AND MAIN ISSUES REPORT SHETLAND ISLANDS COUNCIL

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