

Shetland Islands Council
Interim Planning Policy: Minerals

POST-ADOPTION
SEA STATEMENT

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POST-ADOPTION SEA STATEMENT – COVER NOTE

PART 1

To: SEA.gateway@scotland.gsi.gov.uk

or

SEA Gateway
Scottish Executive
Area 1 H (Bridge)
Victoria Quay
Edinburgh EH6 6QQ

PART 2

A post-adoption SEA statement is attached for the PPS entitled:

Interim Planning Policy; MINERALS

The Responsible Authority is:

Shetland Islands Council

PART 3

Contact name Bessie Barron

Job Title Planning Officer (Development Plans)

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Signature & date Bessie Barron 24 May 2010

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POST - ADOPTION SEA STATEMENT

Post-adoption SEA statement for:

Interim Planning Policy : MINERALS

Adopted on:

9th December 2009

Responsible Authority:

Shetland Islands Council

POST-ADOPTION SEA STATEMENT INTRODUCTION

This document (referred to here as the post-adoption SEA statement) has been prepared in accordance with Section 18 of the Environmental Assessment (Scotland) Act 2005.

POST-ADOPTION SEA STATEMENT AVAILABILITY OF DOCUMENTS

WEBSITE

The full PPS as adopted, along with the Environmental Report and post-adoption SEA Statement are available on the Responsible Authority's website at:

<http://www.shetland.gov.uk/developmentplans/OtherPolicyDocuments.asp>

OFFICE ADDRESS

The PPS, as adopted, along with the Environmental Report and post-adoption SEA Statement may also be inspected free of charge (or a copy obtained for a reasonable charge) at the principal office of the Responsible Authority:

Contact name, address and telephone number

Planning, Infrastructure Services Department, Grantfield, Lerwick ZE1 0NT

Times at which the documents may be inspected or a copy obtained:

Office opening hours Monday to Friday 9a.m. – 5p.m.

**POST-ADOPTION SEA STATEMENT
KEY FACTS**

Name of Responsible Authority	Shetland Islands Council
Title of PPS	Interim Planning Policy : MINERALS
Purpose of PPS	To Review existing minerals policy in light of change in legislation SPP4 superseding NPPG4
What prompted the PPS (e.g. a legislative, regulatory or administrative provision)	Change in legislation – SPP4 superseding NPPG4
Subject (e.g. transport)	Minerals
Period covered	2008 - 2013
Frequency of updates	Every 5 years
Area of PPS (e.g. geographical area)	Shetland
Summary of nature/content of PPS	Planning policy
Date adopted	09/12/2009
Contact name & job title Address, email, telephone number	Bessie Barron Planning Officer (Development Plans) Planning Infrastructure Services Grantfield Lerwick
Date	24 May 2010

POST-ADOPTION SEA STATEMENT STRATEGIC ENVIRONMENTAL ASSESSMENT PROCESS

Interim Planning Policy: Minerals has been subject to a process of Strategic Environmental Assessment (SEA), as required under the Environmental Assessment (Scotland) Act 2005. This has included the following activities:

- Taking into account the views of the Scottish Environment Protection Agency, Scottish Natural Heritage and the Scottish Ministers (Historic Scotland) regarding the scope and level of detail that was appropriate for the Environmental Report
- Preparing an Environmental Report on the likely significant effects on the environment of the draft PPS which included consideration of:
 - the baseline data relating to the current state of the environment;
 - links between the PPS and other relevant strategies, policies, plans, programmes and environmental protection objectives;
 - existing environmental problems affecting the PPS;
 - the plan's likely significant effects on the environment (positive and negative);
 - measures envisaged for the prevention, reduction and offsetting of any significant adverse effects;
 - an outline of the reasons for selecting the alternatives chosen;
 - monitoring measures to ensure that any unforeseen environmental effects will be identified allowing for appropriate remedial action to be taken.
- Consulting on the Environmental Report
- Taking into account the Environmental Report and the results of consultation in making final decisions regarding the PPS
- Committing to monitoring the significant environmental effects of the implementation of the PPS. This will also identify any unforeseen adverse significant environmental effects and to enable taking appropriate remedial action.

The Interim Planning Policy (IPP): Minerals is a policy review, rather than an examination of ideas and options to be assessed. The following table gives a summary of the comments received to the consultation and the action taken. The Appendix to this Post Adoption Statement is a copy of the Draft IPP showing the changes that were made in response to comments received from the Consultation Authorities and other respondents to the consultation.

POST ADOPTION SEA STATEMENT
**HOW ENVIRONMENTAL CONSIDERATIONS HAVE BEEN INTEGRATED INTO *the Interim Planning Policy: Minerals* AND
HOW THE ENVIRONMENTAL REPORT HAS BEEN TAKEN INTO ACCOUNT**

TABLE 1 Appendix to the Report to Shetland Islands Council Planning Board May 2009

Organisation	Date	Report/Policy Commented On	Comment	Officer Response	Officer Action
Scottish Environmental Protection Agency (SEPA) Lerwick	8 April 2009	Environmental Report	The water source statistics are incorrect, the Island water supplies are correct but not the Mainland. There are only two main water supplies now and Scottish Water can supply this information. The water supply information is in the SEA Environmental Report on pages 30 and 31.		Noted
Scottish Environmental Protection Agency (SEPA) Dingwall	1 May 2009	Monitoring and Main Issues Report	<p>Thank you for consulting SEPA further on the above review. In our response dated 30th of May 2008 we made detailed comments on previous versions of the policy and guidance document and we are very pleased to note that all have been taken into consideration in the redraft. As a result we have no comments to make at this stage.</p> <p>In relation to the Issues for Consultation put forward in the Main Issues report, we comment as follows:</p> <p>1. Need for large scale extractions 1.1 We do not consider that it is unreasonable to require developers to demonstrate the <i>need</i> for a specific development. It is routinely required, for example, for new waste management proposals such as landfill sites. In relation to requiring an <i>island need</i>, then this would in line with the proximity principle.</p> <p>2. Recycled and Secondary Aggregates 2.1 Aim 1 is not really an option, as it does not support the Scottish Governments targets for sustainable waste management. 2.2 We consider that all proposals for new extractions or extensions to existing facilities should not only indicate, but also clearly demonstrate, how recycling materials and producing secondary aggregate materials will be maximised. 2.3 In relation to identifying sites, SPP 10 makes it clear that local development plans should identify specific sites or</p>	<p>Acknowledgement welcomed</p> <p>Opinion noted</p> <p>Opinions noted</p>	Comments have been noted

			<p>development areas for new management facilities and therefore this proposal would be supported by SEPA. SPP 10 and PAN 63 provide some advice on how this can be achieved and highlight the use of strategic environmental assessment (SEA) in this process.</p> <p>3. We have no opinion on the establishment of a Community Mineral Trust Fund.</p>	Comment noted	
Historic Scotland	30 April 2009	Minerals Policy	<p>Thank you for consulting Historic Scotland on the Draft Minerals Policy Review, which will provide Shetland wide policy guidance on mineral extraction.</p> <p>We can confirm that we are content with the level of protection provided for the historic environment through policy SPG MIN 17 and welcome that this has been brought forward into the interim planning policy document. We have no further comments to offer on the documents.</p>	Comments welcomed	none
Historic Scotland	30 April 2009	Environmental Report	<p>The Environmental Report provides a clear overview of the environmental implications of the policies for the historic environment. We welcome that the comments we provided on the Scoping Report in January 2009 have been taken into account during the preparation of the report. The report is comprehensive and clear. We agree with the findings of the assessment and as such we have no detailed comments to offer.</p>	Comments accepted	none
Shetland Amenity Trust	16 April 2009	Minerals Policy	<p>I am writing to endorse Policies SPG MIN 17 relating to archaeological remains and also the justification set out under "Archaeology" on page 35.</p> <p>I strongly recommend that this word be adhered to.</p>	<p>Endorsement welcomed</p> <p>Comment noted</p>	none
Royal Society for the Protection of Birds (RSPB)	20 March 2009	Minerals Policy	<p>The interim policy is generally clear and comprehensive. In particular, the "Status box" at the front of the interim policy helps to clarify the position of the various policies within the document.</p> <p>We commend the inclusion of a specific policy to protect the environment (Policy SPG MIN 17: Conservation of the Natural and Built Heritage). However, we consider that the Council's duty to further the conservation of biodiversity would be more explicitly served if each relevant policy (see appendix 1) made clear that all</p>	<p>Comment welcomed</p> <p>Comment welcomed</p> <p>All applications will be assessed taking the</p>	<p>Noted</p> <p>Comment has been noted</p> <p>The implementation of</p>

			developments must comply will Policy SPG MIN 17, and must not damage designated sites such as SSSIs, SPAs and SACs.	requirements of SPG MIN 17 into account, specifying the protection of designated sites in the suggested policies is not considered necessary	the policies will be monitored If the interim policy is found to be lacking the addition suggested will be considered.
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Organisation	Date	Report/Policy Commented On	Comment	Officer Response	Officer Action
Royal Society for the Protection of Birds (RSPB)	20 March 2009	Minerals Policy	<p>Policies including the wording;</p> <p>Acceptable environmental impact, as determined through EIA (if required) or submission of sufficient environmental information if EIA is not required, INSERT “ is judged acceptable in terms of if this and the other policies of the Council.”</p> <p>Policy SPG MIN 2: Mineral Working to Satisfy Island Needs Extensions to Existing Extractions</p> <p>Policy SPG MIN 3: Minerals Working to Satisfy Island Needs Additional Mineral Extraction</p> <p>Policy SPG MIN 4: Mineral Working to Satisfy Island Needs Commercial Peat Extraction</p> <p>Policy SPG MIN 5: Mineral Working to Satisfy Island Needs Sand and Shingle Extraction</p> <p>Policy SPG MIN 8: New Minerals Development for Export</p> <p>Policy SPG MIN 10: New Mineral Development for Export Development of Pier Facilities and Stockpiles.</p>	Requested alteration accepted	Additional wording added to policies; SPG MIN 2, 3, 4, 5, and 8 SPG MIN 10 does not contain the clause

<p>Royal Society for the Protection of Birds (RSPB)</p>	<p>20 March 2009</p>	<p>Minerals Policy</p>	<p>Policies that should include a statement that no significant damage should be caused to designated sites such as SSSIs, SPAs and SACs.</p> <p>Policy LDP MIN 2: Proposals for Minerals and Aggregate Extraction</p> <p>Policy SPG MIN 4: Minerals Working to Satisfy Island Needs Commercial Peat Extraction</p> <p>Policy SPG MIN 3: Mineral Working to Satisfy Island Needs Additional Mineral Extraction</p> <p>Policy SPG MIN 5: Mineral Working to Satisfy Island Needs Sand and Shingle Extraction</p> <p>Policy SPG MIN 6: Location of Quarries and Mines</p> <p>Policy SPG MIN 8: New Mineral Developments for Export</p> <p>Policy SPG MIN 10: New Minerals Developments for Export Development of Pier Facilities and Stockpiles</p> <p>Policy SPG MIN 11: Borrow Pits</p> <p>Policy SPG MIN 12: Incidental Mineral Extraction</p>	<p>Policies LDP MIN 2, SPG MIN 3, 4, 5 and 8 have been altered to highlighting that an E.I.A or sufficient environmental information is required (see above) Policy SPG MIN 17 (conservation of the Natural and Built Heritage) will be applied to all applications, this is considered suffice to protect designated sites.</p>	<p>Comment has been noted</p> <p>The implementation of the policies will be monitored and assessed to ensure the environmental protection requested by the respondent is being achieved</p> <p>If the interim policy is found to be lacking the additional wording suggested by the respondent will be considered.</p>
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Organisation	Date	Report/Policy Commented On	Comment	Officer Response	Officer Action
Royal Society for the Protection of Birds (RSPB)	20 March 2009	Minerals Policy	Other Comments Policy SPG MIN 5: Mineral Working to Satisfy Island Needs Sand and Shingle Extraction. The reference at the end of the second box to Policy SPEX 1 should be changed to Policy MSP EX1, as this has been changed in the new version of the Marine Spatial Plan.	Comment noted	Amend as suggested
		Minerals Policy	Policy SPG MIN 12: Incidental Mineral Extraction. This policy should make it clear that development should not have a significant impact on the environment or significant damage designated sites such as SSSIs, SPAs and SACs.	It is considered that the phrase in the policy "no unacceptable environmental or other impacts" adequately covers designated sites	The implementation of this policy will be monitored and assessed to ensure designated sites are being protected
		Minerals Policy	Page 18, paragraph 3, Red Throated Divers, golden plover and Dunlin are included in Annex 1 and occur widely on peat lands in Shetland.	This has been checked on the legal website <i>Westlaw</i> .	Policy justification altered to include suggestion
		Minerals Policy	Policy SPG MIN 13: Information in support of Planning Applications Bullet point 17 should include specific mention that: "An assessment of the likely impact on designated sites such as SSSIs, SPAs and SACs and important bird species including Annex 1 species, Schedule 1 species, Habitats Directive priority species and habitats and "Living Shetland" (Shetland LBAP) priority species".	Suggestion noted and accepted	Suggested criteria added to policy
		Minerals Policy	Policy SPG MIN 17: Conservation of the Natural and Built Heritage. This policy should more clearly specify the constraints on the different types of designated sites (such as SSSIs, SPAs and SACs, as detailed on the relevant legislation and Directives.	Policy and associated justification are considered to be clear.	No change
Royal Society for the Protection of Birds (RSPB)	20 March 2009	Minerals Policy	Table of Policies, Level of constraint and compliance to National aims and Objectives SPG MIN 6 Location of Quarries and Mines should include Environmental quality in the main aims and objectives.	Suggestion accepted	Table amended
Sandisons (Unst)	21 April	Monitoring and	SPG MIN 4 and 5 - Commercial Peat, Sand and Shingle Extraction	Support welcomed	None

Ltd	2009	Main Issues Report	<p>We agree with the Council's limitations on exploitation of these resources.</p> <p>LP MIN 3 - Use of Recycled Materials Aim 2, the requirement for existing or new extractions to additionally cater for an ad-hoc recycled demand, is unrealistic. This is not because it is impracticable, but due to the dysfunctional nature of Scotland's agencies, there are significant financial penalties for crushing and screening recycled materials, so reducing their values for potential re-use.</p> <p>As an example, the annual SEPA licence to crush and screen rock at our Setters Quarry is £1,182 under PPC Section 3.5 (B) Schedule A; but this would rise to £4,038 under the PPC Section 3.5 (B) Section C required to crush bricks, tiles and concrete.</p> <p>There is no de-minimise tonnage, so crushing 100 tonnes a year would cost £48 per tonne. This is clearly not economic anywhere in Shetland unless there is a large-scale demolition program.</p>	<p>Comments noted – alteration to national requirements outwith the scope of this document</p> <p>However the policy permits an applicant to demonstrate how their proposal meets the requirements, the information provided by the respondent should be included for consideration with a submitted application</p>	
Sandisons (Unst) Ltd	21 April 2009	Monitoring and Main Issues Report	<p>Aim 3, in effect would mean centralising the recycling of materials in a single Mainland site, which could be economic. Alternatively, collections could be to more local sites, which could be served by a mobile crusher.</p> <p>Again the economics are questionable, and the danger for a remote community like Unst is: if facilities exists somewhere in Shetland, it becomes a requirement to have materials recycled, or the use of recycled materials is specified in SIC contracts. As the cost of taking a truckload of concrete to Lerwick is around £250, recycling Unst material could end up mandatory, but totally uneconomic.</p> <p>Aim 1 is therefore the best default. It does not preclude the option of some commercial exploitation of recycled material, if a large contract came available, but does not impose non-commercial expectations.</p>	<p>Comments noted</p> <p>Comment noted</p>	Discuss comments with SIC Waste Services and SEPA
Sandisons (Unst) Ltd	21 April 2009	Minerals Policy	<p>SPG MIN 8- Communities Minerals Trust Fund</p> <p>This has the potential to become the types of scam fund that the stemmed from Gordon Brown's Aggregates Levy. It is quite remarkable how the definition of "communities affected by minerals</p>	<p>This is Government not SIC policy. Alteration is outwith the scope of the</p>	None

			<p>development” can be enlarged so that money raised from the A.L in Unst can benefit the “local community” in Wishaw.</p> <p>We are not aware of any specific benefit to Unst from the £100,000 of A.L. We have paid to the Treasury, although some of the restorative work by the Amenity Trust might have come from this fund. Our own idea of using the fund to backfill and make safe the majority of the dangerous water-backfilled quarries on the Heogs was vetoed by Scottish Natural Heritage (SNH). The scientific value of the SSSI site over-rides the risks of drowning.</p> <p>This shows the three difficulties of a community fund; the additional costs to the operator over and above the A.L; the difficulty in defining the “community affected” especially if the quarry is remote, and the product ship-borne; and the difficulty in finding suitable projects that actually add value to the community, and are not just transitory expenditure for pals of the fund managers.</p> <p>So the right answer is “no” to an additional levy, but “yes” to getting what we are rightfully due from the Scottish Government from the payment of A.L.</p>	Minerals Interim Planning Policy document	
Sandisons (Unst) Ltd	21 April 2009	Minerals Policy	<p>Other Minerals Observations</p> <p>Policy SPG MIN 6- 800m planning exclusion zone</p> <p>It seems a bit over-confident to believe in the justification that “These conditions will be rigorously enforced,” knowing that this conditions will affect nearly every existing quarry that re-applies for planning permission on their 10 year renewal. Perhaps the final sentence should be re-phrased to be more accepting of these renewal applications.</p> <p>Currently, our Setters Quarry has neither school, nor permanent occupied housing within 800m, so it is not affected by this change of rule. However, the house site at Hagdale would be within the zone, if re-occupied, and there is a current plan to refurbish it as a holiday accommodation. Again, under provisions, this is not permanent occupation, and not a planning issue.</p> <p>However, if this house developed into a permanent dwelling, is our quarry then under blight? It would seem wrong for us to object at this stage to a desirable development, but in future the occupier could reasonably object to out quarrying under your policy. How is this resolved?</p>	This is an existing policy; it does not impose an “exclusion zone” it sets out operational restrictions. It is not considered unreasonable for example to restrict the working hours or blast times of a quarry.	

POST-ADOPTION SEA STATEMENT

MEASURES THAT ARE TO BE TAKEN TO MONITOR SIGNIFICANT ENVIRONMENTAL EFFECTS OF THE IMPLEMENTATION OF THE PPS

Monitoring of the effects of implementing the Minerals IPP will be undertaken by regimes currently in place for local authority infrastructure and maintenance and through the routine monitoring by the environmental authorities. Monitoring will therefore rely on the continued day-to-day management and site knowledge of those managing land for which they have responsibility, and the ongoing activities of the environmental regulators.

CONCLUSION

The Minerals policies assessed in this Strategic Environmental Assessment exercise form part of the wider review of the Shetland Development Plan and the emerging Shetland Local Development Plan that is programmed for adoption before the end of December 2012.

Appendix to The Post Adoption Statement

The Adopted Minerals Interim Planning Policy Document showing changes made in response to comments made on the draft document and the SEA Environmental Report.

