



SHETLAND ISLANDS COUNCIL

INTERIM PLANNING POLICY MINERALS Policy



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Produced by

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Minerals Policy

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Status

Although this Interim Planning Policy is not itself part of the statutory plan (Shetland Structure Plan 2000 and Shetland Local Plan 2004) it responds to Scottish Government objectives contained within:

SPP *Scottish Planning Policy (2008)*

SPP4 *Minerals (2006)*

(all of which have been published since the adoption of the statutory plan) and provides the detailed interpretation of the following Structure Plan Policies:

SP MIN1 *Safeguarding of Aggregate Sources and Commercially Viable Sites for Mineral Extraction*

SP MIN2 *Minimisation of Impact*

SP MIN3 *Imposition of Appropriate Conditions*

Following adoption by the Shetland Islands Council on 9 December 2009, this Interim Planning Policy will be the latest statement of Council Policy with regard to Minerals Extraction and will therefore be a material consideration for all developments.

Interim Planning Policy

1. Introduction

- 1.1 Minerals are an important national resource and they make an essential contribution to the nation's prosperity by meeting industry's need for raw materials and creating employment opportunities. However, the extraction process can often be disruptive and have significant environmental impact. Whilst it is acknowledged that minerals can only be worked where they are found, it is also recognised that this need must be reconciled with care for the environment, particularly in relation to the natural and built heritage and communities.
- 1.2 The Council's current minerals policies (Structure Plan 2000 and Local Plan 2004) were prepared under previous legislation and were heavily influenced by the Council's desire to encourage diverse employment opportunities throughout Shetland. The Scottish Government has now placed a statutory requirement on local planning authorities to contribute to sustainable development and consequently more recent legislation reflects this. Shetland's statutory minerals policies therefore need to be updated, to ensure that they are in line with current national planning policy guidelines (SPP4), but also to provide a more specific and detailed framework to provide clear and consistent policy guidelines for mineral operators, local communities and the general public and to guide decision making on applications for extraction.

2. The Council's Role in Minerals Planning

- 2.1 As an Island council, Shetland Islands Council is responsible for the preparation of both the strategic and detailed policies for determining planning applications for the winning and working of minerals within Shetland. Mineral workings are also subject to control by other agencies (Shetland Islands Council Environmental Health Service, Health and Safety Executive and SEPA), however, these agencies are principally concerned with health and safety and pollution controls.

3. Modernising the Planning System

- 3.1 The planning system in Scotland is undergoing the most significant modernisation in over 60 years. The changes introduced by the Planning Etc. (Scotland) Act 2006 are substantial and far-reaching and the Scottish Government has already begun to implement the new provisions as secondary legislation. The Council's current Structure and Local Plan will eventually be replaced by a Local Development Plan prepared under the new

legislation. The new legislation, when implemented, will allow supplementary planning guidance to be adopted and issued by a planning authority, which can be more easily updated if required and therefore more pro-active to changing local circumstances.

- 3.2 The Council's Planning Service is currently in the initial stages of preparing the work programme to deliver the Local Development Plan, but has progressed a review of the current Minerals Policy ahead of this work programme, taking account of national planning guidelines for minerals, but also broadly based on guidance currently being provided by the Scottish Executive with regard to Supplementary Planning Guidance.
- 3.3 This draft Interim Planning Policy for Minerals Policy is the first emerging policy document under the new legislation.



4. Content and Format of the Interim Planning Policy

- 4.1 The Guidance comprises a Written Statement in two parts:

| | |
|----------------------------------|---|
| Minerals Technical Report | Reviews mineral working within Shetland |
| Minerals Policies | Sets out a strategic and detailed policy framework for mineral developments in Shetland |

5. Legislative Framework & National Guidance

- 5.1 There have been a significant number of changes both in national minerals legislation and to the Council's priorities and targets since the preparation of the Shetland development plan documents relating to minerals. This draft Minerals Interim Planning Policy is based principally on the following current legislation and national and local strategies:

| | | |
|------------------------------|------------------|--|
| National Policy | SPP 1 | The Planning System |
| | SPP 4 | Minerals |
| Regulations | Circular 15/1999 | Environmental Impact Assessment (Scotland) Regulations 1999 |
| | Circular 34/1996 | Review of Old Mineral Permissions (ROMPs) |
| | Circular 1/2003 | The Environmental Impact Assessment (Scotland) Amendment Regulations 2002 Review of Old Mineral Permissions (ROMPs) |
| Planning Advice Notes | PAN 50 | Controlling the Environmental Effects of Surface Mineral Workings |
| | PAN 64 | Reclamation of Surface Mineral Workings |
| Local Strategies | | Shetland Islands Council Corporate Plan 2004-2008 <i>At the time of writing the report the updated Corporate Plan had not been approved</i> |
| | | Shetland Islands Council Priorities & Targets |
| | | Scottish Climate Change Declaration |

- 5.2 A full discussion of the legislative framework and national guidance which has been used in the preparation of this Guidance can be found in Chapter 2 of the Technical Report.
- 5.3 Of particular importance are the main aims and objectives for the planning system set out by the Scottish Government in SPP1, namely:
- sustainable development
 - economic competitiveness
 - social justice
 - environmental quality
 - design
 - sustainable transport
- 5.4 In order to ensure that the proposed policies deliver national aims and objectives, each policy has been assessed against using the individual aims and objectives identified in SPP1. The table on page 41 provides a list of the policies, level of constraint and how they meet these six main aims and objectives.

- 5.5 In a similar manner, each policy has been assessed to ensure compliance with national policy, legislation and advice, and Shetland Islands Council main aims and objectives. The table on page 42 provides a list of the policies, and how they comply with the individual requirements of national and local policy.

6. Purpose of the Interim Planning Policy

- 6.1 This Minerals Interim Planning Policy sets out the broad strategic and detailed policies which will provide a strategic overview and protect the environment from the harmful effects of mineral development. The policies are derived from the Technical Report and therefore the two separate documents both support and complement each other.
- 6.2 The two strategic policy themes of particular relevance are the Council's proactive approach to the sustainable use of the resources within Shetland and recognition that mineral workings are an important rural activity. It also provides a detailed framework for the assessment and determination of minerals planning applications. The Interim Planning Policy process also provides an opportunity for public consultation for mineral extraction.

7. Monitoring and Review

- 7.1 This draft Interim Planning Policy has been prepared on the basis of the best information available at the present time, however, it is difficult to forecast with any precision when certain developments will take place or when schemes will be completed. In terms of the minerals industry, changing economic conditions and Government guidance will have an important bearing on extraction.
- 7.2 There will be a statutory obligation on the Council to review and revalidate the Local Development Plan every five years. In addition, planning authorities require to set out their programme on a yearly basis for the review of the Local Development Plan once adopted. This approach will ensure that the Plan is kept up to date and reflects changing circumstances and/or guidance within the Minerals industry.



INTERIM PLANNING POLICY

MINERALS

Strategic Policies



**POLICY LDP MIN 1:
Safeguarding of Significant
Aggregate Sources and Existing
Sites**

Significant mineral sources and existing commercially viable sites for mineral extraction will be safeguarded from development that would sterilise or prevent their future extraction.

Detailed policies will identify those existing extraction sites which will supply Shetland's mineral needs for the foreseeable future in addition to the potential coastal export quarry sites identified at Hamar Ness in Northmavine and Orka Voe, north-east of Sullom Voe*.

*Gribble 1990

Policy SP MIN1

Justification:

Mineral deposits within Shetland, whilst finite, have the potential to provide employment in the remoter rural areas and materials for the local construction industry, and to this end reserves of mineral deposits will be safeguarded against development that would preclude their future extraction.

Detailed policies will identify both existing and potential sites for extraction.

Policy conforms to:
SPP4 Minerals

Policy supports:
Aims & Objectives:
Sustainable Development
Economic Competitiveness
Environmental Quality
Corporate Plan 2008-2011

Technical Report: Chapter 2

**POLICY LDP MIN2:
Proposals for Mineral and Aggregate
Extraction**

Proposals for mineral and aggregate extraction (new proposals as well as extensions to existing) will only be permitted where it can be demonstrated that:

- (a) the development is justified to maintain an effective land bank for construction aggregates and that the market requirement cannot be met from existing recycled or secondary sources; and
- (b) the proposals, either individually or cumulatively, do not have a detrimental impact on nature conservation, agricultural land, the water environment, residential amenity or the general environment; and
- (c) proposals for land restoration, aftercare and after use are satisfactory and are accompanied by a bond to cover the cost of an agreed scheme for restoration, aftercare and after-use of the site; and
- (d) all roads leading to and from the site are capable of accommodating the type and volume of heavy traffic movements generated by the development.

Detailed policies will define the criteria relating to these requirements and the information which applications will require to submit in order to demonstrate the measures proposed to mitigate the adverse effects of working, both on the natural and built environment and on nearby communities.

Justification:

Whilst it is anticipated that existing quarries and the use and recycling of secondary materials will meet most local demand, policies require to be flexible enough to permit alternative provision in justified circumstances.

Given their potential size and scale the Government believes that a cautious approach is required in relation to the further development of coastal superquarries. Previous national guidance indicated that there were few suitable locations for such development (Shetland being identified as one). Whilst recognising the potential employment benefit to the Islands, proposals for development of sites for the export of materials, in particular large coastal quarries, will be subject to rigorous examination of the social, economic and environmental impacts of such a development as well as the transportation implications.

The Council may also seek to establish a Community Minerals Trust Fund, funded by operators of large quarries in recognition of the wider impact and disturbance arising to the host community from large scale quarrying.

Policy conforms to:
SPP4 Minerals
PAN 50
PAN 64

Policy supports:
Aims & Objectives:
Sustainable Development
Economic Competitiveness
Environmental Quality
Design
Sustainable Transport
Corporate Plan 2008-2011

Technical Report Chapters 5 & 6

SPMIN2 & SPMIN3 amended

**POLICY LDP MIN 3:
Recycled and Secondary Materials**

Proposals for new extractions or extensions to existing extractions must clearly demonstrate that the development maximises the provision of recycled material, promotes the use of secondary aggregates and ensures efficient production of primary materials.

New Policy

Justification:

As part of its commitment to sustainable development, the Council wishes to maximise the contribution that recycled and secondary materials can make to the industry. This is in line with the Scottish Government's commitments in SPP4, which indicates the expectation that at least 18% of mineral demands in the foreseeable future are expected to be resourced from recycled and secondary sources. Proposals for new extractions or extensions to existing extractions will require to demonstrate that the development maximises all possibilities for the use of recycled material and secondary aggregates, including the efficient production of primary materials. For larger extractions this could be achieved by the submission of a waste management plan for the prevention or minimisation, treatment, recovery and disposal of extractive waste with a view to minimising waste generation, its harmfulness and encouraging waste recovery.

The Council will favourably consider the possibility of existing mineral extraction sites as potential sites for the processing of secondary and recycled materials within Shetland.

Policy conforms to:
SPP4 Minerals

Policy supports:
Aims & Objectives:
Sustainable Development
Environmental Quality

Technical Report Chapter 6 : 6.13

INTERIM PLANNING POLICY

MINERALS

Detailed Policies



**POLICY SPG MIN 1:
Mineral Working to Satisfy Island
Needs
Minerals Safeguarding**

Shetland's mineral needs for the foreseeable future will be met from the following existing active sites:

*Aith Quarry, Bixter
Gremista Peat, Lerwick
Gutcher Quarry
East Park, Quendale
Haggister Quarry, Northmavine
Manns Quarry, Yell
Ratchie Quarry, Dunrossness
Red Grind Quarry, Whalsay
Scord Quarry, Scalloway
Setter Quarr, Baltasound
Setter Quarry, Bressay
Staneyhill Quarry, Lerwick
Sullom Mine Quarry, Northmavine*

and the following dormant/inactive sites which have a current planning permission:

*Brindister Quarry, Gulberwick
Cunningsburgh Talc Quarry
Vatster Quarry, Gott*

The Shetland Islands Council will only support proposals for development adjacent to these locations when they are compatible to the quarrying activity and do not sterilise known mineral reserves that could be exploited at a future date.

Development which would result in the sterilisation of mineral resources will not be permitted except where one or more of the following criteria are met:

- the mineral deposit appears to have no existing or future potential commercial value; or
- it is unlikely that the mineral will be worked due to environmental constraints; or
- the development cannot be reasonably located elsewhere and it is not practicable to extract the mineral in advance.

Justification:

Mineral deposits within Shetland, whilst finite, have the potential to provide employment in the remoter rural areas and materials for the local construction industry, and to this end reserves of mineral deposits will be safeguarded against development that would prejudice their future extraction.

However, mineral extraction may be just one of various competing claims for the use of land. In order to achieve a balanced assessment between such claims, it is essential to establish the particular importance of the mineral resource and the implications of its potential extraction or sterilisation.

***Policy conforms to:
SPP4 Minerals***

*Policy supports:
Policy LDP MIN 1
Aims & Objectives:
Sustainable Development
Economic Competitiveness
Environmental Quality
Council Corporate Plan 2008-2011*

Technical Report Chapter 2

New Policy

**POLICY SPG MIN 2:
Mineral Working to Satisfy Island
Needs
Extensions to Existing Extractions**

Proposals to extend any of the extractions listed in Policy SPG MIN 1 should demonstrate all of the following conditions:

- an island need for the mineral extraction;
- acceptable environmental impact as determined through Environmental Impact Assessment (if required under the 1999 Regulations) or submission of sufficient environmental information if EIA is not required is judged acceptable in terms of this and the other policies of the Council;
- satisfactory management, operation, phasing and restoration arrangements

Where appropriate a financial guarantee will be sought to ensure restoration, landscaping and aftercare.

Justification:

The Council's overall objective for mineral workings is that these should be supported, provided that they are environmentally acceptable, sustainable and economically justified. Decisions with regard to extraction will depend on a balanced approach between need and environmental and socio—economic impact.

Whilst minerals workings 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. Sites can vary in their time-scale from just a few months to several decades and it is this possible longevity of intensive operations that distinguishes mineral workings from other types of development.

LP MIN5 Amended

Policy conforms to:

SPP4 Minerals

PAN 50

PAN 64

Policy supports:

LDP MIN 2

Aims & Objectives:

Sustainable Development

Environmental Quality

Design

Sustainable Transport

Council Corporate Plan 2008-2011

Technical Report

Chapters 2, 5 & 6

**POLICY SPG MIN 3:
Mineral Working to Satisfy Island
Needs
Additional Mineral Extraction**

Outwith the locations listed in Policy SPG MIN 1, additional mineral extraction sites to meet local (island) needs may be permitted when the following can be demonstrated:

- an island need for the mineral extraction;
- there are net demonstrable environmental or other sustainable benefits from developing the site, compared with using an established aggregate source;
- acceptable environmental impact as determined through Environmental Impact Assessment (if required under the 1999 Regulations) or submission of sufficient environmental information if EIA is not required is judged acceptable in terms of this and the other policies of the Council;
- satisfactory management, operation, phasing and restoration arrangements

Where appropriate a financial guarantee will be sought to ensure restoration, landscaping and aftercare.

Justification:

Applications to develop new aggregate sites or extend existing ones, will be considered against the need to control the proliferation of quarries in the Shetland landscape, whilst providing for local aggregate demands. Consequently the Council will assess applications on the basis of the availability of local supplies and in particular, the adequacy of existing reserves.

These policies exclude proposals for borrow pits or large scale aggregates extraction associated with an individual project and proposals for aggregates export.

Policy conforms to:

*SPP4 Minerals
PAN 50
PAN 64*

*Policy supports:
LDP MIN 2*

*Aims & Objectives:
Sustainable Development
Economic Competitiveness
Environmental Quality
Design*

*Sustainable Transport
Council Corporate Plan 2008-2011*

*Technical Report
Chapters 2, 5 & 6*

LP MIN5 Amended

**POLICY SPG MIN 4:
Mineral Working to Satisfy Island
Needs
Commercial Peat Extraction**

Proposals for commercial peat extraction (additional extraction and extensions to existing sites) will only be permitted in areas of degraded peatland which have been significantly damaged by human activity and/or where the conservation value is low, and when the following can be demonstrated:

- an island need for the peat extraction;
- there are net demonstrable environmental or other sustainable benefits from developing the site, compared with using an established source;
- acceptable environmental impact as determined through Environmental Impact Assessment (if required under the 1999 Regulations) or submission of sufficient environmental information if EIA is not required is judged acceptable in terms of this and the other policies of the Council;
- satisfactory management, operation, phasing and restoration arrangements, including restoration proposals which enhance biodiversity.

and where the proposed site is not located within or likely to affect:

- water flows, water quality or receiving watercourses;
- areas known to contain archaeological features of local, regional or national importance;
- areas of active blanket bog;
- areas supporting locally or nationally important plant, bird and animal populations, including:
 - bog orchid sites

- bogs of high ornithological value
- bogs within 100 metres of coastal areas frequented by otters and other areas known to have a high density of otters.

Where appropriate a financial guarantee will be sought to ensure restoration, landscaping and aftercare.

Commercial peat extraction for export will not be supported

LP MIN10 Amended

Justification:

Whilst domestic peat cutting under permitted development rights is traditional in many areas of Scotland, commercial peat cutting is different in nature and scale and raises particular environmental concerns. The working of peat will only be acceptable in areas of degraded peatland, which has been significantly damaged already by human activity and where the conservation value is low.

Areas of peatland that retain a high level of natural heritage conservation interest or are important for their archaeological interest and value as CO₂ sinks require to be protected and conserved for the benefit of future generations. Consequently any proposals for additional commercial peat extraction within Shetland (new areas of extraction and extensions to existing sites) will require to be fully justified in this regard.

Active blanket bog is a bog which is still producing peat and as such is a rare habitat in national terms. Only some of Shetland's extensive tracts of active bog enjoy statutory protection as sites notified for their nature conservation value (SSSIs, etc.) Commercial extraction is likely to do irreparable harm

Policy conforms to:

SPP4 Minerals

PAN 50

PAN 64

Policy supports:

LDP MIN 2

Aims & Objectives:

Sustainable Development

Environmental Quality

Design

Council Corporate Plan 2008-2011

Technical Report

Chapter 6 : 6.11

to a bog's ecological value. In general, sphagnum is usually a major contributor to peat formation and the presence of 10% or more cover of sphagnum moss is a reliable indicator of an active bog.

Bog orchid is a scarce national species: at present it is the only nationally scarce plant known to occur in Shetland bogs.

Breeding birds are vulnerable not only to disturbance but also, and perhaps more importantly, to habitat damage or destruction resulting from peat extraction. The red-throated diver and whimbrel (both included on Schedule 1 of the Wildlife and Countryside Act) and golden plover, dunlin also the red-throated diver (Annex 1 of the Birds Directive) all occur widely on peatlands in Shetland nesting at high density on some peatlands and are likely to be disturbed by peat extraction.

Otter holts are common in peatland areas within 100 metres of the shore. Workings in these areas are likely to destroy holts and generally cause disturbance. Otters are a European Protected Species and obstructing access to, damaging or destroying an otter holt (whether or not it is occupied at the time) requires a licence from the Scottish Government. The Planning Authority may not issue consent for a development unless it is satisfied that a licence would be granted or the developer has demonstrated that otters will not be affected by the proposal.

Further guidance can be found at :

www.scotland.gov.uk/library3/environment/epsq-00.asp

**POLICY SPG MIN 5:
Mineral Working to Satisfy Island
Needs
Sand and Shingle Extraction**

Proposals for sand and shingle extraction (additional extraction and extensions to existing sites) will only be permitted when all the following can be demonstrated:

- an island need for the sand and/or shingle extraction;
- a description of the alternatives that have been considered which should include consideration of alternative sources (both within and outwith Shetland); alternative materials, using dredged material, and doing nothing.
- an independent technical report, prepared by a competent body, which assesses and demonstrates:
 - acceptable environmental impact as determined through Environmental Impact Assessment (if required under the 1999 Regulations) or submission of sufficient environmental information if EIA is not required is judged acceptable in terms of this and the other policies of the Council;
 - the impact on the surrounding coastal environment, which should include assessment of the likely cumulative effects of the development and in particular details of the hydrographic conditions and information on the lateral and longitudinal shifts along the beach/coastline in the relevant area and which could lead to wider erosion

and flooding risk.

- satisfactory management, operation, phasing and restoration arrangements.

and where:

- recreational use of any beach or dune system is not compromised;
- local biodiversity will not be adversely affected;
- archaeological remains would not be destroyed.

Additionally, if extraction is related to a particular project:

- details of how sand/gravel extraction is an essential part of the project.

Where appropriate a financial guarantee will be sought to ensure restoration, landscaping and aftercare.

Shetland Islands Council can permit extraction of sand, gravel and shingle under the Zetland County Council Act 1974 through issuing a licence in all areas except the Lerwick Harbour area (under the jurisdiction of the Lerwick Port Authority). Proposals must comply with Policy MSPEX1 of the Marine Spatial Plan for the Shetland Islands.

Policy LPMIN 9 Amended

Justification:

The quarrying of active beach material reduces the sedimentary store of the beach, which in turn reduces its capacity to respond to storm events. The natural movement of sediment along a beach and between the beach and adjacent seabed is critical to the behaviour of beaches and one of the most important factors when considering beach stability. Research into sediment supply on open beaches suggest that a very minor fall in lateral sediment supply in the order of

0.1% can result in rates of beach erosion comparable to a 0.5m increase in mean sea level.

Unlike much of mainland Scotland, where river terraces and other terrestrial features contain large amounts of glacially derived sand and gravel (known as fluvi-glacial sediments), Shetland's fluvi-glacial sediments are below sea level and have been submerged by the continuous rise in relative sea level in Shetland since the end of the last ice age around 13,000 years ago. Consequently, the sediment stores on the Shetland coastline are limited, unlikely to be replaced and continually dwindling due to the rising sea level. Coastal sediments provide a natural coastal defence whose further depletion is unsustainable.

The aim of this policy is to ensure that any proposals to extract sand or shingle can clearly demonstrate that the development will not result in any damage to the coastal environment. It also ensures that all possible alternatives are considered. An alternative source from either within or outwith Shetland, may be more expensive in the short-term, but is likely to be more sustainable.

If the results of the assessment are inconclusive, the precautionary principle will apply.

If archaeological remains are present there may be circumstances where in situ remains could be excavated in advance at the discretion of the Shetland Archaeologist and at the developer's own expense.

Policy conforms to:

*SPP4 Minerals
PAN 50
PAN 64*

*Policy supports:
LDP MIN 2*

*Aims & Objectives:
Sustainable Development
Environmental Quality
Design*

Council Corporate Plan 2008-2011

*Technical Report
Chapter 6 : 6.7*

**POLICY SPG MIN 6:
Location of Quarries and Mines**

There will be a general presumption against new, or extensions to existing mineral extractions, where the proposed development is within 800m of an occupied school or permanently occupied houses. With the exception of large scale quarries, consideration may be given to a relaxation of this limit if:

- the applicant is prepared to limit the hours of operation; and
- the quarry or quarry extension is small scale; and
- due to the specific topography of the area, the applicant can demonstrate to the satisfaction of the Planning Authority that the proposal will not unreasonably affect the environment of the local area (particularly in terms of noise and dust, but also in terms of any other form of disturbance or pollution); and
- the applicant can demonstrate that no other acceptable sites are available and/or that the proposal to renew, or extend an existing quarry, would have less environmental impact than opening up a new location elsewhere.

Policy LP MIN 4

Justification:

Dust, vibration and noise emanate from a number of general quarrying and mining operations irrespective of the scale (ie from blasting, drilling, crushing rock and unloading and loading operations). Guidance suggests that significant nuisance from noise can be experienced over half a mile away. Montague Evans (1991) in a report to Deltong Community Council regarding a planning application for a quarry at Haggister gave some indication of the effect strong winds have when they stated that:

“..... from empirical evidence, most of the dust generated will be deposited within 200-400 metres from the source – 800 metres in strong winds”.

Since 1994 the Council have used this indicated distance to protect the amenity of householders and schoolchildren. Accordingly this policy aims to maximise the distance between working quarries and permanently occupied houses or schools.

Should it be demonstrated that the 800m cordon may be relaxed, planning conditions will be imposed to restrict the operating hours of the quarry and/or to restrict the scale of operations. These conditions will be rigorously enforced.

Policy conforms to:
SPP4 Minerals
PAN 50

Policy supports:
LDP MIN 2

Aims & Objectives:
Social Justice
Council Corporate Plan 2008-2011

Technical Report
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**POLICY SPG MIN 7:
Re-opening of Abandoned Workings**

Proposals to re-establish mineral workings that are disused or abandoned and do not have a current planning permission will be considered as applications for new workings in policy terms.

Policy LP MIN6

Justification:

There are many worked out or abandoned mineral working sites in Shetland. Applications to resume quarrying at a particular location will be considered as new workings since circumstances may well have changed since the quarry ceased operation and all issues will need to be re-examined. This policy makes it clear that the re-opening of former quarries is not necessarily considered preferable in policy terms to the opening of new quarries or the existence of existing ones.

Policy conforms to:

*SPP4 Minerals
PAN 50
PAN 64*

Policy supports:

LDP MIN 2

Aims & Objectives:

*Sustainable Development
Economic Competitiveness
Environmental Quality
Design
Sustainable Transport
Council Corporate Plan 2008-2011*

**POLICY SPG MIN 8:
New Minerals Development for
Export**

Development proposals for mineral extraction for export from Shetland will be supported only when benefit to the sustainability of the local community can be assured and when **all** of the following conditions are met:

- acceptable environmental impact as determined through Environmental Impact Assessment (if required under the 1999 Regulations) or submission of sufficient environmental information if EIA is not required is judged acceptable in terms of this and the other policies of the Council;
- satisfactory management, operation, phasing and restoration arrangements are agreed, including where appropriate, a financial guarantee to ensure restoration and aftercare;
- transportation issues have been addressed to the satisfaction of the local planning authority;
- the proposal accords with national planning guidelines.

All proposals will require to be supported by a geological evaluation of the rock character.

The Council may wish to establish, with the agreement of the operator, a Community Minerals Trust Fund, in recognition of the anticipated social, environmental and economic impacts arising from any significant proposed development.

Justification:

Given their potential size, the Scottish Government believes that a cautious approach is required in relation to the further development of coastal quarries. Previous national planning guidance indicated that there were few suitable locations for such development within Scotland (Shetland being identified as one). Whilst recognising the potential employment benefit to the islands, proposals for development of sites for the export of minerals, including large and/or coastal quarries, will be subject to rigorous examination of the social, economic and environmental impacts of such a development as well as the transportation implications.

Although Policy LDP MIN 1 identifies two potential sites for large scale quarries at Hamar Ness in Northmavine and Orka Voe, north-east of Sullom Voe, this does not constitute a presumption in favour of development. Any application will be rigorously evaluated against Policy SPG MIN 8, in addition to a full geological evaluation of the rock character. The Council will expect any proposal for large scale quarrying proposals to link the extraction with the positive economic, social and environmental wellbeing of the area in a comprehensive integrated approach.

The Council may also seek to establish a Community Minerals Trust Fund, funded by operators, in recognition of the wider impact and disturbance arising to the host community from large scale quarrying.

Policy conforms to:

*SPP4 Minerals
PAN 50
PAN 64*

*Policy supports:
LDP MIN 2*

*Aims & Objectives:
Sustainable Development
Economic Competitiveness
Social Justice
Environmental Quality
Design*

*Sustainable Transport
Council Corporate Plan 2008-2011*

Policy LP MIN11 Amended

Technical Report Chapters 4, 5 & 6

**POLICY SPG MIN 9:
Minerals Development for Export
Minerals Safeguarding**

Existing Sites:

The Shetland Islands Council will only support proposals for development in the vicinity of the existing mineral export site at:

Cross Geo, Unst (Talc Extraction)

when they are compatible to the quarrying activity and do not sterilise known mineral reserves that could be exploited at a future date.

Development which would result in the sterilisation of mineral resources will not be permitted except where one or more of the following criteria are met:

- the mineral deposit appears to have no existing or future potential commercial value; or
- it is unlikely that the mineral will be worked due to environmental constraints; or
- the development cannot be reasonably located elsewhere and it is not practicable to extract the mineral in advance.

Proposed Sites:

An *Aggregate Safeguarding Zone* will be established to safeguard the following areas which may be suitable for coastal export quarry developments:

Hamars Ness, Northmavine; and Orka Voe, north-east of Sullom Voe**

The Shetland Islands Council will only support proposals for development adjacent to these locations when they do not :

- sterilise the known mineral reserves that could be exploited at a future date;
- pre-empt the development of, or reduce the potential viability of; or
- place undue restrictions upon the operation of a coastal export quarry.

The establishment of these *Aggregate Safeguarding Zones* does not constitute a presumption in favour of development, any application being subject to rigorous evaluation against all relevant policies (LDP and SPP).

The *Aggregate Safeguarding Zones* are identified in the attached maps.

* as identified by Gribble (1991)

Structure Plan para 8.4 and Policy SP MIN1 amended

Justification:

Due to the geography of Shetland and the established criteria of the minerals industry, there are only a few sites in Shetland, which are likely to be acceptable for minerals export, both in terms of an operator's requirements and the community's interest in protecting the environment.

Accordingly it is important that these existing and potential sites are not permanently sterilised or unduly restricted by other forms of development occurring on, or in close proximity to, these areas.

Present knowledge suggests that areas to the north-east of the Sullom Voe Terminal and at Hamars Ness, Northmavine may prove to be suitable sites for large scale coastal quarries, however, any development proposals for the site at Orka Voe will require to be

considered against the Habitats Directive given the designations of the Sullom Voe and Yell Sound Coast SACs.

Establishment of these *Aggregate Safeguarding Zones* **does not** constitute a presumption in favour of development, but merely ensures their protection against inappropriate development and ensures that these rich resources are available for future generations should they be capable of being exploited.

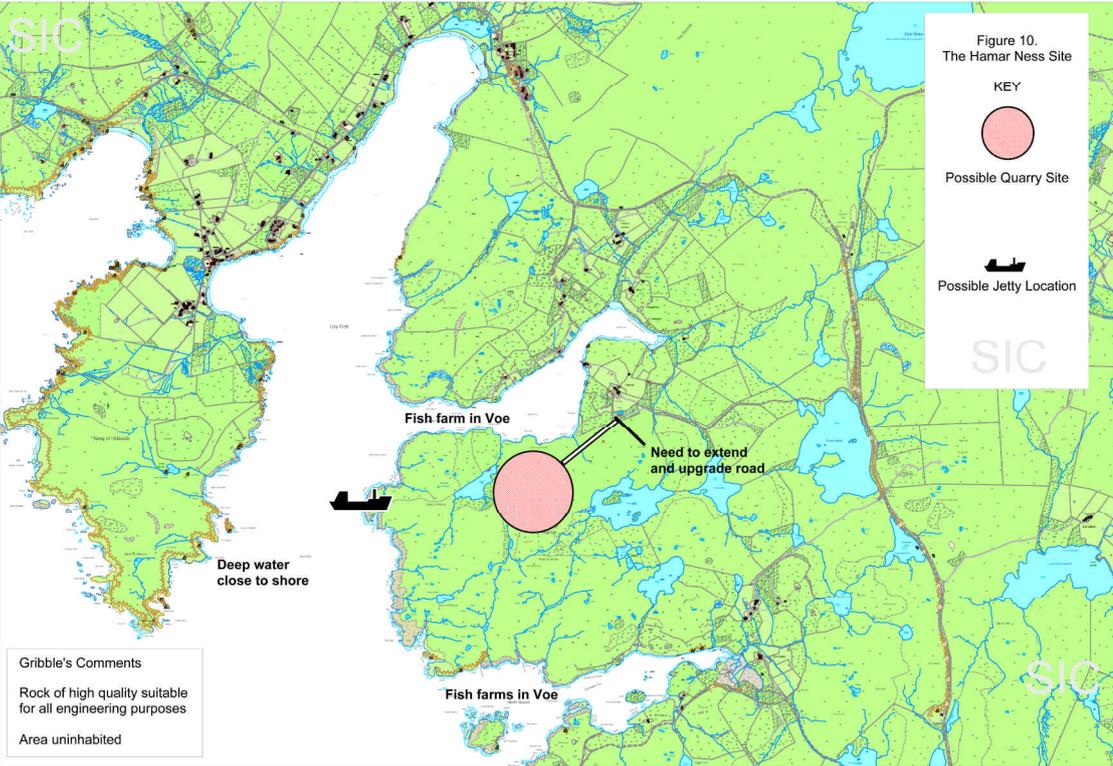
Policy conforms to:
SPP4 Minerals

Policy supports:
LDP MIN 1

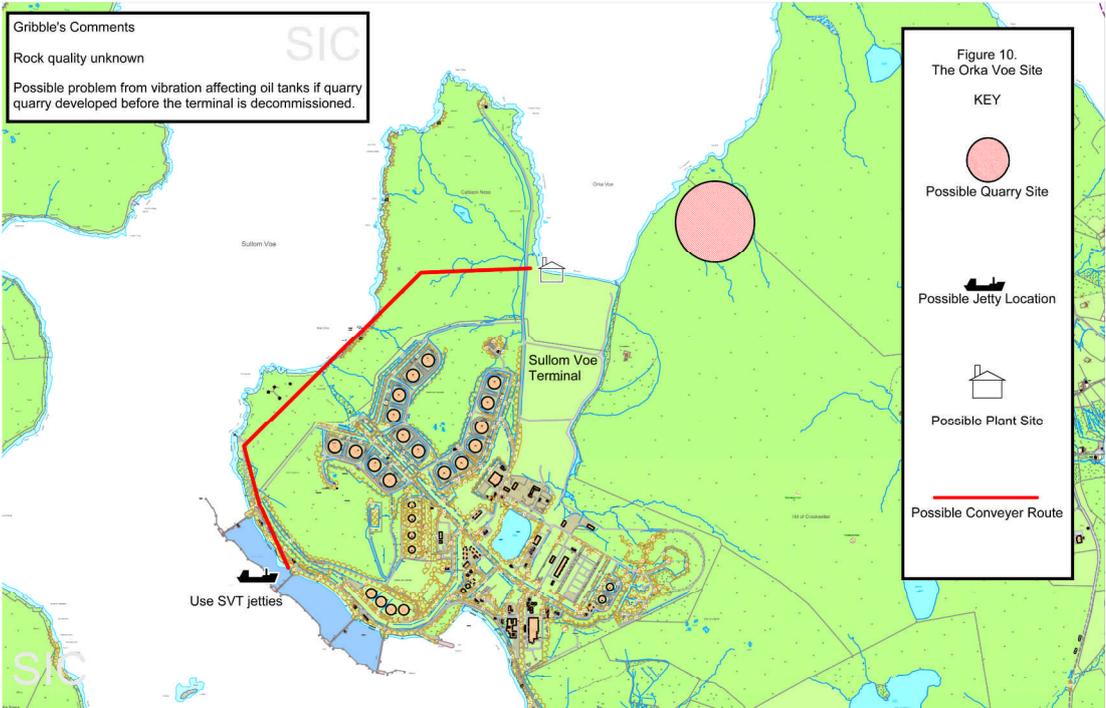
Aims & Objectives:
Sustainable Development
Economic Competitiveness
Environmental Quality
Council Corporate Plan 2008-2011

Technical Report
Chapter 4

**Aggregate Safeguarding Zone:
Hamar Ness, Northmavine**



**Aggregate Safeguarding Zone:
Orka Voe, north-east of Sullom Voe**



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Date
Scale

**POLICY SPG MIN 10:
New Minerals Development for
Export
Development of Pier Facilities and
Stockpiles**

There will be a general presumption against the siting of stockpiles or the development or use of new and existing pierhead facilities, as transshipment terminals associated with an export based coastal quarry, where the proposed development is within 800m of occupied schools or permanently occupied houses. Consideration may be given to a relaxation of this limit if:

- the applicant is prepared to limit the hours of operation; and
- due to the specific topography of the area, the applicant can demonstrate to the satisfaction of the Planning Authority that the proposal will not unreasonably affect the environment of the local area (particularly in terms of noise and dust, but also in terms of any other form of disturbance or pollution).

Justification:

Dust, vibration and noise emanate from a number of quarrying operations. In the case of large coastal quarries, stockpiles and pierheads are very often geographically separated from the quarry production area.

Noise from the loading and unloading of ships at all hours and problems of wind borne dust can be significant and as severe in their effect on local communities as the quarry or mine itself. Accordingly the Council has adopted the same distance criterion as SPG MIN 6 (ie 800m) to separate the local community from all quarrying and mining export operations.

Policy conforms to:
SPP4 Minerals
PAN 50

Policy supports:
LDP MIN 2
Aims & Objectives:
Sustainable Development
Social Justice
Environmental Quality
Council Corporate Plan 2008-2011

Technical Report
Chapters 5 & 6 : 6.51

Policy LP MIN12

**POLICY SPG MIN 11:
Borrow Pits**

The Council will only permit borrow pits where:

- there are overriding environmental or other planning benefits compared to obtaining materials from alternative sources;
- alternative materials of the required specification (including the use of recycled or secondary materials) are unavailable in sufficient quantities;
- the borrow pit is contiguous with or close to the projects they are intended to serve;
- they are time limited to the life of the project and material is to be used only for the specified project;
- proposals include appropriate reclamation measures which make full use of surplus spoil from the project.
- the applicant is prepared to enter into a s.75 Agreement to ensure that the site is used solely in conjunction with a specific construction scheme and to ensure that restoration is completed satisfactorily and with an agreed timescale;
- the proposal confirms to all other relevant local plan policies.

Justification:

The term *borrow pit* is applied to a temporary mineral working supplying material for use solely in a specific construction project, located close to the construction site and backfilled with materials that have to be removed from the construction area and landscaped back into the adjoining gradients.

The Council will treat proposals for borrow pits in the same way as any other mineral extraction scheme, which means that they must be justified in terms of being the most suitable source of material to meet demand and that appropriate environmental safeguards covering both working and reclamation are included.

Policy conforms to:

*SPP4 Minerals
PAN 50
PAN 64*

*Policy supports:
LDP MIN 2*

*Aims & Objectives:
Sustainable Development
Social Justice
Environmental Quality
Design*

Council Corporate Plan 2008-2011

*Technical Report
Chapter 6 : 6.21*

Policy LP MIN7 Amended

**POLICY SPG MIN 12:
Incidental Mineral Extraction**

Planning permission for the extraction of minerals, including peat, as a necessary element of other development proposals on the same site will be granted provided that:

- there are no unacceptable environmental or other impacts resulting from mineral extraction;
- there are adequate interim reclamation measures to allow for possible delays or non-implementation of the primary development;
- proposals for the re-use of the excavated material either on site or where it will be removed to are acceptable; and
- the mineral extraction is of a limited nature and short duration

New Policy

Justification:

In principle recovering minerals and peat as an incidental element of another development proposal promotes sustainable development by helping conserve mineral resources that might otherwise be lost

The Council will expect that all applications which involve the excavation and removal of significant quantities of soils, overburden and material are also accompanied by a supporting statement indicating how the excavated material will be re-used and proposing interim reclamation proposals in the event of the primary development being delayed or failing to be implemented.

Policy conforms to:

*SPP4 Minerals
PAN 50
PAN 64*

*Policy supports:
LDP MIN 2*

*Aims & Objectives:
Sustainable Development
Environmental Quality
Design*

Council Corporate Plan 2008-2011

*Technical Report
Chapter 6 : 6.10*

**POLICY SPG MIN 13:
Information in support of Planning
Applications**

Planning permission for minerals development will not be granted unless sufficient information is provided to enable a balanced assessment of all relevant factors. Such information should include as appropriate:

- present use of the site;
- geology and hydrogeology;
- estimated mineral content, output and life of workings;
- quality of material;
- need for the mineral;
- measures taken to maximise the potential for re-use and recycling of materials on site;
- method of extraction with depth, direction and phasing of working;
- surface water drainage and management;
- layout and design of buildings and operational areas (including haul roads, lay down and stock pile areas);
- soil survey and soil conservation measures;
- transport arrangements (including access, traffic generation and routing);
- hours of operation;
- employment;
- site specific measures to minimise pollution and environmental disturbance;
- impact on existing and adjacent land uses;
- if applicable, impacts on coastal processes and the seabed;
- an assessment of the landscape and ecological value of the area and the potential impact of the area;
- an assessment of the likely impact on designated sites such as SSSIs, SPAs and SACs, and important bird species including Annex1 species, Schedule 1 species, Habitat Directive priority species and habitats and 'Living Shetland'

- (Shetland LBAP) priority species;
- an assessment of archaeological remains and historic features and measures for their preservation and recording;
- impact on public rights of way;
- an overall scheme of restoration;
- landscaping measures and boundary treatment of the site;
- integrated working and reclamation scheme;
- aftercare;
- after-use;
- long term management provisions.

New Policy

Justification:

Applications for minerals development should provide sufficient information to allow a balanced assessment to be made between the possible advantages of the proposed development (including where appropriate, the need for the mineral) and the environmental disruption which may arise.

A detailed list of the information which may be required is set out in Policy SPG MIN 13. This is in addition to any information and/or assessment which may be required by individual policies.

Applicants are advised to discuss their proposals with the Council's Planning Service prior to the submission of an application. Such pre-application consultations can enable early identification of potential constraints and identify any need for environmental impact assessment under the EIA Regulations 1999.

Policy conforms to:

*SPP4 Minerals
PAN 50
PAN 64*

*Policy supports:
LDP MIN 2*

*Aims & Objectives:
Sustainable Development
Social Justice
Environmental Quality
Design
Sustainable Transport
Council Corporate Plan 2008-2011*

**POLICY SPG MIN 14:
Planning Obligations**

The Council will seek to negotiate planning obligations under s.75 of the Town and Country Planning (Scotland) Act 1997 as measures for controlling mineral operations and securing sustainable development objectives, which cannot be achieved by the use of planning conditions.

Policy LP MIN5

Justification:

When planning permission is granted, a comprehensive list of conditions is normally attached to ensure the satisfactory working and reclamation of the site. The information required under Policy SPG MIN 13 forms an important basis for considering what detailed conditions and other controls are required. However, the Council may wish to control certain matters that lie beyond the legal scope of planning conditions.

Planning obligations would normally cover such matters and can often secure a more sustainable form of development. Under the existing 1997 Act these comprise a legal agreement between the Council, the applicant and any relevant third party. However, enactments under the Planning Etc. Act 2006 will enable unilateral undertakings to be made by the applicant.

Policy conforms to:

SPP4 Minerals

PAN 50

PAN 64

Policy supports:

LDP MIN 2

Aims & Objectives:

Sustainable Development

Environmental Quality

Design

Council Corporate Plan 2008-2011

Technical Report

Chapter 6 : 6.54

**POLICY SPG MIN 15:
Visual Intrusion**

Planning permission for minerals development will only be granted where any adverse visual impact can be kept to an acceptable level. Where appropriate, conditions will be imposed to ensure that :

Plant, structures, buildings and storage areas are:

- located in such a position as to minimise impact on adjacent land;
- kept as low as practicable to minimise visual intrusion;
- be of appropriate colour, cladding, or suitably treated to reduce their visual impact;
- satisfactorily maintained to preserve their external appearance;
- removed upon cessation of extraction and the site restored to an acceptable level.

Screening and Landscape Proposals include:

- measures to screen the site by the use of walls, fences, earth mounding and/or tree and shrub planting as appropriate;
- details of the method of working and phasing to cause least visual intrusion;

Where appropriate screening proposals should maximise the potential to enhance the landscape and wildlife potential through appropriate planting.

In addition measures should be taken by sympathetic design and/or screening to avoid unacceptable light intrusion caused by extraneous light from the development.

Justification:

The Council recognises that certain forms of development, including mineral extraction, may be appropriate in rural areas providing they do not have an unacceptable impact on the environment. Visual impact is a major consideration.

The effects of mineral working can be to:

- destroy or change some of the existing landscape or landscape character;
- introduce an alien feature into the landscape
- screen from view some of the landscape that is otherwise unaffected.

Subject to limitations in terms of height, ancillary plant and buildings may also be erected at mineral extraction sites under permitted development rights granted by the General Permitted Development (Scotland) Order 1992. Control over such developments is limited, however, provision exists for these rights to be withdrawn in exceptional cases and where there are compelling planning reasons for doing so. The Council will consider the withdrawal of permitted development rights by condition should it be deemed necessary to minimise visual intrusion.

Policy conforms to:

*SPP4 Minerals
PAN 50*

*Policy supports:
LDP MIN 2*

*Aims & Objectives:
Sustainable Development
Environmental Quality
Design*

Council Corporate Plan 2008-2011

*Technical Report
Chapter 5 : 5.52
Chapter 6 :6.47*

**POLICY SPG MIN 16:
Environmental Pollution and Highway
Safety**

Planning permission for minerals development will only be granted where:

- noise emissions outside the boundary of the mineral workings do not exceed acceptable levels;
- blasting levels can be kept within acceptable limits;
- dust generation will not lead to an unacceptable impact;
- there are no risks of polluting ground or surface waters.
- the highway network can satisfactorily accommodate the generated vehicle movements and measures are in place to prevent damage to the highway

Where appropriate conditions will be imposed to minimise adverse impacts and ensure regular monitoring of risks.

Justification:

When submitting a planning application operators may be required to provide a scheme for the control, mitigation, reduction and/or removal of any environmental or transport effects.

The Council will not duplicate controls which are the statutory responsibility of other bodies, however, they would wish to prevent harm to interests of acknowledged importance, such as amenity and highway safety.

Policy conforms to:
SPP4 Minerals
PAN 50

Policy supports:
LDP MIN 2

Aims & Objectives:
Sustainable Development
Environmental Quality
Design

Council Corporate Plan 2008-2011

Technical Report
Chapter 5 : 5.12 – 5.21 & 5.26
Chapter 6 : 6.47

Policy LPNE10 amended

**POLICY SPG MIN 17:
Conservation of the Natural and Built Heritage**

Planning permission for minerals development will only be granted where proposals do not:

- Affect the long term agricultural potential of the land, unless the need for the development outweighs the agricultural interest, or it can be demonstrated that available land of lower value has sustainability considerations which outweigh the agricultural land quality.
- Adversely affect the integrity or continuity of habitats or features identified as priorities in the UK and Shetland Local Biodiversity Action Plan, unless an overriding need for development is demonstrated which outweighs the nature conservation importance of the feature. If the loss of the habitat or feature cannot be avoided, provision will require to be made, where practicable, for the creation of an equivalent habitat or feature, either on the development site or under the terms of a voluntary agreement on a suitable alternative location.
- Destroy or significantly adversely affect, directly, or indirectly, a special interest of an SSSI or a candidate SSSI, unless the reasons for the development outweigh the nature conservation considerations. The assessment of any adverse impact will take account of the scope for mitigation.
- Destroy or significantly adversely affect a Special Area of Conservation, a Special Protection Area, a Ramsar site or National Nature Reserve, or any candidate site designation, unless there are imperative reasons of overriding

public interest. The assessment of any adverse impact will take account of the scope for mitigation.

- Include a Natura site, which hosts a priority habitat or species unless there are overriding reasons of human health and public safety, and there are beneficial consequences of primary importance for the environment. The assessment of any adverse impact will take account of the scope for mitigation.
- Adversely affect the character and appearance of a National Scenic Area.
- Destroy or degrade nationally important archaeological remains and their settings, whether scheduled or not. In the event that it can be demonstrated that the importance of the development outweighs the regional or local significance of the remains, appropriate provision shall be made for the excavation and recording of remains.
- Adversely affect the character, appearance, condition or setting of a listed building or historic garden.

Policy SPNE3, SPNE4, SPNE5, SPNE6, SPNE7, SPNE8, SPBE1, SPBE2

Justification:

Mineral extraction usually occurs in rural areas and therefore has a major impact on the countryside. In particular the following issues need to be considered:

Agricultural Land: Council planning policies safeguard the best and most versatile agricultural land and must be taken into account alongside other factors. Where development of agricultural land is unavoidable, the Council will see to use areas of poorer quality land in preference to that of higher quality, except where other sustainability considerations suggest otherwise.

Biodiversity: Conserving biodiversity is not just about rare and threatened plants and animals, but encompasses the whole of the natural world, from the commonplace to the critically endangered and is a key test of sustainability, passing a healthy and diverse environment on to future generations.

Designated Sites: There is a strong presumption against development within designated (and candidate) SSSIs and SACs, SPAs, Ramsar Sites and National Nature Reserves unless overriding need can be demonstrated, not just for the mineral, but for the mineral in that location. Permission for development, which would destroy or detrimentally affect an SSSI will not be granted.

Development which would detrimentally affect an SAC, SPA, Ramsar site or National Nature Reserve (or candidate designation) is prohibited under The Habitats Regulations 1994 unless it can be proven that there will be no adverse effect, or there are considerations of overriding public interest and there is no other possible location.

Priority Habitat or Species: Where a site hosts a priority habitat or species (including SSSIs and SACs), the development will also not be permitted unless it is necessary for reasons of human health or public safety and can bring benefits of primary importance to the environment.

Designated sites within Shetland are detailed in Appendix 2 of Part 1.

Archaeology: There are over 8000 recorded archaeological sites within Shetland, including 353 Scheduled Ancient Monuments of national importance. Shetland Islands Council Advice Note 9 sets out the Council's approach to archaeology for major developments. There is a strong presumption against any development, which would destroy any archaeological monument of national, regional or local importance, whether or not it is scheduled. The need for preservation in situ of other sites and remains will be assessed upon their importance and the impact of their loss. Where preservation in situ is not feasible, sites will require to be surveyed, excavated and recorded by an appropriately qualified professional archaeologist. The works would be the financial responsibility of the developer, but carried out to specifications approved by the Council's archaeological advisor.

Listed Buildings and Historic Gardens: Proposals for mineral development will often affect open land and may affect the setting of Listed Buildings or historic gardens. However, with the careful use of landscape design and vehicle routing, it may be possible to accommodate mineral development in the vicinity of such features.

Policy conforms to:
SPP4 Minerals
PAN 50

Policy supports:
LDP MIN 2

Aims & Objectives:
Sustainable Development
Social Justice
Environmental Quality
Design

Council Corporate Plan 2008-2011

Technical Report
Chapter 6 : 6.42 – 6.47

**POLICY SPG MIN 18:
Associated Industrial Development**

Proposals for associated industrial development on or adjacent to mineral extraction sites will only be permitted where there are no significant environmental, transport or other disadvantages.

When granting planning permission for industrial development associated with minerals extraction, the Council will impose conditions to ensure its subsequent removal and reclamation of the site upon cessation of mineral extraction unless there are overriding environmental advantages in retaining that industrial development.

Justification:

The General Permitted Development (Scotland) Order 1992, as amended, allows certain types of industrial development to be located within or adjacent to mineral workings without the need for specific permission, although various criteria relating to height, appearance and other restrictions apply. Broadly, these comprise industrial processes, which largely depend on the mineral worked from the related quarry.

Proposals for industrial development which fall outside the scope of the GPDO will only be permitted where it can be shown that there are clear overall environmental advantages in a close link between the industrial and extractive operations. Particular regard will be given to environmental and transport effects and the likely duration of working.

New Policy

Policy conforms to:
SPP4 Minerals
PAN 50
PAN 64

Policy supports:
LDP MIN 2

Aims & Objectives:
Sustainable Development
Environmental Quality
Design
Sustainable Transport
Council Corporate Plan 2008-2011

Technical Report
Chapter 5 : 5.31

**POLICY SPG MIN 19:
Restoration and Aftercare**

Proposals for mineral extraction will only be permitted where proper provision has been made for the progressive restoration and aftercare of the site to the highest possible standards. Detailed restoration plans require to be submitted in compliance with policy MIN 13, including:

- an assessment of the existing landscape and ecological features/habitats and a practicable scheme detailing how the restored site will be integrated into the surrounding landscape;
- details of phasing, filling, landforms, drainage, pollution prevention measures, management of soils, landscaping and arrangements for public access if appropriate;
- arrangements for a five year aftercare scheme for the site.

The developer will be required to provide a financial bond to ensure appropriate site restoration and aftercare. Any bond will be subject to a legal agreement as detailed in Policy MIN 14.

Justification:

The restoration of land following mineral extraction is an integral part of the working of any site. It is important that restoration should follow on quickly from extraction and for many sites it will be appropriate to adopt a phased programme in order to reduce the impact of the operations. When preparing restoration plans developers should seek professional advice from Scottish Natural Heritage and other appropriate organisations particularly where planting or seeding is proposed.

The aftercare period is essentially a programme of positive land management lasting for a period of up to five years. Restoration and/or reclamation should not be seen as merely returning land to its previous condition, but rather an opportunity to create land uses of benefit to the environment and the public in order to compensate, at least in part, for the disturbance that extraction will cause.

Situations, such as the failure of the operator, or technical reasons, can arise in which restoration may not be carried out. Financial bonds and guarantees can be set up prior to development commencing in order to ensure that in the event of an operator not being able to satisfy the restoration and aftercare requirements, adequate funding is available to the Council to allow the work to be carried out in full. Legal agreements will be addressed by means of Section 75 Agreements.

New Policy

Policy conforms to:

SPP4 Minerals

PAN 50

PAN 64

Policy supports:

LDP MIN 2

Aims & Objectives:

Sustainable Development

Social Justice

Environmental Quality

Design

Council Corporate Plan 2008-2011

Technical Report

Chapter 5 : 5.33 & Chapter 6 : 6.52

**POLICY SPG MIN 20:
Restoration from Imported Materials**

Applications for the disposal of materials within mineral sites will only be supported where:

- the materials are inert;
- the proposal represents the best practical option to secure the restoration of the site for a beneficial after use and forms part of an overall restoration plan for the site;
- the materials are not of a type or quality which could be recycled by other means;
- there is no adverse impact on ground water or surface water resources;
- the proposal makes a positive contribution to the landscape character

Detailed restoration plans require to be submitted in compliance with policy MIN 13, including:

- an assessment of the existing landscape and ecological features/habitats and a practicable scheme detailing how the restored site will be integrated into the surrounding landscape;
- details of phasing, filling, landforms, drainage, pollution prevention measures, management of soils, landscaping and arrangements for public access if appropriate;
- arrangements for a five year aftercare scheme for the site.

The developer will be required to provide a financial bond to ensure appropriate site restoration and aftercare. Any bond will be subject to a legal agreement as detailed in Policy MIN 14.

Justification:

The traditional form of restoration by means of back-filling with a wide range of wastes is now considerably constrained by waste management regulatory requirements and the requirements to meet National Waste Strategy objectives.

The use of specific waste materials appropriate for the purpose of restoration, such as soil, is acceptable if the use complies with the requirements of an exemption under Waste Management Licensing legislation and is in line with the Shetland and Orkney Area Waste Plan.

Proposals should clearly demonstrate the genuine need for restoration by the importation of materials and that it is the only means of use for the material and returning the land to beneficial use.

Policy conforms to:

SPP4 Minerals

PAN 50

PAN 64

Policy supports:

LDP MIN 2

Aims & Objectives:

Sustainable Development

Council Corporate Plan 2008-2011

New Policy

**POLICY SPG MIN 21:
Mineral Exploration**

Proposals for exploratory operations will be permitted, subject to satisfactory environmental, amenity and reclamation safeguards.

Permissions will be granted for temporary periods only and subject to full restoration required upon completion. Interests of acknowledged importance will be given specific protection.

All proposals for mineral exploration will be judged on their own merits. Any permission granted for such operations will be without prejudice to the consideration of further proposals for mineral development.

New Policy

Justification:

Exploration is essential to prove the existence and extent of mineral resources. Prior to development it is necessary to ensure that a resource is economically viable and to determine how it can be worked. Although a temporary activity, safeguards may still be needed to minimise the environmental impact.

The carrying out of certain small-scale and temporary exploratory operations undertaken for the purpose of exploiting minerals is permitted development by virtue of Part 15 Schedule 1 of the General Permitted Development (Scotland) Order 1992 (as amended). However, where planning permission is necessary, the Council will seek to apply the normal environmental safeguards that would be applied to other forms of mineral development and without prejudice to the consideration of further proposals for mineral development on the site.

Policy conforms to:

SPP4 Minerals

PAN 50

PAN 64

Policy supports:

LDP MIN 2

Aims & Objectives:

Sustainable Development

Environmental Quality

**POLICY SPG MIN 22:
Environmental Monitoring and Audits**

In compliance with the legislative requirement to review regularly the conditions attached to all mineral permissions, the Council will undertake a review of all active and inactive mineral sites in Shetland (as resources permit) in order to ensure that acceptable operating and environmental standards can be secured. The review will identify any inadequacies in existing planning conditions attached to mineral sites in both extraction and restoration phases.

In order to secure the continued safeguarding of local resources (Policy SPG MIN 1), the Council will require mineral operators to provide information on an annual basis setting out the progress of operations (extraction and restoration), identifying remaining reserves and market areas served

New Policy

Justification:

Mineral operations have a long lifespan and many quarries have been in operation for a considerable time period. The Scottish Government accepted that the situation regarding old mineral permissions was not satisfactory and introduced legislation which requires that all mineral operations are subject to review either 15 years from the date of either a previous review, or if no review has taken place, 15 years from the date of the latest planning permission relating to the site. Under the provisions of ROMP (Review of Old Minerals Permissions) operators are required to be notified of the requirement to submit an application for approval of new conditions

one year before the submission date. Failure to submit an application by the due date means that planning permission will cease to have effect.

The Scottish Government are also intending to proceed with plans to introduce a new statutory charging regime to recover the costs of monitoring and enforcing minerals permissions from operators, indicating how much weight they attach to the effective monitoring and, where necessary, enforcement of planning permissions which are normally subject to very detailed conditions.

An annual audit of all mineral operations will also serve to ensure the continued safeguarding of quarries to satisfy the Island's needs, that planning conditions are being met and enable the Annual Mines and Quarry Survey to be prepared timeously and appropriately by the Local Authority. Whilst recognising that some of this information may be commercially sensitive, it is important that it should be available to effectively monitor the implementation of this Interim Planning Policy and identify emerging trends within the industry. There is a statutory obligation on the Council to review/revalidate the Local Development Plan. The monitoring system will assist in gauging when a review of the Council's Minerals Policy is necessary.

Policy conforms to:
SPP4 Minerals
Minerals Act 1981
Circular 1/2003 ROMP

Policy supports:
LDP MIN 1 & 2
Aims & Objectives:
Sustainable Development
Social Justice
Environmental Quality
Design
Sustainable Transport
Council Corporate Plan 2008-2011

Technical Report
Chapter 2 : 2.52 – 2.54 & Chapter 6 : 6.40

TABLE OF POLICIES, LEVEL OF CONSTRAINT & COMPLIANCE TO NATIONAL AIMS AND OBJECTIVES

| Policy Number | Subject | Level of Constraint | Main Aims and Objectives | | | | | |
|---------------|--|---------------------|--------------------------|--------------------------|----------------|-----------------------|--------|-----------------------|
| | | | Sustainable Development | Economic Competitiveness | Social Justice | Environmental Quality | Design | Sustainable Transport |
| LDP MIN 1 | Safeguarding of Significant Aggregate Sources and Existing Sites | High | √ | √ | | √ | | |
| LDP MIN 2 | Proposals for Mineral and Aggregate Extraction | High | √ | √ | | √ | √ | √ |
| LDP MIN 3 | Recycled and Secondary Materials | Med | √ | | | √ | | |
| SPG MIN 1 | Mineral Working to Satisfy Island Needs: Minerals Safeguarding | High | √ | √ | | √ | | |
| SPG MIN 2 | Mineral Working to Satisfy island Needs: Extensions to Existing Extractions | High | √ | | | √ | √ | √ |
| SPG MIN 3 | Mineral Working to Satisfy Island Needs: Additional Mineral Extractions | High | √ | | | √ | √ | √ |
| SPG MIN 4 | Mineral Working to Satisfy Island Needs: Commercial Peat Extractions | High | √ | | | √ | √ | |
| SPG MIN 5 | Mineral Working to Satisfy Island Needs: Sand and Shingle Extraction | High | √ | | | √ | √ | |
| SPG MIN 6 | Location of Quarries and Mines | High | | | √ | √ | | |
| SPG MIN 7 | Re-opening of Abandoned Workings | High | √ | √ | | √ | √ | √ |
| SPG MIN 8 | New Minerals Development for Export | High | √ | √ | √ | √ | √ | √ |
| SPG MIN 9 | Minerals Development for Export: Minerals Safeguarding | High | √ | √ | | √ | | |
| SPG MIN 10 | New Minerals Development for Export: Development of Pier Facilities and Stockpiles | High | √ | | √ | √ | | |
| SPG MIN 11 | Borrow Pits | High | √ | | √ | √ | √ | |
| SPG MIN 12 | Incidental Mineral Extraction | Med | √ | | | √ | √ | |
| SPG MIN 13 | Information in Support of Planning Applications | Med | √ | √ | | √ | √ | √ |
| SPG MIN 14 | Planning Obligations | Med | √ | | | √ | √ | |
| SPG MIN 15 | Visual Intrusion | Med | √ | | | √ | √ | |
| SPG MIN 16 | Environmental Pollution and Highway Safety | Med | √ | | √ | √ | √ | √ |
| SPG MIN 17 | Conservation of the Natural and Built Heritage | High | √ | | √ | √ | √ | |
| SPG MIN 18 | Associated Industrial Development | Med | √ | | | √ | √ | √ |
| SPG MIN 19 | Restoration and Aftercare | High | √ | | √ | √ | √ | |
| SPG MIN 20 | Waste Disposal and Landfilling | Med | √ | | | √ | | |
| SPG MIN 21 | Mineral Exploration | Med | √ | | | √ | | |
| SPG MIN 22 | Environmental Monitoring and Audits | n/a | √ | | √ | √ | √ | √ |

| Level of Constraint Definition | High | Presumption against development unless critical criteria met |
|--------------------------------|------|---|
| | Med | Proposals must demonstrate no adverse impact of certain criteria |
| | Low | General presumption in favour of development meeting limited criteria |

TABLE OF POLICIES & COMPLIANCE TO LEGISLATION AND LOCAL AIMS AND OBJECTIVES

| Policy Number | Subject | Conforms to: | | | | | | | | |
|---------------|--|---------------------|------|-------------------|-------------------|-------------------|----------------------|----------------------|-------------------------|-----------------------------------|
| | | T & CP Minerals Act | ROMP | Circular 1/2003 : | SPP1 : Planning * | SPP4 : Minerals * | PAN 50 : Env Effects | PAN 64 : Reclamation | Draft Local Plan Policy | Council Corporate Plan 2008-2011* |
| LDP MIN 1 | Safeguarding of Significant Aggregate Sources and Existing Sites | | | | √ | √ | | | | √ |
| LDP MIN 2 | Proposals for Mineral and Aggregate Extraction | | | | √ | √ | √ | √ | | √ |
| LDP MIN 3 | Recycled and Secondary Materials | | | | √ | √ | | | | √ |
| SPG MIN 1 | Mineral Working to Satisfy Island Needs: Minerals Safeguarding | | | | √ | √ | | | √ | √ |
| SPG MIN 2 | Mineral Working to Satisfy island Needs: Extensions to Existing Extractions | | | | √ | √ | √ | √ | √ | √ |
| SPG MIN 3 | Mineral Working to Satisfy Island Needs: Additional Mineral Extractions | | | | √ | √ | √ | √ | √ | √ |
| SPG MIN 4 | Mineral Working to Satisfy Island Needs: Commercial Peat Extractions | | | | √ | √ | √ | √ | √ | √ |
| SPG MIN 5 | Mineral Working to Satisfy Island Needs: Sand and Shingle Extraction | | | | √ | √ | √ | √ | √ | √ |
| SPG MIN 6 | Location of Quarries and Mines | | | | √ | √ | √ | | √ | √ |
| SPG MIN 7 | Re-opening of Abandoned Workings | | | | √ | √ | √ | √ | √ | √ |
| SPG MIN 8 | New Minerals Development for Export | | | | √ | √ | √ | √ | √ | √ |
| SPG MIN 9 | Minerals Development for Export: Minerals Safeguarding | | | | √ | √ | | | √ | √ |
| SPG MIN 10 | New Minerals Development for Export: Development of Pier Facilities and Stockpiles | | | | √ | √ | √ | | √ | √ |
| SPG MIN 11 | Borrow Pits | | | | √ | √ | √ | √ | √ | √ |
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| SPG MIN 13 | Information in Support of Planning Applications | | | | √ | √ | √ | √ | √ | √ |
| SPG MIN 14 | Planning Obligations | | | | √ | √ | √ | √ | √ | |
| SPG MIN 15 | Visual Intrusion | | | | √ | √ | √ | | √ | √ |
| SPG MIN 16 | Environmental Pollution and Highway Safety | | | | √ | √ | √ | | √ | √ |
| SPG MIN 17 | Conservation of the Natural and Built Heritage | | | | √ | √ | √ | | √ | √ |
| SPG MIN 18 | Associated Industrial Development | | | | √ | √ | √ | √ | √ | √ |
| SPG MIN 19 | Restoration and Aftercare | | | | √ | √ | √ | √ | √ | √ |
| SPG MIN 20 | Waste Disposal and Landfilling | | | | √ | √ | √ | √ | √ | √ |
| SPG MIN 21 | Mineral Exploration | | | | √ | √ | √ | √ | √ | |
| SPG MIN 22 | Environmental Monitoring and Audits | √ | √ | | √ | √ | | | √ | √ |

* Key Objectives for Compliance

| | |
|---|--|
| <p>SPP1 : Planning</p> | <p>Main Aims and Objectives:</p> <ul style="list-style-type: none"> • Sustainable Development • Economic Competitiveness • Social Justice • Environmental Quality • Design • Sustainable Transport |
| <p>SPP4 : Minerals</p> | <p>Safeguard minerals as far as possible for future use</p> <p>Ensure a steady and adequate supply is maintained to meet the needs of society and the economy</p> <p>Encourage 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</p> <p>Promote the use and recycling of secondary materials in development plan policies in addition to those for the release of sites for primary materials</p> <p>Protect international, national and locally designated areas of acknowledged natural or built heritage from damage</p> <p>Minimise the potential adverse impact of minerals extraction on communities</p> |
| <p>Shetland Islands Council : Corporate Plan</p> | <p>Principle Aim: Ensure that the Council contributes to improving Shetland's sustainability</p> <p>Maintain and improve the quality of life</p> <p>Link all economic development activity to market needs</p> <p>Encourage enterprise and sustainable growth</p> <p>Improve access and extend opportunities</p> <p>Focus on quality</p> <p>As a priority protect and maintain natural resources, as well as enhance the built and natural environment</p> <p>Protect and enhance Shetland's environment and strengthen Shetland's society</p> <p>Reduce Shetland's overall ecological footprint</p> |
| <p>Shetland Islands Council : Priorities & Targets</p> | <p>Enable sustainable employment opportunities that stimulate the Shetland economy</p> <p>Conserve and where possible improve the quality of life and the environment</p> |



MINERALS POLICY

SHETLAND ISLANDS COUNCIL

Development Plans
Planning Service
Shetland Islands Council
Grantfield
Lerwick
Shetland