

WEST LoTHIAN COUNCIL

SCREENING REPORT

**SUPPLEMENTARY GUIDANCE (SG)
MINERALS (Including Restoration Bonds)**

STEP 1 – DETAILS OF THE PLAN

Responsible Authority:

West Lothian Council

Title of the plan:

Supplementary Guidance : 'Minerals (Including Restoration Bonds)'

What prompted the plan:

(e.g. a legislative, regulatory or administrative provision)

The West Lothian Local Development Plan gives an undertaking to produce Supplementary Guidance in relation to a variety of policy topics including minerals. The purpose of this Supplementary Guidance (SG) is to support Local Development Plan Policies MRW1 (Minerals Resources and Safeguarding), MRW2 (Supporting Principles for Mineral Extraction), MRW3 (Impediments to Mineral Extraction), MRW4 (Restoration of Mineral Extraction Sites) and MRW5 (Unconventional Gas Extraction-Including Hydraulic Fracturing (Fracking)).

In particular, this SG further defines the terms used in the policies and explains and interprets other matters necessary for the implementation of the policy; provides general planning criteria applicable to all sites and cases and design guidance.

It is however also pertinent to a wider range of subject matters addressed by policies DES 1 (Design principles), ENV 1 (Landscape character and special landscape areas), ENV 4 (Loss of prime agricultural land), ENV 7 (Countryside Belts and settlement setting), ENV 8 (Green Network), ENV 17 (Protection of international nature conservation sites), ENV 18 (Protection of National and local nature conservation sites), ENV 19 (Protection of local biodiversity sites and geodiversity sites and ENV 20 (Species protection and enhancement).

The current Supplementary Planning Guidance was adopted in 2008 in support of the West Lothian Local Plan. While continuing to provide valid and pertinent guidance it does nevertheless pre-date Scottish Planning Policy 2014 (SPP) and the now adopted West Lothian Local Development Plan. As a consequence there is recognition of the need to ensure that the council's planning guidance is up to date and reflective of the most current policies and practices.

Plan subject:

(e.g. transport)

Town and Country Planning / Minerals.

Screening is required by the Environmental Assessment (Scotland) Act 2005.

An SEA is required, as the environmental effects are likely to be significant: Please indicate below what Section of the

Based on Boxes 3 and 4, our view is that:

2005 Act this plan falls within

Section 5(3)

Section 5(4)

An SEA is not required, as the environmental effects are unlikely to be significant: Please indicate below what Section of the 2005 Act this plan falls within

Section 5(3)

Section 5(4)

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Date:

10 October 2019

STEP 2 – CONTEXT AND DESCRIPTION OF THE PLAN

Context of the Plan:

The West Lothian Local Development Plan (LDP) was adopted on 4 September 2018.

A Strategic Environmental Assessment - Environmental Report was published in August 2014, which set out the likely significant environmental effects of implementing the strategy for the development contained within the LDP and is the primary means by which development sites are allocated. Each site allocated for development within the LDP has been subject to an individual site assessment.

The principal Report of Examination was issued on 11 December 2017 (augmented with an additional Report of Examination dealing with a single site issue issued on 8 January 2018).

At a meeting of the Council Executive on 22 March 2018, West Lothian Council resolved to accept all of the modifications recommended in the Report of Examination, and agreed to adopt the Local Development Plan (as modified). This was notified to Scottish Ministers on 5 April 2018. At the same time, the council made a determination under Section 8(1) of the Environmental Assessment (Scotland) Act 2005 that the modifications proposed by the DPEA to the West Lothian Local Development Plan were unlikely, overall, to have any major significant negative environmental effects and that a further SEA was not required.

Supplementary Guidance – Minerals (Including Restoration Bonds) is required to support the understanding and delivery of a number of policies in the adopted West Lothian Local Development Plan 2018. The Supplementary Guidance will expand on the principles of these policies and will provide detailed guidance to help achieve the outcomes expected from development proposals across West Lothian.

The proposed Supplementary Guidance will not include location specific guidance or direct development to specific sites but will support consistent interpretation and application of policies through the development management process. The guidance will identify good practice in-line with the policy and other national guidance.

Description of the Plan:

The proposed Supplementary Guidance expands on the principles set out in the policies detailed in Box 3 (above) and provides detailed guidance to help achieve the outcomes expected from development proposals across West Lothian. The guidance provides a basis for assessing minerals proposals within West Lothian.

The proposed Supplementary Guidance will not include location specific guidance or direct development to specific sites but will support consistent interpretation and application of policies through the development management process. The Supplementary Guidance will identify good practice in-line with the policy and other national guidance.

	<p>The Supplementary Guidance is intended for use by anyone considering minerals development in West Lothian including:</p> <ul style="list-style-type: none"> • Applicants who wish to develop a site; • Minerals operators and agents working on proposals; • Officers assessing planning proposals; • Elected Members representing constituents and making decisions on planning applications; • Members of the public with an interest in development proposals within their local community. <p>The Supplementary Guidance will be reviewed at least every 5 years in line with the statutory review of the West Lothian Local Development Plan (or as required by emerging legislation),</p>
<p>What are the key components of the plan?</p>	<p>The Supplementary Guidance will provide further guidance to support the application of the various policies detailed in Box 3 (above) and the delivery of quality development in countryside locations across West Lothian.</p> <p>The Supplementary Guidance will provide detailed guidance to help achieve the outcomes expected from development proposals across West Lothian. The guidance provides a basis for assessing the justification and location of minerals proposals across West Lothian.</p>
<p>Have any of the components of the plan been considered in previous SEA work?</p>	<p>Yes. The document is produced to support a number of policies in the West Lothian Local Development Plan which was adopted on 4 September 2018. An Environmental Assessment has previously been undertaken in respect of policies and proposed land allocations in the West Lothian LDP. The Environmental Assessment undertaken in respect of these policies concluded that they would have no significant environmental implications. Any impacts of the policies were considered to be largely positive. In order to ensure compliance with the Environmental Assessment (Scotland) Act 2005, a Screening Opinion for this Supplementary Guidance is required.</p>
<p>In terms of your response to Boxes 7 and 8 above, set out those components of the plan that are likely to require screening:</p>	<p>The proposed Supplementary Guidance will expand on the principles set out in the aforementioned policies and provide detailed guidance to help achieve the outcomes expected from development proposals in countryside locations across West Lothian. The guidance will support consistent interpretation and application of policies through the development management process. The guidance will illustrate good practice in-line with the policy and other national guidance. The potential environmental effects of any proposed development considered under the terms of the policies can only be properly assessed at the planning application stage when the specific site and development details are known.</p>

**STEP 3 – IDENTIFYING INTERACTIONS OF THE PLAN WITH THE ENVIRONMENT AND
CONSIDERING THE LIKELY SIGNIFICANCE OF ANY INTERACTIONS**

Plan Components	Environmental Topic Areas										Explanation of Potential Environmental Effects	Explanation of Significance
	Biodiversity, flora and fauna	Population and human health	Soil	Water	Air	Climatic factors	Material assets	Cultural heritage	Landscape	Inter-relationship issues		
Supplementary Guidance 'Minerals'	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	<p>The purpose of this Supplementary Guidance (SG) is to support Local Development Plan Policies MRW1 (Minerals Resources and Safeguarding), MRW2 (Supporting Principles for Mineral Extraction), MRW3 (Impediments to Mineral Extraction), MRW4 (Restoration of Mineral Extraction Sites) and MRW5 (Unconventional Gas Extraction-Including Hydraulic Fracturing (Fracking)).</p> <p>The SG explains the requirements of a planning application for minerals extraction and indicates how the council is likely to deal with such applications. It confirms the factors that require to be taken into account in the council's</p>	<p>The SEA for the LDP considered any potential effects. The SG is not considered to have any additional significant environmental effects.</p>

											<p>consideration of any planning application for minerals extraction. It also advises on what every planning application is required to address, and to submit for consideration. The SG seeks to ensure best practice in resource extraction and strike the right balance between protecting the environment and mineral extraction.</p> <p>As well as guiding potential operators on what is expected of them, the SG also acts as an aid to community groups, members of the public and others to understand the relevant issues relating to minerals extraction and to engage effectively with the planning system when planning applications are being made.</p> <p>Overall, the SG reinforces the LDP policy position that proposals for mineral extraction are unlikely to be acceptable where environmental impact assessment indicates that significant adverse impacts would be experienced and where mitigation cannot be achieved to a satisfactory standard.</p>	
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STEP 4 – STATEMENT OF THE FINDINGS OF THE SCREENING REPORT

Summary of interactions with the environment and statement of the findings of the Screening:

(Including an outline of the likely significance of any interactions, positive or negative, and explanation of conclusion of the screening exercise.)

The council has prepared this Supplementary Guidance to proactively encourage and influence developers to adopt a responsible attitude and bring forward sensitive proposals when contemplating minerals proposals.

It has been conceived to prevent, reduce and offset any significant adverse effects of new mineral development on the environment.

The SG is closely allied with the policy context of the West Lothian Local Development Plan and government guidance and is intended to positively influence the nature of projects which will come forward.

It is intended that new mineral developments should be afforded more rigorous appraisal than has perhaps historically been the case and where development is approved it will be more closely controlled and managed.

The Supplementary Guidance relates to minerals development and the effect and impact of such development will ordinarily be of a localized nature.

In common with all other Supplementary Guidance prepared by West Lothian Council, the guidance has been subject to consultation, in this case with community councils, SEPA, Scottish Water, Scottish Natural Heritage, Historic Environment Scotland, various planning consultants and developers, council service providers and utility providers and regard has been had to the responses and feedback which has been received.

In conclusion, the Supplementary Guidance will result in no or minimal environmental effects and therefore it is concluded a SEA is not required.

The purpose of this Supplementary Guidance (SG) is to support Local Development Plan Policies MRW1 (Minerals Resources and Safeguarding), MRW2 (Supporting Principles for Mineral Extraction), MRW3

(Impediments to Mineral Extraction), MRW4 (Restoration of Mineral Extraction Sites) and MRW5 (Unconventional Gas Extraction-Including Hydraulic Fracturing (Fracking)).

In particular, this SG further defines the terms used in the policies and explains and interprets other matters necessary for the implementation of the policy; provides general planning criteria applicable to all sites and cases and design guidance.

When completed send to: SEA.gateway@scot.gov or to the SEA Gateway, Scottish Government, Area 2H (South), Victoria Quay, Edinburgh, EH6 6QQ.