

**Archived:** 01 February 2021 19:26:49

**From:** [REDACTED]

**Sent:** Mon, 25 Jan 2021 17:49:29

**To:**

**Cc:** [REDACTED]

**Subject:** Proposed Local Development Plan Consultation Representations

**Sensitivity:** Normal

**Attachments:**  
[REDACTED]

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**CAUTION:** External Email

Dear Sir / Madam,

Please find attached letter of representations submitted as part of the Scottish Borders Proposed Local Development Plan Consultation on behalf of our client Tarmac Trading Limited.

Could you please respond to this email as receipt of receiving these representations.

Kind Regards,

[REDACTED]

[REDACTED]

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Planning Environment Design



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My Ref: TAR-122-M/JAC

Your Ref: Proposed Local Development Plan  
Consultation

Date: 25<sup>th</sup> January 2021

Scottish Borders Council  
Forward Planning  
Council Headquarters  
Newtown St Boswells  
Scottish Borders  
TD6 0SA

Dear Sir/Madam,

## **SCOTTISH BORDERS – PROPOSED LOCAL DEVELOPMENT PLAN CONSULTATION**

These comments are submitted on behalf of our client, Tarmac Trading LTD (Tarmac), who have land and operational mineral interests within Scottish Borders jurisdiction.

The following comments are regarding the proposed mineral policies within the consultation documents.

Scottish Planning Policy (SPP) adopted in 2014, revised in December 2020, provides the national context for mineral development in Scotland and influences mineral policies within Local Plans. Paragraph 234 of the SPP states that “Minerals make an important contribution to the economy, providing materials for construction, energy supply and other uses, and supporting employment.” It also emphasises the need for planning to “safeguard mineral resources and facilitate their responsible use”, an aspect which should be well engrained within the local policy context.

Paragraph 235 sets out four principles which the planning system should adopt and control within policy. This includes recognising the national benefit of mineral development and the supply of mineral, the need for safeguarding mineral resources and associated development, and the restoration of mineral developments. Paragraph 237 clearly states that “Local development plans should safeguard all workable mineral resources which are of economic or conservation value and ensure that these are not sterilised by other development”.

Finally, local plans should support a landbank of permitted reserves for 10 years by the means of “areas of search” (paragraph 238). These are the areas which the authority seek to guide future

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mineral development and “such areas can be promoted by developers or landowners as part of the plan preparation process”.

Regarding the policies contained within the Proposed Local Plan we wish to make the following comments.

#### Policy ED11 Mineral Safeguarding

It is understood that the policy directly reflects the Scottish Planning Policy at paragraph 234 and 237 regarding mineral safeguarding. However, we believe this can be strengthened. In addition to directly / physically sterilising resources, there is no wording regarding the protection of existing mineral development / facilities / deposits from potentially nearby conflicting uses. The policy also does not state / identify the mineral deposits which are safeguarded. Known mineral deposits should be safeguarded on the Scottish Borders policy map including a buffer zone which could assist in protecting any potential conflicting uses. As well as this, there should be a list of known mineral deposits and developments within the policy wording / appendices to ensure sites are identified and safeguarded by name.

#### Policy ED12 Mineral and Coal Extraction

We believe this policy is worded negatively with regard to future mineral development. The starting point is one of constraint - where mineral must not be worked and the many criteria that mineral proposals must adhere to - rather than providing a proactive sustainable approach to the use of mineral resources, as is required by paragraph 234 of the SPP. Although constraint areas are identified and reflected on policy maps, the distinction between these areas and the approach taken to development falling within these distinct areas is not properly reflected in the Plan.

It would be beneficial for this policy to add wording which regards where and how mineral working will be supported. This would bring the policy more in line with national guidance set out across paragraphs 234 through 248 which encourage the sustainable use of mineral resources and encourage a steady supply of mineral to meet the needs of the construction energy and other sectors.

Regarding the ‘Areas of Search’ map, this is more restrictive than supportive in ensuring an adequate future supply of mineral. The ‘Areas of Search’ appear to be identified as small outlying areas beyond environmental / statutory designation. Mineral can only be worked where it is found. Therefore constricting it to small Areas of Search and imposing restrictive criteria within the wording of the policy, it could limit / direct future extraction to areas with only low grade mineral or fail to maximise / support mineral development within sustainable locations.

This restriction is not pro-active with regards to the SPP goals of ensuring an adequate supply of construction aggregates (paragraph 236) and meeting the needs of the construction, energy and other sectors (paragraph 235) and most prominently paragraph 234’s requirement to facilitate ‘responsible use’ of mineral. A more responsible, and ultimately more sustainable, method of approaching future mineral works would be to focus Area of Search to other sustainable criteria

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such as main road corridors, reducing haulage relating emissions as the mineral resource is closer to its market / strategic highway network and not focus solely on environmental designation. Areas of Search should therefore be focused to known mineral reserves and the strategic highway network.

Furthermore, the Area of Search mapping appears contradictory with regards to designations of 'Areas of Moderate Constraint' and 'Areas of Significant Constraint'. There are currently operational quarries within these constraint areas; namely Craighouse Quarry (located ~3.2km south of Earlston) which is acknowledged within the 2018 Monitoring Statement as being a 'main extraction site in the region', however is situated within an Area of Significant Constraint. It should be made clear within policy wording what constitutes an area to be deemed either an 'Area of Search, Area of Moderate Constraint or Area of Significant Constraint' and thereby what tests are applicable to development falling within these areas.

Further to the point above, there should be policy wording surrounding extensions to existing quarries, both within areas of constraint and areas of search. It should be detailed what is expected of applicants with regards to extensions of existing operations where the principle for mineral development has already been established.

I trust that these comments are helpful. We would welcome opportunity to discuss the contents of this letter.

Should you have any queries please do not hesitate to contact us.

Yours faithfully,



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