



Date: 7th. February 2014

Our Ref: ams/dev/14
Your Ref:

Email: [Redacted]

Planning & Regulatory Services
Scottish Borders Council
Council Headquarters
Newtown St. Boswells
Melrose
TD6 0SA

For the attention of Martin Wanless, Forward Planning Manager

Dear Mr. Wanless,

Re: Scottish Borders Local Development Plan: Proposed Plan

We refer to your letter of 2nd. December 2013 providing the opportunity to make representation in relation to the Proposed Development Plan or any part of it, our interest being Economic Development in particular Policies ED11 and ED12 – Minerals.

Policy ED11 – Safeguarding of Mineral Deposits

We would suggest that the policy should be re-worded to delete the words “reserves of economic significance” revised as set out as part (a) of the policy –

Part (a) of the policy is revised to read ‘it can be demonstrated that the mineral deposit has no significant economic value’.

Reason – The economic value of mineral deposits cannot be determined without a sampling and testing exercise to establish the value of minerals present and their physical composition which in turn determines the economic value of the deposit.

We suggest that any proposed Supplementary Policy Guidance for minerals covering the Scottish Borders area indicates clearly where the deposits of potentially valuable minerals are located based on O.S. data; that is hard rock, sand and gravel, limestone, dimensional stone, and coal. Reference should also be made that permits extensions or small scale operations outwith the areas of search are given due consideration.

Policy ED12 – Mineral and Coal Extraction

This Policy is somewhat negative in approval when compared to other policies in the proposed local development plan. We agree that parts (a), (b) and (c) are generally acceptable: for example the policy should express support for workings being located within areas of search.

There is a need however to clarify what is meant by the words ‘public interest’ in policy section (c).

With regards to policy section (d) this is contrary to Scottish Planning Policy (SPP10) which states that ‘Authorities should not impose buffer zones between sites and settlements since distances will need to take account of the specific circumstances of individual proposals including

size, duration, location, method of working, topography and the characteristics of the various environmental effects'.

The Scottish Planning Policy – Consultation Draft January 2014 will in time replace SPP10 but again an adequate buffer zone between sites and settlements have to take account of the specific circumstances of individual proposals including size, duration, location, method of working, topography, the characteristics of the various environmental effects likely to arise and the mitigation that can be provided.

Reason – Mineral extraction proposals are subject to exacting environmental impact assessments which fully examine the potential effects on all mineral site surroundings. This requirement clearly demonstrates that the proposed extraction will not have any adverse impact on the surrounding area.

With regards to policy section (e) the words 'it may' should be deleted and replaced with 'it can be clearly demonstrated by the Tourist Board that it will'.


Final policy section (g) the reference to 'current proposed nearby workings' should be deleted. Scottish Borders are tasked to examine all proposals submitted and one proposed development should not prejudice another.

Finally there is no reference to financial guarantees (restoration bonds) which are referred to in the SPP documents. The wording states 'Consents should be associated with an independent guarantee through a vehicle such as an escrow account to manage the operator's exposure to costs to ensure that site restoration and aftercare is fully funded.

In the construction aggregates sector, an operator may be able to demonstrate adequate provision under an industry funded guarantee scheme'.

Finally the view of the Scottish Government is so long as a consent is controlled by conditions there is no requirement for a legal agreement to be entered into covering restoration.

Yours sincerely
For and on behalf of AMS Associates Limited



Alistair M Smith
Director