

**Delayed Office Opening
for Employee Training**

*This office will be closed from
8.45 am - 11.00 am on the first
Thursday of each month.*



Planning & Development

Head of Service **David Littlejohn**

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Our ref LDP2 SG

Date 27 January 2020

SEA Gateway team
2-J (South)
Victoria Quay
Edinburgh
EH6 6QQ

Dear Sir or Madam

**Environmental Assessment (Scotland) Act 2005
Screening Determination
Perth and Kinross Local Development Plan:
Financial Guarantees for Minerals Development Supplementary Guidance**

This statement sets out the Council's determination under Section 8(1) of the Environmental Assessment (Scotland) Act 2005 on whether or not a Strategic Environmental Assessment (SEA) is required for the above Supplementary Guidance.

SEA Screening Procedure

The screening process involved consulting the following Consultation Authorities on whether the Supplementary Guidance is likely to have significant environmental effects:

- Historic Environment Scotland
- Scottish Environment Protection Agency
- Scottish Natural Heritage

As well as consulting the above bodies, responsible authorities are required to take into account the criteria set out in Schedule 2 of the Act when determining whether or not the Supplementary Guidance is likely to have significant environmental effects.

In this instance, the Council wrote to the Consultation Authorities on 5 December 2019 and the responses are summarised in the following table:

Consultation Authority	Comment	Likely to have significant environmental effects
Historic Environment Scotland	Our understanding is that the Financial Guarantees for Minerals Development Supplementary Guidance supports and adds further detail to Policy 49B of the adopted Local Development Plan. We note that you consider that, as the guidance does not introduce new policy or locational criteria, significant environmental effects are unlikely. In light of this and the additional information contained within the screening report we are content to agree that significant effects on the historic environment as a result of the guidance are unlikely.	No
Scottish Environment Protection Agency	Having reviewed the Screening Report and noting that the Guidance relates to a policy which has already been subject to SEA and that it is not proposed to introduce new policy or spatial issues then we consider that in respect of our main areas of interest (air, water, soil, human health, material assets (of which we have a specific interest in waste) and climatic factors) the Guidance is unlikely to have significant environmental effects.	No
Scottish Natural Heritage	From the screening report, we understand that the Supplementary Guidance will provide support to Policy 49B of the LDP, and further information and detail in respect of the range of financial guarantees, and will not introduce new material, policy or locational criteria. We agree with the screening report that in respect of our main areas of interest environmental effects are unlikely to be significant.	No

The Council has also considered the Supplementary Guidance against the criteria set out in Schedule 2 of the Act, an analysis of which is attached.

Reasons for Determination

Having consulted the three consultation authorities, and having considered the criteria set out in the Act, the Council considers that the Financial Guarantees for Minerals Development Supplementary Guidance is unlikely to have significant environmental effects.

The relevant policy has been subject to assessment through the SEA of the LDP2 so significant environmental effects as a result of the guidance that have not already been assessed elsewhere are unlikely.

The Council has therefore determined that SEA is not required.

Yours faithfully

A handwritten signature in black ink, appearing to read 'A. Finlayson'.

Alasdair Finlayson
Planning Officer

Enc. Financial Guarantees for Minerals Development SG: SEA Screening Report

SCREENING REPORT

STEP 1 – DETAILS OF THE PLAN

Responsible Authority:

Perth and Kinross Council

Title of the plan:

Local Development Plan Supplementary Guidance: Financial Guarantees for Minerals Development

What prompted the plan:

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

The Perth and Kinross Local Development Plan was adopted in November 2019. The plan includes Policy 49: Minerals and other extractive activities – supply, which sets out that restoration proposals need to be agreed in advance of operations. The policy provides that Supplementary Guidance may be used to provide detailed advice about the full range of financial guarantees that may be used to secure restoration.

Plan subject:

(e.g. transport)

Town and country planning

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

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

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

Contact details:

Alasdair Finlayson, Planning Officer, Development Plans Team, Housing and Environment Service, Perth and Kinross Council, Pullar House, 35 Kinnoull Street, Perth, PH1 5GD
developmentplan@pkc.gov.uk

Date:

4 December 2019

STEP 2 – CONTEXT AND DESCRIPTION OF THE PLAN

Context of the Plan:

This supplementary guidance will support Policy 49B that relates to site restoration for minerals and other extractive activities in the Local Development Plan. It is intended that the supplementary guidance will provide support, further information and detail in respect of the full range of financial guarantees that may be used to secure restoration of such sites. The guidance will be adopted and become a material consideration in the preparation and determination of planning applications in the Local Development Plan area.

The supplementary guidance is not intended to have influence on other plans and policies because it will guide the reader to other existing sources of information on the topic. It will not introduce new material of its own.

Description of the Plan:

It is intended that the supplementary guidance will not introduce new material nor policy/locational criteria for minerals development. Instead, it will offer a consolidating guide to existing policy and guidance relating to site restoration for minerals and other extractive activities. Its focus will be on promoting easy access to existing information. It will be limited spatially to the Local Development Plan area. Its temporal scope will be the same as the Local Development Plan to which it is connected (adopted in 2019 and expected to be reviewed within five years).

What are the key components of the plan?

The Supplementary Guidance will refer to National policy and advice, including any available from Scottish Government, SNH, SEPA and HES; Strategic Development Plan policy on minerals generally; and Perth and Kinross Council LDP policy and minerals advice.

Its focus will be on guiding the reader to existing material in respect of the full range of financial mechanisms available to secure restoration of minerals development sites.

Have any of the components of the plan been considered in previous SEA work?

The LDP policy under which this supplementary guidance is to be prepared has been considered as part of the SEA of the LDP. The requirement to modify the policy to include provision of Supplementary Guidance has also been considered as part of the SEA addendum prepared to evaluate the recommendations contained in the LDP examination report.

In terms of your response to Boxes 7 and 8 above, set out those components of the plan that are likely to require screening:

As the proposed Supplementary Guidance on Financial Guarantees for Minerals Development will not introduce new material not already covered to an appropriate level in earlier SEA work, it will not generate any specific environmental effects of its own. Only the potential impact of collecting information on existing policy and guidance together in one document need be assessed.

**STEP 3 – IDENTIFYING INTERACTIONS OF THE PLAN WITH THE ENVIRONMENT AND
CONSIDERING THE LIKELY SIGNIFICANCE OF ANY INTERACTIONS (Box 10)**

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		
Consideration of new proposals	x	x	x	x	x	x	x	x	x	x	Help with improved consideration of the full range of financial guarantees that may be used to secure restoration as an integral component of applications for new proposals by signposting routes to existing policy, guidance and information.	This SG will assist in directing to existing policy and guidance without introducing new material. It will therefore have minimal impact on its own although will help in raising awareness of existing material. It is anticipated that its application in Development Management will be to signpost how site masterplans articulate financial guarantees to secure restoration.
Consideration of impact of new proposals on existing minerals development and other extractive activities	x	x	x	x	x	x	x	x	x	x	Help when considering reviews and modifications of existing permissions and LDP allocations to ensure restoration is secured thereby avoiding compromising their potential for continued development.	This SG will assist in directing to existing policy and guidance without introducing new material. It will therefore have minimal impact on its own although will help in raising awareness of existing material.

STEP 4 – STATEMENT OF THE FINDINGS OF THE SCREENING

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 Local Development Plan Supplementary Guidance: Financial Guarantees for Minerals Development will be a material consideration in the determination of planning applications in the Perth and Kinross Local Development Plan area. It will offer a consolidating guide to existing policy and guidance and its focus will be on promoting easy access to existing information.

It will not result in any significant environmental effects on the issues listed in Schedule 3 Section 6 (a)-(e) of the Environmental Assessment (Scotland) Act 2005. It is therefore our view that an SEA is not required in this instance.

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



HISTORIC
ENVIRONMENT
SCOTLAND

ÀRAINNEACHD
EACHDRAIDHEIL
ALBA

By email to: sea.gateway@gov.scot

Mr Alasdair Finlayson
Planning Officer
Development Plans Team
Housing and Environment Service
Perth and Kinross Council
Pullar House
35 Kinnoull Street
Perth
PH1 5GD

Longmore House
Salisbury Place
Edinburgh
EH9 1SH

Enquiry Line: 0131-668-8716
Switchboard: 0131 668 8600
HMConsultations@hes.scot

Our case ID: 300020240
Your ref: 01506 - Screening
12 December 2019

Dear Mr Finlayson

[Environmental Assessment \(Scotland\) Act 2005](#)
[01506 - Screening - Perth and Kinross Council - Local Development Plan Supplementary Guidance: Financial Guarantees for Minerals Development](#)

Screening Report

Thank you for your consultation which we received on 06 December 2019 about the above screening report. We have reviewed the screening report in our role as a Consultation Authority under the above Act, in accordance with the requirements of Section 9(3). In doing so we have used the criteria set out in Schedule 2 for determining the likely significance of the effects on the environment. Please note that our view is based on main area of interest for the historic environment.

Our understanding is that the Financial Guarantees for Minerals Development Supplementary Guidance supports and adds further detail to Policy 49B of the adopted Local Development Plan. We note that you consider that, as the guidance does not introduce new policy or locational criteria, significant environmental effects are unlikely. In light of this and the additional information contained within the screening report we are content to agree that significant effects on the historic environment as a result of the guidance are unlikely.

However, as you will be aware, it is the responsibility of us as the Responsible Authority to determine whether the guidance requires an environmental assessment and to inform the Consultation Authorities accordingly.

We hope this is helpful. Please contact us if you have any questions about this response. The officer managing this case is Andrew Stevenson who can be contacted by phone on 0131 668 8960 or by email on andrew.stevenson2@hes.scot.

Yours sincerely

Historic Environment Scotland

6 December 2019

Alasdair Finlayson
Development Plans Team
Perth and Kinross Council
Perth PH1 5GD

By email only to: SEA_Gateway@gov.scot

Dear Mr Findlayson

**Environmental Assessment (Scotland) Act 2005
Local Development Plan Supplementary Guidance: Financial Guarantees for
Minerals Development**

Thank you for your Screening Report consultation which SEPA received via the Scottish Government SEA Gateway on 6 December 2019.

In accordance with Section 9(3) of the Environmental Assessment (Scotland) Act 2005 we have considered your screening report using the criteria set out in Schedule 2 for determining the likely significance of effects on the environment.

Having reviewed the Screening Report and noting that the Guidance relates to a policy which has already been subject to SEA and that it is not proposed to introduce new policy or spatial issues then we consider that in respect of our main areas of interest (air, water, soil, human health, material assets (of which we have a specific interest in waste) and climatic factors) the Guidance is unlikely to have significant environmental effects. Although we are of the view that significant environmental effects are not likely, it is for the Perth and Kinross as Responsible Authority to make a formal determination taking into account the consultation responses received.

Please note that although we do not consider that the Guidance will have significant strategic effects on the environment we do consider that, depending on how it is drafted, it may have some effects. We would therefore welcome consultation on the draft proposals, which we note from your website are proposed for publication early next year. This should be directed to our local Planning Service team at planning.se@sepa.org.uk.

Should you wish to discuss this letter please do not hesitate to contact me on 01349 860359 or via SEPA's SEA Gateway at sea.gateway@sepa.org.uk.

Yours sincerely

Susan Haslam
Senior Planning Officer
Planning Service

Ecopy: sea.gateway@hes.scot; SEA_GATEWAY@nature.scot



Chairman
Bob Downes

Chief Executive
Terry A'Hearn

SEPA Edinburgh Office
Silvan House, 3rd Floor, 231 Corstorphine Road,
Edinburgh EH12 7AT.

www.sepa.org.uk • customer enquiries 03000 99 66 99



Scottish Natural Heritage
Dualchas Nàdair na h-Alba

All of nature for all of Scotland
Nàdar air fad airson Alba air fad

Alasdair Finlayson
Planning Officer
Development Plans Team
Housing and Environment Service
Perth and Kinross Council
Pullar House
35 Kinnoull Street
Perth
PH1 5GD

18 December 2019

Our ref: CNS CEA157645

By email to: sea.gateway@gov.scot

Dear Mr Finlayson

Environmental Assessment (Scotland) Act 2005
01506 Screening – Perth and Kinross Council – Local Development Plan (LDP)
Supplementary Guidance: Financial Guarantees for Minerals Development

Thank you for your screening consultation submitted via the Scottish Government SEA Gateway in respect of the above plan. In accordance with Section 9(3) of the Environmental Assessment (Scotland) Act 2005, we have considered your screening report using the criteria set out in Schedule 2 for determining the likely significance of effects on the environment.

From the screening report, we understand that the Supplementary Guidance will provide support to Policy 49B of the LDP, and further information and detail in respect of the range of financial guarantees, and will not introduce new material, policy or locational criteria. We agree with the screening report that in respect of our main areas of interest environmental effects are unlikely to be significant.

Please note that this consultation response provides a view solely on the potential for the plan or programme to have significant environmental effects. SNH cannot comment on whether or not the plan meets other criteria determining the need for SEA as set out in the Act.

Scottish Natural Heritage, Battleby, Redgorton, Perth, PH1 3EW.
Tel: 01738 444177, Fax: 01738458611 www.nature.scot

Dualchas Nàdair na h-Alba. Battleby, Ràth a' Ghoirtein, Peairt, PH1 3EW ,
Fòn: 01738 444177 Facs: 01738 458611 www.nature.scot

Should you wish to discuss this screening determination, please contact Carolyn Deasley Carolyn.deasley@nature.scot in the first instance on 01738 458583 or via SNH's SEA Gateway at sea.gateway@nature.scot

Yours sincerely

Darren Hemsley

Operations Manager
Tayside & Grampian

cc SNH SEA Gateway: sea_gateway@nature.scot
SEPA SEA Gateway: sea.gateway@sepa.org.uk
HES SEA Gateway: sea.gateway@hes.scot