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Your ref: U00/U05/Supplementary Guidance  
Our ref: A21545826

4th September 2018

Dear Pam

### **Fife Local Development Plan – Minerals Supplementary Guidance**

I refer to your correspondence of 9 July 2018 certifying notice of the Council's intention to adopt the above supplementary guidance. I also refer to subsequent notifications from Scottish Ministers extending the period of their consideration.

Scottish Ministers give notice that before the supplementary guidance-Minerals is adopted Fife Council must make the modifications to it which are specified in Annex A to this notice.

The reasons for the modifications are also set out in Annex A.

Yours sincerely

Debbie McLean  
Senior Planner



## Fife Local Development Plan (FIFEPlan)-Minerals Supplementary Guidance

### Annex A-Modifications

#### 1) Page 13-Environmental Assessments

Amend Paragraphs 5.48 – 5.50 to state:

5.48 *‘Under the Environmental Impact Assessment (Scotland) Regulations 2017, a planning authority must request an Environmental Impact Assessment (EIA) Report for certain developments where the authority considers that such developments would have "significant" environmental effects. Where a formal EIA Report is not warranted, the authority will use its powers under regulation 24 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, if necessary, to request environmental information.*

5.49 *Where necessary, the Council will require an EIA Report to be submitted by the applicant/operator. Certain projects not requiring a statutory Environmental Impact Assessment may still require adequate assessment of the environment to inform options, design and mitigation as necessary. This non statutory Environmental Assessment of the effects of the proposed workings will require to be submitted addressing the risks to the water environment; site waste management; and also covering landscape; visual impact; biodiversity; soil, air water and climate; human beings; cultural heritage; public footpaths, bridle ways and Rights of Way; agricultural interests; and restoration details.*

5.50 *For either type of Assessment, the scoping should be agreed with the planning authority at the outset, and final documents submitted with the planning application to avoid unnecessary delay.’*

Reason-To update the legislative provisions and to accurately reflect the current terminology.

#### 2) Page 19-Unconventional Hydrocarbons

Amend 6.9, Paragraph 3, to state:

*‘The Scottish Government put in place a moratorium on Unconventional Oil and Gas (UOG) in January 2015, preventing the development of any project involving hydraulic fracturing, also known as ‘fracking’, or any coal bed methane extraction technologies, until a body of evidence had been collected which indicated whether such processes can be carried out in an environmentally friendly manner. A series of 6 research papers was published by the Scottish Government in November 2016, in advance a full public consultation process in the early part of 2017. The Scottish Government announced its preferred policy position to not support the development of unconventional oil and gas in Scotland in October 2017. The preferred position is currently subject to the necessary statutory assessments, prior to finalisation.’*

Reason- To reflect Scottish Government’s most up to date policy position on this matter.

### 3) Page 20-Unconventional Hydrocarbons

Amend Paragraphs 6.13 -6.15 to state:

*‘6.13 Unconventional hydrocarbon resources therefore extend beyond defined local authority boundaries. In recognition of this, Fife Council will liaise with neighbouring authorities to ensure a consistent approach to extraction and distribution including assessment of any cumulative effect. In addition to requiring commercial licences, approval is also required from other regulatory organisations such as the Coal Authority, Marine Scotland and the Scottish Environment Protection Agency. In addition, planning permission is also required for drilling operations and surface installations on land. The Scottish Government announced its preferred policy position to not support the development of unconventional oil and gas in Scotland in October 2017. The preferred position is currently subject to the necessary statutory assessments, prior to finalisation.*

*6.14 Interest has already been shown in coal bed methane (CBM). This gas is found naturally in coal seams and is formed when organic matter decays. It is won by drilling into a seam, reducing pressure and collecting the gas which is then fed into the distribution network. Coal bed methane can be extracted from deep seams that would be unsuitable or uneconomic to mine. It can also help to reduce methane hazards associated with old coal mines. The Scottish Government announced its preferred policy position to not support the development of unconventional oil and gas in Scotland in October 2017. The preferred position is currently subject to the necessary statutory assessments, prior to finalisation.*

*6.15 Notwithstanding this on-going research and consultation process, paragraphs 6.36 and 6.37 set out the development management requirements with regards to any application, and every application is considered on its merits. In practice this will relate mainly to the impact of wellheads and transmission infrastructure. Scottish Planning Policy requires Development Plans, for areas covered by Petroleum Exploration and Development Licences, to identify the factors that will be taken into account when deciding planning applications for wellheads and transmission infrastructure. This is set out below, in assessing the relevant factors Fife Council will take into account whether the proposal is for exploration, appraisal or production, and with the caveat that the final decision that the Scottish Government takes on the exploitation of UOG may alter the general guidance given at this point in this document.’*

Reason- *To reflect Scottish Government’s preferred policy position on this matter.*