

Bath & North East Somerset Council

MEETING:	Cabinet	
MEETING DATE:	8th February 2012	EXECUTIVE FORWARD PLAN REFERENCE:
		E 2353
TITLE:	Response to Somerset County Council Minerals Planning Options consultation	
WARD:	All	
AN OPEN PUBLIC ITEM		
List of attachments to this report:		
Appendix 1 – Assessment of the implications of the Minerals Options Paper for Bath and North East Somerset		

1 THE ISSUE

- 1.1 Somerset County Council has published a Minerals Core Strategy Options Paper for consultation between 15th December 2011 and 12th February 2012. The Options Paper identifies a number of issues and potential options relating to future minerals development within Somerset. Feedback from this consultation will guide the preparation of the Somerset County Council's Minerals Core Strategy during 2012. The Paper identifies a number of issues and potential options relating to future minerals development within Somerset.
- 1.2 Bath and North East Somerset Council is a statutory consultee for Local Development Framework consultations and is Minerals Planning Authority. In view of current concerns over exploration and extraction of energy minerals and any potential impact on the Hot Springs in relation to Bath, a formal response to this consultation is both critical and timely.

2. RECOMMENDATION

The Cabinet agrees that:

- 2.1 The assessment as set out at Appendix 1 forms the basis of the response to the consultation on the Minerals Core Strategy Options Paper to be forwarded to Somerset County Council by 12th February 2012 to help inform the preparation of Somerset County Council's draft Minerals Core Strategy.

3 FINANCIAL IMPLICATIONS

- 3.1 There are no direct financial implications associated with responding to the consultation on Somerset County Council’s Minerals Core Strategy Options Paper.
- 3.2 At this stage of the development of the Minerals Core Strategy there are no firm proposals and therefore the likely financial implications for the Council are yet unknown. However it should be stressed that there could be a considerable potential financial risk to the Council if the supply route to the Hot Springs were interrupted as a result of the fracking operations, necessary remediation and/or potential consequences on revenue and status and possibly Bath’s status as a World Heritage Site, the Hot Springs being one of the key values for which Bath is inscribed as a World Heritage Site.
- 3.3 In highlighting any concerns with Somerset County Council now at this early stage in the development of the Minerals Core Strategy should help ensure policies can be influenced effectively to make sure the district’s environmental interests, in particular the Hot Springs, are safeguarded from the adverse effects of minerals workings from within Somerset, and in particular, the exploration and extraction of energy minerals.

4 CORPORATE PRIORITIES

- *Building communities where people feel safe and secure*
- *Sustainable growth*
- *Addressing the causes and effects of Climate Change*
- *Improving transport and the public realm*

5 THE REPORT

Background

- 6.1 As Minerals Planning Authority for Somerset, Somerset County Council is preparing a Minerals Core Strategy which will set out the vision and plan objectives and planning policy framework for minerals development in Somerset until 2028. It will consider the need to contribute towards national, regional and local requirements for minerals together with social, environmental and economic considerations. It will also set out what minerals activity is acceptable to enable decisions about investment to be made by industry and to provide certainty for local communities about minerals development in their area. When adopted it will replace the existing Minerals Local Plan and will be the basis on which a decision is made to approve or refuse a minerals planning application.
- 6.2 The programme for preparing the Minerals Core Strategy as outlined below:

Continuous engagement with key stakeholders including the wider public on alternative Options (Reg 25)	December 2011 to January 2012
Consultation on draft Minerals Core Strategy (Reg 27)	September/ October 2012

Submit draft Minerals Core Strategy to Secretary of State for Examination (Reg 30)	February 2013
Pre examination Meeting	Spring 2013
Examination in Public	June 2013
Adopt Minerals Core Strategy	November 2013

Consultation on Minerals Options Paper

- 6.3 Somerset County Council has now published a Minerals Options Paper as part of the Somerset Minerals & Waste Development Framework Minerals Core Strategy for consultation between 15th December 2011 and 12th February 2012.
- 6.4 The Options Paper identifies a number of issues and potential options relating to future minerals development within Somerset. The consultation covers all minerals extracted in Somerset, namely peat, aggregates and building stones. It provides an opportunity for consultation with a wide range of stakeholders, including the general public. Feedback from this consultation will inform the preparation of the County Council's Minerals Core Strategy which will run to the year 2028.
- 6.5 As Bath and North East Somerset Council is a statutory consultee in terms of Local Development Framework consultations and in view of current concerns over exploration and extraction of energy minerals and any impact on the Hot Springs in relation to Bath as outlined below (paras 6.6 – 6.8), an assessment of the implications of the Minerals Option Paper on the Council has been completed as set out at **Appendix 1**. This will form the basis of the response to the consultation on the Minerals Core Strategy Options Paper to be forwarded to Somerset County Council by 12th February 2012 to help inform the preparation of Somerset County Council's draft Minerals Core Strategy.

Potential risks to the Bath Hot Springs from fracking operations

- 6.6 Hydro Fracturing – commonly known as “fracking” - is the process for extracting natural gas (methane) from differing depths and rock layers underground. This is done by drilling boreholes vertically and laterally and then injecting water, sand and chemicals in at very high pressure to induce fracturing in the rock layer. This then holds open the fractures and allows the gas to escape and be collected at the surface. The usual method of fracking involves the drilling of a number of boreholes which can radiate laterally for miles from the original vertical borehole.
- 6.7 There are a number of potential threats to the Bath Hot Springs from fracking operations in the region. These include the potential for ground water to be contaminated by fluids used in fracking operations. These are mainly water but other chemicals are also used such as biocides and weak acid solutions. Obviously the fracking companies design their processes not to allow this to occur but there have been many claims of groundwater contamination from fracking in the USA. The other main risk is the potential for fracking operations to cause seismic events. The only commercial fracking operation in the UK presently is in the North West near Blackpool. This has been proven to have caused two small seismic events and as a result fracking is currently suspended. These events may be relatively minor in nature at the surface but how they might affect the delicate

deep underground fracture based delivery system of the Hot Springs to Bath is very uncertain and it is crucial that Somerset County Council are alerted to this.

- 6.8 The area surrounding Bath is geologically very complex and riven with faults. It is thus a very real concern that fracking operations in the area could cause seismic events of a sufficient magnitude that would detrimentally affect the delicate fracture supply route for Bath's Hot Springs. Members are reminded that the Hot Springs are one of the key values for which Bath is inscribed as a World Heritage Site.

Implications of the Minerals Options Paper for Bath and North East Somerset

- 6.9 The assessment of the implications of the Minerals Options Paper for the district can be found at **Appendix 1** to this report and concludes that the Minerals Options Paper does acknowledge the potential for quarrying to significantly impact on water resources in the Mendips but does not yet fully consider the implications of this and the potential for this activity to impact on interests outside Somerset, in particular the Bath Hot Springs.
- 6.10 It therefore recommends that the Council should seek to ensure that the Somerset Minerals Core Strategy is developed to continue the precautionary approach to deep quarrying activity and to extend the precautionary approach to cover energy exploration and extraction proposals in the Mendips. It also recommends that there should be explicit reference to the international importance of the Bath Hot Springs and the need for deep quarrying and energy proposals (fracking) in the Mendips to specifically consider potential impacts on them. Finally, it recommends that the Council should seek to work with the County Council, mineral operators and the Environment Agency to identify means for protecting hydrogeological interests in the Mendips.

Next stage

- 6.11 The consultation ends on 12th February 2012 and responses received by the County Council will help inform the preparation of the draft Minerals Core Strategy which will include more detailed policies and proposals. This document will be the subject of a separate consultation during September and October 2012. Bath & North East Somerset Council as statutory consultee will be consulted as a matter of course. Consultation responses made at each stage will be made publicly available. In view of the importance of addressing the concerns over the potential risks to the Bath Hot Springs from fracking operations in particular (paras 6.6 – 6.8 above), officers should seek to work with Somerset County Council in the preparation of the draft Minerals Core Strategy to ensure that through the development of policies and proposals Bath and North East Somerset's environmental interests are safeguarded from the adverse effects of exploration and extraction of energy minerals.

6 RISK MANAGEMENT

- 6.1 The report author and Lead Cabinet member have fully reviewed the risk assessment related to the issue and recommendations, in compliance with the Council's decision making risk management guidance.

7 EQUALITIES

- 7.1 An equalities impact assessment is not required for this report as it is a response to a Minerals Core Strategy Options Paper – part of Somerset County Council's Local Development Framework which should be subject to its own equalities impact assessment.

8 RATIONALE

- 8.1 Although there is an opportunity to comment at every stage in the development of the Minerals Core Strategy, it will become more difficult to influence its development at a later stage. It is therefore crucial that the Council responds now in order to influence local minerals policy and highlight any concerns this Council may have with regard any potential harmful impacts on Bath and North East Somerset's key environmental assets.

9 OTHER OPTIONS CONSIDERED

- 9.1 None.

10 CONSULTATION

- 10.1 *Ward Councillor; Cabinet members; Staff including World Heritage Site Manager, Building Control Manager, Other B&NES Services; Service Users; Section 151 Finance Officer; Chief Executive; Monitoring Officer*
- 10.2 This is a public consultation on a planning document being undertaken by Somerset County Council. All statutory consultees and selected non-statutory consultees, including the wider public, have been invited to respond directly to this consultation. The Council therefore does not have a role in facilitating any separate community engagement in relation to the consultation.

11 ISSUES TO CONSIDER IN REACHING THE DECISION

- 11.1 *Social Inclusion; Customer Focus; Sustainability; Human Resources; Property; Human Rights; Corporate; Health & Safety; Impact on Staff; Other Legal Considerations*

12 ADVICE SOUGHT

- 12.1 The Council's Monitoring Officer (Divisional Director – Legal and Democratic Services) and Section 151 Officer (Divisional Director - Finance) have had the opportunity to input to this report and have cleared it for publication.

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Sponsoring Cabinet Member	Councillor Tim Ball, Cabinet Member for Homes and Planning
Background papers	<u>Somerset Minerals & Waste Development Framework Minerals Core Strategy - Minerals Options Paper</u>
Please contact the report author if you need to access this report in an alternative format	