

## Bath & North East Somerset Council

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| MEETING:   | <b>Cabinet</b>  |                                   |
| MEETING DATE:  | <b>10<sup>th</sup> April 2013</b>   | EXECUTIVE FORWARD PLAN REFERENCE: |
|  |   | <b>E 2521</b>                     |
| TITLE:   | <b>Response to Somerset County Council's consultation on the Somerset Minerals Plan Preferred Options</b> |                                   |
| WARD:  | <b>All</b>  |                                   |
| <b>AN OPEN PUBLIC ITEM</b>   |   |                                   |
| <b>List of attachments to this report:</b>   |   |                                   |
| Appendix 1 – Assessment of the implications of the Minerals Preferred Options Paper for Bath and North East Somerset |   |                                   |

### 1 THE ISSUE

- 1.1 Somerset County Council has published a Minerals Plan Preferred Options Paper for consultation between 11<sup>th</sup> January and 8<sup>th</sup> March 2013. This paper sets out the County Council's preferred planning policy direction relating to future minerals development within Somerset, including both Strategic and Development Management policies. The consultation covers all minerals extracted in Somerset, namely aggregates, peat and building stone, and the County Council's approach to new elements such as energy minerals. Responses to this consultation will inform the preparation of the County Council's Minerals Plan which will run to the year 2030.
- 1.2 Bath and North East Somerset Council is a statutory consultee for Local Plan consultations and is a Minerals Planning Authority. In view of continuing concerns over exploration and extraction of energy minerals and any potential impact on the Bath Hot Springs, it is considered a formal response to this consultation is necessary to ensure the interests are properly reflected and addressed in the Somerset Minerals Plan.

### 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 Plan Preferred Options Paper to be forwarded to Somerset County Council to inform the preparation of Somerset County Council's Pre-submission Minerals Plan.

### **3 FINANCIAL IMPLICATIONS**

- 3.1 There are no direct financial implications associated with responding to the consultation on Somerset County Council's Minerals Plan Preferred Options Paper.
- 3.2 When Somerset County Council previously consulted on the Minerals Options paper in December 2011 there were no firm proposals at that stage in the plan-making process and it was reported that the likely financial implications for the Council were unknown. It was stressed at the time that there could be a considerable potential financial risk to the Council if the supply routes to the Hot Springs were interrupted as a result of hydro-fracturing operations 'fracking' from within Somerset, necessary remediation and/or potential consequences on revenue and status. This could also potentially impact on 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 and the only hot springs in the UK. Since the Preferred Options paper now sets out the preferred policy direction for minerals in Somerset the financial risk to the Council has increased substantially with potentially significant implications to the long term economy of the City, it is considered that the potential loss would be substantial.
- 3.3 In highlighting any concerns with Somerset County Council even at this stage in the preparation of the Minerals Plan, before the final plan is drafted, the Council can still 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*

- 5.1 Somerset County Council is preparing a Minerals Plan for Somerset which sets out the vision and plan objectives and planning policy framework for minerals development in Somerset until 2030. It considers 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 form part of the Minerals and Waste Development Framework and 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.
- 5.2 The programme for preparing the Somerset Minerals Plan is indicated below:

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|--|-------------------------------|
| Consultation on alternative Options                              | December 2011 - February 2012 |
| Consultation on Preferred Options                                | January - March 2013          |
| Consultation on Pre-submission Minerals Plan                     | Summer 2013                   |
| Submit draft Minerals Plan to Secretary of State for Examination | Early 2014                    |
| Examination in Public  | Mid 2014                      |
| Adopt Somerset Minerals Plan                                     | Late 2014                     |

*Previous consultation on Minerals Options Paper (2012)*

5.3 Somerset County Council published a Minerals Options Paper as the first stage of the Minerals Core Strategy for consultation between December 2011 and February 2012. The Options Paper identified a number of issues and potential options relating to future minerals development extracted in Somerset, namely peat, aggregates and building stones. Bath & North East Somerset responded to this consultation drawing particular attention to concerns over exploration and extraction of energy minerals within Somerset and the potential impact of this on the Bath Hot Springs as agreed by Cabinet 8th February 2012.

*Current consultation on Minerals Preferred Options Paper*

5.4 The Preferred Options document has been prepared to enable the County Council to consult on new issues such as energy minerals and the preferred policy options for all minerals within Somerset. It also provides further clarity on other parts of the previous plan and gives a further opportunity for consultation with a wide range of stakeholders, including the general public.

5.5 As statutory consultee for all local planning policy consultations and in view of continuing concerns over exploration and extraction of energy minerals and any impact on the Hot Springs in relation to Bath, it is prudent that the Council responds to the current consultation. An assessment of the implications of the Minerals Preferred Options paper has been prepared as set out at **Appendix 1**. This will form the basis of the response to the consultation to be forwarded to Somerset County Council to help inform the preparation of Somerset County Council's Pre-submission Minerals Plan during 2013.

*Potential risks to the Bath Hot Springs from fracking operations*

5.6 Members are reminded that 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 and which are one of the key values for which Bath is inscribed as a World Heritage Site.

5.7 The Council has previously expressed its concerns about the damaging effect that hydro-fracturing operations ("fracking") may have on the Hot Springs of Bath, in terms of potential contamination of aquifers and the potential effect induced seismic events may have on the delicate subterranean fracture supply route by which the hot springs reach Bath. A more detailed explanation of the process was set out in the Report to

Cabinet 8th February 2012 'Response to Somerset County Council Minerals Planning Options'.

- 5.8 Currently there is no energy minerals extraction in Somerset, although coal and oil have been worked in the past. Department for Energy and Climate Change has issued three licences for exploration and extraction of oil and gas reserves covering parts of the Mendip Hills and which are located entirely or partially within Somerset. It is therefore to be expected that proposals for the exploration and extraction of gas will come forward over the plan period.
- 5.9 The potential for, and the impacts of, energy mineral extraction is an area which currently lacks certainty. At this time, there is very little experience of 'fracking' operations in the UK to draw upon, and hence the impacts of such activities, should they be granted planning permission, are difficult to predict.

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

- 5.10 The assessment of the implications of the Minerals Preferred Options paper for the district is appended at **Appendix 1** to this report. It concludes that whilst the Paper does acknowledge the potential for mineral extraction to significantly impact on water resources in the Mendips it does not adequately acknowledge the implications of this and the potential for this activity to significantly impact on interests outside of Somerset, in particular the Bath Hot Springs
- 5.11 Somerset County Council has advisably taken a precautionary approach to energy minerals in its Minerals Plan Preferred Options paper. The policy does not prevent the exploration and extraction of energy minerals, but requires the potential impacts on the environment and local communities and economy to be fully understood at each stage of the planning process. Proposals will only be given permission if they do not give rise to unacceptable impacts. This approach is supported. However it should be made clear to Somerset County Council that there would be total opposition to hydro-fracturing operations ('fracking') that would interrupt the supply routes to the Bath Hot Springs, particularly in the Mendip Hills.
- 5.12 It is recommended that the Council should seek to ensure that the policy framework in the Somerset Minerals Plan continues the precautionary approach to deep quarrying activity and which has now been extended to cover energy exploration and extraction proposals in the Mendips. It is again recommended 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.
- 5.13 Mention of the positive working relationship between Somerset County Council, with relevant parties such as Bath and North East Somerset Council and North Somerset Council, and the Environment Agency to ensure its strategy is properly informed and there is a co-ordinated approach to the 'energy minerals' across county borders is supported.

## *Next stage*

- 5.14 Responses to the Preferred Options paper will help inform the preparation of the Pre-submission Minerals Plan which will include draft policies and proposals. This document will be the subject of a separate consultation during the Summer of 2013. Bath & North East Somerset Council as statutory consultee will continue to be consulted at every stage and it should be noted that officers are in regular dialogue with the County Council and other neighbouring local authorities over cross-boundary matters relating to minerals.
- 5.15 In view of the continued importance of addressing the concerns over the potential risks to the Bath Hot Springs from 'fracking' operations in particular, officers should seek to continue working with Somerset County Council in the preparation of the draft Minerals Plan to ensure that 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 Preferred Options consultation – part of Somerset County Council's Minerals and Waste 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 Plan, it becomes more difficult to influence its development at later stages. As Somerset County Council has now reached a stage where the preferred policy direction for minerals has been established it is important that the Council responds to convey any further concerns it may have with regard any potential harmful impacts on Bath and North East Somerset's key environmental assets, especially the Hot Springs, before the Pre-Submission Minerals Plan is published.

## **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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| <b>Sponsoring Cabinet Member</b>   | Councillor Tim Ball, Cabinet Member for Homes and Planning  |
| <b>Background papers</b>   | <u>Somerset Minerals &amp; Waste Development Framework Somerset Minerals Plan - Minerals Preferred Options (January 2013)</u><br><u>Report to Cabinet 8th February 2012 'Response to Somerset County Council Minerals Planning Options'</u> |
| <b>Please contact the report author if you need to access this report in an alternative format</b> |   |