

Assessment of the implications of the Somerset Minerals Preferred Options paper (January 2013) for Bath and North East Somerset

1. Introduction

- 1.1 This section of the Preferred Options paper refers to sustainability appraisal (SA) which identifies the key issues associated with mineral extraction in Somerset. In response to the previous consultation on the Minerals Options Paper (December 2011) the Council recommended it would be necessary to ensure that the SA includes the potential for extraction to impact on the Bath Hot Springs as part of the appraisal process. This has not expressly been picked up through the SA of the Preferred Options however see comments in relation to the SA below in paragraphs 7.4 and 10.8 below.

2. Policy Context

- 2.1 This section makes it clear the Somerset Minerals Plan must have regard to a wide range of policies, legislation and guidance at international, national and local levels and, in particular, to take account of the National Planning Policy Framework (NPPF) published in March 2012.
- 2.2 This part of the plan has no implications for the Council.

3. Description of Somerset

- 3.1 Factual information about Somerset in terms of its population, economy, transport, environment, built heritage and includes an overview of the main mineral types produced in the county: aggregates, building stone and peat.
- 3.2 This part of the plan has no implications for the Council.

4. Key Issues

- 4.1 Outlines key issues facing the delivery of the Somerset Minerals Plan for Somerset, and sets the need for minerals supply in a local context in relation to aggregates, peat, building stone, energy minerals, restoration and safeguarding.
- 4.2 The Council, in its response to the consultation on the Minerals Options Paper, recommended that groundwater should be referenced as one of the key issues for minerals in Somerset. Whilst groundwater is not specifically mentioned as a one of the key issues aggregates section makes reference to the need identify, monitor and mitigate adverse impacts of minerals extraction through the planning process and to ensure there is a robust policy relating to energy minerals (see also comments on individual policies below).

5. Vision and Plan Objectives

- 5.1 In response to the previous consultation on the Minerals Options Paper the Council recommended that the vision and plan objectives should recognise that the potential impacts of mineral extraction in Somerset have implications that extend beyond the County boundary.

- 5.2 The vision has been developed since the last consultation and its scope broadened to relate more widely to sustainable minerals management rather than just minerals extraction. It is still county specific but does now include reference to ensuring ‘sustainable supply and use of minerals to meet society’s needs, strengthening Somerset’s economy without generating unacceptable impacts on local communities and the environment’.
- 5.2 However Objective F, which seeks ‘To protect the natural and historic environment of Somerset from impacts associated with minerals extraction and transportation’ should also include reference to the protection of ‘groundwater resources’ to ensure this important issue is fully embraced in the Minerals Plan objectives.

6. General Sustainability Principles

- 6.1 Preferred Policy SD1 ensures the County Council takes a positive approach that reflects the presumption in favour of sustainable development introduced via the National Planning Policy Framework.
- 6.2 This policy has no implications for the Council.

7. Aggregates

- 7.1 Within this section of the Plan Preferred Policy SMP1 seeks to maintain a steady and adequate supply of crushed rock and a 15 year landbank of permitted supplies, SMP2 deals with proposals for the extraction of crushed rock, SMP3 relates to the need to retain the Areas of Search and Preferred Area to contribute towards sand and gravel supply with Devon County Council. SMP4 relates to dormant sites and SMP5 to the restoration and after-use proposals for aggregate sites.
- 7.2 Preferred Policy SMP6 has a potential bearing on Bath & North East Somerset as it deals with proposals for the extraction of crushed rock from below the water table. Paragraphs 7.55 and 7.56 which provide part of the reasoned justification for this policy recognise:
- ‘There is potential for quarrying to impact significantly on groundwater resources and as proposals for quarrying become deeper the risks are increased. The Minerals Plan will continue to place a very high importance on the protection of the water regime.
- The water resources in the Mendips are particularly pressured because they are important for public water supply, local agricultural supply and are within an area of particularly deep quarrying activity. The Mendip Hills groundwater system is complex and predicting the effects of drawdown to access minerals is also complex. The Minerals Local Plan policy (Policy M38) advocated a precautionary approach regarding water impacts, and this is broadly the approach proposed in Preferred Policy SMP6 (with a minor adjustment to reference “other water interests” in the first bullet point).’
- 7.3 The continuation of a precautionary approach to future deep quarrying in the Mendips is welcomed and the added reference to “other water interests” in Preferred Policy SMP6 supported. However alongside highlighting the sensitivity of the Mendips should be an overt acknowledgement of the potential for impacts on the Bath Hot Springs from mineral extraction to ensure that this sensitive issue is fully embedded within the Minerals Plan and taken into account in future planning applications.

- 7.4 The SA of Preferred Policy SMP6 also makes the point that ‘there are particular issues regarding the extraction of crushed rock aggregate and the water table, due to the depth of the quarries. However, there is the potential for other minerals development to impact upon the water table and water resources, including sand and gravel extraction, building stone quarries, and possibly energy exploration and extraction. Therefore it is recommended that this policy is extended to include all types of mineral, not just crushed rock.’ In recognition of potential impacts of any mineral development on the aquifers supplying the Bath Hot Springs, it is considered the recommendations of the SA should be accepted by the County Council.
- 7.5 The existing Somerset Minerals Local Plan (2004) confirms at paragraph 6.5.9 that: “Somerset County Council will continue to work with the mineral operators, the Environment Agency and adjoining authorities to identify means for protecting hydrogeological interests in the Mendips.” This approach should be continued and the Minerals Plan should set out clearly what measures will be put in place to ensure that the interests of adjoining authorities are properly considered.

Strategic Policies

8. Peat

- 8.1 Preferred Policies SMP7 – SMP9 relate to controls over peat production, control of extraction rates and future peat site reclamation respectively and have been drafted to comply with national policy and to address issues raised through preparation of the plan.
- 8.2 These policies have no implications for the Council.

9. Building Stone

- 9.1 Preferred Policy SMP10 seeks clarity from the applicant on the building stone type, the resource identified and the identified market need for that stone.
- 9.2 This policy has no implications for the Council.

10. Energy Minerals

- 10.1 The acknowledgement at paragraph 10.2 that the County Council has worked and will continue to work with relevant parties such as North Somerset Council, Bath and North East 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.
- 10.2 It is confirmed that three licences – Petroleum Exploration and Development Licences (PEDLs) have been granted by the Department of Energy and Climate Change 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.
- 10.3 The Plan summaries Hydro Fracturing or ‘fracking’ as ‘the process of opening and/or extending existing narrow fractures or creating new ones in gas-bearing rock, to allow gas to be captured. A mixture of water, chemicals and sand is pumped under very high pressure down a borehole into the rock. The sand is used

to prop the fractures open, thus supporting the extraction of natural gas. Fracking to access shale gas reserves is at a very early stage of development in the UK.'

- 10.4 There are three distinct phases of what is termed "unconventional" development of oil and gas: exploration, appraisal and production. The National Planning Policy Framework (NPPF) stresses that Minerals Planning Authorities should clearly distinguish between each of the stages which is reflected in Preferred Policy SMP12 'Proposals for the exploration, appraisal and/or extraction of energy minerals'.
- 10.5 Text supporting the policy at paragraph 10.14 states that:
- 'Preferred Policy SMP12 will help the County Council to consider the range of impacts that could result from oil and gas exploration and production. In particular these include, but are not limited to, the following considerations:
- the abstraction of any groundwater and its impacts;
 - the disposal of water and/or waste water arising;
 - local amenity, in particular noise and vibration;
 - land stability and seismic induced events;
 - transport generated in conjunction with sites; and
 - the timing and method of flaring of gas.'
- 10.6 Preferred Policy SMP12 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 only to be given permission if they give rise to impacts that are acceptable with reference to the development management policies, with any adverse impacts mitigated or, as a last resort, proportionately compensated for or offset such impacts.
- 10.7 The SA of the Preferred Option paper recommends that Policy SMP12 could be strengthened by the removal of the last section of bullet point b): "or, as a last report, proportionately compensate for or offset such impacts" to ensure that any proposal is located and designed to mitigate adverse impacts on the environment and local community. This suggested strengthening of the policy would be supported by Bath & North East Somerset Council.
- 10.8 There are a number of potentially significant risks to the Bath Hot Springs from fracking operations in the region. Although these events may be relatively minor in nature at the surface, how they might affect the fracture based delivery system of the Hot Springs to Bath is very uncertain. The Council would like to make it clear that it would be totally opposed to hydro-fracturing operations ('fracking') that would interrupt the supply routes to the Bath Hot Springs, particularly in the Mendip Hills. However recognition in the Plan of the particular sensitive groundwater situation in the Mendips, the need to pursue a precautionary approach in respect of energy minerals and to working proactively with other interested parties including Bath & North East Somerset Council and the Environment Agency as outlined in paragraph 10.18 is welcomed:
- 'The County Council, as Minerals Planning Authority, must satisfy itself that the impacts of proposed development can be appropriately mitigated. Given the sensitive nature and value associated with the aquifers in the Mendips, it is important to take a precautionary approach. This can be facilitated by reference to a range of relevant policies in the Development Plan – such as the proposed

Development Management policies on local amenity, water resources and land stability, as well as the more general policy on sustainable development (SD1). Also it is facilitated by working with other interested parties, in particular the Environment Agency and neighbouring Minerals Planning Authorities.'

11. Mineral Safeguarding Areas

- 11.1 The Preferred Options paper includes two separate designations Mineral Safeguarding Areas which safeguard proven economic mineral resources so they are not needlessly sterilised by non-mineral development; and Minerals Consultation Areas, which identify the areas within Somerset where the district and borough authorities are required to consult the Mineral Planning Authority over non-minerals development as required in Preferred Policy SMP13).
- 11.2 This policy has no implications for the Council as it merely relates to the need for district councils within Somerset to consult with the County Council.

Development Management Policies

12. Landscape and Visual Amenity

- 12.1 Preferred Policy DM1 sets out criteria against which proposals for any minerals development will be considered. It also requires the applicant to demonstrate how any adverse effects on landscape and visual impact will be avoided, reduced or mitigated.
- 12.2 This policy has no implications for the Council.

13. Biodiversity and Geodiversity

- 13.1 Preferred Policy DM2 requires the applicant to demonstrate how adverse effects are avoided or mitigated.
- 13.2 This policy has no implications for the Council.

14. Historic Environment

- 14.1 Preferred Policy DM3 required applicants for minerals development in Somerset to demonstrate that the proposal will not substantially harm designated heritage assets and proposals that substantially harm a non-designated heritage asset will be judged on the scale of harm and the significance of the asset.
- 14.2 This policy has no implications for the Council.

15. Water Resources and Flood Risk

- 15.1 This section acknowledges that the most important groundwater resource in Somerset is contained within the Carboniferous limestone of the Mendip Hills: a major aquifer and an important source of public water supply for approximately 500,000 people in the surrounding area (extending as far as Bristol). The importance of the County Council working with the Environment Agency on such areas as the extraction of aggregates and energy minerals is also highlighted. Preferred Policy DM4 will allow mineral development providing it can be demonstrated that the proposed development will have no adverse impact on a) the quality, flow and/or quantity of any ground or surface water resource in terms of the

risk of pollution and/or derogation of the resource; the future use of the water resource; the environmental value of the water resource; and flood risk to people or property.

- 15.2 The inclusion of this policy is welcomed as it should ensure groundwater sources are protected from the adverse impacts of minerals extraction.

16. Public Rights of Way

- 16.1 Preferred Policy DM5 required that proposals for minerals development that has the potential to impact the rights of way network in Somerset will need to demonstrate how the affected part of the network or any alternative route will be managed and maintained.

- 16.2 This policy has no implications for the Council.

17. Restoration and Aftercare

- 17.1 Preferred Policy DM6 covers general Development Management principles for the restoration and/or aftercare of all mineral sites in Somerset.

- 17.2 This policy has no implications for the Council.

18. Protecting Local Amenity

- 18.1 Preferred Policy DM7 seeks to manage and keep to a minimum the impacts on local amenity arising from mineral extraction include: dust, blast vibration, noise, visual impact, lighting pollution to protect the wellbeing of communities, and the local character of nearby settlements.

- 18.2 This policy has no implications for the Council.

19. Minerals Transport

- 19.1 Preferred Policy DM8 seeks to prevent proposed minerals development having an adverse impact on distinctive landscape features or the character of the countryside or settlements by demonstrating that the strategic freight route for the proposed site is suitable or can be upgraded to a suitable standard to sustain the proposed volume of traffic.

- 19.2 This policy has no implications for the Council.

20. Land Stability

- 20.1 Preferred Policy DM9 requires that proposals for minerals development to demonstrate they will not have a harmful effect on the stability of neighbouring land or properties nor result in watercourse channel instability either during the working phase of a minerals development or post mineral extraction operations. Paragraph 20.8 clarifies that issues of land stability linked with oil and gas exploration, appraisal and/or production are also considered within the context of Preferred Policy SMP12 on energy minerals.

- 20.2 The inclusion of this policy is welcomed.

21. Management of Mineral Wastes

21.1 Preferred Policy DM10 will allow sites for the disposal of mineral wastes where the re-use of the material on site to be disposed of is not practicable and the proposal will not have significant adverse impact on the distinctive character and features of the Somerset countryside.

21.2 This policy has no implications for the Council.

22. Production Limits

22.1 Preferred Policy DM11 seeks to ensure production limits are adequately controlled where considered necessary and appropriate to prevent any significant harm to the natural and historic environment and to human health.

22.2 This policy has no implications for the Council.

23. Borrow Pits

23.1 A 'Borrow Pit' is described in the consultation document as 'a temporary mineral working which is used solely for supplying a specific construction project, such as major road construction or similar civil engineering project. Borrow pits are most commonly used for sand and gravel extraction.' Although applications relating to Borrow Pits is rare Preferred Policy DM12 sets out conditions within which planning permission will be considered favourably.

23.2 This policy has no implications for the Council.

24. Key Findings

24.1 The key findings on the Minerals Preferred Options Paper are that whilst it acknowledges the potential for minerals extraction, including operations relating to the exploration and extraction of energy minerals, 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 impact on interests outside of Somerset, in particular the Bath Hot Springs.

24.2 The precautionary approach to deep quarrying activity in the Somerset Local Plan, now extended to cover energy exploration and extraction proposals is welcomed. In addition there should be explicit reference to the international importance of the Bath Hot Springs and the need for deep quarrying and energy proposals in the Mendips to specifically consider potential impacts on them.

24.3 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.