

STATEMENT BY SOMERSET COUNTY COUNCIL

September 2014




MATTER 10: RECLAMATION

Background Documents referred to within Statement

- Minerals Topic Paper 5: Reclamation (Doc Ref SD8e)
- National Planning Policy Framework (Doc Ref NE3)
- Natural Environment White Paper (Doc Ref NE23)
- Somerset Mineral Plan (Doc Ref SD1)

Document Control Sheet

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For the forthcoming Hearing, the Inspector has requested that Somerset County Council briefly summarise their position on each discussion topic. The following is a brief summary of Somerset County Council's response to Matter 10: Reclamation, examining the **Issue: Whether sufficient opportunities are provided for an appropriate range of deliverable restoration and aftercare schemes..**

Question 1

Does the Plan make provision for restoration at the earliest opportunity?

SCC Response

- 1.1. Yes. Policy SMP8 is clear that sites should be restored as soon as practicable, to high environmental standards, through phased restoration (where other parts of the sites are still being worked) if possible. This sits in accordance with the **National Planning Policy Framework (Doc Ref NE3, para 144)**, which states that the local planning authority should "put in place policies to ensure worked land is reclaimed at the earliest opportunity, taking account of aviation safety, and that high quality restoration and aftercare of mineral sites takes place, including for agriculture (safeguarding the long term potential of best and most versatile agricultural land and conserving soil resources), geodiversity, biodiversity, native woodland, the historic environment and recreation." (**Doc Ref NE3, para 144**).
- 1.2. Restoration at the earliest opportunity is further supported by policy DM7, which requires applicants to include proposals for restoration and after-use, which in turn need to meet with the requirements of the Reclamation Checklist (Table 7).

Question 2

Is adequate provision made for safeguarding the long-term potential of the best and most versatile agricultural land and conserving soil resources in appropriate circumstances?

SCC Response

- 2.1 Yes. Policy DM7, in the Reclamation Checklist (point 3) makes provision for safeguarding the long-term potential of the best and most versatile agricultural land and conserving soil resources in appropriate circumstances.
- 2.2 The proposed modifications for the checklist include an amendment for each of the checklist items to be equally applicable to each mineral type (where appropriate). This amendment further enhances the provision made in the Plan to carefully conserve soils (and particularly agricultural land) by ensuring it is clearly applicable to all mineral types.
- 2.3 SCC believes that the Plan aligns with this aspect of the National Planning Policy Framework, which seeks to ensure that “high quality restoration and aftercare of mineral sites takes place, including for agriculture (safeguarding the long term potential of best and most versatile agricultural land and conserving soil resources), geodiversity, biodiversity, native woodland, the historic environment and recreation” (**Doc Ref NE3, para 143**).
- 2.4 The safeguarding of the best and most versatile agricultural land is referenced in the strategic reclamation section of the Minerals Plan (see Chapter 10, paragraph 10.4) and should also be considered in the context of the protection afforded by adopted local plans i.e. the Development Plan.

Question 3

Does the Plan provide adequate opportunity for protecting and/or enhancing geodiversity, biodiversity, native woodland, the historic environment and recreation?

SCC Response

- 3.1 Yes. The Reclamation Checklist (Table 7) of the Plan provides opportunity for protecting/enhancing geodiversity, biodiversity, native woodland, the historic environment and recreation.
- 3.2 Point 13 of the Reclamation Checklist (**Doc Ref SD1, p93**) provides particular opportunity for protecting and enhancing geodiversity, requiring proposals for minerals development to contribute to the conservation of Somerset’s geological heritage and geodiversity.
- 3.3 Protecting and enhancing biodiversity is similarly addressed through the Reclamation Checklist (Table 7) (**Doc Ref SD1, p 92**), particularly points 1, 2 and 4. These seek to: promote the preservation and restoration of priority habitats and species; employ biodiversity offsetting as a mechanism to determine the ecological value of a site; and promote collaboration between stakeholders in landscape-scale restoration.

- 3.4 Similarly, for the protection and enhancement of native woodland and historic environment point 4 of the Reclamation Checklist (**Doc Ref SD1, p92**) would apply, i.e. that any proposal for mineral sites would need to contribute to landscape-scale restoration. Point 6 would also apply, where a proposal for a mineral site would be required to consider opportunities to minimise the overall amenity and visual impacts of mineral development on the surrounding environment and communities.
- 3.5 Opportunities for protecting and enhancing recreation are provided for in points 11 and 12 of the Reclamation Checklist (**Doc Ref SD1, p73**), where proposals for minerals development are required to consider opportunities to provide potential after-uses for the community and improve public access to the natural environment.

Question 4

Should the paragraph on bonds and other financial guarantees make reference to such guarantees not usually being necessary (even in exceptional circumstances) where an operator is contributing to an established mutual funding scheme?

SCC Response

- 4.1 Paragraph 18.12 of the **Plan (Doc Ref SD1)** only mentions financial bonds or other guarantees under exceptional circumstances. This makes the assumption that where an operator is already contributing to an established mutual funding scheme, this wouldn't apply.

Question 5

Do the reclamation policies provide an appropriate range of deliverable schemes and are they sufficiently flexible?

SCC Response

- 5.1 Yes. The reclamation policies are sufficiently flexible to provide opportunities for a range of appropriate deliverable schemes, taking into consideration the government direction to encourage nature conservation, "to create a resilient and coherent ecological network at national and local levels across England" (**Doc Ref NE23, para 2.14**).
- 5.2 The Natural Environment White Paper, "The Natural Choice: Securing the value of nature", published in June 2011, makes a commitment to supporting nature restoration through providing a clear institutional framework to:
- establish Local Nature Partnerships to strengthen action at the right scale and mirror Local Enterprise Partnerships (LEPs);
 - create new Nature Improvement Areas (NIAs); and
 - strengthen support through the planning system, including through biodiversity offsets. (**Doc Ref NE23, para 2.14**)

- 5.3 This is further supported by the **National Planning Policy Framework (Doc Ref NE3, para 165)**, which states that planning policies and decisions should be based on up-to-date information about the natural environment and other characteristics of the area (**Doc Ref NE3, para 165**). This should include an assessment of existing and potential components of ecological networks, working with Local Nature Partnerships where appropriate (**Doc Ref NE3, para 117**).
- 5.4 Whilst the policies in the Somerset Minerals Plan are not prescriptive, and provide flexibility for a range of options, the policies do provide a solid framework for considering issues relating to character, land-use and local requirements for any restoration and after-care scheme.

Question 6

How is it envisaged that the reclamation checklist will work? For any particular development type (e.g. aggregates) if two or more boxes are ticked, which appear to be potentially mutually exclusive, (e.g. 11 and 12) how is it envisaged that the developer will meet the criteria?

SCC Response

- 6.1 While the first part of the checklist outlines points that must be addressed, the second section requires consideration of opportunities. It covers points for evaluation when deciding opportunities for reclamation - a proposal clearly will not be able to address all of these points (particularly where they are mutually exclusive), but should consider these opportunities in reaching a conclusion about what might be best for the site.

Question 7

Why is the criterion in the checklist relating to land stability only considered relevant to peat site restoration and not other mineral sites?

SCC Response

- 7.1 This has been amended in the proposed mods – where it is proposed to no longer differentiate between mineral types in a prescriptive way.

Question 8

Is the requirement in the reclamation policies to meet the criteria in the reclamation checklist deliverable?

SCC Response

- 8.1 SCC believes these policies (in the context of the proposed modifications to the checklist) to be deliverable. The policies do not prescribe schemes, as schemes would differ vastly depending on a number of variables (see paragraph 5.4, above), but aims to provide a framework within which applicants can consider options for restoration and after-care. This flexibility is key in ensuring the checklist is deliverable, whilst also providing clarity on national requirements and local issues.

END