

Somerset Minerals Plan - Examination

Schedule of Proposed Main Modifications

HABITAT REGULATIONS ASSESSMENT ADDENDUM

Proposed changes to submission Somerset Minerals Plan

October, 2014

The following table analyses the proposed changes to the Minerals Local Plan that have arisen from the consultation which the plan underwent in 2013. Both text and policy changes are considered before any mitigating effects from other policy or text in the Plan. The assessment of each change is given in the right hand column and where the change is uncertain, i.e. a 'no likely significant effect' cannot be ruled out, this is highlighted in orange. Following this assessment those text and policy modifications identified as being 'uncertain' are assessed against counter-acting measures available in the plan as a whole or from avoidance measures through modifications to the wording to policy or text. If the effect of text or policy on European or Ramsar sites remains uncertain at this stage a Stage 2 Appropriate Assessment would be required.

Stage 1 – Test of Likely Significant Effect

Ref	Page	Policy / paragraph	Proposed modification	Change ref in SD6c (listed only where change is identical)	Legal compliance and/or soundness reason for change(s) (R numbers refer to representor / representation number)	Assessment
1	26	6.35	Somerset's crushed rock landbank is predominantly made up of the carboniferous limestone used in construction aggregate, supplemented by higher PSV (polished stone value) igneous rock used for road surfacing. Somerset has a landbank for crushed rock of	16	Factual update to the evidence base (integrating data from the latest Somerset Local Aggregate Assessment)	No significant effect likely – revised detail only

Somerset Minerals Plan - Examination

Schedule of Proposed Main Modifications



Ref	Page	Policy / paragraph	Proposed modification	Change ref in SD6c (listed only where change is identical)	Legal compliance and/or soundness reason for change(s) (R numbers refer to representor / representation number)	Assessment
			approximately 451 <u>425</u> million tonnes (201 <u>23</u> figure).			
2	26	NEW PARA 6.36	Somerset's crushed rock landbank is predominantly made up of the Carboniferous Limestone used in construction aggregate, supplemented by higher PSV (polished stone value) Silurian Andesite used for road surfacing. Based on current evidence, approximately 2% of the total crushed rock landbank is Silurian Andesite i.e. approximately 8 million tonnes.	17	To reflect the updated evidence base and accord with Planning Practice Guidance. Recent updates from the operator of Moons Hill Quarry Complex (R41.1) have helped to identify an estimate for the Andesite permitted reserve and alongside feedback from the South West Aggregates Working Party (SW AWP) supported the maintenance of a separate landbank. PPG Paragraph: 085 Reference ID: 27-085-20140306 states that "Where there is a distinct market for a specific type or quality of aggregate (such as high specification rock, or sand used for concrete or sand for asphalt), a separate landbank calculation based on provision to that market may be justified for that material or those	No significant effect likely – textual information only
3	26	6.36 <u>7</u>	Based on the level of provision proposed in the Somerset's first LAA 2014 of 10.8145 million tonnes per year, Somerset has sufficient crushed rock reserves for the next 40 years. Focusing on Andesite alone, based on current evidence, the Andesite landbank is anticipated to last approximately 22 years. However, it should be noted that the LAA will be updated annually and these figures are likely to change in the future in accordance with market demand and permitted reserves.	18		No significant effect likely – revised text detail only
4	26	6.39	Should Somerset's permitted reserves of crushed rock (either Carboniferous Limestone or Silurian Andesite) fall below a 15 year supply...	Revised (was 19)		No significant effect likely – textual information only

Somerset Minerals Plan - Examination

Schedule of Proposed Main Modifications



Ref	Page	Policy / paragraph	Proposed modification	Change ref in SD6c (listed only where change is identical)	Legal compliance and/or soundness reason for change(s) (R numbers refer to representor / representation number)	Assessment
					<p><i>materials.."</i></p> <p>A further amendment proposed during the hearings (to change 4) provides additional clarity regarding the maintenance of each separate landbank.</p>	
5	27	SMP2	The Mineral Planning Authority will seek to maintain <u>make provision for a rolling</u> 15 year landbank of permitted <u>reserves of both Carboniferous Limestone and Silurian Andesite reserves...</u>	Revised (was 20)	<p>Changes to upper case policy have been proposed to align with government policy and guidance. SCC has taken a consistent approach that the revised policy in its entirety would be considered a main modification.</p> <p>In addition to the maintenance of two separate landbanks (as explained in changes 2, 3 & 4 above), with wording that has been further clarified in change 5 during the hearings, R43/7, R44/8 and R106/11 state that the policy should be clearer about making provision for (rather than seek to maintain provision).</p>	No significant effect likely – revised text detail only

Somerset Minerals Plan - Examination

Schedule of Proposed Main Modifications



Ref	Page	Policy / paragraph	Proposed modification	Change ref in SD6c (listed only where change is identical)	Legal compliance and/or soundness reason for change(s) (R numbers refer to representor / representation number)	Assessment
6	30	SMP3	<p>Planning permission for the extraction of crushed rock will be granted subject to the applicantapplication demonstrating that:</p> <p>a) the proposal will deliver clear economic and other benefits to the local and/or wider communities; and</p> <p>b) the proposal includes measures to mitigate to acceptable levels adverse impacts on the environment and local communities.</p> <p>Land has been identified as an Area of Search for andesite extraction as shown in policies map 1b.</p> <p><i>Also see Main Modification 55 and Map 1b below.</i></p>	New	<p>Changes to upper case policy have been proposed to align with government policy and guidance. SCC has taken a consistent approach that the revised policy in its entirety would be considered a main modification.</p> <p>PPG Paragraph: 008 Reference ID: 27-008-20140306 states that Mineral Planning Authorities should plan for the steady and adequate supply of minerals in one or more of the following ways (in order of priority):</p> <ol style="list-style-type: none"> 1. Designating Specific Sites. 2. Designating Preferred Areas. 3. Designating Areas of Search <p>The size of the crushed rock landbank in itself is considered exceptional and thus Areas of Search for Carboniferous Limestone are not proposed. However, an Area of Search is proposed for Silurian Andesite to align with this guidance.</p>	Uncertain – Area of Search includes the ecological zones of influence of Mells Valley SAC. There would be potential effects on commuting and feeding habitat of horseshoe bats, which are features of the SAC.
7	32	Para 6.77	6.77 As a result, Somerset does not have	111	To reflect discussions at the	No significant effect likely –

Somerset Minerals Plan - Examination

Schedule of Proposed Main Modifications



Ref	Page	Policy / paragraph	Proposed modification	Change ref in SD6c (listed only where change is identical)	Legal compliance and/or soundness reason for change(s) (R numbers refer to representor / representation number)	Assessment
		- 6.79	<p>a 10 year average that can inform any potential future provision.³⁵ However, it is intended to maintain provision for future working of sand and gravel from within Somerset to supply the Whiteball operation following the anticipated cessation of the Town Farm site within Devon in the early 2020s. However, through close cooperation with neighbouring Mineral Planning Authorities, the minerals industry and the South West Aggregates Working Party, Somerset County Council can ensure that a steady and adequate supply of sand and gravel is maintained.</p> <p><u>NEW PARA 6.78</u> <u>Somerset County Council encourages proposals to come forward for sand and gravel extraction that are in accordance with relevant policies in the Development Plan and contribute to sub-regional supply. Informed by updates to the Somerset Local Aggregate Assessment, the need for new sources of sand and gravel is anticipated to become more pressing in the early 2020s, notwithstanding there may be benefits of proposals coming forward more quickly.</u></p>		hearings and emphasise the need for sand and gravel extraction in Somerset, impacting on how the sand and gravel policy SMP4 is applied.	additional text concerning the extraction of sand and gravel from Whiteball, which is unlikely to affect European sites in Somerset. Whiteball is sufficiently far away (>1.5km) and hydrologically isolated from the River Tone upstream of the Somerset Levels and Moors Ramsar to prevent siltation and other particles entering the watercourse.

Somerset Minerals Plan - Examination

Schedule of Proposed Main Modifications



Ref	Page	Policy / paragraph	Proposed modification	Change ref in SD6c (listed only where change is identical)	Legal compliance and/or soundness reason for change(s) (R numbers refer to representor / representation number)	Assessment
			<p><u>REVISED PARA 6.78 (now 6.79)</u> <u>6.79 Somerset County Council plans to maintain provision for future working of sand and gravel from within Somerset to supply the Whiteball operation following the anticipated cessation of the Town Farm site in Devon in the early 2020s. To deliver this</u> maintain sub-regional supply (contributing to Devon's existing landbank for sand and gravel and maintaining production at Whiteball) Somerset County Council <u>has extended</u> will extend the approach established in the Minerals Plan (adopted 2004) which outlines a Preferred Area and Area of Search adjacent to Gypsy Lane, Greenham (see map2), and uses a criteria-based approach to consider proposals elsewhere in Somerset.</p>			
8			<p>7.9 During the plan period operators may propose changes to existing permissions <u>(including site extensions)</u> and/or new sites for the stones currently worked. and the County Council's planning policy must consider this possibility.</p> <p>7.10 Furthermore, <u>proposals may come forward for</u> the Somerset Minerals Plan must consider how to support the extraction of needed <u>building</u> stones that are not currently</p>	New / revised (incorporating what was 27 and 28)	<p>To reflect discussions at the hearings.</p> <p>R57.1/2, R59/4, R109/2, R110/2 and R346/2 seek greater clarity in the text that would give support to the expansion of existing quarries and new quarries in the future. The revised wording aims to provide clarity on different types of</p>	No significant effect likely – additional text concerning the extraction of building stone.

Somerset Minerals Plan - Examination

Schedule of Proposed Main Modifications



Ref	Page	Policy / paragraph	Proposed modification	Change ref in SD6c (listed only where change is identical)	Legal compliance and/or soundness reason for change(s) (R numbers refer to representor / representation number)	Assessment
			<p>extracted<u>worked</u> but which form an integral and important part of the county's historic environment <u>and may be important for new build</u>.</p> <p>Identifying the stone types that may be needed <i>NB: also delete this heading in the contents list</i></p> <p>7.11 Minerals Topic Paper 2 outlines the outcomes of research commissioned by Somerset County Council on needed building stone <u>types (and sub-varieties) including:</u></p> <ul style="list-style-type: none"> • those that and needed stones which are currently worked <u>within the county;</u> • those that were historically<u>formerly</u> worked within the county; and; • those that but may potentially be at risk of short supply during the plan period. <p>7.12 The project identified 17 "needed" stone types (see Table 2), only two of which are currently worked in Somerset—namely Blue Lias and White Lias. Table 2 lists the main building stone types that are either currently worked or were historically worked in Somerset. This list is informed by more</p>		<p>proposal for stone extraction.</p> <p>Discussions during the hearings also highlighted the potential for confusion around use of the term "needed". The proposed changes make this section clearer.</p>	

Somerset Minerals Plan - Examination

Schedule of Proposed Main Modifications



Ref	Page	Policy / paragraph	Proposed modification	Change ref in SD6c (listed only where change is identical)	Legal compliance and/or soundness reason for change(s) (R numbers refer to representor / representation number)	Assessment
			<p>detailed analysis in Appendix 1 of Minerals Topic Paper 2. NB: A revised Table 2 is shown in the Appendix to this Schedule and forms part of this Main Modification.</p> <p>7.13 Categories of different building stone types were proposed in Table 1 of Minerals Topic Paper 2. When considered alongside Appendix 1 of the Topic Paper, this categorisation can provide useful insight for potential applicants and Somerset County Council on the geographical extent of the various stone types and their historic and current use(s).</p> <p>7.13 It is acknowledged that this list of 17 stone types does not include other building stone types which have historically been worked in Somerset, mostly in a very localised way. Minerals Topic Paper 2 includes more information on all stone types considered and the underlying methodology used in this research.</p>			
9	38-39	7.21 – 7.26	<p>7.21 Policy SMP5 supports the provision of local Somerset's building stones, for local demand, which As noted in Table 2 the evidence broadens the range of stones identified by the County Council as "needed" beyond those currently worked in Somerset.</p>	New / revised (incorporating what was 31 and 32)	<p>To improve the clarity of the Plan.</p> <p>As drafted Table 3 could be considered to be in conflict or inconsistent with certain</p>	No significant effect likely – revised text concerning the extraction of building stone.

Somerset Minerals Plan - Examination

Schedule of Proposed Main Modifications



Ref	Page	Policy / paragraph	Proposed modification	Change ref in SD6c (listed only where change is identical)	Legal compliance and/or soundness reason for change(s) (R numbers refer to representor / representation number)	Assessment
			<p><i>Delete paragraphs 7.22 - 7.26 as worded, replacing them with the following paragraphs and Figure. Renumber subsequent paragraphs, tables and figures. New Figure 2 (shown in an Appendix to this Schedule) forms part of this Main Modification.</i></p> <p><u>7.22 Policy SMP5 is supported by Figure 2 – prepared as a tool for applicants to help them to prepare an application for extraction of building stone needed over during the Plan Period. Figure 2 and its supporting notes should be used in conjunction with the document “County Matter Applications – Mineral Development: Notes for Applicants” (available from the planning department of Somerset County Council), until such time as a Mineral Validation Checklist or separate guidance on building stone extraction is published by the County Council. Figure 2 does not, however, constitute a Mineral Validation Checklist.</u></p> <p><u>7.23 Areas of Search for building stone extraction (which coincide with the Plan’s spatial approach to building stone safeguarding) have been identified for a range</u></p>		<p>Development Management policies in the Plan. Redrafting Table 3 as a tool (Fig 2 – see Appendix) helps to clarify the positive intention underlying this aspect of the Plan and support implementation.</p> <p>The proposed modification also addresses concerns raised by stakeholders about some of the detail in Table 3 e.g. representations from R57.1, R59, R109, R110 and R346.</p> <p>Areas of Search are introduced (via new paragraph 7.23) to align with PPG Paragraph: 008 Reference ID: 27-008-20140306, which states that Mineral Planning Authorities should plan for the steady and adequate supply of minerals in one or more of the following ways (in order of priority):</p> <ol style="list-style-type: none"> 1. Designating Specific Sites. 2. Designating Preferred Areas. 3. Designating Areas of Search 	

Somerset Minerals Plan - Examination

Schedule of Proposed Main Modifications



Ref	Page	Policy / paragraph	Proposed modification	Change ref in SD6c (listed only where change is identical)	Legal compliance and/or soundness reason for change(s) (R numbers refer to representor / representation number)	Assessment
			<p>of building stone types as shown in policies map X.</p> <p><i>7.274 This paragraph has been moved to before heading on stone working / processing</i> The use of appropriate locally sourced building stone is essential to crucial <u>essential</u> in maintaining the distinctive character of buildings, structures and settlements in Somerset. The use of reconstituted or imported stone can produce different aesthetic or physical characteristics to local stone, and may require extra maintenance unless there is a suitable supply source of local building stone types. It is therefore important to ensure that a sufficient supply of local building stone is available for both conservation and new building works.</p> <p><i>Point 4 in the new Figure 2 has been reworded as follows (see Appendix to this Schedule for a clean copy of the new Figure 2)...</i></p> <p>4. What is the <u>Need may be demonstrated by evidence of the current and future market for the stone, taking into account:</u></p> <ul style="list-style-type: none"> the <u>extent</u> of the historical use of the stone (for example in buildings, settlements, or Conservation Areas 			

Somerset Minerals Plan - Examination

Schedule of Proposed Main Modifications



Ref	Page	Policy / paragraph	Proposed modification	Change ref in SD6c (listed only where change is identical)	Legal compliance and/or soundness reason for change(s) (R numbers refer to representor / representation number)	Assessment
			<p>or heritage conservation uses); and/or data supporting the current and projected market need for the stone</p> <ul style="list-style-type: none"> projected use of the stone for heritage conservation; and/or new build purposes, including buildings, extensions, walling, paving and other uses. <p>See Mineral Topic Paper 32 for more information on building stone types in Somerset (in particular Appendix 1) and Mineral Topic Paper 6 and Chapter 11 about the county's Mineral Safeguarding Areas for more information.</p> <p><i>Also, delete "duration" from second heading in the new Figure 2</i></p>			
10	39	SMP5	<p>Planning permission for the extraction of building stone will be granted subject to the applicant application demonstrating that:</p> <p>a) the proposal will deliver clear economic and other benefits to the local and/or wider communities; and</p> <p>a) b) there is an identified need for the specified stone currently used in Somerset to maintain or enhance the local historic</p>	Revised (was 33a)	<p>Changes to upper case policy have been proposed to align with government policy and guidance. SCC has taken a consistent approach that the revised policy in its entirety would be considered a main modification.</p> <p>As originally drafted, there was</p>	Uncertain – As well as including the designated SACs of the Exmoor and Quantock Oak Woodlands, the Area of Search includes the ecological zones of influence of several European sites in the county SAC. For example there would be potential effects on commuting and feeding habitat of bats,

Somerset Minerals Plan - Examination

Schedule of Proposed Main Modifications



Ref	Page	Policy / paragraph	Proposed modification	Change ref in SD6c (listed only where change is identical)	Legal compliance and/or soundness reason for change(s) (R numbers refer to representor / representation number)	Assessment
			<p>environment; and</p> <p>b) c) the nature, scale, and intensity and duration of the operation are appropriate to the character of the local area; and</p> <p>e) d) the proposal includes measures to mitigate to acceptable levels adverse impacts on the environment and local communities.</p> <p>Land has been identified as an Area of Search for the extraction of building stone as shown in policies map 1c.</p> <p><i>Also see Main Modification 55 and Map 1c below</i></p>		<p>a degree of internal inconsistency in the Plan if economic and other benefits were considered in the context of proposals for crushed rock extraction (policy SMP3) but not building stone; it is acknowledged that economic considerations should also be weighed in the balance for building stone.</p> <p>The Town and Country Planning (Local Planning) (England) Regulations 2012 state that policies in a local plan must be consistent with the adopted development plan.</p> <p>The change in criterion (b) is proposed acknowledging that the prior wording could potentially be too restrictive, noting the need for a flexible approach as stated in paragraph 144 of the NPPF. There may be applications for new build made where the use of local building stone (for reasons of</p>	<p>which are features of five SACs in the County.</p>

Somerset Minerals Plan - Examination

Schedule of Proposed Main Modifications



Ref	Page	Policy / paragraph	Proposed modification	Change ref in SD6c (listed only where change is identical)	Legal compliance and/or soundness reason for change(s) (R numbers refer to representor / representation number)	Assessment
					<p>maintaining local distinctiveness and/or heritage character) is likely to be a condition of any granted planning permission.</p> <p>Areas of Search are introduced to align with PPG Paragraph: 008 Reference ID: 27-008-20140306, which states that Mineral Planning Authorities should plan for the steady and adequate supply of minerals in one or more of the following ways (in order of priority):</p> <ol style="list-style-type: none"> 1. Designating Specific Sites. 2. Designating Preferred Areas. 3. Designating Areas of Search 	
11	42	7.27 – 7.34	<p>Stone working processing</p> <p>7.27 "Old" para 7.27 moved to before stone processing heading The use of appropriate locally sourced building stone is crucial in maintaining the distinctive character of buildings in Somerset. The use of reconstituted or imported stone can produce different aesthetic or physical characteristics to local stone, and may require extra maintenance unless there is a suitable</p>	New / revised (incorporating what was 34, 35 36, 37, 38 and 39)	<p>Changes are proposed that reflect discussions in the hearings and provide additional clarity in the Plan.</p> <p>A number of representations question specific wording in paragraph 7.28 (in particular building stone industry representatives question the use of "relatively small quantities of"</p>	No significant effect likely – additional text concerning the extraction of building stone.

Somerset Minerals Plan - Examination

Schedule of Proposed Main Modifications



Ref	Page	Policy / paragraph	Proposed modification	Change ref in SD6c (listed only where change is identical)	Legal compliance and/or soundness reason for change(s) (R numbers refer to representor / representation number)	Assessment
			<p>supply source of local building stone types. It is therefore important to ensure that a sufficient supply of local building stone is available for both conservation and new building works.</p> <p>NEW PARA 7.25 The winning, working and processing of building stone in Somerset has a long history and the skills and experience of those employed in this sector are widely recognised. High-end processing already occurs in Somerset. Traditional methods of hand working, carving and masonry are now complemented by the use of computer aided design and highly technical cutting equipment. The County Council acknowledges that local operators are at the forefront of this developing sector and encourages related investment to maintain this strong position, promote sustainable growth and capitalise on the county's natural assets, skills and knowledge base.</p> <p>NEW PARA 7.26 Proposals for the importation and processing of specific stone types that do not occur in Somerset will be considered by the Mineral Planning Authority on a case-by-</p>		<p>and "informed by market demand").</p> <p>In parallel SCC officers have identified that this subsection on stone working (including importation) could be simpler, clearer and more consolidated.</p> <p>The text in red responds to feedback on proposed changes via Habitat Regulations Assessment.</p>	

Somerset Minerals Plan - Examination

Schedule of Proposed Main Modifications



Ref	Page	Policy / paragraph	Proposed modification	Change ref in SD6c (listed only where change is identical)	Legal compliance and/or soundness reason for change(s) (R numbers refer to representor / representation number)	Assessment
			<p>case basis with due regard to policies in the Development Plan.</p> <p>7.278. A case may be made for the importation and working and processing of relatively small quantities of natural stone into quarry permitted mineral sites is likely to be based on factors such as the economic viability of operations, the range of products an operator can provide to the market, the impact of the proposed stone working on local jobs and the retention of skills in Somerset, informed by market demand, where such stone: In such cases, key considerations for the County Council will include:</p> <ul style="list-style-type: none"> • alignment with the vision and objectives of the Somerset Minerals Plan; • economic and other benefits to the local and/or wider communities; • cumulative impacts (alongside other activities at the site and/or adjacent sites) on the natural and historic environment, or local amenity (for example, arising from the transport of materials); • how the wastes arising from the 			

Somerset Minerals Plan - Examination

Schedule of Proposed Main Modifications



Ref	Page	Policy / paragraph	Proposed modification	Change ref in SD6c (listed only where change is identical)	Legal compliance and/or soundness reason for change(s) (R numbers refer to representor / representation number)	Assessment
			<p>working of such imported material will be managed; and</p> <ul style="list-style-type: none"> impacts on the use of appropriate, Somerset-sourced building stone. <p>7.289 The term “natural stone” tends to be used mainly by the industry and in addition to covering building stones (as defined above) it also includes types of stone such as granites, marbles and quartzites which do not occur in Somerset and are typically used as facing or decorative stones or polished products such as floor tiles.</p> <p>7.30 The extraction, cutting, sawing, dressing, polishing and processing of building stones is a traditional industry in Somerset and facilitates development of local masonry skills in rural areas.</p> <p>7.2931 High-end processing already occurs at a number of sites in the county such as Bowden’s Lane and West Cranmore quarries (see Appendix C for more information on these sites) which utilise both local and imported stones. On-site dressing and cutting facilities are favoured above off-site facilities in order to minimise the transportation impacts. However, where off-</p>			

Somerset Minerals Plan - Examination

Schedule of Proposed Main Modifications



Ref	Page	Policy / paragraph	Proposed modification	Change ref in SD6c (listed only where change is identical)	Legal compliance and/or soundness reason for change(s) (R numbers refer to representor / representation number)	Assessment
			<p>site dressing and cutting is proposed, the benefits of the reduced impacts for the site and its surroundings must be assessed against the potential transport impacts.</p> <p><u>Stone may be processed on- or off-site and the relative merits (of using or developing on- or off-site facilities) would be assessed on a case by case basis, taking into account factors such as:</u></p> <ul style="list-style-type: none"> • <u>the benefits of reduced impacts for a specified site and its surroundings;</u> • <u>the economic impacts (for example, taking into account economies of scale and employment opportunities); and</u> • <u>transport impacts.</u> <p>7.32 Proposals for the importation (into a quarry site) and working of specific stone types that would not normally be expected to occur in Somerset will be considered by the Mineral Planning Authority on a case-by-case basis against the policies in the Development Plan. The Mineral Planning Authority will seek to ensure that any such proposals do not conflict with the vision and objectives of the Minerals Plan. In cases where the County Council is not the</p>			

Somerset Minerals Plan - Examination

Schedule of Proposed Main Modifications



Ref	Page	Policy / paragraph	Proposed modification	Change ref in SD6c (listed only where change is identical)	Legal compliance and/or soundness reason for change(s) (R numbers refer to representor / representation number)	Assessment
			<p>determining Planning Authority, it will advise and/or comment on the proposal as appropriate</p> <p>7.33 Acknowledging the high value of such imported stone, it is likely that any such importation would need to be of low tonnages that would not in itself or cumulatively (alongside other activities at the site and/or adjacent sites) lead to unacceptable impacts on the landscape, the environment or local amenity (in particular arising from the transport of materials).</p> <p>7.34 Consequently any operator proposing importation must consider the cumulative impacts of the proposal—in particular, the transportation of all material to/from the site, the impacts of the working of imported stone and plans for appropriate management of any waste associated with the working of such imported material. Evidence should also be supplied highlighting the impact of the proposed stone working on local jobs and the retention of skills in Somerset. The retention of such skills can make a valuable contribution to the Somerset economy.</p>			

Somerset Minerals Plan - Examination

Schedule of Proposed Main Modifications



Ref	Page	Policy / paragraph	Proposed modification	Change ref in SD6c (listed only where change is identical)	Legal compliance and/or soundness reason for change(s) (R numbers refer to representor / representation number)	Assessment
12	45	NEW PARA 8.6	<p>It is important to note that wintering and migratory bird species cited on the SPA / Ramsar designations also make use of areas outside the designated site boundaries. These areas ecologically support the integrity of the SPA / Ramsar. Surveys for outside the SPA / Ramsar indicate the use is made by wintering birds, particularly lapwing and wigeon, of all peat areas.⁴⁴ Similarly surveys have shown that aquatic invertebrates cited on the Ramsar designation make use of Godney Moor, Glastonbury Heath and Common Moor.⁴⁵ The location of these areas based on criteria set out in the Habitats Regulations Assessment is shown in Map 6 in Appendix B. [NB: renumber subsequent paragraphs]</p> <p><i>Also insert footnotes:</i> ⁴⁴ Survey of Waterfowl in Potential Peat Producing Areas on the Somerset Levels and Moors, July 2010 ⁴⁵ Somerset Peat Moors Invertebrate Report, April 2011</p> <p><i>Also see Main Modification 56 and Map 6 below.</i></p>	Revised (was 41)	A change in the supporting text that affects how upper case policy is applied. R12/31 highlights the importance of strengthening protection of sites that support the integrity of SPA/Ramsar sites. This change is linked also with modification 56.	No significant effect likely – additional text informing of the presence of SPA / Ramsar birds in the peat areas and Ramsar invertebrates generally outside the designated areas, which nonetheless perform ecologically supporting functions maintaining the integrity of the designated sites.
13		8.19	Assuming a decline in sales in line with government targets to zero sales in 2030,	New	To reflect discussions at the hearings - to ensure flexibility is	No significant effect likely – additional textual information

Somerset Minerals Plan - Examination

Schedule of Proposed Main Modifications



Ref	Page	Policy / paragraph	Proposed modification	Change ref in SD6c (listed only where change is identical)	Legal compliance and/or soundness reason for change(s) (R numbers refer to representor / representation number)	Assessment
			around 700,000m ³ of peat will be required for the plan period. Notwithstanding the direction set by the NPPF, information held by the Mineral Planning Authority indicates that current peat permissions already exceed the requirement for predicted demand for the plan period. ⁵⁰ Current evidence suggests permitted reserves should be sufficient to meet anticipated residual demand and so planning permission for time extensions to existing sites will not be granted on the basis of need for peat.		<p>embedded in the Plan over the Plan period, when read in conjunction with the policy.</p> <p>The phrase was viewed as too prescriptive, where the NPPF clearly does not state that planning permission for peat extraction from existing sites must not be granted. Additionally, removing this reference improves the ability of policy SMP6 to deliver significant net environmental benefit.</p>	only
14	49	8.21	Peat sites play a significant role in supporting: biodiversity; the coherence and resilience of ecological networks; water management; and flood resilience. Where restoration is incomplete or inadequate, reworking the site may be required to reduce flood risk, or maintain the integrity of the land drainage network, and/or enhance biodiversity and local ecological networks. In acknowledging this role, there may be exceptional circumstances in which the Council may be justified in granting planning permission for peat extraction on an existing site, to facilitate a significant net environmental benefit through enhanced	Revised (was 45)	<p>To provide clarity and improve deliverability of the policy's ability to facilitate significant net environmental benefit.</p> <p>Reference to flood risk, water level management, biodiversity and ecological networks has been included here to support the application of SMP6.</p>	No significant effect likely – additional textual information which concerns reworking of existing sites only

Somerset Minerals Plan - Examination

Schedule of Proposed Main Modifications



Ref	Page	Policy / paragraph	Proposed modification	Change ref in SD6c (listed only where change is identical)	Legal compliance and/or soundness reason for change(s) (R numbers refer to representor / representation number)	Assessment
			scope for restoration and after-use. The criteria for considering these circumstances are listed in policy SMP6.			
15	49	8.22	Granting such a modification may warrant a small additional area of working being permitted, only within (i.e. a spatial extension to an existing peat planning permission site.) or a limited time extension to an existing permission. Most likely this would entail a limited increase in the duration of a permission outside a designated SPA/Ramsar site in exchange for a significant decrease in the duration of a permission within or adjoining the SPA/Ramsar site, to reduce the risk of harm to qualifying features of the designated site. If such an exchange is agreed, then in practice there should be no <u>significant</u> net gain in the quantity of peat extracted. <u>A small additional area of working may be permitted within an existing permitted peat site if it is demonstrated that it can deliver significant net environmental benefits.</u> Any such proposal must be evaluated on its merits. <u>In line with the NPPF no physical extensions to the site will be permitted.</u>	Revised (was 46)	To improve the clarity of the Plan. R12, R15.4, R13 queries regarding alignment with the NPPF with reference to spatial extensions. The additional line at the end of this paragraph makes clear that physical extensions will not be permitted. Reference to "small additional area..." within an existing site is retained to ensure that the aim of policy SMP6, to promote overall environmental gain, can be delivered. Similarly, addition of "significant" before net gain helps the Plan to deliver net environmental benefits.	
16	49	SMP6	Planning permission for peat extraction will	Revised	As discussed during the	No significant effect likely – the

Somerset Minerals Plan - Examination

Schedule of Proposed Main Modifications



Ref	Page	Policy / paragraph	Proposed modification	Change ref in SD6c (listed only where change is identical)	Legal compliance and/or soundness reason for change(s) (R numbers refer to representor / representation number)	Assessment
			<p>only be granted to facilitate reclamation of previously worked sites, in which a significant net environmental benefit can be demonstrated. Such proposals must:</p> <p>a) relate specifically to managing water levels and/or enhancing <u>maintain and where practicable enhance</u> biodiversity and local ecological networks; and</p> <p>b) only remove peat that is physically required to implement that reclamation.</p> <p><u>In exceptional circumstances, proposals focused on flood risk and water level management may be considered. Such applications must not conflict with the Plan's approach to biodiversity and local ecological networks.</u></p>	(was 47)	<p>hearings, changes to upper case policy have been proposed to align with government policy and guidance. SCC has taken a consistent approach that the revised policy in its entirety would be considered a main modification.</p> <p>The intention underlying the opening part of criterion (a) was not to create a black and white "either/or" situation. Such an approach could be too open to interpretation, potentially in conflict with the NPPF's restrictive approach to peat extraction (in paragraphs 143 & 144) and its emphasis on delivering net gains in biodiversity. R12/22, R15.4, R13 ask focus to be on biodiversity and local ecological networks.</p> <p>The text in red responds to feedback on proposed changes via Habitat Regulations Assessment, and "where practicable" is added to reflect</p>	<p>policy specifically requires that the maintenance of biodiversity and ecological networks is demonstrated, even if connected to flood risk and water level management</p>

Somerset Minerals Plan - Examination

Schedule of Proposed Main Modifications



Ref	Page	Policy / paragraph	Proposed modification	Change ref in SD6c (listed only where change is identical)	Legal compliance and/or soundness reason for change(s) (R numbers refer to representor / representation number)	Assessment
					discussions in the hearings and align with the NPPF. As discussed during the hearings, the new paragraph outlines exceptional circumstances where flood risk and water level management may be the focus of a proposal (noting input from the Somerset Drainage Boards Consortium in the Preferred Options consultation) when not in conflict with the Plan's approach to biodiversity.	
17	54	9.9	Following changes announced in mid 2014, There is are currently one three -PEDL areas in Somerset, which crosses into comprising one wholly in the county and two that cross into North Somerset and Bath & North East Somerset (see map 7 for more information). Further changes to the PEDL areas are expected as part of the licensing rounds administered by DECC.	113	Factual update to evidence base - reflecting altered PEDL areas announced in the summer of 2014. <i>Also see Main Modification 57</i>	No significant effect likely – revised text only.
18		NEW PARA 9.23	The applicant will be required to provide information on how the site has been selected and the extent of the geographical area of search for the oil or gas. The area of	New	As discussed during the hearings, a new paragraph is proposed in supporting text which affects how policy SMP7 is	No significant effect likely – The criteria includes European sites and areas outside these which ecologically support their

Somerset Minerals Plan - Examination

Schedule of Proposed Main Modifications



Ref	Page	Policy / paragraph	Proposed modification	Change ref in SD6c (listed only where change is identical)	Legal compliance and/or soundness reason for change(s) (R numbers refer to representor / representation number)	Assessment
			<p><u>search is defined as the area within which the exploration or appraisal will take place in relation to the wider reservoir (the source of the oil or gas). It should be demonstrated that the site selection process has had regard to designations of local, regional and/or national importance. In addition sites of European importance and areas that ecologically support the integrity of these must be considered. It should also be demonstrated that facilities are located to minimise adverse impacts on landscape and visual amenity and offer the best opportunity for the appropriate and adequate mitigation and/or compensation of any adverse impacts.</u></p> <p><i>Amend subsequent paragraph numbering</i></p>		applied – also see main modification 21.	integrity.
19	57	9.28 and 9.29	<p>9.28 Somerset County Council’s policy on oil and gas is presented in SMP7, <u>which differentiates between the different stages of development. Exploration and appraisal operations should be for an agreed, temporary length of time. In addition to listing key criteria on the avoidance of unacceptable impacts and the mitigation of adverse impacts to acceptable levels, SMP7 requires any proposal for oil and gas development to be accompanied by an up-</u></p>	Revised (was 60)	To reflect discussions at the hearings - update to supporting text which affects how policy SMP7 is applied.	No significant effect likely – additional textual information only

Somerset Minerals Plan - Examination

Schedule of Proposed Main Modifications



Ref	Page	Policy / paragraph	Proposed modification	Change ref in SD6c (listed only where change is identical)	Legal compliance and/or soundness reason for change(s) (R numbers refer to representor / representation number)	Assessment
			<p>to-date environmental risk assessment.</p> <p>9.29 The assessment submitted to Somerset County Council may be informed by an ERA completed as part of the DECC licensing process; <u>All proposals for oil and gas development must assess environmental risk to establish the nature and extent of any adverse impacts and identify appropriate mitigation measures. To facilitate this,</u> however, it is important to ensure that <u>all the</u> environmental assessments submitted at the planning stage are <u>is</u> as complete and up-to-date as possible. <u>For shale gas applications that involve fracking this will include reference to an Environmental Risk Assessment (ERA) completed as best practice under guidance from DECC. This may necessitate more detailed coverage and analysis of site-specific issues and potential impacts on the local environment</u></p>			
20	58	9.30 and 9.31	<p><u>9.30 Noting the geological complexity of some areas of Somerset, the application must demonstrate that drilling at the proposed location will not generate unacceptable adverse impacts on the integrity of the underlying geological structure. As necessary, Somerset County Council will seek expert advice (for example, from the British</u></p>	61	<p>To improve clarity and completeness of the Plan.</p> <p>R306/12, R306/13, R307/2 and R324/8 highlight concerns regarding the underlying geological structure, including limitations of 2D seismic</p>	<p>No significant effect likely – additional textual information only</p>

Somerset Minerals Plan - Examination

Schedule of Proposed Main Modifications



Ref	Page	Policy / paragraph	Proposed modification	Change ref in SD6c (listed only where change is identical)	Legal compliance and/or soundness reason for change(s) (R numbers refer to representor / representation number)	Assessment
			<p>Geological Survey (BGS)) to verify that all geological data bearing on the application has been considered and that sufficient data are available to make an informed decision. Advice will also be sought from Natural England with regard to ecological data relating to geological features. The consideration of technical matters such as these would be covered within any proposed Planning Performance Agreement (see text box below).</p> <p>9.310 It is noted that the complex geology of the Mendip Hills potentially makes it more technically challenging to assess some of the impacts. In particular, folds in the rock strata make it harder to interpret 2D seismic survey data.</p> <p>9.31 Seismic profiling is used to gain a better understanding of the rock strata, for example the location of caves and passages.</p>		<p>surveys. PPG Paragraph: 013 Reference ID: 27-013-20140306 lists geological structure as one of the issues that Mineral Planning Authorities should address.</p> <p>The text in red responds to feedback on proposed changes via Habitat Regulations Assessment.</p>	
21	59	SMP7	<p>SMP7: <u>Conventional and unconventional</u> oil and gas development</p> <p>Planning permission for the exploration and/or appraisal of oil and gas resources in Somerset will be granted subject to the applicant application demonstrating that:</p>	Revised (was 64)	As discussed during the hearings, changes to upper case policy have been proposed to align with government policy and guidance. SCC has taken a consistent approach that the revised policy in its entirety	Uncertain - It is considered that '... unacceptable adverse impacts on the environment...' insufficiently defined to prevent potential adverse effects on ecological features, especially outside of designated site

Somerset Minerals Plan - Examination

Schedule of Proposed Main Modifications



Ref	Page	Policy / paragraph	Proposed modification	Change ref in SD6c (listed only where change is identical)	Legal compliance and/or soundness reason for change(s) (R numbers refer to representor / representation number)	Assessment
			<p>a) well sites and associated facilities are sited in the least sensitive location from which the target reservoir can be accessed;</p> <p>ab) the proposed development will not generate unacceptable adverse impacts on the environment and local communities; z informed by a robust environmental risk assessment;</p> <p>bc) drilling at the proposed location will not generate unacceptable adverse impacts on the integrity of the underlying geological structure; and</p> <p>bd) measures will be taken to mitigate to acceptable levels adverse impacts on the environment and local communities; z and</p> <p>c) environmental risks have been considered by submission of a robust environmental risk assessment.</p> <p>Planning permission for production of oil and gas in Somerset will be granted if the proposal:</p> <p>de) adheres to criteria a-d above;</p>		<p>would be considered a main modification.</p> <p>PPG Paragraph: 106 Reference ID: 27-106-20140306 states that criteria-based policies should set clear guidance and criteria for the location and assessment of hydrocarbon extraction within Petroleum Licence Areas. New criterion (a) aligns with this guidance.</p> <p>Assessing environmental risks still forms part of a key part of the decision-making process, as stated in revised paragraph 9.29 (see change 18), but the wording proposed in former criterion (a) caused potential confusion in Plan implementation regarding the difference between Environmental Risk Assessment (ERA) and Environmental Impact Assessment (EIA) which ultimately could weaken SCC's position. EIA Regulations will operate separately as intended,</p>	<p>boundaries, on the site integrity of SACs</p> <p>Text has been added with regard to vibrations and potential cave damage from fracking and consultation with Natural England.</p>

Somerset Minerals Plan - Examination

Schedule of Proposed Main Modifications



Ref	Page	Policy / paragraph	Proposed modification	Change ref in SD6c (listed only where change is identical)	Legal compliance and/or soundness reason for change(s) (R numbers refer to representor / representation number)	Assessment
			<p>ef) includes a full appraisal programme for the oil and/or gas resource, completed to the satisfaction of the Mineral Planning Authority; and</p> <p>fg) includes a development framework for the site, incorporating or supplemented by justification for the number and extent of the proposed production facilities and an assessment of the proposal's economic impacts. a comprehensive economic assessment.</p> <p>A new planning application must be submitted for each key stage of oil and gas development in Somerset.</p>		<p>and ERAs will provide one tool that helps applicants and the Mineral Planning Authority to assess environmental risks.</p> <p>R306/12, R306/13, R307/2, R324/8 and others highlight concerns regarding the underlying geological structure. Paragraph 117 of the NPPF requires planning polices to aim to prevent harm to geological conservation interests. PPG Paragraph: 013 Reference ID: 27-013-20140306 lists geological structure as one of the issues that Mineral Planning Authorities should address. The proposed change in criterion (b) aligns with this point.</p> <p>Other changes are proposed, acknowledging the cross-over between former criteria (a) and (c), and the need for a little more clarity in criterion (f)</p> <p>According to planning practice guidance (Paragraph:</p>	

Somerset Minerals Plan - Examination

Schedule of Proposed Main Modifications



Ref	Page	Policy / paragraph	Proposed modification	Change ref in SD6c (listed only where change is identical)	Legal compliance and/or soundness reason for change(s) (R numbers refer to representor / representation number)	Assessment
					094 Reference ID: 27-094-20140306) applications are able to cover more than one phase of extraction, hence deletion of the last line in policy.	
22	63	10.17	<p>Due to the sensitive nature of peat sites and their surrounding environment, the main after-use for those sites will be to enhance biodiversity and local ecological networksnature conservation. Other after-uses, for example those that facilitate water level management and flood risk management, must demonstrate that they do not conflict with this approach. Approval for proposals for the restoration, aftercare and after-use of former peat workings will be given to those schemes which will deliver a significant net environmental benefit. relating specifically to managing water levels and/or enhancing enhance biodiversity and local ecological networks. Such schemes may additionally include managing water levels. Other after-uses must demonstrate that they do not conflict with this approach.</p>	Revised (was 66)	R12/25 and R13/22 raise concerns about the proposed wording, linked with concerns raised regarding the peat chapter. This paragraph has been changed, informed by discussions during the hearings, to ensure consistency with the peat chapter and clarity about what is proposed.	No significant effect likely – textual revision only
23		10.18, 10.19 and 18.17	<p>Energy minerals 10.18 The restoration of oil and gas development sites begins with decommissioning, meaning that facilities on</p>	New	As discussed during the hearings, changes are proposed to bring clarity to this issue.	No significant effect likely – restoration must give particular attention to ecological networks and re-creating priority habitats.

Somerset Minerals Plan - Examination

Schedule of Proposed Main Modifications



Ref	Page	Policy / paragraph	Proposed modification	Change ref in SD6c (listed only where change is identical)	Legal compliance and/or soundness reason for change(s) (R numbers refer to representor / representation number)	Assessment
			<p>the site need to be dismantled and removed first. The impacts of decommissioning the site will need to be considered at the time of applying for planning permission, and will vary depending on the size and complexity of the site. This process should take into account the development management principles set out in chapters 18 (Restoration and Aftercare), 19 (Amenity) and 20 (Transportation) in particular.</p> <p>10.19 Individual site wells should be removed and restored to high environmental standards as soon as practicable, where they are no longer required.</p> <p>18.17 Any proposed after-use for oil and gas development must take account of the landscape character of the wider area, giving particular attention to restoring and re-creating priority habitats, maintaining and enhancing populations of priority species and promoting ecological networks.</p>		<p>During the hearings, the Coal Authority highlighted the importance of restoration as soon as practicable for oil and gas development, noting that such development can occur in a phased manner. The Plan's coverage of reclamation (in chapter 10) and restoration and aftercare (in chapter 18) did not include explicit coverage of this issue.</p>	<p>Text to 18.17 amended to 'Any proposed after-use for oil and gas development must take account of the landscape character of the wider area, giving particular attention to restoring and re-creating priority habitats, maintaining and enhancing populations of priority species and promoting ecological networks.'</p>
24		NEW PARA 11.22	<p>11.22 The whole of the andesite resource is safeguarded, plus a surrounding buffer. <i>Change subsequent paragraph numbering Also see Main Modification 58 and Map 9</i></p>	New	To reflect government advice. BGS guidance advises Mineral Planning Authorities to safeguard the whole mineral resource.	No significant effect likely – additional textual information only

Somerset Minerals Plan - Examination

Schedule of Proposed Main Modifications



Ref	Page	Policy / paragraph	Proposed modification	Change ref in SD6c (listed only where change is identical)	Legal compliance and/or soundness reason for change(s) (R numbers refer to representor / representation number)	Assessment
25		11.223	<p>For building stone, Chapter 7 of the Minerals Plan lists stone types already worked in Somerset for which current supply may be sufficient to meet demand over the plan period and those identified as "needed". Of 17 stone types identified as "needed" only two are currently worked: namely Blue and White Lias. Set in this context, MSAs cover the whole of the building stone resource for each listed building stone type in Table 4, except for Blue and White Lias, Inferior Oolite limestones and Lower Carboniferous limestones – see Topic Paper 2 for the detailed rationale and approach.</p> <p><i>Amendments to Table 4 as shown in Appendix</i></p>	New	Discussions during the hearings highlighted potential for confusion about the Plan's use of the term "needed" building stone. The proposed changes clarify the application of policy on safeguarding.	No significant effect likely – textual clarification only
26		11.26-11.28	<p>11.26 Those sites handling, processing and distributing recycled and secondary aggregates will also be safeguarded by Somerset County Council and a list of these facilities will be published in the Council's Local Aggregate Assessment in order for the list to be revised on an annual basis.</p> <p>NEW 11.27 The County Council's Local Aggregate Assessment does not currently list associated</p>	New	To align more clearly with the NPPF (paragraph 143, 4 th bullet point) and clarify the application of safeguarding policy.	No significant effect likely – textual clarification only

Somerset Minerals Plan - Examination

Schedule of Proposed Main Modifications



Ref	Page	Policy / paragraph	Proposed modification	Change ref in SD6c (listed only where change is identical)	Legal compliance and/or soundness reason for change(s) (R numbers refer to representor / representation number)	Assessment
			<p>plant, infrastructure and facilities located within existing mineral sites. Though not explicitly mentioned, it is important that such facilities are safeguarded. Taking the coating plant at Moons Hill Quarry Complex as an example, such facilities often represent the operational hub of the site (operating on a more continuous basis than extraction activities).</p> <p>11.278 Additionally, the NPPF also requires planning authorities to safeguard sites associated with concrete processing; the role of safeguarding these facilities where they are not located in permitted mineral sites lies with the relevant District or Borough council as the determining planning authority. Facilities for concrete batching and/or manufacturing other concrete products within permitted mineral sites are safeguarded via the Minerals Plan safeguarding policy.</p> <p><i>Amend subsequent para numbering</i></p>			
27	70	Table 6	<ul style="list-style-type: none"> • Applications for householder development within the curtilage of a property. • Applications for extensions or alterations 	Revised (was 117)	To reflected discussions during the hearings, changes are proposed which affect how Policy SMP9 is applied.	No significant effect likely – textual clarification only

Somerset Minerals Plan - Examination

Schedule of Proposed Main Modifications



Ref	Page	Policy / paragraph	Proposed modification	Change ref in SD6c (listed only where change is identical)	Legal compliance and/or soundness reason for change(s) (R numbers refer to representor / representation number)	Assessment
			<p>to existing buildings and for change of use of existing development which do not fundamentally change the scale and character of the building/use.</p> <ul style="list-style-type: none"> • Development in accordance with allocations of an adopted or deposited local plan where the plan took account of prevention of unnecessary mineral sterilisation in consultation with the Mineral Planning Authority and industry and determined that prior extraction should not be considered when development applications in a Mineral Safeguarding Area came forward. • Minor developments such as fences, walls, bus shelters, works to trees. • Advertisement applications. • Applications for temporary planning permission where the development can be completed and the site restored to a condition that does not inhibit extraction within the timescale that the mineral is likely to be needed. • Reserved Matter applications unless the Mineral Planning Authority specifically requested consultation at the outline stage. • Applications for Listed Building Consent unless specifically requested. 		<p>Changes help to address concern expressed by District Planning Authorities about how District Plan allocations interact with Minerals Plan safeguarding.</p>	

Somerset Minerals Plan - Examination

Schedule of Proposed Main Modifications



Ref	Page	Policy / paragraph	Proposed modification	Change ref in SD6c (listed only where change is identical)	Legal compliance and/or soundness reason for change(s) (R numbers refer to representor / representation number)	Assessment
			<ul style="list-style-type: none"> Prior extraction is not practicable and/or viable and there is a demonstrable overriding need for the proposed development. 			
28	73	NEW PARA 13.6 (inserted after existing para 13.5)	As stated in Planning Practice Guidance, where applications represent major development, planning permission for hydrocarbon extraction should be refused in National Parks and Areas of Outstanding Natural Beauty except in exceptional circumstances and where it can be demonstrated they are in the public interest. The assessment that needs to be carried out, including consideration of any detrimental effect on the environment, such as the noise and traffic which may be associated with hydraulic fracturing, is set out in paragraph 116 of the NPPF.	118	Update to reflect latest guidance – in particular PPG Paragraph: 223 Reference ID: 27-223-20140728	No significant effect likely – additional textual information only
29	75	DM1	<p>Planning permission for mineral development will be granted subject to the applicant application demonstrating that:</p> <p>a) the proposed development will not generate unacceptable adverse impacts on landscape and visual amenity; and</p> <p>b) measures will be taken to mitigate to acceptable levels adverse impacts on landscape and visual amenity.</p>	70	<p>Changes to upper case policy have been proposed to align with government policy and guidance. SCC has taken a consistent approach that the revised policy in its entirety would be considered a main modification.</p> <p>Concerns have been raised by</p>	No significant effect likely – revised policy concerning landscape impacts only

Somerset Minerals Plan - Examination

Schedule of Proposed Main Modifications



Ref	Page	Policy / paragraph	Proposed modification	Change ref in SD6c (listed only where change is identical)	Legal compliance and/or soundness reason for change(s) (R numbers refer to representor / representation number)	Assessment
			<p>All mineral development proposals must be informed by and refer to the latest, relevant character assessments, nationally and locally.</p> <p>National Parks and Areas of Outstanding Natural Beauty have the highest status of protection in relation to landscape and scenic beauty. Proposals for mineral development within or adjacent to an Area of Outstanding Natural Beauty will need to take full account of the relevant AONB Management Plan; and proposals within or adjacent to Exmoor National Park will need to take full account of the Exmoor National Park Local Plan.</p>		<p>stakeholders (e.g. R36.3 and R338) that policy DM1 does not fully align with NPPF (in particular paragraph 116) with regard to the protection of AONBs and Exmoor National Park. To avoid any doubt, the changes are proposed to highlight the protection afforded to AONBs and also due regard to the Exmoor National Park Local Plan.</p>	
30	78	14.8-14.10	<p><i>NEW PARA 14.8 – to be inserted between 'sustainable use areas' bullet and 'evaluating impacts on biodiversity'</i></p> <p>14.8 Areas of restoration in the ecological networks will be identified by local wildlife partnerships as part of an on-going process. Ecological networks will be updated regularly in response to habitat changes resulting from restoration and further data being gathered. [renumber existing paras in</p>	71	<p>The changes proposed provide clarity in how the Plan's approach to ecological networks and biodiversity offsetting will be implemented.</p> <p>Comments from R12, R13 and 15.4 in particular highlight concerns about the need to give a clearer explanation on the Plan's intentions regarding use</p>	No significant effect likely – additional textual information only

Somerset Minerals Plan - Examination

Schedule of Proposed Main Modifications



Ref	Page	Policy / paragraph	Proposed modification	Change ref in SD6c (listed only where change is identical)	Legal compliance and/or soundness reason for change(s) (R numbers refer to representor / representation number)	Assessment
			<p><i>section]</i></p> <p>14.98 The County Council supports the use of biodiversity offsetting using the methodology developed by Somerset County Council. Biodiversity offsetting is a method for calculating its species led Habitat Evaluation Procedure which is set out in its Biodiversity Offsetting Methodology (www.somerset.gov.uk / biodiversityoffsetting). The method calculates the value of habitat lost...</p> <p>14.109 The value of habitat loss to species populations will be calculated using the Habitat Evaluation Procedure ensuring the Government's target of not net loss, and gain where possible. Account is also given spatially to the location of any off site replacement habitat to ensure that the affected populations are maintained, and then preferably in a location that enhances Somerset's ecological networks.</p> <p>14.110 Offsetting is not a means for legitimising all developments. The Somerset methodology includes criteria where development would be unacceptable such for habitats within European and</p>		of biodiversity offsetting	

Somerset Minerals Plan - Examination

Schedule of Proposed Main Modifications



Ref	Page	Policy / paragraph	Proposed modification	Change ref in SD6c (listed only where change is identical)	Legal compliance and/or soundness reason for change(s) (R numbers refer to representor / representation number)	Assessment
			<p><u>international sites, ancient woodland and other priority habitats (reference s41 NERC Act) and for habitats that supports the maintenance of species populations that cannot be mitigated. Forward planning is considered essential in order that more sensitive areas are avoided in the first instance, and then minimises and mitigates impacts effectively before "offsetting" (or habitat replacement) is even considered. Developers are recommended to seek advice from the County Council at an early stage.</u></p> <p>As knowledge of species ecology and ecological continues to evolve, it is appropriate that up to date information be used to inform decision making. Documents such as Somerset's Priority Species List provide one source of information that will be used to avoid the accidental loss of species that are not given formal or statutory protection. The Somerset Priority Species List can be found on the following website: www.somerc.com/downloads/</p>			
31	80	DM2	<p>Planning permission for mineral development will be granted subject to the applicant application demonstrating that:</p> <p>a) the proposed development will not</p>	73	Changes to upper case policy have been proposed to align with government policy and guidance. SCC has taken a consistent approach that the	No significant effect likely – the revised policy provides additional clarification and supports the integrity of European and International sites

Somerset Minerals Plan - Examination

Schedule of Proposed Main Modifications



Ref	Page	Policy / paragraph	Proposed modification	Change ref in SD6c (listed only where change is identical)	Legal compliance and/or soundness reason for change(s) (R numbers refer to representor / representation number)	Assessment
			<p>generate unacceptable adverse impacts on biodiversity and geodiversity; and</p> <p>b) measures will be taken to mitigate to acceptable levels (or, as a last resort, proportionately compensate for) adverse impacts on biodiversity and geodiversity. Such measures shall ensure a net gain in biodiversity where possible. Biodiversity offsetting will be used to calculate the value of a site to species and habitats. The Habitat Evaluation Procedure will be used in calculating the value of a site to species affected by the proposal where the conservation value of the habitat is considered to be replaceable and mitigation techniques have been proven.</p> <p>The weight of protection afforded to a site that contributes to the county's biodiversity and/or geodiversity will reflect the significance of that contribution including, but not limited to, the site's statutory designations(s) or its role in maintaining connectivity and resilience of the local ecological network. given to a site will be that afforded by its statutory or non statutory designation, its sensitivity and function in maintaining the biodiversity of</p>		<p>revised policy in its entirety would be considered a main modification.</p> <p>Representations such as R12/32, R15.4/13 and 15.4/14 suggest that further clarification and/or strengthening of policy DM2 is required</p> <p>Feedback from RSPB (R12) and the Somerset Wildlife Trust (R13) highlighted concerns that this policy was not suitably clear and thus its effectiveness could be undermined. These concerns were echoed by comments from statutory partner Natural England (R15.4). The changes proposed address these concerns and ensure alignment with the NPPF and regulations on European designated sites.</p>	

Somerset Minerals Plan - Examination

Schedule of Proposed Main Modifications



Ref	Page	Policy / paragraph	Proposed modification	Change ref in SD6c (listed only where change is identical)	Legal compliance and/or soundness reason for change(s) (R numbers refer to representor / representation number)	Assessment
			<p>the county, and its role in maintaining the connectivity and resilience of the county's ecological networks.</p> <p>A 'test of likely significance' will be required for mineral development proposed which directly affect European and internationally designated sites and in areas that ecologically support the integrity of these sites.</p>			
32	81	NEW PARA 15.8	<p>15.8. A vibration or air-overpressure impact assessment may be required if a proposal is close to a historic building.</p>	74	A change in supporting text that affects how upper case policy in the Plan is applied.	No significant effect likely – additional textual information only
33	81	15.6	<p>15.6 Applications for minerals development in Somerset must demonstrate that the proposal will not substantially harm the significance of the integrity, character or setting of a designated heritage assets. Where this cannot...</p> <p>15.7 Proposals that substantially harm the significance of a non-designated heritage asset will be judged on the scale of harm and the significance of the asset.</p>	New / revised (incorporating what was 75)	<p>Changes are proposed to reflect discussions in the hearings about the significance of the asset and ensure the Plan is fully aligned with national policy and guidance.</p> <p>R111.1/3 emphasises importance of the setting of the asset. This is reflected in policy DM3 but could be clarified further in paragraph 15.6.</p>	No significant effect likely – additional textual information only
34	82	DM3	Planning permission for mineral development will be granted subject to the applicant	77	Changes to upper case policy have been proposed to align	No significant effect likely – revised heritage policy only

Somerset Minerals Plan - Examination

Schedule of Proposed Main Modifications



Ref	Page	Policy / paragraph	Proposed modification	Change ref in SD6c (listed only where change is identical)	Legal compliance and/or soundness reason for change(s) (R numbers refer to representor / representation number)	Assessment
			<p>application demonstrating that:</p> <p>a) the proposed development will not generate unacceptable adverse impacts on the historic environment or where an adverse impact or impacts have been identified, these can be adequately mitigated; and</p> <p>b) for proposals that impact on the integrity, character or setting of a heritage asset, impacts have been adequately considered by desk-based assessment and field evaluation and with submission of an archaeological assessment including reference to the Somerset Historic Environment Record and the records of designated heritage assets held by English Heritage; and</p> <p>c) adequate provision will be made for the preservation in-situ or excavation of the asset as appropriate, in discussion with the county archaeologist if needed, and the recording of relevant information to advance understanding of the asset.</p> <p>The weight of protection afforded to a heritage asset will reflect the significance of the asset including, but not limited to, its statutory designation(s).</p>		<p>with government policy and guidance: in particular NPPF paragraphs 192 and 193. SCC has taken a consistent approach that the revised policy in its entirety would be considered a main modification.</p> <p>Stakeholders such as Aggregate Industries UK Ltd (R43) highlighted a potential "conflict" in the wording between criteria (a) and (c). The change to paragraph (a) addresses this issue.</p> <p>The changes are also informed by other representations (such as R111.1/4).</p>	

Somerset Minerals Plan - Examination

Schedule of Proposed Main Modifications



Ref	Page	Policy / paragraph	Proposed modification	Change ref in SD6c (listed only where change is identical)	Legal compliance and/or soundness reason for change(s) (R numbers refer to representor / representation number)	Assessment
35	83	16.5	It is vital that the County Council as Mineral Planning Authority works closely with the Environment Agency on a range of issues. All applicants proposing development that has the potential to affect any water resource should consult with the Environment Agency and also refer to the policies ensure that the proposal satisfies current environmental standards and support the achievement of within the Water Framework Directive targets .	78	A change that affects how upper case policy is applied. R8.1/2 suggests inclusion of advisory text within the plan, detailing the requirement for any peat extraction approvals to be subject to, inter alia, agreed water quality monitoring and mitigation related conditions.	No significant effect likely – additional textual information only
36	83	NEW PARA 16.6	In the context of peat workings, the MPA may apply appropriate water quality monitoring and mitigation related conditions to quantify the extent to which de-watering operations from peat workings contribute to identified problems, and the means by which the issue may be addressed. <i>Amend subsequent paragraph numbering</i>	79	A change that affects how upper case policy is applied. The Environment Agency (R8.1/2) suggests inclusion of advisory text within the plan, detailing the requirement for any peat extraction approvals to be subject to, inter alia, agreed water quality monitoring and mitigation related conditions.	No significant effect likely – additional textual information only
37	84	16.13	Deep quarries and peat workings beneath the water table will have to be pumped...	80	A change that affects how upper case policy in the Plan is applied.	No significant effect likely – additional textual information only
38	84	Policy DM4	Planning permission for mineral development will be granted subject the applicant	81	Changes to upper case policy have been proposed to align	No significant effect likely – revised water policy only

Somerset Minerals Plan - Examination

Schedule of Proposed Main Modifications



Ref	Page	Policy / paragraph	Proposed modification	Change ref in SD6c (listed only where change is identical)	Legal compliance and/or soundness reason for change(s) (R numbers refer to representor / representation number)	Assessment
			<p>application demonstrating that the proposed development will not have an unacceptable adverse impact on:</p> <p>a) the future use of the water resource, including:</p> <p>i) the integrity and function of the land drainage and water level management systems;</p> <p>ii) the quality of any ground or surface water resource, where the risk of pollution and/or adverse impact on derogation of the resource would be unacceptable;</p> <p>....</p>		<p>with government policy and guidance. SCC has taken a consistent approach that the revised policy in its entirety would be considered a main modification.</p> <p>Respondents R106 and R43 suggested addition of wording "unacceptable" in the opening sentence to bring in line with other DM polices.</p> <p>Change derogation to adverse impact (aligning with same change regarding policy DM5)</p> <p>R43 (in SD7) proposes that "unacceptable" should be inserted before "adverse impact" to be consistent with the wording in other development management policies. This change is also supported by R106.</p> <p>It has been noted that derogation is not a commonly used phrase and is not present,</p>	

Somerset Minerals Plan - Examination

Schedule of Proposed Main Modifications



Ref	Page	Policy / paragraph	Proposed modification	Change ref in SD6c (listed only where change is identical)	Legal compliance and/or soundness reason for change(s) (R numbers refer to representor / representation number)	Assessment
					<p>for example, in the Planning Practice Guidance definitions / terms used in the guidance (Paragraph: 221 Reference ID: 27-221-20140306). Thus the change to adverse impact is proposed, also to align with terminology used elsewhere in the Plan and, indeed, the NPPF.</p> <p>Also see reasoning to policy DM5 below.</p>	
39	85	16.17	<p>Policy DM5 takes forward a precautionary approach to mineral extraction below the water table, which was established in the Minerals Local Plan (adopted 2004).</p> <p>Measures for the applicant to demonstrate compliance with policy DM5 and/or address adverse impacts include (amongst others):</p> <ul style="list-style-type: none"> • providing satisfactory information on the likely characteristics of the final water body; • providing acceptable alternative sources of water; • accepting that works under the permission may have to be suspended or cease permanently to 	83	<p>To improve effectiveness of the Plan, the redrafting of content between supporting text and policy is intended to enable the policy to be more effective.</p> <p>Also see reasoning to policy DM4 above.</p>	No significant effect likely – additional informative text on extraction below the water table only

Somerset Minerals Plan - Examination

Schedule of Proposed Main Modifications



Ref	Page	Policy / paragraph	Proposed modification	Change ref in SD6c (listed only where change is identical)	Legal compliance and/or soundness reason for change(s) (R numbers refer to representor / representation number)	Assessment
			<p>protect the water environment or other water interests;</p> <ul style="list-style-type: none"> securing acceptable compensatory arrangements for all parties who are harmed by any adverse impact on the water environment or other water interests. In most cases, compensatory arrangements refer to measures taken to ensure the permanent supply of water rather than direct payments. 			
40	86	Policy DM5	<p>Proposals for mineral extraction from below the water table will only be permitted if:</p> <p>a) they do not generate unacceptable adverse impacts on the water environment or other water interests;</p> <p>b) monitoring will ensure early warning is given of any potentially unacceptable adverse impact level-of-derogation and the applicant will be responsible for taking the necessary remedial action before the effects of the adverse impact derogation become irreversible;</p> <p>c) water abstraction and mitigation</p>	84	<p>Changes to upper case policy have been proposed to align with government policy and guidance. SCC has taken a consistent approach that the revised policy in its entirety would be considered a main modification.</p> <p>The redrafting of content between supporting text and policy is intended to enable the policy to be more effective.</p> <p>It has been noted that</p>	No significant effect likely – additional policy on extraction below the water table only

Somerset Minerals Plan - Examination

Schedule of Proposed Main Modifications



Ref	Page	Policy / paragraph	Proposed modification	Change ref in SD6c (listed only where change is identical)	Legal compliance and/or soundness reason for change(s) (R numbers refer to representor / representation number)	Assessment
			measures do not give rise to unacceptable environmental impacts. <i>DELETE CURRENT CRITERIA c-f</i>		derogation is not a commonly used phrase and is not present, for example, in the Planning Practice Guidance definitions / terms used in the guidance (Paragraph: 221 Reference ID: 27-221-20140306). Thus the change to adverse impact is proposed, also to align with terminology used elsewhere in the Plan and, indeed, the NPPF. Also see reasoning to policy DM4 above.	
41	87	NEW PARA 17.5	In some situations there may be a risk of mineral operations creating noise or vibration that may startle humans and horses using a bridleway. It may be necessary to assess the impact and provide informative signage to mitigate any risks associated with startle responses	85	A change that affects how upper case policy in the Plan is applied.	No significant effect likely – additional textual information only
42	92	Table 7	Table 7: Reclamation Checklist Where relevant, proposals for all minerals sites must:	86	R108/18, R15.4/15-24, R43/18, R44/19, R6.2/18, R99/13 Respondents queried the consistency of the check-boxes,	No significant effect likely – clarification only

Somerset Minerals Plan - Examination

Schedule of Proposed Main Modifications



Ref	Page	Policy / paragraph	Proposed modification	Change ref in SD6c (listed only where change is identical)	Legal compliance and/or soundness reason for change(s) (R numbers refer to representor / representation number)	Assessment
			<p>The check boxes indicate which requirement applies to each type of mineral.</p> <p><i>In Table 7, the check boxes have been removed.</i></p> <p><i>New Table 7 (shown in an Appendix to this Schedule) forms part of this Main Modification.</i></p>		<p>and whether they were in fact necessary; as most points could be applied to all minerals development.</p> <p><i>See Appendix below</i></p> <p>The "tick box" approach has been challenged or queried by a number of stakeholders. For example, in its response to the pre-submission consultation statutory partner, Natural England (R15.4) highlight potential tensions in use of Table 7 as published and conclude by stating: "<i>We therefore advise that the checklist should be retained, however not apply only certain minerals and the policy could state the Checklist will be used as appropriate</i>".</p> <p>The proposed solution addresses the concerns raised in a way that aligns with national planning policy and guidance.</p>	
43	92	Table 7	Revised text in row 2 of the checklist: Employ the Habitat Evaluation Procedure	Revised (was 87)	The changes help the reclamation checklist to be more	No significant effect likely – additional information only

Somerset Minerals Plan - Examination

Schedule of Proposed Main Modifications



Ref	Page	Policy / paragraph	Proposed modification	Change ref in SD6c (listed only where change is identical)	Legal compliance and/or soundness reason for change(s) (R numbers refer to representor / representation number)	Assessment
			<p>biodiversity offsetting as a mechanism to determine the ecological value of a site for species and to calculate the amount of restorative habitat required to replace that lost. The Habitat Evaluation Procedure Offsets should be calculated using developed by Somerset County Council can be found on the Biodiversity Offsetting webpage (www.somerset.gov.uk/biodiversityoffsetting). Offset habitats should be and planned and delivered where appropriate via the ecological networks, using the methodology, model and maps developed by Somerset Wildlife Trust, Forest Research (Forestry Commission) and Somerset County Council. In considering the most appropriate mitigation measures to be implemented, Somerset County Council will take into account the potential time lag between new habitats being created and their coming into maturity. Minerals sites, including restored sites and unworked estate, may provide opportunities to be used as offsets for other developments providing they meet the criteria (as calculated through using the Methodology).</p> <p>www.somerset.gov.uk/ecologicalnetworks www.somerset.gov.uk/biodiversityoffsetting</p>		<p>effective and clear in the context of biodiversity offsetting and are proposed as “main” modifications alongside other changes to the checklist and main modifications to DM2 (also see proposed changes within chapter 14).</p> <p>R108/13 recommends that the supporting text highlights that minerals sites, including restored sites and unworked estate, may provide opportunities to be used as offsets for other developments providing they meet the criteria (additionally and value as calculated through using the Methodology).</p> <p>It is noted that the Habitat Evaluation Procedure is being used at a District level in Somerset; hence the proposed changes and clarifications support consistency across the Development Plan.</p> <p><i>New Table 7 (shown in an</i></p>	

Somerset Minerals Plan - Examination

Schedule of Proposed Main Modifications



Ref	Page	Policy / paragraph	Proposed modification	Change ref in SD6c (listed only where change is identical)	Legal compliance and/or soundness reason for change(s) (R numbers refer to representor / representation number)	Assessment
					<i>Appendix to this Schedule forms part of this Main Modification.</i>	
44	93	Table 7	<p>Table 7: Reclamation Checklist (continued)</p> <p>Where relevant, consideration should be given to opportunities to: The check boxes indicate which requirement applies to each type of mineral.</p> <p><i>In Table 7, the check boxes have been removed.</i></p> <p><i>New Table 7 (shown in an Appendix to this Schedule) forms part of this Main Modification.</i></p>	88	<p>To improve the clarity of the Plan, and address concerns raised in a way that aligns with national planning policy and guidance, the check boxes in Table 7 have been removed.</p> <p>R108/18, R15.4/15-24, R43/18, R44/19, R6.2/18, R99/13 Respondents queried the consistency of the check-boxes, and whether they were in fact necessary; as most points could be applied to all minerals development.</p> <p>The “tick box” approach was also queried by a number of stakeholders. For example, in its response to the pre-submission consultation statutory partner, Natural England (R15.4) highlight potential tensions in use of Table 7 as published and conclude by stating: “<i>We therefore advise that the</i></p>	No significant effect likely – clarification only

Somerset Minerals Plan - Examination

Schedule of Proposed Main Modifications



Ref	Page	Policy / paragraph	Proposed modification	Change ref in SD6c (listed only where change is identical)	Legal compliance and/or soundness reason for change(s) (R numbers refer to representor / representation number)	Assessment
					<i>checklist should be retained, however not apply only certain minerals and the policy could state the Checklist will be used as appropriate". See Appendix below</i>	
45	93	Table 7	<i>Revised text in row 9 of the checklist: Demonstrate that the approach to restoration has considered potential impacts on land stability and includes adequate measures to mitigate the risk of minor land stability failures.</i>	New	Change proposed to reflect discussions during the hearings and how upper case policy is applied. <i>New Table 7 (shown in an Appendix to this Schedule) forms part of this Main Modification.</i>	No significant effect likely – clarification only
46	96	NEW 19.13	<u>SCC will not expect an operator's ownership of a property to exclude it from either planning consideration, or where necessary, conditions intended to safeguard the amenity of its occupants. The MPA may however have limited scope to consider different planning conditions apply when an operator can provide full justification of an unavoidable need and demonstrate that unacceptable adverse effect will not then arise.</u>	92	To reflect discussions at the hearings - update to reflect how upper case policy is applied.	No significant effect likely – additional textual information only

Somerset Minerals Plan - Examination

Schedule of Proposed Main Modifications



Ref	Page	Policy / paragraph	Proposed modification	Change ref in SD6c (listed only where change is identical)	Legal compliance and/or soundness reason for change(s) (R numbers refer to representor / representation number)	Assessment
47	99	DM8	<p>Planning permission will be granted for mineral development subject to the applicant application demonstrating:</p> <p>a) That the proposed development will not generate unacceptable adverse impacts on local amenity; and</p> <p>b) Measures will be taken to mitigate to acceptable levels (and where necessary monitor) adverse impacts on local amenity due to:; demonstrated by the submission of relevant assessments on the following topics, making reference to Table 8 as appropriate:</p> <ul style="list-style-type: none"> • Vibration; • Dust and odour; • Noise; and • Lighting <p>c) How the applicant intends to engage with local communities during the operational life of the site.</p>	95	Changes to upper case policy have been proposed to align with government policy and guidance (in particular NPPF paragraphs 192 and 193). SCC has taken a consistent approach that the revised policy in its entirety would be considered a main modification.	No significant effect likely – revised policy on local amenity only
48	102	Policy DM9	<p>Planning permission for mineral development will be granted subject to the application applicant demonstrating that the road network serving the proposed site is suitable</p>	97	Changes to upper case policy have been proposed to align with government policy and guidance. SCC has taken a consistent	No significant effect likely – revised policy on highways only

Somerset Minerals Plan - Examination

Schedule of Proposed Main Modifications



Ref	Page	Policy / paragraph	Proposed modification	Change ref in SD6c (listed only where change is identical)	Legal compliance and/or soundness reason for change(s) (R numbers refer to representor / representation number)	Assessment
			<p>or can be upgraded to a suitable standard to sustain the proposed volume and nature of traffic without having an unacceptable adverse impact on distinctive landscape features or the character of the countryside or settlements. Particular regard should be given to:</p> <p>a) highway road <u>highway</u> safety; ...</p>		<p>approach that the revised policy in its entirety would be considered a main modification.</p> <p>As discussed during the hearings, the word "Highway" is a more appropriate term than "road" in considering development proposals where the proposed development will either involve a new access to the highway network, or an increase or change in traffic movements (PPG Paragraph: 030 Reference ID: 15-030-2014061).</p>	
49	105	Policy DM11	<p>Planning permission for the disposal of solid mineral wastes will be granted subject to the applicant<u>application</u> demonstrating that:</p> <p>a) it is not practicable to re-use the material on-site; and b) the proposal will not have significant adverse impact on the distinctive character and features of the Somerset countryside.</p>	128	<p>Changes to upper case policy have been proposed to align with government policy and guidance. SCC has taken a consistent approach that the revised policy in its entirety would be considered a main modification.</p> <p>Changing "applicant" to "application" for consistency with other changes; and deletion of "on site" to avoid confusion with respect to the</p>	No significant effect likely – revised policy on solid mineral wastes only

Somerset Minerals Plan - Examination

Schedule of Proposed Main Modifications



Ref	Page	Policy / paragraph	Proposed modification	Change ref in SD6c (listed only where change is identical)	Legal compliance and/or soundness reason for change(s) (R numbers refer to representor / representation number)	Assessment
					wording in paragraph 22.3. The word "on site" could be considered to be in conflict or inconsistent with certain Development Management policies in the Plan – in particular, the adopted Somerset Waste Core Strategy (RL2) which embeds the waste hierarchy in planning. The Minerals Plan should not favour on-site disposal above off-site reuse, which the current wording could imply.	
50	107	23.1	<p>It is important to recognise the potential cumulative The Somerset Minerals Plan seeks to ensure that the impacts of a new proposal for mineral development are considered in conjunction with the impacts of all permitted development in the area specified; for example, with regard to impacts on the natural and historic environment and human safety. in particular acknowledging the concentrated nature of quarrying activity in the Mendip Hills, and The Mendip Hills, in particular, is home to a large number of quarrying sites, and it is</p>	Revised (was 98)	To reflect discussions during the hearings (also informed by consultation feedback such as R108/19), changes 50 and 51 are proposed to provide further clarity about how cumulative impacts are considered in the Minerals Plan.	No significant effect likely – additional textual information only

Somerset Minerals Plan - Examination

Schedule of Proposed Main Modifications



Ref	Page	Policy / paragraph	Proposed modification	Change ref in SD6c (listed only where change is identical)	Legal compliance and/or soundness reason for change(s) (R numbers refer to representor / representation number)	Assessment
			important for the planning process to ensure that adequate controls are in place. ⁹¹			
51	107	Policy DM12	Policy DM12: Production limits and cumulative impacts The Mineral Planning Authority will impose planning conditions to limit production where this is considered necessary and appropriate to prevent any unacceptable adverse impacts from the operation.	New		No significant effect likely – the policy is concerned with imposing planning conditions to limit production to prevent unacceptable adverse impacts
52	114	Indicator c2	b) 10.05 million tonnes (2011) 9.98 million tonnes (2013)	129	Update to include data from recently adopted Somerset Local Aggregate Assessment 2014, thus affecting how upper case policy is applied.	No significant effect likely – revised data only
53	115	Indicator 1	62,014 tonnes (2011) 108,713 tonnes (2013)	130		No significant effect likely – revised data only
54	115	Indicator 2	a) 451 425 million tonnes (2012 2013) b) 41.72 Over 40 years	131		No significant effect likely – revised data only
55	137	Map 1	<i>Changes to map include:</i> <ul style="list-style-type: none"> <i>changes to the safeguarding layer (integrating a revised map 9)</i> <i>update PEDL area</i> <i>add green belt</i> 	New / revised (incorporating what was 102a)	Corrections and factual updates to map. The peat area was included in the mineral safeguarding area layer of the policies map by mistake (an earlier version of	No significant effect likely – revisions to mapping only

Somerset Minerals Plan - Examination

Schedule of Proposed Main Modifications



Ref	Page	Policy / paragraph	Proposed modification	Change ref in SD6c (listed only where change is identical)	Legal compliance and/or soundness reason for change(s) (R numbers refer to representor / representation number)	Assessment
			<ul style="list-style-type: none"> • <i>add Silurian Andesite Area of Search</i> • <i>add building stone Area of Search</i> <p><i>This will result in a change in map numbering in Appendix B with the addition of further inset maps 1b and 1c, and re-numbering the sand and gravel inset map (from map 2 to map 1a).</i></p> <p><i>A revised map 1, which forms part of this main modification, is shown below.</i></p>		<p>the safeguarding data layer was used).</p> <p>The NPPF emphasises the importance of protecting green belt. Somerset has only a small amount of green belt land; however, this was not shown on the policy map.</p> <p>The PEDL area has changed since submission of the Plan, with revocation of two PEDL areas in Somerset and extension of PEDL 227.</p> <p>Also to reflect discussions during the hearings and the proposed addition of Areas of Search for Silurian Andesite and building stone.</p>	
56	142	Map 6	<p><i>Add to map the ecological zone of influence regarding SPA/Ramsar</i></p> <p><i>A revised map 6, which forms part of this main modification, is shown below.</i></p>	103	<p>Corrections and factual updates to map.</p> <p>Statutory partner Natural England highlights in its</p>	No significant effect likely – revisions to mapping only

Somerset Minerals Plan - Examination

Schedule of Proposed Main Modifications



Ref	Page	Policy / paragraph	Proposed modification	Change ref in SD6c (listed only where change is identical)	Legal compliance and/or soundness reason for change(s) (R numbers refer to representor / representation number)	Assessment
					<p>response to the pre-submission consultation (p2 of R15.4 in SD7) that any proposals brought forward will need to consider likely significant effects in relation to the SPA and Ramsar site, including the Ecological Zone of Influence, as identified in Appendix 2 of the HRA.</p> <p><i>See Appendix below</i></p>	
57	143	Map 7	<p>Map 7: Petroleum Exploration and Development Licence (PEDL) areas: September 2014</p> <p><i>Also update PEDL area shown – see Appendix</i></p> <p><i>A revised map 7, which forms part of this main modification, is shown below.</i></p>	Revised (was 104a)	<p>Corrections and factual updates to map.</p> <p>Date added because that acknowledges that PEDL areas may change over time.</p> <p>The PEDL area has changed since submission of the Plan, with revocation of two PEDL areas in Somerset and extension of PEDL 227.</p>	No significant effect likely – revisions to mapping only
58	146	Map 9	<ul style="list-style-type: none"> <i>Changes to the safeguarding area around the Silurian Andesite resource.</i> <i>Minor change to surface coal</i> 	New / revised (incorporating what was 105a)	<p>Corrections and factual updates to map.</p> <p>Maintaining a separate landbank</p>	No significant effect likely – revisions to mapping only

Somerset Minerals Plan - Examination

Schedule of Proposed Main Modifications



Ref	Page	Policy / paragraph	Proposed modification	Change ref in SD6c (listed only where change is identical)	Legal compliance and/or soundness reason for change(s) (R numbers refer to representor / representation number)	Assessment
			<p><i>safeguarding area, using the latest data from the Coal Authority</i></p> <ul style="list-style-type: none"> <i>Minor change to the building stone safeguarding area to include Downside Stone (Chilcote Stone)</i> <p><i>A revised map 9, which forms part of this main modification, is shown below.</i></p>		<p>for andesite (see Change 20) brings into focus the andesite resource. BGS guidance (TD7) encourages the safeguarding of the whole resource and, whilst the County Council considers this is not appropriate for Carboniferous Limestone, the andesite resource is much smaller in geographical extent. Thus it is more practicable to safeguard the whole andesite resource as suggested. This change also integrates changes proposed by John Wainwright & Co Ltd.</p> <p>The Coal Authority have issued a new data layer for the surface coal resource, hence the County Council have adopted that in its revised safeguarding map.</p> <p>All building stone types identified in Table 4 are safeguarded. Four additional building stone types have been added following the hearings. Though the added stone types</p>	

Somerset Minerals Plan - Examination

Schedule of Proposed Main Modifications



Ref	Page	Policy / paragraph	Proposed modification	Change ref in SD6c (listed only where change is identical)	Legal compliance and/or soundness reason for change(s) (R numbers refer to representor / representation number)	Assessment
					<p>have limited geological outcrop and geographical occurrence in Somerset, nonetheless it is acknowledged that they should be safeguarded. Three of the four resource areas are already covered by the Plan's current safeguarding areas. Downside Stone is not, and thus an MSA for Downside Stone (also locally called Chilcote Stone) has been added to the existing MSA layer i.e. the building stone safeguarding layer has been slightly expanded (nr Shepton Mallet).</p> <p><i>See Appendix below</i></p>	

During the screening stage, or other early stages, the plan making authority may be able to introduce counter-acting measures that would obviously avoid the possibility of a significant effect on a European site. This speeds the appraisal process in its early stages and enables the assessors to concentrate on those aspects of the plan that could have significant effects on European sites that are not easily eliminated. It narrows the scope of the appraisal and reduces the time and cost of undertaking it.' (Tyldesley et al, 2012¹)

¹ David Tyldesley and Associates, 2012. *Draft Guidance for Plan Making Authorities in Wales: The Appraisal of Plans under the Habitats Directive*. <http://www.ccg.gov.uk/landscape-wildlife/managing-land-and-sea/environmental-assessment/habitats-regulations-assessmen.aspx>

Somerset Minerals Plan - Examination

Schedule of Proposed Main Modifications



*'Measures to avoid, cancel or reduce the effects of a plan on a European site (here referred to as **avoidance measures**, **cancellation measures** and **reduction measures** respectively) should be proposed as part of the plan and the plan making authority will take these into account in the appraisal, often collectively referred to as 'mitigation measures' (Tyldesley et al, 2012)*

'Avoidance measures eliminate the likelihood of any effects on the European site. Cancellation measures have the effect of cancelling out potentially adverse effects on the European site before their effects are felt. Reduction measures are designed to reduce likely significant effects, perhaps to a level that is insignificant or in a way that makes them unlikely to occur.' (Tyldesley et al, 2012)

Policies where counter-acting measures, at this stage, do not negate the potential for a significant effect will require a Stage 2 'Appropriate Assessment'.

Ref	Page	Policy / paragraph	Proposed modification	Change ref in SD6c (listed only where change is identical)	Legal compliance and/or soundness reason for change(s) (R numbers refer to representor / representation number)	Assessment	Counter-acting Measure
6	30	SMP3	<p>Planning permission for the extraction of crushed rock will be granted subject to the applicant<u>application</u> demonstrating that:</p> <p>a) the proposal will deliver clear economic and other benefits to the local and/or</p>	New	Changes to upper case policy have been proposed to align with government policy and guidance. SCC has taken a consistent approach that the revised policy in its entirety would be considered a main modification.	Uncertain – Area of Search includes the ecological zones of influence of Mells Valley SAC. There would be potential effects on commuting and feeding habitat of horseshoe bats, which are features of the SAC.	No significant effect likely - where crushed rock applications occur within the Area of Search a 'test of likely significant effect' will be required for any within the ecological zone of influence of the Mells Valley SAC as set out in

Somerset Minerals Plan - Examination

Schedule of Proposed Main Modifications



Ref	Page	Policy / paragraph	Proposed modification	Change ref in SD6c (listed only where change is identical)	Legal compliance and/or soundness reason for change(s) (R numbers refer to representor / representation number)	Assessment	Counter-acting Measure
			<p>wider communities; and</p> <p>b) the proposal includes measures to mitigate to acceptable levels adverse impacts on the environment and local communities.</p> <p><u>Land has been identified as an Area of Search for andesite extraction as shown in policies map 1b.</u></p> <p><i>Also see Main Modification 55 and Map 1b below.</i></p>		<p>PPG Paragraph: 008 Reference ID: 27-008-20140306 states that Mineral Planning Authorities should plan for the steady and adequate supply of minerals in one or more of the following ways (in order of priority):</p> <ol style="list-style-type: none"> 1. Designating Specific Sites. 2. Designating Preferred Areas. 3. Designating Areas of Search <p>The size of the crushed rock landbank in itself is considered exceptional and thus Areas of Search for Carboniferous Limestone are not proposed. However, an Area of Search is proposed for Silurian</p>		Policy DM2 and detailed in paragraph's 14.3 and 14.4

Schedule of Proposed Main Modifications



Ref	Page	Policy / paragraph	Proposed modification	Change ref in SD6c (listed only where change is identical)	Legal compliance and/or soundness reason for change(s) (R numbers refer to representor / representation number)	Assessment	Counter-acting Measure
					Andesite to align with this guidance.		
10	39	SMP5	<p>Planning permission for the extraction of building stone will be granted subject to the applicant <u>application</u> demonstrating that:</p> <p>a) <u>the proposal will deliver clear economic and other benefits to the local and/or wider communities; and</u></p> <p>a) b) there is an identified need for the specified stone currently used in Somerset to maintain or enhance the local historic environment; and</p> <p>b) c) the nature, scale, and intensity and duration of the operation are appropriate to the character of the local area; and</p> <p>e) <u>d) the proposal includes</u></p>	Revised (was 33a)	<p>Changes to upper case policy have been proposed to align with government policy and guidance. SCC has taken a consistent approach that the revised policy in its entirety would be considered a main modification.</p> <p>As originally drafted, there was a degree of internal inconsistency in the Plan if economic and other benefits were considered in the context of proposals for crushed rock extraction (policy SMP3) but not building stone; it is acknowledged that economic considerations should also be weighed in the balance for building</p>	<p>Uncertain – As well as including the designated SACs of the Exmoor and Quantock Oak Woodlands, the Area of Search includes the ecological zones of influence of several European sites in the county SAC. For example there would be potential effects on commuting and feeding habitat of bats, which are features of five SACs in the County.</p>	<p>No significant effect likely - where crushed rock applications occur within the Area of Search a 'test of likely significant effect' will be required for any within the ecological zone of influence of the European sites as set out in Policy DM2 and detailed in paragraph's 14.3 and 14.4</p>

Somerset Minerals Plan - Examination

Schedule of Proposed Main Modifications



Ref	Page	Policy / paragraph	Proposed modification	Change ref in SD6c (listed only where change is identical)	Legal compliance and/or soundness reason for change(s) (R numbers refer to representor / representation number)	Assessment	Counter-acting Measure
			<p>measures to mitigate to acceptable levels adverse impacts on the environment and local communities.</p> <p><u>Land has been identified as an Area of Search for the extraction of building stone as shown in policies map 1c.</u></p> <p><i>Also see Main Modification 55 and Map 1c below</i></p>		<p>stone.</p> <p>The Town and Country Planning (Local Planning) (England) Regulations 2012 state that policies in a local plan must be consistent with the adopted development plan.</p> <p>The change in criterion (b) is proposed acknowledging that the prior wording could potentially be too restrictive, noting the need for a flexible approach as stated in paragraph 144 of the NPPF. There may be applications for new build made where the use of local building stone (for reasons of maintaining local distinctiveness and/or heritage character) is likely to be a condition of any</p>		

Somerset Minerals Plan - Examination

Schedule of Proposed Main Modifications



Ref	Page	Policy / paragraph	Proposed modification	Change ref in SD6c (listed only where change is identical)	Legal compliance and/or soundness reason for change(s) (R numbers refer to representor / representation number)	Assessment	Counter-acting Measure
					<p>granted planning permission.</p> <p>Areas of Search are introduced to align with PPG Paragraph: 008 Reference ID: 27-008-20140306, which states that Mineral Planning Authorities should plan for the steady and adequate supply of minerals in one or more of the following ways (in order of priority):</p> <ol style="list-style-type: none"> 1. Designating Specific Sites. 2. Designating Preferred Areas. 3. Designating Areas of Search 		
21	59	SMP7	SMP7: Conventional and unconventional oil and gas development Planning permission for the	Revised (was 64)	As discussed during the hearings, changes to upper case policy have been proposed to align with	Uncertain - It is considered that ' <i>... unacceptable adverse impacts on the environment...</i> ' insufficiently	No significant effect likely - where oil and gas applications occur within the Area of Search a 'test

Somerset Minerals Plan - Examination

Schedule of Proposed Main Modifications



Ref	Page	Policy / paragraph	Proposed modification	Change ref in SD6c (listed only where change is identical)	Legal compliance and/or soundness reason for change(s) (R numbers refer to representor / representation number)	Assessment	Counter-acting Measure
			<p>exploration and/or appraisal of oil and gas resources in Somerset will be granted subject to the applicant <u>application</u> demonstrating that:</p> <p><u>a) well sites and associated facilities are sited in the least sensitive location from which the target reservoir can be accessed;</u></p> <p>a<u>b) the proposed development will not generate unacceptable adverse impacts on the environment and local communities, informed by a robust environmental risk assessment;</u></p> <p><u>b) drilling at the proposed location will not generate unacceptable adverse</u></p>		<p>government policy and guidance. SCC has taken a consistent approach that the revised policy in its entirety would be considered a main modification.</p> <p>PPG Paragraph: 106 Reference ID: 27-106-20140306 states that criteria-based policies should set clear guidance and criteria for the location and assessment of hydrocarbon extraction within Petroleum Licence Areas. New criterion (a) aligns with this guidance.</p> <p>Assessing environmental risks still forms part of a key part of the decision-making process, as stated in revised paragraph 9.29</p>	<p>defined to prevent potential adverse effects on ecological features, especially outside of designated site boundaries, on the integrity of SACs</p>	<p>of likely significant effect' will be required for any within the ecological zone of influence of the European sites as set out in Policy DM2 and detailed in paragraph's 14.3 and 14.4</p>

Somerset Minerals Plan - Examination

Schedule of Proposed Main Modifications



Ref	Page	Policy / paragraph	Proposed modification	Change ref in SD6c (listed only where change is identical)	Legal compliance and/or soundness reason for change(s) (R numbers refer to representor / representation number)	Assessment	Counter-acting Measure
			<p><u>impacts on the integrity of the underlying geological structure; and</u></p> <p>bd) measures will be taken to mitigate to acceptable levels adverse impacts on the environment and local communities; and</p> <p>c) environmental risks have been considered by submission of a robust environmental risk assessment.</p> <p>Planning permission for production of oil and gas in Somerset will be granted if the proposal:</p> <p>de) adheres to criteria a-ed above;</p> <p>e) includes a full appraisal</p>		<p>(see change 18), but the wording proposed in former criterion (a) caused potential confusion in Plan implementation regarding the difference between Environmental Risk Assessment (ERA) and Environmental Impact Assessment (EIA) which ultimately could weaken SCC's position. EIA Regulations will operate separately as intended, and ERAs will provide one tool that helps applicants and the Mineral Planning Authority to assess environmental risks.</p> <p>R306/12, R306/13, R307/2, R324/8 and others highlight concerns regarding the underlying geological structure. Paragraph 117 of</p>		

Somerset Minerals Plan - Examination

Schedule of Proposed Main Modifications



Ref	Page	Policy / paragraph	Proposed modification	Change ref in SD6c (listed only where change is identical)	Legal compliance and/or soundness reason for change(s) (R numbers refer to representor / representation number)	Assessment	Counter-acting Measure
			<p>programme for the oil and/or gas resource, completed to the satisfaction of the Mineral Planning Authority; and</p> <p>fg) includes a development framework for the site, incorporating or supplemented by <u>justification for the number and extent of the proposed production facilities and an assessment of the proposal's economic impacts.</u>a comprehensive economic assessment.</p> <p>A new planning application must be submitted for each key stage of oil and gas development in Somerset</p>		<p>the NPPF requires planning polices to aim to prevent harm to geological conservation interests. PPG Paragraph: 013 Reference ID: 27-013-20140306 lists geological structure as one of the issues that Mineral Planning Authorities should address. The proposed change in criterion (b) aligns with this point.</p> <p>Other changes are proposed, acknowledging the cross-over between former criteria (a) and (c), and the need for a little more clarity in criterion (f)</p> <p>According to planning practice guidance (Paragraph: 094 Reference ID: 27-094-20140306) applications are able to</p>		

Somerset Minerals Plan - Examination

Schedule of Proposed Main Modifications



Ref	Page	Policy / paragraph	Proposed modification	Change ref in SD6c (listed only where change is identical)	Legal compliance and/or soundness reason for change(s) (R numbers refer to representor / representation number)	Assessment	Counter-acting Measure
					cover more than one phase of extraction, hence deletion of the last line in policy.		

PART C: County Council's Conclusion		
Conclusion: Is the proposal likely to have a significant effect on a European site?		It is the conclusion of Somerset County Council that the main modifications to the Minerals Local Plan are unlikely to have a significant effect on the integrity of European and Ramsar sites provided that the minor change to the text in Paragraph 9.23 is applied as set out in the above table.
1.	Name of Assessing Officer:	Larry Burrows Job Title: Ecologist – Planning Policy, Somerset County Council
2.	Signed:	Date: 24.10.2014

Somerset Minerals Plan - Examination

Schedule of Proposed Main Modifications



3. Name of Supervising Officer:	Guy Robinson	Job Title: Senior Planning Policy Officer, Somerset County Council
4. Signed:		Date: 24.10.2014

Consultation with Natural England

Somerset Minerals Plan - Examination

Schedule of Proposed Main Modifications



Natural England comment on conclusion:		
Name of NE Officer:		Job Title:
Signed:		Date:
<p>IF THE PLAN IS LIKELY TO HAVE A SIGNIFICANT EFFECT AN APPROPRIATE ASSESSMENT WILL BE REQUIRED (see part B for suggested scope).</p>		