The Planning Inspectorate

Report to Somerset County Council

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an Inspector appointed by the Secretary of State for Communities and Local Government

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PLANNING AND COMPULSORY PURCHASE ACT 2004 (AS AMENDED)

SECTION 20

REPORT ON THE EXAMINATION INTO THE

SOMERSET MINERALS PLAN

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Abbreviations Used in this Report

§	paragraph
AONB	Area of Outstanding Natural Beauty
BGS	British Geological Survey
DECC	Department of Energy and Climate Change
defra	department for environment food and rural affairs
DM	Development Management
EA	Environment Agency
EIA	Environmental Impact Assessment
ERA	Environmental Risk Assessment
Framework	National Planning Policy Framework
HRA	Habitats Regulation Appraisal
LAA	Local Aggregate Assessment
LDS	Local Development Scheme
MCA	Mineral Consultation Area
MM	Main Modification
MoU	Memorandum of Understanding
MPA	Minerals Planning Authority
MSA	Minerals Safeguarding Area
mt	million tonnes
mtpa	million tonnes per annum
PEDL	Petroleum Exploration and Development Licence
Plan	Somerset Minerals Plan
PPG	Planning Practice Guidance
PRoW	Public Right of Way
PSED	Public Sector Equality Duty
PSV	Polished Stone Value
RBMP	River Basin Management Plan
SA	Sustainability Appraisal

SAC	Special Area of Conservation
SCC	Somerset County Council
SCI	Statement of Community Involvement
SCS	Sustainable Community Strategy
SMP	Somerset Minerals Plan
SoCG	Statement of Common Ground
SPA	Special Protection Areas
SSSI	Special Sites of Scientific Interest
SWAWP	South West Aggregates Working Party
t	tonnes
tpa	tonnes per annum
WHS	World Heritage Site

References in the footnotes starting with SD or TD relate to documents within the examination library.

Non-Technical Summary

This report concludes that the Somerset Minerals Plan (SMP) provides an appropriate basis for the planning of the County area up to the end of 2030 providing a number of modifications are made to the Plan. Somerset County Council (SCC) has specifically requested me to recommend any modifications necessary to enable the SMP to be adopted. All of the modifications to address this were proposed by SCC and I have recommended their inclusion after considering the representations from other parties on these issues.

The Main Modifications (MMs) can be summarised as follows:

- Ensuring correct baseline figures for crushed rock landbanks;
- Identifying a separate landbank and Area of Search for Silurian Andesite;
- Providing sufficient support for the extraction of sand and gravel;
- Identifying Areas of Search for building stone;
- Providing sufficient opportunities for the winning, working and processing of all known building stone types;
- Adjusting the peat strategy;
- Adjusting the hydrocarbon strategy;
- Introducing criteria for the location of hydrocarbon extraction sites and ensuring appropriate use of Environmental Impact Assessment;
- Amending the Policies Map and Inset Maps to accurately reflect designations and current petroleum licensed areas;
- Making the most appropriate provision for reclamation;
- Amending Mineral Safeguarding Areas;
- Amending Development Management Policies;
- Ensuring baseline monitoring indicators are up-to-date.

These MMs do not significantly alter the thrust of the overall strategy.

Introduction

1. This report contains my assessment of the Somerset Minerals Plan (SMP) in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004 (as amended). It considers first whether the Plan's preparation has complied with the duty to co-operate, in recognition that there is no scope to remedy any failure in this regard. It then considers whether the Plan is compliant with the legal requirements and whether it is sound. The National Planning Policy Framework (the Framework) at paragraph 182 makes clear that to be sound, a Local Plan should be positively prepared, justified, effective and consistent with national policy.

2. The starting point for the examination is the assumption that Somerset County Council (SCC) has submitted what it considers to be a sound plan. The basis for my examination is the submitted draft Plan of March 2014 which is the same as the document published for consultation in March 2014. Although a schedule of proposed changes was submitted with the Plan, these changes did not undergo public consultation at the time of submission and, therefore, they were not treated as part of the submitted Plan. I have treated these proposed changes in the same way as all other modifications, thereby ensuring that those that are main modifications (MMs) comply with the 2004 Act.

3. My report deals with the MMs that are needed to make the Plan legally compliant and sound and they are identified in bold in the report as "**MM"**. In accordance with section 20(7C) of the 2004 Act SCC requested that I should make any modifications needed to rectify matters that make the Plan not legally compliant and/or unsound and thus incapable of being adopted. These MMs are set out in the Appendix to this report.

4. The MMs relate to matters that were discussed at the examination hearings. Following these discussions, SCC prepared a schedule of proposed MMs and undertook sustainability appraisal (SA) and Habitats Regulation Appraisal (HRA). The MMs have been subject to six weeks' public consultation and I have taken the consultation responses into account in writing this report.

Assessment of Duty to Co-operate

5. Section s20(5)(c) of the 2004 Act requires that I consider whether SCC has complied with the duty imposed on them by section 33A of the 2004 Act in relation to the Plan's preparation. Section 33A requires constructive, active and ongoing engagement with local authorities and a variety of prescribed bodies in order to maximise the effectiveness of plan preparation.

6. Details of how SCC has met its duty to co-operate are produced in its *Duty to Co-operate Statement*[1]*.* This sets out the mechanisms and timescales by which SCC has engaged with all other relevant planning authorities and organisations across the range of strategic mineral planning policy matters within the County. It records how SCC has been working for some years with District and Borough Councils within Somerset, and neighbouring Mineral Planning Authorities (MPAs).

[1] SD13a

7. It also demonstrates how other stakeholders and prescribed bodies[2] have been involved. These include industry groups, advisory groups, the Environment Agency (EA), English Heritage, Natural England, the Royal Society for the Protection of Birds, Somerset Internal Drainage Board, the Highways Agency, Somerset Wildlife Trust and Somerset Biodiversity Partnership. Since the establishment of Heart of the South West Local Enterprise Partnership and the Local Nature Partnership, SCC has formally consulted with these bodies at each stage of plan preparation.

8. In preparing its Local Aggregates Assessments (LAAs), SCC has participated in a series of meetings and communications with the South West Aggregates Working Party (SWAWP) including all of its constituent MPAs and also with the London and South East England Aggregates Working Party, whose views have been taken into account.

9. With respect to the main cross-boundary matters, identified as relating to energy minerals, and sand and gravel, Memoranda of Understanding[3] (MoU) have been signed with the relevant authorities and public bodies, including the EA and Avon and Somerset Police.

10. From the submitted evidence I consider that SCC has worked closely throughout the period of Plan preparation with the relevant prescribed bodies and persons, other statutory and regulatory organisations, other authorities, and the minerals industry. Therefore, taking all factors into consideration, I am satisfied that this amounts to constructive, active engagement on an ongoing basis. Consequently, the duty to co-operate has been fulfilled.

Assessment of Legal Compliance

11. SCC's *Legal Compliance Self-Assessment*[4] demonstrates how SCC has complied overall with its legal requirements. My examination of the compliance of the Plan with these requirements is summarised in the table below. I conclude that the Plan meets them all.

LEGAL REQUIREMENTS	
Local Development Scheme (LDS)	The Plan is identified within the LDS of November 2013, approved in February 2014, which sets out an expected adoption date of Spring 2015. The content and timing of the SMP are compliant with the LDS.
Statement of Community Involvement (SCI) and relevant regulations	The SCI was adopted in November 2006 and consultation has been compliant with the requirements therein, including the consultation on the post-submission proposed 'main modification' changes.
Sustainability Appraisal (SA)	SA (incorporating Strategic Environmental Assessment) was undertaken on the submitted Plan in December 2013 and on the proposed MMs in

[2] Section 4 of the Town and Country Planning (Local Planning)(England) Regulations 2012 SI No. 767 as amended
[3] SD13b & SD13c
[4] SD9

	October 2014. The SA was carried out in an iterative manner, with its recommendations having been incorporated into the Plan as it progressed. The SA is adequate.
Habitats Regulations Appraisal (HRA)	The HRA Screening Report of December 2013, updated in October 2014 to include screening of proposed MMs, sets out why Appropriate Assessment is not necessary. This position has been endorsed by Natural England.
National Policy	The Plan complies with national policy subject to the proposed MMss.
Sustainable Community Strategy (SCS)	Satisfactory regard has been paid to SCC's SCS and those of its constituent district/borough authorities of Taunton Deane Borough Council, South Somerset District Council, Sedgemoor District Council, Mendip District Council and West Somerset Council.
Public Sector Equality Duty (PSED)	The Plan complies with the PSED. An Impact Assessment has been prepared that summarises activities to inform and engage with Somerset's diverse communities. Furthermore, the Consultation Statement summarises SCC's consultation activities and the County's mailing list further documents engagement. A Legal Compliance Self-Assessment document has been prepared linked with work on the SMP. More broadly SCC's Equality Workforce Report of January 2012 helps to underpin how the PSED has been met.
2004 Act (as amended) and 2012 Regulations.	The Plan complies with the Act and the Regulations.

Assessment of Soundness

Preamble

12. On 6 March 2014 the Government published its Planning Practice Guidance (PPG), which includes a chapter on minerals. The minerals chapter was updated in July 2014 and October 2014. The launch of the PPG signalled the cancellation of a raft of previous minerals guidance. In order to reflect this change in guidance, both additional modifications and MMs have been made to the SMP.

Main Issues

13. Taking account of all the representations, written evidence and the discussions that took place at the examination hearings I have identified twelve main issues upon which the soundness of the Plan depends.

Issue 1 – Whether the identified key issues, vision and objectives properly reflect the most appropriate strategic approach for the Plan's administrative area.

14. The Plan's high level strategies have developed from a comprehensive

evidence base and have evolved through several stages of consultation during which alternative approaches were considered and appraised. Strategic guidance and spatial direction is set out for the production of Somerset's specific mineral resources, taking account of appropriate, identified constraints. SAs[5] and HRAs[6] have been carried out at each key stage of the plan making process and demonstrate that, informed by consultations[7], the chosen options represent a justified, balanced approach.

15. The most relevant key issues have been identified, focusing on the key minerals worked in Somerset, namely, aggregates, building stone and peat, together with site reclamation and safeguarding. Also, energy minerals have been included, given the possibility of such high profile development coming forward.

16. The Plan's vision and objectives respond well to these key issues, informed by the geology of the Plan area, and having taken account of climate change. The objectives are adequately designed to implement the vision by effectively acting as a bridge between the high level vision and the more focused planning policies.

17. The Plan's strategic approach strikes the right balance between the economic viability of the minerals industry, protection of sensitive receptors, and the sustainability of long term mineral production. It is pragmatic and has built in flexibility to allow for reaction to change. Overall, it is a robust minerals strategy, reflecting SCC's commitment to sustainable development.

18. Therefore, I am satisfied that the identified key issues, vision and objectives properly reflect the most appropriate strategic approach for the Plan's administrative area. On this basis, I find this part of the Plan to be sound.

Issue 2 – Whether sufficient opportunities are provided for the supply of recycled and secondary aggregates.

19. The Framework encourages the use of recycled and secondary minerals so far as is practicable[8]. The 2014 Somerset LAA[9] demonstrates that, whilst it is difficult to accurately assess demand for recycled aggregates, sales have significantly increased over the past three years. On the other hand, Somerset does not have a high demand for secondary aggregates and the LAA shows an apparent fall in secondary aggregates sales. However, this is thought to be due to inconsistency in the way data is handled and, in particular, where the line is drawn in categorising primary and secondary aggregates. The LAA now provides a more explicit and tightly defined approach to characterising secondary aggregates, which it is hoped will result in more consistency.

20. The SMP in Policy SMP1: *Provision of recycled and secondary aggregates* supports the production of recycled and secondary aggregates, including high quality recycled aggregates. It also makes reference to the Somerset Waste

[5] SD2a to SD2d
[6] SD10a to SD10b
[7] SD14b, SD15b, SD16b, SD18b
[8] Framework §143 2nd bullet point
[9] SD23b

Core Strategy, in which the Waste Management Hierarchy is embedded. This waste strategy promotes the recycling and reuse of inert waste, including construction, demolition and excavation waste, of which the mineral element is particularly relevant to the SMP. The production of recycled and secondary aggregates is also supported by Objective A of the Plan.

21. Nonetheless, it is acknowledged that there is a limit to the extent that recycled and secondary aggregates can act as a substitute for primary aggregates, given that primary aggregates are essential in certain applications. This has been highlighted in consultation responses. Also, it is accepted that, due to recycled aggregates being primarily the result of construction work, rather than being linked to primary aggregate production, recycling is largely a factor of development rather than the availability of natural resources. In this context it would be difficult to plan for an annual target for the production of recycled and secondary aggregates and, consequently, the absence of such a target in the Plan is justified.

22. Overall, I am satisfied that the Plan provides sufficient opportunities for the supply of recycled and secondary aggregates without the need for MMs. Accordingly, I find this part of the Plan to be sound.

Issue 3 – Whether sufficient opportunities are provided for the steady and adequate supply of crushed rock, including Silurian Andesite.

23. SCC's approach to the supply of crushed rock is based on a rolling average of 10 years' sales data, and is supported by the Somerset 2013 LAA[10], as required by the Framework[11]. However, average sales figures change over time, and since publishing the submission version of the Plan, the 2014 Somerset LAA has been published[12] showing different figures to the previous 2013 LAA. Consequently, to ensure the most appropriate baseline figure is used, **MM 3** is recommended to amend the annual supply figure from 10.81 million tonnes (mt) to 10.45 mt.

24. Furthermore, according to data supplied by the industry, and reflected in the 2014 LAA, the existing landbank is currently in the order of 425 mt rather than the 451 mt stated in the Plan. Therefore, to ensure the most appropriate baseline is employed, **MM 1** is recommended to up date the figure.

25. The Framework requires the maintenance of landbanks of at least 10 years for crushed rock, and indicates that longer periods may be appropriate to take account of the need to supply a range of aggregate types[13]. Somerset is a nationally significant supplier of crushed rock and, therefore, it is appropriate for a landbank of longer duration to be maintained. The SMP provides for a minimum 15 year landbank for crushed rock, and also for a review to take place, should it drop below this level. This is a justified approach in these circumstances.

26. Somerset's crushed rock landbank consists predominantly of Carboniferous Limestone, used as a construction aggregate. However, about 2% of the

[10] SD23a
[11] Framework §145 1st bullet point
[12] SD23b
[13] Framework §145 6th bullet point

landbank is Silurian Andesite (about 8 mt), which has a high Polished Stone Value (PSV) and is, therefore, used for road surfacing. The PPG states that, where there is a distinct market for a specific type or quality of aggregate, such as for high specification rock, a separate landbank calculation may be justified[14]. In this case, separate landbanks should be maintained for Carboniferous Limestone crushed rock and for high PSV Silurian Andesite crushed rock.

27. However, the Plan only refers to an overall crushed rock landbank. Therefore, to accord with national policy, **MM 2** is recommended to make the distinction between the different markets for Carboniferous Limestone and for high PSV Silurian Andesite. Additionally, to align with national policy, **MM 4** and **MM 5** are recommended to confirm that the rolling 15 year landbank requirement applies to both Carboniferous Limestone and high PSV Silurian Andesite crushed rock.

28. The Plan states that there is an overall crushed rock landbank of 41 years based on the 2013 LAA, although this timeframe requires updating to take account of the 2014 LAA. Therefore, to ensure the most appropriate timeframe is used, **MM 3** is recommended to amend the estimated duration of the existing crushed rock landbank to 40 years. However, to accord with national policy, timeframes for both the Carboniferous Limestone landbank and for and Silurian Andesite landbank must be shown separately. Therefore, **MM 3** is recommended to clarify that the 40 years timeframe refers to Carboniferous Limestone and, for Silurian Andesite, the duration is approximately 22 years.

29. The PPG states that MPAs should plan for the steady and adequate supply of minerals by, in order of priority, designating specific sites, designating preferred areas, and/or designating areas of search, although in exceptional circumstances criteria based policies may suffice[15]. No designations have been made for crushed rock in the SMP. Nonetheless, I accept SCC's submission that a 40 year landbank for Carboniferous Limestone crushed rock is an exceptional circumstance, which justifies the use of criteria based policies.

30. However, the 22 year landbank for Silurian Andesite is not so exceptional as to justify the omission of a designated Area of Search. Consequently, to align with national guidance, **MM 6** is recommended, which introduces into Policy SMP3 an Area of Search for Silurian Andesite extraction. However, unless the Policies Map is also amended to reflect this Area of Search, Policy SMP3 will be unsound. Therefore, **MM 55** is recommended to the Policies Map (Map 1), which also introduces inset Map 1b to illustrate the designation.

31. In conclusion, subject to the identified MMs, the SMP provides sufficient opportunities for the steady and adequate supply of crushed rock, including high PSV Silurian Andesite. Consequently, with these MMs, I find this part of the Plan to be sound.

Issue 4 – Whether sufficient opportunities are provided for the steady and adequate supply of sand and gravel.

[14] PPG ID 27-085-20140306; see also ID 27-066-20140306
[15] PPG ID 27-008-20140306

32. The British Geological Survey (BGS) reports that land-won sand and gravel resources in Somerset are limited[16]. Currently no land-won sand or gravel is excavated in the County, although some is produced as a by-product of crushed rock operations. Also, limestone sand is produced from scalpings at certain crushed rock quarries, and marine dredged sand and gravel from the Bristol Channel is landed at Dunball Wharf. Nonetheless, these supplies are limited and cannot satisfy the County's need for primary sand and gravel.

33. The Framework requires MPAs to make provision for at least seven years' worth of sand and gravel, based on a rolling average 10 years sales figure[17]. However, Somerset does not have a 10 years sales figure from which to assess future demand.

34. Historically, Somerset has shared a joint sand and gravel sub-regional apportionment with Devon and Cornwall, and the 2013 and 2014 LAAs use these apportionment figures as an indicator of overall demand. These figures are still extant, and the Framework[18] and PPG[19] allow them to be used contextually as guidelines in the preparation of LAAs. Therefore, under these circumstances, for Somerset this approach is justified.

35. In order to meet demand, SCC has pro-actively engaged with neighbouring MPAs that have historically supplied, and continue to supply, sand and gravel into Somerset, particularly Devon County Council and Dorset County Council. A MoU sets out the agreed working relationship between the various MPAs, which has been signed by SCC, Cornwall Council, Devon County Council, Dorset County Council, Exmoor National Park Authority, Gloucestershire County Council and Wiltshire Council[20].

36. There are, however, land based sand and gravel resources in Somerset, mainly to the west of the County. The Whiteball site, which is partly in Somerset on the Somerset/Devon border, contributes a significant quantity of sand and gravel into the sub-region, and supplies a range of products, including quartzite, soft sand, sharp sand and gravel. In recent years virtually all extraction has taken place in Devon, although the minerals have been processed in Somerset. Devon's 2014 LAA notes that permitted reserves of land-won sand and gravel at the end of 2012 provided a landbank of 14.5 years.

37. It is envisaged that, at some time during the Plan period, extraction at Whiteball will transfer to the Somerset side of the border. Therefore, to maintain production at Whiteball, and to contribute to the steady supply of sand and gravel, SCC has identified a Preferred Area and an Area of Search for potential extraction sites in Somerset, as illustrated on Map 2[21].

38. However, the need for sand and gravel sites to come forward should be more explicitly identified in the Plan as a pressing priority. Therefore, **MM 7** is recommended, which more appropriately encourages proposals to come

[16] TD39
[17] Framework §145 1st and 6th bullet points
[18] Framework §145 4th bullet point
[19] PPG ID 27-068-20140306
[20] SD13c
[21] Renumbered Map 1a by an additional modification

forward, noting that the need for new sources of sand and gravel is likely to become more urgent in the early 2020s.

39. It appears that no issues have been raised by the SWAWP with respect to meeting demand for sand and gravel in Somerset during the Plan period, and with the identified MM, I am satisfied that the SMP provides sufficient opportunities for the steady and adequate supply of sand and gravel. Consequently, with this MM, I find this part of the Plan to be sound.

Issue 5 – Whether sufficient opportunities are provided for the winning, working and processing of building stone.

40. Somerset's building stone resource is widespread and varied, with some stone types being of at least regional importance. Historically, about 40 different stone types were quarried, although many of the quarries have now closed. Nonetheless, the evidence suggests[22] that many of the stone types not currently worked may still be needed, and others that are currently worked may be at risk of short supply during the Plan period. It is, therefore, important that the SMP provides sufficient support for the production of these stone types.

41. Policy SMP5: *Proposals for the extraction of building stone*, supports the extraction of building stone where there is, amongst other things, an identified need for stone currently used in Somerset to maintain or enhance the local historic environment.

42. This limitation is too restrictive because there are many uses for stone apart from those relating to the historic environment, including new build and internal decoration. Furthermore, as well as being used locally, Somerset stone is used further afield in existing markets outside Somerset. It is also conceivable that, during the lifetime of the Plan, additional stone markets will develop that are not yet identified. This is especially so, as the stone industry generally, and specifically in Somerset, appears to be growing.

43. Therefore, **MM 10** is recommended which, amongst other things, removes the references in the Policy to current use and the local historic environment, and more appropriately replaces them with a straight forward requirement to show an identified need for the specified stone. For consistency, it is recommended that **MM 8** reflects this Policy amendment in the supporting text, and also clarifies the Plan's support for the expansion of existing quarries.

44. Furthermore, Policy SMP5 requires the duration of operations to be appropriate to the character of the area. This does not sit well with the Framework, which recognises the small-scale nature and impact of building and roofing stone quarries, and the need for a flexible approach to the potentially long duration of planning permissions, reflecting the intermittent or low rate of working at many sites[23]. Therefore, it is recommended that **MM 10** also removes the reference to duration to align with national policy.

45. Moreover, besides considering mitigation of adverse impacts, Policy SMP5 should also refer to the benefits of mineral workings, including advantages to

[22] Eg SD8b Building Stone Topic Paper
[23] Framework §144 9th bullet point

the economy, as indicated in the Framework[24]. **MM 10** is therefore recommended, to more appropriately balance the Policy requirements and to align it with national policy.

46. The PPG sets out how MPAs should plan for the steady and adequate supply of minerals which, in the absence of designating Specific Sites or Preferred Areas, usually means designating Areas of Search[25]. There are no such designations in the SMP and, therefore, to accord with national policy, it is recommended that **MM 10** introduces policy support for Areas of Search, and that **MM 9** reflects this in the accompanying text. However, unless the Policies Map is also amended to show these Areas of Search, Policy SMP5 will be unsound. Therefore, **MM 55** is recommended as a complementary measure, which introduces inset Map 1c to the Policies Map, thereby illustrating the location of the designated Areas of Search.

47. To assist in the assessment of identifying "needed" stone types, the Plan, seeks to categorise stone types according, in the main, to their significance in maintaining built heritage and character. On this basis Table 2 identifies "needed" stone types and stone types where supply may be sufficient.

48. However, as referred to above, the demonstration of need requires the consideration of a wider range of matters than just built heritage and character. The demonstration of "need" should also relate to markets, whilst recognising that markets may change and new markets may develop over time. SCC acknowledges that it is difficult to obtain reliable and quantifiable data at County level on the true market requirements for specific stone types, and therefore, it is important to maintain a flexible approach. Furthermore, some main stone types and sub-varieties of stone types have been omitted from the Table. For these reasons Table 2 is not the most appropriate tool to use for planning applications.

49. Therefore, to justify inclusion of the Table, it is recommended that the reference to need/sufficiency of supply is removed, and that Table 2 simply refers to, and lists, the main stone types currently or historically worked. Additionally, the omitted main stone types/sub-varieties should be inserted. **MM 8** addresses these matters and also amends the corresponding supporting text.

50. Policy SMP5 is also supported by Table 3, which sets out the criteria to take into account when applying for new reserves. However, the Table's provisions are not fully in accordance with the Plan's Development Management (DM) Policies because of their restrictive and sometimes onerous nature. This unjustifiably reduces flexibility and runs the risk of potential confusion, thereby rendering Table 3 ineffective.

51. Therefore, **MM 9** is recommended, which replaces Table 3 with Figure 2. Figure 2 is more flexibly worded and ensures, amongst other things, that a wider range of considerations are taken into account in the demonstration of "need", including both current and future stone markets. Furthermore, Figure 2 acts appropriately as a flowchart and guidance tool for applicants, rather than as, what seemed like, a DM Policy. It is recommended that **MM 9**

[24] Framework §144 1st bullet point
[25] PPG ID 27-008-20140306

also amends the supporting text for consistency.

52. Turning specifically to stone processing, the evidence suggests that there is a significant skill base in Somerset for the high end processing of a wide range of stone types, sourced from both within and outside Somerset, and applied to a wide range of uses. Therefore, in accordance with the Framework[26], the sustainable growth of this rural industry should be encouraged.

53. However, the SMP restricts the amount of stone imported to relatively small quantities of natural stone, and then only allows it to be brought into quarry sites, omitting other sites used by the industry. The Plan seeks to justify this approach by emphasising the need to use local stone in maintaining the character of local buildings, but in doing so, fails to recognise the range of other uses these processed stones are put to over an extensive geographical area. Consequently, the Plan unjustifiably limits the growth of this important industry.

54. The emphasis should, therefore, be changed from one of restriction of the industry to one of encouragement in a sustainable way. Accordingly, **MM 11** is recommended which, amongst other things, identifies the importance of the stone processing industry, removes unjustified restrictions, and sets out a list of considerations to take into account on a case by case basis, thereby providing more flexibility and opportunity for sustainable growth, whilst ensuring adequate environmental protection.

55. In conclusion, subject to the identified MMs, I am satisfied that the SMP provides sufficient opportunities for the winning, working and processing of building stone. On that basis, I find this part of the Plan to be sound.

Issue 6 – Whether the strategy for peat is the most appropriate.

56. Somerset has a considerable peat resource, which comprises mainly sedge peat located in the Somerset Levels and Moors. This area is of significant importance in terms of biodiversity. At an international level, it is designated as a Ramsar site due to its aquatic invertebrates, and at European level, it is designated as a Special Protection Area (SPA) for its important bird species. At national level, Sites of Special Scientific Interest (SSI) have been designated, and at County level, it contains Local Wildlife Sites. Furthermore, the area is of substantial archaeological importance as the peat has preserved a range of prehistoric structures.

57. The evidence shows that wintering and migratory species cited on the SPA and Ramsar designations use areas outside the designated boundaries for foraging, amongst other things. It is of the utmost importance that these "ecological zones of influence" are protected, as they support the integrity of the SPA and Ramsar sites, as well as contributing more generally to nature conservation. Whilst the Plan affords protection to the designated sites, it does not consider the support the ecological zones of influence provide to the integrity of the SPA and Ramsar sites[27] and, therefore, does not fully align with national

[26] Framework §28
[27] Based on criteria set out in the HRA

policy[28].

58. Consequently, **MM 12** is recommended to the supporting text of Policy SM6: *Peat*, which strengthens and extends the Plan's ecological protection, thereby indicating the need for proposals to consider any likely significant effects to the ecological zones of influence. Also, unless Map 6: *Peat resource areas west of Glastonbury*[29]*,* is amended to include the ecological zones of influence, Policy SM6 will be unjustified. Therefore, **MM 56** is recommended as a complementary measure to address this.

59. The Government's Natural Environment White Paper[30], in committing to professional horticulture being peat-free by 2030, announced the creation of a Task Force to overcome barriers to the reduction of peat use. However, in a recent report, this Task Force questioned whether, in some circumstances, the extraction of peat that converts farmland into biodiverse wetlands and other habitats should be exempt from the pressure to avoid all peat[31]. This has been termed the "Somerset question".

60. In Somerset there is a move to reclaim previously worked sites in order to enhance the ecological environment, and the peat industry is generally not unsupportive of this initiative. However, in the transitional period leading up to the production of more peat-free products, the industry's role in delivering such reclaimed sites could be rendered financially unviable in the absence of being able to extract some additional peat. The SMP, in recognising this issue, indicates that there may be exceptional circumstances when the granting of planning permission for peat extraction on an existing site may be justified, to facilitate a significant net environmental benefit.

61. Policy SMP6 requires proposals for peat extraction to relate to managing water levels and/or enhancing biodiversity and local ecological networks. However, representations from nature conservation bodies indicate that this approach risks promoting water management above nature conservation. Whilst this is acknowledged, it should not be forgotten that water and flood management is a significant issue for the Somerset Levels and Moors.

62. Consequently, in order to achieve the most appropriate balance, and to retain sufficient flexibility, **MM 14 and MM 16** are recommended. Besides encouraging the maintenance and, where practicable, the enhancement of biodiversity and ecological networks, this revised approach allows for extraction that facilitates flood risk and water level management in exceptional circumstances, so long as it does not conflict with the Plan's ecological objectives.

63. The Framework directs that no new sites or extensions to existing sites are to be identified in local plans for peat extraction[32], and that no planning permissions are to be granted *"for peat extraction from new or extended*

[28] Framework §§ 114 and 117
[29] Renumbered Map 5 by an additional modification
[30] Defra, *The Natural Choice: Securing the value of nature, June 2011*
[31] Knight, A. (June 2013). Sustainable Growing Media Task Force: *Towards Sustainable Growing Media: Chairman's Report and Roadmap*
[32] Framework §143 1st bullet point

sites"[33]. It does not say, however, that there should be no time extensions to existing permissions for peat extraction. This is how the Inspector in his report on the Chat Moss Peat Works appeal in Manchester[34] interpreted the Framework, and I agree with his interpretation. In fact, since the SMP hearing sessions took place, an amendment to the PPG has clarified that MPAs should consider time extensions to existing peat sites on a case-by-case basis[35].

64. The Plan allows for time extensions to permissions in appropriate circumstances, particularly where a limited increase in the duration of a permission outside a designated SPA/Ramsar site is exchanged for a significant decrease in the duration of a permission within or adjoining a SPA/Ramsar site. This approach is consistent with national policy and is justified.

65. However, for economic viability reasons its effectiveness is brought into question by restricting such permissions to development that does not result in any net gain in the quantity of peat extracted. Therefore, to provide some flexibility and to ensure that the policy is deliverable, **MM 15** is recommended which, amongst other things, introduces the word "significant" before net gain, thereby allowing some additional extraction.

66. The SMP also allows for small spatial extensions to existing sites, although this does not accord with the Framework. Therefore, it is recommended that the reference to spatial extensions be removed, which is achieved by **MM 15**.

67. Nonetheless, there could be circumstances when additional working within a site might be justified, particularly in view of the "Somerset question" apparently remaining unresolved. Such proposals might, for example, come forward where some economic incentive is required to bring about sought after ecological benefits, and might take the form of a variation of conditions application.

68. The Framework, whilst discouraging peat extraction from new or extended sites, does not prevent extraction from within existing sites[36]. Therefore, in order to ensure deliverability of environmental gains, it is recommended that small additional areas of working be permitted in appropriate circumstances from within an existing site, as reflected in **MM 15**.

69. The SMP provides for peat extraction applications to be considered in the context of demonstrating a need for additional local supply. Calculations made within the Plan's evidence base indicate that there are already sufficient reserves of peat within Somerset to meet predicted demand throughout the Plan period. Therefore, the Plan states that permissions will not be granted on the basis of need.

70. However, the Plan states that peat reserves can only be monitored accurately with the support of the industry and SCC acknowledges that no usable data has been supplied by the industry. Moreover, the peat industry challenges the

[33] Framework §144 5th bullet point
[34] Report to the Secretary of State for Communities and Local Government (18 June 2012) §§122-124 (appeal refs: 2156151; 2156165; 2156163; 2160319; 2160321)
[35] PPG ID 27-224-20141017
[36] Framework § 144 5th bullet point

calculations and the data used. Consequently, there is uncertainty over how robust the figures are.

71. In these circumstances it is too prescriptive for the Plan to preclude the consideration of demonstrable need from the planning balance. Therefore, to ensure that the approach taken is justified, **MM 13** is recommended, which removes the reference to permissions not being granted on the basis of need.

72. In conclusion, I find that, subject to the identified MMs, the strategy for peat is the most appropriate. On that basis, with the MMs, this part of the Plan is sound.

Issue 7 – Whether the strategy for producing onshore energy minerals is sufficiently comprehensive, and whether it strikes the right balance in providing sufficient opportunities for mineral extraction whilst adequately protecting sensitive receptors.

73. The SMP contains a chapter on on-shore oil, gas and coal development, which encompasses provisions for conventional hydrocarbons and non-conventional hydrocarbons[37], the latter of which is aimed at hydraulic fracturing, commonly known as "fracking". However, concerns have been raised about the title to the Plan's Policy on hydrocarbons, Policy SMP7, which could be misleading as it refers to "oil and gas development", which might be interpreted as applying only to conventional oil and gas. Consequently, to avoid confusion and ensure deliverability of the Policy, it is recommended that the title be amended to read as "Conventional and unconventional oil and gas development" as set out in **MM 21**.

74. Planning permissions for oil and gas development may only be granted within a Petroleum Exploration and Development Licence (PEDL) area where the Department of Energy and Climate Change (DECC) has issued a licence[38]. The PPG states that MPAs should make appropriate provision for hydrocarbons in their local minerals plans and PEDL areas should be shown on a MPA's Policies Map[39]. The SMP refers to the three PEDL licences that were awarded within Somerset in the 13th PEDL round, and illustrates them on Map 7[40] along with a fourth PEDL area just outside Somerset.

75. However, following changes announced in 2014, three of these licences have been relinquished and there is now only one PEDL within Somerset, which is the PEDL that crosses into Bath and North East Somerset. Consequently, to accord with the PPG, it is recommended that the references to the PEDL areas are amended to reflect the position as of September 2014. This is achieved by **MM 17**. Furthermore, unless the Policies Map (Map 1) is correspondingly amended, Policy SMP7 will be unsound. Therefore, **MMs 55** and **57** are recommended to update the PEDL areas on Map 1 and also on Map 7: *Petroleum Exploration and Development Licence Area – September 2014*.

76. Unconventional oil and gas is a fast moving area of potential development,

[37] See PPG ID 27-091-20140306 for definitions (conventional – where the reservoir is sandstone; unconventional – where the reservoir is shale or coal seams).
[38] PPG ID 27-104-20140306
[39] PPG ID 27-105-20140306 and 27-106-20140306
[40] Renumbered Map 6 by an additional modification

which would be new to Somerset, if it proceeded. To accommodate this changing area and the range of potential approaches to extraction, the Plan must be particularly flexible and robust.

77. The PPG requires criteria to be set for the location of extraction sites[41], as unlike most other mineral development, due to the flexibility of horizontal drilling, there is some discretion as to where to locate surface development such as wells. The Plan does not include such provision and, therefore, to align with national guidance, **MMs 18** and **21** are recommended to Policy SMP7 and its supporting text, which set out and explain appropriate site selection criteria.

78. The PPG advises that applications for hydrocarbon extraction are able to cover more than one phase of extraction[42]. However, Policy SMP7 requires new planning applications to be submitted for each key stage of oil and gas development. Therefore, **MM 21** is recommended to strike out this requirement and bring the Policy into line with the PPG. Nonetheless, the criteria in Policy SMP7 differentiate between different stages of development, which is in compliance with the Framework[43] and the PPG[44].

79. The exploratory and appraisal stages of development are, by their nature, temporary. The SMP does not make this clear and, therefore, **MM 19** is recommended to include reference to exploration and appraisal operations being temporary development.

80. The Town and County Planning (Environmental Impact Assessment) Regulations 2011[45] requires Environmental Impact Assessment (EIA) to be carried out for Schedule 1 development, and Schedule 2 development which is likely to have significant effects on the environment. It is likely that some hydrocarbon developments will require an EIA and the Plan must not inadvertently exclude this process.

81. Policy SMP7 makes reference to oil and gas development being permitted on the basis of, amongst other things, an Environmental Risk Assessment (ERA), with no mention being made of EIA. Whilst an ERA may inform a later EIA, they are not the same thing. Consequently, the Policy could be interpreted as allowing any scale of oil and gas development to proceed subject to a robust ERA being produced, but without requiring an EIA, even in circumstances where an EIA is required by the Regulations.

82. Whilst this outcome may not have been intended, any potential exclusion of the EIA process would not accord with the Regulations or the PPG[46] and could cause confusion with respect to implementation. Therefore, **MM 21 and MM 19** are recommended, which respectively remove the references to ERA in Policy SMP7 and amend the explanatory text by putting ERA into context. Along with the existing text reference to EIA screening, this more appropriately sets out the environmental assessment requirements of the Plan

[41] PPG ID 27-106-20140306
[42] PPG ID 27-094-20140306
[43] Framework §147 1st bullet point
[44] PPG ID 27-106-20140306
[45] SI 2011/1824
[46] PPG ID 27-119-20140306

and accords with national policy.

83. Turning to geology, representations have raised concerns about the potential impact of hydrocarbon extraction on the underlying structure of the Mendip Hills, including the Mendip Hills Area of Outstanding Natural Beauty (AONB). The importance of protecting the Bath Hot Springs, which are within the City of Bath World Heritage Site (WHS), is also highlighted. The Hills have a complex geology with underground caves and passages that influence the movement of groundwater and possibly connect to water resources which recharge the Bath Springs. Therefore, robust protection of this area is of paramount importance.

84. The Framework requires planning policies to aim to prevent harm to geological conservation interests[47], and geological structures and groundwater are listed in the PPG as issues that should be addressed in relevant circumstances[48]. Whilst the SMP's development management policies go some way to providing the sought after protection, consideration of geological structures is not included in the criteria within Policy SMP7.

85. Given the complexity and importance of the Mendip Hills and the potential influence of its groundwater resources on the Bath WHS, a criterion should be added to Policy SMP7 to ensure that drilling will not generate unacceptable adverse impacts on the integrity of the underlying geological structure. To address this matter and to accord with national policy, **MM 21** and **MM 20** are recommended to the Policy and to the supporting text respectively. Moreover, in order to properly consider potential cumulative impacts of development as required by the PPG[49], **MM 21** adds a criterion requiring the number and extent of proposed production facilities to be justified.

86. To conclude, subject to the identified MMs, SMP's onshore energy minerals strategy is sufficiently comprehensive, and strikes the right balance in providing sufficient opportunities for mineral extraction whilst adequately protecting sensitive receptors. On that basis, with the MMs, I find this part of the Plan to be sound.

Issue 8 – Whether sufficient opportunities are provided for an appropriate range of deliverable restoration and aftercare schemes.

87. The SMP addresses reclamation both on a strategic basis and with respect to development control. Given the diversity of mineral types and the variation in landscape across Somerset, the SMP provides for a range of different reclamation and aftercare schemes. Timeliness is addressed by requiring restoration as soon as practicable, and where possible in phases during ongoing excavation.

88. Protection and enhancement of geodiversity, biodiversity, native woodland, the historic environment and recreation is encouraged, amongst other things. Particular attention is given to designated areas and best and most versatile agricultural land, whilst also promoting the *Nature after Minerals* programme, which emphasises the role that mineral sites can play in creating wildlife

[47] Framework §117 4th bullet point
[48] PPG ID 27-013-20140306
[49] PPG ID 17-013-20140306

habitats.

89. Policy DM7: *Restoration and aftercare* requires criteria in a reclamation checklist to be addressed, as set out in Table 7. However, the criteria that need to be considered for any particular development are dependant upon the type of mineral under consideration, as indicated by a set of tick boxes. This picking and mixing approach introduces a level of inconsistency and is unjustified, as most of the criteria could apply to any type of mineral development in the right circumstances.

90. Consequently, **MMs 42** and **44** are recommended, which amend Table 7 by removing the tick boxes so that all relevant criteria from the list can be applied to any particular development, regardless of the type of mineral under consideration. This introduces more flexibility and ensures deliverability of the Policy.

91. However, two of the criteria within the Table 7 list need to be reconsidered. The first relates to biodiversity offsetting. The Habitat Evaluation Procedure, which is a specific offsetting methodology developed by SCC, is being used at a district level in Somerset. One of its benefits is that it takes into account potential time lags between new habitats being created and their reaching maturity.

92. In order to ensure consistency, and in the interests of delivering this enhanced strategy, the SMP must ensure that the Habitat Evaluation Procedure is used whenever appropriate, including where reclaimed minerals sites are used as offsets for other developments. **MM 43** is recommended to reflect this requirement.

93. The second criterion relates to land stability. Table 7 only requires mitigation measures to be considered to reduce the risk of minor land stability failures. There is no justification for restricting consideration of land stability to minor failures and, therefore, this limitation should be removed. **MM 45** is recommended to address this matter.

94. Moving on specifically to peat sites, the SMP promotes nature conservation as the main after-use due to the sensitivity of these areas. However, the Plan also states that approval of proposals for the restoration of peat works will be given to schemes that deliver a significant net environmental benefit relating to the management of water levels.

95. Representations were made by nature conservation bodies raising concerns that water management should not be promoted at the expense of enhancing biodiversity and local ecological networks. Whilst SCC accepts this position, it is also mindful of the significance of water and flood management in the Somerset Levels and Moors, where many of the peat sites lie.

96. Consequently, in order to achieve the most appropriate balance, whilst retaining sufficient flexibility, **MM 22** is recommended, which allows for other after-uses, such as those that facilitate water and flood management, provided they do not conflict with ecological objectives. **MM 30** is also recommended to expand on this approach by referring to the role of wildlife partnerships and data gathering when restoring peat sites.

97. Turning to hydrocarbons, the PPG specifically refers to the need to ensure that applicants deliver sound restoration and aftercare[50] of hydrocarbon sites. For oil and gas development this is likely to begin with the decommissioning of site facilities and the removal of site wells. The SMP does not specifically address these matters although the Plan's general reclamation provisions apply equally to hydrocarbons as they do to other mineral types.

98. Nonetheless, it is reasonable to expect some reference to specific matters relevant to oil and gas site restoration, as well as ensuring that all such restoration takes account of landscape and ecological networks. Therefore, **MM 23** is recommended to most appropriately promote suitable restoration schemes for oil and gas development.

99. Overall, and subject to the identified MMs, the SMP provides sufficient opportunities for an appropriate range of deliverable restoration and aftercare schemes. Therefore, on this basis, I find both the strategic and the DM provisions of the Plan to be sound in their coverage of reclamation.

Issue 9 – Whether the minerals safeguarding provisions are the most appropriate.

100. The Framework requires Mineral Safeguarding Areas (MSAs) to be defined for known locations of mineral resources of local and national importance, and also Mineral Consultation Areas (MCAs) based on MSAs[51]. The SMP designates MSAs and co-incidental MCAs, the extent of which is illustrated on the Policies Map (Map 1) and Map 9: *Mineral safeguarding areas.* These MSAs are based on BGS resource maps and data, with account having been taken of the Strategic Stone Study[52]. Policy SMP9: *Safeguarding* sets out the Plan's approach to safeguarding.

101. In accordance with the PPG[53], MPAs should take account of guidance from the BGS, which advises that MSAs should usually cover the whole of the resource unless otherwise fully justified[54]. The SMP does not cover the whole resource, but seeks to justify reduced MSAs when they occur.

102. The SMP does not safeguard all of the crushed rock resource, but instead bases the MSAs around existing sites with an additional buffer around them, taking account of the BGS guidelines that advise that MSAs may extend beyond the resource boundary to reduce the risk of sterilisation from nearby incompatible development[55]. As the crushed rock resource is extensive and the existing landbank is expected to last for an unusually long time period, in the region of 40 years, I accept SCC's submission that safeguarding all of the resource might prove ineffective and is unnecessary. Therefore, the approach taken is justified.

103. However, with respect to the high PSV Silurian Andesite resource, which the Plan incorporates into the Carboniferous Limestone crushed rock MSA, it is

[50] PPG ID 27-127-20140306
[51] Framework §143 3rd bullet point
[52] Compiled by English Heritage and the BGS
[53] PPG ID 27-003-20140306
[54] *Mineral Safeguarding in England:good practice advice,* 2011 § 4.2.3
[55] *Mineral Safeguarding in England:good practice advice,* 2011 § 4.2.8

recommended that, particularly as it has its own separate landbank, it should also have its own MSA covering the full resource. The Plan does not provide for this and, therefore, to ensure that the most appropriate approach is taken, an MSA needs to be identified for Silurian Andesite. Therefore, unless the Policies Map (Map 1) and Map 9: *Mineral Safeguarding Areas*[56] are amended to delineate an MSA for Silurian Andesite, Policy SMP9 will be unsound. Accordingly, it is recommended that **MM 55** and **MM 58** respectively amend Maps 1 and 9 to, amongst other things, illustrate an appropriate MSA for Silurian Andesite, and that **MM 24** correspondingly provides explanatory text.

104. The Plan's approach to safeguarding building stone is based on "need", which causes confusion and does not accord with national guidance. All known building stone resources of economic importance should be safeguarded and therefore Table 4, which lists the safeguarded minerals resources, should incorporate those stone resources that have been unjustifiably omitted. **MM 25** is, therefore, recommended to add further stone types to Table 4. Consequently, the MSA for building stone requires adjustment and unless Maps 1 and 9 are amended to reflect this, Policy SMP9 will be unsound. Therefore, it is recommended that **MM 55** and **MM 58** respectively amend Maps 1 and 9 to, amongst other things, appropriately delineate this additional building stone resource.

105. Not all of the White Lias and Blue Lias resource is safeguarded, as SCC submits that it would be impractical to do so due to its extensive occurrence and, in places, its location below expanses of peat. Instead, a number of historically important quarrying areas have been selected, which include the range of variants of White and Blue Lias. In these circumstances this approach is reasonable and, therefore, justified.

106. Turning to the Lower Carboniferous Limestones that are used as building stone, overall there are substantial reserves remaining and, as with Carboniferous Limestone crushed rock, not all of the extensive resource needs safeguarding. Should additional building stone be required, the MSAs for crushed rock could be drawn upon for building stone. However, some Carboniferous Limestones with a niche building stone market do require safeguarding, and this is justifiably provided for in the Plan.

107. Not all of the Inferior Oolite Limestone resource is safeguarded, again because of its extensive occurrence in Somerset and substantial remaining reserves. However, the main areas historically worked have been safeguarded, to include the main recognised varieties. This approach is justified in these circumstances.

108. With respect to the coal resource, according to a recent data layer issued by the Coal Authority, the MSA for coal is no longer accurate and a small adjustment is required. Also, mistakenly, the Policies Map includes an MSA for peat, thereby conflicting with the Framework, which discourages the identification of new sites or extensions to existing sites[57].

109. Therefore, unless Maps 1 and 9 are amended to delete the peat MSA and accurately delineate the coal resource, Policy SMP9 will be unsound.

[56] Renumbered Map 8 by an additional modification
[57] Framework §143 1st bullet point

Consequently, it is recommended that **MM 55** and **MM 58** respectively amend Maps 1 and 9 to, amongst other things, remove the peat resource and adjust the MSA for coal.

110. The Framework also lists certain types of facilities that should be safeguarded[58], and the Plan generally deals with this evolving situation by reference to the LAAs. Whilst the Framework does not explicitly refer to coating plants, such as that at the Moons Hill Quarry Complex, the importance of this facility to the site justifies its safeguarding. Also, the Plan should safeguard concrete batching and other concrete manufacturing facilities located within permitted mineral sites. In order to make this clear and ensure that the Plan aligns with national policy, **MM 26** is recommended which addresses this matter.

111. For some types of non-mineral development, any sterilising of minerals will be so negligible that the minerals resource does not need to be considered when applying for planning permission. Such development exemptions are set out in Table 6.

112. This list includes development in accordance with allocations of an adopted or deposited local plan where the plan took account of prevention of unnecessary mineral sterilisation. However, to ensure its effectiveness the words "in consultation with the MPA and industry" should be added.

113. Another exemption is for temporary planning permissions. However, some permissions that are termed "temporary" can last for significant time periods. Therefore, again in the interests of effectiveness, there should be a caveat requiring completion of development and site restoration within a timescale that would not inhibit extraction when likely to be needed.

114. There may also be instances when there is an overriding need for the non-minerals development and prior extraction is not practicable or viable. This is a justified exemption, which is not in the list, but should be included.

115. Therefore, to address these required amendments to Table 6, and to ensure its contents are the most appropriate for Somerset, **MM 27** is recommended.

In conclusion, subject to the identified MMs, the minerals safeguarding provisions are the most appropriate for the County. On that basis, I find this part of the SMP to be sound.

Issue 10 – Whether sufficient opportunities have been provided for the extraction of other minerals.

116. The SMP refers to past extraction of other minerals in Somerset including clay, gypsum, baryte, iron, copper, lead, salt and coal. However, SCC considers it unlikely that extraction of these other minerals will become viable over the Plan period. In making this assessment, SCC has had regard to information provided by the BGS[59].

[58] Framework §143 4th bullet point

[59] For example *Mineral Resources Information in Support of National, Regional and Local Planning: Somerset;* document ref: TD39

117. In summary, it appears that brick and tile production has moved out of Somerset and the vast majority of former brick and tile clay pits have now been wholly infilled, overgrown and/or sterilised by subsequent development. With respect to Fuller's Earth clay, the BGS indicates that underground mining is likely to prove unviable and surface extraction would be difficult because of high overburden.

118. As for the metalliferous minerals (iron, copper, lead) I am told that extraction has long been abandoned. Regarding the Somerset saltfield, the BGS indicates that it is unlikely ever to be worked again due to the more widespread occurrence of salt elsewhere in England. Coal extraction in Somerset has stopped and SCC is not aware of any plans to recommence working. I understand that commercial working of Gypsum ceased around the 1920s, and with regard to Baryte, the BGS does not identify it as a resource for extraction, exploration or development in Somerset.

119. Under these circumstances the SMP does not provide a specific policy for extraction of these mineral resources. Should an application come forward for their development, SCC would determine the proposal against the general DM policies within the Plan. At the present time, in light of the current situation, this approach provides sufficient opportunity for development of these minerals and is justified. Nonetheless, flexibility is introduced into the SMP by providing for a focused review in the event that extraction of any of these minerals, or others which are not covered elsewhere in the Plan, becomes viable, and specific policy is needed. Overall, I am satisfied that this part of the Plan is sound.

Issue 11 – Whether the Development Management policies reflect a balanced and comprehensive approach to development control and the sustainable production of minerals.

120. The DM policies set out a range of generic, criteria based policies that apply, where relevant, to the development control of all minerals development in Somerset. Whilst they cover most matters that are likely to arise when determining minerals applications, there are instances where they need to be more robust.

121. The protection afforded to AONBs and the Exmoor National Park need strengthening to fully align with the Framework[60]. Therefore, **MM 29** is recommended to Policy DM1: *Landscape and visual amenity*, which clarifies that these areas will be given the highest status of protection in relation to landscape and scenic beauty, and that regard will be had to the Exmoor National Park Local Plan.

122. Furthermore, the PPG specifically directs that no major development of unconventional hydrocarbons is to be permitted in National Parks, the Broads and AONBs except in exceptional circumstances and where it can be demonstrated that it is in the public interest[61]. To accord with this guidance, **MM 28** is recommended, which adds a new paragraph to the Policy's supporting text, specifically referring to these restrictions on hydrocarbon extraction.

[60] Framework §§115 & 116
[61] PPG ID 27-223-20140728

123. Policy DM2: *Biodiversity and geodiversity* aims to deliver adequate protection to species and habitats by, amongst other things, employing offsetting, where appropriate. The intention of the Policy is that the Habitat Evaluation Procedure methodology will be used for offsetting, which calculates the value of habitat loss to species' populations affected by development in, what is understood to be, a less subjective way to many other methods.

124. However, concerns have been raised about the Policy not being sufficiently clear on what is intended, thereby undermining its effectiveness. Furthermore, to fully align with the Framework[62] the Policy and supporting text need to more clearly set out the weight of protection afforded by statutory and non statutory designations. Therefore, **MM 30** to the supporting text and **MM 31** to Policy DM2 are recommended to address these issues.

125. Policy DM3: *Historic Environment* sets out the approach to the protection of the historic environment. However, its supporting text seeks to avoid substantial harm to historic heritage assets, whereas the Framework refers to protection of the "significance" of heritage assets[63], which includes the asset's setting[64]. Therefore, to fully align with the Framework, **MM 33** is recommended to the supporting text.

126. Policy DM3 requires proposals to be accompanied by the submission of an archaeological assessment. However, this might prove to be too onerous for some developments and, therefore, not in accordance with the Framework, which states that the information required should be proportionate to the nature and scale of the proposal[65]. Therefore, **MM 34** is recommended which, amongst other things, removes the absolute need for archaeological assessment.

127. Concerns have also been raised about Policy DM3 potentially being interpreted as restricting development to that which does not generate unacceptable impacts, without taking mitigation measures into account. The Framework makes clear that, where adverse impacts are unavoidable, measures to mitigate the impact should be considered[66]. Therefore, to fully align with national policy **MM 34** also inserts text relating to adequate mitigation.

128. Other representations have raised the issue of the potential impacts on historic buildings of vibration and air-overpressure from proposals. Neither the Policy, nor the supporting text refers to this important matter and its inclusion in the SMP is appropriate. Therefore, to ensure the Policy is justified, **MM 32** is recommended, which adds appropriate supporting text.

129. Somerset contains a major aquifer within the Carboniferous Limestone of the Mendip Hills, which is an important source of public drinking water supply. In addition to groundwater, there are in the order of 140 surface water bodies in the County. Consequently, the protection of water resources and the proper assessment of flood risk are crucial. In recognition of the importance of the water environment, the SMP includes two water policies, namely, DM4: *Water*

[62] Framework §109 3rd bullet point
[63] Framework chapter 12; for example §§132, 133, 134 and 135
[64] Framework §129
[65] Framework §193
[66] Framework §152

Resources and Flood Risk and DM5: *Mineral extraction below the water table.*

130. The Water Framework Directive[67] requires objectives to be set in River Basin Management Plans (RBMPs) and the PPG states that local planning authorities, in exercising their functions, must have regard to RBMPs[68]. Although the SMP refers to the Water Framework Directive, it does not specifically consider how proposals might affect the achievement of the RBMP objectives for the catchment. Therefore, **MM 35** is recommended to ensure the Plan accords with national policy.

131. Furthermore, given the particular sensitivity of the peat areas and associated dewatering issues, the EA has suggested the inclusion of advisory text within the Plan to indicate the potential need for peat extraction permissions to be subject to water quality monitoring and mitigation. Therefore, to ensure the effectiveness of the Plan's water quality provisions, **MM 36** is recommended to the supporting text, which reflects the EA's suggestion.

132. The Plan makes reference to the need for deep quarries beneath the water table to be pumped. The pumping requirement is also pertinent to peat workings, which the Plan does not include in this provision. Therefore, in the interests of effective implementation, **MM 37** is recommended.

133. Policy DM4 allows for the grant of planning permission when there is no adverse impact on water resources, amongst other things. Representations suggest that this is too restrictive and that the word "unacceptable" should be inserted before "adverse impact". There could be deliverability issues with the Policy as written and, therefore, to ensure it is effective, **MM 38** is recommended.

134. **MM 38** and **MM 40** also substitute the word "derogation" in Policies DM4 and DM5 for "adverse impact" to better align the Plan's terminology with that used in the PPG and the Framework.

135. The Mendip Hills groundwater system is complex, being influenced by underground caves and passages and ultimately providing flow to the Bath Hot Springs WHS within the Carboniferous Bath-Bristol Basin. Given the sensitivity of the area and the WHS in particular, Policy DM5 justifiably takes a precautionary approach to mineral extraction.

136. However, Policy DM5 does not refer to mitigation and could be interpreted as failing to take mitigation measures into account when assessing development impacts. The Framework makes clear that, where adverse impacts are unavoidable, measures to mitigate the impact should be considered[69]. Therefore, to fully align with national policy **MM 40** is recommended which, amongst other things, provides for the consideration of mitigation measures.

137. Furthermore, some of the criteria in Policy DM5 would be more appropriately placed in the supporting text, which could be made clearer in its explanation of the Policy's requirements. Therefore, to ensure the effectiveness of the Plan **MM 39** and **MM 40** are recommended, which together address this matter.

[67] Directive 2000/60/EC
[68] PPG ID 34-001-20140306
[69] Framework §152

138. Policy DM6: *Public Rights of Way* justifiably considers the potential impact of minerals workings on the large number of Public Rights of Way (PRoWs) in Somerset. However, no specific provision is made to assess the potential impact of noise and vibration on horses and human beings using PRoWs. Therefore, to make the Policy more robust and to ensure this matter is appropriately considered, **MM 41** is recommended to the supporting text.

139. Policy DM7: *Restoration and aftercare* is considered above under Issue 8.

140. Policy DM8: *Mineral operations and the protection of local amenity* sets out criteria, which must be met before permission is granted, including consideration of matters set out in Table 8. Amongst the criteria is a requirement to submit certain types of assessments. However, for some developments this might prove to be too onerous and, therefore, not in accordance with the Framework, which states that the information required should be proportionate to the nature and scale of the proposal[70]. Therefore, to accord with national policy, **MM 47** is recommended which, amongst other things, removes the absolute need for these assessments to be done, thereby rendering the policy more flexible.

141. There can sometimes be confusion as to what standard of amenity protection is required for the occupants of a property that is in the ownership of a site operator. The SMP does not refer to this situation and, therefore, to ensure that it is sufficiently comprehensive and effective, **MM 46** is recommended to the supporting text, which specifically deals with this situation.

142. Turning to Policy DM9: *Minerals transportation,* this sets out a list of matters that need to be considered, including road safety. However, "road" is a more narrow term than "highway" and to ensure the Policy is sufficiently comprehensive and deliverable, the term "highway" should be used. Therefore, **MM 48** is recommended to address this matter.

143. Policy DM10: *Land Stability* is sound without modification.

144. Policy DM11: *Management of solid mineral wastes* provides that permission for the disposal of solid mineral wastes will be subject to the applicant demonstrating that, amongst other things, it is not practicable to re-use the material on site. This is too restrictive. Therefore, to introduce more flexibility and ensure that the Policy is effective, **MM 49** is recommended, which removes the reference to "on site".

145. Policy DM12: *Production limits,* is designed to deal with cumulative impacts. However, the Policy itself does not refer to cumulative impacts and, therefore, to ensure its effectiveness and to fully accord with the Framework[71] and the PPG[72] **MM 51** is recommended, which adds "cumulative impacts" to the title. Furthermore, to ensure that new development is considered in the context of all minerals development already permitted in the area, **MM 50** is recommended, which more appropriately reflects how cumulative effects will be considered.

[70] Framework §193
[71] Framework §143 6th bullet point
[72] PPG ID 27-017-20140306

146. Policy DM13: *Borrow pits* is sound without modification.

147. In conclusion, the DM policies address the Plan's key issues and vision and carry through its objectives to the planning application stage. Subject to the identified MMs, all DM policies reflect a balanced and comprehensive approach to development control and the sustainable production of minerals. Therefore, I find the DM section overall to be sound.

Issue 12 – Whether the implementation and monitoring arrangements are fit for purpose.

148. The implementation and monitoring section sets out the mechanisms for delivering the SMP, collecting data, and monitoring. Contextual indicators provide general, contextual information, which is used to establish baselines against which monitoring indicators can be interpreted. Monitoring indicators are then set out, which are activities that are related to the implementation of the Plan's policies. These indicators provide a co-operative mechanism for appropriate participation by relevant interested bodies.

149. The SMP provides for annual monitoring reports to be prepared to enable assessments to be made of what impacts the policies are having, and for reviews to take place should any parts of the Plan be found to need adjustment or replacement. The Plan specifically refers to the possibility of a review of the peat section, should there be any substantial change in national planning policy on peat.

150. LAAs also provide a monitoring mechanism specific to aggregates. As a result of the publication of the Somerset LAA 2014[73], certain baseline information for crushed rock, and recycled and secondary aggregates needs amending as this affects the implementation of related policies. Therefore, **MMs 52, 53 and 54** are recommended to reflect the most appropriate and up to date data.

151. In conclusion, the Plan contains sufficient realistic, indicators to monitor the performance of the policies. It provides for regular, deliverable assessment of how effective the policies are proving to be in meeting their objectives, thereby facilitating the identification of any changes needed. Consequently, with the recommended MMs I find that the implementation and monitoring strategy is fit for purpose and sound.

Overall Conclusion and Recommendation

152. The Plan has a number of deficiencies in relation to soundness for the reasons set out above which mean that I recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the Act. These deficiencies have been explored in the main issues set out above.

153. SCC has requested that I recommend MMs to make the Plan sound and capable of adoption. I conclude that with the recommended MMs set out in the Appendix to this report, the SMP satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the Framework.

[73] SD23b

Elizabeth C Ord

Inspector

This report is accompanied by the Appendix containing the MMs

Appendix - Main Modifications

The modifications below are expressed in the form of a red ~~strikethrough~~ for deletions and blue underlining for additions of text. Other instructions are set out in *italics.*

The page numbers and paragraph numbering below refer to the publication local plan, and do not take account of the deletion or addition of text.

Ref	Page	Policy / paragraph	Proposed modification
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 approximately ~~451~~ 425 million tonnes (201~~2~~3 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.
3	26	6.36~~7~~	Based on the level of provision proposed in the Somerset~~'s first~~ LAA 2014 of 10.~~81~~45 million tonnes per year, Somerset has sufficient crushed rock reserves for the next 40~~1~~ 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.
4	26	6.39	Should Somerset's permitted reserves of crushed rock (either Carboniferous Limestone or Silurian Andesite) fall below a 15 year supply…
5	27	SMP2	The Mineral Planning Authority will ~~seek to maintain~~ make provision for a rolling 15 year landbank of permitted reserves of both Carboniferous Limestone and Silurian Andesite ~~reserves~~…
6	30	SMP3	Planning permission for the extraction of crushed rock will be granted subject to the ~~applicant~~application demonstrating that: a) the proposal will deliver clear economic and other benefits to the local and/or wider communities; and b) the proposal includes measures to mitigate to acceptable levels adverse impacts on the environment and local communities. Land has been identified as an Area of Search for Silurian Andesite extraction as shown in policies map 1b. *Also see Main Modification 55 and Map 1b below.*
7	32	Para 6.77 - 6.79	6.77 As a result, Somerset does not have 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~~

Ref	Page	Policy / paragraph	Proposed modification
			~~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. NEW PARA 6.78 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. REVISED PARA 6.78 (now 6.79) 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 ~~maintain sub-regional supply (contributing to Devon's existing landbank for sand and gravel and maintaining production at Whiteball)~~ Somerset County Council has extended ~~will extend~~ the approach established in the Minerals Plan (adopted 2004) which outlines a Preferred Area and Area of Search adjacent to Gipsy ~~l~~Lane, Greenham (see map 1a~~2~~), and uses a criteria-based approach to consider proposals elsewhere in Somerset.
8	36	7.9 – 7.13	7.9 During the plan period operators may propose changes to existing permissions (including site extensions) and/or new sites for the stones currently worked. ~~and the County Council's planning policy must consider this possibility.~~ 7.10 Furthermore, proposals may come forward for ~~the Somerset Minerals Plan must consider how to support~~ the extraction of ~~needed~~ building stones that are not currently ~~extracted~~worked but which form an integral ~~and important~~ part of the county's historic environment and may be important for new build. ~~**Identifying the stone types that may be needed**~~ *NB: also delete this heading in the contents list* 7.11 Minerals Topic Paper 2 outlines the outcomes of research commissioned by Somerset County Council on ~~needed~~ building stone types (and sub-varieties) including: • those that ~~and needed stones which~~ are currently worked within the county; • those that were historically~~formerly~~ worked within the county; and~~,~~ • those that ~~but~~ may ~~potentially~~ be at risk of short supply during the plan period. 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 detailed

Ref	Page	Policy / paragraph	Proposed modification
			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.* 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). ~~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.~~
9	38-39	7.21 – 7.26	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.~~ *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.* 7.22 Policy SMP5 is supported by Figure 2 – prepared as a tool for applicants to help them prepare an application for extraction of building stone 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. 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 of building stone types as shown in policies map 1c. 7.2~~7~~4 *This paragraph has been moved to before heading on stone working / processing* The use of appropriate locally sourced building stone is essential to ~~crucial in~~ maintain~~ing~~ 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.
10	39	SMP5	Planning permission for the extraction of building stone will be granted subject to the ~~applicant~~ application demonstrating that: a) the proposal will deliver clear economic and other benefits to the local and/or wider communities; and

Ref	Page	Policy / paragraph	Proposed modification
			~~a)~~ b) there is an identified need for the specified stone ~~currently used in Somerset to maintain or enhance the local historic environment~~; and ~~b)~~ c) the nature, scale~~,~~ and intensity ~~and duration~~ of the operation are appropriate to the character of the local area; and ~~c)~~ d) the proposal includes measures to mitigate to acceptable levels adverse impacts on the environment and local communities. Land has been identified as an Area of Search for the extraction of building stone as shown in policies map 1c. *Also see Main Modification 55 and Map 1c below*
11	42	7.27 – 7.34	**Stone ~~working~~ processing** ~~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 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.~~ 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. 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-case basis with due regard to policies in the Development Plan. 7.2~~7~~8. 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: • 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 working of such imported material will be managed; and

Ref	Page	Policy / paragraph	Proposed modification
			• impacts on the use of appropriate, Somerset-sourced building stone. 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. ~~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.~~ 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 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.~~ 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: • the benefits of reduced impacts for a specified site and its surroundings; • the economic impacts (for example, taking into account economies of scale and employment opportunities); and • transport impacts. ~~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 determining Planning Authority, it will advise and/or comment on the proposal as appropriate~~ ~~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).~~ ~~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.~~

Ref	Page	Policy / paragraph	Proposed modification
12	45	NEW PARA 8.6	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 5 in Appendix B. *[NB: renumber subsequent paragraphs]* *Also insert footnotes:* [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 *Also see Main Modification 56 and Map 6 below.*
13	48	8.19	Assuming a decline in sales in line with government targets to zero sales in 2030, 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~~.
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, 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 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 significant net gain in the quantity of peat extracted. 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. Any such proposal must be evaluated on its merits. In line with the NPPF no physical extensions to the site will be permitted.
16	49	SMP6	Planning permission for peat extraction will only be granted to facilitate reclamation of previously worked sites, in which a significant net environmental benefit can be demonstrated. Such proposals must:

Ref	Page	Policy / paragraph	Proposed modification
			a) ~~relate specifically to managing water levels and/or enhancing~~ maintain and where practicable enhance biodiversity and local ecological networks; and b) only remove peat that is physically required to implement that reclamation. 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.
17	54	9.9	Following changes announced in mid 2014, t~~T~~here is ~~are~~ currently one ~~three~~ PEDL area~~s~~ 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 6~~7~~ for more information). Further changes to the PEDL areas are expected as part of the licensing rounds administered by DECC.
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 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. *Amend subsequent paragraph numbering*
19	57	9.28 and 9.29	9.28 Somerset County Council's policy on oil and gas is presented in SMP7, 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-to-date environmental risk assessment.~~ 9.29 ~~The assessment submitted to Somerset County Council may be informed by an ERA completed as part of the DECC licensing process;~~ 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, ~~however,~~ it is important to ensure that all ~~the~~ environmental assessments submitted at the planning stage are~~is~~ as complete and up-to-date as possible. 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.~~
20	58	9.30 and 9.31	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 Geological Survey (BGS)) to verify that all geological data bearing on the application has been considered and that

Ref	Page	Policy / paragraph	Proposed modification
			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). 9.31~~0~~ 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. ~~9.31 Seismic profiling is used to gain a better understanding of the rock strata, for example the location of caves and passages.~~
21	59	SMP7	**SMP7: Conventional and unconventional oil and gas development** 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: a) well sites and associated facilities are sited in the least sensitive location from which the target reservoir can be accessed; ~~a~~b) the proposed development will not generate unacceptable adverse impacts on the environment and local communities~~, informed by a robust environmental risk assessment~~; ~~b~~c) drilling at the proposed location will not generate unacceptable adverse impacts on the integrity of the underlying geological structure; and ~~b~~d) measures will be taken to mitigate to acceptable levels adverse impacts on the environment and local communities.~~; and~~ ~~c) environmental risks have been considered by submission of a robust environmental risk assessment.~~ Planning permission for production of oil and gas in Somerset will be granted if the proposal: ~~d~~e) adheres to criteria a-~~c~~d above; ~~e~~f) includes a full appraisal programme for the oil and/or gas resource, completed to the satisfaction of the Mineral Planning Authority; and ~~f~~g) 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.~~ ~~A new planning application must be submitted for each key stage of oil and gas development in Somerset.~~
22	63	10.17	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 networks~~nature 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

Ref	Page	Policy / paragraph	Proposed modification
			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.~~
23		10.18, 10.19 and 18.17	**Energy minerals** 10.18 The restoration of oil and gas development sites begins with decommissioning, meaning that facilities on 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. 10.19 Individual site wells should be removed and restored to high environmental standards as soon as practicable, where they are no longer required. 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. *New paragraph 18.17 will result in amending pre-submission paragraph 18.17 to paragraph 18.18*
24		NEW PARA 11.22	11.22 The whole of the andesite resource is safeguarded, plus a surrounding buffer. *Change subsequent paragraph numbering* *Also see Main Modification 58 and Map 9*
25		11.2~~2~~3	~~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. *Amendments to Table 4 as shown in Appendix*
26		11.26-11.28	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.

Ref	Page	Policy / paragraph	Proposed modification
			NEW 11.27 The County Council's Local Aggregate Assessment does not currently list associated 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). 11.2~~7~~8 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. *Amend subsequent paragraph numbering*
27	70	Table 6	• Applications for householder development within the curtilage of a property. • Applications for extensions or alterations to existing buildings and for change of use of existing development which do not fundamentally change the scale and character of the building/use. • 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. • Prior extraction is not practicable and/or viable and there is a demonstrable over-riding 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.
29	75	DM1	Planning permission for mineral development will be granted subject to the ~~applicant~~ application demonstrating that: a) the proposed development will not generate unacceptable adverse

Ref	Page	Policy / paragraph	Proposed modification
			impacts on landscape and visual amenity; and b) measures will be taken to mitigate to acceptable levels adverse impacts on landscape and visual amenity. All mineral development proposals must be informed by and refer to the latest, relevant character assessments, nationally and locally. 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.
30	78	14.8-14.10	*NEW PARA 14.8 – to be inserted between 'sustainable use areas' bullet and 'evaluating impacts on biodiversity'* 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 section]* 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… 14.109 The value of habitat loss to species populations will be calculated using the Habitat Evaluation Procedure ensuring the Government's target of no 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. *NB: this paragraph replaces presubmission para 14.9* 14.110 Offsetting is not a means for legitimising all developments. The Somerset methodology includes criteria where development would be unacceptable such as for habitats within European and international sites, ancient woodland and other priority habitats (reference s41 NERC Act) and for habitats that support 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. 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/
31	80	DM2	Planning permission for mineral development will be granted subject to the

Ref	Page	Policy / paragraph	Proposed modification
			~~applicant~~ application demonstrating that: a) the proposed development will not generate unacceptable adverse impacts on biodiversity and geodiversity; and 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. 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 the county, and its role in maintaining the connectivity and resilience of the county's ecological networks. 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.
32	81	NEW PARA 15.8	15.8. A vibration or air-overpressure impact assessment may be required if a proposal is close to a historic building.
33	81	15.6	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… 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.
34	82	DM3	Planning permission for mineral development will be granted subject to the ~~applicant~~ application demonstrating that: 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 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 c) adequate provision will be made for the preservation in-situ or excavation

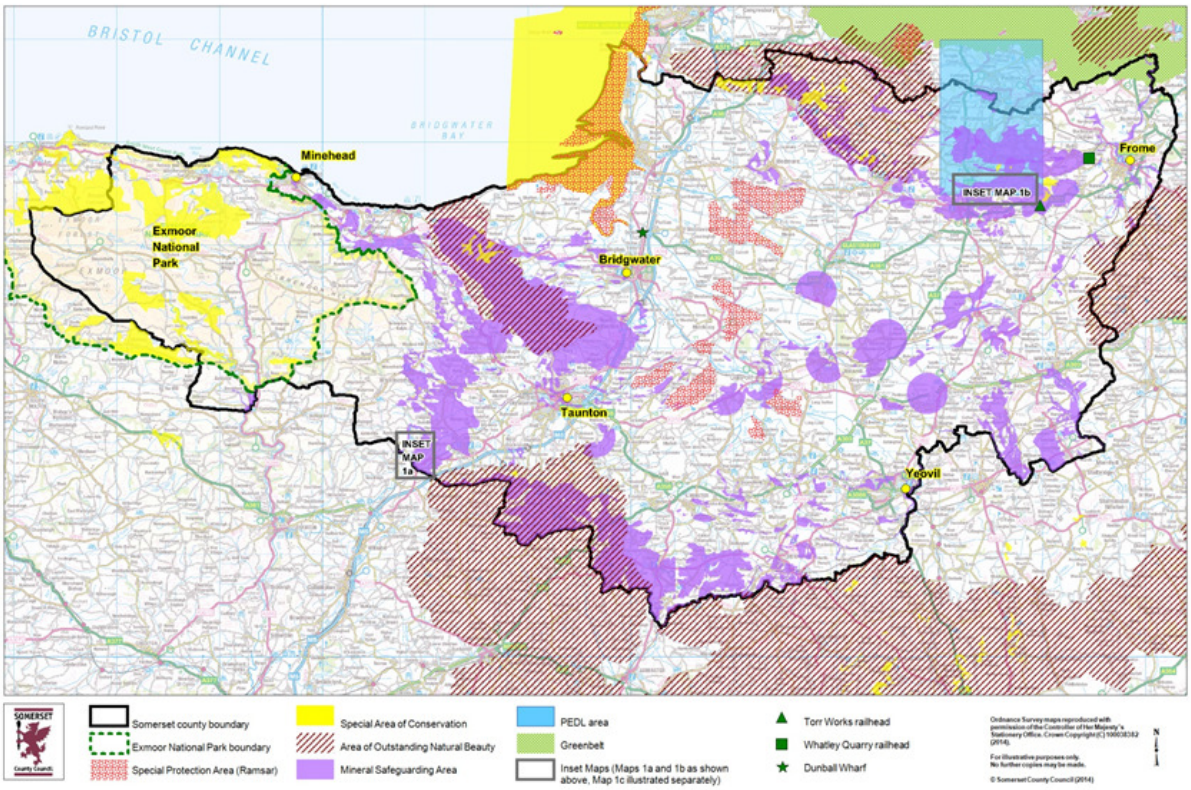
Ref	Page	Policy / paragraph	Proposed modification
			of the asset as appropriate, in discussion with the county archaeologist ~~if needed~~, and the recording of relevant information to advance understanding of the asset. The weight of protection afforded to a heritage asset will reflect the significance of the asset including, but not limited to, its statutory designation(s).
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.
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. *Amend subsequent paragraph numbering*
37	84	16.13	Deep quarries and peat workings beneath the water table will have to be pumped….
38	84	Policy DM4	Planning permission for mineral development will be granted subject the ~~applicant~~ application demonstrating that the proposed development will not have an unacceptable adverse impact on: a) the future use of the water resource, including: i) the integrity and function of the land drainage and water level management systems; 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; ….
39	85	16.17	Policy DM5 takes forward a precautionary approach to mineral extraction below the water table, which was established in the Minerals Local Plan (adopted 2004). Measures for the applicant to demonstrate compliance with policy DM5 and/or address adverse impacts include (amongst others): • 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 protect the water environment or other water interests; • 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.

Ref	Page	Policy / paragraph	Proposed modification
40	86	Policy DM5	Proposals for mineral extraction from below the water table will only be permitted if: a) they do not generate unacceptable adverse impacts on the water environment or other water interests; 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; c) water abstraction and mitigation measures do not give rise to unacceptable environmental impacts. *DELETE CURRENT CRITERIA c-f*
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.
42	92	Table 7	Table 7: Reclamation Checklist **Where relevant, proposals for all minerals sites must:** ~~The check boxes indicate which requirement applies to each type of mineral.~~ *In Table 7, the check boxes have been removed.* *New Table 7 (shown in an Appendix to this Schedule) forms part of this Main Modification.*
43	92	Table 7	*Revised text in row 2 of the checklist:* Employ the Habitat Evaluation Procedure ~~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). www.somerset.gov.uk/ecologicalnetworks www.somerset.gov.uk/biodiversityoffsetting
44	93	Table 7	Table 7: Reclamation Checklist (continued) **Where relevant,** consideration should be given to opportunities to: ~~The check boxes indicate which requirement applies to each type of mineral.~~ *In Table 7, the check boxes have been removed.*

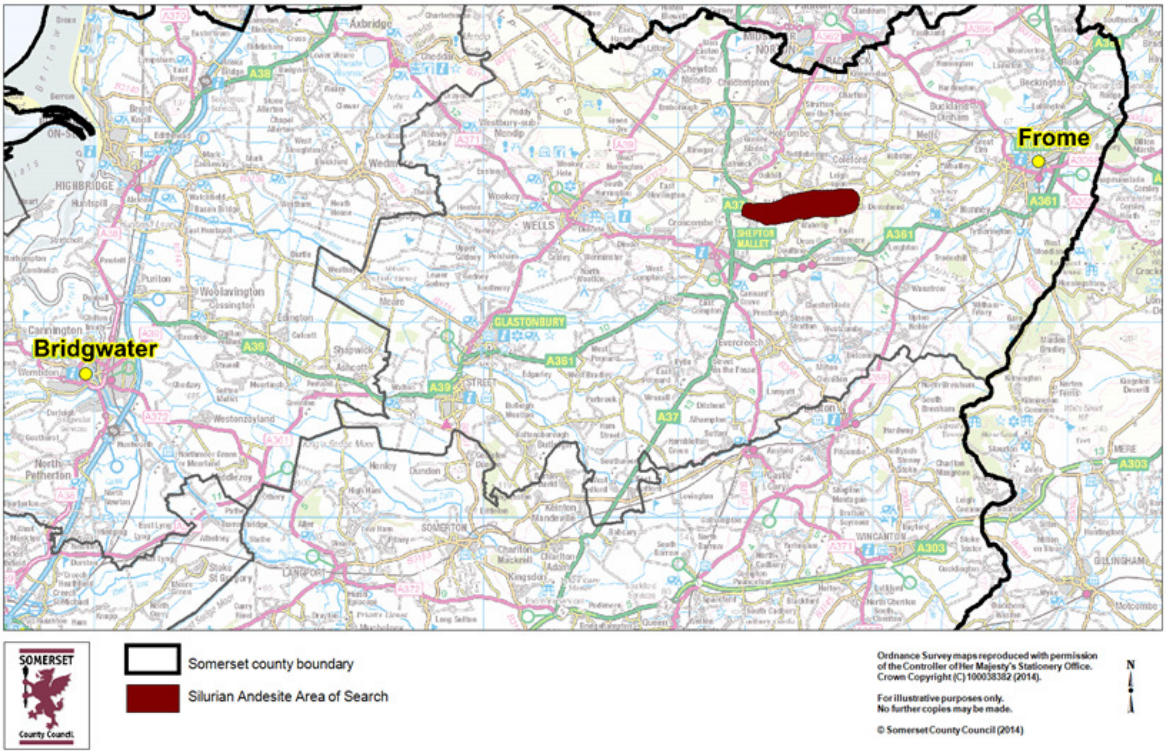
Ref	Page	Policy / paragraph	Proposed modification
			New Table 7 (shown in an Appendix to this Schedule) forms part of this Main Modification.
45	93	Table 7	*Revised text in row 9 of the checklist:* Demonstrate that the approach to restoration has considered potential impacts on land stability and includes adequate measures to mitigate the risk of ~~minor~~ land stability failures.
46	96	NEW 19.13	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.
47	99	DM8	Planning permission will be granted for mineral development subject to the ~~applicant~~ application demonstrating: a) That the proposed development will not generate unacceptable adverse impacts on local amenity; and 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~~: • Vibration; • Dust and odour; • Noise; and • Lighting c) How the applicant intends to engage with local communities during the operational life of the site.
48	102	Policy DM9	Planning permission for mineral development will be granted subject to the application ~~applicant~~ demonstrating that the road network serving the proposed site is suitable 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: a) highway ~~road~~ safety; …
49	105	Policy DM11	Planning permission for the disposal of solid mineral wastes will be granted subject to the ~~applicant~~application demonstrating that: 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.
50	107	23.1	~~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

Ref	Page	Policy / paragraph	Proposed modification
			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 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.
52	114	Indicator c2	b) ~~10.05 million tonnes (2011)~~ 9.98 million tonnes (2013)
53	115	Indicator 1	~~62,014 tonnes (2011)~~ 108,713 tonnes (2013)
54	115	Indicator 2	a) ~~451~~ 425 million tonnes (~~2012~~ 2013) b) ~~41.72~~ Over 40 years
55	137	Map 1	*Changes to map include:* • *changes to the safeguarding layer (integrating a revised map 9)* • *update PEDL area* • *add green belt* • *add Silurian Andesite Area of Search* • *add building stone Area of Search* *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).* *A revised map 1, which forms part of this main modification, is shown below.*
56	142	Map 6	*Add to map the ecological zone of influence regarding SPA/Ramsar* *A revised map 6, which will be renumbered as map 5 and which forms part of this main modification, is shown below.*
57	143	Map 7	Map 7: Petroleum Exploration and Development Licence (PEDL) areas: September 2014 *Also update PEDL area shown – see Appendix* *A revised map 7, which will be renumbered as map 6 and which forms part of this main modification, is shown below.*
58	146	Map 9	• *Changes to the safeguarding area around the Silurian Andesite resource.* • *Minor change to surface coal safeguarding area, using the latest data from the Coal Authority* • *Minor change to the building stone safeguarding area to include Downside Stone (Chilcote Stone)* *A revised map 9, which will be renumbered as map 8 and which forms part of this main modification, is shown below.*

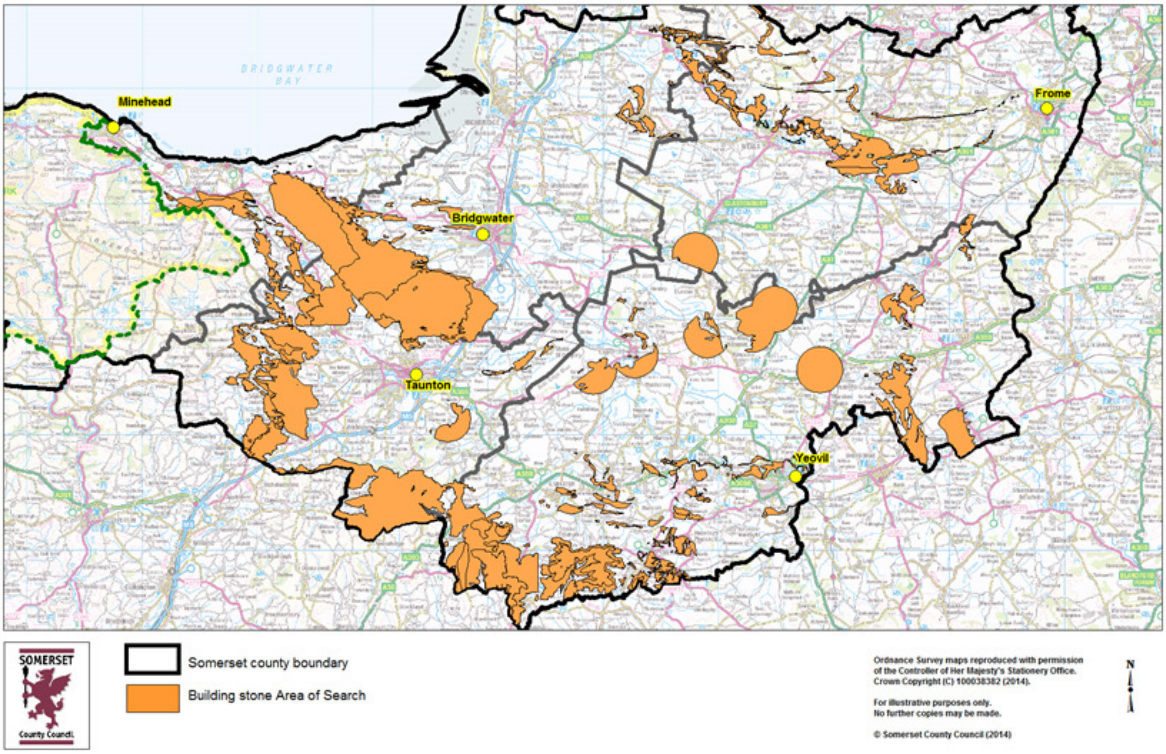
Map 1: Somerset Minerals Plan policies map



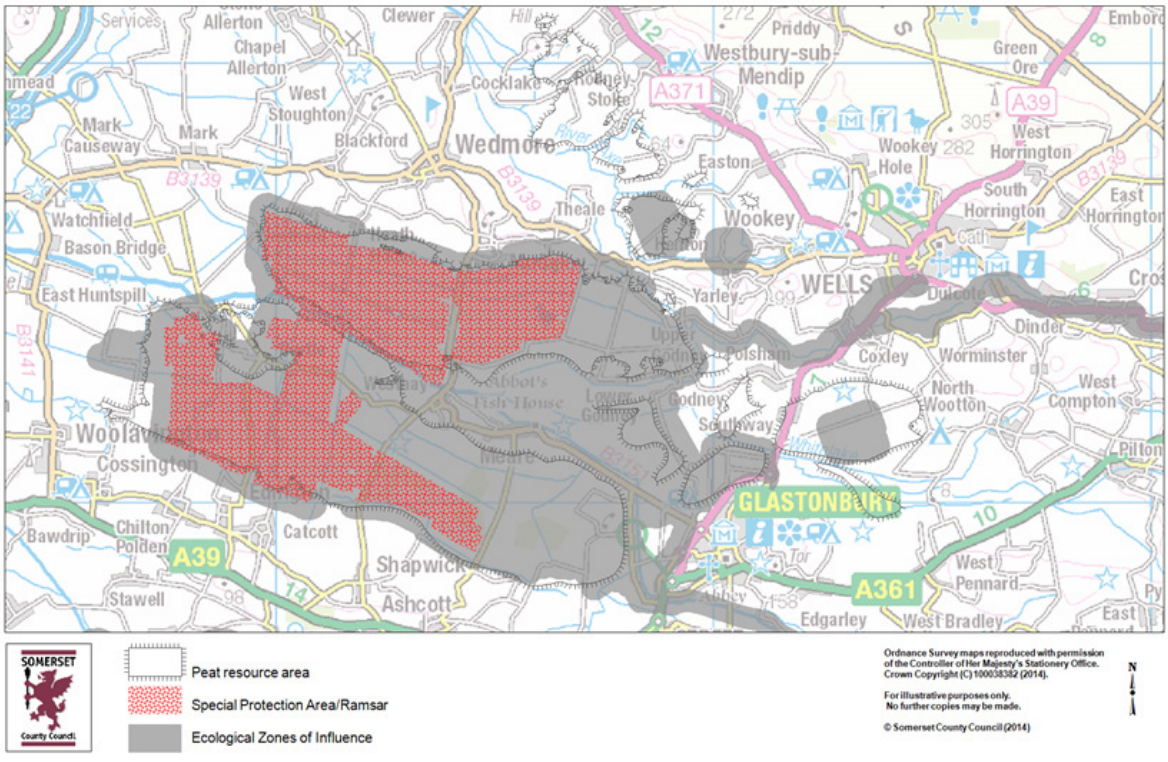
Map 1b: inset map - Silurian Andesite Area of Search



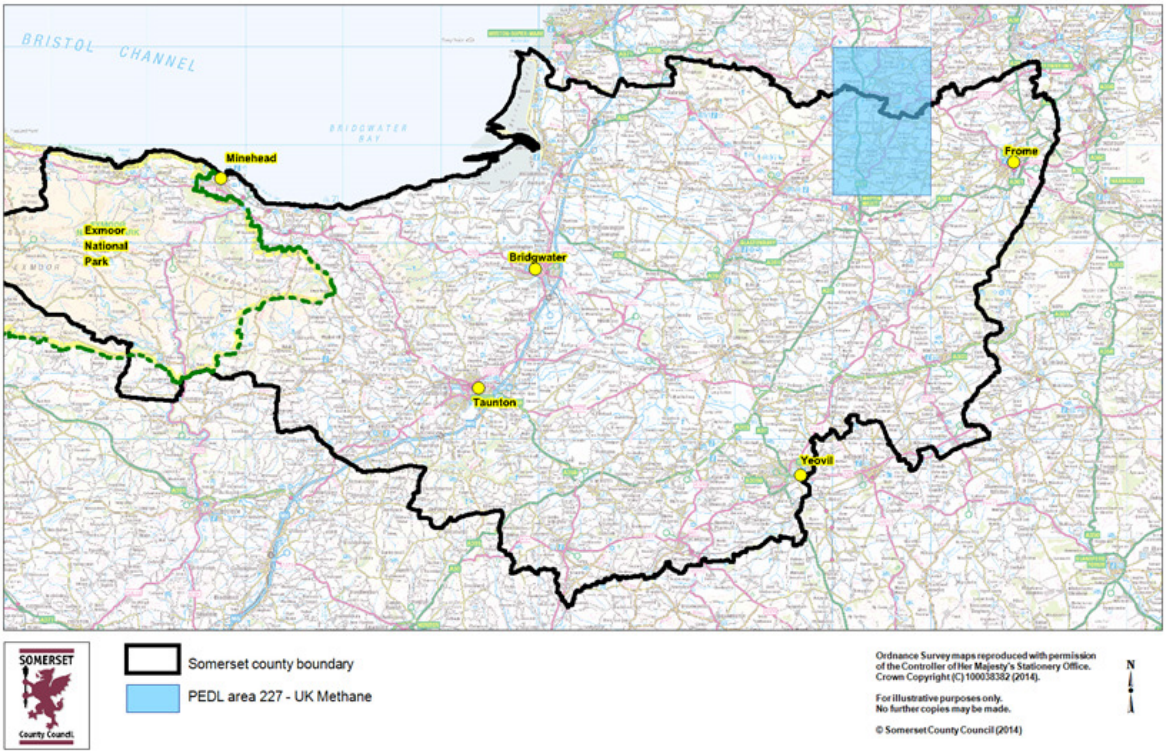
Map 1c: inset map - building stone Area of Search



Map 5: peat resource areas west of Glastonbury



Map 6: Petroleum Exploration and Development Licence (PEDL) area - September 2014



Map 8: Mineral Safeguarding Areas

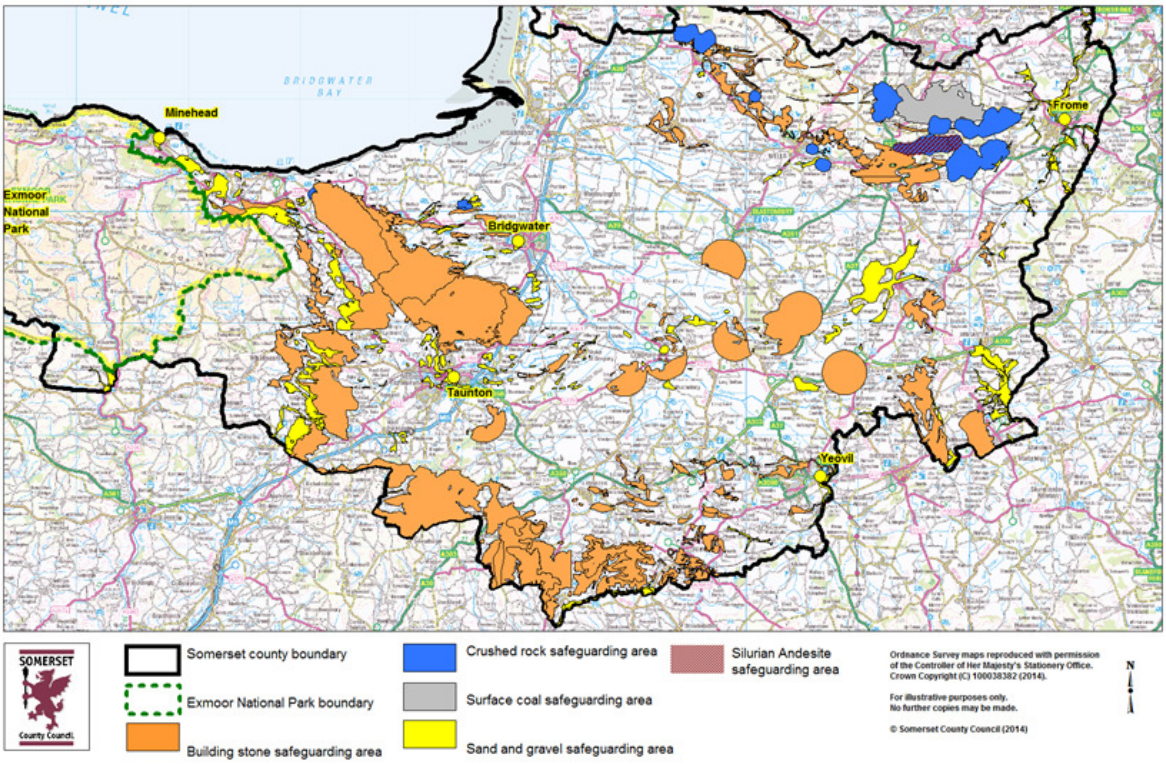


Table 2: Somerset building stone types~~, including the stone types already worked and those identified as "needed" in Minerals Topic Paper 2~~

Building stone types ~~that are~~ currently worked in Somerset~~, for which current supply may be sufficient to meet future demand over the Plan Period~~
• Ham Stone • Inferior Oolite (including Cary Stone/Hadspen Stone and Doulting Stone) • Forest Marble • Cornbrash • Capton Sandstone • Blue Lias (including 'Grey Lias') • White Lias (including 'Camel Hill Stone')
~~Building stone types that are worked in Somerset, identified as "needed" (in Minerals Topic Paper 2), as current supply may not meet future demand over the Plan Period~~
~~• Blue Lias~~ ~~• White Lias~~
Building stone types historically worked in Somerset ~~that were formerly quarried in Somerset and which may be "needed" (as identified in Minerals Topic Paper 2) during the Plan Period~~
• Chert / Flint • Calcareous Grit • Inferior Oolite (Misterton Stone only) • Yeovil Stone • Marlstone (including Moolham Stone and Petherton Stone) • Wedmore Stone • North Curry Sandstone • Draycott Stone • Otter Sandstone (including Lydeard Stone, Nynehead Sandstone) • Milverton Stone (Milverton Conglomerate) • Wiveliscombe Sandstone • Lower Carboniferous Limestone (Vallis Limestone, Chinastones, Cheddar Limestone, Cannington Park Limestone and Cheddar Oolite only) • Morte Slates • Ilfracombe Slates • Hangman Sandstones (including Triscombe Stone, Trentishoe Grits) • Devonian Limestones • Cockercombe Tuff • Hestercombe Diorite • Downside Stone (Chilcote Stone)

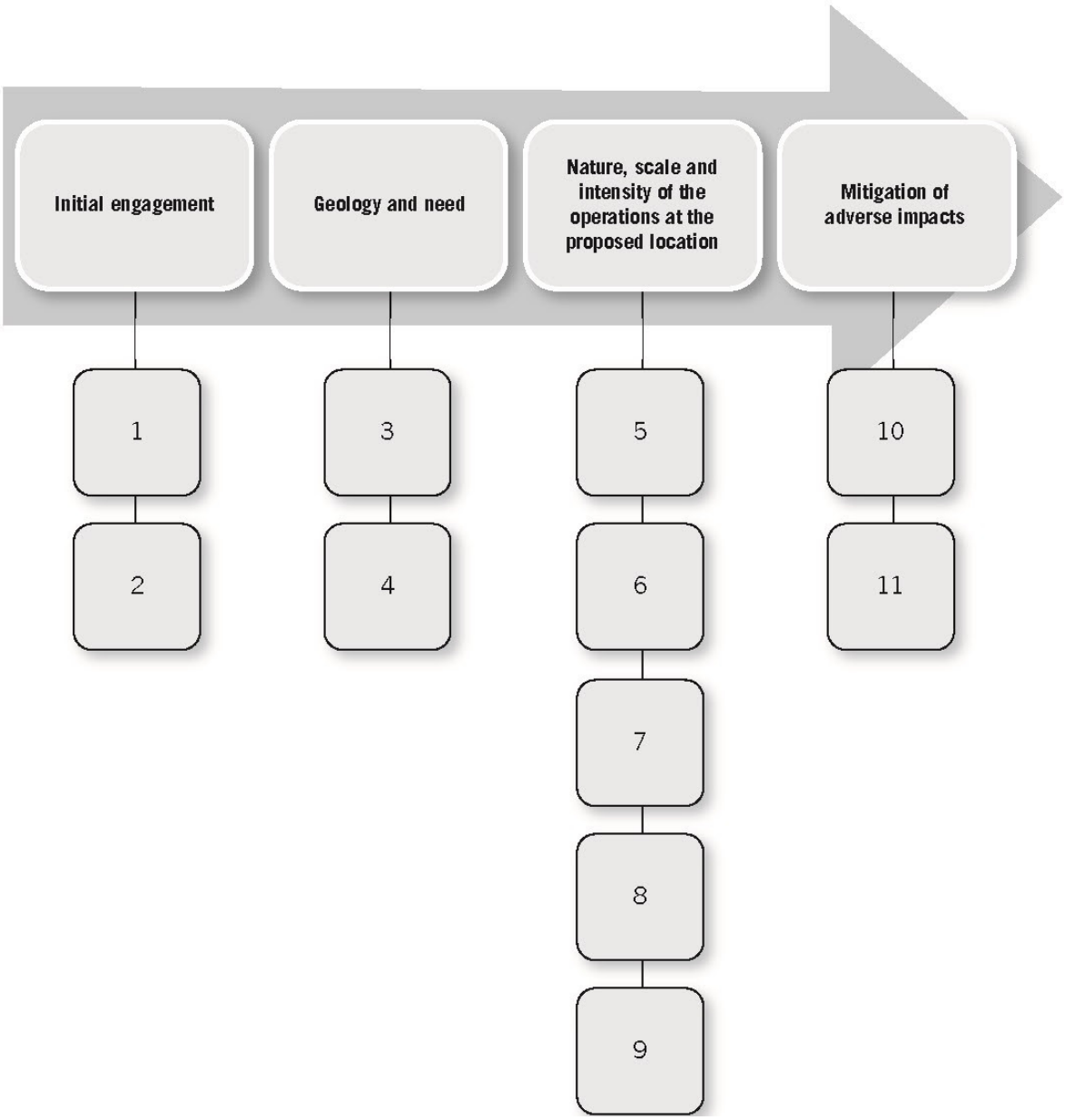
Table 3: Checklist supporting new permitted reserves for building stone extraction

MAIN CRITERIA	SPECIFIC CRITERIA & CONSIDERATIONS	
Location	1	The proposal site should be located within a Mineral Safeguarding Area identified for needed stones (see Map 9).
	2	Where stone resources, viability and availability permit, either the extension of an existing building stone quarry (where the exact stone required is worked) or the re-opening of a former quarry site (or opening of a site adjoining a former quarry), will be favoured over the opening and working of a new 'fresh' site.
	3	Information should be provided indicating whether the same building stone is available at other locations; and any benefits (in particular linked with the transport of materials) delivered by selecting the proposal site in favour of other locations.
Buildings and settlements	4	Proposal sites situated further away from settlements will be favoured over sites located closer to habited areas.
	5	Any possible direct or indirect impacts that the location, development and working of the proposal site may have on nearby buildings, houses, villages, settlements or towns should be carefully considered and assessed.
Access	6	Main access routes to/from the proposal site must be adequate and fit-for-purpose or readily modifiable at the proposer's cost to meet that purpose.
	7	Where alternative access routes to/from the proposal site exist, a clear assessment should be undertaken to demonstrate the reasoning behind a favoured route, especially taking into account increased use of quarry traffic along the route and any resultant impacts on nearby buildings, houses, villages, settlements or towns.
Landscape	8	The location, development and working of the proposal site should not have temporary or permanent large-scale visual or other impacts on the character and quality of the local landscape.
Permitted extraction levels	9	The proposal site will be small-scale during its operational life, i.e. permitted extraction will not normally exceed approximately 2000m^3 per annum* (* http://www.englishstone.org.uk/documents/small.html)
Geology and need for the building stone	10	Evidence of the geology and presence of the specified building stone type at the proposal site (including demonstration of proven adequate reserves) should be provided. A suitable method for this would be a brief geological report, including results of any recent trial pits/exposures along with relevant stratigraphic logs and supporting photographs. The availability of selected rock samples for inspection would also be beneficial.
	11	Supporting information demonstrating the extent of the historical use of the stone (in buildings, settlements, Conservation Areas etc) and data supporting the current and projected market need

		~~for the stone for heritage conservation and/or new build purposes, should be provided.~~
~~**Archaeology**~~	~~12~~	~~The location, development and working of the proposal site should not have any negative impacts, directly or indirectly, upon any land, buildings of features designated for their archaeological importance, for example, Scheduled Ancient Monuments (SAMs) or sites listed under the Somerset Historic Environment Record. An archaeological survey may be required.~~
~~**Hydrology**~~	~~13~~	~~The location, development and working of the proposal site should not have any negative impacts, directly or indirectly on the local hydrology, including water tables. A hydrology survey may be required.~~
~~**Ecology and biodiversity**~~	~~14~~	~~The proposal site should not be located within, or have any negative impacts either directly or indirectly, upon any land or features which are designated or protected for their international wildlife importance, for example Ramsar sites, Special Protection Areas (SPAs) or Special Areas of Conservation (SACs).~~
	~~15~~	~~The proposal site should not be located within, or have any negative impacts either directly or indirectly, upon and land or features which are designated for their national importance, such as National Nature Reserves (NNRs), Sites of Special Scientific Interest (SSSIs) or Areas of Oustanding National Beauty (AONBs).~~
	~~16~~	~~Unless there are exceptional circumstances, or over riding demonstration of need for a particular building stone at a specific location, the proposal site should not normally be located within, or have any negative impacts either directly or indirectly, upon sites designated for their local wildlife importance, for example Local Wildlife Sites (LWS). However, it is understood that workings can exist within or adjacent to these designations as long as adequate measures are put in place.~~
	~~17~~	~~A Phase 1 ecological survey should be undertaken on the proposal site (including any areas affected by the proposal) to establish the level of any impacts upon wildlife. This survey should identify the likely presence of any protected species or habitats that may support such species and recommend where further survey (Phase 2 ecological surveys) will be required.~~
~~**Geology and geodiversity**~~	~~18~~	~~Consideration may be given to proposals on a case by case basis at sites which are designated or protected on account of their geology, such as geological SSSI or Local Geological Sites, especially where re-exposure of the geology may benefit the interest for which the site is designated.~~
~~**Afteruse**~~	~~19~~	~~Wherever practical, any afteruse scheme at the proposal site should include features that benefit geological and wildlife conservation, for example by retaining quarry faces for their geological/educational value.~~

Figure 2: a tool to help applicants to prepare a planning application for extraction of building stone

NB: Figure 2 replaces Table 3



Key:

Initial engagement

1. Applicants are strongly advised to discuss their proposals with the County Council's planning officers, taking advantage of the Pre-Application Enquiry service before making an application.
2. Applicants are referred to the document *"County Matter Applications – Mineral Development: Notes for Applicants",* which helps to ensure that sufficient information is submitted to enable a full and considered judgement of the application.

Geology and need

3. What is evidence of the geology and presence of the specified building stone type at the proposal site (including demonstration of proven adequate reserves)? A suitable method for this would be a brief geological report, including recent trial pits / exposures along with relevant stratigraphic logs and supporting photographs. The availability of rock samples for inspection would also be beneficial.
4. Need may be demonstrated by evidence of the current and future market for the stone, taking into account:
   - the extent of the historical use of the stone (for example in buildings, settlements, Conservation Areas or heritage conservation uses); and/or
   - projected use of the stone for new build purposes, including buildings, extensions, walling, paving and other uses.

   See Mineral Topic Paper 2 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.

Nature, scale and intensity of the operations at the proposed location

5. Is the proposal a new site, an extension to an existing site or the re-opening of an old site? National policy highlights the potential role of small-scale extraction of building stone at, or close to, relic quarries. Each case will be considered on its own merits.
6. Is the same building stone available at other locations, and what are the benefits delivered through its provision at the proposed location? For example, benefits may be linked with the transport of materials.
7. What will be the scale of the operations? According to the English Stone Forum, small-scale operations do not normally exceed approximately 2000m^3 per annum. Each case will be considered on its own merits.
8. Is the proposal near to existing settlements and is access to the site adequate and fit for purpose? What are the impacts on local amenity? See Chapter 19 for more information on protecting local amenity and Chapter 20 for more information on mineral transportation.
9. What are the longer term plans for the site? See Chapters 10 and 18 for more information on site reclamation, including restoration and afteruse. Wherever practical, any afteruse scheme at the site should include features that benefit geological and wildlife conservation e.g. retaining quarry faces for geological / educational value.

Mitigation of adverse impacts

10. Will working of the proposal site generate impacts on the natural and historic environment? See Chapter 13 for more information on landscape and visual amenity, Chapter 14 for more information on biodiversity and geodiversity and Chapter 15 for more information on the historic environment.
11. What are the impacts of the proposal on hydrology? See Chapter 16 for more information on water resources and flood risk.

Table 4: Mineral resources to be safeguarded in Somerset

Aggregates	
Carboniferous limestone	Silurian andesite
Superficial sand and gravel (recent and Permo-Triassic)	Budleigh Salterton Pebble Beds
Devonian Sandstones (high polished stone value - namely the Hangman Sandstone Formation)	
Building Stone	
~~Capton Sandstone~~	Blue Lias (including 'Grey Lias')
Forest Marble	Cornbrash
Ham Stone	Inferior Oolite (including Cary Stone/Hadspen Stone and Doulting Stone)
Hangman Sandstones (including Triscombe Stone, Trentishoe Grits)	Ilfracombe Slates
Inferior Oolite (Misterton Stone)	Calcareous Grit (Upper Greensand)
Marlstone (including Moolham Stone and Petherton Stone)	Yeovil Stone
Morte Slates	Lower Carboniferous Limestone (including Vallis Limestone, Cheddar Oolite, Cheddar Limestone, Chinastones, Cannington Park Limestone)
North Curry Sandstone	Wedmore Stone
Otter Sandstone (including Lydeard Stone and Nynehead Sandstone)	Dolomitic Conglomerate (Draycott Stone)
White Lias (including 'Camel Hill Stone')	Chert/Flint
Wiveliscombe Sandstone~~(Milverton Stone)~~	Budleigh Salterton Pebble Beds (including Milverton Stone and Capton Sandstone)
Devonian Limestones	Cockercombe Tuff
Hestercombe Diorite	Downside Stone (Chilcote Stone)
Other resources	
Surface coal	

Table 7: Reclamation checklist

Where relevant, pProposals for all minerals sites must:

~~The check boxes indicate which requirement applies to each type of mineral~~

			~~Aggregates~~	~~Building Stone~~	~~Peat~~	~~Energy Minerals~~
BIODIVERSITY / CONSERVATION	1.	Promote the preservation, restoration and re-creation of priority habitats, such as calcareous grassland which is included on S41 of the NERC Act[39], and the protection and recovery of priority species populations. Maintain, and contribute to the restoration of, coherent and resilient ecological networks. Be flexible to accommodate ecosystems change. Contribute, where appropriate, to the achievement of habitat and species targets in the Somerset Biodiversity Strategy 2008 to 2018.	✓	✓	✓	✓
	2.	Employ the Habitat Evaluation Procedure ~~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 the *Somerset Biodiversity Offsetting Methodology*~~ 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 coming into maturity. Minerals sites, including restored sites and unworked estates, may provide opportunities to be used as offsets for other developments providing they meet the criteria (as calculated using the Methodology) www.somerset.gov.uk/ecolgical networks www.somerset.gov.uk/biodiversityoffsetting	✓	✓	✓	✓
	3.	Soils must be carefully conserved for use in restoration. Where quarrying operations have been permitted on agricultural land the land should be restored to its former quality where technically practicable, using materials native to the site.	✓	✓		
	4.	Contribute to landscape-scale restoration, demonstrating a high level of: collaboration between quarry/peat operators and conservation bodies; and consideration of other land uses, management practices and programmes.	✓		✓	

	5.	Seek opportunities to enhance drainage systems through: improving habitat and drainage connectivity; and incorporating flood storage. This should include features that help maintain water quality in restored areas as well as the surrounding ditch system.			✓	

Table 7: Reclamation checklist (continued)

Where relevant, c~~C~~onsideration should be given to opportunities to:

~~The check-boxes indicate which requirement applies to each type of mineral~~

			~~Aggregates~~	~~Building Stone~~	~~Peat~~	~~Energy Minerals~~
IMPACTS	6.	Minimise the overall amenity and visual impacts of mineral development on the surrounding environment and communities.	✓	✓	✓	✓
	7.	Ensure there are no adverse impacts on water quality	✓	✓	✓	✓
	8.	Adapt to the impacts of climate change (for example, on habitats, species, ecological networks and flooding).	✓	✓	✓	✓
	9.	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.			✓	
COMMUNITY	10.	Encourage new economic opportunities that are compatible with existing land uses and environmental designations and which allow economic benefit to local communities.	✓	✓	✓	✓
	11.	Provide for potential after uses for the community – e.g. leisure and amenity opportunities that do not conflict with biodiversity and ecological networks.	✓		✓	
	12.	Improve public access to the natural environment, making use of existing cultural corridors where they already exist.	✓	✓	✓	✓
	13.	Contribute to the conservation of Somerset's geological heritage and geodiversity, including maintaining geological exposures for educational purposes.		✓		