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Bath and North East Somerset Council, Placemaking Plan
Review of existing mineral safeguarding area, allocations and
policies

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**Bath & North East
Somerset Council**

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1.0 INTRODUCTION

This report has been prepared by SLR Consulting for Bath and North East Somerset Council to review the existing mineral safeguarding areas, minerals allocations and mineral policies contained in the adopted Bath and North East Somerset Local Plan (the Local Plan) and recommend changes suitable for inclusion in the emerging Placemaking Plan.

The report will cover the following:

- Review and define Minerals Safeguarding Areas in accordance with the British Geological Survey 'A guide to mineral safeguarding in England. Note that this will not include coal as the Coal Surface MSAs have already been supplied by the Coal Authority for inclusion on the Proposals Map.
- Review current minerals allocations and establish whether there is a case for any new allocations either for minerals extraction or aggregates recycling.
- Review current mineral development control policies in the adopted Local Plan
- Draft policy/ies suitable for the options stage of the Placemaking Plan with the view of replacing the Local Plan minerals policies within context of the NPPF, Core Strategy and the Minerals Position Statement (2009).
- Liaison with neighbouring local authorities to ensure consistency of approach and engagement with other key stakeholders as necessary.

2.0 SAFEGUARDING

2.1 Existing Mineral Safeguarding Areas

The existing Local Plan identifies mineral consultation areas around the 3 active mineral sites in the Plan area, these are:

- Stowey Quarry;
- Upper Lawn Quarry; and
- Stoke Hill Mine.

The purpose of these areas is to avoid the needless sterilisation of mineral resources by non mineral development. There is no presumption that any of these areas will be acceptable for mineral working and equally they should not be used to automatically preclude other forms of development. Instead they are to make sure that mineral resources are adequately and effectively considered in land use planning decisions.

2.2 Proposed Changes to Mineral Safeguarding Areas

Firstly it is proposed that the term mineral consultation areas is replaced by mineral safeguarding areas as this more clearly describes their purpose and as a unitary authority there is no need for the Council to consult with other Councils.

Guidance in the BGS report on determining mineral safeguarding areas includes:

- the assessment of best available geological and resource information for the Plan area;
- deciding which minerals in the Plan area are or may become of economic importance;
- deciding how the physical extent of the areas should be determined; and
- incorporating the results into planning policy on the identification of mineral safeguarding areas.

In respect of geological information this review has considered the information contained in the Mineral Working in Avon Local Plan, 1993 and the Bath and North East Somerset Local Plan 2007, which are considered to provide the best summary of the geological resources available within the Plan area.

Mineral working in the Plan area has included coal, fullers earth, clay and limestone. Information on coal resources has already been provided by the Coal Authority and is not considered further in this report. With regard to fullers earth and clay neither material has been worked in the current plan period and a decision was taken in the Local Plan not to include safeguarded areas for these minerals as they were no longer considered to be of economic importance. There has been no change in circumstances since that decision and it therefore remains the view that resources of clay and fullers earth in the Plan area are not of economic importance and do not require safeguarding.

Limestone is the only mineral that is now worked in the Plan area and the existing safeguarding areas, whilst not covering the whole of the geological resource in the Plan area, are based on the active workings in the area it is considered that these areas adequately identify the mineral resource areas likely to be of interest in the future.

No proposals to extend the existing areas or proposals for mineral working outside of these areas have been forthcoming over the Plan period and given the level of current and likely

future mineral activity in the Plan area no extension of the currently safeguarded areas is considered necessary.

No changes to the existing boundaries of the current mineral safeguarding areas are therefore recommended.

3.0 MINERAL ALLOCATIONS

3.1 Existing Mineral Allocations

The existing Local Plan identifies minerals allocation for future extraction at the following locations:

- Stowey Quarry;
- Upper Lawn Quarry; and
- Stoke Hill Mine

In addition the Local Plan identifies a minerals reclamation site at Queen Charlton Quarry.

In respect of primary aggregate production the existing Local Plan confirms that Bath and North East Somerset is not required to contribute to the provision of aggregates as the sub regional apportionment for the West of England area is met by South Gloucestershire and North Somerset.

Applications to extend Upper Lawn Quarry and Stoke Hill Mine within the allocated areas have both come forward and been approved during the current Plan period and active mineral working continues at both these quarries.

No proposals to extend the area of mineral extraction at Stowey Quarry have come forward and the existing quarry has been worked to its maximum extent so that any remaining reserves are restricted to those within the mineral waste stockpiles on the site.

Proposals which did come forward to restore the mineral reclamation site were not supported because of the nature conservation interest that had developed on the site.

3.2 Proposed Changes

As an underground working Stoke Hill Mine has very limited surface impacts which are restricted to its surface stockyard and adequately controlled by the conditions on the current permission. Therefore whilst it is located within the Green Belt and the Cotswold AONB its impact on these designations is very limited.

The current area of search allocation at the mine occupies an extensive area that coincides with the mineral safeguarding area. There remains therefore a substantial area identified for potential future working and this is considered likely to be adequate for the future Plan period and should therefore be retained.

No additional mineral allocations are recommended at Stoke Hill Mine

Upper Lawn quarry is tightly constrained by housing, allotments and recreational land but it remains an importance source of Bath stone used in new build and restoration projects in the City. The operation is well established, small scale and low key and operates without complaint. A preferred area for future mineral extraction remains unpermitted to the north of the existing quarry and it is considered likely on current levels of activity that this will be sufficient for the forthcoming Plan period and should therefore be retained.

No additional mineral allocations are recommended at Upper Lawn Quarry.

Mineral extraction at Stowey Quarry is at a very low level and is based on the re-working of existing mineral waste stockpiles as the quarry has been worked to its maximum extent and the current planning permission for mineral extraction expires in November 2012. Recent

planning permissions and applications have focussed on utilising Stowey for waste management purposes.

Given the lack of mineral activity at Stowey and the focus of existing permissions on inert waste recycling and restoration it is considered that future expansion of the quarrying activities is unlikely.

It is therefore recommended that the existing mineral allocation at Stowey is removed

Having regard to the decision not to support the proposals for the mineral reclamation site allocation at Queen Charlton it is recommended that this site allocation is removed.

For primary aggregates it is considered that the existing situation of the sub regional apportionment being met by North Somerset and South Gloucestershire will continue and therefore no change to the existing position on primary aggregate production within the Plan area is recommended.

4.0 AGGREGATE RECYCLING FACILITIES

4.1 Existing Aggregate Recycling Facilities

Existing or approved aggregate recycling facilities in the Plan area are located at:

- The former Fullers Earthworks site, Odd Down;
- Stowey Quarry.

The Odd Down site operates under the benefit of established B2 use rights and is currently the subject of enforcement action to determine the extent of those rights.

The permission at Stowey permits aggregate recycling at the site until 2028.

4.2 Proposed Changes

The existing facilities and permissions are considered to provide an adequate geographical spread across the Plan area and there is not currently a demand for additional facilities. Having regard to the often temporary nature of these facilities it is considered preferable for any future proposals that may come forward to be dealt with by a criteria based policy rather than by allocating specific sites/areas.

It is recommended that Stowey Quarry and the extent of the established B2 use at the former Fullers Earth works site not disputed by the Council is safeguarded as an aggregate recycling facility.

5.0 DEVELOPMENT MANAGEMENT

5.1 Existing Policies

The existing Local Plan has 10 mineral policies, as follows:

- M1 Strategy
- M2 Safeguarding
- M4 Recycled aggregates
- M6 Primary Aggregates
- M7 Proposals outside allocated sites
- M8 Environmental Protection
- M9 Transport
- M10 Restoration
- M11 Mineral Allocations
- M12 Mineral Restoration Allocation

5.2 Proposed Changes

Having regard to the low level of mineral activity within the Plan area and the recommendations from the previous sections that this situation is unlikely to significantly change it is recommended that these policies can be reviewed and shortened whilst still providing the same overall level of environmental protection and provision for future working appropriate to the Plan area.

The following changes are therefore recommended:

- The combination of policies M1, M8, M9 and M10 to provide an overall check list style policy against which all minerals developments will be determined;
- The retention of policy M2 for mineral safeguarding;
- The development of policy M4 in to a criteria based policy for the preferred location for recycled aggregate facilities;
- The combination of policies M6, M7 and M11 to cover proposals for future mineral extraction; and
- The deletion of policy M12 as no longer required.

Since the adoption of the existing Local Plan one new mineral related issue has arisen, that of coal bed methane extraction. Licences for exploration have been granted within the Plan area and pre-application discussions have been held with developers interested in developing exploration boreholes within the Plan area.

The particular concern that exists in respect of this activity is that it involves deep drilling and fracturing of the deep geological resource in order to extract shale gas. This has implications for the Bath Hot Springs which relies on underground water resources from a wide geographical area and the potential disruption that deep drilling and fracturing (Fracking) may cause.

Because of the international importance of the Bath Hot Springs it is considered that a precautionary approach should be applied to proposals for shale gas exploration and extraction both within the Plan area and adjoining authorities and the Council intends to work with adjoining authorities to ensure the Bath Hot Springs are adequately safeguarded from these proposals.

It is recommended that a new policy adopting a presumption against the principle of shale gas extraction in the Plan area is provided.

6.0 PROPOSED POLICIES

6.1 Safeguarding

Non mineral development within mineral safeguarding areas will only be permitted where:

- It will not sterilise or unduly restrict the extraction of mineral deposits which are, or may become, of economic importance and which are capable of being worked; and
- It will not adversely affect the viability of exploiting a mineral resource or be incompatible with an existing or potential minerals development; or
- It is practicable and environmentally acceptable to extract the mineral before development commences.

6.2 Allocations

The following sites are allocated for mineral extraction:

- Upper Lawn Quarry, Bath – preferred area; and
- Stoke Hill Mine, Limpley Stoke – area of search

Mineral extraction outside of these areas will only be permitted where it can be demonstrated that the need for the mineral cannot be met from the allocated sites or from adjoining authority areas.

Planning applications for mineral extraction involving as a primary activity the production of crushed rock or other aggregate minerals will not be permitted.

6.3 Aggregate Recycling Facilities

The development of aggregate recycling facilities will be permitted at the following locations:

- Active mineral or waste management sites where the development will not conflict with or unreasonably delay the restoration of the site;
- General B2 industrial land; or
- Brownfield/previously developed land not already allocated for alternative uses

6.4 Development Management

The winning and working of minerals and ancillary minerals development will be permitted where:

- The need for the mineral in relation to the availability of alternative sources of material is demonstrated;
- The scale and nature of the proposed development is compatible with the character of the area;
- Adequate safeguards can be secured for the protection of the environment and the amenities of the area;
- Satisfactory provision is made for the restoration of the site which maintains or enhances its value to the environment and/or community and;
- The access roads are adequate for the type and volume of traffic or can be upgraded without comprising the character or adversely affecting the environment in the vicinity of the road.

6.5 Shale Gas

There will be a presumption against the exploration and extraction of shale gas.

7.0 LIAISON WITH ADJOINING AUTHORITIES

Telephone contact was made with mineral planning officers at South Gloucestershire (SGC), North Somerset (NSC), Bristol (BCC) and Somerset County (SCC) Councils.

Discussions with SGC and NSC confirmed that the historical approach in respect of aggregate provision in the West of England was expected to continue with SGC and NSC making provision and that they would also be taking the lead on the preparation of a Local Aggregate Assessment for the West of England.

BCC confirmed the lack of mineral activity within their area other than the wharf capacity within Avonmouth.

Discussions with SCC focussed on proposals for gas exploration and extraction and the potential implications for the bath hot Springs and it was confirmed that further meetings between the Councils were being organised on this matter.

No significant cross boundary mineral issues were identified with Wiltshire.

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AYLESBURY

7 Wormal Park, Menmarsh Road,
Worminghall, Aylesbury,
Buckinghamshire HP18 9PH
T: +44 (0)1844 337380

BELFAST

24 Ballynahinch Street, Hillsborough,
Co. Down, BT26 6AW Northern Ireland
T: +44 (0)28 9268 9036

BRADFORD-ON-AVON

Treenwood House, Rowden Lane,
Bradford-on-Avon, Wiltshire BA15 2AU
T: +44 (0)1225 309400

BRISTOL

Langford Lodge, 109 Pembroke Road,
Clifton, Bristol BS8 3EU
T: +44 (0)117 9064280

CAMBRIDGE

8 Stow Court, Stow-cum-Quy,
Cambridge CB25 9AS
T: + 44 (0)1223 813805

CARDIFF

Fulmar House, Beignon Close, Ocean
Way, Cardiff CF24 5HF
T: +44 (0)29 20491010

CHELMSFORD

Unit 77, Waterhouse Business Centre,
2 Cromar Way, Chelmsford, Essex
CM1 2QE
T: +44 (0)1245 392170

DUBLIN

7 Dundrum Business Park, Windy
Arbour, Dundrum, Dublin 14 Ireland
T: + 353 (0)1 2964667

EDINBURGH

No. 4 The Roundal, Roddinglaw
Business Park, Gogar, Edinburgh
EH12 9DB
T: +44 (0)131 3356830

EXETER

69 Polsloe Road, Exeter EX1 2NF
T: + 44 (0)1392 490152

FARNBOROUGH

The Pavilion, 2 Sherborne Road, South
Farnborough, Hampshire GU14 6JT
T: +44 (0)1252 515682

GLASGOW

4 Woodside Place, Charing Cross,
Glasgow G3 7QF
T: +44 (0)141 3535037

HUDDERSFIELD

Westleigh House, Wakefield Road,
Denby Dale, Huddersfield HD8 8QJ
T: +44 (0)1484 860521

LEEDS

Suite 1, Jason House, Kerry Hill,
Horsforth, Leeds LS18 4JR
T: +44 (0)113 2580650

MAIDSTONE

19 Hollingworth Court, Turkey Mill,
Maidstone, Kent ME14 5PP
T: +44 (0)1622 609242

NEWCASTLE UPON TYNE

Sailors Bethel, Horatio Street,
Newcastle-upon-Tyne NE1 2PE
T: +44 (0)191 2611966

NOTTINGHAM

Aspect House, Aspect Business Park,
Bennerley Road, Nottingham NG6 8WR
T: +44 (0)115 9647280

ST. ALBAN'S

White House Farm Barns, Gaddesden
Row, Hertfordshire HP2 6HG
T: +44 (0)1582 840471

SHEFFIELD

STEP Business Centre, Wortley Road,
Deepcar, Sheffield S36 2UH
T: +44 (0)114 2903628

SHREWSBURY

Mytton Mill, Forton Heath, Montford
Bridge, Shrewsbury SY4 1HA
T: +44 (0)1743 850170

STAFFORD

8 Parker Court, Staffordshire Technology
Park, Beaconside, Stafford ST18 0WP
T: +44 (0)1785 253331

WARRINGTON

Suite 9 Beech House, Padgate Business
Park, Green Lane, Warrington WA1 4JN
T: +44 (0)1925 827218

WORCESTER

Suite 5, Brindley Court, Gresley Road,
Shire Business Park, Worcester
WR4 9FD
T: +44 (0)1905 751310



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