

SOMERSET MINERALS PLAN Up To 2030

INDEPENDENT EXAMINATION

**HEARING SESSIONS COMMENCE
23RD SEPTEMBER 2014**

**EXAMINATION HEARINGS
PROGRAMME & INSPECTOR'S
ISSUES AND QUESTIONS**

SOMERSET MINERALS PLAN EXAMINATION

Venue: The Hearing Sessions will be held in the Creative Innovation Centre (CIC), Memorial Hall, Paul Street, Taunton, Somerset, TA1 3PF. Sessions will commence on Tuesday 23rd September 2014 at 10.00 and normally finish no later than 1700.

The County Council will be participating in all Hearing Sessions.

The Examination Programme may be subject to change. Please ensure you check the latest position if you are due to attend a particular Hearing by contacting the Programme Officer or viewing it on the website at:

<http://www.somerset.gov.uk/mineralsplan>

HEARINGS

Please remind yourself of the Inspector's guidance concerning the format of Hearings at this Examination, contained in the Briefing Notes.

MATTERS AND ISSUES FOR EXAMINATION

This document lists matters (topics), issues (points for consideration), and questions for participants to respond to. References to the Plan are to the Pre-submission version of the Draft Somerset Minerals Plan. References to the Framework are to the National Planning Policy Framework.

Answers should be supported with reasons, unless exceptionally it is clear from the question that a simple yes or no answer is required. References to the Framework should be made, as appropriate, and also to the Government's Planning Practice Guidance (PPG), published in March 2014. This supersedes a range of other guidance documents including *Guidance on the managed aggregate supply system (2012)* and *Planning practice guidance for onshore oil and gas (2013)*.

There may be some overlap between questions, in which case answers may be cross-referenced as appropriate. Text that may be found in submitted evidence documents or within the Plan itself should not be repeated, but references (with page and paragraph numbers) to those documents should be provided where relevant. Responses to each Matter should start on a new page.

All questions should be answered by Somerset County Council (the Council), although if the Council does not have the information, it should say so. Other participants should only respond to issues relevant to points they have made in their earlier representations, and are not expected to respond unless they have additional relevant information to give.

In some circumstances it may be appropriate for a participant and the Council to reach an agreed position and to set this out in a Statement of Common Ground. Such a Statement might contain the wording for a main modification. Participants are urged to read the Briefing Note, which has already been circulated, and which can be downloaded from the Examination website. The Programme Officer should receive statements, no later than **12:00 on Friday 5 September 2014**.

The Council has requested the Inspector to recommend whatever main modifications are required to make the Plan legally compliant and sound. This will be done during the course of the Hearing Sessions, although the wording of any main modifications may not be finalised until after the Hearing Sessions.

WEEK 1	
<p>Tuesday 23rd September 2014 Day 1</p> <p>1000 - 1015</p> <p>1000 - 1300</p> <p>1400 - 1700</p>	<p>Opening Statements</p> <p>Inspector – 10.00, County Council – 10.10</p> <p>Matter 1 – Duty to Co-operate</p> <p>Matter 2 – Legal and Procedural Requirements</p> <p>Matter 3 – Key Issues, Vision, Objectives and Spatial Strategy</p> <p>Matter 10 – Site Reclamation</p> <p>Matter 13 – Development Management Policies</p> <p>Matter 14 – Implementation and Monitoring</p>
<p>Wednesday 24th September 2014 Day 2</p> <p>1000 – 1300</p> <p>1400 - 1700</p>	<p>Matter 4 – Recycled and Secondary Aggregates</p> <p>Matter 5 – Crushed Rock</p> <p>Matter 6 – Sand and Gravel</p>
<p>Thursday 25th September 2014</p>	<p>Site Visits / Reserve</p>
WEEK 2	
<p>Tuesday 30th September 2014 Day 3</p> <p>1000 – 1300</p> <p>1400 – 1700</p>	<p>Matter 9 – Energy Minerals</p> <p>Matter 11 – Safeguarding Minerals and Minerals Facilities</p>
<p>Wednesday 1st October 2014 Day 4</p> <p>1000 – 1300</p> <p>1400 - 1700</p>	<p>Matter 8 – Peat</p> <p>Matter 7 – Building Stone</p> <p>Matter 12 – Other Minerals</p>

Thursday 2nd
October 2014

Site Visits / Reserve

INSPECTOR'S MATTERS AND ISSUES FOR DISCUSSION

Tuesday 23rd September 2014 1000 - 1300

Matter 1: Duty to Co-operate

Issue: Have the requirements of Section 33A of the Planning and Compulsory Purchase Act 2004, paragraph 4 of the Local Planning Regulations 2012, and paragraph 2 of the Local Planning (Amendment) Regulations 2012 been met?

1. Overall, has the duty to co-operate been fulfilled? Give a full explanation about how this requirement has been met.
2. Has the Plan taken account of the local plans, emerging local plans, management plans and strategies of neighbouring councils, the Exmoor National Park Authority, and other relevant agencies?

Participants

Matter 2: Legal and Procedural Requirements

Issue: Does the Plan meet the relevant legislative requirements?

1. Compliance with **Section 19 of the Planning and Compulsory Purchase Act 2004, as amended**:
 - i. **(1)** Has the Plan been prepared in accordance with the Local Development Scheme?
 - ii. **(2)(a)** Does the Plan have regard to national policies and advice contained in current guidance issued by the Secretary of State?
 - iii. **(2)(h)** Does the Plan have regard to all other relevant development documents adopted by the Council?
 - iv. **(3)** Has the Plan been prepared in compliance with the Statement of Community Involvement?
 - v. **(5)(a)&(b)** Is the Sustainability Appraisal adequate?
2. Has **Part 6 of the Conservation of Habitats and Species Regulations 2010** been complied with?
3. Has the public sector equality duty been complied with in accordance with the **Equality Act 2010**?

Participants

Matter 3: Key Issues, Vision, Objectives and Spatial Strategy

Issue: Whether the Identified Key Issues, Vision and Objectives, are the most appropriate for the Plan area; whether the Plan should contain an overall Spatial Strategy.

1. Should the Plan contain an overall Spatial Strategy by inserting a focussed section on overall minerals provision, reflecting the distinctive spatial characteristics of the Plan area and its geology?
2. Is sufficient strategic guidance and spatial direction provided for making subsequent planning applications?
3. Have the most relevant key issues been identified and have they been derived from a comprehensive evidence base?
4. Do the vision and objectives respond sufficiently to the identified key issues?
5. Do the vision and objectives complement those of other relevant Mineral Planning Authorities and Local Planning Authorities?
6. Does the Plan's strategic approach strike the right balance between the economic viability of the minerals industry, protection of sensitive receptors, and the sustainability of long-term mineral production?
7. Does the Plan's strategic approach take sufficient account of the potential impact of climate change?
8. Is the Plan's strategic approach robust and pragmatic and sufficiently flexible to accommodate all reasonable and foreseeable eventualities and changing circumstances?
9. Have all reasonable alternative options been considered in developing the vision and objectives?
10. Does the overall strategic approach reflect the three dimensions of sustainable development (economic, social and environmental)?

Participants

Tuesday 23rd September 2014 1400 - 1700

Matter 10: Site Reclamation

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

1. Does the Plan make provision for restoration at the earliest opportunity?
2. Is adequate provision made for safeguarding the long-term potential of the best and most versatile agricultural land and conserving soil resources in appropriate circumstances?
3. Does the Plan provide adequate opportunity for protecting and/or enhancing geodiversity, biodiversity, native woodland, the historic environment and recreation?
4. Should the paragraph on bonds and other financial guarantees make reference to such guarantees not usually being necessary (even in exceptional circumstances) where an operator is contributing to an established mutual funding scheme?
5. Do the reclamation policies provide an appropriate range of deliverable schemes and are they sufficiently flexible?

6. How is it envisaged that the reclamation checklist will work? For any particular development type (e.g. aggregates) if two or more boxes are ticked, which appear to be potentially mutually exclusive, (e.g. 11 and 12) how is it envisaged that the developer will meet the criteria?
7. Why is the criterion in the checklist relating to land stability only considered relevant to peat site restoration and not other mineral sites?
8. Is the requirement in the reclamation policies to meet the criteria in the reclamation checklist deliverable?

Participants

Matter 13: Development Management Policies

Issue: Whether the Development Management policies make sufficient provision to encourage the sustainable production of minerals

1. Do the Development Management policies address the Plan's key issues and carry through its objectives to the development management stage?
2. For each Development Management policy briefly explain whether it strikes the right balance between providing realistic opportunities for viable mineral extraction and protecting communities and the environment (in its broadest sense)?
3. For each Development Management policy, please confirm that it is deliverable and accords with the Framework and PPG (citing relevant paragraph numbers for each).
4. Should Policies DM1, DM2, DM3, DM4, DM7, DM8, DM9, and DM11 state that they are subject to compliance with other relevant DM policies?
5. With respect to Policy DM13, do Borrow pit applications need to comply with any other DM policies? If so which, or is this dependant on the specific application? Should this be made clear?
6. With respect to Table 7: *Reclamation Checklist*, why do potential impacts on land stability (9) not apply to energy minerals? Why do leisure and amenity opportunities (11) not apply to building stone?
7. Overall, do the Development Management policies make effective provision for encouraging sustainable development, having regard to the three dimensions of sustainability (economic, social and environmental)?

Participants

Matter 14: Implementation and Monitoring

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

1. Is the Plan's approach to monitoring practicable?
2. Does it provide for co-operation and participation and are appropriate participants involved?
3. Does it provide flexibility and what contingency measures are in place in the event of non-deliverability?

4. Are suitable arrangements in place for reviews at appropriate times?

Participants

Wednesday 24th September 2014 1000 – 1300

Matter 4: Recycled and secondary aggregates

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

1. What has the demand for recycled aggregates been over the last 3 years?
2. What has the demand for secondary aggregates been over the last 3 years?
3. Does the Plan provide sufficient opportunities for the recycling of aggregate materials?
4. Is there enough encouragement to use recycled aggregates as a substitute for primary aggregates?
5. Does the Plan provide sufficient opportunities for the production of secondary aggregates?
6. Is there enough encouragement to use secondary aggregates as a substitute for primary aggregates?
7. Should there be an annual target (either by quantity or % of total demand) for the production of recycled aggregates?
8. Should there be an annual target (either by quantity or % of total demand) for the production of secondary aggregates?

Participants

Matter 5: Crushed Rock

Issue: Whether sufficient opportunities are provided for the steady and adequate supply of crushed rock.

1. Plan paragraph 6.23 (second bullet) refers to Somerset, Devon and Cornwall having (in the present tense) a joint apportionment. Given the demise of Regional Government and the publication of the Framework and PPG, should provision be based on apportionment?
2. How does apportionment fit with the Framework's requirement to plan for the supply of aggregates based on, amongst other things, 10 years sales data (paragraph 145 second bullet)?
3. Plan paragraph 6.29 states an average 10 year sales figure of 10.81 million tonnes (based on 2011 data). Is there an updated figure and, if so, what is it?
4. Plan paragraph 6.35 refers to a crushed rock landbank of 451 million tonnes (2012 figure). Does this 2012 figure use the 2011 sales figure? If not, how is it calculated? Should it be updated?
5. If the 2011 data is updated, what is the current best estimate of the landbank tonnage and what would this equate to in years' supply?

6. Besides sales figures, is there any other local information which impacts on demand?
7. Can the 10 year sales figure be broken down into limestone sales and igneous rock sales? If so, what are the relevant figures?
8. What are the forecasts for demand of each?
9. Should separate landbanks be maintained for limestone crushed rock and igneous crushed rock (high quality polished stone value)? (See PPG ID 27-066-20140306)
10. Overall, for Somerset crushed rock, is a 15 year landbank the most appropriate to maintain?
11. If different landbanks were maintained for limestone and igneous rock, what time span should each landbank cover?
12. Should Preferred Areas and/or Areas of Search be identified for crushed rock overall, and/or for limestone and/or igneous rock? Please give reasons.

Participants

Wednesday 24th September 2014 1400 – 1700

Matter 6: Sand and Gravel

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

1. The Somerset 2013 Local Aggregate Assessment (LAA) says that Somerset's sand and gravel apportionment is shared with Devon and Cornwall. Despite the apportionment provisions within the *National and regional guidelines for aggregates provision in England 2005 to 2020*, what weight should now be given to apportionment given the demise of Regional Government and the publication of the Framework and the recent PPG?
2. How does apportionment fit with the Framework's requirement to plan for the supply of aggregates based on, amongst other things, 10 years sales data (paragraph 145 second bullet)?
3. Somerset's provision in the Somerset 2013 LAA seems to rely on Devon having a 15 year sand and gravel landbank based on 10 years sales data (Devon LAA 2013). Whilst the Memorandum of Understanding is noted, should Somerset's provision be incorporated with Devon's provision in the absence of a joint LAA with Devon?
4. The Somerset 2013 LAA notes that no land based extraction of sand and gravel has taken place for the last 10 years in Somerset. Does this mean there is no current landbank or are there inactive quarries with reserves (and reviewed conditions) that might contribute to a landbank?
5. Based strictly on 10 years' sales data, it might appear that there is currently no requirement for a 7 year landbank to be maintained in Somerset. However, besides sales data, forecasts of demand should take account of other relevant information. What other information is relevant to Somerset?
6. Taking account of other relevant information, should Somerset be seeking to make its own provision for land won sand and gravel from within Somerset during the Plan period?
7. Should Somerset be seeking to establish its own rolling 7 year landbank?
8. What are the views of the South West Aggregate Working Party?

9. Policy SMP4 refers to the Preferred Area and the Area of Search on Map 2. What difference (if any) in weight is intended to be given to planning applications for sites within each of these two types of area? Should any intended difference be reflected in the Plan?
10. Is the location and extent of the Preferred Area/Search Area the most appropriate?
11. Why are other Mineral Safeguarding Areas for sand and gravel not included within the Preferred Area/Search Area?
12. What is the justification for requiring applicants for planning permission outside the Preferred Area/Search Area to demonstrate that the proposed site offers net environmental benefits over those within the Preferred Area/Search Area?
13. Is it appropriate to specify general buffer widths around aggregate quarries or should buffers be established on a site specific basis? (See also Mineral Safeguarding below)
14. What has the demand for sand and gravel been in Somerset over the past 10 years?
15. What is the forecast for demand and what is this based on?
16. Can this demand be broken down into a) soft sand/building sand; b) sharp sand/concreting sand; c) gravel? If so, what are the tonnages/proportions for each?
17. How is the demand for each of soft/building sand, sharp/concreting sand, and gravel to be met?
18. What kind of sand is the marine dredged sand that is landed at Dunball?
19. What kind of sand is extracted at Whiteball?
20. The 2013 Somerset LAA indicates that Somerset relies on imports of sand and gravel to meet demand, about 65% of which comes from Dorset, with Chard Junction Quarry on the Somerset/Dorset boarder being a large contributor. It also notes that Chard Junction has an active permission running until March 2023, by which time it is estimated that reserves will have been worked out. What contingency plans are in place to ensure Somerset's demand for sand and gravel is continued to be met?
21. Is there a Memorandum of Understanding between Somerset and Dorset relating to supplies of sand and gravel from Dorset and crushed rock from Somerset?
22. To what extent do marine dredged, secondary and recycled sources contribute to meeting demand?
23. Overall and in brief summary, how will Somerset ensure a continued supply of sand and gravel throughout the Plan period?

Participants

Tuesday 30th September 2014 1000 – 1300

Matter 9: Energy Minerals

Issue: Whether the strategy for producing onshore energy minerals is sufficiently comprehensive, and whether it provides adequate opportunities for mineral extraction whilst appropriately protecting sensitive receptors.

1. The evidence indicates that the Petroleum and Exploration Development Licences (PEDLs) were due to expire in June 2014. What is the current position?

2. Are the constraints on production and processing of oil and gas within the PEDL areas adequately addressed so as to guide planning applications?
3. In particular, noting the complex geology of the Mendip Hills, is sufficient guidance and protection provided to a) the geological structure of the area, and b) groundwater?
4. Should Policy SMP7 include a requirement for the process of Environmental Impact Assessment (EIA) to be undertaken and submission of an Environmental Statement (ES)?
5. If so, should all applications for oil and gas exploration, appraisal and production be supported by EIA and an ES or should there be exceptions? Please give reasons.
6. Has sufficient account been taken of viability?
7. Should exploration and appraisal permissions be temporary and, if so, should this be made clear?
8. Should there be a specific policy for shale gas Hydraulic fracturing (fracking)? If so, what should this be?
9. Should the Plan indicate areas where coal extraction and the disposal of colliery spoil may be acceptable?
10. Should there be a separate policy on coal mining covering potential effects of subsidence, potential hazards of old mine workings, the treatment and pumping of underground water, monitoring and preventative measures for potential gas emissions, and the method of disposal of colliery spoil? (see PPG ID 27-148-20140306)
11. Does transport of energy minerals need to be addressed separately and in addition to the general Development Management policy on Transport?
12. Overall, does Policy SMP7 provide sufficient scope, direction and flexibility for applicants of energy minerals permissions?

Participants

Tuesday 30th September 2014 1400 – 1700

Matter 11: Safeguarding Minerals and Minerals Facilities

Issue: Whether the minerals safeguarding provisions are the most appropriate.

1. Have the full range of minerals which need safeguarding been identified and included within the Mineral Safeguarding Areas (MSAs)?
2. Bearing in mind that economic viability will change over time, why are the minerals (apart from coal) identified in the chapter on "Other Minerals" (clays, gypsum, barites, iron, lead, salt) not proposed to be safeguarded?
3. Why is coal treated differently to these "Other Minerals" by being safeguarded?
4. Do the MSAs reflect the best estimate of viable resources and do they cover the full extent of the known resources for the specified minerals? If not, explain why. Please provide a mineral resource map for Somerset.
5. What is the justification for including general minimum buffer widths around low and high output aggregate quarries? Is this in line with the PPG?

6. Would a suitable alternative be a buffer beyond the MSA resource?
7. If so, what should this buffer be (if any) for each resource and how does it take account of the risks of sterilisation of part of the resource, bearing in mind that buffers are likely to vary between minerals and the likely method of extraction?
8. Should the MSAs plus a buffer constitute the extent of the Mineral Consultation Areas (MCAs) or should the MSAs and MCAs coincide?
9. With respect to minerals facilities, is the use of Combwich wharf by EDF Energy for Hinkley Point C Nuclear Power Station a good enough reason to exclude it from safeguarding?
10. Is there any other reason for excluding Combwich wharf?
11. If recycling and secondary aggregates sites (as listed in the current Local Aggregate Assessment) are to be safeguarded (as provided for in Plan paragraph 11.26) should reference to this be made in Policy SMP9?
12. Are there any planned minerals facilities within the County that have not been safeguarded?
13. Policy SMP9 provides for non-mineral development to proceed in MSAs in certain circumstances including where it is demonstrated that the mineral concerned is not of economic value. How is it envisaged that this will be demonstrated? Does this mean economically viable at the time of application or some other time in the future?
14. Does reference to "temporary planning permission" within the "Exemption list" need further clarification as to what would be considered to be "temporary". Often wind farms or solar panel farms are considered temporary despite being given planning permission for in the order of 25 to 30 years. Is it envisaged that such a long timescales will be classed as "temporary"? If so, is this appropriate?
15. Should there be any other types of exclusion to those listed?
16. In delineating the MSAs has proper regard been given to other relevant plans, emerging plans, strategies and policies, and have any identified conflicts been resolved?
17. Does exclusion of land from a MSA weigh against prior extraction of a mineral, should it be present?
18. Should there be provision for the prior extraction of minerals outside MSAs?
19. Overall, are the MSAs for minerals and facilities the most suitable in location and extent?

Participants

Wednesday 1st October 2014 1000 – 1300

Matter 8: Peat

Issue: Whether the strategy for peat is the most appropriate.

1. What is the demand for peat? Is demand accurately reflected in the Plan?
2. Are there sufficient reserves to meet demand over the Plan period?
3. Please provide relevant extracts of the Sustainable Growing Media Task Force Report 2012 (with cover sheet). What is the current position relating to the Task Force?
4. What is the direction of travel of some of the Task Force discussions referred to in the Plan?

5. Please provide details of relevant parts of the Government's response to the Task Force (with cover sheet if available).
6. Should the "Somerset question" be given further consideration and are there any peat resources that could be responsibly sourced? Give details, as appropriate.
7. Is Policy SMP6 compliant with Government policy? Explain.
8. Is Policy SMP6 deliverable and has it taken sufficient account of viability/economics?
9. Overall, is Policy SMP6 justified and does it strike the right balance? Briefly explain.

Participants

Wednesday 1st October 2014 1400 – 1700

Matter 7: Building Stone

Issue: Whether sufficient opportunities are provided for the steady and adequate supply of building stone.

1. The Plan does not appear to include a map of building stone resources. Could such a map be provided for the purposes of the Examination?
2. Is the selection of "needed" building stone types in the Table 2 lists the most appropriate and are the lists exhaustive?
3. Does inclusion of a stone type within these lists create a presumption in favour of planning permission in appropriate locations?
4. Briefly explain how "need" has been determined, and whether this determination has been supported by any figures for supply and demand?
5. Is the selection of stone types in the Table 2 list "for which current supply may be sufficient to meet future demand over the Plan Period", the most appropriate?
6. Does inclusion within this list create a presumption against planning permission for these stone types?
7. Briefly explain how it has been determined that there may be sufficient need for these stone types and has this determination been supported by figures for supply and demand?
8. How would planning applications for the extraction of building stone types that are not on any of the lists be considered? How would this differ from stone types on one or other of the lists?
9. Do these lists allow the Plan sufficient flexibility to respond to changing circumstances?
10. Should Preferred Areas and/or Areas of Search be designated for some or all of the "needed" stone types?
11. In Policy SMP5, should economic considerations be weighed in the balance?
12. In Policy SMP5, is criterion a) too restrictive in requiring "*an identified need for stone currently used in Somerset to maintain or enhance the local historic environment*"? How, for example, would an application be treated which demonstrated an identified need for new build where local distinctiveness was a consideration?

13. Does the policy discourage planning applications that might be made to satisfy need outside of the County, hence discouraging the export of building stone? If so, is this justified?
14. Are all the criteria in Table 3 "supporting new permitted reserves for building stone extraction" justified? Please respond to each criterion giving very brief reasons and specifically include the following within your response:
15. With respect to the "Location" - criterion 1 - is it justified to always require a building stone site to be located within a Minerals Safeguarding Area (MSA) for "needed stones"?
16. Does this requirement mean that, if a suitable building stone resource was identified outside a MSA for "needed stones", an application for its extraction would be refused?
17. How are the MSAs for "needed stones" distinguished from other building stone resources on Map 9: *Mineral safeguarding areas*?
18. With respect to criterion 3 - does the requirement for information of any benefits a proposed site has over others impose a sequential test for an applicant? What exactly is it envisaged an applicant should demonstrate? Briefly explain the justification for this.
19. With respect to "Buildings and settlements" - criterion 4 - is it justified to require consideration of "any possible" direct or indirect impacts on the identified receptors?
20. Overall, do the criteria strike the right balance between encouraging production of needed building stone and protecting communities and the environment?
21. Is it envisaged that buffer widths might be established around stone quarries and, if so, would this be determined on a site by site basis? Should the Plan refer to its policy on buffer widths for building stone?

Participants

Matter 12: Other Minerals

Issue: Whether sufficient opportunities have been provided for the extraction of "Other Minerals"?

1. Should there be a general policy guiding applicants for permission for extraction of other mineral resources in Somerset (clay, gypsum, barites, iron, lead, and salt)?
2. Should coal be included in the strategy for "Other Minerals" or should it be included in the "Energy Minerals" strategy?
3. Is the approximate extent of the remaining "Other Minerals" resources known? If so, give details.
4. Is it likely that extraction of any of these minerals might become viable over the Plan period?

Participants

Closing Remarks