

SECTION 12 - Chapter C4

Chapter C4 - Policy M.1

120/B92	Ms Helen Woodley	M.1
1427/B128	Environment Agency	M.1
3202/B2	Pensford plc	M.1
3257/C245	Somer Valley Friends of the Earth	M.1/D

Supporting Statement

502/B21	Camerton Parish Council	M.1
120/C196	Ms Helen Woodley	M.1/A
120/C197	Ms Helen Woodley	M.1/B
3257/C243	Somer Valley Friends of the Earth	M.1/B
120/C198	Ms Helen Woodley	M.1/C
120/C199	Ms Helen Woodley	M.1/D

Issues

- i) Whether the plan should restrict further minerals extraction in the District.
- ii) Should the policy take into account the need to protect the water environment?
- iii) Whether the policy requires rewording to add clarity.
- iv) Should the Policy *require* mitigation?

Inspector's Reasoning

Issue i)

- 12.1 It would be contrary to Government policy (MPG1 paragraph 40) to place a complete restriction on any minerals extraction in the District. As drafted, the plan sets out appropriate criteria by which proposals can be assessed.

Issue ii)

- 12.2 Clearly the local authority have a responsibility to take into account the need to protect the flow and quality of surface and ground water supplies. However, there are a number of policies within the plan which would cover potential impacts upon this resource, including Policies M.8, NE.13, and NE.14. The wording proposed by the objector would introduce unnecessary detail.

Issue iii)

- 12.3 In their response to Pensford plc the Council agrees some changes to Policy M.1 which it then lists. However, these changes do not appear in their entirety in the consolidated version of the plan. In my view the

changes listed by the Council in their response would clarify and improve the policy, and the policy should be modified accordingly.

Issue iv)

12.4 Further assurance is sought that mitigation measures will be implemented. However, it is for the local authority to secure the implementation of mitigation measures through planning conditions or obligations as appropriate and to ensure that they are properly monitored. The additional text suggested by the objector would make little difference and I consider it to be unnecessary.

Recommendation:

R12.1 Modify Policy M1 to accord with the proposed changes set out in the Council's response to objection 3202/B2.

Chapter C4 - Paragraphs C4.11-C4.57

3202/B3	Pensford plc	C4.11
3202/B4	Pensford plc	C4.13
3202/B5	Pensford plc	C4.14
1427/B129	Environment Agency	C4.20
3202/B6	Pensford plc	C4.25
3202/B7	Pensford plc	C4.26
3202/B8	Pensford plc	C4.27
2312/B1	Bath Stone Group	C4.35
3202/B1	Pensford plc	C4.40
3202/B9	Pensford plc	C4.47
3291/B2	Waste Recycling Group (WRG)	C4.47
3257/C246	Somer Valley Friends of the Earth	C4.47/A
3298/C47	Cam Valley Wildlife Group	C4.47/A
3202/B10	Pensford plc	C4.49
745/C39	South Stoke Parish Council	C4.54/A
686/D197	Bath Preservation Trust	PIC/C/38 (C4.54)
743/D41	Combe Hay Parish Council	PIC/C/38 (C4.54)
745/D44	South Stoke Parish Council	PIC/C/38 (C4.54)
578/B70	Norton Radstock Town Council	C4.57

Supporting Statements

120/D356	Mrs H Woodley	PIC/C/37 (C4.47)
3298/D97	Cam Valley Wildlife Group	PIC/C/37 (C4.47)

Issues

Paragraphs C4.11 to C4.20

- i) Should paragraph C4.13 acknowledge the difference between stone for use as aggregate and stone for building and walling?
- ii) Whether paragraph C4.20 should confirm who is responsible for the restoration of the site at Combe Hay.

Paragraphs C4.25-C4.44

- iii) Whether paragraph C4.25 should clarify the proposed uses of the limestone.
- iv) Whether paragraph C4.26 requires clarification.
- v) Whether points (i) and (ii) are correct.
- vi) Whether the production figure for Hayes Wood Mine paragraph C4.35 is correct.
- vii) Whether paragraph C4.40 should acknowledge the need to provide aggregates.

Paragraphs C4.47-C4.57

- viii) Whether paragraph C4.47 should more accurately describe Stowey Quarry; make reference to non-inert waste; and acknowledge the importance of the sites for nature conservation.
- ix) Is it appropriate to imply in paragraph C4.49 that prime quality building stone is being crushed?
- x) Should paragraph C4.54 be updated in accordance with the recent First Secretary of State decision?
- xi) Does the Fuller's Earth site have the benefit of a B2 fallback permission as stated in PIC/C/38?
- xii) Whether the reference to the Springfield spoil tip in paragraph C4.5 should be clarified.
- xiii) Whether the District should contribute to aggregate extraction in the region.

Inspector's Reasoning

Issues i) to xii)

- 12.5 The amount of detail contained in these paragraphs of the plan is excessive and unnecessary. The objective of the plan should be to provide a clear guide to minerals operators and the public as to where mineral extraction is likely to be acceptable and where it would not be acceptable (paragraph 15, MPG1). It should not seek to describe the geology and the history of operations in the District, or set out extracts from the MWALP which is now out of date. The reference in paragraph C4.54 to the use of the Fuller's Earth Plant Site is a particular example of unnecessary and irrelevant detail which should not be included in the plan.

- 12.6 The plan should include a summary of the minerals reserves and resources as assessed by the minerals planning authority (paragraph 24 MPG1). Therefore, whilst the sub-heading on page 232 of the plan is appropriate, the text which follows is too detailed. Paragraphs C4.5 to C4.58 should be deleted and replaced with a short section on mineral resources covering limestone, Fuller's Earth and coal in accordance with my recommendation below, together with a table which summarises the position for each active and inactive site. As a result I do not consider in detail every objection which has been raised, since these relate to the detailed wording of the text which I am recommending to be deleted.

Issue xiii)

- 12.7 There is no justification for apportioning a figure for aggregate extraction in the District. The Structure Plan (paragraph 3.27) identifies North Somerset and South Gloucestershire as the main production areas to deliver the figures apportioned by MPG6 to the former county of Avon. Therefore, I have neither justification nor evidence to support such a figure. Pensford plc question the level of reserves in the District put forward in paragraph C4.11, but provide no evidence to support their objection. This is a matter which needs to be resolved between the Council and the main operators in the area, so that a new table 4.1 may be completed to be inserted in the plan as recommended below.

Recommendations:

R12.2 Paragraphs C4.5 to C4.58 be deleted and replaced with the following:

"Limestone is the principal commercial mineral worked in the plan area. Current reserves are in the order of 600,000 tonnes, according to 2001 estimates. Fuller's Earth and coal were extracted from sites within the District up to 1979 and 1973 respectively. However, whilst reserves still exist in the area the extraction of these minerals is not considered to be economically attractive and is unlikely to resume in the District.

There are currently three sites active in the District: two surface mineral workings and one underground mine. Stowey Quarry near Bishop Sutton, produces white lias and blue lias limestones for use as building and walling stone and also for aggregate purposes. Upper Lawn Quarry at Combe Down produces the Combe Down variety of Bath Stone for building, refurbishment, restoration and walling purposes; and Hayes Wood Mine at Limpley Stoke produces some 9-11,000 tonnes of stone each year.

There are also a further three sites which are currently inactive but with extant planning permissions. The Table below provides a summary of the mineral reserves and registered planning permissions at the six sites."

Table 4.1 (*to be completed by the Council*)

	Name	Description, i.e.location, area etc.	Extent of mineral reserve and type	Planning Permissions
Active sites				
Inactive sites				

R12.3 PIC/C/38 be deleted.

Chapter C4 - Paragraph C4.59

3202/B11 Pensford plc

C4.59

Issue

- i) Whether the paragraph should acknowledge that it is sustainable for a site to yield the highest production possible before it is closed.

Inspector's Reasoning

12.8 Paragraph C4.60 acknowledges that, in terms of economic and environmental sustainability, best use should be made of extracted minerals. However, I do not agree with the objector that in every case the most sustainable option would be to yield the highest production possible. The yield must be determined on a case by case basis at the decision-making stage, taking into account sustainability factors. Therefore, the plan should not be amended in accordance with the objection

Recommendation: no change

Chapter C4 - Policy M.3 and Paragraph C4.60

3202/B12 Pensford plc

C4.60

Supporting Statement

3257/C247 Somer Valley Friends of the Earth

M.3/A

Issue

- i) Whether it is appropriate for the plan to be concerned with the end use of minerals extracted within the District.

Inspector's Reasoning

12.9 It is an aim of Government as set out in MPG6 para 28 to make the best use of mineral resources by minimising wastage and avoiding the use of higher quality materials where lower grade materials would suffice. However, MPG6 does not suggest that this can be achieved through the planning process. It is the “producers, specifiers and consumers of aggregates” who are identified as having an influence on the efficient use of resources. Planning controls offer very limited powers over the way in which the product of extraction is used, so a Local Plan policy which seeks to influence the end use could not be effectively implemented. In these circumstances I recommend the deletion of Paragraph C4.60 and Policy M.3.

Recommendation:

R12.4 Modify the plan by deleting paragraph C4.60 and Policy M.3.

Chapter C4 - Policy M.4 and Paragraphs C4.61 and C4.62

3202/B13	Pensford plc	C4.61
3202/B14	Pensford plc	C4.62
1427/B131	Environment Agency	M.4
3202/B15	Pensford plc	M.4

Supporting Statements

3257/C248	Somer Valley Friends of the Earth	C4.61/A
1427/B130	Environment Agency	C4.62
3257/C249	Somer Valley Friends of the Earth	C4.62/A
3298/B39	Cam Valley Wildlife Group	M.4

Issues

- i) Whether the plan accords with government guidance on the recycling of aggregates.
- ii) Should the meaning of “satisfactorily regenerated” be clarified?

Inspector's Reasoning

Issue i)

12.10 Whilst MPG1 encourages the use of recycled aggregates (paragraph 75), it also advocates the reclamation of sites as soon as possible (paragraph 71) after extraction has ceased. Furthermore, whilst JRSP Policy 28 encourages the recycling of aggregates, this is only where it would be

“environmentally acceptable”. It is therefore appropriate to include in the plan a policy which seeks to balance the benefits of recycling against environmental impacts, and I see no reason why this should only be considered in the context of waste management. Paragraph C4.61 together with Policy M.4 does in my view properly represent the balance sought in strategic policy. However, I find that paragraph C4.62 is unnecessarily prescriptive in seeking to retain materials on site to assist with reclamation. The manner of reclamation should be dealt with on a case by case basis seeking the most sustainable option. I therefore recommend it be deleted.

Issue ii)

12.11 Whilst I accept the Council’s explanation of a restored and a regenerated quarry, the qualification “satisfactorily” is not defined. In my view the policy would be more clearly understood if proposals were to be judged against specific matters such as the effect on the landscape or nature conservation, and I recommend changes to reflect this.

Recommendations:

R12.5 Modify the plan by deleting paragraph C4.62.

R12.6 Modify Policy M4 criterion (i) as follows:

delete “satisfactorily” before “restored” and “regenerated”

insert after “tip” “where it would cause significant harm”

delete “of value”

insert “or” after “landscape”.

Chapter C4 - Policy M.5

3202/B16	Pensford plc	M.5
----------	--------------	-----

Supporting Statement

3257/C250	Somer Valley Friends of the Earth	M.5/A
-----------	-----------------------------------	-------

Issue

- i) Whether it is appropriate for the local plan to address the exportation of mineral waste and overburden.

Inspector's Reasoning

12.12 The use of overburden and mineral waste for reclamation is covered by criterion v) of Policy M.1. Policy M.5 seeks to add a further level of control which is not necessary. The way in which overburden and mineral waste

is to be dealt with should be considered as part of the planning application or environmental statement so that the particular circumstances of the site and its output can be taken into account. I recommend the policy be deleted.

Recommendation:

R12.7 Delete Policy M.5.

Chapter C4 - Policy M.6 and Paragraph C4.64

3202/B17	Pensford plc	C4.64
3291/B1	Waste Recycling Group (WRG)	C4.64
3202/B18	Pensford plc	M.6

Issues

- i) Whether it is reasonable for the plan to not contain a figure for aggregate production within the District.
- ii) Should Stowey Quarry be recognised as a source of primary aggregate?

Inspector's Reasoning

Issue i)

12.13 This issue was raised in relation to paragraphs C4.11-C4.57 where I have accepted that in view of Policy 26 of the JRSP there is no requirement for B&NES to include a figure for aggregate production in this plan.

Issue ii)

12.14 Policy M.6 would only restrict the extraction of aggregate if this was to be the primary activity for which planning permission was being granted. Whilst I accept the objector's point that aggregate is extracted from Stowey Quarry, as far as I am aware this is not the primary activity at the site and so would not be restricted by Policy M.6. As the JRSP identifies South Gloucestershire and North Somerset as the main aggregate producers, there is no justification for an alternative approach to aggregate extraction in Bath and North East Somerset.

Recommendation: no change

Chapter C4 - Policy M.7

120/B91	Ms Helen Woodley	M.7
---------	------------------	-----

Issue

- i) Should the plan resist further open cast extraction?

Inspector's Reasoning

12.15 As the Council states, to resist open cast extraction would be to suggest that all extraction should be by underground mining. This would be unreasonable having regard to existing mineral operations and not practical for all the types of minerals found in the District. In any event, all the environmental impacts of a mineral working, whether or not open cast, would be taken into account at the planning application stage.

Recommendation: no change

Chapter C4 - Policy M.8 and Paragraph C4.66

Supporting Statements

1427/B132	Environment Agency	C4.66
1427/B133	Environment Agency	M.8

Chapter C4 - Policy M.9 and Paragraphs C4.67 and C4.68

1830/B8	Highways Agency	M.9
3533/C4	Network Rail Infrastructures Ltd	M.9/B

Supporting Statements

120/C188	Ms Helen Woodley	C4.67/B
120/C189	Ms Helen Woodley	C4.68/A
3257/C251	Somer Valley Friends of the Earth	C4.68/A
120/C190	Ms Helen Woodley	M.9/A
3257/C252	Somer Valley Friends of the Earth	M.9/A
3511/C18	British Waterways	M.9/A
1427/C217	Environment Agency	M.9/B
3422/C1	Mendip Hills AONB	M.9/B
3511/C19	British Waterways	M.9/B

Issues

- i) Whether the plan should set out the responsibilities of the Council and the Highways Agency with regard to highways.
- ii) Should specific reference be made to rail and water as alternative forms of transport?

Inspector's Reasoning

Issue i)

12.16 I agree with the Council. The Local Plan is a planning policy document that sets out the council's strategy and development control policies for future development in the District. It is not necessary to set out the respective responsibilities of local and government bodies. Statutory processes will ensure that the relevant agencies are consulted on development proposals.

Issue ii)

12.17 The additional text suggested by the objector to criterion iii) is unnecessary. The wording is sufficient to ensure that alternatives to road transport are properly considered.

Recommendation: no change

Chapter C4 - Policy M.10

Supporting Statement

1427/B134	Environment Agency	M.10
-----------	--------------------	------

Chapter C4 - Policy M.11 and Paragraphs C4.74-C4.83

3202/B19	Pensford plc	C4.74
3202/B20	Pensford plc	C4.75
3202/B21	Pensford plc	C4.76
1883/B1	Kelston Sparkes Ltd	C4.83
120/B84	Ms Helen Woodley	M.11

Supporting Statement

345/B20	Freshford Parish Council	C4.82
---------	--------------------------	-------

Issues

Paragraphs C4.74 to C4.76, C4.82 and C4.83

- i) Whether the information contained in these paragraphs is factually correct and appropriate for inclusion in a local plan.
- ii) Whether it is appropriate to resist the reclamation of the Queen Charlton Quarry until reclamation of the concrete works has reached an advanced stage.

Policy M.11

- iii) Whether there are houses within the Preferred Area for Mineral Extraction that will be blighted.
- iv) Whether the quarry face should be protected as a geological SSSI once the planning permission for extraction has expired.
- v) Whether the plan should provide reassurance that the reinstated allotments will be at a similar altitude.

Inspector's Reasoning

Issue i)

12.18 The information contained in these paragraphs has attracted a number of objections relating to factual information, but I have no evidence against which to judge whether the plan should be amended in accordance with these objections. However, these paragraphs are primarily descriptive narrative rather than the reasoned justification which should be contained within the plan. As a result much of the contents are unnecessary, and I recommend substantial deletion and alteration to restrict the paragraphs to reasoning which supports the allocations in Policy M.11. Reference is made to development which would or would not be acceptable at the sites included in this section of the plan, but any such proposals would fall to be considered against the policies of the plan and should not therefore be judged by this text.

Issue ii)

12.19 It is clear that the reinstatement of the quarry is linked to the work being carried out at the concrete works, but the reference in the text to “an advanced stage” could introduce inflexibility into the way in which the two processes are carried out. I recommend a modification to the text to reflect the interrelationship between the two processes.

Issues iii-v)

12.20 The Council states that there are no houses within the preferred area of search which would be blighted.

12.21 The protection of any quarry face as a SSSI is a matter for English Nature rather than the Council.

12.22 The reinstatement of the allotments is a matter which would be negotiated as part of a new planning application and in my view there is no need for it to be referred to in the plan.

Recommendations:

R12.8 Modify the plan by deleting paragraph C4.74.

R12.9 Modify paragraph C4.75 by deleting the second sentence and “M3” in the last sentence.

R12.10 Modify paragraph C4.76 by deleting the first sentence; deleting “therefore” and inserting after “forward” “from the MWALP”.

R12.11 Modify the plan by deleting paragraph C4.78.

R12.12 Modify paragraph C4.79 by deleting from “Proposals for further” to “rise to complaints.”

R12.13 Modify the plan by deleting paragraph C4.80.

R12.14 Modify paragraph C4.83 by deleting the second sentence; deleting “will be resisted until” and inserting after “site” “should be phased to accord with the completion of”; deleting “have reached an advanced stage”.
