



**Nottinghamshire  
County Council**

## **Nottinghamshire Minerals Local Plan**

# **Nottinghamshire County Council Statement in response to Matters, Issues and Questions**

### **MATTER 1 – DUTY TO CO-OPERATE AND LEGAL ISSUES**

**Issue:** *Whether the Plan complies with all relevant legal requirements, including the Duty to Co-operate.*

**Questions 1 - 4**

## *Duty to co-operate*

### **Question 1. Please describe the processes used for engagement with other authorities and prescribed bodies and the frequency of any meetings or other means of engagement during the Plan preparation process.**

1. The Council's statement of compliance with the Duty to Co-operate (**SD6**) sets out the key strategic issues identified during the preparation of the Minerals Local Plan. This also identifies the relevant parties engaged with on each issue.
2. The Council consulted other authorities and prescribed bodies<sup>1</sup> by email/letter at each stage of plan preparation as follows:
  - Consultation on Issues and Options (Regulation 18) – November 2017
  - Consultation on Draft Plan (Regulation 18) – July 2018
  - Consultation on Publication Version (Regulation 19) – August 2019
3. At each of these stages the Council consulted all local planning authorities (LPAs) within Nottinghamshire, neighbouring LPAs, all Mineral Planning Authorities (MPAs) within the East Midlands and all neighbouring MPAs. The Council also consulted the prescribed bodies at each stage except for Transport for London and the Mayor of London as these are not considered to apply in the context of minerals planning in Nottinghamshire.
4. Meetings were held with all adjoining MPAs and all Nottinghamshire LPAs at the Draft Plan (July 2018) and Publication (August 2019) stages to discuss cross-boundary and other strategic planning issues arising from the preparation of the Minerals Local Plan. The matters discussed are detailed in the Statement of Common Ground (**SD7**). The Council also participates in regular strategic planning meetings with all Nottinghamshire LPAs and Nottingham City Council and equivalent meetings in Sheffield City Region.
5. The Council attends regular meetings of the Aggregates Working Party for the East Midlands (EMAWP) which normally meets two to three times a year although this can vary if there are specific issues to be addressed. The dates of meetings held during the preparation of the Minerals Local Plan are as follows:
  - 8 November 2017
  - 3 July 2018
  - 12 December 2018
  - 5 July 2019
  - 11 October 2019
6. The Council also circulates its draft Local Aggregates Assessment to EMAWP annually.
7. In addition to the consultation with statutory bodies at each plan stage, site-specific comments were also sought from Highways England, the Highways

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<sup>1</sup> Prescribed by Regulation 4 of the Town and Country Planning (Local Planning) (England) Regulations 2012 as amended.

Authority, the Environment Agency, Natural England and Historic England for each of the sites that were submitted during the Call for Sites in 2017.

8. Following consultation on the Publication Version of the Plan (August 2019) a telephone discussion took place with Historic England relating to their specific concerns over Policy MP9 (Industrial Dolomite). Historic England subsequently withdrew their Duty to Co-operate objection but maintain their objection to Policy MP9 on soundness grounds as detailed in the Council's Consultation Statement **(SD5)**.
9. There are therefore no outstanding Duty to Co-operate issues identified.

**Question 2. Provide details of engagement with Natural England in preparing the Plan. In particular, what engagement has there been regarding potential impacts on European sites, the possible potential European site, nationally designated habitats and protected species?**

10. The Council has consulted with Natural England at each stage of plan preparation as detailed in paragraph 2 above. The Council also sought specific advice on each of the sites submitted during the Call for Sites in 2017. These comments informed the Council's site assessment process. Natural England were also consulted formally on the Sustainability Appraisal (SA) Scoping Report **(SD8)**, the Habitats Regulations Assessment (HRA) Screening Report **(SD17)** and Appropriate Assessment **(EXAM1F)**. Site-specific recommendations from Natural England have been included in the individual Development Briefs for each site.
11. Natural England issued an Advice Note to LPAs in relation to the possible potential European site in March 2014. This recommends a precautionary 'risk-based' approach to development plan making and decision making. This recommended approach has been followed throughout the preparation of the MLP and in preparing the Sustainability Appraisal, HRA Screening Report and Appropriate Assessment.
12. Natural England has confirmed that it is satisfied with the findings of the HRA Screening Report and Appropriate Assessment and has not identified any Duty to Co-operate issues.

**Question 3. Describe how the need for Sherwood Sandstone has been considered under the Duty to Co-operate.**

13. As set out in question 1 and in the Statement of Common Ground **(SD7)** discussions with relevant Minerals Planning Authorities have been undertaken for all relevant aggregate minerals including overall sand and gravel provision and Sherwood Sandstone. This includes circulation of the Council's draft Local Aggregates Assessment to members of the East Midland Aggregate Working on an annual basis.

14. Sherwood Sandstone reserves currently stand at 23.3 years, well above the minimum 7-year requirement. No duty to co-operate issues were raised and no evidence was put forward by the minerals industry or other parties indicating a significant increase in provision will be needed from Nottinghamshire. No new greenfield sites were put forward at the call for sites stage and all extensions put forward have been allocated in the Plan.

**Question 4. Describe how the need for minerals other than aggregates (brick clay, gypsum, silica sand, industrial dolomite, building stone, coal, oil and gas) gypsum been considered under the Duty to Co-operate.**

15. The need for minerals other than aggregates were discussed on a case by case basis with the relevant Minerals Planning Authorities at each of the consultation stages and at regular liaison/informal meetings.
16. The relationship with adjoining Minerals Planning Authorities regarding the provision of non-aggregate minerals is described within the Statement of Common Ground (SD7). No duty to co-operate issues have been identified in relation these minerals.
17. Following consultation on the Publication Version of the Plan (August 2019) a telephone discussion took place with Historic England relating to their specific concerns over Policy MP9 (Industrial Dolomite). Historic England subsequently withdrew their Duty to Co-operate objection but maintain their objection to Policy MP9 on soundness grounds as detailed in the Council's Consultation Statement (SD5). Historic England have since confirmed a willingness to discuss matters further in relation to this objection and agree a statement of common ground with interested parties and the Council ahead of the hearings.