

Written statement on behalf of:

Barton in Fabis Parish Council, Clifton Village Residents Association, Lark Hill Retirement Village Residents, Thrumpton Parish Meeting and SAVE Campaign Group

Matter 2 – Vision, strategic objectives, and strategic policies

1. Note questions are numbered according to the referring in Version 3 of Matters, Issues and Questions

Policy SP1: Minerals Provision

2. Additional question.

Following correspondence with the Programme Officer and Inspector it was agreed (email Ian Kemp 16th March) to consider add an additional question under SP1 to those identified by the Inspector under Matters, Issues and Questions. The question asked NCC to:

Explain how the spatial distribution of the Plan has been informed; how the site selection methodology aligns with the results of the public consultation at the Issues and Options Stage and outline the evidence base and rationale for the proposed geographical spread of sites.

Alignment of site selection methodology and public consultation

3. The County Council’s Issues and Options analysis published in March 2018 evaluated five policy options:
 - A. Geographical spread across the County
 - B. Prioritise specific areas
 - C. Prioritise locations with potential for transporting sand and gravel by river barge
 - D. Allocate sites based on their individual merits
 - E. Use criteria-based policy approach.
4. It concluded that “Options A and C scored equally favourably and were more sustainable than the other options”. This conclusion and the analysis which led to it are flawed and the Plan based on it is unsound. In fact, there is a mis-alignment between this conclusion and the Council’s own observation that during the public consultation responses were split in relation to the importance of geographical spread and that:

“Generally, respondents felt that prioritising specific geographic areas above others would not be appropriate, instead, each site should be judged on its own merits”.
5. On Page 50 of Nottinghamshire Minerals Plan Consultation Draft (NMPCD) it is further noted that there is “considerable uncertainty” as to the possible impacts of the options on the

sustainability objectives; half of them were not included in the scoring due to lack of detail. **As a result of such uncertainty, a precautionary approach would suggest that sustainable outcomes are more likely to be achieved if sites are considered on their individual merits than by the application of general criteria such as geographical spread.**

6. A precautionary approach to the evaluation of the impacts of the five options on the sustainability objectives suggests that at the drafting stage option D has been inappropriately and negatively scored relative to Option A. The preferred options that meet the County's own sustainability goals are clearly C and D, rather than A and C. The design and application of the site selection methodology based on A and C should therefore be regarded as **unsound in terms of justification** and should be revised to provide a more positive and accurate assessment of the likely impacts on the County's sustainability appraisal objectives.

Construction of the evidence base

7. The Plan states (Para 4.22) that in relation to sand and gravel "... a geographical spread of sites has been identified to enable the continued supply of sand and gravel to the different market areas to minimise the wider impacts of HGV transport". Using market access and transport as the sole criteria for proposals relating to geographical spread is, however, inconsistent with NCC's policies for sustainable development. Moreover, the claim that notwithstanding this, the allocations proposed (and the allocation proposed at Mill Hill / Barton in Fabis in particular) are optimal with respect to market and HGV transport is unsubstantiated.
8. In relation to the tests for soundness of the Plan:
 - (a) **The criteria that any Plan should provide a strategy which seeks to meet the area's objectively assessed needs, consistent with achieving sustainable development both local and nationally is not met.** Although access to market and minimisation of the impacts of HGV transport are important criteria in the context of sustainable development, other criteria such as minimising impacts on local communities (NCC Strategic Objective (SO) 5), protecting and enhancing natural assets (SO6) and protecting and enhancing historic assets (SO7) also need to be taken into account. ***In any positively prepared plan, the proposed geographical allocation of sites needs to be consistent with the full range of criteria used to judge the sustainability of actions; unless it does so it is not consistent with National Policy as set out in the NPPF. There also needs to be a statement about how different sustainability criteria are to be weighed against each other when assessing different geographical options, and why market access and HGV transport are prioritised over other factors.***
 - (b) **The criterion that the Plan should provide an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence is not met, because no evidence base has been provided that justifies the choices made in the allocations.** The Plan is unsound because no criteria have been provided by which alternative geographical allocations can be tested or compared, nor have any alternative proposals been considered and shown to be sub-optimal compared to the one proposed. In the Plan and its accompanying documents there is the complete absence of a robust analysis of markets and growth areas, and how sites with different options for sustainable transport (e.g. barging) are

located in relation to them. No evidence is provided to justify the claim that the proposed allocation will minimise the wider impacts of HGV transport and as a result the Plan fails the test for justification; it is not based on proportionate evidence.

Policy SP4: Sustainable Transport

Question 10 Please provide further information on the sustainability advantages of barge transport in comparison to road transport.

9. The Minerals Local Plan is **unsound** in that the policy objective relating to barge transport has not been properly considered and so there is a mis-alignment between policy and practice.
10. The Plan acknowledges that barge transport has historically been used on the River Trent and that “Studies have shown there is potential to increase water-borne freight on parts of the river”. However, no site has been allocated which makes any use of barging, although potential sites such as those at Shelford, which have been excluded from the plan, could transport 40% of its output by barge; SP7 safeguards the required wharf at Colwick (3.87 / 3.88) which would be used by such a scheme.
11. The Plan is unsound because it provides no analysis of the advantages/disadvantages of barge transport in comparison to road transport and no explanation of how the opportunities for barge transport are weighed against other geographical and site-specific factors.
12. If the Plan as a whole is to conform with the ‘effective’ test of paragraph 35 of the NPPF, and therefore be consistent with national policy, the site selection methodology should be revisited to take fuller account of the statements in Policy SP4 below:
 - 3.39 point 1 “All mineral proposals should seek to maximise the use of sustainable forms of transport, including barge, rail and pipeline”
 - 3.41 that “the promotion of alternative, more sustainable forms of transport such as barge or rail is important”
 - 3.4.2 noting that barge transport has historically been used on the River Trent and that “Studies have shown there is potential to increase water-borne freight on parts of the river”.
13. With regard to the sustainability advantage of barge transport in comparison to road transport, the attention of the Inspector is drawn to commercial use of barges to transport aggregate on the River Severn. About 200,000 tonnes of aggregate are extracted from a quarry near Ripple and transported by barge to Upton-upon-Severn. In this particular case study (CBOA 2005), two 180 tonne barges make four journeys a day, which is the equivalent of taking 116 (25tonne) lorry journeys off the roads. (Barges 180 tonnes x two x four =1440 tonne a day, Road haulage 1440 tonnes / 25 tonnes x two trips per delivery = 116 journeys). Benefits:
 - Elimination of the lorry journeys means that issues such as road accidents, noise, congestion, and vibration are reduced.
 - Barge transport reduces emissions of carbon dioxide and other toxins. Each barge averages 90 litres of gas oil a day to operate. Water transport consumes less than half the fuel required by transport by road
14. In respect of the situation in Nottinghamshire, barge transport is feasible from the north towards Nottingham and, as noted above, Colwick Wharf has been safeguarded within Nottingham City. As we have demonstrated in our earlier submissions under MP2 / MP2p

Colwick Wharf is closer than the proposed Mill Hill / Barton in Fabis site (and therefore more sustainable from a transport viewpoint) to the main sustainable urban extensions and other major development identified for housing development in Nottingham City and Rushcliffe Local Plans:

- Gamston: Colwick Wharf 6.45km (Barton/ Mill Hill 13.45km)
- Edwalton: Colwick Wharf 8.49km (Barton / Mill Hill 8.79km)
- Waterfront: Colwick Wharf 0.5km (Barton / Mill Hill 9.54km)
- Former Boots site: Colwick Wharf 5.69km (Barton / Mill Hill 5.96km)

15. This evidence demonstrates that there is a mis-alignment between policy and practice in the development of the Plan, and that it is unsound to the extent that the options for barge transport have not been properly considered.

Policy SP5: The Built, Historic and Natural Environment

Question 13 Is paragraph 3.54 consistent with national policy, in terms of referring to protection of “the most important” heritage assets?

16. Paragraph 3.54 is inconsistent with national policy because it implies that the significance of only the most important heritage assets and their settings are relevant under the NPPF. This is entirely inaccurate. The NPPF requires that due consideration should be given to all heritage assets. Whilst weight for decision making purposes can vary depending on the importance of the asset (para 193 NPPF) paragraph 3.54 is misleading and should either be amended or removed.

Question 14 In that paragraph, is “proportionate” balancing of need for the development against harm consistent with the Framework in terms of balancing harm against public benefits?

17. Balancing of need for the development against harm is not consistent with the NPPF in terms of balancing harm against public benefits. The NPPF requires that the level of detail collected about the harms done should be proportionate to the importance of the historic asset. However, in terms of public benefit, the decision rests on whether any harm created is ‘substantial’ or ‘less than substantial’ in respect of the impact on public benefits. Whilst potentially ‘need’ could be a public benefit, paragraph 3.54 simplifies heritage considerations to a balancing exercise against need. However, the requirements of paragraphs 195 and 196 of the NPPF are more complex than this, and place greater weight on protection of heritage assets. The text should be revised and the principles applied.