

Examination of the Nottinghamshire Minerals Local Plan

Submission made by Heatons on behalf of Tarmac Trading Limited

Matter 2 – Vision, strategic objectives and strategic policies

Issue: Whether the vision, strategic objectives and strategic policies provide an appropriate basis for sustainable minerals development.

Policy SP7: Minerals Safeguarding, Consultation Areas and Associated Minerals Infrastructure

Question 15

The policy refers to safeguarding of associated minerals infrastructure and the supporting text states that wharfs are safeguarded, but concrete batching plants, coated roadstone and other minerals infrastructure are not safeguarded. Is the policy sufficiently clear and is there a conflict between what the policy says and paragraphs 3.89 and 3.90?

The policy as worded conflicts with paragraph 204c and 204e of the NPPF and is unsound. The policy seeks to safeguard 'economically important' mineral resources and associated infrastructure. However, Paragraph 204 c and e of the NPPF makes no such distinction regarding economic value. The economic value of mineral resource changes over time. The policy should be amended to include, all 'known locations of specific minerals resources of local and national importance' and 'existing, planned and potential sites for bulk transport, handling and processing of minerals, manufacture of concrete and concrete products and the handling, processing and distribution of substitute, recycled and secondary aggregate' (my emphasis) should be safeguarded.

Question 16

Please describe the justification for not safeguarding concrete batching plants, coated roadstone and other minerals infrastructure, with regard to paragraph 204 (e) of the Framework.

This is not justified. See comments above.

Question 17

Is this policy fully consistent with the Vision and Strategic Objective 4?

Again SO4 makes reference to 'economic importance'. The NPPF does not require there to be any justification on the economic value of mineral resource which can fluctuate over time. It seeks to safeguard all 'known locations'.

Question 18

Should the policy refer to the 'agent of change' principle as described in paragraph 182 of the Framework in terms of any requirement for mitigation measures?

The Planning Practice Guidance (Paragraph: 003 Reference ID: 27-003-20140306) is clear that Mineral Planning Authorities should adopt a systematic approach for safeguarding mineral resources, which (inter alia):

'adopts clear development management policies which set out how proposals for non-minerals development in Minerals Safeguarding Areas will be handled, and what action applicants for development should take to address the risk of losing the ability to extract the resource. This may include policies that encourage the prior extraction of minerals, where practicable, if it is necessary for non-mineral development to take place in Minerals Safeguarding Areas and to prevent the unnecessary sterilisation of minerals'. (my emphasis).

The Planning Practice Guidance (Paragraph: 005 Reference ID: 27-005-20140306) identifies the role of district councils in safeguarding.

'Whilst district councils are not mineral planning authorities, they have an important role in safeguarding minerals in 3 ways:

- having regard to the local minerals plan when identifying suitable areas for non-mineral development in their local plans. District councils should show Mineral Safeguarding Areas on their policy maps;
- in those areas where a mineral planning authority has defined a Minerals Consultation Area, consulting the mineral planning authority and taking account of the local minerals plan before determining a planning application on any proposal for non-minerals development within it; and
- when determining planning applications, doing so in accordance with development policy on minerals safeguarding, and taking account of the views of the mineral planning authority on the risk of preventing minerals extraction'.

In light of this guidance, it is considered that the Mineral Local Plan policies on safeguarding need to be very clear on the approach to development affecting defined safeguarding areas so that they can be enforced by the District Council (on consultation with the Mineral Planning Authority). It is our view that reference to the 'agent of change' principle would provide added protection to mineral operations/infrastructure and greater emphasis on new development having to demonstrate there would be no adverse impact upon existing operations. Greater emphasis on how the Mineral Planning Authority will monitor and assist District Authorities on safeguarding matters would provide greater clarity.