

Statement on behalf of the **Mineral Products Association (MPA)**.

Independent Examination of the Nottinghamshire Minerals Local Plan.

**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.**

**Vision**

**Question 6- Please clarify the distinction between the terms ‘mineral reserves’ and mineral resources’ in the context of the Vision and the document as a whole.**

*Mineral reserves* are those minerals that are geological proven and have the necessary planning permission and permits to allow their winning. *Mineral resources* are known of, and possibly proven to some degree, but do not have the necessary permission or permits to allow their winning.

The distinction is important in the context of the Plan and specifically regarding safeguarding of mineral. NPPF is explicit on the matter of safeguarding of mineral at paragraph 204 (c) states....*safeguard mineral resources [emphasis added] by....*and goes on to refer to refer to *...known locations of specific minerals resources[emphasis added] of local and national importance....*

Furthermore, PPG reinforces the issue and refers to the BGS report on *Mineral Safeguarding in England: good practice guide*. It is noted that the term *mineral resources* is, correctly used in our view, in Policy SP7 and also in the Strategic Objective SO4.

**Policy SP1: Minerals Provision**

**Question 8- Please explain how the Plan’s policies prioritise the extension of existing sites in preference to new sites.**

There appears to be no justification for the priority of extensions over green fields it is a statement only. While we understand the attraction of extensions from a sustainability point of view ,and also economically to the operator, it will not allow increase in productive capacity of Nottinghamshire in the event of increased demand and therefore there needs to be more flexibility in the plan .We will be arguing under Mater 3 that the plan is underproviding as a result of a failure to forecast future demand and on that basis is unsound.

**Policy SP4: Sustainable Transport**

**Question 9- Having regard to the lack of rail heads in the county, how would use of rail be facilitated?**

Clearly without rail heads the ability to import or export aggregates to or from the County will not be possible. In reality the economics of rail borne sand and gravel is challenging and unlikely to happen.

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

The issue you here is initially viability which in itself goes to the question of sustainability. Paragraph 3.42 of the MLP refers to the *restrictions on barge sizes upstream of Cromwell Lock* **may** (emphasis added) *restrict the viability of barging of minerals downstream to Nottingham.* While viability of operations is a matter for our members to argue *the fact is that the restrictions on barge sizes will obviously restrict viability and this should be acknowledged in the text to make the plan effective.* It is argued that if viability is an issue it is in itself not sustainable. The wording of the policy needs adjusting to make it effective – see response to question 12.

**Question 11- Should part 3 of the policy state that it applies to both operational and restoration phases of development?**

See response to question 12.

**Question 12- Is there a distinction between parts 1 and 3 in this respect or could they be combined?**

With reference to question 10 and 11 as well we believe that part 3 of the policy is not required and suggest revised wording to make it effective as follows:

**Proposed Changes** (deletions in ~~strike through~~; new text in **bold**)

**Policy SP5 – Sustainable Transport**

1. All mineral proposals should seek to maximise the use of sustainable forms of transport, including barge and rail **where practical and economic.**

2. Where it can be demonstrated that there is no viable alternative to road transport, all new mineral working and mineral related development should be located as follows:

a) within close proximity to existing or proposed markets to minimise transport movement; and

b) within close proximity to the County's main highway network and existing transport routes in order to avoid residential areas, minor roads, and minimise the impact of road transportation.

~~3. Proposals requiring the bulk transport of minerals, minerals waste/fill or materials/substances used for the extraction of minerals by road will be required to demonstrate that more sustainable forms of transport are not viable.~~

Part 3 of the policy is not necessary with the proposed additional wording in part 1.

## **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 drafted is not clear and is UNSOUND as it does not accord with National Policy, is not effective and is not positively prepared. NPPF para 204c requires.

*...that known locations of specific minerals of local and national importance are not sterilised...*

There is no reference to *economically important mineral resources*. The purpose of the safeguarding approach is to safeguard all known mineral resources for future generations. Economics change over time.

Furthermore the NPPF at paragraph 204 (e) requires that planning policies should '*safeguard 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*'. As with mineral safeguarding the NPPF makes no reference to the economics of such sites.

In addition, buffer zones should be put on both the MSA and the added value operations/mineral infrastructure sites. In addition, the mineral infrastructure sites should be listed by name and location as well as being identified on the policy map.

**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.**

There is no justification and there cannot be based on national policy. See comments to question 16 above.

**Question 17- Is this policy fully consistent with the Vision and Strategic Objective 4?**

No. Furthermore SO4 refers to *economic importance* which goes beyond national policy which refers to *known locations*. As such SO4 is unsound.

**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?**

Yes, it should as we have previously advised in responses to the draft plan. Paragraph applies to minerals as it does to any other form of development. The NPPF must be read as a whole. We consider the policy as currently unsound and so deficient that it should be redrafted. We repeat below a suggested redraft as previously submitted to the council:

### **Policy SP7**

*The county council will safeguard known mineral resources from unnecessary sterilisation by non-mineral development by implementing Mineral Safeguarding Areas and Mineral Consultation Areas as indicated*

*on the Policies Map.*

*Any proposals for non-mineral development which fall within the Mineral Safeguarding Areas and Mineral Consultation Areas (including a 250 m buffer around such areas), other than applications for development on the 'Safeguarding Exemption Criteria list' will be subject to consultation with the Minerals Planning Authority. The 'agent of change' principle will be applied by the County Council to all such development.*

*After consultation with the Mineral Planning Authority, the submission of a Mineral Resource Assessment may be required to establish the existence or otherwise of a viable mineral resource. Assessments shall be site specific and include geological survey data undertaken by a suitably qualified professional.*

*The Mineral Planning Authority will object to proposals for non-mineral development within the Mineral Safeguarding Areas and Mineral Consultation Areas, as shown on the Policies Map, unless it is clearly demonstrated to the Mineral Planning Authority that:*

- mineral extraction is not environmentally acceptable; or*
- the need for the non-mineral development clearly outweighs the need for the mineral resource and therefore sterilisation of the mineral resources; or*
- the proposed development does not constrain potential future extraction i.e. playing fields or open land; or*
- the development would not constrain future mineral extraction in the vicinity.*

*Prior extraction will be sought where practicable unless it is demonstrated that the mineral cannot practically be extracted in advance of the proposed development.*

*In these circumstances, full consideration should be given to the use of raised sand and gravel material on site in construction projects to reduce the need to import material as opportunistic use.*

#### *Minerals ancillary infrastructure safeguarding*

*Existing and planned minerals ancillary infrastructure sites identified on the Policies Map, with a 250m buffer zone, will be safeguarded against development which would prevent or frustrate the use of the site for minerals ancillary infrastructure purposes, unless:*

- i) The need for the alternative development outweighs the benefits of retaining the site; and*
- ii) Where minerals ancillary infrastructure is in active use on the land, a suitable alternative location can be provided for the displaced infrastructure; or*

- iii) The site is not in use and there is no reasonable prospect of it being used for minerals ancillary infrastructure in the foreseeable future.*

*Where development, other than exempt development as defined in the Safeguarding Exemption Criteria list, is proposed within an identified buffer zone permission will be granted where adequate mitigation can, if necessary, be provided to reduce any impacts from the existing or proposed adjacent minerals ancillary infrastructure uses to an acceptable level, and the benefits of the proposed use outweigh any safeguarding considerations. The agent of change principle will apply to all such encroaching non-mineral development.*

*Transport infrastructure safeguarding*

*Railheads, rail links and wharves identified on the Policies Map, with a 250m buffer zone, will be safeguarded against development which would prevent or frustrate the use of the infrastructure for minerals or waste transport purposes, unless:*

- i) The need for the alternative development outweighs the benefits of retaining the facility;  
and*
- ii) Where the minerals or waste transport infrastructure is in active use on the land, a suitable alternative location can be provided for the displaced infrastructure; or*
- iii) The infrastructure is not in use and there is no reasonable prospect of it being used for minerals or waste transport in the foreseeable future.*

*Where development, other than exempt development as defined in the Safeguarding Exemption Criteria list, is proposed within an identified buffer zone permission will be granted where adequate mitigation can, if necessary, be provided to reduce any impacts from the existing or proposed adjacent minerals or waste transport infrastructure uses to an acceptable level, and the benefits of the proposed use outweigh any safeguarding considerations. The agent of change principle will apply to all such encroaching non-mineral development.*

The suggested Safeguarding Exemption Criteria list is as follows;

- *Infilling in an otherwise built up frontage within a settlement*
- *Householder applications within the curtilage of a property*
- *Advertisement applications*
- *Reserved matters applications*
- *Applications for new or improved accesses*
- *Minor' extensions/alterations to existing uses/buildings which do not fundamentally change the scale and character of the use/building 'Temporary' development (for up to five years)*
- *Agricultural buildings adjacent to existing farmsteads*
- *'Minor' works such as fences, bus shelters, gates, walls, accesses.*
- *Amendments to current permissions (with no additional land take involved)*
- *Changes of use*

- *Applications for development on land which is already allocated in an adopted local plan where the plan took account of minerals and waste safeguarding requirements*
- *Listed Building Consent and applications for planning permission for demolition in a conservation area*
- *Applications for work on trees or removal of hedgerows*
- *Prior notifications for telecommunications, forestry, agriculture and demolition*
- *Redevelopment of previously developed land not increasing the footprint of the former development*
- *Certificates of Lawfulness of Existing Use of Development and*
- *Certificates of Lawfulness of Proposed Use or Development*

Furthermore, our comments in response to 15,16, and 17 should be reflected in the supporting text to the policy.

**Mark E North**  
**On behalf of the Mineral Products Association**  
**14 April 2020**

