



## **Nottinghamshire Wildlife Trust (NWT) – Submission for the Nottinghamshire Minerals Local Plan Examination.**

### **MATTER 2. Vision, strategic objectives and strategic policies**

#### *Strategic Policies*

7 In paragraph 3.5, does the inclusion of the phrase “unless material considerations indicate otherwise” detract from the clear statement of policy in sub paragraphs (a) and (b) of that paragraph?

In NWT’s view, the inclusion of the phrase “*unless material considerations indicate otherwise*” is significant and important, as it covers a range of possible material issues which are not otherwise listed in a) and b). For example, the use of “*areas or assets of particular importance*”, may not be sufficiently robust to protect all natural assets of importance such as BAP/SN41 habitats, depending on a rather subjective definition of what is meant by “particular”, and hence may not be compliant with the NERC Act.

Similarly, b) can be open to interpretation, as there is a lack of robust framework (nationally) on how to assess whether impacts would “*outweigh the benefits*”, which is of considerable concern in how applications are judged. There appears to be no rigorous quantified approach for Planning Authorities to use, leaving definitions of “outweighing” open to subjective interpretation. Thus, in this unhelpful situation, NWT’s view is that it is essential to have reference to material considerations in such an important paragraph, so that all the possible impacts of a proposal for an unallocated site can be fully and rigorously assessed. This is notwithstanding that it is NWT’s position that there should be a strong presumption against unallocated sites per se, as they are not able to be subject to a proper scrutiny in comparison to other sites, as happens in the SA of the Plan-making process.