



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

### **MATTER 4 Development Management Policies**

**Issue:** Whether the development management policies are consistent with national policy, effective and otherwise sound.

*Policy DM4: Protection and Enhancement of Biodiversity and Geodiversity*

43 Should “in accordance with the requirements of the Conservation of Habitats and Species Regulations 2017” be added to paragraph 1(a) to ensure this is effective and consistent with national policy?

Yes, it is NWT’s view that this addition would be helpful to ensure clarity of approach and consistency with national policy. Whilst the current text correctly identifies the main issues that should be considered with regard to a European site or proposed potential European site, the specific reference to the legislation would help to reinforce the need to address all issues as required by law.

It is NWT’s position however, that in the light of current and emerging policy on net gain, the Environment Act, and the aims of the 25 Year Environment Plan, the wording of this policy requires strengthening by the removal of references to unspecified reasons for why the “need” for development might outweigh the biodiversity impacts. Experience in Nottinghamshire has demonstrated that it is difficult to quantify the value of different factors, such as the need for a common mineral versus the value of an irreplaceable habitat, and that this causes problems at a development management level, which can result in decisions that are, in effect, contrary to policy. All applicants will argue that there is no alternative location for their site, and that a particular site, or size of extraction area, is necessary to their business, and for mineral production per se. In the absence of consistent national guidance on how this can be tested or challenged and what weighting should be applied, then either:

- a) These caveats need to be removed, as they can be used as loopholes to evade the excellent intent of the policy, or;
- b) A robust framework should be agreed for how need and value is quantified and weighted, in order to ensure rigorous development management decisions that are consistent with national policy and sound with regard to the NERC Biodiversity Duty.

44 There is no provision in the Habitats Regulations for avoidance, mitigation and compensation, and as structured, part 2 of Policy DM4 could be interpreted as applying to development that may affect a European site under part 1 (a). Should it be made clear in the policy that part (2) does not apply to impacts on European sites considered under part 1 (a)?

Yes, it should be made clear that this provision does not apply to European sites or proposed potential European sites.

*Policy DM16: Associated Industrial Development*

48 Should this policy require consideration of environmental, transport and



other factors?

Yes, it is NWT's view that such structures should be part of the EIA process in determining the application and so subject to all necessary assessments at that time. Recent casework has demonstrated that, in some cases, less damaging alternatives to such ancillary structures and development can be secured, when properly challenged and tested through an EIA.

Furthermore, as extraction sites evolve over years, it is sometimes necessary to add or amend such structures and development, so at that time they should be subject to proper and rigorous assessment, in order to ensure no advertent breaches of compliance with policy or law, an example being the impacts of noise from the operation of new structures on breeding birds.