

## 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**

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

## **Matter 5 – Site Allocation Development Briefs**

***Issue: Whether the Development Briefs are consistent with national policy, effective and otherwise sound.***

### **Question 52: How do the restoration requirements relate to Policy SP2?**

2. The restoration requirements in the development briefs are inadequate and reflect the unsound nature of Policy SP2. The latter is not effective because it does not deliver appropriate biodiversity led restoration at the wider landscape (i.e. County scale) and fails the general tests of Paragraph 35 of the NPPF. Specifically in relation to restoration it:
  - a) fails to set out what happens where biodiversity gains are not maximised at site or County scale;
  - b) does not reference restoration measures to any mitigation hierarchy; and,
  - c) fails to specify requirements for sustainable long-term aftercare where restoration takes place.
3. The policy is not 'effective' because it fails to set out what happens where biodiversity gains are not maximised. Is there, for example, a requirement for a minimum threshold in relation to gain either for individual sites or across the whole allocation of sites (e.g. no net loss)? Alternatively, is there any requirement to look at the nature and extent of concomitant biodiversity loss or the extent and likely success of biodiversity compensation measures either at the site or County-level? In the absence of such detail the policy is unlikely to be effective.
4. The policy is also unsound in relation to its effectiveness because it does not reference restoration measures to any mitigation hierarchy which ensures that a preventative approach is prioritised thereby preventing avoidable biodiversity loss. Biodiversity restoration is not the sole criterion of the acceptability of development, and does not outweigh the need for conservation of existing resources. The policy is ineffective because it does not explain how the balance between restoration and conservation is to be judged in any decision-making context. Nor does it specify that the development and restoration should result in net biodiversity gain rather than simply restoration.
5. To be consistent with the requirements of the NPPF, planning policies should not only promote the preservation, restoration and re-creation of priority habitats, and the protection and recovery of priority species populations, linked to national and local targets, but also that policies **should seek to preserve ecological networks as well as restoring and recreating them**. This requirement is not met by the Plan, as set out in Paras 170 d) and 171 of the NPPF.

6. Finally, the Plan is unsound in relation to its effectiveness because it also fails to specify requirements for sustainable long-term aftercare where restoration takes place. Unless the biodiversity restoration/net biodiversity gain can be maintained then the policy cannot be effective in the long-term and support wider policies related to sustainable development.

**MP2p: Mill Hill near Barton in Fabis****Question 72: Should the Brief include a requirement to consider effects on the Green Belt?**

7. We contend that:

Development briefs should include a requirement to consider effects on the Green Belt.

However, for reasons explained under Matter 3, Question 34 we do not think that the allocations made in the Minerals Plan show that this has been done. The allocation in relation to the site at Mill Hill, Barton in Fabis does not demonstrate that there is an acceptable impact in terms of the Green Belt.

8. We understand from correspondence with the Programme Officer (email 16<sup>th</sup>March), on behalf of the Inspector, that this matter is not restricted to whether the Development Briefs themselves are sound, but that includes “all other detailed matters of soundness. In this regard and to avoid repetition of previous material relating to the Planning Application for the site (see Matter 3, Question 34) we summarise briefly below why we consider that Policy MP2(p) Mill Hill near Barton in Fabis is unsound:

- a) **Biodiversity:** The applicant has made an over estimate of the extent of biodiversity gain achieved by the revised mitigation and restoration plan. The application of the methodology used is flawed in terms of the assumptions made about the habitat condition achieved by restoration, and in its failure to take account of off-site impacts.
- b) **Revised working scheme and restoration:** Despite revising plans to take account of the impact of bunding, soil storage and disposition of materials, current proposals remain incomplete. The reduction in the requirement for soil storage in the revised plan assumes a larger area of shallow water can be established posing a potential aviation hazard for East Midlands Airport.
- c) **Designation:** The applicant fails to demonstrate that the impacts on designated habitats neighbouring the proposed development can be successfully managed or mitigated, and that significant damage to important ecological assets in the locality would not result.
- d) **Species:** The response of the applicant in respect of bats, necklace ground beetles, and barn owls is inadequate. The material provided both fails to address the points put by NCC, and continues to be based on inadequate survey information.
- e) **Dust:** The response of the applicant to the questions on dust is inadequate. The timing of movements of material in relation to wet and dry periods is contradictory, and the analysis fails to take account of the impact of dust on health and the impact on Air Quality for Lark Hill retirement complex.
- f) **Noise:** The response of the applicant is inadequate in that they do not provide appropriate base line data for background noise for each of the designated locations. Nor do they provide robust evidence to support their claims for the effectiveness of the noise mitigation strategy proposed.
- g) **Heritage:** The response of the applicant is inadequate because fails to assess the historical, social and economic connections between the application site and Clifton Hall and the way in which these are important to both the setting and historic significance of the Hall and its Registered Park and Gardens and the Clifton Village Conservation Area which includes these Grade I and II registered heritage assets.

- h) **Cumulative impacts:** The cumulative impacts of the proposed development have not been fully considered by the applicant or the County, specifically: The new A453; Lark Hill Village; Clifton South Park and Ride; and, the prospective developments at Clifton Woods and Fairham/Clifton Pastures.
- i) **Green Belt:** The applicant has failed to address the issues that arise in relation to the Green Belt, particularly in the area of the plant site, which is on a prominent and distinctive hill ridge.

**Question 73: Are mitigation measures needed for residential amenity as mentioned in the SA?**

9. The Sustainability Appraisal prepared by the County Council states (P84) that

“During the operational period there could be a very negative effect on the quality of life for local residents as surrounding settlements could be adversely affected by noise, dust, and traffic, rights of way would be disrupted and there would be an adverse effect on visual amenity, but there is some scope for mitigation.”

10. These matters are residential and public amenity matters, which should be taken into account. However, the mitigation measures envisaged fail to overcome the significant negative effects on the quality of life that the development would have. Specifically:
11. It should be noted that the SA fails to recognise the proximity of the proposed site to the retirement development at Lark Hill which is well within 400m of the processing plant. The analysis made does not assess the impact of dust on ‘high sensitivity’ communities such as Lark Hill where many residents have breathing difficulties. As a result, the development brief does not specify any mitigation measures or recognise the inappropriate nature of the proposed development in this location.
12. The proximity of the proposed site to Attenborough Nature Reserve and the riverside path along the Trent opposite the extraction site should also be considered. Only the River Trent separates the site from Attenborough Nature Reserve which many people visit throughout the year; The RSPB publication ‘Bigger and Better’ estimates that 600,000 people visit Attenborough Nature Reserve annually. Those who walk Attenborough’s riverside paths will continually view the adverse effects of the site over the lengthy operational period and will no longer be able to enjoy the peace and tranquillity of the reserve. The planting of willow along the Barton bank of the Trent is immature, unsuccessful in places, and in any case obscures the open views across the flood plain which are of high amenity value.
13. In terms of public access to the site it should also be noted that while it is described throughout the documentation in terms of its proximity to Barton in Fabis, it is also located close to Clifton. Inspection of the census data available from the NOMIS website shows that in 2013 the estimated population of people between 16-64 for the wards of Gotham, Clifton South and Clifton North was in excess of 19,000 people. This estimate does not include children or those older than 64. The assessment should therefore reflect the fact that the site represents the nearest countryside (<1km) to a significant number of people, and given that currently policy for promoting health and well-being includes encouraging walking and other activities in green, tranquil areas, the development of the site would result in a significant loss of public amenity.

14. In relation to the Public Rights of Way it should be noted that Bridleway 3 is an extremely well-frequented, strategic route between Barton and Thrumpton in the country and Clifton and Wilford in the city. As the site access road and gravel conveyor will have to be crossed by the footpath this will have major impacts on users. Most significantly it will affect horse riders along the base of Brandshill Grassland by posing a safety risk.