



INDEPENDENT EXAMINATION OF NOTTINGHAMSHIRE MINERALS LOCAL PLAN

MATTERS, ISSUES & QUESTIONS

RESPONSE TO INSPECTORS QUESTIONS BY GREENFIELD ENVIRO ON BEHALF OF LONDON ROCK SUPPLIES LTD

MATTER 5 – SITE ALLOCATION DEVELOPMENT BRIEFS

Site: MP2p: Mill Hill nr Barton in Fabis

Q71 – Should there be a requirement to restore soils?

1. We presume that the question relates to the retention of soils, including direct placement of soils during the phased extraction scheme to restore the floodplain (mineral extraction) area to a range of habitats that offer a mixed use in line with the recommendation for the Development Brief, including wet grassland, reedbed, marsh and swamp, ponds, together with lowland grassland, wet woodland and other limited woodland.
2. There is very little best and most versatile (B&MV) agricultural land in the floodplain area, but where this occurs much of it will be retained due to the location of the gas main and the revisions to the proposed extraction scheme to retain some small areas of “ridge and furrow” identified on the site. The Agricultural Land Classification for the proposed development area is shown in Figure 5 of the Soils Assessment (Appendix 8 of the ES). This is reproduced below for ease of reference.
3. In the higher level “plant area” of the proposed site, all of the soils will be stripped and stored in bunds located around the boundary of the area. This will allow the soils to be grass seeded to offer a screening and restrict views into the site. A detailed soil handling scheme has also been included in the ES that would follow the national guidance ‘Good Practice Guide to Handling Soils’ (MAFF 2000), that is included in Appendix 8.
4. The proposed restoration of the site plant area is predominantly agricultural land using the stored soils and the methodology set out in the ES. This will ensure that there would be very little loss of B&MV soils in the final site restoration, whilst maintaining the overall biodiversity objects of mixed habitats that are set out for the Development Brief for the floodplain extraction area.

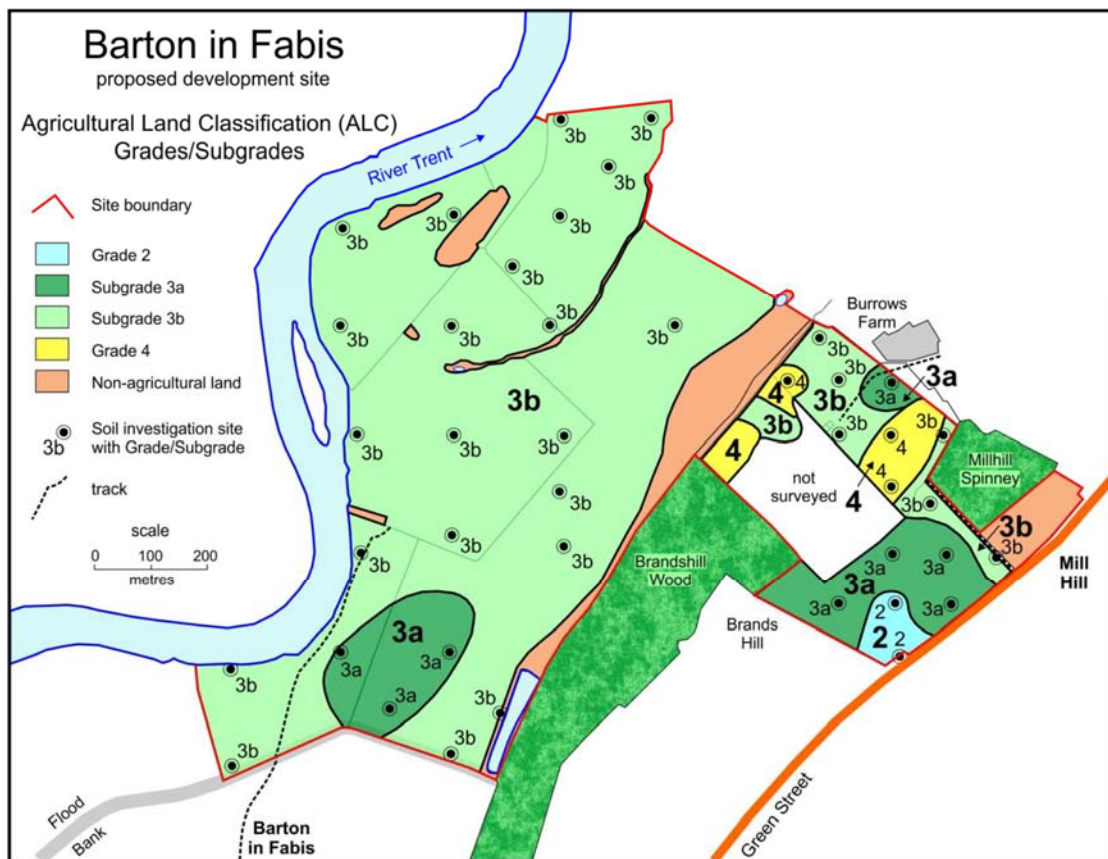


Figure 5 Agricultural Land Classification (ALC) map of the Barton in Fabis survey site

Q72 – Should the Brief include a requirement to consider effects on the Green Belt?

1. It is our view that it would be inappropriate and unnecessary for the Brief to include a requirement to consider effects on the Green Belt.
2. Our full explanation on outstanding issues on Green Belt (there are none) is set out in the response to Q35. Within this we make reference to the recent Supreme Court Judgment in North Yorkshire dated 5th February 2020 - R (on the application of Samuel Smith Old Brewery (Tadcaster) and others) (Respondents) v North Yorkshire County Council (Appellant) - which we consider to be particularly relevant as it deals with minerals proposals in the Green Belt. In our explanation we have drawn on the approach of the Supreme Court where Green Belt considerations, including potential effects on openness and the purposes of including land in Green Belt (NPPF para 146) – preventing urban sprawl – are “broad policy concepts” and not detail in relation to landscape and visual effects.
3. Various elements of the Barton in Fabis mineral development, like: landscaping, soil screening bunds; plant site location and layout/design; conveyor routeing; and, vehicular access location/design, all have the potential to have some effect on the local landscape and visual amenity. It is quite appropriate for the Brief to make clear that landscape and visual effects need to be properly considered. It is also appropriate for the brief to indicate any elements of the scheme that need to be specifically considered in this regard.

4. Given that the Minerals Local Plan has already reached that broad policy judgment of locating the land at Barton in Fabis as a potential sand and gravel site in compliance with the test(s) set out in the NPPF, particularly para 146, it would be inappropriate for the Mineral Plan/Brief to require the developer – and then consultees/community – to re-visit the whole issue again.
5. In particular, any reference to Green Belt and any connection of that to visual considerations in regard to Green Belt would be unsound in planning terms as they would conflict with the Judgment of the Supreme Court.
6. The Supreme Court makes clear that visual/landscape effects are material considerations, but they are not a major component of openness and urban sprawl consideration in relation to mineral development in the Green Belt.
7. As previously stated, it is for the Minerals Local plan, as a whole, to carrying out the balancing exercise of delivering sites to meet needs whilst protecting a whole variety of considerations/designating. That is a broad policy based exercise, which allows for mineral extraction in the Green Belt where provisos are met.
8. As they have been met by the Mineral Planning Authority allocating the Barton in Fabis site the Brief should then deal only with more detailed site specific and design specific matters that need to be addressed to ensure the development is acceptable.

Q73 – Are mitigation measures needed for residential amenity as mentioned in the SA?

1. We consider that it would be entirely appropriate for the Brief to make reference to a need for the development proposals to address and minimise impact on residential amenity. Section 14 of the Sustainability Appraisal (SA) relates to “protect and improve human health and quality of life” and proposed mitigation for a number of potential impacts that include measures to:
 - Reduce noise and dust
 - Transport assessment
 - Buffer zones and plant screening
 - Protection/ re-routing PRoW
 - Public access opportunities
2. However, we wish to direct the Inspector to the “broad brush” overview that the SA brings to the formulation of the development plan and that the SA is based on quite a degree of judgement/subjectivity, particularly how it is framed.
3. All of the issues stated are standard assessment that would be included in any major planning application for new mineral development, thus the list in the mitigation in section 14 is not an unusual set of mitigation objectives.

4. The planning application that has been submitted was supported by a comprehensive Environmental Impact Assessment (EIA) that did address all of the impacts stated in the SA thus there is a substantial, detailed and robust evidence base resulting from the EIA and particularly the follow up Reg25 submissions.
5. We consider that that there is no evidence of unacceptable harms to residential amenity, subject to the proposed site design, working practices and mitigation measures. Specific details are designed into the scheme to protect amenity generally that include stand-off distances from the limits of the extraction area to the residential properties in Barton in Fabis and landscape engineering measures that will specifically be employed like soil screening around the processing plant and limited working hours.
6. It should be noted that there is a series of natural "buffer zones" between the main areas of working and processing and the residential communities. These include the recently constructed A453 dual carriageway that separates the site from the main Clifton community and the Lark Hill retirement village, a series of dense woodlands that lie between the site and Clifton Hall and the original Clifton village and a 3m high flood bank that surrounds Barton in Fabis that forms the southern limit of the workings and separates the village from the extraction area. In addition, soil screening bunds and landscaping are proposed around the plant and conveyor that mitigates any noise impacts on other residential properties.
7. The consultation process undertaken as part of the planning application has not raised any clear issues associated with residential amenity, including no objections from the local Environmental Health Officer (email dated 29th February 2019)
8. Overall, we accept that the Brief could deal with residential amenity but the planning application/EIA/R25 evidence base clearly shows that these issues have been addressed as part of the planning application submission.



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