



**Nottinghamshire
County Council**

Nottinghamshire Minerals Local Plan

Nottinghamshire County Council Statement in response to Matters, Issues and Questions

MATTER 5 – SITE ALLOCATION DEVELOPMENT BRIEFS

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

Questions 49 - 80

Question 49. Where the Briefs describe potential links to European sites, should the need for further investigation and the potential need for Appropriate Assessment be highlighted?

1. Potential indirect hydrogeological links to European sites are described in the Briefs for three proposed sites (MP2k Bawtry Road West, MP2l Scrooby Thomson Land, and MP2m Scrooby North). As agreed separately with the Inspector, an Appropriate Assessment (AA) has been carried out to investigate these potential links (EXAM 1F). The results of this assessment have confirmed that there is no hydrogeological connectivity between the proposed sites and the European sites identified in the Briefs. As there is no mechanism for minerals development to have an adverse impact on the integrity of the site in each case, the Council is satisfied that the 'potential links' can now be ruled out. The Council is willing to suggest a modification to delete the references to 'potential indirect hydrogeological links' in each of the three Briefs listed above.

Question 50. In all cases a range of possible priority habitats is included. The following text in each Brief refers to 'target habitat(s)'. It is not clear what the target habitats are and further explanation of this should be provided

2. The 'target habitats' referred to in the Briefs are those priority habitats which are identified within the Local Biodiversity Action Plan (LBAP). The LBAP identifies a series of targets, at 5-yearly intervals, to improve the condition and coverage of each habitat type. Further explanatory text will be included within the introductory text at the start of Appendix 2 to clarify this. The Council will also consider whether the wording at the start of each Brief can be simplified to avoid any possible confusion.

Question 51. Preferences are expressed for certain types of habitat and not for others but further explanation is needed as to how this relates to the list of priority habitats.

3. The Development Briefs are not intended to be prescriptive but are meant as a guide to aid prospective applicants and developers as to the key issues that will need to be addressed within any planning application.
4. The list of priority habitats included in the Briefs relate to the Biodiversity Opportunity Mapping exercise¹ which was carried out to establish which of the LBAP priority habitats would be the most suitable/beneficial in each location. This is designed to help deliver the wider LBAP targets for habitat restoration where appropriate.
5. In each case a range of possible habitat types is presented to ensure there is flexibility, where necessary, to respond to site-specific circumstances. For example, the most suitable habitat may vary according to the depth, type, and extent of working proposed, and the availability of suitable restoration materials.

¹ <https://www.nottinghamshire.gov.uk/media/120449/ld5-trent-valley-biodiversity-opportunity-mapping-and-background-information-february-2016.pdf>

6. It is proposed to add additional text to make this clear within the Briefs.
7. Where a preference has been expressed this is due to the presence of similar areas of habitat nearby that could be extended/improved. However, this is not meant to prevent other habitat types. Instead, it would allow for priority to be given to reedbed for example, whilst recognising that a particular part of the site may have different ground conditions and may lend itself to wet woodland as part of the wider/overall scheme.

Question 52. How do the restoration requirements relate to Policy SP2?

1. The Quarry restoration section of each Brief states that all restoration schemes should be in line with Policy SP2. Policy SP2 is designed to ensure that opportunities for biodiversity within minerals development/restoration are addressed from the outset and not as an afterthought. This does not require sites to be restored to a biodiversity end-use but aims to ensure that opportunities to incorporate biodiversity net-gain within the overall restoration are not missed. Paragraphs 3.15 – 3.20 in the submitted Plan (SD1) outline this approach.
2. The Development Briefs therefore highlight relevant types of habitat restoration which should be considered in relation to the development and restoration of that site. These are not intended to be prescriptive but highlight appropriate habitat types that would help achieve part 1 of policy SP2.
3. The options for biodiversity led restoration have been identified through the development of a biodiversity opportunity mapping project² which seeks to identify opportunities for the enhancement, expansion, creation and re-linking of wildlife habitats across the county.

MP2k: Bawtry Road West

Question 53. The Brief says that priority should be given to wetland/open habitats but also that it may be appropriate to expand the area of acid grassland on the adjacent former quarry. Is the restoration requirement sufficiently clear?

4. The text is intended to give the flexibility to prioritise wetland/open habitats whilst recognising that the overall restoration scheme could also include an element of acid grassland to tie in with the existing area of acid grassland found within the former quarry. The Council is willing to suggest a modification to the text make this clear.

Question 54. Should the penultimate sentence under 'Quarry Restoration say "...by creating similar habitats to those within the restoration..."?

5. The penultimate sentence erroneously refers to Bawtry Road North. This will be corrected to refer to Bawtry Road West.

² <https://www.nottinghamshire.gov.uk/media/120449/ld5-trent-valley-biodiversity-opportunity-mapping-and-background-information-february-2016.pdf>

Question 55. The inset map is not clear as to where Local Wildlife Sites (LWS) are, or the distinction between SSSIs and LWS.

6. It is agreed that the Inset Map could be clearer. A key issue in respect of Inset 2 is the amount of information which is already overlain on the map. This includes Mineral Safeguarding Areas, an Airfield Safeguarding Area and an Oil and Gas Resource/PEDL Licence Areas which wash over the whole inset map.
7. The Council will explore further how the Policies Map can be changed to improve clarity - potentially by removing items which are not strictly policy areas, but are there for information, and including these separately.

MP21: Scrooby Thompson Land

Question 56. A range of priority habitats are listed including wet woodland and oakbirch woodland but the last paragraph states that priority should be given to wetland/open habitats rather than woodland.

8. A mix of any of the listed priority habitats, including wet woodland and oak-birch woodland, would be appropriate provided that habitat packing is avoided. However, the preference is for the majority of the restored habitat to be wetland or open habitats rather than large areas of woodland.

Question 57. Are the 2 listed buildings referred to in the first bullet Scrooby Top Farmhouse and Cottages as referred to in the 7th bullet under Environmental and cultural designations?

9. The listed buildings referred to are the Grade II listed buildings known as Scrooby Top Farmhouse Restaurant (Listing Reference 1239681) and Scrooby Top Cottages and attached buildings (Listing Reference 1273709). The text will be amended to reflect this.

Question 58. Should 'designated sites' be more specific? Are these the Mattersey Hill Marsh and River Idle Washlands SSSIs?

10. The 'designated sites' are Scrooby Top Quarry, Mattersey Hill Marsh and River Idle Washlands SSSIs. The text will be amended to reflect this.

Question 59. Is the requirement for screening for noise, dust or visual amenity?

11. The site is in close proximity to residential properties which could potentially be adversely affected in terms of noise, dust and visual amenity. Environmental protection measures, including screening as appropriate, should therefore be provided to mitigate possible noise, dust and visual impacts. The text will be amended to clarify this.

Question 60. What are the requirements in respect of nightjar, woodlark and potential indirect links to the SAC and ppSPA?

12. The Habitats Regulations Assessment - Screening Report (March 2019) (SD17) concluded that the Minerals Local Plan would not result in any likely significant effects on any European sites or the Sherwood possible potential Special Protection Area, either alone or in combination with other plans or projects. Following submission of the Minerals Local Plan further analysis was undertaken, specifically regarding potential hydrological impacts, in the form of an appropriate assessment. The Habitats Regulations Assessment Addendum – Appropriate Assessment (March 2020) (EXAM 1F) concluded that the Minerals Local Plan will not have an adverse effect on the integrity of any European site or Sherwood ppSPA, either alone or in combination with other plans and projects. The Brief therefore requires updating in this respect.
13. Any specific requirements in respect of nightjar and woodlark should be determined and addressed at the planning application stage with any planning application being supported by an ecological appraisal.
14. The Council is willing to suggest a modification to the Brief to delete the reference to potential indirect links to the Birklands and Bilhaugh SAC and Sherwood Forest ppSPA.

Question 61. As the site is separate from MP3c, it is not clear how the road access would be obtained.

15. Mineral will be transported by vehicle via private roadways to the existing access to the A638 which presently serves the operating Scrooby South Quarry. The operator (Rotherham Sand and Gravel Ltd) has entered into an agreement with the mineral owner, who has rights of access over neighbouring land, to transport mineral to the existing access point at Scrooby South Quarry.

MP2m: Scrooby North

Question 62. The Sustainability Appraisal (SA) states that effects on LWSs, the GeoSINC and SSSI are uncertain as no restoration details have been provided. Is there a need for assessment in this respect?

16. The SA took account of the likely impacts during the operational phase of development. No restoration scheme was provided by the operator and so the SA was unable to assess the potential benefits of mitigation that might be provided as part of the site restoration. Details of the proposed restoration scheme would be required at the planning application stage in accordance with Policy DM12 (restoration, aftercare and after-use). It is not considered that further assessment is required in relation to the proposed allocation as a detailed EIA would be required at the planning application stage. This would include an assessment of the effects on the LWSs, GeoSINC and SSSI during both the operational and restoration phases of development.

Question 63. What are the 'designated sites'?

17. The designated sites referred to are the Grade II listed buildings Scrooby Top Farmhouse Restaurant and Scrooby Top Cottages and attached buildings. The Council is willing to suggest a modification to include this detail within the Development Brief.

Question 64. What are the requirements arising from nightjar, woodlark and potential indirect links to the SAC and ppSPA?

18. The Habitats Regulations Assessment - Screening Report (March 2019) (SD17) concluded that the Minerals Local Plan would not result in any likely significant effects on any European sites or the Sherwood possible potential Special Protection Area, either alone or in combination with other plans or projects. Following submission of the Minerals Local Plan further analysis was undertaken, specifically regarding potential hydrological impacts, in the form of an appropriate assessment. The Habitats Regulations Assessment Addendum – Appropriate Assessment (March 2020) (EXAM 1F) concluded that the Minerals Local Plan will not have an adverse effect on the integrity of any European site or Sherwood ppSPA, either alone or in combination with other plans and projects. The Council is willing to suggest a modification to the Brief to delete the reference to potential indirect links to the Birklands and Bilhaugh SAC and Sherwood Forest ppSPA.
19. Any specific requirements in respect of nightjar and woodlark should be determined and addressed at the planning application stage with any planning application being supported by an ecological appraisal.

Question 65. Would the means of access be separate from the existing site (MP3c)?

20. The operator has indicated that mineral extracted at MP2m would be removed via the current access for Scrooby South (MP2j) to transport the mineral to the existing processing plant located at Scrooby Top (MP3c) via the A638. All processed mineral will then leave through the established access point at MP3c.

Question 66. The SA refers to a need for noise and/or dust mitigation. Should this be a requirement?

21. The SA identifies that noise and/or dust mitigation are likely to be required to reduce the potential cumulative impact on local amenity of this site and the two further extensions allocated at Scrooby Thomson Land and Scrooby Top North. Policy DM1 would require any future application at the site to avoid or adequately mitigate any potential impacts however the Council would be amenable to including the requirement within a modified the site brief if desired.

MP2n: Langford Lowfields North

Question 67. The SA refers to loss of some high-quality agricultural land. Should this be covered in the Brief?

22. A reference to the potential loss of some high-quality agricultural land was not included in the Brief as this would be covered under Policy DM3 (Agricultural Land and Soil Quality). However, in light of the specific reference within the SA, the Council is willing to suggest a modification to include an additional bullet point within the list of Environmental and cultural designations in the Brief to refer to high-quality agricultural land.

Question 68. Is screening of Westfield Farm for noise, dust or visual amenity?

23. Westfield Farm is located within 0.5 km of the site boundary and could potentially be adversely affected in terms of noise, dust and visual amenity. Environmental protection measures, including screening as appropriate, should therefore be provided to mitigate possible noise, dust and visual impacts. The text will be amended to clarify this.

MP2o: Besthorpe East

Question 69. The SA refers to loss of some high-quality agricultural land. Should this be covered in the Brief?

24. A reference to the potential loss of some high-quality agricultural land was not included in the Brief as this would be covered under Policy DM3 (Agricultural Land and Soil Quality). However, in light of the specific reference within the SA, the Council is willing to suggest a modification to include an additional bullet point within the list of Environmental and cultural designations in the Brief to refer to high-quality agricultural land.

Question 70. Are any mitigation measures needed to protect residential amenity, e.g. in terms of noise and dust?

25. The SA notes the potential for adverse impacts from noise and dust, but this is seen as something that should be considered for all minerals proposals rather than being a site-specific issue. Policy DM1 (Protecting local amenity) would require proposals to avoid or adequately mitigate any potential adverse impacts. The Council does not therefore consider there is a specific need to include a reference to noise and dust but would be amenable to including this within the Brief if desired.

MP2p: Mill Hill near Barton in Fabis

Question 71. Should there be a requirement to restore soils?

26. The majority of this site is Grade 3b agricultural land (not high quality), however 12% of the site is Grade 2 and 3a (best and most versatile agricultural land). The SA did not identify a need for mitigation in this respect. Policy DM3 (Agricultural Land and Soil Quality) seeks to ensure that soil quality is protected

and maintained and would apply to all proposals. There seems no evidence to make specific reference to soil restoration within the brief for site MP2p. The Plan is designed to be read as a whole and it is considered that policy DM3 covers this matter.

Question 72. Should the Brief include a requirement to consider effects on the Green Belt?

27. A specific reference to Green Belt was not included in the Brief as this would be covered under Policy SP6 (The Nottinghamshire Green Belt). However, the Council is willing to suggest a modification to include an additional bullet point within the list of Environmental and cultural designations in the Brief to refer to the need to consider effects on the Green Belt.

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

28. The SA notes the potential for adverse impacts from noise and dust, but this is seen as something that should be considered for all minerals proposals rather than being a site-specific issue. Policy DM1 (Protecting local amenity) would require proposals to avoid or adequately mitigate any potential adverse impacts. The Council does not therefore consider there is a specific need to include a reference to noise and dust but would be amenable to including this within the Brief if desired.

MP3d: Bestwood 2 North

Question 74. Paragraph 6.9 of the Habitats Regulations Assessment recommends either confirmation that the trees will be over 20 years old when the extension is developed, or if they are less than 20 years old, a survey is undertaken for nightjar and woodlark. If these species are nesting creation of a replacement habitat is required. Should these detailed requirements be stated? Is the requirement to consider historic records of nightjar and woodlark sufficient?

29. These requirements were not included in the Brief due to their detailed nature and the existing cross-reference to the recommendations of the HRA Screening Report (**SD17**). However, it is accepted that this requirement should be made explicit within the Brief. The Council is willing to suggest a modification to include additional text to specify this requirement and also to correct the typographical error within the reference to the HRA 'scoping' report which should read 'screening' report.

Question 75. Should there be a requirement to consider effects on the Green Belt?

30. A specific reference to Green Belt was not included in the Brief as this would be covered under Policy SP6 (The Nottinghamshire Green Belt). However, the Council is willing to suggest a modification to include an additional bullet point within the list of Environmental and cultural designations in the Brief to refer to the need to consider effects on the Green Belt.

Question 76. Is there a need for noise and dust mitigation for residential amenity?

31. The SA notes the potential for adverse impacts from noise and dust, but this is seen as something that should be considered for all minerals proposals rather than being a site-specific issue. Policy DM1 (Protecting local amenity) would require proposals to avoid or adequately mitigate any potential adverse impacts. The Council does not therefore consider there is a specific need to include a reference to noise and dust but would be amenable to including this within the Brief if desired.

MP3e: Scrooby Top North

Question 77. Is there a need to require restoration of agricultural land?

32. This site is a mix of Grade 3a (best and most versatile) and Grade 3b (not high quality) agricultural land. The Sustainability Appraisal identified restoration back to agriculture, if possible, as an appropriate means of mitigation. Agricultural restoration was the preferred means of restoration put forward by the landowner, but it is acknowledged that this may not be possible over the whole site. It is therefore considered appropriate to promote a combination of agriculture and biodiversity elements dependent on the proposed working scheme.

Question 78. Is there a need for noise and dust mitigation for residential amenity?

33. The SA notes the potential for adverse impacts from noise and dust, but this is seen as something that should be considered for all minerals proposals rather than being a site-specific issue. Policy DM1 (Protecting local amenity) would require proposals to avoid or adequately mitigate any potential adverse impacts. The Council does not therefore consider there is a specific need to include a reference to noise and dust but would be amenable to including this within the Brief if desired.

MP7c: Bantycok Quarry South

Question 79. Is there a need to consider water quality?

34. The SA recommends on site measures to mitigate possible impacts on surface or groundwater quality. This would be covered under policy DM2 which addresses issues of water quality, when an application is made. As the presence of the underlying secondary aquifer is a site-specific matter, the Council recognises that it would be appropriate to amend the Brief in this case. The Council is willing to suggest a modification to include a reference to the aquifer under 'Water and flooding'.

Question 80. Is there a need for noise and dust mitigation for residential amenity?

35. The SA notes the potential for adverse impacts from noise and dust, but this is seen as something that should be considered for all minerals proposals rather than being a site-specific issue. Policy DM1 (Protecting local amenity) would require proposals to avoid or adequately mitigate any potential adverse impacts. The Council does not therefore consider there is a specific need to include a reference to noise and dust but would be amenable to including this within the Brief if desired.