



**Nottinghamshire
County Council**

Nottinghamshire Minerals Local Plan

**Nottinghamshire County Council Statement in
response to Supplementary Questions**

MATTER 3 – MINERALS PROVISION POLICIES

Questions 27 - 49

Question 27. Paragraph 4.2 may require amendment or further explanation regarding prioritising extensions to existing sites.

1. In response to Questions 7, 11 and 12 (Matter 2) the Council has proposed amendments to parts of the Plan to clarify the position regarding extensions to existing sites. The proposed changes relate to Strategic Objective SO1, Paragraph 3.8, and Policy SP1 (1) (b).
2. For clarity and consistency with these proposed changes, it is proposed to amend the last sentence of paragraph 4.2 to read: *'Where a shortfall is identified, this will be met from a combination of new and/or extended sites. ~~although the priority is to extend~~ Suitable extensions to existing sites will be supported wherever possible in line with strategic objective (SO1) to improve the sustainability of minerals development.'*

Policy MP1

Question 28. Given the reducing level of sales of aggregates in Nottinghamshire, is the use of the 10-year sales average a robust approach to planning for aggregate provision, and is any alternative reliable approach available?

3. The Council considers that the use of the 10-year sales average is the most appropriate approach to planning for aggregate provision in Nottinghamshire in accordance with Paragraph 207 (a) of the Framework. Other methods have been considered, including alternatives which were put forward during the consultation stages, but these are not considered sufficiently robust upon which to base the Plan.
4. National policy states that MPAs should forecast future demand based on a rolling average of 10 years' sales data. This should also take account of other local information where relevant. The 10-year sales average is therefore the starting point for assessing likely future demand although practice guidance also advises the use of a 3-year sales average as a means of identifying any sudden short-term trends. The Local Aggregates Assessment (LAA) produced annually by the Council includes annual sales and averages for each aggregate mineral. This also monitors other relevant local information which could influence demand such as the expected rate of future house building and planned major infrastructure projects.
5. The baseline date for the plan is fixed at December 2016 and the 10-year sales average is based on the period 2007-2016. This was the most up to date information available at the start of plan preparation. This timeframe reflects an element of pre-recession data, followed by a sharp fall in sales during the 2008 recession and then a continued period of relatively stable sales since 2009.
6. Actual sales since December 2016 have continued this relatively stable pattern and there is currently no indication of any significant increase in demand (see response to Question 19, Matters, Issues and Questions April 2020 and Figure 1, **SD20**). The most recent 10-year and 3-year averages for 2017 and 2018 therefore remain below the December 2016 baseline. As sales have not

increased significantly, existing permitted reserves have not been used up at the expected rate. Additional permissions granted since December 2016, and not accounted for in plan assumptions, have also added an additional 2.95 million tonnes of sand and gravel to the landbank.

- The Council has looked at other possible approaches to calculating the likely demand forecast using a shorter or longer period of average sales, varying the baseline year for the Plan, linking the forecast to projected housing numbers, or applying an uplift to the overall demand forecast. These are considered below.

Use the 3-year average sales figure

- The use of the 3-year average is intended to highlight any short-term changes that may otherwise be masked within the longer 10-year average. This will therefore be more responsive to the effects of recession or a sudden increase in demand. It is therefore an important indicator of whether additional provision may be required (Planning Practice Guidance, Paragraph: 064 Reference ID: 27-064-20140306).
- Both the 10 and 3-year sand and gravel averages are set out annually in the LAA. Table 9 in **SD20** shows that in December 2016 (the baseline for the Plan), the 3-year average was lower than the 10-year average sales figure. The 3-year average fell again in December 2017 with only a very small increase in December 2018. The 3-year average does not therefore indicate any significant increase in demand or shortfall in planned provision over the Plan period.

Use a longer period of average sales (beyond 10-year average) or use a different 10-year period

- Basing the future demand forecast on average sales over a longer period (i.e. more than 10 years) would take greater account of the higher sales levels that were seen prior to the recession in 2008. However, the Council considers there are risks with this approach as Nottinghamshire’s sales have remained at a sustained lower level for ten years since 2009.
- To assess this approach, the Council has looked at the difference that using either a 12-year or 15-year sales average would make to the forecast demand over the Plan period. This is illustrated in Table 1 below. A baseline of December 2016 has been used to enable comparison with the 10-year average upon which the Plan is based. The landbank of 17.5 million tonnes of permitted reserves, as at December 2016, has therefore been used to calculate the shortfall in each case. All data used can be found in the LAA (**SD20**). All figures are shown in million tonnes per annum (mtpa).

Table 1: Comparison of average sales figures

	10yrs	12yrs	15yrs
Annual forecast	1.7	1.94	2.2
Total required over plan period (19yrs)	32.3	36.86	41.8
Shortfall	14.8	19.36	24.3

12. As can be seen in Table 1, a 12-year average sales period would increase the annual demand forecast to 1.94 million tonnes and the total shortfall by 4.56 million tonnes. If a 15-year period was used this would increase the annual estimate to 2.2 million tonnes and the total shortfall by 9.6 million tonnes. Using either the 12-year or 15-year average would therefore increase the future demand forecast and require additional sites to be allocated.
13. However, the Council considers there are substantial risks with this approach as it is more heavily influenced by historic sales figures and does not accurately reflect the current position. Sales in Nottinghamshire have remained at a similar level since 2009 and there is not considered to be any reliable evidence that sales are likely to return to pre-recession levels. Increasing the shortfall estimates in the Plan based on an artificially longer time period, would not be in line with national guidance and would pose a serious risk of over-provision, particularly in the case of the 15-year average illustrated.
14. Using an earlier 10-year period would again rely on historic data and lead to a higher shortfall estimate with a similar risk of over provision. The Council has also considered the possibility of updating the 10-year sales average to reflect more recent sales data for 2017 and 2018. This would result in a lower demand forecast than that used in the Plan.

Link the demand forecast to housing projections

15. A number of respondents have suggested that the demand forecast should be based on planned future housing numbers. However, the Council is cautious of linking the future aggregate demand forecast to this single factor.
16. The Local Aggregates Assessment monitors projected future levels of house building and completions on an annual basis (SD20). Based on current local plan estimates nearly 53,000 new homes are planned in Nottinghamshire and Nottingham up to 2027/28. The projected rates of house building are expected to be higher during the early part of this period before falling back towards the end of the period.
17. Analysis of the most recent Housing Delivery Test measurement for 2019 shows that actual completions within Nottinghamshire and Nottingham are higher than projected¹. The delivery test covers the financial years 2016/17, 2017/18 and 2018/19. The total number of homes required over this period was 8,166 across the Nottinghamshire authorities and 2,841 for Nottingham. The total completions over the same period were 8,844 (108%) across Nottinghamshire and 3,823 (135%) in Nottingham.
18. Rates of house building during this period were therefore significantly higher than forecast. However, the LAA (SD20) shows that actual sand and gravel sales have not increased significantly over this period making it uncertain whether this remains a reliable indicator of overall demand.
19. Sand and gravel is used across the construction industry both in new development and the maintenance of buildings and infrastructure. As set out in

¹ <https://www.gov.uk/government/publications/housing-delivery-test-2019-measurement>

the LAA (SD20), the construction of new housing is estimated to account for approximately 20% of total aggregates sales. Other variables such as the type of housing stock and method of construction will affect the amount of mineral required. For example, detached properties, town houses and flats all have different requirements and the increased use of composite and cladding materials, is replacing traditional bricks and mortar methods.

20. Other local considerations also need to be taken in to account. In 2018 Nottinghamshire exported approximately 66% of its sand and gravel to other areas in the East Midlands and South Yorkshire. This suggests that the demand for sand and gravel to meet local housing needs is only part of the wider sand and gravel market.
21. National policy states that other local information, such as projected housing figures, should be considered alongside the 10-year sales average but there is no indication that MPAs should base their demand forecast solely on these figures. The Council does not therefore consider that this would provide a sufficiently robust means of forecasting future demand or that the planned housing numbers would require additional provision to be made within the Plan.

Apply an uplift to the 10-year baseline to take account of imported levels

22. Another suggested approach is to make additional provision, over and above the 10-year sales average, based on the amount of sand and gravel imported into Nottinghamshire each year. The Council considers there are a number of difficulties with this approach.
23. Data on imports and exports between individual MPA areas is only collected every 4 years through the Aggregate Minerals Survey and is included within the annual LAA (SD20). Whilst this provides a one-year snapshot it may not accurately reflect other changes in intervening years. The most recent data available is for 2009, 2014 and 2018. As a result, drawing conclusions from this limited data set can be difficult as this may be affected by variations in the quality of the data or one-off increases in demand.
24. The extraction, use, and demand for minerals is not limited by county boundaries and instead serves different markets based on its location, availability and the particular requirements from specific projects. Although sand and gravel is a relatively low cost mineral, which makes it uneconomic to transport over long distances, there are inevitably cross-boundary movements between local authority areas. The balance of imports between areas will therefore vary based on the commercial decisions of operators and the availability of reserves within any given area.
25. Nottinghamshire has historically been, and continues to be, a large exporter of sand and gravel. In 2014, approximately 1.07 million tonnes were exported. In 2018, approximately 1.31 million tonnes or 66% of total sales were exported. However, some sand and gravel will inevitably be imported into the county. Based on the 2014 survey (the most up to date and complete set of information available) approximately 520,000 tonnes were imported in to Nottinghamshire. The majority of this was imported from Lincolnshire.

26. On the basis of the data available, Nottinghamshire continues to be a net exporter of sand and gravel supplying other parts of the East Midlands and South Yorkshire that are reliant on sand and gravel reserves extracted from Nottinghamshire. Smaller amounts are also exported to Lincolnshire.
27. The Council does not therefore consider that it would be reasonable or practical to increase the level of provision based solely on imports given that it remains a net-exporter of sand and gravel. The use of the 10-year average helps to even out some of the annual variation in the balance of imports and figures in the LAA (**SD20**) demonstrate that there is a sufficient landbank of permitted reserves available.
28. Having looked at possible alternatives, the Council does not consider there is a sufficiently reliable alternative approach to forecasting future demand. The Council is therefore satisfied that the use of the 10-years sales average is appropriate in line with national policy and local circumstances.

Question 29. Does the Sand and Gravel Delivery Schedule in Appendix 1 of the Plan demonstrate a steady and adequate supply of aggregates over the Plan period?

29. The Delivery Schedule provides an overview of the likely output from each site over the plan period based on the known/permitted outputs at existing permitted sites and estimates of the likely output from future site allocations provided by the individual mineral operators. The information in the Schedule is indicative and not designed to show exact annual output due to the range of data used. It cannot prescribe when sites will be opened, actual working rates or when they will become exhausted as this will be dependent on economic circumstances at any given time.
30. Output estimates provided by some mineral operators for their existing permitted sites are lower than the permitted output levels in the extant permissions. Some respondents have therefore suggested that additional provision should be made and have sought further site allocations. The Council does not accept this assessment as this does not take account of the total level of permitted reserves available. Existing sites which are currently being worked at a lower rate, or are mothballed, could increase production relatively quickly if there is a sustained increase in future demand.
31. As set out in Policy MP2, the plan makes adequate provision to meet expected demand over the plan period. Current operator estimates suggest many of the sites are due to commence earlier in, or part way through, the plan period with fewer sites expected to open towards the end of the plan period. However, there are some sites which are expected to last beyond the plan period.
32. Although actual start dates and working rates may vary in practice, the Council considers that this effective 'front-loading' of the plan ensures an appropriate level of flexibility so that any delays to expected opening can be accommodated in the plan period or early increases in demand can be addressed.

33. National policy requires local plans to be reviewed every five years and the monitoring of sand and gravel sales to be undertaken annually through the LAA. As a result, the plan will have been reviewed at least twice before the plan period is completed. If evidence in the annual LAA shows that sand and gravel sales are increasing significantly, a review of the demand forecast set out in Policy MP1 and the resulting allocations made in MP2 could be undertaken sooner than the statutory five period. Paragraph 6.12 of the Plan makes clear that if the strategy is under or over delivering minerals then an early review of the Plan may be necessary.
34. In practice, average sales, based on the 10 and 3-year averages, have fallen since 2016 meaning that the landbank has not been used up at the predicted rate **(SD20)**. This provides some additional flexibility in case of an unexpected upturn in demand. However, Policy MP1 also allows for non-allocated sites to come forward where a need can be demonstrated.
35. Additional amendments/updates to the delivery schedule are proposed due to two applications for extensions which have been granted planning permission and are outside the assumptions made in the plan and have not previously been included in the schedule. This includes:
- An extension to Misson quarry that will release 530,000 tonnes over a 3-year period was permitted in 2019.
 - An extension to Cromwell quarry that will release an additional 550,000 tonnes permitted over an 18th month period permitted in 2020 of years.
 - An amendment to the expected start date of the Mill Hill Quarry is also proposed (see response to Question 40).
36. The Council is therefore satisfied that a steady and adequate supply of sand and gravel can be maintained.

Policy MP2

Question 30. Question 30. Paragraphs 4.17 and 4.19 state that, as of December 2016 permitted reserves stood at 17.5mt, and that planning permission at Langford Lowfields has increased the level of permitted reserves by 3.6mt. This would give a total of 21.1mt. The remaining reserves in Policy MP2 (1) (a) total 23.31mt. However, this figure is greater than the 20.1mt given in Table 2 of the December 2019 Local Aggregates Assessment. Please would you provide further explanation of these figures.

37. When originally drafted, the figures contained in policy MP2 reflected the December 2016 data, as set out in the LAA published in October 2017, and aimed to provide a snap shot of permitted reserves found in quarries located across the county. Paragraph 4.17 explains that permitted reserves, as at December 2016, stood at 17.5 million tonnes.
38. However, as the plan has progressed extensions to a number of permitted quarries have been granted and some existing quarries have been worked out.

The figures in part (a) of the policy, which relate to permitted quarries were updated to try and better reflect the current position. This specifically related to increases in permitted reserves at the existing Langford Lowfields Quarry and existing East Leake Quarry. A small quarry at Misson West was also removed from the policy as this had been worked out. The figures in the policy also included a typographical error with regards to Scrooby South.

39. As a result, the figures for the permitted quarries shown in policy MP2 will not tally with landbank data from more recent LAAs. This is because the landbank is updated annually, taking account of annual consumption of mineral, any re-assessments to permitted reserves made by the industry, and any other permissions granted since.
40. To clarify this position, an amendment to the layout of the policy is proposed to delete the individual quarry tonnages shown in part (a) of the policy. The justification text will also be amended to explain that the south and west extension to Langford Lowfields Quarry was initially a draft allocation that has since been permitted. As a result, this has increased permitted reserves by 3.6 million tonnes and appears in part (a) of the policy.

Policy MP2p

Question 31. The Sustainability Appraisal (SA) assesses the Mill Hill, Barton-in-Fabis allocation as having a long-term negative effect on biodiversity. Please provide further explanation as to how allocation of the site is justified in this respect, particularly having regard to the need to provide net gains in biodiversity in paragraph 170 (d) of the Framework

41. The SA states that there would be a slightly negative effect on biodiversity in the long-term, which is on the basis of the information provided through the call for sites about the restoration scheme. It is also pointed out, however, that mitigation could be provided through the implementation of an appropriate restoration scheme to maximise LBAP priority habitats for the area.
42. The Council has undertaken to make a change to Policy SP2 'Biodiversity-led Restoration' to refer to the need to achieve a net gain in biodiversity, as set out in the response to Supplementary Question 13.
43. The Development Brief for the site points out that impacts on the relevant LWSs and SSSIs must be considered and that restoration should seek to maximise the extent of target habitats. Assessment of the acceptability of a proposal for development in terms of the impact on biodiversity and whether the restoration scheme would provide net gains in biodiversity would be a matter to be assessed at the detailed planning application stage.

Question 32. The SA assesses the effects of development at Mill Hill on heritage assets as positive in the long-term, but the effect on the landscape as very negative. Would negative landscape effects also negatively affect the settings of heritage assets in the long-term??

44. The SA assesses the effects on heritage assets as positive **or negative** in the long-term, depending on how the proposal is implemented. In the long-term this would be dependent on the details of the restoration scheme, which could have either positive or negative impacts on the settings of heritage assets depending on how sympathetic those details were in relation to the heritage assets. The Development Brief points out that heritage assets must be considered which is a key point which should be addressed in any planning application and the impact would be assessed in detail at the planning application stage.
45. Scoring was based on detailed assessments of each site carried out by landscape architects. The landscape assessment considered overall landscape sensitivity (resulting from an evaluation of landscape value and landscape susceptibility) and overall visual sensitivity (resulting from an evaluation of visual value and visual susceptibility). Consideration of the historic value of the landscape did constitute one of the many elements evaluated. In this case it was taken into account that an element of the landscape value of the site was due to it formerly being part of the Clifton Hall Estate, with the river meadows contributing to the setting of the Hall and registered Park and Garden. Similarly, an element of the visual value is due to the rights of way having historic associations with Clifton Hall.

Question 33. What is the justification for the positive score for effect on heritage assets in the SA??

46. The SA scores for the effect on heritage assets are negative for the operational period and in the long-term the proposal could have a positive **or a negative** impact depending on how it is implemented. As referred to under Q32 this would be dependent on the details of the restoration scheme which would be assessed at the planning application stage.

Question 34. The Site Allocation Development Brief states that there would be permanent impact on the setting of the Clifton Hall Registered Park and Garden and potential impacts on other designated heritage assets in Barton-in-Fabis, Attenborough and Clifton. What would be the nature of such impacts and would development also affect the setting of the listed Clifton Hall and/or any other heritage asset(s)?

47. Any permanent impact on the setting of the Clifton Hall Registered Park and Garden (the Park) would result from changes to the landscape brought about following the restoration of the quarry site, particularly in terms of alterations to vistas from the Park across the Trent Valley. This would depend upon the detail of the final restoration scheme proposed but could result in potential changes to the existing pastoral setting through the loss of hedgerow/field boundaries and river meadow and the introduction of open water and/or wetland areas for example.
48. However, the degree of harm would be dependent on the sensitivity of the heritage asset itself to such change. The Park has, in recent times, deteriorated and is not being maintained in a manner conducive to its significance as the designed landscape which was set out in the 17th and 18th centuries. Views out of the Park are now negligible and there is no visual interaction between the

allocation site and Clifton Hall. Consequently, in its current condition, the sensitivity of the Park, and the associated Hall, to changes in their setting is significantly lower than if the Park were in its original condition.

49. In terms of potential impacts on other heritage assets and/or their settings, there could be temporary impacts during the operational period resulting from noise, dust, traffic and changes to the landscape. Such impacts would depend on the details of operation of the quarry, such as the extent of the working area within the site, whether working would be phased with progressive restoration and what screening and buffer zone measures would be in place.

Question 35. Would these impacts be harmful to the settings of the heritage assets and would any such harm be less than substantial?

50. These impacts could be harmful to the settings of heritage assets, however any such permanent harm would be less than substantial. As set out in response to Question 35 above, Clifton Hall Registered Park and Garden (the Park), in its current condition has low sensitivity to change and consultation with the County Council's Historic Buildings Senior Practitioner has confirmed that there is no realistic prospect of this sensitivity increasing through restoration of the landscaped gardens as the Park's owner (Nottingham City Council) intends to manage it solely from a nature conservation perspective.

51. Views of the wider landscape from the Park are now negligible and the sensitivity of this landscape is itself reduced due to the presence of the restored mineral workings at Attenborough and other urban influences including business, industrial, and residential developments on the edge of Beeston, leisure developments at Beeston Marina and Beeston Sailing Club, and Beeston Weir.

52. Given these circumstances, any harm would be less than substantial.

Question 36. Has any balancing exercise been carried out to weigh any less than substantial harm against public benefits?

53. The Development Brief for the site highlights the site-specific issues which will need to be addressed in more detail in any planning application. These issues include impacts on heritage assets and a detailed balancing exercise to weigh any less than substantial harm against public benefits would be undertaken at the planning application stage. However, the County Council is satisfied in principle that mitigation through an appropriate restoration scheme, which includes, for example, an element of river meadow reinstatement, would ensure that public benefits would outweigh any harm.

Question 37. What, if any, mitigation measures could be used to reduce any harmful impact on heritage assets?

54. Mitigation measures could include:
- buffer zones and screening;

- archaeological surveys to determine the nature and significance of non-designated remains, with adequate provision to be made for their preservation, excavation or recording;
- use of a metal detector on the conveyor belt to seek metal objects of archaeological interest;
- appropriate restoration proposals to minimise the long-term impact including the reinstatement of existing features where possible;
- a conservation management plan to improve the condition and management of Clifton Hall Registered Park and Garden (as referred to in the Development Brief).

Question 38. What effects would be likely on the openness of the Green Belt and the purposes of including land within the Green Belt, both during operation and in the long term?

55. Whilst mineral extraction is not inappropriate development in the Green Belt provided its openness is preserved and there is no conflict with the purposes of including land within it, minerals development in this location could potentially, particularly during the operational period, affect the open character of the Green Belt and conflict with the purpose of assisting in safeguarding the countryside from encroachment.
56. Such effects during the operational period could arise from the introduction of built development into the countryside such as a conveyor belt and processing plant associated with the mineral working; alteration of the landform through the use of screening bunds and creation of stockpiles; HGV movements on and off the site and the use of earth-moving machinery within the site.
57. These effects would, however, be temporary, lasting only for the duration of the operation of the quarry.
58. In the long-term, post-restoration, there should not be any effect on the openness of the Green Belt or the purposes of including land within it, provided that an appropriate restoration scheme is implemented, which would be a matter to be addressed at the planning application stage.

Question 39. Could any mitigation measures be used to reduce any impact on the Green Belt?

59. Yes, there are several mitigation measures which could be used to reduce any impact on the Green Belt, depending on the details of any proposals submitted at the planning application stage, including the following during the operational period:
- Minimising the size and scale of any built development, such as a processing plant, associated with the mineral working;
 - Minimising the size and scale of any screening bunds;
 - Minimising the height of any stockpiles;
 - Minimising the distance from the A453 into the site over which HGVs would be required to travel;

- Minimising the amount of earth-moving machinery required on site at any one time;
- Ensuring the direction and phasing of working minimises the visual impact;
- Carrying out progressive restoration.

60. In the long-term, an appropriate restoration scheme could ensure that, post-restoration, there would not be any impact on the Green Belt.

Question 40. Should the reference in paragraph 4.41 to the Mill Hill site being expected to be operational in approximately 2019 be deleted or amended?

61. Yes, it is considered appropriate to amend the date the quarry is expected to be operational. This could be changed to give an estimated date of 2021/22 or simply to state 'early in the plan period' depending on the anticipated lead in time.

Policy MP3d

Question 41. Given that the Bestwood 2 North allocation would result in the loss of a Local Wildlife Site, how is this allocation justified in terms of the requirement in paragraph 170 (d) of the Framework?

62. The policies of the Framework must be read as a whole (Paragraph 3). In preparing plans and determining planning applications, the MPA must balance a range of material considerations including the economic, social and environmental objectives set out in Paragraph 8 of the Framework.

63. National policy for minerals states that it is 'essential there is a sufficient supply of minerals to provide the infrastructure, buildings, energy, and goods that the Country needs' and recognises that minerals are a finite resource and can only be worked where they are found (Paragraph 203). MPAs must plan for a steady and adequate supply of minerals through their minerals plans and maintain a landbank of at least 7 years for sand and gravel (Paragraph 207).

64. Sherwood Sandstone is an important mineral worked in Nottinghamshire and additional reserves are required to ensure a steady and adequate supply is maintained over the plan period. As part of the call for sites exercise, three Sherwood Sandstone proposals were put forward by the industry. Initially all three were allocated, however one of the allocations -Bestwood 2 East was permitted in 2018. The remaining two proposals are allocated in the plan. As a result, there is a lack of future options to maintain a steady and adequate supply of Sherwood Sandstone over the plan period.

65. The need for Sherwood Sandstone has to be balanced against the potential impacts including those on biodiversity. The proposed allocation would provide 750,000 tonnes over a six-year period. The site lies within the Longdale Plantation Local Wildlife Site (LWS) and would result in the loss of part (approximately 15%) of the LWS. The Development Brief for this site erroneously refers to the complete loss of the LWS and it is proposed to amend this accordingly.

66. At the detailed planning application stage, development proposals would need to take account of all relevant policies contained in the Plan including Policy SP2 (Biodiversity Led Restoration) and DM4 (Protection and enhancement of Biodiversity and Geodiversity). As set out in the Council's response to Question 50, it is proposed to amend both policies to ensure they refer to the need to achieve biodiversity net gain in line with Paragraph 170 (f) of the Framework.
67. Development proposals would therefore need to demonstrate that biodiversity net gain would be provided through appropriate site restoration. Key considerations for site restoration are set out in the Development Brief for the site. Heathland/acid grassland are identified as priorities for habitat creation and oak-birch woodland creation may also be required to mitigate the loss of existing woodland from within Longdale Plantation.
68. In allocating this site, the Council has weighed the need for this locally important mineral, including the economic benefits to be obtained, against the temporary loss of habitat and is satisfied that the mitigation/restoration can provide at least equivalent quality habitat and overall biodiversity net gain.

Policy MP7c

Question 42. The Bantycok quarry south allocation would result in the loss of Local Wildlife Sites. Explain the justification for this with regard to national policy

69. The policies of the Framework must be read as a whole (Paragraph 3). In preparing plans and determining planning applications, the MPA must balance a range of material considerations including the economic, social and environmental objectives set out in Paragraph 8 of the Framework.
70. National policy for minerals states that it is 'essential there is a sufficient supply of minerals to provide the infrastructure, buildings, energy, and goods that the Country needs' and recognises that minerals are a finite resource and can only be worked where they are found (Paragraph 203). MPAs must plan for a steady and adequate supply of minerals through their minerals plans and maintain a landbank of at least 7 years for sand and gravel (Paragraph 207).
71. Very high-quality gypsum is worked from Bantycok quarry near Newark and it is the only known resource of this quality in the UK. As a result, the national need for the gypsum has to be balanced against other potential impacts such as loss of Local Wildlife Sites.
72. During the call for sites exercise, this was the only gypsum proposal put forward for consideration. The extension to the current quarry will maintain long term supply (up to 24 years) to the gypsum works adjacent to the existing quarry.
73. At the detailed planning application stage, development proposals would need to take account of all relevant policies contained in the Plan including Policy SP2 (Biodiversity Led Restoration) and DM4 (Protection and enhancement of Biodiversity and Geodiversity). As set out in the Council's response to Question

50, it is proposed to amend both policies to ensure they refer to the need to achieve biodiversity net gain in line with Paragraph 170 (f) of the Framework.

74. Development proposals would therefore need to demonstrate that biodiversity net gain would be provided through appropriate site restoration. Key considerations for site restoration are set out in the Development Brief for the site and proposed habitats should be appropriate for the Trent and Belvoir Vales National Character Area. The restoration scheme should retain as many existing habitat features as possible, especially given the potential loss of Cowtham House Arable LWS and at least partial loss of Shire Dyke, Balderton South LWS.
75. In allocating this site, the Council has weighed the need for this nationally important mineral, including the economic benefits to be obtained, against the loss of habitat and is satisfied that the mitigation/restoration can provide at least equivalent quality habitat and overall biodiversity net gain.

Policy MP9

Question 43. Should the policy recognise the importance of Creswell Crags and include a specific requirement for impact on the Scheduled Ancient Monument to be assessed?

76. The Council acknowledges the concerns raised by Historic England over the importance of Creswell Crags but does not consider it necessary to include specific wording in the policy regarding Creswell Crags, or for specific assessment work to be undertaken, as this is a criteria-based policy and the proposed location of any detailed quarry proposals are not known. No site-specific proposals have been put forward by the industry or allocated in the plan. As such there is no information on the likely extent or duration of any working, proposed mitigation measures (if required) or restoration proposals.
77. The Council considers that the safeguards sought by Historic England are provided by Policies SP5: The Built, Historic and Natural Environment and Policy DM6: Historic Environment. If a detailed planning application was submitted during the plan period, all the relevant planning policies set out in the plan, would need to be considered along with requirements to undertake any relevant assessment work on designations such as the Scheduled Ancient Monument. This would have to be in accordance with all relevant national legislation and policy relating to the protection of designated heritage assets.
78. However, it is acknowledged that for clarity, additional text could be included in the supporting text to recognise the importance of Creswell Crags as a Scheduled Ancient Monument and that specific assessment work may need to be carried out as part of a detailed planning application.

Policy MP12

Question 44. Should the policy include detailed criteria for assessment of environmental impacts for each stage of development?

79. The policy sets out criteria for each of the exploration, appraisal and production phases of hydrocarbon extraction in line with Paragraph 106 of the Planning Practice Guidance (ID: 27-106-20140306). The policy should be read in combination with other relevant policies in the Plan including the suite of Development Management policies which cover environmental impacts such as traffic, noise, dust and visual impacts, and set out the protection to be afforded to the historic environment, biodiversity, landscape, agricultural land and soil quality and water resources. As with the other minerals provision policies in the Plan, it is not considered necessary to repeat these environmental constraints within the policy. Para 4.108 of Plan makes clear that the assessment of environmental and amenity impact is covered by, and can be delivered through, the application of the development management policies.

Question 45. Should the policy recognise specific impacts that can result from hydraulic fracturing?

80. A number of objectors have suggested there should be a separate policy, or part of the policy, for hydraulic fracturing as they consider the environmental impacts to be different to, or more significant than, those associated with other methods of extraction. Neither national policy (Paragraph 209 of the Framework) or the accompanying Planning Practice Guidance make any policy distinction between the different methods of hydrocarbon extraction or associated environmental impacts.

81. The impacts associated with this form of extraction, such as traffic, noise, air quality, water quality and lighting impacts, would already be addressed by the Development Management policies contained in Chapter 4 of the Plan. As with the other Minerals Provision policies within the Plan, Policy MP12 should be read alongside other relevant policies. All planning applications must be assessed on their merits and this would include consideration of the type and scale of any associated environmental impacts and the degree to which these could be mitigated.

82. Specific concerns have been raised about possible induced seismicity from the hydraulic fracturing process, citing the example of the Preston New Road site in Lancashire. Paragraph 4.111 of the justification text to the policy explains that there are a number of other regulatory bodies involved in consenting hydrocarbon extraction, each with their own specific responsibilities. As detailed within the Planning Practice Guidance relating to hydrocarbon extraction the MPA should assume that these separate regulatory regimes will operate effectively and should not need to carry out their own assessment. However, before granting planning permission the MPA will need to be satisfied that these issues can or will be adequately addressed by taking advice from the relevant regulatory body (Paragraph 112 Reference ID: 27-112-20140306).

83. The Oil and Gas Authority (OGA)² is responsible for controls to mitigate seismic risks. This would include an assessment of the geological conditions, the risk of seismic activity and any mitigation measures required for all hydraulic fracturing processes. The OGA would be notified on all relevant planning

² This role was previously carried out by the Department of Energy and Climate Change prior to the formation of the OGA but the practice guidance has not been updated in this respect

applications related to hydraulic fracturing. Policy DM1 (Protecting Local Amenity) would apply to all hydrocarbon proposals and requires land stability, both above and below, ground to be assessed.

84. As far as possible, planning authorities should avoid repeating national policy or legislation. The Onshore Hydraulic Fracturing (Protected Areas) Regulations 2016 set out specific constraints on the use of hydraulic fracturing. It is not therefore considered necessary to repeat these provisions with the policy (see response to Supplementary Question 46 below).

Question 46. What are the 'protected areas' as set out in parts (1) (a) and (2) (a) of Policy MP12? If these are the protected areas defined in the Onshore Hydraulic Fracturing (Protected Areas) Regulations 2016 should they be stated in the supporting text or in a footnote? What is the relevance of those areas to oil and gas exploration other than hydraulic fracturing?

85. The 'protected areas' referred to in the policy are those defined in the Onshore Hydraulic Fracturing (Protected Areas) Regulations 2016 and relate to the protection of specified groundwater resources and areas of land at a depth of less than 1,200 metres beneath a National Park, the Broads, Area of Outstanding Natural Beauty or World Heritage site. These regulations relate specifically to hydraulic fracturing whereas the policy is intended to cover all forms of hydrocarbon development.
86. Parts (1) (a) and (2) (a) of Policy MP12 therefore repeat the legal protections already set out within the Petroleum Act 1998 (as amended) and Onshore Hydraulic Fracturing (Protected Areas) Regulations 2016. On this basis the Council therefore considers that the policy could be simplified by deleting the references to 'protected areas' to avoid duplication. It is therefore proposed to delete parts (1) (a) and (2) (a) of the policy.

Question 47. Should the policy or the supporting text state what circumstances are likely to constitute 'exceptional circumstances'?

87. The reference to 'exceptional circumstances' reflects the wording of Paragraph 172 of the Framework in relation to certain designated areas of landscape and scenic beauty which are also identified as 'protected areas' within the Onshore Hydraulic Fracturing (Protected Areas) Regulations 2016. Parts 1 (a) and 2 (a) of the policy were therefore intended highlight the special protection that should be applied to these areas.
88. However, as set out in the response to Supplementary Question 46 above, the Council acknowledges that this wording unnecessarily repeats the provisions already set out in national policy and legislation and within policies SP5 (The Built, Historic and Natural Environment) and DM5 (Landscape Character) of the Plan. It is therefore proposed to delete Parts 1 (a) and 2 (a) of the policy.

Question 48. What would be required to demonstrate the need for development and what is the justification for this requirement?

89. As set out in the response to Supplementary Question 47 above, Paragraph 172 of the Framework sets out the specific protection that should be given to certain designated areas of landscape and scenic beauty (also identified as 'protected areas' under separate hydraulic fracturing legislation). In accordance with national policy, development in these designated landscape areas should only be permitted in exceptional circumstances and this should include an assessment of the need for the development. Parts 1 (a) and 2 (a) of the policy were therefore intended highlight the special protection that should be applied to these areas.
90. However, the Council acknowledges that this wording unnecessarily repeats the provisions already set out in national policy and legislation and within policies SP5 (The Built, Historic and Natural Environment) and DM5 (Landscape Character) of the Plan. It is therefore proposed to delete Parts 1 (a) and 2 (a) of the policy.

Question 49. The wording of paragraph 4.105 reflects that in the 2012 Framework (paragraph 147). The 2019 Framework does not refer to addressing constraints that apply within licensed areas. The wording of this paragraph should be reviewed.

91. To ensure consistency with the 2019 Framework this reference will be deleted. It is proposed to amend the paragraph to read: *'The NPPF states that for oil and gas including unconventional hydrocarbons, minerals planning authorities should develop criteria-based policies that clearly distinguish between the three phases of development (exploration, appraisal and production) ~~and to address constraints that apply within licensed areas.~~*'