



Nottinghamshire Minerals Local Plan

**Publication Version representations
which include additional supporting
information - updated 5th March 2020**

Representation Form

This is the representation form for the Nottinghamshire Minerals Local Plan - Publication Version published by Nottinghamshire County Council. The Publication Version and the supporting information can be found online at www.nottinghamshire.gov.uk/minerals. You can submit your representations online via our interactive system by using this link.

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- **Part B of the form contains your representations.** Please fill in a separate Part B for each representation you wish you make. You only need to fill in Part A once.
- **If you are part of a group that share a common view,** it would be helpful for that group to send a single representation rather than multiple copies stating the same point. Please indicate how many people are represented and how it has been authorised (e.g. by means of a list with contact details for each person or by a committee vote). This holds the same weight as separately submitted representations.

If you have any queries please contact us as below or ring us on 0300 500 80 80.

Please return completed forms to:

☐ Planning Policy Team
County Hall, West Bridgford,
Nottingham, NG2 7QP

✉ planning.policy@nottscc.gov.uk

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Part A – Personal details

Office use only

Person No:

Rep Nos:

	1. Personal details	2. Agent details (where applicable)
Title	Mr	
First name	Julian	
Last name	Coles	
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Address line 2	██████████	
Address line 3	██████████	
Postcode	██████████	
██████	██████████████████	
<i>For those replying on behalf of an organisation or group:</i>		
Organisation	Barton in Fabis Parish Council Thrumpton Parish Meeting Lark Hill Residents Association Clifton Village Residents Association SAVE (Save the Ancient Valley Environment)	
Job title	Parish Councillor	

Part B – Your representation

Office use only Person No: Rep No:
--

Please read the guidance note before completing this section.

Name or organisation: Barton in Fabis Parish Council / Thrumpton Parish Meeting / Lark Hill Residents Association / Clifton Village Residents Association / S.A.V.E (Save the Ancient Valley Environment)

3. To which part of the Local Plan does this representation relate?

Policy		Site code		Map/Plan		Paragraph		Other	X
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4. Do you consider the identified part of the Local Plan to be:

Legally compliant?	Yes		No	X
Sound?	Yes		No	X
Complies with the Duty to co-operate	Yes		No	

Please tick as appropriate.

5. Please give details of why you consider the identified part of the Local Plan is not legally compliant or is unsound, or fails to comply with the duty to co-operate. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

(Continue on a separate sheet/expand box if necessary)

Introduction

The submissions made in the attached documents are jointly made on behalf of the following organisations:

Barton in Fabis Parish Council
Thrumpton Parish Meeting
Clifton Village Residents Association
Lark Hill Residents Association

Note: Lark Hill Retirement Village

S.A.V.E (Save the Ancient Valley Environment)

Note: S.A.V.E is a campaigning group formed by members from the wider community and local residents affected by the proposal for a quarry at Mill Hill near Barton in Fabis. This includes residents from additional areas such as Attenborough, Beeston Rylands, Gotham as well as recreational users of the area such as horse riders, walkers, fishermen, bird watchers.

Scope of submission:

Separate representation forms / documents are made on the following policies / statements and sections of the Minerals local Plan Publication Version

- Overview, Vision and Strategic Objectives
 - SP2 Biodiversity Led Restoration
 - SP3 Climate Change
 - SP4 Sustainable Transport
 - SP5 The Built, Historic and Natural Environment
 - MP2 / MP2p Sand and Gravel Provision & allocated site Mill Hill near Barton in Fabis
- Appendices to MP2/MP2p response:
- o Appendix 1: Response to Consultation on Issues and Options on behalf of organisations listed above
 - o Appendix 2: Response to Consultation to Draft Minerals Local Plan on behalf of organisations listed above
 - o Appendix 3: Copy of Inspector's Report for the examination of the Essex County Minerals Local Plan
 - o Appendix 4: Letter to Greenfield Associates from Nottinghamshire County Council (22/8/19) setting out harm resulting from Planning Application ES/3712 covering the same proposed quarry as Site Allocation MP2p Mill Hill near Barton in Fabis.

Additional area:

- NCC Statement of Community Involvement

Schedule of additional appendices

- Response to Consultation on Issues and Options on behalf of organisations listed above
- Response to Consultation to Draft Minerals Local Plan on behalf of organisations listed above
- Copy of Inspector's Report for the examination of the Essex County Minerals Local Plan (referenced in submission on Policy MP2 / MP2p)
- Letter to Greenfield Associates from Nottinghamshire County Council (22/8/19) setting out harm resulting from Planning Application ES/3712 covering the same proposed quarry as Site Allocation MP2p Mill Hill near Barton in Fabis.

Additional background

We wish to bring to the Inspector's attention at any future Examination in Public the following background points:

The current Minerals Local Plan Publication Version (MLPPV) replaces a previous Minerals Local Plan Publication Version which was withdrawn prior to its scheduled Examination in Public (but after approval by the Full Council) following the County Council elections in May 2017 and a change of council leadership. **Both plans had identical Vision and Strategic Objectives, but have reached significantly different conclusions in terms of sites identified for the extraction of sand and gravel.**

The latest MLPPV includes a site at Barton in Fabis / Mill Hill previously rejected in the previous MLPPV on the basis of the environmental damage and low sustainability score for that site according to the County Council's own Sustainability Appraisal. This site has replaced a site at Shelford (in the ward of the now current leader of the County Council) which has a higher sustainability score.

The rationale for the change in allocation of sites appears to be based on the inclusion of a criteria in the latest MLPPV of establishing a 'geographical spread' of sites across the County. This is a completely new criteria which has the effect of 'trumping' adverse impacts relating to key Strategic Objectives notably: SO5 'Minimising impacts on communities'; and, SO6 'Protecting and enhancing natural assets'. In addition, the 'Site Selection Methodology and Assessment' now states that the Shelford site would be too large and skew the pattern of supply impacting the geographical spread of sites. However, there has been no analysis of the pattern of demand across the County or in terms of exports outside the County.

Note: We develop these points further in our submission under MP2 / MP2p and in relation to sites in the Nottingham area.

6. Please set out what change(s) you consider necessary to make the identified part of the Local Plan legally compliant or sound, in respect of any legal compliance or soundness matters you have identified above. (please note that non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

(Continue on a separate sheet/expand box if necessary)

See representation forms:

- Overview, Vision and Strategic Objectives (paragraph 2.31)
- SP2 Biodiversity Led Restoration
- SP3 Climate change
- SP4 Sustainable Transport
- SP5 The Built, Historic and Natural Environment
- MP2 / MP2p Allocated site Mill Hill near Barton in Fabis

Additional area not covered by MLPPV:

- NCC Statement of Community Involvement

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

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7. If your representation is seeking modification to the plan, do you consider it necessary to participate in the examination hearing session(s)?

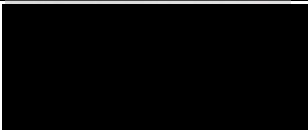
No , I do not wish to participate in the hearing session(s)	
Yes , I wish to participate in the hearing session(s)	X

Please note that while this will provide an initial indication of your wish to participate in the hearing session(s), you may be asked at a later point to confirm your request to participate.

8. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

<p>The organisations listed in Part A above represent a substantial number of residents affected by the Minerals Local Plan and in particular the allocated site at Mill Hill nr Barton in Fabis (MP2p) and have been endorsed at public meetings to represent the views of local residents</p>

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

Signature		Date	11/10/19
Name	Julian Coles		

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Part A – Personal details

Office use only

Person No:

Rep Nos:

	1. Personal details	2. Agent details (where applicable)
Title	Mr	
First name	Julian	
Last name	Coles	
Address line 1	██████████	
Address line 2	██████████	
Address line 3	██████████	
Postcode	██████████	
Email	██████████████████	
<i>For those replying on behalf of an organisation or group:</i>		<i>For th</i>
Organisation	Barton in Fabis Parish Council Thrumpton Parish Meeting Lark Hill Residents Association Clifton Village Residents Association SAVE (Save the Ancient Valley Environment)	
Job title	Parish Councillor	

Part B – Your representation

Office use only

Person No:

Rep No:

Please read the guidance note before completing this section.

Name or organisation: Barton in Fabis Parish Council / Thrumpton Parish Meeting / Lark Hill Residents Association / Clifton Village Residents Association / S.A.V.E (Save the Ancient Valley Environment) _____

3. To which part of the Local Plan does this representation relate?

Policy	Vision	Site code		Map/Plan		Paragraph	2.31	Other	
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4. Do you consider the identified part of the Local Plan to be:

Legally compliant?	Yes		No	
Sound?	Yes		No	X
Complies with the Duty to co-operate	Yes		No	

Please tick as appropriate.

5. Please give details of why you consider the identified part of the Local Plan is not legally compliant or is unsound, or fails to comply with the duty to co-operate. Please be as precise as possible.

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(Continue on a separate sheet/expand box if necessary)

Strategic Objective 1: Improving the sustainability of minerals development

This strategic objective is unsound because it is poorly drafted and is therefore ineffective (para 35 NPPF). It includes the aim of “more efficient exploitation” without specifying what the comparator is. More than what? Is it more compared to the operation of the last plan? If so, how is efficiency judged? Is it more than the current national average? Again, if so, what is the base-line measure?

A further aspect of the unsoundness is that the objective to “Secure a spatial pattern of mineral development that efficiently delivers resources to markets within and outside Nottinghamshire” is too narrowly drawn. The objective relates to “Improving the sustainability of minerals development” which includes but does not solely relate to market delivery. The objective is therefore not effective in delivering sustainable minerals development.

The Vision for the Minerals Local Plan Publication Version (MLPPV) states that “mineral development will be concentrated in locations that offer the greatest level of accessibility to the major markets and growth areas and to sustainable transport nodes to encourage sustainable patterns and modes of movement.” However, the complete absence of numerical or other analysis in the MLPPV or indeed the County Council’s Local Aggregate Assessments in recent years of: a) what are the major markets and growth areas; and b) the failure to specify sites which utilise the most sustainable modes of movement

such as bargaining means that the MLPPV is fundamentally flawed. The Vision fails the 'justified' test of Paragraph 35 of the NPPF in that it is not based on proportionate evidence and accordingly is unsound.

SO3: Addressing climate change

This strategic objective is unsound because it makes no reference to carbon budgets and managing or assessing impact on carbon emissions in relation to the declared climate emergency. It therefore does not meet the criterion of effectiveness as set out in Para 35 of the NPPF. Given the time frame of the minerals plan, and the national goals of carbon neutrality, the strategic objective lacks any meaningful targets in relation to the need to minimise, mitigate and offset emissions or to encourage the use of recycled and alternative materials.

SO6: Protecting and enhancing natural assets

This strategic objective is unsound because it makes no reference to ensuring no net loss of biodiversity, and because in its criteria for supporting minerals development it does not specify avoiding the highest quality habitats for biodiversity – only landscapes of the highest quality for character. It therefore does not meet the criterion of effectiveness as set out in Para 35 of the NPPF.

SO5, SO6 and SO7

We are supportive of the strategic objectives dealing with minimising impacts on local communities (SO5), protecting and enhancing natural assets (SO6) and protecting and enhancing historic assets (SO7). However, the Minerals Local Plan is unsound because these objectives are not applied in the development and application of the site appraisal and allocation methodology. The goal of developing an appropriate and sustainable spatial distribution of sites (SO1) overrides the goals set out in SOs 5, 6 and 7. Moreover the goal of promoting sustainable modes of transport (SO1) is not applied as a consideration in the site allocation process

A sustainable spatial distribution of sites is not one which is simply determined by proximity to market and transport costs. Indeed, it can be argued that given that potential developers are probably better informed about the geography of the market and the economics of working a site than NCC, then it can be assumed that all the sites put forward by extraction companies are equally economically viable. In developing a Minerals Local Plan the goal of developing a sustainable spatial distribution is therefore dependent upon ensuring that of the sites allocated, those selected have the least impact on wider sustainability goals.

Conclusion:

The MLPPV is unsound because despite its strategic vision fails to avoid the allocation of sites with significant negative impact on landscape, heritage, biodiversity and climate, and therefore justifies inappropriate proposals over others that would be more beneficial.

6. Please set out what change(s) you consider necessary to make the identified part of the Local Plan legally compliant or sound, in respect of any legal compliance or soundness matters you have identified above. (please note that non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

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Strategic Objective 1: Improving the sustainability of minerals development

This objective should be reworded to include reference to metrics and indicators by which the improvement in efficiency can be assessed. There needs to be a proper target set for this strategic objective to be meaningful.

The statement that the plan aims to “Secure a spatial pattern of mineral development that efficiently delivers resources to markets within and outside Nottinghamshire” should be qualified as follows “Secure a spatial pattern of mineral development that minimises environmental and social impact while also delivering resources to markets within and outside Nottinghamshire as efficiently as possible”. This change would ensure that a sustainable minerals plan is not solely focussed on transport issues.

The Plan needs to include a thorough geographical analysis of allocation options. The interpretation of the concept of a sustainable spatial distribution simply in terms of the geography of the market is contrary to the overall sustainability goals that frame the MLPPV, and indeed undermines them. The MLPPV needs to specify what constitutes a sustainable spatial distribution of sites in a meaningful and balanced way and is inconsistent with its strategic objectives for sustainability. As it stands, the Plan is an ‘unjustified’ as an appropriate strategy, and is inconsistent with the principles of the NPPF, both failures against the tests of Paragraph 35 of the NPPF.

SO3: Addressing climate change

This objective should be redrafted because it (a) only references transport and working methods as drivers of climate change, and (b) mainly focusses on adaptation rather than mitigation. In the policy (see SP3) there should be reference to how actions impact on the management and minimisation of carbon emission by all activities and plan options, and specific reference to how carbon neutrality and recycling can be achieved, or contributed to, by the plan.

SO6: Protecting and enhancing natural assets

The second paragraph of this objective should be redrafted to more clearly reference and distinguish biodiversity and landscape issues. Thus, the text should read: “Prevent biodiversity loss and maximise net biodiversity gain by protecting, enhancing and re-connecting existing habitat and creating new habitat through a landscape-scale approach. Support minerals development that provides long term enhancements to biodiversity and landscape character and avoids damaging the highest quality landscapes and habitats”.

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7. If your representation is seeking modification to the plan, do you consider it necessary to participate in the examination hearing session(s)?

No, I do not wish to participate in the hearing session(s)	
Yes, I wish to participate in the hearing session(s)	X

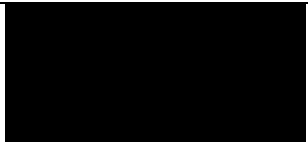
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8. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

To demonstrate that the Vision and Strategic Objectives are unsound because they fail to avoid the allocation of sites with significant negative impact on landscape, heritage, biodiversity and climate, and therefore encourages inappropriate proposals over others that would be more beneficial.

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Signature		Date	11/10/19
Name	Julian Coles		

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Part A – Personal details

Office use only

Person No:

Rep Nos:

	1. Personal details	2. Agent details (where applicable)
Title	Mr	
First name	Julian	
Last name	Coles	
Address line 1	██████████	
Address line 2	██████████	
Address line 3	██████████	
Postcode	██████████	
Email	██████████████████	
<i>For those replying on behalf of an organisation or group:</i>		
Organisation	Barton in Fabis Parish Council Thrumpton Parish Meeting Lark Hill Residents Association Clifton Village Residents Association SAVE (Save the Ancient Valley Environment)	
Job title	Parish Councillor	

Part B – Your representation

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Person No:

Rep No:

Please read the guidance note before completing this section.

Name or organisation: Barton in Fabis Parish Council / Thrumpton Parish Meeting / Lark Hill Residents Association / Clifton Village Residents Association / S.A.V.E (Save the Ancient Valley Environment)

3. To which part of the Local Plan does this representation relate?

Policy	SP2	Site code		Map/Plan		Paragraph		Other	
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4. Do you consider the identified part of the Local Plan to be:

Legally compliant?	Yes		No	
Sound?	Yes		No	X
Complies with the Duty to co-operate	Yes		No	

Please tick as appropriate.

5. Please give details of why you consider the identified part of the Local Plan is not legally compliant or is unsound, or fails to comply with the duty to co-operate. Please be as precise as possible.

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(Continue on a separate sheet/expand box if necessary)

Summary

The policy is unsound because it is not 'effective' or consistent with national policy in delivering sustainable development through appropriate biodiversity led restoration and therefore fails the tests of Paragraph 35 of the NPPF. Specifically:

- a) it fails to set out what happens where biodiversity gains are not maximised;
- b) it does not reference restoration measures to any mitigation hierarchy; and,
- c) it fails to specify requirements for sustainable long-term aftercare where restoration takes place.

Supporting detail

- a) 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 (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? In the absence of such detail the policy is unlikely to be effective.

- b) 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. Paragraphs 8 and 32 of the NPPF advise that the planning system and plan making should look for opportunities to achieve net gains.
- c) The policy 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.

6. Please set out what change(s) you consider necessary to make the identified part of the Local Plan legally compliant or sound, in respect of any legal compliance or soundness matters you have identified above. (please note that non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

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Summary

The policy should re-drafted to:

- (a) Specify what happens where biodiversity gains are not maximised and whether there is a requirement for a minimum threshold (e.g. no net loss). To be effective the policy should provide an explanation of the constraints associated with biodiversity-led restoration and the issues that need to be considered if proposals for such restoration are to be judged adequate. The policy should also specify how the potential for biodiversity-led restoration is assessed in relation to the needs for conservation of existing resources.
- (b) Specify how judgments about the merits of restoration are made in relation to the application of the mitigation hierarchy normally used to manage biodiversity impacts. The requirements for adopting an approach based on the mitigation hierarchy that are outlined in DM4 (5.55) need to be included in the statement of SP2 (3.14) and therefore applied subsequently through the site appraisal and allocation process.
- (c) Specify what the requirements are for managing and sustaining long term biodiversity-led restoration gains.

Necessary Changes

(a) Maximising biodiversity gains

The policy should specify what factors influence judgements about biodiversity-led restoration when biodiversity gains are not maximised. Moreover, since biodiversity restoration does not necessarily imply restoration of existing species and habitats in the area, how judgements about the need to conserve existing resources are balanced against the needs of restoration. The policy should also specify how it stands in relation to issues of no net biodiversity loss and the design of biodiversity compensation measures to mitigate the impacts on existing biodiversity.

(b) The mitigation hierarchy

Currently planning policy recognises that although restoration provides an opportunity for the recreation of new habitats, it is not a substitute for conservation of existing resources. To be effective the Minerals Local Plan and SP2 needs to make a strong and meaningful link between the statements on biodiversity-led restoration and those in relation to sustainability objective SO6 Protecting and Enhancing Natural Assets). To be effective the policy must recognise that biodiversity-led restoration is not a substitute for conservation and the aim of ensuring no net biodiversity loss. The requirements for adopting an approach based on the mitigation hierarchy that are outlined in DM4 (5.55) need to be included in the statement of SP2 (3.14) for the policy to be effective. In this way they can be applied subsequently through the site appraisal and allocation process.

In their review of the NPPF, the British Ecological Society¹ state in relation to planning for no net loss to biodiversity that:

Anticipated impacts on biodiversity must be avoided or reduced through the use of alternative development sites or designs; unavoidable impacts must be mitigated and any residual damage must be compensated for (for example by creating the same habitat off-site). It is desirable for developments to aim for a 'net gain' in biodiversity overall, for example by providing more habitat than needed for mitigation and compensation.

The policy of ensuring that there is 'no net loss' of biodiversity as a result of development is well established in the UK, and so for SP2 to be effective it needs to be more explicitly referenced. The current statement of SP2 is unsound because it merely describes in simple terms what biodiversity-led restoration entails and the kinds of habitat that might be restored in the context of mineral development. There is no explanation of the constraints associated with biodiversity-led restoration or the issues that need to be considered if proposals for such restoration are to be considered adequate. As a result, the application of the principle of biodiversity-led restoration in the plan is ineffective in delivering appropriate biodiversity outcomes.

The views of the British Ecological Society noted above reflect current scientific consensus on restoration namely, that while it can be successful this is by no means guaranteed. For example, Curran et al. show² that while active restoration measures can significantly accelerate the increases in species diversity, the inherently large time lags, uncertainty, and risk of restoration failure require offset ratios that far exceed what is currently applied in practice, and that restoration offset policy therefore leads to a net loss of biodiversity. Similarly, Schoukens and Cliquet³ conclude that given the limitations of restoration "a reinforcement of the preventative approach is instrumental in averting a further biodiversity loss within the European Union". To be effective therefore SP2 needs to be explicit in terms of how issues around achieving no net biodiversity loss are to be achieved and how such measures sit in relation to the concept of biodiversity led restoration in a decision-making context. This is especially important because policy SP5 (The Built, Historic and Natural Environment) which deals with nature conservation also lacks any reference to these issues. However, even if they are implicit in SP5, the overall policy framework is ineffective because it fails to show how the balance between conservation and restoration can be judged.

Notwithstanding the need to revise the policy SP2 on Biodiversity-led restoration to reflect its place in the mitigation hierarchy, the material relating to restoration also needs to be strengthened by reference to criteria that will ensure that where biodiversity-led restoration is appropriate, then ecologically appropriate robust schemes are brought forward. Only then will the policy be effective. This change does not merely consist of listing the kinds of habitat that might be expected in any restoration schemes but in also specifying what kinds of actions effective restoration measures entail.

The Guidelines for Ecological Impact Assessment of the Chartered Institute of Ecology and Environmental Management states, for example, that proposers should demonstrate commitment to the package of mitigation, compensation and enhancement measures which should include: a monitoring scheme to evaluate the success of mitigation measures; remedial measures in the event that mitigation measures and/or compensation measures are unsuccessful or there are unforeseen effects; and an auditing/reporting framework. Clearly, the mitigation and remedial measures should be sufficient to ensure

that compensation ratios are sufficient. Moreover, to be effective in the formulation of SP2 there should be a greater presumption towards ensuring net biodiversity gain.

(c) Long-term, sustainable management

To be effective the SP 2 should also ensure that developers demonstrate that the timespan and implementation of the restoration plan is ecologically meaningful and can be sustained over that period. Unless there is serious and demonstrable commitment to restoration at the outset, efforts for biodiversity-led restoration in any scheme are likely to be unsuccessful. The requirements on adequate aftercare contained in DM12 should be reflected more strongly in the text related to SP2, namely that:

Restoration proposals will be subject to a minimum five-year period of aftercare. Where proposals or elements of proposals, such as features of biodiversity interest, require a longer period of management the proposal will only be permitted if it includes details of the period of extended aftercare and how this will be achieved. (5.120, point 5)

References

¹ <https://www.britishecologicalsociety.org/planning-for-no-net-loss-of-biodiversity/>

² Curran, M., S. Hellweg, and J. Beck. 2014. Is there any empirical support for biodiversity offset policy? *Ecological Applications* 24:617-632.

³ Schoukens, H. and Cliquet, A., 2016. Biodiversity offsetting and restoration under the European Union Habitats Directive: balancing between no net loss and deathbed conservation? *Ecology and Society*, 21(4).

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

7. If your representation is seeking modification to the plan, do you consider it necessary to participate in the examination hearing session(s)?

No, I do not wish to participate in the hearing session(s)	
Yes, I wish to participate in the hearing session(s)	X

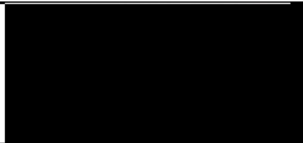
Please note that while this will provide an initial indication of your wish to participate in the hearing session(s), you may be asked at a later point to confirm your request to participate.

8. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

To show that the Policy SP2 is unsound and results in the incorrect evaluation of biodiversity issues and the incorrect allocation of the site at Mill Hill, Barton in Fabis.

Note: The organisations listed in Part A above represent a substantial number of residents affected by the Minerals Local Plan and in particular the allocated site at Mill Hill nr Barton in Fabis (MP2p) and have been endorsed at public meetings to represent the views of local residents.

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

Signature		Date	11/10/19
Name	Julian Coles		

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Nottingham, NG2 7QP

✉ planning.policy@nottscc.gov.uk

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Part A – Personal details

Office use only

Person No:

Rep Nos:

	1. Personal details	2. Agent details (where applicable)
Title	Mr	
First name	Julian	
Last name	Coles	
Address line 1	██████████	
Address line 2	██████████	
Address line 3	██████████	
Postcode	██████████	
Email	██████████████████	
<i>For those replying on behalf of an organisation or group:</i>		
Organisation	Barton in Fabis Parish Council Thrumpton Parish Meeting Lark Hill Residents Association Clifton Village Residents Association SAVE (Save the Ancient Valley Environment)	
Job title	Parish Councillor	

Part B – Your representation

Office use only

Person No:

Rep No:

Please read the guidance note before completing this section.

Name or organisation: Barton in Fabis Parish Council / Thrumpton Parish Meeting / Lark Hill Residents Association / Clifton Village Residents Association / S.A.V.E (Save the Ancient Valley Environment)

3. To which part of the Local Plan does this representation relate?

Policy	SP3	Site code		Map/Plan		Paragraph		Other	
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4. Do you consider the identified part of the Local Plan to be:

Legally compliant?	Yes		No	
Sound?	Yes		No	X
Complies with the Duty to co-operate	Yes		No	

Please tick as appropriate.

5. Please give details of why you consider the identified part of the Local Plan is not legally compliant or is unsound, or fails to comply with the duty to co-operate. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

(Continue on a separate sheet/expand box if necessary)

We are supportive of the inclusion of climate change in the suite of strategic policies that shape the Minerals Local Plan. However, SP3 is unsound because it is deficient in two respects which undermine its effectiveness:

- a) That the statement in point b) of Policy SP3 needs be modified to clarify what ‘vulnerability’ is referring to. Flood risk is identified as an issue. Communities, natural and historic assets and agricultural soils also need to be highlighted. The need to minimise the vulnerability of existing biodiversity assets to climate change impacts should be identified as an issue, and also should be a factor in determining the general allocation of sites for development.**
- b) That while the reference to restoration is appropriate in point 1c) of policy SP3, the policy also needs to state that such restoration schemes can contribute to climate change adaptation providing that they compensate for the impacts they have had as a result of the development.**

We are supportive of the recognition that in some circumstances mineral development can provide a number of opportunities to mitigate and adapt to the impacts of future climate change (3.34). However, we are concerned that this theme is not carried over into expectations in terms of the issues outlined in point 1a) of Policy SP3. The location, design and operation, and significantly the restoration of sites, should not only seek to avoid climate change impacts, but also deliver a net gain in terms of climate change adaptation.

Given the time frame of the minerals plan, and the national goals of carbon neutrality, the policy fails to be effective in that it lacks any meaningful targets in relation to the need to assess climate change impacts of plans and options. It also fails to provide any targets for the management of carbon emissions or to show how the use of recycled or alternative materials can be encouraged by the Plan.

6. Please set out what change(s) you consider necessary to make the identified part of the Local Plan legally compliant or sound, in respect of any legal compliance or soundness matters you have identified above. (please note that non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

(Continue on a separate sheet/expand box if necessary)

To be effective, the policy on climate change should be revised to:

- a) To take account of the vulnerability of assets to climate change
- b) Be clear as to what scale of 'contribution' to climate change mitigation and adaptation is appropriate otherwise the requirement not effective.
- c) Require that location, design and operation, and significantly the restoration of sites, should not only seek to avoid climate change impacts, but also deliver a net gain in terms of climate change adaptation.
- d) Make reference to how actions impact on the management and minimisation of carbon emission by all activities and plan options, and specific reference to how carbon neutrality can be achieved, or contributed to, by the Plan. This should be done at a strategic level as well as on a site by site basis.
- e) The policy should be revised to include meaningful targets in relation to the need to manage carbon emissions.
- f) The policy should be revised to include a statement of how the use of recycled materials can be encouraged in order to minimise the climate change impacts of primary extraction.

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

7. If your representation is seeking modification to the plan, do you consider it necessary to participate in the examination hearing session(s)?

No , I do not wish to participate in the hearing session(s)	
Yes , I wish to participate in the hearing session(s)	X


Please note that while this will provide an initial indication of your wish to participate in the hearing session(s), you may be asked at a later point to confirm your request to participate.

8. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

To demonstrate that Policy SP3 is unsound and fails to cover key aspects of climate change.

Note: The organisations listed in Part A above represent a substantial number of residents affected by the Minerals Local Plan and in particular the allocated site at Mill Hill nr Barton in Fabis (MP2p) and have been endorsed at public meetings to represent the views of local residents.

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

Signature		Date	11/10/19
Name	Julian Coles		

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- b) **Representations must be on the basis of the 'soundness' of the plan or its legal and Duty to Co-operate compliance.** Please read the guidance note on this for further information.
- c) **Part B of the form contains your representations.** Please fill in a separate Part B for each representation you wish you make. You only need to fill in Part A once.
- d) **If you are part of a group that share a common view,** it would be helpful for that group to send a single representation rather than multiple copies stating the same point. Please indicate how many people are represented and how it has been authorised (e.g. by means of a list with contact details for each person or by a committee vote). This holds the same weight as separately submitted representations.

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Part A – Personal details

Office use only

Person No:

Rep Nos:

	1. Personal details	2. Agent details (where applicable)
Title	Mr	
First name	Julian	
Last name	Coles	
Address line 1	██████████	
Address line 2	██████████	
Address line 3	██████████	
Postcode	██████████	
Email	██████████████████	
<i>For those replying on behalf of an organisation or group:</i>		
Organisation	Barton in Fabis Parish Council Thrumpton Parish Meeting Lark Hill Residents Association Clifton Village Residents Association SAVE (Save the Ancient Valley Environment)	
Job title	Parish Councillor	

Part B – Your representation

Office use only

Person No:

Rep No:

Please read the guidance note before completing this section.

Name or organisation: Barton in Fabis Parish Council / Thrumpton Parish Meeting / Lark Hill Residents Association / Clifton Village Residents Association / S.A.V.E (Save the Ancient Valley Environment)

3. To which part of the Local Plan does this representation relate?

Policy	SP4	Site code		Map/Plan		Paragraph		Other	
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4. Do you consider the identified part of the Local Plan to be:

Legally compliant?	Yes		No	
Sound?	Yes		No	X
Complies with the Duty to co-operate	Yes		No	

Please tick as appropriate.

5. Please give details of why you consider the identified part of the Local Plan is not legally compliant or is unsound, or fails to comply with the duty to co-operate. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

(Continue on a separate sheet/expand box if necessary)

Summary

We contend that the policy is unsound because:

- a) The objectives of the Policy have not been appropriately integrated into site selection decisions and Policy SP4 is not effective.
- b) Accordingly, the MLPPV as a whole does not have sufficient regard for sustainable transport and is not an appropriate strategy, failing the 'justified' test of paragraph 35 of the NPPF

Supporting detail

- a) Policy SP4 seeks to encourage sustainable forms of transport such as barge and rail in Policy statement 3.39 point 1 "All mineral proposals should seek to maximise the use of sustainable forms of transport, including barge, rail and pipeline." However, the Minerals Local Plan is **unsound** in that this policy objective has not been applied in the subsequent allocation of sites, and therefore there is a mis-alignment between policy and practice. SP4 (3.41) states that "the promotion of alternative, more sustainable forms of transport such as barge or rail is important" and (3.4.2) notes that barge transport has historically been used on the River Trent and that "Studies have shown there is potential to increase water-borne freight on parts of the river". Despite this, no site has

been allocated which makes any use of barging although the site at Shelford would transport 40% of its output by barge and that SP7 safeguards the required wharf at Colwick (3.87 / 3.88). **Note: We develop this argument further in our submission under MP2 and in relation to the sites in the Nottingham area.**

- b) The distance over which minerals need to be transported is one factor to consider. However, this is treated in a simplistic way in the Policy statement, 3.39 point 2a) “within close proximity to existing or proposed markets”. Close proximity to market is an issue, but this statement also needs to be qualified to emphasise a proviso that that this does not result in sites with the greatest social, environmental and landscape impacts being allocated in preference to others with lesser impact. In other words, **proximity to market is one factor but not an overriding one**. If it is given too much emphasis in site allocation then this would undermine other policy objectives set for the Minerals Local Plan such as SO5 Minimising impacts on communities and SO6 Protecting and enhancing natural assets.
- c) The goal of encouraging the sustainable use of resources through the use of recycled and secondary aggregates will be undermined by undue emphasis on geographical location in relation to market as a factor in site allocation. Transport costs should reflect the true and total cost of exploitation and delivery from sites which in all other respects entail the least damage to natural, historic and social assets. Recycling will not occur unless there is pressure to do so.

6. Please set out what change(s) you consider necessary to make the identified part of the Local Plan legally compliant or sound, in respect of any legal compliance or soundness matters you have identified above. (please note that non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

(Continue on a separate sheet/expand box if necessary)

Summary

The policy should re-drafted as follows:

- a) Policy statement, 3.39 point 2a) “within close proximity to existing or proposed markets” should be qualified to make it clear that this should not result in sites with the greatest social, environmental and landscape impacts being allocated in preference to others with lesser impact. In other words, **proximity to market is one factor but not an overriding one**. This qualification should then be taken in to the site selection methodology.
- b) Since it is not included in other Policies, reference should be included in SP4 to the need for transport costs to reflect the true and total cost of exploitation and delivery from sites which in all other respects entail the least damage to natural, historic and social assets in order to encourage the goal of the sustainable use of resources through the use of recycled and secondary aggregates. Specify what happens where biodiversity gains are not maximised and whether there is a requirement for a minimum threshold (e.g. no net loss). To be effective the policy should provide an explanation of the constraints associated with biodiversity-led restoration and the issues that need to be considered if proposals for such restoration are to be judged adequate. The policy should also specify how the potential for biodiversity-led restoration is assessed in relation to the needs for conservation of existing resources.
- c) If Policy SP4 and the Plan as a whole is to conform with the ‘effective’ test of paragraph 35 of the NPPF, the site selection methodology should be revisited to take fuller account of the statements in Policy SP4 below:

3.39 point 1 “All mineral proposals should seek to maximise the use of sustainable forms of transport, including barge, rail and pipeline”

3.41 that “the promotion of alternative, more sustainable forms of transport such as barge or rail is important”

3.4.2 noting that barge transport has historically been used on the River Trent and that “Studies have shown there is potential to increase water-borne freight on parts of the river”.

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

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No, I do not wish to participate in the hearing session(s)	
Yes, I wish to participate in the hearing session(s)	X

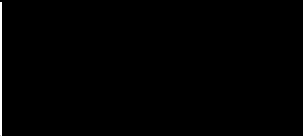
Please note that while this will provide an initial indication of your wish to participate in the hearing session(s), you may be asked at a later point to confirm your request to participate.

8. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

To demonstrate that Policy SP4 is unsound and that this has implications for the correct implementation of the site assessment methodology.

Note: The organisations listed in Part A above represent a substantial number of residents affected by the Minerals Local Plan and in particular the allocated site at Mill Hill nr Barton in Fabis (MP2p) and have been endorsed at public meetings to represent the views of local residents.

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

Signature			Date	11/10/19
Name	Julian Coles			

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Part A – Personal details

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Person No:

Rep Nos:

	1. Personal details	2. Agent details (where applicable)
Title	Mr	
First name	Julian	
Last name	Coles	
Address line 1	██████████	
Address line 2	██████████	
Address line 3	██████████	
Postcode	██████████	
Email	██████████████████	
<i>For those replying on behalf of an organisation or group:</i>		
Organisation	Barton in Fabis Parish Council Thrumpton Parish Meeting Lark Hill Residents Association Clifton Village Residents Association SAVE (Save the Ancient Valley Environment)	
Job title	Parish Councillor	

Office use only

Person No:

Rep No:

Part B – Your representation

Please read the guidance note before completing this section.

Name or organisation: Barton in Fabis Parish Council / Thrumpton Parish Meeting / Lark Hill Residents Association / Clifton Village Residents Association / S.A.V.E (Save the Ancient Valley Environment)

3. To which part of the Local Plan does this representation relate?

Policy	SP5	Site code		Map/Plan		Paragraph		Other	
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4. Do you consider the identified part of the Local Plan to be:

Legally compliant?	Yes		No	
Sound?	Yes		No	X
Complies with the Duty to co-operate	Yes		No	

Please tick as appropriate.

5. Please give details of why you consider the identified part of the Local Plan is not legally compliant or is unsound, or fails to comply with the duty to co-operate. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

(Continue on a separate sheet/expand box if necessary)

Summary

Policy SP5 is unsound and fails to meet the 'effective or 'justified tests of NPPF paragraph 35 because:

- a) The emphasis on restoration throughout should be reduced and the importance of preservation and enhancement of assets stressed in line with paragraph 174 of the NPPF in order that the policy can be justified.
- b) The lack of transparency in the way Policy SP5 is applied in the site allocation process makes it ineffective. The emphasis on restoration throughout should be reduced and the importance of protection and maintenance of assets stressed. Accordingly, the Plan, as a whole does not have sufficient regard for the built, historic and natural environment transport and is not an appropriate strategy, failing the 'justified' test of paragraph 35 of the NPPF.

Supporting detail

- a) Since this policy concerns the need to protection and enhancement of built, historic and natural assets, it is misleading to refer to the opportunities of restoration once they are damaged or

removed (Para 3.45). The policy needs to state that there are circumstances in which minerals development (despite the opportunities for restoration) may not be appropriate because of the initial or ongoing impact and loss it will entail for the built, historic and natural assets. Thus paragraph 3.47 needs to be expanded to include natural and built assets, placed at the head of the section on Policy SP5, and the policy then actually needs to be designed around it. **Unless this is done the policy cannot be effective and the decisions based on it justified.**

- In general terms, policy, if it is to be meaningful, needs to shape and guide action or change the way people and organisations do things for the better. **The current structure of SP5 is unsound because it fails to do this.** It is unduly focussed on some of the constraints that need to be considered by developers in making proposals, and the requirements of an environmental impact assessment should one be required.
 - For example, in relation to nature conservation the policy should, given the strategic remit of SP5, make reference to paragraph 174 of the NPPF. This states that planning policies should “promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity”. Further considerations (paragraph 175 (b)) also includes those relating to the off-site impacts of developments on SSSIs and other designated areas.
 - In the context of nature conservation it is also essential to include the requirements of the recent update of the NPPF, which in para 175 (c) states that: development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists. Wholly exceptional includes infrastructure projects (e.g. nationally significant infrastructure projects, orders under the Transport & Works Act and hybrid bills), where the public benefit would clearly outweigh the loss or deterioration of habitat. The definition of wholly exceptional projects does not include mineral workings.
- b) While the requirements of the NPPF clearly apply to individual planning applications, they must also apply to the minerals planning process itself which involves assessing sites relative to each other across a range of criteria relating to the built, historic and natural environment. Unless a site allocation methodology is devised that reflects the requirements of the NPPF then it is likely that the outcome would be the promotion of unsuitable locations. Policy should therefore state how it will operate given the requirements of the NPPF in allocating sites and in identifying those that are unsuitable given the scale and nature of their impacts.

Note: We develop this argument further in our submission under MP2 and in relation to the sites in the Nottingham area.

6. Please set out what change(s) you consider necessary to make the identified part of the Local Plan legally compliant or sound, in respect of any legal compliance or soundness matters you have identified above. (please note that non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

(Continue on a separate sheet/expand box if necessary)

Summary

The policy should re-drafted to:

- a) State that there are circumstances in which minerals development (despite the opportunities for restoration) may not be appropriate because of the initial or ongoing impact and loss it will entail for the built, historic and natural assets.
- b) Paragraph 3.47 needs to be expanded to include natural and built assets, placed at the head of the section on Policy SP5, and the policy then actually needs to be designed around it.
- c) Reflect the fact that policy, if it is to be meaningful, needs to shape and guide action or change the way people and organisations do things for the better. It is unduly focussed on some of the constraints that need to be considered by developers in making proposals, and the requirements of an environmental impact assessment should one be required.
- d) In relation to nature conservation the policy should make reference to paragraph 174 of the NPPF. This states that planning policies should “promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity”. Further considerations (paragraph 175 (b)) also includes those relating to the off-site impacts of developments on SSSIs and other designated areas.
- e) In the context of nature conservation it is also essential to include the requirements of the recent update of the NPPF, which in para 175 (c) states that: development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists. Wholly exceptional includes infrastructure projects (e.g. nationally significant infrastructure projects, orders under the Transport & Works Act and hybrid bills), where the public benefit would clearly outweigh the loss or deterioration of habitat. The definition of wholly exceptional projects does not include mineral workings.
- f) Policy should therefore state how it will operate given the requirements of the NPPF in allocating sites and in identifying those that are unsuitable given the scale and nature of their impacts.

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

7. If your representation is seeking modification to the plan, do you consider it necessary to participate in the examination hearing session(s)?

No, I do not wish to participate in the hearing session(s)	
Yes, I wish to participate in the hearing session(s)	X

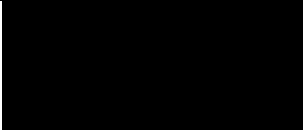
Please note that while this will provide an initial indication of your wish to participate in the hearing session(s), you may be asked at a later point to confirm your request to participate.

8. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

To demonstrate that Policy SP5 is unsound and that this results in the mis-allocation of the site at Mill Hill, Barton in Fabis.

Note: The organisations listed in Part A above represent a substantial number of residents affected by the Minerals Local Plan and in particular the allocated site at Mill Hill nr Barton in Fabis (MP2p) and have been endorsed at public meetings to represent the views of local residents.

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

Signature		Date	11/10/19
Name	Julian Coles		

Representation Form

This is the representation form for the Nottinghamshire Minerals Local Plan - Publication Version published by Nottinghamshire County Council. The Publication Version and the supporting information can be found online at www.nottinghamshire.gov.uk/minerals. You can submit your representations online via our interactive system by using this link.

The formal representation period is open from Friday 30th August 2019 to 4.30pm Friday 11 October. All representations must be received during this period.

If you wish to submit a representation to the Plan using this form, please complete all parts and then send it to us via email or post, using the addresses below. Please note:

- **All respondents need to provide their personal details.** It is not possible for representations to be anonymous. All responses will be made public.
- **Representations must be on the basis of the ‘soundness’ of the plan or its legal and Duty to Co-operate compliance.** Please read the guidance note on this for further information.
- **Part B of the form contains your representations.** Please fill in a separate Part B for each representation you wish you make. You only need to fill in Part A once.
- **If you are part of a group that share a common view,** it would be helpful for that group to send a single representation rather than multiple copies stating the same point. Please indicate how many people are represented and how it has been authorised (e.g. by means of a list with contact details for each person or by a committee vote). This holds the same weight as separately submitted representations.

If you have any queries please contact us as below or ring us on 0300 500 80 80.

Please return completed forms to:

☐ Planning Policy Team
County Hall, West Bridgford,
Nottingham, NG2 7QP

✉ planning.policy@nottscc.gov.uk

We must receive your representations before 4.30pm, Friday 11th October 2019.

Representations received after this cannot be accepted.

All of the representations received will be submitted with the Plan and will be examined by a planning inspector who will consider whether the Plan is ‘sound’ and complies with the legal requirements.

Nottinghamshire County Council’s Planning Policy Service is committed to protecting your privacy and ensuring all personal information is kept confidential and safe. View our privacy notice at www.nottinghamshire.gov.uk/privacy

Part A – Personal details

Office use only

Person No:

Rep Nos:

	1. Personal details	2. Agent details (where applicable)
Title	Mr	
First name	Julian	
Last name	Coles	
Address line 1	██████████	
Address line 2	██████████	
Address line 3	██████████	
Postcode	██████████	
Email	██████████████████	
<i>For those replying on behalf of an organisation or group:</i>		
Organisation	Barton in Fabis Parish Council Thrumpton Parish Meeting Lark Hill Residents Association Clifton Village Residents Association SAVE (Save the Ancient Valley Environment)	
Job title	Parish Councillor	

Part B – Your representation

Office use only

Person No:

Rep No:

Please read the guidance note before completing this section.

Name or organisation: Barton in Fabis Parish Council / Thrumpton Parish Meeting / Lark Hill Residents Association / Clifton Village Residents Association / S.A.V.E (Save the Ancient Valley Environment)

3. To which part of the Local Plan does this representation relate?

Policy	MP2	Site code	MP2p	Map/Plan		Paragraph		Other	
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4. Do you consider the identified part of the Local Plan to be:

Legally compliant?	Yes		No	
Sound?	Yes		No	X
Complies with the Duty to co-operate	Yes		No	

Please tick as appropriate.

5. Please give details of why you consider the identified part of the Local Plan is not legally compliant or is unsound, or fails to comply with the duty to co-operate. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

(Continue on a separate sheet/expand box if necessary)

Summary

The Nottinghamshire Minerals Local Plan Publication Version (MLPPV) does not meet the criteria for 'justification' as set out in para 35 of the National Planning Policy Framework, because in relation to the site at Mill Hill, Barton in Fabis, it does not apply an appropriate site selection strategy that takes account the reasonable alternatives. The justification for the selection of the site at Barton and the omission of other sites considered at the draft stage (e.g. Shelford) is not based on a proportionate and consistent evaluation of the available evidence. Contrary to the objectives of the NPPF as a whole, the allocation of Mill Hill does not constitute sustainable development. Specifically:

- a) **Unsoundness of site selection methodology:** The methodology in site selection is unsound and unjustified because it is not aligned with the results of the public consultation at the Issues and Options stage.
- b) **Application of site selection methodology:** The application of the existing site selection methodology is unsound because of the weight given to geographical spread. The plan lacks justification because there is a significant absence of evidence to support the application of geographical spread. We show that contrary to the position of the County Council, the allocation of Shelford would not affect the geographical spread of sites and not selecting Shelford misses a highly significant opportunity to embrace sustainable transport principles.
- c) **Site Assessment for Mill Hill, Barton in Fabis:** The site at Mill Hill, Barton in Fabis, has the greatest score for negative impacts of all the sites selected for allocation in the Plan. Page 61 of the Site Selection Methodology and Assessment (SSMA) May 2019 states "In assessment against sustainability appraisal objectives, the site scores very negatively during the operational phase (our emphasis) and slightly negatively in the long term." We consider, however, that the site should score more negatively than is conveyed in the Sustainability Appraisal: there are highly negative impacts in relation to heritage, ecology, landscape, flood risk, air quality and impact on human health and quality of life. The allocation of Mill Hill Barton in Fabis has significantly greater adverse effects than Shelford, which we consider should be allocated instead. The selection of Mill Hill, Barton in Fabis is therefore unjustified.

It should be noted also that as a result of a planning application for gravel extraction for part of the proposed site at Barton in Fabis a number of other adverse issues can be identified that makes the allocation the Minerals Plan unjustified. The planning application at Barton on Fabis (reference ES/3712) is for a site larger than the proposed allocation and includes land within Nottingham City. The Parish Council has objected to this application and has followed its progress closely. We recognise that the application will need to be determined on its own merits but it is clear from correspondence from the County Council that there is clear fundamental harm derived from the application proposals and we append the County Council's letter to the Applicant dated 30 August 2019 (Our Appendix 4) .

In regard to Heritage, the County Council state:

"Following consultation, officers disagree with a number of the conclusions of the assessment and are of the view the development would result in the following impacts:

- There would be substantial harm to the setting of Clifton Hall (Grade I listed) and its Registered Park and Garden (grade II listed) during extraction;*
- There would be less than substantial harm to Clifton Hall and its Registered Park and Garden following restoration."*

Substantial harm to a Grade I listed building should be wholly exceptional and to a Registered Park and Garden, exceptional, as defined by paragraph 194 of the NPPF. It is highly pertinent to

note that the officers of the County Council do not consider this harm would be likely to be reduced through amendments. While they advise that substantial public benefits could be forthcoming “through the improvements to the understanding of Clifton Hall Registered Park and Garden and the preparation and implementation of a Conservation Management Plan to improve the condition and management of the heritage asset”. We do not consider that this would be either feasible or sufficient to mitigate the harm created to Clifton Hall and the Registered Park and Gardens and alone is sufficient justification to de-select the site as a proposed allocation.

Note: Our previous responses to the 1) Consultation on Issues and Options and 2) Consultation on the Draft Minerals Local Plan (our Appendices 1 & 2) are attached as background to the above points.

Supporting detail

a) Unsoundness of site selection methodology

Any consideration of the soundness of MP2 / MP2p must refer back to the Issues and Options Analysis published in March 2018 which has formed the basis for MP2. This is important because the Options on which the site was based fail to materialise in any obvious way through the sustainability appraisal and the site selection evidence. The Options Analysis evaluated five policy options:

- A. Geographical spread across the County
- B. Prioritise specific areas
- C. Prioritise locations with potential for transporting sand and gravel by river barge
- D. Allocate sites based on their individual merits
- E. Use criteria-based policy approach.

It concluded that “Options A and C scored equally favourably and were more sustainable than the other options”. We make objection to this conclusion as the analysis which led to it is unsound. Our reasons are as follows:

- As is acknowledged in the summary on Page 50 of the Issues and Options Analysis, there is “considerable uncertainty” as to the possible impacts of the options on the sustainability objectives; half of them were not included in the scoring due to lack of detail. As a result of such uncertainty, a precautionary approach would suggest that sustainable outcomes are more likely to be achieved if sites are considered on their individual merits than by the application of general criteria such as geographical spread.
- The flawed logic used in the analysis is evidenced by the commentary against:

Criterion 2 ‘Protect and enhance biodiversity at all levels and safeguard features of geological interest’: We argue that if sites are considered on their individual merits then this is more likely to result in safeguarding than if they are overridden by criteria such as geographical spread. We therefore argue that option D should be rated as positive in order that decisions made on the basis of the plan are justified.

Criteria 4, 5, 7, 8, 9, 11, 12 and 14: The same logic as applied to criterion 2 also applies to these objectives. If overall impacts of minerals development are to be minimised then the negative outcomes can only be minimised by considering sites on their merits. We therefore argue that option D should be scored as positive across all these criteria in order that decisions made on the basis of the plan are justified.

Criterion 3 ‘Promote sustainable patterns of movement and the use of more sustainable modes of transport’: The commentary states that geographical spread is likely to result in sites being closer to markets thus reducing road haulage distances. Such a conclusion could only be supported if a detailed geographical analysis of the market had been done. **It has**

not. The closest to such an analysis is the commentary provided on page 44-45 of the Site Selection Methodology and Assessment, which focusses almost exclusively on the local market. However, the 2017 Nottinghamshire and Nottingham Local Aggregates Assessment shows that:

- o more than half of the sand and gravel extracted in Nottinghamshire is exported (para 3.9);
- o that there is considerable import of sand and gravel in the south across the County boundary (para 3.11); the 2019 LAA also notes that exports of sand and gravel “are likely to remain a significant proportion of sales” and,
- o that average annual haulage distances are approximately 35 miles and increasing (para 3.13).

Thus, there is considerable uncertainty about the location of the actual market and the geography of patterns of supply and demand and no detailed analysis has been undertaken. As a result, this objective should be scored as uncertain or unknown rather than positive for Option A.

Criteria 3 and 7: The analysis is biased toward Option A because the issue of minimising road haulage is counted twice. Climate change impacts (Criterion 7) are assumed to be minimised by wider geographical spread of sites because of market proximity. Such an assumption is uncertain as we have shown above. However, the issue of double counting would apply even if a more robust analysis of the geography of the market was available. Reference to road haulage should therefore be removed from criterion 7 and criterion 7 scored as uncertain because the extent to which sites minimise impact on climate can only be assessed in a case by case basis (i.e. on their merits using criteria such as the amount of emissions per ton of aggregate extracted). If transport is to be included then the ability to provide alternative modes of haulage such as barge transport should be used here in line with SP4 3.41 A precautionary approach to the evaluation of the impacts of the five options on the sustainability objectives would therefore suggest that option D has been inappropriately and negatively scored relative to Option A. The preferred options that meet the County’s sustainability goals are clearly C and D, rather than A and C. As a result, the Plan is inconsistent and cannot be used to justify the proposed set of sites.

The MLPPV is therefore unsound in terms of the justification for the site selection methodology used and the options selected should be revised reflect a fully justified and robust analysis of their likely impacts on the MLPPV’s sustainability appraisal objectives.

b) Application of site selection methodology

The application of the site evaluation methodology is unsound on the grounds that it is flawed and applied inconsistently. As a result, its conclusions are unjustified.

We argue that geographical spread can be used as a criterion to decide between sites all other things being equal. In other words, if sites had similar environmental and social impacts then those more widely spaced might be selected over a more concentrated distribution. However, by identifying geographical spread as an over-riding factor, the current plan shifts impacts to more potentially damaging sites as is evidenced by the commentary on Mill Hill near Barton in Fabis, on page 61 of the Site Selection Methodology and Assessment document “When tested against sustainability objectives, it has a higher negative impact than the other sites but whilst the sustainability appraisal reports very negative impacts in the operational phase, these become slight negative impacts in the long term. In terms of landscape impact, the site scores higher than other Nottingham related sites. The site is selected nonetheless on grounds of geography, even though there are less damaging sites in other parts of the county (e.g. Coddington or Shelford).

In support of the contention for the unsoundness of this aspect of the Plan, it should also be noted that:

- Although SO1 of the Plan states that it should seek to 'secure a spatial pattern of mineral development that efficiently delivers resources to markets within and outside Nottinghamshire' it should be noted that no analysis of the ways in which different possible spatial configurations of sites might meet this objective are provided. NCC have confirmed (email 30/8/18) that "There is no published data related to the geographical spread for the particular allocation of sites". **As a result, any argument that the Minerals Local Plan can actually deliver this Strategic Objective are unjustified and the plan is unsound.**
- The lack of a detailed analysis is a serious omission from the Plan because it is possible to develop an overview of demand by taking the % of total housebuilding in each area as a reasonable guide as to where quarry sites should be located. The Nottinghamshire and Nottingham LAA (2019) confirms (5.14) that housebuilding accounts for 20% total aggregate production (other estimates put this figure at 35%), where houses are built is where jobs are created with associated commercial buildings and major infrastructure projects and local infrastructure such as roads and schools – thereby equating to a higher percentage. Table 1 provides an estimate of the distribution of house development in Nottinghamshire; it shows that about 56% of the demand is in the Nottingham area.

	Local Authority	Average dwellings PA	Area percentage share
North	Bassetlaw	435	
Area total		435	9.5%
Central	Ashfield	452	
	Mansfield	376	
	Newark	740	
Area Total		1568	34.3%
Nottingham Area	Broxtowe	362	
	Gedling	426	
	Nottingham	1009	
	Rushcliffe ²	774	
Area Total		2571	56.2%

- Table 2 uses figures provided in the MLPPV for the total requirement 32.3mt in the plan period and the amount available after taking account of 'export' requirements; we use 40% and 50% export levels for the analysis. We focus particularly on the estimates of the requirement in the Nottingham area of 10.89mt, and 9.08mt respectively, and the extent to which this estimated demand is met by alternative site allocations in the Nottingham area.

	40% export	50% export
Total exported	12.92	16.15
Net Total for Notts	19.38	16.15
North (9.5%)	1.84	1.57
Central / Newark (34.3%)	6.64	5.53
Nottingham Area (56.2%)	10.89	9.08

- Table 3 shows the extent to which the sites allocated in the Nottingham area meet the estimated demand with 40% and 50% export. With the allocation of East Leake (approved), and Mill Hill Barton in Fabis there is a deficit in the proportional supply to the Nottingham area of between 4.8 and 2.99mt.

	40% export	50% export

¹ Nottinghamshire and Nottingham Local Aggregate Assessment October 2017 <http://www.nottinghamshire.gov.uk/media/127116/october-2017.pdf>

² Rushcliffe is included in the Nottingham area because the majority of its housing is allocated to the urban edge of the conurbation

Total req'd Nottingham area	10.89	9.08
East Leake approved	2.34	2.34
Mill Hill Barton in Fabis	3.0	3.0
Total	6.09	6.09
Deficit/Excess	-4.8	-2.99

- However, if the larger Shelford site was allocated instead of the smaller Mill Hill, Barton in Fabis site then these deficits would be lessened or virtually eliminated (Table 4).

	40% export	50% export
	10.89	9.08
East Leake approved	2.34	2.34
Shelford	6.5	6.5
Total	8.84	8.84
Deficit/excess	-2.05	-0.24

- The analysis suggests that by the inclusion of Shelford, for example, a better geographical spread is achieved than is realised by the MLPPV. The inclusion of Shelford would move 3mt of output from North Nottinghamshire to South Nottinghamshire where it is most needed. **Consequently, the statement in the 'Sites Assessment Methodology' on the Shelford site that "The size of this site is such that if it were allocated, provision would be limited in other parts of the County and this would not comply with the objective of maintaining a geographical spread of mineral sites across the County" is unjustified.**

In further considering the criterion to 'Promote sustainable patterns of movement and the use of more sustainable modes of transport', the conclusion that the proposed site at Mill Hill, Barton in Fabis is closest to developments likely to take the output from quarries in the south of the County is unjustified. We have made an analysis of the current situation as part of our earlier response to the planning application made for Mill Hill, Barton in Fabis, and looked at the status of the location of potential developments and the quarries which already are or could potentially serve them. Specifically:

- The developments and quarries considered are shown in Table 5, which also shows the distance to the nearest quarries and the distance to the proposed site at Mill Hill, Barton in Fabis. Colwick Wharf has been included as this is a proposed barge terminal close to Trent Lane, Trent Bridge to which some 40% of the material from the Shelford site would be delivered. (Colwick Wharf is specifically identified under SP7 Minerals Safeguarding, Consultation Areas and Associated Minerals Infrastructure as a 'safeguarded' wharf.

Table 5: Distance of sand and gravel sources to major developments in Nottingham area with comparison to distance to Mill Hill, Barton in Fabis

Development	Note	Nearest quarries	Distance from Mill Hill Barton in Fabis
East Midlands Rail Freight Hub / Kegworth by-pass	Work is completed on these projects or aggregate is already being supplied with contracts already therefore agreed	Lockington 5.86km, Shardlow 9.08km	12.11km
Toton (HS2)	Timescales for this project are not yet clear	Lockington 8.98km, Shardlow 15.02	15.03km
Gamston	No planning application has yet emerged	Colwick wharf 6.45km, Shelford 10.95km (East Leake: 15.14km)	13.45km
Edwalton	Construction already under way and contracts for aggregate supply are in place	Colwick wharf 8.49km (East Leake: 15.44, Shelford: 12.9km)	8.79km
Waterfront	Timescales unknown	Colwick wharf 0.5km (Shelford 12.6km, Lockington 22.71km)	9.54km
Boots site	Planning permission granted	Colwick wharf 5.69km (East Leake 17.55km)	5.96km
Bus Depot	Timescales unknown	Colwick wharf 8.77km,	9.89km

		Lockington 9.07km	
Clifton Pastures / Clifton West	Clifton Pastures timescales unknown. Clifton West yet to have outline planning application approved	Mill Hill, Barton in Fabis (East Leake 11.84km, Colwick wharf 8.24km)	c0.5km, Clifton Pastures 1km, Clifton West,

Note: the distances shown are by road and so the quarries in bold are the nearest location by road distance;

- For the analysis shown in Table 5 we recognise that it may be financially viable for other quarries to the north of Nottingham and further in to Derbyshire or Leicestershire to supply the projects identified, but we have focused only on the closest in terms of travel distances to simplify the picture. In relation to Table 5 it is important to note that:
 - **Mill Hill, Barton in Fabis site is significantly further than alternatives** to the major infrastructure projects of the East Midlands Rail Freight Hub and Toton (HS2) and several of these projects are already complete or contracts for aggregate supply let.
 - **Mill Hill, Barton in Fabis site is not significantly nearer to two of the three major areas in Rushcliffe allocated for the sustainable urban extension** (i.e. Gamston and Edwalton). While it is obviously closest for the Clifton West and Clifton Pastures development, the proportion of the output required here is small in relation to proposed total output (c 1 year's output) and so does not by itself justify development
 - **Shelford is equally well placed to provide output to these developments as Mill Hill, Barton in Fabis, and with the development of more sustainable barge transport via Colwick Wharf would be significantly more so.**

- It is also important to note that given the impacts associated with the Shelford site are less than that at Mill Hill, Barton in Fabis, and the reallocation of this site in the MLPPV would also reduce the overall social, environmental and landscape in line with SO5, SO6 and SO7. However, as we have shown in Section a) the emphasis given to geographical distribution as an overriding factor in the site selection criteria is unsound. **The subsequent application of the Options A and C in the site selection process is also inconsistent with the stated Strategic Objectives and as a result the MLPPV is further unsound and unjustified against paragraph 35 of the NPPF on the basis of the conclusions drawn.** We focus particularly on the Mill Hill, Barton in Fabis site. Our grounds are as follows:
 - Despite Option C (Prioritise locations with potential for transporting sand and gravel by river barge) being identified as a priority in site selection none of the sites selected meet this criteria, although some of those rejected (e.g. Shelford) do. The documentation shows that the operator at Shelford proposes to transport 40% of output via barge but there is no rationale provided for why this site has not therefore been prioritised as the adoption of Option C requires.
 - On the basis of the scoring applied in the site assessment methodology the combined environmental impact of the development of Mill Hill, Barton in Fabis and any other site would be greater both during the operational and long-term phases, than the single site at Shelford (see Table 4 Site Selection Methodology and Assessment) ; the development of one site rather than two is likely to result in less overall impact and on these ground this strategy is likely to better address the MLPPV.

Thus, the application of the Site Selection Methodology and Assessment and its conclusions are unsound and the outcome are unjustified given the stated policy objectives that underpin the MLPPV. Specifically:

- No evidence is provided to show that the allocation of Shelford rather than Mill Hill, Barton in Fabis, would limit the ability of the plan to ensure a spread of quarries, given the average distance travelled by aggregates is roughly 35 miles and increasing (see para 3.11, 2017 *Nottinghamshire and Nottingham Local Aggregates Assessment*).

- There has been no attempt by the County Council to explore spreading the total output of Shelford over a longer operational period
- No evidence or argument is provided for the omission of the priority for barge transport in the selection of sites; and,
- The current application of the site allocation methodology in the MLPPV results in greater adverse impact on the environment than otherwise would be the case, despite the requirements of the MLPPV that future minerals development in Nottinghamshire should meet:
 - Strategic Objective 1 'Improving the sustainability of minerals development' by making use of sustainable modes of transport
 - Strategic Objective 6 'Protecting and enhancing natural assets' by conserving and enhancing Nottinghamshire's natural environment, including its distinctive landscapes, habitats, geology, wildlife species and ecological health of water bodies by avoiding, minimising and mitigating potential negative impacts'.
 - Strategic Objective 7 'Protecting and enhancing historic assets' by protecting and where appropriate enhancing Nottinghamshire's distinct historic environment and ensuring heritage assets and their settings are adequately protected and where appropriate enhanced.

Sand and gravel can only be worked where it is found, but it does not follow that geographical spread is the only way to ensure continued supply. Moreover, minimisation of HGV transport is only one criterion that must be used to make site allocations. As we have shown this is inconsistent with the stated policy objectives in the MLPPV, because it overlooks the relative impacts on built, natural and heritage assets, and the Green Belt arising at individual sites. In this context, it is important to note the comments of the **Inspector's Report for the examination of the Essex County Minerals Local Plan January 2013 (Para 138)³ (Our Appendix 3)**. Although the Inspector was considering the issue of spatial concentration of proposed sites, the observation that "Notwithstanding the wide choice of potentially developable sites in other districts it is appropriate that sites are selected with reference to their individual merits and planning impacts" is relevant here. **It is our contention that to be sound in terms of justification, the Plan should consider sites on their individual merits and should not be unduly influenced by geographical location.**

c) Site Assessment for Mill Hill, Barton in Fabis

The site assessment made for Mill Hill, Barton in Fabis shows it to be one of the most negatively affected should development be permitted. The Plan is unsound because there is no justification provided for its inclusion. There is no coherent statement in the Plan as to why this finding should be ignored and the site allocated, when there are other sites where impacts would be less serious.

We contend that the scale of the impacts for the Mill Hill site have been under-estimated, making the decision even less secure. The mis-representation of the conditions and associated impacts at Mill Hill, Barton in Fabis are given below. We base our response on evidence in the public domain and that generated by the recent planning application for the site. In assessing the site the Planning Policy Team has failed to take account of the detailed comments and information by such bodies as Historic England, RSPB, Notts Wildlife Trust, Natural England, CPRE, Ramblers Association, and indeed several of the County Council's own officers. Specifically we contend:

Criterion 2: Protect and enhance biodiversity at all levels and safeguard features of geological interest.

³ <https://www.essex.gov.uk/minerals-waste-planning-policy/minerals-local-plan>

- The evidence relating to the biodiversity status of the site and its surroundings point to an assessment that the impact during the operational phase is very negative (-3) and in the long-term as negative (-2). The site assessment fails to: recognise the importance of the site at the landscape scale, promote the preservation of existing ecological networks and the populations of priority species they support; and recognise or mitigate the significant on-site impact on LWS and off-site impacts on SSSIs. **As a result, the allocation of the site is not consistent with the objectives of SO6 or SP5.**
- Approximately two thirds of the habitat within the proposed site consists of habitats of Local or National Conservation Importance. Nine Local Wildlife Sites will be directly or indirectly impacted upon during the operational period; Borrow's Pit (LWS), which is within the site boundary, has been omitted from the Site Appraisal Matrix. Only partial mitigation by using appropriate buffers will be possible and a number of the LWS will be destroyed entirely.
- The ancient woodland status of Brandshill Wood and Clifton Wood has not been considered, and the potential impact of changes in hydrology, dust and noise factored into the analysis.
- There are extensive areas of BAP habitat within the site which will be lost, including neutral and semi-improved grassland, marshy grassland, scrub, hedgerow, ditch and floodplain grazing marsh. All these habitats have targets for their conservation and protection. Restoration of the site would not effectively compensate or restore these existing ecologically high value habitats. The long-term impact is therefore negative rather than slightly negative.
- The SSSIs of Attenborough and Holme Pit are adjacent to the proposed site and both will be adversely affected during the operational phase and long-term. Attenborough is important for a number of bird species will be impacted by noise and permanent loss of feeding areas. The water quality of Holme Pit will be impacted during periods of flooding. Flood patterns and their impact relative to Holme Pit have not been considered in the design and operation of the proposed site.
- The site also holds a number of species of national or local importance, including bats, harvest mouse, grass snake and common toad. There are many species of red and amber listed birds including noise/disturbance sensitive species such as barn owl, Cetti's warbler and long-eared owl. Importantly the site hosts a diverse invertebrate fauna including the endangered beetle, *Carabus monilis*. All of these species will be subject to severe adverse impacts.
- The restoration plan for this site does not maximise BAP priority habitats for the area and there is no significant biodiversity compensation achieved as a result of proposed restoration measures. Indeed, the nature of the "Alternative working proposals/buffer zones to retain/protect LWSs and SSSIs" mentioned under mitigation are not specified and it is inappropriate to include them in the assessment. Moreover, the time span over which restoration is proposed (5 years, see Para 9.1.4 of Site Proposal by Greenfield Associates, dated January 2018) is inadequate (see NMPCD para 5.118, point 9) ecologically so that the measures are unlikely to be successful. The claim made by Greenfield Associates in para 9.1.5 of their submission document dated January 2018 that restoration is likely to be beneficial in the long-term is therefore unfounded.

Criterion 3: Promote sustainable patterns of movement and the use of more sustainable modes of transport.

- The proposal only includes road haulage and so cannot be considered as offering 'sustainable' modes of transport. At best this criterion should be scored as 0.

Criterion 4: Protect the quality of the historic environment, heritage assets and their settings above and below ground.

- The assessment underestimates the impact on historic environment, heritage assets and their settings especially in the long-term by virtue of the resulting negative impact on the historic environment post restoration in respect of the setting and significance of Clifton Hall.

- Barton in Fabis Parish Council recently produced a detailed assessment of the historic cultural links between Clifton Hall (Grade 1 listed) and Barton in Fabis which highlights the importance of the historic environment of the Mill Hill Site to the setting of Clifton Hall. The evidence presented clearly shows that the operation and restoration of the site would have a major impact on the setting of Clifton Hall and its Registered Parks and Gardens. Since these impacts are significant the allocation of the Mill Hill is inconsistent with the third bullet point of SP3 (3.4)
- The long-term impact should be regarded as at least as negative as during the operational phase and both should arguably be set, as a minimum, at -2.
- As we note in our summary, development would result in substantial harm to a Grade I listed building and the Registered Park and Gardens at Clifton Hall. Substantial harm to a Grade I listed building should be wholly exceptional and to a Registered Park and Garden, exceptional, as defined by paragraph 194 of the NPPF. In their correspondence⁴ Officers of the County Council do not consider this harm would be likely to be reduced through amendments, and on these grounds alone the inclusion of the site is unjustified and inappropriate. The NPPF indicates that substantial harm to the significance of designated heritage assets must be avoided where possible unless it is demonstrated that there are substantial public benefits arising from the development. None of these public benefits are identified and so inclusion of the site is unjustified.

Criterion 5: Protect and enhance the quality and character of our townscape and landscape.

- The fact that the assessment finds that the landscape impact scores as maximum in the operational phases and long-term, and since these scores are amongst the highest attributed to any site in the appraisal matrix, the allocation of this site in the MLPPV is clearly inconsistent with the Policy SP5. The site is within the Nottinghamshire Green Belt. Whilst the NPPF is clear that minerals development can be seen as appropriate development, this is on the presumption that openness and the purposes of Green Belt are maintained. Whilst accepting that the determination of the planning application and the examination of the Plan are two separate entities, it is pertinent to note that that in relation to the current planning application for the Barton site (ES/3712), County Council planners have stated (30/8/19) “*Officers are of the view that the proposed development does not preserve the openness of the Green Belt, and does conflict with the purposes of including land within it.*” (**Our Appendix 4**). This must severely call in to question the appropriateness of allocating this site in the Green Belt and adds further weight to the significant adverse landscape impacts associated with this proposed allocation.

Criterion 6: Minimise impact and risk of flooding.

- The assessment is wrong in terms of the long-term impacts of the proposal at Mill Hill. The flood risk assessment made for the current planning application for sand and gravel extraction at this site shows that the scheme at best is neutral in terms of its impacts on flood risk. There are no measures proposed that would mitigate future flood risk and so at best the score awarded should be ‘0’ and not ‘+1’.
- Given that the flood assessment shows that generally the area is likely to experience increasing risk, a requirement of the proposal should be that flood mitigation measures are included in the design so that these increased future risks are minimised.
- The commentary should include the potential risk of flooding and erosion to the high-pressure gas main that bisects the site. There is a risk posed to critical infrastructure associated with this proposal.

Criterion 7: Minimise any possible impacts on, and increase adaptability to, climate change.

⁴ [Letter to Oliver meek, 17/11/2017](#)

- The assessment scores shown in the Sustainability Appraisal Report are inconsistent with the commentary provided, and the scores awarded are misleading.
- The impacts during the operational phase is clearly negative, given the loss of habitat and the carbon stores associated with them, and the use of road haulage. Thus, the score of '?' is probably not an accurate representation of the situation. In the long term the assessment states that the impacts could be positive or negative depending on the resilience of the flora and fauna and the details of the restoration. Since this is unknown then the score of +1 is again erroneous.
- We suggest that as a minimum both the operational and long-term phases should be scored as '?', and that the contribution of the proposed site to climate change adaptability is uncertain.

Criterion 8: Protect high quality agricultural land and soil.

- The assessment is in error in terms of the assessment of long term impacts, in that it states that it judges the impact to be positive given "Restoration to high quality agricultural land if that is possible". Such restoration is neither possible nor proposed. If it is proposed then this would reduce the area of BAP and Priority Habitat restoration. At best we suggest the long-term score should be the same as the operational phase, i.e. -1.

Criterion 12: Protect and improve water quality and promote efficient use of water.

- The assessment scores this criterion as slightly negative (-1) reflecting "dewatering and discharges into watercourses". In fact, the evaluation of the pending planning application has revealed serious concerns about the impact of the development (and specifically the location of storage heaps and lagoons) on the quality of water reaching the SSSI of Holme Pit as the result of flooding.
- There is now evidence from the flooding of April 2018 of the way flood waters move across the site, and we can show that flood waters typically overtop the banks of the Trent at Cottagers' Field and ran northwards towards and eventually into Holme Pit, before re-entering the river at below Clifton Hall. These waters cross the centre of the proposed site and especially the area where material will be stockpiled. Such uncontrolled events are likely to impact on the water quality at Holme Pit SSSI through siltation and nutrient input. Moreover, there is no guarantee that the quality of water reaching Home Pit will in the long term improve given the uncertainties associated with the restoration plan.

Criterion 13: Support wider economic development and promote local job opportunities.

- The assessment only considers the wider economic impact and suggests that some jobs will be created locally. The assessment overlooks the fact that employment may be lost by the impact on agriculture in the area, and the loss of amenity and access on which the local equestrian centres depend. The impact is probably uncertain at best in the short term.

Criterion 14: Protect and improve human health and quality of life.

- The appraisal correctly assesses the impact of the proposed site on human health and significant (-3) although the commentary justifying the score overlooks a number of serious issues.
- 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. This should be flagged up in the commentary on the Site Appraisal Matrix.
- In addition the commentary should note the proximity of the proposed site to Attenborough Nature research and the riverside path along the Trent opposite the extraction site. 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.

- 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 (<1k) to a significant number of people, and given that currently policy for promoting health and well-being includes promoting walking and other activities in green, tranquil areas, the development of the site would result in a significant loss of public amenity.

We also argue that the Plan is unsound and unjustified because there is a lack of transparency in the assessment in terms of how the site is allocated on grounds of viability and location when the impact assessment clearly indicates that there are other sites where impacts are less serious. We have shown that:

- the evaluation process leading to the inclusion of geographical spread as an objective of the plan is flawed and that on grounds of sustainability sites should be considered on their merits;
- the goal of developing a spatially sustainable plan involves more than consideration of market geography, but also involves promoting a spatial distribution that is consistent with wider goals of sustainability (e.g. conservation and protection of most vulnerable and valuable sites); and,
- the summary provided on Page 55 of the *Site Selection Methodology and Assessment* is inaccurately drafted and poorly constructed because the statement that allocation is appropriate is unconnected to the evidence that has been assembled in the appraisal matrix which is supposed to underpin any recommendation.

6. Please set out what change(s) you consider necessary to make the identified part of the Local Plan legally compliant or sound, in respect of any legal compliance or soundness matters you have identified above. (please note that non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

(Continue on a separate sheet/expand box if necessary)

a) *Unsoundness of site selection methodology*

The revision of the findings on the sustainability appraisal to emphasise the contributions of options C and D would ensure that the MLPPV is better aligned with the results of the public consultation, as is evidenced by the commentary under 'What you told us at the Issues and Options stage' on page 59 of the Draft Plan Consultation document. The commentary notes that responses were split in relation to the importance of geographical spread and that "Generally, respondents felt that prioritising specific geographic areas above others would not be appropriate, instead, each site should be judged on its own merits".

b) *Application of site allocation methodology*

The MLPPV is unsound and should be revised to meet the County's own sustainability objectives in order that its conclusions can be justified. In order to do so:

- sites should be considered on their own merits in order to minimise the likely overall environmental impacts of the Plan;
- the criterion for prioritising barge transport should be applied on grounds of consistency; and,
- geographical spread should only be used to make decisions between sites when all other aspects things are considered equal in order that it does not over-ride consideration of the scale of environmental damage likely to arise by the inappropriate selection of sites due to location - proximity to an unquantified market is not sufficient evidence to outweigh the substantial harm caused by the proposed allocation at Mill Hill, Barton in Fabis.

In terms of the specific case of the site at Mill Hill, Barton in Fabis a transparent rationale needs to be provided as to why this site is included rather than Shelford, when (a) the likely adverse impacts of the latter are less; (b) the opportunities for prioritising barge transport are greater; and (c) given the average haulage distance for aggregates it is better placed to serve the needs of the local market as the other two. Evidence also needs to be provided to support the claim that the allocation of Shelford, rather than the site at Mill Hill, Barton in Fabis, would limit the ability of the Plan to ensure a spread of quarries.

c) *Site assessment for Mill Hill, Barton in Fabis*

On the basis of the arguments presented above we suggest that a more realistic assessment of the operational and long-term impacts for Mill Hill, Barton in Fabis would be -15 and -8 respectively. The adjusted individual scores are summarised in Table 6 alongside those presented in the site appraisal.

Table 6: Revised impact scores for Mill Hill, Barton in Fabis.

Sustainability Appraisal Objectives	Effect as scored in Draft Minerals Plan		Suggested Adjustment to Scores		Inconsistencies with the Strategic Objectives and Policies that frame Minerals Plan
	Operational period	Long-term	Operational period	Long-term	
1. Ensure that adequate provision is made to meet local and national mineral demand.	2	0	2	0	
2. Protect and enhance biodiversity at all levels and safeguard features of geological interest.	-2	-1	-2	-2	Allocation is inconsistent with SO6, SP1, SP3, SP4 and SP6
3. Promote sustainable patterns of movement and the use of more sustainable modes of transport.	1	0	0	0	Allocation is inconsistent with SO1, SO3, SO5, SP5
4. Protect the quality of the historic environment, heritage assets and their settings above and below ground.	-2	1	-2	-2	Allocation is inconsistent with SO6, SP6
5. Protect and enhance the quality and character of our townscape and landscape.	-3	-3	-3	-3	Allocation is inconsistent with SO7, SP6
6. Minimise impact and risk of flooding.	-3	1	-3	?	Allocation is inconsistent with SO6, SP4
7. Minimise any possible impacts on, and increase adaptability to, climate change.	?	1	?	?	Allocation is inconsistent with SO3, SP4
8. Protect high quality agricultural land and soil.	-1	1	-1	-1	
9. Promote more efficient use of land and resources.	0	?	0	?	
10. Promote energy efficiency and maximise renewable energy opportunities from new or existing development.	?	?	?	?	
11. Protect and improve local air quality.	-3	0	-3	0	Allocation is inconsistent with SO6
12. Protect and improve water quality and promote efficient use of water.	-1	0	-2	?	Allocation is inconsistent with SO1, SP1
13. Support wider economic development and promote local job opportunities.	2	0	2	0	
14. Protect and improve human health and quality of life.	-3	?	-3	?	Allocation is inconsistent with SO5 SP6
Total	-13	-3	-15	-8	

The negative impact of the allocation of the site at Mill Hill is significant, and given the evidence available does not justify the conclusion of the Sustainability Appraisal Report which suggests that “in assessment against sustainability appraisal objectives, the site scores very negatively during the operational phase and slightly negatively in the long term”. The impacts are very negative in both the operational phase and the long term. As a result, its allocation is clearly inconsistent with most of the key sustainability objectives and strategic policies that supposedly frame the minerals plan.

The Sustainability Appraisal Report should be revised to reflect the nature of the impact at Mill Hill, Barton in Fabis and the site, and the Plan amended to remove this site from the allocation. Given the geographical location, lesser impacts the previously considered site at Shelford should be reintroduced.

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions. **After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.**

7. If your representation is seeking modification to the plan, do you consider it necessary to participate in the examination hearing session(s)?

No, I do not wish to participate in the hearing session(s)	
Yes, I wish to participate in the hearing session(s)	X

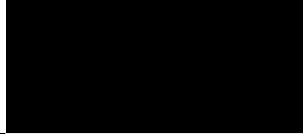
Please note that while this will provide an initial indication of your wish to participate in the hearing session(s), you may be asked at a later point to confirm your request to participate.

8. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

To show that the Policy MP2 and the Site Assessment Methodology behind it is unsound and results in the incorrect allocation of the site MP2p at Mill Hill, Barton in Fabis

Note: The organisations listed in Part A above represent a substantial number of residents affected by the Minerals Local Plan and in particular the allocated site at Mill Hill nr Barton in Fabis (MP2p) and have been endorsed at public meetings to represent the views of local residents.

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

Signature		Date	11/10/19
Name	Julian Coles		

Representation Form

This is the representation form for the Nottinghamshire Minerals Local Plan - Publication Version published by Nottinghamshire County Council. The Publication Version and the supporting information can be found online at www.nottinghamshire.gov.uk/minerals. You can submit your representations online via our interactive system by using this link.

The formal representation period is open from Friday 30th August 2019 to 4.30pm Friday 11 October. All representations must be received during this period.

If you wish to submit a representation to the Plan using this form, please complete all parts and then send it to us via email or post, using the addresses below. Please note:

- **All respondents need to provide their personal details.** It is not possible for representations to be anonymous. All responses will be made public.
- **Representations must be on the basis of the ‘soundness’ of the plan or its legal and Duty to Co-operate compliance.** Please read the guidance note on this for further information.
- **Part B of the form contains your representations.** Please fill in a separate Part B for each representation you wish you make. You only need to fill in Part A once.
- **If you are part of a group that share a common view,** it would be helpful for that group to send a single representation rather than multiple copies stating the same point. Please indicate how many people are represented and how it has been authorised (e.g. by means of a list with contact details for each person or by a committee vote). This holds the same weight as separately submitted representations.

If you have any queries please contact us as below or ring us on 0300 500 80 80.

Please return completed forms to:

☰ Planning Policy Team
County Hall, West Bridgford,
Nottingham, NG2 7QP

✉ planning.policy@nottscc.gov.uk

We must receive your representations before 4.30pm, Friday 11th October 2019.

Representations received after this cannot be accepted.

All of the representations received will be submitted with the Plan and will be examined by a planning inspector who will consider whether the Plan is ‘sound’ and complies with the legal requirements.

Nottinghamshire County Council’s Planning Policy Service is committed to protecting your privacy and ensuring all personal information is kept confidential and safe. View our privacy notice at www.nottinghamshire.gov.uk/privacy

Part A – Personal details

Office use only

Person No:

Rep Nos:

	1. Personal details	2. Agent details (where applicable)
Title	Mr	
First name	Julian	
Last name	Coles	
Address line 1	██████████	
Address line 2	██████████	
Address line 3	██████████	
Postcode	██████████	
Email	██████████████████	
<i>For those replying on behalf of an organisation or group:</i>		
Organisation	Barton in Fabis Parish Council Thrumpton Parish Meeting Lark Hill Residents Association Clifton Village Residents Association SAVE (Save the Ancient Valley Environment)	
Job title	Parish Councillor	

Office use only

Person No:

Rep No:

Part B – Your representation

Please read the guidance note before completing this section.

Name or organisation: Barton in Fabis Parish Council / Thrumpton Parish Meeting / Lark Hill Residents Association / Clifton Village Residents Association / S.A.V.E (Save the Ancient Valley Environment)

3. To which part of the Local Plan does this representation relate?

Policy		Site code		Map/Plan		Paragraph		Other	X
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4. Do you consider the identified part of the Local Plan to be:

Legally compliant?	Yes		No	X
Sound?	Yes		No	
Complies with the Duty to co-operate	Yes		No	

Please tick as appropriate.

5. Please give details of why you consider the identified part of the Local Plan is not legally compliant or is unsound, or fails to comply with the duty to co-operate. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

(Continue on a separate sheet/expand box if necessary)

Failure to conform with County Council's Statement of Community Involvement (SCI) / Respond to issues raised in the consultation process

Summary

The Plan should be considered not legally compliant because in the preparation of the Plan the County Council has failed to:

- abide by the terms of its own SCI
- properly respond to or take account of responses to its own consultation process.

Supporting detail

- The terms of the County Council's 'Statement of Community Involvement state that: "the County Council must consult all organisations and other bodies it considers relevant to the document being prepared. These will normally include Government department sand agencies, the minerals and waste industries, district and parish councils and environmental groups."(3.2) and
- "Neighbourhood forums for an area affected by proposals will be supplied with the materials to enable them to place notices providing information regarding site specific proposals". (3.14)

- c) Where there is no parish council, town council or parish meeting to conduct the activities detailed in paragraphs 3.14 and 3.15 in an area affected by the proposals, the responsibility for information is placed would fall to Nottinghamshire County Council.
- d) The area impacted by site MP2p Mill Hill nr Barton in Fabis is unique amongst those sites allocated for mineral extraction in that it lies adjacent to the major conurbation of the City of Nottingham with an estimated 12,000 people living within a mile of the site and outside the Nottinghamshire County Council area.
- e) Contrary to the SCI there has been no attempt to engage with residents associations or ward forums in communities within Nottingham City such as Clifton, Clifton Village and Lark Hill contrary to SCI 3.2 other than display boards erected in Clifton library for a short period which is c1.5 miles from those communities. In particular, the County Council has discriminated against residents with restricted mobility such as those occupying Lark Hill Retirement Village unable to access Clifton library.
- f) Appendix 1, the MLP Draft Plan Consultation Summary Document and the lack of resulting changes to the MLPPV is also contrary to the principles of the SCI. In contrast to the number of responses to most draft policies being no more than 20/30, no recognition is given to the fact that responses related to MP2 Sand and gravel provision is recorded at 1031. We calculate that within that number in excess of 1,000 relate to site MP2p Mill Hill nr Barton in Fabis which should be recognised in the commentary.
- g) There is a dismissive reference to “a large number of proforma responses were submitted by local residents” objecting to the allocation of the Mill Hill nr Barton in Fabis site. In fact, firstly the core text of these letters was agreed by an open meeting as representing the common view and secondly, the majority of responses either did not use the proforma or included additional comments on the proforma letters.
- h) The Consultation Summary Document and Council Response makes no attempt to answer the specific issues raised and simply states that “any specific issues raised are capable of being addressed / mitigated at the detailed planning stage”. In fact, the majority of responses (including the proforma responses) raised strategic issues, rather than detailed planning issues, such as the lack of data to substantiate the Council’s proposed “geographical spread” of sites, the failure to prioritise sites with potential to transport sand and gravel by barge (contrary to SO1)

6. Please set out what change(s) you consider necessary to make the identified part of the Local Plan legally compliant or sound, in respect of any legal compliance or soundness matters you have identified above. (please note that non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

(Continue on a separate sheet/expand box if necessary)

Summary

The County Council should be required to respond to the legitimate points raised in responses ((h) above) and redraft the Consultation Summary Document and Council Response as a result.

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

7. If your representation is seeking modification to the plan, do you consider it necessary to participate in the examination hearing session(s)?

No, I do not wish to participate in the hearing session(s)	
Yes, I wish to participate in the hearing session(s)	X

Please note that while this will provide an initial indication of your wish to participate in the hearing session(s), you may be asked at a later point to confirm your request to participate.

8. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

<p>Summary</p> <p>To show that the County Council has failed to abide by its own Statement of Community Involvement and that the resulting MLPPV is not legally compliant.</p> <p>To require the County Council to address the key strategic issues raised by those who did respond to the consultation (see (d) above).</p> <p>Note: The organisations listed in Part A above represent a substantial number of residents affected by the Minerals Local Plan and in particular the allocated site at Mill Hill nr Barton in Fabis (MP2p) and have been endorsed at public meetings to represent the views of local residents.</p>

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

Signature		Date	11/10/19
Name	Julian Coles		

Response to Issues and Options Consultation Document

– Barton in Fabis Parish Council 11/12/2017

Question 1 Do you think any other information should be included in the overview of the area?

Yes. Please see points below for inclusion.

Page 8

“Around two thirds of the population live in, or around, Nottingham which is a major centre for employment and retailing. The remainder live in, or close to, the other main towns of Mansfield, Kirkby in Ashfield, Sutton in Ashfield, Hucknall, Worksop, Newark and Retford. Outside these urban areas, the rest of the County is largely rural with scattered small villages, farmland, woodland and commercial forestry.”

The point should be added that as a result of the concentration of population access open space adjacent to the larger conurbation plays an important role in the health and wellbeing of local people and mineral extraction in those areas should be avoided wherever possible.

Page 8

“Nottinghamshire also supports a wide network of important sites for nature conservation, the most important focused within Sherwood Forest, near Edwinstowe. This includes a Special Area of Conservation and possible future Special Protection Area, both of which hold international status.”

Attenborough Nature Reserve in the south of the county should be added to the list of sites for nature conservation as this attracts 600,000 visitors per year (RSPB ‘*Bigger and Better*’). It is recognised as being of national ecological importance. Reference should be made to the importance of preserving / enhancing SSSIs across the county. We propose that a map of SSSIs is included in the MLP.

Page 8

“However, the overall quality of our natural environment has suffered in the past from industry and other development pressures and there has been a decline in biodiversity, with losses of ancient woodland, heathland, species-rich grassland, hedgerow and wetland habitats, as well as the species that these habitats support.”

We agree. However, it should be stated that there should be no further loss or impact

on designated sites including SSSIs, SINC's and Local Wildlife Sites in view of the County's decline in biodiversity. Reference should therefore be added to the need to preserve remaining examples of the habitats referred to, especially in considering sites for mineral extraction. Reference to conserving and strengthening ecological networks and corridors should also be added.

Page 8

“Road and rail links to the rest of the UK are generally good especially via the main north-south routes of the M1, A1 and direct rail links to London from Newark and Nottingham.”

Reference should be added to the River Trent as a potential navigable route for aggregates along part of its length

Page 9

“Mansfield, Worksop and Newark are important centres for warehousing and distribution whilst service, technology and research based industries tend to cluster around Nottingham. The energy industry also has a major role with four power stations along the River Trent. Elsewhere, agriculture and forestry are no longer major employers but still make up much of the County's rural landscape, particularly to the south and east.”

Reference should be added to the fact that rural landscape in the south of the county has already diminished as a result of new road links and expansion of Nottingham. It should be noted that while agriculture may not be a major employer the importance of retaining the best agricultural land remains a priority.

Page 11

“As the County is quite poor in biodiversity, sand and gravel reclamation schemes have had a very significant role in redressing the balance.”

Reference should be added for the need for areas which are already rich in biodiversity to be preserved, and where these would be negatively impacted by sand and gravel restoration schemes. It should be noted that restoration is beneficial in those areas already degraded ecologically. In those areas that are currently significant for biodiversity, conservation of existing biodiversity resources rather than restoration following mineral extraction is the preferred option

Question 2 Do you agree with the draft vision? Are there other things we should include?

No. Please see below for specific points that should be included

Page 12

“There are three dimensions to sustainable development which the planning system needs to take into account.....

The NPPF and the Planning Practice Guidance (PPG) also sets out specific guidance for the sustainable use of minerals”

It is simply not sufficient merely to quote the overall “dimensions” quoted in the NPPF.

Instead the specific elements of the NPPF / NPPG which are relevant to mineral extraction and its potential impact on the wider environment should be specifically identified. Moreover while there are three dimensions they should not be traded off against each other – sustainable development implied all three need to be considered in a balanced way. The MLP should confirm that these will be at the centre of the criteria used to assess the sustainability of proposed sites:

We would wish to see highlighted in particular:

- **Section 11 on ‘Conserving and enhancing the natural environment’**

Para 109

“The planning system should contribute to and enhance the natural and local environment by:

- **protecting and enhancing valued landscapes, geological conservation interests and soils;**
- **recognising the wider benefits of ecosystem services;**
- **minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government’s commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;**
- **preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability; and**

- remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.”

Para 118

“When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:

- if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
- proposed development on land within or outside a Site of Special Scientific Interest likely to have an adverse effect on a Site of Special Scientific Interest (either individually or in combination with other developments) should not normally be permitted. Where an adverse effect on the site’s notified special interest features is likely, an exception should only be made where the benefits of the development, at this site, clearly outweigh both the impacts that it is likely to have on the features of the site that make it of special scientific interest and any broader impacts on the national network of Sites of Special Scientific Interest;
- development proposals where the primary objective is to conserve or enhance biodiversity should be permitted;
- opportunities to incorporate biodiversity in and around developments should be encouraged;
- planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss; and
- the following wildlife sites should be given the same protection as European sites: – potential Special Protection Areas and possible Special Areas of Conservation; – listed or proposed Ramsar sites;²⁶ and – sites identified, or required, as compensatory measures for adverse effects on European sites, potential Special Protection Areas, possible Special Areas of Conservation, and listed or proposed Ramsar sites.”

Para 123

“Planning policies and decisions should aim to:

- avoid noise from giving rise to significant adverse impacts
- mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions;

- recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established; and
- identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.”

- Section 13 on ‘Facilitating the sustainable use of minerals’

Especially para 143:

“set out environmental criteria, in line with the policies in this Framework, against which planning applications will be assessed so as to ensure that permitted operations do not have unacceptable adverse impacts on the natural and historic environment or human health, including from noise, dust, visual intrusion, traffic, tip- and quarry-slope stability, differential settlement of quarry backfill, mining subsidence, increased flood risk, impacts on the flow and quantity of surface and groundwater and migration of contamination from the site; and take into account the cumulative effects of multiple impacts from individual sites and/or a number of sites in a locality;”

And para 144

“ensure, in granting planning permission for mineral development, that there are no unacceptable adverse impacts on the natural and historic environment, human health or aviation safety, and take into account the cumulative effect of multiple impacts from individual sites and/or from a number of sites in a locality; • ensure that any unavoidable noise, dust and particle emissions and any blasting vibrations are controlled, mitigated or removed at source,³¹ and establish appropriate noise limits for extraction in proximity to noise sensitive properties;”

- Section 9 ‘Protecting Green Belt land’

The vision should set out how mineral planning relates to the Green Belt and the importance given to its preservation in the NPPF:

The NPPF and Government (para 79) “attaches great importance to Green Belts” and states (para 87) very clearly that inappropriate development should not be approved except in very special circumstances:

“inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances”

Para 88 states:

“When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm is clearly outweighed by other considerations”

Para 89 states:

“A local planning authority should regard the construction of new buildings as inappropriate in Green Belt. “

Buildings associated with the processing of minerals are not listed amongst the exceptions and should therefore be considered inappropriate in the Green Belt

Para 90 states that mineral extraction is “not inappropriate” in the Green Belt provided it preserves the openness of the Green Belt and does not conflict with the purposes of including land in Green Belt. Even if the extraction of gravel is considered “not inappropriate” by the NPPF that does not mean that it is automatically permissible, “Very special circumstances” (para 88) must still be justified.

- PPG Minerals

Identifies a series of criteria against which proposed sites for mineral extraction should be evaluated:

- noise associated with the operation**
- dust;**
- air quality;**
- lighting;**
- visual impact on the local and wider landscape;**
- landscape character;**
- archaeological and heritage features (further guidance can be found under the Minerals and Historic Environment Forum’s Practice Guide on mineral extraction and archaeology;**
- traffic;**
- risk of contamination to land;**
- soil resources;**
- geological structure;**
- impact on best and most versatile agricultural land;**
- blast vibration;**
- flood risk;**

- **land stability/subsidence;**
- **internationally, nationally or locally designated wildlife sites, protected habitats and species, and ecological networks;**
- **impacts on nationally protected landscapes (nationally protected geological and geo-morphological sites and features;)**
- **site restoration and aftercare;**
- **surface and, in some cases, ground water issues;**
- **water abstraction.**

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“ensuring future minerals development does not have unacceptable adverse impacts on the natural and historic environment or human health. This is will be achieved through the identification of site specific allocations and a range of planning policies against which planning applications can be assessed.”

This statement should be specific with regard to the “range of planning policies” that will be applied and should take account of a) the number of people and b) the relative quality of the existing natural and historic environments in identifying site specific allocations.

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“Local policy includes the Council Plan – ‘Your Nottinghamshire, Your Future’, the Nottinghamshire Local Transport Plan and the District Councils’ Local Plans”

We believe that other policies such as Greater Nottingham Landscape Character Assessment (GNLCA) should also be taken in to consideration. Similarly policies for biodiversity and human health and well-being should be considered.

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“Within geological constraints, mineral development will be concentrated in locations that offer the greatest level of accessibility to the major markets and growth areas and to sustainable transport nodes to encourage sustainable patterns and modes of movement.”

In line with vision statements in the Council’s strategic ambition ‘Your Nottinghamshire, Your future’ it should be added that the location of mineral

development should be prioritised in locations which promote the interests of local people and the visions of ‘a great place to bring up your family’ and ‘a great place to enjoy your later life’ rather than those in the interests of the aggregate industry requiring the greatest level of accessibility to the major markets and growth areas. This will mean prioritising locations away from major centres of population, whilst also prioritising sustainable transport nodes to encourage sustainable modes of transport. It will also mean prioritising areas which are valuable in cultural and heritage terms and valuable ecologically.

Page 14

“All mineral workings will contribute towards a greener Nottinghamshire by ensuring that the County’s diverse environmental and historic assets are protected, maintained and enhanced through appropriate working, restoration and after-use. This will result in improvements to the built and natural environment, and contribute to landscape-scale biodiversity delivery; and the re-connection of ecological networks.

The quality of life and health of those living, working in, or visiting Nottinghamshire will be protected.”

It is unrealistic to suggest that mineral workings will improve the built and natural environment where the potential site is already rich in biodiversity for example including SSSIs and SINCs.

We would propose that the vision should state that:

“Sites for mineral workings will be allocated in areas which cause the least damage to the built and natural environment and which may improve the existing environments. Sites will also be selected which minimise the impact on the quality of life and health on the minimum number of people living, working in or visiting Nottinghamshire. Sites which currently enhance the quality of life for nearby urban populations should be avoided.”

Question 3 Are the above strategic issues appropriate? Are there others we should consider?

Yes, but the emphasis should be on reducing the number of people impacted by sand and gravel excavation - see comments below.

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1. *“Improving the sustainability of minerals development*

Ensuring that primary minerals are worked in the most sustainable manner and the use of secondary and recycled aggregates is encouraged. Securing a spatial pattern of mineral development that efficiently delivers resources to markets within and outside Nottinghamshire”.

We would add the statement “and which impacts the minimum number of people and uses the most sustainable modes of transport and which minimises the impact on local communities and the environment”

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“3. Minimise impacts on communities

Minimise the adverse impacts on Nottinghamshire’s communities by protecting their quality of life and health from impacts such as traffic, visual impacts, noise and dust.”

**This should be placed as the first strategic issue and should be reworded and titled
Title: “Prioritise the minimisation of impact on communities”.... “Prioritise the minimisation of adverse impacts...etc”**

The paragraph should also include reference to preserving the amenity value of areas such as rights of Way and their contribution to the quality of life and health of communities.

Question 4 Do you think the average 10 year sales figure is the most suitable methodology for forecasting future aggregate demand in Nottinghamshire. If not please identify any alternatives you feel are realistic and deliverable and the evidence to support this approach.

No. The analysis of future aggregate demand should include a wider analysis of demand within and outside Nottinghamshire as well as a wider analysis of the total feasible supply of aggregates taking in to account supply from neighbouring counties – see points below.

Page 16

“Recycled and secondary aggregates are also produced, however reliable data for this sector is limited”

The use of recycled and secondary aggregates is likely to be significant in offsetting the need for new supplies. Further work must be undertaken to obtain more reliable data and / or a reasonable estimate.

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“This factor is likely to be combined with the minerals industry focusing on existing quarries outside the County and the lack of investment in new greenfield quarries in Nottinghamshire, even though adequate sand and gravel resources remain.”

The Issues and Options document should not be based on such unsubstantiated speculation. The document focuses purely on past sales within Nottinghamshire as a predictor of future demand. A more robust assessment should be based on an analysis of a) the likely demand from outside Nottinghamshire of material exported to counties to the north and west and b) the available supply from adjacent counties (particularly in the south of the county) to supply the Nottinghamshire market. The supply and demand for sand and gravel does NOT stop at the County border!

Question 6 Do you think extensions to existing permitted quarries should be prioritised over new greenfield quarries?

Yes – see comments below.

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“However, extensions to existing quarries can result in potential social and/or environmental cumulative impacts in the area. National guidance states that potential sites should be based on their individual merits taking into account the need for the mineral, economic considerations, the potential positive and negative environmental impacts and the cumulative impacts of proposals in the area.

The Minerals Local Plan will need to identify site specific allocations. Depending on the availability of extensions to existing permitted quarries going forward, the suggested approach for the Minerals Local Plan will be to give priority to extensions to existing permitted quarries before new greenfield quarries are considered.”

The required infrastructure is likely to be already available in the case of existing quarries and it therefore makes sense to prioritise the extension of these ahead of

new greenfield sites. The environmental impact of a new greenfield site is likely in most cases to have a greater adverse impact.

There is the advantage of continuity of production as existing sites have infrastructure already in place. They can also help retain the existing workforce and provide a mechanism for the full recovery of the resource thus avoiding the unnecessary sterilisation of the mineral. It also means that restoration efforts can be coordinated and focussed on successful delivery of environmental outcomes. It should be added that in considering new greenfield sites, account should be taken of the cumulative impact of such schemes in terms of other developments, especially where important sites such as SSSIs exist. Policy M3.27 refers.

Question 8 How important is it to maintain a geographical spread of sand and gravel quarries across the County (i.e. Idle valley, near Newark and near Nottingham) to minimise the distance minerals are transported to markets?

A geographical; spread of quarries is just ONE factor. Other more important factors need to be evaluated alongside this in determining where quarries should be located. See comments below.

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“Maintaining this geographical spread in the future would minimise the social and environmental impacts of quarrying on individual areas and provide minerals close to the main markets, reducing the distances sand and gravel will have to be transported by road.”

The social and environmental impact of transporting sand and gravel by road is only ONE factor in social and environmental impact and we do not understand why this factor has been singled out and it should not solely determine where quarrying should be located.

Other social and environmental impacts include:

- **Landscape and visual impact including impact on the Green Belt**
- **Impact on the historical environment**
- **Noise and air quality impact on vulnerable communities, particularly in areas which impact the most people e.g. near to large settlements**
- **Loss of agricultural land**
- **Flood risk and hydrology impact**
- **Ecological impact**

- The recreation and amenity value of the area given the proximity of centres of population.

See also factors identified in PPG Minerals and response to Question 2 above. It would be entirely wrong to select a site merely because it is close to a particular market if it were also to have a greater social and environmental impact in other respects.

With respect to sites in the Green Belt NPPF para 88 states that “When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt” and that “very special circumstances” need to be demonstrated if the harm is to be outweighed by other considerations. The distance which aggregates have to travel by road cannot by itself be considered to outweigh the harm caused by quarry sites in the Green Belt.

Page 20

“Demand for sand and gravel from the wider Nottingham conurbation has historically seen quarries located close to the conurbation. This historic pattern started to break down as no new quarries have been opened to replace worked out quarries in this area. However, sand and gravel resources still exist, it is possible that over the next plan period new quarries could be opened around the Nottingham conurbation. A planning application for a quarry at Mill Hill, near Barton in Fabis, has been submitted to the County Council for determination. No decision has yet been taken, however, if approved the quarry would provide around 3.4 million tonnes which could serve the South Nottinghamshire area and the wider Nottingham conurbation.”

We note that the report to the Communities and Place Committee from the Corporate Director for Place states that “It is important to note that the document does not consider site specific allocations.” We therefore consider it completely inappropriate and prejudicial to other sites that might come forward for specific reference to be made to a planning application for a quarry at Mill Hill, near Barton in Fabis. No reference is to other sites which could serve the South Nottinghamshire area and the wider Nottingham conurbation such as the extension to the East Leake quarry for which planning permission has already been granted subject to S106 agreement and other sites put forward in the withdrawn MLP such as that at Shelford.

Question 9 Would it be more appropriate to prioritise specific areas above others?

No. The prioritisation of areas can only be made once a full analysis of supply and demand has been undertaken including the projected demand from outside Nottinghamshire of material exported to counties to the North and West and the available supply from adjacent counties (particularly in the south of the county).

Question 10 Is it economical to transport mineral by river barge and if so should proposed quarries with the potential for moving sand and gravel by river barge be prioritised over other proposals?

Numerous studies (Canal and River Trust / Commercial Boat Operators Association) show barges provide an economically viable solution and provide environmental benefits e.g. 25% less fuel per tonne/mile and 25% less CO2 per mile. Barges have been used on parts of the River Trent over many decades and proposed quarries with the potential for their use should certainly be prioritised.

The quarry site at Sturton Le Steeple has been quoted in the LAA as providing “150,000 tonnes per annum potential barge transportation” and the Shelford site in the previous draft MLP proposed some 40% output being transported by barge transport.

Barge transport is significantly more sustainable and provides a real opportunity to remove / reduce HGV transport journeys and deliver materials to the heart of cities such as Nottingham.

Question 25 Do you agree with the proposed development management policy areas? Are there any others that should be covered?

No. The current list contains some areas which are vague:

- What does ‘Protecting local amenity’ include?
- What is meant by ‘Incidental mineral extraction’
- Historic environment should include reference to designated and undesignated heritage assets

In addition, the list of development management opportunities should include all those listed in PPG Minerals (see response to Question 2) to include areas such as noise, air quality. The full list is as follows:

- noise associated with the operation
- dust;
- air quality;
- lighting;

- visual impact on the local and wider landscape;
- landscape character;
- archaeological and heritage features (further guidance can be found under the Minerals and Historic Environment Forum’s Practice Guide on mineral extraction and archaeology);
- traffic;
- risk of contamination to land;
- soil resources;
- geological structure;
- impact on best and most versatile agricultural land;
- blast vibration;
- flood risk;
- land stability/subsidence;
- internationally, nationally or locally designated wildlife sites, protected habitats and species, and ecological networks;
- impacts on nationally protected landscapes (nationally protected geological and geo-morphological sites and features;)
- site restoration and aftercare;
- surface and, in some cases, ground water issues;
- water abstraction.

Proposed Development Management policies should also include and take account of the recently updated published National Character Profile¹ for the Trent Valley Washlands, which proposed the following set of objectives in relation to the opportunities to maintain, enhance and strengthen the landscape character of the Washlands,

SEO 1: *‘Carefully plan and manage new development within the NCA to ensure that landscape character and ecosystem services are strengthened, that heritage features, wildlife habitats, woodland and the hedgerow network are enhanced, and that opportunities for creation of multifunctional green infrastructure are realised so that this landscape is resilient to the forces of change that it is experiencing’.* As the *Guidelines for Landscape and Visual Impact Assessment, 3rd Edition* notes many valued landscape features perform a wide range of functions that in turn have the potential to deliver a wide range of different services of value to people. The

¹ <http://publications.naturalengland.org.uk/publication/5447860266991616?category=587130>

guidelines suggest that consideration of ecosystem service concepts is especially valuable in promoting cross-cutting and integrative approaches. We suggest they would be especially relevant in assessing the strategic dimension of this proposal.

SEO 2: *'Manage and enhance the Trent Valley Washlands' river and flood plain landscape to combine its essential provision and regulation of water role with landscape enhancement, nature conservation, climate regulation, farming, recreation and a resource for understanding geodiversity.'*

SEO 3: *'Protect, manage and enhance the pastoral landscape of the Trent Valley Washlands, seeking to join up and expand areas of pasture and associated attributes and habitats, to preserve heritage features, enhance biodiversity and geodiversity, protect farmland and provide additional recreational opportunities.'*

SEO 4: *'Protect and enhance the historic environment of the Trent Valley Washlands and their characteristic historic landscape. Increase awareness of the richness of this resource, protect it from neglect and physical damage, and ensure that future development complements and enhances the sense of history of the NCA.'*

Barton-in-Fabis Parish Council

and

SAVE!
Save the Ancient Valley Environment

with

**Clifton Village
Residents Association**

and

Thrumpton Parish Meeting

Response to:

Nottinghamshire Minerals Local Plan

Draft Plan Consultation
August / September 2018

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Executive Summary

1. Barton in Fabis Parish Council (together with Clifton Village Residents' Association, the Thrumpton Parish Meeting and SAVE) **object** to the *Nottinghamshire Minerals Plan Consultation Draft (NMPCD)* published in July 2018, and **the inclusion of the site (MP2s) at Mill Hill, Barton in Fabis within it.**
2. Our objection is based on:
 - a) Flaws in the analysis of issues and options that underpin the Draft Plan, and in particular the identification of geographical spread as a key factor in determining site allocation.
 - b) The application of a rationale for the allocation of sites which is inconsistent with the strategic objectives that have been used to shape the Draft Plan.
 - c) The allocation of the site at Mill Hill, Barton in Fabis despite the fact that NCC's own analysis shows it to be one of the most damaging sites for sand and gravel of those considered.
 - d) The allocation of the site at Mill Hill, Barton in Fabis is also inconsistent with the objectives of promoting a sustainable spatial distribution of sand and gravel sites within the County, both in terms of its contribution to the overall output of the County and its proximity to market.
 - e) The allocation of the site at Mill Hill, Barton in Fabis is therefore inconsistent with the strategic objectives set out in the plan and strategic policy for sustainable development, and the planning requirements set out in the National Planning Policy Framework that should underpin it.
3. The process by which the draft plan has been formulated is flawed, and the recommendations in relation to Barton in Fabis are therefore unsound. The revised Draft Minerals Plan does not meet the standard of evidence-based decision making that is to be expected in the minerals planning process.

1. Introduction

- 1.1. The consultation on the *Nottinghamshire Minerals Plan Consultation Draft (NMPCD)* published in July 2018 invites responses to a set 35 questions. These form the framework for this response, made on behalf of the Barton in Fabis Parish Council and SAVE (the wider campaign group formed by members from other areas affected by this proposal including Attenborough, Beeston Rylands, Clifton, Thrumpton and Gotham as well as recreational users from the surrounding area).
- 1.2. An Open Meeting in Barton Village hall on 5th September 2018 attended by members of the local community including from Barton in Fabis, Clifton, Clifton Village, Thrumpton, Gotham, Attenborough and Beeston Rylands unanimously endorsed the objection to the Mill Hill, Barton in Fabis site
- 1.3. Having reviewed the *NMPCD* and accompanying documents and consulted comprehensively amongst the wider community we wish to register our **objection** to the Draft Plan and the inclusion of the site at Mill Hill, Barton in Fabis within it.
- 1.4. **Our objection is based on:**
 - **Our identification of flaws in the analysis of issues and options that underpins the Draft Plan, and in particular the identification of geographical spread as a key factor in determining site allocation.**
 - **The application of a rationale for the allocation of sites which is inconsistent with the strategic objectives that have been used to shape the Draft Plan, in particular selecting sites on the basis of geographical spread without any evidence base regarding demand and selecting sites which are most damaging in terms of social, environmental and landscape impacts.**
 - **The allocation of the site at Mill Hill, Barton in Fabis despite the fact that NCC's own analysis shows it to be one of the most damaging sites for sand and gravel of those considered. Such an allocation is inconsistent with the strategic objectives set out in the plan and strategic policy for sustainable development.**

2. The Strategic Framework of the Draft Minerals Plan

Question 1: What do you think to the draft vision and strategic objectives set out in the plan?

Question 2: What do you think of the draft strategic policy for sustainable development?

Question 3: What do you think to the draft strategic policy for minerals provision?

- 2.1. The first three questions posed in the consultation on the NMPCD concern its strategic framing. We are broadly supportive of the broad vision (Q1), and in particular the recognition that mineral workings should contribute towards a greener Nottinghamshire. We particularly welcome the emphasis on seeking to ensure that the “County’s diverse environmental habitats are *protected, maintained and enhanced...*” (our emphasis). **We are, however, disappointed that the aim of protecting and maintaining those assets does not carry over into the development of the plan which has allocated sites with the greatest environmental impact simply on grounds of size and location. We therefore object to the plan on grounds that it is inconsistent with its strategic vision.**
- 2.2. We are also broadly supportive of the strategic objectives used to frame the plan (Q2), and in particular the emphasis given to the aim to prioritise the improved use or extension of existing sites before considering new locations and of making use of sustainable modes of transport (SO1). Moreover we are supportive of the strategic objectives dealing with minimising impacts on local communities (SO5), protecting and enhancing natural assets (SO6) and protecting and enhancing historic assets (SO7). We are, however, concerned that these objectives are **not** applied in the development and application of the site appraisal and allocation methodology. The goal of developing an appropriate and sustainable spatial distribution of sites overrides the goals set out in SOs 5, 6 and 7. Moreover the goal of promoting sustainable modes of transport (SO1) is not applied as a consideration in the site allocation process
- 2.3. A **sustainable** spatial distribution of sites is **not** one which is simply determined by proximity to market and transport costs. Indeed it can be argued that given that potential developers are probably better informed about the geography of the market and the economics of working a site than NCC, then it can be assumed that all the sites put forward by extraction companies are equally economically viable. In developing a minerals plan the goal of developing a **sustainable** spatial distribution is therefore dependent upon ensuring that of the sites allocated those selected have the least impact on wider sustainability goals because these cannot be properly evaluated when making decisions at the site level.
- 2.4. It is also important to note that if sites are allocated simply on the basis of location and the minimisation of transport costs to the detriment of the wider social and environmental values of the site, then this undermines other stated objectives in the Vision, e.g. ‘market the efficient use of resources’ (SO1). Extraction and transport expenditures by the developer should take account of the total cost to the community, including the harm to wider social and environmental assets, of exploiting the resource in specific locations. Unless they do then the goal of increasing levels of aggregate recycling and the use of alternatives from secondary and recycled sources (SO1) will not be achieved.
- 2.5. The interpretation of the concept of *sustainable spatial distribution* simply in terms of the geography of the market is therefore contrary to the overall sustainability goals that frame the minerals plan, and indeed undermines them. The Draft Mineral Plan is flawed in that it

fails to demonstrate what constitutes a *sustainable* spatial distribution of sites in a meaningful and balanced way. **We therefore object to the plan on grounds that it is inconsistent with its strategic objectives for sustainability.**

- 2.6. The lack of consistency between the strategic objectives and their application in developing the plan is especially disappointing given the feedback that NCC received at the Issues and Options stage in which respondents felt that “strategic issues should be broadened to minimise all adverse impacts of development, including on environmental and heritage features such as biodiversity, landscape, archaeology and communities”. We therefore **object** to the plan and require a better alignment between strategic objectives and their application.
- 2.7. Finally, in relation to the strategic framing of the Draft Plan, we broadly support the strategic policy on minerals provision (Q3), and in particular the emphasis given to the need for “all new proposals, whether allocated or otherwise, will need to be assessed in terms of their impact on local communities and the environment including matters such as landscape, heritage, biodiversity and climate, and what contribution they would make to achieving local and national biodiversity targets.” This is clearly consistent with the strategic vision and sustainability objectives that underpin the plan. We are, however, disappointed that the site allocation methodology used in drawing up the plan fails to avoid the allocation of sites with significant negative impact on landscape, heritage, biodiversity and climate, and therefore encourages inappropriate proposals over others that would be more beneficial.
- 2.8. **We therefore object to the plan on grounds that the site allocation methodology developed and applied is inconsistent with the strategic objectives of the strategic policy for minerals provision.**

3. Biodiversity-led restoration

Question 4 What do you think of the draft strategic policy for biodiversity led restoration?

3.1. The concept of biodiversity-led restoration is a sound one, and we are broadly supportive of its inclusion in the Draft Plan as a principle for decision making. However, we are disappointed by the simplistic way in which it is presented in the document, and consider the weakness in the way it is framed as a decision making criterion is inadequate.

3.2. In their review of the NPPF, the British Ecological Society¹ state in relation to planning for no net loss to biodiversity that:

Anticipated impacts on biodiversity must be avoided or reduced through the use of alternative development sites or designs; unavoidable impacts must be mitigated and any residual damage must be compensated for (for example by creating the same habitat off-site). It is desirable for developments to aim for a 'net gain' in biodiversity overall, for example by providing more habitat than needed for mitigation and compensation.

3.3. The policy of ensuring that there is 'no net loss' of biodiversity as a result of development is now well established in the UK, and it is therefore disappointing that there is no reference to it in Section SP3 that relates to Question 4; this is surprising given that it is part of the wording in DM4, Question 25. Instead the text relating to SP3 merely describes in simple terms what biodiversity-led restoration entails and the kinds of habitat that might be restored in the context of mineral development. **There is no explanation of the constraints associated with biodiversity-led restoration or the issues that need to be considered if proposals for such restoration are to be considered adequate.** As a result the application of the principle of biodiversity-led restoration in the plan is grossly inadequate.

3.4. The views of the British Ecological Society noted above reflect current scientific consensus on restoration - that while it can be successful this is by no means guaranteed. For example, Curran et al. show² that while active restoration measures can significantly accelerate the increases in species diversity, the inherently large time lags, uncertainty, and risk of restoration failure require offset ratios that far exceed what is currently applied in practice, and that restoration offset policy therefore leads to a net loss of biodiversity. Similarly, Schoukens and Cliquet³ conclude that given the limitations of restoration "a reinforcement of the preventative approach is instrumental in averting a further biodiversity loss within the European Union" (our emphasis).

3.5. The draft strategic policy for biodiversity restoration (SP3) proposed in the Draft Minerals Plan is inadequate because it fails to set restoration objectives in the context of the 'mitigation hierarchy' that is recognised in current planning policy that aims to halt the loss of biodiversity. The hierarchy involves, sequentially:

- Avoidance: by ensuring impacts on biodiversity must be avoided or reduced through the use of alternative development sites;

¹ <https://www.britishecologicalsociety.org/planning-for-no-net-loss-of-biodiversity/>

² Curran, M., S. Hellweg, and J. Beck. 2014. Is there any empirical support for biodiversity offset policy? *Ecological Applications* 24:617-632.

³ Schoukens, H. and Cliquet, A., 2016. Biodiversity offsetting and restoration under the European Union Habitats Directive: balancing between no net loss and deathbed conservation?. *Ecology and Society*, 21(4).

- Minimisation: by taking measures to reduce the duration, intensity and/or extent of impacts that cannot be completely avoided;
 - Rehabilitation/restoration: by measures taken to improve degraded or removed ecosystems following exposure to impacts that cannot be completely avoided or minimised; and,
 - Offset: by measures taken to compensate for any residual, adverse impacts after full implementation of the previous three steps of the mitigation hierarchy.
- 3.6. Currently planning policy recognises that although restoration provides an opportunity for the recreation of new habitats, it is not a substitute for conservation of existing resources. The current draft plan is flawed because it needs to make a strong and meaningful link between the statements on biodiversity-led restoration and those in relation to sustainability objective SO6 (i.e. Protecting and Enhancing Natural Assets). Biodiversity-led restoration is not a substitute for conservation. The requirements for adopting an approach based on the mitigation hierarchy that are outlined in DM4 (NMPCD para 5.53) need to be included in the statement of policy SP3 and applied subsequently through the site appraisal and allocation process.
- 3.7. Notwithstanding the need to revise the policy on Biodiversity-led restoration to reflect its place in the mitigation hierarchy, the material relating to restoration also needs to be strengthened by reference to criteria that will ensure that where biodiversity-led restoration is appropriate, then ecologically appropriate robust schemes are brought forward. This does not merely consist of listing the kinds of habitat that might be expected in any restoration schemes.
- 3.8. The *Guidelines for Ecological Impact Assessment of the Chartered Institute of Ecology and Environmental Management*⁴ states, for example, that proposers should demonstrate commitment to the package of mitigation, compensation and enhancement measures which should include: a monitoring scheme to evaluate the success of mitigation measures; remedial measures in the event that mitigation measures and/or compensation measures are unsuccessful or there are unforeseen effects; and an auditing/reporting framework. Clearly, the mitigation and remedial measures should be sufficient to ensure that compensation ratios are sufficient. Moreover there should be a greater presumption towards ensuring net biodiversity gain.
- 3.9. In addition developers should demonstrate that the timespan and implementation of the restoration plan is ecologically meaningful and can be sustained over that period. Unless there is serious and demonstrable commitment to restoration at the outset, efforts for biodiversity-led restoration in any scheme are likely to be unsuccessful. The requirements on adequate aftercare contained in DM12 should be reflected more strongly in the text related to SP3, namely that:

Restoration proposals will be subject to a minimum five year period of aftercare. Where proposals or elements of proposals, such as features of biodiversity interest, require a longer period of management the proposal will only be permitted if it includes details of the period of extended aftercare and how this will be achieved. (NMPCD para 5.118, point 9)

⁴ https://www.cieem.net/data/files/Publications/EcIA_Guidelines_Terrestrial_Freshwater_and_Coastal_Jan_2016.pdf

And it should be applied in the evaluation of proposals.

- 3.10. We therefore object to the plan on grounds that the policy for biodiversity led restoration is inadequate because it fails to place such measures in the context of a meaningful mitigation hierarchy which ensures that the preventative approach should be prioritised to avert a further, avoidable biodiversity loss across the County. It also fails to develop adequate requirements for aftercare where restoration takes place. As a result its application as a criterion for site allocation is flawed because it does not meaningfully discriminate between proposals in terms of the likely success of biodiversity-led restoration.

4. Climate change

Question 5: What do you think of the draft strategic policy for climate change?

- 4.1. We are supportive of the inclusion of climate change in the suite of strategic policies that shape the Minerals Plan. However, we feel that the text of SP4 needs to be strengthened in two respects:
- First, that the statement in point b) of Policy SP4 be modified to clarify what 'vulnerability' is referring to. Flood risk is identified as an issue. Communities, natural and historic assets and agricultural soils also need to be highlighted. The need to minimise the vulnerability of existing biodiversity assets to climate change impacts should, for example, be a factor in determining the allocation of sites for development.
 - Second, that while the reference to restoration is appropriate in point 1c) of policy SP4, the policy also needs to state that such restoration schemes can contribute to climate change adaptation providing that they compensate for the impacts they have had as a result of the development. The policy also needs to be clear what scale of 'contribution' is appropriate otherwise the requirement is an empty one.
- 4.2. We are supportive of the recognition that in some circumstances mineral development can provide a number of opportunities to mitigate and adapt to the impacts of future climate change (para 3.34). However, we are concerned that this line of thinking is not carried over into expectations in terms of the issues outlined in point 1a) of Policy SP4. The location, design and operation, and significantly the restoration of sites, should not only seek to avoid climate change impacts, but also deliver a net gain in terms of climate change adaptation.

5. Sustainable Transport

Question 6: What do you think of the draft strategic policy for sustainable transport?

- 5.1. We are supportive of the statements contained in Policy SP5, and in particular those relating to the need to encourage sustainable forms of transport such as barge and rail. We are however, disappointed that this policy objective has not been applied in the subsequent allocation of sites, and therefore object to the Draft Plan because there is a mis-alignment between policy and practice. We will develop this argument further in section 9 of this document in relation to the sites in the Nottingham area.
- 5.2. Focussing specifically on the wording of SP5 we agree that consideration does indeed need to be given to the distances over which minerals need to be transported. However, this is treated in a simplistic way in the policy statement, point 2a). Close proximity to market is an issue, but this statement also needs to be qualified to emphasise a proviso that that this does not result in sites with the greatest social, environmental and landscape impacts being allocated in preference to others with lesser impact. In other words, **proximity to market is one factor but not an overriding one**. If it is given too much emphasis in site allocation then this would undermine other policy objectives set for the Plan.
- 5.3. It should also be noted, for example, that the goal of encouraging the sustainable use of resources through the use of recycled and secondary aggregates (SP4) will be undermined by undue emphasis on geographical location in relation to market as a factor in site allocation. While this is important, transport costs should reflect the true cost of exploitation and delivery from sites which in all other respects entail the least damage to natural, historic and social assets. Recycling will not occur unless there is pressure to do so.
- 5.4. **We object to the Plan and the policy related to sustainable transport because we feel that it is not the function of the planning system to manipulate the geography of the market and associated commercial risk, but rather to ensure that development is appropriate and sustainable, given wider societal needs and requirements. The policy on sustainable transport needs to reflect this.** One such requirement, for example, is the use of modes of transport other than road. Another is that the most vulnerable and valuable sites are protected notwithstanding their proximity to market.

6. The built, historic and natural environment

Question 7: What do you think of the draft strategic policy for the built, historic and natural environment?

- 6.1. We are concerned by the poor structure of this Policy statement, and are especially disappointed in that this policy's objectives have not been applied in the subsequent allocation of sites. We therefore **object** to the Draft Plan because there is a mis-alignment between policy and practice. Again, we will develop this argument further in the section relating to consultation question 11 in relation to the sites in the Nottingham area. The misalignment arises because of the weak and over-generalised nature of the formulation of SP6.
- 6.2. Since this policy concerns the need to conserve and protect built, historic and natural assets, it is misleading to refer to the opportunities of restoration once they are damaged or removed (Para 3.46). The policy needs to state that there are circumstances in which minerals development (despite the opportunities for restoration) may not be appropriate because of the initial or ongoing impact and loss it will entail for the built, historic and natural assets. Thus paragraph 3.56 needs to be expanded to include natural and built assets, placed at the head of the section on Policy SP6, and the policy then actually needs to be designed around it.
- 6.3. In general terms, policy, if it is to be meaningful, needs to shape and guide action or change the way people and organisations do things for the better. **We object to the current structure of SP6 because it fails to do this.** It is unduly focussed on some of the constraints that need to be considered by developers in making proposals, and the requirements of an environmental impact assessment should one be required. By contrast, it fails to set out how this policy would relate to decision making, and in particular the allocation of sites in a mineral plan, given the requirements of the NPPF.
- 6.4. For example, in relation to nature conservation the policy should, given the supposed strategic remit of SP6, make reference to paragraph 117 of the NPPF. This states that planning policies should 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, and that policies should seek to preserve ecological networks as well as restoring and recreating them. Para 117 of the NPPF also requires the identification of suitable indicators for monitoring biodiversity in a plan. Further considerations also include those relating to the off-site impacts of developments on SSSIs and other designated areas.
- 6.5. In the context of nature conservation it is also essential to include the requirements of the recent update of the NPPF, which in para 175 states that: development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists. Wholly exceptional includes infrastructure projects (e.g. nationally significant infrastructure projects, orders under the Transport & Works Act and hybrid bills), where the public benefit would clearly outweigh the loss or deterioration of habitat.

- 6.6. While the requirements of the NPPF clearly apply to individual planning applications, they must also apply to the minerals planning process itself which involves assessing sites relative to each other across a range of criteria relating to the built, historic and natural environment. Unless a site allocation methodology is devised that reflects the requirements of the NPPF then it is likely that the outcome would be the promotion of unsuitable locations. Policy should therefore state how it will operate given the requirements of the NPPF in allocating sites and in identifying those that are unsuitable given the scale and nature of their impacts.
- 6.7. **We object to the formulation of Policy SP6 because of the lack of transparency in the way it will be applied in the site allocation process. The emphasis on restoration throughout should be reduced and the importance of protection and maintenance of assets stressed.**

7. Green Belt

Question 8: What do you think of the draft strategic policy for the Nottinghamshire Green Belt?

- 7.1. We are disappointed with the text of the policy statement on Green Belt (SP7) which fails to fully reflect the important sections of the NPPF on this topic. We therefore object on grounds of its narrowness and the lack of any clear statement about how any policy on the greenbelt would be applied in the minerals planning process.
- 7.2. The NPPF and Government (para 79) “attaches great importance to Green Belts” and states (para 87) very clearly that inappropriate development should not be approved except in very special circumstances: “inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances”. Although this element of the NPPF is reflected in the second bullet point of SP7, the policy fails to note that the NPPF states that:

“When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm is clearly outweighed by other considerations” (Para 88)
- 7.3. Policy SP7 is not transparent in that it fails to state how, in the context of minerals planning, the two tests of ‘appropriateness’ and ‘special circumstances’ will be applied. **In particular, it should be noted that ‘special circumstances’ in relation to the Green Belt do not include supposed proximity to market or goals of developing a ‘spatially sustainable distribution’ of minerals sites.**
- 7.4. **We therefore object to the policy statement on Green Belt because it lacks any clear indication of how it is to be applied in the minerals planning process.**

8. Sand and Gravel Provision (MP2)

Question 11: What do you think of the draft site specific sand and gravel allocations?

Comments on Plan's approach to the location of future sand and gravel quarries

- 8.1. The issues and options analysis published in March 2018 evaluated five policy options:
- A. Geographical spread across the County
 - B. Prioritise specific areas
 - C. Prioritise locations with potential for transporting sand and gravel by river barge
 - D. Allocate sites based on their individual merits
 - E. Use criteria based policy approach.
- 8.2. It concluded that "Options A and C scored equally favourably and were more sustainable than the other options". We make objection to this conclusion as the analysis which led to it is flawed. Our reasons are as follows:
- As is acknowledged in the summary on Page 50 there is "considerable uncertainty" as to the possible impacts of the options on the sustainability objectives; half of them were not included in the scoring due to lack of detail. **As a result of such uncertainty, a precautionary approach would suggest that sustainable outcomes are more likely to be achieved if sites are considered on their individual merits than by the application of general criteria such as geographical spread.**
- 8.3. The flawed logic used in the analysis is evidenced by the commentary against:
- Criterion 2 'Protect and enhance biodiversity at all levels and safeguard features of geological interest': We argue that if sites are considered on their individual merits then this is more likely to result in safeguarding than if they are overridden by criteria such as geographical spread. We therefore argue that option D should be rated as positive.
 - Criteria 4, 5, 7, 8, 9, 11, 12 and 14: The same logic as applied to criterion 2 also applies to these objectives. If overall impacts of minerals development are to be minimised then the negative outcomes can only be minimised by considering sites on their merits. We therefore argue that option D should be scored as positive across all these criteria.
 - Criterion 3 'Promote sustainable patterns of movement and the use of more sustainable modes of transport': The commentary states that geographical spread is likely to result in sites being closer to markets thus reducing road haulage distances. Such a conclusion could only be supported if a detailed geographical analysis of the market had been done. It has not. The closest to such an analysis is the commentary provided on page 44-45 of the *Draft Site Selection Methodology and Assessment*, which focusses almost exclusively on the local market. However, the *2017 Nottinghamshire and Nottingham Local Aggregates Assessment* shows that:
 - more than half of the sand and gravel extracted in Nottinghamshire is exported (para 3.9);
 - that there is considerable import of sand and gravel in the south across the County boundary (para 3.11); and,

- that average annual haulage distances are approximately 35 miles and increasing (para 3.13).

Thus there is considerable uncertainty about the location of the actual market and the geography of patterns of supply and demand. **As a result this objective should be scored as uncertain or unknown rather than positive for Option A Criterion 3.**

- **Criteria 3 and 7:** The analysis is biased toward Option A because the issue of minimising road haulage is counted twice. Climate change impacts (Criterion 7) are assumed to be minimised by wider geographical spread of sites because of market proximity. Such an assumption is uncertain as we have shown above. However, the issue of double counting would apply even if a more robust analysis of the geography of the market was available. Reference to road haulage should therefore be removed from criterion 7 and it scored as uncertain because the extent to which sites minimise impact on climate can only be assessed in a case by case basis (i.e. on their merits using criteria such as the amount of emissions per ton of aggregate extracted). If transport is to be included then the ability to provide alternative modes of haulage such as barge transport should be used here (note that para 3.24 of Appendix 1 to *Nottinghamshire Minerals Local Plan Draft Plan Consultation* states that given that it is not always possible to locate sites close to markets and minimise road transport “the promotion of alternative, more sustainable forms of transport such as barge or rail transport is important”).

8.4. **A precautionary approach to the evaluation of the impacts of the five options on the sustainability objectives would therefore suggest that option D has been inappropriately and negatively scored relative to Option A. The preferred options that meet the County’s sustainability goals are clearly C and D, rather than A and C. We therefore object to the draft Minerals Plan on these grounds and suggest that the options selected should be revised to reflect a more accurate and robust analysis of their likely impacts on the County’s sustainability appraisal objectives.**

8.5. The revision of the findings on the sustainability appraisal to emphasise the contributions of options C and D would ensure that the Draft Plan is better aligned with the results of the public consultation, as is evidenced by the commentary under ‘What you told us at the Issues and Options stage’ on page 59 of the *Draft Plan Consultation* document. The commentary notes that responses were split in relation to the importance of geographical spread and that “Generally, respondents felt that prioritising specific geographic areas above others would not be appropriate, instead, each site should be judged on its own merits”.

Application of the Site Evaluation Methodology

8.6. **We object to the application of the site evaluation methodology on grounds that it is both flawed and applied inconsistently.**

8.7. We suggest that geographical spread can be used as a criterion to decide between sites all other things being equal. In other words if sites had similar environmental and social impacts then those more widely spaced might be selected over a more concentrated distribution. By identifying geographical spread as an over-riding factor, the current draft plan shifts impacts to more potentially damaging sites as is evidenced by the commentary

on Mill Hill near Barton in Fabis, on page 55 of the *Draft Site Selection Methodology and Assessment* document. In this commentary the high negative impacts on biodiversity, landscape and the historic environment are acknowledged, but the site is selected nonetheless on grounds of geography, even though there are less damaging sites in other parts of the county (e.g. Coddington or Shelford).

- Although Strategic Objective 1 of the Draft Plan states that it should seek to ‘secure a spatial pattern of mineral development that efficiently delivers resources to markets within and outside Nottinghamshire’ it should be noted that no analysis of the ways in which different possible spatial configurations of sites might meet this objective are provided. NCC have confirmed (30/8/180 that “There is no published data related to the geographical spread for the particular allocation of sites”. **As a result claims that the Draft Plan can actually deliver this Strategic Objective are unfounded.**
- The lack of a detailed analysis is surprising since it is possible to develop an overview of demand by taking the % of total housebuilding in each area as a reasonable guide as to where quarry sites should be located. Although housebuilding accounts only for between 20 to 35% of total aggregate production, where houses are built is where jobs are created with associated commercial buildings and major infrastructure projects and local infrastructure such as roads and schools – thereby equating to a higher percentage. Table 1 provides an estimate of the distribution of house development in Nottinghamshire; it shows that about 56% of the demand is in the Nottingham area.

Table 1: Distribution of demand by House building figures⁵
(Annual estimates for Nottinghamshire 4754)

	Local Authority	Average dwellings PA	Area percentage share
North	Bassetlaw	435	
Area total		435	9.5%
Central	Ashfield	452	
	Mansfield	376	
	Newark	740	
Area Total		1568	34.3%
Nottingham Area	Broxtowe	362	
	Gedling	426	
	Nottingham	1009	
	Rushcliffe ⁶	774	
Area Total		2571	56.2%

- Table 2 uses figures provided in the NDMPC for the total requirement in the plan period and the amount available after export; we use 40% and 50% export levels for the analysis. We focus particularly on the estimates of the requirement in the Nottingham area of 10.89mt, and 9.08mt respectively, and the extent to which this estimated demand is met by alternative site allocations in the Nottingham area.

⁵ Nottinghamshire and Nottingham Local Aggregate Assessment October 2017
<http://www.nottinghamshire.gov.uk/media/127116/october-2017.pdf>

⁶ Rushcliffe is included in the Nottingham area because the majority of its housing is allocated to the urban edge of the conurbation

Table 2: Apply percentage demand to export scenarios (mt)		
	40% export	50% export
Total for Notts	19.38	16.15
North (9.5%)	1.84	1.57
Plus Y&H export totals	12.92	16.15
Total North	14.76	17.72
Newark (34.3%)	6.64	5.53
Nottingham (56.2%)	10.89	9.08

- Table 3 shows the extent to which the sites allocated in the Nottingham area meet the estimated demand with 40% and 50% export. With the allocation of East Leake (approved), East Leake (extension) and Mill Hill Barton in Fabis there is a deficit in the proportional supply to the Nottingham area of between 4.8 and 2.99mt.

Table 3: Match geographical supply to demand – Draft Plan		
	40% export	50% export
	10.89	9.08
East Leake approved	2.34	2.34
East Leake extension	0.75	0.75
Mill Hill Barton in Fabis	3.0	3.0
Total	6.09	6.09
Deficit/Excess	-4.8	-2.99

- However, if the larger Shelford site was allocated instead of the smaller Mill Hill, Barton in Fabis site then these deficits would be lessened or eliminated (Table 4).

Table 4: Match geographical supply to demand – with Shelford		
	40% export	50% export
	10.89	9.08
East Leake approved	2.34	2.34
East Leake extension	0.75	0.75
Shelford	6.5	6.5
Total	9.59	9.59
Deficit/excess	-1.3	+0.48

- The analysis suggests that by the inclusion of Shelford, for example, a better geographical spread is achieved than is realised by the current Draft Plan. If as a consequence Botany Bay were also removed from the plan, the inclusion of Shelford would move 3mt of output from North Nottinghamshire to South Nottinghamshire where it is most needed.
- **Consequently, the statement in the ‘Sites Assessment Methodology’ on the Shelford site that “The size of this site is such that if it were allocated, provision would be limited in other parts of the County and this would not comply with the objective of maintaining a geographical spread of mineral sites across the County” is manifestly wrong.**

8.8. In further considering the criterion to ‘Promote sustainable patterns of movement and the use of more sustainable modes of transport’, it is also manifestly wrong to conclude that the proposed site at Mill Hill, Barton in Fabis is closest to developments likely to take the output from quarries in the south of the County. We have made an analysis of the current situation as part of our earlier response to the planning application made for Mill Hill, Barton in Fabis, and looked at the status of the locations of potential developments and the quarries which already are or could potentially serve them. The developments and quarries considered are shown in Table 5, which also shows the distance to the nearest quarries and the distance to the proposed site at Mill Hill, Barton in Fabis. Shelford Wharf has been included as this is a proposed barge terminal close to Trent Lane, Trent Bridge to which some 40% of the material from the Shelford site would be delivered.

Table 5: Distance of sand and gravel sources to major developments in Nottingham area with comparison to distance to Mill Hill, Barton in Fabis			
Development	Note	Nearest quarries	Distance from Mill Hill
East Midlands Rail Freight Hub / Kegworth by-pass	Work is under way on these projects and aggregate is already being supplied with contracts already therefore agreed	Lockington 5.86km, Shardlow 9.08km	12.11km
Toton (HS2)	Timescales for this project are not yet clear	Lockington 8.98km, Shardlow 15.02	15.03km
Gamston	No planning application has yet emerged	Shelford wharf 6.45km, Shelford 10.95km (East Leake: 15.14km)	13.45km
Edwalton	Construction already under way and contracts for aggregate supply are in place	Shelford wharf 8.49km (East Leake: 15.44, Shelford: 12.9km)	8.79km
Waterfront	Timescales unknown	Shelford wharf 0.5km (Shelford 12.6km, Lockington 22.71km)	9.54km
Boots site	Planning permission granted	Shelford wharf 5.69km (East Leake 17.55km)	5.96km
Bus Depot	Timescales unknown	Shelford wharf 8.77km, Lockington 9.07km	9.89km
Clifton Pastures / Clifton West	Clifton Pastures timescales unknown. Clifton West yet to have outline planning application approved	Mill Hill, Barton in Fabis (East Leake 11.84km, Shelford wharf 8.24km)	c0.5km, Clifton Pastures 1km, Clifton West,

Note: a) the distances shown are by road and so the quarries in bold are the nearest location by road distance; b) Information supplied by Greenfield Associates indicating distances from Mill Hill, Barton in Fabis, is based on distances ‘as the crow flies’ and therefore bears no relation to actual distances. This table therefore provides a more meaningful picture of the situation.

8.9. For the analysis shown in Table 5 we recognise that it may be financially viable for other quarries to the north of Nottingham and further in to Derbyshire or Leicestershire to supply the projects identified, but we have focused only on the closest in terms of travel distances to simplify the picture.

- 8.10. In relation to Table 5 it is important to note that:
- **Mill Hill, Barton in Fabis site is significantly further than alternatives** to the major infrastructure projects of the East Midlands Rail Freight Hub and Toton (HS2);
 - **Mill Hill, Barton in Fabis site is not significantly nearer to two of the three major areas in Rushcliffe allocated for the sustainable urban extension** (i.e. Gamston and Edwalton). While it is obviously closest for the Clifton West and Clifton Pasture s development the proportion of the output required here is small in relation to proposed total output (ca 1 year’s output) and so does not by itself justify development
 - **Shelford is equally well placed to provide output to these developments as Mill Hill, Barton in Fabis, and with the development of more sustainable barge transport via Shelford Wharf would be significantly more so.**
- 8.11. It is also important to note that given the impacts associated with the Shelford site are less than that at Mill Hill, Barton in Fabis, and the reallocation of this site in the Minerals Plan would also reduce the overall social, environmental and landscape in line with SO5, SO6 and SO7.
- 8.12. However, as we have shown in Section 1, the emphasis given to geographical distribution as an overriding factor in the site selection criteria is, in any case, flawed. **The subsequent application of the Options A and C in the site selection process is also inconsistent and as a result we make a further objection to the conclusions drawn.** We focus particularly on the Mill Hill, Barton in Fabis site. Our grounds are as follows:
- Despite Option C (Prioritise locations with potential for transporting sand and gravel by river barge) being identified as a priority in site selection none of the sites selected meet this criteria, although some of those rejected (e.g. Shelford) do. The documentation shows that the operator at Shelford proposes to transport 40% of output via barge but there is no rationale provided for why this site has not therefore been prioritised as the adoption of Option C requires.
 - On the basis of the scoring applied in the site assessment methodology the combined environmental impact of the development of Mill Hill, Barton in Fabis and Botany Bay would be greater both during the operational and long-term phases, than the single site at Shelford (see Table 7, *Draft Minerals Local Plan Sustainability Appraisal Interim Report*); the development of one site rather than two is likely to result in less overall impact and on these ground this strategy is likely to better address the County’s sustainability goals.
- 8.13. **We therefore object to the application of the site Draft Selection Methodology and its conclusions on grounds of the inconsistency of its outcomes with the stated policy objectives that are supposed to underpin the Draft Plan:**
- No evidence is provided to show that the allocation of Shelford rather than Mill Hill, Barton in Fabis, and Botany Bay, would limit the ability of the plan to ensure a spread of quarries, given the average distance travelled by aggregates is roughly 35 miles and increasing (see para 3.11, *2017 Nottinghamshire and Nottingham Local Aggregates Assessment*).

- No evidence or argument is provided for the omission of the priority for barge transport in the selection of sites; and,
 - The current application of the site allocation methodology in the Draft Plan results in greater adverse impact on the environment than otherwise would be the case, despite the requirements of the Draft Plan that future minerals development in Nottinghamshire should meet :
 - Strategic Objective 1 ‘Improving the sustainability of minerals development’ by making use of sustainable modes of transport
 - Strategic Objective 6 ‘Protecting and enhancing natural assets’ by conserving and enhancing Nottinghamshire’s natural environment, including its distinctive landscapes, habitats, geology, wildlife species and ecological health of water bodies by avoiding, minimising and mitigating potential negative impacts’.
 - Strategic Objective 7 ‘Protecting and enhancing historic assets’ by protecting and where appropriate enhancing Nottinghamshire’s distinct historic environment and ensuring heritage assets and their settings are adequately protected and where appropriate enhanced.
- 8.14. **Paragraph 4.19 is therefore incorrect and the conclusion drawn is wrong. Sand and gravel can only be worked where it is found, but it does not follow that geographical spread is the only way to ensure continued supply. Moreover, minimisation of HGV transport is only one criterion that must be used to make site allocations. As we have shown this is inconsistent with the stated policy objectives in the consultation document, because it overlooks the relative impacts on built, natural and heritage assets, and the Green Belt arising at individual sites.**
- 8.15. **The Draft Plan is therefore flawed and should be revised accordingly to meet the County’s own sustainability objectives. In order to do so:**
- sites should be considered on their own merits in order to minimise the likely overall environmental impacts of the Draft Plan;
 - the criterion for prioritising barge transport should be applied on grounds of consistency; and,
 - geographical spread should only be used to make decisions between sites when all other aspects things are considered equal in order that it does not over-ride consideration of the scale of environmental damage likely to arise by the inappropriate selection of sites due to location - proximity to an unquantified market is not an ‘exceptional circumstance’ as envisaged by the NPPF.
- 8.16. **Finally, in terms of the specific case of the sites at Mill Hill, Barton in Fabis, and Botany Bay, a transparent rationale needs to be provided as to why these sites are included rather than Shelford, when (a) the likely impacts of the latter are less; (b) the opportunities for prioritising barge transport are greater; and (c) given the average haulage distance for aggregates it is as well placed to serve the needs of the local market as the other two. Evidence also needs to be provided to support the claim that allocation**

of Shelford, rather than the sites at Mill Hill, Barton in Fabis and Botany Bay, would limit the ability of the plan to ensure a spread of quarries.

Site Assessment for Mill Hill, Barton in Fabis

- 8.17. The site assessment made for Mill Hill, Barton in Fabis shows it to be one of the most negatively affected should development be permitted. As we have argued there is no coherent statement in the plan as to why this finding should be ignored and the site allocated, when there are other sites where impacts would be less serious. In fact, we would suggest the scale of the impacts for the Mill Hill site have been under-estimated, making the decision even less secure. We therefore object to the assessment made of the Mill Hill, Barton in Fabis site.
- 8.18. The mis-representation of the conditions and associated impacts at Mill Hill, Barton in Fabis are as follows. We base our response on evidence in the public domain and that generated by the recent planning application for the site. It appears that the Planning Policy Team in assessing the site has failed to take account of the detailed comments and information already available and provided by consultees as part of the planning application process which has resulted in objections and concerns by such bodies as RSPB, Notts Wildlife Trust, Natural England, CPRE, Ramblers Association, Barton in Fabis Parish Council and indeed the County Council's own officers.

Criterion 2: Protect and enhance biodiversity at all levels and safeguard features of geological interest.

- The evidence relating to the biodiversity status of the site and its surroundings point to an assessment that the impact during the operational phase is very negative (-3) and in the long-term as negative (-2). The draft assessment fails to: recognise the importance of the site at the landscape scale, promote the preservation of existing ecological networks and the populations of priority species they support; and recognise or mitigate the significant on-site impact on LWS and off-site impacts on SSSIs. **As a result the allocation of the site is not consistent with the objectives of SO6 or SP6.**
 - *The claim made by Greenfield Associates in para 8.1.10 of their submission document dated January 2018 that the ecological effects are minor are misleading and highly simplistic.*
- Approximately two thirds of the habitat within the proposed site consists of habitats of Local or National Conservation Importance. Nine Local Wildlife Sites will be directly or indirectly impacted upon during the operational period; Borrow's Pit (LWS), which is within the site boundary, has been omitted from the Site Appraisal Matrix. Only partial mitigation by using appropriate buffers will be possible and a number of the LWS will be destroyed entirely.
- The ancient woodland status of Brandshill Wood and Clifton Wood has not been considered, and the potential impact of changes in hydrology, dust and noise factored into the analysis.
- There are extensive areas of BAP habitat within the site which will be lost, including neutral and semi-improved grassland, marshy grassland, scrub, hedgerow, ditch and

floodplain grazing marsh. All these habitats have targets for their conservation and protection. Restoration of the site would not effectively compensate or restore these existing ecologically high value habitats. The long-term impact is therefore negative rather than slightly negative.

- The SSSIs of Attenborough and Holme Pit are adjacent to the proposed site and both will be adversely affected during the operational phase and long-term. Attenborough is important for a number of bird species will be impacted by noise and permanent loss of feeding areas. The water quality of Holme Pit will be impacted during periods of flooding. Flood patterns and their impact relative to Holme Pit have not been considered in the design and operation of the proposed site.
- The site also holds a number of species of national or local importance, including bats, harvest mouse, grass snake and common toad. There are many species of red and amber listed birds including noise/disturbance sensitive species such as barn owl, Cetti's warbler and long-eared owl. Importantly the site hosts a diverse invertebrate fauna including the endangered beetle, *Carabus monilis*. All of these species will be subject to severe adverse impacts.
- The restoration plan for this site does not maximise BAP priority habitats for the area and there is no significant biodiversity compensation achieved as a result of proposed restoration measures. Indeed the nature of the "Alternative working proposals/buffer zones to retain/protect LWSs and SSSIs" mentioned under mitigation are not specified and it is inappropriate to include them in the assessment. Moreover the time span over which restoration is proposed (5 years, see Para 9.1.4 of Site Proposal by Greenfield Associates, dated January 2018) is inadequate (see *NMPCD* para 5.118, point 9) ecologically so that the measures are unlikely to be successful.
 - *The claim made by Greenfield Associates in para 9.1.5 of their submission document dated January 2018 that restoration is likely to be beneficial in the long-term is therefore unfounded.*

Criterion 3: Promote sustainable patterns of movement and the use of more sustainable modes of transport.

- The proposal only includes road haulage and so cannot be considered as offering 'sustainable' modes of transport. At best this criterion should be scored as 0.

Criterion 4: Protect the quality of the historic environment, heritage assets and their settings above and below ground.

- The assessment underestimates the impact on historic environment, heritage assets and their settings especially in the long-term by virtue of the resulting negative impact on the historic environment post restoration in respect of the setting and significance of Clifton Hall.
- Barton in Fabis Parish Council recently produced a detailed assessment of the historic cultural links between Clifton Hall (Grade 1 listed) and Barton in Fabis which highlights the importance of the historic environment of the Mill Hill Site to the setting of Clifton Hall. The assessment was sent to the council's heritage officer, Jason Morden, to Tim

Allen at Historic England and to Nancy Ashbridge, Landscape Architect at Via East Midlands Ltd. The evidence presented clearly shows that the operation and restoration of the site would have a major impact on the setting of Clifton Hall and its Registered Parks and Gardens. Since these impacts are significant the allocation of the Mill Hill is inconsistent with the third bullet point of Policy SP3 (NMPCD page 39). The long-term impact should be regarded as at least as negative as during the operational phase and both should arguably be set, as a minimum, at -2.

Criterion 5: Protect and enhance the quality and character of our townscape and landscape.

- The assessment given in the *Draft Minerals Local Plan Sustainability Appraisal Interim Report* of July 2018 is inconsistent with the summary it provided in the *Draft Site Selection Methodology and Assessment* also published in July 2018. The former gives scores of -3 under both the operational phase and long term (Page 19). However, the latter erroneously states that “As a result of the above assessment, whilst the site has high landscape impacts and the sustainability appraisal reports very negative impacts in the operational phase, these become slight negative impacts in the long term.” **Clearly the text should state that it is a site of high landscape impact both in the short and long term.**
- **The fact that the assessment finds that the landscape impact scores as maximum in the operational phases and long-term, and since these scores are amongst the highest attributed to any site in the appraisal matrix, the allocation of this site in the Draft Plan is clearly inconsistent with the Policy SP6.**
- The impact of the proposed development on the Green Belt also conflicts with the stated policy in SP6, because the processing plant will be located on a prominent ridgeline on Mill Hill. This will have an adverse impact on the openness and visual amenity of the Green Belt in this area. It will therefore conflict with the purposes of the Green Belt and should therefore be considered inappropriate development. As there are no special circumstances of sufficient weight to outweigh the harm caused to the Green Belt in this area it is therefore contrary to the National Planning Policy Framework and local planning policies EN14 and EN19 of the Rushcliffe Borough Local Plan.
- In relation to landscape it should also be noted that the mitigation measures summarised in *Draft Minerals Local Plan Sustainability Appraisal Interim Report* of July 2018 are inconsistent with what is being proposed. For example, it is suggested that there will be retention of ridge and furrow landscape, when in fact the development will remove it entirely. If such retention is proposed then the size of the site and the potential output would be considerably reduced.

Criterion 6: Minimise impact and risk of flooding.

- The assessment is wrong in terms of the long-term impacts of the proposal at Mill Hill. The flood risk assessment made for the current planning application for sand and gravel extraction at this site shows that the scheme at best is neutral in terms of its impacts on

flood risk. There are no measures proposed that would mitigate future flood risk and so at best the score awarded should be '0' and not '+1'.

- Given that the flood assessment shows that generally the area is likely to experience increasing risk, a requirement of the proposal should be that flood mitigation measures are included in the design so that these increased future risks are minimised.
- The commentary should include the potential risk of flooding and erosion to the high pressure gas main that bisects the site. There is a risk posed to critical infrastructure associated with this proposal.

Criterion 7: Minimise any possible impacts on, and increase adaptability to, climate change.

- The assessment scores shown in the *Draft Minerals Local Plan Sustainability Appraisal Interim Report* of July 2018 are inconsistent with the commentary provided, and the scores awarded are misleading.
- The impacts during the operational phase is clearly negative, given the loss of habitat and the carbon stores associated with them, and the use of road haulage. Thus the score of '?' is probably not an accurate representation of the situation. In the long term the assessment states that the impacts could be positive or negative depending on the resilience of the flora and fauna and the details of the restoration. Since this is unknown then the score of +1 is again erroneous.
- We suggest that as a minimum both the operational and long-term phases should be scored as '?', and that the contribution of the proposed site to climate change adaptability is uncertain.

Criterion 8: Protect high quality agricultural land and soil.

- The assessment is in error in terms of the assessment of long term impacts, in that it states that it judges the impact to be positive given "Restoration to high quality agricultural land if that is possible". Such restoration is neither possible nor proposed. If it is proposed then this would reduce the area of BAP and Priority Habitat restoration. At best we suggest the long-term score should be the same as the operational phase, i.e. -1.

Criterion 12: Protect and improve water quality and promote efficient use of water.

- The assessment scores this criterion as slightly negative (-1) reflecting "dewatering and discharges into watercourses". In fact the evaluation of the pending planning application has revealed serious concerns about the impact of the development (and specifically the location of storage heaps and lagoons) on the quality of water reaching the SSSI of Holme Pit as the result of flooding.
- There is now evidence from the flooding of April 2018 of the way flood waters move across the site, and we can show that flood waters typically overtop the banks of the Trent at Cottagers' Field and ran northwards towards and eventually into Holme Pit, before re-entering the river at below Clifton Hall. These waters cross the centre of the proposed site and especially the area where material will be stockpiled. Such uncontrolled events are likely to impact on the water quality at Holme Pit SSSI though

siltation and nutrient input. Moreover, there is no guarantee that the quality of water reaching Home Pit will in the long term improve given the uncertainties associated with the restoration plan.

Criterion 13: Support wider economic development and promote local job opportunities.

- The assessment only considers the wider economic impact and suggests that some jobs will be created locally. The assessment overlooks the fact that employment may be lost by the impact on agriculture in the area, and the loss of amenity and access on which the local equestrian centres depend. The impact is probably uncertain at best in the short term.

Criterion 14: Protect and improve human health and quality of life.

- The appraisal correctly assesses the impact of the proposed site on human health and significant (-3) although the commentary justifying the score overlooks a number of serious issues.
- 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. This should be flagged up in the commentary on the Site Appraisal Matrix.
- In addition the commentary should note the proximity of the proposed site to Attenborough Nature research and the riverside path along the Trent opposite the extraction site. 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.
- 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 (<1k) to a significant number of people, and given that currently policy for promoting health and well-being includes promoting walking and other activities in green, tranquil areas, the development of the site would result in a significant loss of public amenity.
- It should be noted that in their submission document dated January 2018, Greenfield Associates fail to emphasise or take note of the proximity of the proposed site to Clifton

and its surroundings. The maps they provide are also outdated and do not show, for example, the retirement development at Lark Hill which is well within 400m of the processing plant. Their Para 8.1.2, is therefore inaccurate and misleading.

Summary of Revised Site Assessment Scores for Mill Hill, Barton in Fabis

- 8.19. **On the basis of the arguments presented above we suggest that a more realistic assessment of the operational and long-term impacts for Mill Hill, Barton in Fabis would be -15 and -8 respectively. The adjusted individual scores are summarised in Table 6 alongside those presented in the draft site appraisal.**
- 8.20. The negative impact of the allocation of the site at Mill Hill is significant, and given the evidence available does not support the summary on page 55 of *Draft Site Selection Methodology and Assessment* the which erroneously suggests that “in assessment against sustainability appraisal objectives, the site scores very negatively during the operational phase and slightly negatively in the long term”. **The impacts are very negative in both the operational phase and the long term. As a result its allocation is clearly inconsistent with most of the key sustainability objectives and strategic policies that supposedly frame the minerals plan. We therefore object to the site allocation.**

Table 6: Revised impact scores for Mill Hill, Barton in Fabis.

Sustainability Appraisal Objectives	Effect as scored in Draft Minerals Plan		Suggested Adjustment to Scores		Inconsistencies with the Strategic Objectives and Policies that frame Minerals Plan
	Operational period	Long -term	Operational period	Long -term	
1. Ensure that adequate provision is made to meet local and national mineral demand.	2	0	2	0	
2. Protect and enhance biodiversity at all levels and safeguard features of geological interest.	-2	-1	-2	-2	Allocation is inconsistent with SO6, SP1, SP3, SP4 and SP6
3. Promote sustainable patterns of movement and the use of more sustainable modes of transport.	1	0	0	0	Allocation is inconsistent with SO1, SO3, SO5, SP5
4. Protect the quality of the historic environment, heritage assets and their settings above and below ground.	-2	1	-2	-2	Allocation is inconsistent with SO6, SP6
5. Protect and enhance the quality and character of our townscape and landscape.	-3	-3	-3	-3	Allocation is inconsistent with SO7, SP6
6. Minimise impact and risk of flooding.	-3	1	-3	?	Allocation is inconsistent with SO6, SP4
7. Minimise any possible impacts on, and increase adaptability to, climate change.	?	1	?	?	Allocation is inconsistent with SO3, SP4
8. Protect high quality agricultural land and soil.	-1	1	-1	-1	
9. Promote more efficient use of land and resources.	0	?	0	?	
10. Promote energy efficiency and maximise renewable energy opportunities from new or existing development.	?	?	?	?	
11. Protect and improve local air quality.	-3	0	-3	0	Allocation is inconsistent with SO6
12. Protect and improve water quality and promote efficient use of water.	-1	0	-2	?	Allocation is inconsistent with SO1, SP1
13. Support wider economic development and promote local job opportunities.	2	0	2	0	
14. Protect and improve human health and quality of life.	-3	?	-3	?	Allocation is inconsistent with SO5, SP6
Total	-13	-3	-15	-8	

- 8.21. **We also object to the allocation because there is a lack of transparency in the assessment in terms of how the site is allocated on grounds of viability and location when the impact assessment clearly indicates that there are other sites where impacts are less serious. We have shown that:**

- the evaluation process leading to the inclusion of geographical spread as an objective of the plan is flawed and that on grounds of sustainability sites should be considered on their merits;
- the goal of developing a spatially sustainable plan involves more than consideration of market geography, but also involves promoting a spatial distribution that is consistent with wider goals of sustainability (e.g. conservation and protection of most vulnerable and valuable sites); and,
- the summary provided on Page 55 of the *Draft Site Selection Methodology and Assessment* is inaccurately drafted and poorly constructed because the statement that allocation is appropriate is unconnected to the evidence that has been assembled in the appraisal matrix which is supposed to underpin any recommendation.

8.22. Minerals planning should be evidence-based. We therefore object to the allocation of the site at Mill Hill, Barton in Fabis, because the process by which the recommendation arose is flawed, and neither transparent nor credible given even the partial evidence-base identified by in the *NMPDC*.

Report to Essex County Council

by B J Sims BSc CEng MICE MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Date 23 June 2014

PLANNING AND COMPULSORY PURCHASE ACT 2004 (AS AMENDED)

SECTION 20

**REPORT ON THE EXAMINATION OF THE
ESSEX COUNTY COUNCIL
REPLACEMENT MINERALS LOCAL PLAN - JANUARY 2013**

Document submitted for examination on 12 July 2013

Examination hearings held between 5 and 14 November 2013

File Ref: PINS/Z1585/429/3

Abbreviations

<i>[xxx]</i>	<i>Examination Library Document Reference xxx</i>
BMVAL	best and most versatile agricultural land
DTC	Duty to Co-operate
EA	Environment Agency
EIA	Environmental Impact Assessment
EBAP	Essex Biodiversity Action Plan
ECC	Essex County Council
EEAWP	East of England Aggregates Working Party
EEFM	East of England Forecasting Model
EEP	East of England Plan
ha	hectare(s)
km	kilometre(s)
LAA	Local Aggregate Assessment
MASS	Managed Aggregate Supply System <i>[NP-04]</i>
MCA	Mineral Consultation Area
MM	Main Modification
MMO	Marine Management Organisation
MPA	Mineral Planning Authority
MSA	Mineral Safeguarding Area
mt	million tonnes
mtpa	million tonnes per annum
NPPF	National Planning Policy Framework <i>[NP-01]</i>
para	paragraph
PHM	pre-hearing meeting
PPG	Planning Practice Guidance
PS	position statement
RAG	Red-Amber-Green
Reg	Reg
Plan	Essex County Council Replacement Minerals Local Plan 2012
Regulations	The Town and Country Planning (Local Planning)(England) Regulations 2012
RMLP	Replacement Minerals Local Plan
SA	Sustainability Appraisal
SCI	Statement of Community Involvement
SEA	Strategic Environmental Assessment
SFRA	Strategic Flood Risk Assessment
2004 Act	Planning and Compulsory Purchase Act 2004 as amended by the Localism Act 2011

Summary

The full text of the Report should be consulted for an explanation of the conclusions and recommendations summarised here

This Report concludes that the Essex County Council Replacement Minerals Local Plan January 2013 provides an appropriate basis for the planning of mineral development in the County up to the year 2029, providing a number of modifications are made to the Plan. Essex County Council has specifically requested that I recommend any modifications necessary to enable it to adopt the Plan.

All of the modifications recommended were proposed by the Council in response to initial conclusions by the Inspector following the Hearings and were then subject to further public consultation. Where necessary the detailed wording has been amended in light of the representations received.

The modifications are summarised as follows:

- Re-allocate two Preferred Sites at Bradwell Quarry representing just over 22 per cent of the total sand and gravel requirement as Reserve Sites, only to be worked if the sand and gravel landbank falls below 7 years with respect to the total requirement. This is in order to reduce the potential yield from Preferred Sites in line with past sales as envisaged by the National Planning Policy Framework but to provide flexibly for the possibility of economic recovery based on local forecasts put forward by the Council.
- Include a commitment to continue to monitor the potential for increasing the proportion of marine-won sand and gravel contributing to the future overall County requirement; and
- Include a commitment to continue to monitor the need and potential for a separate landbank for building sand in a future review of the Plan.

Introduction

1. This Report contains my assessment of the Essex County Council Replacement Minerals Local Plan January 2013 (RMLP – the Plan) in terms of Section 20(5) of the Planning and Compulsory Purchase Act 2004, as amended by the Localism Act 2011 (the 2004 Act). It considers first whether the preparation of the Plan has complied with the Duty to Co-operate (DTC) under Section 33A of the Act (as amended), in recognition that there is no scope to remedy any failure in this regard. The Report goes on to consider whether the Plan is compliant with all legal requirements and whether it is sound. The National Planning Policy Framework (NPPF) **[NP-01]** at paragraph 182 makes clear that, to be sound, the Plan should be positively prepared, justified, effective and consistent with national policy.
2. The starting point for the Examination is the assumption that Essex County Council (ECC) as Mineral Planning Authority (MPA) has submitted what it considers to be a sound plan. The basis for the Examination is the submitted draft RMLP, which is the document published for consultation in July 2013. Therefore, whilst extensive written and oral representations have been made concerning both the Preferred Sites allocated by the Plan and alternatives to them (**'omission sites'**), these are not considered in detail within this Report, save where such consideration relates directly to the essential soundness of the Plan.
3. This Report deals primarily with the Main Modifications that are needed to make the Plan sound and legally compliant and they are identified in the Report in bold script (**MM**). In accordance with section 20(7C) of the 2004 Act, ECC has requested that I recommend any modifications necessary to rectify matters that make the Plan unsound or not legally compliant and thus incapable of being adopted. These Main Modifications are set out in the Appendix to this Report.
4. The MMs that are necessary for soundness all arise from matters that were discussed at the Examination Hearings. Following these discussions, I reached provisional conclusions that certain MMs are necessary and ECC prepared a Schedule of Proposed Main Modifications together with an Addendum to the Site Assessment Report **[CED-20 and SD-10 Addendum]** and carried out a Sustainability Appraisal (SA) of the MMs **[CED-06 Addendum]**. These have been subject to public consultation for a period of six weeks. The correspondence between the Inspector and ECC leading to the publication of the MMs was also made public **[IED-08-09]**. This is established practice and, despite concern expressed by one Representor during the MM consultation, does not affect the ability of the Inspector to examine impartially whether the proposed MMs make the RMLP sound. **[RED-10, RED-12-13, IED-10, IED-12-13]**
5. The MM consultation responses are summarised in a report by ECC **[CED-23]** together with a covering note **[CED-24]**. These documents raise no new issues and the covering note is treated as the conventional final reply by ECC. Both are taken into account in this Report, together with the responses themselves, where these properly relate to the MMs. I have made some amendments to the detailed wording of the MMs. These amendments do not significantly alter the content of the MMs as published for consultation, nor undermine the

participatory processes and SA that has been undertaken. I have highlighted these amendments in the Report.

6. For the avoidance of doubt, it is noted that ECC proposes a number of Additional Modifications, or minor changes to the Plan. These do not affect its soundness but comprise corrections, updates and changes consequential upon the MMs, in the interests of clarity and internal consistency. These Additional Changes are entirely a matter for ECC and no further recommendation is made upon them in this Report.
7. This Report takes into account all supporting documentation submitted with the Plan together with all representations upon it duly made during the pre-submission consultation. In addition, account is taken of eight Further Information documents *[FI-01-08]* also submitted by ECC in response to the representations. These documents are not part of the evidence base supporting the submitted Plan and were not requested by the Inspector. However, they raise no fresh issues and were useful to the Examination in summarising the ECC position on certain topics. The FI documents were published on the ECC website and responses from Representors were allowed where justified. In practice, the response from Representors was limited. *[RED-02]* This Report also takes account of a number of further documents submitted by Representors and ECC by agreement during the Examination. *[CED-01-16; RED-01; RED-03-08]* All these documents were also published on the ECC website.
8. Since the start of the Examination, Planning Practice Guidance (PPG) has been published by the Government, including PPG on minerals, air quality and climate change. This guidance was in the public domain in a provisional form throughout the Examination and reference was made to it during the Hearings, in particular connection with Planning for Aggregate Minerals. There is nothing in the published version of the PPG which affects the issues arising in connection with the soundness of the RMLP as submitted, or as proposed to be changed by the published MMs. The PPG incorporates former guidance on the Managed Aggregate Supply System (MASS)*[NP-04]*. Accordingly, notwithstanding submissions that there should be further public consultation regarding the effect of the PPG on the soundness of the Plan, no such further consultation is necessary. *[RED-11, CED-25, IED-11]*

Assessment of Compliance with the Duty to Co-operate

9. Section 20(5)(c) of the 2004 Act (as amended) requires consideration of whether ECC has complied with any duty imposed on it by Section 33A of the 2004 Act in relation to the preparation of the Plan. In order to maximise the effectiveness of Plan preparation, Section 33A requires constructive, active and on-going engagement with local authorities and other prescribed bodies with respect to strategic matters affecting more than one planning area. Those bodies are prescribed by Regulation 4 of the Town and Country Planning (Local Planning)(England) Regulations 2012 (The Regulations - Regs) and include, among others, the Marine Management Organisation (MMO). Relevant strategic issues, including the provision of minerals, are set down in the NPPF at paragraphs 156 and 178.
10. Although the DTC only came into force in November 2011 when the preparation of the RMLP was well under way, it is necessary for ECC to demonstrate that the

Plan on submission is compliant with the DTC. This requires evidence that ECC sought a level of co-operation with prescribed bodies beyond mere consultation, leading to the outcome that strategic cross-boundary issues are addressed in the Plan.

11. ECC submitted evidence in connection with the DTC by way of its Statement of Consultation under Reg 22(1)(c) **[CD-08]** and a further Statement of Compliance with the DTC **[FI-01]**. This first refers to the other two MPAs within Greater Essex. The Borough of Southend-on-Sea is not required to contribute to the Greater Essex sub-regional aggregate apportionment due to a lack of reserves. Thurrock Council conducted an early review of its minerals and waste strategies in the context of its then emerging Unitary Development Plan, taking into account its relatively small share of the Greater Essex apportionment. This RMLP is therefore based on that apportionment, properly disregarding the Thurrock contribution. The amount and appropriateness of the sub-regional apportionment and the overall aggregate requirement are discussed under Issue 1 below.
12. There is no question that ECC consulted with all the prescribed bodies in accordance with Reg 4 as well as with its own Statement of Community Involvement First Review December 2012 (SCI) **[SD-03]**. Nor is there any question that, generally, the outcomes of these consultations were based on topics identified in earlier stages of public engagement and taken into account in the submitted version of the Plan.
13. For example, concern by the Environment Agency (EA) over water quality, arising from the Water Framework Directive, are addressed in Policy DM1. Similarly, questions raised by English Heritage on the impact of mineral extraction on heritage assets are included in the development criteria of Policy DM1 as well as the schedules of specific issues to be addressed in developing individual Preferred Sites in Appendix 5 to the Plan. Natural England is satisfied on the basis of the SA that none of the Preferred Sites is likely to have a significant effect on designated nature conservation sites or landscapes. The Highways Agency (HA) has been involved in previous consultation during the evolution of the Plan and has confirmed that it will continue working closely with ECC to avoid detriment to the strategic highway network.
14. Furthermore, adjoining MPAs outside Greater Essex in Hertfordshire, Suffolk, Cambridgeshire and Peterborough have been actively involved with ECC in the East of England Aggregates Working Party (EEAWP) and supported the ECC draft Local Aggregate Assessment (LAA) of October 2012 **[SD-07]**. These neighbouring MPAs consider the Essex draft RMLP to be compatible with their own. The Councils of the London Boroughs of Havering and Redbridge, Thurrock and Southend-on-Sea Councils and Kent County Council all indicate satisfaction with the approach of ECC to the DTC. There is also broad agreement among other MPAs that the identification by ECC of a single landbank for sand and gravel and its site selection process are reasonable. Liaison has taken place with other MPAs from where minerals are exported to Essex, as encompassed in the LAA. The level of agreement between ECC and various organisations and authorities is recorded by way of Statements of Common Ground **[CED-14]**.

15. In certain particular respects however, some Representors question the compliance of ECC and the Plan with the DTC.
16. Whilst all the 12 District, Borough and City Councils of Essex were consulted throughout the preparation of the Plan, there is further objection that the selection process adopted by ECC to identify Preferred Sites was modified during the preparation of the publication draft of the Plan without due consultation. The latter concern is also expressed by a number of individual and other corporate Representors.
17. Subsequently there was also objection on grounds that the submission draft Plan was based on a draft LAA of October 2012 [*SD-07*] but that the LAA was updated in June 2013, after the pre-submission consultation and without further public engagement. The ECC Topic Paper: Review of Planned Supply of Aggregate Provision in Essex, also of June 2013 [*FI-05*] relies upon this later version of the LAA which is both appended to the Topic Paper and separately listed in its own right [*CED-05*].
18. The foregoing are matters of consultation and objection regarding the preparation and provisions of the Plan, rather than a failure on the part of ECC in the DTC, and they are considered as such in the Assessments of Legal Compliance and Soundness below.
19. A further prominent concern with respect to the DTC relates to the level and outcome of co-operation with the MMO. The Plan at paragraphs 1.23 and 2.31-32 briefly states that marine dredging of aggregates is administered under separate legislation and notes that approximately 10% of the sand and gravel consumed in Essex is sourced from the marine environment. In accepting the EEAWP sub-regional apportionment for Essex, the LAA assumes that the same level of contribution will continue, based on historic performance. Representors argue that ECC should actively have sought the co-operation of the MMO to increase the proportion of marine-won aggregates used in Essex, via its safeguarded wharfs, in order to reduce the land-won requirement and so mitigate the environmental impact of mineral working. There is apparent scope for such an increase in the MMO Draft East Inshore and East Offshore marine Plans [*RED-03*].
20. However, correspondence between ECC and the MMO [*CED-13*] demonstrates that, although there are licensed marine aggregate extraction sites close to the Essex coast, there is no guarantee that these will be worked. The reasons given for this are high operational costs and environmental and regulatory constraints. This correspondence also indicates that there is no guarantee that the output of these marine sites would be directed to the Essex market or even landed in the UK at all. This information is summarised in the LAA of June 2013 [*CED-05 para 8.7*]. It is thus evident that it would be impractical to quantify a potential increase in the proportion of marine aggregate use in Essex within the timescale of the first review of the Plan.
21. It is fair to say that compliance with the DTC would have been better demonstrated if ECC had established, and consulted upon, a clear schedule of cross-boundary strategic issues on which co-operation would be sought, with aims and potential outcomes in mind. Such an approach is to be commended before the next review of the Plan, scheduled by Policy IMR1 within five years of

adoption. In particular, ECC should initiate further consideration of whether an increase in the proportion of marine-won aggregate use in Essex could be reliably quantified. This commitment is suitably introduced by **MM1** to para 2.31 with minor adjustment to the wording to make it clear and unconditional that any potential marine contribution will be monitored. Meanwhile though, there is no evident shortcoming of the ECC approach amounting to a failure to comply with the DTC, which is thus properly regarded as being met with respect to the Essex RMLP January 2013.

Assessment of Compliance with Legal Requirements

22. It is a statutory requirement that all stages of consultation on the Plan throughout its preparation follow the process set down in the SCI. The legal compliance of the Plan is questioned with respect to the SCI in three respects.
23. First, the submitted Plan was supported by a draft LAA dated October 2012 [*SD-07*]. However, the ECC Review of the Planned Supply of Aggregates in Essex 2012-2029 [*FI-05*], responding to representations and submitted with the Plan, was based on an updated version of the LAA dated June 2013 [*CED-05*]. There was no formal public consultation on the later version which appeared initially as a mere appendix to the Topic Paper.
24. Second, the site selection process used by ECC to identify the Preferred Sites for sand and gravel extraction was modified after the Issues and Options stages of consultation and before the pre-submission publication of the Plan, also with no more than limited consultation with stakeholders.
25. Third, representations made during the Issues and Options consultations were not carried forward to the pre-submission consultation, in particular with reference to alternative or omission sites. As a result, such representations were not placed before the Examination.
26. It is unsurprising that the simultaneous submission of two versions of the LAA, as one of the most crucial components of the RMLP evidence base, caused disquiet among both mineral operators and the general public. Modification of the site selection process and several reversals of whether certain sites would be allocated gave rise to confusion and uncertainty. This was compounded by the assumption by some potential Representors that prior representations would be carried forward to the Examination. These matters were the subject of a considerable volume correspondence and discussion during the Examination [*RED-02&02.1-10, CED-07-08, IED-03-04*].
27. These concerns are considered in the light of the 2004 Act, the 2012 Regulations, current national guidance and practice and with respect to natural justice. With respect to the LAA and the site selection methodology adopted by ECC, both introduce certain considerations that would have been unfamiliar to Representors in the earlier stages of Plan preparation and public engagement. Nevertheless, despite understandable frustration to operators concerned for their business and to residents concerned for their living environment, the modifications to the pre-submission Plan, and to the evidence supporting it at Examination, were derived from the prior consultation responses.
28. As for representations made at earlier stages of consultation, under the relevant legislation and regulations, only representations made on the pre-submission

Plan during the prescribed period of public consultation are taken into account. The main submissions that the consultation process had been incomplete and unfair were allied to a complaint that, by dispensing with a pre-hearing meeting (PHM) and position statements (PSs) for each hearing session, Representors were prevented from putting forward their full case. Such submissions do not take into account the established principle that full representations on the soundness of the Plan should be put forward during the pre-submission consultation and there is nothing in law or guidance to require a PHM or the submission of PSs where, as in this case, they are not necessary to the understanding of the procedure or the evidence. Procedure was explained in a written guidance note [IED-01] and the representations were sufficiently identifiable and clear in themselves [CD-11].

29. The proper basis for consideration is whether due consultation took place and whether there was prejudice to any interest. In the circumstances, there is nothing to indicate that the statutory SCI was not followed with respect to the LAA and site selection, whilst the Examination itself provides the proper forum for representations to be heard on the Plan as submitted.
30. Otherwise, the results of the examination of the compliance of the Plan with the relevant legal requirements is summarised in the table below. It is concluded that the RMLP meets them all.

LEGAL REQUIREMENTS	
Local Development Scheme (LDS)	The Replacement Minerals Local Plan is identified within the approved ECC Minerals and Waste LDS Revised December 2012 [SD-01] . This sets out an expected adoption date not before May 2014. The content and timing of the RMLP are compliant with the LDS.
Statement of Community Involvement (SCI) and relevant regulations	The SCI First Review was adopted in December 2012 [SD-03] and consultation has been compliant with the requirements therein. In addition, consultation on the post-submission proposed Main Modifications was undertaken for a period of six weeks and in a manner equivalent to the requirements of Regulations 20 and 35 for the pre-submission publication of the RMLP.
Sustainability Appraisal/Strategic Environmental Assessment (SA/SEA)	SA/SEA has been carried out, including with respect to the proposed Main Modifications, and is adequate. [CD-06, CD-06A-I, CD-06 MM Addendum]
Appropriate Assessment (AA)	The Habitats Regulations Assessment November 2012 [SD-08&08A] sets out why the Preferred and Reserve Sites and policies can be screened out as unlikely to lead to significant effects that would require AA of the Plan. However, it is noted that AA of certain detailed site-specific proposals might be required at planning application stage and this is duly noted in the individual site requirements.
National Policy	The RMLP complies with national policy.
Sustainable Community Strategies (SCSs)	Satisfactory regard has been paid to relevant County and District SCSs [CD-01 Appendices 2-4] .
2004 Act (as amended) and 2012 Regulations.	The RMLP complies with the Act and the Regulations.

Assessment of Soundness

Main Issues

31. The RMLP makes full provision for calculated mineral landbanks beyond the minimum requirements of the NPPF and takes into account the further national PPG on the Managed Aggregate Supply System (MASS). The requirement for land-won sand and gravel extraction, in particular, anticipates economic recovery from the recent unprecedented recession and the necessary time for the mineral industry to respond to any consequent upturn in demand for aggregates by the construction industry. In broad terms therefore, the Plan meets the requirement of the NPPF that it should be positively prepared.
32. However, taking account of all the representations, written evidence, the discussions that took place at the Examination Hearings and the responses to the MM consultation, there are five main issues upon which the soundness of the RMLP depends with respect to whether it is justified, effective and consistent with national policy.

Issue 1 – Whether the RMLP makes provision for the extraction of appropriate amounts of land-won sand and gravel having regard to national policy, past sales data, economic considerations and the potential contribution from secondary and marine sources.

Policy

33. The NPPF at paras 142 and 145, read with PPG paras 060-064¹, requires the Plan to support economic growth by providing for a steady and adequate supply of aggregates based on local determination by the MPA of the appropriate level of extraction. This is to be informed by an annual Local Aggregate Assessment (LAA) of demand and supply of aggregates, including from secondary, recycled and marine sources. The Plan requirement should be based on a rolling average of 10 years sales data but must also consider other relevant local information which looks ahead at possible future demand, such as levels of planned construction. Account should also be taken of the general trend of demand indicated by 3 year sales. In this connection, the MPA is expected to participate in, and take advice from, an Aggregate Working Party and take account of National and Sub-National Guidelines on future aggregate provision. The Plan should provide for a minimum 7 year sand and gravel landbank of expected supply from currently permitted reserves. PPG paras 083 and 084² set the basis for calculating the landbank as an indicator of demand. There is no maximum landbank and each application for mineral extraction is considered on merit. ECC duly participates in the EEAWP and the RMLP at paras 3.76-85 properly acknowledges these national policy provisions.

Aggregate Apportionment and Sales Data

34. The EEAWP advised in January 2013 that it supports its constituent MPAs in basing their plan provisions on the apportionments of the regional guideline

¹ former MASS Guidance paras 5 and 6 and footnote 1

² former MASS Guidance paras 10 and 23-26

figures for aggregate provision set down in the former East of England Plan of 2008 (EEP), but resolved not to comment on any further matters in individual LAAs [*CED-11*]. The annual sub-regional apportionment for the County of Essex for land-won sand and gravel is 4.31 million tonnes per annum (mtpa). This is the figure adopted in the submitted Plan as a basis for calculating the net total requirement from Preferred Sites.

35. However, data for the years 2002-2011 demonstrate that, since 2003, sales have fallen below the annual apportionment figure of 4.31mtpa and that the 10 year sales average is 3.62mtpa. The 3 year average from 2009-2011 is only 2.71mtpa during an acknowledged period of economic recession [*FI-05 para 3.7*]. None of these figures are substantially questioned in themselves. Dispute arises with regard to whether the lower 10 year sales figure of 3.62mtpa should form the basis of the Plan requirement for land-won sand and gravel, on grounds that other relevant local information is insufficiently robust to justify the proposed uplift, amounting to some 19 per cent.

Secondary and Marine Aggregates

36. There is also substantial concern among Representors that, irrespective of the overall requirement figure, there should be increasing contributions from secondary, recycled and marine-won sand and gravel.
37. Secondary and recycled sources are largely derived from construction waste and do not produce aggregates of high quality. Their market share is likely to remain relatively constant or to reduce due to increasingly resource-efficient building methods. ECC cites discussions with the Waste Resources Action Programme and the Mineral Products Association in confirmation of this. No substantive evidence was put forward in the Examination to support any assumed increase in the contribution to overall aggregate supply from secondary sources above that incorporated within the current LAA. The promotion of numerical targets for waste reduction is a matter for the emerging Waste Local Plan.
38. The contribution to the supply of aggregates by way of marine-dredged sand and gravel is discussed above in connection with the Duty to Co-operate. It is there concluded that MM1 is necessary to commit ECC to reviewing the potential marine contribution but that it would be impractical to quantify a potential increase in the proportion of marine aggregate use in Essex within the timescale of first review of the Plan pursuant to Policy IMR1. It follows that there is no ground currently for assuming an increase in the contribution to overall aggregate supply from marine sources above that detailed in the current annual LAA.

Windfalls

39. Whilst it is suggested that windfall planning applications can mitigate the requirement for allocated sand and gravel sites, historically there has been only a modest contribution from this source, arising from mineral extraction related to relatively small reservoir construction sites. There is no clear evidence that windfalls will play a substantial part in the supply of aggregates during the Plan period. Therefore no allowance for windfalls is appropriate.

Plan Requirement

40. In terms of overall land-won sand and gravel requirement for the 18 year period 2012 to 2029, the Plan provides for the full 4.31mtpa, equivalent to 77.58mt total. After deduction of 36.03mt existing supply as identified in the LAA, the shortfall at the end of 2011 was 41.55mt. Allowing for recent permissions, the required yield from Preferred Sites in the Plan amounts to 40.67 million tonnes. If the sales-based 3.62mtpa were used, the total requirement would reduce to 65.16mt and the shortfall to be met from Preferred Sites to 29.13mt. **[CED-05 Table 14]** In the calculation of existing supply, it is important to note that this can only practically be based on the estimate of total reserves with current permission for extraction as indicated in PPG para 083. Actual output can vary according to commercial practice and is beyond the control of the MPA.
41. ECC cites a range of economic factors, specific to the County of Essex, in support of the continued use of the former sub-regional apportionment figure, as opposed to the lower annual requirement derived from sales data. ECC reasonably argues that, as over 80 per cent of aggregates consumed in Essex are produced within the County, any economic recovery is likely to be related to increased activity in house building to which the mineral industry would need to respond.
42. Several indicators predict economic recovery within the timeframe of the RMLP **[FI-05 paras 4.3-14]**. The Oxford Econometrics East of England Forecasting Model (EEFM) shows Gross Value Added (GVA) in construction of the order of 17.9 per cent to 2031 compared with the decade to 2011, alongside an equivalent increase in demand for new dwellings over a comparable period. These figures are born out by Government household projections **[RED-05]** and by the former EEP, as well as rising forecast dwelling completions in several Districts within Essex, including in response to the requirement of the NPPF since March 2012 to boost housing provision. However, total future completions, following a peak in 2014-15, are hard to estimate due to Local Plans being at differing stages of preparation.
43. The Plan at para 2.19 and the LAA at paras 6.4 and 6.7 **[CED-05]** also envisage that major infrastructure projects will generate extra demand for aggregates from Essex. These include Crossrail, the Lower Thames Crossing, the Shellhaven Container Port and Bathside Bay business park, Harwich, within the Haven Gateway, where development is strongly promoted.
44. However, there is no quantitative evidence of such extra demand or that it would be required to be met from Essex. Moreover on the contrary, there is a history of reducing demand for aggregates, with the annual apportionment for Essex falling from over 6mtpa in the 1990s to some 4.5mtpa between 2003 and 2009 and finally to the current level favoured by the EEAWP of 4.31mtpa, itself in excess of actual sales for the past decade. Although the economic recession caused a sudden and unprecedented downturn in aggregate sales since 2007, distorting past trends, this underlying downward trend in demand must also be taken into account.
45. It does not appear on this evidence that the local factors cited will necessarily lead to an overall uplift in demand for aggregates from Essex that will set the County apart from other MPA areas. Although it is evident that the national

economy is recovering, the progress of that recovery remains uncertain. These considerations militate against the allocation of Preferred Sites for land-won sand and gravel extraction equivalent to the full 40.67mt, based on the County sub-regional apportionment, and in favour of the lesser amount of 29.13mt, related to past sales. As submitted, the RMLP provides for Preferred Sites yielding the full 40.67mt, to come forward without further consideration of need. In the circumstances, and given the generally adverse environmental impact of mineral workings, this provision is to be regarded, on balance, as excessive and the submitted RMLP as unsound in this respect.

46. At the same time, it is appropriate, and consistent with national policy, that the RMLP remains positively prepared to cater for economic recovery and a boost in home building, should these considerations lead in practice to an increase in aggregate sales within its time frame. The appropriate solution is for the Plan to continue to identify sufficient new or extended sites for sand and gravel extraction in the order of 40.67mt but only to allocate Preferred Sites sufficient to yield an amount of sand and gravel close to the 29.13mt based on sales data. However, to allow for the possibility of economic recovery, and thus maintain an appropriate degree of flexibility, the Plan should identify further sites to bring the supply up to the full sub-regional apportionment, if need arises. This would be indicated by the landbank, based on permitted reserves compared with the full requirement of 4.31mtpa, falling below the requisite 7 years. This change is achieved by allocating Reserve Sites.
47. National mineral planning policy and guidance are silent with respect to this approach. On the evidence however, it is appropriate in this particular case and ECC, although preferring to allocate the Preferred Sites as submitted, considers it to be workable. Nor is the designation of Reserve Sites a measure supported by the EEAWP. However, its approval of the regional apportionment stops short of commenting on other aspects of the LAA in any event and there is no question of reducing the total of the identified supply.
48. There is no conflict in this approach with the principle that there is no maximum landbank and that every application is treated on merit. The landbank level is merely used as an indicator as to when a Reserve Site should, in effect, be treated in the same manner as a Preferred Site by Policies S6 and P1. The alternative would be to reduce the overall requirement and to delete a proportion of the Preferred Sites altogether. This would be contrary to the best interests of mineral planning in the County should demand recover during the Plan period to a level reflecting the regional apportionment.
49. It is accepted that, depending on the economic climate throughout the Plan period, operators may choose not to bring forward the remaining Preferred Sites, such that the Reserve Sites might be approved ahead of them if the level of landbank indicated a need, resulting in an over-centralisation of supply. However, that is an unlikely eventuality, which is beyond the scope of the Plan or the control of ECC, whilst the prime objective to avoid County-wide over provision would still be met.
50. A suggested alternative to Reserve Sites is a production cap on all allocated sites. However, national policy is equally silent in this regard and, moreover, that approach could not fairly be introduced without renewed consultation on site assessment and selection. Furthermore it would be more likely to result in

an unwarranted proliferation of mineral workings, albeit smaller in scale individually. The latter consideration would in turn have commercial implications affecting deliverability.

51. Moreover, any form of production cap would be against national policy, wherein production targets are not to be regarded as ceilings, and a landbank is merely an indicator of supply at any point in time. Clearly the designation of Reserve Sites in the manner proposed has neither the intention nor the effect of capping production over the Plan period as a whole. Nor does it necessitate substantially rewriting the Plan if the Site Assessment proves already to have identified appropriate sites for allocation.
52. The principle of allocating Reserve Sites is suitably introduced by **MMs2-8 and MMs10-22** to Policies S2, S6 and S8 as well as to the Aims of the Plan, Table 1 and the supporting text. An addition to MM14 is necessary to make clear that sand and gravel landbank is calculated with reference to the full 4.31mtpa requirement.

Conclusion on Overall Land-Won Sand and Gravel Provision

53. In conclusion on the first issue, with the foregoing modifications the RMLP makes provision for the extraction of appropriate amounts of land-won sand and gravel. However, the soundness of the site assessment process and the suitability of individual Preferred and Reserve Sites and their respective estimated yields are separate matters for Issue 4 below.

Issue 2 – Whether the overall strategy of the RMLP is appropriate in terms of its spatial priorities for the distribution of mineral development and in relation to other plans providing for Waste Planning and Enforcement.

54. The Spatial Vision, Aims and Objectives of the RMLP are brought together in Policies S1 and S2. Policy S1 reflects the Presumption in Favour of Sustainable Development promulgated by the NPPF whilst Policy S2 duly accords policy status to the Aims and Objectives by setting out 9 Strategic Priorities for mineral development. Priorities 1-5 and 9 cover reducing greenhouse gas emissions, protecting public health and the environment, reduction and recycling of waste and safeguarding mineral resources and transshipment facilities. Priorities 6 and 7 relate to allocating sufficient sites to provide a steady and adequate supply of minerals with the best possible geographical dispersal across the County, supporting key growth areas and infrastructure whilst minimising road transport in terms of mineral miles. Priority 8 highlights progressive phased working and high quality site restoration, beneficial after-use and the protection of the best and most versatile agricultural land (BMVAL).
55. The spatial priorities of Policy S2 are expanded in more detail in, for example, Policies S3 and S4 on climate change and reducing the use of mineral resources, and in Policies S10 and S12 on environmental protection and site restoration, including the preservation of BMVAL and achieving a net gain in biodiversity.
56. With particular reference to sand and gravel resources, there is an excess of resource and a wide choice of location in Essex. It is therefore not necessary for the Plan to reiterate the principle that minerals can only be won where they occur. Nor is there any tension between the two stated principles of dispersal to serve the main Essex towns as growth areas and minimising mineral miles,

- especially as the majority of locally land-won aggregate is consumed within the County and only around 14% exported to London, for example.
57. Following public consultation on a range of dispersal options, the Plan adopts a hybrid strategy combining both extensions to existing sites and the allocation of new sites. This was supported by a majority of consultees as well as by the SA.
 58. Properly read as a whole, the RMLP addresses an appropriate range of material planning interests and adopts a logical approach to geographical dispersal in connection with the selection, working and restoration of mineral sites. The Plan thus promulgates a sustainable and logical strategy for mineral development in Essex.
 59. The provisions of the RMLP potentially overlap with those of the emerging Waste Local Plan. However, there is diminishing availability of waste for use in the restoration of mineral sites. This Plan therefore generally favours low level restoration. Moreover, whilst Site Waste Management Plans have been employed in the past, their future use is evidently uncertain. In the circumstances, the question of the use of landfill and the management of waste in connection with mineral development is best separately addressed in connection with the Waste Local Plan.
 60. There is also potential overlap with the ECC Local Enforcement and Site Monitoring Plan [CED-02]. However, whereas appropriate enforcement action against non-compliance with planning conditions might reduce the output of a site subject to such action, the Plan contains sufficient flexibility, including the option for early review under Policy IMR1, to address any shortfall.
 61. Concluding on the second issue, the overall strategy of the RMLP is based on appropriate spatial priorities for the distribution of mineral development and avoids conflict with the emerging Waste and adopted Enforcement Plans. The strategy therefore accords with current national planning policy and guidance and is sound in itself. However, it remains to consider, with particular respect to Issue 4 below, whether the Plan implements its objectives in practice.

Issue 3 – Whether the RMLP should provide for a separate landbank for building sand

62. Before turning to the crucial site selection process it is necessary to consider the cases for and against a separate building sand landbank. The Plan at para 3.82 states that it is unnecessary and impractical to maintain separate landbanks for concreting and building sands. The NPPF at para 145 and the PPG at para 085³ support separate landbanks for specific mineral products, including building sand, where justified by a distinct and separate market. Whether a separate landbank is appropriate therefore depends on whether it is feasible to calculate the reserves of sands in Essex suitable for building use.
63. In the Examination, and in this Report, the term 'building sand' is used in preference to 'soft sand' to distinguish sands used in building materials, mainly mortar, from products used as fine aggregate for the manufacture of concrete. This is consistent with the terminology used in national specifications. However,

³ former MASS guidance at para 28

all representations made with reference to 'soft sand' are taken into account, including a call for a further distinction between dry natural and wet-screened building sands.

64. It is noted that, in a minority of cases, separate building sand landbanks are identified in mineral local plans elsewhere. However, this is usually in response to a high reserve of bedrock sands, as opposed to superficial sand and gravel deposits such as occur widely in Essex. The latter give rise to a wide variety of sand products for which the separate end uses in relation to physical characteristics are difficult to identify.
65. Notwithstanding common parlance and assumption, there is no evidence that building sands can only be obtained from particular sources or that any specific sand reserve in Essex can only furnish building or concreting sand end uses. This is born out by British Standard specifications in terms of building sand being produced from a wide variety of sources based largely on grading by particle size. Moreover, there is nothing in national specifications relating to production methodology, such as dry or wet processing, to imply that such a further distinction is justified in mineral planning. Such commercial practice is, in any event, beyond the control of ECC as MPA. **[FI-06]**
66. However, there are evidently distinct markets for a range of products that emerge from the single sand and gravel landbank including sales in Essex of some 0.45mtpa of building sand, about 0.13mtpa of which has historically been produced at a single quarry. **[RED-02]**
67. There is no evidence that the permitted and allocated sand and gravel reserves in the County cannot continue to produce sufficient quantities of building sand to meet demand, or that such demand is not being fulfilled at present. At the same time, albeit due to commercial confidentiality, ECC has not provided any analysis of annual monitoring returns to show that they can. On current evidence therefore, it is not practically feasible to calculate a separate landbank for building sand in any event and there is no justification for a separate building sand landbank in the RMLP as submitted.
68. However, to be sound, the Plan should contain a commitment to continue to review the situation, as part of annual monitoring, should a shortage of building sand arise which could be addressed by way of a separate landbank in a future review of the Plan. Such a commitment is suitably introduced by **MM9** to para 3.82 and **MM41** to the Monitoring Framework Table 8.

Issue 4 – Whether the process adopted by ECC for the selection of Preferred Sites and Reserve Sites for sand and gravel extraction justifies the allocations made by the RMLP

Requirement

69. It is concluded in connection with Issue 1 above that the yield of sand and gravel from Preferred Sites should be reduced to a figure in the region of 29.13mt but that an additional amount should be available from Reserve Sites, retaining the total required from all identified sites of 40.67mt. However, Reserve Sites are only to come forward if the landbank falls below 7 years, calculated by comparing the total figure of 40.67mt with the amount of currently permitted reserves. It is first necessary to consider whether the

Preferred Sites in the Plan as submitted are acceptable, before assessing whether certain of those, or alternatives, should be allocated as Reserve Sites.

Site Assessment Overview

70. The justification and effectiveness of the site selection process is measured not only by the logic of its approach but by its outcomes, in terms of the nature and planning impacts of the sites identified. For this reason, the Examination Hearings were taken through to completion to include the wide ranging concerns over the effect of certain sites, before any conclusions were drawn.
71. The understandable disquiet following the modification of the site selection process after the preferred options but before the pre-submission public engagements is discussed in the assessment of legal compliance above. The proper question to be addressed here is whether the submitted Plan is robustly supported by the selection process finally adopted and set down in the Site Assessment Report [*SD-10*].
72. The Site Assessment begins with some 46 identified potential sand and gravel sites. The combined Stages 1 and 2 of the Assessment consider a range of social and environmental factors resulting in a Red, Amber or Green (RAG) classification for each factor and a numerical score for each site as a whole, albeit sites were not selected simply on that basis. The Amber classification is subdivided Amber 1 to Amber 3 in increasing significance. Any Red classification gives rise to rejection at Stage 2. All sites passing Stages 1-2, that is those having only Amber and Green classifications, are regarded as environmentally and socially acceptable in principle. Stages 3 to 5 involve judgements as to which sites best fit the strategy: Stage 3 concerns their proximity to growth areas and the efficient dispersal of the mineral supply; Stage 4 concerns cumulative transport impacts; Stage 5 considers their potential for biodiversity habitat creation and wider community benefits as well as restoration limitations. The final Stage 6 confirms the selection after SA.
73. There is little question that the Site Assessment employs an appropriate range of selection criteria at each stage. However, there is a widespread view among local residents, concerned for their environment, and mineral operators, concerned for their businesses, that the process is flawed in both its approach and its judgements in applying those criteria and in setting the Specific Issues to be Addressed in individual planning applications.
74. In order to determine whether the selection of sites is justified, it is necessary to consider, first, whether the RAG classification at Stages 1-2 is appropriately applied, second, whether the sites chosen after passing Stage 2 have been properly selected with reference to the Stages 3-5 criteria and, third, whether any would nevertheless have unacceptably adverse planning impacts which could not be resolved with reference to the Specific Issues to be Addressed listed against each allocation.

Site Assessment Stages 1-2

General

75. Local residents express concerns about the potential impact of future mineral working over the whole area of the Preferred Sites up to their boundaries, as

drawn on the Site Maps in Appendix 5 to the Plan. However, these maps need to be viewed in conjunction with the Specific Issues to be Addressed listed for each site and in the light of the range of planning controls inherent in the policies of the Plan as whole. The allocations of the Plan establish the pattern of development in relatively broad principle. The details and extent of the actual excavation and storage of overburden and the extraction of mineral are for future consideration in connection with detailed planning applications.

76. The Site Maps indicate the full extent of the mineral interest concerned. Where material planning interests within the site boundary require protection, the extent of extraction can be subject to limitation. At the same time, land within the allocation boundary remains available to provide buffer zones or to create, for example, earth bunds or landscape screening. These can be secured by way of planning conditions imposed on any permission.
77. It is beyond the scope of this Report to anticipate the detailed planning effects of potential future development proposals. At this stage it is necessary for such considerations to remain proportionate to the level of detail the Plan itself provides. The following appraisal is made against this background, addressing the main concerns which are essentially the same for all the most controversial allocations.

Visual and Landscape Impact, Residential Amenity and Health, Heritage Assets

78. Any site presenting a risk of significant adverse impact on an Area of Outstanding Natural Beauty, or other major landscape impact, which could not be mitigated is automatically classified Red and rejected. These results are based on formal landscape impact assessments and, although judgements vary as to the degree of severity, there is no evidence that any site which could cause irreparable harm to the landscape has been selected for further consideration.
79. If more than 200 residential properties, or other sensitive uses such as schools or hospitals, would lie within 250 metres of a site, or more than 10 dwellings would be closer than 100 metres from an extraction area, the site concerned is given a Red score and is rejected. Graded Amber 1-3 scores are attributed where any lesser number of properties lie within those distances. The degrees of potential impact on visual amenity, and on existing tranquillity ratings mapped by the Council for the Protection of Rural England, are similarly graded.
80. Noise, dust and other effects on amenity or related to health are measured largely by simple observation of existing levels and in relation to past environmental health complaints. Notably, only one site is rejected on grounds of existing severe harm to amenity or pollution and it is difficult to predict the likely health and amenity effects of new or extended mineral extraction. However, linked to the foregoing distance criteria and given that such impacts are subject to separate environmental health legislation, the graded Amber to Green Scores assigned to most sites can be taken as an indicator that such factors can be assessed and properly controlled.
81. There are many heritage assets, and in particular listed buildings, within or near to many of the allocated Preferred Sites. The importance of their protection is highlighted by the large number of Amber 3 scores attributed in light of information from English Heritage. However, given the scope to curtail mineral

activity close to listed buildings and to provide them with screening buffers for the duration of the works, it is not evident that any sites likely to cause irreparable harm to heritage assets have passed Stages 1-2 of the Site Assessment.

Biodiversity

82. The overall provisions of the RMLP for biodiversity are considered further under Issue 5 below, including the question of baseline surveys of existing biodiversity interests.
83. Based on a specialist ecological assessment and consideration of the Habitat Regulations Assessment, all 46 sites entering Stages 1-2 of the assessment gain a range of Amber scores with none Green. These are ascribed according to the potential impact on Natura 2000 and national designations as well as sites identified in the Essex Biodiversity Action Plan and known protected and notable species. A score of Amber 3 indicates that only small scale extraction may be acceptable but this does not apply to any of the sites that passed Stages 1-2 overall.
84. At the same time, no Red scores are assigned on the basis that to do so at this stage would anticipate the outcome of further Appropriate Assessments under the Habitats Regulation required in connection with individual planning applications. Whilst the absence of Green scores highlights the potential for ecological harm, the provision for later Appropriate Assessment offers a sufficient further safeguard, such that the appraisal which has been undertaken in connection with this Plan is proportionate with respect to biodiversity.

Best and Most Versatile Agricultural Land

85. Using the most up to date information for each site, Amber scores are attributed according to whether, and to what extent, mineral development would disturb agricultural land of Grades 1 to 3, which is subject to protection by the NPPF. It is broadly accepted that such land can be restored to its original grade and it is for the determination of individual planning applications to include consideration of the appropriate constraints and conditions to ensure this.

Flood Risk and Hydrology

86. Based on information from the Environment Agency and the Strategic Flood Risk Assessment (SFRA) [SD-09], potential flood risk is assessed and no sites are rejected due to unacceptable flood risk or proximity to water protection zones at Stages 1-2. Preferred Sites, in practice, generally have Green and Amber 1-2 scores. It is for detailed flood risk and hydrogeological assessments in connection with future planning applications to determine acceptable flood risk mitigation measures.

Road Transport

87. Sites are assessed by the highway authority in two stages, the first relating to compliance with transport policy and the second to the technical deliverability of access. Considerations include potential traffic generation, need for off-site processing of mineral and the availability of a suitable route to the main road network. The latter is required to be over as short a distance as possible without undue detriment to safety or the efficiency of the local road network.

Thereafter, the impact on the trunk road network is taken into account. Options for rail or water transport are noted for information. Some sites scored Red on access but all those passing Stages 1-2 scored Green, leaving further consideration of transportation for Stages 3-4 and site specific assessment. This aspect of the assessment is proportionate at this stage.

Deliverability

88. ECC is reliant upon information, sometimes commercially confidential, from mineral operators as to the nature, extent and quantity of mineral reserves and the amounts of aggregate deliverable from any sand and gravel site. These figures are conventionally provided in net terms, taking account of any processing losses in the course of production. One operator in particular asserts that an allowance in the order of ten per cent should be made over the calculated plan requirement to account for such losses. However, there is insufficient evidence for such an allowance to be made, having regard to general practice throughout the mineral industry as a whole.
89. There are sometimes conflicting assertions between operators regarding the overall quantities of winnable reserves from certain sites. These are made on grounds of legal and physical constraints, including with respect to overburden ratios or hydro-geological limitations on extraction and restoration. In the circumstances, ECC can do no more than take the returns and estimates of operators as its starting point for the estimation of site yields and deliverability. The importance of continuous monitoring of actual production to inform future Plan review is properly addressed by Policy IMR1. With only two exceptions, the sites assessed at Stages 1-2 are Classified Green with respect to Resource and Timeframe of Delivery and there is no substantial evidence to contradict these judgements.

Conclusion on Site Assessment Stages 1-2

90. The initial combined Stages 1-2 of the Site Assessment apply an appropriate range of criteria such that the RAG classifications and the overall scores are properly ascribed. These are based on judgements which ECC is entitled to make on the available evidence. The safeguard remains that any future planning applications within the Preferred Sites will be subject to further detailed consultation and appraisal, including specific Environmental Impact and Appropriate Assessments as required under the relevant Regulations. Notwithstanding that the RMLP may be sound on the evidence proportionate to its preparation, planning permission could still be refused in the event that planning impacts could not be mitigated acceptably.

Potential Co-location of Ready-mix concrete plants and Waste Recycling facilities

91. The potential for the co-location of associated ready-mix concrete and waste recycling facilities was not considered at Stages 1-2 but is a matter for detailed planning applications.

Site Assessment Stages 3 to 6

General

92. There is concern among Representors that, in the choice between sites which have passed Stages 1-2 of the Site Assessment, no further comparison is made

between them with reference to the degree of their several planning impacts but only with reference to the Stages 3-5 criteria. In principle, that is a valid criticism of the approach of the Assessment, which carries a danger that unjustified selections could be made if the overall Stages 1 and 2 RAG scores varied widely.

93. In practice, however, the scores of all 46 sites assessed are between 25 and 50 whilst those of the 23 sites which passed Stages 1-2 are all 35 or more and those of the Preferred Sites are all 40 or more. Thus, whether as an aim or as a result of the strategy, the Preferred Sites allocated in the Plan are broadly those with the higher scores in any event. In effect therefore, given the foregoing conclusion that the Stages 1-2 scores were appropriately ascribed, the selection between sites judged to be environmentally and socially acceptable can reasonably be based on the Stages 3-5 criteria. The main factors covered are briefly reviewed in the following paragraphs.

Stage 3 - Proximity to Growth Areas, former Western Weighting, Mineral Miles, Local Supply and Demand and distance from sensitive properties

94. At Stage 3 of the Assessment, Preferred Sites are first identified from those passing Stages 1-2 broadly on their proximity to the main towns of the County and to the Haven and Thames Gateways growth areas. This is consistent with the County-wide distribution strategy of the Plan as a whole. One of the main concerns among Representors revolves around the use of an indicative optimal transport distance from source to end use of 20 kilometres. That was introduced at the pre-submission stage in preference to the six-point **'western weighting' formerly applied to the scores of sites in the west of the County** at the Preferred Options stage of public engagement. This in itself attracted opposition. However, on fresh examination the 20 kilometre criterion logically applies the spatial strategy and results in a reasonable distribution of sites with respect to growth areas, albeit with a greater concentration in Braintree.
95. Representations are made that this approach ignores the potential for certain **sites to serve local markets and reduce 'mineral miles' travelled by road**. This applies in particular to certain sites in the east close to Colchester and in the west near Harlow, including existing operations with potential for expansion. However, there is no overriding evidence that mineral products from those or any other source would necessarily be destined for local markets or any other more distant markets within or outside Essex. The mere proximity to a potential local market does not therefore override the broad application of the spatial priority of strategic distribution.
96. At this stage the amount of a site which would lie within 250 metres of a defined settlement boundary was further taken into account.

Stage 4 - Transport Impact, Rail and Water Transport

97. Total HGV traffic is evidently around only 6 per cent of overall traffic flows on the main County road network and it is to be expected that the amount of additional mineral traffic due to the operation of the Preferred Sites could be accommodated within its capacity. More locally, sites are preferred where they enjoy existing access direct to the main road network.

98. Potential benefits of non-road transportation from certain rail and wharf sites are outweighed by local access considerations.

Stage 5 – Restoration and Biodiversity Habitat Creation

99. Finally, the **Plan at para 3.197 sets an 'ambitious' target to create a minimum 200 hectares of priority habitat to enhance biodiversity.** Any site with potential to contribute as a flagship scheme to this target is favoured.
100. At the same time, whilst some infilling to protect listed buildings is accepted, a wider need for restoration by infilling counts against a site in view of diminishing sources of material for that purpose.

Stage 6 – Sustainability Appraisal

101. The SA concludes that the extraction of sand and gravel from the Preferred Sites will have minimal significant impacts on sustainability objectives, noting that the presence of BMVAL should not prevent extraction. The SA records many benefits, as well as potential for mitigation of adverse effects, including those on health, amenity, water resources, the landscape and the historic environment.

Conclusion on Site Assessment Stages 3 to 6

102. Stages 3 to 5 of the Site Assessment apply a further range of appropriate criteria as a basis of selection between sites found in Stages 1-2 to be environmentally and socially acceptable. The judgements made by ECC are in general compliance with the stated strategy of the Plan and are borne out in the SA at Stage 6 of the Assessment. This concludes overall that the Preferred Sites would be unlikely to cause significant negative impacts save in respect of the temporary removal of soils from BMVAL and that mitigation is possible in each case, including in regard to human health, with some long-term benefits accruing.

Specific Issues to be Addressed

General

103. All of the written and oral representations raising concerns over the effects of all the Preferred and Reserve Sites are taken into account, together with the responses to them by ECC both orally at the hearings and in writing. Those allocations proving to be the most controversial are here briefly considered individually.

Bradwell Quarry, Rivenhall – Sites A3-A7

104. Sites A3 and A4 are contiguous with the existing quarry and processing site, relatively small and uncontroversial.
105. Sites A5 and A6 would further extend the existing extraction area respectively to the south, toward Silver End, and to the south east, whilst the largest Site A7 would reach much further east into open farmland, bounded on its northern edge by the protected Cuthedge Lane.
106. Crucially, before any development could commence, the working, phasing and restoration of any of these sites would be subject to an approved Masterplan

covering them all, in conjunction with recently approved mineral and waste management facilities within the existing site. This is a requirement of each of the tabulated site profiles 9-13 of Appendix 5 to the Plan.

107. In particular, sand and gravel would be processed via the existing plant and mineral traffic would make use of the existing site access to the A120, once improved, with lorry movements restricted to present levels.
108. Although relatively far from any conservation area, the sites themselves contain a rich variety of historic interests. These include public footpaths, listed buildings and vestigial airfield features, whilst the former Polish Camp lies immediately outside the south eastern site boundary.
109. Although public rights of way would have to be diverted during mineral extraction, their links to either side of the sites could be maintained. There is scope for protection of listed buildings and historic features by curtailing excavation and requiring protective bunding or screening for the duration of that section of the works affecting them. The estimated yield of the sites evidently takes such constraints into account.
110. Although temporary bunding would alter the landscape for some time, views of the works would be moderated by distance and by boundary vegetation already planted and maturing. There would be closer views from Cuthedge Lane, though the Lane itself would not be directly affected. The overall effect of the development on the landscape after restoration would be neutral.
111. The sites also contain a rich variety of biodiversity interests, including protected species. At this stage, there are no recorded objections to any of these allocations from Natural England or the Wildlife Trust. However, a full Environmental Impact Assessment (EIA) would be required of any planning proposal to include ecological compensation as well as an appraisal of potential noise and dust pollution to nearby communities, together with measures for their control to protect public health. High quality agricultural soils are required to be preserved on site and replaced as part of site restoration.
112. The Specific Issues to be addressed in connection with each of the Bradwell Quarry Preferred Sites A3 to A7 are sufficient in their scope and terms to provide a proper framework for the control of any future mineral development.

Sunnymead, Alresford - Site A20

113. This allocation would substantially extend eastward the existing operation at Wivenhoe Quarry.
114. There is competing evidence regarding the overburden ratio and the hydro-geological characteristics of the site in relation to its deliverability and the feasibility of the preferred low-level restoration. Whilst the site promoter has indicated a preference for restoration by imported inert filling material, current information is that the water table is low enough to permit working and restoration, mainly at low level. Whilst it is likely that restoration would involve the creation of a water body, the allocation offers an opportunity for biodiversity enhancement as an identified flagship scheme.
115. The indicative haul route is westward via the currently permitted site toward the existing Keelars Lane underpass. It is envisaged that heavy goods vehicle

movements generated by the extension would not exceed current levels from the permitted site. There is no evidence that lorry traffic could not be satisfactorily accommodated on the highway network, subject to a Transport Assessment of any future detailed planning application.

116. There is no reason to doubt that appropriate distance buffers and temporary earthwork bunding could be provided to protect some 27 houses situated less than 100 metres from the excavation area, as well as a Local Wildlife Site at the southern boundary and a public right of way that abuts the extraction area.
117. The Specific Issues to be Addressed in connection with the Sunnymead, Alresford, Preferred Site A20 are sufficient in their scope and terms to provide a proper framework for the control of any future mineral development.

Broadfield Farm, Rayne – Site A9

118. Residents of nearby Rayne and along Dunmow Road are understandably worried about the prospect of a new mineral site to the west of the village with access to the A120 via a new entrance onto the B1256. The development would visibly disrupt the high quality agricultural landscape, including BMVAL, and protection would be required for Local Wildlife Sites in nearby woodlands as well for protected species within the site. There are thought to be archaeological remains beneath the site, also requiring prior investigation. There is local concern that site operations and lorry traffic would cause harm to health and amenity, including at the village school, as well as traffic delay and congestion.
119. However, the site is sufficient in extent for sensitive features to be protected by temporary earth bunding and distance buffers, whilst already maturing boundary vegetation would mitigate visual intrusion. The number of lorry movements would represent only a small percentage of the total traffic already on the routes concerned and there is no evidence of any current road safety or congestion issues that would preclude the level of mineral traffic envisaged.
120. Equally, there is no substantial evidence that noise or air pollution due to the works could not be kept to acceptable levels, including at the nearest dwellings and at the school. Historically, emissions from sand and gravel workings in Essex have rarely given rise to issues not resolved by enforcement action by the environmental health authority and it is noted that dust from such works are generally not of the particle size likely to cause harm to human health.
121. The hydrology of the site would need to be investigated fully, as parts of the land are liable to flood risk and there are groundwater abstraction points in the vicinity. Careful restoration would be required to blend revised low-level contours with the surrounding area. Past consideration of restoration to open water bodies has heightened uncertainty about the practicality of low-level restoration but current information is that, subject to detailed EIA of any actual proposal, including hydro-geological studies, ground water levels would allow low-level restoration of original soil to high quality agriculture over much of the land. Indeed, the site is regarded as having potential for overall biodiversity enhancement as a flagship scheme contributing to the 200 hectare habitat creation target.
122. Overall, there is no substantial evidence that the impacts of mineral extraction could not be mitigated acceptably with reference to established standards. The

Specific Issues to be Addressed in connection with the Broadfield Farm Preferred Site A9 provide an appropriate framework for this to be achieved, including by way of appropriate detailed ecological and hydro-geological studies.

Shellow Cross, Roxwell – Site A40

123. This new allocation between Elm Road to the south and the A1060 to the north lies within relatively open, undulating farmland to the east of Roxwell, inside the Metropolitan Green Belt.
124. There would be a cross-country haul route so that access from Elm Road would be prohibited and all on-site processing would be confined to the northern area with direct access to the A1060. Subject to a Transport Assessment of any detailed applications, it is anticipated that a safe vehicle entrance could be constructed, incorporating an appropriate right-turn lane. In this way, traffic impact would be minimised and kept to an acceptable level.
125. There is much local concern regarding lengths of ancient hedgerows remaining on the site as a vestige of the historic Essex field system, as well as a range of Local Wildlife Sites and protected species currently enjoying relative tranquillity. Several listed buildings and some homes near the site would require appropriate protection of their setting and amenity. The overburden ratio of around 3:1 is relatively high, giving rise to concern that the visual impact of stockpiling would be more severe than indicated in the Stages 1-2 score of Amber 3. The economic viability of winning this particular resource is questioned for the same reason.
126. Whilst the further loss of existing landscape features is a material consideration, the overall visual impact during extraction could be mitigated by progressive, phased working, with the height and location of stockpiling controlled by planning condition. When comparison is made with, for example, Site A25 - Eisenham Quarry which scored Red for landscape impact, that site is regarded as more visible due to its bowl-shape and hillside location. Controls over phasing and stockpiling would also limit the effect on the openness of the Green Belt, where the presumption against inappropriate development does not essentially apply to mineral development in any event.
127. Detailed EIA would be required as a basis for protection of nature conservation interests and listed and other buildings, including by screening to reduce the impact of nearby excavation to an acceptable level for the duration of that phase of the work affecting them. There is no evidence at this stage that this site is exceptionally tranquil or that suitable measures could not be put in place to safeguard wildlife. With particular reference to the property known as Mountneys, the working area would need to be curtailed to the north within the Preferred Site delineated on the Plan to Table 22, in effect reducing the site area as required by Item 12 of the Specific Issues to be addressed.
128. The economics of extracting mineral from areas of relatively thick overburden varies between different parts of Britain and, notwithstanding values commonly encountered in Essex closer to 1:1, the higher value in this case is not so unusual as to render the promotion of the site unrealistic on current information.

129. On balance, the Specific Issues to be Addressed in connection with the Shellow Cross Farm Preferred Site A40 provide an appropriate framework for the control of mineral extraction.

Land at Colemans Farm – Site A46

130. The currently proposed Preferred Site at Colemans Farm is reduced from an earlier proposal and was added late in the Site Assessment process. The site lies in Rivenhall Parish between Braxted Park Road to the north east and Little Braxted Lane to the south west. Access to the nearby A12 junction 22 would be facilitated via a haul road across open land from a new junction on Little Braxted Lane. Lorry routes could be controlled to exclude a nearby conservation area. Otherwise, despite local concern regarding potential for traffic accidents, there is no highway authority objection, subject to a Transport Assessment of any detailed proposal to include consideration of a safe temporary diversion of a bridleway crossing the site.
131. Little Braxted Lane is an ancient route valued for its rural character, although the more recently constructed junction with the A12 has brought an urban influence to the locality. The addition of further engineering works to provide the site access would be seen against this background.
132. The site is not widely seen from distant viewpoints but is visible from the A12 and from local properties, including listed buildings. The overburden ratio is low but it is envisaged that restoration is feasible without the need for infilling to protect heritage assets but with the inclusion of an open water body. The SA therefore indicates negative impact on the landscape justifying a Stages 1-2 Amber 3 score as well as loss of BMVAL. However, there is potential for flagship biodiversity enhancement.
133. The site lies close to the tranquil Blackwater River Valley, where there is local fear of flooding should mineral extraction disrupt the groundwater regime. That would potentially threaten poplar and cricket-bat willow plantations downstream, as well as protected species. An Appropriate Assessment under the Habitats Regulations would therefore be required. However, neither the SFRA nor the EA record any undue flood risk at this stage. Biodiversity enhancement could include the creation of reedbed habitat complementary to the Blackwater Valley with the benefit of balancing downstream water flows.
134. The deliverability of the site is questioned with regard to both the cost of the necessary access works and the presence of archaeological remains of uncertain extent. At the same time, there is no clear evidence to support these concerns. There is also general concern regarding noise and disturbance to residential amenity, but nothing to suggest that it could not be acceptably mitigated.
135. All such issues would be addressed by EIA of any future development proposal as highlighted throughout the Specific Issues to be Addressed, which are sufficient in their scope and terms to provide a proper framework for the control of any future mineral development at Colemans Farm Preferred Site A46.

Overall Conclusion on Specific Issues to be Addressed

136. In addition to objections to the foregoing most controversial allocations, due consideration has been given to every concern raised in connection with the

other Preferred Sites. In each case, the Specific Issues to be Addressed, listed in Tables 9-24 of Appendix 5 to the RMLP, provide a sufficient framework for ECC as MPA to consider and appraise any future planning applications for sand and gravel extraction within the Preferred Sites concerned.

Cumulative Impact

137. Whereas Stage 4 of the Site Assessment addresses cumulative impacts related to lorry transport, there is much expressed concern regarding perceived cumulative impact of aggregate extraction in a broader sense, especially by the Councils and electors of Braintree District and Chelmsford City. This stems from the fact that the greater number of Preferred Sites are located within the administrative boundaries of those two local authorities, with nearly half the total allocation being situated in Braintree, associated with Bradwell Quarry, Rivenhall.
138. The function of the RMLP is to establish the pattern of future mineral development across Essex as a whole without an overconcentration of mineral sites in any one location. However, it is no part of the Plan strategy, or of the Site Assessment process, to seek to balance the distribution of development on the basis of district boundaries. Notwithstanding the wide choice of potentially developable sites in other districts it is appropriate that sites are selected with reference to their individual merits and planning impacts.
139. The fact that those sites selected as environmentally, socially and strategically acceptable are not more evenly distributed between the component districts of the County might understandably be seen as objectionable from a local standpoint. However, there is no evidence that there will be unacceptable cumulative planning impact in the sense that any community will be surrounded by an overconcentration of simultaneous, multiple mineral developments because there is invariably reasonable separation between the Preferred Sites.
140. Given the available planning controls by way of the development management policies of the Plan and the Specific Issues to be Addressed in connection with each site, there is no ground to find the Plan unsound with respect to potential cumulative impact. This question would fall to be reconsidered in connection with any future planning application in any event.

Conclusion on the Site Assessment overall

141. Given the limited remit of the Examination to assess soundness but not seek to improve the Plan, it would be inappropriate, and against the principles of Localism, to vary the allocations of the Plan contrary to the views of the elected County Council as MPA, merely on a subjective judgement between alternatives. It is concluded that, judged pragmatically on its logic and outcomes, the selection of sites for inclusion in the Plan is justified and that the Site Profiles, tabulated in Appendix 5, set down appropriate and sufficient criteria for their development in terms of Specific Issues to be Addressed.

Identification of Reserve Sites

142. However, for the reasons set out above, it is now necessary to determine which of the sites selected in the Site Assessment Report should be re-allocated as Reserve Sites. ECC provided for consultation with the Schedule of MMs an

- Addendum to the Site Assessment Report [*SD-10 Addendum*]. This re-applies Stages 3 to 5 of the Site Assessment, identifying Preferred Sites A6 and A7 at Bradwell Quarry to be re-allocated as Reserve Sites with a total estimated yield of 9mt. These sites are in an area of relatively high concentration of sand and gravel allocations within 20 kilometres of Colchester.
143. The five sites allocated in the submitted Plan at Bradwell Quarry already account for almost 40 per cent of primary extraction from new sites. This would rise to nearly 50 per cent if different Preferred Sites close to other urban areas were re-allocated as an alternative. Moreover, there is nothing to suggest that development growth and consequent demand for aggregates will be particularly weighted toward Colchester among other key centres. Placing Sites A6 and A7 in reserve would avoid an over-concentration of Preferred Sites in this single area and improve the geographical spread of mineral development within the County, in line with Plan strategy. These conclusions are born out in an Addendum to the SA [*CED-10 Addendum*] which was the also subject to consultation with the MMs.
144. It is noted that, in practice, as Preferred Sites, these two allocations would not necessarily come forward later in the Plan period than any others. Their deferment as Reserve Sites thus has commercial implications for the integrated working and restoration of the five new Bradwell Quarry allocations, Sites A3-A7, when viewed as a whole. However, the avoidance of a proliferation of mineral working, unless justified by planning need, is the primary consideration.
145. Furthermore, the remaining Preferred Sites are better located to reduce travel distances overall. This is graphically illustrated in the Site Assessment Addendum [*SD-10 Addendum Map 1*]. Their retention is therefore necessary to maintain the improved relative distribution of sites.
146. The calculation of sand and gravel requirements and the estimation of the potential yield of individual sites is at best an inexact process. In the circumstances, the reduction in Preferred Sites equivalent to 9mt, or just over 22 per cent, is sufficient to avoid an unacceptable over provision in the County as a whole.
147. The deferment of Site A7, whilst avoiding some degree of harm to existing biodiversity interests, reduces the potential for net gain in biodiversity by way of the flagship biodiversity scheme envisaged for the site. On balance, any such disadvantage does not override the broad benefit of avoiding mineral extraction if it proves to be unnecessary.
148. With respect to the spatial distribution of mineral development, it is suggested in response to the MM consultation that, in identifying which of the allocations are to remain as Preferred Sites, preference should have been given to extensions to existing quarries and also that account should be taken of the working life of currently operational sites. However, in the re-application of the Site Assessment and selection process to determine Reserve Sites, account is automatically taken of the presence of existing permitted reserves because that formed part of the original assessment. Moreover, the hybrid strategy adopted involves a mix of extensions and new development. Furthermore, with the exception of Bulls Lodge Quarry as one of the more central southerly current operations, most existing reserves are likely to be worked out before the end of

the Plan period. As a result the distribution of mineral development allocations about the County will remain in accord with the Plan strategy.

Overall Conclusion on the Selection of Preferred and Reserve Sites

149. It is concluded on the fourth issue that the process adopted for the selection of sites for sand and gravel extraction justifies the allocations made by the RMLP. However, **MMs 23-34** are necessary to Policies P1 and P2, their supporting text and Table 5, in order to give effect to the re-allocation of Sites A6 and A7 at Bradwell Quarry as Reserve Sites. With those changes the RMLP is sound with respect to its allocated Preferred and Reserve Sites for sand and gravel extraction.

Issue 5 – Whether the RMLP makes appropriate policy provisions for safeguarding mineral resources and handling facilities, protecting and enhancing biodiversity, development management and for its own monitoring and review

Safeguarding

150. Policy S8 safeguards mineral resources by way of Mineral Safeguarding Areas (MSAs) defined on the Policies Map and requires consultation on planning applications to avoid conflict with competing development within Mineral Consultation Areas (MCAs) extending 250 metres outside the MSAs. The MCAs are thus properly based on the MSAs in line with NPPF para 143. Policy S9 safeguards specific mineral transshipment and processing facilities.
151. Policy S8 imposes a range of balanced criteria to trigger consultation on all development proposals within a MSA, other than certain listed exceptions, above a certain size depending on the nature and extent of the reserve. For sand and gravel the threshold is 5 hectares and there is no locational criterion for requiring consultation. Although arbitrary, the 5ha threshold was subject to public consultation and this approach is justified, given the wide extent of sand and gravel reserves in Essex, where prior extraction need not always be necessary. Where prior extraction is required, its environmental impact and site restoration remain under the control of Policies S10 and S12 as well Development Management Policies DM1-2.
152. Policy S9 includes Bulls Lodge coated stone plant for safeguarding. In contrast, Policy S8 merely applies safeguarding broadly across all identified mineral resources, including the permitted sand and gravel reserves supporting the main quarrying activity at Bulls Lodge. With two relevant planning permissions to 2020 and 2030 respectively, these reserves contribute to the County supply during the Plan period. It is known that mineral extraction at Bulls Lodge is currently running behind schedule and that a time extension is likely to be required for its completion. There is concern that these reserves require express safeguarding from competing development nearby which could jeopardise permission for continued extraction beyond 2030, detrimental to the future sand and gravel landbank. Crucially, as the end date of the submitted RMLP is 2029, there is no question that the reserves in question will enjoy the protection of safeguarding Policy S8 for the whole of the Plan period. Policy S8 is therefore effective and the Plan is sound in this respect. Moreover, the mineral operator has the option of making an advance application to extend the existing permission.

153. Policy S9 also identifies four mineral transshipment sites for safeguarding in line with NPPF para 143, following public consultation. Safeguarding of small facilities, such as Mistley Port for example, is left to district local plans by a reference in para 3.148 of this Plan. In practice Mistley Port is identified and protected in the emerging Tendring District Local Plan. It is nevertheless claimed that small wharfs not specifically identified should be safeguarded at County level by the RMLP. However, it is evident that Mistley Port was not put forward for safeguarding for mineral transshipment in an earlier call for sites by ECC and there is nothing in the NPPF to suggest that there should be blanket safeguarding of such sites without due public consultation. Whilst individual sites should be reconsidered for safeguarding when the Plan is reviewed, there is no ground for modifying the submitted Plan in this connection. Pending review of the Plan, Policy S9 affords a reasonable balance of protection to mineral transshipment and processing facilities to ensure their continued availability within the County
154. Overall, the provisions of the RMLP for safeguarding mineral resources and handling facilities are justified and effective.

Biodiversity

155. There are essentially two aspects of concern raised by Representors over the effect of the provisions of the RMLP on biodiversity. The first is that mineral extraction will lead to irreparable harm to biodiversity such as by the removal of ancient woodland or hedgerows or the loss of protected species of flora and fauna. The second is that the Plan should result in a net gain in biodiversity.
156. Representors point out many vulnerable natural features of the Preferred Sites which will inevitably be affected by sand and gravel extraction, citing in particular a lack of a baseline assessment by which to measure this impact. However, the Site Assessment Report [*SD-10*], reviewed in connection with Issue 4 above, identifies the main biodiversity interests at risk.
157. Appendix 5 of the Plan tabulates Specific Issues to be Addressed for each Preferred Site in connection with any future planning application. These include potential impacts on wildlife sites and protected species to be assessed under the Habitats Regulations as appropriate.
158. A baseline ecological survey will form part of any EIA where biodiversity interests, especially internationally and nationally designated sites, are potentially affected, using the Essex Biodiversity Action Plan as background information. This is expressly set out in para 5.42 of the Plan, meeting NPPF para 109.
159. Given the conclusion under Issue 4 above that the selection of sites is sound overall, it follows that this approach to biodiversity is proportionate to the level of detail appropriate to this Plan and sets a proper framework for the assessment of future planning proposals, including with respect to the aim of net enhancement. General protection to biodiversity is afforded by Policy DM1 and supporting text paragraphs 5.40-43.
160. Whereas existing biodiversity assets cannot be directly replaced, Policies S10 and particularly S12 on site restorations provide for the implementation of the Biodiversity and Habitat Creation Target consistent with the Essex Biodiversity

Action Plan (EBAP) and in line with the NPPF paras 109 and 117. As noted under Issue 4 above, the site selection process has led to the allocation of Preferred Sites and Reserve Sites with the potential to support flagship restoration schemes to meet this target of a 200 hectare contribution to Priority Habitats identified by the EBAP.

161. Overall, the provisions of the RMLP for protecting and enhancing biodiversity are sound.

Development Management

162. The effects of mineral development are suitably controlled by the constraining criteria of Policies DM1-4. These include a requirement for Health Impact Assessments where appropriate. This reflects NPPF para 120 and is not unduly onerous alongside parallel requirements for assessments of other environmental impacts. All such assessments would need to be proportionate to the particular proposal and its likely effects.

163. The development management provisions of the RMLP, including those relating to issues discussed elsewhere in this Report, are sound as submitted, subject only to **MM35** to para 5.29 inserting reference to Reserve Sites consistent with other MMs above.

Monitoring and Review

164. Policy IMR1 provides appropriately for monitoring the performance of the Plan by way of a Monitoring Framework set out at Table 8. This sets a range of indicators as a basis for measuring the implementation of the Plan against quantitative targets. These are properly modified by **MMs 42-44** to account for changes elsewhere with respect to considerations of a separate building sand landbank, the supply of marine-won aggregates and the deferment of Reserve Sites unless the sand and gravel landbank falls below 7 years.

165. Further **MMs 35-40** are required to Table 7 and the supporting text to Policy IMR1, also with reference to Reserve Sites. Otherwise Policy IMR1 also appropriately provides for review of the Plan if the landbank falls below the minimum required and in any event within five years of adoption. Any potential for aggregate supply being impeded by necessary enforcement action against non-compliance with planning conditions on working sites is thus accommodated. With the changes noted, the provisions of the RMLP for monitoring and review are sound.

Overall Conclusion and Recommendation

166. The RMLP has a number of deficiencies in relation to soundness for the reasons set out above. In accordance with Section 20(7A) of the Act, I therefore I recommend non-adoption of the Plan as submitted. These deficiencies have been explored in the main issues set out above.
167. ECC has requested that I recommend Main Modifications to make the Plan sound and capable of adoption. I conclude that, with the recommended Main Modifications set out in the Appendix to this Report, the Essex County Council Replacement Minerals Local Plan January 2013 satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the National Planning Policy Framework.

B J Sims

Inspector

Note: This report is accompanied by a separate document comprising the Appendix containing the Main Modifications

This matter is being dealt with by:

Oliver Meek

Reference: ES/3712

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By E-Mail Only

Dear Mr Rees

30 August 2019

Proposal: The extraction and processing of sand and gravel, including the construction of a new site access road, landscaping and screening bunds. Mineral washing plant and other associated infrastructure with restoration to agriculture and nature conservation areas.

Location: Land off Green Street, Mill Hill and land at Barton in Fabis, off Chestnut Lane, Nottingham

Applicant: London Rock Supplies Limited

I write further to the recently issued letter (dated 22nd August 2019) relating to the above planning application, which included a Regulation 25 request for further information. As set out within that letter, officers would be issuing a further letter setting out the harms arising from the proposed development and inviting you to address these matters.

As we have discussed with you in meetings (and as set out in consultation responses from statutory and technical consultees), officers are of the view that there are a range of harms to the environment and public amenity which would result from the proposed development, as it currently stands. Setting aside the matters where there is insufficient information, officers are of the view that the development as proposed would result in a range of harms and that these outweigh the benefits of the proposed development at present. Therefore, currently any recommendation to the County Council's Planning and Licensing Committee would be to refuse planning permission.

Notwithstanding the current position, officers are of the opinion that sand and gravel extraction at this location could be acceptable in principle, as evidenced by the inclusion of the application site as an allocation within the emerging Nottinghamshire Minerals Local Plan – Publication Version. As such, the purpose of this letter is to clearly set out the areas where the County Council considers there to be harms and provide you with another opportunity to address them, be it through amendments to the proposed development, further mitigation or compensation measures.

Green Belt

Paragraph 146 of the NPPF identifies that mineral extraction is not inappropriate in the Green Belt provided that it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it.

Officers are of the view that the proposed development does not preserve the openness of the Green Belt, and does conflict with the purposes of including land within it, for the following reasons:

- The soils and overburden stored around the plant and processing area and along the eastern side of the access road that runs down Brandshill, would measure from 3m in height up to 8m in height and would be retained for up to 15 years. The soil bunds adjacent to Green Street would introduce a substantial landscaped mass with the specific purpose of restricting views. This impact would be in an area that is highly sensitive to any obstructions that reduce openness because of its prominent location at the crest of hill that currently affords unrestricted open aspects over the Trent Valley Green Belt. In addition, the bund along the eastern side of the access road would introduce an unnatural mass, interrupting views over Brandshill and the Trent Valley beyond, from Fox Covert Lane. Noting that the Guidelines for Landscape and Visual Impact Assessment (GLVIA3) identifies the boundary between medium and long term effects as 10 years, the impact would be a long-term harm to the openness of the Green Belt.
- The applicant has outlined that stockpiles of sand and gravel in the processing area would be maintained to ensure there is always a 1 month supply and that heights would be up to 8m. It is noted that the crest of Brandshill would be lowered to create a flat plant/processing area at 80-81m AOD (approximately the same height as the adjacent Green Street) and there would be screening bunds parallel to Green Street. However, the stockpile would be up to 5m above the screening bunds. As such, these stockpiles would be relatively fixed features in a topographically prominent position, for a period of up to 15 years and it is considered that this would harm the openness of the Green Belt in this location.
- The conveyor is a fixed piece of machinery out of place within a countryside location. It is acknowledged that it would be a relatively low piece of plant and set within a cutting for much of its length, but part of it, or the concrete tunnel that it would pass through, would be visible from Bridleway No. 3. The conveyor would also be visible where it raises out of the cutting to pass over the Seven Trent water pipe. The conveyor would be in place for up to 15 years and it is considered that it would harm the openness of the Green Belt.
- Within the plant and processing area there would be sand and gravel wash plant, including log washer, sand classifier, lignite separator, gravel screens and stocking conveyor; oversized gravel crusher; pumps and mobile generator; weighbridge and potentially a wheel wash. The plant would vary in height, but taller elements would be over 10m in height. This level of plant and machinery in a concentrated location is reflective of an industrial or construction operation and is not in keeping with a countryside location. The plant area is spatially distinct and separated from the actual extraction area both in terms of distance and altitude. The screening provided by the soil bunds would reduce some of the direct visual impacts of the plant and machinery, certainly at the lower level. However, the soil bunds at 3-5m in height would not screen the taller elements of plant and machinery such as the rinsing screen (nominally 7.4m) and the sand washing unit and lignite plant (nominally 11m). The plant and machinery would be in place for up to 15 years and would be removed upon restoration of the site. The plant and machinery would harm the openness of the Green Belt in this particular location for up to 15 years due to its height and prominence.
- There would be an average of 20 cars and 57 HGVs per day (a maximum of 100 HGVs). This would equate to approximately one HGV movement every 6 minutes between 07:00 – 18:00 (weekdays) for up to 15 years. It is considered that this level of intensity, when compared to the existing level of HGV movements along Green Street, is sufficiently high to harm the openness of the Green Belt.
- The decision to separate the operations to extract and process the sand and gravel has created two distinct sections to the proposed development. There is a concentration of elements and features which harm the openness of the Green Belt individually in the plant and processing area. This area will take on the appearance of an industrial or construction activity incongruous with a countryside location for a period of up to 15 years, after which the area would be restored. Overall, it is considered that there would be a long term, but not permanent, conflict with safeguarding the countryside from encroachment, which is one of the purposes of including land in the Green Belt.

On the basis of the above, the County Council is of the view that the development is 'inappropriate development'. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances (NPPF – paragraph 143). The County Council gives 'substantial weight' to the above identified harms to the Green Belt as instructed by the NPPF and it should be noted that very special circumstances will not exist unless the potential harm, by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations (NPPF – paragraph 144).

It is acknowledged that amendments to the scheme have already been made to reduce the impact of the development on the Green Belt. However, officers are of the view that amendments to some of the above elements of the scheme could further reduce Green Belt impacts identified above. As such, officers invite the applicant to consider such amendments which, if combined with addressing the matters raised in the recent Regulation 25 letter along with the additional harms detailed below, could help to reduce the harms that have been identified to such a level that, when taken into consideration alongside the identified benefits of the proposed development, allows officers to demonstrate the very special circumstances required by Green Belt policy in the NPPF.

Habitat Loss

Barton Flash Local Wildlife Site (LWS) totals 8.86ha and 6.36 ha (approximately 72%) of this would be lost to the proposed extraction. This impact is categorised in the Environmental Statement (ES) as being of 'major negative' significance.

Brandshill Marsh LWS totals 3.89ha, with 1.95ha (approximately 50%) of this lost to the proposed extraction. This impact is categorised in the ES as being of 'major negative' significance.

Brandshill Grassland LWS totals 12.12ha. A proportion of the LWS would be lost to the proposed haul road, conveyor and a screening bund; but the exact size of the loss is unknown. The impact was originally categorised in the ES as being of 'major negative' significance. Since the original ES, soil storage bunds which were proposed at the base of Brandshill have been removed from the scheme, so the level of impact is reduced, but has not been formally assessed.

The proposed development would result in habitat loss to a range of UK Biodiversity Action Plan (BAP) priority habitats including semi-improved grassland, neutral grassland, marshy grassland, hedgerow, and ditch. The impact of the loss of each of these habitats is assessed as being of 'major negative' significance in the ES.

It is noted that there are a range of mitigation measures proposed including: the direct placement of soils from Barton Flash into Phases 2 and 3; the storage of soils from Brandshill Marsh LWS to be used in the restoration scheme; Brandshill Grassland being annually monitored and management through grazing at an appropriate level.

Proposed compensation is also noted, with the original ES highlighting that the proposed restoration involves the creation of priority habitats and stating that this would adequately mitigate and compensate for the loss of the existing habitats within the application site. To support this position, a net gain calculation has been undertaken using the biodiversity impact assessment.

As set out in our recent letter (22nd August 2019) officers have concerns about some of the habitat mitigation measures and the accuracy of the net gain calculation and as a result, further information has been sought in this regard. Officers will remain of the view that the proposed development would result in impacts of major negative significance to LWS and UK BAP habitats until the requested information is provided and the officers are satisfied with its content. Officers place considerable weight on these impacts.

The net gain calculation information that is subject of the recent Regulation 25 request will not change the major negative significance of the loss of LWS and UK BAP priority habitat, but does provide an opportunity to compensate for its loss. However, it is suggested that serious consideration is given to the avoidance of working these areas and officers invite you to discuss

this further. It would be of particular interest to gain an understanding of the implications for the amount of mineral that would be sterilised if these areas were not worked.

In addition, the recently published Government response to the consultation on net gain sets out that biodiversity net gain will become mandatory in due course (although the timetable for this is not yet known). Furthermore, it sets out that Government will require net gain outcomes, through habitat creation or enhancement as part of delivering mandatory biodiversity net gain, to be maintained for a minimum of 30 years, and will encourage longer term protection where this is acceptable to the landowner. Officers strongly recommend that any further biodiversity net gain calculation includes the provision of a minimum of 30 years of aftercare, to align the proposed development with the future mandatory approach in addition to demonstrating your commitment to securing a high quality restoration scheme for the site.

Ecological Impacts on Species

Breeding and wintering birds

The ES identifies the site as being of county level importance for wintering birds. The ES identifies the site as being of local level importance for breeding birds. However, officers disagree with this and has assessed the site on the basis of being of county level importance for breeding birds. In the absence of mitigation, the ES assesses the impact of habitat loss as being of major negative significance for breeding and wintering birds. It also assesses the impact of damage and disturbance to breeding birds as being of minor negative significance, in the absence of mitigation.

Officers note a series of mitigation/compensation measures proposed to minimise the impact of the proposed development on birds including removal of vegetation outside of the bird breeding season or preceded by a nesting survey; retention of a 30m stand-off from the River Trent and the retention of habitat to maintain a buffer zone for nesting, foraging or commuting; hedgerow management and infilling; and the creation and management of a range of habitats.

The ES states that, due to the net gains for nature conservation, no residual impacts on habitats are predicted. As set out above, officers have requested further information regarding the accuracy of the net gain calculations. Officers will remain of the view that the proposed development would result in impacts of major negative significance to the habitat of breeding and wintering birds at a site of county importance until the requested information is provided and officers are satisfied with its content.

Barn owl hunting habitat

As set out in the letter of 22nd August 2019 the officers have requested further information about the calculation of losses and gains of hunting habitat for barn owls and the impact that this would have on the species.

Even with the figures provided, there would be a net loss of hunting habitat during four of the identified phases of the development. The level of impact that this would have on barn owls in the area has not been assessed, but the loss of hunting habitat during the operation of the quarry is a harm which weighs against the proposed development. You are therefore invited to consider ways in which this impact can be mitigated.

Bat foraging habitat

The development would result in the loss of features which provide foraging and commuting habitat for bats including internal hedgerow, scrub, marshy and neutral grassland. The ES has assessed the habitat on site as being of local value and the loss of this habitat as resulting in an impact of minor negative significance.

However, due to the survey's inability to conclusively identify some species of bats, the site may actually meet the criteria for being of county value. Furthermore, the County Council notes that the bat surveys have not been undertaken to current standards (although it is acknowledged that they

were undertaken to the correct standards at the time they were conducted, although surveys of the site were not comprehensive). Due to the bat identification issues and surveys not being of a current standard, officers are treating the site as being of county value and the impact of this loss being of major negative significance.

The ES is of the view that, due to the net gains for nature conservation, no residual impacts on habitats are predicted. As set out above, officers have requested further information regarding the accuracy of the net gain calculations. Officers will remain of the view that the proposed development would result in impacts of major negative significance to the habitat of commuting and foraging bats at a site of county importance until the requested information is provided and the County Council is satisfied with its content.

Reptile habitat

No reptiles were found during the ecological surveys and, as such, the ES assesses that there would be no impact on reptiles. However, there were a number of constraints with the reptile surveys, the site has habitat to support reptiles and reptiles have been recorded on site since the surveys were undertaken. In addition, a juvenile grass snake has been reported on site which could be indicative of a breeding population. As such, officers are of the view that the site is of local value for reptiles. Mitigation measures are proposed which could suitably prevent the killing or injuring of reptiles. The impact of the loss of habitat during extraction is assessed as being of minor negative significance.

Toads

Common toads are not protected on Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) but are listed as a UK BAP priority species.

Whilst no toads were recorded during the amphibian surveys, the presence of common toad were recorded during the reptile survey. The majority of these were recorded within the marshy grassland areas surrounding the ditches and ponds. The ES assesses the population as being of site level ecological value and that the loss of habitat during extraction would be a major negative impact, in the absence of mitigation. However, with the eastern ditch being diverted there would be no net loss of habitat and terrestrial areas of highly suitable habitat would be hand searched prior to their removal, with individuals captured and moved to an area of suitable habitat. With the diversion of the ditch and mitigation measures the ES concludes there would be a negligible impact on toads.

Given that the toads were not identified during the amphibian survey, the precise location of toads is unknown. The County Council considers it unlikely that the hand search of a large area of potential terrestrial habitat could be meaningfully achieved in practice, given the extent of habitat to be lost. An alternative approach would potentially be the use of one-way temporary fencing, which would allow toads to move to breeding areas but not return to the terrestrial habitat. However, details of the mitigation measures are required prior to determination so that officers can understand whether this approach is feasible.

Officers note the restoration proposals include the creation of a larger area of marshy grassland than currently exists. However, as highlighted in our recent letter to you (22nd August 2019) further information has been requested in relation to the net gain calculation (which includes concerns about the time of aftercare attributed to marshy grassland). On the basis of the above, and that officers are of the view that the currently proposed mitigation measures are unfeasible and could result in the potential killing or injury of toads during works, officers are of the view that the development would result in a 'major negative' impact on this UK BAP species.

Necklace Ground Beetle (Carabus monilis)

Due to the presence of a (potentially) very large population of necklace ground beetle, which is an endangered UK BAP species, the application site is of county value to invertebrates. The ES

assesses the impacts relating to habitat loss, habitat isolation/fragmentation and killing and injury as being of major negative significance, in the absence of mitigation.

Mitigation is proposed through a programme of translocation and compensation is proposed through there being no net biodiversity loss. As such, the ES assesses that the species would persist at the application site at pre-development levels and the restoration strategy would be used to deliver habitat enhancements.

As set out in our letter of 22nd August 2019, officers have requested further information in relation to both the programme of translocation and the biodiversity net gain calculation. Officers will remain of the view that the proposed development would result in an impact of major negative significance to this endangered UK BAP species until the requested information is provided and officers are satisfied with its content.

Badgers

The ES notes that the presence of commuting and foraging badgers and assesses the site as being of local value. The loss of foraging habitat is assessed as being of minor negative significance. The ES assesses that the species would persist at the application site at pre-development levels and the restoration strategy would be used to deliver habitat enhancements.

As set out in our letter of 22nd August 2019, officers have requested further information in relation to the biodiversity net gain calculation. Officers will remain of the view that the loss of foraging habitat would have an impact that is of minor negative significance, until the requested information is provided, and officers are satisfied with its content.

Brown hare

During consultation on the original application submission the presence of brown hare (a UK BAP priority species) at the site was drawn to our attention. The January 2018 Regulation 25 submission noted that there is suitable habitat on site for brown hare, but that this species was not considered during the original ES as there were no sighting of the species during over 30 visits to the site. Nevertheless, the Reg 25 submission came to the view that with the restoration the impacts would be negligible.

Officers note the discrepancy between consultee reports of brown hare and the absence of sightings during ecological surveying. Taking into account the suitable habitat for brown hare officers are treating the site as being of local value for this species. It is noted that there will be some habitat suitable in the restoration scheme, however, this would be less than there is at present with a reduction in grasslands and an increase in open water. As such, officers are of the view that the development would result in a minor negative impact on this UK BAP species.

Harvest mice

There are records of harvest mice within the application site (a UK BAP priority species). Whilst the species has not been surveyed, it is suggested that there could be a small population on site and the development would result in the loss of small amount of habitat and the possible killing/injury of individuals, which in the absence of mitigation could result in a major negative impact at the local level. However, with mitigation and the creation of habitat the impact is anticipated to be negligible.

Officers are of the view that the proposed mitigation would minimise the potential for the killing and injury of harvest mice, although it remains a possibility. It is noted that there will be some habitat suitable in the restoration scheme, however, this would be less than there is at present with a reduction in grasslands and hedgerow, and an increase in open water. As such, officers are of the view that the impact on harvest mice would be of minor negative significance.

Hedgehog

Hedgehog is a UK BAP priority species. No information regarding hedgehogs has been provided within the ES or subsequent regulation 25 submissions. The County Council expects hedgehog to be present within the site and the development would result in a loss of relevant habitat, although mitigation measures are likely to mitigate the risk of injury/killing. As such, the County Council is of the view that the impact on hedgehog habitat would be of minor negative significance.

Species overview

The proposed development would result in impacts including habitat loss, risk of injury/killing and habitat isolation/fragmentation to a wide range of protected and/or UK BAP species. Collectively, considerable weight is given to the impacts set out above.

The above sets out the impacts that officers consider the proposed development would have as the application currently stands. However, it is acknowledged that the Regulation 25 request for further information (particularly in relation to biodiversity net gain calculation, necklace ground beetles and barn owls) may change the current level of impact that is identified above.

Landscape and Visual Impacts

A Landscape and Visual Impact Assessment has been provided as part of the ES. Following consultation, officers disagree with a number of the conclusions of the assessment and are of the view the development would result in the following impacts:

- A major adverse permanent impact on the existing physical landscape;
- A major adverse impact on landscape character during operations, reducing to moderate adverse impact upon completion of restoration;
- A major adverse visual impact to residents on the edge of Barton in Fabis during quarrying reducing to low to medium adverse upon restoration;
- A major adverse visual impact to users of the rights of way within the site, reducing to minor adverse following restoration; and
- A moderate adverse impact on users of Attenborough Nature Reserve during extraction reducing to minor adverse/neutral following completion of the restoration.

The above landscape and visual impacts are given considerable weight.

The avoidance of LWS and certain habitat areas, as suggest above, may also bring a reduction in the level of landscape and visual impact. The retention of the best examples of ridge and furrow within the site may also reduce landscape and visual impacts. Officers suggest that serious consideration is given to this and invites you to discuss with us such amendments further.

Impacts to Heritage Assets

A Cultural Heritage Assessment has been provided as part of the ES. Following consultation, officers disagree with a number of the conclusions of the assessment and are of the view the development would result in the following impacts:

- There would be substantial harm to the setting of Clifton Hall (grade I listed) and its Registered Park and Garden (grade II listed) during extraction;
- There would be less than substantial harm to Clifton Hall and its Registered Park and Garden following restoration.
- There would be less than substantial harm to 20 Brown Lane during operation and following restoration.

The NPPF identifies that substantial harm to a grade II registered park or garden should be exceptional and substantial harm to a grade I listed building should be wholly exceptional (paragraph 194). Where a development would lead to substantial harm to a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm is necessary to achieve substantial public benefits that outweigh the harm or loss (NPPF - paragraph

195). The also NPPF states that where there is less than substantial harm, the harm should be weighed against the public benefits of the proposal (paragraph 196).

Further assessment of the impact on the historic value of the landscape and setting that it provides to heritage assets, and the public benefits of the proposal, were provided in the January 2019 Regulation 25 submission. Officers remain of the view that the development would result in the harms described above and the public benefits of the proposed development do not outweigh the substantial harm identified during extraction, or the less than substantial harm following restoration. Officers give great weight to the long term and permanent harm to the setting of the above heritage assets that would result from the development.

Officers are of the view that amendments to the proposed development are unlikely to reduce the impacts to the setting of the heritage assets identified above. However, officers consider that there is the opportunity provide 'substantial public benefits' through the proposed development to outweigh the identified harm. Officers consider that this could be achieved through the improvements to the understanding of Clifton Hall Registered Park and Garden and the preparation and implementation of a Conservation Management Plan to improve the condition and management of the heritage asset. This is set out in the 'Appendix 2: Site Allocation Development Briefs' of the Nottinghamshire Minerals Local Plan – Publication Version. Officers suggest that serious consideration is given to this and invites you to discuss such improvements further with officers from both the County Council and Nottingham City Council.

Air Quality

Dust impacts at nearby sensitive receptors have been identified (as set out in the January 2019 Regulation 25 submission), including:

- Moderate adverse impact at Burrows Farm.
- Slight adverse impact at Chestnut Lane.
- Slight adverse impact at Lark Hill Village.
- Slight adverse impact at Fairham Pastures.

The dust impact would be on amenity rather than on health and has been assessed as being below a level at which there would be a 'significant' impact. The County Council attaches little weight to the identified dust impacts.

Amenity of Public

Paragraph 180 of the NPPF states that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment. In doing so, decisions should identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.

Whilst the application site has no formal designation in this regard, it is considered that it is a tranquil area that has remained relatively undisturbed by noise and is prized for its recreational and amenity value for this, and other, reasons. As a result of noise, landscape and visual impacts associated with the development there would be an adverse impact for the operational period of the development on the tranquillity of this area. This is considered not just to affect the application site but also across the River Trent at Attenborough Nature Reserve which is of significant value for recreation and amenity. This conflicts with the thrust of Paragraph 180 of the NPPF. The County Council attaches moderate weight to this impact.

The County Council suggests that further benefits through the restoration of the site could be achieved, which may go some way to offsetting the harm to recreation and amenity of the public within the area. Such benefits could include a commitment to provide permissive footpaths for the length of the aftercare period linked to locations where the public can view species (e.g. viewing platforms/hides); and surfacing enhancements to Bridleway No. 3. The County Council suggests

that serious consideration is given to this and invites you to discuss with us the possibility and practicalities of such amendments further.

Best and Most Versatile Agricultural Land

There would be the loss of a relatively small area of Best and Most Versatile Agricultural Land. The economic benefits of BMV agricultural land are recognised, but in the context of the wider rural landscape the area that would be lost is relatively small and the restoration proposals include some replacement. Overall, little weight is attached to the loss of BMV agricultural land.

I trust the above clearly sets out the harms that would arise from the proposed development as the application currently stands, and which would be considered in the overall assessment of the application if it were to be determined without further amendment. If you would like to discuss any of the above matters further, please do not hesitate to contact us.

Yours sincerely



Oliver Meek
Principal Planning Officer
Nottinghamshire County Council

cc Stephen Pointer, NCC Planning Policy
Steven Osborne-James, NCC Planning Policy
Heather Stokes, NCC Conservation

From: C COLES06
To: [Planning Policy](#)
Cc: [REDACTED]
Subject: Nottinghamshire Minerals Local Plan Publication Version Consultation
Date: 10 October 2019 15:41:28
Attachments: [Barton PC MLP Introduction Final.pdf](#)
[Barton PC MLP Strategic Objectives Final.pdf](#)
[Barton PC MLP SP2 Final.pdf](#)
[Barton PC MLP SP3 Final.pdf](#)
[Barton PC MLP SP4 Final.pdf](#)
[Barton PC MLP SP5 Final.pdf](#)
[Barton PC MLP MP2 & MP2p Final.pdf](#)
[Barton PC MLP Statement of Community Involvement Final.pdf](#)
[Barton PC MLP Appendix 1 Response Issues and Options.pdf](#)
[Barton PC MLP Appendix 2 Response Draft MLP.pdf](#)
[Barton PC MLP Appendix 3 Essex Inspector's Report.pdf](#)
[Barton PC MLP Appendix 4 NCC letter ES3712.pdf](#)

Please find attached joint Representation Forms on behalf of the following organisations:

Barton in Fabis Parish Council
Thrumpton Parish Meeting
Clifton Village Residents Association
Lark Hill Residents Association
S.A.V.E (Save the Ancient Valley Environment)

We also attach:
Appendices 1-4 which accompany our Representation Form regarding MP2 / MP2p

Julian Coles
On behalf of Barton in Fabis Parish Council and organisations listed above

[REDACTED]

From: Steven Osborne-James
Sent: 10 October 2019 09:00
To: Planning Policy
Subject: FW: Nottinghamshire Minerals Local Plan
Attachments: Blaxton PC - Notts CC Minerals Plan Response Form101019.pdf; Blaxton PC NCCMineralsPlanResponse Comments.pdf

Follow Up Flag: Follow up
Flag Status: Completed

See attached

Steven Osborne-James
Planning Policy Team
[REDACTED]

Information regarding the development of the new Nottinghamshire Minerals Local Plan can be found at:
Nottinghamshire.gov.uk/minerals

From: Philip Dennis [REDACTED]
Sent: 09 October 2019 21:55
To: Steven Osborne-James [REDACTED]
Cc: 'janecox' [REDACTED]; 'richardjones' [REDACTED]; 'stevecox' [REDACTED];
[REDACTED]; 'Julia Staniforth CwB PC' [REDACTED];
'Julie Eshelby' [REDACTED]; 'Sykes, Roy' [REDACTED]
Subject: Nottinghamshire Minerals Local Plan

Steven

Please find attached a completed collective response form from the Parish Councils of Auckley, Blaxton, Cantley with Branton and, Finningley, together with a collective supporting comments document.

If you need any further information please let me know.

Your confirmation of receipt would be appreciated.

Kind Regards

Philip

Philip Dennis

Clerk and Responsible Financial Officer
Blaxton Parish Council
[REDACTED]

[REDACTED]
[REDACTED]
<http://www.blaxtonpc.org.uk/>

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Part A – Personal details

Office use only

Person No:

Rep Nos:

	1. Personal details	2. Agent details (where applicable)
Title	Mr	
First name	Philip	
Last name	Dennis	
Address line 1	██████████	
Address line 2	██████	
Address line 3	██████████	
Postcode	██████████	
Email	████████████████████	
<i>For those replying on behalf of an organisation or group:</i>		
Organisation	Blaxton Parish Council	
Job title	Clerk and Responsible Financial Officer Replying on behalf of:- Auckley Parish Council Blaxton Parish Council Cantley with Branton Parish Council Finningley Parish Council	

Part B – Your representation

Office use only

Person No:

Rep No:

Please read the guidance note before completing this section.

Name or organisation: Blaxton Parish Council and on behalf of Auckley, Cantley with Branton and Finningley Parish Councils which constitute the Doncaster MBC Finningley Ward

3. To which part of the Local Plan does this representation relate?

Policy		Site code		Map/Plan		Paragraph		Other	X
--------	--	-----------	--	----------	--	-----------	--	-------	---

4. Do you consider the identified part of the Local Plan to be:

Legally compliant?	Yes		No	X
Sound?	Yes		No	X
Complies with the Duty to co-operate	Yes		No	X

Please tick as appropriate.

5. Please give details of why you consider the identified part of the Local Plan is not legally compliant or is unsound, or fails to comply with the duty to co-operate. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

(Continue on a separate sheet/expand box if necessary)

Because it is hard for a layman to determine which categories the Council's concerns relate to, it is registering that it does not consider the Plan to be 'Legally Compliant'; 'Sound' or compliant with the 'duty to cooperate' and, the Council looks to the Inspector to assess the concerns below and attached.

There concerns are that:-

- HGV minerals haulage from Nottinghamshire to South Yorkshire for processing is unnecessary and seriously impacts upon communities in the Doncaster MBC Finningley Ward
- There are no reliable, up to date, road traffic census figures for the main roads in the Finningley Ward. This means that the real impact of approvals for Minerals developments is never properly quantified.

To address these concerns:-

- Highways Authorities should be required to maintain up to date traffic census information to provide baseline data.
- At application, Minerals Developers should be required to assess the impact of traffic flows all the way along proposed routes (other than to end users).
- At application, Minerals Developers should be required to reflect the projected vehicle numbers for all major developments under consideration in the area at the time to their traffic impact assessments.

An analysis of factors supporting these concerns is attached.

6. Please set out what change(s) you consider necessary to make the identified part of the Local Plan legally compliant or sound, in respect of any legal compliance or soundness matters you have identified above. (please note that non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

(Continue on a separate sheet/expand box if necessary)

See above and attached

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions. After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.


7. If your representation is seeking modification to the plan, do you consider it necessary to participate in the examination hearing session(s)?

No, I do not wish to participate in the hearing session(s)	X
Yes, I wish to participate in the hearing session(s)	

Please note that while this will provide an initial indication of your wish to participate in the hearing session(s), you may be asked at a later point to confirm your request to participate.

8. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

Signature		Date	10 October 2019
Name	Philip Dennis		

PARISH COUNCILS OF AUCKLEY, BLAXTON, BRANTON-WITH-CANTLEY AND FINNINGLEY (ALL PART OF DMBC FINNINGLEY WARD).

JOINT COMMENTS IN RESPONSE TO CONSULATION ON THE NOTTINGHAMSHIRE COUNTY COUNCIL DRAFT MINERALS PLAN.

Summary

In isolation the proposals to develop sites at Austerfield, Misson, Barnby Moor and Scrooby seem innocuous, however when considered alongside existing and proposed developments in both Nottinghamshire and the DMBC area, we have serious concerns about the impact on our communities, particularly the potential increase in Heavy Goods and other vehicles on an already busy road network in and around our villages.

We would oppose the development of these sites as proposed in the recent planning applications and question their inclusion in the Minerals Plan without conditions being set, within the plan, to mitigate their potential impact on our communities.

From NCC Draft Minerals Local Plan – Policy SP4 – Sustainable Transport

1. All mineral proposals should seek to maximise the use of sustainable forms of transport, including barge, rail and pipeline.
2. Where it can be demonstrated that there is no viable alternative to road transport, all new mineral working and mineral related development should be located as follows:
 - a) within close proximity to existing or proposed markets to minimise transport movement; and
 - b) within close proximity to the County’s main highway network and existing transport routes in order to avoid residential areas, minor roads, and minimise the impact of road transportation.
3. Proposals requiring the bulk transport of minerals, minerals waste/fill or materials/substances used for the extraction of minerals by road will be required to demonstrate that more sustainable forms of transport are not viable.

We presume the policy would be applied when roads pass from one local authority to another, in our case, neighbouring South Yorkshire.

Routes from Nottinghamshire into South Yorkshire relevant to the above.

Ref	Roads	Possible use
R1	A638 through Bawtry to Hurst Lane.	Access to Hanson site on Hurst Lane
R2	A638 through Bawtry to Great Yorkshire Way A6182 and M18 Junction 3.	Access to Motorway network M18, A1M, M180, M1
R3	A638 through Bawtry to Great Yorkshire Way as an alternative access to Hurst Lane.	Access to Hanson site on Hurst Lane
R4	A614 through Bawtry, Austerfield, Finningley & Blaxton to Hatfield Woodhouse and M18N / M180.	From sites at Austerfield / Misson to M18 / M180 and via Bawtry to A1 South
R5	A614 through Bawtry, Austerfield & Finningley to Blaxton roundabout then B1396 Mosham Road to Auckley and Branton.	Access to Hanson site on Hurst Lane From sites at Austerfield / Misson to M18N / M180 and M18S via Hurst Lane / A6182

Ref	Roads	Possible use
R6	High Common Lane in Austerfield connects A614 with A638 and is used a route from 1, 2 & 3 above to 4 & 5 and vice versa.	All of the above.
R7	Springs Road Misson to Bank End Road B1396 then North or South on A614 or continuing on B1396 through Auckley and Branton.	From Misson as route to motorway networks

These are all busy routes, some passing through highly populated areas. There is also a large Secondary School and a 6th Form College on Hurst Lane, and a large Primary school with 334 pupils on roll within 200 yards of Hurst Lane. Also sited on Hurst Lane will be the new entrance to the Yorkshire Wildlife Park with an estimated 1 million plus visitors each year.

Already operating Minerals / Minerals Related Sites in the area

Ref	Site	Routing
AO1	Hanson Quarry, Hurst Lane, Auckley.	1, 2, 3 & 5
AO2	Lafarge / Tarmac, Croft Road (off Bawtry Road), Finningley.	4, 5 & 6
AO3	Rotherham Sand & Gravel, Bank End Road, Finningley.	7, 4, 5 & 6
AO4	Bank End Quarry, Bank End Road, Finningley.	7, 4, 5 & 6
AO5	Bank End Pre-Mix, Bank End Road, Finningley.	7, 4, 5 & 6
AO7	Yorkshire Aggregates, Wroot Road, Finningley.	7, 4, 5 & 6
AO8	Quarry, High Common Lane, Austerfield.	4, 5, 6, & 2
AO9	Tetron Finningley, Old Bawtry Road, Finningley.	4, 5, 6, & 2
AO10	Hanson Quarry, Newington Lane, Misson.	4, 5, 6, & 2
AO11	Hanson Quarry, High Field Lane, Austerfield.	4, 5, 6, & 2
AO12	Finningley Quarry & Landfill, Rossington.	Possibly all of the routes excepting 7

We have tried to determine the traffic flows for these sites but current information is not readily available. Data for 2017 showed the A614 (measured at Blaxton roundabout) as having an AADF (Annual Average Daily Flow) of 6449 vehicles of which 451 were HGV's. We are convinced that the HGV AADF has significantly increased since 2017.

Proposed Sites – NCC Minerals Plan

Ref	Site	Routing
NCC1	Misson Sand & Gravel, Bawtry Road, Misson.	4, 5, 6 & possibly 7
NCC2	Hanson site, Barnby Moor, Retford.	1,2 & 3 possibly using 6 to divert if necessary
NCC3	Rotherham Sand & Gravel site, Barnby Moor, Retford.	2 & 4
NCC4	Rotherham Sand & Gravel, Scrooby, Bawtry.	2 & 4

Proposed Sites – DMBC Minerals Plan

Ref	Site	Routing
DMBC1	New Minerals site off Wroot Road / Bank End Road – potentially large quarry development.	7 then 4, 5 & 6

Other Developments approved or pending that will add to traffic flow

Ref	Site	Routing
OD1	Yorkshire Wildlife Park – new entrance and car park off Hurst Lane Auckley. Forecast is 1M visitors per annum.	2, 3 & 5
OD2	IGas Shale Gas Production at Springs Road, Misson, Nottinghamshire.	7 & 4
OD3	Former Rocket Site, Springs Road, Misson (long term storage) currently being offered as large warehousing facility.	7 & 4
OD4	Peel Housing Development off Hurst Lane – up to 700 units.	Possibly all of the above routes excepting 7
OD5	Peel Holdings 18/02759/OUTA off High Common Lane, Austerfield offering B1, B2 & B8 warehousing, storage and recycling of waste, and car parking.	Possibly all of the above routes excepting 7

Ref	Site	Routing
OD6	Peel Holdings Solar Panel installations off Old Bawtry Road, Finningley. Planning Application approved. 10 HGV movements per day. 25 construction staff. 3 months construction.	Possibly all of the above routes excepting 7
OD7	Potential Solar PV Farm on A614 opposite Brancroft Farm. Initial Screening advice requested from DMBC. 9.6 Ha.	2, 3, 5 & 6
OD8	Solar PV Farm off High Common Lane next to Partridge Hill Farm. 54.16 Ha. 323 deliveries = 646 HGV movements. Up to 20 contractors.	2, 3, 5 & 6

Summary of Road Usage of listed activities (see route descriptions above)

Category	R1	R2	R3	R4	R5	R6	R7
AO – 12 sites	2	6	2	10	11	10	4
NCC – 4 sites	1	3	1	3	1	2	1
DMBC – 1 site	0	0	0	1	1	1	1
OD – 6 sites	3	6	6	5	6	5	2
TOTAL – 23 sites	6	15	9	19	19	18	8

Conclusion

Without significant benefits to local communities resulting from these potential developments there is no reason for Parish Councils to support them.

There is no justification for movement of materials from Nottinghamshire sites using the routes shown above except for delivery to a customer. Any other purpose appears to be economically and environmentally questionable, resulting in more congestion, more pollution, more road wear, more inconvenience, more noise and more road safety issues for residents of Bawtry, Austerfield, Finningley, Blaxton, Auckley and Branton.

This submission should not be misconstrued as Parish Councils against progress but rather that Parish Councils will support progress that considers communities rather than ignoring them.

DMBC should also note the near saturation of commercial activity in this area and should insist on measured baseline data of current traffic volumes and movement, and proper scrutinised traffic assessments from developers.

We would also appreciate more consideration of total activity in the area when considering individual cases. Up to date information on continuation, growth or reduction of activity based on the data provided above would be a good start point.

Signatories

Clerk to Auckley Parish Council

Marjorie Caygill

Clerk to Blaxton Parish Council

Philip Dennis

Clerk to Cantley-with-Branton PC

Julia Staniforth

Clerk to Finningley Parish Council

Julie Leighton-Eshelby



[REDACTED]

From: Steven Osborne-James
Sent: 10 October 2019 09:00
To: Planning Policy
Subject: FW: Nottinghamshire Minerals Local Plan
Attachments: Blaxton PC - Notts CC Minerals Plan Response Form101019.pdf; Blaxton PC NCCMineralsPlanResponse Comments.pdf

Follow Up Flag: Follow up
Flag Status: Completed

See attached

Steven Osborne-James
Planning Policy Team
[REDACTED]

Information regarding the development of the new Nottinghamshire Minerals Local Plan can be found at:
Nottinghamshire.gov.uk/minerals

From: Philip Dennis [REDACTED]
Sent: 09 October 2019 21:55
To: Steven Osborne-James [REDACTED]
Cc: 'janecox' [REDACTED]; 'richardjones' [REDACTED]; 'stevecox' [REDACTED];
[REDACTED]; 'Julia Staniforth CwB PC' [REDACTED];
'Julie Eshelby' [REDACTED]; 'Sykes, Roy' [REDACTED]
Subject: Nottinghamshire Minerals Local Plan

Steven

Please find attached a completed collective response form from the Parish Councils of Auckley, Blaxton, Cantley with Branton and, Finningley, together with a collective supporting comments document.

If you need any further information please let me know.

Your confirmation of receipt would be appreciated.

Kind Regards

Philip

Philip Dennis

Clerk and Responsible Financial Officer
Blaxton Parish Council
[REDACTED]

[REDACTED]
[REDACTED]
<http://www.blaxtonpc.org.uk/>

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Part A – Personal details

Office use only

Person No:

Rep Nos:

	1. Personal details	2. Agent details (where applicable)
Title	Mr	
First name	Philip	
Last name	Dennis	
Address line 1	██████████	
Address line 2	██████	
Address line 3	██████████	
Postcode	██████████	
Email	████████████████████	
<i>For those replying on behalf of an organisation or group:</i>		
Organisation	Blaxton Parish Council	
Job title	Clerk and Responsible Financial Officer Replying on behalf of:- Auckley Parish Council Blaxton Parish Council Cantley with Branton Parish Council Finningley Parish Council	

Part B – Your representation

Office use only

Person No:

Rep No:

Please read the guidance note before completing this section.

Name or organisation: Blaxton Parish Council and on behalf of Auckley, Cantley with Branton and Finningley Parish Councils which constitute the Doncaster MBC Finningley Ward

3. To which part of the Local Plan does this representation relate?

Policy		Site code		Map/Plan		Paragraph		Other	X
--------	--	-----------	--	----------	--	-----------	--	-------	---

4. Do you consider the identified part of the Local Plan to be:

Legally compliant?	Yes		No	X
Sound?	Yes		No	X
Complies with the Duty to co-operate	Yes		No	X

Please tick as appropriate.

5. Please give details of why you consider the identified part of the Local Plan is not legally compliant or is unsound, or fails to comply with the duty to co-operate. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

(Continue on a separate sheet/expand box if necessary)

Because it is hard for a layman to determine which categories the Council's concerns relate to, it is registering that it does not consider the Plan to be 'Legally Compliant'; 'Sound' or compliant with the 'duty to cooperate' and, the Council looks to the Inspector to assess the concerns below and attached.

There concerns are that:-

- HGV minerals haulage from Nottinghamshire to South Yorkshire for processing is unnecessary and seriously impacts upon communities in the Doncaster MBC Finningley Ward
- There are no reliable, up to date, road traffic census figures for the main roads in the Finningley Ward. This means that the real impact of approvals for Minerals developments is never properly quantified.

To address these concerns:-

- Highways Authorities should be required to maintain up to date traffic census information to provide baseline data.
- At application, Minerals Developers should be required to assess the impact of traffic flows all the way along proposed routes (other than to end users).
- At application, Minerals Developers should be required to reflect the projected vehicle numbers for all major developments under consideration in the area at the time to their traffic impact assessments.

An analysis of factors supporting these concerns is attached.

6. Please set out what change(s) you consider necessary to make the identified part of the Local Plan legally compliant or sound, in respect of any legal compliance or soundness matters you have identified above. (please note that non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

(Continue on a separate sheet/expand box if necessary)

See above and attached

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions. After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.


7. If your representation is seeking modification to the plan, do you consider it necessary to participate in the examination hearing session(s)?

No, I do not wish to participate in the hearing session(s)	X
Yes, I wish to participate in the hearing session(s)	

Please note that while this will provide an initial indication of your wish to participate in the hearing session(s), you may be asked at a later point to confirm your request to participate.

8. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

Signature		Date	10 October 2019
Name	Philip Dennis		

PARISH COUNCILS OF AUCKLEY, BLAXTON, BRANTON-WITH-CANTLEY AND FINNINGLEY (ALL PART OF DMBC FINNINGLEY WARD).

JOINT COMMENTS IN RESPONSE TO CONSULATION ON THE NOTTINGHAMSHIRE COUNTY COUNCIL DRAFT MINERALS PLAN.

Summary

In isolation the proposals to develop sites at Austerfield, Misson, Barnby Moor and Scrooby seem innocuous, however when considered alongside existing and proposed developments in both Nottinghamshire and the DMBC area, we have serious concerns about the impact on our communities, particularly the potential increase in Heavy Goods and other vehicles on an already busy road network in and around our villages.

We would oppose the development of these sites as proposed in the recent planning applications and question their inclusion in the Minerals Plan without conditions being set, within the plan, to mitigate their potential impact on our communities.

From NCC Draft Minerals Local Plan – Policy SP4 – Sustainable Transport

1. All mineral proposals should seek to maximise the use of sustainable forms of transport, including barge, rail and pipeline.
2. Where it can be demonstrated that there is no viable alternative to road transport, all new mineral working and mineral related development should be located as follows:
 - a) within close proximity to existing or proposed markets to minimise transport movement; and
 - b) within close proximity to the County’s main highway network and existing transport routes in order to avoid residential areas, minor roads, and minimise the impact of road transportation.
3. Proposals requiring the bulk transport of minerals, minerals waste/fill or materials/substances used for the extraction of minerals by road will be required to demonstrate that more sustainable forms of transport are not viable.

We presume the policy would be applied when roads pass from one local authority to another, in our case, neighbouring South Yorkshire.

Routes from Nottinghamshire into South Yorkshire relevant to the above.

Ref	Roads	Possible use
R1	A638 through Bawtry to Hurst Lane.	Access to Hanson site on Hurst Lane
R2	A638 through Bawtry to Great Yorkshire Way A6182 and M18 Junction 3.	Access to Motorway network M18, A1M, M180, M1
R3	A638 through Bawtry to Great Yorkshire Way as an alternative access to Hurst Lane.	Access to Hanson site on Hurst Lane
R4	A614 through Bawtry, Austerfield, Finningley & Blaxton to Hatfield Woodhouse and M18N / M180.	From sites at Austerfield / Misson to M18 / M180 and via Bawtry to A1 South
R5	A614 through Bawtry, Austerfield & Finningley to Blaxton roundabout then B1396 Mosham Road to Auckley and Branton.	Access to Hanson site on Hurst Lane From sites at Austerfield / Misson to M18N / M180 and M18S via Hurst Lane / A6182

Ref	Roads	Possible use
R6	High Common Lane in Austerfield connects A614 with A638 and is used a route from 1, 2 & 3 above to 4 & 5 and vice versa.	All of the above.
R7	Springs Road Misson to Bank End Road B1396 then North or South on A614 or continuing on B1396 through Auckley and Branton.	From Misson as route to motorway networks

These are all busy routes, some passing through highly populated areas. There is also a large Secondary School and a 6th Form College on Hurst Lane, and a large Primary school with 334 pupils on roll within 200 yards of Hurst Lane. Also sited on Hurst Lane will be the new entrance to the Yorkshire Wildlife Park with an estimated 1 million plus visitors each year.

Already operating Minerals / Minerals Related Sites in the area

Ref	Site	Routing
AO1	Hanson Quarry, Hurst Lane, Auckley.	1, 2, 3 & 5
AO2	Lafarge / Tarmac, Croft Road (off Bawtry Road), Finningley.	4, 5 & 6
AO3	Rotherham Sand & Gravel, Bank End Road, Finningley.	7, 4, 5 & 6
AO4	Bank End Quarry, Bank End Road, Finningley.	7, 4, 5 & 6
AO5	Bank End Pre-Mix, Bank End Road, Finningley.	7, 4, 5 & 6
AO7	Yorkshire Aggregates, Wroot Road, Finningley.	7, 4, 5 & 6
AO8	Quarry, High Common Lane, Austerfield.	4, 5, 6, & 2
AO9	Tetron Finningley, Old Bawtry Road, Finningley.	4, 5, 6, & 2
AO10	Hanson Quarry, Newington Lane, Misson.	4, 5, 6, & 2
AO11	Hanson Quarry, High Field Lane, Austerfield.	4, 5, 6, & 2
AO12	Finningley Quarry & Landfill, Rossington.	Possibly all of the routes excepting 7

We have tried to determine the traffic flows for these sites but current information is not readily available. Data for 2017 showed the A614 (measured at Blaxton roundabout) as having an AADF (Annual Average Daily Flow) of 6449 vehicles of which 451 were HGV's. We are convinced that the HGV AADF has significantly increased since 2017.

Proposed Sites – NCC Minerals Plan

Ref	Site	Routing
NCC1	Misson Sand & Gravel, Bawtry Road, Misson.	4, 5, 6 & possibly 7
NCC2	Hanson site, Barnby Moor, Retford.	1,2 & 3 possibly using 6 to divert if necessary
NCC3	Rotherham Sand & Gravel site, Barnby Moor, Retford.	2 & 4
NCC4	Rotherham Sand & Gravel, Scrooby, Bawtry.	2 & 4

Proposed Sites – DMBC Minerals Plan

Ref	Site	Routing
DMBC1	New Minerals site off Wroot Road / Bank End Road – potentially large quarry development.	7 then 4, 5 & 6

Other Developments approved or pending that will add to traffic flow

Ref	Site	Routing
OD1	Yorkshire Wildlife Park – new entrance and car park off Hurst Lane Auckley. Forecast is 1M visitors per annum.	2, 3 & 5
OD2	IGas Shale Gas Production at Springs Road, Misson, Nottinghamshire.	7 & 4
OD3	Former Rocket Site, Springs Road, Misson (long term storage) currently being offered as large warehousing facility.	7 & 4
OD4	Peel Housing Development off Hurst Lane – up to 700 units.	Possibly all of the above routes excepting 7
OD5	Peel Holdings 18/02759/OUTA off High Common Lane, Austerfield offering B1, B2 & B8 warehousing, storage and recycling of waste, and car parking.	Possibly all of the above routes excepting 7

Ref	Site	Routing
OD6	Peel Holdings Solar Panel installations off Old Bawtry Road, Finningley. Planning Application approved. 10 HGV movements per day. 25 construction staff. 3 months construction.	Possibly all of the above routes excepting 7
OD7	Potential Solar PV Farm on A614 opposite Brancroft Farm. Initial Screening advice requested from DMBC. 9.6 Ha.	2, 3, 5 & 6
OD8	Solar PV Farm off High Common Lane next to Partridge Hill Farm. 54.16 Ha. 323 deliveries = 646 HGV movements. Up to 20 contractors.	2, 3, 5 & 6

Summary of Road Usage of listed activities (see route descriptions above)

Category	R1	R2	R3	R4	R5	R6	R7
AO – 12 sites	2	6	2	10	11	10	4
NCC – 4 sites	1	3	1	3	1	2	1
DMBC – 1 site	0	0	0	1	1	1	1
OD – 6 sites	3	6	6	5	6	5	2
TOTAL – 23 sites	6	15	9	19	19	18	8

Conclusion

Without significant benefits to local communities resulting from these potential developments there is no reason for Parish Councils to support them.

There is no justification for movement of materials from Nottinghamshire sites using the routes shown above except for delivery to a customer. Any other purpose appears to be economically and environmentally questionable, resulting in more congestion, more pollution, more road wear, more inconvenience, more noise and more road safety issues for residents of Bawtry, Austerfield, Finningley, Blaxton, Auckley and Branton.

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We would also appreciate more consideration of total activity in the area when considering individual cases. Up to date information on continuation, growth or reduction of activity based on the data provided above would be a good start point.

Signatories

Clerk to Auckley Parish Council	Marjorie Caygill	██
Clerk to Blaxton Parish Council	Philip Dennis	██
Clerk to Cantley-with-Branton PC	Julia Staniforth	██
Clerk to Finningley Parish Council	Julie Leighton-Eshelby	██



[REDACTED]

From: [REDACTED]
Sent: 10 October 2019 17:11
To: Planning Policy
Subject: MLP Nottingham Shelford
Attachments: Representation Form signed FINAL.pdf; Notts Publication Draft MLP BAL 10.10.19 FINAL.pdf; Notts draft MLP BAL response Appendices FINAL_Part1.pdf; Notts draft MLP BAL response Appendices FINAL_Part2.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Please find attached representations to the Nottinghamshire Minerals Local Plan – Publication version made on behalf of Brett Aggregates Ltd.

Representation Form

This is the representation form for the Nottinghamshire Minerals Local Plan - Publication Version published by Nottinghamshire County Council. The Publication Version and the supporting information can be found online at www.nottinghamshire.gov.uk/minerals. You can submit your representations online via our interactive system by using this link.

The formal representation period is open from Friday 30th August 2019 to 4.30pm Friday 11 October. All representations must be received during this period.

If you wish to submit a representation to the Plan using this form, please complete all parts and then send it to us via email or post, using the addresses below. Please note:

- **All respondents need to provide their personal details.** It is not possible for representations to be anonymous. All responses will be made public.
- **Representations must be on the basis of the 'soundness' of the plan or its legal and Duty to Co-operate compliance.** Please read the guidance note on this for further information.
- **Part B of the form contains your representations.** Please fill in a separate Part B for each representation you wish you make. You only need to fill in Part A once.
- **If you are part of a group that share a common view,** it would be helpful for that group to send a single representation rather than multiple copies stating the same point. Please indicate how many people are represented and how it has been authorised (e.g. by means of a list with contact details for each person or by a committee vote). This holds the same weight as separately submitted representations.

If you have any queries please contact us as below or ring us on 0300 500 80 80.

Please return completed forms to:

✉ Planning Policy Team
County Hall, West Bridgford,
Nottingham, NG2 7QP

✉ planning.policy@nottscc.gov.uk

We must receive your representations before 4.30pm, Friday 11th October 2019.
Representations received after this cannot be accepted.

All of the representations received will be submitted with the Plan and will be examined by a planning inspector who will consider whether the Plan is 'sound' and complies with the legal requirements.

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Part A – Personal details

<i>Office use only</i> Person No: Rep Nos:
--

	1. Personal details	2. Agent details (where applicable)
Title	Mr	Mrs
First name	Simon	Jennifer
Last name	Treacy	Owen
Address line 1		██████████
Address line 2		██████████
Address line 3		██████████
Postcode		██████████
Email	██████████	██████████
<i>For those replying on behalf of an organisation or group:</i>		
Organisation	Brett Aggregates Ltd.	Jennifer Owen & Associates Ltd
Job title	Planning Director	Director

Part B – Your representation

Please read the guidance note before completing this section.

<i>Office use only</i>
Person No:
Rep No:

Name or organisation: Brett Aggregates Ltd.

3. To which part of the Local Plan does this representation relate?

Policy		Site code		Map/Plan		Paragraph		Other	
--------	--	-----------	--	----------	--	-----------	--	-------	--

4. Do you consider the identified part of the Local Plan to be:

Legally compliant?	Yes		No	
Sound?	Yes		No	
Complies with the Duty to co-operate	Yes		No	

Please tick as appropriate.

5. Please give details of why you consider the identified part of the Local Plan is not legally compliant or is unsound, or fails to comply with the duty to co-operate. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

See attached document

6. Please set out what change(s) you consider necessary to make the identified part of the Local Plan legally compliant or sound, in respect of any legal compliance or soundness matters you have identified above. (please note that non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

See attached document

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions. After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

7. If your representation is seeking modification to the plan, do you consider it necessary to participate in the examination hearing session(s)?

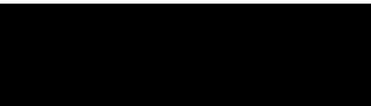
No, I do not wish to participate in the hearing session(s)	
Yes, I wish to participate in the hearing session(s)	Yes

Please note that while this will provide an initial indication of your wish to participate in the hearing session(s), you may be asked at a later point to confirm your request to participate.

8. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

In order to present to an Inspector the arguments in support of the objections made in the light of the response from the Council and representations made by other parties.

***Please note** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.*

Signature		Date	10.10.19
Name	Jennifer Owen		

Appendix 1

Appendix 1, Table 2 Nottinghamshire annual dwelling completions by district													
	2006/7	2007/8	2008/9	2009/10	2010/11	2011/12	2012/13	2013/14	2014/15	2015/16	TOTAL	10y average annual completions	Future annual requirement
Ashfield	652	575	283	362	352	412	434	454	425	558	4507	451	452
Bassetlaw	331	514	359	160	264	303	226	249	241	338	2985	299	435
Broxtowe	367	376	268	95	222	140	67	150	78	100	1863	186	362
Gedling		447	204	274	341	275	227	321	311	174	2574	286	426
Mansfield	583	269	216	224	359	265	206	296	254	388	3060	306	376
Newark and Sherwood	481	330	346	403	431	293	366	274	447	396	3767	377	740
Nottingham City	1318	1272	537	653	218	-22	309	166	658	741	5850	585	1009
Rushcliffe	261	456	493	191	227	293	209	199	373	487	3189	319	774
TOTAL	3993	4239	2706	2362	2414	1959	2044	2109	2787	3182	27795		
	The 10 year average number of completion is 351 whilst the future annual average requirement is 572.												

TABLE 4: Comparison of past delivery against requirement

ASHFIELD DISTRICT: Comparison of past delivery against requirement						
Year on Year Completions (1st April to 31st March)						
Year	Net Dwelling Completions	Scenario A Annual requirement including EMRP	Difference (Scenario A)	Scenario B Annual requirement excluding EMRP	Difference (Scenario B)	
1/4/2002 - 31/3/2003	582	405	177	405	177	
1/4/2003 - 31/3/2004	404	405	-1	405	-1	
1/4/2004 - 31/3/2005	361	405	-44	405	-44	
1/4/2005 - 31/3/2006	548	405	143	405	143	
1/4/2006 - 31/3/2007	652	560	92	405	247	
1/4/2007 - 31/3/2008	575	560	15	405	170	
1/4/2008 - 31/3/2009	283	560	-277	405	-122	
1/4/2009 - 31/3/2010	362	560	-198	405	-43	
1/4/2010 - 31/3/2011	352	560	-208	405	-53	
1/4/2011 - 31/3/2012	412	314	98	314	98	
1/4/2012 - 31/3/2013	434	314	120	314	120	
1/4/2013 - 31/3/2014	454	480	-26	480	-26	
1/4/2014 - 31/3/2015	425	480	-55	480	-55	
1/4/2015 - 31/3/2016	558	480	78	480	78	
1/4/2016 - 31/3/2017	544	480	64	480	64	
Total 2002 - 2016	6946	6968	-22	6193	753	
			Shortfall	-0.3%	Oversupply	12.2%

3 Calculating the Five Year Supply

Delivery against the Core Strategy Housing Requirement

- 3.1 The council's previous housing delivery rates are set out below in Table 2.
- 3.2 When calculating the Council's housing land supply BDC has adopted the widely favoured 'Sedgefield method', whereby, in line with National Planning Practice Guidance, Local planning authorities should aim to deal with any undersupply within the first 5 years of the plan period where possible.
- 3.3 Although the Bassetlaw Core Strategy period runs from 2010-2028, the base year for the housing target from the RSS was 2006/07. Overall, in the ten year period up to 31 March 2016, including the 338 dwellings completed in 2015/16, 2,985 new dwellings have been delivered in Bassetlaw. This represents a cumulative **under delivery of 685 dwellings**.
- 3.4 While the above stated under delivery is initially based on the Core Strategy target of 350 dwellings per annum, from 2014/15 the target is revised upwards to at least 435 dwellings per annum. This new target is the objectively assessed housing need figure derived from the North Derbyshire & Bassetlaw SHMA (November 2013).

Year	Past Completions	Core Strategy Target	Over/Under Delivery	Cumulative Over/Under Delivery
2006/07	331	350	-19	-19
2007/08	514	350	164	145
2008/09	359	350	9	154
2009/10	160	350	-190	-36
2010/11	264	350	-86	-122
2011/12	303	350	-47	-169
2012/13	226	350	-124	-293
2013/14	249	350	-101	-394
2014/15	241	435	-194	-588
2015/16	338	435	-97	-685

Table 2: Bassetlaw District Council housing monitoring data

The Five Year Housing Requirement

- 3.5 Within the next five year period, in light of previous under delivery on both the annual Core Strategy housing target (350 dpa) and the updated objectively assessed housing need target (435 dpa), the revised basic annual target is 572 dwellings per annum (435 dpa + current cumulative shortfall, spread over five years). Further to this, due to persistent under-delivery, the NPPF (paragraph 49) stipulates an additional 20% buffer must be applied to the target, to provide a realistic prospect of achieving the planned supply and to ensure choice

consider a range of issues, such as the effect of imposed housing moratoriums and the delivery rate before and after any such moratoriums.

The assessment of a local delivery record is likely to be robust if a longer term view is taken, since this is likely to take account of the peaks and troughs of the housing market cycle...'

It is necessary therefore to look back over previous years at Broxtowe to consider whether any under-delivery in the provision of housing is persistent.

It is acknowledged that emerging plans take some time from their draft stage to adoption and nearly always have a 'start date' of several years before they were adopted. The table below shows housing delivery as measured against the most recently adopted development plan available at each year in question (2004 – 2016). The figures in bold represent the most recently adopted development plan available at the time.

Table 18: Housing delivery measured against adopted housing requirement

Year	1996 Structure Plan Review / 2004 Broxtowe Local Plan ⁸ requirement	2006 Joint Structure Plan requirement	2009 Regional Plan requirement	2014 Aligned Core Strategy requirement	Net Completions
2004/5	275	210	340		315
2005/6	275	210	340		381
2006/7	275	210	340		367
2007/8	275	210	340		376
2008/9	275	210	340		268
2009/10	275	210	340		95
2010/11	275	210	340		222
2011/12	275	210	340	140	140
2012/13	275	210	340	60	67
2013/14	275	210	340	360	150
2014/15				360	78
2015/16				360	100
Total	2750	2100	3400	1280	2559

In a large housing site appeal decision for Broxtowe (Hempshill Hall), taken in January 2014, the Inspector concluded that;

"Levels of housing delivery within the Borough have been below the level of 340 since 2008/9. However immediately before the recession they had been in excess of that figure. Thus ... the performance in better times shows that this should not be taken as indicating a pattern of persistent under delivery. On that basis, I consider that the requirement should include a buffer of 5%".

The stance of the Appeal Inspector in terms of applying a 5% buffer was consistent with advice from the Planning Inspectorate⁹ which is that Councils should prepare supporting evidence to demonstrate that they have not persistently under delivered against past plans. The evidence could take reasonable account of macro-economic factors where housing delivery might have experienced an understandable drop/trough but where housing land has been available. It was

⁸ Plan adopted August 2004

⁹ PINS soundness advice visit to the Greater Nottingham Councils, August 2012, Inspector Keith Holland.

17 Paragraph 97 of the Inspector’s Report on the Aligned Core Strategy⁴ states “In general it would be ideal for housing completions over the full plan period to be the same in each year of a plan, in order to meet the emerging requirements or needs in full. Higher numbers might be necessary to make good any shortfalls in supply in the recent past (ideally in the early years using the Sedgefield approach)”. The National Planning Practice Guidance states local planning authorities should aim to deal with any undersupply within the first five years of the plan period where possible.

18 In the light of the Aligned Core Strategy Inspector’s Report and national guidance, it is considered appropriate to apply the Sedgefield approach to assess housing land supply.

5% or 20% buffer

19 To assess whether Gedling Borough has “a record of persistent under delivery of housing”, it is important to look at the long term trend over an economic cycle. The Aligned Core Strategy was adopted in September 2014 so housing delivery against previous development plans also need to be assessed.

20 The East Midlands Regional Plan was adopted in March 2009 and set a housing requirement of 8,000 homes for the period 2006 to 2026 (equating to an annual requirement of 400 homes). The Aligned Core Strategy sets a housing requirement of 7,250 homes for the period 2011 to 2028, but provides different annual targets through the plan period, as shown in Table 1. **Table 2** shows that the number of new homes completed between 2011 and 2013 exceeded the Aligned Core Strategy target for those years. The number of net homes completed between 2013 and 2017 falls short of the Aligned Core Strategy target for those years.

Table 2: Gedling’s net completions (cumulative) in the last 10 years

		Net completions (annual)	Net completions (cumulative)	Plan target	% of target
East Midlands Regional Plan	2007/08	447	743	800	93 %
	2008/09	204	947	1,200	79 %
	2009/10	274	1,221	1,600	76 %
	2010/11	341	1,562	2,000	78 %
Aligned Core Strategy	2011/12	275	275	250	110 %
	2012/13	227	502	500	100 %
	2013/14	321	823	940	88 %
	2014/15	311	1,134	1,380	82 %
	2015/16	174	1,308	1,820	72 %
	2016/17	198	1,506	2,260	67 %

⁴ http://www.gngrowthpoint.com/media/361914/broxtowe__gedling__nottingham_city_final_acs_inspectors_report_july_2014.pdf

Historic Completion and Supply Rates

Figure 8.

Period	Gross Completions			Total Losses			Net Completions			Supply
	Warsop Parish	Mansfield	District Total	Warsop Parish	Mansfield	District Total	Warsop Parish	Mansfield	District Total	
1991/1992	Not Recorded	Not Recorded	240	Not Recorded	Not Recorded	Not Recorded	Not Recorded	Not Recorded	Not Recorded	Not Recorded
1992/1993	Not Recorded	Not Recorded	371	Not Recorded	Not Recorded	Not Recorded	Not Recorded	Not Recorded	Not Recorded	Not Recorded
1993/1994	Not Recorded	Not Recorded	362	Not Recorded	Not Recorded	Not Recorded	Not Recorded	Not Recorded	Not Recorded	Not Recorded
1994/1995	Not Recorded	Not Recorded	335	Not Recorded	Not Recorded	Not Recorded	Not Recorded	Not Recorded	Not Recorded	Not Recorded
1995/1996	Not Recorded	Not Recorded	338	Not Recorded	Not Recorded	Not Recorded	Not Recorded	Not Recorded	Not Recorded	Not Recorded
1996/1997	Not Recorded	Not Recorded	274	Not Recorded	Not Recorded	Not Recorded	Not Recorded	Not Recorded	Not Recorded	Not Recorded
1997/1998	Not Recorded	Not Recorded	287	Not Recorded	Not Recorded	Not Recorded	Not Recorded	Not Recorded	Not Recorded	Not Recorded
1998/1999	Not Recorded	Not Recorded	211	Not Recorded	Not Recorded	Not Recorded	Not Recorded	Not Recorded	Not Recorded	Not Recorded
1999/2000	Not Recorded	Not Recorded	226	Not Recorded	Not Recorded	Not Recorded	Not Recorded	Not Recorded	Not Recorded	Not Recorded
2000/2001	Not Recorded	Not Recorded	158	Not Recorded	Not Recorded	Not Recorded	Not Recorded	Not Recorded	Not Recorded	Not Recorded
2001/2002	Not Recorded	Not Recorded	286	Not Recorded	Not Recorded	18	Not Recorded	Not Recorded	268	Not Recorded
2002/2003	Not Recorded	Not Recorded	373	Not Recorded	Not Recorded	0	Not Recorded	Not Recorded	373	3416
2003/2004	Not Recorded	Not Recorded	350	Not Recorded	Not Recorded	5	Not Recorded	Not Recorded	345	3443
2004/2005	Not Recorded	Not Recorded	336	Not Recorded	Not Recorded	172	Not Recorded	Not Recorded	164	3350
2005/2006	Not Recorded	Not Recorded	441	Not Recorded	Not Recorded	116	Not Recorded	Not Recorded	325	3897
2006/2007	Not Recorded	Not Recorded	631	Not Recorded	Not Recorded	48	Not Recorded	Not Recorded	583	3572
2007/2008	Not Recorded	Not Recorded	285	Not Recorded	Not Recorded	17	Not Recorded	Not Recorded	268	3650
2008/2009	Not Recorded	Not Recorded	253	Not Recorded	Not Recorded	37	Not Recorded	Not Recorded	216	3290
2009/2010	Not Recorded	Not Recorded	469	Not Recorded	Not Recorded	245	Not Recorded	Not Recorded	224	4306
2010/2011	Not Recorded	Not Recorded	371	Not Recorded	Not Recorded	12	Not Recorded	Not Recorded	359	3096
2011/2012	57	212	271	0	6	6	57	206	265	5310
2012/2013	53	151	209	0	3	3	53	148	206	5640
2013/2014	78	203	297	0	1	1	78	202	296	5622
2014/2015	59	174	255	0	1	1	59	173	254	5372
2015/2016	70	305	389	0	1	1	70	304	388	
Total	317	1045	8018	0	12	682	317	1033	4534	
Average	63	209	321	0	2	45	63	207	302	

N.B. 2006/2007, 2013/2014 shows artificially high completion rates due to inclusion of dwellings actually completed in previous years which were found during an overhaul of the monitoring system.

Section Four

District Completions and Losses Data

Figure 8: Net Completions by Year

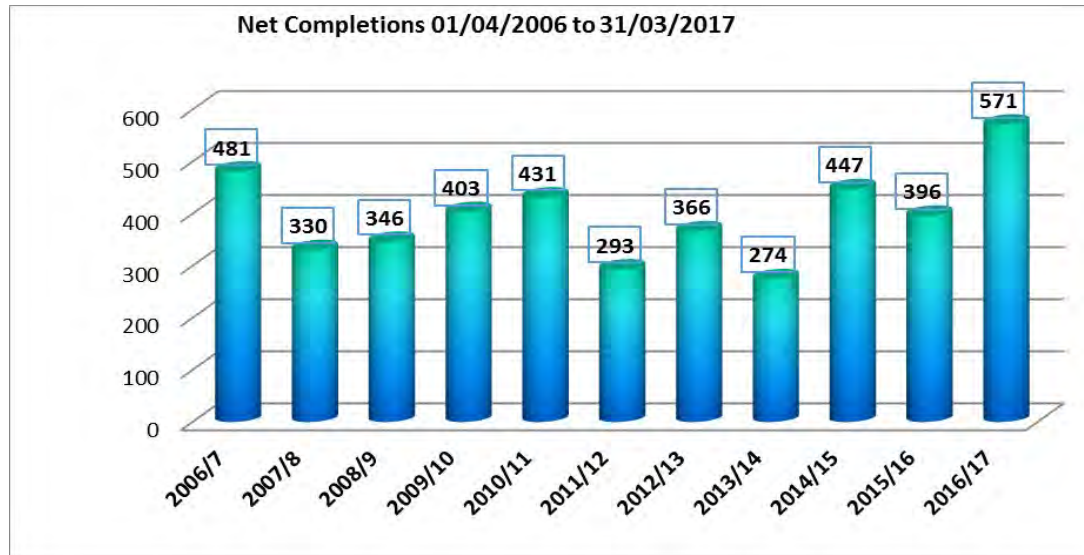


Figure 8 provides comparison data for net completions for the plan period from 01/04/2006 to 31/03/2017

Figure 9 provides comparison data for net and gross completions and losses for the plan period from 2006 onwards.

The average gross completion rate from 2006 is **411** dwellings each year.

The average net completion rate from 2006 is **394** dwellings each year.

Figure 9: Gross Completions and Losses by Year

Year	2006/7	2007/8	2008/9	2009/10	2010/11	2011/12	2012/13	2013/14	2014/15	2015/16	2016/17
Gross Completions	484	333	348	405	433	335	383	312	462	440	585
Losses	3	3	2	2	2	42	17	38	15	44	14
Net Completions	481	330	346	403	431	293	366	274	447	396	571

* Losses are higher from 2011/12 onwards due to a change in the way that they are recorded, this involves recording the loss during the year it happens, previously losses were recorded once the development was complete. In 2015/16 the replacement dwelling monitoring was amalgamated so losses are higher again this year where dwellings have been demolished but the replacement is yet to be completed.

Appendix D

Comparison of actual completions against adopted plan at year-end (e.g. 31/3/1998 for 1997/98)

April to March	Gross comps exc. Student dwellings	Demolitions	Net comps exc. Student dwellings	Student dwellings (net)	Net comps inc. student dwellings	Nottm Local Plan (400 p.a. Gross 1991 to 2011) adopted Oct 1997***			Structure Plan (925 p.a. Net 2001 to 2021) adopted Feb 2006			Regional Plan (1,000 p.a. Net 2006 to 2026) adopted March 2009			Aligned Core strategy (475 p.a. Net 2011 to 2013, 880 Net 2013 to 2018) adopted September 2014		
						Required (cumulative)	Actual**	Actual minus required	Required (cumulative)	Actual	Actual minus required	Required (cumulative)	Actual	Actual minus required	Required (cumulative)	Actual	Actual minus required
1997-98	380	-	-	-	-	2,800	3,713	913	-	-	-	-	-	-	-	-	-
1998-99	414	-	-	-	-	3,200	4,127	927	-	-	-	-	-	-	-	-	-
1999-2000	473	-	-	-	-	3,600	4,600	1,000	-	-	-	-	-	-	-	-	-
2000-01	373	13	360	6	366	4,000	4,973	973	-	-	-	-	-	-	-	-	-
2001-02	1140	22	1,118	6	1,124	4,400	6,113	1,713	-	-	-	-	-	-	-	-	-
2002-03	808	22	786	279	1,065	4,800	6,921	2,121	-	-	-	-	-	-	-	-	-
2002-03	1124	21	1,103	229	1,332	5,200	8,045	2,845	-	-	-	-	-	-	-	-	-
2004-05	1254	200	1,054	132	1,186	5,600	9,299	3,699	-	-	-	-	-	-	-	-	-
2005-06	1453	399	1,054	1,003	2,057	-	-	-	4,625	5,115	490	-	-	-	-	-	-
2006-07	1574	256	1,318	205	1,523	-	-	-	5,550	6,433	883	-	-	-	-	-	-
2007-08	1382	110	1,272	88	1,360	-	-	-	6,475	7,705	1,230	-	-	-	-	-	-
2008-09****	573	36	537	213	750	-	-	-	-	-	-	3,000	3,633	633	-	-	-
2009-10	789	136	653	259	912	-	-	-	-	-	-	4,000	4,545	545	-	-	-
2010-11	476	258	218	96	314	-	-	-	-	-	-	5,000	4,859	-141	-	-	-
2011-12	279	301	-22	444	422	-	-	-	-	-	-	6,000	5,281	-719	-	-	-
2012-13*	369	60	309	490	799	-	-	-	-	-	-	-	-	-	950	1,221	271
2013-14*	524	358	166	297	463	-	-	-	-	-	-	-	-	-	1,830	1,684	-146
2014-15	662	4	658	364	1,022	-	-	-	-	-	-	-	-	-	2,710	2,706	-4
2015-16	748	7	741	206	947	-	-	-	-	-	-	-	-	-	3,590	3,653	63

* There was no adopted plan at 31/3/13 or 31/3/14.

** Local Plan says actual completions to December 1995 were 2,937. 1996/97 has been added to his.

*** The Nottingham Local Plan (1997) requirement was gross.

**** CLG's definitions changed to include student dwellings in 2009, so it is probably correct to include them in the actual to compare with the Regional Plan for 2008/09. However, even if the change is not made until 2009/10 the Regional Plan requirement is still met in 2008/09.

5 Key monitoring indicators

Housing requirement and delivery

5.1 The housing requirement for the Borough, including the methodology for calculating 5 year land supply, is set by Policy 3 of the Core Strategy. The policy requires the delivery of a minimum of 13,150 new homes between 2011 and 2028, identifying that the following phases of housing delivery will be used for monitoring purposes:

2012 – 2013	2014 – 2018	2019 – 2023	2024 - 2028
500	2,350	6,500	4,100
250 per annum	470 per annum	1,300 per annum	820 per annum

Housing completions 2011-2016

5.2 Monitoring of new housing development takes part as the Council's Housing Land Availability (HLA) review. This includes a full list of all extant planning approvals and tracks completions over the period April to March each year. The 2016 HLA report is included in this report as **Appendix 1**.

2011/12	2012/13	2013/14	2014/15	2015/16	Total completions over plan period
293	209	199	373	487	1,561

Table 4.4a: Additional Dwellings Rushcliffe – Total

Indicator	05/06	06/07	07/08	08/09	09/10	10/11	11/12 Curr	12/13 Y1	13/14 Y2	14/15 Y3	15/16 Y4	16/17 Y5	17/18	18/19	19/20	20/21	21/22	22/23	23/24	24/25	25/26	
H2a	261	456	493	191	227																	
H2b						216																
H2c	Net Additions						233	258	318	370	372	549	488	326	216	112	140	20	12	149	18	
	Target							942	994	1051	1113	1187										
H2d	n/a as Core Strategy has not been adopted.																					

Table 4.4b: Additional Dwellings Rushcliffe – Nottingham Principal Urban Area

Indicator	05/06	06/07	07/08	08/09	09/10	10/11	11/12 Curr	12/13 Y1	13/14 Y2	14/15 Y3	15/16 Y4	16/17 Y5	17/18	18/19	19/20	20/21	21/22	22/23	23/24	24/25	25/26	
H2a	58	216	85	21	9																	
H2b						9																
H2c	Net Additions						28	63	106	133	200	315	240	220	163	100	100	0	12	149	18	
	Target							731	782	839	903	973										
H2d	n/a as Core Strategy has not been adopted.																					

Table 4.4c: Additional Dwellings Rushcliffe – Rural

Indicator	05/06	06/07	07/08	08/09	09/10	10/11	11/12 Curr	12/13 Y1	13/14 Y2	14/15 Y3	15/16 Y4	16/17 Y5	17/18	18/19	19/20	20/21	21/22	22/23	23/24	24/25	25/26	
H2a	205	240	408	170	218																	
H2b						207																
H2c	Net Additions						205	191	209	237	172	234	248	106	53	59	87	67	47	47	47	
	Target							211	212	213	210	214										
H2d	n/a as Core Strategy has not been adopted.																					

Appendix 2

Table 3, East Midlands and S. Yorks, annual aggregate production by county												
	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	Current output compared with 2006 output
Nottinghamshire	3.15	2.97	2.37	1.27	1.56	1.71	1.55	1.39	1.43	1.52	1.27	40%
Lincolnshire	3.37	2.47	2.27	1.99	1.79	1.92	1.85	1.88	2.15	2.19	2.17	64%
Leicestershire	1.27	1.33	1.09	0.83	0.91	0.92	0.91	1.1	1.45	1.41	1.5	110%
Derbyshire	1.2	1.22	1.1	0.91	1.04	1.1	0.81	0.82	0.95	1.13	1.29	108%
Northamptonshire	0.43	0.36	0.25	0.17	0.22	0.24	0.4	0.51	0.52	0.27	0.4	93%
East Midlands RAWP area	9.92	8.91	7.54	5.5	5.83	6.23	5.88	6.04	6.85	6.9	6.95	70%
S. Yorkshire	0.5	0.4	0.4	0.5	0.16	0.14	0.14	0.15	0.14	0.4		80%

Appendix 3

Table 4 Nottinghamshire permitted reserves (Oct 2017 LAA) and draft MLP allocations by area.

	Tonnage MT	Operator
North Notts (Idle Valley)		
Permitted reserves		
Finningly	0.45	Tarmac
Scrooby	0.72	Rotherham Sand and Gravel
Mission Bawtry Road	0.60	Rowley
Mission West	0.03	Hanson
Sturton le steeple	7.5	Tarmac
Draft MLP Allocations		
Bawtry Road west	0.18	Mission Sand and Gravel
Scrooby Thompson Land	0.40	Rotherham Sand and Gravel
Scrooby North	0.39	Rotherham Sand and Gravel
Botany Bay	2.44	Tarmac
TOTAL for North Notts	12.71MT	
Newark		
Permitted reserves		
Girton	3.56	Tarmac
Langford Lowfields	1.35	Tarmac
Besthorpe	0.5	Tarmac
Cromwell	2.4	Cemex
Draft MLP allocations		
Langford Lowfields south and west	3.60	Tarmac
Langfield Lowfields North	4.70	Tarmac
TOTAL for Newark	16.11MT	
South Notts		
Permitted reserves		
East Leake	2.34	Cemex
Draft MLP allocation		
East Leake	0.75	
Mill Hill	3.00	London Rock
TOTAL for South Notts	6.09MT	
TOTAL	34.91MT	

24.10MT controlled by one operator which represents 69% of the landbank for the County .

Appendix 4



Sand and Gravel Provision

Emissions Footprint

Nottinghamshire

For Brett Aggregates Ltd



Quality Management

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Executive Summary

In October 2013, Nottinghamshire County Council (NCC) published *Minerals Local Plan – Preferred Approach Consultation* which set out the broad policy principles for mineral development in Nottinghamshire between 2012 and 2030. The plan identified three distinct areas for sand and gravel production: North Nottinghamshire, Newark and South Nottinghamshire. The largest growth in the County is likely to be in Nottingham City and the surrounding area.

Brett Aggregates Ltd responded to the consultation in December 2013 pointing out that sand and gravel extracted from sites in the north of the County and the Newark area would have to be transported long distances to reach Nottingham, the area with the largest demand. Brett Aggregates Ltd suggested that construction and development needs in and around Nottingham, throughout the plan period, would be better met by mineral resources closer to this potential market. Specifically, potential extraction sites were identified at Shelford East and Shelford West.

This report considers the traffic-related emissions savings that could be achieved from transporting sand and gravel from Shelford East and/or West compared with transporting sand and gravel from sites in North Nottinghamshire or the Newark area.

There are emission reductions in all traffic-related pollutants savings when sand and gravel is transported from Shelford. The greatest emissions savings relate to carbon dioxide (CO₂): the calculated emissions assuming the sand and gravel are transported from Shelford are less than half of the emissions assuming that the same mass of sand and gravel are transported from Newark and less than 20% of the emissions assuming that the same mass of sand and gravel are transported from North Nottinghamshire.

The report has been produced based upon appropriate information provided by Brett Aggregates Ltd and its project team. In preparing this report, RPS experts have exercised professional skills and judgement to the best of their abilities and have given professional opinions that are objective, reliable and backed with scientific rigour. These professional responsibilities are in accordance with the code of professional conduct set by the Institution of Environmental Sciences for members of the Institute of Air Quality Management (IAQM).

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Figure 1: Shelford East/West to Nottingham

Figure 2: Coddington to Nottingham

Figure 3: North Nottinghamshire to Nottingham

1 Introduction

- 1.1 In October 2013, Nottinghamshire County Council (NCC) published *Minerals Local Plan – Preferred Approach Consultation* which set out the broad policy principles for mineral development in Nottinghamshire between 2012 and 2030. The plan identified three distinct areas for sand and gravel production: North Nottinghamshire, Newark and South Nottinghamshire. The largest growth in the County is likely to be in Nottingham City and the surrounding area.
- 1.2 In December 2013, Brett Aggregates Ltd responded to the consultation identifying that sand and gravel extracted from sites in the north of the County and Newark would have to be transported long distances to reach Nottingham, the area with the largest demand. Brett Aggregates Ltd suggested that construction and development needs in and around Nottingham, throughout the plan period, would be better met by mineral resources closer to this potential market. Specifically, potential extraction sites were identified at Shelford East and Shelford West.
- 1.3 This report considers the traffic-related emissions savings that could be achieved from transporting sand and gravel from Shelford East and/or West compared with transporting sand and gravel from sites in North Nottinghamshire or Newark.

2 Approach to Quantifying Emissions

Background

- 2.1 Table 2.1 provides a comparison of the supply and demand proportions of sand and gravel in the three locations identified by NCC.

Table 2.1 Comparison of the Supply and Demand Proportions of Sand and Gravel

Area	Sand and Gravel Resources - Supply	Housing Requirement - Demand
Newark	68%	16%
South Nottinghamshire	13%	56%
North Nottinghamshire	19%	18%
Total	100%	100%

- 2.2 It can be seen that the highest housing demand is in South Nottinghamshire, where the currently proposed allocation of mineral reserves is lowest.
- 2.3 Traffic-related pollutant emissions have been calculated for transporting sand and gravel to the city of Nottingham where the majority of the construction and development will take place, from mineral extraction sites in North Nottinghamshire, the Newark area and East/West Shelford.

Information and Assumptions Used in Calculations

Modes of Transport

- 2.4 Each of the Shelford sites is capable of producing 500,000 tonnes per annum. The sites would be worked consecutively. When the first site is exhausted, extraction would commence at the second site.
- 2.5 The Shelford sites are in close proximity to the River Trent. It is proposed that 180,000 tonnes per annum would be transported by barge along the River Trent as far as Colwick Wharf in Nottingham. The remaining 320,000 tonnes per annum would be transported by heavy goods vehicles (HGVs) via the A6097 to Nottingham. A conveyor would be used to transport the extracted minerals from the sites to the River Trent or the A6097. The routes assumed to be taken by the HGVs and the barges are illustrated in Figure 1.
- 2.6 The key-traffic related pollutants are nitrogen oxides (NO_x), particulate matter (PM₁₀) and carbon dioxide (CO₂). Emissions of NO_x and PM₁₀ are associated with respiratory and cardiovascular adverse health effects on a local level. Emissions of CO₂ are associated with climate change effects on a regional level. Emissions of NO_x, PM₁₀ and CO₂ associated with the transportation of 500,000 tonnes of sand and gravel from Shelford to Nottingham have been calculated.

- 2.7 For the purposes of calculating the number of barges from the proposed Shelford site, it has been assumed that each barge has a capacity 300 tonnes and that each barge will be fully loaded on the out-bound trip.
- 2.8 For the purposes of calculating the number of HGVs from the proposed Shelford site, it has been assumed that each HGV has a capacity 20 tonnes. Again, it has been assumed that each HGV will be fully loaded on the out-bound trip. Emissions factors for road vehicles are speed-dependent and it has been assumed that all HGVs will travel at 40 miles per hour (64 km per hour).
- 2.9 The calculated emissions associated with transporting sand and gravel from Shelford have been compared with the emissions associated with transporting the same amount of sand and gravel (500,000 tonnes) from Newark to Nottingham and from North Nottinghamshire to Nottingham. For Newark sites, the calculations assume that the sand and gravel will be extracted at Coddington; however, consideration has also been given to the extraction from sites at Collingham and Cromwell.
- 2.10 It is assumed that all transportation from Newark and North Nottinghamshire would be by road.
- 2.11 The routes are illustrated in Figures 2 and 3 respectively. To allow a direct comparison with the calculations for Shelford, the same assumptions have been made in all scenarios.

Emissions factors

Heavy Goods Vehicles

- 2.12 Speed-related HGV emissions have been drawn from Defra's 2014 emission factor toolkit (version 6.0) which uses emissions generated by the European Environment Agency (EEA) COPERT 4 (v10) emission calculation tool.

Barges

- 2.13 Emissions factors for inland waterway journeys are not readily available. A literature review has been undertaken to find sources of emissions. For barges, emissions are generally provided as a mass per tonne.km. The results of the literature review are summarised in Table 2.2 below.

Table 2.2 Summary of Published Emissions to Air from Barges (grammes per tonne.km)

Pollutant	Emissions in grammes per tonne.km		
	WWF	EU	CEFIC
NO _x	0.72	0.95	-
PM	0.038	0.03	-
CO ₂	48.50	-	31

WWF = World Wide Fund for Nature (2005) Literature Review: Inland Navigation and Emissions

EU = EU Transport GHG: Routes to 2050? (February 2012) Development of a better understanding of the scale of co-benefits associated with transport sector GHG reduction policies

CEFIC = European Chemical Industries Council (March 2011) Guidelines for Measuring and Managing CO₂ Emission from Freight Transport Operations

- 2.14 For NO_x, the EU data source provides a slightly higher emission than the WWF. For PM₁₀, the data sources provide very similar emissions. There is less agreement in the available emissions published for CO₂.
- 2.15 To ensure that the emissions assumptions for the Shelford scenario are conservative, the highest reported emission rate has been used in each case. The emissions used in the calculations are set out in Table 2.3.

Table 2.3 Emissions to Air from Barges (grammes per tonne.km) – Used in Calculations

Pollutant Emitted	Emissions (grammes per tonne.km)	Source
NO _x	0.95	EU
PM	0.038	WWF
CO ₂	48.5	WWF

- 2.16 As barge emissions are related to load as well as distance, the barges are assumed to be fully laden on their journey to Nottingham and assumed to have a 1 tonne load for the return journey.

3 Results of Emissions Quantification

- 3.1 Table 3.1 summarises the total emissions calculated for the three options for providing 500,000 of sand and gravel to Nottingham.

Table 3.1 Summary of Calculated Emissions in Kg per Annum

Scenario	Atmospheric Emissions (kg per annum) - for Transporting 500,000 Tonnes of Sand and Gravel to Nottingham		
	NO _x	PM	CO ₂
Shelford East/West to Nottingham	3,725 (2,388)	180 (96)	470,885 (121,927)
Newark (Coddington) to Nottingham	4,385	276	1,144,774
North Nottinghamshire to Nottingham	9,502	598	2,480,659

The amounts shown in parentheses for Shelford East/West to Nottingham relate are the barge emissions.

- 3.2 It should be clear that the emissions for transporting 500,000 tonnes of sand and gravel from Shelford to Nottingham are considerably lower for all pollutants than the emissions associated with transporting the same mass of sand and gravel from with Coddington or North Nottinghamshire.
- 3.3 As set out in Section 2, emissions of NO_x and PM₁₀ are associated with respiratory and cardiovascular adverse health effects on a local level. Emissions of CO₂ are associated with climate change effects on a regional or global level.
- 3.4 For the Shelford Sites, 36 % (180,000 tonnes out of a total of 500,000 tonnes) of the sand and gravel extracted each year would be transported by barge. For CO₂, the emissions associated with transporting this material by barge are 26 % (121,927 /, 470,885) of the total emissions for this scenario. This demonstrates that the use of barges to transport the material is beneficial in terms of climate change effects on a regional or global level.
- 3.5 For NO_x and particulate matter, the barges contribute a greater proportion of the total; however, these are local pollutants and moving the transportation off the local road network and onto inland waterways is likely to be beneficial as roadside pollutant concentrations are likely to be reduced when compared with the use of HGVs as a sole means of transportation.
- 3.6 The greatest emissions savings relate to CO₂. In the case of CO₂, the emissions for transporting sand and gravel from Shelford are less than half of the emissions for transporting sand and gravel from Coddington and less than 20% of the emissions assuming the sand and gravel are transported from North Nottinghamshire.
- 3.7 Further analysis has been undertaken to quantify the emissions for the scenarios of the sand and gravel in Newark having been extracted from sites at Collingham and Cromwell. The calculated emissions are provided in Table 3.2.

Table 3.2 Summary of Calculated Emissions in Kg per Annum

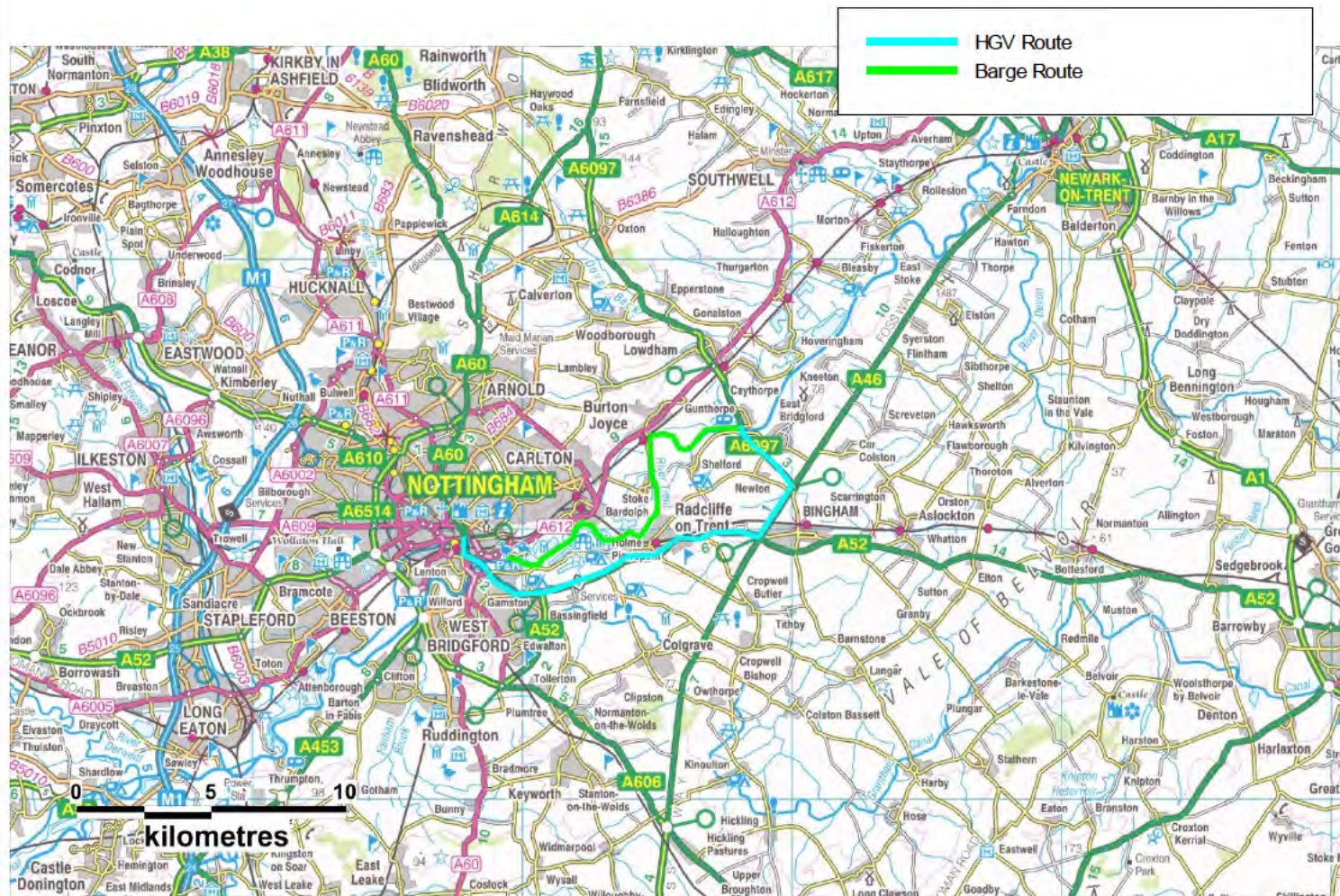
Scenario	Atmospheric Emissions (kg per annum) - for Transporting 500,000 Tonnes of Sand and Gravel to Nottingham		
	NO _x	PM	CO ₂
Shelford East/West to Nottingham	3,725	180	470,885
Newark (Coddington) to Nottingham	4,385	276	1,144,774
Newark (Collingham) to Nottingham	4,829	304	1,260,731
Newark (Cromwell) to Nottingham	4,806	303	1,254,557
North Nottinghamshire to Nottingham	9,502	598	2,480,659

- 3.8 When the sand and gravel in Newark is extracted from sites at Collingham or Cromwell, the emissions are greater than if the sand and gravel is extracted from Coddington; however, for all sites in Newark, the transport-related emissions exceed those associated with the Shelford sites.

4 Conclusion

- 4.1 In October 2013, Nottinghamshire County Council (NCC) published *Minerals Local Plan – Preferred Approach Consultation* which set out the broad policy principles for mineral development in Nottinghamshire between 2012 and 2030. The plan identified three distinct areas for sand and gravel production: North Nottinghamshire, Newark and South Nottinghamshire. The largest growth in the County is likely to be in Nottingham City and the surrounding area.
- 4.2 Brett Aggregates Ltd responded to the consultation in December 2013 pointing out that sand and gravel extracted from sites in the north of the County and the Newark area would have to be transported long distances to reach Nottingham, the area with the largest demand. Brett Aggregates Ltd suggested that construction and development needs in and around Nottingham, throughout the plan period, would be better met by mineral resources closer to this potential market. Specifically, potential extraction sites were identified at Shelford East and Shelford West.
- 4.3 This report considers the traffic-related emissions savings that could be achieved from transporting sand and gravel from Shelford East and/or West compared with transporting sand and gravel from sites in North Nottinghamshire or the Newark area.
- 4.4 The calculations demonstrate that for all traffic-related pollutants, emissions are reduced when sand and gravel is transported from Shelford. The greatest emissions savings relate to CO₂: the calculated emissions assuming the sand and gravel are transported from Shelford are less than half of the emissions assuming that the same mass of sand and gravel are transported from Coddington, near Newark, and less than 20% of the emissions assuming that the same mass of sand and gravel are transported from North Nottinghamshire.
- 4.5 When the sand and gravel in Newark is extracted from sites at Collingham or Cromwell, the emissions are greater than if the sand and gravel is extracted from Coddington; however, for all sites in Newark, the transport-related emissions exceed those associated with the Shelford sites.

Figures



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Client: Brett Aggregates

Project: Sand and Gravel Provision

Job Ref: JAP 8088

File location: O:\Jobs_8001-9000\8088p\Maps

Date: 20/10/2014

Rev: 0

Drawn: FP

Checked:

Figure Number: 1

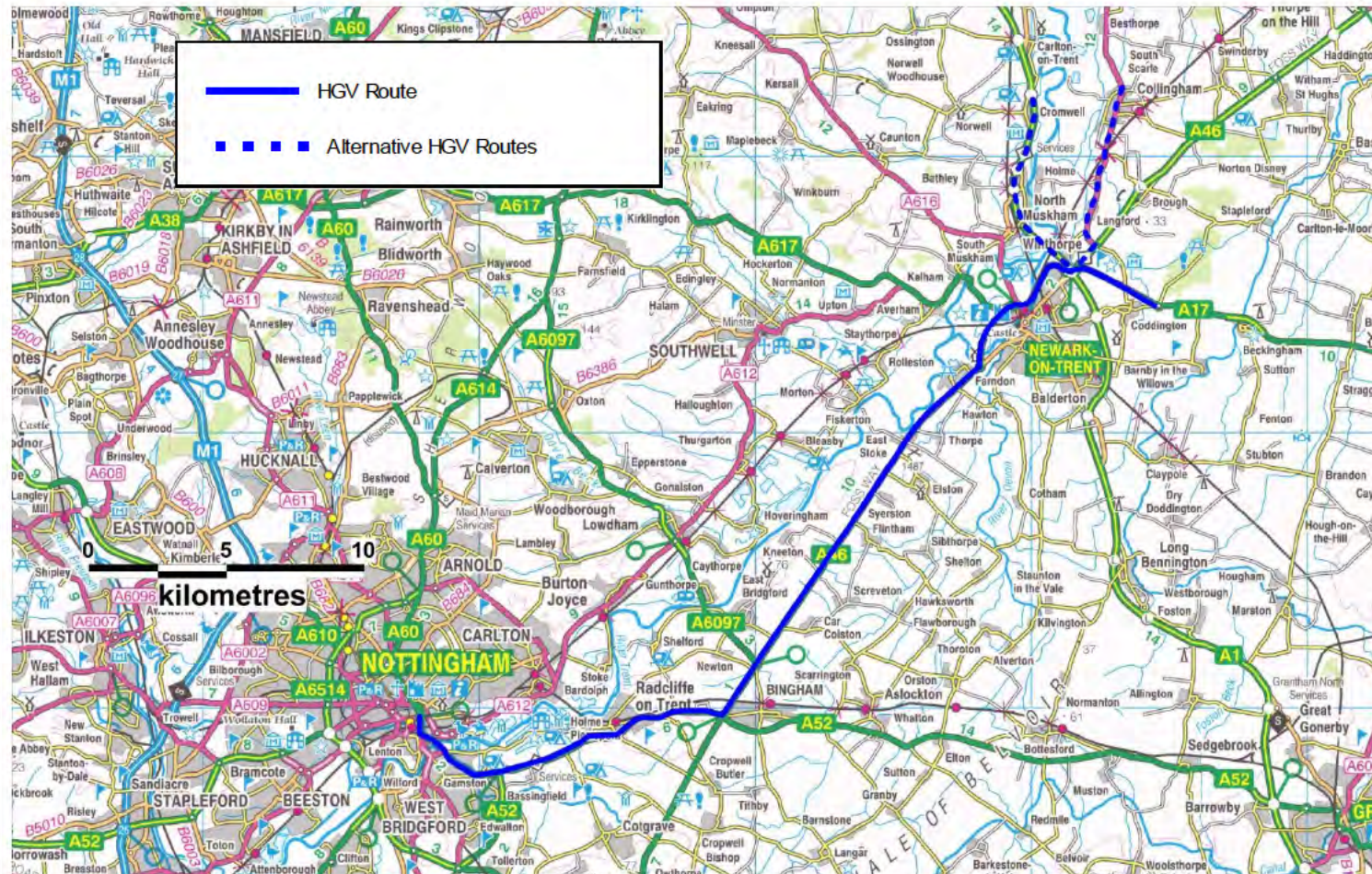
Title: Shelford East/West to Nottingham

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Date: 20/10/2014

Drawn: FP

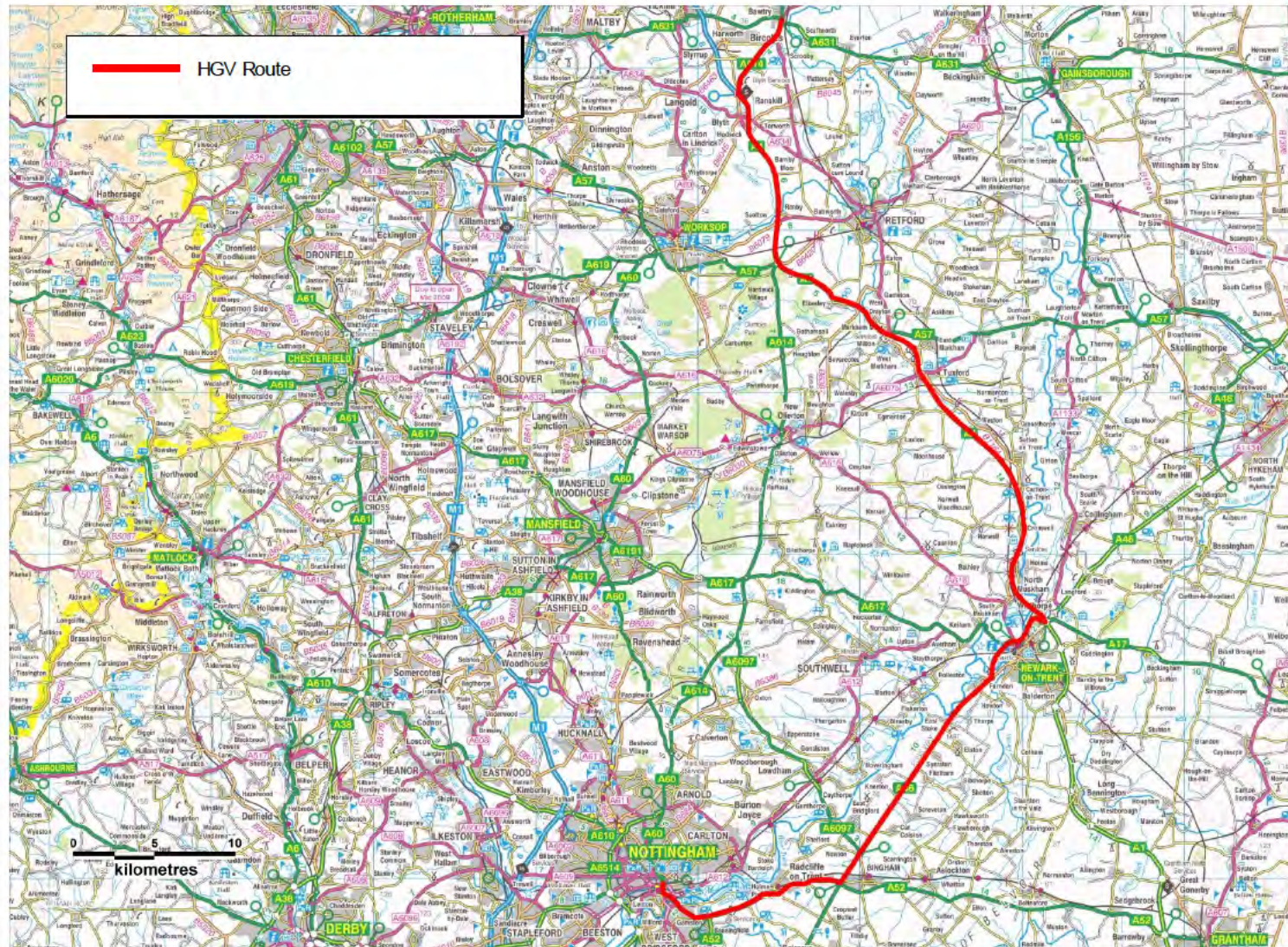
Figure Number: 2

Title: Coddington to Nottingham

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File location: O:\Jobs_8001-9000\8088p\Maps

Date:20/10/2014

Drawn: FP

Figure Number:3

Title: North Nottinghamshire to Nottingham

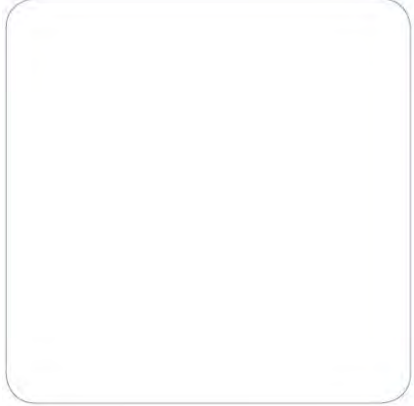
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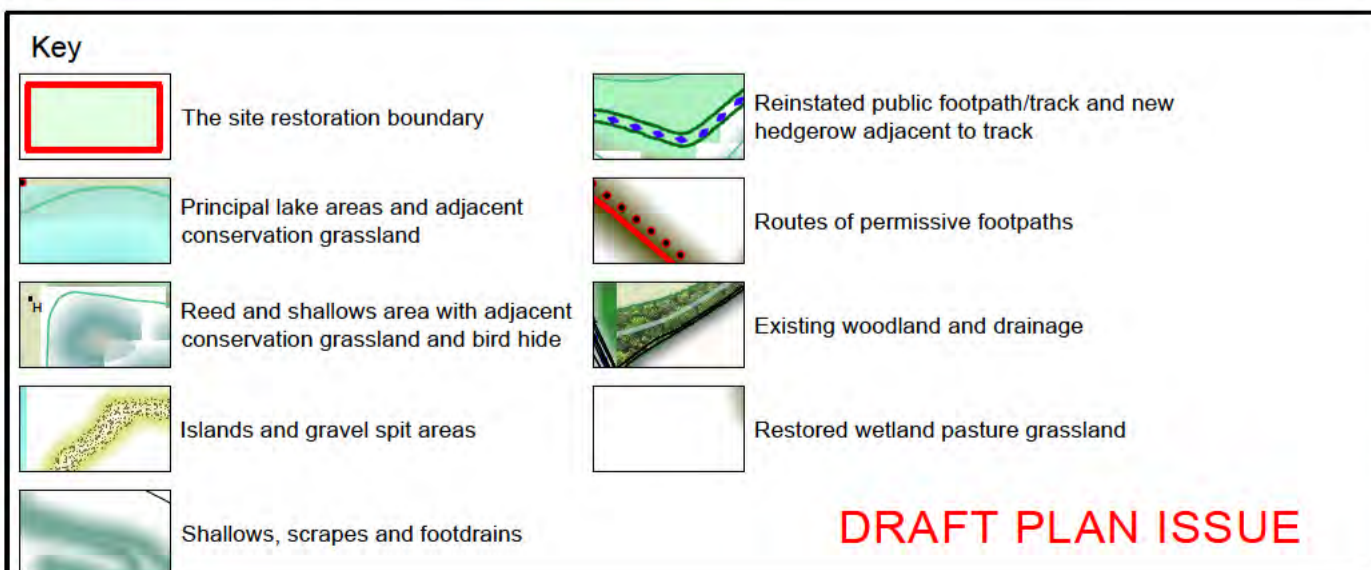
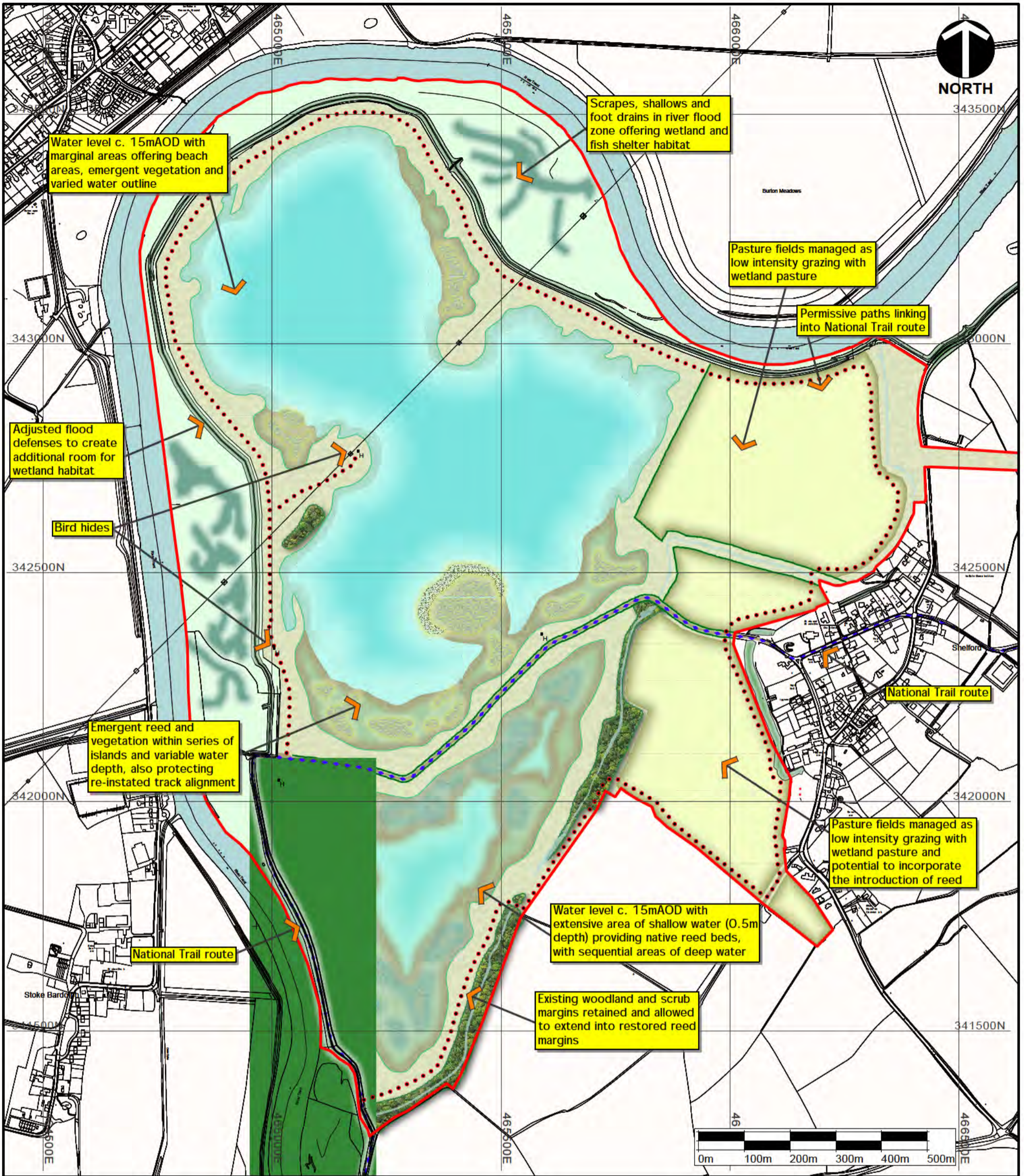
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Appendix 5



Client: **Brett Group** 

Project: **Shelford Proposed Quarry Development**

Title: **Concept Restoration Masterplan**

CAD Ref: SH1088-D3v1	Version: 1	Drawn by: RB	Scale @ A3: Plan 1:8000	Origin Date: May 2017
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Registered Practice **Landscape Institute**

Drawing Number: **SH1088-D3**

Appendix 6

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31st August 2018
Our Ref: SW18/E1343/JOL1

Dear Ms Owen,

Land at Shelford, Nottinghamshire – Summary of Ecological Surveys and Restoration

We understand that Nottinghamshire County Council (NCC) are in the process of reviewing their Minerals Local Plan (MLP) and have recently issued a revised draft of this for consultation. This latest draft no longer includes the allocation of the above site for the working and winning of sand and gravel. In light of this changed position for the allocation at Shelford you have requested a summary of the ecological surveys undertaken at the site, their initial findings and the broad picture of the ecological resource that has to date been found. Details of initial discussions with various stakeholders regarding the likely restoration and end use for the site are also provided.

Background

Bioscan first surveyed the site in 2005 to provide a broad assessment of the likely ecological constraints and opportunities that exist on the site based on the results of an extended Phase 1 survey undertaken at that time. Since this and following the subsequent allocation of the site in the 2016 Submission Draft MLP, Bioscan were commissioned in the latter half of 2015 to commence with a suite of surveys in the lead up to the submission of a planning application to work the site. Whilst preparation of the application was put on hold mid-2016 following the decision by NCC to withdraw the Submission Draft MLP, the site had by that point been visited by Bioscan on numerous occasions, with specific surveys covering winter and breeding birds, bats (including building inspections and emergence/re-entry surveys, transect surveys and remote detector surveys), and eDNA analysis of existing waterbodies for great crested newt presence or absence, also completed by that stage.

Initial assessment and likely constraints

Whilst full analysis of the data collected in 2015/16 was also put on hold pending the MLP review, a broad picture of the site was nevertheless achieved and which found it to be characterised largely by intensively managed arable land defined by hedgerows and/or ditches (including the Hams Dyke), together with pockets of plantation woodland, scrub, species-poor pasture, a pond and the small farm complex known as The Holmes. These habitats were generally noted to be of low ecological interest in their own right, appearing to lack notable floral interest, most likely as a consequence of their management at that time. Furthermore, areas or features within the site noted as potentially having an elevated interest and that would be likely to be removed by the working of this site, for example associated with the hedgerows, it was considered unlikely that this would be sufficient raise the value these above that of the immediate site level.

With regard to the faunal surveys completed, the winter and breeding bird surveys identified an assemblage of bird species that reflect the general intensively managed arable nature of the site, with relatively common winter species recorded including maximum counts of 65 mute swan, 62 lapwing, 62 fieldfare and 70 redwing recorded over the 2015/16 winter. Given the size of the site studied a rather poor collection of breeding species was recorded,

including species with an elevated conservation status such as dunnock which was likely to have held the highest number of breeding territories on the site in 2016 at an estimated 14-18. In addition, 10-14 skylark territories, 2-5 linnet territories and just 2-4 yellowhammer territories were also recorded.

A similar picture was gathered as to the use of the site by bats, with common and soprano pipistrelle likely to have formed the bulk of the bat registrations recorded during the transect and remote detector surveys, with generally restricted use of the site by other species such as noctule and *Myotis* species.

Lastly, all of the eDNA tests undertaken of the waterbodies within and surrounding the site returned a result of 'negative' for great crested newt eDNA indicating that this species was unlikely to have been active within these in 2016.

On the basis of the above, albeit incomplete, baseline the overall impression of this site is one of an area that is unlikely to support floral or faunal interest that would represent a fundamental constraint on the principle of the site being worked and no overriding ecological constraint on the working of the site has at this stage been identified. Furthermore, given the predominance of arable land, were an ecological constraint or interest feature to be identified in due course it is unlikely that it would preclude entirely the working of the site, with retention, mitigation or as a last resort compensation likely to be achievable if necessary.

Restoration proposals

As part of the work to prepare the planning application, meetings/workshops were held with various stakeholders to discuss the possible restoration and future end use for the site. Two such meetings were held, on 22nd July and 10th November 2016, attended by Nottinghamshire County Council (including officers from both the planning and ecology departments), Nottinghamshire Wildlife Trust, the RSPB and the Environment Agency, as well as those from the team working on behalf of Brett.

At these meetings, broad agreement was reached that an ecology-led restoration should be pursued and, at least initially, a scheme based on the removal of the flood bund to allow the site to become a more active part of the flood plain of the adjacent River Trent by more regular inundation, was preferred to 'undo' some of the past interventions that have resulted in the river being heavily engineered and having little associated riparian habitat. On this basis, MJCA undertook flood modelling to assess the impact of removing the flood bund. This highlighted a conflict downstream for flood events below the 1:100 year event, such that there was an increased risk of flooding downstream including areas with existing residential properties. As such an increase in flood risk would be considered unacceptable, various options for more minor changes to the flood bund were also modelled to assess the scope to achieve positive ecological benefits without increasing flood risk. This demonstrated that some changes to the flood defences immediately adjoining the river could be accommodated to reduce the engineered profile of the bank and provide for habitat improvement including increased fish breeding.

With the requirement to retain the flood bund largely in its current location shown to be required based on this modelling, a restoration proposal was developed taking this into account, with a focus in particular on birds and creating relatively largescale habitats to avoid habitat packing. This draft restoration proposal is attached. A number of features highlighted during the meetings as being key for the restoration are shown, including: a large reedbed, created using overburden and soils to raise the lake bed within the excavation post-extraction; creation of islands to provide predator free roosting and nest sites for birds; a variable profile to the lake edges to encourage the development of marginal vegetation; stripping of surface soils on unworked land to provide both additional material for the reedbed creation and to create wet meadow habitat to complement the water-based features; wet woodland/scrub habitat at the interface between the reedbed and off-site woodland to provide habitat for species such as Cetti's warbler; and reprofiling the river bank and existing flood zone to create shallow inlets, scrapes and foot drains to provide habitat to support nesting by wading species and sheltered, slow water for fish. Whilst further

refinement of this restoration proposal will be required, it nevertheless clearly demonstrates the potential for working of this site to deliver net gains in the biodiversity on the site and landscape scale ecological enhancement.

On the basis of the assessment and the restoration proposals together with the ability to provide phased restoration to deliver the above enhancements over the course of the life of the quarry rather than as a final operation, and that the site can be worked without dewatering I consider that in respect of the Draft MLP Interim Sustainability Report July 2018 (page 156) the overall operational phase of the project should be scored no lower than 0. This is primarily on the basis that once the first phase is complete and restored the enhancements delivered are likely to rapidly overtake the impact of the next and latter phases. Furthermore, in consideration of the overall restoration package the long term score for the site post-extraction should also be not less than +2, with the potential for a score of +3 to be realised.

I trust the above is of assistance.

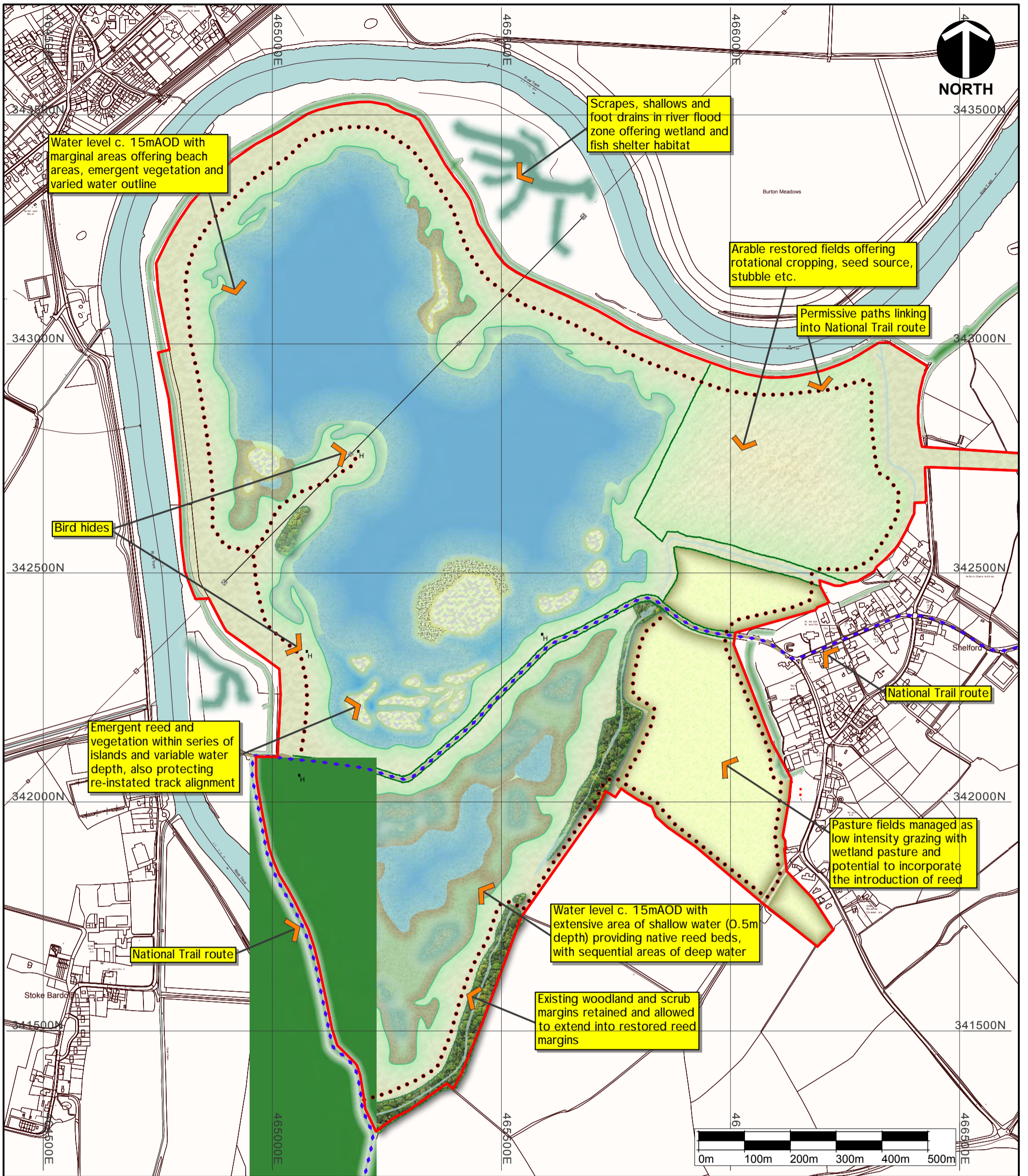
Regards

FOR AND ON BEHALF OF BIOSCAN (UK) LTD



Samuel Watson MCIEEM
Senior Ecologist





DRAFT PLAN ISSUE

Client: **Brett Group**



Project: **Shelford Proposed Quarry Development**

Title: **Concept Restoration Masterplan**

CAD Ref: SH1088-D1v3	Version: 3	Drawn by: RB	Scale @ A3: Plan 1:8000	Origin Date: October 2016
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Drawing Number: **SH1088-D1**

Appendix 7

CONSULTATION DRAFT NOTTINGHAMSHIRE MINERALS LOCAL PLAN

SHELFORD

LANDSCAPE REBUTTAL

ON BEHALF OF BRETT AGGREGATES

TOWN & COUNTRY PLANNING ACT 1990 (AS AMENDED)

PLANNING AND COMPULSORY PURCHASE ACT 2004

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4. LANDSCAPE CHARACTER.....	5
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1. INTRODUCTION

- 1.1 Connected Landscapes has been instructed by Brett Aggregates to provide a **rebuttal to Nottinghamshire County Council's 2018 consultation draft Minerals Local Plan (MLP)** in relation to land at Shelford which is not within the allocated sites.
- 1.2 The rebuttal has been produced on the basis of desk-based research, including analysis of:
 - Preliminary Landscape and Visual Assessment of Potential Mineral Sites 2018 (Via/NCC);
 - Draft Minerals Local Plan Sustainability Appraisal Interim Report July 2018;
 - publicly available aerial imagery (Google Earth);
 - published landscape character assessment – Greater Nottingham LCA (including Trent Washlands by Nottinghamshire County Council); and
 - Ordnance Survey mapping at 1:25,000 scale.
- 1.3 This rebuttal has been written with regard to best practice as outlined in published guidance:
 - Guidelines for Landscape and Visual Impact Assessment (3rd edition) - Landscape Institute/ Institute of Environmental Management and Assessment (2013)
 - GLVIA3 Statement of Clarification 1/13 – Landscape Institute (2013)
 - An Approach to Landscape Character Assessment – Natural England, October 2014

2. **AUTHOR'S QUALIFICATIONS AND EXPERIENCE**

- 2.1 My name is Robert Pile and I hold a 1st Class Bachelor of Science Degree in Agriculture, with Honours in Agriculture, Forestry and Rural Economy (BSc Hons), and a Post-Graduate Diploma in Landscape Architecture. I am a Chartered Member of the Landscape Institute and a Technician Member of the Arboricultural Association.
- 2.2 I am the Principal of Connected Landscapes, a landscape architecture and landscape planning practice specialising in landscape and visual impact assessments relating to all forms of development. Connected Landscapes is a practice registered with the Landscape Institute since the formation of the business in early 2016.
- 2.3 I have gained over 20 years of consultancy experience across the landscape planning, land management and forestry professions. Prior to forming Connected Landscapes, I was a Principal Landscape Architect at the Pegasus Group where I specialised in LVIAs across a range of development types, but particularly those relating to residential and renewable energy. Prior to joining the Pegasus Group, I was an Associate at David Jarvis Associates where I specialised in landscape planning issues across the minerals and waste sectors. I have had considerable experience of and involvement in a range of development projects throughout the UK, many of which have involved statutory protected landscapes, including National Parks, Areas of Outstanding Natural Beauty (AONB), as well as non-**statutory local landscape designations such as Special Landscape Areas (SLA's)**. I have written landscape statements for written representation appeals for a number of different development projects, and assisted in the production of a number of proofs of evidence for residential, renewable energy and other developments.
- 2.4 **I provide my professional services in compliance with the Landscape Institute's Code of Standards of Conduct and Practice for Landscape Professionals.**

3. SITE DESCRIPTION

- 3.1 The Shelford site occupies land within a bow of the River Trent between the villages of Burton Joyce (to the north-west of the river), Shelford (to the east/south-east of the site) and Stoke Bardolph (to the west of the site).
- 3.2 Historic maps from 1609 show that the River Trent previously followed a course much closer to the village of Shelford, and it is considered highly likely that much of the land within the site would have been seasonally flooded prior to the construction of the flood defences alongside the current course of the river.
- 3.3 The site comprises predominantly arable farmland, with some areas of pastoral farmland adjacent to the River Trent. Fields are a mix of regular and more irregular shapes, with arable fields generally larger in size and pastoral fields smaller, especially where these are used for horse grazing, close to the village of Shelford. A number of the larger arable fields are already amalgamations of a number of smaller fields – see <https://maps.nls.uk>.
- 3.4 Fields boundaries are predominantly native hedgerows with limited hedgerow trees, while there are a number of treebelts and small copses.
- 3.5 There is one isolated property within the site (known as The Holmes), while the village of Shelford lies immediately outside the eastern/south-eastern boundary of the site. The property known as The Holmes would be demolished as part of the extraction operations as it is currently occupied by the agricultural tenant on the Shelford site and would therefore no longer be required once the site is restored to non-agricultural uses.
- 3.6 Part of the Trent Valley Way promoted long-distance footpath passes through the site, following the line of Stoke Ferry Lane.
- 3.7 The proposed site for the processing of mineral won from the site lies further to the east, immediately adjacent to the A6097, to the west of East Bridgford and south of Gunthorpe. Mineral would be transported from the main extraction areas to the processing site by low level conveyer.

4. LANDSCAPE CHARACTER

- 4.1 The site lies within the Trent Washlands regional character area, and the Shelford Village Farmlands and Stoke Lock River Meadowlands landscape policy zones. The Mid-Nottinghamshire regional character area lies to the north-west, and the South Nottinghamshire Farmlands regional character area lies to the south-east.
- 4.2 The Site Landscape and Visual Sensitivity Analysis undertaken as part of the development of the MLP considers the existing landscape character of the site and the wider study area under five headings: landform; settlement pattern; landcover; tree cover; and spatial character, boundary treatments, enclosure and tree patterns. There is commonality of professional opinion between the authors of the sensitivity analysis and the author of this rebuttal on the majority of these headings. However, I consider that the extent of tree cover within the wider study area is greater than described in the sensitivity analysis, particularly to the east and north-east of the site.
- 4.3 It is important to note that neither the site nor any of the immediately surrounding area is designated for its particular landscape quality, either at the national/statutory level or the local/non-statutory level. That is not to say that the landscape is not locally valued and I recognise that the local environment is countryside, which is protected for its own sake as acknowledged in the NPPF.
- 4.4 I set out in Tables 4.1 and 4.2 below the landscape value and landscape susceptibility scoring from the sensitivity analysis, together with my own scoring and considerations.
- 4.5 It should be noted that the scoring system used in the published analysis does not differentiate between susceptibility to positive and negative changes, nor does it consider magnitude of effect. The numerical values allocated to the different levels also appears to be somewhat arbitrary and not entirely coherent. The methodology for the assessment visual susceptibility is not therefore consistent with the approach outlined in GLVIA3.

Table 4.1: Landscape Value Scoring (3 = High; 2 = Medium; 1 = Low)

Factor	NCC Sensitivity Analysis		Author's Sensitivity Analysis	
	Assessment	Score	Assessment	Score
Landscape Quality	Smaller scale pasture near to village provides the setting for the church. Larger scale arable to the west. Arable land to the east off the A6097.	2	Agreed	2
Scenic Quality	Moderate quality within the river floodplain.	2	Agreed	2
Rarity	Earthworks and small fields of pasture to western edge of Shelford.	3	Mix and pattern of field sizes is not atypical for the area, and some of the larger arable fields are already amalgamations of smaller fields. Extraction operations would be offset from the western edge of the village (and the church and earthworks), with these areas being managed as wetland pasture through low intensity grazing.	2
Representativeness	Strong sense of place, particularly near to Shelford village with views of the church. Characteristic of the policy zone.	3	Eastern part of site does form part of the setting for the village and church, but no formal landscape designation. As noted above, extraction operations would not be undertaken within this area, with the fields managed as wetland pasture through low intensity grazing.	2

Factor	NCC Sensitivity Analysis		Author's Sensitivity Analysis	
	Assessment	Score	Assessment	Score
Conservation Interests	Designated SINC to the south western corner (Swallow Plantation)	2	Not strictly a landscape matter. No dewatering would be required during the operational phase, and the SINC would be further protected during operational phase by suitable offsetting, and then enhanced as part of restoration scheme.	1

<p>Recreation Value</p>	<p>Trent Valley Way long distance path runs west to east through the site along a track with hedgerow on both sides. Footpath along the northern edge of the river and bridleway to the north along Trent Lane.</p>	<p>3</p>	<p>Accepted, though only affects limited length of Trent Valley Way (approx. 1.2km) and effects during operational phase would be time-limited.</p> <p>The existing route of the TVW would be retained during the operational phase, with extraction on either side being phased consecutively.</p> <p>A new permissive route would be created prior to the start of the operational phase, following the alignment of the existing levees adjacent to the river. This new route would allow users of the TVW to continue following the line of the river, whereas at present users are diverted away from the river along Stoke Ferry Lane.</p> <p>A further permissive route would also be created along the southern edge of the site, adjacent to the Swallow Plantation SINC).</p> <p>No direct effects on the physical character of other PRoWs outside of the site.</p> <p><i>Note: Only the physical character of PRoWs should be considered under landscape sensitivity – effects on visual amenity as experienced from PRoWs within or near the site should be considered under visual sensitivity.</i></p>	<p>2</p>
<p>Perceptual Aspects</p>	<p>Tranquil to the west of Shelford; eastern area is adjacent to the A6097.</p>	<p>2</p>	<p>Agreed.</p>	<p>2</p>

Factor	NCC Sensitivity Analysis		Author's Sensitivity Analysis	
	Assessment	Score	Assessment	Score
Associations	History Trail Maps; Shelford village was the scene of a battle in the English Civil War; Shelford Manor to the north east is built on the site of a priory.	2	Accepted, but these are all historical/cultural associations, rather than landscape specific, and do not <i>per se</i> contribute to perceptions of the <u>natural beauty</u> of the area.	2
TOTAL (+1)		20		16

Table 4.2: Landscape Susceptibility Scoring (6 = High; 4 = Medium; 2 = Low)

Factor	NCC Sensitivity Analysis			Author's Sensitivity Analysis		
	Assessment	Score		Assessment	Score	
		Operational	Post-restoration		Operational	Post-restoration
Loss/Gain	Loss of pasture, arable land and hedgerows/linear belts of trees	6	6	<p>Existing land uses are not atypical for the local area, therefore medium susceptibility rather than high.</p> <p>Tree belts would generally be retained, with additional tree planting and ecological enhancement post-restoration to create a large-scale wetland environment, not dissimilar to the likely seasonally-flooded grassland of the past.</p> <p>Existing pasture to the west of Shelford would be retained and managed as wet pastureland through low intensity grazing.</p>	2	2 (positive)

Factor	NCC Sensitivity Analysis			Author's Sensitivity Analysis		
	Assessment	Score		Assessment	Score	
		Operational	Post-restoration		Operational	Post-restoration
Incongruity	Former quarry restored to water lies to the north east	4	4	<p>As previously noted, maps from 1609 show the course of the River Trent being much closer to the village of Shelford than the current alignment. It is considered highly likely that much of the land within the site would have been seasonally flooded prior to the construction of the flood defences alongside the current course of the river.</p> <p>The existing restored quarry site to the north-east is not directly relevant to this analysis, but restoration of the Shelford site could be linked to the existing restored quarry site to increase the value of ecological enhancements.</p>	4	2 (positive)

Factor	NCC Sensitivity Analysis			Author's Sensitivity Analysis		
	Assessment	Score		Assessment	Score	
		Operational	Post-restoration		Operational	Post-restoration
Perception	Significant change in character	6	6	Accepted that there would be a substantial change to the character of the site, but post-restoration this change would be a long-term positive/beneficial one. Offsite effects would be experiential or perceptual only (no direct effects) and limited in extent – see published Zone of Theoretical Visibility (ZTV) and consideration of the same in Chapter 5.	6	2 (positive)
Policy	TW07 – conserve and reinforce (conflicts)	6	6	Accepted that the operational phase would conflict with policy for a limited period of time, but the restoration of the site at the end of the extraction phase would be entirely in agreement with policy and could result in substantial environmental enhancements.	4	4 (positive)
TOTAL (+1)		23	23		17	11 (positive)

- 4.8 The published analysis score of 20 (ex 25) suggests a landscape value towards the higher end of the scale. Based on the site being not atypical for the local area and undesignated at either national or local levels, and my own scoring (16 ex 25), I consider that the landscape character of the site and its immediate environs is of overall medium value.
- 4.9 The published sensitivity analysis considered that the overall sensitivity score for local landscape character was 43 (ex. 50) for both the operational and post-restoration phases. My own analysis results in an overall landscape sensitivity score of 33 in relation to the operational phase, and 27 for the post-restoration phase due to the beneficial effects that would arise as a result of the proposed restoration of the site and the creation of new permissive access routes.
- 4.10 However, the methodology used in the published analysis considers only the value and susceptibility of landscape character, combining these to assign a level of sensitivity to landscape character changes. The methodology does not consider the likely magnitude of change and does not therefore differentiate between adverse and beneficial (typically post-restoration) effects on landscape character. The methodology is therefore of limited value in considering the potential effects that might arise from mineral extraction at a particular site. My own analysis has, where possible, considered potential positive changes, though without considering magnitude and nature of effects on landscape character separately from sensitivity this is still of limited value.
- 4.11 The published landscape character assessments consider the local landscape character to be moderate sensitivity, and I consider that my own analysis and scoring is entirely in line with this moderate sensitivity.
- 4.12 It is accepted that the extraction of sand and gravel reserves from the site would result in substantial but time-limited direct effects on the landscape character of the site itself, and some limited experiential or perceptual effects on local landscape character in the vicinity of the site. The character of the site itself would change from one of predominantly large-scale intensive arable farming (with some pastoral uses) to one of sand and gravel extraction operations.
- 4.13 Any notable off-site effects on landscape character are likely to be limited to within those surrounding areas from where the proposed extraction operations would be clearly visible – see consideration of the published Zone of Theoretical Chapter 5.
- 4.14 Once restoration of the site is completed, the character of the site would change from the current predominantly arable farmland to a mix of woodland, wet pasture and water-based environmental enhancement measures. It is considered that this would be a substantial net beneficial change to the landscape character of the site.
-

5. VISUAL AMENITY

- 5.1 Being located within the floodplain of the River Trent, there are relatively high levels of inter-visibility within the site and surrounding area.
- 5.2 The indicative ZTV published in the sensitivity analysis suggests that visibility of extraction operations may extend up to nearly 2.5km from the site in certain directions, though much less than this in the majority of directions. However, the ZTV uses a bare-earth model which does not consider the screening effects of existing vegetation (such as the various tree belts and small woodlands within the site and surrounding area) and built form, and the actual visibility is likely to be considerably reduced from this.
- 5.3 It is accepted that there would be likely to be visibility from PRoWs within and close to the site, notably the Trent Valley Way where it crosses the site, and the footpaths on the north bank of the River Trent and between the river and Stoke Bardolph. There would also be visibility from certain public highways in the vicinity of the site, notably Stoke Lane to the west of the River Trent, Manor Lane and Stoke Ferry Lane to the east and west of Shelford respectively,
- 5.4 It is also likely that there would be visibility from some residential properties on the western side of Shelford and the eastern side of Stoke Bardolph. Views from the majority of other properties within these two villages would be restricted by existing built form on the western and eastern sides of these villages respectively.
- 5.5 The Site Landscape and Visual Sensitivity Analysis considers the value and susceptibility of local visual amenity. I set out in Tables 5.1 and 5.2 below the visual value and susceptibility scoring from the sensitivity analysis, together with my own scoring and considerations.
- 5.6 The methodology used for assessment of visual sensitivity does consider magnitude of effect, but considers this as part of the susceptibility scoring, rather than in its own right. As with landscape character, the analysis does not differentiate between adverse and beneficial effects. The numerical values allocated to the different value levels also appear to be somewhat arbitrary and not entirely coherent. The methodology for the assessment visual susceptibility is not therefore consistent with the approach outlined in GLVIA3.

Table 5.1: Visual Value Scoring (8 = High; 6 = Medium; 3 = Low)

Factor	NCC Sensitivity Analysis		Author's Sensitivity Analysis	
	Assessment	Score	Assessment	Score
Recognition of Value (Setting)	Setting of church and village	8	Landscape is not designated, and there are no recognised viewpoints marked on OS mapping. Only the eastern part of the site forms part of the setting for the church and village, and this would be protected by offsetting, with fields closest to the village being retained as wetland pasture, managed by low intensity grazing.	6
Indicators of value (tourist maps, guides etc.)	Trent Valley Way, historic trails	6	Accepted that there is a promoted long-distance footpath passing through part of the site, but the landscape is nevertheless undesignated.	6
Other value (Rights of Way)	See recreation value	6	Recreation value is already considered under landscape value and should not therefore be duplicated here.	3
TOTAL (+1)		21		16

Table 5.2: Visual Susceptibility Scoring (5 = High; 3 = Medium; 1 = Low)

Factor	NCC Sensitivity Analysis			Author's Sensitivity Analysis		
	Assessment	Score		Assessment	Score	
		Operational	Post-restoration		Operational	Post-restoration
Receptors	Adverse impact on residents of Stoke Bardolph to the west and residents of Shelford to the east. Adverse impact on users of the Trent Valley Way and the public footpath along the northern bank of the river.	5	5	Accepted – adverse effects would be experienced by certain residential receptors in Shelford and Stoke Bardolph, as well as users of the Trent Valley Way (TVW) as it passes through the site, and other nearby PRoWs.	5	3 (positive)

<p>Magnitude of Effect</p>	<p>Significant adverse change to views</p>	<p>5</p>	<p>5</p>	<p>Notable effects on residential receptors would be limited to occupiers of properties on the western edge of Shelford and the eastern edge of Stoke Bardolph. Post-restoration, effects on visual amenity would become beneficial as views across large-scale arable agriculture are replaced with views across ecological valuable pasture and wetland.</p> <p>Effects on PRow users would be limited to users of limited stretches of the TVW and other nearby footpaths. Consecutive phasing of extraction operations on either side of the existing TVW, combined with active management of the hedgerows on either side of the route to increase their height and density, would restrict the visibility of operations from this short section of the TVW.</p> <p>The proposed new permissive routes (which would be created prior to the start of the operational phase) would result in beneficial effects on visual amenity as experienced from PRow as they would allow users of the TVW to continue walking alongside the river as they pass to the west/north-west of Shelford.</p> <p>Post-restoration, effects on visual amenity would again become beneficial as views across large-scale arable agriculture are replaced with views across ecological valuable pasture and wetland. Offsetting and advance buffer planting would reduce magnitude of effect for both types of receptor during the operational phase.</p>	<p>3</p>	<p>3 (positive)</p>
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Factor	NCC Sensitivity Analysis			Author's Sensitivity Analysis		
	Assessment	Score		Assessment	Score	
		Operational	Post-restoration		Operational	Post-restoration
TOTAL		25	25		15	9 (positive)

-
- 5.9 The published analysis score of 21 (ex 25) suggests a visual value towards the higher end of the scale. Based on the site being undesignated at either national or local levels and with no promoted viewpoints, and my own scoring (16 ex 25), I consider that the visual amenity of the site and its immediate environs is of overall medium value.
- 5.10 The published sensitivity analysis considered that the overall sensitivity score for local visual amenity was 46 (ex. 50) for both the operational and post-restoration phases. It should be reiterated that the sensitivity analysis methodology does not differentiate between susceptibility to adverse effects and susceptibility to beneficial effects (post-restoration), and also considers magnitude of effect as part of visual susceptibility rather than it its own right. My own analysis results in an overall visual amenity sensitivity score of 31 (ex. 50) in relation to the operational phase, and 25 (ex. 50) for the post-restoration phase due to the beneficial effects on local visual amenity that would arise as a result of the proposed restoration of the site.
- 5.11 My own analysis has, where possible, considered potential positive changes, though by combining this with susceptibility to produce a sensitivity score this is still of limited value.
- 5.12 Notwithstanding the inherent value of rural/countryside views irrespective of any landscape designation, I consider that local visual amenity in the vicinity of the Shelford site is of medium sensitivity.
- 5.13 It is accepted that the extraction of sand and gravel reserves from the site would result in substantial but time-limited effects on visual amenity as experienced from PRow within and close to the site and from certain nearby residential properties. Views into the site would change from views of predominantly arable farmland to views of sand and gravel extraction operations. The creation of new permissive routes prior to the start of the operational phase, including providing the option for users of the TVW to continue walking alongside the river, would increase the opportunities for PRow users to enjoy the visual amenity of the local area, even during the operational phase.
- 5.14 Once restoration of the site is completed, the views would change from predominantly arable farmland (as at present), to views of water/wetland habitat and wetland pasture and associated trees, woodlands and other native vegetation. It is considered that these changes would be considered by the majority of receptors as being beneficial in effect.

6. SUSTAINABILITY APPRAISAL

- 6.1 The landscape and visual sensitivity analysis undertaken as part of the MLP development process considered the site to be of higher end of the combined scale of landscape and visual sensitivity, with operational phase and post-restoration phase scores of 89 out of 100.
- 6.2 I consider that the published analysis has assessed the landscape and visual value and susceptibility of the site and surrounding area too highly, and I have assessed the operational phase and post-restoration phase scores as 64 and 52 respectively. It should be noted that post-restoration effects on both local landscape character and visual amenity are likely to be beneficial.
- 6.3 As with the sensitivity analysis, when applied to landscape and visual amenity the Draft Minerals Local Plan Sustainability Appraisal Interim Report July 2018 uses a methodology that does not take into consideration any potential beneficial effects on landscape character and visual amenity that might arise from the restoration of a mineral extraction site, with all effects considered to be adverse in nature.
- 6.4 Para 6.19 of the Sustainability Appraisal sets out the potential scale as follows:

Landscape Assessment Score	SA Score
23-48	-1
49-74	-2
75-100	-3

- 6.5 Furthermore, a further -1 was added to the SA score (up to the maximum of -3) for all sites that are located within the Greenbelt by default, irrespective of the actual likely effects on the openness and visual amenity of the Greenbelt that might arise from mineral extraction operations on such sites. I believe this approach to be flawed as I consider that the careful positioning of the processing site, combined with the use of offsetting and advance planting, can be used to substantially reduce any perceived effects on the openness and visual amenity of the Greenbelt.
- 6.6 Under the published analysis, the SA score for both operational and post-restoration phases for the Shelford site came out at -3.
- 6.7 Under my own analysis, the SA score both during the operational phase and post-restoration would be -2, reduced to -3 if the Greenbelt factor is applied by default.
- 6.8 However, I consider that more careful consideration of the true effects on landscape character and visual amenity, including appropriate consideration of effects on the Greenbelt, would give rise to an SA score of -2 during the operational phase (accepting that there would be adverse effects on both landscape character and visual amenity), and +2 once restoration of the site is completed (due to the beneficial effects on landscape

character and local visual amenity that would arise as a result of the proposed restoration scheme).

7. CONCLUSION

- 7.1 This landscape rebuttal relates to a site comprising predominantly arable farmland located within a loop of the River Trent in Nottinghamshire, between the villages of Burton Joyce, Shelford and Stoke Bardolph. The site has previously been promoted through the Minerals Local Plan, but has not been included as a proposed site within the 2018 Consultation Draft of the MLP. The site lies within an area which is considered in published landscape character assessments as being of moderate landscape character sensitivity.
- 7.2 The landscape and visual sensitivity analysis undertaken as part of the MLP development process considered the site to be of higher end of the combined scale of landscape and visual sensitivity, with operational phase and post-restoration phase scores of 89 out of 100.
- 7.3 I consider that the published analysis has assessed the landscape and visual value and susceptibility of the site and surrounding area too highly, and I have assessed the operational phase and post-restoration phase scores as 64 and 52 respectively. This is in part because the site does not lie within an area that has been designated for its landscape quality at either the national/statutory or local/non-statutory levels. The published modelling of the theoretical visibility of any extraction operations at the site also used only a bare-earth model and did not therefore consider the potential screening effects of existing vegetation (including tree belts within the site and other small woodlands in the local area) or existing built form (which would restrict visibility from residential properties in Shelford and Stoke Bardolph to those properties closest to the site).
- 7.4 It should be noted that post-restoration effects on both local landscape character and visual amenity are likely to be beneficial.
- 7.5 The methodology used in the sensitivity analysis is not consistent with the approach outlined in the 3rd Edition of the Guidelines for Landscape and Visual Impact Assessment (Landscape Institute & IEMA, 2013):
- The methodology used in the published analysis considers only the value and susceptibility of landscape character, combining these to assign a level of sensitivity to landscape character changes. The methodology does not consider the likely magnitude of change and does not therefore differentiate between adverse and beneficial (typically post-restoration) effects on landscape character. The methodology is therefore of limited value in considering the potential effects that might arise from mineral extraction at a particular site. My own methodology has, where possible, considered potential positive changes, though without considering magnitude of effect on landscape character this is still of limited value.
 - The methodology used for assessment of visual sensitivity does consider magnitude of effect, but considers this as part of the susceptibility scoring, rather than in its own right. As with landscape character, the analysis does not differentiate between adverse and beneficial effects. The methodology is therefore again of limited value in considering the potential effects on visual amenity that might arise from mineral extraction at a particular site.
-

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- 7.6 When applied to landscape and visual amenity, the published Draft Sustainability Appraisal scoring system again does not distinguish between adverse and beneficial effects (as might arise following the restoration of a mineral site). Furthermore, the scoring system by default adds an additional -1 to the SA score of for any site within the Greenbelt, without any consideration of how mineral extraction operations on a site might actually influence the openness and visual amenity of the Greenbelt.
- 7.7 Under the published analysis, the SA score for both operational and post-restoration phases for the Shelford site came out at -3. Under my own analysis using the published methodology, the SA score both during the operational phase and post-restoration would be -2, reduced to -3 if the Greenbelt factor is applied by default.
- 7.8 However, I consider that more careful consideration of the true effects on landscape character and visual amenity, including appropriate consideration of effects on the Greenbelt, would give rise to an SA score of -2 during the operational phase (accepting that there would be adverse effects on both landscape character and visual amenity), and +2 once restoration of the site is completed (due to the beneficial effects on landscape character and local visual amenity that would arise as a result of the proposed restoration scheme).
- 7.9 I consider that the methodologies used in both the published sensitivity analysis and the published sustainability appraisal are flawed. However, if the existing methodologies are correctly applied, and if potential beneficial effects that would arise post-restoration are properly considered, then I consider that through the use of phased extraction and restoration combined with offsetting and appropriate advance buffer planting, mineral could be successfully extracted from the Shelford site could be without unacceptable landscape and visual effects.

Appendix 8

03 September 2018
Our ref: BGL/SH/JRC/2954/01

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Dear Jenny

Shelford

We are pleased to provide below our comments on the Nottinghamshire Draft Mineral Local Plan in respect of flood risk and water quality in order to support the reinstatement of the Shelford site to the site allocations. We include a summary of the flood modelling work carried out for the Shelford site to date.

Response to the Draft Mineral Local Plan

The Nottinghamshire Level 1 Minerals Strategic Flood Risk Assessment (SFRA) dated March 2018 includes a table setting out the flood risk categories for the potentially allocated sites. It is identified in the SFRA that the Shelford site is located in fluvial Flood Zones 2 and 3. It is identified in the SFRA that sand and gravel workings are a water compatible development hence appropriate development in Flood Zone 3. It is identified that a planning application for a proposed minerals site in Flood Zones 2 and 3, such as Shelford, would need to include a site specific flood risk assessment.

In the Draft Minerals Local Plan sustainability appraisal interim report dated July 2018 the Shelford site is allocated -3 in respect of flood risk during the operational period of the site. This is a default scoring based on the fact that the site is located in Flood Zone 3. Very many sand and gravel resources and extraction sites are located adjacent to rivers and in flood zones as a result of the geographical and geological processes which result in the deposition of sand and gravel reserves. The location of such reserves in flood zones do not mean that they will inevitably result in adverse impacts on flood storage and flow. Accordingly it is recognised in the sustainability appraisal that sand and gravel workings are a water compatible development hence sites such as Shelford are appropriate in Flood Zone 3 providing that there is no net loss of flood storage, water flows are not impeded and flood risk is not increased elsewhere. This negative score should be removed as the design of the site, which is supported by initial flood modelling and will be the subject of further, detailed flood modelling as part of an application, shows that the development meets the criteria for water compatible development in Flood Zone 3. A summary of the flood modelling which has been carried out to date is provided below. The methodology used for the scoring of sites under SA Objective 6 (Paragraph 6.22 of the Draft Minerals Local Plan Sustainability Appraisal Interim Report dated July 2018) is inappropriate as it simply is based on whether or not the majority of the site is located in one of the three Flood Zones. This scoring approach is unreasonable as where it is the case, as it is for the Shelford site, that the proposed development is water compatible development there is no means of reflecting in the score whether the site design considerations take into account its location in the flood plain and locate structures appropriately. Sand and gravel extractions by their very nature provide additional flood storage during the operational period of a site. We object to the approach to scoring for this objective as it should allow ranking of the sites to reflect how they are or are not able to design the site to minimise any effect on flooding and flood risk and potentially provide a benefit in respect of flood risk.



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The Shelford site has been designed with the knowledge of its sensitive setting with respect to flood risk. The operational and restoration design is intended to result in no net loss of flood storage and any structures such as stockpiles and built infrastructure will be located outside the Flood Zone 3 area. The necessary standoffs from the bank of the river and the existing flood defence structures will be agreed with the Environment Agency and incorporated into the site design. The processing, stockpiling and welfare areas will be located to the east of the extraction area on ground in an area of Flood Zone 2. If any mitigation screening bunds are located in the Flood Zone 3 area they will be orientated, designed and constructed to minimise any effect on flood flow and net flood storage and modelling will be carried out to confirm that there is no adverse effect on flood flow or storage. In addition, the restoration design is to levels lower than the current ground levels which will increase the available flood storage volumes. It is intended by the proposer, and acknowledged in the interim sustainability appraisal, that an integral part of the development would comprise the construction of improved flood defences for the village of Shelford. All of the potential mitigation measures suggested in the interim sustainability appraisal already are included in the site design. The allocation of -3 to the aspect of minimising the impact and risk of flooding which is assigned as 'where it is likely to have a very negative impact' is therefore unjustified for this site and a more meaningful score of +1 should be allocated to acknowledge that the proposals for the site mean that it is 'likely to have a slightly positive impact' based on the criteria in Table 6 of the July 2018 Draft Sustainability Appraisal Interim Report.

The Shelford site is allocated -1 in respect of water quality and use during the operational period of the site under SA Objective 12. This scoring is based on the potential dewatering of the site and associated discharge to watercourses at the site. As it is proposed that the site is worked wet with no dewatering, this negative score is not justified and should be changed to 0 as there is 'no significant effect'.

Summary of flood modelling carried out for the Shelford site to date

A baseline flood model has been developed for the Shelford site simulating flood conditions under the current site conditions. This baseline model has then been used to assess the potential impact on flooding of various scenarios in respect of the alignment of the flood defence bund adjacent to the River Trent around the Shelford site. These models were run following early discussions with Nottinghamshire County Council, ecological specialists in the Environment Agency, the Royal Society for the Protection of Birds (RSPB) and the Nottinghamshire Wildlife Trust (NWT) in order to assess how their objectives for the improvement of ecological habitats in the margins of the River Trent and the development of biodiversity in the restored site could be accommodated in the site design.

The model has been developed from the Environment Agency model "River Trent & Tribs at Newark SFRM2" (SFRM2 means Strategic Flood Risk Assessment Level 2) which, at the time of developing the model for the Shelford site in 2016, had last been updated by Halcrow on behalf of the Environment Agency in July 2011. It was initially understood that the Environment Agency model accounted for the flood mitigation schemes built in Nottingham up to 2011 with no known additional flood mitigation schemes having been built since 2011. Following further correspondence with Environment Agency there was a suggestion that the flood defence scheme in Nottingham may not be accounted for in the Environment Agency model used to develop the model for the Shelford site. The implication of this is that the flow estimates in the model may be slight over-estimates or under-estimates in the vicinity of Shelford. These over/under-estimations would be accounted for in the same way in both the baseline and subsequent flood bund scenarios hence would not affect the scale of the modelled impact of the proposed flood bund scenarios.

The Environment Agency model covers an area a number of kilometres (km) upstream of the site to 30km downstream from the site. To reduce model run times the Environment Agency

model was cropped in the downstream extent from 30km to 10km. The cropped model comprising the baseline model for the site includes the settlement of Gunthorpe downstream from the site as it is acknowledged that it is particularly important to demonstrate that there will be no adverse effect on flooding at Gunthorpe as a result of any development at this site.

Scenario 1 – Removal of the flood defence bund adjacent to the River Trent around the Shelford site

The initial flood bund scenario was modelled in response to the consultation response dated October 2015 from the Environment Agency on the Environmental Statement scoping and screening request dated September 2015 for a proposed sand and gravel extraction at Shelford. The initial flood modelling was carried out to assess the potential impact on flooding if the flood defence bund adjacent to the River Trent around the Shelford site was removed to allow seasonal flooding of the site area and the development of seasonal wetland habitats. The flood modelling showed that there was an increase in flooding downstream of the site if the flood defence bunds were removed hence it was concluded that removal of the flood bund is not a viable option as part of the Shelford development. It was determined that the 1 in 50 year modelled flood event is the critical scenario when assessing flood risks at the site. Although the model showed little change in the lateral extent of flooding the flood depth is shown to increase by between 30mm and 100mm across the majority of the flood area downstream of the site. This includes properties in Gunthorpe. Further models were run for the critical scenario (the 1 in 50 year flood event) to assess the impacts of partial removal of the flood bund adjacent to the River Trent around the Shelford site. These models showed there would be increased flood risk downstream of the site even if only part of the flood defence bund was removed.

The preliminary flood model results maps for the scenario where the flood bund adjacent to the river is removed are attached at Annex A. The maps show the flood extent and the change in flood depth compared with the baseline model (current situation) for the site for the flood return periods of 5, 10, 20, 50, 75 and 100 years along with the flood return period of 100 years with a 20% increase to allow for climate change. In addition the three further model run results (Baseline_Depth50yr, 50y_East_bund_remove_impact and 50y_West_bund_remove_impact) are provided at Annex A. The results of the Scenario 1 flood modelling were discussed at a meeting with Nottinghamshire County Council, the Environment Agency, the RSPB and the NWT on 22 July 2016.

Scenario 2 - Realignment of the flood defence bund adjacent to the River Trent in the west of the Shelford site

In response to comments from ecologists from Nottinghamshire County Council, the Environment Agency, the RSPB and the NWT at the meeting on 22 July 2016, it was proposed that flood modelling should be carried out to assess the potential impact on flooding if the flood defence bund adjacent to the River Trent around the Shelford site was realigned and pulled in to the site in the north. The purpose of realigning the flood defence bund would be to create more riverside space for the creation of braided streams to enhance the habitats adjacent to the river. It was determined that realigning the bund into the site in the north would have a significant and unacceptable effect on the materials balance as this is the area of the deepest mineral reserves. It was determined that an area to the north east of the existing flood defence bund which is not included in the extraction area (or the boundary of the proposed allocation site) comprised an area which has the potential for early development of river bank enhancements such as braided streams which will be unaffected by the extraction proposals.

As part of the consideration of the potential for the creation of further river bank habitat enhancements flood modelling was carried out to simulate potential flood conditions where the flood defence bund adjacent to the River Trent around the Shelford site is realigned and

pulled in to the site in the west. The results of the flood modelling for the flood return events up to the 1 in 100 year event show that there is no increase in flood risk outside of the area where the flood bund has been realigned and the models show either no change in flood risk or a reduction in flood risk in the areas around the site. The results of the flood modelling for the 1 in 100yr event with a 20% increase to allow for climate change show that there is no increase in flood risk outside of the area where the flood bund has been realigned and show a reduction in flood risk at properties in Shelford and on some land to the west of the proposal site.

The maps showing the preliminary flood model results for the scenario where the flood bund has been re-aligned in the west of the site to accommodate riverside habitats are provided at Annex B. The maps show the flood extent and the change in flood depth compared with the baseline model (current situation) for the site for the flood return periods of 5, 10, 20, 50, 75 and 100 years along with the flood return period of 100 years with a 20% increase to allow for climate change. The results of the Scenario 2 flood modelling were discussed at a meeting with Nottinghamshire County Council, the Environment Agency, the RSPB and the NWT on 10 November 2016.

Scenario 3 - Realignment of the flood defence bund adjacent to the River Trent in the north of the Shelford site

At the further meeting with Nottinghamshire County Council on 10 November 2016 NWT and the Nottinghamshire County Council ecologist requested that modelling was carried out for the critical scenario (1 in 50 year flood event) to assess the potential impact on flooding where the flood defence bund adjacent to the River Trent around the Shelford site has been pulled in to the site in the north. This model showed that there would be an increase in flooding adjacent to the site and therefore this option is not regarded as acceptable.

A plan showing the results of the flood modelling for the 1 in 50 year event where the flood bund has been realigned in the north of the site is provided at Annex C. Detailed inspection of the model results showed minor detrimental impacts for more than 5km downstream. No further flood return periods were modelled under this scenario.

Further flood modelling work as part of an application for planning permission

The flood model for the Shelford site will be used to assess the potential impact on flooding during the operational phases of the site and to assess the potential impact on flooding from proposed enhancements of the flood defence bund around Shelford village. This modelling will be carried out to support the detailed site design and a future application for planning permission.

We trust that the information presented in this e-mail is sufficient to meet your current needs. Should you have any queries or need any further information please do not hesitate to contact us.

Regards

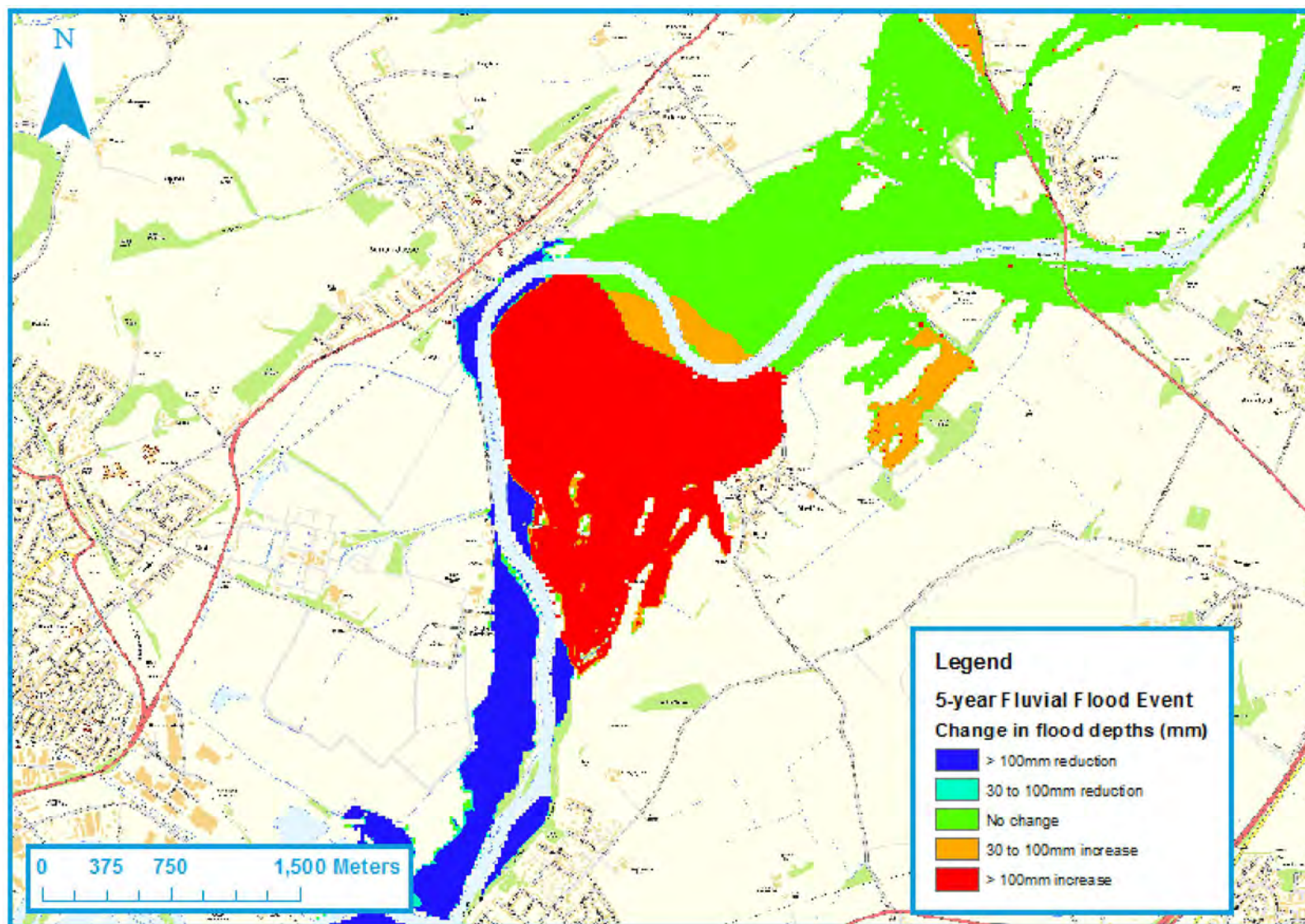

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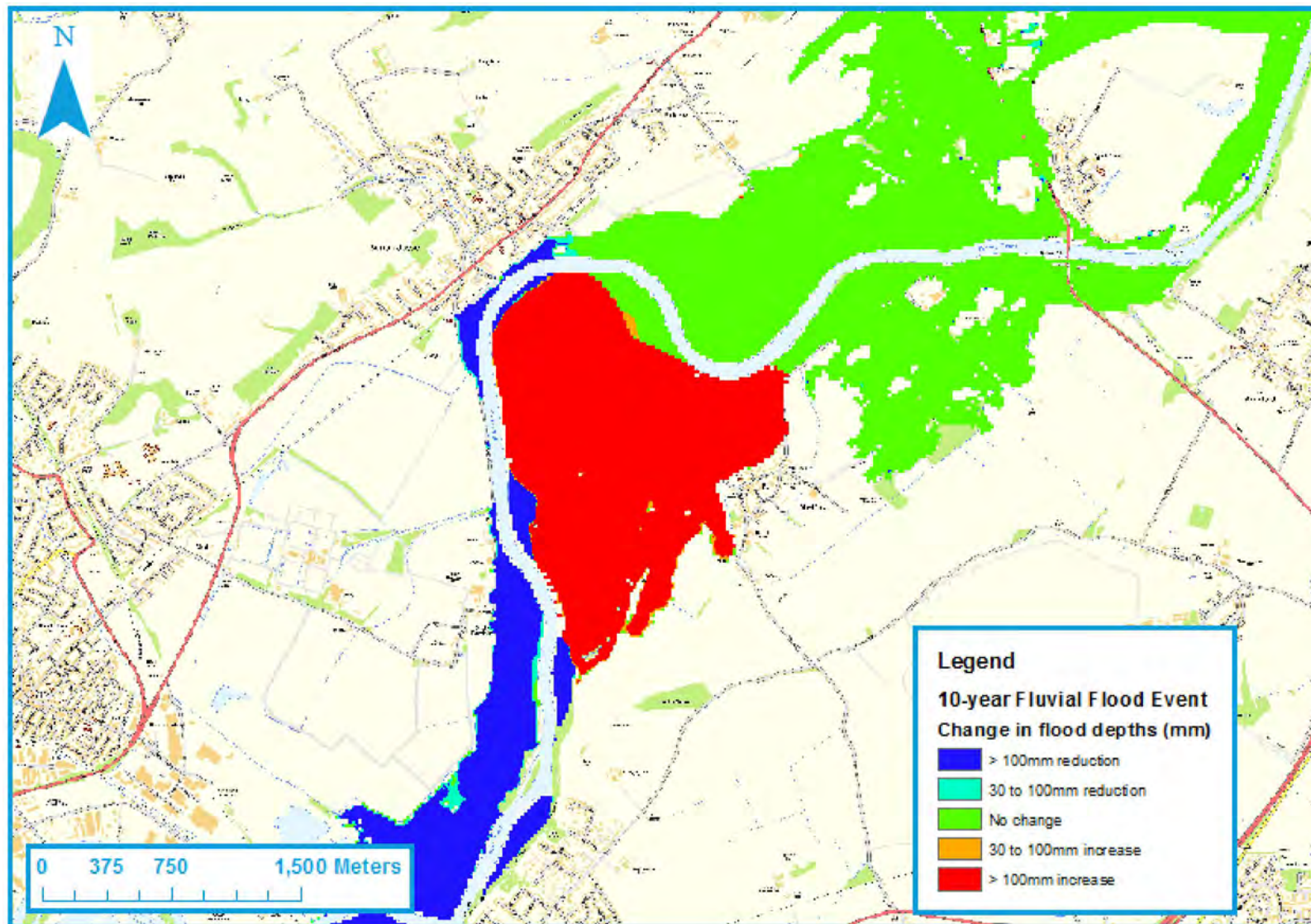
Enclosures

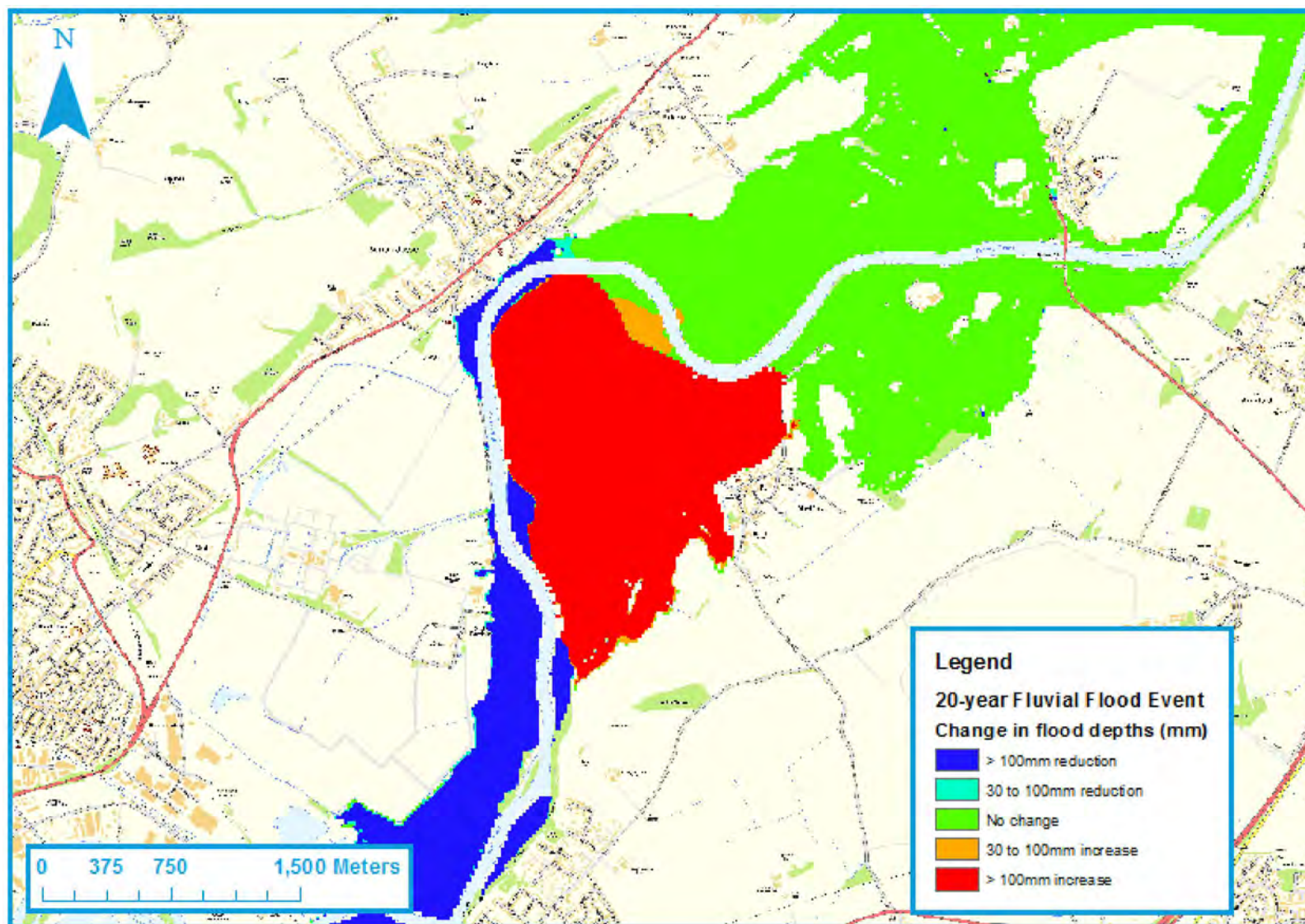
Annex A - Preliminary flood model results maps for Scenario 1
Annex B - Preliminary flood model results maps for Scenario 2
Annex C - Preliminary flood model results map for the 1 in 50 year event for Scenario 3

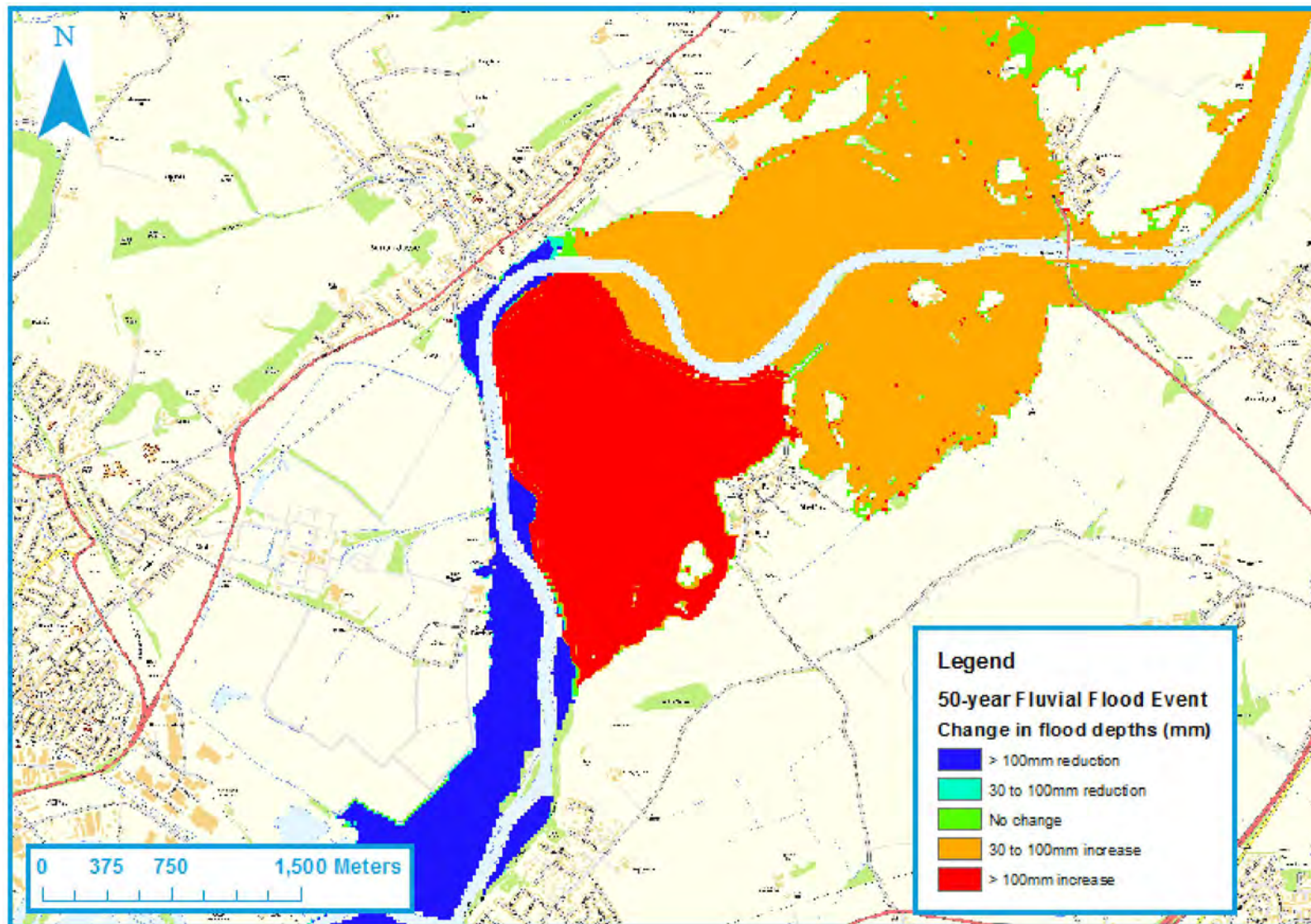
ANNEX A

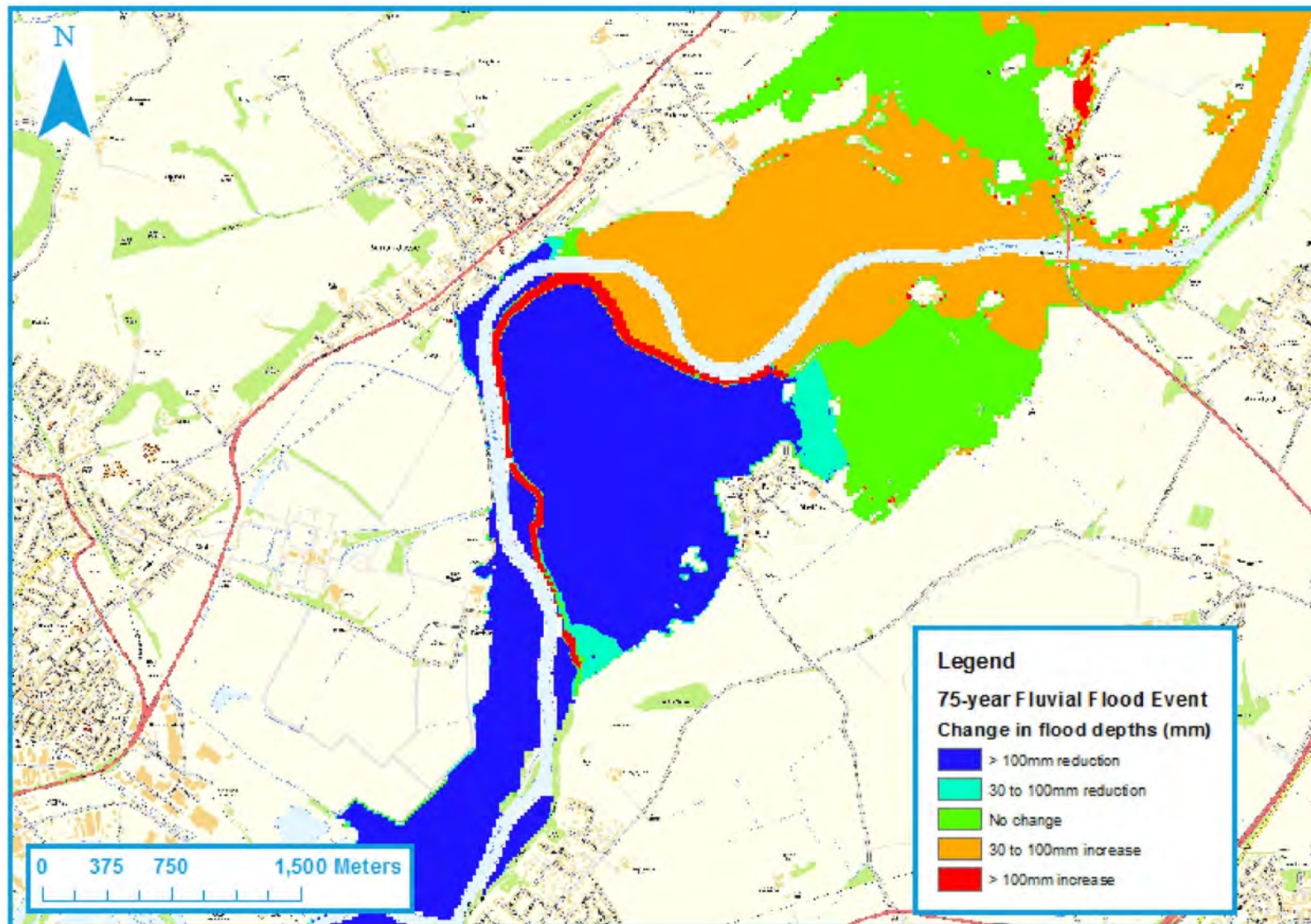
PRELIMINARY FLOOD MODEL RESULTS MAPS FOR SCENARIO 1

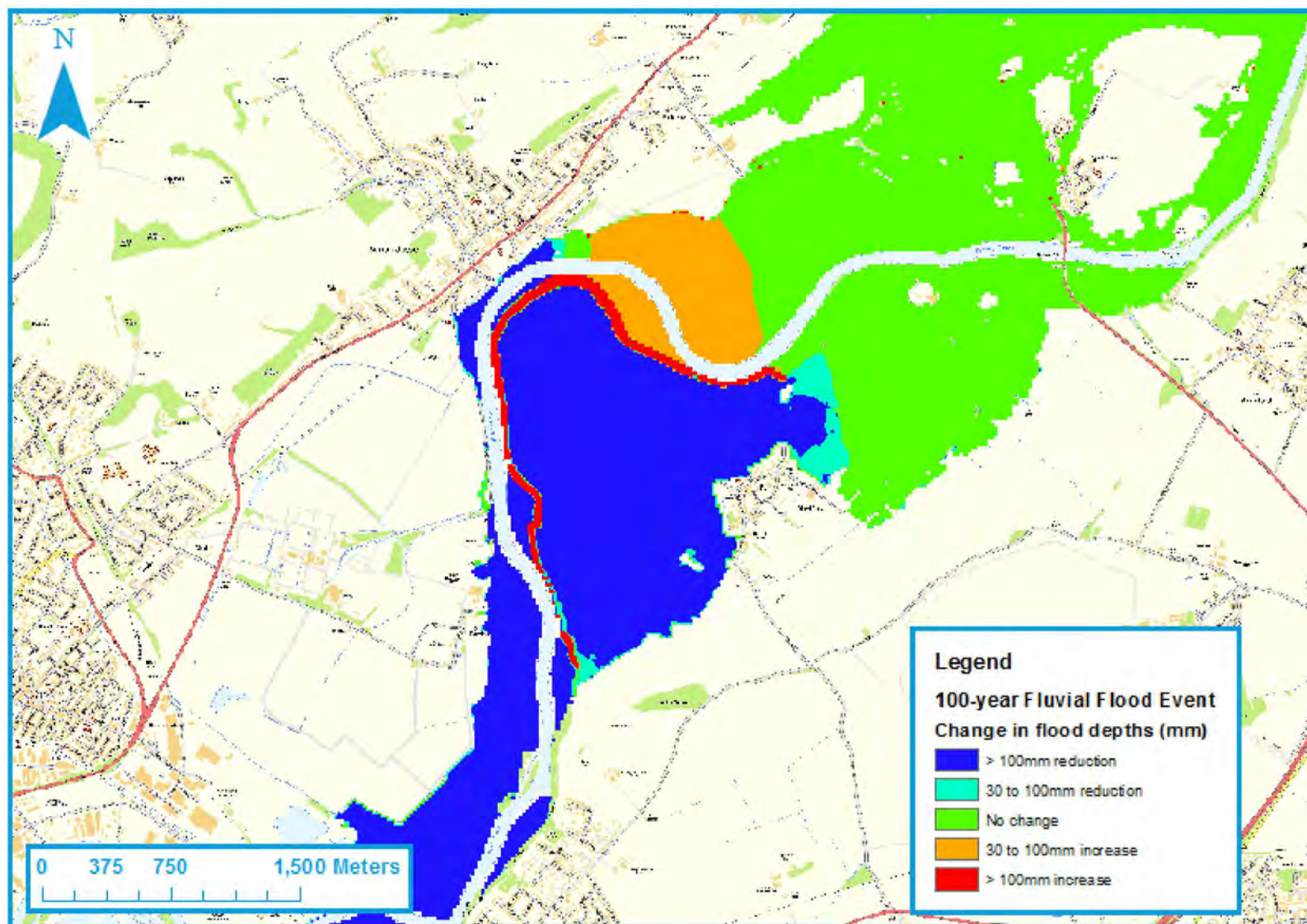


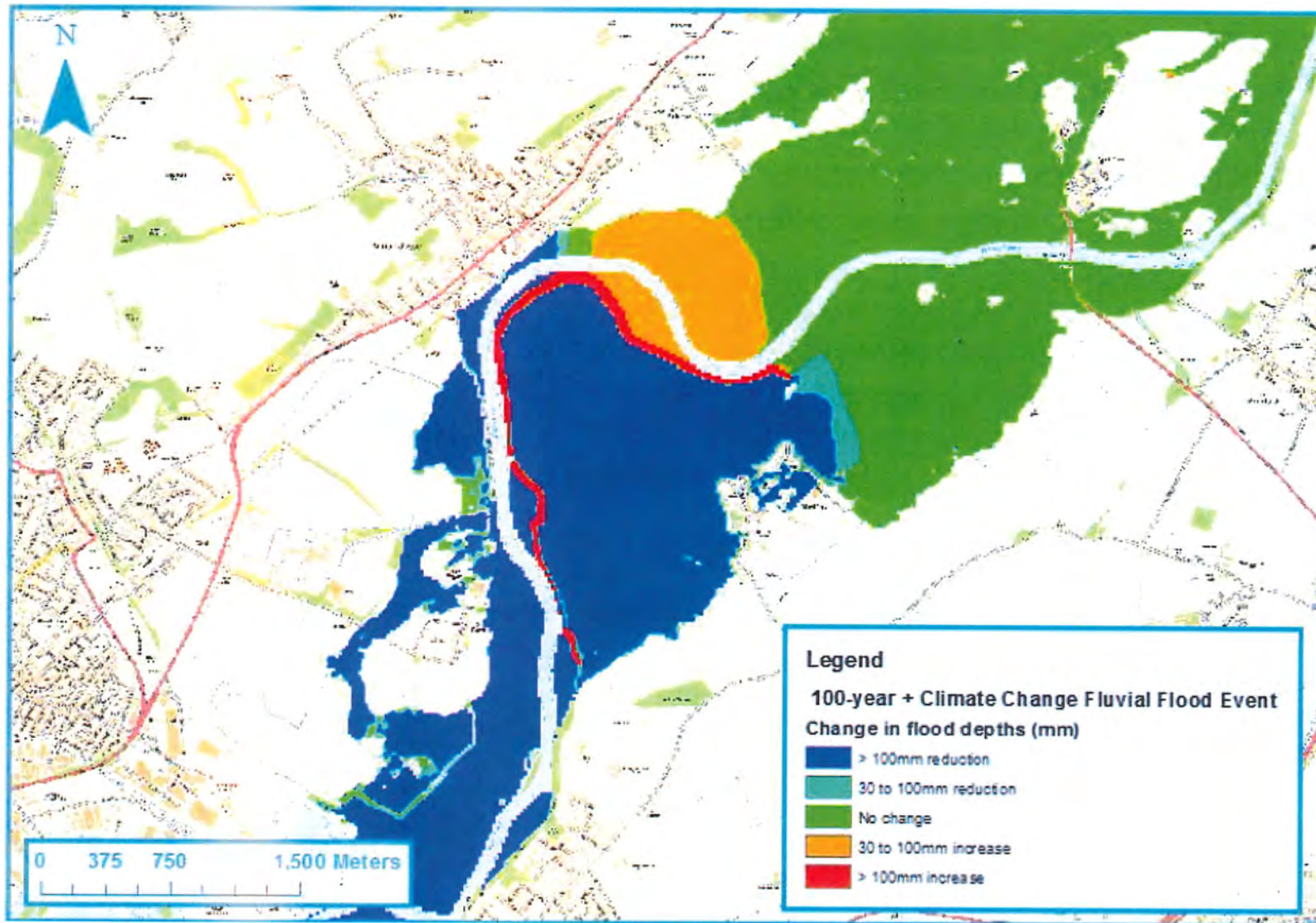


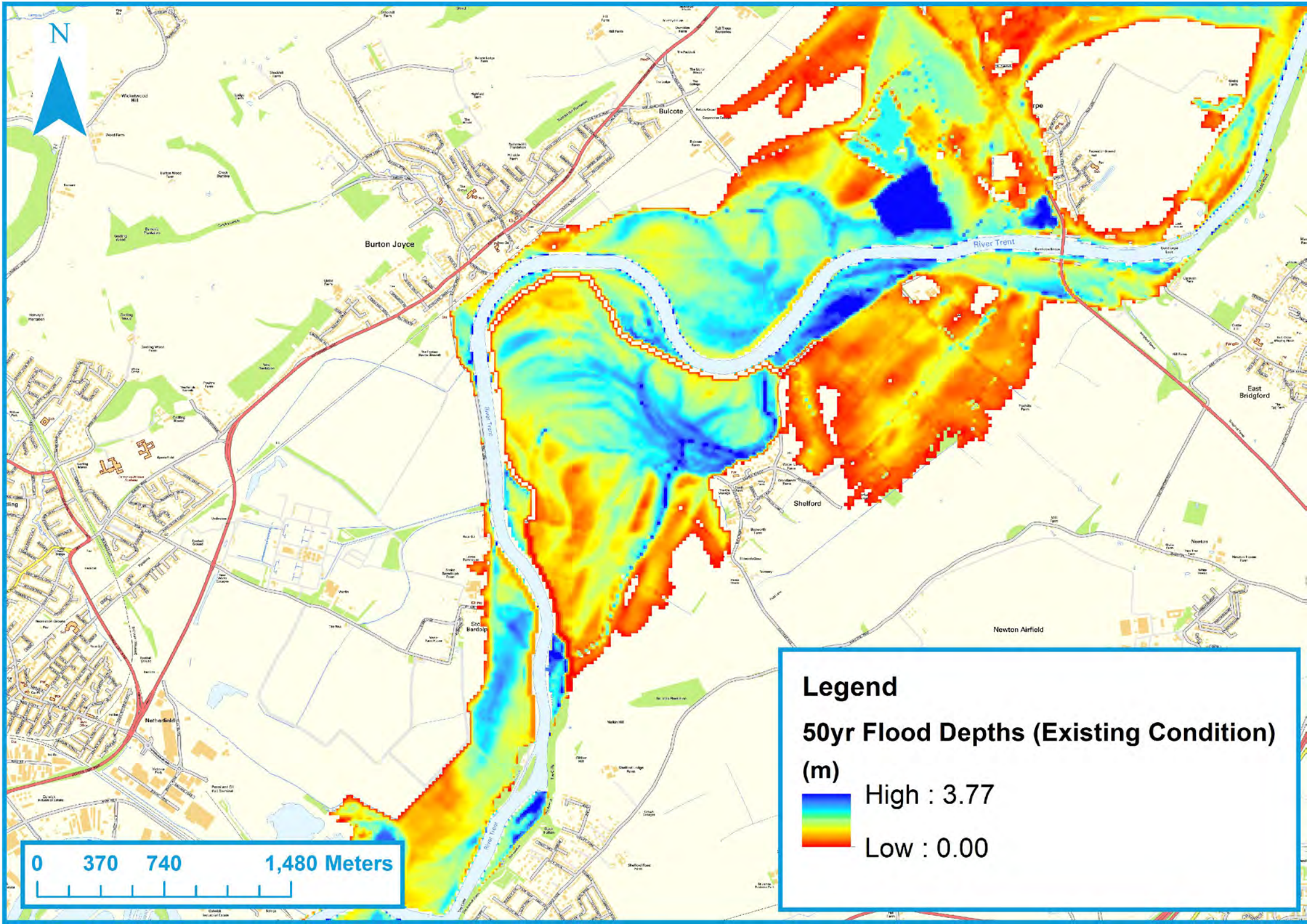












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Burton Joyce

Bulcote

River Trent

Shelford

East Bridgford

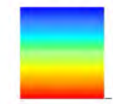
Newton Airfield

St. Bonifas

Legend

50yr Flood Depths (Existing Condition)

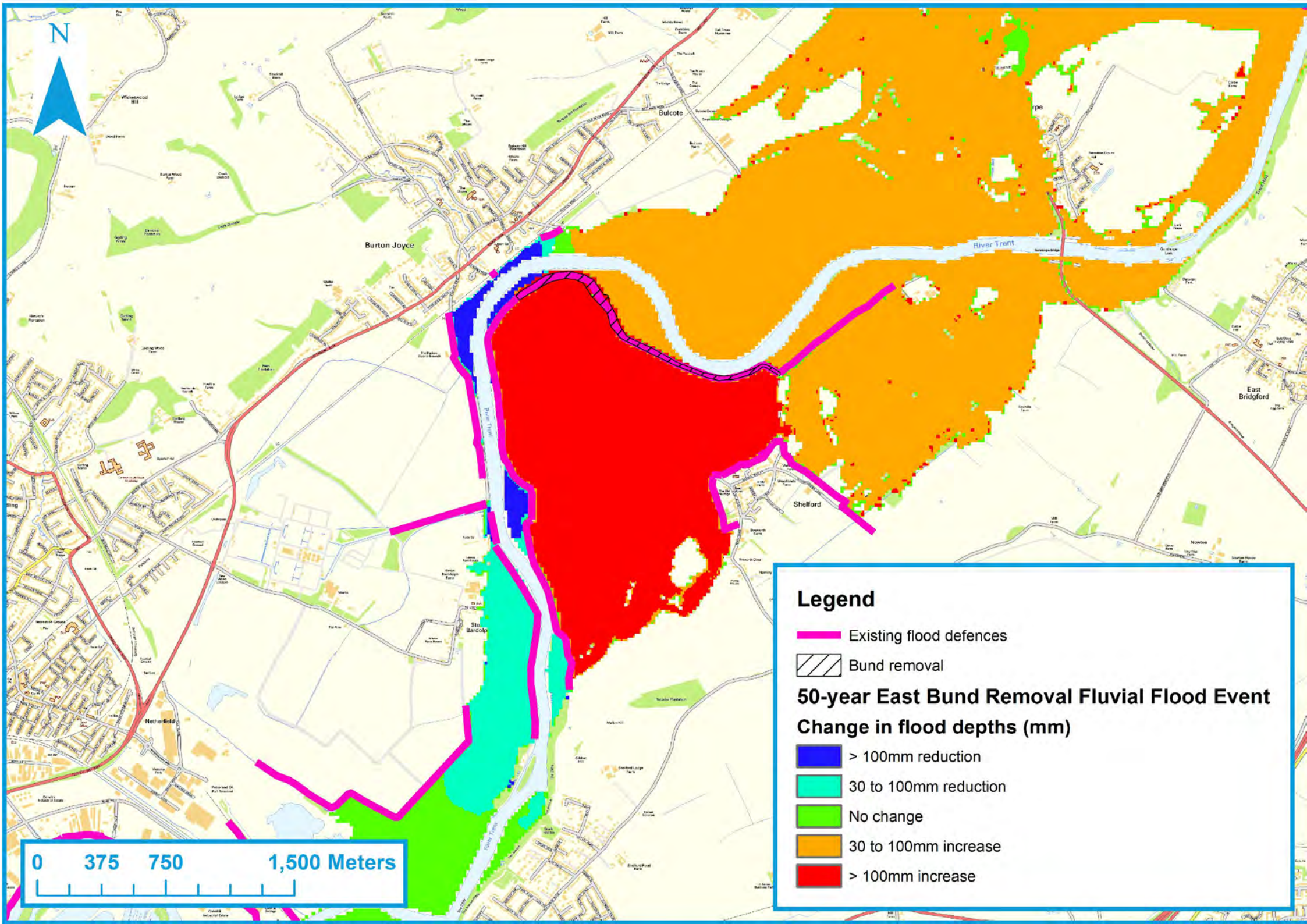
(m)



High : 3.77

Low : 0.00

0 370 740 1,480 Meters



N

Burton Joyce

Bulcote


Shefford


East Bridford

St. Bardolph


0 375 750 1,500 Meters


Legend


 Existing flood defences


 Bund removal


50-year East Bund Removal Fluvial Flood Event Change in flood depths (mm)

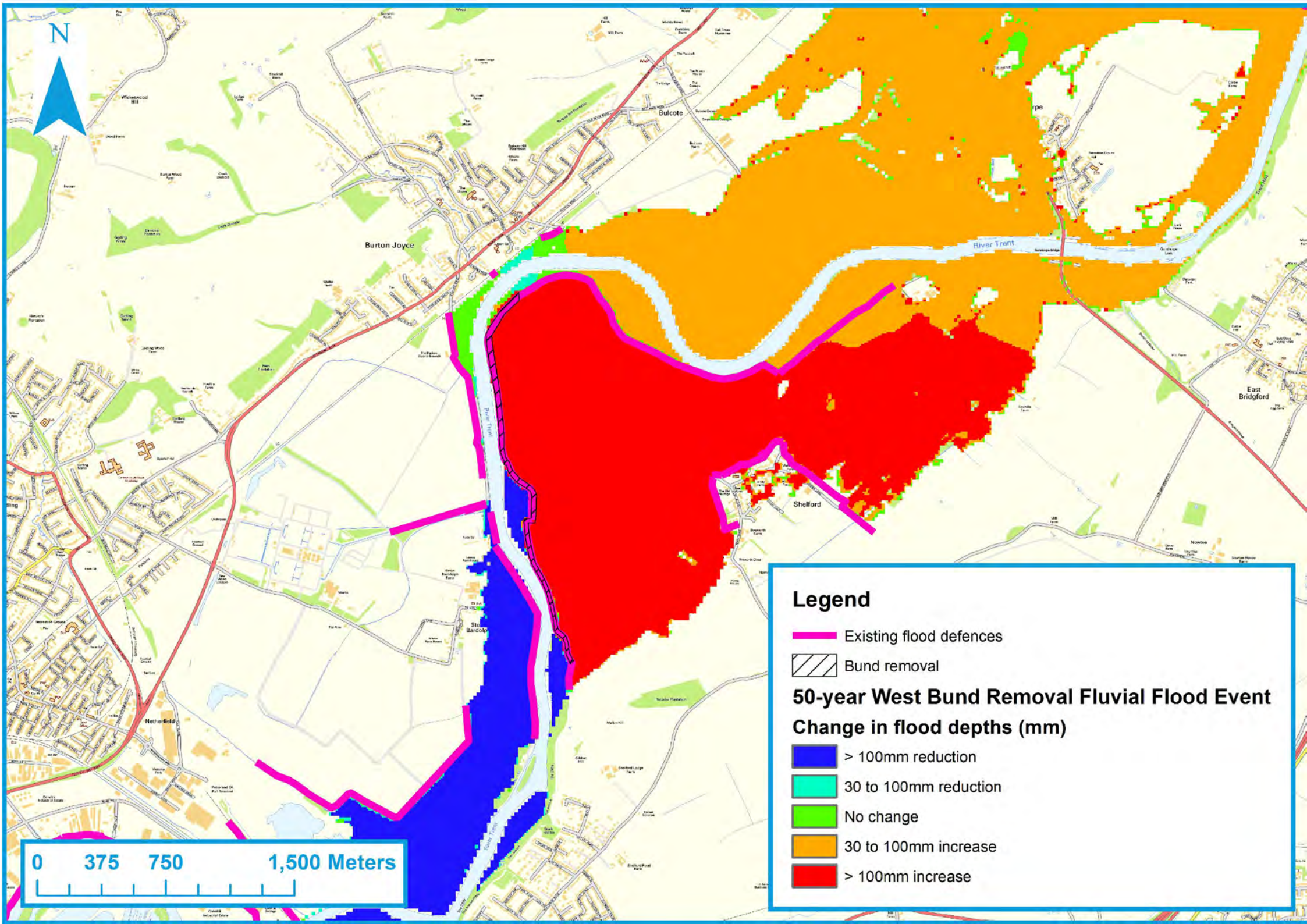
 > 100mm reduction

 30 to 100mm reduction

 No change

 30 to 100mm increase

 > 100mm increase



N

Burton Joyce

Bulcote


Shefford


East Bridgford

St. Bardolph


0 375 750 1,500 Meters

Legend


 Existing flood defences


 Bund removal


50-year West Bund Removal Fluvial Flood Event Change in flood depths (mm)

 > 100mm reduction

 30 to 100mm reduction

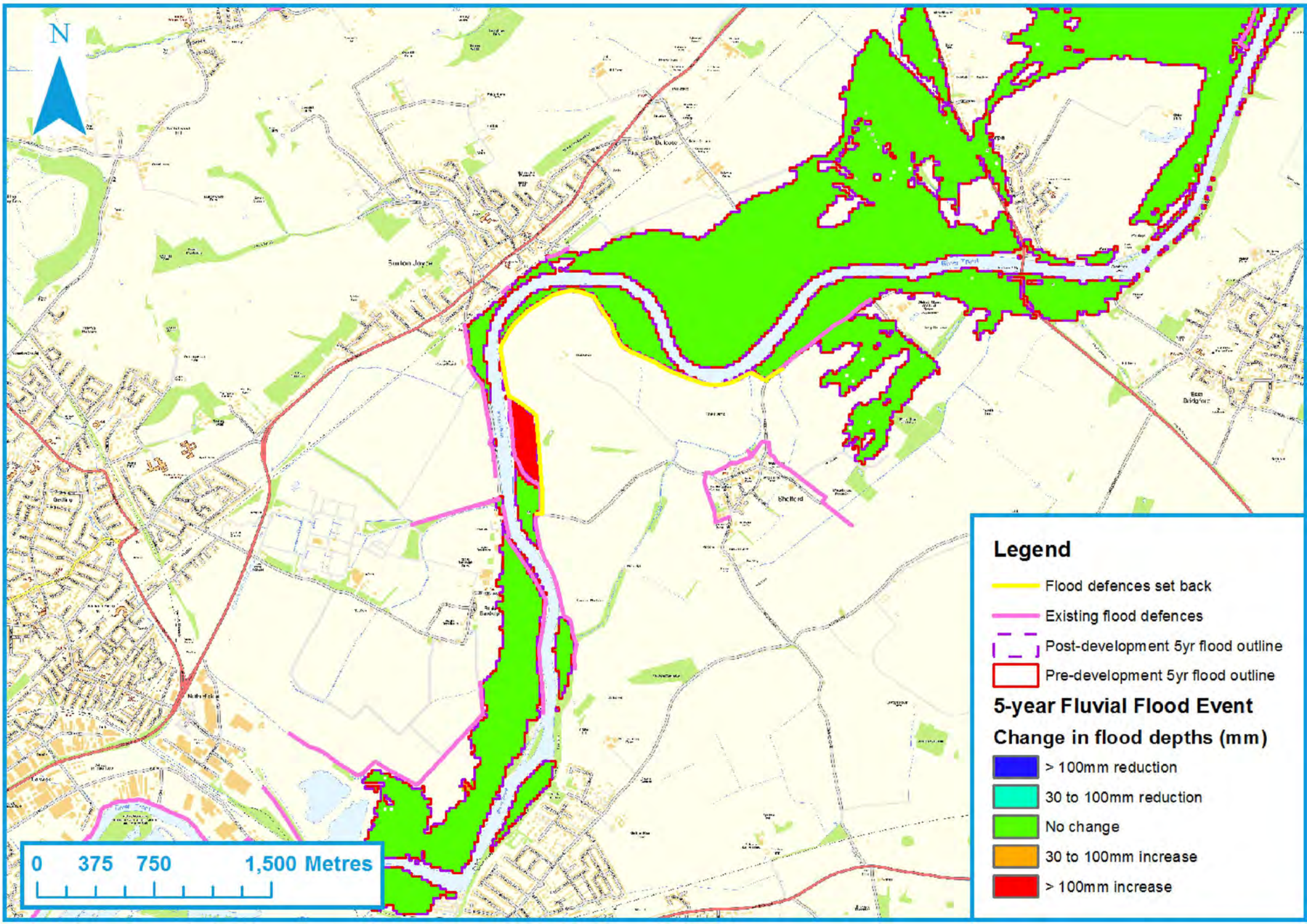
 No change

 30 to 100mm increase

 > 100mm increase

ANNEX B

PRELIMINARY FLOOD MODEL RESULTS MAPS FOR SCENARIO 2



N

0 375 750 1,500 Metres

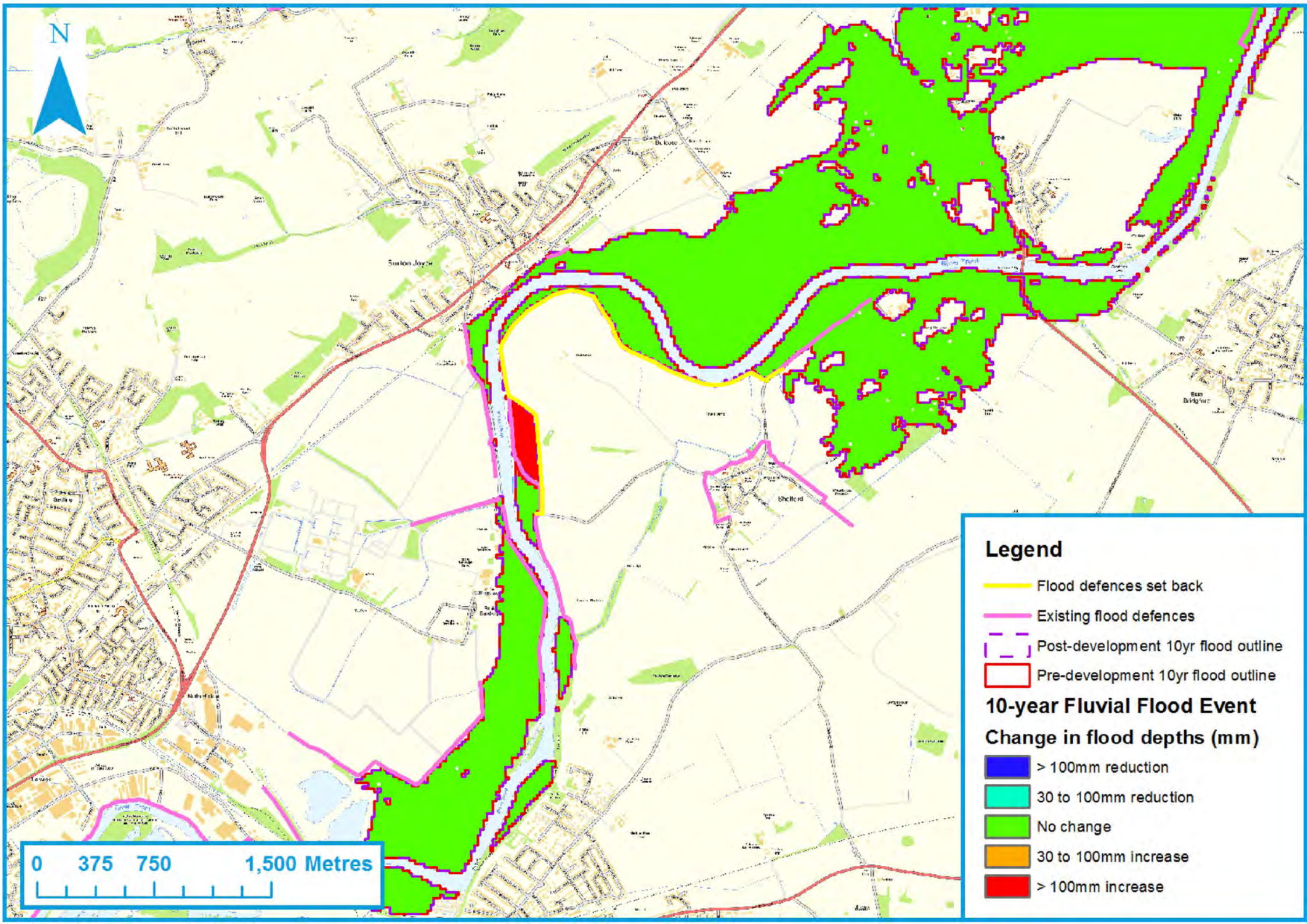
Legend

- Flood defences set back
- Existing flood defences
- - - Post-development 5yr flood outline
- Pre-development 5yr flood outline

5-year Fluvial Flood Event

Change in flood depths (mm)

- > 100mm reduction
- 30 to 100mm reduction
- No change
- 30 to 100mm increase
- > 100mm increase



N

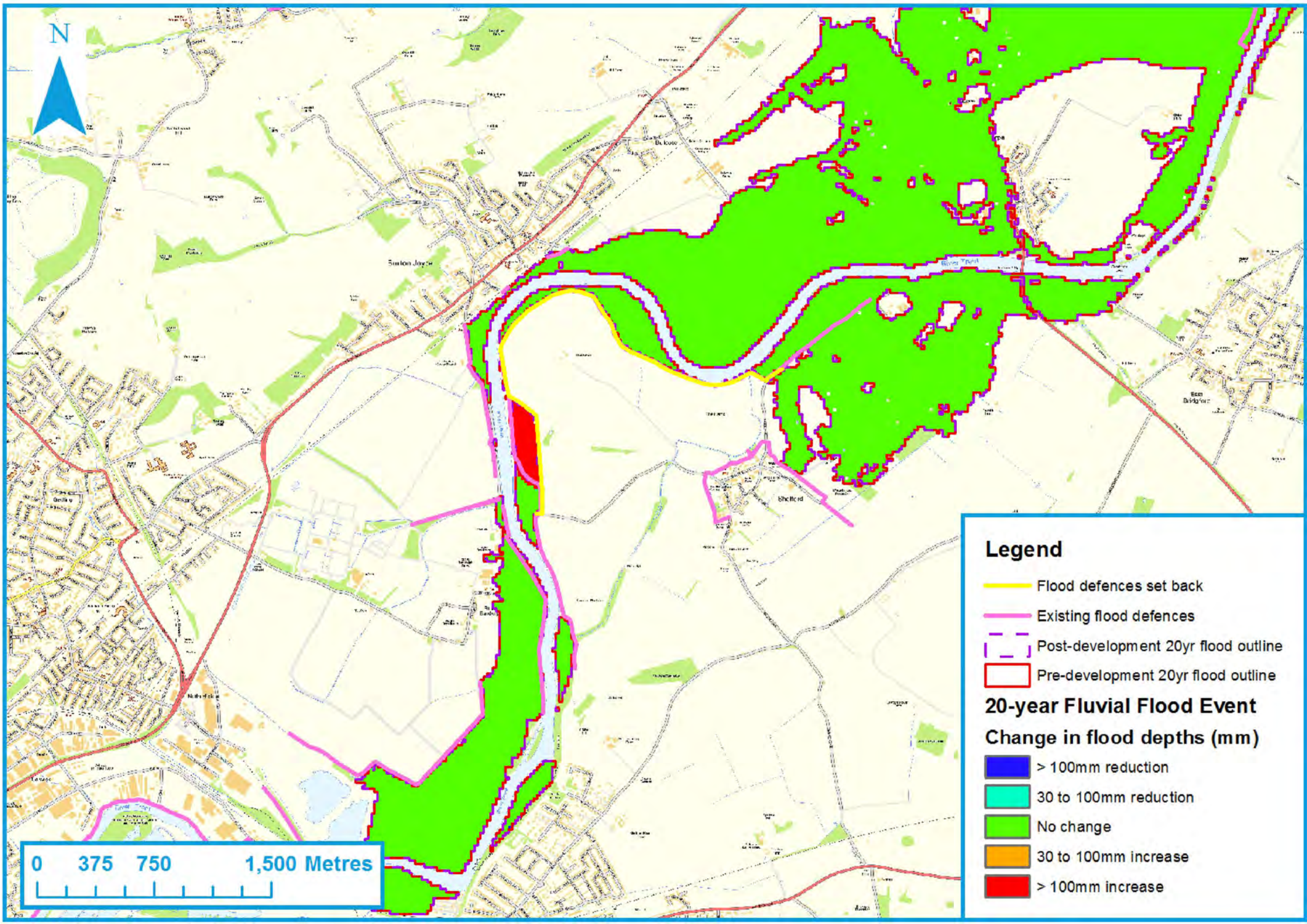
0 375 750 1,500 Metres

Legend

- Flood defences set back
- Existing flood defences
- Post-development 10yr flood outline
- Pre-development 10yr flood outline

10-year Fluvial Flood Event Change in flood depths (mm)

- > 100mm reduction
- 30 to 100mm reduction
- No change
- 30 to 100mm increase
- > 100mm increase



N

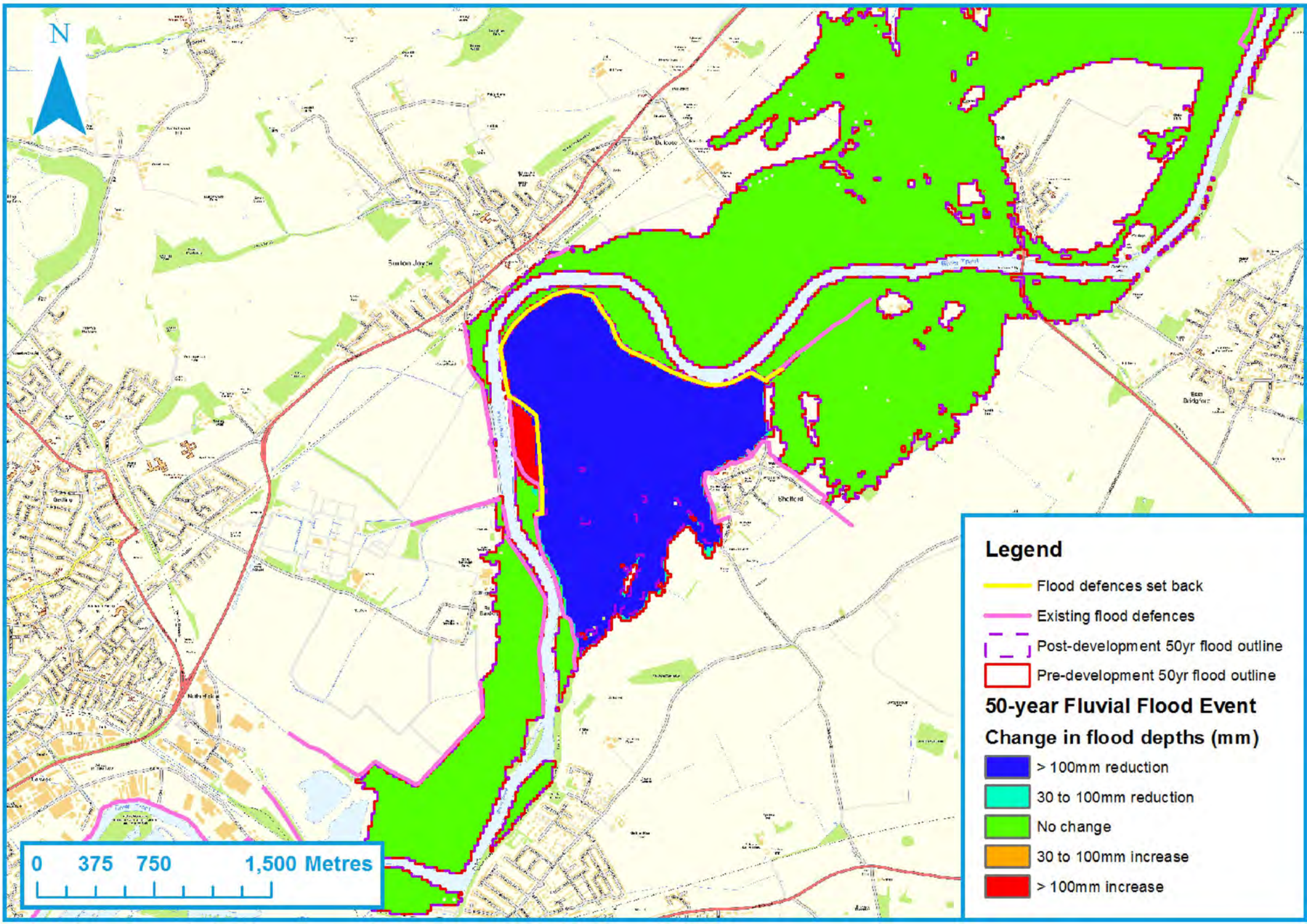
0 375 750 1,500 Metres

Legend

- Flood defences set back
- Existing flood defences
- Post-development 20yr flood outline
- Pre-development 20yr flood outline

**20-year Fluvial Flood Event
Change in flood depths (mm)**

- > 100mm reduction
- 30 to 100mm reduction
- No change
- 30 to 100mm increase
- > 100mm increase



N

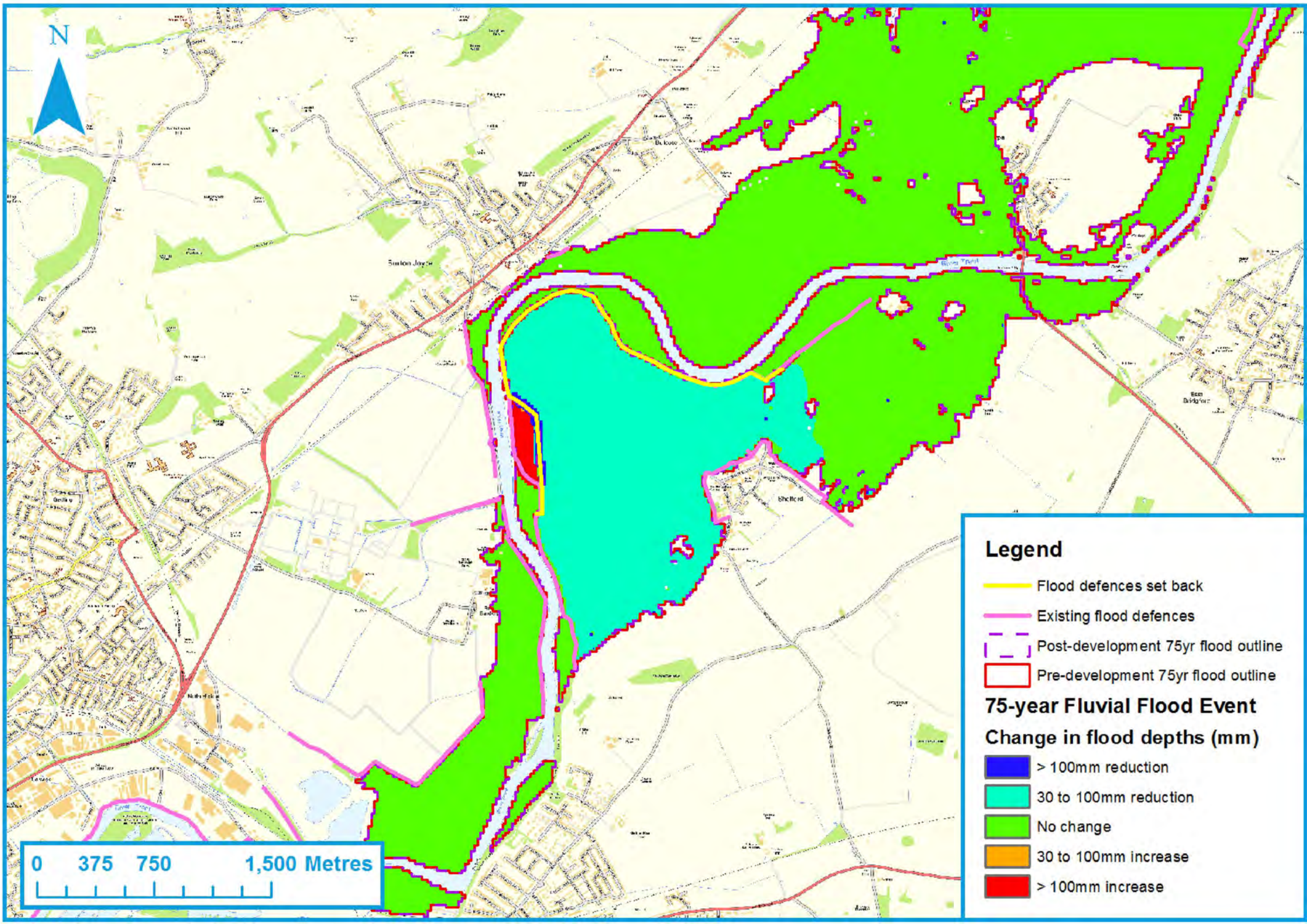
0 375 750 1,500 Metres

Legend

- Flood defences set back
- Existing flood defences
- - - Post-development 50yr flood outline
- Pre-development 50yr flood outline

**50-year Fluvial Flood Event
Change in flood depths (mm)**

- > 100mm reduction
- 30 to 100mm reduction
- No change
- 30 to 100mm increase
- > 100mm increase



N



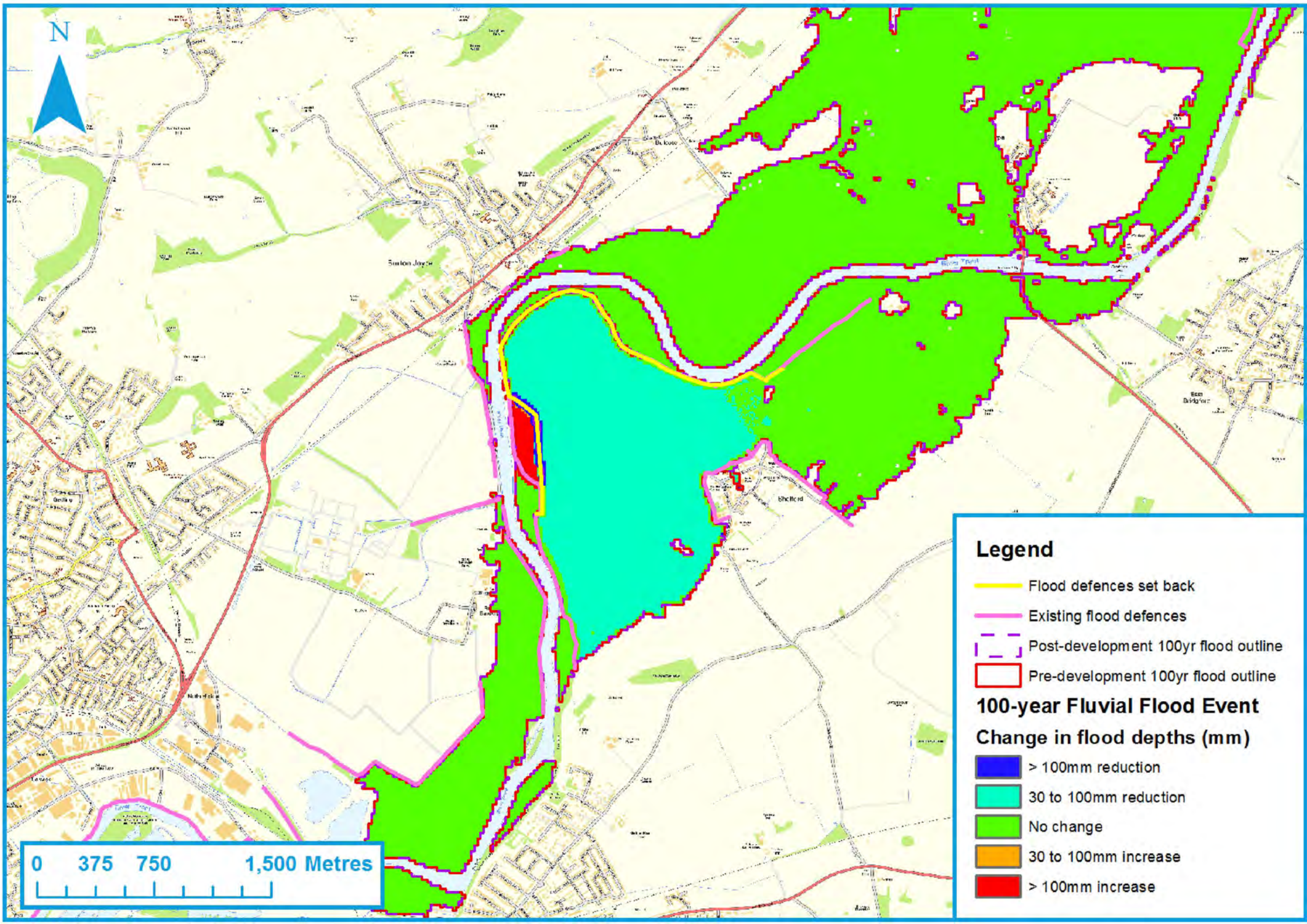
Legend

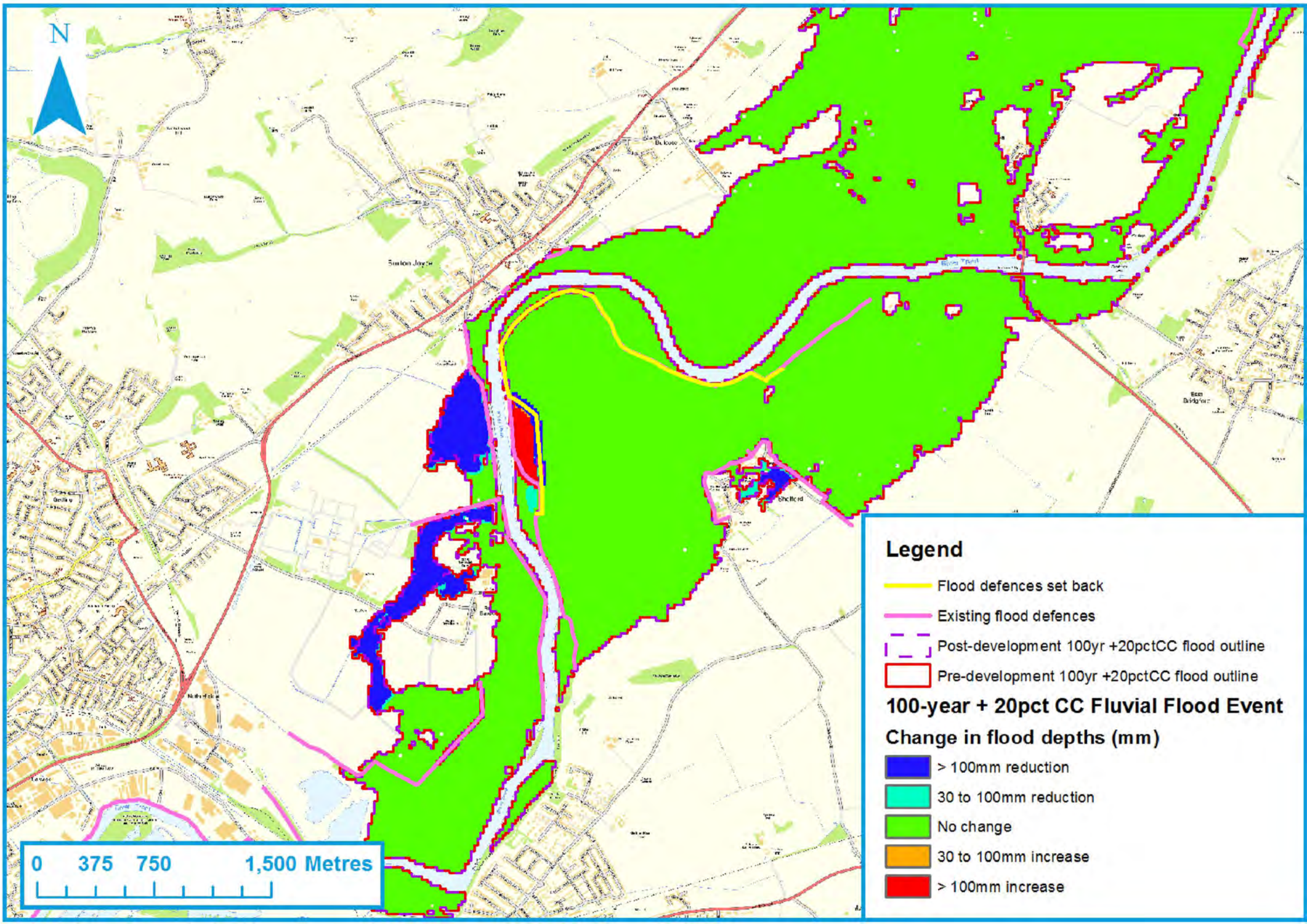
- Flood defences set back
- Existing flood defences
- Post-development 75yr flood outline
- Pre-development 75yr flood outline

**75-year Fluvial Flood Event
Change in flood depths (mm)**

- > 100mm reduction
- 30 to 100mm reduction
- No change
- 30 to 100mm increase
- > 100mm increase







N

0 375 750 1,500 Metres

Legend

- Flood defences set back
- Existing flood defences
- - - Post-development 100yr +20pctCC flood outline
- Pre-development 100yr +20pctCC flood outline

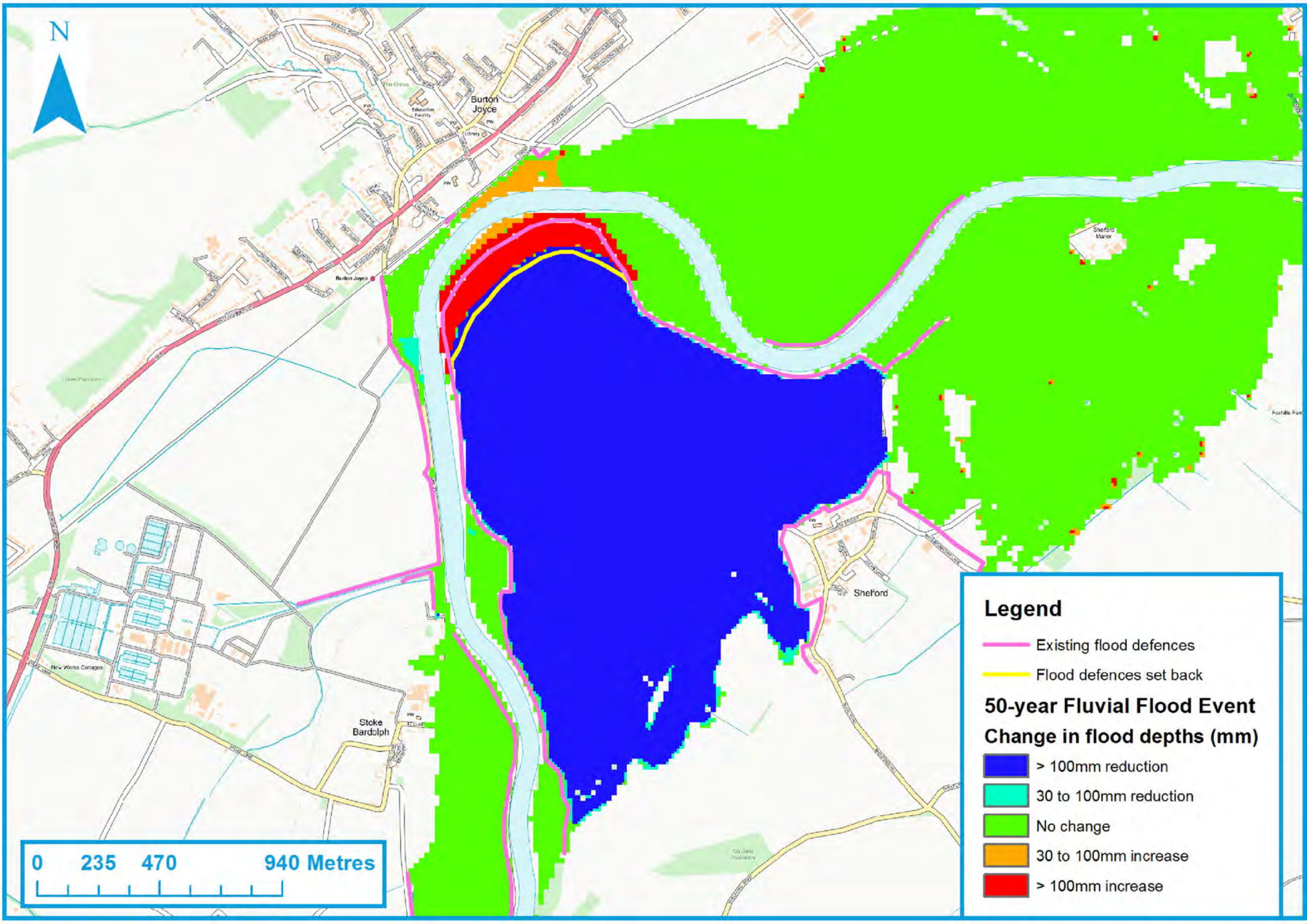
100-year + 20pct CC Fluvial Flood Event

Change in flood depths (mm)

- > 100mm reduction
- 30 to 100mm reduction
- No change
- 30 to 100mm increase
- > 100mm increase

ANNEX C

**PRELIMINARY FLOOD MODEL RESULTS MAP FOR THE 1 IN 50 YEAR EVENT FOR
SCENARIO 3**



Appendix 9

TECHNICAL NOTE

Project:	Shelford Quarry, Nottinghamshire
CCE Ref:	B161
Title:	TN01 – Review of the Minerals Local Plan Allocations
Prepared by:	Cecilia Thordardottir – Senior Transport Planner
Approved by:	Mark Kirby – Associate Director
Date:	30 th August 2018

1.0 Introduction

- 1.1 Cannon Consulting Engineers (CCE) have been appointed by Brett Aggregates Ltd (BAL) to review the evidence base of the Draft Minerals Local Plan (MLP) prepared by Nottinghamshire County Council (NCC) with specific regard to the proposed sand and gravel site at Shelford.
- 1.2 As the current adopted NCC MLP is out of date, a new MLP is being prepared, which will cover the period to 2036. As part of this process, the 'Issues and Options' stage was completed in January 2018 with responses from the consultation informing the development of the new MLP.
- 1.3 The next stage of the development of the MLP is the consideration of the draft list of site allocations that are intended to meet the identified demand over the new plan period. Consultation in this regard is to take place between the 27th July 2018 and the 28th September 2018.
- 1.4 The *Draft site selection methodology and assessment report* (dated July 2018) sets out the level of future demand for aggregates at Stage 1. Stage 2 was the 'Call for Sites' exercise that took place between December 2017 and January 2018 and resulted in 25 sites being put forward.
- 1.5 Of these 25 sites, Shelford is identified as 1 of 5 sand and gravel sites located near Nottingham with reserves of 6,500,000 tonnes that could be extracted over a 14 year period.
- 1.6 Stage 3 is the testing and deliverability of the proposed sites to establish if there are any 'showstoppers' that would discount a potential site due to a number of different factors. In this regard, comments were sought from key consultees, including the Highways Authorities. It is noted that the Shelford site is recognised to have "*no identified deliverability issues*", as confirmed in Table 3 of the report.
- 1.7 Stage 4 refers to the assessment documents that have been prepared at a high level in relation to key issues for each proposal in order to enable a comparison to be undertaken as part of the site selection process. These documents include a Sustainability Appraisal, Strategic Flood Risk Assessment, a Strategic Transport Assessment and a Landscape Character Assessment. In addition, the geographical spread of sites, was considered as a key criteria.
- 1.8 Table 9 of the *Draft site selection methodology and assessment report* summarises the key issues for each site and sets out the following with regards the Shelford site:

"This large new site is considered deliverable since it has been promoted by a mineral operator. In overall site assessment terms there are no significant transport impacts and the proposal is that some material is moved by barge to an urban processing plant. Here are relatively high landscape impacts and in assessment against sustainability appraisal objectives, the site scores moderately negatively during the operational phase and a slightly

*negative score in the long term. The site is located in the Nottingham area and in light of the number of sites submitted in the Nottingham area, and the need to maintain a geographical spread of sites across the County only a limited number of sites in the area are considered necessary. The size of this site is such that if it were allocated, provision would be limited in other parts of the County and this would not comply with the objective of maintaining a geographical spread of mineral sites across the County. As a result of the above and taking into account the assessment of other sites in the Nottingham area, it is **not considered appropriate** to include the proposal as an allocation in the Draft Minerals Plan.”*

2.0 Strategic Transport Assessment

2.1 Whilst it is noted that there are “no significant transport impacts and the proposal is that some material is moved by barge”, Table 6 from the *Draft site selection methodology and assessment report* relates to a summary of the highway issues as set out in the Strategic Transport Assessment (STA) that AECOM prepared on behalf of the Planning Policy Team. Table 6 sets out the following with regards the Shelford site:

“Assuming the worst case scenario, the increase in HGVs on the A6097 at the point of the site access would therefore be 18.3% and the increase in general traffic would be 1.1%. As such, the thresholds given within GEART would not be triggered. Main HGV route passes through an existing collision cluster and few sensitive receptors between site and A46.”

2.2 It is noted that the STA concluded that none of the sites put forward were unacceptable in principle and therefore none of the sites were removed from consideration as a result of the STA.

STA Assessment Methodology

2.3 The STA set out the criteria in terms of assessing all of the sites that were put forward for allocation. The sites were assessed based on the following criteria:

- Type of site i.e. whether it is a new site or an extension;
- Access i.e. whether the site has an existing access and to what extent this complies with modern highway standards;
- Export Mode i.e. if there is potential to export by rail or canal/river which is more sustainable;
- Export Route i.e. the proximity of the site to the strategic road network and the quality of connecting routes; and
- Sensitive Receptors i.e. the presence of any development alongside routes connecting to the strategic highway network.

2.4 In addition to the above, the duration of site operations were considered but only in terms of acting as a magnifier to other areas of concerns. Road safety has also been considered and road collision statistics for the last 5 years were obtained for the proposed sites.

2.5 As part of the assessment, the STA considered existing sites being put forward for extension to be preferable to new sites as these sites will have an established and agreed HGV route.

2.6 To rank the sites, a ranking criterion was set out in Table 5.1 of the STA report. An extract of the ranking criteria is provided at **Figure 1**.

Table 5.1: Ranking Criteria

Rank Category	Category	Description
1	Few Generated Highway Trips	Developments within this category will not produce any additional HGV trips on the highway network (or very few movements), as they may, for example, use the material worked for use in other areas of the site or at a factory / processing plant that adjoins to the site (and which benefits from separate planning permission).
2	Existing Sites connecting to the Trunk road network	Developments within this category are extensions to existing sites whose access provides direct connection onto Trunk roads (or else connect via a very short connector route) for efficient distribution of mineral to the market and with little impact on sensitive receptors.
3	Existing Sites connecting to Local A Roads	Developments within this category are extensions to existing sites whose access is onto locally important A roads. It is assumed this category of A-road would allow efficient distribution of mineral, but may have larger impacts on communities than connecting to a trunk road.
4	Existing Sites with B & Minor Roads	Developments within this category are extensions to existing sites whose access is onto B or more minor roads.
5a	New sites that use Sustainable Export Modes connecting to A Roads	In accordance with the NPPF, developments within this category contain some element in which the magnitude of impact on the highway network is mitigated. For example, some material may be exported by modes other than road such as by barge or rail. (It is assumed that all other transport matters are acceptable).
5b	New sites that use Sustainable Export Modes connecting to B Roads	As above, but connecting to B roads.
6	New Sites connecting to the Trunk road network	Developments within this category are new sites whose access provides direct connection onto Trunk roads (or else connect via a very short connector route).
7	New Sites connecting to Local A Road	Developments within this category are new sites whose access is onto local A roads.
8	New Sites connecting to B & Minor Roads	Developments within this category are new sites whose access is onto B or more minor roads.

Figure 1: Extract from STA – Table 5.1

- 2.7 As set out in the table above, existing sites will automatically fall into a rank category above any new site. The exception is Rank Category 1 whereby a new site could be ranked in the highest category if the development does not produce any additional HGV trips on the highway network which would presumably entail all material being transported by more sustainable modes such as rail or river.

Site Rankings

- 2.8 Table 5.2 of the STA sets out how each of the 25 sites assessed ranked in terms of the Rank Categories set out in Table 5.1. **Figure 2**, which is an extract from the STA showing Table 5.2, shows how each site ranked.

Table 5.2: Site Rankings

Rank Category	Rank Title	Rank	Site (s)
1	Few Generated Highway Trips	1	Woodborough Lane (Ibstock)
2	Existing Sites connecting to the Trunk road network (or via short connector route)	2	Buridge Farn (assuming use of existing Cromwell Quarry access)
3	Existing Sites connecting to Local A Road	3	Bestwood II, Langford South & West, Langford North
		4	Besthorpe East
		5	Scrooby Top North
4	Existing Sites connecting to B & Minor Road	6	Bantycok Quarry (British Gypsum)
		7	Bawtry Road
		8	East Leake
5	New sites that use Sustainable Export Modes	9	Shelford (Brett Aggregates)*
6	New Sites connecting to the Trunk road network (or via short connector route)	10	Redhill
		11	Cromwell North (plus extensions), Barton in Fabis (London Rock),
7	New Sites connecting to Local A Road	12	Coddington, Great North Road north (plus Great North Road south extension), Shelford (Brett Aggregates)*
		13	Botany Bay, Scrooby North, Scrooby Thompson Land
		14	Bamby Moor (Hanson), Bamby Moor (Rotherham Sand & Gravel)
8	New Sites connecting to B & Minor Road	15	Barton in Fabis (Cemex)

* - Shelford is listed twice, to reflect uncertainty as to the quantum of material that could be exported via sustainable transport modes.

Figure 2: Extract from STA – Table 5.2

- 2.9 The table demonstrates that out of all new sites put forward, whether subsequently proposed for allocation or not, Shelford ranks the highest. Shelford has been placed in Category 5a – New sites that use Sustainable Export Modes connecting to ‘A’ roads. Furthermore, Shelford is the only new site that is placed in this category and that is due to the fact that it is proposed to export approximately a third of the material by barge on the River Trent.
- 2.10 It should be noted that Shelford is listed twice in order to reflect uncertainty as to the quantum of material that could be exported via sustainable transport modes, i.e. by barge. As it has been identified that approximately a third of material is expected to be exported by barge, the site should be ranked as 9 and not 12.

Comparison with New Sites

- 2.11 As the new sites being put forward are considered less desirable in transport terms than the existing sites and as the Shelford site is a new site, a direct comparison has been undertaken between Shelford and the 3 new sites that have been proposed for allocation only.
- 2.12 The comparison of the sites is presented in **Table 2** and is based on the assessment criteria from the STA set out above.

Site	Ranking	Type	Access	Export Mode	Export Route	Sensitive Receptors	Two-Way HGV Movements	Life of Quarry
Shelford	9	New	New access onto A6097	Barge and HGVs	A6097 to A46 which is under 2km away	No Sensitive Receptors	116	14 Years
Mill Hill – Barton in Fabis	11	New	New access onto Barton Lane / Green Street	HGVs only	Green Street to A453 towards either M1 or Nottingham. A453 is approx. 2.6km away.	No Sensitive Receptors	102	12-15 Years
Botany Bay	13	New	New access onto A638	HGVs only	A638 to A634 towards A1 which is approx. 6km away	HGVs would pass through villages along the route.	72	12 Years
Scrooby Thompson Land	13	New	New access onto A638	HGVs only	A638 to B6045 and A634 towards A1 (M) which is approx. 5.7km away.	HGVs would pass through villages along the route.	18	8-10 Years

Table 2: Site Comparison

2.13 **Table 2** shows that the Shelford site outperforms the 3 sites proposed for allocation in transport terms. The site it is ranked higher than the other sites mainly due to the fact that a portion of the export from Shelford is proposed to go by barge down the River Trent, close proximity to the A46 and the HGV route not going through any sensitive receptors.

2.14 It is noted that the 3 sites that are proposed for allocation are all proposing export by HGVs only, have a longer route to reach the Strategic Road Network and 2 out of the 3 would pass through sensitive receptors (villages) along the route. The sites are proposed to operate between 8 and 15 years and Shelford is proposed to operate for approximately 14 years which is comparable to the others sites.

3.0 Sustainability Appraisal

3.1 A *Sustainability Appraisal Interim Report* (dated July 2018) has been prepared to assist in the process of allocating sites for the MLP. To this extent, 14 Sustainability Appraisal objectives and decision making criteria have been identified, which are set out at Table of 1 the report.

3.2 Of these, objective 3 is the most relative to access and traffic impact on the network. Objective 3 is as follows:

Objective	Decision making criteria
-----------	--------------------------

<p>3. Promote sustainable patterns of movement and the use of more sustainable modes of transport.</p>	<ul style="list-style-type: none"> • Will the plan/proposal reduce overall transport distances for minerals? • Will it reduce road haulage of minerals? • Will it promote alternative forms of transport? • Will it reduce/increase road congestion? • Will it result in sites that are well related to the main highway? • Will it require new transport infrastructure to be developed?
--	---

3.3 Shelford is identified as being a sand and gravel site, of which there are a total of 20 sites identified. Shelford is identified as scoring the highest in relation to criteria 3 at a score of +2, which is the same as only 1 other site, namely Burr Ridge Farm.

3.4 With the above in mind, and consistent with the STA, it is considered that the Shelford would be one of the most acceptable sites considered in terms of access and potential traffic impact.

4.0 Site Access

4.1 The Shelford site is expected to be operational for 14 years. Extraction from the site is expected to generate up to 500,000 tonnes of sand and gravel per year until a maximum of 6.5m tonnes is achieved. Of the 500,000 tonnes to be excavated per annum, 180,000 tonnes would be taken by barge to Colwick Industrial Estate, located to the south west of the Shelford site. The remaining 320,000 tonnes would be taken by conveyor from the Shelford site to the processing plant, proposed to be located in close proximity to the proposed site access junction with the A6097 Bridgford Street.

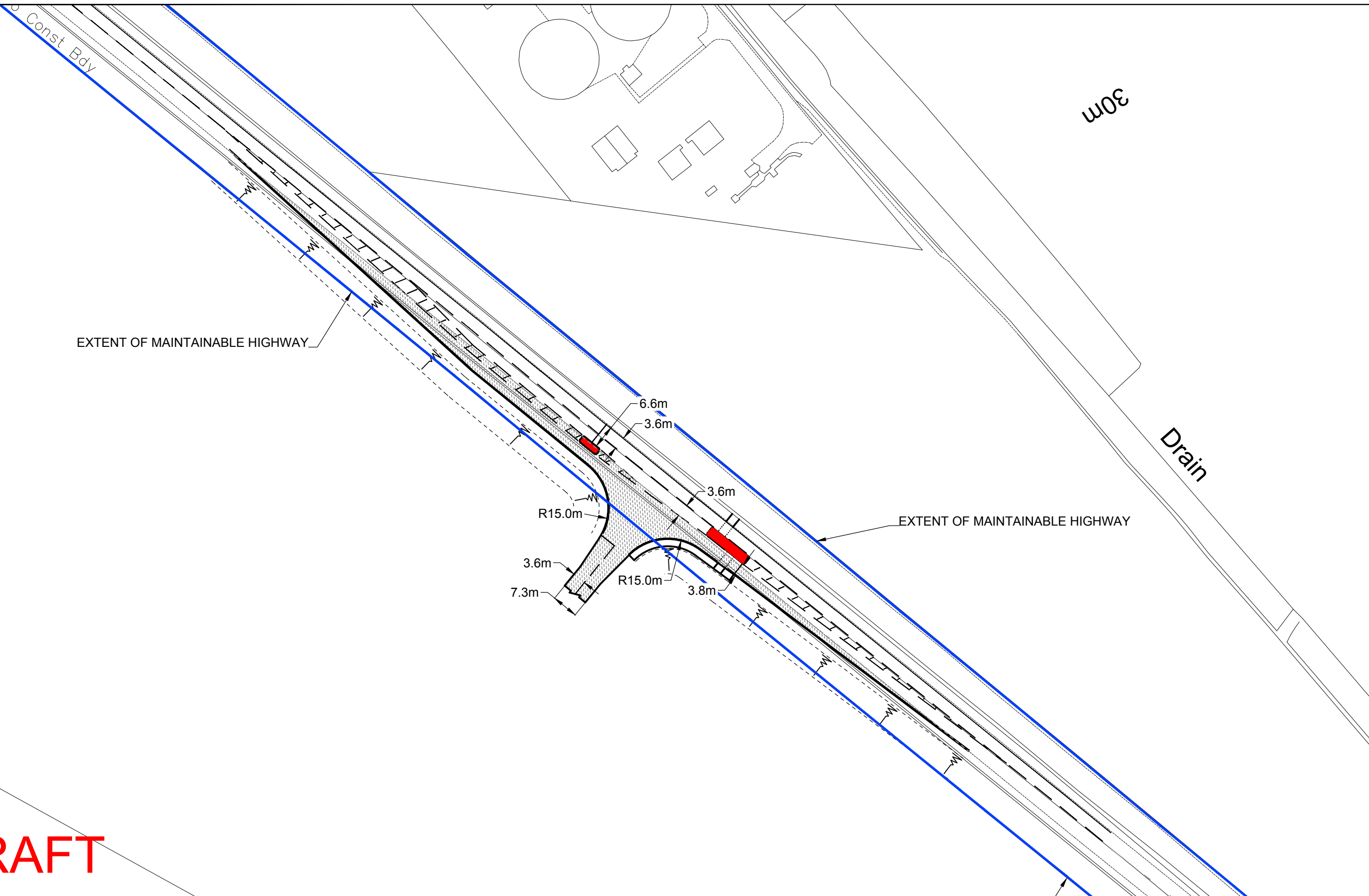
4.2 The STA prepared by AECOM identifies at paragraph 3.3.2 that an export rate of 320,000 tonnes of material per annum would equate to approximately 58 HGV arrivals and 58 HGV departures per average day based on 275 working days per year and a 20 tonne average payload. However, in order to ensure a robust consideration of the proposals and assuming that all 500,000 tonnes were to be exported by road per annum and nothing were to be exported by barge, then paragraph 3.3.3 identifies that 91 HGVs would arrive and 91 HGVs would depart per day.

4.3 In order to ensure that an appropriate means of access from the Shelford site could be achieved, CCE engaged with Jan Witko of NCC highways in 2014. CCE Drawing **B161/100 Rev A – Proposed Site Access** (contained at **Attachment 1**) presents the proposed means of access as a signal junction arrangement and Jan Witko confirmed NCC’s ‘in principle’ agreement to the form and location of the signalised site access junction from the A6097 Bridgford Street at a point approximately mid-way between the existing signalised junction of East Bridgford Road (to the south) and the crossroad junction of Main Road and Trent Lane (to the north), which is immediately south of the A6097 Bridgford Street bridge crossing of the River Trent. The correspondence with NCC confirming the ‘in principle’ agreement is included at **Attachment 2**.

4.4 The signalised junction is proposed to be set up on a “demand dependant” basis, which would help to reduce the overall impact on traffic using the A6097 Bridgford Street that is not associated with the development. In addition, it is acknowledged that the proposed site access junction would only be made available for use by traffic associated with the development proposals and at the end of the extraction period, the junction would be removed and the highway reinstated to the original layout.

Attachment 1:

CCE Drawing B161/100 Rev A – Proposed Site Access



DRAFT

		PROJECT TITLE		CLIENT		DATE				Cannon Consulting Engineers Beacon House, Warwick Road, Beaconsfield, Bucks, HP9 2PE Tel: +44 (0)1638 555 900 Fax: +44 (0)1494 677 779 info@cannonce.co.uk www.cannonce.co.uk	
		SHELFORD, NOTTINGHAMSHIRE		BRETT AGGREGATES		17/10/14				DRAWING NUMBER	
A		SITE ACCESS DETAILS UPDATED		JXB MK		12.11.14		PROPOSED SITE ACCESS		B161 / 100	
REV		DESCRIPTION		CH PA		DATE		DESIGNED		DRAWN	
								JXB		MK	
								PASSED		SCALE @ A3	
								.		1:1000	
								ISSUE STATUS		PRELIMINARY	

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Attachment 2:
Correspondence with NCC

[REDACTED]

From: Jan Witko [REDACTED] > on behalf of Jan Witko
Sent: 30 June 2014 11:08
To: Mark Kirby
Cc: Steven Osborne-James
Subject: RE: Nottinghamshire Minerals Plan

Categories: Orange Category

Mark,

Oddly enough I was just typing up a response your previous e-mail when this one arrived.

Having reviewed your proposals I would comment that they represent a significant improvement over the previously proposed access arrangements. The proposed conveyor should eliminate the need for HGV's to enter Shelford West (P41), reducing the number of HGV trips from the site through the surrounding villages to practically zero.

Similarly, the direct access out on to the A6097 will provide a direct access to the Strategic Road Network, and therefore eliminates the need to HGV's to use the adjacent minor roads.

I have discussed the principle of the access on to the A6097 at the point shown with my colleagues in the Highway Safety, and Transport Strategy Teams. We have concluded that in very broad terms, the principle of an access in this location would be acceptable to the Highway Authority.

The type of junction required will be dictated by detailed design, transport modelling, physical constraints on the ground (visibility) as well as consultations with our Highway Safety Team(Road Safety Audit) and will need to be fully justified prior to any formal planning application. I would also point out at this stage that we would seek to restrict the use of the proposed access as far as possible to only traffic associated with the proposed quarries. No further development will be permitted off of this access, and it will need to be removed once mineral extraction has ceased.

Notwithstanding the above our previous consultation comments with regard to removal of material by river, lorry routing, and the need for a full detailed Transport Assessment to back up the planning application still stand.

I trust the above is acceptable, should you have any further questions feel free to give me a ring to discuss.

Regards,

Jan

From: Mark Kirby [REDACTED]
Sent: 30 June 2014 09:45
To: Jan Witko
Cc: Martin Green
Subject: RE: Nottinghamshire Minerals Plan

Jan,

Further to our telephone conversation last week, I was hoping that you would have had a chance to chat through the proposal to access the Shelford East site (PA40) directly onto Bridgford Street (A6097) and then introduce a conveyor system between Shelford West (PA41) and Shelford East. This arrangement would mean that the HGV activity would access the SRN directly with no impact on the Environmental Weight Limit (EWL) zone identified.

As we discussed, your “in principle” consideration of this proposal at this stage is all that we would request and of course, any future consideration of the site through the planning process would require a full TA. This would identify the most suitable junction arrangement for the site access.

The planners are meeting later this afternoon to discuss the sites in more detail and your “in principle” acceptance of this arrangement would be appreciated before this meeting this afternoon.

Regards,

Mark

From: Jan Witko [REDACTED]
Sent: 25 June 2014 10:36 AM
To: Mark Kirby
Cc: Martin Green; Steven Osborne-James
Subject: RE: Nottinghamshire Minerals Plan

Mark,

1. Shelford East

The view of the Highway Authority is that should you revert back to the previous access arrangement then our previous comments would apply, namely;

The removal of sand and gravel from the site via the adjacent River Trent should be thoroughly investigated in the first instance.

East Bridgford Road is a country lane which would have to be made up to be suitable for large numbers of lorries and a junction improvement would be likely where it meets the A6097. It would also have to be demonstrated that an appropriate enforceable lorry routing Agreement can be secured that avoids the villages of Shelford, Newton, East Bridgford, and Radcliffe on Trent.

Any proposed development must be supported by a Transport Assessment (TA) in accordance with the Department for Transport’s Guidance on Transport Assessments. The TA must demonstrate that a satisfactory access can be achieved and that the existing local highway infrastructure is adequate or propose appropriate mitigation measures to deal with the additional vehicle movements and include appropriate sustainable transport measures supported by a Travel Plan.

It should be noted that a scheme for an Environmental weight limit for the area is currently being assessed, which could potentially have a bearing on the proposal.

As you can see, the above is by no means a glowing endorsement of the proposal. We would still require East Bridgford Road to be improved, an improvement to the junction of the A6097 and East Bridgford Road, and a lorry routing agreement for it to be considered acceptable.

2. Shelford West

Whilst some of our concerns did relate to traffic routing through Radcliffe this was only one part of the problem with the site. Again, we have concerns about the suitability of the roads which connect the site to the SRN. Our original feedback regarding this site was as follows:

The removal of sand and gravel from the site via the adjacent River Trent should be thoroughly investigated in the first instance.

It is considered that access to the site from Shelford Hill is likely to be inappropriate as existing, due to its width, alignment, and its substandard junction with Shelford Road.

The roads and junctions linking the site to the primary distributor road network would have to be made up to be suitable for large numbers of lorries. It would also have to be demonstrated that an appropriate enforceable lorry routeing Agreement can be secured that avoids the villages of Shelford, Newton, East Bridgford, and Radcliffe on Trent.

Any proposed development must be supported by a Transport Assessment (TA) in accordance with the Department for Transport's Guidance on Transport Assessments. The TA must demonstrate that a satisfactory access can be achieved and that the existing local highway infrastructure is adequate or propose appropriate mitigation measures to deal with the additional vehicle movements and include appropriate sustainable transport measures supported by a Travel Plan.

It should be noted that a scheme for an Environmental weight limit for the area is currently being assessed, which could potentially have a bearing on the proposal.

As per my previous e-mail, we do not consider the proposed improvements to be far reaching enough to address these concerns. In order to address our concerns we would require you demonstrate to us that the whole of the route between the site and the SRN is suitable for HGV's in terms of width, alignment, and construction.

It should also be noted that the Environmental weight limits (EWL) mentioned in both sets of comments above have now been introduced (see attached plan). Recommending approval of any development which leads to an increase in HGV traffic within the EWL area may prove problematical as one of the principle reasons for introducing the limit in the first place was the unsuitability of the local roads for HGV traffic. It is therefore likely that in order to accommodate your development, changes will need to be made to the TRO associated with the weight limit. This will only be done if it can be proven that changes to the local network have been made which make it suitable for HGV's, and the EWL is no longer required.

As we were not involved in the scoring of the sites previously, I am not sure how much consideration was given to the EWL as it had yet to be introduced (and there was no certainty it would be). However, it is certainly something that needs to be considered now that it is in place.

Regards,

Jan

From: Mark Kirby [REDACTED]
Sent: 24 June 2014 15:28
To: Jan Witko
Cc: Martin Green
Subject: RE: Nottinghamshire Minerals Plan

Jan/Martin,

Thank you for your response. In addressing the access concerns for both sites, I would respond as follows:

1. Shelford East

As per our recent telephone discussion on the 02nd June 2014 and my subsequent email exchange with Steven Osborne-James (see attached), we discussed the opportunity to revert back to the previously acceptable access arrangement from Shelford East via a newly constructed haul road that connects with East Bridgford Road and the traffic signal junction with Bridgford Street (A6097). I clarified that as part of the initial review of the sites, this arrangement scored +1 and was generally accepted by the highway authority as an appropriate means of access to the site. This arrangement was first proposed in 2010. In 2013, the alternative proposal with access to the north directly on to Main Road was proposed. However, this revised access arrangement was not favourably accepted by the highway authority and you reference the relative points as to why this alternative arrangement was not acceptable below.

As such, with the originally proposed access arrangement as the favoured proposal, it is assumed that there is no highway reason that Shelford East is not an acceptable site. Your confirmation in this regard would be appreciated.

2. Shelford West

With regards the proposed improvements to Shelford Hill between the proposed site access junction and the junction of Shelford Hill with Shelford Road that were previously proposed, Martin identified that these improvements were not extensive enough to satisfy any highway concerns for access from Shelford West as it needs to be demonstrated that the site can be connected to the SRN via roads suitable for lorries that avoid villages. It is assumed that there is a highway concern that HGV traffic would pass through the village of Radcliffe-on-Trent along Shelford Road. However, the most appropriate arrangement "on the ground" is to access the SRN from Shelford Road and Main Street to the east of the junction with Shelford Hill that would avoid Radcliffe-on-Trent. This route could link up with East Bridgford Road, as per the arrangement for Shelford East and join the SRN at the signalised junction with Bridgford Street (A6097). This HGV route could be subject to a Lorry Routing Agreement that would prevent HGVs from impacting on Radcliffe-on-Trent or the settlement of Newton.

As such, and subject to a Lorry Routing Agreement, it is assumed that there is no highway reason that Shelford West is not an acceptable site. Your confirmation in this regard would be appreciated.

Regards,

Mark

From: Jan Witko [REDACTED]
Sent: 24 June 2014 8:40 AM
To: Mark Kirby
Cc: Martin Green
Subject: RE: Nottinghamshire Minerals Plan

Mark,

It would appear that my colleague Martin Green was previously consulted on both these revised accesses back in January 2014, as it was he provided the original comments on the traffic aspects of the plan.

His views were as follows;

1. Shelford East

It would have to be demonstrated that the junction of Main Road, Bridgford Street, and Trent Lane could be satisfactorily improved to accommodate lorries and the increase in traffic. This is not without significant difficulty due to the limited visibility at the junction and the constraint caused by the adjacent Gunthorpe Bridge and river limiting space for improvement without major investment.

2. Shelford West

The length of road identified for improvement is nowhere near far reaching enough to address the Highway Authority's previous concerns. It must be demonstrated that the site can be connected to the strategic road network via roads suitable for lorries that avoid villages.

The above issues will need to be resolved before we can offer a favourable response, to the planning authority with regards to your proposals.

Regards,

Jan

From: Mark Kirby [REDACTED]
Sent: 20 June 2014 12:38
To: Jan Witko
Subject: Nottinghamshire Minerals Plan

Jan,

We spoke on the phone a few weeks ago with regards 2 sites that are being considered in the Nottinghamshire Minerals Plan process, namely Shelford East (PA40) and Shelford West (PA41). These sites are identified on the attached Proposed Sites Map 12, which is contained in the Nottinghamshire Minerals Local Plan Sustainability Appraisal, Additional Consultation on Sand and Gravel Provision document published in May 2014.

With regards the Shelford East (PA40) site, the original proposed access arrangement was to provide a vehicular connection to the site via East Bridgford Road and the existing signalised junction with Bridgford Street (A6097). This is shown indicatively on the DJA plan that was prepared in March 2010 and is attached for info. An alternative access proposal was considered, which proposed an access directly onto Main Road to the north of the site, which runs parallel to the River Trent and just to the west of the bridge crossing of Bridgford Street (A6097) and the cross roads junction with Trent Road. It was agreed in our previous discussions that the Highway Authority's view with regards access to Shelford East is that the original proposal was preferred and acceptable. This scored a positive score in the assessment process.

With regards the Shelford West (PA41) site, the access is proposed to be via a new priority junction on Shelford Hill, which is reflected in the attached Proposed Sites Map 12, which identifies the red line boundary of the proposed access arrangement. For completeness, I have attached an indicative plan (B161/002A) showing the proposed access arrangement from Shelford West, which identifies that it is proposed to not only provide a suitable priority junction on Shelford Hill, but proposes to improve Shelford Hill between the proposed access and the junction with Shelford Road. The land on both sides of the road and in the vicinity of the junction of Shelford Hill with Shelford Road is either highway land or within the private ownership of the landowner of Shelford West and these proposed improvements can therefore be delivered without the need to involve any third party.

A recent discussion with Steven Osborne-James confirmed that both of these sites would be acceptable to the Minerals Planning Authority for inclusion within the Minerals Plan, but that the advice from the highway officer suggests that the access arrangements are not acceptable for them to be included.

I would be grateful if you could confirm why the access arrangements would not be acceptable as we have demonstrated that appropriate improvements could be delivered by the developer to an acceptable standard. These sites are key to the delivery of sustainable sand and gravel deposits likely to serve the future growth of the area in the vicinity of Nottingham City and would prevent the need for material to be delivered by road over far greater distances to serve the market place, which incidentally would pass almost directly alongside these sites.

I understand that you are on leave until Tuesday, but if you would like to discuss this matter further, I am available on the phone or you can email me with any queries. In the meantime I look forward to your response with regards why the access arrangements are no longer considered to be acceptable.

Regards,

Mark Kirby
Associate

16 Ledborough Lane
Beaconsfield
Buckinghamshire HP9 2PZ
T. 01494 677255

N
[REDACTED]
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BRETT AGGREGATES LTD.

NOTTINGHAMSHIRE COUNTY COUNCIL

MINERALS LOCAL PLAN

PUBLICATION VERSION

30th August – 11th October 2019

October 2019

1 INTRODUCTION.

- 1.1 Brett Aggregates Ltd (BAL) is a wholly owned subsidiary of Robert and Sons Limited (Brett), the aggregates, building materials and civil engineering business, which was established over a century ago. It is the largest independent producer of sand and gravel in the UK. BAL manages all Brett's quarry, marine dredged and recycled aggregates together with coated roadstone operations.

- 1.2 Following withdrawal of the Submission Draft of the Minerals Local Plan (MLP) in 2017 Nottinghamshire County Council (the County) published an Issues and Options document in respect of a revised MLP together with a Call for Sites. and then consulted on a Draft MLP. The County is now seeking responses to the issue of soundness on the Publication Draft version of the Plan.

- 1.3 BAL's interest in Nottinghamshire is in respect of aggregate bearing land adjacent to the River Trent at Shelford. This land represents a significant sand and gravel resource, the future development of which will ensure that Nottinghamshire, in particular the south of the County including the City of Nottingham, will be able to meet a steady and adequate supply of aggregates throughout the plan period whilst minimizing the amount of mineral miles travelled on the County's road network by Heavy Goods Vehicles (HGVs). It will also provide for the delivery of material using the River Trent and the existing wharf at Colwick to bring aggregate into the established industrial area of the City for use in the production of concrete. This approach accords with National Planning Policy Guidance (NPPF) in respect of providing a steady and adequate supply of mineral and sustainable development objectives.

For an MLP to be found sound¹ it is necessary for it to be

Positively prepared

Justified

Effective

Consistent with national policy

- 1.4 The comments made in this submission relate only to the matter of soundness of the Publication Draft MLP (the Plan) and do not alter BAL's submissions in respect of the withdrawn MLP. The format of this response is to address soundness of the Plan in relation to BAL's areas of interest. As the MLP preparation proceeds and further information becomes available other matters may arise on which BAL may wish to comment.

¹ NPPF para 182.

2 Overview, Vision and Strategic Objectives

Para 2.4 It is not clear from where the information regarding residential building units is derived. Furthermore, in relation to the Plan the period of time over which the homes will be delivered should be that of the plan period.

Without this amendment the Plan cannot be said to be “**positively prepared**”.

Para 2.31

SO1. Amend the second sentence as follows

“Secure a spatial pattern of mineral development that efficiently *and sustainably* delivers resources to markets within and outside Nottinghamshire.”

Without this amendment the Plan cannot be said to be “**consistent with National Policy**”.

Plan 3: Key diagram

Should be amended to include the site at Shelford as a new site in order to meet the NPPF requirement to plan for “a steady and adequate supply of aggregates”.

Without this amendment the Plan cannot be said to be “**consistent with National Policy**”.

3 Strategic Policies

Policy SP1 – Minerals provision

Delete 1.b as this proposal does not take into account the current distribution of permitted reserves in the County which are heavily skewed towards the Newark area and deficient in the south of the County where quarries are now largely worked and restored. This contrasts with the future development proposals which are spatially distributed largely to the south where extensions to existing quarries is limited to just one small quarry.

Without this amendment the Plan cannot be said to be **“positively prepared nor consistent with national policy in relation to sustainable development”**.

Policy SP3 – Climate Change

BAL supports this policy.

Policy SP4 – Sustainable Transport

BAL supports this policy.

Para 3.42 This paragraph should be amended as follows

“However, restrictions on barge sizes *on some stretches of the river* in order to pass through Cromwell Lock may restrict viability of barging minerals ~~downstream~~ *upstream to Nottingham from the Newark area.*”

This amendment is needed to make clear that some mineral resources along the river are accessible in relation to the Nottingham market and in particular the Colwick Wharf which is protected in the Plan.

Without this amendment the Plan cannot be said to be **“positively prepared or consistent with national policy in relation to sustainable development”**.

Para. 3.87. BAL supports the identification of Colwick Wharf as a location where sand and gravel can be landed. For the sake of clarity the names of the protected wharves should be set out in policy SP7 a map provided for each wharf as part of the proposals map to show what area of land is protected.

Without this amendment the Plan cannot be said to be **“effective”**

4 Minerals Provision Policies

BAL object to the draft approach being taken .National Policy in relation to planning for future aggregate demand is to be found in the NPPF.

- 4.1 The assessment of need on which the County bases its MLP is an essential component of this process as follows. For the plan to be positively prepared it must look forward on the basis that proposed development as set out in other plans and proposals will come forward and that need must be met through adequate allocation of resources in the MLP. This requirement must also be met for the MLP to be justified and effective.
- 4.2 The requirement for the MLP to be consistent with national policy in relation to assessing need and in particular the calculation of an adequate landbank requirement for an MLP can be found in the NPPF as follows²
- Preparing an annual Local Aggregates Assessment (LAA) based on a rolling average of 10 years sales data and other relevant local information.
 - Ensuring that large landbanks bound up in a very few sites do not stifle competition.
- 4.3 The County has based the assessment of future sand and gravel provision on the LAA derived annual production figure of 1.7MTPA. This is an average of the past 10 years annual production (2007 to 2016)³ . Using this figure the County propose that a total of 32.3MT of sand and gravel will be required during the 19

² NPPF para 145

³ MLP Tables 1 and 2 page 51.

year plan period ($1.7 \times 19 = 32.3\text{MT}$). The County has assessed that at December 2016 the landbank for sand and gravel stood at 17.5MT. In 2018 a further 3.6MT of sand and gravel reserves have been permitted at Langford Lowlands Quarry giving a total reserve of 21.1MT and a shortfall of **11.2MT** for which the County are now proposing to cover through allocations of extensions and new sites. However, the plan period starts in 2018 and the baseline figure for the landbank which the County has used is 2016. This means that a further 2 years of production must be deducted from the original landbank making the shortfall ($32.3 - (21.1 - 3.4) = 14.6$). Furthermore, the County also need to be able to show that at the end of the plan period a 7 year landbank will remain in place. This requires adding a further 11.9MT to the requirement giving a total requirement of **26.5MT** ($14.6 + 11.9$). This is the total requirement for the plan period based on the past 10 year average annual sales and in order to ensure that a 7 year landbank remains at the end of the plan period.

4.4 It is clear from the NPPF⁴ that the 10 year rolling average should be a starting point and that other local factors should be taken into account. National Planning Practice Guidance gives advice as to what local factors should be taken into account. The guidance is that relevant local information used should be that which seeks to look ahead rather than just relying on past sales. The guidance goes on to advise that such information may include levels of planned construction and house building in the local area but also “*throughout the country*”⁵

4.5 The Planning Officers Society in conjunction with the Mineral Products Association have also produced useful practical guidance in assessing need

⁴ NPPF para 207 (a)

⁵ Planning Practice Guidance Para 064

and in particular what sort of local information should be used in considering the adequacy of the 10 year rolling average. These include⁶:-

- **Geological resources being exhausted**
- **Trends and forecasts of population change including information in Local Plans on housebuilding.**
- **Validated data on aggregate use in construction provided by the MPA.**
- **Planned major infrastructure projects** including those within the County and 30 miles beyond as detailed in the National Infrastructure Plan 2016-2020. Also those projects included in Local Economic Partnerships Growth Deals and Strategic Economic Plans together with construction projects identified in District and Unitary Authority's infrastructure Development Plans. Planned highway improvement and maintenance works should also be considered.
- **Local Regional and national economic forecasts** from various sources.
- Information from the minerals industry on the **availability of marine materials.**
- **Major new sources of recycled or secondary material becoming available.**
- **New environmental constraints being** identified in aggregate producing areas or in proximity to them.

4.6 In looking at the appropriateness of the rolling 10 year average as the basis for calculating future demand it is essential that the veracity of the information is examined forensically. In particular are there any factors which have influenced the data such that it does not truly reflect the production of aggregate in the County to the extent that it cannot be relied upon to predict future need. In

⁶ Practice Guidance on The Production and Use of LAAs May 2017 (POS/MPA Guidance) para 3.8

terms of the basis of a future MLP will it result in a plan which is not *justified* or *effective* in terms of whether the plan is sound.

4.7 **Geological resources being exhausted and the issue of Finningly Quarry.**

Finningly Quarry is situated on the northern border of Nottinghamshire where it abuts Doncaster. It should be noted that the latest Nottinghamshire LAA (Oct 2017) advises that the annual production figures for the County have been affected by production at Finningly moving across the border into some of the years covered by the latest 10 years of production⁷. If this situation were to continue to operate in the future, that is production moving in and out of the County then its inclusion in the 10 year rolling average would be a sound basis for predicting future need. However, the Notts LAA advises⁸ that the reserves in both Doncaster and Rotherham (also referred to as South Yorkshire) are extremely limited and future supplies will be coming from Nottinghamshire, in particular the quarry at Sturton le Steeple which has permitted reserves and is well located to be able to supply across the border..

4.8 This being the case it is necessary to look at the impact Finningly Quarry moving across the border has had on the last 10 years production in Nottinghamshire. This can be done by looking at the Doncaster and Rotherham LAA. Whilst individual quarry production is confidential the explanation below Table 1 makes it clear that production decreased in 2010 from 0.5MT to 0.16MT probably due to production at Finningly moving across the border into Nottinghamshire. Looking at Table 1 production from 2006 to 2015 was either 0.4/5MT or 0.14/5/6MT which indicates that at the higher levels production at Finningly was in Doncaster and at the lower levels it was in Nottinghamshire. Consequently from Table 1 we can deduce which years there would have been a shortfall in the Finningly contribution to the Nottinghamshire landbank and we can calculate the annual difference this will make by averaging the higher

⁷ Notts LAA Oct 2017 para 3.1.

⁸ Notts LAA Oct 2017 para 5.11

and lower figures and subtracting the lower from the higher. The difference is calculated as 0.3MT (0.45MT less 0.15MT).

4.9 The Nottinghamshire 10 year rolling average for sand and gravel is based on the years 2007 to 2016 whilst the Rotherham and Doncaster LAA is based on 2006 to 2015. However, the Notts LAA does advise that in 2016 production in Finningley was across the border in Doncaster. This means it is possible to estimate the amount of the shortfall in the Nottinghamshire 2007 to 2016 production figures attributable to production at Finningley being in Doncaster. The calculation is based on the table below.

Table 1

Year	2007	2008	2009	2015	2016	TOTAL
MT	0.3	0.3	0.3	0.3	0.3	1.5

4.10 The 10 year rolling average if being used to predict future requirement in Nottinghamshire should now be calculated using 10 years annual production which includes the Finningley missing years as detailed above. That requires an addition 1.5MT to be added to the 17.04MT to give 18.54MT and results in a 10 year average annual sales of **1.85MT** compared with the County's calculation of 1.70MT. The contribution of Finningley Quarry to the landbank is clearly a significant local factor which should be taken into account in using the 10 year rolling average as the basis for predicting future need.

4.11 **Population Change and house building.** The second local factor which needs to be taken into account in reviewing the 10 year rolling average is house building rates in the County and what is now planned. The County's

latest LAA (October 2017, December 2016 data) sets out the planned house building rates for the individual planning authorities in the County. It is important to note that these are not maximum rates but are those which have been rigorously tested through the Local Plan processes including Strategic Housing Market Assessments and in some cases full Independent Examination procedures. It is also important to note that the Local Plans on which these house building rates are based were using pre 2014 Office of National Statistic (ONS) data. The 2014 when applied to the districts in Nottinghamshire will invariably lead to an increase in requirement. Consequently the impact of the planned house building rates should be considered as a minimum on which aggregate requirement should be based.

4.12 At Appendix 1 is a Table 2 which shows the house building rates for the local planning authority areas in Nottinghamshire over the 10 year period covering that being used by the County for the 10 year rolling average. The information contained within Table 2 has been taken from the Annual Monitoring Reports and other documents produced by the LPAs. The extracts from these documents can also be found at Appendix 1.

4.13 From Table 2 it can be seen that the average annual house building rate per LPA area over the past 10 years has been 351 units per annum. This figure is directly comparable with the average annual sand and gravel production rates calculated from the past 10 years production. Table 2 uses the future house building rates deduced by the County in the October 2017 LAA⁹ to show that the average future rate will be 571 dwellings per annum. This is an increase of 220 dwellings per annum and represents a 63% increase. It is essential that this increase is taken as the minimum as it is based on solid evidence, it is not stated as a maximum so may be exceeded and is likely to be an underestimate based on the 2014 ONS data and the latest government advice that house building must increase. The population of Nottinghamshire including the County

⁹ Para 5.9 Table 8

is expected to grow from 1.13 million in 2016 to 1.25 million in 2036. This growth will require at least the planned housebuilding detailed on Table 2 which is based on the lower pre ONS 2014 estimates and it should be noted that as house building picks up following the recession the annual average rate per authority has already reached 468 dwellings per annum (2015/6) which is 81% of the planned annual requirement.

4.14 Validated data on aggregate use in construction is provided by the MPA. The October 2017 LAA references the use of aggregates in house building as being 20% of total production. Although it should be noted that at the recent examination into the Oxfordshire MLP 35% was used. It should be noted that house building requires significant support infrastructure such as local roads, schools, village , utilities etc. These are delivered through planned infrastructure delivery policies contained within Local Plans and funded through Community Infrastructure Levy (CIL) or S.106 agreement payments. Therefore, the additional aggregate required to provide for this local infrastructure will rise commensurately with the housebuilding. Furthermore, significant large scale infrastructure can also be tied to housing delivery, in the case of Nottinghamshire the southern relief road at Newark is an example.

4.15 Planned major infrastructure projects. The October 2017 LAA notes that no further major infrastructure projects have been identified since the production of the previous LAA (January 2017). However, the January 2017 LAA was based on significantly higher rolling 10 year average taking into account partly pre recession construction levels and, therefore, capturing higher level of construction. With the move to the most recent 10 year rolling average this is no longer the case and the LAA needs to recognize that planned infrastructure for the future is significantly higher than accounted for by the 10 year rolling average which now almost solely covering a recession period when infrastructure projects were virtually non existent. An adjustment to the 10 year

average which determines the future landbank needs to be made in order for the MLP to be based on realistic future aggregate need.

4.16 Infrastructure identified in the National Infrastructure Delivery Plan 2016 to 2021 for the Nottinghamshire area is:-

- Midland Main Line. Further electrification to Nottingham.
- East Coast Mainline. Station, signaling and track works to facilitate longer new Super Express Trains.
- HS2.

It should be noted that the time period for this infrastructure plan is just 5 years and represents only 16% of the MLP plan period. Also included in the plan is reference to the Midlands Engine and the proposal for carrying out feasibility studies in respect of upgrades to the M1 and Smart motorway improvements together with improvements to the A46 Newark bypass and its intersection with the A1.

4.17 The Local Enterprise Partnership D2N2 (covering Nottingham and Derby and parts of both counties) has produced a programme which includes a target to create 50,000 jobs and to build 77,000 dwellings. The dwellings are included in Local Plans but D2N2 are intending to ensure that infrastructure delivery does not frustrate the building of the dwellings.

4.18 East Midlands airport which lies alongside the HS2 route is planning to increase from 4.3 to 10 million passengers and 300,000 to 700,000t of freight by 2040. The majority of this development will occur in the MLP plan period. A major freight terminal is also planned for the M1 j23a/24. Whilst this is in Leicestershire it lies within the 30 mile zone beyond the County boundary which

the POS/MPA advice considers should be included in any future assessment for aggregate provision within a County.

4.19 Local regional and national economic forecast. The latest MPA forecasts (February 2019) suggest that aggregate demand will have increased by 19% by 2019 compared to 2015. Infrastructure growth is expected to be 56% from 2015 to 2019. In the longer term replenishment rates for sand and gravel show that for every 100 tonnes of material used planning permissions for replacement accounts for only 56 tonnes indicating that in the future shortages of supply will be apparent.

4.20 Availability of marine materials. Nottinghamshire is a landlocked county and some distance from any marine sourced aggregate landing facility. Consequently the material is not used in the County.

4.21 Major new sources of recycled or secondary material. For Nottinghamshire inert waste processing (considered suitable for recycled aggregate production) has now recovered to pre recession rates. However, whilst power station ash is capable of being substituted for primary aggregates the 3 coal fired power stations within the County are all planned to be closed by 2025. It would, therefore, be unwise to rely on any further increase in recycled output and in fact a reduction in availability of this material should be planned.

4.22 New environmental constraints. No new environmental constraints which could restrict aggregate extraction in the County have been identified. Locally the ban on extraction in the Peak District National Park has been accounted for by Derbyshire planning to increase production in the rest of the County by an

amount equivalent to that to be lost through lack of production in the National Park.

4.23 It is apparent from the above information that there are a number of factors pointing to the need to modify the rolling 10 year average if a robust prediction of future need is to be made. The evidence is that the figure will need to be increased on the basis that during the MLP period more aggregate will have to be exported to South Yorkshire, a greater number of dwellings will be built, more jobs created and more infrastructure built. Of these elements it has been possible to quantify numerically only the impact of the increase in future exports to South Yorkshire and house building rates. House building is considered to represent the use of only 20 to 35% of the total supply of aggregate. However, house building is a key component in providing dwellings for new employees who will occupy newly constructed factories and commercial premises. House building also drives infrastructure provision including roads, such as those around Newark, schools, hospitals etc. It is, therefore, proposed that the house building rates of the past 10 years be compared with aggregate use of the same period and then used to predict future aggregate requirement.

4.24 Taking the 1.85MTPA (10 year rolling average modified to take account of the Finningley Quarry production changes within the County) is comparable with a 10 year rolling average house building rate of per local authority (including Nottingham City) of 351 dwellings per annum. The future house building rate is 572 dwellings per annum. This is an increase of 63% and will require a similar increase in aggregate production going forward. This requires that the 10 year rolling average be increased by 63% (1.63×1.85) to **3.02MT**.

Taking this figure as the annual requirement and applying it to the 19 years of the plan period and leaving a 7 year landbank at the end of that period gives a total requirement of 78.52MT. In order to calculate the level of new allocations

needed the current landbank of 17.7MT should be deducted. Therefore, a total of **60.82MT** additional reserves needs to be allocated in the MLP.

In order to fully understand why Nottinghamshire has failed to increase its annual production of aggregate to that approaching its pre recession rates it is useful to look at the 10 year production rates for the counties making up the East Midlands AWP area. Table 3 shows figures taken from the LAAs for these counties. The East Midlands in 2016 had reached 70% of its pre recession production rate. Three counties were at around pre recession levels with two counties actually producing more. Lincolnshire is now producing 64 % of its pre recession level but Nottinghamshire is only at 40%. It is clear that lack of production in Nottinghamshire is holding back the East Midlands in reaching pre recession production levels. This assessment further supports the need to increase the proposed landbank above that which would result from solely using the rolling 10 year landbank as the basis for future need prediction and planning.

4.25 In order for the Plan to be sound in respect of being positively prepared, justified, effective and compliant with national policy¹⁰ Policy MP1 Aggregate Provision should be amended as follows:-

1. "To meet identified levels of demand for aggregate mineral over the plan period (2018-2036) *and to ensure that a 7 year landbank remains at the end of the plan period* the following provision will be made:

- ~~32.30~~ **60.82** million tonnes of Sand and Gravel

In respect of Policy MP2 additional sites will need to be allocated. As currently the policy only provides for an additional 11.8MT to be added to the current landbank when the actual shortfall is 60.82MT. This means that additionally a further 49.02MT of reserves are needed to make the plan sound. BAL propose that the It should be noted that the existing reserves identified in Policy MP2 add up to a higher figure (23.31MT) than that used in the following justifying paragraphs site at Shelford which is capable of delivering a total of 6.5MT should be allocated.

¹⁰ NPPF para 207 "...plan for a steady and adequate supply of aggregates..."

4.26 The Draft MLP stated that the site specific allocations are based on a consideration of five options which were narrowed down to two criteria on which the decision to allocate was based. Firstly, the need to have a geographical spread of sites across the County and secondly to prioritise locations with potential for transporting sand and gravel by river barge. BAL considers that this approach is appropriate.

4.27 The draft MLP was supported by A Draft site selection methodology and assessment document, July 2018, (Draft Site Selection Document)) and Draft Minerals Local Plan Sustainability Appraisal Interim Report, July 2018 (Draft SA). The Draft SA contains a detailed numerically based site assessment methodology and a numerical assessment of all the sites put forward. This is surprising because the draft MLP specifically excludes as one of the five options considered allocating sites based on their particular merits. The SA numerical assessment is then taken forward in the Draft Site Selection Document (Section 6) where the geographical spread of sites is stated as the main basis in determining which sites to allocate although this is not based on an objectively assessed need for each area. The ability of material to be transported by river barge was not given priority in the final site selection process. The current MLP is supported by a new Site Selection methodology and Assessment which does not prioritise the ability of sites to deliver mineral by non road methods of transport at all. In this respect the failure to allocate the Shelford site which is the only site where river transport is proposed means that the plan is not sound in respect of compliance with NPPF in relation to promoting sustainable transport¹¹.

¹¹ NPPF para 102 b.

4.28 BAL consider that it is necessary to maintain a geographical spread of quarries and permitted reserves across the County for two reasons. Firstly is the cost of transporting bulky materials relative to value that in respect of aggregates is low. This means that an appropriate geographic spread is important to ensure that the economy works effectively and additional costs are not unnecessarily incurred. It is also the case that for this reason proposed aggregate reserves should be matched geographically to where those reserves will be used. Secondly is the issue of environmental impact caused by HGV movements associated with aggregate transport.

4.29 Below Table 5 shows the current distribution of permitted reserves compared with spatial requirement for future house building. This is based on the information contained within the October 2017 LAA in respect of permitted reserves and Table 4 at Appendix 3 of this document.

Table 5, Comparison of permitted reserves with future house building requirement.

	District	S and G	Housing requirement per annum (see Table 2)
Newark area	Newark and Sherwood	40%	16%
South Notts	Nottingham City Gedling Broxtowe Rushcliffe	0/12%*	56%
North Notts	Bassetlaw	28%	18%

	Mansfield		
	Ashfield		

* Currently no reserves but East Leake planning application now with a resolution to grant subject to a S.106 Agreement to be completed.

The current distribution is not sustainable in terms of transportation of aggregate and the consequences for air quality and climate change. If extensions to quarries were to be preferred compared to opening up new sites this unsustainable distribution will continue. This is not in accordance with the NPPF in respect of sustainable development.

4.30 In respect of the geographical distribution of aggregate production in the County Table 6 below shows the comparison between future housebuilding in the three aggregate production areas identified by the County and the proposed geographical spread of aggregate production (permitted and proposed) in the draft MLP. There is a significant discrepancy between the two factors with 16% of the housebuilding taking place in the Newark area whilst 46% of the aggregate reserves are planned to be here. In respect of Idle Valley (north Nottinghamshire) 18% of the housebuilding for the County is planned to be here but 36% of the aggregate reserves are proposed in the draft MLP. Meanwhile in the south of the County where 56% of the housebuilding is planned only 18% of the aggregate reserves are proposed in the MLP.

Table 6 comparison of geographical spread of future planned house building and aggregate production in draft MLP.

	District	Annual dwellings future requirement	Permitted reserves (MT)	Draft MLP proposed allocation (MT)	Total reserves and % per area

Newark area	Newark and Sherwood	740 (16%)	7.80	8.3	16.1 (46%)
South Notts	Nottingham City Gedling Broxtowe Rushcliffe	2,571 (56%)	2.34	3.75	6.09 (18%)
North Notts	Bassetlaw Mansfield Ashfield	1,263(18%)	8.97	3.41	12.38 (36%)
TOTAL					34.57

4.31 Taking into account the information in Table 6 it is surprising that the Shelford site (located in the South) was dismissed as a proposed allocation in the draft MLP solely on the basis that to allocate such a large site (6.5MT) in the south would skew the geographical distribution whilst factually Shelford should be allocated to maintain the correct geographical spread of allocated and permitted reserves in the County.

4.32 Even if the limited landbank proposed by the County is accepted (BAL object to the limited landbank, see above) in order to meet the objective set out under policy MP2 of having a geographical spread and meeting the requirement for the plan to be “justified” more aggregate should be allocated in the south and less in the north. This can be achieved within the limited landbank put forward by deleting Botany Bay and Mill Hill (or alternatively one of the proposed Newark sites) as new allocations and substituting Shelford. This has the added

benefit of meeting the second MP2 site selection criteria which is “potential for transporting sand and gravel by river barge” and with which Shelford is the only site complying. Furthermore, the allocation of Shelford would lead to a better commercial balance of supply than is currently, and proposed to be, the case by introducing a new operator into the County. This will ensure that the plan is sound with respect to NPPF para 207 (g).

4.33 The correct geographical distribution of aggregate resources proposed in the draft MLP is important because of the impact of moving mineral within the County and bringing mineral in from surrounding counties if the distribution does not match planned development. The above analysis has used housebuilding as a marker because the level of housebuilding reflects where jobs are to be created and consequently commercial development, local infrastructure and major infrastructure. Much of the infrastructure identified above in relation to the landbank assessment will take place in the south of the County and includes East Midlands airport expansion, HS2, works to the Nottingham railway line etc. The consequences of not sourcing mineral close to where it is needed are that more miles are travelled by HGVs transporting the mineral. This has a negative impact on air quality and in the long run climate change.

4.34 The air quality and climate consequences have been assessed with respect to HGV movements associated with the proposed Shelford Quarry and those at Newark in the attached (Appendix 4) RPS document. This gives an indication of the problems associated with having a poor geographical distribution of mineral resources in the County.

4.35 In respect of Shelford and the site assessment which has been undertaken BAL has been surprised that a site which was assessed as scoring well under the previous, now withdrawn MLP, has now scored somewhat poorly. Whilst

this has not led to officers proposing not to allocate the site which as set out above was solely on the basis of geographical spread of sites the documents underpinning the scoring have been analyzed and series of reports prepared. Previously the County scored the Shelford site as -6 during the operational phase and 0 in the post operational phase. In the current SA the site is scored -10 in the operational phase and -1 in the post operational phase. Although it should be noted that the summation of the actual SA scores results in a total +2 for the long term.

4.36 BAL has commissioned reports on the various areas of the assessment where it is considered that discrepancies have arisen. It should be noted that since the previous site assessment BAL has undertaken significant work with respect to the site with a view to submitting a planning application. This work was halted when the previous MLP in which Shelford was allocated was withdrawn. However, that work is recent and remains relevant. Some of it has been taken into account in the assessment, in particular that in respect of the historic environment. However, other work, in particular with regard to ecology and hydrology has not been taken into account. Reports in respect of Landscape, hydrology, ecology and transport are attached as appendices.

4.37 The completion of the surveys and other work at Shelford mean that the deliverability of the site can be assured. In the site assessment process the County has determined that Shelford is deliverable. This is an important factor in determining the soundness of the plan.

4.38 Below is a table showing a comparison of the scoring for the Shelford site in the current SA and that as assessed by BAL. Below the table is an explanation in respect of each topic.

Table 7. Shelford site assessment comparison

SA Objectives	Effect			
	Publication Draft MLP		BAL	
	Operation period	Long term	Operation period	Long term
1.Ensure that adequate provision is made to meet local and national demand	+3	0	+3	0
2.Protect and enhance biodiversity at all levels and safeguard features of geological interest	-1	+2	0	+2
3.Promote sustainable patterns of movement and the use of more sustainable modes of transport	+2	0	+2	0
4.Protect the quality of the historic environment, heritage assets and their settings above and below ground	-2	1	-1	+1
5.Protect and enhance the quality and character of our townscape and landscape	-3	-3	-2	+2
6.Minimise impact and risk of flooding	-3	1	+1	+1
7.Minimise any possible impacts on and increase adaptability to, climate change.	?	1	+1	+1
8.Protect high quality agricultural land and soil	-2	-2	-2	-2
9.Promote more efficient use of land and resources	0	?	0	0
10. Promote energy efficiency and maximize renewable energy opportunities from new or existing development	?	?	+1	0
11.Protect and improve local air quality	-3	0	-2	0
12. Protect and improve water quality and promote efficient use of water	-1	0	0	
13.Support wider economic development and promote local job opportunities	+3	0	+3	0
14.Protect and improve human health and quality of life	-3	+2	-2	+2
TOTAL	-10	+2	+5	+7

Biodiversity. The operational phase score has been downgraded to reflect that the site will be worked wet so there will be no disturbance to the hydrology of the nearby locally designated wildlife sites.

Landscape. This aspect of the assessment has shown the most significant change in scoring for the site changing from -2 to -3 during the operational

phase but most surprising changing from -1 to -3 in the long term. The BAL landscape assessment analysis has found that the approach adopted by the County does not allow for an area to be not typical of its character area nor the possibility that positive impacts are possible where a landscape is sensitive to change. In particular the County's landscape analysis fails to understand that the course of the Trent has changed at Shelford, the river now runs through a highly engineered channel and the flood defences along the river have allowed intensive agriculture with large scale arable fields predominating. The mineral extraction provides a significant opportunity to reintroduce the water meadows adjacent to the village and overall a water environment which reflects the historic landscape context. This is a positive aspect of the restoration which is not reflected in the -3 for the long term score.

Flooding. Whilst designing the final restoration scheme for the site initial flood modeling was carried out to see whether flood defences adjacent to the river (these are secondary to those adjacent to Shelford village) could be removed to allow the reconnection of the floodplain. Unfortunately only partial realignment of the flood defence is possible because the flood modeling has shown that under various scenarios the Shelford land and its defences acts to reduce the impact of flooding further downstream. This work has shown that the site can be worked without increasing risk of flooding and in fact during the operational stage there will be an opportunity to improve the defences adjacent to the village. The operational score has been increased to reflect the work carried out and the potential to reduce the risk of flooding during the operations phase.

Climate change. Shelford is the only site where river barging is proposed. This will produce a positive impact from one third of the material being transported in a way that has less impact on climate. The operational score has been amended accordingly.

Efficient use of land. Previously the site assessment viewed larger sites as being more efficient as lots of smaller sites require numerous processing and other plant. This is still the case and the score has been amended accordingly.

Energy efficiency. One third of the material at Shelford will be transported by barge which is a significantly more energy efficient than road transport. The score has been amended accordingly.

Air quality. One third of the material at Shelford will be transported by barge which will result in less pollution than if that volume of material came from a site where only road transport were to be able. The score has been amended accordingly.

Water Quality. It is proposed that there will be no dewatering when the site is worked and there will be no imported material brought into the site consequently the risk to water quality is low and the score has been amended to reflect this.

Human health and quality of life. During the operational phase of the site it will be possible to open up permissive paths and the potential to improve the Shelford village flood defences together with the creation of the water meadows. The operational score has, therefore, been amended.

5 Development Management Policies

5.1 There is a tension between the policy in respect of the effect on Best and Most Versatile Land (BMVL) and the biodiversity led restoration proposals which underpin the Plan. As the Plan is currently worded in respect of BMVL it will be necessary to landfill all voids created by the extraction of mineral unless the sites are above the water table. The plan makes no mention of landfilling and whether sufficient suitable materials will be available either generically in respect of policies as a whole or in the site specific requirements for restoration. In this respect the plan is not positively prepared nor effective.

BAL objects to the wording of policy DM5 the first part of which would prevent any mineral development coming forward. It need to include the words “....will not cause unacceptable harm to the character....” rather than “will not adversely impact on the character” Without this amendment the plan is unsound as it is not effective.

[REDACTED]

From: Steven Osborne-James
Sent: 10 October 2019 09:00
To: Planning Policy
Subject: FW: Nottinghamshire Minerals Local Plan
Attachments: Blaxton PC - Notts CC Minerals Plan Response Form101019.pdf; Blaxton PC NCCMineralsPlanResponse Comments.pdf

Follow Up Flag: Follow up
Flag Status: Completed

See attached

Steven Osborne-James
Planning Policy Team
[REDACTED]

Information regarding the development of the new Nottinghamshire Minerals Local Plan can be found at:
Nottinghamshire.gov.uk/minerals

From: Philip Dennis [REDACTED]
Sent: 09 October 2019 21:55
To: Steven Osborne-James [REDACTED]
Cc: 'janecox' [REDACTED]; 'richardjones' [REDACTED]; 'stevecox' [REDACTED];
[REDACTED]; 'Julia Staniforth CwB PC' [REDACTED];
'Julie Eshelby' [REDACTED]; 'Sykes, Roy' [REDACTED]
Subject: Nottinghamshire Minerals Local Plan

Steven

Please find attached a completed collective response form from the Parish Councils of Auckley, Blaxton, Cantley with Branton and, Finningley, together with a collective supporting comments document.

If you need any further information please let me know.

Your confirmation of receipt would be appreciated.

Kind Regards

Philip

Philip Dennis

Clerk and Responsible Financial Officer
Blaxton Parish Council
[REDACTED]

[REDACTED]
[REDACTED]
<http://www.blaxtonpc.org.uk/>

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Part A – Personal details

Office use only

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Last name	Dennis	
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Address line 3	██████████	
Postcode	██████████	
Email	████████████████████	
<i>For those replying on behalf of an organisation or group:</i>		
Organisation	Blaxton Parish Council	
Job title	Clerk and Responsible Financial Officer Replying on behalf of:- Auckley Parish Council Blaxton Parish Council Cantley with Branton Parish Council Finningley Parish Council	

Part B – Your representation

Office use only

Person No:

Rep No:

Please read the guidance note before completing this section.

Name or organisation: Blaxton Parish Council and on behalf of Auckley, Cantley with Branton and Finningley Parish Councils which constitute the Doncaster MBC Finningley Ward

3. To which part of the Local Plan does this representation relate?

Policy		Site code		Map/Plan		Paragraph		Other	X
--------	--	-----------	--	----------	--	-----------	--	-------	---

4. Do you consider the identified part of the Local Plan to be:

Legally compliant?	Yes		No	X
Sound?	Yes		No	X
Complies with the Duty to co-operate	Yes		No	X

Please tick as appropriate.

5. Please give details of why you consider the identified part of the Local Plan is not legally compliant or is unsound, or fails to comply with the duty to co-operate. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

(Continue on a separate sheet/expand box if necessary)

Because it is hard for a layman to determine which categories the Council's concerns relate to, it is registering that it does not consider the Plan to be 'Legally Compliant'; 'Sound' or compliant with the 'duty to cooperate' and, the Council looks to the Inspector to assess the concerns below and attached.

There concerns are that:-

- HGV minerals haulage from Nottinghamshire to South Yorkshire for processing is unnecessary and seriously impacts upon communities in the Doncaster MBC Finningley Ward
- There are no reliable, up to date, road traffic census figures for the main roads in the Finningley Ward. This means that the real impact of approvals for Minerals developments is never properly quantified.

To address these concerns:-

- Highways Authorities should be required to maintain up to date traffic census information to provide baseline data.
- At application, Minerals Developers should be required to assess the impact of traffic flows all the way along proposed routes (other than to end users).
- At application, Minerals Developers should be required to reflect the projected vehicle numbers for all major developments under consideration in the area at the time to their traffic impact assessments.

An analysis of factors supporting these concerns is attached.

6. Please set out what change(s) you consider necessary to make the identified part of the Local Plan legally compliant or sound, in respect of any legal compliance or soundness matters you have identified above. (please note that non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

(Continue on a separate sheet/expand box if necessary)

See above and attached

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions. After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

7. If your representation is seeking modification to the plan, do you consider it necessary to participate in the examination hearing session(s)?


No, I do not wish to participate in the hearing session(s)	X
Yes, I wish to participate in the hearing session(s)	

Please note that while this will provide an initial indication of your wish to participate in the hearing session(s), you may be asked at a later point to confirm your request to participate.

8. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

--

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

Signature		Date	10 October 2019
Name	Philip Dennis		

PARISH COUNCILS OF AUCKLEY, BLAXTON, BRANTON-WITH-CANTLEY AND FINNINGLEY (ALL PART OF DMBC FINNINGLEY WARD).

JOINT COMMENTS IN RESPONSE TO CONSULATION ON THE NOTTINGHAMSHIRE COUNTY COUNCIL DRAFT MINERALS PLAN.

Summary

In isolation the proposals to develop sites at Austerfield, Misson, Barnby Moor and Scrooby seem innocuous, however when considered alongside existing and proposed developments in both Nottinghamshire and the DMBC area, we have serious concerns about the impact on our communities, particularly the potential increase in Heavy Goods and other vehicles on an already busy road network in and around our villages.

We would oppose the development of these sites as proposed in the recent planning applications and question their inclusion in the Minerals Plan without conditions being set, within the plan, to mitigate their potential impact on our communities.

From NCC Draft Minerals Local Plan – Policy SP4 – Sustainable Transport

1. All mineral proposals should seek to maximise the use of sustainable forms of transport, including barge, rail and pipeline.
2. Where it can be demonstrated that there is no viable alternative to road transport, all new mineral working and mineral related development should be located as follows:
 - a) within close proximity to existing or proposed markets to minimise transport movement; and
 - b) within close proximity to the County’s main highway network and existing transport routes in order to avoid residential areas, minor roads, and minimise the impact of road transportation.
3. Proposals requiring the bulk transport of minerals, minerals waste/fill or materials/substances used for the extraction of minerals by road will be required to demonstrate that more sustainable forms of transport are not viable.

We presume the policy would be applied when roads pass from one local authority to another, in our case, neighbouring South Yorkshire.

Routes from Nottinghamshire into South Yorkshire relevant to the above.

Ref	Roads	Possible use
R1	A638 through Bawtry to Hurst Lane.	Access to Hanson site on Hurst Lane
R2	A638 through Bawtry to Great Yorkshire Way A6182 and M18 Junction 3.	Access to Motorway network M18, A1M, M180, M1
R3	A638 through Bawtry to Great Yorkshire Way as an alternative access to Hurst Lane.	Access to Hanson site on Hurst Lane
R4	A614 through Bawtry, Austerfield, Finningley & Blaxton to Hatfield Woodhouse and M18N / M180.	From sites at Austerfield / Misson to M18 / M180 and via Bawtry to A1 South
R5	A614 through Bawtry, Austerfield & Finningley to Blaxton roundabout then B1396 Mosham Road to Auckley and Branton.	Access to Hanson site on Hurst Lane From sites at Austerfield / Misson to M18N / M180 and M18S via Hurst Lane / A6182

Ref	Roads	Possible use
R6	High Common Lane in Austerfield connects A614 with A638 and is used a route from 1, 2 & 3 above to 4 & 5 and vice versa.	All of the above.
R7	Springs Road Misson to Bank End Road B1396 then North or South on A614 or continuing on B1396 through Auckley and Branton.	From Misson as route to motorway networks

These are all busy routes, some passing through highly populated areas. There is also a large Secondary School and a 6th Form College on Hurst Lane, and a large Primary school with 334 pupils on roll within 200 yards of Hurst Lane. Also sited on Hurst Lane will be the new entrance to the Yorkshire Wildlife Park with an estimated 1 million plus visitors each year.

Already operating Minerals / Minerals Related Sites in the area

Ref	Site	Routing
AO1	Hanson Quarry, Hurst Lane, Auckley.	1, 2, 3 & 5
AO2	Lafarge / Tarmac, Croft Road (off Bawtry Road), Finningley.	4, 5 & 6
AO3	Rotherham Sand & Gravel, Bank End Road, Finningley.	7, 4, 5 & 6
AO4	Bank End Quarry, Bank End Road, Finningley.	7, 4, 5 & 6
AO5	Bank End Pre-Mix, Bank End Road, Finningley.	7, 4, 5 & 6
AO7	Yorkshire Aggregates, Wroot Road, Finningley.	7, 4, 5 & 6
AO8	Quarry, High Common Lane, Austerfield.	4, 5, 6, & 2
AO9	Tetron Finningley, Old Bawtry Road, Finningley.	4, 5, 6, & 2
AO10	Hanson Quarry, Newington Lane, Misson.	4, 5, 6, & 2
AO11	Hanson Quarry, High Field Lane, Austerfield.	4, 5, 6, & 2
AO12	Finningley Quarry & Landfill, Rossington.	Possibly all of the routes excepting 7

We have tried to determine the traffic flows for these sites but current information is not readily available. Data for 2017 showed the A614 (measured at Blaxton roundabout) as having an AADF (Annual Average Daily Flow) of 6449 vehicles of which 451 were HGV's. We are convinced that the HGV AADF has significantly increased since 2017.

Proposed Sites – NCC Minerals Plan

Ref	Site	Routing
NCC1	Misson Sand & Gravel, Bawtry Road, Misson.	4, 5, 6 & possibly 7
NCC2	Hanson site, Barnby Moor, Retford.	1,2 & 3 possibly using 6 to divert if necessary
NCC3	Rotherham Sand & Gravel site, Barnby Moor, Retford.	2 & 4
NCC4	Rotherham Sand & Gravel, Scrooby, Bawtry.	2 & 4

Proposed Sites – DMBC Minerals Plan

Ref	Site	Routing
DMBC1	New Minerals site off Wroot Road / Bank End Road – potentially large quarry development.	7 then 4, 5 & 6

Other Developments approved or pending that will add to traffic flow

Ref	Site	Routing
OD1	Yorkshire Wildlife Park – new entrance and car park off Hurst Lane Auckley. Forecast is 1M visitors per annum.	2, 3 & 5
OD2	IGas Shale Gas Production at Springs Road, Misson, Nottinghamshire.	7 & 4
OD3	Former Rocket Site, Springs Road, Misson (long term storage) currently being offered as large warehousing facility.	7 & 4
OD4	Peel Housing Development off Hurst Lane – up to 700 units.	Possibly all of the above routes excepting 7
OD5	Peel Holdings 18/02759/OUTA off High Common Lane, Austerfield offering B1, B2 & B8 warehousing, storage and recycling of waste, and car parking.	Possibly all of the above routes excepting 7

Ref	Site	Routing
OD6	Peel Holdings Solar Panel installations off Old Bawtry Road, Finningley. Planning Application approved. 10 HGV movements per day. 25 construction staff. 3 months construction.	Possibly all of the above routes excepting 7
OD7	Potential Solar PV Farm on A614 opposite Brancroft Farm. Initial Screening advice requested from DMBC. 9.6 Ha.	2, 3, 5 & 6
OD8	Solar PV Farm off High Common Lane next to Partridge Hill Farm. 54.16 Ha. 323 deliveries = 646 HGV movements. Up to 20 contractors.	2, 3, 5 & 6

Summary of Road Usage of listed activities (see route descriptions above)

Category	R1	R2	R3	R4	R5	R6	R7
AO – 12 sites	2	6	2	10	11	10	4
NCC – 4 sites	1	3	1	3	1	2	1
DMBC – 1 site	0	0	0	1	1	1	1
OD – 6 sites	3	6	6	5	6	5	2
TOTAL – 23 sites	6	15	9	19	19	18	8

Conclusion

Without significant benefits to local communities resulting from these potential developments there is no reason for Parish Councils to support them.





There is no justification for movement of materials from Nottinghamshire sites using the routes shown above except for delivery to a customer. Any other purpose appears to be economically and environmentally questionable, resulting in more congestion, more pollution, more road wear, more inconvenience, more noise and more road safety issues for residents of Bawtry, Austerfield, Finningley, Blaxton, Auckley and Branton.

This submission should not be misconstrued as Parish Councils against progress but rather that Parish Councils will support progress that considers communities rather than ignoring them.

DMBC should also note the near saturation of commercial activity in this area and should insist on measured baseline data of current traffic volumes and movement, and proper scrutinised traffic assessments from developers.

We would also appreciate more consideration of total activity in the area when considering individual cases. Up to date information on continuation, growth or reduction of activity based on the data provided above would be a good start point.

Signatories

Clerk to Auckley Parish Council	Marjorie Caygill	
Clerk to Blaxton Parish Council	Philip Dennis	
Clerk to Cantley-with-Branton PC	Julia Staniforth	
Clerk to Finningley Parish Council	Julie Leighton-Eshelby	



[REDACTED]

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Sent: 10 October 2019 09:00
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Subject: FW: Nottinghamshire Minerals Local Plan
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Follow Up Flag: Follow up
Flag Status: Completed

See attached

Steven Osborne-James
Planning Policy Team
[REDACTED]

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From: Philip Dennis [REDACTED]
Sent: 09 October 2019 21:55
To: Steven Osborne-James [REDACTED]
Cc: 'janecox' [REDACTED]; 'richardjones' [REDACTED]; 'stevecox' [REDACTED];
[REDACTED]; 'Julia Staniforth CwB PC' [REDACTED];
'Julie Eshelby' [REDACTED]; 'Sykes, Roy' [REDACTED]
Subject: Nottinghamshire Minerals Local Plan

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Philip

Philip Dennis

Clerk and Responsible Financial Officer
Blaxton Parish Council
[REDACTED]

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Part A – Personal details

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Person No:

Rep Nos:

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Title	Mr	
First name	Philip	
Last name	Dennis	
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<i>For those replying on behalf of an organisation or group:</i>		
Organisation	Blaxton Parish Council	
Job title	Clerk and Responsible Financial Officer Replying on behalf of:- Auckley Parish Council Blaxton Parish Council Cantley with Branton Parish Council Finningley Parish Council	

Part B – Your representation

Office use only

Person No:

Rep No:

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--------	--	-----------	--	----------	--	-----------	--	-------	---

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Sound?	Yes		No	X
Complies with the Duty to co-operate	Yes		No	X

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- At application, Minerals Developers should be required to reflect the projected vehicle numbers for all major developments under consideration in the area at the time to their traffic impact assessments.

An analysis of factors supporting these concerns is attached.

6. Please set out what change(s) you consider necessary to make the identified part of the Local Plan legally compliant or sound, in respect of any legal compliance or soundness matters you have identified above. (please note that non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

(Continue on a separate sheet/expand box if necessary)

See above and attached

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions. After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

7. If your representation is seeking modification to the plan, do you consider it necessary to participate in the examination hearing session(s)?


No, I do not wish to participate in the hearing session(s)	X
Yes, I wish to participate in the hearing session(s)	

Please note that while this will provide an initial indication of your wish to participate in the hearing session(s), you may be asked at a later point to confirm your request to participate.

8. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

--

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

Signature		Date	10 October 2019
Name	Philip Dennis		

PARISH COUNCILS OF AUCKLEY, BLAXTON, BRANTON-WITH-CANTLEY AND FINNINGLEY (ALL PART OF DMBC FINNINGLEY WARD).

JOINT COMMENTS IN RESPONSE TO CONSULATION ON THE NOTTINGHAMSHIRE COUNTY COUNCIL DRAFT MINERALS PLAN.

Summary

In isolation the proposals to develop sites at Austerfield, Misson, Barnby Moor and Scrooby seem innocuous, however when considered alongside existing and proposed developments in both Nottinghamshire and the DMBC area, we have serious concerns about the impact on our communities, particularly the potential increase in Heavy Goods and other vehicles on an already busy road network in and around our villages.

We would oppose the development of these sites as proposed in the recent planning applications and question their inclusion in the Minerals Plan without conditions being set, within the plan, to mitigate their potential impact on our communities.

From NCC Draft Minerals Local Plan – Policy SP4 – Sustainable Transport

1. All mineral proposals should seek to maximise the use of sustainable forms of transport, including barge, rail and pipeline.
2. Where it can be demonstrated that there is no viable alternative to road transport, all new mineral working and mineral related development should be located as follows:
 - a) within close proximity to existing or proposed markets to minimise transport movement; and
 - b) within close proximity to the County’s main highway network and existing transport routes in order to avoid residential areas, minor roads, and minimise the impact of road transportation.
3. Proposals requiring the bulk transport of minerals, minerals waste/fill or materials/substances used for the extraction of minerals by road will be required to demonstrate that more sustainable forms of transport are not viable.

We presume the policy would be applied when roads pass from one local authority to another, in our case, neighbouring South Yorkshire.

Routes from Nottinghamshire into South Yorkshire relevant to the above.

Ref	Roads	Possible use
R1	A638 through Bawtry to Hurst Lane.	Access to Hanson site on Hurst Lane
R2	A638 through Bawtry to Great Yorkshire Way A6182 and M18 Junction 3.	Access to Motorway network M18, A1M, M180, M1
R3	A638 through Bawtry to Great Yorkshire Way as an alternative access to Hurst Lane.	Access to Hanson site on Hurst Lane
R4	A614 through Bawtry, Austerfield, Finningley & Blaxton to Hatfield Woodhouse and M18N / M180.	From sites at Austerfield / Misson to M18 / M180 and via Bawtry to A1 South
R5	A614 through Bawtry, Austerfield & Finningley to Blaxton roundabout then B1396 Mosham Road to Auckley and Branton.	Access to Hanson site on Hurst Lane From sites at Austerfield / Misson to M18N / M180 and M18S via Hurst Lane / A6182

Ref	Roads	Possible use
R6	High Common Lane in Austerfield connects A614 with A638 and is used a route from 1, 2 & 3 above to 4 & 5 and vice versa.	All of the above.
R7	Springs Road Misson to Bank End Road B1396 then North or South on A614 or continuing on B1396 through Auckley and Branton.	From Misson as route to motorway networks

These are all busy routes, some passing through highly populated areas. There is also a large Secondary School and a 6th Form College on Hurst Lane, and a large Primary school with 334 pupils on roll within 200 yards of Hurst Lane. Also sited on Hurst Lane will be the new entrance to the Yorkshire Wildlife Park with an estimated 1 million plus visitors each year.

Already operating Minerals / Minerals Related Sites in the area

Ref	Site	Routing
AO1	Hanson Quarry, Hurst Lane, Auckley.	1, 2, 3 & 5
AO2	Lafarge / Tarmac, Croft Road (off Bawtry Road), Finningley.	4, 5 & 6
AO3	Rotherham Sand & Gravel, Bank End Road, Finningley.	7, 4, 5 & 6
AO4	Bank End Quarry, Bank End Road, Finningley.	7, 4, 5 & 6
AO5	Bank End Pre-Mix, Bank End Road, Finningley.	7, 4, 5 & 6
AO7	Yorkshire Aggregates, Wroot Road, Finningley.	7, 4, 5 & 6
AO8	Quarry, High Common Lane, Austerfield.	4, 5, 6, & 2
AO9	Tetron Finningley, Old Bawtry Road, Finningley.	4, 5, 6, & 2
AO10	Hanson Quarry, Newington Lane, Misson.	4, 5, 6, & 2
AO11	Hanson Quarry, High Field Lane, Austerfield.	4, 5, 6, & 2
AO12	Finningley Quarry & Landfill, Rossington.	Possibly all of the routes excepting 7

We have tried to determine the traffic flows for these sites but current information is not readily available. Data for 2017 showed the A614 (measured at Blaxton roundabout) as having an AADF (Annual Average Daily Flow) of 6449 vehicles of which 451 were HGV's. We are convinced that the HGV AADF has significantly increased since 2017.

Proposed Sites – NCC Minerals Plan

Ref	Site	Routing
NCC1	Misson Sand & Gravel, Bawtry Road, Misson.	4, 5, 6 & possibly 7
NCC2	Hanson site, Barnby Moor, Retford.	1,2 & 3 possibly using 6 to divert if necessary
NCC3	Rotherham Sand & Gravel site, Barnby Moor, Retford.	2 & 4
NCC4	Rotherham Sand & Gravel, Scrooby, Bawtry.	2 & 4

Proposed Sites – DMBC Minerals Plan

Ref	Site	Routing
DMBC1	New Minerals site off Wroot Road / Bank End Road – potentially large quarry development.	7 then 4, 5 & 6

Other Developments approved or pending that will add to traffic flow

Ref	Site	Routing
OD1	Yorkshire Wildlife Park – new entrance and car park off Hurst Lane Auckley. Forecast is 1M visitors per annum.	2, 3 & 5
OD2	IGas Shale Gas Production at Springs Road, Misson, Nottinghamshire.	7 & 4
OD3	Former Rocket Site, Springs Road, Misson (long term storage) currently being offered as large warehousing facility.	7 & 4
OD4	Peel Housing Development off Hurst Lane – up to 700 units.	Possibly all of the above routes excepting 7
OD5	Peel Holdings 18/02759/OUTA off High Common Lane, Austerfield offering B1, B2 & B8 warehousing, storage and recycling of waste, and car parking.	Possibly all of the above routes excepting 7

Ref	Site	Routing
OD6	Peel Holdings Solar Panel installations off Old Bawtry Road, Finningley. Planning Application approved. 10 HGV movements per day. 25 construction staff. 3 months construction.	Possibly all of the above routes excepting 7
OD7	Potential Solar PV Farm on A614 opposite Brancroft Farm. Initial Screening advice requested from DMBC. 9.6 Ha.	2, 3, 5 & 6
OD8	Solar PV Farm off High Common Lane next to Partridge Hill Farm. 54.16 Ha. 323 deliveries = 646 HGV movements. Up to 20 contractors.	2, 3, 5 & 6

Summary of Road Usage of listed activities (see route descriptions above)

Category	R1	R2	R3	R4	R5	R6	R7
AO – 12 sites	2	6	2	10	11	10	4
NCC – 4 sites	1	3	1	3	1	2	1
DMBC – 1 site	0	0	0	1	1	1	1
OD – 6 sites	3	6	6	5	6	5	2
TOTAL – 23 sites	6	15	9	19	19	18	8

Conclusion

Without significant benefits to local communities resulting from these potential developments there is no reason for Parish Councils to support them.





There is no justification for movement of materials from Nottinghamshire sites using the routes shown above except for delivery to a customer. Any other purpose appears to be economically and environmentally questionable, resulting in more congestion, more pollution, more road wear, more inconvenience, more noise and more road safety issues for residents of Bawtry, Austerfield, Finningley, Blaxton, Auckley and Branton.

This submission should not be misconstrued as Parish Councils against progress but rather that Parish Councils will support progress that considers communities rather than ignoring them.

DMBC should also note the near saturation of commercial activity in this area and should insist on measured baseline data of current traffic volumes and movement, and proper scrutinised traffic assessments from developers.

We would also appreciate more consideration of total activity in the area when considering individual cases. Up to date information on continuation, growth or reduction of activity based on the data provided above would be a good start point.

Signatories

Clerk to Auckley Parish Council	Marjorie Caygill	
Clerk to Blaxton Parish Council	Philip Dennis	
Clerk to Cantley-with-Branton PC	Julia Staniforth	
Clerk to Finningley Parish Council	Julie Leighton-Eshelby	



From: Susan Howard
To: [Planning Policy](#)
Cc: [REDACTED]
Subject: Nottinghamshire Minerals Local Plan - Responses and Argumentation from Frack Free Misson and Frack Free Isle
Date: 11 October 2019 12:29:37
Attachments: [Minerals Plan Submission Final.docx](#)

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Yours faithfully,
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21. Section 2.22 highlights the importance of sand and gravel extraction in the Trent and Idle valleys, and subsequent conversion to wetlands. Misson and Scrooby are surrounded by sand quarries with licences being extended in both areas. After extensive effort by Nottinghamshire Wildlife Trust and others, wildlife in the area is making a comeback. A precise approach should be adopted by NCC against further industrialisation of an already heavily industrialised area, and the destruction of hard work by locals and the Wildlife Trusts.
22. We believe that fracking will not bring the price of gas down. It will provide very few local jobs, whilst potentially destroying local businesses. It has ignored evidence of hazards to health, to destruction of agriculture, wildlife, and the local environment. And of course the massive impact on climate change. These are not things that can just be regulated away.

We hope that you will consider very carefully our researched and thought out submission.

Submission made jointly by

Frack Free Misson Susan Howard - representing 19 individuals

Frack Free Isle Liz Harvey - representing 27 individuals

Attendees for any hearing sessions will be

Frack Free Misson Susan Howard, Kathryn Williamson, Dawn Collier

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19. Misson Springs and Misson are homes to the largest organic farm in the UK, an industrial scale organic dairy herd and milking parlour, and fishing ponds. What protections are NCC offering these and other businesses in the event water, air and land become polluted through fracking and therefore unusable for organic farming?
20. Section 2.20 Climate states that parts of Nottinghamshire have already experienced more frequent and heavier flooding and this pattern is expected to continue. The Flood Map for Planning (Environment Agency and UK Gov.) clearly shows Misson Springs and Misson are in an area at great risk of river flooding. Fracking therefore should not be allowed to take place within this area due to the risk of chemicals and radioactive materials being spread by flood waters and heavy rain over agricultural land and into water courses. Spillages on sites should also be taken into consideration.
21. Section 2.22 highlights the importance of sand and gravel extraction in the Trent and Idle valleys, and subsequent conversion to wetlands. Misson and Scrooby are surrounded by sand quarries with licences being extended in both areas. After extensive effort by Nottinghamshire Wildlife Trust and others, wildlife in the area is making a comeback. A precise approach should be adopted by NCC against further industrialisation of an already heavily industrialised area, and the destruction of hard work by locals and the Wildlife Trusts.
22. We believe that fracking will not bring the price of gas down. It will provide very few local jobs, whilst potentially destroying local businesses. It has ignored evidence of hazards to health, to destruction of agriculture, wildlife, and the local environment. And of course the massive impact on climate change. These are not things that can just be regulated away.

We hope that you will consider very carefully our researched and thought out submission.

Submission made jointly by

Frack Free Misson Susan Howard - representing 19 individuals

Frack Free Isle Liz Harvey - representing 27 individuals

Attendees for any hearing sessions will be

Frack Free Misson Susan Howard, Kathryn Williamson, Dawn Collier

Frack Free Isle Liz Harvey

[REDACTED]

From: John Fleming [REDACTED]
Sent: 07 October 2019 14:01
To: Planning Policy
Cc: Nicole Burnett
Subject: Re: Nottinghamshire Minerals Local Plan - Submission consultation
Attachments: Nottinghamshire Minerals Local Plan - Submission version.pdf; representation-form (1).docx

Follow Up Flag: Follow up
Flag Status: Completed

Re: Nottinghamshire Minerals Local Plan – Submission consultation

Please find attached the response of Gladman to the above consultation.

I would be grateful if you could confirm receipt of this email and its contents.

Yours faithfully,

John Fleming

Representation Form

This is the representation form for the Nottinghamshire Minerals Local Plan - Publication Version published by Nottinghamshire County Council. The Publication Version and the supporting information can be found online at www.nottinghamshire.gov.uk/minerals. You can submit your representations online via our interactive system by using this link.

The formal representation period is open from Friday 30th August 2019 to 4.30pm Friday 11 October. All representations must be received during this period.

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- **Representations must be on the basis of the ‘soundness’ of the plan or its legal and Duty to Co-operate compliance.** Please read the guidance note on this for further information.
- **Part B of the form contains your representations.** Please fill in a separate Part B for each representation you wish you make. You only need to fill in Part A once.
- **If you are part of a group that share a common view,** it would be helpful for that group to send a single representation rather than multiple copies stating the same point. Please indicate how many people are represented and how it has been authorised (e.g. by means of a list with contact details for each person or by a committee vote). This holds the same weight as separately submitted representations.

If you have any queries please contact us as below or ring us on 0300 500 80 80.

Please return completed forms to:

✉ Planning Policy Team
County Hall, West Bridgford,
Nottingham, NG2 7QP

✉ planning.policy@nottscc.gov.uk

We must receive your representations before 4.30pm, Friday 11th October 2019.

Representations received after this cannot be accepted.

All of the representations received will be submitted with the Plan and will be examined by a planning inspector who will consider whether the Plan is ‘sound’ and complies with the legal requirements.


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Part A – Personal details

Office use only

Person No:

Rep Nos:

	1. Personal details	2. Agent details (where applicable)
Title	Mr	
First name	John	
Last name	Fleming	
Address line 1	Gladman Developments	
Address line 2	Alexandria Way	
Address line 3	Congleton	
Postcode	CW12 1LB	
Email		
<i>For those replying on behalf of an organisation or group:</i>		
Organisation	Gladman	
Job title	Policy Planner	

Part B – Your representation

Office use only

Person No:

Rep No:

Please read the guidance note before completing this section.

Name or organisation: Gladman _____

3. To which part of the Local Plan does this representation relate?

Policy	SP7	Site code		Map/Plan		Paragraph		Other	
--------	-----	-----------	--	----------	--	-----------	--	-------	--

4. Do you consider the identified part of the Local Plan to be:

Legally compliant?	Yes		No	x
Sound?	Yes		No	x
Complies with the Duty to co-operate	Yes		No	x

Please tick as appropriate.

5. Please give details of why you consider the identified part of the Local Plan is not legally compliant or is unsound, or fails to comply with the duty to co-operate. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Please see attached representations.

6. Please set out what change(s) you consider necessary to make the identified part of the Local Plan legally compliant or sound, in respect of any legal compliance or soundness matters you have identified above. (please note that non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

(Continue on a separate sheet/expand box if necessary)

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions. After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

7. If your representation is seeking modification to the plan, do you consider it necessary to participate in the examination hearing session(s)?


No , I do not wish to participate in the hearing session(s)	X
Yes , I wish to participate in the hearing session(s)	

Please note that while this will provide an initial indication of your wish to participate in the hearing session(s), you may be asked at a later point to confirm your request to participate.

8. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

--

***Please note** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.*

Signature		Date	07/10/2019
Name	John Fleming		

Gladman Developments Ltd

Nottinghamshire County Council

Minerals Local Plan

Submission Version



October 2019

1 INTRODUCTION

1.1 Context

1.1.1 These representations provide the response of Gladman to the Nottinghamshire County Council's Minerals Local Plan, which is being consulted upon until 11th October 2019.

1.1.2 Gladman specialise in the promotion of strategic land for residential development with associated community infrastructure. Gladman understand that the intention of the emerging Minerals Local Plan (MLP) is to set out a long-term vision for minerals development in Nottinghamshire over the plan period.

1.1.3 The National Planning Policy Framework (the Framework) sets out four tests that Local Plans must meet to be considered sound at examination. The four tests of soundness are outlined as follows:

- Positively prepared;
- Justified;
- Effective; and
- Consistent with national policy

2 LEGAL REQUIREMENTS

2.1 Duty to Cooperate

- 2.1.1 The Duty to Cooperate (DtC) is a legal requirement established through Section 33(a) of the Planning and Compulsory Purchase Act 2004, as amended by Section 110 of the Localism Act. The DtC requires local planning authorities to engage constructively, actively and on an ongoing basis with neighbouring authorities on cross-boundary strategic issues through the process of plan preparation. If a Council fails to satisfactorily discharge its DtC a Planning Inspector must recommend non-adoption of the Plan. This issue cannot be rectified via modification.
- 2.1.2 Gladman recognise that the DtC is a process of ongoing engagement and collaboration, as set out in the PPG it is clear that the DtC is intended to ensure effective policies are produced on strategic matters and this will require extensive, meaningful and ongoing cooperation by both officers and members to ensure the DtC has been fulfilled through the production of signed Statement(s) of Common Ground (SoCG).
- 2.1.3 For minerals planning, working within the DtC, it will be essential that the minerals planning authority give due consideration to the strategic needs associated with non-minerals development over the plan period. In particular, the national policy requirement for local planning authorities to deliver their identified development needs in full whilst remaining in a position to respond rapidly to changes in circumstance that often occur during the plan period. It is therefore essential that the MLP's policies are drafted in a manner that does not put the timely delivery on non-minerals development needs at risk.

2.2 Sustainability Appraisal

- 2.2.1 In accordance with Section 19 of the Planning and Compulsory Purchase Act 2004, policies set out in Local Plans must be subject to a Sustainability Appraisal (SA), and also incorporate the requirements of the Environmental Assessment of Plans and Programmes Regulations 2004 (the SEA Regulations).
- 2.2.2 The SA/SEA is a systematic process that should be undertaken at each stage of the Plans preparation, assessing the effects of the emerging MLP's proposals on sustainable development when judged against all reasonable alternatives. The County Council should ensure that the results of the SA clearly justify any policy choices. It should be clear from the results of this assessment why some policy options have progressed, and others have been

rejected. This must be undertaken through a comparative and equal assessment of each reasonable alternative, in the same level of detail for the chosen and rejected alternatives. The Council's decision making, and scoring should be robust, justified and transparent.

3 NOTTINGHAMSHIRE MINERALS LOCAL PLAN

3.1 Minerals Safeguarding

3.1.1 Gladman acknowledges the need for some level of protection of mineral assets but is of the view that local policy framework that relates to this must clearly set out that this will be suitably balanced against competing development needs.

3.1.2 It is vital that any safeguarding policies contained in the Plan are suitably flexible in nature to ensure decision makers can take an appropriately balanced view between the need to safeguard mineral resources and the need for the planning process to support development that the area requires to meet its strategic housing and economic needs.

3.1.3 Any policies and supporting text relating to the Minerals Consultation Areas (MCAs) and Mineral Safeguarding Areas (MSAs) should explain how the Minerals Planning Authority and the relevant local planning authority will respond in relation to any proposals for non-minerals development within the MSAs. It is noted that there is an intention to safeguard proven mineral deposits considered to be of locally and nationally important mineral resources identified in the MSAs to avoid sterilisation by non-mineral development. These include:

- Sand and gravel;
- Sherwood Sandstone;
- Alluvial Sand and Gravel;
- Limestone (including building stone);
- Industrial dolomite;
- Brick clay;
- Gypsum; and
- Surface coal

3.1.4 The Plan's proportionate evidence base should provide justification for the MSAs and the MCAs on the policies map and should then be based on safeguarding these areas in line with paragraph 204 of the Framework. Specifically, that the County Council should adopt appropriate policies so that known locations of specific mineral resources of local and national importance are not sterilised by non-mineral development where this should be avoided, whilst not creating a presumption that the resources will be worked.

3.1.5 It is important to keep in mind the fact that safeguarding areas does not prevent development from occurring and that the MLP recognises that there will be circumstances where the need

for development outweighs the benefits of protecting the mineral resources and that there may be opportunities to accommodate both through the use of prior extraction.

- 3.1.6 Gladman would advocate the need for local policies that enable a suitably balanced view to be taken by the relevant local planning authority when making assessment of the merits of non-minerals development within MSAs/MCAs. Any such approach can act to encourage the prior extraction of minerals but should not require it. The policy should set a clear and positively framed criteria-based approach against which proposals for non-minerals development within appropriately defined MSAs can be assessed in the context of the requirement to address wider development needs. This should carefully set out the circumstances under which planning permission will be granted and be supported by text that explains what is expected from future applicants for non-minerals development in such areas.
- 3.1.7 Whilst Policy SP7 outlines the approach in which development within the identified MSAs is required to demonstrate and what forms of development are considered as outlined in paragraph 3.80, Gladman are the view that a separate criterion is required which sets out a positive approach to be taken in allowing non-mineral development not identified in paragraph 3.80 to be permitted if the benefits of non-mineral development as a whole clearly outweighs the need for the mineral resource as there may be circumstances in which local planning authorities are failing to deliver housing and economic development to meet the authorities needs and alternative proposals in MSAs may be required.

4 CONCLUSION

4.1 Assessment against the tests of soundness

4.1.1 These representations have been prepared by Gladman in response to the Nottinghamshire Minerals Local Plan submission consultation. Gladman welcomes the opportunity that has been provided to make comments at this stage of the plan-making process.

4.1.2 The MLP must be positively prepared, effective, justified and consistent with national policy to be found sound at examination. Whilst recognising the importance of safeguarding mineral assets, it is essential that the Plan allows for sufficient flexibility to be provided to ensure development proposals for non-minerals related development are capable of coming forward within the MSAs where these would assist local planning authorities to enable the delivery of housing and economic development to meet identified needs in a manner that is responsive to rapid change.

4.1.3 Gladman trust that the comments made through these representations are constructive and assist the Council. Gladman would be grateful if we could be added to the consultation database in order to be kept informed as the draft plan develops through the examination process.

[REDACTED]

From: Worrall, Rosamund [REDACTED]
Sent: 11 October 2019 16:17
To: Planning Policy
Subject: Historic England - Reg 19 representation - NCC Minerals Plan
Attachments: Reg 19 representation-form 2019.docx

Follow Up Flag: Follow up
Flag Status: Completed

Dear Steve and team

Please find attached our response form in relation to MP9: Industrial Dolomite Provision.

We welcome the revisions made to other aspects of the Publication Plan in relation to comments made on the Regulation 18 Draft in September 2018.

Kind regards, Ros

Rosamund Worrall
Team Leader (Development Advice) (South)
Midlands Region

Historic England | The Axis
10 Holliday Street | Birmingham | B1 1TF

[REDACTED]

www.HistoricEngland.org.uk

Please note that Historic England's East Midlands and West Midlands offices have merged and our Northampton office is now closed. Our Midlands office is based in Birmingham and contact details can be found on our Midlands Regional Office webpage [here](#).



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Nottingham, NG2 7QP

✉ planning.policy@nottscc.gov.uk

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Office use only

Person No:

Rep Nos:

Part A – Personal details

	1. Personal details	2. Agent details (where applicable)
Title	Miss	
First name	Rosamund	
Last name	Worrall	
Address line 1	The Axis	
Address line 2	10 Holliday Street	
Address line 3	Birmingham	
Postcode	B1 1TF	
Email		
<i>For those replying on behalf of an organisation or group:</i>		
Organisation	Historic England	
Job title	Team Leader (Development Advice)	

Part B – Your representation

Office use only Person No:
Rep No:

Please read the guidance note before completing this section.

Name or organisation: **HISTORIC ENGLAND**

3. To which part of the Local Plan does this representation relate?

Policy	MP9	Site code		Map/Plan		Paragraph	4.80 – 4.85 inclusive	Other	
--------	-----	-----------	--	----------	--	-----------	-----------------------	-------	--

4. Do you consider the identified part of the Local Plan to be:

Legally compliant?	Yes		No	
Sound?	Yes		No	X
Complies with the Duty to co-operate	Yes		No	X

Please tick as appropriate.

5. Please give details of why you consider the identified part of the Local Plan is not legally compliant or is unsound, or fails to comply with the duty to co-operate. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

(Continue on a separate sheet/expand box if necessary)

Historic England (formerly English Heritage) has maintained concerns about the dolomite allocation at Holbeck since 2012 and throughout this emerging Plan process. It is noted that Policy MP9 relates to industrial dolomite extraction generally. Historic England submits that this approach is not sound since known sources of dolomite within the UK are limited and in respect of the draft Nottinghamshire Minerals Local Plan the main extraction location is found in the Holbeck area and this is set out in the paragraphs accompanying MP9. As such Policy MP9 in its current form would provide a *de facto* site allocation. In addition, Policy MP9 sets out that extraction would be supported if need is demonstrated which ignores environmental and other social and economic factors which would have to be considered in the balance. Paragraph 4.84 sets out that a criteria based policy is being proposed but this consists of one criteria – ‘where a need can be demonstrated’. These issues are explored in more detail below.

De facto site allocation in respect of the historic environment

The main site, within the Minerals Local Plan area, for industrial dolomite extraction would be at Holbeck and associated with the existing Whitwell site in Derbyshire. There are heritage assets within this locality including Cresswell Crags and it is not clear how these assets have been considered in the Plan process.

Cresswell Crags straddles the boundary between Nottinghamshire and Derbyshire and is designated as both a Scheduled Monument and a Site of Special Scientific Interest. The complex of caves and rock shelters preserve long sequences of in-situ deposits. First identified in the nineteenth century, the site has yielded Neanderthal and modern human material alongside faunal remains and palaeo-environmental data across successive periods of Ice Age occupation between 10000 and 50000 years ago. The discovery of the UK’s only cave art assemblage in 2003 alongside the site’s established archaeological importance at the northerly extreme of Ice Age human habitation set the basis for Cresswell Crags placement on the UK Government’s Tentative List of potential UNESCO World Heritage Sites (WHSs) in 2012. Cresswell Crags are an exceptional complex set of cultural assets. In very broad

terms, key elements in their significance can be summarised as follows:

- They possess rare long sequences of well preserved in-situ archaeological deposits as well as the associated resource of material excavated in the 19th and 20th centuries.
- There is particular archaeological importance for the Middle Palaeolithic (around 44000 years ago) as a site of Neanderthal activity and in the Late Upper Palaeolithic as the type site for *Creswellian* dwelling and resource exploitation at around 14000 years ago, in both cases at the northern limits of human habitation.
- The artistic and archaeological significance in their containing Britain's only, and Europe's most northern, example of Palaeolithic Cave Art.

Any nomination of Creswell Crags for inscription on UNESCO's World Heritage List is likely to include a buffer zone as advised by UNESCO. The purpose of a buffer zones is to protect the Outstanding Universal Value of a WHS. UNESCO's *Operational Guidelines for the Implementation of the World Heritage Convention* (July 2015) go on to say that a Buffer Zone "is an area surrounding the nominated property which has complementary legal and/or customary restrictions placed on its use and development to give an added layer of protection to the property. This should include the immediate setting of the nominated property, important views and other areas or attributes that are functionally important as a support to the property and its protection." This would have implications for any extraction activities as well as traffic movements to the Whitwell plant, which would use the A616 through Creswell Conservation Area. The Minerals Plan should take into account the potential for Creswell Crags to be inscribed on the World Heritage List, together with an associated buffer zone, and have full regard to NPPF paragraph 132 guidance that harm to significant heritage assets, and their settings, should be wholly exceptional.

The Crags also form part of the Welbeck Registered Park and Garden (Grade II). Humphry Repton's inclusion of the sublime natural form of the Crags into the designed landscape of the Grade I listed Welbeck Abbey and the subsequent damming of the gorge to create a water-fowling lake provide additional layers of historic landscape significance. It is also partially within the Creswell Conservation Area.

Heritage impacts arising from the extraction of dolomite in this location are considered to be two-fold. Firstly, the dolomite resource area occupies the southern end of the magnesian limestone ridge through which the Creswell gorge passes. The existing quarry workings to the north severs the monument from the ridge leaving the proposed allocation area to the south as the sole opportunity to experience and understand the monument in something of its late Pleistocene landscape context. Neither Neanderthal nor Late Upper Palaeolithic populations were simply huddled in gorges and caves enclosed from their environment, they were also up on the ridges above working flint and hides and looking out across extensive steppe grassland (as demonstrated in recent and current excavations in Rutland and Leicestershire). The lives of hunter gather peoples were, we believe, intimately associated with the seasonal movements of large mammals and birds through the landscape in which they operated (as supported by the cave art at Creswell). The ability to experience this monument in its extant landscape context (as well as within the enclosed space of the gorge) is central to its significance.

Secondly, there are a number of significant unknown impacts which may give rise to further harm. Specifically, the proposed allocation area has unexplored potential for finds assemblages surviving both in topsoil and in-situ below hill wash or in fissures. Caves containing archaeological and palaeo-environmental remains potentially extend at depth beyond the Scheduled Monument boundary on this southern side of the gorge and would be vulnerable both to the proposed working and associated vibration. It is also proposed to process the mineral through the existing workings at Whitwell in order to utilise the existing infrastructure. The resulting haulage of mineral from the extraction site to the kilns via either the existing transport network, or new corridors through the landscape are likely to cause additional harm. It is anticipated that any future restoration of the quarry site is likely to be water based, which could also have unknown implications for the scheduled cave network and would not reinstate topographic form.

Historic England considers that the likely impact of dolomite extraction at the Holbeck site would

constitute substantial harm to the significance of designated heritage assets of the highest importance contrary to the provisions and intentions of the NPPF and with the possibility of resulting in a situation where dolomite extraction is not deliverable at this location. On that basis, Policy MP9 is not sound.

It is also noted that the justification text states that there is no national demand forecast or local apportionment for dolomite. It also states that the resource supplies an international market. However, there is no associated evidence base to support the 'international' importance of industrial dolomite provision in the UK. The company overseeing the extraction at the neighbouring Derbyshire site owns various dolomite related sites throughout the world but it is not clear what proportion of the extraction, or type (industrial grade or aggregate limestone) is used in the UK or abroad. This also exceeds the requirements of the NPPF (Para 204a).

Due to ongoing concerns with the continued reference to industrial dolomite within the emerging Plan Historic England commissioned a report on the dolomite situation during 2018 and we are aware that potential alternative sources are available outside the Plan area. It is not clear how any such supplies have been considered in the context of the Plan and the *de facto* site allocation situation. Such uncertainty clearly highlights that there is insufficient information available on which to determine impact and further evidence base work and assessment is required to inform the Plan.

On this basis Historic England submits that the Plan is not sound in respect of Policy MP9: Industrial Dolomite Provision and the NPPF requirements for the historic environment and facilitating the sustainable use of minerals.

6. Please set out what change(s) you consider necessary to make the identified part of the Local Plan legally compliant or sound, in respect of any legal compliance or soundness matters you have identified above. (please note that non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

(Continue on a separate sheet/expand box if necessary)

Remove Policy MP9 and associated text from the Plan. Alternatively, additional work should be undertaken to provide further evidence in respect of alternative sites and the need for dolomite (as indicated in the Plan) to justify the need for inclusion of Policy MP9, or a revised version, in the Plan. Historic England would be open to discussing further with the Council ahead of the EIP.

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

7. If your representation is seeking modification to the plan, do you consider it necessary to participate in the examination hearing session(s)?


No , I do not wish to participate in the hearing session(s)	
Yes , I wish to participate in the hearing session(s)	X

Please note that while this will provide an initial indication of your wish to participate in the hearing session(s), you may be asked at a later point to confirm your request to participate.

8. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

The issue of the proposed Policy MP9: Industrial Dolomite Provision has been ongoing during the Plan process and is not straightforward. Historic England will aim to engage with the Council in respect of our concerns ahead of the EIP but are aware that these concerns may not be resolved by that time. We would be happy to attend the EIP to discuss any issues that the Inspector may have in respect of this policy and the historic environment during the EIP.

***Please note** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.*

Signature		Date	11 October 2019
Name	Rosamund Worrall for Historic England		

From: Abigail Forbes [REDACTED]
Sent: 10 October 2019 13:36
To: Planning Policy
Cc: Stuart Perigo; Gary Stringer
Subject: Nottinghamshire Minerals Local Plan - IGas response
Attachments: Nottinghamshire Minerals Local Plan IGas response 10.10.19.pdf

Follow Up Flag: Follow up
Flag Status: Completed

Dear Sir/Madam,
Please find attached the IGas response to the consultation on the Nottinghamshire Minerals Local Plan Publication Version.

Regards,
Abi
Abigail Forbes
PA to CEO and CFO

IGas Energy plc
7 Down Street
London
W1J 7AJ
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Office +44 20 7993 9899

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IGas Energy Enterprise Limited - Registered Number 05457589
IGas Energy Development Limited - Registered Number 07240286
Dart Energy (East England) Limited - Registered Number 06760546
Dart Energy (West England) Limited - Registered Number 06760557

Companies registered in Scotland at c/o Womble Bond Dickinson (UK) LLP, 13 Albyn Terrace, Aberdeen AB10 1YP:

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DART ENERGY

Planning Policy Team
Nottinghamshire County Council
County Hall
West Bridgford
Nottinghamshire
NG2 7QP

Sent via email to: development.planning@nottsc.gov.uk

Dear Sir/Madam,

Nottinghamshire Minerals Local Plan – Publication Version Consultation

IGas Energy PLC (IGas) welcomes the opportunity to respond to the consultation on the Nottinghamshire Minerals Local Plan Publication Version (the Plan). IGas has extensive interests in hydrocarbon production and exploration within the Plan area. We previously made comments on the Draft Plan by letter dated 28 September 2018. IGas is pleased that some of those comments appear to have been taken into account in the preparation of the Plan.

Summary

- IGas supports the vision and objectives of the Plan for future development and is of the view that onshore oil and gas could make a significant contribution towards achieving sustainable development by the efficient use of natural mineral resources and which would contribute to the economy.
- IGas is of the view that the Plan has been positively prepared generally and with regard to hydrocarbon developments.
- IGas supports the changes made to the policies from the draft consultation plan to make the Plan sound.
- IGas considers greater weight should be attached to the presence and potential of shale gas and the contribution it can make in the transition towards a low carbon economy in accordance with national policy and guidance and written ministerial statements.
- IGas is of the view that Policy SP1 in the consultation plan should be retained.
- IGas remains of the view that Policy SP5 continues to be onerous and does not recognise the weighting of all facets of sustainable development that should be applied when considering applications for development.
- IGas remains of the view that Policy MP12 is not positively prepared and does not reflect the advice within National Planning Policy Framework (NPPF) or the Joint Written Ministerial Statements of 17 May 2018 and the Written Ministerial Statement of 23 May 2019 (the WMSs).

IGas Energy PLC, 7 Down Street, London, W1J 7AJ Tel: 020 7993 9901 www.igasplc.com
Registered in England and Wales with Company No. 04981279

IGas Energy Group Comprises

IGas Energy PLC IGas Energy Production Ltd IGas Energy Enterprise Ltd Island Gas Operations Ltd Star Energy Group Ltd Star Energy Weald Basin Ltd
IGas Exploration Ltd IGas Energy Development Ltd Island Gas Ltd Island Gas (Singleton) Ltd Star Energy Ltd Dart Energy Ltd and subsidiaries
Registered Office: 7 Down Street, London, W1J 7AJ



- IGas remains of the view that Policy DM5 is seeking to place a weight on the impacts upon landscape character comparable to that of nationally designated landscapes (of which there are none in Nottinghamshire).
- IGas supports those views expressed by UKOOG in response to this consultation.

Introduction

IGas is a British company listed on the Alternative Investment Market of the London Stock Exchange. It is a leading UK onshore oil and gas exploration and production business, holding a portfolio of production and exploration assets primarily focused on three regions: the North West, East Midlands and the Weald Basin in Southern England.

The business has more than thirty years' experience of successfully and safely extracting and producing hydrocarbons onshore in the UK working closely with local communities, regulators and mineral planning authorities (MPAs). The UK is recognised globally as a leading example for oil and gas industry regulation.

IGas is committed to the protection of the environment and providing safe and healthy working conditions for its employees and contractors. It is also committed to maintaining close and responsive relationships with the communities in which it operates and has a long track record of engaging with local residents.

IGas has been operating its own Community Fund since 2008 which has, over the last decade, distributed almost £1 million to local projects that are charitable, educational or benevolent in purpose.

IGas holds a number of onshore UK licence interests in the three regions many of which it both owns and operates:

- North West: EXL273 and PEDLs 056, 145, 147, 184, 188, 189, 190, 193, 293 and 295.
- East Midlands: AL009, EXL288, ML, 3, 4, 6 and 7, PEDLs 006, 012, 139, 140, 146, 169, 200, 210, 273, 278, 305, 316, 317 and 337 and PLs 162, 178, 179, 199 and 220.
- Weald Basin: DL002 and 004, ML 18 and 21, PEDLs 021, 070, 233, 235, 257 and 326 and PLs 182, 205, 211, 233, 240 and 249.

The East Midlands area is comprised of two primary production centres:

- Welton and Gainsborough. The Welton area is made up of six fields and a gathering centre where the produced oil, gas and water are separated. The produced oil is transported to Conoco Immingham via road tanker; gas is used for power generation and exported to the National Grid; produced water is pumped for reinjection.
- The Gainsborough area is made up of 10 fields and a processing facility. Oil is transported to Phillips 66 via road taker, gas is piped to Gainsborough 1 for power generation and produced water is pumped for reinjection.



More recently IGas obtained planning permission at Springs Road, Misson to develop a hydrocarbon wellsite and drill up to two exploratory boreholes with shale gas being targeted. Development has commenced, and construction of the well pad and the drilling of a vertical well has been completed. The well sought to assess three target zones: the Bowland Shale; the Millstone Grit and the Arundian Shale. All three targets were encountered, with 429 metres of hydrocarbon bearing shales encountered within the primary target, the Bowland Shale. IGas acquired 147 metres of core within the Bowland Shale, the first extensive core sample from this basin. Initial analysis confirms that a significant hydrocarbon resource is present in the Gainsborough Trough. The geology is a mature, organic rich source rock with good porosity confirming favourable gas resource density. Low clay content is encouraging and an indication that hydraulic fracturing of the rock should be effective subject to further planning permission.

Planning permission was also granted for a hydrocarbon well site to drill an exploratory borehole at Tinker Lane, near Bawtry. Whilst the site was developed and a well drilled the target formation was not identified and the site has now been restored and the five year aftercare period has commenced.

Our response to the Plan, as previous, focusses on the Vision and Strategic Objectives; Policy MP12 Hydrocarbons and the supporting text; and the general development management policies and any changes that may have been made to them and other parts of the Plan since the previous consultation.

Local Planning Policy

IGas supports the process of local plan considerations and wishes to ensure that any proposed plan with respect to onshore hydrocarbons is sound and meets with the criteria and policies outlined by Government in the NPPF (as amended), Planning Practice Guidance and related WMSs.

In particular, any policy framework which serves to significantly impede or prevent such development in areas where minerals are found and have been licensed by the Government for hydrocarbon development, will be contrary to national policy unless there is strong evidential justification.

The planning process for onshore oil and gas is one of five regulatory processes that are required under the current policy framework set by government. Planning Policy Guidance 012 and 112 make clear that mineral planning authorities are not responsible for matters covered by other regulatory regimes. It states, MPAs "*should assume that these regimes will operate effectively. Whilst these issues may be put before mineral planning authorities, they should not need to carry out their own assessment as they can rely on the assessment of other regulatory bodies.*" This planning policy principle has been re-confirmed in a number of legal cases (see Frack Free Balcombe Residents Association v West Sussex CC 2014). The Plan should make the role of the regulatory bodies clear.

Comments on the Plan



IGas supports the views of UKOOG, the representative body for the UK onshore oil and gas industry, including exploration and production. IGas makes the following comments in respect of the objectives of the plan and those policies considered relevant to the hydrocarbon industry.

Initial comment.

Section 2 on Nottinghamshire's mineral resource and industry identifies the range of minerals within the county. The section identifies sand and gravel, gypsum and clay as being all of national importance. Notwithstanding reference is made to shale gas (paragraph 2.26) as a potential resource which is thought to exist in the north and south of the county, it is considered that there should be greater recognition of such as set out in national guidance and the recent Ministerial Written Statement (WMS) by the Secretary of State for Ministry of Housing, Communities and Local Government (James Brokenshire), 23 May 2019.

Strategic Objectives

IGas supports the Plan Strategic Objectives. However, SO3: Addressing climate change should recognise the diversity of mineral operations and the fact that mineral extraction occurs and could occur from sites other than quarries and to which the same principles would apply.

Strategic Policies

IGas supports the strategic policies for the Plan; they will establish the vision and objectives for development, including minerals, to 2036. IGas supports the intentions of paragraph 3.6 for mineral developments to minimise the impacts on climate change and transition to a low carbon economy. IGas is of the view that onshore oil and gas development is compatible with this vision, specifically through the development of an adequate supply of domestic minerals under a regulatory environment superior to that of countries from which the UK imports its minerals. It is also important that the Plan recognises the need to combat climate change. A domestic oil and gas supply offers significant carbon savings over fuels, which otherwise would be imported from overseas, possibly without regulatory regimes as strong as those in the UK, generating much needed local jobs in fields such as engineering and contributing to the transition towards a low carbon economy.

Minerals Provision

IGas supports the intentions of the Plan to provide a supply of minerals including energy minerals to meet future needs in accordance with national policy (3.7). However, whilst it is recognised that minerals can only be worked where they occur (3.8) there needs to be greater recognition of the different types of minerals in the Plan area and the way they are won. 3.8 appears to focus on aggregates without recognising the nature and needs of the energy industry in terms of oil and gas sites.

It is noted that policy SP1 – Sustainable Development, of the draft plan has been removed. In the absence of such a policy there is a risk that the Plan fails to comply with national policy that requires *"all plans should be based upon and reflect the presumption in favour of*

sustainable development, with clear policies that will guide how the presumption should be applied locally". It is considered the policy on sustainable development should be reinstated and support be given to developments that accord with the policies in the Plan.

Policy SP1 – Minerals Provision

IGas previously commented that this policy, as a strategic policy applying to all minerals, appears to be very aggregate orientated. IGas remains of the view that the policy could be more flexible in supporting other mineral types. IGas similarly remains of the view the term 'avoidance' in SP1 (2) should be replaced with 'minimisation' as avoidance may not be possible in the event national need may prevail. The supporting justification should recognise that some mineral operations such as exploration and appraisal of shale gas may only be carried out for a very limited period of time and which may not require the same long term mitigation measures or controls as a longer term mineral development (3.10).

SP3: Climate Change

IGas supports the commitment to reducing the impact from development on climate change and the fact that it is the development that must reduce greenhouse gas emissions and move towards a low carbon economy (SP3(a)). IGas also supports the supporting justification that indigenous energy minerals have potential benefits in environmental and climate change terms. IGas is of the view that onshore oil and gas development is compatible with the policy through the development of an adequate supply of domestic minerals under a regulatory environment superior to that of countries from which the UK imports its minerals. A domestic oil and gas supply offers significant carbon savings over fuels, which otherwise would be imported from overseas, possibly without regulatory regimes as strong as those in the UK, generating much needed local jobs in fields such as engineering and contributing to the transition towards a low carbon economy.

Policy SP4 - Sustainable Transport

IGas supports the policy to maximise the use of sustainable forms of transport of minerals and the inclusion of pipelines as an option as recommended in previous representations. IGas currently utilises pipelines in existing operations and which reduce the potential use of HGVs to transport oil and gas and will continue to do so where local circumstances permit.

IGas supports the policy to minimise traffic movements in the development of minerals where it is practical to do so. The onshore industry aims to maximise the reuse and recycling of materials and waste products from its operations, wherever it is feasible to do so. However, the policy must align with the principal that minerals, including oil and gas, can only be worked where they are found. IGas remains concerned that the policy requiring mineral workings and mineral related developments to be located '*within close proximity to the County's main highway network and existing transport routes in order to avoid residential areas, minor roads, and minimise the impact of road transportation*' remains unchanged and does not recognise this. Site specific traffic management plans would address local impacts, should they be identified. The policy should also recognise the short-term traffic impacts of some mineral developments, such as the exploration and appraisal stages of onshore oil and gas, where there may be more intense periods of traffic activity but only for a very limited time.

Paragraph 3.41 of the Justification should make reference to pipelines to be consistent with the amended Policy SP4 (1).

Policy SP5 – The Built, Historic and Natural Environment

IGas supports some of the changes made to the policy and justification from the consultation draft. However, IGas remains of the view that the policy continues to be onerous and does not recognise the weighting of all facets of sustainable development that should be applied when considering applications for development. Regarding hydrocarbon development, whilst there may be potential for environmental impact, the economic benefit of mineral extraction should be afforded 'great weight' (paragraph 205 of the NPPF). This is further ratified by the Joint MWS (17 May 2018).

The significance of impact depends on the significance of the asset it affects. Paragraph 171 of the NPPF states that Plans should, 'distinguish between the hierarchy of international, national and locally designated assets.' Paragraph 184 of the NPPF recognises a similar approach for the historic environment in that assets should be conserved in a manner appropriate to their significance.

Paragraph 3.56 should recognise that not all mineral developments involve large areas of agricultural land. Onshore oil and gas operations use very small areas of land compared to aggregate developments.

Policy SP6 – The Nottinghamshire Green Belt

Significant changes have been made to this policy. IGas supports the principle of the policy which, other than the omission of '*do not conflict*,' has been taken from the from paragraph 146 b) of the NPPF: '*certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and **do not conflict with the purposes of including land within it.***' including minerals. Given the purpose of the Plan is to set out the policies against which a proposal will be assessed and would be subject to different decision making processes where different weight may be attached to compliance or otherwise with policies, it is considered that the term 'approved' should be replaced with 'supported'.

Policy MP12 – Hydrocarbons

IGas notes paragraphs 4.96 – 4.100 remain unchanged (other than the deletion of '*very intensive*' from 4.100). IGas remains of the view that the approach being taken is not positively prepared and does not reflect the advice within NPPF or the Joint WMS of 17 May 2018 and WMS of 23 May 2019.

Whilst the introduction sets out the background and approach for shale gas and acknowledges there is a potentially significant shale gas resource within Nottinghamshire, IGas is concerned that the Plan continues to fail to make reference to the potential benefits of a shale gas industry within the UK or the Government support within the Planning Practice

Guidance to the NPPF or the WMSs. There is a clear recognition of the contributions the shale gas industry could make towards a diversity of energy supplies at the national level and, for consistency, this should be reflected within the MLP.

The Planning Practice Guidance (PPG), originally published by the Department of Communities and Local Government (DCLG) in March 2014, at Minerals paragraph 91 (reference ID: 27-091-20140306) states that *"as an emerging form of energy supply, there is a pressing need to establish – through exploratory drilling – whether or not there are sufficient recoverable quantities of unconventional hydrocarbons such as shale gaspresent to facilitate economically viable full scale production."* A Government supported Ernst and Young supply chain report (Getting ready for UK shale gas, April 2014) indicated *'there could be significant benefits for jobs and growth from a successful UK Shale industry: over 64,000 jobs at peak could be supported across the wider economy, with more than 6,000 jobs on shale pads themselves. Many of these would be highly skilled, high quality jobs, with above average pay.'*

A combined shale gas and oil policy statement by DECC and DCLG (15 August 2015) states:

A national need to explore and develop our shale gas and oil in a safe, sustainable and timely way. Exploring and developing our shale gas and oil resources could potentially bring substantial benefits and help meet our objectives for secure energy supplies, economic growth and lower carbon emissions. The Government therefore considers that there is a clear need to seize the opportunity now to explore and test our shale potential.

These comments were reiterated within the JWMS 17 May 2018. There is a clear intention at Government level to seize the opportunity now to explore and test the country's shale potential and this support should be explicit within the Plan.

Whilst the changes to policy MP12: Hydrocarbon Minerals are welcomed, part 1b) still requires exploration and appraisal developments to be located where they will not have an unacceptable environmental impact. Such an approach is not in accordance with the NPPF as there is no weighting provided on the level of environmental asset and whether it is of international, national or local significance.

IGas welcomes the changes to the Justification in paragraph 4.104 which recognises the national need to explore and develop new domestic sources of oil and gas.

IGas notes that paragraph 4.110 continues to state, a PEDL *'allows a company to pursue a range of oil and gas exploration activities ...'* which appears to have been derived from the UKOOG description of PEDLS. The PEDL licences actually place an obligation on the holder to explore and develop for hydrocarbons. In its current form, the paragraph suggests pursuing an interest is an option when in fact it is a requirement as set out in the guidance by the Oil and Gas Authority¹; this should be amended.

Development Management Policies

¹ https://www.ogauthority.co.uk/media/4959/29112017_consolidated-onshore-guidance-compendium_vfinal-002.pdf

DM1: Protecting Local Amenity

Paragraph 5.18 has been introduced to the justification to Policy DM1. Whilst the content of the paragraph are not in dispute, it appears incongruous in the context of the justification and how it relates to mineral development.

Policy DM2: Water Resources and Flood Risk

Whilst the changes to Policy DM2 and justification are noted, many of the requirements specified fall within the remit of the Environment Agency which is referred to in the justification. The Council is aware planning decisions should assume that other regulatory pollution control regimes will operate effectively. This is particularly the case in water resources and flood risk.

Policy DM5: Landscape Character

IGas has previously commented on this policy. Whilst minor changes to the Policy have been made IGas remains of the view that the policy is seeking to place a weight on the impacts upon landscape character comparable to that of nationally designated landscapes (of which there are none in Nottinghamshire). The NPPF states (paragraphs 171 and 172):

171. Plans should: distinguish between the hierarchy of international, national and locally designated sites; allocate land with the least environmental or amenity value, where consistent with other policies in this Framework⁵³; take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure; and plan for the enhancement of natural capital at a catchment or landscape scale across local authority boundaries.

172. Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks and the Broads⁵⁴. The scale and extent of development within these designated areas should be limited. Planning permission should be refused for major development⁵⁵ other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:

- a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;*
- b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and*
- c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.*

For the Plan to be sound, it is considered that the policy needs to be further amended to correctly reflect the guidance within NPPF.

Policy DM6: Historic Environment



IGas previously commented on this policy. The changes to the policy and justification are now considered to be in line with the NPPF and are supported.

Policy DM8: Cumulative Impact

The changes to the policy are supported.

Policy DM10 – Airfield Safeguarding

Whilst IGas supports the intentions of the policy, paragraph 5.109 does not acknowledge the use of tall drill rigs used by the minerals industry and particularly the onshore oil and gas industry at the exploration and appraisal stages of development.

Policy DM12: Restoration, aftercare and after-use.

IGas supports the changes to the policy.

Policy DM17: Mineral Exploration

IGas supports the policy. However, notwithstanding the justification acknowledges most exploration can be carried out with the benefit of permitted development, the policy does not acknowledge that mineral exploration can be carried out with such. Geophysical surveys are also used for the exploration of coal, oil and gas (paragraph 5.163).

Conclusion

IGas welcomes the changes to the Plan and the positive approach to mineral development that has been adopted. However, it is considered further amendments could be made as set out above to ensure the Plan can be found sound.

We look forward to the next stage of the process and would wish to take the opportunity to engage in the examination of the Plan in relation to the matters raised above.

Yours faithfully

A solid black rectangular box redacting the signature of Steve Bowler.

Steve Bowler

CEO

IGas Energy PLC



I trust that the above is self-explanatory and useful. Please don't hesitate to get in touch should you wish to discuss any of the content of this letter.

Yours faithfully,

PP

Stuart Perigo

From: Philip Neaves [REDACTED]
Sent: 11 October 2019 12:56
To: Planning Policy
Subject: Nottinghamshire Minerals Local Plan- Publication Version
Attachments: Notts Minerals Plan representation-form October 2019.pdf; Nottinghamshire Minerals Plan Consultation Oct 2019.pdf

Follow Up Flag: Follow up
Flag Status: Completed

Please find attached submission on behalf of INEOS Upstream Limited.

Please acknowledge receipt.

Many thanks

Philip Neaves
Director
Felsham Planning and Development
1 Western Terrace
Edinburgh
EH12 5QF
[REDACTED]

www.felshampd.co.uk



VAT Registration No 152 7435 14
Company Registration Number SC267721

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Representation Form

This is the representation form for the Nottinghamshire Minerals Local Plan - Publication Version published by Nottinghamshire County Council. The Publication Version and the supporting information can be found online at www.nottinghamshire.gov.uk/minerals. You can submit your representations online via our interactive system by using this link.

The formal representation period is open from Friday 30th August 2019 to 4.30pm Friday 11 October. All representations must be received during this period.

If you wish to submit a representation to the Plan using this form, please complete all parts and then send it to us via email or post, using the addresses below. Please note:

- **All respondents need to provide their personal details.** It is not possible for representations to be anonymous. All responses will be made public.
- **Representations must be on the basis of the 'soundness' of the plan or its legal and Duty to Co-operate compliance.** Please read the guidance note on this for further information.
- **Part B of the form contains your representations.** Please fill in a separate Part B for each representation you wish you make. You only need to fill in Part A once.
- **If you are part of a group that share a common view,** it would be helpful for that group to send a single representation rather than multiple copies stating the same point. Please indicate how many people are represented and how it has been authorised (e.g. by means of a list with contact details for each person or by a committee vote). This holds the same weight as separately submitted representations.

If you have any queries please contact us as below or ring us on 0300 500 80 80.

Please return completed forms to:

✉ Planning Policy Team
County Hall, West Bridgford,
Nottingham, NG2 7QP

✉ planning.policy@nottscc.gov.uk

We must receive your representations before 4.30pm, Friday 11th October 2019.

Representations received after this cannot be accepted.

All of the representations received will be submitted with the Plan and will be examined by a planning inspector who will consider whether the Plan is 'sound' and complies with the legal requirements.

Nottinghamshire County Council's Planning Policy Service is committed to protecting your privacy and ensuring all personal information is kept confidential and safe. View our privacy notice at www.nottinghamshire.gov.uk/privacy

Office use only

Person No:

Rep Nos:

Part A – Personal details

	1. Personal details	2. Agent details (where applicable)
Title		Mr
First name		Philip
Last name		Neaves
Address line 1	INEOS Upstream Limited	FelshamPD
Address line 2	38 Hans Crescent	████████████████████
Address line 3	London	██████████
Postcode	SW1X 0LZ	██████████
Email		
<i>For those replying on behalf of an organisation or group:</i>		
Organisation		
Job title		

Part B – Your representation

<i>Office use only</i> Person No: Rep No:

Please read the guidance note before completing this section.

Name or organisation: INEOS Upstream Ltd

3. To which part of the Local Plan does this representation relate?

Policy	MP12	Site code		Map/Plan		Paragraph		Other	
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4. Do you consider the identified part of the Local Plan to be:

Legally compliant?	Yes		No	
Sound?	Yes	X	No	
Complies with the Duty to co-operate	Yes		No	

Please tick as appropriate.

5. Please give details of why you consider the identified part of the Local Plan is not legally compliant or is unsound, or fails to comply with the duty to co-operate. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

(Continue on a separate sheet/expand box if necessary)

Please see attached supporting statement.

We are pleased to note that policy MP12 provides a simple policy that makes a positive statement in support of onshore oil and gas.

We have concerns with one element of the draft policy. There is inconsistency between the terms used in 'part 1 b' for exploration and appraisal and 'part 2 b' for commercial production. In 'part 1 b' the term 'unacceptable environmental impact' is used, but in 'part 2 b' the term 'least sensitive location' is used.

We wish to object to this element of the policy, which we believe needs to change. In our view the terms used should be the same. Regardless of whether it is exploration or commercial production the tests should be equally relevant. Reference to unacceptable environmental impact should be changed to "significant unacceptable environmental impact" because as currently worded all impact can be read as unacceptable. Furthermore the term 'least sensitive location' is subjective and therefore should be replaced with the term 'Are located where they will not have a significant unacceptable environmental impact'.

6. Please set out what change(s) you consider necessary to make the identified part of the Local Plan legally compliant or sound, in respect of any legal compliance or soundness matters you have identified above. (please note that non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

(Continue on a separate sheet/expand box if necessary)

Please see attached supporting statement

We have concerns with one element of the draft policy MP12. There is inconsistency between the terms used in 'part 1 b' for exploration and appraisal and 'part 2 b' for commercial production. In 'part 1 b' the term 'unacceptable environmental impact' is used, but in 'part 2 b' the term 'least sensitive location' is used.

We wish to object to this element of the policy, which we believe needs to change. In our view the terms used should be the same. Regardless of whether it is exploration or commercial production the tests should be equally relevant. Reference to unacceptable environmental impact should be changed to "significant unacceptable environmental impact" because as currently worded all impact can be read as unacceptable. Furthermore the term 'least sensitive location' is subjective and therefore should be replaced with the term 'Are located where they will not have a significant unacceptable environmental impact'.

As noted above we are largely supportive of policy MP12. However, if it were to be suggested that policy MP12 should be significantly amended INEOS would wish to put forward revised text to the anticipated Minerals Plan Examination as set out in our earlier representations to the draft Minerals Plan

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

7. If your representation is seeking modification to the plan, do you consider it necessary to participate in the examination hearing session(s)?


No , I do not wish to participate in the hearing session(s)	
Yes , I wish to participate in the hearing session(s)	x

Please note that while this will provide an initial indication of your wish to participate in the hearing session(s), you may be asked at a later point to confirm your request to participate.

8. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

The issue raised is complex and we have found it helpful when responding to other plans for the matter to be debated. This was done most recently at East Riding of Yorkshire in January 2019 where the Inspector was able to hear the points raised on each side of the argument and to understand that there was in fact little between the parties in terms of principle. In our submission this may not have been fully apparent in reviewing written submissions and this was confirmed by the conduct of the Hearing where the Inspector thanked the parties for their frankness, helpfulness and courtesy. We anticipate that policy MP12 may be subject to scrutiny and we believe that it would be helpful for all parties to be able to come together to discuss the issues.

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

Signature		Date	11.10.19
Name	Philip Neaves, FelshamPD on behalf of INEOS Upstream Ltd		

Nottinghamshire Minerals Plan Consultation

Submission on Behalf of INEOS Upstream Ltd

October 2019

1.0 Introduction

Felsham Planning and Development is instructed to submit a representation to the Local Plan consultation on behalf of INEOS Upstream Ltd. This representation deals with Policy MP12 covering unconventional gas and associated development management policies.

We have previously expressed support for the overall approach the plan intends to take and we are pleased that our comments appear to have been taken into account in the wording of policy MP12. This adopts the positive approach to unconventional gas required by the Written Ministerial Statement (WMS) of 17th May 2018 and revised NPPF 2018. The subsequent WMS of 23rd May 2019 reiterated the approach to policy making that the Government requires.

We are pleased to note that policy MP12 provides a simple policy that makes a positive statement in support of onshore oil and gas.

We have concerns with one element of the draft policy. There is inconsistency between the terms used in 'part 1 b' for exploration and appraisal and 'part 2 b' for commercial production. In 'part 1 b' the term 'unacceptable environmental impact' is used, but in 'part 2 b' the term 'least sensitive location' is used.

We wish to object to this element of the policy, which we believe needs to change. In our view the terms used should be the same. Regardless of whether it is exploration or commercial production the tests should be equally relevant. Reference to unacceptable environmental impact should be changed to "significant unacceptable environmental impact" because as currently worded all impact can be read as unacceptable. Furthermore the term 'least sensitive location' is subjective and therefore should be replaced with the term 'Are located where they will not have a significant unacceptable environmental impact'.

Overall, however we are pleased to note that policy MP12 takes account of the following key principles:

- The planning process for onshore oil and gas is one of five regulatory processes that are required under the current policy framework set by government. As such the proposed plan should include a review of each regulatory function and identify those areas which fall outside of the planning process. PPG 012 and PPG 112 make clear that planning authorities are not responsible for matters covered by other regulatory regimes. Minerals planning authorities *should assume that these regimes will operate effectively. Whilst these issues may be put before mineral planning authorities, they should not need to carry out their own assessment as they can rely on the assessment of other regulatory bodies.* This planning policy principle has been re-confirmed in a number of legal cases including most recently. (Frack Free Balcombe Residents Association) v West Sussex CC 2014.
- Unconventional gas is a national resource for the benefit of all. National policy recognises that minerals development has certain characteristics, such as temporary use over a long period of time and adverse impacts which may require mitigation (PPG 001); that impacts will vary from site to site (PPG 013); are best assessed through the EIA process but that does not mean that an EIA is necessarily required (PPG 011); and impacts are best controlled through the imposition of appropriate work programmes (PPG 015). Assessments and decisions should be made, and mitigation applied, on a case-by-case basis as envisaged by national policy. PPG 018 refers to the need for *any proposed separation distance [to] be established on a site specific basis and should be effective, properly justified and reasonable.*
- The point of appraisal is to understand the potential in any given area. At the point of making an application for an appraisal well it will not be possible to supply a completed appraisal of the hydrocarbon resource field because the purpose of the appraisal well is to help to gather such information.
- National policy does not require that production is undertaken within a specific timescale.

2.0 Response to Policy MP12

Having noted our support for policy MP12 we think it important to set down the reasons for our support and the factors that need to be taken into account when the policy is examined to ensure that no unnecessary or unsound amendments are proposed.

Background

Regulation 18 of the Development Plan Regulations requires the local planning authority to collect evidence and to identify key issues. Unconventional gas is one such key issue. National Planning Policy Framework (NPPF) states that each planning authority should ensure that their local plan is based on adequate, up-to-date and relevant evidence about the economic, social and environmental characteristics of the area. That evidence is required to be tightly focused on supporting and justifying particular policies in the Local Plan.

The UK Government's energy policies seek to encourage the use of natural resources indigenous to the UK as part of achieving self-sufficiency in energy production and increasing security of energy and gas supplies. This covers a range of onshore hydrocarbons that include inter alia; shale, coal bed methane and oil. The Local Plan requires a policy to cover all the hydrocarbons that are potentially found in the area licenced under the Petroleum Exploration & Licence (PEDL) regime and could be extracted over the plan period.

Onshore hydrocarbons are important to the UK because they are a potential long-term source of indigenous natural gas. These untapped energy resources have the potential to meet the UK's need for a secure and diverse energy supply. The Local Plan needs to recognise that there are a range of sources of this resource and policy should cover all onshore hydrocarbons, and recognise that the planning and other regulatory process provide sufficient safeguards to enable the LDP to contain a positive statement of support for the process, in line with the support given in NPPF.

Therefore, the Minerals Plan should address the full range of onshore hydrocarbon extraction including:

- Conventional onshore oil and gas development.
- Extraction of petroleum or hydrocarbon oils and gases by drilling and pumping.
- Capture of methane that has accumulated in mines.
- Coal bed methane and gas derived from shale reservoirs.

Onshore hydrocarbon exploration and development is incremental in nature with a phased approach to exploration, appraisal and production. The initial exploration phases, if successful, determine the strategy for the development of the PEDL area. With CBM, testing the ability of a coal seam to produce commercial volumes of gas cannot be achieved with the use of one borehole. Typically a number of boreholes will be drilled across a known isolated slab of coal within a Licence Area. These wells will then be pumped as a collective to have a uniform drainage effect on the coal. Commercial production will be determined by the volume of gas being produced when the volume of water that is being produced has reached a plateau. If the initial Pilot Test is successful additional wells are added to the initial appraisal cluster in order to scale up the production and commerciality of an area. Each well bore is expected to have a useful production life of up to 25 years.

Shale gas also requires a number of boreholes across the Licence area. These boreholes will be tested and, if commercial production is determined to be achievable, additional wells may be added to the initial cluster. Each shale wellbore is expected to have a useful production life of up to 25 years.

Similar principles apply to exploration of the other onshore hydrocarbon resources identified above. In every case there is strong regulation outside the planning process. Planning provides significant controls to monitor the land use implications. Having regard to these safeguards there is no reason for the Local Plan not to contain a positive statement of support through policy and its supporting text.

Support within the emerging Minerals Plan and future associated documents is therefore essential to enable long term onshore hydrocarbon development strategy to realise these nationally valuable resources.

Suggested Policy Approach

We support the draft policy MP12 and note that the suggested approach is informed by the Written Ministerial Statements (WMS) of May 2018 and May 2019 and the revised NPPF.

(a) Written Ministerial Statements

The WMS of May 2018 and May 2019 are material consideration and should be given great weight as a statement of national policy, especially given that the announcement is so recent. The WMS of May 2018 confirms its status by noting that *This Statement is a material consideration in ... decision-taking, alongside relevant policies of the existing National Planning Policy Framework (2012), in particular those on mineral planning (including conventional and unconventional hydrocarbons)*. The statement is also clear that *Shale gas development is of national importance. The Government expects Mineral Planning Authorities to give great weight to the benefits of mineral extraction, including to the economy. This includes shale gas exploration and extraction*. It therefore directly applies to the draft Local Plan minerals policies and confirms the importance to the country of undertaking the activity proposed by the development.

It is Government's view that there are potentially substantial benefits from the safe and sustainable exploration and development of our onshore shale gas resources. The Statement notes that *This joint statement should be considered in planning decisions and plan-making in England*. This confirms that Government considers there are potentially benefits arising from shale exploration. Again, we would anticipate that draft Minerals Plan will give great weight to this strategic factor.

WMS also states that *The UK must have safe, secure and affordable supplies of energy with carbon emissions levels that are consistent with the carbon budgets defined in our Climate Change Act and our international obligations. We believe that gas has a key part to play in meeting these objectives both currently and in the future*. It also observes that *Gas still makes up around a third of our current energy usage and every scenario proposed by the Committee on Climate Change setting out how the UK could meet its legally-binding 2050 emissions reduction target includes demand for natural gas*. Furthermore it states that *The UK must have safe secure and affordable supplies of energy" and estimates that we could be importing up to 72% of our gas by 2030*. This confirms that unconventional hydrocarbons does not conflict with climate change objectives, and that it is necessary to continue to explore for and ultimately extract gas in the UK in order to provide a local and secure source of gas.

On this basis, Government believe[s] that it is right to utilise our domestic gas resources to the maximum extent and exploring further the potential for onshore gas production from shale rock formations in the UK, where it is economically efficient, and where environment impacts are robustly regulated. INEOS considers that unconventional hydrocarbons have a material benefit in the form of information to help assess the future potential for shale gas extraction in this area of the country, and that it accords with the requirement to assess environmental effects robustly.

The WMS notes that a new shale gas exploration and production sector could provide a new economic driver and that the sector could create a "new model" of the most environmentally robust onshore shale gas sector. Without developments progressing, these opportunities will not be realised.

It also sets out proposals to consult on whether certain unconventional hydrocarbons development should in fact be considered to be permitted development. This indicates that Government's view is that this type of development is not likely to have significant enough effects to warrant express planning control.

The Secretary of State on 23rd May 2019 reiterated support for the onshore oil and gas industry in planning terms:

On the 6th of March 2019, Mr Justice Dove handed down his judgment in the case of Stephenson vs SoS MHCLG [2019] EWHC 519 (Admin). In accordance with the terms of the Court Order, paragraph 209(a) of the National Planning Policy Framework has been quashed.

For the avoidance of doubt the remainder of the National Planning Policy Framework policies and, in particular, Chapter 17 on 'Facilitating the Sustainable Use of Minerals' remain unchanged and extant.

For the purposes of the National Planning Policy Framework, hydrocarbon development (including unconventional oil and gas) are considered to be a mineral resource. Specific policy on the planning considerations associated with their development is set out at paragraphs 203-205 and the remainder of 209 of the National Planning Policy Framework. In particular, paragraph 204(a) of the National Planning Policy Framework states that planning policies should "provide for the extraction of mineral resources of local and national importance" with paragraph 205 stating that "[w]hen determining planning applications, great weight should be given to the benefits of mineral extraction, including to the economy".

In addition, the Written Ministerial Statements of 16th September 2015 on 'Shale Gas and Oil Policy' and 17th May 2018 on 'Planning and Energy Policy' also remain unchanged and extant. The Written Ministerial Statements sit alongside the National Planning Policy Framework. Planning Practice Guidance is also unaffected by the ruling.

This suite of policies and guidance remain material considerations in plan making and decision taking for hydrocarbon development and they should be afforded appropriate weighting as determined by the decision maker.

We remain committed to the safe and sustainable exploration and development of our onshore shale gas resources.

In summary, the text of the Minerals Plan should take account of the following points made in the two recent WMS, which show consistency in Government policy approach and should then be reflected in the drafting of policy:

- Shale gas development is of national importance. The Government expects Mineral Planning Authorities to give great weight to the benefits of mineral extraction, including to the economy. This includes shale gas exploration and extraction.
- Mineral Plans should reflect that minerals resources can only be worked where they are found and applications must be assessed on a site by site basis and having regard to their context. Plans should not set restrictions or thresholds across their plan area that limit shale development without proper justification.
- The Government expects minerals planning authorities to recognise the fact that Parliament has set out in statute the relevant definitions of hydrocarbon, natural gas and associated hydraulic fracturing. In addition, these matters are described in Planning Practice Guidance, which Plans must have due regard to.

- Consistent with this Planning Practice Guidance, policies should avoid undue sterilisation of mineral resources (including shale gas).

We believe that the text as drafted adopts these principles and should not be altered if it is to remain sound and to reflect Government policy.

(b) Publication of new NPPF

Paragraph 209, as originally published, stated that minerals planning authorities should:

- a) *recognise the benefits of on-shore oil and gas development, including unconventional hydrocarbons, for the security of energy supplies and supporting the transition to a low-carbon economy; and put in place policies to facilitate their exploration and extraction;*
- b) *when planning for on-shore oil and gas development, clearly distinguish between, and plan positively for, the three phases of development (exploration, appraisal and production), whilst ensuring appropriate monitoring and site restoration is provided for;*

Subsequently the High Court quashed paragraph 209(a) of the NPPF due to a lack of proper consultation. However the rest of the NPPF and in particular the parts that are supportive of development of this type are unaffected.

Given the nature of the Judicial Review challenge, it was a flaw in the consultation process that was carried out rather than any express or implied admission on the part of the UK Government that its position as set out in para 209 (a) was wrong, that led to the revision. As the most recent WMS of 23rd May 2019 pointed out, the remainder of the previous supportive suite of WMSs and the remainder of para 209 which urges mineral planning authorities to plan “positively” for each of the stages of onshore unconventional oil and gas development, remain in place.

Response to Policy MP12

As noted above we are largely supportive of policy MP12. However, if it were to be suggested that policy MP12 should be significantly amended INEOS would wish to put forward revised text to the anticipated Minerals Plan Examination as set out in our earlier representations to the draft Minerals Plan:

Oil and Gas Development

Exploration

1. *Proposals for hydrocarbon exploration will be supported provided they do not give rise to any unacceptable impacts on the environment and residential amenity.*

Appraisal

2. *Where hydrocarbons are discovered, proposals to appraise, drill and test the resource will be permitted provided that they are consistent with an overall scheme for the appraisal and delineation of the resource and do not give rise to any unacceptable impacts on the environment and residential amenity.*

Extraction

3. *Proposals for the extraction of hydrocarbons will be supported provided they are consistent with an overall scheme for enabling the full development of the resource and do not give rise to unacceptable impacts on the environment and residential amenity.*
4. *Where proposals for hydrocarbon development coincide with areas containing other underground mineral resources evidence must be provided to demonstrate that their potential for future exploitation will not be unreasonably affected.*

Restoration

5. *All applications for hydrocarbon development will be accompanied with details of how the site will be restored once the development is no longer required.*

This suggested policy is positively worded. It notes that the main concerns are with the environment and residential amenity but as there are other policies dealing with such impacts, each containing assessment criteria, the oil and gas development policy of the plan does not

need to list these considerations in its policy. The supporting text should provide background and justification, which links to the National Planning Policy Framework and other Government policies, and the PEDLs are mapped and safeguarded.

This approach to policy wording will ensure that the policy is in accordance with Government Guidance, in particular the WMS of May 2018 and May 2019 and NPPF.

In support of this policy approach, we suggest that the following supporting text should also be included within the Minerals Plan:

The UK Government's energy policies seek to encourage the use of natural resources indigenous to the UK as part of achieving self-sufficiency in energy production and increasing security of energy and gas supplies. On-shore hydrocarbon extraction is comprehensively regulated. The Department of Energy and Climate Change has awarded a Petroleum, Exploration and Development Licence (PEDL) for an area within the Council's area.

Onshore hydrocarbons provide an opportunity to extract a nationally important natural energy resource without the environmental impact normally associated with minerals extraction.

The extraction of CBM and shale gas will be incremental and involve more than one exploration and production site. Due to advanced drilling techniques, these sites can be up to 1km apart.

Exploration and development rights granted through a PEDL create land use rights across the licence area, subject to obtaining necessary site specific consents. Safeguarding is important because rights create a land use consideration that may be a material factor in assessing other land use proposals in the area. It is a potential land use consideration that others using the planning service need to take into account.

The PEDL licence does not create automatic development rights and the effects may not apply equally across the PEDL area. Due to the nature of the resource and the location, it is important that it is safeguarded where it is present. It is important that the extent of the PEDL is identified in the Plan and its consequences explained.

3.0 Response to other draft policies

The remainder of the plan deals with key issues to be taken into account in determining applications at all stages of the process. Our comments regarding the principles that should be incorporated into policies DM1 – DM17 inclusive are as follows:

High operating standards – in terms of hours of operation, there needs to be some recognition of the possibility of 24 hour working. This can be satisfactorily accommodated depending on a particular site's characteristics.

Noise – the stated noise requirement should reflect planning conditions used elsewhere and should not raise new or more onerous constraints.

Air Quality – this references what is required by other regulatory regimes. It is important that the planning system does not introduce a more onerous test than the regulatory system primarily used to control this issue.

Surface and ground water protection – planning should not impose more onerous controls than those required by other regulatory regimes

Flaring - planning should not impose more onerous controls than those required by other regulatory regimes

Landscape and visual impacts – the requirement to agree what action is appropriate should be determined on a site by site basis. This is an activity that will inevitably have some visual impact. Whilst that impact can be mitigated it needs to be set in the context of wider benefits and the industry should not be subject to more onerous requirements than other extractive industries.

Traffic and transport – the requirement to agree what action is appropriate should be determined on a site by site basis.

Flood risk – controls should be as per normal planning conditions.

Heritage assets – controls should be as per normal planning conditions.

Nature conservation - controls should be as per normal planning conditions.

From: MG Planning [REDACTED]
Sent: 10 October 2019 12:58
To: Planning Policy
Subject: Nottinghamshire Minerals Local Plan - Representation
Attachments: Appendix 1 - Drg No F18 15 01.pdf; Notts representation-form MLP Submission version Oct 2019 - MGL objections.pdf

Follow Up Flag: Follow up
Flag Status: Completed

Please see attached the representation to the Nottinghamshire Minerals Local Plan made by Mick George Ltd. I trust that someone can confirm safe receipt of both attachments.

Kind regards

Kelly Sanderson
Planning Assistant



Tel: 01480 499152 Mob: [REDACTED]
www.mickgeorge.co.uk



6 Lancaster Way, Ermine Business Park, Huntingdon, PE29 6XU

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Representation Form

This is the representation form for the Nottinghamshire Minerals Local Plan - Publication Version published by Nottinghamshire County Council. The Publication Version and the supporting information can be found online at www.nottinghamshire.gov.uk/minerals. You can submit your representations online via our interactive system by using this link.

The formal representation period is open from Friday 30th August 2019 to 4.30pm Friday 11 October. All representations must be received during this period.

If you wish to submit a representation to the Plan using this form, please complete all parts and then send it to us via email or post, using the addresses below. Please note:

- **All respondents need to provide their personal details.** It is not possible for representations to be anonymous. All responses will be made public.
- **Representations must be on the basis of the ‘soundness’ of the plan or its legal and Duty to Co-operate compliance.** Please read the guidance note on this for further information.
- **Part B of the form contains your representations.** Please fill in a separate Part B for each representation you wish you make. You only need to fill in Part A once.
- **If you are part of a group that share a common view,** it would be helpful for that group to send a single representation rather than multiple copies stating the same point. Please indicate how many people are represented and how it has been authorised (e.g. by means of a list with contact details for each person or by a committee vote). This holds the same weight as separately submitted representations.

If you have any queries please contact us as below or ring us on 0300 500 80 80.

Please return completed forms to:

✉ Planning Policy Team
County Hall, West Bridgford,
Nottingham, NG2 7QP

✉ planning.policy@nottscc.gov.uk

We must receive your representations before 4.30pm, Friday 11th October 2019.

Representations received after this cannot be accepted.

All of the representations received will be submitted with the Plan and will be examined by a planning inspector who will consider whether the Plan is ‘sound’ and complies with the legal requirements.

Nottinghamshire County Council’s Planning Policy Service is committed to protecting your privacy and ensuring all personal information is kept confidential and safe. View our privacy notice at www.nottinghamshire.gov.uk/privacy

Part A – Personal details

Office use only

Person No:

Rep Nos:

	1. Personal details	2. Agent details (where applicable)
Title	Mr	
First name	John	
Last name	Gough	
Address line 1	Mick George Ltd, 6 Lancaster Way	
Address line 2	Ermine Business Park	
Address line 3	Huntingdon	
Postcode	PE29 6XU	
Email	planning@mickgeorge.co.uk	
<i>For those replying on behalf of an organisation or group:</i>		
Organisation	Mick George Ltd	
Job title	Planning Director	

Part B – Your representation

Office use only Person No: Rep No:
--

Please read the guidance note before completing this section.

Name or organisation: Mick George Ltd

3. To which part of the Local Plan does this representation relate?

Policy	SO1	Site code		Map/Plan		Paragraph		Other	
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4. Do you consider the identified part of the Local Plan to be:

Legally compliant?	Yes	X	No	
Sound?	Yes		No	X
Complies with the Duty to co-operate	Yes		No	

Please tick as appropriate.

5. Please give details of why you consider the identified part of the Local Plan is not legally compliant or is unsound, or fails to comply with the duty to co-operate. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

(Continue on a separate sheet/expand Strategic Objective SO1

1. MGL objects to SO1. Whilst the aspiration in SO1 to increase the levels of aggregate recycling and the use of alternatives from secondary and recycled sources appears laudable it is not supported by the conclusions of the Notts LAA (Oct 2018) paragraphs 3.24 & 3.30. This remarks that national estimates suggest that around 80-90% of construction and demolition waste is re-used or recycled (in fact, in 2016 only 4% of mineral wastes in England which comprises 'typically construction materials such as bricks, stone and road planings that are converted into usable aggregates' were landfilled). Moreover, the LAA observes that availability of PFA and FBA is likely to disappear by 2025 (paragraph 3.28). The scope for material changes to the substitution of primary minerals needed for development by secondary and recycled sources in these circumstances is very low and the Plan should be realistic about what it can achieve. We therefore question whether increasing the levels of aggregate recycling should be a policy objective given that the potential is already saturated.
2. National policy instructs mpas to "take account of the contribution that substitute or secondary and recycled materials and minerals waste would make to the supply of materials" (NPPF para 204b) and to make "an assessment of all supply options (including marine dredged, secondary and recycled sources)" in their LAAs (NPPF para 207a). However, there is no obligation to increase levels of recycling when all the evidence points to maximum uptake already and it is misleading to make this a major policy objective because it turns attention away from the urgent and pressing need for the extraction of more primary materials. This part of the policy objective should be deleted.
3. The objective to prioritise the improved use or extension of existing sites before considering new locations is also the subject of strong objection. This is misguided and contrary to national practice guidance. In answer to previous representations, the County council has said "National policy has sustainable development at its heart. The ability to use existing plant and infrastructure, and ensure economic mineral reserves are not otherwise sterilised, is seen as the most sustainable approach. This is consistent with national policy." (Consultation Summary Document page 4).
4. However, NPPF contains no such provision of a policy preference for extensions. In the absence of an explicit statement of national policy it remains to be seen if Planning Practice Guidance is of any help. Under the general heading of "Planning for Minerals" PPG (para 027-010-20140306) advises in answer to the question, "Under what circumstances would it be preferable to focus on extensions to existing sites rather than plan for new sites" that there are cons as well as pros when considering extensions and new sites, and that therefore "The suitability of each proposed site, whether an extension to an existing site or a new site, must be considered on its individual merits." That being the case, national guidance would appear to exclude the possibility of a policy preference for extensions; else how could an mpa show that it had considered and weighed the relative merits of extensions against new sites? In practice, a common policy bias against new sites results in a serious barrier to entry to the market which has been recognised in reports published by the Office of Fair Trading and the Competition Commission (now replaced by the Competition and Markets Authority).
5. The OFT raised concerns about competition between companies in the Aggregates Sector and its report published in 2011 (OFT 1358) said "Barriers to entry: both the aggregates sector and the cement sector feature high barriers to entry in terms of the difficulty of obtaining planning permission and physical capital requirements. Elements of the planning system for aggregates in particular create substantial barriers to entry by favouring incumbents over new entrants."
6. The Competition Commission's final report into the Aggregates and Concrete Sector concluded that because it was easier to get an extension "...this implies that existing producers have an incumbency advantage over new entrants by favouring extensions of existing quarries over developing new sites." (para 11.4)
7. However, national practice guidance remains clear that each applicant should be allowed to make a case for new working without being hamstrung by a policy bias in favour of extensions. MGL asserts that the claimed advantages of extensions over new sites must be demonstrated before d box if necessary)
8. Reason for proposed change: text is not consistent with national policy and guidance, is not effective and is not justified.

6. Please set out what change(s) you consider necessary to make the identified part of the Local Plan legally compliant or sound, in respect of any legal compliance or soundness matters you have identified above. (please note that non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

(Continue on a separate sheet/expand box if necessary)

1. MGL therefore opposes both statements in **SO1** and suggests a rewording

~~“Ensure more efficient exploitation and use of primary mineral resources by minimising waste, increasing levels of aggregate recycling and the use of alternatives from secondary and recycled sources. Secure a spatial pattern of mineral development that efficiently delivers resources to markets within and outside Nottinghamshire. Prioritise the improved use or extension of existing sites before considering new locations. Make use of sustainable modes of transport.”~~

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

7. If your representation is seeking modification to the plan, do you consider it necessary to participate in the examination hearing session(s)?

No , I do not wish to participate in the hearing session(s)	
Yes , I wish to participate in the hearing session(s)	Yes


Please note that while this will provide an initial indication of your wish to participate in the hearing session(s), you may be asked at a later point to confirm your request to participate.

8. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

Mick George Ltd is one of the leading suppliers to the construction industry in East Anglia and the East Midlands, specialising in providing bulk excavation & earthmoving services, aggregate supply and waste management services, with quarries, landfill sites and waste transfer stations spread across Northamptonshire, Cambridgeshire, Lincolnshire, Bedfordshire and Hertfordshire.

The issues and arguments surrounding minerals supply are technically complicated and specialised. They require to be discussed in open forum.

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

Signature		Date	10 th October 2019
Name	John Gough		

Part B – Your representation

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Person No:

Rep No:

Please read the guidance note before completing this section.

Name or organisation: Mick George Ltd

3. To which part of the Local Plan does this representation relate?

Policy	SO2	Site code		Map/Plan		Paragraph		Other	
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4. Do you consider the identified part of the Local Plan to be:

Legally compliant?	Yes	X	No	
Sound?	Yes		No	X
Complies with the Duty to co-operate	Yes		No	

Please tick as appropriate.

5. Please give details of why you consider the identified part of the Local Plan is not legally compliant or is unsound, or fails to comply with the duty to co-operate. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

(Continue of Strategic Objective SO2 Providing an adequate supply of minerals

1. MGL objects to the omission of any reference in the objective to the reservation of productive capacity which is essential to the provision of a steady and adequate supply of minerals in accordance with national policy. This is because provision may be concentrated in a few sites, or may not be available in the plan period, or may not be in right places, or may not endure for the duration of the plan. It is essential to preserve the ability of sites to produce at least the MLP average provision figure throughout the plan period
2. .Reason for proposed change: text is not consistent with national policy.

6. Please set out what change(s) you consider necessary to make the identified part of the Local Plan legally compliant or sound, in respect of any legal compliance or soundness matters you have identified above. (please note that non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

(Continue on a separate sheet/expand box if necessary)

Accordingly, SO2 should be reworded as follows,

Assist in creating a prosperous, environmentally sustainable and economically vibrant County through an adequate supply of all minerals to assist in economic growth both locally and nationally. Provide sufficient land to enable a steady and adequate supply of minerals over the plan period **which at the least maintains the capacity of sites to meet forecast output levels in the Plan.**

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

7. If your representation is seeking modification to the plan, do you consider it necessary to participate in the examination hearing session(s)?

No , I do not wish to participate in the hearing session(s)	
Yes , I wish to participate in the hearing session(s)	Yes


Please note that while this will provide an initial indication of your wish to participate in the hearing session(s), you may be asked at a later point to confirm your request to participate.

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Mick George Ltd is one of the leading suppliers to the construction industry in East Anglia and the East Midlands, specialising in providing bulk excavation & earthmoving services, aggregate supply and waste management services, with quarries, landfill sites and waste transfer stations spread across Northamptonshire, Cambridgeshire, Lincolnshire, Bedfordshire and Hertfordshire.

The issues and arguments surrounding minerals supply are technically complicated and specialised. They require to be discussed in open forum.

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

Signature		Date	10 th October 2019
Name	John Gough		

Part B – Your representation

Office use only

Person No:

Rep No:

Please read the guidance note before completing this section.

Name or organisation: Mick George Ltd

3. To which part of the Local Plan does this representation relate?

Policy	SO5	Site code		Map/Plan		Paragraph		Other	
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4. Do you consider the identified part of the Local Plan to be:

Legally compliant?	Yes	X	No	
Sound?	Yes		No	X
Complies with the Duty to co-operate	Yes		No	

Please tick as appropriate.

5. Please give details of why you consider the identified part of the Local Plan is not legally compliant or is unsound, or fails to comply with the duty to co-operate. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

(Continue on a separate sheet/expand box if necessary)

Strategic Objective SO5 The Built, Historic and Natural Environment

1. MGL objects to the lack of clarity in this objective where the various levels of policy protection are not indicated. We realise that this is covered in detail in the DM policies, but since this is a strategic policy it deserves to be more than a list of constraints. NPPF is clear that there is a hierarchy of nature conservation sites which merit different treatments and degrees of protection. Similarly, it acknowledges that heritage assets differ in terms of their significance. If this point is not addressed in the policy it risks oversimplifying national policy and being in conflict with other parts of the plan.
2. Reason for proposed change: text is not consistent with national policy.

6. Please set out what change(s) you consider necessary to make the identified part of the Local Plan legally compliant or sound, in respect of any legal compliance or soundness matters you have identified above. (please note that non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

(Continue on a separate sheet/expand box if necessary)

1. Accordingly, SO5 should be reworded as follows,

All mineral development proposals will be required to deliver a high standard of environmental protection and enhancement to ensure that there are no unacceptable impacts on the built, historic and natural environment. The consideration of impacts will include effects on:

- Nature conservation (**in accordance with the hierarchy of international, national and locally designated sites** ~~designated and non-designated sites/species~~);
- Sites of geological interest;
- Heritage assets (**in accordance with the significance of the asset** ~~designated and non-designated~~) and their setting and other cultural assets;
- Landscape and townscape character;
- Best and most versatile agricultural land and soils;
- Air quality;
- Water quality and supply;
- Flood risk;
- Highways;
- Infrastructure;
- Community amenity.

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

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7. If your representation is seeking modification to the plan, do you consider it necessary to participate in the examination hearing session(s)?

No , I do not wish to participate in the hearing session(s)	
Yes , I wish to participate in the hearing session(s)	Yes


Please note that while this will provide an initial indication of your wish to participate in the hearing session(s), you may be asked at a later point to confirm your request to participate.

8. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

Mick George Ltd is one of the leading suppliers to the construction industry in East Anglia and the East Midlands, specialising in providing bulk excavation & earthmoving services, aggregate supply and waste management services, with quarries, landfill sites and waste transfer stations spread across Northamptonshire, Cambridgeshire, Lincolnshire, Bedfordshire and Hertfordshire.

The issues and arguments surrounding minerals supply are technically complicated and specialised. They require to be discussed in open forum.

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

Signature		Date	10 th October 2019
Name	John Gough		

Part B – Your representation

Office use only

Person No:

Rep No:

Please read the guidance note before completing this section.

Name or organisation: Mick George Ltd

3. To which part of the Local Plan does this representation relate?

Policy	So6 & SO8	Site code		Map/Plan		Paragraph		Other	
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4. Do you consider the identified part of the Local Plan to be:

Legally compliant?	Yes	X	No	
Sound?	Yes		No	X
Complies with the Duty to co-operate	Yes		No	

Please tick as appropriate.

5. Please give details of why you consider the identified part of the Local Plan is not legally compliant or is unsound, or fails to comply with the duty to co-operate. Please be as precise as possible.

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(Continue on a separate sheet/expand box if necessary)

Strategic Objectives SO6 & SO8

1. MGL has identified a conflict between SO6 & SO8. Good planning is about the reconciling of competing objectives for land, and a good plan will highlight this and propose appropriate policies to manage the conflict. In Nottinghamshire, where a significant proportion of mineral bearing land is underlain by high quality soils, and where there is a shortage of fill material for restoration, there is a clear potential for conflict between the competing objectives of maximising net biodiversity gain, and one in which the long-term potential of best and most versatile agricultural soils is safeguarded, but this is not evident from the strategic objectives. In cases where there is a conflict, MGL proposes that the plan and the strategic objectives should identify this. Accordingly, MGL suggests a rewording of SO6,
2. The reason for the proposed change is that the text is not justified.

6. Please set out what change(s) you consider necessary to make the identified part of the Local Plan legally compliant or sound, in respect of any legal compliance or soundness matters you have identified above. (please note that non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

(Continue on a separate sheet/expand box if necessary)

Accordingly, MGL suggests a rewording of SO6,

“Conserve and enhance Nottinghamshire’s natural environment including its distinctive landscapes, habitats, geology, wildlife species and ecological health of water bodies by avoiding, minimising and mitigating potential negative impacts.

Maximise net biodiversity gain by enhancing and re-connecting existing habitat and creating new habitat through a landscape-scale approach **safeguarding best and most versatile soils where appropriate**. Support minerals development that provides long term enhancements to landscape character and avoids damaging the highest quality landscapes.”

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

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7. If your representation is seeking modification to the plan, do you consider it necessary to participate in the examination hearing session(s)?

No , I do not wish to participate in the hearing session(s)	
Yes , I wish to participate in the hearing session(s)	Yes


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Signature		Date	10 th October 2019
Name	John Gough		

Part B – Your representation

Office use only

Person No:

Rep No:

Please read the guidance note before completing this section.

Name or organisation: Mick George Ltd

3. To which part of the Local Plan does this representation relate?

Policy	SP1	Site code		Map/Plan		Paragraph		Other	
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4. Do you consider the identified part of the Local Plan to be:

Legally compliant?	Yes	X	No	
Sound?	Yes		No	X
Complies with the Duty to co-operate	Yes		No	

Please tick as appropriate.

5. Please give details of why you consider the identified part of the Local Plan is not legally compliant or is unsound, or fails to comply with the duty to co-operate. Please be as precise as possible.

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(Continue on a separate sheet/expand box if necessary)

Policy SP1 Mineral Provision

1. MGL opposes Policy SP1 – Mineral Provision and in particular part b) of the strategy which is to give priority to the extension of existing sites. Not only is this contrary to national guidance, but it also entrenches an uncompetitive market by preferring incumbent operators and raising barriers to entry to the local aggregates market to new firms, and it has not been shown to be justified by evidence.
2. PPG paragraph 27-010 specifically states in answer to the question, “Under what circumstances would it be preferable to focus on extensions to existing sites rather than plan for new sites?” that “The suitability of each proposed site, whether an extension to an existing site or a new site, must be considered on its individual merits...” There is therefore no allowance for a policy preference as the Plan seeks to have; all sites must be treated on their merits, and the evidence should be presented to be able to judge whether the comparative merits in each case have been examined. We suggest that the policy preference set out in this policy and explained in paragraph 3.10 is contrary to national guidance and should be removed.

6. Please set out what change(s) you consider necessary to make the identified part of the Local Plan legally compliant or sound, in respect of any legal compliance or soundness matters you have identified above. (please note that non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

(Continue on a separate sheet/expand box if necessary)

3. Reason for proposed change: text is not consistent with national policy.

4. Accordingly,

Policy SP1 – Minerals Provision

1. The strategy for the supply of minerals in Nottinghamshire is as follows:

- a) Identify suitable land for mineral extraction to maintain a steady and adequate supply of minerals during the plan period;
- b) ~~Give priority to the extension of existing sites, where economically, socially and environmentally acceptable;~~
- c) Allow for development on non-allocated sites where a need can be demonstrated; and
- d) Ensure the provision of minerals in the plan remains in-line with wider economic trends through regular monitoring.

5. MGL also doubts that the level of provision has been arrived at with due regard to part d) of the strategy since the way the provision has been calculated fails to take account of such wider economic trends.

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No , I do not wish to participate in the hearing session(s)	
Yes , I wish to participate in the hearing session(s)	Yes


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The issues and arguments surrounding minerals supply are technically complicated and specialised. They require to be discussed in open forum.

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Signature		Date	10 th October 2019
Name	John Gough		

Part B – Your representation

Office use only

Person No:

Rep No:

Please read the guidance note before completing this section.

Name or organisation: Mick George Ltd

3. To which part of the Local Plan does this representation relate?

Policy	SP2	Site code		Map/Plan		Paragraph		Other	
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4. Do you consider the identified part of the Local Plan to be:

Legally compliant?	Yes	X	No	
Sound?	Yes		No	X
Complies with the Duty to co-operate	Yes		No	

Please tick as appropriate.

5. Please give details of why you consider the identified part of the Local Plan is not legally compliant or is unsound, or fails to comply with the duty to co-operate. Please be as precise as possible.

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(Continue on a separate sheet/expand box if necessary)

Policy SP2 – Biodiversity-Led Restoration

1. MGL objects to Policy SP2 – Biodiversity-Led Restoration and in particular part 1 of the policy which does not clarify sufficiently the potential conflict with the type of restoration sought and the need to preserve the long term potential of best and most versatile soils. Although there is a useful and welcome mention in paragraph 3.14 of the recognition that agricultural afteruses might be compatible with biodiversity objectives, there is no discussion of the potential conflicts that occur with other environmental objectives or of the realities of mineral working in the justification text. For example, in paragraphs 3.23-3.25 there is a list of priority habitats but no recognition of how this might fit in with safeguarding BMV soils. Moreover, it is expected in the creation of open water areas will be minimised (paragraph 3.26) although in the absence of fill material with which to create land areas this will not be possible to achieve.
2. The confusion over policy objectives is also apparent in paragraph 5.130 of the Plan where it is said, “Where the proposed after use is to be one which requires little or no soil, e.g. a lake or a nature reserve requiring impoverished soil resources, it would be better for soils to be removed from site and used beneficially elsewhere.” This requirement may not be a wise choice since surplus soils are often needed as fill for marginal lake habitats in order to create the biodiversity sought by national and local policy and to reduce areas of open water.
3. Furthermore, any reference to “soils” should make clear this relates to “topsoil”. It would appear irrational to export subsoil materials offsite.
4. MGL is seeking the acknowledgement that agricultural afteruses are still important for the best soils for inclusion in the policy to aid clarification of potentially conflicting objectives.
5. The reason for the proposed changes is that the policy is not justified or effective.

6. Please set out what change(s) you consider necessary to make the identified part of the Local Plan legally compliant or sound, in respect of any legal compliance or soundness matters you have identified above. (please note that non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

(Continue on a separate sheet/expand box if necessary)

1. Accordingly,

Policy SP2 – Biodiversity-Led Restoration

1. Restoration schemes that seek to maximise biodiversity gains in accordance with the targets and opportunities identified within the Nottinghamshire Local Biodiversity Action Plan will be supported. **Best and Most Versatile Soils may be returned to an agricultural afteruse in appropriate cases.**

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

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7. If your representation is seeking modification to the plan, do you consider it necessary to participate in the examination hearing session(s)?

No , I do not wish to participate in the hearing session(s)	
Yes , I wish to participate in the hearing session(s)	Yes


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The issues and arguments surrounding minerals supply are technically complicated and specialised. They require to be discussed in open forum.

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Signature		Date	10 th October 2019
Name	John Gough		

Part B – Your representation

Office use only Person No: Rep No:
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Please read the guidance note before completing this section.

Name or organisation: Mick George Ltd

3. To which part of the Local Plan does this representation relate?

Policy	SP4	Site code		Map/Plan		Paragraph	3.41-3.43	Other	
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4. Do you consider the identified part of the Local Plan to be:

Legally compliant?	Yes	X	No	
Sound?	Yes		No	X
Complies with the Duty to co-operate	Yes		No	

Please tick as appropriate.

5. Please give details of why you consider the identified part of the Local Plan is not legally compliant or is unsound, or fails to comply with the duty to co-operate. Please be as precise as possible.

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Policy SP4 – Sustainable Transport

1. Whilst the objective of the policy is laudable certain considerations are either not clear, or have been missed.
2. Firstly, the supporting text rather oversimplifies the provision of alternative transport for minerals by only mentioning the long distances over which rail is viable. For example, in addition to this requirement the provision of rail or barge transport absolutely requires immediate proximity to the transport route, the ability to provide loading facilities at the quarry, plus a network of receiving depots or a concentrated market location, a large output to support the investment and a large reserve to amortise the investment, none of which gets a mention. This results in a seriously misleading impression that not to offer alternatives to road transport is a matter of choice. Rail transport is extremely rare given that there are over 500 aggregate quarries only 30 or so of which are rail connected. Barge transport is even rarer. There is for the vast majority of cases no choice other than road transport and this needs to be firmly understood by planners and the public. It is proper to require consideration of rail and barge where appropriate but this should not be underestimated.
3. Secondly, minimising travel is a major consideration of national policy for sustainable transport (NPPF para 103). Therefore, it follows that in a local policy on sustainable transport similar considerations will apply. Not only does this relate to the use of alternative transport modes but also to that which reduces the levels of imports to an area, where local material can be used instead, which is a different point to sites being in close proximity to markets; this is about reducing the levels of material traded unnecessarily between areas. This is in accordance with the Plan which says that sand and gravel is a relatively low cost mineral and is not generally cost effective to transport over long distances. Thus where sand and gravel is transported over considerable distances (of up to 70 miles) it indicates there is a severe shortage of material in the market. The plan should actively seek to provide minerals supplies indigenously in accordance with national policy and should repatriate material imported from other areas, if it can be supplied locally.
4. Moreover, the policy should encourage the “backhauling” of materials such that site that utilise inert waste to aid in the restoration, should be encouraged to transport such material using the same material exporting mineral wherever practicable to do so. Such a proposal is wholly compliant with basic sustainable objectives reducing CO₂ levels considerably.
5. The observation that pipelines and conveyors can be used to transport minerals internally needs to be qualified by several practical realities. There are environmental advantages in the use of a conveyor over dumptrucks; it can be generally less obtrusive, quieter and less dusty. However, it could raise problems with maintenance, power supply, vulnerability to vandalism, and is relatively inflexible requiring the transport of large quantities of mineral from a fixed point to be economically viable. The use of pipeline is even more environmentally beneficial because it eliminates almost all forms of adverse environmental impact but clearly demands a wet working and substantial investment. The size of the site, its reserves, the distance to the processing plant, the nature of the mineral and the shape of the site plus its location all contribute towards decisions about whether alternative means of transport to dumptrucks is viable.
6. It may be objected that such objections do not go to the issue of soundness. However, MGL would argue that if the Plan is to make references to alternative means of transport, it should not mislead by being oversimplistic in its explanations lest users of the plan get the wrong idea.
7. The reasons for the proposed changes are that the policy and text is not justified or effective.

6. Please set out what change(s) you consider necessary to make the identified part of the Local Plan legally compliant or sound, in respect of any legal compliance or soundness matters you have identified above. (please note that non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

(Continue on a separate sheet/expand box if necessary)

1. Accordingly,

Policy SP4 – Sustainable Transport

1. All mineral proposals should seek to maximise the use of sustainable forms of transport, including barge and rail **where appropriate and viable**.
2. Where it can be demonstrated that there is no viable alternative to road transport, all new mineral working and mineral related development should be located as follows:
 - a) within close proximity to existing or proposed markets to minimise transport movement; and
 - b) within close proximity to the County's main highway network and existing transport routes in order to avoid residential areas, minor roads, and minimise the impact of road transportation.
3. Proposals requiring the bulk transport of minerals, minerals waste/fill or materials/substances used for the extraction of minerals by road will be required to demonstrate that more sustainable forms of transport are not viable.
4. **Proposals for mineral development will be supported where unnecessary imports are reduced or avoided.**
5. **Where a quarry development involves the importation of inert waste, "backhauling" of such material should be encouraged.**

Paragraphs 3.41-3.43

3.41 Wherever possible therefore, minerals sites should be located close to their end market in order to minimise overall transport distances. **This means that unnecessary imports should be avoided where suitable mineral is available locally.** However, this will not always be feasible where the site is needed to supply a regional or national market and so the promotion of alternative, more sustainable forms of transport such as barge or rail transport is important.

3.42. Sand and gravel is a relatively low-cost mineral and is not generally cost effective to transport over long distances **although it is increasingly being traded over long distances where there are acute shortages locally.** However, **in favourable circumstances** it can be transported economically over long distances by water **if suitable infrastructure is available and other criteria are satisfied.** Barge transport has historically been used to transport sand and gravel along the River Trent to Yorkshire and Humberside from Besthorpe quarry north of Newark. Studies have shown there is potential to increase water-borne freight on parts of the river. However, restrictions on barge sizes upstream of Cromwell Lock may restrict the viability of barging minerals downstream to Nottingham.

3.43. Rail transport of minerals is possible, but expensive, and therefore only likely to be viable over very long distances. Its potential use will also depend upon on **a number of critical criteria including whether there is sufficient infrastructure and capacity on the rail network, whether the source quarry is located on the rail network itself, whether a link can be created to the railway, whether there is space within the quarry to locate a siding, whether there is a network of receiving depots, and whether a high output and large reserves are present to support heavy investment.** In some cases Pipelines and conveyors can be used to move minerals on-site from the extraction area to the processing plant reducing the need to use heavy machinery minimising noise and dust **but only if the quarry working scheme can accommodate a fixed point transport system in the long term over long distances. There are also security issues with fixed point transport systems which lack flexibility and potential problems in supplying power to remote locations.** In certain cases it may be possible to use conveyors or pipelines to import fill materials such as power station ash on to

quarries as part of the restoration although this is only possible if the source of the material is close by.

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No , I do not wish to participate in the hearing session(s)	
Yes , I wish to participate in the hearing session(s)	Yes


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Signature		Date	10 th October 2019
Name	John Gough		

Office use only Person No: Rep No:
--

Part B – Your representation

Please read the guidance note before completing this section.

Name or organisation: Mick George Ltd

3. To which part of the Local Plan does this representation relate?

Policy	SP5	Site code		Map/Plan		Paragraph	3.56, 3.57, 3.63	Other	
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4. Do you consider the identified part of the Local Plan to be:

Legally compliant?	Yes	X	No	
Sound?	Yes		No	X
Complies with the Duty to co-operate	Yes		No	

Please tick as appropriate.

5. Please give details of why you consider the identified part of the Local Plan is not legally compliant or is unsound, or fails to comply with the duty to co-operate. Please be as precise as possible.

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(Continue on a separate sheet/expand box if necessary)

Policy SP5 The Built, Historic and Natural Environment

1. MGL considers the policy and its supporting text to be deficient in a number of respects. These include statements relating to agricultural land quality and infrastructure. Policy SP5 does not deal with potential conflicts between different policy areas, or provides inaccurate statements or does not provide advice on where the balance lies when considering such conflicts.
2. Agricultural land quality (paragraphs 3.56 & 3.57) – the major concern is the conflict between a biodiversity led restoration policy approach, the need for mineral and the need to conserve best and most versatile soils. Apart from saying that the loss of agricultural land to wetland can be managed (paragraph 3.57) and that a balance can be found between mineral need and protection of the resource (paragraph 3.56) the plan is silent on how this can be achieved and what policy position would be taken when loss of agricultural land is unavoidable.
3. MGL believes what is needed is a statement about the level of acceptable losses of best and most versatile soils (say, limited to less than 20 ha) and an indication of how to minimise such losses even if this should be at the expense of less wetland habitat. The plan should also say that if restoration schemes can demonstrate that soil grade can be preserved so there is no permanent loss of agricultural land or its quality, then the policy preference for development of poorer quality land over higher quality land does not apply.
4. Paragraph 3.63 has the potential to conflict with other legislation and should be deleted. Conflict between most types of infrastructure and mineral is handled by the Mining Code and preserves the rights of land and mineral owners to receive compensation for the loss of mineral rights. This is a purely commercial consideration and should be avoided in the planning system since imposing standoffs for mineral from infrastructure can result in the rights of landowners being compromised. The procedure is that a mining company can serve a Notice of Approach to an undertaker to exercise mineral rights to extraction, and it is open to the undertaker to issue a counter notice and pay compensation or to otherwise act such as move the infrastructure. This applies to most pipelines, powerlines and even railways. If government wishes to override existing mineral rights the state must compulsorily acquire those mineral rights. This is an area where it does not behove the mpa to become involved and may be counterproductive in that it may strip landowners of legitimate rights and lead to unnecessary sterilisation of mineral. The text should be deleted.
5. The reason for the proposed changes to supporting text is that it is not justified or effective.

6. Please set out what change(s) you consider necessary to make the identified part of the Local Plan legally compliant or sound, in respect of any legal compliance or soundness matters you have identified above. (please note that non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

(Continue on a separate sheet/expand box if necessary)

“3.56. Much of the County’s land is in agricultural use. It is a vital natural and economic resource that needs to be protected from unsuitable development. Minerals can only be worked where they are found, and this can often involve large areas of agricultural land. This means that a balance has to be made between the need for the mineral and the protection of the agricultural land. **However, mineral working can restore land back to its original quality so such land taken for mineral development can be seen as only a temporary loss of agricultural potential.**

3.57. Agricultural land quality varies from place to place and is often heavily influenced by the underlying geology. The Agricultural Land Classification (ALC) system provides a method for assessing the quality of farmland to enable informed choices to be made about its future use within the planning system. The ALC system classifies land into five grades, with Grade 3 subdivided into Subgrades 3a and 3b. The best and most versatile land is defined as Grades 1, 2 and 3a. The majority of sand and gravel extraction in the Trent and Idle Valleys will result in the substantial permanent loss of agricultural land to wetland **because of a shortage of fill material** which along, with other development pressures, is causing a continuous erosion of the County’s finite agricultural resources. However, appropriate management and restoration of mineral workings can secure the safeguarding of best and most versatile soils. **For example, limited loss of such land (to less than 20ha) or only temporary disturbance to high quality soils where soil quality can be demonstrated to be preserved or enhanced, will not be considered a permanent loss of agricultural land.**

~~3.63. Nottinghamshire has an extensive physical network of transport, communications, water, energy, and waste infrastructure. Mineral working provides the raw materials to maintain much of this essential infrastructure, but it is important that the process of mineral extraction does not compromise the operation of existing or planned future infrastructure. When considering development proposals, consultation with the utility companies, rail operators and other network providers will be required to identify potential risks and to ensure appropriate safeguards and/or mitigation measures. This is likely to include the need for appropriate stand offs from overhead or underground transmission cables, buried or surface pipelines and rail infrastructure.”~~

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

7. If your representation is seeking modification to the plan, do you consider it necessary to participate in the examination hearing session(s)?

No , I do not wish to participate in the hearing session(s)	
Yes , I wish to participate in the hearing session(s)	Yes


Please note that while this will provide an initial indication of your wish to participate in the hearing session(s), you may be asked at a later point to confirm your request to participate.

8. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

Mick George Ltd is one of the leading suppliers to the construction industry in East Anglia and the East Midlands, specialising in providing bulk excavation & earthmoving services, aggregate supply and waste management services, with quarries, landfill sites and waste transfer stations spread across Northamptonshire, Cambridgeshire, Lincolnshire, Bedfordshire and Hertfordshire.

The issues and arguments surrounding minerals supply are technically complicated and specialised. They require to be discussed in open forum.

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

Signature		Date	10 th October 2019
Name	John Gough		

Part B – Your representation

Office use only

Person No:

Rep No:

Please read the guidance note before completing this section.

Name or organisation: Mick George Ltd

3. To which part of the Local Plan does this representation relate?

Policy	MP1	Site code		Map/Plan		Paragraph		Other	
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4. Do you consider the identified part of the Local Plan to be:

Legally compliant?	Yes	X	No	
Sound?	Yes		No	X
Complies with the Duty to co-operate	Yes		No	

Please tick as appropriate.

5. Please give details of why you consider the identified part of the Local Plan is not legally compliant or is unsound, or fails to comply with the duty to co-operate. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

(Continue on a separate sheet/expand box if necessary)

Policy MP1: Aggregate Provision

1. MGL considers that the Local Plan severely under-provides for sand and gravel. The LAA proposes to retain use of the 10 year average to assess demand for S&G.
2. MGL notes the following facts drawn from the latest Nottinghamshire LAA (2018) supplemented by other sources.
 - The MLP uses the 10 year average from 2016 for determining Local Plan provision.
 - This is 1.7 Million tonnes per year (Mtpa) for sand & gravel and 0.37Mtpa for Sherwood sandstone.
 - The LAA contains no forecast of aggregate demand.
 - The LAA reports (table 5) that exports have increased to Northants from 0 to 406 thousand tonnes (kt), and to South Yorks from 145kt to 386kt.
 - The LAA reports (table 6) that imports have grown from Lincolnshire (361kt) and Staffordshire (155kt).
3. Comparing AM2009 with AM2014 imports of sand & gravel to Notts increased from 327ktpa to 583ktpa (a rise of 78%).
4. It appears that the sum of Nott's sand & gravel used within the county has fallen from 750kt to 126kt between 2009 and 2014 (a drop of 84%). However, the LAA claims that unknown destinations should be added to this sum which reduces the difference but still indicates a fall of 23% between 2009 and 2014/18.
5. When looking at future demand the LAA notes that
 - a. Population is forecast to increase by 9.6% during the plan period.
 - b. The house building programme is planned (i.e. Local Plan commitments) to increase from current 4695 units to 8025 units by 2020/1 falling to 3031 units by 2027/8 (not the whole plan period). This is an average of 5264 units per year. (table 12)
 - c. House building rates have risen by 71% since 2013/4 (fig 4).
6. The LAA says that housebuilding is only a part of the aggregates market and that sand & gravel is used for other uses. However, if this is accepted it follows that a combination of a
 - a. 71% increase in housebuilding activity since 2013, plus
 - b. associated infrastructure/community/commercial/industrial development, plus
 - c. the major infrastructure project of the East Midlands Gateway Rail Freight Interchange,would have raised sand & gravel demand by a conservative 25%. However, figure 1 shows that the sand & gravel sales have flatlined.
7. In addition, the LAA quotes with approval the MPA estimate of the use of 50 tonnes of aggregates for each new house. This figure is derived from a BGS document "The need for indigenous aggregates production in England" (Open Report ORJ08/026) Case Study 2: New Homes. This shows that in addition to the 60 tonnes of aggregates used in a typical new house, as much as 400 tonnes extra is need for associated infrastructure and roads. Not all of this will be sand and gravel, but a large proportion will be, as any visit to a local building site will verify.
8. Increased aggregates demand but not supplied from Notts sources can be gauged by the steep increase in imports to the county from Lincolnshire (historically not a significant exporter to Notts) and from Staffordshire.
9. Support for higher aggregates demand is the LAA's observation that quantities of CD waste have grown by an estimated 11% since 2011 indicating higher levels of construction (para 3.31).

10. Support for higher aggregates demand also comes from the observation in the LAA that in the East Midlands sand & gravel sales rose from 5.5 Mtpa in 2009 to 6.96 Mtpa in 2016 falling slightly to 6.79 Mtpa in 2017 (para 5.8). This represents a regional growth in sand & gravel demand of 23%-26%. Only in Notts and Northants have sand & gravel sales flatlined.
11. The evidence is clear that the sand & gravel sales in Notts have been constrained. The LAA says this is because of the recession and the replacement of worked out quarries has remained low. This puts Notts in a special position which means that sales do not fairly represent the demand for sand & gravel in the county. In this respect, it is like Oxfordshire which was recognised at Examination to have had suppressed sales because of commercial decisions during the recession to mothball sites. In Nottinghamshire's case, similar commercial decisions and an unreadiness to be able to replace sites is judged to have been the cause for low sales and make up of demand principally from imports. In short, this is an anomalous situation which should be recognised in the LAA and accounted for in planned provision.
12. There are essentially three approaches to calculating forecast demand from data which counters the effects of the recession on the 10 year average and plans for future growth.
 - a. The last year house build rates were close to the planned average (5264 units) was in 2005 (4842 units) when sand & gravel sales were 3.08Mt. Allowing for higher planned rates of housing suggests sand & gravel provision should be at least 3.10Mtpa.
 - b. Using the approach adopted in Oxfordshire of calculating the % share of sand & gravel production before the recession and applying it to current conditions, gives the following result.
 - i. In the five year period prior to the recession (2004-2008) Notts sand & gravel sales (as a proportion of all England averaged 6.53%. In 2016 the proportion was 3.85%.
 - ii. If this is converted into a figure for the county linked to the current level of sales in England which in 2016 was 41.26 Million tonnes, then applying a pre-recession proportion of 6.53% gives a demand for Notts of 2.694 Million tonnes.
 - iii. Once an allowance for soft sand has been deducted, the like-for-like sand and gravel demand figure is about 2.32 Mtpa.
 - iv. Although this is lower than the first method, this is because all the Oxfordshire method does is restore the county to conditions as they were before the distorting effects of the recession; it does not explicitly take account of future growth.
 - c. Using a statistical approach, sand and gravel and soft sand sales and housing completions between 2007 and 2016 gives a Pearson Correlation Coefficient (PCC) of +0.700642 which is a statistically significant linear relationship at the 95% confidence level, and which has an equally strong basis as a causative effect. Applying the expected annual average planned housing completion rate for the county over the plan period of 5264 dwellings to that PCC using the forecast function in Excel gives a return sand and gravel/soft sand forecast of 3.03 Mt pa. Deducting a figure of 0.40 Mtpa for soft sand leaves a sand and gravel provision figure of 2.63 Mtpa.
13. It is considered that the minimum level of provision should be to put the county back to where it was before the distorting effects of the recession were felt. This would involve allocating sites to produce 2.32 Mtpa over 19 years or 44.08Mt. Deducting current reserves of 28.5 Mt leaves a provision shortfall of 15.58Mt. The MLP allocates 11.8 Mt so there is a provision gap of at least 3.78 Mt.
14. It is emphasised that this is minimum which does not take account of the significant growth over and above historic levels of demand which is planned for. In all likelihood sand & gravel demand will be nearer to the 2.63 Mt expected by statistical calculation if the planned levels of growth are to be provided for.

15. The MLP delivery schedule (page 136) shows a serious shortfall in provision by year. The schedule presents two sets of figures. First, is the indicative outputs supplied by operators in the call-for-sites exercise. The second is the theoretical output supplied in planning applications if presented. The two figures represent the operators' current intentions and the sales the site can achieve.
16. Analysing the schedule compared to the MLP provision figure shows that at no time will the sites reach the Local Plan annual provision level in terms of capacity using the first set of figures (**see attached schedule and chart**). Using the second set provision comes above Local Plan annual provision levels for 8 years from 2020 to 2027. Comparing with the alternative provision level suggested by MGL and set out in this analysis shows that the level of provision is entirely inadequate in terms of productive capacity using either set of figures.
17. The reason for this is that if only the total quantum of shortfall is used to allocate sites then no attention is paid to that part of the allocation that will not be worked in the Plan period. In other words, the allocations should be increased even if no alteration is made to the provision level, in order to preserve capacity to produce at the average provision level.
18. A further point is that the numbers of sites operating towards the end of the Plan period (falling to just five in total) cannot maintain the average level of production, so that more sites need to be provided for the end of the Plan period.
19. Therefore, using the LAA's own data it is clear there is an underestimation of sand & gravel demand of between 0.62Mtpa and 0.93 Mtpa.
20. Using the Draft MLP delivery schedule shows there is a gross under allocation of sites which will not reach a demand level for sand & gravel using the LAA's own data for a large part of the Plan period. The shortfall is even greater if a higher sand & gravel demand figure is used.
21. Reliance on a bare 10 year average past sales as a forecast of future demand is clearly not appropriate given the evidence that conditions over the last 10 years have been anomalous. By basing future provision on such a figure the Council risks building in a permanent loss of capacity at a time of increased market demand, and expectations by communities for new houses and more jobs. If Nottinghamshire underprovides for its own needs, it will put strain on other areas to make up the shortfall.

Possible Objections

22. There is a statement in the LAA that implies that one cannot use housing completions to forecast sand and gravel demand because it is only part of the overall demand and sand and gravel gets used for other construction projects. However, this is a red herring for two reasons. One, if there exists a statistically significant linear relationship between two variables which are causatively linked then knowing one variable leads to the prediction of the other variable. This is why statistically significant relationships are researched in all walks of life – to be able to make predictions. Therefore, it is irrelevant that sand and gravel is used for other things. The statistical relationship is all that is necessary to predict future sand and gravel demand knowing future housing completion rates. Two, construction of housing goes hand in hand with other types of development requiring sand and gravel such as commercial, retail, industrial and infrastructure, which are all related to population and economic growth. The driving force of sand and gravel demand is not housing per se but the underlying economic and population growth. Therefore, if it can be shown to be statistically significant then the relationship between sand and gravel and housing completions can be used as a proxy for all types of development.

The Oxfordshire Situation Explained

23. The situation in Nottinghamshire is similar to that pertaining in Oxfordshire. Here, the onset of the recession led to the major operators mothballing sites and delaying implementation of planning permissions, just as in Nottinghamshire and transferring production to other sites outside of the county. These commercial decisions in Oxfordshire reduced the 10 year rolling average below what it would have been had these commercial decisions not been taken. Oxfordshire took the view that it would be prudent to assume that this would only be a temporary market distortion and that as growth returned production would recommence at the affected sites. As such, the 10 year average would underestimate the true level of future demand.

24. Quantification of the effect was approached by considering how the county's sales had reduced compared to the whole of England during the baseline period. Given that the county and the country were subject to the same recession, it was reasonable to conclude that any differences between the percentages during the period reflected specific local factors.

6. Please set out what change(s) you consider necessary to make the identified part of the Local Plan legally compliant or sound, in respect of any legal compliance or soundness matters you have identified above. (please note that non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

(Continue on a separate sheet/expand box if necessary)

Proposed Changes

1. The reason for the propose changes are that the policy is not in accordance with national policy, not justified and not effective.

2. Accordingly,

Policy MP1: Aggregate Provision

1. To meet identified levels of demand for aggregate mineral over the plan period (2018-2036) the following provision will be made:

- ~~32.30~~ **44.08** million tonnes of Sand and Gravel
- 7.03 million tonnes of Sherwood Sandstone
- 0.09 million tonnes of crushed rock

2. The County Council will make provision for the maintenance of landbanks of at least 7 years for sand and gravel, 7 years for Sherwood Sandstone and 10 years for crushed rock, whilst maintaining a steady and adequate supply over the plan period.

3. Proposals for aggregate extraction outside those areas identified in policies MP2, MP3 and MP4 will be supported where a need can be demonstrated.

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7. If your representation is seeking modification to the plan, do you consider it necessary to participate in the examination hearing session(s)?

No , I do not wish to participate in the hearing session(s)	
Yes , I wish to participate in the hearing session(s)	Yes


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8. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

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The issues and arguments surrounding minerals supply are technically complicated and specialised. They require to be discussed in open forum.

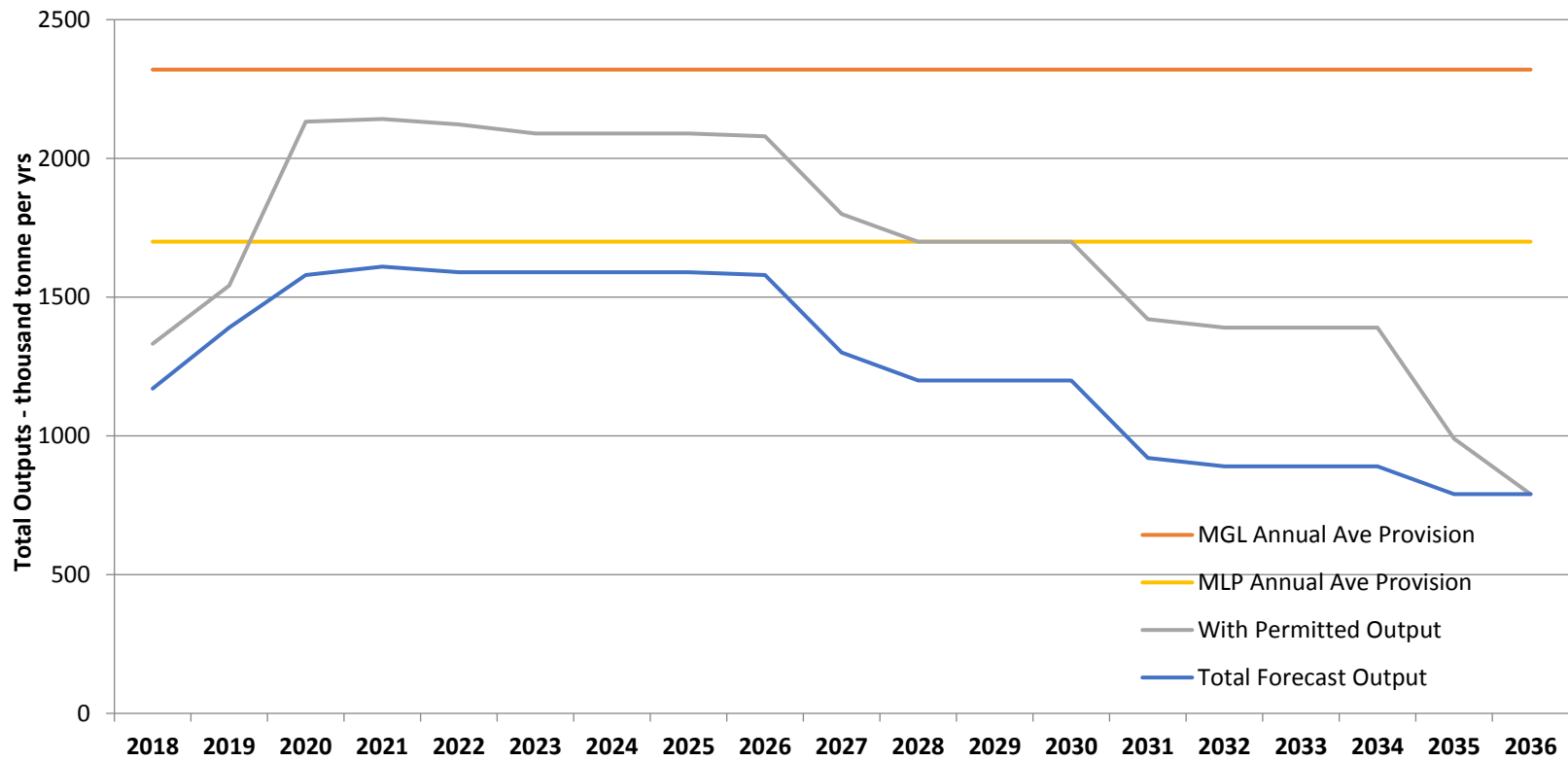
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Signature		Date	10 th October 2019
Name	John Gough		

There follows a Schedule and Chart in support of the objection to MP1

Notts Delivery Schedule - Local Plan Forecasted Output																			
	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036
Newington S	150																		
Finningley	0																		
Sturton			50	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
Bawtry Rd		40	40	40	40	40	40	40											
Bawtry Rd W									30	30	30	30	30	30					
Scrooby S	40	40	40	40	40														
Scrooby N						40	40	40	40	40	40	40	40	40	40	40	40	40	40
Scrooby Thompson			40	20															
Cromwell	200	200	200	200	200	200	200	200	200	100									
Besthorpe	150	150	200																
Besthorpe E				200	200	200	200	200	200	200	200	200	200	200	200	200	200	200	200
Girton		50	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100		
Langford L	450	450	450	450	450	450	450	450	450	250									
Langford L N										200	450	450	450	450	450	450	450	450	450
Mill Hill		280	280	280	280	280	280	280	280	280	280	280	280						
E Leake	180	180	180	180	180	180	180	180	180										
Total Forecast Output	1170	1390	1580	1610	1590	1590	1590	1590	1580	1300	1200	1200	1200	920	890	890	890	790	790
With Permitted Output	1332	1542	2132	2142	2122	2090	2090	2090	2080	1800	1700	1700	1700	1420	1390	1390	1390	990	790
MLP Annual Ave Provision	1700	1700	1700	1700	1700	1700	1700	1700	1700	1700	1700	1700	1700	1700	1700	1700	1700	1700	1700
MGL Annual Ave Provision	2320	2320	2320	2320	2320	2320	2320	2320	2320	2320	2320	2320	2320	2320	2320	2320	2320	2320	2320
shortfall provision Plan	-530	-310	-120	-90	-110	-110	-110	-110	-120	-400	-500	-500	-500	-780	-810	-810	-810	-910	-910
shortfall provision Plan + extra output	-368	-158	432	442	422	390	390	390	380	100	0	0	0	-280	-310	-310	-310	-710	-910
shortfall provision MGL	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	1150	-930	-740	-710	-730	-730	-730	-730	-740	1020	1120	1120	1120	1400	1430	1430	1430	1530	1530
shortfall provision MGL + extra output	-988	-778	-188	-178	-198	-230	-230	-230	-240	-520	-620	-620	-620	-900	-930	-930	-930	1330	1530

Notts Submission Delivery Schedule Totals - Forecast & Permitted Outputs compared to MLP Provison Figure & MGL Alternative Provision Figure (kt)



Part B – Your representation

Office use only

Person No:

Rep No:

Please read the guidance note before completing this section.

Name or organisation: Mick George Ltd

3. To which part of the Local Plan does this representation relate?

Policy	MP2	Site code		Map/Plan		Paragraph		Other	
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4. Do you consider the identified part of the Local Plan to be:

Legally compliant?	Yes	X	No	
Sound?	Yes		No	X
Complies with the Duty to co-operate	Yes		No	

Please tick as appropriate.

5. Please give details of why you consider the identified part of the Local Plan is not legally compliant or is unsound, or fails to comply with the duty to co-operate. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

(Continue on a separate sheet/expand box if necessary)

Policy MP2: Sand and Gravel Provision

1. Bearing in mind the previous analysis of MP1 there is a shortfall in allocated and sites and MGL proposes the addition of its Flash Farm site to the list of sand and gravel allocations.

Proposed Site Allocation – Flash Farm (see plan No F18/15/01)

2. MGL has no comment about the specifics of the allocations except to reiterate the need for more provision in the form of new quarries and a more equitable spread of sites among the industry. Thus MGL wishes to promote its own site at Flash Farm, Averham. This site was allocated in the former abandoned Plan in 2016, and clearly retains a number of advantages which make it suitable for working. This means that it has no overriding adverse environmental impacts and the only reason it appears not to have been included in this plan is the change of approach to local plan provision following the County Council elections of 2017.
3. This site located on the A617 at Averham west of Newark contains 3.08 Million tonnes and would produce about 200,000 tonnes of high quality aggregate a year for markets to the north of Nottingham, Ashfield, Mansfield and possibly Derbyshire beyond. Some material is also likely to be sold in the Newark area.
4. In response to NCC's call for sites in 2018 MGL submitted various environmental reports and working and restoration details to the Council to support its proposal of this site. These documents are assumed to be already in the Examination and are not repeated here. What follows is a summary of the environmental characteristics of the site and its advantages.
5. The environmental appraisals undertaken have raised no issues that would warrant refusal of the development proposals, which are in conformity with the emerging development plan and confirm that the site is eminently suitable as a Local Plan allocation.
6. The site is located partially within the western floodplain of the north-eastward flowing River Trent and consists of gravels and sandy gravels concealed in part by shallow deposits of alluvium. The mineral deposit is characterised by low fines content and high percentage of gravel. The gravel fraction is predominantly fine with occasional cobbles whilst the sand is medium grained and these consist primarily of quartz and quartzite with subordinate amounts of flint, chert and sandstone.
7. The site lies in the Trent Valley in the Trent Washlands Landscape Character Area and the proposed extraction area is largely flat lying at about 14m AOD and located in open countryside characterised by large fields, low hedges with sporadic hedgerow trees, and occasional blocks of woodland on higher ground to the north. It is also fairly isolated, with the property of Flash Farm itself, located 160 metres to the north. All other properties are at the villages of Averham and Kelham which are 540m and 660m to the south east and north east respectively.
8. The Flash Farm site comprises a number of agricultural fields, sub-divided primarily by fencing, under arable and pasture use.
9. The site is crossed by a 400 Kva overhead power line with three substantial stanchions within the land in question. The wider landscape is dominated by adverse detractors consisting of the Staythorpe Power Station (to the south) and power lines leading from it as well as the dominant flue stack from the sugar beet factory to the north-east.
10. As the mineral extraction area is not sub-divided by any hedgerows, the scheme of working therefore importantly does not require the removal of any sections of vegetation (i.e. hedgerow or trees) whatsoever.

11. The quarry has been designed to reinstate the land in a sensitive fashion seeking to apply best environmental practice and give practical effect to strategic government initiatives on protection of soil resources and habitat creation using importation of suitable inert material as a catalyst for the beneficial restoration of the land to be reinstated to its existing “best and most versatile” agricultural land status.
12. Moreover, the opportunity has afforded conditions to create bio-diversity action plan priority habitats such as species rich grassland and lowland wet grassland as well as some 2.3km of new hedgerows (which currently do not exist).
13. The proposed scheme of working has been devised to reflect current landscape improvement and nature conservation policies. Net biodiversity gain would be achieved through the creation of a cohesive network of new habitats, contributing to the Government’s commitment to halt the overall decline in biodiversity. The application site itself is currently of limited ecological value with a majority of the site consisting of intensively managed fields with very limited hedgerows of variable quality within the site itself.
14. Accordingly, the scheme provides a high standard of mitigation by delivering net gain in environmental capital and strategic bio-diversity networks. Such benefits to bio-diversity are requirement of the National Planning Policy Framework and Planning Practice Guidance as well as emerging Mineral Local Plan policies which contains a “bio-diversity led” philosophy for the restoration of quarry workings.
15. Given the site’s location the proposed scheme of working can readily provide effective protection against unreasonable noise and dust emissions with the site design carefully aimed to balance protection of the local environment with the requirement to extract and process mineral.
16. The site access will be directly onto the A617 upgrading an existing gated access. The A617 is part of the Strategic Highway Network and policy objectives (locally and nationally) support the use of such roads to transport goods and materials (including minerals).
17. The Flash Farm site lies to the west of Kelham Bridge which is ideally located to serve markets to the north and west. Without Flash Farm being present other quarries would have to transport material across Kelham Bridge to serve those same markets. Congestion around Kelham Bridge has been highlighted by the County Council and residents as being of concern although the A 617 is identified as part of the County’s Core Road Network. Accordingly, Flash Farm would have a neutral effect as movements west over the bridge would be balanced by movements in the other direction.
18. As such, MGL commends the Flash Farm site to the Examination as a site specific allocation.
19. The Reason for the proposed change is that the site allocation policy is contrary to national policy and guidance, is not justified and not effective.

6. Please set out what change(s) you consider necessary to make the identified part of the Local Plan legally compliant or sound, in respect of any legal compliance or soundness matters you have identified above. (please note that non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

(Continue on a separate sheet/expand box if necessary)

2. Accordingly,

Policy MP2: Sand and Gravel Provision

1. An adequate supply of sand and gravel will be identified to meet expected demand over the plan period from:

a) The extraction of remaining reserves at the following permitted quarries:

	(Million tonnes)
MP2a Newington South	0.39mt
MP2b Finningley	0.45mt
MP2c Sturton Le Steeple	7.50mt
MP2d Bawtry Road	0.60mt
MP2e Cromwell	2.40mt
MP2f Besthorpe	0.50mt
MP2g Girton	3.56mt
MP2h Langford Lowfields	4.95mt
MP2i East Leake	2.34mt
MP2j Scrooby South	0.62mt

b) The following extensions to existing permitted quarries:

MP2k Bawtry Road West	0.18mt
MP2l Scrooby Thompson Land	0.06mt
MP2m Scrooby North	0.56mt* (0.62mt)
MP2n Langford Lowfields North	4.70mt* (8.00mt)
MP2o Besthorpe East	3.30mt

c) New sand and gravel quarries:

MP2p Mill Hill nr Barton in Fabis	3.0mt**
MP2q Flash Farm Averham	3.08mt

Note: The above sites are shown on the Policies Map

Proposals to extract specialist grey sand reserves will be supported where a need can be demonstrated. Planning applications for site allocations should be made in accordance with the site development briefs set out in Appendix 2

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

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7. If your representation is seeking modification to the plan, do you consider it necessary to participate in the examination hearing session(s)?

No , I do not wish to participate in the hearing session(s)	
Yes , I wish to participate in the hearing session(s)	Yes


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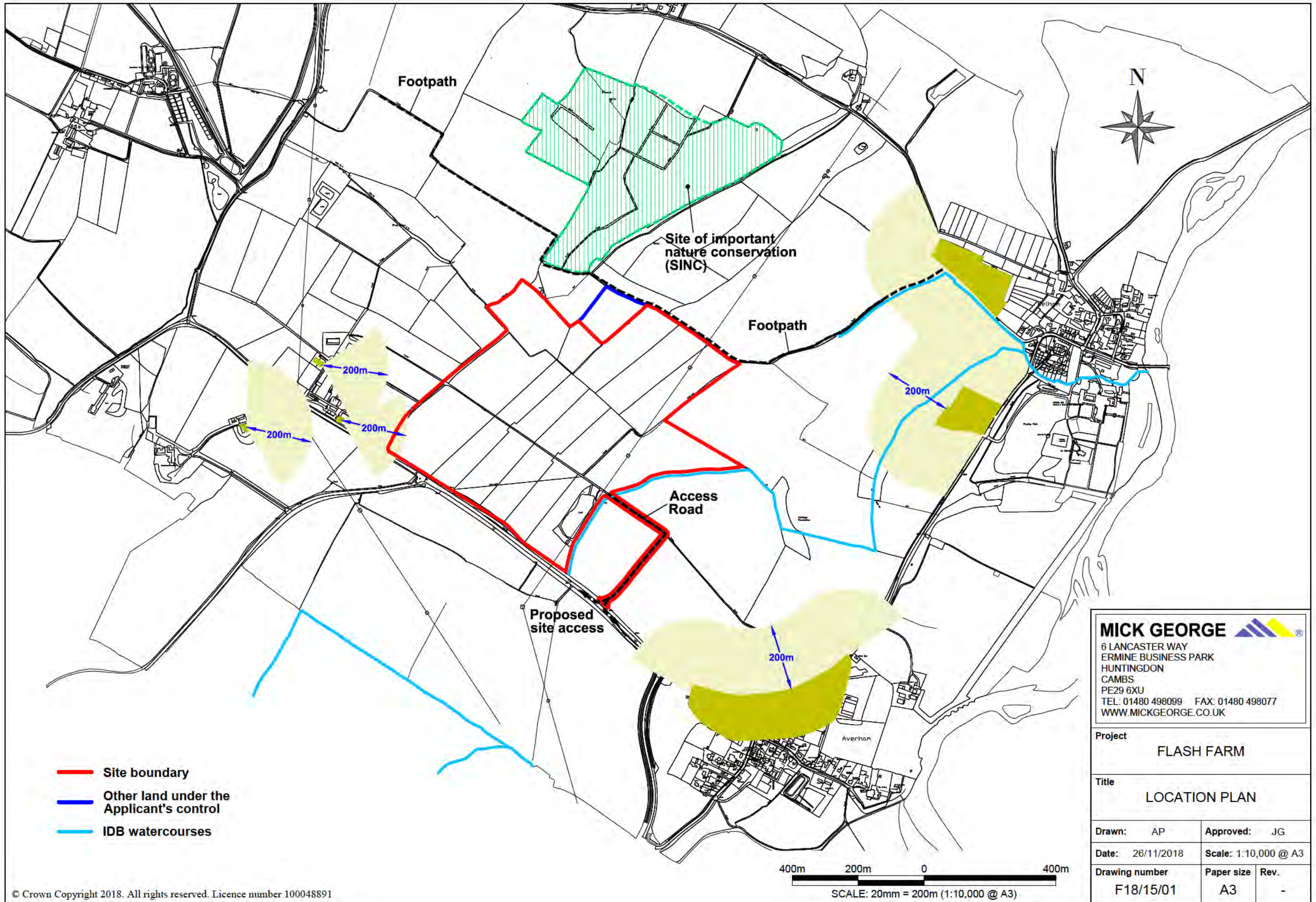
8. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

Mick George Ltd is one of the leading suppliers to the construction industry in East Anglia and the East Midlands, specialising in providing bulk excavation & earthmoving services, aggregate supply and waste management services, with quarries, landfill sites and waste transfer stations spread across Northamptonshire, Cambridgeshire, Lincolnshire, Bedfordshire and Hertfordshire.

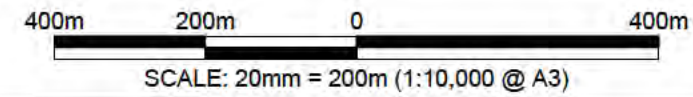
The issues and arguments surrounding minerals supply are technically complicated and specialised. They require to be discussed in open forum.

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

Signature		Date	10 th October 2019
Name	John Gough		



- Site boundary
- Other land under the Applicant's control
- IDB watercourses



MICK GEORGE 
 6 LANCASTER WAY
 ERMINE BUSINESS PARK
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 TEL: 01480 498099 FAX: 01480 498077
 WWW.MICKGEORGE.CO.UK

Project
FLASH FARM

Title
LOCATION PLAN

Drawn: AP	Approved: JG
Date: 26/11/2018	Scale: 1:10,000 @ A3
Drawing number F18/15/01	Paper size A3
	Rev. -

[REDACTED]

From: Mark North [REDACTED]
Sent: 10 October 2019 11:39
To: Planning Policy
Subject: Notts MLP Publication Version October 2019;Comments on behalf of the Mineral Products Association
Attachments: MPA Comments Nottinghamshire County Council Minerals Local Plan; Publication Version October 2019..pdf
Follow Up Flag: Follow up
Flag Status: Completed

Dear Sir/Madam

Please find attached comments on behalf of the Mineral Products Association in respect of the above document .Please acknowledge safe receipt .

Yours faithfully

Mark E North
Director of Planning-Aggregates and Production and Dimension Stone
Mineral Products Association
Registered Office: 38-44 Gillingham Street, London, SW1V 1HU

T [REDACTED] W www.mineralproducts.org



Mineral Products Association



Quarries & Nature

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Nottinghamshire County Council: Minerals Local Plan; Publication Version October 2019.

Representation on behalf of the Mineral Products Association (MPA).

Contact:

Mark E North, (Director of Planning: Aggregates, Dimension Stone and Production)
Gillingham House, 38-44 Gillingham Street, London, SW1V 1HU.

Tel: [REDACTED]

Email: [REDACTED]

The MPA would wish to attend the Examination in Public.

Comments:

Vision:

At paragraph 4 of the Vision change the term '*mineral reserves*' in the paragraph on safeguarding to '*mineral resources*' in line with BGS guidance and national policy. It is noted that the term '*resources*' not '*reserve*' is used in SO4.

We believe the vision should be stronger about meeting the growth needs of the community; i.e. providing a steady and adequate supply of minerals, as required by NPPF, to meet objectively assessed development needs, and then say you will also make an appropriate contribution to wider local and national needs.

Strategic Objectives:

SO2: Providing an adequate supply of minerals.

We support the principle of this objective but feel additional wording is required to make it effective as follows;

Proposed Changes (deletions in ~~strike through~~; new text in **bold**)

Assist in creating a prosperous, environmentally sustainable and economically vibrant County through an adequate supply of all minerals to assist in economic growth both locally and nationally. Provide sufficient land to enable a steady and adequate supply of minerals **and/or maintain productive capacity** over the plan period.

SO6: *Protecting and enhancing natural assets* should include agriculture as an appropriate restoration outcome. This is required to make the Plan effective and positive.

SO7: *Protecting and enhancing historic assets* makes no distinction of the proportionate approach required by the NPPF appropriate to the asset's significance (NPPF para 126 and 128). This is unsound as not in line with national Policy.

SP3: Climate Change

It is suggested the policy is adjusted to consider the importance of agricultural restoration to make the plan effective as follows:

Proposed Changes (deletions in ~~strike through~~; new text in **bold**)

Policy SP4 – Climate Change

1. All minerals development, including site preparation, operational practices and restoration proposals should minimise their impact on the causes of climate change for the lifetime of the development. Where applicable development should assist in the reduction of vulnerability and provide resilience to the impacts of climate change by:

a) Being located, designed and operated to help reduce greenhouse gas emissions, withstand unavoidable climate impacts and move towards a low-carbon economy;

b) Avoiding areas of vulnerability to climate change and flood risk. Where avoidance is not possible, impacts should be fully mitigated;

*c) Developing restoration schemes which will contribute to addressing future climate change adaptation, including through biodiversity and habitat creation, carbon storage, ~~and~~ flood alleviation **and agriculture to support food production.***

SP4: Sustainable Transport

Paragraph 3.42 refers to the *restrictions on barge sizes upstream of Cromwell Lock **may** (emphasis added) restrict the viability of barging of minerals downstream to Nottingham.* While viability of operations is a matter for our members to argue *the fact is that the restrictions on barge sizes **will** obviously restrict viability and this should be acknowledged in the text to make the plan effective.*

The wording of the policy needs adjusting to make it effective as follows:

Proposed Changes (deletions in ~~strike through~~; new text in **bold**)

Policy SP5 – Sustainable Transport

*1. All mineral proposals should seek to maximise the use of sustainable forms of transport, including barge and rail **where practical and economic.***

2. Where it can be demonstrated that there is no viable alternative to road transport, all new mineral working and mineral related development should be located as follows:

a) within close proximity to existing or proposed markets to minimise transport movement; and

b) within close proximity to the County's main highway network and existing transport routes in order to avoid residential areas, minor roads, and minimise the impact of road transportation.

~~3. Proposals requiring the bulk transport of minerals, minerals waste/fill or materials/substances used for the extraction of minerals by road will be required to demonstrate that more sustainable forms of transport are not viable.~~

Part 3 of the policy is not necessary with the proposed additional wording in part 1.

SP5: The Built, Historic and Natural Environment

We welcome the acknowledgement in para 3.45 that the impact of mineral extraction on the natural and built environment is temporary in nature and that it can also bring about many environmental benefits.

However, the policy is UNSOUND as it does not follow national policy. In respect of the first bullet point the NPPF at paragraph 171 makes it clear that;

Plans should: distinguish between the hierarchy of international, national and locally designated sites;.....

As currently drafted the first bullet point makes no such distinction and is UNSOUND. This issue also needs acknowledging in the supporting text.

The same principle applies to the third bullet point where no distinction is made between different qualities of heritage assets and recognised in paragraph 189 of the NPPF. This issue needs addressing in the supporting. As drafted the policy is UNSOUND.

Paragraph 3.63 is not effective and needs words deleting as follows:

~~Nottinghamshire has an extensive physical network of transport, communications, water, energy, and waste infrastructure. Mineral working provides the raw materials to maintain much of this essential infrastructure but it is important that the process of mineral extraction does not compromise the operation of existing or planned future infrastructure. When considering development proposals, consultation with the utility companies, rail operators and other network providers will be required to identify potential risks and to ensure appropriate safeguards and/or mitigation measures. This is likely to include the need for appropriate stand offs from overhead or underground transmission cables, buried or surface pipelines and rail infrastructure.~~

Mineral development should not be blighted by 'planned Infrastructure' which can be often 20 years or more in pipeline and still never happen. This is against the principles of sustainability and could lead to sterilising otherwise workable mineral.

The last sentence goes beyond the planning regime and such issues are dealt within the Mining Code. Having such a sentence in the plan will prejudice developers' rightful claims for sterilisation of workable reserves due to the presence of *infrastructure* which would be contrary to national policy which is to avoid potential overlap between regulatory regimes.

SP7: Minerals Safeguarding, Consultation Areas and Associated Minerals Infrastructure

The policy as drafted is UNSOUND as it does not accord with National Policy, is not effective and is not positively prepared. NPPF para 204c requires;

...that known locations of specific minerals of local and national importance are not sterilised...

There is no reference to *economically important mineral resources*. The purpose of the safeguarding approach is to safeguard all known mineral resources for future generations. Economics change over time.

In addition, buffer zones should be put on both the MSA and the added value operations/mineral infrastructure sites. In addition, the mineral infrastructure sites should be listed by name and location as well as being identified on the policy map.

In addition, the *agent of change* principle should be incorporated as required by paragraph 182 NPPF.

All the above comments need to be recognised in the supporting text to this policy.

It is suggested that the proposed policy be deleted totally and replaced by the following;

Policy SP7

The county council will safeguard known mineral resources from unnecessary sterilisation by non-mineral development by implementing Mineral Safeguarding Areas and Mineral Consultation Areas as indicated on the Policies Map.

Any proposals for non-mineral development which fall within the Mineral Safeguarding Areas and Mineral Consultation Areas (including a 250 m buffer around such areas), other than applications for development on the 'Safeguarding Exemption Criteria list' will be subject to consultation with the Minerals Planning Authority. The 'agent of change' principle will be applied by the County Council to all such development.

After consultation with the Mineral Planning Authority, the submission of a Mineral Resource Assessment may be required to establish the existence or otherwise of a viable mineral resource. Assessments shall be site specific and include geological survey data undertaken by a suitably qualified professional.

The Mineral Planning Authority will object to proposals for non-mineral development within the Mineral Safeguarding Areas and Mineral Consultation Areas, as shown on the Policies Map, unless it is clearly demonstrated to the Mineral Planning Authority that:

- mineral extraction is not environmentally acceptable; or*
- the need for the non-mineral development clearly outweighs the need for the mineral resource and therefore sterilisation of the mineral resources; or*
- the proposed development does not constrain potential future extraction i.e. playing fields or open land; or*
- the development would not constrain future mineral extraction in the vicinity.*

Prior extraction will be sought where practicable unless it is demonstrated that the mineral cannot practically be extracted in advance of the proposed development.

In these circumstances, full consideration should be given to the use of raised sand and gravel material on site in construction projects to reduce the need to import material as opportunistic use.

Minerals ancillary infrastructure safeguarding

Existing and planned minerals ancillary infrastructure sites identified on the Policies Map, with a 250m buffer zone, will be safeguarded against development which would prevent or frustrate the use of the site for minerals ancillary infrastructure purposes, unless:

- i) The need for the alternative development outweighs the benefits of retaining the site; and*
- ii) Where minerals ancillary infrastructure is in active use on the land, a suitable alternative location can be provided for the displaced infrastructure; or*
- iii) The site is not in use and there is no reasonable prospect of it being used for minerals ancillary infrastructure in the foreseeable future.*

Where development, other than exempt development as defined in the Safeguarding Exemption Criteria list, is proposed within an identified buffer zone permission will be granted where adequate mitigation can, if necessary, be provided to reduce any impacts from the existing or proposed adjacent minerals ancillary infrastructure uses to an acceptable level, and the benefits of the proposed use outweigh any safeguarding considerations. The agent of change principle will apply to all such encroaching non-mineral development.

Transport infrastructure safeguarding

Railheads, rail links and wharves identified on the Policies Map, with a 250m buffer zone, will be safeguarded against development which would prevent or frustrate the use of the infrastructure for minerals or waste transport purposes, unless:

- i) The need for the alternative development outweighs the benefits of retaining the facility; and*
- ii) Where the minerals or waste transport infrastructure is in active use on the land, a suitable alternative location can be provided for the displaced infrastructure; or*
- iii) The infrastructure is not in use and there is no reasonable prospect of it being used for minerals or waste transport in the foreseeable future.*

Where development, other than exempt development as defined in the Safeguarding Exemption Criteria list, is proposed within an identified buffer zone permission will be granted where adequate mitigation can, if necessary, be provided to reduce any impacts from the existing or proposed adjacent minerals or waste transport infrastructure uses to an acceptable level, and the benefits of the proposed use outweigh any safeguarding considerations. The agent of change principle will apply to all such encroaching non-mineral development.

The suggested Safeguarding Exemption Criteria list is as follows;

- *Infilling in an otherwise built up frontage within a settlement*
- *Householder applications within the curtilage of a property*
- *Advertisement applications*
- *Reserved matters applications*
- *Applications for new or improved accesses*
- *Minor' extensions/alterations to existing uses/buildings which do not fundamentally change the scale and character of the use/building 'Temporary' development (for up to five years)*
- *Agricultural buildings adjacent to existing farmsteads*
- *'Minor' works such as fences, bus shelters, gates, walls, accesses.*
- *Amendments to current permissions (with no additional land take involved)*
- *Changes of use*
- *Applications for development on land which is already allocated in an adopted local plan where the plan took account of minerals and waste safeguarding requirements*
- *Listed Building Consent and applications for planning permission for demolition in a conservation area*
- *Applications for work on trees or removal of hedgerows*
- *Prior notifications for telecommunications, forestry, agriculture and demolition*
- *Redevelopment of previously developed land not increasing the footprint of the former development*
- *Certificates of Lawfulness of Existing Use of Development and*
- *Certificates of Lawfulness of Proposed Use or Development*

MP1: Aggregate Provision

The publication version on the Mineral Plan has failed to properly forecast future aggregate demand as required by National Policy and is therefore UNSOUND. The reason for this is set out below.

The Minerals Local Plan has been produced using evidence contained within the published Local Aggregate Assessment published in October 2017 using the data period up to 31/12/2016. The MPA as members of the East Midlands Aggregate Working Party commented on the LAA. These comments were referenced in the MPA response to draft Plan consultation in July 2018 and for completeness and context are repeated below:

National policy says that forecasts of demand should be based on a rolling average of 10 years sales data and other relevant local information, and an assessment of all supply options. National practice guidance says that forecasts must not be based solely on the 10-year rolling average. It is essential, especially now that we have come out of the recession, for the County Council to use this other relevant information. We are aware that the Council's change of approach is politically motivated, but it is not sound, and it is not best practice.

Several things have distorted the traditional relationship between development in Nottinghamshire and sand and gravel supplies. In your Issues and Options draft, you allude to the effects of the recession and to short term commercial decisions made by producers, which has resulted in large export volumes to Doncaster and large import volumes from Lincolnshire, and to quarries being mothballed as producers adapted to vastly difficult market conditions. This does not represent a long-term sustainable supply pattern and should not be used to curtail future supply from the county, which still is the most important source of high-quality sand and gravel in the region.

Companies have only recently had the capacity to recapitalise mothballed sites, and to look for replacements for others which had become exhausted, which takes a long time to come to fruition, and is not yet reflected in the sales figures. There is already strong evidence of industry interest in the county returning to the county, indicated by the numbers of new sites proposed for the last Local Plan process. It would be a profound mistake for the County Council to fossilise the current abnormal conditions which if not corrected will undoubtedly lead to future under provision of mineral contrary to national policy.

The MPA commented on the failure to consider other relevant information as required by NPPF in our comment to the draft LAA in August 2017, which does not seem to have been heeded in the Draft MWLP.

The LAA is indicating an annual housing completion rate of 4,574. As a reality check, we can compare the forecast with the last time 4,574 dwellings were completed which was in 2005 when 4,842 dwellings were completed. The extraction rate of sand and gravel in that year was 3.08 Mt. This would seem to suggest that the LAA 10 year rolling average of only 1.7

Mtpa is inadequate. Furthermore, there appears to have been no consideration to other infrastructure project that may impact the County.

On this basis, the MPA considers that the County Council should plan for future sand and gravel demand of 3.0Mtpa for the plan period. By reference to your Table 2 this means that over the plan period (19 years) the requirement for sand and gravel will be 57 Mt. Deducting existing permitted reserves results in a shortfall to be proved by the Local Plan of 39.5 Mt. This means finding an additional 21.7 Mt than you have assumed.

In addition, the policy needs to make clear that landbanks should be maintained for at least 7 years for sand and gravel, at least 7 years for Sherwood Sandstone and at least 10 years for crushed rock. Furthermore, it should be made clear that these land banks should be maintained at the end of the plan period.

It was clearly identified from the above that there was a shortfall in provision of sand and gravel. This appears not to have been accepted or addressed in the publication draft on the mineral plan or for that matter in the current draft LAA for Nottinghamshire. Below is an analysis of the current draft LAA and the publication draft of the mineral plan which shows that the situation has not changed in respect of the under provision of mineral resources by Notts:

The Publication version of the Mineral Local Plan, subject of this consultation response uses the 10-year average from 2016 for determining Local Plan provision which is 1.7 Mtpa for sand and gravel and 0.37Mtpa for Sherwood Sandstone. The current draft LAA proposes to retain exclusively the use of the 10-year average to assess demand for sand and gravel which is 1.46 Mtpa .

As with previous LAAs the LAA contains no forecast of aggregate demand as required by National Policy.

The LAA remarks (table 5) that exports have increased to Northamptonshire from 0 to 406 kt, and to South Yorkshire from 145kt to 386kt. Furthermore the draft LAA reports (table 6) that imports have grown from Lincolnshire (361kt) and Staffordshire (155kt).

Comparing AM2009 with AM2104 imports of sand and gravel to Nottinghamshire has increased from 327ktpa to 583ktpa (a rise of 78%).

It appears that the sum of Nottinghamshire's sand and gravel used within the county has fallen from 750kt to 126kt (a drop of 84%). However, the LAA claims that unknown destinations should be added to this sum which reduces the difference but still indicates a fall of 23% between 2009 and 2014/18.

The LAA notes that population is forecast to increase by 9.6% during the plan period and, the house building programme is planned (i.e. Local Plan commitments) to increase from current 4695 units to 8025 units by 2020/1 and falling again to 3031 units by 2027/8 (not the whole plan period). This is an average of 5264 units per year (table 12).

Figure 4 shows that house building rates have risen by 71% since 2013/4 (fig 4). The draft LAA says that housebuilding is only a part of the aggregate's market and that sand and gravel is used for other uses. However, if this is accepted it follows that a combination of a

- a. 71% increase in housebuilding activity since 2013, plus
- b. associated infrastructure/community/commercial/industrial development, plus
- c. the major infrastructure project of the East Midlands Gateway Rail Freight Interchange,

would have raised sand and gravel demand by a conservative 25%. However, figure 1 shows that the sand and gravel sales have flatlined.

Increased aggregates demand but not supplied from Notts sources can be gauged by the steep increase in imports to the county from Lincolnshire (historically not a significant exporter to Nottinghamshire) and from Staffordshire.

Support for higher aggregates demand is the draft LAA's observation that quantities of construction and demolition waste have grown by an estimated 11% since 2011 indicating higher levels of construction (para 3.31).

Support for higher aggregates demand also comes from the observation of the LAA that in the East Midlands sand and gravel sales rose from 5.5 Mtpa in 2009 to 6.96 Mtpa in 2016 falling slightly to 6.79 Mtpa in 2017 (para 5.8). This represents a regional growth in sand and gravel demand of 23%-26%. Only in Nottinghamshire have sand and gravel sales apparently flatlined.

The evidence is clear that the sand and gravel sales in Nottinghamshire have been constrained. The draft LAA says this is because of the recession and the replacement of worked out quarries has remained low. This puts Nottinghamshire in a special position which means that sales do not fairly represent the demand for sand and gravel in the county. In this respect, it is like Oxfordshire which was recognised at Examination to have had suppressed sales because of commercial decisions during the recession to mothball sites. In Nottinghamshire's case, similar commercial decisions and an unreadiness to be able to replace sites, partly as a result of having no mineral plan in place, is judged to have been the cause for low sales and make up of demand principally from imports. In short, this is an anomalous situation which should be recognised in the mineral plan and draft LAA and accounted for in planned provision.

There are two possible approaches to calculating forecast demand from data which counters the effects of the recession on the 10-year average and plans for future growth.

- d. The last year house build rates were close to the planned average (5264 units) was in 2005 (4842 units) when sand and gravel sales were 3.08Mt. Allowing for higher planned rates of housing suggests sand and gravel provision should be at least 3.10Mtpa.

- e. Using the approach adopted in Oxon of calculating the % share of sand and gravel production before the recession and applying it to current conditions, gives the following result
- i. In the five-year period prior to the recession (2004-2008) Notts sand and gravel sales as a proportion of all England averaged 6.53%. In 2016 the proportion was 3.85%.
 - ii. If this is converted into a figure for the county linked to the current level of sales in England which in 2016 was 41.26 Million tonnes, then applying a pre-recession proportion of 6.53% gives a demand for Notts of 2.694 Million tonnes.
 - iii. Once an allowance for soft sand has been deducted, the like-for-like sand and gravel demand figure is about 2.32 Mtpa.
 - iv. Although this is lower than the first method, this is because all the Oxfordshire method does is restore the county to conditions as they were before the distorting effects of the recession; it does not explicitly take account of future growth and demand created by major infrastructure. It is emphasised that this is minimum which does not take account of the significant growth over and above historic levels of demand which is planned for. On a precautionary approach the provision should be at the higher estimate namely 3.1Mt per annum.

The limited use of the 10-year average and not considering other factors, as outlined above, and as required by NPPF means that Nottinghamshire will continue to see downward spiral of sales that will be a self-fulfilling prophecy. The mineral plan and draft LAA has failed to forecast properly for future aggregate.

As can be seen from above as drafted this mineral plan is set to fail in respect of providing a steady and adequate supply of aggregates as required by national policy and is therefore unsound.

The MPA would wish to attend the Examination in Public.

M E North

Mineral Products Association

07/10/2019.

[REDACTED]

From: Projectmail - National Grid [REDACTED]
Sent: 11 October 2019 10:16
To: Planning Policy
Subject: Nottinghamshire County Council: Minerals Local Plan Publication Version Consultation
Attachments: Nottinghamshire Local Plan Minerals and Waste REP 10.10.19.pdf

Dear Sir/Madam,

Please find the attached response on behalf of National Grid.

Kind regards

Wood on behalf of National Grid

Planning & Design| E&I UK
Wood Plc
Nicholls House, Homer Close, Leamington Spa, CV34 6TT
[REDACTED]

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Consultant Town Planner

Tel: [REDACTED]
n.grid@woodplc.com

Sent by email to:
planning.policy@nottscc.gov.uk

11 November 2019

Dear Sir / Madam

Nottinghamshire County Council: Minerals Local Plan Publication Version Consultation SUBMISSION ON BEHALF OF NATIONAL GRID

National Grid has appointed Wood to review and respond to development plan consultations on its behalf. We are instructed by our client to submit the following representation with regard to the current consultation on the above document.

About National Grid

National Grid Electricity Transmission plc (NGET) owns and maintains the electricity transmission system in England and Wales and National Grid Electricity System Operator (NGESO) operates the electricity transmission network across the UK. The energy is then distributed to the eight electricity distribution network operators across England, Wales and Scotland.

National Grid Gas plc (NGG) owns and operates the high-pressure gas transmission system across the UK. In the UK, gas leaves the transmission system and enters the UK's four gas distribution networks where pressure is reduced for public use.

National Grid previously owned part of the gas distribution system known as 'National Grid Gas Distribution limited (NGGDL). Since May 2018, NGGDL is now a separate entity called 'Cadent Gas'.

To help ensure the continued safe operation of existing sites and equipment and to facilitate future infrastructure investment, National Grid wishes to be involved in the preparation, alteration and review of plans and strategies which may affect National Grid's assets.

Proposed sites crossed or in close proximity to National Grid infrastructure:

Following a review of the above development plan, the following sites have been identified as being crossed or in close proximity to National Grid infrastructure. Further details are provided in the table overleaf.



Electricity Transmission:

Site Ref	Asset Details	Appendix Ref
Sites MP2c Sturton le Steeple (Inset Map 4)	<p>ZDA Route - 400Kv two circuit route from Keadby substation in North Lincolnshire to Cottam substation in Bassetlaw</p> <p>4ZM Route – 400kv two circuit route from Bicker Fen substation in Boston to West Burton substation in Bassetlaw</p> <p>4TM Route – 400kv two circuit route from West Burton substation in Bassetlaw to Keadby substation in North Lincolnshire</p> <p>4VE Route – 400kv two circuit route from West Burton substation in Bassetlaw to Cottam substation in Bassetlaw</p>	ET382
Site MP2g Girton (Inset map 7)	4VK Route - 400kv two circuit route from Cottam substation in Bassetlaw to Eaton Socon substation in Bedford	ET258
Site MP2h Langford Lowfields (Inset map 8)	4VK Route - 400kv two circuit route from Cottam substation in Bassetlaw to Eaton Socon substation in Bedford	ET259
Site MP2f Besthorpe (Inset map 8)	4VK Route - 400kv two circuit route from Cottam substation in Bassetlaw to Eaton Socon substation in Bedford	ET383
Site MP2o Besthorpe East (Inset map 8)	4VK Route - 400kv two circuit route from Cottam substation in Bassetlaw to Eaton Socon substation in Bedford	ET383
Site DM6 South Mushkam (Inset map 9)	<p>KK Route – 25kv single circuit route from Staythorpe substation in Newark and Sherwood to Newark substation in Newark and Sherwood</p> <p>ZDA Route – 400Kv two circuit route from Staythorpe substation in Newark and Sherwood to Cottam substation in Bassetlaw</p>	ET260

Gas Transmission

Site Ref	Asset Details	Appendix Ref
Site MP7c Bantycok Quarry South Inset map 15	FM09 - Silk Willoughby to Staythorpe	GT87

Please see enclosed plan referenced ET382, ET258, ET259, ET283, ET260 & GT87 at Appendix 2. The proposed sites are crossed by a National Grid high voltage electricity transmission overhead line and National Grid underground high-pressure gas pipeline.

The statutory safety clearances between overhead lines, the ground, and built structures must not be infringed. Where changes are proposed to ground levels beneath an existing line then it is important that changes in ground levels do not result in safety clearances being infringed. National Grid can, on request, provide to developers detailed line profile drawings that detail the height of conductors, above ordnance datum, at a specific site. You can find National Grid's guidelines for developing near Over Head Lines here: https://www.nationalgrid.com/sites/default/files/documents/Development%20near%20overhead%20lines_0.pdf

Electricity Distribution

Western Power Distribution owns and operates the local electricity distribution network in Nottinghamshire County Council. Contact details can be found at www.energynetworks.org.uk.

National Grid Asset Guidance

National Grid seeks to encourage high quality and well-planned development in the vicinity of its high voltage overhead lines. Land beneath and adjacent to the overhead line route should be used to make a positive contribution to the development of the site and can for example be used for nature conservation, open space, landscaping areas or used as a parking court. National Grid, in association with David Lock Associates has produced 'A Sense of Place' guidelines, which provide detail on how to develop near overhead lines and offers practical solutions which can assist in avoiding the unnecessary sterilisation of land in the vicinity of high voltage overhead lines.

Potential developers of these sites should be aware that it is National Grid policy to retain our existing overhead lines in-situ. The relocation of existing high voltage overhead lines will only be considered for projects of national importance which has been identified as such by central government.

National Grid requests that any High-Pressure Gas Pipelines are taken into account when site options are developed in more detail. These pipelines form an essential part of the national gas transmission system and National Grid's approach is always to seek to leave our existing transmission pipelines in situ. Please refer to the Health and Safety Executive (HSE) in the first instance.

National Grid have land rights for each asset which prevents the erection of permanent/ temporary buildings, or structures, changes to existing ground levels, storage of materials etc. Additionally, written permission will be required before any works commence within the National Grid easement strip, and a deed of consent is required for any crossing of the easement. In the first instance please consider checking with the Land Registry for the development area.

If you require any further information in relation to the above and/or if you would like to check if National Grid's transmission networks may be affected by your works, please contact National Grid's Plant Protection team via plantprotection@nationalgrid.com or visit the website: <https://www.linesearchbeforeudig.co.uk/>

Further Advice

National Grid is happy to provide advice and guidance to the Council concerning our networks. If we can be of any assistance to you in providing informal comments in confidence during your policy development, please do not hesitate to contact us. In addition, the following publications are available from the National Grid website or by contacting us at the address overleaf:

- A sense of place – design guidelines for development near high voltage overhead lines: A sense of place design guidelines for development near high voltage overhead lines: <https://www.nationalgridet.com/document/130626/download>
- Guidelines when working near NGG assets: <https://www.nationalgridgas.com/land-and-assets/working-near-our-assets>
- Guidelines when working near NGETT assets: <https://www.nationalgridet.com/network-and-assets/working-near-our-assets>

Appendices - National Grid Assets

Please find attached in:

- Appendix 1 provides a map of the National Grid network across the UK.
- Appendix 2 provides maps of the sites referenced above in relation to the affected National Grid Transmission assets outlined above.

Please remember to consult National Grid on any Development Plan Document (DPD) or site-specific proposals that could affect our infrastructure. We would be grateful if you could add our details shown below to your consultation database:

Lucy Bartley
Consultant Town Planner

n.grid@woodplc.com

Wood E&I Solutions UK Ltd
Nicholls House
Homer Close
Leamington Spa
Warwickshire
CV34 6TT

Spencer Jefferies
Development Liaison Officer, National Grid

box.landacquisitions@nationalgrid.com

National Grid House
Warwick Technology Park
Gallows Hill
Warwick
Warwickshire
CV34 6DA

I hope the above information is useful. If you require any further information, please do not hesitate to contact me.

Yours faithfully

[via email]

Lucy Bartley
Consultant Town Planner

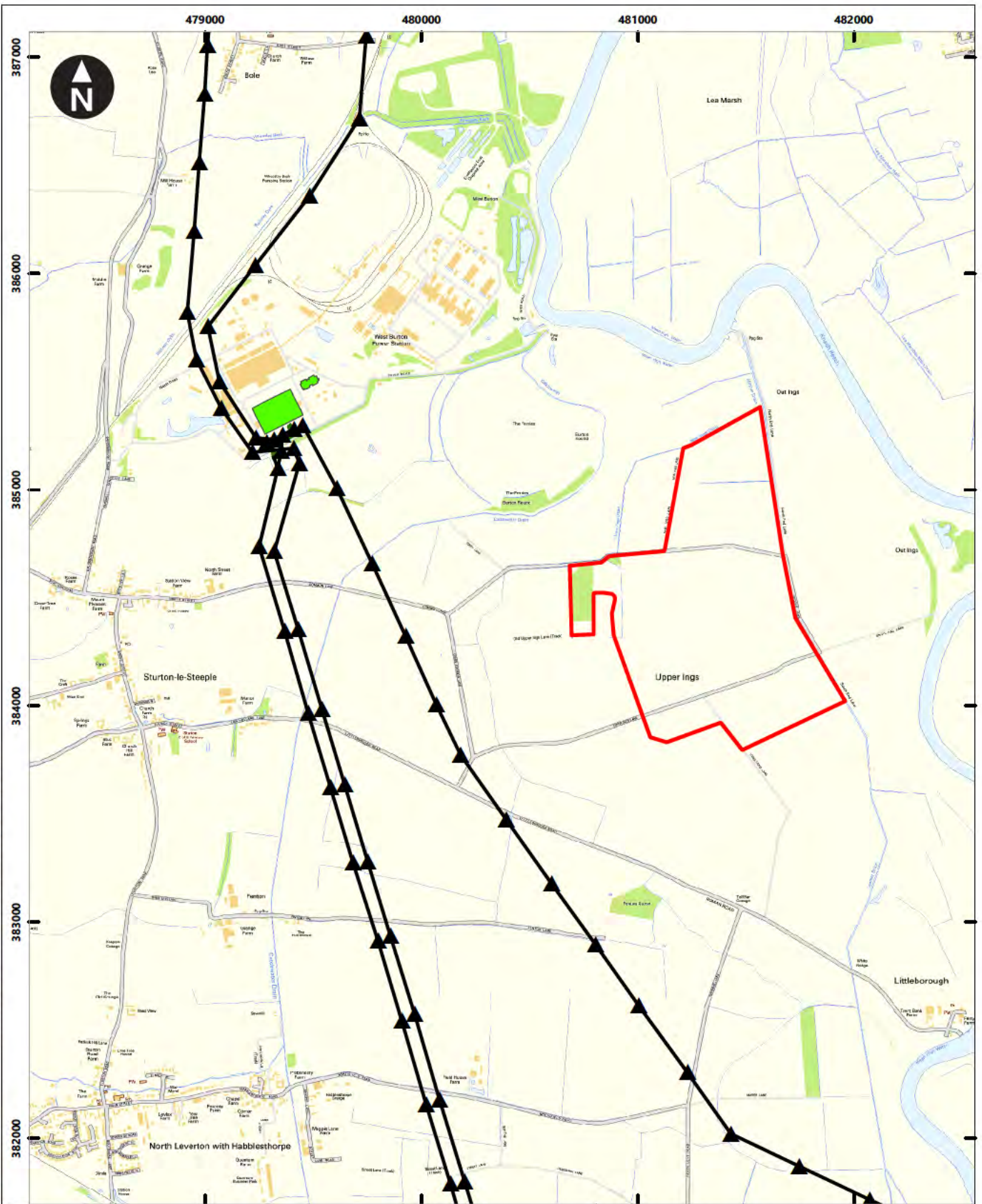
cc. Spencer Jefferies, National Grid






APPENDIX 1: NATIONAL GRID'S UK NETWORK

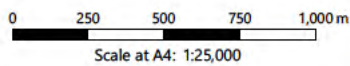
Where we operate
Our UK network



APPENDIX 2: NATIONAL GRID TRANSMISSION ASSETS



- Key**
-  Indicative site boundary
 -  Tower
 -  Overhead line
 -  Underground Cable
 -  Substation



Development Plan Monitoring

National Grid Reference:
Site ET382
MP2c - Sturton le Steeple
Proposed Development Site
Minerals

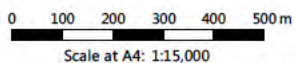
October 2019





Key

- Indicative site boundary
- Overhead line
- Tower

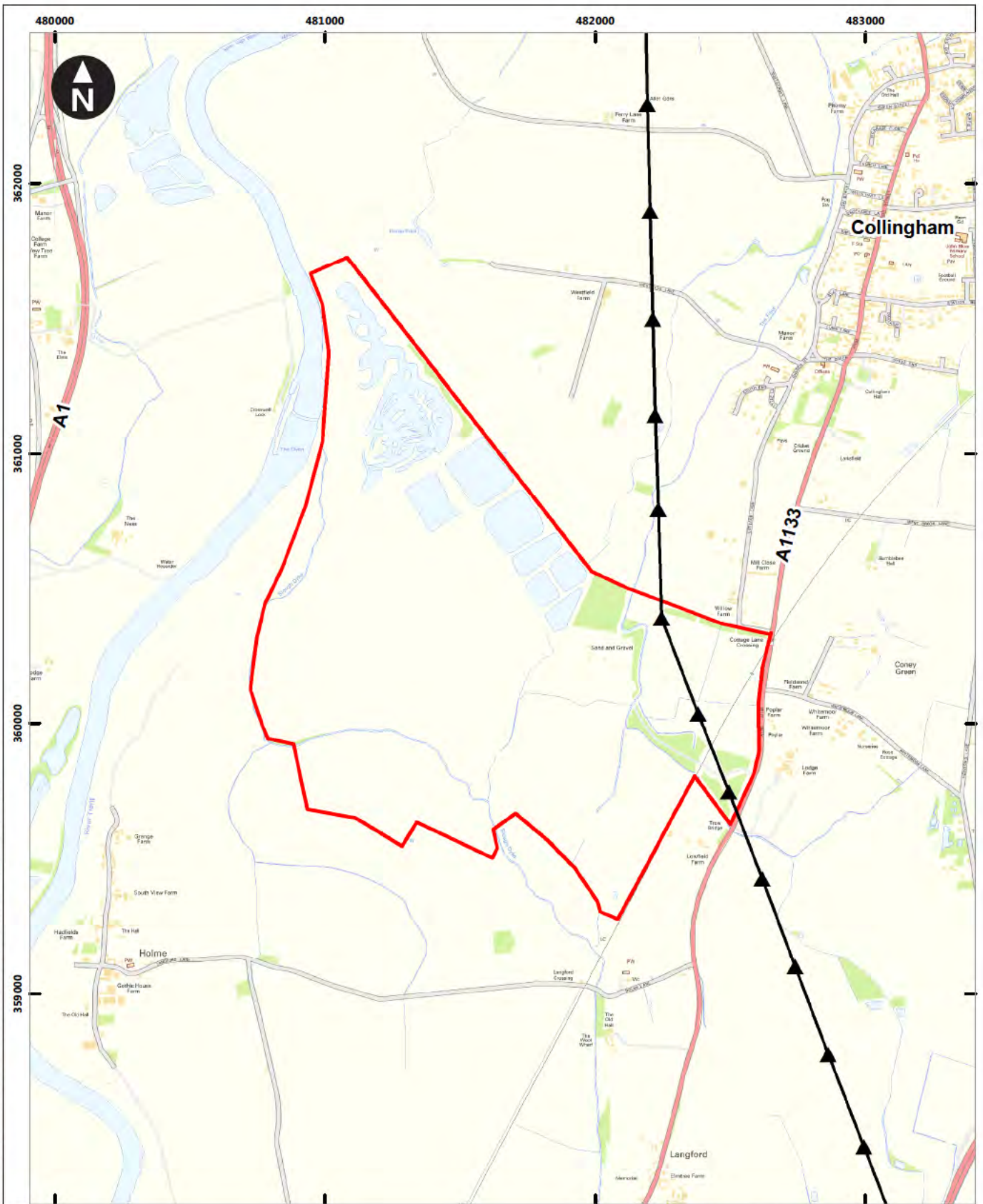


Development Plan Monitoring




National Grid Reference:
Site ET258
Girton, Nottinghamshire County Council
Proposed Development Site
Minerals

October 2019





Key

-  Indicative site boundary
-  Overhead line
-  Tower

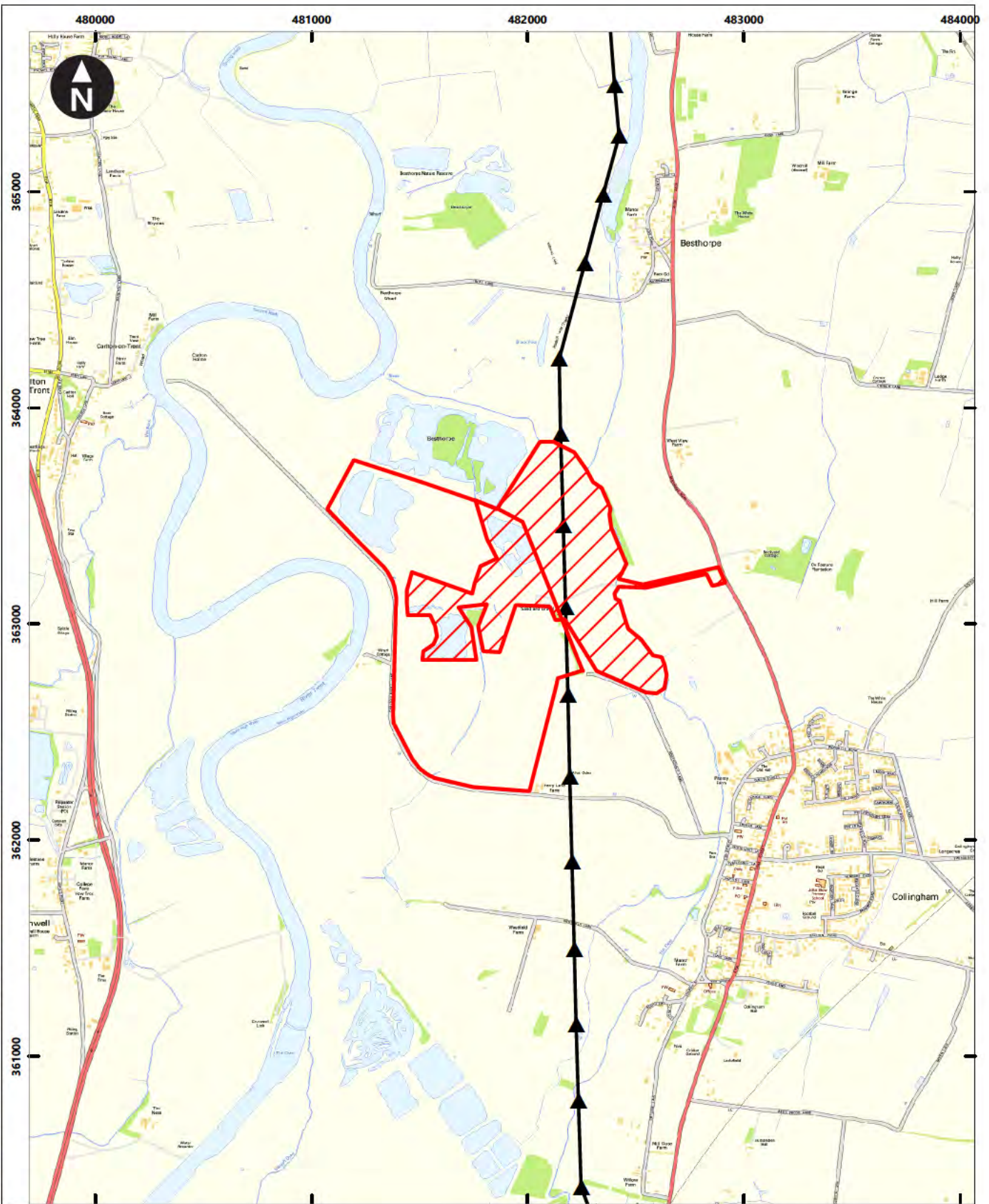
0 100 200 300 400 500 m
Scale at A4: 1:20,000

Development Plan Monitoring

National Grid Reference:
Site ET259
Langford Lowfields
Nottinghamshire County Council
Proposed Development Site
Minerals

October 2019

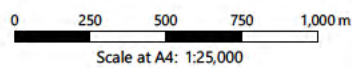




Key

Name

-  MP2f Besthorpe
-  MP2o Besthorpe East
-  Tower
-  Overhead line



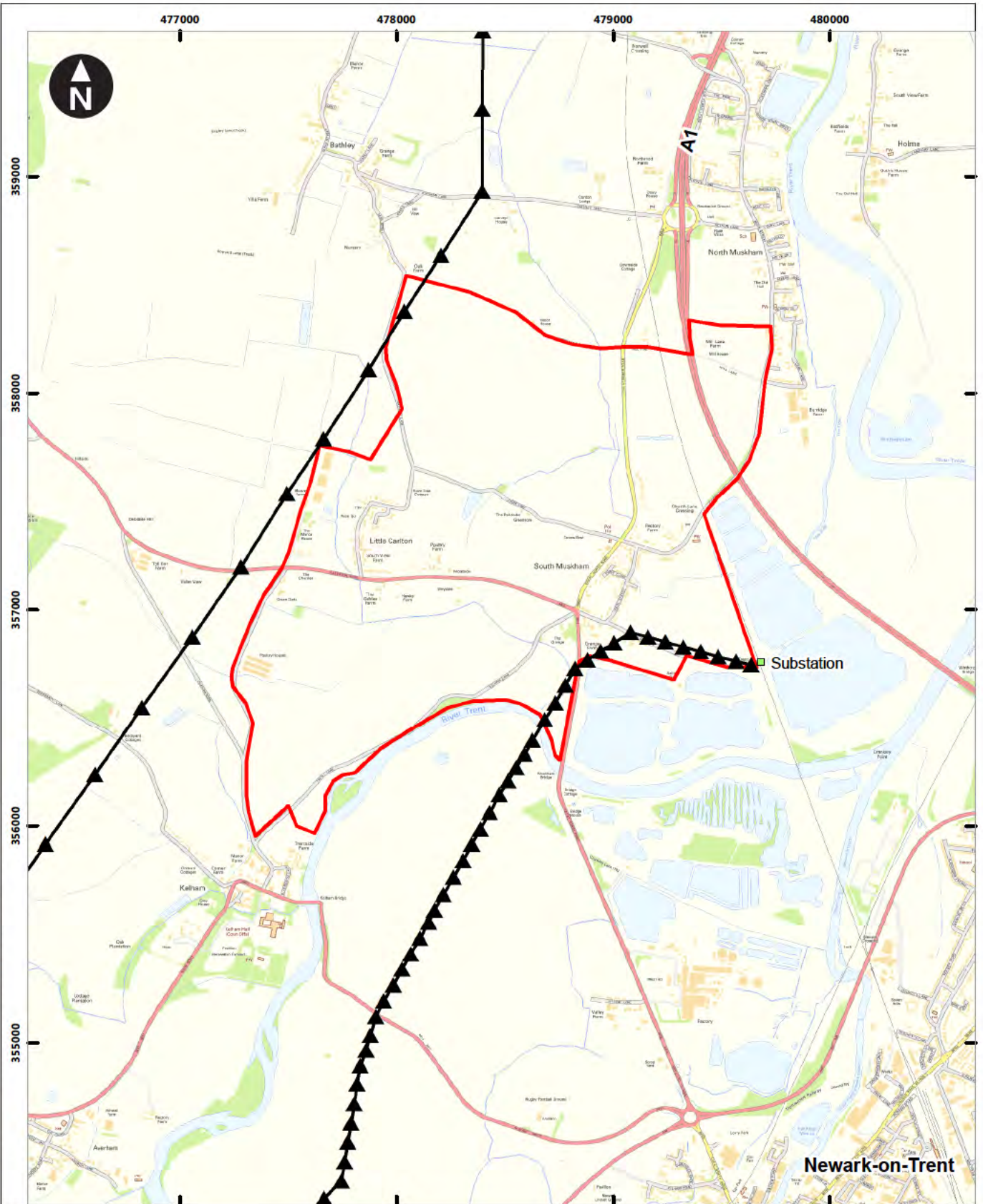
Development Plan Monitoring

National Grid Reference:
Site ET383
Sites MP2f Besthorpe and MP2o Besthorpe East
Proposed Development Site
Minerals

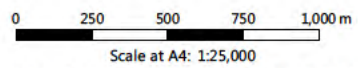
October 2019



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- Key
- Indicative site boundary
 - Overhead line
 - Tower
 - Substation



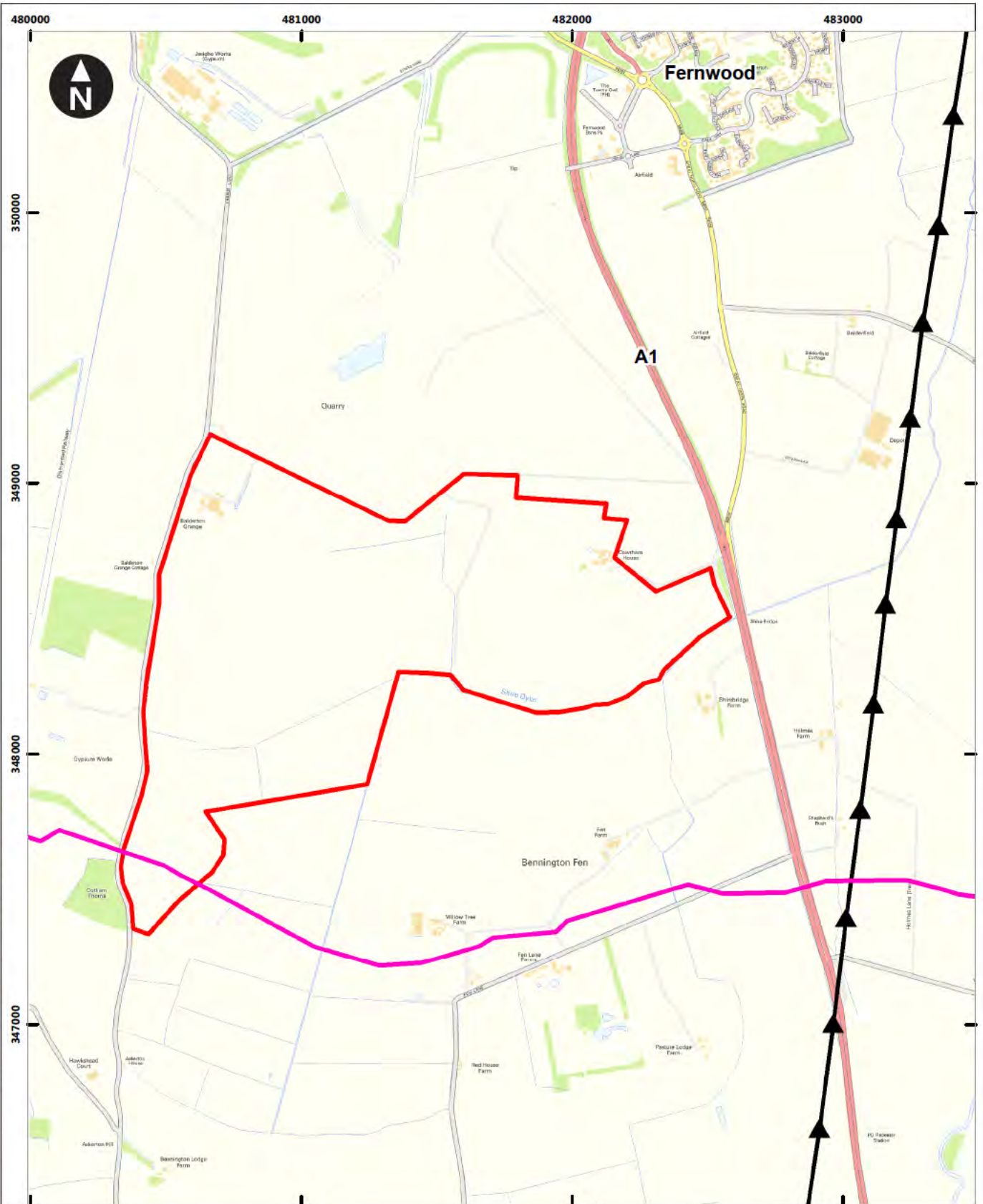
Development Plan Monitoring

National Grid Reference:
Site ET260
South Muskham (DM6),
Nottinghamshire County Council
Proposed Development Site
Minerals

October 2019



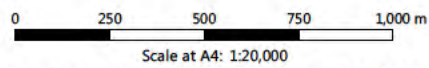
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- Key
- Indicative site boundary
 - Overhead line
 - Tower
 - Gas transmission pipeline (high pressure)

Development Plan Monitoring

**National Grid Reference:
Site GT87
Bantycok Quarry South (MP7c),
Nottinghamshire County Council
Proposed Development Site
Minerals**



October 2019



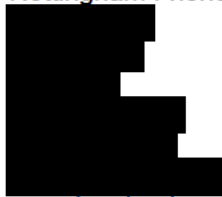
[REDACTED]

From: Nigel Lee [REDACTED]
Sent: 11 October 2019 14:15
To: Planning Policy
Subject: RE: Nottinghamshire Minerals Local Plan consultation
Attachments: 191011NFOE-MLP_representation-form.docx

Follow Up Flag: Follow up
Flag Status: Completed

Please find attached our response to the Minerals Plan consultation.

Nigel Lee
Nottingham Friends of the Earth



www.facebook.com/groups/138538309515103

From: Steven Osborne-James [REDACTED]
Sent: 29 August 2019 14:30
To: Undisclosed recipients:
Subject: Nottinghamshire Minerals Local Plan consultation opens 30th August

Dear Sir or Madam

Nottinghamshire County Council has a statutory duty to publish an up-to-date Minerals Local Plan – a blueprint for future of minerals extraction in the county up to 2036. We have completed a number of stages of public consultation on a new Minerals Local Plan since 2017, with the most recent public consultation on the draft version of the minerals plan in July 2018.

As a result of the comments you submitted - relating to the content of the draft plan or on a site-specific quarry proposal, you are receiving notification of the next stage of public consultation which will open on **Friday August 30th and close at 16.30 Friday 11th October 2019.**

The public consultation on the 'Publication Version' of the minerals plan is seeking views on whether the plan is legally compliant and considered 'sound'. As a result, representations need to focus on.

1. Is the plan legally compliant? Issues to consider before making a representation on legal compliance include:

- Has the Local Plan followed the key stages as set out in the authorities Local Development Scheme;
- Is the Local Plan in general accordance with the authorities Statement of Community Involvement;
- Has the authority prepared a Sustainability Appraisal.
- Does the Local Plan should comply with all other relevant requirements of the Planning and Compulsory Purchase Act 2004 and the Town and Country Planning (Local Planning) (England) Regulations 2012, as amended.

2. Is the plan considered 'sound' namely that it is:

- Positively prepared – providing a strategy which, as a minimum seeks to meet the area's objectively assessed needs, and is informed by agreements with other authorities, so that unmet

need from neighbouring authorities is accommodated where it is practical to do so and is consistent with achieving sustainable development;

- Justified – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;
- Effective - deliverable over the plan period and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and
- Consistent with national policy – enabling the delivery of sustainable development in accordance with the policies in the NPPF.

You can find a more detailed guidance note on the County Council’s website at [Nottinghamshire.gov.uk/minerals](https://www.nottinghamshire.gov.uk/minerals) to help you understand the tests of soundness.

We would encourage you to submit your representations online via our consultation system as this will allow you to add representations to specific sections of the plan and in the correct format. You can find more information about submitting representations electronically at [Nottinghamshire.gov.uk/minerals](https://www.nottinghamshire.gov.uk/minerals). As an alternative, representations can be sent either as a word document or PDF via email, however they will still need to be presented in the correct format. See our webpage for further guidance. Submitting representations electronically aids in the speed and effectiveness of the consultation process.

Representations submitted on paper will be accepted if they are in the correct format, however this increases the time taken to process representations and slows the development of the minerals plan. A hard copy of the Publication Version of the Minerals Local Plan can be viewed at County Hall, District / Borough Council offices and the following libraries during normal opening hours; Arnold, Beeston, Bingham, Clifton, Hucknall, Kirkby-in-Ashfield, Mansfield, Newark, Retford, Southwell, Sutton-in-Ashfield, West Bridgford and Worksop.

If you no longer wish to be informed about the development of the Minerals Local Plan please get in touch.

Regards

Planning Policy Team

Information regarding the development of the new Nottinghamshire Minerals Local Plan can be found at: [Nottinghamshire.gov.uk/minerals](https://www.nottinghamshire.gov.uk/minerals)

The following message has been applied automatically, to promote news and information from Nottinghamshire County Council about events and services:

Not sure what to do with the kids during the summer holidays? Visit our [dedicated page](#) for ideas on how to keep them active and entertained! Don't forget to use #ExploreNotts on your social media posts to help us highlight great things to do across the county.

Emails and any attachments from Nottinghamshire County Council are confidential. If you are not the intended recipient, please notify the sender immediately by replying to the email, and then delete it without making copies or using it in any other way. Senders and recipients of email should be aware that, under the Data Protection Act 2018 and the Freedom of Information Act 2000, the contents may have to be disclosed in response to a request.

Although any attachments to the message will have been checked for viruses before transmission, you are urged to carry out your own virus check before opening attachments, since the County Council accepts no responsibility for

loss or damage caused by software viruses.

You can view our privacy notice at: <https://www.nottinghamshire.gov.uk/global-content/privacy>

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Nottinghamshire County Council Legal Disclaimer.

Representation Form

This is the representation form for the Nottinghamshire Minerals Local Plan - Publication Version published by Nottinghamshire County Council. The Publication Version and the supporting information can be found online at www.nottinghamshire.gov.uk/minerals. You can submit your representations online via our interactive system by using this link.



The formal representation period is open from Friday 30th August 2019 to 4.30pm Friday 11 October. All representations must be received during this period.

If you wish to submit a representation to the Plan using this form, please complete all parts and then send it to us via email or post, using the addresses below. Please note:

- **All respondents need to provide their personal details.** It is not possible for representations to be anonymous. All responses will be made public.
- **Representations must be on the basis of the ‘soundness’ of the plan or its legal and Duty to Co-operate compliance.** Please read the guidance note on this for further information.
- **Part B of the form contains your representations.** Please fill in a separate Part B for each representation you wish you make. You only need to fill in Part A once.
- **If you are part of a group that share a common view,** it would be helpful for that group to send a single representation rather than multiple copies stating the same point. Please indicate how many people are represented and how it has been authorised (e.g. by means of a list with contact details for each person or by a committee vote). This holds the same weight as separately submitted representations.

If you have any queries please contact us as below or ring us on 0300 500 80 80.

Please return completed forms to:

 Planning Policy Team  planning.policy@nottscc.gov.uk
County Hall, West Bridgford,
Nottingham, NG2 7QP

We must receive your representations before 4.30pm, Friday 11th October 2019. Representations received after this cannot be accepted.

All of the representations received will be submitted with the Plan and will be examined by a planning inspector who will consider whether the Plan is ‘sound’ and complies with the legal requirements.

Nottinghamshire County Council’s Planning Policy Service is committed to protecting your privacy and ensuring all personal information is kept confidential and safe. View our privacy notice at www.nottinghamshire.gov.uk/privacy

<i>Office use only</i> Person No: Rep Nos:
--

Part A – Personal details

	1. Personal details	2. Agent details (where applicable)
Title	Mr	
First name	Nigel	
Last name	Lee	
Address line 1	██████████	
Address line 2	██████████	
Address line 3		
Postcode	██████████	
Email	██████████████████	
<i>For those replying on behalf of an organisation or group:</i>		
Organisation	Nottingham Friends of the Earth	
Job title		

Part B – Your representation

<i>Office use only</i> Person No: Rep No:

Please read the guidance note before completing this section.

Name or organisation: Nottingham Friends of the Earth

3. To which part of the Local Plan does this representation relate?

Policy	MP12	Site code		Map/Plan		Paragraph		Other	
--------	------	-----------	--	----------	--	-----------	--	-------	--

4. Do you consider the identified part of the Local Plan to be:

Legally compliant?	Yes		No	X
Sound?	Yes		No	X
Complies with the Duty to co-operate	Yes		No	

Please tick as appropriate.

5. Please give details of why you consider the identified part of the Local Plan is not legally compliant or is unsound, or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Policy MP12: Oil & Gas

This policy is not sound on two main grounds – climate change and unconventional hydrocarbons. And it is not legally compliant on climate change.

Climate change

- 1) Although there is a separate policy on Climate Change (SP3), which we support, there are specific issues relating to oil and gas which should be added in Policy MP12.
- 2) There is a legal requirement for Plan policies to reduce climate emissions (Planning & Compulsory Purchase Act 2004, s19(1A)). The Plan period will extend beyond 2030 so should be compatible with statutory climate emissions reductions targets set for 2030, and with carbon budgets through the Plan period. Policy MP12 should be redrafted to ensure that proposals for exploitation of hydrocarbon minerals are tested against this requirement.
- 3) Plan policies should take a precautionary approach to climate emissions and should not approve any development which may cause leakage of methane in the short, medium or long term. In particular, any proposal which cannot reliably quantify and control methane leaks in the short, medium and long term should not be allowed. That should mean no new working of coal, oil or gas seams, given the impossibility with current technology of guaranteeing the integrity of well casings, etc. For the same reason, the Plan should continue to support capping of disused coal mines to prevent methane leaking to atmosphere.
- 4) As an example, the Cumbria Minerals & Waste Local Plan adopted in September 2017¹ includes under Policy DC13 (Criteria for energy materials) a requirement that, for exploration and appraisal, “the impacts of the development have been considered in relation to impact on climate change”; and, for commercial exploitation, “the impact of the development has been considered in terms of contributing to the mitigation of climate change”.
- 5) The Kirklees Local Plan adopted in February 2019² includes under Policy LP42 (Proposals for production of hydrocarbons) a requirement that proposals “will be considered against the following criteria: ... h. Where a proposal demonstrates that it will have a net zero impact on climate change.”

Unconventional hydrocarbons

- 6) The statement in section 4.108 that “It is considered that there is no justifiable reason in planning policy terms to separate shale gas from other hydrocarbon development” is not sound.
- 7) This has been demonstrated in public examination of the North Yorkshire Minerals & Waste Joint Plan in 2018 where a number of issues were considered requiring specific policies for hydraulic fracturing, including:
 - A definition of hydraulic fracturing suitable for the planning system: “Hydraulic fracturing is the process of opening and/or extending existing narrow fractures or creating new ones (fractures are typically hairline in width) in gas or oil bearing rock, which allows gas to flow into wellbores to be captured.”³
 - 500m separation distance.⁴
 - Arguments for a maximum wellpad density and for financial guarantee.⁵

¹ http://www.cumbria.gov.uk/planning-environment/policy/minerals_waste/MWLP/Adopted.asp

² www.kirklees.gov.uk/localplan

³ Main Modifications, s 5.119:

<https://www.northyorks.gov.uk/sites/default/files/fileroot/Planning%20and%20development/Minerals%20and%20waste%20planning/Examination%20Library/LPA%20Docs/LPA90%20-%20Main%20Modifications%20to%20be%20discussed%2013%20April%202018.pdf>

⁴ <https://drillordrop.com/2018/04/13/live-updates-inspector-examines-key-issues-on-fracking-in-north-yorkshire/>
<https://www.northyorks.gov.uk/sites/default/files/fileroot/Planning%20and%20development/Minerals%20and%20waste%20planning/Examination%20Library/LPA%20Docs/LPA89%20500m%20buffer%20note.pdf>

⁵ <https://drillordrop.com/2018/03/13/live-updates-fracking-policy-for-n-yorkshire-comes-under-scrutiny/>

- 8) Similarly, the East Riding Joint Minerals Local Plan Policy EM6 Extraction of Shale Gas (Hydraulic Fracturing) includes criteria requiring “adequate provision of the supply of water”, “measures to avoid pollution of ground water, aquifers, and potable water supplies”, “measures to avoid unacceptable adverse impacts as a result of vibration and induced seismicity”, “measures to avoid air pollution”, etc.⁶
- 9) In the Nottinghamshire context, specific reference should be made to risks associated with former coalfield workings. Bassetlaw MP John Mann has urged consideration be given to a report by Geophysics Professor Peter Styles who has drawn attention to the importance of making use of high-resolution mapping of faultlines and recommended 500m separation of hydraulic fracturing from former mine workings and 850m from any fault lines.⁷
- 10) Specific reference should also be made to the importance of the Sherwood Sandstone Aquifer. The Water Framework Directive requires a precautionary approach, particularly to protect groundwater from all contamination.⁸ Particular care will be required to protect Sherwood sandstone aquifers used for drinking water and agriculture, and particularly in the former coal mining areas which are already subject to minor earthquakes and minewater pollution. (The biggest risk of earthquakes is to damage well linings and allow leakage of toxic fluids and gases.)
- 11) As well as a risk of methane leakage affecting climate emissions, there is also a risk of venting carcinogenic gases such as benzene, toluene, ethylbenzene, xylene (BTEX) as well as radon which is radioactive, which may be a direct threat to public health. Diesel compressors which are necessary for high pressure hydraulic fracturing and vehicles also contribute to gasfield haze with particulates, nitrogen dioxide and ground-level ozone likely occupational hazards. Silica sand used in hydraulic fracturing may also be a major health hazard. A precautionary approach should therefore be taken, particularly to any proposal which may involve hydraulic fracturing.
- 12) Policy MP12 should make clear that definition of site boundary must include (in 3-D) the full extent of any horizontal drilling underground. (As required by Town & Country Planning Act 1990 s55(1) which defines “development” to include “... building, engineering, mining or other operations in, on, over or under land ...”)
- 13) The scale and intensity of high volume hydraulic fracturing requires specific policies to protect Nottinghamshire’s people and environment. Shale is not porous so the gas (and perhaps oil) that it contains does not flow to the well - to drain an extensive area it is necessary for fracturing to create artificial porosity. This has to be done across an area not at a single location requiring the construction of many originating well pads each of which is associated with a great deal of surface activity and infrastructure. During the time the Plan will be in force large parts of Notts could be turned into extensive gasfields – exploiting shale gas in Northern Notts and South Western Notts, and coal bed methane in Eastern Notts. The potential scale of industrialisation of the countryside is indicated in a briefing by Ineos showing upto 420 wells in each 10km square licence area (30 wellpads with upto 14 horizontal wells from each wellpad.⁹ This will require extensive roadways, pipelines, etc as well as the wellpads. While Ineos acknowledges that social and environmental constraints mean that the actual intensity of development will be less than this theoretical maximum, it is still anticipating perhaps 10 wellpads with 12 wells from each per 10km square – around 120 wells in total – which could result in over 1,000 wells just in Ineos’ licenses around the Sherwood Forest area.

Background information

- 1) Fossil fuel extraction has been a major source of climate emissions through methane leakage, particularly over the last decade when high volume hydraulic fracturing has become established in the US and elsewhere. A NASA team recently calculated that fossil

⁶ <https://www.eastriding.gov.uk/mineralsplan>

⁷ <https://www.parliament.uk/edm/2017-19/1303>
<http://www.talkfracking.org/wp-content/uploads/2018/05/Fracking-and-Mining-Styles-Final.pdf>

⁸ https://ec.europa.eu/environment/water/water-framework/info/intro_en.htm

⁹ <http://frackfreeryedale.org/wp-content/uploads/2016/05/INEOS-online-ad-for-Seismic-Survey-Contractor-06.05.16.pdf>

fuels have contributed about 12 to 19 teragrammes methane to the atmosphere each year since 2006, about half of the overall increase, the other half being due to biogenic sources. (John R Worden et al, Nature Communications 8, 2227, 20 December 2017. See: <https://earthobservatory.nasa.gov/IOTD/view.php?id=91564&src=ve>)

- 2) The planning authority has a responsibility to check that other regulators will be able to do their job. Planning Practice Guidance (Reference ID: 27-112-20140306) advises minerals planning authorities that “before granting planning permission they will need to be satisfied that these issues can or will be adequately addressed by taking the advice from the relevant regulatory body: ...

Mitigation of seismic risks...
Well design and construction...
Well integrity during operation...
Operation of surface equipment on the well pad...
Mining waste...
Chemical content of hydraulic fracturing fluid...
Flaring or venting...
Final off-site disposal of water...
Well decommissioning/abandonment...”

(As an example, the Planning Inspector in rejecting an appeal by Egdon Resources against refusal of planning permission for a conventional oil well at Wressle by North Lincolnshire Council (APP/Y2003/W/17/3173530 & APP/Y2003/W/17/318060, 4 January 2018 <https://acp.planninginspectorate.gov.uk/ViewCase.aspx?Caseid=3173530&CoID=0>) found that the required ground condition report had not been prepared and this did not seem to have been addressed by the Environment Agency in their Environmental Permitting decision document (para 24).)

In some cases, planning conditions may need to be used to ensure these issues are adequately addressed, particularly to protect ground and surface water and to minimise the impact on the causes of climate change in the short, medium and long term.

- 3) Regulatory failures include a failure by the Environment Agency to stop Cuadrilla dumping fracking wastewater from Preese Hall containing radioactivity into the Manchester Ship Canal. And Michael Hill, an engineer involved in fracking at Preese Hall, states that “the only well to have been fracked in the U.K.

suffered an integrity failure that the HSE were not aware of for up to THREE years, suffered damage to the casing due to unpredicted induced seismicity, caused by the fracking, which neither HSE nor the DECC were aware of for over 12 months, was never inspected once by the HSE for well integrity, which may or may not have leaked into the surrounding formations (we do not know because the EA have not checked) and which has now been abandoned.”

http://media.wix.com/ugd/b0aabf_5902a55b06fd4338a56db38dd8687240.pdf

- 4) A review of evidence on regulation by Watterson & Dinan of Stirling University (October 2016) concluded (<http://www.regulatingscotland.org/report/frackingandregulation.pdf>):
- the evidence base for robust regulation and good industry practice is currently absent. There are multiple serious challenges surrounding location, scale, monitoring and data deficits facing regulators overseeing onshore UGE and fracking in the UK;
 - the evidence from peer-reviewed papers suggests fracking in the UK will not be effectively regulated. It is highly likely that regulatory agencies may lack the staffing and resources necessary to monitor and enforce effective regulation of the industry;
 - US and UK peer-reviewed analyses and EU law identify both the precautionary principle and prevention as keys to dealing with fracking. This is underpinned by findings from the peer-reviewed public health literature that already identifies significant hazards and major potential risks from the industry.

- 5) UK government policy and guidance on high-volume hydraulic fracturing is based on out of date research, such as the Royal Society/Royal Academy of Engineering review (July 2012) and a report by Public Health England (although this was published in June 2014 it was not significantly changed from a 2013 draft which was based on evidence available upto 2012). This ignores more than 80% of the peer reviewed scientific literature on the environmental and health impacts of shale gas development which has been published since 2012: www.psehealthyenergy.org/our-work/shale-gas-research-library/ And only one out of 10 recommendations of the RS/RAE review had been implemented in full after 2 years: [http://www.thelancet.com/journals/lancet/article/PIIS0140-6736\(14\)60888-6/fulltext](http://www.thelancet.com/journals/lancet/article/PIIS0140-6736(14)60888-6/fulltext)
- 6) The most detailed research is probably that carried out by the State of New York's Department of Environmental Conservation which considered the available information on potential environmental impacts of high-volume hydraulic fracturing and possible mitigation measures and concluded (in June 2015): "In the end, there are no feasible or prudent alternatives that would adequately avoid or minimize adverse environmental impacts and that address the scientific uncertainties and risks to public health from this activity. The Department's chosen alternative to prohibit high-volume hydraulic fracturing is the best alternative based on the balance between protection of the environment and public health and economic and social considerations." (2015 SEQR Findings Statement, page 42: www.dec.ny.gov/energy/75370.html)
- 7) The most comprehensive review of peer reviewed studies on the impacts of fracking has been produced by the Concerned Health Professionals of New York. The sixth edition dated June 2019 (<https://concernedhealthny.org/compendium/>) lists the following emerging trends:
1. Regulations are simply not capable of preventing harm.
 2. Fracking and natural gas are incompatible with climate solutions.
 3. Fracking and the disposal of fracking waste threaten drinking water.
 4. Drilling and fracking contribute to toxic air pollution and ground-level ozone at levels known to have health impacts.
 5. Public health problems associated with drilling and fracking include poor birth outcomes, reproductive and respiratory impacts, and cancer risks.
 6. Occupational health and safety risks for workers are severe and include both physical and chemical hazards.
 7. Earthquakes are a proven consequence of both fracking and the underground injection of fracking waste.
 8. Fracking infrastructure poses serious potential exposure risks to those living nearby.
 9. Drilling and fracking activities bring naturally occurring radioactive materials to the surface.
 10. Drilling and fracking activities harm wildlife through multiple pathways.
 11. The risks posed by fracking in California are unique.
 12. Fracking in Florida presents many unknowns.
 13. The economic instabilities of fracking exacerbate public health risks.
 14. Fracking raises human rights and environmental justice issues.
 15. Health professionals are increasingly calling for bans or moratoria on fracking, based on a range of health hazards and as reviews of the data confirm evidence for harm.

6. Please set out what change(s) you consider necessary to make the identified part of the Local Plan legally compliant or sound, in respect of any legal compliance or soundness matters you have identified above. (please note that non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Suggested addition to Policy MP12 (Oil & Gas)

A condition should be added to Policy MP12 to ensure that any proposed development will not compromise the Council's duties in relation to climate change mitigation, and will be fully compatible with statutory climate emissions targets and carbon budgets during the Plan period.

Suggested additional Policy MP12a (Hydraulic fracturing)

Policy should be added to address problems specific to hydraulic fracturing, including:

- A definition of hydraulic fracturing suitable for the planning system, such as that discussed in the North Yorkshire Minerals & Waste Joint Plan Examination (“Hydraulic fracturing is the process of opening and/or extending existing narrow fractures or creating new ones (fractures are typically hairline in width) in gas or oil bearing rock, which allows gas to flow into wellbores to be captured.”).
- Minimum separation distance from homes and other sensitive sites.
- Minimum separation distance from former mine workings.
- Minimum separation distance from fault lines (and a requirement to make use of high resolution mapping, as recommended by Professor Peter Styles).
- The site boundary of the development to include in 3-D the full extent of any horizontal drilling.
- Maximum well-pad density.
- Financial guarantee.
- Protection of the Sherwood sandstone aquifer.
- Arrangements for adequate provision of water supply and disposal of toxic waste water.
- Measures to avoid unacceptable impacts of vibration and induced seismicity.
- Measures to avoid air pollution, including BTEX and radon.
- Measures to protect people working on site, for example from silica dust, radioactive water and gases, and emissions from compressors.
- A risk assessment to demonstrate that all reasonable scientific doubt that there is any risk of adverse impacts has been eliminated.

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions. After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

7. If your representation is seeking modification to the plan, do you consider it necessary to participate in the examination hearing session(s)?

No , I do not wish to participate in the hearing session(s)	
Yes , I wish to participate in the hearing session(s)	Yes

Please note that while this will provide an initial indication of your wish to participate in the hearing session(s), you may be asked at a later point to confirm your request to participate.


8. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

Large parts of Nottinghamshire have been licensed for Petroleum Exploration and Development, including around 1,000 square kilometres around the Sherwood Forest area – where there is potential for shale gas exploitation.

The County Council has persistently refused to include policy adequate to respond to potential proposals for development of unconventional hydrocarbons.

We would hope that the Examination will include discussion of this issue, and would wish to be involved in this discussion. We would intend to coordinate with other groups making similar points.

***Please note** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.*

Signature		Date	11 October 2019
Name	Nigel Lee		

[REDACTED]

From: Janice Bradley [REDACTED]
Sent: 11 October 2019 13:03
To: Planning Policy
Subject: Publication Version of the MLP, Nottinghamshire Wildlife Trust response
Attachments: representation-form Nottinghamshire Wildlife Trust DM4.docx; representation-form Nottinghamshire Wildlife Trust MP1.docx; representation-form Nottinghamshire Wildlife Trust MP2.docx; representation-form Nottinghamshire Wildlife Trust MP3.docx; representation-form Nottinghamshire Wildlife Trust MP6.docx; representation-form Nottinghamshire Wildlife Trust MP7.docx; representation-form Nottinghamshire Wildlife Trust MP8.docx; representation-form Nottinghamshire Wildlife Trust MP11.docx; representation-form Nottinghamshire Wildlife Trust MP12.docx; representation-form Nottinghamshire Wildlife Trust para 5.135.docx; representation-form Nottinghamshire Wildlife Trust paras 3.49-3.55.docx; representation-form Nottinghamshire Wildlife Trust SP1.docx; representation-form Nottinghamshire Wildlife Trust SP2.docx

Follow Up Flag: Follow up
Flag Status: Completed

Dear Planning Policy Team,

Please find attached our representation forms for the above. The number of forms notwithstanding, this is a very good plan, much of which I strongly welcome and also recognise that many of my previous comments and submissions have been incorporated.

You will also find that there is an additional representation made through your online consultation portal, however I had to abandon this thereafter, as it did not send a full copy of my comments back to me, only a truncated version, so was not feasible to use for our representations.

Please do not hesitate to contact me to discuss any of the issues raised, I am sure that several can be resolved through a face to face meeting prior to the examination of the Plan.

Many thanks

Best regards

Janice

Janice Bradley MBE C.Env., MCIEEM
Head of Conservation

Nottinghamshire Wildlife Trust
The Old Ragged School
Brook Street
Nottingham
NG1 1EA
Phone: 0115 958 8242 [REDACTED]

Please note that I work all day on Mondays, Tuesdays and Thursdays and from 9.30-1.30 on Wednesdays and Fridays.

<https://www.nottinghamshirewildlife.org/>



<https://www.justgiving.com/campaign/NottinghamshireNatureReserveFund>

Nottinghamshire Wildlife Trust is the county's largest environmental charity - run by local people for the benefit of local wildlife. We manage nature reserves across the county, champion nature and inspire adults and children about the natural world. Together we are working to create a Living Landscape for Nottinghamshire.

Are you a member of Nottinghamshire Wildlife Trust? Join us now online or call us on 0115 958 8242

Registered office: The Old Ragged School, Brook St, Nottingham NG1 1EA Registered in England & Wales: no. 748865. Charity no. 224168R.

Representation Form

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Part A – Personal details

Office use only

Person No:

Rep Nos:

	1. Personal details	2. Agent details (where applicable)
Title	Mrs	
First name	Janice	
Last name	Bradley	
Address line 1	████████████████████	
Address line 2	██████████	
Address line 3	██████████	
Postcode	██████████	
Email	████████████████████	
<i>For those replying on behalf of an organisation or group:</i>		
Organisation	Nottinghamshire Wildlife Trust	
Job title	Head of Conservation	

Part B – Your representation

Office use only

Person No:

Rep No:

Please read the guidance note before completing this section.

Name or organisation: Janice Bradley, Nottinghamshire Wildlife Trust

3. To which part of the Local Plan does this representation relate?

Policy	DM4	Site code		Map/Plan		Paragraph	3.49-3.55	Other	
--------	-----	-----------	--	----------	--	-----------	-----------	-------	--

4. Do you consider the identified part of the Local Plan to be:

Legally compliant?	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Sound?	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
Complies with the Duty to co-operate	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>

Please tick as appropriate.

5. Please give details of why you consider the identified part of the Local Plan is not legally compliant or is unsound, or fails to comply with the duty to co-operate. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

(Continue on a separate sheet/expand box if necessary)

NWT strongly support the intent of this policy and the supporting text. Our concern, however, is that to remain **sound** when applied in real world situations, the wording of policy requires strengthening by the removal of references to unspecified reasons for why the need for a 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 contrary to policy. It is necessary therefore that either these references (which can be used as loopholes to evade the excellent intent of the policy) should be removed, or a robust framework for how that value is quantified and weighted should be agreed in order to ensure robust development management decisions.

It also essential that this policy reflects the Government's imperative to achieve net biodiversity gain in order to be complaint with the 25YEP and emerging Government policy.

Without these amendments, the policy is open to misinterpretation and therefore may not be **sound**. There is also a risk that the loopholes may inadvertently result in breaching the MPA's responsibilities under the **NERC Biodiversity Duty**.

6. Please set out what change(s) you consider necessary to make the identified part of the Local Plan legally compliant or sound, in respect of any legal compliance or soundness matters you have identified above. (please note that non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

(Continue on a separate sheet/expand box if necessary)

NWT therefore consider that for the avoidance of doubt, DM4 should be amended as follows:

~~“b) ...except where the benefits of the development clearly outweigh the importance of the site and where no suitable alternative exists;~~

c) They are not likely to give rise to the loss or deterioration of Local Sites (Local Wildlife Sites or Local Geological Sites) ~~except where the need for and benefits of the development in that location outweigh the impacts;~~

d) They would not result in the loss of populations of a priority species or areas of priority habitat. Development that would result in the loss or deterioration of irreplaceable habitats **will be refused**. ~~only be permitted where there are wholly exceptional reasons and a suitable compensation strategy exists.~~

5.56. Where compensation is required, this should ensure that **net biodiversity gain is achieved** ~~there is no net loss of~~ habitat, **including the need to** provide like for like replacements of habitat (recognising that newly created habitats may take many years to reach the quality and diversity of established habitats), **a greater priority Sn41 habitat resource overall** , and also make up for any lost connections between habitats.

Where significant impacts on species are predicted, compensation schemes should also provide overall habitat improvements, in terms of quality or area, in comparison to the habitat that is being lost. Use of the DEFRA Biodiversity Metric may be helpful in undertaking assessments to determine the compensatory habitat required.

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.
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7. If your representation is seeking modification to the plan, do you consider it necessary to participate in the examination hearing session(s)?

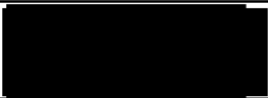
No , I do not wish to participate in the hearing session(s)	
Yes , I wish to participate in the hearing session(s)	x

Please note that while this will provide an initial indication of your wish to participate in the hearing session(s), you may be asked at a later point to confirm your request to participate.

8. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

<p>This is an area of risk for deliverability of the excellent intent of this policy, Hopefully this can be achieved without attendance at this hearing session, but if necessary NWT would attend to discuss this matter.</p>
--

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Signature		Date	10 th October 2019
Name	Janice Bradley		

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Part A – Personal details

Office use only

Person No:

Rep Nos:

	1. Personal details	2. Agent details (where applicable)
Title	Mrs	
First name	Janice	
Last name	Bradley	
Address line 1	████████████████████	
Address line 2	██████████	
Address line 3	██████████	
Postcode	██████████	
Email	████████████████████	
<i>For those replying on behalf of an organisation or group:</i>		
Organisation	Nottinghamshire Wildlife Trust	
Job title	Head of Conservation	

Part B – Your representation

Office use only

Person No:

Rep No:

Please read the guidance note before completing this section.

Name or organisation: Janice Bradley, Nottinghamshire Wildlife Trust

3. To which part of the Local Plan does this representation relate?

Policy	MP1	Site code		Map/Plan		Paragraph		Other	
--------	-----	-----------	--	----------	--	-----------	--	-------	--

4. Do you consider the identified part of the Local Plan to be:

Legally compliant?	Yes		No	x
Sound?	Yes		No	x
Complies with the Duty to co-operate	Yes	x	No	

Please tick as appropriate.

5. Please give details of why you consider the identified part of the Local Plan is not legally compliant or is unsound, or fails to comply with the duty to co-operate. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

(Continue on a separate sheet/expand box if necessary)

NWT do not consider this policy to be **sound** because of the inherent contradiction between the Plan-led approach whilst simultaneously making specific provision for development on non-allocated sites within Policy MP1. If the plan-making process has been robust and based on good data, then there should be no need for development on non-allocated sites. A robust plan review process at fixed intervals may identify the need to bring new sites forward for further allocations in a proper manner, where the need has changed, in which case they can be compared to other potential sites in a rigorous way. It is not a rigorous process for a single operator's proposal to be brought forward at a particular point in time, and therefore not be subject to a proper comparative test against others prospective sites, including an SA.

By undermining the plan-led approach, it is possible that this policy could inadvertently breach the requirements of the NPPF and so may not be legally compliant.

6. Please set out what change(s) you consider necessary to make the identified part of the Local Plan legally compliant or sound, in respect of any legal compliance or soundness matters you have identified above. (please note that non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

(Continue on a separate sheet/expand box if necessary)

NWT therefore consider that for the avoidance of doubt, and to ensure soundness, bullet point 3 should be removed from Policy MP1.

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

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7. If your representation is seeking modification to the plan, do you consider it necessary to participate in the examination hearing session(s)?

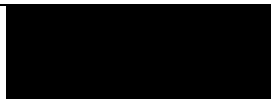
No , I do not wish to participate in the hearing session(s)	
Yes , I wish to participate in the hearing session(s)	x

Please note that while this will provide an initial indication of your wish to participate in the hearing session(s), you may be asked at a later point to confirm your request to participate.

8. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

<p>This is an area of risk for deliverability of the excellent intent of this policy, Hopefully this can be achieved without attendance at this hearing session, but if necessary NWT would attend to discuss this matter.</p>
--

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

Signature		Date	10 th October 2019
Name	Janice Bradley		

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Part A – Personal details

Office use only

Person No:

Rep Nos:

	1. Personal details	2. Agent details (where applicable)
Title	Mrs	
First name	Janice	
Last name	Bradley	
Address line 1	████████████████████	
Address line 2	██████████	
Address line 3	██████████	
Postcode	██████████	
Email	████████████████████	
<i>For those replying on behalf of an organisation or group:</i>		
Organisation	Nottinghamshire Wildlife Trust	
Job title	Head of Conservation	

Part B – Your representation

Office use only

Person No:

Rep No:

Please read the guidance note before completing this section.

Name or organisation: Janice Bradley, Nottinghamshire Wildlife Trust

3. To which part of the Local Plan does this representation relate?

Policy	MP2	Site code		Map/Plan		Paragraph		Other	
--------	-----	-----------	--	----------	--	-----------	--	-------	--

4. Do you consider the identified part of the Local Plan to be:

Legally compliant?	Yes		No	x
Sound?	Yes		No	x
Complies with the Duty to co-operate	Yes	x	No	

Please tick as appropriate.

5. Please give details of why you consider the identified part of the Local Plan is not legally compliant or is unsound, or fails to comply with the duty to co-operate. Please be as precise as possible.

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(Continue on a separate sheet/expand box if necessary)

NWT recognise the need to allocate sufficient land for future mineral needs, subject to accurate data and a regular review of actual sales and needs against predictions. NWT object strongly, however, to the allocation of a new site at Mill Hill nr Barton in Fabis. We believe that this allocation renders this area of the Plan **unsound** because it is fundamentally flawed, for the following reasons:

The proposed allocation would destroy all or part of 5 LWS, would indirectly damage a further 4 LWS which are in very close proximity and cause indirect damaging effects on 2 adjacent SSSI, a designated Ancient Woodland and a large area of BAP/Sn 41 priority habitat. This site is also known to host a significant number of protected species whose populations would be reduced or lost as a result of the scheme, as would several BAP/Sn 41 species. Allocating a site of such high existing biodiversity is therefore not compliant with Policies SO1 and SP5 and so is **unsound**. It is possible that such an allocation also breaches the **MPA's Biodiversity Duty under the NERC Act** and so may not be legally compliant.

This proposed site scored worse in the SA (-13 and -3) than nearly all other sites that were assessed, **and has been allocated whilst other sites that did not score as badly have not**. This fundamentally undermines the aims of SA as an independent tool for choosing between sites, and so also undermines the soundness of this Plan, particularly the stated intent to achieve sustainable development. The descriptive text for the environmental impacts predicted for this proposed site in the SA is clear in stating that there would both short and long term negative impacts on biodiversity and landscape (as well as other factors outside the remit of NWT). Indeed it makes clear that there would be a **net loss of biodiversity** if this site were to proceed.

It is also notable that in the Assessment of Multiple Environmental Sensitivities report, this proposed allocation has been assessed as being red – ie. a scheme would adversely impact several environmental assets.

The text is also inaccurate in stating that the quarry is predicted to start in 2019, this is not the case, as the applicant (having submitted a presumptive application in the absence of an allocation) has so far failed to produce adequate information to inform a proper determination by the MPA.

6. Please set out what change(s) you consider necessary to make the identified part of the Local Plan legally compliant or sound, in respect of any legal compliance or soundness matters you have identified above. (please note that non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

(Continue on a separate sheet/expand box if necessary)

NWT therefore consider that the Mill Hill nr Barton in Fabis allocation should be removed from Policy MP2.

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions. After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

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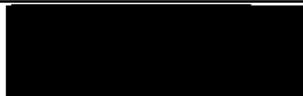
No , I do not wish to participate in the hearing session(s)	
Yes , I wish to participate in the hearing session(s)	x

Please note that while this will provide an initial indication of your wish to participate in the hearing session(s), you may be asked at a later point to confirm your request to participate.

8. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

<p>This is a serious issue of an allocation that may render the Plan unsound and not legally compliant, so it should be removed. If this cannot be achieved prior to the hearing session, NWT would attend the session to provide evidence on this matter.</p>
--

***Please note** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.*

Signature		Date	10 th October 2019
Name	Janice Bradley		

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Rep Nos:

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First name	Janice	
Last name	Bradley	
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Address line 2	██████████	
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<i>For those replying on behalf of an organisation or group:</i>		
Organisation	Nottinghamshire Wildlife Trust	
Job title	Head of Conservation	

Part B – Your representation

Office use only

Person No:

Rep No:

Please read the guidance note before completing this section.

Name or organisation: Janice Bradley, Nottinghamshire Wildlife Trust

3. To which part of the Local Plan does this representation relate?

Policy	MP3	Site code		Map/Plan		Paragraph		Other	
--------	-----	-----------	--	----------	--	-----------	--	-------	--

4. Do you consider the identified part of the Local Plan to be:

Legally compliant?	Yes		No	x
Sound?	Yes		No	x
Complies with the Duty to co-operate	Yes	x	No	

Please tick as appropriate.

5. Please give details of why you consider the identified part of the Local Plan is not legally compliant or is unsound, or fails to comply with the duty to co-operate. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

(Continue on a separate sheet/expand box if necessary)

NWT recognise the need to allocate sufficient land for future mineral needs, subject to accurate data and a regular review of actual sales and needs against predictions. NWT object strongly, however, to the allocation of MP3d Bestwood 2 North. We believe that this allocation renders this area of the Plan **unsound** because it is fundamentally flawed, for the following reasons:

The proposed allocation is entirely located within a LWS which would be destroyed as a result of extraction. The proposed site also lies with the ppSPA buffer zone and between two parts of the Sherwood Forest Important Bird Area, upon which any future Special Protection Area (SPA) designation may be based. Allocating a designated LWS is not compliant with Policies SO1 and SP5 and so is **unsound**. It is possible that such an allocation also breaches **the MPA's Biodiversity Duty under the NERC Act** and so may not be legally compliant.

This proposed site scored poorly in the SA (-9 and -2) compared to several other sites that were assessed, **and has been allocated whilst other sites that did not score as badly have not** (eg. Coddington at -7, -2). This fundamentally undermines the aims of SA as an independent tool for choosing between sites, and so also undermines the soundness of this Plan, particularly the stated intent to achieve sustainable development. The descriptive text for the environmental impacts predicted for this proposed site in the SA is clear in stating that there would be short term "very negative" impacts on biodiversity and also on landscape when considered with Greenbelt impacts (as well as other factors outside the remit of NWT). Indeed there could be a **net loss of biodiversity** if this site were to proceed, as it is unlikely that new habitats created through restoration would be of a higher biodiversity value than those that currently exist, and there would be further indirect impacts on the habitats and species of the remainder of the LWS as a result of extraction operations.

6. Please set out what change(s) you consider necessary to make the identified part of the Local Plan legally compliant or sound, in respect of any legal compliance or soundness matters you have identified above. (please note that non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

(Continue on a separate sheet/expand box if necessary)

NWT therefore consider that the Bestwood 2 North (MP3d) allocation should be removed from Policy MP3.

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

7. If your representation is seeking modification to the plan, do you consider it necessary to participate in the examination hearing session(s)?

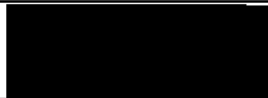
No , I do not wish to participate in the hearing session(s)	
Yes , I wish to participate in the hearing session(s)	x

Please note that while this will provide an initial indication of your wish to participate in the hearing session(s), you may be asked at a later point to confirm your request to participate.

8. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

<p>This is a serious issue of an allocation that may render the Plan unsound and not legally compliant, so it should be removed. If this cannot be achieved prior to the hearing session, NWT would attend the session to provide evidence on this matter.</p>
--

***Please note** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.*

Signature		Date	10 th October 2019
Name	Janice Bradley		

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Nottingham, NG2 7QP

✉ planning.policy@nottscc.gov.uk

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Part A – Personal details

Office use only

Person No:

Rep Nos:

	1. Personal details	2. Agent details (where applicable)
Title	Mrs	
First name	Janice	
Last name	Bradley	
Address line 1	████████████████████	
Address line 2	██████████	
Address line 3	██████████	
Postcode	██████████	
Email	████████████████████	
<i>For those replying on behalf of an organisation or group:</i>		
Organisation	Nottinghamshire Wildlife Trust	
Job title	Head of Conservation	

Part B – Your representation

Office use only

Person No:

Rep No:

Please read the guidance note before completing this section.

Name or organisation: Janice Bradley, Nottinghamshire Wildlife Trust

3. To which part of the Local Plan does this representation relate?

Policy	MP6	Site code		Map/Plan		Paragraph		Other	
--------	-----	-----------	--	----------	--	-----------	--	-------	--

4. Do you consider the identified part of the Local Plan to be:

Legally compliant?	Yes		No	x
Sound?	Yes		No	x
Complies with the Duty to co-operate	Yes	x	No	

Please tick as appropriate.

5. Please give details of why you consider the identified part of the Local Plan is not legally compliant or is unsound, or fails to comply with the duty to co-operate. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

(Continue on a separate sheet/expand box if necessary)

NWT do not consider this policy to be **sound** because of the inherent contradiction between the Plan-led approach whilst simultaneously making specific provision for development on non-allocated sites within Policy MP6. If the plan-making process has been robust and based on good data, then there should be no need for development on non-allocated sites. A robust plan review process at fixed intervals may identify the need to bring new sites forward for further allocations in a proper manner, where the need has changed, in which case they can be compared to other potential sites in a rigorous way. It is not a rigorous process for a single operator's proposal to be brought forward at a particular point in time, and therefore not be subject to a proper comparative test against others prospective sites, including an SA.

By undermining the plan-led approach, it is possible that this policy could inadvertently breach the requirements of the NPPF and so may not be legally compliant.

6. Please set out what change(s) you consider necessary to make the identified part of the Local Plan legally compliant or sound, in respect of any legal compliance or soundness matters you have identified above. (please note that non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

(Continue on a separate sheet/expand box if necessary)

NWT therefore consider that for the avoidance of doubt, and to ensure soundness, bullet point 2 should be removed from Policy MP6.

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

7. If your representation is seeking modification to the plan, do you consider it necessary to participate in the examination hearing session(s)?


No , I do not wish to participate in the hearing session(s)	
Yes , I wish to participate in the hearing session(s)	x

Please note that while this will provide an initial indication of your wish to participate in the hearing session(s), you may be asked at a later point to confirm your request to participate.

8. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

<p>This is a serious issue of an allocation that may render the Plan unsound and not legally compliant, so it should be removed. If this cannot be achieved prior to the hearing session, NWT would attend the session to provide evidence on this matter.</p>
--

***Please note** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.*

Signature		Date	10 th October 2019
Name	Janice Bradley		

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- **Representations must be on the basis of the ‘soundness’ of the plan or its legal and Duty to Co-operate compliance.** Please read the guidance note on this for further information.
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If you have any queries please contact us as below or ring us on 0300 500 80 80.

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Part A – Personal details

Office use only

Person No:

Rep Nos:

	1. Personal details	2. Agent details (where applicable)
Title	Mrs	
First name	Janice	
Last name	Bradley	
Address line 1	████████████████████	
Address line 2	██████████	
Address line 3	██████████	
Postcode	██████████	
Email	████████████████████	
<i>For those replying on behalf of an organisation or group:</i>		
Organisation	Nottinghamshire Wildlife Trust	
Job title	Head of Conservation	

Part B – Your representation

Office use only

Person No:

Rep No:

Please read the guidance note before completing this section.

Name or organisation: Janice Bradley, Nottinghamshire Wildlife Trust

3. To which part of the Local Plan does this representation relate?

Policy	MP7	Site code		Map/Plan		Paragraph		Other	
--------	-----	-----------	--	----------	--	-----------	--	-------	--

4. Do you consider the identified part of the Local Plan to be:

Legally compliant?	Yes		No	x
Sound?	Yes		No	x
Complies with the Duty to co-operate	Yes	x	No	

Please tick as appropriate.

5. Please give details of why you consider the identified part of the Local Plan is not legally compliant or is unsound, or fails to comply with the duty to co-operate. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

(Continue on a separate sheet/expand box if necessary)

NWT do not consider this policy to be **sound** because of the inherent contradiction between the Plan-led approach whilst simultaneously making specific provision for development on non-allocated sites within Policy MP7. If the plan-making process has been robust and based on good data, then there should be no need for development on non-allocated sites. A robust plan review process at fixed intervals may identify the need to bring new sites forward for further allocations in a proper manner, where the need has changed, in which case they can be compared to other potential sites in a rigorous way. It is not a rigorous process for a single operator's proposal to be brought forward at a particular point in time, and therefore not be subject to a proper comparative test against others prospective sites, including an SA.

By undermining the plan-led approach, it is possible that this policy could inadvertently breach the requirements of the NPPF and so may not be legally compliant.

In addition, NWT object to this Policy because we do not agree MP7c Bantycok Quarry South should be allocated as currently shown on the Plan, as the proposed site boundary includes an LWS and another lies immediately adjacent, which could be subject to damaging indirect impacts. This is recognised in the SA and is a significant reason for the -7, -1 score. Were the LWS to be removed from the proposed site allocation and the boundary moved further away from the adjacent LWS, then NWT could support this allocation.

6. Please set out what change(s) you consider necessary to make the identified part of the Local Plan legally compliant or sound, in respect of any legal compliance or soundness matters you have identified above. (please note that non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

(Continue on a separate sheet/expand box if necessary)

NWT therefore consider that for the avoidance of doubt, and to ensure soundness, bullet point 2 should be removed from Policy MP7.

In addition, the proposed site allocation boundary for Bantycok South should be amended to exclude the LWS, which would ensure the allocation is compliant with the NPPF and the NERC Act and thus also improve its SA score and make the allocation more defensible.

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions. After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

7. If your representation is seeking modification to the plan, do you consider it necessary to participate in the examination hearing session(s)?


No , I do not wish to participate in the hearing session(s)	
Yes , I wish to participate in the hearing session(s)	x

Please note that while this will provide an initial indication of your wish to participate in the hearing session(s), you may be asked at a later point to confirm your request to participate.

8. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

<p>This is a serious issue of an allocation that may render the Plan unsound and not legally compliant, so it should be removed. If this cannot be achieved prior to the hearing session, NWT would attend the session to provide evidence on this matter.</p>
--

***Please note** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.*

Signature		Date	10 th October 2019
Name	Janice Bradley		

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Nottingham, NG2 7QP

✉ planning.policy@nottscc.gov.uk

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Part A – Personal details

Office use only

Person No:

Rep Nos:

	1. Personal details	2. Agent details (where applicable)
Title	Mrs	
First name	Janice	
Last name	Bradley	
Address line 1	████████████████████	
Address line 2	██████████	
Address line 3	██████████	
Postcode	██████████	
Email	████████████████████	
<i>For those replying on behalf of an organisation or group:</i>		
Organisation	Nottinghamshire Wildlife Trust	
Job title	Head of Conservation	

Part B – Your representation

Office use only

Person No:

Rep No:

Please read the guidance note before completing this section.

Name or organisation: Janice Bradley, Nottinghamshire Wildlife Trust

3. To which part of the Local Plan does this representation relate?

Policy	MP8	Site code		Map/Plan		Paragraph		Other	
--------	-----	-----------	--	----------	--	-----------	--	-------	--

4. Do you consider the identified part of the Local Plan to be:

Legally compliant?	Yes		No	x
Sound?	Yes		No	x
Complies with the Duty to co-operate	Yes	x	No	

Please tick as appropriate.

5. Please give details of why you consider the identified part of the Local Plan is not legally compliant or is unsound, or fails to comply with the duty to co-operate. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

(Continue on a separate sheet/expand box if necessary)

NWT do not consider this policy to be **sound** because of the inherent contradiction between the Plan-led approach whilst simultaneously making specific provision for potential development on non-allocated sites within Policy MP8. If the plan-making process has been robust and based on good data, then there should be no need for development on non-allocated sites. A robust plan review progress at fixed intervals may identify the need to bring new sites forward for further allocations in a proper manner, where the need has changed, in which case they can be compared to other potential sites in a rigorous way. It is not a rigorous process for a single operator's proposal to be brought forward at a particular point in time, and therefore not be subject to a proper comparative test against others prospective sites, including an SA. Given the predicted life for Two Oaks Farm Quarry is 40 years, well beyond the recommended 10 year land bank for this resource, the inclusion of bullet point 2 is unnecessary and incongruous.

By undermining the plan-led approach, it is possible that this policy could inadvertently breach the requirements of the NPPF **and so may not be legally compliant.**

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(Continue on a separate sheet/expand box if necessary)

NWT therefore consider that for the avoidance of doubt, and to ensure soundness, bullet point 2 should be removed from Policy MP8.

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

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7. If your representation is seeking modification to the plan, do you consider it necessary to participate in the examination hearing session(s)?

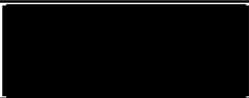
No , I do not wish to participate in the hearing session(s)	
Yes , I wish to participate in the hearing session(s)	x

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--

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Signature		Date	10 th October 2019
Name	Janice Bradley		

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✉ planning.policy@nottscc.gov.uk

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Part A – Personal details

Office use only

Person No:

Rep Nos:

	1. Personal details	2. Agent details (where applicable)
Title	Mrs	
First name	Janice	
Last name	Bradley	
Address line 1	████████████████████	
Address line 2	██████████	
Address line 3	██████████	
Postcode	██████████	
Email	████████████████████	
<i>For those replying on behalf of an organisation or group:</i>		
Organisation	Nottinghamshire Wildlife Trust	
Job title	Head of Conservation	

Part B – Your representation

Office use only

Person No:

Rep No:

Please read the guidance note before completing this section.

Name or organisation: Janice Bradley, Nottinghamshire Wildlife Trust

3. To which part of the Local Plan does this representation relate?

Policy	MP11	Site code		Map/Plan		Paragraph		Other	
--------	------	-----------	--	----------	--	-----------	--	-------	--

4. Do you consider the identified part of the Local Plan to be:

Legally compliant?	Yes		No	x
Sound?	Yes		No	x
Complies with the Duty to co-operate	Yes	x	No	

Please tick as appropriate.

5. Please give details of why you consider the identified part of the Local Plan is not legally compliant or is unsound, or fails to comply with the duty to co-operate. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

(Continue on a separate sheet/expand box if necessary)

NWT do not consider this policy to be **sound** because it lags behind the national recognition of the climate emergency and the need to reduce the use of fossil fuels, the policy of allowing further coal extraction where need can be demonstrated is inconsistent with the Government's most recent target to reduce climate changing gas emissions by 2050 to 100% below 1990 levels as stated in The Climate Change Act 2008 (2050 Target Amendment) Order 2019. This Plan period encompasses the 4th and 5th Carbon Budget periods, with Government targets for cuts in CO2 emissions of 51% by 2025 and 57% by 2030, so there should no new coal extraction from the County in the MLP in order to make Nottinghamshire's contribution to meeting those targets

6. Please set out what change(s) you consider necessary to make the identified part of the Local Plan legally compliant or sound, in respect of any legal compliance or soundness matters you have identified above. (please note that non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

(Continue on a separate sheet/expand box if necessary)

NWT consider that the MPA should clearly state that the future extraction of coal in Nottinghamshire is inconsistent with both Government policy and law with regard to carbon targets The Climate Change Act 2008 (2050 Target Amendment) Order 2019.

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

7. If your representation is seeking modification to the plan, do you consider it necessary to participate in the examination hearing session(s)?


No , I do not wish to participate in the hearing session(s)	
Yes , I wish to participate in the hearing session(s)	x

Please note that while this will provide an initial indication of your wish to participate in the hearing session(s), you may be asked at a later point to confirm your request to participate.

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<p>This is a serious issue that may render the Plan unsound and not legally compliant, so it should be resolved. If this cannot be achieved prior to the hearing session, NWT would attend the session to provide evidence on this matter.</p>
--

***Please note** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.*

Signature		Date	10 th October 2019
Name	Janice Bradley		

Representation Form

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Nottingham, NG2 7QP

✉ planning.policy@nottscc.gov.uk

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Part A – Personal details

Office use only

Person No:

Rep Nos:

	1. Personal details	2. Agent details (where applicable)
Title	Mrs	
First name	Janice	
Last name	Bradley	
Address line 1	████████████████████	
Address line 2	██████████	
Address line 3	██████████	
Postcode	██████████	
Email	████████████████████	
<i>For those replying on behalf of an organisation or group:</i>		
Organisation	Nottinghamshire Wildlife Trust	
Job title	Head of Conservation	

Part B – Your representation

Office use only

Person No:

Rep No:

Please read the guidance note before completing this section.

Name or organisation: Janice Bradley, Nottinghamshire Wildlife Trust

3. To which part of the Local Plan does this representation relate?

Policy	MP12	Site code		Map/Plan		Paragraph		Other	
--------	------	-----------	--	----------	--	-----------	--	-------	--

4. Do you consider the identified part of the Local Plan to be:

Legally compliant?	Yes		No	x
Sound?	Yes		No	x
Complies with the Duty to co-operate	Yes	x	No	

Please tick as appropriate.

5. Please give details of why you consider the identified part of the Local Plan is not legally compliant or is unsound, or fails to comply with the duty to co-operate. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

(Continue on a separate sheet/expand box if necessary)

NWT do not consider this policy to be **sound** because it lags behind the national recognition of the climate emergency and the need to reduce the use of fossil fuels. The policy should commit to a reduction in output of oil and gas over the plan period in order to be consistent with the Government's most recent target to reduce climate changing gas emissions by 2050 to 100% below 1990 levels as stated in The Climate Change Act 2008 (2050 Target Amendment) Order 2019. This Plan period encompasses the 4th and 5th Carbon Budget periods, with Government targets for cuts in CO2 emissions of 51% by 2025 and 57% by 2030, so there should be a reduction in oil and gas extraction from the County in the MLP in order to make Nottinghamshire's contribution to meeting those targets

In addition NWT object in principle to the premise of developing unconventional hydrocarbon resources, both for climate change reasons but specifically also where the short term and long term impacts are poorly understand in relation to Nottinghamshire's heavily fractured sandstone geology and aquifer.

6. Please set out what change(s) you consider necessary to make the identified part of the Local Plan legally compliant or sound, in respect of any legal compliance or soundness matters you have identified above. (please note that non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

(Continue on a separate sheet/expand box if necessary)

NWT consider that the MPA should clearly state that future extraction of oil and gas in Nottinghamshire in this Plan period should reduce, in order to be consistent with both Government policy and law with regard to carbon targets The Climate Change Act 2008 (2050 Target Amendment) Order 2019. There should also be a specific presumption against developing the unconventional hydrocarbon resource in the County.

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions. After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

7. If your representation is seeking modification to the plan, do you consider it necessary to participate in the examination hearing session(s)?


No , I do not wish to participate in the hearing session(s)	
Yes , I wish to participate in the hearing session(s)	x

Please note that while this will provide an initial indication of your wish to participate in the hearing session(s), you may be asked at a later point to confirm your request to participate.

8. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

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Signature		Date	10 th October 2019
Name	Janice Bradley		

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Part A – Personal details

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Rep Nos:

	1. Personal details	2. Agent details (where applicable)
Title	Mrs	
First name	Janice	
Last name	Bradley	
Address line 1	████████████████████	
Address line 2	██████████	
Address line 3	██████████	
Postcode	██████████	
Email	████████████████████	
<i>For those replying on behalf of an organisation or group:</i>		
Organisation	Nottinghamshire Wildlife Trust	
Job title	Head of Conservation	

Part B – Your representation

Office use only

Person No:

Rep No:

Please read the guidance note before completing this section.

Name or organisation: Janice Bradley, Nottinghamshire Wildlife Trust

3. To which part of the Local Plan does this representation relate?

Policy		Site code		Map/Plan		Paragraph	5.135-5.136	Other	
--------	--	-----------	--	----------	--	-----------	-------------	-------	--

4. Do you consider the identified part of the Local Plan to be:

Legally compliant?	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Sound?	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
Complies with the Duty to co-operate	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>

Please tick as appropriate.

5. Please give details of why you consider the identified part of the Local Plan is not legally compliant or is unsound, or fails to comply with the duty to co-operate. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

(Continue on a separate sheet/expand box if necessary)

NWT strongly support the intent of this policy and the supporting text and have worked very closely with NCC for several years to develop this biodiversity-led plan. NWT also strongly welcome the explicit recognition in this paragraph that habitat restoration will require extended aftercare periods, if the benefits for biodiversity (which are assumed in determining the applications) are to be achieved. Our concern, however, is that to remain **sound** when applied in real world situations, the wording of the supporting text requires strengthening by explicit reference to the need for habitat management to be properly funded for the extended aftercare period by the Operator, and that this must be agreed prior to determination.

Without this amendment, the policy is open to misinterpretation and therefore may not be **sound**. There is also a risk that the loopholes may inadvertently result in breaching the MPA's responsibilities under the **NERC Biodiversity Duty**, because if an assessment of the impacts of the proposed scheme is made which assumes benefits from long term high, quality habitats being created, then they must indeed be created and managed for at least 20 years to be effective.

6. Please set out what change(s) you consider necessary to make the identified part of the Local Plan legally compliant or sound, in respect of any legal compliance or soundness matters you have identified above. (please note that non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

(Continue on a separate sheet/expand box if necessary)

NWT therefore consider that for the avoidance of doubt, these paragraphs should be amended as follows:

5.135. Different after-uses may require different periods of aftercare. The statutory aftercare period is 5 years or such other maximum period as may be prescribed and some uses such as nature conservation may benefit from an aftercare period of up to 20 years or more, whilst agriculture may only need a 5 year aftercare period. ~~Where possible and where appropriate, voluntary~~ Extended aftercare periods will be negotiated for those uses that would benefit from such longer periods and will be secured by condition.

5.136. It is important that management responsibilities are identified and agreed between the developer and those taking on the aftercare of the site to ensure that the proposed after-use can and will be delivered. Developers will ~~be encouraged to~~ enter into planning agreements to ensure that the appropriate aftercare provisions remain in effect for the required aftercare period **and that they are adequately funded.**

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

7. If your representation is seeking modification to the plan, do you consider it necessary to participate in the examination hearing session(s)?


No , I do not wish to participate in the hearing session(s)	
Yes , I wish to participate in the hearing session(s)	x

Please note that while this will provide an initial indication of your wish to participate in the hearing session(s), you may be asked at a later point to confirm your request to participate.

8. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

<p>This is an area of risk for deliverability of the excellent intent of this policy, Hopefully this can be achieved without attendance at this hearing session, but if necessary NWT would attend to discuss this matter.</p>
--

***Please note** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.*

Signature		Date	10 th October 2019
Name	Janice Bradley		

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Part A – Personal details

Office use only

Person No:

Rep Nos:

	1. Personal details	2. Agent details (where applicable)
Title	Mrs	
First name	Janice	
Last name	Bradley	
Address line 1	████████████████████	
Address line 2	██████████	
Address line 3	██████████	
Postcode	██████████	
Email	████████████████████	
<i>For those replying on behalf of an organisation or group:</i>		
Organisation	Nottinghamshire Wildlife Trust	
Job title	Head of Conservation	

Part B – Your representation

Office use only

Person No:

Rep No:

Please read the guidance note before completing this section.

Name or organisation: Janice Bradley, Nottinghamshire Wildlife Trust

3. To which part of the Local Plan does this representation relate?

Policy		Site code		Map/Plan		Paragraph	3.49-3.55	Other	
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4. Do you consider the identified part of the Local Plan to be:

Legally compliant?	Yes		No	x
Sound?	Yes		No	x
Complies with the Duty to co-operate	Yes	x	No	

Please tick as appropriate.

5. Please give details of why you consider the identified part of the Local Plan is not legally compliant or is unsound, or fails to comply with the duty to co-operate. Please be as precise as possible.

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NWT strongly support the intent of this policy and the supporting text. Our concern, however, is that (as mentioned in our representation form for SP2), the wording of paragraph 3.49 needs strengthening by the removal of "as far as possible", which we do not consider to be a robust approach and can be used as a loophole for allowing unsustainable development and a therefore a means to inadvertently undermine the excellent intent of the Policy. Similarly we consider that, for the avoidance of doubt, there should be mention of the need to protect irreplaceable habitats also in this paragraph.

Without a specific statement to this effect, the policy is open to misinterpretation and therefore may not be **sound**. There is also a risk that by inadvertently appearing to support habitat creation over protection of existing BAP/Sn 41 habitats, this policy may be in breach of the **NERC Biodiversity Duty**.

The supporting text for the policy also omits mention of the possible impacts of air pollution on habitats. "Air" is listed as a topic in the Policy itself but does not appear to have supporting text. Mineral extraction has the potential to cause emissions that may be damaging to habitats (and their associated species) so this requires specific mention, in order to ensure that the policy can achieve its intent and therefore be considered sound.

6. Please set out what change(s) you consider necessary to make the identified part of the Local Plan legally compliant or sound, in respect of any legal compliance or soundness matters you have identified above. (please note that non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

(Continue on a separate sheet/expand box if necessary)

NWT therefore consider that for the avoidance of doubt, 3.49 should be amended as follows:

3.49. It is therefore important to ensure that new minerals development is correctly managed and that no adverse impacts occur to designated sites, or priority habitats and species, ~~as far as possible~~. Policy SP3 SP2 promotes a biodiversity-led restoration approach which seeks to maximise the biodiversity gains resulting from the restoration of mineral sites, **whilst protecting irreplaceable habitats and species**.

In order to address the issue of air pollution, text is required that mentions relevant impacts, between paras 3.49-3.55, NWT would suggest:

“Mineral development can of result in emissions to air that can impact habitats. In particular, damage can be caused to habitats from NOx and other forms of Nitrogen that are derived from transport associated with mineral development, or from the use of generators and other plant. The impacts of nitrogen deposition on sensitive habitats are considered to be one of the greatest threats to habitats in Europe, which has been recognised in the designation of part of Nottinghamshire as a SNAP (Shared Nitrogen Action Plan) area by NE. All mineral development should therefore minimise emissions that cause air pollution and a robust assessment of the potential impacts of all forms of Nitrogen is required for all proposed mineral developments.”

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

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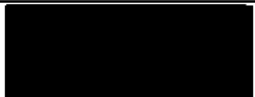
No , I do not wish to participate in the hearing session(s)	
Yes , I wish to participate in the hearing session(s)	x

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8. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

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Signature		Date	10 th October 2019
Name	Janice Bradley		

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Rep Nos:

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First name	Janice	
Last name	Bradley	
Address line 1	████████████████████	
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Address line 3	██████████	
Postcode	██████████	
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<i>For those replying on behalf of an organisation or group:</i>		
Organisation	Nottinghamshire Wildlife Trust	
Job title	Head of Conservation	

Part B – Your representation

Office use only

Person No:

Rep No:

Please read the guidance note before completing this section.

Name or organisation: Janice Bradley, Nottinghamshire Wildlife Trust

3. To which part of the Local Plan does this representation relate?

Policy	SP1	Site code		Map/Plan		Paragraph		Other	
--------	-----	-----------	--	----------	--	-----------	--	-------	--

4. Do you consider the identified part of the Local Plan to be:

Legally compliant?	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Sound?	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
Complies with the Duty to co-operate	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>

Please tick as appropriate.

5. Please give details of why you consider the identified part of the Local Plan is not legally compliant or is unsound, or fails to comply with the duty to co-operate. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

(Continue on a separate sheet/expand box if necessary)

NWT do not consider this policy to be **sound** because of the inherent contradiction between the Plan-led approach whilst simultaneously making specific provision for development on non-allocated sites within Policy SP1. If the plan-making process has been robust and based on good data, then there should be no need for development on non-allocated sites. A robust plan review process at fixed intervals may identify the need to bring new sites forward for further allocations in a proper manner, where the need has changed, in which case they can be compared to other potential sites in a rigorous way. It is not a rigorous process for a single operator's proposal to be brought forward at a particular point in time, and therefore not be subject to a proper comparative test against others prospective sites, including an SA.

6. Please set out what change(s) you consider necessary to make the identified part of the Local Plan legally compliant or sound, in respect of any legal compliance or soundness matters you have identified above. (please note that non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

(Continue on a separate sheet/expand box if necessary)

NWT therefore consider that bullet point SP1 c) should be deleted.

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

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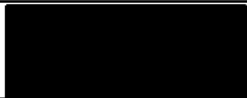
No , I do not wish to participate in the hearing session(s)	
Yes , I wish to participate in the hearing session(s)	x

Please note that while this will provide an initial indication of your wish to participate in the hearing session(s), you may be asked at a later point to confirm your request to participate.

8. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

<p>This is a fundamental contradiction within this important policy in the Plan which requires resolution. Hopefully this can be achieved without attendance at this hearing session, but if necessary NWT would attend to discuss this matter.</p>

***Please note** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.*

Signature		Date	10 th October 2019
Name	Janice Bradley		

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Postcode	██████████	
Email	████████████████████	
<i>For those replying on behalf of an organisation or group:</i>		
Organisation	Nottinghamshire Wildlife Trust	
Job title	Head of Conservation	

Part B – Your representation

Office use only

Person No:

Rep No:

Please read the guidance note before completing this section.

Name or organisation: Janice Bradley, Nottinghamshire Wildlife Trust

3. To which part of the Local Plan does this representation relate?

Policy	SP2	Site code		Map/Plan		Paragraph		Other	
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4. Do you consider the identified part of the Local Plan to be:

Legally compliant?	Yes		No	x
Sound?	Yes		No	x
Complies with the Duty to co-operate	Yes	x	No	

Please tick as appropriate.

5. Please give details of why you consider the identified part of the Local Plan is not legally compliant or is unsound, or fails to comply with the duty to co-operate. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

(Continue on a separate sheet/expand box if necessary)

NWT strongly support the biodiversity-led approach and we have worked closely with NCC to develop the principles, concepts and policy over several years, and have contributed substantively to the wording in the text and the site allocation briefs. We therefore support the inclusion of this policy in principle. Our concern, however, is that extra clarity is required that even excellent new habitat creation cannot replace existing high quality habitats, and would not reach a comparable quality even over several generations, and in some cases never. This is because the sources of propagules and colonising fauna for a new habitat are no longer available in many environments, so even the best new habitat creation cannot attract the diversity of fauna and flora that is present in a high value older habitat, and so this should not be used as a means to replace those existing habitats (and their associated species). In addition, it is extremely difficult to replicate the same edaphic conditions on which to establish the habitat, particularly using stored soils that have lost much of their microfauna. Without a specific statement to this effect, the policy is open to misinterpretation and therefore may not be **sound**. There is also a risk that by inadvertently appearing to support habitat creation over protection of existing BAP/Sn 41 habitats, this policy may be in breach of the **NERC Biodiversity Duty**.

In Nottinghamshire we have seen an example of exactly this, where an application has sought to claim that new habitats will replace existing high value designated habitats, so this is a real demonstrable risk, rather than a theoretical one.

Directly relevant is that para 3.49 describes the importance of the protection of habitats but then undermines this by the use of "*as far as possible*", which we do not consider to be a robust approach and can be used as a loophole for allowing unsustainable development and a further means to inadvertently undermine the excellent intent of the Policy. This is covered under a separate NWT representation form.

6. Please set out what change(s) you consider necessary to make the identified part of the Local Plan legally compliant or sound, in respect of any legal compliance or soundness matters you have identified above. (please note that non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

(Continue on a separate sheet/expand box if necessary)

NWT therefore consider that for the avoidance of doubt, further text should be added to bullet point SP2 1) as follows:

Policy SP2 – Biodiversity-Led Restoration

1. Restoration schemes that seek to maximise biodiversity gains in accordance with the targets and opportunities identified within the Nottinghamshire Local Biodiversity Action Plan will be supported, ***where they do not seek to justify the unacceptable loss of irreplaceable habitats, or habitats that cannot be reasonable replaced within a generation in terms of diversity and quality.***
2. Where appropriate, schemes will be expected to demonstrate how restoration will contribute to the delivery of Water Framework Directive objectives.
3. Restoration schemes for allocated sites should be in line with the relevant Site Allocation Development Briefs contained within Appendix 2.

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

7. If your representation is seeking modification to the plan, do you consider it necessary to participate in the examination hearing session(s)?

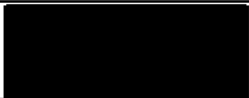
No , I do not wish to participate in the hearing session(s)	
Yes , I wish to participate in the hearing session(s)	x

Please note that while this will provide an initial indication of your wish to participate in the hearing session(s), you may be asked at a later point to confirm your request to participate.

8. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

This is an area of risk for deliverability of the excellent intent of this policy, that has been identified through recent experience in Nottinghamshire, hence it requires resolution in order to strengthen this very important policy. Hopefully this can be achieved without attendance at this hearing session, but if necessary NWT would attend to discuss this matter.

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

Signature		Date	10 th October 2019
Name	Janice Bradley		

From: Localdevelopment <Localdevelopment@rushcliffe.gov.uk>
Sent: 11 October 2019 09:32
To: Planning Policy
Cc: Cllr R Walker; Richard Mapletoft
Subject: Minerals Plan - RBC Representation
Attachments: RBC Response Form MP2.pdf; RBC Response Form MP1.docx.pdf

Follow Up Flag: Follow up
Flag Status: Completed

Dear Sir/Madam,

Please find attached Rushcliffe Borough Council's representations on the Publication Draft Nottinghamshire Minerals Local Plan. These representations address the demand for Sand and Gravel and the proposed quarry allocation at Mill Hill, Barton in Fabis.

Regards

John King

John King MRTPI
Planning Policy Officer

Rushcliffe Borough Council
Rushcliffe Arena
Rugby Road
West Bridgford
Nottingham
NG2 7YG

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Call us on 0115 981 9911 (8.30am to 5pm, Monday to Friday), email customerservices@rushcliffe.gov.uk or visit www.rushcliffe.gov.uk

Rushcliffe Borough Council
Finalist, Local Authority of the Year 2019



Representation Form

This is the representation form for the Nottinghamshire Minerals Local Plan - Publication Version published by Nottinghamshire County Council. The Publication Version and the supporting information can be found online at www.nottinghamshire.gov.uk/minerals. You can submit your representations online via our interactive system by using this link.

The formal representation period is open from Friday 30th August 2019 to 4.30pm Friday 11 October. All representations must be received during this period.

If you wish to submit a representation to the Plan using this form, please complete all parts and then send it to us via email or post, using the addresses below. Please note:

- **All respondents need to provide their personal details.** It is not possible for representations to be anonymous. All responses will be made public.
- **Representations must be on the basis of the ‘soundness’ of the plan or its legal and Duty to Co-operate compliance.** Please read the guidance note on this for further information.
- **Part B of the form contains your representations.** Please fill in a separate Part B for each representation you wish you make. You only need to fill in Part A once.
- **If you are part of a group that share a common view,** it would be helpful for that group to send a single representation rather than multiple copies stating the same point. Please indicate how many people are represented and how it has been authorised (e.g. by means of a list with contact details for each person or by a committee vote). This holds the same weight as separately submitted representations.

If you have any queries please contact us as below or ring us on 0300 500 80 80.

Please return completed forms to:

✉ Planning Policy Team
County Hall, West Bridgford,
Nottingham, NG2 7QP

✉ planning.policy@nottscc.gov.uk

We must receive your representations before 4.30pm, Friday 11th October 2019.

Representations received after this cannot be accepted.

All of the representations received will be submitted with the Plan and will be examined by a planning inspector who will consider whether the Plan is ‘sound’ and complies with the legal requirements.

Nottinghamshire County Council’s Planning Policy Service is committed to protecting your privacy and ensuring all personal information is kept confidential and safe. View our privacy notice at www.nottinghamshire.gov.uk/privacy

Part A – Personal details

Office use only

Person No:

Rep Nos:

	1. Personal details	2. Agent details (where applicable)
Title	Mr	
First name	John	
Last name	King	
Address line 1	Rushcliffe Arena	
Address line 2	Rugby Road	
Address line 3	West Bridgford	
Postcode	NG2 7YG	
Email	████████████████████	
<i>For those replying on behalf of an organisation or group:</i>		
Organisation	Rushcliffe Borough Council	
Job title	Planning Policy Officer	

Part B – Your representation

Office use only

Person No:

Rep No:

Please read the guidance note before completing this section.

Name or organisation: Rushcliffe Borough Council

3. To which part of the Local Plan does this representation relate?

Policy	MP1	Site code		Map/Plan		Paragraph		Other	
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4. Do you consider the identified part of the Local Plan to be:

Legally compliant?	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Sound?	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
Complies with the Duty to co-operate	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>

Please tick as appropriate.

5. Please give details of why you consider the identified part of the Local Plan is not legally compliant or is unsound, or fails to comply with the duty to co-operate. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Policy MP1: Aggregate Provision

Policy MP1 part 1 states that 32.30 million tonnes of Sand and Gravel will be provided over the plan period to meet identified levels of demand. This amount is based solely on the Local Aggregates Assessment (LAA) published in October 2017 which is itself based on December 2016 data.

In May 2019, Nottinghamshire County Council published an updated LAA (based on 2017 sales data) and Rushcliffe Borough Council (RBC) believes this data should underpin policy MP1. Using the most recent LAA complies with paragraph 31 of the NPPF, which states that:

“The preparation and review of all policies should be underpinned by relevant and up-to-date evidence. This should be adequate and proportionate, focused tightly on supporting and justifying the policies concerned, and take into account relevant market signals.”

Paragraph 207 parts a) and c) of the NPPF provides specific guidance on minerals planning. These require an annual assessment informs the selection of sites within plan, based on a rolling average 10 years’ sales data. Given that an annual assessment is required and by implication the most up-to-date data used, RBC believes this most recent LAA should inform the provision of minerals to meet demand.

The 2019 LAA identifies demand for 29.2 million tonnes of sand and gravel (based on average 10 years sales of 1.53 million tonnes x 19 (years)), 3.1 million tonnes less than that proposed in the plan.

If the required provision is based solely on demand calculated within the LAA, in accordance with the NPPF, this should be based on the most up-to-date evidence of demand within the most recent LAA. Whilst the minerals planning authority can use other evidence to justify a different target (for example predicted market conditions and future developments), it must be justified.

Policy MP1 part 2 states that the County Council will maintain a landbank of at least 7 years for sand and gravel. This complies with the NPPF and is supported by RBC. It should be noted that the most recent LAA (2019) identifies a landbank of permitted reserves of 17.89 million tonnes and this equates to 11.69 years (17.89/1.53). This also excludes the permission at Langford Quarry which was granted in 2018 for 3.6 million tonnes. If this is

included it would increase the landbank to 14 years (21.49/1.53). This is double the required landbank required within the NPPF and provides flexibility when identifying suitable minerals reserves

The failure to use the most recent LAA data means the plan is not based on proportionate evidence and therefore is not justified. It is also inconsistent with the NPPF, which promotes the use of annual assessments to inform the plan. The use of an out of date LAA challenges this approach.

6. Please set out what change(s) you consider necessary to make the identified part of the Local Plan legally compliant or sound, in respect of any legal compliance or soundness matters you have identified above. (please note that non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Policy MP1 Part 1 should state:

“1. To meet identified levels of demand for aggregate mineral over the plan period (2018-2036) the following provision will be made:

- ~~32.30~~ 29.2 million tonnes of Sand and Gravel”

Paragraph 4.10 should refer to the Local Aggregates Assessment published in May 2019 (2017 data) and Table 1 amended to include minerals production figures between 2008 and 2017 as set out in the May 2019 LAA.

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

7. If your representation is seeking modification to the plan, do you consider it necessary to participate in the examination hearing session(s)?


No, I do not wish to participate in the hearing session(s)	
Yes, I wish to participate in the hearing session(s)	Yes

Please note that while this will provide an initial indication of your wish to participate in the hearing session(s), you may be asked at a later point to confirm your request to participate.

8. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

RBC wish to attend in order to discuss the evidence which supports Policy MP1 as it has implications for the Borough and its residents.

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

Signature		Date	11 October 2019
Name	John King		

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Part A – Personal details

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Person No:

Rep Nos:

	1. Personal details	2. Agent details (where applicable)
Title	Mr	
First name	John	
Last name	King	
Address line 1	Rushcliffe Arena	
Address line 2	Rugby Road	
Address line 3	West Bridgford	
Postcode	NG2 7YG	
Email	████████████████████	
<i>For those replying on behalf of an organisation or group:</i>		
Organisation	Rushcliffe Borough Council	
Job title	Planning Policy Officer	

Part B – Your representation

Office use only

Person No:

Rep No:

Please read the guidance note before completing this section.

Name or organisation: Rushcliffe Borough Council

3. To which part of the Local Plan does this representation relate?

Policy	MP2	Site code		Map/Plan		Paragraph		Other	
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4. Do you consider the identified part of the Local Plan to be:

Legally compliant?	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Sound?	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
Complies with the Duty to co-operate	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>

Please tick as appropriate.

5. Please give details of why you consider the identified part of the Local Plan is not legally compliant or is unsound, or fails to comply with the duty to co-operate. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

MP2: Sand and Gravel Provision

As set out in our representation on Policy MP1 (Aggregate Provision), the provision of aggregate required to meet demand should be reduced to 29.2 million tonnes of sand and gravel. This reflects the most up-to-date evidence in the LAA (2019).

Given this reduction the Minerals Planning Authority should, prior to publication, have reviewed its site selections and considered whether demand could be met through existing permitted reserves and the expansion of existing sites.

The total amount of remaining reserves identified in policy MP2 (MP2a-j) amounts to 23.31 million tonnes (not 17.5 million tonnes as stated in paragraph 4.17) and proposed extensions to existing permitted quarries amounts to 8.8 million tonnes. Combined these total 32.11 million tonnes, 2.91 million more than is required within the most recent LAA.

Policy SP1 within the publication draft sets out the strategy for the supply of minerals. It states that a) an adequate supply of minerals will be identified during the plan period and b) priority will be given to the extension of existing sites, where economically, socially, and environmentally acceptable. In accordance with this approach and considering the permitted reserves and extensions identified in Policy MP2, there does not appear to be a need for an additional new quarry at Barton Hill, or elsewhere. Its inclusion is therefore not justified.

Mill Hill – MP2s

Notwithstanding RBC's position that there is no need to allocate a new quarry to meet demand, RBC has serious concerns regarding the environmental impacts of the proposed sand and gravel allocation at Mill Hill near Barton in Fabis (MP2p).

Green Belt and Landscape Impacts

As the site is within the Green Belt, and would require significant infrastructure to transport the mineral up Mill Hill to the loading area adjacent to Green Street, there is likely to be significant harm to the openness of the Green Belt

and the Green Belt purpose which safeguards the countryside from encroachment. This concern is confirmed by the landscape appraisal of the allocation, which according to the Sustainability Appraisal and Site Assessment Methodology and Assessment document determines the landscape impacts to be very negative. Post-restoration, the landscape impacts are considered to remain very negative. The Landscape Character Assessment identifies the site as being the most sensitive site option (scoring 96/100 for both operational and long term effects).

As stated within the NPPF and draft policy SP6 (The Nottinghamshire Green Belt), mineral extraction is not inappropriate in the Green Belt, provided it preserves the openness and does not conflict with the purposes of including land within it. The supporting SA, landscape character assessment, and Site Assessment Methodology and Assessment all indicate that the quarry will significantly affect the openness of the Green Belt, especially the minerals transportation infrastructure which will extend up Mill Hill and the loading area on the summit. As these elements will not preserve the openness of the Green Belt, the allocation for minerals development should be considered inappropriate.

Consequently, in accordance with paragraph 144 of the NPPF, very special circumstances are required in order to allocate this site, these will not exist unless the potential harm to the Green Belt by reason of inappropriateness (impact on openness and encroachment into the countryside), and any other harm resulting from the proposal (see below), is clearly outweighed by other considerations. As substantial weight is given to any harm to the Green Belt and the quarry will have significant environmental impacts (see below) RBC does not believe very special circumstances exist. Critically the only other consideration that would outweigh these harmful effects, is the need to provide a geographical spread of sites as there is no need for a new quarry within the plan area according to the data within the 2019 LAA.

Given the importance of preserving the openness of the Green Belt, the MPA should have undertaken a Green Belt review of the sites to establish whether those allocations within the Green Belt would be inappropriate and, if so, whether very special circumstances exist.

Loss of Rights of Way and Impacts on Visual Amenity

Impacts on visual amenity are exacerbated by the number of rights of way that cross the site, including a bridleway and footpath to Barton in Fabis. The diversion of these routes and the enjoyment of them will be significantly affected whilst the quarry is in operation. The Trent Valley Way, an important regional trail, is on the opposite bank of the River Trent, within the Attenborough Nature Reserve. The enjoyment of this route is also likely to be affected. This is highlighted within the Landscape Character Assessment.

Impacts on Nature Conservation Assets

Located within the Trent Valley, the site includes or is immediately adjacent to the Barton Flash Local Wildlife Site (LWS), Barton Pond and Drain LWS, Brandshill Wood LWS, Brandshill Grassland LWS and Brandshill Marsh LWS. It is also in close proximity to Attenborough Gravel Pits and Holme Pit Site of Special Scientific Interest, and several more LWSs including Clifton Fox Covert, Burrows Farm Grassland and Clifton Wood. Page 235 of the SA Report highlights potential for direct and indirect impacts on these sites, during operations, through noise, dust, NOx and changes to hydrology and hydrogeology. Whilst restoration would include the creation of 62ha of priority habitat, the SA Report concludes that the allocation would still involve an overall reduction in BAP habitat and the loss and degradation of a number of LWSs and features used by protected species. The overall net reduction in priority habitat is a significant constraint.

Concerns regarding the surveys of protected and priority species have been raised, specifically Barn Owls which nest in the vicinity of the site. Given the known presence of this species, further surveys should be undertaken to establish the importance of the site for this species and whether breeding birds or their young would be disturbed (which is contrary to Wildlife and Countryside Act 1981).

Where such significant ecological impacts occur, in accordance with paragraph 175 of the NPPF, the 'mitigation hierarchy' should be applied. This favours avoidance (alternative sites (including extensions to existing quarries)) rather than mitigation or compensation (as is occurring here through restoration) as a last resort. If compensation would not avoid significant harm (as is the case with this allocation), the NPPF permits the refusal of development. As such the direct loss of LWS should be avoided and adequate avoidance and mitigation measures (such as buffers) put in place to ensure LWS and SSSIs in the vicinity are not adversely affected by noise, dust, NOx or changes in ground water quality and levels.

Impacts on Air Quality

The transportation by road and generation of dust raise air quality concerns, and the cumulative impact of this allocation and the adjacent Clifton Pastures employment and housing strategic urban extension must be considered. SA objective 11 seeks to protect and improve air quality, however the SA Report's assessment of Mill

Hill (on page 239) does not examine the types and levels of pollution generated (only the number of lorry movements) and there is no considerations of cumulative effects with the neighbouring strategic urban extension. The only mitigation measures proposed is dust suppression.

As previously advised, any extension to existing quarries or use of new land for sand and mineral extraction should be accompanied by air quality assessments. These assessments should consider the air quality impact as a result of operations including land movements and the extraction of sand and gravel. As well as the impact on vehicle movements arriving and leaving the sites, this assessment should reference the IAQM guidance on Mineral Dust Impacts for Planning 2016 as well as LAQM Technical Guidance (TG16). The scope of works should be agreed with officers from Rushcliffe Borough Council before any assessments commence.

Noise and Vibration

As previously advised, any extension to existing quarries or use of new land for sand and mineral extraction should be accompanied by noise and vibration assessments. These assessments should be in line with MPG 11 – control of noise at surface mineral workings. The scope of works should be agreed with officers from Rushcliffe Borough Council before any assessments commence.

Contaminated Land

Due to the potential for land surrounding the areas of mineral works being highlighted as potentially contaminated land RBC recommend that at least a Phase 1 desk top study is submitted with any application to determine whether a source – receptor pathway exists.

Cumulative Effects

Given the proximity of the Clifton Urban Extension, other cumulative effects with non-minerals proposals, beyond the effects of the policies as a whole or quarries combined, should also be considered within the SA.

Impacts on Local Residents

In addition to environmental impacts, the SA recognises that the site is in close proximity to settlements, especially Barton in Fabis which is approximately 130m to the south and west, and that during the operational phase there could be an adverse effect resulting from noise, dust and traffic. In terms of visual amenity, there would be a significant adverse change to views for residents on the northern edge of Barton in Fabis with windows facing the site and riverside properties to the eastern edge of the River Trent. It concludes that the allocation would have a very negative adverse effect on the SA's 14th objective which requires the protection and improvement of human health and quality of life.

Sustainability Appraisal

Overall the allocation has a negative effect on 8 of the 14 SA objectives (4 of which are very negative) and only scored positively against those objectives that other sites would equally perform positively against (meeting mineral needs and local employment). Only the allocation's close proximity to the A453 and Nottingham are unique to this site and this appears to have led to the site's allocation.

Paragraphs 6.50 to 6.54 of the SA Report state that twenty two sand and gravel sites were assessed and it was found that those which scored most negatively in the operational period included Barton-in-Fabis (Mill Hill). This is a consequence not only of the issues above, but the site's location within flood zone 3, impact on the historic environment, loss of agricultural land, and loss of water quality (all of which result in a negative assessment in the SA). Furthermore the Areas of Multiple Environmental Sensitivity Study 2014, which has informed the SA, identifies the site as being High Environmental Sensitivity ('Red').

The negative impacts identified within the SA Report have been recognised within the Site Selection Methodology and Assessment which justifies the allocation of the site on the basis that a site must be found within the Nottingham area in order to meet growth anticipated during the plan period and to achieve a geographical spread of sites (page 61). It concludes that of three possible sites in the area all would have very negative impacts, however this site has been selected due to its location adjacent to the A453. Evidence has not been provided that quarries within the Newark area, cannot however meet needs within Greater Nottingham.

Summary

RBC accepts that a geographical spread of minerals to meet needs across the county and beyond is preferable. However, due to the significant adverse effects upon the environment and local community of Barton in Fabis, the site's location within the Green Belt (which protects openness and Green Belt purposes) and critically the absence of any need for a new quarry (using the most recent LAA), this new site allocation should be removed from the

plan. It is therefore not justified, taking into account reasonable alternatives (extensions to existing quarries only) and proportionate evidence (within the LAA).

Finally, the trajectory of mineral extraction from Mill Hill indicates that this will commence in 2019. This appears ambitious given that the submitted application has not yet been determined.

6. Please set out what change(s) you consider necessary to make the identified part of the Local Plan legally compliant or sound, in respect of any legal compliance or soundness matters you have identified above. (please note that non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Policy MP2 should be amended to reflect the latest data within the 2019 LAA. Part c should be removed in accordance with the strategic approach to minerals provision as set out within Policy SP1. It will have significant environmental effects on the area, harm the openness and purposes of the Green Belt. Consequently very special circumstances do not exist to allocate this site.

The justification should also be amended accordingly and the correct total of 23.31 million tonnes for remaining reserves (MP2a to MP2j) should be used to calculate the additional reserves required to deliver 29.2 million tonnes of sand and gravel during the plan period.

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

7. If your representation is seeking modification to the plan, do you consider it necessary to participate in the examination hearing session(s)?


No, I do not wish to participate in the hearing session(s)	
Yes, I wish to participate in the hearing session(s)	Yes

Please note that while this will provide an initial indication of your wish to participate in the hearing session(s), you may be asked at a later point to confirm your request to participate.

8. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

RBC wish to participate in the hearings in order to discuss the evidence which justifies the allocation of this quarry within the Borough.

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

Signature		Date	11 October 2019
Name	John King		

[REDACTED]

From: Jenna Conway [REDACTED]
Sent: 11 October 2019 15:29
To: Planning Policy; Steven Osborne-James
Cc: 'Bradshaw, John'
Subject: Nottinghamshire Minerals Local Plan - Publication Version
Attachments: TAR-014-M Notts MLP Publication Draft - 11.10.2019.pdf

Follow Up Flag: Follow up
Flag Status: Completed

Steven,

Please find attached representations to the Nottinghamshire Minerals Local Plan Publication Plan on behalf of our client Tarmac Trading Ltd.

I trust that the attached are self-explanatory. However, we welcome opportunity to discuss in further detail.

I would be grateful if you could please keep us informed on progress with the MLP and we wish to attend the Examination.

Kind regards,

Jenna

Jenna Conway

[REDACTED]
w: www.heatonplanning.co.uk

Heatons, 9 The Square, Keyworth,
Nottinghamshire. NG12 5JT.

Heatons
Planning Environment Design



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My Ref: TAR-014-M

Your Ref: Publication Plan Consultation

Date: 11th October 2019

Planning Policy Team
Nottinghamshire County Council
County Hall
West Bridgford
Nottingham
NG2 7QP

Dear Sir/Madam,

NOTTINGHAMSHIRE MINERALS LOCAL PLAN – DRAFT PLAN CONSULTATION

Thank you for allowing us opportunity to comment on the above consultation document. We are making representations on behalf of our client Tarmac Trading Ltd (Tarmac). Tarmac have a number of existing mineral operations, handling and processing infrastructure within the County (identified below). Operations include sand and gravel operations, hard rock operations, as well as a cement depot (Barnstone). Tarmac also operate an industrial limestone operation across the County border within Derbyshire. However, there is a wider landholding containing industrial limestone resource to sustain operations longer term contained within Nottinghamshire.

Current Operations include:

- Langford Quarry – Sand and Gravel
- Besthorpe Quarry – Sand and Gravel
- Bestwood Quarry – Sherwood Sandstone
- Girton Quarry – Sand and Gravel (currently mothballed)
- Sturton Quarry – Sand and Gravel (permission implemented but inactive)
- Nether Langwith – Limestone
- Calverton/Burntstump – Sherwood Sandstone
- Cromwell Quarry – River wharf receiving river dredgings

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Tarmac has responded to the Mineral Planning Authority's Issues and Options document and Draft Plan in 2018. In addition, Tarmac prepared a number of submissions promoting sites for further aggregate production within the County. Sites promoted to the emerging Nottinghamshire Minerals Local Plan include:

Extensions to existing operations:

- Langford Quarry - South & West Extension (planning permission issued 6th September 2018 ref no 3/16/01689/CMA) – sites considered to form part of the landbank
- Langford Quarry - North Extension – proposed allocation
- Besthorpe Quarry - East Extension (east of Northcroft Lane) – proposed for allocation
- Bestwood Quarry – North Extension & East Extension (East extension subject to a planning Application ref no 7/2017/1491NCC has now been approved and is contained within the landbank figures – North Extension proposed allocation

Greenfield Operations

- Great North Road – North – not proposed for allocation
- Great North Road – South - not proposed for allocation
- Botany Bay – Allocated at Draft Plan but not proposed for allocation at the Publication Draft stage
- Newark/Burridge Farm - not proposed for allocation

Tarmac have reviewed the findings of the Sustainability Appraisal and the Site Assessment document. The response to Policy MP2 – site specific sand and gravel provision includes comments on the findings of the Sustainability Appraisal and places doubt on the scoring and justification for non-allocation of promoted sites.

[Background Evidence – Local Aggregate Assessment](#)

The latest evidence base document concerning mineral demand is contained within the Local Aggregate Assessment (LAA) published in May 2019 (containing 2017 data).

Tarmac maintains that the LAA does not give a full portrayal of the sand and gravel demand forecast for the Plan period. As a general comment, an overall decline in sales (contrary to the majority of the East Midlands where there has been a general increase in sales) is not necessarily reflective of a fall in demand. The productive capacity of active operations (both plant capacity, operational constraints (e.g. planning conditions/HGV restrictions) and the number of active sites) play a role in the overall amount of sand and gravel that can be supplied.

Table 2 shows the permitted sand and gravel quarries within Nottinghamshire. Whilst this indicates a strong position in terms of the permitted landbank, there are significant reserves contained at inactive sites (reserves at Sturton and Girton are a very significant proportion of the total permitted reserve). There are also reserves at many sites which are constrained under processing plant, stocking grounds and roadways. Some sites only have small amounts of permitted reserve remaining which poses questions over continuity and longevity of supply over the Plan period. It is vitally important that there is clear data and evidence base to demonstrate that productive capacity can be maintained year on year to meet anticipated demand as well as overall demand over the Plan period. This means ensuring that there are sufficient/adequate sites operational at any one time.

Tarmac's representations to the Mineral Local Plan consultation have always included an edited version of the MLP delivery schedule which demonstrates this point and how it could be achieved through necessary allocations over the Plan period. This also shows a projected reduction in output at Sturton to 100,000tpa as opposed to the 500,000tpa referenced in the LAA due to operational constraints of working this site.

Paragraph 3.6 refers to maintaining a geographical spread of reserves which Tarmac support. However, as per comments above, the total permitted tonnages/landbank in the Idle Valley are affected by a significant proportion of reserve within Sturton which is currently inactive. The importance of the Idle Valley resource (49% of total reserves – table 3) needs to be maintained as it is relied upon for supply to the South Yorkshire/Doncaster markets. There is a strong case for additional operational sites to be provided in the Idle Valley to ensure that this important supply is maintained.

Paragraph 3.11 identifies that 60% of the total sand and gravel extracted is exported making Nottinghamshire an important for sand and gravel supply within the Region. Paragraph 3.13 identifies imports of 530,000 tonnes potentially indicating that there are not sufficient sites operating to meet demand.

Paragraph 3.14 refers to the distance aggregate will travel to market. Whilst typically the average may be 30 miles, this is only the case where there is sufficient permitted reserve. Markets will dictate the demand and it may become more economically viable for aggregate to travel further if mineral reserves become depleted. This point is made in the LAA where it is recognised that the South Yorkshire and Doncaster markets may need to be served from markets further afield than the Idle Valley, with reference being made to sites within the Newark resource area (para 5.19). This is in addition to the potential pull on the Nottinghamshire resource to meet an evidenced shortfall in sand and gravel reserves, resources and production capacity in Leicestershire (para 5.21 refers). The regional reliance on sand and gravel resource from Nottinghamshire is not fully considered. Whilst the Aggregate Working Party Annual Monitoring Report alludes to potential future issues, there are no clear indications of how any potential long term effects will be addressed other than that they will be monitored.

Paragraph 5.21 refers to the supply position within Leicestershire. Reference should be made to both a shortfall in allocations for the Plan period as well as production capacity being reduced over the next 2-3 years as reserves become exhausted. There is significant uncertainty over sand and gravel supply from Leicestershire with only Lockington Quarry currently having identified extensions and proven reserves to supply sand and gravel through the Plan period. This is likely to have a profound impact on aggregate supply patterns for adjacent authorities – particularly authorities such as Nottinghamshire where there are long term sand and gravel reserves and resources with the ability to serve markets which have previously been supplied from production sites in Leicestershire.

Paragraph 3.19 refers to Leicestershire and Derbyshire remaining confident that they can continue to meet future/anticipated demand for crushed rock. However, there have been concerns raised from the South East and London AWP's to the most recent Leicestershire LAA over the longevity of reserves and being able to meet crushed rock demand long term. Crushed rock supply from Leicestershire is at maximum capacity with annual production from the rail linked quarries meeting the annual production requirement. This results in some vulnerability to meeting supply needs if demand increases.

Paragraph 3.35 refers to the lack of new quarries becoming active. The lack of an adopted MLP over the past 10 years will also have impacted green field sites being brought forward. Industry will be reluctant to commit to the investment and risk without an allocation in the Plan.

Paragraph 4.10 refers to a fall in output as a result of resource depletion and a falling number of active sites. This needs to be quantified and evidenced. Reference is made to a reduction in output being the result of Sturton not having been implemented. However, this reiterates the point made above regarding the number of active sites available to meet anticipated demand and production requirements. There should not be an assumption/reliance that sites can always maintain certain levels of production. It is important that there is the flexibility that production can be maintained from a selection of sites. Whilst Sturton contains a large amount of permitted reserve, the site is located some 15-20 miles further east than the sites historically worked in the Idle Valley north of Retford. This additional distance to market has a considerable impact on the market area it will supply.

At paragraph 4.14, reference should be made to the variable physical properties and colour (ranging from red to yellow) of the Sherwood sandstones. This is a particular feature of this particular mineral in terms of the production of building/mortar sand in distinct market areas which may influence demand. The sands are not readily interchangeable because of those physical differences, and reserve / landbank figures alone may be misleading in terms of the need to maintain supply of sand produced from the Sherwood Sandstone resources across Nottinghamshire.

The section on future growth reviews infrastructure, commercial and residential development which may influence demand. Whilst it is accepted that it is difficult to quantify the amount of mineral that will be required and exact sources of supply, the NPPF requires LAA's to forecast future demand (para 207). In this regard, the use of 10 year average sales – which for all intents and purposes is a monitoring exercise – is a useful starting point and annual reviews of sales as part of the LAA are helpful. However, the evidence base needs to provide the justification for Plans to provide flexibility in policy or through the number of allocations to respond positively to upturns in demand. The number of active sites producing aggregate will increase the level of perceived sales if the demand is there. Sales should in no way be construed as a limit/ceiling to new sites coming forward.

In this regard, Paragraph 5.30 refers to it being 'unnecessary to identify additional aggregate reserves to meet future growth over the Plan period'. This requires further clarification – does this mean that there is no justification for additional allocations over and above the requirements based on the 10 year average sales? This appears to be at odds with the expected demand discussed in section 5 of the LAA and as referred above, limits the flexibility that should be built into the Plan.

The above factors have skewed the available and, critically, the operational landbank. Sales data indicates that there is a lower level of production but not necessarily that there is a lower demand. This is evidenced by the varying supply picture within Nottinghamshire and how it differs to that of neighbouring Authorities who are experiencing consistent increases in sales (see table below – data taken from the EMAWP 2017 Annual Monitoring Report). The following table also indicates the significance of sand and gravel sales from Nottinghamshire within the East Midlands region and that a large percentage of overall sand and gravel supply comes from a large number of operating units.

MPA	Number of Active sand and gravel Production Units	Total 10 year sales	10 year sales average – 2008-2017	3 year sales average – 2015 - 2017
Nottinghamshire	11	18.96	1.9	1.73
Leicestershire	5	11.58	1.16	1.46
Derbyshire	4	10.10	1.01	1.12
Lincolnshire	11	20.58	2.06	2.25
Northamptonshire	2	3.29	0.33	0.33

In addition to sales figures indicating a decline in production (influenced by the recession and the above factors), the Mineral Planning Authority should give further consideration to anticipated future demand. It is incorrect to assume that export levels will continue at current/historic rates. The Mineral Planning Authority should review the growth projections and likely demand this will place on Nottinghamshire resources. The EMAWP group may be the best forum to table these discussions.

The Mineral Planning Authority should be setting out clear evidence of its co-operation with adjoining authorities regarding demand and supply scenarios for sand and gravel which are likely to have an impact on supply and demand of sand and gravel from within Nottinghamshire during the Plan period to 2036 (as per paragraph 27 of the NPPF which refers to circumstances when development needs may need to be met elsewhere).

Publication Draft Plan Consultation

Paragraph 2.3 identifies the significant overlap of housing areas, business and employment between Nottingham and South Yorkshire as well as Lincolnshire, Leicestershire and Derby which is supported. However, recognition should also be made of the potential pull on mineral resources to meet the anticipated demands from these growth areas. Particularly given the proximity of active operations to County boundaries (Key Diagram). Conversely paragraph 2.4 acknowledges that growth within Nottingham could affect surrounding areas. This duty to cooperate is a key theme which should be given increased status within the Plan. There are concerns as outlined above in regard to the LAA that there is a general assumption that 'trends' for export/import will continue.

Paragraph 2.27 identifies that Nottinghamshire has traditionally supplied large amounts of sand and gravel to neighbouring Authorities. The result of the high quality of the resource as well as a shortage of material in other areas. The paragraph identifies that this trend is likely to continue. However, contradicts itself by referencing the resource depletion in the Idle Valley (north of the County) which could reduce the amount exported. Regardless of the location of active sand and gravel operations, the demand for mineral will still continue. Adjoining Authority areas such as Nottinghamshire where there are significant reserves of sand and gravel available (albeit not necessarily currently in active operations) will need to address this within their Plan under the requirements of Paragraph 25 of the NPPF.

These are issues fundamental to securing steady and adequate supply of mineral from Nottinghamshire and should be given more prominence throughout the document. It is considered that the cross boundary relationship with neighbouring authorities, particularly in regard to mineral supply should be identified taking into account:

1. cross boundary mineral supply from Nottinghamshire – e.g. to South Yorkshire, and Leicestershire in light of their identified lack of available sand and gravel resources and production capacity to meet demand over the Plan period
2. The lack of available crushed rock/limestone resource within the County and therefore the heavy reliance on import from adjoining Authority areas
3. The availability of infrastructure links - particularly good road network and therefore links to market in assisting to secure mineral supply
4. The overlap of housing, business, infrastructure and employment links with Derbyshire and Leicestershire are identified but there is currently no reference to an overlap of mineral supply issues

5. The relationship with other mineral authorities and duty to cooperate in Plan preparation should be elevated. The Duty to Cooperate document indicates that numerically there is sufficient reserve to meet anticipated demand. However, there are concerns with this approach based on operational constraints to permitted sites
6. The anticipated development needs for housing, employment and infrastructure provision (including HS2) which will have significant implications for the wider West Midlands aggregate markets

Strategic Objectives

Strategic Objective 1 and a locational strategy to securing mineral supply is supported. This approach maintains the spread of operations across the County and maintains a security in supply to the specific markets that these serve. As well as seeking to 'efficiently deliver resources', the objective should include 'effectively deliver' resources to ensure that operational capacity in addition to permitted reserves is available to meet anticipated demand.

The principle of Strategic Objective 2 is supported. However, the title should be to provide a sufficient supply of minerals – this will encompass the requirement for adequate provision based on a review of anticipated demand over the Plan period as well as a steady supply of mineral to ensure that the operational capacity of operations can meet the annual production requirements as advocated by paragraph 203 of the NPPF.

Strategic Policies

Policy SP1 – Minerals Provision

The general policy on minerals provision should ensure that the Plan maximises its flexibility to respond to changes in demand. As we have advocated through previous representations, the 10 years sales average alone does not give an accurate portrayal of the demand scenario for Nottinghamshire. Closure of long established sand and gravel quarries, non-replenishment of reserves, continuing impact from the 2008 recession on production capacity and production movements out of the County, have all impacted output from Nottinghamshire. The reduction in sand and gravel output over the 10 year period should not be translated into a long term reduction in demand in Nottinghamshire.

Section (a) of Policy SP1 states that the strategy will be to identify 'suitable land for mineral extraction to maintain a steady and adequate supply of minerals during the Plan period'. This is not considered positively prepared or in accordance with the NPPF and is therefore unsound. It is suggested that 'sufficient' (rather than 'suitable') is more appropriate in accordance with paragraph 203 of the NPPF.

Extensions to existing sites form a logical progression from an operating perspective to secure additional mineral supply and are often sustainable and avoid needless sterilisation. Tarmac encourages 'support' for extensions to ensure maximum flexibility in securing continued supply from existing operations. All sites have an operational limit/constraint which means that whilst they will continue to contribute to demand, there will be a need for new greenfield sites to be brought forward to make up any operational capacity shortfall and to provide an effective continuity as existing operations become exhausted. The lead in period for development of a greenfield mineral production site can be at least 5 years, and an overlap between existing production and replacement production is likely to be required. At some stages of the Plan period it is therefore likely that there will be higher production capacity as the transition between existing and replacement sites takes effect. Further comments on the site specific approach to this and increasing flexibility in the Plan are found below under the aggregate provision policies.

Policy SP1, sections (c) and (d) allow for other minerals development on non allocated sites providing that a need can be demonstrated and ensuring the provision of minerals remains in line with wider economic trends through regular monitoring. Reliance on the 10 year sales average influenced heavily by a recession is not likely to reflect demand during a period of economic upturn/growth particularly given the significant level of new housing and infrastructure planned for during the Plan period. The strategy for minerals within the Plan needs to ensure that there is certainty but also some flexibility and opportunity for operators to invest in the development of mineral production sites throughout the Plan period where there is a clear need for mineral supply to meet demand which cannot otherwise be met. There is concern that reliance on average sales data and historic trends does not provide the opportunities/flexibility for new sites to come forward.

The justification for Policy SP1, specifically paragraph 3.9, emphasises the need to maintain a landbank for different mineral types. Whilst this is supported, it is important that the operating capacity is sufficient to meet the predicted annual production guideline.

Policy SP2 – Biodiversity led Restoration

Whilst Tarmac support paragraph 3.11 and a 'restoration led approach' when considering mineral operations, it is considered that a biodiversity led approach/focus taken by Policy SP2 is overly onerous, not an effective strategy and is therefore unsound. As opposed to being categorical about 'significantly enhancing' biodiversity (paragraph 3.12), the policy should be supportive where it is 'possible' or 'appropriate'. The policy as worded makes no reference/acknowledgment to the beneficial use of land and the opportunities/potential aspirations of landowners to have land restored back to economic/commercial/agricultural after uses. Paragraph 3.14 goes part way to recognising that there needs to be a balance/weighting of restoration considerations but it neglects to reference the economic potential, instead referring only to social/recreation and environmental opportunities. Paragraph 3.14 discusses restoration for leisure or agriculture. Leisure and agricultural

restoration are the most common forms of restoration strategy. We agree with the sentiment that there are opportunities to incorporate biodiversity/habitat enhancement but there should not be emphasis on a biodiversity led approach.

This policy should be retitled to 'restoration led approach to minerals development' to provide emphasis on a restoration focus without being overly prescriptive of restoration type. In addition, the policy makes no acknowledgement of the long term financial burden on ecological management post restoration and who has to fund and manage these areas.

Paras 3.23 to 3.25 should commence with the wording 'If restoration allows, priority habitats ...'. This would be more effective in delivering the Plan and strategy to reflect the comments made above.

Policy SP3 – Climate change

In accordance with the NPPF, new development should be directed to areas outside of flood zones. However, the policy as worded does not acknowledge that minerals can only be worked where they are found. In the case of sand and gravel and river sand and gravels working will often fall within areas of flood risk. Notwithstanding this, the policy and sub text should acknowledge that minerals development is considered an appropriate form of development within a flood zone in accordance with the planning practice guidance, Table 2: Flood Risk Vulnerability Classification, Paragraph: 066 Reference ID: 7-066-20140306. We do not object to the Policy but consider the above should be recognised within the sub text.

Policy SP4 – Sustainable Transport

Whilst seeking to support the use of sustainable modes of transport, the policy should be worded to acknowledge/recognise the potential for impact upon the viability of mineral extraction.

Minerals can only be worked where they are found. The requirement to be located close to proposed markets is overly onerous, not positively prepared or an effective strategy and is therefore considered to be unsound. The value of the product and the availability locally will determine the distance it needs to travel. The pull of resource into the South Yorkshire and Doncaster market areas is a good example of this. It is considered that this policy is overly onerous and discredits the geographical spread/location strategy which is being pursued by the Mineral Planning Authority.

Policy SP4 should therefore be amended to read:

1. All mineral proposals should seek to maximise the use of sustainable forms of transport, including barge, rail, conveyor and pipeline where possible and viable

2. Where it can be demonstrated that there is no viable alternative to road transport, all new mineral working and mineral related development should be located as close as possible to the County's main highway network and existing transport routes in order to avoid residential areas, minor roads, and minimise the impact of road transportation.

The suggested amendments above will therefore negate the requirement for paragraph 3.41 within the policy justification. Alternative modes of transport will be supported within the provided that it can be demonstrated that to deliver it would not affect the viability/deliverability of mineral sites.

Policy SP5 – The Built, Historic and Natural Environment

Tarmac support the recognition within paragraph 3.45 that detrimental impact on the natural and built environment as a result of mineral extraction is temporary in nature and can bring about many environmental benefits. In addition, paragraph 3.51 acknowledges that in regard to heritage and cultural assets, mineral development provides major opportunities to understand the County's rich archaeological heritage.

Policy SP5 as worded is a repeat of other environmental policy and is not positively prepared and is therefore considered unsound. The policy as worded does not recognise the weighting of all facets of sustainable development that should be applied when considering applications for development. In regard to mineral extraction, whilst there may be potential for environmental impact, the economic benefit of mineral extraction should be afforded 'great weight' (paragraph 205 of the NPPF). In addition, the significance of impact depends on the significance of the asset it affects. Paragraph 171 of the NPPF states that Plans should, 'distinguish between the hierarchy of international, national and locally designated sites'. As such it is considered this policy is unnecessary and could be deleted.

Paragraph 3.63 should be deleted as issues associated with infrastructure is handled under the provisions of the Mining Code.

Policy SP7 – Minerals Safeguarding, Consultation Areas and Associated Minerals Infrastructure

It is considered that Policy SP7 is not positively prepared, an effective strategy or consistent with the NPPF and is therefore unsound. Policy SP7 should refer to 'known' locations of specific mineral resource as opposed to 'economically important' in accordance with paragraph 204 of the NPPF. This would recognise that mineral resource is a finite resource. Extraction of resource may not be economically viable at one stage but may become so as reserves deplete.

It is considered that the Minerals Plan would be more effective if it was to define more specific Mineral Consultation Areas. The proposed approach to define consultation areas on

the same scale as safeguarding areas could mean that large amounts of development will be caught within an MSA/MCA which would be onerous on developers having to potentially submit minerals assessments and the MPA in assessing the potential for impact of development on mineral resource/mineral associated infrastructure.

As well as safeguarding mineral associated infrastructure, rail heads should be expanded to include rail heads at coal fired power stations. A wharf facility at Colwick is specifically referenced for safeguarding. Tarmac has existing river wharf facilities at Besthorpe Quarry (loading) and Cromwell Quarry (receiving) which are referenced on the Policies Maps and Tarmac supports this.

The importance of Local Plans (District and Borough Council) in understanding and appreciating the role of safeguarding and defining areas/sites within Local Development Plan Documents should be explained within the Mineral Plan. The planning system is a tiered system with the policies contained within the Mineral Plan and Local Plan pertinent to the consideration of Planning Applications at County and District level. The MPA has an important role in ensuring mineral safeguarding is not perceived as just a County function but guiding and supporting Local Authorities to appreciate they also have a role to play in accordance with the Planning Practice Guidance.

In light of the above and the identification of safeguarding areas on the policies maps Plan 4 should not be required.

Paragraph 3.90 is contrary to the NPPF paragraph 204 (e) and should be deleted. Policies should safeguard all ancillary infrastructure and the NPPF does not distinguish that only strategic facilities should be safeguarded. Whilst it may be unnecessary to identify all facilities on policies maps, the policy wording itself ensures that these facilities will be safeguarded.

Policies regarding safeguarding should make reference to the 'agent of change' identified at paragraph 182 of the NPPF. This seeks to ensure that the onus is on Applicants for new development to put in place adequate mitigation to ensure that the development would not place unreasonable restrictions on existing businesses/operations.

[Minerals Provision](#)

Policy MP1 – Aggregate Provision

Policy MP1 is not considered positively prepared and is therefore unsound.

Comments regarding the analysis of predicted aggregate demand have been presented within the section regarding the Local Aggregate Assessment above.

The 10 years average sales figures are not the most appropriate methodology for forecasting aggregate demand. Forecasts of demand should be based on a rolling average of 10 years sales data, other relevant information and through assessment of all other supply options. The 10 years average sales are heavily influenced by the impact of the recession. This is particularly apparent given the picture across the East Midlands which in all other cases have seen increases in sales figures. Whilst, recycled and secondary aggregate has a role to play in meeting demand in some circumstances it cannot be relied upon for ensuring continuity in supply. In addition, given the location of the County it is unlikely that demand can be met from other sources (for example marine). Considering this, the other relevant local information is particularly important in forecasting future demand in the County. Considering the above the Mineral Planning Authority is underproviding sufficient sand and gravel resource over the Plan period. We support the MPA in their previous approach which reviewed sales data pre and post-recession to give a greater appreciation of likely anticipated demand in recession and a period of economic growth.

The operational capacity of permitted operations within the County needs consideration to ensure that anticipated demand is met. A decline in sales is not necessarily an indication of a decline in demand. Production moving outside of the County will impact upon perceived sales figures as well as sites/resource not being replaced when exhausted.

A Delivery schedule has been prepared as Appendix 1 to the Draft Plan. Tarmac have enclosed an edited version (Appendix 1a) which shows the available production capacity from existing sites and proposed allocations as proposed within the Plan against the identified annual requirement for sand and gravel. The sites proposed for sand and gravel extraction including allocations are insufficient to even meet that depressed annual requirement. An edited version is also enclosed at Appendix 1b which shows how additional allocations could assist in meeting the identified shortfall.

Although the perceived landbank is sufficient at the start of the Plan period, sites will become exhausted during the Plan period and provision should be made for replacements.

The Plan should not focus or specify a definitive/maximum amount of mineral provision. The sales data is an indication of current demand and should not be perceived as a maximum requirement. The Plan needs to provide flexibility to support additional sites/resources coming forward during the Plan period to meet demand/operational requirements to serve existing/future markets. Policy M1 should be updated to provide a more realistic sand and gravel provision figure which is reflective of economic growth at pre-recession levels. As a minimum the policy should be clear that the provision of sand and gravel, Sherwood Sandstone and Crushed Rock are minimum requirements.

Part 2 of the Policy or as a minimum the justification section should advocate the need for the Plan to be flexible and the ability to respond quickly and positively to upturns in demand.

Section 3 of the policy does not make any allowance for the benefit of sustainable extensions to existing operations in securing continued delivery of mineral as advocated by the Strategic Policy SP2.

Policy MP2 – Sand and Gravel Provision

It is considered that Policy MP2 is not positively prepared or an effective strategy and is therefore unsound. Insufficient sand and gravel reserves are being allocated to ensure a steady and adequate supply of sand and gravel.

Tarmac are supportive of the approach to work permitted reserves as well as allocating extensions to existing operations and through the provision of new greenfield sites. There needs to be allowance in the Plan for both extensions and new greenfield sites. However, the Plan should provide flexibility and policy should be supportive in securing extensions to existing operations, this ensures a continuation in supply without sterilising mineral reserves. The Plan needs to build in an element of flexibility to address the issue of long term longevity of mineral operations in Nottinghamshire – only 4 sand and gravel sites identified in Policy MP2 have long term and significant production capacity. There should not be a reliance on a Review of the Plan to fill any identified need gaps during the Plan period. These should be addressed from the start to provide security/assurances to operators to secure investment. Potential ‘Preferred Areas’ or Areas of Search’ may assist in the process.

We support the Council in adopting a locational approach to mineral development sites to ensure there is a spread in sites to meet anticipated demand. However, operational capacity constraints still apply (imposed by plant capacity, planning conditions or HGV routing agreements) which can limit production / distribution to meet demand in some market areas. These are all important considerations in locating new sites for mineral development. There should not be a sole reliance on their physical location in the County. Besthorpe Quarry and Girton Quarry (currently mothballed) for example have vehicle movement restrictions through S106 planning agreements which forces HGV routing northward. As a result, those sites are generally more aligned to the North Nottinghamshire / Doncaster / Humberside market areas as opposed to Newark.

Tarmac are very disappointed and surprised that the Botany Bay Quarry site has not been included as an allocation in the Plan. The permitted resource and proposed allocations do not at any time over the Plan period meet the proposed annual requirement for sand and gravel (1.7mt). The Tarmac revised Delivery Schedule (appendix 1a and 1b) clearly illustrates this point. Reference is made in the most recent LAA that sand and gravel reserves from the Idle Valley are depleting whilst recognising the important role they play in maintaining sand and gravel supply within and outside the County (paragraph 4.15 of the Draft MLP). Further commentary is provided in regard to the sustainability appraisal and site assessment

document at the end of these representations. It is not clear what the justification is for removing Botany Bay as a suitable and deliverable allocation when the site has been included for allocation in previous Plan drafts. The MPA's Duty to Cooperate is stating that supply from Nottinghamshire to the South Yorkshire market will continue in the mid-long term. However, the delivery schedule is clear that there are insufficient reserves being allocated to meet this historic (411,000 tonnes pe annum) supply. An assumption that Sturton will produce 500,000 tonnes per annum is not realistic and Tarmac have confirmed that tonnages from this site are unlikely to exceed much beyond 100,000 tonnes per annum. There is a clear case for additional sand and gravel sites to be allocated in the north of the County.

There is also a clear case for additional allocation of green field sand and gravel sites to be allocated to come into production during the Plan period. The serious decline in sand and gravel reserves and projected production capacity in Leicestershire is clearly evidenced through the Leicestershire Mineral & Waste Local Plan review and sites have been promoted into the Nottinghamshire Local Mineral Plan review to meet that identified shortfall and the consequential need for alternative supply from adjoining authority areas. Tarmac's promoted site 'Great North Road (North)', near Kelham meets that objective and would deliver a long term sand and gravel production site with a sustainable output of 250,000 tonnes per annum to serve the Nottingham (potentially as a replacement to Cromwell) and North East Leicestershire market over the plan period to 2036. The Great North Road (North) site should therefore be allocated in the Plan. Again, Preferred Areas or Areas of Search may be a more effective strategy in regards to long term supply.

The Great North Road (South) site has a proven significant future sand and gravel resource which would provide a natural long term extension to the Great North Road (North) site.

The combined sand and gravel resources at the "North" and "South" sites would provide a stable long term supply facility to meet the likely strong demand for construction materials in the Nottingham / NE Leicestershire markets throughout and beyond the 2036 Plan period.

In addition, Tarmac's proposed new green field extraction site at Burridge Farm, which is proposed to use river barge transportation to feed sand and gravel to a proposed new processing plant at the former Cromwell Quarry site previously operated by Lafarge, would also provide some additional support production capacity in the second part of the Plan period. The Cromwell plant site is well situated with good access onto the A1 interchange at Cromwell. The Burridge Farm site would not have capacity to operate at high output levels due to likely physical constraints on barge transportation along the River Trent through Cromwell Lock.

Policy MP3 – Sherwood Sandstone

The LAA recognises the high level of export to markets outside the County due to limited resources elsewhere. As per comments on sand and gravel, there is a need where resource

exists to maintain production and operating capacity to meet demand. The Plan should identify appropriate extensions to existing operations or new sites to meet demand. Identified demand based on sales is a minimum requirement of the Plan and there should be flexibility built into the Plan to allow sites to come forward. The plan should address anticipated demand from outside of the County. As per comments on Policy MP2 an additional criteria regarding modest extensions should be included to ensure flexibility in the Plan and to allow the continued supply of Sherwood Sandstone which is not just important within Nottinghamshire.

The Plan should recognise the unique properties of the sand as well as markets. Colour variances as well as properties of the sand are also important factors and therefore additional reserves (as allocations or new sites) should not solely be based upon estimated demand based on sales figures.

Policy MP4 – Crushed Rock

As with the case for sand and gravel there should not be a reliance/assumption that supply chains will continue. As worded the policy is not positively prepared and is therefore unsound.

It is likely that there is a wider demand for crushed rock within the County than that met by Nether Langwith. Crushed rock requirements are met from imports (Leicestershire 70% and Derbyshire). Policy should be flexible and supportive to increase indigenous crushed rock supply. The Plan should also be clear that Nottinghamshire is not self sufficient in crushed rock supply and is reliant on neighbouring East Midlands Authority areas to maintain supply.

The crushed rock supply situation within the East Midlands should also be monitored closely as there are substantial reserves constrained in mothballed sites and those sites that benefit from rail link have limited production capacity to meet current demand levels. Any significant upturn in demand may result in crushed rock demand not being able to be met – particularly when competing with markets in the south east.

Policy MP5 – Secondary and recycled aggregates

Tarmac support the MPA in seeking the use of alternative aggregates and the appreciation that there are limits on how far alternatives can substitute primary aggregate. Whilst support for alternative aggregate should be encouraged in the Plan, the contribution should be viewed as a ‘bonus’ over and above the required amount of primary aggregate. This is reflective of the NPPF (para 204 (b)) which states that local Plans should take account of the, ‘contribution that substitute or secondary and recycled materials and minerals waste would make’. The reduction in ash materials from coal fired power stations is also likely to increase the demand for primary aggregate over the Plan period to address this specific resource shortfall. The approach to recycled aggregates reflects the Mineral Products Association

Long Term Aggregates Demand and Supply Scenarios Paper which indicates that the potential for recycling has reached an optimum level (approximately 28-30% volume).

Policy MP9 – Industrial Dolomite Provision

Policy MP9 is not considered positively prepared and is therefore unsound. Reserves of industrial dolomite are of international importance and the resource itself is scarce with only a small number of sites within the UK. As such there will always be a need for the resource, therefore the policy should be reworded to state that:

‘Proposals for industrial dolomite extraction will be supported providing that development does not give rise to any unacceptable levels of environmental impact’.

Whilst additional resource areas do not need to be identified as an allocation, the resource within Nottinghamshire should be identified within the Plan and recognised as a proven resource to be safeguarded.

Development Management Policies

Policy DM4 – Protection and Enhancement of Biodiversity and Geodiversity

Policy DM4 is not an effective strategy and not in compliance with the NPPF, particularly in regard to the approach on local wildlife sites. It is therefore considered unsound. Paragraph 175 of the NPPF advises that ‘if significant harm to biodiversity cannot be avoided...’ then planning permission should be refused. Policy DM4 should be amended to reflect the significance of harm test to allow a judgement to be made as opposed to a blanket approach to all impacts and rating all ecological/biodiversity interests at the same level. The NPPF does not advocate a loss of local wildlife site to be unacceptable if the avoidance, mitigation and compensation tests have been met. In addition, there is no requirement in the NPPF for public benefit to justify an effect on ecological/biodiversity habitat except in the case of irreplaceable habitat.

Impacts on populations of priority species or areas of priority habitat needing to be ‘wholly exceptional’ is not in accordance with the NPPF.

Part 3 of the policy should be reworded to maximise opportunities for securing net gains in biodiversity in accordance with paragraph 174 (part b) of the NPPF.

Other Considerations

Monitoring

Given the concern regarding the anticipated demand for sand and gravel over the Plan period, the Plan needs to set out a very clear strategy on monitoring and review to ensure that it can respond quickly enough to changes in economic circumstances. How many LAA's will trigger a Review? What level of productive capacity will trigger a Review?

Sustainability Appraisal

General Comments

As we have stated as part of previous consultation responses on other MLP Drafts, the weighting of each of the Sustainability Appraisal objectives should be explained and how these will be used to assess the Plan policies and any sites promoted for allocation. Currently the SA Objectives are heavily weighted to potential environmental effect. However, economic and social facets of sustainability are critical elements relating to minerals development – i.e. maintaining supply, deliverability, access and proximity to market, beneficial restoration objectives, non-sterilisation of known resource by promoting extensions to existing operations etc. Attention is drawn to the NPPF and that 'minerals are essential to support sustainable economic growth'. As well as providing an 'adequate' amount, the SA has failed to take account of the need to plan for a 'steady and adequate' supply of aggregate (paragraph 207). There is a requirement for the MPA to recognise that as well as ensuring they have a sufficient landbank of resource that the Plan maintains aggregate provision across the whole Plan period – comments above on operational capacity are particularly pertinent to this.

Site Specifics

In light of overall concerns regarding long term mineral supply and the County underproviding sufficient sites and aggregate to ensure a steady and adequate supply of mineral to meet needs, Tarmac have undertaken a review of the Sustainability Appraisal and Site Selection Methodology and Assessment document concerning the assessment of their sites. Following this review, it is our opinion that the Plan is unsound and the strategy for allocating sites is not justified. As per previous representations, the Sustainability Scoring is also, in our view, inaccurate. Revised Sustainability Appraisal matrixes are appended to this submission at Appendix 2.

As we have referred to above, it is firmly our view that the release of reserves at Botany Bay during the Plan period is essential to secure long term aggregate supply in the north of the County and beyond into the South Yorkshire market.

The Botany Bay site has been subject to environmental and technical assessment to frame the submitted Scoping Request. In addition, assessment work is continuing to support a Planning Application. The site has continued to be promoted by an operator and has land owner support casting no doubt on its delivery. The Site Selection Methodology document identifies that Botany Bay as a new Greenfield site will have larger landscape impacts than other extensions within the Idle Valley. However, it is not considered that adequate assessment has been carried out to support this view.

The Botany Bay site was proposed for allocation during the last round of consultation (September 2018) yet has now been discounted. The site appears to have been discounted as an appropriate allocation based upon the perceived landscape impacts of a new greenfield site compared with those resulting from extensions to existing operations. However, the Landscape and Visual Assessment background paper has not been updated as part of this consultation – it is still dated May 2018 and predates the Draft Plan consultation when Botany Bay was proposed for allocation. The overall landscape scores have not changed between these two consultation documents, yet the conclusions drawn from the same data, have. Furthermore, it is of concern to Tarmac that the detailed analysis of sites concludes that ‘there are other sites of similar size able to serve the North of Nottinghamshire, but these form extensions and have consequently lower landscape impact’. It is unclear which sites this statement is referring to and we are concerned that this appears to be a very significant factor in the site no longer being proposed for allocation.

Landscape character summary assessment between the last round of Consultation (September 2018) contained within the Sustainability Appraisal has not significantly changed from this version (Appendix 3). Botany Bay scores the same operational and long term impact scoring as the Scrooby extension proposed for allocation.

Based on the above, it can only be assumed that Botany Bay has been discounted based on a numerical calculation of required sand and gravel supply. As we have advocated throughout the representations this approach is flawed. No consideration has been given to the productive capacity of the much smaller operations proposed in the Idle Valley as well as their longevity to meet demand over the Plan period. Tarmac do not wish to object to the other sites promoted in the Idle Valley. It is their view that additional supply will be required. In overall Plan objective terms, the Strategy to deliver a Steady and Adequate supply of minerals cannot be met without the allocation of Botany Bay.

In addition, the Plan recognises that there are limited resources available in the Idle Valley and long term supply to the north of the County will rely on supply from the Newark area. In addition, the Newark area will become a focus area to meet demands from Leicestershire, the Barnstone cement works and South Nottinghamshire when the Brooksby site closes in circa 5 years. The sites at Great North Road are well connected to these markets by the A46 and will form replacements to operations due to close later in the Plan period. In addition, Burrige Farm will also make a substantial contribution from this area during the Plan period, utilising barging infrastructure.

I trust that the above comments are helpful. Should you have any queries or wish to discuss any of the points raised in more detail, please do not hesitate to contact us. We wish to be kept informed of progress of the Minerals Local Plan and attend the Examination.

Yours faithfully,

Jenna Conway
Heatons

Botany Bay

Sustainability Appraisal Objectives	Effect – Operational Period	Effect – Long Term	Commentary (NCC)	Mitigation (NCC)	Tarmac Comments	Revised Scoring Effect - Operational period	Revised Scoring Effect – Long Term
1. Ensure that adequate provision is made to meet local and national mineral demand.	+2	0	The size of the estimated reserves of this site would contribute positively to meeting national and local demand for sand and gravel.	Not applicable.	Given the locational strategy this relatively large site assists in contributing to local and wider needs and will likely secure sand and gravel to the South Yorkshire markets.	+3	0
2. Protect and enhance biodiversity at all levels and safeguard features of geological interest.	-1	+1	<p>The Chesterfield Canal (Shireoaks to Welham) LWS demarcates the southern site boundary, Sutton and Lound Gravel Pits SSSI and Idle Valley Nature Reserve LWS lie to the north-east. There is therefore the potential for direct and indirect impacts on these sites, including from noise, dust, NOx and changes to hydrology and hydrogeology.</p> <p>Restoration would be to a combination of water-based nature conservation and agricultural land use to complement existing land uses and landscape character within the vicinity (including the presence of the Chesterfield Canal and Nature Reserves within the local area). This would not maximise the biodiversity gain that could be achieved on the site.</p>	<p>Ecological surveys and hydrological reports.</p> <p>Buffer zones.</p> <p>Appropriate biodiversity-led restoration scheme to deliver creation of appropriate priority habitats, with restoration to arable farmland restricted to the current amount of high quality agricultural land.</p>	<p>The views into the site from the adjoining canal are relatively minor and localised and therefore should not be considered as significant in the context of the other industrial land use settings along the route of the canal.</p> <p>The restoration scheme will deliver a visually interesting wetland habitat adjoining the canal.</p>	-1	+1
3. Promote sustainable patterns of movement and the use of more sustainable modes of transport.	+1	0	The site is well related to the main highway network, with direct access off the A638.	Not applicable.		+1	0
4. Protect the quality of the historic environment, heritage assets and their settings above and below ground.	-1	1	<p>This site is bounded by the non designated heritage asset of the Chesterfield canal and includes Lady Bridge, a C18th brick canal bridge, which could be potentially adversely affected.</p> <p>The setting of listed buildings, including Ranby Hall and buildings associated with the Babworth Park Estate, which is a registered park and garden, could be affected.</p> <p>The potential for non-designated archaeology at this site is medium and the level of risk is medium. In the long term the impact on these designated heritage</p>	<p>Buffer zones and screening.</p> <p>Archaeological surveys to determine the nature and significance of any remains, then adequate provision to be made for preservation, excavation or recording.</p> <p>Metal detector on conveyor belt to seek metal objects of archaeological interest.</p>		-1	1

			assets could be positive or negative depending on the nature of the restoration.				
5. Protect and enhance the quality and character of our townscape and landscape.	-3	-2	The landscape assessment resulted in a combined landscape score of 82/100 for the operational period so the impact is considered to be very negative. The landscape assessment for post-restoration resulted in a combined landscape score of 60/100 so the impact is considered to become negative.	During the operational phase a landscape buffer will be required to the A638 and the Chesterfield Canal. Restoration should include replacement of the hedge lines (refer to species list for the Idle Lowlands LCA, not including Ash).	The mitigation section refers to necessary mitigation strategies to lessen impact. If these are implemented it is considered that the negative impact would be reduced. Long term the land will be restored largely to agricultural use using the importation of inert infill material. Long term impact is therefore reduced	-2	-1
6. Minimise impact and risk of flooding	-1	0	The site is in Flood Zone 1 (low probability of flooding).	Meeting the requirements of the Environment Agency and Internal Drainage Board. Implementation of SuDs.	The assessment on impact should be neutral as it is not in an area sensitive to flooding.	0	0
7. Minimise any possible impacts on, and increase adaptability to, climate change.	?	1	During the operational phase the effect would be dependent on the details of operation, e.g. whether the most energy efficient plant and machinery were used. Thereafter, in the long term, the effect could be positive or negative in terms of increasing the resilience of flora and fauna to climate change depending on the details of restoration.	Implement restoration which provides appropriate habitats to help to increase the resilience of flora and fauna.	Standard good practice and environmental management codes used by the operator ensure that plant and machinery operated efficiently.	0	0
8. Protect high quality agricultural land and soil.	-1	?	Approximately 64% of the site is Grade 3b (not high quality) agricultural land, with smaller areas of Grade 3a (approximately 29%) and Grade 2 (approximately 7%) which are best and most versatile agricultural land. The majority of the site, therefore, is not within the best and most versatile agricultural land categories. Proposed restoration would include some agricultural land, but it is not clear whether it would match the existing quality.	Restoration to high quality agricultural land if possible.	Good soils management strategies would ensure that the best and most versatile agricultural soils are retained and reused in restoration. The proposals involve the importation of imported inert materials to maximise beneficial restoration. The restored agricultural land would be subject to a 5 year aftercare programme.	-1	+1
9. Promote more efficient use of land and resources.	0	?	No significant effect during the operational period.	Not applicable.		0	0

10. Promote energy efficiency and maximise renewable energy opportunities from new or existing development.	?	?	Effect would be dependent on the details of operation, such as the use of energy efficient plant and machinery and renewable energy sources for on-site power.	Not applicable.	Standard good practice and environmental management codes used by the operator ensure that plant and machinery operated efficiently	0	0
11. Protect and improve local air quality.	-2	0	Operations would create dust. The mineral would be exported by HGV with an estimated 72 two way movements (36 HGV arrivals and 36 HGV departures) per average working day.	Environmental protection measures to reduce dust.	Mitigation measures would be controlled by planning condition to ensure that the development does not give rise to unacceptable levels of dust. The operational effect should therefore not be significant.	-1	0
12. Protect and improve water quality and promote efficient use of water.	-2	0	Potential de-watering and discharge into watercourses. The site is situated on a primary aquifer, which could be of concern from a groundwater perspective.	Hydrological reports. On-site protection measures to avoid contamination of surface waters and groundwater. Meeting the requirements of the Environment Agency and Internal Drainage Board.	Water management would be carried out through formal water Abstraction and Discharge permits. Impacts likely to be temporary and localised. Groundwater monitoring / mitigation strategies can be developed and delivered based on adopted schemes for existing operational sand and gravel sites (eg Langford Quarry)	-1	0
13. Support wider economic development and promote local job opportunities.	+2	0	This site has the potential to produce a large quantity of aggregate which is important in supporting the wider economy particularly through meeting the demands of the construction industry. There is also the potential for creation of some local job opportunities.	Not applicable.	NPPF paragraph 205 advocates 'great weight' to be given to the benefits of mineral extraction including to the economy. Whilst local jobs will be created the longer term effects of mineral extraction in providing essential housing and infrastructure requirements should be recognised.	+3	0
14. Protect and improve human health and quality of life.	-2	0	The site is in close proximity to settlements so during the operational phase there could be a negative effect resulting from noise, dust and traffic. In terms of visual amenity, there would be a significant adverse change to views from a limited number of residential properties. No RoWs are directly affected, but the Chesterfield Canal towpath, which adjoins the southern site boundary, could potentially be affected by noise and dust during the operational phase.	Environmental protection measures to reduce noise and dust. Transport Assessment. Public access opportunities to nature conservation areas as part of restoration scheme.		-2	0

			No enhancement of public access to recreational opportunities is included in the restoration proposals.				
Total	-8	-1				-2	+1

Scale	Likely effect on the SA Objective
+3	The proposal is likely to have a very positive impact
+2	The proposal is likely to have a positive impact
+1	The proposal is likely to have a slightly positive impact
0	No significant effect / no clear link
?	Uncertain or insufficient information on which to determine impact
1	The proposal could have a positive or a negative impact depending on how it is implemented
-1	The proposal is likely to have a slightly negative impact
-2	The proposal is likely to have a negative impact
-3	The proposal is likely to have a very negative impact

Burridge Farm

Sustainability Appraisal Objectives	Effect – Operational Period	Effect – Long Term	Commentary (NCC)	Mitigation (NCC)	Tarmac Comments	Revised Scoring Effect - Operational period	Revised Scoring Effect – Long Term
1. Ensure that adequate provision is made to meet local and national mineral demand.	+2	0	The size of the estimated reserves of this site would contribute positively to meeting national and local demand for sand and gravel.	Not applicable.		+2	0
2. Protect and enhance biodiversity at all levels and safeguard features of geological interest.	-1	+3	The site is immediately adjacent to The Fleet, South Muskham LWS, close to Trent West Bank LWS, and is immediately across the River Trent from Winthorpe Lake LWS. There is therefore the potential for direct and indirect impacts to these sites, including from noise, dust, NOx and changes to hydrology and hydrogeology. It is stated that restoration would be to nature conservation afteruses, comprising wet grassland and open water with marginal planting and reedbed. Such restoration could lead to significant biodiversity benefits, depending on the scale of habitat created.	Ecological surveys and hydrological reports. Buffer zones. Appropriate restoration scheme to enhance biodiversity.		-1	+3
3. Promote sustainable patterns of movement and the use of more sustainable modes of transport.	+2	0	The extracted mineral would be transported by barge along the River Trent for processing at Cromwell Quarry, which has an existing wharf facility, approximately 4.5 km to the north. Access from Cromwell is well-related to the main highway network (A1).	Not applicable.	Whilst the barging of sand and gravel is a sustainable mode of transport, there are some operational constraints / uncertainties regarding the capacity of the lock at Cromwell Weir for the passage of river barges. Production may be more constrained compared to traditional land based mineral extraction.	+2	0
4. Protect the quality of the historic environment, heritage assets and their settings above and below ground.	-2	1	The south-eastern corner of the site adjoins the listed Winthorpe Bridge, the setting of which could be adversely affected, along with the setting of Winthorpe Conservation Area and the listed Winthorpe Hall. A Scheduled Monument (Iron Age settlement) lies to the NW, with the north-west corner of the site adjoining it. Remains extend on air photographic mapping up to The Fleet which forms the western edge of the site. There is potential for an adverse impact on the setting. The area should be regarded as of high potential for buried remains. The	Buffer zones and screening. Archaeological surveys to determine the extent of any impact on the scheduled monument and whether mitigation is feasible. Archaeological surveys to determine the nature and significance of non-designated remains, then adequate provision		-2	1

			<p>site also has high archaeological potential in terms of non-designated features.</p> <p>In the long term the impact on the settings of these heritage assets could be positive or negative, depending on the nature of restoration.</p>	<p>to be made for preservation, excavation or recording.</p> <p>Metal detector on conveyor belt to seek metal objects of archaeological interest. Appropriate restoration proposals.</p>			
5. Protect and enhance the quality and character of our townscape and landscape.	-2	-1	<p>The landscape assessment resulted in a combined landscape score of 67/100 for the operational period so the impact is considered to be negative. The landscape assessment for post-restoration resulted in a combined landscape score of 48/100 so the impact is considered to be slightly negative.</p>	<p>The operational phase should incorporate screening from the river and Winthorpe Lakes and a buffer to protect The Fleet LWS.</p> <p>Restoration should strengthen riparian planting, incorporate grassland, particularly adjacent to the River Trent corridor.</p> <p>Open water mosaic could add value to existing Winthorpe lakes and mineral working to south.</p>		-2	-1
6. Minimise impact and risk of flooding	-3	1	<p>The site is located within Flood Zone 3 (high flood risk area) and the functional flood plain and is largely bounded by the River Trent. Sand and gravel workings are considered to be water-compatible development which is appropriate in this zone provided that there is no net loss of floodplain storage, water flows are not impeded and flood risk is not increased elsewhere.</p> <p>There is insufficient information at this stage on which to determine the impact of operations and as it is a high risk zone the effect has to be considered as very negative.</p>	<p>Meeting the requirements of the Environment Agency and Internal Drainage Board.</p> <p>Flood Risk Assessment (FRA) including consideration of flood flow and storage.</p> <p>Implementation of SuDs</p>	<p>This takes an unnecessarily negative stance on the potential for impact. As advised mineral operations are water compatible and flood resilience and compensation would be incorporated as part of any restoration proposals. Operational working would have to consider the potential for flood impact. Restoration offers opportunities for flood resilience measures to be included as part of restoration.</p>	-1	+1
7. Minimise any possible impacts on, and increase adaptability to, climate change.	?	1	<p>During the operational phase the effect would be dependent on the details of operation, e.g. whether the most energy efficient plant and machinery were used. Thereafter, in the long term, the effect could be positive or negative in terms of increasing the resilience of flora and fauna to climate change depending on the details of restoration.</p>	<p>Implement restoration which provides appropriate habitats to help to increase the resilience of flora and fauna.</p>	<p>Standard good practice and environmental management codes used by the operator ensure that plant and machinery operated efficiently.</p>	0	0
8. Protect high quality agricultural land and soil.	-2	-2	<p>The site is a mix of Grade 3a (best and most versatile) and Grade 3b (not high quality) agricultural land. Restoration would be biodiversity-led.</p>	<p>Restoration to high quality agricultural land if that is possible.</p>	<p>The Burrigge Farm site is proposed to be restored to nature conservation afteruses comprising wet grassland and open water with marginal planting and reed bed and retention of vegetation along outer site boundaries. There</p>	-2	-2

					are no realistic opportunities for import of inert materials to restore the land to agricultural use.		
9. Promote more efficient use of land and resources.	0	?	No significant effect during the operational period.	Not applicable.		0	0
10. Promote energy efficiency and maximise renewable energy opportunities from new or existing development.	?	?	Effect would be dependent on the details of operation, such as the use of energy efficient plant and machinery and renewable energy sources for on-site power.	Not applicable.	Standard good practice and environmental management codes used by the operator ensure that plant and machinery operated efficiently	0	0
11. Protect and improve local air quality.	-2	0	Operations would create dust. The mineral would be exported by HGV with an estimated 54 two way movements (27 HGV arrivals and 27 HGV departures) per average working day.	Environmental protection measures to reduce dust.	Material would be transported by barge to processing facilities at the former Cromwell Quarry plant site.	-1	0
12. Protect and improve water quality and promote efficient use of water.	-1	0	Potential de-watering and discharge into watercourses.	Hydrological reports. On-site protection measures to avoid contamination of surface waters and groundwater. Implementation of SuDs. Meeting the requirements of the Environment Agency and Internal Drainage Board (IDB).		-1	0
13. Support wider economic development and promote local job opportunities.	+2	0	This site has the potential to produce a large quantity of aggregate which is important in supporting the wider economy particularly through meeting the demands of the construction industry. There is also the potential for creation of some local job opportunities.	Not applicable.	NPPF paragraph 205 advocates 'great weight' to be given to the benefits of mineral extraction including to the economy. Whilst local jobs will be created the longer term effects of mineral extraction in providing essential housing and infrastructure requirements should be recognised.	+3	0

14. Protect and improve human health and quality of life.	-1	+2	<p>There are settlements in close proximity to the site so during the operational phase there could be a negative effect resulting from noise, dust and traffic. However there would not be any detrimental impact on residents in terms of visual amenity. No RoWs are affected.</p> <p>There is potential for long term benefits, through restoration allowing for public access and linking into the RSPB's 'Bigger and Better' vision for landscape scale delivery of wetland habitats.</p>	<p>Environmental protection measures to reduce noise and dust.</p> <p>Transport Assessment.</p>		-1	+2
Total	-8	+2				-4	+3

Scale	Likely effect on the SA Objective
+3	The proposal is likely to have a very positive impact
+2	The proposal is likely to have a positive impact
+1	The proposal is likely to have a slightly positive impact
0	No significant effect / no clear link
?	Uncertain or insufficient information on which to determine impact
1	The proposal could have a positive or a negative impact depending on how it is implemented
-1	The proposal is likely to have a slightly negative impact
-2	The proposal is likely to have a negative impact
-3	The proposal is likely to have a very negative impact

Great North Road North

Sustainability Appraisal Objectives	Effect – Operational Period	Effect – Long Term	Commentary (NCC)	Mitigation (NCC)	Tarmac Comments	Revised Scoring Effect - Operational period	Revised Scoring Effect – Long Term
1. Ensure that adequate provision is made to meet local and national mineral demand.	+2	0	The size of the estimated reserves of this site would contribute positively to meeting national and local demand for sand and gravel.	Not applicable.	Given the locational strategy this site assists in local and wider needs and will secure sand and gravel to the local market as well as being well positioned to serve Nottingham and NE Leicestershire markets (due to its proximity to the A46) following projected exhaustion of reserves and closure of sand and gravel operations in Leicestershire, particularly at Brooksby Quarry, which currently supplies the Barnstone Cement works in Nottinghamshire.	+3	0
2. Protect and enhance biodiversity at all levels and safeguard features of geological interest.	-1	+2	<p>The site adjoins Kelham Trent and Island LWS, and Kelham Pool LWS, and is close to a cluster of several other LWSs. There is therefore the potential for direct and indirect impacts to these sites, including through noise, dust, NOx and changes to hydrology and hydrogeology.</p> <p>The proposed restoration is stated as being to agriculture, although it is stated that there is a 'significant opportunity' to create enhanced grassland habitats in the corridor adjoining the Trent. The scheme may therefore deliver at least modest biodiversity benefits. There is potential to create an extensive area of wet grassland (floodplain grazing marsh), which would deliver significant biodiversity benefits if done at scale, and would allow continued use as farmland through grazing</p>	<p>Ecological surveys and hydrological reports.</p> <p>Buffer zones.</p> <p>Appropriate restoration scheme to enhance biodiversity.</p>		-1	+2
3. Promote sustainable patterns of movement and the use of more	1	0	The site is well related to the main highway network, with direct access off the A616, however the A616 Great North Road junction with the A46 is heavily congested at peak times and the A46 around Newark is generally under a capacity strain, therefore lorry routing requires careful consideration.	Imposition of a lorry routing agreement or a similar management control to ensure that HGV traffic avoids inappropriate routes.		1	0

sustainable modes of transport.							
4. Protect the quality of the historic environment, heritage assets and their settings above and below ground.	-2	1	<p>This site is very close to the listed Kelham Bridge and within the setting of the listed Kelham Hall and Kelham Conservation Area. It is immediately adjacent to the listed Smeaton's Arches. It is highly likely that there will be adverse impacts on the settings of these built heritage assets.</p> <p>There are two Civil War era scheduled monuments within close proximity to the site and the settings of these (along with the non-designated heritage asset "Edinburgh Fort") may be adversely affected. The site also has medium to high potential for non designated archaeology.</p> <p>In the long term the impact on the settings of heritage assets could be positive or negative, depending on the nature of restoration.</p>	<p>Buffer zones and screening.</p> <p>Archaeological surveys to determine the nature and significance of non-designated remains, then adequate provision to be made for preservation, excavation or recording.</p> <p>Metal detector on conveyor belt to seek metal objects of archaeological interest.</p> <p>Appropriate restoration proposals.</p>		-2	1
5. Protect and enhance the quality and character of our townscape and landscape.	-3	-2	<p>The landscape assessment resulted in a combined landscape score of 77/100 for the operational period so the impact is considered to be very negative.</p> <p>The landscape assessment for post-restoration resulted in a combined landscape score of 64/100 so the impact is considered to be negative.</p>	<p>During the operational phase there would be a screening opportunity along the river and road corridor, particularly from Kelham and a buffer /stand off to protect the Civil War earthwork and river corridor should be provided.</p> <p>Restoration should include riparian and road side planting, hedgerow restoration and riverside pasture.</p>	<p>The working of the site would be long term as the reserves would extend beyond the Plan period. The development of the site would be progressive in terms of extraction and restoration. The site adjoins areas of large scale intensive industrial use (sugar beet factory immediately east of Great North Road) and therefore landscape impact should be seen in that context.</p> <p>Restoration is largely to agricultural use, with shallow water features along the river corridor creating visual interest. The long term landscape impact is therefore considered to be neutral at worst and therefore overstated.</p>	-2	0
6. Minimise impact and risk of flooding	-3	1	<p>The site is located within Flood Zone 3 (high flood risk area) and the functional flood plain. Sand and gravel workings are considered to be water compatible development which is appropriate in this zone provided that there is no net loss of floodplain storage, water flows are not impeded and flood risk is not increased elsewhere.</p>	<p>Meeting the requirements of the Environment Agency and Internal Drainage Board.</p> <p>Flood Risk Assessment (FRA) including consideration of flood flow and storage.</p> <p>Implementation of SuDs.</p>	<p>This takes an unnecessarily negative stance on the potential for impact. As advised mineral operations are water compatible and flood resilience and compensation would be</p>	-1	+1

			<p>There is insufficient information at this stage on which to determine the impact of operations and as it is a high risk zone the effect has to be considered as very negative.</p> <p>The Environment Agency has raised particular concern in relation to this site and flood risk, due to its proximity to the village of Kelham. This area is known for flooding and is the first area to be affected when the River Trent overtops.</p> <p>Impact in the long-term could be positive or negative depending on the nature of restoration.</p>		<p>incorporated as part of any restoration proposals.</p> <p>Operational working would have to consider the potential for flood impact. Restoration offers opportunities for flood resilience measures to be included as part of restoration.</p>		
7. Minimise any possible impacts on, and increase adaptability to, climate change.	?	1	<p>During the operational phase the effect would be dependent on the details of operation, e.g. whether the most energy efficient plant and machinery were used. Thereafter, in the long term, the effect could be positive or negative in terms of increasing the resilience of flora and fauna to climate change depending on the details of restoration.</p>	<p>Implement restoration which provides appropriate habitats to help to increase the resilience of flora and fauna.</p>	<p>Standard good practice and environmental management codes used by the operator ensure that plant and machinery operated efficiently.</p>	0	0
8. Protect high quality agricultural land and soil.	-2	?	<p>The site is predominantly Grade 2 and Grade 3a, which is best and most versatile agricultural land, with the remainder being Grade 3b which is not high quality.</p> <p>Restoration is proposed to be to agriculture, but it is not clear whether this would match the existing quality.</p>	<p>Restoration to high quality agricultural land if that is possible.</p>	<p>Good soils management strategies would ensure that the best and most versatile agricultural soils are retained and reused in restoration. The proposals involve the importation of imported inert materials to maximise restoration to agriculture.</p>	-1	-1
9. Promote more efficient use of land and resources.	0	?	<p>No significant effect during the operational period.</p>	<p>Not applicable.</p>		0	0
10. Promote energy efficiency and maximise renewable energy opportunities from new or existing development.	?	?	<p>Effect would be dependent on the details of operation, such as the use of energy efficient plant and machinery and renewable energy sources for on-site power.</p>	<p>Not applicable.</p>	<p>Standard good practice and environmental management codes used by the operator ensure that plant and machinery operated efficiently</p>	0	0
11. Protect and improve local air quality.	-2	0	<p>Operations would create dust.</p> <p>The mineral would be exported by HGV with an estimated 90 two way movements (45 HGV arrivals and 45 HGV departures) per average working day.</p>	<p>Environmental protection measures to reduce dust.</p>	<p>Mitigation measures would be controlled by planning condition to ensure that the development does not give rise to dust. The operational effect should therefore be neutral.</p>	-1	0

12. Protect and improve water quality and promote efficient use of water.	-1	0	Potential de-watering and discharge into watercourses	Hydrological reports. On-site protection measures to avoid contamination of surface waters and groundwater. Implementation of SuDs. Meeting the requirements of the Environment Agency and Internal Drainage Board (IDB).		-1	0
13. Support wider economic development and promote local job opportunities.	+2	0	This site has the potential to produce a large quantity of aggregate which is important in supporting the wider economy particularly through meeting the demands of the construction industry. There is also the potential for creation of some local job opportunities.	Not applicable.	NPPF paragraph 205 advocates 'great weight' to be given to the benefits of mineral extraction including to the economy. Whilst local jobs will be created the longer term effects of mineral extraction in providing essential housing and infrastructure requirements should be recognised.	+3	0
14. Protect and improve human health and quality of life.	-3	0	There are settlements in close proximity to the site so during the operational phase there could be a negative effect resulting from noise, dust and traffic. In terms of visual amenity, residential properties overlooking the River Trent off Kelham Lane to the south-east would have filtered views and there would be distant views from properties at Little Carlton and South Muskham, though filtered by vegetation. The Trent Valley Way long distance footpath could be adversely affected as it adjoins the site. In the long term there would be no significant effect as restoration is primarily for agriculture and no enhancement of public access to recreational opportunities is proposed.	Environmental protection measures to reduce noise and dust. Transport Assessment. Screen planting. Protection of the Trent Valley Way long distance footpath and improvements to RoW network on restoration.	All environmental mitigation would lessen the potential for impact on sensitive receptors to within acceptable levels. This can be achieved through the adoption of screening and landscape planting. Details would be confirmed at the planning application stage. The overall scoring should be reduced to a potential negative impact.	-2	0
Total	-13	0				-5	+2

Scale	Likely effect on the SA Objective
+3	The proposal is likely to have a very positive impact
+2	The proposal is likely to have a positive impact
+1	The proposal is likely to have a slightly positive impact
0	No significant effect / no clear link
?	Uncertain or insufficient information on which to determine impact
1	The proposal could have a positive or a negative impact depending on how it is implemented
-1	The proposal is likely to have a slightly negative impact
-2	The proposal is likely to have a negative impact

The proposal is likely to have a **very negative** impact

Great North Road South

Sustainability Appraisal Objectives	Effect – Operational Period	Effect – Long Term	Commentary (NCC)	Mitigation (NCC)	Tarmac Comments	Revised Scoring Effect - Operational period	Revised Scoring Effect – Long Term
1. Ensure that adequate provision is made to meet local and national mineral demand.	+2	0	The size of the estimated reserves of this site would contribute positively to meeting national and local demand for sand and gravel.	Not applicable.	Given the locational strategy this site assists in local and wider needs and will secure sand and gravel to the local market as an extension of operations to the north and as well as being well positioned to serve the Leicestershire market following projected cessation of sand and gravel operations in Leicestershire.	+3	0
2. Protect and enhance biodiversity at all levels and safeguard features of geological interest.	-1	+2	<p>The site is immediately adjacent to the River Trent at Staythorpe LWS, the Kelham Road Grassland LWS, the Kelham Shingle Bank LWS and the Old Trent Dyke LWS. There is therefore the potential for direct and indirect impacts to these sites, including though noise, dust, NOx and changes to hydrology and hydrogeology.</p> <p>The proposed restoration is stated as being to agriculture, although it is stated that there is a 'significant opportunity' to create enhanced grassland habitats in the corridor adjoining the Trent. The scheme may therefore deliver at least modest biodiversity benefits. There is potential to create an extensive area of wet grassland (floodplain grazing marsh), which would deliver significant biodiversity benefits if done at scale, and would allow continued use as farmland through grazing. There is also the potential for the establishment of wet woodland next to the Trent, adjacent to existing areas of this habitat</p>	<p>Ecological surveys and hydrological reports. Buffer zones. Appropriate restoration scheme to enhance biodiversity.</p>		-1	+2
3. Promote sustainable patterns of movement and the use of more sustainable modes of transport.	1	0	<p>Extracted material will be transported by conveyor to the Great North Road North site and from there onto the highway network.</p> <p>The site is therefore well related to the main highway network, with direct access off the A616, however the A616 Great North Road junction with A46 is heavily congested at peak times and the A46 around Newark is generally under a capacity strain, therefore lorry routing requires careful consideration.</p>	<p>Imposition of a lorry routing agreement or a similar management control to ensure that HGV traffic avoids inappropriate routes.</p>		1	0

4. Protect the quality of the historic environment, heritage assets and their settings above and below ground.	-2	I	<p>This site is very close to the listed Kelham Bridge and Church of St Wilfrid's, and it is likely to impinge on the setting of the historic parkland that forms part of the setting of Kelham Hall. The parkland is a non-designated heritage asset.</p> <p>It is also in close proximity to Kelham and Averham Conservation Areas. It is immediately adjacent to the listed Smeaton's Arches. It is highly likely that there will be adverse impacts on the settings of these built heritage assets.</p> <p>There are several scheduled monuments within close proximity to the site and the setting of these (along with the non-designated heritage asset "Edinburgh Fort") may be adversely affected. The site also has medium to high potential for non designated archaeology.</p> <p>In the long term the impact on the settings of these heritage assets could be positive or negative, depending on the nature of restoration.</p>	<p>Buffer zones and screening.</p> <p>Archaeological surveys to determine the nature and significance of non-designated remains, then adequate provision to be made for preservation, excavation or recording.</p> <p>Metal detector on conveyor belt to seek metal objects of archaeological interest.</p> <p>Appropriate restoration proposals.</p>		-2	I
5. Protect and enhance the quality and character of our townscape and landscape.	-3	-2	<p>The landscape assessment resulted in a combined landscape score of 85/100 for the operational period so the impact is considered to be very negative. The landscape assessment for post-restoration resulted in a combined landscape score of 72/100 so the impact is considered to be negative.</p>	<p>During the operational phase there would be a screening opportunity along the river and road corridor and a buffer /stand off to protect Old Trent Dyke LWS, the Civil War Redoubt and river corridor should be provided. Restoration should include riparian and road side planting, hedgerow restoration and riverside pasture.</p>	<p>The development would involve the importation of inert materials to achieve restoration largely to agriculture. The long term landscape impact is therefore considered to be less of an impact than stated.</p>	-2	-1
6. Minimise impact and risk of flooding	-3	I	<p>The site is located within Flood Zone 3 (high flood risk area) and the functional flood plain. Sand and gravel workings are considered to be water compatible development which is appropriate in this zone provided that there is no net loss of floodplain storage, water flows are not impeded and flood risk is not increased elsewhere.</p> <p>There is insufficient information at this stage on which to determine the impact of operations and as it is a high risk zone the effect has to be considered as very negative.</p> <p>The Environment Agency has raised particular concern in relation to this site and flood risk, due to its proximity to the villages of Kelham and Averham. Impact in the long-term could be positive or negative depending on the nature of restoration.</p>	<p>Meeting the requirements of the Environment Agency and Internal Drainage Board.</p> <p>Flood Risk Assessment (FRA) including consideration of flood flow and storage.</p> <p>Implementation of SuDs.</p>	<p>This takes an unnecessarily negative stance on the potential for impact. As advised mineral operations are water compatible and flood resilient and compensation would be incorporated as part of any restoration proposals. Operational working would have to consider the potential for flood impact. Restoration offers opportunities for flood resilience measures to be included as part of restoration.</p>	-1	+1

7. Minimise any possible impacts on, and increase adaptability to, climate change.	?	!	During the operational phase the effect would be dependent on the details of operation, e.g. whether the most energy efficient plant and machinery were used. Thereafter, in the long term, the effect could be positive or negative in terms of increasing the resilience of flora and fauna to climate change depending on the details of restoration.	Implement restoration which provides appropriate habitats to help to increase the resilience of flora and fauna.	Standard good practice and environmental management codes used by the operator ensure that plant and machinery operated efficiently.	0	0
8. Protect high quality agricultural land and soil.	-2	?	The site is predominantly Grade 2 and Grade 3a, which is best and most versatile agricultural land, with the remainder being Grade 3b which is not high quality. Restoration is proposed to be to agriculture, but it is not clear whether this would match the existing quality.	Restoration to high quality agricultural land if that is possible.	Good soils management strategies would ensure that the best and most versatile agricultural soils are retained and reused in restoration. The proposals involve the importation of imported inert materials to maximise beneficial restoration. The restored agricultural land would be subject to a 5 year aftercare programme.	-1	-1
9. Promote more efficient use of land and resources.	0	?	No significant effect during the operational period.	Not applicable.		0	0
10. Promote energy efficiency and maximise renewable energy opportunities from new or existing development.	?	?	Effect would be dependent on the details of operation, such as the use of energy efficient plant and machinery and renewable energy sources for on-site power.	Not applicable.	Standard good practice and environmental management codes used by the operator ensure that plant and machinery operated efficiently	0	0
11. Protect and improve local air quality.	-2	0	Operations would create dust. The mineral would be exported by HGV with an estimated 90 two way movements (45 HGV arrivals and 45 HGV departures) per average working day.	Environmental protection measures to reduce dust.	Mitigation measures would be controlled by planning condition to ensure that the development does not give rise to dust. The operational effect should not therefore be significant.	-1	0
12. Protect and improve water quality and promote efficient use of water.	-1	0	Potential de-watering and discharge into watercourses.	Hydrological reports. On-site protection measures to avoid contamination of surface waters and groundwater. Implementation of SuDs. Meeting the requirements of the Environment Agency and Internal Drainage Board (IDB).		-1	0

13. Support wider economic development and promote local job opportunities.	+2	0	This site has the potential to produce a large quantity of aggregate which is important in supporting the wider economy particularly through meeting the demands of the construction industry. There is also the potential for creation of some local job opportunities.	Not applicable.	NPPF paragraph 205 advocates 'great weight' to be given to the benefits of mineral extraction including to the economy. Whilst local jobs will be created the longer term effects of mineral extraction in providing essential housing and infrastructure requirements should be recognised.	+3	0
14. Protect and improve human health and quality of life.	-2	0	There are settlements in close proximity to the site so during the operational phase there could be a negative effect resulting from noise, dust and traffic. In terms of visual amenity, there would be no significant detrimental effect on residential properties. The Trent Valley Way long distance footpath would be disrupted by the conveyor route. In the long term there would be no significant effect as restoration is primarily for agriculture and no enhancement of public access to recreational opportunities is proposed.	Environmental protection measures to reduce noise and dust. Transport Assessment. Protection of the Trent Valley Way long distance footpath and improvements to RoW network on restoration.	All environmental mitigation would lessen the potential for impact on sensitive receptors to within acceptable levels. This would be confirmed at the planning application stage. The overall scoring should be reduced to a potential minor negative impact.	-1	0
Total	-12	0				-4	+1

Scale	Likely effect on the SA Objective
+3	The proposal is likely to have a very positive impact
+2	The proposal is likely to have a positive impact
+1	The proposal is likely to have a slightly positive impact
0	No significant effect / no clear link
?	Uncertain or insufficient information on which to determine impact
1	The proposal could have a positive or a negative impact depending on how it is implemented
-1	The proposal is likely to have a slightly negative impact
-2	The proposal is likely to have a negative impact
-3	The proposal is likely to have a very negative impact



**Nottinghamshire
County Council**

Nottinghamshire Minerals Local Plan

**Draft Minerals Local Plan
Sustainability Appraisal
Interim Report
July 2018**



Table 7: Potential Sites and Total Sustainability Appraisal Scores

SITE	SCORES	
	Operational period	Long-term
Sand and gravel		
Shelford	-10	-1
Barton in Fabis (Mill Hill)	-13	-3
Barton in Fabis (West)	-11	-2
East Leake North	-7	-2
Redhill	-11	-2
<hr/>		
Cromwell	-11	-2
Cromwell Triangle & Carlton River Meadows	-13	-6
Langford South & West	-10	+2
Langford North	-9	+1
Coddington	-7	-2
Besthorpe East	-8	+2
Burridge Farm	-8	+2
Great North Road North	-13	0
Great North Road South	-12	0
<hr/>		
Botany Bay	-8	-1
Bawtry Road	-4	0
Barnby Moor (Hanson)	-13	-1
Barnby Moor (Rotherham SG)	-12	-4
Scrooby, Thompson Land	-8	-1
Scrooby North	-7	-1
<hr/>		
Sherwood Sandstone		
Scrooby Top North	-5	0
Bestwood II East	-7	-3
Bestwood II North	-9	-2
<hr/>		
Clay		
Woodborough Lane	-3	-3
<hr/>		
Gypsum		
Bantycok	-7	-1

Full details of the site appraisal findings are set out in the site appraisal matrices included below in this report.

SITE NAME: <i>BOTANY BAY</i> NEW OR EXTENSION: New		MINERAL TYPE: Sand and gravel POTENTIAL CAPACITY: 2.44 million tonnes		
Sustainability Appraisal Objectives	Effect		Commentary	Mitigation
	Operational period	Long -term		
1. Ensure that adequate provision is made to meet local and national mineral demand.	+2	0	The size of the estimated reserves of this site would contribute positively to meeting national and local demand for sand and gravel.	Not applicable.
2. Protect and enhance biodiversity at all levels and safeguard features of geological interest.	-1	+1	<p>The Chesterfield Canal (Shireoaks to Welham) LWS demarcates the southern site boundary, Sutton and Lound Gravel Pits SSSI and Idle Valley Nature Reserve LWS lie to the north-east. There is therefore the potential for direct and indirect impacts on these sites, including from noise, dust, NOx and changes to hydrology and hydrogeology.</p> <p>Restoration would be to a combination of water-based nature conservation and agricultural land use to complement existing land uses and landscape character within</p>	<p>Ecological surveys and hydrological reports. Buffer zones. Appropriate biodiversity-led restoration scheme to deliver creation of appropriate priority habitats, with restoration to arable farmland restricted to the current amount of high quality agricultural land.</p>

			the vicinity (including the presence of the Chesterfield Canal and Nature Reserves within the local area). This would not maximise the biodiversity gain that could be achieved on the site.	
3. Promote sustainable patterns of movement and the use of more sustainable modes of transport.	+1	0	The site is well related to the main highway network, with direct access off the A638.	Not applicable.
4. Protect the quality of the historic environment, heritage assets and their settings above and below ground.	-1	I	<p>This site is bounded by the non-designated heritage asset of the Chesterfield canal and includes Lady Bridge, a C18th brick canal bridge, which could be potentially adversely affected. The setting of listed buildings, including Ranby Hall and buildings associated with the Babworth Park Estate, which is a registered park and garden, could be affected.</p> <p>The potential for non-designated archaeology at this site is medium and the level of risk is medium.</p> <p>In the long term the impact on these designated heritage assets could be positive or</p>	<p>Buffer zones and screening. Archaeological surveys to determine the nature and significance of any remains, then adequate provision to be made for preservation, excavation or recording. Metal detector on conveyor belt to seek metal objects of archaeological interest.</p>

			negative depending on the nature of restoration.	
5. Protect and enhance the quality and character of our townscape and landscape.	-3	-2	The landscape assessment resulted in a combined landscape score of 82/100 for the operational period so the impact is considered to be very negative. The landscape assessment for post-restoration resulted in a combined landscape score of 60/100 so the impact is considered to become negative.	During the operational phase a landscape buffer will be required to the A638 and the Chesterfield Canal. Restoration should include replacement of the hedge lines (refer to species list for the Idle Lowlands LCA, not including Ash).
6. Minimise impact and risk of flooding.	-1	0	The site is in Flood Zone 1 (low probability of flooding).	Meeting the requirements of the Environment Agency and Internal Drainage Board. Implementation of SuDs.
7. Minimise any possible impacts on, and increase adaptability to, climate change.	?	1	During the operational phase the effect would be dependent on the details of operation, e.g. whether the most energy efficient plant and machinery were used. Thereafter, in the long term, the effect could be positive or negative in terms of increasing the resilience of flora and fauna to climate change depending on the details of restoration.	Implement restoration which provides appropriate habitats to help to increase the resilience of flora and fauna.
8. Protect high quality agricultural land and soil.	-1	?	Approximately 64% of the site is Grade 3b (not high quality)	Restoration to high quality agricultural land if possible.

			<p>agricultural land, with smaller areas of Grade 3a (approximately 29%) and Grade 2 (approximately 7%) which are best and most versatile agricultural land. The majority of the site, therefore, is not within the best and most versatile agricultural land categories.</p> <p>Proposed restoration would include some agricultural land, but it is not clear whether it would match the existing quality.</p>	
9. Promote more efficient use of land and resources.	0	?	No significant effect during the operational period.	Not applicable.
10. Promote energy efficiency and maximise renewable energy opportunities from new or existing development.	?	?	Effect would be dependent on the details of operation, such as the use of energy efficient plant and machinery and renewable energy sources for on-site power.	Not applicable.
11. Protect and improve local air quality.	-2	0	<p>Operations would create dust.</p> <p>The mineral would be exported by HGV with an estimated 72 two way movements (36 HGV arrivals and 36 HGV departures) per average working day.</p>	Environmental protection measures to reduce dust.

12. Protect and improve water quality and promote efficient use of water.	-2	0	Potential de-watering and discharge into watercourses. The site is situated on a primary aquifer, which could be of concern from a groundwater perspective.	Hydrological reports. On-site protection measures to avoid contamination of surface waters and groundwater. Meeting the requirements of the Environment Agency and Internal Drainage Board.
13. Support wider economic development and promote local job opportunities.	+2	0	This site has the potential to produce a large quantity of aggregate which is important in supporting the wider economy particularly through meeting the demands of the construction industry. There is also the potential for creation of some local job opportunities.	Not applicable.
14. Protect and improve human health and quality of life.	-2	0	The site is in close proximity to settlements so during the operational phase there could be a negative effect resulting from noise, dust and traffic. In terms of visual amenity, there would be a significant adverse change to views from a limited number of residential properties. No RoWs are directly affected, but the Chesterfield Canal towpath, which adjoins the southern site boundary, could potentially be affected by noise	Environmental protection measures to reduce noise and dust. Transport Assessment. Public access opportunities to nature conservation areas as part of restoration scheme.

			and dust during the operational phase. No enhancement of public access to recreational opportunities is included in the restoration proposals.	
Total	-8	-1		

Summary

- This site scores positively in terms of its contribution to the economic aspects of sustainability.
- The impact on biodiversity would be slightly negative during the operational period due to the proximity of LWSs and a SSSI. In the long-term the elements of nature conservation proposals included in the restoration scheme would result in a slightly positive impact but would not maximise biodiversity gain.
- There is a slightly negative impact on the historic environment during the operational period as the settings of a number of designated heritage assets could be adversely affected.
- The landscape assessment concluded that there would be a very negative impact during the operational period and negative effect in the long-term, but also identified some scope for mitigation measures.
- The loss of some high quality agricultural land would have a slightly negative effect in the short-term.
- The number of HGV movements during the operational period could have a slightly negative impact on local air quality.
- The impact on water quality could be negative, as the site is situated on a primary aquifer which could be of concern from a groundwater perspective, but there is scope for mitigation.
- During the operational period there could be a negative effect on quality of life for local residents as surrounding settlements could be adversely affected by noise, dust and traffic and visual amenity would be adversely affected for some residents, but there is some scope for mitigation.



Nottinghamshire Minerals Local Plan

Publication version

Sustainability Appraisal Report

May 2019

Table 6.4: Overview of the Site Appraisal Scores

SITE	SCORES	
	Operational period	Long-term
Sand and gravel		
Shelford	-10	-1
Barton in Fabis (Mill Hill)	-13	-3
Barton in Fabis (West)	-11	-2
East Leake North	-7	-2
Redhill	-11	-2
Cromwell	-11	0
Cromwell Triangle & Carlton River Meadows	-13	-6
Langford South & West	-10	+2
Langford North	-9	+1
Coddington	-7	-2
Besthorpe East	-8	+2
Burridge Farm	-8	+2
Great North Road North	-13	0
Great North Road South	-12	0
Flash Farm	-13	+3
Little Carlton	-13	-4
Botany Bay	-8	-1
Bawtry Road	-4	0
Barnby Moor (Hanson)	-13	-1
Barnby Moor (Torworth/Rotherham SG)	-10	-4
Scrooby, Thompson Land	-8	-1
Scrooby North	-7	-1
Sherwood Sandstone		
Scrooby Top North	-5	0
Bestwood II East	-7	-3
Bestwood II North	-9	-2
Clay		
Woodborough Lane	-3	-3
Gypsum		
Bantycok	-7	-1

SITE NAME: <i>BOTANY BAY</i> NEW OR EXTENSION: New		MINERAL TYPE: Sand and gravel POTENTIAL CAPACITY: 2.44 million tonnes		
Sustainability Appraisal Objectives	Effect		Commentary	Mitigation
	Operational period	Long-term		
1. Ensure that adequate provision is made to meet local and national mineral demand.	+2	0	The size of the estimated reserves of this site would contribute positively to meeting national and local demand for sand and gravel.	Not applicable.
2. Protect and enhance biodiversity at all levels and safeguard features of geological interest.	-1	+1	<p>The Chesterfield Canal (Shireoaks to Welham) LWS demarcates the southern site boundary, Sutton and Lound Gravel Pits SSSI and Idle Valley Nature Reserve LWS lie to the north-east. The site is also adjacent to Barnby Fox Covert which is ancient woodland. There is therefore the potential for direct and indirect impacts on these sites, including from noise, dust, NOx and changes to hydrology and hydrogeology.</p> <p>Restoration would be to a combination of water-based nature conservation and agricultural land use to complement existing land uses</p>	<p>Ecological surveys and hydrological reports.</p> <p>Buffer zones.</p> <p>Appropriate biodiversity-led restoration scheme to deliver creation of appropriate priority habitats, with restoration to arable farmland restricted to the current amount of high quality agricultural land.</p>

			and landscape character within the vicinity (including the presence of the Chesterfield Canal and Nature Reserves within the local area). This would not maximise the biodiversity gain that could be achieved on the site.	
3. Promote sustainable patterns of movement and the use of more sustainable modes of transport.	+1	0	The site is well related to the main highway network, with direct access off the A638.	Not applicable.
4. Protect the quality of the historic environment, heritage assets and their settings above and below ground.	-1	1	This site is bounded by the non-designated heritage asset of the Chesterfield canal and includes Lady Bridge, a C18th brick canal bridge, which could be potentially adversely affected. The setting of listed buildings, including Ranby Hall and buildings associated with the Babworth Park Estate, which is a registered park and garden, could be affected. The potential for non-designated archaeology at this site is medium and the level of risk is medium. In the long term the impact on these designated heritage assets could be positive or	Buffer zones and screening. Archaeological surveys to determine the nature and significance of any remains, then adequate provision to be made for preservation, excavation or recording. Metal detector on conveyor belt to seek metal objects of archaeological interest.

			negative depending on the nature of restoration.	
5. Protect and enhance the quality and character of our townscape and landscape.	-3	-2	The landscape assessment resulted in a combined landscape score of 82/100 for the operational period so the impact is considered to be very negative. The landscape assessment for post-restoration resulted in a combined landscape score of 60/100 so the impact is considered to become negative.	During the operational phase a landscape buffer will be required to the A638 and the Chesterfield Canal. Restoration should include replacement of the hedge lines (refer to species list for the Idle Lowlands LCA, not including Ash).
6. Minimise impact and risk of flooding.	-1	0	The site is in Flood Zone 1 (low probability of flooding).	Meeting the requirements of the Environment Agency and Internal Drainage Board. Implementation of SuDs.
7. Minimise any possible impacts on, and increase adaptability to, climate change.	?	1	During the operational phase the effect would be dependent on the details of operation, e.g. whether the most energy efficient plant and machinery were used. Thereafter, in the long term, the effect could be positive or negative in terms of increasing the resilience of flora and fauna to climate change depending on the details of restoration.	Implement restoration which provides appropriate habitats to help to increase the resilience of flora and fauna.
8. Protect high quality agricultural land and soil.	-1	?	Approximately 64% of the site is Grade 3b (not high quality) agricultural land, with smaller	Restoration to high quality agricultural land if possible.

			<p>areas of Grade 3a (approximately 29%) and Grade 2 (approximately 7%) which are best and most versatile agricultural land. The majority of the site, therefore, is not within the best and most versatile agricultural land categories.</p> <p>Proposed restoration would include some agricultural land, but it is not clear whether it would match the existing quality.</p>	
9. Promote more efficient use of land and resources.	0	?	No significant effect during the operational period.	Not applicable.
10. Promote energy efficiency and maximise renewable energy opportunities from new or existing development.	?	?	Effect would be dependent on the details of operation, such as the use of energy efficient plant and machinery and renewable energy sources for on-site power.	Not applicable.
11. Protect and improve local air quality.	-2	0	<p>Operations would create dust.</p> <p>The mineral would be exported by HGV with an estimated 72 two-way movements (36 HGV arrivals and 36 HGV departures) per average working day.</p>	Environmental protection measures to reduce dust.
12. Protect and improve water quality and promote efficient use of water.	-2	0	<p>Potential de-watering and discharge into watercourses.</p> <p>The site is situated on a primary aquifer, which could be of</p>	Hydrological reports. On-site protection measures to avoid contamination of surface waters and groundwater. Meeting the

			concern from a groundwater perspective.	requirements of the Environment Agency and Internal Drainage Board.
13. Support wider economic development and promote local job opportunities.	+2	0	This site has the potential to produce a large quantity of aggregate which is important in supporting the wider economy particularly through meeting the demands of the construction industry. There is also the potential for creation of some local job opportunities.	Not applicable.
14. Protect and improve human health and quality of life.	-2	0	<p>The site is in close proximity to settlements so during the operational phase there could be a negative effect resulting from noise, dust and traffic. In terms of visual amenity, there would be a significant adverse change to views from a limited number of residential properties.</p> <p>No RoWs are directly affected, but the Chesterfield Canal towpath, which adjoins the southern site boundary, could potentially be affected by noise and dust during the operational phase.</p> <p>No enhancement of public access to recreational</p>	<p>Environmental protection measures to reduce noise and dust. Transport Assessment.</p> <p>Public access opportunities to nature conservation areas as part of restoration scheme.</p>

			opportunities is included in the restoration proposals.	
Total	-8	-1		

Summary

- This site scores positively in terms of its contribution to the economic aspects of sustainability.
- The impact on biodiversity would be slightly negative during the operational period due to the proximity of LWSs and a SSSI. In the long-term the elements of nature conservation proposals included in the restoration scheme would result in a slightly positive impact but would not maximise biodiversity gain.
- There is a slightly negative impact on the historic environment during the operational period as the settings of a number of designated heritage assets could be adversely affected.
- The landscape assessment concluded that there would be a very negative impact during the operational period and negative effect in the long-term, but also identified some scope for mitigation measures.
- The loss of some high quality agricultural land would have a slightly negative effect in the short-term.
- The number of HGV movements during the operational period could have a slightly negative impact on local air quality.
- The impact on water quality could be negative, as the site is situated on a primary aquifer which could be of concern from a groundwater perspective, but there is scope for mitigation.
- During the operational period there could be a negative effect on quality of life for local residents as surrounding settlements could be adversely affected by noise, dust and traffic and visual amenity would be adversely affected for some residents, but there is some scope for mitigation.



**Nottinghamshire
County Council**

Nottinghamshire Minerals Local Plan

Draft site selection methodology
and assessment
July 2018

Sand & Gravel)			<ul style="list-style-type: none"> • The impact on biodiversity would be negative during the operational period. Long term impact would depend on restoration • The landscape assessment concluded that there would be a negative impact. • The site scores very negatively with regard to impact and risk of flooding. • The loss of some high quality agricultural land results in a negative impact. • The impact on quality of life and water quality could be negative, but in both cases there is scope for mitigation.
Botany Bay	-8	-1	<ul style="list-style-type: none"> • This site scores positively in terms of its contribution to economic aspects. • The impact on biodiversity, historic environment and (loss of) agricultural land would have a slightly negative impact. Regarding biodiversity, in the long-term the restoration scheme would result in a slightly positive impact. • The landscape assessment concluded that there would be a very negative impact during the operational period and negative effect in the long-term, but also identified some scope for mitigation measures. • The impact on water quality could be negative, but there is scope for mitigation. • During the operational period there could be a negative effect on quality of life.
Scrooby North	-7	-1	<ul style="list-style-type: none"> • This site scores slightly positively in terms of its contribution to economic aspects. • The impact on biodiversity would be slightly negative during the operational period. • The landscape assessment concluded that there would be a negative impact during the operational period and a slightly negative impact in the long-term, but also identified some scope for mitigation measures.

			considered against sustainability objectives, the site has very negative score during the operational period and slightly negative in the long term. The quarry is well located in the north of Nottinghamshire to be able to meet expected demand from the local area and south Yorkshire, however the annual output from quarry is expected to be very low and is not expected to be worked until late in the plan period reducing its potential contribution to overall demand. As a result of the above, it is not considered appropriate to include the proposal as an allocation in the Draft Minerals Plan.
Botany Bay	New	North Nottinghamshire	This medium sized site is considered deliverable as it has been promoted by a mineral operator. In overall assessment, there are no transport issues and landscape impacts are relatively moderate to high. When considered against sustainability appraisal objectives, the proposal has a moderately negative score in the operational period and a slightly negative long term score. The quarry is well located in north Nottinghamshire and would be able to meet expected demand from the local market and South Yorkshire over a large part of the plan period. As a result of the above it is considered appropriate to allocate the site in the draft minerals plan.
Scrooby North	Extension	North Nottinghamshire	This small extension is considered deliverable as it would maintain output from an existing permitted quarry. Overall, the assessment work undertaken identifies the transport impacts being appropriate and landscape impacts being relatively low. The appraisal against sustainability objectives reports only moderate negative score when the quarry is operational and a slightly negative score in the long term. The quarry is well located in the north of Nottinghamshire to be able to provide mineral to meet expected demand from the local area and South Yorkshire. As a result it is considered appropriate to allocate the site in the Draft Minerals Plan.
Scrooby Thompson Land	Extension	North Nottinghamshire	This small extension is considered deliverable as it would maintain output from an existing permitted quarry and is being promoted by the existing operator. Overall, the assessment work undertaken identifies the landscape impacts as being relatively low and the transport assessment considers this site appropriate. When appraised against sustainability objectives there is a moderate negative score when the quarry is operational and a slightly negative score in the long term. The quarry is well located in the north of Nottinghamshire to be able to provide mineral to meet expected demand from the local area and South Yorkshire. As a result it is considered appropriate to allocate the site in the Draft Minerals Plan.
Besthorpe East	Extension	Newark	This large extension is considered deliverable as it would maintain output from an existing permitted quarry and is promoted by the existing operator. Overall the assessment work concludes that there are no significant transport issues but there are relatively moderate



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				<ul style="list-style-type: none"> • During the operational period there could be a negative effect on quality of life for local residents as surrounding settlements could be adversely affected by noise, dust and traffic and visual amenity would be adversely affected for some residents, but there is some scope for mitigation.
3	Barnby Moor / Torworth (Rotherham Sand & Gravel)	-10	-4	<ul style="list-style-type: none"> • This site scores positively in terms of its contribution to the economic aspects of sustainability. • The impact on biodiversity would be negative during the operational period as there is an LWS adjoining the site and there are two SSSIs in the vicinity. In the long-term the impact could be positive or negative depending on whether restoration is biodiversity-led or not. • The landscape assessment concluded that there would be a negative impact both during the operational period and in the long-term, but also identified some scope for mitigation measures. • The site scores very negatively with regard to impact and risk of flooding as part of it is within Flood Zone 3, however the precise nature of the impact would have to be ascertained through a flood risk assessment. • The loss of some high-quality agricultural land results in a negative impact in both the short- and long-term. • The impact on water quality could be negative, as the site lies in Source Protection Zone 3 and on a primary aquifer, which is of concern from a groundwater perspective, but there is scope for mitigation. • During the operational period there could be a negative effect on quality of life for local residents as surrounding settlements could be adversely affected by noise, dust and traffic and visual amenity would be adversely affected for some residents, but there is some scope for mitigation.
4	Botany Bay	-8	-1	<ul style="list-style-type: none"> • This site scores positively in terms of its contribution to economic aspects. • The impact on biodiversity, historic environment and (loss of) agricultural land would have a slightly negative impact. Regarding biodiversity, in the

				<p>long-term the restoration scheme would result in a slightly positive impact.</p> <ul style="list-style-type: none"> • The landscape assessment concluded that there would be a very negative impact during the operational period and negative effect in the long-term, but also identified some scope for mitigation measures. • The impact on water quality could be negative, but there is scope for mitigation. • During the operational period there could be a negative effect on quality of life.
5	Scrooby North	-7	-1	<ul style="list-style-type: none"> • This site scores slightly positively in terms of its contribution to economic aspects. • The impact on biodiversity would be slightly negative during the operational period. • The landscape assessment concluded that there would be a negative impact during the operational period and a slightly negative impact in the long-term, but also identified some scope for mitigation measures. • The loss of some high-quality agricultural land results in a negative impact in the short-term. • The impact on water quality could be negative, but there is scope for mitigation. • During the operational period there could be a slightly negative effect on quality of life for local residents.
6	Scrooby Thompson Land	-8	-1	<ul style="list-style-type: none"> • This site scores slightly positively in terms of its contribution to the economic aspects of sustainability. • The impact on biodiversity would be slightly negative during the operational period as there are several LWSs and an SSSI in close proximity to the site. In the long-term the nature conservation elements included in the restoration scheme would result in a slightly positive impact but would not maximise biodiversity gain.

3	Barnby Moor / Torworth (Rotherham Sand and Gravel)	New	North Nottinghamshire	<p>This medium sized site has been promoted by a mineral operator. In overall assessment the site is considered acceptable in transport terms and has low to moderate landscape impacts. When considered against sustainability objectives, the site has very negative score during the operational period and slightly negative in the long term. The quarry is well located in the north of Nottinghamshire to be able to meet expected demand from the local area and south Yorkshire, however the annual output from quarry is expected to be very low and is not expected to be worked until late in the plan period reducing its potential contribution to overall demand.</p> <p>In comparison with other sites, this is a new site for mineral working which would have larger impacts when assessed against sustainability appraisal objectives and landscape impact than other sites forming extensions to existing working. It is considered that there are alternative sites which comprise extensions to existing working which have a lower impact and can also serve the North Nottinghamshire and South Yorkshire market.</p> <p>As a result of the above analysis, it is not proposed to allocate this site in the Minerals Plan.</p>
4	Botany Bay	New	North Nottinghamshire	<p>This medium sized site is considered deliverable as it has been promoted by a mineral operator. In overall assessment, there are no transport issues and landscape impacts are relatively moderate to high. When considered against sustainability appraisal objectives, the proposal has a moderately negative score in the operational period and a slightly negative long-term score. The quarry is well located in north Nottinghamshire and would be able to meet expected demand from the local market and South Yorkshire over a large part of the plan period.</p> <p>In comparison with other sites capable of serving north Nottinghamshire and South Yorkshire this site has however relatively higher landscape impacts than other sites of similar size and forms a new greenfield mineral site. There are other sites of similar size able to serve the North of Nottinghamshire, but these form extensions and have consequently lower landscape impact.</p> <p>As a result of the above analysis, it is not proposed to allocate this site in the Minerals Plan.</p>