



Nottinghamshire Minerals Local Plan

Representations submitted to the consultation on the proposed Main Modifications

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Representations submitted to the Nottinghamshire Minerals Local Plan – consultation on proposed Main Modifications.

Consultation on proposed Main Modifications to the Minerals Local Plan was undertaken between 27 November 2020 and 8 January 2021. The table below sets out the representations that were received. The representations have been sent to the independent Planning Inspector for his consideration, and to inform his final report on the Nottinghamshire Minerals Local Plan.

Ref	Part of Plan	Organisation or individual	Legal	Sound	Details of why the Main Modification is not legally compliant or sound. Or give reason for support	Necessary change(s) to make the Main Modification legally compliant or sound
MM2	SO1	Mick George Ltd	-	No	Please see objection under MM6 for objections to this linked Main Modification.	The whole sentence should be deleted and the plan's approach to site selection reappraised.
MM3	SO3	Frack Free Misson	-	No	'Low Carbon' should be replaced with 'Zero Carbon'	This would then be in alignment with The Climate Change Act 2008 (2050 Target Amendment) Order 2019 and the Plan would be sound in that regard. https://www.legislation.gov.uk/ukdsi/2019/9780111187654 Although the Plan is not scheduled to run until 2050, it does cover the required transition and therefore the zero target should apply. This is also in alignment with Additional Modification AM3, which cites a 'net zero target.'
MM3	SO3	Nottingham Friends of the Earth	-	No	SO3 and SP3 should give clear support for meeting the 'net zero' target.	We object to the reference to 'low-carbon economy'.
MM3	SO3	Teversal, Skegby and Stanton Hill Neighbourhood Forum	-	No	This would then be in alignment with The Climate Change Act 2008 (2050 Target Amendment) Order 2019 and the Plan would be sound in that regard. https://www.legislation.gov.uk/ukdsi/2019/9780111187654 Although the Plan is not scheduled to run until 2050, it does cover the required transition and therefore the zero target should apply. This is also in alignment with Additional Modification AM3, which cites a 'net zero target.'	Replace 'low carbon' with 'zero carbon.'

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MM5	Para 3.5	Friends of the Earth – England Wales and NI	Yes	Yes	We support this main modification as it gives local communities the benefit of more NPPF context as to when the presumption of sustainable development does not apply, such as in the context of habitats sites.	Just a recommendation: would the substitution of habitats with either “Habitats” or “Natura 2000” sites be more precise?
MM6	Para 3.8	Mick George Ltd	-	No	<p>This objection follows on from MGL’s original objections to the plan’s objective to prioritise extensions over new sites and incorporates objections to MM1 above. In our objections to the Plan and supported by hearings statements, we challenged the County Council’s approach and questioned its statement that the strategy was consistent with national policy. To reiterate, there is no such statement in national policy to prioritise extensions over new sites, and planning practice guidance advises mpas to consider the suitability of each proposed site on its individual merits (PPG (para 027-010)). We maintain that this advice precludes an mpa from adopting a policy preference for extensions, even if this is couched in different language.</p> <p>The Main Modification is therefore unsound because although it now supplies a reason for the priority of existing sites over new sites, it still retains this objectionable approach to policy, and therefore continues to fail the tests of soundness, viz, not consistent with national policy and guidance, is not effective and is not justified.</p> <p>We now turn to the stated reason for the ‘support’ for extensions. It is to make the best use of the county’s finite mineral resources. However, if this is another way to say that the mpa wishes to avoid sterilisation of minerals, which is national policy,</p>	It is clear that the County Council has seen and acknowledged the force of the objection, but seeks to retain its flawed approach by choosing an alternative wording that does not affect its policy in reality. This proposed change does not alter the plan to any significant extent, nor does it show how the proposed sites have been assessed on their individual merits. As such, MGL’s original objection remains valid, it has not been addressed adequately, and we request that the whole sentence deleted. We also we ask the Inspector to recommend a reappraisal of proposed sites on their individual merits according to clear and agreed criteria.

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					then support for extensions per se does not do that. This would only be true if such extensions were small and difficult to access, or unlikely to be worked unless it was through an existing operation. This is true of some of the proposed extensions, but not of the largest ones, such as Langford, where the extension is bigger than many new sites, and which could easily be worked at a later date as a standalone operation. The test in such circumstances should always be, is it likely that if not worked as an extension, the deposit would be permanently sterilised? We also consider that such a question would be one of the considerations implicit in the process of considering the suitability of one site over another in an assessment of individual merits.	
MM7	Policy SP1	Mick George Ltd	-	No	Please see objection under MM6 for objections to this linked Main Modification.	The whole sentence should be deleted and the plan's approach to site selection reappraised.
MM9	Policy SP3	Environment Agency	Yes	Yes	The Environment Agency is happy to see this proposed wording and the additional wording asking to look into opportunities to improve water quality.	-
MM9	Policy SP3	Friends of the Earth – England, Wales and NI	No	No	Policy SP3 has been redrafted, although not necessarily for any recognisable benefit. While we welcome the retention of NPPF wording on “ <i>moving towards a low-carbon economy</i> ”, such citing <u>without</u> the other key reference to climate change mitigation in the NPPF, notably para 148: “... <i>shape places in ways that contribute to radical reductions in greenhouse gas emissions</i> ” – is a missed opportunity and requires remedy. The current wording of section a); Policy SP3 “... <i>to help reduce greenhouse gas emissions</i> ”, is not reflective	Policy SP3 – Climate Change 1. All minerals development, including site preparation, operational practices and restoration proposals should [INSERT] must minimise impacts on the causes of climate change for the lifetime of the development by being located, designed and operated to help [INSERT] radically reduce greenhouse gas emissions, and move towards a low-carbon economy. [INSERT] Proposals for minerals development should also address the

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					<p>of para 148's intent; excluding reference of the need to "radically reduce" emissions. It is also arguable whether retaining this wording sets any measurable expectation on the part of the developer - suggesting that even a mere nod to reducing GHG emissions (eg a low emission diesel generator or similar) would suffice in meeting this vague policy expectation. It is our view para 148 and the need for "radical reductions" should be incorporated into this section to make it sound. Finally - and possibly more crucially – we note wording of parts 1 and 2 of the same policy also state:</p> <p>"should" assist rather than "must". Despite our best efforts, our view is this wording remains a misapplication of the Section 19(1A) Duty (ie PCPA 2004 as amended by the Planning Act 2008).</p> <p>As argued in our previous consultation responses and hearing statements (together with evidence citing a number of inspector's reports and successful policy changes) the Duty states: <i>'Development plan documents must (taken as a whole) include policies designed to secure that the development and use of land in the local planning authority's area contribute to the mitigation of, and adaptation to, climate change.'</i> [our emphasis]</p> <p>To take it further, once regard is had to dictionary definitions of these nuanced terms, as taken from the Oxford Learning Dictionary, it's becomes clear that their meaning is manifestly different, supporting our view that "should" be replaced with "must" to ensure the Duty is enforced:</p> <p>Must: <i>used to say that something is necessary or very important (sometimes involving a rule or a law)</i></p>	<p>potential for cumulative impacts upon climate change.</p> <p>2. Where applicable, development should [INSERT] must assist in the reduction of vulnerability and provide resilience to the impacts of climate change by:</p> <p>a) Avoiding areas of vulnerability to climate change and flood risk. Where avoidance is not possible, impacts should be fully mitigated;</p> <p>b) Developing restoration schemes which will contribute to addressing future climate change adaptation, including through biodiversity and habitat creation, carbon storage, flood alleviation, protecting water resources and protecting and, where possible, enhancing water quality.'</p>

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					<p>Should: used to show what is right, appropriate, etc., especially when criticizing somebody's actions https://www.oxfordlearnersdictionaries.com/definition/english/must_1</p> <p>In light of the above, the use of 'should' in part 1 and 2 of the policy fails to state the necessity of ensuring climate change mitigation and adaptation measures, and instead suggests their undertaking is the "right thing to do" on the part of the developer. This isn't what the Duty aims to deliver, and a clearer use of definitive language would be welcome. This approach was accepted by the Inspector for the East Riding and Hull Joint Minerals Plan and it's frustrating for us how different minerals plan-making authorities have differing interpretations of the meaning of what is ultimately clear legal wording. As previously submitted in Hearing Statement Appendices – the now adopted East Riding and Hull Joint Minerals Local Plan Policy DM1 states these factors, "must be addressed".</p> <p>In addition, unadopted (but post EIP) Northumberland County Council Local Plan Policy MIN1 states at part n): <i>Climate change – applicants will be required to demonstrate how the proposal impacts on climate change and targets to reduce greenhouse gas emissions and, where appropriate, proposed mitigation and adaptation measures</i></p> <p>Full acknowledgment of the Sc19(1A) Duty in a similar vein as these other two large minerals planning authorities within draft policy SP3 would be welcome and ensure soundness (re consistency and effectiveness and legal compliance linked to the Planning and Compulsory Purchas Act 2004 – as amended).</p>	

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MM9	Policy SP3	Mr J Potter	-	No	<p>MM9 2.b) Comment re climate change, proposed MP2p 'restoration' would be problematic; with summer's inland heat vector-borne concerns proximate settlement populations, a local / community amenity issue, or health issue, additional to [MM14] air quality matters; MP2p is unsound.</p> <p>Planning Inspector Mr Palmer it is politely requested you view my e-mail sends to this Examination - I sent on 14 April 2020 and 15 April 2020, they are with the Programme Officer Mr Kemp - the original representation(s) clarified for your consideration. Virtual Examination Matter(s) 1 (youtube-stream 46 minutes 21 seconds to 46 minutes 32 seconds) mention is made of a joint committee, that would not be community involvement compliant. A pertinent, written enquiry is referenced at the office to Lilian Greenwood MP.</p>	
MM10	Para 3.5	Friends of the Earth – England, Wales and NI	Yes	No	<p>While we welcome the additional text in the justification section at para 3.35 of draft Policy SP3 on cumulative climate change, its inclusion in the actual policy wording would ensure the policy is 'effective'. While draft Policy DM8 – which the reader is directed to – covers cumulative effect, that policy is concerned with consideration of more traditional types of cumulative effect for minerals developments (such as road usage, noise, visual and landscape impact, lighting, biodiversity). As an arguably more significant and less tangible cumulative consideration to be mindful of when applying for permission for minerals development, we retain the view it should be given special regard in policy SP3 – which ultimately covers Climate Change. Afterall, Schedule 4 of the 2017 EIA TCP Regulations list the consideration of climate change</p>	<p>EITHER</p> <p>Policy SP3 – Climate Change</p> <p>1. All minerals development, including site preparation, operational practices and restoration proposals should [INSERT] must minimise impacts on the causes of climate change for the lifetime of the development by being located, designed and operated to help [INSERT] radically reduce greenhouse gas emissions, and move towards a low-carbon economy. [INSERT] Proposals for minerals development should also address the potential for cumulative impacts upon climate change.</p> <p>2. Where applicable, development should [INSERT] must assist in the reduction of</p>

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					<p>separately in terms of likely significant effects which need to be considered in an Environmental Statement, so why can't the approach here follow suit?:</p> <p><i>“the impact of the project on climate (for example the nature and magnitude of greenhouse gas emissions) and the vulnerability of the project to climate change..”</i></p> <p>https://www.legislation.gov.uk/uksi/2017/571/made</p> <p>The embedding of this wording within draft Policy SP3 would help to ensure specific regard is had to this key issue, especially in light of the changing narrative towards meeting net-zero 2050 and the with the publication of the latest CCC report on the 6th Carbon Budget fresh in mind. Retaining this crucial wording on cumulative climate change within the justification text risks applicants missing the significance of the need to mitigate against what is a key planning consideration; which as we all know will continue to be attributed increased weight in the planning balance at future planning committee and appeals. Alternatively, if it is not considered beneficial to include cumulative climate change within the policy wording of SP3, an adjustment to the wording of draft policy DM8 could be made – again to better ensure this very unique and important cumulative consideration is addressed. After all, the need to address climate change is now widely recognised in daily political and social discourse, while more run of the mill cumulative (landscape, visual impacts are not seen in the same light – although obviously remain important considerations for all development types).</p> <p>While we recognise it's not usual practice for policies to be repetitious of themes in other</p>	<p>vulnerability and provide resilience to the impacts of climate change by:</p> <p>a) Avoiding areas of vulnerability to climate change and flood risk. Where avoidance is not possible, impacts should be fully mitigated;</p> <p>b) Developing restoration schemes which will contribute to addressing future climate change adaptation, including through biodiversity and habitat creation, carbon storage, flood alleviation, protecting water resources and protecting and, where possible, enhancing water quality.'</p> <p>OR</p> <p>Policy DM8: Cumulative Impact</p> <p>Proposals for minerals development will be supported where it can be demonstrated that there are no unacceptable cumulative impacts on the environment [INSERT] - specifically in terms of climate change - or on the amenity of a local community.</p>

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					<p>policies, or address matters dealt with elsewhere, nevertheless the highlighting of cumulative climate change in the policy wording of DM8 (as a stand-out consideration) would ensure a) it's not missed by would-be developers – and b) ensure it holds up as a requirement (in terms of weight) at the decision making and appeal stages (if necessary) compared casual wording in the justification wording.</p> <p>Overall, we obviously support the inclusion of this wording into the plan, but feel it would be made stronger if included in policy wording.</p>	
MM12	Para 3.49	Environment Agency	Yes	Yes	We welcome the stronger wording around achieving a net gain in biodiversity.	-
MM20	Policy MP2	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)	-	No	<p>Current wording identifies capacity of Mill Hill nr Barton in Fabis as 3.0mt. Since the establishment of this figure, the available area for excavation has reduced significantly:</p> <ul style="list-style-type: none"> - The Development Brief now specifies “No excavation within 45m of the toe of any flood defence or the River Trent itself” <p>Council Officers at the Public Examination confirmed that the ‘excavatable’ site has been reduced from the:</p> <ul style="list-style-type: none"> - retention of Brandshill Marsh - retention of three quarters of Barton Flash - reference also made to retention of extensive area of ridge and furrow close to Barton in Fabis <p>In addition, Brandshill Wood has since the process started been designated as ancient woodland by Natural England and will require a buffer zone, further reducing the area</p>	Under MP2 tonnage for MP2p Mill Hill nr Barton in Fabis should be recalculated and its impact on the total minerals delivered by the plan made clear.

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MM20	Policy MP2	Lillian Greenwood MP			I note that the current wording identifies capacity of Mill Hill as 3.0mt but that the available area for excavation has “reduced significantly” since this figure was established.	I fully support the suggested change Barton in Fabis et al now consider necessary to make MM20 legally compliant or sound – “Under MP2 tonnage for MP2p Mill Hill near Barton in Fabis should be recalculated and its impact on the total minerals delivered by the plan made clear”.
MM22	Policy MP12	Egdon Resources UK	Yes	Yes	-	-
MM22	Policy MP12	Environment Agency	-	No	We note that the wording of policy MP12 has been restructured from the policy that was submitted in the publication version. The updated sustainability appraisal document highlights that the impacts on the environment would now be classed as more uncertain when compared to the original wording within the Publication version of the Mineral Plan as the requirement to locate in least sensitive locations has now been removed. The wording has been changed to say that the development ‘will not have an unacceptable environmental impact’	We would suggest that this could be strengthened further by referencing the requirements of the NPPF to ensure that development is in line with these national requirements as a minimum.
MM22	Policy MP12	Frack Free Misson	-	No	The word ‘commercial’ should be struck out.	The Minerals Plan recognises local and national requirements for resources. Whether production is carried out on a ‘commercial’ basis in any sense of the word, is irrelevant in planning terms. The NPPF para. 209b states a requirement of MPAs to recognise phases of hydrocarbon development as ‘exploration, appraisal and production.’ This is also quoted in the Minerals Plan; the word ‘commercial’ is not present. The plan should be ‘consistent with national policy’ in order to be sound. MM16 also proposes the removal of references to ‘economic’ parameters in minerals safeguarding, which have similar connotations.

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MM22	Policy MP12	Friends of the Earth – England, Wales and NI	No	No	<p>We would direct you to our previous comments in hearing statements and consultation responses to the draft local plan examination to why separate consideration of unconventional and conventional hydrocarbon extraction is required in policy MP12. In summary, despite the wording of para 4.108 in the plan, our view – as supported by plans adopted by other minerals authorities – is that the effects of fracking are tangibly different in planning terms to conventional hydrocarbon extraction and the current iteration of the policy simply does not reflect this fact. It is not “justified” in light of available evidence (see below) or “effective”.</p> <p>East Riding and Hull’s Joint Mineral Plan strongly supports our view – and again shows how me might be somewhat frustrated by Notts CC’s radically different interpretation of the same legislation, regulations and national policy¹ and PPG. Relevant excerpts from East Riding’s adopted approach include:</p> <p>“6.43 Exploratory drilling may take considerably longer for unconventional hydrocarbons, especially if there is a need for hydraulic fracturing...</p> <p>...6.54 ... A key difference is that relatively large quantities of water are required for the extraction process.... The appraisal phase may include additional seismic work, longer-term flow tests, or the drilling of further wells. As shale gas is an unconventional hydrocarbon it may also involve further hydraulic fracturing followed by flow testing to establish the strength of the resource and its potential productive life</p> <p>6.55... The production of shale gas usually involves the drilling of a number of wells. These may be sited at the same location(s) as the</p>	<p>Policy MP12: Oil and Gas</p> <p>[INSERT] Conventional</p> <p>1. Exploration and appraisal of [INSERT] conventional oil and gas will be supported, provided the site and equipment:</p> <p>a. Are not located in a protected area other than in exceptional circumstances where [INSERT] both site infrastructure and associated impacts does not compromise the reasons for the designation and the need for development can be demonstrated; and</p> <p>b. Are located where this will not have an unacceptable environmental impact.</p> <p>2. The commercial production of [INSERT] conventional oil and gas will be supported, provided the site and equipment:</p> <p>a. Are not located in a protected area other than in exceptional circumstances where this does not compromise the reasons for the designation and the need for development can be demonstrated; and</p> <p>b. Are located at the least sensitive location taking account of environmental, geological and technical factors.</p> <p>3. Proposals at each stage must provide for the restoration and subsequent aftercare of the site, whether or not oil or gas is found.</p> <p>[INSERT] Unconventional</p> <p>1. Exploration and appraisal of unconventional oil and gas (including all volumes of fracking activity) will be supported, provided the site and equipment:</p> <p>a. Are not located at the surface of protected areas (including SSSIs, European Protected and Ramsar sites);</p>

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					<p><i>exploratory and/or appraisal phases, or at a newsite...</i></p> <p>6.56 Impacts from shale gas extraction may include noise and vibration. Proposals would need to demonstrate that the integrity of the geological structure will remain intact and there would be no adverse impact on ground stability during or after extraction... Particular attention should also be given to potential effects on water resources to ensure that there would be no adverse impact, as well as measures for the disposal of waste water, which may contain chemicals and naturally occurring radioactive materials, produced during well stimulation and gas production."</p> <p>While we note the role of local plan examination is to ensure soundness and compliance of a plan drafted by a council, rather suggest textual improvements, it should also – within the constraints of the revised meaning of justified – be the role to identify mistakes in policy approach. This current approach is clearly not justified, neither represents an appropriate strategy in light of reasonable alternatives given above and in our previous hearing statements.</p> <p>From the above (and from own experience of focussing on this issue in several other mineral plan examinations), it's clear that the environmental impacts of hydraulic fracturing are substantially greater to more conservative impacts of conventional drilling and require their own specific policy considerations. This is evidence in the longer drilling and flow-testing timescales involved; extended weeks/months of 24-hour drilling (and increased possibility of "Disturbance" to protected species); greater potential for ground</p>	<p>b. Are located at the least sensitive location taking account of environmental, geological and technical factors;</p> <p>c. Avoid harm to the environment or communities. Where harm is outweighed by the need for the development, the impacts on communities and the environment including (but not limited to) noise, dust, visual intrusion, transport, and lighting, air quality, induced seismicity, historic and built environment and the water environment can be minimised, and/or mitigated to an acceptable level;</p> <p>d. Is located at least 500m away from the nearest residential property. This distance may be reduced where justified on a case by case basis;</p> <p>e. No unacceptable impacts would arise from the on-site storage or treatment of hazardous substances and/or contaminated fluids above or below ground;</p> <p>f. Hydraulic fracturing in Groundwater Source Protection Zones 2 and 3 will not be permitted unless it can be demonstrated there will be no unacceptable impacts on groundwater. Hydraulic fracturing will not be permitted above 1,200 metres in Groundwater Protection Zone 1;</p> <p>g. Restoration and aftercare of the site to a high-quality standard would take place at the earliest opportunity (in accordance with Policy DM12) whether or not oil or gas is found. The Mineral Planning Authority may require provision of a financial guarantee, appropriate to the scale, nature and location of the development proposed, in order to</p>

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					<p>water contamination (linked to the injection of chemicals and substantial quantities of water and flow-back of NORMS); greater numbers and prolonged periods of transport movements linked to extracting waste water and getting tankers of fresh water to the site in the first place; extended periods of localised significant visual and landscape effect and greater risks of seismicity. How the plan's authors can suggest no alternative policy approach is needed seems misguided and ill-informed. At best it is too conservative, clearly failing to address these additional impacts.</p> <p>The rationale for not changing the draft policy is obviously based on the authority's belief that "other regimes" (eg EA, OGA, HSE et al) will also ensure these elements of fracking compliance. Para 4.111 of the current submission plan states: "<i>The County Council is responsible for granting permission for the location of any wells and well pads, and will impose conditions to ensure that the impact on the land is acceptable. However, it is not the only regulatory body that permission for extraction is required from.</i>"</p> <p>While this is the case, PPG is also clear that while "<i>there exist a number of issues which are covered by other regulatory regimes and mineral planning authorities should assume that these regimes will operate effectively... 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.</i>"</p> <p>(Paragraph: 112 Reference ID: 27-112-20140306).</p> <p>There is obviously a clear cross-over between who has oversight of these considerations between the</p>	<p>ensure that the site is restored and left in a condition suitable for beneficial use following completion of the development; and</p> <p>h. Proposals involving hydraulic fracturing should be accompanied by an air quality monitoring plan and Health Impact Assessment.</p> <p>2. The commercial production of unconventional oil and gas (including all volumes of fracking activity) will be supported, provided the site and equipment:</p> <p>a. they accord with (a-h) above;</p> <p>b. no unacceptable impacts would arise from the transport, by vehicle or other means, of oil/gas, water, consumables, and wastes to or from the site;</p> <p>c. Proposals will only be acceptable if they can demonstrate a net zero impact on climate change.</p>

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					<p>MPA and other regulators. While permitting may ensure effective compliance in many instances, it is also clear this is not always undertaken adequately and that local plan policies should also address some of these issues as a fail-safe.</p> <p>Paragraph: 013 Reference ID: 27-013-20140306 of PPG provides some of the principal issues that MPAs "should address" in minerals application including (among others):</p> <ul style="list-style-type: none"> - ...<i>surface and, in some cases, ground water issues...</i>; - <i>risk of contamination to land</i>; - <i>geological structure</i>; - <i>land stability/subsidence</i>; - <i>water abstraction...</i> <p>While some of the plan's other policies address some of these concerns (eg draft policy DM2, for instance, should address water abstraction and possibly ground water pollution), it's less clear where geological structure or seismicity would be addressed. Despite seismicity coming under OGA oversight, the MPA would also need to consider this point in an Environmental Statement, and so specific policy hooks within policy MP12 in this regard are surely justified to ensure the policy is effective over the plan period.</p> <p>Overall, we wish to stress that a different approach for Policy MP12 is still required. Despite the streamlining of the current policy wording, it's clear that for policy MP12 to be "effective", it should also incorporate the proposed changes we put forward – as well as separating out the unconventional and conventional elements. A policy cannot be considered "an appropriate strategy" because it is the only one the council is willing to reasonably consider. Further work is needed in this regard.</p>	

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MM22	Policy MP12	Nottingham Friends of the Earth	-	No	We object to the proposed modification to reduce the policy requirements for oil and gas production. This appears to be a response to industry claims at the Examination that production is no more damaging than exploration. There may be some justification for this claim in relation to the sort of small- scale oil production currently permitted in the county - with nodding donkeys typically working quietly on the edge of a field. However, this demonstrates a lack of understanding of the scale of gasfield development which could be proposed if the government's moratorium on hydraulic fracturing is lifted.	The proposed modification makes it more important that a separate policy on hydraulic fracturing / unconventional hydrocarbons should be included in the Minerals Local Plan. (We and others have previously put forward suggestions which don't need to be repeated here.)
MM22	Policy MP12	Teversal, Skegby and Stanton Hill Neighbourhood Forum	-	No	The Minerals Plan recognises local and national requirements for resources. Whether production is carried out on a 'commercial' basis in any sense of the word, is irrelevant in planning terms. The NPPF para. 209b states a requirement of MPAs to recognise phases of hydrocarbon development as 'exploration, appraisal and production.' This is also quoted in the Minerals Plan; the word 'commercial' is not present. The plan should be 'consistent with national policy' in order to be sound. MM16 also proposes the removal of references to 'economic' parameters in minerals safeguarding, which have similar connotations.	The word 'commercial' should be struck out.
MM23	Para 4.104	Egdon Resources UK	Yes	Yes	-	-
MM23	Para 4.104	Friends of the Earth – England, Wales and NI	No	No	Any references to the potential for shale gas exploration should equally be balanced/caveated in terms of the ongoing Moratorium – as issued by the Oil and Gas Authority in November 2019. As issued by Written Ministerial Statement, the moratorium	Historically, two main forms of hydrocarbons have been worked in Nottinghamshire; oil and mine gas. However other potential sources such as coal bed methane and shale gas (unconventional hydrocarbons) are being

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					<p>constitutes government policy, and carries as much weight as the NPPF on this matter (as acknowledged on the Notts County Council website - https://www.nottinghamshire.gov.uk/planning-andenvironment/shale-gas-development/shale-gas-development). The moratorium states: <i>“On the basis of the current scientific evidence, Government is confirming today that it will take a presumption against issuing any further Hydraulic Fracturing Consents. This position, an effective moratorium, will be maintained until compelling new evidence is provided which addresses the concerns around the prediction and management of induced seismicity. While future applications for Hydraulic Fracturing Consent will be considered on their own merits by the Secretary of State, in accordance with the law, the shale gas industry should take the Government’s position into account when considering new developments.”</i> In order to be considered ‘justified’ and ‘consistent’ with national policy (not just planning policy), these descriptive references to the potential for future fracking exploration at para 4.97 should also reference the effective implications of the moratorium for exploring this resource over the plan period. This approach is justified by evidence of other shale gas applications having been withdrawn or seeking extensions of time, as a result of the OGA moratorium. These include:</p> <ul style="list-style-type: none"> - Withdrawn: an application for exploratory fracking at Great Altcar Moss, Lancashire: https://planningregister.lancashire.gov.uk/?aspxerrorpath=/PlanAppDisp.aspx. - Sc 73 to delay restoration: Misson Fracking site located in at Springs Road, Nottinghamshire: 	<p>explored and could be worked over the plan period. Plan 4 Plan 5 identifies the known hydrocarbon resources and existing permitted sites in Nottinghamshire.</p> <p>[INSERT] It should be noted however that exploration of the latter unconventional resource, shale gas, has been impeded by a government moratorium issued back in 2019 linked to seismicity concerns. While this policy framework aims to positively facilitate such exploration, any such exploration proposing hydraulic fracturing (of any volume of fracking fluid), is unlikely to receive Hydraulic Fracturing Consent from the Oil and Gas Authority. This would be a material consideration as to whether any such schemes can be considered acceptable in the context of this policy framework, as well as overriding requirements of the NPPF (2019).</p>

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					<p>(https://www.nottinghamshire.gov.uk/planningsearch/plandisp.aspx?AppNo=V/4202)</p> <p>As no new minerals development proposing hydraulic fracturing will be granted Hydraulic Fracturing Consent by the OGA (at least until a significant policy pivot is made), and with the above (and other hydraulic fracturing scheme at Preston New Road in Lancashire) schemes now in abeyance/withdrawn, the approach at paras 4.104/4.97 is unsound, and requires reference to the ongoing and - very likely - long-term - government moratorium - the impacts of which directly influence the ability for this resource to be exploited over the plan period.</p>	
MM24	Para 4.104	Egdon Resources UK	Yes	Yes	-	-
MM25	Policy DM4	Environment Agency	Yes	Yes	Again, we welcome the stronger wording around achieving a net gain in biodiversity.	-
MM25	Policy DM4	Tarmac Trading Ltd	-	No	<p>Part C of Policy DM4 is unsound.</p> <p><i>Proposals for minerals development will be supported where it can be demonstrated that:</i></p> <p><i>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;</i></p> <p>Paragraph 175 (part a) sets out tests for assessing the significance of impact upon biodiversity. These include avoidance, mitigation and as a last resort compensation. The following sections to that paragraph take a more stringent approach to assessing impact on sites of national importance (SSSI's – part b) and those which contain irreplaceable habitat (part c). Paragraph 175 (part</p>	Part 1D of the Policy should be deleted.

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					<p>b) of the NPPF identifies that nationally important ecological/biodiversity habitats (such as SSSI's) adversely affected by development is not normally to be permitted except where the benefits of the development in that location outweigh the impact. The application of the same tests to locally designated sites is not justified, positively prepared or in accordance with the NPPF and is unsound.</p> <p>Part D of Policy DM4 is unsound <i>Proposals for minerals development will be supported where it can be demonstrated that:</i></p> <p><i>D. They would not result in the loss of populations of a priority species or areas of priority habitat except where the need for and benefits of the development in that location outweigh the impacts.</i></p> <p>As above, the NPPF does not require impact upon all priority species or areas of priority habitat to be outweighed by need and benefit. Paragraph 174 of the NPPF requires plans to '<u>promote</u> 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'. The policy as drafted is overly onerous, not justified, positively prepared or in accordance with the NPPF and is unsound. Part 2 of the policy adequately deals with the impact on priority species and priority habitat having regard to the tests of paragraph 175 (part a).</p>	
MM26	Para 5.57	Environment Agency	Yes	Yes	Again, we welcome the stronger wording around achieving a net gain in biodiversity.	-

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MM37	Appendix 2 -site allocation briefs	Environment Agency	-	No	We welcome that the site briefs will include the information asking the applicant to come and discuss the requirements for an abstraction licence.	However, we suggest that the wording could be amended to the following: Prior to making a planning application, applicants should contact the Environment Agency to discuss the requirements for an abstraction licence, and any issues that could be associated with this.'
MM43	MP2p Mill Hill near Barton in Fabis	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)	-	No	Current modifications are not comprehensive enough and fail to include key requirements for Development Brief of site MP2p Mill Hill nr Barton in Fabis and / or are inconsistent with the requirements identified in other similar development Briefs.	<p>1) To be consistent with MM8 Policy SP2 and MM12 Policy SP4 para 3.49</p> <p>Under 'Quarry restoration' include additional wording (underlined):</p> <ul style="list-style-type: none"> • Restoration should be biodiversity led <u>and achieve a net gain in biodiversity</u> <p>2) To be consistent with similar requirements in other development briefs (MP2n Langford Lowfields North)</p> <p>Under 'Quarry restoration' include additional wording (underlined):</p> <ul style="list-style-type: none"> • <u>Management strategies to be provided to ensure that any biodiversity gain can be sustained over 50 year time frame.</u> Restoration should seek to maximise the extent of target habitat(s) • <u>Habitat restoration should take place during the working life of the site to ensure that suitable refugia are available for biodiversity resources to be conserved and retained; a clear plan for the phased restoration should be provided and the impacts on biodiversity at the different stages fully assessed.</u> <p>3) To be comprehensive and in line with NCC officer comments on planning application</p>

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						<p>Under 'Environmental and cultural designations' include additional bullet point (underlined):</p> <ul style="list-style-type: none"> • <u>Assessment of noise impacts on natural and heritage sites and surrounding areas should take account of topographical features of the site and include 3D modelling</u> <p>4) To be comprehensive and in line with national policy (NPPF Technical Guidance on 'high sensitivity areas') and NCC officer comments on planning application</p> <p>Under 'Environmental and cultural designations' include additional bullet point (underlined):</p> <ul style="list-style-type: none"> • <u>Specific analysis of noise and dust impact on Lark Hill Retirement Village required.</u> <p>5) To be comprehensive and consistent with requirements in other development briefs (MP2n Langford Lowfields North):</p> <p>Under 'Access and transport' include additional bullet point / additional wording (underlined):</p> <ul style="list-style-type: none"> • <u>Restoration of processing site on Brandshill grassland must include removal of temporary access road constructed during operational phase</u> • Access to the public highway to east of the site on to the old A453. <u>No access to the site from Barton in Fabis or Fox Covert Lane (Clifton)</u> <p>6) To be more specific and consistent with requirements in other development briefs</p>

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						<p>MP2k Bawtry Road West and MP3e Scrooby Top North) and issues raised by NCC RoW officer:</p> <p>Under '<u>Amenity</u>' include additional wording to proposed amended bullet point / additional wording (underlined):</p> <ul style="list-style-type: none"> • Protection or suitable management of Barton in Fabis footpaths FP2, FP69, BW1 and BW3 including retention of existing vegetation / screening where appropriate <u>especially scrub/woodland between existing footpath and eastern drain</u> and provision of safe crossing for users <u>including equestrian</u>. <p>7) To be consistent with similar requirements in other development briefs (MP2oBesthorpe East)</p> <p>Under '<u>Amenity</u>' include additional bullet point (underlined):</p> <ul style="list-style-type: none"> • <u>Screening should be provided from residential properties in Barton in Fabis where existing floodbank is less than 3m</u> <p>8) To be comprehensive and consistent with statutory consultee comments in relation to planning application.</p> <p>Under '<u>Water and flooding</u>' include additional bullet point (underlined):</p> <ul style="list-style-type: none"> • <u>Strategy for managing removal of plant and stockpiled material (base of Brandshill) from the floodplain during flood events is required</u> <p>9) To be comprehensive</p> <p>Under '<u>Water and flooding</u>' include additional wording ((underlined):</p>

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						<ul style="list-style-type: none"> No excavation within 45m of the toe of any flood defence or the River Trent itself. <u>Ecologically appropriate standoffs should be used to minimise impacts on all LWS.</u>
MM43	MP2p Mill Hill near Barton in Fabis	Greenfield Environmental	Yes	No	<p>The proposed modifications MM43 for the site MP2p – Mill Hill, Barton in Fabis includes the following</p> <p>Amend bullet point under ‘Water and flooding’ sub-heading to read:</p> <p><i>Mitigation of potential flooding, including overland flood flows, should be considered through a Flood Risk Assessment as site lies in Flood Zone 3. No excavation within 45m of the toe of any flood defence or the River Trent itself.</i></p> <p>We consider that there is no evidence or justification to support this requirement for a simple stand-off margin of 45m to the toe of the compacted clay /soil flood bank that ranges in height from 2.5m to 3m above ground level. It should be noted that the total depth of mineral excavation of around 6m.</p> <p>This “engineered structure” is no different to many other grass covered landscaping/ overburden bunds that are commonly present in all quarries so a 45m margin is considered hugely excessive and completely unnecessary.</p> <p>The proposed excavation design within the planning application shows a 20m stand-off to the flood bank to allow a fence and access to be developed between the flood bank and the edge of the proposed workings.</p> <p>In relation to the River Trent, a 30m working margin is proposed as part of the excavation design, which is common-place for major water courses across the UK, including the Trent, Thames and Severn.</p>	<p>We would like to propose the following additional wording (shown as bold text):</p> <p><i>Mitigation of potential flooding, including overland flood flows, should be considered through a Flood Risk Assessment as site lies in Flood Zone 3. No excavation within 45m of the toe of any flood defence or the River Trent itself</i> unless the proposed excavation design is supported by the submission of a Geotechnical Assessment</p>

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					<p>The planning application and associated Environmental Statement includes a substantial Geotechnical Assessment of the proposed design for various important elements of the scheme, including the boundary with the River Trent, the flood bank and also the gas main that is present in the central part of the site. This is included in Appendix 10 of the ES that includes geotechnical modelling, cross-sections and analyses of the gravel and overburden properties in the excavation slopes – as set out and in full compliance with the requirements of the Quarries Regulations 1999 for all operating mineral sites.</p> <p>The proposed working scheme for each phase of the development shows the land adjacent to the flood bank, gas main and the River to be backfilled with overburden as part of the progressive restoration scheme to ensure no long-term issues or erosion occur following mineral development. This also has been geotechnically modelled as part of the submission. It should be noted that over the three years of consultation with a range of statutory bodies including the Environment Agency, at no time has there been any issue with the working margins proposed as part of the scheme.</p> <p>The arbitrary 45m margin also sterilises valuable amounts of high quality mineral reserves on the site. It is considered that increasing the working margins to 45m from 20m at the toe of the flood bank may sterilise some 45,000 tonnes, with some 86,000 tonnes sterilised adjacent to the River Trent by increasing the margin from 30m to 45m.</p> <p>In conclusion, it would appear that at an early stage of the formulation of the Mineral Plan, the Environment Agency have likely included an</p>	

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					<p>arbitrary stand-off to the River Trent and flood bank to ensure no direct impact on these features. However, we consider that the inclusion of a detailed Geotechnical Assessment of the scheme confirms that the proposals are both safe and environmentally acceptable and are compliant with the design requirements as set out in the Quarries regulations.</p> <p>The proposed change of wording in the modification (as given below) does not detract from the aims and objectives of the initial EA requirements to ensure that there is no adverse impact on the flood bank or River margins of the Trent.</p>	
MM43	MP2p Mill Hill near Barton in Fabis	Lillian Greenwood MP	-	No	<p>I am aware that there are still concerns from local residents' groups in my constituency (Clifton Village Residents Association and Lark Hill Residents Association) that the current modifications are "not comprehensive enough and fail to include key requirements" for the Development Brief of site MP2p Mill Hill. I wish to support in full the submissions the County Council has received from Julian Coles, of the Barton in Fabis Parish Council et al, on the additional wording and bullet points they now consider necessary.</p>	<p>quarry restoration' – in relation to achieving a net gain in biodiversity with management strategies to ensure this can be sustained over a 50 year time frame. I understand that this would be consistent with Nottinghamshire County Council's officer comments on the planning application.</p> <p>'environmental and cultural designations' – noise impact assessments on natural and heritage sites (and surrounding areas) to include 3D modelling and take account of the topographical features of the site. It is also essential that the additional bullet point suggested for "specific analysis of noise and dust impact on Lark Hill Retirement Village required" is included.</p> <p>'access and transport' – I fully support the proposed additional wording for "No access to the site from Barton in Fabis or Fox Covert Lane (Clifton)". It is essential that additional HGVs avoid the residential areas of</p>

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						Clifton where existing traffic is already causing damage. I understand that this would be consistent with requirements in other development briefs (MP2k and MP3e). 'Amenity' – I fully support the suggested additional wording in relation to the retention of existing vegetation/screening. 'Water and flooding' – I support in full the proposed additional wording and bullet point in relation to ecologically appropriate standoffs and a strategy for managing removal of plant and stockpiled material from the floodplain during flood events being required.
MM43	MP2p Mill Hill near Barton in Fabis	Mr J Potter			MM43 <i>Consideration of the impact on the Green Belt</i> ; the Planning Inspector is examining proposed allocation MP2p , red line of which would take in Mill Hill and Brands Hill. This prominent and valued landscape area is beyond [S.U.E.] 'south of Clifton', due to its topography it is noticeable from for example Bradmore parish , visible at Normanton-on-the-Wolds A606. With regard to the Green Belt, proposed allocation MP2p - & linked application - is un-environmental, cumulative harm, extremely unsound.	MP2p ought to have been deleted pre- proposed main modifications.
MM45	MP7c Bantycok quarry south	Environment Agency	Yes	Yes	We welcome that for this site brief the consideration of water quality will now be taken into account.	-

The Council also received responses from the following individuals or organisations, which either indicated general support, made no comment, or raised other matters that did not refer specifically to the Main Modifications. Copies of these responses have been sent to the Inspector for information.

- Anglian Water
- Caythorpe Parish Council
- Coal Authority
- Debs Smith
- Highways England
- Historic England
- HS2 Ltd
- National Grid
- Natural England
- Newark Town Council
- Mrs M Dilks
- Papplewick Parish Council
- UKOOG
- West Stockwith Parish Council