



Independent Examination of Nottinghamshire Minerals Local Plan

Supplementary Questions

By Nick Palmer BA (Hons) BPI MRTPI

An Inspector appointed by the Secretary of State

Date: 6 May 2020

Introduction

Following my Matters, Issues and Questions dated 27 February 2020 and the responses to those questions, I set out below my supplementary questions. These should be addressed in hearing statements. Answers should be supported by reasons and section(s) of the supporting documents and evidence base should be referred to as appropriate. A separate document should be submitted in response to each Matter. The Council and all other participants should submit hearing statements to the Programme Officer by **17:00 on 19 June 2020**.

Matter 1 - Duty to Cooperate

- 1 Please provide a fully signed copy of the Statement of Common Ground when this is available.
- 2 Are there any outstanding issues with the East Midlands Aggregates Working Party regarding the Duty to Co-operate?
- 3 Are there any outstanding issues with Derbyshire County Council regarding the Duty to Co-operate?
- 4 Describe the process of co-operation with Rushcliffe Borough Council, Nottingham City Council and Broxtowe Borough Council regarding the proposed MP2p allocation at Mill Hill, Barton-in-Fabis.
- 5 Describe the process of co-operation with Historic England regarding Policy MP9.

Participants

Nottinghamshire County Council
Barton in Fabis PC / Clifton Village Residents Association / Lark Hill Residents / SAVE / Thrumpton Parish Meeting

Matter 2 – Vision, Strategic Objectives and Strategic Policies

Strategic Objectives

- 6 Should Strategic Objective SO1 refer to sustainability in terms of the environmental dimension?
- 7 Does the statement in the penultimate sentence of Strategic Objective SO1 imply that extensions to existing sites will be developed before new sites? If so, does this require clarification?
- 8 Is the prioritisation of extensions to existing sites consistent with the Planning Practice Guidance (ID:27-010-20140306)?
- 9 Should Strategic Objective SO4 refer to safeguarding all mineral resources rather than those of economic importance?

Strategic Policies

- 10 Should text (or a footnote) be added to paragraph 3.5 to refer to the exception in paragraph 177 of the National Planning Policy Framework (the Framework)?
- 11 In paragraph 3.8 what is the rationale for the priority to extend existing sites?
- 12 Is Policy SP1 (1) (b) consistent with national policy in terms of prioritising the extension of existing sites?
- 13 Should Policy SP2 refer to the need to achieve a net gain in biodiversity?
- 14 The requirements of paragraph (1) (a) of Policy SP3 to reduce greenhouse gas emissions and move towards a low-carbon economy relate to the first sentence of the policy and paragraphs (b) and (c) relate to the second sentence. Should the policy be re-structured accordingly?
- 15 Does the requirement of paragraph (1) (a) of Policy SP3 to move towards a low-carbon economy effectively implement the requirement of section 1 of the Climate Change Act 2008?
- 16 Is the use of the word 'should' in Policy SP3 effective, or should alternative terms such as 'must' or 'will' be used?
- 17 Should Policy SP3 refer to the need to address the potential for cumulative impacts upon climate change?
- 18 Should paragraph 3.31 and Policy SP3 (1) (a) use the term 'minimise' rather than 'reduce'?
- 19 Is the requirement of Policy SP4 (2) (a) for new mineral workings and related development to be within close proximity to markets sufficiently clear?
- 20 Should the last sentence of paragraph 3.42 read "*However, restrictions on barge sizes upstream of Cromwell Lock may restrict the viability of barging minerals upstream to Nottingham from the Newark area*"?
- 21 Should further text be added to paragraph 3.49 to refer to national policy in securing a net gain in biodiversity? I suggest the following, but the Council may wish to suggest alternative wording: "*It is therefore important that new minerals development is ~~correctly~~*

managed ~~and to ensure~~ that no adverse impacts occur to designated sites, or priority habitats and species as far as possible. Policy SP2 promotes a biodiversity-led restoration approach which seeks to maximise the biodiversity gains resulting from the restoration of mineral sites and a net gain in biodiversity”.

- 22 Should supporting text be added in relation to air quality, including its potential effect on biodiversity?
- 23 What is the justification for the wording “Economically important” in parts 1 and 2 of Policy SP7? Is this wording consistent with paragraph 204 (c) of the Framework?
- 24 Is the statement in paragraph 3.90 that secondary processing facilities will not be safeguarded by the County Council consistent with paragraph 204 (e) of the Framework?
- 25 Should any secondary processing facilities which are located on mineral workings be identified and safeguarded?
- 26 The safeguarded wharves should be shown on the Policies Map.

Participants

Nottinghamshire County Council

Barton in Fabis PC / Clifton Village Residents Association / Lark Hill

Residents / SAVE / Thrumpton Parish Meeting

Friends of the Earth UK

Heatons Planning for Tarmac Trading

Jennifer Owen & Associates for Brett Aggregates Ltd

Malcolm Ratcliffe for Mick George Ltd

Mineral Products Association

Nottinghamshire Wildlife Trust

Matter 3 – Minerals Provision Policies

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

Policy MP1

- 28 Given the reducing level of sales of aggregates in Nottinghamshire, is the use of the 10-year sales average a robust approach to planning for aggregate provision, and is any alternative reliable approach available?
- 29 Does the Sand and Gravel Delivery Schedule in Appendix 1 of the Plan demonstrate a steady and adequate supply of aggregates over the Plan period?

Policy MP2

- 30 Paragraphs 4.17 and 4.19 state that, as of December 2016 permitted reserves stood at 17.5mt, and that planning permission at Langford

Lowfields has increased the level of permitted reserves by 3.6mt. This would give a total of 21.1mt. The remaining reserves in Policy MP2 (1) (a) total 23.31mt. However, this figure is greater than the 20.1mt given in Table 2 of the December 2019 Local Aggregates Assessment. Please would you provide further explanation of these figures.

Policy MP2p

- 31 The Sustainability Appraisal (SA) assesses the Mill Hill, Barton-in-Fabis allocation as having a long-term negative effect on biodiversity. Please provide further explanation as to how allocation of the site is justified in this respect, particularly having regard to the need to provide net gains in biodiversity in paragraph 170 (d) of the Framework.
- 32 The SA assesses the effects of development at Mill Hill on heritage assets as positive in the long-term, but the effect on the landscape as very negative. Would negative landscape effects also negatively affect the settings of heritage assets in the long-term?
- 33 What is the justification for the positive score for effect on heritage assets in the SA?
- 34 The Site Allocation Development Brief states that there would be permanent impact on the setting of the Clifton Hall Registered Park and Garden and potential impacts on other designated heritage assets in Barton-in-Fabis, Attenborough and Clifton. What would be the nature of such impacts and would development also affect the setting of the listed Clifton Hall and/or any other heritage asset(s)?
- 35 Would these impacts be harmful to the settings of the heritage assets and would any such harm be less than substantial?
- 36 Has any balancing exercise been carried out to weigh any less than substantial harm against public benefits?
- 37 What, if any, mitigation measures could be used to reduce any harmful impact on heritage assets?
- 38 What effects would be likely on the openness of the Green Belt and the purposes of including land within the Green Belt, both during operation and in the long term?
- 39 Could any mitigation measures be used to reduce any impact on the Green Belt?
- 40 Should the reference in paragraph 4.41 to the Mill Hill site being expected to be operational in approximately 2019 be deleted or amended?

Policy MP3d

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

Policy MP7c

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

Policy MP9

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

Policy MP12

- 44 Should the policy include detailed criteria for assessment of environmental impacts for each stage of development?
- 45 Should the policy recognise specific impacts that can result from hydraulic fracturing?
- 46 What are the 'protected areas' as set out in parts (1) (a) and (2) (a) of Policy MP12? If these are the protected areas defined in the Onshore Hydraulic Fracturing (Protected Areas) Regulations 2016 should they be stated in the supporting text or in a footnote? What is the relevance of those areas to oil and gas exploration other than hydraulic fracturing?
- 47 Should the policy or the supporting text state what circumstances are likely to constitute 'exceptional circumstances'?
- 48 What would be required to demonstrate the need for development and what is the justification for this requirement?
- 49 The wording of paragraph 4.105 reflects that in the 2012 Framework (paragraph 147). The 2019 Framework does not refer to addressing constraints that apply within licensed areas. The wording of this paragraph should be reviewed.

Participants

Nottinghamshire County Council

AECOM for Egdon Resources

Barton in Fabis PC / Clifton Village Residents Association / Lark Hill Residents / SAVE / Thrumpton Parish Meeting

Cemex

Frack Free Misson

Friends of the Earth UK

Heatons Planning for Tarmac Trading

Historic England

IGas Energy

Ineos Shale

Jennifer Owen and Associates for Brett Aggregates

Lincolnshire County Council

Malcolm Ratcliffe for Mick George Ltd

Mineral Products Association

Mr J. Potter
Nottingham City Council
Nottinghamshire Wildlife Trust
Rushcliffe Borough Council
SLR Consulting for Steetley Dolomite Ltd
Teversal, Skegby & Stanton Hill Neighbourhood Forum
UKOOG

Matter 4 – Development Management Policies

Policy DM4

- 50 Should Policy DM4 and the supporting text in paragraph 5.56 require net gains in biodiversity?

Policy DM5

- 51 The Planning Practice Guidance (ID:8-036-20190721) states that policies may set out criteria against which proposals for development affecting landscapes that have particular value will be assessed. Paragraph 5.62 of the Plan states that national guidance requires such policies. Should this paragraph be amended?

Policy DM12

- 52 The wording of paragraphs 5.135 and 5.136 would appear to allow some latitude in determining whether extended aftercare periods are necessary and in using planning agreements to secure aftercare provisions. This would not be consistent with the requirements of Policy DM12 part (5). I suggest the following changes, however the Council may wish to suggest alternative wording.

5.135. (second sentence): ~~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. (second sentence): ~~Developers will be encouraged to enter into~~ Planning agreements will be used to ensure that the appropriate aftercare provisions remain in effect for the required aftercare period.

Participants

Nottinghamshire County Council
Heatons Planning for Tarmac Trading
Nottinghamshire Wildlife Trust

Matter 5 – Site Allocation Development Briefs

MP2k – Bawtry Road West

- 53 As the Appropriate Assessment has excluded any potential links to the Hatfield Moor Special Area of Conservation (SAC), the reference to such links in the Site Allocation Development Brief should be removed as this would not be justified.

MP2l – Scrooby Thompson Land

- 54 As the Appropriate Assessment has excluded any potential links to the Birklands and Billhaugh SAC, and the Sherwood Forest possible potential Special Protection Area (ppSPA) the reference to such links in the Site Allocation Development Brief should be removed as this would not be justified.

MP2m – Scrooby North

- 55 As the Appropriate Assessment has excluded any potential links to the Birklands and Billhaugh SAC and the Sherwood Forest ppSPA the reference to such links in the Site Allocation Development Brief should be removed as this would not be justified.

MP2p – Mill Hill near Barton-in-Fabis

- 56 Should the Brief require assessment in accordance with national policy on Green Belt, including measures to mitigate any effects on the Green Belt?
- 57 Should a requirement for assessment of effects on the Trent Valley Green Infrastructure Corridor be included?
- 58 Should a requirement for assessment of impact on the Attenborough Nature Reserve be included?

Participants

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Nottinghamshire Wildlife Trust

Nick Palmer

INSPECTOR