

Nottinghamshire County Council: Minerals Local Plan; Draft Plan  
Consultation July 2018.

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: 07568 427719 Email: mark.north@mineralproducts.org

**Question 1**

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

Vision:

You should 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 to meet objectively assessed development needs, and then say you will also make an appropriate contribution to wider local and national needs.

Strategic Objectives:

A strategic objective in respect of safeguarding of mineral infrastructure and added value operations is required to support the stated vision to safeguard such operations.

SO6: *Protecting and enhancing natural assets* should include agriculture as an appropriate restoration outcome.

SO7: *Protecting and enhancing historic assets* makes no distinction of the proportionate approach required by the NPPF appropriate to the assets significance (NPPF para 126 and 128).

**Question 2**

**What do you think of the draft strategic policy for sustainable development?**

No comment.

**Question 3**

**What do you think to the draft strategic policy for minerals provision**

It is suggested that the wording of the policy is changed as follows:  
**Proposed Changes** (deletions in ~~strikethrough~~; new text in **bold**)

### **Policy SP2 – 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.*

2. *All proposals for mineral development must demonstrate that they have prioritised the avoidance of adverse social, economic and environmental impacts of the proposed development. Where planning permission is granted, **when required** appropriate mitigation ~~and compensation~~ measures will be required.*

The word *compensation* is not appropriate without specific context of the issue concerned and could be used as a catch all to seek inappropriate requirements of the developer outside on the planning regime.

### **Question 4**

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

We have no issue with the principle of the policy however, the supporting text would seem to ignore the importance of agricultural restoration and this should be recognised. The implication of the policy and the supporting text is that biodiversity led restoration should always be the requirement. This is at odds with Policy SP 6 and paragraph 3.59 of the Draft Plan.

### **Question 5**

**What do you think of the draft strategic policy for climate change?**

It is suggested the policy is adjusted to consider the importance of agricultural restoration as follows:

**Proposed Changes** (deletions in ~~strikethrough~~; 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.**

#### **Question 6**

#### **What do you think of the draft strategic policy for sustainable transport?**

Paragaph 3.43 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.

The wording of the policy needs adjusting as follows:

**Proposed Changes** (deletions in ~~strikethrough~~; 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.

### **Question 7**

#### **What do you think of the draft strategic policy for the built, historic and natural environment?**

We welcome the acknowledgement in para 3.46 that the impact on the natural and built environment is temporary in nature.

The policy is UNSOUND as it does not follow national policy. In respect of the first bullet point the NPPF at paragraph 113 makes it clear that;

*Distinctions should be made between the hierarchy of international, national and locally designated sites, so that protection is commensurate with their status and gives appropriate weight to their importance and the contribution that they make to the wider ecological networks.*

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 126 and 128 of the NPPF. This issue needs addressing in the supporting. As drafted the policy is UNSOUND.

Paragraph 3.66 need 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.

### Question 8

#### What do you think of the draft strategic policy for the Nottinghamshire Green Belt?

We believe the additional wording required in the policy to recognise that plant and machinery is required for mineral extraction, as follows:

**Proposed Changes** (deletions in ~~striketrough~~; new text in **bold**)

#### Policy SP7 – The Nottinghamshire Green Belt

*Within the Green Belt, minerals developments **and associated development** will be supported:*

- *Provided that the openness of the Green Belt is preserved; or*
- *Where very special circumstances can be demonstrated; and*
- *Where the highest standards of development, operation and restoration will be undertaken to enhance the beneficial use of the Green Belt.*

### Question 9

#### What do you think of the draft strategic policy for Mineral Safeguarding, Consultation Areas and associated minerals infrastructure?

The policy as drafted is UNSOUND as it does not accord with National Policy in that NPPF para 143 requires;

*...that known locations of specific minerals of local and national importance are not needlessly 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.

The agent of change principle should be incorporated as outlined in the revised 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 SP8

*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*

### **Question10**

#### **What do you think of the draft policy approach toward aggregate provision?**

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 as a straightjacket for 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.

#### **Question 11**

**What do you think of the draft site-specific sand and gravel allocations?**

The MPA does not comment on site specific issues.

#### **Question 12**

**What do you think of the draft site-specific Sherwood Sandstone allocations?**

The MPA does not comment on site specific issues.

#### **Question 13**

**What do you think of the draft policy to meet expected crushed rock demand over the plan period?**

The MPA does not comment on site specific issues.

### **Industrial Minerals**

The draft MLP needs to properly reflect the NPPF in respect of the requirement to provide for industrial minerals.

M E NORTH  
25/09/18

