



**Nottinghamshire
County Council**

Nottinghamshire Minerals Local Plan

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

MATTER 1 – DUTY TO CO-OPERATE AND LEGAL ISSUES

Questions 1 - 5

Duty to co-operate

Question 1. Please provide a fully signed copy of the Statement of Common Ground when this is available.

1. This has been sent under separate cover.

Question 2. Are there any outstanding issues with the East Midlands Aggregates Working Party regarding the Duty to Co-operate??

2. The East Midlands Aggregates Working Party (EMAWP) has not made any objection to the Minerals Local Plan on the grounds of Duty to Co-operate or soundness matters. Engagement with the EMAWP is detailed within the Council's Duty to Co-operate Statement **(SD6)**. The EMAWP was invited to sign the Council's Statement of Common Ground **(SD7)** but cannot agree a common position due to the different interests of its members.
3. The membership of the working party is made up of Mineral Planning Authorities, the Minerals Products Association (trade body) and individual mineral operators. As a consequence, there are differing views on the level of minerals provision that should be made in individual Minerals Local Plans.
4. For this reason, it has not been possible to reach collective agreement across the EMAWP as explained within the Council's Statement of Common Ground **(SD7)**. As set out in point 8.2 of the draft minutes of the last EMAWP meeting '*As with previous discussions on the subject of the AWP signing DtC's/SoCG's, it was agreed that it was not possible due to a conflict of interests amongst the group with members being from both Local Authorities and the minerals industry*'. This has been the standard response from the EMAWP to all Minerals Local Plans and is not specific to the Nottinghamshire Minerals Local Plan.
5. The Council has also consulted individually with the constituent MPAs, the Minerals Products Association and individual operators at each at each stage of the process as set out in the Councils Statement of Common Ground **(SD7)**.

Question 3. Are there any outstanding issues with Derbyshire County Council regarding the Duty to Co-operate?

6. There are no outstanding issues with Derbyshire County Council regarding the Duty to Co-operate. Derbyshire County Council were unable to provide a signature for the Statement of Common Ground prior to submission due to the timing of the necessary Member meeting(s) for approval. A fully signed copy of the Statement of Common Ground has now been supplied (see Question 1).

Question 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.

Rushcliffe Borough Council

7. Face to face meetings were held with colleagues at Rushcliffe Borough Council (RBC) before each consultation stage. These meetings were used to provide updates and feedback from the previous consultation stages and to answer any questions relating to the range of minerals found in the Borough and the site selection and appraisal methodology.
8. Rushcliffe Borough Council has made representations in respect of the proposed MP2p Mill Hill allocation, as detailed in the Council's Consultation Statement **(SD5)**, but has not raised any duty to co-operate issues with the Council.

Nottingham City Council

9. Face to face meetings were held with colleagues at Nottingham City Council (NCC) before each consultation stage. These meetings were used to provide updates and feedback from the previous consultation stages and to answer any questions. As the City Council is a Unitary Authority, it is the statutory Minerals Planning Authority for the City of Nottingham. Other informal and ad-hoc meetings and updates also took place during meetings of the two authorities to discuss work on the joint Waste Local Plan and the joint Local Aggregates Assessment.
10. Nottingham City Council has made representations in respect of the proposed MP2p Mill Hill allocation, as detailed in the Council's Consultation Statement **(SD5)**, but has not raised any duty to co-operate issues with the Council.

Broxtowe

11. Although it was not possible to arrange a mutually convenient time for separate, specific meetings with Broxtowe Borough Council (BBC), officers from both authorities exchanged regular updates at other Nottinghamshire District/Borough Council liaison meetings and also by phone and email throughout the Plan preparation process.
12. Broxtowe Borough Council has made representations in respect of the proposed MP2p Mill Hill allocation, as detailed in the Council's Consultation Statement **(SD5)**, but has not raised any duty to co-operate issues with the Council.

Question 5. Describe the process of co-operation with Historic England regarding Policy MP9.

13. Dialogue with Historic England relating to potential industrial dolomite extraction in the Holbeck/ Creswell Crags area has been ongoing since 2012. Unlike the situation in the previous withdrawn plan, no site-specific proposals have been put forward during the preparation of the current plan. However, the known

industrial dolomite resource area has been safeguarded in line with the national policy at Paragraph 204 (c) of the Framework.

14. As set out in the Council's response to Questions 2 and 4 of the previous Matters, Issues and Questions (April 2020) Historic England was consulted at each stage of preparing the current plan and has maintained a soundness objection to policy MP9. Historic England considers that this creates a de-facto site allocation and that the policy ignores other relevant environmental, social and economic factors that would need to be considered.
15. Following consultation on the Publication Version of the Plan in August 2019, Historic England objected to Policy MP9 (Industrial Dolomite) on both soundness duty to co-operate grounds. The specific concerns raised by Historic England were subsequently discussed by telephone. The Council explained that Policy MP9 is a criteria-based policy and not a site-specific allocation as a potential site has not been identified. The Council also explained that the process of safeguarding the known industrial dolomite resource area (as shown on the Policies Map) does not establish a presumption in favour of future mineral extraction - it is simply to protect the mineral resource from being sterilised by other types of development.
16. It was also explained that Policy MP9 should not be read in isolation and that Policy DM6 (Historic Environment), in particular, affords specific protection to heritage assets in accordance with wider national policy and legislation. The policies contained in the plan would therefore need to be read as a whole and any detailed planning application would need to consider impacts on the historic environment.
17. As a result, Historic England has withdrawn its Duty to Co-operate objection but maintains its objection to Policy MP9 on soundness grounds as detailed in the Council's Consultation Statement (**SD5**).
18. A further conference call was held in April 2020 with SLR consulting (representing Lhoist), representatives from Lhoist, Historic England and the County Council. The call was to update all parties on the work being undertaken by SLR consulting on a wider site search for suitable future feed stock to serve the Steetly Dolomite kilns in the future. As part of this meeting it was agreed that a statement of common of ground could be developed between all the parties relating to future industrial dolomite extraction in the area, if required. This has not been undertaken as the results of the survey work, and therefore the potential location of any future quarry, has not yet been completed.