



**Nottinghamshire
County Council**

Nottinghamshire Minerals Local Plan

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

**MATTER 2 – VISION, STRATEGIC OBJECTIVES AND STRATEGIC
POLICIES**

Questions 6 - 26

Strategic Objectives

Question 6. Should Strategic Objective SO1 refer to sustainability in terms of the environmental dimension?

1. The issues referred to in SO1 all contribute to environmental sustainability, whilst other specific issues relating to environmental sustainability are covered by SO3 (climate change), SO6 (natural assets), SO7 (historic assets) and SO8 (agricultural soils). A specific reference is not therefore considered necessary in this respect.

Question 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?

2. The statement in the penultimate sentence of SO1 reflects the approach that has been taken to the allocation of sites within the Plan. This has sought to prioritise extensions to existing sites where these were considered to be the most sustainable option in terms of ensuring the best use of existing infrastructure, ensuring mineral resources are not sterilised, and minimising the wider environmental impacts associated with the opening of new greenfield sites. This reflects paragraph 203 of the Framework which recognises that minerals are a finite natural resource and that 'best use needs to be made of them to secure their long-term conservation'.
3. However, the Council acknowledges that the current wording of this sentence could be taken to mean that any future planning applications for new sites would not be considered unless extensions to existing sites have already been developed.
4. It is not the Council's intention for this objective, or Policy SP1 (Minerals Provision), to exclude applications for suitable non-allocated greenfield sites from coming forward, where there is a need, or to stifle competition within the minerals industry.
5. For clarity, it is proposed to re-word the penultimate sentence of SO1 to read: *'Support Prioritise the improved use or extension of existing sites before considering new locations.'*

Question 8. Is the prioritisation of extensions to existing sites consistent with the Planning Practice Guidance (ID:27-010-20140306)?

6. The Planning Practice Guidance states that proposals for extensions to existing sites and new sites should be considered on their merits. This should take into account the need for the mineral, economic considerations, positive and negative environmental impacts and cumulative impacts. Each of the sites submitted during the call for sites was assessed in detail as described in the site selection methodology (**SD21**) and the Council's approach has been to allocate extensions

to existing sites where these offer sustainability benefits in terms of utilising existing plant and infrastructure, maintaining supply/jobs at existing sites and minimising environmental impacts by limiting the need for opening up new greenfield sites.

7. The majority of extensions put forward during the call for sites were considered suitable for allocation and this is considered to be in line with national policy, as set out in Paragraph 203 of the Framework to make the 'best use' of a finite natural resource.
8. As explained in the Council's response to Question 7, this approach is not intended to preclude planning applications for new non-allocated greenfield sites from being considered. To clarify this, the Council proposes to re-word the objective as set out in the response to Question 7.

Question 9. Should Strategic Objective SO4 refer to safeguarding all mineral resources rather than those of economic importance?

9. National policy as set out in Paragraph 204 (c) of the Framework requires Mineral Planning Authorities (MPAs) to define Minerals Safeguarding Areas and adopt appropriate policies to ensure that 'known locations of specific minerals resources of local and national importance are not sterilised by non-mineral development where this should be avoided' (Council emphasis underlined).
10. This is not taken to mean that there should be a blanket approach to safeguarding all minerals. Rather, that planning policies should be used to identify those particular minerals for which there is a local or national demand and/or those for which there is a specific need to avoid their sterilisation due to the scarcity of the resource.
11. Plan 2 in the Publication Version of the Plan (**SD1**) shows the variety and extent of Nottinghamshire's surface mineral deposits. This is based on mineral resource information which is supplied by the British Geological Survey (BGS).
12. The BGS good practice advice on mineral safeguarding recognises that there are circumstances where it may not be appropriate to safeguard the whole mineral resource such as where the resource occurs extensively and is not of particular regional or national importance¹. Section 4 of the guidance makes clear that the mineral resource mapping is the starting point for the process of identifying and refining the extent of the area to be safeguarded but that this can also be informed by known geological or economic constraints on likely future working (Paragraph 4.2.7). For example, the quality and productivity of certain parts of the resource may mean these have a greater economic importance than other parts of the resource and are thus more likely to be worked. This approach has been taken within the recently adopted Leicestershire Minerals and Waste Local Plan (September 2019) which safeguards only those minerals considered to be of current or future economic importance (Policy MP11).

¹ Mineral Safeguarding in England: Good Practice Advice, British Geological Survey, 2011
<http://pubs.bgs.ac.uk/publications.html?pubID=OR11046>

13. Within Nottinghamshire some mineral resources, such as clay, are so extensive that only a fraction of the resource is ever likely to be worked whereas the demand for high quality sand and gravel is such that the whole resource has been identified for safeguarding. The Council has considered each mineral on a case by case basis and has consulted with the minerals industry on its approach. Mineral resources, such as gypsum and industrial dolomite, which are scarce locally and nationally have been safeguarded in full.
14. As more than 90% of Nottinghamshire is underlain by potential mineral resources, an approach which safeguarded all minerals resources would place a considerable additional burden on applicants and the district and borough councils to consider minerals sterilisation and/or consult the County Council on almost all non-minerals related development proposals.
15. The Council therefore considers that this, more focussed, approach is proportionate and in line with national policy and guidance. On this basis it is appropriate for SO4 to refer to the economically important mineral resource.

Strategic Policies

Question 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)?

16. Paragraph 3.5 explains that planning decisions would need to take account of the policies in the Framework, taken as a whole, however it is accepted that a reference to paragraph 177 could usefully be included in a footnote.

Question 11. In paragraph 3.8 what is the rationale for the priority to extend existing sites?

17. The rationale for the priority to extend existing sites recognises the potential benefits of suitable extensions to existing sites. As described in paragraph 3.10 of the justification text, the Council considers that extensions to existing sites can be more sustainable as this can allow existing plant and other infrastructure to be used, avoid the loss of any unworked mineral, and may have fewer environmental impacts than opening a new site. This approach is intended make efficient and sustainable use of existing mineral resources and infrastructure and reflects paragraph 203 of the Framework. However, this is not intended to rule out the possibility of new non-allocated greenfield sites being developed where there is a need.
18. To clarify this, it is proposed to amend the final sentence of paragraph 3.8 to read: *'Within Nottinghamshire the priority is therefore to ~~extend~~ make the best use of the County's finite mineral resources through supporting extensions to existing sites, where environmentally acceptable in preference to developing new sites, and to encourage encouraging the use of secondary and recycled aggregates.*'

Question 12. Is Policy SP1 (1) (b) consistent with national policy in terms of prioritising the extension of existing sites?

19. As set out in the responses to Questions 7,8 and 11 above, the Council considers that there are sustainability benefits from extending existing sites where this would enable the use of existing infrastructure and avoid the potential sterilisation of unworked mineral that could economically be recovered. This would need to take account of ongoing or cumulative environmental impacts and is not meant to preclude new non-allocated greenfield sites from being considered on their merits. For clarity and consistency with proposed amendments to Strategic Objective SO1 and paragraph 3.8 and paragraph 4.2, the Council proposes to amend part 1 (b) of the policy to read: *~~Give priority to~~ Support the extension of existing sites, where economically, socially and environmentally acceptable.*

Question 13. Should Policy SP2 refer to the need to achieve a net gain in biodiversity?

20. The Council acknowledges the importance of biodiversity net gain as stated within Paragraph 170 (d) of the Framework. In response to representations from Natural England the Council proposed a minor additional modification to the justification text to acknowledge that biodiversity net gain is likely to become mandatory. This is set out in the Council's Consultation Statement **(SD5)**.
21. As currently drafted, Policy SP2 supports proposals which seek to maximise biodiversity gains but does not specifically refer to the need to achieve biodiversity net gain. To reflect national policy, it is also proposed to modify part 1 of the policy to read:

'Restoration schemes that seek to maximise biodiversity gains and achieve a net gain in biodiversity, in accordance with the targets and opportunities identified within the Nottinghamshire Local Biodiversity Action Plan, will be supported.'

Question 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?

22. The Council accepts re-structuring the policy as suggested would help to improve clarity. It is proposed to re-structure the policy as follows:

'Policy SP3 – Climate Change

- 1. All minerals development, including site preparation, operational practices and restoration proposals should minimise impacts on the causes of climate change for the lifetime of the development by being located, designed and operated to help reduce greenhouse gas emissions, withstand unavoidable climate impacts and move towards a low-carbon economy.*

2. *Where applicable development should assist in the reduction of vulnerability and provide resilience to the impacts of climate change by:*
 - a) *Avoiding areas of vulnerability to climate change and flood risk. Where avoidance is not possible, impacts should be fully mitigated;*
 - b) *Developing restoration schemes which will contribute to addressing future climate change adaptation, including through biodiversity and habitat creation, carbon storage and flood alleviation.*

Question 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?

23. Section 1 of the Climate Change (as amended) imposes a duty on the Secretary of State to ensure that the net UK carbon account for the year 2050 is at least 100% lower than the 1990 baseline. This has become known as the 'net zero' target as a 100% reduction would mean the total emissions being generated within the UK is equal to, or less than, the amount of emissions being removed or offset through processes such as tree planting and carbon capture.
24. To meet this target, Government sets five-yearly carbon budgets to restrict the total amount of greenhouse gases the UK can emit. These are linked to a system of carbon/greenhouse gas emissions trading and offsetting. The Council's understanding is that there is no expectation that individual business or business sectors will have to achieve net zero emissions, rather that total UK emissions must be net zero by the target date.
25. In the Council's view it would not therefore be appropriate to add additional text to SP3 to require individual proposals to demonstrate how they will have a 'net zero' impact on climate change. *In planning terms, it is unclear how an individual proposal could demonstrate compliance such a policy requirement or how this could be enforced through planning conditions.*
26. The wording of Policy SP3, as proposed to be amended, reflects paragraph 150 (b) of the Framework which requires new development to be planned for in ways which 'can help to reduce greenhouse gas emissions' (see Council response to Supplementary Question 14). This is also in accordance with the requirements of Section 19 (1A) of the Planning and Compulsory Purchase Act (2004) which states that 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'.
27. Policy SP3 seeks for mineral development to play a part in both the reduction of emissions, through moving towards a low carbon economy, as well as offsetting carbon emissions through biodiversity led restoration schemes. In the Councils view, this effectively fulfils the requirements within Section 1 of the Climate Change Act 2008 and is in line with national policy set out in the Framework.

28. For clarity and information, additional text could be added to paragraph 3.30 to refer to the 'net zero' target.

Question 16. Is the use of the word 'should' in Policy SP3 effective, or should alternative terms such as 'must' or 'will' be used?

29. The Council considers that use of the word 'should' within Policy SP3 is effective and reflects the positive approach embodied within national policy at paragraph 16 (b) of the Framework. Alternative terms such as 'must' or 'will' would not be consistent with other comparable policies within the Plan.
30. Section 19, 1 (A) of the Planning and Compulsory Purchase Act states that plans 'must' include policies to secure that development and use of land in the authority's area contribute to the mitigation of, and adaptation to, climate change. This is a requirement on the planning authority to include relevant policies but does not relate to how specific development plan policies should be worded.
31. National policy (Paragraph 149 of the Framework) outlines how plans 'should' take a proactive approach to mitigating and adapting to climate change and that policies 'should' support appropriate measures to ensure the future resilience of infrastructure and communities to climate change impacts.
32. The Council therefore considers that the use of the term 'should' in Policy SP3 is consistent with national policy in this respect.

Question 17. Should Policy SP3 refer to the need to address the potential for cumulative impacts upon climate change?

33. The Council does not consider that it is necessary for Policy SP3 to refer to the need to address the potential for cumulative impacts on climate change because Policy DM8 specifically covers cumulative impact. However, it is proposed to amend relevant parts of the justification text to explain this more clearly as follows:

In relation to Policy SP3, add a new penultimate paragraph after paragraph 3.35 to read:

'Any potential for cumulative impacts on climate change as a result of the nature and scale of new minerals development should also be taken into consideration. Policy DM8 specifically covers the issue of cumulative impact.'

In relation to Policy DM8, add a sentence to the end of paragraph 5.93 to read:
'The nature and scale of mineral workings could also have larger scale environmental effects by potentially giving rise to cumulative impacts on climate change.'

Add a sentence to the end of paragraph 5.97 to read:

'The potential for cumulative impacts on the wider environment, such as on climate change, may also need to be considered.'

Amend paragraph 5.98 to read:

'The plan therefore seeks to ensure that the impacts of a mineral proposal are considered in conjunction with the impacts of all existing development and that cumulative impact on the environment of an area, ~~or~~ on the amenity of a local community, or on the wider environment, such as on climate change, are fully addressed.'

Question 18. Should paragraph 3.31 and Policy SP3 (1) (a) use the term 'minimise' rather than 'reduce'?

34. The Council considers that the use of the term 'reduce' is appropriate as this is consistent with national policy and guidance on avoiding and mitigating climate change impacts. Paragraph 148 of the Framework states that the planning system should help to 'shape places in ways that contribute to radical reductions in greenhouse gas emissions' and Paragraph 150 (c) goes on to state that development should be planned in ways which 'can help to reduce greenhouse gas emissions, such as through its location, orientation and design'. Planning Practice Guidance similarly refers to mitigating the impacts of climate change by reducing emissions (Paragraph 003).

35. *The use of the term 'reduce' in this context is supported by the Environment Agency and is used in other, recently adopted, Minerals and Waste Local Plans. Policy GP2 of the Suffolk Minerals and Waste Local Plan (Inspector's Report published March 2020) states that 'New minerals and waste management facilities should through their construction and operation minimise their potential contribution to climate change through reducing carbon and methane emissions...'*

Question 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?

36. Policy SP4 seeks to promote sustainable non-road forms of transport, where feasible, and to reduce the distance over which minerals have to be transported. This is intended to help reduce greenhouse gas emissions and to minimise traffic congestion and disturbance to local communities from transporting minerals. This approach is supported by Highways England **(SD4b)**.

37. The Council acknowledges that minerals can only be worked where they are found, and the policy is not intended to restrict development but to encourage sustainable locations for minerals development as far as possible. Part 2(a) of the policy is therefore designed to ensure that proposals are well-related to the markets they are intended to serve. Paragraph 3.41 of the justification text recognises that some minerals may have a wider, regional or national, market and will therefore be more cost-effective to transport further. The policy does not preclude this.

38. For this reason, neither the policy or justification text specify a maximum distance over which minerals should be transported or identify specific markets as these are likely to change over time depending on the economic circumstances. The Council considers that this provides appropriate flexibility to consider the merits of individual proposals.

39. However, without this specific policy requirement to ensure that proposals are well-related to their intended markets, there would be no policy mechanism by which to encourage developers proposing non-allocated sites to consider more sustainable locations that would avoid the need to transport minerals over longer distances.
40. The Council considers that the policy requirement for minerals proposals to be within close proximity to intended markets is sufficiently clear within the policy and is not unduly onerous.

Question 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"?

41. Yes, this is a typographical error and will be corrected.

Question 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".*

42. Yes. It is proposed to amend the wording of the final sentence of paragraph 3.49 to read: '*It is therefore important that new minerals development is ~~correctly~~ managed ~~and~~ to ensure that no adverse impacts occur to on designated sites, or priority habitats and species, are minimised as far as possible. Policy SP2 promotes a biodiversity-led restoration approach which seeks to maximise biodiversity gains, and to achieve a net gain in biodiversity, resulting from through the restoration of mineral sites.*'
43. The proposed wording refers to minimising adverse impacts rather than ensuring no adverse impacts as it would not always be possible during the operational phase of mineral workings to ensure that there would not be any adverse impacts at all, however this would not preclude achievement of biodiversity gain through restoration.

Question 22. Should supporting text be added in relation to air quality, including its potential effect on biodiversity?

44. Yes. It is proposed to add a new paragraph to the text following policy SP5 to read:
'Minerals development can have an adverse impact on air quality from dust, plant or vehicle emissions, which could potentially adversely affect residential amenity. Air pollution could also potentially adversely affect ecosystems and biodiversity, especially where it could have an impact on sites designated for their biodiversity

value. However, appropriate site management of mineral workings to control dust and emissions can minimise such impacts.'

Question 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?

45. The Council's justification for the use of the term 'economically important' in Policy SP7 is drawn from Paragraph 4.1.3 of the BGS good practice advice on mineral safeguarding which defines the mineral resource as being those '*mineral deposits which are or may become of potential economic interest*'².
46. Paragraph 4.2.1 of this advice refers to using the geological and minerals resources information gathered as the basis for '*deciding on those minerals that are considered of economic importance and should be safeguarded*'
47. This has led the Council to use the wording 'economically important' within Policy SP7 to distinguish between the wider geological resource (i.e. all known surface mineral deposits) and the economic resource which is likely to be exploited and which has therefore been identified for safeguarding.
48. Paragraph 204(c) of the Framework refers to safeguarding known locations of specific minerals resources of local and national importance. The Council does not take this to mean that all mineral resources must be safeguarded but that specific minerals should be identified, taking account of the quality and extent of the mineral resource and its local or national importance. The council's detailed reasons for this approach are explained in the response to Supplementary Question 9.
49. The Council considers that the wording 'economically important' is appropriate in this context.

Question 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?

50. Paragraph 204 (e) of the Framework states that planning policies should 'safeguard existing, planned and potential sites for: the bulk transport, handling and processing of minerals; the manufacture of concrete and concrete products; and the handling, processing and distribution of substitute, recycled and secondary aggregate material'.
51. Paragraph 204 does not specify whether these should be the planning policies of the Minerals Planning Authority or those of the Local Planning Authority, whereas subsequent paragraphs refer explicitly to the separate roles of Minerals Planning Authorities and Local Planning Authorities.
52. A significant proportion of the facilities listed within Paragraph 204 (e) fall outside of the control of the Minerals Planning Authority as they are determined by

² Mineral Safeguarding in England: Good Practice Advice, British Geological Survey, 2011
<http://pubs.bgs.ac.uk/publications.html?pubID=OR11046>

the relevant Local Planning Authority (the District and Borough Councils within two-tier local authority areas such as Nottinghamshire). Paragraph 006 of the Planning Practice Guidance specifically recognises that 'In areas where there are county and district authorities, responsibility for safeguarding facilities and sites for the storage, handling and transport of minerals in local plans will rest largely with the district planning authority' (Reference ID: 27-006-20140306).

53. Within Nottinghamshire all of the permanent facilities for the handling and processing of minerals (i.e. those that are not associated with existing quarry sites) are located on industrial estates/employment land. Planning applications for these facilities are determined by the relevant District or Borough Councils who would also deal with applications for temporary asphalt or concrete batching plants associated with major construction projects. Similarly, sites for the manufacture of concrete and concrete products would normally fall to the District/Borough Councils unless they are associated with a quarry site. As such, the Council considers that these facilities which are granted permission by District/Borough Councils are safeguarded under those authorities' own local plan employment policies and by the 'agent of change' principle embodied within the Framework (Paragraph 182)
54. Sites for the handling, processing and distribution of substitute, recycled and secondary aggregate material are safeguarded separately under Policy WCS8 of the Nottinghamshire and Nottingham Waste Core Strategy in accordance with paragraph 8 of the National Planning Policy for Waste.
55. The Council therefore considers that the approach of the Plan is consistent with the level of safeguarding required by paragraph 204 (e) of the Framework, in accordance with the limit of its responsibilities as MPA. However, the Council accepts that the wording of Paragraph 3.90 should be expanded to clarify the respective functions of the MPA and LPAs. The Council will propose a modification to explain how those secondary processing facilities which fall outside of the control of the Council are safeguarded in District/Borough Plans and by Paragraph 182 of the Framework.

Question 25. Should any secondary processing facilities which are located on mineral workings be identified and safeguarded?

56. Secondary processing facilities which are located on mineral workings would be safeguarded by policy SP7 (as proposed to be amended). As existing mineral workings are covered by the safeguarding areas shown on the Policies Map, the Council does not consider that these need to be identified separately. However, it is accepted that this could be explained more clearly within the text.
57. As set out in the Council's to Question 18 (Matter 2) of the original Matters, Issues and Questions, April 2020, it is proposed to re-word part 1 of the policy to clarify that existing permitted reserves (i.e. existing and unworked/ mothballed sites) and their associated minerals infrastructure will be safeguarded. It is therefore proposed to amend Part 1 of Policy SP7 to read '*Economically important mineral resources and associated minerals infrastructure, including at existing permitted sites, will be safeguarded from needless sterilisation by non-minerals development through the designation of minerals safeguarding areas as identified on the Policies Map*'

58. For clarification it is also proposed to amend paragraph 3.89 to read: *'The facilities are relatively small in nature and whilst some are located on existing mineral workings and thereby safeguarded under Policy SP7, other are stand-alone facilities on industrial estates in urban areas.'*

Question 26. The safeguarded wharves should be shown on the Policies Map

59. The Council will revise the Policies Map to ensure that the safeguarded wharves are shown and labelled correctly.