



Nottinghamshire Wildlife Trust (NWT) – Submission for the Nottinghamshire Minerals Local Plan Examination - *Supplementary Questions.*

MATTER 2. Vision, strategic objectives and strategic policies

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

Yes, this would be an important clarification that sustainability encompasses environmental considerations under all circumstances.

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)?

Paragraph 177 states that *“the presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site. “*

In NWT’s view, the inclusion of explicit reference to Para 177 would be helpful in reinforcing the importance of protecting sites designated under EU directives and transposed into UK law and that this should be a material consideration. It would also partially address the definition of *“areas or assets of particular importance”*, as raised in our previous response, but would not help clarify that those areas should also include all natural assets of importance such as BAP/SN41 habitats, and hence may not be compliant with the NERC Act. Therefore, NWT expects to see all the areas of biodiversity importance listed for clarity – SAC, SPA, SSSI, NNR, LWS, LNR, areas of Sn 41 habitat, not least as each is essential to underpin the creation of Nature Recovery Networks.

This addition, whilst welcome, would also not address our previously raised concerns about the lack of robust framework (nationally) on how to assess whether impacts would *“outweigh the benefits”*, which is of considerable concern in how applications are judged. There appears to be no rigorous quantified approach for Planning Authorities to use, leaving definitions of *“outweighing”* open to subjective interpretation.

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

Biodiversity net gain is currently mentioned in the supporting text in para 3.15, as is the 25 YEP, but with the development of the Environment Act, the introduction of mandatory net gain and the clear thrust of Defra and NE policy towards delivering net gain, it could also be reflected in this Policy wording. It should be clear, however, that the *unique* position of mineral sites (compared to other types of development) to deliver large areas of priority Sn41 habitat means that there should be an assumption that they will need to meet much higher targets for net gain than other types of



development (those which result in a built footprint). Otherwise this amendment would have the perverse and unintended outcome of undermining the premise and ambition of this biodiversity-led Plan, which is encompassed in the use of “*maximise*” in the current policy wording: “*Restoration schemes that seek to maximise biodiversity gains.....*”

As stated in paragraphs 3.17 and 3.22 of the Plan, minerals development has the potential to substantially contribute to local and national priority biodiversity targets, in the most cost effective manner for the delivery of public goods for the nation. This is in contrast to the economic and logistical difficulties of creating some habitats (such as heathland, wetlands and species-rich grasslands) from intensively farmed land, where the soil and drainage conditions require expensive interventions from the public purse to make them suitable. In addition, the scale of many mineral sites ensures that habitats of a significant size, which have the highest potential to contribute substantively to Nature Recovery Networks, can be created. These larger sites (and closely located and linked sites) are currently the biggest driver for meeting the Lawton Review’s requirement for bigger, better and more connected sites in the County. Hence, this Mineral Plan is one of the most important means of delivering these local and national habitat targets, and NWT would expect the Policy wording to continue to reflect this. The following may achieve this purpose:

“Policy SP2 – Biodiversity-Led Restoration

*1. Restoration schemes that seek to maximise biodiversity **net** gains in accordance with the targets and opportunities identified within the Nottinghamshire Local Biodiversity Action Plan **and the Opportunity Map** will be supported.....”*

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?

Given the more stringent target in the 2019 Amendment to the Climate Change Act (Climate Change Act 2008 (2050 Target Amendment) Order 2019) to ensure that the net UK carbon account for the year 2050 is at least 100% lower than the 1990 baseline, it would be useful to reflect the greater urgency to reduce emissions in either this Policy or the supporting text.

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

For the avoidance doubt and to reflect the increased urgency and weight of law as stated above, NWT consider that “must” would be more effective.

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



Yes, this is essential if there is to be effective carbon accounting for this Plan.

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

Yes, this would ensure further clarity over the requirement of this plan to be consistent with the Climate Change Act 2008 (as amended).

21 Should further text be added to paragraph 3.49 to refer to national policy in securing a net gain in biodiversity?

Yes, NWT agree that the proposed amendments by the Inspector to the wording would ensure clarity of purpose, and also remove areas of doubt and interpretation that can particularly arise from the phrase "as far as possible".

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

Yes, NWT consider this would be helpful in clarifying the potential for impacts from different air emissions on sensitive habitats, as this is often an area of disagreement and differing interpretation. In our experience, areas of difference particularly relate to:

1. The levels of NO_x emitted from extraction, transportation and all the associated generators and pumps, and how this may impact sensitive habitats both close to the extraction site and further afield. There is a wealth of evidence on the impacts of anthropogenically produced N on habitats, and it is regarded as the greatest threat to habitat quality in Europe (see Science for Environment Policy In-Depth Report: Nitrogen Pollution and the European Environment Implications for Air Quality Policy. 2013), but it has proved difficult to demonstrate this at a development site level, even where NO_x (and sometimes NH₃) emissions will clearly be greater as a result of the working of the site.
2. The interpretation of the impacts of increased Carbon (and other GHG) emissions, given that impacts may not be measurable on localised habitats and species in the short to medium term, but to disregard them would result in adding to the potential damage to those habitats in the longer term by adding to existing impacts on climate change.