

4th January 2016**Agenda Item: 5****REPORT OF THE CORPORATE DIRECTOR FOR PLACE****MINERALS LOCAL PLAN – RESPONSES TO THE PREFERRED APPROACH
DOCUMENT AND THE SUBMISSION DRAFT CONSULTATION DOCUMENT.****Purpose of the Report**

1. To inform Committee of the progress on the Minerals Local Plan.
2. To note the County Council responses to the comments received during the three Preferred Approach consultation stages.
3. Seek endorsement of the Minerals Local Plan Submission Draft document.

Information and Advice

4. The Minerals Local Plan is a statutory document that all Minerals Planning Authorities must prepare. It identifies sites and sets out policies against which all minerals development proposals are assessed and determined by the County Council. The overall aim of the Plan is to ensure that sufficient minerals are provided to meet expected demand in the most sustainable way and to safeguard proven mineral resources from being unnecessarily sterilised by other development.
5. The current Plan was adopted in December 2005 and was prepared under previous Government legislation. This plan is now becoming out of date and the new plan will replace it. The new plan will look ahead to 2030.
6. As part of the evidence gathering process undertaken for the emerging Minerals Local Plan, a series of specific assessment documents were undertaken and this included a Sustainability Appraisal, a Strategic Transport Assessment and a Strategic Flood Risk Assessment.
7. The new Minerals Local Plan contains a vision and strategic objectives, strategic policies, site allocations and development management policies.
8. If the County Council does not have an up to date plan in place it could result in planning applications for minerals development being submitted and decided on an ad-hoc / 'first come first served' basis. This would result in a lack of certainty for local communities and the minerals industry as to where development could take place. A consequence of this could be

that mineral extraction may be permitted at those sites that have greater impacts on the surroundings (social, environmental or economic).

Background

9. Nottinghamshire is a major minerals producing area where a diverse range of minerals are extracted. The biggest extractive industries are sand and gravel and gypsum extraction but brick clay, limestone, building stone and oil are also exploited. In most cases permitted reserves are inadequate for the plan period and new resources in suitable locations are needed to ensure that the County continues to supply its share of national and local mineral supplies.
10. New minerals could also be exploited in the future. These include high grade industrial dolomite, coal bed methane and shale gas. Extraction of industrial dolomite, found only in a small area in the north-west of the County, could be needed to replace production at Whitwell Quarry in Derbyshire.
11. Large resources of coal bed methane and shale gas may also underlie significant parts of the County and new technologies are making their extraction economically viable. The Government requires all Minerals Planning Authorities to set out policies as to how applications for the exploration, appraisal and extraction of these hydrocarbons will be assessed.

Public consultation and community involvement

12. To be adopted, the new Minerals Local Plan has been and must continue to go through various stages of public consultation and community involvement culminating in an examination in public by an independent planning inspector.
13. The informal but very important public consultation stages have now been completed. These used the approaches set out in the Council's Statement of Community Involvement – the statutory document that sets out how the Council will consult and involve communities in its minerals planning functions.
14. This began with a broad 'Issues and Options' consultation in 2012 which identified the key issues that needed to be considered.
15. The Preferred Approach consultation document published in October 2013 looked at the main options for each mineral and explained which options were preferred and which were not preferred and why. It showed how account was taken of the various consultation responses the County Council received on the Issues and Options consultation and also showed how the findings of the Sustainability Appraisal have influenced the document. The document included draft planning policies as well as draft site specific allocations for all mineral types. It was made clear that it was a Preferred Approach document and Members had not yet made any decisions on which sites would be included in the final Local Plan.
16. Due to the comments received on this document, a further round of consultation on the sand and gravel provision section of the document was required. This was undertaken in May 2014. As part of this, the operator for a site at Shelford west that was previously considered

undeliverable, submitted further information to show that the site could be delivered and it was necessary to undertake a further round of consultation on this site in October 2014.

17. Members will recall previous reports to Environment and Sustainability Committee detailing the number of consultation responses on earlier stages of the plan. As part of the Shelford West consultation, 3206 representations were received from a total of 3,093 organisations or individuals, including statutory bodies, local district and parish councils, the minerals industry, interested groups and members of the public. 1 petition was also received.
18. In total from all previous stages of consultations, 6953 representations from 5090 people or organisations were received along with 16 petitions.
19. The total comments received from the three preferred approach stages can be split between comments on the relevant sections of the plan as follows:
 - Chapter 1: Introduction: 21;
 - Chapter 2: Overview, Vision and Strategic Objectives: 51;
 - Chapter 3: Strategic Policies: 106;
 - Chapter 4: Minerals Provision Policies (including proposed site allocations): 5,309;
 - Chapter 5: Development Management Policies: 152;
 - Remainder of Plan: 146.
20. All of the representations received have been used to inform the preparation of the submission draft document, where appropriate, and a summary of the main issues raised is set out within paragraphs 23 - 32 below.
21. A small advisory Member/Officer Project Group was established to discuss progress on the process of developing the Minerals Local Plan. This has met at key stages to discuss the main issues as they have arisen and to provide a Member steer on process.
22. Two site visits have been undertaken for Members of the Environment and Sustainability Committee and other relevant members, in order for them to gain an understanding of the wider context of the proposed greenfield sites and to discuss the key issues arising from the visits.

Summary of the main issues raised during the three Preferred Approach consultation stages

23. The following paragraphs summarise the main issues raised and how these have been addressed. A more detailed schedule listing all of the representations made at each stage, along with the response, is available as a Background Paper to this report and can be viewed on the webpage for this meeting. Copies of original representations are available for public inspection in accordance with the Council's Statement of Community Involvement.

Level of future provision

24. Throughout the consultation stages the minerals industry made representations stating that additional minerals reserves (above those already proposed) are needed to meet expected future growth whilst members of the public and local action groups argued that the amount of reserves identified should be less due to the effects of the recession and reduced demand.

25. The production data used incorporates five years of high production (pre-recession) and five years of very low production (recession period). This is considered to provide a robust figure from which to forecast future demand as it provides sufficient flexibility to allow for growth in future. If the plan were to use a lower figure, and growth increases as expected, the plan could under-estimate demand, resulting in a lack of provision and requiring an early review of the plan to identify additional reserves.

Exploitation of Shale Gas

26. A number of respondents raised concerns about the future exploitation of Shale Gas reserves, seeking either a moratorium on the development of Shale Gas, or the inclusion of a separate policy. The National Planning Policy Framework requires all Minerals Planning Authorities to identify and include policies for extraction of locally and nationally important minerals, including both conventional and unconventional hydrocarbons (e.g. Shale Gas and Coal Bed Methane). The emerging Minerals Local Plan contains a policy covering all types of hydrocarbon minerals including oil, gas, coal bed methane and shale gas. This is in line with national guidance and identifies the key stages of development; Exploration, Appraisal, Extraction and Restoration. A separate policy for shale gas is not required as the planning process is the same for all types of hydrocarbons.

Transport issues

27. Many local residents and community groups raised concerns over possible traffic impacts in terms of congestion, road safety and vehicle emissions. As part of the evidence base, a Strategic Transport Assessment has been undertaken to assess the wider impact of additional HGV traffic from the proposed quarries. This concludes that none of the proposed allocation sites would have an unacceptable highways impact. Each site would also require a detailed Transport Assessment at the planning application stage.

Flood risk

28. Members of the public and local action groups also raised concerns about the possibility of new sand and gravel sites increasing the risk of flooding where these are located in the flood plain. Detailed advice has been sought from the Environment Agency and a Strategic Flood Risk Assessment (SFRA) has been carried out to help inform the preparation of the plan. This considers the risk of flooding from all sources, now and in the future, taking account of climate change impacts and assesses the impact of proposed minerals development.
29. Sand and gravel extraction is defined within the national Planning Policy Practice guidance as 'water compatible' and is therefore acceptable within the flood plain subject to certain prescribed safeguards which are reflected within the plan. Where necessary, the requirement to carry out a site-specific Flood Risk Assessment at the detailed planning application stage has been incorporated into the development brief for relevant sites.
30. Relevant parts of the plan's justification text have been expanded to encourage restoration proposals for quarries close to rivers to incorporate features that would enable the flood plain to be reconnected to the river providing additional areas of flood storage and increased areas of habitat and biodiversity gain.

Landscape, biodiversity and heritage issues

31. Residents, community groups and environmental groups have raised concerns about potential landscape, biodiversity and heritage impacts at proposed sites. Advice has been sought from relevant statutory bodies and the Council's landscape, conservation and heritage teams at each stage of plan preparation and the policies and proposals within the plan are subject to a rigorous process of on-going sustainability appraisal which has helped to inform the process of site selection in order to minimise potential site-specific impacts and to identify appropriate mitigation measures where there are unavoidable impacts.
32. Policy DM4 has been revised in response to comments from Natural England in order to provide greater clarity on the protection of designated sites at the international, national or local level and a number of revisions have been made to the plan's strategic objectives and justification text to reflect comments from the RSPB and Nottinghamshire Wildlife Trust on the importance of habitat connectivity and a 'landscape scale' approach in respect of the biodiversity-led restoration approach (Policy SP3).

The Minerals Local Plan Submission Draft consultation document

33. Once adopted, the new Nottinghamshire Minerals Local Plan will form the land use planning strategy for mineral development within Nottinghamshire as a whole. The submission draft is included in Appendix A. It will provide the basis for the determination of mineral planning applications within the County. Its over-arching theme is the promotion of sustainable development and achieving the highest quality restoration possible. This means balancing the economic benefits and need for minerals against the social and environmental disruption and harm that their extraction can cause. Long term environmental gains can be achieved, for example, by creating wildlife habitats out of worked out quarries. Sustainability also means safeguarding mineral resources from unnecessary sterilisation so they can remain available for extraction for future generations.

The Submission draft document is split into three main sections:

Strategic policies (SP)

34. The strategic policies cover the key issues of sustainable development, minerals provision, biodiversity led restoration, climate change, transport, the built and natural environment and the green belt. In many cases more detailed policies are contained under the specific minerals provision policies or in the development management policies section of the document.

Minerals provision policies (MP)

35. Mineral Provision Policies setting out the mineral requirements during the plan period to 2030, including site specific allocations to meet this demand. This is split into a number of mineral specific policies

Development Management Policies

36. Development Management Policies, the purpose of which are to deliver the strategic policies and objectives by providing the criteria against which future minerals development will be assessed. They relate specifically to individual, site level criteria such as environmental

impacts and standards and provide guidance about how planning applications for minerals development in the county will be assessed;

Demand for minerals over the plan period

37. As set out in the National Planning Policy Framework (NPPF), the Minerals Local Plan is required to identify adequate mineral to meet expected demand over the plan period to 2030. Depending on the type of mineral, this is done by identifying an annual production figure, a landbank of reserves with planning permission or a combination of both.
38. For Aggregate minerals (sand and gravel, Sherwood Sandstone and limestone) the County Council is required to produce a Local Aggregates Assessment (LAA). The LAA is produced annually and sets out production data for the last 10 years, it also identifies any key local issues that may increase demand for aggregates such as increased house building. The data from the LAA is used to identify expected future demand over the plan period, using the last 10 and 3 year average production figures and any local issues that may impact on future output such as resource depletion or significant increases in house building.
39. Policy MP1 – ‘Aggregate provision’ sets out the expected demand over the plan period for aggregate minerals and this is set out in table 1 below.

	LAA derived annual production figures (Million Tonnes)	Estimated demand 2012-2030 (19 years) (Million Tonnes)
Sand and gravel	2.58	49.02
Sherwood Sandstone	0.46	8.74
Limestone	0.08	1.52

Table 1: Aggregate Provision

40. The 10 year period used to identify demand over the plan period is from 2002-2011 (inclusive). This was the most up to date information available when production on the plan was commenced and forms the baseline of the plan. Whilst more up to date information is now available, the 2002-2011 data provides a robust period to forecast future demand due to the 5 years of high output and the 5 years of very low production due to the recession. More recent figures are much more heavily influenced by the recession and would not be representative of ‘normal’ economic conditions. If used it could result in under provision over the plan period, potentially allowing the minerals industry to apply for planning permission for sites that are not allocated in the plan. By using the proposed 10 year figure the plan retains an appropriate degree of flexibility to provide an adequate and steady supply of minerals as required by national policy.
41. It is also worth noting that the annual production figures, shown in table 1 above, are not targets but are an estimate of likely demand. Therefore if the economy remains flat and demand for mineral is low, the minerals industry is unlikely to invest in opening up new quarries. This would result in the allocations remaining unused and would only come forward once demand increases later in the plan period.

Sand and gravel provision

42. As identified in the table above, sand and gravel demand over the plan period is expected to be 49.02 million tonnes. Once existing sand and gravel reserves with planning permission as

of December 2011 (19.31 million tonnes) have been subtracted, the shortfall over the plan period is expected to be 29.71 million tonnes.

43. The Preferred Approach document identified 12 proposed extensions and five new sites to meet expected demand.
44. Since this date, four extensions previously identified in the 2013 Preferred Approach consultation document as allocations (totalling 3.98 million tonnes) have been granted planning permission. This has resulted in proposed allocations either being reduced in size or removed completely. Permissions granted at Bawtry Road and Langford South have reduced the original size of the allocations. Permissions granted at Finningley and East Leake East have been removed from this stage of the Local Plan.
45. As a result, the Submission Draft consultation document is allocating 10 extensions to existing quarries and 5 new quarries totalling 28.68 million tonnes. Identified in table 2 below.
46. In total, 32.66 million tonnes of sand and gravel has been identified for allocation over the plan period to 2030 which is above the identified shortfall (29.71 million tonnes). This would ensure that the plan provides a 'buffer' over the plan period to enable a steady and adequate supply to meet demand over the plan period.
47. The new sites have been subject to detailed assessment and those identified as suitable in principal have been identified in the plan. All extensions to existing quarries put forward have been identified. Three greenfield sites originally put forward by the industry at Barton in Fabis, Little Carlton and Home Farm have not been included. The Barton in Fabis site and the Little Carlton site have not been included as the overall environmental impacts are considered more severe than other potential sites as set out in the Sustainability Appraisal which accompanies the Local Plan. The Home Farm site (near Kelham) is not being included as it is not considered deliverable due to the mineral company's existing permitted but unworked sites and proposed site allocations.

Site reference	Allocation name	Location
Extensions		
MP2b	Bawtry Road North	Idle Valley
MP2c	Scrooby North	Idle Valley
MP2d	Scrooby South	Idle Valley
MP2e	Besthorpe East	Newark
MP2f	Besthorpe South	Newark
MP2g	Langford Lowfields South	Newark
MP2h	Langford Lowfields West	Newark
MP2i	Langford Lowfields North	Newark
MP2j	East Leake North	Nottingham
MP2l	Cromwell South	Newark
New sites		
MP2m	Barnby Moor	Idle Valley
MP2n	Botany Bay	Idle Valley
MP2o	Coddington	Newark
MP2p	Flash Farm	Newark
MP2r	Shelford	Nottingham

Table 2: Proposed sand and gravel allocations

48. As noted earlier in the report, throughout the consultation stages the minerals industry generally made representations stating that further mineral reserves should be identified to meet expected future growth, although members of the public and local action groups thought that the amount identified should be reduced due to the previous subdued economic conditions.

Sherwood Sandstone provision

49. Based on the Sherwood Sandstone requirement set out in the aggregate provision policy, the plan needs to provide 8.74 million tonnes of Sherwood Sandstone over the plan period. Once existing permitted reserves of 6.8 million tonnes are taken into account the shortfall over the plan period is 1.94 million tonnes. However because approximately 1.53 million tonnes of the 2 million tonnes of permitted reserves at Burntstump Quarry are likely to be worked beyond the plan period, 3.48 million tonnes are required over the plan period in order to achieve the annual apportionment figure.

50. To meet this figure, three extensions to existing quarries are being identified and are set out in the table below.

Site reference	Allocation name
MP3a	Bestwood 2 East
MP3b	Carlton Forest North
MP3c	Scrooby Top North

Table 3: Proposed Sherwood Sandstone allocations

Limestone provision

51. Adequate permitted reserves remain in the existing Nether Langwith Quarry and therefore no further reserves will need allocating within this plan period.

Secondary & recycled aggregates

52. Government policy continues to encourage the use of secondary and recycled materials in construction in order to reduce the need for material from traditional sources. Nationally there are substantial amounts of these materials that could contribute further to aggregate supply. In order to conserve natural resources, aggregates (and products manufactured from aggregates) should be recycled wherever possible.

53. The new Minerals Local Plan reflects the Government stance in encouraging the use of secondary and recycled aggregates through policy MP5 – Secondary and recycled aggregates. The minerals plan is not required to identify expected demand or allocate sites for secondary or recycled aggregates as this is addressed through the Waste Local Plan.

54. It is estimated that secondary and recycled aggregates make up 25-30% of aggregate use in the UK. This is around three times higher than the European average. Given the technical

specifications required for many construction purposes and the availability of further suitable material it is thought that further significant growth in this sector is limited.

55. Due to the lack of local data, the plan assumes that secondary and recycled aggregates will continue to make a similar contribution to overall aggregate supply throughout the plan period and this is reflected in the level of identified sites.

Brick Clay provision

56. There is no national demand forecast or local apportionment for brick clay although the National Planning Policy Framework (NPPF) does require a 25 year landbank of permitted brick clay reserves to be identified for each brick works. In Nottinghamshire there are two brick works with associated clay pits operated by two national producers – Kirton near Ollerton and Dorket Head near Arnold. Neither clay pit has a 25 year landbank although reserves at Dorket Head are sufficient to cover the plan period.
57. The existing Kirton brick pit supplies clay directly to the adjacent brick works. Permitted reserves are only expected to be sufficient until 2023 and therefore an extension to the existing quarry has been identified in the plan. The extension would be worked in phases and is expected to have a 33 year life. Whilst this is longer than required 25 year landbank it would provide certainty to the minerals operator and provide greater scope to include additional screening and standoffs to sensitive areas such as residential properties.
58. Adequate permitted reserves exist at Dorket Head clay pit in this plan period, and therefore no specific allocations are being considered.

Industrial dolomite provision

59. Industrial dolomite is a high quality industrial grade limestone that is used in the iron and steel industry and for refractory products. The resource in the UK is rare, and is only worked in two locations in the UK, Thrislington, in Durham and Whitwell in Derbyshire. The quarry at Thrislington supplies the UK market whilst the on-site kilns at Whitwell quarry (operated by Lhoist) supply 28 countries spanning 4 continents.
60. There is no national demand forecast or local apportionment for industrial dolomite. However, the NPPF states that Minerals Planning Authorities should plan for a steady and adequate supply of industrial minerals.
61. No industrial dolomite is currently worked in Nottinghamshire; however a site containing industrial dolomite was identified by the minerals industry, at Holbeck close to the existing Whitwell quarry in Derbyshire. The site would act as a remote extension to the existing Whitwell quarry.
62. Although the site could provide significant reserves of industrial dolomite, it is located in close proximity to Creswell Crags which is categorised as a Scheduled Ancient Monument, a Site of Special Scientific Interest and forms part of the Registered Park and Garden of Welbeck Abbey. The Crags are also identified on a short list for a potential future World Heritage Site. Any proposal to allocate a site in this area would require careful consideration of the potential impacts on the historic environment, offset against the international need for the mineral. The Submission Draft contains a policy for industrial dolomite (MP9) which states that proposals

will be supported where a need can be demonstrated. But a specific site has not been identified in the plan.

Hydrocarbons

63. Historically, conventional hydrocarbon extraction, in the form of oil (extraction) has taken place on a small scale in the county since the Second World War. More recently mine gas extraction has also taken place in the County at former colliery sites. These activities have typically raised few problems.
64. Unconventional hydrocarbon extraction such as coal bed methane extraction and shale gas has been made possible due to improvements in drilling methods and new equipment. Unconventional hydrocarbons have been extracted on a large scale in the United States of America, however the industry remains in its infancy in the UK and Europe.
65. As noted previously, some representations to the consultation suggested that a separate policy for shale gas developments should be included in the plan, however national policy does not require this as the planning process involved is the same as for other forms of hydrocarbon development.
66. Potential coal bed methane and shale gas resources lie under parts of the county and therefore need to be considered in the minerals plan. Policy MP12 'Hydrocarbon minerals' sets out the County Council's approach towards all types of this activity. The policy is in line with national policy and sets out how future developments should be addressed at the four key stages; exploration, appraisal, extraction and restoration.

Other minerals

67. The plan also contains policies that deal with gypsum, building stone and coal provision however whilst these remain important minerals no further reserves / allocations are required over the plan period for these minerals.

Next Steps

68. Approval of documents forming part of the Development Plan is the responsibility of Full Council. If Environment and Sustainability Committee are minded to endorse the Submission Draft document, approval will be sought at Full Council on the 14th January to publish the plan for a six week formal consultation process beginning in February 2016. This formal consultation period will provide an opportunity for local communities and interested parties to comment on the soundness of the plan.
69. The representations made during this plan period will be considered and amendments made to the plan, where appropriate prior to returning to Committee and Full Council for approval to submit to the Secretary of State for Communities and Local Government for independent examination.

70. The plan and all the representations received will be subject to an independent examination by a Planning Inspector appointed by the Secretary of State for Communities and Local Government. The inspector's role is to consider the 'soundness' of the whole plan.

71. If considered sound by the independent inspector the Local Plan can be adopted. Approval to adopt is likely to be sought from Full Council in late 2016.

Other Options Considered

72. Preparation of the Minerals Local Plan is a statutory requirement.

Reason/s for Recommendation/s

73. To progress the process by which the Minerals Local Plan will be adopted as required by law.

Statutory and Policy Implications

74. This report has been compiled after consideration of implications in respect of finance, the public sector equality duty, human resources, crime and disorder, human rights, the safeguarding of children, sustainability and the environment and those using the service and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

Equalities Implications

75. An Equalities Impact Assessment has been carried out and the report concludes that there are no adverse impacts.

Financial Implications

76. The costs of preparing and examining the Minerals Local Plan will be met through a reserve which has been established to cover these costs.

Implications for Sustainability and the Environment

77. The production of Minerals Local Plans and associated documents is a statutory requirement.

RECOMMENDATION/S

It is recommended that:

- a) Committee notes the summary of the main issues raised during the three Preferred Approach consultation stages and how these have been addressed.

- b) Committee endorses the Minerals Local Plan Submission Draft document and recommends that Full Council resolve to publish it for formal consultation.

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For any enquiries about this report please contact: Lisa Bell, Planning Policy Team Manager, ext 74547

Constitutional Comments (SLB 17/12/15)

78. Environment and Sustainability Committee is the appropriate body to consider the content of this report.

Financial Comments (SES 18/12/15)

79. The financial implications are set out in the report.

Background Papers and Published Documents

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

Summary of Representations Received and Council's Response

Electoral Division(s) and Member(s) Affected

All