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Sent: 12 December 2017 12:14
To: Planning Policy
Cc: [REDACTED] clerk_bartoninfabispc [REDACTED]
Subject: Minerals local Plan - Issues and Options consultation
Attachments: Response Issues & Options.odt

Please see attached, the response from Barton in Fabis Parish Council with respect to the above consultation. A separate response will be made with respect to the Sustainability Appraisal consultation. We would be grateful if you would acknowledge receipt.

Julian Coles

On behalf of Barton in Fabis Parish Council

Response to issues and Options Consultation Document

– Barton in Fabis Parish Council 11/12/2017

Question 1 Do you think any other information should be included in the overview of the area?

Yes. Please see points below for inclusion.

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“Around two thirds of the population live in, or around, Nottingham which is a major centre for employment and retailing. The remainder live in, or close to, the other main towns of Mansfield, Kirkby in Ashfield, Sutton in Ashfield, Hucknall, Worksop, Newark and Retford. Outside these urban areas, the rest of the County is largely rural with scattered small villages, farmland, woodland and commercial forestry.”

The point should be added that as a result of the concentration of population access open space adjacent to the larger conurbation plays an important role in the health and wellbeing of local people and mineral extraction in those areas should be avoided wherever possible.

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“Nottinghamshire also supports a wide network of important sites for nature conservation, the most important focused within Sherwood Forest, near Edwinstowe. This includes a Special Area of Conservation and possible future Special Protection Area, both of which hold international status.”

Attenborough Nature Reserve in the south of the county should be added to the list of sites for nature conservation as this attracts 600,000 visitors per year (RSPB ‘*Bigger and Better*’). It is recognised as being of national ecological importance. Reference should be made to the importance of preserving / enhancing SSSIs across the county. We propose that a map of SSSIs is included in the MLP.

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“However, the overall quality of our natural environment has suffered in the past from industry and other development pressures and there has been a decline in biodiversity, with losses of ancient woodland, heathland, species-rich grassland, hedgerow and wetland habitats, as well as the species that these habitats support.”

We agree. However, it should be stated that there should be no further loss or impact

on designated sites including SSSIs, SINC's and Local Wildlife Sites in view of the County's decline in biodiversity. Reference should therefore be added to the need to preserve remaining examples of the habitats referred to, especially in considering sites for mineral extraction. Reference to conserving and strengthening ecological networks and corridors should also be added.

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"Road and rail links to the rest of the UK are generally good especially via the main north-south routes of the M1, A1 and direct rail links to London from Newark and Nottingham."

Reference should be added to the River Trent as a potential navigable route for aggregates along part of its length

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"Mansfield, Worksop and Newark are important centres for warehousing and distribution whilst service, technology and research based industries tend to cluster around Nottingham. The energy industry also has a major role with four power stations along the River Trent. Elsewhere, agriculture and forestry are no longer major employers but still make up much of the County's rural landscape, particularly to the south and east."

Reference should be added to the fact that rural landscape in the south of the county has already diminished as a result of new road links and expansion of Nottingham. It should be noted that while agriculture may not be a major employer the importance of retaining the best agricultural land remains a priority.

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"As the County is quite poor in biodiversity, sand and gravel reclamation schemes have had a very significant role in redressing the balance."

Reference should be added for the need for areas which are already rich in biodiversity to be preserved, and where these would be negatively impacted by sand and gravel restoration schemes. It should be noted that restoration is beneficial in those areas already degraded ecologically. In those areas that are currently significant for biodiversity, conservation of existing biodiversity resources rather than restoration following mineral extraction is the preferred option

Question 2 Do you agree with the draft vision? Are there other things we should include?

No. Please see below for specific points that should be included

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“There are three dimensions to sustainable development which the planning system needs to take into account.....

The NPPF and the Planning Practice Guidance (PPG) also sets out specific guidance for the sustainable use of minerals”

It is simply not sufficient merely to quote the overall “dimensions” quoted in the NPPF.

Instead the specific elements of the NPPF / NPPG which are relevant to mineral extraction and its potential impact on the wider environment should be specifically identified. Moreover while there are three dimensions they should not be traded off against each other – sustainable development implied all three need to be considered in a balanced way. The MLP should confirm that these will be at the centre of the criteria used to assess the sustainability of proposed sites:

We would wish to see highlighted in particular:

- **Section 11 on ‘Conserving and enhancing the natural environment’**

Para 109

“The planning system should contribute to and enhance the natural and local environment by:

- **protecting and enhancing valued landscapes, geological conservation interests and soils;**
- **recognising the wider benefits of ecosystem services;**
- **minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government’s commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;**
- **preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability; and**

- remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.”

Para 118

“When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:

- if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
- proposed development on land within or outside a Site of Special Scientific Interest likely to have an adverse effect on a Site of Special Scientific Interest (either individually or in combination with other developments) should not normally be permitted. Where an adverse effect on the site’s notified special interest features is likely, an exception should only be made where the benefits of the development, at this site, clearly outweigh both the impacts that it is likely to have on the features of the site that make it of special scientific interest and any broader impacts on the national network of Sites of Special Scientific Interest;
- development proposals where the primary objective is to conserve or enhance biodiversity should be permitted;
- opportunities to incorporate biodiversity in and around developments should be encouraged;
- planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss; and
- the following wildlife sites should be given the same protection as European sites: – potential Special Protection Areas and possible Special Areas of Conservation; – listed or proposed Ramsar sites;²⁶ and – sites identified, or required, as compensatory measures for adverse effects on European sites, potential Special Protection Areas, possible Special Areas of Conservation, and listed or proposed Ramsar sites.”

Para 123

“Planning policies and decisions should aim to:

- avoid noise from giving rise to significant adverse impacts
- mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions;

- recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established; and
- identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.”

- Section 13 on ‘Facilitating the sustainable use of minerals’

Especially para 143:

“set out environmental criteria, in line with the policies in this Framework, against which planning applications will be assessed so as to ensure that permitted operations do not have unacceptable adverse impacts on the natural and historic environment or human health, including from noise, dust, visual intrusion, traffic, tip- and quarry-slope stability, differential settlement of quarry backfill, mining subsidence, increased flood risk, impacts on the flow and quantity of surface and groundwater and migration of contamination from the site; and take into account the cumulative effects of multiple impacts from individual sites and/or a number of sites in a locality;”

And para 144

“ensure, in granting planning permission for mineral development, that there are no unacceptable adverse impacts on the natural and historic environment, human health or aviation safety, and take into account the cumulative effect of multiple impacts from individual sites and/or from a number of sites in a locality; • ensure that any unavoidable noise, dust and particle emissions and any blasting vibrations are controlled, mitigated or removed at source,³¹ and establish appropriate noise limits for extraction in proximity to noise sensitive properties;”

- Section 9 ‘Protecting Green Belt land’

The vision should set out how mineral planning relates to the Green Belt and the importance given to its preservation in the NPPF:

The NPPF and Government (para 79) “attaches great importance to Green Belts” and states (para 87) very clearly that inappropriate development should not be approved except in very special circumstances:

“inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances”

Para 88 states:

“When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm is clearly outweighed by other considerations”

Para 89 states:

“A local planning authority should regard the construction of new buildings as inappropriate in Green Belt. “

Buildings associated with the processing of minerals are not listed amongst the exceptions and should therefore be considered inappropriate in the Green Belt

Para 90 states that mineral extraction is “not inappropriate” in the Green Belt provided it preserves the openness of the Green Belt and does not conflict with the purposes of including land in Green Belt. Even if the extraction of gravel is considered “not inappropriate” by the NPPF that does not mean that it is automatically permissible. “Very special circumstances” (para 88) must still be justified.

- PPG Minerals

Identifies a series of criteria against which proposed sites for mineral extraction should be evaluated:

- **noise associated with the operation**
- **dust;**
- **air quality;**
- **lighting;**
- **visual impact on the local and wider landscape;**
- **landscape character;**
- **archaeological and heritage features (further guidance can be found under the Minerals and Historic Environment Forum’s Practice Guide on mineral extraction and archaeology;**
- **traffic;**
- **risk of contamination to land;**
- **soil resources;**
- **geological structure;**
- **impact on best and most versatile agricultural land;**
- **blast vibration;**
- **flood risk;**

- land stability/subsidence;
- internationally, nationally or locally designated wildlife sites, protected habitats and species, and ecological networks;
- impacts on nationally protected landscapes (nationally protected geological and geo-morphological sites and features;)
- site restoration and aftercare;
- surface and, in some cases, ground water issues;
- water abstraction.

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“ensuring future minerals development does not have unacceptable adverse impacts on the natural and historic environment or human health. This is will be achieved through the identification of site specific allocations and a range of planning policies against which planning applications can be assessed.”

This statement should be specific with regard to the “range of planning policies” that will be applied and should take account of a) the number of people and b) the relative quality of the existing natural and historic environments in identifying site specific allocations.

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“Local policy includes the Council Plan – ‘Your Nottinghamshire, Your Future’, the Nottinghamshire Local Transport Plan and the District Councils’ Local Plans”

We believe that other policies such as Greater Nottingham Landscape Character Assessment (GNLCA) should also be taken in to consideration. Similarly policies for biodiversity and human health and well-being should be considered.

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“Within geological constraints, mineral development will be concentrated in locations that offer the greatest level of accessibility to the major markets and growth areas and to sustainable transport nodes to encourage sustainable patterns and modes of movement.”

In line with vision statements in the Council’s strategic ambition ‘Your Nottinghamshire, Your future’ it should be added that the location of mineral

development should be prioritised in locations which promote the interests of local people and the visions of ‘a great place to bring up your family’ and ‘a great place to enjoy your later life’ rather than those in the interests of the aggregate industry requiring the greatest level of accessibility to the major markets and growth areas. This will mean prioritising locations away from major centres of population, whilst also prioritising sustainable transport nodes to encourage sustainable modes of transport. It will also mean prioritising areas which are valuable in cultural and heritage terms and valuable ecologically.

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“All mineral workings will contribute towards a greener Nottinghamshire by ensuring that the County’s diverse environmental and historic assets are protected, maintained and enhanced through appropriate working, restoration and after-use. This will result in improvements to the built and natural environment, and contribute to landscape-scale biodiversity delivery; and the re-connection of ecological networks.

The quality of life and health of those living, working in, or visiting Nottinghamshire will be protected.”

It is unrealistic to suggest that mineral workings will improve the built and natural environment where the potential site is already rich in biodiversity for example including SSSIs and SINCs.

We would propose that the vision should state that:

“Sites for mineral workings will be allocated in areas which cause the least damage to the built and natural environment and which may improve the existing environments. Sites will also be selected which minimise the impact on the quality of life and health on the minimum number of people living, working in or visiting Nottinghamshire. Sites which currently enhance the quality of life for nearby urban populations should be avoided.”

Question 3 Are the above strategic issues appropriate? Are there others we should consider?

Yes, but the emphasis should be on reducing the number of people impacted by sand and gravel excavation - see comments below.

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1. “Improving the sustainability of minerals development

Ensuring that primary minerals are worked in the most sustainable manner and the use of secondary and recycled aggregates is encouraged. Securing a spatial pattern of mineral development that efficiently delivers resources to markets within and outside Nottinghamshire”.

We would add the statement “and which impacts the minimum number of people and uses the most sustainable modes of transport and which minimises the impact on local communities and the environment”

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“3. Minimise impacts on communities

Minimise the adverse impacts on Nottinghamshire’s communities by protecting their quality of life and health from impacts such as traffic, visual impacts, noise and dust.”

**This should be placed as the first strategic issue and should be reworded and titled
Title: “Prioritise the minimisation of impact on communities” “Prioritise the minimisation of adverse impacts...etc”**

The paragraph should also include reference to preserving the amenity value of areas such as rights of Way and their contribution to the quality of life and health of communities.

Question 4 Do you think the average 10 year sales figure is the most suitable methodology for forecasting future aggregate demand in Nottinghamshire. If not please identify any alternatives you feel are realistic and deliverable and the evidence to support this approach.

No. The analysis of future aggregate demand should include a wider analysis of demand within and outside Nottinghamshire as well as a wider analysis of the total feasible supply of aggregates taking in to account supply from neighbouring counties – see points below.

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“Recycled and secondary aggregates are also produced, however reliable data for this sector is limited”

The use of recycled and secondary aggregates is likely to be significant in offsetting the need for new supplies. Further work must be undertaken to obtain more reliable data and / or a reasonable estimate.

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“This factor is likely to be combined with the minerals industry focusing on existing quarries outside the County and the lack of investment in new greenfield quarries in Nottinghamshire, even though adequate sand and gravel resources remain.”

The Issues and Options document should not be based on such unsubstantiated speculation. The document focuses purely on past sales within Nottinghamshire as a predictor of future demand. A more robust assessment should be based on an analysis of a) the likely demand from outside Nottinghamshire of material exported to counties to the north and west and b) the available supply from adjacent counties(particularly in the south of the county) to supply the Nottinghamshire market. The supply and demand for sand and gravel does NOT stop at the County border!

Question 6 Do you think extensions to existing permitted quarries should be prioritised over new greenfield quarries?

Yes – see comments below.

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“However, extensions to existing quarries can result in potential social and/or environmental cumulative impacts in the area. National guidance states that potential sites should be based on their individual merits taking into account the need for the mineral, economic considerations, the potential positive and negative environmental impacts and the cumulative impacts of proposals in the area.

The Minerals Local Plan will need to identify site specific allocations. Depending on the availability of extensions to existing permitted quarries going forward, the suggested approach for the Minerals Local Plan will be to give priority to extensions to existing permitted quarries before new greenfield quarries are considered.”

The required infrastructure is likely to be already available in the case of existing quarries and it therefore makes sense to prioritise the extension of these ahead of

new greenfield sites. The environmental impact of a new greenfield site is likely in most cases to have a greater adverse impact.

There is the advantage of continuity of production as existing sites have infrastructure already in place. They can also help retain the existing workforce and provide a mechanism for the full recovery of the resource thus avoiding the unnecessary sterilisation of the mineral. It also means that restoration efforts can be coordinated and focussed on successful delivery of environmental outcomes.

It should be added that in considering new greenfield sites, account should be taken of the cumulative impact of such schemes in terms of other developments, especially where important sites such as SSSIs exist. Policy M3.27 refers.

Question 8 How important is it to maintain a geographical spread of sand and gravel quarries across the County (i.e. Idle valley, near Newark and near Nottingham) to minimise the distance minerals are transported to markets?

A geographical; spread of quarries is just ONE factor. Other more important factors need to be evaluated alongside this in determining where quarries should be located. See comments below.

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“Maintaining this geographical spread in the future would minimise the social and environmental impacts of quarrying on individual areas and provide minerals close to the main markets, reducing the distances sand and gravel will have to be transported by road.”

The social and environmental impact of transporting sand and gravel by road is only ONE factor in social and environmental impact and we do not understand why this factor has been singled out and it should not solely determine where quarrying should be located.

Other social and environmental impacts include:

- Landscape and visual impact including impact on the Green Belt
- Impact on the historical environment
- Noise and air quality impact on vulnerable communities, particularly in areas which impact the most people e.g. near to large settlements
- Loss of agricultural land
- Flood risk and hydrology impact
- Ecological impact

- The recreation and amenity value of the area given the proximity of centres of population.

See also factors identified in PPG Minerals and response to Question 2 above. It would be entirely wrong to select a site merely because it is close to a particular market if it were also to have a greater social and environmental impact in other respects.

With respect to sites in the Green Belt NPPF para 88 states that “When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt” and that “very special circumstances” need to be demonstrated if the harm is to be outweighed by other considerations. The distance which aggregates have to travel by road cannot by itself be considered to outweigh the harm caused by quarry sites in the Green Belt.

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“Demand for sand and gravel from the wider Nottingham conurbation has historically seen quarries located close to the conurbation. This historic pattern started to break down as no new quarries have been opened to replace worked out quarries in this area. However, sand and gravel resources still exist, it is possible that over the next plan period new quarries could be opened around the Nottingham conurbation. A planning application for a quarry at Mill Hill, near Barton in Fabis, has been submitted to the County Council for determination. No decision has yet been taken, however, if approved the quarry would provide around 3.4 million tonnes which could serve the South Nottinghamshire area and the wider Nottingham conurbation.”

We note that the report to the Communities and Place Committee from the Corporate Director for Place states that “It is important to note that the document does not consider site specific allocations.” We therefore consider it completely inappropriate and prejudicial to other sites that might come forward for specific reference to be made to a planning application for a quarry at Mill Hill, near Barton in Fabis. No reference is to other sites which could serve the South Nottinghamshire area and the wider Nottingham conurbation such as the extension to the East Leake quarry for which planning permission has already been granted subject to S106 agreement and other sites put forward in the withdrawn MLP such as that at Shelford.

Question 9 Would it be more appropriate to prioritise specific areas above others?

No. The prioritisation of areas can only be made once a full analysis of supply and demand has been undertaken including the projected demand from outside Nottinghamshire of material exported to counties to the North and West and the available supply from adjacent counties (particularly in the south of the county).

Question 10 Is it economical to transport mineral by river barge and if so should proposed quarries with the potential for moving sand and gravel by river barge be prioritised over other proposals?

Numerous studies (Canal and River Trust / Commercial Boat Operators Association) show barges provide an economically viable solution and provide environmental benefits e.g. 25% less fuel per tonne/mile and 25% less CO2 per mile. Barges have been used on parts of the River Trent over many decades and proposed quarries with the potential for their use should certainly be prioritised.

The quarry site at Sturton Le Steeple has been quoted in the LAA as providing “150,000 tonnes per annum potential barge transportation” and the Shelford site in the previous draft MLP proposed some 40% output being transported by barge transport.

Barge transport is significantly more sustainable and provides a real opportunity to remove / reduce HGV transport journeys and deliver materials to the heart of cities such as Nottingham.

Question 25 Do you agree with the proposed development management policy areas? Are there any others that should be covered?

No. The current list contains some areas which are vague:

- What does ‘Protecting local amenity’ include?
- What is meant by ‘Incidental mineral extraction’
- Historic environment should include reference to designated and undesignated heritage assets

In addition, the list of development management opportunities should include all those listed in PPG Minerals (see response to Question 2) to include areas such as noise, air quality. The full list is as follows:

- noise associated with the operation
- dust;
- air quality;
- lighting;

- visual impact on the local and wider landscape;
- landscape character;
- archaeological and heritage features (further guidance can be found under the Minerals and Historic Environment Forum's Practice Guide on mineral extraction and archaeology);
- traffic;
- risk of contamination to land;
- soil resources;
- geological structure;
- impact on best and most versatile agricultural land;
- blast vibration;
- flood risk;
- land stability/subsidence;
- internationally, nationally or locally designated wildlife sites, protected habitats and species, and ecological networks;
- impacts on nationally protected landscapes (nationally protected geological and geo-morphological sites and features;)
- site restoration and aftercare;
- surface and, in some cases, ground water issues;
- water abstraction.

Proposed Development Management policies should also include and take account of the recently updated published National Character Profile¹ for the Trent Valley Washlands, which proposed the following set of objectives in relation to the opportunities to maintain, enhance and strengthen the landscape character of the Washlands,

SEO 1: *'Carefully plan and manage new development within the NCA to ensure that landscape character and ecosystem services are strengthened, that heritage features, wildlife habitats, woodland and the hedgerow network are enhanced, and that opportunities for creation of multifunctional green infrastructure are realised so that this landscape is resilient to the forces of change that it is experiencing'*. As the *Guidelines for Landscape and Visual Impact Assessment, 3rd Edition* notes many valued landscape features perform a wide range of functions that in turn have the potential to deliver a wide range of different services of value to people. The

¹ <http://publications.naturalengland.org.uk/publication/5447860266991616?category=587130>

guidelines suggest that consideration of ecosystem service concepts is especially valuable in promoting cross-cutting and integrative approaches. We suggest they would be especially relevant in assessing the strategic dimension of this proposal.

SEO 2: *'Manage and enhance the Trent Valley Washlands' river and flood plain landscape to combine its essential provision and regulation of water role with landscape enhancement, nature conservation, climate regulation, farming, recreation and a resource for understanding geodiversity.'*

SEO 3: *'Protect, manage and enhance the pastoral landscape of the Trent Valley Washlands, seeking to join up and expand areas of pasture and associated attributes and habitats, to preserve heritage features, enhance biodiversity and geodiversity, protect farmland and provide additional recreational opportunities.'*

SEO 4: *'Protect and enhance the historic environment of the Trent Valley Washlands and their characteristic historic landscape. Increase awareness of the richness of this resource, protect it from neglect and physical damage, and ensure that future development complements and enhances the sense of history of the NCA.'*