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From: [REDACTED]
Sent: 12 January 2018 09:56
To: Planning Policy
Subject: Environment Agency Response to: LT/2009/107590/CS-07/IS1-L01
Attachments: PlanningProposal.rtf

The Local Development Document has been reviewed and I enclose the Environment Agency's comments on:
Core Strategy
Nottinghamshire County Council
Core Strategy

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Planning Policy
Nottinghamshire County Council
Minerals & Waste Planning
Trent Bridge House Fox Road
Nottingham
Nottinghamshire
NG2 6BJ

Our ref: LT/2009/107590/CS-
07/IS1-L01
Your ref:
Date: 21 November 2017

Dear Sir/Madam

Nottinghamshire Minerals Local Plan Consultation 2017 - Issues and Options

Thank you for giving us the opportunity to comment on the Issues and Options consultation for the Nottinghamshire Minerals Local Plan. We welcome the early engagement and our response to the questions relevant to ourselves, as well as general comments relating to flood risk and ground water are as follows:

Q2: Do you agree with the draft vision? Are there other things we should include?

We welcome the visions aim that all mineral working will protect the County's environmental assets. We would recommend that mention of the requirements of the Water Framework Directive (WFD) is included to ensure that any waterbodies are protected or enhanced to achieve good status. Also all mineral working development in flood zones 2 and 3 should reduce the flood risk to the site and others in line with the National Planning Policy Framework.

Q3 Are the above strategic issues appropriate? Are there others we should consider?

We welcome point 4 and the plan to have Biodiversity led restoration. We would suggest that the following is added in '**quarries are restored and enhanced to the highest standard**'.

In conjunction with our comments to Q2, we would suggest that an additional objective is added, titled '6. Provide Environmental and Flood Risk improvements' with a focus on the requirements of future development to reduce flood risk to the site and others for developments in flood zones 2 and 3, as well as protecting and enhancing the waterbodies to a good status where possible in line with WFD.

Q11 Are you aware of any other issues relating to Sherwood Sandstone provision that should be considered through the Minerals Local Plan review?

Abstractions for the purpose of dewatering mines, quarries or engineering excavations are currently exempt from the need for an abstraction licence under the Water Resources Act 1991. However, changes under the Water Act 2003 and draft regulations that have been laid in parliament before coming into force from 1st January 2018 will

Environment Agency
Trent Side North, West Bridgford, Nottingham, NG2 5FA.
Customer services line: 03708 506 506
www.gov.uk/environment-agency

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bring these abstractions into regulation under the abstraction licensing system. Once the regulations become live on 1st January 2018 a licence will be required for the majority of dewatering activities. There will be a two year application window until December 2019 for applications for existing dewatering operations to be made, to be followed by a three year determination period (from January 2020) for the Agency to process them. If the dewatering operations will take commence after 1st January 2018 the applicant would need to consult us at the earliest opportunity to discuss licensing requirements.

Any new licence would be dependent on whether resources are available as set out in the abstraction licensing strategy. Nottinghamshire County Council and potential applicants should be aware that the Sherwood Sandstone aquifer located within Nottinghamshire County boundary is closed to further consumptive abstraction licences. This closer to the application of consumptive abstraction licences is to protect the ground and surface water environment. A copy of the relevant Abstraction Licensing Strategies the Lower Trent and Erewash and Idle and Torne can be found on Gov.uk following the links below:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/291403/LI_T_3309_b5e317.pdf

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/291404/LI_T_5355_d453a5.pdf

Q25 Do you agree with the proposed development management policy areas? Are there any others that should be covered?

We welcome the opportunity to comment on the proposed policies. We would suggest that the currently proposed policy topic 'Water resources and flood risk' is split into 2 policies, one of flood risk, and the other of water resources. This will ensure each policy is focused on its particular environmental impact.

We would also suggest an additional policy to look at the impacts of water quality, in line with WFD requirements.

We would also suggest that the policy topic of Restoration, afteruse and aftercare is amended to include contaminated land as this is seen as a key environmental issue within the PPG (*Paragraph: 013 Reference ID: 27-013-20140306*)

Flood Risk General Comments

With regards to flood risk, the Environment Agency will provide comments on a site-by-site basis once the plan has progressed to the site allocations stage. There may be opportunities to improve flood risk management at specific sites.

There are particular flood risk concerns with sand and gravel sites, as they tend to be located in the floodplain. The following points are applicable to sand and gravel sites within the floodplain, for example the Trent Valley:

- There should generally be no raising of levels on a temporary or permanent basis.
- Piles of overburden/soil should be moved and stored, where possible, out of the floodplain.
- Any remaining bunds should be positioned in parallel with the flow direction, to maintain flow routes through the floodplain. Bunds should also be broken into sections rather than a continuous line. If the bunds are being left for any

substantial length of time they should be grassed over to protect them from being washed downstream during a flood. It will be necessary to demonstrate through flood risk modelling that any temporary storage mounds do not increase flood risk to others.

- There should be no raised haul roads or bunds either side of the roads.
- Any conveyors should be raised above the 1% AEP (Annual Exceedance Probability) flood to prevent obstructions on the floodplain which could collect debris during a flood event.
- Office/Plant should be located outside of the floodplain.
- When the site is restored the potential to improve flood risk management in the area shall be examined by the operator/developer. Ground levels should not be raised or restored in a manner that alters the flood regime to the detriment of others.
- There should be no excavations within 45 metres of a main river, or flood defence, particularly on the outside of meanders which is a zone of active erosion.
- Flood defences should not be damaged or compromised, including minor defences maintained by Risk Management Authorities (not the EA) or members of the public.
- The Idle Valley has problems with siltation, in this location it will be very important that rigorous measures are employed to ensure material is not washed into the river systems.
- With regards to transporting material by barge, this could reduce flood risk by reducing the need for roads and machinery at sand and gravel sites in the floodplain.

Groundwater General Comments

No comments to make on hydrocarbon extraction, all issues seem to be covered adequately.

It should be noted that dewatering activities will be coming into regulation on 1st January 2018 which may affect both existing and new operations.

The link below is to the government response to consultation on changes to water abstraction licensing exemptions in England and Wales: New Authorisations:

<https://www.gov.uk/government/consultations/water-abstraction-licensing-changes-to-exemptions-in-england-and-wales>

Yours sincerely

Mr Joseph Drewry
Planning Advisor

Direct dial [REDACTED]

Direct e-mail [REDACTED]