

**Nottingham County Council Minerals Plan:
Issues and Options Consultation
(20th November 2017 to 14th January 2018)**



Brett Group Questionnaire/ Policy Responses

January 2018

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Introduction

1. Context

- 1.1. Brett Aggregates Ltd (BAL) is the wholly owned subsidiary of Robert and Sons Limited (Brett Group), the aggregates, building materials and civil engineering business, which was established over a century ago. It is the largest independent producer of sand and gravel in the UK. BAL manages all Brett's quarry, marine dredged and recycled aggregates together with coated roadstone operations.
- 1.2. Following withdrawal of the Submission Draft of the Minerals Local Plan in 2017, Nottinghamshire County Council (the County) have recently published an Issues and Options document in respect of a revised MLP which is intended to be published in 2018. The County are seeking responses to a number of questions raised in the document by the 14th.January 2018.
- 1.3. BAL's interest in Nottinghamshire is in respect of aggregate bearing land adjacent to the River Trent at Shelford. This land represents a significant sand and gravel resource, the future development of which will ensure that Nottinghamshire, in particular the south of the County including the City of Nottingham, will be able to meet a steady and adequate supply of aggregates throughout the plan period whilst minimizing the amount of mineral miles travelled on the County's road network by HGVs delivering aggregate. It will also provide for the delivery of aggregate using the River Trent to bring aggregate into the established industrial area of the City for use in the production of concrete. This approach accords with National Planning Policy Guidance (NPPF) in respect of providing a steady and adequate supply of mineral and sustainable development objectives.
- 1.4. The comments made in this submission relate only to those questions raised by the County in the Issues and Options document and do not alter BAL's submissions in respect of the withdrawn MLP. The format of this response is to address those questions which relate to BAL's area of interest. As the MLP preparation proceeds and further information becomes available other matters may arise on which BAL may wish to comment.
- 1.5. Subsequent to the Policy Response, Brett also include representation in regard to the sustainability appraisal (in section 8 of this document).
- 1.6. Primary contact with the Brett Group/ BAL in regard to this consultation is: Chris Hemmingsley, Area Planning Manager: Tel: [REDACTED] or e-mail [REDACTED]

Policy Response

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

- 2.1. Nottinghamshire has a varied population distribution and it would be helpful to show on Plan 1 the relative sizes of the principal towns and Nottingham City in terms of population size. This would be helpful in understanding where demand for aggregate is likely to arise.
- 2.2. It would also be useful to show where the boundaries of adjoining Mineral Planning Authorities intersect with the boundary for Nottinghamshire. This information would be helpful in understanding the spatial inter-relationship with the neighboring counties as there is significant interaction between them in respect of mineral production and demand, see later comments.

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

- 3.1. Generally BAL agrees that the draft vision is appropriate. In particular the need to ensure that mineral development is concentrated in locations that offer the greatest level of accessibility to major markets and growth areas.

4. QUESTION 3. Are the above strategic issues appropriate? Are there others we should consider?

- 4.1. Generally BAL agrees with the strategic issues, in particular securing a spatial pattern of mineral development that efficiently delivers resources to markets within and outside Nottinghamshire.

5. 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 base to support this approach.

- 5.1. National Policy in relation to planning for future aggregate demand is to be found in NPPF. For an MLP to be found sound¹ it is necessary for it to be
 - Positively prepared
 - Justified
 - Effective
 - Consistent with national policy

¹ NPPF para 182.

- 5.2. The assessment of need on which the County are currently embarking is an essential component of this process as follows. For the plan to be positively prepared it must look forward on the basis that proposed development as set out in other plans and proposals will come forward and that need must be met through adequate allocation of resources in the MLP. This requirement must also be met for the MLP to be justified and effective.
- 5.3. The requirement for the MLP to be consistent with national policy in relation to assessing need and in particular the calculation of an adequate landbank requirement for an MLP can be found in the NPPF as follows²
- Preparing an annual Local Aggregates Assessment (LAA) based on a rolling average of 10 years sales data and other relevant local information.
 - Ensuring that large landbanks bound up in a very few sites do not stifle competition.
- 5.4. It is clear from the NPPF that the 10 year rolling average should be a starting point and that other local factors should be taken into account. The NPPF does not detail what local factors should be taken into account but National Planning Practice Guidance gives further advice. The guidance is that relevant local information used should be that which seeks to look ahead rather than just relying on past sales. The guidance goes on to advise that such information may include levels of planned construction and house building in the local area but also “*throughout the country*”³
- 5.5. The Planning Officers Society in conjunction with the Mineral Products Association have also produced useful practical guidance in assessing need and in particular what sort of local information should be used in considering the adequacy of the 10 year rolling average. These include⁴:-
- **Geological resources being exhausted**
 - **Trends and forecasts of population change including information in Local Plans on housebuilding.**
 - **Validated data on aggregate use in construction provided by the MPA.**
 - **Planned major infrastructure projects** including those within the County and 30 miles beyond as detailed in the National Infrastructure Plan 2016-2020. Also those projects included in Local Economic Partnerships Growth Deals and Strategic Economic Plans together with construction projects identified in District and Unitary Authority’s infrastructure Development Plans. Planned highway improvement and maintenance works should also be considered.
 - **Local Regional and national economic forecasts** from various sources.
 - Information from the minerals industry on the **availability of marine materials.**
 - **Major new sources of recycled or secondary material becoming available.**

² NPPF para 145

³ Planning Practice Guidance Para 064

⁴ Practice Guidance on The Production and Use of LAAs May 2017 (POS/MPA Guidance) para 3.8

- **New environmental constraints being** identified in aggregate producing areas or in proximity to them.

5.6. In looking at the appropriateness of the rolling 10 year average as the basis for calculating future demand it is essential that the veracity of the information is examined forensically. In particular are there any factors which have influenced the data such that it does not truly reflect the production of aggregate in the County to the extent that it cannot be relied upon to predict future need. In terms of the basis of a future MLP will it result in a plan which is not *justified* or *effective* in terms of whether the plan is sound.

5.7. **Geological resources being exhausted and the issue of Finningly Quarry.** Finningly Quarry is situated on the northern border of Nottinghamshire where it abuts Doncaster. It should be noted that the latest Nottinghamshire LAA (Oct 2017) advises that the annual production figures for the County have been affected by production at Finningly moving across the border into some of the years covered by the latest 10 years of production⁵. If this situation were to continue to operate in the future, that is production moving in and out of the County then its inclusion in the 10 year rolling average would be a sound basis for predicting future need. However, the Notts LAA advises⁶ that the reserves in both Doncaster and Rotherham (also referred to as South Yorkshire) are extremely limited and future supplies will be coming from Nottinghamshire, in particular the quarry at Sturton le Steeple which has permitted reserves.

5.8. This being the case it is necessary to look at the impact Finningly Quarry moving across the border has had on the last 10 years production in Nottinghamshire. This can be done by looking at the Doncaster and Rotherham LAA. Whilst individual quarry production is confidential the explanation below Table 1 makes it clear that production decreased in 2010 from 0.5MT to 0.16MT probably due to production at Finningly moving across the border into Nottinghamshire. Looking at Table 1 production from 2006 to 2015 was either 0.4/5MT or 0.14/5/6MT which indicates that at the higher levels production at Finningly was in Doncaster and at the lower levels it was in Nottinghamshire. Consequently from Table 1 we can deduce which years there would have been a shortfall in the Finningly contribution to the Nottinghamshire landbank and we can calculate the annual difference this will make by averaging the higher and lower figures and subtracting the lower from the higher. The difference is calculated as 0.3MT (0.45MT less 0.15MT).

5.9. The Nottinghamshire 10 year rolling average for sand and gravel is based on the years 2007 to 2016 whilst the Rotherham and Doncaster LAA is based on 2006 to 2015. However the Notts LAA does advise that in 2016 production in Finningly was across the border in Doncaster. This means it is possible to estimate the amount of the shortfall in the Nottinghamshire 2007 to 2016 production figures attributable to production at Finningly being in Doncaster. The calculation is based on table 1:

⁵ Notts LAA Oct 2017 para 3.1.

⁶ Notts LAA Oct 2017 para 5.11

Table 1

Year	2007	2008	2009	2015	2016	TOTAL
MT	0.3	0.3	0.3	0.3	0.3	1.5

- 5.10. The 10 year rolling average if being used to predict future requirement in Nottinghamshire should now be calculated using a 10 year which includes the Finningley missing years as detailed above. That requires an addition 1.5MT to be added to the 17.04MT and results in an average annual sales of **1.85MT** compared with the County's calculation of 17.04MT. The contribution of Finningley Quarry to the landbank is clearly a significant local factor which should be taken into account in using the 10 year rolling average as the basis for predicting future need.
- 5.11. **Population Change and house building.** The second local factor which needs to be taken into account in reviewing the 10 year rolling average is house building rates in the County and what is now planned. Whilst the County's latest LAA (October 2017) sets out the planned house building rates for the individual planning authorities in the County. It is imported to note that these are not maximum rates but are those which have been rigorously tested through the Local Plan processes including Strategic Housing Market Assessments and in some cases full Independent Examination procedures. It is also important to note that the Local Plans on which these house building rates are based were using pre 2014 Office of National Statistic (ONS) data. The 2014 when applied to the districts in Nottinghamshire will invariably lead to an increase in requirement. Consequently the house building rates in the LAA should be considered as a minimum on which aggregate requirement should be based.
- 5.12. At Appendix 1 is Table 2 which shows the house building rates for the local planning authority areas in Nottinghamshire over the 10 year period covering that being used by the County for the 10 year rolling average. The information contained within Table 2 has been taken from the Annual Monitoring Reports and other documents produced by the LPAs. The extracts from these documents can also be found at Appendix 1.
- 5.13. From Table 2 it can be seen that the average annual house building rate per LPA area over the past 10 years has been 351 units per annum. This figure is directly comparable with the average annual sand and gravel production rates calculated from the past 10 years production. Table 2 uses the future house building rates deduced by the County in October 2017 LAA⁷ to show that the average future rate will be 571 dwellings per annum. This is an increase of 220 dwellings per annum and represents a 63% increase. It is essential that this increase is taken as the minimum as it is based on solid evidence, it is not stated as a maximum so may be exceeded and is likely to be an underestimate based on the 2014 ONS data and the latest government advice that house building must increase. The population of Nottinghamshire including the County is expected to grow from 1.13 million in 2016 to 1.25 million in 2036. This growth will require at least the planned housebuilding detailed on Table 2 which is based on the lower pre ONS 2014 estimates and it

⁷ Para 5.9 Table 8

should be noted that as house building picks up following the recession the annual average rate per authority has already reached 468 dwellings per annum (2015/6) which is 81% of the planned annual requirement..

5.14. Validated data on aggregate use in construction provided by the MPA. The October 2017 LAA references the use of aggregates in house buildings as being 20% of total production. Although it should be noted that at the recent examination into the Oxfordshire MLP 35% was used. It should be noted that house building requires significant support construction such as local roads, schools, village halls etc.

5.15. Planned major infrastructure projects. The October 2017 LAA notes that no further major infrastructure projects have been identified since the production of the previous LAA (January 2017). However that LAA was based on significantly higher rolling 10 year average taking into account partly pre recession construction levels and, therefore, capturing higher level of construction. With the move to the most recent 10 year rolling average this is no longer the case and the LAA needs to recognize that planned infrastructure for the future is significantly higher than accounted for by the 10 year rolling average which now almost solely covering a recession period. An adjustment needs to be made.

5.16. Infrastructure identified in the National Infrastructure Delivery Plan 2016 to 2021 for the Nottinghamshire area are:-

- Midland Main Line. Further electrification to Nottingham.
- East Coast Mainline. Station, signaling and track works to facilitate longer new Super Express Trains.
- HS2.

It should be noted that the time period for this infrastructure plan is just 5 years and represents only 16% of the MLP plan period. Also included in the plan is reference to the Midlands Engine and the proposal for carrying out feasibility studies in respect of upgrades to the M1 and Smart motorway improvements together with improvements to the A46 Newark bypass and its intersection with the A1.

5.17. The Local Enterprise Partnership D2N2 (covering Nottingham and Derby and parts of both counties) has produced a programme which includes a target to create 50,000 jobs and to build 77,000 dwellings. The dwellings are included in Local Plan but D2N2 are intending to ensure that infrastructure delivery does not frustrate the building of the dwellings.

5.18. East Midlands airport which lies alongside the HS2 route is planning to increase from 4.3 to 10 million passengers and 300,000 to 700,000t of freight by 2040. The majority of this development will occur in the MLP plan period. A major freight terminal is also planned for the M1 J23a/24. Whilst this is in Leicestershire it lies within the 30 mile zone beyond the County boundary which the POS/MPA advice considers should be included in any future assessment for aggregate provision.

- 5.19. **Local regional and national economic forecast.** The latest MPA forecasts (February 2019) suggest that aggregate demand will have increased by 19% by 2019 compared to 2015. Infrastructure growth is expected to be 56% from 2015 to 2019. In the longer term replenishment rates for sand and gravel show that for every 100 tonnes of material used planning permissions for replacement accounts for only 56 tonnes indicating that in the future shortages of supply may become apparent.
- 5.20. **Availability of marine materials.** Nottinghamshire is a landlocked county and some distance from any marine sourced aggregate landing facility. Consequently the material is not normally used in the County.
- 5.21. **Major new sources of recycled or secondary material.** For Nottinghamshire inert waste processing (considered suitable for recycled aggregate production) has now recovered to pre recession rates. However, whilst power station ash is capable of being substituted for primary aggregates the coal fired power stations are all planned to be closed by 2025. There are 3 coal fired power stations in the County. It would, therefore, be unwise to rely on any further increase in recycled output.
- 5.22. **New environmental constraints.** No new environmental constraints which could restrict aggregate extraction in the County have been identified. Locally the ban on extraction in the Peak District National Park has been accounted for by Derbyshire planning to increase production in the rest of the County by an amount equivalent to that to be lost through lack of production in the National Park.
- 5.23. It is apparent from the above information that there are a number of factors pointing to the need to modify the rolling 10 year average if a robust prediction of future need is to be made. The evidence is that the figure will need to be increased on the basis that during the MLP period more aggregate will have to be exported to South Yorkshire, a greater number of dwellings will be built, more jobs created and more infrastructure built. Of these elements it has been possible to quantify numerically only the impact of the increase in future exports to South Yorkshire and house building rates. House building is considered to represent the use of only 20 to 35% of the total supply of aggregate however house building is a key component in providing dwellings for new employees who will occupy newly constructed factories and commercial premises. House building also drives infrastructure provision including roads, such as those around Newark, schools, hospitals etc. It is, therefore proposed that the house building rates of the past 10 years be compared with aggregate use of the same period and then used to predict future aggregate requirement.
- 5.24. Taking the 1.85MTPA 10 year rolling average modified to take account of the Finningley Quarry production changes is comparable with an 10 year rolling average house building rate of per local authority (including Nottingham City) of 351 dwellings per annum. The future house building rate is 572 dwellings per annum. This is an increase of 63% and requires a similar increase in aggregate production going forward. This requires that the 10 year rolling average be modified to **3.02MT**.

5.25. In order to understand the veracity of this calculation it is useful to look at the 10 year production rates of the counties making up the East Midlands AWP area. Table 3 at Appendix 2 shows figures taken from the LAAs for these counties. The East Midlands in 2016 had reached 70% of its pre recession production rate. Three counties were at around pre recession levels with two counties actually producing more. Lincolnshire is now producing 64 % of its pre recession level but Nottinghamshire is only at 40%. It is clear that lack of production in Nottinghamshire is holding back the East Midlands is reaching pre recession production levels. This assessment supports the need to increase the proposed landbank above that which would result from using the rolling 10 year landbank as the basis for future need prediction.

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

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 minimize the distance minerals are transported to market?

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

6.1. These questions are inter related and the assessment below sets out gives the response which relates to all three questions.

6.2. It is necessary to maintain a geographical spread of quarries and permitted reserves across the County for two reasons. Firstly is the cost of transporting bulky materials relative to value that in respect of aggregates is low. This means that an appropriate geographic spread is important to ensure that the economy works effectively and additional costs are not unnecessarily incurred. It is also the case that for this reason proposed aggregate reserves should be matched geographically to where those reserves will be used. Secondly is the issue of environmental damage caused by HGV movements associated with aggregate transport.

6.3. Table 5 shows the current distribution of permitted reserves compared with spatial requirement for future house building. This is based on the information contained within the October 2017 LAA in respect of permitted reserves and Table 4 at Appendix 3 of this document.

Table 5, Comparison of permitted reserves with future house building requirement.

	District	S and G (See Above)	Housing requirement per annum (see Table 2)
Newark area	Newark and Sherwood	40%	16%
South Notts	Nottingham City Gedling Broxtowe Rushcliffe	0/12%*	56%
North Notts	Bassetlaw Mansfield Ashfield	28%	18%

* Currently no reserves but East Leake planning application now with a resolution to grant subject to a S.106 Agreement to be completed.

The current distribution is not sustainable in terms of transportation of aggregate and the consequences for air quality and climate change, . If extensions to quarries were to be preferred compared to opening up new sites this unsustainable distribution will continue. This is not in accordance with the NPPF guidance in respect of sustainable development.

6.4. The air quality and climate consequences have been assessed with respect to HGV movements associated with the proposed Shelford Quarry and those at Newark in the attached (Appendix 4) RPS document. This gives an indication of the problems associated with having a poor geographical distribution of mineral resources in the County.

7. Question 10. Is it economical to transport mineral by river barge and if so should proposed quarries with potential for moving sand and gravel by river barge be prioritized over others?

7.1. The River Trent has the potential to reduce transport emissions and have a positive effect on climate change. At Appendix 4 is a report which looked at the potential for air quality benefits of using the river to transport aggregate from the proposed quarry at Shelford to Colwick wharf. Air quality benefits and positive impacts on climate change are set out in the document. This clearly illustrates whilst all opportunities should be taken to allow transport of minerals on the river.

7.2. In respect of the economic consideration these will vary according to local conditions on the Trent and also economic opportunities as they arise. When considering the length of time covered by the plan period the location of a reserve which has access to the river and where proposals demonstrate that barge transport is physically capable of being undertaken without undue environmental disturbance then these sites should be given priority.

7.3. In respect of the proposals at Shelford BAL are proposing to produce concrete at the Colwick Industrial Estate and that aggregate will be transported there by barge. There is a significant positive difference in the transport rates in favour of barges. The actual details are commercially sensitive however, BAL have experience of



barging aggregate on the river Thames and are confident in the commercial opportunities in respect of Shelford and operations at Colwick..

- 7.4. It should be note as well as transport savings there will be added value from producing concrete at Colwick and the access to the valuable Nottingham city market from the industrial estate.

Sustainability Appraisal

8. Considerations

8.1 It is considered that overall there is a significant amount of work and information which could be scoped out of the Sustainability Appraisal. Further, there are also a number of modifications that Brett would welcome. A summary of views, suggestions and recommended improvements is outlined below:

8.2 Non Technical Summary: The issue of the uncertainty of economic viability of rail and water transport is not referenced in the main document so should not be included in the none technical summary.

8.3 Chapter 5, Questions 9, 10 and 11,

- Page 37. Under 'How can the Plan influence this issue'? In respect of Soil the conflict between biodiversity improvements and loss of productive land needs to be recognised.
- Page 38. Under "How can the Plan influence this issue? In respect of Economy and Employment there needs to be a reference to "planned" in order to tie in with existing Local Plans and other plans and policies.

8.4 Chapter 6, Questions 12, 13 and 14.

- Page 43. Para. 61 should recognize the economic implications of having insufficient mineral allocated for house building and other construction projects in terms of increased costs associated with bringing mineral from outside the County boundary and time delays.
- Page 46. Table 4, Objective 1. Needs to recognise that there are other local factors influencing annual production which may need to be taken into account in accordance with NPPF.
- Page 47. Table 4, Objective 5. Area of Green Belt lost should not be an indication of townscape and landscape. The latter is dealt with elsewhere and because mineral extraction is not considered inappropriate development in the Green Belt (NPPF) it should not be a factor for consideration here.
- Page 48. Table 4, Objective 7. Comparison of mineral reserves, existing and proposed, per area of Nottinghamshire (north, Newark area and South) with proposed house building numbers for these areas should be added as an additional indicator.
- Page 49. Table 4, Objective 8. The indicators need some consideration in whether the land can in the future be returned to agriculture by retaining soils on site.
- Page 51. Table 4, Objective 11. Reference to distances travelled by HGVs to deliver mineral needs to be added as an indicator.

- Pages 52, 53 and 54. Tables 5, 6 and 7 do not accurately reflect the situation that all of the objectives effect the three NPPF themes and internal compatibility is largely unknown for all of them. Similarly the relationship between SEA topics and SA objectives is more complicated than any table can usefully demonstrate. Therefore we suggest that the tables should be removed.

8.5 Appendices.

- Page 89. With specific reference to the comment on production levels the closure of quarries in the County and concentration of reserves in just a few quarries with one operator controlling over 60% are also likely to be factors in depressing annual production.

Appendix i.

Table 2 & supporting evidence (Nottinghamshire annual dwelling completions by district).

Appendix ii.

Table 3 (East Midlands and South Yorkshire, annual aggregate production by County).

Appendix iii.

Table 4 (Nottinghamshire permitted reserves by area).

Appendix iv.
RPS report (Sand & Gravel Provision Emissions Footprint)