[redacted]

28/9/2018

Planning Policy Team

Place Department

Nottinghamshire Council

Reference: Minerals Local Plan Draft Plan Consultation & Sand and Gravel Provision 'MP2s Mill Hill nr Barton in Fabis

Dear Sir / Madam

We are writing to confirm that we wish to **OBJECT** to the above site and key aspects on the Draft MLP as outlined below

We are fully supportive of the fuller submission made by Barton in Fabis Parish Council.

Question 1: What do you think to the draft vision and strategic objectives set out in the plan?
Question 2: What do you think of the draft strategic policy for sustainable development?
Question 3: What do you think to the draft strategic policy for minerals provision?

1.1. A ***sustainable*** spatial distribution of sites is **not** one which is simply determined by proximity to market and transport costs. Indeed it can be argued that given that potential developers are probably better informed about the geography of the market and the economics of working a site than NCC, then it can be assumed that all the sites put forward by extraction companies are equally economically viable. In developing a minerals plan the goal of developing a ***sustainable*** spatial distribution is therefore dependent upon ensuring that of the sites allocated those selected have the least impact on wider sustainability goals because these cannot be properly evaluated when making decisions at the site level.

1.2. It is also important to note that if sites are allocated simply on the basis of location and the minimisation of transport costs to the detriment of the wider social and environmental values of the site, then this undermines other stated objectives in the Vision, e.g. 'market the efficient use of resources' (SO1). Extraction and transport expenditures by the developer should take account of the total cost to the community, including the harm to wider social and environmental assets, of exploiting the resource in specific locations. Unless they do then the goal of increasing levels of aggregate recycling and the use of alternatives from secondary and recycled sources (SO1) will not be achieved.

1.3. The interpretation of the concept of *sustainable spatial distribution* simply in terms of the geography of the market is therefore contrary to the overall sustainability goals that frame the minerals plan, and indeed undermines them. The Draft Mineral Plan is flawed in that it fails to demonstrate what constitutes a ***sustainable*** spatial distribution of sites in a meaningful and balanced way. **We therefore object to the plan on grounds that it is inconsistent with its strategic objectives for sustainability.**

1.4. The lack of consistency between the strategic objectives and their application in developing the plan is especially disappointing given the feedback that NCC received at the Issues and Options stage in which respondents felt that "strategic issues should be broadened to minimise all adverse impacts of development, including on environmental and heritage features such as biodiversity, landscape, archaeology and communities". We therefore **object** to the plan and require a better alignment between strategic objectives and their application.

1.5. Finally, in relation to the strategic framing of the Draft Plan, we broadly support the strategic policy on minerals provision (Q3), and in particular the emphasis given to the need for "all new proposals, whether allocated or otherwise, will need to be assessed in terms of their impact on local communities and the environment including matters such as landscape, heritage, biodiversity and climate, and what contribution they would make to achieving local and national biodiversity targets." This is clearly consistent with the strategic vision and sustainability objectives that underpin the plan. We are, however, disappointed that the site allocation methodology used in drawing up the plan fails to avoid the allocation of sites with significant negative impact on landscape, heritage, biodiversity and climate, and therefore encourages inappropriate proposals over others that would be more beneficial.

1.6. **We therefore object to the plan on grounds that the site allocation methodology developed and applied is inconsistent with the strategic objectives of the strategic policy for minerals provision.**

Question 4 What do you think of the draft strategic policy for biodiversity led restoration?

1.7. The concept of biodiversity-led restoration is a sound one, and we are broadly supportive of its inclusion in the Draft Plan as a principle for decision making. However, we are disappointed by the simplistic way in which it is presented in the document, and consider the weakness in the way it is framed as a decision making criterion is inadequate.

1.8. In their review of the NPPF, the British Ecological Society[1] state in relation to planning for no net loss to biodiversity that:

> *Anticipated impacts on biodiversity must be avoided or reduced through the use of alternative development sites or designs; unavoidable impacts must be mitigated and any residual damage must be compensated for (for example by creating the same habitat off-site). It is desirable for developments to aim for a 'net gain' in biodiversity overall, for example by providing more habitat than needed for mitigation and compensation.*

1.9. The policy of ensuring that there is 'no net loss' of biodiversity as a result of development is now well established in the UK, and it is therefore disappointing that there is no reference to it in Section SP3 that relates to Question 4; this is surprising given that it is part of the wording

[1] https://www.britishecologicalsociety.org/planning-for-no-net-loss-of-biodiversity/

in DM4, Question 25. Instead the text relating to SP3 merely describes in simple terms what biodiversity-led restoration entails and the kinds of habitat that might be restored in the context of mineral development. **There is no explanation of the constraints associated with biodiversity-led restoration or the issues that need to be considered if proposals for such restoration are to be considered adequate.** As a result the application of the principle of biodiversity-led restoration in the plan is grossly inadequate.

1.10. The views of the British Ecological Society noted above reflect current scientific consensus on restoration - that while it can be successful this is by no means guaranteed. For example, Curran et al. show[2] that while active restoration measures can significantly accelerate the increases in species diversity, the inherently large time lags, uncertainty, and risk of restoration failure require offset ratios that far exceed what is currently applied in practice, and that restoration offset policy therefore leads to a net loss of biodiversity. Similarly, Schoukens and Cliquet[3] conclude that given the limitations of restoration "a reinforcement of the preventative approach is instrumental in averting a further biodiversity loss within the European Union" (our emphasis).

1.11. The draft strategic policy for biodiversity restoration (SP3) proposed in the Draft Minerals Plan is inadequate because it fails to set restoration objectives in the context of the 'mitigation hierarchy' that is recognised in current planning policy that aims to halt the loss of biodiversity. The hierarchy involves, sequentially:

- Avoidance: by ensuring impacts on biodiversity must are avoided or reduced through the use of alternative development sites;
- Minimisation: by taking measures to reduce the duration, intensity and/or extent of impacts that cannot be completely avoided;
- Rehabilitation/restoration: by measures taken to improve degraded or removed ecosystems following exposure to impacts that cannot be completely avoided or minimised; and,
- Offset: by measures taken to compensate for any residual, adverse impacts after full implementation of the previous three steps of the mitigation hierarchy.

1.12. In addition developers should demonstrate that the timespan and implementation of the restoration plan is ecologically meaningful and can be sustained over that period. Unless there is serious and demonstrable commitment to restoration at the outset, efforts for biodiversity-led restoration in any scheme are likely to be unsuccessful. The requirements on adequate aftercare contained in DM12 should be reflected more strongly in the text related to SP3, namely that:

> *Restoration proposals will be subject to a minimum five year period of aftercare. Where proposals or elements of proposals, such as features of biodiversity interest, require a longer period of management the proposal will only be permitted if it includes details of the period of extended aftercare and how this will be achieved. (NMPCD para 5.118, point 9)*

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[2] Curran, M., S. Hellweg, and J. Beck. 2014. Is there any empirical support for biodiversity offset policy? Ecological Applications 24:617-632.

[3] Schoukens, H. and Cliquet, A., 2016. Biodiversity offsetting and restoration under the European Union Habitats Directive: balancing between no net loss and deathbed conservation?. Ecology and Society, 21(4).

And it should be applied in the evaluation of proposals.

1.13. **We therefore object to the plan on grounds that the policy for biodiversity led restoration is inadequate because it fails to place such measures in the context of a meaningful mitigation hierarchy which ensures that the preventative approach should be prioritised to avert a further, avoidable biodiversity loss across the County. It also fails to develop adequate requirements for aftercare where restoration takes place. As a result its application as a criterion for site allocation is flawed because it does not meaningfully discriminate between proposals in terms of the likely success of biodiversity-led restoration.**

Question 6: What do you think of the draft strategic policy for sustainable transport?

1.14. We are supportive of the statements contained in Policy SP5, and in particular those relating to the need to encourage sustainable forms of transport such as barge and rail. We are however, disappointed that this policy objective has not been applied in the subsequent allocation of sites, and therefore object to the Draft Plan because there is a mis-alignment between policy and practice. We will develop this argument further in section 9 of this document in relation to the sites in the Nottingham area.

1.15. Focussing specifically on the wording of SP5 we agree that consideration does indeed need to be given to the distances over which minerals need to be transported. However, this is treated in a simplistic way in the policy statement, point 2a). Close proximity to market is an issue, but this statement also needs to be qualified to emphasise a proviso that that this does not result in sites with the greatest social, environmental and landscape impacts being allocated in preference to others with lesser impact. In other words, **proximity to market is one factor but not an overriding one**. If it is given too much emphasis in site allocation then this would undermine other policy objectives set for the Plan.

1.16. **We object to the Plan and the policy related to sustainable transport because we feel that it is not the function of the planning system to manipulate the geography of the market and associated commercial risk, but rather to ensure that development is appropriate and sustainable, given wider societal needs and requirements. The policy on sustainable transport needs to reflect this.** One such requirement, for example, is the use of modes of transport other than road. Another is that the most vulnerable and valuable sites are protected notwithstanding their proximity to market.

Question 7: What do you think of the draft strategic policy for the built, historic and natural environment?

1.17. We are concerned by the poor structure of this Policy statement, and are especially disappointed in that this policy's objectives have not been applied in the subsequent allocation of sites. We therefore **object** to the Draft Plan because there is a mis-alignment between policy and practice. Again, we will develop this argument further in the section relating to consultation question 11 in relation to the sites in the Nottingham area. The misalignment arises because of the weak and over-generalised nature of the formulation of SP6.

1.18. Since this policy concerns the need to conserve and protect built, historic and natural assets, it is misleading to refer to the opportunities of restoration once they are damaged or removed (Para 3.46). The policy needs to state that there are circumstances in which minerals development (despite the opportunities for restoration) may not be appropriate because of the initial or ongoing impact and loss it will entail for the built, historic and natural assets. Thus paragraph 3.56 needs to be expanded to include natural and built assets, placed at the head of the section on Policy SP6, and the policy then actually needs to be designed around it.

1.19. In general terms, policy, if it is to be meaningful, needs to shape and guide action or change the way people and organisations do things for the better. **We object to the current structure of SP6 because it fails to do this.** It is unduly focussed on some of the constraints that need to be considered by developers in making proposals, and the requirements of an environmental impact assessment should one be required. By contrast, it fails to set out how this policy would relate to decision making, and in particular the allocation of sites in a mineral plan, given the requirements of the NPPF.

1.20. For example, in relation to nature conservation the policy should, given the supposed strategic remit of SP6, make reference to paragraph 117 of the NPPF. This states that planning policies should promote the preservation, restoration and re-creation of priority habitats, and the protection and recovery of priority species populations, linked to national and local targets, and that policies should seek to preserve ecological networks as well as restoring and recreating them. Para 117 of the NPPF also requires the identification of suitable indicators for monitoring biodiversity in a plan. Further considerations also include those relating to the off-site impacts of developments on SSSIs and other designated areas.

1.21. In the context of nature conservation it is also essential to include the requirements of the recent update of the NPPF, which in para 175 states that: development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists. Wholly exceptional includes infrastructure projects (e.g. nationally significant infrastructure projects, orders under the Transport & Works Act and hybrid bills), where the public benefit would clearly outweigh the loss or deterioration of habitat.

1.22. While the requirements of the NPPF clearly apply to individual planning applications, they must also apply to the minerals planning process itself which involves assessing sites relative to each other across a range of criteria relating to the built, historic and natural environment.

Unless a site allocation methodology is devised that reflects the requirements of the NPPF then it is likely that the outcome would be the promotion of unsuitable locations. Policy should therefore state how it will operate given the requirements of the NPPF in allocating sites and in identifying those that are unsuitable given the scale and nature of their impacts.

1.23. **We <u>object</u> to the formulation of Policy SP6 because of the lack of transparency in the way it will be applied in the site allocation process. The emphasis on restoration throughout should be reduced and the importance of protection and maintenance of assets stressed.**

Question 8: What do you think of the draft strategic policy for the Nottinghamshire Green Belt?

1.24. We are disappointed with the text of the policy statement on Green Belt (SP7) which fails to fully reflect the important sections of the NPPF on this topic. We therefore object on grounds of its narrowness and the lack of any clear statement about how any policy on the greenbelt would be applied in the minerals planning process.

1.25. 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". Although this element of the NPPF is reflected in the second bullet point of SP7, the policy fails to note that the NPPF states that:

> *"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 88)

1.26. Policy SP7 is not transparent in that it fails to state how, in the context of minerals planning, the two tests of 'appropriateness' and 'special circumstances' will be applied. **In particular, it should be noted that 'special circumstances' in relation to the Green Belt <u>do not</u> include supposed proximity to market or goals of developing a 'spatially sustainable distribution' of minerals sites.**

1.27. **We therefore <u>object</u> to the policy statement on Green Belt because it lacks any clear indication of how it is to be applied in the minerals planning process.**

Question 11: What do you think of the draft site specific sand and gravel allocations?

<u>Comments on Plan's approach to the location of future sand and gravel quarries</u>

1.28. The issues and options analysis published in March 2018 evaluated five policy options:

A. Geographical spread across the County
B. Prioritise specific areas
C. Prioritise locations with potential for transporting sand and gravel by river barge
D. Allocate sites based on their individual merits
E. Use criteria based policy approach.

1.29. It concluded that "Options A and C scored equally favourably and were more sustainable than the other options". We make objection to this conclusion as the analysis which led to it is flawed. Our reasons are as follows:

- As is acknowledged in the summary on Page 50 there is "considerable uncertainty" as to the possible impacts of the options on the sustainability objectives; half of them were not included in the scoring due to lack of detail. **As a result of such uncertainty, a precautionary approach would suggest that sustainable outcomes are more likely to be achieved if sites are considered on their individual merits than by the application of general criteria such as geographical spread.**

1.30. The flawed logic used in the analysis is evidenced by the commentary against:

- Criterion 2 'Protect and enhance biodiversity at all levels and safeguard features of geological interest': We argue that if sites are considered on their individual merits then this is more likely to result in safeguarding than if they are overridden by criteria such as geographical spread. We therefore argue that option D should be rated as positive.

- Criteria 4, 5, 7, 8, 9, 11, 12 and 14: The same logic as applied to criterion 2 also applies to these objectives. If overall impacts of minerals development are to be minimised then the negative outcomes can only be minimised by considering sites on their merits. We therefore argue that option D should be scored as positive across all these criteria.

- Criterion 3 'Promote sustainable patterns of movement and the use of more sustainable modes of transport': The commentary states that geographical spread is likely to result in sites being closer to markets thus reducing road haulage distances. Such a conclusion could only be supported if a detailed geographical analysis of the market had been done. It has not. The closest to such an analysis is the commentary provided on page 44-45 of the *Draft Site Selection Methodology and Assessment,* which focusses almost exclusively on the local market. However, the *2017 Nottinghamshire and Nottingham Local Aggregates Assessment* shows that:

    - more than half of the sand and gravel extracted in Nottinghamshire is exported (para 3.9);
    - that there is considerable import of sand and gravel in the south across the County boundary (para 3.11); and,
    - that average annual haulage distances are approximately 35 miles and increasing (para 3.13).

  Thus there is considerable uncertainty about the location of the actual market and the geography of patterns of supply and demand. **As a result this objective should be scored as uncertain or unknown rather than positive for Option A Criterion 3.**

- Criteria 3 and 7: The analysis is biased toward Option A because the issue of minimising road haulage is counted twice. Climate change impacts (Criterion 7) are assumed to be minimised by wider geographical spread of sites because of market proximity. Such an assumption is uncertain as we have shown above. However, the issue of double counting would apply even if a more robust analysis of the geography of the market was available. Reference to road haulage should therefore be removed from criterion 7 and it scored as uncertain because the extent to which sites minimise impact on climate can only be assessed in a case by case basis (i.e. on their merits using criteria such as the amount of emissions per ton of aggregate extracted). If transport is to be included then the ability

to provide alternative modes of haulage such as barge transport should be used here (note that para 3.24 of Appendix 1 to *Nottinghamshire Minerals Local Plan Draft Plan Consultation* states that given that it is not always possible to locate sites close to markets and minimise road transport "the promotion of alternative, more sustainable forms of transport such as barge or rail transport is important").

1.31. **A precautionary approach to the evaluation of the impacts of the five options on the sustainability objectives would therefore suggest that option D has been inappropriately and negatively scored relative to Option A. The preferred options that meet the County's sustainability goals are clearly C and D, rather than A and C. We therefore object to the draft Minerals Plan on these grounds and suggest that the options selected should be revised to reflect a more accurate and robust analysis of their likely impacts on the County's sustainability appraisal objectives.**

1.32. The revision of the findings on the sustainability appraisal to emphasise the contributions of options C and D would ensure that the Draft Plan is better aligned with the results of the public consultation, as is evidenced by the commentary under 'What you told us at the Issues and Options stage' on page 59 of the *Draft Plan Consultation* document. The commentary notes that responses were split in relation to the importance of geographical spread and that "Generally, respondents felt that prioritising specific geographic areas above others would not be appropriate, instead, each site should be judged on its own merits".

Application of the Site Evaluation Methodology

1.33. **We object to the application of the site evaluation methodology on grounds that it is both flawed and applied inconsistently.**

1.34. We suggest that geographical spread can be used as a criterion to decide between sites all other things being equal. In other words if sites had similar environmental and social impacts then those more widely spaced might be selected over a more concentrated distribution. By identifying geographical spread as an over-riding factor, the current draft plan shifts impacts to more potentially damaging sites as is evidenced by the commentary on Mill Hill near Barton in Fabis, on page 55 of the *Draft Site Selection Methodology and Assessment* document. In this commentary the high negative impacts on biodiversity, landscape and the historic environment are acknowledged, but the site is selected nonetheless on grounds of geography, even though there are less damaging sites in other parts of the county (e.g. Coddington or Shelford).

- Although Strategic Objective 1 of the Draft Plan states that it should seek to 'secure a spatial pattern of mineral development that efficiently delivers resources to markets within and outside Nottinghamshire' it should be noted that no analysis of the ways in which different possible spatial configurations of sites might meet this objective are provided. NCC have confirmed (30/8/180 that "There is no published data related to the geographical spread for the particular allocation of sites". **As a result claims that the Draft Plan can actually deliver this Strategic Objective are unfounded.**

- The lack of a detailed analysis is surprising since it is possible to develop an overview of demand by taking the % of total housebuilding in each area as a reasonable guide as to where quarry sites should be located. Although housebuilding accounts only for between

20 to 35% of total aggregate production, where houses are built is where jobs are created with associated commercial buildings and major infrastructure projects and local infrastructure such as roads and schools – thereby equating to a higher percentage. Table 1 provides an estimate of the distribution of house development in Nottinghamshire; it shows that about 56% of the demand is in the Nottingham area.

Table 1: Distribution of demand by House building figures[4] (Annual estimates for Nottinghamshire 4754)			
	Local Authority	Average dwellings PA	Area percentage share
North	Bassetlaw	435	
Area total		**435**	**9.5%**
Central	Ashfield	452	
	Mansfield	376	
	Newark	740	
Area Total		**1568**	**34.3%**
Nottingham Area	Broxtowe	362	
	Gedling	426	
	Nottingham	1009	
	Rushcliffe[5]	774	
Area Total		**2571**	**56.2%**

- Table 2 uses figures provided in the NDMPC for the total requirement in the plan period and the amount available after export; we use 40% and 50% export levels for the analysis. We focus particularly on the estimates of the requirement in the Nottingham area of 10.89mt, and 9.08mt respectively, and the extent to which this estimated demand is met by alternative site allocations in the Nottingham area.

Table 2: Apply percentage demand to export scenarios (mt)		
	40% export	50% export
Total for Notts	**19.38**	**16.15**
North (9.5%)	1.84	1.57
Plus Y&H export totals	12.92	16.15
~~Total North~~	**~~14.76~~**	**~~17.72~~**
Newark (34.3%)	**6.64**	**5.53**
Nottingham (56.2%)	**10.89**	**9.08**

- Table 3 shows the extent to which the sites allocated in the Nottingham area meet the estimated demand with 40% and 50% export. With the allocation of East Leake (approved), East Leake (extension) and Mill Hill Barton in Fabis there is a deficit in the proportional supply to the Nottingham area of between 4.8 and 2.99mt.

Table 3: Match geographical supply to demand – Draft Plan

[4] Nottinghamshire and Nottingham Local Aggregate Assessment October 2017 http://www.nottinghamshire.gov.uk/media/127116/october-2017.pdf

[5] Rushcliffe is included in the Nottingham area because the majority of its housing is allocated to the urban edge of the conurbation

	40% export	50% export
	10.89	9.08
East Leake approved	2.34	2.34
East Leake extension	0.75	0.75
Mill Hill Barton in Fabis	3.0	3.0
Total	6.09	6.09
Deficit/Excess	**-4.8**	**-2.99**

- However, if the larger Shelford site was allocated instead of the smaller Mill Hill, Barton in Fabis site then these deficits would be lessened or eliminated (Table 4).

Table 4: Match geographical supply to demand – with Shelford		
	40% export	50% export
	10.89	9.08
East Leake approved	2.34	2.34
East Leake extension	0.75	0.75
Shelford	6.5	6.5
Total	9.59	9.59
Deficit/excess	**-1.3**	**+0.48**

- The analysis suggests that by the inclusion of Shelford, for example, a better geographical spread is achieved than is realised by the current Draft Plan. If as a consequence Botany Bay were also removed from the plan, the inclusion of Shelford would move 3mt of output from North Nottinghamshire to South Nottinghamshire where it is most needed.
- **Consequently, the statement in the 'Sites Assessment Methodology' on the Shelford site that "The size of this site is such that if it were allocated, provision would be limited in other parts of the County and this would not comply with the objective of maintaining a geographical spread of mineral sites across the County" is manifestly wrong.**

1.35. **In further considering the criterion to 'Promote sustainable patterns of movement and the use of more sustainable modes of transport', it is also manifestly wrong to conclude that the proposed site at Mill Hill, Barton in Fabis is closest to developments likely to take the output from quarries in the south of the County.** We have made an analysis of the current situation as part of our earlier response to the planning application made for Mill Hill, Barton in Fabis, and looked at the status of the locations of potential developments and the quarries which already are or could potentially serve them. The developments and quarries considered are shown in Table 5, which also shows the distance to the nearest quarries and the distance to the proposed site at Mill Hill, Barton in Fabis. Shelford Wharf has been included as this is a proposed barge terminal close to Trent Lane, Trent Bridge to which some 40% of the material from the Shelford site would be delivered.

Table 5: Distance of sand and gravel sources to major developments in Nottingham area with comparison to distance to Mill Hill, Barton in Fabis			
Development	**Note**	**Nearest quarries**	**Distance from**

			Mill Hill
East Midlands Rail Freight Hub / Kegworth by-pass	Work is under way on these projects and aggregate is already being supplied with contracts already therefore agreed	**Lockington 5.86km, Shardlow 9.08km**	12.11km
Toton (HS2)	Timescales for this project are not yet clear	**Lockington 8.98km, Shardlow 15.02**	15.03km
Gamston	No planning application has yet emerged	**Shelford wharf 6.45km, Shelford 10.95km** (East Leake: 15.14km)	13.45km
Edwalton	Construction already under way and contracts for aggregate supply are in place	**Shelford wharf 8.49km** (East Leake: 15.44, Shelford: 12.9km)	8.79km
Waterfront	Timescales unknown	**Shelford wharf 0.5km** (Shelford 12.6km, Lockington 22.71km)	9.54km
Boots site	Planning permission granted	**Shelford wharf 5.69km** (East Leake 17.55km)	5.96km
Bus Depot	Timescales unknown	**Shelford wharf 8.77km, Lockington 9.07km**	9.89km
Clifton Pastures / Clifton West	Clifton Pastures timescales unknown. Clifton West yet to have outline planning application approved	**Mill Hill, Barton in Fabis** (East Leake 11.84km, Shelford wharf 8.24km)	c0.5km, Clifton Pastures 1km, Clifton West,

Note: a) the distances shown are by road and so the quarries in bold are the nearest location by road distance; b) Information supplied by Greenfield Associates indicating distances from Mill Hill, Barton in Fabis, is based on distances 'as the crow flies' and therefore bears no relation to actual distances. This table therefore provides a more meaningful picture of the situation.

1.36. For the analysis shown in Table 5 we recognise that it may be financially viable for other quarries to the north of Nottingham and further in to Derbyshire or Leicestershire to supply the projects identified, but we have focused only on the closest in terms of travel distances to simplify the picture.

1.37. In relation to Table 5 it is important to note that:

- **Mill Hill, Barton in Fabis site is significantly further than alternatives** to the major infrastructure projects of the East Midlands Rail Freight Hub and Toton (HS2);
- **Mill Hill, Barton in Fabis site is not significantly nearer to two of the three major areas in Rushcliffe allocated for the sustainable urban extension** (i.e. Gamston and Edwalton). While it is obviously closest for the Clifton West and Clifton Pasture s development the proportion of the output required here is small in relation to proposed total output (ca 1 year's output) and so does not by itself justify development
- **Shelford is equally well placed to provide output to these developments as Mill Hill, Barton in Fabis, and with the development of more sustainable barge transport via Shelford Wharf would be significantly more so.**

1.38. It is also important to note that given the impacts associated with the Shelford site are less than that at Mill Hill, Barton in Fabis, and the reallocation of this site in the Minerals Plan

would also reduce the overall social, environmental and landscape in line with SO5, SO6 and SO7.

1.39. However, as we have shown in Section 1, the emphasis given to geographical distribution as an overriding factor in the site selection criteria is, in any case, flawed. **The subsequent application of the Options A and C in the site selection process is also inconsistent and as a result we make a further objection to the conclusions drawn.** We focus particularly on the Mill Hill, Barton in Fabis site. Our grounds are as follows:

- Despite Option C (Prioritise locations with potential for transporting sand and gravel by river barge) being identified as a priority in site selection none of the sites selected meet this criteria, although some of those rejected (e.g. Shelford) do. The documentation shows that the operator at Shelford proposes to transport 40% of output via barge but there is no rationale provided for why this site has not therefore been prioritised as the adoption of Option C requires.
- On the basis of the scoring applied in the site assessment methodology the combined environmental impact of the development of Mill Hill, Barton in Fabis and Botany Bay would be greater both during the operational and long-term phases, than the single site at Shelford (see Table 7, *Draft Minerals Local Plan Sustainability Appraisal Interim Report*); the development of one site rather than two is likely to result in less overall impact and on these ground this strategy is likely to better address the County's sustainability goals.

1.40. **We therefore object to the application of the site Draft Selection Methodology and its conclusions on grounds of the inconsistency of its outcomes with the stated policy objectives that are supposed to underpin the Draft Plan:**

- No evidence is provided to show that the allocation of Shelford rather than Mill Hill, Barton in Fabis, and Botany Bay, would limit the ability of the plan to ensure a spread of quarries, given the average distance travelled by aggregates is roughly 35 miles and increasing (see para 3.11, *2017 Nottinghamshire and Nottingham Local Aggregates Assessment*).
- No evidence or argument is provided for the omission of the priority for barge transport in the selection of sites; and,
- The current application of the site allocation methodology in the Draft Plan results in greater adverse impact on the environment than otherwise would be the case, despite the requirements of the Draft Plan that future minerals development in Nottinghamshire should meet :
    - Strategic Objective 1 'Improving the sustainability of minerals development' by making use of sustainable modes of transport
    - Strategic Objective 6 'Protecting and enhancing natural assets' by conserving and enhancing Nottinghamshire's natural environment, including its distinctive landscapes, habitats, geology, wildlife species and ecological health of water bodies by avoiding, minimising and mitigating potential negative impacts'.

- Strategic Objective 7 'Protecting and enhancing historic assets' by protecting and where appropriate enhancing Nottinghamshire's distinct historic environment and ensuring heritage assets and their settings are adequately protected and where appropriate enhanced.

1.41. **Paragraph 4.19 is therefore incorrect and the conclusion drawn is wrong. Sand and gravel can only be worked where it is found, but it does not follow that geographical spread is the only way to ensure continued supply. Moreover, minimisation of HGV transport is only one criterion that must be used to make site allocations. As we have shown this is inconsistent with the stated policy objectives in the consultation document, because it overlooks the relative impacts on built, natural and heritage assets, and the Green Belt arising at individual sites.**

1.42. **The Draft Plan is therefore flawed and should be revised accordingly to meet the County's own sustainability objectives. In order to do so:**

- **sites should be considered on their own merits in order to minimise the likely overall environmental impacts of the Draft Plan;**
- **the criterion for prioritising barge transport should be applied on grounds of consistency; and,**
- **geographical spread should only be used to make decisions between sites when all other aspects things are considered equal in order that it does not over-ride consideration of the scale of environmental damage likely to arise by the inappropriate selection of sites due to location - proximity to an unquantified market is not an 'exceptional circumstance' as envisaged by the NPPF.**

1.43. **Finally, in terms of the specific case of the sites at Mill Hill, Barton in Fabis, and Botany Bay, a transparent rationale needs to be provided as to why these sites are included rather than Shelford, when (a) the likely impacts of the latter are less; (b) the opportunities for prioritising barge transport are greater; and (c) given the average haulage distance for aggregates it is as well placed to serve the needs of the local market as the other two. Evidence also needs to be provided to support the claim that allocation of Shelford, rather than the sites at Mill Hill, Barton in Fabis and Botany Bay, would limit the ability of the plan to ensure a spread of quarries.**

Site Assessment for Mill Hill, Barton in Fabis

1.44. The site assessment made for Mill Hill, Barton in Fabis shows it to be one of the most negatively affected should development be permitted. As we have argued there is no coherent statement in the plan as to why this finding should be ignored and the site allocated, when there are other sites where impacts would be less serious. In fact, we would suggest the scale of the impacts for the Mill Hill site have been under-estimated, making the decision even less secure. We therefore object to the assessment made of the Mill Hill, Barton in Fabis site.

1.45. The mis-representation of the conditions and associated impacts at Mill Hill, Barton in Fabis are as follows. We base our response on evidence in the public domain and that generated by the recent planning application for the site. It appears that the Planning Policy Team in

assessing the site has failed to take account of the detailed comments and information already available and provided by consultees as part of the planning application process which has resulted in objections and concerns by such bodies as RSPB, Notts Wildlife Trust, Natural England, CPRE, Ramblers Association, Barton in Fabis Parish Council and indeed the County Council's own officers.

***Criterion 2:* Protect and enhance biodiversity at all levels and safeguard features of geological interest.**

- The evidence relating to the biodiversity status of the site and its surroundings point to an assessment that the impact during the operational phase is very negative (-3) and in the long-term as negative (-2). The draft assessment fails to: recognise the importance of the site at the landscape scale, promote the preservation of existing ecological networks and the populations of priority species they support; and recognise or mitigate the significant on-site impact on LWS and off-site impacts on SSSIs. **As a result the allocation of the site is not consistent with the objectives of SO6 or SP6.**
    - *The claim made by Greenfield Associates in para 8.1.10 of their submission document dated January 2018 that the ecological effects are minor are misleading and highly simplistic.*
- Approximately two thirds of the habitat within the proposed site consists of habitats of Local or National Conservation Importance. Nine Local Wildlife Sites will be directly or indirectly impacted upon during the operational period; Borrows Pit (LWS), which is within the site boundary, has been omitted from the Site Appraisal Matrix. Only partial mitigation by using appropriate buffers will be possible and a number of the LWS will be destroyed entirely.
- The ancient woodland status of Brandshill Wood and Clifton Wood has not been considered, and the potential impact of changes in hydrology, dust and noise factored into the analysis.
- There are extensive areas of BAP habitat within the site which will be lost, including neutral and semi-improved grassland, marshy grassland, scrub, hedgerow, ditch and floodplain grazing marsh. All these habitats have targets for their conservation and protection. Restoration of the site would not effectively compensate or restore these existing ecologically high value habitats. The long-term impact is therefore negative rather than slightly negative.
- The SSSIs of Attenborough and Holme Pit are adjacent to the proposed site and both will be adversely affected during the operational phase and long-term. Attenborough is important for a number of bird species will be impacted by noise and permanent loss of feeding areas. The water quality of Holme Pit will be impacted during periods of flooding. Flood patterns and their impact relative to Holme Pit have not been considered in the design and operation of the proposed site.
- The site also holds a number of species of national or local importance, including bats, harvest mouse, grass snake and common toad. There are many species of red and amber listed birds including noise/disturbance sensitive species such as barn owl, Cetti's warbler

and long-eared owl. Importantly the site hosts a diverse invertebrate fauna including the endangered beetle, *Carabus monilis*. All of these species will be subject to severe adverse impacts.

- The restoration plan for this site does not maximise BAP priority habitats for the area and there is no significant biodiversity compensation achieved as a result of proposed restoration measures. Indeed the nature of the "Alternative working proposals/buffer zones to retain/protect LWSs and SSSIs" mentioned under mitigation are not specified and it is inappropriate to include them in the assessment. Moreover the time span over which restoration is proposed (5 years, see Para 9.1.4 of Site Proposal by Greenfield Associates, dated January 2018) is inadequate (see *NMPCD* para 5.118, point 9) ecologically so that the measures are unlikely to be successful.
    - *The claim made by Greenfield Associates in para 9.1.5 of their submission document dated January 2018 that restoration is likely to be beneficial in the long-term is therefore unfounded.*

***Criterion 3:* Promote sustainable patterns of movement and the use of more sustainable modes of transport.**

- The proposal only includes road haulage and so cannot be considered as offering 'sustainable' modes of transport. At best this criterion should be scored as 0.

***Criterion 4:* Protect the quality of the historic environment, heritage assets and their settings above and below ground.**

- The assessment underestimates the impact on historic environment, heritage assets and their settings especially in the long-term by virtue of the resulting negative impact on the historic environment post restoration in respect of the setting and significance of Clifton Hall.
- Barton in Fabis Parish Council recently produced a detailed assessment of the historic cultural links between Clifton Hall (Grade 1 listed) and Barton in Fabis which highlights the importance of the historic environment of the Mill Hill Site to the setting of Clifton Hall. The assessment was sent to the council's heritage officer, Jason Morden, to Tim Allen at Historic England and to Nancy Ashbridge, Landscape Architect at Via East Midlands Ltd. The evidence presented clearly shows that the operation and restoration of the site would have a major impact on the setting of Clifton Hall and its Registered Parks and Gardens. Since these impacts are significant the allocation of the Mill Hill is inconsistent with the third bullet point of Policy SP3 (*NMPCD* page 39). The long-term impact should be regarded as at least as negative as during the operational phase and both should arguably be set, as a minimum, at -2.

***Criterion 5:* Protect and enhance the quality and character of our townscape and landscape.**

- The assessment given in the *Draft Minerals Local Plan Sustainability Appraisal Interim Report* of July 2018 is inconsistent with the summary it provided in the *Draft Site Selection Methodology and Assessment* also published in July 2018. The former gives scores of -3 under both the operational phase and long term (Page 19). However, the latter

erroneously states that "As a result of the above assessment, whilst the site has high landscape impacts and the sustainability appraisal reports very negative impacts in the operational phase, these become slight negative impacts in the long term." **Clearly the text should state that it is a site of high landscape impact both in the short and long term.**

- **The fact that the assessment finds that the landscape impact scores as maximum in the operational phases and long-term, and since these scores are amongst the highest attributed to any site in the appraisal matrix, the allocation of this site in the Draft Plan is clearly inconsistent with the Policy SP6.**
- The impact of the proposed development on the Green Belt also conflicts with the stated policy in SP6, because the processing plant will be located on a prominent ridgeline on Mill Hill. This will have an adverse impact on the openness and visual amenity of the Green Belt in this area. It will therefore conflict with the purposes of the Green Belt and should therefore be considered inappropriate development. As there are no special circumstances of sufficient weight to outweigh the harm caused to the Green Belt in this area it is therefore contrary to the National Planning Policy Framework and local planning policies EN14 and EN19 of the Rushcliffe Borough Local Plan.
- In relation to landscape it should also be noted that the mitigation measures summarised in *Draft Minerals Local Plan Sustainability Appraisal Interim Report* of July 2018 are inconsistent with what is being proposed. For example, it is suggested that there will be retention of ridge and furrow landscape, when in fact the development will remove it entirely. If such retention is proposed then the size of the site and the potential output would be considerably reduced.

***Criterion 6:* Minimise impact and risk of flooding.**

- The assessment is wrong in terms of the long-term impacts of the proposal at Mill Hill. The flood risk assessment made for the current planning application for sand and gravel extraction at this site shows that the scheme at best is neutral in terms of its impacts on flood risk. There are no measures proposed that would mitigate future flood risk and so at best the score awarded should be '0' and not '+1'.
- Given that the flood assessment shows that generally the area is likely to experience increasing risk, a requirement of the proposal should be that flood mitigation measures are included in the design so that these increased future risks are minimised.
- The commentary should include the potential risk of flooding and erosion to the high pressure gas main that bisects the site. There is a risk posed to critical infrastructure associated with this proposal.

***Criterion 7:* Minimise any possible impacts on, and increase adaptability to, climate change.**

- The assessment scores shown in the *Draft Minerals Local Plan Sustainability Appraisal Interim Report* of July 2018 are inconsistent with the commentary provided, and the scores awarded are misleading.
- The impacts during the operational phase is clearly negative, given the loss of habitat and the carbon stores associated with them, and the use of road haulage. Thus the score of

'?' is probably not an accurate representation of the situation. In the long term the assessment states that the impacts could be positive or negative depending on the resilience of the flora and fauna and the details of the restoration. Since this is unknown then the score of +1 is again erroneous.

- We suggest that as a minimum both the operational and long-term phases should be scored as '?', and that the contribution of the proposed site to climate change adaptability is uncertain.

***Criterion 8:* Protect high quality agricultural land and soil.**

- The assessment is in error in terms of the assessment of long term impacts, in that it states that it judges the impact to be positive given "Restoration to high quality agricultural land if that is possible". Such restoration is neither possible nor proposed. If it is proposed then this would reduce the area of BAP and Priority Habitat restoration. At best we suggest the long-term score should be the same as the operational phase, i.e. -1.

Criterion 12: Protect and improve water quality and promote efficient use of water.

- The assessment scores this criterion as slightly negative (-1) reflecting "dewatering and discharges into watercourses". In fact the evaluation of the pending planning application has revealed serious concerns about the impact of the development (and specifically the location of storage heaps and lagoons) on the quality of water reaching the SSSI of Holme Pit as the result of flooding.

- There is now evidence from the flooding of April 2018 of the way flood waters move across the site, and we can show that flood waters typically overtop the banks of the Trent at Cottagers' Field and ran northwards towards and eventually into Holme Pit, before re-entering the river at below Clifton Hall. These waters cross the centre of the proposed site and especially the area where material will be stockpiled. Such uncontrolled events are likely to impact on the water quality at Holme Pit SSSI though siltation and nutrient input. Moreover, there is no guarantee that the quality of water reaching Home Pit will in the long term improve given the uncertainties associated with the restoration plan.

Criterion 13: Support wider economic development and promote local job opportunities.

- The assessment only considers the wider economic impact and suggests that some jobs will be created locally. The assessment overlooks the fact that employment may be lost by the impact on agriculture in the area, and the loss of amenity and access on which the local equestrian centres depend. The impact is probably uncertain at best in the short term.

Criterion 14: Protect and improve human health and quality of life.

- The appraisal correctly assesses the impact of the proposed site on human health and significant (-3) although the commentary justifying the score overlooks a number of serious issues.

- In relation to the Public Rights of Way it should be noted that Bridleway 3 is an extremely well-frequented, strategic route between Barton and Thrumpton in the country and Clifton and Wilford in the city. As the site access road and gravel conveyor will have to be crossed by the footpath this will have major impacts on users. Most significantly it will affect horse riders along the base of Brandshill Grassland by posing a safety risk. This should be flagged up in the commentary on the Site Appraisal Matrix.

- In addition the commentary should note the proximity of the proposed site to Attenborough Nature research and the riverside path along the Trent opposite the extraction site. Only the River Trent separates the site from Attenborough Nature Reserve which many people visit throughout the year; The RSPB publication 'Bigger and Better' estimates that 600,000 people visit Attenborough Nature Reserve annually. Those who walk Attenborough's riverside paths will continually view the adverse effects of the site over the lengthy operational period and will no longer be able to enjoy the peace and tranquillity of the reserve. The planting of willow along the Barton bank of the Trent is immature, unsuccessful in places, and in any case obscures the open views across the flood plain which are of high amenity value.

- In terms of public access to the site it should also be noted that while it is described throughout the documentation in terms of its proximity to Barton in Fabis, it is also located close to Clifton. Inspection of the census data available from the NOMIS website shows that in 2013 the estimated population of people between 16-64 for the wards of Gotham, Clifton South and Clifton North was in excess of 19,000 people. This estimate does not include children or those older than 64. The assessment should therefore reflect the fact that the site represents the nearest countryside (<1k) to a significant number of people, and given that currently policy for promoting health and well-being includes promoting walking and other activities in green, tranquil areas, the development of the site would result in a significant loss of public amenity.

- It should be noted that in their submission document dated January 2018, Greenfield Associates fail to emphasise or take note of the proximity of the proposed site to Clifton and its surroundings. The maps they provide are also outdated and do not show, for example, the retirement development at Lark Hill which is well within 400m of the processing plant. Their Para 8.1.2, is therefore inaccurate and misleading.

Summary of Revised Site Assessment Scores for Mill Hill, Barton in Fabis

1.46. **On the basis of the arguments presented above we suggest that a more realistic assessment of the operational and long-term impacts for Mill Hill, Barton in Fabis would be -15 and -8 respectively. The adjusted individual scores are summarised in Table 6 alongside those presented in the draft site appraisal.**

1.47. The negative impact of the allocation of the site at Mill Hill is significant, and given the evidence available does not support the summary on page 55 of *Draft Site Selection Methodology and Assessment* the which erroneously suggests that "in assessment against sustainability appraisal objectives, the site scores very negatively during the operational phase and slightly negatively in the long term". **The impacts are very negative in both the operational phase and the long term. As a result its allocation is clearly inconsistent with**

most of the key sustainability objectives and strategic policies that supposedly frame the minerals plan. We therefore object to the site allocation.

Table 6: Revised impact scores for Mill Hill, Barton in Fabis.

Sustainability Appraisal Objectives	Effect as scored in Draft Minerals Plan		Suggested Ajustment to Scores		Inconsistencies with the Stretegic Objectives and Policies that frame Minerals Plan
	Operational period	Long -term	Operational period	Long -term	
1. Ensure that adequate provision is made to meet local and national mineral demand.	2	0	2	0	
2. Protect and enhance biodiversity at all levels and safeguard features of geological interest.	-2	-1	-2	-2	Allocation is inconsistent with SO6, SP1, SP3, SP4 and SP6
3. Promote sustainable patterns of movement and the use of more sustainable modes of transport.	1	0	0	0	Allocation is inconsistent with SO1, SO3, SO5, SP5
4. Protect the quality of the historic environment, heritage assets and their settings above and below ground.	-2	I	-2	-2	Allocation is incosistent with SO6, SP6
5. Protect and enhance the quality and character of our townscape and landscape.	-3	-3	-3	-3	Allocation is incosistent with SO7, SP6
6. Minimise impact and risk of flooding.	-3	I	-3	?	Allication is inconsistent with SO6, SP4
7. Minimise any possible impacts on, and increase adaptability to, climate change.	?	I	?	?	Allication is inconsistent with SO3, SP4
8. Protect high quality agricultural land and soil.	-1	1	-1	-1	
9. Promote more efficient use of land and resources.	0	?	0	?	
10. Promote energy efficiency and maximise renewable energy opportunities from new or existing development.	?	?	?	?	
11. Protect and improve local air quality.	-3	0	-3	0	Allication is inconsistent with SO6
12. Protect and improve water quality and promote efficient use of water.	-1	0	-2	?	Allication is inconsistent with SO1, SP1
13. Support wider economic development and promote local job opportunities.	2	0	2	0	
14. Protect and improve human health and quality of life.	-3	?	-3	?	Allication is inconsistent with SO5, SP6
Total	-13	-3	-15	-8	

1.48. **We also object to the allocation because there is a lack of transparency in the assessment in terms of how the site is allocated on grounds of viability and location when the impact assessment clearly indicates that there are other sites where impacts are less serious. We have shown that:**

- **the evaluation process leading to the inclusion of geographical spread as an objective of the plan is flawed and that on grounds of sustainability sites should be considered on their merits;**
- **the goal of developing a spatially sustainable plan involves more than consideration of market geography, but also involves promoting a spatial distribution that is consistent with wider goals of sustainability (e.g. conservation and protection of most vulnerable and valuable sites); and,**
- **the summary provided on Page 55 of the *Draft Site Selection Methodology and Assessment* is inaccurately drafted and poorly constructed because the statement that allocation is appropriate is unconnected to the evidence that has been assembled in the appraisal matrix which is supposed to underpin any recommendation.**

1.49. Minerals planning should be evidence-based. **We therefore object to the allocation of the site at Mill Hill, Barton in Fabis, because the process by which the recommendation arose**

is flawed, and neither transparent nor credible given even the partial evidence-base identified by in the *NMPDC*.

Yours sincerely,

[redacted]

[redacted]