

**From:** John Fleming [REDACTED]  
**Sent:** 07 October 2019 14:01  
**To:** Planning Policy  
**Cc:** Nicole Burnett  
**Subject:** Re: Nottinghamshire Minerals Local Plan - Submission consultation  
**Attachments:** Nottinghamshire Minerals Local Plan - Submission version.pdf; representation-form (1).docx

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

**Re: Nottinghamshire Minerals Local Plan – Submission consultation**

Please find attached the response of Gladman to the above consultation.

I would be grateful if you could confirm receipt of this email and its contents.

Yours faithfully,

John Fleming



## **Representation Form**

This is the representation form for the Nottinghamshire Minerals Local Plan - Publication Version published by Nottinghamshire County Council. The Publication Version and the supporting information can be found online at [www.nottinghamshire.gov.uk/minerals](http://www.nottinghamshire.gov.uk/minerals). You can submit your representations online via our interactive system by using this link.

The formal representation period is open from Friday 30th August 2019 to 4.30pm Friday 11 October. All representations must be received during this period.

If you wish to submit a representation to the Plan using this form, please complete all parts and then send it to us via email or post, using the addresses below. Please note:

- **All respondents need to provide their personal details.** It is not possible for representations to be anonymous. All responses will be made public.
- **Representations must be on the basis of the 'soundness' of the plan or its legal and Duty to Co-operate compliance.** Please read the guidance note on this for further information.
- **Part B of the form contains your representations.** Please fill in a separate Part B for each representation you wish you make. You only need to fill in Part A once.
- **If you are part of a group that share a common view,** it would be helpful for that group to send a single representation rather than multiple copies stating the same point. Please indicate how many people are represented and how it has been authorised (e.g. by means of a list with contact details for each person or by a committee vote). This holds the same weight as separately submitted representations.

If you have any queries please contact us as below or ring us on 0300 500 80 80.

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### **Please return completed forms to:**

Planning Policy Team  
County Hall, West Bridgford,  
Nottingham, NG2 7QP

planning.policy@nottscc.gov.uk

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**We must receive your representations before 4.30pm, Friday 11<sup>th</sup> October 2019.**  
Representations received after this cannot be accepted.

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All of the representations received will be submitted with the Plan and will be examined by a planning inspector who will consider whether the Plan is 'sound' and complies with the legal requirements.

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Nottinghamshire County Council's Planning Policy Service is committed to protecting your privacy and ensuring all personal information is kept confidential and safe. View our privacy notice at [www.nottinghamshire.gov.uk/privacy](http://www.nottinghamshire.gov.uk/privacy)

## Part A – Personal details

*Office use only*

Person No:

Rep Nos:

	<b>1. Personal details</b>	<b>2. Agent details (where applicable)</b>
<b>Title</b>	Mr	
<b>First name</b>	John	
<b>Last name</b>	Fleming	
<b>Address line 1</b>	Gladman Developments	
<b>Address line 2</b>	Alexandria Way	
<b>Address line 3</b>	Congleton	
<b>Postcode</b>	CW12 1LB	
<b>Email</b>	[REDACTED]	
<i>For those replying on behalf of an organisation or group:</i>		
<b>Organisation</b>	Gladman	
<b>Job title</b>	Policy Planner	

## Part B – Your representation

Please read the guidance note before completing this section.

*Office use only*

Person No:

Rep No:

Name or organisation: Gladman\_\_\_\_\_

### 3. To which part of the Local Plan does this representation relate?

Policy	SP7	Site code		Map/Plan		Paragraph		Other	
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### 4. Do you consider the identified part of the Local Plan to be:

Legally compliant?	Yes		No	x
Sound?	Yes		No	x
Complies with the Duty to co-operate	Yes		No	x

*Please tick as appropriate.*

### 5. Please give details of why you consider the identified part of the Local Plan is not legally compliant or is unsound, or fails to comply with the duty to co-operate. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Please see attached representations.

**6. Please set out what change(s) you consider necessary to make the identified part of the Local Plan legally compliant or sound, in respect of any legal compliance or soundness matters you have identified above. (please note that non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.**

(Continue on a separate sheet/expand box if necessary)

**Please note:** In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

**After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.**

**7. If your representation is seeking modification to the plan, do you consider it necessary to participate in the examination hearing session(s)?**

No, I do not wish to participate in the hearing session(s)	X
Yes, I wish to participate in the hearing session(s)	

Please note that while this will provide an initial indication of your wish to participate in the hearing session(s), you may be asked at a later point to confirm your request to participate.

**8. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:**

*Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.*

Signature		Date	07/10/2019
Name	John Fleming		

**Gladman Developments Ltd**  
Nottinghamshire County Council  
Minerals Local Plan

Submission Version



**October 2019**

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# **1 INTRODUCTION**

## **1.1 Context**

1.1.1 These representations provide the response of Gladman to the Nottinghamshire County Council's Minerals Local Plan, which is being consulted upon until 11<sup>th</sup> October 2019.

1.1.2 Gladman specialise in the promotion of strategic land for residential development with associated community infrastructure. Gladman understand that the intention of the emerging Minerals Local Plan (MLP) is to set out a long-term vision for minerals development in Nottinghamshire over the plan period.

1.1.3 The National Planning Policy Framework (the Framework) sets out four tests that Local Plans must meet to be considered sound at examination. The four tests of soundness are outlined as follows:

- Positively prepared;
- Justified;
- Effective; and
- Consistent with national policy

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## **2   LEGAL REQUIREMENTS**

### **2.1   Duty to Cooperate**

- 2.1.1 The Duty to Cooperate (DtC) is a legal requirement established through Section 33(a) of the Planning and Compulsory Purchase Act 2004, as amended by Section 110 of the Localism Act. The DtC requires local planning authorities to engage constructively, actively and on an ongoing basis with neighbouring authorities on cross-boundary strategic issues through the process of plan preparation. If a Council fails to satisfactorily discharge its DtC a Planning Inspector must recommend non-adoption of the Plan. This issue cannot be rectified via modification.
- 2.1.2 Gladman recognise that the DtC is a process of ongoing engagement and collaboration, as set out in the PPG it is clear that the DtC is intended to ensure effective policies are produced on strategic matters and this will require extensive, meaningful and ongoing cooperation by both officers and members to ensure the DtC has been fulfilled through the production of signed Statement(s) of Common Ground (SoCG).
- 2.1.3 For minerals planning, working within the DtC, it will be essential that the minerals planning authority give due consideration to the strategic needs associated with non-minerals development over the plan period. In particular, the national policy requirement for local planning authorities to deliver their identified development needs in full whilst remaining in a position to respond rapidly to changes in circumstance that often occur during the plan period. It is therefore essential that the MLP's policies are drafted in a manner that does not put the timely delivery on non-minerals development needs at risk.

### **2.2   Sustainability Appraisal**

- 2.2.1 In accordance with Section 19 of the Planning and Compulsory Purchase Act 2004, policies set out in Local Plans must be subject to a Sustainability Appraisal (SA), and also incorporate the requirements of the Environmental Assessment of Plans and Programmes Regulations 2004 (the SEA Regulations).
- 2.2.2 The SA/SEA is a systematic process that should be undertaken at each stage of the Plans preparation, assessing the effects of the emerging MLP's proposals on sustainable development when judged against all reasonable alternatives. The County Council should ensure that the results of the SA clearly justify any policy choices. It should be clear from the results of this assessment why some policy options have progressed, and others have been

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rejected. This must be undertaken through a comparative and equal assessment of each reasonable alternative, in the same level of detail for the chosen and rejected alternatives. The Council's decision making, and scoring should be robust, justified and transparent.

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### **3 NOTTINGHAMSHIRE MINERALS LOCAL PLAN**

#### **3.1 Minerals Safeguarding**

- 3.1.1 Gladman acknowledges the need for some level of protection of mineral assets but is of the view that local policy framework that relates to this must clearly set out that this will be suitably balanced against competing development needs.
- 3.1.2 It is vital that any safeguarding policies contained in the Plan are suitably flexible in nature to ensure decision makers can take an appropriately balanced view between the need to safeguard mineral resources and the need for the planning process to support development that the area requires to meet its strategic housing and economic needs.
- 3.1.3 Any policies and supporting text relating to the Minerals Consultation Areas (MCAs) and Mineral Safeguarding Areas (MSAs) should explain how the Minerals Planning Authority and the relevant local planning authority will respond in relation to any proposals for non-minerals development within the MSAs. It is noted that there is an intention to safeguard proven mineral deposits considered to be of locally and nationally important mineral resources identified in the MSAs to avoid sterilisation by non-mineral development. These include:
- Sand and gravel;
  - Sherwood Sandstone;
  - Alluvial Sand and Gravel;
  - Limestone (including building stone);
  - Industrial dolomite;
  - Brick clay;
  - Gypsum; and
  - Surface coal
- 3.1.4 The Plan's proportionate evidence base should provide justification for the MSAs and the MCAs on the policies map and should then be based on safeguarding these areas in line with paragraph 204 of the Framework. Specifically, that the County Council should adopt appropriate policies so that known locations of specific mineral resources of local and national importance are not sterilised by non-mineral development where this should be avoided, whilst not creating a presumption that the resources will be worked.
- 3.1.5 It is important to keep in mind the fact that safeguarding areas does not prevent development from occurring and that the MLP recognises that there will be circumstances where the need

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for development outweighs the benefits of protecting the mineral resources and that there may be opportunities to accommodate both through the use of prior extraction.

- 3.1.6 Gladman would advocate the need for local policies that enable a suitably balanced view to be taken by the relevant local planning authority when making assessment of the merits of non-minerals development within MSAs/MCAs. Any such approach can act to encourage the prior extraction of minerals but should not require it. The policy should set a clear and positively framed criteria-based approach against which proposals for non-minerals development within appropriately defined MSAs can be assessed in the context of the requirement to address wider development needs. This should carefully set out the circumstances under which planning permission will be granted and be supported by text that explains what is expected from future applicants for non-minerals development in such areas.
- 3.1.7 Whilst Policy SP7 outlines the approach in which development within the identified MSAs is required to demonstrate and what forms of development are considered as outlined in paragraph 3.80, Gladman are the view that a separate criterion is required which sets out a positive approach to be taken in allowing non-mineral development not identified in paragraph 3.80 to be permitted if the benefits of non-mineral development as a whole clearly outweighs the need for the mineral resource as there may be circumstances in which local planning authorities are failing to deliver housing and economic development to meet the authorities needs and alternative proposals in MSAs may be required.

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## **4 CONCLUSION**

### **4.1 Assessment against the tests of soundness**

- 4.1.1 These representations have been prepared by Gladman in response to the Nottinghamshire Minerals Local Plan submission consultation. Gladman welcomes the opportunity that has been provided to make comments at this stage of the plan-making process.
- 4.1.2 The MLP must be positively prepared, effective, justified and consistent with national policy to be found sound at examination. Whilst recognising the importance of safeguarding mineral assets, it is essential that the Plan allows for sufficient flexibility to be provided to ensure development proposals for non-minerals related development are capable of coming forward within the MSAs where these would assist local planning authorities to enable the delivery of housing and economic development to meet identified needs in a manner that is responsive to rapid change.
- 4.1.3 Gladman trust that the comments made through these representations are constructive and assist the Council. Gladman would be grateful if we could be added to the consultation database in order to be kept informed as the draft plan develops through the examination process.

