

From: MG Planning [REDACTED]
Sent: 10 October 2019 12:58
To: Planning Policy
Subject: Nottinghamshire Minerals Local Plan - Representation
Attachments: Appendix 1 - Drg No F18 15 01.pdf; Notts representation-form MLP Submission version Oct 2019 - MGL objections.pdf

Follow Up Flag: Follow up
Flag Status: Completed

Please see attached the representation to the Nottinghamshire Minerals Local Plan made by Mick George Ltd. I trust that someone can confirm safe receipt of both attachments.

Kind regards

Kelly Sanderson
Planning Assistant



Tel: 01480 499152 Mob: [REDACTED]

www.mickgeorge.co.uk



6 Lancaster Way, Ermine Business Park, Huntingdon, PE29 6XU

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Mick George Ltd

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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. 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.

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 11th October 2019.
Representations received after this cannot be accepted.

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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Part A – Personal details

Office use only

Person No:

Rep Nos:

	1. Personal details	2. Agent details (where applicable)
Title	Mr	
First name	John	
Last name	Gough	
Address line 1	Mick George Ltd, 6 Lancaster Way	
Address line 2	Ermine Business Park	
Address line 3	Huntingdon	
Postcode	PE29 6XU	
Email	planning@mickgeorge.co.uk	
<i>For those replying on behalf of an organisation or group:</i>		
Organisation	Mick George Ltd	
Job title	Planning Director	

Part B – Your representation

Office use only

Person No:

Rep No:

Please read the guidance note before completing this section.

Name or organisation: Mick George Ltd

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

Policy	SO1	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	X	No	
Sound?	Yes		No	X
Complies with the Duty to co-operate	Yes		No	

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.

(Continue on a separate sheet/expand Strategic Objective SO1

1. MGL objects to SO1. Whilst the aspiration in SO1 to increase the levels of aggregate recycling and the use of alternatives from secondary and recycled sources appears laudable it is not supported by the conclusions of the Notts LAA (Oct 2018) paragraphs 3.24 & 3.30. This remarks that national estimates suggest that around 80-90% of construction and demolition waste is re-used or recycled (in fact, in 2016 only 4% of mineral wastes in England which comprises 'typically construction materials such as bricks, stone and road planings that are converted into usable aggregates' were landfilled). Moreover, the LAA observes that availability of PFA and FBA is likely to disappear by 2025 (paragraph 3.28). The scope for material changes to the substitution of primary minerals needed for development by secondary and recycled sources in these circumstances is very low and the Plan should be realistic about what it can achieve. We therefore question whether increasing the levels of aggregate recycling should be a policy objective given that the potential is already saturated.
2. National policy instructs mpas to "take account of the contribution that substitute or secondary and recycled materials and minerals waste would make to the supply of materials" (NPPF para 204b) and to make "an assessment of all supply options (including marine dredged, secondary and recycled sources)" in their LAAs (NPPF para 207a). However, there is no obligation to increase levels of recycling when all the evidence points to maximum uptake already and it is misleading to make this a major policy objective because it turns attention away from the urgent and pressing need for the extraction of more primary materials. This part of the policy objective should be deleted.
3. The objective to prioritise the improved use or extension of existing sites before considering new locations is also the subject of strong objection. This is misguided and contrary to national practice guidance. In answer to previous representations, the County council has said "National policy has sustainable development at its heart. The ability to use existing plant and infrastructure, and ensure economic mineral reserves are not otherwise sterilised, is seen as the most sustainable approach. This is consistent with national policy." (Consultation Summary Document page 4).
4. However, NPPF contains no such provision of a policy preference for extensions. In the absence of an explicit statement of national policy it remains to be seen if Planning Practice Guidance is of any help. Under the general heading of "Planning for Minerals" PPG (para 027-010-20140306) advises in answer to the question, "Under what circumstances would it be preferable to focus on extensions to existing sites rather than plan for new sites" that there are cons as well as pros when considering extensions and new sites, and that therefore "The suitability of each proposed site, whether an extension to an existing site or a new site, must be considered on its individual merits." That being the case, national guidance would appear to exclude the possibility of a policy preference for extensions; else how could an mpa show that it had considered and weighed the relative merits of extensions against new sites? In practice, a common policy bias against new sites results in a serious barrier to entry to the market which has been recognised in reports published by the Office of Fair Trading and the Competition Commission (now replaced by the Competition and Markets Authority).
5. The OFT raised concerns about competition between companies in the Aggregates Sector and its report published in 2011 (OFT 1358) said "Barriers to entry: both the aggregates sector and the cement sector feature high barriers to entry in terms of the difficulty of obtaining planning permission and physical capital requirements. Elements of the planning system for aggregates in particular create substantial barriers to entry by favouring incumbents over new entrants."
6. The Competition Commission's final report into the Aggregates and Concrete Sector concluded that because it was easier to get an extension "...this implies that existing producers have an incumbency advantage over new entrants by favouring extensions of existing quarries over developing new sites." (para 11.4)
7. However, national practice guidance remains clear that each applicant should be allowed to make a case for new working without being hamstrung by a policy bias in favour of extensions. MGL asserts that the claimed advantages of extensions over new sites must be demonstrated before d box if necessary)
8. Reason for proposed change: text is not consistent with national policy and guidance, is not effective and is not justified.

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)

1. MGL therefore opposes both statements in **SO1** and suggests a rewording

~~“Ensure more efficient exploitation and use of primary mineral resources by minimising waste, increasing levels of aggregate recycling and the use of alternatives from secondary and recycled sources. Secure a spatial pattern of mineral development that efficiently delivers resources to markets within and outside Nottinghamshire. Prioritise the improved use or extension of existing sites before considering new locations. Make use of sustainable modes of transport.”~~

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.

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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)	
Yes , I wish to participate in the hearing session(s)	Yes


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Signature		Date	10 th October 2019
Name	John Gough		

Part B – Your representation

Office use only

Person No:

Rep No:

Please read the guidance note before completing this section.

Name or organisation: Mick George Ltd

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

Policy	SO2	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	X	No	
Sound?	Yes		No	X
Complies with the Duty to co-operate	Yes		No	

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.

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(Continue of Strategic Objective SO2 Providing an adequate supply of minerals

1. MGL objects to the omission of any reference in the objective to the reservation of productive capacity which is essential to the provision of a steady and adequate supply of minerals in accordance with national policy. This is because provision may be concentrated in a few sites, or may not be available in the plan period, or may not be in right places, or may not endure for the duration of the plan. It is essential to preserve the ability of sites to produce at least the MLP average provision figure throughout the plan period
2. .Reason for proposed change: text is not consistent with national policy.

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)

Accordingly, SO2 should be reworded as follows,

Assist in creating a prosperous, environmentally sustainable and economically vibrant County through an adequate supply of all minerals to assist in economic growth both locally and nationally. Provide sufficient land to enable a steady and adequate supply of minerals over the plan period **which at the least maintains the capacity of sites to meet forecast output levels in the Plan.**

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.

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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)	
Yes , I wish to participate in the hearing session(s)	Yes


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The issues and arguments surrounding minerals supply are technically complicated and specialised. They require to be discussed in open forum.

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Signature		Date	10 th October 2019
Name	John Gough		

Part B – Your representation

Office use only

Person No:

Rep No:

Please read the guidance note before completing this section.

Name or organisation: Mick George Ltd

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

Policy	SO5	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	X	No	
Sound?	Yes		No	X
Complies with the Duty to co-operate	Yes		No	

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.

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

Strategic Objective SO5 The Built, Historic and Natural Environment

1. MGL objects to the lack of clarity in this objective where the various levels of policy protection are not indicated. We realise that this is covered in detail in the DM policies, but since this is a strategic policy it deserves to be more than a list of constraints. NPPF is clear that there is a hierarchy of nature conservation sites which merit different treatments and degrees of protection. Similarly, it acknowledges that heritage assets differ in terms of their significance. If this point is not addressed in the policy it risks oversimplifying national policy and being in conflict with other parts of the plan.
2. Reason for proposed change: text is not consistent with national policy.

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)

1. Accordingly, SO5 should be reworded as follows,

All mineral development proposals will be required to deliver a high standard of environmental protection and enhancement to ensure that there are no unacceptable impacts on the built, historic and natural environment. The consideration of impacts will include effects on:

- Nature conservation (**in accordance with the hierarchy of international, national and locally designated sites** ~~designated and non-designated sites/species~~);
- Sites of geological interest;
- Heritage assets (**in accordance with the significance of the asset** ~~designated and non-designated~~) and their setting and other cultural assets;
- Landscape and townscape character;
- Best and most versatile agricultural land and soils;
- Air quality;
- Water quality and supply;
- Flood risk;
- Highways;
- Infrastructure;
- Community amenity.

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.

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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)	
Yes , I wish to participate in the hearing session(s)	Yes


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Signature		Date	10 th October 2019
Name	John Gough		

Part B – Your representation

Office use only

Person No:

Rep No:

Please read the guidance note before completing this section.

Name or organisation: Mick George Ltd

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

Policy	So6 & SO8	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	X	No	
Sound?	Yes		No	X
Complies with the Duty to co-operate	Yes		No	

Please tick as appropriate.

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

Strategic Objectives SO6 & SO8

1. MGL has identified a conflict between SO6 & SO8. Good planning is about the reconciling of competing objectives for land, and a good plan will highlight this and propose appropriate policies to manage the conflict. In Nottinghamshire, where a significant proportion of mineral bearing land is underlain by high quality soils, and where there is a shortage of fill material for restoration, there is a clear potential for conflict between the competing objectives of maximising net biodiversity gain, and one in which the long-term potential of best and most versatile agricultural soils is safeguarded, but this is not evident from the strategic objectives. In cases where there is a conflict, MGL proposes that the plan and the strategic objectives should identify this. Accordingly, MGL suggests a rewording of SO6,
2. The reason for the proposed change is that the text is not justified.

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)

Accordingly, MGL suggests a rewording of SO6,

“Conserve and enhance 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.

Maximise net biodiversity gain by enhancing and re-connecting existing habitat and creating new habitat through a landscape-scale approach **safeguarding best and most versatile soils where appropriate**. Support minerals development that provides long term enhancements to landscape character and avoids damaging the highest quality landscapes.”

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.

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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)	
Yes , I wish to participate in the hearing session(s)	Yes


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The issues and arguments surrounding minerals supply are technically complicated and specialised. They require to be discussed in open forum.

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	10 th October 2019
Name	John Gough		

Part B – Your representation

Office use only

Person No:

Rep No:

Please read the guidance note before completing this section.

Name or organisation: Mick George Ltd

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

Policy	SP1	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	X	No	
Sound?	Yes		No	X
Complies with the Duty to co-operate	Yes		No	

Please tick as appropriate.

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Policy SP1 Mineral Provision

1. MGL opposes Policy SP1 – Mineral Provision and in particular part b) of the strategy which is to give priority to the extension of existing sites. Not only is this contrary to national guidance, but it also entrenches an uncompetitive market by preferring incumbent operators and raising barriers to entry to the local aggregates market to new firms, and it has not been shown to be justified by evidence.
2. PPG paragraph 27-010 specifically states in answer to the question, “Under what circumstances would it be preferable to focus on extensions to existing sites rather than plan for new sites?” that “The suitability of each proposed site, whether an extension to an existing site or a new site, must be considered on its individual merits...” There is therefore no allowance for a policy preference as the Plan seeks to have; all sites must be treated on their merits, and the evidence should be presented to be able to judge whether the comparative merits in each case have been examined. We suggest that the policy preference set out in this policy and explained in paragraph 3.10 is contrary to national guidance and should be removed.

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)

3. Reason for proposed change: text is not consistent with national policy.

4. Accordingly,

Policy SP1 – Minerals Provision

1. The strategy for the supply of minerals in Nottinghamshire is as follows:

- a) Identify suitable land for mineral extraction to maintain a steady and adequate supply of minerals during the plan period;
- b) ~~Give priority to the extension of existing sites, where economically, socially and environmentally acceptable;~~
- c) Allow for development on non-allocated sites where a need can be demonstrated; and
- d) Ensure the provision of minerals in the plan remains in-line with wider economic trends through regular monitoring.

5. MGL also doubts that the level of provision has been arrived at with due regard to part d) of the strategy since the way the provision has been calculated fails to take account of such wider economic trends.

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Signature		Date	10 th October 2019
Name	John Gough		

Part B – Your representation

Office use only

Person No:

Rep No:

Please read the guidance note before completing this section.

Name or organisation: Mick George Ltd

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

Policy	SP2	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	X	No	
Sound?	Yes		No	X
Complies with the Duty to co-operate	Yes		No	

Please tick as appropriate.

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

Policy SP2 – Biodiversity-Led Restoration

1. MGL objects to Policy SP2 – Biodiversity-Led Restoration and in particular part 1 of the policy which does not clarify sufficiently the potential conflict with the type of restoration sought and the need to preserve the long term potential of best and most versatile soils. Although there is a useful and welcome mention in paragraph 3.14 of the recognition that agricultural afteruses might be compatible with biodiversity objectives, there is no discussion of the potential conflicts that occur with other environmental objectives or of the realities of mineral working in the justification text. For example, in paragraphs 3.23-3.25 there is a list of priority habitats but no recognition of how this might fit in with safeguarding BMV soils. Moreover, it is expected in the creation of open water areas will be minimised (paragraph 3.26) although in the absence of fill material with which to create land areas this will not be possible to achieve.
2. The confusion over policy objectives is also apparent in paragraph 5.130 of the Plan where it is said, “Where the proposed after use is to be one which requires little or no soil, e.g. a lake or a nature reserve requiring impoverished soil resources, it would be better for soils to be removed from site and used beneficially elsewhere.” This requirement may not be a wise choice since surplus soils are often needed as fill for marginal lake habitats in order to create the biodiversity sought by national and local policy and to reduce areas of open water.
3. Furthermore, any reference to “soils” should make clear this relates to “topsoil”. It would appear irrational to export subsoil materials offsite.
4. MGL is seeking the acknowledgement that agricultural afteruses are still important for the best soils for inclusion in the policy to aid clarification of potentially conflicting objectives.
5. The reason for the proposed changes is that the policy is not justified or effective.

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)

1. Accordingly,

Policy SP2 – Biodiversity-Led Restoration

1. Restoration schemes that seek to maximise biodiversity gains in accordance with the targets and opportunities identified within the Nottinghamshire Local Biodiversity Action Plan will be supported. **Best and Most Versatile Soils may be returned to an agricultural afteruse in appropriate cases.**

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)	
Yes , I wish to participate in the hearing session(s)	Yes


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:

Mick George Ltd is one of the leading suppliers to the construction industry in East Anglia and the East Midlands, specialising in providing bulk excavation & earthmoving services, aggregate supply and waste management services, with quarries, landfill sites and waste transfer stations spread across Northamptonshire, Cambridgeshire, Lincolnshire, Bedfordshire and Hertfordshire.

The issues and arguments surrounding minerals supply are technically complicated and specialised. They require to be discussed in open forum.

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	10 th October 2019
Name	John Gough		

Part B – Your representation

Office use only

Person No:

Rep No:

Please read the guidance note before completing this section.

Name or organisation: Mick George Ltd

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

Policy	SP4	Site code		Map/Plan		Paragraph	3.41-3.43	Other	
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4. Do you consider the identified part of the Local Plan to be:

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

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.

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Policy SP4 – Sustainable Transport

1. Whilst the objective of the policy is laudable certain considerations are either not clear, or have been missed.
2. Firstly, the supporting text rather oversimplifies the provision of alternative transport for minerals by only mentioning the long distances over which rail is viable. For example, in addition to this requirement the provision of rail or barge transport absolutely requires immediate proximity to the transport route, the ability to provide loading facilities at the quarry, plus a network of receiving depots or a concentrated market location, a large output to support the investment and a large reserve to amortise the investment, none of which gets a mention. This results in a seriously misleading impression that not to offer alternatives to road transport is a matter of choice. Rail transport is extremely rare given that there are over 500 aggregate quarries only 30 or so of which are rail connected. Barge transport is even rarer. There is for the vast majority of cases no choice other than road transport and this needs to be firmly understood by planners and the public. It is proper to require consideration of rail and barge where appropriate but this should not be underestimated.
3. Secondly, minimising travel is a major consideration of national policy for sustainable transport (NPPF para 103). Therefore, it follows that in a local policy on sustainable transport similar considerations will apply. Not only does this relate to the use of alternative transport modes but also to that which reduces the levels of imports to an area, where local material can be used instead, which is a different point to sites being in close proximity to markets; this is about reducing the levels of material traded unnecessarily between areas. This is in accordance with the Plan which says that sand and gravel is a relatively low cost mineral and is not generally cost effective to transport over long distances. Thus where sand and gravel is transported over considerable distances (of up to 70 miles) it indicates there is a severe shortage of material in the market. The plan should actively seek to provide minerals supplies indigenously in accordance with national policy and should repatriate material imported from other areas, if it can be supplied locally.
4. Moreover, the policy should encourage the “backhauling” of materials such that site that utilise inert waste to aid in the restoration, should be encouraged to transport such material using the same material exporting mineral wherever practicable to do so. Such a proposal is wholly compliant with basic sustainable objectives reducing CO₂ levels considerably.
5. The observation that pipelines and conveyors can be used to transport minerals internally needs to be qualified by several practical realities. There are environmental advantages in the use of a conveyor over dumptrucks; it can be generally less obtrusive, quieter and less dusty. However, it could raise problems with maintenance, power supply, vulnerability to vandalism, and is relatively inflexible requiring the transport of large quantities of mineral from a fixed point to be economically viable. The use of pipeline is even more environmentally beneficial because it eliminates almost all forms of adverse environmental impact but clearly demands a wet working and substantial investment. The size of the site, its reserves, the distance to the processing plant, the nature of the mineral and the shape of the site plus its location all contribute towards decisions about whether alternative means of transport to dumptrucks is viable.
6. It may be objected that such objections do not go to the issue of soundness. However, MGL would argue that if the Plan is to make references to alternative means of transport, it should not mislead by being oversimplistic in its explanations lest users of the plan get the wrong idea.
7. The reasons for the proposed changes are that the policy and text is not justified or effective.

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)

1. Accordingly,

Policy SP4 – Sustainable Transport

1. All mineral proposals should seek to maximise the use of sustainable forms of transport, including barge and rail **where appropriate and viable**.

2. Where it can be demonstrated that there is no viable alternative to road transport, all new mineral working and mineral related development should be located as follows:

- a) within close proximity to existing or proposed markets to minimise transport movement; and
- b) within close proximity to the County's main highway network and existing transport routes in order to avoid residential areas, minor roads, and minimise the impact of road transportation.

3. Proposals requiring the bulk transport of minerals, minerals waste/fill or materials/substances used for the extraction of minerals by road will be required to demonstrate that more sustainable forms of transport are not viable.

4. Proposals for mineral development will be supported where unnecessary imports are reduced or avoided.

5. Where a quarry development involves the importation of inert waste, “backhauling” of such material should be encouraged.

Paragraphs 3.41-3.43

3.41 Wherever possible therefore, minerals sites should be located close to their end market in order to minimise overall transport distances. **This means that unnecessary imports should be avoided where suitable mineral is available locally.** However, this will not always be feasible where the site is needed to supply a regional or national market and so the promotion of alternative, more sustainable forms of transport such as barge or rail transport is important.

3.42. Sand and gravel is a relatively low-cost mineral and is not generally cost effective to transport over long distances **although it is increasingly being traded over long distances where there are acute shortages locally.** However, **in favourable circumstances** it can be transported economically over long distances by water **if suitable infrastructure is available and other criteria are satisfied.** Barge transport has historically been used to transport sand and gravel along the River Trent to Yorkshire and Humberside from Besthorpe quarry north of Newark. Studies have shown there is potential to increase water-borne freight on parts of the river. However, restrictions on barge sizes upstream of Cromwell Lock may restrict the viability of barging minerals downstream to Nottingham.

3.43. Rail transport of minerals is possible, but expensive, and therefore only likely to be viable over very long distances. Its potential use will also depend upon on **a number of critical criteria including whether there is sufficient infrastructure and capacity on the rail network, whether the source quarry is located on the rail network itself, whether a link can be created to the railway, whether there is space within the quarry to locate a siding, whether there is a network of receiving depots, and whether a high output and large reserves are present to support heavy investment.** In some cases Pipelines and conveyors can be used to move minerals on-site from the extraction area to the processing plant reducing the need to use heavy machinery minimising noise and dust **but only if the quarry working scheme can accommodate a fixed point transport system in the long term over long distances. There are also security issues with fixed point transport systems which lack flexibility and potential problems in supplying power to remote locations.** In certain cases it may be possible to use conveyors or pipelines to import fill materials such as power station ash on to

quarries as part of the restoration although this is only possible if the source of the material is close by.

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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)	
Yes , I wish to participate in the hearing session(s)	Yes


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

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The issues and arguments surrounding minerals supply are technically complicated and specialised. They require to be discussed in open forum.

***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	10 th October 2019
Name	John Gough		

Part B – Your representation

Office use only
Person No:

Rep No:

Please read the guidance note before completing this section.

Name or organisation: Mick George Ltd

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

Policy	SP5	Site code		Map/Plan		Paragraph	3.56, 3.57, 3.63	Other	
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4. Do you consider the identified part of the Local Plan to be:

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

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.

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

Policy SP5 The Built, Historic and Natural Environment

1. MGL considers the policy and its supporting text to be deficient in a number of respects. These include statements relating to agricultural land quality and infrastructure. Policy SP5 does not deal with potential conflicts between different policy areas, or provides inaccurate statements or does not provide advice on where the balance lies when considering such conflicts.
2. Agricultural land quality (paragraphs 3.56 & 3.57) – the major concern is the conflict between a biodiversity led restoration policy approach, the need for mineral and the need to conserve best and most versatile soils. Apart from saying that the loss of agricultural land to wetland can be managed (paragraph 3.57) and that a balance can be found between mineral need and protection of the resource (paragraph 3.56) the plan is silent on how this can be achieved and what policy position would be taken when loss of agricultural land is unavoidable.
3. MGL believes what is needed is a statement about the level of acceptable losses of best and most versatile soils (say, limited to less than 20 ha) and an indication of how to minimise such losses even if this should be at the expense of less wetland habitat. The plan should also say that if restoration schemes can demonstrate that soil grade can be preserved so there is no permanent loss of agricultural land or its quality, then the policy preference for development of poorer quality land over higher quality land does not apply.
4. Paragraph 3.63 has the potential to conflict with other legislation and should be deleted. Conflict between most types of infrastructure and mineral is handled by the Mining Code and preserves the rights of land and mineral owners to receive compensation for the loss of mineral rights. This is a purely commercial consideration and should be avoided in the planning system since imposing standoffs for mineral from infrastructure can result in the rights of landowners being compromised. The procedure is that a mining company can serve a Notice of Approach to an undertaker to exercise mineral rights to extraction, and it is open to the undertaker to issue a counter notice and pay compensation or to otherwise act such as move the infrastructure. This applies to most pipelines, powerlines and even railways. If government wishes to override existing mineral rights the state must compulsorily acquire those mineral rights. This is an area where it does not behove the mpa to become involved and may be counterproductive in that it may strip landowners of legitimate rights and lead to unnecessary sterilisation of mineral. The text should be deleted.
5. The reason for the proposed changes to supporting text is that it is not justified or effective.

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)

“3.56. Much of the County’s land is in agricultural use. It is a vital natural and economic resource that needs to be protected from unsuitable development. Minerals can only be worked where they are found, and this can often involve large areas of agricultural land. This means that a balance has to be made between the need for the mineral and the protection of the agricultural land. **However, mineral working can restore land back to its original quality so such land taken for mineral development can be seen as only a temporary loss of agricultural potential.**

3.57. Agricultural land quality varies from place to place and is often heavily influenced by the underlying geology. The Agricultural Land Classification (ALC) system provides a method for assessing the quality of farmland to enable informed choices to be made about its future use within the planning system. The ALC system classifies land into five grades, with Grade 3 subdivided into Subgrades 3a and 3b. The best and most versatile land is defined as Grades 1, 2 and 3a. The majority of sand and gravel extraction in the Trent and Idle Valleys will result in the substantial permanent loss of agricultural land to wetland **because of a shortage of fill material** which along, with other development pressures, is causing a continuous erosion of the County’s finite agricultural resources. However, appropriate management and restoration of mineral workings can secure the safeguarding of best and most versatile soils. **For example, limited loss of such land (to less than 20ha) or only temporary disturbance to high quality soils where soil quality can be demonstrated to be preserved or enhanced, will not be considered a permanent loss of agricultural land.**

~~3.63. Nottinghamshire has an extensive physical network of transport, communications, water, energy, and waste infrastructure. Mineral working provides the raw materials to maintain much of this essential infrastructure, but it is important that the process of mineral extraction does not compromise the operation of existing or planned future infrastructure. When considering development proposals, consultation with the utility companies, rail operators and other network providers will be required to identify potential risks and to ensure appropriate safeguards and/or mitigation measures. This is likely to include the need for appropriate stand offs from overhead or underground transmission cables, buried or surface pipelines and rail infrastructure.”~~

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


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Signature		Date	10 th October 2019
Name	John Gough		

Part B – Your representation

Office use only

Person No:

Rep No:

Please read the guidance note before completing this section.

Name or organisation: Mick George Ltd

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

Policy	MP1	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	X	No	
Sound?	Yes		No	X
Complies with the Duty to co-operate	Yes		No	

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.

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Policy MP1: Aggregate Provision

1. MGL considers that the Local Plan severely under-provides for sand and gravel. The LAA proposes to retain use of the 10 year average to assess demand for S&G.
2. MGL notes the following facts drawn from the latest Nottinghamshire LAA (2018) supplemented by other sources.
 - The MLP uses the 10 year average from 2016 for determining Local Plan provision.
 - This is 1.7 Million tonnes per year (Mtpa) for sand & gravel and 0.37Mtpa for Sherwood sandstone.
 - The LAA contains no forecast of aggregate demand.
 - The LAA reports (table 5) that exports have increased to Northants from 0 to 406 thousand tonnes (kt), and to South Yorks from 145kt to 386kt.
 - The LAA reports (table 6) that imports have grown from Lincolnshire (361kt) and Staffordshire (155kt).
3. Comparing AM2009 with AM2014 imports of sand & gravel to Notts increased from 327ktpa to 583ktpa (a rise of 78%).
4. It appears that the sum of Nott's sand & gravel used within the county has fallen from 750kt to 126kt between 2009 and 2014 (a drop of 84%). However, the LAA claims that unknown destinations should be added to this sum which reduces the difference but still indicates a fall of 23% between 2009 and 2014/18.
5. When looking at future demand the LAA notes that
 - a. Population is forecast to increase by 9.6% during the plan period.
 - b. The house building programme is planned (i.e. Local Plan commitments) to increase from current 4695 units to 8025 units by 2020/1 falling to 3031 units by 2027/8 (not the whole plan period). This is an average of 5264 units per year. (table 12)
 - c. House building rates have risen by 71% since 2013/4 (fig 4).
6. The LAA says that housebuilding is only a part of the aggregates market and that sand & gravel is used for other uses. However, if this is accepted it follows that a combination of a
 - a. 71% increase in housebuilding activity since 2013, plus
 - b. associated infrastructure/community/commercial/industrial development, plus
 - c. the major infrastructure project of the East Midlands Gateway Rail Freight Interchange,would have raised sand & gravel demand by a conservative 25%. However, figure 1 shows that the sand & gravel sales have flatlined.
7. In addition, the LAA quotes with approval the MPA estimate of the use of 50 tonnes of aggregates for each new house. This figure is derived from a BGS document "The need for indigenous aggregates production in England" (Open Report ORJ08/026) Case Study 2: New Homes. This shows that in addition to the 60 tonnes of aggregates used in a typical new house, as much as 400 tonnes extra is need for associated infrastructure and roads. Not all of this will be sand and gravel, but a large proportion will be, as any visit to a local building site will verify.
8. Increased aggregates demand but not supplied from Notts sources can be gauged by the steep increase in imports to the county from Lincolnshire (historically not a significant exporter to Notts) and from Staffordshire.
9. Support for higher aggregates demand is the LAA's observation that quantities of CD waste have grown by an estimated 11% since 2011 indicating higher levels of construction (para 3.31).

10. Support for higher aggregates demand also comes from the observation in the LAA that in the East Midlands sand & gravel sales rose from 5.5 Mtpa in 2009 to 6.96 Mtpa in 2016 falling slightly to 6.79 Mtpa in 2017 (para 5.8). This represents a regional growth in sand & gravel demand of 23%-26%. Only in Notts and Northants have sand & gravel sales flatlined.
11. The evidence is clear that the sand & gravel sales in Notts have been constrained. The LAA says this is because of the recession and the replacement of worked out quarries has remained low. This puts Notts in a special position which means that sales do not fairly represent the demand for sand & gravel in the county. In this respect, it is like Oxfordshire which was recognised at Examination to have had suppressed sales because of commercial decisions during the recession to mothball sites. In Nottinghamshire's case, similar commercial decisions and an unreadiness to be able to replace sites is judged to have been the cause for low sales and make up of demand principally from imports. In short, this is an anomalous situation which should be recognised in the LAA and accounted for in planned provision.
12. There are essentially three approaches to calculating forecast demand from data which counters the effects of the recession on the 10 year average and plans for future growth.
- The last year house build rates were close to the planned average (5264 units) was in 2005 (4842 units) when sand & gravel sales were 3.08Mt. Allowing for higher planned rates of housing suggests sand & gravel provision should be at least 3.10Mtpa.
 - Using the approach adopted in Oxfordshire of calculating the % share of sand & gravel production before the recession and applying it to current conditions, gives the following result.
 - In the five year period prior to the recession (2004-2008) Notts sand & gravel sales (as a proportion of all England averaged 6.53%. In 2016 the proportion was 3.85%.
 - If this is converted into a figure for the county linked to the current level of sales in England which in 2016 was 41.26 Million tonnes, then applying a pre-recession proportion of 6.53% gives a demand for Notts of 2.694 Million tonnes.
 - Once an allowance for soft sand has been deducted, the like-for-like sand and gravel demand figure is about 2.32 Mtpa.
 - Although this is lower than the first method, this is because all the Oxfordshire method does is restore the county to conditions as they were before the distorting effects of the recession; it does not explicitly take account of future growth.
 - Using a statistical approach, sand and gravel and soft sand sales and housing completions between 2007 and 2016 gives a Pearson Correlation Coefficient (PCC) of +0.700642 which is a statistically significant linear relationship at the 95% confidence level, and which has an equally strong basis as a causative effect. Applying the expected annual average planned housing completion rate for the county over the plan period of 5264 dwellings to that PCC using the forecast function in Excel gives a return sand and gravel/soft sand forecast of 3.03 Mt pa. Deducting a figure of 0.40 Mtpa for soft sand leaves a sand and gravel provision figure of 2.63 Mtpa.
13. It is considered that the minimum level of provision should be to put the county back to where it was before the distorting effects of the recession were felt. This would involve allocating sites to produce 2.32 Mtpa over 19 years or 44.08Mt. Deducting current reserves of 28.5 Mt leaves a provision shortfall of 15.58Mt. The MLP allocates 11.8 Mt so there is a provision gap of at least 3.78 Mt.
14. It is emphasised that this is minimum which does not take account of the significant growth over and above historic levels of demand which is planned for. In all likelihood sand & gravel demand will be nearer to the 2.63 Mt expected by statistical calculation if the planned levels of growth are to be provided for.

15. The MLP delivery schedule (page 136) shows a serious shortfall in provision by year. The schedule presents two sets of figures. First, is the indicative outputs supplied by operators in the call-for-sites exercise. The second is the theoretical output supplied in planning applications if presented. The two figures represent the operators' current intentions and the sales the site can achieve.
16. Analysing the schedule compared to the MLP provision figure shows that at no time will the sites reach the Local Plan annual provision level in terms of capacity using the first set of figures (**see attached schedule and chart**). Using the second set provision comes above Local Plan annual provision levels for 8 years from 2020 to 2027. Comparing with the alternative provision level suggested by MGL and set out in this analysis shows that the level of provision is entirely inadequate in terms of productive capacity using either set of figures.
17. The reason for this is that if only the total quantum of shortfall is used to allocate sites then no attention is paid to that part of the allocation that will not be worked in the Plan period. In other words, the allocations should be increased even if no alteration is made to the provision level, in order to preserve capacity to produce at the average provision level.
18. A further point is that the numbers of sites operating towards the end of the Plan period (falling to just five in total) cannot maintain the average level of production, so that more sites need to be provided for the end of the Plan period.
19. Therefore, using the LAA's own data it is clear there is an underestimation of sand & gravel demand of between 0.62Mtpa and 0.93 Mtpa.
20. Using the Draft MLP delivery schedule shows there is a gross under allocation of sites which will not reach a demand level for sand & gravel using the LAA's own data for a large part of the Plan period. The shortfall is even greater if a higher sand & gravel demand figure is used.
21. Reliance on a bare 10 year average past sales as a forecast of future demand is clearly not appropriate given the evidence that conditions over the last 10 years have been anomalous. By basing future provision on such a figure the Council risks building in a permanent loss of capacity at a time of increased market demand, and expectations by communities for new houses and more jobs. If Nottinghamshire underprovides for its own needs, it will put strain on other areas to make up the shortfall.

Possible Objections

22. There is a statement in the LAA that implies that one cannot use housing completions to forecast sand and gravel demand because it is only part of the overall demand and sand and gravel gets used for other construction projects. However, this is a red herring for two reasons. One, if there exists a statistically significant linear relationship between two variables which are causatively linked then knowing one variable leads to the prediction of the other variable. This is why statistically significant relationships are researched in all walks of life – to be able to make predictions. Therefore, it is irrelevant that sand and gravel is used for other things. The statistical relationship is all that is necessary to predict future sand and gravel demand knowing future housing completion rates. Two, construction of housing goes hand in hand with other types of development requiring sand and gravel such as commercial, retail, industrial and infrastructure, which are all related to population and economic growth. The driving force of sand and gravel demand is not housing per se but the underlying economic and population growth. Therefore, if it can be shown to be statistically significant then the relationship between sand and gravel and housing completions can be used as a proxy for all types of development.

The Oxfordshire Situation Explained

23. The situation in Nottinghamshire is similar to that pertaining in Oxfordshire. Here, the onset of the recession led to the major operators mothballing sites and delaying implementation of planning permissions, just as in Nottinghamshire and transferring production to other sites outside of the county. These commercial decisions in Oxfordshire reduced the 10 year rolling average below what it would have been had these commercial decisions not been taken. Oxfordshire took the view that it would be prudent to assume that this would only be a temporary market distortion and that as growth returned production would recommence at the affected sites. As such, the 10 year average would underestimate the true level of future demand.
24. Quantification of the effect was approached by considering how the county's sales had reduced compared to the whole of England during the baseline period. Given that the county and the country were subject to the same recession, it was reasonable to conclude that any differences between the percentages during the period reflected specific local factors.

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)

Proposed Changes

1. The reason for the proposed changes are that the policy is not in accordance with national policy, not justified and not effective.

2. Accordingly,

Policy MP1: Aggregate Provision

1. To meet identified levels of demand for aggregate mineral over the plan period (2018-2036) the following provision will be made:

- ~~32.30~~ **44.08** million tonnes of Sand and Gravel
- 7.03 million tonnes of Sherwood Sandstone
- 0.09 million tonnes of crushed rock

2. The County Council will make provision for the maintenance of landbanks of at least 7 years for sand and gravel, 7 years for Sherwood Sandstone and 10 years for crushed rock, whilst maintaining a steady and adequate supply over the plan period.

3. Proposals for aggregate extraction outside those areas identified in policies MP2, MP3 and MP4 will be supported where a need can be demonstrated.

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)	
Yes , I wish to participate in the hearing session(s)	Yes


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:

Mick George Ltd is one of the leading suppliers to the construction industry in East Anglia and the East Midlands, specialising in providing bulk excavation & earthmoving services, aggregate supply and waste management services, with quarries, landfill sites and waste transfer stations spread across Northamptonshire, Cambridgeshire, Lincolnshire, Bedfordshire and Hertfordshire.

The issues and arguments surrounding minerals supply are technically complicated and specialised. They require to be discussed in open forum.

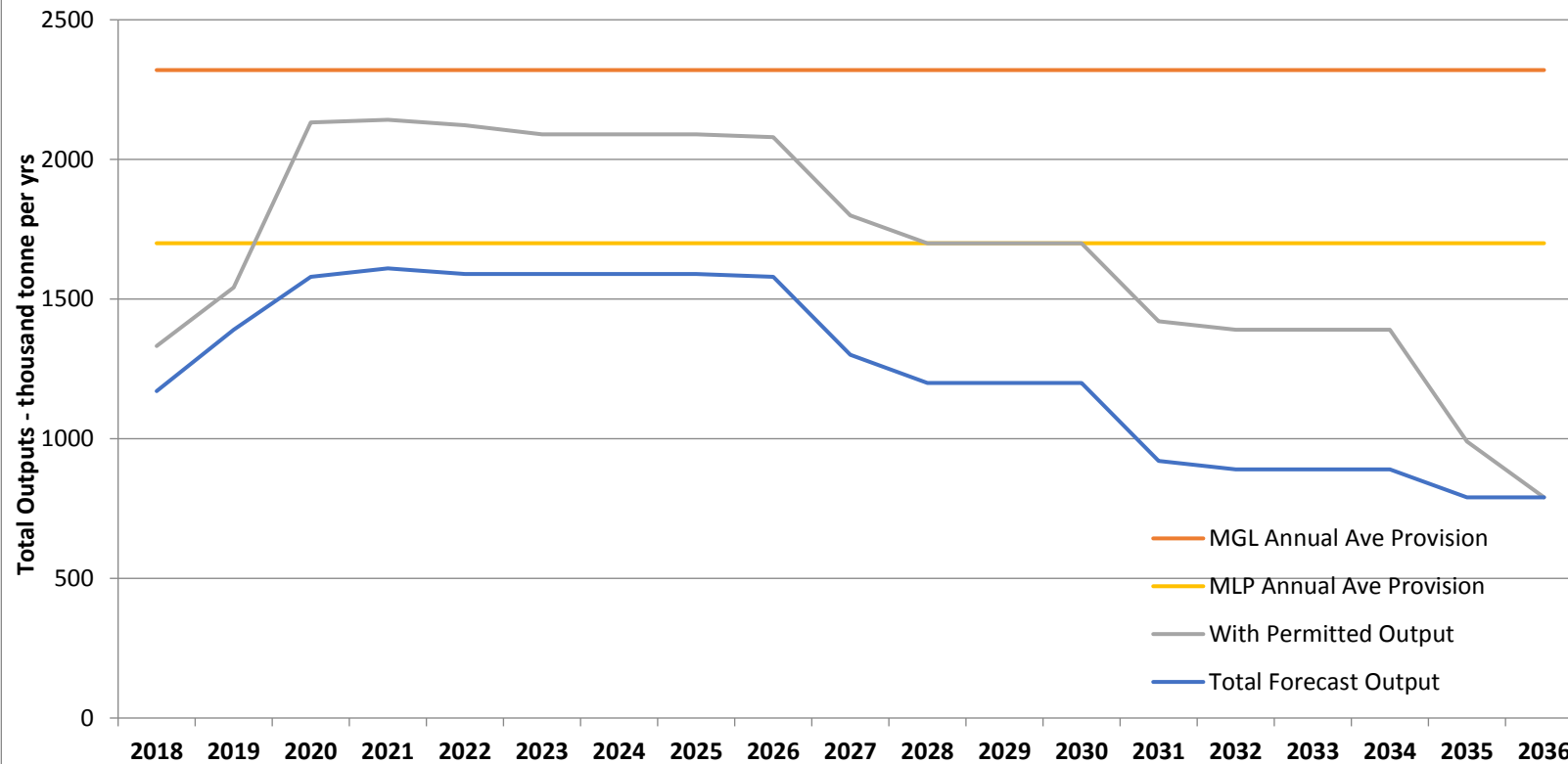
Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

Signature		Date	10 th October 2019
Name	John Gough		

There follows a Schedule and Chart in support of the objection to MP1

Notts Delivery Schedule - Local Plan Forecasted Output																			
	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036
Newington S	150																		
Finningley	0																		
Sturton			50	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
Bawtry Rd		40	40	40	40	40	40	40											
Bawtry Rd W									30	30	30	30	30	30					
Scrooby S	40	40	40	40	40														
Scrooby N						40	40	40	40	40	40	40	40	40	40	40	40	40	40
Scrooby Thompson			40	20															
Cromwell	200	200	200	200	200	200	200	200	200	100									
Besthorpe	150	150	200																
Besthorpe E				200	200	200	200	200	200	200	200	200	200	200	200	200	200	200	200
Girton		50	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100		
Langford L	450	450	450	450	450	450	450	450	450	250									
Langford L N										200	450	450	450	450	450	450	450	450	450
Mill Hill		280	280	280	280	280	280	280	280	280	280	280	280						
E Leake	180	180	180	180	180	180	180	180	180										
Total Forecast Output	1170	1390	1580	1610	1590	1590	1590	1590	1580	1300	1200	1200	1200	920	890	890	890	790	790
With Permitted Output	1332	1542	2132	2142	2122	2090	2090	2090	2080	1800	1700	1700	1700	1420	1390	1390	1390	990	790
MLP Annual Ave Provision	1700	1700	1700	1700	1700	1700	1700	1700	1700	1700	1700	1700	1700	1700	1700	1700	1700	1700	1700
MGL Annual Ave Provision	2320	2320	2320	2320	2320	2320	2320	2320	2320	2320	2320	2320	2320	2320	2320	2320	2320	2320	2320
shortfall provision Plan	-530	-310	-120	-90	-110	-110	-110	-110	-120	-400	-500	-500	-500	-780	-810	-810	-810	-910	-910
shortfall provision Plan + extra output	-368	-158	432	442	422	390	390	390	380	100	0	0	0	-280	-310	-310	-310	-710	-910
shortfall provision MGL	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	1150	-930	-740	-710	-730	-730	-730	-730	-740	1020	1120	1120	1120	1400	1430	1430	1430	1530	1530
shortfall provision MGL + extra output	-988	-778	-188	-178	-198	-230	-230	-230	-240	-520	-620	-620	-620	-900	-930	-930	-930	1330	1530

Notts Submission Delivery Schedule Totals - Forecast & Permitted Outputs compared to MLP Provison Figure & MGL Alternative Provision Figure (kt)



Part B – Your representation

Office use only

Person No:

Rep No:

Please read the guidance note before completing this section.

Name or organisation: Mick George Ltd

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

Policy	MP2	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	X	No	
Sound?	Yes		No	X
Complies with the Duty to co-operate	Yes		No	

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.

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

Policy MP2: Sand and Gravel Provision

1. Bearing in mind the previous analysis of MP1 there is a shortfall in allocated and sites and MGL proposes the addition of its Flash Farm site to the list of sand and gravel allocations.

Proposed Site Allocation – Flash Farm (see plan No F18/15/01)

2. MGL has no comment about the specifics of the allocations except to reiterate the need for more provision in the form of new quarries and a more equitable spread of sites among the industry. Thus MGL wishes to promote its own site at Flash Farm, Averham. This site was allocated in the former abandoned Plan in 2016, and clearly retains a number of advantages which make it suitable for working. This means that it has no overriding adverse environmental impacts and the only reason it appears not to have been included in this plan is the change of approach to local plan provision following the County Council elections of 2017.
3. This site located on the A617 at Averham west of Newark contains 3.08 Million tonnes and would produce about 200,000 tonnes of high quality aggregate a year for markets to the north of Nottingham, Ashfield, Mansfield and possibly Derbyshire beyond. Some material is also likely to be sold in the Newark area.
4. In response to NCC's call for sites in 2018 MGL submitted various environmental reports and working and restoration details to the Council to support its proposal of this site. These documents are assumed to be already in the Examination and are not repeated here. What follows is a summary of the environmental characteristics of the site and its advantages.
5. The environmental appraisals undertaken have raised no issues that would warrant refusal of the development proposals, which are in conformity with the emerging development plan and confirm that the site is eminently suitable as a Local Plan allocation.
6. The site is located partially within the western floodplain of the north-eastward flowing River Trent and consists of gravels and sandy gravels concealed in part by shallow deposits of alluvium. The mineral deposit is characterised by low fines content and high percentage of gravel. The gravel fraction is predominantly fine with occasional cobbles whilst the sand is medium grained and these consist primarily of quartz and quartzite with subordinate amounts of flint, chert and sandstone.
7. The site lies in the Trent Valley in the Trent Washlands Landscape Character Area and the proposed extraction area is largely flat lying at about 14m AOD and located in open countryside characterised by large fields, low hedges with sporadic hedgerow trees, and occasional blocks of woodland on higher ground to the north. It is also fairly isolated, with the property of Flash Farm itself, located 160 metres to the north. All other properties are at the villages of Averham and Kelham which are 540m and 660m to the south east and north east respectively.
8. The Flash Farm site comprises a number of agricultural fields, sub-divided primarily by fencing, under arable and pasture use.
9. The site is crossed by a 400 Kva overhead power line with three substantial stanchions within the land in question. The wider landscape is dominated by adverse detractors consisting of the Staythorpe Power Station (to the south) and power lines leading from it as well as the dominant flue stack from the sugar beet factory to the north-east.
10. As the mineral extraction area is not sub-divided by any hedgerows, the scheme of working therefore importantly does not require the removal of any sections of vegetation (i.e. hedgerow or trees) whatsoever.

11. The quarry has been designed to reinstate the land in a sensitive fashion seeking to apply best environmental practice and give practical effect to strategic government initiatives on protection of soil resources and habitat creation using importation of suitable inert material as a catalyst for the beneficial restoration of the land to be reinstated to its existing “best and most versatile” agricultural land status.
12. Moreover, the opportunity has afforded conditions to create bio-diversity action plan priority habitats such as species rich grassland and lowland wet grassland as well as some 2.3km of new hedgerows (which currently do not exist).
13. The proposed scheme of working has been devised to reflect current landscape improvement and nature conservation policies. Net biodiversity gain would be achieved through the creation of a cohesive network of new habitats, contributing to the Government’s commitment to halt the overall decline in biodiversity. The application site itself is currently of limited ecological value with a majority of the site consisting of intensively managed fields with very limited hedgerows of variable quality within the site itself.
14. Accordingly, the scheme provides a high standard of mitigation by delivering net gain in environmental capital and strategic bio-diversity networks. Such benefits to bio-diversity are requirement of the National Planning Policy Framework and Planning Practice Guidance as well as emerging Mineral Local Plan policies which contains a “bio-diversity led” philosophy for the restoration of quarry workings.
15. Given the site’s location the proposed scheme of working can readily provide effective protection against unreasonable noise and dust emissions with the site design carefully aimed to balance protection of the local environment with the requirement to extract and process mineral.
16. The site access will be directly onto the A617 upgrading an existing gated access. The A617 is part of the Strategic Highway Network and policy objectives (locally and nationally) support the use of such roads to transport goods and materials (including minerals).
17. The Flash Farm site lies to the west of Kelham Bridge which is ideally located to serve markets to the north and west. Without Flash Farm being present other quarries would have to transport material across Kelham Bridge to serve those same markets. Congestion around Kelham Bridge has been highlighted by the County Council and residents as being of concern although the A 617 is identified as part of the County’s Core Road Network. Accordingly, Flash Farm would have a neutral effect as movements west over the bridge would be balanced by movements in the other direction.
18. As such, MGL commends the Flash Farm site to the Examination as a site specific allocation.
19. The Reason for the proposed change is that the site allocation policy is contrary to national policy and guidance, is not justified and not effective.

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)

2. Accordingly,

Policy MP2: Sand and Gravel Provision

1. An adequate supply of sand and gravel will be identified to meet expected demand over the plan period from:

a) The extraction of remaining reserves at the following permitted quarries:

	(Million tonnes)
MP2a Newington South	0.39mt
MP2b Finningley	0.45mt
MP2c Sturton Le Steeple	7.50mt
MP2d Bawtry Road	0.60mt
MP2e Cromwell	2.40mt
MP2f Besthorpe	0.50mt
MP2g Girton	3.56mt
MP2h Langford Lowfields	4.95mt
MP2i East Leake	2.34mt
MP2j Scrooby South	0.62mt

b) The following extensions to existing permitted quarries:

MP2k Bawtry Road West	0.18mt
MP2l Scrooby Thompson Land	0.06mt
MP2m Scrooby North	0.56mt* (0.62mt)
MP2n Langford Lowfields North	4.70mt* (8.00mt)
MP2o Besthorpe East	3.30mt

c) New sand and gravel quarries:

MP2p Mill Hill nr Barton in Fabis	3.0mt**
MP2q Flash Farm Averham	3.08mt

Note: The above sites are shown on the Policies Map

Proposals to extract specialist grey sand reserves will be supported where a need can be demonstrated.

Planning applications for site allocations should be made in accordance with the site development briefs set out in Appendix 2

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.

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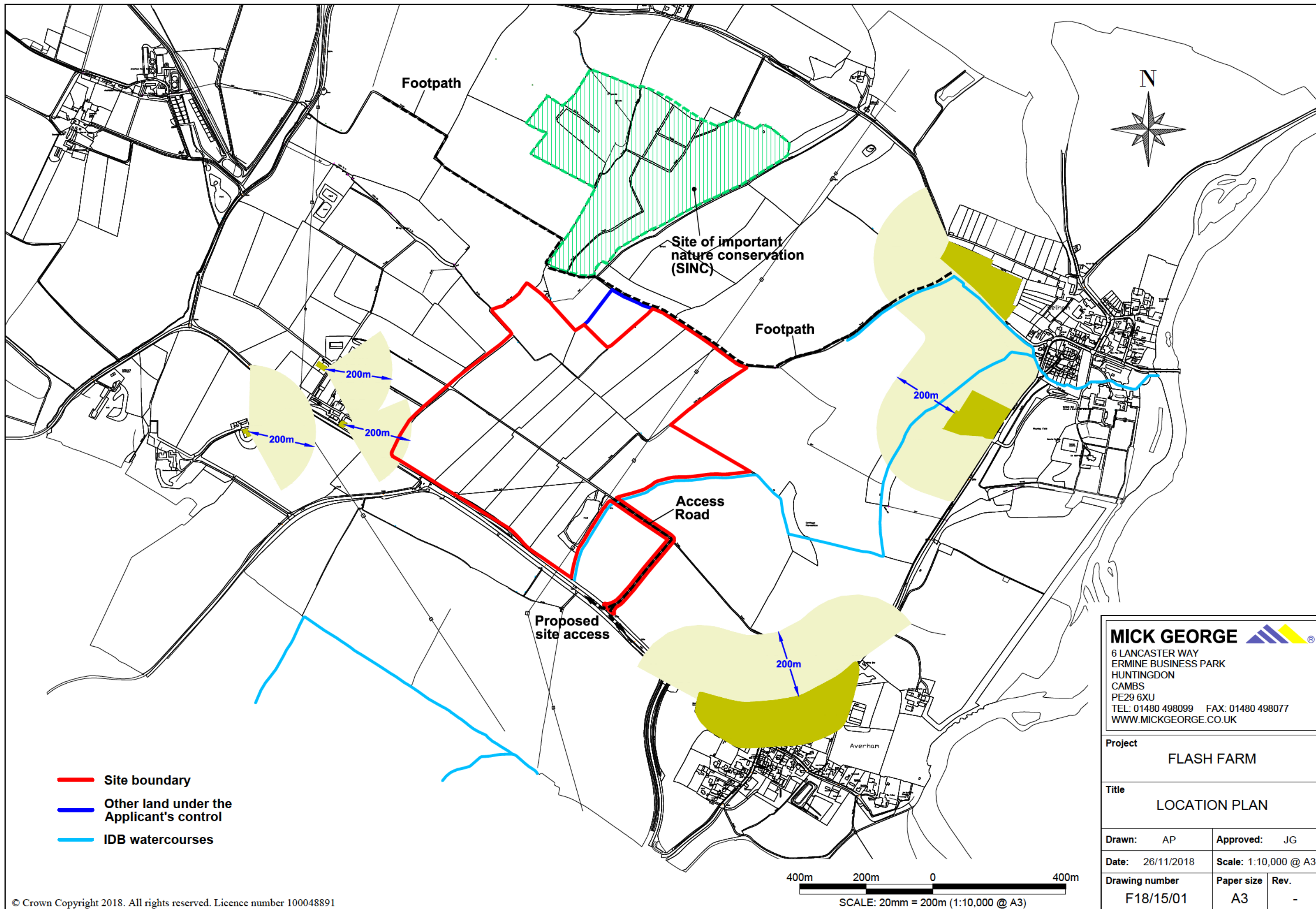
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Signature		Date	10 th October 2019
Name	John Gough		



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 WWW.MICKGEORGE.CO.UK

Project
 FLASH FARM

Title
 LOCATION PLAN

Drawn: AP	Approved: JG
Date: 26/11/2018	Scale: 1:10,000 @ A3
Drawing number F18/15/01	Paper size A3
Rev. -	