

[REDACTED]

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**From:** Janice Bradley [REDACTED]  
**Sent:** 11 October 2019 13:03  
**To:** Planning Policy  
**Subject:** Publication Version of the MLP, Nottinghamshire Wildlife Trust response  
**Attachments:** representation-form Nottinghamshire Wildlife Trust DM4.docx; representation-form Nottinghamshire Wildlife Trust MP1.docx; representation-form Nottinghamshire Wildlife Trust MP2.docx; representation-form Nottinghamshire Wildlife Trust MP3.docx; representation-form Nottinghamshire Wildlife Trust MP6.docx; representation-form Nottinghamshire Wildlife Trust MP7.docx; representation-form Nottinghamshire Wildlife Trust MP8.docx; representation-form Nottinghamshire Wildlife Trust MP11.docx; representation-form Nottinghamshire Wildlife Trust MP12.docx; representation-form Nottinghamshire Wildlife Trust para 5.135.docx; representation-form Nottinghamshire Wildlife Trust paras 3.49-3.55.docx; representation-form Nottinghamshire Wildlife Trust SP1.docx; representation-form Nottinghamshire Wildlife Trust SP2.docx

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

Dear Planning Policy Team,

Please find attached our representation forms for the above. The number of forms notwithstanding, this is a very good plan, much of which I strongly welcome and also recognise that many of my previous comments and submissions have been incorporated.

You will also find that there is an additional representation made through your online consultation portal, however I had to abandon this thereafter, as it did not send a full copy of my comments back to me, only a truncated version, so was not feasible to use for our representations.

Please do not hesitate to contact me to discuss any of the issues raised, I am sure that several can be resolved through a face to face meeting prior to the examination of the Plan.

Many thanks

Best regards

Janice

Janice Bradley MBE C.Env., MCIEEM  
Head of Conservation

Nottinghamshire Wildlife Trust  
The Old Ragged School  
Brook Street  
Nottingham  
NG1 1EA  
Phone: 0115 958 8242 [REDACTED]

Please note that I work all day on Mondays, Tuesdays and Thursdays and from 9.30-1.30 on Wednesdays and Fridays.

<https://www.nottinghamshirewildlife.org/>



<https://www.justgiving.com/campaign/NottinghamshireNatureReserveFund>

Nottinghamshire Wildlife Trust is the county's largest environmental charity - run by local people for the benefit of local wildlife. We manage nature reserves across the county, champion nature and inspire adults and children about the natural world. Together we are working to create a Living Landscape for Nottinghamshire.

**Are you a member of Nottinghamshire Wildlife Trust? Join us now online or call us on 0115 958 8242**

Registered office: The Old Ragged School, Brook St, Nottingham NG1 1EA Registered in England & Wales: no. 748865. Charity no. 224168R.

## 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.

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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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## Part A – Personal details

Office use only

Person No:

Rep Nos:

	1. Personal details	2. Agent details (where applicable)
<b>Title</b>	Mrs	
<b>First name</b>	Janice	
<b>Last name</b>	Bradley	
<b>Address line 1</b>		
<b>Address line 2</b>		
<b>Address line 3</b>		
<b>Postcode</b>		
<b>Email</b>		
<i>For those replying on behalf of an organisation or group:</i>		
<b>Organisation</b>	Nottinghamshire Wildlife Trust	
<b>Job title</b>	Head of Conservation	

## Part B – Your representation

Office use only

Person No:

Rep No:

Please read the guidance note before completing this section.

Name or organisation: Janice Bradley, Nottinghamshire Wildlife Trust

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

Policy	DM4	Site code		Map/Plan		Paragraph	3.49-3.55	Other	
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### 4. Do you consider the identified part of the Local Plan to be:

Legally compliant?	Yes	<input checked="" type="checkbox"/>	No	
Sound?	Yes		No	<input checked="" type="checkbox"/>
Complies with the Duty to co-operate	Yes	<input checked="" type="checkbox"/>	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)

NWT strongly support the intent of this policy and the supporting text. Our concern, however, is that to remain **sound** when applied in real world situations, the wording of policy requires strengthening by the removal of references to unspecified reasons for why the need for a development might outweigh the biodiversity impacts. Experience in Nottinghamshire has demonstrated that it is difficult to quantify the value of different factors, such as the need for a common mineral versus the value of an irreplaceable habitat, and that this causes problems at a development management level, which can result in decisions that are contrary to policy. It is necessary therefore that either these references (which can be used as loopholes to evade the excellent intent of the policy) should be removed, or a robust framework for how that value is quantified and weighted should be agreed in order to ensure robust development management decisions.

It also essential that this policy reflects the Government's imperative to achieve net biodiversity gain in order to be compliant with the 25YEP and emerging Government policy.

Without these amendments, the policy is open to misinterpretation and therefore may not be **sound**. There is also a risk that the loopholes may inadvertently result in breaching the MPA's responsibilities under the **NERC Biodiversity Duty**.

**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)

NWT therefore consider that for the avoidance of doubt, DM4 should be amended as follows:

~~“b) ....except where the benefits of the development clearly outweigh the importance of the site and where no suitable alternative exists;~~

c) They are not likely to give rise to the loss or deterioration of Local Sites (Local Wildlife Sites or Local Geological Sites) ~~except where the need for and benefits of the development in that location outweigh the impacts;~~

d) They would not result in the loss of populations of a priority species or areas of priority habitat. Development that would result in the loss or deterioration of irreplaceable habitats **will be refused.** ~~only be permitted where there are wholly exceptional reasons and a suitable compensation strategy exists.~~

5.56. Where compensation is required, this should ensure that **net biodiversity gain is achieved** ~~there is no net loss of~~

~~habitat,~~ **including the need to** provide like for like replacements of habitat (recognising that newly created habitats may take many years to reach the quality and diversity of established habitats), **a greater priority Sn41 habitat resource overall** , and also make up for any lost connections between habitats.

Where significant impacts on species are predicted, compensation schemes should also provide overall habitat improvements, in terms of quality or area, in comparison to the habitat that is being lost. Use of the DEFRA Biodiversity Metric may be helpful in undertaking assessments to determine the compensatory habitat required.

***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)?**

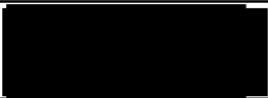
<b>No</b> , I do not wish to participate in the hearing session(s)	
<b>Yes</b> , I wish to participate in the hearing session(s)	<b>x</b>

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:**

This is an area of risk for deliverability of the excellent intent of this policy, Hopefully this can be achieved without attendance at this hearing session, but if necessary NWT would attend to discuss this matter.

**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.

<b>Signature</b>		<b>Date</b>	10 <sup>th</sup> October 2019
<b>Name</b>	Janice Bradley		

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

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## Part A – Personal details

Office use only

Person No:

Rep Nos:

	1. Personal details	2. Agent details (where applicable)
<b>Title</b>	Mrs	
<b>First name</b>	Janice	
<b>Last name</b>	Bradley	
<b>Address line 1</b>		
<b>Address line 2</b>		
<b>Address line 3</b>		
<b>Postcode</b>		
<b>Email</b>		
<i>For those replying on behalf of an organisation or group:</i>		
<b>Organisation</b>	Nottinghamshire Wildlife Trust	
<b>Job title</b>	Head of Conservation	

## Part B – Your representation

Office use only

Person No:

Rep No:

Please read the guidance note before completing this section.

Name or organisation: Janice Bradley, Nottinghamshire Wildlife Trust

### 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		No	x
Sound?	Yes		No	x
Complies with the Duty to co-operate	Yes	x	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)

NWT do not consider this policy to be **sound** because of the inherent contradiction between the Plan-led approach whilst simultaneously making specific provision for development on non-allocated sites within Policy MP1. If the plan-making process has been robust and based on good data, then there should be no need for development on non-allocated sites. A robust plan review progress at fixed intervals may identify the need to bring new sites forward for further allocations in a proper manner, where the need has changed, in which case they can be compared to other potential sites in a rigorous way. It is not a rigorous process for a single operator's proposal to be brought forward at a particular point in time, and therefore not be subject to a proper comparative test against others prospective sites, including an SA.

By undermining the plan-led approach, it is possible that this policy could inadvertently breach the requirements of the NPPF and so may not be legally compliant.

**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)

NWT therefore consider that for the avoidance of doubt, and to ensure soundness, bullet point 3 should be removed from Policy MP1.

***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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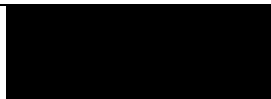
<b>No</b> , I do not wish to participate in the hearing session(s)	
<b>Yes</b> , I wish to participate in the hearing session(s)	<b>x</b>

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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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<b>Signature</b>		<b>Date</b>	10 <sup>th</sup> October 2019
<b>Name</b>	Janice Bradley		

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<b>Title</b>	Mrs	
<b>First name</b>	Janice	
<b>Last name</b>	Bradley	
<b>Address line 1</b>		
<b>Address line 2</b>		
<b>Address line 3</b>		
<b>Postcode</b>		
<b>Email</b>		
<i>For those replying on behalf of an organisation or group:</i>		
<b>Organisation</b>	Nottinghamshire Wildlife Trust	
<b>Job title</b>	Head of Conservation	

## Part B – Your representation

Office use only

Person No:

Rep No:

Please read the guidance note before completing this section.

Name or organisation: Janice Bradley, Nottinghamshire Wildlife Trust

### 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		No	x
Sound?	Yes		No	x
Complies with the Duty to co-operate	Yes	x	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)

NWT recognise the need to allocate sufficient land for future mineral needs, subject to accurate data and a regular review of actual sales and needs against predictions. NWT object strongly, however, to the allocation of a new site at Mill Hill nr Barton in Fabis. We believe that this allocation renders this area of the Plan **unsound** because it is fundamentally flawed, for the following reasons:

The proposed allocation would destroy all or part of 5 LWS, would indirectly damage a further 4 LWS which are in very close proximity and cause indirect damaging effects on 2 adjacent SSSI, a designated Ancient Woodland and a large area of BAP/Sn 41 priority habitat. This site is also known to host a significant number of protected species whose populations would be reduced or lost as a result of the scheme, as would several BAP/Sn 41 species. Allocating a site of such high existing biodiversity is therefore not compliant with Policies SO1 and SP5 and so is **unsound**. It is possible that such an allocation also breaches the **MPA's Biodiversity Duty under the NERC Act** and so may not be legally compliant.

This proposed site scored worse in the SA (-13 and -3) than nearly all other sites that were assessed, **and has been allocated whilst other sites that did not score as badly have not**. This fundamentally undermines the aims of SA as an independent tool for choosing between sites, and so also undermines the soundness of this Plan, particularly the stated intent to achieve sustainable development. The descriptive text for the environmental impacts predicted for this proposed site in the SA is clear in stating that there would both short and long term negative impacts on biodiversity and landscape (as well as other factors outside the remit of NWT). Indeed it makes clear that there would be a **net loss of biodiversity** if this site were to proceed.

It is also notable that in the Assessment of Multiple Environmental Sensitivities report, this proposed allocation has been assessed as being red – ie. a scheme would adversely impact several environmental assets.

The text is also inaccurate in stating that the quarry is predicted to start in 2019, this is not the case, as the applicant (having submitted a presumptive application in the absence of an allocation) has so far failed to produce adequate information to inform a proper determination by the MPA.





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)

NWT therefore consider that the Mill Hill nr Barton in Fabis allocation should be removed from Policy MP2.

**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)?**


<b>No</b> , I do not wish to participate in the hearing session(s)	
<b>Yes</b> , I wish to participate in the hearing session(s)	<b>x</b>

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:**

<p>This is a serious issue of an allocation that may render the Plan unsound and not legally compliant, so it should be removed. If this cannot be achieved prior to the hearing session, NWT would attend the session to provide evidence on this matter.</p>
--

**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.

<b>Signature</b>		<b>Date</b>	10 <sup>th</sup> October 2019
<b>Name</b>	Janice Bradley		

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<b>Title</b>	Mrs	
<b>First name</b>	Janice	
<b>Last name</b>	Bradley	
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<i>For those replying on behalf of an organisation or group:</i>		
<b>Organisation</b>	Nottinghamshire Wildlife Trust	
<b>Job title</b>	Head of Conservation	

## Part B – Your representation

Office use only

Person No:

Rep No:

Please read the guidance note before completing this section.

Name or organisation: Janice Bradley, Nottinghamshire Wildlife Trust

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

Policy	MP3	Site code		Map/Plan		Paragraph		Other	
--------	-----	-----------	--	----------	--	-----------	--	-------	--

### 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	x	No	

Please tick as appropriate.

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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)

NWT recognise the need to allocate sufficient land for future mineral needs, subject to accurate data and a regular review of actual sales and needs against predictions. NWT object strongly, however, to the allocation of MP3d Bestwood 2 North. We believe that this allocation renders this area of the Plan **unsound** because it is fundamentally flawed, for the following reasons:

The proposed allocation is entirely located within a LWS which would be destroyed as a result of extraction. The proposed site also lies with the ppSPA buffer zone and between two parts of the Sherwood Forest Important Bird Area, upon which any future Special Protection Area (SPA) designation may be based. Allocating a designated LWS is not compliant with Policies SO1 and SP5 and so is **unsound**. It is possible that such an allocation also breaches **the MPA's Biodiversity Duty under the NERC Act** and so may not be legally compliant.

This proposed site scored poorly in the SA (-9 and -2) compared to several other sites that were assessed, **and has been allocated whilst other sites that did not score as badly have not** (eg. Coddington at -7, -2). This fundamentally undermines the aims of SA as an independent tool for choosing between sites, and so also undermines the soundness of this Plan, particularly the stated intent to achieve sustainable development. The descriptive text for the environmental impacts predicted for this proposed site in the SA is clear in stating that there would be short term "very negative" impacts on biodiversity and also on landscape when considered with Greenbelt impacts (as well as other factors outside the remit of NWT). Indeed there could be a **net loss of biodiversity** if this site were to proceed, as it is unlikely that new habitats created through restoration would be of a higher biodiversity value than those that currently exist, and there would be further indirect impacts on the habitats and species of the remainder of the LWS as a result of extraction operations.

**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)

NWT therefore consider that the Bestwood 2 North (MP3d) allocation should be removed from Policy MP3.

***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)?**

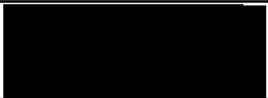
<b>No</b> , I do not wish to participate in the hearing session(s)	
<b>Yes</b> , I wish to participate in the hearing session(s)	<b>x</b>

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:**

This is a serious issue of an allocation that may render the Plan unsound and not legally compliant, so it should be removed. If this cannot be achieved prior to the hearing session, NWT would attend the session to provide evidence on this matter.

**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.

<b>Signature</b>		<b>Date</b>	10 <sup>th</sup> October 2019
<b>Name</b>	Janice Bradley		

## Representation Form

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

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## Part A – Personal details

Office use only

Person No:

Rep Nos:

	1. Personal details	2. Agent details (where applicable)
<b>Title</b>	Mrs	
<b>First name</b>	Janice	
<b>Last name</b>	Bradley	
<b>Address line 1</b>		
<b>Address line 2</b>		
<b>Address line 3</b>		
<b>Postcode</b>		
<b>Email</b>		
<i>For those replying on behalf of an organisation or group:</i>		
<b>Organisation</b>	Nottinghamshire Wildlife Trust	
<b>Job title</b>	Head of Conservation	

## Part B – Your representation

Office use only

Person No:

Rep No:

Please read the guidance note before completing this section.

Name or organisation: Janice Bradley, Nottinghamshire Wildlife Trust

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

Policy	MP6	Site code		Map/Plan		Paragraph		Other	
--------	-----	-----------	--	----------	--	-----------	--	-------	--

### 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	x	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)

NWT do not consider this policy to be **sound** because of the inherent contradiction between the Plan-led approach whilst simultaneously making specific provision for development on non-allocated sites within Policy MP6. If the plan-making process has been robust and based on good data, then there should be no need for development on non-allocated sites. A robust plan review process at fixed intervals may identify the need to bring new sites forward for further allocations in a proper manner, where the need has changed, in which case they can be compared to other potential sites in a rigorous way. It is not a rigorous process for a single operator's proposal to be brought forward at a particular point in time, and therefore not be subject to a proper comparative test against others prospective sites, including an SA.

By undermining the plan-led approach, it is possible that this policy could inadvertently breach the requirements of the NPPF and so may not be legally compliant.

**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)

NWT therefore consider that for the avoidance of doubt, and to ensure soundness, bullet point 2 should be removed from Policy MP6.

***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)?**

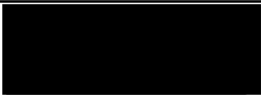
<b>No</b> , I do not wish to participate in the hearing session(s)	
<b>Yes</b> , I wish to participate in the hearing session(s)	<b>x</b>

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:**

<p>This is a serious issue of an allocation that may render the Plan unsound and not legally compliant, so it should be removed. If this cannot be achieved prior to the hearing session, NWT would attend the session to provide evidence on this matter.</p>
--

**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.

<b>Signature</b>		<b>Date</b>	10 <sup>th</sup> October 2019
<b>Name</b>	Janice Bradley		

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

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## Part A – Personal details

Office use only

Person No:

Rep Nos:

	1. Personal details	2. Agent details (where applicable)
<b>Title</b>	Mrs	
<b>First name</b>	Janice	
<b>Last name</b>	Bradley	
<b>Address line 1</b>		
<b>Address line 2</b>		
<b>Address line 3</b>		
<b>Postcode</b>		
<b>Email</b>		
<i>For those replying on behalf of an organisation or group:</i>		
<b>Organisation</b>	Nottinghamshire Wildlife Trust	
<b>Job title</b>	Head of Conservation	

## Part B – Your representation

Office use only

Person No:

Rep No:

Please read the guidance note before completing this section.

Name or organisation: Janice Bradley, Nottinghamshire Wildlife Trust

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

Policy	MP7	Site code		Map/Plan		Paragraph		Other	
--------	-----	-----------	--	----------	--	-----------	--	-------	--

### 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	x	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)

NWT do not consider this policy to be **sound** because of the inherent contradiction between the Plan-led approach whilst simultaneously making specific provision for development on non-allocated sites within Policy MP7. If the plan-making process has been robust and based on good data, then there should be no need for development on non-allocated sites. A robust plan review progress at fixed intervals may identify the need to bring new sites forward for further allocations in a proper manner, where the need has changed, in which case they can be compared to other potential sites in a rigorous way. It is not a rigorous process for a single operator's proposal to be brought forward at a particular point in time, and therefore not be subject to a proper comparative test against others prospective sites, including an SA.

By undermining the plan-led approach, it is possible that this policy could inadvertently breach the requirements of the NPPF and so may not be legally compliant.

In addition, NWT object to this Policy because we do not agree MP7c Bantymock Quarry South should be allocated as currently shown on the Plan, as the proposed site boundary includes an LWS and another lies immediately adjacent, which could be subject to damaging indirect impacts. This is recognised in the SA and is a significant reason for the -7, -1 score. Were the LWS to be removed from the proposed site allocation and the boundary moved further away from the adjacent LWS, then NWT could support this allocation.

**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)

NWT therefore consider that for the avoidance of doubt, and to ensure soundness, bullet point 2 should be removed from Policy MP7.

In addition, the proposed site allocation boundary for Bantycok South should be amended to exclude the LWS, which would ensure the allocation is compliant with the NPPF and the NERC Act and thus also improve its SA score and make the allocation more defensible.

***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)?**


<b>No</b> , I do not wish to participate in the hearing session(s)	
<b>Yes</b> , I wish to participate in the hearing session(s)	<b>x</b>

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:**

<p>This is a serious issue of an allocation that may render the Plan unsound and not legally compliant, so it should be removed. If this cannot be achieved prior to the hearing session, NWT would attend the session to provide evidence on this matter.</p>
--

**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.

<b>Signature</b>		<b>Date</b>	10 <sup>th</sup> October 2019
<b>Name</b>	Janice Bradley		

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## Part A – Personal details

Office use only

Person No:

Rep Nos:

	1. Personal details	2. Agent details (where applicable)
<b>Title</b>	Mrs	
<b>First name</b>	Janice	
<b>Last name</b>	Bradley	
<b>Address line 1</b>		
<b>Address line 2</b>		
<b>Address line 3</b>		
<b>Postcode</b>		
<b>Email</b>		
<i>For those replying on behalf of an organisation or group:</i>		
<b>Organisation</b>	Nottinghamshire Wildlife Trust	
<b>Job title</b>	Head of Conservation	

## Part B – Your representation

Office use only

Person No:

Rep No:

Please read the guidance note before completing this section.

Name or organisation: Janice Bradley, Nottinghamshire Wildlife Trust

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

Policy	MP8	Site code		Map/Plan		Paragraph		Other	
--------	-----	-----------	--	----------	--	-----------	--	-------	--

### 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	x	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)

NWT do not consider this policy to be **sound** because of the inherent contradiction between the Plan-led approach whilst simultaneously making specific provision for potential development on non-allocated sites within Policy MP8. If the plan-making process has been robust and based on good data, then there should be no need for development on non-allocated sites. A robust plan review progress at fixed intervals may identify the need to bring new sites forward for further allocations in a proper manner, where the need has changed, in which case they can be compared to other potential sites in a rigorous way. It is not a rigorous process for a single operator's proposal to be brought forward at a particular point in time, and therefore not be subject to a proper comparative test against others prospective sites, including an SA. Given the predicted life for Two Oaks Farm Quarry is 40 years, well beyond the recommended 10 year land bank for this resource, the inclusion of bullet point 2 is unnecessary and incongruous.

By undermining the plan-led approach, it is possible that this policy could inadvertently breach the requirements of the NPPF **and so may not be legally compliant**.

**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)

NWT therefore consider that for the avoidance of doubt, and to ensure soundness, bullet point 2 should be removed from Policy MP8.

***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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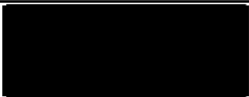
<b>No</b> , I do not wish to participate in the hearing session(s)	
<b>Yes</b> , I wish to participate in the hearing session(s)	<b>x</b>

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:**

This is a serious issue of an allocation that may render the Plan unsound and not legally compliant, so it should be removed. If this cannot be achieved prior to the hearing session, NWT would attend the session to provide evidence on this matter.

**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.

<b>Signature</b>		<b>Date</b>	10 <sup>th</sup> October 2019
<b>Name</b>	Janice Bradley		

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
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:

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## Part A – Personal details

Office use only

Person No:

Rep Nos:

	1. Personal details	2. Agent details (where applicable)
<b>Title</b>	Mrs	
<b>First name</b>	Janice	
<b>Last name</b>	Bradley	
<b>Address line 1</b>		
<b>Address line 2</b>		
<b>Address line 3</b>		
<b>Postcode</b>		
<b>Email</b>		
<i>For those replying on behalf of an organisation or group:</i>		
<b>Organisation</b>	Nottinghamshire Wildlife Trust	
<b>Job title</b>	Head of Conservation	



## Part B – Your representation

Office use only

Person No:

Rep No:

Please read the guidance note before completing this section.

Name or organisation: Janice Bradley, Nottinghamshire Wildlife Trust

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

Policy	MP11	Site code		Map/Plan		Paragraph		Other	
--------	------	-----------	--	----------	--	-----------	--	-------	--

### 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	x	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)

NWT do not consider this policy to be **sound** because it lags behind the national recognition of the climate emergency and the need to reduce the use of fossil fuels, the policy of allowing further coal extraction where need can be demonstrated is inconsistent with the Government's most recent target to reduce climate changing gas emissions by 2050 to 100% below 1990 levels as stated in The Climate Change Act 2008 (2050 Target Amendment) Order 2019. This Plan period encompasses the 4<sup>th</sup> and 5<sup>th</sup> Carbon Budget periods, with Government targets for cuts in CO2 emissions of 51% by 2025 and 57% by 2030, so there should no new coal extraction from the County in the MLP in order to make Nottinghamshire's contribution to meeting those targets

**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)

NWT consider that the MPA should clearly state that the future extraction of coal in Nottinghamshire is inconsistent with both Government policy and law with regard to carbon targets The Climate Change Act 2008 (2050 Target Amendment) Order 2019.

***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)?**


<b>No</b> , I do not wish to participate in the hearing session(s)	
<b>Yes</b> , I wish to participate in the hearing session(s)	<b>x</b>

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:**

This is a serious issue that may render the Plan unsound and not legally compliant, so it should be resolved. If this cannot be achieved prior to the hearing session, NWT would attend the session to provide evidence on this matter.

**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.

<b>Signature</b>		<b>Date</b>	10 <sup>th</sup> October 2019
<b>Name</b>	Janice Bradley		

## Representation Form

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## Part A – Personal details

Office use only

Person No:

Rep Nos:

	1. Personal details	2. Agent details (where applicable)
<b>Title</b>	Mrs	
<b>First name</b>	Janice	
<b>Last name</b>	Bradley	
<b>Address line 1</b>		
<b>Address line 2</b>		
<b>Address line 3</b>		
<b>Postcode</b>		
<b>Email</b>		
<i>For those replying on behalf of an organisation or group:</i>		
<b>Organisation</b>	Nottinghamshire Wildlife Trust	
<b>Job title</b>	Head of Conservation	

## Part B – Your representation

Office use only

Person No:

Rep No:

Please read the guidance note before completing this section.

Name or organisation: Janice Bradley, Nottinghamshire Wildlife Trust

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

Policy	MP12	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	x	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)

NWT do not consider this policy to be **sound** because it lags behind the national recognition of the climate emergency and the need to reduce the use of fossil fuels. The policy should commit to a reduction in output of oil and gas over the plan period in order to be consistent with the Government's most recent target to reduce climate changing gas emissions by 2050 to 100% below 1990 levels as stated in The Climate Change Act 2008 (2050 Target Amendment) Order 2019. This Plan period encompasses the 4<sup>th</sup> and 5<sup>th</sup> Carbon Budget periods, with Government targets for cuts in CO2 emissions of 51% by 2025 and 57% by 2030, so there should be a reduction in oil and gas extraction from the County in the MLP in order to make Nottinghamshire's contribution to meeting those targets

In addition NWT object in principle to the premise of developing unconventional hydrocarbon resources, both for climate change reasons but specifically also where the short term and long term impacts are poorly understand in relation to Nottinghamshire's heavily fractured sandstone geology and aquifer.

**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)

NWT consider that the MPA should clearly state that future extraction of oil and gas in Nottinghamshire in this Plan period should reduce, in order to be consistent with both Government policy and law with regard to carbon targets The Climate Change Act 2008 (2050 Target Amendment) Order 2019. There should also be a specific presumption against developing the unconventional hydrocarbon resource in the County.

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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)?**


<b>No</b> , I do not wish to participate in the hearing session(s)	
<b>Yes</b> , I wish to participate in the hearing session(s)	<b>x</b>

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<b>Signature</b>		<b>Date</b>	10 <sup>th</sup> October 2019
<b>Name</b>	Janice Bradley		



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## Part A – Personal details

Office use only

Person No:

Rep Nos:

	1. Personal details	2. Agent details (where applicable)
<b>Title</b>	Mrs	
<b>First name</b>	Janice	
<b>Last name</b>	Bradley	
<b>Address line 1</b>		
<b>Address line 2</b>		
<b>Address line 3</b>		
<b>Postcode</b>		
<b>Email</b>		
<i>For those replying on behalf of an organisation or group:</i>		
<b>Organisation</b>	Nottinghamshire Wildlife Trust	
<b>Job title</b>	Head of Conservation	

## Part B – Your representation

Office use only

Person No:

Rep No:

Please read the guidance note before completing this section.

Name or organisation: Janice Bradley, Nottinghamshire Wildlife Trust

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

Policy		Site code		Map/Plan		Paragraph	5.135-5.136	Other	
--------	--	-----------	--	----------	--	-----------	-------------	-------	--

### 4. Do you consider the identified part of the Local Plan to be:

Legally compliant?	Yes	<input checked="" type="checkbox"/>	No	
Sound?	Yes		No	<input checked="" type="checkbox"/>
Complies with the Duty to co-operate	Yes	<input checked="" type="checkbox"/>	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)

NWT strongly support the intent of this policy and the supporting text and have worked very closely with NCC for several years to develop this biodiversity-led plan. NWT also strongly welcome the explicit recognition in this paragraph that habitat restoration will require extended aftercare periods, if the benefits for biodiversity (which are assumed in determining the applications) are to be achieved. Our concern, however, is that to remain **sound** when applied in real world situations, the wording of the supporting text requires strengthening by explicit reference to the need for habitat management to be properly funded for the extended aftercare period by the Operator, and that this must be agreed prior to determination.

Without this amendment, the policy is open to misinterpretation and therefore may not be **sound**. There is also a risk that the loopholes may inadvertently result in breaching the MPA's responsibilities under the **NERC Biodiversity Duty**, because if an assessment of the impacts of the proposed scheme is made which assumes benefits from long term high, quality habitats being created, then they must indeed be created and managed for at least 20 years to be 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)

NWT therefore consider that for the avoidance of doubt, these paragraphs should be amended as follows:

5.135. Different after-uses may require different periods of aftercare. The statutory aftercare period is 5 years or such other maximum period as may be prescribed and some uses such as nature conservation may benefit from an aftercare period of up to 20 years or more, whilst agriculture may only need a 5 year aftercare period. ~~Where possible and where appropriate, voluntary~~ Extended aftercare periods will be negotiated for those uses that would benefit from such longer periods and will be secured by condition.

5.136. It is important that management responsibilities are identified and agreed between the developer and those taking on the aftercare of the site to ensure that the proposed after-use can and will be delivered. Developers will ~~be encouraged to~~ enter into planning agreements to ensure that the appropriate aftercare provisions remain in effect for the required aftercare period **and that they are adequately funded.**

**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)?**


<b>No</b> , I do not wish to participate in the hearing session(s)	
<b>Yes</b> , I wish to participate in the hearing session(s)	<b>x</b>

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:**

<p>This is an area of risk for deliverability of the excellent intent of this policy, Hopefully this can be achieved without attendance at this hearing session, but if necessary NWT would attend to discuss this matter.</p>
--

**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.

<b>Signature</b>		<b>Date</b>	10 <sup>th</sup> October 2019
<b>Name</b>	Janice Bradley		

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## Part A – Personal details

Office use only

Person No:

Rep Nos:

	1. Personal details	2. Agent details (where applicable)
<b>Title</b>	Mrs	
<b>First name</b>	Janice	
<b>Last name</b>	Bradley	
<b>Address line 1</b>		
<b>Address line 2</b>		
<b>Address line 3</b>		
<b>Postcode</b>		
<b>Email</b>		
<i>For those replying on behalf of an organisation or group:</i>		
<b>Organisation</b>	Nottinghamshire Wildlife Trust	
<b>Job title</b>	Head of Conservation	

## Part B – Your representation

Office use only

Person No:

Rep No:

Please read the guidance note before completing this section.

Name or organisation: Janice Bradley, Nottinghamshire Wildlife Trust

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

Policy		Site code		Map/Plan		Paragraph	3.49-3.55	Other	
--------	--	-----------	--	----------	--	-----------	-----------	-------	--

### 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	x	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)

NWT strongly support the intent of this policy and the supporting text. Our concern, however, is that (as mentioned in our representation form for SP2), the wording of paragraph 3.49 needs strengthening by the removal of “as far as possible”, which we do not consider to be a robust approach and can be used as a loophole for allowing unsustainable development and a therefore a means to inadvertently undermine the excellent intent of the Policy. Similarly we consider that, for the avoidance of doubt, there should be mention of the need to protect irreplaceable habitats also in this paragraph.

Without a specific statement to this effect, the policy is open to misinterpretation and therefore may not be **sound**. There is also a risk that by inadvertently appearing to support habitat creation over protection of existing BAP/Sn 41 habitats, this policy may be in breach of the **NERC Biodiversity Duty**.

The supporting text for the policy also omits mention of the possible impacts of air pollution on habitats. “Air” is listed as a topic in the Policy itself but does not appear to have supporting text. Mineral extraction has the potential to cause emissions that may be damaging to habitats (and their associated species) so this requires specific mention, in order to ensure that the policy can achieve its intent and therefore be considered sound.



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)

NWT therefore consider that for the avoidance of doubt, 3.49 should be amended as follows:

3.49. It is therefore important to ensure that new minerals development is correctly managed and that no adverse impacts occur to designated sites, or priority habitats and species, ~~as far as possible~~. Policy SP3 SP2 promotes a biodiversity-led restoration approach which seeks to maximise the biodiversity gains resulting from the restoration of mineral sites, **whilst protecting irreplaceable habitats and species**.

In order to address the issue of air pollution, text is required that mentions relevant impacts, between paras 3.49-3.55, NWT would suggest:

***“Mineral development can of result in emissions to air that can impact habitats. In particular, damage can be caused to habitats from NOx and other forms of Nitrogen that are derived from transport associated with mineral development, or from the use of generators and other plant. The impacts of nitrogen deposition on sensitive habitats are considered to be one of the greatest threats to habitats in Europe, which has been recognised in the designation of part of Nottinghamshire as a SNAP (Shared Nitrogen Action Plan) area by NE. All mineral development should therefore minimise emissions that cause air pollution and a robust assessment of the potential impacts of all forms of Nitrogen is required for all proposed mineral developments.”***

**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)?**

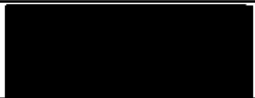
<b>No</b> , I do not wish to participate in the hearing session(s)	
<b>Yes</b> , I wish to participate in the hearing session(s)	<b>x</b>

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:**

This is an area of risk for deliverability of the excellent intent of this policy, Hopefully this can be achieved without attendance at this hearing session, but if necessary NWT would attend to discuss this matter.

**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.

<b>Signature</b>		<b>Date</b>	10 <sup>th</sup> October 2019
<b>Name</b>	Janice Bradley		

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Person No:

Rep Nos:

	1. Personal details	2. Agent details (where applicable)
<b>Title</b>	Mrs	
<b>First name</b>	Janice	
<b>Last name</b>	Bradley	
<b>Address line 1</b>		
<b>Address line 2</b>		
<b>Address line 3</b>		
<b>Postcode</b>		
<b>Email</b>		
<i>For those replying on behalf of an organisation or group:</i>		
<b>Organisation</b>	Nottinghamshire Wildlife Trust	
<b>Job title</b>	Head of Conservation	

## Part B – Your representation

Office use only

Person No:

Rep No:

Please read the guidance note before completing this section.

Name or organisation: Janice Bradley, Nottinghamshire Wildlife Trust

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

Policy	SP1	Site code		Map/Plan		Paragraph		Other	
--------	-----	-----------	--	----------	--	-----------	--	-------	--

### 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	x	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)

NWT do not consider this policy to be **sound** because of the inherent contradiction between the Plan-led approach whilst simultaneously making specific provision for development on non-allocated sites within Policy SP1. If the plan-making process has been robust and based on good data, then there should be no need for development on non-allocated sites. A robust plan review progress at fixed intervals may identify the need to bring new sites forward for further allocations in a proper manner, where the need has changed, in which case they can be compared to other potential sites in a rigorous way. It is not a rigorous process for a single operator's proposal to be brought forward at a particular point in time, and therefore not be subject to a proper comparative test against others prospective sites, including an SA.

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)

NWT therefore consider that bullet point SP1 c) should be deleted.

**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)?**

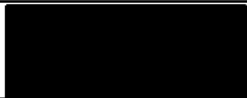
<b>No</b> , I do not wish to participate in the hearing session(s)	
<b>Yes</b> , I wish to participate in the hearing session(s)	<b>x</b>

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:**

<p>This is a fundamental contradiction within this important policy in the Plan which requires resolution. Hopefully this can be achieved without attendance at this hearing session, but if necessary NWT would attend to discuss this matter.</p>
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**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.

<b>Signature</b>		<b>Date</b>	10 <sup>th</sup> October 2019
<b>Name</b>	Janice Bradley		

## 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	 <a href="mailto:planning.policy@nottscc.gov.uk">planning.policy@nottscc.gov.uk</a>
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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:

	1. Personal details	2. Agent details (where applicable)
<b>Title</b>	Mrs	
<b>First name</b>	Janice	
<b>Last name</b>	Bradley	
<b>Address line 1</b>		
<b>Address line 2</b>		
<b>Address line 3</b>		
<b>Postcode</b>		
<b>Email</b>		
<i>For those replying on behalf of an organisation or group:</i>		
<b>Organisation</b>	Nottinghamshire Wildlife Trust	
<b>Job title</b>	Head of Conservation	

## Part B – Your representation

Office use only

Person No:

Rep No:

Please read the guidance note before completing this section.

Name or organisation: Janice Bradley, Nottinghamshire Wildlife Trust

### 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		No	x
Sound?	Yes		No	x
Complies with the Duty to co-operate	Yes	x	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)

NWT strongly support the biodiversity-led approach and we have worked closely with NCC to develop the principles, concepts and policy over several years, and have contributed substantively to the wording in the text and the site allocation briefs. We therefore support the inclusion of this policy in principle. Our concern, however, is that extra clarity is required that even excellent new habitat creation cannot replace existing high quality habitats, and would not reach a comparable quality even over several generations, and in some cases never. This is because the sources of propagules and colonising fauna for a new habitat are no longer available in many environments, so even the best new habitat creation cannot attract the diversity of fauna and flora that is present in a high value older habitat, and so this should not be used as a means to replace those existing habitats (and their associated species). In addition, it is extremely difficult to replicate the same edaphic conditions on which to establish the habitat, particularly using stored soils that have lost much of their microfauna. Without a specific statement to this effect, the policy is open to misinterpretation and therefore may not be **sound**. There is also a risk that by inadvertently appearing to support habitat creation over protection of existing BAP/Sn 41 habitats, this policy may be in breach of the **NERC Biodiversity Duty**.

In Nottinghamshire we have seen an example of exactly this, where an application has sought to claim that new habitats will replace existing high value designated habitats, so this is a real demonstrable risk, rather than a theoretical one.

Directly relevant is that para 3.49 describes the importance of the protection of habitats but then undermines this by the use of "*as far as possible*", which we do not consider to be a robust approach and can be used as a loophole for allowing unsustainable development and a further means to inadvertently undermine the excellent intent of the Policy. This is covered under a separate NWT representation form.

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)

NWT therefore consider that for the avoidance of doubt, further text should be added to bullet point SP2 1) as follows:

**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, ***where they do not seek to justify the unacceptable loss of irreplaceable habitats, or habitats that cannot be reasonable replaced within a generation in terms of diversity and quality.***
2. Where appropriate, schemes will be expected to demonstrate how restoration will contribute to the delivery of Water Framework Directive objectives.
3. Restoration schemes for allocated sites should be in line with the relevant Site Allocation Development Briefs contained within 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.  
**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)?**

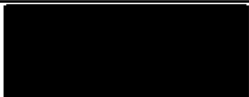
<b>No</b> , I do not wish to participate in the hearing session(s)	
<b>Yes</b> , I wish to participate in the hearing session(s)	<b>x</b>

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:**

This is an area of risk for deliverability of the excellent intent of this policy, that has been identified through recent experience in Nottinghamshire, hence it requires resolution in order to strengthen this very important policy. Hopefully this can be achieved without attendance at this hearing session, but if necessary NWT would attend to discuss this matter.

**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.

<b>Signature</b>		<b>Date</b>	10 <sup>th</sup> October 2019
<b>Name</b>	Janice Bradley		