



Nottinghamshire Wildlife Trust (NWT) – Submission for the Nottinghamshire Minerals Local Plan Examination.

MATTER 5 – Site Allocation Development Briefs

Issue: Whether the Development Briefs are consistent with national policy, effective and otherwise sound.

49 Where the Briefs describe potential links to European sites, should the need for further investigation and the potential need for Appropriate Assessment be highlighted?

Yes, in NWT's view, to ensure compliance with the Conservation of Habitats and Species Regulations 2017, particularly given the Sweetman ruling (People over Wind, Peter Sweetman v Coillte Teoranta), this would be an important clarification and would help applicants to understand the scope of assessment work required.

50 In all cases a range of possible priority habitats is included. The following text in each Brief refers to 'target habitat(s)'. It is not clear what the target habitats are and further explanation of this should be provided.

Target habitats are those agreed in the UK Biodiversity Action Plan as priority habitats for protection, re-creation and restoration (NERC Sn41 Habitats of Principal Importance), and for which national quantitative targets have been set. These habitats have been transposed into the Nottinghamshire Local Biodiversity Action Plan (LBAP) as being of highest priority. The transposition of UK priority habitats into the LBAP is an important process as it ensures focus on those habitats most at risk and in need of protection and restoration in the context of Nottinghamshire, for example reedbeds and fen are now scarce in the County after centuries of losses, hence the need for local prioritisation of these types of habitat that need to be restored to their previous extent. The priorities at a County level have been agreed by a wide group of stakeholders, including all the statutory agencies, Local Authorities and biodiversity NGOs.

51 Preferences are expressed for certain types of habitat and not for others but further explanation is needed as to how this relates to the list of priority habitats.

For each development brief, the Nottinghamshire priority habitats have been selected based on the edaphic conditions found at that site ie. based on geology, soil types, water levels and other factors. Hence many sand and gravel sites generally require priority floodplain habitats, such as reedbed and wet grassland (floodplain grazing marsh), but those in the Idle Valley and the northern Trent Valley may have the potential also to re-create fen (as they contain peat) whereas as those in the Trent Valley in the south of the County do not. The differences in priority habitats are consistent with the assessment under NE's National Character Area programme. NWT's letter of the 23/3/18 to the MPA is relevant in this regard.

The target habitats for each Development Brief have been agreed between the MPA's Ecologist, NWT and NE and are also consistent with the Biodiversity Opportunity Map (BOM) produced for Nottinghamshire by a wide range of public and NGO stakeholders.



The BOM contains mapping of the network strength of each habitat grouping for the County (grasslands, wetlands, heathlands, woodlands) produced through a computer algorithm based on field surveys. Overlaid on this map are those areas identified for habitat expansion, restoration/enhancement and re-creation in accordance with the Lawton approach. The BOM is a fundamental part of how Nature Recovery Networks will be delivered in Nottinghamshire. Therefore the restoration of mineral sites to the correct habitat for those opportunity areas is an important vehicle for meeting priority habitat targets and creating NRN. Hence it is essential that the correct habitats and combinations of habitats are re-created in the correct manner and that their conservation management is secured in perpetuity.

Where there is disagreement between NWT and a small number of the development briefs, as is reflected in NWT's previous submissions, is that it is NWT's position that high priority habitats can and should be re-created on best and most versatile (BMV) soils, because:

- Some types of farming use are compatible with these habitats, such as grazing of species-rich grasslands
- This is the only way to achieve some of the UK and local habitat targets and to create NRN.
- Substantial Government funds are used to take BMV land out of agriculture to create habitats through agri-environment schemes annually, so conversion of farmland back to habitats is established Government policy.
- The entire area of all mineral allocations in the County equates to less than 0.5% of the 140,000ha of farmland in Nottinghamshire, so any impacts on the County's agricultural economy from conversion of BMV land to habitats is de minimis.
- The re-creation of habitats does not compromise their reversion to food production should an urgent national need arise (as indeed all current farmland was created from those habitats).

52 How do the restoration requirements relate to Policy SP2?

The restoration requirements for each allocated site relate back directly to SP2, with the references to the Nottinghamshire LBAP (as detailed above), and also reflecting the opportunity to contribute to Water Framework Directive priorities in some cases (such as floodplain reconnection, channel re-naturalisation etc.)

This policy is fundamental to the premise of this Plan as being biodiversity-led and this is carried forward consistently in the restoration requirements of the Site Development Briefs.

MP2k: Bawtry Road West

53 The Brief says that priority should be given to wetland/open habitats but also that it may be appropriate to expand the area of acid grassland on the adjacent former quarry. Is the restoration requirement sufficiently clear?

This area of the County has an unusual combination of acidic, sandy, sparse habitats along the edge of floodplains, supporting a unique transition between priority habitat types. The excavation of sand and gravel leads to voids/lowered land levels that can be suitable for wetland habitat creation, particularly where they are in continuity with groundwater, whereas



the unworked areas are appropriate to be taken out of their former agricultural use and reverted to priorities such as acid grassland, particularly when in proximity to an LWS of that habitat type.

54 Should the penultimate sentence under 'Quarry Restoration say "...by creating similar habitats to those within the restoration..."

Yes, this would clarify the intent of the sentence.

MP2l: Scrooby Thompson Land

56 A range of priority habitats are listed including wet woodland and oakbirch woodland but the last paragraph states that priority should be given to wetland/open habitats rather than woodland.

The priority habitats listed all have the capability to be re-created in these edaphic conditions in this NCA, but in this particular case, wetlands and open habitats would be a preferred habitat re-creation type given the importance in the immediate area of the proposed site for scarce and protected species that use these habitats.

58 Should 'designated sites' be more specific? Are these the Mattersey Hill Marsh and River Idle Washlands SSSIs?

NWT understand that in this context this bullet point refers to LWS in the immediate vicinity, as opposed to the SSSIs which are listed separately later. But for the avoidance of doubt, it would be helpful to refer specifically to LWS.

60 What are the requirements in respect of nightjar, woodlark and potential indirect links to the SAC and ppSPA?

At an early stage, the requirement for an Appropriate Assessment would need to be considered in relation to these European Sites and species, and a decision would be required on the necessity for an AA or not.

MP2m: Scrooby North

62 The Sustainability Appraisal (SA) states that effects on LWSs, the GeoSINC and SSSI are uncertain as no restoration details have been provided. Is there a need for assessment in this respect?

Yes, there should be a full and robust assessment as requested in NWT's letter to the MPA of 25/9/18. The applicant also declined to provide restoration details which could be properly evaluated, and appears to wish to create commercial fishing ponds, which would not contribute to BAP/Sn41 priority habitat targets.

63 What are the 'designated sites'?

NWT understand that in this context this bullet point refers to LWS in the immediate vicinity, as opposed to the SSSIs which are listed separately later. But for the avoidance of doubt, it would be helpful to refer specifically to LWS.



64 What are the requirements arising from nightjar, woodlark and potential indirect links to the SAC and ppSPA?

At an early stage, the requirement for an Appropriate Assessment would need to be considered in relation to these European Sites and species, and a decision would be required on the necessity for an AA or not.

MP2p: Mill Hill near Barton in Fabis

71 Should there be a requirement to restore soils?

It is NWT's position that it is the highest priority to restore and re-create priority habitats, for the reasons as stated in our answer to question 51 above. This is particularly important as, were this site to be allocated, it has the potential for the greatest impact on LWS, SSSIs, protected and Sn41/BAP priority habitats and species .

72 Should the Brief include a requirement to consider effects on the Green Belt?

Yes , this is a particularly important consideration in this area, as recognised in the Inspector's decision regarding the proposed Redhill Marina Quarry.

MP3d: Bestwood 2 North

74 Paragraph 6.9 of the Habitats Regulations Assessment recommends either confirmation that the trees will be over 20 years old when the extension is developed, or if they are less than 20 years old, a survey is undertaken for nightjar and woodlark. If these species are nesting creation of a replacement habitat is required. Should these detailed requirements be stated? Is the requirement to consider historic records of nightjar and woodlark sufficient?

NWT objected strongly to this allocation on the basis of impacts on an LWS and also potentially on nightjar and woodlark. This development brief should provide as much detail as possible on the need for surveys and should include reference to the need to scope whether an Appropriate Assessment is required at the earliest stage.

MP3e: Scrooby Top North

77 Is there a need to require restoration of agricultural land?

No, it is NWT's position that there should be no such requirement as stated above in our answer to Q51 regarding BMV land and soils.

MP7c: Bantycok Quarry South

79 Is there a need to consider water quality?

Yes, there could be impacts on the Shire Dyke LWS from poor water quality management on the site.