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Your Ref: PSP.SOJ/RH3

Our Ref: EMP 3000/475/30

Date: 4 December 2008

Dear Sir

I am writing with reference to your application of **14 April 2008** for a direction under paragraph 1(3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004 in respect of policies in the **Nottinghamshire Minerals Local Plan (adopted December 2005)**.

The Secretary of State's Direction is attached. Those policies not listed in the Direction will expire on **5th December 2008**.

The Secretary of State's assessment of whether saved policies should be extended is based upon the criteria set out in Planning Policy Statement 12 and the Department for Communities and Local Government Protocol on saving policies.

The Secretary of State's decisions concern some policies where there have been representations from a third party expressing views that differ from those of your authority. For clarity, the Secretary of State's reasons are set out in the table at the end of this letter.

The extension of saved policies listed in this Direction does not indicate that the Secretary of State would endorse these policies if presented to her as new policy. It is intended to ensure continuity in the plan-led system and a stable planning framework locally, and in particular, a continual supply of land for development.

Local planning authorities should not suppose that a regulatory local plan style approach will be supported in forthcoming Development Plan Documents. LPAs should adopt a positive spatial strategy led approach to DPD preparation and not seek to reintroduce the numerous policies of many local plans.





The exercise of extending saved policies is not an opportunity to delay DPD preparation. LPAs should make good progress with local development frameworks according to the timetables in their local development schemes. Policies have been extended in the expectation that they will be replaced promptly and by fewer policies in DPDs. Maximum use should be made of national and regional policy especially given the advanced position of many regional spatial strategies and the development plan status of the Regional Spatial Strategy.

Following 5th December 2008 the extended policies should be read in context. Where policies were adopted some time ago, it is likely that material considerations, in particular the emergence of new national and regional policy and also new evidence, will be afforded considerable weight in decisions.

| Policy Ref | Reason | Extended | Not Extended |
|--|---|----------|--------------|
| M2.1 : SUSTAINABLE DEVELOPMENT OBJECTIVES | <p>Policy M2.1 promotes a sustainable approach to the extraction and use of minerals.</p> <p>A third party representation has been made against your authority's application to save Policy M2.1. Having considered the representation and that made by your authority, the Secretary of State has decided to make a direction to save Policy M2.1.</p> <p>This is because she has assessed the policy against section 9 of the PPS 12 and in particular, concluded that it meets the applicable criteria in paragraph 9.2(i). Having concluded that the policy meets these criteria and also that it is consistent with national policy and reflects the principles of local development frameworks, the Secretary of State does not consider that the third party</p> | ✓ | |



| Policy Ref | Reason | Extended | Not Extended |
|---|--|----------|--------------|
| | <p>representation provides sufficient reason not to save the policy.</p> <p>In coming to that view the Secretary of State has had particular regard to the fact that Policy M2.1 sets local criteria, to ensure that environmental impacts of transporting minerals are minimised, to protect locally designated landscape or nature conservation areas and to protect local areas and features of cultural heritage. She does not consider either that the policy is unnecessary or repeats national or regional policy.</p> | | |
| <p>M3.23 : MATURE LANDSCAPE AREAS</p> | <p>Policy M3.23 seeks to protect locally designated Mature Landscape Areas against minerals development.</p> <p>A third party representation has been made against your authority's application to save Policy M3.23. Having considered the representation and that made by your authority, the Secretary of State has decided to make a direction to save Policy M3.23.</p> <p>This is because she has assessed the policy against section 9 of the PPS 12 and in particular, concluded that it meets the applicable criteria in paragraph 9.2(i). Having</p> | <p>✓</p> | |

| Policy Ref | Reason | Extended | Not Extended |
|--|--|----------|--------------|
| | <p>concluded that the policy meets these criteria and also that it is consistent with national policy and reflects the principles of local development frameworks, the Secretary of State does not consider that the third party representation provides sufficient reason not to save the policy.</p> <p>In coming to that view the Secretary of State has had particular regard to the fact that Policy M3.23 is a local designation. However, the future basis and use of the designation is under review, which should rigorously consider the justification for retaining the existing local landscape designation. It is therefore considered necessary and appropriate to retain this policy in the interim. This approach is also consistent with that taken for saving policies in the Nottinghamshire and Nottingham Waste Local Plan. She does not consider that the policy is contrary to national or regional policy.</p> | | |
| <p>M6.6 : GUNTHORPE ALLOCATION</p> | <p>Policy M6.6 allocates land at Gunthorpe for sand and gravel extraction.</p> <p>Third party representations have been made against your authority's application to save Policy M6.6. Having considered</p> | <p>✓</p> | |

| Policy Ref | Reason | Extended | Not Extended |
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| | <p>those representations and those made by your authority, the Secretary of State has decided to make a direction to save Policy M6.6. This is because she has assessed the policy against section 9 of the PPS 12 and in particular, concluded that it meets the applicable criteria in paragraph 9.2(i). Having concluded that the policy meets these criteria and also that it is consistent with national policy and reflects the principles of local development frameworks, the Secretary of State does not consider that the third party representations provide sufficient reason not to save the policy.</p> <p>In coming to that view the Secretary of State has had particular regard to the fact that Policy M6.6 is an unimplemented allocation for sand and gravel extraction, for which there is a recognised shortfall in production capacity in the Nottingham sub-area, which would help to maintain an adequate landbank of permitted reserves. PPS 12 stipulates that the government in deciding whether or not to make directions will have particular regard to policies that support economic development. In addition the third parties argue that the policy is inappropriate and indeed that it is</p> | | |

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|------------|--|----------|--------------|
| | <p>unimplementable. Whilst she recognises that there are constraints that will make planning permission difficult to obtain, she does not accept that the allocation cannot be implemented or, more generally, that it should not continue to be a development plan policy. She has attached more weight to the conclusion in the Inspector's report into the Plan that overall there is no reason why the allocation in Policy M6.6 should be deleted. That conclusion followed a public inquiry in which the Inspector had the opportunity to hear and consider in detail competing evidence. She does not consider that the new material which third parties have drawn to her attention, such as the withdrawal of a planning application by Tarmac in 2006 and the listing of a number of buildings in Bulcote in February 2005, now means the allocation is unimplementable or that this material significantly adds to the arguments considered by the Inspector.</p> | | |



Signed by authority of the Secretary of State

A handwritten signature in black ink, appearing to read "K.A. Staples".

KARIN STAPLES
Head of Housing and Planning

