

## **CHAPTER 5: DEVELOPMENT MANAGEMENT POLICIES**

The purpose of development management policies is to help to deliver the strategic policies and objectives by providing the criteria against which future minerals development will be assessed. They relate specifically to individual, site level criteria such as environmental impacts and standards and provide guidance about how planning applications for minerals development in the county will be assessed.

National guidance promotes the use of policies that plan positively for development and are succinct. The Minerals Issues and Options document (2012) asked a number of questions relating to how this approach could be incorporated into our new development management policies and the areas that should be covered by such policies.

Applicants are advised to discuss proposals for minerals development with the County Council prior to submission of a planning application, as set out in the adopted Statement of Community Involvement (SCI). Such pre-application engagement can enable early identification of potential constraints and has the potential to improve efficiency and effectiveness of the planning system. This approach is encouraged by the Government and more details are set out in the National Planning Policy Framework.

Applications for minerals development should provide sufficient information to allow a balanced assessment to be made. A list of the information that may be required is set out in Appendix 1.

### **What you told us at the Issues and Options Stage...**

- There was overall agreement that the existing policies should be updated and merged where appropriate to ensure that a suite of positively worded policies is created;
- Respondents highlighted the need to minimise any overlap between strategic policies and the Development Management policies;
- A wide range of topics to be covered by the DM policies were put forward as a result of the consultation and these were considered when developing the new policies.

### **Issues and Options Sustainability Appraisal findings:**

- Due to the lack of specific information at the Issues and Options stage it was not possible to determine the impact of this option on any of the Sustainability Appraisal (SA) objectives. Each new policy will be subject to SA as part of the process.

## **DM1: Protecting local amenity**

### **What you told us at the Issues and Options Stage...**

- The issues and options consultation did not set out options relating to local amenity.

### **Issues and Options Sustainability Appraisal findings:**

- Options for local amenity were not assessed in the Sustainability Appraisal.

## **Introduction**

Minerals extraction by its very nature can have significant effects on the existing environment and the amenity of those living nearby. It is therefore important that proposals for new minerals development take into account the potential issues to ensure that where possible they are avoided in the first instance. Potential impacts include noise, blasting, dust, increased levels of traffic and loss of landscape.

Where it is not possible to avoid this, adequate mitigation measures should be put in place to minimise the impacts of the development. This could include:

- Noise suppression measures such as the use of modern equipment or noise blankets;
- Dust suppression measures such as damping down haul roads, soil management, use of conveyors on site to minimise movements;
- Adequate screening of the site through the use of hard or soft landscaping;
- Location of plant site away from sensitive locations;
- Phased working and restoration;
- Set hours of operation.

### **POLICY DM1: PROTECTING LOCAL AMENITY**

1. Proposals for minerals development will be supported where it can be demonstrated that any potential adverse impacts on amenity associated with the following considerations are avoided and/or adequately mitigated to an acceptable level:
  - a. Visual intrusion;
  - b. Noise;
  - c. Blast vibration;
  - d. Dust;
  - e. Air emissions;
  - f. Lighting;
  - g. Transport;
  - h. Proximity to properties;

- i. Stability of the land at and around the site, both above and below ground level.

**NOTE:** Other considerations may be necessary depending on local circumstances.

## Justification

Planning has an important role to play in making sure that new development does not have adverse environmental effects. Ensuring a good standard of amenity for all existing and future occupants of land and buildings is a core planning principle of the National Planning Policy Framework.

New and existing development should not contribute to, or be put at risk from, pollution or other sources of nuisance or intrusion which could adversely affect local amenity.

Noise and dust pollution can arise from minerals development (including transport activities). It is important that applications for new minerals development provide evidence to demonstrate that any emissions will not adversely impact upon local amenity. The nature of the assessment will be dependant on the type and scale of the proposal.

It will be necessary to determine the impact of noise on ambient background levels and within the World Health Organisation's recommended maximum noise levels. The planning process also needs to consider whether any resulting noise from new minerals development could constitute a statutory nuisance under Part 3 of the Environmental Protection Act 1990.

The impact from dust pollution during the construction, operational and restoration phases of the minerals development that will need to be considered including; the impact on air quality from emissions of PM10 (Particulate Matter measuring below 10 microns and below in diameter) and PM2.5 (Particulate Matter below 2.5 microns and below); and the potential for visible dust emissions to give rise to a statutory nuisance to local amenity. A dust assessment study may be required to determine the impact from both the construction and operational phases of new development proposals. Dust monitoring may need to be carried out where dust generating activities are to be carried out close to neighbouring sensitive properties.

The introduction of new development into areas where there is a risk that local amenity may be adversely impacted by emissions should be avoided wherever possible. The planning process should ensure, wherever possible, that the potential for air emissions from site machinery and or related transport to occur from new, or changes to existing development are dealt with through design.

There are a number of potential impacts on community amenities in relation to the transportation of minerals, particularly in areas adjacent roads, these could include:

- Additional number and size of vehicles on the existing road network;
- Damage to roads and verges;
- Spillage onto road causing mud and dust;
- Damage to property from vibration and spray;
- Noise.

Measures to limit the adverse effects on local amenity could include:

- Sheeting of lorries;
- Installation of wheel cleaning facilities;
- Highway improvements and maintenance;
- Hours of working.
- Controlling lorry movements to avoid convoys

These can be achieved by the use of conditions, or where appropriate planning obligations at the planning application stage.

Environmental Impact Assessment (EIA) regulations require an assessment of the likely significant environmental effects of some minerals development. EIA is undertaken by developers as a means of drawing together, in a systematic way, an assessment of the likely significant environmental effects of certain types of minerals proposal.

Where there is a possibility that a proposed mineral development will require an EIA, developers are advised to consult the County Council well in advance of a planning application, and formally request an opinion on whether an EIA is required and, if so, its scope.

## **DM2: Water resources and flood risk**

### **What you told us at the Issues and Options Stage...**

- The majority of respondents suggested a strategic policy, in line with national policy, should be developed;
- A further development management policy would enable applications to be considered on their merits but could risk duplication.

### **Issues and Options Sustainability Appraisal findings:**

- A broad policy requiring the use of the Strategic Flood Risk Assessment for site assessments was the only realistic option.

## **Introduction**

Minerals development by its very nature will at some point affect surface and or ground water resources. This could be as a result of pumping water from areas where mineral is worked below the water table or where mineral is extracted in the flood plain. These activities could have impacts on a much wider area than just the boundary of the proposal. It is therefore important that these impacts are avoided and reduced through good design and management of minerals sites.

## **POLICY DM2: WATER RESOURCES AND FLOOD RISK**

### **Water resources**

1. Proposals for minerals development will be supported where it can be demonstrated that:
  - a. Surface water flows at or in the vicinity of the site are not detrimentally altered;
  - b. Groundwater quality and levels, where critical, are not altered;
  - c. There are no risks of polluting ground or surface waters;
  - d. Water resources, where required should be used as efficiently as possible.

### **Flooding**

2. Proposals for minerals development will be supported where it can be demonstrated there will be no unacceptable impact on:
  - a. Flood flows and storage capacity;
  - b. The integrity or function of flood defences or structures acting as flood defences;
  - c. Local land drainage systems;
  - d. Local communities.
3. Where the opportunity exists, restoration proposals should seek to incorporate flood risk reduction measures e.g. flood plain storage, flood

defence structures, land management land practices etc. to benefit local communities.

4. Proposals for mineral extraction that increase flood risk to local communities must be fully mitigated.
5. Proposals for minerals development should consider the potential for flood storage schemes to be incorporated into restoration proposals to reduce future flooding issues.
6. Minerals development should include Sustainable Drainage Systems (SuDS) to manage surface water drainage.

### Justification

National guidance states that inappropriate development in areas of flood risk should be avoided by directing development away from areas of highest risk and setting out a sequential approach for determining appropriate locations.

Mineral extraction within floodplains can reduce storage capacity, impede flows and therefore increase the risk of flooding elsewhere. Potential obstructions can include soil and overburden mounds and fixed plant. Careful design of storage mounds and flood flows will be required to address these issues.

Buildings and hard standing associated with minerals development can lead to an increase in surface run-off and therefore contribute to flooding. Sustainable Drainage Systems (SuDS) that are capable of storing and controlling the discharge of water associated with these areas should be incorporated into the design of proposals.

A Level 1 Strategic Flood Risk Assessment (SFRA) for Nottinghamshire building upon the existing district and borough SFRAs has been prepared to support the minerals plan. The assessment looks at the potential flood risk associated with all the potential minerals sites put forward for possible allocation in the plan and concluded that further assessments would be required at the planning application stage for mineral extraction.

Operators may be required to undertake a site specific Flood Risk Assessment where:

- Development sites are located in Flood Zone 2 or Flood Zone 3;
- The proposed development that is classed as a major development (all sites over 1 ha) and located in Flood Zone 1. Since the risk of fluvial or tidal flooding is minimal such assessments should focus on the management of surface water;
- Development sites located in an area known to have experienced flooding problems from any flood source;
- Where a development site is located within 20m of a Main River.

The assessments should take account of:

- The areas liable to flooding;
- The probability of flooding occurring, both during operations and after;
- The extent and standard of existing flood defences and their effectiveness over time;
- The likely depth of flooding;
- The rates of flow likely to be involved;
- The likelihood of impacts to other areas, properties and habitats;
- The potential effects of climate change;
- Identify opportunities to reduce overall flood risk.

The Environment Agency is the main authority for safeguarding the water environment; it is responsible for improving and protecting inland and coastal waters ensuring sustainable use of natural water resources, creating better habitats and other factors that help to improve the quality of life. Applicants will be required to assess the potential impacts upon the water environment at both extraction and restoration phases, undertaking a hydrological/hydrogeological investigation where necessary.

The EA's groundwater protection policy uses aquifer designations which are consistent with the Water Framework Directive to reflect the importance of aquifers in terms of groundwater as a resource and also their role in supporting surface water flows and wetland ecosystems.

Nottinghamshire County Council has a strategic role in overseeing the management of local flood risk, flooding from surface water runoff, groundwater and ordinary watercourses and will be working with the Environment Agency and the Water Companies on strategies to tackle this issue. The County Council is developing a Flood Risk Management Strategy in partnership with other organisations including District and Borough Councils, Severn Trent Water, the Environment Agency, Internal Drainage Boards and Nottingham City Council and it is anticipated that, following consultation at various stages, it will be completed in the summer of 2014.

The Trent Valley Internal Drainage Board is a statutory public body and operates in accordance with the Land Drainage Act and other legislation. The Board's District extends through the Trent Valley from South of Nottingham to just North of Gainsborough and part of the Vale of Belvoir. The Board has powers to maintain a selected network of watercourses within the area. Other watercourses are the responsibility of the landowner but the Board also has permissive powers to ensure they are satisfactorily maintained.

### **DM3: Agricultural land and soil quality**

#### **What you told us at the Issues and Options Stage...**

- There was no evidence submitted to suggest an approach more suitable to local circumstances was required.

#### **Issues and Options Sustainability Appraisal findings:**

- Options for agricultural land were not assessed in the Sustainability Appraisal.

### **Introduction**

Most of the county's undeveloped land is in agricultural use. It is a vital natural and economic resource and protecting the highest quality land from development is an important consideration.

### **POLICY DM3: AGRICULTURAL LAND AND SOIL QUALITY**

#### **Agricultural land**

1. Proposals for minerals development located in the best and most versatile agricultural land (grades 1, 2 and 3a) will only be supported where it can be demonstrated that:
  - a. There is no available alternative and the need for development outweighs the adverse impact upon agricultural land quality; or
  - b. Proposals will not affect the long term agricultural potential of the land; or
  - c. Alternative land of lower agricultural value has considerations which outweigh the adverse impact upon agricultural land quality.
2. Where alternative options are limited to varying grades of best and most versatile land, the development should be located within the lowest grade.

#### **Soil quality**

3. Measures will be taken to ensure that soil quality will be adequately protected and maintained throughout the life of the development and, in particular, during stripping, storage, management and final placement of soils, subsoils and overburden arisings as a result of site operations;



## Justification

The National Planning Policy Framework (NPPF) states that where significant development of agricultural land is considered to be necessary, poorer quality land should be used in preference to that classed as best and most versatile, provided this is consistent with other sustainability criteria.

The NPPF requires the safeguarding of the best and most versatile agricultural land and to provide for the conservation of soil resources. There is a policy preference for restoration to agricultural use where the extraction site is located on higher quality agricultural land (Grades 1, 2 and 3a). Policy DM11: Restoration, After-use and After-care provides additional information.

Agriculture and biodiversity enhancement/ habitat creation need not be incompatible land uses. A balance should be achieved between current and future agricultural need, site-specific biodiversity value and/ or potential, and other considerations. Well-designed agricultural restoration can still deliver significant benefits for 'farmland' biodiversity in the form of hedgerows, lakes and ponds, habitat features and small woodlands. Moreover, many UK Biodiversity Action Plan grasslands such as Lowland Meadows or Floodplain Grazing Marsh can be compatible with commercial livestock systems.

Water features in agricultural restoration can contribute to agricultural irrigation, biodiversity, flood alleviation and storage, and landscape enhancement in a multi-functional way, and should all be considered.

Minerals development involves the use of large areas of agricultural land as extraction is limited to where the minerals naturally occur.

Soils are an important and valuable reclamation material and their proper handling and conservation is essential. The whole soil profile is not just important for agricultural reclamation. It can also be important for other uses, such as sports pitches and nature conservation. Mismanagement of the soil resource is likely to seriously prejudice the standard of reclamation.

For most sites a detailed soil survey will be required to identify soil types, profiles and depths. Where different soils are recorded, separate stripping, storage and replacement may be required to allow reinstatement of the original or suitable alternative soil profiles.

## **DM4: Protection and enhancement of biodiversity and geodiversity**

### **What you told us at the Issues and Options Stage...**

- Biodiversity would be significantly increased through restoration of sand and gravel sites;
- Other documents such as the Green Infrastructure Strategy need to be taken into account.

### **Issues and Options Sustainability Appraisal findings:**

- Options for the protection and enhancement of biodiversity and geodiversity were not specifically assessed in the Sustainability Appraisal however, Policy SP6: Biodiversity led restoration provides more information.

## **Introduction**

The importance of biodiversity cannot be underestimated. It consists of the rich diversity of flora and fauna which form a critical part of the earth's ecosystem which humans are a part of and depend on. Biodiversity brings other benefits too. It can be important in flood protection, filter air and waterborne pollutants, cool the urban environment, moderate noise, foster understanding of the natural environment, increase the attractiveness of an area and therefore encourage more people to interact with their local environment and contribute to healthier lifestyles. It is important to ensure that new minerals development is correctly managed.

### **POLICY DM4: PROTECTION AND ENHANCEMENT OF BIODIVERSITY AND GEODIVERSITY**

1. Proposals for minerals development will be supported where it can be demonstrated that:
  - a) There will be no significant adverse impacts on habitats or species or, where impacts cannot be avoided, adequate mitigation and/or compensation relative to the importance of the resource can be put in place; and
  - b) They will not give rise to any significant effects on the integrity of a European site, either alone or in combination with other plans or projects, as a result of changes to air or water quality, hydrology, noise, light and dust and that any impacts identified can be mitigated.
2. Nottinghamshire's biodiversity and geological resources will be enhanced by ensuring that minerals development:
  - a) Retains, protects, restores and enhances features of biodiversity or geological interest, and provides for appropriate management of these features, and in doing so contributes to targets within the

- Nottinghamshire Local Biodiversity Action Plan; or
- b) Appropriately mitigates for unavoidable adverse impacts on biodiversity and geology, with compensatory measures used only as a last resort;
  - c) Makes provision for habitat adaptation and species mitigation, allowing species to respond to the impacts of climate change; and
  - d) Maintains and enhances the biodiversity network both within the county and beyond through the protection and creation of local wildlife sites and corridors and links and stepping stones between areas of natural green space.
3. Where appropriate, the authority will consider the use of conditions and/or planning obligations to provide appropriate compensatory measures for unavoidable damage to Nottinghamshire's biodiversity and geological resources.

## Justification

National guidance states that Local planning authorities should set criteria based policies against which proposals for any development on or affecting protected wildlife or geodiversity sites or landscape areas will be judged. Distinctions should be made between the hierarchy of international, national and locally designated sites, so that protection is commensurate with their status and gives appropriate weight to their importance and the contribution that they make to wider ecological networks.

A Habitat Regulation Assessment (HRA) is being carried out alongside the production of this Minerals Local Plan. The purpose of HRA of the Nottinghamshire Minerals Local Plan is to ensure that the protection of the integrity of European sites is part of the planning process. The requirement for HRA of plans or projects is outlined in Article 6(3) and (4) of the European Communities (1992) Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora ("Habitats Directive"). The EU Natura 2000<sup>4</sup> network of sites are of exceptional importance in respect of rare, endangered or vulnerable natural habitats and species within the European Community. These sites, which are also referred to as 'European sites', consist of Special Areas of Conservation (SACs) and Special Protection Areas (SPAs). There is RAMSAR sites are also included, however, Nottinghamshire does not contain any of these.

The HRA concludes that the potential effects associated with any new mineral developments will be difficult to assess at this stage of the process and recommends that the Local Plan includes a requirement for any developer to demonstrate that the impacts of changes to air or water quality, noise, light, dust and hydrology will not significantly affect the integrity of a European site.

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<sup>4</sup> NATURA 2000 sites are protected habitats for flora and fauna of European importance.

Sites of international importance are specifically protected under national legislation and any proposal that would be likely to have a significant effect on a European site, either alone or in combination with other plans or projects, would need to ensure that all impacts can be mitigated. This protection applies to candidate<sup>5</sup> sites as well as those that have already been designated. The Council is aware that a possible Special Protection Area (SPA) is under consideration for part of Nottinghamshire which could therefore become a candidate site. If a Special Protection Area is subsequently identified and sent to the European Commission for designation, the Council will assess the implications of this and what action is necessary to deal with any issues raised. In the meantime the Council will adopt a "risk based" approach, as advised by Natural England, and assess any applications in accordance with the requirements of the Birds Directive. Further screening regarding the effect on European sites may be required for individual proposals at the planning application stage.

Nottinghamshire has an extensive network of sites important for biodiversity and geological interest. Any development not directly connected with the management of any European sites but likely to have a significant effect on them will require a Habitats Regulations Assessment at the planning application stage to ensure that any such effects are mitigated.

At a national level, the County includes a number of SSSIs designated and protected under the Wildlife and Countryside Act 1981, as amended by the Countryside and Rights of Way Act 2000.

Regional and Local Sites are designated at a local level. They include Sites of Importance for Nature Conservation (SINCs), Regionally Important Geological Sites (RIGs) and Local Nature Reserves (LNR). Ancient woodlands are designated as SINCs within Nottinghamshire and are one of the most diverse habitats for wildlife, being home to more species of conservation concern than any other habitat. These designated sites form part of the country's irreplaceable natural capital and the Minerals Local Plan will contribute towards their protection and encourage and support opportunities for enhancement.

Opportunities to create and improve habitats and the need to view biodiversity enhancement as a cross cutting opportunity in all development will be encouraged and supported. The prevention of fragmentation of existing habitats is key to allow species to respond to the impacts of climate change by making provision for habitat adaptation and species mitigation. Where minerals development adversely affects biodiversity interest, negative impacts should be minimised and mitigation to offset these impacts should be provided.

Species protected by law are protected, principally under the Wildlife and Countryside Act 1981 and the Habitats Regulations Act which support

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<sup>5</sup> A candidate site is one which has been put forward for designation but not confirmed.

improvements in the population of targeted species. This is reflected locally through the Nottinghamshire Biodiversity Action Plan.

Biodiversity Opportunity Mapping (BOM) and an Area of Multiple Environmental Sensitivity (AMES) study have been carried out for parts of Nottinghamshire along the River Trent to help inform proposals for mineral workings and restoration.

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## **DM5: Landscape character**

### **What you told us at the Issues and Options Stage...**

- Responses suggested that developing an approach requiring landscape character to be taken into consideration when assessing individual planning applications was the most appropriate.

### **Issues and Options Sustainability Appraisal findings:**

- There was no clear link between a policy requiring a landscape character assessment to be considered when assessing planning application and many of the Sustainability Appraisal objectives and the impact was uncertain with regard to ensuring adequate provision of minerals and protecting high quality agricultural land.
- The likely impact of this was very positive in relation to protecting and enhancing townscape and landscape (SA objective 5), and positive in terms of protecting the historic environment (SA objective 4) and quality of life (SA objective 14).

## **Introduction**

People value the countryside and its landscape for many different reasons, not all of them related to traditional concepts of aesthetics and beauty. It can provide habitats for wildlife and evidence of how people have lived on the land and harnessed its resources. Landscape has a social and community value, as an important part of people's day-to-day lives. It has an economic value, providing the context for economic activity and often being a central factor in attracting business and tourism.

### **POLICY DM5: LANDSCAPE CHARACTER**

1. Proposals for minerals development will be supported where it can be demonstrated that it will not adversely impact on the character and distinctiveness of the landscape unless there is no available alternative and the need for development outweighs the landscape interest and the harmful impacts can be adequately mitigated;
2. Restoration proposals should take account of the relevant landscape character policy area as set out in the Landscape Character Assessments covering Nottinghamshire and, where appropriate, the Areas of Multiple Environmental Sensitivity Study.

## Justification

National Planning Guidance states that valued landscapes should be protected and enhanced, and requires Local Plans to include criteria based policies against which proposals for any development on or affecting landscape areas will be judged.

Landscapes form an important part of the character of Nottinghamshire and have been created from a complex mix of natural and man made influences such as geology, soil, climate and land use. This has given rise to a variety of landscapes that continue to evolve over time. All landscapes hold some value and some have more potential to be improved and restored than others.

Many activities have the potential to change the landscape and in the case of mineral extraction, this can be significant. Mineral workings can destroy landscape character, but their restoration can also help to improve landscapes, especially those which may be of a lower quality.

In order to manage changes to landscape character, three Landscape Character Assessments (LCA) were published in 2009 (Bassetlaw, Newark and Sherwood and Greater Nottingham including Ashfield and Mansfield), these cover the whole of the County. 11 character areas have been identified and each Landscape Character Area has a unique combination of elements and features that make them distinctive:

- Derbyshire and Nottinghamshire Coalfields (DC);
- East Nottinghamshire Sandlands (ES);
- Idle Lowland (IL);
- Leicestershire and Nottinghamshire Wolds (LW);
- Magnesian Limestone (ML);
- Mid Nottinghamshire Farmland (MN);
- Sherwood (SH);
- South Nottinghamshire Farmlands (SN)
- Trent Valley (TV);
- Trent Washlands (TW);
- Vale of Belvoir (VB).

The Trent Washlands is identified as being particularly under pressure from minerals development.

The LCAs identify specific features of the different Landscape Character Areas and this information can then be used to give special protection to the feature or to identify suitable mitigation measures when loss is unavoidable. It is also valuable in the design of restoration schemes.

An Areas of Multiple Environmental Sensitivity Study has been carried out for parts of Nottinghamshire in areas around the River Trent to help inform site allocations, future proposals for mineral workings and restoration schemes. A similar study has also been carried out in Derbyshire (Areas of Multiple Environmental Sensitivity) to inform their future Minerals Local Plan.

To ensure that new minerals development considers existing landscapes and visual impact, a local landscape and visual impact assessment will be required for all proposals to identify potential impacts on the surrounding areas. All landscape proposals for the restoration of minerals sites, such as earthworks, after-use and planting, should reflect the landscape type and character area.

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## **DM6: Historic environment**

### **What you told us at the Issues and Options Stage...**

- Comments stated that the issues identified were appropriate and that the most suitable approach to take forward should be a combination of the existing Minerals Local Plan policy and an approach to give weight to new minerals extraction that would help to fill gaps about the county's archaeology.

### **Issues and Options Sustainability Appraisal findings:**

- Both options (Option A: Proportionate response to impacts on historic environment and Option B: Preservation in situ) were considered to have a positive impact in respect of promoting local job opportunities, but in terms of protecting biodiversity, landscape and high quality agricultural land Option A was likely to have a positive impact, whereas Option B had no clear link.
- In respect of protecting the quality of the historic environment (SA objective 4) Option A was likely to have a very positive impact whilst Option B was likely to have a negative impact as the latter would not actually protect the archaeological resource.

## **Introduction**

Nottinghamshire has a rich history and this can be seen in the wide range of historic buildings, settlements, landscapes, parks, gardens and monuments as well archaeological sites and features that contribute to the local identity and sense of place. The Council is committed to protecting, conserving and where opportunities arise, enhancing the historic environment of the County.

### **POLICY DM6: HISTORIC ENVIRONMENT**

1. Proposals for minerals development will be supported where it can be demonstrated that:
  - a) The development would protect and where appropriate enhance nationally important historical assets and their settings;
  - b) The importance of the development outweighs the significance of any regionally or locally important designated or non-designated heritage assets that would be directly or indirectly affected by the development and where appropriate provision is made for the excavation and recording of any affected archaeological remains;
2. No development shall take place within the archaeological resource area at South Muskham.

## Justification

Since minerals can only be worked where they exist, their development can lead to a conflict between the provision of essential mineral resources and the protection of the evidence of the county's past for the benefit of future generations.

National policy states that the most important heritage assets should be conserved, and that balancing the need for development against potential harm to archaeological sites needs to be proportionate.

The Council has a duty to protect, conserve and enhance the significance, character and appearance of the area's historic environment when carrying out its statutory functions and through the planning system.

The historic environment of Nottinghamshire is vast and ranges from major historic and nationally important buildings and grounds to the many thousands of archaeological sites that lie buried underground. The historic environment, by its very nature, is an irreplaceable resource.

There are over 18,000 archaeological sites and historic features in Nottinghamshire currently registered on the County Sites and Monuments Record. It is therefore important to protect and record the most significant assets. While the County has no assets of designated international importance, particular consideration will be given to Creswell Crags (which straddles the boundary between Nottinghamshire and Derbyshire, and its setting, if Inscribed as a World Heritage Site during the plan period.

### Archaeology

The need for preservation in situ of other sites and remains will need to be assessed against their importance and the impact that their loss would have upon the overall archaeological resource in Nottinghamshire. Although the preservation of archaeological sites is a primary objective, it is clearly impracticable to preserve them all. Equally sites should not be destroyed without careful consideration and treatment.

Where preservation in-situ is not feasible, sites need to be surveyed, excavated or otherwise appropriately recorded. These provisions can only be assessed after the archaeological characteristics or proposed development sites have been evaluated. An appropriate scheme of treatment is required to be agreed with the County Council prior to any development taking place.

A recent research project, identified in the Archaeology Background Paper, looking at aggregate resources in Nottinghamshire and the archaeological remains they contain reveals that discoveries within mineral workings have yielded a wealth of new information about the Iron Age and Roman periods in the Trent and Idle Valleys.

### Archaeological resource area at South Muskham

South Muskham parish contains one of the densest areas of known archaeological remains in the Trent Valley, reflecting a long history of settlement and landscape development. Whilst this area is of major local and regional importance it is not fully understood. A field walking programme has been undertaken but further studies are still required to ascertain the effect of losing individual sites or features in this area. As such there will be a presumption against mineral extraction within the South Muskham area for the duration of the Plan period.

### Listed Buildings and Conservation Areas

Nottinghamshire's Historic Environment Record holds information on a large number of Listed Buildings and Conservation Areas and sites of local interest. Nottinghamshire also has a number of parks which are listed on the 'Register of Park and Gardens of Special Historic Interest in England' produced by English Heritage and others that are of local interest. Some Nottingham District/Borough Local Planning Authorities have adopted criteria for the identification of 'non-designated heritage assets' and have, or are producing a local list of these.

Some of the impact on the historic environment from mineral extraction may constitute 'less than substantial harm'. Permanent changes to the landscape setting of heritage assets once the site is reclaimed could result in 'substantial harm' to their significance. However, with the use of careful design, considered restoration schemes and, in some cases, compensatory mitigation, it may be possible to accommodate mineral development in the vicinity of designated heritage assets.

The role of Policy DM6 is to ensure that our historic environment is afforded the appropriate level of conservation and enhancement in conformity with national policy. As part of the process of preparing planning applications for new development, assessment should be used by developers to inform the preparation of a mitigation strategy for proposed minerals development.

In cases where it is necessary for an applicant to submit a Heritage Statement and/or Archaeological Evaluation, the scope and degree of detail necessary will vary according to the particular circumstances of each application. The level of detail required should be proportionate to the importance of the heritage asset, the size of the development and the level of its impact on the heritage asset. As a minimum the Nottinghamshire Historic Environment Records (HER) should be consulted. Where an application site includes, or is considered to have the potential to include, heritage assets with archaeological interest, the Council will require developers to submit an appropriate desk-based assessment and, where desk-based research is insufficient to properly assess the interest, a field evaluation. It is strongly advised that Heritage Statements and Archaeological Evaluations are compiled by a professional consultant or contractor so as to ensure that an appropriate statement is submitted. Applicants are advised to discuss proposals with the Council prior to submitting an application.

## **DM7: Public access**

### **What you told us at the Issues and Options Stage...**

- The issues and options consultation did not set out options relating to public access.

### **Issues and Options Sustainability Appraisal findings:**

- Options for public access were not specifically assessed in the Sustainability Appraisal.

## **Introduction**

Nottinghamshire is a largely rural county and has nearly 2700km of paths providing access into the countryside for walking, cycling and horse riding. The rights of way network also provides vital links between towns and villages and is increasingly being used as routes to school, work and shops.

The size and location of minerals development can have a significant impact on the rights of way network but it can also provide opportunities to improve and extend existing infrastructure in the countryside.

### **POLICY DM7: PUBLIC ACCESS**

1. Proposals for minerals development will be supported where it can be demonstrated this will not have an unacceptable impact, including that upon the enjoyment of use, on the existing public rights of way network whilst the minerals development is being undertaken.
2. Where this is not practicable, satisfactory proposals for temporary or permanent diversions, which are of at least an equivalent interest or quality, must be agreed in advance of the commencement of the proposal.
3. Improvements and enhancements to the rights of way network will be sought and where possible public access to restored minerals workings will be increased.

## **Justification**

National policy states that policies should protect and enhance public rights of way and access. Opportunities to provide better facilities for users such as adding links to the existing rights of way should be sought. Where appropriate, manned crossing points will be required to ensure that the

existing public rights of way network is not compromised. Proposals for new rights of way will need to consider how they can best link into the existing rights of way network.

There are parts of Nottinghamshire that suffer from a poor quality environment and where there is a lack of accessible green space. Therefore efforts to improve public rights of way and access should be targeted to help address deficiencies as well as providing infrastructure.

Reference should be made to the Nottinghamshire Rights of Way action plan and advice sought from the County Council's rights of way officers regarding temporary or permanent diversions and the opportunities for future improvements in the area.

Consultation with the County Council on any public right of way affected by a proposed minerals development should take place at the earliest possible stage. The statutory process for footpath diversion or closure is separate from the planning process and as such delays or failures to secure any required amendments to the rights of way network could affect the implementation of future minerals development.

Enhancements to the public rights of way network will be secured through a legal agreement rather than planning conditions to ensure that the enhanced rights of way are available in perpetuity.

## **DM8: Cumulative impact**

### **What you told us at the Issues and Options Stage...**

- The issues and options consultation did not set out options relating to cumulative impact.

### **Issues and Options Sustainability Appraisal findings:**

- Options for cumulative impact were not specifically assessed in the Sustainability Appraisal.

## **Introduction**

In some areas of Nottinghamshire the extent of the mineral working may result in a large number of previously worked sites and further applications for extraction. The impacts, both real and perceived, of a concentration of workings close to a community or communities can impact on the quality of life and the wider environment and landscape character.

### **POLICY DM8: CUMULATIVE IMPACT**

1. Proposals for minerals development will be supported where it can be demonstrated that there are no unacceptable cumulative impacts on the environment or on the amenity of a local community, either in relation to the collective effect of different impacts of an individual proposal, or in relation to the effects of a number of developments occurring either concurrently or successively.

## **Justification**

Mineral developments can have significant environmental impacts during their operational phases; for instance, the generation of noise and dust, impacts on the landscape, loss of biodiversity and fragmentation of habitats and HGV transport impacts.

It is important to consider the suitability of allocating land, or of granting planning permission for sites, that would be in close proximity to other minerals sites. National policy emphasises the need for cumulative impacts from multiple impacts from individual sites and or a number of sites in a locality to be taken into account.

The County Council therefore wishes to avoid unacceptable cumulative impacts in any one location, particularly where these affect local access roads. The environmental (especially transport) impacts of quarrying can be

significant for local residents, and the cumulative impacts of one or more local quarries can be a cause of serious concerns.

Such issues may come to the fore where two or more different minerals operators have potential and/or actual sites in the same area. It is not a purpose of the planning system to stifle local competition in the production of minerals, but it may nonetheless be necessary to consider timing and phasing of sites where they could, cumulatively, have unacceptable local impacts.

The National Planning Policy Framework (NPPF) states that Planning Authorities should take into account the cumulative effects of multiple impacts from individual minerals sites and/or a number of sites in a locality. It indicates that proposals for the simultaneous and/or successive working of a number of sites in a wider area of commercially-viable deposits may affect communities and localities over an extended period, depending on the nature, age and size of the site(s).

A stage may be reached whereby it is the cumulative rather than the individual impact of a proposal that renders it environmentally unacceptable. The plan seeks to ensure that the impacts of a mineral proposal are considered in conjunction with the impacts of other past, present or reasonably foreseeable developments, and that cumulative impact on the environment of an area, or on the amenity of a local community, are fully addressed.

Cumulative impact has been used as a constraint in defining future allocated areas for mineral extraction.

## **DM9: Highways safety and vehicle movements/routeing**

### **What you told us at the Issues and Options Stage...**

- The issues and options consultation did not set out options relating to highways safety and vehicle movements/routeing.

### **Issues and Options Sustainability Appraisal findings:**

- Options for highways safety and vehicle movements/routeing were not specifically assessed in the Sustainability Appraisal.

## **Introduction**

All new development proposals need to consider the needs of all road users. Safety and vehicular movements are key issues which must be addressed. The needs of pedestrians, cyclists and people with disabilities must be at the forefront of any considerations.

### **POLICY DM9: HIGHWAYS SAFETY AND VEHICLE MOVEMENTS/ROUTEING**

1. Proposals for minerals development will be supported where it can be demonstrated that:
  - a) The highway network can satisfactorily and safely accommodate the vehicle movements, including peaks in vehicle movements, likely to be generated;
  - b) The transportation of minerals would not cause unacceptable impact on the environment and disturbance to local amenity;
  - c) Where appropriate, adequate vehicle routeing schemes have been put in place to minimise the impact of traffic on local communities;
  - d) Measures have been put in place to prevent material such as mud contaminating public highways.

## **Justification**

The vast majority of minerals are transported from quarries to the market via the existing road network due to the flexibility and relatively short distance most minerals are transported. This can cause a significant increase in the level of HGV traffic on the local and wider road networks. It is important that the impact of this traffic is minimised. This can be done through a number of different measures and can include:

- strategic signage for lorry movements;



- sheeting of lorries;
- installation of wheel cleaning facilities;
- highway improvements;
- hours of working / opening;
- traffic regulation orders;
- noise attenuation of reversing beepers, plant and equipment;
- private haul roads;
- road safety improvements;
- traffic management arrangements, including off peak movements.

The Highways Agency is responsible for the trunk road network which, in Nottinghamshire, includes the M1, A1, A46, A52 and the A543. They provide policy advice on other transport issues concerning their function, including the consideration of planning applications.

Nottinghamshire County Council is the Local Highway Authority and is responsible for the implementation of the Nottinghamshire Local Transport Plan. The County Council, as the Local Highway Authority, will require Transport Statements (TS) and Transport Assessments (TA) and Travel Plans to be submitted with certain proposals. As such, planning applications must accord with current standards and other local guidance. In most instances, applicants will be required to attend a pre-application meeting to discuss the transport issues with officers from the Council.

In some instances developer contributions may be required to enable the Council to undertake necessary transport improvement works within the affected areas.

Lorry routing can be a major consideration in assessing the acceptability of a mineral development proposal. Whilst a reasonable route may exist, which the mineral operator may well be willing to use, planning controls cannot be used to provide sufficient assurance that any given route will be adhered to. However, an agreement, in principle, regarding routing between the operator and the County Council could be made, whereby; the mineral operator can offer to provide adequate legally binding assurances.



## **DM10: Planning Obligations**

### **What you told us at the Issues and Options Stage...**

- The issues and options consultation did not set out options relating to planning obligations.

### **Issues and Options Sustainability Appraisal findings:**

- Options for planning obligations were not specifically assessed in the Sustainability Appraisal.

## **Introduction**

To achieve sustainable development additional infrastructure may be required. The coordinated delivery of adequately funded infrastructure at the right time and in the right place is key to ensuring that local services, facilities and the transport network can cope with any added demand that arises from new minerals development.

### **POLICY DM10: PLANNING OBLIGATIONS**

1. The County Council will seek to negotiate planning obligations as measures for controlling mineral operations and to secure sustainable development objectives which cannot be achieved by the use of planning conditions.

## **Justification**

Planning obligations (also known as Section 106 agreements) are private agreements made between local authorities, developers and landowners which can be attached to a planning permission to make acceptable development which would otherwise be unacceptable in planning terms. The land itself, rather than the person or organisation that develops the land, is bound by a Section 106 Agreement – so this is something any future owners will need to take into account.

The National Planning Policy Framework (2012) provides Government guidance on the use of planning obligations. It contains three tests that planning obligations must meet:

- necessary to make the proposed development acceptable in planning terms;
- directly related to the proposed development;
- fairly and reasonably related in scale and kind to the proposed development.

Local planning authorities must take this guidance into account in their decisions on planning applications and must have good reasons for departing from it.

Planning obligations are used for three purposes:

- **Prescribe** the nature of development;
- **Compensate** for loss or damage created by a development; or
- **Mitigate** a development's impact.

Planning obligations must be directly relevant to the proposed development.

Circumstances where planning obligations may be sought include:

- Provision of off-site works such as highway improvements, landscape treatment and planting;
- Facilitating the preservation by record of archaeological remains;
- Contributing towards the delivery of the Nottinghamshire Local Biodiversity Action Plan targets (where relevant to the site);
- Facilitating payment of monies;
- Providing long-term site management (where third parties are involved);
- Flood risk management schemes.

The nature and scale of obligation requirements from a development will reflect:

- The nature and impact the development has upon strategic, local and on-site needs and requirements;
- Current infrastructure and whether the development can be accommodated by the existing provision;
- How the potential impacts of a development can be mitigated;
- Viability. In considering issues of viability the Council will have regard to the quality and value of a scheme in the context of how the development contributes towards the vision, objectives and policies for the area;

Planning obligation agreements will normally be drafted by the Council. Whether obligations will be “in kind” (where the developer builds or directly provides the infrastructure), by means of financial payments or a combination of both will depend on the nature and circumstances of the infrastructure requirement. The National Planning Policy Framework sets out that development identified in the Local Plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. It emphasises, that developers and landowners should receive a competitive return to enable the development to be delivered.

## **DM11: Restoration, after-use and after-care**

### **What you told us at the Issues and Options Stage...**

- The issues and options consultation did not set out options relating to restoration, after-use and aftercare.

### **Issues and Options Sustainability Appraisal findings:**

- Options for restoration, after-use and aftercare were not specifically assessed in the Sustainability Appraisal.

## **Introduction**

It is essential that mineral extraction and restoration are properly designed at the planning application stage to ensure that both are technically and economically feasible and that the impacts can be fully assessed.

Note: This policy should be considered along side the strategic policy SP2: biodiversity led restoration.

### **POLICY DM11: RESTORATION, AFTER-USE AND AFTER-CARE**

1. Proposals for minerals development will be supported where it can be demonstrated that the scheme includes details to allow an appropriate phased sequence of extraction, restoration, after-use and after-care which will enable long-term maintenance and enhancement of the environment.

#### **Restoration**

2. Where it is impracticable to submit full restoration details at the planning stage proposals should include:
  - a) An overall concept plan with sufficient detail to demonstrate that the scheme is feasible in both technical and economic terms; and
  - b) Illustrative details of contouring, landscaping and any other relevant information as appropriate.
3. Mineral extraction proposals which rely on the importation of waste for restoration must:
  - a) Include satisfactory evidence that the waste will be available over an appropriate timescale in the types and quantities assumed;
  - b) Provide the optimum reclamation solution; and
  - c) Provide evidence that it is not practical to re-use or recycle the waste.

**After-use**

4. Where proposals for the after use includes habitat creation, applicants will be required to demonstrate how they contribute to the delivery of the Nottinghamshire Local Biodiversity Action Plan and have regard to the biodiversity led restoration strategy.
5. Where proposals for the after use is agricultural, applicants will be required to make provision for the retention or replacement of soils and any necessary drainage, access, hedges and fences.
6. The after-use will be required to have regard to the wider context of the site, in terms of the character of the surrounding landscape and historic environment and existing land uses in the area.
7. Where opportunities arise, after-use proposals should provide benefits to the local and wider community which may include enhancement and creation of biodiversity and geodiversity interests, linking of site restoration to other green infrastructure initiatives, enhanced landscape character, improved public access, employment, tourism or provision of climate change mitigation measures.

**Aftercare**

8. Restoration proposals will be subject to a minimum five year period of aftercare. Where proposals or elements of proposals, such as features of biodiversity interest, require a longer period of management the proposal will only be permitted if it includes details the period of extended aftercare and how this will be achieved.

**Justification**

National policy requires local planning authorities to ensure that worked land is reclaimed at the earliest opportunity and that high quality restoration and aftercare takes place.

Although mineral working is a temporary land use, worked sites which are not appropriately restored can result in permanent adverse impacts on the environment. It is essential that the detailed restoration proposals for minerals development are properly considered at the application stage to minimise impacts and ensure long term benefits are secured.

The overall restoration proposal also establishes the long-term potential of the land for a wide range of after-uses that can benefit the local and/or wider community. The phasing of operations to achieve restoration at the earliest opportunity is an important factor influencing the acceptability of minerals extraction to local residents.

Achieving high quality restoration must be integral to any proposals for minerals development.

The Council's Biodiversity Led Restoration Strategy is based on the biodiversity opportunities in Nottinghamshire which assist in maximising the potential value of minerals restoration by carefully planning which habitats can be created, and where. The restoration process will be required to ensure that the priority habitats identified in the Nottinghamshire Biodiversity Action Plan are created or enhanced, where appropriate.

Most mineral workings coincide with agricultural land. In general where the best and most versatile land is taken for mineral extraction, it is imperative that the potential for land to be restored to an agricultural after-use be maintained through appropriate landform and soil profiles.

The Landscape Character Assessment's covering Nottinghamshire identifies specific features of the different Landscape Character Areas within the County. This information can then be used to assist in the designing of restoration schemes.

Proposals for minerals development should be accompanied by a restoration scheme that provides comprehensive details of the order and timing of phases of mineral working, restoration and of the final main after uses. Where possible the proposed scheme should incorporate some element of flexibility to take account of changing circumstances during the life of the development and beyond. It should aim to integrate and facilitate the delivery of any relevant mitigation measures, as identified in assessments undertaken to support the planning application. It is strongly advised that these matters are discussed with the Mineral Planning Authority at the pre-application stage, and where possible involve input from relevant key stakeholders to resolve any potential conflicts of interest.

Soils must be adequately protected and maintained throughout the life of the development, particularly if a site comprises land that qualifies as best and most versatile agricultural land (see Policy DM3: Agricultural land and soil quality). Where necessary, proposals for minerals development should be supported by a site specific Land Classification Survey, undertaken by an independent expert to determine the grading and agricultural value of the proposed site. The survey should incorporate a report/statement of physical characteristics, providing detailed information about the soils, subsoils and overburden within the boundaries of the site. Where the proposed after use is to be one which requires little or no soil, e.g. a lake or a nature reserve requiring impoverished soil resources, it would be better for soils to be removed from site and used beneficially elsewhere.

In some cases, materials (such as inert waste) will need to be imported to ensure that the site can be restored and returned to a beneficial after-use. Phased restoration of a site may require an adequate and timely supply of suitable material in order to ensure that the development can proceed on schedule. However, inert fill material may not necessarily be available in the

required quantities and timescales, since the introduction and application of Landfill Tax has reduced the amount of inert material available. In addition, Government encourages the recycling and use of construction and demolition waste as an alternative to primary aggregates. Developers will be required to demonstrate that materials to be imported for restoration purposes are both suitable (based on the advice of the Environment Agency) and are available in sufficient quantity and when needed to achieve the proposed restoration scheme.

Minerals development will be expected to contribute, where appropriate, to the green and blue infrastructure (strategic networks of well-planned, multi-functional spaces) of Nottinghamshire, particularly through the restoration and after-use of minerals development sites.

After the mineral has been extracted and the stripped soils returned, the aftercare period is the time when the site is prepared for the agreed after-use. Aftercare can include the processes of cultivating, fertilising, planting, draining and otherwise treating the land. The minerals operator is normally still responsible for the site at this time. An appropriate period of aftercare is needed to ensure mineral sites are restored to a standard suitable for their intended after-use.

Different after-uses may require different periods of aftercare. The statutory after-care period is 5 years, but 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 after-care periods will be negotiated for those uses that would benefit from such longer periods.

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.

All restoration proposals should take into account the relevant District/Borough Local Plans and where appropriate contribute to the delivery of those Plans. Minerals developers will also be encouraged to involve local communities and parish councils when considering options for restoration and aftercare.

## **DM12: Airfield safeguarding (bird strike)**

### **What you told us at the Issues and Options Stage...**

- The issues and options consultation did not set out options relating to airport safeguarding.

### **Issues and Options Sustainability Appraisal findings:**

- Options for airfield safeguarding were not specifically assessed in the Sustainability Appraisal.

## **Introduction**

Mineral extraction sites that are restored to open water can increase bird-strike risk if they are planned near airfields. This can generate conflict between the minerals industry and safeguarding authorities. To help resolve this potential conflict, it would be useful to predict how new restorations affect local water-bird populations so that mineral deposits can be exploited and restored in safeguarded zones without compromising flight safety.

Airfield Safeguarding Areas are designated within 13km (8 miles) of an airfield, where the owner or operator of civil or military aerodromes are required to be consulted and where restoration is proposed through landfill or to a wetland habitat in order to consider the potential bird strike hazard.

### **POLICY DM12: AIRFIELD SAFEGUARDING (BIRD STRIKE)**

1. Proposals for minerals development within the following Airfield Safeguarding Areas will be supported where the applicant can demonstrate that the proposed extraction, restoration and after use will not constitute a hazard to air traffic:
  - a) East Midlands Airport;
  - b) Gamston (Retford) Airport;
  - c) Hucknall Aerodrome;
  - d) Netherthorpe Airfield;
  - e) Nottingham City Airport;
  - f) Robin Hood Airport Doncaster Sheffield;
  - g) RAF Scampton MoD Aerodrome;
  - h) RAF Syerston MoD Aerodrome;
  - i) RAF Waddington MoD Aerodrome.

Any new safeguarding area notified to the Council during the Plan period will also be safeguarded.

2. All proposals within the safeguarding zones will be required to consult the relevant airfields.



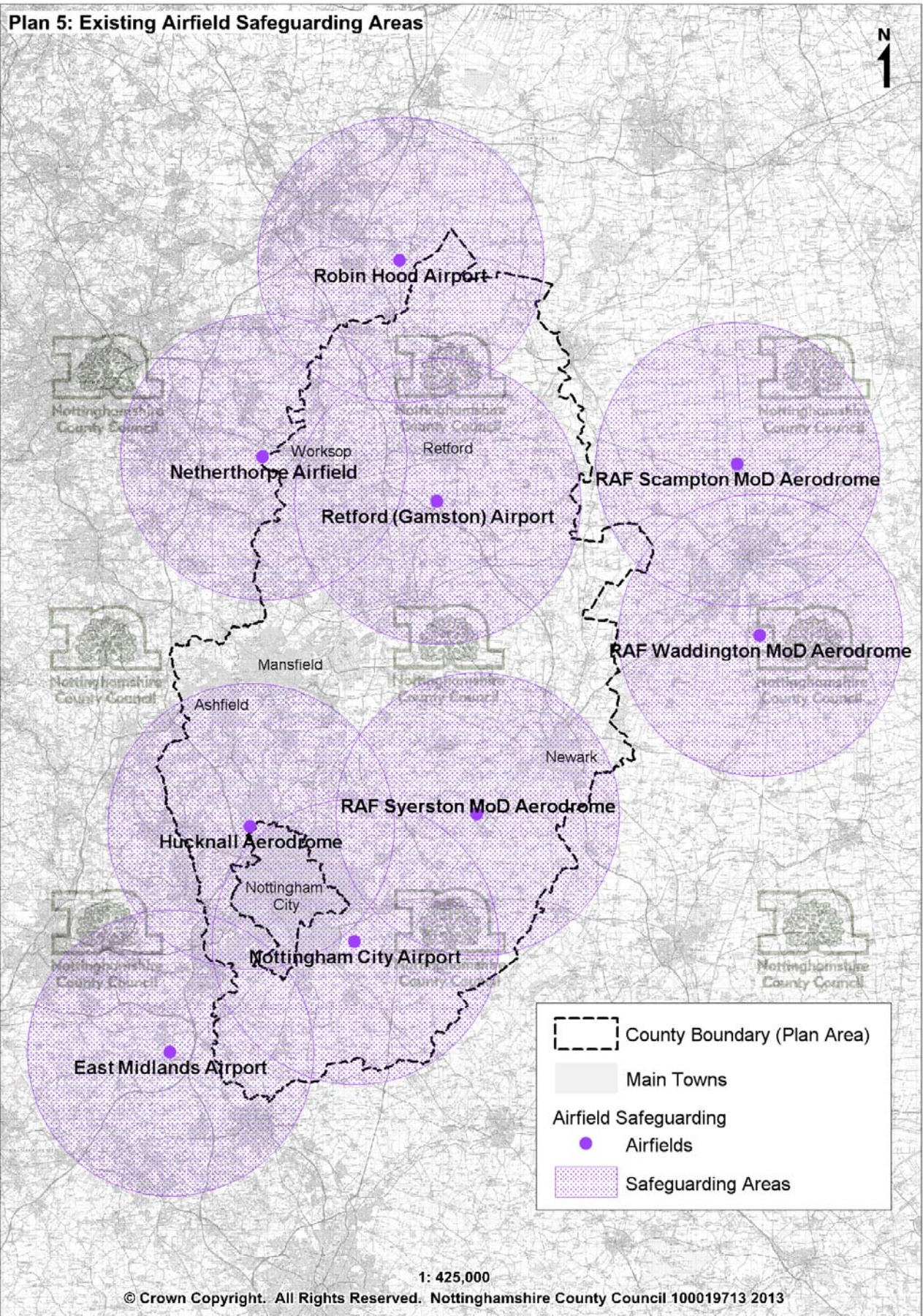
Advice Notes on the safeguarding of aerodromes have been produced by the Airport Operators' Association and General Aviation Awareness Council. The purpose of safeguarding is to ensure that the operation and development of civil and military airfields is not inhibited by development that has the potential to increase the number of birds and the 'birdstrike' risk.

The National Planning Policy Framework (NPPF) states that Local Planning Authorities should put in place policies to ensure worked land is reclaimed at the earliest opportunity, taking account of aviation safety.

Paragraph 144 (bullet point 3) of the NPPF states that Local Planning Authorities should ensure, in granting planning permission for mineral development, that there are no unacceptable adverse impacts on the natural and historic environment, human health or aviation safety, and take into account the cumulative effect of multiple impacts from individual sites and/or from a number of sites in a locality;

Restoration of Minerals sites which enhance biodiversity through creation of wetland habitat may lead to the creation of habitats that attract birds. In the vicinity of an airport this is potentially very dangerous. Careful planning can ensure that it will be possible to enhance biodiversity in this way without possibly contributing to a bird-strike hazard. Examples include the creation of reed beds, instead of open water, which generally do not attract the flocking birds that present a bird strike hazard, and also the use of smaller expanses of water, such as fragmented ponds.

There are nine safeguarded airfield areas within Nottinghamshire and these are identified on Plan 5.





## **DM13: Mineral Safeguarding and Consultation Areas**

### **What you told us at the Issues and Options Stage...**

- There was a very limited response to this issue with no overall conclusions.

### **Issues and Options Sustainability Appraisal findings:**

- The option assessed was 'Safeguard the economically viable resource'. This option had no significant effect on, or no clear link to, most of the Sustainability Appraisal (SA) objectives. However, the likely impact was positive in terms of ensuring adequate provision of minerals and promoting more efficient use of land and resources.

## **Introduction**

Minerals can only be worked where they are found. In the plan area, potential mineral working areas may be limited by landscape and environmental designations or existing settlements; there may also be competition from non-minerals development. Government policy requires proven mineral resources to be safeguarded from sterilisation (such as being covered by buildings) and that there should, where practicable be prior extraction of the mineral if it proves necessary for built development to take place.

## **POLICY DM13: MINERAL SAFEGUARDING AND CONSULTATION AREAS**

### **Safeguarding Areas**

1. Economically important mineral resources will be safeguarded from unnecessary sterilisation by non-mineral development through the designation of minerals safeguarding areas as identified on the Policies Map.
2. Development within minerals safeguarding areas will have to demonstrate that the sterilisation of proven mineral resources of economic importance will not be unnecessarily sterilised as a result of the development and that the development would not pose a serious hindrance to future extraction in the vicinity.
3. Where this cannot be demonstrated, and where there is a clear and demonstrable need for the non-minerals development, prior extraction will be sought where practicable.

### Consultation Areas

4. District and Borough Councils within Nottinghamshire will consult the County Council as Minerals Planning Authority on proposals for non-minerals development within the designated Mineral Consultation Area, as shown on the Policies Map.
5. The Minerals Planning Authority will resist inappropriate development within the Mineral Consultation Areas.

### **Justification**

The Mineral Safeguarding Areas (MSA) identify the mineral resources which are worthy of safeguarding and the Minerals Consultation Area (MCA) identify the areas within Nottinghamshire where the district and borough authorities are required to consult the Mineral Planning Authority over non-minerals development. The NPPF encourages the prior extraction of minerals before alternative uses are permitted. In Nottinghamshire the safeguarding and consultation areas are identical and as such one map has been produced and is included on the Minerals Policies Map.

The mineral safeguarding approach does not seek to predict how much mineral is likely to be needed over the plan period but safeguards the viable mineral resource. Viability will change over time. With increasing scarcity, resources that are currently considered non-viable will become increasingly viable. However, the entire mineral resource is not safeguarded; it is only the most meaningful and best current estimate of viable resources which has been safeguarded for future assessment and possible use. See Plan 6 below.

For the purposes of safeguarding, Nottinghamshire has eight distinct mineral resources. These are:

- Alluvial Sand and Gravel;
- Glaciofluvial Sand and Gravel;
- Sherwood Sandstone;
- Magnesian Limestone;
- Mercia Mudstone (brick clay);
- Gypsum;
- Coal; and
- Hydrocarbons (oil and gas)

Not every non-mineral development proposal within or close to a Minerals Safeguarding and Consultation Area represents a risk to future minerals extraction. The main risks will arise from proposals to extend built up areas and new development in the open countryside, as such; the following categories of development are exempt from both consultation and safeguarding:

- Development which is in accordance with adopted District/Borough Local Plan allocations which took account of minerals sterilisation and where prior extraction is not feasible or appropriate;
- Temporary development;
- Householder planning applications (except for new dwellings);
- All applications for advertisements;
- Infill development;
- Reserved matters; and
- Prior notifications (telecoms, forestry, agriculture, demolition).

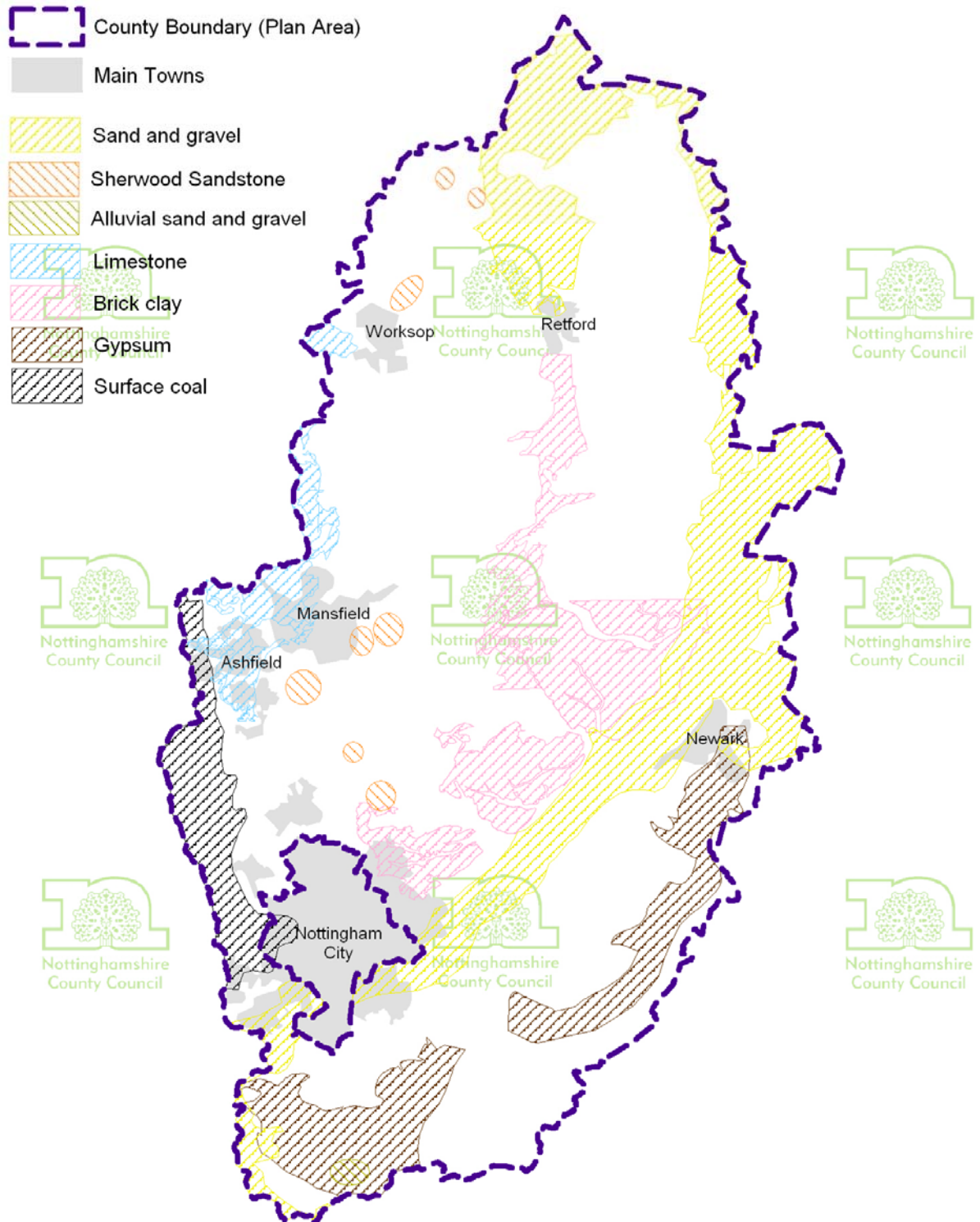
The British Geological Society Resource Map (2011) provides information on the County's resources but excludes minerals that can only be worked by underground methods, such as deep mined coal, oil and gas and some gypsum deposits.

It is expected that the developer will carry out the necessary site investigations to prove the mineral resource. These will take into account factors such as the availability of the mineral, its relative scarcity, the timescale for the development going ahead, the possible extraction of the mineral and the viability of such extraction.

Identification of mineral safeguarding areas does not provide a presumption in favour of working the mineral, and is not a guarantee that there is mineral present of viable quantity or quality. The Minerals Safeguarding and Consultation Area are identified on the Minerals Policies Map and reflected in each Nottinghamshire District/Borough Adopted Local Plan Policies Maps.

More details on safeguarding can be found in the Nottinghamshire Mineral Safeguarding Background Paper.

## Plan 6: Mineral Safeguarding and Consultation Areas

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British Geological Survey. 2003. Digital Geological Map of Great Britain 1:625 000 scale (DiGMapGB-625)  
 Superficial Deposits data [CD-Rom] Version 1.10. Keyworth, Nottingham: British Geological Survey. Release date 30-04-2003

## **DM14: Incidental mineral extraction**

### **What you told us at the Issues and Options Stage...**

- The issues and options consultation did not set out options relating to incidental mineral extraction.

### **Issues and Options Sustainability Appraisal findings:**

- Options for incidental mineral extraction were not specifically assessed in the Sustainability Appraisal.

## **Introduction**

In principle, recovering minerals as an incidental element of another development proposal promotes sustainable development by helping to conserve mineral resources that might otherwise be lost.

### **POLICY DM14: INCIDENTAL MINERAL EXTRACTION**

1. Planning applications for the extraction of minerals as a necessary element of other development proposal on the same site will be supported where it can be demonstrated that the scale and duration of the mineral extraction does not result in adverse environmental impacts and that it brings environmental and other planning benefits to the development it is incidental to.
2. Where planning permission is granted, conditions will be imposed to ensure that the site can be adequately restored to a satisfactory after-use should the main development be delayed or not implemented.

## **Justification**

District/Borough Councils within Nottinghamshire should advise the County Council on proposals, such as ornamental lakes and major built development, which involve the excavation and removal of significant quantities of soils, overburden and mineral. Failure to do so may result in planning permission being granted without taking into account potential mineral planning issues. Developers submitting proposals to District/Borough Councils are likewise encouraged to consult the County Council at the pre-application stage where they expect incidental minerals extraction to be necessary.

In many cases the planning application for the main development may be determined by the District/Borough Council, and, except where quantities are very small, the mineral extraction may need to take the form of a separate planning application to be determined by the County Council. In these cases,

in order to ensure that both proposals are compatible, it is important to consider both planning applications at the same time. Interim reclamation proposals must be included to ensure that the primary development proposals are not delayed, or fail to be implemented.

Incidental mineral extraction is not precisely defined in terms of quantity of mineral worked or duration. It does not, however, apply to minerals development simply because it is small scale and short term. If mineral extraction is a significant reason for justifying or promoting the development, the proposal will need to be assessed against the relevant policies applicable to the mineral being worked.

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## **DM15: Irrigation lagoons**

### **What you told us at the Issues and Options Stage...**

- The issues and options consultation did not set out options relating to irrigation lagoons.

### **Issues and Options Sustainability Appraisal findings:**

- Options for irrigation lagoons were not specifically assessed in the Sustainability Appraisal.

## **Introduction**

Proposals to construct irrigation lagoons within agricultural land typically involve the extraction of around 30 - 50,000 tonnes of mineral in order to create a pond of about 1 hectare in extent. The mineral is usually taken offsite for processing at a nearby quarry. Whilst the development comprises little more than mineral extraction, providing there is evidence that there are genuine agricultural benefits then the mineral extraction can normally be regarded as incidental.

### **POLICY DM15: IRRIGATION LAGOONS**

1. Proposals for mineral extraction to create irrigation lagoons will be supported where:
  - a) There is satisfactory evidence that they will provide significant benefits to agricultural productivity;
  - b) They can be worked and reclaimed without any unacceptable environmental impacts;
  - c) The irrigation lagoon is landscaped and treated to maximise its potential for enhancing the landscape character and/or biodiversity.

## **Justification**

The development of irrigation lagoons is often classed as 'permitted development' and would not require planning permission unless the mineral is taken off-site.

Sand and gravel deposits are technically very suited for this purpose because of the normally high water table level and relatively rapid recharge after the water is abstracted for irrigation. The cost of creating the lagoon is also likely to be offset by the value of the mineral. The main planning issues will generally comprise traffic during construction, the impact on archaeological

sites, and the long term landscape impact of the lagoon. Wildlife impact is less likely to be an issue, as these lagoons tend to take place within arable fields.

Whilst the purpose of these lagoons is to provide irrigation, it is important that they are shaped and landscaped to blend in with and, where possible, enhance the landscape character of the area, including biodiversity. The standard rectangular reservoir should be avoided, as this will generally detract from the area.

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## **DM16: Borrow pits**

### **What you told us at the Issues and Options Stage...**

- The issues and options consultation did not set out options relating to borrow pits.

### **Issues and Options Sustainability Appraisal findings:**

- Options for borrow pits were not specifically assessed in the Sustainability Appraisal.

## **Introduction**

The term 'borrow pit' is applied to a temporary mineral working supplying material for use solely in a specific construction project, particularly roads. Borrow pits are typically located next to the construction site, and in the ideal situation are soon backfilled with waste materials, such as soft clay, that often have to be removed from the construction area – hence the material excavated is 'borrowed'. Normally, large quantities of material, mainly bulk fill, are required over a short time.

### **POLICY DM16: BORROW PITS**

1. Proposals for borrow pits will be supported where:
  - a) They are adjacent to or close to the project/s they are intended to serve
  - b) They are time limited to the life of the project and material is to be used only for the specified project;
  - c) There are overriding environmental or other planning benefits compared to obtaining materials from alternative sources;
  - d) Alternative materials of the required specification are unavailable in sufficient quantities;
  - e) Proposals provide for appropriate restoration measures which include full use of surplus spoil from the project.

## **Justification**

With the exception of small borrow pits developed within the boundary of the construction sites including highways and rail, planning permission is required. Proposals for borrow pits will be treated in the same way as any other mineral extraction scheme. This means that borrow pits must be justified in terms of being the most suitable source of material to meet demand, and that appropriate environmental safeguards covering both working and reclamation are included

Advance planning is essential to ensure that the borrow pit can be developed within the timescales required. For example, if archaeological remains are present these may require a full and lengthy investigation before any mineral can be extracted. Submitting proposals after contracts are let is unlikely to allow sufficient time to resolve such complications. Urgency of need cannot be an overriding factor in the treatment of archaeological remains and other similar environmental factors.

It is important to ensure that borrow pits only supply the construction project intended. Therefore in granting planning permission for borrow pits, the County Council will take appropriate measures to control access and routeing, and permission will be time limited to the life of the construction project.

In considering 'need', the quantities and specifications of materials required for the construction project will be assessed in the context of the level and location of existing permitted reserves. Minerals won from borrow pits contribute to the County's aggregate requirements and may help to avoid the use of better quality reserves from established quarries.

In general, it should usually be possible to meet requirements from local established quarries or from waste materials and the use of secondary aggregates. In such circumstances borrow pits can normally only be justified where they offer clear environmental gains over alternative sources of supply. For example, where borrow pits are adjacent to construction sites the most obvious environmental benefits will be the avoidance of heavy traffic on public highways. There will also be significant economic and energy savings because of the reduced haulage costs.

These short term gains could be offset if the borrow pit is not properly reclaimed, or it is inappropriately located. For example, a water area adjacent to a major highway may have limited recreational potential because of access problems and/ or traffic noise. Where possible infilling with waste material from the construction project will normally be the preferred option.

## **DM17: Associated industrial development**

### **What you told us at the Issues and Options Stage...**

- The issues and options consultation did not set out options relating to associated industrial development.

### **Issues and Options Sustainability Appraisal findings:**

- Options for associated industrial development were not specifically assessed in the Sustainability Appraisal.

## **Introduction**

The Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013 allows certain types of industrial development associated with minerals activities to be located within mineral workings, subject to the prior approval from the Minerals Planning Authority.

### **POLICY DM17: ASSOCIATED INDUSTRIAL DEVELOPMENT**

1. Proposals for associated industrial development on or adjacent to mineral extraction sites will be required to demonstrate that they are clearly related to and linked to the life of the site.

## **Justification**

Associated Industrial Development broadly comprises industrial processes which largely depend on the mineral worked from the related mine or quarry, such as ready mixed concrete plants associated with sand and gravel quarries. Various criteria relating to the height and appearance of buildings and structures and other restrictions may apply. All other industrial development associated with the mine and quarry will require planning permission in the normal way.

Proposals for industrial development that fall outside the scope of the General Permitted Development Order (GPDO) will only be permitted where it can be shown that there are clear overall environmental advantages in a close link between the industrial and extractive operations. Particular regard will be given to environmental and transport implications, and the likely duration of working.

The continued use of such industrial development following exhaustion of the mineral reserve means it will become dependent upon the import of raw materials. This usually involves significant movements of heavy goods vehicles and will therefore normally be resisted.

Any planning permission for associated industrial development will be time limited to expire on the cessation of working from the associated extraction area.

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## **DM18: Mineral exploration**

### **What you told us at the Issues and Options Stage...**

- The issues and options consultation did not set out options relating to exploration.

### **Issues and Options Sustainability Appraisal findings:**

- Options for exploration were not specifically assessed in the Sustainability Appraisal.

## **Introduction**

Exploration is essential to prove the existence and extent of mineral resources. Prior to development, it is necessary to ensure that a resource is economically viable and to determine how it can be worked. Although exploration is a temporary activity, safeguards may still be needed to minimise its environmental impact.

### **POLICY DM18: MINERAL EXPLORATION**

1. Proposals for mineral exploration will be permitted, subject to satisfactory environmental, amenity and restoration safeguards.

## **Justification**

There are three main methods of mineral exploration; geophysical surveys, trial pits and boreholes:

### Geophysical surveys

Seismic surveys are the most common type of geophysical survey, especially in the exploration of coal and oil. Whilst these surveys can provide useful information about the underlying geological structure, they do not prove the existence of mineral resources.

The procedure is to initiate a shock wave into the ground, the pulse from which is detected by instruments called seismometers. The resulting signals are then translated into a seismograph which can be interpreted to reveal rock structures.

These surveys are carried out using a variety of methods such as vibrator pads, dynamite in shallow boreholes, land airguns and hydraulic rams.

Most Seismic surveys have little environmental impact. However, noise and vibration can raise concerns when carried out in sensitive areas. This is especially the case when explosives are used and/or where surveys are

carried out over a prolonged period. A particular concern is the interference to archaeological remains. Operators are encouraged to contact the County Council's archaeologists prior to undertaking surveys.

Most seismic surveys have permitted development rights but there are several exceptions relating to sensitive areas, proximity to buildings, size of the explosive charge and the duration of operations. In these cases, planning permission is required. In any event, operators are encouraged to notify local residents at an early stage, prior to surveys being carried out to allay concerns and unnecessary fears.

### Trial pits and shallow boreholes

Trial pits and shallow boreholes are methods of surface mineral exploration which obtain data on the depth, extent and quality of the mineral, the make-up of overburden and hydrological data. Shallow boreholes use small rigs that are capable of sinking a number of boreholes in a day. Trial pits are mostly used in assessing shallow deposits, in particular sand and gravel. After the information is recorded the pits are backfilled and reinstated.

As with geophysical surveys, concerns are often raised regarding the impact that digging shallow pits may have on the archaeology, however, these pits can provide an ideal opportunity to evaluate the site's archaeology at an early stage and developers are encouraged to involve archaeologists during this exploration phase.

Due to the short duration of these operations, it is very rare that the Minerals Planning Authority will have to be notified, or planning permission be obtained. However, exceptions to this include operations in close proximity to buildings and operations in environmentally sensitive areas. There are also limits on the intensity of drilling, the use of explosives and the heights of rigs. Operations are encouraged to consult the County Council where there are doubts over the planning situation.

### Deep boreholes

In Nottinghamshire deep boreholes, which may be sunk to depths of over 1,000 metres are used mainly in the exploration of coal and oil. A typical exploration site covers half a hectare and rigs can be up to 40 metres high. Drilling may occur 24 hours a day for several months.

A hard base, normally comprising crushed limestone, is required for the drilling rig and associated equipment. Supporting equipment includes mud pits, pipe racks, pumps and cabins. The environmental implications of deep borehole drilling are therefore much greater than those for the other exploration methods noted above.

The main considerations associated with deep boreholes include visual impact, noise, access, water pollution and directional drilling.