

Nottinghamshire Minerals Local Plan

Matters, Issues and Questions

[Note: This document contains amendments to Question 21 which relates to Policy MPI]

Introduction

In answering these questions the council should consider whether it might be necessary to advance any further potential main modifications to the submitted plan.

PROCEDURAL AND CONFORMITY MATTERS

Issue 1: Legal compliance

Whether the plan has been prepared in accordance with the relevant legal and procedural requirements

1. Has the Plan been prepared in compliance with the approved Local Development Scheme (LDS), including timing and content?
2. Has the Council adopted a Statement of Community Involvement and, if so, explain how consultation has been compliant with the requirements therein?
3. Does the Plan have regard to the Sustainable Community Strategy (SCS) of the Council and the SCS of any other authority within the county?
4. Has the Council carried out a Sustainability Appraisal (SA) and prepared a report on the findings of the appraisal? Is there clear evidence to indicate why, having considered reasonable alternatives, the strategy in the Plan is the most appropriate response? Does the methodology conform with that in the National Planning Policy Framework (NPPF) and Planning Policy Guidance (PPG)?
5. Have Appropriate Assessments been undertaken under the Habitats Directive? If not, has a scoping exercise shown that there is no need for such assessments?
6. Has the plan been prepared in accordance with the relevant Act and Regulations?
7. Is the plan and its policies consistent with national policy, including the NPPF and PPG? Are there any significant departures from national policy? If so, have they been justified?

8. Has the duty to cooperate (under s 20(5)(c) and 33A) been met? On which strategic issues has co-operation taken place? How was co-operation carried out and with what results? Has this been documented? Are there any outstanding issues?

9. Explain how the Plan complies with the Public Sector Equality Duty (PSED).

10. In so far as the Plan contains policies that are intended to supersede other policies, is that fact stated in the Plan and are the superseded policies and any saved policies identified?

Issue 2: COVERAGE AND APPROACH

Whether the plan has covered all the necessary matters set out in national policy guidance

11. The Plan covers the period to 2030. Assuming the plan was to be adopted in late 2017, that would give it less than the preferred lifespan of 15-years plan period. What is the justification for having plans of less than 15 years life? Should there be a commitment in the plans to an early review? If so, is there a need for a modification with the timescale for any review to be set out?

12. Does the plan cover everything necessary set out in the NPPF and PPG?

Issue 3: VISION AND STRATEGIC OBJECTIVES

Whether the vision and strategic objectives reflect the County's needs to 2030

13. Should the Vision include the recognition of the need for a steady and adequate supply of minerals to be maintained as indicated in NPPF?

14. Should the Vision and Strategic Objectives acknowledge the spatial dimension to the plan, including geology and distances to markets?

15. Do the strategic objectives reflect the most appropriate matters, including the commitment to the three dimensions of sustainable development.

16. Objective SO2 – should the title acknowledge the need for a “steady and adequate supply” to reflect national policy?

Issue 4 - STRATEGIC POLICIES

17. Policy SP1 – Explain how the outcomes of the Sustainability Appraisal (SA) reflect the principles of sustainable development, including climate change and sustainable transport.

18. Explain the rationale of Policy SP3, in requiring bio-diversity led restoration, rather than other forms of restoration.

19. Explain how, in Policy SP6, compensation would be applied to the historic environment.

20. Policy SP6 – explain how has a balance been achieved between the protection of the best and most versatile (BMV) agricultural land and the allocations.

AGGREGATES

Issue 5: Whether appropriate provision is made for the steady and adequate supply of minerals of local and national importance in terms of aggregates?

21. Policy MP1. Explain in detail why the Local Aggregates Assessment 2013 (LAA13) figures have been used in the plan rather than the more up-to-date figures for in LAA17, as required by the NPPF? What difference would using the LAA17 rates have in terms of the amount of provision needed and the sites allocated? How do the rates compare with national and sub-national guidelines for aggregate provision? What have been the comments of the relevant Aggregates Working Party on the provision made in the Plan? Will a contribution be made to supply Doncaster District? How do the 3-year sales figures influence the demand side of the equation?

22. What economic predictions have been examined in determining the demand for aggregate provision over the plan period and the amounts set out in policy MP1? How have predicted construction rates in Nottinghamshire and other local market areas been taken into account?

23. Explain how maximum account has been taken of the contribution of substitute, secondary and recycled materials and minerals waste to the supply of materials, especially over the last 3 years.

24. What has been the demand for secondary and recycled aggregates been over the last 3 years?

25. What has been the rationale underlying the selection of some sites for extensions for sand and gravel working and the non-selection of others? What are the cumulative effects of such allocations, including the effects of the extended periods of operations in such localities? Should working cease on main sites before extension sites commence working (subject to operational needs), in order to reduce cumulative effects?

26. Policy MP4 – should this explicitly say in the policy that it makes provision for at least 10 years' supply for limestone?

INDUSTRIAL/OTHER MINERALS

Issue 6 : Whether adequate provision has been made for industrial/ other minerals in the Plan

27. Does Policy MP12 provide an effective means of managing hydrocarbon development with reference to the NPPF and PPG?

28. Do policies MP11 and MP12 contain sufficient protection for the environment?

29. Should paragraph 4.118 include reference to the Coal Authority, Natural England, BGS and Hazardous Substances Authorities in the list to comply with PPG?

DEVELOPMENT MANAGEMENT

Issue 7: Whether the plan strikes the appropriate balance between the protection of the environment whilst providing for maintaining a steady and adequate supply of minerals

30. Considering that minerals can only be worked where they are found, should policy DM8 give more details on how cumulative impact will be assessed?

31. Are the DM policies dealing with the natural environment, the historic environment and the water environment consistent with the NPPF and the Water Framework Directive?

32. Does Policy DM9 reflect the significance of the impact on transport infrastructure, including provision for non-motorised users, of mineral development? How have these impacts been assessed in terms of the delivery of the sites, especially the road schemes around Newark?

33. Does policy DM11 provide an adequate basis for negotiated agreements between operators and groups like Parish Councils for community benefits and how does it have regard to sustainable development?

34. Associated development – does policy DM17 adequately protect the Green Belt?

RESTORATION Policies SP3 and DM12

Issue 8: Whether the plan provides for effective restoration of mineral sites in line with national policy and Strategic Objective 4

35. Do the policies on restoration balance all the elements of sustainable development with on-site circumstances?

36. How has the biodiversity-led approach been balanced with opportunities for recreation and other uses? How has water-based restoration been balanced against land-based restoration, having regard to locally available inert waste?

37. Does the plan provide an adequate opportunity during restoration for protecting/ enhancing biodiversity, valued landscapes and heritage assets and their settings?

38. How has the Water Framework Directive been taken into account in providing opportunities for creation and improvement of river morphology and wetland habitat, including the proposed environmental enhancement of the Trent Valley?

39. Should policy DM12 state clearly that restoration proposals should be implemented effectively and at the earliest opportunity to comply with national policy?

40. Are Policies SP3 and DM12 consistent with NPPF Paragraph 144?

SAFEGUARDING and CONSULTATION AREAS (policy DM13)

Issue 9: Whether the plan provides for the safeguarding of minerals of local and national importance and important infrastructure

41. Are the objectives of safeguarding, including infrastructure, sufficiently clear in the Plan so that the policy is effective and consistent with national guidance? Is it consistent with the British Geological Society's Mineral Safeguarding in England: Good Practice (para 4.2.3)?

42. Are the respective roles of the planning authorities in Nottinghamshire sufficiently well understood and accepted so that the policy can be successfully implemented? How have the roles of adopted local plans and the minerals plan been reconciled in drawing up the safeguarding and consultation areas?

43. Is the need for prior extraction of the mineral in appropriate cases recognised with sufficient clarity to enable the policy to be effective and to be consistent with national guidance? Do the proposed modifications ensure that the policy is consistent with national guidance?

Implementation and Monitoring of the Plan

Issue10: Whether the implementation and monitoring arrangements will be effective?

44. Is the Plan's approach to monitoring practicable?

45. Does it provide for co-operation and participation and are appropriate participants involved?

46. Does it provide flexibility and what contingency measures are in place in the event of non-deliverability or lower rates of delivery of new/extended sites?

47. Are suitable arrangements in place for reviews at appropriate times?

ALLOCATIONS FOR SAND AND GRAVEL

Issue: Whether the provision in the Plan for allocated sites for sand and gravel extraction is justified

Omission sites – Issue 11

48. Is the omission of the following sites from the Plan justified, effective and consistent with national policy?

Barton-in- Furbis

Manor Farm, Spalford

North Road Quarry (Home Farm)

Allocations

49. Is the allocation of the following sites in the plan justified, effective and consistent with national policy?

Issue 12 Flash Farm

Issue 13 Shelford West

Issue 14 Coddington

Issue 15 - Other site specific matters (Qs 50-54)

50. To what extent have the allocation of sites in the Idle Valley, including Barnby Moor, been market led, rather than led by the output of the SA?

51. MP3a Bestwood 2 East – Give further details on how the proposed restoration will mitigate for the loss of the Longdale Plantation SINC.

52. MP6a Brick clay - Kirton West – give further details on the proposed restoration scheme in related to biodiversity and the protection of landscape and heritage assets during working and restoration.

53. MP9 – How will potential impacts on heritage assets at Creswell Crags be protected should further a further quarry be necessary for industrial dolomite in that area?

54. MP10- Yellowstone Quarry – Given current rates of extraction, how long will reserves remain at this quarry and what are the plans for its restoration?