

Written statement on behalf of:

Barton in Fabis Parish Council, Clifton Village Residents Association, Lark Hill Retirement Village Residents, Thrumpton Parish Meeting and SAVE Campaign Group

1. Note questions are numbered according to the referring in Version 3 of Matters, Issues and Questions.

Matter 3: Minerals Provision Policy

Policy MP1: Aggregate Provision

Question 20: Given the proximity of quarries on both sides of the River Trent in Nottinghamshire and Lincolnshire, and changes in production on both sides of the river that can occur over time, does the identified need for sand and gravel adequately account for past and potential future changes?

2. We would respectfully point out that the same question should be applied in terms of quarries adjacent to the Nottinghamshire, Derbyshire and Leicestershire border in particular those just across the border to the south of Nottinghamshire at Lockington and Shardlow.
3. We note that justification in the Plan for sites in the Nottinghamshire MLP to the south of Nottingham City (e.g. Mill Hill / Barton in Fabis) are made on the basis of demand from various projects which are either completed and therefore irrelevant or are not optimally located with respect to the Mill Hill/ Barton in Fabis site, namely:
 - East Midlands Rail Freight Hub: This project is largely completed with the majority of warehousing in operation and the first train to the freight hub on 7th January 2020
 - Kegworth Bypass: Construction completed and open to traffic
 - Toton HS2: Construction start date not confirmed, but Lockington (8.98km) and Shardlow (15.02km) are closer and therefore more sustainable than Barton in Fabis (15.03km)

Question 23: To what extent does the planned provision for aggregates account for the predicted sharp rise in housing development in 2020/21?

4. There is a lack of any detailed analysis of housing developments and required aggregate provision in the Plan and any justification that the proposals are likely to meet the predicted future demand.
5. The analysis, summarised below and set out in detail in our Regulation 19 submission, demonstrates that by the inclusion of Shelford, for example, a better geographical spread is achieved than is realised by the current MLPPV. The inclusion of Shelford would move 3mt of output from North Nottinghamshire to South Nottinghamshire where it is most needed.
Consequently, the statement in the MLP under 'Sites Assessment Methodology' on the Shelford site that "The size of this site is such that if it were allocated, provision would be

limited in other parts of the County and this would not comply with the objective of maintaining a geographical spread of mineral sites across the County” is unjustified.

6. It is possible to develop an overview of demand by taking the % of total housebuilding in each area as a guide as to where quarry sites should be located. The Nottinghamshire and Nottingham LAA (2019) confirms (5.14) that housebuilding accounts for 20% total aggregate production (other estimates put this figure at 35%), where houses are built is where jobs are created with associated commercial buildings and major infrastructure projects and local infrastructure such as roads and schools – thereby equating to a higher percentage.
7. In tThe detailed analysis provided we show that:
 - In relation to housing development about 56% of the demand is in the Nottingham area (our Table 1).
 - Using figures provided by the MLPPV for the total requirement 32.3mt in the plan period and the amount available after taking account of ‘export’ requirements; we estimate the requirement in the Nottingham area to be between 9.08mt and 10.89mt depending on export assumptions (Table 2).
 - Under the current Plan, with the allocation of East Leake (approved), and Mill Hill Barton in Fabis there is a deficit in the proportional supply to the Nottingham area of between 4.8 and 2.99mt (Table 3).
 - However, if the larger Shelford site was allocated instead of the smaller Mill Hill, Barton in Fabis site then these deficits would be lessened or eliminated (Table 4).
8. The current planned provision therefore fails fully to take account of housing demand or the objective of achieving a geographical spread of sites and does not justify the inclusion of the site at Mill Hill / Barton in Fabis.

Policy MP2p: Mill Hill nr Barton in Fabis

Question 34 Please provide an update on the situation regarding the submitted planning application

9. A planning application was submitted for the site at Mill Hill / Barton in Fabis in August 2017. Following objections and queries from statutory consultees, Requests for Further Information and clarification under Regulation 25 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 were issued by the County Council in December 2017 and September 2018.
10. In summary, the applicant has had more than two and a half years to provide an acceptable planning proposal which meets the legitimate queries and areas for clarification from the County Council and has failed to do so. In fact, the site was first proposed in 2015 as part of the earlier draft Minerals Local Plan so the applicant has in fact had four and a half years to provide an acceptable plan. **Correspondence from the County Council with the applicant indicates that there remain fundamental issues with the application such as to make the scheme unacceptable in planning terms.**
11. Information supplied by the applicant in response to the Regulation 25 RFIs in 2017 and 2018 did not provide the information required and a further RFI was issued by the County Council in August 2019 this covered 16 points across Noise, Ecology and Archaeology. The County Council (Oliver Meek, Principal Planning Officer 22nd August 2019*) also requested the applicant to agree to an Extension of Time Request:

“If I do not hear from you within the next 14 days I will assume that you do not wish to agree to an extended decision timetable and therefore I will progress the planning application using the information which has been submitted. In such circumstances, it is likely that the application will be recommended for refusal”.
12. The County Council has confirmed that no further information or agreement to the Extension of Time Request has been supplied. The County Council also stated (Oliver Meek, Principal Planning Officer 30th August 2019*):

“Setting aside the matters where there is insufficient information, officers are of the view that the development as proposed would result in a range of harms and that these outweigh the benefits of the proposed development at present. Therefore, currently any recommendation to the County Council’s Planning and Licensing Committee would be to refuse planning permission.”
13. The letter over 9 pages goes on to outline a range of harms from the Mill Hill / Barton in Fabis site covering:
 - Green belt
 - Habitat loss
 - Ecological impacts on species
 - Landscape and visual impacts
 - Impacts on heritage assets

- Air quality
- Amenity of public
- Best and most versatile agricultural land

No further information has been supplied by the applicant since August 2019 on these points.

- Note: Full text of letters 22nd August and 30th August Oliver Meek Principal planning Officer have been included in our original submission and not repeated here.
- We would also draw the attention of the Inspector to the fact that, in addition to ourselves, the following organisations have objected to the planning application:
 - RSPB
 - Notts Wildlife Trust
 - Holme Pit Action Group
 - Ramblers Association
 - Rushcliffe Borough Council (Environmental Health Officer, Policy and Design and Conservation officers)
 - Nottinghamshire County Council (Landscape, Heritage, Archaeology, Ecology, Rights of Way officers)

Additional information / clarification has been requested by:

- Environment Agency
 - Public Health England
 - Natural England
 - Nottinghamshire County Council (Noise and Flood Risk officers)
- The attention of the Inspector is also drawn to the response to the MLP from the City Council since approximately 12% of the proposed site is within the City boundary. This states that:

“in light of these significant strong concerns, they are so substantive as to make the allocation of the Mill Hill site unjustified and unsound”.
 - Two particular issues have arisen as a result of the Planning Application that undermine the soundness of the allocation at Mill Hill, Barton in Fabis. These relate to flooding and heritage:

Flooding

- The flooding issue that has arisen in relation to the planning application regarding the location of storage facilities on the flood plain and its off-site impact on the SSSI at Holme Pit.
- It is proposed that gravel be stored at the foot of Brandshill prior to being processed in the plant at the top of the escarpment. Recent flooding events demonstrate that the configuration of the flood plain is such that flood waters frequently drain through the proposed storage site and into Holme Pit SSSI. If a stockpile were located here this would result in significant sediment input to the SSSI during flood events. Current proposals for dealing with the off-site impacts on Holme Pit SSSI are unsound.

20. In a note under the August 2019 Regulation 25 request in connection with the Planning Application, the Environment Agency stated (25/10/18) that:
- “Due to the size of the River Trent and its catchment the lead in time for a flood event can be many days and the operator would be expected to remove any stockpiled material out of the floodplain entirely. “
21. However, in relation to such an option Natural England (8/11/2018) concluded that
- “...we would question how practical this would be. It would need to be demonstrated where they would put the piles and how they would move them.”
22. Natural England also called for further clarification on exactly what level or certainty of flooding would be required to start this moving process. No clarification from the applicant has been provided.
23. Evidence shows that the impact would not be confined to major flood event, but also to flood events of a more frequent nature. Much of the area has been underwater, for example, during the winter of 2019/2020. The issue demonstrates significant local factors rendering the site unsuitable for development. If stockpiles are to be moved from the floodplain these would have to be located at the top of Brandshill, away from the flood plain, and would have further significant impact on the Green Belt. The scale and nature of this impact has never been assessed.

Heritage

24. In terms of heritage, the allocation of the site is unsound in planning terms because the relationship between the proposed site and the location of Clifton Hall (Grade 1 listed). Evidence presented as a result of the planning application shows that the operation and restoration of the proposed site would have a major impact on the setting of Clifton Hall and its Registered Parks and Gardens. Since these impacts are significant the allocation of the Mill Hill is inconsistent with the MLP SP5. Substantial harm to a Grade I listed building and / or Registered Park and Garden should be wholly exceptional as defined by paragraph 194 of the NPPF. In this respect, we ask the Inspector to note the comment (6/3/19) by Jason Mordan the County Council’s own Senior Practitioner Historic Buildings that:
- “Nottingham City Council built heritage conservation comments of Tom Street and those of Tim Allen at Historic England support the position that the development would impact on the setting of Clifton Hall, the registered parkland and designated conservation area (of Clifton village)....I remain convinced that the proposals will cause harm to the setting of heritage assets, both during operation and following restoration, and that this harm will be permanent and irreversible.”
25. No evidence has been presented to justify the conclusion that with the proposed development the public benefits outweigh the resulting level of harm or damage.

Question 35 Following on from this, are there any outstanding issues regarding the effect of the proposal on the Green Belt

26. The communication from the County Council (Oliver Meek, Principal Planning Officer 30th August 2019) and referenced under Question 34, outlined ways in which this site would cause harm to the Green Belt. The County Council is clear that the application proposal is inappropriate development in the Green Belt:

“Officers are of the view that the proposed development does not preserve the openness of the Green Belt and does conflict with the purposes of including land within it”

“the County Council is of the view that the development is ‘inappropriate development’”

And that:

“The County Council gives ‘substantial weight’ to the above identified harms to the Green Belt”

27. In summary the reasons stated were:

- Guidelines for Landscape and Visual Impact assessment (GLVIA3) identify the boundary between medium and long terms effects as 10 years and the impact would be a long-term harm to the openness of the Green Belt.
- The impact of stored soils, overburden and soil bunds at the processing plant would introduce an unnatural mass in a highly sensitive area.
- Stockpiles would be a relatively fixed feature in a topographically prominent position, for a period of up to 15 years.
- The conveyor would be in place for up to 15 years and it is considered that it would harm the openness of the Green Belt.
- The plant and machinery would harm the openness of the Green Belt in this particular location for up to 15 years due to its height and prominence.
- HGV movements along Green Street would be sufficiently high to harm the openness of the Green Belt.

28. As noted in our response to Question 34, the impact of relocating stockpiles on the Green Belt during flood events has not been considered.

29. The pending planning application shows that the proposed development on the Green Belt conflicts with the stated policy in SP6 of the Minerals Plan, because the processing plant will be located on a prominent ridgeline on Mill Hill. This will have an adverse impact on the openness and visual amenity of the Green Belt in this area. It conflicts with the purposes of the Green Belt and represents inappropriate development. There are no ‘very special circumstances’ of sufficient weight to outweigh the harm caused to the Green Belt in this area and so the allocation is therefore contrary to the NPPF and local planning policies EN14 and EN19 of the Rushcliffe Borough Local Plan. The proposed allocation at Mill Hill, Barton in Fabis, is therefore unsound.