Nottinghamshire Minerals Local Plan Examination

# Hearing Statement on behalf of Lincolnshire County Council (Minerals and Waste Policy and Compliance Team) in response to the Inspector's Matters, Issues and Questions

9 April 2020

## Matter 3 – Minerals Provision Policies

**Issue: Whether the minerals provision policies are positively prepared in terms of making adequate provision for minerals, whether they are consistent with national policy, justified and otherwise sound.**

*Policy MP1: Aggregate Provision*

**Q19: What are the likely reasons for aggregates sales in Nottinghamshire remaining subdued when sales nationally are increasing?**

19.1 As detailed in our representations on the Publication Draft Nottinghamshire Minerals Local Plan, and our earlier responses to all previous stages of Plan preparation and associated Local Aggregate Assessments since 2017, the main reason why sand and gravel sales in Nottinghamshire remain low is the County's increasing reliance on imports from other Mineral Planning Authority areas, particularly Lincolnshire.

19.2 Details of the flow of aggregates between planning authority areas are provided through the two National Aggregate Mineral Surveys carried out in 2009 and 2014, with more limited information provided by an annual survey carried out by East Midlands Aggregate Working Party (EMAWP) in 2018.

19.3 Tables 1 and 2 below illustrate the cross-boundary movements of sand and gravel between Lincolnshire and Nottinghamshire reported in the abovementioned surveys. These figures have been taken from Nottinghamshire's Local Aggregate Assessment (LAA) - 2018 data (Examination Library document SD20), and Lincolnshire's Local Aggregate Assessment (LAA) - 2018 data (attached as Appendix 2 to this statement).

**Table 1: Destination of Sand and Gravel Sales from Lincolnshire***

| Destination | 2009 | 2014 | 2018 |
|---|---|---|---|
| Nottinghamshire | 127,665 | 298,681 | 245,984 |
| Unknown East Midlands | 42,204 | 280,967 | 575,949 |

**Table 2: Destination of Sand and Gravel Sales from Nottinghamshire (including Sherwood Sandstone)****

| Destination | 2009 | 2014 | 2018 |
|---|---|---|---|
| Lincolnshire | 67,000 | 40,000 | 57,000 |
| Unknown East Midlands | 138,000 | 76,000 | 194,000 |

**Source: Lincolnshire Local Aggregate Assessment (2018 Data) December 2019 – Table 6*
***Source: Nottinghamshire Local Aggregate Assessment (2018 Data) December 2019 -Table 5*

19.4 The above tables illustrate that the amount of sand and gravel exported from Lincolnshire to Nottinghamshire has increased significantly since 2009, whilst exports from Nottinghamshire to Lincolnshire have remained comparatively low throughout. As a result, the 'net' exports of sand and gravel from Lincolnshire to Nottinghamshire increased from 60,665 in 2009 to 258,681 in 2014, and remained high at 188,984 in 2018.

19.5 In reality, this growing net imbalance is likely to be considerably greater than indicated when taking into account the sand and gravel sales with 'unknown' destinations within the East Midlands, Table 1 shows that for Lincolnshire this increased from 42,204 in 2009, to 575,949 in 2018.

19.6 As discussed in paragraph 3.21 of the Lincolnshire LAA (2018 Data), whilst it is accepted that some of this material may have been taken to destinations within Lincolnshire, in practice it is considered likely that a large proportion is exported to other counties in the East Midlands, and that Nottinghamshire is likely to have received a significant proportion of this material. This is because the production area within Lincolnshire that has shown the largest increase in production levels is the Lincoln/Trent Valley, where the principal extraction area lies adjacent to Nottinghamshire – and where it is known that at least one major site adjacent to the county boundary has been "mothballed".

19.7 The subdued sales figures for Nottinghamshire are not therefore a result of a depressed demand for aggregates in the County, but are a product of an increasing reliance on imports of sand and gravel, particularly from Lincolnshire, where it appears that some operators rationalised their operations during the recession, increasing production in Lincolnshire whilst "mothballing" sites elsewhere. Nottinghamshire's sales figures do not therefore reflect the demand for aggregates within the County, and when used in isolation are not a sound or sustainable basis for planning for adequate levels of future minerals provision.

19.8 By proposing a provision rate of 1.7mt per annum based solely on the average of the 10 years sales up to 2016, Nottinghamshire has not objectively assessed the needs of the County, and is reinforcing the above trend by basing its provision on an assumption that Lincolnshire will continue to supply a significant proportion of its sand and gravel requirements. Whilst it is accepted that mineral movements between local authority boundaries are an important part of the Managed Aggregates Supply System, in this particular case it is considered that Nottinghamshire's approach is not positively prepared or justified.

19.9 No justification has been provided as to why Nottinghamshire needs to continue to rely on increasing imports from Lincolnshire, when it has its own substantial indigenous resources. Nottinghamshire's latest LAA (2018 data) does not specifically state that Lincolnshire will need to make provision of sand and gravel available for export in the future.

19.10 Nottinghamshire is one of the most important sources of sand and gravel in the East Midlands, and until the recession, was the largest producer within the region. Figures for 2006 and 2007 in Table 1 of Nottinghamshire's Authority Monitoring Report (Examination Library document SD22) demonstrate the levels of sales seen prior to the recession. There are no clear supply-based barriers to the provision of additional sand and gravel sites within Nottinghamshire. As set out in our representations, the extent of the 'available' sand and gravel resource in Nottinghamshire was demonstrated by the significantly greater number of sites originally proposed for allocation in the withdrawn submission draft Nottinghamshire Minerals Plan (Feb/March 2016). There is therefore no clear reason why Nottinghamshire cannot increase its provision to account for the demand currently driving imports from Lincolnshire.

19.11 As concluded in paragraph 3.25 of the Lincolnshire LAA (2018 data), to date Lincolnshire has been able to accommodate the increased demand for exports because the internal market has been significantly depressed, resulting in annual production levels which have generally been lower than those forecast. However should demand in Lincolnshire change and return to pre-recession levels, supply issues may arise with production in the county unable to meet both increased internal demand together with the higher demand from the surrounding counties. This is a situation that could, in part, be avoided through neighbouring authorities such as Nottinghamshire making sufficient provision in their local plans, wherever possible, to meet demand currently being met by imports - in line with the NPPF.

19.12 In particular, paragraph 204 (b) of the NPPF states that amongst other things, policies in mineral local plans should aim to source mineral supplies indigenously. Therefore, it is considered inappropriate for authorities such as Nottinghamshire to disregard the contribution to demand increasingly being met from neighbouring authorities in plan making and the production of LAAs unless it can be clearly demonstrated that there are very good reasons why the sand & gravel cannot be sourced indigenously.

19.13 In summary, by failing to account for the demand driving imports from Lincolnshire, Nottinghamshire's proposed provision figure for sand and gravel fails to consider 'other relevant local information' and is therefore contrary to the NPPF. This approach is also at odds with the Plan's vision which states "Nottinghamshire will continue to provide minerals to meet its share of local and national needs". As set out in our representations, it is recommended that an appropriate uplift is applied to the proposed sand and gravel provision rate in order to take the above matters into account.

**Q20: 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 than can occur over time, does the identified need for sand and gravel adequately account for past and potential future changes?**

20.1 See answer to Question 19 above. The current situation is believed to have arisen, at least in part, due to mineral operators decisions to temporarily rationalise their operations during the recession. It is not considered a sustainable or sound approach to base future provision on the outcome of these short term commercial decisions which mask the underlying demand within Nottinghamshire, and which do not account for future growth, or for the balance of cross-boundary movements to be re-established.

**Q21: Is the 3-year average sales figure for Sherwood sandstone sufficient to indicate an upward trend and would the provision in Policy MP1 be adequate if this were the case?**

21.1 When considering the latest three years sales figures for Sherwood Sandstone set out in the latest Nottinghamshire LAA (2018 data), this could demonstrate an upward trend developing which could see sales of Sherwood Sandstone starting to return to pre-recession levels (see sales figures for 2006 and 2007 in Table 1 of Nottinghamshire's Authority Monitoring Report: Examination Document S22). Given the wider issues raised in this statement, it would therefore be prudent to increase the provision in Policy MP1 to reflect this trend and ensure provision is adequate over the Plan period.

21.2 In addition, the indicative productive capacity of sites set out in the delivery schedule for Sherwood Sandstone in Appendix 1 of the Publication Draft Plan does not appear to be sufficient to meet the proposed provision rate of 0.37mt per annum.

**Q22: To what extent does the planned provision for aggregates account for potential future increases in demand arising from infrastructure projects?**

22.1 The Nottinghamshire LAA (2018 data) identifies a number of significant infrastructure projects including HS2, the A46/A1 road improvements, and the remainder of the East Midlands Freight depot. Given that these projects are likely to require significant amounts of aggregate, it would be pragmatic to include an uplift in the proposed provision figure to account for these projects, particularly when considering the other issues raised in this statement.

**Q23: To what extent does the planned provision for aggregates account for the predicted sharp rise in housing development in 2020/21?**

23.1 The proposed provision for sand and gravel in Policy MP1 does not adequately account for the predicted sharp rise in housing development.

23.2 The Nottinghamshire LAA (2018 data) shows that sand and gravel sales (Fig 1) appear not to have been influenced at all by the significant upturn in housing completions since 2013 (Fig 4). Sales have remained relatively level despite housing delivery increasing substantially from around 2500 to over 4000 completions per annum. Whilst we recognise the difficulties in identifying clear trends between sand and gravel sales and housing completions within our own LAA, it is clear that this further demonstrates that Nottinghamshire has relied on increased imports to supply recent growth within the County (the majority of which come from Lincolnshire). This is also evidenced by Table 5 of the Nottinghamshire LAA (2018 data) which shows that use of Nottinghamshire's own sand and gravel within the County has declined considerably between 2009 and 2018.

23.3 If the current situation is maintained it is therefore highly likely that even greater demand would be placed on imports into Nottinghamshire in order to achieve the further projected growth in housing completions of up to 8000 per annum in the coming years.

23.4 As set out in our response to Question 19, basing the proposed provision on average sales alone fails to account for Nottinghamshire's increasing reliance on imports, an approach for which there is no justification, and which is unsound. As a result, the proposed provision rate could not sustain current levels of housing development without continuing to rely on imports, let alone the projected future increases.

23.5 Whilst it is acknowledged that some of the proposed allocations in Policy MP2 include a 'buffer' in resources that stretch beyond the plan period, for the reasons set out in this statement we consider that the productive capacity of the proposed allocations does not provide sufficient flexibility to respond to future growth and increases in demand, and that additional allocations are required to deliver the necessary increase in provision.

23.6 The sand and gravel delivery schedule in Appendix 1 of the Publication Draft Plan shows that there would in fact be a reduction in productive capacity during the course of the Plan Period, as not all sites that become exhausted would be replaced by allocations, and for those that are, some of the allocations would not last until the end of the Plan Period. The result is that the overall productive capacity of existing and allocated sites would not be sufficient to sustain the proposed provision rate of 1.7mt per annum, let alone providing any flexibility to accommodate future growth or account for demand currently driving imports.

23.7 To illustrate, Appendix 1 to this statement reproduces the abovementioned sand and gravel delivery schedule, but also calculates indicative total figures for productive capacity based on the figures provided for each site. The theoretical 'maximum output' in any one year is calculated using the highest available figures for each site. An alternative total 'forecast output' is also calculated which takes account of the forecasted figures for each site where they have been provided. Whilst it is acknowledged that these figures are only indicative, the results clearly show that even under the maximum output scenario, total productive capacity would fall considerably below the proposed provision rate of 1.7mt during the last six years of the Plan Period. Furthermore, under the forecasted output scenario, the proposed provision rate is never reached for the duration of the Plan Period.

23.8 With regard to landbanks, the National Planning Practice Guidance for Minerals (Paragraph: 083 Reference ID: 27-083-20140306) states that 'The length of the aggregate landbank is the sum in tonnes of all permitted reserves for which valid planning permissions are extant, divided by the **annual rate of future demand based on the latest annual Local Aggregate Assessment**.' [emphasis added]. Nottinghamshire's latest LAA (2018 data) (paragraphs 3.3 and 3.4) continues to base landbank calculations for sand and gravel solely on the average of the last 10 years sales. As per the matters raised in this statement, it is considered that the 10 year average sales alone is not an appropriate measure upon which to base future demand in Nottinghamshire as it masks the demand currently met by imports. As such, this approach artificially inflates the landbank and thereby reinforces current trends by making it more difficult to demonstrate a need for additional sites in response to demand, and limiting the ability of the Plan to respond through the monitoring and review process.

23.9 Paragraph 4.13 of the Publication Draft Plan also appears to be at odds with the abovementioned Planning Practice Guidance. Paragraph 4.13 states that 'The average production figures set out in the LAA will be compared against the permitted reserves of aggregates to monitor the level of the landbanks.' This appears to pre-judge the approach that will be taken to landbank calculations, basing them solely on average sales rather than on an annual rate of future demand based on the latest LAA, which should take into account other factors such as those raised in this statement.

**Q24: To what extent does the planned provision allow for demand from the main urban areas of Nottingham, Mansfield and Newark?**

24.1 In the context of the points raised in this statement, additional provision is required in order to allow for demand from the abovementioned main urban areas and prevent further reliance on unsustainable imports from Lincolnshire.

24.2 Further to the points raised in response to Question 23 above, it is noted from the Sand and Gravel Delivery Schedule in Appendix 1 of the Publication Draft Plan, that there is a significant drop in production capacity for each area in the latter part of the plan period. Most notably, the Nottingham area has no quarries for the last six years of the Plan, and the Newark area has only three quarries after 2028, falling to two in 2035 and one thereafter. Notwithstanding the issues regarding resource depletion in the Idle Valley, production falls to just two quarries by 2032. It is therefore difficult to see how the plan accords with the NPPF in providing for a steady and adequate supply of aggregates, without the need for increased imports to the county and the unsustainable movement of aggregates across the county.

**Q26: In the last sentence of paragraph 4.6, should the relationship of the National and Regional Guidelines to the Plan be explained further?**

26.1 It is considered that there would be some benefit in explaining the National and Regional Guidelines further. Whilst it is acknowledged (and has been agreed through the EMAWP) that these guidelines are out of date, they remain a consideration when planning for minerals provision as per paragraph 207 (d) of the NPPF, and in this particular case it is considered that previous apportionments provide a useful illustration of Nottinghamshire's historic significance, both regionally and nationally, in terms of sand and gravel provision.

26.2 Proposed apportionments of the most recent 2009 guidelines were agreed by the EMAWP and included in a Revised Draft East Midlands Regional Plan, but were not subject to formal examination due to the revocation of Regional Spatial Strategies in 2010. These apportionments provided a provision rate of 3.81 million tonnes per annum of sand and gravel (including Sherwood Sandstone) for Nottinghamshire, which equated to 35% of the total provision for the East Midlands (10.87mt per annum).

26.3 Given Nottinghamshire's importance as a sand and gravel producer, and the projected future growth in the County, the level of provision in the Plan should be increased and based on the assumption that sales in Nottinghamshire will return to a similar proportion of total sales in the East Midlands achieved prior to the recession, rather than continuing to rely on imports to address current and future demand.

## List of Appendices:

Appendix 1: Sand and Gravel Delivery Schedule – Indicative Maximum and Forecasted Productive Capacity
Appendix 2: Lincolnshire Local Aggregate Assessment (2018 Data) December 2019

# Appendix 1: Sand and Gravel Delivery Schedule – Indicative Maximum and Forecasted Productive Capacity

| NOTTINGHAMSHIRE SAND AND GRAVEL DELIVERY SCHEDULE | | 2018 | 2019 | 2020 | 2021 | 2022 | 2023 | 2024 | 2025 | 2026 | 2027 | 2028 | 2029 | 2030 | 2031 | 2032 | 2033 | 2034 | 2035 | 2036 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| **IDLE VALLEY** | | | | | | | | | | | | | | | | | | | | |
| **Newington South** | Forecasted | 150 | | | | | | | | | | | | | | | | | | |
| **Finningley** | Forecasted | 0 | | | | | | | | | | | | | | | | | | |
| | Permitted | 160 | | | | | | | | | | | | | | | | | | |
| **Sturton Le Steeple** | Forecasted | | | 50 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 |
| | Permitted | | | 500 | 500 | 500 | 500 | 500 | 500 | 500 | 500 | 500 | 500 | 500 | 500 | 500 | 500 | 500 | | |
| **Bawtry Road** | Permitted | | 40 | 40 | 40 | 40 | 40 | 40 | 40 | | | | | | | | | | | |
| **Bawtry Road West** | Forecasted | | | | | | | | | 30 | 30 | 30 | 30 | 30 | 30 | | | | | |
| **Scrooby South** | Forecasted | 40 | 40 | 40 | 40 | 40 | | | | | | | | | | | | | | |
| | Permitted | 72 | 72 | 72 | 72 | 72 | | | | | | | | | | | | | | |
| **Scrooby North** | Forecasted | | | | | | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 |
| **Scrooby Thompson** | Forecasted | | | 40 | 20 | | | | | | | | | | | | | | | |
| **NEWARK** | | | | | | | | | | | | | | | | | | | | |
| **Cromwell** | Forecasted | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 100 | | | | | | | | | |
| | Permitted | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | | | | | | | | | |
| **Besthorpe** | Forecasted | 150 | 150 | 200 | | | | | | | | | | | | | | | | |
| | Permitted | 120 | 120 | 120 | 120 | 120 | | | | | | | | | | | | | | |
| **Besthorpe East** | Forecasted | | | | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 |
| **Girton** | Forecasted | 0 | 50 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | | |
| | Permitted | | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | 200 | |
| **Langford Lowfields** | Permitted | 450 | 450 | 450 | 450 | 450 | 450 | 450 | 450 | 450 | 250 | | | | | | | | | |
| **Langford Lowfields Nth** | Forecasted | | | | | | | | | | 200 | 450 | 450 | 450 | 450 | 450 | 450 | 450 | 450 | 450 |
| **NOTTINGHAM** | | | | | | | | | | | | | | | | | | | | |
| **Mill Hill nr Barton in Fabis** | Forecasted | | 280 | 280 | 280 | 280 | 280 | 280 | 280 | 280 | 280 | 280 | 280 | 280 | | | | | | |
| **East Leake (MP2i** | Permitted | 180 | 180 | 180 | 180 | 180 | 180 | 180 | 180 | 180 | | | | | | | | | | |
| | Max output | 1362 | 1572 | 2162 | 2262 | 2242 | 2090 | 2090 | 2090 | 2080 | 1900 | 1700 | 1700 | 1700 | 1420 | 1390 | 1390 | 1390 | 990 | 790 |
| | Forecasted output | 1170 | 1390 | 1580 | 1610 | 1690 | 1590 | 1590 | 1590 | 1580 | 1300 | 1200 | 1200 | 1200 | 920 | 890 | 890 | 890 | 790 | 790 |

(Data source: Nottinghamshire Minerals Local Plan, Publication Version, 30th August-11th October 2019: Appendix 1 Delivery schedules)

## Appendix 2: Lincolnshire Local Aggregate Assessment (2018 Data) December 2019

(Included as separate, stand-alone document)