

**Additional Representations made by
Nottingham City Council in response
to the Inspector's Matters Issues and
Questions (MIQs) as part of the
Examination in to the Nottinghamshire
Mineral Local Plan**



Nottingham

City Council

Additional Comments in Response to Inspector's MIQs

In addition to the original comments (see Appendix 1) made at the Publication Version stage of the Minerals Local Plan review the Council wishes to make additional comments to Matter 3: Minerals Provision Policies in relations to the proposed Local Plan allocation MP2p: Mill Hill near Barton in Fabis

These additional comments relate specifically to heritage assets and to the balance between significance and harm.

Para 193 of the NPPF states that great weight should be given to the conservation of heritage assets when considering the impact of a development and the more important the asset, the greater the weight should be. Para 194 of the NPPF goes on to make it clear that any harm to, or loss of the significance of a designated heritage asset (from its alteration or destruction, or from **development within its setting**) requires clear and convincing justification. The level of harm should be weighed against the public benefits of the proposal even when the level of harm is termed 'less than substantial' (Para 196).

As the proposals will impact on the setting of designated assets of the highest significance (grade I listed Clifton Hall and its grade II registered park and garden) it is felt that the public benefits needs to be all the more convincing to justify the level of harm involved. In this instance the Council considers the proposal will be detrimental to the tranquil landscape setting of the Clifton Hall and its Parkland both during the operational phase and even **after** remediation has been completed. The appearance of a gravel pit is very different from the agricultural fields which currently form their agrarian landscape setting on the south side of the River Trent. When viewed from the north side of the Trent the visual impact on the landscape will be permanent. The Council does not feel that this aspect has been adequately considered in proposing to allocate the site for mineral extraction.

Also attached for the Inspector's consideration is the consultation response from Nottingham City Council's Heritage Officer, Thomas Street, in response to the planning application 17//00930/PMFUL3 submitted to both Nottinghamshire County Council and Nottingham City Council (see Appendix 2).

The Council remains of the view 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.

Appendix 1: Original Representations made by Nottingham City Council to the consultation on the Nottinghamshire Minerals Local Plan

Policy MP2: Sand and Gravel Provision

Please indicate what type of representation you are making.

Please select one of the options below *	Support
	Object

Do you consider the plan is.

Legally compliant? *	Yes
	No
Sound? *	Yes
	No
Compiles with the duty to cooperate? *	Yes
	No

Your representation

Please outline your reasons below. Try to be clear and concise as to what you would like this part of the plan to say and why. Please note if you type more than 100 words, you will be asked to provide a summary. *

The Mill Hill, Barton in Fabis allocation (MP2p) is being determined as a planning application by both Nottinghamshire County Council and Nottingham City Council (17/00930/PMFUL3) as the site straddles the boundaries between the two mineral authorities. Approx. 11 hectares of the site is within the City boundary which equates to approx. 12% of the whole proposed site.

There are numerous concerns raised in the consultation of the planning applications about the information submitted and the potential harm arising from the proposed development from a range of technical and statutory consultees including both Minerals Authorities determining the individual applications.

In the determination of the planning application recent letters have been sent by Nottinghamshire County Council as the lead mineral authority setting out identified harms of the development, inviting the applicant to address these matters as the application currently does not incorporate sufficient information to reach an informed conclusion regarding the significance of these environmental and amenity impacts.

Specifically, serious concerns are raised about the impact of the development in its current form on the Green Belt which is considered to be 'inappropriate development' and which is by definition harmful to the Green Belt. Strong concerns are also raised about habitat loss including impacts on Local Wildlife Sites and SSSIs in and close to the site. Further concerns are also raised about ecological impacts on protected species. The potential impacts on heritage assets also raises deep concerns including likely harm to setting of Clifton Hall (Grade 1) and its Registered Parks and Garden

(Grade 2) both through the extraction and restoration phases of development. There are also concerns that the development could cause unacceptable landscape and visual impacts and lesser concern on air quality, public amenity, rights of ways and loss of some best and most versatile agricultural land.

It is acknowledged that a request has been made to the applicant to provide additional information and to amend the scheme to try and overcome these issues. The NPPF is also clear that it is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs. However, a balanced judgement needs to be made about all the conflicting issues and any potential adverse impacts on the natural and historic environment or human health in the allocation of minerals sites. The City Council is of the view 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.

Summary (100 words)

There are serious concerns that the development could cause substantial harm to the Green Belt, habitat, ecology, the landscape, air quality, amenity of the public, rights of way and loss to Best and Most versatile Agricultural Land.

A balanced judgement needs to be made about all the conflicting issues and any potential adverse impacts on the natural and historic environment or human health in the allocation of minerals sites. The City Council is of the view that in light of these significant concerns, they are so substantive as to make the allocation of the Mill Hill site unjustified and unsound.

What changes do you think need to be made to the plan? *

The Mill Hill site needs to be removed from the plan and the shortfall made up by alternative provision. Serious consideration needs to be given to the site at Shelford as a viable alternative which has the potential to be more sustainable with the use of barge for transportation of some mineral to an urban processing plant in Colwick. This site also has the potential to have less environmental impact both in the operational phase and less so in the long term following restoration as shown in the Sustainability Appraisal for the site.

The City Council does not agree with the conclusion in the Site Selection Methodology and Assessment report about the Shelford site that "In comparison with other sites, the Shelford site would provide a significant proportion of the entire County need and if it were allocated, provision would be limited in other parts of the County. This would not comply with the objective of maintaining a geographical spread of mineral sites across the County." It is acknowledged that this site is much larger than currently required but consideration could be given to phasing the development including beyond the plan period.

At Para 4.41 the text states that the "The site [Mill Hill] is expected to be operational in approximately 2019 and would be worked over a 12-15 year period." As this site has yet to gain planning approval, and is subject to a request by the applicant for further information and serious environmental and amenity concerns have been raised, even if approved, it is unlikely to become operational until at least 2021/22.

**Appendix 2: Consultation comments from Thomas Street,
Conservation Officer Heritage and Urban Design, Nottingham City
Council on the Planning Application – dated 15 November 2017**

Development Management

CONSERVATION AND LISTED BUILDINGS

Planner:	Jenny Cole	Received:	
Application Nos.	17/00930/PMFUL3, Land off Green Street, Mill Hill and land at Barton in Fabis off Chestnut Lane		
Recommendation:	Refuse planning permission		
Observations:			
<p>This application relates to the extraction of gravel from a site to the south west of Clifton Village. The land is currently in mainly agricultural use and forms part of the Trent valley flood plain. To the north west the tree lined escarpment of Clifton Grove rises to define the southern edge of the valley. Clifton Grove is a grade II Registered Park and Garden in recognition of its historical importance as a designed landscape and its close links to the grade I listed Clifton Hall. The whole Grove is also included within the Clifton Village Conservation Area. Due to the striking topography of the escarpment and its visual prominence in the landscape, the wider setting of these nationally significant heritage assets extends well beyond their immediate surroundings. The flat agricultural land on the south side of the Trent provides a foreground to the wooded escarpment in attractive views from the banks of the Trent itself, Attenborough, Beeston, Beeston Rylands and further afield. These fields are a particularly valuable survival in light of the fact that the north bank of the Trent has already been heavily quarried for its gravels around Attenborough.</p> <p>The proposed development would result in harmful impacts on the tranquil nature of Clifton Grove through the effects of noise pollution, dust and increased vehicle movement close to the southern edge of the designated area. The long term impact on the views of the escarpment will also be significant and permanent. The creation of a series of water filled gravel pits and areas of planting, whilst they may eventually mitigate the environmental impacts, will fundamentally change the historic character of this sensitive location. The drama of the escarpment rising from the fields of the Trent valley will be significantly diminished and historic views of it will be interrupted from vantage points from the south west around to the north.</p>			

The application's heritage statement attempts to justify these harmful impacts by stating that these will be outweighed and justified by the 'public benefits'. These 'public benefits' don't appear to be defined or described anywhere in the document however, something that significantly weakens the case in favour of the development. Indeed, it is difficult to see how the profit driven, open cast extraction of minerals from a site of natural interest, archaeological potential and historic significance can be justified.

For the reasons above the application is considered to conflict with policies BE10, BE12 and BE14 of the Nottingham Local Plan and Policy 11 of the Greater Nottingham Aligned Core Strategy.

Observations by:	Tom Street	Date:	15/11/2017
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