



**Nottinghamshire  
County Council**

## **Nottinghamshire Minerals Local Plan**

# **Nottinghamshire County Council Statement in response to Matters, Issues and Questions**

### **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.*

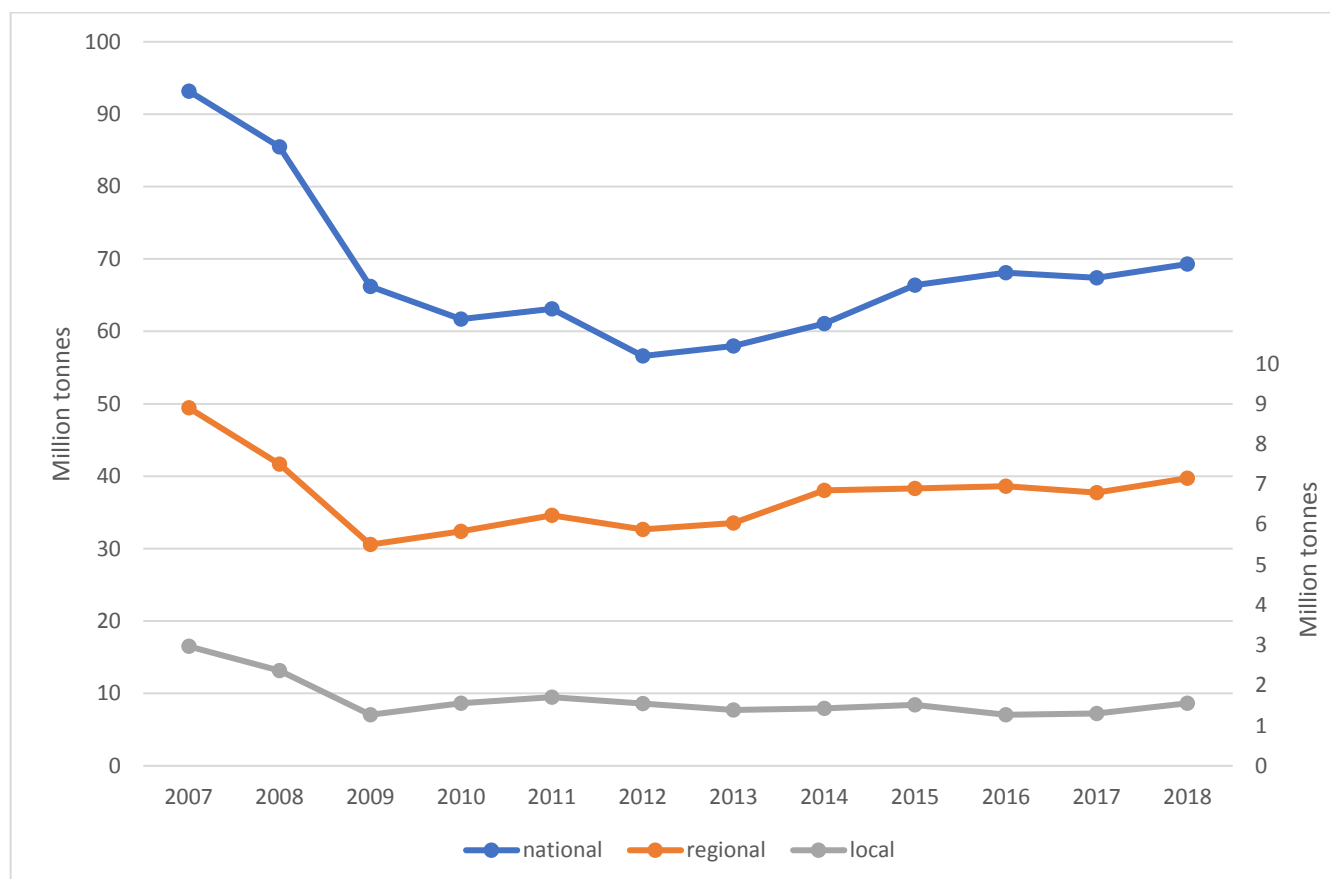
**Questions 19 - 42**

## Policy MP1: Aggregate Provision

### Question 19. what are the likely reasons for aggregates sales in Nottinghamshire remaining subdued when sales nationally are increasing?

1. As a result of the recession in 2008, national aggregates sales fell to a low in 2013. Since this date, sales have steadily increased and are now approaching pre-recession levels. However, this increase has predominately been driven by sales of crushed rock which have significantly outperformed sand and gravel.
2. Nottinghamshire has very limited reserves of crushed rock and its only quarry has been mothballed since 2007. As a result, aggregate sales in Nottinghamshire have not followed the overall national aggregates sales trend as the main aggregate extracted in Nottinghamshire is sand and gravel.
3. Figure 1 sets out sales of sand and gravel at the national, regional and Nottinghamshire levels. Sales at the national and regional levels have increased but remain significantly below pre-recession figures. Sales in Nottinghamshire (excluding Sherwood Sandstone) have remained far more subdued. The likely reasons are set out below.

Figure 1: National, regional and local sand and gravel sales



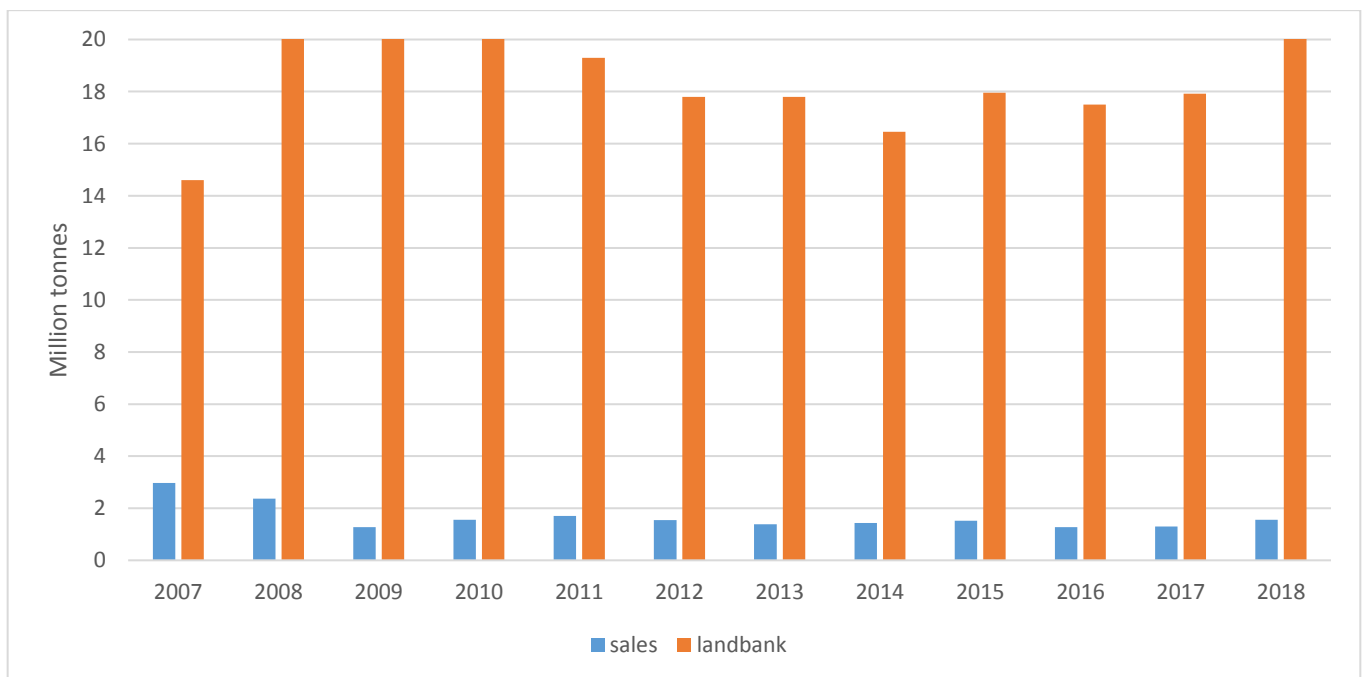
N.B. local figure excludes Sherwood Sandstone sales

4. At the time of the last sales peak in 2004 (3.38 million tonnes) Nottinghamshire had a number of large greenfield quarries that were being worked. These quarries have progressively been worked out but have not been replaced. Continued economic uncertainty has meant that mineral operators have focussed on working or extending

existing permitted sites, rather than investing in new sites. A lack of existing sites, and commercial decisions by the industry, has seen a significant shift in production to sites outside Nottinghamshire.

5. Sand and gravel production within Nottinghamshire was traditionally dominated by two major companies, Lafarge and Tarmac. The merger of these companies in 2013 is likely to have resulted in a rationalisation/prioritisation of operations across the new company's wider portfolio potentially leading to a fall in production/sales in Nottinghamshire.
6. Since 2008, planning permission has been granted for 14 new sand and gravel quarries or extensions to existing sites within Nottinghamshire. Only two applications were refused (both for the same site). This demonstrates a positive approach to minerals development in Nottinghamshire. Figure 2 below shows the level of permitted reserves compared to sales since 2007.
7. Two permitted quarries owned by the same mineral operator contain significant reserves but remain unworked or have been mothballed. Sturton Le Steeple Quarry contains 7.1 million tonnes and has a permitted annual output of 500,000 tonnes but remains unworked. Girton Quarry contains 3.72 million tonnes and has a permitted annual output of 200,000 tonnes but is mothballed. This has resulted in the landbank of permitted reserves remaining high. If these sites had been worked as expected, sales are likely to have been higher.

Figure 2: permitted reserves of sand and gravel compared to sales



**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?**

8. Output between Nottinghamshire and Lincolnshire has changed over time and this pattern is likely to continue to as existing reserves are worked out and new reserves are permitted. The demand forecast set out in the MLP is based on the average 10 years sales data as set out in the NPPF and takes account of past changes.
9. Data on the movement of aggregates between Minerals Planning Authorities is collected by the British Geological Survey as part of its national survey<sup>1</sup>. The data is a useful indicator of the movement of minerals between different Minerals Planning Authorities (MPAs) but is relatively limited as this only provides a 'one-year snap shot' approximately every four years. In addition, the end destination of some aggregate sales are recorded as 'unknown' making this less reliable for identifying specific trends.
10. Tables 5 and 6 of Nottinghamshire's most recent LAA (**SD20**) show the recorded sales of sand and gravel between Nottinghamshire and Lincolnshire in 2009, 2014 and 2018. The limited data available indicates that the movements from Lincolnshire into Nottinghamshire are higher but also that the tonnages involved have varied over time. Exports from Nottinghamshire to Lincolnshire fell between 2009 and 2014 but then increased between 2014 and 2018. Sand and gravel imported into Nottinghamshire from Lincolnshire increased between 2009 and 2014 but fell between 2014 and 2018. Although Nottinghamshire currently exports less sand and gravel to Lincolnshire than it imports, over 60% of Nottinghamshire's total sand and gravel output is exported to other East Midlands authorities and neighbouring areas.
11. Given the limitations of the data, it is not considered sufficiently representative or reliable from which to try and predict long-term trends. Based on this limited data set there is no clear indication as to how the flow of minerals between the two authorities will develop in the future.
12. As explained in the Council's response to Question 19 (paragraph 4), the current pattern of imports from Lincolnshire is believed to be due to commercial factors. As a result, if sales increase in Nottinghamshire, or quarries are worked out in Lincolnshire, the unworked/ mothballed quarries in Nottinghamshire will be well placed to meet this demand.
13. Nottinghamshire has significant deposits of sand and gravel within the Trent river valley as shown on Plan 2 of the Minerals Local Plan (**SD1**). Policy MP1 'Aggregate Provision' allows the ability for new sites to come forward if need can be demonstrated. The Plan will continue to be monitored on an annual basis through the Local Aggregates Assessment and the plan will be reviewed on a 5 yearly basis as set out in the NPPF. The Council is therefore satisfied that the Plan contains sufficient flexibility to account for potential future changes.

**Question 21. 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?**

14. Sherwood Sandstone is used for specific purposes such as mortars rather than the wider uses of sand and gravel which include concrete. Sales have increased from

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<sup>1</sup> National Survey of Aggregate Movements, British Geological Survey

320,000 tonnes per annum (tpa) in 2016 to 460,000 tpa in 2018, giving a 3-year sales average of 390,000 tpa. This compares to a 10-year average of 360,000 tpa.

15. The landbank of permitted reserves currently stands at 23 years, well above the minimum 7-year requirement. This provides a significant level of permitted reserves. No new sites were put forward by the minerals industry during the Call for Sites and all of the proposed extensions to existing sites have been allocated. The Council does not therefore consider there is any evidence of need for additional provision.
16. Policy MP1 'Aggregate Provision' allows the ability for sites to come forward if need can be demonstrated. The Plan will continue to be monitored on an annual basis through the Local Aggregates Assessment and the plan will be reviewed on a 5 yearly basis as set out in the NPPF.

**Question 22. To what extent does the planned provision for aggregates account for potential future increases in demand arising from infrastructure projects?**

17. The Local Aggregates Assessment (**SD 18 – 20**) reviews future infrastructure projects in, or close to, Nottinghamshire with reference to the National Infrastructure Plan. In the short-term junction improvements along the A1/A46 are scheduled between 2020-2025. Longer-term demand will arise from the construction of the second phase of the national high-speed rail project (HS2b West Midlands - Leeds). However, the actual construction dates and amounts that are likely to be required from within Nottinghamshire are not yet confirmed. In addition to the site-specific allocations, Policy DM15 (Borrow Pits) allows for the temporary provision of material for a specific construction project.
18. Whilst infrastructure schemes will place a demand on mineral reserves, there is a significant lack of evidence regarding the actual amount of aggregate mineral that would be required for individual schemes and precisely where the mineral would come from. This ultimately depends on which minerals operators are awarded specific contracts and the availability of minerals under their control.
19. The Council's LAA takes account of planned infrastructure projects and monitors the annual level of aggregate sales and permitted reserves. This looks at both the rolling ten-year average and the three-year average which would identify any short-term sales increase. Policy MP1 'Aggregate Provision' allows the ability for new sites to come forward if there is evidence of need and the Plan will be reviewed on a 5 yearly basis as set out in the NPPF. The Council is therefore satisfied that the Plan contains sufficient flexibility to account for potential increases in demand arising from infrastructure projects.

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

20. The 10-year sales average, on which the Plan is based, takes account of housing completions over the same period by default. Although the rate of completions has increased since 2013/14, this has not been reflected in increased aggregate sales in Nottinghamshire. The current District/Borough housing trajectories peak in 2020/2021 right at the start of the Minerals Local Plan (MLP) period. The MLP takes

account of planned growth over the life of the plan, in so far as this can be quantified.

21. Meeting demand for new housing is just one part of the overall demand for minerals and it is likely that a large part of the overall requirement comes from maintaining our existing built environment. However, if there is a sustained level of higher demand from housing early in the plan period, this could be met from existing sites. There are also two existing sites which are currently unworked or mothballed (see paragraph 5).
22. Even if existing sites are worked at a faster rate than predicted, there is adequate provision within the Plan to meet overall needs. It is also likely that given the geography of the major settlements and their proximity to other Counties, some of this demand could be met from material sourced from outside Nottinghamshire, in the same way that Nottinghamshire exports significant quantities of sand and gravel each year. If there is was an increase in demand from the Nottinghamshire markets the minerals industry could respond by redirecting minerals if needed.
23. The annual monitoring process and Local Aggregates Assessment would highlight any prospective shortfall in the landbank and would trigger an early review of the Plan where necessary. Policy MP1 'Aggregate Provision' allows for other sites to come forward if need can be demonstrated. The Council is therefore satisfied that there is adequate flexibility within the Plan to meet predicted housing needs.

**Question 24. To what extent does the planned provision allow for demand from the main urban areas of Nottingham, Mansfield and Newark?**

24. The annual sales data used to identify demand is only available at MPA level and cannot therefore be used to identify the specific requirements of each of the main urban areas. However, the 10-year and 3-year sales averages within the Local Aggregates Assessment take account of existing activity within the county, including Nottingham City. These figures also include the relatively large export market.
25. The geographic spread referred to in the Plan does not, and cannot, represent a direct correlation of supply and demand. Rather, the minerals plan recognises that minerals can only be worked where they are found and that demand for minerals will come from a range of different markets within Nottinghamshire and in adjoining areas.
26. To provide a steady and adequate supply of aggregates to the main markets, the plan aims to provide a geographical spread of quarries made up of existing permitted quarries and proposed site allocations in the Plan. This is also intended to reduce the distance minerals have to be transported and minimise the cumulative impact of focusing extraction in specific areas.

**Question 25. How has the contribution of secondary and recycled aggregates to supply before considering extraction of primary materials been considered?**

27. Secondary and recycled aggregates play a key role in minimising the need for primary aggregates. Since the 1980s national estimates suggest that the production of secondary and recycled aggregates has increased from 20 million tonnes in 1980 to 74 million tonnes in 2017 - representing 29% of total aggregate sales. (source

MPA). As the demand forecast is based on previous aggregate sales, this already takes account of the contribution made by secondary and recycled aggregates.

28. The British Geological Survey and Minerals Products Association acknowledge that further significant growth is likely to be limited due to the high levels that are already being recycled, along with changing construction methods which are also likely to reduce the availability and quality of these materials in future.
29. Paragraphs 3.24 -3.37 of the most recent Local Aggregates Assessment **(SD20)** highlight the main sources of secondary and recycled aggregates within Nottinghamshire. Policy MP5 (Secondary and recycled aggregates) of the MLP supports proposals which would increase the supply of these materials.

**Question 26. In the last sentence of paragraph 4.6, should the relationship of the National and Regional Guidelines to the Plan be explained further?**

30. The Council is willing to suggest a modification to explain the relationship further.

**Question 27. Should part 3 of Policy MP1 be subject to consideration of environmental, transport and other factors?**

31. Policy MP1 is part of a suite of policies which seek to make provision for mineral supply in Nottinghamshire based upon understanding of future demand and need. These policies are not intended to be read in isolation but alongside strategic policies for mineral development and development management policies (which will apply when planning applications are made). Policies contained within the Development Management chapter provide criteria on how future mineral applications will be assessed and this includes consideration of environmental, transport and other factors. The Council is of the view that because these factors are addressed elsewhere in the Plan, this does not need to be highlighted within each Mineral Provision policy. However, for clarity, additional text could be added to the start of Chapter 4: 'Minerals Provision' and/or as part of the "How to read this document" section on page 7. This would make it clear that all proposals for mineral provision would be subject to environmental, transport and other considerations as reflected in the development management policies set out in Chapter 5.

*Policy MP2: Sand and Gravel Provision*

**Question 28. What evidence source supports the remaining reserves in Policy MP2?**

32. The tonnages shown in MP2 are based on individual mineral operator returns made to the East Midlands Aggregates Working Party Annual Survey as of December 2016. These figures were included in the Local Aggregates Assessment published in October 2017 **(SD18)**.

**Question 29. What are the reasons for the differences between these figures and the permitted reserves in the Local Aggregates Assessment?**

33. As set out in Q28, the baseline figures are sourced from the East Midlands Aggregate Working Party returns as of Dec 2016 and are set out in the Local

Aggregates Assessment published in October 2017 (containing 2016 sales data). However, where appropriate the figures have been amended as set out below:

- The Langford Lowfields south and western extension, originally allocated in the Minerals Local Plan Draft Plan, was granted planning permission in September 2018. This now forms part of the remaining reserves shown in Part 1(a) of the Policy MP2.
- East Leake Quarry. At the time of preparing the October 2017 LAA, the grant of planning permission was still pending the signing of a Section 106 agreement. This was subsequently signed and therefore was included in full in the minerals plan.
- Misson West quarry was included in the LAA however it was subsequently worked out and therefore it was removed from the minerals local plan.
- Scrooby quarry was erroneously shown as containing 0.72 million tonnes in the LAA however this was later revised to 0.62 million tonnes as is set out in the minerals plan

**Question 30. At what volume has Misson Grey Sand historically been worked?**

34. The 10-year average between 2005 and 2015 has been 50,000 tonnes per annum.

**Question 31. How would deduction of this affect the landbank for sand and gravel?**

35. The sand and gravel landbank would increase from 10.29 years to 14.08 years if grey sand was excluded.

36. As of December 2016, total permitted sand and gravel reserves stood at 17.5 million tonnes. Dividing this by the 10-year sales average of 1.7 million tonnes gives a landbank figure of 10.29 years.

37. Permitted reserves of Misson Grey Sand stood at 600,000 as of December 2016. Deducting this from the total would leave a permitted sand and gravel reserve of 16.9 million tonnes. Dividing this by the 10-year sales average of 1.2 million tonnes (which excludes Misson Grey Sand) gives a revised landbank figure of 14.08 years.

**Question 32. Which quarries is this obtained from?**

38. Misson Grey Sand is currently obtained from a single site, Misson Bawtry Road, located in the Idle Valley.

**Question 33. In Policy MP2, should extraction of grey sand be subject to consideration of environmental, transport and other factors?**

39. Policy MP2 is part of a suite of policies which seek to make provision for mineral supply in Nottinghamshire based upon understanding of future demand and need. These policies are not intended to be read in isolation but alongside strategic policies for mineral development and development management policies (which will



apply when planning applications are made). Policies contained within the Development Management chapter provide criteria on how future mineral applications will be assessed and this includes consideration of environmental, transport and other factors. The Council is of the view that because these factors are addressed elsewhere in the Plan, this does not need to be highlighted within each Mineral Provision policy. It is considered however that for clarity, additional text could be added to the start of Chapter 4: 'Minerals Provision' (and/or as part of the "How to read this document" section on page 7) to make it clear that all proposals for mineral provision contained in the chapter is subject to environmental, transport and other considerations as reflected in the development management policies set out in Chapter 5.

### *Policy MP2p: Mill Hill nr Barton in Fabis*

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

40. Since receiving the application (8/17/02096/CMA) in September 2017, the Minerals Planning Authority (MPA) has issued three Regulation 25 requests for further environmental information on a variety of topic areas. As a result of the issuing of the third request dated August 2019, a range of meetings have been held with the applicant's agents, along with key consultees. In light of these discussions, the applicant is in the process of preparing a further response which will seek to address the issues raised. Any submission received will be subject to a full public re-consultation.

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

41. The MPA has previously highlighted where it considers there would be elements of the proposed development which would be harmful to the openness of the Green Belt, primarily the processing area. Certain amendments to the location of plant/buildings and bunding have been proposed in the second Regulation 25 submission and, in combination with the expected further revisions to the application designed to address the harms that have been identified, the MPA is maintaining an open mind on the impacts to the openness of the Green Belt and therefore whether the proposal, as revised, would be considered appropriate or inappropriate development in the Green Belt when assessed against planning policy and recent case law.

### *Policy MP6: Brick Clay Provision*

#### **Question 36. Should part 2 of Policy MP6 be subject to consideration of environmental, transport and other factors?**

42. Policy MP6 is part of a suite of policies which seek to make provision for mineral supply in Nottinghamshire based upon understanding of future demand and need. These policies are not intended to be read in isolation but alongside strategic policies for mineral development and development management policies (which will apply when planning applications are made). Policies contained within the Development Management chapter provide criteria on how future mineral

applications will be assessed and this includes consideration of environmental, transport and other factors. The Council is of the view that because these factors are addressed elsewhere in the Plan, this does not need to be highlighted within each Mineral Provision policy. However, for clarity, additional text could be added to the start of Chapter 4: 'Minerals Provision' and/or as part of the "How to read this document" section on page 7. This would make it clear that all proposals for mineral provision would be subject to environmental, transport and other considerations as reflected in the development management policies set out in Chapter 5.

**Question 37. There are no site development briefs in Appendix 2 for brick clay sites (as referred to in the last sentence of the policy).**

43. This text refers to an allocation in the Draft Plan (**SD2**) that was subsequently withdrawn by the operator and removed from the Plan. The Council is willing to suggest a modification to correct this error.

*Policy MP7: Gypsum Provision*

**Question 38. Should part 2 of Policy MP7 be subject to consideration of environmental, transport and other factors?**

44. Policy MP7 is part of a suite of policies which seek to make provision for mineral supply in Nottinghamshire based upon understanding of future demand and need. These policies are not intended to be read in isolation but alongside strategic policies for mineral development and development management policies (which will apply when planning applications are made). Policies contained within the Development Management chapter provide criteria on how future mineral applications will be assessed and this includes consideration of environmental, transport and other factors. The Council is of the view that because these factors are addressed elsewhere in the Plan, this does not need to be highlighted within each Mineral Provision policy. However, for clarity, additional text could be added to the start of Chapter 4: 'Minerals Provision' and/or as part of the "How to read this document" section on page 7. This would make it clear that all proposals for mineral provision would be subject to environmental, transport and other considerations as reflected in the development management policies set out in Chapter 5.

*Policy MP8: Silica Sand Provision*

**Question 39. Should part 2 of Policy MP8 be subject to consideration of environmental, transport and other factors?**

45. Policy MP8 is part of a suite of policies which seek to make provision for mineral supply in Nottinghamshire based upon understanding of future demand and need. These policies are not intended to be read in isolation but alongside strategic policies for mineral development and development management policies (which will apply when planning applications are made). Policies contained within the Development Management chapter provide criteria on how future mineral applications will be assessed and this includes consideration of environmental, transport and other factors. The Council is of the view that because these factors are addressed elsewhere in the Plan, this does not need to be highlighted within each Mineral Provision policy. However, for clarity, additional text could be added to the start of Chapter 4: 'Minerals Provision' and/or as part of the "How to read this

document" section on page 7. This would make it clear that all proposals for mineral provision would be subject to environmental, transport and other considerations as reflected in the development management policies set out in Chapter 5.

### *Policy MP9: Industrial Dolomite Provision*

#### **Question 40. Should Policy MP9 require consideration of environmental, transport and other factors?**

46. Policy MP9 is part of a suite of policies which seek to make provision for mineral supply in Nottinghamshire based upon understanding of future demand and need. These policies are not intended to be read in isolation but alongside strategic policies for mineral development and development management policies (which will apply when planning applications are made). Policies contained within the Development Management chapter provide criteria on how future mineral applications will be assessed and this includes consideration of environmental, transport and other factors. The Council is of the view that because these factors are addressed elsewhere in the Plan, this does not need to be highlighted within each Mineral Provision policy. However, for clarity, additional text could be added to the start of Chapter 4: 'Minerals Provision' and/or as part of the "How to read this document" section on page 7. This would make it clear that all proposals for mineral provision would be subject to environmental, transport and other considerations as reflected in the development management policies set out in Chapter 5.

### *Policy MP10: Building Stone Provision*

#### **Question 41. Should part 2 of Policy MP10 be subject to consideration of environmental, transport and other factors?**

47. Policy MP10 is part of a suite of policies which seek to make provision for mineral supply in Nottinghamshire based upon understanding of future demand and need. These policies are not intended to be read in isolation but alongside strategic policies for mineral development and development management policies (which will apply when planning applications are made). Policies contained within the Development Management chapter provide criteria on how future mineral applications will be assessed and this includes consideration of environmental, transport and other factors. The Council is of the view that because these factors are addressed elsewhere in the Plan, this does not need to be highlighted within each Mineral Provision policy. However, for clarity, additional text could be added to the start of Chapter 4: 'Minerals Provision' and/or as part of the "How to read this document" section on page 7. This would make it clear that all proposals for mineral provision would be subject to environmental, transport and other considerations as reflected in the development management policies set out in Chapter 5.

*Policy MP12: Oil and Gas*

**Question 42. Please comment on any implications for Policy MP12 arising from the judgement<sup>2</sup> that quashes paragraph 209(a) of the Framework.**

48. The Council considers that Policy MP12 remains in line with the requirements set out within the NPPF (as updated June 2019). The policy plans positively for all forms of oil and gas development in accordance with paragraph 209(b) of the NPPF. However, in light of this judgement, the Council is willing to suggest a modification to delete paragraph 4.104 of the justification text to Policy MP12 as this reflected the now deleted paragraph 209(a) of the Framework.

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<sup>2</sup> Claire Stephenson (Talk Fracking) v SSHCLG [2019] EWHC 2519 (admin)