



INDEPENDENT EXAMINATION OF NOTTINGHAMSHIRE MINERALS LOCAL PLAN

MATTERS, ISSUES & QUESTIONS

RESPONSE TO INSPECTORS QUESTIONS BY GREENFIELD ENVIRO ON BEHALF OF LONDON ROCK SUPPLIES LTD

MATTER 3 – MINERALS PROVISION

Site: MP2p: Mill Hill nr Barton in Fabis

31 The Sustainability Appraisal (SA) assesses the Mill Hill, Barton-in-Fabis allocation as having a long-term negative effect on biodiversity. Please provide further explanation as to how allocation of the site is justified in this respect, particularly having regard to the need to provide net gains in biodiversity in paragraph 170 (d) of the Framework.

1. It is suggested that the Sustainability Appraisal (SA) is out of date and does not reflect the actual restoration details submitted as part of the current planning application. The planning application and subsequent consultation process and Reg 25 submissions have included a series of revised designs and detailed updates to ensure that long-term restoration objectives have been achieved the LBAP requirements.
2. The most recent consultation undertaken with a variety parties (early 2020) following the request for additional information (Reg 25 dated September 2019), has resulted in a series of revisions to the mineral extraction scheme to show the retention of two Local Wildlife Sites (LWS) that were proposed to be removed (and then recreated as part of the restoration), and also the retention of some land where ridge and furrow has been identified, even though all of these features are not statutory designations and are of “local significance”.
3. The two previous Reg 25 submission and proposed Reg 25 submission clearly identify that the overall restoration scheme will have a significant biodiversity “net gain”, in full compliance with NPPF and the guidelines/ matric agreed with NCC, Natural England and the wildlife trust.
4. As the planning submission is an on-going live and evolving project, the SA does not represent the scheme as this is a “snapshot” of a “potential scheme” that only considers a range “high level” planning issues. The detail submission clearly indicates that there will be positive long-term impacts on biodiversity following completion of the mineral operations and site restoration.

32 The SA assesses the effects of development at Mill Hill on heritage assets as positive in the long-term, but the effect on the landscape as very negative. Would negative landscape effects also negatively affect the settings of heritage assets in the long-term?

5. It is considered that there is no reason to link potential landscape impacts of the proposed minerals scheme and the potential impact on heritage assets. The SA requires the development to “protect the quality of the historic environment, heritage assets and their settings above and below ground”.
6. The potential impacts during the operational phase of the minerals development is considered “negative”, but it is considered that there will be positive long-term effects from the development due to the significant advancement in archaeological knowledge following the excavation operations.
7. The “very negative” score given to the site in the brief for long-term landscape is disputed as all of the mitigation measures set out in the SA have all been included in the planning submission. It should be noted that advanced riverside planting has been carried out to restrict views from Attenborough in the Barton site and a buffer zone of 30m has been included in the proposed extraction scheme and the “appropriate restoration proposals” following completion of the restoration will not detract from the long-term landscape character of the Trent Valley, as confirmed in the Landscape Assessment submitted as part of the EIA for the quarry.
8. It is suggested that the availability of detailed environmental information contained within the planning application documents, with supporting EIA, helps the Mineral Plan process as the data and information available is up to date and certain, rather than subjective and assumed as is the case for the SA. As stated above, the restoration scheme includes a series of LBAP habitats thus complies fully with the landscape objectives as set out in the SA.
9. We therefore consider that the assumed long-term negative landscape impact (assessed some time ago) is out of date and does not reflect the conclusions of the detailed assessment.

33 What is the justification for the positive score for effect on heritage assets in the SA?

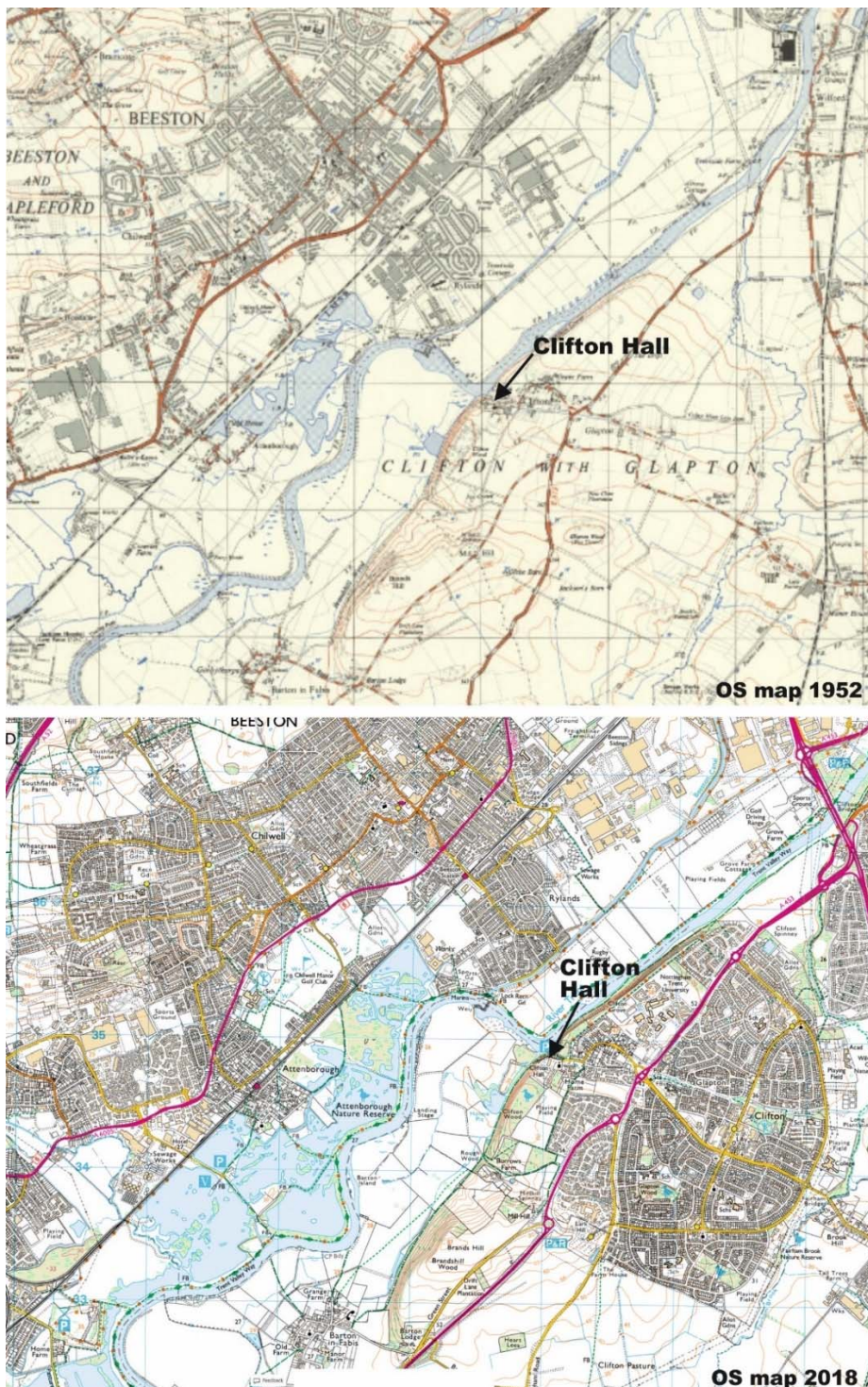
10. As stated above, it is considered that there will be positive long-term effects as there will be a significant advancement in archaeological knowledge following the excavation operations. This is a common “positive benefit” for all new minerals developments across the UK.

34 The Site Allocation Development Brief states that there would be permanent impact on the setting of the Clifton Hall Registered Park and Garden and potential impacts on other designated heritage assets in Barton-in-Fabis, Attenborough and Clifton. What would be the nature of such impacts and would development also affect the setting of the listed Clifton Hall and/or any other heritage asset(s)?

11. The location of a number of heritage assets within a 2km radius of a mineral developments is not uncommon. It is suggested that the construction of any new development (whether quarry or other change of land-use) will have an impact on the local landscape during the operational phase of the development by its very nature. However, the significance of any impact will be addressed as part of any planning application and in the case of this proposed minerals development at Mill Hill, Barton in Fabis, detailed Heritage and Archaeological Assessments have been undertaken and submitted as part of the planning application.
12. The conclusions of these assessments were that there would be no “major significant impacts”, especially in terms of the identified local heritage assets. The primary heritage asset noted locally to the proposed minerals site (Clifton Hall) does not have direct views of the proposed extraction area or proposed plant area except for the most southerly part of Clifton Woods, which forms part of the “park and gardens” of Clifton Hall.
13. The setting of the Heritage Assets has been addressed in the EIA for the proposed quarry scheme that we consider also need to be considered in relation to the evolving landscape around the Clifton Hall area.
14. In 1952, the area around Clifton Hall comprised on agricultural land, with views from the Hall mainly to the west across the River Trent floodplain towards the City of Nottingham that was expanding westwards towards Beeston and Attenborough. The only industries were the sand and gravel quarry at Attenborough and the factories at Beeston. To the north south and east there was no development or industry. Figure 1 shows the published Ordnance Survey maps produced in 1952 and 2018 of the area around Clifton Hall.
15. Since 1952, the Clifton Hall Estate was purchased by Nottingham City Council who then proceeded to construct the largest council housing estate in the UK (known as the Clifton estate) to the north-east and south-east of the Hall, followed by the extensive development of Nottingham Trent University (over the past 30 years or so) that lies directly to the north of the Hall. To the west, the towns of Beeston, Beeston Rylands and Attenborough have all expanded significantly over the past 50 years, with major transport infrastructure developed over a similar period including the Nottingham ring-road and Clifton bridge over the river Trent, the development of the tram in to a terminus near the Lark Hill retirement village and the dualling of the A453 that links the M1 to south Nottingham. Over the past two years a number of new major housing developments have also been approved by Nottingham City Council (Clifton West) and Rushcliffe Borough Council (Fairham Pastures).

16. The Clifton west housing scheme of about 200 houses is located directly adjacent to the southern boundary of the main house and curtilage of Clifton Hall (see aerial images in Figure 2 below) with Fairham Pastures comprising the largest single housing development in Nottinghamshire, which forms part of the “Sustainable Urban Expansion” of Nottingham (a policy of expansion agreed with all of the local and city authorities within the County). This permitted scheme comprises over 3,000 residential dwellings and over 20 hectares of commercial/ industrial land that formerly lay within the Clifton Estate.

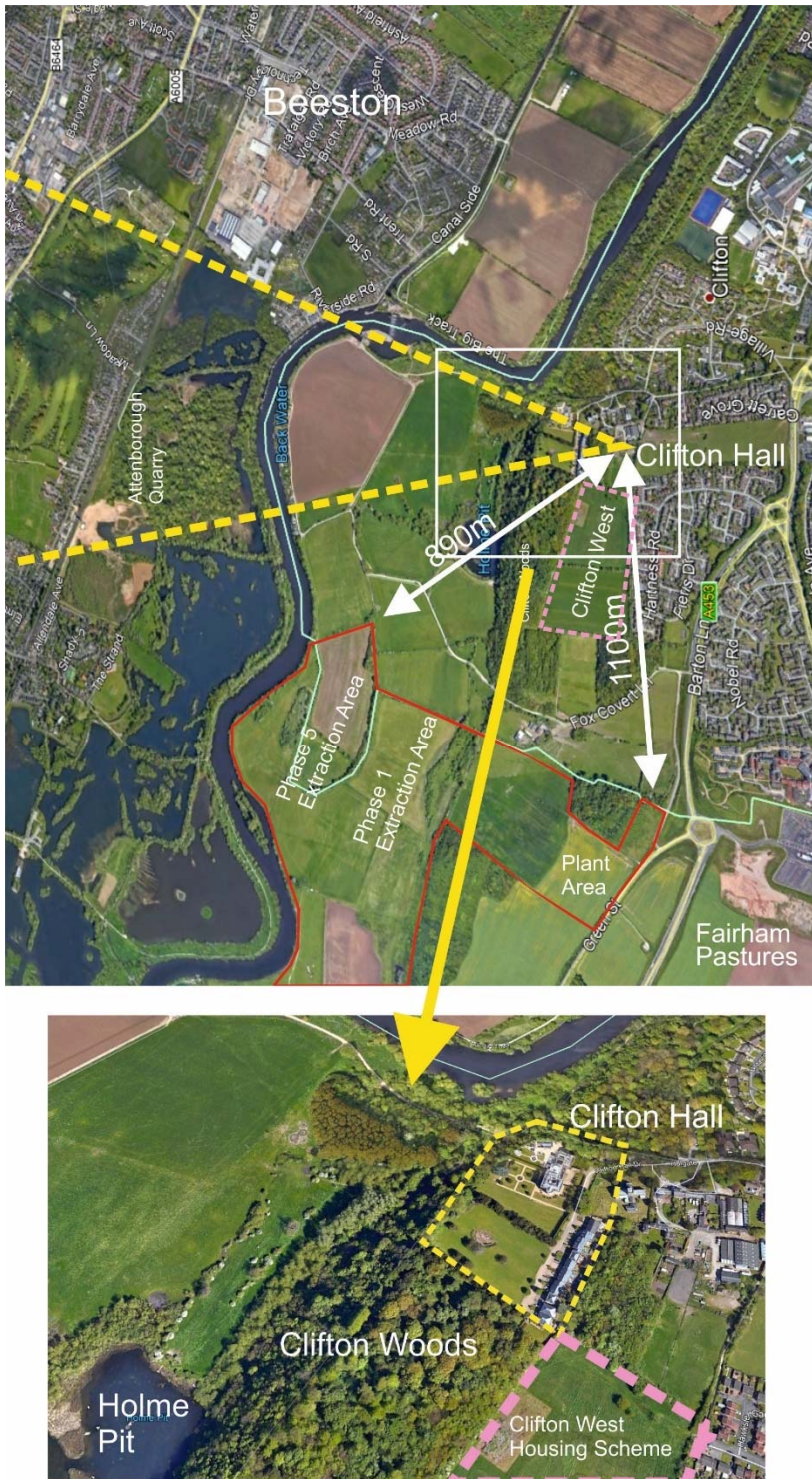
Figure 1 - Published OS maps of Clifton Hall area 1952 and 2018



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17. Comparison of the historical maps clearly shows the development of creation of the wetland nature reserve at Attenborough following the extraction of sand and gravel at the quarry site for over a century. It is therefore conjectured that the presence of mineral workings within this part of the Trent Valley (for over 100 years) forms part of the normal landscape “setting” of the Trent Valley and of Clifton Hall.

Figure 2 – Aerial Images of Clifton Hall and the surrounding area
 (range of view from Clifton Hall to the West constrained by Woodland)



Source Google Earth

18. In relation to site specific quarry development, it should be noted that there are no direct views of either the proposing plant area or the mineral extraction areas on the floodplain of the River Trent due to the location of Clifton Woods (see Figure 2). The nearest part of the proposed quarry area (northern part of Phase 5) is about 890m from Clifton Hall with the processing plant over 1km from Clifton Hall.
19. There are no views of any part of the proposed quarry extraction area or processing plant can be seen from the village of Barton in Fabis, due mainly to the presence of a 3m high flood protection bund that surrounds the whole village. There are no also direct views from any heritage assets located in the village Attenborough located about 2km to the west.
20. As the "setting" of Clifton Hall has been continuously changing and evolving over the past 70 years or so due to the development of numerous large scale and major housing schemes, continuous mineral extraction for over 100 years, major transport infrastructure and the on-going expansion of Nottingham to the south-east suggests that the nature of any impacts on the existing heritage assets from the proposed new quarry development would not affect the setting of the listed Clifton Hall and/or any other heritage asset.

35 Would these impacts be harmful to the settings of the heritage assets and would any such harm be less than substantial?

21. The points noted above in Question 34 suggest that any potential impacts would be "less than substantial"

36 Has any balancing exercise been carried out to weigh any less than substantial harm against public benefits?

22. The economic benefit of minerals development is well recognised and is clearly stated in NPPF which states "The purpose of the planning system is to contribute to the achievement of sustainable development" and that "achieving sustainable development means that the planning system has three overarching objectives" which are defined as economic, social and environmental objectives.
23. The public benefits of the proposed minerals scheme at Mill Hill/ Barton in Fabis can be split into the broader economic benefits that include
 - The creation of new employment opportunities
 - the reduction of transport costs for the movement of large volumes of low-cost, very bulky product
 - payment of local business taxes, together with national taxes such as aggregate levy, VAT and Corporation tax.
 - The supply of essential aggregates to the local construction industry for current permitted schemes and also future development that are local to the site. These include HS2 and the associated station development (only 5km to the west) and the re-development of the (coal powered) Ratcliffe-on-Soar Power Station between 2025 and 2030 that is located only 3km to the west directly off the A453.

24. In addition there will be public benefits that will include the creation of new access across the land and to the River Trent via permissive footpaths as part of the restoration scheme, however, there will be a limit to the level of access proposed following feed-back from the public exhibitions where local residents did not want a major nature reserve or extensive parklands with substantial crowds, similar to Attenborough.

37 What, if any, mitigation measures could be used to reduce any harmful impact on heritage assets?

25. The information provided suggests that no additional mitigation is deemed necessary to mitigate the impacts on the heritage assets identified. As stated above, there are no direct views of the proposed development from Clifton Hall or any other heritage assets (other than the southern part of Clifton Woods that are deemed part of the parks and gardens of Clifton Hall) that lie within the vicinity of the proposed site. It is considered that the only impacts are considered to form part of the setting of these assets, which is a very subjective assessment in an area of south-eastern Nottingham that has gone through substantial change, and continues to change with new housing development and infrastructure construction.

38 What effects would be likely on the openness of the Green Belt and the purposes of including land within the Green Belt, both during operation and in the long term?

26. The Supreme Court Judgment (Sam Smiths Brewery v North Yorks CC) 5th Feb 2020 concerning Jackdaw Cragg Quarry is relevant evidence/case law concerning Green Belt and mineral extraction. This makes clear that openness is a "broad policy concept" which is the counterpart of urban sprawl and is linked to the purposes to be served by Green Belt – see para 134 of the NPPF (relating to restricting urban sprawl and avoiding towns coalescing and advancing into countryside). The judgment confirms that openness is not necessarily a statement about visual qualities of the land, nor does it imply freedom from all forms of development, which includes mineral operations. The Judgment points out that a quarry may not be visually attractive while it lasts but that minerals can only be worked where they are found, the impacts are temporary and the site must be subject to a restoration scheme.

27. The proposed Mill Hill sand and gravel development will not contribute to urban sprawl either during its operation or as a consequence of its restoration to soft end-uses. Its development will not compromise the purposes of Green Belt policy as it will not lead to the impacts referred to in para 134 of the NPPF (urban sprawl, towns merging, encroachment of built up areas into countryside, effects on the setting of historic towns, effects on urban regeneration). The High Court Judgment confirms that mineral development in Green Belt must meet high environmental standards of working and restoration.

28. Notwithstanding the above points, the planning application addressed issues related to Green Belt and following a request for additional information, a submission was made in December 2018 in addition to the Reg25 document as Green belt is a planning policy issue rather than an environmental issue that needs to be addressed as part of the EIA Regulations.

29. This dedicated Green Belt submission included a number of proposed amendments to the proposed development (the emphasis being on achieving high environmental standards of mineral development in Green Belt), with the main issues including:

- Removal of a soil storage bund from base Brands Hill and re-location adjacent to the processing plant in a less visible location
- Modification to the plant layout and reduction in the level of the processing plant
- Re-location of building within the processing plant area to less visible areas
- Retention of vegetation at the base of Brands Hill adjacent to the bridleway
- Modification of HGV vehicle parking within plant area
- Removal of the quarry access track down Brands Hill as part of the restoration so that only an "agricultural track" is retained.

39 Could any mitigation measures be used to reduce any impact on the Green Belt?

30. The amendments listed in Question 38 above lists a range of modification that have been made to the proposed scheme to reduce the perceived impact of the scheme on the Green Belt and to ensure high environmental standards of operation in the Green Belt.

31. In terms of the policy test in para 146 of the NPPF, it considered that the proposed development will not compromise openness or the purposes of Green Belt policy as it will not contribute to urban sprawl related issues.

40 Should the reference in paragraph 4.41 to the Mill Hill site being expected to be operational in approximately 2019 be deleted or amended?

32. The evolution of the evolution of the minerals local plan over the past five years or so has been complex with major revisions and changing timescales. The commencement of the work to prepare a planning application for the development of the proposed sand and gravel quarry at Mill Hill/ Barton in Fabis was commenced in 2016 with the submission and validation in September 2017. At the time of the application an inferred start date for the site to be operational of 2019 would not have considered unreasonable.

33. However, at the present time (June2020) it is suggested that a commencement date for aggregate sales from the site of early 2022 would be considered more feasible. This timescale assumes that at least one year is required to implement the necessary landscaping schemes, construct the processing plant and strip soils from the extraction area. There is therefore a range of time between the "operation" of the site and the actual start of any aggregate sales.

34. As the dates suggested can only be inferred as there is no planning permission at the present time, it is therefore suggested that it may be beneficial to remove the stated start date of the "expected operations".

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for Greenfield Environmental Ltd
on behalf of London Rock Supplies Ltd