

Nottinghamshire Minerals Local Plan Schedule of Main Modifications

Nottinghamshire Minerals Local Plan - Schedule of Main Modifications

This schedule sets out the Main Modifications to the Nottinghamshire Minerals Local Plan proposed by the Council in response to the Local Plan Inspector's matters issues and questions, representations made, and matters raised throughout the examination process. As these modifications are considered to materially affect the content of the Minerals Local Plan, they are being published for public consultation.

The period for formal public consultation on the Main Modifications will run from 27th November 2020 to 8th January 2021. The easiest and most reliable way to make comments is on the **standard response form**, however written representations sent by email or post will also be accepted. Representations should either be sent via email to: planning.policy@nottscc.gov.uk or by post to: Planning Policy Team, County Hall, West Bridgford, Nottingham, NG2 7QP. Please do not hand deliver representations to County Hall due to the current Covid-19 restrictions.

<u>Please note</u> – representations can only be accepted on the proposed Main Modifications. We are unable to consider any representations on unchanged parts of the Minerals Local Plan. There is no need to repeat any representations you have already made at previous stages.

How to read this schedule

Text to be inserted is shown underlined

Text to be deleted is shown struckthough

Ref.	Part of Plan	Page	Main Modification
MM1	Vision	20	Amend third sentence in fourth paragraph to read 'Minerals reserves resources, and associated minerals related infrastructure will be identified and safeguarded against inappropriate development.'
MM2	SO1	21	Amend penultimate sentence of SO1 to read: 'Support Prioritise the improved use or extension of existing sites before considering new locations.'
ММ3	SO3	21	Amend SO3 to read: 'Minimise and mitigate the impacts of mineral development on climate change <u>and</u> <u>support the transition towards a low carbon economy</u> by encouraging efficient ways of working including reductions in transport and onsite machinery emissions. Reduce existing and future flood risks linked to, and aid in adaptation to, climate change through good quarry design and operation, water management, location of plant and appropriate restoration, particularly for <u>sites</u> quarries in the Trent Valley flood plain. Contribute to

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			climate change adaptation by relinking fragmented habitats and creating new areas of habitat to allow the migration and dispersal of species.
MM4	SO4	21	Amend S04 to read:
			'SO4: Safeguarding of mineral resources, <u>permitted mineral reserves</u> and associated minerals Infrastructure. Protect the County's potential mineral resources of economic <u>local and national</u> importance, <u>permitted mineral reserves</u> and associated minerals infrastructure from development which would prevent or hinder their future use.
MM5	Para 3.5	24	Amend paragraph to read:
			'Where there are no <u>relevant plan</u> policies, <u>relevant to the application</u> or <u>relevant the</u> policies <u>which are most important for determining the application</u> are out of date at the time of making the decision, the Council will grant planning permission <u>unless material considerations indicate otherwise – taking into account whether unless:</u> a) The application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or b) Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against policies in the NPPF taken as a whole.'
			Insert additional subsequent paragraph to read:
			'The presumption in favour of sustainable development does not apply where proposals are likely to have a significant effect on a habitats site (either alone or in combination with other proposals), unless an appropriate assessment has concluded that the proposals will not adversely affect the integrity of the habitats site.'
MM6	Para 3.8	26	Amend final sentence to read: 'Within Nottinghamshire the priority is therefore to extend make the best use of the County's finite mineral resources through supporting extensions to existing sites, where environmentally acceptable in preference to developing new sites, and to encourage encouraging the use of secondary and recycled aggregates.'
MM7	Policy SP1	26	Amend part 1 (b) to read 'Give priority to Support the extension of existing sites, where economically, socially and environmentally acceptable.'
MM8	Policy SP2	28	Amend part 1 to read 'Restoration schemes that seek to maximise biodiversity gains and achieve a net gain in biodiversity, in accordance with the targets and opportunities identified within the Nottinghamshire Local Biodiversity Action Plan, will be supported.'

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MM9	Policy SP3	32	Re-word and re-structure policy to read:
			<u>'Policy SP3 – Climate Change</u>
			1. All minerals development, including site preparation, operational practices and restoration proposals should minimise impacts on the causes of climate change for the lifetime of the development by being located, designed and operated to help reduce greenhouse gas emissions, and move towards a low-carbon economy.
			2. Where applicable, development should assist in the reduction of vulnerability and provide resilience to the impacts of climate change by:
			a) Avoiding areas of vulnerability to climate change and flood risk. Where avoidance is not possible, impacts should be fully mitigated;
			b) Developing restoration schemes which will contribute to addressing future climate change adaptation, including through biodiversity and habitat creation, carbon storage, flood alleviation, protecting water resources and protecting and, where possible, enhancing water quality.'
MM10	Para 3.35	33	Add a new penultimate paragraph after paragraph 3.35 to read: 'Any potential for cumulative impacts on climate change as a result of the nature and scale of new minerals development should also be taken into consideration. Policy DM8 specifically covers the issue of cumulative impact.'
MM11	Policy SP4	34	Re-word Policy to read:
			'1. All mineral proposals should seek to maximise the use of sustainable forms of transport, including barge, rail and pipeline, within both the operational and restoration phases, where practical and economic. 2. Where it can be demonstrated that there is no viable alternative to road transport, all new mineral working, including extensions to existing sites, and mineral related development should be located as follows: a) within close proximity to existing or proposed markets to minimise transport movement; and b) within close proximity to the County's main highway network and existing transport routes in order to avoid residential areas, minor roads, and minimise the impact of road transportation. 3. Proposals requiring the bulk transport of minerals, minerals waste/fill or materials/substances used for the extraction of minerals by road will be required to demonstrate that more sustainable forms of transport are not viable.'

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MM12	Para 3.49	38	Amend final sentence to read: 'It is therefore important that new minerals development is correctly managed and to ensure that no adverse impacts occur to on designated sites, or priority habitats and species, are minimised as far as possible. Policy SP2 promotes a biodiversity-led restoration approach which seeks to maximise biodiversity gains, and to achieve a net gain in biodiversity, resulting from through the restoration of mineral sites.'
MM13	Para 3.54	39	Reword paragraph to read: 'National policy states that the significance of the most important heritage assets and their settings should be protected, and that balancing the need for development against potential harm to heritage assets needs to be proportionate heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance. In considering the impact of proposed development on the significance of designated heritage assets, great weight should be given to the asset's conservation. Where development would directly or indirectly affect non-designated heritage assets, planning decision will need to have regard to the scale of any harm or loss and the significance of the heritage asset.'
MM14	Para 3.57	39	Add new sub-heading and paragraph on air quality below existing paragraph 3.57 to read: 'Minerals development can have an adverse impact on air quality from dust, plant or vehicle emissions, which could potentially adversely affect residential amenity. Air pollution could also potentially adversely affect ecosystems and biodiversity, especially where it could have an impact on sites designated for their biodiversity value. However, appropriate site management of mineral workings to control dust and emissions can minimise such impacts.'
MM15	Para 3.76	44	Add new paragraph after para 3.76 to read: 'National policy also requires local planning authorities to safeguard existing, planned and potential sites for: the bulk transport, handling and processing of minerals; the manufacture of concrete and concrete products; and the handling, processing and distribution of substitute, recycled and secondary aggregate material.'
MM16	Policy SP7	44	Amend Policy to read: 'Minerals Safeguarding Areas

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			1. Economically Locally and nationally important mineral resources, permitted reserves, allocated sites and associated minerals infrastructure will be safeguarded from needless sterilisation by non-minerals development through the designation of minerals safeguarding areas as identified on the Policies Map. 2. Non-minerals development within minerals safeguarding areas will have to demonstrate that mineral resources of economic importance will not be needlessly sterilised as a result of the development the development and that the development would not pose a serious hindrance to future extraction in the vicinity. 3. Where this cannot be demonstrated, and where there is a clear and demonstrable need for the non-minerals development, prior extraction will be sought where practicable. Minerals Consultation Areas 4. District and Borough Councils within Nottinghamshire will consult the County Council as Minerals Planning Authority on proposals for non-minerals development within the designated Mineral Consultation Area, as shown on the Policies Map. 5. The Minerals Planning Authority will resist inappropriate non-minerals development within the Minerals Consultation Areas. 6. Where non-minerals development would cause an unacceptable impact on the development, operation or restoration of a permitted minerals site, mineral allocation, or associated minerals infrastructure, suitable mitigation should be provided by the applicant prior to the completion of the development.
MM17	Para 3.86	46	Amend paragraph to read: 'The NPPF states that planning policies should also safeguard existing, planned and potential sites for: the
			bulk transport, handling and processing of minerals; the manufacture of concrete and concrete products; and the handling, processing and distribution of substitute, recycled and secondary aggregate material. In two-tier administrative areas such as Nottinghamshire, responsibility for safeguarding sites for the storage, handling and transport of minerals rests largely with the district or borough planning authority except where these facilities and sites are located at quarries or aggregate wharves or rail terminals.

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			- Existing, planned and potential rail heads, rail links to quarries, wharfage and associated storage, handling and processing facilities for the bulk transport by rail, sea or inland waterways of minerals, including recycled, secondary and marine dredged materials, and - Existing, planned and potential sites for concrete batching, the manufacture of coated materials and other concrete products, and the handling, processing and distribution of recycled and secondary aggregate mineral.'
MM18	Para 3.90	47	Amend paragraph 3.90 and insert additional paragraphs to read:
			'Due to the large number of these sites within the County and the majority of these being located on existing industrial estates, which are identified within District/Borough Local Plans, there is no indication that any individual plant is important in its own right. In addition, such plants are also physically relocatable and as such are considered non-strategic and will not be safeguarded by the County Council. Those facilities located within permitted mineral workings, and therefore within the control of the County Council, will be safeguarded in accordance with Policy SP7 part 1. However, stand-alone facilities permitted by a District or Borough Council, and which are not specifically linked to existing minerals workings, should be safeguarded by the relevant District or Borough Council in line with national policy and guidance. These are shown for information with the Council's Annual Monitoring Report.' Most District and Borough Council Local Plans contain policies designed to protect existing employment land and these types of facilities would also be safeguarded by the 'agent of change' principle set out in paragraph 182 of the NPPF. This states that existing businesses and facilities should not have unreasonable restrictions placed on them by new development permitted after they were established and that the applicant (or 'agent of change') should be required to provide suitable mitigation before the development is completed. The County Council will respond to non-mineral applications when consulted by District and Borough Councils to highlight safeguarding issues where these arise.
MM19	Para 4.2	49	Amend final sentence to read: 'Where a shortfall is identified, this will be met from a combination of new and/or extended sites. although the priority is to extend Suitable extensions to existing sites will be supported wherever possible in line with strategic objective (SO1) to improve the sustainability of minerals development.'
MM20	Policy MP2	53	Delete individual quarry tonnages shown in part (a) of the policy.

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			1. An adequate supply of sand and gravel will be identified to meet expected demand over the plan period from: a) The extraction of remaining reserves at the following permitted quarries: (Million tonnes) MP2a Newington South 0.39mt MP2b Finningley 0.45mt MP2b Finningley 0.45mt MP2c Sturton Le Steeple 7.50mt MP2d Bawtry Road 0.60mt MP2e Cromwell 2.40mt MP2f Besthorpe 0.50mt MP2g Girton 3.56mt MP2h Langford Lowfields 4.95mt MP2h Langford Lowfields 4.95mt MP2i East Leake 2.34mt MP2j Scrooby South 0.62mt b) The following extensions to existing permitted quarries: MP2k Bawtry Road West 0.18mt MP2l Scrooby Thompson Land 0.06mt MP2m Scrooby North 0.56mt* (0.62mt) MP2n Langford Lowfields North 4.70mt* (8.00mt) MP2o Besthorpe East 3.30mt c) New sand and gravel quarries: MP2p Mill Hill nr Barton in Fabis 3.0mt**
MM21	Policy MP6	65	Delete final sentence as follows: Planning applications for site allocations should be made in accordance with the site development briefs set out in Appendix 2
MM22	Policy MP12	78	Reword and re-structure policy to read: '1. Exploration, and appraisal and commercial production of oil and gas will be supported provided the site and equipment: a) Are not located in a protected area other than in exceptional circumstances where this

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			does not compromise the reasons for the designation and the need for development can be demonstrated; and b. are located where this will not have an unacceptable environmental impact. 2. The commercial production of oil and gas will be supported, provided the site and equipment: a. Are not located in a protected area other than in exceptional circumstances where this does not compromise the reasons for the designation and the need for development can be demonstrated; and b. Are located at the least sensitive location taking account of environmental, geological and technical factors. 2. 3. Proposals at each stage must provide for the restoration and subsequent aftercare of the site, whether or not oil or gas is found.
MM23	Para 4.104	79	Delete paragraph.
MM24	Para 4.105	79	Amend paragraph to read: 'The NPPF states that for oil and gas including unconventional hydrocarbons, minerals planning authorities should develop criteria-based policies that clearly distinguish between the three phases of development (exploration, appraisal and production) and to address constraints that apply within licensed areas.'
MM25	Policy DM4	93	Amend policy to read: 'Policy DM4: Protection and Enhancement of Biodiversity and Geodiversity 1. Proposals for minerals development will be supported where it can be demonstrated that: a) They will not adversely affect the integrity of a European site (either alone or in combination with other plans or projects, including as a result of changes to air or water quality, hydrology, noise, light and dust), unless there are no alternative solutions, imperative reasons of overriding public interest and necessary compensatory measures can be secured in accordance with the requirements of the Conservation of Habitats and Species Regulations 2017; b) They are not likely to give rise to an adverse effect on a Site of Special Scientific Interest, except where the need for and benefits of the development clearly outweigh the importance of the site and where no suitable alternative exists; c) They are not likely to give rise to the loss or deterioration of Local Sites (Local Wildlife Sites or Local Geological Sites) except where the need for and benefits of the development in that location outweigh the impacts;

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			d) They would not result in the loss of populations of a priority species or areas of priority habitat except where the need for and benefits of the development in that location outweigh the impacts. Development that would result in the loss or deterioration of irreplaceable habitats will only be permitted where there are wholly exceptional reasons and a suitable compensation strategy exists. e) 'Development that would result in the loss or deterioration of irreplaceable habitats will only be permitted where there are wholly exceptional reasons and a suitable compensation strategy exists. 2. 'Where impacts on designated sites or priority habitats or species cannot be avoided then:-adequate mitigation relative to the scale of the impact and importance of the resource must be put in place, with compensation measures secured as a last resort. a) In the case of European sites, mitigation must be secured which will ensure that there would be no adverse effect on the integrity of the site(s). Where mitigation is not possible and the applicant relies upon imperative reasons of overriding public interest, the Council will need to be satisfied that any necessary compensatory measures can be secured. b) In all other cases, adequate mitigation relative to the scale of the impact and the importance of the resource must be put in place, with compensation measures secured as a last resort.
			3. Nottinghamshire's biodiversity and geological resources will be enhanced by ensuring that minerals development: a) Retains, protects, restores and enhances features of biodiversity or geological interest, and provides for appropriate management of these features, and in doing so contributes to targets within the Nottinghamshire Local Biodiversity Action Plan and provides net gains for biodiversity; b) Makes provision for habitat adaptation and species migration, allowing species to respond to the impacts of climate change; and c) Maintains and enhances ecological networks, both within the County and beyond, through the protection and creation of priority habitats and corridors, and linkages and stepping stones between such areas.
MM26	Para 5.57	96	Amend first sentence to read 'Biodiversity enhancement, and the need to provide net gains for biodiversity in accordance with national policy, should be seen as a cross-cutting theme and the creation and improvement of habitats will be supported in accordance line with local and national biodiversity targets.'
MM27	Para 5.62	97	Amend paragraph to read:

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			'National Planning Guidance states that valued landscapes should be protected and enhanced. and requires The guidance allows for the inclusion of Local Plans to include criteria-based policies in Local Plans against which proposals for any development on or affecting landscapes areas will be judged.'
MM28	Para 5.73	100	Amend paragraph 5.73 to read:
			'National policy recognises the importance of minimising the impacts on designated and non-designated heritage assets and their settings and requires a distinction to be made between the relative significance of the heritage assets. The NPPF states that, when considering the impact of a proposed development on the significance of a designated heritage asset, 'great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be.' It states that substantial harm or loss of designated heritage assets of the highest significance should be wholly exceptional. Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, the NPPF states that Local Planning Authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss' Insert additional subsequent paragraphs to read:
			'5.73(b) Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, the NPPF states that Local Planning Authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:
			 a) The nature of the heritage asset prevents all reasonable uses of the site; and b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and c) Conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and d) the harm or loss is outweighed by the benefit of bringing the site back into use.
			5.73(c) "Where the harm to the significance of a designated heritage asset will be less than substantial the Local Planning Authority will weigh this against the public benefits of the proposal including, where appropriate, securing its optimum viable use."

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MM29	Para 5.93	105	Add sentence to the end of paragraph to read: 'The nature and scale of mineral workings could also have larger scale environmental effects by potentially giving rise to cumulative impacts on climate change.'
MM30	Para 5.97	105	Add sentence to the end of paragraph to read: 'The potential for cumulative impacts on the wider environment, such as on climate change, may also need to be considered.'
MM31	Para 5.98	105	Amend paragraph to read: 'The plan therefore seeks to ensure that the impacts of a mineral proposal are considered in conjunction with the impacts of all existing development and that cumulative impact on the environment of an area, or on the amenity of a local community, or on the wider environment, such as on climate change, are fully addressed.'
MM32	Para 5.118	112	Delete paragraph.
MM33	Para 5.135	117	Amend second sentence to read 'Where possible and where appropriate, voluntary Extended aftercare periods will be negotiated for those uses that would benefit from such longer periods and will be secured by condition.'
MM34	Para 5.136	117	Amend second sentence to read 'Developers will be encouraged to enter into Planning agreements will be used to ensure that the appropriate aftercare provisions remain in effect for the required aftercare period.'
MM35	Sand and gravel delivery schedule	136	Amend expected start date of Mill Hill near Barton in Fabis (MP2p) to show '2021'. Amend expected completion date for Cromwell Quarry to show '2023'
MM36	Appendix 2 – site allocation development briefs	138	Add final sentence to the introduction paragraph to Appendix 2 to read: 'Each site development brief includes a range of priority habitats, as identified within the Local Biodiversity Action Plan (LBAP), that could be included within the sites restoration. This is to allow flexibility as the most appropriate restoration will depend on site specific proposals.'

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MM37	Appendix 2 – site allocation development briefs	138	Amend second paragraph under 'Quarry restoration' in each development brief to read: 'Target rRestoration will depend on landform, hydrology and substrate characteristics.' Amend third paragraph under 'Quarry restoration' in each development brief to read: 'Restoration proposals should seek to maximise the extent of target habitat(s) and avoid 'habitat packing', where small areas of lets of habitats many different habitat types are packed into the site. Proposals should instead focus on maximising the biodiversity benefits from larger areas of priority habitat.' Insert additional bullet point under 'Water and flooding' in each development brief to read: 'Prior to making a planning application, applicants should discuss water abstraction issues with the Environment Agency'.
MM38	MP2k Bawtry Road West	139	Amend penultimate sentence under Quarry Restoration to read: It may therefore be appropriate to seek to expand this area by creating similar habitats within the restoration at Bawtry Road North-West. Delete first bullet point under 'Water and flooding' sub-heading: Potential indirect hydrological links to the Hatfield Moor SAC.
MM39	MP2I Scrooby Thomson Land	141	 Under 'Environmental and cultural designations' sub-heading, amend first bullet point to read: Impact on the setting of Grade II listed buildings Scrooby Top Farmhouse Restaurant and Scrooby Top Cottages and attached buildings two designated listed buildings due west of the site should be considered Amend third bullet point to read:

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		Working should avoid impacts on designated sites in the area including Scrooby sand pits, <u>Scrooby Top quarry</u> , <u>Mattersey Hil Marsh and River Idle Washlands SSSIs</u> .
		Delete penultimate bullet:
		Potential indirect links to the Birklands and Bilhaugh SAC and Sherwood Forest ppSPA.
		Under 'Amenity' sub-heading, amend second bullet point to read:
		Screening to mitigate potential noise, dust and visual impacts should be provided from residential properties to the north west of the site.
MP2m Scrooby North	143	 Under 'Environmental and cultural designations' sub-heading, amend first bullet point to read: Impact on the setting of <u>Grade II listed buildings Scrooby Top Farmhouse Restaurant and Scrooby Top Cottages and attached buildings two designated listed buildings</u> due west of the site should be considered
		Delete penultimate bullet point:
		Potential indirect links to the Birklands and Bilhaugh SAC and Sherwood Forest ppSPA.
MP2n Langford Lowfields North	146	Include additional bullet point under 'Environmental and cultural designations' sub-heading to read: • Impact on high quality agricultural land
		Amend third bullet point under 'Amenity' sub-heading to read:
		Provide screening of site from Westfield Farm to mitigate possible noise, dust and visual impacts'
	MP2m Scrooby North MP2n Langford Lowfields	MP2m Scrooby North 146 Langford Lowfields

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MM42	MP2o Besthorpe East	148	Include additional bullet point under 'Environmental and cultural designations' sub-heading to read: • Impact on high quality agricultural land
MM43	MP2p Mill Hill near Barton in Fabis	150	 Under 'Environmental and cultural designations' sub-heading, amend second bullet point to read: High archaeological potential to be managed through appropriate survey methods, including use of metal detector on conveyor belt Include additional bullet points to read: Consideration of the impact on the Green Belt Potential Impacts on Trent Valley Green Infrastructure Corridor Potential impacts on Attenborough Nature Reserve Amend bullet point under 'Amenity' sub-heading to read: Protection or suitable management of Barton in Fabis footpaths FP2, FP69, and BW1 and BW3 including retention of existing vegetation/screening where appropriate and provision of safe crossing points for users Amend bullet point under 'Water and flooding' sub-heading to read: Mitigation of potential flooding, including overland flood flows, should be considered through a Flood Risk Assessment as site lies in Flood Zone 3. No excavation within 45m of the toe of any flood defence or the River Trent itself. Insert new sub-heading 'Other' and include additional bullet points to read: Take account of the high-pressure gas main running across the site and meet the statutory safety clearances.

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			 East Midlands Airport should be consulted as part of any detailed planning application due to the quarries location in the airport safeguarding zone and the potential for bird strike arising from any restoration scheme.
MM44	MP3d Bestwood 2 North	152	 Under 'Environmental and cultural designations' sub-heading, amend first bullet point to read: The restoration scheme would have to demonstrate that the partial loss of the LWS could be outweighed by the greater than County need for the development and that high-quality habitat, at least equal to that which would be lost, could be established and maintained in the long term Amend reference in final bullet to read: In-line with the recommendations in the Minerals Local Plan Habitats Regulation Assessment Scoping Screening Report, any potential impacts on the Sherwood ppSPA will need to be fully investigated and mitigated as part of any planning application. Include additional bullet points to read: A survey for nightjar and woodlark will be required if trees are less than 20 years old. If these species are nesting, creation of replacement habitat will also be required Consideration of the impact on the Green Belt
MM45	MP7c Bantycock Quarry South	157	Include additional bullet point under 'Water and flooding' sub-heading to read: • Consideration of water quality in relation to the aquifer