



NOTTINGHAMSHIRE MINERALS LOCAL PLAN

**Sustainability Appraisal and Habitats Regulations
Assessment Post-Adoption Statement**

March 2021

1. Introduction

1.1. Nottinghamshire County Council adopted the Minerals Local Plan (MLP) on 25th March 2021.

1.2. This statement has been produced in line with paragraph (16) (3) and (4) of the Environmental Assessment of Plans and Programmes Regulations 2004 which incorporated the EU Strategic Environmental Assessment (SEA) Directive (2001/42/EC) into UK legislation. This requires the assessment of the effects of certain plans and programmes on the environment, which includes minerals local plans because of the likely significant effects they might have on the environment. Upon adoption of a plan or programme a statement is required to provide the following details:

- How environmental considerations have been integrated into the plan or programme;
- How the environmental report has been taken into account;
- How opinions expressed through public consultation on the sustainability appraisal process have been taken into account;
- The reasons for choosing the plan or programme as adopted, in light of other reasonable alternatives dealt with; and
- The measures that are taken to monitor the significant environmental effects of the implementation of the plan or programme.

1.3. This adoption statement addresses the above points and includes an overview of the Habitats Regulations Assessment.

2. Context

2.1. All local plans, including those for minerals, are required to complete a sustainability appraisal (SA) under S19 (5) of the Planning and Compulsory Purchase Act 2004. The purpose of the SA is to promote sustainable development through better integration of sustainability considerations into the preparation and adoption of plans. SA helps local planning authorities to ensure that their plans are compatible with the aims of sustainable development.

2.2. Sustainability appraisals incorporate the requirements of the Environmental Assessment of Plans and Programmes Regulations 2004 and ensure that potential environmental effects are considered together with social and economic effects.

3. Habitats Regulations Assessment Overview

3.1. Habitats Regulations Assessment (HRA) is required under the European Directive 92/43/EEC on the "conservation of natural habitats and wild fauna and flora" for plans that may have an impact of European (Natura 2000) Sites. HRA is the assessment of the impacts of implementing a plan or policy on a Natura 2000 Site. Its purpose is to consider the impacts of a land-use plan against conservation objectives of the site and to ascertain

whether it would adversely affect the integrity of the site. Where significant negative effects are identified, alternative options should be examined to avoid any potential damaging effects.

3.2. The first stage of the HRA of the MLP was a Screening Report (March 2019). Three European sites, Birklands and Bilhaugh SAC, Hatfield Moor SAC and Thorne and Hatfield Moors SPA, and the Sherwood possible potential Special Protection Area were considered within the scope of this HRA. It concluded that the MLP would not result in any likely significant effects on these sites. However, the Sherwood possible potential Special Protection Area (ppSPA) is located approximately 800m east of the Bestwood II North site allocation. There were not considered to be any linking impact pathways for likely significant effects on the ppSPA directly but, due to potential for likely significant effects on SPA bird populations through impacts on potential functionally linked land, the HRA made recommendations for Bestwood II North in respect of mitigation, which was referred to in the SA appraisal of this site.

3.3. The Local Plan Inspector subsequently requested that further analysis be undertaken specifically regarding potential hydrological impacts on the three European sites and Sherwood ppSPA, in the form of an appropriate assessment. A HRA Appropriate Assessment Addendum (March 2020) concluded that the MLP would not have an adverse effect on the integrity of any European site or the Sherwood possible potential Special Protection Area.

4. How environmental considerations have been integrated into the Plan

4.1. The process of sustainability appraisal played a key role in the preparation of the Nottinghamshire Minerals Local Plan (MLP). The SA was undertaken iteratively, such that at each stage of the Plan's preparation, the likely significant effects of the reasonable alternatives, overarching vision, strategic objectives, policies and site allocations on social, economic and environmental sustainability objectives were appraised. SA reports were produced describing the approach taken, identifying the likely effects and setting out any potential mitigation where negative effects were identified. Each successive stage of the document was informed by the SA results. This process ensured that environmental, social and economic considerations were integrated into the Minerals Local Plan throughout its development.

4.2. The first stage in the SA process involved the scoping of the sustainability issues for the Plan area in order to establish an appropriate appraisal framework. This resulted in the publication of the Sustainability Appraisal Scoping Report in November 2017.

4.3. The Scoping Report established the principles of the sustainability appraisal framework and set out the 14 sustainability appraisal objectives which were used to assess the Minerals Local Plan, together with the

associated decision-making criteria relating to each objective. These are shown in the table below.

SA objectives and decision-making criteria

Objective	Decision-making criteria
1. Ensure that adequate provision is made to meet local and national mineral demand.	<ul style="list-style-type: none"> • Will the plan/proposal identify adequate resources to meet local and national requirements over the plan period? • Will it identify suitable areas of land to serve current/future markets?
2. Protect and enhance biodiversity at all levels and safeguard features of geological interest.	<ul style="list-style-type: none"> • Will the plan/proposal have an adverse effect on internationally, nationally or locally important sites or legally protected species? • Will it affect habitats or species identified within the Nottinghamshire Local Biodiversity Action Plan (LBAP)? • Will it restore or create new habitat in line with LBAP priorities? • Will it support the retention/enhancement of the County's green infrastructure?
3. Promote sustainable patterns of movement and the use of more sustainable modes of transport.	<ul style="list-style-type: none"> • Will the plan/proposal reduce overall transport distances for minerals? • Will it reduce road haulage of minerals? • Will it promote alternative forms of transport? • Will it reduce/increase road congestion?

Objective	Decision-making criteria
	<ul style="list-style-type: none"> ● Will it result in sites that are well related to the main highway network? ● Will it require new transport infrastructure to be developed?
<p>4. Protect the quality of the historic environment, heritage assets and their settings above and below ground.</p>	<ul style="list-style-type: none"> ● Will the plan/proposal have an adverse impact upon heritage assets and/or their settings, including archaeological remains and historic buildings? Could any such harm be mitigated against? ● Will it conserve and/or enhance heritage assets and the historic environment? ● Will it respect, maintain and strengthen local character and distinctiveness? ● Will it enhance or increase our understanding of the historic environment?
<p>5. Protect and enhance the quality and character of our townscape and landscape.</p>	<ul style="list-style-type: none"> ● Will the plan/proposal have an adverse impact on local landscape character or areas of important townscape? ● Will it have an adverse effect on the openness and visual amenity of the Green Belt? ● Will it affect areas of public open space? ● Will it lead to landscape/townscape improvements? ● Will it result in development that is sympathetic to its surroundings in terms of design, layout and scale?

Objective	Decision-making criteria
	<ul style="list-style-type: none"> ● Will it contribute to the availability of local building materials to enable local distinctiveness to be retained in conservation projects and reflected in new development?
<p>6. Minimise impact and risk of flooding.</p>	<ul style="list-style-type: none"> ● Will the plan/proposal increase the risk of flooding? ● Will it help to alleviate flood risk or the impact of flooding? ● Will it seek to avoid flood risk?
<p>7. Minimise any possible impacts on, and increase adaptability to, climate change.</p>	<ul style="list-style-type: none"> ● Will the plan/proposal increase emissions of greenhouse gases from minerals development? ● Will it reduce emissions of greenhouse gases? ● Will it encourage the use of renewable energy sources? ● Will it help to reduce our vulnerability to the impacts of climate change? ● Will it help to increase the resilience of flora and fauna to climate change?
<p>8. Protect high quality agricultural land and soil.</p>	<ul style="list-style-type: none"> ● Will the plan/proposal have an adverse impact on soil quality? ● Will it result in the sustainable use of soils?

Objective	Decision-making criteria
	<ul style="list-style-type: none"> ● Will it lead to land contamination? ● Will it lead to the irreversible loss of best and most versatile agricultural land?
9. Promote more efficient use of land and resources	<ul style="list-style-type: none"> ● Will the plan/proposal promote the sustainable use of primary minerals? ● Will it encourage the use of recycled and secondary aggregates? ● Will it prevent the sterilisation of important mineral resources? ● Will it make use of previously developed land? ● Will it utilise existing infrastructure or minimise the need for additional infrastructure and land take?
10. Promote energy efficiency and maximise renewable energy opportunities from new or existing development.	<ul style="list-style-type: none"> ● Will the plan/proposal minimise energy needs? ● Will it contribute to renewable/low carbon energy targets?
11. Protect and improve local air quality.	<ul style="list-style-type: none"> ● Will the plan/proposal have an adverse impact on local air quality through the creation of dust or emissions of pollutants from facilities and transport? ● Will it adversely affect a designated Air Quality Management Area (AQMA)?

Objective	Decision-making criteria
12. Protect and improve water quality and promote efficient use of water.	<ul style="list-style-type: none"> ● Will the plan/proposal have an adverse impact upon water quality? ● Will it increase demand for water? ● Will it help to improve existing water quality? ● Will it incorporate sustainable water management and/or drainage?
13. Support wider economic development and promote local job opportunities.	<ul style="list-style-type: none"> ● Will the plan/proposal help to increase training and employment opportunities in Nottinghamshire? ● Will it help to enable wider economic development?
14. Protect and improve human health and quality of life.	<ul style="list-style-type: none"> ● Will the plan/proposal minimise adverse impacts of minerals activity on human health and quality of life and minimise levels of nuisance including dust, particulate emissions, noise (including traffic noise), vibration, visual amenity and light pollution? ● Will it promote best practice in the operation and restoration of sites? ● Will it help to enhance health and wellbeing through the provision of new or improved public open space/recreational space and access? ● Will it lead to a loss of public open space/recreational space or reduction in public access?

- 4.4. Subsequently, SA played an important role in assessing the reasonable alternatives which were considered as possible options to address the issues set out in the Minerals Local Plan Issues and Options consultation document. In order to assess which of the options would represent the most sustainable approach to dealing with each issue, a sustainability appraisal (SA) was carried out. The Issues and Options Sustainability Appraisal Report (March 2018) informed the next plan-making stage which was the Draft Plan.
- 4.5. SA was an integral part of the development of the vision, strategic objectives and policies of the Draft Plan and all the potential sites for minerals development were also appraised, as set out in the Draft Plan Interim Sustainability Appraisal Report (July 2018).
- 4.6. Following consultation on the Draft Plan, the Publication Version of the Nottinghamshire Minerals Local Plan was produced. This involved further stages of sustainability appraisal with proposed changes to the vision, strategic objectives and policies being appraised, as well as appraisal of new potential sites and changes to potential sites which had been appraised previously, as detailed in the Publication Version Sustainability Report (May 2019).
- 4.7. A number of Main Modifications to the Publication Version of the Plan were put forward by the County Council in response to the Local Plan Inspector's matters, issues and questions, representations made, and matters raised throughout the Examination, which was held in October 2020. Those modifications considered to be significant were re-appraised using the same methodology as that used at previous stages of the Plan, as set out in the Sustainability Appraisal and Habitats Regulations Assessment of Main Modifications Report (November 2020).

5. How the environmental report has been taken into account

- 5.1. The SA and plan-making process were iterative and at each stage recommendations arising from the SA were put forward for consideration by the plan-makers.

Options

- 5.2. The Issues and Options SA Report identified which of the options presented to potentially address each issue were considered the most sustainable, which helped the plan-makers to formulate their approach regarding which options to take forward, taking into account sustainability considerations together with other planning issues. For example, in terms of forecasting future demand the option of using the Local Aggregates Assessment average 10 year sales figure for all types of aggregates was the most sustainable option and in relation to the Plan's approach to the future location of sand and gravel quarries the SA found that the option of geographical spread across the County was one of the most sustainable options.

Vision

5.3. At the Issues and Options stage, the appraisal found that the vision failed to impart a sustainable overall approach to minerals development and it was recommended that the vision was revised to fully take into account the issues covered by several of the SA objectives. Consequently, the vision was re-drafted accordingly in the Draft Plan.

Strategic Objectives

5.4. The SA found that every MLP strategic objective was compatible with a number of SA objectives and overall that the MLP strategic objectives contributed positively to sustainability therefore no amendments were necessary as a result of the SA.

Policies

5.5. The SA results were considered by the plan-makers and contributed to the refining of policies throughout the development of the Plan.

Site Allocations

5.6. All potential sites for mineral extraction were appraised at the Draft Plan stage and following the Draft Plan consultation two additional sites were appraised and four amended sites were re-appraised. The SA of potential sites assessed the likely effects both for the operational period of mineral extraction and for the long-term (post-restoration). Where likely negative impacts were identified possible mitigation measures were noted. The results of the SA were then taken into account by the plan-makers as detailed in the Site Selection Methodology and Assessment document (May 2019).

Main Modifications

5.7. The re-appraisal findings concluded that the effects of the policies on the SA objectives had changed for two policies. Policy SP3 now had a positive long-term effect on SA objective 12 rather than having no clear link with that objective. Policy MP12 now had an uncertain short-term effect on 8 SA objectives instead of a slightly positive effect. However, there was no change to the assessment of cumulative effects of the policies on the SA objectives. In conclusion, there were no further recommendations for the Plan.

5.8. The Main Modifications SA Report was sent to the Planning Inspector for consideration.

6. How opinions expressed through public consultation (on the SA process) have been taken into account

- 6.1. An extensive programme of consultation supported the preparation of the MLP commencing with the initial Issues and Options stage. Consultation on the SA Scoping Report took place alongside the Issues and Options Consultation Document between 20th November 2017 and 14th January 2018. The second stage of plan preparation involved consultation on the Issues and Options Sustainability Appraisal Report and the Draft Plan Sustainability Appraisal Interim Report alongside the Draft Plan between 27th July and 28th September 2018. This was followed by consultation between 30th August and 11th October 2019 on the Publication Sustainability Appraisal Report alongside the Publication Version of the Plan. The final stage of consultation, which ran from 27th November 2020 to 8th January 2021, was on the Main Modifications following the Examination and this included consultation on the Sustainability Appraisal and Habitats Regulations Assessment of Main Modifications Report.
- 6.2. All comments received were given careful consideration and changes were made to the SA process where appropriate. In particular, at the Scoping stage, comments resulted in factual updates to the contextual information (baseline data and relevant plans, policies and programmes) for the SA, as well as amendments to, and expansion of, the key messages and sustainability issues identified and the decision-making criteria used in the appraisal framework.

7. The reasons for choosing the plan or programme as adopted, in light of other reasonable alternatives dealt with

- 7.1. Sustainability appraisal has played a key role in the formulation of the MLP, informing each successive stage of the document. The overarching vision and strategic objectives which guided the overall direction of the Plan and all the reasonable options on the issues to be addressed by the MLP were tested through the SA, ensuring that all reasonable alternatives were considered. Each proposed policy was tested through the SA and the cumulative effects of policies were also tested to ensure that all the potential significant effects (both positive and negative) of the Plan as a whole were identified. Where adverse effects were identified the potential measures for mitigation were set out. All potential sites for mineral extraction were also subject to sustainability appraisal.
- 7.2. The SA provided the plan-makers with the necessary information to evaluate the reasonable alternatives and choose the approach and options which represented the best balance between social, economic and environmental factors, whilst also taking into account other planning issues pertaining to minerals development and the findings of other appraisals such as the Habitats Regulations Assessment, Strategic Flood Risk Assessment, Strategic Transport Assessment, Equality Impact Assessment and Health Impact Assessment.
- 7.3. The Plan itself sets out a detailed justification for each policy and the Site Selection Methodology and Assessment document, referred to in Section 4

of this statement, provides the justification for the selection of allocated sites.

8. The measures that are taken to monitor the significant environmental effects of the implementation of the plan or programme

8.1. The Annual Monitoring Report (AMR) will be the vehicle for monitoring the significant environmental effects of implementing the Minerals Local Plan and the progress being made towards meeting the sustainability objectives of the Sustainability Appraisal. The AMR will monitor implementation using the indicators set out in the comprehensive monitoring and implementation framework shown in Appendix 4 of the Minerals Local Plan. This should enable any unforeseen adverse effects to be identified and facilitate an appropriate response to address them.

9. Further Information

9.1. Further information on the Minerals Local Plan and Sustainability Appraisal can be found on the County Council's website:
www.nottinghamshire.gov.uk/planning-and-environment/minerals-local-plan