

## Statement of Common Ground

### Housing Site Allocation H8 (Killisick Lane) and the Southern Extension to the Dorket Head Quarry

#### Introduction

This Statement of Common Ground (SOCG) is made between the following parties:

- Gedling Borough Council (as local planning authority);
- Gedling Borough Council (Property Department, as landowner of part of housing allocation site H8);
- Ibstock Brick Limited (land owner and mineral operator on adjoining land);
- Nottinghamshire County Council (as minerals planning authority).

#### Purpose of the SOCG

The purpose of the SOCG is to:

- Identify issues between the various parties and where there is agreement on solutions;
- Clarify issues where there remains a need for further agreement; and
- Demonstrate that the parties can work collaboratively to resolve outstanding issues.

**Section 1** deals with the identification of issues at the time of the Publication Draft Local Planning Document (May 2016) and clarifies which of these the parties considered were resolvable and those where potential agreement had not been reached. **Section 2** sets out what progress has been made since May 2016 between Gedling Borough and Ibstock Brick Ltd. in terms of resolving remaining issues; and **Section 3** contains a proposal for how these two partners can work together to resolve the outstanding issues<sup>1</sup>. In this context the proposal by Gedling Borough and Ibstock set out in **Section 3** is without prejudice to the mineral planning authority to determine any future planning application within the Dorket Head Quarry that falls within its remit.

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<sup>1</sup> This section concludes that the potential Southern Extension to the Dorket Head clay quarry can be achieved in tandem with the development of housing on site H8 (Killisick Lane in its entirety).

## 1.0 Section 1

### Background

- 1.1 Ibstock Brick are a national brick manufacturing company, employing 75 people and manufacturing over 96 million bricks per year at the Dorket Head site. Substantial investment has been made at the plant over recent years and continues annually in order to ensure the factory remains efficient. Bricks produced at the Dorket Head factory are substantially used in the house building sector.
- 1.2 The Dorket Head Brickworks is located to the west of Calverton Road and is supplied with clay from a substantial clay resource from the east side of Calverton Road. Clay is fed to the factory beneath the road on a conveyor, substantially avoiding the road transport of clay to the factory. The quarry is currently working through an area defined as the Eastern Extension and this area is anticipated to be largely complete by around 2026. Thereafter the remaining consented reserves beneath the clay stockpiles are planned to last until circa 2031.
- 1.3 Gedling Borough Council (GBC) as local planning authority published the Local Planning Document (LPD) for consultation in May 2016. The LPD was submitted for examination in October 2016 and hearings commenced in February 2017. Gedling Borough Council is also the landowner for part of the H8 (Killisick Lane) housing allocation and for the purposes of this SOCG is leading on behalf of the other landowners of this site. Gedling Borough Council as local planning authority is responsible for preparing the LPD and for determining future planning applications on allocated sites. The SOCG is prepared to support the implementation of the LPD and is without prejudice to the determination of a future planning application.
- 1.4 Nottinghamshire County Council is the minerals planning authority (MPA) responsible for drawing up the minerals local plan and for determining all planning applications relating to minerals and waste development including that associated with the Ibstock Brickworks and quarry.
- 1.5 The MPA has withdrawn its submission draft Minerals Local Plan (May 2017) and is embarking on the preparation of a new minerals local plan for the period up to 2036 and which will cover all minerals (see **Ex/119**). The Minerals Local Plan adopted in 2005 remains in force.
- 1.6 The clay resource is identified by the Minerals Planning Authority based on maps and data provided by the British Geological Survey and through further information and knowledge provided by mineral operators following site

specific investigation. The clay resource with the Mercia Mudstone Group is extensive covering large tracts of land in this vicinity including land adjoining and within the Arnold urban area. The MPA has defined minerals safeguarding areas and mineral consultation areas based on more defined strata of the Mercia Mudstone Group called the Gunthorpe Formation and the Sneinton Formation. These are specific bands of the overall Mercia Mudstone Group of more limited incidence where opportunity to recover the clay from surface working is more restricted. The minerals safeguarding areas show the geographical extent of these specific mineral resources and the consultation areas require local planning authorities to consult with the County Council on planning applications.

- 1.7 Gedling Borough Council has a housing target of 7,250 homes to be delivered by 2028 through a strategy that focusses housing growth at locations within and adjoining the Arnold and Carlton urban area where around 4,890 new homes are on proposed housing allocations. The LPD allocates a number of housing sites including a number on the northern and north eastern edges of Arnold amounting to around 900 homes.
- 1.8 As part of the consultation on the publication draft LPD May 2016 Ibstock Brick Limited submitted representations on site allocations:
- H2 (Brookfields Garden Centre);
  - H5 (Lodge Farm Lane);
  - H7 (Howbeck Road);and
  - H8 (Killisick Lane).
- 1.9 In summary, the representations raised the following issues:
- Sterilisation of the underlying clay resource within the allocation or on adjoining land through housing development; and
  - Potential impact on clay extraction through proximal working to new housing development.

#### Pre-examination changes

- 1.10 A number of changes were proposed by Gedling Borough Council planning officers and published in the Revised Schedule of Changes (14<sup>th</sup> December 2016 as **EX/10A**). These proposed changes outlined the need to consider the prior extraction of mineral resource as part of any planning application, appropriate mitigation and the phasing of development on site H8 (Killisick Lane) to align with the expected extraction of the clay resource on the adjoining quarry land.

#### Examination hearings

- 1.11 The issues have been discussed at the hearing sessions and the Parties understanding of their position is set out in **Appendix 1**, which reflects the situation as at May 2017. From this analysis, the Parties agreed that the remaining area of disagreement related to site H8 (Killisick Lane). Ibstock expressed reservations that the proposed timescales for delivery of homes on site H8 would meet with the planned continued extraction of clay from the Eastern Extension which would last until 2026. By this time, the delivery of housing on site H8 would have sterilised the only remaining area of unconsented resource in the quarry area, an area with potential for development of a 'Southern Extension' to the quarry. Since May 2017 the Parties have resolved to work together to resolve this issue which is set out in the remainder of this statement.
- 1.12 In June 2017, the Inspector wrote to GBC (**EX/122**) expressing concerns about the Killisick Lane allocation (230 homes) and inviting the Borough Council to consider removing this site allocation or to reduce it so that it does not extend beyond the existing built edge of the adjoining Brechin Close. The Inspector also asked the Borough Council to put forward a replacement site or sites to make up the shortfall.

## 2.0 **Section 2**

### Progress on the H8 (Killisick Lane) site since June 2017

- 2.1 A meeting was held on 7<sup>th</sup> July 2017 between Ibstock Brick Planning / Estates and GBC Planning Policy officers at which Ibstock outlined proposals to work in partnership and to bring forward in time a southern extension to their existing quarry workings at Dorket Head. This entailed consideration by Ibstock to divert funds and investment to seek planning consent on a proposed Southern Extension and commencing work immediately, with a view to submitting a planning application in the latter part of 2017 so to allow commencement of clay extraction in late 2018/early 2019.
- 2.2 Based on extraction commencing in late 2018/early 2019 and taking account of the need to blend the Southern and Eastern clays to maintain appropriate clay blends, the extraction could be substantially complete by 2021 and restoration commenced. The proposal for restoration includes using inert materials to restore ground in the Southern Extension and to re-create a screening profile between the quarry and proposed housing. The restoration scheme would potentially commence in 2021/22 and continue progressively substantially restoring the southern most areas of the southern extension by 2024 with inert restoration inside the quarry continuing thereafter. Ibstock have confirmed this intention in a letter dated 1<sup>st</sup> August 2017 published as **EX/123** on the LDP examination website<sup>2</sup>. Ibstock's proposals and timetable is set out below in more detail.
- 2.3 It is proposed that housing development could be phased in tandem starting in the southern part of site H8 subject to appropriate separation distances being maintained. On this basis, the housing development proposed at Killisick Lane could be phased, with the first phase of about 65 homes to commence in 2020/21 progressing northwards to align with Brechin Close and complete by 2021/2022. Phase 2, would commence in 2022/23 progressing northwards at which point it is expected that the extraction of clay would have finished. The housing trajectory for the Killisick Lane site (H8) is shown in **Appendix 2**. An indicative layout of the housing site is shown in **Appendix 3**.
- 2.4 On the 8<sup>th</sup> September a follow up meeting was held involving the same parties with the addition of Gedling Borough Council Property Department. In addition to sharing information and discussion of temporary footpath

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<sup>2</sup> <https://www.gedling.gov.uk/lpdexamination/examinationlibrary/>

diversion routes, a key outcome was to explore mechanisms for working in partnership which are set out in paragraphs 3.3 – 3.5 below.

- 2.5 Turning to the Local Planning Document, Gedling Borough Council has consulted on additional housing sites as invited to do by the Inspector. The consultation took place between 18<sup>th</sup> September and 30<sup>th</sup> October 2017. Taking into account the additional sites, the resultant housing supply up to 2028 is calculated as 8,237 homes. With the additional sites Gedling Borough Council considers it has a 5.28 year supply of housing land (Housing Background Paper Addendum 2 September 2017 (**EX/130**)).
- 2.6 The contribution to the five year housing land supply from the H8 (Killisick Lane) site has been revised as a result of these discussions. As a result of Ibstock's revised proposals clay extraction would be complete by 2021 with progressive restoration taking place such that the whole of H8 (Killisick Lane) could be delivered. It has been decided to take a cautious approach to housing delivery on site H8. The more recent five year land supply put back delivery to commence in 2020/21 and assumes 65 homes will be delivered as phase 1 (to align with Brechin Close) in the five year supply period (2017-2022). Previously it was assumed that 200 homes would be delivered in the same period 2017 – 2022 so this has been reduced by 135 (Further Revised Housing Background Paper May 2017(**EX/104A**)).

#### The proposed southern extension to the Quarry

- 2.7 Ibstock are actively working to submit a planning application with the Environmental Impact Assessment Scoping request submitted on 1<sup>st</sup> November 2017 (GBC reference 2017/1259NCC). The planning application will be submitted following determination by the Mineral Planning Authority of the Scoping request.
- 2.8 An indicative scheme showing the direction and method of working the clay is set out in **Appendix 4**. In summary this entails removal of vegetation commencing during late summer/autumn 2018. A wedge would then be cut in a north south direction to expose the clay face which would then be extracted progressively eastward. The clay would be worked out by summer 2021 with progressive restoration complete in the southern most area nearest site by 2024.
- 2.9 The existing quarry has a substantial belt of woodland areas and screening landforms both around the Eastern Extension and around the proposed Southern Extension area. The proposed clay extraction would provide for the retention of the existing landscaping bund and woodland plantations to the south of the existing quarry workings mitigating views from the urban area to

the south and east. As part of the southern extension trees will be retained for screening where possible and soils bunds established around the perimeter of the southern extension.

- 2.10 As part of the proposed development of housing allocations in the LPD, it will be incumbent on Gedling Borough Council the authority to ensure that screening is also built into the housing designs to mitigate views close to the houses. In relation to site H7 site (Howbeck Road) will new screening will be included at the northern end of the H7 (Howbeck Road). In relation to site H8 a retained landscape and ecological area to the north of the allocation will be included.

#### The Issue between the Parties

- 2.11 In the case of site H7 (Howbeck), there is agreement on:
- The need to include a substantial tree plantation / landscaping feature to the northern aspect of the development to prevent / mitigate future views into the quarry<sup>3</sup>.
  - The need to consider whether prior extraction of the clay resource is feasible before housing development starts.
- 2.12 In the case of site H8 (Killisick Lane), there is agreement on:
- The need to consider whether prior extraction of the clay resource is feasible before housing development starts;
  - The requirement for appropriate mitigation measures should be included to mitigate the potential conflict of impacts between the mineral extraction operations and new housing development. It is agreed that mitigation by design will be important in BOTH these scheme designs to avoid such conflict
  - The scope for housing development and clay extraction to take place in tandem, subject to appropriate phasing of development.
  - The requirement for Gedling Borough Council to ensure that site H8 will include substantive tree / landscaping belts to mitigate the creation of views into the existing or future quarry areas.
- 2.13 The remaining issue relates to the phasing of delivery of housing on site H8 (Killisick Lane) and the avoidance of the sterilisation of clay resources.

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<sup>3</sup> As discussed at the hearing session this tree plantation is likely to be provided off site to the north of site H7.

### 3.0 Section 3

#### Proposed way forward by Ibstock Brick Ltd and Gedling Borough Council

- 3.1 Gedling Borough Council, Ibstock Brick Ltd and Nottinghamshire County Council (where appropriate) undertake to work together to meet the following deadlines set out in the table below:

<b>Proposed southern extension to Quarry</b>	<b>Timing</b>	<b>Site H8</b>	<b>Timing</b>
<i>Ibstock Ltd to progress planning application</i>	November/December 2017	<i>Developer to Submit Planning application</i>	Outline planning application submit late 2018
<i>Decision by MPA</i>	Spring/summer 2018	<i>Decision by LPA</i>	summer 2019
<i>Southern area Ground preparation / tree removal</i>	Late summer/autumn 2018	<i>Phase 1 housing commences</i>	2020/21
<i>Clay extraction commences</i>	Late 2018/early 2019	<i>Phase 1 housing complete</i>	2021/22
<i>Clay extraction complete</i>	Summer 2021	<i>Phase 2 housing commences</i>	2022/23
<i>Progressive restoration of southern extension quarry</i>	2021 – 2024	<i>Phase 2 housing Complete</i>	Complete 2024/25
Continued working and restoration of the remaining permitted quarry operations	To 2042	Management and maturity of woodland screening et al	

#### Role of the Minerals Planning Authority

- 3.2 The minerals planning authority is the determining authority for minerals applications and this SOCG is made without prejudice to any future decision on the planning application. Nottinghamshire County Council as minerals



planning authority undertakes to carry out its functions and work with the parties in a cooperative manner and is mindful of timescales outlined above.

### Working in Partnership

- 3.3 The parties agree that there is an opportunity through close and cooperative working to achieve the required housing numbers and to avoid mineral sterilisation. It is therefore agreed that a Working Group will be set up to provide this close coordination comprising representatives from Gedling Borough Council Planning, Gedling Borough Council Property, Ibstock Ltd. and Nottinghamshire County Council as minerals planning authority.
- 3.4 The parties agree that this Working Group should be the forum for coordinating the submission and determination of planning applications and supporting material. This Working Group will undertake this role for the duration of the project and will be the initial body for discussing any issues that may arise and will undertake to seek to resolve any issues in a constructive way. The Working Group may, as appropriate, also consider the need for relevant input into development plans should this be necessary to take forward their proposals.
- 3.5 The Working Group will comprise the following members:
- Gedling Borough Council – Planning Policy/Development Management  
Gedling Borough Council - Property  
Ibstock Brick Ltd; and  
Nottinghamshire County Council as MPA.

### Conclusions

- 3.6 The opportunity to bring forward the Southern Extension to the clay workings in tandem with the delivery of housing on the H8 site is agreed. The partners undertake to expedite their part of the necessary processes to meet the timetable set out in section 3.1.
- 3.7 A more cautious approach to housing delivery on the H8 (Killisick Lane) site has been assumed which would allow for some slippage in the programme, should this occur.
- 3.8 This document has been prepared and supported by the following parties:
- Ibstock Brick Limited
  - Gedling Borough Council (LPA)
  - Gedling Borough Council (Property)
  - Nottinghamshire County Council (MPA).

## Appendix 1

Status of Issues as at May 2017

Ref/Site name	Issue	Proposed modification	comment
H2 Brookfields GC	H2 is within the minerals safeguarding area but unlikely to sterilise clay within the allocation.	Prior extraction of brick clay from the site should be considered through the planning application process. Consideration should be given to whether extraction is viable and feasible. Consultation with Nottinghamshire County Council as the Minerals and Waste Planning Authority will be required.”	Proposed MM <sup>4</sup> accepted by NCC and Ibstock Brick Ltd.
H5 Lodge Farm Lane	Allocation is more than 250 m from the factory so a suitable standoff can be achieved. Recommend the site be squared off.  H5 is within the minerals safeguarding area but unlikely to sterilise clay within the allocation. However, it would displace the buffer zone further north into the clay resource sterilising resources.	The north eastern corner of the housing allocation should be left open as a landscape buffer in order to minimise landscape and visual impact.”	Proposed MM accepted by Ibstock and GBC

<sup>4</sup> Proposed MM = Proposed Main Modification to the Local Planning Document

<b>Ref/Site name</b>	<b>Issue</b>	<b>Proposed modification</b>	<b>comment</b>
H7 Howden Road/Mapperley Plains	<p>Do not consider that allocation would sterilise workable deposits of clay.</p> <p>Recommend a tree belt at the northern end of the allocation to afford additional screening.</p>	<p>The site lies close to existing mineral and waste operations at Dorket Head. To protect both these operations and residential amenity the phasing of the site should align with the expected extraction of minerals and development should maintain an appropriate standoff from active operations. Other forms of mitigation, such as bunds and screening, may also be required. Prior extraction of brick clay from the site should be considered through the planning application process. Consideration should be given to whether extraction is viable and feasible.</p>	<p>Proposed MM accepted by Ibstock and GBC</p> <p>The potential tree belt was discussed at the hearing and solution of planting screen on GBC land.</p>
H8 Killisick Lane	<p>The LPD does not take into account that permitted quarrying will continue until circa 2031 subject to further extensions and thereafter restoration through to 2042..</p> <p>The proposed allocation could potentially sterilise clay resources towards the southern boundary of the Ibstock site due to the proximity of the housing to future clay working. The identified clay working area has the potential for 3 years clay recovery if the MPA judges that these clays are suitable/appropriate for extraction.</p>	<p>The site lies close to existing mineral and waste operations at Dorket Head. To protect both these operations and residential amenity the phasing of the site should align with the expected extraction of minerals and development should maintain an appropriate standoff from active operations. Other forms of mitigation, such as bunds and screening, may also be required. Prior extraction of brick clay from the site should be considered through the planning application process. Consideration should be given to whether extraction is viable and feasible.</p> <p>Consultation with Nottinghamshire County Council as the Minerals and Waste Planning Authority will be required.”</p>	Not agreed.

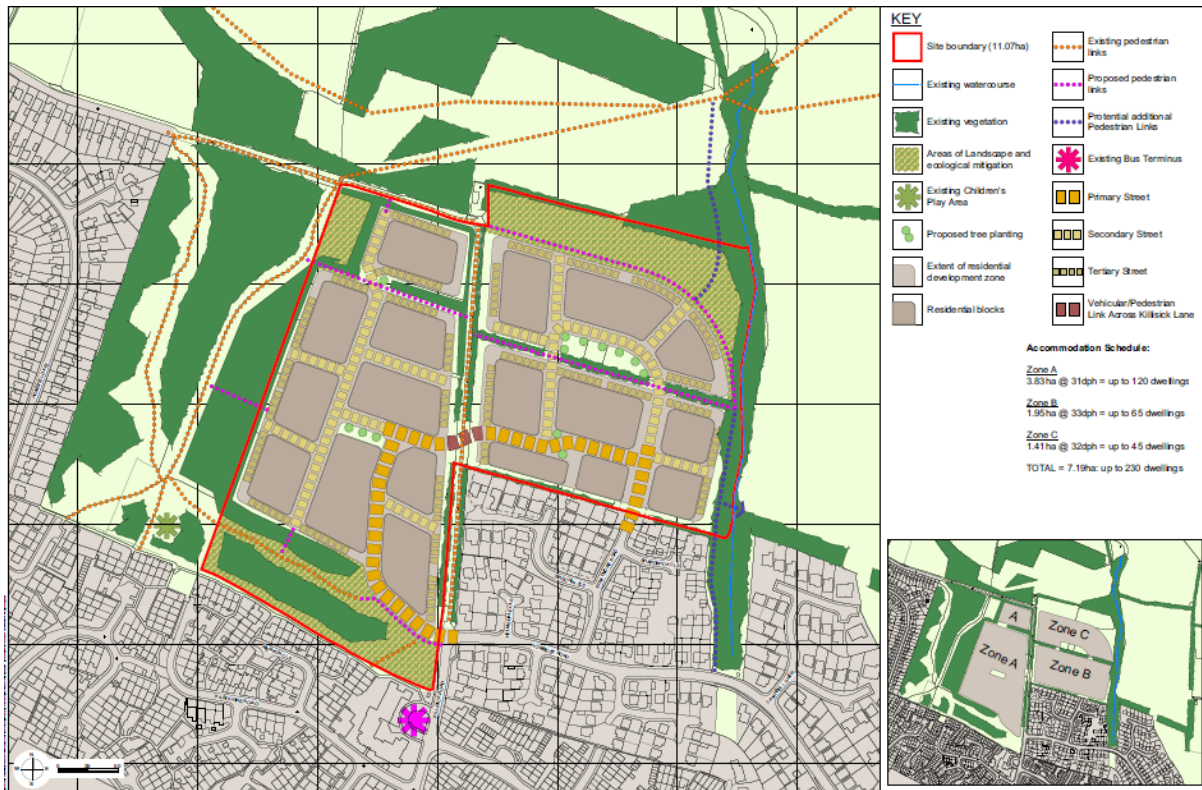
## Appendix 2

Revised Housing trajectory for Killisick Lane H8

<b>Year</b>	<b>2020/21</b>	<b>2021/22</b>	<b>2022/23</b>	<b>2023/24</b>	<b>2024/25</b>
Number of homes	15	50	55	55	55

# Appendix 3

## Indicative plan of housing development on Killisick Lane H8



# Appendix 4: Indicative plan of phased working DH Southern Quarry Extension

