



**Nottinghamshire
County Council**

**Hearing Position Statement on Behalf of
Nottinghamshire County Council (NCC) acting
in its capacity as Minerals Planning Authority
(MPA)**

**Matters concerning mineral safeguarding, the
operation of Dorket Head Quarry and Landfill
site and the development of Housing
allocations H2, H5, H7 and H8**

February 2017

Introduction

1. Nottinghamshire County Council (NCC) acting in its capacity as Minerals Planning Authority (MPA) for the Gedling area has been invited to participate in the Gedling Local Plan examination.
2. Within an email dated 30th January 2017 the Inspector requested the MPA to give its view on the implications of proposed housing allocations in the vicinity of Dorket Head brickworks, quarry and landfill site with regard to:
 - a. Determining whether or not there are any policies within the Gedling Local Plan which do not accord with the National Planning Policy Framework or the Planning Practice Guidance? (Matter 1, Issue 1F, Question 10);
 - b. Whether the housing allocations H5, H7 and H8 would be capable of coming forward in the plan period, having regard to its impact on the clay extraction and landfill operations at Dorket Head? (Matter 7, Issues 7d, 7e and 7f, Questions 30, 37 and 45)
 - c. Whether housing allocation H2 is capable of coming forward in the plan period, having regard to their impact on the clay extraction and landfill operations at Dorket Head? (matter 7, Issue 7a, Question 3)
3. The MPA previously issued a letter to Gedling Borough Council dated 19th January 2017 (reference EX/40) providing a response to questions asked by the Inspector concerning the potential impact on mineral resources and the wider operation of Dorket Head clay quarry and landfill site as a result of undertaking residential development on a series of housing allocations on the northern edge of Arnold, namely:
 - Brookfields Garden Centre (H2) [Policy LPD 64]
 - Lodge Farm Lane (H5) [Policy LPD 64]
 - Howbeck Lane/Mapperley Plains (H7) [Policy LPD 64]
 - Killisick Lane (H8) [Policy LPD 64]
4. This Hearing Position Statement provides more detail regarding the MPA's position for the forthcoming Local Plan examination, supplementing the advice incorporated in EX/40. It also incorporates a view on some new information brought to the MPA's attention by Ibstock Brick from a meeting held on the 20th January 2017 (at Ibstock's request) in respect of the company's aspirations for the future development of the brickworks and quarry.
5. The MPA's case has been prepared and will be presented by Michael Hankin. Mr Hankin is employed within NCC's Planning Group and holds a BA (Hons) in Urban and Regional Planning, a Diploma in Town and Country Planning. He is a chartered member of the Royal Town Planning and has over 25 years professional experience including 15 years dealing with minerals and waste matters. Mr Hankin is familiar with the mineral and waste planning issues associated with Dorket Head Quarry and Landfill and was the case officer responsible for processing the recent planning applications concerning the eastern extension of the quarry.

Requirement for stand-offs in mineral workings

6. Policy DM1 of the Replacement Minerals Local Plan (Submission Draft) (RMLP) acknowledges that mineral extraction by its very nature can have significant effects on the existing environment. Impacts such as visual intrusion, noise and dust usually necessitate a separation between uses. The MPA has evidenced this submission by making reference to an expectation that there would be a 'stand-off' distance required between residential property and the mineral interest. In this instance a 250m stand-off has been applied, this is consistent with the distance set out in paragraphs 3.9 and 3.10 of the Minerals Safeguarding background paper which informed the RMLP. Notwithstanding the use of a standardised stand-off, it is important to note that for the purposes of making decisions on planning applications the RMLP states that stand-off distances should be determined on a case by case basis informed from environmental appraisals because the level of impact is influenced by the operational practices utilised in the quarry, the machinery used and the local topography/screening in place.
7. The environmental performance of the existing operations at Dorket Head can also be reviewed to provide a level of understanding of the likely stand-off distance that would be required. Current activities associated with the operation of Dorket Head Quarry and landfill have generated local complaint. Whilst acknowledging that most of the historical complaints were associated with odour from the non-hazardous landfill site which has now been mothballed, the mineral extraction operations have not been complaint free and have been associated with noise from the extraction of clay using a mechanical box scraper. In the original working area complaints were received from properties on Jenned Road (approximately 250m between source and receptor) and following the commencement of works in the Eastern Extension complaints were received from properties in the location of Strathmore Road (approximately 400m between source and receptor). The matters were investigated and whilst the operations were audible at these locations, the noise levels were within permitted limits imposed on the planning permission and therefore not considered excessive.

Matter 1: Determining whether or not there are any policies within the Gedling Local Plan which do not accord with the National Planning Policy Framework or the Planning Practice Guidance? (Matter 1, Issue 1F, Question 10);

8. Ibstock's contention is that the draft Local Plan does not have due regard to national policy or guidance on safeguarding mineral resources and through the proposed housing allocations (H5 and H8 in particular) viable mineral resources at Dorket Head Quarry will be sterilised. Allied to this the proximity of allocation H5 could result in unreasonable burdens on the operation of the brickworks.
9. National Mineral Policy is principally set out within the NPPF and the supporting web based PPG. These state that non-mineral development should not needlessly sterilise mineral resources of local and national importance. The Replacement Minerals Local Plan Submission Draft (RMLP) Policy DM13: Mineral Safeguarding and Consultation Areas seeks to safeguard economically

important mineral resources from needless sterilisation by non-mineral development. The policy has been prepared to comply with the objectives of national policy. Areas of safeguarding in the vicinity of Dorket Head are identified on the RMLP Proposals Map (attached as Plan 1). The boundaries of the safeguarded land have been drawn up from information provided by the British Geological Survey.

10. The purpose of safeguarding is to ensure that mineral resources are taken into account when they are at risk from being lost to other development. Mineral safeguarding does not imply that mineral extraction is acceptable nor does the safeguarded designation aim to preclude other development in all circumstances.
11. The implications of minerals safeguarding policies on housing allocations H2, H5, H7 and H8 are considered in greater detail below. This advice has been informed by having regard to the likely stand-offs that would be required between existing and new housing development and assessing how this would be likely to affect currently approved and prospective future mineral reserves. The anticipated stand-offs are illustrated on Plans 2 and 3 which support this statement.
 - Allocation H2: The MPA consider the shape, size and proximity of allocation H2 to surrounding residential properties means that this site is extremely unlikely to be developed as a quarry. There is an opportunity for some prior extraction of mineral as part of the building works and the suggested modification in the supporting text of the plan identifies this fact. The MPA is satisfied that the approach identified in the modified Gedling Local Plan is appropriate and would ensure any viable mineral resource is not sterilised on this site.
 - Allocation H5: Allocation H5 comprises part of a much larger area of potential clay reserves which are identified as being safeguarded within the RMLP. The allocation is adjoined on three of its four sides by residential property and these existing properties would expect a stand-off to quarry development. If a stand-off of 250m was provided for these properties this would effectively sterilise the mineral which underlays the housing allocation site.

New housing developed pursuant to allocation H5 would not significantly influence the boundary of the buffer zone, this is because there is an isolated property to the north of the allocation (Stockings Farm) which already has the effect of sterilising mineral in the likely stand-off zone.

The MPA therefore is satisfied that allocation H5 is unlikely to directly sterilise any potential mineral reserves which underlay the site subject to a requirement for investigation of prior extraction.
 - Allocation H7: Only part of allocation H7 lies within the mineral safeguarding zone. The northern extent of the site is not on safeguarded land. As is the case with allocation H2, the MPA consider the proximity of housing, together with the the size and shape of the site means that it is extremely unlikely to be developed as a quarry. The MPA therefore

conclude that allocation H7 is unlikely to have a significant impact on mineral resources, subject to consideration of prior extraction of any mineral and the investigation of the need for potential screening/landscaping to be incorporated on the northern boundary of the site to screen views into the approved eastern extension area of Dorket Head Quarry.

- Allocation H8: The MPA originally raised concerns with Gedling Borough Council concerning the close proximity of allocation H8 to consented mineral workings within the Eastern Extension of the quarry. This resulted in changes to Policy LPD 64 and its justification text to ensure that development proposals would need to incorporate an appropriate stand-off from active operations by careful phasing of the development and suitable landscaping/screening measures. Following this modification the MPA is satisfied that allocation H8 would not prejudice the existing proven mineral reserve in the area. Notwithstanding this response, the Inspector is requested to note the following observations regarding potential additional reserves being investigated by Ibstock in close proximity to allocation H8.

Ibstock's aspirations for the future development of Dorket Head Brickworks and Quarry

12. On the 20th January 2017 a meeting was held between the MPA and Ibstock Brick (organised at Ibstock's request) wherein the company set out their aspirations for the future development of the brickworks and the quarry. Ibstock also discussed their concerns regarding the proximity of proposed housing allocations to the existing permitted brickworks and quarry and potential areas for future extraction. The company confirmed that they would be making these representations to the Gedling Local Plan examination process.
13. In summary Ibstock advised the MPA that that they are currently reviewing the availability of mineral resources both in their consented quarry and the surrounding land. This process has identified the potential to recover additional mineral by excavating the existing quarry to a greater depth than currently approved, and extending further to the south including extraction beneath an existing landscape screen mound on the southern boundary of the quarry, bringing the workings into closer proximity of existing residential property and housing allocation H8. The scheme would offer potential for inert waste disposal to partially infill the quarry void and ensure the site maintains natural drainage following restoration. The company outlined their concerns regarding the proximity of housing allocation H8 insofar that it would prejudice the implementation of the scheme and sterilise mineral.
14. In particular Ibstock state that there are areas in the original quarry which have not been fully extracted due to a requirement to retain a clay face to carry out landfill restoration against. With the alteration of the restoration scheme in the southern part of the original quarry to not utilise landfill disposal there is now an opportunity to amend the scheme of working. Subject to all environment impacts being addressed in a planning application this is in principle a scheme the MPA could support.

15. If Ibstock could successfully extract additional mineral from the quarry in a manner which protects the amenity of existing residential properties, the MPA consider it would provide a sustainable method of increasing the mineral reserve for Dorket Head brickworks and ensure that brick making clay is not sterilised. It would also assist in delaying a potential expansion of the quarry further into surrounding Green Belt designated farmland.
16. In this scenario, the MPA consider housing allocation H8 would constrain the expansion of the quarry and the recovery of additional mineral resources due to the proximity of the housing allocation effectively resulting in little or no stand-off with the two activities potentially being separated by a boundary fence. Thus if H8 was developed it would almost certainly preclude Ibstock from undertaking a southern expansion of their quarry due to the potential for environmental disturbance caused by the close proximity of the two uses. It therefore follows that the MPA should be registering an objection to allocation H8 on mineral safeguarding grounds.
17. Notwithstanding the reservations expressed above, the MPA question the viability of the some of the mineral resource currently being investigated by Ibstock and whether it is actually suitable for use for brick making purposes and viable for recovery. The MPA have the following observations in this respect.
 - a. The geological chapter of the Environmental Statement which supported the Eastern Extension planning application stated that the current depth of mineral working broadly coincides with the extent of the 'Gunthorpe Formation' clay reserve.
 - b. The MPA understand the depth of the Gunthorpe Formation reduces significantly towards the existing southern boundary of the quarry where mineral reserves are just a few metres as opposed to 19-22m thick on the northern perimeter of the site. The MPA therefore question whether there is any viable depth of Gunthorpe Formation clay reserve beyond the existing consented extraction boundaries of the quarry.
 - c. Any deepening of the quarry appears to penetrate into the underlying Radcliffe Formation. This clay is not currently used by Dorket Head brickworks.
 - d. Ibstock advised the MPA that they have not fully tested the suitability of clay from the Radcliffe Formation to confirm it is suitable for the manufacture of bricks.
 - e. The alternative site appraisal which supported the Environmental Statement prepared in connection with the Eastern Extension Planning Application did not identify that additional mineral may be obtained by deepening the quarry or by undertaking a southern extension.
 - f. Ibstock Brick have not previously raised the potential to excavate mineral in their quarry to a greater depth or extend their quarrying operations further to the south. In fact the assessment of alternatives prepared as part of the Environment Impact Assessment for the original quarry in 1997 stated that the scheme has been designed to release the full potential of the clay deposit. The company have also made no

submissions during the preparation of the Minerals Local Plan to identify the potential for a southern expansion.

- g. The company has effectively sterilised large areas of clay within the Radcliffe Formation by undertaking inert landfill over large areas of this claimed mineral reserve.
- 18. On balance, the MPA acknowledge that housing allocation H8 has the potential to sterilise mineral reserves which would be contrary to the approach set out within the NPPF (paragraphs 143 and 144) and web based PPG (paragraph 27-002, 27-003 and 27-005) the potential impact needs to be considered in the context of the reservations set out in the preceding paragraph in terms of whether there is a viable and useable mineral reserve in this location.

Matter 7: Whether the housing allocations H5, H7 and H8 would be capable of coming forward in the plan period, having regard to their impact on the clay extraction and landfill operations at Dorket Head? (Matter 7, Issues 7d, 7e and 7f, Questions 30, 37 and 45)

- 19. The MPA have identified that subject to facilitating the prior extraction of mineral within the H5 allocation, this residential development would not significantly impact clay extraction and landfill operations at Dorket Head. The housing development is therefore capable of coming forward without constraint from clay extraction and landfill operations.
- 20. With regard to allocations H7 and H8 the MPA wish to respond on the basis of two scenarios, Scenario 1 being the continuation of clay extraction in accordance with the currently approved planning consent and Scenario 2 being that Ibstock extract clay from beneath the base of the existing quarry and screen bund with potential restoration by inert landfill.

Scenario 1: Would the continuation of clay extraction following the approved planning consent affect the timetable for the delivery of housing in allocation H7 and H8.

- 21. The MPA wish to clarify the existing working situation at Dorket Head so as to assist the Inspector in terms of considering its likely impact on the housing allocations and the likelihood for delays in bringing these allocations forward. The boundaries of the consented permission areas are identified on the plan 4.
- 22. Clay extraction is presently taking place in an eastern extension of the site under planning permission reference 7/2013/0760NCC. This permission allows for the extraction of around one million cubic metres of clay over a ten year period. The clay is extracted on a campaign basis lasting 6-8 weeks every summer and the first campaign was undertaken in 2016. The planning permission allows clay extraction to take place between 7am and 7pm Monday to Friday and 7am to 1pm on Saturdays. Clay is extracted using a box scraper and is stockpiled on land adjacent to Woodborough Lane, from where it is transported to the brick factory by a conveyor which passes underneath Calverton Road. It is proposed to restore the eastern extension to low levels without any importation of waste material.

23. The granting of planning permission for the eastern extension was accompanied by a planning permission (reference 7/2013/0757NCC) which has 'paused' activities on the main part of the site, namely the extraction of clay and the restoration of that part of the site through landfilling. The temporary cessation of activities in this part of the site is required as the working of the eastern extension has effectively halted new landfill void space being created for disposal. Once the eastern extension has been worked and restored, clay extraction and landfilling could recommence along the northern boundary of the site, parallel with Woodborough Lane.
24. The low level restoration of the eastern extension has required a reduction in the landfill void on the existing site in order to allow the two areas to tie in together once both are fully restored. However, there remains around 190,000 cubic metres of landfill void remaining in the main part of the site and landfilling and clay extraction is anticipated to recommence around 2025 until around 2034.
25. Any planning applications to develop H7 and H8 for housing would need to be considered in the context of the potential impacts on the permitted quarrying and landfilling operations and vice versa. The MPA have met with Gedling Borough Council concerning this matter and modifications have been made to Policy LPD 64 and its justification text to ensure that development proposals would need to incorporate an appropriate stand-off from active operations and suitable landscaping/screening measures alongside the careful phasing of development.
26. In the context of allocation H7 it is anticipated that mitigation is likely to be limited to the provision of suitable landscaping and screening. The MPA consider there is unlikely to be a need to phase this development as to avoid impact. The operation of Dorket Head Quarry and Landfill is therefore unlikely to affect the phasing of this housing development.
27. In the context of allocation H8, the proposed housing development would be in much closer proximity to quarrying operations and the MPA therefore anticipate the potential need to phase the development so as to delay the construction of housing within the northern half of H8 until such time that quarrying and restoration is complete in the Eastern Extension to maintain an adequate stand-off. Quarrying and restoration in the Eastern Extension is timetabled to be complete around 2026-27, but the progression of the Eastern Extension into phases 2 and 3 after around 2021 means that a 250m stand-off would be provided at around this time.
28. Mineral extraction and restoration by landfill within the 'paused' original quarrying area which would progress after the mineral reserve is exhausted in the Eastern Extension (around 2025) is considered to be sufficiently remote from the H8 allocation to avoid significant impacts that would affect the timetabling for this development, although the MPA wish the record of previous complaints in respect of noise and odour to be noted.

Scenario 2: Would the extraction of clay to a lower level in the quarry base including a southern extension affect the timetable for the delivery of housing in allocation H7 and H8.

29. In the context of allocation H7 it is anticipated that the site is sufficiently remote from the possible extended quarrying operations being considered by Ibstock to not affect the phasing of this housing development.
30. In the context of allocation H8, the MPA have previously identified that (subject to this extended area being considered on the basis of a proven mineral reserve) the extended mineral reserve would potentially be sterilised by the development of housing on the H8 allocation. The MPA would recommend in this scenario that housing is not developed within H8 until the completion of mineral extraction and subsequent restoration. Because the scheme is likely to require the removal of a landscape bund which acts as both a visual and acoustic screen it would be most appropriate to undertake this phase of the quarry as the final phase so as to ensure existing property is screened for the maximum duration. This would effectively timetable the quarrying works until after 2030 and therefore beyond the Gedling Local Plan period.

Matter 7: Question on housing allocation H2 as to whether it is capable of coming forward in the plan period, having regard to their impact on the clay extraction and landfill operations at Dorket Head? (Matter 7, Issue 7a, Question 3)

31. The MPA consider the timetable for the development of the H2 allocation would not be influenced by the consented clay extraction and landfill operations associated with Dorket Head Quarry, nor any future southern expansion.