



**Nottinghamshire
County Council**

**Addendum to 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**

June 2017

Introduction

1. The purpose of this addendum document is to update the hearing on NCC's position in connection with minerals safeguarding issues following the Councils decision to withdraw the draft Nottinghamshire Minerals Local Plan from the forthcoming examination.

NCC's involvement in the examination of the Gedling Local Plan

2. Nottinghamshire County Council (NCC) acting in its capacity as Minerals Planning Authority for the Gedling area participated in the Gedling Local Plan examination through the submission of a hearing position statement (examination document 45) and attending/providing evidence to the hearing sessions on Tuesday 28th February 2017.
3. NCC's evidence primarily concerned the proximity of new housing developments identified in the Gedling Local Plan (allocations H2, H5, H7 and H8) to existing and future clay extraction associated with Dorket Head Quarry.

NCC's decision to withdraw the draft Nottinghamshire Minerals Local Plan

4. At the 25th May 2017 the full council of NCC agreed to withdraw the draft Nottinghamshire Minerals Local Plan. Officers were instructed to carry out an immediate review of the aggregates need assessment and to initiate the preparation of a revised Minerals Local Plan.
5. The background to the Councils decision to withdraw the draft Nottinghamshire Minerals Local Plan is set out within their report to full council on 25th May 2017 (see appendix 1). This report sets out that the decision to withdraw the plan was due to concerns expressed by the new Council, that it was based on data that was a number of years old and that this does not reflect recent trends of lower sand and gravel production levels in the County. The decision to withdraw the draft Minerals Local Plan was therefore taken to enable these most recent production trends to be taken into account to assess future needs for aggregates (primarily sand and gravel) in the preparation of a revised draft Nottinghamshire Minerals Local Plan.
6. NCC wrote to Gedling Borough Council on the 1st June 2017 to update the Inspector of the above decision (a copy of the Councils letter is listed as examination document 119)

Implications of the decision to withdraw the draft Nottinghamshire Minerals Local Plan on evidence previously submitted to the examination process.

7. The evidence previously provided by NCC to the Gedling Local Plan examination in respect of minerals safeguarding issues referenced planning policy incorporated in the draft Nottinghamshire Minerals Local Plan and the NPPF.

8. NPPF Annex 1 states that consideration can be given to policies within draft plans, with greater weight being afforded to plans as they progress towards adoption. Since the County Council no longer propose to adopt and wish to review the draft Nottinghamshire Minerals Local Plan, it is no longer appropriate to rely on its policies in planning decisions.
9. Since the mineral safeguarding policies of the draft Minerals Local Plan were extensively referenced in NCC's previous advice to the Gedling Local Plan examination, the Council consider there is a need to provide this supplementary addendum to reassess its advice to the Gedling Local Plan examination.

NCC advice to Gedling Local Plan Examination following the withdraw of the draft Minerals Local Plan

10. NCC remain of the view that mineral safeguarding issues should continue to be taken into account in land allocation issues currently being made within the Gedling Local Plan to ensure that known deposits of minerals are not unnecessarily sterilised by non-mineral development.
11. Whilst acknowledging that NCC's February 2017 Position Statement extensively references the draft Nottinghamshire Minerals Local Plan in terms of mineral safeguarding policies, the NPPF promotes the need for development plans to incorporate mineral safeguarding, notably:
 - Policies within the NPPF are material considerations that should be taken into account in the preparation of plans. (paragraph 212)
 - Planning authorities should define Minerals Safeguarding Areas and adopt appropriate policies in order that known locations of specific minerals resources of local and national importance are not needlessly sterilised by non-mineral development. (paragraph 143).
 - Local Planning Authorities should not normally permit other development proposals in mineral safeguarding areas where they might constrain potential future use for these purposes. (paragraph 144)
12. In terms of the boundaries of the safeguarded area, the NPPF advises that defining these areas is a local matter that should be considered as part of plan preparation process. The draft Minerals Local Plan sought to establish these boundaries, and its withdrawal leaves Nottinghamshire without an up to date adopted boundary for safeguarding mineral working.
13. Whilst acknowledging the above, the withdrawal of the draft Nottinghamshire Minerals Local Plan is not a reason to ignore safeguarding issues. In the absence of a more relevant identification of potential safeguarding areas, the plan which supported the draft Minerals Local Plan remains the most appropriate geographical identification of the boundaries of the potential mineral safeguarded areas in Nottinghamshire. In particular it is noted that:

- NCC have started work on reviewing their evidence base on minerals production with a view to progressing a revised plan towards adoption at the earliest possible opportunity.
 - This review process will primarily concern itself with recent sand and gravel production levels to identify future projections of sand and gravel need and the identification of sites to meet this need.
 - The decision to withdraw the draft Minerals Local Plan was not made due to concerns relating to the minerals safeguarding policy, neither were there concerns relating to the proposals for the supply of brick clay. The minerals safeguarding areas for clay within the draft Minerals Local Plan review are therefore anticipated to be unchanged in any future plan.
 - The boundaries of the clay mineral reserve in the Dorket Head area identified for safeguarding within the draft Minerals Local Plan were informed by published data issued by the British Geological Survey.
 - The location of the mineral reserve is geologically fixed, it will not change as part of any plan review process.
 - Planning permission is in place to work mineral reserves in the consented quarry on a phased basis. The closer proximity of residential property proposed in the Gedling Local Plan housing allocations has potential to affect the operators ability to extract these consented reserves, particularly if appropriate boundary treatments and timetabling arrangements are not in place.
 - The operator of Dorket Head brickworks and quarry has aspirations to work further mineral reserves in closer proximity to the housing allocations proposed in the Gedling Local Plan. These aspirations could be jeopardised by proposed residential property coming closer to the quarry (primarily H8) unless there is suitable acknowledgement and accommodation as both developments occur.
14. NCC therefore remain of the view that minerals safeguarding should continue to be a consideration in the preparation of the Gedling Local Plan. In the absence of any more definitive document at this present time NCC consider it continues to be appropriate to reference the Policies Map from the withdrawn draft Minerals Local Plan as defining the boundaries of the Mineral Safeguarding Area.
15. NCC therefore maintain its position in terms of minerals safeguarding and the potential implications for housing allocations H2, H5, H7 & H8 which are set out in the hearing position statement dated February 2017 and therefore maintains its previously stated advice/recommendations to the Inspector.

Appendix 1: Report to Nottinghamshire County Council's Full Council Meeting of the 28th May 2017 in connection with the withdraw of the draft Nottinghamshire Mineral Local Plan.