

INDEPENDENT EXAMINATION OF THE GEDLING LOCAL PLANNING DOCUMENT (PART 2 LOCAL PLAN)

Representations on behalf of Ibstock Group Limited

Comment ID lpd_pub_b/269

MATTER 7: HOUSING ALLOCATIONS IN/ADJACENT TO THE URBAN AREA

Preamble

1. Ibstock Group Limited (Ibstock) is concerned that the draft Local Plan has not given due regard to minerals safeguarding in putting forward several allocations in close proximity to its Dorket Head Brickworks. The inspector is asking questions for each allocation as to whether they comply with paragraphs 143 and 144 of the National Planning Policy Framework, the Planning Practice Guidance, advice from British Geological Survey or the County Councils policy on minerals.
2. Both the NPPF and the PPG are clear that non-mineral development should not needlessly sterilise mineral resources of local and national importance. This equally applies to resources within the confines of an existing quarry, any future extension to that quarry, or any new quarry.
3. It is clear that the proposed allocations would potentially sterilise clay resources both within the allocated site and in adjoining land. In one case (allocation H8) the proximity of the allocation would also affect land within the mineral site (the extent of which is defined on Inset Map 20 within the submission draft of the Nottinghamshire Minerals Local Plan, MLP); not only permitted reserves but also possible future extensions (be they lateral or vertical).
4. The NPPF makes incumbent upon local planning authorities (i.e. including Gedling BC and not just Nottinghamshire County Council as MPA) through paragraph 143 (NPPF) to define minerals safeguarding areas and adopt appropriate policies within their plans.
5. At the local level the draft Minerals Local Plan has two relevant policies: the first relates to the provision of clay (Policy MP6) and the second relates to minerals safeguarding (DM 13).
6. For allocations H2, H5, H7 and H8 the inspector has asked the same questions:

“Would the development of housing on [H2, H5, H7 H8] harm the clay extraction and landfill operations at Dorket Head? Would these operations result in a delay to this housing allocation coming forward for development?”

Would the development of housing on [H2, H5, H7 H8] accord with the County Council’s policy on minerals, the National Planning Policy Framework (paras. 143 and 144), the Planning Practice Guidance and advice from British Geological Survey? [Policy LPD 64]

7. Representations were made by Ibstock on 4 July 2016 (Comment ID lpd_pub_b/269)¹. Section 3.1 to the representation sets out the considerations of national policy.

Issue 7a: Questions 3 and 4

Response

8. Referring to the Inset Map 20 within the submission draft of the Nottinghamshire Minerals Local Plan the proposed allocation 'H2' is within the minerals safeguarding/minerals consultation area (the MLP indicates that the both such areas are identical), as it lies on clay deposits identified by the BGS.
9. It is accepted that minerals safeguarding does not preclude non-mineral development, but requires consideration to be given to whether the mineral deposit would be unduly sterilised, not only at the present time, but for future generations.
10. It is not uncommon to define a stand-off or 'buffer zone' around a mineral working. There is no prescribed distance but such stand-offs typically can range from 100m to 500m depending on the mineral deposit. An average stand-off is therefore around 250m. This is alluded to by Nottinghamshire County Council in their statement "*Hearing Position Statement on Behalf of Nottinghamshire County Council (NCC) acting in its capacity as Minerals Planning Authority*" [EX/44 and EX/45].
11. Having considered the location of the allocation, and the need to provide a suitable 'buffer zone' to protect the amenity of residential properties located on the eastern side of Howbeck Road and northern side of Crawford Rise, it is considered unlikely that the resources would be worked as part of any quarry.
12. In view of the presence of clay resources under the allocated site, Ibstock agrees with the council's suggested modification (paragraph 3.6, page 148) for the requirement for prior extraction of clay resources. This is seen to accord with NPPF paragraph 143 (fifth bullet point).
13. Whilst little consideration seems to have been given to national or local policy on safeguarding, given the need to stand off from Mapperley Plains Road, then the allocation (H2) is unlikely to prejudice development of the mineral resources that lie to the east of Mapperley Plains Road.
14. Subject to the amendment of the text to the Local Plan, Ibstock would not contest the allocation.

Issue 7e: Howbeck Road/Mapperley Plains (H7) Questions 37 and 38

Response

15. For the same reasons as set out for issue 7a (allocation H2) Ibstock do not consider that allocation H7 would sterilise workable deposits of clay.
16. Again in view of the presence of clay resources under the allocated site, Ibstock agrees with the council's suggested modification for the requirement for prior extraction. In addition, Ibstock would suggest that the policy includes a requirement

¹ Representation in relation to the Gedling Borough Council Local Plan Allocations (Publications Draft, May 2016) Simon Ingram Planning & Estates Manager (South), Ibstock Brick, 4th July 2016

for the provision of a landscaped tree belt at the northern end of the allocation to afford additional screening (as opposed to the use of “may be required”).

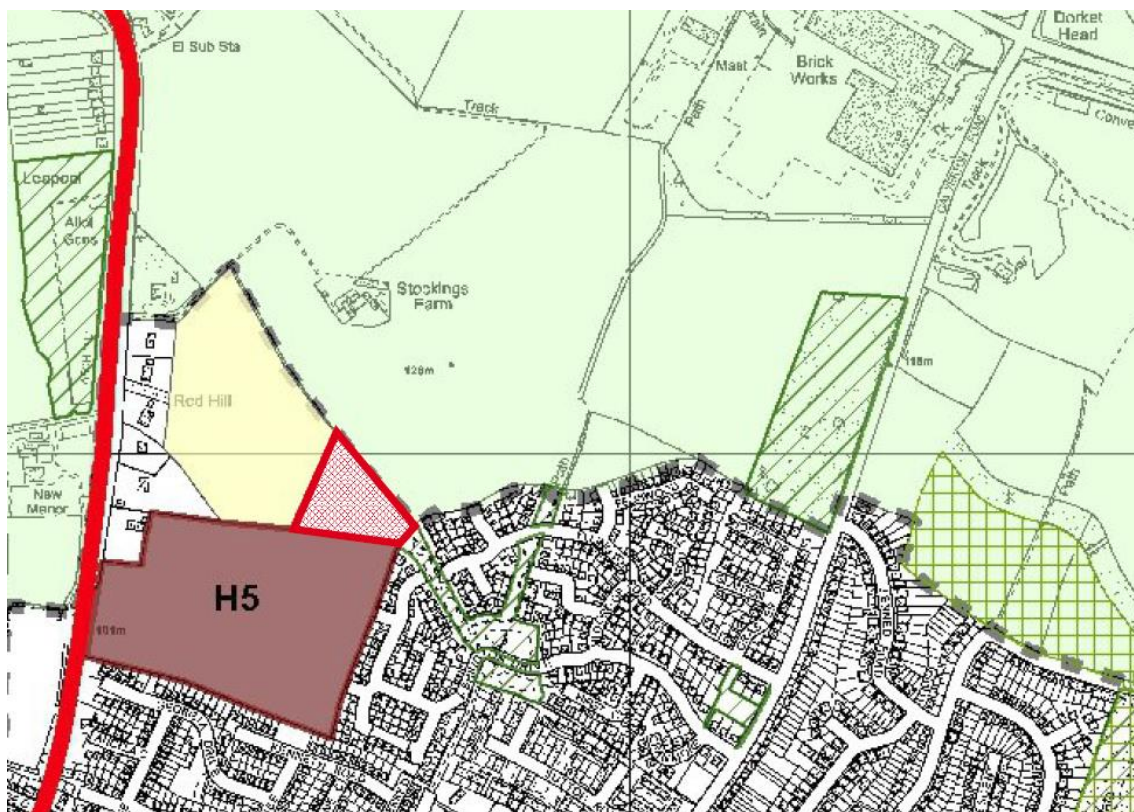
17. Subject to the amendment of the text to the Local Plan, Ibstock would not contest the allocation.

Issue 7d: Lodge Farm Lane (H5) Questions 30 and 31

Response

18. Allocation H5 would not affect the existing clay extraction operations at Dorket Head.
19. The proposed allocation is over 250m from the brick factory (as shown on **EX/46**) and so a suitable standoff can be provided. Thus, it is possible to for new housing to be developed without unduly constraining the existing operation. However, Ibstock would strongly suggest that the allocation is ‘squared-off’ by removing the northern triangular area, as illustrated by the red stipple in Figure 1 below. Ibstock would also request that text included for Howbeck Road/Mapperley Plains (H7) relating to additional mitigation is included in the supporting text (paragraph 3.10 of the Local Plan).

Figure 1



Area to be excluded from the allocation shown shaded red

20. Notwithstanding the foregoing, the allocation, in common with land to the north, is situated on clay resources identified in the draft MLP and thus is within a safeguarding/consultation area prescribed by the County Council. In view of this the allocation would potentially sterilise clay resources. The allocation would generally lie

within 250m of the existing settlement limits, and so be within a 'buffer zone' (i.e. any future quarry workings would potentially not extend into the allocation area). As such the allocation is unlikely to directly sterilise clay resources. However, the effect of developing the allocation would move the buffer zone further northwards into the mineral resource, thereby sterilising clay resources that could otherwise have been worked.

21. It is noted that Stockings Farm is located within the resource block; whilst this would potentially require a standoff (if it remained in private ownership), the distance is not normally as extensive as for settlement edges, often being defined through consideration of potential effects arising from noise, dust etc). Notwithstanding this, it is not uncommon for farm buildings to be acquired with mineral bearing land and as such would remove the constraint. This point has not been recognised by Nottinghamshire County Council in **EX/44**).
22. Thus, whilst the development of the allocation would not necessarily sterilise resources directly underneath, it would potentially sterilise resources by displacing the buffer zone further into the resource block. It is therefore questionable if this complies with national policy (paragraph 143 and 144) in relation to safeguarding. If the inspector is minded to agree to the inclusion of the allocation it would be better to have a requirement for the provision of a minerals assessment. In this respect Ibstock would suggest the addition of the following wording:

“provision of a mineral assessment identifying the potential effect of the proposed development on the mineral resources beneath and adjacent to the site”.

Issue 7f: Killisick Lane (H8)

Response

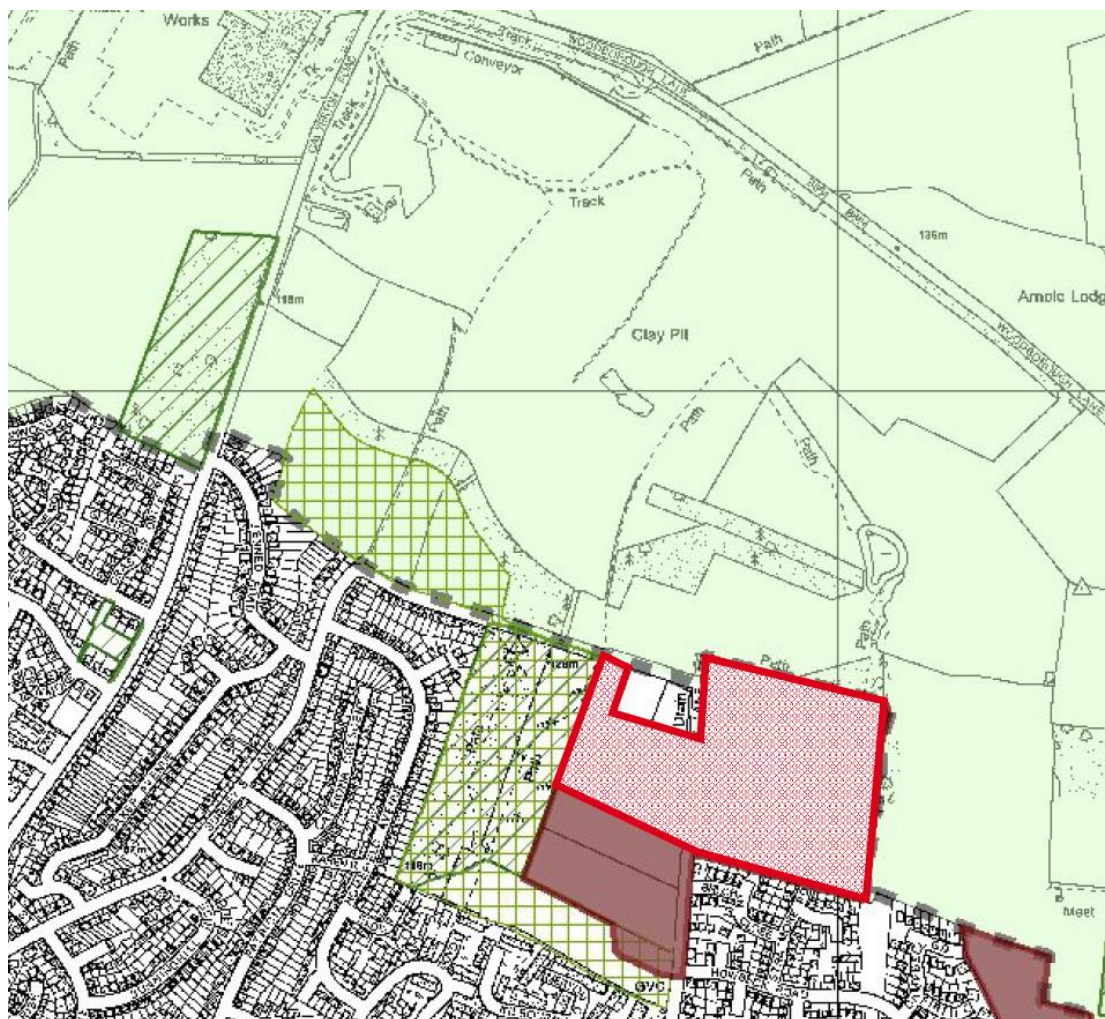
23. This allocation extends up to the southern boundary of the Dorket Head clay workings, effectively leaving no 'buffer zone' between the proposed new housing and the site boundary. The Local Plan effectively relies on an existing field and woodland shelter belt planted at the northern end of the field. This area was historically excluded from earlier planning applications to allow for landfill containment and afford visual screening of the workings. It should be noted though that Ibstock has undertaken geological investigations within this land and proven a workable deposit of clay (being the same formation as currently worked, see below).
24. Dependant on whether non-hazardous landfill occurs in the future it is not unreasonable to expect the field to be worked on retreat. In this respect, advance woodland planting would be undertaken along the southern boundary and restoration of the northern faces completed. The land would be progressively worked in a southerly direction gradually lowering the profile and opening up views into the restored workings. If housing is established in H8, then this option is removed and the clay resources within the site sterilised.
25. The site has traditionally worked the Gunthorpe Formation (see section 2.1 and 2.2 of Ibstock representation) to supply the brickworks. A lateral extension of the workings (the eastern extension) was granted on 17 December 2013 (planning permission ref. 7/2013/0760NCC) and provided for a ten year extraction programme. Extraction commenced within the extension in 2016, meaning that it should be exhausted in c. 2026. Thereafter, the remaining consented reserves adjacent to the

northern boundary would be worked for a period around 4 years. As such clay working would continue under the current planning permissions until c. 2030.

26. Based on the above, there are around 14 years consented reserves remaining in the quarry. National policy (NPPF, paragraph 146) indicates that a landbank of permitted reserves should be held at each brickworks equivalent to 25 years. This is recognised in the emerging policy MP6 (Brick Clay Provision) in the draft MLP (see section 3 of Ibstock representation). The MLP indicates that the landbank will be met from “*extraction of remaining reserves*” at Dorket Head. As noted above, Inset Map 20 shows the extent of Dorket Head, and includes land up to the southern boundary of Ibstock’s ownership.
27. The Gunthorpe Formation lies over another mudstone deposit known as the Radcliffe Formation (see section 2.2 of Ibstock representation). To date this deposit has not been worked for clay at Dorket Head but it does represent a potential resource and consideration has been given to it in relation to reporting under the Pan European Reporting Code (PERC). It is not unusual for this deposit to remain unworked; firstly it is usual to work out all deposits of known mineral quality and suitability for the brickworks (i.e. the Gunthorpe Formation). Secondly, to work deposits at depth requires the overlying deposits to have been worked and so often requires the quarry expanded to its maximum footprint.
28. Ibstock is currently examining the potential for using the Radcliffe Formation within the brickworks as a single source of clay (i.e. not blended with other clays). Preliminary laboratory tests have been undertaken which are encouraging. Ibstock now propose later in 2017 to undertake more extensive production testing of the deposit.
29. Restoration of the deepened quarry workings could be achieved through the importation of inert waste materials. This would benefit the county by providing additional void capacity (which is understood to be on short supply).
30. The inference in the Local Plan is that once clay working in the eastern extension advances into the second phase it would be outside of 250m and thus the allocation could be released (as shown on **EX/47**) This assumption is looking at the quarry as it stands today and not how it may be developed over time. It doesn’t take into account that quarrying will continue until c. 2030 and more importantly, it doesn’t take into account the possibility of further applications to release further resources of clay in order to maintain a landbank of 25 years at the brickworks. Allocation H8 would sterilise clay resources situated along the southern boundary of the site.
31. In view of this it is difficult to see how allocation H8 can accord with the requirements of paragraphs 143 and 144 of the NPPF. Ibstock would though accept a smaller allocation by excluding the area shaded red in Figure 2, which is considered to be more in keeping with the provisions of the NPPF.
32. At the local level, policy is quite clear in that:
 - Policy MP6 sets out the landbank of clay reserves at Dorket Head will firstly be met from within the site; and
 - Policy DM13 provides *inter alia* that 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 and that the development would not pose a serious hindrance to future extraction in the vicinity

33. The Local Plan initially did not make any reference to the workings Dorket Head; the proposed changes do not address the potential for housing development to sterilise clay resources which may be approved in the future and as such fail to meet the requirements of the MLP unless the allocation is phased to be released after mineral extraction has been completed.

Figure 2



Area to be excluded from the allocation shown shaded red

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