



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

**HEARING POSITION STATEMENT  
ON BEHALF OF:  
GEDLING BOROUGH COUNCIL, MR FOSTER AND THE  
TRUSTEES OF CONSTABLE'S FIELD FOUNDATION**

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

**ISSUE 7F: KILLISICK LANE (H8) [POLICY LPD 64]**

**REPRESENTATION NUMBER: 9299041**

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**Issue 7f: Killisick Lane (H8) [Policy LPD 64]**

A parcel of land to the north of H8 is under control of the joint landowners. This land can provide an additional 15 dwellings and forms a logical extension to the proposed allocation. The Concept Plan (**Appendix 1**) demonstrates how the site can be developed comprehensively to deliver 230 dwellings. Policy LPD 64 – H8 and the Policies Map should therefore be amended to include this additional land for 230 dwellings.

**43. Is the proposed allocation justified and appropriate in terms of the likely impacts of development?**

43.1 Policy LPD 64 of the Local Planning Document (LPD) proposes the allocation of land at Killisick Lane for 215 dwellings. The site is located immediately to the north of Howbeck Road, adjacent to the northern edge of Arnold, adjoining the main built up area of Nottingham.

43.2 The LPD seeks to allocate sufficient sites to meet the objectively assessed housing needs of the Borough for the period to 2028, as set out in the Aligned Core Strategy (ACS). The LPD seeks to maximise development on brownfield sites, and over 75% of housing provision is met within or adjoining the urban areas; such as Killisick Lane. This approach is fully in accordance with ACS Policy 2 (Spatial Strategy), which seeks to deliver sustainable development through urban concentration and regeneration, by developing land in or adjoining the main built up area of Nottingham.

43.3 The likely impacts of development are minimised through locating development where it can be highly accessible by sustainable transport. The proposed allocation at Killisick Lane is therefore considered to be justified and appropriate, and fully in accordance with the Spatial Strategy of the ACS.

**44. Is the proposed allocation deliverable? In particular, is it:**

**a) Confirmed by the landowner involved as being available for the use proposed?**

44.1 The site is being jointly promoted by Gedling Borough Council, Mr Norman Foster and The Trustees of Constable’s Field Foundation as landowners. The landowners have met with Gedling Borough Council as Local Planning

Authority (LPA) to discuss delivery of the draft allocation, and this partnership working will continue. The site is available for development, and all 230 dwellings are anticipated to be delivered within the 5-year period to 2021/22.

**b) Supported by evidence to demonstrate that safe and appropriate access for vehicles and pedestrians can be provided?**

44.2 The proposed development can deliver up to 230 dwellings; 120 dwellings to the west and 110 dwellings to the east of Killisick Lane. The site will be accessed via extension to Howbeck Road (at the junction with Killisick Road) and an extension to Strathmore Road. The two parcels can be linked by the internal primary street network, or by a pedestrian/cycle link, possibly including emergency access.

44.3 The Preliminary Transport Assessment concludes that given the relatively low traffic volumes on Killisick Road, Howbeck Road and Strathmore Road, there will not be any significant concerns with regards to highway capacity at, or within the vicinity of the site.

44.4 The Assessment demonstrates that safe and suitable access to the site can be achieved for all. Arnold Town Centre is 1.9km walking distance from the site, and contains a range of goods and service providers. Two primary schools are within a 700m walking distance from site, with the nearest secondary school located approximately 1.9km from the site. Recreational facilities and local shops are all located within 825 metres of the site. The nearest bus stop on Killisick Road is 350 metres walking distance, and provides a high frequency service to and from Nottingham City Centre via Arnold. All distances are calculated from the centre of the site.

44.5 This location is considered to be sustainable due to its position on the edge of an established suburban area, resulting in a number of amenities and destinations being accessible by various sustainable travel modes.

**c) Deliverable, having regard to the provision of the necessary infrastructure and services, and any environmental or other constraints?**

- 44.6 The landowners are jointly promoting the site to deliver a comprehensive residential development.
- 44.7 The site adjoins the main built up area of Nottingham and is therefore a suitable location for development, and would help meet housing requirements in a sustainable manner in accordance with the Spatial Strategy (ACS Policy 2). Technical work (including preliminary Transport Assessment, Landscape and Visual Technical Note and Level 1 Flood Risk Assessment), demonstrates that the site is not at risk of flooding and there are no access or other technical constraints to prevent the site from being developed.
- 44.8 The site lies adjacent to a local nature reserve and access to Killisick Lane would involve the loss of a small part of this site. In accordance with Policy LPD 64, an area of land north of the allocation will be provided as compensation, providing appropriate areas of landscape and ecological mitigation.
- 44.9 The development of Killisick Lane accords with the ACS Spatial Strategy which seeks to achieve sustainable development through urban concentration and regeneration. The delivery of this site will ensure maximum use is made of existing infrastructure and reflects the need for regeneration in parts of the main built up area of Nottingham. There are therefore no viability reasons or significant infrastructure constraints to prevent delivery within 5 years.

**45. Would the development of housing on H8 harm the clay extraction and landfill operations at Dorket Head? Would these operations result in delays in this housing allocation coming forward for development? [Policy LPD 64]**

- 45.1 A specialist minerals/waste consultancy (Heaton Planning Limited - HPL) have been instructed to advise on this issue. HPL have considerable experience in the field of minerals/waste planning, including mineral safeguarding and related considerations. This answer has been split into three sub-questions:

- 
1. *Does the housing proposed within policy H8 harm existing operations with regard to clay extraction and landfill at the Dorket Head site?*
- 45.2 The potential ‘harm’ that could be caused by H8 is to hinder mineral/waste operations due to its proximity to such operations. This is sometimes referred to as sterilisation through ‘proximal development’ where housing is in such close proximity to the mineral/waste operations that it becomes practically difficult to operate without causing unacceptable impact on nearby residential amenity.
- 45.3 Effectively the question therefore is whether there is an appropriate “stand-off” distance between H8 and current mineral/waste operations. Our opinion is based on considerable experience of clay and landfill development and is as follows.
- 45.4 Whilst planning policy often gravitates towards a ‘set’ stand-off distance between housing and mineral operations it is often practically possible to achieve reduced standoff distances through good mineral/waste site design, site management and various mitigation measures including bunding, screening and advance planting.
- 45.5 Clay working is normally much less intensive than other surface mineral workings e.g. aggregate quarries/surface coal workings. Clays are usually recovered over a relatively short period annually, known as a ‘campaign’ basis. Typically, this involves 2 months working with movable plant with the clays then put to stock. There is clear evidence from both guidance and practical examples that clay working can satisfactorily take place closer than the general 200-250m buffer zone advised in policy for most surface minerals. Standoffs between clay operations and housing vary between as little as 50m through to 250m depending on site circumstances - contours, vegetation, screening etc. At Dorket Head clay working has previously taken place at a distance of 100-180m from the northern edge of Arnold (Surgeys Lane/Jenned Road).
- 45.6 **Appendix 2 and 3** illustrate the potential relationship between H8 and permitted clay/landfill operations. **Appendix 2** is an annotated copy of drawing PAS8.2a submitted as part of the most recent Planning

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Applications at Dorket Head which resulted in a formal pause in landfill operations and an eastern extension to the clay workings. We have marked onto this extract (which shows the operational position in 2012) the extent of the proposed housing allocation and made other relevant notes. We understand that clay working is now underway on phase 1 of the eastern extension. **Appendix 3** shows in schematic terms some theoretical standoff distances from H8.

45.7 These plans demonstrate that the majority of permitted clay/landfill operations lie outside a notional stand-off of 250m and that only a minimal amount of permitted operational land lies within a 200-250m distance. There would appear to be little or no permitted operational development inside a 200m standoff. In our professional judgement, given the nature of clay workings and, in particular in light of the proposed restoration of the eastern extension to lower level without landfill, the proposed housing allocation will have negligible potential to hinder permitted operations.

45.8 In expressing this view, we appreciate that landfill operations in the existing void (as shown on **Appendix 3**) could re-commence in future. However, there is no set standoff for distance between housing and landfill operations. Adopted waste management policies require existing waste management sites to be safeguarded from proximal development. However, paragraph 7.50 of the adopted Waste Core Strategy (WCS) is clear that a careful balance should be struck between safeguarding waste sites and avoiding excessive constraint to other forms of development.

45.9 WCS background evidence appears to suggest it is important to minimise the number of residential properties within 250m of a mineral/landfill site to avoid nuisance and potential impact on human health. Taking this into account and with reference to **Appendix 3** and the potential standoffs from H8 it can be seen that in the event that landfill recommences at Dorket Head within the existing void situated between previously landfilled areas and the eastern extension clay working (where no landfill is permitted) only a small proportion of H8 (as shown on **Appendix 3**) would lie within a notional 250m standoff.

45.10 **Appendix 2** highlights the extent of past tree woodland/planting/habitat establishment carried out by the brickworks operator on land immediately

north of the site. This provides considerable screening, buffering and physical separation between H8 and the current operational area (residual void/clay stocks) to the north and therefore any potentially resumed landfill. The woodland planting and nature conservation results from past mineral permissions/conditions which have excluded this land from mineral working and required its planting/management for screening purposes and long term beneficial ‘soft’ land uses.

45.11 Therefore, our overall view is that H8 will not harm the permitted clay extraction and landfill operations (which are temporary forms of development) at Dorket Head as a consequence of it being a potentially constraining proximal and permanent development. There is sufficient standoff distance, screening and physical separation to allow H8 to be developed and the permitted Dorket Head operations to proceed unhindered.

2. *Does the housing proposed within policy H8 harm potential future/further clay extraction (and potentially landfill)?*

45.12 Firstly, part of H8 is subject to the ‘Brick Clay Safeguarding Area’ of the adopted Minerals Local Plan 2005 (MLP). Also, the emerging Minerals Local Plan – Submission Draft 2016 (eMLP) contains “Mineral Safeguarding and Consultation Areas” (MSCA). To provide clarity, plans are enclosed as **Appendix 4 and 5** - an extract of the eMLP showing the extent of the MSCA in the vicinity of Dorket Head, and a site plan of H8 with the MSCA plotted on it. Relevant extracts from the MLP are included as **Appendix 6**, whilst the eMLP is included within the examination library under reference **LPD/MIN/01**.

45.13 To summarise what can be quite a complex area of mineral policy, it is evident that H8 is situated only at the margins of the MSCA, and the MSCA represents a broad geological and theoretical understanding of the clay reserve in this area. It is therefore our judgement that it is highly unlikely that H8 would needlessly physically sterilise immediately underlying clay of economic importance. In coming to this view we have taken into account the considerable extent of the potential clay resource in this area, which includes significant areas under the built up area of Arnold, and paragraph 2.13 of the adopted MLP. The MLP confirms the geological clay

resource is vast and sterilisation is only likely to be a justifiable constraint adjacent to permitted or allocated areas where further extensions are possible.

45.14 The question is therefore whether H8 has the potential to excessively hinder further areas of clay working at the Dorket Head site. The MLP confirms this could be either un-worked land with planning permission for clay extraction or land allocated for clay working in the MLP or eMLP.

45.15 We are therefore examining whether there are any areas of permitted but un-worked clay or allocated extensions to the Dorket Head site situated within a notional radius of say 250m of the housing allocation?

45.16 Within the MLP and the eMLP we can find no allocation for future extensions to the Dorket Head site. Rather, the MLP appears to indicate that, other than the eastern workings there are unlikely to be any further extensions to Dorket Head. The MLP envisages the brickworks may in the long term rely on imported clay from elsewhere. The eMLP indicates no further extensions and that brick clay supply will be maintained from remaining permitted reserves only. By contrast the eMLP proposes an extension to Kirton Brickworks site to maintain its brick clay supply.

45.17 In regard to potential extensions we have also examined the EIA “Alternatives” Assessment which accompanied the Ibstock Planning Application for the eastern clay extension to Dorket Head. These “main” alternatives included areas of land lying to the north of the workings shown on **Appendix 2** but, more tellingly, does not consider any potential areas of future workings to the south of the existing workings – i.e. land within a 250m distance of the northern edge of H8. The assumption that can be drawn from this formal EIA is that potential clay working of land situated between the existing operations and H8 is not considered a main or reasonable alternative to the eastern extension that is now being worked.

45.18 Examination of past permission and committee reports clearly indicate the land immediately north of H8 (in the notional 250m zone from H8) has been excluded from working of clay in past mineral/waste permissions (see **Appendix 3**) with planning controls requiring its planting and habitat



establishment. The area is now well established with extensive areas of woodland and grassland and it is also crossed by public rights of way. Given these uses it would appear that 20+ years of land management have created a degree of environmental constraint to future surface clay working.

45.19 Given the absence of any policy allocations for clay working, as well as the current land use, it appears there is only a remote prospect of future clay working (and therefore any follow up landfill) within a 250m radius of the housing allocation.

3. *Would either existing or future operations result in delays in the housing allocation coming forward for development?*

45.20 Based on the answers to Q1/Q2 above we consider that, on a ‘worst case/’precautionary’ basis, a potential delay in the delivery of the northern most phase of H8 might only be required in the event that proposals come forward to extend clay workings south of the existing quarry void into the area of woodland/nature conservation located north of H8.

45.21 As explained there appears only limited prospect of proposals for additional clay extraction and landfill obtaining planning permission given the absence of any MLP allocation, specific planning permission to work this area and given the level of environmental constraint. Notwithstanding those points, clay working is not “out of the question”, but our view is that both the housing development and clay working could both be designed, managed and mitigated (by e.g. screening, bunding, phasing of operations, etc.) to achieve workable stand-offs and minimisation of impact of each development on the other. This requires co-ordination and co-operation. We are particularly sceptical that if clay working were planned in this area whether there is potential for follow on landfill. Our view is informed by the following:

1) Landfill is at the bottom of the waste hierarchy and is not the preferred method of management. The need for landfill is therefore much reduced.

- 2) The WCS does not indicate any future, further requirement for landfill at Dorket Head or extension to the existing landfill.
- 3) The current landfill has now been paused for an extended period.
- 4) The eastern extension involves restoration to a lower level without landfill and such an approach could be adapted to both existing operational areas and potentially future areas.

**46. Would the development of housing on 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]**

46.1 In light of the issues explored above (Q45), the development of housing on H8 would not cause significant conflict with aforementioned development plan policy and relevant material considerations. This approach is confirmed by the County Council as Minerals and Waste Planning Authority at **Appendix 7** [EX/40].

**47. What are the exceptional circumstances which justify the removal of this site from the Green Belt?**

47.1 The Aligned Core Strategy (ACS) recognised there are exceptional circumstances to, where necessary, amend Green Belt boundaries for strategic sites, and undertake a review of the Green Belt in order to allocate non-strategic sites. It was shown that full and objectively assessed housing needs could not be met without the removal of land from the Green Belt; the Inspector’s Report confirms that the “*exceptional circumstances required for alterations to Green Belt boundaries exist*”.

47.2 Following adoption of the ACS, a Green Belt Assessment was undertaken by Gedling Borough Council (GBC) in July 2015 to assess how well parts of the Green Belt are performing its purpose and to look at defensible boundaries; identifying those parts most and least valuable in Green Belt terms. As a result, the Assessment helped to inform decisions about precise Green Belt boundaries and forms part of the LPD evidence base.

47.3 The Green Belt Assessment set out a series of broad areas and sites which have been reviewed against the five purposes of Green Belt as defined by

the NPPF. Sites 10 and 11 within Broad Area D include land comprising Killisick Lane, and the Green Belt study states that:

- Site 10 (scores 8 out of 20) has three boundaries with the urban area, a degree of containment and reasonably strong defensible boundaries. It notes that there is no encroachment but development would not reduce the gap to a settlement and or impact on historic character.
- Site 11 (scores 11 out of 20) has only one boundary with the urban area and moderately strong defensible boundaries. There is no encroachment but development would not reduce the gap to a settlement or impact on historic character.

47.4 As result of the Green Belt Assessment and landscape and visual analysis undertaken by Pegasus, it is clear that the development of Killisick Lane, would have an extremely limited impact on the openness of the Green Belt.

47.5 Paragraph 83 of the NPPF states that Green Belt boundaries should only be altered in exceptional circumstances, through the preparation or review of the Local Plan. At that time, authorities should consider Green Belt boundaries having regard to their intended permanence in the long term, so that they should be capable of enduring beyond the plan period.

47.6 The site is located immediately adjacent to the main built up area of Nottingham and therefore accords with the sequential approach to site selection when reviewing Green Belt boundaries as set out in ACS Policy 3.

47.7 Having assessed the methodology in the Green Belt Review (2015) and undertaken a landscape and visual analysis of the site, it is justified that the site should be allocated for housing development. Strong, permanent and defensible boundaries are in place and will be retained or enhanced. As such, development of the site is considered to have extremely limited effects on the openness of the Green Belt.

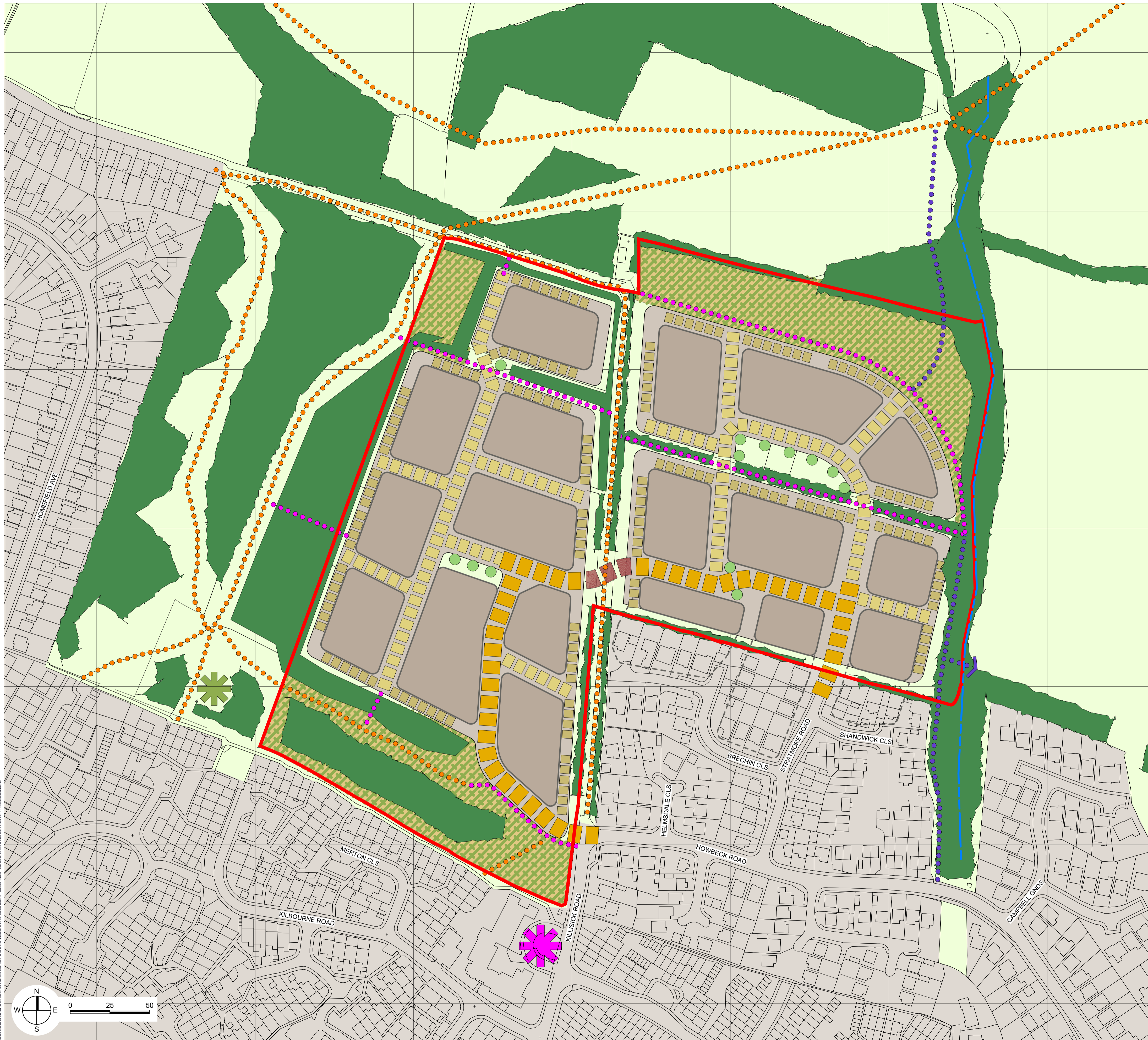
47.8 On the basis of the landscape and visual analysis, and the constraints and opportunities identified, it is considered that the impact of residential development would be very limited and that residentially-led development can be accommodated in the local landscape in a manner which would be acceptable in landscape and visual terms.

47.9 A Concept Plan has been produced showing that a development of up to 230 dwellings can be satisfactorily delivered. The development capacity has been carefully considered to ensure there is a comprehensive strategy for green infrastructure and open space which retains and creates appropriate mitigation.

**48. The Housing Implementation Strategy (LPD/HOU/01] indicates that the Council will invite the developer/owner of this site to participate in a partnership approach to facilitate partnership working to help deliver this site. Why is this necessary? What is the timetable for this work?**

48.1 Pegasus Group, and the landowners, met with GBC to discuss delivery of H8 Killisick Lane on 27<sup>th</sup> June, 18<sup>th</sup> August, 1<sup>st</sup> December 2016 and 17<sup>th</sup> January 2017. These meetings have confirmed that there are no barriers which will impact on the development coming forward. We are keen to continue meeting with GBC to progress submission of an outline planning application. Partnership working is already well established and will continue to deliver this site in accordance with Policy LPD 64.

**Appendix 1: Concept Plan**



**KEY**

Site boundary (11.69ha)	Existing pedestrian links
Existing watercourse	Proposed pedestrian links
Existing vegetation	Potential additional Pedestrian Links
Areas of Landscape and ecological mitigation	Existing Bus Terminus
Existing Children's Play Area	Primary Street
Proposed tree planting	Secondary Street
Extent of residential development zone	Tertiary Street
Residential blocks	Vehicular/Pedestrian Link Across Killisick Lane

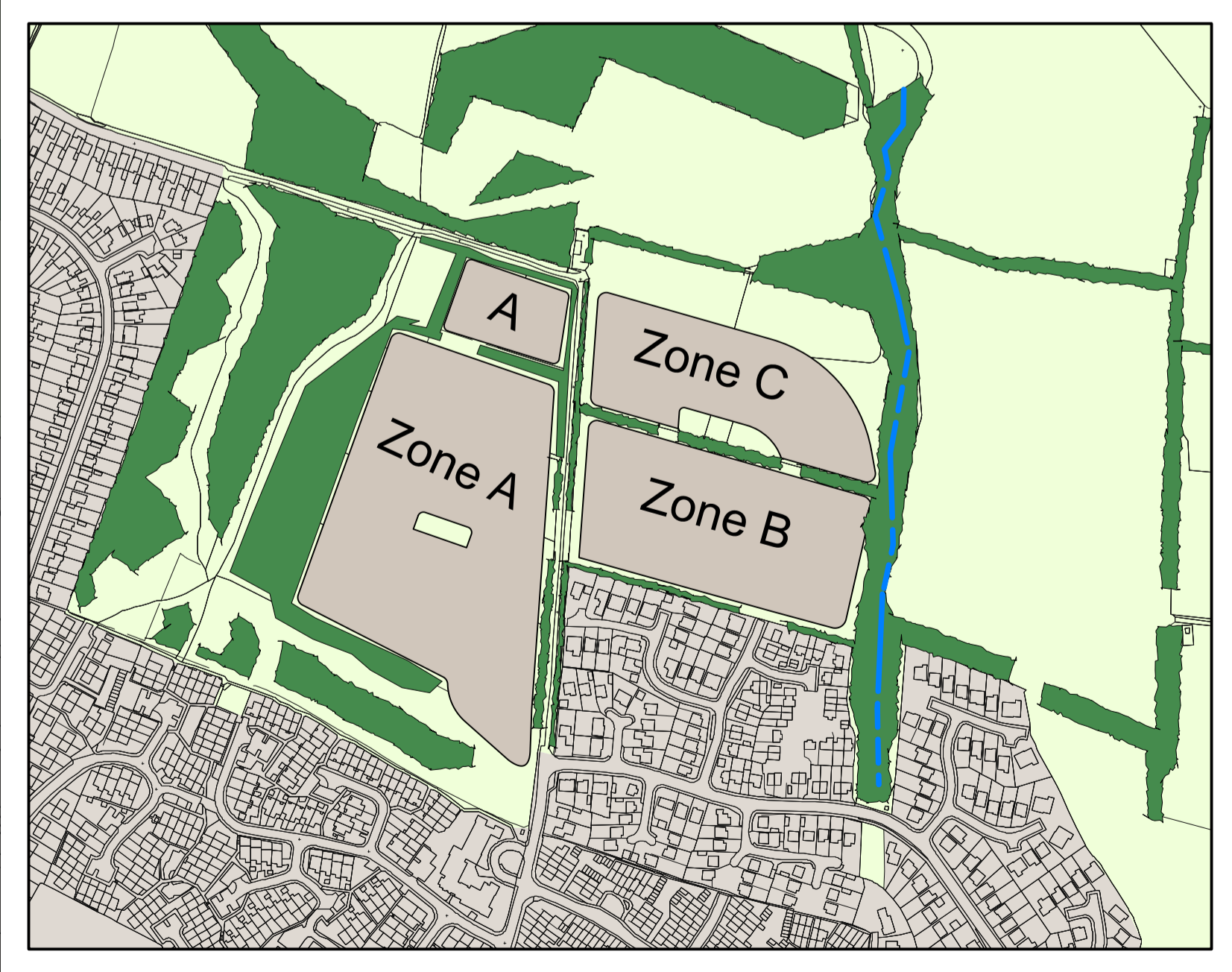
**Accommodation Schedule:**

Zone A  
3.83ha @ 31dph = up to 120 dwellings

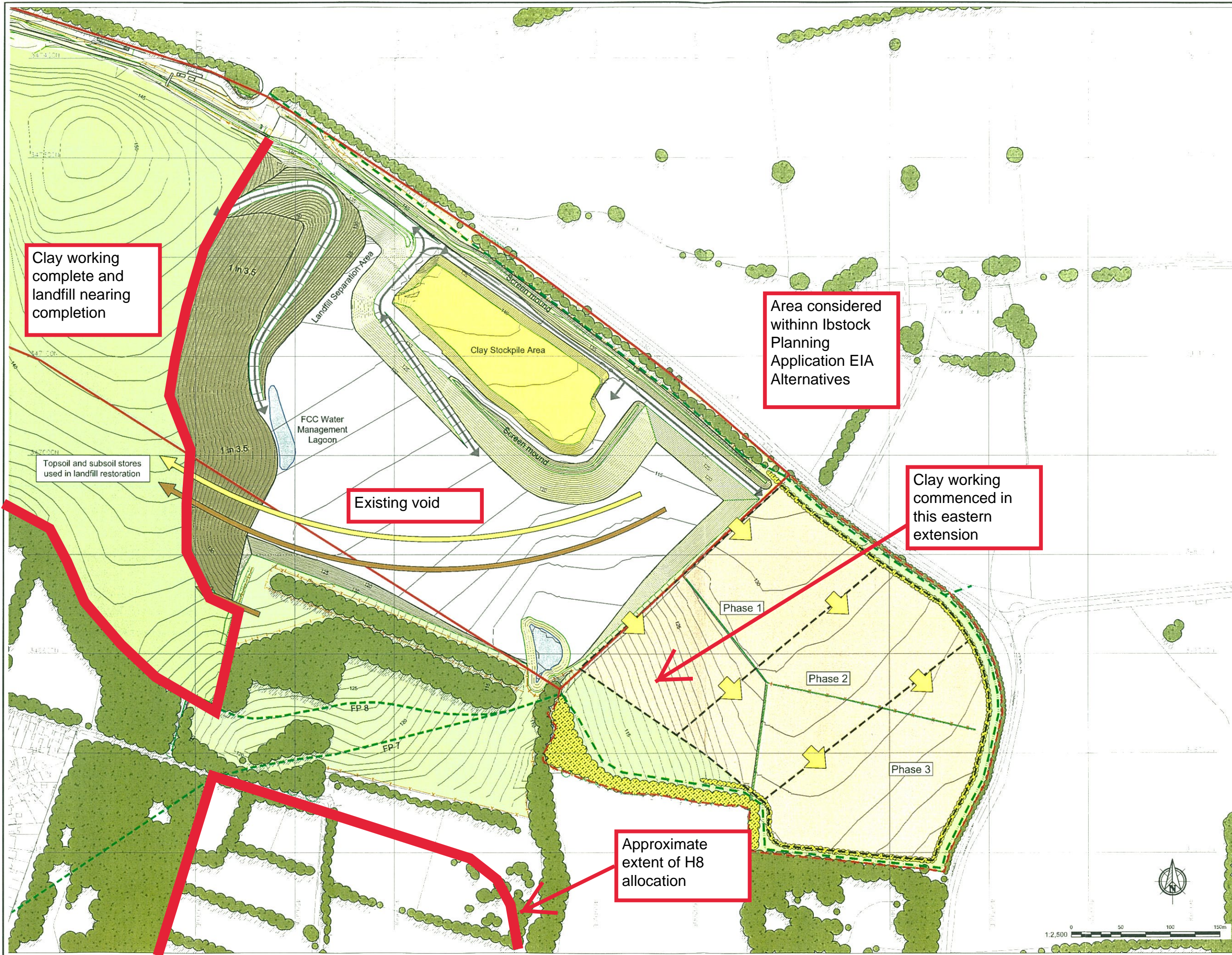
Zone B  
1.95ha @ 33dph = up to 65 dwellings

Zone C  
1.41ha @ 32dph = up to 45 dwellings

**TOTAL = 7.19ha: up to 230 dwellings**



**Appendix 2: Landfill Pause Position Annotated Plan**



Clay working complete and landfill nearing completion

Area considered within Ibstock Planning Application EIA Alternatives

Clay working commenced in this eastern extension

Existing void

Topsoil and subsoil stores used in landfill restoration

Approximate extent of H8 allocation

- LEGEND**
- Proposed Section 73 application boundary
  - Proposed eastern extension on application boundary
  - Proposed extraction phases
  - Existing footpaths
  - Diverted footpaths No. 7 and 8
  - Haul road / circulation space
  - Proposed extension area
  - Clay stockpile area
  - Undisturbed land
  - Land restored to finished levels
  - Temporary landfill face
  - Operational area
  - Direction of working
  - Topsoil movements
  - Overburden/ subsoil movements
  - Existing trees and woodland
  - Proposed native woodland
  - Contours @ 1m intervals
- Notes:  
 Topsoil to be stripped to a depth of 0.3m and replaced at 0.3m.  
 Subsoil and overburden to be stripped as a single unit.

A	Client comments	JA	JA	18/09/12
B	Changes to landfill position	JA	JA	06/02/13

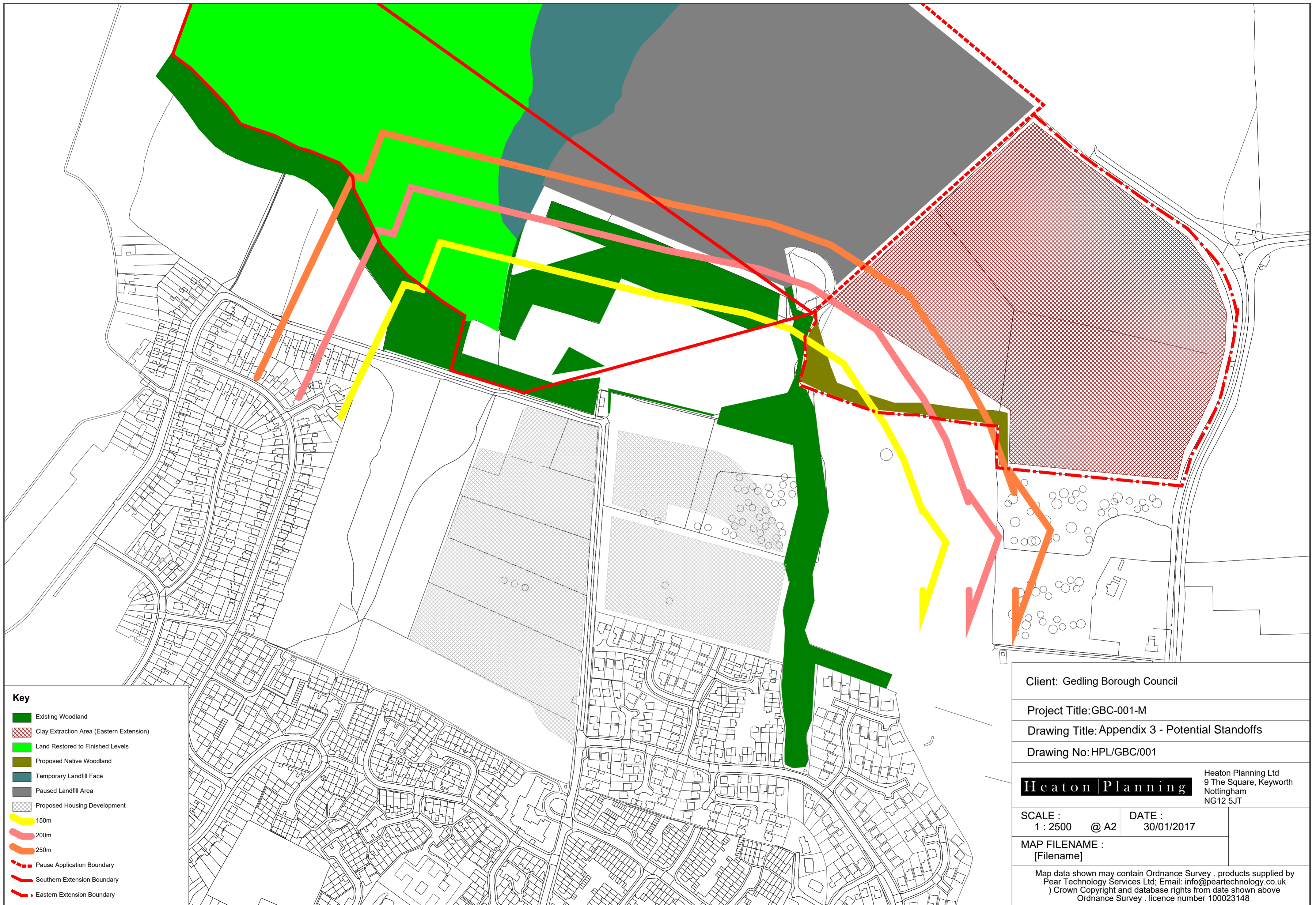


Dorset Head Section 73				
Quarry Development Proposals Landfill Pause Position				
CD	JA	JA	JA	06.08.12
File No	n/a	11514140119		
A2	1:2,500	Planning		
<b>PAS 8.2a</b>				<b>B</b>





**Appendix 3: Potential Standoffs Plan**



**Key**

- Existing Woodland
- Clay Extraction Area (Eastern Extension)
- Land Restored to Finished Levels
- Proposed Native Woodland
- Temporary Landfill Face
- Paused Landfill Area
- Proposed Housing Development
- 150m
- 200m
- 250m
- Pause Application Boundary
- Southern Extension Boundary
- Eastern Extension Boundary

Client: Gedling Borough Council	
Project Title: GBC-001-M	
Drawing Title: Appendix 3 - Potential Standoffs	
Drawing No: HPL/GBC/001	
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**Appendix 4: Notts MLP Inset 19**

Nottinghamshire Minerals Local Plan  
Submission Draft  
Policies Map

Sept 2015

Inset 19

1: 15,000

GEDLING  
DISTRICT

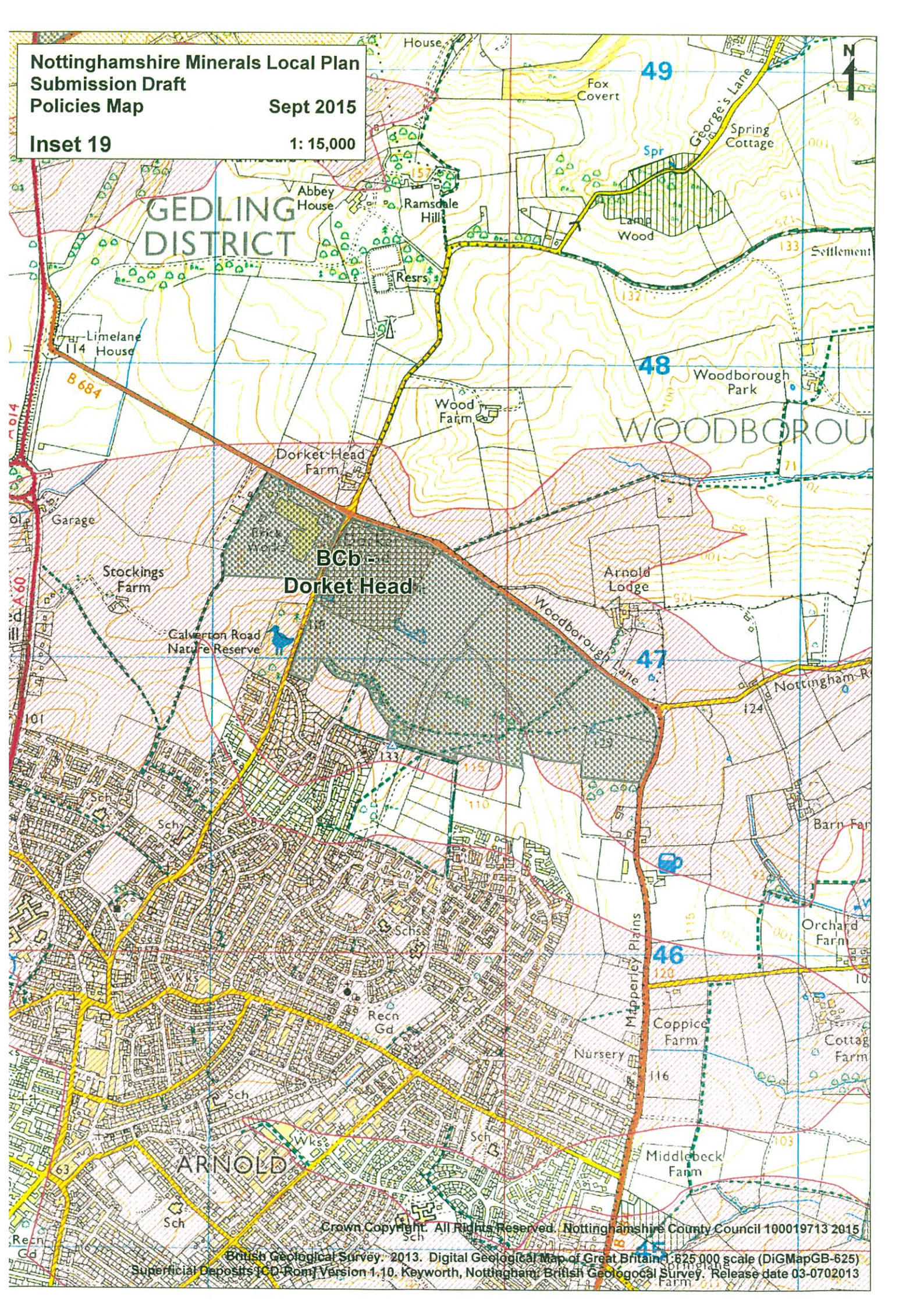
WOODBOROUGH

BCb  
Dorket Head

ARNOLD

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British Geological Survey. 2013. Digital Geological Map of Great Britain 1:625 000 scale (DiGMapGB-625)  
Superficial Deposits (CD-Rom) Version 1.10. Keyworth, Nottingham. British Geological Survey. Release date 03-07-2013



Appendix 4: Policies Map  
**Nottinghamshire Minerals Local Plan**  
 Submission Draft  
**Policies Map** December 2015

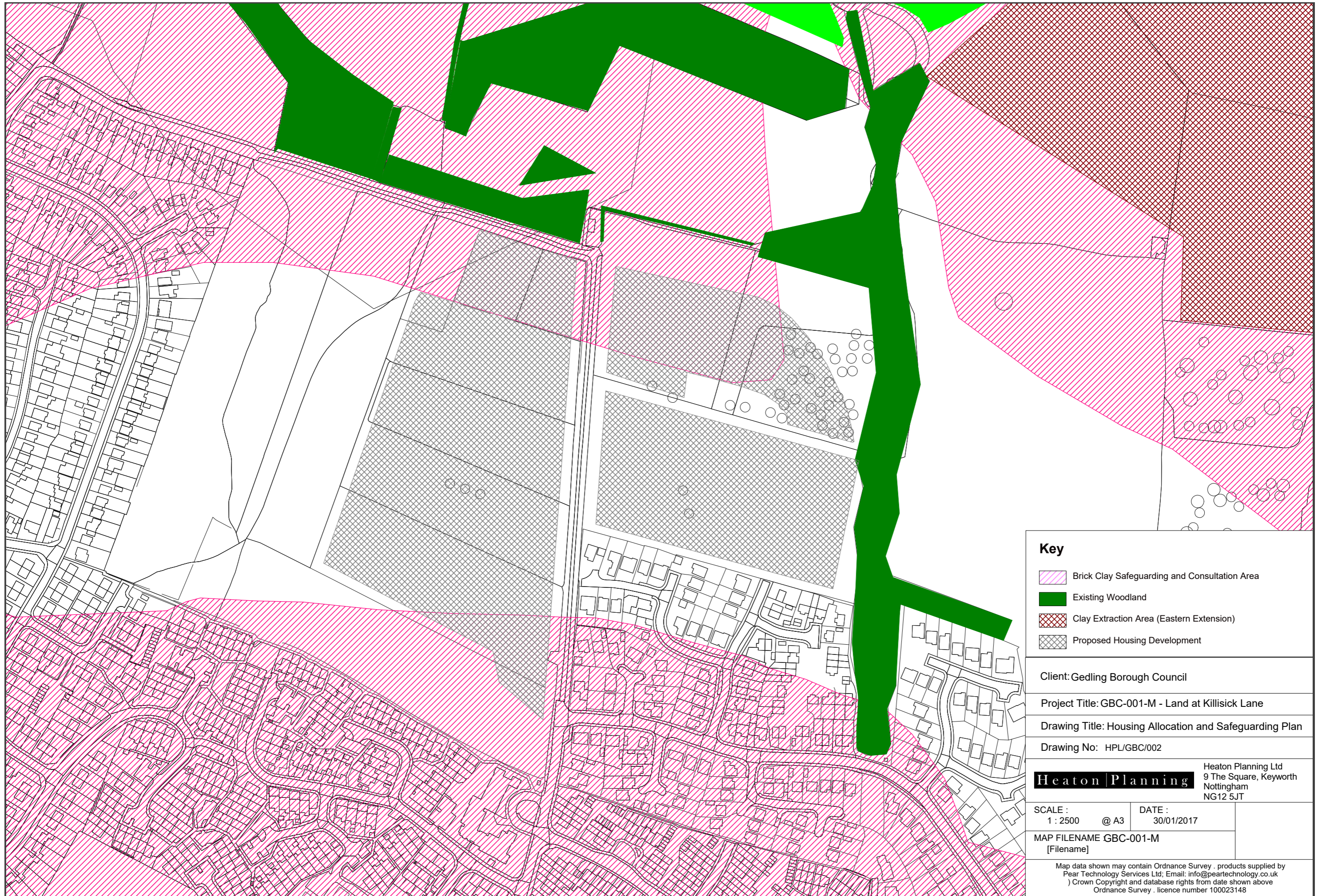
**LEGEND**

<b>Features</b>	
	County Boundary (Plan Area)
<b>Transport Network</b>	
	Railways
	Core Road Network
<b>Waterways</b>	
	Navigable
	Other
<b>Environmental Designations</b>	
	Special Area of Conservation (SAC)
	National Nature Reserve (NNR)
<b>Hydrocarbons</b>	
	PEDL Licence Areas
	Shale Gas Prospective Areas
<b>Policies</b>	
<b>Mineral Safeguarding and Consultation Areas (DM13)</b>	
	Sand and Gravel
	Sherwood Sandstone
	Alluvial Sand and Gravel
	Limestone
	Brick Clay
	Gypsum
	Surface Coal
	Industrial Dolomite
<b>Airfield Safeguarding (DM12)</b>	
	Airfields
	Safeguarding Areas
<b>Sites</b>	
	Permitted Sites (MP2-4, 6-8 and 10)
	New Sites and Extensions (MP2,3,6 and 9)
	Archaeological Resource Area (DM6)
<b>Site Codes</b>	
	SG = Sand and Gravel
	SS = Sherwood Sandstone
	LS = Limestone
	BC = Brick Clay
	GY = Gypsum
	SL = Silica Sand
	BS = Building Stone
<b>Insets - additional features</b>	
	Permitted Sites (MP2-4, 6-8 and 10)
	New Sites and Extensions (MP2,3,6 and 9)
	Archaeological Resource Area (DM6)
<b>Environmental Designations</b>	
	Site of Special Scientific Interest (SSSI)
	SINC Geo
	LWS


See reverse for Policies Map



**Appendix 5: Housing Allocation and Safeguarding Plan**



**Key**

-  Brick Clay Safeguarding and Consultation Area
-  Existing Woodland
-  Clay Extraction Area (Eastern Extension)
-  Proposed Housing Development

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Client: Gedling Borough Council

Project Title: GBC-001-M - Land at Killisick Lane

Drawing Title: Housing Allocation and Safeguarding Plan

Drawing No: HPL/GBC/002

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**Appendix 6: Minerals Local Plan – Chapters 2 and 11**



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## Chapter 2

# Sustainable Development

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*Earth – Sustainable development is about ensuring a better quality of life for everyone, now and for generations to come.*

## Introduction

- 2.1 Sustainable development is about ensuring a better quality of life for everyone, now and for generations to come. It means recognising that our economy, environment and social well-being are interdependent. It means protecting and, where possible, enhancing the environment and ensuring we satisfy people's basic needs.
- 2.2 In 1992, nearly 180 countries met at the 'Earth Summit' in Rio de Janeiro to discuss how to achieve sustainable development. They agreed a plan of action, *Agenda 21*, and recommended that all countries should produce national and sustainable development strategies. The United Kingdom was one of the first to do so with, 'Sustainable Development: The UK Strategy', published in 1994.
- 2.3 A replacement strategy, 'A better quality of life, a strategy for sustainable development in the UK', was published in 1999. This strategy builds on the achievements of the 1994 strategy, but emphasises the social dimension of sustainable development alongside economic issues, the environment and resource use. The strategy is based on four broad objectives:
- (i) Maintenance of high and stable levels of economic growth and employment;
  - (ii) Social progress which recognises the needs of everyone;
  - (iii) Effective protection of the environment; and
  - (iv) Prudent use of natural resources.
- 2.4 PPG 12 states that the planning system, and development plans in particular, can make a major contribution to the achievements of the Government's objectives for sustainable development.
- 2.5 The Plan seeks to promote the objectives of sustainable development by incorporating and where appropriate expanding on the criteria in Mineral Planning Guidance Note 1 (MPG1) 'General Considerations and the Development Plan System'. For minerals these are:
- (i) to conserve minerals as far as possible, to minimise the production of waste during mineral working and to encourage the efficient use of minerals, including appropriate use of high quality materials and recycling of wastes, whilst ensuring an adequate supply to meet society's needs;
  - (ii) to ensure that the environmental impacts caused by mineral operations and the transport of minerals are kept to an acceptable minimum, and that all efforts will be made to ensure that methods other than road haulage are used whenever possible;
  - (iii) to encourage sensitive working, restoration and aftercare practices so as to preserve and enhance the overall quality of the environment once extraction has ceased with the creation of valuable new habitats and features;

- (iv) to protect areas of designated landscape or nature conservation value from development, other than in exceptional circumstances and where it has been demonstrated that development is in the public interest (see PPS7 paragraph 22 and PPG9 Annex C);
  - (v) to give appropriate protection to areas and features of cultural heritage; and
  - (vi) to prevent the unnecessary sterilisation of mineral resources.
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## **POLICY M2.1 SUSTAINABLE DEVELOPMENT OBJECTIVES**

**Planning permission for minerals development will only be granted where it has been demonstrated that the Plan's sustainable development objectives have, where appropriate, been fully addressed.**

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- 2.6 Policy M2.1 requires developers to take account of all relevant objectives for sustainable development listed in Paragraph 2.5. This applies to both new proposals and amendments to existing schemes. All proposals will be expected to show that they address the principle of sustainable development, albeit that not all the criteria listed in Paragraph 2.5 will be relevant in every case.

## **Sustainability Appraisal**

- 2.7 A 'Sustainability Appraisal' of the Minerals Local Plan has been carried out in accordance with PPG 12 and forms a separate report. This appraisal provides the means of ensuring that the policies and objectives of the Plan conform with the principles of sustainable development and that the best options have been taken.
- 2.8 The Appraisal comprises two main parts. Firstly, all sites put forward by the industry for allocation have been assessed against a wide ranging set of sustainability criteria in order to identify the sites best suited to maintaining mineral supplies in areas of shortfall. Secondly, all policies in the Plan were similarly assessed against the sustainability criteria. This identified certain policy weaknesses which were addressed, thereby making the Plan's approach to sustainability stronger.
- 2.9 The fact that the Plan is subject to a sustainability appraisal does not take away the requirements for an environmental impact assessment of individual development proposals where this is required by legislation.
- 2.10 Sustainability issues are covered where applicable in the remaining chapters, except for protection and conservation of mineral resources which are set out below.

## Protection of Mineral Resources

- 2.11 The County Council wishes to avoid the unnecessary sterilisation of important mineral resources. Mineral extraction, however, may be just one of various competing claims for the use of land. To achieve a balanced assessment between such claims, it is essential to establish the particular importance of the mineral resource and the implications of its potential extraction or sterilisation. Therefore mineral exploration initiatives will normally be supported, subject to satisfactory environmental safeguards, (see Chapter 5).
- 2.12 The degree of importance will be influenced by a number of factors: relative scarcity, including the geological extent of the deposit, permitted reserve levels, need, quality, 'special' qualities and suitability for extraction.
- 2.13 In Nottinghamshire relative scarcity and/ or high demand levels apply to sand and gravel, gypsum and opencast coal. For these minerals sterilisation is likely to be an issue across most of the known resource, except where absolute planning and other constraints apply. In contrast, for Sherwood Sandstone and clay, where the geological resource is vast, sterilisation is only likely to be a justifiable constraint adjacent to existing permitted or allocated areas where further extensions are possible.
- 2.14 Where sterilisation is an issue, the feasibility of extracting the mineral in advance of other development should be explored.

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### **POLICY M2.2 MINERALS STERILISATION**

**Development which would result in the sterilisation of mineral resources will not be permitted except where one or more of the following criteria are met:**

- (a) the mineral deposit appears to have no existing or future potential commercial value or;**
  - (b) it is unlikely that the mineral will be worked due to environmental constraints or;**
  - (c) the deposit comprises Sherwood Sandstone or clay and is unlikely to form an extension or replacement to an existing quarry or;**
  - (d) the development cannot be reasonably located elsewhere and it is not practicable to extract the mineral in advance.**
-

## **Mineral Consultation Areas**

- 2.15 The district councils have a duty to consult County Planning Authorities over any proposal for the development of land, in any area where notification has been given that it may affect, or be affected by, the winning and working of minerals (other than coal). Consultation with the Coal Authority for non-mineral development within coalfield areas is covered by separate legislation.
- 2.16 The County Council endorses the concept of such Mineral Consultation Areas and draft plans have been issued to the district councils. Mineral Consultation Areas do not in themselves constitute a land use policy; there is no presumption for or against development in the notified areas.

## **Aggregates Levy Sustainability Fund**

- 2.17 The Aggregates Levy was introduced under the Finance Act 2001 in order to address the environmental costs associated with aggregate extraction, such as noise, dust, visual intrusion, loss of amenity and damage to biodiversity. It is also hoped that the levy will reduce the use of freshly won aggregates and encourage a greater use of recycled aggregates. The levy presently charges a tax of £1.60 on every tonne of aggregate quarried in the UK.
- 2.18 Part of the money raised has been directed to the Aggregates Levy Sustainability Fund, some of which is available for projects which deliver landscape, community, ecological, biodiversity and heritage benefits in areas affected by aggregate extraction. This allocation is to be distributed by English Nature, English Heritage and the Countryside Agency in consultation with local authorities, interest groups and the aggregates industry so that a benefit can be returned to the local community.

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# Chapter 11

# CLAY

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*Working Clay Stockpiles at Dorket Head Clay Pit*

## Introduction

- 11.1 Clay is predominantly used in the manufacture of bricks, other end uses being pipes and tiles. About 8 million tonnes of clay are worked annually in Great Britain. In comparison Nottinghamshire's production of an estimated 350-400,000 tonnes per annum is quite small but it still supports locally important brick manufacturing industries at Dorket Head, near Arnold and at Kirton.
- 11.2 In the past, specialist clays such as pottery and fire clays, were also worked on a small scale in the County, the latter being associated with opencast coal extraction (see Chapter 12).

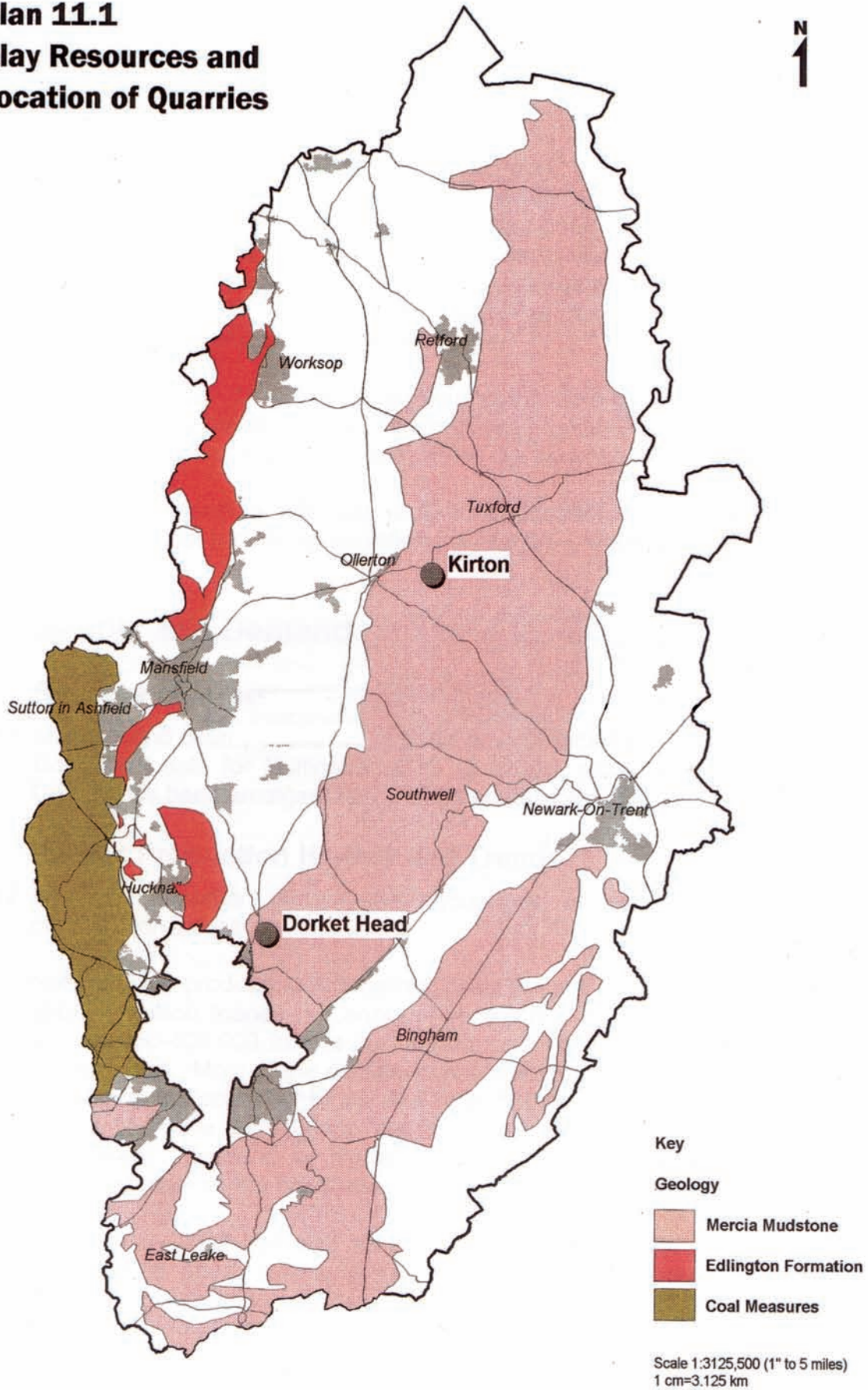
## Geology

- 11.3 In Nottinghamshire, clay has been worked from the Coal Measures, the Edlington Formation and the Mercia Mudstone, (see Plan 11.1). Since the late 1970s only the Mercia Mudstone has been exploited. These mudstones which are up to 300 metres thick, outcrop over much of eastern and southern Nottinghamshire, and represent the largest potential mineral resource in the County. The mudstones also contain nationally important deposits of gypsum which are considered in Chapter 10.
- 11.4 There is no detailed assessment as to which parts of the Mercia Mudstone succession are best suited to manufacturing bricks, although locally, particular horizons appear to have been more attractive than others have. For example, in the Nottingham area most clay extraction has occurred in the 'Gunthorpe Formation'. Firing colour is very important, and does not necessarily correspond to the pink and green colours of the raw clay, which can fire to various shades from red to cream. Gypsum contamination, interbedded sandstones, and other impurities can also affect the suitability of the clay for brick manufacture.

## Method of Working and Environmental Impact

- 11.5 After stripping soils, the clay can easily be removed by scrapers or hydraulic excavators, where it is taken by dumptruck or conveyor to the brickworks. Extraction may be carried out intermittently, perhaps just once a year, in order to create a large stockpile, which is then worked for the intervening period. Despite the thickness of the deposit, excavations do not normally exceed 30 metres, and are often much less. Geological and hydrological constraints, quarrying logistics and planning controls are frequent limiting factors.
- 11.6 Potentially the most intrusive aspects are the brickworks themselves, which more closely resemble industrial, rather than mineral processing operations. These may be located in rural areas where industry in general might be considered inappropriate. Fortunately the depth of working, and the normally dry working conditions can allow plant, buildings and machinery to be located on the quarry floor, so reducing visual impact and noise. Proposals to extend or build new brickworks will be judged against the provisions of Policies M3.10 and M3.11.

**Plan 11.1  
Clay Resources and  
Location of Quarries**





## **Reclamation and After-use**

- 11.7 There are two main options for reclamation of clay pits. The first is to landfill and reclaim back to original levels, and the second is to restore to a lower level.
- 11.8 The relatively impermeable nature of clay means that many pits are geologically well suited to receive domestic and other non-inert wastes. Providing other planning and environmental criteria are met, there will often be strong economic and planning incentives to use clay pits for landfill. This will be the case especially where ground configurations do not favour a low-level scheme. This was a factor at the Dorket Head claypit which is currently being filled with domestic and other waste.
- 11.9 Low level reclamation may be another option. The current workings at Kirton brickworks are being progressively restored back to their previous agricultural use, by reprofiling the hillside from which the clay has been extracted.
- 11.10 Whilst an agricultural after-use is normally possible, alternative options, such as woodland or nature conservation may be the preferred option.

## **Supply and Demand**

### **Sources of Information**

- 11.11 National and county production figures are published by Government sources. Consistent data for Nottinghamshire is limited, because in some years the County has been amalgamated with other counties.

### **Recent Production History and Trends**

- 11.12 National production of clay, like aggregates, is largely dependent on the construction industry.
- 11.13 National clay production has halved since the mid-1970's and now stands at about 8 million tonnes per annum. In contrast Nottinghamshire's output of around 350-400,000 tonnes per annum has remained very stable over the same period. Most of the decline in national production is due to a reduction in demand for 'common' bricks that have been substituted by other products. Levels of house construction, the main user of bricks, have also generally been lower. Demand for higher quality 'facing and engineering' bricks has remained more stable and these form the bulk of Nottinghamshire's output.
- 11.14 The industry itself has also seen many structural changes resulting in brick manufacture being concentrated within a fewer but generally much larger units producing a much wider range of bricks. One consequence of this is that many brickworks now import some clay for blending in order to produce the required range of bricks. The very high quality clays such as those found in Staffordshire are particularly sought after.

## **Consideration of Future Demand**

- 11.15 There is no national demand forecast for clay but it is reasonable to assume that demand will remain broadly similar to recent levels. A recent Government report, 'Brick Clay: Issues for Planning', 2001, reviews current and future issues in planning for the supply of brick clay. The report puts forward recommendations for future planning guidance on brick clay.
- 11.16 The report recommends that guidance should emphasise the need for an integrated long term approach involving a landbank of permitted reserves of at least 25 years in order to maintain a security of supply of brick clays. It recommends guidance on the objectives to be resolved over that time and stresses the need for flexibility of the long term approach. It supports regular short term adjustments (no longer than 5 years) to development plan policy to meet emerging circumstances. Whilst demand will be strongly influenced by the level of house construction activity, the commercial success and marketing strategy of each company may also be a significant factor in determining local levels of production. Any further rationalisation of the industry could also have a major impact.
- 11.17 Although these recommendations have yet to be endorsed in Government guidance, it is accepted that the large capital investment needed to build and maintain brickworks will generally favour a long-term approach. For a new brickworks and clay pit 25 years is probably a reasonable initial minimum landbank, but for subsequent extensions this may be less critical. In any event with only two brickworks in Nottinghamshire it is more relevant to consider the needs of each operation separately rather than as part of an overall countywide landbank.
- 11.18 The main strategy of the Plan will therefore be to maintain supplies of clay to both brickworks throughout the Plan period and where practical beyond.

## **Future Provision**

### **Kirton**

- 11.19 Kirton clay pit provides both red-firing and cream-firing clays, the former accounting for about 90% of demand. Reserves of cream clay are located in the south east of the pit within a separate working area. Reserves of cream clay should be sufficient until at least 2030.
- 11.20 Extraction of red clay has progressed steadily eastwards along the hillside that parallels the mineral railway line as far as Kirton Road. The pit is being progressively reclaimed back to agriculture by reprofiling the land. It is estimated that red clay reserves will be exhausted by 2009. Options to extend the clay pit are largely limited to land north of the railway line where economically workable red firing clays are known to exist. There are, however, two main environmental issues, which constrain the extent of mineral extraction in this area.

- 11.21 First, there is the proximity of Kirton village and the need to minimise the impact on residential amenity. In this respect a ridgeline to the east of the village, which effectively screens the existing workings, needs to remain intact in order to screen any workings north of the railway line and maintain the landscape character of the area.
- 11.22 Secondly, two mature landscape areas (MLAs) are also present. These comprise a block of land east of the village and a field south of Kirton Road.
- 11.23 In considering future mineral extraction proposals, the most logical next phase would be to extend into the land east of the farm access track that runs north - south between Kirton Road and the railway. This land is remote from the village, the main constraint being a field designated as an MLA. Providing this field is protected, then the environmental impact of clay extraction should be very limited. The extent of reserves in this area is uncertain, but may be sufficient for the plan period. This land is therefore allocated for mineral extraction.
- 11.24 The main planning issues are:
- (a) the MLA is protected from the affects of mineral extraction;
  - (b) advance screening along the northern boundary is carried out to minimise views into the site from Kirton Road;
  - (c) all extracted clay is transported to the brickworks by internal haul routes;
  - (d) reclamation should progressively restore the land back to an acceptable landform, by reprofiling the land using similar techniques to that used within the current red clay.

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### **POLICY M11.1 KIRTON ALLOCATION**

**15 hectares of land to the north of Kirton Brickworks are allocated for clay extraction.**

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- 11.25 Once this area is worked out, the only remaining option north of the railway line is to continue west of the farm access road. However, the need to preserve the ridgeline and MLA which occupies the large field north of Primrose Lane may severely restrict what is environmentally acceptable. This option would therefore have to be compared against other possible options, which would be a matter for the next review of the Plan.
- 11.26 The red clay resource may extend east of Kirton Road, but its extent, quality and viability are unknown and it is much more remote from the brickworks. It may, however, be the only potential local option left to supply the brickworks once the northern extension is worked out.

### **Dorket Head, Arnold**

- 11.27 Clay extraction at Dorket Head is progressing in advance of a major waste disposal scheme, which commenced in 1990. The brickworks are located in the original quarry and clay is conveyed to the works via a tunnel that goes

under a road separating the two sites. An extension to the clay pit was granted in 1998 that secures reserves until at least 2020.

- 11.28 Whilst a further eastern extension is geologically possible, environmental constraints, in particular the loss of a Mature Landscape Area which extends across the whole site, suggest that the present permitted area may represent the acceptable limit of clay extraction.
- 11.29 In the longer term importing clay from a remote site or a new replacement brickworks and clay pit may prove to be a more acceptable option. At present alternative potential resources have only been identified in the Bilsthorpe area, but it is unclear if these represent the most suitable options within the extensive Mercia Mudstone. Nevertheless, it is accepted that there are operational advantages to be gained from extending the Dorket Head clay pit in an easterly direction which have to be balanced against the impact on the environment which also includes the advantage of not needing to import clay from a remote site, should the brickworks remain.

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## **POLICY M11.2 DORKET HEAD – FUTURE PROVISION**

**Proposals to extend Dorket Head clay pit should take into account the environmental constraints at the site, the operational benefits to be gained by phased working and restoration and the likelihood of alternative locations offering a lesser environmental impact. Proposals will be permitted elsewhere which either:**

- (a) maintain supplies of clay to the Dorket Head brickworks; or**
- (b) provide a replacement brickworks and clay pit,**

**providing such proposals are subject to a satisfactory working and reclamation scheme.**

**Proposals for a new brickworks and clay pit should, where practical, include the reclamation of the Dorket Head brickworks site. In granting planning permission the County Council will impose conditions to ensure that commencement of extraction is phased to replace the expected exhaustion of reserves at Dorket Head.**

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## **New Brickworks and Clay Pits**

- 11.30 Because brickworks supply wide national markets the possibility of other companies wishing to develop a new brickworks and clay pit in Nottinghamshire cannot be ruled out. The most recent example of this was when permission was granted for a new brickworks and clay pit at Belle Eau Park, Bilsthorpe in 1992, although this permission subsequently lapsed without the development commencing.
- 11.31 Proposals for new sites must conform to Chapters 3 and 4, but, unlike extensions, there may be no persuasive 'need' arguments to counterbalance any environmental and other planning problems. Accordingly, proposals for greenfield sites are only likely to be acceptable which can satisfy the

environmental protection and reclamation policies as set out in Chapters 3 and 4. In weighing up the environmental impact, regard will be made to the economic, employment and any other benefits the proposal may make.

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### **POLICY M11.3 NEW BRICKWORKS AND CLAY PITS**

**The County Council will only permit proposals to develop new clay workings and associated brickworks where the economic, employment and/ or other planning benefits significantly outweighs any environmental impact.**

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**Appendix 7: Minerals Planning Authority Statement [EX/40]**

This matter is being dealt with by:  
**Jonathan Smith**  
Reference:  
T 0115 9932580  
E [jonathan.smith@nottscc.gov.uk](mailto:jonathan.smith@nottscc.gov.uk)  
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Graeme Foster  
Gedling Borough Council  
Civic Centre  
Arnot Hill Park  
Arnold  
Nottingham  
NG5 6LU

Dear Graeme

19 January 2017

**Re: Gedling Local Planning Document (Part 2 Local Plan)**

I am writing to you to provide clarification from the County Council as Minerals and Waste Planning Authority (MWPA) on matters relating to the forthcoming examination in public into the Gedling Local Planning Document (Part 2 Local Plan) and specifically matters which could be affected by ongoing operations at Dorket Head clay pit and landfill site. In her 'Draft Matters, Issues and Questions for Examination and Outline Programme of Hearings' document, the Inspector has raised a number of questions regarding this site in relation to a number of proposed allocations, 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]

The MWPA, as the relevant planning authority for the Dorket Head site, hereby seeks to provide clarification with respect to the following questions that the Inspector is seeking clarification on with respect to each of these sites:

- 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 delays in 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?

Regarding the first question, the MWPA can clarify the existing working situation at Dorket Head which should assist the Inspector in terms of considering its likely impact on the housing allocations and the likelihood for delays in bringing these allocations forward.

Clay extraction is presently taking place in an eastern extension to 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.

The granting of planning permission for the eastern extension was accompanied by 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. 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.

Any planning applications to develop H2/H5/H7/H8 for housing would need to be considered in this context in terms of the potential impacts on the permitted quarrying and landfilling operations and vice versa. The MWPA therefore welcomes the Proposed 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 and suitable landscaping/screening measures alongside the careful phasing of development.

Regarding the second question, Policy DM13: Mineral Safeguarding and Consultation Areas of the emerging Minerals Local Plan seeks to safeguard economically important mineral resources from needless sterilisation by non-mineral development. The safeguarded areas are identified on the Policies Map and have been drawn up largely from information provided by the British Geological Survey. The safeguarding areas around Dorket Head are detailed on the enclosed map and the policy accords with advice in the National Planning Policy Framework and the Planning Practice Guidance. Paragraph 5.143 of the justification text states that the identification of mineral safeguarding areas does not provide a presumption in favour of working the mineral, and is not a guarantee that there is mineral present of viable quantity or quality.

At the planning application stage any proposed development for housing in any safeguarded area would need to demonstrate that mineral resources of economic importance were not being needlessly sterilised and that the development was not going to pose a serious hindrance to future extraction in the vicinity, i.e. within the existing permitted site. Whilst the Inspector is asking whether the development of these sites would accord with this policy, this could only realistically be determined upon receipt of a detailed scheme in a planning application. In this respect, the MWPA again welcomes the Proposed Changes to Policy LPD 64, and its justification text, which would ensure that all applications would need to investigate the feasibility and need for prior extraction of the mineral resource. The MWPA can confirm that the site operator has not put forward any additional clay reserves for allocation within the emerging Minerals Local Plan during its preparation.

I trust the content of this letter is of use in understanding the MWPA's position regarding the existing operations at Dorket Head and any potential impact it might have on the proposed housing allocations at H2/H5/H7/H8.

Yours sincerely



Jonathan Smith  
Interim Team Manager, Planning Policy  
Nottinghamshire County Council

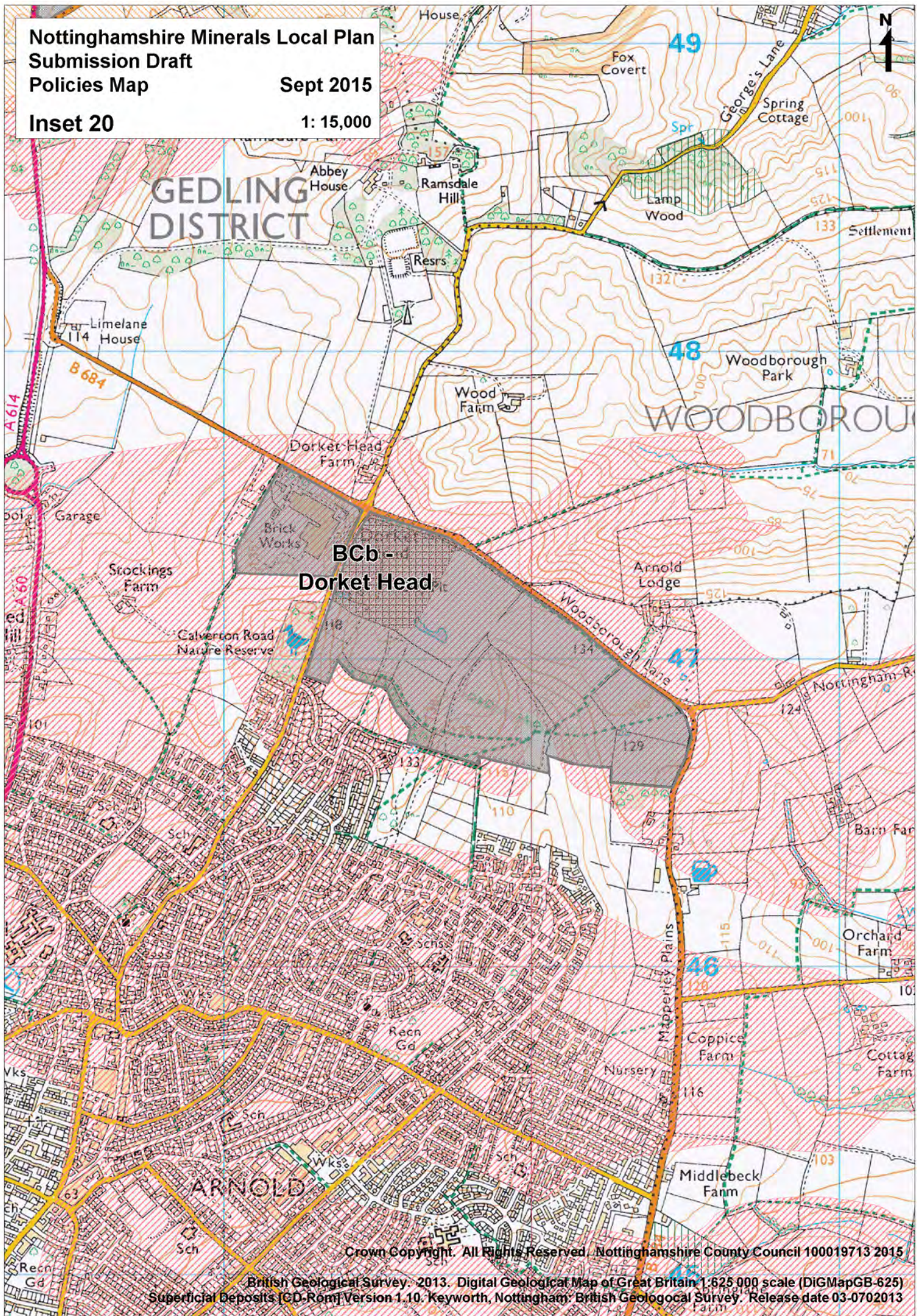


Nottinghamshire Minerals Local Plan  
Submission Draft  
Policies Map

Sept 2015

Inset 20

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British Geological Survey, 2013. Digital Geological Map of Great Britain 1:625 000 scale (DiGMapGB-625)  
Superficial Deposits [CD-Rom] Version 1.10. Keyworth, Nottingham: British Geological Survey. Release date 03-0702013