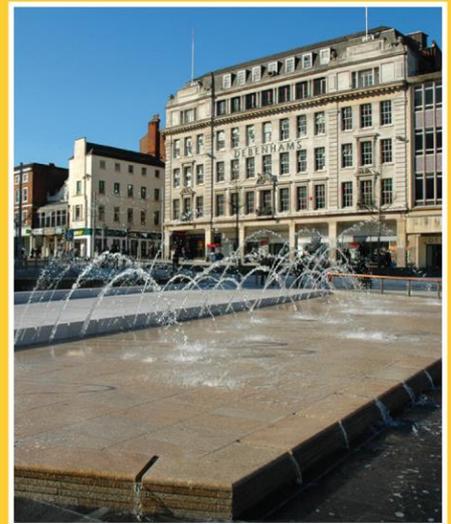


Nottingham City

# land and planning policies

Development Plan Document  
Local Plan Part 2



**Minerals Background Paper**

January 2016



Nottingham  
City Council

**Quick Guide to the Minerals Background Paper to the Land and Planning Policies Development Plan Document Publication Version of the Land and Planning Policies (LAPP) document (Local Plan Part 2) (see [www.nottinghamcity.gov.uk/localplan](http://www.nottinghamcity.gov.uk/localplan))**

**Purpose of this document:**

The Land and Planning Policies (LAPP) document (Local Plan Part 2) forms part of the Local Plan for Nottingham City along with the Core Strategy which guides future development in Nottingham City.

The Local Plan Part 2 contains development management planning policies and site allocations against which planning applications for future development proposals in Nottingham City will be determined.

Following a consultation period on the Local Plan Part 2 which will run from 29 January to 5pm on 11th March 2016, the Local Plan Part 2 will be submitted for independent examination, where its soundness will be tested.

This background document sets out Nottingham City Council's approach to mineral planning and to explain the basis for the policies contained within the Publication Version of the Local Plan Part 2.

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## **Section 1: Introduction**

- 1.1 The purpose of this paper is to consider Nottingham City Council's approach to mineral planning and to explain the basis for the policies contained within the Publication Version of the Local Plan Part 2: Land and Planning Policies Document (LAPP). The context of minerals development is such that linkages with broader Nottingham City policies and strategies across areas such as pollution control, flooding, drainage, amenity, heritage and transport are also relevant.
- 1.2 Minerals provide vital raw materials for developing and sustaining our modern society, whether this is for construction, manufacturing, agriculture or energy. Mineral resources are however finite and they must be protected to give future generations the best possible chance of meeting their own needs. Minerals can only be worked where they naturally occur and with increased pressure on land use we must ensure that those resources are not needlessly sterilised by other forms of development.
- 1.3 Sterilisation of mineral resources can occur as a result of surface development directly overlying the mineral resource, or by development that is situated on or close to the boundary of a resource. The marked differences in the geological occurrences, properties, markets and supply and demand for minerals, give rise to different land planning implications and safeguarding consideration depending on the location.

## **Section 2: National Planning Policy Framework**

- 2.1 The National Planning Policy Framework (NPPF) published in March 2012 and supporting Planning Practice Guidance published in March 2014 (PPG) establishes an updated national position in relation to minerals planning policy.
- 2.2 The NPPF is positive in this regard, detailing the importance of minerals as being essential to support sustainable economic growth and quality of life. The NPPF requires Local Plans to identify and include policies for extraction of mineral resource(s) of local and national importance in their area, and designate Mineral Safeguarding Areas (MSA) to provide for the safeguarding of proven mineral resources which are, or may become, of economic importance from unnecessary sterilisation by non-mineral development. Emphasis is placed on the prior extraction of minerals, where practicable and feasible, before non-mineral development takes place.
- 2.3 This mineral safeguarding procedure is essentially an enhancement of the statutory Mineral Consultation Area (MCA) arrangements that have existed since the early 1980s, requiring District Councils (in two-tier planning areas) to consult the County Council on development

proposals which fall within a potential mineral resource area. However, the NPPF requires Local Plans to define both MSAs and MCAs, albeit that the overall purpose and function of both measures are so similar.

- 2.4 The NPPF also sets out that policies should ensure permitted operations do not have unacceptable adverse impacts on the natural and historic environment or human health, including from noise, dust, visual intrusion, traffic, tip- and quarry-slope stability, differential settlement of quarry backfill, mining subsidence, increased flood risk, impacts on the flow and quantity of surface and groundwater and migration of contamination from the site; and take into account the cumulative effects of multiple impacts from individual sites and/or a number of sites in a locality. It also requires that worked land be reclaimed at the earliest opportunity and that high quality restoration and aftercare takes place.

### **Section 3: Aligned Core Strategy**

- 3.1 The Greater Nottingham context is considered in the Local Plan Part 1: Nottingham City Aligned Core Strategy (ACS) 2014 which has been prepared in conjunction with the conurbation's neighbouring authorities. The ACS replaces strategic elements of the 'saved' policies within the Nottingham Local Plan 2005, the more detailed aspects being addressed through policies within the emerging LAPP, upon which this background paper focuses.
- 3.2 The ACS sets out that the County Council will prepare a Minerals Local Plan for the Districts and that Nottingham City is to deal with mineral matters for its area in its part 2 Local Plan, noting that it will include:
- The designation of MSAs on the Policies Map and relevant supporting policies, including MCAs;
  - Prior extraction – policy ensuring prior extraction takes place where feasible and viable;
  - Applications for new minerals workings – policy setting out the environmental criteria against which planning applications will be assessed;
  - Reclamation – policy will set out that worked land should be reclaimed at the earliest opportunity;
  - Former mining hazards – policy setting out the need to address land instability arising from former minerals workings and associated mining legacy / hazards, including collapse of shallow mine workings, collapse of mine entries, gas emissions from coal mines, transmission of gases into adjacent properties, coal mining subsidence and water emissions from coal mine workings;
  - Site allocations – the above issues will be taken into consideration in the site assessment and site allocation process.

- 3.3 Due to the built nature of Nottingham City, the Core Strategy notes that it is not proposed to make any provision for aggregates extraction across the plan period. Individual applications would be considered on their merits should proposals emerge.

#### **Section 4: Nottinghamshire County Council**

- 4.1 The County Council are in the process of preparing a new Minerals Local Plan which will set out their overall approach to future minerals provision in Nottinghamshire up to 2030. Key issues will include the amount of mineral production needed to meet demand, the location of future sites and the social and environmental impacts of mineral working. Public consultation on the submission draft of the document is expected to take place in late autumn 2015.
- 4.2 The County Council acknowledges that whilst mineral resources are present in the City, the opportunities to work these minerals are limited due to the urban environment. As a result, all minerals consumed in the City are currently supplied from either Nottinghamshire or further afield (see Section 5 below).

#### **Section 5: Barton in Fabis**

- 5.1 Since the adoption of the Core Strategy, a site is now being promoted by London Rock Supplies for gravel extraction which straddles both the City and County areas. This involves 50 hectares of land in the proximity of Barton in Fabis. The site is proposed to be accessed off the former (now decommissioned) A453. The majority of the site falls within Rushcliffe Borough, with around 7 hectares of the site being within the Nottingham City area. Although no representations were made at the Preferred Option stage, a scoping opinion has been sought from both the City and County Councils (March 2015).
- 5.2 As the most significant part of the site falls within the area covered by Nottinghamshire County Council's emerging Minerals Local Plan (currently at Publication stage), the two councils have been working together in line with the Duty to Cooperate to develop a consistent approach.
- 5.3 The Nottinghamshire Minerals Local Plan (Pre Submission Version) was approved for publication by the County Council on 14<sup>th</sup> January 2016. The draft Minerals Local Plan does not include this site as an allocation. In accordance with the County's Minerals Local Plan, it is not considered appropriate to include the small part of the site falling within the City Council's area in the LAPP. Should any proposals for mineral extraction be received by the City Council, they will be considered against the relevant policies in the Local Plan (such as those dealing with amenity and environment, for example CC3, DE1, EN6 and IN2), as well as M12 (Restoration, After-use and After-care).

## **Section 6: Nottinghamshire and Nottingham Local Aggregates Assessment**

- 6.1 The NPPF requires Mineral Planning Authorities (MPA) to plan for a steady and adequate supply of aggregates through the preparation of an annual Local Aggregate Assessment (LAA), either individually or jointly by agreement with another or other mineral planning authorities, based on a rolling average of 10 years sales data and other relevant local information, and an assessment of all supply options.
- 6.2 More detailed guidance on LAAs was published by the Department for Communities and Local Government (DCLG) in October 2012 and adds the requirement to produce a 3 year average production figure in order to monitor future demand.
- 6.3 Aggregate minerals constitute sand and gravel, Sherwood Sandstone and limestone which are used in the construction industry. Their main uses include concrete, mortar, asphalt, railway ballast and bulk fill.
- 6.4 Nottinghamshire County Council and Nottingham City Council recently published a joint LAA covering their geographical area. The key findings were that Nottinghamshire is an important producer of sand and gravel and Sherwood Sandstone and has a large export market particularly to South Yorkshire and the wider East Midlands. Limestone production is limited with most imported from Derbyshire and Leicestershire.
- 6.5 The recession has seen output for all aggregate minerals fall significantly since 2007. This can be seen most dramatically with sand and gravel as output in 2009 fell to its lowest level since records began in 1974.
- 6.6 The latest 10 year average production figures have fallen for all aggregate minerals since the first LAA was compiled in 2011. The 3 year averages for sand and gravel and Sherwood Sandstone over the same period have seen a very small increase whilst average production for limestone has remained unchanged.
- 6.7 Based on this current evidence, it was not considered necessary to amend the demand forecast as the 2011 LAA figures take account of both a period of economic growth and recession. The LAA is required to be updated on an annual basis, and will enable the County and City Council to monitor on going patterns and trends in aggregate production and ensure that adequate reserves are maintained over the plan period.

## **Section 7: Mineral Safeguarding and Mineral Consultation Areas**

- 7.1 The MSAs are largely determined by the data provided by the Coal Authority and British Geological Survey which identifies surface coal, sand, gravel, limestone, brick clay and fireclay resources across the City (see Map 1 to Map 6). National guidance<sup>1</sup> for mineral safeguarding details that 'MSAs should usually cover the whole resource and may not be curtailed by other planning considerations' and that 'MSAs simply provide a policy tool which will be an alert to the fact that minerals may be sterilised by the proposed non-mineral development and that this should be taken into account by the planning process, both when making site allocations in development plans and during development management'. Essentially there is no presumption that land within the MSA will ultimately be allocated for extraction or worked, its role is more to highlight the presence of a mineral resource.
- 7.2 MSAs do not imply that mineral extraction is acceptable and neither do they preclude other development; their purpose is simply to ensure that mineral resources are adequately and effectively considered in land use planning decisions and taken into account when they are at risk from being lost to other development.
- 7.3 Given that the presence of MSAs and MCAs is likely to cause confusion (as the overall purpose and function of both measures are so similar), Nottinghamshire County Council has sought to combine these defined areas. Whilst the NPPF requirement to define both MSAs and MCAs is not as overly problematic for Nottingham City (being a unitary authority) as it is for the two tier authority areas, an approach consistent with the County is considered to be logical and appropriate. The extent of the City's MSAs and MCAs are shown on Map 7.
- 7.4 Planning applications proposing non-mineral development within an MSA/MCA will usually be required to include an assessment of the potential impacts on underlying mineral resources, and how the application has addressed those impacts. The City Council must consider scope to avoid or mitigate adverse impacts upon safeguarded resources and may seek a requirement for:
- prior extraction;
  - modification of proposed development;
  - temporary development.
- 7.5 However, the mineral resource may not be of economic value and furthermore, not every non-mineral development proposal represents a risk to future minerals extraction. Policies within the LAPP are therefore appropriately worded in this regard and contain suitable exemptions to deal with occurrences such as proposals for householder development, alterations or extensions to an existing building, or a change of use of existing development which would not intensify development on site.

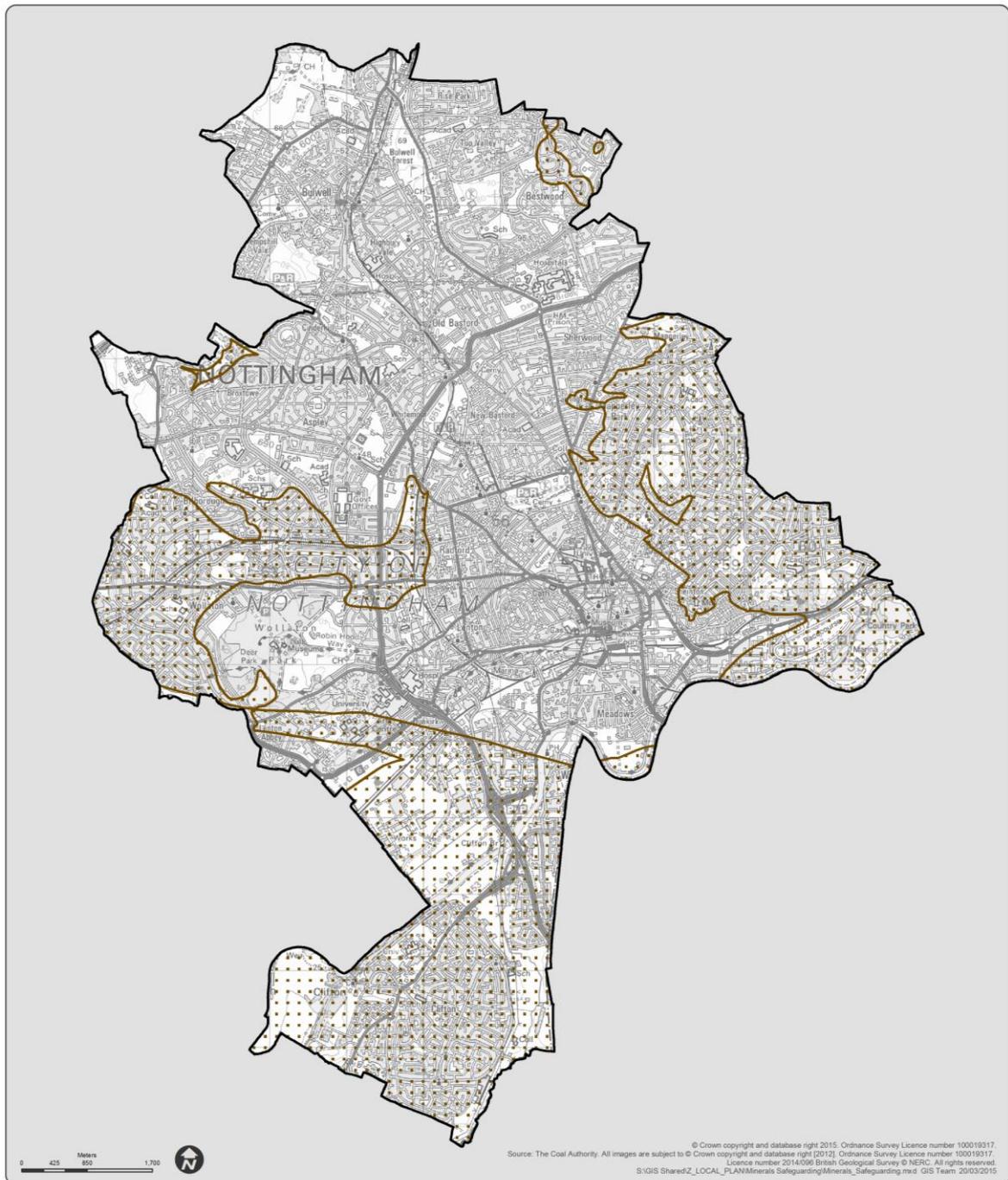
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<sup>1</sup> British Geological Survey - Mineral Safeguarding in England: good practice advice 2011

## **Section 8: Hydrocarbons**

- 8.1 Nottingham currently has no active oil and gas industry. Due to the built up nature of much of Nottingham, it is considered unlikely that proposals associated with oil and gas exploration and extraction will arise. Elsewhere in the County, however, there is a history of oil and mine gas extraction, and other unconventional hydrocarbons such as coal bed methane and shale gas extraction are being developed and could be worked over the plan period.
- 8.2 The initial step in any hydrocarbon exploration (to see whether oil/gas reserves are available) requires operators to obtain a Petroleum Exploration and Development Licence (PEDL) from the Department of Energy and Climate Change (DECC). This enables operators to 'search for, bore and get' the Crown's resources (i.e. oil and gas) subject to access rights. PEDL areas are shown in Map 8.
- 8.3 Operators must also apply to the MPA for planning permission. The NPPF requires MPAs to distinguish between three phases of development relating to onshore oil and gas - exploration, appraisal and production. Further guidance published in July 2013 (Planning Practice Guidance for Onshore Oil and Gas – Department for Communities and Local Government July 2013) clarifies that planning permission is required for each separate phase. This guidance also advises that MPAs should not consider the national demand for hydrocarbon resources but only whether the use of land, and the impacts of the proposed development (including on health, the natural environment and amenity), are acceptable or can be made acceptable (e.g. by attaching conditions to a permission to minimise or mitigate against potential adverse impacts). The LAPP therefore includes policies that applications for hydrocarbons can be assessed against.

Map 1: Brick clay resource within Nottingham City



**Key**

-  City Boundary
-  Brick Clay

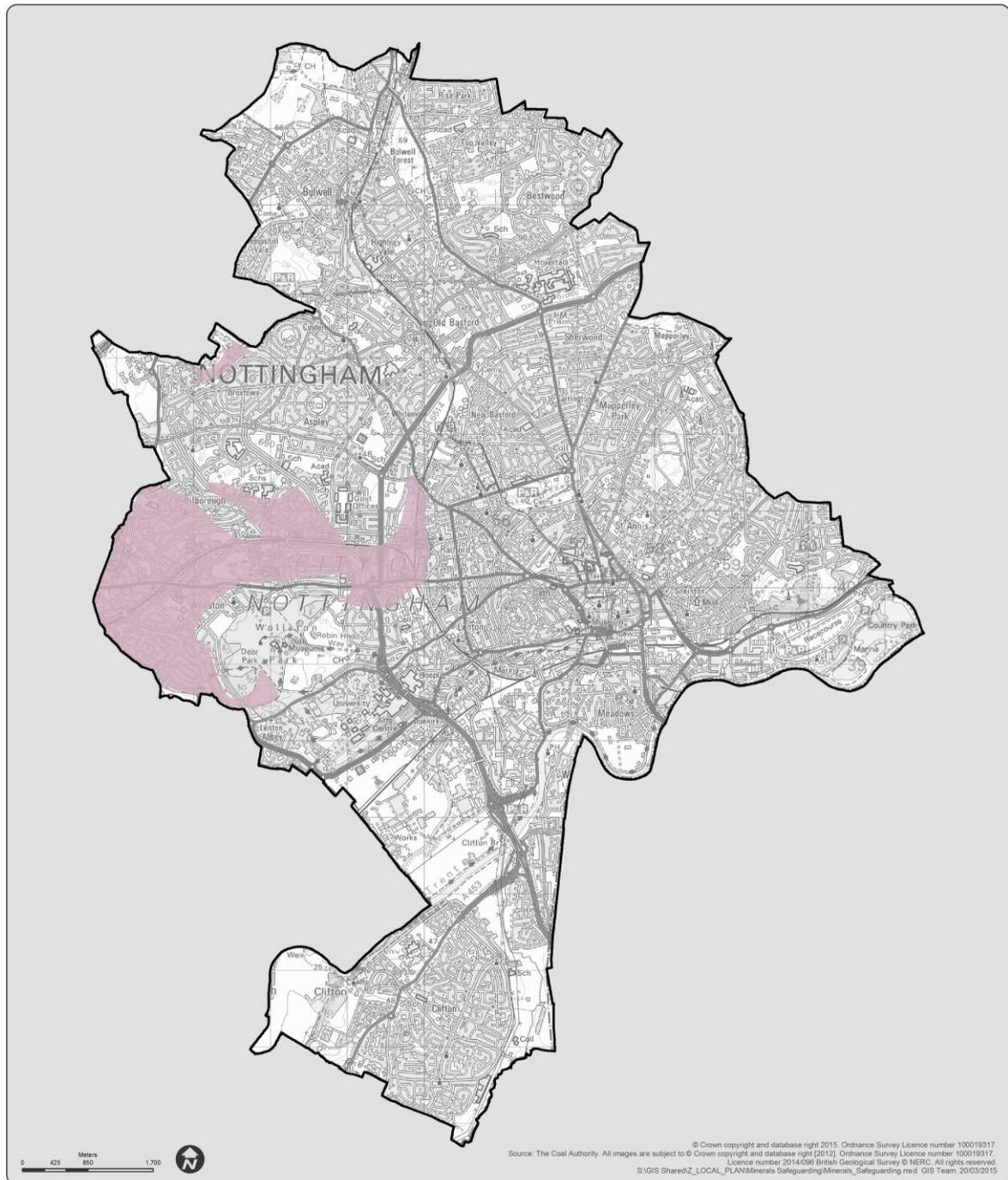
Map 2: Coal resource within Nottingham City



**Key**

-  City Boundary
-  Surface Coal Resource Area

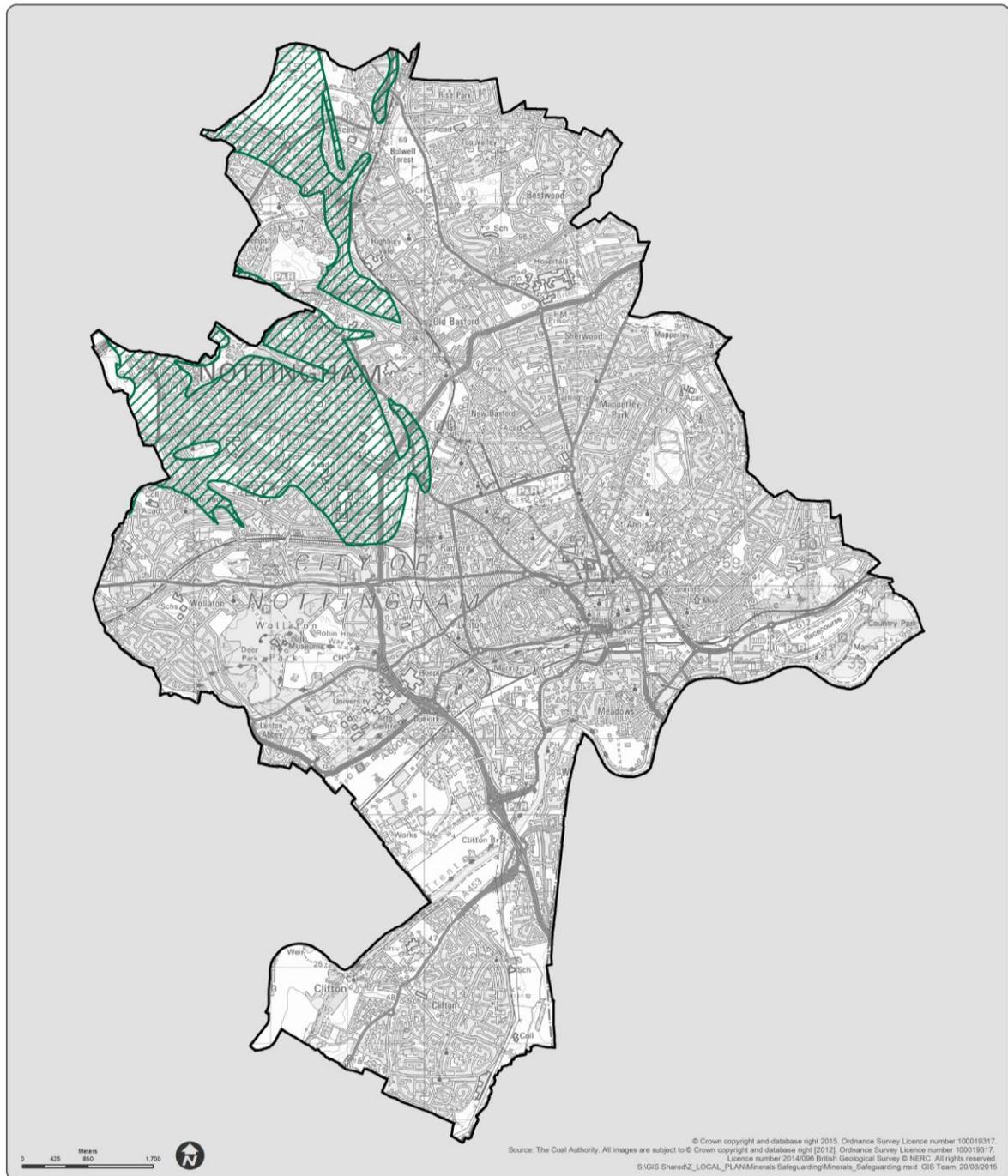
Map 3: Fireclay resource within Nottingham City



**Key**

-  City Boundary
-  Fireclay

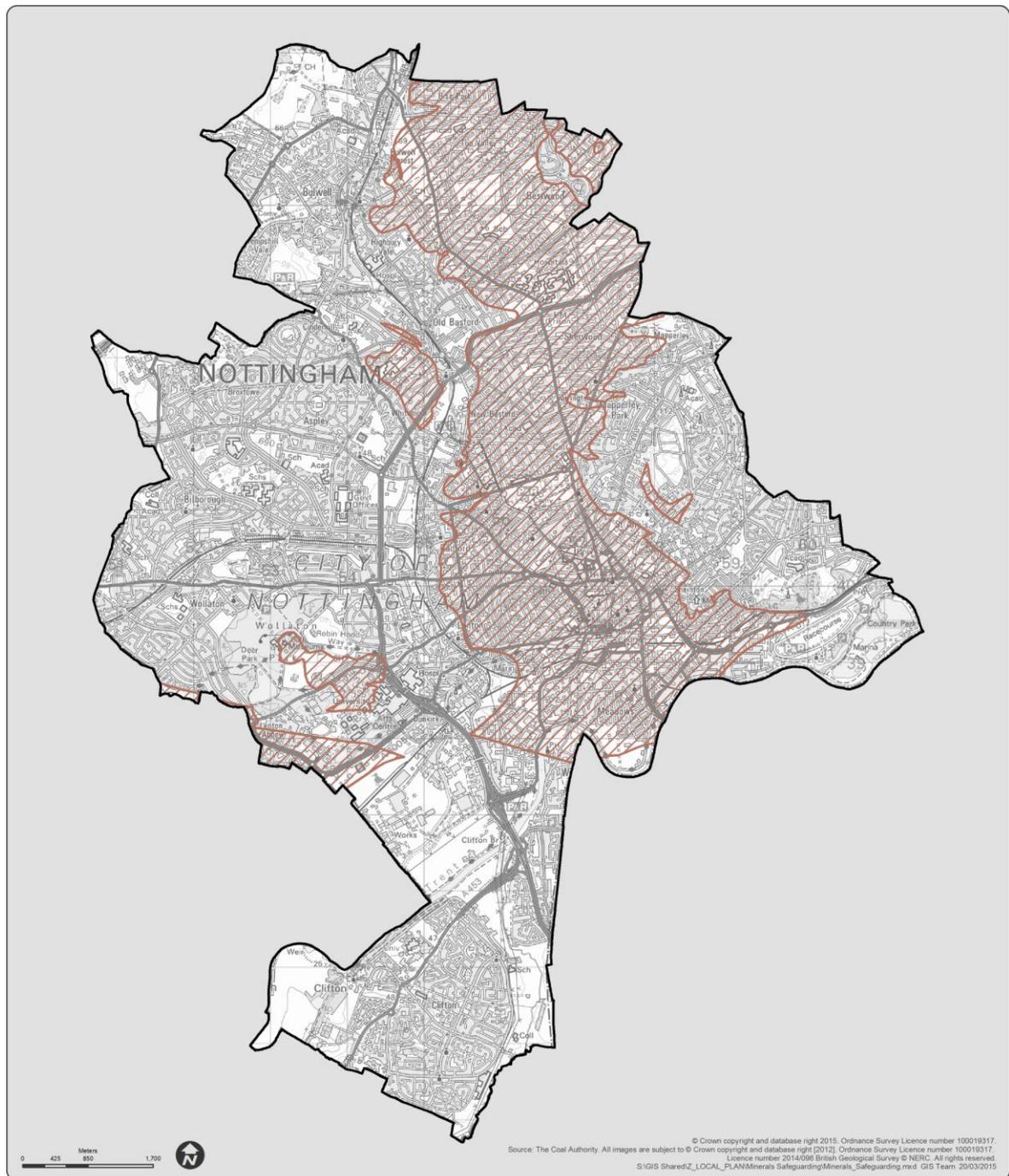
Map 4: Limestone resource within Nottingham City



**Key**

-  City Boundary
-  Limestone

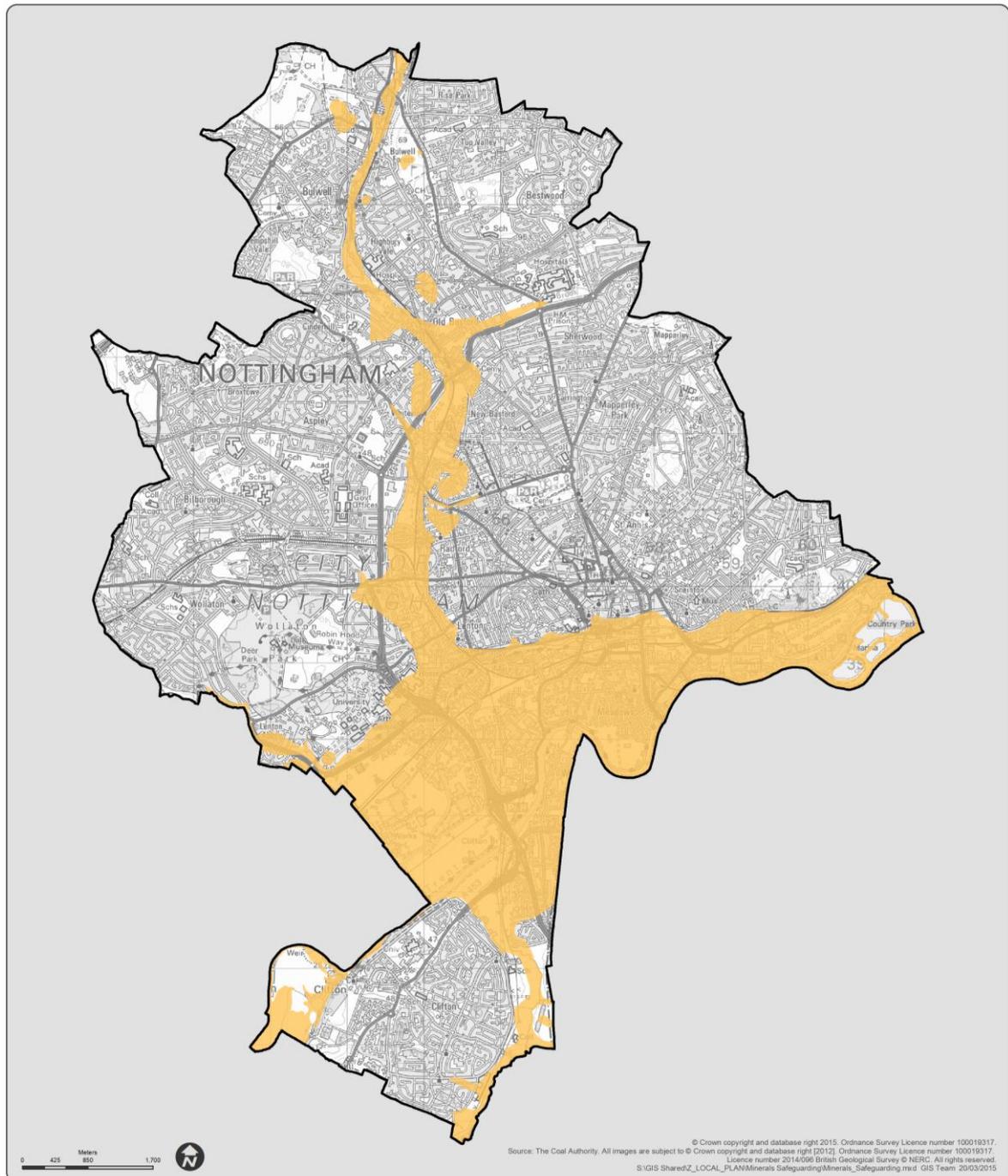
Map 5: Sand and Gravel Bedrock Resource within Nottingham City



**Key**

-  City Boundary
-  Sand and Gravel Bedrock

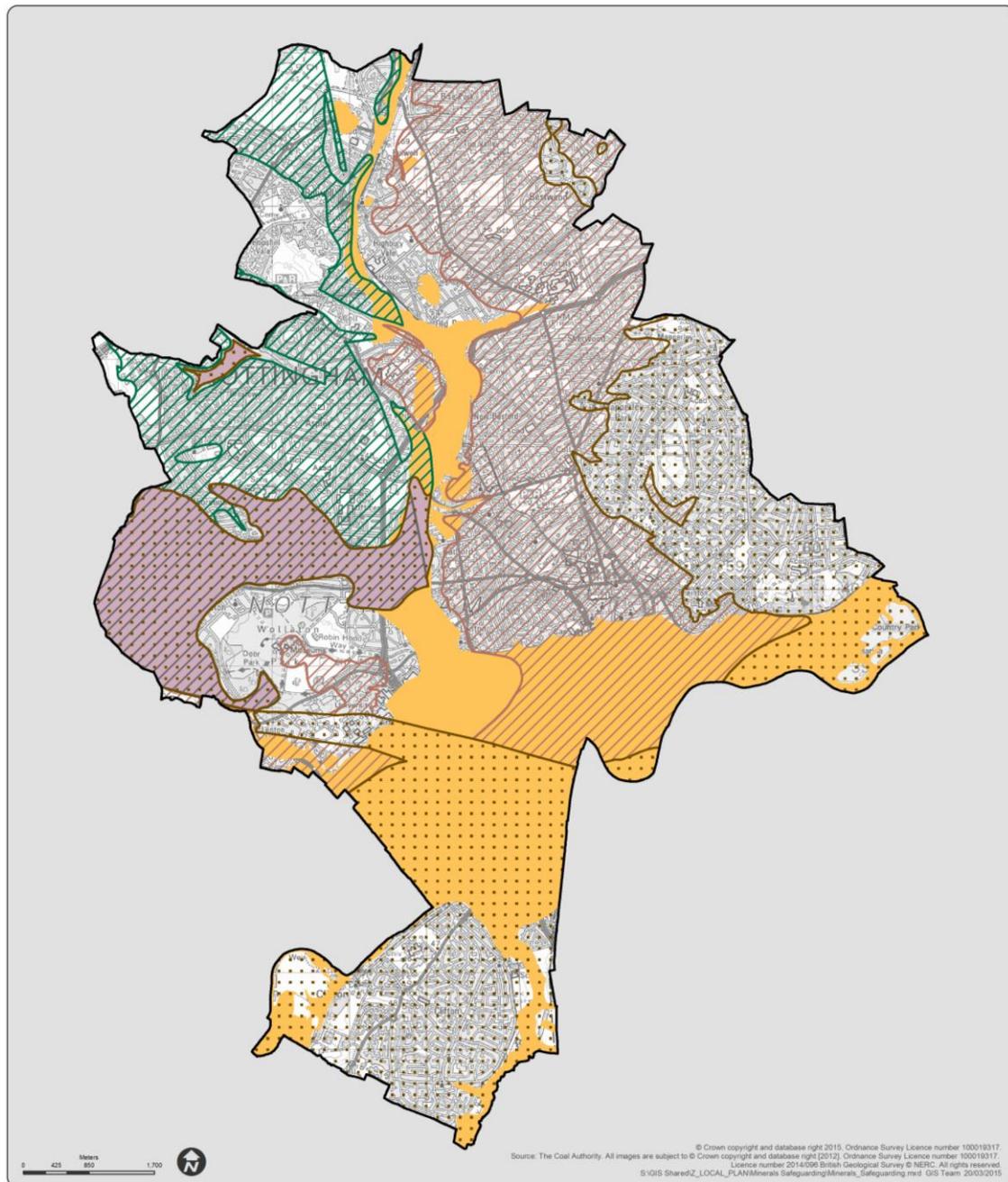
Map 6: Sand and Gravel Superficial Resource within Nottingham City



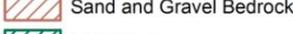
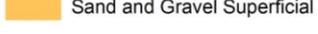
**Key**

-  City Boundary
-  Sand and Gravel Superficial

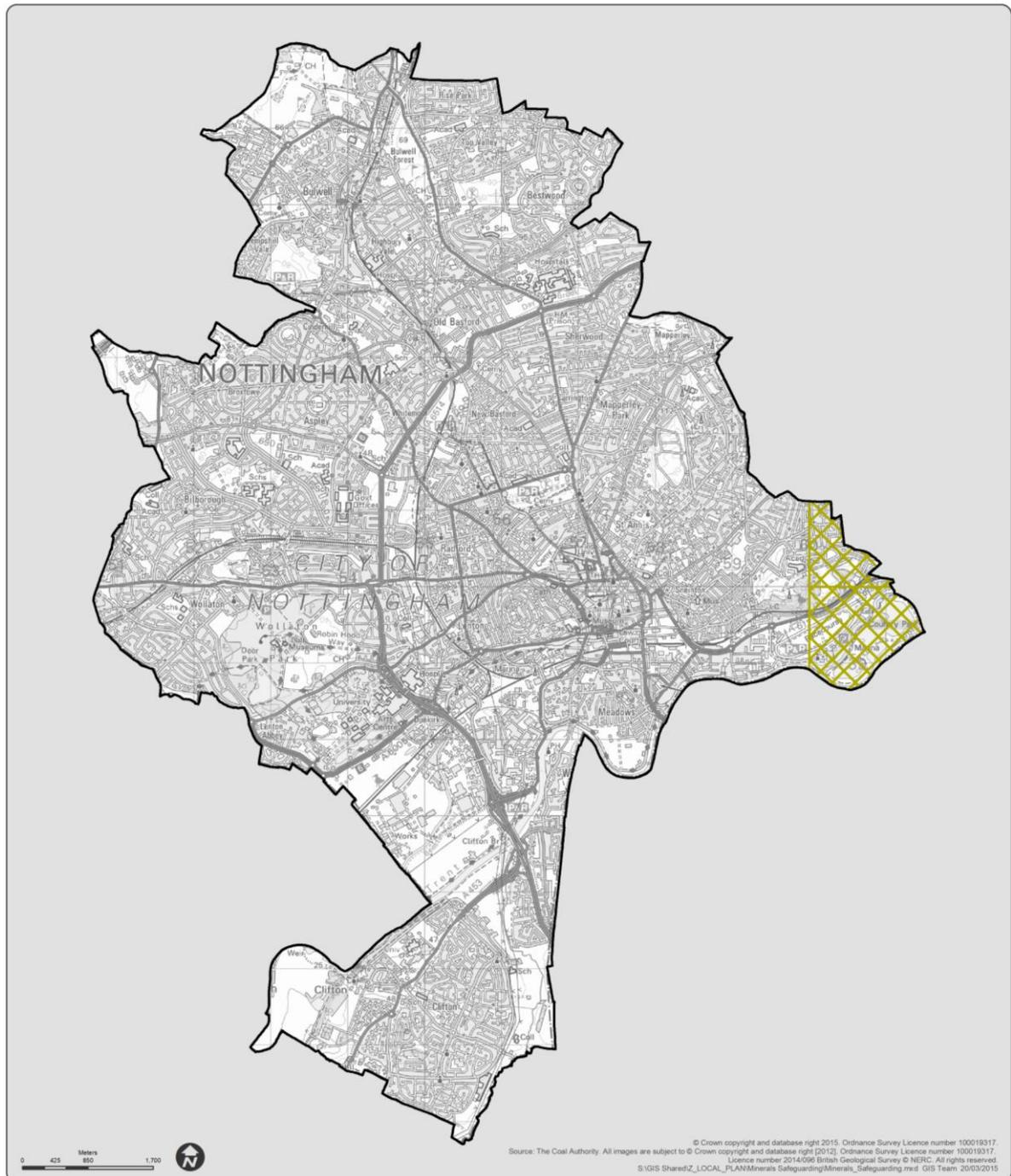
Map 7: Mineral Safeguarding Areas within Nottingham City



**Key**

 City Boundary	 Surface Coal Resource Area
 Brick Clay	 Fireclay
 Sand and Gravel Bedrock	 Sand and Gravel Superficial
 Limestone	

Map 8: PEDL Area within Nottingham City



**Key**

-  City Boundary
-  PEDL Areas