

**Nottinghamshire Wildlife Trust (NWT) April 2019 Hearing Statement for the Mansfield Local Plan Examination to supplement NWT's original representations (Representor ID 451585).**

***Main Matter 5 – Whether or not the proposed strategic urban extensions and employment allocations are soundly based and deliverable in the plan period and whether other policies for employment and the economy are soundly based.***

**Site E2a – Ratcher Hill Quarry**

**MM5 Q18 - *Would the mitigation set out in E2a (f) be effective?***

**MM5 Q19 - *Are any further safeguards or mitigation measures necessary to achieve an acceptable form of development and are any main modifications necessary for soundness?***

1. We question the soundness of the proposed employment allocation at Ratcher Hill Quarry.
2. Under an extant mineral planning permission there is an approved restoration scheme to restore this site to '*a mosaic of woodland, scrub, acid grassland and heathland and enable public access*'. This requirement is to compensate for habitats that have been lost during the life of the quarry. The provision of this habitat restoration is also regulated through a Section 106 legal agreement which requires the ecological management of the site over a ten-year period. If a decision was taken to allocate the site for employment development, this would be contrary to the aims of the extant planning conditions and S106 agreement. It is therefore clear that the restoration to habitats characteristic of the Sherwood landscape has been agreed. A significant area of the agreed restoration area of the Quarry would be lost if this proposed allocation were to be developed for employment use and is therefore contrary to that agreed approach.
3. There is currently a retrospective planning application submitted for the site (2/2018/0040/NCC). This application is for '*Retrospective permission for silica sand extraction and associated revised site restoration proposals*'. The planning application was necessary due to a greater amount of material being extracted from the site than the original planning permission allowed. Discussions about a revised restoration scheme are underway between Mansfield Sand, Natural England, Mineral Planning Authority and Nottinghamshire Wildlife Trust. A reduction of the agreed restoration area is **not** on the table for discussion.

4. NWT consider that the further reduction in heathland and acid grassland habitat that would result from commercial development on part of this site is wholly unacceptable, and contrary to the aims of the approved restoration scheme. As a result of the over-extraction of mineral without planning permission, the scheme now submitted is substantively poorer for delivering priority biodiversity habitats than the original approved scheme. The revised but yet to be agreed scheme features deep waterbodies that will have limited wildlife value as appose to the the mosaic of habitats that was agreed.
5. Policy E2a - Ratcher Hill Quarry employment area states: "A 5.37ha extension to the Ratcher Hill Quarry Employment Area is allocated for employment uses with access off Southwell Road, provided that...2.55ha of land within the district is provided as heathland." We do not support this strategy. Heathlands are difficult to establish on arable land. Small, fragmented areas of heathland habitat are far less valuable for wildlife, costlier to manage and suffer from edge effects including fly tipping and vandalism. The agreed restoration scheme for Ratcher Hill site provided an ideal opportunity to create new heathland habitats, thereby contributing to the large-scale ambition of restoration, creation and maintenance of the heathland resource in the County.

It should also be noted that the Rufford ERF Inspector's decision established the fact that a mineral site with extant restoration requirements is in fact a greenfield site for the purposes of planning application considerations. (\*APPLICATION BY VEOLIA ES NOTTINGHAMSHIRE LIMITED LAND AT FORMER RUFFORD COLLIERY, RAINWORTH, NOTTINGHAMSHIRE NG21 OET. APPLICATION REF: 3/07/01793/CMW).





**Nottinghamshire Wildlife Trust (NWT) - Statement for the Mansfield Draft Local Plan Examination to supplement NWT's original representations .  
Representor ID 451585**

**MAIN MATTER 5. Whether or not the proposed strategic urban extensions and employment allocations are soundly based and deliverable in the plan period and whether other policies for employment and the economy are soundly based**

**Land off Jubilee Way (Policy SUE2)**

***Question 13. Is the requirement for a masterplan reasonable and would it provide an appropriate framework for the development of site proposals?***

1. This proposed development site lies adjacent or in close proximity to three SSSIs (Strawberry Hill Heath, Sherwood Forest Golf Course and Oak Tree Heath) and there are extensive areas designated as Local Wildlife Sites adjacent, to the north, east and south. The site also lies within the buffer zone for the ppSPA and is immediately adjacent to areas identified as forming part of the qualifying sites to meet the criteria for both the SPA and IBA. The proposed allocation site is also known to host protected and Sn41 Species of Principal Importance and there are protected species (including Annex 1 bird species under the Birds Directive) found in immediate proximity. Consequently, it is essential to ensure that this allocation is sound with regard to biodiversity law as it applies to planning policy, including the NERC and CROW Acts, the WLCA, the Conservation of Habitats and Species Regulations (various and as amended) and the NPPF.
2. NWT have discussed this allocation and potential application with the Applicant and Natural England for some months. Consequently, it is NWT's position that it should be possible to mitigate for the ecological impacts that would arise from such a development in this location, through a comprehensive package of mitigation and ecological compensation measures that would ensure no Likely Significant Effects on species protected under European Law and no adverse impacts on habitat and species protected by UK Law, and which would also be in accordance with the NPPF requirement to achieve net gain. It is NWT's position that the design information necessary to give the required level of certainty that these impacts can be mitigated or compensated, should be included at an allocation stage, as a matter of principle, particularly for such a sensitive location. Without this level of detail and certainty as to implementation, NWT would not be able to support this allocation. This is because once allocated, there is a presumption of acceptability which, without this level of detail, would not have been adequately and rigorously tested. As a planning consultee of many years, NWT has witnessed the effects of such a presumption on several occasions.



3. It is therefore NWT's position that a detailed masterplan is required at this stage, that clearly shows the scale, scope and details of the necessary mitigation and ecological compensation, and that under these, particular, circumstances this is reasonable. It is known that an application for this site is likely to quickly follow an approved allocation, it is also known that the applicant is fully aware of and has agreed to these measures, therefore the request for a masterplan that shows this information is both reasonable and would provide an appropriate framework for the development of the site proposals. If the necessary level of detail can demonstrate that there would be no adverse impacts on the biodiversity of the area and would achieve net gain, this would help towards enabling NWT to withdraw our objection to this allocation, in conjunction with the measures described below in our response to Q14. The masterplan should therefore include:
- a) Clear demarcation of areas of protected and enhanced habitat both on the proposed development site and the associated land at Crown Farm Tip and the former Mansfield Golf Course.
  - b) Mitigation and compensation features to ensure the protection of Sn 41 habitats and species.
  - c) Mitigation and compensation features to meet the requirements for protecting nightjar and woodlark in the ppSPA and its buffer zone.
  - d) Zoning to show area that would be developed as SANGs (greenspace that can be accessed by residents, the public, dogwalkers etc,) and areas where access would not be encouraged, to ensure that there is no increased impact of such activities on habitats (both on and off-site) used by Annex 1 ground-nesting bird species.

***14 Are any further safeguards or mitigation measures necessary to achieve an acceptable form of development and are any main modifications necessary for soundness?***

1. NWT note that several of the issues raised in our previous responses to the various drafts of the LP, and in our discussions with the Applicant, have been encompassed in the wording of SUE2 and the accompanying paragraph 8.14, which is to be welcomed. Our view, however, is that further detail is still required to provide us with the necessary certainty that protected and Sn41 Habitats and Species of Principal Importance will be conserved and enhanced. NWT, MDC and Welbeck Estates have sought to agree a Statement of Common Ground which details further measures required to ensure that the important biodiversity of this proposed allocation site, and its surroundings, can be both protected and enhanced. As a result of those discussions, MDC have now committed to the inclusion of two further points in para 8.14 in support of Policy SUE2; these are as follows:



- Measures to reduce predation of protected wildlife by domestic animals; and
- An access management plan to ensure that sensitive areas are not inappropriately accessed.

NWT welcome these additions and support their inclusion.

2. There are, however, further matters of principle and detail that need to be included in the text of 8.14, in some cases because they apply to habitats and species of importance outside the proposed allocation boundary, and so cannot be illustrated on an annotated masterplan as described in our answer to Q13 above. These modest additions would give certainty that the necessary legal and planning requirements for the protection and enhancement of biodiversity and net gain, both on site and in the wider area that would be affected by such a development, can be achieved.
  - a) Specific reference to the need for measures to ensure that Oak Tree Heath SSSI would not be impacted from increased use, disturbance and/or habitat degradation as a result of this proposed allocation.
  - b) Provision for management of habitats in the long term /perpetuity.
  - c) Provision for recording and monitoring key species and groups before and after the development to ensure that the mitigation and ecological compensation is working and to inform the development of further measures if the required outputs have not been achieved.
  - d) Confirmation that an assessment of the likely impact of increased Nitrogen deposition on sensitive habitats nearby, **will** be required, in accordance with best practice. Paragraph 8.14 currently says it **may** be required.
3. NWT, MDC and Welbeck Estates are in active dialogue to move these matters forward in advance of the Examination.