

Ransomwood Estates UK Ltd

April 2019 Hearing Statement for the Mansfield Local Plan

To supplement Our original representations.

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

17 What is the position in relation to the restoration for part of the site set out in a section 106 agreement relating to a previous planning permission for minerals development? Having regard to this, is the site allocation justified and are Figure 6.1 and the Policies Map consistent?

1. The aim of the **section 106 agreement**, was to ensure that, from the date that quarrying ceased at Ratcher Hill Quarry, parts of the site, including specifically the 2.55HA area that the applicant (Mansfield Sand Company Ltd) are attempting to gain permission for a commercial employment area on, are already specified under planning law, as protected ecological uses. In this area, specifically as heathland, which receives even higher-level protection.

The **section 106** ensures, that immediately on cessation of quarrying the restoration process should have commenced. The mineral planning authority have reasserted this and sent back changes to the proposal and restoration scheme, with this regard.

Our position, therefore, is that the proposed allocation is not justified. We are concerned that Mansfield District have not read the many documents that consistently show the conditions imposed.

We would ask that figure 6.1 and the policies map be clarified to reflect the site as one, which is intended for restoration rather than one which is appropriate for future employment/quarrying use.

2. Whilst the wet heathland area around the southern lagoon has been lost to open water, due to over quarrying of 528,000 tonnes of unlicensed material, this doesn't impact on the restoration of the 2.55ha area of heathland on which the applicant has proposed a commercial employment area. Except that that 2.55HA area protected under **section 106**, is in even more need of protection.
3. It was with grave concern, that during my last meeting with the Director of Place and Wellbeing and the Team Leader of Mansfield District Council Planning Policy team, held on February 13th 2019, they both admitted that they had never read the section 106 agreement in relation to this site. This was despite my raising it and the importance of the site in ecological terms, from the very beginning of the Local Plan Consultation period.
4. Since the beginning of the local plan consultation period, members of the Planning Policy Team, have actively tried to persuade me to reduce our own employment area, as shown on previous local plans, along with a 20 year plan presented at committee level. So there are other options, which have been available for some time, which could be realized within the local plan period.
5. On several occasions they have told me, they have had meetings with the Planning Applications Senior Practitioner, Mike Hankin, Nottinghamshire County Council, who is the officer dealing with the retrospective application and that he supports this proposal on the local plan, in order to try to persuade me to compromise.

After each occasion this has occurred, I have called Mike and been told that he has never had a face to face meeting with them, only a few brief phone conversations.

Mike has also never directly supported the proposal and there has recently been a six month delay agreed on the application, due to unresolved issues.

6. Mike has stated that he is willing to be interviewed by the Planning Inspector on invitation.

7. Ref letter to Mike Hankin, since his last position statement, by Eversheds Sutherland International (Mineral Planning Law Specialists), on our behalf, on April 12th 2019

“Restoration and Ecological Mitigation” Paragraph 1 and 2

8. The section 106 agreement is not exclusive to Mansfield Sand Co Ltd, because prior to 1999, Mansfield Sand also included Mansfield Asphalt Company Ltd, Ransomwood Business Park and Mansfield Realisations Limited regarding this whole site. It referred to Mansfield Realisations Limited, in good faith, agreeing to revoke the Cross Lane Planning Permission. Ransomwood Estates UK Ltd have taken into possession the entirety of the **hatched area on plan 2 of the section 106 agreement**, for mitigation referred to in **schedule 1**, for Mansfield Sand Co Ltd to mitigate for loss of suitable roosting habitat for bird and bat species through the loss of woodland.

We have committed to managing this site for this purpose, on the condition that the applicant commits to the rest of the section 106. Therefore, the mitigation commitments and responsibilities by the applicant have already significantly reduced.

9. Ref Planning No 2/2000/242/ET Awarded June 2002

Extension to Ratcher Hill Sand Quarry and subsequent restoration to Heathland and Nature Conservation.

Condition 1. Plan No 3B dated March 2001

Winning and Working of Sand in Land edged red in above plan and restoration of that land and the adjacent quarry to amenity Heathland/Woodland.

The word “Amenity” in this condition, refers to “an area primarily for amenity rather than timber, often with public access for outdoor pursuits such as walking, mountain biking and orienteering or maybe managed for game.” In Ratcher Hill Quarry, an appropriate use could be nature conservation and study for education use (so long as alternative access such as a footpath, is arranged) but certainly not industrial or business employment, as suggested in the Applicant’s retrospective application.

10. Condition 3 No 2/2000/242/ET All plant, buildings and machinery associated with winning and working of this material in both the permitted area and the adjacent quarry shall be removed within six months of the cessation of quarrying or by 31 December 2016 at the latest.

With reference to condition 3, the former quarry workshop, should have already been removed and must not be used to argue for commercial building development, when its location has been classified as amenity heathland/woodland ever since the original restoration scheme and following extensions.

11. Mansfield Sand Co Ltd has not attempted to approach us over the proposed changes, has denied intention to make these changes to us and has unsuccessfully attempted through a legal letter to the MPA, to stop the MPA from communicating with us over the proposed changes. We have offered to meet in preference to going through planning system but to no avail.

12. They have also expressly stated in their retrospective application, that they will not invest in improving the Quarry access road (wrongly assumed by the planning policy team to be unimportant), the relevance of which, will be explained later in this submission.

13. Condition 33. No 2/2000/242/ET All operations for the spreading of soils shall be completed in the permitted area and adjoining quarry within two years of extraction of sand.

It is now 3 years and the over-extraction issue within the permitted area does not need to delay the spreading in the adjoining quarry, which includes the newly proposed “employment” area.

14. Condition 34 Grass seeding and shrub planting and formation of wetland areas in first available season following re-spreading of soils.

Should be happening now and completed within the next 12 months.

The excess quarrying and water area, does not prevent this activity from the rest of the quarry site, including the newly proposed “employment” area.

15. The aftercare programs should be submitted annually by 31 December.
None submitted so far.

16. No 2/2000/242/ET Reasons 2, 3, 31 – To ensure timely restoration of the site.

The applicant has delayed the process due to trying to change it and through excess quarrying of one part of the site, which does not prevent moving forward on the rest of the site.

17. The retrospective application to the mineral planning authority sites the 1998 restoration conditions and the 2007 variation of planning permission 2/2000/242/ET. However, none of the changes in the 2007 variation, impact on, or are relevant to, the unlicensed removal of 528,000 tonnes, which appear to come entirely from the 2/2000/242/ET permission. This should be cited in the retrospective application.

Nor does this material removal prevent the restoration of the newly proposed “Employment” area, to the legislated heathland.

18 Would the mitigation set out in E2a (f) be effective?

We do not believe so, as through discussion with the Planning Applications Senior Practitioner, Mike Hankin, Nottinghamshire County Council and our own Mineral Planning Lawyer, since his written position statement, it is agreed that creating 2.55ha of new heathland elsewhere in the District, would not match the ecological value of this bare sand, protected quarry site, and it would take away from, the originally proposed mosaic habitat that this entire site offers. Our Mineral Planning Lawyers have written to Mike Hankin since his last position statement, confirming that, an industrial or business employment area would have a negative ecological impact on the rest of the restored scheme.

1. There are presently approximately 150 sandmartins nesting on the northern cliff as well as a sensitive raptor nesting pair. The sandmartins actively feed off the lagoons (also plentiful waterfowl), sand areas and our own site and the raptors hunt in the same areas. Strawberry Hill SSSI, Ransom Wood Business Park and neighbouring Woodland, house significant nesting Raptors, Nightjars and other species, including records of over 76 bird species, invertebrates and records of over 400 moth species, which the broader restoration scheme, especially the proposed heathland site (which as it is under **section 106**, is assumed to already include protected heathland species), will connect to.

2 **Ref Mike Hankin's position statement sent to all parties on the 26/02/19;**

- **"NCC are unlikely to relax the obligations imposed under the Section 106 agreement without satisfactory arrangements being tabled to offset/re-create the Ratcher Hill heathland habitat with habitat of equivalent or better value at an alternative location."**

We argue that it would be easier to find another site for industrial or business employment development, than it would, another protected heathland site of this value. As such it is unlikely that the policy E2a could be met despite that proviso.

3 Recent Bird and Wildlife Surveys, available on the British Ornithology website.

4. **Ref. letter sent to Mike Hankin, by Eversheds Sutherland International (Mineral Planning Law Specialists) on our behalf, on April 12th 2019,**

"The Use of The Application Site" Paragraph 1 and 2

The later extension to the quarry workings, was allowed as temporary continuation of employment, whilst the Applicant prepared to move its operations to Two Oaks Quarry near Ravenshead, where existing staff were able to relocate their place of work, without having to move to another area.

19 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 note mitigation payments for the impact of development, referred to in E2a1b, are proposed for road junctions that are impractical and unachievable to improve and irrelevant to the proposed, existing access for the Ratcher Hill former Quarry Site.
2. We note reference to enhanced cycling and walking linkages being provided to connect with existing strategic trails along Mansfield Way to facilitate the use of sustainable transport, are not viable, as this site does not connect to Mansfield Way through the applicant's own property and are unrelated to site ecology loss.
3. With reference to two previous sections in this submission, it is clear that due to;
 - The excess quarrying of materials,
 - The need for mitigation for loss of wet heathland to open water,
 - Loss of connection to Oaktree Heath
 - The reduced burden of mitigation commitments by Mansfield Sand,
 - the commitments already in place by other parties,
 - the concerns on the condition of the eastern bank, bordering Strawberry Hill SSSI by Nottinghamshire Wildlife Trust, which also needs mitigating against,
 - concerns raised by Natural England
 - The unnecessary delays by Mansfield Sand in progressing the section

106

- Major issues with the Access road

That the newly proposed development would not be acceptable.

4. Ref letter sent to Mike Hankin, by Eversheds Sutherland International (Mineral Planning Law Specialists) on our behalf, on April 12th 2019.

Restoration and ecological mitigation Paragraph 3, 4, 5.

“As it is clear from the consultation responses... and should certainly not be “watered down” or reduced in scope or quality....”

“Ransomwood wish to see the comprehensive and effective restoration of the site and are keen that it should be delivered substantially as approved. As such, the application should be refused.”

5. We should add that Ratcher Hill is not the applicant’s sole exhausted quarry working. They already have Sandhurst Avenue Quarry ready to convert fully for housing development and have done the same previously with Berry Hill Quarry, so the mitigation to woodland, heathland and wetland is also in relation to loss of habitat and commercial benefit of development on those two sites. The final temporary extension at Ratcher Hill Quarry was only allowing a temporary employment area, until the new Quarry site at Two Oaks Quarry was realized and moved to that site.

6. Access

Ref letter sent to Mike Hankin, by Eversheds Sutherland International, on our behalf, on April 12th 2019. Paragraph 1 - 6

“The access ...the matter of access in itself is a reason for refusal.”

We note that in the retrospective application, the applicant states under clause 3.2.2 that,

“There are no proposals to alter the existing access road up to the main quarry entrance or the terms of the mineral planning consent which enables access to and from the quarry site.”

We also note that under our 1999 Company restructuring arrangements, we are only obliged to maintain the access road for quarrying for another 76 years and clearly therefore, the question of mitigation and safeguards, is answered by this whole submission, in that the proposed development is not appropriate in this location.

In conclusion

During the meeting with the Director of Place and Wellbeing and the Team Leader of Mansfield District Council Planning Policy team, held on February 13th 2019, the Director voiced sympathy for my deep connection to the site due to my Family running their businesses in Ratcher Hill Quarry since the 1960s. I found the emphasis on this matter uncomfortable and far less relevant than the Planning legislation and Land Law that already applied to the site.

Even prior to my knowledge of this local plan change, only added in the last period of consultation, I was visited by the planning policy team, told how wonderful our site is (70% green space to built property ratio, run by our own solar farm), before they tried to tell me that the Elmsley Heath development would be using our access to the A617.

At a similar time, the Agent for the proposed development, to the North of Ratcher Hill Quarry, at the time referred to as E3 Elmsley Heath Development, announced in a landowner's Group, that they would pay the Sand Company for access through their site to the A6191 on the access road.

When I explained that the majority of the road was ours and that we wouldn't accept this, as access rights are not from any adjoining property through the Former Quarry. That even if the planning protection and section 106 wasn't in place, the cost of adoption and the added cost of protection for our site, from diverting antisocial activity suffered on Eakring Road (which they planned to close) through our site, would be significant and likely 10% of the value of their whole development proposal.

They withdrew their proposal but not before the planning policy team threatened to compulsorily adopt our private road. The proposal by the applicant and the late addition of the proposal to the local plan, appear to be a continuation of this.

We feel strongly about not having been fully engaged in the discussion on the proposed extension to the Urban Boundary. We have worked for years to be the soft edge and gateway to the countryside.

We feel even more strongly about the lack of due diligence done by both the Planning Policy Team and Applicant, in an apparent rush to get this proposal onto the Local Plan.

We are also concerned by the impractical way in which sites within the Local Plan Consultation could be viewed. In that each time, the site was referenced by the Planning Policy team, we had to leaf through the whole document

before finding the application. This took far longer than was practical, considering businesses have limited time to do so.

It seems strange that in this age of instant access to information, the Planning Policy Team have made this document so timely to access and view.

They also didn't inform me of the final changes to the proposal, late in the process, preventing me from making further observation or objection within the Public Consultation period. In any case, we were not just a public consultee but an involved party that the site permanently interacts with.

I would state that whilst Planning permission for the excess quarrying in the 2002 granted quarrying extension area, would benefit us through Royalties due to ourselves, we above all respect the Planning system and that financial benefits or restraints are not relevant to the process. That legislation and law are the sole arbiters.

Due to the lack of due diligence by policy officers at Mansfield District Council, we have put most of our energy towards challenging the proposal through the Mineral Planning Authority, who are the leading authority for the proposed new site in Ratcher Hill Quarry and feel strongly that it is not appropriate for this site to be on the local plan at this stage.

I sincerely thank the Inspector for the opportunity to make this submission, which under the circumstances already explained, we have relied upon for fair and due process. The information supplied is to the best of our knowledge accurate.

Yours Sincerely

Charles Cannon BA Hons Countryside Planning

Director

Ransomwood Estates UK Ltd. Company Registration No. 10474266

Mr Mike Hankin
Planning Applications Senior Practitioner
Nottinghamshire County Council

Date: 12 April 2019

Your ref:

Our ref: LLOYDR\New-New

Direct: +44 161 831 8108

Email: richardlloyd@eversheds-sutherland.com

By e-mail mike.hankin@nottscc.gov.uk

Dear Sirs,

Planning Application Ref:F/3802
Land at Ratcher Hill Quarry
Applicant: Mansfield Sand Company Ltd

We act for Ransomwood Estates Limited ("Ransomwood"), who own land adjoining the application site. We write further to the objection to the application lodged by Ransomwood.

At the outset, we understand that the applicants have said to the planning authority that the authority should not continue dialogue with Ransomwood in connection with the application. Clearly, that statement is wrong in law and policy and should be ignored.

Planning is necessarily a transparent and public process, and those most affected by development proposals must have a full opportunity to make representations. Our client (an adjoining landowner and an owner of land to which the existing section 106 agreement relates) is an affected party whose representations and views are on highly relevant planning considerations, and which must be afforded significant weight. Failure to pay due regard to our client's submissions would constitute a breach of due process and a breach of the Human Rights Act 1998. As such, we trust that proper regard shall be had to our client's representations.

We now move to the application itself. In this letter we will not rehearse the detailed submissions already made by our client, but instead will reinforce some of the key points.

The Use of the Application Site

The applicant appears to claim in its application that the application site is in employment use. This is misleading and incorrect and cannot be considered in that manner. The land in question is the subject of a permission which allows quarrying activities for a temporary period, following which the quarrying use must cease and the land must be restored. There is a suggestion that the ability to "relocate" the heathland elsewhere in order to protect the employment use of the site is a consideration that should weigh in the balance of the determination of the application – negligible to no weight should be placed on such an argument.

As such, any employment on the site has a finite duration and must end when the permitted quarrying is completed. Any decision which places weight on the proposition that the site is an employment site in any event would be legally flawed.

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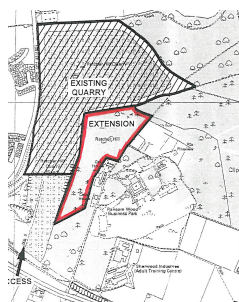
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Position Statement regarding Ratcher Hill Quarry

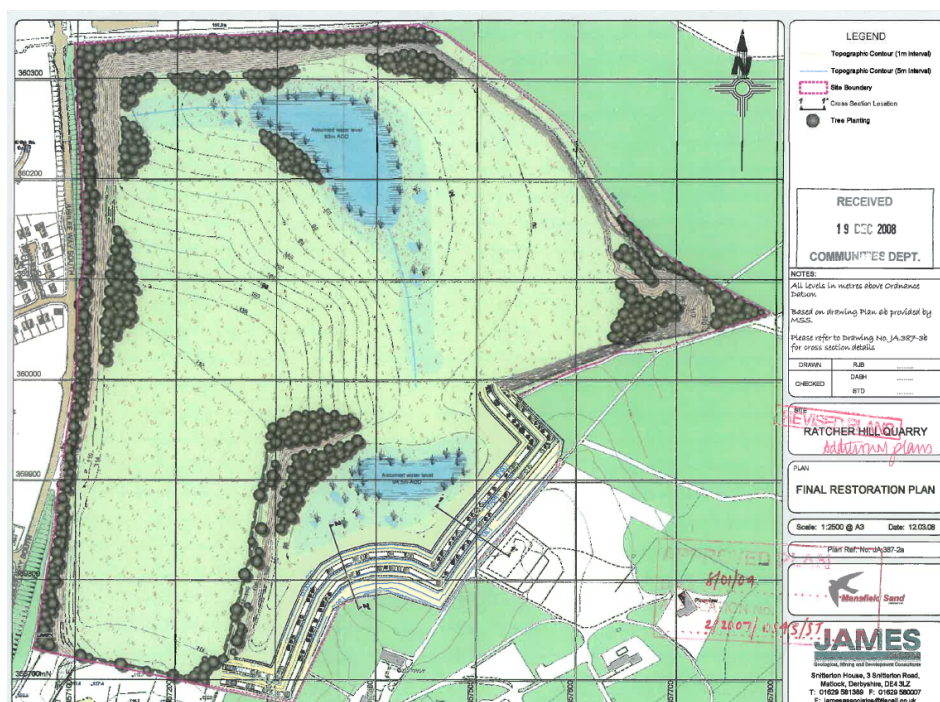
Please Note: The advice incorporated in this position statement is provided by Nottinghamshire County Councils planning applications case officer responsible for Ratcher Hill Quarry, and the advice is offered without prejudice to any subsequent recommendations or planning decisions which may be made by Nottinghamshire County Council acting in its capacity as Minerals Planning Authority for the Ratcher Hill Quarry site.

Existing planning controls relating to the restoration of the site

- Mineral extraction at Ratcher Hill Quarry is regulated by an Environment Act consent (ref: 2/97/11750/0370/P) for the original quarry area (edged black) and Planning Permission 2/2007/0543/ST in respect of an eastern extension area (edged red).

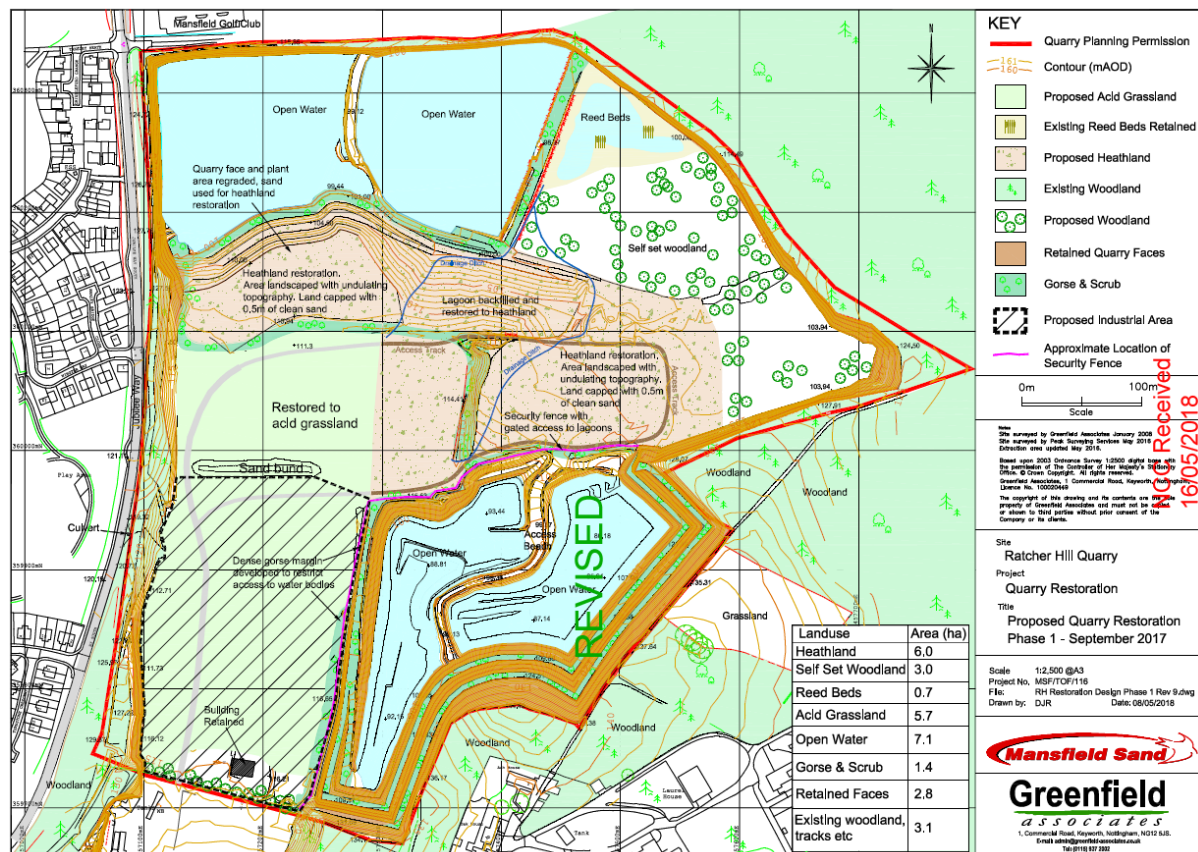


- These existing planning consents incorporate a requirement to restore the Ratcher Hill Quarry site to create 'a mosaic of woodland, scrub, acid grassland and heathland and enable public access' and therefore compensate for habitats that were lost when the quarry was originally developed. The obligation to restore the site is regulated both through planning conditions and a Section 106 legal agreement which provides for an extended 10-year aftercare period to manage the restored site and ensure that it establishes into a high quality ecological habitat. A copy of the approved restoration plan is attached below.



Planning Application currently under consideration with Nottinghamshire County Council

- The County Council in its capacity as Minerals Planning Authority is currently considering a planning application under reference 2/2018/0040/NCC to
 - Retrospectively regularise the extraction of mineral within the eastern extension area to a greater depth than originally granted planning permission, and
 - Agree a revised restoration scheme for the quarry which incorporates greater areas of open water as a result of the deeper excavations that have taken place together with a series of modifications to the restoration of the wider quarry site.
- A copy of the proposed restoration scheme is shown below:



Determination of Planning Application 2/2018/0040/NCC

Planning Application 2/2018/0040/NCC currently has not been determined. This is because of a number of concerns that have been raised through the planning consultation process and the case officer assessment of the submission. Mansfield Sand have been advised of these concerns which are summarised below:

- Concern is expressed that the revised restoration scheme does not provide appropriate compensation/mitigation for the ecological impacts which occurred when the original habitat was cleared when the quarry was originally developed. This is because of the reduction in heathland habitat that would be created following the restoration of the site. This reduction in heathland is as a result of the additional areas of open water now proposed within the restored site, and because of the potential loss of a substantial area of the site to industrial redevelopment.

- In terms of open water habitat, additional wetland areas are now proposed within both the eastern extension area due to the deeper excavations and in the northern lake of the original quarry because of changes to the local hydrology. The additional areas of wetland area are not readily reversible in these parts of the site.
- The industrial development would be undertaken on a 'dry' area of the site, underlain on a sand substrate which would otherwise be entirely appropriate for heathland habitat creation. Industrial buildings on this part of the site would further erode the ecological value of the restored site and would be a 'lost opportunity' in terms of recreating the habitat value of the site. It is considered important that areas of the site which are not wetland in character are restored to maximise their habitat value to compensate for irreversible changes elsewhere in the site.
- Mansfield Sand have therefore been requested to amend their restoration plans for the former quarry to omit the industrial development from the scheme and utilise this part of the site to create heathland habitat in accordance with the original restoration objectives for the site. The current arrangements which prioritise industrial development with a 'fall-back' position to restore to acid grassland do not maximise the ecological potential of the restored site. Mansfield Sand have also been requested to amend their restoration plan to propose additional heathland within the area indicated to be restored to acid grassland, immediately to the north of the proposed industrial land.
- Mansfield Sand have been advised that any recommendation to grant permission for planning application 2/2018/0040/NCC would be likely to regulate the restoration of the site by planning condition and an obligation to provide ten years management of the site through a revised Section 106 agreement.

NCC Officer advice/position in respect of proposed industrial development within Ratcher Hill Quarry through the Mansfield Local Plan review process.

- The case officer is disappointed that the revised restoration scheme for Ratcher Hill quarry would not deliver the level of ecological habitat that was originally planned as a result of the significant increase in wetland habitat. These changes however are unavoidable in the context of the existing site conditions.
- Any decision to develop employment land within Ratcher Hill Quarry (without appropriate compensation/mitigation) would further erode the ecological value of the restored site. However, since this industrial development has not currently taken place, the potential loss of habitat is avoidable if it was decided not to proceed with this industrial development.
- The decision to allocate the Ratcher Hill Quarry for industrial development rests with Mansfield District Council through the local plan review process and subsequently the determination of any planning application.
- If a decision was made to proceed with an industrial allocation at Ratcher Hill this would not negate obligations imposed by NCC under a Section 106 legal agreement specifically in the context of providing 10-year restoration/aftercare habitat management of the Ratcher Hill Quarry site.
- NCC are unlikely to relax the obligations imposed under the Section 106 agreement without satisfactory arrangements being tabled to offset/re-create the Ratcher Hill heathland habitat with habitat of equivalent or better value at an alternative location.

- The approach set out above is broadly consistent with Policy E2a in the Publication Draft of the Mansfield Local Plan – a Policy which requires compensatory habitat to be provided in the event that the Ratcher Hill industrial allocation was developed.
- Policy E2a therefore would provide scope to ensure that the County Council's restoration obligations do not jeopardise future industrial development on the site if this is the final preferred option of Mansfield District Council's Local Plan, whilst also ensuring that satisfactory ecological mitigation is provided for the quarry site.

Mike Hankin: Planning Applications Senior Practitioner, Nottinghamshire County Council

DATED

first day of May

2002

MANSFIELD REALISATIONS LIMITED

and

MANSFIELD SAND COMPANY LIMITED

and

NOTTINGHAMSHIRE COUNTY COUNCIL

A G R E E M E N T

under Section 106 of the Town and
Country Planning Act 1990
relating to

Land at Cross Lane, Blidworth Nottinghamshire
and land at Ratcher Hill Southwell Road
Mansfield Nottinghamshire

Mrs H. M. Salisbury
County Solicitor
Nottinghamshire County Council
County Hall
West Bridgford
Nottingham
NG2 7QP
Steven\Agr\Mansfield Realisation

AN AGREEMENT made on

first day of May

2002

BETWEEN:-

- (1) MANSFIELD REALISATIONS LIMITED (Company Registration Number 3758641) of Sandhurst Avenue Mansfield Nottingham NG18 4BE ("Mansfield Realisations")
- (2) MANSFIELD SAND COMPANY LIMITED (Company Registration Number 3754188) of Sandhurst Avenue Mansfield Nottinghamshire NG18 4BE ("Mansfield Sand") and
- (3) NOTTINGHAMSHIRE COUNTY COUNCIL of County Hall West Bridgford Nottingham NG2 7QP ("the County Council")

Recitals:

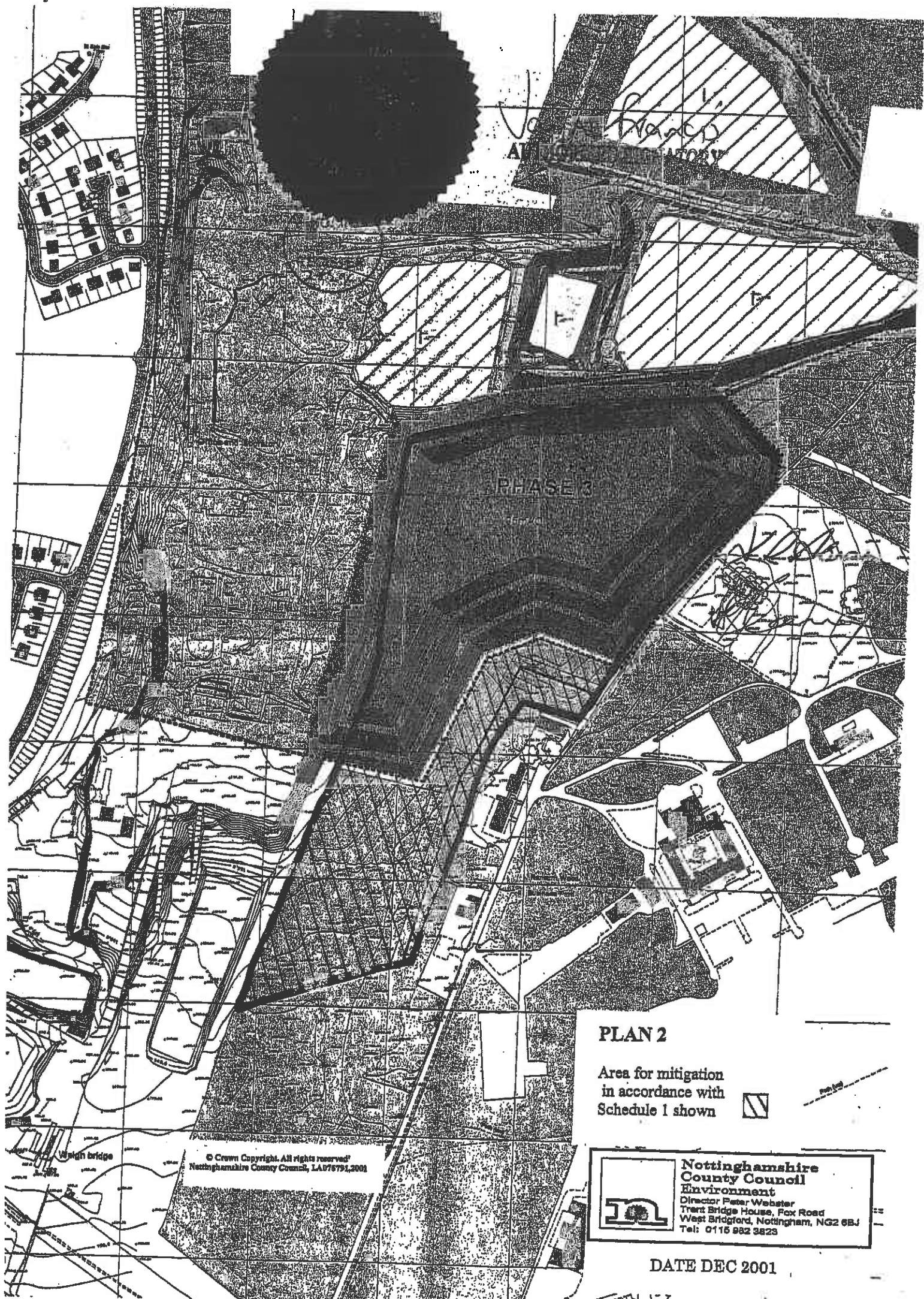
- A. The County Council is the County Planning Authority and Mineral Planning Authority for the County of Nottinghamshire the area within which both Sites (as hereinafter referred to) are located and by whom the planning obligations contained in this Deed are enforceable
- B. Mansfield Realisations is the freehold owner of a site at Cross Lane Blidworth Nottinghamshire and shown edged red on Plan 1 ("the Cross Lane Site") and which has the benefit of extant planning permission reference WSL 32 granted by the County Council on 30th April 1957 ("the Cross Lane Planning Permission") and Mansfield Sand is the freehold owner of the Ratcher Hill Quarry Site Southwell Road Mansfield Nottinghamshire

- C. In respect of the part of its Site at Ratcher Hill Southwell Road Mansfield Nottinghamshire shown edged red on Plan 2 ("the Ratcher Hill Extension Application Site") Mansfield Sand has submitted to the County Council the Ratcher Hill Extension Application (as hereinafter defined) and the County Council is concerned to ensure that any such extension and restoration of such Site is carried out in a proper manner and that the entire Ratcher Hill Site is restored to beneficial use after completion of sand extraction and also that on issue of the Ratcher Hill Extension Planning Permission (as hereinafter defined) Mansfield Realisations shall no longer implement the Cross Lane Planning Permission and shall unconditionally consent to its revocation without award of or making claims for compensation
- D. The parties have agreed to enter into this Deed with the intention that the respective obligations on the part of Mansfield Realisations and Mansfield Sand contained in this Deed may be enforced by the County Council against them or any person or persons deriving title from them to the two Sites hereinbefore mentioned

Operative Clauses

1. In this Deed unless the context requires otherwise the following words and expressions have the respective meanings set out opposite to them:-

1.1 "the Act" the Town and Country Planning Act



Vernon
AT 028

PHASE 3

PLAN 2

Area for mitigation
in accordance with
Schedule 1 shown



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Nottinghamshire County Council, LA076791,2001



**Nottinghamshire
County Council**
Environment
Director: Peter Webster
Trent Bridge House, Fox Road
West Bridgford, Nottingham, NG2 6BJ
Tel: 0115 982 3623

DATE DEC 2001

1990.

1.2 "the Ratcher Hill Extension

Application"

an application received by the County Council on 28th February 2000 under reference 2/2000/242/ET for Full planning permission for an extension of the quarrying area for both the extraction of sand as shown on the plans annexed thereto and its subsequent restoration to heathland and nature conservation in conjunction with the Ratcher Hill Site

1.3 "the Commencement

Date"

the date upon which the works pursuant to the Ratcher Hill Extension Planning Permission are commenced by the carrying out on the Ratcher Hill Extension Application Site of a material operation as specified in Section 56(2) of the Act (but not including any operations relating to the demolition of any existing buildings or

- clearance of such Site)
- 1.4 "the Development" the extraction of sand from the Ratcher Hill Extension Application Site in accordance with the Ratcher Hill Extension Planning Permission
- 1.5 "the Ratcher Hill Extension Planning Permission" the planning permission to be granted in pursuance of the Ratcher Hill Extension Application
- 1.6 "the Sites" the Cross Lane Site and the Ratcher Hill Extension Application Site
- 1.7 The masculine feminine and neuter genders include each of the other genders and the singular includes the plural and vice versa
- 1.8 A reference to an Act of Parliament refers to the Act as it applies at the date of this Agreement and any later amendment or re-enactment of it
- 1.9 A reference to a clause or schedule is a reference to a clause or schedule contained in this Agreement
- 1.1) References to any party in this Agreement shall include the successors in title of that party
2. This Agreement is made pursuant to Section 106 of the Act and the obligations contained in this Deed are planning obligations for the purposes of that section in so far as they fall within the terms of sub-section 106(1)

3. In so far as any of the covenants contained in this Deed are not planning obligations within the meaning of the Act they are entered into pursuant to the powers contained in Section 111 of the Local Government Act 1972 and all other enabling powers
4. The County Council covenants that the Ratcher Hill Extension Planning Permission shall be issued and the covenants contained in this Agreement shall come into effect either on 12th day of June 2002 if such Order be unopposed or in the event that the Order is opposed on the date the County Council receives from the Secretary of State formal confirmation of the revocation of the Cross Lane Planning Permission
5. No person shall be liable for any breach of the covenants restrictions or obligations contained in this Agreement occurring after they have parted with their interest in their respective Site or any part of their respective Site in respect of which such breach occurs but without prejudice to liability for any antecedent breach
6. This Agreement shall cease to have effect if prior to the Commencement Date the Ratcher Hill Extension Planning Permission shall expire or shall be quashed revoked or otherwise withdrawn or fundamentally modified or if planning permissions shall be granted subsequently and implemented for proposals substantially incompatible with the Development and/or associated revocation of the Cross Lane Planning Permission
7. Mansfield Realisations for itself and its successors in title to the Cross Lane

Site covenants with the County Council that it and its successors in title will not prior to the issue of the Ratcher Hill Extension Planning Permission oppose the making by the County Council of a Revocation Order under Section 97 of the Town and Country Planning Act 1990 to revoke the Cross Lane Planning Permission nor in any circumstances or at any time whatsoever make claim or bring proceedings for compensation for such revocation or intended revocation

8. Mansfield Sand for itself and its successors in title to the Ratcher Hill Extension Application Site covenants with the County Council

- (a) in respect of the long term management of the entire site at Ratcher Hill (comprising the existing said Quarry and the land within the Ratcher Hill Extension Application Site and being hereinafter together referred to as "the Entire Ratcher Hill Site" that as from the date when the Director of Environment of the County Council shall issue a Certificate of Satisfaction as regards completion of restoration operations for the Entire Ratcher Hill Site it shall implement the attached long term ten year management scheme for the entire Ratcher Hill Site and
- (b) that it shall secure the provision of wildlife mitigation measures for the areas indicated on the attached plan number 2 in accordance with both paragraphs 8 9 12 and 8 9 13 of the Environmental Statement dated March 2000 of Mansfield Sand as submitted with the Ratcher

Hill Extension Application and Schedule one attached hereto

9. This Agreement shall be registered as a local land charge immediately on completion hereof
10. The parties hereby agree that any differences and questions which arise between the Parties in connection with this Deed shall be referred for determination by an independent person who shall be a solicitor or barrister agreed upon by the parties or in default of agreement appointed on the application of any party by or at the direction of the President for the time being of the Royal Town Planning Institute and such person shall unless the parties otherwise agree act as an expert and not as an arbitrator
11. Unless expressly stated nothing in this Agreement shall create rights pursuant to the Contracts (Rights of Third Parties) Act 1999 in favour of anyone other than the parties to this Agreement
12. Mansfield Sand shall pay to the County Council its reasonable and proper legal costs for the preparation and execution of this Agreement together with all other reasonable costs reasonably and properly incurred by the Environment Department arising out of preparation of this Agreement

Executed as a Deed on the date specified at the commencement of this Agreement

SIGNED as a Deed by MANSFIELD

)

REALISATIONS LIMITED acting by

)

W. Cannon
J. L. Drake

Director

Director/Secretary

SIGNED as a Deed by MANSFIELD

)

SAND COMPANY LIMITED acting by

)

J. L. Drake
J. A. Boulton

Director

Director/Secretary

THE COMMON SEAL of NOTTINGHAMSHIRE

)

COUNTY COUNCIL was hereunto affixed

)

in the presence of

Wayne Francis
Authorised Signatory



SCHEDULE 1

to

Ratcher Hill Quarry Extension Section 106 Agreement

Town and Country Planning Act 1990

Mitigation Measures

Aim : to mitigate for the loss of suitable roosting habitat for bird and bat species through the loss of mature woodland.

- 1. Prior to the felling of trees on the site bird and bat boxes, constructed to a design previously agreed with the MPA shall be erected on 15 % of the retained trees on the site.**
- 2. Of the 15% of retained trees to receive boxes 10% shall have bird boxes installed and 5% shall have bat boxes.**
- 3. All boxes shall be maintained and, if necessary, replaced for the duration of the permitted operations and the aftercare period.**
- 4. At the end of the aftercare period a survey of occupation of the boxes shall be carried out.**
- 5. Subject to the results of the survey additional boxes, in the same ratio, shall be erected on a further 15 % of all present trees.**

Notes:

- 1. The likely trigger level for the second series of boxes will be an occupancy rate of 66% of either category of box.**

RATCHER HILL RESTORATION AND MANAGEMENT SCHEME

1.0 DESIGN PRINCIPLES

The principles behind the restoration are covered in detail in the Environmental Assessment submitted with the planning application (Chapter 3, pp. 15-19). What follows is a summary of this previous document, with additional technical information relating to the restoration and aftercare methodology. Refer to Drawing no. 6B for proposed contours and locations of features of the restoration.

The restored landform will result from the phased extraction of the mineral, together with exploitation of potential contours to produce a variety of conditions conducive to the establishment of the desired habitats. Integral to the design is the incorporation of landforms for wet and dry heath, scrub and some woodland planting.

The main objectives of this scheme are:

- To restore a substantial area of the site to heathland with associated oak and birch woodland, providing both landscape and ecological enhancement that is appropriate to the Sherwood Forest Natural Area.
- To provide further ecological diversity with the creation of ponds and marginal wetland habitats.
- To reduce the visual impact of the exposed quarry faces using remnant bench planting.
- To progressively restore the site enabling faster ultimate restoration to the desired condition.

Phased restoration will be based on progressive in-filling of lagoons with silt, together with bench planting of areas exposed as the working face is quarried. Soil restoration over the silt lagoons and any soils placed on benches will be conditioned to be the correct consistency and chemical properties of desired soils, with all remedial works to achieve this carried out on site. Some of the infilled lagoon areas will provide suitable conditions for the establishment of wet heath.

The broad aims for the long term development of habitat types, and thus the landscape character of the site are as follows:

- i. to create a mosaic of woodland, scrub, acid grassland and heathland of different ages whose species and composition reflects the character of semi-natural habitats in the vicinity.
- ii to enable access which is not in conflict with the other uses of the site for grazing and nature conservation.

These aims will be achieved through an aftercare plan, whose main provisions for the various habitat types are indicated in Section 3 below.



RATCHER HILL RESTORATION AND MANAGEMENT SCHEME

2.0 IMPLEMENTATION PROPOSALS

2.1 Phasing of land forming and seedbed preparation

The remaining unrestored areas of silt lagoons (approximately 7 hectares) will be landformed and restored progressively as each area becomes available. This will be carried out in a counter-clockwise direction as specified in the planning consent dated April 2002 (in accordance with Plans 3B, 4B and 5B).

For detailed phasing of mineral extraction and land forming works please refer to Chapter 3 of the Environmental Assessment.

2.2 Soiling and Cultivation

Soil stocks on site are divided into two sources. These are

- a) soils stored in the eastern corner of the worked area of the quarry (at approx. SK576601);
- b) on the proposed extension area; and,

Auger surveys were carried out on the extension site, indicating an average depth of 1.337m topsoil and overburden combined. The divisions of these stocks are estimated to be as follows:

Table1

Topsoil (7.64ha at 0.2m depth)	15,280m ³
Sandy subsoil (7.64ha at 1.137m depth)	86,867m ³

The sandy subsoil will be the main source of material for capping the lagoons. Soil testing and trial heathland restoration will be carried out on this substrate. Soils used to cap workings will be conditioned to resemble, as far as possible, those found on heathland areas in the locality.

The above soil resources will be used in the following manner:

Table2

Vegetation type	Area	Proposed soil depth and	Soil quantity
New woodland/scrub	4.0ha	0.5m topsoil/reverted	16,000m ³ topsoil

RATCHER HILL RESTORATION AND MANAGEMENT SCHEME

and bench planting topsoil		topsoil/ subsoil mix (sourced from extension)	4,000m ³ subsoil
Dry heath/wet heath/ acid grassland	12.0ha (approx. – silt lagoon areas)	average 0.3m subsoil (sourced from extension)	36,000m ³
	7.64ha (extension area)	established directly onto exposed sand	nil
	10.0ha (approx. – processing area plus car parks and other hard standing)	Average 0.3 m subsoil (sourced from extension)	30,000m ³

Material will also be needed for profiling final contours and micro-topography of wet heathland areas. Some 16,147m³ will remain from a total of 102,147m³ of sub soil for this purpose.

Hollows and flat areas of compacted ground will be created in heath areas to encourage natural diversity and establishment of two large pockets of damp heath.

Soil spreading and cultivation operations will be carried out in dry conditions during the summer and autumn months in progressive stages, as areas become available and in a manner designed to minimise trafficking of mobile plant over areas where soils have been replaced.

2.3 Vegetation Establishment

The following outline restoration techniques describe re-vegetation methods to be used on this site.

2.4 Existing Vegetation

Very little existing vegetation will remain, aside from that growing on the face of the workings and along the fence line. Unless invasive alien species become established, the faces will be left to develop naturally. If invasive species such as ragwort and Japanese knotweed become established, they will be removed using standard approved methodologies.

2.5 Lowland Heath/Acid Grassland

The objective of habitat creation on the quarry will be to enable vegetation to develop, which will, in time, resemble the plant communities in nearby SSSIs. The establishment of the Lowland Heath/ Acid Grassland mosaic will be achieved using the following techniques.

A covering of sandy sub soils over the silt will produce conditions much closer to those which are desired than seeding directly onto silt lagoons. A variety of substrate types will be created as follows:

RATCHER HILL RESTORATION AND MANAGEMENT SCHEME

In areas to be restored the majority will receive a sandy sub soil covering in the volumes and areas as previously described; soils from the extension area will be preferentially used for topsoiling bench planting and woodland/scrub area planting.

In new areas of heathland the following basic principles will be followed:

Gradients for heathland areas will be variable, but at least 60% will be less than 1 (vertical) in 5 (horizontal) in order to minimise erosion by water in winter and desiccation of vegetation in summer.

In addition to the formation of large impeded drainage areas through the use of open lakes and compacted spoil areas, the land form will also contain small hummocks and hollows, creating the potential for development of wetter plant communities, such as wet heath and possibly shallow open water of value to wetland birds.

Substrate analyses of the various sand and soil sources will be undertaken at a rate of 4 per hectare, to determine pH and also to identify levels of nitrogen, phosphorus, potassium and calcium. The target pH for the restored heathland is <6 and the target for soil extractable phosphorus < 25 microgrammes per gramme (ppm). These can only be achieved once the heathland flora has established below the nurse crop because the establishment of this first sward will require higher fertility levels to ensure rapid growth and thus effective soil stabilisation and improved germination conditions for the heather seed.

Fertiliser application (N only) may be necessary to aid the establishment of the nurse sward before any sowing takes place, but soil analysis prior to sowing would guide this. Fertility can be advantageous to nurse sward seedling establishment but may hinder subsequent heathland development, and so must be carefully controlled by limited applications at low rate of a high N:low P fertiliser that will not persist in the soil for more than 2-3 seasons.

In order to be able to create a heathland whose character is as close as possible to that of the adjacent SSSIs, plant material containing seed will be harvested from suitable, available, dry and wet heathland(s) that are close to this site. There are a number of different methods of achieving this but the preferred methods are as follows:

- a) For dry heath, brash (ie. cut seed heads) will be taken from a (local) donor site and broadcast onto the recipient site. This will then be treated by rolling to ensure good contact of plant material with the soil. Rolling along contours will assist in preventing excessive water runoff.
- b) For wet heath, seed will be harvested using suction apparatus and then broadcast onto damp areas as specified on the site plan (Ref. 6B).

The following table summarises recommended collection periods:

Table 3

Material to be collected	Collection period
Brash: dry heath (e.g. <i>Calluna vulgaris</i> , <i>Erica cinerea</i>)	December

RATCHER HILL RESTORATION AND MANAGEMENT SCHEME

Seed; wet heath (e.g. <i>Erica tetralix</i> , <i>Molinia caerulea</i> , <i>Eriophorum angustifolium</i>)	November
--	----------

*Collection times are always subject to temperature/weather so can only be guidelines as seed collection should take place just when the seed is ripe.

Brash will be harvested using a "Hi-Tip". Collected material will be spread over the prepared ground described in the summary table of establishment techniques below. The method of spreading will be by the use of a hydraulic vertical beam muck spreader to ensure an even rate of application. The material harvested from one hectare of heathland will be spread over two to three hectares of restored ground (rate approximately 10,000 -15,000 kg fresh material/ha) on which a nurse sward is already established. Rolling with a smooth roller will follow this operation.

Where seed is used on wet heath, spreading will be by use of an agricultural broadcaster with an inert bulking agent (sand) used to ensure even sowing rates.

2.6 Summary of Techniques for Heath Establishment

2.7 Table 4

Brash	Acid grassland nurse sward established. Sward scarified if necessary prior to spreading.	Immediately after collection
Seed	Acid grassland nurse sward established. Sward scarified if necessary prior to seeding.	Immediately after collection

A grass nurse crop will be established onto the dry heathland areas prior to the spreading of brash, again using locally sourced materials, where available. The sward will stabilise soils, provide shelter from the effects of dessication for heather seedlings and help to create an acid grass/ heath mosaic which is a characteristic element of the Sherwood Natural Area heathlands.

Grass seeding rates will be kept low, at 15kg/ha. Typical herb species, such as heath bedstraw *Galium saxatile* and heath speedwell *Veronica officinalis* will be included at a low percentage (2%) if local seed can be obtained. It is possible that these species will be introduced with locally collected brash. Five percent of the site will be left bare, as potential breeding areas for species such as little ringed plover (stonier substrates) and to provide basking habitats for invertebrates and reptiles. Areas selected for this treatment will be in patches of no more than 0.25ha, and of flat or gently sloping topography (so that substrate erosion is minimised) with half in the middle of the site to ensure that an open aspect is maintained for ground nesting birds and the other half on south-facing edges of the quarry face.

Establishment of the nurse sward will be achieved by normal agricultural operations i.e. cultivation and fertilisation, where necessary. To encourage heather establishment, cutting

RATCHER HILL RESTORATION AND MANAGEMENT SCHEME

at 100-150 mm height will be carried out as required to prevent grass growth from becoming too dense. Cuttings will be removed.

2.8 Woodland/Scrub

Where possible, plant material of local provenance will be used, this should be secured by the provision of a collect-and-grow contract which can utilise local seed sources which will then be grown on in a nursery and transplanted in an appropriate manner. Planting density will be 1150 no. per hectare at 3m spacing. Planting densities within small areas will be varied to ensure that habitat diversity is maintained. Seedlings will be protected with tree shelters and weed control.

The principal scrub species in this area (gorse, broom and birch), are vigorous colonisers of bare ground. Regeneration at Ratcher Hill is expected to be rapid, due to the nearby seed sources, so no planting will be planned outside the main woodland compartments. If no seedlings appear in areas where scrub is particularly desirable, limited planting would take place only as a last resort. An exception to this approach will be the acquisition of some western gorse seed from Sherwood Golf Course, if permission can be obtained from the landowner and English Nature. Seedlings grown on from this source will be planted along the margins of the new woodland areas.

2.9 Aftercare

During the initial establishment and aftercare period of the scheme, the following operations will be carried out:

Vegetation type	Summary of operations during the first 3 years after establishment
Heath/acid grassland.	Mowing 1 x annually for the first 3 years or less (as and if required, depending on state of sward and grazing), with arisings removed. Necessity to be agreed with MPA after annual monitoring visit. Grazing as early in the establishment phase as possible. This is dependent on the state of the sward but is likely to be after 3-4 years. Removal of scrub from designated open areas by a combination of cutting and spot treatment with appropriate herbicides approved for forestry use.
Woodland/scrub (including existing young plantations)	Spot weed control to 900mm diameter around plants, 3 x annually, for three year period after planting. Except where mulch mats used (on benches) where weed control should not be necessary. Rabbit/hare fence or protective tubes. Replacement of failures as necessary. Removal of tubes (where used) after initial plant establishment.

RATCHER HILL RESTORATION AND MANAGEMENT SCHEME

3.0 LONG TERM MANAGEMENT

3.1 Woodland

Once the trees and shrubs are successfully established, little management will be necessary until thinning takes place, however, as this is likely to be after 10-15 years it is outside the scope of this agreement. Thinning will help to achieve the spreading conformation of the oaks that characterise this area, and will help to create an open woodland character. Cutting of glades and rides will be discussed with the MPA at year 7 and undertaken as necessary as advised by the County Senior Conservation Officer.

3.2 Scrub

This habitat is most valuable when a variety of ages are present. Maintaining selected areas of scrub on a 20 year rotation, with one fifth cut every 4 years, would enable retention of valuable habitat for birds, mammals and invertebrates. The first cut will be undertaken in year 7, subject to growth rates and as agreed with the MPA.

3.3 Heathland

Grazing by sheep is the most cost-effective and environmentally benign means of managing heathland. Selection of appropriate stock, such as Hebrideans, will result in the successful control of both scrub and heathland flora so grazing will be introduced after years 3-4 depending on establishment of the grass/heath sward. Some limited regeneration of scrub is acceptable as it is a natural component of the Sherwood heaths but it should be controlled at less than 5% of the heathland areas. Should scrub invasion become more prevalent, herbicide control for example by application to cut stumps, spot treatment to the foliage or brushing with a rope-wick applicator will take place.

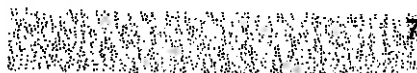
The need for cutting and/or herbicide use to control scrub will be discussed with the MPA at the annual monitoring meeting and a suitable programme agreed as required. If cutting is necessary, a forage harvester will be suitable and will keep heather from becoming too leggy in these areas. The cut material shall be collected and disposed of off-site, preferably by being used in further heathland regeneration projects in the local area. Cut wood, should any arise, will be stored on site as deadwood habitat for the invertebrates which are characteristic of the Sherwood Forest area. Suitable sites for deadwood piles will be found under or adjacent to woodland and scrub blocks.

3.4 Grassland

Management by light summer grazing will take place in conjunction with the areas of heath at a stocking rate of 0.4-0.5 LSU/ha to encourage a complex mosaic of grassland and heathland. Fencing will be necessary, either around permanent grazing compartments or, more flexibly, by the use of removable electric fencing.

3.5 Bare Ground

Bare sand (and gravels) provide nesting opportunities for birds, basking sites for reptiles and breeding sites for many valuable species of invertebrates, particularly bees and wasps. In the establishment phase, areas will be left unseeded. For years 4-10 these areas may



RATCHER HILL RESTORATION AND MANAGEMENT SCHEME

need to be kept open by disturbance or weed control, this will be agreed with the MPA at the time. It is possible, however, that human and animal trails across the site will provide sufficient bare ground to allow the neglect of the original bare areas. Remedial measures to increase or reduce the coverage of bare areas may include the diversion of paths and temporary fencing of areas identified as requiring regeneration.

3.6 Monitoring

Monitoring will form an important part of establishment and maintenance of heathland at Ratcher Hill. Progress will be reviewed at annual site meetings with the MPA.

4.0 SUMMARY

In summary, this restoration proposal has been designed to make the most effective use of available substrate materials to create a landscape appropriate in ecological, cultural and land use terms. The habitats of the Sherwood Forest Natural Areas are unusual and should be conserved and enhanced. The restoration strategy for Ratcher Hill offers an opportunity to extend these valuable communities and create diversity of both species and habitats on land that has been degraded for many years.

RATCHER HILL RESTORATION AND MANAGEMENT SCHEME

5.0 SCHEDULE OF OPERATIONS

The operations outlined below are set out in chronological order.

Soils evaluation

Timing: immediately prior to Phases 1 and 2

Once subsoils and topsoils have been stripped and stored, the resource will be re-evaluated to ensure that estimated volumes are correct. Any necessary minor amendments to the restoration scheme caused by variation between estimated and actual volumes will be discussed with the MPA immediately.

Deployment of topsoils on benches

Timing: During Phase 1 During Phase 2

Establishment of a means of access for inspection and remediation

Timing: During Phase 1 During Phase 2

On-foot access to areas of bench planting features will be established. This will be by means of ladder access, which will be removed after each inspection to ensure that unauthorised access (e.g. by trespassers) is not possible and public liability problems are minimised.

Bench planting

Timing: October to early March during phase 1
October to early March during phase 2

Planting will be undertaken when trees are dormant so that damage is minimised. The following will dictate choice of appropriate stock:-

Local provenance Collection of seed stocks from adjacent areas will be undertaken in 2002-3 for propagation at an approved nursery.

Preparation of planting medium Stored topsoil from the extension area will be spread at a thickness of 0.5m on each bench prior to planting.

Spacing of plantings Plants will be grouped in random mixes of between 3 and 6 plants of the same species at 3m centres over 75% of the planted area and at 1.75m centres over the other 25%. This will allow for denser scrub development for bird nesting. 10% of the total area will be left open to natural regeneration.

Species mix Tree species that are likely to grow to an unsustainable size for the location will not be planted.

This will avoid long-term public liability. Instead, a mix biased toward scrub establishment will be used. This will comprise of Hawthorn (70%), Holly (20%) and Rowan (10%). Planting will be of 1+1¹ 45-60cm bare-rooted stock. Self-set Gorse and Broom will be allowed to establish but not to cover more than 20% of the area within the aftercare period.

Health of stock Plants selected for planting will be inspected for pests and diseases, rootball growth and acceptable stem diameter.

Rabbit exclusion spiral guards will be used unless trespass of the site results in a requirement for fencing.

Weed control Bio-degradable mulch mats of 750mm diameter will be used. Typical heathland species will be left to establish between plantings, with the exception of self-set Birch. Progress on this will be subject to discussion with the MPA at review meetings which will be held annually in July/August.

Frequency of inspection Plantings will be inspected three times per year in the first 3 years, twice in the next 2 years and thereafter once a year. Inspections will be in early March and then 6 and 12 weeks afterwards, with weed control and protection measures carried out at the same time.

¹ Plants which have been propagated from seed for 1 year and then transplanted to a growing-on bed for the next year.

RATCHER HILL RESTORATION AND MANAGEMENT SCHEME

Beating up will be carried out each winter for the first 3 years of the aftercare period. For phases 1 and 2, establishment will be carried out before the end of the life of the quarry and so aftercare will cease before that of other areas of the site.

Restoration of first lagoon

Capping

Timing: During or immediately after Phase 1 June to October, Year 1

Exact timing of this will depend on the time taken for this lagoon to reach capacity. Once this is achieved, a cap of 0.3m depth subsoil will be applied to the area using plant currently in use on site. This will be profiled to achieve the contour given in the restoration scheme map.

5.2. Soil testing

Timing: February following capping, Year 1

Soils will be tested for their suitability for the establishment of the nurse crop. Samples will be taken at a density of 4 per hectare once the capping is complete.

5.3. Seedbed preparation and sowing of nurse crop

Timing: May to early September following soil testing, Years 1 to 2

To achieve desirable indices for Nitrogen and Phosphorus, fertiliser application (if necessary) will be carried out prior to sowing of seed. The nurse crop will be sown at a rate of 115kg/ha. A species mix of the following proportions will be used:

Common bent <i>Agrostis capillaris</i>	50%
Sheep's fescue <i>Festuca ovina</i>	40%
Wavy hair grass <i>Deschampsia flexuosa</i>	10%

5.4. Harvesting and broadcasting of brash

Timing: November/ December following nurse sward establishment, Year 2

Harvesting of brash will be from a local donor site. Application of cut material at the recipient site will be at a rate of approximately 10,000 -15,000 kg fresh material/ha. Broadcast of brash will be achieved using hydraulic vertical beam muck spreader.

5.5 Monitoring review

Timing: Late May following sowing of heathland, Year 2

The sward will be monitored for vigour of growth of both the nurse crop and the heather. The soil will again be tested in the same manner as that given above. If further fertiliser application is necessary, this will be carried out immediately.

September following first monitoring, Year 3

A second monitoring of sward vigour and composition will be carried out in time for further heathland brash to be harvested and broadcast in the November/ December following.

RATCHER HILL RESTORATION AND MANAGEMENT SCHEME

5.6 Harvesting and broadcasting of heathland brash (as necessary depending on establishment) Timing: November/ December following second monitoring, Year 3

If heather cover after 2 seasons of establishment equates to less than 3 plants/m² (on average), additional treatment will be undertaken. Harvesting of brash will be from a local donor site. Application at the recipient site will be at a rate of approximately 10,000 -15,000 kg fresh material/ha. The nurse sward will be scarified prior to seeding/litter spreading. Broadcast of material using the above muck-spreader.

5.7 Repeat monitoring and amelioration

A repeat of steps 5.4 to 5.6 for years 4 to 10

Restoration of second lagoon

This will be a repeat of section 5. Depending on how long after the capping of the first lagoon is achieved, Year 10 of this phase could be some time after year 10 of the preceding phase.

Restoration of third lagoon

This will be a repeat of section 5, with the important addition of the establishment of the wet heath area and woodland planting. These are covered below. Depending on how long after the capping of the second lagoon is achieved, Year 10 of this phase could be some time after year 10 of the preceding phase.

Restoration of fourth lagoon

This will be a repeat of section 5. Depending on how long after the capping of the third lagoon is achieved, Year 10 of this phase could be some time after year 10 of the preceding phase.

Restoration of Phase 3 of extension

This will be a repeat of section 5, again with the important addition of the establishment of the wet heath area and woodland planting. These are covered below. Depending on how long after the capping of the fourth lagoon is achieved, Year 10 of this phase could be some time after year 10 of the preceding phase.

Restoration of works area

This will be a repeat of section 5 again with the important addition of the establishment of the wet heath area and woodland planting. These are covered below. This will be carried out concurrently with the restoration of the extension or immediately following it.

Wet heathland establishment

This is very similar to the steps taken in section 5. The main difference is that substrates must be compacted by machinery to ensure water retention. Harvesting of donor material needs to be separated from that for dry heathland and requires greater care, since the resource is so rare in the county that driving of machinery over it may not be acceptable. In this case, the following will be carried out:

Harvesting and sowing of wet heathland seed mix and/or litter

Timing: Mid-November

Harvesting of seed from a local donor site will be carried out using a hand-held vacuum harvester. Seed will be broadcast at a rate of no more than 5Kg per ha.

Woodland and scrub planting

10

RATCHER HILL RESTORATION AND MANAGEMENT SCHEME

Areas subject to woodland and scrub planting will be subject to the same considerations as for sections 4.i to iii and 4.v to ix. The species mix outlined in section 4.iv would not apply, since taller trees could be safely accommodated in the site. These will be confined to areas against the quarry wall to maximise the screening potential of planting. Tall trees in the centre of the site (planted in Phases 3, 5 and 6) will be undesirable because these would provide perches for predatory birds (such as crows and magpies) to seek out the nests of ground-nesting birds of conservation interest (such as nightjar and woodlark). Therefore, the species mixes for woodland blocks against the quarry walls will be:

Silver birch <i>Betula pendula</i>	20%
Sessile oak <i>Quercus petraea</i>	40%
Pedunculate oak <i>Quercus robur</i>	20%
Rowan <i>Sorbus aucuparia</i>	15%
Holly <i>Ilex aquifolium</i>	5%

The species mix for woodland/scrub in the centre of the site will be:

Goat Willow <i>Salix caprea</i>	20% (100% in areas adjacent to wet heath)
Hawthorn <i>Crataegus monogyna</i>	40%
Western Gorse <i>Ulex gallii</i>	20% (provided seed stock can be sourced from adjacent site)
Crab apple <i>Malus sylvestris</i>	5%
Downy birch <i>Betula pubescens</i>	10% (damper areas only)
Holly <i>Ilex aquifolium</i>	5%

Weed control - in woodland areas, weed control will be undertaken by the application of suitable herbicides approved for forestry use to a diameter of 900mm around each plant, 3x per growing season for the first 3 years then as agreed with the MPA.



**Nottinghamshire
County Council**

Notice of Planning Decision

**Town and Country
Planning Act 1990**

TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE) ORDER, 1995 (AS AMENDED)

APPLICATION REF. NO. : 2/2007/0543/ST

APPLICANT : Mansfield Sand Co. Ltd

DEVELOPMENT : Variation of Planning Conditions 15 and 19
(Restoration) of planning permission
2/2000/242/ET to allow for steepening of quarry
sides to maximise the mineral extraction area.

LOCATION : Ratcher Hill Quarry, Southwell Road West ,
Mansfield

Following consideration of an application for the above development as shown on the submitted plans, NOTTINGHAMSHIRE COUNTY COUNCIL, in pursuance of their powers under the above Act, hereby

GRANT PLANNING PERMISSION

for the development in accordance with the application, subject to compliance with the attached conditions and for the following reasons.

Failure to comply with the terms of this permission may render the development unlawful.

Date of decision 8 January 2009

Authorised to sign on behalf of the Strategic Director Communities

SUMMARY OF REASONS FOR GRANTING PERMISSION:

In assessing the acceptability of the proposal consideration has been given to Policy 1 of the Regional Spatial Strategy for the East Midlands and the advice in Mineral Planning Statement 1 'Planning and Minerals'. The proposals would allow for the recovery of additional minerals in accordance with Policy 1/1 'Sustainable Development' of the Nottinghamshire and Nottingham Joint Structure Plan (JSP) 2006 and Policies M2.1 and M3.20 of the Nottinghamshire Minerals Local Plan 2005 relating to sustainable development and protection of designated sites respectively. The proposals are capable of being undertaken without unacceptable impacts upon nearby residents through noise, dust or traffic and thereby comply with Policies M3.5, (Noise), M 3.7 (Dust) and M 3.13/3.14 (Traffic) of the Minerals Local Plan (MLP) 2005.

The steepening of the quarry faces and the reduction in bench width will not give rise to any adverse landscape or visual impacts as the original landscaping proposals for the quarry extension can still be implemented without any amendments, thus complying with Policies M 3.27 and M 4.4 of the MLP. There are no further impacts of any significance contrary to the protection awarded to the Sherwood Forest Special Landscape Area, complying with Policy NE4(B). The proposal would not harm any significant impact on ecological issues and therefore complies with Policy 2/1 of the JSP (Sustaining Biodiversity) as well as that of Mansfield District Local Plan relating to ecology – NE 12 and 13.

The County Council is of the opinion that the proposed development gives rise to no material harm, is in accordance with the relevant Development Plan policies and that there are no material considerations that indicate that the decision should be made otherwise. The County Council considers that any potential harm as a result of the proposed development would reasonably be mitigated by the imposition of the attached conditions.

The Development Plan policies and proposals relevant to this decision are as follows:

Policy 1 of the Regional Spatial Strategy for the East Midlands, Policy 1/1 Sustainable Development and 2/1 Sustaining Biodiversity of the Nottinghamshire and Nottingham Joint Structure Plan 2006, Policies M2.1, M3.5, M3.7, M3.13/M3.14, M3.20, M3.27 and M4.4 of the Nottinghamshire Minerals Local plan 2005 and Policy NE4(B), NE12 and NE13 of the Mansfield District Council Local Plan 1998.

SCHEDULE OF CONDITIONS AND REASONS

Commencement

1. The development hereby permitted shall be begun within 3 years from the date of this permission.

Reason -To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. The date of commencement of the development hereby approved shall be notified in writing to the Mineral Planning Authority (MPA) at least 7 days prior to this permission being implemented.

Reason - To enable the MPA to monitor the development.

Cessation

3. The winning and working of sand shall cease on or before 30 June 2016.

Reason - For the avoidance of doubt to ensure the development is carried out in a satisfactory manner and to provide for the restoration of the site within an agreed timescale.

4. All plant, buildings and machinery associated with winning and working of mineral at the quarry (including the extension area and original quarry area) shall be removed within 6 months of the cessation of quarrying or by 31 December 2016 at the latest.

Reason - For the avoidance of doubt to ensure the development is carried out in a satisfactory manner and to provide for the restoration of the site within an agreed timescale.

Hours of Operation

5. Unless otherwise agreed in writing with the MPA: No sand extraction or processing shall be carried out except between the following times:-

Mondays to Fridays 0600 – 2000
Saturdays 0700 – 1800

No sand shall be extracted or processed on Sundays, Public Holidays or Bank Holidays.

Reason – In the interests of amenity and in compliance with Policies M3.5 (Control of Noise Emissions) and M3.7 (Control of Dust) of the Nottinghamshire Minerals Local Plan.

Highways

6. Unless otherwise agreed in writing with the MPA access to the public highway from this site shall only be gained via the existing quarry access.

Reason – In the interests of amenity and in compliance with Policies M3.13(Control of Vehicles on the Highway) and M3.14(Routeing of Vehicles on the Highway) of the Nottinghamshire Minerals Local Plan.

7. Measures shall be taken to prevent the deposition of mud, clay and other detritus on the highway by construction vehicles. If mud, clay or other detritus is deposited on the highway by construction vehicles it shall be removed at the earliest possible opportunity or as directed by the CPA.

Reason - In the interests of amenity and in compliance with Policy M3.13 (Control of Vehicles on the Highway) of the Nottinghamshire Minerals Local Plan

Noise

8. No audible reversing warning devices shall be used.

Reason – In the interests of amenity and in compliance with Policy M3.5 (Control of Noise Emissions) of the Nottinghamshire Minerals Local Plan.

9. Noise levels associated with the operations hereby permitted shall not exceed 55dbA LAeq 1hr, as measured at any point on the boundary of the site with Ransom Wood Business Park.

Reason – In the interests of amenity and in compliance with Policy M3.5 (Control of Noise Emissions) of the Nottinghamshire Minerals Local Plan.

10. From the commencement of this permission until the final restoration of the site, noise monitoring shall be carried out in accordance with the scheme in operation on the adjacent quarry with the addition of noise monitoring at point RH 4A identified on Plan RH/ND/1 submitted to the MPA on 19th July 2000.

Reason – In the interests of amenity and in compliance with Policy M3.5 (Control of Noise Emissions) of the Nottinghamshire Minerals Local Plan.

Dust

11. Dust monitoring and mitigation shall continue in accordance with the dust scheme submitted and approved by the MPA on the 1st April 2004 under planning consent 2/2000/242/ET.

Reason – In the interests of amenity and in compliance with Policy M3.7 (Dust Control) of the Nottinghamshire Minerals Local Plan.

12. All conveyors shall be fully enclosed.

Reason – In the interests of amenity and in compliance with Policy M3.7 (Dust Control) of the Nottinghamshire Minerals Local Plan.

Approved Details

13. The development shall be carried out in accordance with the approved drawing numbers JA.387-2a and JA 387-3b as received by the MPA on 14/03/08.

Reason -. For the avoidance of doubt and in compliance with Policy M4.4 (Landscape Treatment) of the Nottingham Minerals Local Plan

14. The landscaping works shall be carried out in accordance with drawing number JA 387-5A, as received by the MPA on 19/12/08 and the planting details given in the email from the applicant dated 2nd December 2007 and their letter dated 11th March 2008.

Reason - For the avoidance of doubt and in compliance with Policy M4.4 (Landscape Treatment) of the Nottinghamshire Minerals Local Plan

15. The landscaping works as approved by condition 13 and 14 *- above shall be carried out within the first planting and seeding seasons following the completion of the development. Any trees or plants that, within a period of five years after planting, die, are removed or, in the opinion of the MPA, become seriously damaged or diseased, shall be replaced as soon as is reasonably practicable with others of size, species and number as originally approved, unless the MPA gives written consent to any variation.

Reason - For the avoidance of doubt and in the interests of residential amenity and in compliance with Policy M4.4 (Landscape Treatment) of the Nottinghamshire Minerals Local Plan

16. No extraction shall take place in phase 2 of the development until the following have been carried out:
- i) Planting has taken place on the first bench on the eastern boundary of the site
 - ii) The eastern face has been hydro-seeded in accordance with the details pursuant to condition 14.

Reason - For the avoidance of doubt and in the interests of residential amenity and in compliance with Policy M4.4 (Landscape Treatment) of the Nottinghamshire Minerals Local Plan

17. Prior to the re-grading of the final landform an aftercare scheme providing for such steps as may be necessary to bring the land up to the required standard for heathland/amenity use within a five year aftercare period shall be submitted to, for approval in writing by, the MPA. The aftercare scheme shall be implemented as approved.

Reason - For the avoidance of doubt and in the interests of residential amenity and in compliance with Policy M4.4 (Landscape Treatment) of the Nottinghamshire Minerals Local Plan.

NOTES TO APPLICANT:

1. The development hereby permitted must be carried out in accordance with the conditions attached to this planning permission and any approved plans and details. Failure to implement the permission in accordance with the planning conditions and approved details may render the development unlawful and could lead to enforcement action and prosecution.

If, at any stage, it becomes necessary to vary any of the approved plans or details you should contact the County Planning Authority in advance of implementing any changes to ascertain whether the proposed changes require any further planning approval.

PSP.JA/RH/DN1-226



LEGEND

- Topographic Contour (1m interval)
- Topographic Contour (5m Interval)
- Site Boundary
- Cross Section Location
- Tree Planting

RECEIVED

19 DEC 2008

COMMUNITIES DEPT.

NOTES:

All levels in metres above Ordnance Datum

Based on drawing Plan 6b provided by MSS.

Please refer to Drawing No. JA.387-3b for cross section details

DRAWN	RJB
CHECKED	DABH
	STD

SITE
REVISED PLAN
RATCHER HILL QUARRY
Additional plans

PLAN
FINAL RESTORATION PLAN

Scale: 1:2500 @ A3 Date: 12.03.08

Plan Ref. No. JA.387-2a



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meeting

PLANNING COMMITTEE

date

30 JULY 2001

agenda item number

7

from: Director of Environment

**MANSFIELD DISTRICT COUNCIL 2/2000/242/ET EXTENSION TO
RATCHER HILL SAND QUARRY AND SUBSEQUENT RESTORATION TO
HEATHLAND AND NATURE CONSERVATION, RATCHER HILL,
SOUTHWELL ROAD, MANSFIELD, NOTTS.
APPLICANT - MANSFIELD SAND COMPANY LTD**

Purpose of Report

1. To consider an application for an extension of Ratcher Hill Quarry followed by restoration to heathland and nature conservation. Key issues relate to the need for the mineral, visual impact, ecological impact, the impact of the development on an employment area and upon a Site of Importance for Nature Conservation (SINC). The recommendation is for approval subject to conditions and the revocation of an unsatisfactory, old, dormant planning permission at Blidworth. The application is accompanied by an Environmental Statement.

Site and its Surroundings

2. The extension site is located to the east of the existing quarry which is itself located between Mansfield and Rainworth (see Plan No. 1). Immediately to the east of the site is the Ransom Wood Business Park, which is identified for expansion under the Mansfield District Local Plan, and to the west is residential development, a caravan storage area and offices/ showrooms. To the south of the site is an area of former mineral workings and the A617 from which access to the site is achieved. To the north of the site is Strawberry Hills Heath Site of Special Scientific Interest (SSSI) and a golf course.
3. The application site is 8 hectares in extent and consists of wooded slopes leading up to and including Ratcher Hill. All of the site is designated as a SINC on account of its ecological content and the presence of a locally rare species of tree. The southern part of the site is covered with dense conifer plantation whilst the northern part has mature oak plantation as well as several individual old trees, and is subject to a Tree Preservation Order (TPO).

Planning History

4. Mineral extraction at this site took place initially prior to 1948 in the area adjacent to the A617 and subject to an Interim Development Order (IDO) consent. This IDO was immediately adjacent to the existing site entrance, was not registered under the more recently introduced minerals review legislation, and has now lapsed.
5. Planning permission for an extension to the north of the IDO area (the area of the present active quarry) was granted in April 1963, subject to conditions which amongst other things envisaged the quarry being infilled with waste. In addition an asphaltting plant and a ready-mixed concrete plant were also permitted in 1967 and 1972 respectively. Large investment was made in washing and drying plant (granted permission in 1988) that is capable of producing distinct grades of sand. The extraction permission was reviewed in January 1998, under the provisions of the Environment Act 1995, which imposed 28 conditions for the continued working of the site and its restoration.
6. Mansfield District Council confirmed a Tree Preservation Order in November 2000 in relation to part of the application site. This Order is a material consideration in whether or not the application should be granted but would be overridden by any such planning permission.
7. Ratcher Hill Quarry is now the only one currently operated by the applicant and production is largely for specialist sand uses rather than construction or aggregate uses. Approximately 20% of the production is used for asphalt whilst approximately 15% is used for construction purposes. The major part of the production can be classed as Silica Sand in respect of which Government guidance, set out in Minerals Planning Guidance Note 15 (MPG15), issued in September 1996, is of relevance. The applicant produced moulding sands for foundry castings from Berry Hill Quarry until its closure in 2000. This demand is now met from the production at Ratcher Hill, and the applicant has applied under the minerals review procedure to remove small quantities of another sand suitable for foundry uses from a site to the southeast of Warsop. In addition to the above uses the sand from Ratcher Hill Quarry is also used in filtration systems, braking systems, wet sand blasting, the manufacture of spun concrete pipes, coatings for roof felt and numerous sports applications.
8. A planning permission was granted in 1957 for the extraction of sand from a 2.6 ha site off Cross Lane, Blidworth, approximately 3 km due south of the current application area. The Blidworth planning permission was partially worked but is registered as dormant under the Environment Act and may not be recommenced until a full set of modern planning conditions is in place. It has developed, through natural regeneration, into a pleasant wooded area. It is designated as part of a Mature Landscape Area. Access to the site is onto Cross Lane which is narrow and winding and unsuited to large vehicles. The applicant has agreed to allow working rights to be given up if the current application is permitted, and this could be secured by a suitable Legal

Agreement, which would need to be signed before any permission was issued.

Proposals

9. The application as originally submitted has been amended twice and the extent of the extraction area has been significantly reduced (see attached Plan No 2). The anticipated life of extraction in the extension area is now approximately ten years (see Key Facts Sheet), which also covers possible impacts from any reopening of Cross Lane Quarry.
10. The site would be worked in a series of three deepening phases. During the first and second phases a tree screen would be retained between this extension and the existing quarry in order to reduce the visual impact of the development from views to the west. The new face that is created at the east of the extension would be hydroseeded, and trees planted on two 5m wide horizontal strips on this face, before the tree screen is removed and extraction commences in the third and final phase. Mineral would be removed by scraper and deposited into a hopper at the northern end of the extension area. This hopper would feed a conveyor belt which in turn would feed the main processing plant in the existing quarry.
11. Stockpiling would take place around the plant site after the unusable fines material is washed out of the mineral and allowed to settle out in lagoons around the northern part of the existing quarry. As the settling lagoons become filled they will be restored to the proposed heathland after-use.
12. The processed sand would then be transported from the site via the existing access onto the Southwell Road West dual carriageway. It is anticipated that the rate of extraction and the consequent traffic movements will not alter significantly from present levels. The total average number of lorries per day using the access onto the A617 will remain at approximately 146 in and out and about 170 at peak production. Of this total figure the average number generated by the quarry will be approximately 86 per day.
13. Restoration of the northern part of the existing quarry would take place progressively throughout the life of the extension and the final, combined, restoration would be a blend of wet and dry heathland with two seasonally wet areas and some tree planting. The aim of the restoration is to form a link between the two currently separated parts of Strawberry Hill SSSI.

KEY FACTS
APPLICATION TO EXTEND RATCHER HILL QUARRY

Site	Ratcher Hill Extension	Blidworth Sand Quarry
District	Mansfield	Newark and Sherwood
Area (hectares)	8.0 (of which extraction area covers 4.5)	2.6
Tonnage	2.5 million	750,000 (estimate)
Annual output	250,000 million tonnes	Site dormant
Access	A617	Cross Lane (C road)
Traffic movements	43 in/day 43 out/day	None
Hours of operation	0600 to 2000 Mon/Fri – 0700 to 1800 Sat	Would be similar to Ratcher Hill
Proposed restoration	Wet and dry heathland	No approved details
Footpaths affected	Not directly - visual impact	No
SINC affected	Yes	Possible effects upon two SINC's
SSSI affected	No	No
Waste infill	No	No
Estimated life	10 years	Unknown
Mature Landscape Area affected	No	Yes

14. The southern part of the existing quarry and the former quarry workings are allocated for employment development in the Mansfield District Local Plan under Policy E5 (J).

Environmental Impact Assessment

15. An Environmental Statement (ES) was submitted with the application which details the likely impacts of the development and associated mitigation. Additional information was requested from the applicant relating to the ecology of the application area, hydrology and clarification of statements made in the ES. All of the supplied environmental information has been taken into account in reaching the recommendations below.

Consultations

16. The following organisations were consulted: -

Mansfield District Council - 'strongly' objects to the proposals and recommends refusal of the application on the following grounds:

- (a) The proposed development would be contrary to Policy NE4(B) of the Mansfield District Local Plan (MDLP) which is intended to protect the open character of gaps between settlements.
- (b) The proposal would be contrary to Policy NE7 of the MDLP which presumes against developments within the Sherwood Forest Special Landscape Area except for certain leisure, tourist or other activities which would enhance or conserve the ecology of the area.
- (c) The proposal would be contrary to Policy NE9 of the MDLP as it would adversely affect an area of woodland of amenity value and which provides a valuable wildlife habitat.
- (d) The proposal would be contrary to Policy NE13 of the MDLP which presumes against developments which would affect local nature reserves. The site is designated a SINC and would clearly conflict with the proposals.
- (e) The proposal would have a significant effect upon the local network of wildlife reserves and networks, to the detriment of nature conservation.
- (f) The proposal would result in the loss of Ransom Hill and a substantial area of woodland to the detriment of the amenity and visual character of the area.
- (g) The proposed development could, as it extends, have a significant effect upon the ability of the Ransom Wood Business Park to attract new business and thereby increase employment opportunities in the

District. It is anticipated that the Business Park could potentially provide up to 1500 jobs, a figure far greater than the 69 employees who would remain at the quarry site for a further 15 year period.

17. The Coal Authority - six workable seams of coal underlie the site. A geological fault exists but the site is unlikely to be affected by future coal mining.
18. The Environment Agency - does not object to the application and suggests two planning conditions relating to drainage and prevention of pollution.
19. National Grid Company PLC - no response
20. Powergen PLC - no response
21. Nottinghamshire Wildlife Trust - objects to the proposal on the grounds that the site is part of a SINC. At the same time the restoration proposals for the application site and existing quarry are 'wholeheartedly' supported in the event that extraction goes ahead. The Trust recommends creating a planning obligation under S106 of the Town and Country Planning Act 1990 to ensure the long-term management of the site and provision of food sources for wildlife elsewhere during the period of disturbance.
22. Countryside Agency - no comments
23. Council for the Protection of Rural England (CPRE) - objects to the proposals in that it is contrary to District Council policies, and on grounds of the loss of a local landmark, habitat and woodland. However, the creation of heathland is supported.
24. English Nature - does not object to the proposals but, whilst considering that the submitted documents are thorough, suggest that additional measures are introduced for the protection of bats and birds, for the propagation of a certain species of tree and for the full implementation of the restoration scheme. Subsequent correspondence states that English Nature is of the opinion that the short-term ecological harm will be compensated for by the restoration of the application site to heathland in the longer term.
25. Transco (Gas Services) - No objections

Publicity

26. The application was advertised by means of two site notices and in a local newspaper. In addition 65 letters were sent to neighbouring properties, both residential and business. In response 123 objection letters were received of

which 106 were of pro forma type, a large number from clients of the adjacent caravan storage area. Support for the application was contained in 113 separate letters, many from clients of the Mansfield Sand Company and two petitions which contained 17 and 38 signatures respectively.

27. Objections were raised on grounds of the loss of the woodland, the consequent loss of wildlife habitat, the incidence of dust and noise, traffic generation/safety and visual impact. The supporting letters are mainly concerned with ensuring the continued supply of specialised sand products and the continued supply of services to the applicant, thus retaining employment for the proposed period of the extension.
28. A significant amount of correspondence has passed between the County Council and Ransomwood Estates Ltd, the Ransom Wood Business Park Management Company. Mansfield District Council and Ransomwood Estates Ltd are promoting the Business Park together and seeking European funding. The company strongly objected to the extraction of mineral within 100 metres of the existing offices on the grounds that removal of the trees will give rise to an increase in the visual intrusion of the quarry and surrounding developments as well as perceived problems of generation of noise and dust. Ransomwood Estates Ltd initially suggested a stand-off distance of 120m and, latterly, a stand-off which includes a 40m wide belt of trees with a 10m gap between the trees and the quarry face. Following the latest amendments to the development proposals this objection has been withdrawn, providing the tree screen is maintained.

Planning Policy

29. Relevant planning policies are contained within the Nottinghamshire Structure Plan Review, the Minerals Local Plan and the Mansfield District Local Plan. The relevant policies referred to below are set out in Appendix 1. The Minerals Local plan does not, at present, make any distinction between Sherwood Sandstone and Silica Sand. However, such a distinction is likely to be made in the forthcoming Review of the Minerals Local Plan, in respect of which a Key Issues Paper has recently been published.

Structure Plan Review

30. Policy 3/3 states that special protection will be given to the Sherwood Forest Special Landscape Area and development will be strictly controlled to conserve and enhance its landscape and ecology.
31. Policy 3/7 affords protection to SINCs unless there is an overriding need for the development.

Minerals Local Plan

32. Policy M3.4, M3.5 and Policy M3.7 detail the measures that will be required by condition to minimise the visual, noise and dust impacts of the development.
33. Amenity woodlands are protected from minerals development by Policy M3.17 unless their value is outweighed by the need for the mineral.

34. The protection of SINCs under Policy 3/7 of the Structure Plan Review is repeated and expanded under Policy M3.19.
35. Policy M3.23 requires assessment and treatment of potential archaeological features.
36. Policy M7.1 requires applications for sand extraction in the Sherwood Forest area to take account of the restoration opportunities relating to tree planting and heathland creation.
37. Policy M7.2 expresses the County Council's aim and obligations in maintaining a seven year landbank of permitted sandstone reserves in the county.
38. Policy M7.3 relates to the revocation of inappropriate or unsatisfactory consents where planning permission is granted for sand extraction to satisfy a demand that cannot reasonably be met from permitted reserves.

Mansfield District Local Plan

39. NE4(B) seeks to prevent development which would detract from the open character of sensitive gaps between settlements.
40. NE7 is an expansion of the Structure Plan Policy 3/3 which seeks to protect the Sherwood Forest Special Landscape Area from development unless it would conserve or enhance the landscape and ecology of the area.
41. NE9 affords protection to woodlands which are of either amenity value or is a valuable wildlife habitat.
42. NE13 affords protection to sites of recognised ecological importance unless the need for the development outweighs the value of the site.

Observations

43. Minerals Planning Guidance Note 15 (Provision of Silica Sand in England) (MPG15) postdates the inquiry into the current Minerals Local Plan and is also a material consideration in the determination of this application. MPG15 advises that silica sand deposits should not be sterilised by allowing other developments and that constraints on extraction should be minimised through

the co-operation of different authorities. The guidance also states that other development should be timed to allow extraction to be carried out first. The resource is described by MPG15 as 'a valuable resource of recognised national importance' and requires MPAs to ensure that there is 'an adequate and steady supply of silica sand for the consuming industries'.

Need for the Mineral

44. Evidence has been supplied by the applicant which shows that, after processing, part of the product is used for those purposes identified in MPG15 for which silica sand should be provided in Mineral Planning Authorities (MPAs) landbanks. This quarry is the only one in the East Midlands which supplies this standard of mineral. The standard has been maintained by the investment, in 1989, in modern plant and, again, MPG15 urges that reserves should be made available to cover the investment that has been made in a site. The proposals show a logical extension to the existing quarry the need for which has to be balanced against the environmental constraints voiced by Policies 3/3, 3/7, M3.19, M3.17, NE9 and NE13.
45. Policy M7.2 requires the MPA to endeavour to maintain a landbank of at least seven years worth of production. At current production rates and estimated permitted reserves the landbank is estimated to last around 13 years. Clearly there is no shortfall in the landbank and there is nothing to suggest that there is an imminent shortfall in processing capacity. There is no basis for permitting this proposal in order to satisfy M7.2.
46. The extension to the site would satisfy the requirements of Policy M7.3 because the product cannot reasonably be sourced from alternative permitted sites (the Warsop resource is only suitable for a few of the uses of the main Ratcher Hill resource and is far smaller in quantity). This Policy also requires the Authority to seek the voluntary revocation of inappropriate or unsatisfactory consents. In this regard the applicant has volunteered to allow the revocation of a planning permission at Blidworth.

Visual Impact

47. The proposals involve the removal of the crest of Ratcher Hill and the removal of mature oak and conifer plantation. The most severe visual impacts are likely to be experienced from the residential development to the west of the existing quarry and the bridleway which runs along the northern boundary of the site, particularly when the tree screen is removed at the end of phase 2 of the development. However, the residential properties closest to the boundary of the existing quarry are shielded from views of the extension area by the screening mound along Jubilee Way South.
48. Following negotiations, the applicant has revised his original plans such that the southern portion of the site would no longer be extracted and a tree screen, 30m wide, would remain in place along the western boundary of the extension area until the second phase is worked. The views from the west will change gradually, as the initial workings will be below the level of this temporary tree screen. When the first phase is worked out the eastern face will be seeded and a bench 5m wide will be planted so that the view of the face is softened when the temporary screen is removed.

49. The visual impact has been significantly reduced by the alterations to the proposals and with the conditions identified in Appendix 2 the development is in accordance with Policy M3.4.

Ransom Wood Business Park

50. In addition the operations of the existing quarry and the extension will become more visible to the occupiers of two of the buildings in Ransom Wood Business Park. Ransomwood Estates Limited commissioned a report into the likely noise, dust and visual impacts of the development. The Ransom Wood Business Park markets itself partially on the quiet, rural atmosphere of the office surroundings and the report commissioned by the management of the Business Park expresses concern that the original stand-off of 30m was insufficient to preserve this character. The greatest impact for both noise and dust will occur during the stripping of soils and the creation of the screening bank between the excavation and the Ransom Wood Business Park. The retention of the screening belt of trees on the western side of the extraction will reduce the windspeed across this area which, in turn, will reduce the amount of noise and dust carried towards the Business Park.
51. The stand-off distance between the Business Park and the edge of extraction has also been increased to a distance of 60m and, on the basis that this, currently treed, area is planted more densely, is underplanted and is maintained, the visual impact on the Business Park should be negligible.
52. The report fails to make a conclusive case, based on any survey or analysis, regarding the unacceptability of the impacts. Nonetheless, the applicants have amended their original proposals as above and on this basis, the owners of the Business Park have expressed their satisfaction with these further mitigation measures and withdrawn their objection.

Ecological Impact

53. The objection from the Nottinghamshire Wildlife Trust is based on the status of the woodland as a SINC. The bird survey that was carried out by an independent ecologist on behalf of the applicant concluded that the diversity of bird species would be unaffected by the loss of the woodland and the impact on the bird assemblage ie the overall quantity and ratio, is considered to be negligible. The mitigation measures proposed by the applicant include the provision of nest boxes and breeding habitats for Sand Martins. Policies 3/7 and M3.19 relating to the protection of SINC's are met if the need for the mineral is judged to be an overriding one. Both English Nature and the

Nottinghamshire Wildlife Trust consider that the restored site will compensate for the loss of the existing habitat.

Loss of Woodland

54. The altered proposals now only seek the removal of the northern part of the deposit. This is the area on which the mature broadleaf trees have grown and

over which Mansfield District Council has confirmed a Tree Preservation Order. The restoration scheme shows replacement of some of the felled trees and, through the alterations which have been made to the proposals, new planting will take place against the eastern face of the extension area. The loss of the existing woodland must also be weighed against the gain in the woodland at the Blidworth site that already has planning permission for extraction but would remain undisturbed if this application is successful. The recreation of a large area of heathland, to link the two areas of the Strawberry Hills Heath SSSI, is also welcomed by both English Nature and the Nottinghamshire Wildlife Trust. The openness of the final restoration will support the creation of gaps between urban areas envisaged by Policy NE4(B) rather than detract from it. The loss of the woodland would, however, contravene Policy M3.19 and NE13 if there is no overriding need for the mineral.

Noise and Dust Impacts

55. The nearest residential property to the extension area is a house occupied by an employee of the applicant and the next nearest property is 250m away. The information supplied in the Environmental Statement regarding noise and dust contains assessments of the likely level of impacts from the proposed operations. The greatest impact for both noise and dust will occur during the stripping of soils and the creation of the screening bank between the excavation and the Ransom Wood Business Park. The assessments demonstrate that the development would meet the criteria set down in Minerals Planning Guidance Note 11 (MPG11) for acceptable noise levels. Suitable conditions could be imposed relating to the control of noise and dust act to satisfy the requirements of Policies M3.5 and M3.7.

Employment

56. Mansfield District Council has suggested that the potential for creating 1500 jobs at the Business Park would be jeopardised by the extending of the quarry but have not supported this with any evidence. Planning permission for the expansion of the Business Park was granted in 1993 but this has not been taken up. Therefore no current permission or concrete proposals for new development within the Business Park exist although a new application is currently lodged with the District Council. The nearest two buildings in the Business Park are currently 140m from the existing face of the quarry. The nearest of the proposed new buildings will be in the fourth phase of the Business Park development at a distance of 20m from the edge of extraction.

Again, MPG15 advises that other development should be located or timed to avoid the sterilisation of this important mineral resource.

Highways Observations

57. There are no objections to the proposals if the current level of traffic is maintained and providing that no material is carried onto the highway

Conclusions

58. It is recognised that the visual impact of the development will increase over current levels and the crest of Ratcher Hill would be permanently removed. The hill can not be replaced and the broad leaf woodland that is lost would take many years to reproduce. The need for the reserve is strongly supported by MPG15 and has been demonstrated by the applicant. All of the Policies in the Structure Plan Review and Minerals Local Plan accept that there are circumstances when need will outweigh ecological, landscape or woodland issues.
59. It is considered that, on balance, the conditions contained in Appendix 2 to this report will minimise the ecological, noise, dust and visual impacts of the development to such a level where the need for the mineral outweighs those impacts. The proposed Legal Agreement will supplement the proposed restoration conditions to ensure long term management of the quarry.

Statutory and Policy Implications

60. This report has been compiled after consideration of implications in respect of finance, equal opportunities, personnel, Crime and Disorder and users. Where such implications are material, they have been brought out in the text of the report. Attention is, however, drawn to specifics as follows:-

Human Rights Act Implications

61. All of the above issues have been considered in accordance with the County Council's adopted protocol. A number of rights are affected, in particular, rights enjoyed under Article 8 and Article 1 of the First Protocol, by those people living close to the proposed extension site in a dwelling on Southwell Road West, residents of properties in the vicinity of Jubilee Way South and occupiers of the existing Ransom Wood Business Park buildings, as well as users of the bridleway. Members need to consider whether any interference with the above rights is outweighed by the benefits that would arise from permitting the proposed extension.

RECOMMENDATIONS

62. It is RECOMMENDED that:
- (a) the Head of Legal Services be authorised to enter into a Section 106 agreement with the applicant in order to secure the extinguishment of development rights at Blidworth and to secure the long term management of the restored heathland at Ratcher Hill Quarry;
 - and
 - (b) upon completion of the above agreement, the Director of Environment be authorised to grant planning permission for the proposed development subject to the conditions contained in Appendix 2 to this report. Members should note

that these conditions may need to be subject to further minor revisions before being issued.

63. Members should consider the issues set out in the report and determine the application.

PETER WEBSTER
Director of Environment

County Treasurer's Comments

Since this report considers only the planning issues of the scheme, there are no financial implications arising. Any subsequent costs arising from an appeal, public inquiry etc would need to be included in future reports to Committee.

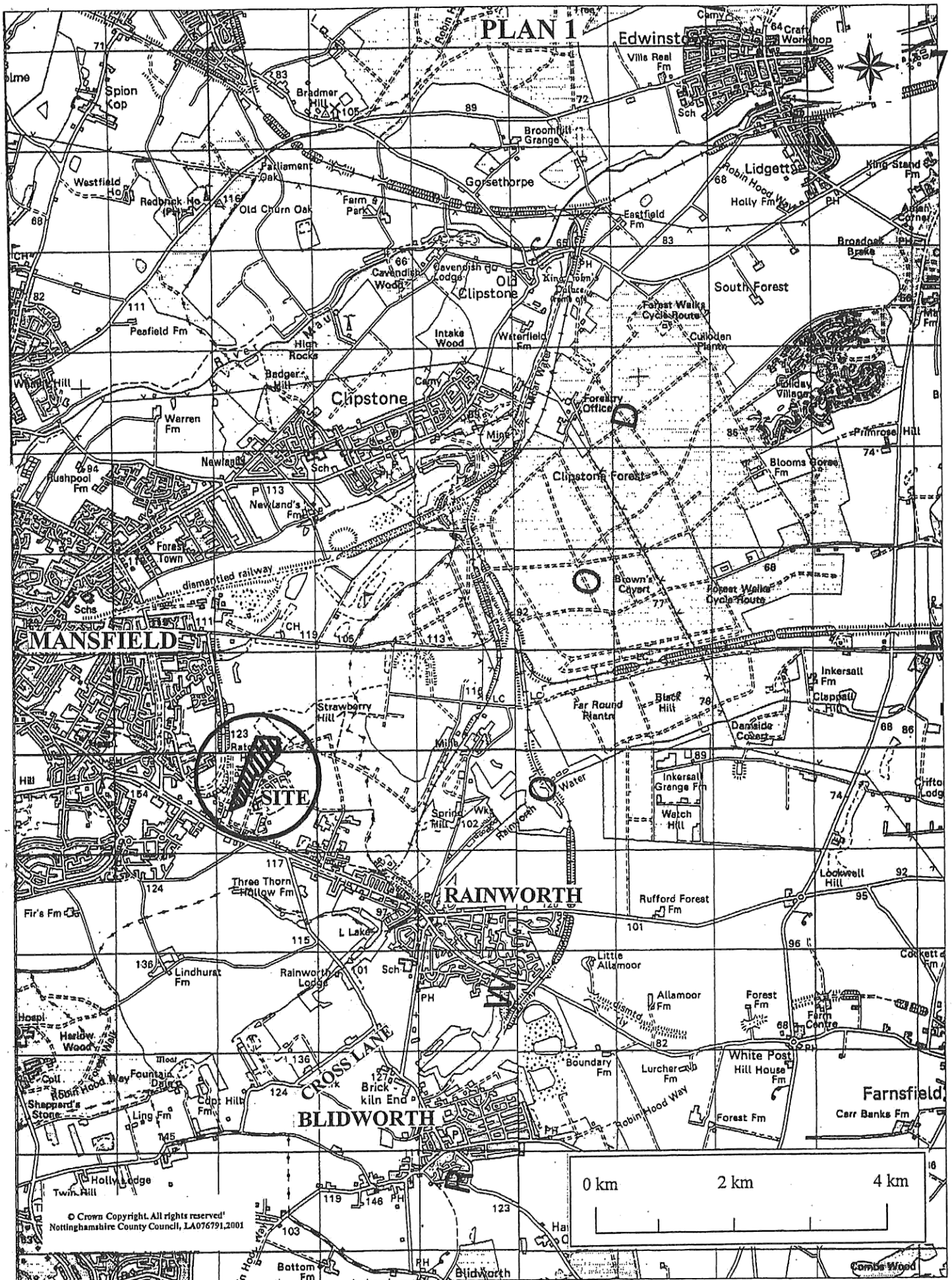
Background Papers Available for Inspection

1. Letter from Transco 22/03/00
2. Letter from The Coal Authority 20/03/00
3. Letters from The Nottinghamshire Wildlife Trust (undated - rec'd 25/4/00), 13/07/00
4. Letters from English Nature 28/04/00, 17/07/00
5. Letter from Environment Agency 28/04/00
6. Letter from Countryside Agency 07/04/00
7. Letter from CPRE 28/05/00
8. Letters from Mansfield DC 12/06/00, 18/07/00
9. Letters from Ransom Wood Business Park 04/05/00, 22/09/00, 06/10/00, 13/10/00, 23/10/00, 30/10/00, 10/11/00, 4/12/00, 19/12/00, 09/02/01, 06/04/01
10. Letters from Mansfield Sand Co 04/05/00, 31/05/00, 19/06/00, 11/12/00, 14/03/01
11. Letters to Mansfield DC from Notts County Council 20/06/00, 12/04/01
12. Letter from Eco Tech 20/06/00
13. Letters to Ransom Wood BP from Notts County Council 03/10/00, 10/10/00, 23/10/00, 24/10/00, 31/10/00, 20/11/00, 12/12/00, 03/04/01

Electoral Division(s) Affected

Oak Tree and Lindhurst

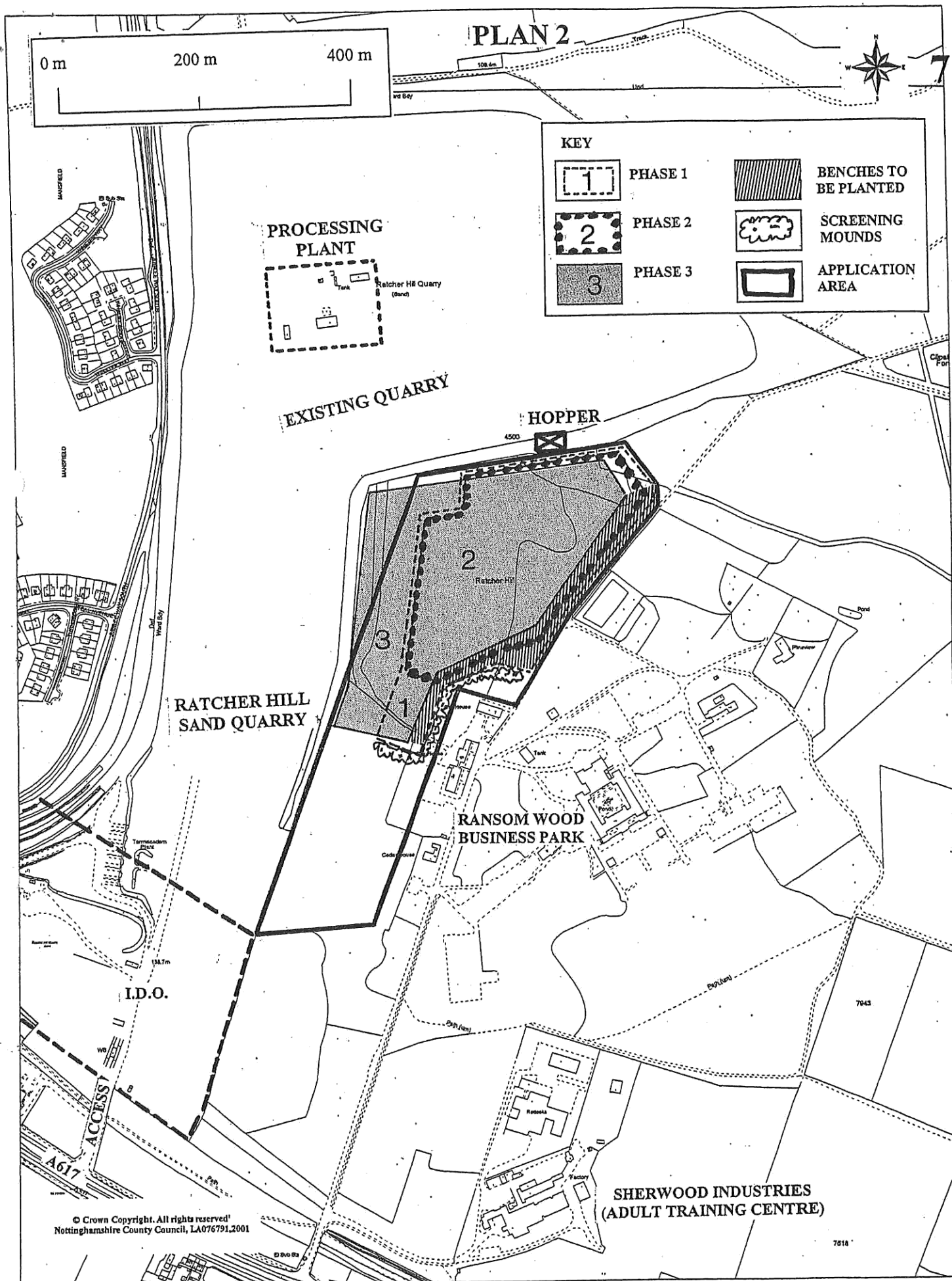
EPD.RH/O:RATCHREP
22 June 2001



**Nottinghamshire
County Council**
Environment
Director Peter Webster
Trent Bridge House, Fox Road
West Bridgford, Nottingham, NG2 6BJ
Tel: 0115 982 3823

**PLAN 1
LOCATION PLAN
EXTENSION TO RATCHER HILL
QUARRY**

**DATE JUNE 2001
SCALE 1:50,000**



**Nottinghamshire
County Council
Environment**
Director Peter Webster
Trent Bridge House, Fox Road
West Bridgford, Nottingham, NG2 6BJ
Tel: 0115 982 3823

**PLAN 2
SITE PLAN
EXTENSION TO RATCHER HILL
QUARRY**

**DATE JUNE 2001
SCALE 1:5,000**

APPENDIX 1

STRUCTURE PLAN REVIEW POLICIES

3/3 CERTAIN AREAS OF THE COUNTY WILL BE GIVEN SPECIAL PROTECTION IN ORDER TO CONSERVE THEIR LANDSCAPE AND OTHER ENVIRONMENTAL QUALITIES. THESE AREAS ARE:

- (a) THE SHERWOOD FOREST SPECIAL LANDSCAPE AREA WITHIN WHICH DEVELOPMENT OUTSIDE VILLAGES WILL BE STRICTLY CONTROLLED TO CONSERVE AND ENHANCE ITS LANDSCAPE AND ECOLOGY AND TO MAINTAIN AND WHERE APPROPRIATE DEVELOP ITS FUNCTION AS A RECREATION AND TOURISM AREA;
- (b) THE SHERWOOD FOREST HERITAGE AREA WHERE DEVELOPMENT, INCLUDING THAT FOR RECREATION AND TOURISM, WILL NOT NORMALLY BE PERMITTED WHERE THEY WOULD ADVERSELY AFFECT THE LANDSCAPE AND ECOLOGY;
- (c) MATURE LANDSCAPE AREAS;
- (d) HISTORIC PARKLANDS AND GARDENS WHERE DEVELOPMENT WILL ONLY BE PERMITTED WHICH WOULD RESTORE OR ENHANCE THE ATTRACTION OF THESE AREAS AND NOT CAUSE DAMAGE OR LOSS;

THE BOUNDARIES OF THESE AREAS WILL BE DETERMINED IN LOCAL PLANS.

3/7 SITES OF SPECIAL SCIENTIFIC INTEREST AND LOCAL NATURE RESERVES WILL BE PROTECTED FROM DEVELOPMENT WHICH WOULD DESTROY OR DETRIMENTALLY AFFECT THEM. PERMISSION FOR THE DEVELOPMENT OF OTHER SITES OF NATURE CONSERVATION OR GEOLOGICAL IMPORTANCE WILL NOT BE GRANTED UNLESS AN OVERRIDING NEED FOR DEVELOPMENT IS DEMONSTRATED WHICH OUTWEIGHS THE NATURE CONSERVATION INTEREST OF THE SITE. WHERE PERMISSION IS GRANTED, PROPER PROVISION WILL BE MADE TO SURVEY AND RECORD THE SITE IN ORDER TO CONSIDER THE ACCOMMODATION OF SPECIES WITHIN THE SITE OR TO PROVIDE ALTERNATIVE HABITATS FOR THEIR USE.

MINERALS LOCAL PLAN POLICIES

POLICY M3.4 WHEN PLANNING PERMISSION FOR MINERALS DEVELOPMENT IS GRANTED THE COUNTY COUNCIL WILL IMPOSE CONDITIONS TO ENSURE THAT SCREENING AND LANDSCAPING PROPOSALS REDUCE VISUAL IMPACT BY INCLUDING AS APPROPRIATE:

- (a) MEASURES TO RETAIN, PROTECT AND MANAGE EXISTING FEATURES OF INTEREST AND VALUE FOR SCREENING AND THEIR CONTRIBUTION TO THE RECLAMATION OF THE SITE;
- (b) MEASURES TO SCREEN THE SITE BY THE USE OF EARTH MOUNDING AND/OR TREE PLANTING;
- (c) DETAILS OF METHOD OF WORKING AND PHASING TO CAUSE LEAST VISUAL INTRUSION;

- (d) DETAILS OF THE LOCATION, SIZE, SHAPE AND TREATMENT OF ANY TEMPORARY SOIL, OVERBURDEN OR WASTE MOUNDS;
- (e) THE LOCATION, FORM, NUMBER, SPECIES, SIZE, METHOD OF PLANTING, SITE PREPARATION AND ANY NECESSARY MEASURES FOR REPLACING PLANT MATERIAL WHICH FAILS FOLLOWING INITIAL PLANTING.

POLICY M3.5 WHEN PLANNING PERMISSION FOR MINERALS DEVELOPMENT IS GRANTED THE COUNTY COUNCIL WILL IMPOSE CONDITIONS TO REDUCE THE POTENTIAL NOISE IMPACT. SUCH CONDITIONS WILL INCLUDE WHERE APPROPRIATE:

- (a) RESTRICTING HOURS OF OPERATION;
- (b) THE USE OF CONVEYORS INSTEAD OF DUMPTRUCKS;
- (c) SOUND PROOFING OF FIXED AND MOBILE PLANT;
- (d) SETTING MAXIMUM NOISE LEVELS AT SENSITIVE LOCATIONS;
- (e) STAND OFF DISTANCES BETWEEN OPERATIONS AND NOISE SENSITIVE LOCATIONS;
- (f) THE USE OF ACOUSTIC SCREENING SUCH AS BAFFLE MOUNDS OR FENCING.

POLICY M3.7 WHEN PLANNING PERMISSION FOR MINERALS DEVELOPMENT IS GRANTED THE COUNTY COUNCIL WILL IMPOSE CONDITIONS TO SUPPRESS DUST GENERATION. SUCH CONDITIONS WILL INCLUDE WHERE APPROPRIATE:

- (a) THE USE OF WATER BOWSERS ON HAUL ROADS;
- (b) SCREEN BANKS;
- (c) THE USE OF CONVEYORS INSTEAD OF DUMP TRUCKS;
- (d) ENCLOSING DUST GENERATING FIXED PLANT AND MACHINERY;
- (e) SITING DUST GENERATING OPERATIONS AWAY FROM SENSITIVE AREAS;
- (f) SHEETING OF LORRIES.

POLICY M3.17 PLANNING PERMISSION FOR MINERALS DEVELOPMENT WHICH WOULD DESTROY OR DEGRADE ANCIENT WOODLANDS WILL NOT BE GRANTED. AMENITY WOODLANDS WILL BE SAFEGUARDED UNLESS THEIR VALUE IS OUTWEIGHED BY THE NEED FOR THE MINERAL. WHERE THE DEVELOPMENT INVOLVES THE LOSS OF SUCH WOODLAND THE COUNTY COUNCIL WILL REQUIRE THE LAND TO BE RECLAIMED WITH AN EQUIVALENT AREA OF WOODLAND.

POLICY M3.19 PLANNING PERMISSION FOR MINERALS DEVELOPMENT WHICH WOULD DESTROY OR DEGRADE AREAS DESIGNATED AS SITES OF SPECIAL SCIENTIFIC INTEREST OR LOCAL NATURE RESERVES WILL NOT BE GRANTED. OTHER SITES OF WILDLIFE OR GEOLOGICAL IMPORTANCE INCLUDING REGIONALLY IMPORTANT GEOLOGICAL SITES WILL BE SAFEGUARDED, UNLESS AN OVERRIDING NEED FOR THE MINERALS DEVELOPMENT CAN BE DEMONSTRATED WHICH OUTWEIGHS THE NATURE CONSERVATION INTEREST OF THE SITE. WHERE PERMISSION IS GRANTED, PROPER PROVISION WILL BE MADE TO SURVEY AND RECORD THE SITE IN ORDER TO CONSIDER THE ACCOMMODATION OF SPECIES WITHIN THE SITE OR TO PROVIDE ALTERNATIVE HABITATS FOR THEIR USE.

POLICY M3.23 PLANNING PERMISSION FOR MINERALS DEVELOPMENT AFFECTING SITES OF KNOWN OR POTENTIAL ARCHAEOLOGICAL IMPORTANCE WILL NOT BE GRANTED UNLESS THE PROPOSAL IS ACCOMPANIED BY AN APPROPRIATE

- (a) ARCHAEOLOGICAL ASSESSMENT, INCLUDING A FIELD EVALUATION WHERE NECESSARY AND
- (b) A SCHEME OF TREATMENT

POLICY M7.1 WHEN PLANNING PERMISSION INVOLVES THE RECLAMATION OF SAND QUARRIES WITHIN THE SHERWOOD FOREST AREA THE COUNTY COUNCIL WILL IMPOSE CONDITIONS WHICH REQUIRE THAT SUCH PROPOSALS TAKE FULL ACCOUNT OF THE POTENTIAL FOR:

- (a) TREE PLANTING USING PRIMARILY NATIVE TREE SPECIES SUCH AS OAK AND BIRCH OR
- (b) THE CREATION OR RESTORATION OF FORMER HEATHLAND OR
- (c) AN APPROPRIATE HABITAT MOSAIC OF (a) AND (b).

POLICY M7.2 THE COUNTY COUNCIL WILL ENDEAVOUR TO MAINTAIN A LANDBANK OF PERMITTED RESERVES OF SHERWOOD SANDSTONE SUFFICIENT FOR AT LEAST 7 YEARS EXTRACTION AND ALSO ADEQUATE PRODUCTION CAPACITY IN ORDER THAT NOTTINGHAMSHIRE WILL MEET ITS SHARE OF REGIONAL PROVISION FOR AGGREGATES THROUGHOUT THE PLAN PERIOD, IN ACCORDANCE WITH MINERAL PLANNING GUIDANCE NOTE 6 AND THE FINDINGS OF THE REGIONAL WORKING PARTY ON AGGREGATES.

POLICY M7.3 THE COUNTY COUNCIL WILL ONLY PERMIT PROPOSALS FOR THE EXTRACTION OF ADDITIONAL SHERWOOD SANDSTONE WHICH REPRESENT LOGICAL EXTENSIONS OR REPLACEMENT SITES WHICH SERVE MARKETS THAT CANNOT REASONABLY BE MET BY ALTERNATIVE PERMITTED SOURCES. IN GRANTING PLANNING PERMISSION FOR SUCH PROPOSALS THE COUNTY COUNCIL WILL WHERE APPROPRIATE SEEK TO NEGOTIATE:

- (a) THE VOLUNTARY REVOCATION OF INAPPROPRIATE OR UNSATISFACTORY CONSENTS;

AND/OR

- (b) THE PROVISION OF APPROPRIATE COMPREHENSIVE SCHEMES OF WORKING AND RECLAMATION WHERE EXISTING SCHEMES ARE INADEQUATE OR ABSENT.

MANSFIELD DISTRICT LOCAL PLAN POLICIES

- NE4(B) BETWEEN MANSFIELD AND RAINWORTH FROM RATCHER HILL QUARRY AND THE RANSOM HOSPITAL SITE TO THREE THORN HOLLOW FARM.
- NE7 PLANNING PERMISSION WILL NOT BE GRANTED FOR DEVELOPMENTS WITHIN THE SHERWOOD FOREST SPECIAL LANDSCAPE AREA, AS DEFINED ON THE PROPOSALS MAP, EXCEPT FOR PROPOSALS WHICH WOULD FALL INTO ONE OR MORE OF THE FOLLOWING CATEGORIES:-
- (1) IT WOULD CONSERVE OR ENHANCE THE LANDSCAPE AND ECOLOGY OF THE AREA;
 - (2) IT WOULD MAINTAIN AND/OR DEVELOP ITS FUNCTION AS A RECREATION AND TOURISM AREA, SUBJECT TO ANY DEVELOPMENT BEING OF A SCALE AND DESIGN IN KEEPING WITH THE CHARACTER OF THE AREA.
- NE9 PLANNING PERMISSION WILL NOT BE GRANTED FOR DEVELOPMENTS WHICH WOULD ADVERSELY AFFECT WOODLANDS WHICH ARE EITHER OF AN AMENITY VALUE OR WHICH PROVIDE VALUABLE WILDLIFE HABITATS.
- NE13 PLANNING PERMISSION WILL NOT BE GRANTED FOR DEVELOPMENTS WHICH WOULD DAMAGE LOCAL NATURE RESERVES AND OTHER SITES CONSIDERED TO BE OF ECOLOGICAL, GEOLOGICAL OR GEOMORPHOLOGICAL IMPORTANCE, UNLESS THE REASONS FOR THE DEVELOPMENT CLEARLY OUTWEIGH THE INTRINSIC VALUE OF THE SITE OR THE CONTRIBUTION IT MAKES TO THE LOCAL NETWORK OF SUCH SITES.

APPENDIX 2

Recommended conditions for grant of planning permission - 2/2000/242/ET

1. This planning permission is for the winning and working of sand from the land edged red on Plan No 3B dated March 2001 and the restoration of that land and the adjacent quarry to amenity heathland/woodland.
2. The winning and working of sand shall cease on or before 30 June 2016.
3. All plant, buildings and machinery associated with winning and working of this mineral in both the permitted area and the adjacent existing quarry shall be removed within six months of the cessation of quarrying or by 31 December 2016 at the latest.
4. Prior to the commencement of this permission the following operations shall be carried out.
 - (a) the implementation of a scheme of archaeological investigation, as approved in writing by the Mineral Planning Authority (MPA).
 - (b) the implementation of a scheme of tree-planting, details of which have previously been agreed with the MPA in writing, between the Ransom Wood Business Park and the eastern edge of extraction.
 - (c) the mitigation measures identified under paragraphs 8.9.12 and 8.9.13 of the Environmental Statement submitted with the application for this planning permission are carried out.
 - (d) the submission to, for approval in writing by, the MPA of a soil handling scheme showing the sequence and location of soil movements. Such a scheme shall take account of the outcome of the soil resources survey required by Condition 8 and shall be implemented as approved.
5. The felling of trees within the permission area shall only be carried out in accordance with approved phasing details and between 1 November and 28 February.

Hours of Working

6. Unless otherwise agreed in writing with the MPA:

No sand extraction or processing shall be carried out except between the following times:-

Mondays to Fridays	0600 - 2000
Saturdays	0700 - 1800

No sand shall be extracted or processed on Sundays, Public Holidays or Bank Holidays.

Access

7. Unless otherwise agreed in writing with the MPA access to the public highway from this site shall only be gained via the existing quarry access.

Soil Handling

8. Within six months of the date of this permission a survey of the soil resources of the existing quarry and the application site shall be carried out. The results of the survey shall be forwarded to the MPA within one month of the survey being completed.
9. No soil handling operations shall take place except during periods of dry weather when the whole soil volume to be affected is in a dry and friable condition.
10. Topsoil storage mounds shall be no greater than 3m in height.
11. Subsoil storage mounds shall be no greater than 5m in height.
12. No plant or vehicles shall cross any soil storage mounds except where such trafficking is essential and unavoidable for the purposes of constructing and dismantling that mound.
13. All soil storage and screening mounds in both the extension area and existing quarry boundary shall be maintained free from weeds.
14. All soil mounds created under the provisions of this permission shall be seeded in the planting season following their creation.

Permitted Operations

15. The sequence of phasing and restoration shall follow that indicated on plans 3B, 4B, and 5B submitted to the MPA on 14 March 2001
16. Sand shall only be extracted from within the blue phase lines on Plans 3B, 4B, and 5B submitted to the MPA on 14 March 2001.
17. All soils from within the permitted area shall be fully utilised in the restoration of the application area or adjacent quarry.
18. There shall be no importation of waste materials of any kind within the application area or the adjacent existing quarry.
19. Prior to the commencement of extraction in Phase 2 details of the number, size, spacing and species of trees and shrubs for planting on the benches of the eastern face of the extension area, together with details of hydroseeding

with an acid grassland mix on the eastern face, shall be submitted to, for approval in writing by, the MPA.

20. No extraction shall take place in phase 2 of the development until the following have been carried out:
- planting has taken place on the first bench on the eastern boundary of the site
 - the eastern face has been hydroseeded in accordance with the details approved pursuant to Condition 19.
21. No stockpile of sand shall be higher than 120m above Ordnance Datum.

Noise

22. No audible reversing warning devices shall be used on the permitted area.
23. Noise levels associated with the operations hereby permitted, with the exception of the creation of screening mounds shall not exceed 55 dBA LAeq 1hr, as measured at any point on the boundary of the site with Ransom Wood Business Park.
24. Noise levels associated with the creation of soil screening mounds shall not exceed 70 dBA LAeq 1 hr, as measured at any point on the boundary of the site with Ransom Wood Business Park or at the boundary of the existing quarry with Jubilee Road South.
25. From the commencement of this permission until the final restoration of the site noise monitoring shall be carried out in accordance with the scheme in operation on the adjacent quarry with the addition of noise monitoring at point RH 4A identified on Plan RH/ND/1 submitted to the MPA on 19th July 2000.

Dust

26. Within two months of the date of this permission a scheme for the control and monitoring of dust emissions during the period of extraction and restoration shall be submitted to, for approval in writing by, the MPA. Such scheme shall be implemented as approved.
27. In the event that the scheme approved under condition 26 above proves ineffective such that operations from the site cause a detrimental impact, as experienced at any dust-sensitive property, all extraction and soil handling operations on the extension area shall cease until such time as the MPA are satisfied, having regard to the nature of the impact and weather conditions, that they may resume.
28. All conveyors shall be fully enclosed.

Pollution

29. There shall be no storage of fuels, chemicals or lubricants within the permitted area.
30. There shall be no discharge of foul or contaminated drainage into groundwater, watercourses or surface drainage systems from this site.

Restoration

31. Within six months of the cessation of processing of sand extracted by virtue of this permission all buildings and processing plant associated with the quarrying of the permitted area, or the adjacent quarry shall be removed.
32. Soils shall be respread on the permitted area and adjacent quarry such that it conforms to the contours shown on Plan Ref No. 6B dated March 2001, received by the MPA on 14 March 2001.
33. All operations for the resspreading of soils shall be completed in the permitted area and adjoining quarry within two years of the cessation of extraction of sand.
34. Grass seeding, tree and shrub planting and formation of wetland areas shall be carried out in the first available season following resspreading of soils in accordance with a detailed scheme that shall have firstly been approved in writing by the MPA and that shall follow the outline restoration details indicated on Plan 6B received by the MPA on 14 March 2001. All operations required under this condition shall be completed by no later than 12 months from final resspreading of soils.

Aftercare

35. Prior to the regrading of the final landform an aftercare scheme providing for such steps as may be necessary to bring the land up to the required standard for heathland/amenity use within a five year aftercare period shall be submitted to, for approval in writing by, the MPA. The aftercare scheme shall be implemented as approved.
36. Annual site meetings shall be held with the MPA to determine the detailed annual programmes of aftercare. The programmes shall be submitted to the MPA by 31 December in each aftercare year, for approval in writing by the MPA, and implemented as approved.

EPD.RH/O:RATCHREP
22 June 2001
(19 July 2001)

Authorised by:

Development Control Service Manager *J. Smith*

Date *24.12.08*

Head of Planning Services *NEH*

Date *24/12/08*

Proposal: Variation of Planning Conditions 15 and 19 (Restoration) of planning permission 2/2000/242/ET to allow for steepening of quarry sides to maximise the mineral extraction area.

Location: Ratcher Hill Quarry, Southwell Road West, Mansfield

Applicant: Mansfield Sand Co. Ltd

Application No: 2/2007/0543/ST

1. Site Description – see site plan/photographs

Ratcher Hill Quarry is located approximately 4 kilometres to the east of Mansfield situated between Mansfield Town Centre and Rainworth.

Access to the site is taken from the A617 which runs to the south of the quarry. Situated to the west of the quarry is a residential area with a site allocation within the Mansfield Local Plan for additional housing development. To the north is part of the existing quarry. To the east is Strawberry Hills Heath a Site of Special Scientific interest and the Ransom Wood Business Park.

The site subject to this application comprises of the eastern quarry face which gained planning permission as an extension to Ratcher Hill Quarry in 2002 (see background below).

2. Background

Mineral extraction initially took place at Ratcher Hill prior to 1948 in the area adjacent to the A617 and subject to an Interim Development Order (IDO) consent. This IDO, immediately adjacent to the existing site entrance, was not registered under the more recently introduced minerals review legislation and has now lapsed.

Permission for an extension to the north of the IDO area (the main quarry area) was granted in April 1963 subject to conditions including conditions which would involve the importation and infilling of the quarry with waste. In 1967 an asphaltting plant was permitted on the site. In 1972, a ready-mixed concrete plant was permitted on the site.

Substantial financial investment was made into the site in the form of a washing and drying plant permitted in 1988. The infrastructure is capable of producing distinct grades of sand. The extraction permission was reviewed in January 1998 under the provisions of the Environment Act 1995 which imposed 28 conditions for the continued working of the site and its restoration.

Planning permission was granted in 1957 for the extraction of sand from a 2.6ha site off Cross Lane, Blidworth approximately 3km due south of the current extraction area. The Blidworth planning permission was partially worked but is

registered as dormant under the Environment Act. This site has naturally regenerated into a wooded area.

permission
As part of the application in 2000 for an extension to Ratcher Hill Quarry (which gained planning approval in 2002) ~~the~~ ^{the} applicant signed up to a legal agreement under S106 of the Town and Country Planning Act to withdraw their rights to work the Blidworth site, *in addition to* ^{L1990}

Securing the long term management of the restored heathland at the Ratcher Hill Quarry.

The extension which gained permission in 2002 (reference 2/2000/242/ET) was to be worked in 3 deepening phases. The new face that was created in the east of the site was to be hydro seeded and trees planted on two 6 metre wide horizontal strips on this face. Mineral would be extracted by scraper, deposited into a hopper at the northern end of the extension area. The hopper then feeds a conveyor belt which feeds the main processing plant in the existing quarry.

Restoration of the extension area and the northern part of the quarry would take place progressively during the lifetime of extraction within the extension. The mineral extraction was estimated to expire by 2016. Combined restoration of the two areas would be a blend of wet and dry heathland with two seasonally wet areas and some tree planting. The aim of the restoration is to form a link between the two currently separated parts of Strawberry Hill SSSI.

3. **Description of proposals:**

This application seeks to vary condition 15 and condition 19 (restoration conditions) of permission 2/2000/242/ET to enable the steepening of the quarry sides to maximise the extraction potential of the quarry releasing an additional 2.12 million tonnes of sand and the creation of a single un benched final west wall. Condition 15 and 19 of that permission read as follows:

Condition 15 stated,

"The sequence of phasing and restoration shall follow that indicated on plans 3B, 4B and 5B submitted to the Mineral Planning Authority (MPA) on 14th March 2001."

Condition 19 stated,

" Prior to the commencement of extraction in Phase 2, details of the number, size, spacing and species of trees and shrubs for planting on the benches of the eastern face of the extension area, together with detailing of hydro-seeding with an acid grassland mix on the eastern face, shall be submitted to, for approval in writing by, the MPA."

The width of the benches as now proposed will be 5 metres (as opposed to 6) and the quarry extraction faces will measure between 42 degrees to the first bench and 65 degrees to the second bench and quarry floor (as opposed to the 45 degree face originally proposed) – see drawing number JA.387 3b for cross section details.

4. **Development Plan policies relevant to this decision:**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that the Development Plan is the starting point for the consideration of all

development proposals. Specifically it states that 'where, in making any determination under the Planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise.'

The development Plan in consideration of this application consists of the following:

The East Midlands Regional Spatial Strategy 2005
The Nottinghamshire and Nottingham Joint Structure Plan 2006
The Nottinghamshire Minerals Local Plan 2005
The Mansfield District Council Local Plan 1998

The relevant policies within these documents are as follows:

The Regional Spatial Strategy for the East Midlands (RSS 8) 2005

Policy 1 – Regional Core Objective

Policy 1 has a number of objectives but of relevance to this application, the key objection is number 8 which reads as follows:

To promote the prudent use of resources in particular through patterns of development and transport that make efficient and effective use of existing infrastructure, optimise waste minimisation, reduce overall energy use and maximise the role of renewable energy generation.

Policy 9 – Regeneration of the northern sub-area.

The site falls within the northern sub area in which the main priority is for regeneration. The policy states that:

The economic, social and environmental regeneration of the northern sub area will be a priority. Plans should promote environmental enhancement as a fundamental part of the regeneration of the sub area.

The Nottinghamshire and Nottingham Joint Structure Plan 2006

Policy 1/1 Sustainable Development

Mansfield

Policy 1/1, on Sustainable Development states that development should be of a high standard of design and be energy efficient. The Local Plan Policy DD1 (all development that requires planning permission), DD4 (design of new development) and DD5 (encouraging sustainable development) state that development must not have an intrusive or detrimental impact on neighbouring properties or on the appearance of the building or character of the area on which the development is to be sited. In addition it should not restrict access to and from the site and sustainable design will be encouraged.

Policy 2/1 Biodiversity

Policy 2/1 seeks to ensure the retention and enhancement of biodiversity. It states that all development proposals with potential for nature conservation interest will be required to provide an assessment of potential impacts. Development within or likely to affect Sites of Special Scientific Interest will be subject to special scrutiny. Planning permission will not be granted where proposals may have an adverse effect unless the reasons for development clearly outweigh the nature conservation value of the site.

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.

Policy M3.4 Screening

Where planning permission for minerals development is granted, conditions will be imposed to ensure that screening and landscape proposals reduce visual impact. Such conditions should, where appropriate, include:

- (a) measures to retain, enhance, protect and manage existing features of interest and value for screening and their contribution to the reclamation of the site;
- (b) measures to screen the site by the use of walls, fences, earth mounding and/ or tree & shrub planting;
- (c) details of the method of working, and phasing to cause least visual intrusion;
- (d) details of the location, form, number, species, size, method of planting, site preparation and any necessary measures for replacing plant material which fails following initial planting.

Where appropriate, screening proposals should maximise the potential to enhance the landscape and wildlife potential through appropriate planting.

Policy M3.5 Noise

Planning permission for minerals development will only be granted where noise emissions outside the boundary of the mineral workings do not exceed acceptable levels. Where appropriate conditions will be imposed to:

- (a) restrict hours of operation;
- (b) require the use of conveyors instead of dumptrucks;
- (c) sound-proof fixed and mobile plant;
- (d) set maximum noise levels at sensitive locations;
- (e) impose stand off distances between operations and noise sensitive locations;
- (f) require the use of acoustic screening such as baffle mounds or fencing

Policy M3.7 Dust

Planning permission for minerals development will only be granted where dust generation will not lead to an unacceptable impact. Where appropriate conditions will be imposed to suppress dust generation. Such conditions may relate to the:

- (a) layout of the site, design of stockpiles;
- (b) containment of conveyors and processing plant and dust collection equipment;
- (c) use of bowlers, sprays, and vapour masts on haul roads, stockpiles, transfer points;
- (d) design of material – handling systems, drop heights, wind guards, loading points;
- (e) use of binders on haul roads and stockpiles;
- (f) limiting on-site vehicle speed;
- (g) soil handling strategies;
- (h) limiting levels of dust measured in a specific way; provision of monitoring

facilities.

Policy M3.13 and M3.14 – Traffic

These policies seek to protect the existing highway in terms of highway capacity, impact upon the environment and local amenity. It is also feasible for the MPA to seek agreements on routeing arrangements to ensure that lorries avoid certain roads/routes.

Policy M4.1 – Phasing

Mineral extraction proposals should be designed to allow a phased sequence of extraction, reclamation and implementation of the planned after-use.

Policy M4.9 – Aftercare

The County Council will attach aftercare conditions to all mineral planning permissions where reclamation is to agriculture, forestry or amenity.

Policy M4.4 Landscape Treatment

Where planning permission involves the reclamation of mineral workings landscaping proposals will be required that include:

- (a) an overall landscape concept or brief;
- (b) details of the final landform which should harmonise with the existing landscape character and aim to promote strategic landscape features;
- (c) the location, form, numbers, species, size, and method of planting;
- (d) details of establishment, maintenance and longer term management proposals, including measures for replacing failed planting;

Policy M7.6 Silica Sand Landbank

Planning permission will be granted for silica sand extraction that seeks to maintain an appropriate landbank of permitted reserves provided they do not have an unacceptable environmental or amenity impact.

Mansfield District Council Local Plan – 1998

There are no direct Local Plan land allocations relating to Ratcher Hill Quarry. The site is adjacent to a special landscape area and a SSSI (Strawberry Hill) to the east. As a result, it is considered that the adjacent land uses should be given due consideration in the determination of this application.

Policy NE10

Planning Permission will not be granted for developments which would lead to the loss of, or damage to, ancient woodland.

Policy NE12

Proposals for development likely to affect Sites of Special Scientific Interest will be subject to special scrutiny. Where a development would harm or damage the SSSI, either directly or indirectly, it will not be permitted unless the reasons for the development clearly outweigh the value of the site and the national policy to safeguard the nature conservation value of a network of such sites.

5. **Consultations:**

Landscape and Reclamation Team

Accept that slopes could be steepened from 45-55° on the basis that hydro-seeding can be still be carried out to the slopes at this gradient. Initially raised concerns over the reduction in width of the benches and the implications this could have for the final restorations scheme. The Applicant submitted revised details and Landscape and Reclamation team are now satisfied that satisfactory restoration can be achieved. Agree proposed landscape and planting details.

Highways Authority

No objection

Mansfield District Council

No objection

The Environment Agency

No objection

Minerals and Waste Policy

Total quantity of saleable mineral to be extracted is 2.12 million tonnes which is consistent with the 1,325,384 cubic metres and conversion factor of 1.6 tonnes per cubic metre cited in the accompanying statement. In broad terms the extraction of additional mineral from an existing working site is desirable, being consistent with MPS 1 and the Minerals Local Plan to prevent the unnecessary sterilisation of mineral resources.

6. **Publicity and Representations:**

The application has been advertised by site notice, press advertisement and neighbour notification letters.

in accordance with the Council's adopted Statement of Community Involvement.

Issues raised:

No letters of representation were received with regards to the application.

7. **Observations:**

The starting point for the assessment of this application is the development plan and other material considerations. The development plan in this instance is RSS8, The Nottinghamshire and Nottingham Structure Plan, and the Nottinghamshire Minerals Local Plan and the Mansfield District Council Local Plan. From an appraisal of the main development plan policies the key issue in consideration of this application is: -

Landscape and Visual *Impact*

The main consideration set out above along with the other relevant environmental considerations (such as the potential impact upon nature conservation interests, noise and dust) are considered in turn below.

Before doing so it is important to recognise that there is a presumption in favour of extensions to existing workings. This policy approach to preferring extensions against new sites is supported by national mineral planning guidance (in the form of Mineral Policy Statement - MPS1). The Applicant is proposing an extension to an existing quarry which is therefore supported in principle by the development plan subject to satisfying the other relevant policy areas.

Landscape and Visual *Impact*

Minerals local

The key development plan tests in terms of landscape and visual impact are Policy M3.27 and M4.4 of the Nottinghamshire and Nottingham Structure Plan. These policies seek to ensure that landscaping associated with mineral development harmonises with the existing landscape character.

Landscape character is a key consideration given the proximity of the Strawberry Hill SSSI adjacent to the site. The residential properties situated to the west of the site look across the quarry to the SSSI. As a result the quarry's eastern face is visible and forms a link between the site and the SSSI. As part of the original application for the extension area granted in 2002, it was established that the bench planting and the restoration of the quarry site was critical in forming an ecological link between the built up area of Mansfield and the SSSI.

Originally, permission was sought to:

1. Reduce the bench width from 6 to 4 metres
2. Steepening of the quarry faces from 45 degrees to 55 degrees
3. The creation of a single, unbenched final west wall

As part of the consultation on this application, concern was raised from the County Council's Landscape and Reclamation Team over the capability of the benches to accommodate the proposed landscaping at a width of only 4 metres. Subsequently, the application was revised and the bench width has been increased to 5 metres.

Permission for extraction in the extension area was permitted to take place in 3 phases. Planting of the two benches and the hydro seeding of the eastern quarry face is proposed to take place prior to extraction commencing in the final phase. The final phase of extraction will see the current tree screen (between the original extraction area and the extension granted in 2002) removed.

As stated above the eastern quarry face is highly visible from the residential properties to the west and therefore it is critical that the eastern face is planted prior to the final phase of extraction.

It is not considered that the minimal amount of material extracted by steepening of the quarry's eastern face will in the long term have any significant visual impact nor will it hinder the final objectives in terms of restoration of Ratcher Hill Quarry. It is therefore considered that the proposed development is acceptable in terms of landscape and visual impact.

Planning conditions have been imposed on the development to ensure satisfactory planting and aftercare.

Stability

The proposed increase in face gradients was geo-technically assessed and standard mathematical modelling techniques were used to compute the Factor of Safety. The findings of this demonstrated that the face inclinations will remain stable in the long term.

The faces within the northern part of the quarry have steeper faces than the eastern boundary and demonstrate that the long term stability is sound.

As such, the proposal is considered satisfactory in accordance with Mineral Planning Guidance 5 - Stability in Surface Mineral Workings and Tips.

Environmental Considerations

Noise

The key policy test in assessing the impact of noise is Policy M3.5 of the Nottinghamshire Minerals Local Plan. Policy M3.5 seeks to ensure that noise emissions from the quarry do not exceed acceptable levels. It also advises on the use of possible planning conditions to mitigate any impact.

No specific noise emission analysis work was undertaken as part of the application. However, significant noise assessment work has been conducted as part of previous applications for extensions.

Noise is currently monitored in accordance with a scheme that was submitted to the Mineral Planning Authority as part of the consideration of the application for the extension in 2002. As the extraction area is not being moved closer to any residential areas or to the Ransom Wood Business Park it is considered that continual noise monitoring in accordance with that scheme is appropriate.

In addition, a condition has been imposed that ensures noise levels do not exceed 55dba LAeq 1 hr as measured at any point on the boundary of the site with Ransom Wood Business Park. This ensures that noise levels are in accordance with national planning guidance as outlined within annex 2 to Mineral Planning Statement 2 - Controlling and mitigating the environmental effects of mineral extraction in England.

There have not been any specific concerns expressed with regards to noise nuisance as part of the consultation/publicity exercise on the application and specifically no concerns expressed from the District Council's Environmental Health Officer.

The application area already has consent for mineral extraction. This application solely related to the steepening of the quarry sides within that permitted area. The noise assessment of extending the quarry to this area has already been assessed. It is not considered that the minimal amount of additionally extracted material will impact upon the surrounding area by reason of noise.

materially

Dust

The key policy test in assessing the impact of dust is Policy M3.7 of the

Nottinghamshire Minerals Local Plan. Policy M3.7 seeks to ensure that dust emissions from the quarry do not exceed acceptable levels. It also advises on the use of possible planning conditions to mitigate any impact.

No specific dust emission analysis work was undertaken as part of the application, however the applicant has set out in previous submissions to the MPA how the operations are controlled in terms of minimising dust emissions. These mitigation measures include a tractor with a brush and water bowser and a road sweeper is hired when necessary. All incidents are recorded within the site diary.

It is not proposed to alter the dust management or dust suppression arrangements at the quarry. There have not been any specific concerns expressed with regards to dust nuisance as part of the consultation/publicity exercise on the application and specifically no concerns expressed from the District Council's Environmental Health Officer.

It is not considered that the amount of additional material extracted from the site will increase any problem associated with dust generation. As a result the application is considered acceptable in terms of dust mitigation.

Traffic

The key development plan tests in assessment of traffic impact is ^BPolicy M3.13 and M3.14. These policies seek to protect the existing highway in terms of capacity, impact upon the environment and local amenity. It is also feasible for the MPA to seek agreements on routeing arrangements to ensure that lorries avoid certain roads/routes.

As part of this application it is not proposed to alter the internal haulage roads or main quarry access. The amount of additional extracted material is not considered to increase the volumes of HGV movements that currently frequent the site.

The Highway Authority and representatives from the Local Authority have not expressed any concerns regarding the application or reported on any incidents or issues relating to vehicle movements generated by the quarry.

The applicant has in place a mitigation scheme in place for existing operations to ensure that mud and debris is not deposited on the highway and when necessary the roads in proximity to the quarry are cleaned.

It is considered that these ^{additional} mitigation measures are satisfactory and that there are not going to be any adverse impacts upon the local environment or amenity by reason of traffic movements generated by the quarry.

Ecology

The key policy test in assessing the impact on ecology is Policy 2/1 of the Nottingham and Nottinghamshire Structure Plan. Policy 2/1 seeks to ensure the retention and enhancement of biodiversity. It states that all development proposals with potential for nature conservation interest will be required to provide an assessment of potential impacts. Development within or likely to affect Sites of Special Scientific Interest will be subject to special scrutiny. Planning permission will not be granted where proposals may have an adverse effect unless the reasons for development clearly outweigh the nature conservation value of the site.

mitigation
The application area already benefits from permission for mineral extraction which has commenced. As such any potential ecological interest was examined and removed in accordance with a strategy submitted and approved as part of the extension area application permitted in 2002. The site area is not increasing further into the adjacent woodland or SSSI where there may be impacts upon ecology and it is considered unlikely that there would be any ecological interest within the application area.

The proposed development will not hinder the objectives for restoration and ultimately will provide conservation benefits to the local area.

It is therefore considered that the development is unlikely to have any impact upon ecology.

Conclusions

By reason of the above assessment it is considered that the proposal is in accordance with the development plan and other material considerations. In particular, the proposal is an extension to an existing mineral working and is therefore supported, in principle, by national guidance contained in MPS1.

As with all proposals of this nature there is a balance to be struck between the potential negative environmental and amenity impacts and positive benefits in ensuring a continued mineral supply. This approach is required by both development plan policy and national planning guidance. It is inevitable that the proposal would result in a degree of environmental/amenity disturbance throughout the course of the operations, however, it is considered that these impacts have been controlled and mitigated to acceptable levels through the imposition of appropriate planning conditions on previous development consents and these controls can be continued to control this application.

planning permissions

8. **Service Head of Planning Services' Team Manager's/Group Manager's Observations:**

Reworking of quarry flanks to release additional mineral which would otherwise be sterilised contrary to policy, without causing unacceptable environmental impacts.

9. **Human Rights Act Implications:**

The relevant issues arising out of the Human Rights Act have been assessed in accordance with the Council's adopted protocol and it appears that no human rights under Article 8 and Article 1 of the First Protocol are affected.

10. **Summary of reasons for the decision:**

ADD IN HAND WRITTEN NOTE.

The County Council is of the opinion that the proposed development gives rise to no material harm, is in accordance with the relevant Development Plan policies and that there are no material considerations that indicate that the decision should be made otherwise. The County Council considers that any potential harm as a result of the proposed development would reasonably be mitigated by the imposition of the attached conditions.

11. **Recommendation:**

It is RECOMMENDED that planning permission is granted ~~for the variation of condition 15 and 19 of planning permission 2/2000/242/ET to allow for the steepening of the quarry sides to maximise mineral extraction,~~ subject to the conditions set out below.

Commencement

1. The development hereby permitted shall be begun within 3 years from the date of this permission.

Reason - To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. The date of commencement of the development hereby approved shall be notified in writing to the Mineral Planning Authority (MPA) at least 7 days prior to this permission being implemented.

Reason - To enable the MPA to monitor the development.

Cessation

3. The winning and working of sand shall cease on or before 30 June 2016.

Reason - For the avoidance of doubt to ensure the development is carried out in a satisfactory manner and to provide for the restoration of the site within an agreed timescale.

4. All plant, buildings and machinery associated with winning and working of mineral at the quarry (including the extension area and original quarry area) shall be removed within 6 months of the cessation of quarrying or by 31 December 2016 at the latest.

Reason - For the avoidance of doubt to ensure the development is carried out in a satisfactory manner and to provide for the restoration of the site within an agreed timescale.

Hours of Operation

5. Unless otherwise agreed in writing with the MPA: No sand extraction or processing shall be carried out except between the following times:-

Mondays to Fridays 0600 – 2000
Saturdays 0700 – 1800

No sand shall be extracted or processed on Sundays, Public Holidays or Bank Holidays.

Reason – In the interests of amenity and in compliance with Policies M3.5 (Control of Noise Emissions) and M3.7 (Control of Dust) of the Nottinghamshire Minerals Local Plan.

Highways

6. Unless otherwise agreed in writing with the MPA access to the public highway from this site shall only be gained via the existing quarry access.

Reason – In the interests of amenity and in compliance with Policies M3.13(Control of Vehicles on the Highway) and M3.14(Routeing of Vehicles on the Highway) of the Nottinghamshire Minerals Local Plan.

- X 7. ~~All possible~~ measures shall be taken to prevent the deposition of mud, clay and other detritus on the highway by construction vehicles. If mud, clay or other detritus is deposited on the highway by construction vehicles it shall be removed at the earliest possible opportunity or as directed by the CPA.

Reason - In the interests of amenity and in compliance with Policy M3.13 (Control of Vehicles on the Highway) of the Nottingham Minerals Local Plan

Noise

- X 8. No audible reversing warning devices shall be used

Reason – In the interests of amenity and in compliance with Policy M3.5 (Control of Noise Emissions) of the Nottinghamshire Minerals Local Plan.

9. Noise levels associated with the operations hereby permitted shall not exceed 55dbA LAeq 1hr, as measured at any point on the boundary of the site with Ransom Wood Business Park.

Reason – In the interests of amenity and in compliance with Policy M3.5 (Control of Noise Emissions) of the Nottinghamshire Minerals Local Plan.

10. From the commencement of this permission until the final restoration of the site, noise monitoring shall be carried out in accordance with the scheme in operation on the adjacent quarry with the addition of noise monitoring at point RH 4A identified on Plan RH/ND/1 submitted to the MPA on 19th July 2000.

Reason – In the interests of amenity and in compliance with Policy M3.5 (Control of Noise Emissions) of the Nottinghamshire Minerals Local Plan.

Dust

11. Dust monitoring and mitigation shall continue in accordance with the dust scheme submitted and approved by the MPA on the 1st April 2004 under planning consent 2/2000/242/ET.

Reason – In the interests of amenity and in compliance with Policy M3.7 (Dust Control) of the Nottinghamshire Minerals Local Plan.

12. All conveyors shall be fully enclosed.

Reason – In the interests of amenity and in compliance with Policy M3.7 (Dust Control) of the Nottinghamshire Minerals Local Plan.

Approved Details

- XX 13. The development shall be carried out in accordance with the approved drawing numbers JA.387-2a and JA 387-3b received on 14/03/08.

as by the MPA

Reason -. For the avoidance of doubt and in compliance with Policy M4.4 (Landscape Treatment) of the Nottingham Minerals Local Plan

- as by the MPA
14. The landscaping works shall be carried out in accordance with drawing number JA 387-5A received on 19/12/08 and the planting details given in the email from the applicant dated 2nd December 2007 and letter dated 11th March 2008.

X Reason -. For the avoidance of doubt and in compliance with Policy M4.4 (Landscape Treatment) of the Nottingham Minerals Local Plan

- X 15. The landscaping works as approved by conditions 13 and 14 above shall be carried out within the first planting and seeding seasons following the completion of the development. Any trees or plants that, within a period of five years after planting, die, are removed or, in the opinion of the MPA, become seriously damaged or diseased, shall be replaced as soon as is reasonably practicable with others of size, species and number as originally approved, unless the MPA gives written consent to any variation.

X Reason - For the avoidance of doubt and in the interests of residential amenity and in compliance with Policy M4.4 (Landscape Treatment) of the Nottinghamshire Minerals Local Plan

16. No extraction shall take place in phase 2 of the development until the following have been carried out:

- i) Planting has taken place on the first bench on the eastern boundary of the site
- ii) The eastern face has been hydro-seeded in accordance with the details pursuant to condition 14.

Reason - For the avoidance of doubt and in the interests of residential amenity and in compliance with Policy M4.4 (Landscape Treatment) of the Nottinghamshire Minerals Local Plan

17. Prior to the regrading of the final landform an aftercare scheme providing for such steps as may be necessary to bring the land up to the required standard for heathland/amenity use within a five year aftercare period shall be submitted to, for approval in writing by, the MPA. The aftercare scheme shall be implemented as approved.

Reason - For the avoidance of doubt and in the interests of residential amenity and in compliance with Policy M4.4 (Landscape Treatment) of the Nottinghamshire Minerals Local Plan.

Report prepared by Jenna Polak (Heaton Planning Ltd).....

Date ... 11.09.08... (edited by SJA 8/12/08).....



LEGEND

- Topographic Contour (1m interval)
- Topographic Contour (5m Interval)
- Site Boundary
- 1 1' Cross Section Location
- Tree Planting

RECEIVED

19 DEC 2008

COMMUNITIES DEPT.

NOTES:

All levels in metres above Ordnance Datum

Based on drawing Plan 6b provided by MSS.

Please refer to Drawing No. JA.387-3b for cross section details

DRAWN	RJB
CHECKED	DABH
	STD

SITE
REVISED PLAN
RATCHER HILL QUARRY
Additional plans

PLAN
FINAL RESTORATION PLAN

Scale: 1:2500 @ A3 Date: 12.03.08

Plan Ref. No. JA.387-2a

Mansfield Sand

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MANSFIELD SAND CO LTD

RATCHER HILL QUARRY

RECEIVED

23 MAY 2007

COMMUNITIES DEPT.

PLANNING CONSENT 2/2000/242/EI

**EXTENSION TO RATCHER HILL SAND QUARRY
AND SUBSEQUENT RESTORATION TO
HEATHLAND AND NATURE CONSERVATION**

**AN APPLICATION UNDER REGULATION 73 OF
THE TOWN & COUNTRY PLANNING ACT 1990 TO
VARY CONDITIONS NO 15 AND 19 (PERMITTED OPERATIONS)**

May 2007

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**MANSFIELD SAND CO LTD
RATCHER HILL QUARRY**

**PLANNING CONSENT NO. 2/2000/242/ET
EXTENSION TO RATCHER HILL SAND QUARRY
AND SUBSEQUENT RESTORATION TO
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**AN APPLICATION UNDER REGULATION 73 OF
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May 2007

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A P P E N D I X

Drawing No. JA.387-2 Revised Maximum Excavation Design.
Drawing No. JA.387-3 Cross Sections 1-1', 2-2' and 3-3'

1. ABSTRACT

Permission was granted on 12 June 2002 (Consent No. 2/2000/242/ET) for the winning and working of sand from land lying adjacent to and contiguous with the existing operational area.

The application documentation shows the location, form and depth of extraction of the proposed excavation and proposals for the final restoration of the site following the exhaustion of the mineral reserve. Specific emphasis was placed upon assessing the potential visual effects of the operation on the character of the landscape area. Restoration proposals were designed to mitigate against any identified significant impacts.

In accordance with the consent conditions, the operation is being undertaken in a phased manner creating final wall excavation faces of variable height with intermediate sub-horizontal benches at various defined levels.

The most visually sensitive wall is the eastern wall which has been cut into Ratcher Hill, a high point in the area, and as a consequence the wall has visual significance. To mitigate against the impact, restoration will be progressive and entail hydro-seeding final faces and tree planting on the intermediate benches as they are formed.

The consented restoration proposals indicate individual excavated face inclinations with a gradient of 1 vertical to 1 horizontal which are of variable height with intermediate benches at the 124m AOD, 109m AOD and final depth level of 95m AOD. The intermediate benches are shown to be 6 metres in width.

This documentation provides details of proposed amendments to the currently consented designs which essentially entail a steepening of final sidewall faces and a minor reduction in intermediate bench width.

The proposed amendment will optimise the recovery of mineral from the site whilst having no discernable impacts upon the current and intermediate visual character of the site area or on the final restoration objectives.

2. EXISTING CONDITIONS AND PROPOSED AMENDMENT

2.1 Existing Conditions

Condition 15

The sequence of phasing and restoration shall follow that indicated on plans 3B, 4B and 5B submitted to the Mineral Planning Authority (MPA) on 14 March 2001.

Condition 19

Prior to the commencement of extraction in Phase 2, details of the number, size, spacing and species of trees and shrubs for planting on the benches of the eastern face of the extension area, together with details of hydro-seeding with an acid grassland mix on the eastern face, shall be submitted to, for approval in writing by, the MPA.

2.2 Proposed Amendment

Condition 15

The sequence of phasing and restoration shall follow that indicated on consent plans 3B, 4B and 5B. Proposed amendments to sidewall gradients and intermediate bench widths are as shown in Drawing Nos. JA.387-2 and 3

Condition 19

The proposed amendments are shown in Drawing Nos. JA.387-2 and 3, and comprise the following :

- i) Steepening of excavation faces to a gradient in excess of that indicated in Drawing No. RH.585-D1 (submitted in compliance with the requirements of Conditions 19 and 20) from 45° to 55°.
- ii) A reduction in intermediate bench widths from 6 to 4 metres.

All other details, ie plant size, types and numbers, will remain the same as will the hydro-seed grass mix and be in accordance with the specification shown in Drawing No. RH 585- D1.

3. PROPOSED VARIATIONS AND POTENTIAL IMPACTS

3.1 Proposed Variations

The three variations which are proposed to the currently consented designs as shown in Drawings 3B, 4B and 5B are as follows :-

- i) Increase in the gradient of individual final sidewall excavation faces from 1 vertical to 1 horizontal (45°) to 1 vertical to 0.7 horizontal (55°).
- ii) A reduction in the width of intermediate benches from 6 to 4 metres.
- iii) The creation of a single, un-benched, final west wall.

The above three revised design proposals are shown in Drawings JA.387-2 and 3 which accompany this application.

3.2 Potential Impacts

3.2.1 Stability Associated with Steeper Excavation Profiles

The proposed increase in final excavation face gradients from 45° to 55° has been geotechnically assessed to define the acceptability of the proposal.

Standard mathematical modelling techniques (Bishops Simplified and Janbu) have been utilised to compute the Factor of Safety (FOS) for various slope configurations. Analyses have demonstrated that the proposed face inclinations will remain stable in the long term.

The high, steep faces which exist in the exhausted northern sections of the original site bear testimony to the long term stability of what are very much steeper and higher faces than those proposed in the extension area. Detailed mathematical analyses for the western and eastern sidewalls have been undertaken and are available on request (Ratcher Hill Quarry - Geotechnical Assessment of Proposed Sidewall Profiles - James Associates December 2006 - ref: JA.MSL.RHQ.02.06).

3.2.2 Landscape Impact

The detailed landscape assessment which formed a part of the submission documentation identified the eastern quarry face as being of particular sensitivity. The currently consented final restoration designs which have been developed to mitigate against any potentially significant impact upon the landscape character of the area are shown in Drawing No. RH.585-D1 which was submitted in compliance with Conditions 19 and 20 of the Consent.

The requirement is for final wall excavated faces to be hydro-seeded using grass seed mix as defined in Drawing No. RH.585-D1.

Specialist hydro-seeding contractors have been consulted for advice on the potential impact of increased slope gradient on successful sward establishment. It has been confirmed that hydro-seeding on slopes up to 65° can be successful and that the proposed change in gradient from 45° to 55° is unlikely to have any identifiable effects on grass establishment.

3.2.3 Potential Impact Associated with Reduced Intermediate Bench Widths

Stability

No impact.

Steepening of individual batter faces and a reduction in bench widths from 6 to 4 metres will have the effect of steepening the overall slope profile. The revised overall profile has been assessed and shown to have an acceptable level of long term stability.

Landscape Impact

Discussions have been undertaken with the landscape consultancy, R Bright & Associates (responsible for the original submission designs), to identify whether the proposed reduction in bench width from 6 to 4 metres will have any significant impact on the aims of the final restoration. It has been confirmed that the proposed reduction will not impact in any noticeable way on the final restoration.

The establishment of the tree belts will not be compromised in any significant way as a result of the amendment.

3.2.4 Potential Impact of the Creation of an Unbenched Final Western Sidewall

Stability

Of the walls, the western wall is perhaps the most sensitive inasmuch as it lies between the old infilled section of the quarry upon which the site offices and stockpiles are located and the open void of the extension area.

Stability modelling has assumed a 55° excavation slope and total water saturation of the infill materials located in the infilled old quarry behind the sidewall. It is considered that an assumption of total saturation is overly pessimistic.

The proposed revised profile, even when the fill materials are modelled as being saturated still provides an acceptable level of long term stability.

Landscape Impact

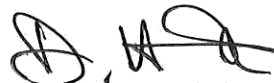
The western face is of limited height and concealed from all of the identified sensitive viewpoints because of its orientation.

3.2.5 Other Potential Impacts of the Proposed Variations

The proposed variations in the geometry of the excavation will realise additional sand reserves.

Based upon the revised excavation model, the estimated remaining mineral reserve of the extension area as of October 2006 is 1,325,383m³. The current annual raw material consumption is approximately 300,000 tonnes per annum, ie 187,500m³ at a conversion of 1.6 tonnes per m³.

At the current rate of raw material consumption the extension area will be exhausted in seven years, ie by 2014. Therefore, the proposed revisions will not impact upon Condition 2 of the consent, ie ***The winning and working of sand shall cease on or before 30 June 2016.***



.....
D A B HIGGINS
MSc, DIC, BSc(Hons), FGS, CGeol, MIMM, CEng
May 2007