Nottinghamshire County Council

**Report to Planning and Licensing Committee**

**20 November 2012**

**Agenda Item: 5**

# REPORT OF GROUP MANAGER PLANNING

**ASHFIELD DISTRICT REF. NO.: 4/2010/0178**

**PROPOSAL: THE EXTRACTION AND PROCESSING OF SILICA SAND, INCLUDING THE PROVISION OF A NEW SITE ACCESS ROAD, LANDSCAPING AND SCREENING BUNDS. SAND AND SOIL PROCESSING PLANTS AND OTHER ASSOCIATED INFRASTRUCTURE. RESTORATION TO AGRICULTURE AND NATURE CONSERVATION. QUARRY OFFICES, QUARRY PROCESSING PLANT, SAND DRYING, SAND BAGGING PLANT AND QUARRY LAGOONS**

**LOCATION: LAND AT TWO OAKS FARM, DERBY ROAD, MANSFIELD**

**APPLICANT: MANSFIELD SAND COMPANY**

## Purpose of Report

1. To consider a planning application for the extraction of silica sand and the installation of a new site access road and processing plant on land at Two Oaks Farm between Mansfield and Kirkby-in-Ashfield. The key issues relate to HGV traffic; the impact on residents and nearby recreational facilities from noise and dust, including health impacts; the impact on breeding nightjar and woodlark, the need for the site, the site's location in the Green Belt, and the site's landscape and visual impact. The recommendation is to grant planning permission subject to the signing of a Section 106 legal agreement and the conditions set out in Appendix 1 of this report and subject to referral to the National Planning Casework Unit.

## The Site and Surroundings

2. The application site, which covers an area of approximately 100 hectares, is located roughly equidistant between the built settlements of Mansfield, the retail centre of which is approximately 3.5 kilometres to the north; Kirkby-in-Ashfield, the centre of which is approximately 2.5 kilometres to the southwest; and Sutton-in-Ashfield, four kilometres to the northwest (see Plan 1). The village of Ravenshead is approximately 2.5 kilometres to the southeast. The A611 Derby Road runs adjacent to the north western boundary of the site, beyond which is Coxmoor Golf Club which is also designated as a Site of Importance for Nature Conservation (SINC), a local wildlife designation, extending to approximately 65 hectares and described as "an excellent habitat mosaic with a most impressive

flora". The B6139 Coxmoor Road runs adjacent to the south western boundary of the site and adjoins agricultural land. Other main roads in close proximity of the site are the B6020 Blidworth Road to the south, the A60 Nottingham Road to the east, and the A617 Mansfield – Ashfield Regeneration Route (MARR) to the north. To the immediate east of the site are Thieves Wood and Normanshill Wood, Forestry Commission managed woodlands which are popular recreational resources for the public and which are criss-crossed by a number of tracks and paths, including Sutton Footpath Number 66. The woods, which cover an area of over 170 hectares, are also designated as a SINC and are described as "an extensive coniferous plantation with ancient deciduous portions and an interesting flora and fauna". Beyond Thieves Wood, to the east of the A60, is Harlow Wood which is also designated as a SINC.

3. With the exception of the wood and the golf course, land immediately surrounding the site is predominately in agricultural use. The closest residential properties are within the Two Oaks Farm complex immediately adjacent to the site boundary (see Plan 2) and which consist of the original farm building and various outbuildings, which are understood to date back to at least 1830 but are not listed, and a more recently built bungalow. All these buildings are owned by the applicant.

4. The next closest residential properties are the Stonehills Farm complex which is approximately 225 metres from the north west corner of the site off the A611 and comprises the Bright Sparks day nursery and some residential properties. Coxmoor House and Coxmoor Farm are approximately 300 and 350 metres from the south west corner of the site respectively. There are a small number of residential properties on Thieves Wood Lane, the closest which is approximately 360 metres to the east of the northern corner of the site. Towards the eastern edge of Thieves Wood is Fountaindale School, approximately 600 metres east of the site with Portland College on the opposite side of the A60 along with a small residential estate. To the west of the site on the B6139 Coxmoor Road, starting almost 700 metres from the edge of the site and opposite the entrance to the golf course, are a row of residential properties, while to the south, Forest Cottages, Forest Farm, Forest Farm House and The Old Granary are approximately 700 metres from the site boundary.

5. The application site itself is predominately in mixed agricultural use with the eastern side in arable use and the western side used for rearing pigs. The environmental statement submitted with the application states that 3.7 hectares (4%) of the site is classified as grade 2 agricultural land, 55.6 hectares (55%) grade 3a, 38.6 hectares (38%) grade 3b, with the remaining 2.6 hectares (3%) comprising a woodland and small fields to the immediate south of Two Oaks Farm. The topography of the site dips towards a central valley running roughly east to west across the site from high points of around 160 and 165 metres above ordnance datum (AOD) on the south western and north eastern boundaries. The site also gently slopes down from west to east which is reflected by the bottom of the central valley which is at approximately 160 metres AOD adjacent to the A611 on the north western boundary of the site, falling to approximately 140 metres AOD on the south eastern boundary.

6. There are a number of hedgerows crossing the site which are largely mature but gappy in places. Mature hedgerows interspersed with occasional mature trees also form the perimeter of the site along the A611 and B6139 and there is a noticeable bank along part of the site's perimeter on the A611 on top of which is a hedgerow. The boundaries of the site adjacent to Thieves Wood are more open with only mature trees defining the edge of the site. Vehicular access to the farm buildings at Two Oaks Farm is off the A611 towards the northern end of the site whilst there are three access points for agricultural vehicles off the B6139.

7. The site is not covered by any statutory ecological designations, although there are SINCs adjacent, as described above, and the site does lie within the Green Belt. However, the site does fall within the five kilometre buffer zone of a number of areas being considered for designation as a Special Protection Area (SPA). Members will be aware of the significance of this possible designation through other planning applications brought before committee, most notably the Energy Recovery Facility (ERF) at the former Rufford Colliery site which was refused planning permission in 2011 following a public inquiry. The ERF site is approximately six kilometres to the north east of the application site.

**Proposed Development**

8. It is proposed to extract approximately 14.31 million tonnes of silica sand from an extraction area of 95 hectares over a period which could extend to between 40 and 50 years. The application states that, taking into account assumed production and processing losses of 15%, usually comprising silts, the total saleable reserve is estimated at 12.16 million tonnes. The estimated life of the quarry equates to an annual rate of production of approximately 250,000 – 300,000 tonnes per annum, of which the majority would be silica sand and 15,000 tonnes would be gravels. The depth of working would range from between approximately seven to 25 metres with mineral working taking place above the water table.

9. As with the applicant's present quarry at Ratcher Hill, which is located on the eastern edge of Mansfield, it is proposed to process much of the silica sand with other materials such as soils and synthetic fibres into a variety of industrial, sporting, equestrian and construction sands using a range of processing plant.

Prior to commencement operations

10. Prior to any extraction taking place, a number of preliminary site preparation works would need to be undertaken. An access road into the site would be formed at a point where the site is presently accessed off the B6139, approximately 400 metres to the east of the B6139/A611 junction (see Plan 3). The application refers to the access road being hard-surfaced with bitmac or concrete for the first 30 metres from the B6139 although the applicant has since commented that it would be hard-surfaced all the way to the plant site. Improvements to the point of access are proposed to allow safe access and egress.

11. The access road would head in a north east direction for approximately 450 metres and then turn right and head in a south east direction, first passing the proposed site offices, HGV parking area, the weighbridge and a workshop (see detailed section of Plan 3). The site offices would include a canteen/lecture room, offices, showers and toilets, and a laboratory and testing facility. The workshop would allow for the repair of the processing plant. Further south east would be storage areas prior to the access road reaching the main processing plant area. Details of the various plant and processes proposed are set out below.

12. Prior to any extraction on site, it is also proposed to provide visual screening along certain sections of the perimeter of the site through planting or a combination of soil bunds and planting, using soils stripped during the construction of the plant site and the stripping of phase 1 of the quarry (see Plan 4).

13. At the south west corner of the site, at the junction of the A611 and the B6139, a screening bund up to six metres high containing 30,400 $m^3$ of Grade 3b topsoil would be created and planted with trees. The remaining Grade 3b soils stripped would be stored close to the plant site for future blending. A 1.5 metre high bund containing 38,500 $m^3$ of Grade 2 and 3a topsoil would be created adjacent to the B6139 from the site access road to the southern corner of the site which would again be planted with trees. This bund would measure approximately 600 metres in length. Further tree planting would be carried out between these two bunds along the B6139 and to the north of the bund along the A611 to provide a continuous screen along the north western and south western boundaries with the planting strips being approximately 12 metres wide. A further three metre high bund would be constructed along part of the south eastern boundary of the site to help screen the proposed plant site from Thieves Wood.

14. Further planting is proposed along the north eastern and south eastern boundaries around the area where the silt lagoons would be located. This would be planted on the inside of the perimeter security fencing which is to be erected.

Phased mineral extraction and restoration

15. The first initial phase of mineral extraction would be in the processing plant area, including the silt lagoons and fresh water lagoons required for the first phase proper of extraction. This first phase would be in the eastern corner of the site to the immediate north east of the processing plant area (see Plan 5). In addition to the perimeter soil stores described above, Grade 2 and 3a subsoils (25,000 $m^3$) from phase 1 and the plant site would be stripped and stored close to the access road to the immediate south of the proposed HGV parking area. Mineral extraction would move in a north easterly direction in phase 1a close to the south eastern boundary before moving in a westerly direction around Two Oaks Farm in phases 1b and 1c. Extraction in phase 1 would allow for the creation of the main silt lagoons to be used for the duration of the proposed development. Once extraction has been completed in phase 1, it is proposed to restore those areas around the silt lagoons to heathland habitat. Groundwater from an existing on site agricultural irrigation borehole into the Magnesian Limestone

aquifer would be pumped into the lagoons for use in the processing of the sand. The application states that this would result in no net loss of water from the Sherwood Sandstone aquifer. Any abstraction of water would be subject to an abstraction licence application to the Environment Agency.

16. Extraction would then take place in phase 2 which covers the south western part of the site to the west of the proposed access road. Grade 2 and 3a topsoils (40,000 $m^3$) and subsoils (26,000 $m^3$) stripped would be stored in separate bunds to the north in phase 3. Phase 2a would move in a westerly direction as a continuation of phase 1c before heading south in phase 2b adjacent to the access road and down to the south western boundary adjacent to the B6139. Extraction would then turn and head north in phase 2c adjacent to the A611 and towards phase 3 in the northern corner of the site. Soils stripped from phase 2c would be stored in the previously extracted phase 2a (39,500 $m^3$ of Grade 2 and 3a topsoil and 26,400 $m^3$ of Grade 2 and 3a subsoil).

17. Extraction would continue into phase 3 which would cover the north western corner of the site to the north of phase 2. Soils stripped from this phase, along with the soils stored from phase 2, would be placed into phase 2b and the southern section of phase 2c to allow these areas to be restored back to agriculture. Subsoils would be placed to a depth of approximately 300mm and topsoils to a depth of approximately 450mm. Works would also be able to take place to restore the northern part of phase 2c to heathland, although the majority of phase 2a would remain an operational area for the storage of soils from phase 2c. Extraction in phase 3 would progress in a generally northerly direction with restoration to heathland following.

18. Finally, extraction would take place in phase 4 in the southern segment of the site. Phase 4a would be worked in a south westerly direction immediately south of the processing plant area towards the southern corner of the site with soils stripped (17,700 $m^3$ of Grade 2 and 3a topsoil and 12,000 $m^3$ of Grade 2 and 3a subsoil) being stored in phase 2a alongside previously stripped soils from phase 2c. Mineral extraction in phase 4b would then progress in a south westerly direction with the subsoil mound in that phase being placed in phase 4a as part of its restoration back to agriculture with the soils stripped from phase 4b also being placed in phase 4a or into storage in phase 2a.

19. Following this last phase of extraction, the soils in storage in phase 2a, along with the topsoil bund running along the south western boundary of the site adjacent to the B6139, would be used to restore phase 4b and the plant site back to agricultural land while the silt lagoons in phase 1 would be restored to wetland areas. The removal of soils from phase 2a would allow this area to be restored to heathland.

Method of working

20. It is proposed to extract the mineral throughout the site using an elevating motor scraper which is a mobile excavator which gradually removes the silica sand in thin layers down to the base of the quarry. Once full, the motor scraper would transport the sand to a hopper sited within the working phase, after which the

sand would be transported to the plant site area via a field conveyor system. Blasting is not proposed to extract the mineral.

21. The sand would be classed, washed and processed at a rate of 300 tonnes per hour using sand washing plant at the eastern end of the plant site area (see detailed section of Plan 3). Wet sand stockpiles would be stored close by. Any gravels present would be scrubbed and wet screened into appropriate grades immediately north of the sand washing plant. Processing the various grades of sand and gravels would not require any crushing. Clean water for screening would be drawn from a lagoon to the east of the washing plant area close to the south eastern boundary of the site. Silts from the washing process would be returned to small silt lagoons to the immediate south of the clean water lagoon during phase 1, with phase 1 itself having three large silt lagoons to be used for phases 2 – 4 during the remainder of the proposed development.

22. The processed wet sand would either be loaded onto HGVs for transport off site or transferred by loading shovel for further processing. Further processing would involve the drying of moist sands at a rate of 45 tonnes per hour in a sand drying plant which would be located to the north west of the sand washing plant and have a chimney approximately 23 metres high. The dried sand would be stored nearby in four 250 tonne dry storage bins to allow tanker or loose loading. Also within this area would be a steel building within which would be bagging plant and a semi-automated production line which would pack and palletise the various sands into a range of bag sizes for onward delivery.

23. To the west of the wet sand stockpiles would be an area where soils would be screened and processed prior to their use in the production of various 'fibresand' products produced from the blending of sands, soils, compost and synthetic fibres at controlled ratios. These soils would be either lower grade topsoils stripped from the site (approximately 82,000 $m^3$ over the life of the quarry) or topsoils imported into the site. The application states that approximately 16,000 tonnes of soils would be required per annum.

24. The fibresand products would be blended to the immediate north of the soil screening and processing area, to the south of the sand drying plant. Three ground hoppers would feed material into two rotary mixers, with fibre being added in an adjacent covered building prior to blending. Some of the sand/soil blends would need to be sterilised by having their moisture content reduced further in a rotary cascade drier. These blends would then be stored in a steel building and then bagged in a further separate building.

Hours of operation

25. It is proposed to carry out the following operations between the following hours:

| **Operation** | **Time** |
|---|---|
| Mineral prospecting, soil stripping/replacement, overburden removal, mineral extraction, vehicular movements, operation of | 06.00 hrs – 20.00 hrs Monday to Friday<br>07.00 hrs – 18.00 hrs Saturdays<br>No working on Sundays, Public Holidays |

| | |
|---|---|
| conveyor, servicing, testing and maintenance of plant and machinery | and Bank Holidays |

HGV movements and routeing

26. As detailed above, the site access would be off the B6139, approximately 400 metres from its junction with the A611. The applicant has provided a revised Transport Statement to assess the impact of HGVs taking into account the seasonal variations in output from the site. As detailed above, the applicant's present quarry at Ratcher Hill produces a variety of sand-based products for sport and leisure markets, in particular fibre reinforced rootzones which are used for the manufacture and renovation of football and rugby pitches. The applicant proposes to continue producing this and other products from the application site and the need for this product is highest during May each year when football and rugby pitches are being renovated following the end of their respective seasons. Therefore, whilst the proposed output from the site would result in an average of 50 HGVs entering and leaving the site per day (100 movements), at the busiest times of the year, this figure could exceed 100 trips (200 movements). This figure would fall to approximately 16 HGVs (32 movements) per day during December.

27. In addition to this, the applicant's present quarry at Ratcher Hill uses approximately 16,000 tonnes of soils, compost and synthetic fibres to produce the various blended products described above. Some of these soils would be sourced from the lower grade soils stripped from the site but there would be times when material would need to be imported. If no on-site soils were available in any given year, the applicant states that this would result in a further 550 HGVs per annum into the site (1,100 movements) which would equate to approximately two additional HGVs (four movements) per day.

28. The applicant is proposing a HGV routeing agreement for HGVs associated with the proposed development (see Plan 6). The agreement would not permit HGVs from using the B6139 west of the A611/B6139 crossroads. Therefore, any HGVs turning right out of the site would have to either head north up the A611 towards the A617 Mansfield – Ashfield Regeneration Route (MARR) or south along the A611 towards junction 27 of the M1. From their experience of existing operations at the Ratcher Hill Quarry, the applicant states that it is expected that 48 of the 50 HGVs leaving the site per day on average would head towards the crossroads with 27 heading north and 21 heading south. Two HGVs are anticipated to turn left out of the junction and then head east along the B6020 Blidworth Road towards the A60. These HGVs would then head either north or south along the A60 as the B6020 east of the A60 has an 18 tonne HGV weight limit.

29. Regarding HGVs entering the site, due to the A611/B6139 crossroads having a 'no right turn' restriction in place for vehicles heading north along the A611, HGVs heading towards the site from the south would need to turn right at the A611/B6020 Hollinwell crossroads and then turn left into the B6139 before entering the site via a right turn. The application anticipates that, based on an

average of 50 HGVs returning to the site per day, 21 HGVs entering the site would use this route, two HGVs would head towards the site from the A60 to the east (also entering the site via a right hand turn) and 27 HGVs would head south from the MARR and turn left at the A611/B6139 crossroads and left into the site.

Employment

30. The application states that operations on site would provide employment for 25 people with possible additional staff during the summer. In addition to this, approximately 20 HGV drivers employed through the Ratcher Hill Quarry would be similarly employed at the application site. The application cites additional employment opportunities in the local area such as fuel and oil purchases, plant repairs and spares, landscape contractors, office supplies, and plant and vehicle hire.

Restoration

31. The proposed restoration of the site seeks to restore the southwestern section of the site back to agriculture using soils stripped and stored during the extraction of the silica sand, whilst also providing significant areas of heathland in addition to wetland areas where the silt lagoons would be located (see Plan 7).

32. Three agricultural grassland fields would be created adjacent to the B6139 covering an area of almost 33 hectares. A hedgerow would be planted between fields 2 and 3 and also along the north eastern boundary of all three fields. The fields would gradually fall from approximately 149 metres AOD close to the A611 in the west to approximately 141 metres AOD in the east adjacent to Thieves Wood. The soil bund close to the A611/B6019 junction and its screen planting would be retained.

33. To the immediate northeast of these agricultural fields would be a strip of woodland running northwest to southeast across the entire width of the site. The woodland would vary in depth averaging between 40 and 50 metres. It would be dominated by oak and birch species due to their suitability to the acidic soils and the species mix would be supplemented by hazel, hawthorn, holly and rowan. A small pond, which would be fed by surface water drainage, would also be created in this area next to the access road which is proposed to be retained as access to Two Oaks Farm.

34. To the northeast of this belt of woodland, it is proposed to create an area of heathland extending to 30 hectares. The habitat would be a ‘grass heath’ type established on acidic soils and would include areas of micro topography such as humps and hollows with some smaller areas of bare ground. There would be small pockets of woodland around the edge of the heathland with areas of lowland wet heathland around the lagoons in phase 1 used for silt deposition throughout the life of the proposed development. The lagoons would be regraded and reshaped from the engineered shape required during mineral extraction operations and would include areas of reedbed. A further small pond would be provided close to the northern boundary of the site in phase 3. The

sandstone faces that result from the proposed quarrying would be allowed to naturally regenerate and the application suggests that they would provide suitable habitat for lizards.

35. As detailed in the 'phased mineral extraction and restoration' section above, it is proposed to restore the site on a progressive basis in order to minimise the amount of land subject to operational development as far as possible.

36. As part of the restoration proposals, the applicant is proposing to provide aftercare of five years for those areas restored to agriculture, ten years for those areas to be restored to woodland and 10 – 15 years for those areas to be restored to heathland.

Submitted documents

37. The application has been submitted with an Environmental Statement (ES) which details the proposed development and then considers its environmental impact on the following topics:

(i) Landscape and visual impact;

(ii) Hydrology;

(iii) Highways and traffic;

(iv) Noise and vibration;

(v) Air quality;

(vi) Ecology;

(vii) Archaeology;

(viii) Soils and agricultural land quality;

(ix) Rights of way; and

(x) Geology.

38. Following the initial consultation phase, additional information was requested from the applicant and this was submitted in March 2012 and was subject to a further round of consultation. This addressed a number of issues raised regarding noise, dust, the importation of soils, quarry wastes, the impact on boundary trees, the historic environment, landscape impact, phasing, ecology, and restoration. Further/supplementary assessments were submitted regarding air quality, landscape and ecology. A revised Highway Statement was submitted in September 2012 which was also subject to further consultation.

**Consultations**

39. ***Ashfield District Council*** *reported the original submission to its Planning Committee in August 2010 with officers recommending that no objection be raised to the proposed development subject to the County Council addressing matters regarding the importation of peats, compost and synthetic fibres; the types, volumes and placement of wastes; noise; measures to prevent the deposit of debris on the public highway; and the impact to trees. However, the Planning Committee raised an objection to the application against officer recommendation as it considered that the proposal, by virtue of the expansive area and its prominent siting, would result in a form of development which would be of detriment to the character and appearance of the local landscape and the openness of the Green Belt contrary to Policies EV1 and ST1(b) of the Ashfield Local Plan Review 2002. It also considered that the development would result in significant additional traffic movements onto Coxmoor Road and other local roads which would be likely to result in conditions detrimental to the best interests of highway safety, contrary to Policy ST1(c). Furthermore, it is considered that the proposed development, during construction and operations, would be of detriment to the adjoining designated nature conservation site contrary to Policy ST1(e).*

40. *Upon receipt of the additional information in March 2012, Ashfield District Council reported the application to its Planning Committee again in June 2012 with the officers' report recommending that the comments and observation to be provided to the County Council include reiterating the committee's previous objections along with the matters that had been raised in the officers' previous report, as detailed above. In addition to this, officers recommended that the County Council be satisfied that the proposed development is in accordance with paragraphs 143 and 144 of the National Planning Policy Framework. The Planning Committee maintained its previous objection to the application and also requested that the district council be involved in negotiations regarding the final ground levels and the restoration of the site.*

41. *Ashfield District Council has not responded on the revised Highway Statement submitted in September 2012. Any response received shall be orally reported.*

42. *Ashfield District Council has also forwarded five letters of objection to the application, not all of which have been submitted directly to the County Council. However, the issues raised in these letters do mirror those raised by other objectors, as set out in paragraph 101 below.*

43. ***Mansfield District Council*** *has no objection in principle to the proposed development but raises concerns regarding the breeding bird survey undertaken and the possible designation of a Special Protection Area nearby. It is recommended that the site includes adequate habitat buffer strips adjacent to Thieves Wood in order to mitigate the effects to woodland species.*

44. ***The Environment Agency*** *has no objection to the application subject to clarification of the source of water for the proposed wetland and peripheral wet grassland areas of the restoration scheme which lie out with the silt and settlement lagoons. Conditions are recommended regarding a surface water drainage scheme, based on sustainable drainage techniques and an assessment of the hydrological and hydrogeological context of the development;*

*the disposal of foul drainage; the safe discharge of any surface water susceptible to oil contamination; and the storage of oils, fuels and chemicals. Informatives are provided in respect of ecology, impacts on Rainworth Water and Cauldwell Brook, and abstraction licencing.*

45. ***The Health Protection Agency (HPA)*** *states that the proposed development would also require permitting by the Environment Agency and they would support the primary care trust in fulfilling their responsibilities in that process. The applicant has considered potential emissions from the site including nuisance issues and emissions that could impact on air quality relating to dust, and emissions from increased traffic movements. The assessment has found that the impact of the proposed site is low and adverse effects are unlikely at residential properties. Advice should be sought from the district council's environmental health officer on issues such as noise, odour and dust nuisance. It is recommended that the effectiveness of the control measures outlined in the planning application is validated should the installation become operational.*

46. *Further information has been provided by the HPA regarding health concerns from silica sand dust which can cause cancer, silicosis and chronic obstructive pulmonary disease. The HPA states that silicosis is primarily an occupational disease resulting from very high exposure to particulate matter from respirable crystalline silica. Such substances which can cause harm to health are subject to the Control of Substances Hazardous to Health (COSHH) Regulations and require employers to prevent or adequately control employees' exposure to hazardous substances. The applicant would therefore be legally required to ensure that its workforce is not exposed to dangerous levels of silica dust within the site boundary. The HPA has responded on the basis that such controls would be in place along with the site meeting industry standard dust management conditions as required through any planning permission granted.*

47. *The HPA highlights a report published by the Health and Safety Laboratory which recently undertook monitoring of ambient levels of respirable crystalline silica at five quarries, including Ratcher Hill. Measurements within the quarry were substantially below workplace exposure limits and marginally below environmental assessment levels and, as such, would be expected to be considerably less at locations away from their source and more so outside the site boundary.*

48. ***Natural England*** *has no objection to the application subject to conditions regarding the production of a noise management plan, noise restrictions with peak values of 55dB LAeq during the operational phase and 80dB LAeq during the construction phase, the submission of detailed restoration plans and long term management proposals for all phases of the proposed development, restrictions on the lighting scheme to ensure 1 Lux maximum on habitat suitable for nightjars and UV filters as required, and summer working time restrictions to ensure no overlap with nightjar activity and traffic entering and leaving the site. Comments on specific ecological issues are as follows:*

- *<u>Sherwood Forest potential Special Protection Area</u>*

49. *The application site is within the Sherwood Forest area which may or may not become a potential Special Protection Area (pSPA) in the future on account of its populations of breeding nightjar and woodlark. However, Natural England confirms that there is no pSPA in Sherwood at the present time and therefore the Conservation of Habitats and Species Regulations 2010 and statutory policy governing pSPAs does not apply. There is the possibility though that such a designation might occur in the future and this is presently being considered as part of a UK wide Review of the SPA Series led by the Government.*

50. *Natural England considers that it is up to planning authorities as to how they determine individual planning applications but advocates a "risk-based approach" or similar be adopted to provide a degree of future-proofing for decision-taking until a decision on the Sherwood Forest area is made. This is supported by the Secretary of State and Natural England advises that a risk-based approach be supported by an additional and robust assessment of the likely impacts arising from the proposals on breeding nightjar and woodlark in the Sherwood Forest area.*

51. *Such an assessment should include information to assess the likelihood of potential impacts arising from the development on the breeding nightjar and woodlark populations and address the potential direct, indirect and cumulative impacts such as disturbance to breeding birds from people, their pets, noise, traffic and/or artificial lighting; loss, fragmentation and/or damage to breeding and/or feeding habitat; bird mortality arising from domestic pets and/or predatory mammals and birds; bird mortality arising from road traffic and/or wind turbines; and pollution and/or nutrient enrichment of breeding habitats. Appropriate mitigation and/or avoidance measures should also be included to reduce the likelihood of significant impacts which might adversely affect breeding nightjar and woodlark populations occurring.*

52. *The 2011 survey results for nightjar and woodlark, considered by Natural England to have been undertaken at appropriate times of the year, show no evidence of any woodlark (breeding or otherwise) using the site or within 500m of the proposed quarry site although the habitat in the immediate vicinity of the quarry is suitable for woodlark. Three territories of nightjar were recorded within close proximity to the proposed quarry with the closest located immediately adjacent to the north of the proposed quarry boundary with the other two territories 530 metres and 670 metres away from the closest quarry boundary. Natural England considers the survey information to be sufficient to help determine the potential impacts to these species as a result of the proposals.*

53. *Regarding human disturbance, this has been scoped out as a result of the proposed boundary treatment for the quarry which would ensure that no incursions into the surrounding habitats would be possible. The provision of a secure boundary treatment to ensure workers are not able to access the adjacent habitat will be required through a suitably worded planning condition.*

54. *The results of information on the emissions from traffic in relation to nearby habitats have found that the emissions from this quarry through increased traffic and site based activities will not result in any significant impacts. The contribution of these emissions is less than 1% of the critical level or load for the*

*habitats found at each of these sites, regardless of whether the critical level or load is presently exceeded. As such it is highly unlikely that the proposals will have a significant effect on these habitats.*

55. *The noise report states that noise levels would be 50dB LAeq or below throughout the adjacent habitats that are presently used by nightjar or woodlark or might be used in the future except for a thin sliver of land to the south east of the processing plant area which would be exposed to noise levels in the lower end of the range of 50-60dB LAeq with no noise levels of 55 dB LAeq or above predicted to occur. A planning condition would be required to ensure a maximum noise level of 55dB LAeq during the breeding bird season for the operational phase of the proposed development and monitoring would be required to ensure that this is adhered to. Measures to ensure that regular high noise activities are scheduled outside of the breeding bird season should be included within a noise management plan required by a planning condition, which should also include measures to prevent high levels of noise during the construction phase coinciding with the bird breeding season.*

56. *As the proposed quarry is a replacement for Ratcher Hill Quarry in the longer term, Natural England considers that the proposals are unlikely to result in any significant increase in traffic in the general area so no significant impact on nightjars is anticipated. The proposals would generate relatively low levels of traffic which would be routed along roads with high levels of traffic and would not overlap with nightjar activity.*

57. *Planning conditions are required to ensure that no lighting over 1 Lux falls onto habitat suitable for nightjars and woodlarks during the breeding season (February to August), and lighting which could attract insects away from the habitat used by nightjars is restricted through the use of UV filters. These measures would ensure lighting at the site would not have an adverse impact on species such as nightjar and bats.*

- *<u>Bats</u>*

58. *Despite bat surveys being restricted by technical difficulties, they give a reasonable indication of bat activity across the site which appears to be concentrated around farm buildings and the northern boundary of the site, with seven species recorded. The loss of a hedgerow would have a minor adverse impact but improvements to the boundary hedgerows would help to minimise the impact on foraging and commuting bats during the life of the proposed quarry. The restoration plan would have long term benefits for the local bat population.*

- *<u>Reptiles</u>*

59. *The reptile surveys indicate that the proposed development would have a significant impact on the population of common lizards if no mitigation is provided. Translocation is therefore required to a protected area which has been sufficiently enhanced to support the potential increase in reptile population*

*and has long term suitability. This would need to be secured through the planning process.*

- *Hedgerows*

60. *The hedgerow survey has determined that there are no 'important hedgerows' on the site as they are relatively species poor and gappy. The hedgerows should be targeted for enhancement through planting, hedge laying and minimal trimming. This would benefit bird species and the local bat population. These enhancements should be secured through an operational phase management plan.*

- *Other bird species*

61. *Bird species of conservation concern such as skylark and tree pipit have been identified in the bird surveys and the proposed development would have an adverse impact on any species using the site. Enhancement measures are recommended targeting these species in areas of the site not being actively worked and these should be included within an operational phase management plan.*

- *Restoration and management*

62. *Natural England considers that the proposed restoration scheme looks to balance the provision for nature conservation with the need for part of the site to remain viable for use as "best and most versatile land" (BMV). The concept restoration proposals would result in heathland, agricultural fields, wetland and woodland habitats being created on site. Confirmation is required on the soil depths and habitat areas to ensure the proposal would not result in any loss of BMV land. Any increased soil depths must remain in viable use and all the soil stripped from BMV land on site would need to be used in the restoration process. The north of Field 3 has the potential to be restored to a BMV quality field but with a lower nutrient status with a view to acid grassland after use. Further details on the restoration plan including species lists, area calculations of the different habitat areas including BMV land and planting regimes would be required. However, the concept plan is broadly acceptable with some minor alterations. Details regarding the replacement of soils during the restoration of those parts of the site to be returned to agriculture have been provided which should be conditioned.*

63. *A long term management plan should be produced which covers both the construction and operational phase as well as the post restoration phase. This should detail management regimes to maximise biodiversity gain at all phases of the development. Given the long time frame of this management plan it is recommended that it has an adaptive element built in to accommodate new best practice guidance and management techniques to be incorporated.*

64. *Natural England has also commented on the landscape assessment undertaken and supports the proposed early establishment of screening boundary planting and seeding, which should be secured by condition. Overall, Natural England does not have any significant concerns regarding the conclusions made in the ES regarding landscape and visual impacts.*

65. ***Nottinghamshire Wildlife Trust** has no objection to the proposed development subject to the following matters being resolved. Regarding the translocation of common lizards, a condition or legal agreement is required to ensure a suitable receptor site is found. Regarding the loss of hedgerows, fields to the north of the site should be managed to increase invertebrate numbers and so improve their habitat for bats. Regarding the loss of habitat for birds of conservation concern, the provision of five metre wide farmland bird margins is recommended to compensate.*

66. *Regarding the Sherwood Forest pSPA, NWT is satisfied with the level of survey work and considers that the level of traffic generated by the proposed development, and the fact that it would be a replacement for the Ratcher Hill quarry, significantly reduces the likelihood of impact. Regarding noise, the ability to monitor peak sound levels to ensure they do not exceed 80dB LA max is questioned and a condition is recommended requiring the noisiest site activities, particularly soil stripping activities close to nightjar and woodlark habitat, to be avoided during the bird breeding season. The measures proposed to reduce light spill outside the site is welcomed.*

67. *Regarding nitrogen oxide and ammonia emissions, NWT agrees with the information provided insofar as the proposed development is unlikely to have a significant effect on the vegetation of the heathland SSSIs and SINCs in the area. It is accepted that the proposed development would not result in disturbance from humans due to the provision of fencing, or from the predation by pets, factors likely to occur from housing proposals.*

68. *Regarding the restoration proposals, the provision of greater areas of heathland and micro-topography, the removal of neutral unimproved grassland, the reshaping of the silt lagoons, better habitat transition between agricultural land and heathland, and the creation of sandy banks and cliffs are supported. However, the creation of clusters of small ponds which would be suitable for great crested newts, details on target habitats for restoration, including substrate penetration, species mixes and aftercare, and the possible provision of further heathland habitat through future reviews of the restoration scheme should also be provided.*

69. ***NCC (Nature Conservation)** supports the application subject to the following matters being resolved. Conditions are recommended regarding noise levels during the bird breeding season and the control of light spill. A condition is recommended requiring the submission of a reptile method statement to ensure that suitable replacement habitat is provided. If this habitat is outside the control of the applicant, then a legal agreement would be required.*

70. *Previous concerns about a lack of detail in the breeding bird surveys have not been addressed, although further comment has been provided regarding red*

*listed birds of conservation concern such as skylark, tree pipit, linnet and yellowhammer and the assessment of the impact on these species is satisfactory. However, a condition regarding the clearance of vegetation during the bird nesting season is recommended.*

71. *Regarding the restoration of the site, a condition is recommended requiring details of target habitats, species mixes and establishment methods, substrate penetration, including the creation of micro-topography features, and aftercare details to be submitted. A further condition is recommended requiring an ecological survey of each phase of the development prior to its restoration in order to inform the restoration works. This would identify evidence of any protected species and features which have arisen naturally or as a result of mineral excavation and which are of value in the context of creating a diverse heathland habitat. Aftercare of at least 15 years for the habitat areas should be provided.*

72. ***The Royal Society for the Protection of Birds*** *does not consider that any of the potential impacts on nightjar and woodlark would have an adverse effect.*

73. ***NCC (Highways)*** *considers that the information submitted in the revised Highway Statement (HS) has taken account of the peak seasonal variation in HGV movements which would be in the order of 100 HGVs loads per day (ie 200 movements in/out) during the spring and early summer months. However it is accepted that these movements would be around 100 movements in/out for most months according to the delivery figures supplied for the nearby Ratcher Hill quarry.*

74. *The revised HS and the Coxmoor Rd/A611 junction analysis have been forwarded to NCC traffic signals engineers who have formally assessed the data for the worst case scenario (peak am). In summary, whilst a number of minor issues are raised regarding the modelling of the signals, it is considered that the additional flows are so low that the junction performance is, to all intents and purposes, unaffected.*

75. *Effectively the quarry at the am peak would generate HGV loads at a rate of one HGV every six minutes. This extra demand would be loaded onto the less critical arm of the junction (B6139) and be dissipated onto already high flows on the A611 of 563 vehicles per hour northbound and 660 vehicles per hour southbound. This is a relatively small percentage increase in total flows.*

76. *The consultant's statement that net flows along the A611 would be zero is not accepted as HGVs from Ratcher Hill Quarry are more likely to use the nearby MARR and there is no evidence-based submission to indicate otherwise. Therefore, NCC Highways has adjusted the submitted figures which slightly increases delays. However, the overall practical reserve capacity is unchanged as extra flows are being loaded onto the less critical approaches.*

77. *Considering the above and the current central Government policy and publications, the Highway Authority considers this proposal would not have a disproportionate impact on the level of traffic travelling through this junction. The Department for Transport – Guidance on Transport Assessment indicates a*

*trigger threshold of greater than 30 two way peak hour vehicle trips may cause a detrimental impact to the network. This proposal is clearly below this threshold. Furthermore, paragraph 32 of the National Planning Policy Framework published by the Department for Communities and Local Government in March 2012 states:*

> *Improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where residual cumulative impacts of developments are severe.*

78. *The Highways Authority does not consider the increase in flows at the junction to be severe.*

79. *The number of quarry employees travelling to and from the site on a daily basis has been set out in the HS and it is considered that this type of operation would typically attract a low number of employees. The additional traffic would not create a significant impact to the high level of overall background flows.*

80. *The assessment has concluded that the transportation impacts associated with the change in traffic flows for the proposal would be indiscernible in the context of current guidance and the information submitted. Therefore, the number of HGVs using the site should be restricted to the prescribed number indicated in the HS by appropriate condition in line with the submitted information.*

81. *There is a proposal to restrict HGV access on the B6139, between Coxmoor Road crossroads and the A38. There also appears to be a restriction of returning HGVs on the north east bound section of the A611 between Diamond Avenue and Coxmoor Road. As this matter cannot be addressed through a planning condition, this needs to be secured by the planning obligation agreement between the operator and the MPA, or by means of a unilateral undertaking by the operator. The legal agreement would also need to cover the carrying out of an annual dilapidation survey on the B6139 for a distance of 250 metres east of the site access and up to the A611/B6139 crossroads west of the site access and any remediation measures that the surveys identify.*

82. *Conditions are also recommended regarding the surfacing of the access road; the provision and maintenance of visibility splays; and the provision of wheel washing facilities. A number of informatives are also provided regarding the construction of the access.*

83. ***NCC (Landscape)** supports the proposals based on the information provided in the Landscape and Visual Impact Assessment which it considers has been carried out correctly. The significance of landscape impact is 'large adverse' for the early stages of extraction operations reducing to 'small adverse' for the remainder of the extraction period. 'Moderate beneficial' landscape effects would result from the restoration of the site. Regarding the visual impact of the proposals, these would be highest from the closest viewpoints (the A611/B6139 crossroads and footpaths/tracks in Thieves Wood) and would be 'moderate to major adverse' during phase 1 of the proposed development, reducing in*

*subsequent phases. There would be beneficial visual impacts once the restoration of the site has been completed.*

84. ***NCC (Noise Engineer)*** *has no objection to the application subject to the noise limits stated in the ES being included in a condition attached to any permission along with conditions relating to hours of working and number of HGVs. Initial concerns regarding noise levels between 06.00 hrs and 07.00 hrs have been addressed through the proposed 400 metre buffer zones within which no mineral extraction would take place during this hour. This restriction would result in noise levels at this time at noise sensitive properties being below the 42dB$_{Laeq,1hour}$ (free field) night time noise limit specified in the National Planning Policy Framework and would not result in adverse noise impacts at surrounding residential receptors.*

85. ***NCC (Countryside Access)*** *notes the presence of both non-definitive and definitive rights of way through Normanshill Wood and Thieves Wood. Users of these paths are likely to be affected by noise, vibrations and dust from the site. As part of the restoration of the site, a footpath should be created along the heathland buffer zone to link the junction of Coxmoor Road and Derby Road with Sutton Footpath Number 66. This would provide a link between the urban areas and Thieves Wood.*

86. ***The Ramblers' Association*** *objects to the application and considers that site operations should be limited and should finish no later than 1pm on Saturdays and 6pm during the week in the interests of users of the nearby woods. A legal agreement should also be entered into to make sure HGVs entering and leaving the site use the desired route from the B6139 Coxmoor Road onto the A611 Derby Road so as to avoid minor roads and the visitors' car parks on Coxmoor Road. The Association considers that otherwise this significantly increases the risk of injury to pedestrians entering/leaving the car parks in addition to accidents involving traffic. The latest predicted flow diagrams show more movements following this route than originally proposed and strong objections are maintained. The restoration of the site should provide for any public access to be legally defined rights of way which can be protected for future generations.*

87. ***The Forestry Commission*** *has concerns about ponds and wetlands that they have created on adjacent land would dry up, dust and noise pollution, and Saturday working. Thieves Wood is a popular area for the public and their enjoyment should not be disturbed.*

88. ***NCC (Forestry and Arboriculture)*** *has concerns regarding the proximity of screening bunds to perimeter trees and hedgerows, the poor condition of a number of hedgerow trees and the need to remove trees within the public highway in order to provide the necessary visibility splays at the proposed site access. Further information is requested in respect of these matters.*

89. ***NCC (Archaeology)*** *considers that the site could be of archaeological interest due to historical references to the adjacent Thieves Wood and the Two Oaks Farm buildings. It is therefore recommended that additional archaeological work is carried out and a condition requiring a scheme of archaeological mitigation to be submitted and approved is suggested.*

90. ***NCC (Built Heritage)*** *notes that Two Oaks Farm is of local interest having been identified during a research project carried out by the council in 2004 as a pre Victorian Farmstead appearing on Sanderson's map of 1835. It is appropriate that it is considered for the purpose of the proposed development as a correctly identified non-designated heritage asset. The built heritage of the site would not be physically impacted by the application. The views of the buildings are generally closed by mature trees which surround the site and the trees themselves represent a historic feature and are also visible on the 1835 map. The greatest potential for significant adverse impact on the buildings would come from the removal of this planting which would bring the development into the direct setting of Two Oaks Farm. However, the planting would remain and the restoration of the site would have a beneficial impact for the future setting.*

91. ***NCC (Planning Policy)*** *notes that, since 1999, silica sand has only been produced from one quarry in the county which is the applicant's existing quarry at Ratcher Hill. The application should be assessed against Policy M7.6 (Silica Sand Landbank) of the Nottinghamshire Minerals Local Plan (MLP). Although the proposal would take the landbank well above the recommended 10 years, the applicant plans to work the site in four phases which equates to ten years per phase. This approach would accord with Policy M4.1 of the MLP and help to minimise the environmental issues related to the site.*

92. *The key policies in chapter 3 of the MLP include Policy M3.3 and Policy M3.4 (Visual Intrusion and Screening), Policy M3.5 (Noise), Policy M3.7 (Dust) and Policies M3.12 – M3.14 (Transport). Reference should be made to Policies M4.9 – M4.13 regarding restoration. Accordingly, there are no mineral policy objections.*

93. *Regarding the replacement of the MLP, this is at an early stage although a round of consultation has now been completed. The consultation document proposes to retain the criteria based landbank policy which is in the MLP although the responses to the consultation process have yet to be assessed. Therefore, the existing policy in the MLP remains valid. The 2010/2011 Annual Monitoring Report states that at December 2010 there was an estimated three year landbank of silica sand in the county. The National Planning Policy Framework retains the ten year recommended landbank for individual silica sand sites.*

94. ***The Coal Authority*** *does not object to the proposed development subject to the details in its standing advice.*

95. ***Severn Trent Water Limited*** *has no objection to the application.*

96. ***Western Power Distribution*** *has overhead electricity lines within the site and there is an electricity substation within close proximity of the site.*

97. The **British Horse Society**, the **Council to Protect Rural England**, **NCC (Road Safety)**, **National Grid (Gas)**, and **National Grid Company PLC** have not responded on the application. Any responses received will be orally reported.

**Publicity**

98. The application has been publicised by means of eight site notices around the site perimeter and at other points close to the site including at the entrances to Normanshill Wood, the junctions of the A611/B6139 and A611/B6020, and on the A60 close to a small residential estate at Harlow Wood. A press notice has been placed in the Mansfield Chad. These publicity measures were repeated when additional information was submitted in support of the application. The application has been advertised as a departure from the development plan as the site is not allocated in the Nottinghamshire Minerals Local Plan.

99. Neighbour notification letters have been sent to 34 residential properties on Thieves Wood Lane, Derby Road, Coxmoor Road and Blidworth Road in accordance with the County Council's adopted Statement of Community Involvement.

100. 32 letters of objection have been received from a combination of 21 separate residential properties (one of which provided no address) and two organisations (Coxmoor Golf Club and Mansfield and Sutton Astronomical Society, both located on Coxmoor Road). Fourteen letters have been submitted by six residential properties on Coxmoor Road to the west of the site, including seven letters from one resident, one of which was addressed to Members of Planning and Licensing Committee; three from properties on Derby Road to the north west of the site (including the Bright Sparks Nursery); three from residents in Mansfield; two from residents at a property on Thieves Wood Lane; one from a resident on the Harlow Wood estate off the A60; two from residents in Sutton-in-Ashfield; one from a resident in Ravenshead; one from a resident in Retford; one from a resident in Arnold; and one from a resident in Alfreton. Eight of these letters, including the one provided with no address, mirror the concerns raised by the astronomical society which is based at Sherwood Observatory.

101. The issues raised through these objections can be summarised as follows and are listed in order of the number of times they have been raised with the most frequently raised listed first.

(i) The impact of HGVs on local roads, lorry routeing, accidents, and the emergency services;

(ii) Noise;

(iii) Dust, including the impact on Sherwood Observatory and the risk of cancer from silica sand dust;

(iv) Light pollution, including the impact on Sherwood Observatory;

(v) The impact on local leisure facilities such as Thieves Wood and Coxmoor Golf Club;

(vi) The site's location in the countryside;

(vii) Combined impact with other proposed developments in the area, such as housing schemes;

(viii) Landscape and visual impact;

(ix) Impact on wildlife;

(x) Hours of operation;

(xi) The potential for the site to be used for housing once quarrying is complete;

(xii) The need for the site based on the extent of the Sherwood Sandstone deposit in the county;

(xiii) Impact on property prices.

102. Concerns have also been raised regarding the delays in determining the application. The issues raised are considered in the Observations Section of this report.

103. Councillor Steve Carroll has objected to the application as he considers that it would have a serious and negative impact on the road infrastructure that leads up to the site. For large parts of the day, the A611 leading to Coxmoor Road is heavily congested which is often made worse by traffic diverted by accidents on the M1. Councillor Carroll also highlights practical experience of the congestion on the A611, Derby Road and the effects on Ravenshead. He is also concerned that the existing break between the settlements of Mansfield and Ashfield would be compromised by the proposed development.

104. Gloria de Piero MP and Geoff Hoon, who was the MP for Ashfield when the application was first submitted, have been notified of the application. The Government Office for the East Midlands was notified when the application was submitted as the application is accompanied by an ES and its successor, the National Planning Casework Unit, was notified when the additional information was submitted.

**Observations**

105. The applicant has had a working quarry at the Ratcher Hill site since the 1950s but the ES states that, due to a series of environmental and land ownership constraints, a further extension to this quarry is not possible. Therefore, in order for the applicant to continue business, a new quarry is required.

106. Six replacement sites were considered by the applicant: Lindhurst Farm to the south east of Mansfield; Rufford; Rainworth; Lockwell Hill Farm to the east of Rainworth; Baulker Lane near Blidworth and the application site itself (see Plan 8). These were all subject to test drilling to ascertain the extent and suitability of the silica sand reserves and only the Lindhurst Farm site and the application site came out of this process favourably. The Lindhurst Farm site was not pursued further because part of the landholding was subject to an application for a wind farm at the time (which has subsequently been granted planning permission by Newark and Sherwood District Council and developed) and there was also a Site of Special Scientific Interest on the edge of the investigation area.

107. The applicant has therefore submitted an application for the Two Oaks Farm site and the consultation process has raised numerous issues from consultees and members of the public which are now considered.

Planning policy context

108. In March 2012, the Government published the National Planning Policy Framework (NPPF) which replaced a whole raft of planning policy guidance notes and statements. The NPPF is accompanied by a technical guidance which provides additional guidance in relation to development in areas at risk of flooding and in relation to mineral extraction.

109. The NPPF gives guidance on the degree of weight which should be afforded to local plans produced before its publication, including the Nottinghamshire Minerals Local Plan (MLP) which was adopted in December 2005. The NPPF states that, for 12 months from the date of its publication, i.e. until March 2013, planning authorities may continue to give full weight to relevant policies adopted since 2004, even if there is a limited degree of conflict with the NPPF. Therefore, for the purposes of the determination of this application, the MLP remains valid and should be given full weight with the policies in the NPPF being material considerations to be taken into account.

Need for the site

110. When the application was submitted in March 2010, it stated that reserves at the applicant's existing Ratcher Hill Quarry were at around five years. The County Council's 2010/11 Annual Monitoring Report states that, at the end of 2010, there was a silica sand landbank in the county of approximately three years. The NPPF states, at paragraph 146, that "mineral planning authorities should plan for a steady and adequate supply of industrial minerals by .... providing a stock of permitted reserves to support the level of actual and proposed investment required for new or existing plant and the maintenance and improvement of existing plant and equipment" of "at least ten years for individual silica sand sites". It further states that permitted reserves of "at least 15 years" should be provided "for silica sand sites where significant new capital is required". Paragraph 53 of the Technical Guidance for the NPPF states that "the landbank requirement for silica sand should be calculated by multiplying the last three years production for which figures are available by the appropriate number of years or by reference to levels of provision set out in the local plan. The calculations should have regard to the quality of sand and the use to which the material is put".

111. For Ratcher Hill Quarry, the average annual production over the last three years for which data is available (2009 – 2011) has been 235,000 tonnes, although the recent economic downturn would probably explain why this figure is less than the estimated 250,000 – 300,000 tonnes that the applicant anticipates producing annually at Two Oaks Farm. The previous year's (2008) production figure for Ratcher Hill was 300,000 tonnes. The average production at Ratcher Hill over

the last three years (235,000 tonnes) therefore equates to a landbank at Two Oaks Farm of just under 52 years.

112. Whilst this landbank figure is well in excess of the 10 – 15 year landbank recommended in the NPPF, what needs to be taken into consideration is the phased nature of the proposed mineral extraction and the subsequent restoration which is described in paragraphs 15 – 19 and 31 – 36 above and which confirms that the site would be worked in four main phases with each of those phases, with the exception of Phase 3, being further sub-divided. Therefore, on average, each phase would contain approximately 13 years of reserves based on recent production which is much closer to the 15 year figure set out in the NPPF with respect to sites where significant new capital is required. It is therefore considered that the provision of a larger landbank is supported in the NPPF for this proposed new quarry. A condition would be attached to any planning permission granted requiring restoration details to be submitted for each worked phase prior to the commencement of extraction in a subsequent phase in order to ensure that the site is gradually restored at the earliest opportunity.

113. The NPPF also states that landbank calculations "should have regard to the quality of sand and the use to which the material is put". As acknowledged in the MLP, silica sand in the county is only produced at Ratcher Hill quarry and the MLP further acknowledges the national importance of silica sand due to the special features of the industry and the relatively small number of quarries producing the mineral nationwide. As detailed in paragraphs 23 – 24 above, the applicant is proposing to continue to produce the wide range of silica sand based products that it produces at Ratcher Hill so it is considered that the landbank calculation should also acknowledge this matter.

114. Therefore, despite the reserves identified at the application site being significant in terms of the landbank they provide, it is considered that there is justification for permitting them based on the investment required and the proposed phased nature of the mineral extraction and restoration. The NPPF further supports this stance at paragraph 144 where it states that "when determining planning applications, local planning authorities should give great weight to the benefits of the mineral extraction, including to the economy". As detailed in paragraph 30 above, the proposed quarry would provide employment for 25 people with possible additional staff in the summer and the HGV drivers. Whilst many of these jobs might be existing jobs at the Ratcher Hill quarry transferring to the proposed new site, these are jobs which would otherwise be lost to the local economy.

115. Regarding silica sand landbank policies in the MLP, when the plan was adopted no potential replacement quarry for Ratcher Hill had been identified and so no replacement site could be allocated. Therefore, the only feasible planning policy approach was to provide a landbank criteria policy.

116. Policy M7.6 (Silica Sand Landbank) of the MLP therefore states:

*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.*

117. With reserves at Ratcher Hill well below the 10 – 15 year landbank prescribed in the NPPF, it is considered that there is strong policy support for additional reserves being made available. Of course, if planning permission is granted, then this would provide reserves for an estimated 40 – 50 years which, as acknowledged above, is well over the NPPF's landbank requirement. However, taking into account the various considerations detailed above, it is considered that the need for a new quarry, and in particular the application site with its significant reserves, is supported by national and local planning policies.

118. A member of the public has questioned what they perceive to be the applicant's claim that there is a shortfall of silica sand in the county as they state that the Sherwood Sandstone deposit covers 25% of the county and so is therefore in abundance. Whilst the Sherwood Sandstone deposit is widespread across the county, there are clearly significant constraints on parts of this resource, such as residential and other built development, and conservation and ecological designations. As detailed in paragraphs 105 – 107 above, the applicant has considered other potential sites, although it is accepted that the areas covered only represent a very small part of this resource. However, based on their own assessment of these various options, the applicant considers that the application site merits the submission of this application. The County Council as the Minerals Planning Authority has a legal duty to consider any planning application submitted to it, taking into account any constraints that exist in that particular area and any representations made by consultees or the public.

Location of the site in the Green Belt

119. The NPPF states that certain developments, including mineral extraction, are not inappropriate in the Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in the Green Belt. This stance is reflected in Policy EV1 of the Ashfield Local Plan and Ashfield District Council considers that the proposed development would be contrary to this policy. The proposed development has the potential to impact upon the openness of the Green Belt through the creation of perimeter screening bunds and soil storage mounds within the site, and the siting of plant and buildings.

120. The site is presently open farmland with large fields separated by mature hedgerows which are gappy in places. The most open views into the site are along the south western Coxmoor Road boundary which is a high point looking down into the site. There is some perimeter hedgerow planting along this boundary but this is patchy in parts and it is along these patchiest areas, towards the southern corner of the site, that it is proposed to construct a 1.5 metre high bund which, whilst providing beneficial visual screening for the site in accordance with Policy M3.3 (Visual Intrusion) of the MLP, would impact upon its openness.

121. The openness of the site from the north western A611 boundary is already largely restricted by significant hedgerow planting, including mature trees, along with a bank which make views into the site largely impossible. The north eastern and south eastern boundaries are almost exclusively adjacent to woodland plantation.

122. The plant site also has the potential to impact upon the openness of the site but, with it being proposed to be sited at the lowest part of the site with views of it largely set against the adjacent woodland, the various pieces of plant and buildings, which are proposed to be painted green, would have far less impact upon the openness of the Green Belt compared to if they were sited close to the site boundary on higher ground. Again, this accords with the requirements of Policy M3.3 of the MLP. It should also be acknowledged that all quarries, many of which are located in the Green Belt, have plant and buildings on site although silica sand quarries typically have more plant and buildings than, say, a sand and gravel quarry, on account of the wide range of products that they produce. This includes, in this instance, a sand drying plant which would have a 23 metre high chimney. It is proposed to remove the developer's permitted development rights so that additional plant and buildings that maybe proposed in the future would require planning permission in order that their impact on the openness of the Green Belt can be fully assessed.

123. It is considered that one way of reducing the impact of such a development on the openness of the Green Belt is through the phasing of extraction and ensuring that as little land is operational at any one time. In this respect, additional consideration has been given to the proposed development and revised phasing plans, described in paragraphs 15 – 19 above, were submitted with the additional information in March 2012. It is now considered that this matter has been addressed with land not being subject to soil stripping until absolutely necessary and early phases being restored as soon as extraction has been completed. This includes the silt lagoons area in phase 1 which, despite being required throughout the life of the proposed development, would have their periphery areas restored to heathland at the earliest opportunity. This approach accords with Policy M4.1 (Phasing) of the MLP.

124. A final matter to consider is the fact that, despite the proposed development having an anticipated life of 40 – 50 years, mineral extraction is considered to be a temporary form of development. Therefore, the site would ultimately be restored to a mixture of agricultural land, heathland and woodland which would preserve the openness of the Green Belt in the long term. Some local residents have raised concerns regarding the potential for the site to be developed for housing once quarrying has been completed but such a proposal does not form part of this application and, in the unlikely event that such a proposal did come forward in the future, it would be considered under a separate planning application on its own merits, including an assessment of its impact on the Green Belt.

125. It is therefore considered that the openness of the Green Belt would not be totally preserved due to the factors set out above although this is partly due to the provision of screening bunds which are proposed in order to reduce the visual impact of the proposed development. However, it is considered that the

impact on the openness of the Green Belt would be reduced through the siting of the plant site in the lowest part of the site and the phased nature of mineral extraction and restoration works. Ultimately, the openness of the Green Belt would be restored once the quarry closed and was totally restored. It is therefore considered that the guidance provided in the NPPF regarding mineral extraction in the Green Belt needs to be assessed alongside other relevant policies in the MLP, in addition to being assessed against the rest of the NPPF which the government advises should taken "as a whole".

Landscape and visual impact

126. A number of local residents, in addition to Ashfield District Council, have raised concerns regarding the landscape and visual impact of the proposed development but the County Council's Landscape Officer supports the application based on the Landscape and Visual Impact Assessment in the ES. This is despite it being acknowledged that the landscape would be subject to significant changes at the start of the proposed development when site infrastructure such as the access road and plant site are installed. These changes would in turn result in significant adverse visual impacts from certain viewpoints at the start of the development. Policy ST1(b) of the Ashfield Local Plan states that "development will be permitted where it will not adversely affect the character, quality, amenity or safety of the environment".

127. As described in the description of the development at the start of this report, it is proposed to construct bunds on certain sections of the site perimeter and these would be where there are clear views into the site or where existing perimeter hedgerows are absent or in poor condition. These would help to screen views into the site in accordance with Policy M3.4 of the MLP. Also in accordance with this policy, it is proposed to enhance the perimeter planting around sections of the site by increasing its depth to 12 metres. Full details of these screening features could be secured by a condition attached to any planning permission and it is also considered appropriate to require similar details in respect of the site access, including the types of security gates proposed and any signage, in order to minimise the visual impact of this part of the site.

128. Also as previously described, the plant site would be in the lowest part of the site in order to reduce its visual impact, in accordance with Policy M3.3 of the MLP. Stockpiles of sand and other materials would also be stored in this area, except at the very beginning of the development when the footprint of the plant site would be subject to excavation itself and the excavated sand would be stockpiled close by in Phase 1. This stockpile would remain until extraction had been completed in Phase 1a to create the first main silt lagoon, after which the stockpile would be processed and future stockpiles would only be stored in the plant site area. A condition is proposed limiting the maximum height of stockpiles of sand and other material in the plant site area to further reduce the visual impact of the proposed development. Further measures that could be secured through conditions in accordance with Policy M3.3 would be to ensure that plant and buildings are of an appropriate colour, are maintained to preserve their external appearance, and are removed upon the cessation of the development. It is also proposed to remove the permitted development rights

from the site in light of its Green Belt location. This would ensure that the visual impact of any future proposed development does not increase without it being fully assessed through a planning application.

129. In response to Policy ST1(b) of the Ashfield Local Plan, it should again be noted that the proposed development would only be temporary, would be worked and restored in phases and would ultimately, through the restoration of the site, enhance the character and quality of the environment.

Traffic and HGV routeing

130. The nature of the applicant's present business at Ratcher Hill Quarry results in significant variations in the amounts of sand and sand-based products leaving the site at different times of the year and the applicant anticipates these variations continuing at the proposed new quarry at Two Oaks Farm. To demonstrate this, the revised Highway Statement (HS) submitted as part of the application details the varying amounts of sand and sand-based products being delivered off site in 2008 and also details how these amounts translate into HGV numbers. The figures for 2008 are as follows.

| Month in 2008 | Amount of sand/sand based products delivered off site | Number of HGVs leaving the site per day |
|---|---|---|
| January | 13,400 | 25 |
| February | 19,600 | 37 |
| March | 29,100 | 55 |
| April | 43,750 | 83 |
| May | 54,800 | 104 |
| June | 37,500 | 71 |
| July | 24,600 | 47 |
| August | 19,250 | 36 |
| September | 29,500 | 56 |
| October | 26,750 | 51 |
| November | 12,600 | 24 |
| December | 8,500 | 16 |

131. The peaks in the amounts of material leaving the site, occurring in April, May and June, primarily result from the applicant supplying 'fibresand' products to many football and rugby grounds across the country. The repair and maintenance of these grounds takes place when their seasons end, usually around April, and it is anticipated that the impact of the proposed new quarry on the local highway network would also be greatest at these times of the year. At the quietest times of the year (November to February), the number of HGVs leaving the Ratcher Hill Quarry is between 15% and 35% of the levels in the busiest month and this trend is again anticipated at Two Oaks Farm.

132. On average, the proposed development is anticipated to generate 50 HGV trips per day, or 100 movements (50 in, 50 out). In addition to this, and in order to produce the wide range of products that the applicant presently produces at the Ratcher Hill quarry, approximately 16,000 tonnes of soils and synthetic fibres would be required per annum. Whilst some of these soils would be derived on site from the use of lower grade agricultural soils not required in the restoration of the site, the importation of these materials, when required, would require an additional two HGVs per day on average although it is possible that these materials could be imported using the same HGVs that would transport sand and sand-based products from the site.

133. The proposed access into and out of the site would be constructed off the B6139, approximately 400 metres to the east of the A611/B6139 crossroads. An objector to the application has suggested that the site access should in fact be located on the A611, rather than the B6139, and considers that the applicant has chosen the latter on account of cost only. Irrespective of any cost implications, which are not a material planning consideration, it is considered that accessing the site off the B6139 is preferential to the A611 due to the volumes of traffic that each road carries, as set out in detail below. An access off the A611 would likely require a roundabout to be constructed or additional traffic lights to be installed in order to allow safe access and egress. Based on traffic count figures from surveys carried out by the County Council in 2006, the B6139 carries only 51% of the traffic that the A611 carries during the morning rush hour (8am – 9am) and only 44% during the middle of the day (1pm – 2pm). Based on these figures, it is considered that the site access proposed, which the Highways Authority has not objected to, is acceptable and therefore accords with Policy M3.13 of the MLP. Provisions would need to be put in place, through a legal agreement, to ensure that any roadside vegetation close to the site access is maintained to ensure continued visibility.

134. The applicant anticipates that, based on its existing business at Ratcher Hill Quarry and the average of 50 HGVs leaving the site per day on a weekday, approximately 21 HGVs would travel to this junction and then south towards Annesley Woodhouse and the M1; 27 would travel to the junction and then head north towards the MARR and Mansfield; and two would travel east out of the site and then east along the B6020 towards the A60. At peak times of the year, there would be approximately 42 HGVs heading south, 54 heading north and four heading east per weekday. At the quietest time of the year, there would be approximately seven HGVs heading south and nine heading north per weekday.

135. With regards to HGVs returning to the site, it should be noted that the A611/B6139 junction does not allow traffic travelling northbound on the A611 to turn right onto the B6139. Therefore, HGVs returning to the site from the south would turn right at the A611/B6020 junction, which is the next junction south of the A611/B6139 junction, and then turn left onto the B6139 and enter the site using a right hand turn. Therefore, based on the average of 50 HGVs returning to the site per weekday, a total of 23 HGVs heading to the site from the south would enter the site using a right hand turn and 27, those returning to the site from the north, would turn left at the A611/B6139 junction and enter the site via a left hand turn. At peak times of the year, these figures would be 46 heading from the south and 54 from the north per weekday whilst, at the quietist time of the year, there would be approximately seven from the south and nine from the north per weekday.

136. The capacity of the A611/B6139 junction has been assessed in the HS and the Highways Authority has noted that the most critical arm of the junction is on the A611 approaching from the south. However, the Highways Authority considers that the performance of the junction would remain largely unchanged as a result of the proposed development as the additional traffic travelling to and from the proposed quarry would approach the junction from non-critical directions. As detailed above, HGVs leaving the site would travel west along the B6139 towards the junction, while HGVs returning to the site would not even approach

the junction from the south along the A611 due to the 'no right turn' restriction at the junction.

137. In light of responses to a pre-application exhibition held by the applicant, the applicant is proposing to restrict HGVs from travelling west at the A611/B6139 junction along Coxmoor Road past the entrance to the golf club and the Sherwood Observatory, in addition to a number of properties, a matter which could be controlled through a legal agreement, should planning permission be granted. It should be noted that the perceived use of this road by HGVs is the issue most frequently raised by residents living close to the site and so it is considered that the proposed development would satisfactorily address these concerns. It is also considered appropriate for the HGV routeing agreement to prohibit the small number of HGVs heading east out of the site from using Little Ricket Lane, which is very narrow and not suitable for HGVs, as a means of avoiding the A60/B6020 junction, and to also prohibit HGVs from heading east at the A60/B6020 junction into Ravenshead. The legal agreement could also include details of the measures that would be taken should HGV drivers ignore the routeing agreement, which ultimately could include the termination of haulage contracts. To support the legal agreement, it is also recommended that a condition is attached to any planning permission granted requiring the applicant to install signage at an appropriate location, such as close to the site entrance, reminding HGV drivers of the routeing restrictions in place. These measures would all be in accordance with Policy M3.14 of the MLP.

138. Based on the figures set out in the HS, it is possible to assess how the HGVs associated with the proposed development would compare to existing traffic levels on the various roads close to the site. The HS has used traffic count figures provided by the County Council from a survey carried out in 2006. To provide a comparison to present day traffic levels, the HS also details changes in average annual daily traffic in four locations close to the application site: on the A611 just north of the MARR; on the A611 south of the Coxmoor Road junction; on the B6139 close to Sherwood Observatory; and on the B6020 Blidworth Road east of the A611. The traffic counts for these locations show that traffic levels have fallen slightly (by around 6%) since 2006 and reflect a slight reduction in traffic levels throughout the county of around 3%.

139. The applicant has argued in the HA that the effect of the additional traffic on the strategic highway network away from the site would be insignificant based on the existing number of vehicles on roads like the A611 and also because the A611 and other major roads in the area already carry HGVs associated with Ratcher Hill Quarry, traffic that would, subject to planning permission, merely transfer to the proposed new quarry at Two Oaks Farm. Whilst the levels of traffic on the A611 are already high, as detailed below, and are likely to be high on other major roads in the wider area such as the MARR and the A38 which HGVs from the site would probably use, it is not accepted that an equivalent number of HGVs would be removed from the A611 when Ratcher Hill Quarry closes. Of the HGVs that travel to and from Ratcher Hill Quarry to and from the south, it is considered that some of these are just as likely to use the A38 and the MARR from junction 28 of the M1 as they are to use the A611 from junction 27. However, it is accepted that some HGVs presently using the A611 are likely to be heading to and from Ratcher Hill although no evidence has been provided

by the applicant to support their claim or to set out how many HGVs already use this road. What is likely is that there are fewer HGVs associated with Ratcher Hill Quarry using the A611 now than was the case prior to the MARR being built and opened in 2004. The consideration of the increase in HGVs and overall traffic numbers on the A611 in particular, as set out below, does not therefore take account of any reduction in HGVs which might result from the closure of the Ratcher Hill Quarry. It is therefore considered that the assessment below represents a worst case scenario in terms of the number of HGVs on the road.

140. Regarding the B6139 Coxmoor Road on which the site entrance would be located, the worst case scenario (in May) would see approximately 100 HGVs going to and from the site per day (200 movements), as described above. Based on these HGVs being staggered evenly throughout a 12 to 13 hour working day, there would be approximately eight HGVs travelling to and from the site per hour (16 movements), or one HGV entering or leaving the site approximately every 3½ to four minutes. With most of the HGVs leaving the site heading west towards the A611/B6139 junction, and those returning to the site from the south also heading west along that road, an additional 12 HGVs per hour would join existing levels of westbound traffic of around 312 vehicles (of which ten are HGVs) during the morning rush hour and 203 vehicles (6 HGVs) during the middle of the day. These additional 12 HGVs travelling west either to or from the site during the month of May would significantly increase the number of HGVs that travel along this road at present (an increase from 10 to 22 during the morning rush hour and an increase from 6 to 18 during the middle of the day). However, this would only represent a small increase in the total amount of traffic (a 4% increase during the morning rush hour and a 6% increase during the middle of the day).

141. There would also be four HGVs per hour returning to the site from the north during May which would turn left off the A611 and travel in an easterly direction back to the site. These HGVs would join existing levels of eastbound traffic of 258 vehicles (of which 13 are HGVs) during the morning rush hour and 162 vehicles (8 HGVs) during the middle of the day. This would represent a 30% increase in HGVs during the morning rush hour and a 50% increase during the middle of the day. Regarding the total amount of traffic, this would represent an increase of 1.5% during the morning rush hour and a 2.5% increase during the middle of the day.

142. It must be stressed, however, that the above figures would only be experienced for a short period of time during the year. During an average month of the year (October for example when 51 HGVs would enter and leave the site per day (102 movements), or approximately four entering and leaving per hour), the additional six HGVs travelling west along the B6139 would increase HGV numbers during the rush hour from 10 to 16 and from 6 to 12 during the middle of the day. In relation to all traffic, the increase would be 2% during the morning rush hour and 3% during the middle of the day. The two HGVs travelling east would represent a 15% increase in HGVs during the morning rush hour and a 25% increase during the middle of the day, or an increase in all traffic of less than 1% during the morning rush hour and just over 1% during the middle of the day. For seven months of the year, based on the figures for Ratcher Hill Quarry, the number of HGVs entering and leaving the site would be less than the 51 per

day during October and so the average figures detailed above would not be met during these months.

143. Regarding the impact on the B6139, an objector has also raised concerns regarding the width of this road and suggests that any HGVs passing each other would not be able to do so without damaging the roadside verge. This is not accepted on account of the fact that HGVs are already going to be passing each other on this road and no significant damage has been observed by officers. This matter has not been raised as an issue by the Highways Authority.

144. The impact of HGVs associated with the proposed development would reduce as a percentage of all traffic once it is on the A611 due to the HGVs heading in different directions (north or south). Regarding the section of A611 to the north of the A611/B6139 junction, the County Council's traffic counts for 2006 state that 563 vehicles (34 HGVs) travel north from the junction during the morning rush hour with 434 (35 HGVs) during the middle of the day, while 535 vehicles (30 HGVs) travel south during the morning rush hour and 393 (25 HGVs) during the middle of the day. An additional 4-5 HGVs travelling in both directions along this road per hour during the month of May would increase the number of HGVs travelling north by around 12-15% at both times, whilst the overall traffic levels would increase by less than 1% during the morning rush hour and by around 1% during the middle of the day. The increase in HGVs travelling south would be 13-16% during the morning rush hour and 16-20% during the middle of the day, while the increase in overall traffic would be around 1% at both times. Again, it should be noted that these increases would be approximately halved during the month of October and would be even less than this for seven months of the year.

145. The 3-4 HGVs leaving the site an hour during May and heading south along the A611 would increase the existing morning rush hour traffic (660 vehicles of which 29 are HGVs) by around 10-14% in terms of HGVs and around 0.5% in terms of all traffic, while the traffic levels during the middle of the day (508 vehicles of which 42 are HGVs) would increase by 7-10% in terms of HGVs and less than 1% in terms of all traffic. Again, these increases would be approximately halved during the month of October and would be even less than this for seven months of the year.

146. Finally, consideration needs to be given to any non-HGV traffic associated with the proposed development. This would primarily consist of employees travelling to and from work, along with any service deliveries. The Highways Authority considers that the level of traffic generated by the 25 employees at the site would not have an adverse impact on the highway network.

147. Based on the assessment of the HS, the Highways Authority does not object to the application in relation to traffic flows and the impact on the A611/B6139 junction and it is therefore considered that the proposed development would accord with Policy M3.13 of the MLP, in addition to Policy ST1(c) of the Ashfield Local Plan Review, which allows for development which does not adversely affect highway safety or the capacity of the transport system. The Highways Authority recommends that there should be no more than 100 HGVs entering and leaving the site per day (200 movements), a figure which would relate to all

HGVs associated with the proposed development, such as those taking sand and sand-based products off site, those delivering soils into the site and any HGVs delivering plant and machinery to the site for operations such as soil stripping. Based on a five and a half day working week, a limit of 550 HGVs entering and leaving the site per week (1,100 movements) is also recommended. However, as these figures relate to the peak month in the year, it is also considered appropriate to include an annual maximum figure of 14,300 HGVs entering and leaving the site in any calendar year (28,600 movements), to reflect the average HGVs movements anticipated. The applicant would be required to keep records of all HGV movements and provide these records to the County Council upon request. All these matter could be secured through a suitably worded condition.

148. The lorry routeing agreement proposed by the applicant would need to be secured through a legal agreement and the Highways Authority also recommends conditions regarding the surfacing of the access road; the provision and maintenance of visibility splays; the provision of wheel washing facilities; and the provision of an annual dilapidation survey along the B6139 for a distance of 250 metres east of the site access and up to the A611/B6139 crossroads west of the site access (approximately 400 metres) and the carrying out of any remediation measures that the surveys identify. A further condition is also recommended requiring all HGVs leaving the site to be sheeted in order to minimise dust impacts and a condition is also recommended, to support the lorry routeing agreement, requiring the applicant to install signage at an appropriate location, such as close to the site entrance, reminding HGV drivers of the routeing restrictions in place. A number of informatives are also provided regarding the construction of the access and these would be attached to any planning permission granted. It is considered that these matters would ensure the development also accords with Policy M3.12 and M3.14 of the MLP.

149. In addition to assessing the impact of the HGVs on the capacity and safety of the local highway network, Policy M3.13 also requires vehicle movements to not cause an unacceptable impact upon the environment and disturbance to local amenity. The site benefits from being in a relatively remote location with the only property abutting the site boundary being Two Oaks Farm itself which is in the applicant's ownership. There are no properties directly opposite the site entrance and none along the section of the B6139 east of the A611 which would be most impacted by the proposed development in terms of HGVs. The next closest properties to the site boundary are the Stonehills Farm complex, which comprise a day nursery and some residential properties. These are approximately 225 metres from the site boundary and are set back around 190 metres from the A611. It is considered that this is a sufficient distance to mitigate any impact that the addition of 4-5 HGVs an hour would cause during the quarry's busiest time of the year, bearing in mind that around 60 HGVs per hour already pass the entrance to these properties during the rush hour and in the middle of the day.

150. The greatest potential HGV impact on residential amenity would be to those properties close to the A611/B6020 junction to the south of the site. There are a number of properties on the northern side of the B6020 Blidworth Road close to the junction which are not particularly set back from the highway. Based on the

worst case scenario during the month of May, there would be around 42 HGVs heading towards the site from the south per day which would pass these properties. This would equate to between three and four HGVs per hour or one every 15-20 minutes. During the month of October, there would be one HGV passing these properties every 30-40 minutes and even fewer for seven months of the year.

151. The traffic counts for the B6020 provided by the applicant do not include a split between HGVs and other vehicles. However, they do provide daily counts for May 2012 which show that the average number of vehicles travelling east along this road during that month between 7am and 7pm was 2,907 on a weekday. The average for the morning rush hour (7am – 8am) was 293 vehicles while the average for the middle of the day (1pm – 2pm) was 203 vehicles.

152. The traffic survey results provided for the A611/B6139 junction do detail the total number of vehicles and the number of HGVs and these suggest that an average of around 5% of all vehicles travelling east along the B6139 are HGVs. Using this proportion for the eastbound section of the B6020 east of the A611 would suggest that around 145 HGVs already pass these properties between 7am and 7pm on a weekday, or roughly one HGV every five minutes. The proposed development would increase this number to almost 190 during the month of May, resulting in one HGV passing these properties just under every four minutes. During October, the number of HGVs travelling east along this road would increase to around 166 between 7am and 7pm which would result in one HGV passing these properties just under every 4½ minutes. Again, for seven months of the year, the increase in HGVs passing these properties would be less than the increase in October.

153. Based on the above, in particular the existing levels of traffic on the affected roads, it is considered that the proposed development would not cause any adverse environmental impact or disturbance to local amenity and so accords with Policy M3.13 of the MLP.

154. An objector has raised concerns that the proposed development would impact upon a proposed new ambulance hub at Kingsmill Hospital, Mansfield. It should be noted that the proposed new hubs and community ambulance posts across the county have yet to be confirmed and the public consultation exercise into the proposals does not end until 17 December 2012. However, irrespective of whether the proposed hub goes ahead or not, the Highways Authority considers that the proposed development would not have an adverse impact on the local highway network and so it is considered that there would be no adverse impact on the emergency services as a result of the proposed development.

155. Finally, the Ramblers' Association has objected to the application and considers that the HGV routeing agreement should prevent HGVs heading east out of the site, or accessing the site from the east, in order to avoid the visitors' car parks off Coxmoor Road. Despite the applicant applying to work all day on Saturdays, it is recommended that the operation of the site, with the exception of servicing, testing or maintenance of plant and machinery, be restricted to the hours of 7am to 1pm on Saturdays. Combined with the site being closed on Sundays and Public and Bank Holidays, this would ensure that there would be minimal activity

on the site, including no HGV movements, when the nearby woods would be used most by members of the public.

Noise

156. The County Council's Noise Engineer initially raised concerns regarding the noise impact of quarrying operations between 6am and 7am when night-time noise limits of 42 dB(A) LAeq, 1 hour (free field), as outlined in the NPPF Technical Guidance, need to be adhered to at noise sensitive properties. These concerns were also raised by the occupiers of a residential property on Thieves Wood Lane to the north east of the site. As a result of these concerns, the applicant is proposing a 400 metre stand-off zone within which extraction activities would not take place during this first hour of quarrying operations (6am – 7am) (see Plan 9). A plan has been provided showing the areas affected by this stand-off area and a condition is recommended requiring details of how this stand-off zone would be adhered to. This would ensure that the development is in accordance with Policy M3.5 (Noise) of the MLP which makes specific reference to stand-off distances between operations and noise sensitive locations, and paragraph 144 of the NPPF which requires planning authorities to "ensure that any unavoidable noise .... emissions .... are controlled, mitigated or removed at source, and establish appropriate noise limits for extraction in close proximity to noise sensitive properties".

157. The Noise Engineer recommends a further condition showing the operational noise limits for daytime and evenings periods at noise sensitive properties. This would again accord with Policy M3.5 and also the Technical Guidance for the NPPF which, at paragraph 28, states that "mineral planning authorities should also establish appropriate noise limits for extraction in proximity to noise sensitive properties".

Dust

158. Ashfield District Council's Environmental Health Officer (EHO) recommends that no development commences on site until a dust management plan for the construction and operational phases has been submitted and approved. This approach is supported by the Health Protection Agency. This is considered to be an acceptable recommendation and would ensure that all works on the site do not have an adverse impact on nearby residential properties or the nearby leisure uses on the golf course and the adjacent woodlands, a matter of concern raised by the Forestry Commission and members of the public. Despite concerns being raised by the Mansfield and Sutton Astronomical Society regarding the damage that airborne sand would cause to the Sherwood Observatory, which is located on Coxmoor Road approximately one kilometre to the northwest of the site, it is considered that such particles from the site would not travel this distance from the site to the observatory with the dust management plan in place. Such a condition would be in accordance with Policy M3.7 of the MLP and would be expected to include measures such as the containment of conveyors and processing plant; the use of bowsers or sprays on haul roads, stockpiles and transfer points; limiting on-site vehicle speeds, soil handling strategies; and the provision of monitoring facilities. The applicant has also indicated that the access road would be hard surfaced from its junction with the B6139 all the way to the plant site.

159. Additional information was submitted by the applicant in order to address concerns raised by Ashfield District Council's EHO regarding the impact of HGV emissions associated with the proposed quarry. The EHO has confirmed that he is now satisfied that the traffic associated with the quarry would not lead to the National Air Quality Strategy objectives being exceeded, despite suggestions to the contrary in Ashfield District Council's latest consultation response. It is therefore considered that the proposed development would accord with paragraph 144 of the NPPF which requires planning authorities to "ensure that any unavoidable .... dust .... emissions are controlled, mitigated or removed at source".

Health impacts

160. Associated with the potential impacts of dust are concerns from a local resident that the proposed development could cause health impacts, particularly cancer. It should be noted that neither the Health Protection Agency (HPA) nor Ashfield District Council's EHO have raised this matter in their original consultation responses but, having been notified of this specific concern subsequently, the HPA has provided additional information which confirms that any such health concerns are occupational health hazards rather than risks associated with adjacent land users. The HPA has highlighted recent monitoring that has been undertaken at five silica sand quarries, including the applicant's present operation at Ratcher Hill. Measurements within the quarry did not exceed recognised guidelines and, as such, would be expected to be considerably less at locations away from their source and even less so outside the site boundary.

161. It is considered that the combination of the operator's legal duty under the Control of Substances Hazardous to Health (COSHH) Regulations to limit the exposure of its employees to silica sand dust, in addition to the implementation of the dust management plan would deal with these health concerns and would ensure that the proposed development accords with paragraph 144 of the NPPF which requires planning authorities to ensure that there are no unacceptable adverse impacts on human health.

Ecological impact

162. There are a number of potential ecological impacts associated with the proposed development which need to be considered having been raised by both members of the public and statutory and non-statutory consultees. The most important of these is the likely impact of the proposed development on breeding nightjar and woodlark within the Sherwood Forest area.

- Sherwood Forest potential Special Protection Area

163. The Sherwood Forest area is being considered by the Government as part of a UK wide review of the Special Protection Area (SPA) series and so, while it is not designated a potential SPA (pSPA) at the present time, Natural England advises that there is a possibility that such a designation could occur in the future as a result of this review process. Natural England's advice to planning

authorities is to take a 'risk-based approach' when determining planning applications to provide a degree of future proofing until a decision on the Sherwood Forest pSPA has been taken. As part of this risk-based approach, Natural England advises that planning applications such as this are accompanied by a robust assessment of the likely impacts of the proposals on breeding nightjar and woodlark in the Sherwood Forest area. This assessment, and its consideration by the County Council taking into account comments from Natural England as the appropriate nature conservation body, accords with Regulation 61 of the Conservation of Habitats and Species Regulations 2010 which transpose the Habitats Regulations into UK law. The NPPF states, at paragraph 119, that "the presumption in favour of sustainable development does not apply where development requiring appropriate assessment under the Birds or Habitats Directives is being considered, planned or determined". The NPPF therefore supports the requirement for this robust assessment.

164. The applicant has carried out an assessment as required and this has included surveys for both nightjar and woodlark. No evidence of woodlark (breeding or otherwise) was found within 500 metres of the application site although the adjacent woodland is considered to be suitable habitat for this species. Three territories of nightjar were recorded with the closest being immediately adjacent to the northern boundary of the quarry in Thieves Wood, another 530 metres to the north of the site in the Stonehills Plantation, and the last 670 metres to the south east of the site in Normanshill Wood. Natural England's consideration of these surveys and the assessment carried out by the applicant is set out in detail above in the consultations section of this report. The assessment has looked at five key issues: human disturbance, air pollution, noise, traffic and lighting.

165. Regarding human disturbance, Natural England considers that the proposed perimeter fencing being proposed by the applicant would ensure that there would be no human encroachment from the site into the surrounding habitat. A condition attached to the granting of any planning permission is recommended requiring details of the fencing to be submitted for approval to ensure that it is suitably robust. Any such fencing would of course provide suitable site security for the developer. The condition would also require the fencing to be suitably maintained throughout the life of the development.

166. Emissions such as nitrogen oxide, sulphur dioxide and ammonia can affect the quality of habitat used by nightjar and woodlark. Natural England considers that the information provided on emissions from HGVs and site based activities shows that it is highly unlikely that there would be significant impact on these habitats.

167. Traffic levels themselves have also been considered in the assessment and Natural England does not expect any significant increase in traffic in the general area as the proposed quarry would be replacing the Ratcher Hill quarry. In addition to this, Natural England notes the existing levels of traffic on the road network around the site and does not consider that the traffic from the proposed development would significantly add to this, a matter confirmed by the Highways Authority in its response to the application.

168. Natural England is satisfied that the noise modelling provided in the applicant's assessment shows that average operational noise levels would only exceed 50 dB LAeq in a small area outside the site boundary, to the south east of the processing plant area. The assessment states that "studies of the effects of continuous noise on birds .... have identified that where noise levels exceed 55 dB LAeq this may have adverse effects on the breeding behaviour of some bird species". Natural England recommends a condition be attached to any planning permission requiring noise levels to be kept below 55 dB LAeq on adjacent habitat during the bird breeding season throughout the life of the proposed development. Monitoring would be required to ensure this level is adhered to.

169. Sudden noise can also have an adverse impact on breeding birds and the precautionary threshold figure used in the assessment was 80 dB LA(max). Natural England recommends that the noise management plan provides measures to ensure that the noisiest operations, such as soil stripping operations and the construction of the plant site, do not coincide with the bird breeding season and do not exceed 80 dB LA(max). The noise management plan would need to identify activities likely to result in high noise levels and then provide a schedule showing how these activities would avoid the bird breeding season. Details of any noise attenuation measures required would also need to be submitted should it not be possible to carry out such activities outside the bird breeding season. Such measures could include the provision of noise attenuation screens and would be expected to be accompanied by noise monitoring to assess their effectiveness. NWT rightly highlights that, given the size of the site and the length of the quarrying operations, it should be possible for the site operators to plan their operations in such a way as to avoid the need for the noisiest operations during the bird breeding season.

170. The assessment has also considered lighting and concludes that no lighting over 1 Lux would fall onto habitat suitable for nightjar and woodlark during the bird breeding season. The assessment also recommends using UV filters to ensure insects are not attracted away from the adjacent habitat onto the site. Natural England recommends that these matters are secured by conditions attached to any planning permission.

171. In conclusion, Natural England has not raised an objection to the proposed development with respect to the Sherwood Forest pSPA issue subject to conditions on noise and lighting being attached to any planning permission granted. These conditions are considered acceptable.

- <u>Bats</u>

172. Bat surveys have been carried out due to bat roosts within the farm buildings within Two Oaks Farm. A minor adverse impact is anticipated due to the loss of a hedgerow in phase 1 of the proposed development, although this was not subject to high use by foraging bats. Natural England considers that improvement to boundary hedgerows would help to minimise this impact whilst the County Council's Nature Conservation Leader does not consider that the loss of this hedgerow would detrimentally impact upon the favourable conservation status of bat populations in the area. NWT recommends modest mitigation prior to the removal of the hedgerow but, given the low number of bats

which were recorded using this hedgerow for foraging, the improvements identified by Natural England are considered satisfactory.

- Reptiles

173. Surveys have identified a low population of common lizards which, according to Natural England, would be significantly affected if no mitigation is provided. The most suitable mitigation would be to translocate any reptiles to a protected area which would have been sufficiently enhanced to support the potential increased reptile population and would be managed to ensure that the enhancement works are maintained. As a suitable receptor site has not been identified by the applicant, this matter would need to be secured through a legal agreement as the receptor site could be outside the applicant's land ownership.

- Hedgerows

174. A hedgerow survey has been carried out but does not identify any 'important hedgerows'. The enhancement of retained hedgerows is recommended by Natural England through the planting up of any gaps with suitable native species, and a programme of hedge laying and minimal hedge trimming to benefit wildlife, including bats. These improvements could be secured through a suitably worded condition should planning permission be granted.

- Breeding birds

175. Breeding bird surveys have been carried out by the applicant and have identified four Birds of Conservation Concern Red List species holding breeding territories on the application site. These are skylark, tree pipit, linnet and yellowhammer. Natural England considers that these would be adversely impacted by the proposed development and enhancement measures are recommended on those non-active parts of the site. These works would be required through an operational phase management plan to be submitted under a condition attached to the granting of any planning permission. NWT considers that the provision of wider field margins in the later phases would be of benefit as these could be sown with a suitable seed mix which would provide feeding habitat. Such seed mixes could also be used on the screening bunds and any soil storage mounds created on site. The County Council's Nature Conservation Leader recommends a condition controlling vegetation clearance during the bird breeding season.

176. In addition to the measures detailed above, a condition is also recommended requiring ecological surveys to be carried out prior to the commencement of development in any phase, given the significant time periods between each phase during which ecological interest not previously recorded could have established on the site.

177. In conclusion, the proposed development has the potential to impact on a wide variety of species and their habitats but it is considered that through suitable mitigation measures, that could be either secured by condition or legal agreement, these impacts can be reduced to acceptable levels. In addition to this, the phased restoration of the site would provide suitable habitat in the future

and it is therefore considered that the proposed development accords with the NPPF which states that "the planning system should contribute to and enhance the natural and local environment by .... minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures".

Restoration and aftercare

178. A significant amount of discussion has taken place between the applicant, Natural England, NWT and the County Council regarding the restoration of the site. This has resulted in the restoration scheme detailed in paragraphs 31 – 36 above which proposes to restore the site to a mixture of agriculture, heathland, woodland and wetland areas.

179. NWT and the County Council were keen to see as much of the site restored to heathland as the proposed development provides a rare opportunity to create an extensive area of heathland which would have contributed significantly to Local Biodiversity Action Plan (LBAP) habitat creation targets for heathland in Nottinghamshire. However, Natural England, which provides advice on best and most versatile agricultural land as well as nature conservation, was keen to see a balance between provisions for nature conservation and the return of part of the site to agricultural use, using the best soils from the site. As a result of these discussions, the concept restoration plan has been produced which provides similar areas of heathland and agricultural land, whilst the silt lagoons in phase 1 would be reshaped following the completion of mineral extraction to provide valuable wetland habitat. A belt of trees would cross the centre of the site whilst areas of bare ground and sandstone faces would be retained as suitable habitat for common lizards.

180. Whilst a rare extensive heathland habitat opportunity has been lost, a significant area of heathland would still be created to help meet the county's LBAP targets, as promoted through Policy M4.13 (Heathland and Acid Grassland After-Use) of the MLP. Its location in the northern part of the site would help it link to other important habitats including the adjacent woodlands and Coxmoor Golf Club, which are all designated as Sites of Importance for Nature Conservation. It should also be noted that the return of an area of the site to agricultural use would accord with Policy M3.16 (Protection of Best and Most Versatile Agricultural Land) of the MLP, which requires proposals to not affect the long term agricultural potential of the land. Ensuring this is achieved could be secured by conditions requiring soil stripping, storage and replacement to be carried out in accordance with well established best practices and in accordance with advice from Natural England. The proposed restoration is therefore supported in policy terms.

181. The restoration plan, as its title indicates, is only a concept restoration plan and so conditions are recommended from all the nature conservation consultees requiring a long-term landscape and ecological management plan to be produced which covers both the construction and operational phase as well as

the post-restoration phase. The plan would need to detail the management regimes to be implemented to maximise biodiversity gains throughout the development and have an adaptive element which allows new best practices and management techniques to be incorporated in the future. Regarding the restoration of the site, details would need to be submitted on a phase by phase basis regarding the mosaic of heathland, acid grassland, short ephemeral vegetation and bare ground, including a varied micro-topography and areas of open water of varying sizes, that would be created and details of how they would be created. Species mixes and establishment methods would need to be detailed along with aftercare details. The long-term management plan could also provide scope to increase the amount of land restored to heathland, should the opportunity present itself through the Review of Minerals Permissions process and be supported in policy terms.

182. The applicant is proposing to enter into differing aftercare periods for the different elements of the proposed restoration scheme. Those areas to be restored to agriculture would be subject to the standard five year aftercare period which could be secured by condition. For the woodland areas, a period of ten years is proposed whilst a 10-15 year period is proposed for the heathland habitat areas. In order to ensure the success of the heathland areas, it is considered important to provide a 15 year period of aftercare. These extended aftercare periods would need to be secured through a legal agreement.

183. It is therefore considered that the proposed phased restoration and aftercare of the site would be in accordance with Policy M4.1 (Phasing) of the MLP, Policy M4.2 (Phasing – Details Required), Policy M4.4 (Landscape Treatment), Policy M4.9 (Aftercare), Policy M4.10 (After-Use – Details Required and Objectives), Policy M4.11 (After-Use – Management and Other Agreements) and Policy M4.13 (Heathland and Acid Grassland After-Use), along with paragraph 144 of the NPPF which requires planning authorities to "provide for restoration and aftercare at the earliest opportunity to be carried out to high environmental standards". It would also accord with the Technical Guidance for the NPPF which states, at paragraph 33, that "planning authorities should provide for restoration and aftercare at the earliest opportunity to be carried out to high environmental standards" while also stating at paragraph 41 that "it is normally desirable to have 'progressive' or 'rolling' reclamation to minimise the area of land occupied at any one time by the mineral working".

184. Local residents have raised concerns regarding the deliverability of the restoration and aftercare scheme and suggest that a financial bond should be put in place to ensure it is delivered as proposed in the application. The NPPF Technical Guidance states that such financial guarantees should only be provided in exceptional circumstances, such as:

(i) "For very long-term new projects where progressive reclamation is not practicable, such as a super-quarry or some types of industrial or metalliferous mineral sites, where incremental payments into a secure fund may be made as the site develops;

(ii) Where a novel approach or technique is to be used, but the minerals planning authority considers it is justifiable to give permission for the development;

(iii) Where there is reliable evidence of the likelihood of either financial or technical failure, but these concerns are not such as to justify refusal of permission."

185. It is considered that the restoration and aftercare proposals under consideration in this application do not meet any of the above criteria and so to require them would be unreasonable and not in accordance with Government guidance.

Impact on adjacent recreational resources

186. The proposed development is located adjacent to two important local recreational facilities: Coxmoor Golf Club and the woods of Thieves Wood and Normanshill Wood. Harlow Wood is also in the near vicinity of the site. Whilst the assessment of the proposed development with regards to noise and dust concludes that the proposed development would not have an adverse impact on nearby sensitive receptors, it is considered important to consider the amenity of the users of these recreational facilities when they are being used at their peak times, i.e. at weekends. This matter has been raised by local residents and also the Ramblers' Association.

187. Despite the application stating that the site would be operational all day on Saturdays, it is considered that if the quarry was carrying out as limited works as possible on Saturday afternoons, this would be of benefit to those members of the public using these facilities. The applicant has indicated that Saturday afternoons could be used solely for emergency maintenance and repairs of plant etc and this is considered to be appropriate given the adjacent land uses. It would also reflect the hours of working at most quarries in the county which only usually operate on Saturday mornings. This matter could be secured through a suitably worded condition.

188. The Forestry Commission has raised concerns about ponds and wetlands that have been created on land adjacent to the site drying up but it should be noted that the proposed mineral extraction would be carried out above the water table and so no dewatering would be required. The ponds and wetlands highlighted by the Forestry Commission are likely to be fed by surface water.

Rights of Way

189. There are no rights of way running through the application site but the County Council's Rights of Way Officer has recommended a link be provided between Thieves Wood and the A611/B639 crossroads. The Ramblers' Association has recommended that any future rights of way be legally defined for use by future generations. Unfortunately, due to the perimeter planting proposed alongside the B6139 as part of the restoration plan and the steep slopes immediately beyond this planting, it is not considered to be feasible from a health and safety point of view to provide the link sought by the County Council's Rights of Way

Officer and would also make public rights of way across the site difficult. However, the relatively long-term nature of the proposed development would allow this matter to be revisited through the Review of Minerals Permissions process where opportunities to provide such a route might become available.

Protection of the water environment

190. The Environment Agency has recommended a number of conditions be attached to the granting of any planning permission covering matters such as surface water drainage, the disposal of foul drainage, the safe discharge of any surface water susceptible to oil contamination, and the storage of oils, fuels and chemicals. These are all considered acceptable and would ensure that the proposed development accords with Policy M3.8 (Water Environment) of the MLP. They have also provided informatives on a number of matters including the abstraction of water from the Lower Magnesian Limestone aquifer although any abstraction licence required by the applicant would be dealt with separately by the Environment Agency. The Environment Agency's consultation response would be attached to any permission granted to ensure these informatives are brought to the applicant's attention.

Light pollution

191. The issue of light pollution has been raised by a local resident and also by the Mansfield and Sutton Astronomical Society and its members with respect to the Sherwood Observatory. As detailed in the assessment of the possible designation of the pSPA in paragraph 170 above, a condition is proposed to ensure that lighting levels at the site are sufficiently low so as not to impact on the adjacent nightjar and woodlark habitat. The condition would also require any floodlighting to be angled downwards and suitably shielded which would also protect the night sky from unnecessary light pollution. Outside operating hours, there would be no lights left on permanently unless triggered by intruders. What also needs to be taken into account is the distance between the edge of the site and the observatory which is approximately one kilometre (the observatory is almost 1.5 kilometres from the western edge of the plant site) and the ground level of the plant site which is approximately 145 metres AOD compared to the observatory which is approximately 185 metres AOD. With these controls in place, it is considered that the impact of lighting on the observatory, and any nearby residential properties, would be negligible.

Quarry wastes

192. Ashfield District Council has raised concerns regarding references in the application to quarry wastes and some members of the public have also made the suggestion that waste would be imported into the site as part of the development. The wastes referred to in the application are simply the silts that would be washed and screened out during the processing of the extracted sand, in addition to any clay interburden found within the sand reserves. The silts would be allowed to settle in the silt lagoons while any clay interburden would be used in the restoration of the site along with the topsoils and subsoils. It can be confirmed that the proposals do not include the importation of any waste. Any separate application to landfill the site with non-hazardous waste would be strongly resisted as the site lies on the Sherwood Sandstone major aquifer and the Environment Agency does not permit landfill sites on major aquifers.

Combined impact of the proposed development with other proposed developments in the area, such as housing schemes

193. A number of residents objecting to the application have raised concerns regarding the combined effect the proposed development would have along with other major proposals in the area. These include the Lindhurst development to the south of Mansfield and the potential allocation of land for housing in the northeast of Kirkby-in-Ashfield to the south of the B6139, west of the A611. The planning application under consideration in this report is the only application that can be considered, particularly when there is no certainty that any other major developments in the area will be delivered. The only in-combination matter that has had to be considered, as a result of the Conservation of Habitats and Species Regulations 2010, regards the impact of the proposed development on the possible designation of the Sherwood Forest potential Special Protection Area and this matter is considered in detail above.

Impact on property prices

194. The issue of perceived property devaluation, which objectors might raise, would normally not be a material planning consideration in the assessment of any planning application. In addition to this, it could not justifiably be used as a reason for the refusal of the proposed development. The robust assessment of the application would ensure that, if planning permission was granted, the impacts of the proposed development would be minimised to acceptable levels thus ensuring that property prices would not be affected.

Response from Western Power Distribution

195. Western Power Distribution has highlighted overhead power lines within the site and an electricity substation within close proximity. These matters could be brought to the applicant's attention by adding their consultation response as an informative to any planning permission granted.

Legal agreement

196. Should Members be minded to grant planning permission, there would be a need for a legal agreement to be attached to any planning permission issued. This legal agreement would need to cover the HGV routeing agreement detailed in the observations section above, in addition to the details that would be issued to HGV drivers to ensure the agreed route is adhered to; the maintenance of clear visibility at the junction of the access road and the B6139 through the management of roadside vegetation; the carrying out of an annual dilapidation survey of the B6139 for a distance of 250 metres east of the site access and up to the A611/B6139 crossroads west of the site access, including the provision of any repair works to the carriageway identified by the survey; the translocation of common lizards from the site onto suitable habitat; and the long term aftercare of the proposed heathland, wetland and woodland areas proposed as part of the restoration of the site. The long term aftercare details could provide for the provision of additional areas of heathland in the restoration of the site through

the Review of Minerals Permissions process. It is also considered appropriate to include the provision of a liaison committee for the site in order that local residents and organisations with an interest in the development of the site can meet with the site operators and County Council officers and Members to discuss the progress of the site throughout its life.

**Other Options Considered**

197. The Town and Country Planning (Environmental Impact Assessment) Regulations 2011, at Schedule 4, require environmental assessments to include a consideration of "the main alternatives studied by the applicant or appellant and an indication of the main reasons for the choice made, taking into account the environmental effects". Paragraph 106 above sets out the alternative sites that were considered by the applicant and it is therefore considered that this matter has been adequately addressed.

**Human Rights Act Implications**

198. The relevant issues arising out of consideration of the Human Rights Act have been assessed in accordance with the Council's adopted protocol. Rights under Article 8 and Article 1 of the First Protocol are those to be considered. In this case, the proposed development has the potential to introduce some impacts such as noise and dust but these have been balanced against the measures that can be put in place to mitigate these impacts in addition to the need to provide a suitable landbank for this specialist industrial mineral. Therefore, there is no interference with rights safeguarded under these articles.

**Crime and Disorder Implications**

199. The site would be securely fenced around its entire perimeter and it is to be assumed that the site operators would provide any additional security as required. It is therefore considered that there would be no crime and disorder implications.

**Conclusions and Statement of Reasons for the Decision**

200. This is a significant proposal for a new quarry in the county which, if granted planning permission, is likely to be in operation for 40 – 50 years. The proposed quarry would require significant new infrastructure and plant on what is a greenfield site in the Green Belt and would result in increased levels of HGV traffic in the area, as well as impacts from noise and dust.

201. The county's silica sand landbank is at a critical level at around three years supply and the county does not presently meet the Government landbank target which is at least ten years supply for individual silica sand sites. It is therefore clear that additional reserves are required and, as a further extension to the applicant's existing quarry at Ratcher Hill is not possible, a new quarry is required. Although the reserves within the quarry would significantly increase the landbank beyond the ten year target, it should be highlighted that the target

is an ‘at least ten year’ target which needs to be considered against the significant investment required at the new quarry. It is considered that this level of investment justifies the additional reserves that would be released if planning permission is granted and that the proposed development is in line with the NPPF and Policy M7.6 of the MLP.

202. Mineral extraction is not an inappropriate form of development in the Green Belt so long as the openness of the Green Belt is preserved. The siting of the plant in the lowest part of the proposed quarry would help to reduce its impact on the Green Belt’s openness, as would the phased working of the site which would ensure that significant areas would not be worked for a number of years. It should also be highlighted that the site, and the openness of the Green Belt, would ultimately be restored. However, it is accepted that the openness of the Green Belt would not be totally preserved, although the proposed perimeter landscaping would help to reduce the visual impact of the site to acceptable levels in accordance with Policy M3.3 of the MLP.

203. The proposed number of HGVs entering and leaving the site would not cause a significant adverse impact on the local highway network and it is considered that the provision of a legal agreement to ensure that HGVs do not travel past residential properties on Coxmoor Road to the west of the A611 or past residential properties close to Ravenshead to the east of the site would reduce any impact further and ensure compliance with Policy M3.13 of the MLP. It is also considered that noise and dust impacts can be kept to acceptable levels in accordance with the NPPF and Policies M3.5 and M3.7 of the MLP respectively and restricting the hours of operation so that quarrying does not take place on Saturday afternoons would be beneficial to members of the public who use local recreational facilities close to the site.

204. The proposed development has the potential to impact on features of ecological importance in the area, including nightjar and woodlark which are the species at the centre of consideration around the potential designation of the Sherwood Forest pSPA. As a result of additional survey work undertaken by the applicant, Natural England is satisfied that the proposed development could operate without detriment to any future ecological designation in the area in accordance with the Conservation of Habitats and Species Regulations 2010. The restoration of the site, which would include a significant area of heathland, would be of benefit to these and other bird species along with other wildlife.

205. The County Council is therefore of the opinion that the proposed development is in accordance with the above policies and regulations, along with the NPPF when read as a whole. 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 and the legal agreement to cover lorry routeing, junction visibility, the translocation of common lizards, and long term aftercare.

## RECOMMENDATIONS

206. It is RECOMMENDED that no objection be raised and that the application be referred to the Secretary of State in accordance with the Town and Country Planning (Consultation) (England) Direction 2009 due to the potential impact of the proposed development on the openness of the Green Belt.

207. It is FURTHER RECOMMENDED that, should the Secretary of State not wish to intervene, the Corporate Director for Policy, Planning and Corporate Services be instructed to enter into a legal agreement under Section 106 of the Town and Country Planning Act 1990 to cover the routeing of HGVs in and out of the site, the maintenance of clear visibility at the junction of the access road and the B6139 through the management of roadside vegetation; the carrying out of an annual dilapidation survey of the B6139 for a distance of 250 metres east of the site access and up to the A611/B6139 crossroads west of the site access and any remediation measures that the surveys identify; the translocation of common lizards; and the long term aftercare of the proposed heathland, wetland and woodland areas proposed as part of the restoration of the site.

208. It is FURTHER RECOMMENDED that subject to the completion of the legal agreement the Corporate Director for Policy, Planning and Corporate Services be authorised to grant planning permission for the above development subject to the conditions set out in Appendix 1 of this report. Members need to consider the issues, including the Human Rights Act issues set out in the report and resolve accordingly.

**SALLY GILL**

**Group Manager (Planning)**

## Constitutional Comments (SG 02/07/2012)

The Committee has responsibility for the regulatory functions of the Council in relation to planning. The Committee is the appropriate body to decide the issues set out in this Report.

## Finance Comments (DJK 08.11.12)

The contents of this report are duly noted; there are no financial implications.

## Background Papers Available for Inspection

The application file available for public inspection by virtue of the Local Government (Access to Information) Act 1985.

## Electoral Division and Member Affected

| | |
|---|---|
| Sutton-in-Ashfield East | Councillor Steve Carroll |

Report Author/Case Officer
Jonathan Smith
0115 9696502
For any enquiries about this report, please contact the report author.

W000984
PSP.JDS/PB/EP5350
9 November 2012

**APPENDIX 1**

## RECOMMENDED PLANNING CONDITIONS

### Commencement

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

   *Reason: To comply with the requirements of Section 91 (as amended) of the Town and Country Planning Act 1990.*

2. The Minerals Planning Authority (MPA) shall be notified in writing of the date of commencement of the development at least seven days, but not more than 14 days, prior to the commencement of the development.

   *Reason: To enable the MPA to monitor compliance with the conditions of the planning permission.*

3. The MPA shall be notified in writing of the date of commencement of mineral extraction at least seven days, but not more than 14 days, prior to the commencement of mineral extraction.

   *Reason: To enable the MPA to monitor compliance with the conditions of the planning permission.*

### Approved plans

4. From the commencement of the development to its completion, a copy of this permission including all plans and documents hereby approved, and any other plans and documents subsequently approved in accordance with this permission, shall always be available at the site offices for inspection by the MPA during normal working hours.

   *Reason: To enable the MPA to monitor compliance with the conditions of the planning permission.*

5. The development hereby permitted shall only be carried out in accordance with the details contained within the planning application forms, Planning Application Document and Environmental Statement (ES) received by the MPA on 30 March 2010, and the Regulation 22 Submission received by the MPA on 30 March 2012, and in particular the plans and details identified below, unless amendments are made pursuant to the other conditions below:

   (i) 'Plan PA2 – Planning Application Area' received by the MPA on 30 March 2010;

(ii) 'Figure L4 – Mitigation (Screening) Plan' received by the MPA on 30 March 2010;

(iii) 'Figure L5 – Mitigation Cross Sections' received by the MPA on 30 March 2010;

(iv) 'Figure 6 – Proposed Access Layout off B6139 Coxmoor Road' included in the Highway Statement of the ES received by the MPA on 30 March 2010;

(v) 'Plan PA9 – Conjectural Plant Layout' received by the MPA on 30 March 2010;

(vi) 'Plan PA10 – Cross-Sections Through Proposed Design' received by the MPA on 30 March 2010;

(vii) 'Plan R22-3 – Working Method Phase 1' received by the MPA on 30 March 2012;

(viii) 'Plan R22-4 – Working Method – Phase 2a + 2b' received by the MPA on 30 March 2012;

(ix) 'Plan R22-5 – Working Method – Phase 2c' received by the MPA on 30 March 2012;

(x) 'Plan R22-6 – Working Method – Phase 3' received by the MPA on 30 March 2012;

(xi) 'Plan R22-7 – Working Method – Phase 4a' received by the MPA on 30 March 2012;

(xii) 'Plan R22-8 – Working Method – Phase 4b' received by the MPA on 30 March 2012;

(xiii) 'Plan R22-9 – Final Site Soil Movements' received by the MPA on 30 March 2012;

(xiv) 'Plan R22-10 – Concept Restoration Plan' received by the MPA on 30 March 2012;

(xv) 'Plan R22-11 – Restoration Cross Sections' received by the MPA on 30 March 2012;

(xvi) 'Plan R22-12 – Site Location and 400m Margin to Residential Properties' received by the MPA on 30 March 2012.

*Reason:* *To enable the MPA to monitor compliance with the conditions of the planning permission.*

**Site screening, planting and security**

6. No development shall commence until a scheme for the landscape protection and planting of the perimeter of the site in accordance with 'Figure L4 – Mitigation (Screening) Plan' received by the MPA on 30 March 2010 has been submitted to, and approved in writing by, the MPA. The scheme shall provide for:

   (i) The identification of trees and hedgerows to be retained and removed;

   (ii) Details of the measures of protection for those trees and hedgerows to be retained;

   (iii) Details of all proposed screening bunds, screen planting areas and hedgerows on the perimeter of the site including, where relevant, their location, footprint, height, contours, composition and time of formation;

   (iv) Details of the seeding of all screening bunds detailed in (ii) above, including seed mixes, rate of sowing, ground preparation and maintenance. Seed mixes should aim to provide a suitable grass sward on the outside faces of the screening bunds and high energy seed yielding plant species on the inside faces of the screening bunds which shall remain intact during the winter months;

   (v) Details of the planting of all screening bunds, screen planting areas and hedgerows detailed in (ii) above, including proposed tree species mixes (including proportions) which should be of native genetic origin and appropriate to the local area, size, spacing, positions, densities, ground preparation, protection and maintenance, including the replacement of any failed planting;

   (vi) Details of the landscaping of the site access off the B6139 to reduce its visual impact, including planting and seeding details, the type of security gates to be installed, and any signs to be erected.

   All perimeter landscape seeding and planting shall be carried out in accordance with the approved details and within the first seeding and planting seasons following the completion of any bund.

   *Reason:* *To minimise to visual impact of the proposed development in accordance with Policy M3.4 of the Nottinghamshire Minerals Local Plan and to improve the foraging habitat for bats and the habitat for breeding birds in accordance with the National Planning Policy Framework.*

7. No development shall commence until details of the security fencing to be erected around the perimeter of the site have been submitted to, and approved in writing by, the MPA. The fencing shall be erected prior to any development works taking place on site and shall be maintained so as to ensure the site's security throughout the life of the development.

   *Reason:* *To ensure the security of the site and also to minimise the opportunity for human disturbance from the site on adjacent habitats suitable for nightjar and woodlark.*

**Quarry access and protection of the public highway**

8. Prior to the commencement of any development works associated with the construction of the plant site or mineral extraction, the new quarry access road shall be constructed in accordance with the details in 'Figure 6 – Proposed Access Layout off B6139 Coxmoor Road' received by the MPA on 30 March 2010 and 'Plan R22-3 – Working Method – Phase 1' received by the MPA on 30 March 2012. The access road shall be hard surfaced with bitmac or concrete from its junction with the B6139 Coxmoor Road to the plant site to the satisfaction of the MPA. Measures shall be put into place during the construction of the access road to ensure that mud and other deleterious materials do not enter the public highway.

*Reason: To ensure that all quarry traffic, including traffic associated with the initial site development, obtains access to the site along a hard surfaced road thus ensuring that there is no damage to the public highway and to accord with Policy M3.12 of the Nottinghamshire Minerals Local Plan.*

9. Throughout the life of the development hereby permitted, all vehicles entering and leaving the site shall only use the access road as constructed in accordance with the details set out in Condition 8 above. The access road shall be maintained in a satisfactory condition at all times to ensure that vehicles travelling between the public highway and the plant site travel along a permanently bound surfaced road.

*Reason: To ensure that all quarry traffic obtains access to the site along a permanently bound hard surfaced road thus ensuring that there is no damage to the public highway and to ensure compliance with Policy M3.12 of the Nottinghamshire Minerals Local Plan.*

10. Within one month of the date of the commencement of the planning permission, as notified under Condition 2 above, details of the measures which shall be employed throughout the life of the development to prevent the deposit of mud, clay and other deleterious materials upon the public highway shall be submitted to the MPA for its approval in writing. Such measures shall include the following as appropriate:

(i) Sweeping and cleaning of internal access and haul roads;

(ii) Provision and use of wheel-cleaning facilities;

(iii) Provision and use of lorry sheeting bays;

(iv) Provision for the maintenance of wheel cleaning facilities and haul roads;

(v) The sheeting of all vehicles entering and leaving the site;

(vi) Any other facilities as may be deemed necessary.

The measures to be employed shall be provided in accordance with the approved details prior to any processed material leaving the site and thereafter be maintained and used as approved.

*Reason:* *To ensure that no vehicle shall leave the site in a condition whereby mud or other deleterious material is carried onto the public highway in accordance with Policy M3.12 of the Nottinghamshire Minerals Local Plan.*

11. In the event that the measures approved under Condition 10 above prove inadequate, then within one week of a written request from the MPA, a scheme including revised and additional measures to be taken in order to prevent the deposit of materials upon the public highway shall be submitted to the MPA for its approval in writing. The additional measures to protect the surrounding roads shall be implemented within one month of their approval and thereafter maintained and used at all times.

*Reason:* *To ensure that all quarry traffic obtains access to the site along a permanently bound hard surfaced road thus ensuring that there is no damage to the public highway and to ensure compliance with Policy M3.12 of the Nottinghamshire Minerals Local Plan.*

12. Within one month of the date of commencement of the planning permission, as notified under Condition 2 above, details of the signs to be erected on the site to notify HGV drivers of the lorry routeing agreement in place shall be submitted to the MPA for its approval in writing. The details shall include a scaled drawing of the signs and details of where they are to be located on the site. The signs shall be erected and maintained for the life of the development in accordance with the approved details.

*Reason:* *In the interest of local amenity in accordance with Policy M3.13 of the Nottinghamshire Minerals Local Plan.*

13. There shall be no more than 200 HGV movements to and from the site in any one working day (100 in, 100 out) and no more than 1100 HGV movements to and from the site in any one week (550 in, 550 out). Over the course of any calendar year, total HGV movements to and from the site shall not exceed 28,600 (14,300 in, 14,300 out). Written records shall be maintained of all HGV movements into and out of the site, including HGVs taking sand and sand-based products off site, HGVs delivering soils, compost and other materials into the site, and HGVs delivering plant and machinery to the site for operations such as soil stripping, with the records kept for a minimum period of two years. Copies of the HGV vehicle movement records shall be made available to the MPA within 7 days of a written request being made by the MPA.

*Reason:* *To limit vehicle movements at the proposed quarry in accordance with Policy M3.13 of the Nottinghamshire Minerals Local Plan.*

**Quarry plant area**

14. Within one month of the date of commencement of the planning permission, as notified under Condition 2 above, details of the quarry plant site including layout plans (including ground levels), elevations, external materials and colours of all fixed plant, equipment and supporting infrastructure shall be submitted to the MPA for its approval in writing. The details shall be broadly in accordance with the details on 'Plan PA9 – Conjectural Plant Layout' received by the MPA on 30 March 2010 and 'Plan PA10 – Cross-Sections Through Proposed Design' received by the MPA on 30 March 2010. The plant area, plant, equipment and supporting infrastructure shall thereafter be installed in accordance with the approved details.

*Reason:* *In the interest of visual amenity to ensure compliance with Policy M3.3 of the Nottinghamshire Minerals Local Plan and to protect the openness of the Green Belt in accordance with the National Planning Policy Framework.*

15. Within one month of the date of commencement of the planning permission, as notified under Condition 2 above, details of all floodlighting to be used at the site shall be submitted to the MPA for its approval in writing. The details shall ensure that the floodlighting shall be angled downwards and suitably shielded to ensure that it does not result in glare or dazzle to surrounding land, property and other users and shall ensure that no lighting levels over 1Lux occurs in habitat suitable for nightjar and woodlark during the bird breeding season (February to August). Details shall be included of how these measures can be achieved including the use of UV filters. The floodlighting shall not be used outside the hours of 6am to 8pm Mondays to Fridays, 7am to 1pm on Saturdays and not at all on Sundays, Bank or Public Holidays. Outside these hours any external lighting shall be individually operated through a movement sensor switch with a maximum lighting cycle not exceeding 5 minutes.

The floodlighting shall be implemented and maintained for the life of the development in accordance with the approved details.

*Reason:* *In the interest of visual amenity and to ensure compliance with Policy M3.3 of the Nottinghamshire Minerals Local Plan.*

16. Throughout the life of the development hereby permitted, the external appearance of all fixed plant, equipment and supporting infrastructure shall be maintained to the satisfaction of the MPA in order to preserve their original external appearance. Any works which the MPA considers are required to maintain the external appearance of all fixed plant, equipment and supporting infrastructure shall be carried out within one month of a written request being made by the MPA.

*Reason:* *In the interest of visual amenity and to ensure compliance with Policy M3.3 of the Nottinghamshire Minerals Local Plan.*

17. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or any subsequent amended legislation, no buildings, fixed plant, or machinery, other than those approved under

Condition 14 above, shall be erected or placed on the site without the prior written approval of the MPA.

*Reason: To protect the openness of the Green Belt in accordance with the National Planning Policy Framework.*

**Phasing and cessation of mineral extraction**

18. Mineral extraction shall only be carried out in accordance with the Plans R22-3 – R22-9 received by the MPA on 30 March 2012. Mineral extraction in any phase or sub-phase shall not commence until mineral extraction has been completed, or substantially completed, within the preceding phase or sub-phase to the satisfaction of the MPA. The MPA shall be notified in writing of the date of commencement of mineral extraction in any phase or sub-phase at least seven days, but not more than 14 days, prior to the commencement of mineral extraction in that phase or sub-phase.

*Reason: To ensure the phased working and restoration of the site in accordance with Policy M4.1 of the Nottinghamshire Minerals Local Plan.*

19. The MPA shall be notified in writing of the date of the cessation of mineral extraction.

*Reason: To enable the MPA to monitor compliance with the conditions of the planning permission.*

20. All plant, equipment and supporting infrastructure shall be removed from the site and the site shall be entirely restored within 12 months of the cessation of mineral extraction, as notified under Condition 19 above.

*Reason: To secure proper restoration of the site within an acceptable timescale and in accordance with Policy M4.1 of the Nottinghamshire Minerals Local Plan.*

**Hours of working**

21. Except in the case of an emergency when life, limb or property are in danger (with such instances being notified in writing to the MPA within 48 hours of their occurrence), or with the prior written approval of the MPA, the following shall not take place except within the hours specified below, except as provided for in Condition 22 below:

| | Mondays to Fridays | Saturdays | Sundays Bank/ Public Holidays |
|---|---|---|---|
| Site development works including construction of the access road and plant area | 7am to 7pm | 7am to 1pm | Not at all |
| Mineral extraction, conveying, processing or | 6am to 8pm | 7am to 1pm | Not at all |

| | | | |
|---|---|---|---|
| treatment | | | |
| Stripping, replacement, regrading or ripping of soils or overburden | 7am to 7pm | 7am to 1pm | Not at all |
| Servicing, testing, or maintenance of plant or machinery | 6am to 8pm | 7am to 4pm | Only with the prior written consent of the MPA |
| Vehicles entering and leaving the site for the purposes of collecting mineral or delivering soils, compost and synthetic fibres | 6.30am to 7.30pm | 7.30am to 12.30pm | Not at all |

*Reason: To minimise the impact of the development on the amenity of the local area in accordance with Policy M3.5 of the Nottinghamshire Minerals Local Plan, to minimise the impact of the development on highway safety in accordance with Policy M3.13 of the Nottinghamshire Minerals Local Plan, and to reduce the disturbance on nearby breeding birds in accordance with the Conservation of Habitats and Species Regulations 2010.*

22. Notwithstanding the hours of operation detailed in Condition 21 above, mineral extraction, including the operation of the single motorised scraper, a dozer and the conveyor, shall not take place between 6am and 7am within the 400 metre buffer zones identified on 'Plan R22-12 – Site Location and 400m Margin to Residential Properties' received by the MPA on 30 March 2012. Where mineral extraction is taking place in close proximity to any of the 400 metre buffer zones, the extent of the buffer zones shall be clearly marked in accordance with details previously submitted to, and approved in writing by, the MPA.

*Reason: To minimise the noise impact of the development on the amenity of the local area, in accordance with Policy M3.5 of the Nottinghamshire Minerals Local Plan.*

**Noise**

23. All mobile plant, machinery and vehicles (excluding delivery vehicles which are not owned or under the direct control of the operator) used on the site shall incorporate white noise reversing warning devices and be fitted with silencers maintained in accordance with the manufacturers' recommendations and specifications to minimise noise disturbance to the satisfaction of the MPA.

*Reason: To minimise the noise impact of the development on the amenity of the local area, in accordance with Policy M3.5 of the Nottinghamshire Minerals Local Plan, and to ensure that breeding birds are not adversely affected by the development in accordance with the National Planning Policy Framework.*

24. The free field noise levels associated with the development, when measured in the curtilage of any of the noise-sensitive properties listed below, shall not

exceed the following limits measured as an Equivalent Continuous Noise Level for a 1 hour LAeq (free field):

| Criterion Noise Levels LAeq, 1 hour | | | |
|---|---|---|---|
| Location | LAeq (7am – 7pm) | LAeq (7pm – 8pm) | LAeq (6am – 7am) |
| Forest House, Thieves Wood Lane | 55 | 52 | 42 |
| Stonehills House, Derby Road | 55 | 52 | 42 |
| Coxmoor House, Derby Road | 55 | 52 | 42 |

*Reason:* *To minimise the noise impact of the development on the amenity of the local area, in accordance with Policy M3.5 of the Nottinghamshire Minerals Local Plan.*

25. Notwithstanding the requirements of Condition 24 above, for temporary operations such as soil stripping, replacement and bund formation, the LAeq 1 hour (free field) noise level in the curtilage of any noise sensitive property shall not exceed 70 dB(A). Temporary operations which exceed the normal day to day criterion shall be limited to a total of eight working weeks in a year at any individual noise sensitive property. The dates of these occurrences shall be recorded and available to the MPA in writing with one week of a written request from the MPA.

*Reason:* *To minimise the noise impact of the development on the amenity of the local area, in accordance with Policy M3.5 of the Nottinghamshire Minerals Local Plan.*

26. No development shall commence until a noise management plan has been submitted to, and approved in writing by, the MPA. The noise management plan shall detail the ways in which the site shall be managed to ensure that the continuous sound level from the site does not exceed 55 dB LAeq and the peak sound level does not exceed 80 dB LA(max) at any point on land surrounding the site that has the potential to support breeding nightjar and woodlark. The noise management plan shall:

(i) Identify those activities likely to result in high noise levels;

(ii) Provide a schedule showing the timings of activities to avoid noisy activities during the most sensitive time of the year, i.e. the bird breeding season;

(iii) Detail any noise mitigation measures necessary to ensure that any noisy activities which cannot be scheduled outside the bird breeding season can be undertaken without exceeding the continuous and peak sound levels detailed above; and

(iv) Detail the noise monitoring to be undertaken to confirm that the continuous and peak sound levels detailed above are not exceeded.

The noise management plan shall be implemented in accordance with the approved details throughout the life of the development.

*Reason:* *To ensure that breeding birds are not adversely affected by the development in accordance with the National Planning Policy Framework and to also protect the amenity of nearby recreational users.*

**Dust**

27. No development shall commence until a dust management plan has been submitted to, and approved in writing by, the MPA. The dust management plan shall set out measures to minimise the generation of dust and reduce its impact on nearby dust sensitive receptors, including the Sherwood Observatory, nearby properties and habitats suitable for nightjar and woodlark, to acceptable levels and provide for dust monitoring. These measures shall include, but not necessarily be limited to, any or all of the following steps as appropriate:

(i) The use of water bowsers to dampen haul roads, stock-piles and other operational areas of the site;

(ii) The sweeping of access and haul roads, where necessary;

(iii) The minimisation of drop heights during loading and unloading of sand and gravel;

(iv) Limiting on-site vehicle speeds;

(v) Provisions for the temporary suspension of mineral processing, mineral extraction or soil movements during periods of unfavourably dry or windy weather conditions;

(vi) Details of the conveyors, including any means of enclosure, to be used to transport the excavated sand to the plant site;

(vii) Details of the mechanism to be employed to monitor dust, the monitoring locations (which shall reflect the areas of working) and the mechanism to record the dust monitoring data, including its submission to the MPA.

The dust management plan shall be implemented in accordance with the approved details.

*Reason:* *To ensure that dust impacts associated with the operation of the development are minimised, in accordance with Policy M3.7 of the Nottinghamshire Minerals Local Plan.*

28. All HGVs entering the site to deliver soil, compost, and synthetic fibres, and all HGVs leaving the site with sand and sand-based products, shall be fully sheeted.

*Reason:* *To ensure that dust impacts associated with the operation of the development are minimised, in accordance with Policy M3.7 of the Nottinghamshire Minerals Local Plan.*

**Archaeology**

29. No development shall commence until details of a scheme for archaeological mitigation has been submitted to, and approved in writing by, the MPA. The scheme shall be implemented in accordance with the approved details.

*Reason:* *To ensure that that adequate archaeological investigation and recording is undertaken prior to the development taking place, in accordance with Policy M3.24 of the Nottinghamshire Minerals Local Plan.*

**Stockpile heights**

30. Following the commencement of extraction from Phase 1b, as identified on 'Plan R22-3 – Working Method Phase 1' received by the MPA on 30 March 2012, stockpiles in the plant site area including stockpiles of excavated (as dug) minerals; site-sourced soils waiting to be processed; imported soils, compost and synthetic fibres waiting to be processed; and processed materials shall not exceed 10 metres above the ground levels of the plant site as set out in the details submitted and approved under Condition 14 above.

*Reason:* *In the interest of visual amenity to ensure compliance with Policy M3.3 of the Nottinghamshire Minerals Local Plan and to protect the openness of the Green Belt in accordance with the National Planning Policy Framework.*

**Mineral extraction**

31. Mineral extraction shall only be carried out using a single motorised scraper and dozer. All excavated mineral shall be transported to the processing plant area by field conveyor.

*Reason:* *To minimise the impact of the development on the amenity of the local area, in accordance with Policy M3.5 of the Nottinghamshire Minerals Local Plan.*

**Pollution control**

32. No development shall commence until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to, and approved in writing by, the MPA. The submitted scheme shall include the following details:

    (i) Calculations to demonstrate the existing Greenfield run-off rate;

    (ii) Calculations to demonstrate how the proposed surface water management scheme shall maintain Greenfield discharge rates from the site;

    (iii) A demonstration of the management of surface water up to the 1 in 100 year plus climate change critical storm;

    (iv) Detailed design drawings for sustainable drainage features;

    (v) Details of how the scheme shall be maintained and managed after the restoration of the site following the completion of the development.

    The scheme shall be implemented and maintained in accordance with the approved details.

    *Reason: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system in accordance with Policy M3.9 of the Nottinghamshire Minerals Local Plan.*

33. No development shall commence until a scheme to dispose of foul drainage has been submitted to, and approved in writing by, the MPA. The scheme shall be implemented in accordance with the approved details.

    *Reason: To ensure the satisfactory means of foul drainage disposal from the site in accordance with Policy M3.8 of the Nottinghamshire Minerals Local Plan.*

34. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water from parking areas, and hard standings susceptible to oil contamination shall be passed through an oil separator designed and constructed to have a capacity compatible with the site being drained. Roof water shall not pass through the oil separator which shall be maintained in accordance with the manufacturer's instructions throughout the life of the development.

    *Reason: To protect the water environment in accordance with Policy M3.8 of the Nottinghamshire Minerals Local Plan.*

35. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus

10%. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank, of the combined capacity of the interconnected tanks, plus 10%. All filling points, vents, gauges, and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land, or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filing points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.

*Reason: To prevent pollution of the water environment in accordance with Policy M3.8 of the Nottinghamshire Minerals Local Plan.*

**Ecology**

36. Prior to the commencement of the construction of the plant site and prior to the commencement of mineral extraction in each phase or sub-phase of the development, as identified on Plans R22-3 – R22-8 received by the MPA on 30 March 2012, ecological management plans shall be submitted to the MPA for its approval in writing. The plans shall detail measures to improve the biodiversity of those areas of the site not subject to operational activities and shall include, but not necessarily be limited to, any or all of the following measures as appropriate:

    (i) Management of hedgerows to increase their size and density to the benefit of breeding birds and bats;

    (ii) The provision of suitable field margins sown with high energy seed yielding plant species that shall remain intact during the winter months;

    (iii) Timescales for the provision and ongoing maintenance of the proposed measures.

    The ecological management plans shall be implemented in accordance with the approved details.

    *Reason: In the interest of protecting species and their habitats in accordance with the National Planning Policy Framework.*

37. Site clearance works within each phase and sub-phase of the development, as identified on Plans R22-3 – R22-8 received by the MPA on 30 March 2012, and that involve the destruction and removal of vegetation, including felling, clearing or removal of trees, shrubs or hedgerows or the removal of any standing crops, shall not commence until all potential habitats for protected species have been investigated by a qualified ecologist and a report of the investigation has been submitted to, and approved in writing by, the MPA. In the event that protected species or nesting birds are present, the report shall provide a working design, method and timetable to mitigate any undue adverse effects on the species involved. The mitigation measures shall be implemented as approved prior to any site clearance works taking place within that phase.

*Reason:* *In the interest of protecting species and their habitats in accordance with the National Planning Policy Framework.*

**Soil stripping, handling and storage**

38. The MPA shall be notified in writing at least 5 working days before soil stripping is due to commence on any phase or sub-phase, or part phase or part sub-phase in the event that a phase or sub-phase is not stripped in its entirety in one stripping campaign.

*Reason:* *To ensure the proper restoration of the site, conserving and managing all available soil resources, in accordance with Policy M4.3 of the Nottinghamshire Minerals Local Plan.*

39. A detailed soil handling scheme for each phase, sub-phase, part phase or part sub-phase of the development shall be submitted in writing to the MPA at least one month prior to the stripping of any soil from that area of the site. Such a scheme shall include the following details:

(i) The size, location, volume and composition of soil storage mounds;

(ii) A methodology statement for the stripping and storage of soils;

(iii) The types of machinery to be used;

(iv) The routes to be taken by plant and machinery involved in soil handling operations;

(v) The depths of subsoil and topsoil to be stripped;

(vi) Which soils are to be retained for restoration purposes and which are to be used in the production of 'fibresand' products.

The soil handling schemes shall be carried out in accordance with the approved details.

*Reason:* *To ensure the proper restoration of the site, conserving and managing all available soil resources, in accordance with Policy M4.3 of the Nottinghamshire Minerals Local Plan.*

40. No plant or vehicles shall cross any area of unstripped topsoil or subsoil except where such trafficking is essential and unavoidable for purposes of undertaking permitted operations. Essential trafficking routes shall be marked in such a manner as to give effect to this condition. No part of the site shall be excavated or traversed or used for a road, or storage of topsoil, subsoil or mineral deposits, until all available topsoil and subsoil has been stripped from that part.

*Reason:* *To ensure the proper restoration of the site, conserving and managing all available soil resources, in accordance with Policy M4.3 of the Nottinghamshire Minerals Local Plan.*

41. Soil stripping shall not commence until any standing crop or vegetation has been cut and removed.

*Reason: To ensure the proper restoration of the site, conserving and managing all available soil resources, in accordance with Policy M4.3 of the Nottinghamshire Minerals Local Plan.*

42. Topsoil, subsoil, and soil making material shall only be stripped when they are in a dry and friable condition and movements of soils shall only occur:

(i) When all soil above a depth of 300mm is in a suitable condition that it is not subject to smearing;

(ii) When topsoil is sufficiently dry that it can be separated from subsoil without difficulty;

(iii) When there are no areas of standing water on the surface of soils in the area to be stripped, traversed or used for soil storage.

*Reason: To ensure the proper restoration of the site, conserving and managing all available soil resources, in accordance with Policy M4.3 of the Nottinghamshire Minerals Local Plan.*

43. All storage mounds that will remain in situ for more than 6 months, or over winter, shall be seeded within 3 weeks of their construction in accordance with a seed mixture which has been previously agreed in writing by the MPA. The seed mixes should aim to provide a suitable grass sward on the outside faces of any perimeter storage mounds/screening bunds; high energy seed yielding plant species which shall remain intact during the winter months on the inside faces of any perimeter storage mounds/screening bunds; and high energy seed yielding plant species which shall remain intact during the winter months on all internal soil storage mounds. The mounds shall thereafter be maintained free of weeds until used for restoration purposes.

*Reason: To ensure the proper restoration of the site, conserving and managing all available soil resources, in accordance with Policy M4.3 of the Nottinghamshire Minerals Local Plan and to ensure that breeding birds are not adversely affected by the development in accordance with the National Planning Policy Framework.*

44. Details of the volumes and locations of soils stored on the site shall be submitted to the MPA by 31 December each year.

*Reason: To ensure there are sufficient soils available for the restoration of the site and to ensure all available soil resources are conserved and managed, in accordance with Policy M4.3 of the Nottinghamshire Minerals Local Plan.*

**Phased restoration**

45. Details of the restoration of the four main phases of the site and the plant site shall be submitted in writing to the MPA within the following timescales:

| Phase | Date for restoration details to be submitted |
|---|---|
| 1 | Within 12 months of the completion of mineral extraction within phase 1a |
| 2 | Within 12 months of the completion of mineral extraction in phase 2a |
| 3 | Within 12 months of the commencement of mineral extraction in phase 3 |
| 4 | Within 12 months of the completion of mineral extraction in phase 4a |
| Plant site | Within 12 months of the commencement of mineral extraction in phase 4b |

*Reason:* *To ensure the phased working and restoration of the site in accordance with Policy M4.1 of the Nottinghamshire Minerals Local Plan.*

**Soil replacement for agricultural and woodland restoration**

46. The MPA shall be notified in writing at least 5 working days before each of the following:

(i) Overburden/sand substrate has been prepared ready for soil replacement to allow inspection of the area before further restoration of this part is carried out; and

(ii) When subsoil has been prepared ready for topsoil replacement to allow inspection of the area before further restoration of this part is carried out; and

(iii) On completion of topsoil replacement to allow an opportunity to inspect the completed works before the commencement of any cultivation and seeding operation.

*Reason:* *To ensure the proper restoration of the site, conserving and managing all available soil resources, in accordance with Policy M4.3 of the Nottinghamshire Minerals Local Plan.*

47. Topsoils and subsoils shall only be replaced when they and the ground on which they are to be placed are in a dry and friable condition and no movements, respreading, levelling, ripping or loosening of subsoils or topsoils shall occur:

(i) When it is raining; or

(ii) When there are pools of water on the surface of the storage mound or receiving area.

*Reason: To ensure the proper restoration of the site, conserving and managing all available soil resources, in accordance with Policy M4.3 of the Nottinghamshire Minerals Local Plan.*

48. Plant and vehicles shall not cross any area of replaced and loosened ground, replaced subsoil, or replaced topsoil except where essential and unavoidable for the purposes of carrying out soil replacement, ripping and stone picking or beneficially treating such areas. Only low ground pressure machines shall work on prepared ground.

*Reason: To ensure the proper restoration of the site, conserving and managing all available soil resources, in accordance with Policy M4.3 of the Replacement Minerals Local Plan.*

49. Prior to the placement of any subsoils, the quarry floor shall be ripped to a minimum depth of 250mm with tine spacings no wider that 1.5m.

*Reason: To ensure the proper restoration of the site, conserving and managing all available soil resources, in accordance with Policy M4.3 of the Nottinghamshire Minerals Local Plan.*

50. The top soil and upper subsoils shall be replaced to an overall combined depth of no less than 750mm.

*Reason: To ensure the proper restoration of the site, conserving and managing all available soil resources, in accordance with Policy M4.3 of the Nottinghamshire Minerals Local Plan.*

51. The re-spread subsoil shall be approximately, and at least a minimum of, 350mm in depth and shall be cross-ripped:

(i) To provide loosening to a minimum depth of 400mm with tine spacings no wider than 1.5m, and

(ii) Any rock, boulder or larger stone greater than 200mm in any dimension shall be removed from the loosened surface before further soil is laid. Materials that are removed shall be utilised for the creation of refugia areas for reptiles and amphibians, or buried at a depth not less than 2 metres below the final settled contours.

*Reason: To ensure the proper restoration of the site, conserving and managing all available soil resources, in accordance with Policy M4.3 of the Nottinghamshire Minerals Local Plan and in the*

*interest of habitat creation in accordance with the National Planning Policy Framework.*

52. The re-spread topsoil shall be approximately, but no more than a maximum of, 400mm in depth and shall be rendered suitable for agricultural cultivation by loosening and ripping:

(i) To provide loosening to a minimum depth of 450mm with tine spacings of 1.5 metres or closer;

(ii) Any non-soil making material or rock or boulder or larger stone lying on the loosened topsoil surface and greater than 100mm in any dimension shall be utilised for the creation of refugia areas for reptiles and amphibians, or buried at a depth not less than 2 metres below the final settled contours.

*Reason:* *To ensure the proper restoration of the site, conserving and managing all available soil resources, in accordance with Policy M4.3 of the Nottinghamshire Minerals Local Plan and in the interest of habitat creation in accordance with the National Planning Policy Framework.*

**Restoration of areas to heathland, wetland areas and woodland**

53. Within the timescales prescribed in Condition 45 above for those phases, part phases, sub-phases or part sub-phases to be restored to heathland, wetland areas and woodland, details of the restoration of those areas shall be submitted to the MPA for its approval in writing. The details shall be in accordance with 'Plan R22-10 – Concept Restoration Plan' received by the MPA on 30 March 2012 and 'Plan R22-11 – Restoration Cross Sections' received by the MPA on 30 March 2012 with the aim of creating a mosaic of heathland, acid grassland, short ephemeral vegetation and bare ground with a varied micro-topography, including areas of open water of varying sizes and in clusters, and clumps of scrub and oak-birch woodland. The details shall include the following:

(i) The results of a walk-over survey carried out to identify evidence of, or potential for, protected species along with the results of any further detailed protected species carried out as necessary;

(ii) The results of surveys carried out to identify features that have arisen naturally or as a consequence of excavation works which are of value (or have the potential to be of value) in the context of creating a diverse heathland habitat, and details of how the survey results have been taken into account when drawing up the restoration details;

(iii) Target habitats with reference to the UK Biodiversity Action Plan;

(iv) Woodland, wetland margin and heathland species mixes and establishment methods which should be of native genetic origin and appropriate to the local area, including the source of heather brash and numbers, species, planting, positions and sizes of all trees and shrubs;

(v) Substrate preparation (where required), including the creation of micro-topography features;

(vi) Details of the reshaping of the silt lagoons in phase 1 to a shallower edge profile;

(vii) Habitat transition areas between the agricultural grassland areas and the heathland areas;

(viii) Sandstone faces;

(ix) The provision of appropriate refugia areas for reptiles and amphibians using, where appropriate, any rocks, boulders or stones picked in accordance with Conditions 51 and 52 above;

(x) Timetable for the implementation of the restoration works.

The restoration of the site shall be provided in accordance with the approved details.

*Reason: To ensure the phased restoration of the site in accordance with Policy M4.1 of the Nottinghamshire Minerals Local Plan and to provide for extensive heathland and acid grassland afteruse in accordance with Policy M4.13 of the Nottinghamshire Minerals Local Plan.*

**Aftercare**

54. Following the restoration of any phase or sub-phase of the site, that phase or sub-phase shall undergo aftercare management for a 5 year period.

*Reason: To provide for the aftercare of the restored site, in accordance with Policy M4.9 of the Nottinghamshire Minerals Local Plan.*

55. Prior to any phase or sub-phase being entered into aftercare, the extent of the area and its date of entry into aftercare shall be agreed in writing with the MPA. The 5 year aftercare period shall run from the agreed date.

*Reason: To provide for the aftercare of the restored site, in accordance with Policy M4.9 of the Nottinghamshire Minerals Local Plan.*

56. An aftercare scheme and strategy for each phase or sub-phase shall be submitted for the written approval of the MPA at the same time as the submission of the restoration details for that phase or sub-phase in accordance with the timescales detailed in Condition 45 above. The aftercare scheme and strategy shall outline the steps to be taken, the period during which they are to be taken, and who will be responsible for taking those steps to ensure the land is restored and brought back to its intended restored afteruse. The aftercare scheme shall include but not be restricted to details of the following:

(i) Cultivations;

(ii) Weed control;

(iii) Scrub control on heathland areas;

(iv) Sowing of seed mixtures;

(v) Soil analysis;

(vi) Keeping of records and an annual review of performance and proposed operations for the coming year, to be submitted to the MPA between 31 March and 31 May each year;

(vii) Drainage amendments;

(viii) Subsoiling and underdrainage proposals;

(ix) Management practices such as the cutting of vegetation;

(x) Tree protection;

(xi) Remedial treatments;

(xii) Irrigation;

(xiii) Fencing;

(xiv) Proposals for a survey visit by a suitably qualified ecologist, to be undertaken in year 5, to assess the ecological interest of those parts of the site restored to heathland, wetland areas and woodland, including their habitats, flora and flora, to inform management practices for the additional periods of aftercare secured through legal agreement; and

(xv) A report detailing the findings of the survey visit referred to in (xiv) above, to be submitted to the MPA at the end of year 5.

*Reason: To provide for the aftercare of the restored site, in accordance with Policy M4.10 of the Nottinghamshire Minerals Local Plan.*

57. Site management meetings shall be held with the MPA each year to assess and review the detailed annual programmes of aftercare operations referred to in Condition 56 (vi) above, having regard to the condition of the land, progress in its rehabilitation and necessary maintenance.

*Reason: To provide for the aftercare of the restored site, in accordance with Policy M4.10 of the Nottinghamshire Minerals Local Plan.*

58. The aftercare programme shall be implemented in accordance with the details approved under Condition 56 (vi) above, as amended following the annual site meeting carried out in accordance with Condition 57 above.

*Reason: To provide for the aftercare of the restored site, in accordance with Policy M4.10 of the Nottinghamshire Minerals Local Plan.*

**Alternative Restoration**

59. Should, for any reason, mineral extraction from the application site cease for a period in excess of 12 months, then, within three months of the receipt of a written request from the MPA, a revised scheme for the restoration of the site shall be submitted in writing to the MPA for its approval in writing. Such a scheme shall include details of the final contours, provision of soiling, sowing of heathland habitat, planting of trees and shrubs, drainage and fencing in a similar manner to that submitted with the application and modified by these conditions.

*Reason: To secure the proper restoration of the site within an acceptable timescale.*

60. The revised restoration scheme approved under Condition 59 shall be implemented within 12 months of its approval by the MPA, and shall be subject to the aftercare provisions of Conditions 56 – 58 above.

*Reason: To secure the proper restoration of the site within an acceptable timescale.*

**Informatives/Notes to Applicant**

1. Your attention is drawn to the consultation responses from the Environment Agency dated 23 June 2010, Central Networks dated 6 May 2010 and the Highways Authority dated 9 November 2012.