



**2<sup>nd</sup> November 2021**

**Agenda Item: 5**

## **REPORT OF CORPORATE DIRECTOR – PLACE**

**MANSFIELD DISTRICT REF. NO.: 2/2018/0040/NCC**

**PROPOSAL: RETROSPECTIVE PERMISSION FOR SILICA SAND EXTRACTION AND ASSOCIATED REVISED SITE RESTORATION PROPOSALS**

**LOCATION: RATCHER HILL QUARRY, SOUTHWELL ROAD WEST, RAINWORTH, MANSFIELD, NG21 0HW**

**APPLICANT: MANSFIELD SAND COMPANY**

### **Purpose of Report**

1. To consider a retrospective planning application for the extraction of 558,000 tonnes of silica sand from Ratcher Hill Quarry and to approve a revised restoration scheme for the site.
2. The key issues regarding the determination of this planning application relate to the supply and continuity of mineral supplies and the effect the modifications to the restoration of the site would have on the overall ecological value of the restored site.
3. The recommendation is to grant planning permission subject to the conditions set out in Appendix 1.

### **The Site and Surroundings**

4. Ratcher Hill Quarry is located approximately 4 kilometres east of Mansfield town centre. The site is accessed via an existing quarry access roadway which connects to the A6191 south of the site and leads to the link with the A617 Mansfield to Newark road approximately 0.5 kilometres east of the site entrance. (See Plan 1)
5. Ratcher Hill Quarry entered production in 1959, extracting sand which was used in the construction industry and more recently as specialist materials for sporting and equestrian markets. Mineral extraction ceased around 2016 as reserves became exhausted and production switched to a replacement quarry at Two Oaks Quarry near Kirkby in Ashfield.

6. Older parts of Ratcher Hill quarry located outside the current planning application site to the south have been restored to industrial uses including an asphalt plant and concrete ready-mix company (see Plan 2).
7. The current planning application site area extends to 30.6 hectares, incorporating the worked-out void which remains following the completion of mineral extraction (see Plan 3). Site levels around the perimeter of the site vary between 138m AOD on the south-eastern boundary with ground levels on other boundaries averaging at around 120-125m AOD. Within the quarry, ground levels are generally lowest in the south-eastern corner of the site where excavations have lowered the ground level to around 80m AOD representing an excavated depth of around 60m. Ground levels within the quarry adjacent to the northern boundary extend to a depth of around 94m AOD. The ground levels within the central area of quarry are between 110m-115m AOD.
8. Following the completion of mineral extraction in 2016 the processing plant has been dismantled and removed, the stockpiles have been cleared and the site re-engineered in its central area to form the current landform.
9. The north western, northern and eastern boundaries of the site incorporate vertical cliff edges with extensive areas of open water along the northern and south-eastern boundaries. In the north-eastern area of the site is an extensive area of self-set woodland and area of reed bed. The central section of the site is generally flat, dry and incorporates extensive areas of grassland. The areas of vegetation growth within the site are as a result of natural regeneration.
10. The area surrounding the application site is in mixed uses with a golf course lying to the north, parts of which are designated as a Site of Special Scientific interest (Sherwood Golf Course SSSI). To the east is Strawberry Hills Heath SSSI. The quarry is located within the Sherwood Forest possible potential Special Protection Area (ppSPA), a wider undesignated area of ecological interest based on its bird populations (see Plan 4).
11. Ransom Wood Business Park is located to the south. Residential development is located to the west, with the nearest properties some 100 metres west of the site boundary located on Jubilee Way and a property known as Pineview lying approximately 200 metres east of the site (see Plan 5).

## **Planning history**

12. Mineral extraction initially took place at Ratcher Hill Quarry in an area immediately adjacent to the A617. The quarry subsequently progressed in a northerly direction under a series of planning permissions. The existing site is regulated by two extant planning consents with Environment Act consent ref: 2/97/11750/0370/P regulating the main quarry area and Planning Permission 2/2007/0543/ST regulating an eastern extension area (see plan 6).
13. As part of the eastern extension planning permission, planning conditions and a Section 106 legal agreement was entered into by Mansfield Sand to require the quarry to be restored to create new woodland, scrub, acid grassland and heathland habitat to compensate for habitat losses that occurred when the site

was originally developed and habitat which was locally designated as a Site of Importance for Nature Conservation (SINC) was removed. A copy of the approved restoration plan is attached as Plan 7.

14. The Section 106 legal agreement requires Mansfield Sand to provide 10-years aftercare management of the entire Ratcher Hill site. The target habitat types to be delivered within the restored Ratcher Hill site including 29.6ha of heath and acid grassland habitat provided within three distinctive blocks of land made up of 12ha in the former silt lagoon area, 7.6ha in the eastern extension area and 10ha in the former processing and car park area.
15. Mineral extraction within Ratcher Hill Quarry was completed on the 12th January 2016. The time limits for restoration of the quarry are regulated by the planning conditions of Planning Permission 2/2007/0543/ST, specifically:
  - Condition 4 requires all plant, buildings and machinery associated with winning and working of mineral at the quarry (including the extension area and original quarry area) to be removed within 6 months of the cessation of quarrying or by 31 December 2016 at the latest'. This has been complied with.
  - Condition 15 requires the quarry to be restored and landscaped in the first planting and seeding seasons following the completion of mineral extraction. This has not been complied with.
  - Condition 17 requires the restored quarry to be managed in accordance with an aftercare scheme to be agreed in writing with the planning authority with the supporting Section 106 legal agreement regulating a ten-year period of aftercare management. This has not been complied with.

## **Proposed Development**

16. Full planning permission is sought to:
  - a. Retrospectively regularise the extraction of an additional 528,000 tonnes of mineral originating from the eastern extension area of the planning application site.
  - b. Agree a revised restoration scheme for the wider quarry area.

### Extraction of Mineral

17. Planning permission is sought to retrospectively approve the removal of an additional 558,000 tonnes of silica sand from within the eastern extension area of the site.
18. The additional mineral has been sourced by excavating to a greater depth in the eastern extension area across an area measuring 7.05ha, lowering the ground levels within this part of the site to an average depth of 5m below the water table.

19. The applicant states that the additional mineral extraction within the eastern extension area was undertaken to ensure business continuity and to maintain supplies of silica sands to industry during a period when consented mineral supplies at Ratcher Hill Quarry were exhausted and a replacement site at Two Oaks Quarry had not entered operational production.

Modifications to the approved restoration scheme for Ratcher Hill Quarry

20. Approval is also sought for revisions to the restoration arrangements across 30.6 hectares of the quarry across both the main quarry area (Environment Act consent ref: 2/97/11750/0370/P) and the eastern extension land (Planning Permission 2/2007/0543/ST).
21. Since the completion of mineral extraction, the operator has restored much of the site, dismantling the sand processing equipment and removing the stockpiles of mineral. The site contours have been re-engineered including extensive remodelling of the topography of the central area of the quarry to create a generally flat area with shallow contours towards the north-eastern corner of the site, but retaining the steeper gradients into the northern lagoon area.
22. The revised restoration scheme detailed on Plan 8 incorporates the following features and habitats. Where changes have been made from the approved scheme, these are described in the text below:
- A change to the restoration contours to reflect the deeper extraction within the eastern extension area of the quarry which has lowered the ground levels below the level of the water table. The resultant voids have backfilled with water to create two ponds separated by a strip of land which the revised restoration scheme seeks to retain. The approved restoration scheme for this part of the site was to restore the area to wet and dry heathland above the level of the water table incorporating a smaller/shallower lake.
  - An enlarged area of open water (approx. 4.2 ha) in the former silt lagoon area in the north-west of the quarry site. This area was originally proposed to be restored to wet and dry heath and acid grassland with a smaller lake.
  - A reedbed area immediately to the east of the open water habitat in an area originally proposed for heathland habitat creation.
  - An area of self-set woodland (approx. 3.9ha) in the dry area of the former silt lagoons within the north eastern part of the quarry. This area was originally proposed to be restored to wet and dry heath and acid grassland.
  - The main central section of the quarry (approx. 7ha) has extensively regenerated following the completion of mineral extraction. The restoration scheme would manage this existing vegetation to create a heathland habitat.
  - The southern area of the site (approx. 5ha) is surfaced with a low nutrient soil base which has naturally regenerated with a grassland sward. This existing vegetation would be managed to create an acid

grassland/heathland habitat. Areas of hardstanding have been removed, but an access track would be retained. The former quarry workshop building adjacent to the southern boundary of the site would be retained and used to store agricultural machinery and equipment required from time to time to manage the restored site. A shallow pond to the east would be retained.

- The retention of the existing cliff faces around the northern, eastern and western boundaries of the site.
23. During the course of processing the planning application the restoration arrangements for the site have been revised and modified in response to requests made by the case officer. The most significant modification relates to the removal of an area of industrial development which was originally proposed on 5.7ha of land on the south of the former quarry, and the restoration of this parcel of land to an acid grassland habitat.
  24. Modifications to the topography of the site are proposed along the northern edges of the central area to reduce the existing very steep/near vertical slopes which drop into the northern lake. In the interests of safety it is proposed to re-engineer this part of the site to remove the vertical edges and replace them with roughly 45 degree graded slopes. These works would reduce the size of the northern lake and create a shelved lake edge which is more suitable to colonisation by reedbed and marginal vegetation growth.
  25. The mix of habitats within the restoration scheme have also been modified to provide enlarged areas of heathland and acid grassland habitat in accordance with local biodiversity targets. The revised submission is supported by an outline aftercare scheme which incorporates a summary of the aftercare management arrangements for the site. The applicant proposes to provide ten-years aftercare management for the restored site.
  26. The external boundary of the quarry site is fenced to ensure security and safety as required by current quarries legislation. Internally within the site additional security fencing has been erected around the deeper water bodies in the eastern extension area to ensure safety in this area.

## Consultations

27. Mansfield District Council: *Raise no objection.*
28. *Mansfield District Council made representations to the original submission of the planning application, within which they acknowledged that the District Council was proposing to allocate part of the Ratcher Hill Quarry site for employment uses within its new local plan and the allocation would seek to replace the lost potential heathland habitat which underlays the industrial area in the quarry nearby in the local area.*
29. Environment Agency: *Raise no objections and support the restoration of the site back to a heathland habitat.*
30. Natural England: *Raise no objections.*

31. *Natural England are satisfied the proposed development would not damage or destroy the interest features within Strawberry Hills and Sherwood Golf course SSSIs, noting the restoration of the quarry has potential to enhance biodiversity and green infrastructure and contribute to the linking of habitats between the designated sites. The heathland and other plants/trees used within the restoration should be native species and of local provenance where possible.*
32. *The site is located within the Sherwood Forest possible potential Special Protection Area (ppSPA) which includes habitats identified as being important for breeding nightjar and woodlark and which may in the future become a potential SPA. Natural England refer the Council to their Advice Note on this matter which provides more information. Natural England recommended a 'risk based approach' is taken to consider the potential magnitude of impact.*
33. *Natural England have been consulted on the most recently submitted revised restoration scheme and continue to raise no objections to the development.*
34. NCC (Flood Risk): *Raise no comments on the planning application.*
35. NCC (Highways): *No objections.*
36. *This proposal is for the retrospective removal of silica sands removed prior to 2016, and for the approval of a revised restoration scheme. The restoration scheme is not expected to have an impact on the adjacent public highway therefore, the Highway Authority would not wish to raise objection to this proposal.*
37. NCC (Nature Conservation): *Do not object to the planning application, as revised.*
- *Although the deepening of the quarry in the eastern extension has resulted in the loss of 7ha of heathland when compared to the approved restoration scheme, which is an adverse impact, the revised restoration proposals continue to deliver a mosaic of heathland, acid grassland, naturally establishing woodland and wetland (as well as open water bodies), albeit to a reduced extent.*
  - *The Outline Aftercare Scheme briefly describes the establishment and maintenance works to be undertaken. More detailed restoration/aftercare arrangements will be required by planning condition to guide the establishment works and ongoing maintenance works.*
  - *As part of the detailed restoration/aftercare document, it should be ensured that the heathland area will be formed to have a varied microtopography, with humps and hollows, low south-facing banks, areas of bare sand and shallow pools/scrapes.*
  - *Site visits have showed that areas of the site are regenerating well, but require further seeding and/or heather brashing to develop the heathland habitat and the extent of broom growth will need to be managed.*
38. *NCC Ecology objected to the originally submitted restoration scheme, specifically the industrial development on the basis that it would reduce the quantity and quality of habitat provided by the restoration of the site.*

*Modifications were requested to be made to increase the area of heathland including an investigation into the scope to infill water areas and remove areas of woodland from the restoration to open up potential new heath habitats. Further information relating to habitat management were also requested.*

39. Nottinghamshire Wildlife Trust: *Object to the planning application.*
40. *Nottinghamshire Wildlife Trust have not provided a consultation response in connection with the most recent submission of revised plans which omit the industrial development from the scheme and incorporate a restoration and aftercare strategy for the site. Nottinghamshire Wildlife Trust raised objections to the original submission, identifying the following concerns.*
- *The over-extraction of mineral without planning permission has resulted in a substantively poorer quality of restoration habitat than the original approved scheme.*
  - *The industrial development proposed for the site would further reduce the amount of heathland and acid grassland habitat provided by the site's restoration and is considered wholly unacceptable and contrary to the aims of the approved restoration scheme.*
  - *Materials on site should be used for creating an improved restoration scheme, with slacker margins to the wetlands. The causeway between the 2 newest lagoons in the eastern extension should also be reworked and reduced below the water level to reduce the steep topography of the lagoons and create more marginal habitats.*
  - *Larger areas of heathland and acid grassland habitats should be created in the form of a mosaic as found elsewhere in Sherwood utilising undulating topography. Further information regarding the methodology for undertaking the restoration and management of the site should be provided. Woodland should be removed from the former lagoon area and replaced with wet heathland.*
  - *No surveys have been undertaken to consider whether the regenerated habitat incorporates any protected species or valuable habitats that may be adversely affected by the restoration proposals.*
  - *Boundary fencing is in a poor state of repair and should be replaced.*
41. Severn Trent Water Limited: *Raise no objections.*
42. Via (Landscape): *No objections are raised in respect of the landscape and visual impacts of the development.*
43. Via (Reclamation), Western Power Distribution, Cadent Gas Limited: *No representation received. Any responses received shall be orally reported.*

## **Publicity**

44. The application has been publicised by means of site notices and press notice. The owner of Ransome Wood Business Park has been notified by neighbour notification letter and has responded, raising the following observations.

- The restoration plan needs to go alongside a ten year management plan. For example the acid grass area should be developed and then heather sward added after approx. 3 years to create the mosaic effect.
  - The boundary between Ransome Wood Business Park and Ratcher Hill Quarry is demarked by a fence. Illegal access has been obtained into the quarry from Ransome Wood Business Park in the past down a very steep slope with inherent dangers associated with having an area of open water at the base. The lagoon needs an escape route at one end.
  - The water quality of the lagoon is considered poor. Planting should be incorporated in an attempt to improve water quality.
45. The issues raised are considered in the Observations Section of this report.
46. Cllr Robert Corden and Cllr Nigel Moxon have been notified of the application.

## **Observations**

47. The matters to be taken into consideration in the determination of this planning application are whether the modifications to the restoration of the quarry and the 'over-extraction' of minerals in the eastern extension area are appropriate in the context of the planning policy for the area.

### Modifications to the restoration of the wider Ratcher Hill Quarry

48. The MLP incorporates planning policy in relation to the restoration of former quarry land. Specifically, Strategic Policy SP2: Biodiversity-Led Restoration confirms that restoration schemes that seek to maximise biodiversity gains and achieve a net gain in biodiversity in accordance with the targets and opportunities identified within the Nottinghamshire Local Biodiversity Action Plan, will be supported. MLP Policy DM12: Restoration, aftercare and after-use requires that minerals development must include an appropriate scheme for the restoration, aftercare and long term after use of mineral sites to enable long term enhancement of the environment and ensure that the restoration of quarries should be in keeping with the character and setting of the local area and contribute to the delivery of local objectives for habitats, biodiversity, landscape, historic environment or community use where appropriate.
49. The restoration objective for Ratcher Hill Quarry set out within the original planning permission is to create a mosaic of woodland, scrub, acid grassland and heathland to compensate for habitats that were lost when the quarry was originally developed. The obligation to restore and manage the site is regulated both through the planning conditions and the supporting Section 106 legal agreement which provides for an extended 10-year aftercare period.
50. The original quarry extraction and restoration scheme was designed from survey work carried out prior to mineral extraction many years ago. It is acknowledged that the subsequent development of the quarry is an iterative process which responds to the geological constraints and opportunities and this influences the final design of the restoration of the site.



51. Following the completion of mineral extraction there is now a much clearer understanding of the exact quantity of materials available to engineer the restoration of the site and specifically the levels of groundwater upon the cessation of quarry dewatering. This has informed the design of the revised restoration scheme which incorporates some key changes from the approved scheme including the extended areas of open water within the eastern extension area resulting from the 'over-extraction' of mineral from this area and the enlarged area of open water adjacent to the northern boundary of the site. The scheme also incorporates an area of reedbed and self-set woodland planting within the north-east of the site in an area originally proposed for heathland habitat creation. Ground conditions in this area are not considered appropriate for heathland habitat creation and the self-set reedbed/woodland areas have now matured and provide valuable habitat albeit of a different character to the originally proposed heathland.
52. The central area of the site has been significantly regraded following the removal of the plant site and stockpiles. Further works are proposed to regrade and slacken off angles in this area to remove the near vertical slope into the northern lagoon and make the topography of this part of the site both safer and more closely reflect the approved scheme. Once these works are complete the central and southernmost areas of the site would be established as heath/acid grassland land habitats consistent with the originally approved scheme.
53. The external boundaries of the quarry feature vertical cliffs with some terracing in the more recently excavated eastern extension area. These cliffs were detailed on the approved restoration plan, provide a nesting habitat for birds and have some ecological merit.
54. The most significant modification made to this planning submission since it was tabled is the removal of an area of industrial development from a 5.7ha parcel of land on the southern area of the quarry. This area of land was identified for heathland habitat restoration on the approved restoration plan. Concerns about this industrial development was the main area of objection tabled by both NCC Ecology and Nottinghamshire Wildlife Trust in their original objections to the planning submission, noting that the loss of potential habitat to industrial buildings would have compounded unavoidable modifications to the mix of habitats, specifically the larger areas of open water within the restored site. The applicant's aspirations for industrial development were pursued through a request to allocate the site for this purpose within the new Mansfield Local Plan. NCC officers attended the examination of this plan and provided evidence alongside Nottinghamshire Wildlife Trust expressing concerns that the industrial development would result in the loss of ecologically important habitats that would be provided following the restoration of the quarry. The applicant's decision to remove the industrial development from the restoration scheme was taken following the Inspector's decision not to allocate this land for industrial development within the new Mansfield Local Plan. The area is now identified as acid grassland habitat on the revised restoration scheme which is welcomed from an ecological perspective.
55. The majority of works proposed in the aftercare scheme relate to habitat management works which would not be significantly invasive or destructive and

therefore would not significantly impact any protected species which may occupy the site. However, regrading works on the northern slope of the central area are more invasive. Although this part of the site does not incorporate extensive areas of mature habitat, the potential for protected species to be encountered cannot be discounted. To ensure appropriate protection measures are put in place it is recommended that planning conditions are imposed to ensure the regrading works are undertaken outside the bird nesting season and the area is inspected by an ecologist prior to commencement of works to ensure the absence of any protected species, and the adoption of appropriate mitigation strategies if protected species are encountered.

56. Public access is not proposed across the restored site. The applicant states that the areas of open water which are surrounded by steep sided quarry edges have potential public safety issues and these concerns are reflected in the fact that there has been one fatality in recent years in the water body to the north as a result of unauthorised public access. Although the areas of open water have some steep banks to some of their edges, they also have shallower gradients on other edges to reduce the risks of any unauthorised person entering the water getting trapped. The applicant states that discouraging public access would also benefit the quality of restoration within the site and protect potentially sensitive ecological habitats. The site is secured by boundary fencing and a planning condition is recommended to ensure the fencing is inspected and maintained throughout the aftercare of the site. This obligation would also address observations raised by Nottinghamshire Wildlife Trust and the owner or Ransome Wood Business Park who request the boundary fences should be securely maintained.
57. The restoration scheme is supported by an outline aftercare scheme which sets out a general strategy for managing the site but does not incorporate specific timetabling of works. It is recommended that the submission of these details is regulated by planning condition through the submission of a more detailed aftercare scheme and annual submissions of aftercare reports and strategies for the following year's aftercare, consistent with the advice from NCC's Ecological Officer.
58. The aftercare arrangements for the site are currently regulated through a Section 106 legal agreement with a duty to manage the site for a ten-year duration. It is recommended that the duration of aftercare management across the site is extended to twenty years as part of this decision. Twenty years aftercare management would ensure the site is ecologically managed for a longer duration and thus enhance the ecological value of the restored site over a longer term, re-balancing some of the unavoidable negative ecological effects that result from the larger areas of open water habitats created in the restored quarry. The planning authority could seek to continue to regulate extended aftercare management through Section 106 legal agreement, however, it is now normal practice to regulate extended site management by planning condition whilst still achieving an equal level of environmental control to a Section 106 legal agreement. It is therefore recommended that the extended twenty-year aftercare period is regulated by planning condition in this planning decision.

59. In terms of the ecological effects of the development on the wider area, Ratcher Hill Quarry is located adjacent to both Strawberry Hills and Sherwood Golf course SSSIs. Both SSSIs are ecologically important since they represent remaining parts of the formerly extensive dry acid lowland heathland of central Nottinghamshire which is a nationally rare habitat. Natural England's consultation response acknowledges the proximity of these SSSIs, noting that the restoration of the quarry would present a valuable opportunity to enhance biodiversity and green infrastructure and contribute to the linking of habitats between the designated sites, providing a valuable ecological link between the two sections of the Strawberry Hill Heaths SSSI. Natural England therefore welcomes the restoration of the former quarry to heathland, acid grassland, water areas, wetland, reed beds and associated nature conservation use.
60. Ratcher Hill Quarry is located within a wider area identified by Natural England as the Sherwood Forest possible potential Special Protection Area (ppSPA). Special Protection Areas are European level ecological designations primarily aimed at protecting rare bird species. The proposal to designate a Special Protection Area in the Sherwood Forest area was originally suggested in 2011 in recognition of the area's valuable habitat for woodlark and nightjar but no decision to formally designate the area has been taken by the UK Government since this time. To assist planning authorities when dealing with planning applications within the Sherwood Forest ppSPA area, Natural England has produced a guidance note within which they recommend planning authorities take a 'risk-based approach' and give consideration to the effects that a development would have on the ecological interest of the wider area using a baseline that the Sherwood Forest area is a formally designated SPA. The objective of the risk-based approach is to ensure that any development project secures the preservation, maintenance and re-establishment of a sufficient diversity and area of habitat for wild birds in the UK, including by means of the upkeep, management and creation of such habitat, and endeavour to avoid any pollution or deterioration of habitats for wild birds.
61. The primary habitat which support nightjar and woodlark populations is heathland and to a lesser extent acid grassland. The revised restoration masterplan incorporates extensive new habitat creation which would increase the existing site's carrying capacity for woodlark and nightjar in comparison to the existing site comprising a partially restored former quarry that has not received any formal aftercare management and does not currently incorporate habitat suitable for nightjar and woodlark.
62. Heathland habitats can only be provided on the 'dry' areas of land. The extended areas of open water restrict the amount of heathland that can be created resulting in these parts of the site being ecologically inferior for these bird species in comparison to the restoration that would have been achieved had the approved scheme been delivered. Officers have sought to maximise the benefits across the wider former quarry site delivered by the revised restoration scheme, particularly in the 'dry' areas of the site to off-set as far as possible potential heathland habitats that cannot be created in the open-water parts of the site. Notably officers robustly opposed the industrial redevelopment of part of the site on the basis that it was an opportunity lost in terms of habitat

reinstatement and was not consistent with the original restoration objective of the site.

63. Whilst the restoration scheme would provide a reduced area of heathland and acid grassland habitat in comparison to the originally approved scheme it nevertheless still provides an extended area of heathland habitat ensuring that the restoration of the site contributes towards the preservation, maintenance and re-establishment of a diverse area of habitat for wild birds and would complement the habitat enhancement objectives of the Sherwood Forest ppSPA. It is therefore concluded the development is in accordance with the risk based approach advocated by Natural England who do not raise any objections to the planning application.
64. Overall, the revised restoration scheme is considered to be generally consistent with the original restoration objectives for the Quarry having regard to the existing ground conditions, availability of restoration materials and the level of natural regeneration that the quarry has undergone since its closure. The revised restoration scheme will deliver a mosaic of heathland, acid grassland, naturally establishing woodland, wetland and open water bodies and thus provide ecological benefit consistent with MLP Policies SP2 and DM12. It is acknowledged the area of heathland is less than originally approved, but some of these negative effects resulting from the smaller site area would be re-balanced by the extended twenty year duration of aftercare management that is recommended.

#### Consideration of extracting additional mineral from the quarry

65. The Ratcher Hill Quarry planning permission imposes limits in relation to the location and quantity of mineral extraction including the depth of excavations. Specifically the limit on the depth of quarry workings is linked to the natural groundwater level with mineral extraction depths permitted to a level that would not penetrate the natural water table and thus ensure that, following the completion of mineral extraction and the restoration of the site, the resulting habitat would not incorporate deep and large water bodies.
66. The operator's decision to 'over extract' the eastern extension area and remove an estimated additional 528,000 tonnes has resulted in a deeper mineral void being created. This mineral void has backfilled with water following the completion of mineral extraction and the cessation of quarry de-watering. Opportunities to remove the water bodies and re-create the originally approved heathland habitat within the eastern extension area would require the backfilling of the lakes. Materials are not available within the quarry to undertake this backfilling. As part of the assessment of the planning application consideration has been given to the importation of waste to backfill the worked out voids. However, the introduction of an inert landfill site into the wider quarry would have its own environmental effects in terms of impacting the natural regeneration which has already happened on the site, delaying the timely restoration of the site and introduce the potential for some wider pollution issues. It was therefore concluded to not progress this option.

67. At the time the operator took the decision to 'over-extract' minerals, consented reserves were effectively exhausted within Ratcher Hill Quarry and the replacement site at Two Oaks Quarry had not entered production. The company explain that the decision to quarry additional mineral at Ratcher Hill was taken to maintain both the continuity of silica sand supplies and also to maintain business continuity including the employment of 41 staff within the quarry and ancillary roles in sales, accounts and administration.
68. Continuity of mineral supplies and economic considerations are a material consideration within the determination of this planning application. Specifically:
- NPPF paragraph 209 states that *'it is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs'*.
  - NPPF paragraph 211 states that *'When determining planning applications, great weight should be given to the benefits of mineral extraction, including to the economy'*.
  - NPPF paragraph 81 states that *'Planning decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development'*.
  - The economic benefits of mineral extraction are also acknowledged within the Nottinghamshire Minerals Local Plan (adopted March 2021) (MLP), specifically the vision of the plan acknowledges the economic importance of mineral extraction and the economic benefits of minerals extraction are acknowledged within Policy SP1 – Minerals Provision.
  - MLP Policy MP8 in relation to Silica Sand Provision seeks to maintain an adequate and steady supply of silica sand with support for new silica sand extraction where a need can be demonstrated.
69. It is disappointing that the applicant has pushed ahead with the over-extraction of minerals in the eastern extension without the benefit of planning permission, but officers do acknowledged that the company were forced to make a commercial decision at this time to continue mineral extraction at Ratcher Hill Quarry to maintain business continuity and mineral supplies.
70. Undertaking the works in advance of obtaining planning permission has by-passed the normal planning process which informs the design of mineral extraction schemes and potentially could have assisted in developing a scheme which was ecologically superior. Carrying out these works has also delayed the implementation of the restoration scheme by a number of years. Nevertheless, the 'over-extraction' within the eastern extension area was undertaken in compliance with the established operational procedures deployed within the wider quarry which have a successful track record of managing the environmental discharges of the quarry. Notwithstanding the ecological matters already raised, the planning authority is not aware of any significant adverse effects from this additional mineral extraction. The resultant water bodies do not have any significant visual or landscape effects since they are located at a lower level to adjacent land and thus not visible in the wider area. Fencing has been

installed around the lakes to discourage access and it is proposed to supplement this by planting to maintain public safety.

71. The planning authority needs to take a balanced view on the acceptability of the 'over-extraction' works, acknowledging that the retention of the deep water bodies in the eastern extension area represents an ecologically inferior restoration scheme for this part of the site in comparison to the heathland habitat which would otherwise have been created if the originally approved scheme was developed, but these negative effects must be balanced alongside the beneficial economic arguments for the development and lack of wider environmental
72. On balance it is concluded that the economic reasons for undertaking the works in the context of business continuity and maintaining mineral supplies are material considerations which NPPF paragraph 211 advises should be given 'great weight' in the overall planning balance. These benefits outweigh any level of loss to the ecological value of the restored site which although has a reduced area of heathland based habitat, nevertheless incorporates an ecologically varied mosaic of different habitats including open water, reedbed, self-set woodland, acid grassland and heathland which is continues to provide ecological interest and will be beneficial to surrounding habitat and the wider Sherwood Forest ppSPA area.

### **Other Options Considered**

73. During the course of assessing the planning application a number of different restoration options have been considered for the site including the importation of waste to the site to reduce the amount of open water habitat, the incorporation of industrial development as part of the restoration of the site and different options for habitat regeneration within the restored site, as documented in the report.

### **Statutory and Policy Implications**

74. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance, finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, the safeguarding of children and adults at risk, service users, smarter working, and sustainability and the environment, and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

#### Crime and Disorder Implications

75. The site which incorporates a perimeter security fence and a small lockable storage building would not incorporate any economically valuable assets.

### Data Protection and Information Governance

76. Any member of the public who has made representations on this application has been informed that a copy of their representation, including their name and address, is publicly available and is retained for the period of the application and for a relevant period thereafter.

### Human Rights Implications

77. Relevant issues arising out of consideration of the Human Rights Act have been assessed. Rights under Article 8 (Right to Respect for Private and Family Life), Article 1 of the First Protocol (Protection of Property) and Article 6 (Right to a Fair Trial) are those to be considered. In this case, however, there are no impacts of any substance on individuals and therefore no interference with rights safeguarded under these articles.

### Public Sector Equality Duty Implications

78. The council has complied with the Public Sector Equality Duty.

### Implications for Sustainability and the Environment

79. These have been considered in the Observations section above, wherein it is noted that the additional silica sand extracted from the eastern extension area ensures that existing mineral resources are sustainably used and the restoration scheme will result in environmental benefits.
80. There are no Financial Implications, Human Resource Implications, Safeguarding of Children and Adults at Risk Implications or Implications for Service Users.

### **Statement of Positive and Proactive Engagement**

81. In determining this application the Minerals Planning Authority has worked positively and proactively with the applicant by entering into pre-application discussion; assessing the proposals against relevant Development Plan policies; all material considerations; consultation responses and any valid representations that may have been received. Issues of concern have been raised with the applicant and addressed through negotiation and acceptable amendments to the proposals. This approach has been in accordance with the requirement set out in the National Planning Policy Framework.

### **RECOMMENDATIONS**

82. It is RECOMMENDED that planning permission be granted subject to the conditions set out in Appendix 1. Members need to consider the issues set out in the report and resolve accordingly.

**ADRIAN SMITH**

**Corporate Director – Place**

**Constitutional Comments [RHC 29/9/2021]**

Planning & Rights of Way Committee is the appropriate body to consider the contents of this report by virtue of its terms of reference.

**Financial Comments [SES 28/09/2021]**

There are no specific financial implications arising directly from this report.

**Background Papers Available for Inspection**

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

**Electoral Division(s) and Member(s) Affected**

Mansfield East 1	Cllr Robert Corden
Mansfield East 2	Cllr Nigel Moxon

Report Author/Case Officer

Mike Hankin

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