

Meeting PLANNING AND RIGHTS OF WAY COMMITTEE

Date Tuesday 2 November 2021 (commencing at 10.30am)

Membership

Persons absent are marked with `A`

COUNCILLORS

Richard Butler (Chair)
Sybil Fielding (Vice-Chair)

Andre Camilleri	Philip Owen
Robert Corden	Francis Purdue-Horan
A - Jim Creamer	Tom Smith
Paul Henshaw	Roger Upton
Andy Meakin	A - Daniel Williamson
John Ogle	

OFFICERS IN ATTENDANCE

Pete Barker – Chief Executive’s Department
Rachel Clack – Chief Executive’s Department
Martin Gately – Chief Executive’s Department
Sally Gill – Place Department
Mike Hankin – Place Department
Rebecca Kirkland – Place Department

1. MINUTES OF PREVIOUS MEETING HELD ON 14 SEPTEMBER 2021

The minutes of the meeting held on 14 September, having been circulated to all Members, were taken as read and were confirmed, and were signed by the Chair.

2. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Creamer and Councillor Williamson.

3. MEMBERSHIP

Councillor Purdue-Horan replaced Councillor Moxon on a permanent basis.

4. DECLARATIONS OF INTERESTS BY MEMBERS AND OFFICERS

There were no declarations of interest.

5. DECLARATIONS OF LOBBYING OF MEMBERS

There were no declarations of lobbying.

6. RETROSPECTIVE PERMISSION FOR SAND EXTRACTION AND RESTORATION, RATCHER HILL QUARRY, MANSFIELD

Mrs Gill introduced the report which considered a retrospective planning application for the extraction of 558,000 tonnes of silica sand from Ratcher Hill Quarry and sought approval for a revised restoration scheme for the site. Mrs Gill informed members that the key issues related 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.

Mrs Gill stated that the figure for extraction in Condition 1 should read '558,000 tonnes' and not '528,000 tonnes'.

Mr Hankin informed Committee that in Condition 11 the date by which the MPA should receive the detailed aftercare scheme for approval is 28th February 2022 and not 2023 as stated.

Following Mrs Gill's introduction, Mr Mark Oldridge, the agent for the applicant, was given the opportunity to speak and **a summary** of that speech is set out below:

- The Mansfield Sand Company Limited is a family run business which has extracted, processed and sold silica sand products in the Mansfield Area since 1840. The Company have a total of 87 full time staff of which 41 jobs rely directly upon the sand extraction process.
- The company have operated many quarries in Mansfield, Rock quarry, Lichfield quarry and the quarry at Sandhurst Avenue which became the company's brick works in 1926 then its head office. Then came Berry hill and Ratcher hill and now then present quarry at Two Oaks. The company has recently won The Nottinghamshire Live business award for the "Company of the Year".
- As the sand reserves were becoming exhausted at Ratcher Hill the company commenced a search for a new site in 2008 and negotiations were completed for the Two Oaks site in 2009. A planning application and associated Environmental Assessment was submitted in March 2010 and during the planning process a Candidate Special Protection Area for Nightjar and Woodlark emerged covering the whole of the Sherwood Forest area. As a result further significant specialist ecological studies were insisted upon by the Wildlife Trust to prove that the new workings would not impact upon the nightjar and woodlark. The candidate SPA designation caused considerable delays, of almost 2 years in the planning process. During this time the company had no other sources of sand and if extraction ceased the business was faced with complete failure and the loss of 87 jobs. Further all contractors and hauliers who derive a living from the quarry would be adversely affected.

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- The new quarry at Two Oaks Quarry was finally granted consent in 2012 and developed in 2014.
- As a result of deepening the extraction areas the original restoration proposal to a mainly dry heathland was not possible as insufficient sand remained to completely backfill the workings. This has resulted in a new restoration design which does contribute a significant area to dry heathland but retains some water bodies. The working of the site to lower levels has not led to any environmental concerns apart from a variation to the restored landform.
- The new quarry at Two Oaks produces a range of specialist industrial and construction sands and specialist "fibre sand" products are produced for equestrian use, and the top dressing of football pitches within the UK, including prestigious grounds such as Notts County, Nottingham Forest, Leicester City and the vast majority of the premier league clubs who rely upon the products for their main pitches and training grounds.
- The Applicants have undertaken a number of investments at the site and all operations remain as approved by Nottinghamshire County Council. There is a good working relationship with the Minerals Officers of the County and regular inspections take place to ensure that the site continues to operate in accordance with planning and environmental approvals.
- It is considered that the revised restoration proposal at Ratcher Hill is acceptable and there will be no environmental harm associated with the restoration proposed. The applicants have specifically agreed a longer aftercare period that would normally be accepted in order to ensure the final restoration can be achieved satisfactorily.
- The site already has a wealth of habitats and sand martins and a pair of peregrine falcons nest in the higher sand faces protected by the water areas which do not allow access to their nesting areas.

Members then debated the item and highlighted the following:

- Members expressed their frustration that this application was for retrospective permission, stating that such applications undermined the planning process and damaged public confidence and trust.
- Officers explained that planning permission was delayed for approximately two years while consideration was given to the designation of a special protection area in the wider Sherwood area. A further delay of several years was also caused by the process of deciding on the allocations to be included in the Mansfield Local Plan.
- Informal communication was made between NCC and the applicant with officers mindful of the potential job losses if the extraction did not go ahead. The NPPF requires planners to give weight to the continuity of mineral supplies and to economic considerations.

- The revised restoration scheme does not provide as much heathland as the original scheme but it will provide a mosaic of habitats that are still valuable.
- The rock left behind after extraction is hard sandstone that is very unlikely to collapse. The site has been monitored regularly over 30 years and there has been no slippage. Regular monitoring will continue to be undertaken. The site remains in the ownership of Mansfield Sand Company Limited and will not be open to the public.
- The Chair reassured members that Mansfield was not treated differently to any other area of the County.
- The authority's enforcement team is only a small one that operates proactively and reactively, visiting sites across the county a number of times per year. Sites will be visited if members bring them to the attention of the team.
- Mr Oldridge took on board the Committee's comments and offered to arrange visits to the applicant's sites. The Chair emphasised to members the importance of their attending site visits

On a motion by the Chair, seconded by the Vice-Chair, it was: -

RESOLVED 2021/018

That subject to Condition 1 being amended to refer to '558,000 tonnes' and Condition 11 being amended to refer to the date of 28 February 2022, planning permission be granted subject to the conditions set out in Appendix 1 to the report.

7. DEVELOPMENT PROGRESS MANAGEMENT REPORT

Mrs Gill introduced the report, stating that it was the usual report brought regularly to Committee detailing the applications received, determined and scheduled.

Officers agreed to consider amending the format of the report to include regular updates to major schemes.

Mrs Gill drew Members' attention to the review of the County Council's Validation Local List, informing them that they should have received relevant correspondence and that the intention was to bring a report containing suggested revisions to the list to the January meeting of the Committee.

On a motion by the Chair, seconded by the Vice Chair, it was:

RESOLVED 2021/019

That the contents of the report be noted.

The meeting closed at 11.28am

CHAIR