

Planning and Rights of Way Committee

Tuesday, 02 November 2021 at 10:30

County Hall, West Bridgford, Nottingham, NG2 7QP

AGENDA

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| 1 | Minutes of the meeting held on 14 September 2021 | 3 - 14 |
| 2 | Apologies for Absence | |
| 3 | Declarations of Interests by Members and Officers:- (see note below)
(a) Disclosable Pecuniary Interests
(b) Private Interests (pecuniary and non-pecuniary) | |
| 4 | Declarations of lobbying | |
| 5 | Retrospective Permission for Sand Extraction and Restoration, Ratcher Hill Quarry, Mansfield | 15 - 50 |
| 6 | Development Management Progress Report | 51 - 62 |

Notes

- (1) Councillors are advised to contact their Research Officer for details of any Group Meetings which are planned for this meeting.
- (2) Members of the public wishing to inspect "Background Papers" referred to in the reports on the agenda or Schedule 12A of the Local Government Act should contact:-

Customer Services Centre 0300 500 80 80

- (3) Persons making a declaration of interest should have regard to the Code of Conduct and the Council's Procedure Rules. Those declaring must indicate the nature of their interest and the reasons for the declaration.

Councillors or Officers requiring clarification on whether to make a declaration of interest are invited to contact Peter Barker (Tel. 0115 977 4416) or a colleague in Democratic Services prior to the meeting.

- (4) Councillors are reminded that Committee and Sub-Committee papers, with the exception of those which contain Exempt or Confidential Information, may be recycled.
- (5) This agenda and its associated reports are available to view online via an online calendar - <http://www.nottinghamshire.gov.uk/dms/Meetings.aspx>

Meeting **PLANNING AND RIGHTS OF WAY COMMITTEE**

Date **Tuesday 14 September 2021 (commencing at 10.30am)**

Membership

Persons absent are marked with 'A'

COUNCILLORS

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

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

SUBSTITUTE MEMBERS

Pauline Allan for Sybil Fielding
Chris Barnfather for Andre Camilleri
Neil Clarke MBE for Robert Corden

OFFICERS IN ATTENDANCE

Pete Barker – Chief Executive's Department
Sherrie Grant – Chief Executive's Department
Sarah Hancock – Place Department
Mike Hankin – Place Department
Neil Lewis – Place Department
David Marsh – Place Department
Joel Marshall – Place Department
Matthew Neal – Place Department
Jonathan Smith – Place Department
Linda Walker – Chief Executive's Department

1. MINUTES OF PREVIOUS MEETING HELD ON 27 JULY 2021

The minutes of the meeting held on 27 July, 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 Camilleri, Councillor Corden and Councillor Fielding.

3. DECLARATIONS OF INTERESTS BY MEMBERS AND OFFICERS

Councillor Creamer declared a private interest in Item 7, Development of a Waste Management Facility – Land off Private Road No 3, Colwick Industrial Estate, as he is a member of Gedling Borough Council, which did not preclude him from speaking or voting on that item.

4. DECLARATIONS OF LOBBYING OF MEMBERS

Councillor Butler and Councillor Creamer had each had a brief and informal discussion with Councillor Hollis regarding Item 5, Change of Use – 32 Sudbury Drive, Huthwaite, Sutton in Ashfield, which did not preclude either member from speaking or voting on that item.

5. CHANGE OF USE – 32 SUDBURY DRIVE, HUTHWAITE, SUTTON IN ASHFIELD

Mr Marsh introduced the report which considered a planning application for the change of use of a dwelling and alterations to site parking to use as a home for children in Local Authority care at 32 Sudbury Drive, Huthwaite. Mr Marsh informed member that the key issues related to the suitability of the location in land use terms and the highway and amenity impacts.

In response to members' queries the following points were clarified: -

- In terms of staff car parking, on site there will be 2 staff working a 25 hour shift in addition to a manager who works normal office hours and manages 2 establishments. There will also be a one hour handover meeting daily during which 2 more staff will be on site. Assuming there will be no car sharing this means there should be a maximum of 5 cars on site at any one time. There will be visitors but the applicant has stated that these visits are scheduled to avoid the one hour handover period.
- There is a speed hump near the property which could be moved if this is deemed necessary and a new position for the hump has been identified and indicated on Plan 5 which was circulated as part of the papers for the meeting.

Following Mr Marsh's introduction, Mr Jonathan Berry was then given the opportunity to speak and **a summary** of that speech is set out below:

- In addition to the points that will be covered by my neighbours I would like to highlight a potential conflict of interest with regard to the proposed change of use which will pose a risk to the residents' planned settlement in the home and local community.

The young people that will be placed in the home will likely have contact with Notts Police, Nottinghamshire County Council's Youth Justice Service and the Child and Adolescent Mental Health Services (CAMHS). Contact with these services will mean the young people will have safeguarding needs relating to youth violence and criminal behaviour, including a need to face up to their crimes, taking responsibility for their actions and interventions to reduce reoffending risks. It is also likely that they may be known to the NCC's Out of Court Disposal (OCD) Panel .

- I am an NHS mental health nurse and work in the Liaison and Diversion (L&D) service. This service supports all young people entering the criminal justice services either via police custody or via the NCC OCD pathway. Any young person under the age of 18 detained in Police custody is automatically referred to the L&D service as well as Social Care – Emergency Duty Team and the Youth Offending team.
- I undertake face to face assessments of mental health and other vulnerable needs including safeguarding and liaising with other professionals such as social workers, CAMHS, home care managers and probation officers. To do this role I have access to a range of information about young people including the finer details of any offences committed by the person, traumatic life experiences and the reasons why they are in care eg absconding incidents, alcohol/drug related offences, county lines drug exploitation, sexual abuse and exploitation, victim of domestic abuse and online sexual communications, crimes towards minors and possession of a knife – this list is not exhaustive. My assessments and reports go on to inform the Police, the Crown Prosecution Service and the courts for them to make suitable disposal decisions.
- Given that it is highly likely that the young person placed in the home will have contact with the Police, it is equally likely that they will have contact with the L&D service and myself. After being made aware of my role, the level of information I know about them and my report being used to aid decision making by the police and courts this will understandably pose a risk of destabilising the person's mental state when they recognise me as their neighbour. In turn this could lead to their placement quickly breaking down due to an increase in feelings of anger, reactive challenging and offending behaviours. There is also a risk of retribution acted out towards my property, family and self.
- I would argue that the above points will seriously impact on the success of the proposed service and the resident's progress with their planned care and support needs.

The following point was then clarified: -

- Tasks are allocated on a weekly basis and if Mr Berry was on a panel and knew the person involved it may be possible to reallocate that responsibility. However, if Mr Berry was on duty and dealing with people in custody then sometimes there is only one nurse on duty and Mr Berry would have to attend to the person even if they recognised each other.

Mr Shaun Bobrucki was then given the opportunity to speak and **a summary** of that speech is set out below:

- My wife and I live on Sudbury Drive and our garden backs onto the property in question.
- The report to Committee details the opposition to the application by all residents on the estate who have multiple concerns. This is because currently our estate is a peaceful and beautiful place to live.
- It is common knowledge that in these types of homes that the young people have behavioural problems. These behavioural issues can often be destructive in nature as they occur at an age where emotions are high but they don't have the life skills to safely deal with these emotions.
- Damage to property, cars and sheds are a common occurrence, not only to where they live themselves but to surrounding properties.
- Damage can be caused by the young adults visiting friends and family, since our estate and the surrounding area offers nothing in terms of amenities to entertain young adults.
- Drug use or dealing is often a common problem in young adults with behavioural issues. Where do they hide the hazardous materials such as needles for example? They are usually discarded in the gardens of surrounding properties or parks. There is a play park for young children opposite the proposed site. This reduces safety to our residents and children as they could be exposed to the hazardous material left behind.
- Regarding police presence on the estate – a freedom of information request to the Notts Police shows that as of June 2021 the nine homes in Notts run by Homes2Inspire have seen 1,081 call outs in the past three years. On average that is three call outs per month per home over a three year period.
- If the young adults try to escape a difficult situation in the home, or evade the police, where do they go except to surrounding properties? I am not and I guess that most of our residents are not trained for this type of situation. If Homes2Inspire staff need to restrain the young adult this will not only be traumatic for the young adult but will be for us as neighbours and for our families. The Homes2Inspire Safe & Secure document does state that restraining of this nature is trained for, but is usually a last resort, so could be expected to be used.
- There will also be multiple support staff, friends and family visiting. In terms of neighbourhood safety we will have no idea who lives on the estate. Currently we know our six immediate neighbours and their regular visitors. This invites safety, comfort and privacy for our family. Multiple changing individuals at a house changes this current comfort. This home therefore will bring disruption and a loss of safety and privacy to the estate.

- The young adults need a placement better suited to their needs rather than a quiet, private estate so it's for these reasons and the many others submitted that we urge you not to recommend this facility for our estate.

Lynda Norris was then given the opportunity to speak and **a summary** of that speech is set out below:

- I am very concerned for the residents and children of our neighbourhood about this request for a children's home for children in the care of the local authority. I am also concerned for the welfare of the young people who will be placed in 32 Sudbury Drive under care. I understand these children need to be placed somewhere but feel that this is not the right area as this is a very quiet residential development and these young people will be bored and could be better accommodated elsewhere in the borough closer to transport links, social amenities, schools and sports facilities.
- The children placed in care, in my opinion, will feel very isolated from the community. The local amenities are very few, the library is only open for three half days per week. The local transport consists of one bus. Bus stops are not located close to the property. The change of use also means that the young people will be living opposite a playground intended for under 12s to play in, this will affect the safety of children living nearby if they mix with the young people. I will not feel safe taking my young grandchildren to play on the park and other residents feel the same.
- The reduction of four cars to three on the drive from the original plans, in my opinion, will only make the parking situation on the road worse. I have been told that up to 10 cars could be parked outside at any one time. In the report by the highways department it is stated that extra cars can be parked on the pavement. I thought this was an illegal practice. The width of the bend is not sufficient to allow cars to park in the road and traffic to pass safely, especially when children are crossing the road to the playground. The speed of vehicles on this bend is often in excess of the limit and causes problems with safety even now and there have been some near misses. When the officials were observing the traffic and parking situation it was during the day when it is quiet. It is a different situation in the evening when it is much busier.
- We are retired now and several residents are the same age as me, we love living in this quiet area of Ashfield and hope to spend the rest of our lives here. We are not happy at the thought that children with problems will be living close by. I'm sure you would all feel the same if the proposal was in your neighbourhood.
- In conclusion I would like to plead with the committee to refuse the change of use application to a children's home. These children deserve to be placed in an area where they will be occupied and feel part of the community not on a quiet residential street where they will be bored and likely to fill their time with anti-social activities. I do not recommend the committee approve the change of use and ask for the decision to be deferred so all the information presented can be taken into consideration.

Jon Hawketts from NCC and Paul Cook from Homes2Inspire were then given the opportunity to speak and **a summary** of that speech is set out below:

- There are approximately 980 children in care in Nottinghamshire. The majority of children in care live in 'normal standard homes' like those on Sudbury Drive. Most live with foster carers, others with Ofsted-registered adult carers in a children's home like the one being proposed here.
- 20 years ago there would have been a world of difference between the two, but nowadays a children's home is designed to look and operate like a family home. Ofsted, which inspects and regulates children's homes, expects as much and has the power to close down failing homes and has a track record of doing so.
- Although differentiated from a planning perspective as explained in Mr Marsh's presentation, foster carers and children's home carers need to be suitably qualified and both, along with their respective homes, are subject to Ofsted's regulatory and inspection processes.
- There are hundreds of family homes across the county in which 1 or 2 children in care live perfectly normal lives with adult carers in the way in which is being proposed here.
- There are lots of misconceptions that people make about young people in care, around which people's views are then formed. I want to talk therefore about a typical child in care to address some of the issues and concerns that have been raised.
- Children in care are not 'young offenders'. Many of them will have been born into a chaotic or dysfunctional household, one that is a long way away from the loving family homes that the majority of us have enjoyed. National data shows that 80% will come from households with incidents of domestic violence, alcohol issues or substance misuse, often all three. The young person will have been a victim of this, not a perpetrator.
- Just 2% of children are taken into care because of their own 'socially unacceptable behaviour'. Despite this a report published by Ofsted found that nearly half of children in care are afraid of prejudice or bullying or of being treated differently if people find out their backgrounds.
- 214 Nottinghamshire children in care originate from Ashfield, more than any other district. Only one lives in a children's home in Ashfield as the Authority does not have enough homes in the area.
- The one proposed is not a new or untried model of a children's home. Homes2Inspire has opened similar homes in the County and these are working really well and are assessed as good in all areas by Ofsted.
- A thorough risk assessment is undertaken when developing any children's home – Ofsted's registration process demands as much. But it absolutely does not consider whether an area is 'too good' or 'too nice' for a home for children in care. Quite the opposite. Ofsted's location risk assessment requires confirmation

that a local area is itself a suitable place for children in care to live (little or no crime; good local schools etc) Sudbury Drive fits the bill really well in this regard.

- Wouldn't we Chair, in discharging our role as corporate parents, want nothing less than the best for these young people? The CEO and trustees of Homes2Inspire, some of whom have been in care themselves, want to improve the life chances of these young people.

The following point was then clarified: -

- Engagement with the community will begin if planning permission is granted, this process will not commence until after permission is granted in order not to fetter any consultation. If permission is granted then a similar process to that used previously will begin which will include the holding of engagement events where there will be the opportunity to meet staff and young people.

With the permission of the Chair, Councillor Tom Hollis, as the local member, was then given the opportunity to speak and **a summary** of that speech is set out below:

- This is the first time in my 10 years as a County Councillor that I have spoken at the Planning Committee which I think demonstrates the importance I attach to this application.
- I am concerned that members are not getting all relevant information.
- I recognise as councillors that we are guided by the professional advice given to us by officers but in this case two sets of officers have arrived at two different conclusions. Ashfield District Council would refuse permission. The only reason this decision is not being made at a district level is that NCC owns the property.
- I hope members will respect my position as a local member and either refuse permission or defer a decision so a site visit can be undertaken and members can be furnished with more information.
- Ashfield DC would have refused permission as such homes are only allowed where the amenity of neighbours is protected. We have heard today that this development will impact on residents in terms of parking and disturbance.
- I do support these types of property, I know the type of children such homes are for. 90% of the children in care in Nottinghamshire come from Ashfield and I want the suitable properties to be in Ashfield but in the right location.
- We have heard residents' concerns. On Homes2Inspire's website it is recognised that there is an increased chance of police call outs to these types of property. The nature of the children who live in these properties means that it has not been possible to foster them or provide them with other care alternatives.
- I recognise that these young people are not bad but there is an increased likelihood that these young people are troubled. It is disingenuous to say that this is not the case. Foster carers do not need permission as there is not an increased chance of problems occurring.

- I have major concerns about parking. Four spaces were originally planned but after objections this was decreased to three – which I think will exacerbate the problem.
- There could be three permanent staff on site, including the manager. During changeover there could be 5 staff present. If the children are home schooled a tutor for each child could be present. Friends and family could also visit in cars. The report suggests this property is the same as others in the area and this is not the case.
- I am concerned at the potential reputational damage to NCC if this development is given permission. NCC is not following its own guidelines contained in its Highway Design Guide. Some white line marking has been in the wrong place for 20 years. Another applicant would be treated very differently in these circumstances.
- I find it bizarre that permission is only being sought for a two year period. The authority will spend a substantial amount of taxpayers' money doing up the property and resurfacing the drive for it to be used potentially for only two years.
- Why weren't residents consulted beforehand and an open dialogue entered into as would happen with any other developer?
- I reiterate that I welcome these types of properties in my division and I will do everything in my power to help. I offer Ashfield DC's help in finding suitable properties in Ashfield as I recognise that we do need more of these types of properties in the Ashfield area, these children should be kept in the district, but the properties need to be in the right locations. I believe there are more suitable properties available with access to bus stops and amenities etc that this property lacks.
- I urge members to refuse permission or defer until more information is available.

Members then debated the item and highlighted the following:

- Addressing members' concerns about on-street parking and highway safety issues, it was acknowledged that not all the demand for parking would be met by the on-site provision, with the staff handover period likely to be a peak time, but there is much on-street parking available. Consideration has also been given to moving the traffic calming hump. Officers were of the opinion that the parking situation would not erode the amenity of residents such that planning permission should be refused.
- Permission is only being sought for two years as it is recognised that this application is causing concern in the local area. A two year permission will allow the home to be seen in operation, its effects assessed and more information will be available when the application comes back for further approval.
- In terms of other sites being more suitable – the application site is approximately 700m from the retail centre of Huthwaite, 820m from Huthwaite Library and the nearest bus stop is 240m away. The young people living on Sudbury Drive would

have the same access to community facilities as the current residents on the estate.

- The report makes clear that the property is not for housing young offenders.
- Some members requested a site visit before a decision was made on the application. The Chair questioned the need for such a visit stating that members had been in receipt of the report and plans for some time and members could have visited the site in their own time had they wished to do so.

Following the debate, a motion was moved by Councillor Creamer and seconded by Councillor Williamson:

That a site visit to 32 Sunbury Drive, Huthwaite be made by members of the Planning & Rights of Way Committee before a decision on the application is determined.

The motion was put to the vote and was not carried.

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

RESOLVED 2021/013

That planning permission be granted for the purposes of Regulation 3 of the Town and Country Planning General Regulations 1992 subject to the conditions set out in Appendix 1 of the report.

6.VARIATION TO HOURS OF WORKING AND LIGHTING – TWO OAKS QUARRY, COXMOOR ROAD, SUTTON IN ASHFIELD

Mr Smith introduced the report which considered an application seeking variations to two planning conditions to enable 24 hour mineral processing between Mondays to Saturdays, together with any necessary servicing and maintenance of plant and machinery during those times, along with extended operation of the site floodlighting. Mr Smith informed members that the proposal had been amended during its consideration to remove a proposal to undertake mineral *extraction* over 24 hours. Mr Smith clarified that any night time servicing and maintenance of plant and machinery would be for urgent or emergency situations only, with the more routine maintenance being undertaken during the existing daytime hours.

The following point of clarification was then addressed:

- There is a peak in demand in May/June each year for the quarry's products, especially when the football season ends, but there has been a general uplift in the volume of products sold.

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

- Two Oaks Quarry is unique in that it is the sole quarry producing specialist silica sands within the County of Nottinghamshire and as such the site makes a significant contribution to the local economy by way of rate contributions, day to day purchases of supplies, the use of specialist local contractors and the use of local hauliers to deliver quarry products.
- The quarry produces a range of specialist industrial, sports construction sands and specialist 'fibre sand' products for equestrian and sports use, along with top dressing of bowling greens, football pitches and golf courses within the UK.
- The high quality silica sand has developed a national reputation as being Number 1 for sports sand supplying all the materials to local and national premier league and championship clubs. Manchester City, Liverpool, Newcastle and Leicester to name but a few. Our asphalt sand is recognised as the best in the industry and as such can travel nationally whereas other sands cannot. It should be noted that Mansfield Sand have also made it through to the Nottingham business awards final for the company of the year supported by their responsible, sustainable and entrepreneurial approach to business ethics.
- The Covid 19 crisis initially saw sales flatline from April 2020, which was mirrored across the entire quarrying industry and which threatened to damage the core of Mansfield Sand. However, the last 12 months has seen a significant uplift in sales due to the strong relationship we have built with external stake holders. As the PM has vowed to 'build Britain' we have therefore picked up new customers in Wales and Scotland and who now rely heavily on us and who form a backbone to the business which has helped to keep the company afloat throughout the pandemic.
- It is therefore imperative to process stockpiled sand within extended working hours. The need for this is business critical and without this extension in hours it will not be possible to provide stability to the company and the local economy. The applicants are therefore looking to 'future proof' the site and wish to increase sand output, but without exceeding the approved hours of sand extraction in the quarry area or increasing HGV movements. By doing so the processing plant with its extended hours will be able to continue production at good levels to take the quarry through the various phases of its approved development.
- The specialist noise air emission and ecological studies accompanying the application have shown that in the opinion of the company's consultants, the increased hours of working will have negligible or no impact. However, the applicants recognise that operations should still stay within the scope of the approved planning conditions and are not proposing to extract sand during night-time working hours or generate any night-time HGV movements. It is considered that the development is acceptable and there will be no environmental harm associated with the increase in operating hours proposed.
- The applicant has a first class relationship with the local community through the quarry liaison group and meetings are relatively infrequent at the request of attendees as the quarry operates without disturbance or concerns to local stakeholders.

The following points of clarification were then addressed:

- The site's lights will be turned off when requested by the local observatory, who are part of the liaison group.
- There are 116 lights on site and 47 have been changed to LED bulbs at a cost of £5k each. Ultimately all of the bulbs will be changed to LEDs.

Members then debated the item and highlighted the following:

- There were a number of objections to this site when permission was first sought in 2013. There are no objections today meaning the original concerns have not materialised.
- The site operates unnoticed by locals, HGV movements are rarely seen and there are no noise or lighting issues.
- This is a successful local business that should be supported.

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

RESOLVED 2021/014

That section 73 planning permission be granted subject to the conditions set out in Appendix 1 of the report.

7. DEVELOPMENT OF A WASTE MANAGEMENT FACILITY – LAND OFF PRIVATE ROAD NO.3, COLWICK INDUSTRIAL ESTATE

Mr Hankin introduced the report which considered a planning application for the development of a new waste transfer station. Mr Hankin informed members that the key issues related to the need to develop a replacement waste transfer station to manage municipal and commercial/industrial waste streams and the potential benefits of enabling this waste to be managed locally in compliance with the waste hierarchy, the suitability of the site for the development, and consideration of potential environmental effects.

Mr Hankin informed Committee that the Constitutional Comments, which in the report stated would be delivered orally at the meeting, confirmed that the decision fell within the Terms of Reference of the Planning and Rights of Way Committee.

Members then debated the item and highlighted the following:

- It is recognised that a new site is needed following the fire at Freeth Street.

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

RESOLVED 2021/015

That planning permission be granted subject to the conditions set out in Appendix 1 of the report.

8. REGISTERING A NEW TOWN OR VILLAGE GREEN BETWEEN BACK LANE AND THE PINFOLD, MISSON

Mr Lewis introduced the report which considered an application submitted by Misson Parish Council to voluntarily register an area of land between Back Lane and The Pinfold, Misson, as a Town or Village Green.

Following Mr Lewis's introduction, Members then debated the item and highlighted the following:

- Committee welcomed such an application submitted for the right reason – an area to be restored as an historical feature and not for purely commercial considerations.

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

RESOLVED 2021/016

That the voluntary registration by Misson Parish Council of a town or village green between Back Lane and The Pinfold, Misson be endorsed.

9. DEVELOPMENT PROGRESS MANAGEMENT REPORT

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

Mr Smith drew Members' attention to forthcoming applications concerning Bantycok Quarry and Barton in Fabis and the Chair asked officers to arrange site visits before the applications came before Committee for decision.

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

RESOLVED 2021/017

That the contents of the report be noted.

The meeting closed at 12.22pm

CHAIR



2nd 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

0115 9932582

For any enquiries about this report, please contact the report author.

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RECOMMENDED PLANNING CONDITIONS

Scope of development granted planning permission

1. Retrospective planning permission is granted to regularise the extraction of an additional 528,000 tonnes of mineral originating from the eastern extension area of the planning application site and to agree a revised restoration scheme for the wider quarry area. The development shall be carried out in accordance with the following drawings:
 - a. Site Ownership Plan April 2018 received by the Minerals Planning Authority (MPA) on 16th May 2018.
 - b. Plan PA2: Site Plan – JAN 2018 received by the Minerals Planning Authority (MPA) on 12th January 2018.
 - c. Plan PA3: Extraction Areas received by the MPA on 12th January 2018.
 - d. Plan PA4: Cross Sections Plan received by the MPA on 12th January 2018.
 - e. Proposed Quarry Restoration Phase 1 – October 2021 received by the MPA on 14th October 2021.

Reason: To define the scope of the planning permission hereby approved and to ensure the site is restored satisfactorily in accordance with Policy DM12 of the Nottinghamshire Minerals Local Plan.

Timescale for the completion of restoration and entry into aftercare at Ratcher Hill Quarry

2. Restoration works to re-engineer the topography of the site and regrade the northern quarry face shall be undertaken before the 31st May 2022 in accordance with the details shown on Drawing: Proposed Quarry Restoration Phase 1 – October 2021 received by the MPA on 14th October 2021.

Reason: To ensure the restoration works are completed within an appropriate timeframe in accordance with Policy DM12 of the Nottinghamshire Minerals Local Plan.

3. Following the completion of site restoration works and no later than the 1st June 2022 the former quarry shall be entered into aftercare. The date of entry into aftercare shall be notified in writing to the MPA.

Reason: To ensure the aftercare of the site is implemented within an appropriate timeframe and thereafter annually reviewed to maximise the potential habitat of the restoration of the site in accordance with Policy DM12 of the Nottinghamshire Minerals Local Plan.

Protection of Ecology

4. Restoration operations that involve the felling, clearing or removal of vegetation or disturbance of bare ground shall not be undertaken during the months of March to August inclusive unless otherwise agreed in writing by the MPA following the submission of a report detailing survey work for nesting birds carried out by a suitably qualified ecologist.

Reason: In the interests of safeguarding nesting birds and to ensure compliance with the Wildlife and Countryside Act 1981 and Policy DM4 of the Nottinghamshire Minerals Local Plan.

5. Prior to the commencement of regrading works on the southern face of the northern lake, a walkover survey shall be carried out by an appropriately qualified ecologist to ensure that protected species have become established within the area of proposed works. The results of the walk-over survey shall be submitted in writing to the MPA. If any protected species are present, a working design, method and timetable to mitigate any undue adverse effects on these species shall be submitted to the MPA for approval in writing. The mitigation measures shall be implemented as approved.

Reason: In the interests of safeguarding nesting birds and to ensure compliance with the Wildlife and Countryside Act 1981 and Policy DM4 of the Nottinghamshire Minerals Local Plan.

Noise emissions

6. Noise levels associated with carrying out the restoration and aftercare of the site shall not exceed 55dbA LAeq 1hr, as measured at any point on the boundary of the site with Ransom Wood Business Park or at any residential property.

Reason: To limit the maximum noise emissions from the restoration and aftercare operations at the site in the interest of protecting amenity and to ensure compliance with Policy DM1 of the Nottinghamshire Minerals Local Plan.

7. All vehicles under the operator's control shall employ broadband reverse alarms.

Reason: To limit the maximum noise emissions from the restoration and aftercare operations at the site in the interest of protecting amenity and to ensure compliance with Policy DM1 of the Nottinghamshire Minerals Local Plan.

Dust

8. The quarry operator shall manage site activities to minimise the generation of dust from operations at the site. These shall include, but not necessarily be limited to any or all of the following steps as appropriate:
- a. The use of water bowsers to dampen operational areas of the site;
 - b. The sweeping of access and haul roads where necessary;
 - c. The minimisation of drop heights during loading and unloading of restoration materials;
 - d. Limiting on-site vehicle speeds;
 - e. Upon request of the MPA, the temporary suspension of restoration operations during periods of unfavourably dry or windy weather conditions.

Reason: To control the level of dust emissions from restoration and aftercare operations at the site in the interest of protecting amenity and to ensure compliance with Policy DM1 of the Nottinghamshire Minerals Local Plan.

Working Hours

9. Restoration and aftercare operations which are audible at the site boundary shall only be carried out between 0600 – 2000 Monday to Friday and 0700 – 1800 on Saturdays. No restoration or aftercare activities which are audible at the site boundary shall be undertaken on Sundays, Public Holidays or Bank Holidays.

Reason: To limit the maximum noise emissions from the restoration and aftercare operations at the site in the interest of protecting amenity and to ensure compliance with Policy DM1 of the Nottinghamshire Minerals Local Plan.

Aftercare

10. Following the completion of all restoration works, the site shall undergo aftercare management for a twenty-year period.

Reason: To provide for aftercare of the restored site, in accordance with Policy DM12 of the Nottinghamshire Minerals Local Plan.

11. A detailed aftercare scheme and strategy setting out the management steps to be taken and their timetabling to create and manage areas of woodland, scrub, acid grassland and heathland habitat across the site shall be submitted to the MPA for its written approval no later than the 28th February 2023. The detailed aftercare scheme shall be consistent with the strategy set out within the documents: Mansfield Sand Company Ltd Supplementary Application Statement: Ratcher Hill (Doc. Ref. MGO/RHQ/JANUARY 2021) and Ratcher Hill Quarry – Aftercare Scheme Appendix A – Proposed outline aftercare scheme received by the MPA on 16th July 2021. The aftercare scheme shall include but not be restricted to details of the following:

- a. Cultivations and seed mixes which shall utilise native species and shall be of local origins;
- b. A method statement to explain how the heathland habitats will be created and managed. The heathland areas shall be formed to have a varied microtopography, with humps and hollows, low south-facing banks, areas of bare of sand and shallow pools/scrapes.
- c. Arrangements for managing habitats, including the management of broom and other invasive species within the restored habitats.
- d. The retention of boundary fencing around the boundaries of the quarry including arrangements for ongoing inspection and replacement when required.
- e. Measures to maintain and improve water quality within the areas of open water within the site.

Reason: To provide for aftercare of the restored site, in accordance with Policy DM12 of the Nottinghamshire Minerals Local Plan.

- 12. An annual report of aftercare operations shall be submitted in writing to the MPA between 31 March and 31 May each year for the twenty-year duration of aftercare obligations on the site. The report shall incorporate a summary of aftercare management works undertaken over the previous 12-month period including a review of its performance and a timetable of works planned to be undertaken over the next 12-month period.

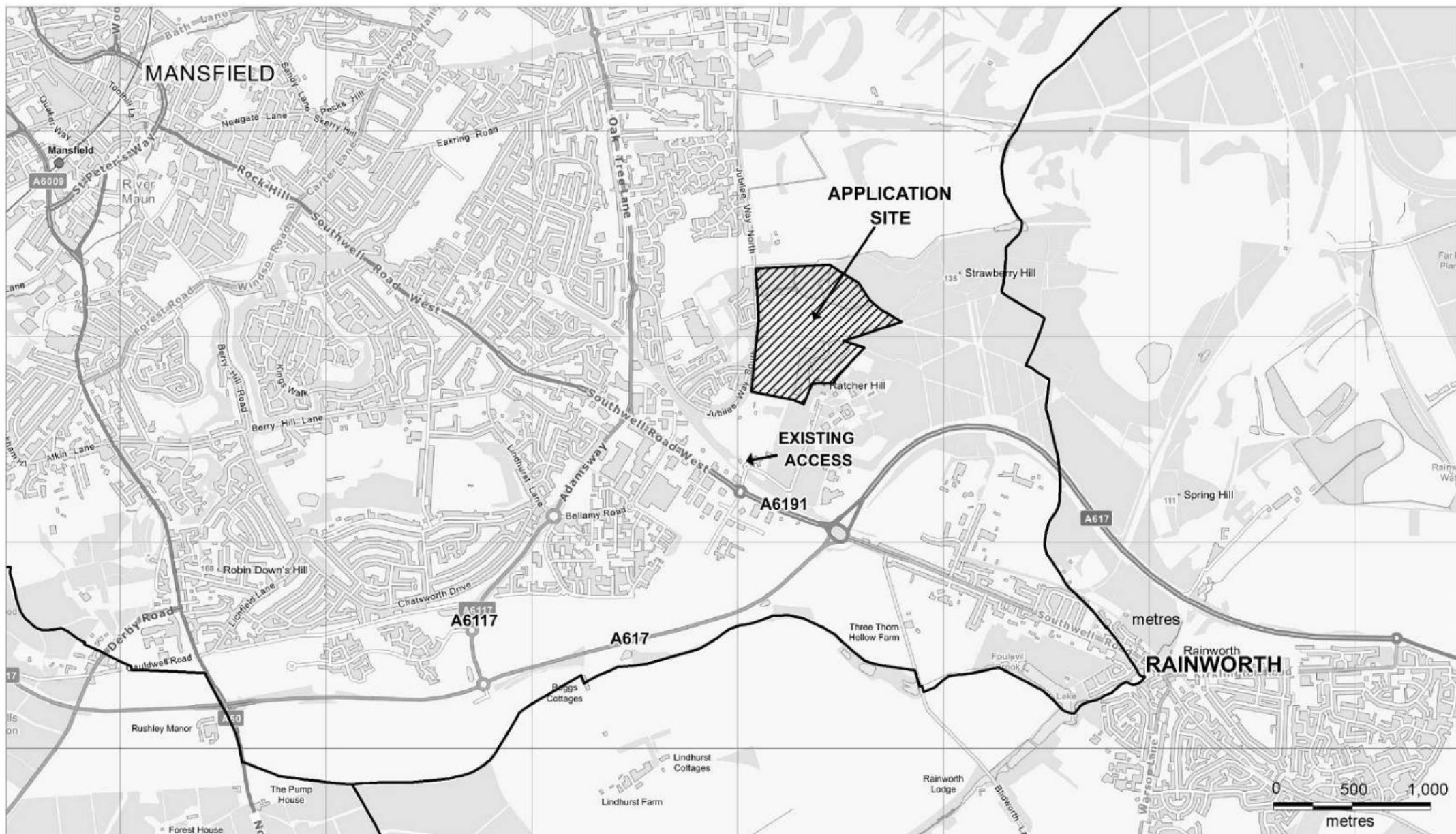
Reason: To provide for aftercare of the restored site, in accordance with Policy DM12 of the Nottinghamshire Minerals Local Plan and ensure the land is managed to maximise its ecological value.

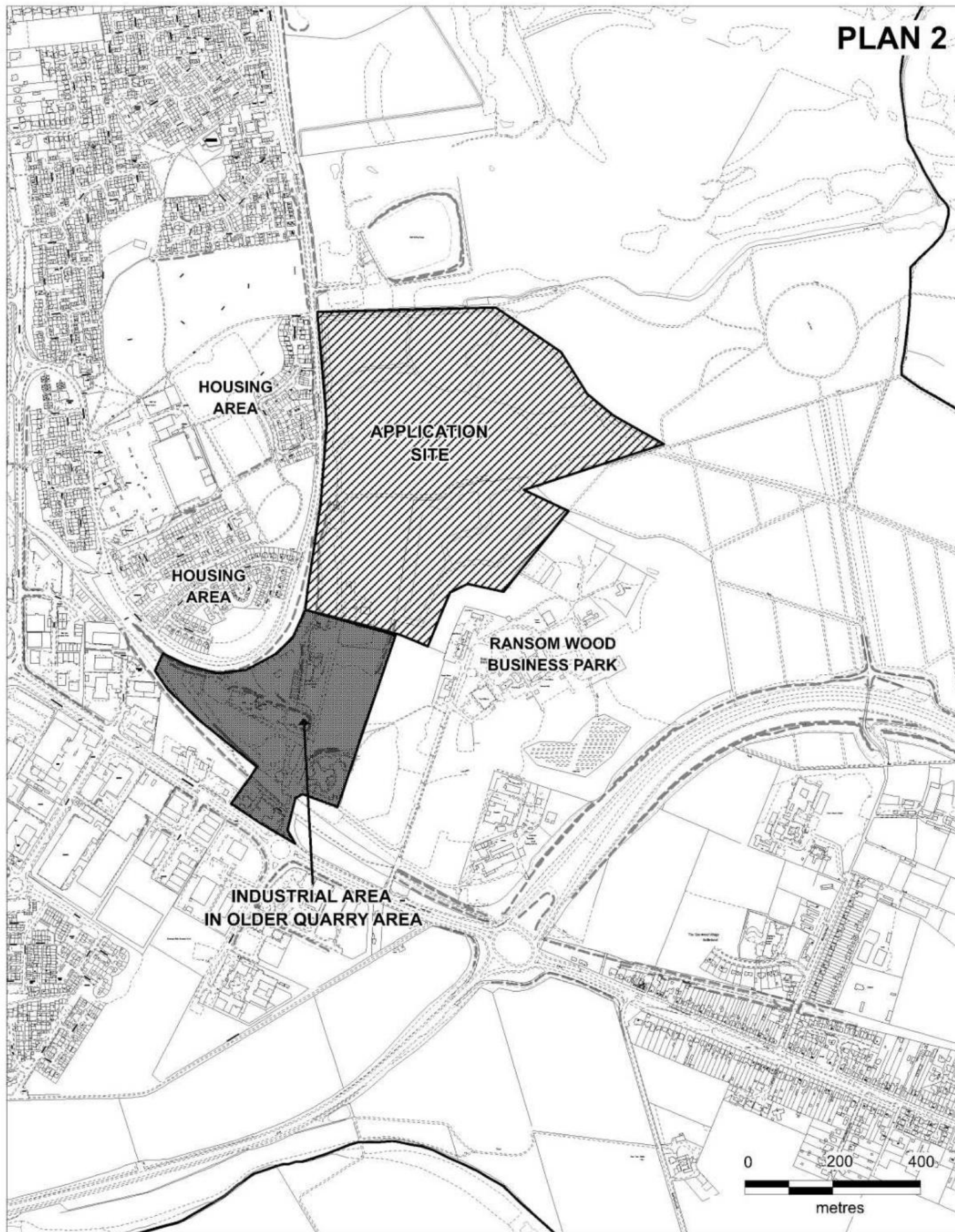
- 13. Site management meetings shall be held with the MPA each year to assess and review the detailed annual programmes of aftercare operations referred to in Conditions 10, 11 & 12 above. Any management recommendations agreed during the annual site management meeting shall be incorporated into the aftercare arrangements for the site.

Reason: To provide for aftercare of the restored site, in accordance with Policy DM12 of the Nottinghamshire Minerals Local Plan.

Informatives/notes to applicants

None





**Nottinghamshire
County Council**

Retrospective permission for silica sand extraction and associated revised
site restoration proposals.
Ratcher Hill Quarry, Southwell Road West, Rainworth, Mansfield, Nottinghamshire.
Planning Application No: 2/2018/0040/NCC

Page 37 of 62

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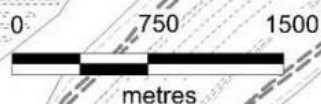


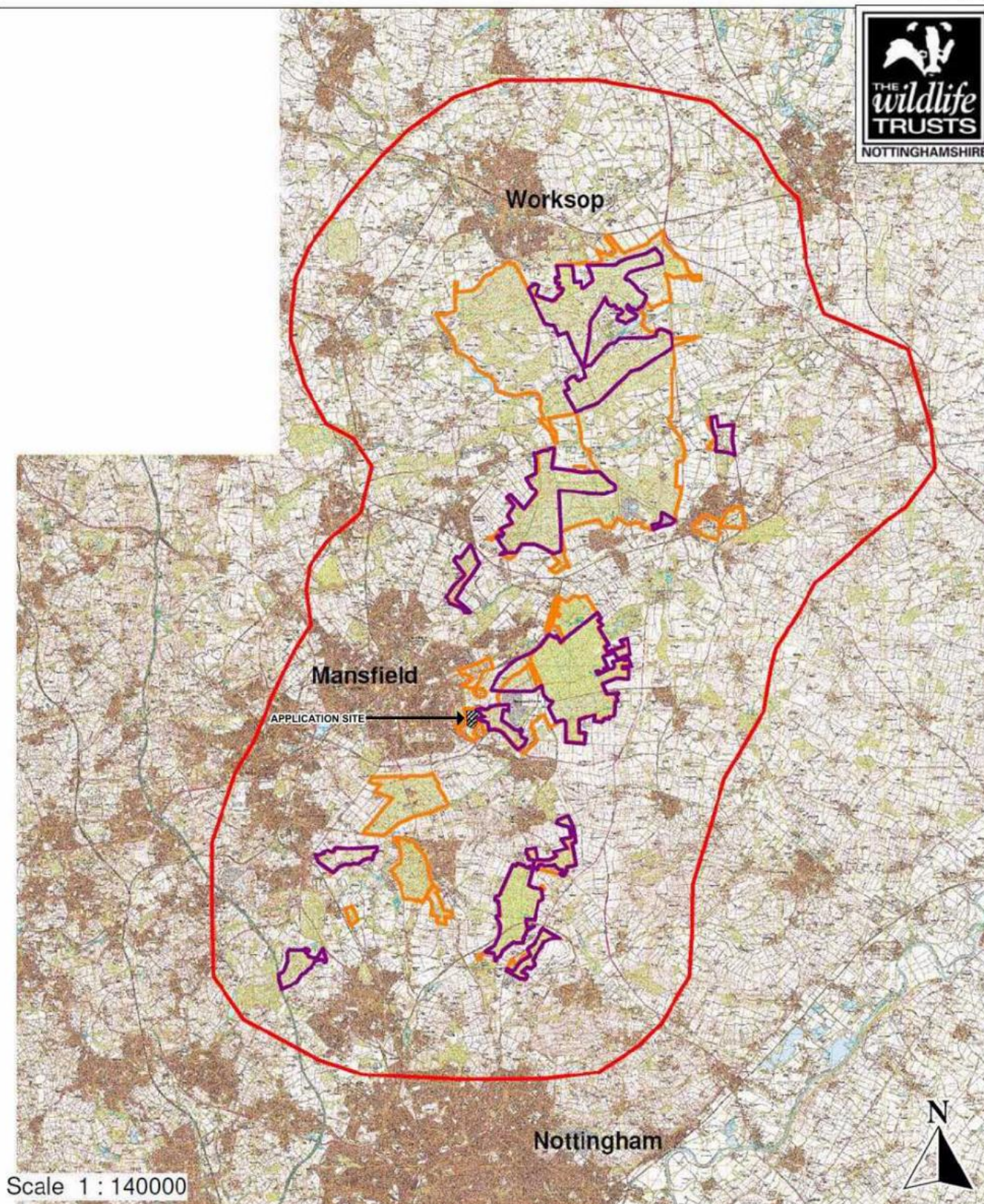
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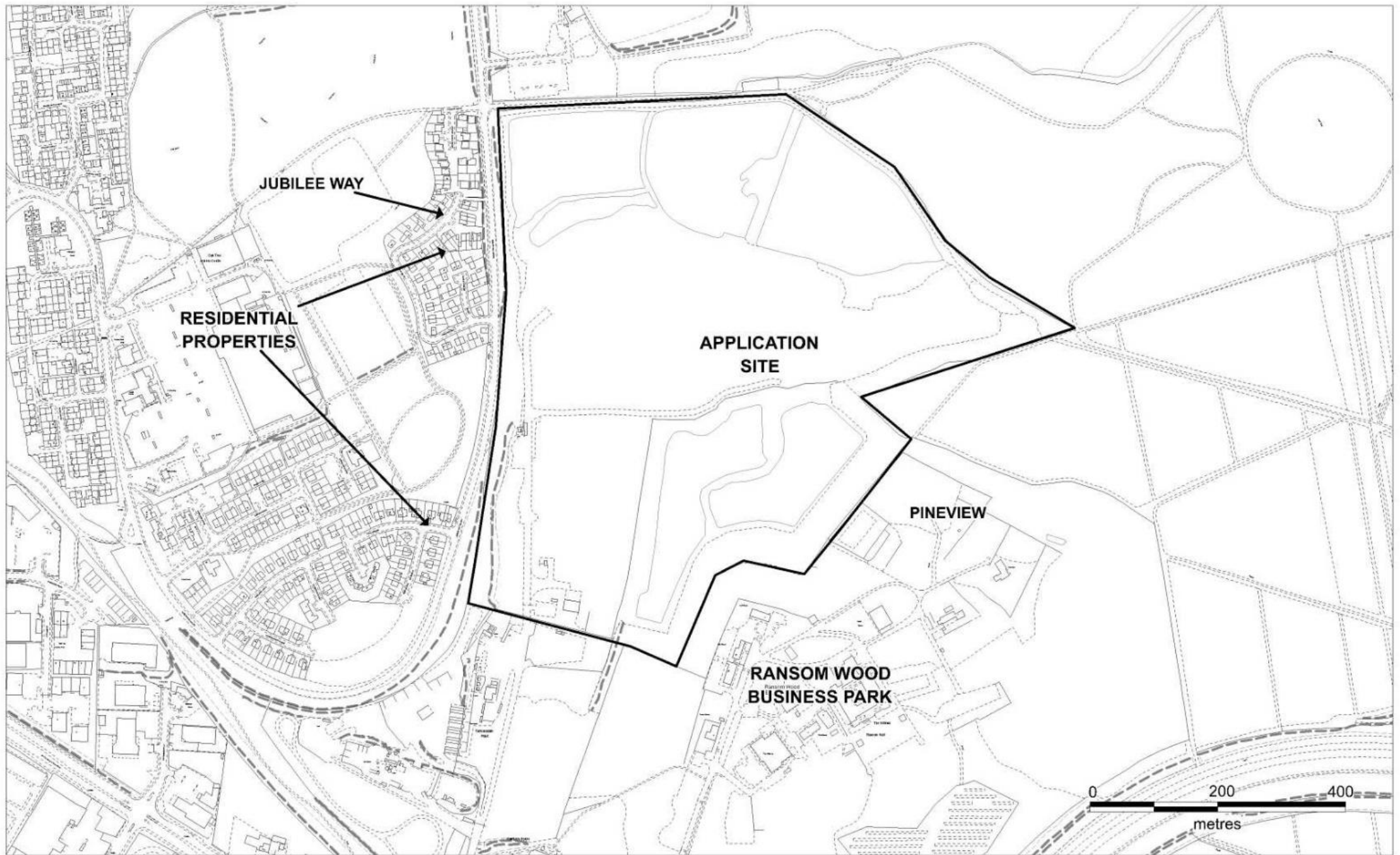
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APPLICATION SITE BOUNDARY





- Key**
- RSPB IBA Boundary with 5Km buffer
 - NE Indicative Core Area
 - RSPB IBA Boundary



**Nottinghamshire
County Council**

Retrospective permission for silica sand extraction and associated revised site restoration proposals.
Ratcher Hill Quarry, Southwell Road West, Rainworth, Mansfield, Nottinghamshire.
Planning Application No: 22/48/0040/NCC

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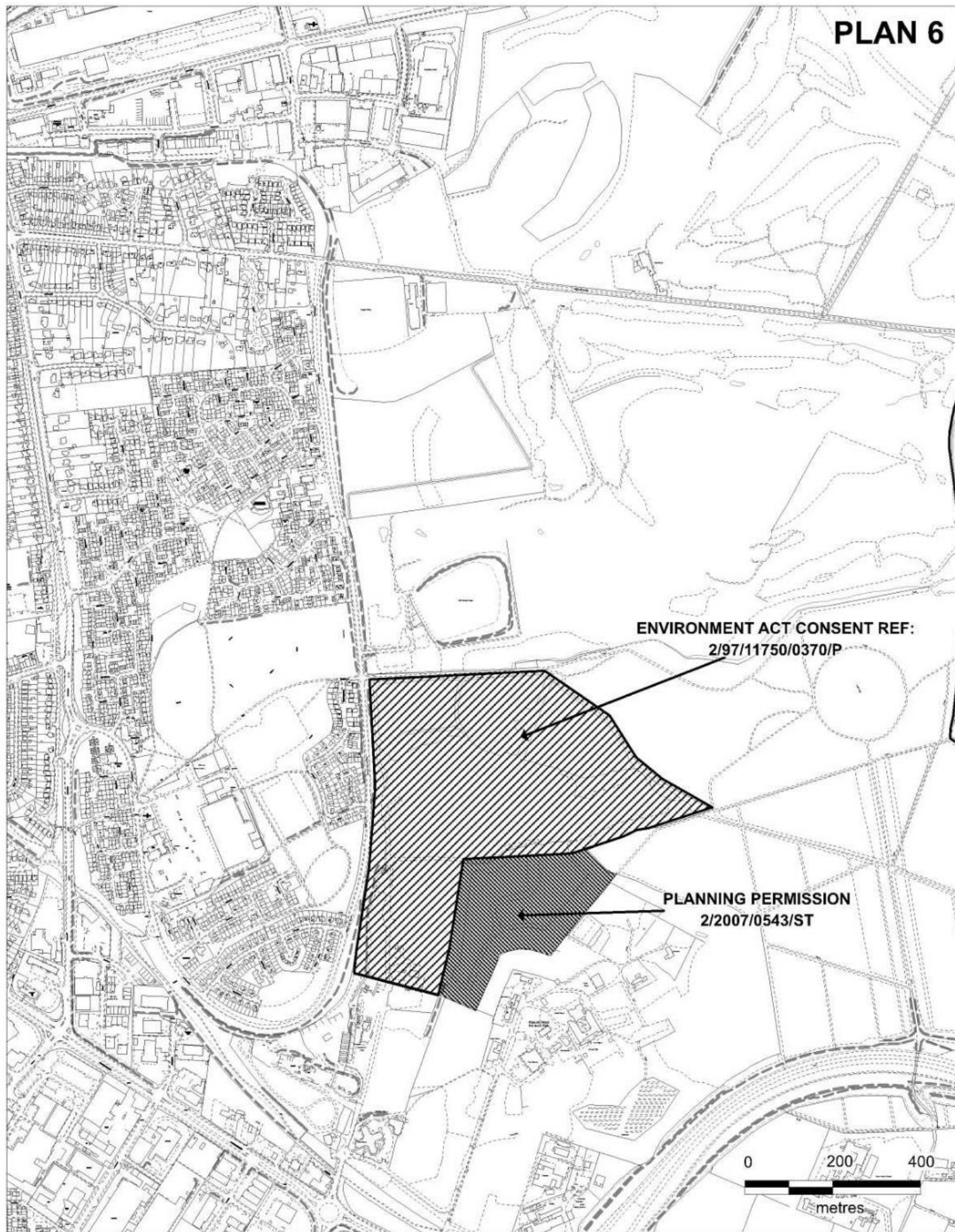
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PLAN 5



**Nottinghamshire
County Council**

Retrospective permission for silica sand extraction and associated revised
site restoration proposals.
Ratcher Hill Quarry, Southwell Road West, Rainworth, Mansfield, Nottinghamshire.
Planning Application No 2/2018/0040/NCC

Page 45 of 62

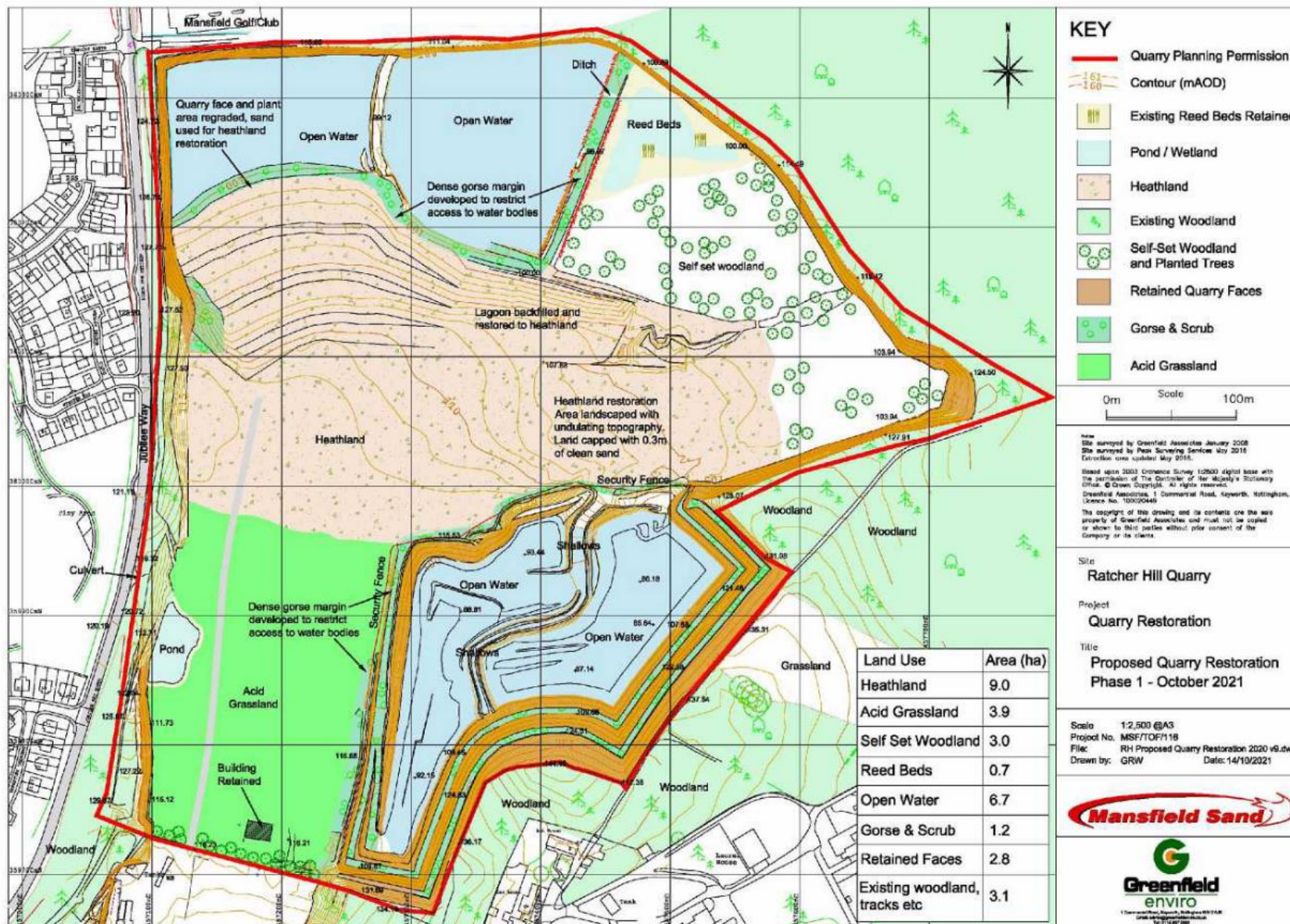
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Date: NOV 2021



2nd November 2021**Agenda Item: 6****REPORT OF CORPORATE DIRECTOR - PLACE****DEVELOPMENT MANAGEMENT PROGRESS REPORT****Purpose of the report**

1. To report on planning applications received by the Development Management Team between 26th August 2021 and 13th October 2021, to confirm the decisions made on planning applications since the last report to Members on 14th September 2021, and to detail applications likely to come before Committee in the coming months.

Background

2. Appendix A highlights applications received since the last Committee meeting, and those determined in the same period. Appendix B sets out the Committee's work programme for forthcoming meetings of Planning and Rights of Way Committee and Members are asked to give consideration to the need for any site visits they consider would be beneficial on any application scheduled to be reported to committee in the near future.

Review of the County Council's Validation Local List

3. Since 2008 local planning authorities have been required to publish a list of information they require to "validate" the planning applications they receive. This Validation list forms two components, the national requirements, and secondly, specific local validation requirements known as the "Local List". The Council last adopted its validation requirements in February 2020. The Government requires local planning authorities to operate a "local list" which is no more than two years old. Additionally, since 2020 there have been some changes to planning legislation, policy and guidance and therefore officers have commenced a review of the Local list. Consultation with internal and external consultees (including with County Council members) on this revised document has commenced.
4. Following this consultation period, the County Council will consider all the comments received and amend the Validation Guidance as appropriate. The final Guidance Note on the Validation of Planning Applications will then be reported to this Committee in January 2022 for approval. If approved this will

replace the current Validation Guidance and will form the basis on which applications are deemed valid by the County Council

Statutory and Policy Implications

5. 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.
6. 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, however, there are no impacts of any substance on individuals and therefore no interference with rights safeguarded under these articles.

RECOMMENDATIONS

7. That the contents of the report be noted.

ADRIAN SMITH

Corporate Director - Place

Constitutional Comments – (RHC 14/10/2021)

Planning and Rights of Way Committee is the appropriate body to consider the contents of this report.

Financial Comments – (RWK 18/10/2021)

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

Background Papers Available for Inspection

None

Electoral Division(s) and Member(s) Affected

All

For any enquiries about this report please contact:

Report Author / Case Officer
Rebecca Kirkland
0115 993 2584

Planning Applications Received and Determined
From 26th August 2021 – 13th October 2021

Division	Member	Received	Determined
BASSETLAW			
Worksop North	Cllr Callum Bailey	Prior Notification of demolition at James Hince Court Elderly Persons' Home; received 09/09/2021.	Prior Notification of demolition at James Hince Court Elderly Persons' Home; GRANTED on 07/10/2021.
Worksop North	Cllr Callum Bailey	Erection of 2.0m high Heras Pallas Fencing & gates in green RAL 6005 at James Hince Court Elderly Persons' Home; received 16/09/2021.	
MANSFIELD - NONE			
NEWARK & SHERWOOD			
Southwell	Cllr Roger Jackson	Landscaping of an additional lake area at Coneygre Farm, Hoveringham utilising inert material imported via an existing access off Thurgarton Lane (and utilising internal haul roads and ancillary facilities) to extend and improve the existing angling area at Coneygre Lakes; received 07/10/2021.	

Division	Member	Received	Determined
Ollerton	Cllr Pringle and Cllr Carlton		Environmental Impact Assessment (EIA) Scoping Opinion for the A614/A6097 Major Road Network Improvement Project between Ollerton and East Bridgford in accordance with Regulation 15(1) of The Town and Country Planning (EIA) (England and Wales) Regulations 2017 (as amended). This project consists of six schemes (namely <u>Ollerton roundabout</u>; Mickledale Lane junction; White Post roundabout; Warren Hill junction; Lowdham roundabout and Kirk Hill junction); Scoping Opinion Issued on 13/09/2021.
Farndon and Trent	Cllr Saddington		Application to the Department for Business, Energy, and Industrial Strategy (BEIS) under Section 36C of The Electricity Act 1989 to authorise the operation of Staythorpe Power Station at an increased electrical capacity of up to 1,850MW at Staythorpe Power Station; advice given on 07/09/2021.

Division	Member	Received	Determined
ASHFIELD			
Sutton Central & East	Cllr Deakin		Variation to hours of working and lighting (conditions 21 and 15 of planning permission 4/V/2019/0300). Mineral conveying, processing/treatment, & servicing, testing, maintenance of plant/machinery to 24 hours per day Mondays to Saturdays inclusive. (No working on Sundays or Bank/Public Holidays). No changes to the times for mineral extraction, soils or overburden stripping, or the hours that vehicles may enter or leave the site. Variation to allow for floodlighting during extended working hours (Revised proposal), at Two Oaks Quarry; GRANTED on 16/09/2021.
Sutton North	Cllr Smith		Courtyard Infill extension to provide two Key Stage 2 Classrooms at St Andrews Church of England Primary School; FORMAL APPLICATION BUT DEEMED PERMITTED DEVELOPMENT on 24/09/2021.
Sutton West	Cllr Hollis		Change of use from a residential dwelling to a small (2-bed) home for children in the care of the local authority. Alteration of front drive at 32 Sudbury Drive; GRANTED on 16/09/2021.

Division	Member	Received	Determined
BROXTOWE - NONE			
GEDLING			
Carlton East	Cllr Mike Adams		Development of a waste management facility comprising a waste transfer station incorporating refuse derived fuel (RDF) production, a two storey office/welfare building, fire water tank and pump house, two weighbridges, a weighbridge office, parking areas for HGVs and staff and visitors, odour abatement system with 17.5m stack, external bays for the storage of inert materials, glass, road sweepings an area for the storage of bin skips, perimeter fencing, fuel tank and associated works at Land off Private Road No. 3, Colwick Industrial Estate; GRANTED on 14/09/2021.

Division	Member	Received	Determined
RUSHCLIFFE			
Leake and Ruddington	Cllr Matt Barney & Cllr Reg Adair	Erection of 120 Place Temporary School Learning Village Accommodation with temporary lit access road and permanent lit access path. Associated areas of soft play, canopies, car parking and surface water balancing pond at Sheepwash Way, East Leake; received 23/09/2021.	
Bingham East	Cllr Purdue-Horan & Cllr Clarke & Cllr Upton		Environmental Impact Assessment (EIA) Scoping Opinion for the A614/A6097 Major Road Network Improvement Project between Ollerton and East Bridgford in accordance with Regulation 15(1) of The Town and Country Planning (EIA) (England and Wales) Regulations 2017 (as amended). This project consists of six schemes (namely Ollerton roundabout; Mickledale Lane junction; White Post roundabout; Warren Hill junction; Lowdham roundabout and Kirk Hill junction) ; ISSUED on 04/10/2021.

Schedule of future planning applications to be reported to Planning and Rights of Way Committee

(Please note: The committee dates identified are for guidance only. A final decision regarding the committee date is not made until shortly before the agenda is published).

Target Committee	Planning App No.	Location	Development
14 th December 2021	3/21/00147/CMM	Bantycok Quarry, Staple Lane, Balderton, Newark on Trent	Proposed southern extension to Bantycok Quarry, extension to the time limit for mineral operations until 31st December 2044 and amendments to the restoration scheme
14 th December 2021	8/21/02694/CTY	Sheepwash Way, East Leake	Erection of 120 Place Temporary School Learning Village Accommodation with temporary lit access road and permanent lit access path. Associated areas of soft play, canopies, car parking and surface water balancing pond
25 January 2022			Review of the validation requirements for planning applications
Stand-alone committee to be arranged	8/17/02096/CMA	Land off Green Street, Mill Hill and land at Barton in Fabis, off Chestnut Lane, Nottingham	The extraction and processing of sand and gravel, including the construction of a new site access road, landscaping and screening bunds. Mineral washing plant and other associated infrastructure with restoration to agriculture and nature conservation areas.

Planning Applications currently being processed by the County Council which are not currently targeted to a specific meeting of the Planning and Rights of Way Committee.

Planning Application: 3/20/01244/FULR3N
 Location: British Sugar Corporation Ltd Sports Ground, Great North Road, Newark On Trent, NG24 1DL
 Proposal: Change of use from former sports field to land to be used for conditioning (drying by windrowing) of topsoil material recovered from sugar beet delivered and excavated from soil settlement lagoons onsite, and engineering works to construct an internal access route to serve the soil conditioning area and excavate a flood storage compensation area.

Planning Application: 5/13/00070/CCM
 Location: Shilo Park, Shilo Way, Cossall
 Proposal: Change of use to waste timber recycling centre including the demolition of existing building and construction of new buildings

Planning Application: 3/19/00100/CMM
Location: Cromwell North Quarry, Land Between Carlton on Trent and Cromwell, Newark
Proposal: Proposed extraction of 1.8 million tonnes of sand and gravel together with the erection of mineral processing plant and associated ancillary infrastructure. the provision of a new access, and the progressive restoration of the site to nature conservation over a period of 9 years.

Planning Application: 1/20/00544/CDM
Location: Daneshill Landfill Site, Daneshill Road, Lound, DN22 8RB
Proposal: Temporary operations for 10 years for Soil Treatment Facility including Asbestos Picking Operations