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## **Planning Committee 1 October 2020**

### **Minerals County Matter**

**Application No (District):** [ES.19/02/504 M](#) (East Staffordshire Borough)

**Applicant:** [British Gypsum Ltd](#)

**Description** Southern extension to Fauld Mine to extract gypsum and anhydrite beneath land to the east of Newchurch, including consolidation of the existing planning permissions (ref. ES.10/04/504 M, ES.13/05/504 M, ES.13/06/504 M, ES.13/07/504 M and ES.13/08/504 M) and an extension to the time limit for mineral extraction until 31 August 2038.

**Location:** Land to the east of Newchurch / Fauld Mine

### **Background/ Introduction**

1. The applicant (British Gypsum) supplies UK cement manufacturers with gypsum/ anhydrite, an essential ingredient of cement. British Gypsum are one of five manufactures in the United Kingdom. Fauld Mine is the principal source of gypsum/ anhydrite cement rock in the UK and the applicant indicates that currently there are seven cement works out of 12 that are supplied by Fauld Mine (source: [Mineral Products Association](#)).
2. Underground mining operations for gypsum have been carried out at Fauld Mine since the late 1940s, with extensions granted in the 1950's, 1960's, 1987 and 2010. The mineral extraction currently takes place in accordance with five extant planning permissions (refer to [Appendix 1](#) to this report 'Summary of the relevant planning permissions').
3. This report relates to a planning application for further extension to the mine and seeks to consolidate all remaining permitted mining operations into a single permission. As part of the proposed consolidation of planning permissions, the applicant proposes to relinquish permission to extract mineral under 109 hectares of land.

### **Site and Surroundings**

4. Fauld mine underlies the countryside to the west of Burton-on-Trent and covers an area of approximately 2240 hectares much of which has already been mined. The mine entrance is located at Fauld (Fauld Lane / Coton Lane (DE13 9HT)) which is to the west of Tutbury (shown by a blue star on Plan 1). The surface facilities of the

mine comprise the mine entrances, offices, weighbridge, workshops, conveyors and storage buildings are accessed to the south of Fauld Lane (as shown in the below photographs).



Offices and hardstanding (left) and Warehouses /storage buildings (right)



Weighbridge with conveyor in the background (left) and conveyor (right)

5. The proposed 91-hectare extension shown hatched blue on Plan 1, would extend the mine in a southerly direction. The extension area is 6 kilometres south-west of the mine entrance, to the east of Newchurch and the A515. The proposed extension is also located to the west of the Football Association's development at St George's Park and to the south of Tatenhill Airfield.

## Summary of Proposals

6. The application is accompanied by a large number of documents and plans including:
  - An Environmental Statement including Plans and Appendices for example:
    - Southern Extension Site Plan
    - Consolidated planning application boundary Plan
    - Areas to relinquish Plan
    - Blasting standoffs Plan
    - Phasing Plan
    - 5 year Mining Development Plan
    - Composite Mining Development Plan
  - A Planning and Mineral Development Statement.

7. The development would consist of the following elements:

### **Southern extension**

8. The proposed extension would allow 3 million tonnes of gypsum and anhydrite to be extracted at the current rate of 300,000 tonnes per year.
9. The reserves in the southern extension area would be extracted in conjunction with permitted reserves in the Jackson's Bank area to achieve a blend of cement rock which meets the required cement rock specification and thereby reduces the need to import gypsum from other mines for blending purposes. The applicant also confirms that the proposed extension would be mined before mining re-commences within the area subject to the Rangemoor permission (ref. [ES.13/08/504 M](#)). It is intended that extraction within the proposed extension area would commence in 2021/22.
10. The gypsum and anhydrite in the southern extension would continue to be extracted using the 'drill and blast technique' due to the hardness of the mineral. This technique involves drilling horizontal and inclined holes 3 metres into the face and the seam is blasted using an explosive ('ANFO' a combination of Ammonium Nitrate and Fuel Oil). Mechanical and manual scaling (removal of loose rock from the mine's roof and walls) takes place and the rock is loaded by 'scoop trams' and transported to a primary crusher near the advancing face. The crushed gypsum and anhydrite are moved by an underground conveyor to a secondary crusher before being taken to the surface by conveyor.
11. The crushed gypsum and anhydrite are then either deposited in one of the storage buildings or exported directly to customers.
12. The gypsum and anhydrite are left in situ to create pillars to support the overlying strata ('room and pillar' technique mining). Approximately 25% of the reserve is left to create rectangular 'pillars' that support the strata. The pillars are set out in a grid pattern. The tunnels/ headings are set out using lasers, with the centre line of the tunnel marked in the advancing face (see diagram below).

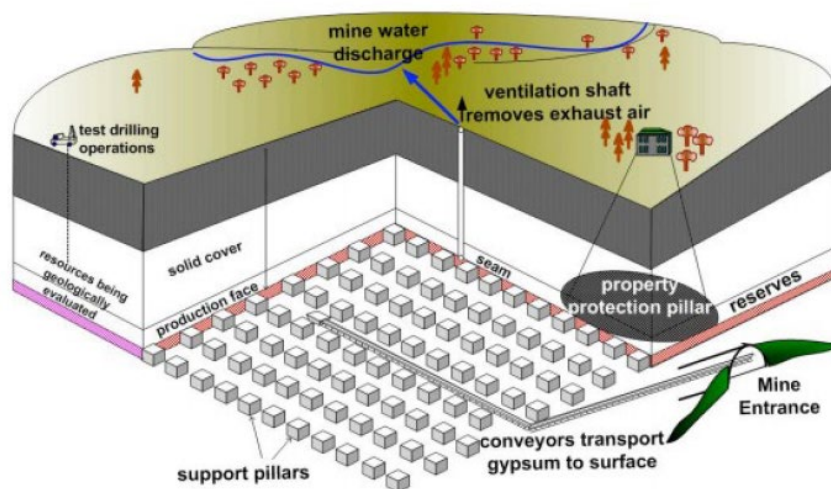


Diagram showing the mineral working by room and pillar method (provided by British Gypsum).

13. The size of the 'pillar' depends on the depth of the working, which is calculated on

half the depth of the mineral. For example, the applicant has indicated that in the vicinity of Newchurch, the seam is approximately 100 metres deep and the half distance would therefore be 50 metres wide (see diagram below)

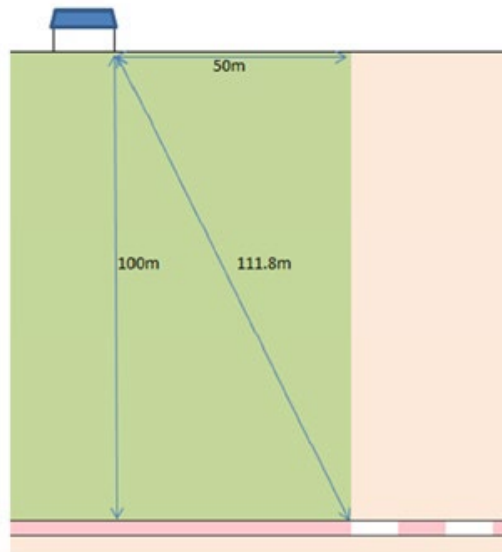


Diagram showing 'property pillar' (provided by British Gypsum).

14. The applicant has confirmed that it has been policy for many years to leave pillars of support to all dwellings to a dimension corresponding to 50% of the depth of workings (known as half depth pillars). The operator has also agreed to a revised working method in the vicinity of St George's Park.
15. The applicant has confirmed that in a typical blast, up to 32 shot holes are fired on each face. The holes are fired in groups separated by small time delays. A typical blast from an individual face would produce around 120 tonnes. Multiple faces are charged and fired daily at the end of a shift to meet the demand and production requirements. Working nine faces per day would produce around 1,100 tonnes of mineral per day.

### Consolidation of the existing planning permissions

16. Mineral extraction is currently covered by five different planning permissions (See Plan 1). The permissions are as follows.

Planning permission	Date	Remaining reserves <sup>1</sup>	Shown on Plan 1
<a href="#">ES.10/04/504 M</a> (‘Jackson Bank’ permission)	21 October 2010	770,000 tonnes	‘Light blue’ area
<a href="#">ES.13/05/504 M</a>	11 October 2013	1.4 million tonnes	‘Pink’ area
<a href="#">ES.13/06/504 M</a>		367,000 tonnes	‘Yellow’ area
<a href="#">ES.13/07/504 M</a>		n/a	‘Green’ area
<a href="#">ES.13/08/504 M</a> (‘Rangemoor’ permission)		3.8 million tonnes	‘Blue’ area

<sup>1</sup> Figures provided by applicant.

17. A Mining Development Plan was approved in 2014 for the 5 permissions granted in 2013 (ref. [ES.13/05/504 M D1](#); [ES.13/06/504 M D1](#); [ES.13/07/504 M D1](#) and

[ES.13/08/504 M D1](#)). A revised Mining Development Plan submitted with the application for the period 2019 to 2023 indicates how the proposed southern extension would be worked together with reserves from other parts of the mine.

18. The application seeks to consolidate the five planning permissions and the proposed southern extension into a single consent.

**Relinquish three reserve areas.**

19. The applicant is proposing to relinquish three permitted reserve areas.
20. The three areas measure approximately 109 hectares in size - approximately 73 hectares below the Football Association's St George's Park complex to the south east of Tatenhill Airfield (within the 'Rangemore' permission and covered by [ES.13/08/504 M](#)) and two areas approximately 36 hectares in size, one below 'Poole's Coppice' and the other below land near to 'Dolefoot Lane' that are not workable due to the presence of water filled fissures above the mine workings (within the 'Jackson Bank' permission [ES.10/04/504 M](#) and covered by [ES.13/06/504 M](#)) (See Plan 2 - 'Areas to Relinquish').

**End date for winning and working of mineral.**

21. The existing planning permissions for the site (see above) all have conditions which specify the cessation of the winning and working of minerals no later than 31 August 2028 (Condition 4 of planning permission ES.10/04/504M; ES.13/05/504M; ES.13/06/504M; ES.13/07/504M and ES.13/08/504M).
22. The applicant is seeking to extend mineral extraction by 10 years until 31st August 2038.

**The Applicant's Case**

23. The applicant has indicated that Fauld mine is a nationally significant mineral and supplies a large proportion of the national supply of gypsum and anhydrite for use in cement manufacture.
24. The applicant has stated that National Planning Policy Framework requires Mineral Planning Authorities to maintain a stock of permitted reserves for industrial minerals to support the manufacture of cement.
25. A 15-year landbank is required for a mine producing gypsum and anhydrite solely for cement manufacture. The applicant has indicated that gypsum and anhydrite extraction is currently taking place in two working districts and it has been calculated that the reserves in these two areas are only sufficient to maintain demand until 2021. The additional 3 million tonnes would last around 10-20 years based on current production levels (depending on blending/ mixing with rock from other areas of the mine). The southern extension of the mine and the extension of time would extend the life of the mine until 2038 and would therefore enable the landbank to be maintained.
26. The applicant has also explained that Fauld Mine is a source of 'direct employment' for 43 members of staff and supports 30 'indirect jobs' (3 full time contractors



including cleaning, electrical, mechanical and mining operatives and 27 full time equivalent contractors employed by haulage firms).

27. The applicant has concluded that the proposals would not give rise to any significant adverse environmental effects or amenity impacts for local residents and that any impacts can be maintained within acceptable limits. The applicant considers that the planning application should be approved in line with the presumption in favour of sustainable development.
28. The applicant has provided responses to the points raised by residents (see '[Publicity and Representations](#)' section below), conducted a 'blasting' demonstration for one of the neighbours (the Football Association), revised the extraction limit in the vicinity of a residential property (Spindle Hill House) and in the vicinity of St George's Park and revised the method of working in the vicinity of St George's Park.

### **Relevant Planning History**

29. Underground mining operations for gypsum have been carried out at Fauld Mine since the late 1940s, with extensions granted in the 1950's, 1960's, 1987 and 2010. A summary of the relevant planning permissions is listed in [Appendix 1](#).

### **Environmental Impact Assessment (EIA)**

30. Screening Opinion: NO                      Environmental Statement: YES
31. The findings of the ES (and the environmental information subsequently received) are summarised in [Appendix 2](#).

### **Findings of Consultations**

#### **Internal**

32. The Environmental Advice Team (EAT) commented as follows:
  - Ecology, Tree protection, Landscape - there would be no adverse effects on woodland or watercourses from this proposal. Landscape and tree protection concerns previously raised were connected to potential adverse effects on woodlands in the area, however there are no outstanding issues connected with these either.
  - Archaeology / Historic Environment – given the extraction and mining operations will occur below ground and assurances have been given with regards to the structural integrity of standing heritage assets in the area due to the use of the pillar and room method, designated and non-designated heritage assets are unlikely to be directly or indirectly impacted by the proposals and as such raise no objections on historic environment grounds. A condition requiring historic environment/archaeological mitigation would not be appropriate.
  - Public Rights of Way – there would not be any detrimental effects on the public rights of way network.'
33. Highways Development Control (on behalf of the Highways Authority) – no objection

subject to conditions:

- to require the submission of a methodology for the monitoring of the numbers and routing of traffic accessing and egressing the site. The document should include mitigation measures or a methodology for designing such measures should the traffic vary materially from that detailed in the submitted supporting documentation; (See '[The consolidation of the existing planning permissions](#)' section);
- for access to or egress from the underground workings for the movement of plant, personnel, mineral waste to require the use of existing Fault Mine adits shown on Plan 10 – FAU 309;
- to require the use of the existing access onto Fault Lane shown on Plan 10 – FAU 309;
- to ensure that mud, dirt or other deleterious materials is not carried off-site and that any accidental deposition of mud, dirt or deleterious materials is removed;
- to require haulage vehicles associated with the transport of minerals from the Site be securely sheeted; and,
- to ensure the existing sign displayed at the site access onto Fault Lane requesting that haulage vehicles to turn left when leaving the Site, is maintained at all times.

34. County Council's Noise Engineer – has no objections to the proposals subject to a condition requiring a blast monitoring scheme to be in place to ensure that levels are monitored and actions to be taken in the event that levels are exceeded.
35. The Planning Regulation Team has commented that the only matter outstanding relates to the notification of blasting and the monitoring of vibration at the surface. (condition 13 to 15 of planning permission [ES.13/06/504 M](#)). [Condition 13 requires the Mineral Planning Authority to be notified in advance, in writing, of the times and dates when blasting operations shall take place and the arrangements to be carried out to notify residents likely to be affected. Condition 14 requires prior to any blasting operations taking place that local residents likely to be affected by blasting operations are notified in writing of the times and dates when the blasting operations are due to take place.; Condition 15 requires prior to the carrying out of any blasting operations, the details of the location(s) and arrangement for the monitoring of vibration at the surface should be submitted to the Mineral Planning Authority].
36. Flood Risk Management Team (on behalf of the Lead Local Flood Authority) – no objection.

## **External**

37. East Staffordshire Borough Council - no objection.
38. East Staffordshire Borough Council Environmental Health - no comments.
39. Anslow Parish Council - no response.

40. Draycott in the Clay - no comments.
41. Hanbury Parish Council - no response.
42. Hoar Cross Parish Council - no response.
43. Newborough Parish Council - no response.
44. Tatenhill and Rangemoor Parish Council - no objection.
45. Tutbury Parish Council - no response.
46. Yoxall Parish Council - no response.
47. The Environment Agency has no objections and has commented that the operator will need to obtain a permit to abstract or transfer groundwater.
48. Health and Safety Executive- - no comments.
49. Highways England - no objection.
50. Historic England has no comments to make.
51. Natural England - the proposed development will not damage or destroy the interest features for which the site has been notified (Brackenhurst Site of Special Scientific Interest) and has no objection.
52. National Air Transport Service (NATS) - no safeguarding objection.
53. Cadent Gas Limited - no objections.
54. Western Power Distribution have advised on apparatus that is near to the site.
55. National Grid – no objection.
56. Severn Trent Water Limited - no objection.

## **Publicity and Representations**

57. Site notice: YES      Press notice: YES
58. 554 neighbour notification letters were sent out and 4 representations have been received. The representations are can be summarised below:
  - Excessive vibrations from the operation.
  - Excessive duration of mining
  - Impact on property prices / saleability
  - Proximity to properties
  - Conditions similar to the existing (pillars of support; requirement for revised mine development plans every 5 years; property protection pillars and blast vibration limit) should be included.



59. The Football Association initially objected to the proposals in relation to the infrastructure and the potential for ground deformation at the St George's Park complex. This objection has now been withdrawn following discussions with the applicant, revisions to the method of working and limit of extraction in the vicinity of St George's Park and a separate private agreement between the parties to monitor and if necessary, remedy the effects of the mining.

### **The development plan policies and proposals relevant to this decision**

60. National Planning Practice Guidance – Determining planning application - [How must decisions on applications for planning permission be made?](#) explains that:

'To the extent that development plan policies are material to an application for planning permission the decision must be taken in accordance with the development plan unless there are material considerations that indicate otherwise.

The National Planning Policy Framework represents up-to-date government planning policy and is a material consideration that must be taken into account where it is relevant to a planning application or appeal. This includes the presumption in favour of development found at [paragraph 11 \[not 14 as stated\] of the \[National Planning Policy\] Framework](#). If decision takers choose not to follow the National Planning Policy Framework, where it is a material consideration, clear and convincing reasons for doing so are needed.'

61. The relevant development plans include the Minerals Local Plan for Staffordshire, the East Staffordshire Borough Council Local Plan and three Neighbourhood Plans. The other material considerations include the Government's National Planning Policy Framework and Planning Practice Guidance. The relevant development plan policies and other material considerations are listed in [Appendix 3](#).

### **Observations**

62. Having given careful consideration to the application, environmental and other information, including the environmental information subsequently received, consultee comments and the representations received, the relevant development plan policies and the other material considerations, referred to above, the key issues are considered to be:

- The minerals planning policy considerations;
- The Minerals Local Plan – development considerations;
- The consolidation of the existing planning permissions;
- Other matters raised in representations;
- The Need for a Legal Agreement.

### **The minerals planning policy considerations**

63. National and local mineral planning policies recognise the importance of minerals for sustainable economic growth. The [National Planning Policy Framework](#) (NPPF) contains specific mineral planning policy guidance (Section 17) and provides general planning policy guidance which is underpinned by a presumption in favour of

sustainable development.

64. Paragraph 203 of the NPPF advises that:

‘It is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs. Since minerals are a finite natural resource, and can only be worked where they are found, best use needs to be made of them to secure their long-term conservation’

65. Paragraph 205 of the NPPF states that when determining planning applications, great weight should be given to the benefits of mineral extraction, including to the economy and should:

‘...ensure that any unavoidable noise, dust and particle emissions and any blasting vibrations are controlled, mitigated or removed at source, and establish appropriate noise limits for extraction in proximity to noise sensitive properties’.

66. The [National Planning Practice Guidance](#) states that the planning for the supply of minerals has a number of special characteristics that are not present in other development;

- minerals can only be worked (i.e. extracted) where they naturally occur, so location options for the economically viable and environmentally acceptable extraction of minerals may be limited...;
- working is a temporary use of land, although it often takes place over a long period of time;
- working may have adverse and positive environmental effects, but some adverse effects can be effectively mitigated
- since extraction of minerals is a continuous process of development, there is a requirement for routine monitoring, and if necessary, enforcement to secure compliance with conditions that are necessary to mitigate impacts of minerals working operations, and;
- following working, land should be restored to make it suitable for beneficial after-use’.

[ref. [Minerals, Minerals Overview, What are mineral resources and why is planning permission required?](#)].

67. Paragraph 208 of the NPPF states that Mineral Planning Authorities should plan for a steady and adequate supply of industrial minerals by;

- ‘c) maintaining a stock of permitted reserves to support the level of actual and proposed investment required for new or existing plant, and the maintenance and improvement of existing plant and equipment.

68. Footnote (68) of the NPPF states

‘These reserves should be at least....15 years for cement primary (chalk and limestone) and secondary (clay and shale) materials to maintain an existing plant....’

69. Paragraph 3.17 of the [Minerals Local Plan for Staffordshire](#) (MLP) also confirms that:

‘On the basis that the mineral from Fauld Mine supports manufacturing at several cement works in the UK, a 15 year landbank has been used to plan for the mine’s future. There are reserves to maintain current production at the mine permitted until 2024 but additional resources will need to be developed towards the end of the Plan period to maintain the mine’s landbank. Resources are available within an unimplemented part of an area of search allocated in the old Plan and in view of increasing knowledge of the resource within that area, a revised allocation in the Newchurch area has been identified (refer to Policy 2)’.

70. Policy 2.1 of the [Minerals Local Plan for Staffordshire](#) (MLP) related to the ‘Provision for Industrial Minerals used in the manufacture of cement’ seeks to ensure that:

‘During the Plan period provision will be made to maintain at least 15 years of permitted reserves of:

- b) anhydrite and gypsum from Fauld Mine’;

71. Policy 2.2 of the MLP explains that:

‘This will be achieved from existing permitted reserves and by granting planning permission to extend the existing sites within the areas of search at New House Farm and Newchurch shown on the Policies and Proposals Map and Inset Maps 12 and 13’.

[Note: - Land at New House Farm is the adjacent to Cauldon Cement Works (Inset Map 12) is not relevant to this application.]

72. Paragraph 7.17 of the MLP confirms that

‘On the basis that the mine is producing anhydrite and gypsum for cement manufacture, provision for the mine will continue to be assessed on the basis of a 15 years landbank. Reserves are permitted up to 2028 so that towards the end of the Plan period there is likely to be a requirement to identify additional anhydrite resources to maintain the mine’s production. Again, no reasons have been put forward to change our approach to the level of provision or to allocating what remains of the area of search having already granted planning permission for part of the allocation in [2010](#)’.

73. Commentary: The proposals involve a southern extension to the existing site, the consolidation of the existing planning permissions and an extension to the time limit for mineral extraction until 31st August 2038. The southern extension land is an ‘allocated site’ in the adopted Minerals Local Plan ([Proposal 13 - Fauld Mine \(Newchurch\) Area of Search](#)) [see The Minerals Local Plan – development considerations below].

74. The applicant has indicated that gypsum and anhydrite extraction is taking place in two working districts and it has been calculated that the reserves in these areas are only sufficient to maintain supply until 2021 (although the planning permissions allow the extraction of gypsum and anhydrite to continue until 31 August 2028).
75. The applicant has indicated that the southern extension would release an estimated resource of 3 million tonnes of cement rock quality and would last around 10-20 years based on current production levels.
76. The southern extension would enable the 15-year stock of permitted reserves to be maintained in accordance with policies in the NPPF and the MLP.
77. Policy 2.4 of the [Minerals Local Plan for Staffordshire](#) (MLP) seeks to ensure that:  
  
‘Planning permission will normally be conditioned so that the extension area can only be worked following cessation of mineral working within the existing site unless it has been demonstrated that there are operational reasons why this is not practicable’.
78. Commentary: The applicant has indicated that additional resource in southern extension adjoining the area currently being worked is required to allow the blending of high and low gypsum reserves. This would minimise the amount of higher purity gypsum that would need to be imported to the site to produce the cement rock product and the would utilise the existing mine infrastructure (conveyors, electrical supplies, crushers, workshops, stores, canteen facilities and travel roads).
79. The applicant has also explained that if alternate reserves are worked next, new infrastructure would be required and it would be less economically viable and efficient to maintain infrastructure and operate in two very geographically separate areas of the mine.
80. Conclusion: Having regard to the mineral development plan policies and other material planning policy considerations referred to above, it is reasonable to conclude that the proposal would ensure that the stock of permitted reserves for the production of cement rock from the mine is maintained and that there are operational reasons to justify commencing the mineral operations within the Newchurch area of search ahead of recommencing operations elsewhere in the mine. Therefore, the proposals are considered to be acceptable in principle. The Minerals Local Plan – development considerations are discussed below.

### **The Minerals Local Plan – development considerations for southern extension area**

81. Policy 2.3 of the [Mineral Local Plan for Staffordshire](#) requires that proposals for the Provision for Industrial Minerals used in the manufacture of cement:  
  
‘...will only be supported where it has been demonstrated that they accord with the plan policies, including Policy 4’.
82. Policy 4.1 of the [Mineral Local Plan for Staffordshire](#) requires consideration to be given to the impact of proposal for mineral development on people, local

communities and the environment. For example, the following environmental considerations should be taken into account:

- 'a) Noise....
- c) Visual amenity....
- d) Vibration from blasting operations;
- e) Traffic on the highway network;
- f) Public rights of way and public open space;
- h) The countryside;
- i) Landscape....
- j) Natural environment....'

83. Policy 4.2 of the [Mineral Local Plan for Staffordshire](#) requires

'Where unacceptable adverse effects cannot be avoided, adequate mitigation should be demonstrated. As a last resort, where unacceptable adverse effects cannot be avoided or adequately mitigated, compensatory measures will be taken into account'.

84. Paragraph 7.20 of the [Mineral Local Plan for Staffordshire](#) states that:

'We have identified potential constraints and opportunities that should be taken into account when developing proposals within the areas of search. The development considerations within the areas of search are set out alongside Inset Maps 12 and 13'.

85. The "Development considerations" referred to in paragraph 7.20 of the [Mineral Local Plan for Staffordshire](#) are listed in the Appendix 1 to the [Mineral Local Plan for Staffordshire](#).

86. Commentary: The "Development considerations" and how these have been addressed by the applicant are discussed below:

Development Considerations	How addressed by applicant
The proposal involves underground mining and it is not anticipated that there would be an adverse impact on surface features within the area of search.	Impacts on surface features have been assessed as part of the application and accompanying environmental impact assessment. No unacceptable adverse impacts have been identified.
Mining should take place in accordance with approved measures to safeguard support for residential properties.	The applicant has provided details of the room and pillar mining; the 'property protection pillars' to safeguard properties which will be monitored by maintaining a requirement to produce Mining Development Plans. The Health and Safety Executive have no comments to make.
There may be private water supply sources in the area of search. The	The applicant has indicated there are no licenced groundwater abstractions

impact on such private abstractions should be assessed	within 2km of the proposed extension and there are no records of private water supplies within the same area (para 6.23 of the ES).
It should be ensured there is no increase in flood risk upstream or downstream of the proposed allocated site or loss of floodplain as a result of the mineral workings.	The applicant has indicated that considering the existing measures currently in place, the overall risk of flooding to and from the proposed extension is 'very low'. No further mitigation measures are proposed (para 11.10 of the Hydrological Assessment).

87. Comments from consultees
88. Internal and external consultees have no objections, and specifically in relation to the 'development considerations' referred to above, the County Council's Environmental Advice Team; the Flood Risk Management Team; the Environment Agency and Severn Trent Water Limited had no objection to the proposals.
89. Conclusion: For the reasons describe above, it is reasonable to conclude that the proposed development would not give rise to any materially harmful impacts, subject to the recommended conditions and terms for the Section 106 Legal Agreement referred to below, that the proposals satisfactorily address the "development considerations".

### **The consolidation of the existing planning permissions**

90. The applicant has applied to consolidate 'all the existing planning permissions' (including the proposed extension area) into one planning permission with one set of planning conditions for the area; stating that this would be "easier for all parties to administer".
91. A local resident has also indicated that conditions similar to the existing should be included (pillars of support; requirement for revised mine development plans every 5 years; property protection pillars and blast vibration limit).
92. Paragraph 54 of the [NPPF](#) states that local planning authorities should
- '...consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition'.
93. Paragraph 55 of the NPPF explains that:
- 'Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.'
94. Policy 4.5 of the [Mineral Local Plan for Staffordshire](#) seeks to minimise the impact of mineral development and to ensure higher environmental standards:



‘Mineral operators will be encouraged to introduce higher environmental standards of working, restoration and aftercare’.

95. Paragraph 7.44 of MLP encourages

‘...proposals where environmental improvements can be secured by consolidating existing mineral permissions and by co-ordinating working and restoration; or by developing proposals to work mineral resources in less sensitive areas and relinquishing permitted reserves in more sensitive areas.’

96. Commentary: The extant planning permissions were issued in 2010 (ref. [ES.10/04/504 M](#)) and 2013 (ref. [ES.13/05/504 M](#); [ES.13/06/504 M](#); [ES.13/07/504 M](#) and [ES.13/08/504 M](#)) and include:-

Planning permission	Number of conditions	Condition ‘Headings’
<a href="#">ES.10/04/504 M</a> ('Jackson Bank' permission)	26	<ul style="list-style-type: none"> <li>• Definition of the Permission</li> <li>• Time Limits</li> <li>• Display of Planning Permission</li> <li>• Method of working</li> <li>• Access, Traffic and the Protection for the Public Highway</li> <li>• Notification &amp; Control of Monitoring of Blasting</li> <li>• Groundwater and surface water drainage protection</li> <li>• Restoration, Aftercare and After-use</li> <li>• Expiration of Permission</li> </ul>
<a href="#">ES.13/05/504 M</a>	34	<ul style="list-style-type: none"> <li>• Definition of Consent</li> <li>• Notice of Commencement Time Limits</li> <li>• Display of Planning Permission</li> <li>• Method of Working</li> <li>• Removal of Permitted Development Rights</li> <li>• Notification &amp; Control of Monitoring of Blasting</li> <li>• Groundwater and Surface Water Drainage Protection</li> <li>• Access, Traffic and protection for the Public Highway</li> <li>• Stockpiling and Dispatch Operations</li> <li>• Subsidence</li> <li>• Restoration and Aftercare</li> <li>• Expiry of the permission</li> </ul>
<a href="#">ES.13/06/504 M</a>	35	
<a href="#">ES.13/07/504 M</a>	35	
<a href="#">ES.13/08/504 M</a> ('Rangemoor' permission)	35	

97. The applicant submitted as part of the Planning and Mineral Development Statement a list of ‘Consolidated conditions’ ([Appendix 3 to the Planning and Mineral Development Statement](#)) and these are consistent with the existing permissions detailed above.

98. It is considered that this application provides an opportunity to rationalise the number of planning permissions which allow the extraction of gypsum and anhydrite and that this would assist in the monitoring of the mine and also provides an opportunity to ensure that the conditions are still reasonable and necessary and are up to date.
99. It is considered that the existing conditions set out in the five planning permissions are still reasonable and necessary and are up to date subject to minor modifications (for example to refer to the latest approved plans and documents submitted with this application including the Environmental Statement; to refer to the latest [Town and Country Planning \(General Permitted Development\) Order](#) and to ensure that the terms of the planning permission are made known to the site operators is included as a now an Informative in accordance with current practice). Conditions have been recommended in relation to the existing permissions and the southern extension. Highways Development Control have recommended a condition requiring the submission of a method statement to monitor the number and routes of traffic accessing and egressing the mine. The five current planning permissions granted in 2010 and 2013 do not include conditions to limit on vehicle numbers associated with the mineral extraction. The applicant has confirmed that all Heavy Goods Vehicles exiting the site are required to turn left onto Fauld Lane/Coton Lane then to the A515; the southern extension would not increase production levels; there would be no increase in vehicle movements from the site and the number of vehicle movements is expected to reduce (due to reduction in imports as a result of the higher gypsum content of the reserves). Therefore, the submission of a method statement is not considered to be reasonable and necessary.
100. Conclusion: Having regard to the policies and guidance referred to above, it is concluded that the conditions included in planning permissions [ES.10/04/504 M](#); [ES.13/05/504 M](#); [ES.13/06/504 M](#); [ES.13/07/504 M](#) and [ES.13/08/504 M](#)) are reasonable and necessary to minimise the impact of mineral development and to ensure that Fauld Mine continues to operate to higher environmental standards, subject to amendments relating to the extension area.

#### **Other matters raised in representations;**

101. **Excessive vibrations from the operation** – A local resident has raised a concern relating to blasting /vibration from the mine.
102. Conditions were included in the 2010 and the 2013 permissions concerning the notification & control of monitoring of blasting. A Blasting Assessment was undertaken in support of this application. The assessment confirms that the proposed blast vibration limit for the extension is in line with previous consents at Fauld Mine, and would not result in cosmetic, minor or structural damage to nearby properties.
103. The Planning Regulation Team has not received complaints concerning the Fauld Mine since 2015.
104. The applicant confirmed that vibration monitoring is carried out at the closest residential property to blasts to demonstrate compliance with the requirements of the planning permission and the latest monitoring data recorded indicates British Gypsum are fully compliant with the planning conditions relating to blasting and significantly lower than the approved blast vibration limits. The applicant has also

indicated they are willing to meet with the resident who raised this matter to provide blast vibration monitoring at their property and to explain and discuss the existing and proposed operations in more detail.

105. **Excessive duration of mining** - A local resident has raised a concern relating to the additional time period to extract anhydrite and gypsum at Fauld Mine (until 2038) which would impact on amenity and wellbeing.
106. The existing planning permissions allow the extraction of gypsum and anhydrite to continue until 31 August 2028 and an additional time period of 10 years has been requested. The applicant has explained the current extraction rate is approximately 300,000 tonnes per annum and this rate would continue.
107. Fauld Mine is a principal source of gypsum/ anhydrite cement rock in the UK considered to be a strategic mineral site and therefore of local and national importance. As explained early the NPPF and the MLP seek to ensure there is a steady and adequate supply of industrial minerals. The proposed southern extension and the extension of time to extract gypsum and anhydrite would provide benefits in terms of being able to recover more of the gypsum and anhydrite resource and would reduce mineral sterilisation. Planning conditions are in place which seek to control the operation of the mine to ensure that the impacts on people, local communities and the environment are minimised (policy 4 of the MLP).
108. The applicant has indicated they are willing to meet with the resident who raised this matter.
109. **Impact on property prices / saleability** – A local resident has raised a concern that the extension would have an impact on property prices and the saleability of properties. The Planning Committee will know that the courts have ruled that in general:

‘planning is concerned with land use in the public interest, so that the protection of purely private interests such as the impact of a development on the value of a neighbouring property or loss of private rights to light could not be material considerations.’ (emphasis added) (ref. Planning Practice Guidance - [How must decisions on applications for planning permission be made?](#) paragraph 008 - ‘What is a material planning consideration?’).
110. **Proximity of properties to areas of extraction** – A local resident has raised a concern relating to the proximity of mineral extraction to property boundary / dwellings and the Football Association initially objected due to the proximity of the St George’s Park complex.
111. As explained earlier, the method of mineral extraction is known as ‘room and pillar’ mining. The size of the pillar is based on the geo-mechanical properties and are sized to ensure there is sufficient strength to support the overlying strata and when working close to a residential property, ‘property pillars’ are left underneath the property to ensure the long-term stability of the property.
112. The applicant has explained that the mine has been designed to prevent subsidence at the surface even once workings are abandoned and flooded. The size of the pillars and roadways are based on detailed calculations and the properties of the

rock. The pillars are sized to ensure that they have sufficient strength to support the ground above and the pillars have been designed with a safety factor included to allow for the reduction in pillar strength as a result of flooding.

113. The applicant has also explained that compliance with the mine design (in accordance with a Geotechnical Assessment required by virtue of the [Mining Regulations 2014](#)) and the extraction rate is verified quarterly by a surveyor and is a key mine 'Safety Performance Indicator'.
114. The applicant has provided a Composite Mining Development Plan; a 5-year Mining Development Plan and a Blasting Standoffs Plan for the southern extension:
  - The Composite Mining Development Plan shows the areas where gypsum and anhydrite have already been extracted and the reserve areas (where the detailed Mining Development Plan will be prepared) and the approximately face position for the areas to be worked 2019 to 2021 and in the southern extension.
  - The 5-year Mining Development Plan and Blasting Standoffs Plan shows areas where no mine workings will take place (half depth property pillars). These areas are where: properties are located; standard amounts of explosives would be used; and, a reduced amount of explosives would be used.
115. The applicant has also made revisions to the limit of extraction in the vicinity of St George's Park and a residential property; amended the method of working in the vicinity of St George's Park and agreed to monitor and if necessary, to remedy the effects of the mining the Football Association (the subject of a separate private agreement between the parties).
116. The Health and Safety Executive (Mines Administration) have no comments to make on the proposal.
117. Conclusion: It is reasonable to conclude that the applicant has satisfactorily addressed the matters raised by each representation in relation to the areas previously extracted; the planned areas for extraction; and the measures to safeguard property in terms of pillars and blasting standoffs.

### **The Need for a Legal Agreement.**

118. Paragraph 54 in the NPPF explains that planning conditions and obligations may be used to make otherwise unacceptable development acceptable. Paragraph 56 states that planning obligations should only be sought where they meet all of the following tests:
  - necessary to make the development acceptable in planning terms;
  - directly related to the development; and,
  - fairly and reasonably related in scale and kind to the development.

[Note: These are also legal tests by virtue of the Community Infrastructure Levy Regulations 2010 [[Part 11, Regulation 122 and 123](#)] (as amended by the [2011](#), [2013](#) and [2014](#) Regulations). The Planning Practice Guidance ([Community Infrastructure](#)

[Levy](#), 'Do the planning obligations restrictions apply to neighbourhood funds?') indicates that the [Community Infrastructure Levy \(Amendment\) Regulations 2014](#) prevents section 106 planning obligations being used in relation to those things (infrastructure) that are intended to be funded through the levy (Community Infrastructure Levy) (CIL) by the charging authority. In this case, [East Staffordshire Borough Council do not currently have CIL](#)].

119. Chapter 8 of the [Mineral Local Plan for Staffordshire](#) (Implementation and Monitoring of the Plan) and Appendix 7 (B) provides guidance on the ways the Mineral Planning Authority will implement the objectives and policies of the Mineral Local Plan including negotiating legal agreements or modifications to existing legal agreements. Appendix 7 (B) states that planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.
120. Commentary: It is recommended that the following undertakings be secured by a Section 106 Legal Agreement (S106) and the reasons why the undertakings meet the tests referred to above are explained below each undertaking:
- To require the applicant to relinquish the three areas of permitted mineral reserves.

The applicant has indicated that an element of the application would be to relinquish permission for 109 hectares of the mine which is not workable due to surface development or the presence of water-filled fissures.

This undertaking would provide more certainty regarding the three areas of permitted mineral reserves within the existing permissions that would now not be worked (highlighted in yellow on Plan 2).

This undertaking would also secure higher environmental standards and accords with the [Mineral Local Plan for Staffordshire](#) (Strategic Objective 3, policy 6 and paragraph 7.44) and the NPPF (section 17).

- To establish a site liaison committee and to invite key stakeholders including local residents/landowners (e.g. The Football Association) and representatives on behalf of the County, District and Parish Councils to attend.

This undertaking would ensure that forum exists for key stakeholders to be kept informed about the about the progress of the working of the site and for concerns that may arise or opportunities to improve the working and restoration to be discussed, in accordance with the [Mineral Local Plan for Staffordshire](#) (Strategic Objective 3 and policy 4) and the NPPF (section 17).

121. Conclusion: Having regard to the policies and guidance referred to above, it is reasonable to conclude that the terms of the undertakings described above are necessary, relevant and fairly and reasonably related in scale and kind to the development and should be secured as part of a S106.

## **Overall Conclusion**

122. Overall, as an exercise of judgement, taking the relevant up-to-date development plan policies as a whole and having given consideration to the application, the

supporting and environmental information, including the information subsequently received, the consultee comments, the representations and the other material considerations, all referred to above, it is reasonable to conclude that the proposed development accords with the development plan and as such represents sustainable development, and there are no clear and convincing reasons to indicate that the application for planning permission should not be permitted, subject to the planning conditions and applicant and any other interested parties entering into a Section 106 Legal Agreement, the heads of terms of which are recommended below.

## **Recommendation**

**Permit** the application for southern extension to Fauld Mine to extract gypsum and anhydrite beneath land to the east of Newchurch, including consolidation of the existing planning permissions (ref. ES.10/04/504M, ES.13/05/504M, ES.13/06/504M, ES.13/07/504M and ES.13/08/504M) and an extension to the time limit for mineral extraction until 31st August 2038 at land to the east of Newchurch /Fauld Mine subject to:

- the applicants and all other persons with an interest in the land signing a Section 106 Legal Agreement - the heads of terms are listed below; and,
- planning conditions - the heads of terms are listed below.

**Section 106 Legal Agreement - heads of terms** to include the following undertaking:

- To require the applicant to relinquish the three areas of mineral reserve (highlighted in yellow on Plan 2 (shown on Plan 4 – FAU 303).
- To establish a site liaison committee and to invite key stakeholders including local residents/landowners (e.g. The Football Association) and representatives on behalf of the County, District and Parish Councils to attend.

**The planning conditions** to include the following:

### **Define the consent**

1. To define the permission with reference to documents and plans;

### **Commencement of the development**

2. To define the commencement of the development being the date of the permission as this is consolidating existing development as well as permitting new development;
3. To require notice of commencement of the new development (the southern extension);
4. To require notification of commencement of blasting in the southern extension;



## **Cessation of the development**

5. To define the duration of the development – winning and working of gypsum and anhydrite to cease no later than 31 December 2038;
6. To require notification of cessation of the winning and working of gypsum and anhydrite;

## **Definition of the Working Method**

7. To require that no mineral extraction takes place other than in conformity with the system of regular, partial, pillar and stall extraction, having a maximum ratio of mineral extracted to mineral retained as pillars of support not exceeding 75% by area (i.e. 25% of the gypsum/anhydrite horizon shall be left undisturbed in the form of rectangular pillars of support);
8. To require that the mineral extraction takes place in accordance with the latest approved Mining Development Plan (currently Plan 9 – FAU 172 ‘Five Year Mining Development’ dated March 2019); the Blasting standoffs Plan (Plan 5); Phasing Plan (Plan 6) and plan showing the working method in the vicinity of St George’s Park;
9. To require the submission of a Mining Development Plans every 5 years;
10. To ensure that no excavation shall take place within a horizontal distance measured at the surface, equal to 0.5 times of the vertical depth of the upper part of the excavations from any part of any existing residential building;

## **Removal of Permitted Development Rights**

11. To limit the use of the site to the uses hereby permitted and to restrict permitted development rights;

## **Notification & Control of Monitoring of Blasting**

12. To limit operating hours for blasting:
  - 06:00 and 22:00 hours Mondays to Fridays;
  - No blasting shall take place on Saturdays, Sundays, Bank or Public Holidays, and;
  - The exception to the above hours would be emergency operations for reasons of health and safety or to prevent pollution;
13. To ensure that no blasting is carried out which would result in any resultant peak particle velocity attributable to the blast exceeding 6mm per second in 95% of all blasts (over a period to be agreed in writing with the Mineral Planning Authority) and no individual blast should exceed a peak particle velocity of 12 mm per second at any noise and vibration sensitive property measured at the footings of the building;
14. To require the Mineral Planning Authority to be notified in advance of the times and dates when blasting operations shall take place and the arrangements to

be carried out to notify residents likely to be affected;

15. To require local residents likely to be affected by blasting operations be notified in advance, of the times and dates when the blasting operations are to take place;
16. To require the submission of details of the location(s), the arrangement for the monitoring of vibration at the surface and the provision of the monitoring data to the Mineral Planning Authority;

### **Groundwater and Surface Water Drainage Protection**

17. To require that any facilities for the storage of oils, fuels or chemicals to be sited on impervious bases and surrounded by impervious bund walls;
18. To ensure that any leaked or spilled substances, removed liquid and debris shall be disposed of to a facility licensed for that purpose;
19. To ensure that the site is designed and operated to minimise as far as is reasonably practical the ingress of water into the underground void formed by the operation;
20. To ensure that mine water is disposed of via the existing discharge points;

### **Access, Traffic and Protection for the Public Highway**

21. To define the access/ egress to the underground workings;
22. To define the vehicular access;
23. To ensure measures are implemented to prevent soil/debris being carried onto the public highway;
24. To require loads of clay to be securely sheeted or otherwise contained before entering the public highway;
25. To require that a sign is displayed in a visible position near to the site access onto Fauld Lane and maintained at all times, requesting haulage vehicles to turn left when leaving the Site;

### **Stockpiling and Dispatch Operations**

26. To control the dispatch of mineral, mineral waste or mineral product between the following hours:
  - 06:00 and 21:00 hours, Monday to Friday, and;
  - No dispatch of mineral, mineral waste or mineral product on Saturdays, Sundays, Bank and Public Holidays;
27. To ensure that the surface stockpiles of minerals, mineral waste or mineral do not exceed a height of 9 metres above the surrounding ground level;

28. To require all vehicles and plant employed within the site to be fitted with effective silencers;
29. To require the employment of best practicable means to minimise the dust generated by the operations/activities at the surface;
30. To require the vehicles operating on the surface do not exceed speeds of 10 miles per hour and signs are erected and maintained specifying the limit;

### **Subsidence**

31. In the event of any surface subsidence from the workings occurring within the Site and within the period during the underground winning and working of mineral hereby permitted, or within 5 years of the cessation of winning and working of mineral, the Mineral Planning Authority shall be notified of such subsidence and of the proposed remedial surface restoration works. The remedial restoration shall be completed within 12 months of the discovery of the subsidence;

### **Landscaping**

32. To ensure landscaping works for the 'Needwood Shaft' (Newborough Road (B5234) is maintained in accordance with the approved details (ref. [ES.09/14/504 M NMA1](#));

### **Restoration and Aftercare**

33. To ensure that no later than 12 months following the cessation of the winning and working of mineral, the surface operational area should be restored to agriculture (where appropriate) and then followed by a 5-year period of aftercare in accordance with the approved Restoration and Aftercare Scheme (see below);
34. To require the submission of a detailed Restoration and Aftercare Scheme no later than 31 August 2033;
35. In the event of early cessation of underground mining prior to 31 August 2038, and in the event that the Restoration and Aftercare Scheme (see above) has not been submitted for approval, a detailed Restoration and Aftercare Scheme should be submitted within 6 months of the cessation of underground mining.

### **Expiry of the permission**

36. To define the expiry of the permission.

### **Informatives**

1. To ensure that the terms of the planning permission are made known to the site operators;
2. The Environment Agency has advised that the operations will need a permit to abstract or transfer groundwater. An application for this, along with a water

features survey should be submitted to National Permitting Services.

3. Western Power Distribution (WPD) Electricity / WPD Surf Telecom have advised that apparatus is located near to the proposal. The applicant should therefore be aware of the Western Power Distribution safe working practices. These are available from <https://www.westernpower.co.uk/Safety-and-education/Health-Safety/Public-Safety-advice.aspx>

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<i>Due to current Coronavirus restriction, the list of background papers for this report is only available on request by email sent to <a href="mailto:planning@staffordshire.gov.uk">planning@staffordshire.gov.uk</a> and can only be provided by email.</i>
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## Appendix 1 Summary of the relevant planning permissions

- [ES.10/04/504 M](#) dated 21 October 2010 – for a south western extension to Fauld Mine to extract 6 million tonnes of gypsum and anhydrite from beneath land in the vicinity of Newchurch and Hoar Cross. This permission is referred to as the ‘Jackson’s Bank’ permission. This permission required the submission of details relating to blasting and the submission of regular (6 monthly) blast vibration monitoring results.
  - No variations.
- [ES.13/05/504 M](#) dated 11 October 2013 - to continue the development of Fauld Mine without complying with planning condition 4 of planning permission ES.EA/2 dated 19 September 2001 to allow mining operations to cease on 31 August 2028.

This permission covers the area around the mine entrance (including infrastructure), and southwards towards the B5234 (Newborough to Burton upon Trent Road), and replaced the previous permission (ref. ES/EA2)

- [ES.EA/2](#) dated 19 September 2001 - Scheme of Conditions relating to TR5, 2045/645 and 7609/3447
- [ES.13/06/504 M](#) dated 11 October 2013 - to continue the development of Fauld Mine without complying with planning condition 4 of planning permission ES.07/22/504 M (A) dated 19 March 2008 to allow mining operations to cease on 31 August 2028.

This permission covers land beneath the Tatenhill Airfield area and replaced the previous permission (ref. ES.07/22/504 M (A)).

- [ES.07/22/504 M](#) dated 19 March 2008 - Planning application to not comply with condition 3 of permissions ES.20723/01 and ES.22904/01 in effect to revise the cessation date for mineral extraction from 31 December 2007 to 31 December 2013
- [ES.20723/01](#) dated 15 September 1993 - Underground Mining of Gypsum and Anhydrite beneath land to the South of B.5234

- [ES.22904/01](#) dated 4 November 1996 - Underground Mining of Gypsum / Anhydrite. Section 106 Legal Agreement signed 29 October 1996.
- [ES.13/07/504 M](#) dated 11 October 2013 - to continue the development of Fauld Mine without complying with planning condition 4 of planning permission ES.07/22/504 M (B) dated 19 March 2008 to allow mining operations to cease on 31 August 2028.

This permission covers the area beneath and immediately south of the B5234 (Newborough to Burton upon Trent Road) and replaced the previous permission (Ref. ES.07/22/504 M (B)).

- [ES.07/22/504 M](#) dated 19 March 2008 - Planning application to not comply with condition 3 of permissions ES.20723/01 and ES.22904/01 in effect to revise the cessation date for mineral extraction from 31 December 2007 to 31 December 2013
- [ES.20723/01](#) dated 15 September 1993 - Underground Mining of Gypsum and Anhydrite beneath land to the South of B.5234
- [ES.22904/01](#) dated 4 November 1996 - Underground Mining of Gypsum / Anhydrite. Section 106 Legal Agreement signed 29 October 1996.
- [ES.13/08/504 M](#) dated 11 October 2013 - to continue the development of Fauld Mine without complying with planning condition 3 of planning permission ES.09/14/504 M dated 24 December 2009 to allow mining operations to cease on 31 August 2028.

This permission covers the area beneath Rangemore and is referred to as the 'Rangemore permission'. It replaced the previous permission (ref. ES.09/14/504 M).

- [ES.09/14/504 M](#) dated 24 December 2009 - Variation of condition 3 of planning permission ES.08/05/504 M to read -unless otherwise agreed in writing with the Mineral Planning Authority, all extraction operations hereby authorised shall cease by 31st December 2018 or when all workable mineral has been extracted, whichever is sooner.
- [ES.08/05/504 M](#) dated 3 March 2009 - New Scheme of Conditions (under the Environment Act 1995) relating to the 15 year periodic review of permissions ES.16573/01 and ES.15422/01
- [ES.16573/01](#) dated 21 September 1987- Underground mining of gypsum and anhydrite on 652ha on land to the south and east of B5234
- [ES.15422/01](#) dated 9 December 1985 - The sinking of a ventilation shaft and working of the gypsum seam using pillar and stall method of partial extraction

[Return to Relevant Planning History section of the report.](#)

## **Appendix 2 Summary of the findings of the Environmental Statement**

### Section 1 - Introduction

This Section of the Environmental Statement (ES) introduces the applicant, explains the background to the ES, the content and form of the ES, and the publication and availability of the ES. This section also explains the relevant expertise or qualifications of the competent experts involved in preparing the ES (ref. [Planning Practice Guidance](#); [Environmental Impact Assessment](#); [Preparing an Environmental Statement](#) and [the Town and Country Planning \(Environmental Impact Assessment\) Regulations 2017, Part 5, Regulation 18 \(5\) \(b\)](#)).

### Section 2 - Site setting and description

This section of the ES provides details of the location, a site description and details of the land use designations.

### Section 3. The development

This section describes general information and an overview of the development including a diagram showing the mineral working; provides details of the phasing of operations; details of the geology; the reserves; and mine design including details of the 'room and pillar' method.

### Section 4. Planning Policy

This section sets out the relevant planning policies set out in the National Planning Policy Framework (NPPF); the Staffordshire County Council's Minerals Local Plan for Staffordshire and East Staffordshire Borough Council Local Plan.

### Section 5. Consideration of alternatives

This section of the ES outlines the main alternatives studied by the applicant including 'no development' where no development would take place in the southern extension area; an alternative method of working was not considered appropriate; an alternative location to the southern extension would be to work the permitted reserves to the east of St George's Park. The applicant has indicated working this area would require new infrastructure.

### Section 6. Predicted potential environmental impacts

This section provides details of the predicted environmental impacts (blasting; hydrology and hydrogeology; ecology; and woodland) considered in the ES relating to the southern extension.

#### Blasting

This section of the ES provides details of the Blasting Assessment undertaken. The Blasting Assessment (Appendix 2) provides background to the assessment; the



relevant legislation and planning policy guidance; existing planning conditions relating to blast induced vibration (a condition restricts the vibration level (expressed as a Peak Particle Velocity or PPV1) to 6mm/s at 95% confidence level and no blast to exceed 12mm/s (see condition 12 of ES.13/05/504 M, ES.13/06/504 M, ES.13/07/504 M and ES.13/08/504 M) and proposed planning conditions relating to blast-induced vibration; details of the assessment including the assessment on individual properties (Orchard House (Newchurch); Church Farm (Newchurch); Forest Lodge; Darley Oaks Farm; Spindle House; Lower Kynbrook Farm and the Football Association (St George's Park); the effects of blasting including ground vibration and human response to ground vibration; and the mitigation measures including the implementation of 'good practice'.

The Blasting Assessment concludes that the proposed blast vibration limit is in line with previous consents at Fauld Mine, and would not result in cosmetic, minor or structural damage to nearby properties and the vibration generated by blasting events is not considered to be a limiting factor in continued blasting within the southern extension area of the mine.

### Hydrology and hydrogeology

This section of the ES details the Hydrology and hydrogeology assessment undertaken

The Hydrological, Hydrogeological and Flood Risk Assessment (Appendix 3) provides details of hydrology; flood risk; discharges to water; mine dewatering discharges including details of 6 discharge points; a survey of 'watercourse A'; surface water quality (sulphate levels); details of the hydrogeology; groundwater flow including a conceptual model to assess the natural barriers to surface water inflow; mine water management including the measures introduced to reduce the future risk of working areas from fissuring; details of the proposed extension including the relinquishment of the part of the Jackson Bank permission; potential impacts on the water environment including the impacts on groundwater, the impacts on surface water; the impacts on protected sites; and the impacts from emergency situations; details of the mitigation measures and the potential impacts with mitigation measures in place.

### Ecology

This section of the ES details the ecological assessment undertaken. The Section describes the sites of ecological interest within 1km of the proposed extension area and concludes that there would be no unacceptable impacts as a result of the proposed extension area on the identified sites of ecological interest.

The Ecological Assessment (Appendix 4) provides details of the desk study undertaken. The Assessment considers the areas of ecological interest (woodland areas), in the vicinity of the site are not groundwater dependent; the mine workings in the proposed extension would have only a minor impact on groundwater; and the low permeability bedrock above the proposed extension and its distance from areas of deep weathering mean that any impacts on groundwater at depth would have negligible impact on the surface water environment.

## Woodland

This section of the ES details the Woodland Ecological Assessment (Appendix 5) undertaken which provides details of the desk study and field survey undertaken. The Assessment states that no protected species assessment was made as part of the walkover survey, however, the woodland areas are likely to support roosting and foraging bats and a wide assemblage of common and notable birds and invertebrates.

## Section 7. Conclusions

This section of the ES provides a conclusion to the Environmental Statement. The applicant considers that the proposals would not give rise to any significant adverse environmental effects or amenity impacts for local residents; in view of the lack of any identified significant effects the proposals have been found to be consistent with the policies of the Development Plan and it is the applicant's view that the proposals should be supported by a presumption in favour of granting planning permission

Appendices - The Appendices to the ES are provided in a separate document and referred to where appropriate above

A Non-technical summary and Planning & Mineral Development Statement were also submitted.

[Return to Environmental Impact Assessment \(EIA\) section of the report.](#)

## **Appendix 3 The development plan policies and proposals, and the other material planning considerations, relevant to this decision**

[Staffordshire and Stoke on Trent Minerals Local Plan](#) (2015 - 2030) (adopted 16 February 2017):

A [partial review of the Minerals Local Plan for Staffordshire](#) to check conformity with the revised National Planning Policy Framework took place in February 2019. The review concluded that the policies in the Minerals Local Plan conform with the revised NPPF and therefore they continue to carry weight in the determination of planning applications for mineral development.

[East Staffordshire District Local Plan](#) (2012-2031) (adopted 15 October 2015)

- Principle 1 - Presumption in Favour of Sustainable Development;
- Policy SP1 - Approach to Sustainable Development;
- Policy SP8 – Development Outside Settlement Boundaries
- Policy SP24 - High Quality Design;
- Policy SP27 - Climate Change, Water Body Management and Flooding;
- Policy SO29 – Biodiversity and Geodiversity;
- Detailed Policy 1 - Design of New Development; and,
- Detailed Policy 7 - Pollution and Contamination.
- Detailed Policy 12 – St George's Park.

[Anslow Neighbourhood Plan](#) (2013 – 2031) – 'made August 2014.

- Policy TR 1 – Traffic Management and Highways Safety
- Policy E1 - Nature Conservation

[Tatenhill and Rangemore Neighbourhood Plan](#) (2012 - 2031)– ‘made’ February 2016

- Strategic Policy SP2 – Landscape Features
- Strategic Policy SP4 – Sustainability and Climate Change

[Proposed Updated Neighbour Plan](#) (November 2018) – update to Neighbour Plan relating to Policy HE1 - Parish Housing Strategy

[Yoxall Neighbourhood Plan](#) (2015 – 2030) – ‘made’ August 2015

- Policy D1 - Protecting and enhancing the historic rural character of Yoxall
- Policy D2 - Design on new development
- Policy T1 - Traffic Considerations
- Policy RE1 - Flood Risk

### **The other material planning considerations**

- [National Planning Policy Framework](#) (updated February 2019):
  - Section 1: Introduction
  - Section 2: Achieving sustainable development
  - Section 4: Decision-making
  - Section 6: Building a strong, competitive economy
  - Section 9: Promoting sustainable transport
  - Section 11: Making effective use of land
  - Section 12: Achieving well-designed places
  - Section 14: Meeting the challenge of climate change, flooding and coastal change;
  - Section 15: Conserving and enhancing the natural environment;
  - Section 16: Conserving and enhancing the historic environment
  - Section 17: Facilitating the sustainable use of minerals
- [Planning Practice Guidance](#)
  - [Conserving and enhancing the historic environment](#)
  - [Design](#)
  - [Environmental Impact Assessment](#)
  - [Flood risk and coastal change](#)
  - [Land stability](#)
  - [Minerals](#)
  - [Natural environment](#)
  - [Noise](#)
  - [Planning obligations](#)
  - [Transport evidence bases in plan making and decision taking](#)
  - [Travel Plans, Transport Assessments and Statements](#)
  - [Use of planning conditions](#)

[Return to Observation section of the report.](#)