

<b>Local Member</b>	
Mr. D. Smith	Lichfield Rural - South

**Planning Committee**      3 October 2019

**Minerals County Matter**

**Application No (District):**      [L.19/05/809 MW](#) (Lichfield)

**Applicant:**      JPE Aggregates Ltd c/o Crestwood Environmental Ltd.

**Description**      Application not to comply with (to vary) conditions 18 and 29 of planning permission L.16/05/809 MW to facilitate a topsoil blending and export operation through the importation of BSI PAS 100 compost

**Location:**      Shire Oak Quarry, Chester Road, Shire Oak

**Date Received:**      11 June 2019

**Date Revised/Further Details Received:** 19 September 2019 - additional information to respond to Walsall Council's comments and photographs of the extended internal haul road

**Background/Introduction**

1. A consolidating planning permission including an eastern extension was granted for Shire Oak Quarry on 18 June 2018 (see Planning history below). The permission requires mineral extraction to cease and stockpiles to be removed by 30 June 2025, the recycling of waste to cease by 30 June 2028 and the site to be restored by 31 December 2028. Amongst 61 conditions, the planning permission also restricts the operating hours; limits the quantity of imported waste materials to 100,000 tonnes per annum and the number of loads of waste brought on to the site to 100 per day (200 movements) for the purposes of recycling or the processing of restoration material; sets an overall limit for all HGV movements to 500 per day; sets noise limits; and requires dust to be managed in accordance with the approved plan.
  
2. Freeland Horticulture Ltd were granted planning permission to carry out the same operations at Rugeley Quarry (ref. CH.16/03/709 M on 14 November 2016) and a subsequent application to increase traffic movements was also permitted (CH.17/01/709 M dated 3 July 2018). At the same time the County Council approved restrictions on the overall number of quarry traffic movements (ref. [Planning Committee agenda 7 June 2018](#) – item 4 (a)). Although the new quarry planning permission has not yet been issued as it is subject to the signing of an updated Section 106 Legal Agreement, Freeland Horticulture have sought an alternative site to carry out their operations due to wider operational considerations at Rugeley Quarry.

## **Site and Surroundings**

3. Shire Oak Quarry comprises land to the north east of the A452 Chester Road and to the south east of the A461 Lichfield Road, near the village of Stonnall within Lichfield District. The site is situated on the county boundary with Walsall and the site's access onto the A452 Chester Road is within Walsall as shown on Plan 1 to this report.
4. The nearest residential properties are on the southern side of the Lichfield Road which border the northern boundary of the site and those on the western side of Chester Road.

## **Summary of Proposals**

5. The application is accompanied by a number of documents and plans including:
  - Mineral Development and Planning Support Statement
  - Phasing and mitigation plans
  - Progressive Infilling following cessation of extraction plan
6. The proposed development consists of variations to conditions 18 and 29 of the current planning permission to allow the importation of about 15,000 tonnes per annum of BSI PAS 100 compost to the site for blending with about 50,000 tonnes per annum of screened indigenous mineral (comprising sands and overburden rock sand) to produce about 65,000 tonnes per annum of BS3882:2015 compliant manufactured topsoil for sale and export, or for use on site for restoration purposes, until 30 June 2025.
7. The blending operations would take place within the existing dry recycling, blending and stockpile area and use the same processing equipment that is already present on the site and used in those areas. Those areas are due to be screen bunded in later phases of the quarry development.
8. The PAS 100 compost would be accommodated within the overall limit of 100,000 tonnes per annum of imported material for recycling purposes (condition 18) and the combined total number of 100 waste vehicle loads (200 movements) and the overall total of HGV movements of 500 per day (condition 29).
9. The operations would also be carried out in accordance with the approved noise limits and dust management plan.

## **The Applicant's Case**

10. The Applicant, JPE (Holdings) Ltd. contend that they are one of the Midlands' leading suppliers of aggregates, sand and soils to the construction industry. They supply from their own strategically located local sources that ensures the highest levels of product quality. With an in-house fleet of vehicles, they also offer a full muck-shift service for both one off and large volume jobs that includes disposal, recovery and a back to back service with deliveries of sand, aggregate or soil.
11. The applicant also explains that they were approached by Freeland Horticulture Ltd to work in partnership to develop an additional product specification deliverable

through the same blending operations at Shire Oak Quarry. They contend that Freeland Horticulture Ltd has pioneered the specification, design and manufacture of soils for specific end uses and are the largest soil supplier in England and Wales operating out of nine sites supplying over 400,000 cubic metres of BS3882:2015 compliant topsoil in both loose and bulk bags every year to the leading housebuilders.

### **Relevant Planning History**

- [L.16/05/809 MW](#) dated 18 June 2018 – consolidating planning permission including an eastern extension and accompanying Section 106 Legal Agreement dated 15 June 2018. The Section 106 secured agreement not to further implement existing mineral and waste planning permissions; to provide extended aftercare by an additional 5 years; a Restoration Guarantee Bond; and, formalised the liaison committee arrangements.
- [L.16/05/809 MW D1](#) dated 26 November 2018 – approved details in compliance with Conditions 36 (Noise), 47 (Tree Protection), 50 (Great Crested Newts), 53 (Protected Species Management Plan) and 54 (Bat Boxes)
- [L.16/05/809 MW D2](#) dated 1 July 2019 - approved details in compliance with condition 6 of planning permission L.16/05/809 MW relating to notification of the commencement of soil stripping operations
- [L.16/05/809 MW D3](#) dated 9 August 2019 - approved details in compliance condition 12 (Progress Report) and Condition 42 (Groundwater Monitoring Scheme)
- [CH.16/03/709 M](#) on 14 November 2016 –planning permission for the manufacture of topsoil by blending screened sand with PAS:100 Compost using a wheeled loading shovel at Rugeley Quarry
- [CH.17/01/709 M](#) dated 3 July 2018 –planning permission not to comply with (to vary) condition 7 of planning permission CH.16/03/709 M to increase vehicle movements associated with the manufacture of topsoil at Rugeley Quarry

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

12. As the proposed development could fall within the applicable thresholds and criteria for screening for EIA development (ref. Schedule 2 to the [Town and Country Planning \(Environmental Impact Assessment\) Regulations 2017](#)), the County Council has issued an “EIA Screening Opinion” which concluded that the proposed development is not EIA development and therefore the planning application need not be accompanied by an Environmental Statement (ref: [SCE.317/L.19/05/809 MW](#) dated 16 September 2019).

### **Findings of Consultations**

#### **Internal**

13. The **Planning Regulation Team** - no comments and later confirmed when asked about the representations received that they had only received one complaint about dust in August 2018.

14. The **Environmental Advice Team** – no objections.
15. **Highways Development Control** (on behalf of the Highways Authority) – no objections as the changes are to the materials brought on to the site and the total number of HCV movements would remain unchanged.
16. **Flood Risk Management Team** (on behalf of the Lead Local Flood Authority) - no objections.

### **External**

17. **Lichfield District Council** - no objections subject to the County Council being satisfied that the proposals are acceptable on highways and residential amenity grounds.
18. **Lichfield District Council Environmental Protection** - no objections.
19. **Walsall Council** – objection and commented that:
  - a) the proposals are consistent with the general sustainability objectives of the NPPF;
  - b) support the delivery of housing development by providing a source of topsoil for use in amenity areas and gardens;
  - c) there would be no changes to the existing working conditions governing management of noise, dust and emissions or to the end dates for infilling and final restoration;
  - d) provided the existing conditions are effectively controlled, any additional effects arising from the soil blending operations or the use of indigenous materials to produce topsoil for export would not unduly prolong the timescale for restoration of the site, and as such the proposal would comply with the NPPF and the County Council's Minerals Local Plan;
  - e) the impact on Walsall residents is primarily due to the HGV traffic dragging materials on to the Chester Road, which during dry weather is whipped up as dust and in wet weather finding its way in to highway gullies. Walsall Council officers have raised these concerns with the operator on several occasions and the operator funded the cleaning of blocked highway gullies earlier this year, made improvements by paying closer attention to the use of the wheel wash, employing a road sweeper on a regular basis and paying the Council to sweep the footpaths on a weekly basis. The operator has also reported to the Council that they intend to install a 350-metre length of concrete road (in May 2019);\*  
  
[\*Note: Photographs have now been received to confirm that the extended concrete haul road has now been constructed.]
  - f) the proposed operations would be carried out within the existing processing area which is located within the quarry void and some distance from the nearest residential properties. As such it is not anticipated that the proposals would have any material effects on the amenity of Walsall residents from noise or dust, over and above the existing operations.

- g) The effect of the proposals on the export vehicle movements requires further clarification.
- h) The effect of the proposals on the overall restoration programme requires further clarification.

20. **Shenstone Parish Council** – no response.

21. **Environment Agency** - no objections and commented that the site is a permitted landfill site under EA regulations (ref. EA/EPR/AB3100UQ/T100) and the operator will have to make an application to vary the Environmental Permit to include the new operations.

22. **Natural England** – no comments other than to advise about the use of standing advice with respect to protected species.

### **Publicity and Representations**

23. Site notice: YES Press notice: YES

24. About 320 neighbour notification letters and emails were sent out and 14 representations have been received. The representations raise objections which are summarised below:

- the mud and dust on Chester Road;
- the prospect of increased traffic congestion and risk of accidents;
- the continuous noise impact from the crushing plant 6-days per week,
- the visual impact of the existing stockpiles;
- the potential health impacts from dust and vermin;
- the operator has failed to comply with the conditions of the current planning permission; and,
- the impact on local amenity due to airborne dust, the risk of odours and disturbance of air horns from passing lorries.

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

25. Refer to [Appendix 1](#) for the development plan policies and proposals, and the other material planning considerations, relevant to this decision.

### **Observations**

26. This is an application not to comply with (to vary) conditions 18 and 29 of planning permission L.16/05/809 MW to facilitate a topsoil blending and export operation through the importation of BSI PAS 100 compost at Shire Oak Quarry, Chester Road, Shire Oak.

27. Having given careful consideration to the application and supporting information,

including the information subsequently received, the consultation responses 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 mineral planning policy considerations
- The Green Belt considerations
- The matters raised in consultee responses and representations

### **The mineral planning policy considerations**

Facilitating the sustainable use of minerals

28. The National Planning Policy Framework (the NPPF) and the Minerals Local Plan for Staffordshire (the MLP) generally support sustainable development and recognise the importance of minerals as an important element of economic growth. For example, paragraph 203 in the NPPF 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. 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.’

and Strategic Objective 1 in the MLP seeks to ensure that:

‘important economic mineral resources are not needlessly sterilised.’

29. The applicant contends that the blending of imported compost with about 50,000 tonnes per annum of on-site screened indigenous lower quality mineral (comprising sands and overburden rock sand) would broaden the range of products that can be sold from the site thereby maximising the use and avoiding the needless sterilisation of the permitted mineral reserve. The manufactured topsoil would also support the construction of new homes in Staffordshire and across the West Midlands (ref. the NPPF section 5 and [the priorities in the County Council’s Strategic Plan 2018 to 2022](#)) as it a consistent product in terms of colour, texture, chemical constituents and organic content, and it is also friable and delivered at an optimum moisture content allowing it to be spread throughout the year.
30. Furthermore, the applicant contends that the use of compost in this way provides a local demand for recycled green waste which helps to drive waste up the waste hierarchy.
31. Conclusion: Having regard to the policy, guidance and other material considerations referred to above, it is reasonable to conclude that the proposals would support the sustainable use of minerals by maximising the use of the permitted mineral reserve and support the delivery of homes which is a high priority for the Government and the County Council.

Ancillary development

32. The proposals are similar in many ways to the ancillary development already taking place on the site. For example, construction and demolition waste is currently

imported for processing and blending with mineral and overburden to produce a secondary aggregate for sale from the site. As such, it is proposed that the new operations would take place alongside the current waste recycling operations, employ the same equipment and operate within the same planning controls, for example, the same operating hours, noise limits, dust management and traffic movement restrictions.

33. The MLP requires that planning permission should only be granted where it has been demonstrated that the ancillary development, like any other mineral development, would not give rise to any unacceptable adverse impacts on human health, general amenity and the natural and historic environment, or that the material planning benefits of the proposals outweigh the material planning objections (Policy 4.3) and any such proposals should be limited to the life of the mineral site (Policy 4.6)
34. No objections have been received from statutory consultees other than Walsall Council who have raised a number of questions about the implications for the current site. These questions, together with issues raised by local residents are considered later.
35. As reported earlier, it is relevant to note, albeit that each case must be considered on its merits, that similar proposals were first approved at Rugeley Quarry in November 2016 and that the planning permission will expire in November 2019 if it is not implemented (see Relevant Planning History).
36. Conclusion: Having regard to the policies, guidance, other material considerations, referred to above and below, it is reasonable to conclude that in principle this ancillary development is acceptable and that there are a number of material planning benefits. Consideration of the site-specific impacts below will help to determine whether there are any overriding unacceptable adverse impacts or material planning objections.

### **The Green Belt considerations**

37. The site lies in the Southern Staffordshire Green Belt and the NPPF (Section 13), the MLP (Policy 4) and the Lichfield Local Plan (Policy NR2) seek to protect the Green Belt from inappropriate development and preserve its openness.
38. The NPPF explains that:

‘Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances’ (paragraph 143); and,

local planning authorities should:

‘...ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations’ (paragraph 144)
39. The NPPF also explains that certain forms of development are not inappropriate in the Green Belt, one of which is mineral extraction. However, these proposals are not for mineral extraction and given their nature must be regarded as inappropriate development for which ‘very special circumstances’ are required to justify

development in the Green Belt.

40. Previously when the current quarry extension and consolidating permission was approved, the very special circumstances which had supported the existing ancillary operations were reviewed and accepted. In this case it is considered that the same 'very special circumstances' apply on their own or in combination:
- The development would be ancillary to the existing quarry operations;
  - The use would be temporary as it would be limited to life of the quarry by condition;
  - Topsoil manufacturing operations would be carried out alongside existing and similar quarry operations and utilise existing plant;
  - The operations would be screened by bunds; and,
  - There would be no built development and mobile plant would be used.
41. When considering inappropriate developments in the Green Belt it is necessary to have regard to the [Town and Country Planning \(Consultation\) \(England\) Direction 2009](#). The Direction requires the Mineral Planning Authority to consult the Secretary of State at the Ministry for Housing, Communities and Local Government where it intends to approve major development where the site area is 1 hectare or more which, by reason of its scale or nature or location, would have a significant impact on the openness of the Green Belt. In this case, as the proposed development would only affect an existing processing area in the middle of an existing quarry, and take place alongside similar quarry operations, it is reasonable to conclude that due to the small scale, similar nature and location with an existing quarry, it is not necessary to refer the decision to the Secretary of State.
42. Conclusion: Having regard to policies, guidance and other material considerations referred to above, it is reasonable to conclude that the proposals do constitute inappropriate development in the Green Belt and that 'very special circumstances' exist that outweigh the harm to the openness of the Green Belt. Also, due to the scale, nature and location, it is not necessary to refer the decision to the Secretary of State.

#### **The matters raised in consultee responses and representations**

43. The NPPF (Section 17, paragraph 205 (b) and (c)) and the MLP (Policy 4.3) seek to ensure that mineral development does not have any unacceptable adverse impacts, and any unavoidable noise, dust and particulate emissions are controlled.
44. The matters raised by Walsall Council and local residents, referred to above, have been grouped as follows: the potential effect of the proposals on the progress of the current site; the effects of the HCV traffic on local roads; and, the effects on local amenity (from noise, dust, the visual impact and the risk of odours)

The potential effect of the proposals on the progress of the current site

45. Walsall Council asked for further clarification about the traffic implications and the effect of additional extraction on the progress of the restoration of the site and the applicant's agent's response is summarised below:

- a) Traffic: as stated in the Planning Statement – there would be no additional highways movements. The estimated 15,000 tonnes per year of imported compost would be part of the overall imports of 100,000 tonnes per year (Condition 18). The overall total vehicle movements per day (500) would also remain the same (Condition 29).
- b) Additional extraction and progress of the site: the quality mineral reserves are at depth below an Upper Sandstone layer ('overburden') and it was explained in the 2016 planning application that the waste recycling operations would also be used to enhance the range of products available for sale by blending in processed lower grade mineral / overburden. The 2016 planning application anticipated a total additional extraction of about 1.4 million cubic metres of material and of this saleable sand and gravel amounted to about 1 million cubic metres with the remaining extracted material being reused for restoration purposes. Condition 12 requires monitoring of progressive restoration and a revised Restoration Masterplan in the event that the final restoration date would not be achieved. Furthermore, the recently approved First Progress Report confirmed that 'Overall, restoration progress is in line with expectations as illustrated on the approved plans ... with some areas ahead of schedule.' (ref. [L.16/05/809 MW D3](#))

46. Your officers are satisfied that conditions of the current planning permission, which it is recommended below are repeated in a new planning permission, would ensure that progress is reported every 2 years and if it is evident that the final restoration date of 31 December 2028 cannot be achieved then a revised Restoration Plan should be submitted for approval. [It may be relevant to note that the applicant, JPE Aggregates Ltd, also operates the Seisdon Quarry. That planning permission includes similar conditions and although a second application to extend the date for the cessation of mineral exports has been submitted and is the subject of a separate report on this Planning Committee agenda, no change to the final restoration date has been applied for.]

#### The effects of the HCV traffic on local roads

47. The application does not propose to increase the overall number of HCV traffic movement (500 per day) and consequently Highways Development Control has raised no objections. The Planning Regulation Team also has no concerns and reported that they had only received one complaint in 2018. However, Members will be aware that a planning application for changes to an existing site is often an opportunity for local residents to express their dissatisfaction with the current operations and traffic often features high on the list. That is the case here and the Walsall Council have also relayed their recent experiences. The issues are: mud, dust and debris on the roads and pavements; congestion and the risk of accidents; and, the general disturbance for example by the sounding of air horns. Walsall Council also acknowledge that the operator has agreed to regularly deploy a road sweeper, paid for gullies to be cleaned and pavements to be swept, and mentioned plans by the operator to extend the concrete haul road. The site manager confirmed to your officer during his site visit that there has been new investment in an improved wheel cleaning facility, more attention given to its use by drivers and agreement by the company to extend the haul road. As noted earlier, photographs have now been provided to confirm that the extension to the haul road has now been constructed.
48. The MLP seeks to secure high environmental standards by avoiding, reducing or

mitigating as far as possible the adverse impacts on local communities and the environment close to mineral operations and along the routes used to transport minerals (ref. Strategic Objective 3). The MLP also states that compensatory measures will be taken into account (Policy 4.2). It is recommended below that the conditions of the current planning permission continue to apply, updated where necessary so the limits to HCV movement will remain as will the requirement to operate a wheel wash. It is also recommended that an amendment to condition 27 be made to require the extended haul road as far as the dry recycling area be maintained in order to help reduce the trafficking of mud, dust and debris on to local roads, which is one of the principal concerns of local residents and Walsall Council.

49. Finally, your officer has passed on a summary of the representations received to the Planning Regulation Team and asked that the concerns raised be drawn to the attention of the operator at the next liaison committee meeting.
50. Conclusion: Having regard to the policies, guidance, material considerations, consultee comments and representations referred to above, it is reasonable to conclude that the proposals would not give rise to an unacceptable impact on the highway network, subject to the conditions of the current planning permission, varied and updated where necessary, as recommended below.

The effects on local amenity (from noise, dust, the visual impact and the risk of odours)

51. Although it is proposed to carry out the blending operations alongside the current waste recycling operations, employ the same plant and operate within the same planning controls, for example, the same operating hours, noise limits, dust management and traffic movement restrictions, as with the effects of traffic discussed previously, local residents have taken this opportunity to express their dissatisfaction with the effects of the current operations on local amenity. However, unlike the traffic concerns, Walsall Council acknowledge that as the proposed operations would be carried out within the existing processing area within the quarry void, and some distance from the nearest residential properties, there is unlikely to be any material effects on the amenity of Walsall residents from noise or dust, over and above the existing operations.
52. According to their web site, [Freeland Horticulture Ltd](#) operate from 9 sites in England and Wales and supply over 400,000 cubic metres of topsoil every year. The nearest site is at Meriden. Your officer contacted Solihull Metropolitan Borough Council and that Council's Enforcement, Monitoring and Compliance officer confirmed that topsoil manufacturing has been taking place at Berkswell Quarry, Cornets End Lane, Meriden, for some years. The Council officer explained that the site is an active sand and gravel quarry and the topsoil manufacturing takes place alongside an open windrow composting operation. For this reason, a separate planning permission was not required. The Council officer was not aware of any complaints relating to this specific use, and it has not been the subject of any enforcement investigations or action.
53. It is considered that current planning controls would be appropriate for the control of the topsoil manufacturing operations. Also, the visual impact would not be significantly different to the impact of the approved operations which would change as the quarry progresses and mitigation screen bunds are constructed and screen planting becomes established.

54. The applicant's agent has responded to a request for further clarification by explaining that odours from compost are more likely to arise during the 'intensive decomposition' phase of the composting process which occurs during windrow composting and when the compost is turned during this phase. When compost has matured and reached PAS 100 standard, any residual biological processes are minimal and therefore the risk of offensive odours is very low. Furthermore, the operations will be located on the middle pad centrally within the quarry void and this is over 250 metres from the nearest occupied properties on Chester Road.
55. The quarry is also the subject of an Environmental Permit regulated by the Environment Agency. \*

[\*Note: Paragraph 7 (bullet point 5) of the [National Planning Policy for Waste](#) explains that when making decisions, Waste Planning Authorities should concern themselves with implementing the planning strategy in the Local Plan and not to concern themselves with the control of processes which are a matter for the pollution control authorities. Waste planning authorities should also work on the assumption that the relevant pollution control regime will be properly applied and enforced.]

56. Conclusion: Having regard to the policies, guidance, material considerations, consultee comments and representations referred to above, it is reasonable to conclude that the proposals would not give rise to an unacceptable impact on local amenity, subject to the conditions of the current planning permission, varied and updated where necessary, as recommended below.

## Overall Conclusion

57. Overall, as an exercise of judgement, taking the relevant development plan policies as a whole and having given consideration to the application, the supporting information, the information subsequently received, the consultation responses, the representations and the other material considerations, referred to above, it is reasonable to conclude that there are no unacceptable adverse impacts and the material planning benefits outweigh the material planning objections.

## Recommendation

58. **Permit** the application not to comply with (to vary) conditions 18 and 29 of planning permission L.16/05/809 MW to facilitate a topsoil blending and export operation through the importation of BSI PAS 100 compost at Shire Oak Quarry, Chester Road, Shire Oak subject to the conditions of the current planning permission (L.16/05/809 MW), with **variations and updates highlighted in bold**, recommended below.

The conditions of the current planning permission with **variations and updates highlighted in bold**:

1. **To extend the definition of the planning permission by adding the relevant documents and plans subject of the planning application and the relevant approved details to the list (ref. L.16/05/809 MW D1 and D3).**
2. **To require the development hereby permitted to commence within 3 years of the date of the planning permission and to require notification of commencement and the date when brought into use (the first import of BSI PAS 100 compost).**

### **Cessation of the Development and Notification**

3 to 6 The cessation and notification dates to remain unchanged **but extended to include a requirement to remove stockpiles of BSI PAS 100 compost, BS3882:2015 (or later) compliant topsoil, unless required for the restoration purposes.**

### **Premature cessation of operations**

7. The premature cessation and restoration requirements to remain unchanged.

### **Expiry of the Permission**

8. The definition of the expiry of the planning permission to remain unchanged

### **Knowledge of the Permission**

9. The requirements to make the terms of the planning permission known and easily accessible to any person(s) given responsibility for the management or control of the activities/ operations on the Site to be moved to an Informative as this is current practice.

### **Restriction on Permitted Development**

10. The removal of permitted development rights to remain unchanged.

### **Management of Operations / Definition of Working Programme and Waste types**

11 to 15 The phasing of the development; the requirement to revise the restoration plan if necessary, to achieve the restoration date; and, the definition of the excavation area and the limit to the depth of excavations, to remain unchanged. The requirement to submit detailed Progress Reports every 2 years also to remain unchanged **but to include a requirement to report on the quantities of BSI PAS 100 compost imported and BS3882:2015 (or later) compliant topsoil exported or used for restoration purposes.**

16. The arrangement of plant on the site to remain unchanged

### **Hours of Operation**

17. The operating hours to remain unchanged **but the deposit, handling, recycling, blending or movement of waste materials hours (17 (b) to include reference to BSI PAS 100 compost and BS3882:2015 (or later) compliant topsoil (0700 to 1800 M2F, 0700 to 1300 Sat. and no operations on Sundays, Bank or Public Holidays).**

### **Waste**

18. The limit to the quantity of imported waste materials to remain unchanged (100,000 tonnes per annum) **but the definition of the materials to be extended to include up to 15,000 tonnes per annum of BSI PAS 100 compost for the production of a BS3882:2015 (or later) compliant topsoil for export or for use in**

**the restoration of the Site.** The restriction to prevent the import of potentially polluting materials for the purpose of restoration or recycling to remain unchanged **but extended to include processing.**

19 to 21 The management of non-conforming waste, the re-working of previously deposited waste and the prevention of the burning of materials, to remain unchanged.

Note – the Environmental Permit issued by the Environment Agency will need to be updated.

### **Access and Highway Safety**

22 to 28 The access, the requirement that vehicles leaving the site should not deposit deleterious materials on the public highway, the requirement to use and maintain the wheel washing facilities, the maintenance of the internal access road **extended as far as the dry recycling area**, and the requirement to sheet loads leaving the site, to remain unchanged.

29. The limit on the number of loads of waste brought to the Site (100 or 200 two-way HCV movements per day) and the overall number of HCV movements (500 per day) to remain unchanged **but the totals to include BSI PAS 100 compost and BS3882:2015 (or later) compliant topsoil.**

### **Soil Management**

30 to 33 The management of soils to remain unchanged.

### **General Environmental Protection**

#### **Noise**

34 to 37 The noise limits and noise management measures to remain unchanged **but the noise monitoring to be carried out in accordance with the approved scheme (ref. L.16/05/809 MW D1).**

#### **Dust**

38 to 41 The dust management measures to remain unchanged.

#### **Groundwater monitoring and surface and ground water protection**

**42. The groundwater monitoring to be carried out in accordance with the approved scheme (ref. L.16/05/809 MW D3).**

43 and 44 – The requirements for the storage of fuels and discharge of effluents to remain unchanged.

#### **Floodlighting**

45 The restrictions on fixed floodlighting to remain unchanged.

#### **Blasting**

46 The restriction to prevent blasting to remain unchanged.

### **Tree, Shrub and Hedge Protection and Planting**

**47. The requirements for woodland, hedgerow and trees protection and management to be carried out in accordance with the approved scheme (ref. L.16/05/809 MW D1).**

48 and 49 The requirement to carry out advance woodland and hedgerow planting to remain unchanged.

### **Protected Species**

**50. The requirements for mitigation and re-surveys of Great Crested Newts to comply with the approved details (ref. L.16/05/809 MW D1).**

51 and 52 The requirements to protect breeding birds to remain unchanged.

**53 and 54 The requirements for protected species management and bat boxes to be carried out in accordance with the approved scheme (ref. L.16/05/809 MW D1).**

### **Archaeology**

55. The requirements to comply with the approved 'Written Scheme of Investigation for Archaeological Strip, Map and Record Method' to remain unchanged.

### **Restoration and Aftercare**

56. The restoration and aftercare requirements remain unchanged.

**57. The requirement to submit a detailed Restoration and Aftercare Scheme within 6-months of the date of the permission has not been complied with and shall therefore be required within 3-months of the date of this permission.**

58. The requirement to update the detailed Restoration and Aftercare Scheme in the event of the approval of a Revised Restoration Plan to remain unchanged.

### **Tipping and site settlement**

59 and 69 The remediation requirements to achieve the final levels remain unchanged.

### **Record Keeping**

**61. The record keeping requirements remain unchanged but shall be extended to include records of the import of PAS100 compost, export of BS3882:2015 (or later) compliant topsoil and manufactured topsoil used for restoration purposes.**

Case Officer: Mike Grundy - Tel: (01785) 277297

email: [mike.grundy@staffordshire.gov.uk](mailto:mike.grundy@staffordshire.gov.uk)

*A list of background papers for this report is available on request and for public inspection at the offices of Staffordshire County Council, 1 Staffordshire Place, Stafford during normal office hours Monday to Thursday (8.30 am – 5.00 pm); Friday (8.30 am – 4.30 pm).*

## **Appendix 1 The development plan policies and proposals, and the other material planning considerations, relevant to this decision**

### **The development plan policies and proposals**

#### [Staffordshire and Stoke on Trent Minerals Local Plan \(2015 - 2030\)](#)

(adopted 16 February 2017)

- Strategic Objective 1 - the provision of minerals to support sustainable economic development
- Policy 4: Minimising the impact of mineral development
- Policy 4.6: Ancillary development
- Policy 6: Restoration of Mineral Sites

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.

The [Lichfield Local Plan Strategy](#) (2008 to 2029) (adopted 17 February 2015)

- Core Policy 10: Healthy & Safe Lifestyles
- Core Policy 13: Our Natural Resources
- Policy NR2: Development in the Green Belt

The [Stonall Neighbourhood Plan](#) 2014 – 2029 (made on 19 April 2016)

- Policies LE1 – LE4: Landscape and Environment

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

- [National Planning Policy Framework](#) (updated February 2019):
  - [Section 5](#): Delivering a sufficient supply of homes
  - [Section 13](#): Protecting Green Belt land
  - [Section 17](#): Facilitating the sustainable use of minerals
- [Planning Practice Guidance](#)
  - [Minerals](#)
  - [Natural environment](#)
  - [Noise](#)
  - [Use of planning conditions](#)

[The County Council's Strategic Plan 2018 to 2022](#)

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