

## **Planning Committee**

Thursday, 6 August 2020

**10.00 am**

Virtual Meeting Via Microsoft Teams

**NB.** Members are requested to ensure that their Laptops/Tablets are fully charged before the meeting.

John Tradewell  
Director of Corporate Services  
29 July 2020

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## **A G E N D A**

**Please see attached notes**

1. **Apologies**
2. **Declarations of Interest in Accordance with Standing Order No. 16**
3. **Minutes of the meeting held on 6 February 2020** (Pages 3 - 6)
4. **Appointment of Members to the Countryside and Rights of Way Panel** (Pages 7 - 8)  
  
Report of the Director for Economy, Infrastructure and Skills
5. **Applications for Permission**  
  
Reports of the Director for Economy, Infrastructure and Skills
  - a) **Cauldon Cement Plant, Earlsway, Staffordshire SM.19/13/111 MW & SM.19/10/111 MW** (Pages 9 - 60)

Geocycle U.K. Limited:

- i. Delegated authority is sought to determine at a later date the application for Hazardous Substances Consent for proposed fuel storage and feed system for alternative fuel firing and ancillary development (SM.19/13/111 MW).
- ii. Application for Proposed Fuel Storage and Feed System for Alternative Fuel Firing and ancillary development (SM.19/10/111 MW).

- b) Alrewas Quarry, Croxall Road, Alrewas, Burton on Trent (Pages 61 - 106)  
L.19/09/817 MW

Tarmac Trading Limited – Application for the winning and working of sand and gravel including a southern extension and the re-phasing of permitted working and restoration schemes; the restoration of the quarry by the importation of inert waste material; the provision of new crossing points and conveyor bridges at Stockford Lane, Sittles Lane and Roddige Lane as well as the continued use of existing crossing points on Roddige Lane, the A513 and Croxall Road; and the continued use of the mineral processing plant and other ancillary facilities already permitted including weighbridge, site offices, field conveyor, concrete batching plant and bagging plant

- c) Brookfield Farm, Cowley, Gnosall, Stafford S.19/08/4004 W (Pages 107 - 144)

Lower Reule Bioenergy Limited - Application to vary (not comply with) Condition 1 (Approved documents and plans) of planning permission ref. S.16/05/4004 W relating to: amendments to the location of the weighbridge and office; reduction of the landscape area (trees and hedges retained as approved); the increase of the 'lean to' size; inclusion of pasteurising equipment; relocation of liquid storage tanks; relocation of odour control (now referenced bio filter); relocation of post pasteurisation tank and, amendments to the northern elevation of the food de-packaging facility ancillary to the adjacent Anaerobic Digestion (AD) plant.

- d) Brookfield Farm, Cowley, Gnosall, Stafford S.20/01/4004 W (Pages 145 - 176)

Lower Reule Bioenergy Limited - Application to consolidate the existing Anaerobic Digestion (AD) facility / biogas facility (planning permission Ref. S.13/11/4004 W) and amendments to the layout including: relocation of separator; new concrete road within the site; erection of new building to replace and relocate the existing store for separated digestate fibre (planning permission Ref. S.15/01/4004 W); and erection of two end storage tanks for liquid digestate to replace the lagoons previously used

- e) Barton Quarry (Western Extension), Walton Lane, Barton under Needwood ES.17/11/502 M (Pages 177 - 226)

Hanson Quarry Products Europe Ltd – Application for Western extension to Barton Quarry between A38 road and railway line to extract 6 million tonnes of sand and gravel over a period of 10 years and to restore the site to landscaped water areas with biodiversity, landscape and flood alleviation benefits

6. **Planning, Policy and Development Control - Annual Performance Report** (Pages 227 - 236)

## 7. Exclusion of the public

The Chairman to move:-

“That the public be excluded from the meeting for the following items of business which involve the likely disclosure of exempt information as defined in the paragraphs of Part 1 of Schedule 12A (as amended) of the Local Government Act 1972 indicated below”.

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### Part Two

(All reports in this section are exempt)

## 8. Planning Regulation - Performance and Delegated Decisions Report (Pages 237 - 260)

(Exemption paragraphs 1,2,3,5 &7)

Report of the Director for Economy, Infrastructure and Skills

Membership	
David Brookes	Paul Snape
Ron Clarke	Mike Worthington
Alan Dudson	Bob Spencer
Keith James	Ian Lawson
David Smith (Vice-Chairman)	Jeremy Oates
John Cooper	Richard Ford
Trevor Johnson	Mark Winnington (Chairman)
Kyle Robinson	

### Note for Members of the Press and Public

#### Filming of Meetings

The Open (public) section of this meeting may be filmed for live or later broadcasting or other use, and, if you are at the meeting, you may be filmed, and are deemed to have agreed to being filmed and to the use of the recording for broadcast and/or other purposes.

#### Recording by Press and Public

Recording (including by the use of social media) by the Press and Public is permitted from the public seating area provided it does not, in the opinion of the chairman, disrupt the meeting.



## Planning Committee Agenda Notes

### Note 1

The County Council has in place a scheme to allow Public Speaking at meetings, whereby representations may be made direct to the Planning Committee on these items.

The County Council's rules governing this facility are contained in the Protocol on Making Representations Direct to the Planning Committee which can be found on the Staffordshire Web [www.staffordshire.gov.uk](http://www.staffordshire.gov.uk) (click on "Environment" click on the shortcut to the "Planning" click on "Planning Committee" and then click on "Planning Committee – Public Speaking Protocol"). Alternatively, a copy of the Protocol may be obtained by contacting Member and Democratic Services on 01785 276901 or emailing [desu@staffordshire.gov.uk](mailto:desu@staffordshire.gov.uk)

Parties wishing to make oral representations must submit their request to Member and Democratic Services either by emailing [desu@staffordshire.gov.uk](mailto:desu@staffordshire.gov.uk), or by telephoning 01785 276901 **before 5.00 pm on the Monday preceding the date of the Planning Committee meeting (or the Friday preceding if the Monday is a Bank Holiday).**

### Note 2

#### **Staffordshire County Council Policy on Requests for the Deferral of the Determination of Planning Applications**

1. The County Council will on receipt of a written request for the deferral of the determination of a planning application prior to its consideration by the Planning Committee accede to that request only where the following criteria are met:-
  - (a) the request is received in writing no later than 12.00 noon on the day before the Committee meeting; and
  - (b) the basis for the deferral request and all supporting information is set out in full (requests for extensions of time to enable the applicant to submit further information in support of the deferral will not be accepted); and
  - (c) the deferral request will not lead to the determination of the application being delayed beyond the next suitable Planning Committee

The only exception will be where the request proposes a significant amendment to the applications. An outline of the nature of the intended amendment and an explanation of the reasons for making it must be submitted with the deferral request. The full details of the amendment must be submitted within 28 days of the request being accepted by the Committee, failing which the Committee reserve the right to determine the application on the basis of the original submission as it stood before the applicant's request was made.

2. Under no circumstances will the County Council accept a second request for deferral of an application.
3. The County Council will not object to applicants formally withdrawing applications before they are determined whether they are applications being considered for the first time or following an accepted deferral request.

### **Note 3**

#### **Policy for Committee Site Visits**

1. Committee Site Visits should only take place where:-
  - (a) The visual verbal and written material is insufficient to convey a clear impression of the impacts and affects on the site and its surroundings.
  - (b) Specific impacts/effects such as landscape, visual amenity, highways and proximity to properties need to be inspected because of the site's location, topography and/or relationship with other sites/facilities which cannot be addressed in text form.
  - (c) The proposals raise new or novel issues on site which need to be inspected.
2. Site visits should not be undertaken simply at the request of the applicant, objectors or other interested parties whether expressed in writing or during public speaking.
3. No site should be revisited within a period of two years since the last visit unless there are exceptional circumstances or changes since the last site visit.
4. The arrangement and conduct of all visits should be in accordance with the Committee's Site Visit Protocol, a copy of which can be found on the Staffordshire Web which was referred to earlier.

**Minutes of the Planning Committee Meeting held on 6 February 2020**

Present:

<b>Attendance</b>	
David Brookes	Paul Snape
Ron Clarke	Mike Worthington
Alan Dudson	Bob Spencer
David Smith (In the Chair)	Ian Lawson
John Cooper	Jeremy Oates
Trevor Johnson	Richard Ford
Kyle Robinson	

**Apologies:** Keith James and Julia Jessel

**PART ONE**

**57. Declarations of Interest in Accordance with Standing Order No. 16**

The Committee were informed that the Director of Corporate Services had advised that there was no longer a need to report delegated decisions to the Committee as the Local Member receives notification of applications, submissions and delegated decisions.

There were no Declarations of Interest on this occasion.

**58. Minutes of the meeting held on 3 October 2020**

**RESOLVED** – That the minutes of the meeting held on 3 October 2020 be confirmed and signed by the Chairman.

**59. Applications for Permission and Other Approvals**

**60. Units 40-46 Mariner, Lichfield Road Industrial Estate, Tamworth T.19/02/928 W**

The Committee received a presentation by the Case Officer on the proposed application for change of use of existing industrial building to use as a healthcare waste treatment plant and transfer site and associated works.

In accordance with the County Councils scheme for public speaking at meetings, the Committee received a representation from Mr R Riding representing the applicant.

Mr Oates as local member asked the Committee to note the proximity of the site to residential properties. Mr Oates also advised that local residents had raised concerns about vehicle movements, and risk of contamination and odours.

Following a vote it was:

**RESOLVED** – To PERMIT the application for change of use of existing industrial building to use as a healthcare waste treatment plant and transfer site and associated works subject to the conditions highlighted in the report and two amended conditions namely: to amend the limit to night time traffic movements from 20 to 26 (13 in and 13 out); and, to require details of the outside storage of waste which shall be in sealed containers in HGV trailers to be submitted for approval.

**61. Cranebrook Quarry (also referred to as Brownhills Quarry), Muckley Corner, Lichfield L.15/15/802 MW D1**

The Committee received a presentation by the Case Officer on the request by the operator to be released from a Restoration Guarantee Bond in accordance with paragraph 5 of Schedule 3 to the Section 106 legal agreement dated 6 February 2018 associated with permission ref. L15/15/802 MW.

The Committee were reassured that as the operator is now a member of the Mineral Products Association and that the Mineral Products Association's Restoration Guarantee Fund is sufficient to meet the cost of the restoration and the 5 year Aftercare Scheme.

Following a vote it was:

**RESOLVED** – (a) To AUTHORISE the Planning, Policy and Development Control Manager to confirm in writing that:

- Staffordshire County Council is satisfied that the Mineral Products Association's Restoration Guarantee Fund is sufficient to meet the cost of the Cranebrook Quarry Restoration and 5 Year Aftercare Scheme and that the bond provided shall be discharged in accordance with paragraph 5 (i) of Schedule 3 of the Section 106 legal agreement dated 6 February 2018; and,
- The operator, while maintaining access to the Mineral Products Association's Restoration Guarantee Fund, is no longer required to submit Financial Statements under paragraph 2 of Schedule 3 of the same agreement.

**62. Annual Report - Safety of Sports Grounds April 2018 - March 2019**

The Committee considered a report detailing the work of the Safety of Sports Grounds team carried out during April 2018 to March 2019.

It was reported that the statutory duty under the Safety of Sports Ground Act 1975 requires that every local authority should enforce within their area the provisions of the Act.

Members noted that Staffordshire County Council had met its statutory obligations during 2018/19 in respect of the Safety of Sports Grounds Act 1975, and the Fire Safety and Safety of Sports Grounds Act 1987.

**RESOLVED** – That the report be noted.

### **63. Planning, Policy and Development Control - Half Year Performance Report**

The Committee received a report of the Director for Economy, Infrastructure and Skills on the planning development control and policy making performance over the period 1 April 2019 to 30 September 2019.

The Committee were presented with details of performance against various categories of application and the respective targets. The Committee noted the performance with policy-making; the development control performance against various categories of application and the respective national and local targets; the income from applications and pre-application advice; and, the staffing changes in the Planning, Policy and Development team.

The Committee expressed their thanks to the Planning, Policy and Development team.

**RESOLVED** – That the report be noted.

### **64. Exclusion of the public**

**RESOLVED** – That the public be excluded from the meeting for the following items of business which involve the likely disclosure of exempt information as defined in the paragraphs of Part 1 of Schedule 12A (as amended) of the Local Government Act 1972 indicated below.

### **65. Planning Regulation - Performance and Delegated Decisions Report**

The Committee were informed of the work and performance of the Planning Regulation Team including details of notices served since 1<sup>st</sup> April 2019.

**RESOLVED** – That the report be noted.

**Chairman**



Local Members' Interest
N/A

## **Planning Committee – 6 August 2020**

### **Appointment of Members to the Countryside and Rights of Way Panel**

#### **Recommendation/s**

1. For the Planning Committee to appoint five Members to sit on the Countryside and Rights of Way Panel.
2. For the Planning Committee to appoint five Substitute Members to the Countryside and Rights of Way Panel.

#### **Summary**

3. The Countryside and Rights of Way Panel will be appointed at the first meeting of the Planning Committee following the annual Council meeting in each municipal year. In addition to the five Members of the Panel, five additional Members will be appointed as substitutes to serve on the Panel.
4. The Chairman and Vice-Chairman of the Planning Committee must serve as the Chairman and Vice-Chairman (respectively) of the Countryside and Rights of Way Panel
4. Substitute members are required for consideration of reports on applications for the registration of common land, or town or village greens and for Definitive Map Modification Order applications where a full member of the Panel is the local member for the division in which the land which is the subject of a report is situated.

#### **Background**

5. The recommendation from the Group leaders are that the following Members be appointed to the Countryside and Rights of Way Panel:

- Mark Winnington (C)
- David Smith (VC)
- David Brookes
- Paul Snape
- Alan Dudson

6. The recommendation from the Group leaders are that the following Members be appointed as Substitutes:

- Keith James
- Ian Lawson
- Mike Worthington
- Ron Clarke
- Kyle Robinson

7. The terms of reference for the Countryside and Rights of Way Panel can be found using this link:

<http://moderngov.staffordshire.gov.uk/documents/s122772/MergedReWriteSection8.pdf>

**Contact Officer:**

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<b>Local Member</b>	
Mrs. C. G. Heath	Leek Rural

**Planning Committee**

**6 August 2020**

**Waste County Matter**

**Application Nos. (District):** [SM.19/13/111 MW](#) and [SM.19/10/111 MW](#)  
(Staffordshire Moorlands)

**Applicant:** [Geocycle UK Ltd](#)

**Description:**

- a) Delegated authority is sought to determine at a later date the application for Hazardous Substances Consent for proposed fuel storage and feed system for alternative fuel firing and ancillary development [SM.19/13/111 MW](#).
- b) Application for Proposed Fuel Storage and Feed System for Alternative Fuel Firing and ancillary development [SM.19/10/111 MW](#)

**Location:** Caudon Cement Works, Earlsway, Staffordshire

**Background/Introduction**

1. This report relates to two applications: delegated authority is sought to determine at a later date a hazardous substances consent application; and, approval is sought for the associated waste planning application for a fuel storage and feed system for alternative fuel firing.
2. [Geocycle UK Ltd](#) are a newly founded company registered in October 2019 formed to manage operations at the proposed alternative fuel storage and feed system ancillary to the existing Caudon Cement Works operated by Lafarge Caudon Limited.
3. The site forms part of the wider mineral complex at Caudon, which comprise of a limestone quarry, shale quarry, and significant built structures at the Cement Works, and falls within the boundary of the historic Interim Development Order (IDO) planning permission for mineral extraction issued in December 1998 ([IDO/SM/9](#)).
4. The Caudon Complex is a nationally significant cement manufacturing operation. As of 2017, Caudon produced around 960,000 tonnes of cement per annum, equating to nearly 10% of all cement used in Great Britain.
5. Globally, cement production is a significant contributor to CO<sub>2</sub> emissions which have a key impact in accelerating global warming and climate change. According to [Think Tank Chatham House](#), cement is the source of circa 8% of the world's carbon dioxide (CO<sub>2</sub>) emissions. To meet the requirements of [the Paris Agreement on climate change](#), annual emissions from cement need to fall by at least 16% by 2030.

Therefore, the sector urgently needs to pursue a number of CO<sub>2</sub> reduction strategies.

6. As it is critical that CO<sub>2</sub> levels are reduced and minimised as far as possible, it is now the intention of the applicant to reduce the carbon footprint of Cauldon Cement Works by reducing the use of the existing fuels used in kilns at the works that emit high volumes of CO<sub>2</sub> when burnt in the cement production process.
7. Cauldon Cement Works opened and began operating in 1957. Solid recovered fuels have been used in kiln- firing since 2009, with Waste Derived Liquid Fuels (WDLF) first introduced in 2010. In 2013, Cauldon became the third of Lafarge Cement's 166 production sites across the world to achieve 100% alternative fuel use on the calciner for a limited period. In 2018 WDLF was introduced to the Calciner.
8. The current fuel mix at the Cauldon Cement Works consists of coal, used motor vehicle tyre chips, Processed Sewage Pellets (PSP), and a limited volume of WDLF. It is anticipated that the proposed development could enable Lafarge Cauldon Limited to utilise alternative / waste derived fuels for up to 85% of the total fuel mix, thereby reducing their reliance on less environmentally sustainable resources such as coal and tyre chips in the production of cement.
9. Although not part of the planning application, it should be noted that a separate submission has been prepared in order to facilitate a new Environmental Permit for the proposed alternative fuel storage and feed platform. Furthermore, as a consequence of the proposed increased quantity of alternative fuels that would be stored, the new area of the Cement Works (the application site) has applied to become Control of Major Accident Hazards (COMAH) compliant. A consultancy company who specialise in COMAH sites have been engaged to assist in ensuring that the new site meets all requirements of the regulations, and also provides hazard and risk assessment services for the new site throughout its conception, design, construction and ongoing operations.
10. The cement plan is required to operate to certain environmental standards by an Environmental Permit Ref: [TP3334AW](#). The environmental permit controls the site by the use of conditions/ standards that operators must comply with. These include emission limits of pollutants in the stack, to noise levels and dust leaving the site boundary. It may also include requirements to undertake certain cleaning regimes etc. The Cauldon Complex is what is known as an "A1 Installation" and is regulated by the Environment Agency. Staffordshire Moorlands District Council (SMDC). SMDC however is the Local Authority responsible for investigating [Statutory Nuisance](#).

## **Site and Surroundings**

11. The site is situated between the villages of Cauldon and Waterhouses, approximately 10 kilometres to the south-east of Leek, and approximately 11 kilometres to the north-west of Ashbourne. At its closest point the site is located approximately 700 metres south of the Peak District National Park and approximately 200 metres west of the Caldun Dales site of Special Scientific Interest (SSSI).
12. The site is approximately a 2-hectare parcel of land to the east of the Cement Works known as 'Hurst Farm'. The boundary of the waste planning application is however





Aerial Image: (Source: Planning and Environmental Statement)

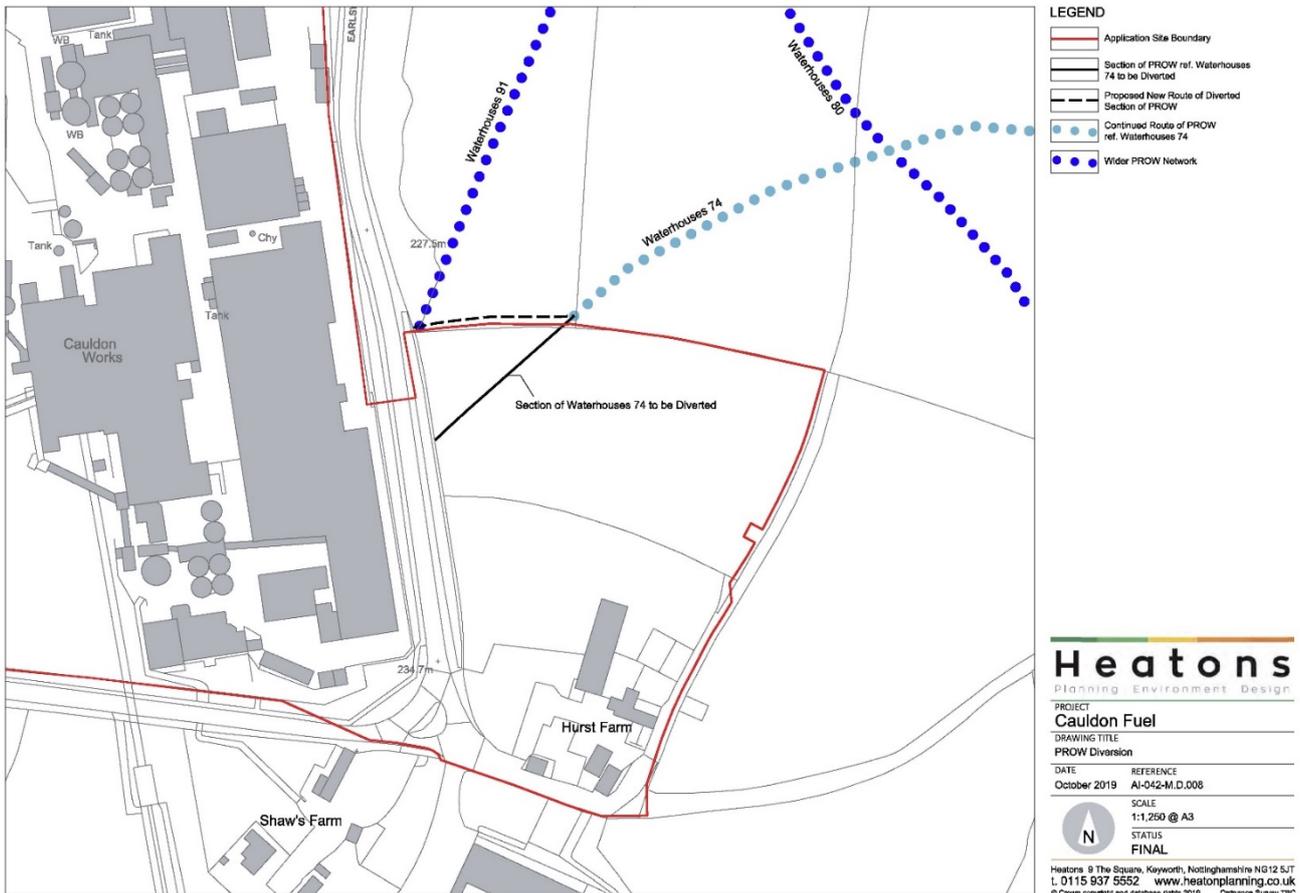
15. Hurst Farm is untenanted and contains six disused buildings, existing hardstanding, vacant land most recently used for grazing, scattered trees, and overhead power lines which terminate within the site. The site is bounded by drystone wall and hedgerow with areas of border woodland.

Photograph 1: The disused buildings at the application site Hurst Farm  
Photograph 2: Looking south down 'Earlsway'. Hurst Farm is to the left of the road and the Cement Works is to the right.  
Photograph 3: site access would be from the junction of Earlsway.



16. Grade II Listed Buildings (Shaws Farm which are under the control of the Company) are located within 100 meters of the site's boundary, south-west of the site adjacent to Earlsway.

17. The closest noise sensitive property is Middlehills Farm which is located approximately 175 metres north-east and is within the ownership of the Company.
18. A Public Right of Way, 'Public Footpath 74 of Waterhouses Parish' is partly located within the application site . The footpath terminates at a hedgerow on the western boundary of Hurst Farm where it meets a stile leading to the public highway Earlsway.



The Proposed Public Right of Way Diversion which forms a separate application. (Plan supplied by applicant).

### Summary of Proposals

#### Hazardous Substances Consent Application (ref. [SM.19/13/111 MW](#))

19. Associated with the waste planning application, consent is sought to store hazardous substances.
20. The hazardous substances consent process is separate to the land use planning process and is in accordance with The Planning (Hazardous Substances) Act 1990 and The Planning (Hazardous Substances) Regulations 2015. This technical process ensures that necessary measures are taken to prevent major accidents and limit their consequences to people and the environment. The hazardous substances authority (i.e. in this case Staffordshire County Council) has responsibility for deciding whether the risk of storing hazardous substances is tolerable for the community. Usually the District/Borough Planning Authorities is the hazardous substances authority however we have the application as we are determining the associated waste planning application.

21. The [Planning Practice Guidance](#) advises that we should consult the Control of Major Accident Hazards (COMAH) competent authority (i.e. The Health and Safety Executive (HSE) and the Environment Agency (EA)) and others as required by legislation. (Others include fire and civil defence authorities, other relevant planning authorities and public utilities).
22. At the current time it is important to highlight that the Health and Safety Executive do not have an Inspector available to assign to providing a response on the application and therefore a decision on the application cannot be made. In terms of COMAH both the HSE and EA have however held a pre-receipt meeting with the applicant as the site will be categorised as a Top Tier COMAH site.
23. The technical application for Hazardous Substances Consent (HSC) has been mentioned in this report as our Scheme of Delegation does not currently allow determination by your officers. The recommendation later is therefore seeking approval of the Planning Committee to delegate authority to the Director for Economy, Infrastructure and Skills in consultation with the Chairman of Planning Committee and the Cabinet Member for Environment, Infrastructure and Climate Change to determine this HSC application on receipt of the relevant consultation responses, particularly from the HSE. [Note that the consultation responses, representations and observations detailed in the report below relate only to the waste planning application [SM.19/10/111 MW](#)].

**Waste Planning Application** (ref. [SM.19/10/111 MW](#))

24. Planning permission is sought for the construction of a fuel storage and feed system for alternative fuel firing of the kilns at Cauldon Cement Works.
25. The fuels proposed to be increased are:
  - Solid Recovered Fuels (SRF) and Refuse Derived Fuels (RDF) such as non-recyclable soft plastics such as crisp packets and similar, which otherwise are generally sent to landfill or for incineration;
  - Waste Derived Liquid Fuels (WDLF) such as waste oils such as motor and cooking oils, solvents, diesel and wastewater; and,
  - High Viscosity Liquids (HVL), such as slurries of a higher viscosity than standard WDLF, up to a maximum of 30% solid content. (Of all the fuels listed, only HVL have not been previously used at Cauldon).
26. The proposal involves the following elements:
  - The demolition of all existing buildings and structures at Hurst Farm;
  - The installation of a chlorine bypass at the existing Cement Works;
  - Creation of a site access with remodelling of the Earlsway /Yelsway Lane junction;
  - Construction / installation of the following built development at Hurst Farm
    - SRF/RDF storage hall;
    - Four WDLF/HVL storage tanks
    - SRF/RDF conveyor feed (including section over Earlsway);
    - WDLF /HVL pipeline feed (including section over Earlsway); and,
    - Associated ancillary infrastructure including internal roads and hardstanding, weighbridge, administration and laboratory building, carparking and HGV waiting areas, power substation, fire water pump

- station, rainwater/residual fire water basin, emergency access, emergency exist, and perimeter fencing; and,
- Landscaping with native planting and surface water management

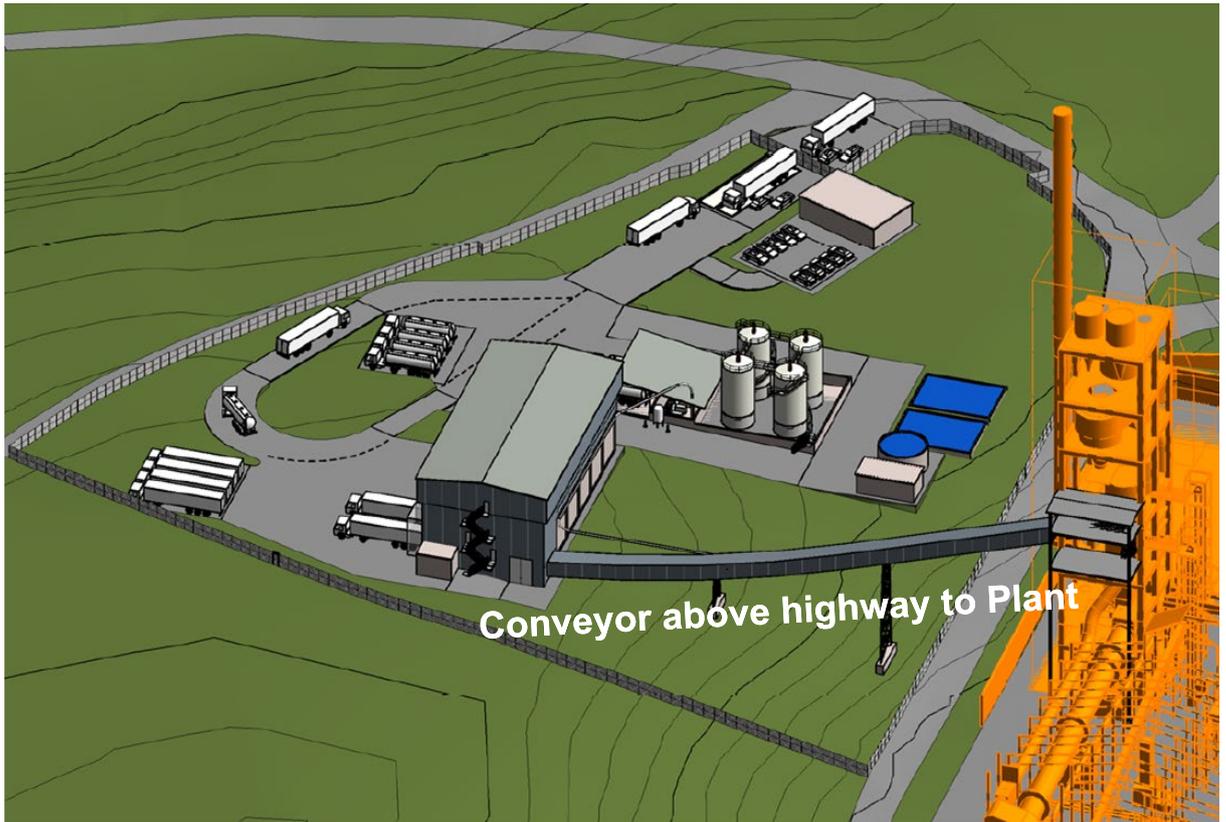
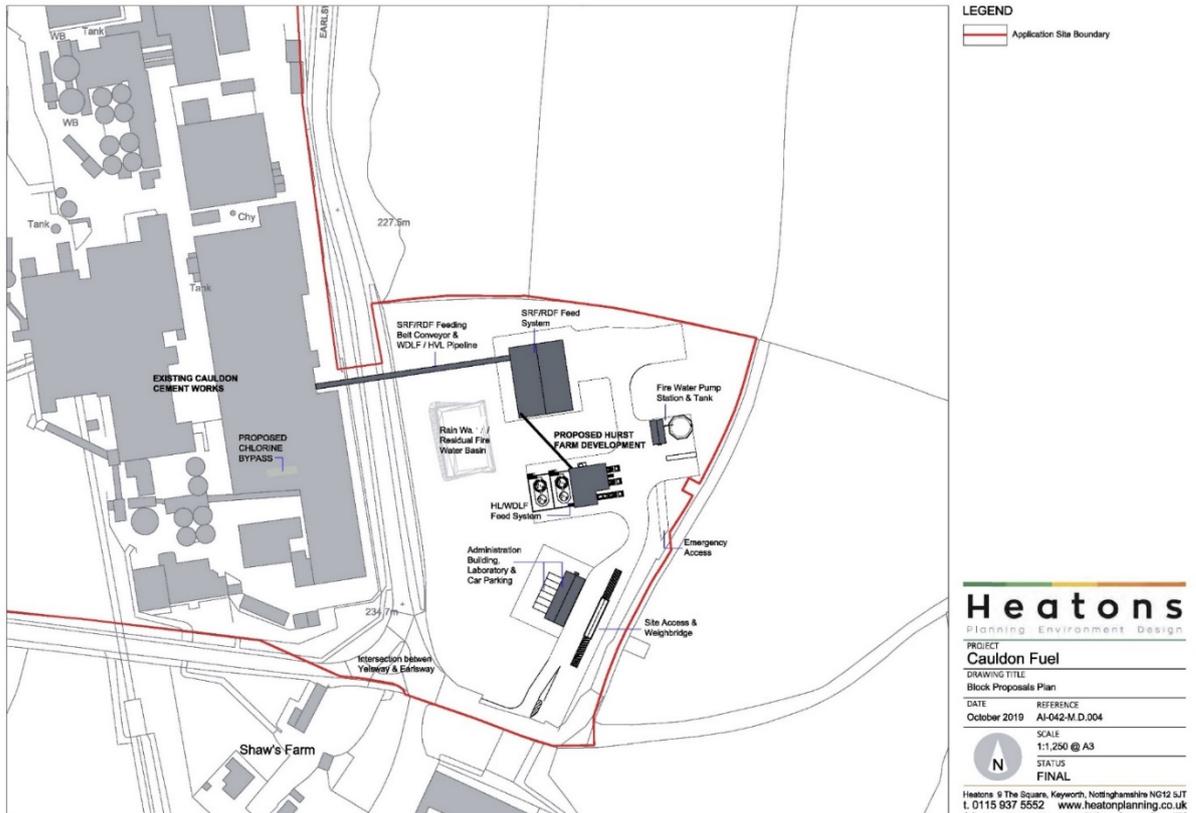


Image (above) and Layout (below) of proposed development (supplied by applicant). Note detailed plans now supersede this image).



27. Refer to Committee Report Plan 2 'The Proposed Site Layout' and Committee Report Plan 3 'Proposed Development Elevations' for further detail of the layout of the alternative fuel firing facility and elevations.

### **Demolition of existing buildings**

28. The existing buildings and structures on the Hurst Farm site would be demolished in their entirety.

### **Installation of a Chlorine Bypass**

29. The chlorine bypass is proposed to be installed at the Cauldon Works site and would be located beside the existing preheater tower west of Earlsway. The site's old granulator building (now vacant) would be demolished in order to facilitate the installation of the bypass. Unlike many other cement plants with similar production levels, at present the Cauldon plant does not benefit from the use of a chlorine bypass. The purpose of a chlorine bypass is to avoid build-ups and corrosion problems in the cement kiln as well as enabling the collection of 'bypass dust'. The bypass effectively acts as a filter which extracts dust which can be recycled or can then be mixed into the final cement products.
30. The majority of the chlorine bypass would be housed within the existing preheater tower, with the only external section of the design consisting of the bypass duct and steel support that connect the preheater tower to the bypass filter. The diameter of the bypass duct would be 1.2 metres.

### **Creation of site access with remodelling of the Earlsway/Yelsway Lane Junction**

31. The existing access to Hurst Farm would be replaced by a newly constructed access east of the existing which would benefit from segregated pedestrian, car and HGV access, with a splitter island between car and HGV accesses.

### **SRF/RDF Storage Hall**

32. A bridge crane operated storage hall with a storage capacity of 5,000 cubic metres is proposed which measures 22.2 metres x 29.6 metres with a height (to ridge) of 18.6 metres, giving a total footprint of 684 square metres. The hall would be constructed with exposed concrete to a height of 9 metres with a lifting screen truck door. The storage capacity equates to three days of SRF/RDF storage capacity, enabling the feed of solid alternative fuels to the works even over bank holiday weekends when no deliveries would take place.
33. The storage hall contains sunken storage bays, where SRF/RDF would be stored at a maximum depth of 5.6 metres, prior to their loading onto the internal hopper for onward transport via conveyor. The conveyor would transport the fuels over Earlsway within enclosed casing directly to the existing precalciner in the preheater tower. Power to the developments proposed would be derived from the existing Cement Works via cabling beneath the public highway.

### **Installation of a conveyor feed**

34. Two steel towers are proposed to support a conveyor from the SRF/RDF storage hall across the public highway Earlsway and directly into the preheater tower, from which

suspension cables would uphold the feed. The total length of the external feed would be 79 metres and would enter the existing preheater tower at a height of 31 metres above ground level. The conveyor would be enclosed within cladding to minimise the visual, dust and noise impacts of transporting solid alternative fuels over Earlsway at a gradient of 18 degrees and at a significant height of approximately 28 metres above the public highway.

### **WDLF/HVL storage tanks**

35. A total of four storage tanks, white to reflect heat, measuring 16.3 metres in height with roof rails with a capacity of 200 cubic metres each would be located centrally within the site in a 'tank farm', close to the entry weighbridge. From the tanks the liquid fuels would be transported by piping to the over-road feed pipeline within the same enclosed casing as the conveyor which transports the solid fuels to the existing Cement Works pre-heater tower.

### **Associated ancillary infrastructure**

36. A two-storey building 22.5 metres x 9 metres x 7.0 metres high plus roof rails and covering a footprint of 202.5 square metres would be erected on-site. The ground floor would provide a laboratory in order to enable quality testing of fuels imported. The first floor would provide an office, meeting room and welfare facilities.
37. Internal roads would be concrete or tarmacked and a single dual-entry weighbridge would be installed and managed by site-operated traffic lights. Car parking for seven vehicles is proposed for employees and visitors, located close to the site access and the laboratory/administration building. A one-way system is proposed for the car park. In addition two separate waiting areas for heavy goods vehicles (HGVs) would be provided to reflect the two feed systems and the types of waste to be imported. Two HGV waiting bays would be provided for HVL/WDLF vehicles and four would be provided for solid SRF/RDF vehicles. The bays would be used when fuel sampling is being undertaken or whilst waiting to unload fuels.
38. A 15.2 metre x 6.3 metre substation hosting a transformer would be located adjoining the SRF/RDF storage hall constructed with external masonry walls, a single galvanised steel door and roof consisting of concrete slab with bituminous waterproofing.
39. A tank for the emergency supply of fire water (12 metres diameter x 6.2 metres high with rails) and a fire pump station (10 metres x 5 metres x 3.95 metres high with pumps, foam tank, compressors, generator and control system) is also proposed in addition to a separate rainwater/residual fire water basin with 500 cubic metre capacity.
40. An emergency vehicular access would be installed along the eastern boundary of Hurst Farm in the event that access could not be gained through the site's primary access/egress points. An emergency exit would also be located at the northern boundary of Hurst Farm.
41. 2-metre-high perimeter fencing would be erected, consisting of a post and panel design comprising 5mm diameter wires, within existing site boundaries (drystone walls, hedgerow boundary vegetation). All of the hedgerow and sporadic trees

located along the western boundary with Earlsway, and the northern and eastern field boundaries would be retained.

### Operating Hours

42. The fuel storage and feed facility would operate without restriction to ensure a constant and steady supply of fuel to the Cement Works, which is permitted to operate on a 24 hour 7 days per week basis. HGV deliveries to the site would however be restricted to the following hours:

- Between 0600 hours and 2200 hours Monday – Friday
- Between 0600 hours and 1300 hours on Saturdays.
- No deliveries would be received on Sundays or bank / public holidays.

### Throughput of material and associated HGVs Movements

43. There are no planning condition limits on the days/times that HGVs can enter the existing Cement Works and HGVs can arrive on a 24 hour /7 days a week basis. An additional 21 HGV loads /42 HGV movements are proposed per full working day (0600 hrs – 2200hrs), equating to less than 2 loads per hour.

	SRF/RDF	HVL/WDLF
Throughput	85,000tpa	40,000tpa
HGV load	22T	25T
HGVs per year (peak)	3,860	1,600
HGV receiving days per year	260	260
HGV arrivals per day (peak)	15	6
HGV reception window	16 hours per full working day	16 hours per full working day
HGV per hour	0.94	0.38

44. The volume of SRF /RDF proposed is 85,000 tonnes per annum and the peak number of HGV loads proposed per day for SRF/RDF would be 15. The volume of HVL/WDLF proposed would be 40,000 tonnes per annum and the peak number of HGV loads proposed per day for HVL/WDLF would be 6. The proposed delivery hours are consistent with the hours at the Cauldon limestone quarry. Implementing a dual-shift working day with employees working 0600 – 1400 hours and 1400 – 2200

hours would enable deliveries to be evenly spaced throughout the working day at a rate of approximately 1 – 2 deliveries / 2 – 4 movements per hour over a 16-hour full working day without any night-time deliveries.

45. There is scope for the proposed 21 additional daily vehicle movements to be offset by a long-term reduction in deliveries of coal and motor vehicle tyre chips.
46. The application is accompanied by a large number of documents and plans including:
  - Application Form
  - Planning and Environmental Statement
  - Technical Appendices
    - A- Landscape and Visual Impact Appraisal
    - B- Ecological Appraisal Factual Report
    - C - Cultural Heritage Assessment
    - D - Noise Assessment
    - E - Air Quality Impact Assessment
    - F – Soil Resources and Agricultural Land Quality Assessment
    - G – Hydrology and Hydrogeology Impact Assessment including Flood Risk Assessment
    - H – Transport Assessment
  - Non-Technical Summary
  - Waste Development Statement
  - Construction Environmental Management Plan (CEMP)
  - Drawings
    - Location Plan
    - Topographic site Plan
    - Block Proposals Plan
    - General Layout Plan
    - Elevations Plan
    - Floor Plan
47. The off-site highway works shall require a Highway Works Agreement which is a separate matter. Similarly a separate application has been submitted to permanently

divert the Public Right of Way (Public Footpath no.74 of Waterhouses Parish) which is partly within the application site.

48. The Applicant proposes to enter into a Section 106 Legal Agreement relating to the remodelling of the Earlsway/Yelsway Lane junction. An established Community Liaison Group (Cauldon Community Liaison Committee (CLC)) meets regularly at the Cauldon Cement Works regarding the mineral operations and cement works and would also be able to discuss matters associated with the fuel storage and feed system.

## **The Applicant's Case**

49. The primary reasoning behind the proposals is to enable Cauldon Cement Works to switch to a higher proportion of alternative 'waste-derived' materials (Solid Recovered Fuels (SRF) and Waste Derived Liquid Fuel (WDLF)) in the fuel mix for kiln firing in place of coal and used motor vehicle tyre chips in the production of cement and reduce the CO<sub>2</sub> emissions from the Cement Works. It is calculated that by utilising alternative fuels, such as SRF and RDF, the cement manufacturing process at the site can reduce its CO<sub>2</sub> production by approximately 35,000 tonnes annually. This proposal would enable the facility to accept more than 85% of its fuel feedstock from more sustainable sources, including SRF/RDF and waste liquid fuels.
50. In addition to emitting less CO<sub>2</sub> than the current fuel feedstock, which is used at Cauldon Cement Works, the proposed development would also reduce the amount of waste being sent for disposal at landfill from the waste streams. This represents a significant environmental benefit.
51. There is limited space for the proposed development to be installed within the existing Cement Works complex west of Earlsway. Hurst Farm is a logical site to host the new alternative fuel feed platform outside of the works due to its incorporation within the Company's landholding, ease of transport access from the public highway, and its proximity to the existing preheater.
52. Although not currently being used, all of the alternative fuels proposed to be stored and fed into the preheater tower from Hurst Farm have been used at Cauldon before, with the exception of HVL. However, HVL are used for the firing of cement kilns elsewhere across the UK and beyond. Their use for this purpose is a well-established practice in the cement industry.
53. Alternative fuels were used in the production of cement at Cauldon as recently as May 2019. The fuels which fire the cement kilns at Cauldon are burned at a temperature of between 1450 and 2000 degrees Celsius. Burning the alternative fuels at such temperatures ensures that no residue is left, and no materials are unburned.
54. It is not proposed to undertake any 'pre-processing' activities at the Hurst Farm storage and feed platform. All of the alternative fuel brought to site to be fed from the proposed alternative fuel platform would be imported 'ready to burn'.
55. A total of six jobs would be created and the proposed development would provide a multi-million-pound investment in the Cauldon Complex that would provide a purpose-built facility equipped to serve a modern cement works with the highest safety standards. Control of Major Accident Hazards (COMAH ) accreditation is

being pursued which would ensure that the site maintains high safety standards and minimises the risk of incidents which could lead to environmental damage.

## Relevant Planning History

56. The mineral permissions granted under Interim Development Orders [IDO/SM/6](#) and [IDO/SM/9](#) and planning permissions for the wider mining site (including permissions for the extraction of limestone granted in 1998 and permissions granted in 1988 and 2006 for the extraction of shale) are subject to periodic review under the Environment Act 1995. A postponement of the current review date to 31 December 2021 was approved 25 July 2019 ([SM.19/05/111 MW](#)) consistent with the request to postpone the review of mineral planning permissions at Cauldon Low Quarry, the adjacent limestone quarry (ref: [SM.19/04/112 M](#)). The buildings and structures forming the cement works would not be subject to review as they are subject to the other permissions.
57. The manufacture of cement at Cauldon has been ongoing since 1957. The cement works were originally permitted by the Minister of Housing and Local Government in 1950 and extended in 1961 and subsequently a number of permissions have been granted for extensions and alterations culminating in a 1983 planning permission (ref. SM.11724) for 'the construction of new preheater warehousing, process control and other buildings together with new cement and clinker silos', which provided for the redevelopment of the works to its present form. 3 kilns were replaced by a single kiln but changes to the plant led to an increase in output. Condition 10 of this planning permission originally withdrew permitted development rights for the erection of any fixed plant, fixed machinery, building or structure, other than those indicated on the plans approved with the 1983 consent. This was however later varied by permission SM.009/01/111 MW granted in 2002 to allow permitted development rights on the plant site. Condition 6 of the 1983 consent (ref. SM.11724) requires the removal of all buildings, structures, foundations and hardstanding and the restoration of the site in accordance with a scheme to be agreed with the County Planning Authority when cement production ceases.

## Environmental Impact Assessment (EIA)

58. A Screening and Scoping Opinion was adopted by the County Council in June 2019 (Ref. [SCE.83/111 MW & SCO.311/111 MW](#)). In line with this Opinion, the Environmental Statement (ES) considered: Landscape and Visual Impact; Ecology; Cultural Heritage; Noise; Air Quality; Soil Resources and Agricultural Land Quality; Hydrology and Hydrogeology Impact including Flood Risk; and Transport. The findings of the ES (and the environmental information subsequently received) are summarised in [Appendix 2](#).

## Findings of Consultations

### Internal

59. **Highways Development Control** (on behalf of the Highways Authority) – no objections. An informative is however recommended regarding a Highways Works Agreement. Conditions are also recommended in relation to:
- details of the highways works before works commence on construction of the revised access;

- details of the conveyor belt and means of preventing material falling onto the highway where it passes over the highway;
- details of the surface water drainage interceptor;
- provision of visibility splays; and,
- implementation of the Construction Environmental Management Plan.

60. The **Environmental Advice Team (EAT)** – no objections. Conditions are however recommended:

#### Ecology

- submission of Biodiversity Mitigation Management Plan (BMP) prior to commencement of any site works including vegetation clearance and building demolition. BMP to include details of how retained grassland will be enhanced and then maintained; monitoring and remediation details; and details of swallow and bat mitigation measures;
- submission of site plans that show retained grassland, trees and other habitats prior to commencement;
- submission of fencing details (Heras type or equivalent) to protect retained grassland, trees and other habitats prior to commencement;
- submission of details of how bats will be protected during building demolition prior to commencement;
- submission of external lighting details prior to brought into use. Such details shall include the location, height, type and direction of light sources and intensity of illumination, with contour plan. Any lighting which is so installed shall not thereafter be altered without the prior consent in writing of the Local Planning Authority other than for routine maintenance which does not change its details;
- submission of details of ramp suitable for wildlife to escape from rainwater basin;
- removal of vegetation and demolition of buildings shall be undertaken outside of bird nesting season (1<sup>st</sup> March to end August). If this is not possible then a suitably qualified ecologist shall check the areas concerned immediately prior to the clearance works to ensure that no nesting or nest-building birds are present. If any nesting birds are present, then the vegetation or buildings shall not be removed until the fledglings have left the nest.
- measures to protect herptiles (reptiles and amphibians) set out in 12.3.14 of the Planning and Environmental Statement to be followed throughout all site works.
- submission of details of method for protection for retained trees in line with 'BS 5837:2012: Trees in relation to design, demolition and construction' and location of protective fencing in relation to root protection zones prior to

commencement

#### Historic Environment

- Archaeological site work shall be implemented in full in accordance with the approved Written Scheme of Archaeological Investigation (WSI). The development shall not be occupied until the site investigation and post-fieldwork assessment has been completed in accordance with the approved WSI and the provision made for analysis, publication and dissemination of the results and archive deposition has been secured. The archaeological trial trenching must be undertaken sufficiently in advance of construction so that, should further archaeological mitigation be required, it can be designed and fully implemented. [Note: The County Archaeologist was previously consulted by the applicant's Historic Environment Consultant with regards to the scope and contents of the submitted Cultural Heritage Assessment and approved the submitted Archaeological Written Scheme of Investigation. It was agreed that in terms of archaeological mitigation, a Level 2 Historic Building Record and a programme of archaeological trial trenching should be carried out in advance of the development commencing].

#### Public Rights of Way (PROW)

- An application has been submitted to divert PROW Waterhouses 74. An informative is provided.

#### Landscape

- Submission of landscape plan and aftercare to include treatment of the attenuation pond and new tree planting. [Note it is recommended that Ash die back in the landscape is considered and also use of drystone walling to highway boundaries constructed using local materials and to traditional walling patterns and built by craftsman].

61. The **Flood Risk Management Team (FRMT)** – no objections subject to a pre-commencement condition requiring details of a satisfactory surface water design to prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.
62. The **Planning Regulation Team** – no objections but conditions are recommended to restrict the operating hours during the construction and the hours when vehicle movements are acceptable once the site is operational. It is commented that the Planning Regulation Team have attended several meetings of the site's Community Liaison Committee where these proposals have been presented and discussed. At those meetings questions were raised regarding the visual impact of the development, effect on vehicle movements to the site and safety issues with the proposed plant, however these were addressed during the meetings.
63. **County Noise Engineer** – no objections but noise conditions are recommended. It is commented that having read the applicant's noise report the noise impact from the proposals to construct the fuel storage and feed system is extremely low – the assessment has shown that predicted levels will be between 1 dB and 28 dB below the existing LA90 background levels at the five nearest receptors (dwellings). Their conclusion, and correctly so, is that the development would have a negligible effect

on the nearest dwellings.

64. With regards to a noise condition, it would be impossible to set permitted limits at the receptors that were able to be measurable – operations from this development would be inaudible with other quarrying operations and other noise sources in the vicinity being either dominant or audible. Control on noise emissions would be effectively maintained by limits on working hours and the type of plant and equipment permitted through other conditions. However, a standard type noise condition is recommended relating to use of plant and equipment. Also it is recommended that the construction phase is carried out in accordance with a Noise Management Plan as part of the CEMP. This should include but not be limited to guidance provided by BS5228-1: 2009+A1:2014 Code of practice for noise and vibration control on construction and open sites – Part 1: Noise and Part 2: Vibration and include other measures of general good practice site management.

### **External**

65. The **Environment Agency (EA)** – no objections however a condition is recommended to effectively deal with any contamination that is identified during development and presents a risk to controlled waters.
66. It is commented that the cement works are limited to what they can use as alternative fuels under their existing Environmental Permit (Ref: [TP3334AW](#)). Any new fuels would be subject to a potential Environmental Permit Variation on the new site and the existing works. The site would also be subject to the COMAH regulations due to the type and volume of fuel proposed. Advice is provided on Environmental Permitting and groundwater and contamination which could form Informatives.
67. In relation to the concerns raised in relation to the existing cement works, the EA records show that there was one dust complaint in 2017, no complaints in 2018 and three dust complaints and one odour complaint in 2019. The EA were not able to substantiate any of these complaints. It is also commented that the EA are aware that thirty complaints were made direct to the Parish Council in relation to the cement works. The Environment Agency visited Lafarge and went through all the complaints made; assessed the activities on all occasions but were unable to find anything untoward. The cement works have to monitor a number of parameters including particulates continuously and submit quarterly reports as part of the conditions in their Environmental Permit. In addition the Environment Agency has met two representatives from the Parish Council and explained the requirements of the Environmental Permit and all the monitoring the cement works have to carry out. The option for noise monitoring is open to the complainant in question if required at a later date. The EA have however undertaken a recent noise survey (June 2020) and will be undertaking unannounced visits over the next months.
68. **Natural England (NE)** – As the West Midlands Area Planning Team did not have the capacity to assess the application generic advice was provided (if applicable) on Protected species; best and most versatile agricultural land and soils; landscape; local sites and priority habitats and species; ancient woodland; environmental enhancement; rights of way; and, biodiversity duty. [The Information is provided in an Informative].
69. **Historic England** – no comments. It is suggested that the views of the County

Council's conservation and archaeological advisers are sought. [Note: The County Archaeologist agreed the scope and contents of the submitted Cultural Heritage Assessment and approved the submitted Archaeological Written Scheme of Investigation. It was agreed that in terms of archaeological mitigation, a Level 2 Historic Building Record and a programme of archaeological trial trenching should be carried out in advance of the development commencing].

70. **Staffordshire Moorlands District Council Planning** – Support the proposal in principle as it seeks to secure a renewable, more sustainable energy supply and thus reduce the overall carbon footprint of the works, which would fully support the aims and objectives within Policy SD2 of the Core Strategy, Policy DC2 of the Emerging Local Plan and relevant paragraphs within Chapter 14 of the National Planning Policy Framework.
71. **Staffordshire Moorlands District Council Environmental Health** – No objections subject to conditions in relation to dust management, artificial lighting, and noise:
- A dust management plan and method to monitor the effectiveness of mitigation measures (outlined in Table 1.26 of the submitted Air Quality Assessment) is recommended to adequately protect from dust pollution.
  - Details of any artificial lighting to be installed is recommended which should not increase the pre-existing illuminance at the adjoining light sensitive locations when the light(s) is (are) in operation.
  - In respect of noise as all site preparation and construction works are proposed for daytime then significant adverse impacts are not predicted. No night-time working is recommended by condition in addition to ensuring that generator noise is controlled in compliance with BS4142:201. (Plant and machinery sound levels are set out in tables 6.28 and 6.29 under BS4142:2014 of the submitted noise assessment). It would be advisable that where possible the nearest neighbours are provided with a timescale of construction and notification of piling etc.
72. An informative /advisory note is also provided regarding lighting, demolition, noise, and the control of dust and emissions.
73. With respect to the operation of the Cement Plant, the site has been visited at night on account of continued noise complaints from local residents against the general activity at the site specifically night-time noise. It was found that there is a significant level of noise coming from the main plant processing area at present. The noise impacting the area was considered tonal (subjective). Previous to March 2020 the site has been subject to a rare occasional complaint to the District Council but since then the site has been subject to numerous noise and dust complaints. This development according to the submitted noise assessment is predicted not to increase noise levels. It is Environmental Health's opinion that post development noise monitoring should be undertaken within 4 weeks of the first use to ensure the development impact noise complies with the noise assessment.
74. It is commented that Lafarge is required to operate to certain environmental standards by an Environmental Permit regulated by the Environment Agency. The application site will require an Environmental Permit and it is recommended that the appropriate parts of the existing permit (site management / dust control) are

transposed to the application area.

75. **Peak District National Park Authority** – No objections provided there is no material impact on the landscape and setting of the National Park. Conditions are recommended in relation to landscape enhancement and appropriate colours to help mitigate the appearance of the new structures and buildings. It is commented that the PDNPA are satisfied that the proposed development will result in a number of operational, economic and environmental benefits which would contribute to the sustainable continuation of this nationally important cement works without undue detriment to the setting of the National Park, and the environmental impacts would be localised.
76. **Waterhouses Parish Council** – No objection to the proposal, however concerns are raised that the emissions from the existing Cement Plant have not been solved; and, potentially there will be hazardous emissions from burning waste derived fuels if the problems with the existing plant are not resolved. It is stated the ‘the development should be conditional upon the resolution of the on-going issues that so unfairly impair the well-being of the parishioners’.
77. Whilst the economic benefits of the works within the community are recognised and in principle the company’s plans to reduce the carbon footprint are largely supported, concerns are raised in relation to noise from the Cement Plant affecting a few specific residential properties and creating substantial distress for the occupants; and dust and smoke emissions of a more sporadic nature affecting the parish far more widely. Furthermore, there is a lack of data to identify the nature of the emissions, and their possible long-term effects upon the health and well-being of people living nearby. Whilst reducing the levels of fossil fuels burnt at the works, the proposal will result in increased haulage and associated pollution that will have a detrimental effect on wellbeing and tourism. Meetings have recently been held with Lafarge, the Environment Agency and District Environmental Health and County Council representatives to try to better understand the cause of the complaints and to safeguard the future interests of the parishioners. The Parish Council has been assured by the Environment Agency that the works are operating within its licenced parameters, however the parishioners cannot understand that this is possible when the company has admitted that there are malfunctions within the processing plant which stem from certain ‘ageing’ components and/or disruptions to the supply of power to the works. The Parish Council would like to seek reassurances that the problems evident with the existing processing plant will be addressed so as to allay the serious health and well-being fears of many local residents. No independent monitoring processes of air quality takes place in the area surrounding the works therefore there is currently no baseline information by which to judge the effect of burning more waste as fuel. If the improvements to the operation of the existing works are not made a condition of the new planning application, then at the very least, independent monitoring of the levels of smoke, dust and noise, should be made a condition of any potential approval, to provide parishioners with the confidence that their health interests will be safeguarded. [Note emissions are Environmental Permit considerations for the Environment Agency. See consultation response above from the Environment Agency].
78. **Adjoining Parish Councils** (Cotton, Wootton, Farley) were consulted but have not responded.
79. **Western Power Distribution** – Information is provided of electricity /WPD Surf

Telecom apparatus in the vicinity of the proposed works. Advice is provided as an informative if excavating on site in the vicinity of apparatus.

## **Publicity and Representations**

80. Site notice: YES Press notice: YES

81. 20 neighbour notification letters were sent out and 2 representations have been received. The representations raised concerns about:

- Increase in pollution (noise, dust and emissions).

The operational management and controls of the current works should be a material consideration. High volumes of dust, smoke and noise from the existing works have been experienced for the last few years and particularly in recent months. Complaints have been reported to the Parish Council, Lafarge's control room, the Company's Environment Officer, the site Managers, The County Council, the District Council and the Environment Agency. It is commented that on occasion the company have failed to respond to these complaints or have commented that the airborne pollution is a consequence of failing equipment, faulty filtration systems, and lack of available budget to facilitate correct operational performance of equipment. It is feared that any further development of the works will add to the disruption already being experienced by local residents. Contamination of vehicles through airborne pollution is also a major concern being overlooked. Also the droning noise day and night is causing anxiety and stress to residents. [Note emissions are Environmental Permit considerations for the Environment Agency. See consultation response above from the Environment Agency. Also SMDC is the Local Authority responsible for investigating Statutory Nuisance].

- Traffic

Additional traffic cannot be supported without significant investment in the road network system. The immediate access road supports the national speed limit and concerns are raised regarding the dangers posed of increased HGVs to local residents, cyclists, pedestrians and horse riders.

- Visual Impact.

Additional infrastructure will have an impact on the village and local environment.

- Impact on wildlife.

The local environment, habitats and wildlife will be affected by additional built development.

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

82. 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.

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.’

83. [Appendix 1](#) lists the development plan policies, and the other material planning considerations, relevant to this decision.

## Observations

84. This report considers two applications:
- a) Delegated authority is sought to determine at a later date the application for Hazardous Substances Consent for proposed fuel storage and feed system for alternative fuel firing and ancillary development [SM.19/13/111 MW](#).
  - b) Application for Proposed Fuel Storage and Feed System for Alternative Fuel Firing and ancillary development [SM.19/10/111 MW](#)
85. Whilst the two applications are associated, the consultation responses, representations and observations detailed in this report relate only to the waste planning application (ref. [SM.19/10/111 MW](#)).
86. Having given careful consideration to the waste planning application, environmental and other information, including the environmental 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 general development plan policy and other material planning policy considerations
  - The site-specific development plan policy considerations and the matters raised by consultees and in representations
  - The need for a Section 106 Legal Agreement

### **The general development plan policy and other material planning policy considerations**

The right type, in the right place and the right time?

87. The [National Planning Policy Framework](#) (February 2019) (NPPF) supports the transition to a lower carbon-emitting future, including through the determination of planning applications (Section 14).
88. The NPPF contains no specific waste policies. Instead the [National Planning Policy for Waste](#) (October 2014) (NPPW) explains the need to:

- a) drive waste management up the waste hierarchy;
  - b) promote a more sustainable and efficient approach to resource use; and,
  - c) ensure that waste is considered alongside other spatial planning concerns.
89. The NPPW also emphasises the importance of:
- a) putting in place the right waste management infrastructure at the right time and in the right location;
  - b) securing the re-use, recovery or disposal of waste without endangering human health and without harming the environment; and,
  - c) ensuring that the design and layout complements sustainable waste management.
90. The new waste strategy '[Our Waste, Our Resources: A Strategy for England](#)' published in December 2018 sets out a national policy framework with respect to waste. The strategy discusses the management of residual waste and states that energy from waste is generally preferable to landfill, which it sees as having an ongoing role only for inert waste that cannot be prevented or recycled. The strategy also addresses the circular economy and states that:
- '...it's not just in material reuse that the circular economy delivers benefits. It's also relevant to energy generation and savings. Incinerating non-recyclable or contaminated waste (such as food packaging) can generate energy'. (page 32)
91. The [Staffordshire and Stoke on Trent Joint Waste Local Plan \(2010 – 2026\)](#) (WLP (Policies 1.1, 2,3, 3.1, and Paragraph 5.23) promotes the principal that waste is a resource and seeks to encourage the diversion of waste away from landfill; supports waste development which manages waste higher in the 'waste hierarchy'; and, indicates that 'energy from waste and waste derived fuels has an important role to play alongside recycling and composting in a system of integrated sustainable waste management'. The development should be of a scale and size which is proportionate and appropriate to the area and should avoid causing unacceptable adverse impacts. The general requirements for new and enhanced waste management facilities are that they should be:
- a) fully contained within well designed purpose built or appropriately modified existing buildings or enclosed structures appropriate to the technology or process; and,
  - b) compatible with nearby uses, and appropriate in scale and character to their surroundings giving careful consideration to any cumulative effects that may arise.
92. [The Staffordshire Moorlands District Local Plan \(up to 2026\)](#) (SMDLP) (Policy SD2) supports renewable /low-carbon energy. New buildings should however have 'minimal impact' on the countryside (Policy R1).
93. Commentary: At present, it is not possible to produce cement in a 'zero carbon' environment, however the primary objective of this proposal is to reduce the carbon footprint of the Caudon Cement Works by facilitating the safe and efficient use of

waste derived fuels as an alternative to the coal and used motor vehicle tyres currently burnt in the cement kilns. The burning of fossil fuels, such as coal, generates large quantities of CO<sub>2</sub>, which is a significant greenhouse gas, having a key impact on global warming and climate change. Although there are many industrial processes that produce significant amounts of CO<sub>2</sub> emissions as a by-product of chemical reactions needed in their production process, cement production produces the greatest amount of CO<sub>2</sub> amongst all industrial processes. The re-use of solid recovered fuels (SRF), waste derived liquid fuels (WDLF), refuse derived fuels (RDF) and high viscosity liquids (HVL) would not only enable the reduction in use of fossil fuels, but would utilise the wastes for a meaningful purpose. This represents a sustainable waste management option which accords with the principles of the waste hierarchy i.e. the use of such waste derived fuels in cement production is preferable to their disposal and would enable the reduction of the facility's environmental impact.

94. The production of clinker requires temperatures of approximately 2000 degrees Celsius in the cement production process. By increasing the amount of alternative fuels burnt as opposed to fossil fuels it is calculated that the cement manufacturing process at Cauldon could reduce its CO<sub>2</sub> production by 35,000 tonnes annually. This proposal would enable the facility to accept a fuel mix of greater than 85% alternative / waste derived fuels (between 100,000 - 150,000 tonnes per annum) and this would represent a significant environmental benefit. The alternative fuels have a general higher calorific value when burned than the coal and motor vehicle tyre chip and would greatly improve the efficiency of the works as less fuel would be required to achieve a comparable temperature. The company may also be able to reduce the volume of fuels used in cement production which would have wider economic and environmental benefits, such as long-term reduction in HGV movements required for the delivery of fuels to the site.
95. It is expected that whilst construction of the platform and feed are underway, the site would see a temporary net increase in carbon in the short-term, which would be greatly outweighed by the capability of the Cement Works to utilise alternative fuels derived from waste instead of coal in the long term. The beneficial relief of carbon emissions also outweighs the slight increase in vehicle movements associated with deliveries to / from the proposed platform. The project's potential total transport movements once operational have already been reduced through the reduction of 'tailpipe' emissions by utilising the proposed conveyor to feed fuels to the Works, as opposed to road transport.
96. Conclusion: Having regard to the general development plan policies and other material planning policy considerations referred to above, it is reasonable to conclude that the proposed fuel storage and feed system for alternative fuel firing is designed to meet the demands of the adjacent cement works and would enable the substitution of fossil fuels in an established industrial process. The development represents an opportunity to reduce the carbon footprint of the Cauldon Works whilst maintaining the vital supply of cement from the site. In general terms the site is the right type, in the right place, and the proposals are at the right time. Therefore, the proposals are considered to be acceptable in principle. The site-specific considerations are discussed below.

**The site-specific development plan policy considerations and the matters raised by consultees and in representations**

The proximity to residential areas and consequential risks (increase in pollution, traffic, visual impact, and impact on wildlife).

97. The WLP (Policy 4.2), and the NPPW (Appendix B) explain that consideration should be given to the likely impact of the proposal. Relevant to this case are the potential effects of the proposals on people and local communities including the potential health effects; the highway network; the landscape, countryside and natural environment; the setting of the Peak District National Park; the local environment and protection of air, soil and water and reduction of flood risk.
98. Similarly the SMDLP requires consideration of design, landscape and visual impacts and residential amenity (Policies SD1 Sustainable use of resources; SD2 Renewable /low-carbon energy; DC1 Design consideration; and DC3 Landscape and settlement setting); public amenity including noise, dust and emissions (Policy SD4 Pollution and flood risk); ecological impacts (Policy NE1 Biodiversity and geological resources) and highway safety (Policy T1 Development and sustainable transport).
99. Commentary: The landscape and countryside are key considerations in determining the impact of the proposed development. With reference to [Planning for Landscape Change](#) (formerly Supplementary Planning Guidance to the Structure Plan referenced as a material consideration in Appendix 3 of the Joint Waste Local Plan) the area is recognised as being characterised by historic quarrying and the existing cement works and associated infrastructure forms part of the distinctive character of the landscape. The SMDLP (Policy SD1) also states that “Development on non-allocated greenfield land is considered acceptable where the proposal relates to the provision of needed development which cannot be accommodated on a deliverable previously developed site or other allocated site in the locality and is in a sustainable location”. The proposed site is directly across the road from and would be linked by a conveyor and piping to the Cement Works which supplies circa 10% of Great Britain’s cement and is therefore a nationally significant operation, representing a sizeable contribution to both the local and national economy. The Cement Works does not benefit from a spacious internal layout and therefore the alternative fuel storage and feed system cannot be installed within its footprint. The proposed built development would essentially form an extension to the existing infrastructure at the Cauldon Cement Works. It could not feasibly be located anywhere else due to the nature of its proposed use, being the fuel supply to the works. Any localised impacts on countryside and landscape would be outweighed by both the size, scale and massing of the existing complex and the national need for the development in environmental and economic terms.
100. Given the substantial scale of the proposed built development at Hurst Farm it has however been appropriate to assess the potential for significant impacts on the Peak District National Park. The introduction of taller structures at Hurst Farm would be noticeably visible and would have the visual effect of laterally extending the area of tall structures eastwards as seen from within the National Park. However, only a marginal increase in prominence and visual detracting may be experienced, and the impacts of the proposed new buildings would be relatively minimal set adjacent to the local dominance of the substantial buildings and structures on the main cement works site and against the prominence of Cauldon Limestone Quarry and Caldon Low to the south. With regard to landscape mitigation the proposals include 2 metres high perimeter fencing and landscaping with native planting. The proposals would however bring built development on Hurst Farm further to the north whilst the predominant vegetation shielding the current lower level buildings at Hurst Farm are

trees contained around the southern and western boundaries and a mature hedge along the eastern edge of Earlsway. The more critical boundaries in terms of visibility from within the National Park are the northern and eastern boundaries where it would appear that there is only patchy vegetation, a few scattered tree groups and remnant stone walling on the northern boundary and only two trees with hedgerow on the eastern boundary. The Peak District National Park Authority (PDNPA) has recommended landscape enhancement in particular for the northern boundary of the Hurst Farm application site (thickening / gapping the hedgerow / additional hedgerow trees) to provide some improved low-level screening and additional landscaping.

101. The PDNPA has also commented that the greatest visual impact as seen from wide areas of the National Park arises from the cement works buildings themselves, in particular the pre-heater tower and chimney and they would support any opportunity to secure repainting of sheeted and other surfaces of (particularly tall) buildings and structures at the cement works using darker recessive colour(s) instead of the existing light greys / mushroom colours which appear bright white and very visually apparent in certain lights. The preferred outcome could be achieved by agreeing a colours strategy with the Works operator providing for the gradual mitigation of the visual appearance of buildings and structures, where practicable, during periods of maintenance and asset renewal (e.g. sheeting replacement) and new build (e.g. colour choice and use of new development to screen visually intrusive existing development). With or without an agreed colours strategy for the main works, the PDNPA would nevertheless request that condition(s) be imposed on any grant of planning permission for the current application to ensure, where practicable, the use of appropriate dark recessive colours on the external faces of the new development proposed, such as to visually integrate that development within the natural landscape.
102. The Parish Council and local residents have expressed concerns about the operation of and emissions from the existing cement works which they consider could be exacerbated by the development and use of alternative fuels. The application is however accompanied by air quality, landscape and visual impact, ecological, noise, flood risk and transport assessments which conclude that there would be no unacceptable adverse impacts. A purpose-built facility is proposed within Hurst Farm which would operate safely, efficiently and to environmentally acceptable standards. Technical consultees, including the Environment Agency, Highway Authority, Staffordshire Moorlands District Council's Environmental Health Team, have all independently considered the assessments and have raised no objections to the proposals, subject to the conditions and informatives recommended below.
103. It is relevant to note the government guidance on waste which explains that:

‘There exist a number of issues which are covered by other regulatory regimes and waste planning authorities should assume that these regimes will operate effectively (emphasis added). The focus of the planning system should be on whether the development itself is an acceptable use of the land and the impacts of those uses, rather than any control processes, health and safety issues or emissions themselves where these are subject to approval under other regimes. However, before granting planning permission they will need to be satisfied that these issues can or will be adequately addressed by taking the advice from the relevant regulatory body.’ (ref. Guidance – Waste - [Regulatory regimes](#)).
104. The day-to-day operations would be controlled by an Environmental Permit regulated

by the Environment Agency. The proposed alternative fuel storage and feed platform would also have to be COMAH-compliant and therefore it would have to adhere to the highest level of health and safety standards.

105. With respect to traffic, the existing Cement Works internal roads, the existing HGV access and egress are frequently congested as a result of the tight layout of the existing works. HGVs delivering fuels to the existing works do not benefit from a circulatory road and instead have to manoeuvre tight turns within the site. A purpose-built alternative site layout which is designed to modern safety and design standards is therefore required. The Transport Assessment submitted as part of the application has identified that the proposed development would result in a slight increase in HGV vehicle movements (up to one more per hour) in comparison with the current works traffic.
106. Conclusion: Having regard to the site-specific development plan policies and the matters raised by consultees and representations referred to above, it is reasonable to conclude that the proposed development would not give rise to any materially harmful impacts, subject to the conditions recommended below.

### **The need for a Section 106 Legal Agreement**

107. Paragraph 54 to the NPPF explains 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’.

108. Paragraph 55 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.’

109. Paragraph 56 explains states:

‘Planning obligations must only be sought where they meet all of the following tests:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) 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, Staffordshire Moorlands District Council do not currently have CIL].

110. Chapter 6 of the Staffordshire and Stoke on Trent Joint Waste Local Plan (Implementation and Monitoring of the Plan) and similarly 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 and Waste Planning Authority will implement the objectives and policies of the Local Plans including negotiating legal agreements or modifications to existing legal agreements. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.
111. Commentary: The Applicant proposes to enter into a Section 106 Legal Agreement (S106) relating to the remodelling of the Earlsway/Yelsway Lane junction. [Note an informative is also recommended regarding the need for a Highways Works Agreement].
112. The wider Cauldon Complex (the mineral operations and cement works) has an existing Cauldon Community Liaison Committee which meets regularly and includes representatives from the Parish Council, Environment Agency, District Council and County Council. This is an opportunity to formalise this committee as part of a new Section 106 Agreement and to include the operation of the Alternative Fuel Storage and Feed System as part of the remit of the committee.
113. In this case it is considered that the undertakings described below would meet the tests referred to above for the reasons discussed below.

To secure the remodelling of the Earlsway/Yelsway Lane junction

114. This undertaking would ensure the provision of measures for safe access and egress to and from the site in accordance with the [Mineral Local Plan for Staffordshire](#) (Strategic Objective 3 and policy 4) and the NPPF (section 17).

To formalise the existing Cauldon Community Liaison Committee arrangements in relation to the mineral operations and cement works and to include the Alternative Fuel Storage and Feed Facility and invite key stakeholders including local residents /landowners.

115. This undertaking would formalise the previous informal arrangement and would ensure that a forum exists to keep all those concerned informed and for concerns that may arise or opportunities to improve the working of the Cement Works and the alternative fuel storage and feed system to be discussed in accordance with the [Mineral Local Plan for Staffordshire](#) (Strategic Objective 4 and policy 6) and the NPPF (section 17).
116. 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, directly related to the development, and fairly and reasonably related in scale and kind to the proposed development and should be secured as part of a Section 106 Agreement.

## **Overall Conclusion**

117. 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.

## **Recommendation**

### **A.** Recommendation [SM.19/13/111 MW](#)

That Planning Committee **delegate authority** to the Director for Economy, Infrastructure and Skills in consultation with the Chairman of Planning Committee and the Cabinet Member for Environment, Infrastructure and Climate Change, to determine the application for Hazardous Substances Consent for proposed fuel storage and feed system for alternative fuel firing and ancillary development, on receipt of the relevant consultation responses, particularly from the HSE.

### **B.** Recommendation [SM.19/10/111 MW](#)

**Permit** the application for a Fuel Storage and Feed System for Alternative Fuel Firing and ancillary development subject to the applicant and all other persons with an interest in the land signing a Section 106 Legal Agreement to secure the terms listed below and subject to the planning conditions listed below.

#### **Section 106 Legal Agreement - heads of terms to include the following undertakings**

1. To secure the remodelling of the Earlsway/Yelsway Lane junction.
2. To formalise the existing Cauldon Community Liaison Committee arrangements in relation to the mineral operations and cement works and to include the Alternative Fuel Storage and Feed Facility.

**The conditions** to include the following:

#### **Definition of Consent**

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

#### **Commencement of the Development and Notification**

2. To define the commencement of the development.
3. To require notification of the date of commencement and when the alternative fuel firing facility is brought into use.

#### **Cessation of the Development**

4. To define cessation and require notification of the date of cessation of operations on the site. For the avoidance of doubt the alternative fuel firing facility development is ancillary to the adjacent Cauldon Cement Works.

5. To require a site clearance scheme including reinstatement and aftercare in the event that the use should cease.

### **Expiry of the Permission**

6. To define the expiry of the permission when the site has been cleared and aftercare period has been completed.

### **Restriction of Permitted Development Rights – Buildings, Fixed Plant and Machinery**

7. To specify that the site shall not be used for any purposes other than that which is the subject of this permission.
8. To define that prior written approval is required for any buildings, structures, fixed plant or machinery including additional lighting and fencing.

### **Record Keeping**

9. To require record keeping of the quantity, source and type of feedstock delivered to the site; vehicle movements; and, any complaints received and steps taken to investigate and address them.

### **The Feedstock / Alternative Fuel**

10. To define the feedstock /alternative fuel (SRF/ RDF/ HVL/ WDLF).
11. To define the annual quantity of permitted feedstock (SRF /RDF = 85,000 tonnes per annum. HVL/WDLF = 40,000 tonnes per annum).
12. To require the removal of non-conforming wastes.

### **Construction and Environmental Management Plan**

13. To require that prior to commencement of any site works the submitted Construction Environmental Management Plan (CEMP) shall be updated to include the following and the approved CEMP shall be implemented and adhered to throughout the construction period:
  - a) Tree protection measures for retained trees in line with BS 5837:2012: Trees in relation to design, demolition and construction and location of protective fencing in relation to root protection zones;
  - b) The construction phase shall be carried out in accordance with a Noise Management Plan. This Plan shall include but not be limited to guidance provided by BS5228-1: 2009+A1:2014 Code of practice for noise and vibration control on construction and open sites – Part 1: Noise and Part 2: Vibration and include other measures of general good practice site management; and
  - c) Soil stripping and storage details.
14. To define the hours for site preparation, site clearance and construction operations:

- 08:00 to 18:00 hours Monday to Friday; and
- 08:00 to 13:00hrs Saturday.

No construction operations on Sundays or public holidays (except for works to address an emergency).

15. To define that no work associated with the site preparation, vegetation and site clearance, demolition and construction phases shall take place during the bird breeding season (March – August inclusive) unless preceded by a nesting bird check.

## **Ecology**

16. To require that prior to the commencement of the development, including carrying out any site preparation; vegetation and site clearance including building demolition; arrival of machinery and materials to the site; and, construction the following shall be submitted for the written approval of the Waste Planning Authority:
  - a) a Biodiversity Mitigation Management Plan (The Plan). The Plan shall include details of how retained grassland will be enhanced and then maintained; monitoring and remediation details; and details of swallow and bat mitigation measures. No operations shall be carried out other than in accordance with the approved Plan;
  - b) site plans which show retained grassland, trees and other habitats. No operations shall be carried out other than in accordance with the approved site plans;
  - c) fencing details (Heras type or equivalent) to protect retained grassland, trees and other habitats. No operations shall be carried out other than in accordance with the approved fencing details;
  - d) details of how bats will be protected during building demolition. No operations shall be carried out other than in accordance with the approved bat protection measures; and
  - e) details of a ramp suitable for wildlife to escape from the rainwater basin. The ramp shall be constructed in accordance with the approved details.
17. To require protection of Herptiles (reptiles and amphibians) in accordance with the measures set out in the Planning and Environmental Statement (12.3.14).

## **Archaeological Investigation**

18. To require that the archaeological site work shall be implemented in full in accordance with the approved written scheme of archaeological investigation

The development shall not be brought in to use until the site investigation and post-fieldwork assessment has been completed in accordance with the approved written scheme of archaeological investigation and the provision made for analysis, publication and dissemination of the results and archive deposition has been secured.

The archaeological trial trenching shall be undertaken sufficiently in advance of construction so that, should further archaeological mitigation be required, it can be designed and fully implemented.

### **Operating Hours**

19. To define the 24/7 operation of the Alternative Fuel Firing facility.
20. To define the hours for deliveries of permitted feedstock
  - 06.00 to 22.00 Monday to Fridays; and,
  - 06.00 to 13.00 on Saturdays.

No such deliveries to take place on Sundays, Public or Bank Holidays.

### **Site Layout and Appearance**

21. To require the submission of details of external materials and finishes of the Alternative Fuel Firing facility which include the use of appropriate dark recessive colours on the external faces of the new development proposed, such as to visually integrate that development within the natural landscape. The facility shall be constructed in accordance with the approved details.
22. To require handling and storage carried out in accordance with the approved plans.
23. To require all buildings, structures and hard-surfaces to be maintained in good condition according to the manufacturers specification for the duration of the permission.

### **Site Access and Highway Safety**

24. To limit the vehicle deliveries of feedstock per full working day (0600 hrs – 2200 hrs) to 21 HGV loads /42 HGV movements.
25. To require the feedstock loads to be covered /contained to prevent spillage or loss of such material on the public highway.
26. To require no deposit of mud or deleterious material on the public highway from vehicles leaving the site.
27. To require no works to commence on construction of the revised access as part of the development until details of highway works have been submitted and approved including:
  - a) remodelling of the junction;
  - b) full reconstruction and widening of Huddale Lane between Earlsway and across the site access;
  - c) alterations to streetlighting around the proposed junction due to location of existing streetlight within the proposed junction; and
  - d) details of construction, operation and clearance of the conveyor system where it passes over the highway.

28. To require that the development shall not be brought into use until details of the conveyor system and means of preventing material falling onto the highway where it passes over the highway have been submitted to and approved.
29. To require that the development shall not be brought into use until the visibility splays have been provided. The visibility splay shall thereafter be kept free of all obstructions to visibility.
30. To require the submission of details of the surface water drainage interceptor, sited immediately to the rear of the highway boundary in the storage depot access, connected to a surface water outfall or drained on SUDS principles, has been submitted to and approved.

### **General Environmental Protection**

31. To require that prior to the commencement of the development a Surface Water Design Scheme shall be submitted for written approval which prevents flooding by ensuring the satisfactory storage of/disposal of surface water from the site. This shall be in accordance with the principles of the Drainage Design Criteria outlined within the Hydrology and Hydrogeology Impact Assessment (19125877.602/A.0/October2019) and include:
  - a) Detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details on any attenuation system, and the outfall arrangements;
  - b) Plans illustrating flooded areas and flow paths in the event of exceedance of the drainage system;
  - c) Provision of an acceptable management and maintenance plan for surface water drainage to ensure that surface water drainage systems shall be maintained and managed for the lifetime of the development;
  - d) Areas of the site that are most vulnerable to spillages will be 'sealed' drainage systems where in the event of a spillage, contaminated collected water would be removed from site without being discharged into the local water environment; and
  - e) Incorporate flood-proofing measures into the proposed development.
32. To require the submission of a contamination remediation strategy if during development contamination is found to be present.
33. To require the submission of external lighting details for written approval. Such details shall include the location, height, type and direction of light sources and intensity of illumination, with contour plan. The lighting shall be installed in accordance with the approved details.
34. To require dust management in accordance with the mitigation methodologies outlined in Table 1.26 of the Air Quality Impact Assessment (Bureau Veritas UK Limited; Ref: AIR4651026).
35. To require best practicable means to minimise the noise generated by the operations /activities permitted. In particular, keeping external doors closed,

all vehicles, plant and machinery used or controlled by the operator within the Site being operated with engine covers closed, and with effective silencers fitted. Wherever possible, and without contravening health and safety requirements, all vehicles shall be fitted with non-audible reversing warning safety systems) which shall be maintained in accordance with the manufacturer's specification for the duration of operations.

### **Landscaping and Aftercare**

36. To require a landscape and aftercare scheme that includes landscape enhancement proposals in particular for the northern boundary of the Hurst Farm application site (thickening / gapping the hedgerow / additional hedgerow trees) to provide some improved low-level screening and additional landscaping.

**The informatives** to include the following

1. Knowledge of the conditions
2. The advice received from the Highways Authority - Highways Works Agreement. A licence under S50 Highways Act 1980 is required for private apparatus within the highway (Conveyor). The design for streetlighting alterations must be completed to SCC specification.
3. The advice from the Environment Agency – Groundwater protection & Contamination, and Environmental Permitting.
4. The advice from the SMDC EHO – Lighting, demolition, noise and the control of dust and emissions.
5. The advice from the Environmental Advice Team – Archaeology, Public Rights of Way and Ecology.
6. The advice from the Flood Risk Management Team – Surface Water Design Scheme.
7. The advice from Natural England - generic and standing advice.
8. The advice from Western Power Distribution Information - electricity /WPD Surf Telecom apparatus in the vicinity of the proposed works.
9. The operator to be reminded of the undertakings of the Section 106 Legal Agreement
  - To secure the remodelling of the Earlsway/Yelsway Lane junction
  - To formalise the existing Cauldon Community Liaison Committee arrangements in relation to the mineral operations and cement works and to include the Alternative Fuel Storage and Feed Facility.

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*Due to current Coronavirus restriction, the list of background papers for this report is only available on request by email sent to [planning@staffordshire.gov.uk](mailto:planning@staffordshire.gov.uk) and can only be provided by email.*

## **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)

- Policy 2: Provision for Industrial Minerals used in the manufacture of cement
- Policy 4: Minimising the impact of mineral 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.

#### [Staffordshire and Stoke on Trent Joint Waste Local Plan \(2010 – 2026\)](#)

(adopted 22 March 2013):

- Policy 1: Waste as a resource
  - Policy 1.1 General principles
  - Policy 1.5 Energy Recovery
- Policy 2: Targets and broad locations for waste management facilities
  - Policy 2.1 Landfill diversion targets
  - Policy 2.2 Targets for new waste management facilities required by 2026 to manage municipal, commercial & industrial, and construction, demolition & excavation waste streams
  - Policy 2.3 Broad locations
  - Policy 2.5 The location of development in the vicinity of waste management facilities
- Policy 3: Criteria for the location of new and enhanced waste management facilities
  - Policy 3.1 General requirements for new and enhanced facilities
- Policy 4: Sustainable design and protection and improvement of environmental quality
  - Policy 4.1 Sustainable design
  - Policy 4.2 Protection of environmental quality

A [5-year review of the Waste Local Plan](#), completed in December 2018, has concluded that there is no need to update the plan policies and therefore they continue to carry weight in the determination of planning applications for waste development.

#### [The Staffordshire Moorlands District Local Plan \(up to 2026\) \(adopted 26 March 2014\)](#)

- Policy SS1 Development principles

- Policy SS1a Presumption in favour of sustainable development
- Policy SS6a Larger villages area strategy
- Policy SS6c Other rural areas area strategy
- Policy SD1 Sustainable use of resources
- Policy SD2 Renewable /low-carbon energy
- Policy SD3 Carbon-saving measures in development
- Policy SD4 Pollution and flood risk
- Policy E1 New employment development
- Policy DC1 Design considerations
- Policy DC2 Historic environment
- Policy DC3 Landscape and settlement setting
- Policy R1 Rural diversification
- Policy NE1 Biodiversity and geological resources
- Policy T1 Development and sustainable transport

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

[Planning for Landscape Change](#) (formerly Supplementary Planning Guidance to the Structure Plan referenced as a material consideration in Appendix 3 of the Joint Waste Local Plan)

### [Staffordshire Moorlands Local Plan \(2016 to 2031\) Submission Version February 2018](#)

- Policy SS1 Development principles
- Policy 1a Presumption in favour of sustainable development
- Policy SS 8 Larger villages area strategy
- Policy SS 10 Other rural areas area strategy
- Policy SD 1 Sustainable use of resources
- Policy SD 2 Renewable /low-carbon energy
- Policy SD 3 Sustainability measures in development
- Policy SD 4 Pollution and water quality
- Policy SD 5 Flood Risk
- Policy E 1 New employment development
- Policy DC 1 Design considerations
- Policy DC 2 Historic environment
- Policy DC 3 Landscape and settlement setting
- Policy NE 1 Biodiversity and geological resources
- Policy T 1 Development and sustainable transport

### [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 8](#): Promoting healthy communities
- [Section 9](#): Promoting sustainable transport
- [Section 10](#): Supporting high quality communications
- [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](#)
- [Hazardous substances](#)
- [Health and wellbeing](#)
- [Land affected by contamination](#)
- [Light pollution](#)
- [Minerals](#)
- [Natural environment](#)
- [Noise](#)
- [Open space, sports and recreation facilities, public rights of way and local green space](#)
- [Planning obligations](#)
- [Renewable and low carbon energy](#)
- [Transport evidence bases in plan making and decision taking](#)
- [Travel Plans, Transport Assessments and Statements](#)
- [Tree Preservation Orders and trees in conservation areas](#)
- [Use of planning conditions](#)
- [Waste](#)
- [Water supply, wastewater and water quality](#)

### National Planning Policy for Waste (published on 16 October 2014):

- Section 1: Key Planning Objectives;
- Section 7: Determining Planning Applications.
- Appendix A - the waste hierarchy – in descending order - prevention; preparing for re-use; recycling; other recovery; disposal
- Appendix B – locational criteria:
  - a) protection of water quality and resources and flood risk management
  - b) land instability
  - c) landscape and visual impacts
  - d) nature conservation
  - e) conserving the historic environment
  - f) traffic and access
  - g) air emissions
  - h) odours
  - i) vermin and birds
  - j) noise, light and vibration
  - k) litter
  - l) potential land use conflict

The new waste strategy [‘Our Waste, Our Resources: A Strategy for England’](#) published in

December 2018

[Planning and Compulsory Purchase Act 2004](#) and the duty on mitigation and adaption sets out the structure of the local planning framework for England, including the duty on plan-making to mitigate and adapt to climate change.

[The Climate Change Act 2008](#) introduced a statutory target of reducing carbon dioxide (CO<sub>2</sub>) emissions to at least 80% below 1990 levels by 2050, which interim targets, set through five-yearly carbon budgets, of 37% by 2020, 51% by 2025 and 57% by 2030. The outputs from the Climate Change Act provide an evidence base that can be used in identifying priorities for action and appropriate adaptation measures.

[The Planning Act 2008](#) introduced a duty on local development plans to include policies which ensure that they make a contribution to both climate mitigation and adaptation.

[The Planning and Energy Act 2008](#) sets out powers for local authorities to require a proportion of the energy need related to new development to be sourced in the locality of the development, through renewable or low-carbon generation. This enables what is known as a Merton-style approach which can be used to develop zero-carbon policy.

[Renewable Energy Directive 2009](#). In response to EU Directive 2009/28/EC on the promotion of the use of energy from renewable sources, the UK is committed to sourcing 15% of its energy from renewable sources by 2020 – almost a seven-fold increase on the share of about 2.25% in 2008, in scarcely more than a decade.

[The Paris Agreement 2015](#). In December 2015 the 'Paris Agreement' was adopted at the 21st Conference of the Parties (COP21). The Paris Agreement is a global climate agreement, the central aim of which is to strengthen the global response to climate change by limiting the global temperature increase this century to below 2 degrees Celsius above pre-industrial levels, and to pursue efforts to limit the temperature increase even further to 1.5 degrees Celsius. To achieve this aim, the Paris Agreement additionally sets a target of net zero global carbon emissions in the second half of the century. The Paris Agreement was ratified and came into force in November 2016. In line with the Paris Agreement, the UK government has set a target for reducing nationwide domestic emissions to net zero.

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

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

### **Section 1 Introduction & Background**

This section of the Environmental Statement (ES) provides an introduction to the submission; the applicant and the development proposal.

### **Section 2 The Environmental Impact Assessment (EIA) Regulations**

This section explains the EIA regulations and the matters that have been covered in accordance with the Screening and Scoping Opinion adopted by the County Council in June 2019.

### **Section 3 Application Site**

This section of the ES provides a general background and history of the Cauldon Cement Works; a description of the site location; the site setting; and, the planning history of the wider site at Cauldon.

### **Section 4 Statement of Community Involvement**

This section sets out the level of consultation that has been undertaken as part of the pre-application process including four meetings held between May and October 2019 with the established Cauldon Community Liaison Community (CLC) and three 12-hour public information exhibitions held in August and September 2019 and hosted at the existing Cauldon Cement Works. It also identifies the consultation comments and suggestions which have resulted in positive amendments to the scheme and/or have addressed concerns raised through the process.

### **Section 5 Description of Proposed Development**

This section describes the proposed scheme, including the site layout, building dimensions, conveyor belt, vehicular access, landscaping, and operating hours.

### **Section 6 Proposed Process**

This section provides further detail and explains the role of each of the components in the proposed development process.

### **Section 7 Planning Policy**

This section sets out relevant policy contained within the Development Plan and also other material considerations.

### **Section 8 Need and Benefits**

This section provides an introduction to the Cauldon Cement Works and the five types of cement produced and why it is of strategic importance. The need for increased use of alternative fuels and environmental and economic benefits are then explained.

### **Section 9 Carbon Management and Climate Change**

This section provides the legislative context for planning for climate change and also the policy context.

## **Section 10 Alternatives**

This section sets out that in addition to consideration of the 'do nothing' approach, the following have also been considered: alternative locations for the proposed fuel storage and feed platform; alternative method of transporting fuels over Earlsway; and, alternative operating hours. A summary is also provided of how the proposals are considered to be the most appropriate when compared with the alternatives.

## **Section 11 Landscape and Visual Considerations**

In order to determine the potential impacts of the proposed development on individual sensitive receptors and the wider landscape this section sets out the landscape character of the site and its surroundings and has described and assessed the potential impacts of the proposals with regard to landscape character, visual impact and the mitigation measures proposed to be implemented. A Landscape and Visual Impact Assessment (LVIA) is provided (Technical Appendix A).

The LVIA considers that the proposed development at Hurst Farm is not out of character with the immediate setting of the site, adjacent to the existing Cauldon Cement Works which is of considerable size and mass. The existing works serves as a backdrop for visual impact from many potential viewpoints of the proposed development from the north-east, east, and south-east. Elsewhere, visibility of the site within the surrounding landscape is generally restricted by a combination of natural topography, vegetation and buildings / structures.

From further afield, views towards the site are generally limited to only the upper portions taller elements of the proposals – predominantly from the north and west (which are largely visually screened by the existing Cement Works).

More localised visual receptors (such as road users of Earlsway or Public Right of Way users) will have a greater magnitude of effect from the proposed development. However, these users are transient, i.e. they will only experience the visual impact for a limited period of time as they travel.

No significant adverse visual impacts have been identified from any residential properties.

Overall, the LVIA concludes that no significant adverse landscape and visual effects would occur, including consideration of potential effects on the Peak District National Park, elsewhere within the wider landscape, the more local landscape, and identified potentially sensitive receptors.

## **Section 12 Nature Conservation and Ecology**

In accordance with the Scoping Opinion issued by Staffordshire County Council in June 2019, appointed ecological consultants WYG have considered the potential for the site and its immediate surroundings to be used by protected species. The potential direct and indirect impacts of the proposed development on statutory and non-statutory sites of biological importance have been considered. The Ecological Appraisal Factual Report, subsequent surveys and assessments, and ecological recommendations completed by WYG are provided (Technical Appendix B).

Overall in terms of ecology and nature conservation it is concluded that the proposed development would not have an unacceptable impact on flora or fauna in accordance with EIA regulations.

The fuel storage and feed platform has been designed to retain as much boundary and on-site vegetation as possible, with enhancements proposed to the on-site grassland and new planting proposed to supplement retained trees. It is proposed to maintain grasses on-site to a longer than average length to encourage use by wildlife. Supplementary tree planting is proposed in the south-west corner of the site close to the junction of Earlsway and Yelsway Lane to provide enhancement to the scattered trees already present in that area of the site.

Implementation of the retained and new landscape planting and ecological features (bird boxes and bat boxes) are considered likely to result in a non-significant, beneficial, long term effect at a local / legal level.

### **Section 13 Archaeology and Cultural Heritage**

To assess the cultural heritage impact of the proposal, a comprehensive Cultural Heritage Assessment can be found at Technical Appendix C. Overall, the proposals will not have an unacceptable direct or indirect impact on archaeology or cultural heritage

The layout of the proposed development has been designed to preserve the peripheral stone walls beyond the development's boundary fence. Two unlisted heritage assets are proposed to be removed: the remnants of a late 18<sup>th</sup> century farmstead, Hurst Farmstead, and a wall crossing the centre of Hurst Farm. Their demolition will be offset by the recording of the structures and examination of their foundation.

It is concluded that the overall effects upon the setting of designated assets are not significant, primarily due to the context of the long-standing industrial facility at the Cauldon Complex, the massing of which is substantially greater and more imposing than what it proposed. Impacts upon archaeology are considered to be low based upon previous investigations in the area. A Written Scheme of Investigation (WSI) has however been developed in collaboration with the Staffordshire County Council Archaeological Officer which outlines proposed mitigation including archaeological trending to be undertaken in advance of construction to evaluate the archaeological potential of the site.

### **Section 14 Noise**

The noise impacts of the proposals have been assessed within a Noise Impact Assessment which can be found at Technical Appendix D. This concludes that the proposed development and operations will not result in adverse noise effects which are significant in EIA terms.

The assessment determined that the impacts from construction phase noise and vibration would be of minor adverse significance at the nearest sensitive receptors, and therefore no specific mitigation measures are proposed. The implementation of standard best practice will further ensure that the residual impacts would be, at worst, of minor adverse significance.

Furthermore, it determined that the residual noise impacts from additional road traffic generated on local roads by the operation of the proposed development would be of minor adverse significance.

In addition, the residual noise from the on-site operations will be of minor adverse significance at the nearest noise sensitive receptors.

Based on worst-case assumptions, where possible, the assessment concludes that construction and operation of the proposed development will not result in significant adverse noise or vibration impacts at the nearest sensitive receptors.

## **Section 15 Air Quality and Dust**

An Air Quality and Dust Impact Assessment can be found at Technical Appendix E. The assessment considered the potential air quality effects arising from the proposals, both during the construction and operational phases.

Likely significant effects during the construction phase include deposited dust at nearby receptors and dust effects on human health. The assessment has indicated that, with recommended mitigation measures in place in relation to dust during the construction period, residual effects are expected to be “negligible”. In addition, these effects are temporary, and will cease once construction is finalised.

During the operational phase, there is potential for air quality effects to occur due to slightly increased traffic flows on public highways, resulting in emissions from road traffic. The assessment has demonstrated that residual effects are considered “negligible”.

Dispersion modelling of emissions from the on-site stacks has determined that effects at human and ecological receptors are minimal, with the contribution from the site being extremely small, with the largest magnitude of significance being described as “slight”.

## **Section 16 Soil Resources and Agricultural Use and Quality**

A soil resource and Agricultural Land Classification survey can be found at Technical Appendix F. Approximately 80% of Hurst Farm consists of ‘greenfield’ land, with the remaining 20% comprising derelict agricultural structures and hardstanding.

The assessment sets out the baseline condition of soils and agricultural land quality on the site of the proposed alternative fuel platform and feed. It establishes how the proposed development can influence soil resources and how best to handle soils to avoid their degradation. The assessment concludes that with the implementation of the measures proposed, the proposed stripping, handling and storage of soils can be achieved without causing an unacceptable impact upon the soil resources at Hurst Farm.

## **Section 17 Water Resources and Flood Risk**

A Hydrology and Hydrogeology Impact Assessment and a Flood Risk Assessment can be found at Technical Appendix G. Together, these documents consider the existing conditions of the site in terms of surface water features, sub-surface water and geology, and flood risk potential. The documents then consider the potential impacts of the proposed development on water resources, including potential impacts on surface and groundwater quality and

quantity. With the proposed mitigation measures in place it is considered that the proposed extension can be fully worked without posing any significant risk to the water environment.

Hurst Farm is located 750m south of the River Hamps. Two natural drainage paths are present alongside Hurst Farm on either side of the fields, flowing south-north towards the River Hamps when filled.

Given the hardstanding and built development proposed at Hurst Farm, water run-off rates are set to increase. Mitigating measures are proposed to ensure no adverse impacts on surface water quantity or quality and include the storage of water on-site. When necessary waterbodies will store water prior to gradual discharge into the existing pond present south of the site at Cauldon Quarry. The water bodies include on-site swales (ditches) to run alongside the western boundary of Hurst Farm to collect run-off from the higher areas of the site.

Certain areas of the site that are most vulnerable to spillages will be 'sealed' drainage systems where in the event of a spillage, contaminated collected water would be removed from site without being discharged into the local water environment.

In terms of flood risk, the Flood Risk Assessment does not identify an increased flood risk for the application site, or elsewhere as a result of the proposals. The very low risk of flooding remains unchanged.

## **Section 18 Traffic and Transport**

A Transport Assessment (TA) can be found at Technical Appendix H

The TA focuses on highway capacity and road safety. It considers the proposed development in the context of existing site operations and non-site traffic and concluded that the impacts would not be 'severe'.

The TA has identified that the proposed development would result in a slight increase in HGV vehicles (up to one more an hour) in comparison with the current traffic flow situation on the highway network.

However, it is concluded that the proposed development traffic would not amount to being a material intensification in terms of HGVs or staff trips on these routes and, as such, there would be little change in overall highway performance and road safety risk.

The additional traffic would not have a material impact on the safety or operation of the local road network and with the implementation of mitigation measures as proposed, will not give rise to adverse impact on the surrounding road network.

Therefore, with regards to transport and traffic, the proposed development complies with planning policy tests and will not have unacceptable direct or indirect impact on population and human health; biodiversity; land, soil, water, air and climate; material assets, cultural heritage and the landscape; or the interaction between these factors in accordance with EIA regulations.

## **Section 19 Public Rights of Way**

A Public Right of Way, 'Public Footpath 74' of Waterhouses Parish, is partly located within the application site and in order to facilitate the proposed development, 75 metres of this footpath is required to be diverted. As required by the Town and County Planning Act 1990, a separate application has been submitted for this.

The proposals will not bring about any unacceptable impacts on the enjoyment of the PRow network, and the proposed diversion is considered to be an opportunity to enhance the local footpath network. Taking account of the proposed diversion and other indirect impacts on Public Rights of Way, the proposed development can be operated without posing unacceptable harm.

## **Section 20 Socio-Economic Effects**

The Socio-Economics chapter concludes that the Cauldon Cement Works is a significant contributor to the local and national economy. The proposals will both secure the existing employment on site and provide additional jobs. There will also be short-term construction employment generated.

The chapter conveys the economic importance of Cauldon Cement Works, including the fact that it generates nearly 10% of cement used in Great Britain and is therefore of national significance.

Lafarge Cauldon's presence at Cauldon contributes circa £11 million to the regional economy each year through salaries, business rates and purchases from local suppliers.

The proposal represents what is currently the largest cement infrastructure project in Europe and is a multi-million-pound investment in Cauldon that will increase employment opportunities both locally and in the supply chain.

The Cauldon Complex is a significant local employer with over 150 people employed across the site currently. It is anticipated that an additional six people would be employed at the complex as a direct result of the proposal being permitted.

## **Section 21 Cumulative Impact Assessment**

An assessment of cumulative impacts has been carried out as part of the EIA and considers three categories of potential cumulative effects: successive effects; simultaneous effects from concurrent developments; and, combined effects from the same development.

In summary the proposals have been assessed against other committed and proposed major developments in the area and there are no cumulative impacts that will arise from the scheme in combination either within itself or with other existing/ proposed developments that would render the proposed development unacceptable.

## **Section 22 Conclusions**

This section provides a conclusion to the ES. Overall it is considered that the proposed development is environmentally acceptable, will accord with the Development Plan, and the development supports the economic, social and environmental roles of sustainable development required in NPPF. Where adverse impacts do arise, they are not significant and appropriate mitigation can be promoted that will be capable of further reducing the effects of any such impact.

No unacceptable impacts have been identified in relation to landscape, ecology, archaeology and cultural heritage, noise, air quality, soil, water resources, traffic and transport, public rights of ways, socio-economic impact or cumulative impact.

The mitigation of potential impacts through the imposition of planning conditions and appropriate planning agreements is in accordance with development plan policy and national planning advice contained in guidance. The level of potential impact likely to arise from the proposed development is low and capable of being controlled to acceptable levels.

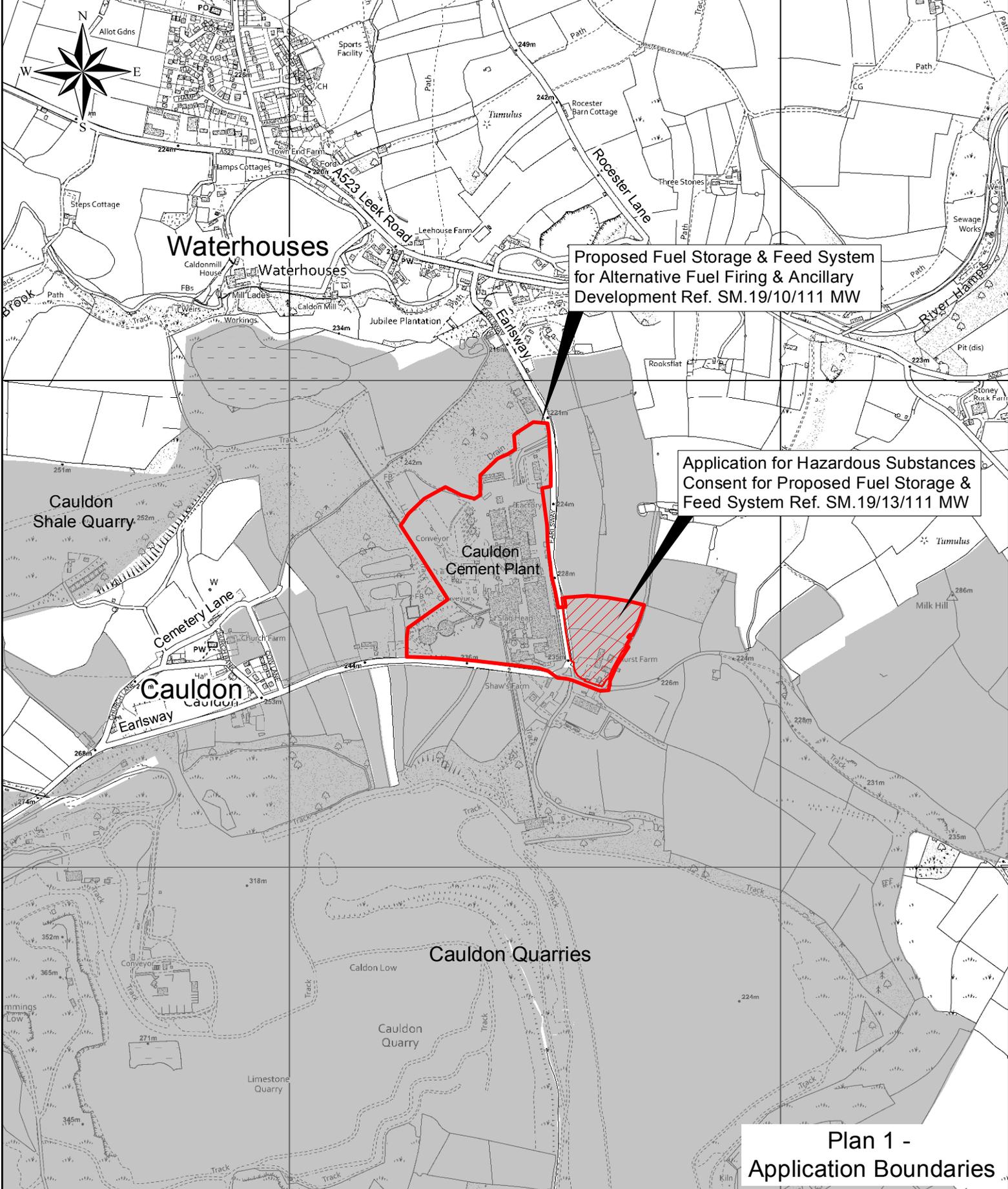
The proposed scheme will bring about a number of environmental and economic benefits, which act to offset any minor adverse local impacts.

In overall conclusion, it is considered that any potential localised environmental impacts are either outweighed by national gain or capable of being made acceptable by the imposition of planning conditions and obligations.

**A non-technical summary of the ES was also provided.**

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





**Plan 1 -  
Application Boundaries**

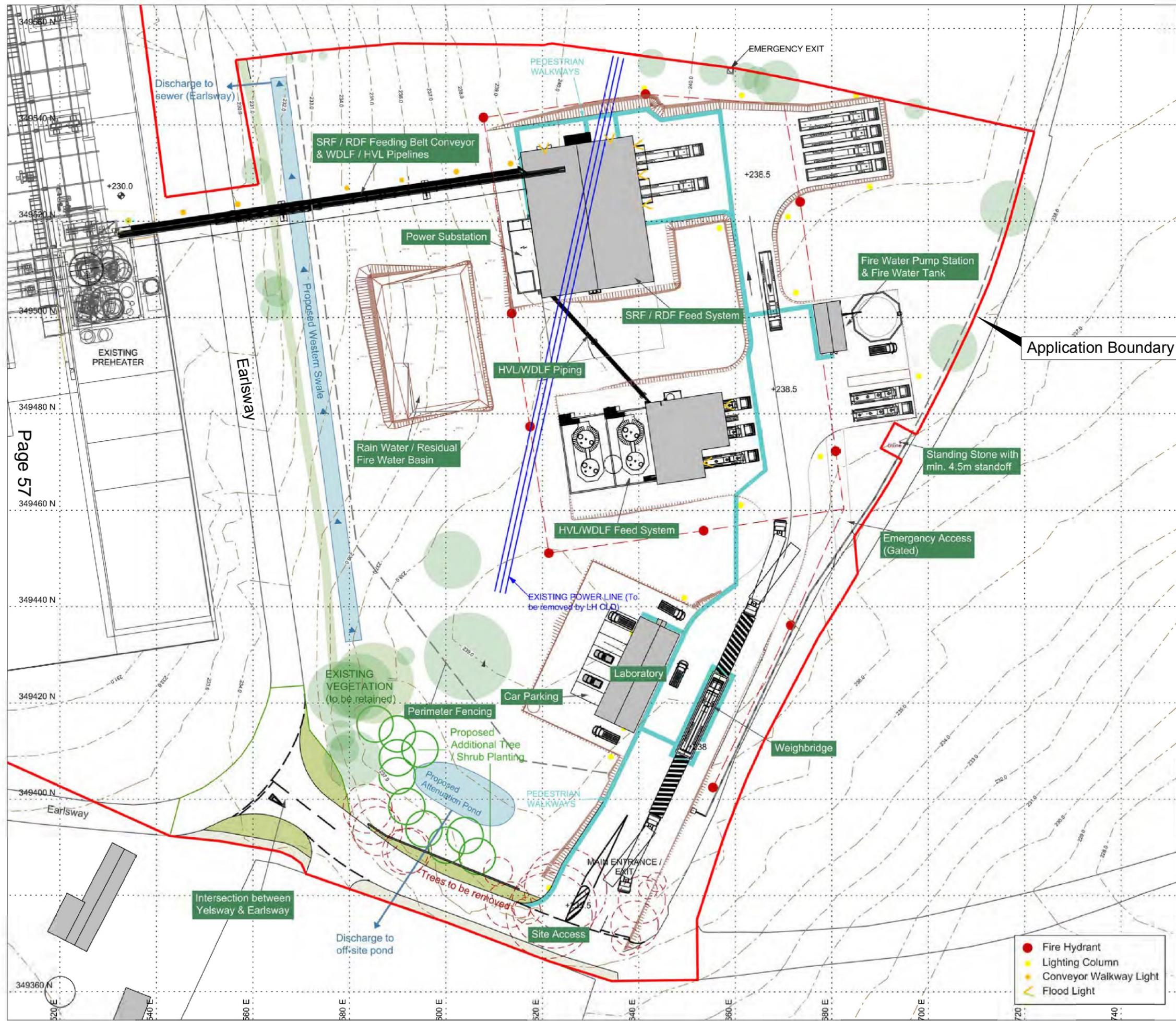
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Stafford, ST16 2LP.  
Telephone 0300 123 8000

Geocycle U.K. Limited; Caudon Cement Plant, Earlsway.  
 SM.19/13/111 MW & SM.19/10/111 MW.  
 i. Delegated authority is sought to determine at a later date the application for Hazardous Substances Consent for proposed fuel storage and feed system for alternative fuel firing and ancillary development (SM.19/13/111 MW).  
 ii. Application for Proposed Fuel Storage and Feed System for Alternative Fuel Firing and ancillary development (SM.19/10/111 MW).





**LEGEND**  
 Application Site Boundary  
 Application Boundary

Page 57

**Plan 2 - Proposed Site Layout**  
 (Application Ref. SM.19/10/111 MW)

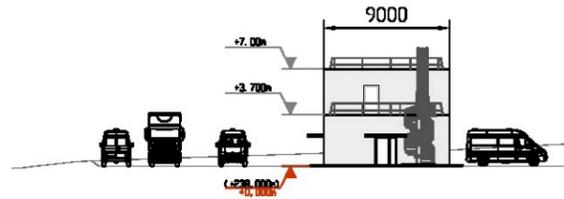


Geocycle U.K. Limited; Caudon Cement Plant, Earlsway, SM.19/13/111 MW & SM.19/10/111 MW.  
 i. Delegated authority is sought to determine at a later date the application for Hazardous Substances Consent for proposed fuel storage and feed system for alternative fuel firing and ancillary development (SM.19/13/111 MW).  
 ii. Application for Proposed Fuel Storage and Feed System for Alternative Fuel Firing and ancillary development (SM.19/10/111 MW).

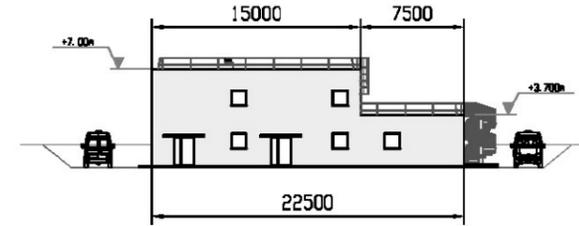
Date : 23/07/20	Scale : Not to Scale
O.S. Grid Ref : SK.084 495	Ref : SM.19/13/111 MW & SM.19/10/111 MW



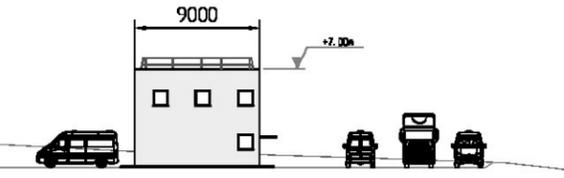
Administration Building North view



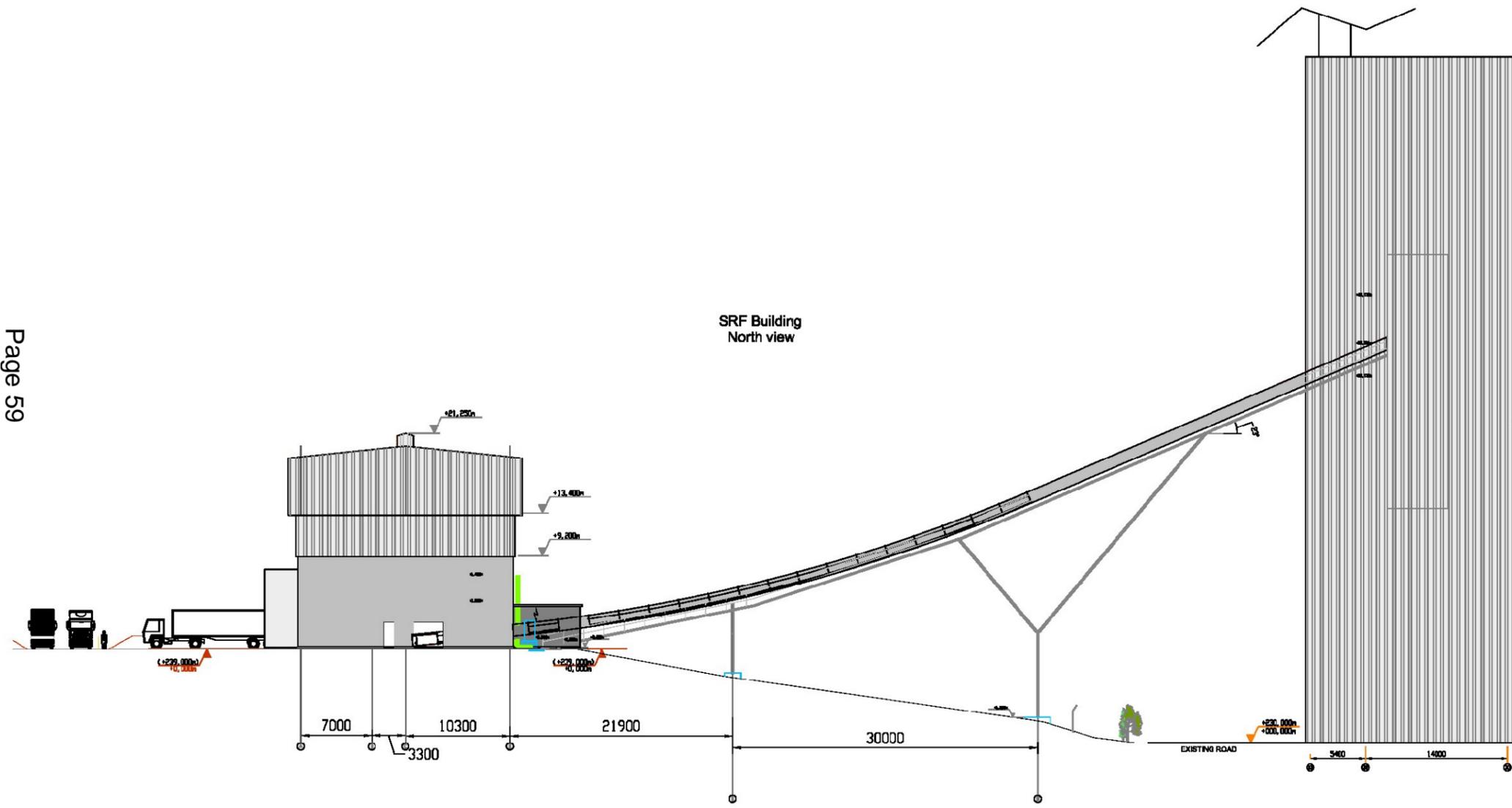
Administration Building East view



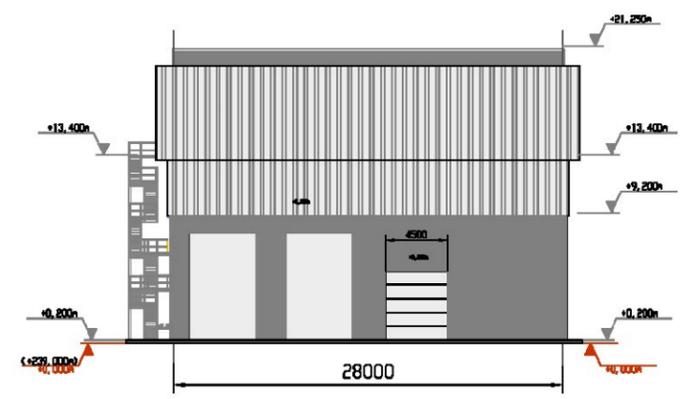
Administration Building South view



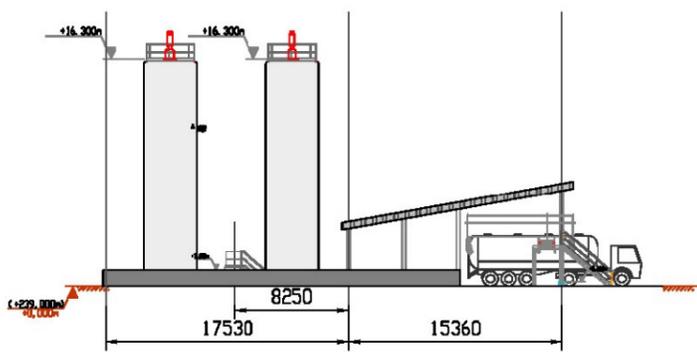
SRF Building North view



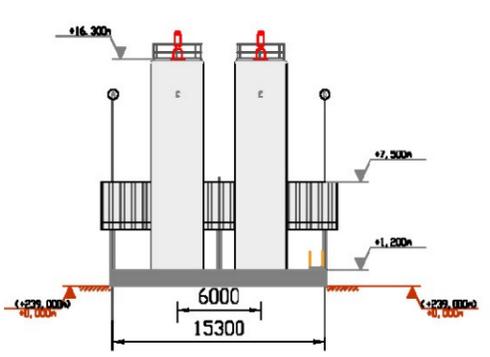
SRF Building East view



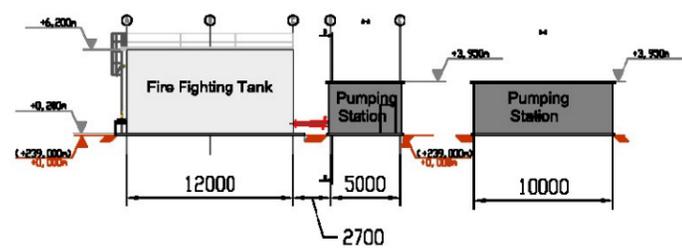
WDLF Building South view



WDLF Building West view



Fire Fighting Area North view



Plan 3 - Proposed Development Elevations  
(Application Ref. SM.19/10/111 MW)



Geocycle U.K. Limited; Caudon Cement Plant, Earlsway. SM.19/13/111 MW & SM.19/10/111 MW.

- i. Delegated authority is sought to determine at a later date the application for Hazardous Substances Consent for proposed fuel storage and feed system for alternative fuel firing and ancillary development (SM.19/13/111 MW).
- ii. Application for Proposed Fuel Storage and Feed System for Alternative Fuel Firing and ancillary development (SM.19/10/111 MW).

Date : 23/07/20	Scale : Not to Scale
O.S. Grid Ref : SK.084 495	Ref : SM.19/13/111 MW & SM.19/10/111 MW



<b>Local Members</b>	
Mrs. J. Jessel and Mrs. J. M. Eagland	East Staffordshire – Needwood and Lichfield – Rural North

**Planning Committee      6 August 2020**

**Minerals County Matter**

**Application No (District):**      [L.19/09/817 MW](#) (Lichfield)

**Applicant:**                              Tarmac Trading Limited

**Description**                              Planning application for the winning and working of sand and gravel including a southern extension and the re-phasing of permitted working and restoration schemes; the restoration of the quarry by the importation of inert waste material; the provision of new crossing points and conveyor bridges at Stockford Lane, Sittles Lane and Roddige Lane as well as the continued use of existing crossing points on Roddige Lane, the A513 and Croxall Road; and the continued use of the mineral processing plant and other ancillary facilities already permitted including weighbridge, site offices, field conveyor, concrete batching plant and bagging plant

**Location:**                              Alrewas Quarry, Croxall Road, Alrewas, Burton on Trent

**Background/ Introduction**

1. Sand and gravel extraction at Alrewas Quarry commenced in the 1970's and the quarry mainly produces aggregates for concrete production. Recently, the applicant has indicated that the quarry will be used to supply aggregates to concrete plant associated with construction of the phase 1 section of the HS2 railway.
2. Current mineral extraction takes place south of the A513 and is subject to a modified planning permission granted in November 2019 (reference L.19/03/817 MW). This permission allows for the output of the quarry to increase to 750,000 tonnes per annum in connection with the applicant's contracts to supply sand and gravel to the construction of the HS2 railway. At the time of submitting the planning application now under consideration, there were 3.4 million tonnes of remaining permitted reserves of sand and gravel. This would mean that the remaining reserves would be exhausted during 2024 which is in advance of the current cessation date of 17 May 2027 as defined by the relevant planning permission.
3. The applicant by submitting this application seeks to extract additional sand and gravel reserves by extending the quarry further southwards involving land that is allocated in the Minerals Local Plan for Staffordshire.

## Site and Surroundings

- Alrewas Quarry is located to the south-east of Alrewas village and is separated from the main area of the village by the A38 dual carriageway as well as a railway line connecting Lichfield and Burton upon Trent as shown on Plan 1 to this report. The mineral processing plant site including concrete batching and bagging plants as well as offices, are situated off Croxall Road to the north of the A513 and immediately to the west of the National Memorial Arboretum.



Figure 1: View of allocated site extension, looking southwards with plant site and National Memorial Arboretum (bottom left) – Alrewas village and A38 (right hand side of photo) – restored Whitemoor Haye area with lakes (top left) [c.2008]

- The application comprising of 248 hectares of land, is intended to consolidate the remaining mineral development subject of the current planning permission with the proposed southern extension to the quarry. The proposed southern extension includes 63.5 hectares of mainly agricultural land which is situated in the parish of Fradley and Streethay, to the south and west of land that has been quarried. The western boundary of the extension area is defined by the Lichfield to Burton railway; the most southerly boundary is near to Brookhay Wood; and, includes land adjoining Stockford Lane to the east. There are isolated residential properties in the locality of the proposed extension including Dunstall Farm and Waterworks Cottages near the Fradley pumping station off Brookhay Lane which are to the west of the railway; and Roadside Cottage and Sittles Farm off Stockford Lane. The Lichfield and District crematorium is situated immediately to the west of the railway off Fradley Lane.



Figure 2: View looking south-westwards from Sittles Lane towards land within proposed phase 4A (Lichfield and District Crematorium in background)



Figure 3: View looking south-westwards from Fine Lane towards land within proposed phases 4B and 5A

## Summary of Proposals

6. The development would consist of the following key elements:

### **Winning and working of an additional 1.5 million tonnes of sand and gravel**

7. It is proposed to win and work 1.5 million tonnes of sand and gravel in addition to the 3.4 million tonnes remaining within the current permitted area. Based on a maximum permitted output of 750,000 tonnes per annum as would be required to supply HS2 along with other contracts, all mineral extraction would be completed within 7 years. Based on the output of 600,000 tonnes per annum which is now allowed at the quarry prior to operations associated with the supply of HS2 contracts, the extended mineral reserve would be extracted within 9 years.
8. Commencement of extraction within the proposed extension would be as soon as possible. Consequently, the extraction of remaining permitted reserves north of Roddige Lane and then north of the A513 would be deferred until the reserves within the proposed southern extension are extracted. Plan 2 shows the proposed working scheme including the extent of permitted and proposed extraction as well as the revised phasing of working operations.
9. Sand and gravel would be transported to the existing processing plant by a

combination of dump truck and field conveyor. Currently, the conveyor extends to the fields north of Roddige Lane and it is currently proposed to extend this field conveyor onto land south of Roddige Lane and then south of Stockford Lane. This would require bridges for the conveyor to be erected over the two roads. To transport reserves from land between Fine Lane and Roddige Lane, it is proposed to provide a road crossing on Sittles Lane which would enable a dump truck to access the proposed conveyor situated on land to the east.



Figure 4: View of recent excavation of sand and gravel from land south of Roddige Lane

10. The export of sand and gravel and ancillary products would continue to use the access onto Croxall Lane which connects with Barley Green Lane and the A513 to then provide access to the A38. No changes are proposed to the number of permitted lorry movements associated with the quarry.
11. It is anticipated that 5 to 8% of the sands extracted, would be separated as silt and this material would be deposited in existing lagoons to the north-east of the processing plant site. No additional lagoon capacity is required for the disposal of silt.
12. The submitted working plan as shown on Plan 2 indicates that soils removed from land subject to extractive operations would be temporarily stored in mounds around the limits of the proposed extraction areas. In addition, extraction areas would be offset from the crematorium and Roadside Cottage to minimise noise effects. A further offset is proposed to safeguard Brookhay Wood which is designated as ancient woodland to safeguard the woodland from dewatering operations.
13. No changes are proposed to the current permitted hours of operation for extractive, processing or restoration operations

## **Restoration of the extension area to agricultural use by backfilling with 0.9 million cubic metres of waste**

14. Restoration of the proposed extension is based on reclaiming land to agricultural use as shown on Plan 3 and therefore, it would be necessary to backfill the quarry void with materials brought onto the site. This is most likely to involve a continuation of importing inert waste materials as undertaken elsewhere in the quarry although there remains an option that quarry wastes could be brought from other quarries for disposal. Based on an import rate of 250,000 cubic metres per annum, it is anticipated that restoration of the entire site would be achieved by 2034. It is also anticipated that the land within the proposed extension would be restored by 2029.
15. HGVs delivering backfill materials would access the quarry at entrances already defined by the current permission (i.e. Croxall Lane and Barley Green Lane) and to deliver materials to backfill the proposed extension area, it would be necessary to provide two additional road crossings for HGVs, one on Stockford Lane and the other across Sittles Lane, the lane between Roddige Lane and Fine Lane.
16. Within the proposed extension area, it is also intended to provide contributions to local biodiversity objectives with water-based nature conservation habitats, including open water; wetland and lowland meadow/ grassland establishment; along with woodland planting; and hedgerow enhancement.
17. Restoration for the current permitted area remains unchanged with proposals for land immediately to the north of the A513 intended to be developed for the benefit of the National Memorial Arboretum which would require separate planning permission from Lichfield District Council (refer to Plan 4).

## **Continuation of ancillary uses**

18. Permission for the ancillary concrete batching plant and bagging plant are tied in with the duration of the current permission for quarrying and therefore, would be removed from Alrewas Quarry when the quarrying ceases. The proposed extension would not extend the permitted duration of these ancillary uses but would support the continued use of the plant with the supply of additional mineral.
19. The application is accompanied by many documents and plans including:
  - Planning Statement
  - Environmental Statement (including content as a Mineral Development Statement and a Waste Development Statement)
  - Technical Summary of Environmental Statement
  - Appendices to Environmental Statement including:
    - Landscape and visual Impact Assessment
    - Soil Resources and Agricultural Use and Quality report
    - Hydrogeological and Hydrological Impact Assessment
    - Archaeology & Cultural Heritage Assessment

- Ecological Impact Assessment
- Noise Assessment
- Transport Assessment
- Air Quality Assessment

### **The Applicant's Case**

20. The applicant has developed these proposals in order to maintain a sustainable contribution to the County's landbank and, to supply nationally important precast concrete facilities situated along the A38 corridor as well as to maintain sufficient reserves to meet projected demands from HS2. The proposals also seek to safeguard the twenty-two jobs that are maintained on site, and the jobs of many indirect employees.
21. The applicant refers to pre application advice provided by the Mineral Planning Authority, that indicated the proposed extension to the site could be supported so long as: the development criteria identified in the site allocation profile are appropriately addressed; the methodology of transporting materials across the site is sustainable; and the restoration scheme is palatable to wider stakeholders. It is submitted by the applicant that the proposals meet these criteria.

### **Relevant Planning History**

22. Alrewas Quarry has been operating for more than 40 years with initial mineral extraction taking place on land north of the A513. The quarry was extended south of the A513 into an area known as Whitemoor Haye in 1997 and more, recently additional land south of the A513 around Roddige Farm has been developed. Details of the relevant permissions and other planning decisions can be found listed in [Appendix 1](#).

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

23. The findings of the ES (and the environmental information subsequently received) are summarised in [Appendix 2](#).

### **Appropriate Assessment**

24. In accordance with the Habitats Directive (Council Directive 92/43/EEC) and Regulation 48 of the Habitats Regulations 1994, a screening assessment has been carried out on the effects of the proposal on the River Mease Special Area of Conservation (SAC). Based on the information submitted, it is considered that the proposed development would not result in a negative impact on the River Mease Special Area of Conservation (SAC).

### **Findings of Consultations**

#### **Internal**

25. **Environmental Advice Team (EAT)** – no objections, subject to conditions relating to:

- Production of a comprehensive management plan for treatment of boundaries to remediate landscape effects.
- Submission of details of site lighting in line with recommendations in 8.18 of the Ecological Impact Assessment. This should include a lighting plan (contours) that confirms that light spill will not affect nearby vegetation or contribute to night sky effects.
- Prior to commencement, submission of a scheme of hydrological monitoring and mitigation. The scheme should include provision for replacement or repair of water monitoring point BH48P.
- Prior to commencement of any site works, submission of a Construction Environmental Management Plan (Ecology). [Note: details have subsequently been submitted and found to be acceptable]
- Within one year of commencement, submission of a Landscape and Ecological Management Plan (LEMP). [Note: details have subsequently been submitted and found to be acceptable]
- Soil bunds around boundaries to be situated a minimum of 5 metres from trees, hedges and ditches.
- Within one year of commencement, details of landscaping to be submitted to include seed mixes and tree and hedge planting.
- Prior to commencement, submission of details of great crested newt mitigation methods to be employed, including any temporary habitat creation. [Note: details have subsequently been submitted and found to be acceptable]

An informative note regarding outstanding issues involving Public Footpath No 40 Fradley and Streethay is required.

The County Ecologist has considered the impact of the proposals on European Protected Species and a record of that consideration is found in [Appendix 3](#) to this report.

The County Archaeologist has recommended that the applicant submit a Written Scheme of Archaeological Investigation. The applicant has responded to this requirement and the submitted detail is found acceptable for implementation.

26. **Highways Development Control** (on behalf of the Highways Authority) (HA) – no objections subject to a condition that the development shall not be brought into use until the access and crossings to the site within the limits of the public highway have been completed. An informative is also required to advise that off-site highway works shall require a Highway Works Agreement with the County Council.
27. **Planning Regulation Team** – confirm that they have no comments.
28. **Flood Risk Management Team** (on behalf of the Lead Local Flood Authority) – no objections subject to conditions requiring development to be carried out in accordance with the submitted Flood Risk Assessment and the Hydrological and Hydrogeological Impact Assessment; that following restoration, an appropriate

system of agricultural drainage should be established in order to facilitate the use of land to the south of the A513 for agriculture; and, there should be no significant increase in restoration levels compared with the current ground levels.

29. **County Council's Noise Engineer** - no objection on noise grounds subject to the 100 metre stand off and bunding being conditioned for Roadside Cottage together with appropriate noise limits based around LA90 background noise level + 10 dB, subject to a maximum of 55 dB LAeq, 1hr.
30. **County Council's HS2 Project Manager** – no objection but highlights arrangements for HS2 contractors in terms of adherence to the [Code of Construction Practice \(CoCP\)](#) and routes to the construction scheme.

#### **External**

31. **Lichfield District Council (Planning)** – no objection provided that the County Council is satisfied that the proposals will not impact on residential amenity or protected species.
32. **East Staffordshire Bough Council (Planning)** - no objection.
33. **Lichfield District Council's Environmental Health Officer** - no objections. It is advised that the recommendations in the noise report should be used to form the basis for a noise management scheme for the site.
34. **East Staffordshire Bough Council's Environmental Health Officer** – no objection.
35. **Alrewas Parish Council** – no objection.
36. **Fradley & Streethay Parish Council** – confirmed that they have no comments.
37. **Whittington/ Edingale Parish Councils**- no comments received.
38. **Highways England** - no objection.
39. **Historic England** - no comments received.
40. **Environment Agency (EA)** - no objections subject to conditions to require a review of the existing groundwater management and monitoring scheme as well as the scheme to mitigate the impact of de-watering on local water features. Advice is also provided regarding the potential requirement for an abstraction licence and for a variation of a Mining Waste Permit.
41. **Natural England** - no objection.
42. **Canal and Rivers Trust** – confirmed that they have no comments.
43. **National Air Transport Service** - no objection.
44. **Network Rail** - no objection subject to conditions relating to drainage, details of excavations in proximity to the railway, HGV routes and landscaping.
45. **National Grid** - no comments received.

46. **Cadent Gas** - no objection subject to the inclusion of an informative relating to protection of a gas pipeline
47. **British Pipeline Agency** - no objection subject to the inclusion of an informative relating to protection of the oil pipeline.
48. **South Staffordshire Waterworks Company** - no comments received.

## **Publicity and Representations**

49. Site notice: YES      Press notice: YES
50. 63 neighbour notification letters were sent out and 6 representations have been received. The concerns raised are summarised below:
  - The poor condition of the existing road crossing at Roddige Lane (i.e. damage to surface and mud/ dirt deposited on highway) and safety concerns for highway users;
  - Noise and dust and adequacy of bunding to mitigate these effects in proximity to properties off Brookhay Lane.
  - Noise impact on the nearby crematorium particularly during construction of the 4m-high earth screening bunds. It is requested that consideration be given to introducing a greater stand-off from the western extent of Phases 4a and 4b to reduce noise impact on mourners at the Crematorium during cremations and visitors seeking quiet reflection at the Gardens of Remembrance.
  - Intrusive reversing beepers have been reported as a complaint about existing operations [this complaint was reported to the operator who has instructed their contractor to fit “white noise alarms” which are less intrusive and are normally used on vehicles at the quarry].

## **The development plan policies (and proposals) and the other material planning considerations relevant to this decision**

51. 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.’

52. [Appendix 4](#) lists the development plan policies (and proposals) and the other

material planning considerations, relevant to this decision.

## **Observations**

53. 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 general development plan policy and other material planning policy considerations.
  - The site-specific development plan policy considerations and the matters raised in representations.
  - The opportunity to review and update the conditions of the planning permission and the terms of the Section 106 Legal Agreement

### **The general development plan policy and other material planning policy considerations**

54. Both national and local planning policies recognise the importance of minerals for sustainable economic growth. The National Planning Policy Framework (NPPF) contains specific mineral planning policy guidance and provides general planning policy guidance which is underpinned by a presumption in favour of sustainable development. Paragraph 205 of the NPPF explains that:
- ‘When determining planning applications, great weight should be given to the benefits of mineral extraction, including to the economy.’
55. Policy 1 of the Minerals Local Plan (MLP) for Staffordshire sets out how provision will be made for sand and gravel in the county up to the end of 2030 and refers to 11 proposals for the extension of quarries. One of these proposals allocates land to which this application relates (refer to inset map 6 in the appendix 1 to the MLP) and policy 1.2 of the MLP requires that:

‘Any proposals to develop the allocated extension sites will only be supported where it has been demonstrated that they accord with the Plan policies, including Policy 4 and address the development considerations listed in appendix 1.’

Furthermore, policy 1.3 requires that:

‘Planning permission to extend a site 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.’

56. Commentary: On the basis that the application site relates to an allocation promoted in the MLP, the principle of developing the proposed extension is accepted. It is likely that the proposed extension would not significantly extend the duration of mineral production at the quarry due to the operator’s intention to increase production at the quarry to meet contracts for concrete as required by construction

works on the HS2 railway.

57. In accordance with policy 1.2 of the MLP, it is necessary to consider whether the submitted proposals address the development considerations as identified for the allocation and set out under inset map 6. The table below lists the information provided in the application to address these considerations.

<b>Development considerations for the Alrewas South allocation</b>	<b>Addressed in the application/ environmental statement (ES) by:</b>
Existing copses should be retained and linked to further planting. Where possible, existing hedgerows should also be retained with suitable buffers.	Refer to Appendix 3 of ES - Landscape Visual Impact Assessment (LVIA) dated August 2019; Detailed Landscaping Proposals (Dwg no M13.116(t).D.010); and Southern Extension Restoration Plan (South) (Dwg no A301-00079-06). The LVIA is supported with an arboricultural assessment that indicates trees and hedges to be protected or removed. This assessment and the restoration plans have been considered by the EAT and there are no objections subject to conditions.
Site lies in an area with high potential for significant archaeological remains. Desk based assessment will be required to plan appropriate additional archaeological works.	Refer to Appendix 6 of ES - Archaeology & Cultural Heritage Assessment dated June 2019 and to updated Written Scheme of Investigation (WSI). The EAT has no objections subject to development being carried out in accordance with an updated WSI.
There are two Grade II heritage assets within proximity of this allocation and a Scheduled Ancient Monument. Developers will need to ensure that their significance and that of their setting is protected and conserved.	Refer to Appendix 6 of ES - Archaeology & Cultural Heritage Assessment dated June 2019 and to Cultural Heritage Assessment (March 2014) (Appendix 6 to ES for application ref: L.14/03/817 MW). No significant direct or indirect effects have been identified and an appropriate level of investigation and recording to mitigate any potential impact to remains would take place. No objections have been raised in terms of measures to safeguard the historic environment.
Proximity to adjacent railway needs to be considered.	Refer to Southern Extension Working Plan (Dwg no A301-00079-03) and existing planning conditions attached to permission L.19/03/817 MW. No objection has been raised by Network Rail subject to the imposition of conditions.

<p>Restoration should attempt to restore the historic character and maintain landscape connection with Fradley. Opportunities to contribute to the Central Rivers Initiative, Trent and Tame Futurescapes project and objectives of the National Forest should be considered.</p>	<p>Refer to Appendix 3 of ES - Landscape Visual Impact Assessment dated August 2019; Landscape and Ecological Management Plan; and to Detailed Landscaping Proposals (Dwg no M13.116(t).D.010). Restoration proposals for the current permitted area remain largely unchanged and in accordance with previously approved details which will contribute to local environmental initiatives as well as the National Memorial Arboretum. Proposals for the extension area include proposals for landscape and biodiversity enhancement although based on an agricultural restoration.</p>
<p>There is a high risk of best &amp; most versatile land being present, so this land should be addressed in the restoration of the site.</p>	<p>Refer to Appendix 4 of ES - Soil Resources and Agricultural Use and Quality report dated 28 May 2019. Almost two thirds of the agricultural land is of “best and most versatile” quality. The proposed restoration scheme for the extension area is to return the land to arable production thereby safeguarding the value of the best and most versatile land. No objection has been raised by Natural England.</p>
<p>There is potential for landscape enhancement in restoration.</p>	<p>Refer to Appendix 3 of ES - Landscape Visual Impact Assessment dated August 2019; Landscape and Ecological Management Plan; and to Detailed Landscaping Proposals (Dwg no M13.116(t).D.010) consistent with the Southern Extension Restoration Plan (South) (Dwg no A301-00079-06). The LVIA has been assessed and no objections are raised by EAT subject to the imposition of conditions consistent with the current permission. The proposals include provision for the enhancement of field boundaries for the creation of new wetland habitat within the proposed extension.</p>
<p>Potential adverse impacts on ecology can be mitigated and/ or compensated if opportunity is taken to create significant areas of BAP habitat and enhance ecological connectivity through sensitive</p>	<p>Refer to Appendix 7 of ES - Ecological Impact Assessment dated September 2019; to Landscape and Ecological Management Plan; and to Detailed Landscaping Proposals (Dwg no</p>

restoration.	M13.116(t).D.010). No objections have been raised by EAT or Natural England. Several matters are recommended for conditions to safeguard and enhance biodiversity interests. In relation to the river Mease SAC and protected species, relevant assessments have been undertaken and recorded by the EAT.
Part of the site is located within the floodplain of the River Tame (Flood Zones 2 & 3). It must be ensured that there is no net loss of floodplain storage as a result of the excavations. Any excavated material should be stored outside of the extent of the 1 in 100-year (with climate change) floodplain unless its temporary storage would be acceptable to the Environment Agency. Any ancillary development should be located in areas of lowest risk. Any extraction or restoration works should not increase flood risk upstream or downstream of the site.	Refer to Appendix 5 of ES - Hydrogeological and Hydrological Impact Assessment dated September 2019. Part of the proposed extension area is within Flood Zone 2 but the majority of the extension area is within Flood Zone 1. In relation to the small proportion of the bunds associated with the proposed extension which are potentially located in Flood Zone 2, gaps would be provided in bunds to limit any potential effect on the flow of flood water. In areas where gaps would prevent adequate visual screening other suitable flood flow conduits such as pipes under a bund would be provided. No objections have been raised by the Local Lead Flood Authority or the Environment Agency.

58. All the development considerations have been addressed in the application although it should be acknowledged that some of the development considerations are more relevant to the greater part of the allocation which has been already permitted for the winning and working of sand and gravel (now subject to permission L.19/03/817 MW).
59. Regarding the timing of development within the southern extension, the proposal is that mineral operations would commence as soon as road crossings have been constructed to gain access. Consequently, the proposals seek to re-phase current permitted workings so that the remaining reserves to the north of the proposed extension area would be extracted after the extraction of reserves within the southern extension. Policy 1.3 requires that extension areas can be only worked following cessation of mineral working within the existing site but in this case, the proposed amendment to phasing is acceptable in terms of minimising disturbance to the land with operations progressing back to the plant site reducing the need for internal haulage infrastructure.
60. Conclusion: Having regard to the development plan policies and other material planning policy considerations referred to above, it is reasonable to conclude that the proposal is acceptable in principle given that it will support the provision of sand and gravel from a site allocated in the MLP. The proposals would maximise the recovery of the resource within the site allocation area and the rephasing of operations is

considered acceptable. No objections have been raised in relation to the development considerations listed in the MLP, although it would be necessary to secure mitigation measures through the imposition of planning conditions or by planning obligation.

### **The site-specific development plan policy considerations and the matters raised by consultees and in representations**

#### Site restoration and review

61. Paragraph 205 (e) of the NPPF requires that mineral planning authorities, should provide for restoration and aftercare at the earliest opportunity, to be carried out to high environmental standards, through the application of appropriate conditions.
62. Policy 6 in the MLP requires any restoration proposals to be sufficiently comprehensive, detailed, practicable and achievable within the proposed timescales and that where relevant (amongst other matters), that the land affected at any one time would be minimised by including phased working and restoration (Policy 6.2). This requirement is also endorsed by policy 4.1 (xii) of the Waste Local Plan (WLP).
63. Commentary: The recent permission to allow for an increase in output at Alrewas Quarry (ref: L.19/03/817 MW) together with associated changes to limits on the number of lorry movements as well as operating hours means that it is likely that the remaining permitted mineral reserve would be extracted before the cessation date for mineral extraction of 17 May 2027 as defined by the current permission. In anticipating the risk that there would be an increased period between the completion of mineral extraction and then completion of restoration due to the disparity between the rates of extraction and backfilling, it was noted that there were proposals to increase the rate of backfill to 250,000 cubic metres per annum and that the progress of restoration operations would be subject to regular review (refer to condition 9 of the current permission requiring the operator to submit progress reports, condition 63 requiring a review of the proposed restoration strategy and schedule 5 of the section legal agreement requiring periodic review of the restoration strategy in consultation with the quarry's site liaison committee). Currently, restoration is required to be completed within 18 months of the cessation of mineral working i.e. by 17 November 2028.
64. Assuming that output at the quarry does increase to 750,000 tonnes per annum, the remaining resource together with reserves within the southern extension would be exhausted in less than seven years but the consequent quarry voids to be backfilled are expected to be reclaimed by 2033. There is, therefore, a risk of a prolonged disturbance to the landscape and visual amenity.
65. The findings of the landscape and visual impact assessment do not indicate a significant effect on the landscape or visual amenity. In terms of cumulative impacts, the ES notes that in relation to landscape character:

‘The short-term cumulative effects are managed through site design, and the phased approach to working and restoration. The implementation of the restoration scheme will have a cumulative effect on the local landscape character in the long term.’
66. Similarly, in relation to the cumulative impacts on visual amenity it is noted that:

'The potential substantial impacts are in relation to effect on local amenity. There is a cumulative effect in time through the operations of the quarry, however the phased and progressive working and restoration reduces any spatial cumulative effect.'

67. The County Council's Environmental Advice Team (EAT) commented that the landscape and visual impact assessment under-estimates the impact of the operational phases and it is recommended that a management plan is agreed and implemented for the field margins around the operational areas. The applicant has accepted that there is scope for improvement in maintaining and enhancing field margins and refers to the current requirements of condition 54 for hedgerow management and enhancement. In support of the application, the applicant has now submitted details of landscaping and ecological management for the extension area and the initial view of the EAT is that the details are consistent with restoration proposals and comprehensive.
68. As considered previously, there would be a requirement to carry forward requirements for restoration review and while accepting that proposals for backfilling are based on the requirements of landowners for the reinstatement of agricultural land, there may be scope in later phases of restoration operations to review the scale of backfilling or to consider options for increased rates of backfilling when mineral extraction has been completed.

Other matters arising from the representation – road crossings

69. Policy 4 of the MLP requires that in assessing the impact of proposals for mineral development consideration should be given to traffic on the highway network. This requirement is also repeated in the WLP under policy 4.2 (ii).
70. Paragraph 109 to the NPPF explains states that:
- 'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.'
71. Commentary: Objections to the proposal have been received from users of Roddige Lane about the condition of the quarry's road crossing which has been used by dump trucks transporting mineral extracted from permitted workings south of Roddige Lane to a conveyor hopper north of the lane. Temporary arrangements for the road crossing have been agreed with the Highways Authority and repair works have been undertaken by the applicant on the crossing. In addition, the operator has improved measures to ensure that the surface of the public highway at the road crossing is kept clean.
72. The Highways Development Control Officer has confirmed that there is no objection to the proposals which would involve the introduction of conveyor bridges over Roddige Lane and Stockford Lane for mineral transport and the construction of additional road crossings for lorries/ dump trucks on Sittles and Stockford Lanes to enable haulage of mineral and waste/ backfill. The recommendation is that no further transport of materials should take place south of Roddige Lane until details of the road crossings have been approved and implemented. The agreement of details would require the completion of a Highway Works Agreement for the works within the public highway and a revised bond figure for the highway works would be required

under an updated section 106 legal agreement. Planning conditions would be required to ensure the effective operation of the crossings without adverse impact on other highway users.

Other matters arising from the representation – noise

73. Policy 4 of the MLP requires that in assessing the impact of proposals for mineral development consideration should be given to noise. This requirement is also repeated in the WLP under policy 4.2 (i).
74. Paragraph 205 (c) requires that mineral planning authorities:

‘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.’
75. Representations have been received from a resident living at Waterworks Cottages near the Fradley Water Pumping Station and from agents representing Dignity Funerals responsible for the operation and management of the Lichfield and District crematorium, in relation to the impact of noise from mineral operations.
76. Regarding the impact on Waterworks Cottages, the noise assessment submitted with the application predicts that normal mineral operations can be undertaken without unacceptable adverse impact in terms of noise on those properties taking into account national planning guidance that seeks to prevent noise levels at any noise-sensitive property exceeding the background noise level (LA90,1h) by more than 10dB(A) during normal working hours (0700-1900). Planning guidance does allow for short term noisy activities to exceed noise limits for normal operations e.g. for the formation of screening mounds and that a limit of 70 dB(A) LAeq 1h (free field) should be imposed for such activities for a period of up to 8 weeks in any one year. In relation to Waterworks Cottages, the assessment predicts that noise levels from the formation of soil bunds could exceed background levels by 11 dB(A) which is within acceptable limits and the works would be achieved within eight weeks.
77. The Waterworks Cottages are more than 150 metres distant from the proposed extension area and are separated from the proposed extension by a railway and hedge lines. It would be expected that the operator adopts careful management of operations in the vicinity of sensitive properties to minimise noise impacts as well as manage dust generating activities. As with the current permission, the operator would be required to undertake environmental monitoring in accordance with approved details and maintain records of such monitoring.
78. Representations made on behalf of the operator of the crematorium have sought to ensure that the tranquility of the associated garden of remembrance is safeguarded and the applicant has carried out further assessments to ensure that the noise environment of the gardens is not unacceptably adversely affected. The applicant maintains that the proposals as submitted accord with national guidance but in relation to the crematorium, revisions have been made to the proposed working scheme so that the standoff from the crematorium building itself is increased to 440m and 160m to the gardens of remembrance. This change has reduced the predicted noise level for normal operations by a further 2 dB(A) making the predictions only 2 dB(A) above background levels. The applicant also confirms that they would be content to work to a modified condition on working hours when constructing the

bunds around phases 4 and 5; and, they would seek to maintain day to day dialogue with the operators of the crematorium when working near to the crematorium (such as during bund construction) so that the quarry can be operated sensitively relative to the crematorium. Furthermore, the operator has invited representatives of the crematorium to attend the quarry's liaison committee which already involves representatives for the National Memorial Arboretum.

79. Conclusion: Having regard to the development plan policies and other material planning policy considerations referred to above, it is reasonable to conclude that the proposals are acceptable subject to the imposition of planning controls in relation to their impact on local amenity during working and restoration operations as well as their impact on landscape and visual amenity. The impact on the highway is found acceptable in principle but the applicant would need to complete a Highway Works Agreement prior to mineral extraction commencing within the proposed extension area.

### **The opportunity to review and update the conditions of the planning permission and the terms of the Section 106 Legal Agreement**

80. Paragraph 54 to the NPPF explains 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'.

81. Paragraph 55 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.'

82. Paragraph 56 explains states:

'Planning obligations must only be sought where they meet all of the following tests:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.'

83. Policy 4.5 of the MLP seeks to ensure higher environmental standards of working, restoration and aftercare and supports securing environmental improvements by consolidating existing permissions.

84. Commentary: The applicant seeks to consolidate the proposed extension with mineral development already permitted and subject to permission L.19/03/817 MW which was granted in November 2019. This permission is up to date with modern standards and therefore, should permission be granted, it would be only necessary to review current conditions so that the requirements of those conditions also relate to development within the proposed extension area e.g. noise and dust monitoring.

85. The Section 106 Legal Agreement dated 10 May 2017 requires undertakings that should be carried forward into a new agreement that would be applicable to the proposed extension area and include additional landowners associated with the proposed extension area. It would be also necessary for the operator to agree to the new agreement superseding the current agreement, to refer to the additional highway works associated with the proposed road crossings on Sittles Lane and Stockford Lane as well as to review the amount of the highways bond to guarantee the works being undertaken within the public highway.
86. It is considered that the existing undertakings meet the tests referred to above for the reason discussed below:
- a. To maintain and remove the conveyor; to, maintain the structure under the A513; and, to reinstate the roads and access to appropriate standards to serve the site's future use.

This existing undertaking should be retained as it would ensure that the structures including conveyor required to transport the mineral from the southern extension area to the plant site adjacent to the National Memorial Arboretum are maintained for the duration of the development and then removed following the completion of the mineral extraction and restoration of the site in accordance with the Mineral Local Plan (policies 4 and 6) and the NPPF (sections 9, 15 and 17) which seek to minimise the traffic, noise and visual impacts of development and secure restoration to high environmental standards.

- b. To ensure that HGV's do not to use Barley Green Lane (south of the site access on Barley Green Lane); to notify HGV drivers of the restriction; and, to erect a sign to inform drivers of the restriction.

This existing undertaking should be retained as it would ensure that appropriate routes are used by HGVs in accordance with the Mineral Local Plan (policy 4), Waste Local Plan (policy 4) the NPPF (sections 9 and 17) in the interests of highway safety and to safeguard the public highway.

- c. To regularly review the approved Concept Restoration Plan in consultation with the site liaison committee.

This undertaking ensures that the Concept Restoration Plan is kept under review to ensure that the site is restored to high environmental standards at the earliest opportunity; and, to provide an opportunity to enhance local amenity or the environment and make more of a contribution towards local or national initiatives e.g. the National Memorial Arboretum, the gateway to the National Forest and the National Forest Way, and, the Central Rivers Initiative which currently supports the Transforming the Trent Valley Landscape Partnership (a scheme undertaking a wide range of environmental, cultural and community-led projects within the Trent, Tame and Dove river valleys). Key stakeholders would be invited to attend the site liaison committee and they would be able to contribute to the review and the consultation arrangements. This undertaking accords with the Mineral Local Plan (policies 4 and 6), the Waste Local Plan (policy 4) and the NPPF (sections 15 and 17) as they relate to the effective reclamation of land subject to mineral development.

- d. To maintain the site liaison committee including local residents/ landowners and representatives on behalf of the County, District and Parish Councils, the Environment Agency, the National Memorial Arboretum, the National Forest Company, the Central Rivers Initiative, and the Lichfield and District crematorium.

This undertaking ensures that a forum exists for key stakeholders to be kept informed about the progress of the working and restoration of the site and that concerns about quarry operations or opportunities to improve the working and restoration can be discussed in accordance with the Mineral Local Plan (policy 4) and the NPPF (sections 4 and 17).

- e. To carry out 10-year extended aftercare in accordance with the approved aftercare scheme.

This undertaking already exists in connection with previously worked land and the extended period of aftercare would ensure that the site is fit for a sustainable afteruse in accordance with the Mineral Local Plan (policies 4 and 6) and the NPPF (sections 15 and 17).

- f. To secure a Restoration Guarantee Bond either by being a member of the Mineral Products Association and eligible to draw on their scheme, or by arranging another financial guarantee to cover the costs of restoration and aftercare.

This undertaking would ensure that there are financial provisions in place for restoration and aftercare in case the operator goes out of business in accordance with the Mineral Local Plan (policy 6) and the NPPF (section 17).

- 87. Conclusion: Having regard to the policies and guidance referred to above, it is reasonable to conclude that the planning conditions attached to the current permission remain relevant, necessary and reasonable and are up to date, subject to amendments/ additions required in relation to controlling development within the extension area. The undertakings within the Section 106 Legal Agreement also remain necessary; directly relate to the development; and are fairly and reasonably related in scale and kind to the proposed development.

## **Overall Conclusion**

- 88. 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.

## **Recommendation**

- 89. **Permit** the application for the winning and working of sand and gravel including a

southern extension and the re-phasing of permitted working and restoration schemes; the restoration of the quarry by the importation of inert waste material; the provision of new crossing points and conveyor bridges at Stockford Lane, Sittles Lane and Roddige Lane as well as the continued use of existing crossing points on Roddige Lane, the A513 and Croxall Road; and the continued use of the mineral processing plant and other ancillary facilities already permitted including weighbridge, site offices, field conveyor, concrete batching plant and bagging plant subject to the applicant and all other persons with an interest in the land signing a Section 106 Legal Agreement to secure the terms listed below and subject to the planning conditions listed below.

**Section 106 Legal Agreement - heads of terms** to include the following undertakings (carried forward from the current agreement):

1. To maintain and remove the conveyor; to, maintain the structure under the A513; and, to reinstate the roads and access to appropriate standards to serve the site's future use.
2. To ensure that HGV's do not to use Barley Green Lane (south of the site access on Barley Green Lane) or the level crossings at Fine Lane, Roddige Lane and Brookhay Lane; to notify HGV drivers of the restriction; and, to erect a sign to inform drivers of the restriction.
3. To regularly review the approved Concept Restoration Plan in consultation with the site liaison committee.
4. To continue arrangements for the site liaison committee.
5. To carry out 10-year extended aftercare in accordance with the approved aftercare scheme.
6. To secure a Restoration Guarantee Bond either by being a member of the Mineral Products Association and eligible to draw on their scheme, or by arranging another financial guarantee to cover the costs of restoration and aftercare.
7. To not implement the current permission L.19/03/817 MW and for the undertakings in the legal agreement dated 10 May 2017 to be superseded by the new agreement.

**The conditions** to include the following:

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

#### **Definition of Operations and Commencement of Mineral Supply to HS2**

2. To define the terms of working, processing, restoration operations as well as commencement of export of mineral from the site to supply the HS2 project;

#### **Commencement**

3. To require notice of commencement of soil stripping, working and restoration operations; cessation of working and restoration operations; as well as the date

of commencement of export of mineral from the site to supply the HS2 project;

#### **Dates for Cessation of Mineral Extraction, Restoration Operations and Expiry of the Permission**

4. To require the winning and working of mineral to cease no later than 31 December 2029;
5. To require the completion of restoration operations no later than 31 December 2033 which shall include the removal of all processing plant and ancillary development within 12 months of the cessation of mineral working;
6. To define the expiry of the permission when the restoration and aftercare has been completed in accordance with the latest approved Restoration and Aftercare Scheme;
7. To define the requirements if working operations cease prematurely;

#### **Phasing, Limit of Extraction, Depth of Working and Importation of Inert Materials**

8. Working and restoration operations shall be carried out in a phased manner in accordance with the Southern Extension Working Plan (March 2020) (Dwg no A301-00079-03) and as described in Section 3.2 of the Environmental Statement unless otherwise approved in connection with the latest approved Progress Plan (see Condition 9);
9. To require a review of working and restoration operations no later than 17 May 2022 (the 5th anniversary of the date of the original planning permission L.14/03/817 MW) and every 5 years thereafter until the cessation of the restoration operations;
10. To ensure that no more than 600,000 tonnes of sand and gravel is exported from the site per annum unless the Mineral Planning Authority is notified of the commencement of the export of mineral to supply the HS2 project, and then no more than 750,000 tonnes of sand and gravel shall be exported from the Site per annum;
11. To ensure that no more than 250,000 cubic metres of inert restoration material is deposited on site per annum;
12. To ensure appropriate standoffs around Roddige Cottage, Roddige Farmhouse, Whitemoor Haye House and the Lichfield District Crematorium are marked out as indicated by the Southern Extension Working Plan (March 2020) (Dwg no A301-00079-03);
13. To ensure the inert restoration materials imported for backfill purposes are received in accordance with the approved procedures for the inspection and acceptance of waste;
14. To require the submission of details of the method of importation prior to any importation of inert restoration material by rail and implementation of approved

details;

15. To require that no vibro-compaction machinery is used as part of restoration operations within 100 metres of the site's boundary with the railway;
16. To carry out excavations in proximity to the railway in accordance with approved details (ref: L.19/03/817 MW D1) or in relation to phases 4A and 4B as shown on the Southern Extension Working Plan (March 2020) (Dwg no A301-0079-03), no excavations shall take place within 10 metres of the site's boundary with the railway until details of excavations and earthworks to be carried out have been agreed in writing by the Mineral Planning Authority (subject to confirmation by Network Rail that the submitted details are acceptable prior to issuing the Decision Notice);
17. To require that no materials or plant capable of falling shall be located within 3 metres of the adjacent railway line and no buildings or structures shall be located within 2 metres of the Network Rail boundary;

### **Management of Site Operations**

#### Development Restrictions

18. To restrict permitted development rights.

#### Hours of Operation

19. To limit operating hours as follows:
  - a) working operations or restoration operations shall be carried out between:
    - 07:00 and 18:00 Monday to Fridays; and
    - 07:00 and 13:00 Saturdays;
  - b) processing operations or associated vehicle movements shall be carried out between:
    - 06:00 and 22:00 Monday to Fridays;
    - 06:00 and 16:00 Saturdays.

The only exception to the above hours shall be essential operations including pumping and due to emergencies for reasons of health and safety or to prevent pollution;

#### Stockpiling

20. No minerals or processed minerals shall be stockpiled other than in accordance with the approved locations;
21. The stockpiles of minerals or processed minerals shall not exceed a height of 4 metres;

#### Soil management

22. To ensure that soil is managed in accordance with Section 3.3 of the

Environmental Statement;

23. To require that topsoil is not stored in mounds that exceed 3 metres in height and subsoil is not stored in mounds that exceed 4 metres in height;

### **Site Access, Vehicle Numbers and Highway Safety**

24. To define the site access points;
25. To require the submission of details of the access on Barley Green Lane and implementation of approved details prior to any restoration operations taking place within phase 2;
26. To require all access roads to be constructed in a hard-bound material, kept clean and maintained in a good state of repair.
27. To require that no loads of mineral leave the processing site unless the load has first been securely contained or sheeted.
28. To limit the number of HGV movements to and from the site calculated on a yearly average basis to:
  - Mineral – 42 HCV movements per full working day (121 in and 121 out) unless notified of the commencement of the export of mineral to supply the HS2 project (Condition 3 (f)), where upon the limit would increase to 302 HCV movements per full working day (151 in and 151 out);
  - Inert restoration material – 182 HCV movements per full day (91 in and 91 out).
29. To require the submission of details of the road crossings at Roddige Lane, Sittles Lane and Stockford Lane and to implement the approved crossings prior to mineral extraction commencing within phases 4A and 4B;

### **Environmental Management**

Noise

30. To carry out noise monitoring in accordance with the Noise Monitoring Scheme (April 2020);
31. To require that the noise generated by the operations with the exception of the construction and removal of soil mounds, do not exceed a maximum level of background LA90 + 10 dB with a limit of 55 dB LAeq;
32. Noise levels at the nearest noise sensitive properties resulting from the construction and removal of soil screening mounds shall not exceed 70 dB LAeq (1-hour) (free-field) during an 8 week period in any 12 month period; and be restricted to between the hours of 0830 and 1730 on Mondays to Fridays and between the hours of 0830 and 1300 on Saturdays ;
33. Noise arising from the processing operations between the hours of 1900 and

2200 shall not exceed a BS4142:2014 rating level of 55 dB measured at any noise sensitive property. If the site noise is found to exceed the above rating level, the operator shall take immediate steps to reduce the noise emissions from the processing operations;

34. To require the mitigation measures as listed in Section 6 of the Noise Assessment dated 13 August 2019 including:
- a) All vehicles and plant employed within the Site shall at all times be fitted with silencers in accordance with the manufacturer's recommendations; and,
  - b) All plant or equipment used to carry out the working operations and restoration operations shall be fitted with a warbler reversing system or such other system to minimise, so far as is reasonably practicable and subject to maintaining safety, the level and generation of noise from reversing warnings systems.

#### Dust

35. To require a review of the approved Dust Monitoring Scheme prior to excavations taking place within phase 4A and implementation of the approved scheme;
36. To ensure that best practicable means shall be used during the life of the development to minimise dust emissions from the site;

#### Lighting

37. To require flood lighting or other illumination to be positioned so as not to cause light spillage or glare to occupiers of nearby properties, to highway users and to the railway as well as to conform with the requirements of paragraph 8.18 of the Ecological Impact Assessment;

#### Flood Risk and Safeguarding the Water Environment

38. To ensure the implementation of the submitted Flood Risk Assessment and the Hydrological and Hydrogeological Impact Assessment;
39. To require a review of the approved Surface Water Drainage Scheme prior to excavations taking place within phase 4A and implementation of the approved scheme (subject to confirmation from the Flood Risk Management Team that the submitted details are acceptable prior to issuing the Decision Notice);
40. To require a review of the approved Ground Water Monitoring Scheme prior to excavations taking place within phase 4A and implementation of the approved scheme (subject to confirmation from the Environment Agency and Environmental Advice Team that the submitted details are acceptable prior to issuing the Decision Notice);
41. To require a review of the approved Dewatering Scheme prior to excavations taking place within phase 4A and implementation of the approved scheme;

42. To define the requirements for the storage of oils, fuels and chemicals;

### **Nature Conservation and Archaeology**

43. To require the submission a scheme to protect the A513 SBI; the SBI boundary hedgerows; the SBI ditches; and, to require the monitoring of the hydrology and ecology of the SBI;
44. To ensure that no stripping of vegetation or soils takes place during the bird breeding season (March – August) unless preceded by a nesting bird check carried out by a suitably qualified and experienced ecologist;
45. To require that works take place in accordance with the Construction and Environmental Management Plan (ref: M13.116(t).R.004);
46. To require that no working operations commence in any phase until a botanical species survey (including mitigation measures) is carried out by a suitably qualified and experienced ecologist.
47. To require that works take place in accordance with the GCN Mitigation Scheme (ref: M13.116(t).R.006);
48. To carry out works as specified in the Landscape and Ecological Management Plan (ref: M13.116(t).R.005A) and to review that Plan every five years until the completion of restoration operations;
49. To require the working operations to be carried out in accordance with the approved Written Scheme of Investigation dated 19 February 2020 v.2;
50. To require a review of the approved Hedgerow Enhancement & Management Plan, prior to commencement of mineral extraction within the southern extension area;

### **Restoration and Aftercare**

51. To require the site to be restored in accordance with the approved Restoration Strategy (ref. L.14/03/817 MW D6 dated 24 June 2019) and for that part of the Site forming the southern extension to generally accord with Southern Extension Restoration Plan (South) (Dwg no A301-00079-06);
52. To require a review of the approved Restoration Strategy no later than 17 May 2022 and the Southern Extension Restoration Plan (South) (Dwg no A301-00079-06) and thereafter, to submit a review every 5 years until restoration operations are complete.
53. To require a detailed Restoration and 5 years Aftercare Scheme for the Site (including the southern extension) within 12 months of the review of the overall Restoration Strategy;
54. To require that in the event that the Restoration Strategy is revised, a revised Restoration and 5 years Aftercare Scheme to be submitted no later than 12 months after the approval of the Restoration Strategy including details of

restored levels, soil replacement and drainage;

55. In the event that the working operations or the restoration operations hereby permitted cease for a period of 24 months prior to the cessation date to require a Revised Restoration and Aftercare Scheme to be submitted;
56. To require the site to be restored and subject to aftercare in accordance with the latest approved Restoration Strategy and detailed Restoration and Aftercare Scheme;

### **Record Keeping**

57. To require records to be kept of the following:
  - a) The total number of loads of mineral, concrete and waste materials entering or leaving the site per day, including supply to HS2 (as applicable);
  - b) The quantities of mineral exported, and inert waste imported;
  - c) The operating hours;
  - d) Noise, dust and ground water monitoring in accordance with the approved schemes;
  - e) Any complaints and remedial actions taken.

INFORMATIVES to include the following:

#### **1. National Grid**

National Grid advised as follows:

The operator should contact National Grid in order to agree the necessary safe working practices and stand-offs from a gas pipeline.

#### **2. Cadent Gas**

Cadent Gas advised as follows:

The operator's attention should be drawn to Cadent's email sent 12 November 2019 concerning measures to safeguard the gas pipeline.

#### **3. British Pipeline Agency (BPA)**

The BPA advised:

The operator's attention should be drawn to the BPA's email sent 4 December 2019 concerning measures to safeguard the oil pipeline.

#### **4. Environment Agency**

The Environment Agency advised as follows:

The operator may need to vary their Mining Waste Permit from the Agency under the Environmental Permitting (England and Wales) Regulations 2016.

## **5. Staffordshire County Council**

The Environmental Advice Team advised as follows:

The applicant should be advised that the removal, relocation of a milepost adjacent the Lafarge Tarmac offices on Barley Green Lane would need Listed Building consent from Lichfield District Council and English Heritage and that any unauthorised works would be illegal.

The Rights of Way Team advised as follows:

The applicant should be advised to contact the Rights of Way Team to discuss Public Footpath No 40 Fradley and Streethay. Contact the Rights of Way Team on 01785 277241.

Transport Development Control Team advised as follows:

The applicant should be advised that as the development involves off-site highway works, a Highway Works Agreement with Staffordshire County Council would be required.

Case Officer: Matthew Griffin - Tel: (01785) 277275  
email: [mat.griffin@staffordshire.gov.uk](mailto:mat.griffin@staffordshire.gov.uk)

Due to current Coronavirus restriction, the list of background papers for this report is only available on request by email sent to [planning@staffordshire.gov.uk](mailto:planning@staffordshire.gov.uk) and can only be provided by email.

## Appendix 1: Relevant Planning History

Details of relevant planning permissions and other planning decisions are listed as follows:

- Alrewas Quarry, to the north of the A513, was granted permission by the Secretary of State in 1973 (ref (ELR.10761). Mineral extraction commenced in 1977 and has now ceased in this area and the land restored (except for the processing plant site).
- [L.950534](#) dated 4 March 1997 – Permission for the winning and working of sand and gravel, the restoration of land by the importation of inert waste material for; agriculture, floodplain forestry, amenity woodland, nature conservation, and quiet water-based recreation; the provision of an overland conveyor. This permission related to land south of the A513 referred to as Whitemoor Haye and required mineral extraction to cease by 31 December 2011 and the importation of inert waste material for restoration purposes to cease 15 years from the date of commencement, i.e. by 8 January 2016.
- [L.EA/9](#) was received on 1 July 1999 for approval of a scheme of conditions under the Environment Act 1995. This remains undetermined and the applicant has been advised to withdraw this application given that the plant site and associated lagoons are subject to the current permission L.14/03/817 MW (see below).
- [L.11/12/847 MW](#) was received on 31 January 2012 to vary condition 6 of planning permission L.950534 to allow restoration to be completed by 22 June 2020. This application was approved under the Council's Scheme of Delegation on 3 February 2015, subject to the completion of a Section 106 Legal Agreement. Currently the legal agreement has not been completed and as such the planning permission has not been issued. The requirements of the legal agreement relate to extended aftercare management of parts of the site.
- [L.13/07/817 MW](#) dated 5 February 2014 – Permission for an 11.5-hectare extension and the establishment of a new access to allow restoration to agriculture and nature conservation habitat with imported inert restoration materials. [This permission relates to land covered by Phase 1a of the southern extension to Alrewas Quarry (planning permission ref. [L.14/03/817 MW](#))].

Relevant approved details associated with this permission include:

- [L.13/07/817 MW D3](#) dated 30 May 2019 - Approved details in compliance with condition 21 (landfill access on Croxall Road) related to planning permission L.13/07/817 MW
- [L.14/03/817 MW](#) dated 17 May 2017 – Permission for a southern extension to Alrewas Quarry with restoration to agriculture, amenity and nature conservation by importation of restoration materials. There is an associated Section 106 Legal Agreement dated 10 May 2017 which relates to vehicle routing to and from the site, arrangements for a quarry liaison committee, extended aftercare, highway matters, and a restoration guarantee.

Note that this permission also includes permission for the following:

- Single storey office accommodation and associated car parking which was originally permitted in October 2000 (ref: [L.00/00640](#));

- Erection of a ready mixed concrete plant for the manufacture and distribution of ready mixed concrete which was originally permitted in May 2002 ( [L.01/00647](#)); and,
- The erection and operation of a bagging plant which was originally permitted in May 2002 (ref. [L.01/00886](#));

This permission includes land which is allocated in the Minerals Local Plan for Staffordshire for sand and gravel extraction.

Relevant approved details associated with this permission include:

- [L.14/03/817 MW D1](#) dated 7 November 2017 - Approved details of a nesting bird check for Phase 1b (condition 50) and an Archaeological Investigation Scheme (Condition 59) required by planning permission L.14/03/817 MW.
- [L.14/03/817 MW D2](#) dated 31 January 2019 - Approved details of a surface water drainage scheme (condition 20); a detailed groundwater monitoring scheme (condition 21); a detailed scheme for the dewatering on local water features (condition 22); a detailed noise monitoring scheme (condition 41); a dust management scheme (condition 47); a botanical species survey (condition 51); a working method statement and ecological management plan for Phase 2 (condition 52); a great crested newt survey of the land within 250 metres of Pond 4 (condition 54); an updated tree protection plan (condition 55); and a hedgerow management and enhancement plan (condition 56) required by planning permission L.14/03/817 MW.
- [L.14/03/817 MW D3](#) dated 12 July 2018 - Approved details of a working method statement and ecological management plan in relation to Phase 3 only (condition 52); and, a great crested newt survey (condition 54) required by planning permission L.14/03/817 MW.
- [L.14/03/817 MW D5](#) dated 30 May 2019 - Approved details of suitable imported materials (condition 14); mineral stockpiling (condition 25); and ancillary plant and equipment (condition 61) required by planning permission L.14/03/817 MW. Note that details of the proposed landfill entrance on Barely Green Lane to Phase 1b (condition 30); and, details in connection with the construction and maintenance of the road crossing point over Roddige Lane prior to working operations in Phase 3b (condition 39) have not been discharged.
- [L.14/03/817 MW D6](#) dated 24 June 2019 - Approved a detailed progress plan to update the approved working scheme (condition 9); and, the first review of the approved restoration scheme (condition 66) required by planning permission L.14/03/817 MW. As the submissions were made beyond the deadline set out in the conditions of the planning permission a Non Material Amendment Application (NMA application) was received on 30 April 2019 and was approved to extend the submission dates to 17 May 2019 to discharge the conditions (ref. [L.14/03/817 MW NMA2](#) dated 24 May 2019).
- [L.18/01/817 MW](#) dated 28 September 2018 – Permission for erection and use of workshop premises and a change of use of part of the site to enable the establishment and operation of a contracting depot.

- [L.19/03/817 MW](#) dated 14 November 2019 – Permitted application to vary (not comply with) Conditions 11 (the quantity of exported sand and gravel), 12 (the quantity of imported inert restoration material), 24 (the operating hours) and 38 (the number of HGV movements) of planning permission L.14/03/817 MW.

Relevant submission of details associated with this permission include:

- [L.19/03/817 MW D1](#) received 22 November 2019 - Submission of details relating to soil stripping in proximity to rail line (condition 16) and botanical survey and protected species updates for Phase 4 (conditions 50 and 51) of planning permission L.19/03/817 MW. These details remain to be approved.

Prior to submission of the current application, the following advice for preparation of the Environmental Statement was given:

- [SCO.83/817 MW](#) dated 26 April 2019 – Scoping opinion given in connection with proposals for southern extension to Alrewas Quarry.

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

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

### **Section 1 – Introduction**

This section sets out the context of the planning application and provides details concerning the applicant and project team; the aims of the environmental statement; methodologies; that no difficulties were encountered; and stakeholder engagement.

### **Section 2 – Site Location and Context**

This section includes an introduction to the site, geology, landscape, ecology, hydrology and hydrogeology, soils and agricultural land quality, traffic, noise, archaeology and cultural heritage, air quality, rights of way, and utilities.

### **Section 3 – Working Scheme**

This section provides details of the proposals including pre-extraction works; proposed working phases; soil handling; importation of restoration materials; dust suppression; other issues; and employment.

### **Section 4 – Design Statement and Restoration Concept**

This section considers the restoration concept for the site, its design and measures for aftercare.

### **Section 5 - Environmental Considerations**

Introduction: The assessments concentrate mainly on assessing the impact associated with the proposed extension, as the existing operations within the plant site (including concrete and bagging plants) have already been assessed. The impact assessments appended to the ES have been prepared by persons of appropriate experience and competency, consistent with the appropriate guidance.

Landscape and Visual Impact:

The potential for the greatest adverse effects upon landscape character would occur within the extraction area with external effects restricted due to the adoption of perimeter screen bunds, the relatively flat landform and inter lying vegetation. The overbridges have the potential to result in localised adverse effects upon landscape character and visual amenity. The hedgerows and mature hedgerow trees as key characteristics of the landscape, are assessed to have a Medium susceptibility to change and a Medium Value, resulting in an overall Medium Sensitivity.

Having regard to restoration proposals, it is concluded that proposals would constitute a Small magnitude of change and a Slight beneficial effect on the landscape structure of the Site, relative to the baseline, that is Not Significant.

The residential properties in the vicinity of the site with potential visibility of the proposed extraction are Roadside Cottage, Sittles Farm and Dunstall Farm. Temporary visual effects during the Construction Phase are predicted to range between Minor to Moderate adverse and Not Significant. The residual visual effects experienced by residents following restoration would be Neutral. During the Operational Phase, the magnitude of cumulative effect upon landscape character would be Low resulting in a Minor adverse cumulative effect that is Not Significant and a Neutral effect upon restoration.

The potential for cumulative visual effects from surrounding receptors is extremely limited due to the limited visibility of the site from the surrounding landscape. Overall it is assessed that the Proposed Development could be accommodated with only modest and localised adverse landscape and visual effects during the Operational Phase that have all been assessed as being Not Significant.

#### Soils and Agricultural Land Quality:

The land within the extension area has a mixture of stony light loamy and sandy soils, mainly affected by groundwater. Droughtiness is the principal limitation to agricultural land quality and most of the land is Grade 3. Almost two thirds of the agricultural land is of “best and most versatile” quality, mainly sub-grade 3a but with a small area of grade 2. The rest is of moderate quality in sub-grade 3b. Restoration of the land to best and most versatile agricultural land quality will require the use of 300 mm of loamy topsoil over at least 600 mm of subsoil. The stoniest soil resources would be improved by screening to remove the bulk of the stones.

#### Ecology (including Arboriculture):

The surveys completed included a Preliminary Ecological Appraisal (PEA), breeding bird surveys, bat activity surveys, bat roost surveys, harvest mouse surveys, great crested newt surveys and hedgerow surveys. The surveys were completed between 2018 and 2019. It is considered that the extraction of mineral and associated works proposed at the site, with the implementation of appropriate mitigation measures, would not have a significant negative impact on any statutory or non-statutory nature conservation sites.

The habitats present on the site are not considered of higher than local level importance, with the majority being habitats that are common and widespread in the local area. No significant negative impacts are anticipated on the habitats present within the site providing the restoration plan is delivered as specified. Consistent with existing planning controls at the quarry, a Landscape and Ecological Management Plan will be produced to ensure the long-term benefits of the habitats to be created, which will provide enhancements to the site above the existing situation.

A number of mitigation measures have been detailed to ensure that all legally protected species recorded within the site are adequately protected throughout the duration of the works. No significant negative impacts are anticipated on any known protected species or habitats present within the site providing the restoration plan is delivered as specified. Consistent with existing planning controls at the quarry, a Construction Environmental Management Plan will be produced to detail the specific measures required to protect the faunal species on site.

#### Archaeology and Cultural Heritage:

The assessment of direct impacts on archaeology and cultural heritage assets within the proposed development boundary shows that there will be an impact to:

- 1) Archaeological features as identified during trial trench investigations across parts of the site, including undated, but suspected Prehistoric archaeology and Medieval settlement archaeology.
- 2) A small derelict two-storey brick-built building as detailed on maps dating back to c.1800 will be demolished.

There is also a suggested impact to:

- 3) Presently uncharacterised archaeological remains that may exist elsewhere on the Site (as represented by various cropmarks but not identified in subsequent field evaluations).

It is therefore proposed to undertake the following to mitigate the perceived impacts:

- 1) Archaeological investigation of parts of the site (i.e. areas of identified archaeology and also areas of cropmark expression) prior to mineral extraction. An appropriate level of investigation and recording to mitigate any potential impact to identified and suspected remains will take place. This would likely be in line with the approved scheme of works presently being followed for the existing quarry, involving a combination of targeted 'strip, map and sample' excavation and 'watching brief action'.
- 2) A photographic and written record of the two-storey brick building in accordance with the publication 'Understanding Historic Buildings; a guide to good recording practice', Historic England 2016.

The predicted direct impacts are of moderate significance which does equate to an impact in EIA terms requiring mitigation. The assessment of indirect impacts on all cultural heritage assets within the study area shows that there are no identified significant indirect effects on the archaeological and heritage resource as a result of the proposed development.

Hydrology and Hydrogeology:

Dewatering Impacts: Dewatering will lower the level of the groundwater in the superficial sand and gravel deposits in the immediate vicinity of the proposed extraction area which has the potential to affect flows or levels in water features dependent on groundwater, reduce yields in abstractions, cause settlement of the ground and change the groundwater flow regime. The principles for mitigation are as set out in the already approved groundwater management and monitoring scheme and another mitigation measure which could be implemented as necessary is the provision of a recharge feature between the receptor and the mineral extraction in which dewatering is taking place. It is considered unlikely that changes in groundwater flow and groundwater quality resulting from the proposed development will be significant.

Settlement: The removal of fine particles from the superficial deposits round extraction areas during dewatering has the potential to induce settlement. Based on the understanding that the mineral deposit has a low fines content generally and as dewatering will be carried out from a sump in the base of the mineral extraction so that groundwater will flow into the void under gravity it is considered that the potential for dewatering induced settlement as a result of the removal of fines from the aquifer is low.

Modification of the Surface Water Drainage System: It is likely that the volume of water transferred by the surface water management system will reduce during the operational period as a proportion of surface water will drain to the mineral extraction void or dewatering in the void will derogate flows in drains in continuity with groundwater in the superficial deposits. Following restoration the pre-extraction drainage system at the application area will be reinstated and an appropriate system of agricultural drainage will be established in order to facilitate the use of land to the south of the A513 for agriculture. There is no scope whatsoever for any effect on the surface water drainage regime of the

River Mease itself or its surrounding designation as this is a separate hydrological catchment.

Water Quality: There is a potential risk to water quality from suspended solids in runoff from areas of disturbed ground. If site observations show that there is a risk of uncontrolled discharge of water high in suspended solids settlement areas will be provided. Consistent with the current methods of dry working at the current site clean water will be discharged to the River Tame and will be the subject of constraints on quantity and quality consistent with an Environmental Permit. To minimise the risk of contamination of groundwater by oil and diesel from plant all refuelling and servicing will be carried out on an impermeable surface with a sealed drainage system.

Flood Risk Assessment: The operations at the site will be susceptible to flooding from the River Tame, its tributaries and potentially from the drainage system at the application area. In the event of flooding associated with the River Tame any excess groundwater and surface water will be allowed to accumulate in the base of the extraction areas thereby reducing the flow in the river at this time. It is considered that there will be an increase in flood storage hence a net positive effect on flood risk at and in the vicinity of the application area during the operational period. Mineral extraction and restoration activities and the proposed restoration of the application area to water-based nature conservation, amenity and agricultural after use will not result in an increase in flood risk at or in the vicinity of the site.

Noise:

A noise assessment for the southern extension indicates that predicted worst case noise levels from normal operations at Alrewas Quarry do not exceed the background noise level by more than 10 dB(A), as required by the NPPF. Section 6 of the noise report sets out measures to mitigate the impact of noise from the proposed operations.

Transport:

The current application anticipates a maximum mineral extraction rate of approximately 750,000tpa and a typical rate of 600,000tpa. At maximum extraction rate, this would equate to a total of 151 HGV loads per day (302 two-way movements including concrete batching and graded aggregates activity). Additionally, the maximum rate of inert restoration material importation is proposed to increase to 250,000m<sup>3</sup> per annum and this would equate to a total of 91 HGV loads per day (182 two-way movements). The assessment concludes that the proposed continuation of activity generated by the proposed extension even considering the permitted increase in imports and exports is unlikely to have any material impact on the local road network.

Air Quality:

Assessment has been undertaken using the appropriate guidance which confirmed potential areas of concern for which bespoke mitigation measures have been developed. Full details on the range of mitigation measures will be subject to a dust management plan. Overall the effect on air quality of this development with the implementation of suitable dust mitigation measures is considered to be not significant.

Alternatives:

In this particular instance, no alternative sites for mineral extraction have been considered

as the application is to work a mineral; minerals can only be worked where they are found; therefore, there are no alternative sites where the mineral can be worked. As part of the Minerals Local Plan, other mineral sites were considered and the Inspector and County Council considered that subject to various criteria being met, the site in question was generally acceptable.

#### Cumulative Impact and Interaction Effects:

Given that the proposal is to consolidate the southern extension with the development already permitted to the north, there is scope for interaction effects. In this case the main sources of potential interaction effects have been identified as follows:

- a) restoration impact on landscape, ecology and soils;
- b) the appropriate location of the crossing points in relation to landscape and ecological impacts; and
- c) the appropriate location of amenity bunding to minimise the scope for impact in relation to noise, dust and landscape.

None of the revised impact assessments have identified any increased scope for long term impact as a result of the changes. Short term effects are increased in some areas of the site, but not to significant levels of effect.

#### Health Impacts

There is no scope for effect on mental, social or economic wellbeing, social mobility, or community health as the proposals are remote from concentrated residential and other sensitive forms of development. It is therefore concluded that the scope for adverse human health impacts is limited during site operations.

### **Section 6 – Summary and Conclusions**

A non-technical summary of the ES was also provided. The context of the site is such that the mineral resource proposed in this application could be recovered with minimal impact on surrounding environment. The restoration scheme reflects Government advice in that it promotes nature conservation initiatives in line with local and national policies whilst reinstating high quality agricultural land wherever possible.

#### **Addendum – Noise Assessment (February 2020)**

Additional noise information was submitted to support the findings of the noise assessment in relation to the impact of the proposal on the Lichfield and District crematorium.

#### **Update – Noise Assessment (March 2020)**

This report presents updated noise level predictions and a revised assessment following modifications to the working scheme made to minimise noise impacts within the Gardens of Remembrance of the Crematorium.

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

### **Appendix 3: Record of consideration of European Protected Species**

The Local Planning Authority in exercising any of their functions, have a legal duty to have regard to the requirements of the Conservation of Species & Habitats Regulations 2017 which identifies 4 main offences for development affecting European Protected Species (EPS).

1. Deliberate capture or killing or injuring of an EPS
2. Deliberate taking or destroying of EPS eggs
3. Deliberate disturbance of a EPS including in particular any disturbance which is likely:
  - a. to impair their ability:
    - i. to survive, to breed or reproduce, or to rear or nurture their young, or
    - ii. in the case of animals of a hibernating or migratory species, to hibernate or migrate; or
  - b. to affect significantly the local distribution or abundance of the species to which they belong.
4. Damage or destruction of an EPS breeding site or resting place.

Our records and/or the habitat on and around the proposed development site and/or ecological survey results indicate that a European Protected Species is likely to be present.

The survey submitted with the application details the following mitigation measures:

- In the case of bats – sectional felling of trees that have a small chance of bat roosting.
- In the case of great crested newts – securing the population in the landscape by creation of habitat or by use of reasonable avoidance measures.

The mitigation measures detailed within the survey are considered to be convincing and in your officers' opinion will secure "offence avoidance" measures.

Your officers would, therefore, recommend the following condition(s) to secure the implementation of the offence avoidance measures to ensure that no offence is committed:

- Production of a Construction Environmental Management Plan (Ecology)

#### **Recommendation:**

Your officers consider that sufficient information has been submitted with the application which demonstrates that measures can be introduced which would ensure that an offence is avoided. The application is, therefore, not considered to have an adverse impact upon protected species provided that the stated mitigation measures are implemented.

[Return to the Findings of Consultations section of report](#)

## **Appendix 4: The development plan policies and proposals, and the other material planning considerations, relevant to this decision**

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

[The Minerals Local Plan for Staffordshire](#) (2015 - 2030) (adopted 16 February 2017).

- Policy 1: Provision for Sand and Gravel
  - Policy 1.1 (f)- Alrewas (Inset Map 6 including 'Development Considerations' ([Appendix 1](#)))
- Policy 2: Provision for Industrial Minerals used in the manufacture of cement
- Policy 3: Safeguarding Minerals of Local and National Importance and Important Infrastructure
- Policy 4: Minimising the impact of mineral development
- Policy 6: Restoration of Mineral Sites

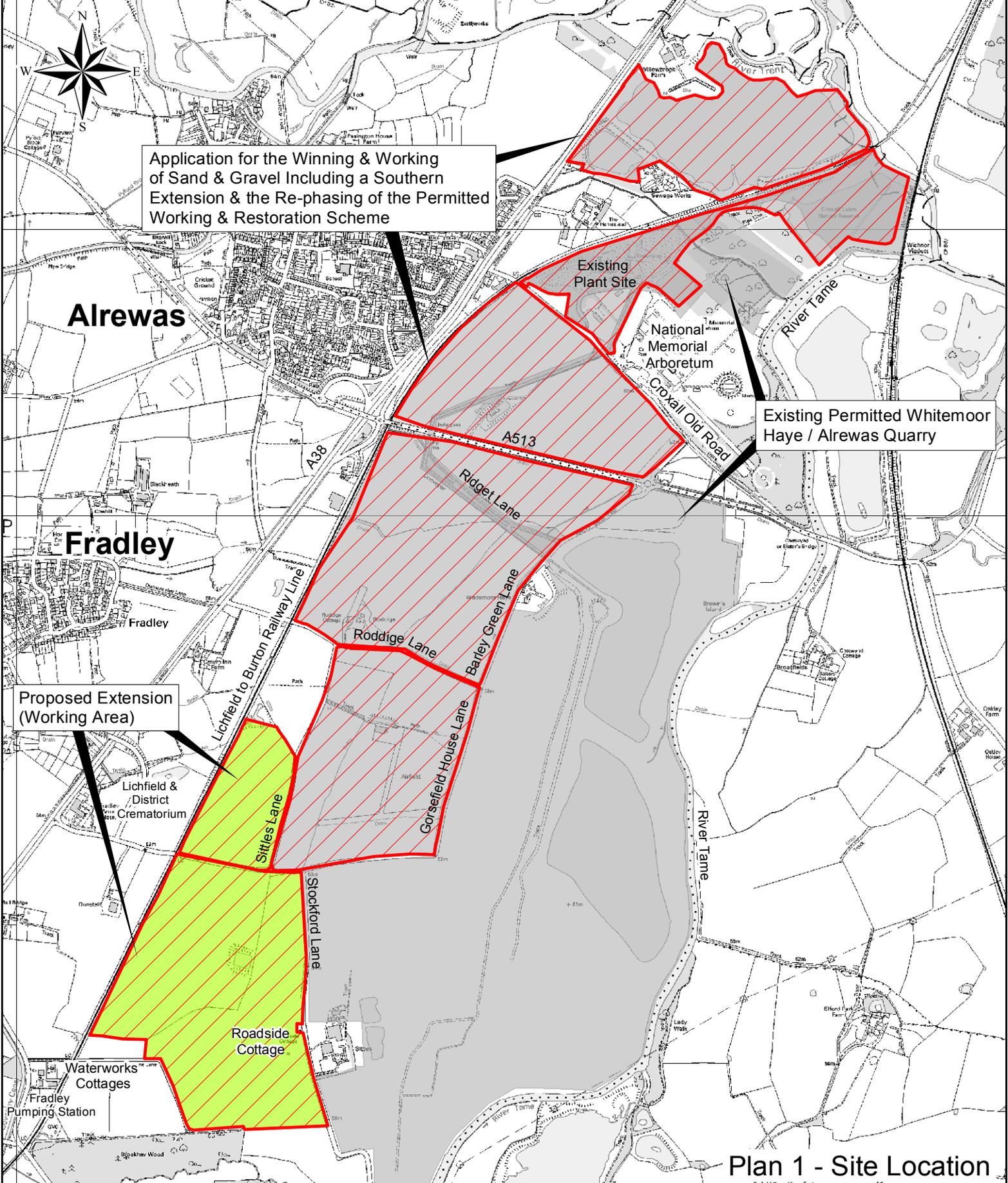
A [partial review of the Minerals Local Plan for Staffordshire](#) to check conformity with the revised National Planning Policy Framework took place in February 2019. The review concluded that the policies in the Minerals Local Plan conform with the revised NPPF and therefore they continue to carry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

[Staffordshire and Stoke on Trent Joint Waste Local Plan](#) (2010 – 2026) (adopted 22 March 2013). A [5-year review of the Waste Local Plan](#), completed in December 2018, has concluded that there is no need to update the plan policies and therefore, they continue to carry weight in the determination of planning applications for waste development.

- Policy 1: Waste as a resource
  - Policy 1.1 General principles
- Policy 2: Targets and broad locations for waste management facilities
  - Policy 2.3 Broad locations
- Policy 3: Criteria for the location of new and enhanced waste management facilities
  - Policy 3.1 General requirements for new and enhanced facilities
- Policy 4: Sustainable design and protection and improvement of environmental quality
  - Policy 4.1 Sustainable design
  - Policy 4.2 Protection of environmental quality
- [Lichfield District Local Plan Strategy \(2008 – 2029\)](#) (adopted 15 February 2015) (saved policies):
  - Core Policy 1 (The Spatial Strategy);
  - Core Policy 2 (Presumption in Favour of Sustainable Development);
  - Core Policy 3 (Delivering Sustainable Development);
  - Core Policy 5 (Sustainable Transport);
  - Core Policy 13 (Our Natural Resources);
  - Policy NR4 (Trees, Woodlands and Hedgerows)
  - Policy NR6 (Linked Habitat Corridors and Multi -functional Greenspaces)
  - Policy NR8 (River Mease Special Area of Conservation)
  - Policy BE1 (High Quality Development);

- Policy Alr1 (Alrewas Environment);
  - Policy Alr3 (Alrewas Economy);
  - Policy ST1 (Sustainable Travel).
- [Planning for Landscape Change.](#)
  - [National Planning Policy Framework](#) (updated February 2019):
    - Section 2: Achieving sustainable development
    - Section 4: Decision-making
    - Section 6: Building a strong, competitive economy
    - Section 9: Promoting sustainable transport
    - 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](#)
    - [Environmental Impact Assessment](#)
    - [Flood risk and coastal change](#)
    - [Minerals](#)
    - [Natural environment](#)
    - [Noise](#)
    - [Open space, sports and recreation facilities, public rights of way and local green space](#)
    - [Planning obligations](#)
    - [Transport evidence bases in plan making and decision taking](#)
    - [Travel Plans, Transport Assessments and Statements](#)
    - [Tree Preservation Orders and trees in conservation areas](#)
    - [Use of planning conditions](#)
    - [Waste](#)
  - [Alrewas Neighbourhood Plan](#) ('made' 9 October 2018)
  - [Fradley Neighbourhood Plan](#) ('made' 12 February 2019)
  - [Whittington & Fisherwick Neighbourhood Plan](#) ('made' 17 April 2018)

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



**Plan 1 - Site Location**

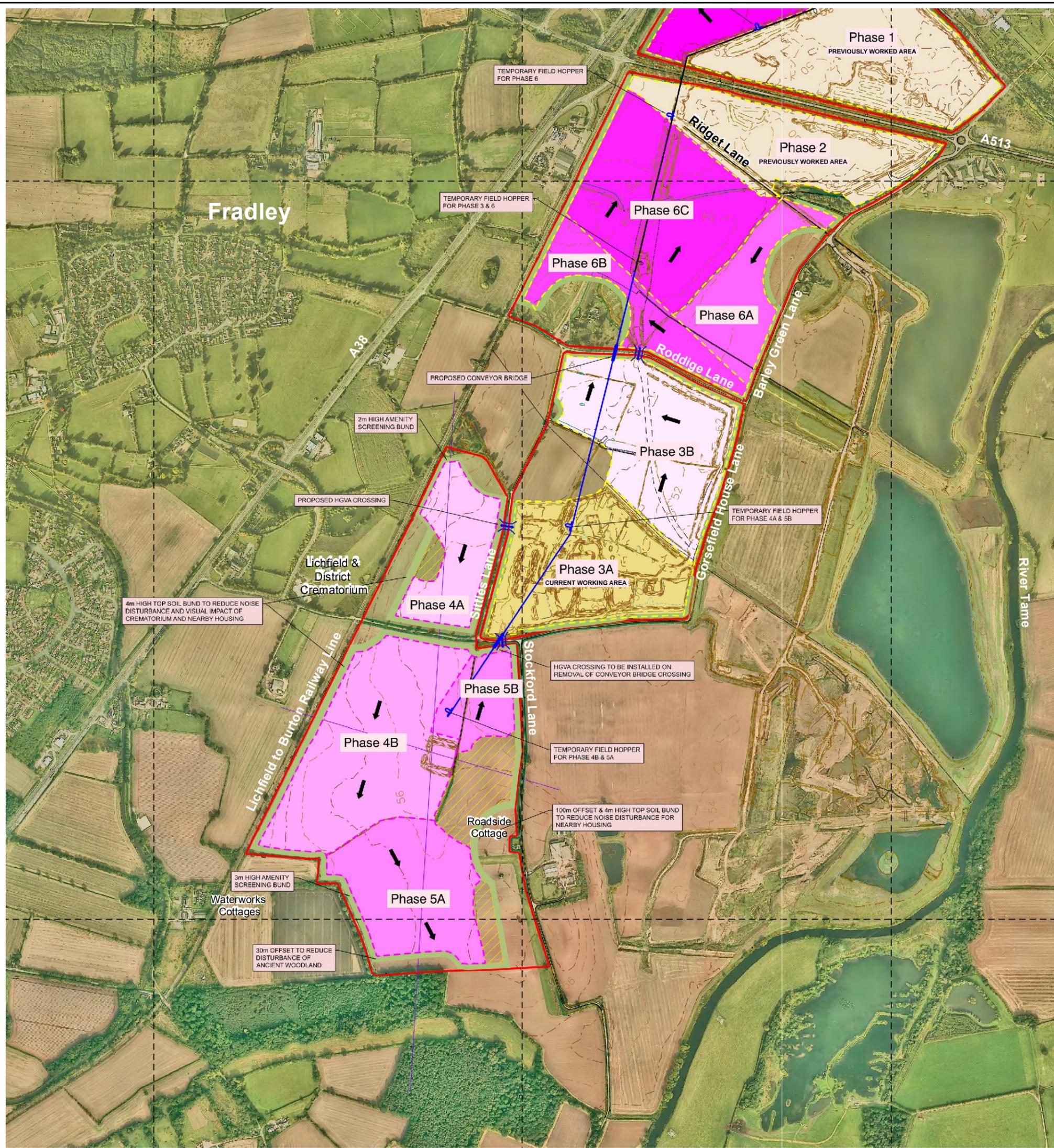
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Planning, Policy & Development Control,  
 Staffordshire County Council,  
 No.1 Staffordshire Place,  
 Stafford, ST16 2LP.  
 Telephone 0300 123 8000

Tarmac Trading Limited. Application for the winning and working of sand and gravel including a southern extension and the re-phasing of permitted working and restoration schemes; the restoration of the quarry by the importation of inert waste material; the provision of new crossing points and conveyor bridges at Stockford Lane, Sittles Lane and Roddige Lane as well as the continued use of existing crossing points on Roddige Lane, the A513 and Croxall Road; and the continued use of the mineral processing plant and other ancillary facilities already permitted including weighbridge, site offices, field conveyor, concrete batching plant and bagging plant., Alrewas Quarry, Croxall Road, Alrewas.





Plan 2 - Working Scheme

Legend

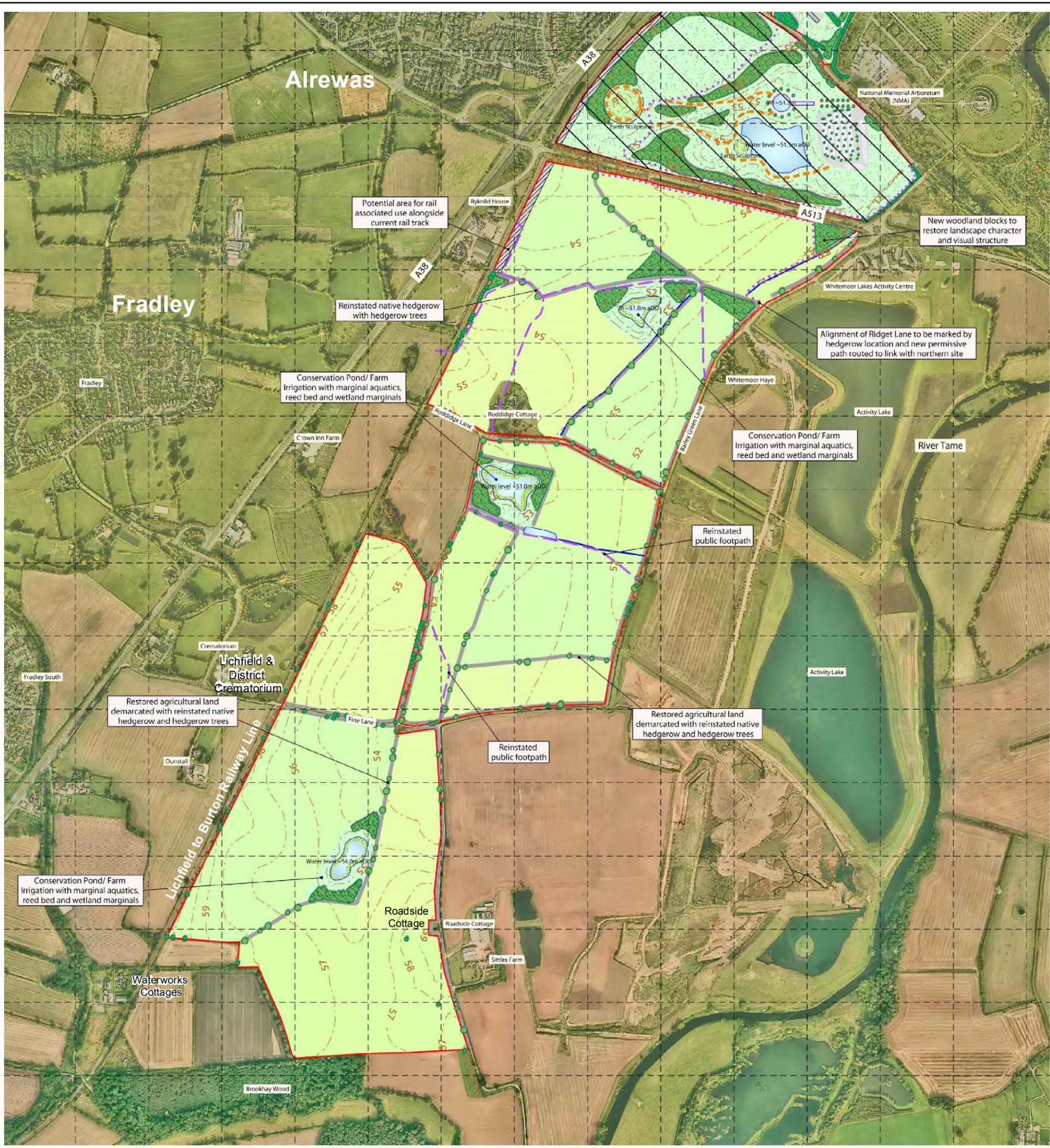
- |  |                               |  |                                 |  |                   |
|--|-------------------------------|--|---------------------------------|--|-------------------|
|  | Application Boundary          |  | Phased Working                  |  | Proposed Conveyor |
|  | Consented Extraction Boundary |  | Previously Worked Area          |  | Conveyor          |
|  | Proposed Limit of Extraction  |  | Current Working Area            |  | Crossing          |
|  | Temporary Soil Storage Area   |  | Direction of Mineral Extraction |  |                   |
|  | Amenity Screening Bund        |  |                                 |  |                   |



Tarmac Trading Limited. Application for the winning and working of sand and gravel including a southern extension and the re-phasing of permitted working and restoration schemes; the restoration of the quarry by the importation of inert waste material; the provision of new crossing points and conveyor bridges at Stockford Lane, Sittles Lane and Roddige Lane as well as the continued use of existing crossing points on Roddige Lane, the A513 and Croxall Road; and the continued use of the mineral processing plant and other ancillary facilities already permitted including weighbridge, site offices, field conveyor, concrete batching plant and bagging plant., Alrewas Quarry, Croxall Road, Alrewas.

Date : 17/03/20	Scale : Not to Scale
O.S. Grid Ref : SK.176 141	File : L.19/09/817 MW





**Legend**

	Planning Application Boundary		Open Water		Illustrative Routes of Footpaths Providing Links within Parkland Area
	Grassland		Reedbed		Linear Footpath Providing Link between Parkland Area and Wider Public Network
	Agriculture		Marginal Wetland and Semi Aquatic Vegetation		Reinstated/Definitive Public Footpath
	Restoration Contours (m aOD)		Drainage Ditches within Agricultural Areas		Area subject to separate detailed planning application for approval by Lichfield District Council
	Existing Woodland Retained		Car Parking Area		
	Proposed Woodland		Potential Area for Sidings/ Rail Uses		
	Proposed Individual Parkland Trees (may include ornamental species)		Main Pedestrian Paths into Parkland Area		
	Existing Hedgerow & Hedgerow Trees / Proposed Hedgerow & Hedgerow Trees				

**Plan 3 - Restoration Plan South**



Tarmac Trading Limited. Application for the winning and working of sand and gravel including a southern extension and the re-phasing of permitted working and restoration schemes; the restoration of the quarry by the importation of inert waste material; the provision of new crossing points and conveyor bridges at Stockford Lane, Sittles Lane and Roddige Lane as well as the continued use of existing crossing points on Roddige Lane, the A513 and Croxall Road; and the continued use of the mineral processing plant and other ancillary facilities already permitted including weighbridge, site offices, field conveyor, concrete batching plant and bagging plant., Alrewas Quarry, Croxall Road, Alrewas.

Date : 31/10/19	Scale : Not to Scale
O.S. Grid Ref : SK.176 141	File : L.19/09/817 MW







<b>Local Member</b>	
Mr. M. J. Winnington	Gnosall and Doxey.

## Planning Committee      6 August 2020

### Waste County Matter

**Application No (District):**      [S.19/08/4004 W](#) (Stafford)

**Applicant:**                              Lower Reule Bioenergy Ltd

**Description**                              Application to vary (not comply with) Condition 1 (Approved documents and plans) of planning permission ref. [S.16/05/4004 W](#) relating to: amendments to the location of the weighbridge and office; reduction of the landscape area (trees and hedges retained as approved); the increase of the 'lean to' size; inclusion of pasteurising equipment; relocation of liquid storage tanks; relocation of odour control (now referenced bio filter); relocation of post pasteurisation tank and, amendments to the northern elevation of the food de-packaging facility ancillary to the adjacent Anaerobic Digestion (AD) plant.

**Location:**                                  Lower Reule Bioenergy Ltd, Brookfield Farm, Cowley, Gnosall, Stafford.

### Background/Introduction

1. This is the first of two planning applications being reported to this Planning Committee. The company 'Lower Reule Bioenergy Ltd' was sold in 2017 and the applications have been made concurrently by the new owners for the permitted Anaerobic Digestion (AD) facility and ancillary de-packaging facility. Plan 1 accompanying this report shows the site location and the extent of the two planning applications.
2. Lower Reule Bioenergy Ltd has operated an Anaerobic Digestion (AD) / biogas plant at Brookfield Farm since March 2010. The AD plant currently operates in accordance with planning permission ref. [S.13/11/4004 W](#) and handles up to 45,000 tonnes of feedstock (food waste) per annum. The process takes place principally in three large digester tanks and produces 2.25 MW of green electricity each year from the biogas generated on-site which can be fed directly into the National Grid. A [PAS110](#) certified by-product from the process called digestate is also produced, which can be used as a fertiliser.
3. Planning permission was first granted in August 2008 for two digester tanks and in September 2013 the site layout was amended to accommodate a third digester tank and the capacity of the facility increased from 30,000 tonnes per annum to the current 45,000 tonnes per annum. The original 2008 permission allowed the site to accept on-site pig and slurry wastes only but in May 2009 planning permission was granted to allow municipal kitchen waste and de-packaged food waste to be accepted.

4. The AD plant is an automated process that operates 24 hours per day, 7 days per week. There is a vehicle restriction of 120 vehicle movements per week (60 vehicles in / 60 vehicles out) (refer to Condition 10 of permission [S.13/11/4004 W](#)). Vehicle movements are permitted between 07:00 – 07:00 hours Monday to Saturday; 07:00 – 19:00 hours Saturday; and, 08:00 to 17:00 hours Sundays, Public and Bank Holidays (refer to Condition 12).
5. The food waste used as feedstock to the AD plant was originally delivered to a waste transfer / de-packaging facility operated by Lower Reule Bioenergy Ltd (LRBL) at Sprint Industrial Estate, Four Ashes in South Staffordshire. Incoming food waste was de-packaged, and contaminants were removed before being blended into a liquid 'soup' and transferred by tanker to the AD plant. In December 2016, in order to consolidate the operations at Brookfield Farm, planning permission [S.16/05/4004 W](#) was granted for the demolition of four redundant single storey farm buildings, previously used for intensive pig production, to clear the way for the construction of a new building for use as a food de-packaging facility ancillary to the adjacent AD plant. This building would replace the de-packaging facility at Sprint Industrial Estate, Four Ashes which closed in 2019. An alternative facility is currently used off-site to process the waste and provide feedstock for the AD facility until the de-packaging facility is operational.
6. The de-packaging facility permission [S.16/05/4004 W](#) restricts the quantity and type of waste delivered to the site to the feedstock capacity of the ancillary AD plant i.e. a maximum of 45,000 tonnes of food waste and packaging thereof (Conditions 13 and 14 of permission [S.16/05/4004 W](#)). The restriction on vehicle movements to the AD facility (refer to Condition 10 of permission [S.13/11/4004 W](#)) is replicated on the de-packaging facility permission (Condition 25) and limits the overall number of vehicle movements to the AD facility and the associated de-packaging facility to 120 movements per week (60 in and 60 out). The vehicle movements are also restricted after 7pm on a weekday and after 5pm on Sundays, Public or Bank Holidays. (Condition 18 restricts the operating hours for the de-packaging facility, including waste deliveries, to: 07:00hrs - 19:00hrs Monday to Friday; 07:00hrs - 17:00hrs Saturday; 08:00hrs - 17:00hrs Sundays and Bank or Public Holidays). There would be an improvement over the current situation once the de-packaging facility is operational as night-time deliveries would not be allowed. Food waste would be pumped from the de-packaging facility to the AD facility and so once the de-packaging facility is operational, vehicle movements to the facility would off-set the existing vacuum tanker movements of liquid food waste direct to the AD plant. There is also a restriction on vehicles leaving the site to require them to turn right onto Church Eaton Road. No left turn towards Church Eaton is therefore permitted (Condition 22 of permission [S.16/05/4004 W](#)).
7. The new owners of 'Lower Reule Bioenergy Ltd' implemented the permission [S.16/05/4004 W](#) for the de-packaging facility in May 2018 by demolishing the redundant farm buildings and carrying out ground works in preparation for the construction of the new building.
8. This application is retrospective and has been made to regularise the de-packaging building under construction which is not being built strictly in accordance with the approved plans of permission [S.16/05/4004 W](#). For the avoidance of doubt the application is to amend the approved documents and plans of the 2016 permission as the building has been built 8 metres further south compared to the original scheme, Amendments to the original scheme have also been included to make the

facility Environment Agency (EA) and Animal By Products Regulations (APBR) compliant. There is no proposal to increase the approved capacity of the facility and there is no proposal to increase the approved number of waste carrying HGV movements. The existing 33 conditions of the 2016 food de-packaging facility permission [S.16/05/4004 W](#) would still apply. Plan 2 accompanying this report shows the site layout.

9. The second application being reported separately to Planning Committee, reference [S.20/01/4004 W](#), relates to amendments to the layout of the existing AD plant (planning permission ref. [S.13/11/4004 W](#)). The amendments include: the erection of a new building to replace and relocate the existing store for separated digestate fibre (planning permission Ref. [S.15/01/4004 W](#)); and, the erection of two end storage tanks for digestate to replace the 2 leased lagoons (at Lower Reule Farm) previously used. Amendments to the original scheme have also been made to make the facility Environment Agency and Animal By-Products Regulations compliant. The red line application boundary has been drawn around the whole of the permitted Anaerobic Digestion facility boundary. Again, for the avoidance of doubt no changes are proposed to the capacity of the facility or vehicle movements. Plan 3 accompanying this report shows the site layout.

## Site and Surroundings

10. The Lower Reule Bioenergy Ltd AD facility is located within open countryside approximately one mile from the village of Gnosall and approximately 400 metres east of the C0139 Church Eaton / Cowley Lane, accessed by a private road which leads approximately 1km to the Lower Reule Farm, which grows soft fruit produce for supermarkets.



Photograph 1 - The AD facility and de-packaging building seen across the fields from the A518 just north of Gnosall

11. The AD facility comprises of three 10-metre-high digester tanks which are a similar height to the Brookfield Farmhouse, a residential property approximately 90 metres west, separated from the site by farm buildings. In addition there are ancillary gas

scrubbers and carbon filters; two smaller 7-metre-high feedstock storage/pre-separation tanks which are 11 metres in diameter; a separated fibre store; and a service building 9 metres (w) x 18 metres (l) x 4.5 metres high to the eaves which houses a control room, and equipment such as pasteurisation units, heat exchangers, and Combined Heat and Power (CHP) engines. The site offices comprising of two portacabins stacked on top of each other are in the northeast corner of the site.



Photograph 2 - Aerial view looking west (taken 2019) towards Brookfield Farmhouse and Willow End (top left). The Lower Reule access road is on the left of the photo, the new de-packaging building with grey roof is in the middle and the AD facility including portacabin offices is on the right. Polytunnels surround the site to the north, east and south.

12. The de-packaging facility site is immediately to the south of the AD facility adjacent to the entrance to the AD facility site. This area was previously occupied by four redundant single storey buildings around 3 metres high to the eaves and 4 - 5 metres to the ridge that were previously used for intensive pig production. These buildings were last used in 2008 and under planning permission [S.16/05/4004 W](#) were demolished in 2018 in order to construct the new building for use as a food de-packaging facility ancillary to the adjacent AD plant. The land to the west of the de-packaging building and east of Brookfield Farm is currently vacant where farm buildings have been demolished for the construction of a large storage building for use by Lower Reule Farm Ltd.
13. In addition to the residential property 'Brookfield Farm' another residential property 'Willow End' is located at the private road entrance off Cowley Lane, approximately 170 metres southwest of the AD facility and de-packaging facility sites.
14. Lower Reule Farm is approximately 500 metres to the east and has Stafford Borough Council planning permissions for a soft fruit chilled storage and pack house in addition to over 12 hectares of polytunnels which surround the AD facility and de-packaging facility sites to the north, south and east. Caravans to house seasonal workers are sited adjacent to Lower Reule Farm.

15. The application site is 5 km from 'Aqualate Mere' Site of Special Scientific Interest (SSSI) and 1.7 km from 'Allimore Green Common' SSSI. Aqualate Mere is a component of the Midland Meres and Mosses (Phase 2) Ramsar Site (listed Wetlands of International Importance under the Ramsar Convention).

## Summary of Proposals

16. The de-packaging facility planning permission ref. [S.16/05/4004 W dated 1 December 2016](#) is subject to 33 conditions. Planning permission is now sought to vary condition 1 to amend the approved documents and plans in order to make the facility Environment Agency (EA) and Animal By-Products Regulations (ABPR) compliant. Plan 2 accompanying this report shows the revised site layout.
17. For the avoidance of doubt the facility however remains ancillary to the adjacent AD plant only and the other existing 32 conditions would still apply. There are no proposals to change the current hours of operation; to increase the approved capacity of the facility; or increase the approved number of waste carrying vehicle movements.
18. The application is accompanied by a number of documents and plans which explain the changes to the original scheme approved in 2016 including:
- Waste Development Statement (Rev C February 2020)
  - Location Plan (dwg no P-01 Rev A)
  - Proposed de-packaging plant - Site Layout 'Block Plan' (dwg no P-02 Rev B)
  - Overlay of Site Layout As Approved /As Proposed 'Block Plan' (dwg no. P-03 Rev A)
  - Ground Floor Plan (dwg no P-10)
  - First Floor Plan (dwg no P-11)
  - Elevations (dwg no RUE/WD/007G)
  - Overlay of Elevations As Approved /As Proposed (dwg no. P-25 Rev A)
  - Biofilter Design (dwg no LRBLR19-01 - Biofilter Details - V03ALS)
  - Biofilter Section (dwg no LRBLR19-01 - Biofilter Details - V03ACS)
  - Sanitising Container (dwg AKG Hygienisierung Container\_2017 2.0)
  - Sound Level Assessment
  - Noise and Vibration Management Plan
  - External Lighting and Services Layout



Photograph 3 - Taken from northwest direction by Drone looking in a south-easterly direction of the de-packaging facility under construction and surrounded by polytunnels to the east and south. The AD plant is to the north of the building with a separate vehicular access to the east of the building. The private drive leading to Lower Reule Farm is to the south to the rear of the temporary site office

### Revised location of the main building

19. The main building remains the same size but is being constructed 8 metres further south compared to the approved scheme to make room for the pre-pasteurisation storage, pasteurisation process, post pasteurisation storage and liquid food waste storage tanks all to be in one bunded containment area and thereby EA compliant. Siting these elements in one area allows for the process to become more efficient.
20. The food waste storage bunkers have been relocated within the building to the south elevation and increased in number but, reduced in size, to allow for waste segregation and streaming to enable a more consistent 'food soup' and, thereby, a more efficient plant.
21. Jet washing facilities would be sited at both the access and exit doors for the washing of all vehicle wheels before they leave the building to prevent contamination and meet ABPR. The floor falls to a central channel drain to collect all liquids and pass them into the process.
22. Whilst it was proposed that the bottom 3 metres of the building be brickwork this has been revised to precast concrete panels similar to agricultural buildings in the locality. The change is required as the brickwork does not provide the necessary containment to satisfy the EA and ABPR requirements or provide the necessary strength for a 'push wall'.
23. The following plans approved in 2016 and listed in Condition 1 of permission [S.16/05/4004 W](#) would be substituted by the proposed plans listed above:

Approved Plans

- Proposed new de-packaging facilities - Site Arrangement (dwg no 131-12-90 rev E)
- Proposed new de-packaging facilities - Layout (dwg no 131-12-91 rev E)
- Proposed new de-packaging facilities - Elevations (dwg no 131-12-92 rev E)

#### **Increased size of the lean-to.**

24. The original scheme incorporated a lean-to on the northern elevation of the building which would be the equipment store. In addition, separate to the main de-packaging building, two portacabins (offices / staff welfare) were proposed to the south of the site adjacent to the driveway and entrance. The separate welfare facilities would however not be ABPR compliant as workers would walk across the site wearing their personal protective equipment work clothing which could be contaminated with food waste. Instead, to make the facility ABPR compliant, the size of the lean-to has been increased from a third of the length of the northern elevation to the full length of the northern elevation of the building. The lean-to would accommodate the welfare and office facilities for both the AD plant and de-packaging facility and therefore the existing two portacabin offices stacked on top of each other can be removed from the AD facility site. In addition, the lean-to would house an electrical plant room for the plant control panels and to make the plant more efficient a belt dryer would be installed to dry the discarded packaging. Heat which is a by-product of the system would be used thereby lightening the weight of the packaging to make it more recyclable and less vehicles would be required to dispose of the packaging waste.



Photograph 4 – East elevation of the de-packaging building showing the lean-to on the north elevation. The spoil heap would be removed and the fibre store (subject of application [S.20/01/4004 W](#)) built where the red skip is located, with the pre-pasteurisation store, pasteurisers and post pasteurisation store behind.

#### **Replacement of odour control with a Biofilter.**

25. The original scheme proposed an area ‘Odour Control Plant’ for odour abatement equipment to the rear/north of the de-packaging facility, however no detail was provided on what form this would take or where in the process it would sit. Having looked at the market, the applicant has stated that all systems are larger than the

area shown on the approved layout to accommodate odour abatement equipment and most would require chimney stacks. It is therefore proposed to add a biofilter to ensure that staff working in the de-packaging hall, neighbours and nearby businesses are not subjected to any odours being produced from the feedstock delivery and the de-packaging process.

26. The biofilter which would take the form of a bunker, constructed of a 3 metre high precast concrete panel (3 x 1 metre) wall fixed to galvanised stanchions, along the whole length of the south elevation of the main building. There would be a galvanized safety handrail atop the concrete panel for maintenance purposes. The bunker would be filled with wood chip. Air would be extracted from the building via ductwork on the outside of the building, directly over the storage bunkers and blown down to below the wood chip, then filter up through the wood chip thereby cleaning the air as it passes through the wood chip. The biofilter would be both Best Available Techniques (BAT) and EA compliant.

### **Addition of a pre-storage tank and pasteurisation system**

27. A 500 cubic metre in-situ concrete pre-storage tank with cover within the bunded area behind and screened by the main building is proposed to store the food waste 'soup' produced to ensure a consistent mix can be produced before entering the digesters thereby reducing the amount of potential problems such as foaming.
28. The food waste needs to be pasteurised to kill all pathogens prior to spreading the digestate to land. The existing pasteurisers are both old, inefficient and at the end of the process. It is proposed to introduce the new pasteurisation system at the front end of the process with a state-of-the-art containerised and fully sealed stainless-steel tube in tube system that recycles heat to maximise efficiency. The pasteurisers are a modular system so that in the event of a breakdown a new one can be craned in and the faulty unit craned out with no effect on production. There is only a minor increase in pasteurisation capacity to aid efficiency which would be positioned within the bunded area behind and screened by the main building. The new system also includes multiple fail safes to ensure the process is even more compliant with regulations in the future.
29. The current 500 cubic metre reception tank on the adjacent AD site would become redundant from the process and converted into a rainwater harvesting store, collecting rainfall from the roof of the de-packaging hall and using it in the de-packaging process.

### **Relocation and increased size of the post pasteurised storage tank**

30. The proposed post pasteurisation 1000 cubic metre in-situ concrete storage tank and gas dome is similar to the existing tanks on site but smaller. It has been repositioned to be within the bunded area behind and screened by the main building. It allows a buffer in the process to hold processed feedstock after pasteurisation and to allow it to lose heat from the pasteurisation process prior to feeding it into the digesters.
31. By adding an additional tank into the process, the retention time of the process is increased by up to 10% so resulting in a better quality digestate and greater efficiency of degrading food waste.

## **Relocation of the above ground liquid food waste storage tanks to within the bunded area**

32. Alongside the larger storage tanks, the original scheme proposed 4 x 40 cubic metre bulk storage tanks on the west side of the main building. These would be relocated, and increased to 5, into the bunded area to the north east of the site to make them EA compliant and to reduce pipework. Food waste liquids would be used either to wash packaging in place of water or be dosed into the pre pasteurisation tank to again ensure the 'soup' produced and fed to the digester is of a consistent dry matter. This would allow more consistent gas production to fuel the engines producing electricity.

## **Weighbridge and office relocation**

33. The weighbridge was proposed on the original scheme to the south west of the site outside of the site entrance and two portacabins (offices /staff welfare) stacked on top of each other were proposed along the southern boundary separated from the driveway by tree and hedgerow planting. The weighbridge along with its office would be relocated within the site for more efficient vehicle movements on site. The weighbridge office would be a single portable building positioned on the western boundary as you access the site. This portacabin is on site awaiting final positioning. The weighbridge would be parallel to the office. (Note see above - the lean-to would accommodate the welfare facilities).

## **Parking and traffic movements**

34. Staff and visitor parking would be located just north of the new weighbridge office, parking at right angles to the western boundary.
35. Only the yard areas that may be subject to food waste spillage are concrete, the majority would be "Truckpave". "Truckpave" is an open grid system filled with granular free draining material to aid the soakaway of surface water.
36. The site operating hours remain unchanged, and with the exception of emergency maintenance, are as follows  
  
07.00 – 19.00 Monday – Friday  
07.00 – 17.00 Saturday  
08.00 – 17.00 Sunday, bank or public holidays
37. LRBL propose to update their Traffic Management Plan and erect signage both on site and on the access road (with the permission of the owner) to reflect the changes on site and the need for all waste carrying vehicles to come and go through Gnosall only. This instruction would be conveyed to drivers of all waste carrying vehicles prior to arrival on site. The main building remains the same size as proposed with no plan to increase either the approved capacity or the number of waste carrying vehicle movements.

## **Landscaping alterations**

38. The landscaping area to the south of the site has been reduced from the original scheme to accommodate both the bunded area to the north of the main building and the biofilter to the south of the main building. Whilst the amount of grass is reduced, all approved soft landscaping scheme is still proposed. The hedgerow would

comprise the following mix of species: 40% hawthorn (*C.monogyna*), 30% Field Maple (*Acer campestre*), 20% hazel (*Corylus avellana*), 5% holly (*Ilex aquifolium* - pot grown), 5% guelder rose (*Viburnum opulus*). They would be 45-60 cm transplants planted in staggered rows at 300mm centres. The maintenance plan for the landscaping would be as per the information submitted and approved to discharge Condition 6 of the original AD plant planning permission ([S.08/05/4004 W D1](#)). Condition 12 of permission [S.16/05/4004 W](#) requires the landscaping in the first available planting season. The new perimeter fence to the south boundary would be positioned behind the kerb line within the site thereby leaving the new soft landscaping in front of the fence.

39. Originally no mitigation was proposed in previous planning permissions between the site and Brookfield Farmhouse. The demolition of the buildings to the west, outside of the control of Lower Reule Bioenergy Ltd, has however made the de-packaging site more visible. Additional hedge planting, to match existing approved landscaping schemes, along the whole of the western boundary to the AD/Biogas site and de-packaging site is proposed as part of the applications.

Photograph 5 - Looking from the access road across the land to the west of the de-packaging building and east of Brookfield Farm where farm buildings have been demolished for the construction of a large storage building for use by Lower Reule Farm Ltd. The AD facility and the de-packaging building under construction are in the background.



Photographs taken showing the area of land for landscaping between the private drive and the kerb line within the site. Photograph 6 (on the left) is taken looking in an easterly direction. Photograph 7 (on the right) is taken looking in a westerly direction.



### Land ownership

40. Whilst the red line planning application boundary is the same boundary as the 2016 planning permission [S.16/05/4004 W](#), the applicant is not the sole owner of the application area /land edged red, and therefore Certificate B instead of Certificate A should have been completed when the application was first submitted. Certificate B has subsequently been completed certifying that notice has been given to the owner i.e. in this case Lower Reule Farm Ltd. The drive from the public highway is in the ownership of Lower Reule Farm Ltd and Lower Reule Bioenergy Ltd and the owners of the residential properties 'Willow End and 'Brookfield Farmhouse' have rights of access.

### The Applicant's Case

41. After purchasing Lower Reule Bioenergy Limited in 2017, the new owners realised that the existing AD plant and food waste process were under performing and in breach of Environment Agency (EA) legislation. Investment is now being made to make both the existing plant and the new de-packaging facility work together in a compliant and efficient way.
42. The capacity of the AD facility has not /is not being increased in size or electricity output or in terms of vehicle movements by the proposals and the principle of the ancillary food waste de-packaging facility has already been established by the granting of planning permission in 2016. The applications submitted are to consolidate the scheme with a more efficient process including odour and noise

controls and EA compliance.

43. Whilst construction of the de-packaging building takes place the AD facility site is untidy. However, once the new building is complete all storage will be inside.
44. Originally no mitigation was proposed in previous planning permissions between the site and Brookfield Farmhouse. The demolition of the buildings to the west, outside of the control of Lower Reule Bioenergy Ltd, has however made the de-packaging site more visible. The new application for the de-packaging building replicates the approved landscaping scheme, with a small loss of grass, but with no loss of screening. Additional hedge planting, to match existing approved landscaping schemes, along the whole of the western boundary to the AD/Biogas site and de-packaging site is proposed as part of the applications.
45. It is also proposed to issue a monthly newsletter to neighbours, the Parish Council and local schools to keep them informed of what is happening on the site. The company also propose to engage with a local school, supply materials for them to build bird boxes and then erect them on site and invite them for a tour around the site seeing their boxes in place. (Bird boxes are a requirement of the 2016 permission once the de-packaging building is constructed).

### **Relevant Planning History**

46. [Appendix 1](#) lists the relevant permissions for the Anaerobic Digestion (AD) / biogas plant and the associated de-packaging facility following its relocation from the Sprint Industrial Estate at Four Ashes. In addition, other planning decisions are listed in relation to Lower Reule Farm and the land between the application site and Brookfield Farm.

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

47. In accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2011, the County Council conducted a "Screening Opinion" on the original de-packaging facility proposals [S.16/05/4004 W](#) which concluded that the proposed development is not EIA development and therefore need not be supported by an Environmental Statement (ref: [SCE.220/S.16/05/4004 W](#) dated 26 July 2016).
48. As the proposed development does not fall within the applicable thresholds and criteria for screening for EIA development (ref. Schedules 1 and 2 to the [Town and Country Planning \(Environmental Impact Assessment\) Regulations 2017](#)), the County Council has not issued a "Screening Opinion".

### **Appropriate Assessment (Habitats Regulations)**

49. In relation to the requirements of Regulations 61 and 62 of the [Habitats Regulations](#) Natural England confirmed that they considered that the original de-packaging facility proposals [S.16/05/4004 W](#) was unlikely to have a significant effect on any European site, and could therefore be screened out from any requirement for further assessment. To justify the conclusions regarding the likelihood of significant effects Natural England commented that

'The application site lies 5km from the Aqualate Mere SSSI. Natural England

have considered the proposal in relation to the type and scale of the proposed process and taken account of the relevant distance thresholds to inform the need for further assessment. Based on the proposed annual throughput of food waste of 45,000 tons per year no further assessment is needed for designated sites more than 1km from the proposed process’.

50. As the proposed development to vary (not comply with) Condition 1 (Approved documents and plans) of planning permission ref. [S.16/05/4004 W](#) amends the design of the approved building but does not alter the scale of the approved facility, permitted annual throughput of food waste or number of vehicle movements, Natural England’s decision that the proposal can be screened out from any requirement for further assessment is still applicable.

## Findings of Consultations

### Internal

51. **Environmental Advice Team (EAT)** – no objections.
52. **Highways Development Control** (on behalf of the Highways Authority) (HA) – no objections.
53. **County Noise Engineer** - no objections. A noise assessment was requested and supplied by the applicant which considers the sound levels likely to arise from the AD and de-packaging facility including HGV movements and the potential effect on nearby receptors: Willow End; Brookfield Farmhouse; and Lower Reule Farmhouse. The Noise Engineer commented that the conclusions that the impact would be low in the assessment are reasonable. The Noise Engineer also noted that the vehicle numbers are unchanged. The Noise Engineer recommended that appropriate noise conditions requiring best practicable means be employed and wherever possible for vehicles to be fitted with non-audible reversing alarms.
54. **Planning Regulation Team** – no comments to make on the changes to the de-packaging facility.

### External

55. **Stafford Borough Council (SBC)** – no objection in principle provided there is to be no increase in capacity or intensification of the operation. Attention is drawn to the previous comments made by SBC in respect of application [S.16/05/4004 W](#), particularly those relating to landscaping as the proposed amendments would result in large and unsightly structures (odour control plant) close to the access road to the south of the site which would benefit from some visual screening.
56. **Stafford Borough Council Environmental Health** – no response received.
57. **Gnosall Parish Council** – object on the following grounds:

‘There have been significant changes to the operations carried out at Lower Reule with considerable expansion which could harm the appearance and have a detrimental effect on the local area, residents and neighbouring businesses. It is requested that appropriate checks are carried out and liaison takes place with relevant authorities (Environment Agency) on current operations to ensure they meet up to date regulations and adhere to

previously approved applications.’

58. **The adjoining Parish Councils:** Haughton Parish Council and Church Eaton Parish Council were consulted – no response received.
59. **Environment Agency (EA)** – no objections. The EA commented that the changes to the site would ensure compliance with their Environmental Permit and would ensure better environmental protection overall. An Environmental Permit variation, under the Environmental Permitting (England and Wales) Regulations is required for the applicant to operate in line with these changes. The applicant has received pre-application advice from the EA recently and a variation to the existing Permit is pending. The plans appear to be in line with the pre-application documents received through this process.
60. The EA also commented that their advice is being followed in relation to the future proposals (the subject of application ref. [S.20/01/4004 W](#)) in that the addition of the fibre store building will prevent runoff to ground and any odour being released beyond the permitted boundary from the fibrous digestate. Additional digestate storage tanks, will also be a benefit as liquid digestate is currently being stored within an unsuitable lagoon system.

### **Publicity and Representations**

61. Site notice: YES      Press notice: YES
62. 8 neighbour notification letters were sent out and 9 representations have been received. The concerns raised are summarised below.

### **Retrospective application**

63. It is stated that the main structural shell of the building and the lean-to has been completed for a number of weeks and not in accordance with the permitted plans ref. [S.16/05/4004 W](#). The application information does not make it clear that this is a retrospective application. There was opposition to the original plans and therefore there are objections to retrospective changes. To permit the development would support the flouting of planning enforcement.

[Note: Additional information was supplied by the applicant to clarify the amendments to the original permission].

### **Landownership**

64. It is commented that the application is invalid as the certificate completed with the application form (Certificate A) is incorrect as the applicant is not the sole owner of the land edged red.

[Note: As mentioned earlier, a Certificate B was later completed by the applicant certifying that the requisite notice has been given to the owner and /or agricultural tenant of any part of the land or building to which this application relates i.e. in this case Lower Reule Farm Ltd. All requirements for the planning application to be valid have been satisfied (i.e. the correct notice has been served and the application is deemed valid) and we can proceed to determine the application in accordance with our normal procedures. Matters of ownership and access rights are private matters

and not material to the determination of the planning application].

**Mitigation built into the original design to make the facility acceptable in this location is now being removed.**

65. It is stated that the original layout was carefully designed and provided mitigation measures for residents and the changes proposed / and already constructed have changed the acceptability of the facility in this location. Concerns are raised that the relocation of odour control facilities from the north / rear of the building to the front of the building and closer to the access road and closer to the residential properties (Willow End and Brookfield Farmhouse) may:
- contribute to a greater risk of odour and noise and contamination. Concerns are raised regarding potential contamination of lorry wheels as they exit the building. Also, the pasteurisation units and liquid storage tanks are to be located outside rather than in an odour-controlled building and the biofilter is proposed on the opposite side of the building from the pasteurisation plant. The AD plant currently pasteurises digestate leaving the plant and there is an odour to this, and the odour of food waste would be far worse.
  - contribute to a decrease in the area set aside for landscaping which was required to make the development more acceptable. A reduction in landscape area (already approved) should not be supported. The original scheme ensured that the building would be kept as far back from the drive as possible plus a wide landscape area to ensure that vehicles, pallets, plant were not left alongside the driveway. Similarly, the security fence was sited 15 metres back from the drive in the original scheme with grass and landscaping alongside the drive. The new owners have concreted, and kerb stoned a large part of this landscape area. The biofilter would be 3m high plus handrails and it would take several years of growth to screen the development.
  - affect the means of access, egress and internal circulation / turning arrangements for vehicles and it is feared that vehicles will queue on the access road /driveway which is outside of the land ownership of Lower Reule Bioenergy Ltd. The narrow driveway has limited traffic capacity and potential increased traffic movements and movements outside permitted hours would cause nuisance from noise and possible congestion.

[Note: Additional information was supplied by the applicant including the details of the biofilter; the pasteurisation units and liquid storage tanks; clarification on landscaping proposals; and the detailed site layout showing parking, servicing and turning areas].

**Increased throughput of waste / capacity of facility changes the nature of the facility**

66. Planned increases in the resources of the plant (number of tanks etc.) implies that the current permitted production tonnage and traffic movements might be exceeded/increased. It is thought that the application seeks to change the nature of the facility from a substrate storage site and processing facility to a regional hub for food processing and energy generation which would be inappropriate to the local area and a nuisance to the local community. Increased vehicular traffic from the expansion would have an impact on the small-capacity lanes in the vicinity. It is

stated that the de-packaging facility was approved only because it was ancillary to the AD facility. The expansion of the facility to accommodate food/animal waste is already questionable in view of the site's location and should not be given any further permission to change or expand.

[Note: The throughput of the de-packaging facility is restricted to the 45,000 tonnes per annum capacity of the Anaerobic Digestion facility (Condition 14 of planning permission ref. [S.16/05/4004 W](#)) which would still apply. The applicant has confirmed that there is no future intention to increase the capacity of the AD facility or the de-packaging facility which is ancillary to the AD facility. The scale of the de-packaging facility was limited to the capacity of the adjacent AD plant and waste materials and operations outside the type, classification and quantity originally applied for through application [S.16/05/4004 W](#) would raise environmental and amenity issues which would require consideration afresh. Also, there are no proposals to amend the hours of operation or vehicle movements].

### **Complaints regarding increased odour and vehicle movements.**

67. It is stated that residents are already experiencing a significant increase in the odours being produced from the site, and very heavy traffic coming and going onto the site from early morning into the night. Drivers of some of the lorries are inconsiderate. It is also commented that there have been occasions that vehicles are passing through the village of Church Eaton, rather than the route and times detailed in the original planning permission. The road from Church Eaton to Gnosall is in a very damaged state. Additionally, the road through Gnosall is not capable of taking these vehicles safely as it is often congested with school traffic and agricultural machinery. Under previous ownership this was a well-managed efficient operation which took its consideration of the local communities very seriously and for the past two years this has not been the case.

[Note: Waste carrying vehicle movements are restricted in condition 10 of the AD permission [S.13/11/4004 W](#) and replicated in condition 25 of permission ref. [S.16/05/4004 W](#). The Planning Regulation Team have not received any formal complaints direct to them and the resident who sent the representation has been advised to contact the County Council Planning Regulation Team so that they can investigate complaints as they arise. In respect of odour the applicant has provided details of the biofilter. Condition 26 of planning permission ref. [S.16/05/4004 W](#) also requires the submission of a Revised Odour Management Plan].

### **Further clarification of the changes to the dimensions of the building and the proposal were requested in order to explain:**

- a) Has the building of the unplanned full-length lean-to at the rear of the main building resulted in the entire build being nearer to the driveway than approved?
- b) The size/height of the building and its possible effect on its aspect /visual impact from other properties now that it is located further forward within the site and closer to residential properties.
- c) Why there are more above ground storage tanks to the rear of the building. A 500m<sup>3</sup> above ground stainless steel liquid feedstock storage tank was approved by permission [S.16/05/4004 W](#), however an additional 1,000 m<sup>3</sup> storage tank is

now proposed, tripling the capacity.

- d) If the use of the country lanes by waste delivering vehicles will be maintained for the residents who regularly use the same roads as well as for other businesses?
- e) Will the proposed relocation of the odour control and the actual efficiency of the biofilter be proven to improve the environmental expectations? [Note additional information was supplied by the applicant to clarify the dimensions].
- f) How the proposed development will impact on local farming operations and residents. It is commented that the number and scale of food bunkers suggests that large quantities of food waste will be held and stored rather than processed immediately which will bring a vermin problem.
- g) The reasoning for the additional equipment. Two new end storage digester tanks are mentioned but no dimensions are provided or if these tanks are going to cause any noise or additional odours or if the bund is big enough to cope if there is any burst from any of the tanks. Similarly a new fibre store building is mentioned but no dimensions provided [Note additional information was supplied by the applicant to clarify that the digester tanks and fibre store form part of the separate planning application in relation to the Anaerobic Digestion facility ref. [S.20/01/4004 W](#)].].

68. The applicant subsequently submitted additional information to explain the changes to the dimensions and location of the building and lean-to; information on the biofilter dimensions and relocation; information on why only one entrance is required now; clarification of why the additional 1,000 m<sup>3</sup> storage tank is now proposed; and, to explain what mitigation would be in place for the new layout in respect of landscaping, and also the control of noise, odour and traffic.

[Note: The original decision by the Waste Planning Authority was based on the pitch of the roof of the de-packaging facility being kept as low as possible and the area of the building minimised to reduce the volume to minimise visual impact. Mitigation was incorporated into the original design to respond to representations received raising concerns about the loss of privacy, potential odour, noise and congestion on the shared access road. Also note: Condition 12 of planning permission ref. [S.16/05/4004 W](#) requires landscaping to be undertaken in the first available planting season. Condition 26 also requires the submission of a Revised Odour Management Plan to supplement the existing Plan for the Anaerobic Digestion facility].

### **The development plan policies (and proposals) and the other material planning considerations relevant to this decision**

69. 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.'

70. [Appendix 2](#) lists the development plan policies (and proposals) and the other material planning considerations, relevant to this decision.

## Observations

71. Having given careful consideration to the application and supporting information, including the information subsequently received, the 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:
- Any material changes to the site, its surroundings or in terms of development plan policy and other material planning considerations
  - The site-specific considerations and matters raised in representations
  - The opportunity to review and update the planning permission

### **Any material changes to the site, its surroundings or in terms of development plan policy and other material planning policy considerations**

72. The acceptability of a de-packaging facility ancillary to the adjacent AD plant was established in 2016 through the granting of planning permission [S.16/05/4004 W.](#) The application is however retrospective and amendments are sought to the documents and plans (Condition 1) approved by planning permission [S.16/05/4004 W](#) to regularise the building currently under construction.
73. Commentary: With reference to the Planning History above there have been no material changes to the site or AD plant site since the de-packaging facility planning permission was granted in 2016. The ownership of Lower Reule Bioenergy Ltd however changed in 2017 and the new owners have implemented the 2016 permission albeit with proposed changes in a revised location. The building has been built 8 metres further south compared to the original scheme and closer to the private drive; and, amendments to the original scheme have been made to make the facility Environment Agency (EA) and Animal By-Products Regulations (ABPR) compliant.
74. The applicant was advised at the application validation stage that any work carried out that does not have the benefit of planning permission is entirely at their own risk and may be subject to enforcement action. The applicant was also encouraged to discuss proposals and the operations at the site with adjacent residents, landowners and the Parish Council so that any mitigation could be built into proposals in order to avoid objections and delays to the determination. The applicant was not instructed to stop construction works whilst the retrospective application is being determined. The Planning Regulation Team have advised that in this case it was not considered to be expedient to take enforcement action whilst an application was being determined.

75. In respect of the material changes to the site's surroundings there have been no significant changes in the immediate vicinity of the site. Farm buildings to the west, outside of the control of Lower Reule Bioenergy Ltd, have been demolished, which has made the de-packaging building and AD site more visible (as shown in Photograph 5 above).
76. In terms of the policy considerations the only significant change is that the [National Planning Policy Framework](#) (NPPF) was updated in February 2019 and the original proposal was considered against National policy in the NPPF published in March 2012. The NPPF however does not contain specific policies on waste and the original proposal was considered against the [National Planning Policy for Waste](#) published in October 2014; the [Staffordshire and Stoke on Trent Joint Waste Local Plan \(2010 – 2026\)](#) adopted in 2013; and [The Plan for Stafford Borough](#) (adopted 19 June 2014). These remain the up-to-date Development Plan and have not changed since the original proposals were approved in 2016.
77. Conclusion: Having regard to the development plan policies and other material planning policy considerations referred to above, it is reasonable to conclude that there have been no material changes to the site, surroundings or in terms of the development plan and other material planning policy considerations. Therefore, the amendments to Condition 1 (Approved documents and plans) of planning permission ref. S.16/05/4004 W are acceptable in principle. The site-specific considerations are discussed below.

#### **The site-specific considerations and matters raised in representations**

78. The [Staffordshire and Stoke-on-Trent Waste Local Plan](#) (policies 3.1 and 4.2); [The Plan for Stafford Borough \(Local Plan\) \(2011 – 2031\)](#) (policies N1 and N8); the revised [National Planning Policy Framework](#) (sections 8, 9, 12, 14 and 15); and, the [National Planning Policy for Waste](#) (paragraph 7 and Appendix B) require developments to be well designed particularly ensuring that the design and layout complements sustainable waste management and that on-site operations do not have a significant adverse impact; and, the environment and amenity of the area is protected. [Gnosall Neighbourhood Plan](#) (Policies 2 and 6) support rural diversification and good design.
79. Commentary: As discussed above the original proposal was assessed against these policies and considered acceptable. Whilst statutory consultees have no objections, concerns have been received from local residents about the retrospective changes to the approved design of the de-packaging facility on the basis that mitigation built into the original design to make the facility acceptable in this location is now being removed. To accommodate both the bunded area and lean-to to the north of the main building and the relocation of the biofilter to the south of the main building the built development is closer to the driveway and concerns are raised regarding: the reduced landscaping area; the greater risk of odour and noise and contamination by the changed design; and, it is feared that vehicles will queue on the access road / driveway.
80. Landscaping was approved as part of the original scheme (Refer to approved document on the 2016 permission 'Email from Lower Reule Bioenergy Ltd dated 8 November 2016 - Planting details and Revised layout drawing' which would supplement the landscaping scheme approved and planted for the AD plant ([S.08/05/4004 W D1](#))). The proposed landscaping comprises a hedgerow and trees

planted along the southern boundary, 2 metres from the roadway. Condition 12 of permission [S.16/05/4004 W](#) requires the landscaping in the first available planting season.

81. The landscaping area to the south of the site has been reduced from the original scheme, however whilst the amount of grass is reduced due to the concreting of the yard area, the applicant maintains that the approved soft landscaping scheme is still proposed and can still be achieved in the first available planting season. The new perimeter fence to the southern boundary would be positioned behind the kerb line within the site thereby leaving the new soft landscaping in front of the fence.
82. Originally no mitigation was proposed in previous planning permissions between the site and Brookfield Farmhouse as an agricultural building permitted by Stafford Borough Council (SBC) was to be built measuring 23 metres x 40 metres x 12 metres high (ref. [11/14903/FUL](#)). As the building hasn't been built and the site is more visible following the demolition of redundant farm buildings (as shown in Photograph 5 above) landscaping along the western boundary is now proposed by Lower Reule Bioenergy Ltd.
83. Highways Development Control (on behalf of the Highways Authority) have confirmed that the parking, servicing and turning area shown on the proposed site layout is acceptable. The weighbridge relocation is an improvement over the original scheme as it is not parallel to the private drive and it is now within the site and would reduce the situation where vehicles would be waiting on the drive. The weighbridge office would also be relocated from being parallel to the drive at the front of the site. The proposals do not increase the number of vehicle movements above and beyond what has previously been considered acceptable.
84. For the avoidance of doubt the facility would remain ancillary to the adjacent AD plant only and the other existing 32 conditions of the 2016 planning permission would still apply. There are no proposals to: change the current hours of operation; increase the approved capacity of the facility; or, increase the approved number of waste carrying vehicle movements. It is important to note however that there would be an improvement over the current situation once the de-packaging facility is operational as night-time deliveries allowed by the extant AD plant permission (Condition 10 of permission [S.13/11/4004 W](#)) would not be allowed. Vehicle movements would be restricted after 7pm on a weekday and after 5pm on Sundays, Public or Bank Holidays (Condition 18 of permission [S.16/05/4004 W](#)). Food waste would be pumped from the de-packaging facility to the AD facility and so once the de-packaging facility is operational, vehicle movements to the facility would off-set the existing vacuum tanker movements of liquid food waste direct to the AD plant.
85. There were also concerns raised about odours, noise, contamination, vehicle movements through Church Eaton and damage to local roads.
86. It is relevant to note the government guidance on waste explains that:

‘There exist a number of issues which are covered by other regulatory regimes and waste planning authorities should assume that these regimes will operate effectively (emphasis added). The focus of the planning system should be on whether the development itself is an acceptable use of the land and the impacts of those uses, rather than any control processes, health and safety issues or emissions themselves where these are subject to approval

under other regimes. However, before granting planning permission they will need to be satisfied that these issues can or will be adequately addressed by taking the advice from the relevant regulatory body.’ (ref. Guidance – Waste - [Regulatory regimes](#)).

87. The day-to-day operations would continue to be controlled by an Environmental Permit regulated by the Environment Agency. The changes to the original scheme have also been made to make the facility Environment Agency (EA) and Animal By-Products Regulations (ABPR) compliant and a more efficient process including odour and noise controls.
88. Furthermore, 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?’).
89. There is already a restriction for vehicles leaving the Site to turn right onto the public highway C0139 Church Eaton Road (Cowley Lane). No left turn towards Church Eaton is permitted (Condition 22 of permission [S.16/05/4004 W](#)).
90. In respect of improving community engagement, Lower Reule Bioenergy Ltd propose to issue a monthly newsletter to neighbours, the Parish Council and local schools to keep them informed of what is happening on the site including engaging with a local school, supplying materials for them to build bird boxes and then erect them on site and invite them for a tour around the site seeing their boxes in place. (Bird boxes are a requirement of the 2016 permission once the de-packaging building is constructed).
91. Conclusion: Having regard to the site-specific considerations and matters raised in representations referred to above, it is reasonable to conclude that the proposed development would not give rise to any materially harmful impacts, subject to the conditions recommended below.

### **The opportunity to review and update the planning permission**

92. The extant planning permission was issued in December 2016 and conditions were imposed (having regard to national guidance in the NPPF (section 12) and the policies in the [Staffordshire and Stoke on Trent Joint Waste Local Plan](#), (Policy 3.1, Policy 4.1 and Policy 4.2)) to secure good design and the operation of the site to high environmental standards. This is an opportunity to review and update the existing 33 conditions of that permission where it is reasonable and necessary to do so. In this case, as it is a recent permission, it is only reasonable and necessary to update the conditions to take account of the revised [National Planning Policy Framework](#) and the approved details which have discharged the relevant conditions (Condition 3 Notification of commencement; Condition 8 Demolition of farm buildings; and Condition 32 Foul and Surface Water Drainage Scheme). It is also reasonable and necessary to update conditions where reference is made to an approved document or plan which has been superseded.

## Overall Conclusion

93. 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 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.

## Recommendation

94. **Permit** the application to vary (not comply with) Condition 1 (Approved documents and plans) of planning permission ref. [S.16/05/4004 W](#) relating to: amendments to the location of the weighbridge and office; reduction of the landscape area (trees and hedges retained as approved); the increase of the 'lean to' size; inclusion of pasteurising equipment; relocation of liquid storage tanks; relocation of odour control (now referenced bio filter); relocation of post pasteurisation tank and, amendments to the northern elevation of the food de-packaging facility ancillary to the adjacent Anaerobic Digestion (AD) plant subject to conditions.

The conditions repeat and update the relevant existing conditions of permission reference [S.16/05/4004 W](#). The updated conditions are indicated in **bold**.

**The conditions** to include the following:

1. Definition of consent [**Update to include reference to the documents and plans of the existing and new permissions and approved details**].
2. Commencement of the development [**Update to state that this is a variation to a planning permission that has already commenced**].
3. Notification of commencement [**Update to require operator to notify the Waste Planning Authority within two weeks of the date when the de-packaging building is brought into use**].
4. Cessation of the development - notification within 7 days in the event that operations associated with the development cease.
5. Site clearance within 12 months of the cessation of food de-packaging operations and restored to an agricultural condition.
6. Expiry of the permission when the site has been cleared.
7. Knowledge of the conditions [**Delete existing condition 7 as no longer applicable / required. Refer to new Informative instead which is the new format for decision notices**].
8. Demolition of Farm Buildings outside of the bird breeding season [**Delete existing condition 8 as no longer required. The buildings were demolished in 2018**].

9. Site layout [**Update to delete reference to previous approved site layout drawing 'Proposed new de-packaging facilities – Layout' (dwg no 131-12-91 rev E)**]. Instead refer now to **Proposed de-packaging plant - Site Layout 'Block Plan' (dwg no P-02 Rev B)**].
10. Provision of parking, servicing and turning area before development is brought into use [**Update to delete reference to previous approved site layout drawing 'Proposed new de-packaging facilities – Layout' (dwg no 131-12-91 rev E)**]. Instead refer now to **Proposed de-packaging plant - Site Layout 'Block Plan' (dwg no P-02 Rev B)**].
11. Other than the provisions made for the development, no external storage of waste, plant, equipment or vehicles.
12. Landscaping of the site in the first available planting season [**Update to delete reference to previous approved site layout drawing 'Proposed new de-packaging facilities – Layout' (dwg no 131-12-91 rev E)**]. Instead refer now to **Proposed de-packaging plant - Site Layout 'Block Plan' (dwg no P-02 Rev B)**. Also update to require updates to the approved planting scheme to include the changes to the southern boundary and planting of the western boundary].
13. Waste type restricted to non-hazardous municipal, commercial and industrial food waste and packaging thereof.
14. Quantity of waste restricted to a maximum of 45,000 tonnes per annum.
15. Non-conforming waste removed on no more than a weekly basis to an authorised disposal or recycling facility.
16. Use Classes Order – the site shall not be used for any purposes other than the permitted operations.
17. Restriction on Permitted Development Rights.
18. Hours of Operation:  
07:00 to 19:00 Mondays to Fridays  
07:00 to 17:00 on Saturdays  
08:00 to 17:00 Sundays, Bank or Public Holidays.
19. Emergency operations outside the normal permitted hours shall be reported to the Waste Planning Authority within 3 days of the event occurring [**Update to cross reference to the Hours of Operation condition number**].
20. The Site shall remain locked when the Site is unsupervised [**Update to cross reference to the Hours of Operation condition number**].
21. Access to the Site [**Update to delete reference to previous approved drawing 'Proposed new de-packaging facilities - Site Locations' plan (dwg no 131-12-95 rev A)**]. Instead now refer to **Location Plan (dwg no P-01 Rev A)**].

22. All HGVs /service vehicles associated with the development shall leave the Site and join the public highway by turning right only.
23. No HGVs /service vehicles associated with the development shall leave the Site in a condition whereby mud, dirt or deleterious material is deposited on the public highway.
24. All waste in vehicles entering or leaving the Site shall be contained in sealed containerised vehicles or sealed on pallets in sheeted vehicles.
25. Waste carrying vehicles delivering to the Site shall not exceed 120 movements (60 in and 60 out) per week:
  - a) a 6-day average of no more than 18 movements per day (9 in and 9 out) Monday to Saturday; and,
  - b) no more than 12 movements per day (6 in and 6 out) on Sundays and Bank or Public Holidays.
26. A Revised Odour Management Plan to update and supplement the existing Plan for the Anaerobic Digestion facility shall be submitted for the written approval of the Waste Planning Authority prior to the development being brought into use.
27. Best practicable means shall be employed to minimise noise including keeping external doors closed, plant and machinery used or controlled by the operator within the Site being operated with engine covers closed, and with effective silencers fitted. Wherever possible, and without contravening health and safety requirements, all vehicles shall be fitted with non-audible reversing/warning safety systems which shall be maintained in accordance with the manufacturer's specification for the duration of operations.
28. No burning of materials on the Site.
29. Litter picking of the site on a daily basis.
30. External lighting positioned to minimise light spillage and so as not to cause glare or nuisance to the occupiers of neighbouring businesses and to road users.
31. Storage of oils, fuels or chemicals sited on impervious bases and surrounded by impervious bunds.
32. Foul and surface water drainage scheme **[Update to refer to foul and surface water drainage scheme approved in June 2018 ([S.16/05/4004 W D1](#)) to discharge Condition 32]**.
33. Record keeping. The following records shall be kept and made available within 7 days of a request made in writing by the Waste Planning Authority:
  - a) Records of the total number of vehicles delivering waste materials to the Site per day.

- b) Records of the total quantity of waste materials delivered to the Site per day.

Informative 1: Advice from Severn Trent Water – Waste Water Services

Informative 2: Advice from the County Council's Environmental Advice Team;

Informative 3: Advice from the Environment Agency.

**New Informative Knowledge of the conditions** (to replace existing condition 7)

Case Officer: Julie Castree-Denton - Tel: (01785) 277293  
email: [planning@staffordshire.gov.uk](mailto:planning@staffordshire.gov.uk)

*Due to current Coronavirus restriction, the list of background papers for this report is only available on request by email sent to [planning@staffordshire.gov.uk](mailto:planning@staffordshire.gov.uk) and can only be provided by email.*

## Appendix 1 Relevant Planning History

### Anaerobic Digestion (AD) / Biogas Facility

[S.08/05/4004 W](#) In August 2008 permission was granted for construction of a biogas plant including one service building, two fermenters, two storage tanks and a pad for silage. A landscaping scheme and wheel cleaning measures were later approved in April 2009 to discharge conditions 6, 7 and 9 ([S.08/05/4004 W D1](#)).

[S.09/05/4004 W](#) In May 2009 the site layout was varied, the digester size increased from 24,000 cubic metres to 30,000 cubic metres per annum (sufficient to generate 1.3MW of electricity), and the type of waste input was increased from on-site pig and cow slurry wastes to include municipal kitchen waste and de-packaged food waste. Permitted working hours were also increased from starting at 08:00 hours to 07:00 hours and finishing at 19:00 hours Monday to Friday and starting at 08:00 hours until 19:00 hours on Saturdays. Operations with the exception of deliveries of waste were also allowed from 08:00 hours to 17:00 hours Sundays and Bank Holidays. The number of vehicle movements were also increased from 6 to 10 per day. Drainage details were approved in July 2009 to discharge condition 16 ([S.09/05/4004 W D1](#)), and measures to minimise odour (alkaline scrubber system or carbon absorber) were approved in December 2009 to discharge condition 13 ([S.09/05/4004 W D2](#)).

[S.13/11/4004 W](#) In September 2013 the site layout was varied again in order to construct a third digester tank and increase the capacity of the facility to accept 45,000 tonnes of feedstock per annum and increase the electricity generation to 2.25MW. Also, as the AD facility is an automated process that operates 24 hours per day, 7 days per week, in order to ensure that the AD plant operates continuously, the operating hours and vehicle movements were varied. The planning permission allows 18 movements per day Monday to Saturday with no more than 12 movements Sundays, Bank or Public Holidays. 24 operating hours are also allowed: 07:00 – 07:00 hours Monday to Saturday. Earlier operating is allowed on Saturdays: 07:00 – 19:00 hours, however hours including waste deliveries remain the same for Sundays, Public and Bank Holidays: 08:00 – 17:00 hours. 2 weeks' notice was given in August 2016 for the commencement of construction works on the third digester tank (ref. [S.13/11/4004 W D1](#)).

[S.15/01/4004 W](#) In July 2015 a dedicated building (15metres in length, 13 metres in width, and 12.8 metres in height with a storage capacity of 250 tonnes) was permitted to store the separated digestate fibre from the existing AD activities. The building was to be constructed on the site of the existing open air separate digestate fibre store adjacent to the entrance to the AD facility.

### De-packaging Facility

[S.6/05/4004 W](#) In December 2016 permission was granted for demolition of existing farm building(s) and construction of a new building for use as a food de-packaging facility ancillary to the adjacent Anaerobic Digestion plant. The planning permission has 33 conditions, and the approved documents and plans (Condition 1) are being varied by the current application. To summarise the permission approved the following:

- Building with total footprint of 1,350 square metres measuring 45.8 metres long by 30.8 metres wide and 13.35 metres at ridge height (12.6 metres at the eaves) in order to accommodate the requirement for articulated tipping lorries. The design is a steel portal framed concrete block structure with metal

cladding in a combination of non-reflective dark (forest) green and grey to match the existing structures on the adjacent AD site. Two 'in' and 'out' high speed roller shutter door entrances would be provided to ensure odour control and to facilitate efficient site operations. Equipment within the building would consist of a portable compactor, conveyors, a macerator, a separator, pumps, and telehandler and forklift.

- To the rear/north of the de-packaging building would be an area for odour abatement equipment, and a 500m<sup>3</sup> above ground stainless steel liquid feedstock storage tank. Processed liquid feedstock from the de-packaging facility would be piped to the liquid feedstock storage tank before being fed directly to the digester tanks.
- An area of external concrete storage bays (for empty pallets, Intermediate Bulk Containers, animal manure and silage) would be located on the west side of the site, opposite the main entrance, and all above ground storage tanks would be located next to the western elevation of the building to minimise the connection distances from processing machinery and to allow for easy access.
- Portacabin offices and staff welfare units and car parking would be located to the south of the building next to the main entrance to the facility. The 2 portacabins would be 10 metres long by 3 metres wide by 2.5 metres high and would be stacked one on top of another (maximum 2 high).
- A new fully automated weighbridge would be installed and there would be two entrances/exits from the access road to the site. [The existing direct access to the AD site would be retained but the existing security fencing to the AD plant would be extended to the east, south and west sides of the proposed de-packaging facility with access gates for each entrance. This would comprise of a metal mesh fence with concrete posts].
- Landscaping would be extended around the de-packaging facility supplementing the planting around the AD plant. [The north of the site is formed by the existing bund to the AD plant. This would be retained in addition to the existing hedgerow and tree planting along the eastern and northern boundaries of the AD plant site (the planting scheme was approved [S.08/05/4004 W D1](#)) which would be extended around the de-packaging site].
- Condition 13 of the permission restricts the type of waste imported on to the site to non-hazardous municipal, commercial and industrial food waste and packaging thereof.
- Condition 14 restricts the quantity of waste material to a maximum of 45,000 per annum.
- Condition 18 restricts the hours of operation (including vehicle deliveries) to:  
  
07:00hrs - 19:00hrs Monday to Friday;  
07:00hrs - 17:00hrs Saturday;  
08:00hrs - 17:00hrs Sundays and Bank or Public Holidays.

- Condition 25 restricts vehicle movements to 120 movements (60 in and 60 out) per week:
  - a) a 6-day average of no more than 18 movements per day (9 in and 9 out) Monday to Saturday; and,
  - b) no more than 12 movements per day (6 in and 6 out) on Sundays and Bank or Public Holidays
- Details of a foul and surface water drainage scheme were approved in June 2018 ([S.16/05/4004 W D1](#)) to discharge Condition 32. Details of a pre-demolition nesting bird check carried out on 11 February 2018, immediately prior to the demolition of the buildings, were acknowledged on 14 May 2018 ([S.16/05/4004 W D2](#)) in accordance with Condition 8. Notification of the commencement date (29 May 2018) of construction of the building for use as food de-packaging facility building was acknowledged 15 June 2018 ([S.16/05/4004 W D3](#)) in accordance with Condition 3 (a).

### **Lower Reule Farm**

Lower Reule Farm began growing soft fruit in 1976 and provides all of its produce for supermarkets in the UK. Planning permission (reference [14/19941/FUL](#)) was granted in July 2014 by Stafford Borough Council (SBC) for the retention of over 12 hectares of polytunnels, and followed previous consents for 14.55 hectares and 11.8 hectares in 2009 and 2010 respectively. Poly tunnel retrospective applications were received by SBC in March 2020 which are yet to be determined. The applications apply for the option to clad the tunnels in either clear or yellow polythene (Variation of condition 2 on application 09/11930/FUL; Variation of condition 2 on 10/14371/FUL, variation of condition 8 on 14/19941/FUL).

In December 2014 permission ( ref [14/21039/FUL](#)) was granted by Stafford Borough Council for the demolition of the existing pack house building and erection of a replacement soft fruit chilled storage and pack house building in its place. The dimensions of the steel framed building finished in matte dark green steel cladding being 48 metres deep x 37 metres wide x 6.4 metres high to the eaves x 9.9 metres high to ridge. There are no restrictions on hours of operation or vehicle movements on the permission.

Since 1994 there however had been caravans on site occupied by seasonal workers. Permanent permission (ref [13/19179/COU](#)) was granted in October 2013 by Stafford Borough Council for the siting of caravans to house seasonal workers, this followed a temporary 2 year permission being granted in November 2008.

### **Land between Brookfield Farm and the application site**

In November 2011 Stafford Borough Council permitted the demolition of a farm building adjacent to the application site and erection of an agricultural building (23 metres x 40 metres x 12 metres high (8 metres at eaves- roller door opening 10 metres high)) (ref. [11/14903/FUL](#)). The building has not been built.

### **Units 5a and 5b Sprint Industrial Estate, Four Ashes, Staffordshire**

Units 5a and 5b have been the subject of a number of planning permissions for the sorting and de-packaging of food waste by the company Lower Reule Bioenergy Ltd (LRBL). Permission was first granted for Unit 5a in July 2009 ([SS.09/03/655 W](#)) and permission was

later granted for the adjoining premises Unit 5b in September 2010 ([SS.10/11/655 W](#)). Operating hours were then amended in October 2010 to allow operations on Saturday afternoons and on Bank Holidays ([SS.10/13/655 W](#)). In April 2011 a consolidating permission was then granted ([SS.10/19/655 W](#)) which allowed Units 5a and 5b to continue to operate as a joint site for the sorting and de-packaging of food waste and permission was also granted to demolish the existing industrial store and erect new office and staff facilities. The capacity of the facility was restricted to 45,000 tonnes of waste per annum (Condition 6) and waste movements restricted to no more than 5 bulked/tankered food waste exports from the Site (for delivery to Brookfield Farm) in any one day (Condition 7). No operations or deliveries were allowed on Sundays and the hours of operation were restricted to 0700 to 1900 Monday to Friday and 0700 to 1700 Saturday, Bank or Public Holidays (Condition 15 & 16). The de-packaging facility ceased operation in 2019.

In February 2016 planning permission was granted to 'Thermal Recycling (UK) Limited' for a change of use of Units 5a and 5b, which housed the de-packaging activity, to accommodate a facility for the thermal recycling of asbestos wastes (ref. [SS.14/18/655 W](#)). The facility is currently understood to be pre-operational.

LRBL were granted planning permission in June 2016 for the alteration and change the of use of existing industrial unit (Unit 5) to a food waste de-packaging facility including relocation of portacabin office and staff mess room from Units 5A and 5B Sprint Industrial Estate ([SS.15/10/6011 W](#)). This application was not implemented.

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

## **Appendix 2 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 Joint Waste Local Plan \(2010 – 2026\)](#)

(adopted 22 March 2013):

- Policy 1: Waste as a resource
  - - Policy 1.1 General principles
- Policy 2: Targets and broad locations for waste management facilities
  - Policy 2.1 Landfill diversion targets
  - Policy 2.2 Targets for new waste management facilities required by 2026 to manage municipal, commercial & industrial, and construction, demolition & excavation waste streams
  - Policy 2.3 Broad locations
- Policy 3: Criteria for the location of new and enhanced waste management facilities
  - Policy 3.1 General requirements for new and enhanced facilities
  - Policy 3.2 Exceptions criteria for organic treatment in farm locations close to the urban areas/ broad locations
- Policy 4: Sustainable design and protection and improvement of environmental quality
  - Policy 4.1 Sustainable design
  - Policy 4.2 Protection of environmental quality

A [5-year review of the Waste Local Plan](#), completed in December 2018, concluded that there is no need to update the plan policies and therefore they continue to carry weight in the determination of planning applications for waste development.

#### [The Plan for Stafford Borough](#) (adopted 19 June 2014)

- Spatial Principle 1 (SP1): Presumption in favour of sustainable development
- Spatial Principle 6 (SP6): Achieving Rural Sustainability
- Spatial Principle 7 (SP7): Supporting Location of New Development
- Policy E1: Local Economy
- Policy E2: Sustainable Rural Development
- Policy T1 Transport
- Policy N1 Design
- Policy N2: Climate Change
- Policy N4 The Natural Environment & Green Infrastructure
- Policy N8: Landscape Character

#### [Gnosall Neighbourhood Plan](#) (made /adopted 24 November 2015)

- Key Objective K01: Employment, Rural Diversification and the Local Economy

- Key Objective KO4: Environmental Protection and Community Facilities
- Policy 2 – Rural Diversification
- Policy 6 – Support for Good Design

### 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 8](#): Promoting healthy communities
  - [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
- [Planning Practice Guidance](#)
  - [Design](#)
  - [Flood risk and coastal change](#)
  - [Health and wellbeing](#)
  - [Light pollution](#)
  - [Natural environment](#)
  - [Noise](#)
  - [Renewable and low carbon energy](#)
  - [Travel Plans, Transport Assessments and Statements](#)
  - [Use of planning conditions](#)
  - [Waste](#)
    - [Determining planning applications](#)
    - [Regulatory regimes](#)
- [National Planning Policy for Waste](#) (published on 16 October 2014)
  - Determining planning applications (paragraph 7)
  - Appendix A - the waste hierarchy – in descending order - prevention; preparing for re-use; recycling; other recovery; disposal
  - Appendix B – locational criteria:
    - a) protection of water quality and resources and flood risk management
    - b) land instability
    - c) landscape and visual impacts
    - d) nature conservation
    - e) conserving the historic environment
    - f) traffic and access
    - g) air emissions
    - h) odours
    - i) vermin and birds
    - j) noise, light and vibration

- k) litter
- l) potential land use conflict

- The new waste strategy [‘Our Waste, Our Resources: A Strategy for England’](#) published in December 2018

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





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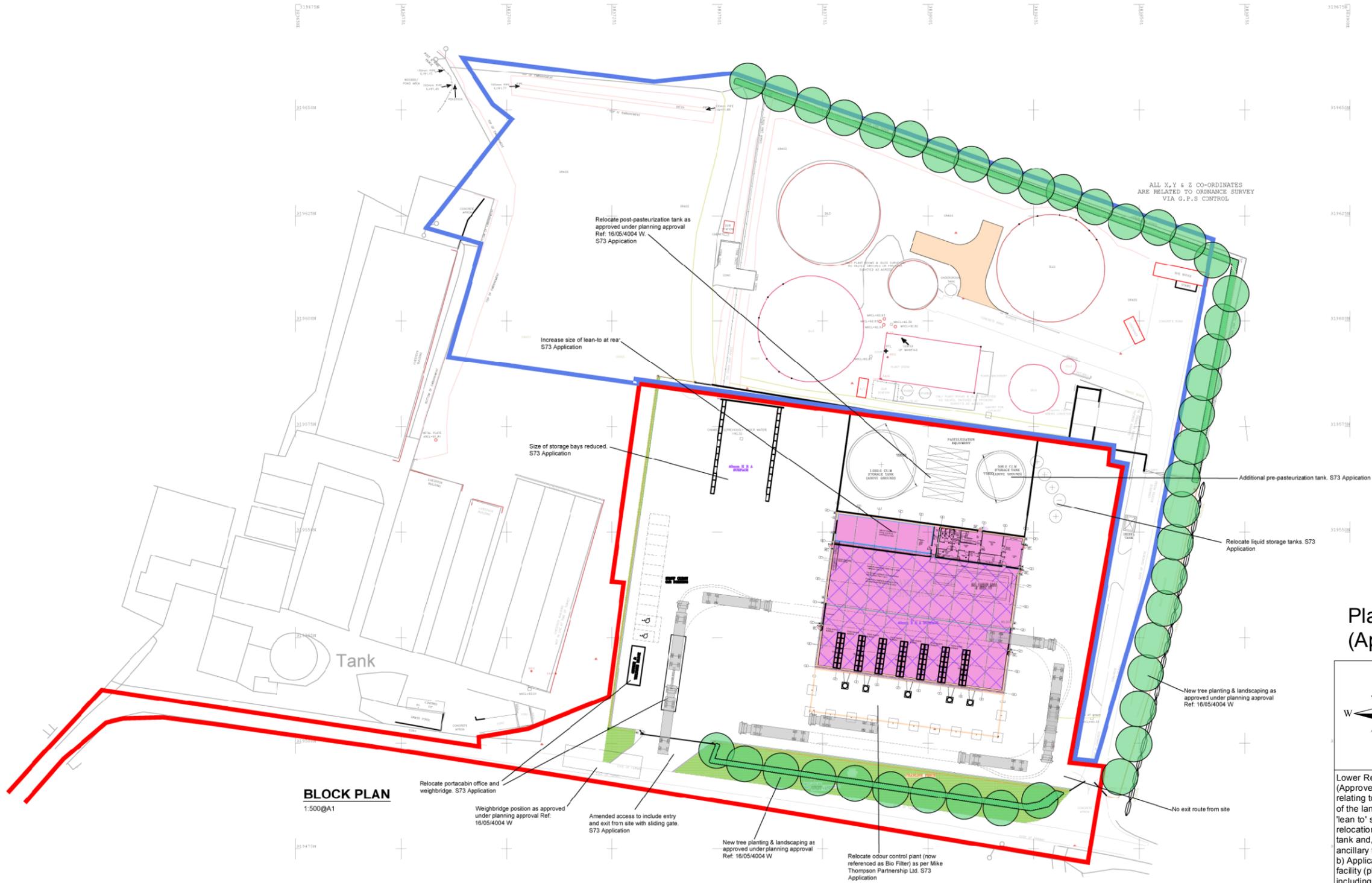
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Page 141



ALL X, Y & Z CO-ORDINATES  
ARE RELATED TO ORDNANCE SURVEY  
VIA G.P.S CONTROL

**BLOCK PLAN**  
1:500@A1

**Plan 2 - Site Layout**  
(Application Ref. S.19/08/4004 W)



Lower Reule Bioenergy Ltd. a) Application to vary (not comply with) Condition 1 (Approved documents and plans) of planning permission ref. S.16/05/4004 W relating to: amendments to the location of the weighbridge and office; reduction of the landscape area (trees and hedges retained as approved); the increase of the 'lean to' size; inclusion of pasteurising equipment; relocation of liquid storage tanks; relocation of odour control (now referenced bio filter); relocation of post pasteurization tank and, amendments to the northern elevation of the food de-packaging facility ancillary to the adjacent Anaerobic Digestion plant ref S.19/08/4004 W and b) Application to consolidate the existing Anaerobic Digestion (AD) facility / biogas facility (planning permission Ref. S.13/11/4004 W) and amendments to the layout including: relocation of separator; new concrete road within the site; erection of new building to replace and relocate the existing store for separated digestate fibre (planning permission Ref. S.15/01/4004 W); and erection of two end storage tanks for liquid digestate to replace the lagoons previously used ref. S.20/01/4004 W, Lower Reule Bioenergy Ltd, Brookfield Farm, Cowley, Gnosall, Stafford.

- Relocate post-pasteurization tank as approved under planning approval Ref: 16/05/4004 W S73 Application
- Increase size of lean-to at rear S73 Application
- Size of storage bays reduced. S73 Application
- Additional pre-pasteurization tank. S73 Application
- Relocate liquid storage tanks. S73 Application
- New tree planting & landscaping as approved under planning approval Ref: 16/05/4004 W
- No exit route from site
- Relocate odour control plant (now referenced as Bio Filter) as per Mike Thompson Partnership Ltd. S73 Application
- Amended access to include entry and exit from site with sliding gate. S73 Application
- Relocate portacabin office and weighbridge. S73 Application
- Weightbridge position as approved under planning approval Ref: 16/05/4004 W
- New tree planting & landscaping as approved under planning approval Ref: 16/05/4004 W

# BLOCK PLAN

Date : 17/03/20	Scale : Not to Scale
O.S. Grid Ref : SJ.837 195	Ref : S.19/08/4004 W & S.20/01/4004 W



# NEW WASTE APPLICATION

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CDM - for the avoidance of doubt the Principal Contractor is reminded that he is fully and solely responsible for the day to day management of site safety.

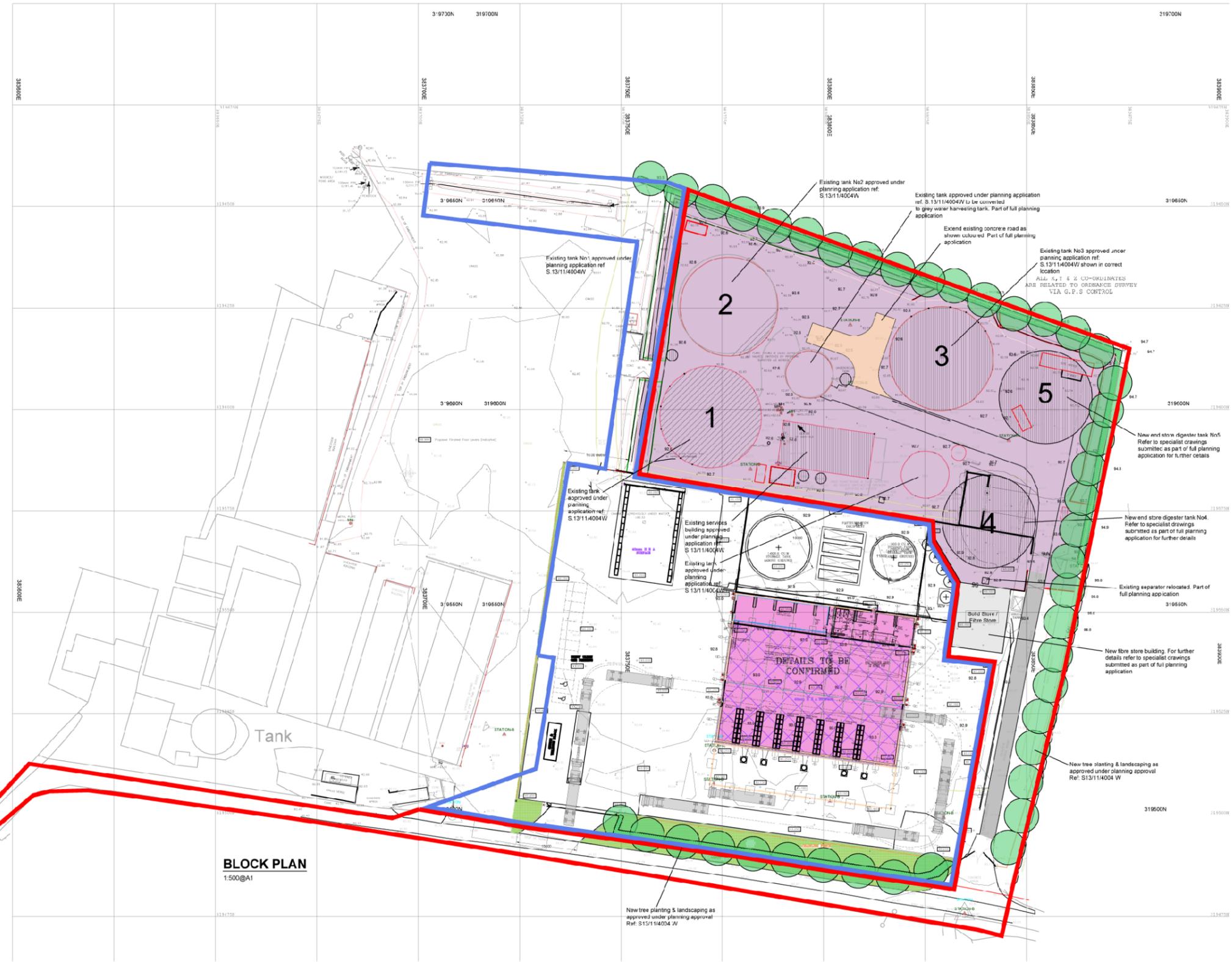
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**CONSTRUCTION NOTES GENERALLY:**  
Notwithstanding anything contained in this document or any other document forming part of the basis of the works every aspect of the work/installation is to comply with all requirements and all recommendations of all relevant Associations, Manufacturers, BPE Codes, British Standards, Codes of Practice, Building Regulations, Dye Laws, Acts, Regulations, Planning Authority, Environmental Health Department, Fire Authorities, Water Authorities, Gas Authority, Electricity Authority, Institute of Heating and Ventilating Engineers and IEE Regulations.

**NOTES:**  
FOR FULL DETAILS PLEASE READ THIS DRAWING IN CONJUNCTION WITH THE LATEST REVISION OF THE FOLLOWING DPA LTD DRAWINGS:

- BR-10 G.A FLOOR PLANS - OFFICES
- BR-11 G.A FLOOR PLANS - DRYING ROOM
- BR-12 GROUND FLOOR G.A FLOOR PLAN - OVERALL
- BR-13 F FLOOR PLAN G.A FLOOR PLAN - OVERALL
- BR-14 PARTITION FLOOR PLANS - OFFICES
- BR-18 GROUND FLOOR FIRE PLAN - OVERALL
- BR-19 FIRST FLOOR FIRE PLAN - OVERALL
- BR-30 SECTION A-A (1:20)
- BR-90 CONSTRUCTION & B. REGS NOTES

**PLEASE NOTE:** IT IS THE CONTRACTOR'S RESPONSIBILITY TO CHECK ALL DIMENSIONS ON SITE. DIMENSIONS MUST NOT BE SCALED FROM THIS DRAWING. ANY DISCREPANCIES BETWEEN PROJECT DRAWINGS OR DOCUMENTS TO BE BROUGHT TO THE IMMEDIATE ATTENTION OF THE ARCHITECT IN WRITING.



**BLOCK PLAN**  
1:500@A1

**Plan 3 - Site Layout**  
(Application Ref. S.20/01/4004 W)



Lower Reule Bioenergy Ltd. a) Application to vary (not comply with) Condition 1 (Approved documents and plans) of planning permission ref. S.16/05/4004 W relating to: amendments to the location of the weighbridge and office; reduction of the landscape area (trees and hedges retained as approved); the increase of the 'lean to' size; inclusion of pasteurising equipment; relocation of liquid storage tanks; relocation of odour control (now referenced bio filter); relocation of post pasteurization tank and, amendments to the northern elevation of the food de-packaging facility ancillary to the adjacent Anaerobic Digestion plant ref S.19/08/4004 W and b) Application to consolidate the existing Anaerobic Digestion (AD) facility / biogas facility (planning permission Ref. S.13/11/4004 W) and amendments to the layout including: relocation of separator; new concrete road within the site; erection of new building to replace and relocate the existing store for separated digestate fibre (planning permission Ref. S.15/01/4004 W); and erection of two end storage tanks for liquid digestate to replace the lagoons previously used ref. S.20/01/4004 W, Lower Reule Bioenergy Ltd, Brookfield Farm, Cowley, Gnosall, Stafford.

Date : 17/03/20	Scale : Not to Scale
O.S. Grid Ref : SJ.837 195	Ref : S.19/08/4004 W & S.20/01/4004 W

# BLOCK PLAN



<b>Local Member</b>	
Mr. M. J. Winnington	Gnosall and Doxey

## Planning Committee      6 August 2020

### Waste County Matter

**Application No (District):**      [S.20/01/4004 W](#) (Stafford)

**Applicant:**                              Lower Reule Bioenergy Ltd

**Description**                              Application to consolidate the existing Anaerobic Digestion (AD) facility/ biogas facility (planning permission Ref. [S.13/11/4004 W](#)) and amendments to the layout including: relocation of separator; new concrete road within the site; erection of new building to replace and relocate the existing store for separated digestate fibre (planning permission Ref. S.15/01/4004 W); and erection of two end storage tanks for liquid digestate to replace the lagoons previously used.

**Location:**                                  Lower Reule Bioenergy Ltd, Brookfield Farm, Cowley, Gnosall, Stafford.

### Background/Introduction

1. The company 'Lower Reule Bioenergy Ltd' was sold in 2017 and two planning applications have been made concurrently by the new owners for the permitted Anaerobic Digestion (AD) facility and ancillary de-packaging facility, both of which are being reported to this Planning Committee. Plan 1 accompanying this report shows the site location and the extent of the two planning applications.
2. The first application, the subject of a separate report to this Planning Committee (reference [S.19/08/4004 W](#)), is retrospective and has been made to regularise the de-packaging building, ancillary to the AD facility, which is under construction but not being built in accordance with the approved plans of permission [S.16/05/4004 W](#). Plan 2 accompanying this report shows the site layout. The second application, the subject of this report, makes amendments to the layout of the existing AD facility (reference [S.13/11/4004 W](#)). Plan 3 accompanying this report shows the site layout. Amendments to the original schemes have been made to make the facilities Environment Agency (EA) and Animal By-Products (ABP) Regulations compliant.
3. Lower Reule Bioenergy Ltd has operated an AD / biogas facility at Brookfield Farm since March 2010. The AD facility currently operates in accordance with planning permission ref. [S.13/11/4004 W](#) and handles up to 45,000 tonnes of feedstock (food waste) per annum. The process takes place principally in three large digester tanks and produces 2.25 MW of green electricity each year from the biogas generated on-site which can be fed directly into the National Grid. A [PAS110](#) certified by-product from the process called liquid digestate is also produced, which can be used as a fertiliser.
4. Planning permission was first granted in August 2008 for two digester tanks and in

September 2013 the site layout was amended to accommodate a third digester tank and the capacity of the facility increased from 30,000 tonnes per annum to the current 45,000 tonnes per annum. The original 2008 permission allowed the site to accept on-site pig and slurry wastes only but in May 2009 planning permission was granted to allow municipal kitchen waste and de-packaged food waste also.

5. As the third digester tank was built by the previous owners in a slightly different location to the approved layout plan of permission (ref. [S.13/11/4004 W](#)) the applicant was advised by the County Council's Planning and Regulation Teams to submit a planning application to consolidate the existing AD facility planning permission ([S.13/11/4004 W](#)) in addition to the new elements which include: erection of a new building to replace and relocate the existing store for separated digestate fibre (planning permission Ref. [S.15/01/4004 W](#)); and erection of two end storage tanks for liquid digestate to replace the 2 leased lagoons (at Lower Reule Farm) previously used. As the application boundary is slightly larger than the permitted boundary of [S.13/11/4004 W](#) it was not possible to submit a s73 application to vary that permission. The red line application boundary has therefore been drawn around the whole of the permitted AD facility boundary including the additional area for the relocated fibre store building. For the avoidance of doubt no changes are however proposed to the capacity of the facility or vehicle movements.

## Site and Surroundings

6. The Lower Reule Bioenergy Ltd AD facility is located within open countryside approximately one mile from the village of Gnosall and approximately 400 metres east of the C0139 Church Eaton / Cowley Lane, accessed by a private road which leads approximately 1km to the Lower Reule Farm, which grows soft fruit produce for supermarkets.



Photograph 1 - The AD facility and de-packaging building seen across the fields from the A518 just north of Gnosall

7. The AD facility comprises of three 10-metre-high digester tanks which are a similar height to the Brookfield Farmhouse, a residential property approximately 90 metres

west, separated from the site by farm buildings. In addition there are ancillary gas scrubbers and carbon filters; two smaller 7-metre-high feedstock storage/pre-separation tanks which are 11 metres in diameter; a separated fibre store; and a service building 9 metres (w) x 18 metres (l) x 4.5 metres high to the eaves which houses a control room, and equipment such as pasteurisation units, heat exchangers, and Combined Heat and Power (CHP) engines. The site offices comprising of two portacabins stacked on top of each other are in the northeast corner of the site.



Photograph 2 - Aerial view looking west (taken 2019) towards Brookfield Farmhouse and Willow End (top left). The Lower Reule access road is on the left of the photo, the new de-packaging building with grey roof is in the middle and the AD facility including portacabin offices is on the right. Polytunnels surround the site to the north, east and south.

8. Immediately to the south of the AD facility is a new building under construction for use as a food de-packaging facility ancillary to the adjacent AD facility. This area was previously occupied by four redundant single storey buildings that were previously used for intensive pig production. These buildings were last used in 2008 and under planning permission [S.16/05/4004 W](#) were demolished in 2018 in order to construct the food de-packaging facility. The land to the west of the de-packaging building and east of Brookfield Farm is currently vacant where farm buildings have been demolished for the construction of a large storage building for use by Lower Reule Farm Ltd.
9. In addition to the residential property 'Brookfield Farm' another residential property 'Willow End' is located at the private road entrance off Cowley Lane, approximately 170 metres southwest of the AD facility and de-packaging building sites.
10. Lower Reule Farm is approximately 500 metres to the east and has Stafford Borough Council planning permissions for a soft fruit chilled storage and pack house in addition to over 12 hectares of polytunnels which surround the AD facility and de-packaging building to the north, south and east. Caravans to house seasonal workers are sited adjacent to Lower Reule Farm.



Photograph 3 – AD facility portacabin offices stacked on top of each other to be removed. The office staff and the silver air handling unit (on the left of the photograph) to be relocated within the de-packaging building. The existing separated fibre store shown between the offices and de-packaging building would be relocated and replaced by a fibre store building.

Photograph 4 (below) – Two of the three Digester tanks. Note established landscaping beyond fencing on the northern boundary; and, ongoing installation of the new BAT compliant secondary containment to meet EA requirements.



11. The application site is 5 km from 'Aqualate Mere' Site of Special Scientific Interest (SSSI) and 1.7 km from 'Allimore Green Common' SSSI. Aqualate Mere is a

component of the Midland Meres and Mosses (Phase 2) Ramsar Site (listed Wetlands of International Importance under the Ramsar Convention).

## Summary of Proposals

12. The development proposals consist of the following elements (refer also to Plan 3 accompanying the report):
- Regularisation of the position of Digester no.3 and extension of the concrete drive within the permitted boundary of the AD facility;
  - Two end storage tanks for liquid digestate within the permitted boundary of the AD facility;
  - Replacement and relocation of the digestate fibre store outside of the original permitted boundary of the AD facility but within the permitted area of the de-packaging facility; and,
  - Separator relocation within the permitted boundary of the AD facility;

### Position of Digester no. 3 and Concrete drive

13. The AD facility comprises of three Digester tanks, each 10-metres-high and 24 metres in diameter with a capacity each of 2,700 cubic metres. The third tank, approved in September 2013 and constructed in August 2016, has however been built approximately 3 - 4 metres west of the location shown on the layout approved by planning permission ref. [S.13/11/4004 W.](#) In order to regularise this, a revised layout and elevation drawings have been submitted to reflect the current position of the Digester and to show the extent of an extension to the existing access concrete drive further into the site.

### Two end storage tanks for liquid digestate

14. The digestate that is produced as a by-product of the AD process is separated into liquor and fibre. The liquor was originally pumped up to two leased lagoons at Lower Reule Farm for storage and then spread under [PAS110](#) regulations as a biofertiliser on agricultural land. The leased lagoons however have a failing liner and no cover and therefore are no longer Environment Agency (EA) and Animal By-Product (ABP) compliant for the storage of digestate. As an alternative two enclosed end storage tanks are proposed which would hold 3000 cubic metres each of liquid digestate until the spreading season opens. The tanks, each 6 metres high and 23 metres in diameter, would be in-situ concrete storage tanks within the bunded area of the site and would have gas tight domes. As part of the application a containment design plan proposes to increase the bund around the AD facility in specific areas in addition to the installation of secondary containment to make the site EA compliant in the event of a catastrophic tank failure on the site. The existing AD site offices (2 portacabins stacked on top of each other) would be removed to accommodate the two end storage tanks and the staff would be relocated to the main de-packaging building offices.

### Relocation of Fibre Store

15. To accommodate the proposed construction of the two end storage tanks and retain maintenance vehicle access into the AD facility site, the store for the fibre digestate from the AD process would need to relocate slightly further south than its current location adjacent to the entrance to the AD facility. The current open fibre bunker is not EA compliant and approval was gained in 2015 for the erection of a building to contain the fibre, odour, spores and drainage. The new fibre store would be fully enclosed to ensure it is EA compliant and would as per the 2015 permission ([S.15/01/4004 W](#)) measure 15 metres in length, 13 metres in width, and 12.8 metres in height with a storage capacity of 250 tonnes.

### **Separator relocation**

16. The existing separator would be relocated to the north gable of the new fibre store to allow digestate to fall directly into the fibre store, keeping the process enclosed to comply with EA regulations.

### **Operation of the AD facility**

17. For the avoidance of doubt there are no proposals to change the existing capacity of the AD facility. The existing planning permission ref. [S.13/11/4004 W](#) is subject to 21 no. planning conditions. These conditions would be repeated and updated on any subsequent planning permission.
18. The application is accompanied by:
- A Waste Development Statement;
  - Proposed containment design plan;
  - Site layout plan;
  - Fibre store details, layout and elevations;
  - End store plan and elevations;
  - Sound level assessment; and,
  - Noise and vibration management plan.

### **The Applicant's Case**

19. Investment is now being made to make both the AD/Biogas facility and the ancillary de-packaging facility work together in a compliant and efficient way. After purchasing Lower Reule Bioenergy Limited in 2017, the new owners realised that the existing AD facility and food waste process were under performing and in breach of EA legislation.
20. The capacity of the AD facility has not /is not being increased in size or electricity output or in terms of vehicle movements by the proposals and the principle of the food waste de-packaging facility has already been established by the granting of planning permission in 2016. The applications submitted are to consolidate the scheme with a more efficient process including odour and noise controls and EA compliance. The addition of enclosed digestate tanks also provides a digestate solution as the existing two leased lagoons are not EA and ABP compliant for the

storage of liquid digestate, and the lagoon owners are unable to make them compliant.

21. The digestate that is produced as a by-product of the AD process is separated into liquor and fibre. The liquor is currently spread on local farmland in Staffordshire and Shropshire under PAS110 regulations and the fibre is currently deployed under a mobile permit, but this is very costly. With the efficiency of the new process removing nearly all contaminants the fibre will also be PAS110 accredited and spread as a biofertiliser on local farmers fields.
22. Liquid digestate is spread to land during certain times of year as approved by the EA therefore the EA require a minimum of 5 months secured digestate storage. Some towers and lagoons are secured with local farmers but not enough and without their own storage Lower Reule Bioenergy Ltd could be at the control of others and potentially in breach of their own EA permit.
23. Liquid digestate is currently removed by tractor and tankers and HGVs. During the height of the season in spring and after harvest in the summer this is a very busy period for the AD facility but crucial for keeping the site processing. At the peak 6-7 HGVs per day would remove digestate. It is proposed that both the separated digestate and the fibre would leave the site via the new automated entrance gates unless the secondary manual gates are required by condition.
24. Whilst construction of the de-packaging building takes place the AD facility site is untidy. However once the new building is complete all storage will be inside and the new storage tanks will either be between the existing AD site and the new building so not visible, or they will screen existing buildings and tanks.
25. Originally no mitigation was proposed in previous planning permissions between the site and Brookfield Farmhouse. The demolition of the buildings to the west, outside of the control of Lower Reule Bioenergy Ltd, has however made the de-packaging site more visible. The new application for the de-packaging building replicates the approved landscaping scheme, with a small loss of grass, but with no loss of screening. Additional hedge planting, to match existing approved landscaping schemes, along the whole of the western boundary to the AD/Biogas site and de-packaging site is proposed as part of the applications.
26. It is also proposed to issue a monthly newsletter to neighbours, the Parish Council and local schools to keep them informed of what is happening on the site. The company also propose to engage with a local school, supply materials for them to build bird boxes and then erect them on site and invite them for a tour around the site seeing their boxes in place. (Bird boxes are a requirement of the 2016 permission once the de-packaging building is constructed).

## **Relevant Planning History**

27. [Appendix 1](#) lists the relevant permissions for the Anaerobic Digestion (AD) / biogas facility and the associated de-packaging facility following its relocation from the Sprint Industrial Estate at Four Ashes. In addition, relevant planning decisions are also listed in relation to Lower Reule Farm and the land between the application site and Brookfield Farm.

## Environmental Impact Assessment (EIA)

28. In accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2011, the County Council conducted a “Screening Opinion” on the original de-packaging facility proposals [S.16/05/4004 W](#) which concluded that the proposed development is not EIA development and therefore need not be supported by an Environmental Statement (ref: [SCE.220/S.16/05/4004 W](#) dated 26 July 2016).
29. As the proposed development does not fall within the applicable thresholds and criteria for screening for EIA development (ref. Schedules 1 and 2 to the [Town and Country Planning \(Environmental Impact Assessment\) Regulations 2017](#)), the County Council has not issued a “Screening Opinion”.

## Appropriate Assessment (Habitats Regulations)

30. In relation to the requirements of Regulations 61 and 62 of the [Habitats Regulations](#) Natural England confirmed that they considered that the original de-packaging facility proposals [S.16/05/4004 W](#) was unlikely to have a significant effect on any European site, and could therefore be screened out from any requirement for further assessment. To justify the conclusions regarding the likelihood of significant effects Natural England commented that

‘The application site lies 5km from the Aqualate Mere SSSI. Natural England have considered the proposal in relation to the type and scale of the proposed process and taken account of the relevant distance thresholds to inform the need for further assessment. Based on the proposed annual throughput of food waste of 45,000 tons per year no further assessment is needed for designated sites more than 1km from the proposed process’.

31. As the proposed development amends the layout but does not alter the scale of the existing AD facility, and the permitted annual throughput of food waste and number of vehicle movements are restricted by the de-packaging facility permission, Natural England’s decision that the proposal can be screened out from any requirement for further assessment is still applicable.

## Findings of Consultations

### Internal

32. **Environmental Advice Team (EAT)** – no objections.
33. **Highways Development Control** (on behalf of the Highways Authority) (HA) – no objections.
34. **Planning Regulation Team** – no comments to make. The applicant has taken on board previous advice regarding the inclusion of the existing tanks in the block plans and elevations.
35. **County Noise Engineer** - no objections. A noise assessment was requested and supplied by the applicant which considers the sound levels likely to arise from the AD and de-packaging facility including HGV movements and the potential effect on nearby receptors: Willow End; Brookfield Farmhouse; and Lower Reule Farmhouse.

The Noise Engineer commented that the conclusions that the impact would be low in the assessment are reasonable. The Noise Engineer also noted that the vehicle numbers are unchanged. The Noise Engineer recommended that appropriate noise conditions requiring best practicable means be employed and wherever possible for vehicles to be fitted with non-audible reversing alarms.

### **External**

36. **Stafford Borough Council (SBC)** – support the application and do not wish to comment.
37. **Stafford Borough Council Environmental Health** – no response received.
38. **Gnosall Parish Council** – A response has not been received in relation to the changes to the AD facility. An objection was however received in response to the de-packaging facility application which stated that:

‘There have been significant changes to the operations carried out at Lower Reule with considerable expansion which could harm the appearance and have a detrimental effect on the local area, residents and neighbouring businesses. It is requested that appropriate checks are carried out and liaison takes place with relevant authorities (Environment agency) on current operations to ensure they meet up to date regulations and adhere to previously approved applications.’
39. **Haughton Parish Council** (the adjoining Parish Council to the site) – no objections.
40. **Church Eaton Parish Council** (the adjoining Parish Council to the site) – no response received.
41. **Environment Agency (EA)** – no objections. The EA commented that the proposed activities would require a reassessment of the current operational Environmental Permit before the engineering is completed. The site plan will have to be redrawn and if the built structure changes the operation of the site, the Environmental Permit and the EMS will also have to be rewritten. The applicant is advised to contact the EA. [Note in their response to the de-packaging application (reference [S.19/08/4004 W](#)) the EA comment that their advice is being followed in relation to the future proposals (the subject of this application ref. [S.20/01/4004 W](#)) in that the addition of the fibre store building will prevent runoff to ground and any odour being released beyond the permitted boundary from the fibrous digestate. Additional digestate storage tanks, will also be a benefit as liquid digestate is currently being stored within an unsuitable lagoon system].

### **Publicity and Representations**

42. Site notice: YES      Press notice: YES
43. Due to changes to the Planning Service as a result of coronavirus (Covid-19) 9 neighbour notification emails were sent out to all those who made a representation on previous applications at the site. 4 representations have been received. The concerns raised are summarised below.

## **Expansion of the site and detrimental effect on the rural character of the local area.**

44. Whilst in principle the AD facility and the production of energy from it is supported, concerns are however raised that a facility of this scale is not appropriate in this location and destroys the beauty of the farm and surrounding countryside. It is commented that the intended scale and nature of the site has changed over time (from original small-scale proposals of pig waste processing to imported food waste processing) and these proposals seek to ensure that the applicant can significantly expand their operations. It is considered that the nature of the facility is proposed to change from a local scale to a regional hub for food processing and storage. Concerns are also raised how the proposed development will impact on existing residents and the farming operations of surrounding tenants and landowners.

## **Lack of screening /landscaping**

45. Visual impact concerns and lack of screening are raised given the proposals for an additional building and storage tanks, the increase in concreting within the site, and the significant extensions to the bunds that would form a perimeter of the site. It is commented that the existing three digestors at the AD site are large and take up much of the site and objections are raised to more tanks and buildings being built. It is also stated that the site is untidy, and the domes of the digester tanks are clearly visible across the countryside from the A518 and public footpaths and there is a lack of tree planting around the site to screen it from view. It is claimed that mitigation planting has been reduced/not implemented. Improved screening should be a requirement if the application is approved.

## **Local amenity**

46. Whilst the improvements are acknowledged in order to comply with environmental regulations, concerns are raised at what the proposals are doing to loss of amenity. It is commented that the operators of both Lower Reule Bioenergy Ltd and Lower Reule Farm Ltd do not live in the vicinity of the site and therefore cannot appreciate the effect their developments have on the health and amenity of residents living near to the site. It is stated that mitigation built into previous decisions is disregarded in later applications, particularly the retrospective de-packaging facility application, or by non-compliance of conditions. Local residents are also not adequately informed of proposals and changes to existing developments.
47. Current and potential increased vehicular traffic is raised as a concern a result of proposed improvements to the site and consolidation of permissions. It is commented that the application highlights the uplift in traffic in the spring and summer months (spreading of liquid digestate) but does not demonstrate how any unacceptable adverse impacts upon the existing highway network will be mitigated. It is commented that the roads in the vicinity are narrow and winding and the heavy traffic use has caused deterioration to the surface, banks and drainage. The flooding has meant that drivers of smaller vehicles have had to make long detours, to the inconvenience of local inhabitants and others. It is also claimed that the operator is exceeding current restrictions on vehicle movements to the site and the waste types into the digestors are queried given the odour. Conditions such as installation of bird boxes haven't been adhered to.

48. The need to consolidate planning permissions is acknowledged however objections raised on previous de-packaging facility application still stand which has impacted on property sales.

### **The development plan policies (and proposals) and the other material planning considerations relevant to this decision**

49. 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.’

50. [Appendix 2](#) lists the development plan policies (and proposals) and the other material planning considerations, relevant to this decision.

### **Observations**

51. Having given careful consideration to the application and supporting information, including the information subsequently received, the 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:
- Any material changes to the site, its surroundings or in terms of development plan policy and other material planning considerations
  - The site-specific considerations and matters raised in representations
  - The opportunity to review and update the existing AD facility planning permission

### **Any material changes to the site, its surroundings or in terms of development plan policy and other material planning policy considerations**

52. The acceptability of an AD facility was established in 2008 through the granting of planning permission [S.08/05/4004 W](#) and changes to the layout, capacity and waste type were approved in 2009 and again in 2013 which enabled the construction of a third digester tank in 2016 (extant permission [S.13/11/4004 W](#)). In July 2015 a dedicated building was permitted (albeit that it wasn't built) to store the separated digestate fibre from the existing AD activities ([S.15/01/4004 W](#)). An ancillary food waste de-packaging facility was approved in December 2016 on land to the south of the AD facility and the former pig buildings were demolished in June 2018 and ground preparation began for construction of the new building (ref. [S.16/05/4004 W](#)

which is now being varied by the current application [S.19/08/4004 W](#)).

53. Commentary: With reference to the Planning History there have been no material changes to the actual AD facility site since the layout was changed in 2013 ([S.13/11/4004 W](#)). Approval for the ancillary food waste de-packaging facility on the adjacent site to the south in 2016 is however a significant change in the immediate vicinity of the site. The ownership of Lower Reule Bioenergy Ltd changed in 2017 and the new owners have implemented the 2016 permission albeit with proposed changes in a revised location. The building has been built 8 metres further south than the original scheme and closer to the private drive; and, amendments to the original scheme have been made to make the facility Environment Agency (EA) and Animal By-Products Regulations (ABPR) compliant.
54. A significant change once the de-packaging facility is operational is in terms of vehicle movements. Food waste would be pumped from the de-packaging facility to the AD facility and so once the de-packaging facility is operational, vehicle movements to the facility would off-set the existing vacuum tanker movements of liquid food waste direct to the AD facility.
55. Another change to the site's surroundings is the demolition of the farm buildings to the west, outside of the control of Lower Reule Bioenergy Ltd, which has made the de-packaging building and AD site more visible. Originally no mitigation was proposed in previous planning permissions between the site and Brookfield Farmhouse as an agricultural building permitted by Stafford Borough Council (SBC) was to be built measuring 23 metres x 40 metres x 12 metres high (ref. [11/14903/FUL](#)). As the building hasn't been built, landscaping along the western boundary is now proposed by Lower Reule Bioenergy Ltd.



Photograph 5 - Looking from the access road across the land to the west of the AD facility and de-packaging building and east of Brookfield Farm where farm buildings have been demolished for the construction of a large storage building for use by Lower Reule Farm Ltd.

56. In terms of the policy considerations a significant change is that the [National Planning Policy Framework](#) (NPPF) was updated in February 2019. The original 2008 AD proposal was considered against National Policy (PPS1, PPS7, and PPS10) and the 2013 AD proposal was considered against the NPPF published in 2012 and also National Waste Policy PPS10 and Local Policy in the former Waste Local Plan and Structure Plan and Draft Plan for Stafford Borough, all of which have subsequently been superseded. The 2016 proposal for the de-packaging facility and the 2015 proposal for the dedicated building to store fibre digestate were however considered against the [National Planning Policy for Waste](#) published in October 2014; the [Staffordshire and Stoke on Trent Joint Waste Local Plan \(2010 – 2026\)](#) adopted in 2013; and [The Plan for Stafford Borough](#) (adopted 19 June 2014). These remain unchanged and still form the Development Plan and promote a more sustainable and efficient approach to resource use and waste management and highlight the importance of putting in place the right waste management infrastructure at the right time in the right location.
57. Conclusion: The earlier and current national waste and local waste planning policies promote the principles of sustainable waste management and the changes are required to make both the AD/Biogas facility and the ancillary de-packaging facility work together in a compliant and efficient way. The existing processes are under performing and in breach of EA legislation and the proposals would remediate this. Therefore, having regard to the development plan policies and other material planning policy considerations referred to above, it is reasonable to conclude that in waste planning policy terms the amendments to the AD facility layout are acceptable in principle. The site-specific considerations are discussed below.

#### **The site-specific considerations and matters raised in representations**

58. The [Staffordshire and Stoke-on-Trent Waste Local Plan](#) (policies 3.1 and 4.2); [The Plan for Stafford Borough \(Local Plan\) \(2011 – 2031\)](#) (policies N1 and N8); the revised [National Planning Policy Framework](#) (sections 8, 9, 12, 14 and 15); and, the [National Planning Policy for Waste](#) (paragraph 7 and Appendix B) require developments to be well designed particularly ensuring that the design and layout complements sustainable waste management and that on-site operations do not have a significant adverse impact; and, the environment and amenity of the area is protected. [Gnosall Neighbourhood Plan](#) (Policies 2 and 6) also supports rural diversification and good design.
59. Commentary: A revised layout for the AD facility is now sought to regularise the area where the third digester tank has been built and also permission is sought for the erection of two end storage tanks for digestate to replace the 2 leased lagoons (at Lower Reule Farm) previously used. The application also increases the permitted area of the AD facility use of the site to include the area where a dedicated building (592 square metres in area) to store the separated digestate fibre (to replace planning permission ref. [S.15/01/4004 W](#)) is to be built. The additional area is within the permitted site boundary for the de-packaging facility site (ref [S.16/05/4004 W](#)).
60. Whilst statutory consultees have no objections, concerns have been received from local residents regarding: the expansion of the site; the lack of screening/landscaping; and, the impact on local amenity.

## Capacity of the Site

61. For the avoidance of doubt the capacity of the AD facility has not /is not being increased in size or electricity output. There is also no change to number of vehicle movements. The applications submitted are to consolidate the scheme with a more efficient process including odour and noise controls and EA compliance.

## Screening /Landscaping

62. The AD facility and de-packaging building are visible in the landscape and the site area is bound by hedgerow and tree planting and bunds. The two 6-metre high end store tanks and the 12.8-metre-high fibre store building proposed would be viewed within the context of three existing 10-metre-high digester tanks, two existing 7-metre-high feedstock storage tanks and a 3.5-metre-high service building within the boundary of the AD facility site. The new structures would also be viewed against the de-packaging building (13.35 metres at ridge height and 12.6 metres at the eaves) to the south of the AD site.
63. Whilst planting schemes were approved as part of previous AD facility and de-packaging facility permissions, no mitigation landscaping was originally proposed on the western boundary. As the farm buildings have now been demolished to the west (SBC permission ref. [11/14903/FUL](#)) and the site is more visible, additional hedge planting along the whole of the western boundary to the AD/Biogas site and de-packaging site, to match existing approved landscaping schemes on the other boundaries, is now proposed.

## Local Amenity

64. The extant permissions have conditions which control throughput, waste types, hours of operation, vehicle movements, odour and noise control. As the existing processes are under performing the changes to the site layout would provide greater efficiencies and meet the requirements of the EA.
65. It is relevant to note the government guidance on waste which explains that:
- ‘There exist a number of issues which are covered by other regulatory regimes and waste planning authorities should assume that these regimes will operate effectively (emphasis added). The focus of the planning system should be on whether the development itself is an acceptable use of the land and the impacts of those uses, rather than any control processes, health and safety issues or emissions themselves where these are subject to approval under other regimes. However, before granting planning permission they will need to be satisfied that these issues can or will be adequately addressed by taking the advice from the relevant regulatory body.’ (ref. Guidance – Waste - [Regulatory regimes](#)).
66. The day-to-day operations would continue to be controlled by an Environmental Permit regulated by the EA. The EA have commented that their advice is being followed by the applicant.
67. Furthermore, 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?').

68. There is already a restriction on vehicle movements and a restriction for vehicles leaving the Site to turn right onto the public highway C0139 Church Eaton Road (Cowley Lane). No left turn towards Church Eaton is permitted.
69. In respect of improving community engagement, Lower Reule Bioenergy Ltd propose to issue a monthly newsletter to neighbours, the Parish Council and local schools to keep them informed of what is happening on the site including engaging with a local school, supplying materials for them to build bird boxes and then erect them on site and invite them for a tour around the site seeing their boxes in place. (Bird boxes are a requirement of the 2016 permission once the de-packaging building is constructed).
70. Conclusion: Having regard to the site-specific considerations and matters raised in representations referred to above, it is reasonable to conclude that the proposed development would not give rise to any materially harmful impacts, subject to the conditions recommended below.

### **The opportunity to review and update the planning permission**

71. The extant planning permission for the AD facility was issued in September 2013 ([S.13/11/4004 W](#)). This is an opportunity to review and update the existing 21 conditions of that permission where it is reasonable and necessary to do so; to take account of the revised [National Planning Policy Framework](#) and the policies in the [Staffordshire and Stoke on Trent Joint Waste Local Plan](#), (Policy 3.1, Policy 4.1 and Policy 4.2)) to secure good design and the operation of the site to high environmental standards; to take account of the approved details which have discharged the relevant conditions; and, to include the new elements which include construction of the relocated fibre store and the new digestate storage tanks.

### **Overall Conclusion**

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

### **Recommendation**

73. **Permit** the application to consolidate the existing Anaerobic Digestion (AD) facility / biogas facility (planning permission ref. [S.13/11/4004 W](#)) and amendments to the layout including: relocation of separator; new concrete road within the site; erection of new building to replace and relocate the existing store for separated digestate fibre (planning permission ref. [S.15/01/4004 W](#)); and erection of two end storage

tanks for liquid digestate to replace the lagoons previously used at Lower Reule Bioenergy Ltd, Brookfield Farm, Cowley, Gnosall, Stafford subject to conditions.

The conditions repeat and update the relevant existing conditions of permission reference [S.13/11/4004 W](#) and [S.15/01/4004 W](#). The updated conditions are indicated in **bold**.

**The conditions** to include the following:

1. Definition of consent [**Update to include reference to the documents and plans of the existing and new permissions and approved details**].
2. Commencement of the development [**Update to state that this is a consolidating planning permission that has already commenced however operator is required to notify the Waste Planning Authority within two weeks of the date when fibre store and tanks are brought into use**].
3. Cessation of the development - notification within 7 days in the event that operations associated with the AD development cease.
4. Site clearance within 12 months of the cessation of AD operations and restored to an agricultural condition.
5. Expiry of the permission when the site has been cleared.
6. Site layout [**Update to refer to approved site layout plans, Fibre Store drawings, End store tank details**].
7. Landscaping [**Update to refer to approved site layout drawing; approved planting details; and planting to be continued around western boundary of the site in the first available planting season**].
8. Construction of earth bunds [**Update to refer to Proposed containment design plan**].
9. Waste type [**Update to state restricted to non-hazardous municipal, commercial and industrial food waste pumped from the ancillary adjacent de-packaging facility. Include in emergency situation where direct imports of tankered waste are allowed in the event that the de-packaging facility is not operational**].
10. Quantity of waste restricted to a maximum of 45,000 tonnes in any 12-month period.
11. Restriction on Permitted Development Rights.
12. Hours of Operation [**Update to state that emergency operations include direct waste deliveries by tanker only in the event that the ancillary adjacent de-packaging facility is not operational and cannot pump the feedstock**].

**No operations hereby permitted, other than for emergency operations and the maintenance of plant and equipment which is essential for reasons of health and safety, including waste deliveries when the ancillary de-packaging facility is non-operational shall take place at the Site other than between the following hours:**

- **07:00 to 07:00 hours Monday to Saturday**
  - **07:00 to 19:00 hours on Saturday**
  - **08:00 to 17:00 hours Sundays, Bank or Public Holidays].**
13. Emergency operations outside the normal permitted hours shall be reported to the Waste Planning Authority within 3 days of the event occurring **[Update to cross reference to the Hours of Operation condition number].**
14. The Site shall remain locked when the Site is unsupervised **[Update to cross reference to the Hours of Operation condition number].**
15. Access to the Site **[Update to refer to approved layout plan].**
16. All HGVs /service vehicles associated with the development shall leave the Site and join the public highway by turning right only.
17. No HGVs /service vehicles associated with the development shall leave the Site in a condition whereby mud, dirt or deleterious material is deposited on the public highway.
18. Waste carrying vehicle movements **[Update to state that emergency operations include direct waste deliveries by tanker only in the event that the ancillary adjacent de-packaging facility is not operational and cannot pump the feedstock. Repeat current restriction:**
- Waste carrying vehicles delivering to the Site shall not exceed 120 movements (60 in and 60 out) per week:**
- a) **a 6-day average of no more than 18 movements per day (9 in and 9 out) Monday to Saturday; and,**
  - b) **no more than 12 movements per day (6 in and 6 out) on Sundays and Bank or Public Holidays].**
19. General Environmental Protection.
20. Best practicable means shall be employed to minimise noise including keeping external doors closed, plant and machinery used or controlled by the operator within the Site being operated with engine covers closed, and with effective silencers fitted. Wherever possible, and without contravening health and safety requirements, all vehicles shall be fitted with non-audible reversing/warning safety systems which shall be maintained in accordance with the manufacturer's specification for the duration of operations.
21. General Appearance of the Site.

22. No burning of materials on the Site.
23. Litter picking of the site on a daily basis.
24. External lighting positioned to minimise light spillage and so as not to cause glare or nuisance to the occupiers of neighbouring businesses and to road users.
25. Drainage Scheme.
26. Storage of oils, fuels or chemicals sited on impervious bases and surrounded by impervious bunds.
27. Record keeping. **[Update to include records of vehicles delivering feedstock in the event of an emergency due to the ancillary de-packaging facility being non-operational].**

Informative 1: Knowledge of the Conditions

Informative 2: Advice from the Environment Agency (refer to relevant advice from previous permissions S.13/11/4004 W, S.09/05/4004 W and S.08/05/4004 W)

Informative 3: Community engagement advice.

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*Due to current Coronavirus restriction, the list of background papers for this report is only available on request by email sent to [planning@staffordshire.gov.uk](mailto:planning@staffordshire.gov.uk) and can only be provided by email.*

## Appendix 1 Relevant Planning History

### Anaerobic Digestion (AD) /Biogas Facility

[S.08/05/4004 W](#) In August 2008 permission was granted for construction of a biogas facility including one service building, two fermenters, two storage tanks and a pad for silage. A landscaping scheme and wheel cleaning measures were later approved in April 2009 to discharge conditions 6, 7 and 9 ([S.08/05/4004 W D1](#)).

[S.09/05/4004 W](#) In May 2009 the site layout was varied, the digester size increased from 24,000 cubic metres to 30,000 cubic metres per annum (sufficient to generate 1.3MW of electricity), and the type of waste input was increased from on-site pig and cow slurry wastes to include municipal kitchen waste and de-packaged food waste. Permitted working hours were also increased from starting at 08:00 hours to 07:00 hours and finishing at 19:00 hours Monday to Friday and starting at 08:00 hours until 19:00 hours on Saturdays. Operations with the exception of deliveries of waste were also allowed from 08:00 hours to 17:00 hours Sundays and Bank Holidays. The number of vehicle movements were also increased from 6 to 10 per day. Drainage details were approved in July 2009 to discharge condition 16 ([S.09/05/4004 W D1](#)), and measures to minimise odour (alkaline scrubber system or carbon absorber) were approved in December 2009 to discharge condition 13 ([S.09/05/4004 W D2](#)).

[S.13/11/4004 W](#) In September 2013 the site layout was varied again in order to construct a third digester tank and increase the capacity of the facility to accept 45,000 tonnes of feedstock per annum and increase the electricity generation to 2.25MW. Also, as the AD facility is an automated process that operates 24 hours per day, 7 days per week, in order to ensure that the AD facility operates continuously, the operating hours and vehicle movements were varied. The planning permission allows 18 movements per day Monday to Saturday with no more than 12 movements Sundays, Bank or Public Holidays. 24 operating hours are also allowed: 07:00 – 07:00 hours Monday to Saturday. Earlier operating is allowed on Saturdays: 07:00 – 19:00 hours, however hours including waste deliveries remain the same for Sundays, Public and Bank Holidays: 08:00 – 17:00 hours. 2 weeks' notice was given in August 2016 for the commencement of construction works on the third digester tank (ref. [S.13/11/4004 W D1](#)).

[S.15/01/4004 W](#) In July 2015 a dedicated building (15m in length, 13m in width, and 12.8m in height with a storage capacity of 250 tonnes) was permitted to store the separated digestate fibre from the existing AD activities. The building was to be constructed on the site of the existing open air separate digestate fibre store adjacent to the entrance to the AD facility.

### De-packaging Facility

[S.16/05/4004 W](#) In December 2016 permission was granted for demolition of existing farm building(s) and construction of a new building for use as a food de-packaging facility ancillary to the adjacent Anaerobic Digestion facility. The planning permission has 33 conditions, and the approved documents and plans (Condition 1) are being varied by the current application [S.19/08/4004 W](#). To summarise the permission approved the following:

- Building with total footprint of 1,350 square metres measuring 45.8 metres long by 30.8 metres wide and 13.35 metres at ridge height (12.6 metres at the eaves) in order to accommodate the requirement for articulated tipping lorries. The design is a steel portal framed concrete block structure with metal

cladding in a combination of non-reflective dark (forest) green and grey to match the existing structures on the adjacent AD site. Two 'in' and 'out' high speed roller shutter door entrances would be provided to ensure odour control and to facilitate efficient site operations. Equipment within the building would consist of a portable compactor, conveyors, a macerator, a separator, pumps, and telehandler and forklift.

- To the rear/north of the de-packaging building would be an area for odour abatement equipment, and a 500m<sup>3</sup> above ground stainless steel liquid feedstock storage tank. Processed liquid feedstock from the de-packaging facility would be piped to the liquid feedstock storage tank before being fed directly to the digester tanks.
- An area of external concrete storage bays (for empty pallets, Intermediate Bulk Containers, animal manure and silage) would be located on the west side of the site, opposite the main entrance, and all above ground storage tanks would be located next to the western elevation of the building to minimise the connection distances from processing machinery and to allow for easy access.
- Portacabin offices and staff welfare units and car parking would be located to the south of the building next to the main entrance to the facility. The 2 portacabins would be 10 metres long by 3 metres wide by 2.5 metres high and would be stacked one on top of another (maximum 2 high).
- A new fully automated weighbridge would be installed and there would be two entrances/exits from the access road to the site. [The existing direct access to the AD site would be retained but the existing security fencing to the AD facility would be extended to the east, south and west sides of the proposed de-packaging facility with access gates for each entrance. This would comprise of a metal mesh fence with concrete posts].
- Landscaping would be extended around the de-packaging facility supplementing the planting around the AD facility. [The north of the site is formed by the existing bund to the AD facility. This would be retained in addition to the existing hedgerow and tree planting along the eastern and northern boundaries of the AD facility site (the planting scheme was approved [S.08/05/4004 W D1](#)) which would be extended around the de-packaging site].
- Condition 13 of the permission restricts the type of waste imported on to the site to non-hazardous municipal, commercial and industrial food waste and packaging thereof.
- Condition 14 restricts the quantity of waste material to a maximum of 45,000 per annum.
- Condition 18 restricts the hours of operation (including vehicle deliveries) to:  
  
07:00hrs - 19:00hrs Monday to Friday;  
07:00hrs - 17:00hrs Saturday;  
08:00hrs - 17:00hrs Sundays and Bank or Public Holidays.

- Condition 25 restricts vehicle movements to 120 movements (60 in and 60 out) per week:
  - a) a 6-day average of no more than 18 movements per day (9 in and 9 out) Monday to Saturday; and,
  - b) no more than 12 movements per day (6 in and 6 out) on Sundays and Bank or Public Holidays
- Details of a foul and surface water drainage scheme were approved in June 2018 ([S.16/05/4004 W D1](#)) to discharge Condition 32. Details of a pre-demolition nesting bird check carried out on 11 February 2018, immediately prior to the demolition of the buildings, were acknowledged on 14 May 2018 ([S.16/05/4004 W D2](#)) in accordance with Condition 8. Notification of the commencement date (29 May 2018) of construction of the building for use as food de-packaging facility building was acknowledged 15 June 2018 ([S.16/05/4004 W D3](#)) in accordance with Condition 3 (a).

[S.19/08/4004 W](#) Application to vary (not comply with) Condition 1 (Approved documents and plans) of planning permission ref. S.16/05/4004 W relating to: amendments to the location of the weighbridge and office; reduction of the landscape area (trees and hedges retained as approved); the increase of the 'lean to' size; inclusion of pasteurising equipment; relocation of liquid storage tanks; relocation of odour control (now referenced bio filter); relocation of post pasteurization tank and, amendments to the northern elevation of the food de-packaging facility ancillary to the adjacent Anaerobic Digestion facility. [Application not yet determined].

### **Lower Reule Farm**

Lower Reule Farm began growing soft fruit in 1976 and provides all of its produce for supermarkets in the UK. Planning permission (reference [14/19941/FUL](#)) was granted in July 2014 by Stafford Borough Council (SBC) for the retention of over 12 hectares of polytunnels, and followed previous consents for 14.55 hectares and 11.8 hectares in 2009 and 2010 respectively. Polytunnel retrospective applications were received by SBC in March 2020 which are yet to be determined. The applications apply for the option to clad the tunnels in either clear or yellow polythene (Variation of condition 2 on application 09/11930/FUL; Variation of condition 2 on 10/14371/FUL, variation of condition 8 on 14/19941/FUL).

In December 2014 permission ( ref [14/21039/FUL](#) ) was granted by Stafford Borough Council for the demolition of the existing pack house building and erection of a replacement soft fruit chilled storage and pack house building in its place. The dimensions of the steel framed building finished in matte dark green steel cladding being 48 metres deep x 37 metres wide x 6.4 metres high to the eaves x 9.9 metres high to ridge. There are no restrictions on hours of operation or vehicle movements on the permission.

Since 1994 there however had been caravans on site occupied by seasonal workers. Permanent permission (ref [13/19179/COU](#)) was granted in October 2013 by Stafford Borough Council for the siting of caravans to house seasonal workers, this followed a temporary 2 year permission being granted in November 2008.

### **Land between Brookfield Farm and the application site**

In November 2011 Stafford Borough Council permitted the demolition of a farm building

adjacent to the application site and erection of an agricultural building (23 metres x 40 metres x 12 metres high (8 metres at eaves- roller door opening 10 metres high)) (ref. [11/14903/FUL](#)). Whilst demolition has taken place, the building has not been built.

### **Units 5a and 5b Sprint Industrial Estate, Four Ashes, Staffordshire**

Units 5a and 5b have been the subject of a number of planning permissions for the sorting and de-packaging of food waste by the company Lower Reule Bioenergy Ltd (LRBL). Permission was first granted for Unit 5a in July 2009 ([SS.09/03/655 W](#)) and permission was later granted for the adjoining premises Unit 5b in September 2010 ([SS.10/11/655 W](#)). Operating hours were then amended in October 2010 to allow operations on Saturday afternoons and on Bank Holidays ([SS.10/13/655 W](#)). In April 2011 a consolidating permission was then granted ([SS.10/19/655 W](#)) which allowed Units 5a and 5b to continue to operate as a joint site for the sorting and de-packaging of food waste and permission was also granted to demolish the existing industrial store and erect new office and staff facilities. The capacity of the facility was restricted to 45,000 tonnes of waste per annum (Condition 6) and waste movements restricted to no more than 5 bulked/tankered food waste exports from the Site (for delivery to Brookfield Farm) in any one day (Condition 7). No operations or deliveries were allowed on Sundays and the hours of operation were restricted to 0700 to 1900 Monday to Friday and 0700 to 1700 Saturday, Bank or Public Holidays (Condition 15 & 16). The de-packaging facility ceased operation in 2019.

In February 2016 planning permission was granted to 'Thermal Recycling (UK) Limited' for a change of use of Units 5a and 5b, which housed the de-packaging activity, to accommodate a facility for the thermal recycling of asbestos wastes (ref. [SS.14/18/655 W](#)). The facility is currently understood to be pre-operational.

LRBL were granted planning permission in June 2016 for the alteration and change the of use of existing industrial unit (Unit 5) to a food waste de-packaging facility including relocation of portacabin office and staff mess room from Units 5A and 5B Sprint Industrial Estate ([SS.15/10/6011 W](#)). This application was not implemented.

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

## **Appendix 2 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 Joint Waste Local Plan \(2010 – 2026\)](#)

(adopted 22 March 2013):

- Policy 1: Waste as a resource
  - - Policy 1.1 General principles
- Policy 2: Targets and broad locations for waste management facilities
  - Policy 2.1 Landfill diversion targets
  - Policy 2.2 Targets for new waste management facilities required by 2026 to manage municipal, commercial & industrial, and construction, demolition & excavation waste streams
  - Policy 2.3 Broad locations
- Policy 3: Criteria for the location of new and enhanced waste management facilities
  - Policy 3.1 General requirements for new and enhanced facilities
  - Policy 3.2 Exceptions criteria for organic treatment in farm locations close to the urban areas/ broad locations
- Policy 4: Sustainable design and protection and improvement of environmental quality
  - Policy 4.1 Sustainable design
  - Policy 4.2 Protection of environmental quality

A [5-year review of the Waste Local Plan](#), completed in December 2018, concluded that there is no need to update the plan policies and therefore they continue to carry weight in the determination of planning applications for waste development.

#### [The Plan for Stafford Borough](#) (adopted 19 June 2014)

- Spatial Principle 1 (SP1): Presumption in favour of sustainable development
- Spatial Principle 6 (SP6): Achieving Rural Sustainability
- Spatial Principle 7 (SP7): Supporting Location of New Development
- Policy E1: Local Economy
- Policy E2: Sustainable Rural Development
- Policy T1 Transport
- Policy N1 Design
- Policy N2: Climate Change
- Policy N4 The Natural Environment & Green Infrastructure
- Policy N8: Landscape Character

#### [Gnosall Neighbourhood Plan](#) (made /adopted 24 November 2015)

- Key Objective K01: Employment, Rural Diversification and the Local Economy

- Key Objective KO4: Environmental Protection and Community Facilities
- Policy 2 – Rural Diversification
- Policy 6 – Support for Good Design

### The other material planning considerations

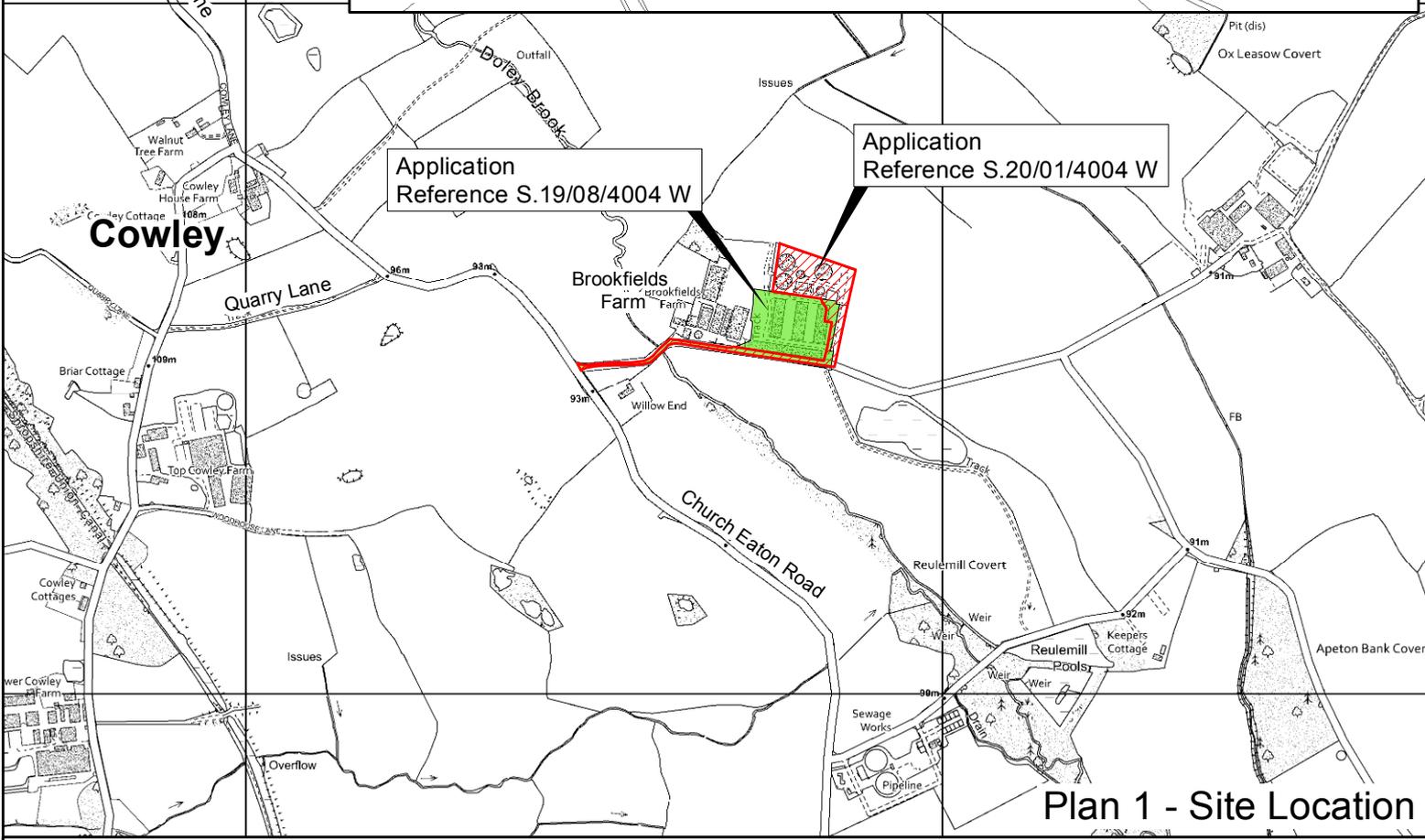
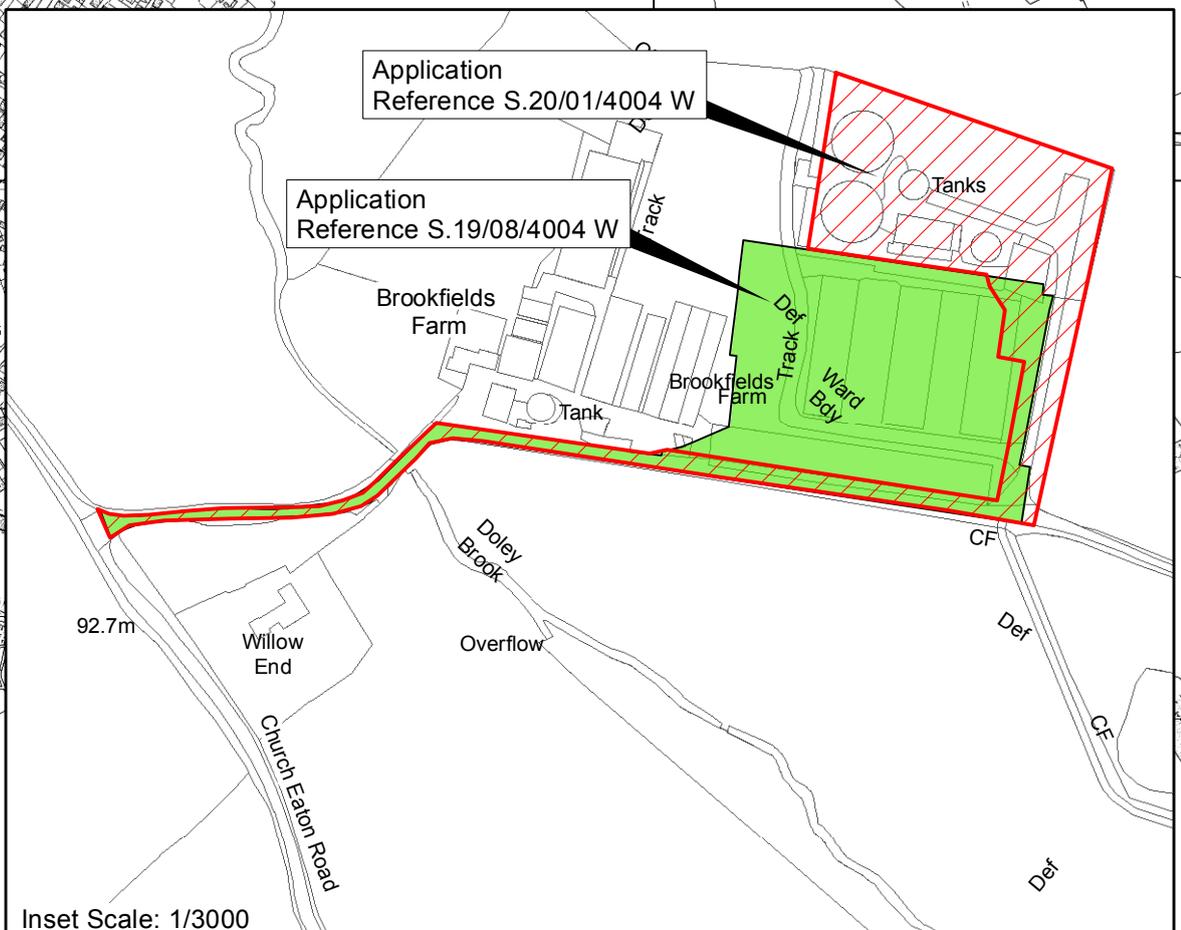
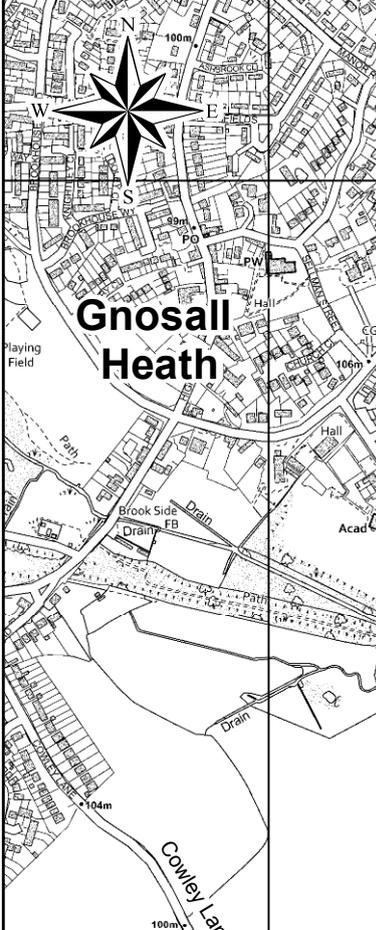
- [National Planning Policy Framework](#) (updated February 2019):
  - [Section 1](#): Introduction
  - [Section 2](#): Achieving sustainable development
  - [Section 4](#): Decision-making
  - [Section 6](#): Building a strong, competitive economy
  - [Section 8](#): Promoting healthy communities
  - [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
- [Planning Practice Guidance](#)
  - [Design](#)
  - [Flood risk and coastal change](#)
  - [Health and wellbeing](#)
  - [Light pollution](#)
  - [Natural environment](#)
  - [Noise](#)
  - [Renewable and low carbon energy](#)
  - [Travel Plans, Transport Assessments and Statements](#)
  - [Use of planning conditions](#)
  - [Waste](#)
    - [Determining planning applications](#)
    - [Regulatory regimes](#)
- [National Planning Policy for Waste](#) (published on 16 October 2014)
  - Determining planning applications (paragraph 7)
  - Appendix A - the waste hierarchy – in descending order - prevention; preparing for re-use; recycling; other recovery; disposal
  - Appendix B – locational criteria:
    - a) protection of water quality and resources and flood risk management
    - b) land instability
    - c) landscape and visual impacts
    - d) nature conservation
    - e) conserving the historic environment
    - f) traffic and access
    - g) air emissions
    - h) odours
    - i) vermin and birds
    - j) noise, light and vibration

- k) litter
- l) potential land use conflict

- The new waste strategy [‘Our Waste, Our Resources: A Strategy for England’](#) published in December 2018

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





Plan 1 - Site Location

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**Staffordshire**  
County Council

Planning, Policy  
& Development Control,  
Staffordshire County Council,  
No.1 Staffordshire Place,  
Stafford, ST16 2LP.  
Telephone 0300 123 8000

Lower Reule Bioenergy Ltd. a) Application to vary (not comply with) Condition 1 (Approved documents and plans) of planning permission ref. S.16/05/4004 W relating to: amendments to the location of the weighbridge and office; reduction of the landscape area (trees and hedges retained as approved); the increase of the 'lean to' size; inclusion of pasteurising equipment; relocation of liquid storage tanks; relocation of odour control (now referenced bio filter); relocation of post pasteurization tank and, amendments to the northern elevation of the food de-packaging facility ancillary to the adjacent Anaerobic Digestion plant ref S.19/08/4004 W and b) Application to consolidate the existing Anaerobic Digestion (AD) facility / biogas facility (planning permission Ref. S.13/11/4004 W) and amendments to the layout including: relocation of separator; new concrete road within the site; erection of new building to replace and relocate the existing store for separated digestate fibre (planning permission Ref. S.15/01/4004 W); and erection of two end storage tanks for liquid digestate to replace the lagoons previously used ref. S.20/01/4004 W, Lower Reule Bioenergy Ltd, Brookfield Farm, Cowley, Gnosall, Stafford.



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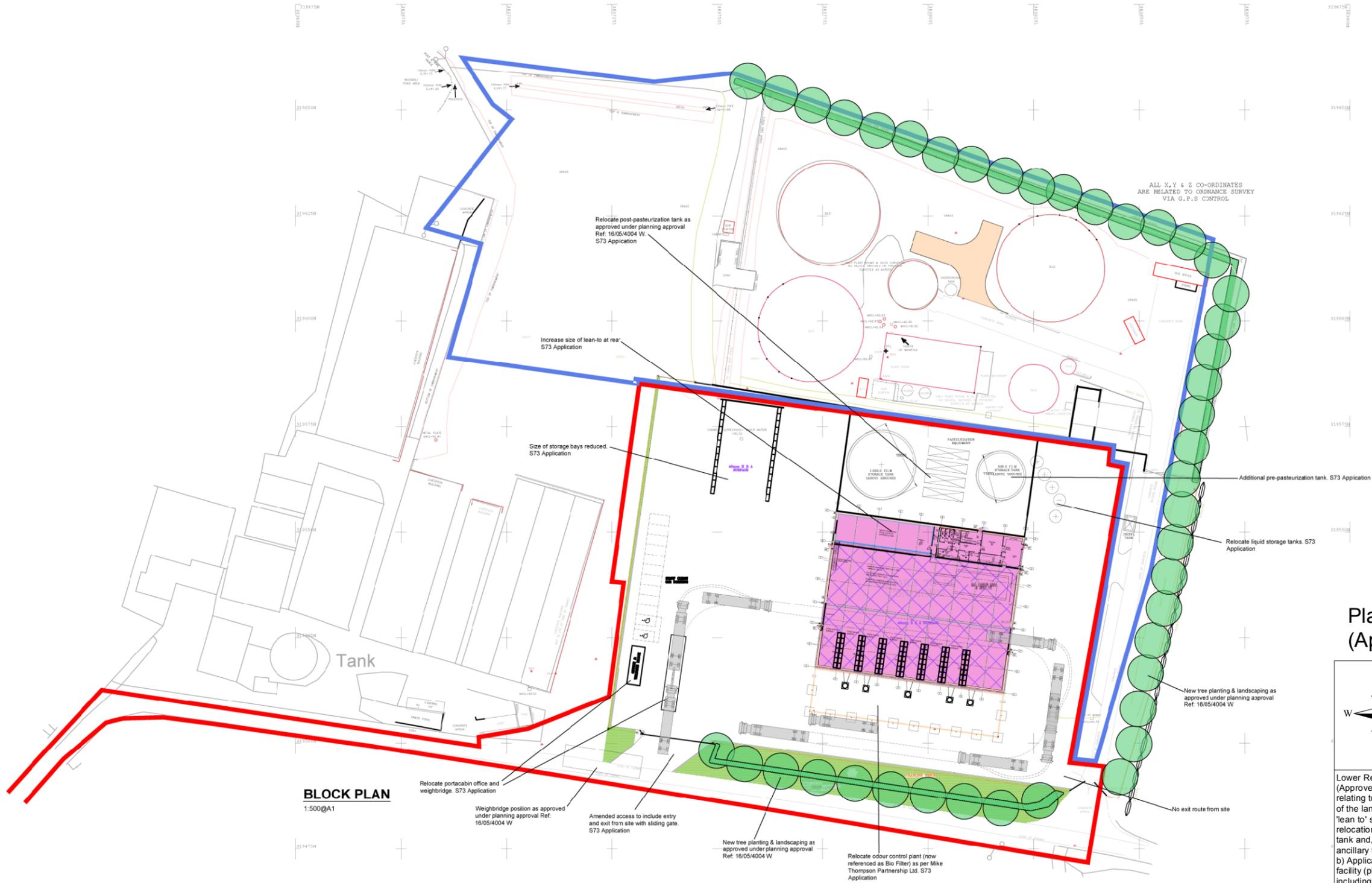
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CDM - For the avoidance of doubt the Principal Contractor is reminded that he is fully and solely responsible for the day-to-day management of site safety.

Compliance with the construction design and management regulations (CDM) is the sole responsibility of the client unless we are otherwise instructed in writing.

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ALL X, Y & Z CO-ORDINATES  
ARE RELATED TO ORDNANCE SURVEY  
VIA G.P.S CONTROL

**BLOCK PLAN**  
1:500@A1

**Plan 2 - Site Layout**  
(Application Ref. S.19/08/4004 W)



Lower Reule Bioenergy Ltd. a) Application to vary (not comply with) Condition 1 (Approved documents and plans) of planning permission ref. S.16/05/4004 W relating to: amendments to the location of the weighbridge and office; reduction of the landscape area (trees and hedges retained as approved); the increase of the 'lean to' size; inclusion of pasteurising equipment; relocation of liquid storage tanks; relocation of odour control (now referenced bio filter); relocation of post pasteurization tank and, amendments to the northern elevation of the food de-packaging facility ancillary to the adjacent Anaerobic Digestion plant ref S.19/08/4004 W and b) Application to consolidate the existing Anaerobic Digestion (AD) facility / biogas facility (planning permission Ref. S.13/11/4004 W) and amendments to the layout including: relocation of separator; new concrete road within the site; erection of new building to replace and relocate the existing store for separated digestate fibre (planning permission Ref. S.15/01/4004 W); and erection of two end storage tanks for liquid digestate to replace the lagoons previously used ref. S.20/01/4004 W, Lower Reule Bioenergy Ltd, Brookfield Farm, Cowley, Gnosall, Stafford.

Date : 17/03/20	Scale : Not to Scale
O.S. Grid Ref : SJ.837 195	Ref : S.19/08/4004 W & S.20/01/4004 W

# BLOCK PLAN



# NEW WASTE APPLICATION

DO NOT SCALE THIS DRAWING

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Client/Contractor is to be responsible for locating any underground services.

**CDM Regulations** - Where applicable the designers hazard identification sheets to be read in conjunction with all consultants drawings, specifications and existing record drawings. It is considered that a competent contractor will be able to identify hazards associated with the project from the information above, and take the necessary precautions to deal with any risks to health and safety.  
CDM - for the avoidance of doubt the Principal Contractor is reminded that he is fully and solely responsible for the day to day management of site safety.

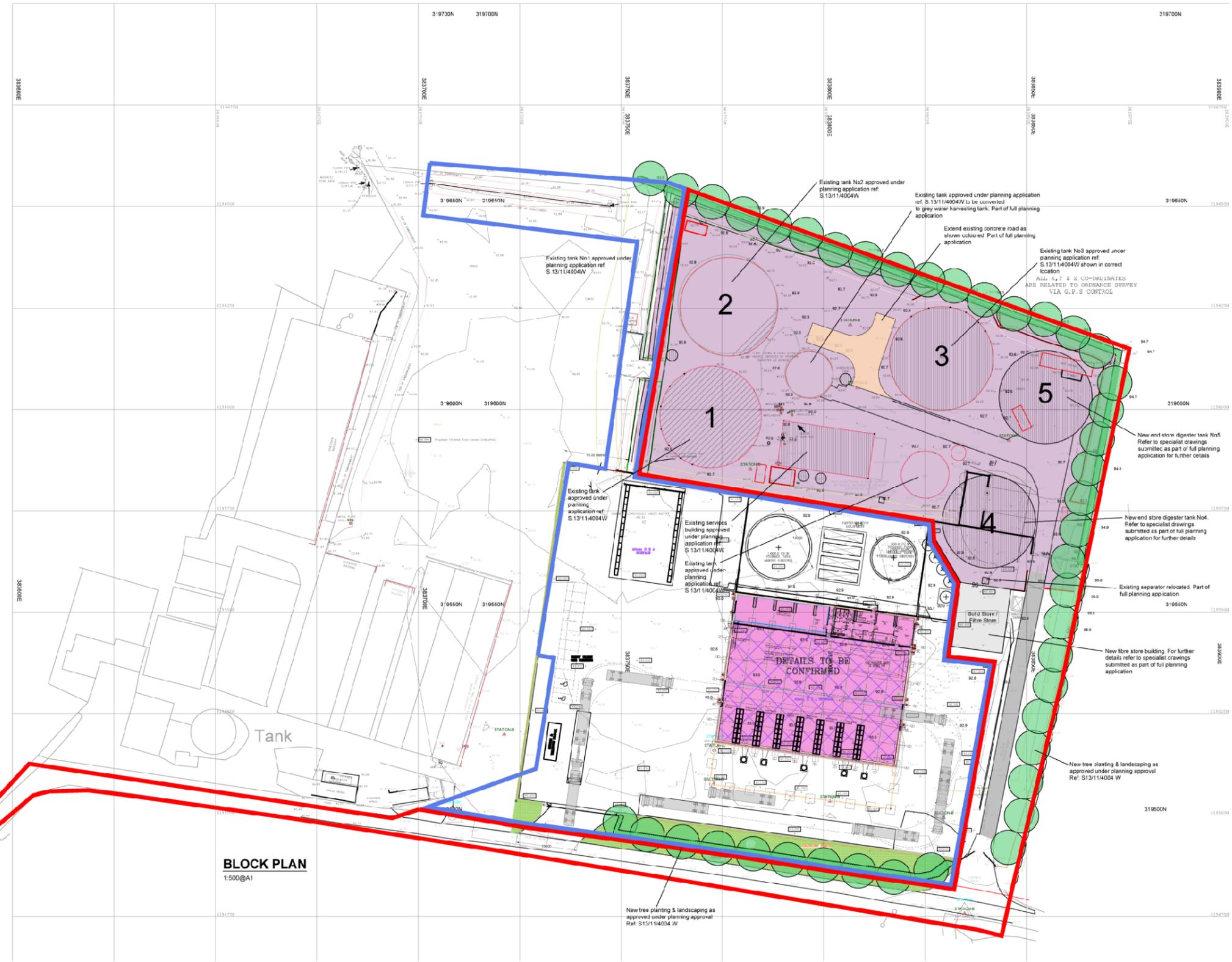
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**CONSTRUCTION NOTES GENERALLY:**  
Notwithstanding anything contained in this document or any other document forming part of the basis of the works every aspect of the work/installation is to comply with all requirements and all recommendations of all relevant Associations, Manufacturers, BPE Codes, British Standards, Codes of Practice, Building Regulations, Dye Laws, Acts, Regulations, Planning Authority, Environmental Health Department, Fire Authorities, Water Authorities, Gas Authority, Electricity Authority, Institute of Heating and Ventilating Engineers and IEE Regulations.

**NOTES:**  
FOR FULL DETAILS PLEASE READ THIS DRAWING IN CONJUNCTION WITH THE LATEST REVISION OF THE FOLLOWING DPA LTD DRAWINGS:

- BR-10 G.A FLOOR PLANS - OFFICES
- BR-11 G.A FLOOR PLANS - DRYING ROOM
- BR-12 GROUND FLOOR G.A FLOOR PLAN - OVERALL
- BR-13 F FLOOR PLAN G.A FLOOR PLAN - OVERALL
- BR-14 PARTITION FLOOR PLANS - OFFICES
- BR-18 GROUND FLOOR FIRE PLAN - OVERALL
- BR-19 FIRST FLOOR FIRE PLAN - OVERALL
- BR-30 SECTION A-A (1:20)
- BR-90 CONSTRUCTION & B. REGS NOTES

**PLEASE NOTE:** IT IS THE CONTRACTOR'S RESPONSIBILITY TO CHECK ALL DIMENSIONS ON SITE. DIMENSIONS MUST NOT BE SCALED FROM THIS DRAWING. ANY DISCREPANCIES BETWEEN PROJECT DRAWINGS OR DOCUMENTS TO BE BROUGHT TO THE IMMEDIATE ATTENTION OF THE ARCHITECT IN WRITING.



**BLOCK PLAN**  
1:500@A1

**Plan 3 - Site Layout**  
(Application Ref. S.20/01/4004 W)



Lower Reule Bioenergy Ltd. a) Application to vary (not comply with) Condition 1 (Approved documents and plans) of planning permission ref. S.16/05/4004 W relating to: amendments to the location of the weighbridge and office; reduction of the landscape area (trees and hedges retained as approved); the increase of the 'lean to' size; inclusion of pasteurising equipment; relocation of liquid storage tanks; relocation of odour control (now referenced bio filter); relocation of post pasteurization tank and, amendments to the northern elevation of the food de-packaging facility ancillary to the adjacent Anaerobic Digestion plant ref S.19/08/4004 W and b) Application to consolidate the existing Anaerobic Digestion (AD) facility / biogas facility (planning permission Ref. S.13/11/4004 W) and amendments to the layout including: relocation of separator; new concrete road within the site; erection of new building to replace and relocate the existing store for separated digestate fibre (planning permission Ref. S.15/01/4004 W); and erection of two end storage tanks for liquid digestate to replace the lagoons previously used ref. S.20/01/4004 W, Lower Reule Bioenergy Ltd, Brookfield Farm, Cowley, Gnosall, Stafford.

Date : 17/03/20	Scale : Not to Scale
O.S. Grid Ref : SJ.837 195	Ref : S.19/08/4004 W & S.20/01/4004 W

# BLOCK PLAN



<b>Local Members</b>	
Mrs. J. Jessel and Mrs J. Eagland	Needwood Forest and Lichfield Rural North

**Planning Committee      6 August 2020**

**Minerals County Matter**

**Application No (District):**      S.17/11/502 M (East Staffordshire)

**Applicant:**                              Hanson Quarry Products Europe Ltd

**Description**                              Western extension to Barton Quarry between A38 road and railway line to extract 6 million tonnes of sand and gravel over a period of 10 years and to restore the site to landscaped water areas with biodiversity, landscape and flood alleviation benefits

**Location:**                                  Barton Quarry (Western Extension), Walton Lane, Barton under Needwood

**Background/ Introduction**

1. Barton Quarry produces sand and gravel and ready mixed concrete; and mineral extraction has been carried out since 1981.
2. This report relates to the proposed extension to Barton Quarry on land which has been allocated in the Minerals Local Plan. Available permitted reserves are anticipated to be exhausted during 2021 despite the current permission allowing mineral extraction to the end of 2030.

**Site and Surroundings**

3. Barton Quarry is located to the east of Barton under Needwood and the A38 dual carriageway as shown on Plan 1 attached to this report. The western boundary of the quarry formed by the River Trent is also the county boundary with Derbyshire. The mineral processing plant site including concrete batching plant as well as offices are accessed via a 2-kilometres surfaced private access road off Walton Lane. Currently, all operations are to the east of the rail line connecting Lichfield and Burton upon Trent.
4. The proposed western extension lies between the A38 trunk road and the rail line, and to the west of the existing processing plant. The extension area is bounded to the north by Catholme Lane and to the south by the River Trent. The extension area covers 60 hectares consisting largely of intensively farmed arable land. The application area involves 126 hectares of land as it includes the mineral processing area, access and former mineral working areas that would be used as lagoons for the disposal of silt resulting from mineral processing.



Figure 1: View looking northwards of application site with A38 and Barton under Needwood to left and railway and current Barton Quarry on right. Lake in foreground is used as a silt lagoon for Alrewas Quarry to south.



Figure 2: View looking south-westwards across application site towards Wychnor Bridges Farm from the bridge over the railway at Catholme.

## Summary of Proposals

5. The development would consist of the following key elements:

## **Winning and working of 6 million tonnes of sand and gravel**

6. Mineral reserve to be extracted - The proposal is to extract 6 million tonnes of sand and gravel at a maximum output of 650,000 tonnes per annum. The historic output levels from the site have varied between 400,000 and 900,000 tonnes per year although the current level is up to approximately 600,000 tonnes per year. It is anticipated that future output will continue at this rate.
7. The proposed duration of mineral working is anticipated to be 9 to 10 years.
8. The western extension area would be worked in a similar way to the existing quarry with soils and overburden being removed before sand and gravel is extracted and transported to the processing plant. Soils and overburden would be used around the margins of the extraction area to form the banks of the water bodies to be created as part of the proposed restoration of the quarry.
9. Soils and overburden would be removed by hydraulic excavator and transported by dump truck. Sand and gravel would be extracted using a hydraulic excavator and transported to the processing plant by dump truck and conveyor. The extraction area would be dewatered using diesel generator-powered pumps to allow dry mineral working. Water pumped from the extraction area would be discharged into the silt lagoons and then into the River Trent.



Figure 3: View of mineral extraction within current permitted area east of railway.

10. The western extension area would be worked in a series of phases as shown on Plan 1 with separate summer and winter working areas to account for higher water levels in the winter. The summer working areas are located closer to the river in the southern part of the proposed extension area.

## **Mineral Processing and Ancillary Industry**

11. Extracted mineral would be processed by the existing processing plant and therefore, it would be necessary to transport mineral using a conveyor supported by a new gantry bridge over the railway. The applicant is already in negotiations to secure an appropriate construction window with Network Rail to install the bridge and the associated conveyor structure.
12. The mineral would be processed to produce various grades of aggregate minerals and most would be used to maintain the current supply of concreting aggregate.

13. Some mineral would continue to be imported for blending purposes and for the on-site manufacture of concrete at the existing batching plant.
14. The proposal does not involve any increase in the current limit on HGV movements which is 500 per day (refer to condition 24 of the extant permission)
15. As part of mineral processing, a silt residue would be produced, and this would be deposited in lagoons for disposal. Lagoons to be used would be incorporated into the restoration concept which has been approved for the existing site.

### **Restoration and After-use**

16. Following mineral extraction, restoration would be carried out on a phased basis to create new water features with shallow margins, islands, seasonal and permanent ponds and tributary streams. The restoration concept is intended to complement the approved restoration concept for the existing site. The proposed biodiversity enhancements include the following:
  - a. Open water, extending to 24 hectares. By virtue of the nature of quarry development, this expanse of open water cannot be avoided as the use of available restoration materials has been focused on the creation of riverine habitats in the south.
  - b. Shallow water habitats for reedbed and swamp vegetation extending to 8 hectares and islands covering an approximate 1 hectare, designed to provide a varied habitat mosaic from inundation vegetation to exposed muds and gravels suitable for a range of plant, invertebrate and bird species.
  - c. A mosaic of floodplain meadow, to be managed as species-rich grassland of higher biodiversity value than the existing species-poor improved grassland, with wet woodland, to provide habitat connectivity and improve flood attenuation along the River Trent, extending to 18 hectares.
  - d. Seasonal ponds and scrapes covering 2 hectares specifically designed and managed for species such as lapwing and waders.
  - e. Provision of specific features for fauna including artificial otter holts, a raised nesting bank suitable for kingfisher and sand martin, gravel islands, bat boxes and refugia.



Figure 4: Wetland / woodland restoration as already established within existing quarry

17. The application is accompanied by a large number of documents and plans including:
- Planning Statement including addendum
  - Environmental Statement (including a Mineral Development Statement and a Waste Development Statement)
  - Technical Summary of Environmental Statement
  - Technical reports in the Environmental Statement include:
    - Agriculture and Soils
    - Archaeology Assessment
    - Heritage Assessment
    - Landscape and Visual Impact Assessment (LVIA) including Arboricultural Assessment
    - Ecological Impact Assessment
    - Hydrological and Hydrogeological Impact Assessment
    - Noise Impact Assessment
    - Air Quality Assessment
    - Transport Assessment
  - Further information to the Environmental Statement including:
    - Stability assessments on the A38 embankment and bridge structures as well as railway line
    - Supplementary Ecological information

- Report to inform Habitat Regulations Assessment
- Archaeological assessments of dewatering and ploughing impacts.

## **The Applicant's Case**

18. The western extension would provide continuity of aggregate supply and employment locally. A substantial level of employment exists at the site with 40 people directly or indirectly employed. These jobs are full time and not seasonal and would be maintained for a further 10 years due to the extension. Every year Hanson spends over £8 million at the quarry on purchases including transport, wages, equipment, consumables and fuel, much of which benefits the economy in the area, this expenditure would also continue.
19. The restoration concept would have considerable biodiversity and flood storage benefits and would complement National Forest objectives, the RSPB Nature after Minerals (NAM) project for the Trent and Tame river valleys, the Central Rivers Initiative and the Transforming the Trent Valley scheme.

## **Relevant Planning History**

20. Barton Quarry has been operational for nearly 40 years and details of the relevant permission and other planning decisions can be found listed in [Appendix 1](#).

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

21. The findings of the ES (and the environmental information subsequently received) are summarised in [Appendix 2](#).

## **Appropriate Assessment**

22. In accordance with the Habitats Directive (Council Directive 92/43/EEC) and Regulation 48 of the Habitats Regulations 1994, a screening assessment has been carried out on the effects of the proposal on the River Mease Special Area of Conservation (SAC). The reason for the designation is that the river provides habitat for two types of fish, the spined loach and the bullhead.
23. The Hydrological & Hydrogeological Impact Assessment (H&HIA) undertaken as part of the Environmental Impact Assessment concludes that the proposed extension would not affect the waters of the SAC and there is no risk of indirect effects in the unlikely event of accidental spillage within the proposed extension area from contaminants. Natural England considers that the proposed development would not have likely significant effects on the River Mease Special Area of Conservation.
24. Based on the information submitted, it is considered that the proposed development would not have a negative effect on the key features and/ or site integrity of the River Mease SAC and therefore no further assessment is required.

## **Findings of Consultations**

### **Internal**

25. **Environmental Advice Team (EAT)** – no objections, subject to conditions to

require:

- a) submission of detailed phasing and vegetation to be retained, advance planting and transplanting;
- b) submission of Tree Protection and Management Plan including an Arboricultural Method;
- c) archaeological mitigation as outlined in Table 5 of the Archaeological Assessment; that is those elements relating to the revised extraction area;
- d) submission of access and interpretation plan describing the heritage and archaeological assets on and adjacent to the quarry site;
- e) management plan for the scheduled monument;
- f) former mill pond, mill race/ canal arm within the restoration proposals, it is recommended that the restoration proposals in this area should be revisited based on the results of the archaeological mitigation works in this area;
- g) information boards/ interpretation panels highlighting the important archaeological resource;
- h) submission of Invasive Species and Biosecurity Management Plan; and,
- i) submission of Site Biodiversity Management Plan.

The County Ecologist has considered the impact of the proposals on European Protected Species and a record of that consideration is found in [Appendix 3](#) to this report.

26. **Highways Development Control** (on behalf of the Highways Authority) (HA) – no objections subject to conditions relating to the implementation of Highways Construction Method Statement as approved by the Mineral Planning Authority; and the monitoring and remediation of damage to the public highway (Dogshead Lane/ Catholme Lane).

The Highways Development Control Officer has confirmed that there are no significant changes to the impact on the public highway in association with the use of the existing access off Walton Lane. Conditions are recommended, however, to address additional movements on the public highway associated with the delivery and removal of plant to the extension site which is not accessible using the existing quarry access.

27. **Flood Risk Management Team** (acting as the Local Lead Flood Authority) – no objection subject to condition requiring mitigation measures as detailed in the submitted Flood Risk Assessment/ Drainage Strategy.
28. **Noise engineer** – no objection.
29. **Planning Regulation Team** – confirmed no comments.

## External

30. **East Staffordshire Borough Council (Planning)** - no objections.
31. **East Staffordshire Borough Council (Environmental Health)** – no objections subject to conditions to secure the mitigation measures described in the ES relating to noise and dust.
32. **Lichfield District Council (Planning)** – no objections.
33. **Lichfield District Council (Environmental Health)** – no objection.
34. **Derbyshire County Council (Planning)** (as an adjoining Mineral Planning Authority) – no objection. They advise that Staffordshire County Council consider to what extent the restoration of this phase of development or indeed previously worked out phases will contribute to the aspirations of the Nottinghamshire and Lowland Derbyshire Local Nature Partnership LNP.
35. **South Derbyshire Council (Planning)** (as an adjoining local planning authority) – confirmed no comments.
36. **Barton under Needwood Parish Council** – objects on the following grounds:
  - a) the lack of advanced structural and strategic planting, particularly on the eastern and western boundaries;
  - b) the distinct lack of any assessment or analysis of sustainable transport modes other than by road, not just for distribution but also for employees;
  - c) no account has been taken of the impact of the proposals on the likely construction of the Walton bypass and the proposed changes to the Barton Turns roundabout;
  - d) as the proposed workings will have an impact on the environment of the parish it is suggested that the Applicant provides a goodwill financial gesture for the Village Enhancement Scheme, to mitigate the impact of traffic on village life;
  - e) the developer should enter into a routing agreement for HGVs;
  - f) more attention needs to be paid to the setting of the Ancient Monument especially in terms of a more appropriate land-based setting after working;
  - g) no assessment has been made of how the proposals will preserve and, particularly, enhance the Trent and Mersey Canal Conservation Area;
  - h) appropriate interpretation measures are called for in order to understand the significance of heritage features in the Trent Valley;
  - i) the need for the applicant to reduce the amount of water-based restoration in favour of a more balanced approach and to restore land to either agricultural use or woodland planting;
  - j) need for a more detailed breakdown of the claimed financial socio-economic benefits to the village;

- k) the need for a comprehensive strategy for public rights of way and permissive paths so that there are meaningful links with adjoining areas;
  - l) need for a joined-up approach to this part of the Trent Valley so we can see the proposed after use of this proposal in a wider context;
  - m) the need to make explicit long-term management arrangements;
  - n) the lack of any substantial attention to the importance of the National Forest aims and objectives, such that we feel the proposal is contrary to ESBC Policy SP 26.
37. No further comments have been received from the Parish Council in respect of the additional information submitted by the applicant in November 2019 to address their concerns.
38. **Alrewas Parish Council** and **Wychnor Parish Council** – no comments received.
39. **Edingale Parish Council** (as adjoining Parish) – no objection.
40. **Walton Parish Council** (as adjoining Parish within Derbyshire) – confirmed no comments.
41. **Canal and Rivers Trust** – no objection subject to the terms of conditions broadly agreed with the applicant relating to safeguarding drainage of the canal during quarrying and upon reclamation of the quarry.
42. Initially, concerns were raised by the Trust regarding the diversion of existing overflow channels which allows excess waters from the canal to drain into the River Trent. The applicant has provided additional information and confirms that existing drainage arrangements would not be disturbed until satisfactory alternative arrangements as broadly indicated in the application have been agreed with the Mineral Planning Authority in consultation with the Trust.
43. **Environment Agency** (EA) - no objections in principle subject to conditions to require groundwater monitoring in the existing 5 groundwater level monitoring boreholes with the installation of an additional monitoring borehole and submission of annual monitoring reports.
44. No flood risk objections to the proposals are raised but the Agency advises that the works to divert the on-site watercourse would require a Flood Risk Activity Permit from them prior to commencement.
45. The risk of a river break is the responsibility of the developer and the Agency recommends that on the outside of the two bends where the river bends to the north, the stand-off strip should be increased to reduce this risk. In addition, it is recommended that the whole of the stand-off strips between the A38 and the railway be planted with willow prior to commencing extraction.
46. **Historic England** (HE) – no objection in principle to the quarry extension and the amended restoration scheme is welcomed. HE maintain that there would be a negative impact to the setting and some harm to the significance of the adjacent scheduled monument(s), and advise that the Council needs to be satisfied that the restoration proposals have sufficient justification, and weigh the harm against the

public benefits of this scheme.

47. HE considers there to be opportunities in which these proposals could enhance the adjacent scheduled monument and support the requirement for a management plan and its implementation [refer to Observations below].
48. **Sport England** - no comment.
49. **RSPB** – no comment on the extension proposal but support the proposed restoration scheme, based on the biodiversity enhancements that it should deliver.
50. Although the proposed extension lies within 0.8 kilometres of the River Mease Special Area of Conservation (SAC) / Site of Special Scientific Interest (SSSI) at its closest point, we are satisfied that the proposed development should not cause any significant adverse effects on the SAC / SSSI. This is based on the fact that the SAC/ SSSI: (i) lies well beyond the worst-case calculated limit of the estimated drawdown zone; and (ii) will be hydraulically isolated from the superficial aquifer associated with the proposed extension area.
51. **National Forest Company** – no objection. The concept restoration proposals focus on floodplain woodland and are therefore broadly supported. These would complement the habitats being created at the existing quarry and contribute towards National Forest woodland creation targets. The proposed wet woodland species mix and specimen tree species set out on the Restoration Proposals Plan are considered appropriate.
52. Conditions should ensure that restoration is phased and undertaken promptly following extraction in each phase. Detailed landscaping plans should also be agreed for each restoration stage to ensure plans reflect emerging priorities in the landscape.
53. **Ramblers Association** – no objection.
54. **Public Health England** - no significant concerns regarding risk to health of the local population from this proposed activity, providing that the applicant takes all appropriate measures to prevent or control environmental emissions and pollution, in accordance with the relevant sector technical guidance or industry best practice.
55. **Network Rail (NR)** – no objection subject to recommended conditions and advisories which have been considered by the applicant and revised accordingly. The conditions include:
  - a) No overburden shall be tipped, or any buildings erected on the 15 metre berm between the edge of the excavation and the railway boundary.
  - b) The exposed face of the working, adjacent to the railway boundary, shall be maintained in a stable condition until backfilling and restoration takes place.
  - c) Backfilling against the open quarry sidewall adjacent to the railway shall be undertaken as soon as practicable.
  - d) There must be no reduction in the effectiveness of any drainage assets or watercourse belonging to Network Rail.

- e) Without the prior approval of Network Rail, the works shall not generate an increase in the existing flow rates into any culvert that passes beneath the railway.
  - f) Without the prior approval of Network Rail storm or surface water must not be discharged from the development site onto Network Rail property. Suitable drainage or other works must be provided and maintained by the developer to prevent surface flows or run-off arising from the development affecting the railway.
  - g) Cranes and jibbed machines, used in connection with the works, must be so positioned that the jib or any suspended load does not swing over railway infrastructure or within 3 metres of the nearest rail if the boundary is closer than 3 metres.
  - h) Trees planted close to the railway should be located at a distance in excess of their estimated mature height from railway property.
56. NR have withdrawn a holding objection to the proposals on the basis of additional information and reassurances regarding the effect of quarrying and restoration proposals on the adjacent railway including its bridge over the river Trent.
57. In addition, NR confirm that they would require separate agreements with the developer regarding access for the conveyor over the railway, earthworks, drainage and safety of operations adjacent to the operational railway infrastructure and boundary treatments and plantings schemes for any restoration plan. The developer must enter into the necessary Asset Protection and Easement and Wayleaves agreements with NR prior to any work taking place on site.
58. **Natural England (NE)** – considers that the proposed development would not have significant adverse impacts on designated sites and has no objection.
59. NE considers that the proposed development would not have likely significant effects on the River Mease Special Area of Conservation and has no objection to the proposed development.
60. There is considerable loss of BMV land proposed, however, due to the technical difficulties, it is not feasible to restore the land to agricultural use. NE welcomes the measures to create and enhance BAP habitat as well as the contribution towards the aims of the National Forest, RSPB Nature after Minerals and the Central Rivers Initiative.
61. Further general advice on the consideration of protected species and other natural environment issues was provided.
62. **Staffordshire Wildlife Trust** – no comments received.
63. **NATS Safeguarding** – no objection.
64. **Highways England** - no objection subject to recommended conditions requiring that:
- a) Prior to commencing any construction work or preparatory earthwork affecting the Strategic Road Network earthwork asset, the applicant shall prepare geotechnical assessments, designs and reports in accordance with the Design

Manual for Roads and Bridges, which shall be certified by Highways England in accordance with standard CD622 therein.

- b) Upon completion of works affecting the Strategic Road Network earthwork asset, the applicant shall prepare a geotechnical feedback report to Highways England, in accordance with standard CD622.

65. Highways England initially responded with a holding objection until they were satisfied with understanding the effect of quarrying on the adjacent A38 dual carriageway. The applicant has submitted additional information to provide the required assurances.

## **Publicity and Representations**

66. Site notice: YES      Press notice: YES

67. 28 neighbour notification letters were sent out and one representation has been received. The concerns raised are summarised below:

- Hanson have much work still to do to return the present workings to something anywhere near completion.
- Between existing workings and the railway, is a permissive footpath from Wychnor to the Mythaholme bridge over the river. This pathway is part of the Birmingham/ Humber footpath and must be retained for recreational purposes passing as it does through the National Memorial Arboretum.
- Concern about the creation of additional water bodies and the effect on health.
- Safety concerns about the difference in water levels between the proposed lake and adjacent ground levels.
- The excavations should be backfilled to reinstate agricultural land.

68. The applicant submitted further information in relation to the Environmental Statement to address issues raised during the initial consultation and this further information was publicised in accordance with [regulation 25](#) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. As well as posting additional site notices and re-advertising in the press notice, 27 neighbour re-notification letters were sent. No further representations were received from members of the public.

## **The development plan policies (and proposals) and the other material planning considerations relevant to this decision**

69. 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.'

70. [Appendix 4](#) lists the development plan policies (and proposals) and the other material planning considerations, relevant to this decision.

## **Observations**

72. 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 mineral planning policy and other material planning considerations.
- The site-specific mineral planning policy considerations and the matters raised in representation and response from Barton under Needwood Parish Council.
- Need for the Section 106 Legal Agreement

### **The mineral planning policy and other material planning considerations.**

73. Both national and local planning policies recognise the importance of minerals for sustainable economic growth. The National Planning Policy Framework (NPPF) contains specific mineral planning policy guidance and provides general planning policy guidance which is underpinned by a presumption in favour of sustainable development. Paragraph 205 of the NPPF explains that:

'When determining planning applications, great weight should be given to the benefits of mineral extraction, including to the economy.'

74. Policy 1 of the Minerals Local Plan (MLP) for Staffordshire sets out how provision will be made for sand and gravel in the county up to the end of 2030 and refers to 11 proposals for the extension of quarries. One of these proposals is the land subject of this application (refer to Inset Map 5 in the appendix 1 to the MLP). Policy 1.2 of the MLP requires that:

'Any proposals to develop the allocated extension sites will only be supported where it has been demonstrated that they accord with the Plan policies, including Policy 4 and address the development considerations listed in appendix 1.'

75. Furthermore, policy 1.3 requires that:

'Planning permission to extend a site 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.’

76. Commentary: On the basis that the application site relates to an allocation promoted in the MLP, the principle of developing the proposed extension is accepted. The proposed extension would maintain production at the quarry following the exhaustion of permitted reserves east of the railway (except for reserves remaining under the existing plant site) and on the basis of current sales trends and within current limits on the number of HGV movements, it is anticipated that the reserves within the western extension could be extracted within 10 years.
77. In accordance with policy 1.2 of the MLP, it is necessary to consider whether the submitted proposals address the development considerations identified for the allocation as set out in Appendix 1. The table below lists the information provided in the application to address these considerations.

<b>Development considerations for the Barton (Wychnor) allocation</b>	<b>Addressed in the application/ environmental statement (ES) by:</b>
<p>There is a risk of adverse impacts on a scheduled barrow cemetery within the site, and previously unrecorded outlying burials may also be found. Historic England must be consulted at an early stage and it is clear that Scheduled Monument Consent will be required for any extraction or associated works. The site contains many features of archaeological significance and further investigation will be required to inform the process of mitigation of impact. The Scheduled Monument will be preserved in situ subject to an agreed Management Plan.</p>	<p>The Scheduled Monument (SM) is outside the application boundary and therefore, will be preserved in situ. An archaeological assessment submitted as part of the ES considers the impact on the historic environment and in response to initial comments made regarding the impacts of quarrying on the SM, the proposal was amended to exclude 4.3 hectares of land (equating to a loss of 300,000 tonnes of reserves) from the extraction area to preserve more of the setting of the SM. Furthermore, changes to land to be extracted to the east of the SM would mean that this land is reinstated as woodland rather than open water as originally proposed. Further information was submitted to address concerns about impacts from dewatering operations on the adjacent SM. There is no remaining objection to the proposals relating to this consideration.</p>
<p>Restoration should include enhancement of heritage assets and their setting, and interpretation of their context within the wider historic environment.</p>	<p>Proposals for the restoration of the proposed excavations have been amended to improve the setting of the SM. Proposals for a management plan include improving public access around the SM and provision of interpretation boards. The applicant is also prepared to support a scheme whereby sensitive agricultural management of the land could be secured for the benefit of the</p>

Development considerations for the Barton (Wychnor) allocation	Addressed in the application/ environmental statement (ES) by:
	<p>SM. Historic England and the County Archaeologist welcome the amended scheme but seek an agreement to secure agricultural management of the SM and adjoining land (see observations below).</p>
<p>The site is close to River Mease SAC. Experience from existing mineral sites in the vicinity suggests that adverse impacts are unlikely, but Habitats Regulation Assessment will be required before any permission could be granted.</p>	<p>Refer to 'Appropriate Assessment' section above. No further assessment is required.</p>
<p>Proximity to sensitive properties at Wychnor Bridge and Catholme Lane needs to be considered as well as the adjacent railway.</p>	<p>Refer to noise impact and air quality assessments submitted with ES and further information relating to Stability assessments for railway as well as A38 road. No objections are now raised against this consideration. The additional information provided in relation to ground stability effects have overcome objections from Network Rail and Highways England. Also note that the drainage concerns of the Canal and Rivers Trust have been addressed with proposed conditions.</p>
<p>There is a high risk of best &amp; most versatile land being present, so this land should be considered in the restoration of the site.</p>	<p>Refer to section in ES relating to agriculture and soils which concludes that the proposals will result in the loss of more than 20 hectares of grade 3a, which is assessed to be a 'major adverse' impact. There is, however, no viable opportunity to backfill excavations and it is proposed to use soils to create the proposed restored landform to enhance biodiversity. Topsoil will be placed to dress the lake margins and wet woodland and grassland areas.</p> <p>Natural England does not object to the proposal and welcomes the measures to create and enhance BAP habitat as well as the contribution towards the aims of the National Forest, RSPB Nature after Minerals and the Central Rivers Initiative.</p>

<b>Development considerations for the Barton (Wychnor) allocation</b>	<b>Addressed in the application/ environmental statement (ES) by:</b>
Potential to contribute significantly to enhancement of ecological networks and resilience to climate change through restoration to BAP priority habitats including wet woodland, wet grassland and reedbed.	See comments from Natural England above. The County Ecologist accepts that that a net gain in biodiversity will result if the proposed restoration and mitigation measures are carried out.
Part of the site is located within the floodplain of the River Trent (Flood Zones 2 & 3). It must be ensured that there is no net loss of floodplain storage as a result of the excavations. Any excavated material should be stored outside of the extent of the 1 in 100-year (with climate change) floodplain unless its temporary storage would be acceptable to the Environment Agency. Any extraction or restoration works should not increase flood risk upstream or downstream of the site. Any ancillary development should be located in areas of lowest risk.	Refer to Hydrological & Hydrogeological Impact Assessment submitted as part of the ES and appendix 10 to that report providing a formal Flood Risk Assessment. No flood risk objections have been raised.
Opportunities to contribute to the Central Rivers Initiative, Trent and Tame Futurescapes project and objectives of the National Forest should be considered.	The Central Rivers Initiative and Transforming the Trent Valley initiative are concerned with the future landscape of the Trent. The restoration scheme would contribute towards the aims and objectives of these initiatives in providing wetland habitat conservation, creation, enhancement and connectivity. Natural England, the RSPB and National Forest Company have recognised the opportunities for these local/ regional environmental initiatives.
Restoration should include enhancement of the river channel and seek to improve the connectivity between the river and the floodplain. Habitat complexity could be improved which would support a greater number of species. These works would help bring the site in line with WFD objectives.	Refer to section 4.8 of the Planning Application Statement. Braided channels would be provided together with backwaters, oxbow lakes and ponds along the margins to the Trent to reinstate river-floodplain connectivity. Water vole and otter are particular target species for this habitat. As within the existing quarry, a number of otter holts would be made from live willow logs.

78. Regarding the timing of development within the western extension, the proposal is

that mineral operations would commence as soon as permitted reserves east of the railway have been extracted (except for those under the plant site). Policy 1.3 requires that extension areas can be only worked following cessation of mineral working within the existing site and substantially the proposal would accord with this requirement.

79. Conclusion: Having regard to the mineral planning policies and other material planning considerations referred to above, it is reasonable to conclude that the proposal is acceptable in principle given that it will support the provision of sand and gravel from a site allocated in the MLP.

**The site-specific mineral planning policy considerations and the matters raised in representation and response from Barton under Needwood Parish Council**

Restoration issues – loss of agricultural land, setting of scheduled monument, biodiversity and public benefits

80. Policy 6 in the MLP requires any restoration proposals to be sufficiently comprehensive, detailed, practicable and achievable within the proposed timescales and that where relevant (amongst other matters):
- the long-term potential of best and most versatile agricultural land would be safeguarded and the soil resources would be conserved; [policy 6.2 d)]
  - the flood risk would not be increased and opportunities to reduce flooding would be maximised; [policy 6.2 e)]
  - the restoration enhances the natural environment and net gains in biodiversity would be achieved by contributing to the delivery of local ecological networks...; [policy 6.2 f)]
  - the restoration enhances valued landscapes, the setting of heritage assets and is informed by and sympathetic to landscape character (including heritage assets and the historic landscape character); [policy 6.2 g)]
81. Paragraph 205 (e) of the NPPF requires that mineral planning authorities, should provide for restoration and aftercare at the earliest opportunity, to be carried out to high environmental standards, through the application of appropriate conditions.
82. Commentary: The main concerns raised about the proposal relate to the restoration of the extension area. Concerns relate to several matters, but an overarching theme is that restoration should involve reinstatement of the agricultural land to be disturbed by proposed excavations. It is contended that this would safeguard the best and most versatile agricultural land that is affected by excavations; provide opportunity to create an appropriate setting for the Scheduled Monument immediately to the north of application site; and retain land in proximity to the railway and the A38 road. There is also a wider concern about the cumulative effect on the landscape relating to the creation of lakes along the Trent Valley
83. The loss of more than 20 hectares of best and most versatile land, is assessed to be a 'major adverse' impact in the Environmental Statement and this impact has to be weighed against the benefits of winning and working the sand and gravel aggregate as well as the biodiversity gains associated with a water based restoration.

84. In the context of safeguarding agricultural land and preserving the current setting of the scheduled monument, the applicant has assessed the viability of a landfill scheme at this site and concludes that there would be adverse impacts associated with backfilling in terms of access and availability of backfill materials that could hinder the viability of a restoration scheme based on backfilling the excavated area with imported inert materials. The bridge between the plant site and the proposed western extension is not suitable for HGVs or dump trucks that would be necessary to deliver backfill materials; and the A38 Dogshead Lane slip-road on to Catholme Lane is also not suitable for large movements of HGVs. The use of conveyors to deliver wastes are also considered inappropriate due to operational difficulties; and the costs of transporting backfill material in this way is considered prohibitive to a viable scheme.
85. In mitigation, the proposed restoration scheme which now involves a reduced open water area can provide net gains for biodiversity with the areas of stream braiding and wet woodland particularly welcomed. In addition, as stated in the application, the existing site has only a small area that may be flooded in extreme events. Additional areas of flood capacity will be provided, therefore, which will alleviate flooding rapidly but release water slowly back into the river system via the wetland marshes and existing river connection as well as recharging the water table via connectivity with extensive peripheral gravels around the lake shoreline. The contribution of the scheme to local/ regional environmental initiatives is recognised by Government/ environmental agencies as mentioned above.
86. Historic England are of the view that creation of a large lake would constitute a negative impact upon the setting of the Scheduled Monument (SM) resulting in a degree of harm to its significance. Any harm to significance requires clear and convincing justification (NPPF 194) and should be weighed against the public benefits of the proposals (NPPF 196).
87. The application has been submitted on the basis of retaining the SM in situ and in addressing the concerns of Historic England regarding the setting of the SM (taking into account that a restoration scheme involving significant backfilling is not feasible), the applicant has amended the proposals to exclude land from the proposed excavation area between the SM and the A38 as well as to introduce a silt lagoon which would be reinstated as woodland between the SM and the railway. The extent of reserves proposed to be extracted have been reduced by 300,000 tonnes and the revised proposal means that the amount of mineral to be extracted would be one million tonnes less than the amount anticipated to be recovered from the Barton (Wychnor) allocation.
88. The applicant also proposes in accordance with the development considerations for the Plan allocation, a management plan for the enhancement of the SM which would upon restoration of the quarry provide improved access to the land around the SM and interpretation boards of local heritage features. In addition, the applicant also offers to provide a financial contribution that would be set aside to secure the appropriate management of the land within the SM (for example, removing or reducing the depth of arable cultivation), thereby, enhancing its condition and better protecting any surviving archaeology. Historic England is concerned about the scale of the contribution on offer to secure a viable management plan for the SM and its setting but the applicant contends that the offer is appropriate in view of the reserves relinquished from the proposals and the other proposed elements of the

management plan. In this matter, it would be necessary for the applicant to agree terms under a section 106 legal agreement and in securing an appropriate agreement, the Mineral Planning Authority would continue to be advised by Historic England and the County Archaeologist.

89. Conclusion: Having regard to the mineral planning policies and other material planning considerations referred to above, it is reasonable to conclude that the proposed restoration as amended is acceptable in this location and that the material planning benefits of the restoration proposals outweigh the material planning objections. Regarding the specific mitigation proposed for the SM, it is considered that there is a good level of public benefit (provision of aggregates and restoration benefits) to outweigh the less-than-substantial harm to the significance of the SM. Measures required as part of the management plan would be secured by planning condition but in relation to securing public access around the monument and the contribution to support an appropriate Agricultural Management Scheme for the SM, a section 106 legal agreement would be necessary.

Other matters as raised by Barton under Needwood Parish Council

Traffic

90. Policy 4 of the MLP requires that in assessing the impact of proposals for mineral development consideration should be given to traffic on the highway network.
91. Paragraph 109 to the NPPF explains states that:
- ‘Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.’
92. Commentary: The quarry and the proposed extension are separated from the village centre by the A38 dual carriageway but a concern for the Parish Council relates to the impact of lorries passing through the village. Since the comments were made by the Parish Council, however, the Highways Development Control Team (HDC) confirm that additional HGV restrictions have been implemented between various roads which link the A38 and A515 and a further HGV ban (except for access) has been implemented in May 2020 to prevent HGV’s turning off the B5016 at the western side of Barton under Needwood and turning north along Forest Road (Road No. C0018). There is considered to be no reason, therefore, to seek HGV routing restrictions given the newly implemented HGV restrictions between the A38 and A515, nor reasonable to seek a contribution towards the ‘Better Barton’ scheme aimed at mitigating the impact of traffic through the village.
93. In relation to highway maintenance, the applicant has already provided a £30,000 contribution to the costs of maintaining Walton Lane in accordance with a current legal agreement associated with the extant permission which would allow quarrying to continue to 2030. HDC confirm that there is no reason to increase this contribution for Walton Lane but in relation to the use of Dogshead/ Catholme Lanes in order to gain access for the delivery and removal of plant and machinery to the proposed extension, HDC recommend that the applicant be required to survey the condition of the highway and fund any repairs to the highway if damage occurs.
94. The Parish Council also consider that the applicant should have considered more

fully alternative options for the haulage of minerals and mineral products. The applicant considers that the potential use of the canal or railway for transporting sand and gravel could not be justified, particularly in terms of cost, to serve a 10 year extension to an existing mineral site at which the traffic impact is deemed acceptable. No current evidence is apparent to your officers to suggest that a rail or waterway connection could be viable in these circumstances.

#### Landscape Issues

95. Policy 4 of the MLP requires that in assessing the impact of proposals for mineral development, consideration should be given to landscape and policy 6 of the MLP requires that restoration proposals are informed by and sympathetic to landscape character.
96. Commentary: The Parish Council are supportive of proposals for restoration within the southern part of the extension area but are concerned with that part of the restoration which results in the formation of a large area of open water, and do not feel that sufficient account has been taken of the wider context of the Trent Valley in the creation of yet more wetland areas.
97. This concern about wetland restoration is considered above and in response to these comments from the Parish Council, the applicant suggests that the restoration proposals would provide a more natural riverscape with wetland features within a river floodplain-woodland context which compliments the National Forest designation. The restoration plan indicates the extent of the open water to be created which has been reduced to mitigate the impact on the setting for the scheduled monument and shows that shallow margins would be formed around the lake to create habitat using soils and overburden available within the site.
98. The applicant is one of the partners to the 'Transforming the Trent Valley' Landscape Partnership which aims to restore and enhance the natural and cultural heritage of the Trent Valley. As part of the project, there is an aim to create walks and trails along the River Trent (to form the Trent Valley Way) and the applicant under an existing section 106 agreement is obliged to use reasonable endeavours to secure land to dedicate towards the creation of a public right of way along the river from the Mythaholme footbridge (accessing land adjoining the National Memorial Arboretum) to Walton Lane. The current proposals are also able to further contribute to the project's aims by dedicating a right of way on land within their ownership being on the eastern side of the railway, running from the end of Catholme Lane to the Mythaholme bridge. Linked to this route, the applicant also offers as part of the management plans for the SM to provide public access along the boundary of the monument to the proposed lakeside which would include information boards relating to the heritage assets of the area. In relation to establishing the proposed habitats, there would also be requirement to extend the 5 year period of aftercare management required by planning condition so that the overall management period is 10 years which is consistent with the period of aftercare management required at the existing site.
99. The Parish Council acknowledge the proposals for planting on the western and eastern boundaries of the extension area but are concerned that the planting would take place after extraction has taken place. In submitting further information, the applicant has proposed that for each phase of working, there is a requirement to agree details of advance planting and transplanting. Such planting should enhance

any views from the west including views from the Trent and Mersey canal situated to the west of the A38.

100. Conclusion: Having regard to the mineral planning policies and other material planning considerations referred to above, it is reasonable to conclude that in spite of the concerns raised by Barton under Needwood Parish Council the material planning benefits of the proposals outweigh the material planning objections.

### **Need for a Section 106 Legal Agreement**

101. Paragraph 54 to the NPPF explains 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’.

102. Paragraph 55 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.’

103. Paragraph 56 explains states:

‘Planning obligations must only be sought where they meet all of the following tests:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.’

104. Commentary: It is recommended that the following undertakings be secured by a Section 106 Legal Agreement (S106). The reasons why the undertakings meet the tests referred to above are explained below:

- a. To contribute to the costs incurred by the Council in securing an agreement for the management of the Scheduled Monument for a period of 10 years.

This would secure funds to support the Council in agreeing the agricultural management of the land for a period of 10 years within the area of the scheduled monument immediately to the north of the proposed excavation area. This would address the requirements of the development considerations listed under inset map 5 for the Barton (Wychnor) allocation in the MLP as required by policy 1.2 of the MLP and the mitigation that would be required under policy 4 of the MLP. The proposed mitigation is also part of the assessment required under paragraph 196 of the NPPF.

- b. To use reasonable endeavours to secure sufficient interest in the land to dedicate land for public rights of way to (i) enable viewing the Scheduled Monument and (ii) link Catholme Lane to the Mythaholme bridge.

The provision of enhanced access upon restoration of the site would provide benefits and address the requirements of the requirements of the development considerations listed under inset map 5 for the Barton (Wychnor) allocation in the MLP as required by policy 1.2 of the MLP. The provision of access would also address the requirements of policy 6.2 (i) and contribute to the aims of the local/ regional environmental initiatives within the Trent Valley.

- c. To continue and update the arrangements for the site liaison committee.

This undertaking ensures that a forum exists for key stakeholders to be kept informed about the progress of the working and restoration of the site and for concerns about site operations or opportunities to improve the working and restoration of the site to be discussed in accordance with the Minerals Local Plan (policy 4) and the NPPF (sections 4 and 17).

- d. To provide 5 years extended aftercare in addition to 5 years statutory aftercare required by legislation and planning condition, in accordance with a scheme to be agreed with the Mineral Planning Authority.

This undertaking would support the establishment of the proposed after uses including wetland habitat in accordance with the Mineral Local Plan (policy 6) and the NPPF (sections 15 and 17).

- e. To secure a Restoration Guarantee Bond either by being a member of the Mineral Products Association and eligible to draw on their scheme, or by arranging another financial guarantee to cover the costs of restoration and aftercare.

This undertaking would ensure that there are financial provisions in place for restoration and aftercare in case the operator goes out of business in accordance with the Mineral Local Plan (policy 6) and the NPPF (section 17).

- 105. Conclusion: Having regard to the policies and guidance referred to above, it is reasonable to conclude that the undertakings within the proposed Section 106 Legal Agreement are necessary; directly relate to the development; and are fairly and reasonably related in scale and kind to the proposed development.

## **Overall Conclusion**

- 106. 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.

## **Recommendation**

**Permit** the application for the western extension to Barton Quarry between A38 road and railway line to extract 6 million tonnes of sand and gravel over a period of 10

years and to restore the site to landscaped water areas with biodiversity, landscape and flood alleviation benefits subject to the applicant signing a Section 106 Legal Agreement to secure the terms listed below and subject to the planning conditions listed below.

Section 106 Legal Agreement - heads of terms to include the following undertakings (consistent with relevant undertakings from the current agreements):

- To contribute to the costs incurred by the Council in securing an agreement for the management of the Scheduled Monument for a period of 10 years.
- To use reasonable endeavours to secure sufficient interest in the land to dedicate land for public rights of way to (i) enable viewing the Scheduled Monument and (ii) link Catholme Lane to the Mythaholme bridge.
- To continue and update the arrangements for the site liaison committee.
- To provide 5 years extended aftercare in addition to 5 years statutory aftercare required by legislation and planning condition, in accordance with a scheme to be agreed with the Mineral Planning Authority.
- To secure a Restoration Guarantee Bond either by being a member of the Mineral Products Association and eligible to draw on their scheme, or by arranging another financial guarantee to cover the costs of restoration and aftercare.

**The conditions** to include the following:

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

### **Commencement**

2. Planning permission shall be deemed to have commenced from the date of the permission and shall require notice of commencement of soil stripping, cessation of working and restoration operations in the western extension area;

### **Dates for Cessation of Mineral Extraction, Restoration Operations and Expiry of the Permission**

3. To require mineral extraction to cease within 10 years of the commencement of soil stripping in advance of mineral extraction in the western extension area as notified under 2 above;
4. To require the completion of restoration operations no later than 2 years from the cessation of mineral extraction which shall include the removal of all processing plant and ancillary development;
5. To define the expiry of the permission when the restoration and aftercare has been completed in accordance with the latest approved Restoration and Aftercare Scheme;
6. To define the requirements if working operations cease prematurely;

7. To define expiry of permission;

### **Phasing and Limit of Extraction,**

8. To require working and restoration operations to be carried out in within the limits of working and in the phases as shown on the 'Proposed final quarry design with phasing' (Dwg no B124/270c) and no mineral extraction to be carried out within 30 metres of the edge of the bank of the River Trent.;
9. To require a review of working and restoration operations no later than the 5th anniversary of the commencement of the first soils being stripped as notified under condition 2 above;
10. To ensure that no more than 650,000 tonnes of sand and gravel is exported from the site during any one calendar year;
11. Any clay encountered beneath the sand and gravel deposits shall only worked for on-site uses and shall not to be removed from the Site;

### **Management of Site Operations**

#### Development Restrictions

12. To restrict permitted development rights. No fixed plant or machinery, buildings, structures and erections, or private ways shall be erected, extended, installed or replaced outside the area edged purple shown on 'Site Plan' (Dwg. no. B124/284) without the prior agreement in writing of the Mineral Planning Authority (MPA).

#### Hours of Operation

13. To limit operating hours as follows:
  - a) No winning and working of sand and gravel, restoration and aftercare works and formation of permanent acoustic mounds to be carried out on the Site, except between the following times:  
  
07:00 and 19:00 Monday to Fridays; and  
07:00 and 13:00 Saturdays;
  - b) No operations for the formation and subsequent removal of material from screen mounds/soil storage areas within 250 metres of any residential property shall be carried out at the Site except between the following times:  
  
0800 and 1700 Monday to Friday; and  
0800 and 1200 Saturdays
  - c) No restrictions on the hours of working for the transportation of mineral including the importation of crushed stone dust, mineral processing operations including the manufacture of concrete, servicing, maintenance and testing of plant, except that no operations to be carried out on

Sundays, Christmas Day/Boxing Day, New Year's Day, Good Friday and Easter Monday.

- d) No restrictions on the hours of working for environmental monitoring and water pumping at the Site.
- 14. No servicing, maintenance and testing of plant and equipment to be carried out other than within the area edged purple shown on 'Site Plan' (Dwg. no. B124fc/284).
- 15. Prior to erection of the conveyor bridge over the railway, details shall be submitted for approval including arrangements for cladding the structure and maintaining access for the permissive right of way.

#### Site Access and Lorry Movements

- 16. No vehicular access to the Site to be gained other than via the existing access off Walton Lane shown on the 'Application Area' (Dwg. no. B124/268c) other than to deliver, service, operate and remove plant and machinery required for mineral and restoration operations on the Site using the access off Catholme Lane.

To repeat conditions 19 to 27 of permission ES.14/13/502 M as follows:

- 17. The existing access to the Site shall continue to be maintained in accordance with the 'Proposed Improvement to Site Access' plan (dwg. no. W1/SA/95/300/A01) which includes the retention of the frontage 1.5m footway.
- 18. No surface water shall be discharged onto the public highway.
- 19. The highway verge at the access point to the Site shall be maintained such that it remains clear of all vegetation in excess of 600mm in height above the adjacent carriageway and overhanging growth within a visibility splay of 6.0 metres x 90.0 metres and the highway verge for the duration of this permission.
- 20. The surface of the site access road and internal hard surfaced roads shall be maintained in a good state of repair and kept clean and free of mud and other deleterious materials at all times until completion of restoration and aftercare of the Site.
- 21. All heavy commercial vehicles carrying open loads when entering or leaving the Site shall be sheeted.
- 22. The use of the existing access shown on the 'Application Area' (Dwg. no. B124/268c) by commercial vehicles bringing in material for concrete production, including vehicles importing crushed stone dust, and taking out concrete and sand and gravel shall not exceed 500 movements per day, unless a ghost right turn priority junction with a 2.0m wide footway along the full length of the development's highway frontage on Station Road has been provided in accordance with details agreed in writing with the Mineral Planning Authority.
- 23. There shall be no importation of sand and/or gravel to the Site for any purpose.

For the avoidance of doubt, this permission allows the importation of up to 50,000 tonnes per annum of crushed stone dust for blending with sand and gravel won from the Site for the purpose of concrete production.

24. No mud or deleterious materials shall be deposited on to the public highway by vehicles leaving the site.
25. Prior to the delivery of heavy plant via Catholme Lane, a Highways Construction Method Statement shall be submitted to and approved in writing by the Mineral Planning Authority. The approved Statement shall be adhered to throughout the life of the western extension. The statement shall provide for:
  - a) Appropriate routing agreement for the delivery and removal of plant associated with the working out of the western extension along with deliveries of fuel to the mobile plant. The route shall be broadly in accordance with Drawing No. HBN-ACM-XX-XX-DR-CE-02003. All HGV movements in and out shall be via the A38 slips off Dogshead Lane.
  - b) Times of low loader deliveries including details of loading/ unloading areas and turning facilities within the site;
  - c) Details of any site compound (for the storage of plant and materials) along with any associated temporary buildings;
  - d) Details of any on-site parking facilities within the western extension for the parking of vehicles of site operatives and or visitors;
  - e) Quantity and duration of low loader deliveries to the western extension;
  - f) Wheel wash facilities in order to prevent any loose materials from being carried back onto the public highway.
26. No delivery of plant or machinery to the western extension shall take place until a joint survey along Dogshead Lane (D3480) from the exit slip of the A38(T) to the end of adopted highway close to the site access on Catholme Lane (D3496) has been completed. Thereafter, an annual joint survey shall be conducted to assess the impact of all deliveries of heavy plant via low-loader along the aforementioned route. A final joint survey shall be conducted immediately following the removal of all heavy plant via low-loader from the site. The extent of the damage attributed to the development hereby permitted shall then be jointly agreed and then rectified in accordance with details to be first submitted to, and approved in writing by, the Mineral Planning Authority.

#### Safeguarding the railway

27. No overburden shall be tipped, or any buildings erected on the 15-metre berm between the edge of the excavation and the railway boundary.
28. The exposed face of the working, adjacent to the railway boundary, shall be maintained in a stable condition until restoration takes place.
29. Backfilling against the open quarry sidewall adjacent to the railway shall be undertaken as soon as practicable.
30. Without the prior approval of the Mineral Planning Authority (in consultation with Network Rail), permitted operations or works shall not generate an increase in the existing flow rates into any culvert that passes beneath the railway.

31. Without the prior approval of Mineral Planning Authority (in consultation with Network Rail) storm or surface water must not be discharged from the development site onto Network Rail property. Suitable drainage or other works must be provided and maintained by the developer to prevent surface flows or run-off arising from the development affecting the railway. [For the avoidance of doubt the development is not required to prevent the flow of flood waters from the river network entering the site or passing onto 3rd part land.]
32. Cranes and jibbed machines, used in connection with the works, must be so positioned that the jib or any suspended load does not swing over railway infrastructure or within 3 metres of the nearest rail if the boundary is closer than 3 metres.
33. Trees planted close to the railway should be located at a distance in excess of their estimated mature height from railway property.
34. No new lighting shall be installed above ground level and within 25m of the railway boundary without the prior approval of the Mineral Planning Authority. Any new lighting installed on the site shall not present a dazzle hazard to train crew, and any coloured lighting does not conflict with the railway signalling system to the satisfaction of Network Rail

#### Safeguarding A38 Trunk Road

35. Prior to commencing any construction work or preparatory earthwork affecting the Strategic Road Network earthwork asset, the applicant shall prepare geotechnical assessments, designs and reports in accordance with the Design Manual for Roads and Bridges, which shall be certified by Highways England in accordance with standard CD622 therein.
36. Upon completion of works affecting the Strategic Road Network earthwork asset, the applicant shall prepare a geotechnical feedback report to Highways England, in accordance with standard CD622.

#### Safeguarding overflow channels for canal

37. Other than as a consequence of river flooding, for the duration of development the flow of water in the Backwater as shown on 'Proposed Final Quarry Design' (Dwg no B124/269d) shall not be interrupted at any point in time or any location along the temporary diversion.
38. Prior to the commencement of mineral extraction within 10m of the Backwater as shown on 'Proposed Final Quarry Design' (Dwg no B124/269d), a scheme for the temporary diversion of the Backwater shall be submitted for the written approval of the Mineral Planning Authority. The scheme shall include details of:
  - a) the route of the diversion;
  - b) construction design and channel capacity assessment;
  - c) construction, operation and maintenance method statement; and,
  - d) closure and removal.

The approved design shall be constructed and brought into use prior to the stopping up of the Backwater and thereafter maintained until such time as the site is suitably restored and the water is permitted to safely enter the new braided channel.

39. Prior to the commencement of mineral extraction within 10m of the Wychnor Ditch a diversion shall be provided to allow an outfall to the River Trent at all times until the site is suitably restored and the water is permitted to safely enter the new braided channel.

## **Environmental Management**

### Noise

40. To require a noise monitoring scheme and implementation of the approved scheme.
41. To require that the noise generated by the operations except for the construction and removal of soil mounds, do not exceed a maximum level of background LA90 + 10 dB with an upper limit of 55 dB LAeq.
42. Noise levels at the nearest noise sensitive properties resulting from the construction and removal of soil screening mounds shall not exceed 70 dB LAeq (1-hour) (free-field) during an 8 week period in any 12 month period.
43. To follow best practicable means to minimise the potential impact on receptor locations in accordance with measures described in section 6.2 of Noise Impact Assessment.

### Dust

44. To review the Dust Action Plan (ref. ES.4079/16/502 M D1 dated 14 February 2008) and implement in accordance with approved details.

### Flood Risk and Safeguarding the Water Environment

45. To ensure the implementation of the submitted Flood Risk Assessment.
46. To require a review of the approved ground water monitoring scheme and implementation of the approved scheme.
47. To define the requirements for the storage of oils, fuels and chemicals.

### Landscaping and visual screening

48. To require the submission prior to the commencement of soils tripping within each working phase as shown on the 'Proposed final quarry design with phasing' (Dwg no B124/270c) of the vegetation to be retained, details of advance planting and transplanting and soil/overburden screening mounds to be formed; and implementation of the approved scheme.
49. To require the submission of Tree Protection and Management Plan including

an Arboricultural Method; and implementation of the approved scheme.

### **Nature Conservation and Archaeology**

50. To require submission of details for the archaeological mitigation as outlined in Table 5 of the Archaeological Assessment technical report submitted with the Environmental Statement; and implementation of the approved scheme.
51. To require submission of details for an Invasive Species and Biosecurity Management Plan; and implementation of the approved scheme.
52. To require submission of details for a Site Biodiversity Management Plan; and implementation of the approved scheme.

### **Restoration and Aftercare**

53. To require the site to be progressively restored in general accordance with the 'Restoration proposals' (Dwg no B124/267d);
54. To require a detailed Restoration and Aftercare Scheme for the Site within 12 months of the commencement of soil stripping. The Restoration and Aftercare Scheme shall include but may not be limited to the following details:
  - a) final restoration contours, gradients and levels;
  - b) a programme for the removal of the accesses, ancillary plant and equipment, buildings, structures, conveyors, hoppers, perimeter security fencing, gates and hard-surfaces;
  - c) soil management including replacement depths, ripping, cultivation and stone picking;
  - d) preparation of the land to be restored to woodland;
  - e) the management of weeds and any invasive species;
  - f) tree planting and woodland management techniques during the aftercare period including the protection measures and the provision for replacement of failures of individual trees, shrubs and plant species to secure 85 % survival rate at the end of the aftercare period;
  - g) maintenance of the permissive footpath from Catholme Lane to the Mythaholme bridge over the river
  - h) access and interpretation plan describing the heritage and archaeological assets on and adjacent to the quarry site;
  - i) information boards/ interpretation panels highlighting the important archaeological resource;
  - j) creation of water features including mill race/ canal arm based on the results of the archaeological mitigation works in this area;
  - k) indicative timetable of implementation of restoration and aftercare works including extended aftercare required by the Section 106 Legal Agreement.
55. To require a review of the Restoration and Aftercare Scheme within 5 years of the approval of the detailed scheme;
56. In the event that the working operations hereby permitted cease for a period of 24 months prior to the cessation date a Revised Restoration and Aftercare

Scheme shall be submitted;

57. To require the site to be restored and subject to aftercare in accordance with the latest approved Restoration Strategy and detailed Restoration and Aftercare Scheme;

## **Record Keeping**

58. To require records to be kept of the following:
  - a) The total number of loads of mineral, concrete and imported mineral entering or leaving the site per day (as applicable);
  - b) The quantities of mineral exported;
  - c) The operating hours;
  - d) Noise and ground water monitoring in accordance with the approved schemes;
  - e) Any complaints and remedial actions taken.

INFORMATIVES to include the following:

### 1. Network Rail

Network Rail advised as follows:

- a) Dewatering operations must not compromise railway operations or damage railway infrastructure. Prior to the commencement of any dewatering operations, Network Rail requires the installation of piezometers to monitor the effect of the operations on water pressures in ground adjacent to or on railway property.
- b) There must be no reduction in the effectiveness of any drainage assets or watercourse belonging to Network Rail.

### 2. Environment Agency

The Environment Agency advised as follows:

#### Flood Risk

The works to divert the on-site watercourse will require a Flood Risk Activity Permit from the Environment Agency prior to commencement.

Under the terms of the Environmental Permitting Regulations (EPR), a permit will be required from the Environment Agency for any proposed works or structures in, under, over or within 8 metres from the top of the bank of the River Trent, which is designated a 'main river'.

Information on how to apply for a permit and application forms can be found on our website at: <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>

Any application for a permit should be submitted to the following email address:  
[SWWMFloodConsent@environment-agency.gov.uk](mailto:SWWMFloodConsent@environment-agency.gov.uk)

#### Pollution Prevention

We advise the operator may require an environmental due to any mining waste they produce during the lifetime of the quarry.

Case Officer: Matthew Griffin - Tel: (01785) 277275  
email: [mat.griffin@staffordshire.gov.uk](mailto:mat.griffin@staffordshire.gov.uk)

Due to current Coronavirus restriction, the list of background papers for this report is only available on request by email sent to [planning@staffordshire.gov.uk](mailto:planning@staffordshire.gov.uk) and can only be provided by email.

## Appendix 1: Relevant Planning History

Details of relevant planning permissions and other planning decisions are listed as follows:

- [ES.4079/16](#) dated 6 February 2007 – permission for the continuation and extension of quarry operations, with restoration to water areas with potential for recreation, nature conservation and amenity uses.

[Section 106 Legal Agreement](#) dated 29 January 2007 in connection with permission ES.4079/16 includes clauses relating to:

- the relinquishment of earlier permissions;
- an additional 5 years aftercare beyond the statutory 5-year aftercare period in each phase of the development;
- a £30,000 highway contribution towards the maintenance of Walton Lane from the site access to A38(T);
- arrangements of liaison committee;
- relinquishment of permitted reserves at Wetmore Hall and Wetmore Hall South; and,
- reasonable endeavours to secure land to dedicate towards the creation of a public right of way (forming part of a long-distance footpath).

Relevant approved details associated with this permission include:

- [ES.4079/16/502 M D1](#) dated 14 February 2008 – approved details in compliance with conditions 28 (dust action plan) and 33 (noise monitoring scheme) of planning permission ES.4079/16.
- [ES.4079/16/502 M D2](#) dated 5 August 2009 - approved details in compliance with conditions 6 (scheme of working and restoration for the southern half of Phase V11C and Phase V11D), 37 (scheme for the monitoring of local groundwater) and 38 (scheme of groundwater mitigation measures to maintain groundwater water levels within Barton Turn SBI) of planning permission ES.4079/16.
- [ES.12/04/502 M](#) dated 2 June 2014 – an application not to comply with (to vary) condition 7 of planning permission ES.4079/16 to extend the time to complete mineral extraction in phases 7, VIIC and VIID from 6 February 2012 to 31 December 2014 and those parts of the site to be restored by 31 December 2015.

[Section 106 Legal Agreement](#) dated 16 May 2014 in connection with permission ES.12/04/502 M modified and updated the agreement completed under the planning permission ES.4079/16 and includes clauses relating to:

- taking account of the planning permission ES.12/04/502 M
- a clause to take account of variation to the new permission without the need to make further modifications to the agreement should they arise in the future;
- take account of any payment that should have now been made towards the maintenance of Walton Lane.

Relevant approved details associated with this permission include:

- [ES.12/04/502 M D2](#) dated 23 December 2014 – Part approval of details in compliance with conditions 34 (acoustic mounds), 35 (noise screening), 39 (archaeology) and 41 (landscaping) of planning permission ES.12/04/502 M.
- [ES.14/13/502 M](#) dated 27 January 2015 - Minor material amendment to planning permission ES.12/04/502 M - the variation of conditions 23 and 25 to allow the importation of crushed stone dust.

Relevant approved details associated with this permission include:

- [ES.14/13/502 M D2](#) dated 23 April 2018 – Approval of details in compliance with conditions 41(Planting), 49 (Restoration Scheme) and 52 (Aftercare Scheme) of ES.14/13/502 M
- [ES.14/13/502 M D3](#) dated 26 June 2015 – Approval of details in compliance with condition 32 of planning permission ES.14/13/502 M relating to reversing alarms
- [ES.18/05/502 M](#) dated 20 November 2018 – Permission for Installation of an additional site office to be used in connection with existing quarry site.
- [ES.20/02/502 M](#) dated 7 May 2020 – Permission (part retrospective) to install administration and control offices

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

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

### **Section 1 – Introduction**

This section outlines the purpose and contents of the environmental statement as well as providing a summary of the proposed development.

### **Section 2 – Project Summary and Objectives**

This section describes the site and provides background to the development proposals.

### **Section 3 – Geology**

This section provides a summary of the geology of the site and explains that the sand and gravel deposit is associated with the historical deposition of minerals by the river. Based on borehole data, the economic deposit thickens in a south-easterly direction across the extension area, from about 3 metres in the west to 10 metres in the east. The sand and gravel deposits are underlain by mudstones.

### **Section 4 – Project Description**

This section provides details of the proposals for extracting the sand and gravel and restoring the site including an explanation of the environmental benefits resulting from the proposed restoration of the extension area which include the creation of wetland habitats as well as increased flood water storage capacity.

### **Section 5 - Community and Stakeholder Engagement**

In preparing the application the applicant has sought pre application advice from the mineral planning authority involving the County Council's technical specialists. Liaison has also been held with the local community by way of the quarry liaison group and meetings with residents.

### **Section 6 – Scope of the Environmental Impact Assessment**

This section explains how the scope of the environmental impact assessment has been established and how the effects of the proposal are considered in relation to each relevant aspect of the environment.

### **Section 7 – Assessment of Alternatives**

As a matter of good practice, this section considers the alternatives to the proposals and in this case considers the no development option; alternatives to extraction in the western extension; alternative methods of extraction and processing; alternative methods of transportation; and alternative restoration. The applicant's conclusion is that the proposals put forward, having taken into account the alternative options and the advice of the specialist consultants, are the most appropriate in environmental terms for the site and for the local area.

### **Section 8 – Agriculture and Soils**

The agricultural impact assessment has been prepared by Richard Stock who holds an honours degree in Agricultural Science and a diploma in Soil and Water Engineering and is a member of the Institute of Agricultural Engineers.

The proposals would result in the loss of more than 20 hectares of grade 3a, which is assessed to be a 'major adverse' impact.

Several alternative proposals for the sustainable use of soils have been explored, but rejected on the grounds of archaeology interest, poor road access and lack of backfill material. Any reduction in the volumes of soils and overburden on the site would reduce the quality of the proposed restoration to enhance biodiversity. The soils and overburden would, therefore, be used to create the proposed restored landform to enhance biodiversity. Topsoil would be placed to dress the lake margins, wet woodland and grassland areas.

## **Section 9 – Archaeological Assessment**

This assessment has been compiled by Andy Richmond, Director with Phoenix Consulting Archaeology Ltd., who holds a BA degree in archaeology from the University of Wales and a Doctorate from Reading University. He is a full Member of the Chartered Institute for Archaeologists, with over twenty five years' experience as an archaeologist.

The assessment of direct impacts on archaeology within the proposed development boundary shows that significant impacts comprise a high magnitude of change to the suspected Prehistoric archaeological evidence, and the undated, but probably pre-Medieval archaeological evidence (based on a trial trench survey). There may also be an impact to the former 18th Century canal basin and associated iron foundry that lies within the site, if it is considered viable to work this area. The foundry was founded c. 1765 under a partnership including novelist Charles Bage and Dr Erasmus Darwin and is thought to have replaced an earlier mill.

Whilst the predicted impacts to these areas are of moderate significance, they can be appropriately mitigated in each case by the implementation of an approved scheme of archaeological works prior to development. This would preserve the archaeological interest of these parts of the site 'by record'. With regard to the former foundry and its associated canal, information gathered from any archaeological investigations would be used during the quarry restoration phase, in order to guide the recreation of the canal arm together with the footprint of any associated historic elements relating to the former industrial site.

## **Section 10 – Heritage Setting Assessment**

This report has been prepared by Jonathan Edis of Heritage Collective, who holds a M.A. in Architectural Building Conservation and Ph.D., and he is a full Member of the Institute of Historic Building Conservation and a full member of the Chartered Institute for Archaeologists.

In terms of the impacts on the setting and significance of designated heritage receptors beyond the site, the operational effect of the quarry would have a negligible impact in most cases, rising to moderate effects in the case of a Scheduled Monument adjacent to the north-eastern margin of the site (a group of four scheduled suspected Bronze Age ring ditches and associated linear features now levelled by ploughing) and the three listed buildings at Wychnor Bridges Farm. Given that these are high/ medium sensitivity receptors, the impacts are significant, although in the case of the listed buildings the "buffer zone" created by the modern farm buildings to the east and south-east noticeably reduces that impact. For this reason, the impact on the three listed buildings at Wychnor Bridges Farm is not regarded as being significant.

In the case of the scheduled monument the change from agri-industrial surroundings to

lake-type surroundings will have a permanent impact on setting that cannot be fully mitigated. A buffer zone of 10m is therefore proposed along the southern, eastern and western edges of the Monument. Beyond the buffer zone there would be a battered edge at a slope of 1 in 1.5 forming the edge of mineral workings. Following extraction, a phased programme of restoration shall take place, paying due regard to the protection of the Monument. As part of the restoration clay from the excavation floor, together with additional soils, would be carefully placed along the formerly created battered edge to extend the stand-off and create a shallow edge with a slope of 1 in 6, affording increased protection from any future threat of erosion.

Note: Further information was submitted in October 2019, to address concerns raised by Historic England and the County Archaeologist relating to the effect of development on the scheduled monument immediately to the north-east of the application site. In conjunction with the further information (including an assessment of the effects of dewatering the extraction area on the monument) substantial changes were made to the extent of sand and gravel extraction and to the proposed restoration scheme. This would mean that upon restoration of the quarry, the western boundary of the monument would adjoin agricultural land which has been excluded from the extraction area and land to the immediate east of the Scheduled Monument would be restored at about natural ground level to wet woodland rather than open water as was originally proposed.

## **Section 11 - Landscape Character and Visual Impact Assessment**

The landscape and visual impact assessment has been prepared by SLR Consulting Ltd., and the lead author was Simon Higson, who is a Chartered Landscape Architect and Chartered Horticulturist.

The main landscape and visual elements of the proposed development include the disturbance and clearance of existing vegetation and soils/overburden, formation of new landform (heaps and voids), land-cover pattern (new and enlarged quarry, access tracks/haul roads/conveyor/over-rail bridge, new mitigation planting and final restoration). The spatial extent of landscape and visual effects are principally local. Overall, there are no significant landscape or visual effects predicted as a result of the proposed development.

The extraction area is set back from the planning application boundary and this would allow for advance native tree planting at the outset of the proposed development. All peripheral vegetation is to be retained and protected as necessary; those trees that are worthy of retention, particularly towards the western boundary surrounding Wychnor Bridges Farm, would be retained and measures incorporated to protect them during the extraction and restoration phases.

As the proposed extension would be worked using mobile plant and processed through the existing processing plant east of the railway, there would be no new buildings or structures, other than the new conveyors taking material up to and over the railway line. The more visible elevated gantry (and two of the support towers) would be clad to create a simple appearance. The cladding would be matt goosewing grey in colour which would recede in views. The over-rail bridge is positioned close to the existing road bridge on Catholme Lane so that in landscape and visual terms, as far as possible, the two structures are viewed together.

The final restoration scheme is focused upon the potential for landscape and biodiversity enhancements based on the incorporation of new habitats as follows:

- Wetland within a woodland framework, as per the approved restoration scheme for the existing Barton Quarry east of the railway line. Furthermore, the restoration scheme aims to contribute to the National Forest objectives of enhancing biodiversity and landscape through development of wooded sites.
- New open water lake, with floodplain and wet woodland to enhance flood alleviation.
- New water features fringed by complex shallows and offshore islands.
- Tributary stream braiding to the south of the site to enhance biodiversity and enclosed and complex river-scape character. This would include seasonal and permanent ponds and riverine backwater channels.

Further information was submitted in October 2019, to address concerns relating to the mitigation of views of the quarry and the impact on trees. As indicated above, existing trees would be retained for as long as possible for the benefit of biodiversity and visual mitigation; and it is now proposed that a condition be included which would require submission of detailed phasing and to show existing vegetation to be retained, existing vegetation to be retained for as long as possible to aid screening, and advance planting and any transplanting. This includes the proposals for a block of planting along the eastern boundary with the mainline railway. In addition, it would be also necessary to show how temporary soil storage mounds might achieve further visual mitigation.

## **Section 12 - Ecological Impact Assessment**

The Ecological Impact Assessment (EclA) has been undertaken by SLR Consulting Limited. The principal author of the EclA was Mr Chris Mitchell who is a Chartered Ecologist (CEcol), Chartered Environmentalist (CEnv) and Full Member of the Chartered Institute of Ecology and Environmental Management (MCIEEM).

The principal habitat losses relate to the removal of approximately 35 hectares of arable farmland under the revised restoration scheme for the extension area and 25 hectares of improved grassland. Both habitat types occur frequently in the local area although 12 hectares of the improved grassland, whilst of limited botanical value and relatively recent origins, is identified as Coastal and Floodplain and Grazing Marsh, a Section 41 priority habitat. The proposed extension would also result in the loss 1.1ha of plantation woodland, 2.2 hectares willow scrub/carr woodland, 0.5 hectares of swamp and tall ruderal vegetation, 455 metres of species-poor hedgerow and a canal overflow channel of approximately 660 metres.

Overall, no significant adverse ecological impacts have been predicted and it is considered that the proposal would provide a net gain for biodiversity following completion of mineral extraction and restoration operations. The presence of protected and notable species has also been identified, including bats, otter and birds although the predicted impacts in most cases are not assessed as being significant as the residual situation is one of increased habitat resources when compared to the baseline situation. The possible exception to this relates to farmland birds, due to a loss of arable farmland, although the current management regime does not favour nature conservation and the overall wider gains predicted for most bird species and other protected and notable fauna are considered to justify the loss of arable land.

New habitats proposed as part of the revised restoration scheme submitted with the further information in October 2019 include open water extending to 24 hectares, shallow water

habitats for reed bed and swamp vegetation extending to 8 hectares and islands covering an approximate 1 hectare, a mosaic of floodplain meadow and wet woodland extending to 18 hectares a, seasonal ponds and scrapes covering 2 hectares and provision of specific features for fauna including artificial otter holts, a raised nesting bank suitable for kingfisher and sand martin, gravel islands, bat boxes and refugia. An invasive species control programme would also be implemented with respect to Japanese knotweed and Himalayan balsam.

Mitigation measures for protected and notable species include:

- Update bat roost assessment surveys in advance of each phase of quarry development, update roost detection surveys as required and advance provision of alternative roosting opportunities as required.
- A suitable bat commuting route should be retained around the limit of the proposed extraction area and comparable habitat features to those being removed should be re-instated during restoration.
- A 30 metre standoff from the River Trent has been adopted which is considered sufficient to avoid any significant disturbance of otter using the River Trent during operational periods.
- The nature of the proposed restoration is such that virtually all the habitat mosaic to be created would directly benefit otter and five artificial holts are also proposed.
- Removal of nesting habitats can either be timed to avoid the nesting season (the season is March to August) in order to avoid the direct impact or, for situations where this is not possible, then a check for any active nests would need to be undertaken prior to removal taking place.
- Opportunities would be taken to provide smaller scale specific enhancements for invertebrates such provision of dead wood habitat.
- A fish mitigation and rescue method statement would be developed and implemented under agreement with, and approval from, the Environment Agency as required.
- As a consequence of the revisions to the extent of extraction, the retention of agricultural land provides opportunity to provide habitat for displaced farmland birds. It is proposed to include up to 5 metre wide uncultivated margins which will enable development of tussocky grassland alongside hedgerows to benefit species such as corn bunting and skylark.

Note that the supplementary ecological information submitted in October 2019 included an update on mitigation proposals in relation to the Catholme Sand and Gravel Pits Site of Biological Importance (SBI) located to the east of the railway which is being re-excavated as part of permitted quarrying operations and is proposed to be used for the disposal of silt in association with the proposed western extension. In October 2018 a Method Statement for the translocation of representative vegetation samples from the SBI to a dedicated receptor site prior to mineral extraction operations commencing in this area under the extant permission, was submitted. A survey undertaken in 2019 noted several desirable plant species had established in the receptor area, that were targeted for translocation. Further translocation and monitoring will take place as set out in the method statement, with

results being provided to the County Ecologist as has been the case in 2019.

### **Section 13 - Water Regime**

The Hydrogeological and Hydrological Impact Assessment was prepared by BCL Consultant Hydrogeologists Limited and Gavin Chaplin (the author of the report) holds a first degree (Geology) conferred by Keele University, 1990 and a Master of Science Degree (Groundwater Engineering) from Newcastle University, 1993.

Although assessment has determined that the proposed development would not cause any unacceptable impacts upon the water environment, a number of measures have been identified for the minimisation of potential effects:

- The existing programme of groundwater level monitoring should be maintained for the operation of the Proposed Development and into the aftercare period to provide information for review and the formulation of remedial action if necessary.
- Procedures have been advanced for the protection of water quality; by minimising the likelihood of occurrence in the first instance, and specification of reactive measures for the management of accidental spillage and/or long-term leakage of fuel, lubricating or hydraulic oils should this occur.
- Formulation and implementation of a programme of confirmatory groundwater quality sampling and analysis is recommended, as an adjunct to the existing programme of groundwater level monitoring, to provide data for review and formulation of remedial measures if required.
- Adherence to standard good practice measures for prevention of contamination of surface water by suspended solids when working adjacent to the River Trent and the Backwater.
- Continued compliance with the volumetric limits for off-site discharge imposed by existing discharge authorisations.
- Temporary flood defence bunding of active areas of mineral extraction.
- Provision of a design and methodology for the diversion of the Backwater that will ensure accommodation, as a minimum, of the 1:100 flood level.
- Provision of and adherence to a Flood Emergency Plan for the minimisation of flood risk hazard to personnel and machinery.

Further information was submitted in October 2019 which considers:

- highway drainage and confirms that the development of the extension area would not affect the operation of the existing highway drains.
- the impact on the overspill channels for the Trent and Mersey canal which was then supplemented by further details and agreement on conditions requiring details of any replacement drainage channels prior to existing channels being disturbed.
- the extent of the stand-off to the River Trent and conclude that it is not necessary to increase further the standoff width or plant additional willows.

## **Section 14 - Noise Impact Assessment**

The assessment of noise has been prepared by Vibrock Limited and Steven Edwards, the author of this report, has 7 years of experience with the company.

With the noise control recommendations listed in the report and the exercise of reasonable control over general site operations, it is concluded that the proposed mineral extraction and processing at Barton Quarry should be capable of being implemented in line with current planning practice guidance for mineral sites.

## **Section 15 - Air Quality Assessment**

The assessment of air quality has been prepared by Vibrock Limited and Steven Edwards, the author of this report, has 7 years of experience with the company.

The report concludes that it is unlikely that any significant decrease in local air quality would occur due to the proposed operations at Barton Quarry. Any dust occurrence event would be limited and of short duration and would be minimised by implementation of the dust control recommendations.

With regard to PM10 and PM2.5 dust levels from the site, analysis has been made of the air quality data. These results show that the Air Quality Objectives would not be exceeded and therefore the air quality would not be significantly affected by this development.

## **Section 16 – Highways**

The Transport Statement was prepared by the Hurlstone Partnership Limited and Jeremy Hurlstone, the author of this report, has 30 years of experience in the assessment of highway impact for a range of development types and scale.

The proposed development would continue to operate within the existing planning conditions insofar as they relate to highway matters. Notwithstanding this a review of the traffic impact was undertaken, which found that even if operating at peak permitted levels in terms of traffic movements for every working day, the quantum of development traffic was not significant in terms of having a material impact on the road network.

## **Section 17 – Public Rights of Way**

There are no public rights of way across the existing Barton Quarry although there is an agreement to create a new permissive right of way from Catholme Lane in a southerly direction along the east side of the rail line to a footbridge over the River Trent and beyond. The agreement has yet to be completed.

## **Section 18 Cumulative Impacts**

There are a number of sand and gravel sites in the vicinity of Barton Quarry including at Newbold to the north and Alrewas to the south which have been operational for a number of years. It is considered that there would be no cumulative impacts with these other quarry operations due to the intervening distances.

## **Section 19 – Socio – economic**

There exists a substantial level of employment at the site with 40 people directly or indirectly employed. These jobs are full time and not seasonal. Every year Hanson spends

over £8 million at Barton on purchases including transport, wages, equipment, consumables and fuel, much of which benefits the economy in the area. The continued operation of Barton Quarry would have a number of positive socioeconomic effects including the continuation of employment levels and financial expenditure within in the local economy.

## **Section 20 – Conclusions**

The environmental statement concludes that the proposed development has been subject to a thorough assessment as required by the Environmental Impact Assessment Regulations to determine the potential impacts on the environment and on local amenity. With the adoption of suitable mitigation measures, it is considered that the development would not have any significant adverse impacts.

### **Further Information**

As indicated above, further information to supplement the environmental statement was submitted in response to comments received during the initial consultation on the application. In addition to the information already indicated above, stability assessments were submitted in relation to the effects of excavating in proximity to the A38 embankments and associated bridge structures as well as the adjacent railway. In relation to the protection of the road and railway infrastructure, the analyses indicate that the proposals are unlikely to have adverse effects and conditions have been proposed to secure agreed safeguards.

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

### **Appendix 3: Record of consideration of European Protected Species**

The Local Planning Authority in exercising any of their functions, have a legal duty to have regard to the requirements of the Conservation of Species & Habitats Regulations 2017 which identifies 4 main offences for development affecting European Protected Species (EPS).

1. Deliberate capture or killing or injuring of an EPS.
2. Deliberate taking or destroying of EPS eggs.
3. Deliberate disturbance of a EPS including in particular any disturbance which is likely:
  - a. to impair their ability:
    - i. to survive, to breed or reproduce, or to rear or nurture their young, or
    - ii. in the case of animals of a hibernating or migratory species, to hibernate or migrate; or
  - b. to affect significantly the local distribution or abundance of the species to which they belong.
4. Damage or destruction of an EPS breeding site or resting place.

#### **Bats**

Ecological survey results indicate that a European Protected Species (bat species) is likely to be present.

The proposed development is likely to result in an offence under the Conservation of Species & Habitats Regulations 2017.

Officers therefore have a duty to consider whether the proposal would be likely to secure a licence. To do so the proposals must meet with the three derogation tests which are:

1. There are imperative reasons of overriding public interest (e.g. health and safety, economic or social)
2. There is no satisfactory alternative
3. The action will have no detrimental impact upon population of the species concerned e.g. because adequate compensation is being provided.

Your officers are of the opinion that the submitted evidence satisfies the three derogation tests because:

- 1 The proposed mineral extraction is an allocation in the Minerals Local Plan intended to meet the demand for construction aggregates within the county and beyond during the period up to 2030.
- 2 The principle of mineral working within the proposed site has been already established and determination of the application involves securing a scheme that achieves effective development of mineral reserves while securing a sustainable after use of the quarried land
- 3 Bat surveys have been undertaken that demonstrate that adequate mitigation can be provided for the species present including a bat mitigation strategy, update surveys,

and provision of alternative roosting and foraging habitats.

Recommendation: The evidence submitted clearly demonstrates that the three derogation tests are likely to be met and given this, your officers are of the opinion that Natural England are likely to grant a licence. As such the LPA do not need to consider this matter further.

### **Otter**

Our records, the habitat on and around the proposed development site and ecological survey results indicate that a European Protected Species (Otter) is likely to be present.

The Ecological Impact Assessment (SLR, Nov 2019) 5.5.2 submitted with the application details the following mitigation measures:

- No evidence of an otter holt has been found although this will be reviewed in advance of specific phases of works that impact upon potential otter habitat, to ensure the 2017 baseline remains current.
- A 30m standoff from the River Trent has been adopted which, given the wider baseline setting includes active mineral extraction at the existing quarry in a similar context, is considered sufficient to avoid any significant disturbance of otter using the River Trent during operational periods.
- The nature of the proposed restoration is such that virtually all of the habitat mosaic to be created will directly benefit otter by retaining and re-instating any existing commuting routes and providing significant areas for foraging.
- The creation of five artificial holts using felled tree material from the extension area will also represent an enhancement for otter and provide resting opportunities alongside the enhanced foraging opportunities presented by the habitat creation that is proposed.

The mitigation measures detailed within the survey are considered to be convincing and in your officers' opinion will secure "offence avoidance" measures.

Recommendation: Your officers consider that sufficient information has been submitted with the application which demonstrates that measures can be introduced which would ensure that an offence is avoided. The application is, therefore, not considered to have an adverse impact upon protected species provided that the stated mitigation measures are implemented.

[Return to the Findings of Consultations section of report](#)

## **Appendix 4: The development plan policies and proposals, and the other material planning considerations, relevant to this decision**

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

[The Minerals Local Plan for Staffordshire](#) (2015 - 2030) (adopted 16 February 2017).

- Policy 1: Provision for Sand and Gravel
  - Policy 1.1 (e) – Barton (Wychnor) (Inset Map 5 including ‘Development Considerations’ ([Appendix 1](#)))
- Policy 4: Minimising the impact of mineral 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.

[East Staffordshire Borough Local Plan \(2012 – 2031\)](#) (adopted 15th October 2015)

- SP23 (Green Infrastructure);
- SP26 (National Forest);
- SP27 (Climate change, water body management and flooding);
- SP29 (Biodiversity and geodiversity);
- SP30 (Locally significant landscape);
- SP32 (Outdoor sports and open space policy);
- SP34 (Health and wellbeing);
- SP35 (Accessibility and Sustainable transport);
- DP5 (Protecting the Historic Environment: All Heritage Assets, Listed Buildings, and Conservation Areas and Archaeology);
- DP6 (Protecting the Historic Environment: Other Heritage Assets);
- DP8 (Tree protection); and
- DP10 (Blue Infrastructure and water based recreation)

[Lichfield District Local Plan Strategy \(2008 – 2029\)](#) (adopted 15 February 2015) (saved policies):

- Core Policy 13 (Our Natural Resources);
- Policy NR4 (Trees, Woodlands and Hedgerows)
- Policy NR6 (Linked Habitat Corridors and Multi -functional Greenspaces)
- Policy NR8 (River Mease Special Area of Conservation)

[Alrewas Neighbourhood Plan](#) (‘made’ 9 October 2018)

- Policy PR1 Protection and Enhancement of Public Open Spaces
- Policy PR4 Trees and Hedges

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

- [Planning for Landscape Change.](#)
- [National Planning Policy Framework](#) (updated February 2019):

- [Section 1](#): Introduction
  - [Section 2](#): Achieving sustainable development
  - [Section 4](#): Decision-making
  - [Section 8](#): Promoting healthy communities
  - [Section 9](#): Promoting sustainable transport
  - [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](#)
    - [Environmental Impact Assessment](#)
    - [Flood risk and coastal change](#)
    - [Minerals](#)
    - [Natural environment](#)
    - [Noise](#)
    - [Open space, sports and recreation facilities, public rights of way and local green space](#)
    - [Planning obligations](#)
    - [Transport evidence bases in plan making and decision taking](#)
    - [Travel Plans, Transport Assessments and Statements](#)
    - [Use of planning conditions](#)
    - [Water supply, wastewater and water quality.](#)

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





Schedule of tree & shrub planting for wood-pasture, damp & wet woodland areas

Species		No.	Size
<i>Acer campestre</i>	- Field Maple	40	40-60
<i>Alnus glutinosa</i>	- Common Alder	100	60-120
<i>Betula pubescens</i>	- Downy Birch	20	CG
<i>Cornus sanguinea</i>	- Dogwood	20	60-90
<i>Corylus avellana</i>	- Hazel	30	40-60
<i>Crataegus monogyna</i>	- Hawthorn	10	40-60
<i>Fraxinus excelsior</i>	- Alder Buckthorn	10	60-90
<i>Fraxinus excelsior</i>	- Common Ash	-	-
<i>Ilex aquifolium</i>	- Holly	50	PG
<i>Ligustrum vulgare</i>	- Wild privet	20	60-90
<i>Populus nigra betulifolia</i>	- Black Poplar	5	60-120
<i>Populus tremula</i>	- Aspen	60	60-90
<i>Prunus spinosa</i>	- Blackthorn	5	-
<i>Quercus robur</i>	- Oak	15	CG
<i>Rhamnus catharticus</i>	- Purging Buckthorn	10	60-90
<i>Rosa canina</i>	- Dog rose	5	60-90
<i>Salix caprea</i>	- Goat Willow	5	60-90
<i>Salix cinerea</i>	- Grey Willow	10	60-120
<i>Salix fragilis</i>	- Crack Willow	10	60-120
<i>Salix viminalis</i>	- Osier	50	60-90
<i>Sambucus nigra</i>	- Elder	5	60-120
<i>Viburnum opulus</i>	- Guelder Rose	20	60-90
		<b>500</b>	

**Tree planting aftercare**

All stock will be bare rooted whips (1+1 or 0+1) 60-120cms. tall, planted in pits 30cms. x 30cms. x 30cms.

Where grouped, all stock will be planted in single species blocks of 5-15 plants at approximately 2 metre centres but to randomly vary between 1 and 3 metre spacing with no straight rows. All stock will be protected by clear plastic spiral rabbit guards with canes and enclosed by stock-proof fencing where necessary to protect from future grazing.

All stock will be spot weeded to a diameter of 1.0m with appropriate herbicide until established.

- Legend**
- Restored features and areas**
- Deep water (24ha) with margins of reedswamp and fen shallows (8ha) (dominated by *P. australis*)
  - Close & open - canopy floodplain woodland (damp & wet) with grass/herb glades (24ha)
  - Ponding & scrapes within marshy floodplain grassland margins (2ha) and islands (1ha)
  - Farmland with hedgerows (5ha)
  - Potential permissive footpath (subject to third party agreement)

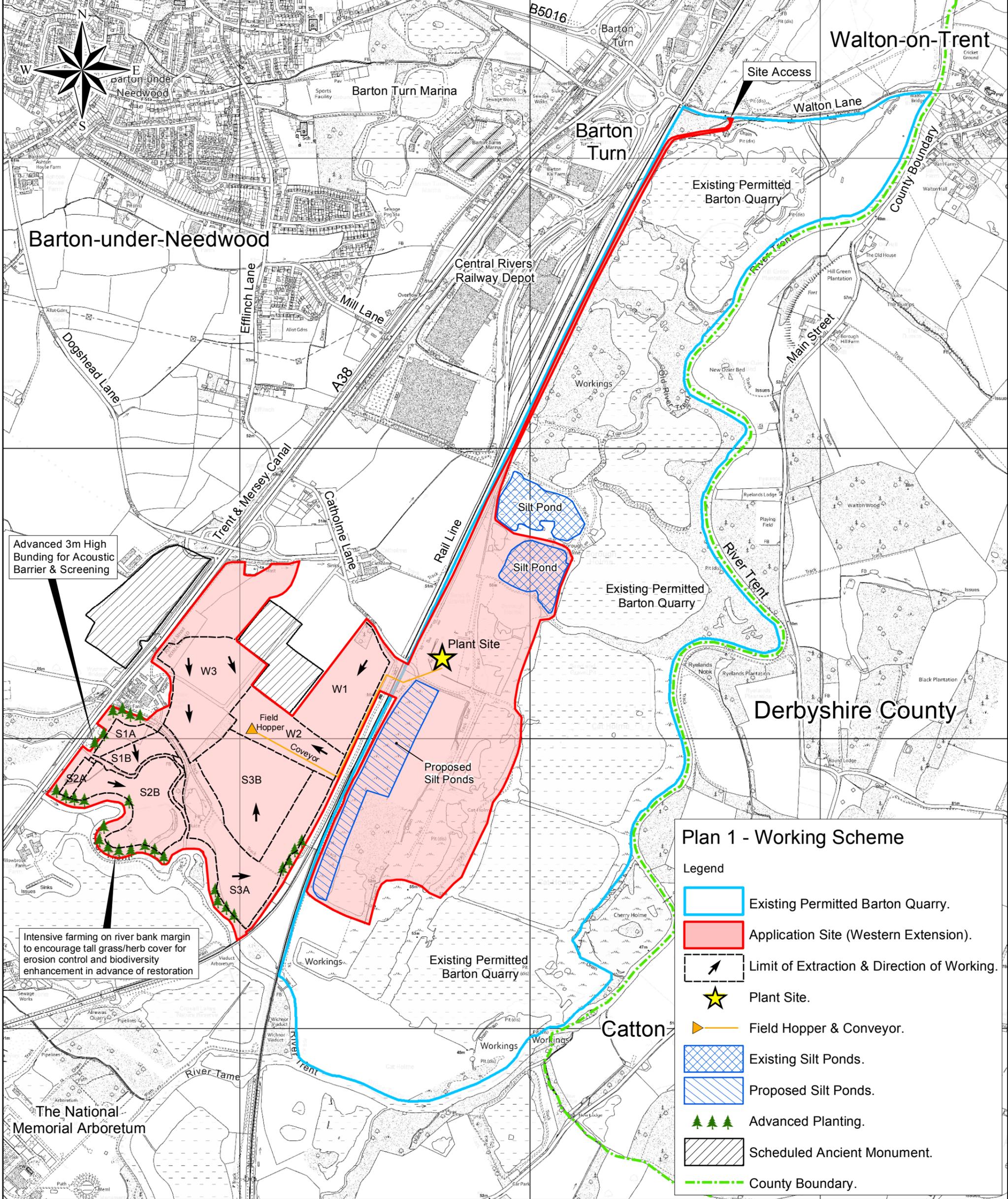
**Plan 2 - Restoration Scheme**

Staffordshire County Council

Hanson Quarry Products Europe Ltd. Application for western extension to Barton Quarry between A38 road and railway line to extract 6 million tonnes of sand and gravel over a period of 10 years and to restore the site to landscaped water areas with biodiversity, landscape and flood alleviation benefits, Barton Quarry (Western Extension), Walton Lane, Barton-under-Needwood.

Date : 05/03/20	Scale : Not to Scale
O.S. Grid Ref : SK.192 159	Ref : ES.17/11/502 M





Advanced 3m High Bunding for Acoustic Barrier & Screening

Intensive farming on river bank margin to encourage tall grass/herb cover for erosion control and biodiversity enhancement in advance of restoration

### Plan 1 - Working Scheme

Legend

- Existing Permitted Barton Quarry.
- Application Site (Western Extension).
- Limit of Extraction & Direction of Working.
- ★ Plant Site.
- Field Hopper & Conveyor.
- Existing Silt Ponds.
- Proposed Silt Ponds.
- 🌲🌲🌲 Advanced Planting.
- Scheduled Ancient Monument.
- County Boundary.

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Hanson Quarry Products Europe Ltd. Application for western extension to Barton Quarry between A38 road and railway line to extract 6 million tonnes of sand and gravel over a period of 10 years and to restore the site to landscaped water areas with biodiversity, landscape and flood alleviation benefits, Barton Quarry (Western Extension), Walton Lane, Barton-under-Needwood.



<b>Local Members' Interest</b>
N/A

## Planning Committee – 6 August 2020

Report of the Director for Economy, Infrastructure and Skills

### Planning, Policy and Development Control Team Annual Performance Report

#### Purpose of the Report

To inform the Planning Committee about our planning policy-making and planning development control performance and related matters over the previous financial year (1 April 2019 to 31 March 2020).

#### Recommendation

That the report be noted.

#### Summary

##### Planning policy-making performance

We are continuing to monitor our Mineral and Waste Local Plans and published our 15<sup>th</sup> [Annual Monitoring Report \(AMR\)](#). The AMR concluded that there was no immediate need to update our Minerals or Waste Local Plans.

##### Planning development control performance

- |    |  |                            |
|----|--|----------------------------|
| a) | Speed - major development decisions                        | <b>100%</b> (23 out of 23) |
| b) | Quality – major development decisions overturned at appeal | <b>Nil</b> (0 out of 23)   |
| c) | Speed - County Council's 'non-major development' decisions | <b>100%</b> (13 out of 13) |
| d) | Speed - County Council's major development decisions       | <b>100%</b> (1 out of 1)   |
| e) | Delegated decisions  | <b>86%</b> (32 out of 37)  |

##### Application and Pre-application Advice Service Income

- 112 applications and submissions and just over £242,000 in fees.
- 13 requests for pre-application advice and almost £5,600 in fees (excl. VAT).

## Staffing and Caseload (plus Q1 update during the Coronavirus crisis)

Business and Enterprise, of which Planning, Policy and Development Control is a part, was re-organised during the year to save £190,000 identified in the Medium-Term Financial Strategy (MTFS) for 2020-21. As a consequence, one Planning Information Officer was made redundant.

The total number of cases received (applications, submissions and consultations) was significantly down compared to the same period in the previous two years (136 compared to 215 and 239). Notably a fall in the number of consultations accounted for a significant part of this difference (24 compared to 89 and 114).

In response to the [Coronavirus crisis we have adjusted our planning service](#) but for the most part, after an initial pause, we have been able to continue to operate as 'normal', albeit that officers are working from home. Despite the crisis, the data confirms that it remains 'business as usual'.

## Background

Performance in planning policy-making and planning development control is reported after the end of the financial year with an update after 6 months. Quarterly performance updates are reported to the Cabinet Member for Economy and Infrastructure.

This is a report about planning policy-making and planning development control performance and related matters over the previous financial year (1 April 2019 to 31 March 2020).

## Planning policy-making performance

We [reported to the Planning Committee](#) in February 2020 that we had completed our 15th [Annual Monitoring Report](#) (AMR) for the period April 2018 to March 2019. The AMR concluded that:

- a) we have enough reserves of most minerals; adequate facilities to process our waste; and our policies are working well. There is some uncertainty about the longer-term supply of clay to some of the county's brickworks, and a few of our older mineral sites have yet to produce detailed restoration plans.
- b) overall, there was no immediate need to update our Minerals or Waste Local Plans.

## Planning development control performance

[Appendix 2](#) provides a summary of performance by quarter in 2019-20.

[Appendix 3](#) provides a comparison with the previous two years.

- a) Speed - major development decisions **100%** (23 out of 23)

The proportion of the minerals and waste development decisions made within 13 / 16 weeks or within an agreed extension of time.

National target	60% (over 2 years)
Local target	90% (over 1 year)

- b) Quality – major development decisions overturned at appeal **Nil** (0 out of 23)

The proportion of the minerals and waste development decisions overturned at appeal.

National target	10% (over 2 years)
Local target	5% (over 1 year)

Commentary: The proportion of the mineral and waste development decisions made on time, or within an agreed extension of time, remained at 100% and the proportion of those decisions appealed, let alone overturned on appeal, was nil as we continue to try to resolve outstanding matters before reaching a decision. Notably the number of mineral and waste development decisions made during the financial year was down compared to last year but similar to that two years ago (23 compared to 31 and 20) (see [Appendix 3](#)).

- c) Speed - County Council's 'non-major development' decisions **100%** (13 out of 13)

The proportion of the County Council's non-major development decisions made within 8-weeks or within an agreed extension of time.

Local target	90% (over 1 year)
--------------	-------------------

- d) Speed - County Council's major development decisions **100%** (1 out of 1)

The proportion of the County Council's major development decisions made within 13 / 16 weeks or within an agreed extension of time.

Local target	90% (over 1 year)
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[See [Definitions](#) for an explanation of 'major development' and 'non-major development'.]

Commentary: The proportion of County Council developments decisions made on time, or within an agreed extension of time, remained at 100% as we continue to try to resolve outstanding matters with the applicant before reaching a decision. The number of non-major County Council development applications was slightly higher compared to the previous two years (13 compared to 11 and 9). There was only one County Council major development application which was the same as in the previous two years) (see [Appendix 3](#)).

[Note: The County Council's major developments typically involve large projects such as new schools e.g. the Branston Road High School near Burton; and, major highway improvement schemes e.g. the Stafford Western Access Road and the Lichfield

Southern Bypass. Non-major developments typically involve much smaller projects e.g. additional classrooms at schools and new barns on the County Farms.]

e) Delegated decisions **86%** (32 out of 37)

The proportion of all decisions made by your officers in accordance with delegated powers.

Local target **80%** (over 1 year)

Commentary: The proportion of decisions made by your officers under delegated powers is close to the target and it is worth noting that as the number of decisions made is small, one decision either way has a significant effect on the percentage figure (e.g. 29 out of 37 = 78%).

[Note: The delegated powers apply to applications that do not involve a substantial new site or significant extension; applications for county developments; applications where there are no objections from a statutory consultee, district / parish council or local member; or applications where there are no more than 4 objections on material planning grounds.]

### **Application and Pre-application Advice Service Income**

We received 112 applications and submissions and just over £242,000 in fees compared to 125 and £45,000 in the last financial year. In line with Government regulations introduced in January 2018, the County Council has ring fenced 20% of the fee income to spend on the planning service. The total at the end of the financial year was just over £40,300 and the accumulated total was just over £55,500 (see [Appendix 1](#) 'Resource and Value for money implications' section for more information).

We increased our pre-application service charges in line with the general 2% increase in April 2019. We charge between about £230 and £800 and received 13 requests for pre-application advice and about £5,600 in fees (excl. VAT) compared to 15 and £5865 in the last financial year.

### **Staffing and Caseload (plus Q1 update during the Coronavirus crisis)**

The Planning, Policy & Development Control Team:

Team Manager  
2 Policy and Development Control Team Leaders  
1 Principal Planning Officer and 1 Senior Planning Officer (part-time)  
1 Planning Information Team Leader and 1 Planning Information Officer

The total number of cases received (applications, submissions and consultations) was significantly down compared to the same period in the previous two years (136 compared to 215 and 239). Notably a fall in the number of consultations accounted for a significant part of this difference (24 compared to 89 and 114) due to the effectiveness of our standing advice. The number of mineral and waste development decisions made during the financial year was down compared to last year but similar to that two years

ago (23 compared to 31 and 20) (see [Appendix 3](#)).

The paid-for pre-application service is also continuing to generate additional work and income.

Staffing to support our development control caseload, policy-making workload and overall performance will continue to be monitored.

### **Quarter 1 - 2020- 21 during the Coronavirus crisis**

In response to the [Coronavirus crisis we have adjusted our planning service](#) but for the most part, after an initial pause, we have been able to continue to operate as 'normal', albeit that officers are working from home. Despite the crisis, the data below confirms that it remains 'business as usual'.

#### Quarter 1 2020-21

- Speed - major development decisions **100%** (7 out of 7)  
(the same as in Q1 last year)
- Quality – major development decisions overturned at appeal **Nil** (0 out of 7)
- Speed - County Council's 'non-major development' decisions **100%** (3 out of 3)  
(1 in Q1 last year)
- Speed - County Council's major development decisions **Nil**  
(the same as in Q1 last year)
- Delegated decisions **100%** (10 out of 10)

We have also received:

- 10 major applications (the same as in Q1 last year)
- 1 county development application (plus 1 which was later withdrawn and 2 that are currently invalid) (3 in Q1 last year)
- 17 submissions of detail / non-material amendments (19 in Q1 last year)
- 3 requests for pre-application advice; and,

approved 15 submissions of detail / non-material amendments (16 in Q1 last year)

### **Replacement of our Planning ICT system - update**

Work to replace our Planning ICT system, developed in-house in 2003, began in June 2020 and we are aiming to 'go-live' in October 2020. The work involves the migration to the new systems of about 9,000 records and an estimated 100,000 associated documents and plans (over 150 gigabytes of data). The new systems will also introduce new back-office functionality, and public-facing web features based around a Citizen Portal.

## **Report author**

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## **Definitions**

'Major development' is defined in the [Town and Country Planning \(Development Management Procedure\) \(England\) Order 2015](#)

In so far as it is relevant to applications determined by the County Council, a 'major development' means development involving the winning and working of minerals or the use of land for mineral-working deposits; waste development; the provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more; or development carried out on a site having an area of 1 hectare or more.

## **List of Background Papers**

- Half Year Performance 2019-20 - Planning Committee Report – 6 February 2020 ([see Committee agenda - item 63](#))
- [MHCLG - Improving planning performance: criteria for designation \(November 2018\)](#)
- [DCLG - Live tables on planning application statistics](#)
- [Town and Country Planning \(Section 62A Applications\) \(Amendment\) Regulations 2016](#)

## **Appendix 1**

### **Equalities implications:**

This report has been prepared in accordance with the County Council's policies on Equal Opportunities.

### **Legal implications:**

Officers are satisfied that there are no direct legal implications arising from this report.

### **Resources and value for money implications:**

Officers are satisfied that there are no direct resource and value for money implications arising from this report.

A significant increase in workload and the next review of our Minerals and / or Waste Local Plan are likely to require additional resources if we are to maintain our current high performance. Decisions to refuse applications may lead to appeals being made. The funds to cover the cost of appeals would need to be found from the County Council's contingencies.

An ICT budget has been provided to replace our in-house planning ICT system with an externally hosted system (in accordance with the Corporate ICT Strategy). An annual budget for the cost of hosting the new system, beyond the initial contract period, will be

required.

[The Town and Country Planning \(Fees for Applications, Deemed Applications, Requests and Site Visits\) \(England\) \(Amendment\) Regulations 2017](#) increased planning application fees by about 20% with effect from 17 January 2018. At the request of the Government, the County Council, together with all other Local Planning Authorities, has agreed to re-invest the additional income in the planning service (the total accumulated at the end of 2019-20 was just over £55,500).

### **Risk implications:**

Officers are satisfied that there are no direct risk implications arising from this report

### **Climate Change implications:**

The Staffordshire Minerals and Waste Local Plans and the Staffordshire District / Borough Local Plans include policies to address climate change which are considered, where applicable, when determining planning applications for mineral and waste development and applications for the County Council's own developments.

Government planning policy in the [National Planning Policy Framework](#) (February 2019), which refers to climate change (section 14), is also a material consideration in reaching decisions.

### **Health Impact Assessment screening:**

The Staffordshire Minerals and Waste Local Plans and the Staffordshire District / Borough Local Plans include policies to address health which are considered, where applicable, when determining planning applications for mineral and waste development and applications for the County Council's own developments.

Government planning policy in the [National Planning Policy Framework](#) (February 2019), which refers to healthy communities (section 8), is also a material consideration in reaching decisions.

## Appendix 2 Planning Development Control - Quarterly Performance– 2019-20

	Target Description	Target (Local)	Quarter 1	Quarter 2	Quarter 3	Quarter 4	Performance (final outturn)
<b>National</b>	Speed of 'major development' decisions	60% (90%)	<b>100%</b> 7 out of 7	<b>100%</b> 6 out of 6	<b>100%</b> 5 out of 5	<b>100%</b> 5 out of 5	<b>100%</b> <b>23 out of 23</b>
	Quality of 'major development' decisions	10% (5%)	<b>Nil</b>	<b>Nil</b>	<b>Nil</b>	<b>Nil</b>	<b>Nil</b>
<b>Local</b>	Speed of the County Council's own 'non-major development' decisions	(90%)	<b>100%</b> 1 out of 1	<b>100%</b> 4 out of 4	<b>100%</b> 3 out of 3	<b>100%</b> 5 out of 5	<b>100%</b> <b>13 out of 13</b>
	Speed of the County Council's own 'major development' decisions	(80%)	<b>Nil</b>	<b>Nil</b>	<b>100%</b> 1 out of 1	<b>Nil</b>	<b>100%</b> <b>1 out of 1</b>
	Applications determined under delegated powers	(80%)	<b>75%</b> 6 out of 8	<b>100%</b> 10 out of 10	<b>78%</b> 7 out of 9	<b>90%</b> 9 out of 10	<b>86%</b> <b>32 out of 37</b>

\* Speed is measured (in so far as it relates to applications dealt with by the County Council) by the proportion of major applications dealt with within 13 weeks, or within 8 weeks for non-major development decisions, unless the application is accompanied by an Environmental Statement when the target is 16 weeks, or within an agreed extension of time.

\*\* Quality is measured (in so far as it relates to applications dealt with by the County Council) by the proportion of major applications that are subsequently overturned at appeal.

Generally, a 'major development' (in so far as it relates to applications dealt with by the County Council) is defined as an application for the winning and working of minerals or the use of land for mineral-working deposits; and, waste development. A 'non-major development' is defined as an application which is not a 'major development'.

Appendix 3 Comparison with the previous two years

Planning Development Control – Full Year Performance – 2019-20

<b>Year</b>	<b><u>National</u> (Local Target)</b>	<b>Performance</b>
<b>Speed of 'major development' decisions</b>		
<b>2019-20</b>	<b>60% (90%)</b>	<b>100%</b>
		<b>23 out of 23</b>
2018-19	60% (90%)	100%
		31 out of 31
2017-18	60% (70%)	100%
		20 out of 20
<b>Speed of the County Council's own 'non-major development' decisions</b>		
<b>2019-20</b>	<b>(90%)</b>	<b>100%</b>
		<b>13 out of 13</b>
2018-19	(90%)	100%
		11 out of 11
2017-18	(80%)	100%
		9 out of 9
<b>Speed of the County Council's own 'major development' decisions</b>		
<b>2019-20</b>	<b>(90%)</b>	<b>100%</b>
		<b>1 out of 1</b>
2018-19	(90%)	100%
		1 out of 1
2017-18	(80%)	100%
		1 out of 1
<b>Applications determined under delegated powers</b>		
<b>2019-20</b>	<b>(80%)</b>	<b>86%</b>
		<b>32 out of 37</b>
2018-19	(80%)	81%
		35 out of 43
2017-18	(80%)	77%
		23 out of 30



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