

Planning Committee

Thursday 2 December 2021

10:00

Council Chamber, County Buildings, Stafford

The meeting will be webcast live which can be viewed at any time here:

<https://staffordshire.public-i.tv/core/portal/home>

John Tradewell
Director of Corporate Services
24 November 2021

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 15 July 2021** (Pages 3 - 6)
4. **Applications for Permission**
Reports of the Director for Economy, Infrastructure and Skills
 - a) **Newbold Quarry, Lichfield Road, Barton Under Needwood - ES.20/06/501 MW** (Pages 7 - 32)
Application to vary (not to comply with) conditions 8 and 17 of planning permission ES.20/03/501 MW to facilitate an increase in the site's output from 1 million tonnes to 1.4 million tonnes per year by extending the hours of operation for mineral extraction and processing from 1900 to 2200 Monday to Friday, extending the hours for the maintenance of processing plant from 0600 to 2000 Monday to Saturday to 24 hours/day Monday to Saturday and permitting up to 5 lorries associated with the on-site mineral operations to enter the site and park overnight after 1900 Monday to Friday and after 1600 on Saturdays.
 - b) **Hints Quarry, Watling Street, Hints - L.19/04/805 - 808 MW** (Pages 33 - 58)

Planning application to vary (not to comply with) conditions 17 (hours of working), 19 (quantity of exported sand and gravel) and 20 (limits on HGV movements) of planning permission L.15/04/805-808 MW.

- c) **Newbold Quarry, Lichfield Road, Barton under Needwood - ES.21/01/501 MW** (Pages 59 - 74)

Application to vary conditions 5, 6 and 7 of permission ES.17/13/501 MW to allow the concrete product factory and associated mobile plant to operate on a 24/7 basis and to extend the hours during which HGVs can access the concrete product factory for a temporary 12 month 'trial' period.

5. **Planning, Policy and Development Control - Performance Report 2020-21 and 2021/22 Q2** (Pages 75 - 84)

Report of the Director for Economy, Infrastructure and Skills.

6. **Annual Report - Safety of Sports Grounds April 2020 - March 2021** (Pages 85 - 100)

Report of the Deputy Chief Executive and Director for Families and Communities.

7. **Countryside and Rights of Way Panel Constitution change** (Pages 101 - 102)

Report of the Director for Corporate Services.

8. **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”.

Part Two

(All reports in this section are exempt)

Nil

David Smith (Vice-Chairman)
Paul Snape
Ian Lawson
Jeremy Oates
Richard Ford
Mark Winnington (Chairman)
Jak Abrahams
Arshad Afsar

Richard Cox
John Francis
Philip Hudson
Tom Loughbrough-Rudd
Robert Pritchard
Mike Sutherland
Jill Waring

Notes for Members of the Press and Public

Filming of Meetings

Staffordshire County Council is defined as a Data Controller under the Data Protection Act 2018. The County Council has agreed that Public meetings should be the subject of live web transmission 'webcasting'. Fixed cameras are located within meeting room for this purpose.

The webcast will be live on the County Council's website and recorded for subsequent play-back for 12 months. The recording will also be uploaded to YouTube. By entering the meeting room and using the seats around the meeting tables you are deemed to be consenting to being filmed and to the possible use of those images and sound recordings for the purpose of webcasting.

If you have privacy concerns about the webcast or do not wish to have your image captured then please contact the Member and Democratic Services officer named at the top right of the agenda.

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 (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

Parties wishing to make oral representations must submit their request to Member and Democratic Services either by emailing 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 15 July 2021

Present: Mark Winnington (Chairman)

Attendance	
David Smith (Vice-Chairman)	John Francis
Paul Snape	Philip Hudson
Ian Lawson	Tom Loughbrough-Rudd
Richard Ford	Robert Pritchard
Arshad Afsar	Mike Sutherland
Richard Cox	Jill Waring

Also in attendance: Janet Eagland

Apologies: Jeremy Oates and Jak Abrahams

PART ONE

2. Declarations of Interest in Accordance with Standing Order No. 16

Name of Member	Nature of Association	Minute No./ Application No.
Richard Cox	Personal interest in Item 5a as he submitted objections to the application prior to becoming a County Councillor.	Item 5a: L.20/03/867 M

Due to the nature of Councillor Cox's Declaration of Interest, he advised that he would speak on the item but would not vote on any resolution.

3. Minutes of the meeting held on 3 December 2020

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

4. Appointment of Members to the Countryside and Rights of Way Panel

RESOLVED – That (a) the following Members be appointed to the Countryside and Rights of Way Panel:

- Mark Winnington (C)
- David Smith (VC)
- Jak Abrahams
- Paul Snape

- Jill Waring

(b) the following Members be appointed to the Countryside and Rights of Way Panel as substitutes:

- Mike Sutherland
- Philip Hudson
- John Francis
- Richard Cox
- Tom Loughbrough Rudd

5. Application(s) for Permission

6. Land South of the A513, Orgreave, Alrewas, Staffordshire (Pyford Brook Quarry) - L.20/03/867 M

The Committee received a presentation by the Case Officer on the proposed application by Cemex UK Operations Ltd for sand and gravel extraction, the erection of plant and infrastructure and creation of new access, in order to supply the HS2 project with ready mix concrete, with export of surplus sand and gravel at Land South of the A513, Orgreave, Alrewas, Staffordshire (Pyford Brook Quarry) – L.20/03/867 M

In accordance with the County Councils scheme for public speaking at meetings, the Committee received representations from Mrs L Servian objecting the application, Mr S Threlfall from Alrewas Parish Council, Mr A Howard from Kings Bromley Parish Council, Mr G Bown from Fradley and Streethay Parish Council and Mr M Kelly speaking on behalf of the applicant.

Councillor Eagland, as Local Member, informed the Committee that the application contradicted the Minerals Local Plan for Staffordshire 2015-2030 which was agreed in 2017 and queried why the application was being considered. Councillor Eagland went on to raise concerns about the application relating to the proposed concrete plant, impact on health, traffic, noise, increase risk of flooding and proposed operating hours.

The Committee discussed the concerns raised by the Local Member and public speakers and that the application goes against the Minerals Local Plan. The Committee were informed that the application was being considered due to the additional demand for sand and gravel due to HS2 construction and advised that the applicant has agreed to sign a legal agreement that the concrete produced at the site would be used to supply HS2.

Following a vote it was:

RESOLVED – To **Permit** the application for sand and gravel extraction, the erection of plant and infrastructure and creation of new access, in order to supply the HS2 project with ready mix concrete, with export of surplus sand and gravel 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 in the report.

7. 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.

Chairman

Local Member	
Councillor J. Jessel	Needwood Forest

Planning Committee: 02 December 2021

Minerals County Matter

Application No (District): [ES.20/06/501 MW](#) (East Staffordshire)

Applicant: Aggregate Industries U.K. Limited

Description: Application to vary (not to comply with) conditions 8 and 17 of planning permission ES.20/03/501 MW to facilitate an increase in the site's output from 1 million tonnes to 1.4 million tonnes per year by extending the hours of operation for mineral extraction and processing from 1900 to 2200 Monday to Friday, extending the hours for the maintenance of processing plant from 0600 to 2000 Monday to Saturday to 24 hours/day Monday to Saturday and permitting up to 5 lorries associated with the on-site mineral operations to enter the site and park overnight after 1900 Monday to Friday and after 1600 on Saturdays

Location: Newbold Quarry, Lichfield Road, Barton Under Needwood

Background

1. In August 2014 planning permission was granted for a 160-hectare extension to Newbold (and Tucklesholme) Quarry. The planning permission permitted the extraction of 13.5 million tonnes of sand and gravel up to 31 December 2029.

Site and Surroundings

2. Newbold Quarry lies approximately 4 kilometres to the south-west of Burton upon Trent; to the south of Tatenhill village; to the west of the Branston Water Park, the A38, the Branston Industrial Estate and the Trent and Mersey Canal; and to the north-east of the village of Barton under Needwood (see Plan 1).
3. The site is being progressively worked and restored. These proposals relate to additional working hours in the phase 4 and 5 extraction areas, and in the mineral processing area – see extracts from the approved plans and aerial photographs below.



The phase 4 and 5 extraction areas



The mineral processing plant area

Source: The County Council's aerial photography supplied by Bluesky International Ltd and Getmapping Plc 2021

Summary of Proposals

4. It is proposed to vary the conditions of the planning permission to allow an increase in the maximum annual output of sand and gravel from 1 million tonnes to 1.4 million tonnes per annum by increasing the operational hours and Heavy Goods Vehicle (HGV) movements. The proposed changes to the conditions are shown emboldened below.

a) extending the operational hours:

- i. **mineral extraction in phases 4 and 5 and mineral processing:**

From:

07:00 to 19:00 Mondays to Fridays; and 07:00 to 13:00 on Saturdays

To:

07:00 to **22:00** Mondays Fridays; and 07:00 to 13:00 on Saturdays

- ii) the maintenance operations on the processing plant:

From:

06:00 to 20:00 Mondays to Saturday; and, at no time on Sundays, Bank or Public Holidays (unless within an enclosed building)

To:

24 hours/day Mondays to Saturday and, at no time on Sundays, Bank or Public Holidays (unless within an enclosed building)

- iii) the movement of HCVs in and out of the site:

From:

06:00 to 19:00 Mondays to Fridays; 06:00 to 16:00 on Saturdays; and no such movements on Sundays, Bank and Public Holidays (except in association with the operation of the Ready Mixed Concrete Plant)

To:

06:00 to 19:00 Mondays to Fridays; 06:00 to 16:00 on Saturdays; and no such movements on Sundays, Bank and Public Holidays (except in association with the operation of the

Ready Mixed Concrete Plant) **and up to 5 lorries associated with the on-site mineral operations to enter the site and park up after 19:00 hours Mondays to Fridays, and after 16:00 on Saturdays.**

- iv) **between 19:00 and 22:00 the site to operate to a lower noise limit measured at the nearest dwellings of 45 dB(A) in phases 4 and 5 and a lower noise limit of 50 dB(A) measured at the nearest dwellings to the processing plant.**
- b) **updating the approved Mineral Transport Plan (2010) (MTP)** which estimated the output from the site to be 750,000 tonnes per annum (tpa) (500,000 from Newbold and 250,000 from Tucklesholme). Having regard to the accompanying Transport Assessment (TA), the increase in HGV movements would be:

From:

536 total HGV movements per day based on 750,000 tpa

This is the sum total of the movements associated with the processed and unprocessed aggregate (200), the ready mixed concrete plant (160), the bagging plant (46), the landfill operations (130) (the separate concrete products factory operations were not included (44).

To:

840 total movements per day based on **1,400,000** tpa

The TA explains that 712 is the current total daily average based on production from Newbold only as Tucklesholme has ceased (1,000,000 tpa). The current sum total is the movements associated with the processed and unprocessed aggregate (320), the ready mixed concrete plant (36), the bagging plant (12), the landfill operations (300), and including the concrete products factory operations (44).

840 is the sum total of the current total daily average (712) based on the current output (1,000,000 tpa) and the additional movements to increase output to 1,400,000 tpa (128).

5. The application is supported by several documents and plans including:
- Planning and Environmental Statement
 - Minerals Development Statement
 - Mineral Transport Plan

- Transport Assessment
- Environmental Scheme (Noise and Dust)
- Supplementary Noise Submission
- Noise Monitoring Results (February 2021)
- Agent response to comments received (February 2021)
- Agent response to 3-month trial recommendation

The Applicant's Case

6. The applicant contends that a high demand for the sand and gravel produced at Newbold Quarry and the need to be able to demonstrate a capability to supply High Speed Rail 2 (HS2) construction project has led to the application. Consequently, mineral extraction could potentially cease 18 months earlier than the current permitted cessation date (31 July 2028 instead of 31 December 2029).

Relevant Planning History

7. The planning history:
 - a) [SCC/21/0020/DA](#) (currently out for consultation - not yet determined) - submission of details to discharge conditions 11 (Working Strategy), 12 (Progress Report) and 41 (Revised Restoration and Aftercare Scheme) of planning permission ES.20/03/501 MW, and to discharge the requirements of Schedule 4 of the Section 106 Legal Agreement (Periodic Review of the Restoration Plan).
 - b) [ES.21/01/501 MW](#) (not yet determined – report on this Committee agenda) - application to vary conditions 5, 6 and 7 of permission ES.17/13/501 MW to allow the concrete product factory and associated mobile plant to operate on a 24/7 basis and to extend the hours during which HGVs can access the concrete product factory for a temporary 12 month 'trial' period.
 - c) [ES.20/03/501 MW](#) dated 20 October 2020 – (the most recent quarry planning permission) - planning permission to amend the approved Restoration Plan to facilitate the change of use of land from agricultural to equestrian uses and the erection of a barn.
 - d) [ES.12/03/501 MW](#) dated 22 August 2014 – (the original extension planning permission) - planning permission for a 160-hectare extension to Newbold (and Tucklesholme) Quarry to extract 13.5 million tonnes of sand and gravel before 31 December 2029 and to progressively restore the land to agriculture, woodland and wetland

for nature conservation, recreation and amenity uses by 31 December 2031, followed by a 5-year period of aftercare (extended to 15 years by the Section 106 Legal Agreement).

- e) The [Section 106 Legal Agreement](#) dated 15 August 2014 includes planning obligations related to: vehicle routing (all HGV traffic leaving the site to use the A38 other than for local deliveries); extended aftercare (and additional 10 years); the periodic review of the restoration plan (every 5 years); and the establishment and terms of reference for the quarry liaison committee.

Environmental Impact Assessment (EIA)

8. The application was accompanied by an Environmental Statement (ES). The findings of the ES (and the environmental information subsequently received) are summarised in [Appendix 1](#).

Findings of Consultations

Internal

9. **Highways Development Control** (on behalf of the Highways Authority) (HA) – no comments received.
10. **County Council's Noise Engineer** –no objection after some initial concerns and a request for an additional background noise survey was addressed by the applicant. The Noise Engineer also supports the officer recommendation, accepted by the applicant, that a 3-month trial be carried out, based on an approved noise monitoring scheme.
11. **Planning Regulation Team** – no objection. The team reported that they had received 2 complaints on file from 2007/8 relating to noise and the operating hours.
12. **County Council's HS2 Manager** referred to [The Code of Construction Practice](#) for HS2 which says that:

Core working hours will be from 08:00 to 18:00 on weekdays (excluding bank holidays) and from 08:00 to 13:00 on Saturdays.

To maximise productivity within the core hours, the nominated undertaker's contractors will require a period of up to one hour before and up to one hour after normal working hours for start-up and close-down of activities. This will include (but not be limited to) deliveries, movement to place of work, unloading, maintenance and general preparation work. This will not include operation of plant or machinery likely to cause a disturbance to local residents or businesses. These periods will not be considered an extension of core working hours.

[Note: as mentioned earlier, the applicant's case is that they wish to demonstrate a capability to supply HS2 construction project, but they are not proposing to change the current hours when mineral would be despatched from the site to supply HS2.]

External

13. **East Staffordshire Borough Council (Planning)** – comments repeated the initial comments of the Environmental Protection Officer – see below.
14. **East Staffordshire Borough Council (Environmental Protection)** – no objection after consideration of the additional background noise survey and subject to a 50 dBA noise limit between 19:00 and 22:00. The Environmental Protection Officer did initially comment that even though the noise environment around the properties along the A38, closest to the plant site, is dominated by the traffic noise from the A38, the rear gardens do benefit from the sound barrier effect created by the properties.
15. **Environment Agency (EA)** - no objections.
16. **National Highways** (formerly Highways England) – no comments.
17. **Natural England** – no comments.
18. **Barton under Needwood Parish Council** - object. The Parish Council expressed disappointment that the application was submitted without prior consultation with the Quarry Liaison Committee and commented that there is no justification other than commercial reasons and that the impact of noise, dust and HGV movements on nearby residents would be even more intrusive, particularly in the summer.
19. **Dunstall Parish Council** – object. The Parish Council commented that there would be increased noise from the slip road and in the buildings; and additional light pollution due to 24-hour working.
20. **Tatenhill and Rangemore Parish Council** - no response.

Publicity and Representations

21. Site notice: YES Press notice: YES
22. 150 neighbour notification letters were sent out and 28 representations have been received. The concerns raised in the representations are summarised below:
 - a) Noise – from empty lorries bumping over road humps on access road which is made worse as the road is in a poor state of repair; noise on both sides of property - A38 and from plant and quarry; lorries

papping horns, squeaky conveyer belts and lorry reversing alarms; the level of the existing noise is not the issue it is the duration and the impact that this would have on quality of life / wellbeing and a truck stop business; the night time traffic should be limited so the quarry is not open at night and thus preventing quarry traffic travelling through Barton village.

- b) Dust – the existing poor management / lack of responsiveness to concerns raised; experience of dust and concerned about a lack of air quality monitoring.
- c) Additional hours – the proposed hours would result in an unacceptable impact on quality of life / wellbeing.
- d) Light pollution.
- e) Subsidence – in the back garden of a property off the Lichfield Road.
- f) A dangerous access onto the A38 (small canal bridge) by site staff and the risk potentially being made worse by later hours.
- g) Poor site management – poor responsiveness to concerns about dust management and monitoring; a resistance to complying with the planning permission e.g., failure to construct a screen bund in phase 3a; a reluctance to maintaining communications with the local community.

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

23. 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.'

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

Observations

25. 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:
- Any material changes to the development plan policies and other material considerations (including the site and the surroundings);
 - The matters raised by the Parish Councils and representees; and,
 - The need to review and update the planning conditions.

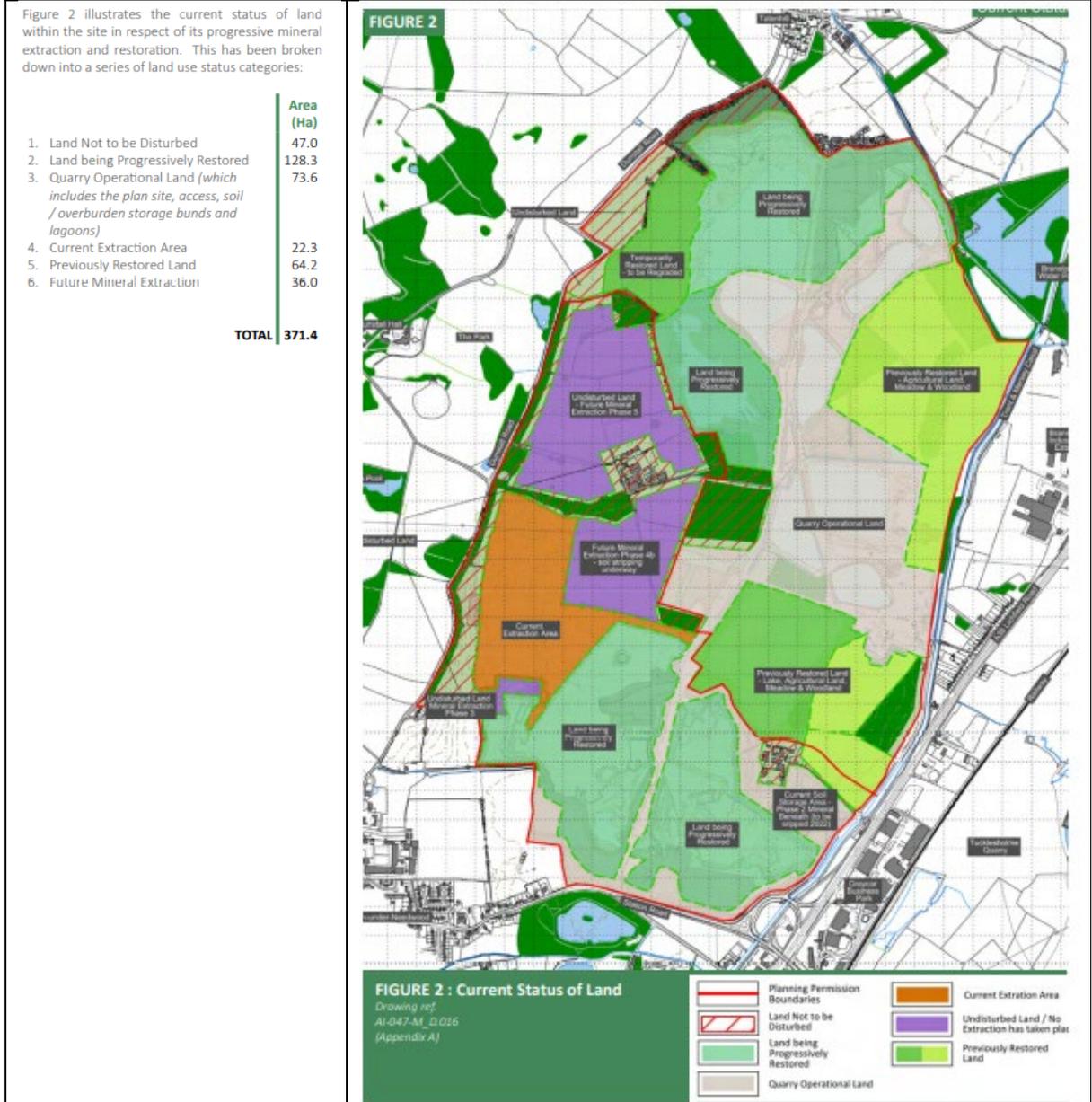
Any material changes to the development plan policies and other material considerations (including the site and the surroundings)

26. When determining an application to vary a planning permission, national planning guidance [refer to [Annex A: summary comparison table of 'Flexible options for planning permissions'](#)] advises that local planning authorities should focus their attention on national and development plan policies and other material considerations which may have changed significantly since the original grant of permission.
27. Commentary: The quarry is currently allowed to extract and processes mineral between 7am to 7pm Monday to Friday and between 7am and 1pm on a Saturday. Maintenance is allowed between 6am and 8pm Monday to Saturday (and on Sundays, Bank or Public Holidays if it is within an enclosed building). HGVs are allowed to enter and leave the site between 6am and 7pm Monday to Friday and 6am to 4pm on a Saturday. No HGV movements are allowed on Sundays, Bank and Public Holidays (except from the Ready Mixed Concrete Plant). When the Mineral Transport Plan was approved, the maximum quarry output was estimated to be 0.75 million tonnes per annum and HGV movements were estimated to be up to 536 per day.
28. The proposed changes would allow the quarry to extract mineral from phases 4 and 5, and process mineral, for an additional 3 hours between 7pm and 10pm Monday to Friday. Maintenance would be extended to 24/7 Monday to Saturday. Output would be allowed to increase to a maximum 1.4 million tonnes per annum and HGV movements would increase to a maximum of 840 per day. The times of the HGV movements would remain unchanged, other than 5 HGVs allowed to enter and park up

after 7pm Monday to Friday, and after 4pm on a Saturday.

29. The potential implications of the increase in output and operating hours, the lorry movements, the noise, dust and lighting are all relevant considerations and the current permission includes conditions that require: HGV movements to comply with a Mineral Transport Plan (MTP) (a new MTP proposes to increase HGV movements); the operations to be carried out below noise limits (lower limits are now proposed during the addition hours); noise and dust management measures to be carried; and lighting to be controlled to minimise glare and light pollution. The conditions were imposed to ensure that the development is carried out in accordance with the provisions set out in the planning application and in the interests of highway safety, safeguarding the environment and the amenity of the local residents in accordance with the [Minerals Local Plan for Staffordshire](#) (MLP) (Policy 4); the National Planning Policy Framework (Sections 9, 15 and 17); Planning Practice Guidance (Minerals – Assessing environmental impacts from minerals extraction) and (Noise and Minerals – Assessing environmental impacts from minerals extraction).
30. Although the quarry extension permission was first issued in 2014, and the MLP was adopted later in 2017 (and subject to a partial review in 2019), the variation to the permission issued in 2020 took account of the latest policies.
31. The National Planning Policy Framework (NPPF), first issued in 2012, has been revised on several occasions since then, most recently in July 2021, after the latest permission was issued in 2020. However, the latest NPPF changes are not considered to be material in terms of the determination of this application.
32. The material changes to the site that have occurred since the 2014 or 2020 permissions were issued, include the progressive working and restoration, an increase in output of mineral, and the prospects of a further increase in output to support the construction of HS2. A Progress Report and review of the Restoration Plan has recently been submitted for approval (ref. [SCC/21/0020/DA](#) - see Relevant Planning History above). The Progress Report explains that:
 - a) Mineral extraction has been completed within the north-eastern part of the original quarry area.
 - b) Mineral extraction within the extension area has been carried out in phases 1, 2 (part) and 3 (the current working area).
 - c) Soils were stripped within the phase 4A in 2020.
 - d) Soil stripping of phase 4B is due to be completed before the end of 2021.

- e) Phase 2 remains part worked to enable soil storage to be kept within the phase 2B area. These soils are to be utilised for progressive restoration purposes, allowing the rest of phase 2 to be stripped and worked during 2022, alongside the initial part of phase 5.
 - f) Restoration works have concentrated principally upon the establishment of restoration formation levels within the original permission area utilising a combination of in-situ soils, overburden and imported inert materials. Progress has however been delayed due to the time needed to secure the Waste Recovery Environmental Permit from the Environment Agency, in combination with the operational stages of quarry extraction and water management requirements.
 - g) Importation of inert restoration materials began in 2018 in the north and towards the end of 2019 in the south.
33. The extracts from the Progress Report below explain the current status of the land within the site.



Extracts from the Progress Report

34. In terms of the surroundings, the current concrete products factory proposals to increase the hours and times when HGVs can enter the site, described in a separate report to this Committee meeting, are relevant as they have the potential to affect the same local residents as these proposals. Changes have occurred to the north of the site. These include the development of a new secondary school (the John Taylor Free School), the Burton Rugby Club, housing development and a road improvement scheme at Branston Locks. However, the nearest of these developments (the John Taylor Free School), is about 1.5 kilometres from the northern-most part of the phase 5 extraction area.

35. Conclusion: Having regard to the relevant development planning policy and other material considerations referred to above, it is reasonable to conclude that there have been no significant material changes to planning policy, guidance, or to the quarry site, since the 2014 or 2020 permissions were issued. Also, as the separate report to this Committee meeting recommends approval to the proposed temporary changes to the concrete products factory operations, subject to conditions, it is reasonable to conclude that there are no significant material changes to the surroundings.

The matters raised by the Parish Councils and representees

36. As reported earlier, no technical consultees have objected to the proposals, however 2 Parish Councils objected, and 28 representations were received.
37. The matters raised relate to local amenity and as such Policy 4 in the [Minerals Local Plan](#) and the National Planning Policy Framework ([Section 12](#): Achieving well-designed places; [Section 15](#): Conserving and enhancing the natural environment, and [Section 17](#): Facilitating the sustainable use of minerals) are particularly relevant as they seek to minimise any unacceptable adverse impacts on local amenity.
38. The agent's response on behalf of the applicant and your officer's observations on the matters raised are set out below.
39. **Noise** – whilst some concerns were raised about the additional hours to carry out the mineral extraction e.g., reversing beepers, many of the concerns were about the noise from the processing plant site and traffic movements along the internal haul road to the access to the site from residents on the Lichfield Road (A38) and the impact that this would have on quality of life / wellbeing and a truck stop business. The concerns were put to the agent who responded by confirming that:
- a) a noise survey was carried out which confirmed that there is a high background noise level near to the processing plant due to the A38.
 - b) the applicant had carried out some repairs to improve the condition of the haul road and further repairs were planned to be carried (including the removal of more speed humps).
 - c) the applicant had lowered the speed limit along the haul from 20 to 15 mph.
 - d) no HGVs would leave the site during the additional hours and only 5 HGVs would enter the site overnight to park up.
 - e) maintenance of plant in buildings already takes place up to 22:00 in buildings without complaint.

- f) lower noise limits would be adhered to during the additional hours; and; and
 - g) the applicant has agreed in principle to a 3-month trial period in accordance with an approved noise monitoring scheme and to end the additional hours at the end of the trial period if noise monitoring proves that the operations cannot comply with the noise limit.
40. Commentary: After receiving a background noise survey, the County Council's Noise Engineer and East Staffordshire Borough Council's Environmental Protection Officer confirmed that they had no objection to the additional hours or lorry movements. Moreover, the County Council's Noise Engineer supported the recommended 3-month trial period. The reference to maintenance already taking place in buildings up to 22:00 may have been a typographical error as the permission currently limits maintenance to 20:00 (condition 8 (d)).
41. Dust – the concerns, particularly from residents on the Lichfield Road, were about the existing poor dust management. The concerns were put to the agent who responded by confirming that:
- a) the applicant complies with the approved Environmental Scheme which includes dust management measures such as the use of bowsers, and mentioning
 - b) the applicant has installed additional spray bars which have improved the dust suppression from the processing plant; and,
 - c) the applicant would remind staff and contactors about the importance of consistently applying the dust management measures.
42. Commentary: The current planning permission has an approved Environmental Scheme which includes dust (and noise) management measures which are appropriate.
43. **Light pollution** - the concerns, particularly from residents on the Lichfield Road, were about the light pollution from the processing plant site that would be made worse by the additional hours. The concerns were put to the agent who confirmed that:
- a) the applicant had received no complaints about light pollution; and,
 - b) the lighting is necessary to ensure safe operations but that only low-level lighting necessary to illuminate the operations taking place during the additional hours would continue to be used.
44. Commentary: Condition 25 of the permission already requires the

applicant to position external floodlighting to avoid glare to nearby residents and highway users and to minimise light pollution. In the circumstances of this case, it is recommended that an informative be added to remind the applicant of the requirements of this condition.

45. **Subsidence** – a local resident expressed a concern about subsidence (a 3-inch lowering of the back garden of a property off the Lichfield Road). This concern was put to the agent who confirmed that:
- a) the applicant was unaware of any subsidence concerns and that no evidence had been supplied to substantiate the claim; and,
 - b) the applicant questioned the validity of the claim due to the distance between the mineral operations and the nearest residential properties.
46. **Commentary:** There is no substantive evidence to confirm that the subsidence has been caused by the quarry operations.
47. **A dangerous access** - the representations from some residents on the Lichfield Road expressed a concern about the current practice by some staff to access the A38 via a small canal bridge and that the risk of an accident could potentially be made worse by the additional hours. This concern was put to the agent who confirmed that:
- a) the canal bridge is only used by staff in cars when travelling northbound on the A38; and,
 - b) the applicant had received no complaints about this practice.
48. **Commentary:** Only one access is currently permitted to the site (condition 13). It is therefore recommended that the applicant be reminded about this limitation in an informative.
49. **Poor site management** – the representees expressed dis-satisfaction due to the poor responsiveness of site staff when concerns were raised and about the lack of community engagement. The concerns were put to the agent who confirmed that:
- a) under normal circumstances bi-annual liaison meetings were held, which included a tour of the site, and which provided an opportunity for the applicant to discuss current concerns and future plans; and,
 - b) a meeting was due to be held in March 2021 and at the time of preparing this report, a meeting is due to take place on 24 November 2021.
50. **Commentary:** The Section 106 Legal Agreement includes an undertaking to hold liaison committee meetings. Covid restrictions and staff furlough

arrangements disrupted the 'normal' arrangements. The operator has now re-started the liaison meetings (a meeting was held in March 2021 and a meeting is scheduled for November 2021).

51. Conclusion: Having regard to the policy, guidance, consultee comments and representations, referred to earlier and above, it is reasonable to conclude that subject to the existing, updated, and additional conditions and informatives recommended below, the proposals would not result in an unacceptable adverse impact on local amenity.

The need to review and update the planning conditions

52. The NPPF ([Section 4](#), paragraph 54) states that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through conditions. Paragraph 55 of the NPPF explains that:

'Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects'.

53. The Vision, Strategic Objective 3 and Policy 4 of the MLP seek to ensure that mineral sites operate to high environmental standards and seek to minimise the impact of mineral development on people, local communities and the environment.

54. The Planning Practice Guidance explains that:

'To assist with clarity decision notices for the grant of planning permission under [section 73 of the Town and Country Planning Act 1990](#) should also repeat the relevant conditions from the original planning permission, unless they have already been discharged' ([Planning Practice Guidance, Flexible options for planning permissions; How can a proposal that has planning permission be amended?](#), What is the effect of a grant of permission? paragraph 015).

55. The Planning Practice Guidance also explains that:

'In granting permission under section 73 the local planning authority may also impose new conditions – provided the conditions do not materially alter the development that was subject to the original permission and are conditions which could have been imposed on the earlier planning permission' ([Planning Practice Guidance, Use of planning conditions, The use of pre-commencement conditions](#), How are conditions treated under section 73? paragraph: 040).

56. **Commentary:** In this case, the most recent planning permission was issued in 2020. Having regard to the above guidance, most of the conditions remain relevant and up to date as they take account of the current policies and approved details. However, in order to take account of the proposed variations, the recommended conditions, and the recent submission, it is considered reasonable and necessary to update the conditions as follows:
- a) Condition 1 (Definition of the Consent) updated to refer to the latest approved details and the documents submitted with this application.
 - b) Condition 8 (Hours of Operation) updated to refer to the proposed additional hours, out of hours HGV movements, commencement after the approval of the 3-month noise monitoring scheme and revert to the previous hours if noise exceeds the limit at the end of the trial period.
 - c) Condition 12 (Progress Report) updated if applicable to take account of the separately submitted Working Strategy (not yet approved).
 - d) Condition 17 (Site Access and Transportation) updated to refer to the submitted Mineral Transport Plan (including the proposal to review every 3 years), Transport Assessment, and additional mitigation measures.
 - e) Condition XX (Output and HGV movements) a new condition to refer to the proposed maximum output of mineral (1,400,000 tpa), and to refer to the maximum HGV movements (840).
 - f) Condition 18 (Noise Monitoring) updated to include the recommended requirement for a noise monitoring scheme for a 3-month trial period.
 - g) Condition 20 (Noise Limits) updated to include the proposed limits during the additional hours 19:00 to 22:00:
 - i. extraction phases 4 and 5 - 45 dB LAeq (1-hour) (free field)); and,
 - ii. processing plant area - 50 dB LAeq (1-hour) (free field).
57. **Conclusion:** Having regard to the policies and guidance referred to above, it is concluded that it is reasonable and necessary to recommend the updates to the existing conditions referred to above and below.

Overall Conclusion

58. 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 environmental 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 to vary (not to comply with) conditions 8 and 17 of planning permission ES.20/03/501 MW to facilitate an increase in the site's output from 1 million tonnes to 1.4 million tonnes per year by extending the hours of operation for mineral extraction and processing from 1900 to 2200 Monday to Friday, extending the hours for the maintenance of processing plant from 0600 to 2000 Monday to Saturday to 24 hours/day Monday to Saturday and permitting up to 5 lorries associated with the on-site mineral operations to enter the site and park overnight after 1900 Monday to Friday and after 1600 on Saturdays, subject to conditions.

The conditions to be updated to include the following:

Condition 1 (Definition of the Consent) updated to refer to the latest approved details and this application.

Condition 8 (Hours of Operation) updated to refer to the proposed additional hours and out of hours HGV movements:

a) mineral extraction in phases 4 and 5

07:00 to **22:00** Mondays Fridays; and 07:00 to 13:00 on Saturdays

b) mineral processing:

07:00 to **22:00** Mondays Fridays; and 07:00 to 13:00 on Saturdays

d) the maintenance operations on the processing plant:

24 hours/day Mondays to Saturday and, at no time on Sundays, Bank or Public Holidays (unless within an enclosed building)

g) the movement of HCVs in and out of the site:

06:00 to 19:00 Mondays to Fridays; 06:00 to 16:00 on Saturdays; and no such movements on Sundays, Bank and Public Holidays (except in association with the operation of the Ready Mixed Concrete Plant) **and up to 5 lorries associated with the on-site mineral operations to enter the site and park up after 19:00**

hours Mondays to Fridays, and after 16:00 on Saturdays.

And updated to refer to:

- the additional hours shall commence after the noise monitoring scheme has been submitted and approved (Condition 18). Also, if during the trial period noise is found to be exceeding the permitted limit then the additional hours shall cease until the noise has been investigated and mitigated.
- a requirement that the operational hours shall revert to the previously approved hours if at the end of the 3-month trial period the noise from the operations carried out during additional hours exceeds the noise limit.

Condition 12 (Progress Report) updated if applicable to take account of the separately submitted Working Strategy (not yet approved)

Condition 17 (Site Access and Transportation) updated to refer to the submitted Mineral Transport Plan (including the proposal to review every 3 years), Transport Assessment, and to refer to the further measures offered by the applicant including access road repairs, speed hump removal, and a reduction in the speed limit to 15 mph along the full length.

Condition XX (Output and HGV movements) a new condition to refer to the proposed maximum output of mineral (1,400,000 tpa), and to refer to the maximum HGV movements (840) to accord with the Mineral Transport Plan and Transport Assessment.

Condition 18 (Noise Monitoring) updated to include a requirement to submit for approval a noise monitoring scheme for a 3-month trial period.

Condition 20 (Noise Limits) updated to include limits during the additional hours 19:00 to 22:00:

- extraction phases 4 and 5 - 45 dB LAeq (1-hour) (free field)); and,
- processing plant area - 50 dB LAeq (1-hour) (free field)

Informative (Site access) new – to remind the applicant that there is only one permitted access to the site (current condition 13).

Informative (Lighting) new – to remind the applicant that any external floodlighting used during the addition hours (or at any other time) should avoid glare to nearby residents and highway users and minimise light pollution (current condition 25).

Case Officer: Mike Grundy - Tel: (01785) 277297
email: mike.grundy@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 and can only be provided by email.

Appendix 1: The findings of the ES (and the environmental information subsequently received)

A Planning and Environmental Statement (PES) accompanies the planning application. The PES has 3 appendices (Staffordshire County Councils Revised Screening Opinion, a Mineral Transport Plan, and a Supplementary Noise Submission) and 2 technical appendices (a Transport Assessment and an Environmental Scheme). In accordance with the EIA regulations a non-technical summary of the Environmental Statement has also been provided.

Section 4 to the PES describes the proposals, including the proposed changes to the conditions, and refers to an updated Mineral Transport Plan and an updated Site Layout Plan.

Section 5 refers to the development plan policies and other material considerations.

Section 6 explains the need for each element of the proposals.

Section 7 considers the alternatives to the proposals, including 'do nothing'

Section 8 considers the potential environmental impacts:

A) Traffic

The Mineral Transport Plan (MTP) describes the nature of the HCV movements, the type of HCV, the related infrastructure including the weighbridge, plant, service areas and wheel cleaning facilities, and the hard standing areas and internal haul roads which need to be maintained in good condition. The current total daily average HCV movements (712). The mitigation measures which include wheel cleaning, sheeting of vehicles, speed limits of 15 mph inbound and 25 mph outbound road, lorry routing via the A38 except for local deliveries (typically more than 97% use the A38), and instructions to drivers. It is proposed to review the MTP every 3 years

The Transport Assessment (TA) reviewed the relevant development plan policies and the National Planning Policy Framework, had regard to the site access improvements previously carried out, the permitted total HCV movements per day (536) (excluding the block-making plant (44)) and the current total daily average (712), the current and proposed operational hours, considered the results of traffic surveys (including modelling for traffic growth) and considered traffic accident records. To accommodate the proposed increase in output it was

calculated that based on the current average HGV load (22.7 tonnes) then there would be an additional 128 HGV movements on a working day. It was calculated that the site access has the capacity to accommodate the increase in HCV movements. Similarly, it was concluded that the site access has the capacity to handle the out of hours vehicle movements. The TA also looked at the potential cumulative impact from additional quarry traffic associated with proposals if permitted at nearby quarries (Hints and Alrewas). It was concluded that the impacts would not be significant in EIA terms.

Overall, the TA concluded that the site access has sufficient capacity to handle the proposed increase in traffic.

B) Noise

The noise assessment, based on an assumptions that the proposals would not require additional plant; existing noise management controls and noise limits would continue to be applied; a lower noise limit of 45 dB(A) at the nearest dwellings to phases 4 and 5 during mineral extraction and 50 dB(A) in the 'evening' for the properties close to the A38 and nearest to the processing operations; concluded that the noise impact would not be significant / unacceptable in EIA terms.

C) Other impacts

The other impacts that were considered included the ecological impacts and the effects of dust. In both cases it was concluded that as the existing mitigation measures would continue to be applied, then the impacts would not be significant / unacceptable in EIA terms.

Additional information

In response to consultee comments / representations received, further comments were provided, and mitigation measures proposed, including the following:

- i. Repairs have been made to the haul road; some new concrete pads have been installed to improve the road surface and reduce the potential for traffic noise.
- ii. Most speed humps have already been removed from the haul road to reduce 'rattling' caused by unladen vehicles passing over speed humps. A singular remaining speed hump situated adjacent to the Café on the A38 (No. 304 Lichfield Rd) is planned for removal within the next month. The applicant will continue to monitor the road condition and implement works as required.
- iii. The applicant will reduce the speed limit of the haul road to a maximum of 15mph along the entire stretch of the haul road. At present, a speed limit of 20mph is in place along the section of the road closest to the site

access.

- iv. All site staff and contractors will be reminded to consider the site's neighbours when moving about the site.
- v. It is also proposed to conduct noise surveys, should permission be granted, once the plant is operational after 1900 hours. This will ensure that there are no adverse noise impacts. Should noise from site operations be identified as unacceptable, all processing operations will cease.
- vi. Maintenance of plant indoors already takes place until 2200 hours without complaint (note: the condition of the permission refers to 20:00).
- vii. Additional spray bars have been added to processing plant to suppress dust, which have further improved dust suppression on-site.
- viii. The site will continue to only use external low-level lighting when necessary to ensure safe operations. When external lighting is used between the hours of 1900-2200, it will be used only when required.
- ix. No complaint regarding subsidence has been received. No evidence of subsidence (or that the reason for any subsidence relates to mineral operations) has been provided. Given the distance between mineral operations and the closest residential properties to existing operations, it is not considered likely that any subsidence experienced at any residential property in the wider vicinity of the site would be caused by mineral operations at Newbold Quarry.
- x. With specific regard to the access onto the A38 small canal bridge, only cars use this route and only when travelling north. The applicant has not received any complaints to date regarding this practice.
- xi. No mineral will leave the site in the proposed extended hours of 1900 – 2200 hours. There will be no HGV movements exporting mineral from the site between 1900 – 2200 hours and therefore there are no potential impacts on amenity and health associated with traffic to consider in the proposed three hour extended period.
- xii. An increase in output from the site would diminish reserves quicker, resulting in a decrease in the duration of operations at this site. As a consequence, potential noise and other associated dis-amenity impacts will cease at a comparably earlier date than if operations continue at the site's current rate of output of 1mtpa.
- xiii. Agreement in principle to a suggested 3-month trial period.

[Return to Findings of Consultation 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

[The Minerals Local Plan for Staffordshire \(2015 - 2030\)](#)

(adopted 16 February 2017)

- Policy 4: Minimising the impact of mineral development

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

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

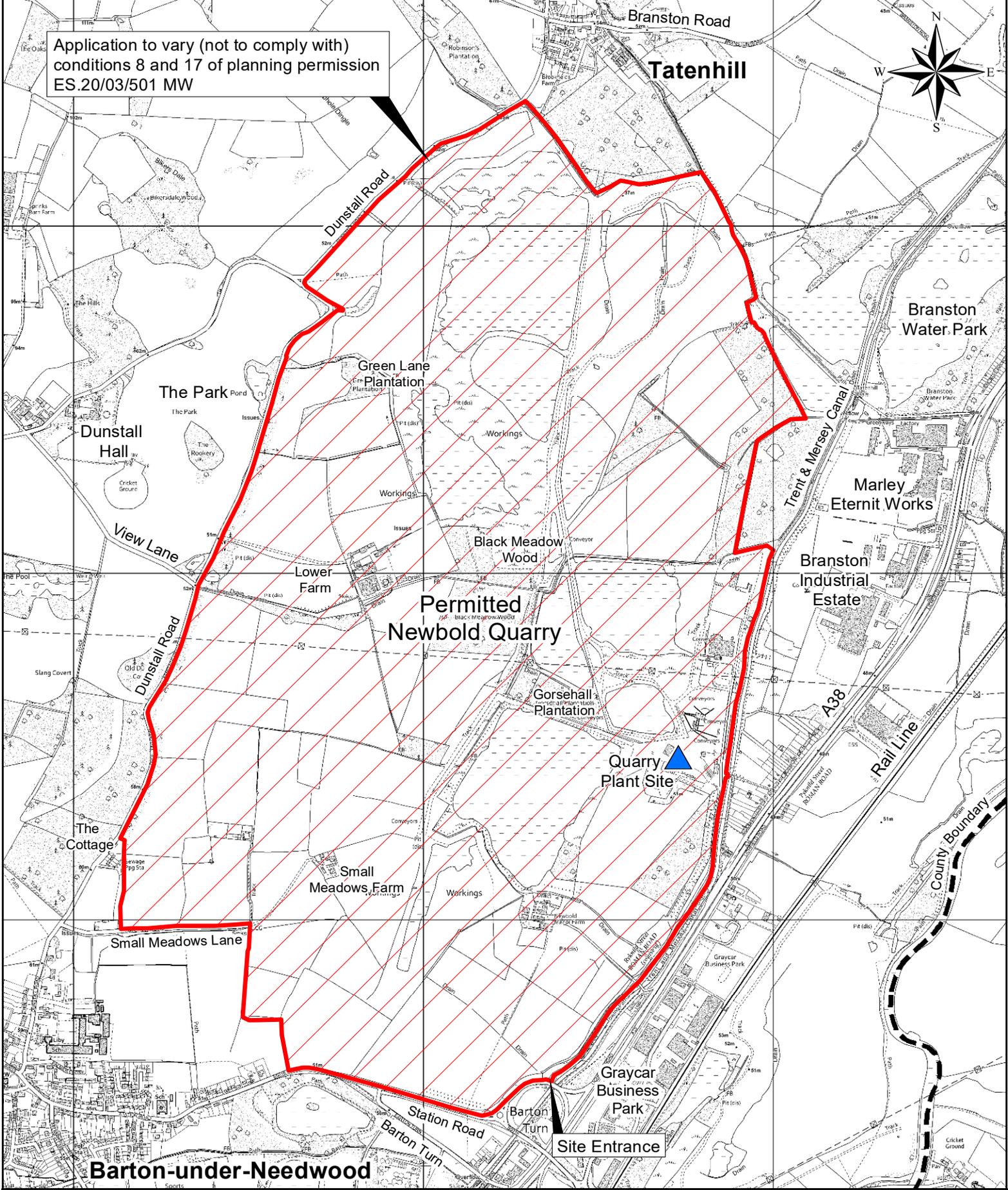
- Principle 1 - Presumption in Favour of Sustainable Development
- Strategic Policy SP1 - Approach to Sustainable Development
- Strategic Policy SP24 - High quality design
- Strategic Policy SP34 - Health and wellbeing
- Strategic Policy SP35 - Accessibility and sustainable transport
- Detailed Policy DP1 - Design
- Detailed Policy DP7 - Pollution and contamination

The other material planning considerations

- [National Planning Policy Framework](#) (updated 20 July 2021):
 - [Section 1](#): Introduction
 - [Section 2](#): Achieving sustainable development
 - [Section 4](#): Decision-making
 - [Section 9](#): Promoting sustainable transport
 - [Section 11](#): Making effective use of land
 - [Section 12](#): Achieving well-designed places
 - [Section 15](#): Conserving and enhancing the natural environment
 - [Section 17](#): Facilitating the sustainable use of minerals
- [Planning Practice Guidance](#)
 - [Design](#)
 - [Environmental Impact Assessment](#)
 - [Health and wellbeing](#)
 - [Minerals](#)
 - [Natural environment](#)
 - [Noise](#)
 - [Use of planning conditions](#)

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

Application to vary (not to comply with) conditions 8 and 17 of planning permission ES.20/03/501 MW



© Crown Copyright and database rights 2021. Ordnance Survey 100019422. Produced by Staffordshire County Council, 2021. 'You are not permitted to copy, sub-license, distribute or sell any of this data to third parties in any form'.

 <p>Staffordshire County Council</p>	<p>Planning, Policy & Development Control, Staffordshire County Council, No.1 Staffordshire Place, Stafford, ST16 2LP. Telephone 0300 300 3000</p>	<p>Aggregate Industries UK limited. Application to vary (not to comply with) conditions 8 and 17 of planning permission ES.20/03/501 MW to facilitate an increase in the site's output from 1 million tonnes to 1.4 million tonnes per year by extending the hours of operation for mineral extraction and processing from 1900 to 2200 Monday to Friday, extending the hours for the maintenance of processing plant from 0600 to 2000 Monday to Saturday to 24 hours/day Monday to Saturday and permitting up to 5 lorries associated with the on-site mineral operations to enter the site and park overnight after 1900 Monday to Friday and after 1600 on Saturdays, Newbold Quarry, Lichfield Road, Barton-under-Needwood, Burton-on-Trent.</p>
---	--	---

Local Members	
Councillor D. Smith Councillor A. White	Lichfield Rural South Lichfield Rural East

Planning Committee 02 December 2021

Minerals County Matter

Application No (District): [L.19/04/805-808 MW](#) (Lichfield)

Applicants: Tarmac and Cemex UK

Description To vary (not to comply with) conditions 17 (hours of working), 19 (quantity of exported sand and gravel) and 20 (limits on HGV movements) of planning permission L.15/04/805-808 MW

Location: Hints Quarry, Watling Street, Hints

Background/ Introduction

1. Tarmac and Cemex UK Operations Ltd have jointly operated Hints Quarry since the former Hopwas Quarry was merged into a single quarry operation using the processing plant and infrastructure associated with Hints Quarry.
2. Current mineral operations are regulated by a planning permission issued in October 2018 which requires that mineral extraction ceases no later than 22 October 2025 and that no more than 700,000 tonnes per annum (tpa) of sand and gravel is produced from the quarry.
3. Due to contracts secured by Tarmac to supply sand and gravel to concrete making plants and aggregates associated with HS2 works as well as to maintain supplies to the general market, it is proposed to increase quarry output to 1,000,000 tonnes per annum, raise the limits on lorry movements, and extend the hours of operation.

Site and Surroundings

4. Hints Quarry is located within the Green Belt, approximately 4 km west of Tamworth and 6km south-east of Lichfield (refer to Location Plan accompanying this report).
5. Access to the quarry is from 'Watling Street' (C0036, formerly the A5) as it passes through Weeford village. No lorries are allowed to pass through Hints village which is to the east of the quarry's access onto Watling

Street.

6. The route of the High-Speed railway (HS2) lies to the west of the site and construction traffic associated with the HS2 project will be using Watling Street to access the construction area for the railway.
7. There are several public rights of way around the quarry including the bridleway (Hints 3), which shares the route of the quarry access.

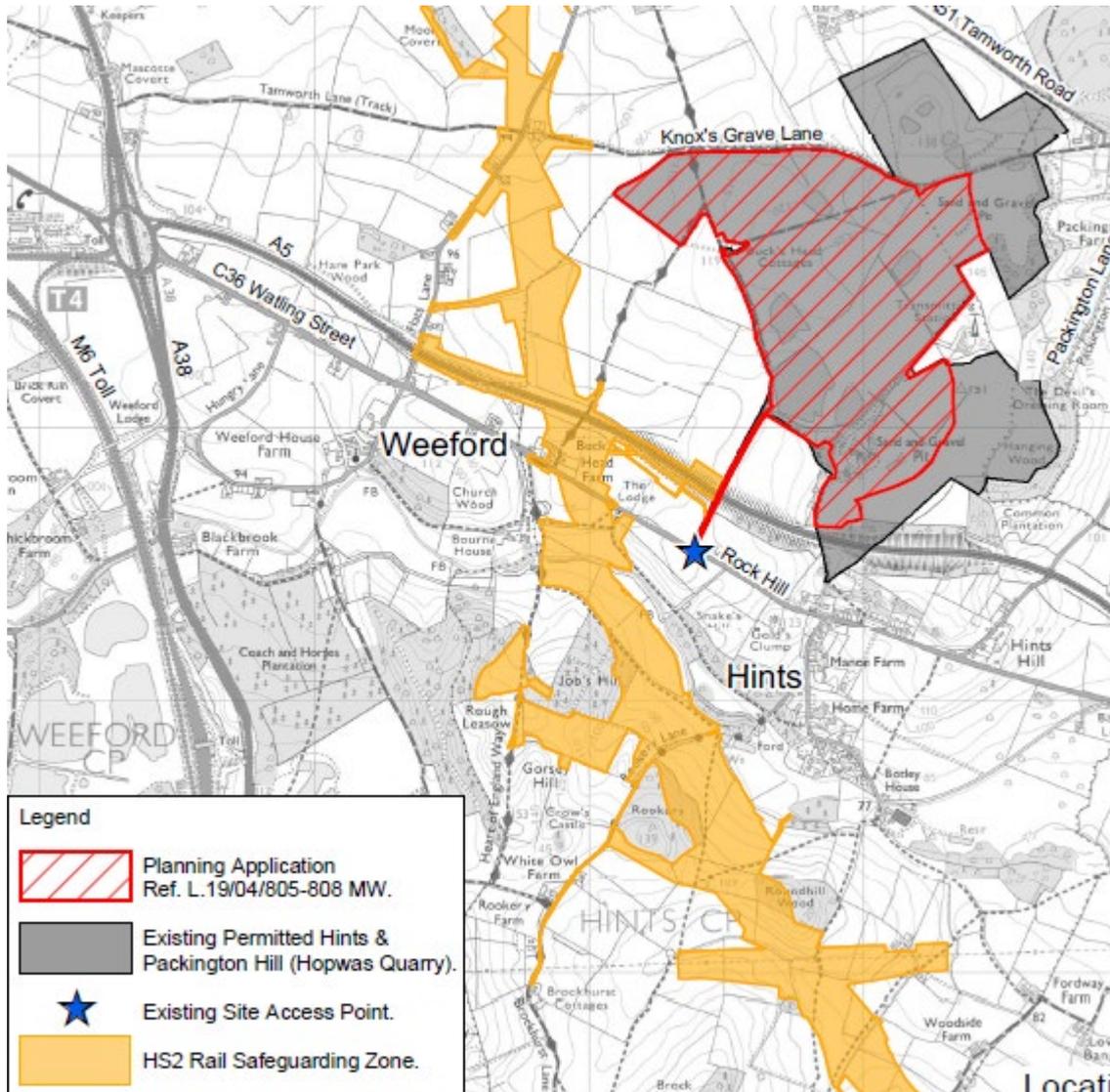


Figure 1: Extract from Location Plan showing Hints Quarry, its access and Watling Street which provides access to the A5 and A38.

Summary of Proposals

8. The proposal is to amend three conditions imposed by the current planning permission to enable the quarry to meet projected increased demand for sand and gravel. The proposed amendments to the conditions are explained below:

Hours of Operation (Condition 17)

9. Currently operational hours are restricted as follows:

No operations shall be carried out, with the exception of emergency operations, site security, environmental monitoring or water pumping operations, other than within the periods stated between:

- a) No working operations shall be carried out within the Site other than within the periods stated below:
 - 0700 to 1900 Mondays to Fridays; and,
 - 0700 to 1300 on Saturdays.
- b) No processing of mineral shall be carried out within the Site other than within the periods stated below:
 - 0600 to 2200 hours Mondays to Fridays; and,
 - 0600 to 1300 on Saturdays.
- c) No temporary operations comprising soil stripping, placement, construction and removal of bunds, restoration and aftercare shall be carried out within the Site other than within the periods stated below:
 - 0700 to 1900 Mondays to Fridays; and,
 - 0700 to 1300 on Saturdays.

No such operations shall take place on Sundays, Bank and Public Holidays.

10. It is proposed that hours of operation for HGV movements are defined separately from 'working operations' so that compared with the hours of operation for working operations (see part (a) above) an additional hour at the start and end of the day is allowed as set out below:

No HGVs shall enter or leave the Site other than within the periods stated below:

- 0600 to 2000 Mondays to Fridays; and,
- 0600 to 1400 on Saturdays.

Limit on Exports of Sand and Gravel (Condition 19)

11. As indicated previously, the amount of sand and gravel that can be exported from the quarry is limited to no more than 700,000 tonnes per annum in accordance with the operators' proposals for the development of

the quarry's north-western extension. It is proposed to increase this limit to 1,000,000 tonnes per annum.

Limit on Number of Daily Lorry Movements (Condition 20)

12. The number of lorry movements is currently limited as follows:

The number of HCV movements to and from the Site shall not exceed:

- a) a maximum of 350 movements per full working day (175 in and 175 out); and,
- b) an average of 254 movements per full working day (127 in and 127 out) when calculated over a 12-month period commencing from the date of this permission.

13. The current limits on lorry movements are consistent with the current limit on exports of sand and gravel. Consequently, the proposed increase in output would require lorry movements limit to be raised to 450 movements per day. It is also proposed that the annual average be removed.

14. The application is accompanied by documents and plans including:

- Environment and Minerals Development Statement
- Transport Statement
- HGV Noise Assessments

The Applicants' Case

15. When Tarmac submitted the application, it was with an intention to supply HS2 both with aggregates and ready-mix concrete (RMX). Tarmac had secured the contract to supply these materials to specific sections of the HS2 route, and at the time of submitting the application in April 2019, proposed to meet that demand through a combination of outputs from Hints and Alrewas quarries.

16. Since submission, and as HS2 has ramped up its construction schedule, the needs of HS2 and its delivery partners BBV have changed in so much that they now require the aggregates to be of a consistent specification and therefore supplied by an individual site. As such, Alrewas now provides all the primary aggregate demands of HS2 for concrete relative to the sections that Tarmac have been awarded a supply contract.

17. As the majority of, if not all the output from Alrewas is now focused on supplying HS2 and added value activities on site (including the RMX plant), the company is unable to meet existing market demand from this

site. Alrewas has provided aggregates to a range of fixed outlets, and collect customers, and in order to fulfil ongoing demand, there is a need for Hints to pick up the sales displaced from Alrewas by HS2, as well as maintain its own sales output and supply drainage aggregates to HS2.

18. Hints therefore needs to supply materials to these fixed outlets (RMX plants, precast concrete etc), and the application provides for an increase in annual outputs from 700,000 tpa to 1,000,000 tpa to accommodate this increase in demand.
19. Tarmac's application also seeks a variation in approved hours of HGV activity from Hints. This was initially with a view to try to flatten out or spread-out HGV activity over the working day. This remains the case, although the focus has slightly changed as Tarmac still needs the early morning hours and early evening hours to re-stock the fixed outlets.
20. It is confirmed that the extra HGV activity in these hours is all associated with maintaining stocks at concrete plants and other outlets around Birmingham and the wider West Midland region.
21. There is no flexibility at Alrewas as this site is now largely committed to supplying HS2, and there is little flexibility in daytime hours for the operations at Hints, and the proposals seek to optimise the use of HGVs to supply the ongoing demand. Inevitably, the increase in output would mean that permitted reserves would be depleted sooner.

Relevant Planning History

22. Details of relevant planning permissions and other planning decisions are listed as follows:
 - a) [L.02/09/805-808 MW](#) dated 27 April 2005 – Permission for the amalgamation and consolidation of mineral extraction including lateral extensions to the working area and a comprehensive low level restoration scheme to forestry and agriculture, and an aggregates recycling facility to receive construction and demolition waste to produce soils for restoration and secondary aggregate.
 - b) This permission is accompanied by a [Section 106 Legal Agreement \(S106\)](#) dated 22 December 2004 which includes a requirement for a Mineral Transport Plan to identify measures to encourage safe access and egress to and from the Site.
 - c) [L.13/03/805-808 MW](#) dated 23 June 2017 – Permission to vary (not comply with) condition 4 of planning permission L.02/09/805-808 MW to allow an extension of time until 31 December 2016 (i.e. completion of restoration).
 - d) This permission is accompanied by a [Deed of Variation to the S106](#)

dated 7 February 2017 so that the obligations of the 2004 S106 were extended in conjunction with the amended permission.

- e) [L.15/04/805-808 MW](#) dated 22 October 2018 – Permission for north-western extension to Hints Quarry; continued use of existing processing plant and site access onto Watling Street; comprehensive phased quarrying and restoration scheme for existing quarry and north-western extension area as consolidation application.
- f) This permission is also accompanied by a [S106](#) dated 18 October 2018 which supplements the 2004 agreement and includes a requirement for a Mineral Transport Plan and additional obligations such as arranging a site liaison committee.
- g) [L.15/04/805-808 MW D2](#) received 22 November 2018 – Undetermined submission of details in compliance with conditions 29 (Noise monitoring), 49 (Archaeological investigation scheme) and 41 (Ecological assessment) of planning permission L.15/04/805-808 MW (SHORT_REF_00163)

Environmental Impact Assessment (EIA)

- 23. The findings of the ES (and the environmental information subsequently received) are summarised in [Appendix 1](#).

Findings of Consultations

Internal

- 24. **Environmental Advice Team** – no objections. The public rights of way officer notes that Public Bridleway No. 3 Hints Parish runs along the private access road leading to the quarry and advises that the applicants should be reminded that although the access road leading to the quarry is private, the fact that the route is a public highway (bridleway) takes precedence. Pedestrians, horse riders and cyclists have a public right and vehicles need to give way to them not the other way around. In light of this and from a Health and Safety aspect it would be in the quarry operators interest that they remind all drivers entering and leaving the quarry to give way to all path users and to erect 'speed' and 'be aware of path users' signs along the route used by vehicles.
- 25. **Highways Development Control** (on behalf of the Highways Authority) – no objections subject to a condition that the extended hours of operation and revised limits on output and lorry movements are restricted to the period during which the quarry supplies HS2 contracts.
- 26. **Regulation Team** – confirm no comments to make.
- 27. **County Council's Noise Engineer** – no objection. The main noise

related issue with this application is the potential impact from additional HGV vehicles travelling along Watling Street and the impact this would have on residential dwellings.

28. The noise engineer welcomes the further reduction in working hours during the evening period which now ends at 2000 as opposed to the 2200 hours as originally proposed. Some concerns do still remain about movements between 1900 and 2000 from the impact around individual discrete noise events as each vehicle passes sensitive receptors, although it is accepted that the potential impact on sleep is diminished due to movements ending by 2000. Therefore, should permission be granted, it is recommended that a condition is imposed limiting the number of movements to/ from the quarry between 1900 and 2000 (note the applicants have now proposed to limit movements in the morning and evening – see recommended conditions below).
29. **County Council’s HS2 Project Manager (PM)** - The PM referred to the [Code of Construction Practice](#) works and in particular, the limits on hours on operations to protect residential amenity. Core working hours for construction works are from 08:00 to 18:00 on weekdays (excluding bank holidays) and from 08:00 to 13:00 on Saturdays. To maximise productivity within the core hours, the nominated undertaker’s contractors will require a period of up to one hour before and up to one hour after normal working hours for start-up and close-down of activities. This will include deliveries of materials.

External

30. **Lichfield District Council (Planning)**- no objections, subject to the County Council being satisfied that the proposal is acceptable on highways and residential amenity grounds.
31. **Lichfield District Council (Environmental Health) (EHO)** – no objection. The IEMA Guidelines for Environmental Noise Impact Assessment recognises that the evening period (19:00–23:00 hours) is particularly sensitive as it is during this evening period residents are generally at home relaxing and preparing for bed (especially those with younger children). Having considered the revisions submitted by Tarmac, the EHO confirmed that the proposed reduction in hours has largely addressed these concerns. The EHO recommended that the changes be carried out on a temporary basis to enable the impacts and the effectiveness of the site management to be evaluated. The EHO also recommended that the site movements during the extended hours are limited to 20 movements per hour in the evening as per the applicants’ noise report dated June 2021.
32. **Swinfen and Packington Parish Council** - raised concerns and questioned the justification for the increase in traffic on Jerry’s Lane and the additional noise which would be generated. The concerns about use of

Jerry's Lane have been forwarded to HS2 Limited because quarry traffic would not use this lane.

33. **Wigginton and Hopwas Parish Council** - no objections.
34. **Weeford Parish Council** - object on grounds of highway safety; the excessive speed of lorries; increased volumes of traffic; traffic noise; air pollution; extended evening and weekend lorry movements; and damage to property from vibration caused by lorries.
35. **National Highways** (formerly Highways England) - no objections following consideration of further information which included a Transport Statement.
36. In response to concerns about the cumulative impact of increased lorry movements from quarries in proximity to the A38, National Highways have advised that no cumulative impact assessment is required, and that specific advice would be given by them in relation to each individual proposal.
37. **HS2 Limited** have been consulted as Watling Street would provide access to the construction area of the HS2 railway. Balfour Beatty VINCI (BBV) the principal contractor to HS2 in this area anticipate that the construction of the access would be during Q2 2022. Forecasted vehicle movements along Watling Street are as follows:

Table 3: Estimated Movements (up to a maximum)

Dates	Estimated Vehicle Movements/ day
September 2021 to December 2021	Maximum of 100 2-way movements
January 2022 to December 2022	Maximum of 220 2-way movements
January 2023 to December 2023	Maximum of 445 2-way movements
January 2024 to September 2025	Maximum of 110 2-way movements for demobilisation

38. BBV are currently finalising design for the temporary road diversion of Watling Street which is required to safely allow construction of the new overbridge on the existing alignment, whilst maintaining traffic routes. Construction is scheduled for Q3 2022. The construction is built offline and tie ins to the existing carriageway will be completed on nights/ weekends to reduce impact to the local traffic. This is then intended to be operational for circa 18 months whilst the overbridge is completed.
39. **Environment Agency** - no objections.

Publicity and Representations

40. Site notice: YES Press notice: YES
41. 95 neighbour notification letters were sent out and 30 representations

were initially received. The concerns raised in representations are summarised below:

Traffic on the highway network
Impact on other highway users.
Watling Street has leisure users e.g. horse riders, cyclists, users of the Heart of England Way which are at risk.
Existing issue with lorry speeding >50mph.
Why are speed limits not reduced to 30mph? Note limit through Hints is 40mph.
Why has a speed survey not been conducted independently to gather collision and speed data?
Current frequency of traffic excessive (30 – 40 per hour).
Volume of traffic (increasing back to levels when Watling Street was A5).
Why can't an alternative access off the A5 bypass be provided as part of HS2 works?
Concern about compliance with weight restriction on Watling Street through Hints village.
Noise
Excessive noise from vehicles travelling to and from the quarry.
Noise from empty wagons travelling to the quarry would be escalated.
Noise from lorry convoys
Adequacy of noise survey.
Affects residential amenity including enjoyment of gardens.
Air Quality
Concern about health impacts from air pollution generated by traffic.
Cumulative Effects
Proposal would double output given the quarry has been operating 500,000tpa.
Existing compliance issue with planning condition relating to hours of operation.
Residents will be affected HS2 works at same time.
Quarry access is a bridleway used by horse riders – lorries using access at speed.
Anticipated adverse impact on local horse-riding centre.
Existing impact on amenity from shooting range near Weeford village.

42. Mr Christopher Pincher MP has written on behalf of residents living in the Hints and Weeford areas to highlight concerns about noise and air

pollution; about the effect of increased lorry movements for residents and their properties; and the impact on pedestrians and cyclists using local roads. The MP reports that residents are already concerned about the frequency of lorries passing their properties and a suggestion has been made that the quarry should be provided with a slip road direct onto the A5 bypass.

43. One response from a neighbouring resident confirms no objection to the proposals.

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

44. 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.’

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

Observations

46. 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:

- Any material changes to development plan policy considerations and other material considerations (including the site and surroundings).
- The matters raised by consultees and in the representations

- The need to review and update the planning conditions

Any material changes to development plan policy considerations and other material considerations (including the site and surroundings)

47. When determining an application to vary a planning permission, national planning guidance [refer to [Annex A: summary comparison table](#) of the section 'Flexible options for planning permissions'] advises that local planning authorities should focus their attention on national and development plan policies and other material considerations which may have changed significantly since the original grant of permission.
48. Commentary: Current restrictions on output from the quarry and the number of lorry movements were imposed in accordance with the proposals included in the original application. Restrictions on the hours of operation were imposed to protect the amenity of residents and to ensure the orderly operation of the quarry in its Green Belt location in accordance with policy 4 of the MLP; policy BE1 of the [Lichfield Local Plan Strategy](#) and sections 9 (Promoting sustainable transport), 15 (Conserving and enhancing the natural environment) and 17 (Facilitating the sustainable use of minerals) of the NPPF.
49. The original application (ref: L.15/04/805-808 MW) was approved by Committee in February 2016, before the [Minerals Local Plan for Staffordshire](#) (MLP) was adopted in February 2017. Notwithstanding, the emerging MLP policies were taken into account when the application was approved, and the adopted MLP policies were taken into account before the decision was issued.
50. The National Planning Policy Framework (NPPF) has been revised since the original permission was issued but none of the changes to the NPPF are material to the consideration of this application.
51. In terms of the site and its surroundings, there are no significant changes to circumstances that were existing or anticipated when the original application was considered. This included the proximity of the HS2 construction project.
52. The construction of the HS2 railway is relevant to the current application because Tarmac is supplying mineral for its construction and this has led to the proposed increase in quarry output. Furthermore, the use of Watling Street which provides access to the quarry from the A5 and A38 will be also used in connection with the HS2 construction works.
53. Conclusion: Having regard to the relevant development planning policy and other material considerations referred to above, it is reasonable to conclude that there have been no material changes to planning policy,

guidance, or to the site, since the 2018 permission was issued.. However, the demand arising from the HS2 construction is a material consideration.

The matters raised by consultees and in representations

Proposed increase in lorry movements (condition 20)

54. Paragraph 111 of the NPPF advises that:

'Development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.'

55. Policy 4.1 (e) of the MLP requires that the effects of traffic on the public highway network should be assessed.

56. Commentary: Objections are raised by residents and Weeford Parish Council regarding the impact of traffic on other highway users including the safety of horse riders and cyclists. Residents have been monitoring the traffic and report that there are between 30 and 40 lorries every hour going to and coming from the quarry. These lorries range in size from the smaller HGV's through to the larger articulated lorries. The Parish Council reports that lorries are already operating for over 10 hours a day resulting in over 300 lorries per day, and consider that the consequences of having even more traffic on this road is absurd as the traffic has drastically increased over the last 10 years.

57. In response to objections received, the applicants have lowered the proposed maximum number of HGV movements from 500 to 450 per day. The local Highways Authority and National Highways have confirmed that they have no objections in terms of impact on the local and strategic highway network.

58. The local Highway Authority has recommended that the proposed changes to the conditions are acceptable for the period when the quarry is supplying HS2 contracts. It is anticipated, however, based on information provided by HS2 Ltd that contracts in association with HS2 works would continue beyond the permitted cessation date for quarrying at Hints i.e. beyond 22 October 2025, noting that it would be likely that remaining permitted reserves would be depleted before the cessation date if output is increased.

59. To mitigate the impact of the traffic impact, it has been suggested by residents that access to the quarry could be provided directly off the A5 trunk road. Notwithstanding the feasibility of providing an access onto the A5, National Highways have confirmed that they are constrained in

accepting an access off the A5, by Department for Transport Circular 02/13 which sets out governance on connection to the Strategic Road Network, the A5 being part of that network.

60. Concerns are raised about the speed at which HGVs already travel along Watling Street. The current limit is 50mph but in association with the greater use of this road by HS2 traffic, it is understood that further restrictions on speed are being considered by the local Highway Authority which if introduced would also apply to quarry traffic.
61. Conclusion (traffic): Having regard to the relevant development planning policy and other material planning policy considerations referred to above, it is reasonable to conclude that, subject to the conditions recommended below, the proposals would not give rise to any unacceptable adverse impacts in terms of highway safety.

Proposed extension of hours of operation (condition 17)

62. Policy 4 of the MLP requires the effects of noise and air emissions to be assessed as well as traffic.
63. Policy BE1 of the Lichfield District Local Plan Strategy states that (amongst other matters):

'Development will be permitted where it can be clearly and convincingly demonstrated that it will have a positive impact on:

Amenity, by avoiding development which causes disturbance through unreasonable traffic generation, noise, light, dust, fumes or other disturbance;'

64. Paragraph 209 of the NPPF advises that:

'It is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs.'

65. Furthermore, paragraph 81 of the NPPF states:

'Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.'

66. More generally, paragraph 9 of the NPPF advises that:

'Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs

and opportunities of each area.’

67. Objectives of the MLP include:

‘Aim to achieve an acceptable balance between the steady and adequate supply of minerals and the impact of mineral operations on local communities and the environment’ (part of strategic objective 1); and,

‘To ensure that mineral sites operate to high environmental standards by avoiding, reducing or mitigating as far as possible the adverse impacts on local communities and the environment close to mineral operations and along the routes used to transport minerals.’ (strategic objective 3)

68. Commentary: The current planning permission allows for mineral processing at Hints quarry to take place between 0600 – 2200 hours Monday to Friday and 0600 – 1300 hours on a Saturday but operations associated with mineral extraction and exporting minerals are more tightly restricted. As indicated in the applicants’ case above, the proposed changes would enable the quarry to export more mineral so that Tarmac can fulfil new supply contracts in association with HS2 phase 1 works and maintain supply to existing general markets that are served by production at both Hints and Alrewas quarries.
69. National planning policy indicates that in making planning decisions, significant weight should be attached to mineral supply and in supporting productivity. In this case, the proposals are linked to the supply of minerals essential for construction of national infrastructure while ensuring that there remains adequate capacity to supply general market demand.
70. National policy also advises on sustainable development and the MLP is based on achieving the correct balance between the economic need for minerals and avoiding, reducing or mitigating as far as possible, the adverse impacts on local communities and the environment.
71. Noise and disturbance from mineral operations is controlled with restrictions on noise limits and hours of operation imposed by planning conditions. The benefit of controls on hours of operation also includes safeguarding the amenity of residential properties situated along the roads providing access to the quarry.
72. Objections have been received regarding the potential impact on local amenity from traffic noise. In response, the applicants carried out a traffic noise assessment, which confirmed that the findings of the original assessment were correct.

73. In response to concerns raised by the County Council's noise engineer and the District Council's Environmental Health Officer and local residents, about the original proposal to export mineral up to 2200 hours, the applicants have revised the proposal so that lorry movements would cease by 2000 hours on a weekday.
74. No objections from the technical consultees persist although concerns do remain about the number of movements between 1900 and 2000, although it is accepted that the potential for impact on sleep disturbance is diminished due to movements ending by 2000 hours. Consequently, it is recommended that a limit on lorry movements of 26 per hour is specified for the hours 0600 - 0700 and 1900 - 2000.
75. Objections are also raised concerning the impact on other road users such as cyclists and horse riders, noting that a bridleway runs along the private access road leading to the quarry. In response, the original proposals to operate on Saturday afternoons until 1600 hours have been reduced to 1400 hours to minimise the impact of extended operations at the weekend.
76. There will be a cumulative impact of traffic from the quarry with the addition of lorry movements associated with the construction of the HS2 railway. Activities associated with HS2 works will be subject to the hours of working specified in the Code of Construction Practice which is applicable to contractors involved with HS2 works. In this case, extended hours would facilitate output not connected with HS2 works. No technical objection is raised in respect of the revised proposals while also taking account of the use of Watling Street by HS2 construction traffic. Regarding the advice from the District Council's Environmental Health Officer that a trial period is allowed for the extended hours, it is considered that the proposals would be relatively short term in view of the permitted cessation date and the likelihood that permitted reserves would be depleted sooner.
77. Conclusion (hours of operation): Having regard to the relevant development planning policy and other material planning policy considerations referred to above, it is reasonable to conclude that subject to the conditions recommended below, the revised hours for transporting mineral would not give rise to an unacceptable adverse impact on local amenity. Furthermore, the proposals which would facilitate a steady and adequate supply of minerals in connection with meeting the demands from a national infrastructure project, also provide a material planning benefit which outweighs the objections.
- Other environmental concerns about traffic
78. Concerns about the effect of increased lorries movements on air quality have been raised with the District Council's EHO but the scale of the

proposed increase in traffic is below the threshold for investigation and are not considered significant in terms of formal environmental assessment.

79. Concerns are also raised about disturbance caused by lorries arriving at the quarry prior to the quarry opening. In response to these concerns, the applicants have explained that HGVs are allowed to enter the main entrance of the quarry and park up on the haul road. The quarry incorporates a barrier system to prevent HGV's accessing the quarry stocking and loading area until authorised by the weighbridge clerk. This system prevents any haulier from entering on to the main site prior to the commencement time and this is strictly enforced by the weighbridge clerk. This is a matter for ongoing monitoring to ensure that there is no nuisance caused to residents.
80. A concern raised by a resident refers to the effect of the proposals as being an "infringement on human rights under Article 8". Article 8 gives the right to respect for private and family life and the home and the First Protocol Article 1 allows for the peaceful enjoyment of possessions. These have to be balanced proportionately against the rights and freedoms of others and the proper planning and development of the County in the interests of the community. This legislation has been taken into account in arriving at the recommendation

The need to review and update the planning conditions

81. The NPPF ([Section 4](#), paragraph 54) states that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through conditions. Paragraph 55 of the NPPF explains that:

'Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects'.

The Vision, Strategic Objective 3 and policy 4 of the MLP seek to ensure that mineral sites operate to high environmental standards and seek to minimise the impact of mineral development on people, local communities and the environment.

The Planning Practice Guidance states:

'To assist with clarity decision notices for the grant of planning permission under [section 73 of the Town and Country Planning Act 1990](#) should also repeat the relevant conditions from the original planning permission, unless they have already been discharged'

([Planning Practice Guidance, Flexible options for planning permissions; How can a proposal that has planning permission be amended?](#), What is the effect of a grant of permission?, paragraph 015).

The Planning Practice Guidance also states:

'In granting permission under section 73 the local planning authority may also impose new conditions – provided the conditions do not materially alter the development that was subject to the original permission and are conditions which could have been imposed on the earlier planning permission' ([Planning Practice Guidance, Use of planning conditions, The use of pre-commencement conditions](#), How are conditions treated under section 73?, paragraph: 040).

82. Commentary: In this case, the extant planning permission was granted in 2018. Having regard to the above guidance, most of the conditions remain relevant and up to date. In addition to conditions 17, 19 and 20 which the applicants have applied to vary, it is also considered to be reasonable and necessary to update the following conditions:

- Condition 1 to be updated to refer to the approved details, non-material amendment and this application.
- Condition 9 – delete as the requirement that knowledge of the permission by site managers are now included as an informative to the permission.
- Condition 11 – to be updated as the timescale for submission of site layout plan(s) has passed.
- Condition 12 – to be updated as the timescales for submission of Progress Reports have passed.
- Condition 39 – delete as the requirements for storage of oils, fuels or chemicals in accordance with latest guidance from the Environment Agency are now included as an informative to the permission.
- Conditions 42, 44, 45, 46 and 48 (Nature Conservation) –to be updated as the timescales for submission of details have passed.
- Conditions 51 and 52 (Restoration and Aftercare) – to be updated as the timescales for submission of details have passed.
- Condition 53 – updated to include the keeping of records of quantity of mineral exported.

83. Conclusion: Having regard to the policies and guidance referred to above,

it is concluded that it is reasonable and necessary to recommend updates to the existing conditions referred to above and below.

Overall Conclusion

84. 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 environmental 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 to vary (not to comply with) conditions 17 (hours of working), 19 (quantity of exported sand and gravel) and 20 (limits on HGV movements) of planning permission L.15/04/805-808 MW subject to conditions.

The conditions to include the following:

Condition 1 (Definition of the Consent) updated to refer to this application and approved documents.

Condition 11 (Site Layout Plan) updated to refer to a new timescale so that Site Layout Plan is submitted within 3 months of date of new permission.

Condition 12 (Progress Reports) updated to refer to new timescales so that Progress Reports are submitted within 2 years and 4 years of the date of the new permission.

Condition 17 (Hours of Operation) updated to refer to the new hours (change in **bold**):

No operations shall be carried out, with the exception of emergency operations, site security, environmental monitoring or water pumping operations, other than within the periods stated between:

- a) No working operations shall be carried out within the Site other than within the periods stated below:
- 0700 to 1900 Mondays to Fridays; and,
 - 0700 to 1300 on Saturdays.

- b) No processing of mineral shall be carried out within the Site other than within the periods stated below:
- 0600 to 2200 hours Mondays to Fridays; and,
 - 0600 to 1300 on Saturdays.
- c) No temporary operations comprising soil stripping, placement, construction and removal of bunds, restoration and aftercare shall be carried out within the Site other than within the periods stated below:
- 0700 to 1900 Mondays to Fridays; and,
 - 0700 to 1300 on Saturdays.
- d) **No HGVs shall enter or leave the Site other than within the periods stated below:**
- **06:00 to 20:00 Monday to Friday; and,**
 - **06:00 to 14:00 on Saturdays.**

No such operations shall take place on Sundays, Bank and Public Holidays.

Condition 19 (Output) updated to refer to the new output limit (change in **bold**):

No more than **1,000,000** tonnes of sand and gravel shall be exported from the Site per annum.

Condition 20 (Limit on HGV movements) updated to refer to the new HGV limits (changes in **bold**):

The number of HGV movements to and from the Site shall not exceed:

- a) **450 movements per full working day (225 in and 225 out).**
- b) **226 movements on a Saturday (113 in and 113 out); and**
- c) **26 movements per hour during the hours of 0600 – 0700 (Monday to Saturday) and 1900- 2000 (Monday to Friday).**

Condition 39 (Storage of oils, fuels or chemicals) deleted as the requirements for storage of oils, fuels or chemicals in accordance with latest guidance from the Environment Agency are now included as an informative to the permission

Conditions 42, 44, 45, 46 and 48 (Nature Conservation) – updated

to refer to a new timescale so that details are submitted within 6 months of date of the new permission.

Condition 51 (Restoration and Aftercare) – updated to refer to a new timescale so that review of restoration masterplan is submitted within 6 months of date of the new permission with subsequent reviews every two years starting from the date of the new permission until such time as the Mineral Planning Authority confirm in writing that no further review is necessary.

Condition 52 (Restoration and Aftercare) – updated to refer to a new timescale so that a detailed restoration and aftercare scheme is submitted within 12 months of date of new permission.

Condition 52 (Record Keeping) – updated to include a new requirement that records should be kept of the quantity of mineral exported from the site.

Informative (Site access) – new - to advise that in relation to the bridleway along the site's access that pedestrians, horse riders and cyclists have a public right and vehicles need to give way to them not the other way around.

Informative (Storage of oils, fuels or chemicals) – new - to refer to latest advice from the Environment Agency.

Case Officer: Matthew Griffin - Tel: (01785) 277275
email: 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 and can only be provided by email.

Appendix 1: Summary of the Findings of the Environmental Statement (ES) (and the environmental information subsequently received)

Section 1 – Introduction:

Explains the context for the application and Environmental Statement as well the structure for the statement which includes information as required in a Mineral Development Statement. Assessment methodologies in assessing the potential impact of proposals are described.

Section 2 – Existing Situation:

The general location of the quarry is described as well as the layout and operation of the quarry; hours of operation; landscape and visual setting; noise environment; and arrangements for transport.

Section 3 – The Application:

The proposed variation/ amendments to conditions 17, 19 and 20 are explained (noting that proposals to conditions 17 and 20 are subsequently revised during the consideration of the application).

Section 4 – Planning Statement:

Explains the planning history of the quarry and then considers the proposals in the context of the Development Plan which comprises of the Minerals Local Plan for Staffordshire 2015 – 2030; and the Lichfield District Local Plan. The proposals are considered in the context of the National Planning Policy framework and national planning guidance. The economic benefits of the proposals are also considered.

Section 5 - Environmental Considerations:

Landscape and Visual

It is explained that the proposals would have no discernible impact on landscape character as the activities are broadly similar to existing and of a temporary nature.

Highways and Traffic

Initially, as the proposal did not propose an increase in the daily limit on lorry movements, it was considered that a detailed transport assessment was not required.

Subsequently, a Transport Statement (November 2019) as prepared by the Hurleston Partnership was submitted as further information and this assessment considers the impact of increasing the daily limit of lorry movements from 350 to 500 per day although the proposal was subsequently changed to 450 per day. The assessment confirms that there are no inherent characteristics of the road layout that compromise safety for or as a result of HGV use. It is also found that there would be no unacceptable impact on highway safety or a severe residual cumulative effect on the road network.

Noise

The noise assessment appended to the ES concluded that there would be no significant impact as noise levels from the quarry would be contained within the 55dB limit.

Further assessment has been carried out to address concerns about road traffic noise as it would affect properties along Watling Street.

A report produced in March 2020 by SLR Consulting Limited as further information to the Environmental Statement concluded that:

- Noise levels from increasing the average number of daily HGV movements to match the currently permitted maximum daily HGV movements would not have a significant impact on noise levels; and
- Extending movements over a longer period would also not have a significant impact on noise levels, including early morning.

Another report produced in June 2021 by SLR Consulting Limited reviewed the impact of increased lorry movements over the proposed extended hours and concurred with the conclusions of the report produced in March 2020.

Other Matters including Interaction and Cumulative Effects

The application site is located in Flood Zone 1 and it is considered that no detailed Flood Risk Assessment is necessary.

The scope for cumulative impact via an intensification of use is considered to be minimal given the site's context.

In considering alternatives to the proposal, it is considered by the applicants that the "do nothing" scenario would not support continued economic growth and lead to loss of business.

Section 6 – Non-technical summary:

In accordance with the requirements for environmental assessment, the main findings are set out in a non-technical summary.

Additional information

In response to consultee comments / representations received, further comments were provided, and mitigation measures proposed, including the following:

- The maximum number of lorry movements was reduced so that the increase would be from 350 to 450 per day.
- The extension of hours proposed in the evening was shortened from an original proposal to operate until 2200 hours, to an earlier finish of 2000 hours.
- During the extended hours in the morning and evening on weekdays, the

applicant has agreed a limit of 26 lorry movements per hour.

Return to [Environmental Impact Assessment \(EIA\)](#) 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

[The Minerals Local Plan for Staffordshire \(2015 - 2030\)](#)

(adopted 16 February 2017)

- Policy 1: Provision for Sand and Gravel
- Policy 4: Minimising the impact of mineral development

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.

[Lichfield Local Plan Strategy](#) (2008 - 2029) (adopted 15 February 2015)

- Core Policy 2: Presumption in Favour of Sustainable Development
- Core Policy 3: Delivering Sustainable Development
- Policy ST1: Sustainable Travel

[Lichfield Local Plan Allocations](#) (2008-2029) (adopted 16 July 2019)

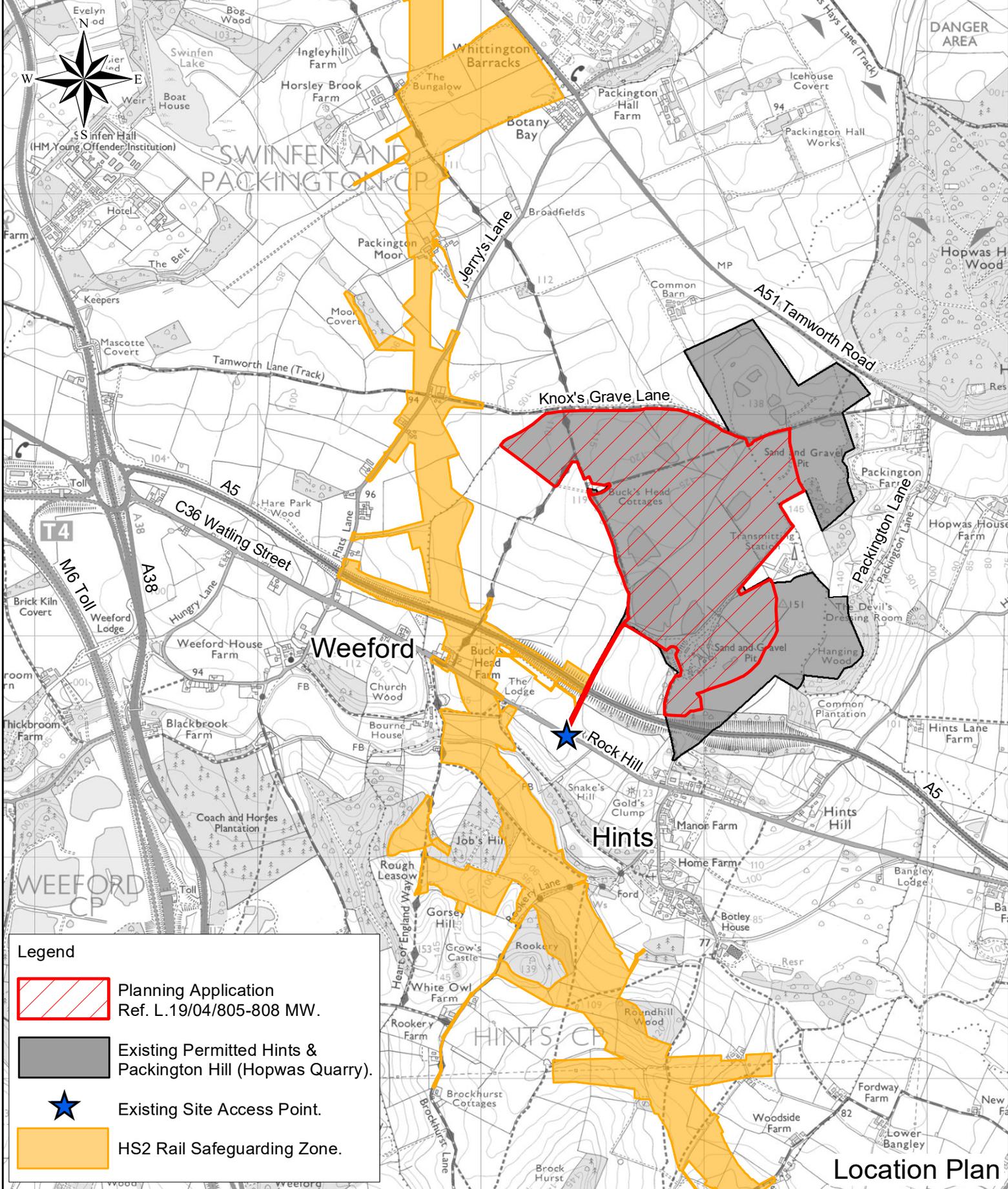
No allocations are relevant to the application.

The other material planning considerations

- [National Planning Policy Framework](#) (updated July 2021):
 - [Section 1](#): Introduction
 - [Section 2](#): Achieving sustainable development
 - [Section 4](#): Decision-making
 - [Section 6](#): Building a strong, competitive economy
 - [Section 9](#): Promoting sustainable transport
 - [Section 10](#): Supporting high quality communications
 - [Section 13](#): Protecting Green Belt land
 - [Section 15](#): Conserving and enhancing the natural environment;
 - [Section 17](#): Facilitating the sustainable use of minerals
- [Planning Practice Guidance](#)

- [Environmental Impact Assessment](#)
 - [Minerals](#)
 - [Noise](#)
 - [Planning obligations](#)
 - [Transport evidence bases in plan making and decision taking](#)
 - [Travel Plans, Transport Assessments and Statements](#)
 - [Use of planning conditions](#)
- The emerging [Lichfield District Local Plan Review 2040](#) (currently at regulation 19 publication stage – August 2021).
 - Strategic policy 2 (SP2): Sustainable transport
 - Strategic policy 3 (SP3): Sustainable travel
 - Strategic policy 10 (SP10): Sustainable development

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



Legend

-  Planning Application
Ref. L.19/04/805-808 MW.
-  Existing Permitted Hints & Packington Hill (Hopwas Quarry).
-  Existing Site Access Point.
-  HS2 Rail Safeguarding Zone.

Location Plan

© Crown Copyright and database rights 2021. Ordnance Survey 100019422. Produced by Staffordshire County Council, 2021.
 'You are not permitted to copy, sub-license, distribute or sell any of this data to third parties in any form'.

 <p>Staffordshire County Council Planning, Policy & Development Control, Staffordshire County Council, No.1 Staffordshire Place, Stafford, ST16 2LP. Telephone 0300 123 4000</p>	<p>Tarmac and Cemex UK. Planning application to vary (not to comply with) conditions 17 (hours of working), 19 (quantity of exported sand and gravel) and 20 (limits on HGV movements) of planning permission L.15/04/805-808 MW, Hints and Packington Hill (Hopwas) Quarry, Watling Street, Hints.</p>
--	---

Local Member	
Councillor J Jessel	Needwood Forest

Planning Committee: 02 December 2021

Minerals County Matter

Application No (District): [ES.21/01/501 MW](#) (East Staffordshire)

Applicant: Aggregate Industries U.K. Limited

Description Application to vary conditions 5, 6 and 7 of permission ES.17/13/501 MW to allow the concrete products factory and associated mobile plant to operate on a 24/7 basis and to extend the hours during which HGVs can access the concrete products factory for a temporary 12 month 'trial' period.

Location: Newbold Quarry, Concrete Products Factory, Lichfield Road, Barton Under Needwood

Background

1. Planning permission was originally granted for the concrete products factory at Newbold Quarry in 1998. Permissions were subsequently granted to link the life of the factory to the extended quarry operations and to increase the weekday operating hours to 24 hours (see 'Relevant Planning History' section below).

Site and Surroundings

2. Newbold Quarry and the Concrete Products Factory are approximately 4 kilometres to the south-west of Burton upon Trent; to the south of Tatenhill village; to the west of the Branston Water Park, the A38, the Branston Industrial Estate and the Trent and Mersey Canal; and to the north-east of the village of Barton under Needwood. Access to the factory is via the existing quarry access off the Barton Turn junction of the A38 trunk road (see Planning Committee Report - Plan 1).
3. The nearest residential properties are about 270 metres to the south-east of the factory on Lichfield Road (A38).



Location Plan and extract taken from County Council's aerial photography supplied by Bluesky International Ltd and Getmapping Plc 2021 – the factory is highlighted in yellow

Summary of Proposals

4. The proposed changes to the conditions of the current planning permission for a 12-month trial period are shown emboldened below.
 - a) The extended the 24 hours per day factory operational hours
From:
24 hours per day but no operations between 1pm on Saturday and 6am on Monday (there was no mention of Public/Bank Holidays)
To:
24 hours per day - **7 days per week**
 - b) The extended lorry movement hours
From:
7am to 7pm Monday to Friday and 7am to 1pm on Saturdays, excluding Sundays and Public/Bank Holidays

To:

7am to 7pm Monday to Friday and 7am to 1pm on Saturdays, **and up to 3 bulk tanker vehicles to enter the site (6 movements) on Sundays and Public/Bank Holidays**

- c) The extended times when mobile plant operating outside is limited to two items (typically a forklift truck and a loading shovel)

From:

7pm to 7am Monday to Friday, excluding Sundays and Public/Bank Holidays

To:

7pm to 7am - **7 days per week**

5. It is proposed that the 12-month trial period would only commence after a noise monitoring scheme has been submitted and approved. During the trial period, if noise is found to be exceeding the existing permitted limits (current condition 10) then the extended hours would cease until the noise has been investigated and mitigated.
6. At the end of the trial period, it is proposed that the operating hours would revert to the previous times.
7. The application is supported by a 'Planning Statement'. The agent provided a response to comments received and updated the Planning Statement to reflect the revised proposals (the bulk tanker deliveries).

The Applicant's Case

8. Increased demand for concrete products in the local market has led to a need for the factory to both maximise its productivity and increase its efficiency. The current permitted working hours for the factory limit the level of productivity and the down-time, necessary under the current working hours, affects the site's efficiency as plant and machinery within the factory has to be shut down on Saturdays and then re-started on Mondays.
9. The concrete products factory currently employs approximately 33 staff. By extended the operating hours a 4th shift can be added which would provide employment for 7 additional staff.

Relevant Planning History

10. The planning history:
 - a) [ES.20/06/501 MW](#) (not yet determined – report on this Committee

- agenda) - application to vary (not to comply with) conditions 8 and 17 of planning permission ES.20/03/501 MW to facilitate an increase in the site's output from 1 million tonnes to 1.4 million tonnes per year by extending the hours of operation for mineral extraction and processing from 1900 to 2200 Monday to Friday, extending the hours for the maintenance of processing plant from 0600 to 2000 Monday to Saturday to 24 hours/day Monday to Saturday and permitting up to 5 lorries associated with the on-site mineral operations to enter the site and park overnight after 1900 Monday to Friday and after 1600 on Saturdays.
- b) [ES.20/03/501 MW](#) dated 20 October 2020 – (the most recent quarry planning permission) - planning permission to amend the approved Restoration Plan to facilitate the change of use of land from agricultural to equestrian uses and the erection of a barn.
 - c) [ES.17/13/501 MW](#) dated 22 June 2018 - permission to amend the hours of the concrete products operation (to reinstate the hours permitted in 1999).
 - d) [ES.16/23/501 MW](#) dated 10 February 2017 – permission to retain concrete product operation for the duration of permitted mineral extraction.
 - e) [ES.12/03/501 MW](#) dated 22 August 2014 – (the original extension planning permission) - planning permission for a 160-hectare extension to Newbold (and Tucklesholme) Quarry to extract 13.5 million tonnes of sand and gravel before 31 December 2029 and to progressively restore the land to agriculture, woodland and wetland for nature conservation, recreation and amenity uses by 31 December 2031, followed by a 5-year period of aftercare (extended to 15 years by the Section 106 Legal Agreement).
 - f) The [Section 106 Legal Agreement](#) dated 15 August 2014 includes planning obligations related to: vehicle routing (all HGV traffic leaving the site to use the A38 other than for local deliveries); extended aftercare (and additional 10 years); the periodic review of the restoration plan (every 5 years); and the establishment and terms of reference for the quarry liaison committee.
 - g) [ES.18136/06](#) dated 19 October 1999 – planning permission to amend the hours of the concrete products operation.
 - h) [ES.18136/03](#) dated 19 September 1999 - planning permission to increase the height of stockpiles.
 - i) [ES.18136/01](#) dated 16 November 1998 - planning permission - industrial development for the manufacture of pre-cast concrete.

Environmental Impact Assessment (EIA)

11. 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 2011](#) / [Town and Country Planning \(Environmental Impact Assessment\) Regulations 2017](#)), the County Council has not issued a "Screening Opinion".

Findings of Consultations

Internal

12. **County Council's Noise Engineer and Planning Regulation Team** – no response.
13. **County Council's HS2 Manager** referred to [The Code of Construction Practice](#) for HS2 (CoP) and any conditions stipulated by a Section 61 consent (Control of Pollution Act 1974). The CoP states that:

Core working hours will be from 08:00 to 18:00 on weekdays (excluding bank holidays) and from 08:00 to 13:00 on Saturdays.

To maximise productivity within the core hours, the nominated undertaker's contractors will require a period of up to one hour before and up to one hour after normal working hours for start-up and close-down of activities. This will include (but not be limited to) deliveries, movement to place of work, unloading, maintenance and general preparation work. This will not include operation of plant or machinery likely to cause a disturbance to local residents or businesses. These periods will not be considered an extension of core working hours.

[Note: as mentioned earlier, the applicant's case is that this proposal is in response to a general increase in demand for the concrete products produced by the factory, so it is not directly related to HS2.]

External

14. **East Staffordshire Borough Council (Planning)** - no comments other than to pass on comments received from neighbours and a Parish Council which they asked to be taken into account.
15. **East Staffordshire Borough Council (Environmental Protection)** - no comments on the understanding that the HGVs are not allowed to travel through Barton and the other local villages and utilise the A38, so the extended times won't have additional effect on residents (Note: the Newbold Quarry Section 106 Legal Agreement requires all HGV traffic leaving the site to use the A38 other than for local deliveries).

16. **Dunstall Parish Council** – object. The Parish Council are concerned about the impact on the amenity of local residents along Lichfield Road due to noise, dust and light pollution.

Publicity and Representations

17. Site notice: YES Press notice: YES
18. 35 neighbour notification letters were sent out and 7 representations have been received. The representees were also informed of modifications to the proposals made by the applicant in response to the comments received. The representations are summarised below:
- **The length of the trial period** - 3 months is long enough.
 - **The impact on local amenity** due to traffic noise and vibration (including the disturbance to HGV drivers using the truck stop overnight), light pollution, and dust churned up by HGVs on the access road.

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

19. 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.’

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

Observations

- 21 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 development plan policies and other material considerations (including the site and the surroundings)
- The matters raised by the Parish Council and representees
- The need to review and update the planning conditions

Any material changes to the development plan policies and other material considerations (including the site and the surroundings)

22. When determining an application to vary a planning permission, national planning guidance [refer to [Annex A: summary comparison table of 'Flexible options for planning permissions'](#)] advises that local planning authorities should focus their attention on national and development plan policies and other material considerations which may have changed significantly since the original grant of permission.
23. Commentary: The factory currently operates 24 hours per day Monday to Friday (including Public and Bank Holidays) and up to 1pm on a Saturday. However, only 2 items of mobile plant are permitted to operate outside between 7pm and 7am Monday to Friday (excluding Public and Bank Holidays) and HGV movements are restricted to 7am to 7pm Monday to Friday and 7am to 1pm on Saturdays (excluding Sundays, Public/Bank Holidays).
24. The proposed changes would allow the factory to operate on Saturdays and Sundays, except that HGV movement times would remain unchanged, other than for an additional 3 bulk tanker deliveries on Sundays and Public/Bank Holidays. It is also proposed that the two items of mobile plant permitted to operate outside during the evening and at night during the week would also operate on Saturdays and Sundays (including Public/Bank Holidays).
25. The potential noise and lighting are relevant considerations and the current permission includes conditions that require: the operations to be carried out below noise limits; noise management measures to be carried out (e.g., the closure of the factory doors and noise monitoring in accordance with an approved scheme); a screen bund to be maintained; and the operations to be carried out in such a way that no nuisance is caused due to noise, vibration, dust, lighting or other pollutants. The conditions were imposed to safeguard the amenity of local residents and users of the canal towpath in accordance with the provisions set out in the planning application and in accordance with the MLP (Policy 4) and the National Planning Policy Framework.

26. Although the factory permission was first issued in 1998, the most recent permission, issued in June 2017, took account of the latest MLP policies adopted in February 2017.
27. The National Planning Policy Framework (NPPF), first issued in 2012, has been revised on several occasions since then, most recently in July 2021, after the latest permission was issued. However, the NPPF changes since then are not considered to be material to the determination of this application.
28. No material changes to the factory site have occurred since the 2017 permission was issued. In terms of the surroundings, the current proposal to increase the quarry output and weekday operating hours, described in a separate report to this Committee meeting, are relevant as they have the potential to impact on the same local residents as these proposals. Changes have occurred to the north of the site. These include the development of a new secondary school (the John Taylor Free School), the Burton Rugby Club, housing development and a road improvement scheme at Branston Locks. However, the nearest of these developments (the Burton Rugby Club), is located about 1.3 kilometres from the factory.
29. Conclusion: Having regard to the relevant development planning policy and other material considerations referred to above, it is reasonable to conclude that there have been no significant material changes to planning policy and to the factory site since the 2017 permission was issued. Also, as the separate report to this Committee meeting recommends approval to the proposed changes to the quarry operations, subject to conditions, including a 3-month trial period, it is reasonable to conclude that there are no significant material changes to the surroundings.

The matters raised by the Parish Council and representees

30. As reported earlier, no technical consultees have objected to the proposals, however a Parish Council objected, and 7 representations were received.
31. The matters raised generally relate to local amenity and as such Policy 4 in the Minerals Local Plan and the National Planning Policy Framework (Section 12: Achieving well-designed places; Section 15: Conserving and enhancing the natural environment, and Section 17: Facilitating the sustainable use of minerals) are particularly relevant as they seek to minimise any unacceptable adverse impacts on local amenity.
32. The agent's response on behalf of the applicant and your officer's observations on the matters raised are set out below.
33. The length of the trial period - 3 months is long enough. This concern was put to the agent who responded by confirming that the 12-month period

would enable noise surveys to be carried out to check compliance and if necessary, to propose, commission and monitor the effectiveness of the mitigation measures.

34. Commentary: The applicant is seeking to add a fourth shift during the 12-month trial period and to monitor noise, after which the hours would revert to the current hours. Noise monitoring would be carried out in accordance with an approved scheme during the trial period and if noise is found to be exceeding the existing permitted limits (current condition 10) then the extended hours would cease until the noise has been investigated and mitigated.
35. A 3-month trial period has been recommended by your officers to assess the effects of the increased output and additional hours for the quarry operations (the subject of separate report to this Committee). In that case if the trial proves to be successful then the changes would continue to apply. In this case, the applicant proposed the 12-month trial period, proposed that the hours would revert to the previous hours at the end of the trial period, and the consultation was carried out on that basis. Also, as the factory is already operating 24 hours per day on weekdays, and due to the location, the changes are potentially less significant compared to the proposed changes to the quarry operations. A 12-month trial period is therefore considered to be acceptable.
36. The concerns about the impacts on local amenity were put to the agent who responded by confirming that:
 - a) the changes are for a 12-month trial period to monitor the effects.
 - b) the changes are in response to an increase in demand.
 - c) the plant would be operated more efficiently as it would not have to be shut down at weekends.
 - d) a fourth shift would be employed (7 extra staff).
 - e) the HGVs would continue to follow the routes set out in the Section 106 Legal Agreement (via the A38 other than local deliveries).
 - f) no HGV movements would take place outside the current permitted hours, except for 3 bulk tanker deliveries on Sundays, Public / Bank Holidays which do not 'clatter' when empty.
 - g) the HGV movements represent 6% of the current combined total from the quarry access.
 - h) due to the nature of the operations inside a factory building and the nature of the concrete products, dust is not generally an issue.

Moreover, the proposed changes to the operating hours are unlikely to increase the risk of dust within the factory site. There is the potential for dust to arise along the access road, however it is a shared access, managed as part of the wider quarry operations, and the factory HGV movements are small relative to the total (see the improvements to the access road, reduced speed limit and use of a water bower referred to in the separate report to this Committee).

- i) the factory already operates during the night on weekdays, no change is proposed to the current lighting arrangements and the applicant has received no complaints.

37. Commentary: The Parish Council's objections and the representations from local residents and a business on the Lichfield Road (A38) are similar to those received in respect of the proposed changes to the quarry operations (the subject of separate report to this Committee). In that case and in this case, there are no objections from technical consultees. In this case the factory already operates 24 hours per day on weekdays. Following discussions between your officers and the agent, the applicant has agreed to amend the extended hours for HGV movements to limit this to no more than 3 bulk tanker deliveries on Sundays and Bank/Public Holidays. This change is considered to be acceptable, subject to the recommendation below that the 3 deliveries take place between 8am and 1pm on Sundays and Bank/Public Holidays.
38. Conclusion: Having regard to the policy, guidance, consultee comments and representations, referred to earlier and above, it is reasonable to conclude that subject to the existing, updated and additional conditions recommended below, the proposals would not result in an unacceptable adverse impact on local amenity.

The need to review and update the planning conditions

39. The NPPF (Section 4, paragraph 54) states that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through conditions. Paragraph 55 of the NPPF explains that:
- 'Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects'.
40. The Vision, Strategic Objective 3 and Policy 4 of the MLP seek to ensure that mineral sites operate to high environmental standards and seek to minimise the impact of mineral development on people, local communities and the environment.
41. The Planning Practice Guidance explains that:

'To assist with clarity decision notices for the grant of planning permission under section 73 of the Town and Country Planning Act 1990 should also repeat the relevant conditions from the original planning permission, unless they have already been discharged' (Planning Practice Guidance, Flexible options for planning permissions; How can a proposal that has planning permission be amended?, What is the effect of a grant of permission? paragraph 015).

42. The Planning Practice Guidance also explains that:

'In granting permission under section 73 the local planning authority may also impose new conditions – provided the conditions do not materially alter the development that was subject to the original permission and are conditions which could have been imposed on the earlier planning permission' (Planning Practice Guidance, Use of planning conditions, The use of pre-commencement conditions, How are conditions treated under section 73? paragraph: 040).

43. Commentary: In this case, the most recent planning permission was issued in 2017. Having regard to the above guidance, most of the conditions remain relevant and up to date as they take account of the current policies and approved details. However, in order to take account of the proposed variations and the recommended conditions, it is considered reasonable and necessary to update the conditions as follows:

- Condition 1 (Definition of the Consent) updated to refer to the documents submitted with this application.
- Conditions 5, 6 and 7 (Operating Hours) updated to refer to the extended factory operating hours, the extended times and limited number of HGV (bulk tanker) deliveries, and the extended times when mobile plant can be used outside.

And updated where appropriate to include conditions that:

- the 12-month trial period shall commence after a noise monitoring scheme has been submitted and approved. Also, if during the trial period noise is found to be exceeding the permitted limit (current condition 10) then the extended hours shall cease until the noise has been investigated and mitigated.
- at the end of the trial period the operating hours shall revert to the previous times.

44. Conclusion: Having regard to the policies and guidance referred to above, it is concluded that it is reasonable and necessary to recommend the updates to the existing conditions referred to above and below.

Overall Conclusion

45. 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

Permit the application to vary conditions 5, 6 and 7 of permission ES.17/13/501 MW to allow the concrete products factory and associated mobile plant to operate on a 24/7 basis and to extend the hours during which HGVs can access the concrete products factory for a temporary 12 month 'trial' period, subject to conditions.

The conditions to include the following:

Condition 1 (Definition of the Consent) updated to refer to the latest approved details and this application.

Conditions 5, 6 and 7 (Operating Hours) updated to refer to the extended factory operating hours, the extended times and limited number of HGV (bulk tanker) deliveries, and the extended times when mobile plant can be used outside:

- a) Condition 5 - the factory operating hours:

24 hours per day - **7 days per week**

- b) Condition 6 - the extended lorry movement hours:

7am to 7pm Monday to Friday and 7am to 1pm on Saturdays, **and up to 3 bulk tanker vehicles to enter the site (6 movements) on Sundays and Public/Bank Holidays between 8am and 1pm**

- c) Condition 7 - the extended times when mobile plant is limited to two items operating outside (typically a forklift truck and a loading shovel)

7pm to 7am - **7 days per week**

And updated where appropriate to include conditions that:

- d) the 12-month trial period shall commence after a noise monitoring scheme has been submitted and approved. Also, if during the trial

period noise is found to be exceeding the permitted limit (current condition 10) then the extended hours shall cease until the noise has been investigated and mitigated.

- e) at the end of the trial period the operating hours shall revert to the previous times.

Case Officer: Mike Grundy - Tel: (01785) 277297
email: mike.grundy@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 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

[The Minerals Local Plan for Staffordshire \(2015 - 2030\)](#)

(adopted 16 February 2017)

- Strategic Objective 3 – Operating to high environmental standards
- Policy 4: Minimising the impact of mineral development
- Policy 4.6: Ancillary development

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

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

- Principle 1 - Presumption in Favour of Sustainable Development
- Strategic Policy SP1 - Approach to Sustainable Development
- Strategic Policy SP24 - High quality design
- Strategic Policy SP34 - Health and wellbeing
- Strategic Policy SP35 - Accessibility and sustainable transport
- Detailed Policy DP1 - Design
- Detailed Policy DP7 - Pollution and contamination

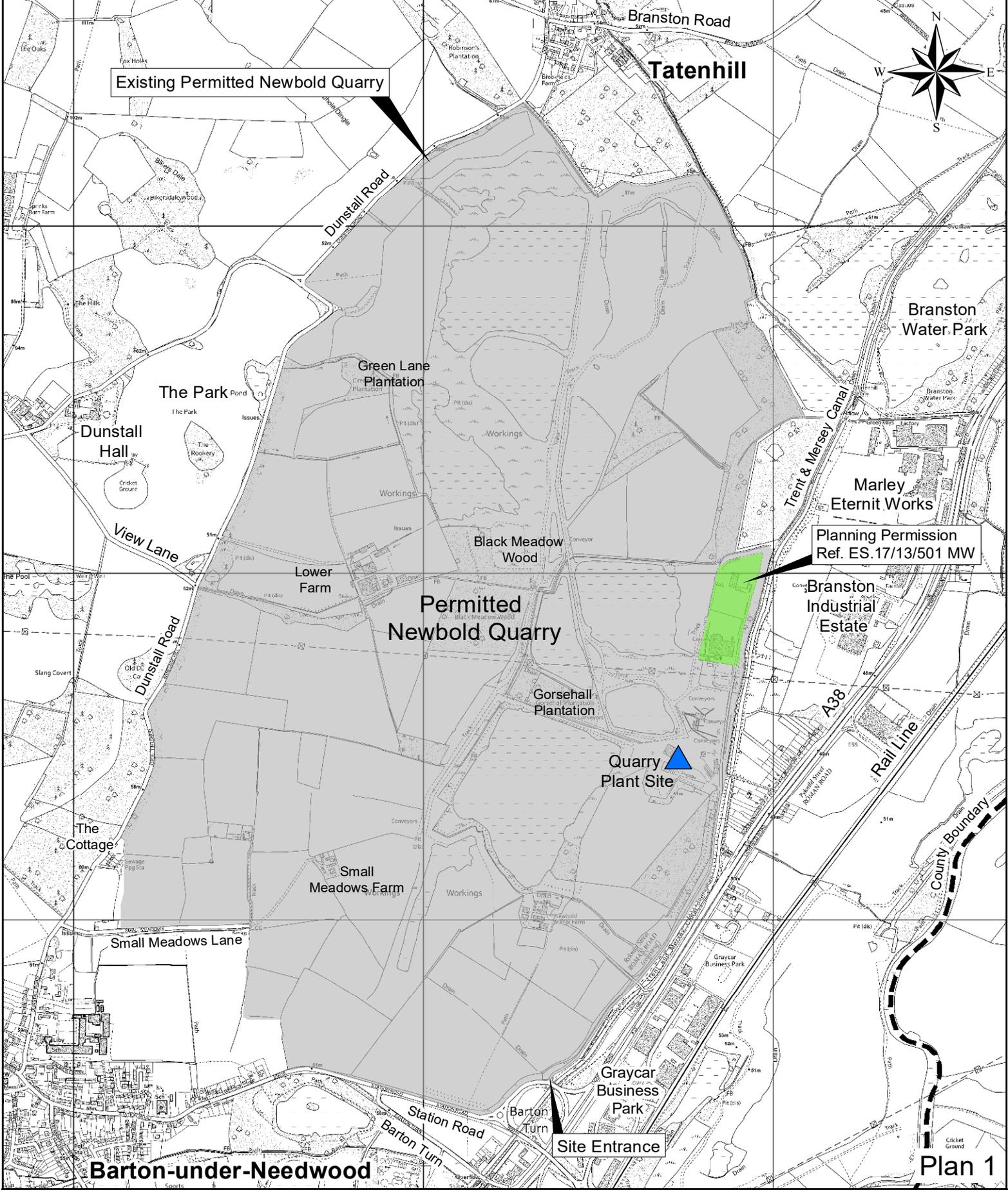
The other material planning considerations

- [National Planning Policy Framework](#) (updated 20 July 2021):
 - [Section 1](#): Introduction
 - [Section 2](#): Achieving sustainable development

- [Section 4](#): Decision-making
- [Section 9](#): Promoting sustainable transport
- [Section 11](#): Making effective use of land
- [Section 12](#): Achieving well-designed places
- [Section 15](#): Conserving and enhancing the natural environment
- [Section 17](#): Facilitating the sustainable use of minerals

- [Planning Practice Guidance](#)
 - [Design](#)
 - [Environmental Impact Assessment](#)
 - [Health and wellbeing](#)
 - [Minerals](#)
 - [Natural environment](#)
 - [Noise](#)
 - [Use of planning conditions](#)

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



© Crown Copyright and database rights 2021. Ordnance Survey 100019422. Produced by Staffordshire County Council, 2021.
 'You are not permitted to copy, sub-license, distribute or sell any of this data to third parties in any form'.

 <p>Staffordshire County Council</p>	<p>Planning, Policy & Development Control, Staffordshire County Council, No.1 Staffordshire Place, Stafford, ST16 2LP. Telephone 0300 200000</p>	<p>Aggregate Industries UK limited. Application to vary conditions 5, 6 and 7 of permission ES.17/13/501 MW to allow the concrete product factory and associated mobile plant to operate on a 24/7 basis and to extend the hours during which HGVs can access the concrete product factory for a temporary period. Newbold Quarry, Lichfield Road, Barton-under-Needwood, Burton-on-Trent.</p>
---	--	---

Local Members
N/A

Planning Committee – 02 December 2021

Report of the Director for Economy, Infrastructure and Skills

Planning, Policy and Development Control Team Annual and Half Year Performance Report

Purpose of the Report

This delayed report is to inform the Planning Committee about our planning policy-making and planning development control performance and related matters during the previous financial year (2020-21) and first half of this year (2021-2022).

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 16th [Annual Monitoring Report \(AMR\)](#) in December 2020. The AMR concluded that there was no immediate need to update our Minerals or Waste Local Plans. We intend to publish our 17th AMR shortly.

Planning development control performance - 2020-21

- a) Speed - major development decisions
96% (23 out of 24)
- b) Quality – major development decisions overturned at appeal
Nil (0 out of 24)
- c) Speed - County Council's 'non-major development' decisions
100% (7 out of 7)
- d) Speed - County Council's major development decisions
Nil (0 out of 0)
- e) Delegated decisions
87% (27 out of 31)

Planning development control performance - 2021-22 (Q1 and Q2)

- a) Speed - major development decisions
100% (6 out of 6)
- b) Quality – major development decisions overturned at appeal
Nil (0 out of 6)
- c) Speed - County Council’s ‘non-major development’ decisions
100% (5 out of 5)
- d) Speed - County Council’s major development decisions
Nil (0 out of 0)
- e) Delegated decisions
82% (9 out of 11)

Staffing, Caseload and our new IT System

The Team are still feeling the effects of the Covid-19 pandemic but in spite of this, supported by a recent temporary recruitment, we have managed to maintain our good performance. Plans to provide more resilience are in the pipeline for next year and further team resource planning will be considered following the publication of the Regeneration and Planning Bill in early Spring 2022 to ensure the balance between Development Management and plan-making functions are on a more sustainable footing for 2022/23.

In 2020-21 the total number of cases received (applications, submissions and consultations) was up compared to the previous two years (165 compared to 136 and 215). Notably the number of applications has remained around 30 for the past few years but submissions of detail were up last year (85 compared to 60).

At the end of Q2 in 2021-22 the total number of cases received (applications, submissions and consultations) was down compared to the same period in the previous two years (66 compared to 87 and 74). Notably the number of mineral / waste applications received is about half what it was at the same point in the previous two years (8 compared to 17 and 17).

We also went live with our new cloud-based IT system supplied by Agile Applications Ltd in July 2021. The project involved the mapping and migration of about 9,000 records and about 100,000 associated documents. For the first time we are connected to receive applications direct from the National Planning Portal. The system also supports new web pages to [view and comment on planning applications](#) and to support our [pre-application advice service](#).

Background

Performance in planning policy-making and planning development control is normally reported after the end of the financial year with an update after 6 months. This is delayed report is about the previous financial year (2020-21) and first half of this year (2021-2022).

Planning policy-making performance

We reported to the Planning Committee in December 2020 that we had completed our 16th [Annual Monitoring Report](#) (AMR) for the period April 2019 to March 2020. 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.

We are currently finalising our 17th AMR.

Work on preparing for the review of our local plans is currently on hold as we have insufficient staff to commit to it full-time but also because the government is taking a fresh look at its planning reform white paper.

Planning development control performance

[Appendix 2](#) provides a summary of performance by quarter in 2020-21.

[Appendix 3](#) provides a comparison with the previous two years.

The number of mineral and waste development decisions made during the 2020-21 was almost the same as the year before but down on that two years ago (23 compared to 24 and 31).

The overall total number of cases received (applications, submissions and consultations) was up compared to the previous two years (165 compared to 136 and 215). Notably the number of applications received has remained around 30 for the past few years but submissions of detail were up last year (85 compared to 60).

[Appendix 4](#) provides a summary of performance in Q1 and Q2 of 2021-22

At the end of Q2 in 2021-22 the total number of cases received (applications, submissions and consultations) was down compared to the same period in the

previous two years (66 compared to 87 and 74). Notably the number of mineral / waste applications received is about half what it was at the same point in the previous two years (8 compared to 17 and 17).

Staffing and our new IT system

The Planning, Policy & Development Control Team:

- Team Manager
- 2 Policy and Development Control Team Leaders
- 2 Principal Planning Officers (1 temporary and part time)
- 1 Senior Planning Officer (part-time)
- 1 Planning Information Team Leader and 1 Planning Information Officer

The Team are still feeling the effects of the Covid-19 pandemic but in spite of this, supported by a recent temporary recruitment, we have managed to maintain our good performance. Plans to provide more resilience are in the pipeline for next year and further team resource planning will be considered following the publication of the Regeneration and Planning Bill in early Spring 2022 to ensure the balance between Development Management and plan-making functions are on a more sustainable footing for 2022/23.

We also went live with our new cloud-based IT system supplied by Agile Applications Ltd in July 2021. The project involved the mapping and migration of about 9,000 records and about 100,000 associated documents. For the first time we are connected to receive applications direct from the National Planning Portal. The system also supports new web pages to [view and comment on planning applications](#) and to support our [pre-application advice service](#).

Report author

Mike Grundy
Planning, Policy and Development Control Manager
(01785) 277297

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 2020-21 - Planning Committee Report – 3 December 2020 ([see Committee agenda - item 95](#))
- [MHCLG - Improving planning performance: criteria for designation \(December 2020\)](#)
- [DLUHC - 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 2020-21 was just over £75,000).

The temporary recruitment is being funded from a Covid related budget.

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](#), 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](#), which refers to healthy communities (section 8), is also a material consideration in reaching decisions.

Appendix 2 Planning Development Control - Quarterly Performance- 2020-21

	Target Description	Target (Local)	Quarter 1	Quarter 2	Quarter 3	Quarter 4	Performance (final outturn)
National	Speed of 'major development' decisions	60% (90%)	100% 7 out of 7	100% 3 out of 3	100% 9 out of 10	100% 4 out of 4	96% 23 out of 24
	Quality of 'major development' decisions	10% (5%)	Nil	Nil	Nil	Nil	Nil
Local	Speed of the County Council's own 'non-major development' decisions	(90%)	100% 3 out of 3	100% 2 out of 2	100% 2 out of 2	Nil 0 out of 0	100% 7 out of 7
	Speed of the County Council's own 'major development' decisions	(80%)	Nil	Nil	Nil	Nil	Nil
	Applications determined under delegated powers	(80%)	100% 10 out of 10	100% 5 out of 5	67% 8 out of 12	100% 4 out of 4	87% 27 out of 31

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 – 2020-21

	<u>National</u> (Local Target)	
Speed of 'major development' decisions		
2020-21	60% (90%)	96% 23 out of 24
2019-20	60% (90%)	100% 23 out of 23
2018-19	60% (70%)	100% 31 out of 31
Speed of the County Council's own 'non-major development' decisions		
2020-21	(90%)	100% 7 out of 7
2019-20	(90%)	100% 13 out of 13
2018-19	(80%)	100% 11 out of 11
Speed of the County Council's own 'major development' decisions		
2020-21	(90%)	Nil 0 out of 0
2019-20	(90%)	100% 1 out of 1
2018-19	(80%)	100% 1 out of 1
Applications determined under delegated powers		
2020-21	(80%)	87% 27 out of 31
2019-20	(80%)	86% 32 out of 37
2018-19	(80%)	81% 35 out of 43

Appendix 4 Planning Development Control - Quarterly Performance– Q1 and Q2 - 2021-22

	Target Description	Target (Local)	Quarter 1	Quarter 2	Quarter 3	Quarter 4	Performance (final outturn)
National	Speed of 'major development' decisions	60% (90%)	100% 1 out of 1	100% 5 out of 5			100% 6 out of 6
	Quality of 'major development' decisions	10% (5%)	Nil	Nil			Nil
Local	Speed of the County Council's own 'non-major development' decisions	(90%)	100% 4 out of 4	100% 1 out of 1			100% 5 out of 5
	Speed of the County Council's own 'major development' decisions	(80%)	Nil	Nil			Nil
	Applications determined under delegated powers	(80%)	80% 4 out of 5	83% 5 out of 6			82% 9 out of 11

Local Members Interest

Planning Committee - Thursday 07 October 2021

Annual Report - Safety of Sports Grounds April 2020 - March 2021

Recommendation(s)

I recommend that:

- a. The Planning Committee notes the activity completed in respect of Safety of Sports Grounds for the period 1 April 2020 – 31 March 2021
- b. The Planning Committee also notes the progress completed for this financial year to date

Report of the Deputy Chief Executive and Director for Families and Communities

1. Summary

- 1.1 This report informs the Committee of the Safety of Sports Grounds work completed during the last financial year. It describes the County Council's statutory obligations and outlines the activity to ensure that these duties have been met. The Report details the performance and highlights how this work influences the Council's priority outcomes. Finally, it advises the Committee of the future workload which will ensure that the Council continues to meet its statutory obligations in this area.
- 1.2 In response to the COVID-19 pandemic from 24th March 2020 the Government introduced legislation which required the closure of most leisure venues, with immediate effect and this included all premises regulated under the Safety of Sportsgrounds legislation. Ultimately this resulted in a restriction on spectators attending sporting and similar events. The legislation was amended to allow socially distanced spectators back into sports grounds, and some venues started to operate events with spectators in attendance from the end of May 2021.
- 1.3 On 14th July 2021 Government guidance was provided for people who work in settings related to events and visitor attractions to help inform planning and business operations as part of the Recovery Roadmap.
- 1.4 The Sports Ground Safety Authority (SGSA) stage 5 guidance was published on 22 July 2021 regarding the safe return of spectators. The team continues to work with the sports ground's owners and their safety officers to ensure that all appropriate measures are in place to allow safe attendance at future events.

2. Background

- 2.1 Staffordshire County Council is responsible for administering the Safety of Sports Grounds Act 1975, and the Fire Safety and Safety at Sports Grounds Act 1987, in respect of sports grounds in Staffordshire.
- 2.2 This duty relates to “designated grounds” - which are sports grounds with a capacity of over 10,000 (5,000 for football). “Designated Grounds” require a safety certificate granted by the local authority. Within the County of Staffordshire, Burton Albion Football Club is the only club that is recognised a “designated ground”.
- 2.3 Sports stadiums with a covered stand of a capacity of over 500 standing or seated spectators (a regulated stand) require a “safety certificate” under the Act, granted by the local authority.
- 2.4 During 2020/21 Staffordshire County Council had responsibility for seven “regulated stands”:
- Staffordshire County Showground – displays / exhibitions.
 - Hednesford Hills Raceway – stock car racing.
 - Hednesford Town Football Club – football.
 - Leek Town Football Club – football.
 - Stafford Rangers Football Club – football.
 - Tamworth Football Club – football.
 - Uttoxeter Racecourse – horse racing.
- 2.5 The Act places a statutory duty on the Local Authority and the Emergency Services to provide advice and guidance to managers of sports grounds on their responsibility under the Act, and how best to discharge their responsibility.
- 2.6 It is the responsibility of the County Council to form and administer a Safety Advisory Group (SAG) for each venue. The SAG brings key partners (emergency services, emergency planning and other key local authority officers) together to plan and prepare for spectator safety. Each SAG is chaired by an officer of the County Council and has representatives from the sports club and other partners.
- 2.7 The involvement of the SAG does not absolve the venue management of the responsibility for spectator safety. When applying the guidance and recommendations, the principal objective is “to secure reasonable safety at the sports ground when it is in use for the specified activity” (section 2(1) of the Safety of Sports Ground Act 1975).
- 2.8 The Safety of Sports Grounds team, along with key SAG partners, provide support and guidance to the management of the sporting venues to facilitate on-going crowd safety whilst ensuring that regulation is not over burdensome or restrictive on the growth of the venue. This support and guidance enable

the business to progress, develop and on occasion diversify from the intended use of the venue.

2.9 During May 2011, following a full review of the Safety of Sports Grounds function, Staffordshire County Council's Audit Committee abolished the Safety of Sports Grounds Panel. It was agreed that the Planning Committee should receive an annual report on the work of the Spectator Safety Officer team. This report covers the period for the 2020/2021 financial year, however considering the coronavirus pandemic, the report also reflects activity for 2021/22 to date.

3. Risk Management

3.1 The Safety of Sports Grounds Act 1975 places a statutory duty on the local authority to arrange a periodical inspection of designated sports grounds. The Act stipulates that "periodical" means at least once in every twelve months; within Staffordshire this applies to Burton Albion Football Club only.

3.2 Home Office guidance, which relates to stands with a capacity of less than 2000, recommends inspection once every alternate calendar year. This requirement only relates only to the "regulated stands" listed above at 2.4.).

3.3 The inspections carried out during the year inform the planning of inspections for the following year. All venues are risk assessed to assess the efficacy of the safety of spectator controls.

3.4 The criteria listed below formed the basis of the assessment for each site:

- Construction and maintenance of the venue
- Operation and management
- Training and development of safety staff
- Fire safety
- Provision of adequate medical facilities
- Appropriate contingency plans are in place and tested

3.5 To ensure there is an appropriate use of resource, the risk for each venue has been reviewed enabling the highest risk stands to be prioritised. Each venue has been categorised as High or Medium risk.

4. Risk Assessment – Designated Ground:

4.1 Burton Albion Football Club was assessed as the highest risk category due to its size. Inspection on both non-event and event days was therefore a priority. The "designated ground" at Burton Albion has been allocated at least one inspection per 12-month period.

5. Risk Assessment – Regulated Stands

Risk rating	Stand
High	Staffordshire County Showground
	Uttoxeter Racecourse
Medium	Stafford Rangers Football Club
	Leek Town Football Club
	Hednesford Town Football Club
	Hednesford Hills Raceway
	Tamworth Football Club

6. Inspections

6.1 Designated ground:

6.1.1. The designated ground at Burton Albion was closed to spectators from 24th March 2020. During 2020/21 Trading Standards worked with the Club and SAG partners to ensure the safety management controls in place at the club were fit for purpose as the pandemic developed.

6.1.2. To ensure COVID controls at the club were robust, a representative from Public Health was invited to attend Safety Advisory Group meetings and participate in the planning process. The SAG supported the club through the transitions controlling the various government restrictions including the transition from:

- non-attendance of spectators at stage 3 – return to domestic competition “behind closed doors”,
- (stage 4 – returning to cross border competition with no spectators – not applicable),
- to stage 5 – return to competition, safe return of spectators.

6.1.3. Changes of personnel within the club, including the departure of Fleur Robinson, Commercial Director, the appointment by the club of a new safety officer and changes to the Safety Management structure within the club has necessitated a high amount of involvement from trading standards officers.

6.1.4. In November 2020 the Club’s new safety certificate was issued following consultation with SAG Partners, the new certificate included the need to ensure compliance with the Covid control measures as well as the wider understanding of safety. This wider understanding includes the need to plan for counter terrorism and is particularly relevant in view of the learning following the 2017 Manchester Arena terror attack.

6.1.5. The planned activity for Burton Albion for the year 2021 / 2022 is:

- Review the club’s compliance with the requirements of the current Safety Certificate, including capacity calculations

- Complete a review of the Club's Operation Manual
- Complete an annual inspection of the ground.
- 2 event day inspections, focussing on high risk games
- Revise and update the Safety Certificate to reflect changes in the SGSA template
- Safety Advisory Group meetings on a quarterly basis
- Continue to work closely with the SGSA Local Authority Inspector (next planned audit - December 2021)

6.2 Regulated Stands:

- 6.2.1 All regulated stands were closed from 24th March 2020, the formal inspection programme for this year was therefore put on hold, however engagement with venues continued by email, telephone, or virtual Meetings.
- 6.2.2. With the exception of Tamworth FC and Leek Town FC, officers have engaged with all venues to ensure Covid compliance and the safe return of spectators. Tamworth FC were inspected on 13th January 2020; due to previous good compliance and a good safety management record the club was considered a low risk and there has been no proactive engagement with the club. Leek Town FC attracts a low attendance, the club also has previous good compliance and was considered a low risk. There was therefore no proactive engagement with the club in 2020/2021, this will be addressed when the inspection programme commences in 2021/22.
- 6.2.3. During 2021/2022 trading standards will continue working with SAG partners to ensure the return of spectators is done so in a safe and considered manner. For each Regulated Stand, officers will complete a review of club's compliance with the requirements of the current Safety Certificate, including capacity calculations. The Safety Certificate to reflect changes in SGSA template will then be revised and updated.
- 6.2.4. Inspection Plans for 2021/22 have been scheduled and are attached as Appendix 3 to this report.

7. Ironman 70.3 Staffordshire

- 7.1 During 2020/21 the Community Protection Manager was invited to establish and chair a SAG for the Ironman event in June 2020. The Trading Standards Manager established and chaired the SAG and was actively involved with the development of the plans and procedures and practical implementation of safety management systems for the event. Due to COVID-19 the event was rescheduled to 13th June 2021, and subsequently postponed to Sunday 18th July 2021. Following the trading standards restructure the role of SAG chair transitioned to the Trading Standards Technical and Business Manager from April 2021 and the event was successfully held on the rescheduled date.

8. Birmingham Commonwealth Games 2022

8.1 As part of the County Council's preparation for the safe delivery of the Commonwealth Games in 2022, officers have been taking part in the planning and preparation activities for the enforcement, resilience, and Safety Management functions for the games. Officers have been involved with the National / Regional planning as well as on-site inspection and development of the SAG for the event. Officers will be chairing the SAG for the event on Wednesday 3 August 2022 at Cannock Chase, as well as ensuring the effective regulation of the trading controls for the event.

9. Resources

9.1 Following the outcome from the Hillsborough Inquests (where the jury found errors and omissions in the safety certification and oversight, and that a lack of pre-match and contingency planning contributed to the deaths), it is important that an appropriate level of resource for this area of work is maintained.

9.2 The resources for this area are drawn from within Trading Standards, the Safety of Sports Grounds work forms part of the team's overall activity. This enables the resourcing for a specialist area to be managed efficiently. The Trading Standards Manager holds the FSOA (Football Safety Officers Association) Certificate in Event and Match Day Safety Management and a Diploma in Spectator Safety Management Level 4 NVQ. The lead for the function has recently become the responsibility of the Trading Standards Technical and Business Manager for the Local Authority following the January 2021 trading standards redesign.

9.3 In addition to the Trading Standards Technical and Business Manager, the Trading Standards Manager continues to support the transition arrangements, and a Trading Standards Team Leader has responsibility as the designated officer for conduct of the inspection work for the designated ground. Both provide comprehensive reports to the SAGs and relevant sports grounds following inspection. Additional administrative support has been provided from within the trading standards team to ensure any issues are addressed and prioritised by the risks associated with each stand.

9.4 The resources committed to this activity during 2020/21 equated to approximately 0.5fte. For 2021/22 resources have been increased to ensure resilience and capacity to discharge statutory duties effectively and efficiently. These resources will be drawn from the operational trading standards team.

10 Sports Grounds Safety Authority (SGSA) Audit

10.1 Following the Grenfell fire, Central Government reviewed areas of risk to the public to ensure that all local authorities responsible for licensing designated grounds, such as Burton Albion, received an audit to check that there were consistent and adequate safety criteria in place. The Audit took place in

October 2020, several recommendations were made and have subsequently been completed, these are detailed at appendix 2

- 10.2 During 2020/2021 Trading Standards officers worked closely with the Sports Grounds Safety Authority (SGSA) Local Authority Inspector to update the processes for Safety of Sports grounds controls at Burton Albion.
- 10.3 New Policies and procedures have been introduced and template documents have been updated to reflect the changes required because of national events, particularly COVID-19 and the Manchester Arena terror attack.
- 10.4 The County Council's scheme of delegation has been updated to ensure the new structure for trading standards is reflected. In addition, the change allows officers to issue a prohibition notice under the Fire Safety and Safety of places of Sport Act 1987 when the risk to spectators at a ground is so great that until steps have been taken to reduce it to a reasonable level, the admission of spectators can be restricted or prohibited.
- 10.5 Supported by the SGSA inspector, officers have updated and adapted the Safety Certificate for Burton Albion to ensure it encourages a more robust safety culture at the club, which includes:
 - The wider definition of "Safety" within the Safety Certificate to ensure counter terrorism, anti-social behaviour, and safety of all personnel in the ground including the Club's employees are addressed.
 - To ensure the structure and maintenance of the ground and the safety management at the club is built into the calculation of the safe capacity at the ground.
 - The need to clearly define the physical boundary where the club's responsibility for safety ends
- 10.6 During 2021 / 2022 officers will continue to work with the SGSA inspector to update and enhance the way the Safety Advisory Group operates. Several actions are planned and include
 - A review of the club's Operations Manual
 - Increased "during performance" inspections
 - Increased monitoring of outcomes from inspections and robust follow up with club and SAG members
 - Monitoring the club's programme of testing and exercising contingency plans
 - Improving the SAG meeting processes
 - Testing the trading standards service business continuity plans
 - Introduce a formal annual review of the safety certificate

11. Impact of Coronavirus Controls

- 11.1 The Report at 1.2 – 1.4 has highlighted that COVID related legislation has impacted on Sportsgrounds and their operation. The impact of this on the Inspection programme is detailed in Section 6 of this Report.

- 11.2 The English Football League season started 12/09/2020 and remained without spectators for the entirety of the season. The 2021/22 English Football League season started on 07/08/2021, and spectators being able to attend. With the possible future implementation of local control provisions, the safety management team at the ground will need have the flexibility to manage and implement change quickly.
- 11.3 Bringing people back into grounds has brought new challenges. Sports Grounds have had to adapt to reduce the spread of the virus, and the new controls have helped to equip them with the knowledge and guidance required to manage the return of fans safely.
- 11.4 These changes continue to require inspection and additional support work for the designated ground and the regulated stands to ensure all the appropriate controls are in place. The changes have required development of a new format for safety certificates templates with the inclusion of conditions around coronavirus controls and the associated risk assessments and processes. The re-certification process is being prioritised using existing Trading Standards resource. Public Health support has also been secured for expertise on Public Health / Epidemiology to further advise the SAG on development of coronavirus controls.
- 11.5 During 2021/22 The Trading Standards Technical and Business Manager and nominated colleagues will continue to liaise with safety management teams with designated grounds and regulated stands to ensure compliance with the wider definition of Safety and the additional coronavirus controls as premises re-open. Liaison with the Director of Public Health will continue where appropriate throughout, to ensure public health provisions are adhered to.
- 11.6 The additional workload will be prioritised and implemented in a short timescale, and resource will focus on this area as venues adapt to the new controls.

12. Conclusion

- 12.1 2020/2021 has been a challenging year for the team, particularly the changes in safety management brought about because of the coronavirus pandemic. The restructure of the trading standards service has required additional training and development for the officers in their new roles. Existing qualified officers have (and will continue to) provided support for new officers to ensure a smooth transition of roles and responsibilities to the new structure.
- 12.2 Whilst the anticipated formal inspection process has not been completed this year due to COVID-19 controls, the team has engaged with venues' Safety Management Teams and Partners to ensure that all events that have gone ahead, have done so safely. This has been achieved by means of virtual Safety Advisory Groups as well as providing individual advice and support in a particularly fluid and challenging environment.

12.3. During 2021/2022 significant focus will be required by the team to ensure the return of spectators is done so in a safe and considered manner

13. Link to Strategic Plan

13.1 The attendance of people at these stadia using local businesses and services influences the Council's priority outcome "Feel safer, happier and more supported in and by their community."

14. Link to Other Overview and Scrutiny Activity

N/A

15. Community Impact

15.1 There are no specific equalities implications raised by this report. Safe access and movement within venues, particularly in the event of an emergency for all users is considered as part of the safety team's inspections. The Safety of Spectator inspections take into consideration the safety of all spectators, particularly those with disabilities, the elderly, families, and children.

List of Background Documents/Appendices:

Appendix 1 - details of inspections carried out during 2020/21

Appendix 2 - SGSA Audit - Action Plan

Appendix 3 – details of planned inspections to be carried out during 2021/22

Contact Details:

Assistant Director: Janene Cox, OBE, Assistant Director, Culture Rural and Safer Communities.

Report Authors: Trish Caldwell

Job Title: County Commissioner Regulatory Services and Community Safety

Telephone No.: (01785) 277804

E-Mail Address: trish.caldwell@staffordshire.gov.uk

Mark Wilson
Technical and Business Manager
Trading Standards
(01782) 297004
mark.wilson@staffordshire.gov.uk

Antony Shore
Trading Standards Operations Manager
(01785) 277870
antony.shore@staffordshire.gov.uk

Appendix 1 - details of inspections programme 2020/21

Risk rating	Stand	Last Inspection Date	Comments
High	Staffordshire County Showground	17/02/2020	The regulated stand has not been in use during 2020 / 2021, The team are currently working with SAG partners and County Showground Safety Management Team on safety measures for the 2021 County Show
	Uttoxeter Racecourse	05/04/2019	Virtual SAG completed 30/06/2020 prior to the racecourse opening for “behind doors racing” May 2021- review of Covid controls and Covid 19 Large Events Risk Assessment completed Virtual SAG held 30/05/2021 prior to the return of spectators
Medium	Stafford Rangers Football Club	03/07/2019	Consultation with Public Health and Covid 19 Large Events Risk Assessment carried out on 25/06/21 prior to the return of spectators, provided instruction to the club on the necessary controls required to be in place.
	Leek Town Football Club	21/03/2018	SAG scheduled for March 2020 was cancelled due to closure under coronavirus controls – No Further Action
	Hednesford Town Football Club	12/03/2020	October / December 2020 provided advice and guidance in relation to re structure of safety management at the club. June 2020 provided advice and guidance to Cannock Chase District Council re Covid 19 controls and alcohol licensing provisions at the venue.
	Hednesford Hills Raceway	25/08/2016	September 2020 – provided advice and guidance to Racecourse Safety Management Team regarding the re-

			<p>opening of the racecourse, revised capacity, and spectator attendance Virtual SAG completed 29/09/2020 prior to the racecourse opening. May 2021 – review of Covid controls and Covid 19 Large Events Risk Assessment completed Virtual SAG held 30/05/2021 prior to the return of spectators</p>
	Tamworth Football Club	13/01/2020	No Further Action

Appendix 2

SGSA Audit October 2020 - Action Plan

Action Point		Progress
Review authorisation level/delegation to serve a prohibition notice	Revise County Councils Scheme of delegation / Operational Scheme of Sub-Delegation - Families & Communities	Complete - revised schemes of delegation -adopted by the County Council
Enforcement	develop template for prohibition notice.	Complete, template developed and incorporated in policy / procedures
Training	review training for staff who manage Sports Ground Safety	Complete - Incorporated in MPC process / Professional CPD
Safety Certification	ensure the wider factors are incorporated in the certification process	Complete – new safety certificate template completed
Constitution for the Formation, Operation and Administration of Safety Advisory Groups	Constitution needs to be reviewed and updated to take account the wider understanding of safety.	Complete - New Terms of Reference developed and adopted by SAG
	Develop and document process to manage	Complete - document process to manage dispute resolution process for disagreements on police attendance in place.

Resolution process for disagreements on police attendance	dispute resolution process for disagreements on police attendance.	
Safety Certification - Capacity Calculation	Request full capacity calculation in accordance with Green Guide methodology including P & S factor	Complete - capacity calculation in accordance with Green Guide methodology

Appendix 3 - Planned inspections and related activities 2021/22

Risk rating	Stand	
High	Staffordshire County Showground	<p>July / August 2021 - Hold a full SAG (10th August 2021) in relation to the County Show 2021 (25th – 26th August 2021), ensure all safety management controls are in place, particularly focussing on latest Covid 19 guidance.</p> <p>Complete full inspection prior to the County Show 2021 taking place. (17th August 2021)</p> <p>Review compliance with the requirements of the current Safety Certificate, including capacity calculations. Revise and update the Safety Certificate to reflect changes in SGSA template - February 2022</p>
	Uttoxeter Racecourse	<p>May 2021- review of Covid controls and Covid 19 Large Events Risk Assessment completed</p> <p>30/05/2021 - Virtual SAG held prior to the return of spectators.</p> <p>Hold a full SAG – November 2021</p> <p>Complete full inspection. – December 2021</p> <p>Review compliance with the requirements of the current Safety Certificate, including capacity calculations. Revise and update the Safety Certificate to reflect changes in SGSA template - October 2021</p>
Medium	Stafford Rangers Football Club	<p>Complete full inspection - February 2022</p> <p>Hold a full SAG - February 2022</p>

		<p>Review compliance with the requirements of the current Safety Certificate, including capacity calculations. Revise and update the Safety Certificate to reflect changes in SGSA template - January 2022</p>
	<p>Leek Town Football Club</p>	<p>Complete full inspection - February 2022</p> <p>Hold a full SAG - February 2022</p> <p>Review compliance with the requirements of the current Safety Certificate, including capacity calculations. Revise and update the Safety Certificate to reflect changes in SGSA template - January 2022</p>
	<p>Hednesford Town Football Club</p>	<p>Complete full inspection - February 2022</p> <p>Hold a full SAG - February 2022</p> <p>Review compliance with the requirements of the current Safety Certificate, including capacity calculations. Revise and update the Safety Certificate to reflect changes in SGSA template. - January 2022</p>
	<p>Hednesford Hills Raceway</p>	<p>May 2021 – review of Covid controls and Covid 19 Large Events Risk Assessment completed</p> <p>Virtual SAG held 30/05/2021 prior to the return of spectators</p> <p>Complete full inspection – December 2021</p> <p>Hold a full SAG – November 2021</p>

		Review compliance with the requirements of the current Safety Certificate, including capacity calculations. Revise and update the Safety Certificate to reflect changes in SGSA template. – October 2021
	Tamworth Football Club	Complete full inspection - February 2022 Hold a full SAG - February 2022 Review compliance with the requirements of the current Safety Certificate, including capacity calculations. Revise and update the Safety Certificate to reflect changes in SGSA template - January 2022

Local Members' Interest
N/A

Planning Committee –2 December 2021

Countryside and Rights of Way Panel Constitution change

Recommendation/s

1. For the Planning Committee to note the Countryside and Rights of Way Panel's request to increase the size of the Panel from five Members to seven and remove the provision for substitute members in the constitution.
2. For the Planning Committee to recommend to the County Council a change in the constitution, that the membership of the Countryside and Rights of Way Panel be increased to seven members and to remove the provision for substitute members.

Summary

The Countryside and Rights of Way Panel is 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 are also appointed as substitutes to serve on the Panel.

As the Countryside and Rights of Way Panel is currently a Committee of five, in the event of a number of apologies, although may still be quorate, there may only be a small number of Members at Panel. The Countryside and Rights of Way Panel feel that it is not ideal to consider matters as important as dealing with Rights of Way applications as these are usually contentious items, often challenged and the Panel not having full attendance may also be challenged.

To increase the size of the Panel to seven members, would have no impact on quorum of the Panel, but would increase the likelihood to have a good proportion of Members in attendance.

The Constitution extract for Substitute Members in the County Councils Constitution is as follows:

- For consideration of reports on applications for the registration of common land, or town or village greens and Section 53 items the Panel shall operate a formal substitute member system in cases where a full member of the Panel is the local member for the division in which the land is situated.

Following the constitution, the likelihood that a full member of the panel would be the local member for the division in which the land is situated is small, and with all the knowledge and training required to be a Member of the Countryside and Rights of Way Panel, the Panel feel that a substitute member would be disadvantaged due to the rarity of being required to attend which may be open to challenge

Background

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

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.

The current membership of the Panel are as follows:

- Mark Winnington (C)
- David Smith (VC)
- Jak Abrahams
- Paul Snape
- Jill Waring

The current substitutes are as follows:

- Mike Sutherland
- Philip Hudson
- John Francis
- Richard Cox
- Tom Loughbrough Rudd

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:

Name: Zach Simister

Telephone No.: 01785 276901

Address/e-mail: zachary.simister@staffordshire.gov.uk