



County Buildings, Stafford
DDI 01785 276135

Please ask for Zach Simister

Email: zachary.simister@staffordshire.gov.uk

Planning Committee

Thursday 1 December 2022

10:00

Council Chamber, County Buildings, Stafford

The meeting will be webcast live and archived for 12 months. It can be viewed at the following link: <https://staffordshire.public-i.tv/core/portal/home>

John Tradewell

Deputy Chief Executive and Director for Corporate Services

23 November 2022

Agenda

Please see attached notes

1. Apologies

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

3. Minutes of the meeting held on 6 October 2022 (Pages 3 - 4)

4. Applications for Permission

Reports of the Director for Economy, Infrastructure and Skills

- a) Application by Walleys Quarry Limited at Walleys Quarry Landfill, Cemetery Road, Newcastle-under-Lyme - SCC/22/0078/FULL-MAJ (Pages 5 - 30)

To allow waste carrying vehicles to park on the internal haul road between 06:00 and 07:00 Monday to Friday (excluding Bank and Public Holidays).

- b) Application by Aggregate Industries UK Ltd at Uttoxeter Quarry, Spath, Uttoxeter - SCC/21/0047/FULL-ES (Pages 31 - 68)

The importation and temporary storage of limestone scalpings with the erection and use of an aggregate washing plant.

- c) Application by Biffa Waste Services Ltd at the Poplars Landfill Site, Lichfield Road, Cannock - SCC/22/0021/VOC-ES (Pages 69 - 114)

To vary conditions 2 (approved plans), 3 (finished levels) and 23 (restoration and aftercare) of permission CH.446/88 (as amended by CH.446/88/721 MW D10 (revised restoration scheme) and CH.446/88 PWA (4) D3 (phasing)) to relocate landfill void space, to revise the restoration profile and surface water management, and to update the phasing of the operations.

- d) Application by Tarmac Trading Ltd at Croxden Quarry, Freehay Road, Cheadle - SCC/21/0076/FULL-ES (Pages 115 - 166)

A lateral (northern) extension to extract a further 4.65 million tonnes of sand and gravel and a consolidating application covering all mineral extraction operations.

5. Planning Policy and Development Control - Half Year Performance Report (Pages 167 - 174)

Report of the Director for Economy, Infrastructure and Skills.

6. 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

Membership	
David Smith (Vice-Chair)	John Francis
Paul Snape	Philip Hudson
Jeremy Oates	Tom Loughbrough-Rudd
Mark Winnington (Chair)	Robert Pritchard
Jak Abrahams	Mike Sutherland
Arshad Afsar	Jill Waring
Richard Cox	Johnny McMahon

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 6 October 2022

Present: Mark Winnington (Chair)

Attendance

David Smith (Vice-Chair)	John Francis
Paul Snape	Robert Pritchard
Jak Abrahams	Mike Sutherland
Richard Cox	Johnny McMahon

Apologies: Ian Lawson, Jeremy Oates, Jill Waring & Philip Hudson

Part one

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

Councillor Francis declared a personal interest in item 4 as he is a Member of Staffordshire County Showground.

20. Minutes of the meeting held on 4 August 2022

Resolved – That the minutes of the meeting held on 4 August 2022 be confirmed and signed by the Chairman.

21. Annual Report - Safety of Sports Grounds 1 April 2021 - 31 March 2022

The Committee considered a report detailing the work of the Safety of Sports Grounds team carried out from April 2021 to March 2022. Members noted the County Council's statutory obligations under the relevant legislation and the activities carried out to ensure that those duties had been met.

The Committee were advised that in 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. The Sports Ground Safety Authority stage 5 guidance was published on 22 July 2021 regarding the safe return of spectators.

Resolved – That the activity completed in respect of Safety of Sports Grounds for the period 1 April 2021 – 31 March 22 be noted.

22. Applications for Permission

- a) Saredon Quarry, Saredon Road, Little Saredon - SCC/21/0070/FULL-ES

The Committee received a presentation by the Case Officer on the proposed application for the winning and working of sand and gravel within a southern extension to the quarry, with restoration to agriculture, and nature conservation by backfilling with inert waste or other inert material, and the use of the existing access, site offices, processing plant and silt lagoons at Saredon Quarry.

In accordance with the County Council's scheme for public speaking at the meeting, the Committee received a representation from Mr R Williams representing the applicant.

The Committee discussed the lorry movements at the site and were assured that there were no proposed changes in the application, however the Committee were advised that there was a separate application proposing changes to allow more flexibility in the number of lorry movements.

Following a vote it was:

Resolved – To permit the application for the winning and working of sand and gravel within a southern extension to the quarry, with restoration to agriculture, and nature conservation by backfilling with inert waste or other inert material, and the use of the existing access, site offices, processing plant and silt lagoons subject to the terms indicated in the report.

23. Exclusion of the public

Resolved – That the public be excluded from the meeting for the following items of business which involved 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 S. Tagg	Newcastle - Westlands and Thistleberry
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Planning Committee 01 December 2022

Waste County Matter

Application No (District): [SCC/22/0078/FULL-MAJ](#) (Newcastle under Lyme)

Applicant: Walleys Quarry Limited

Description: Application to allow waste carrying vehicles to park on the internal haul road between 06:00 and 07:00 Monday to Friday (excluding Bank and Public Holidays)

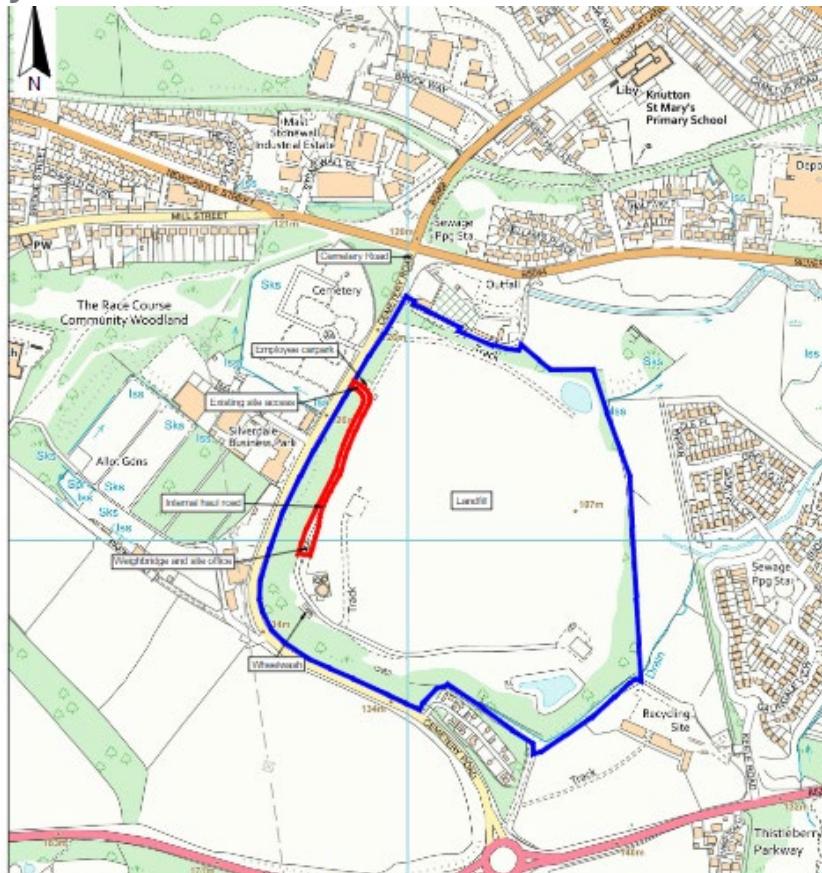
Location: Walleys Quarry Landfill, Cemetery Road, Newcastle-under-Lyme, ST5 6PJ

Background/Introduction

- Walleys Quarry Limited have indicated that they are aware of concerns raised by the local community regarding instances where HGVs importing waste have arrived at the site prior to 07:00 and have been queuing on the local road network prior to the site gates opening at 07:00. The Planning Statement states that the gates were opened from 06:00 to allow vehicles to park at the site (prior to 2021).
- This is an application has been submitted to regularise historic operations undertaken that enabled waste carrying vehicles to park on the internal haul road between 06:00 and 07:00 Monday to Friday.
- No physical changes to the existing access, the internal haul road or the site layout are proposed.

Site and Surroundings

- Walleys Quarry Landfill site is located approximately 1.5km west of Newcastle-under-Lyme town centre and 1.5km east of Silverdale.
- The site is approximately 24 hectares in size and is bounded to the west and southwest by Cemetery Road with industrial premises beyond and open land directly to the east.
- The boundary of the landfill site is showing in blue on the plan and the planning application boundary is shown in red.

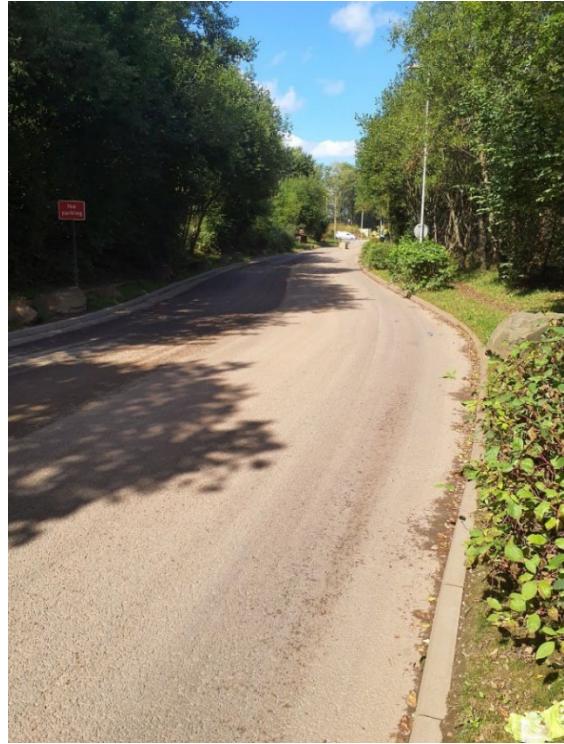


Plan showing landfill site boundary edged in blue, and the planning application boundary edged in red.

7. The nearest residential properties are located on Cemetery Road (Residential Caravan Site) which are 10 metres from the boundary of the landfill site.
8. Residential properties are also located to the southeast of the site (including Gallingale View, Gadwall Croft, Barnacle Place, Brent Close, Reedmace Walk, Snowgoose Way, Greylag Gate).



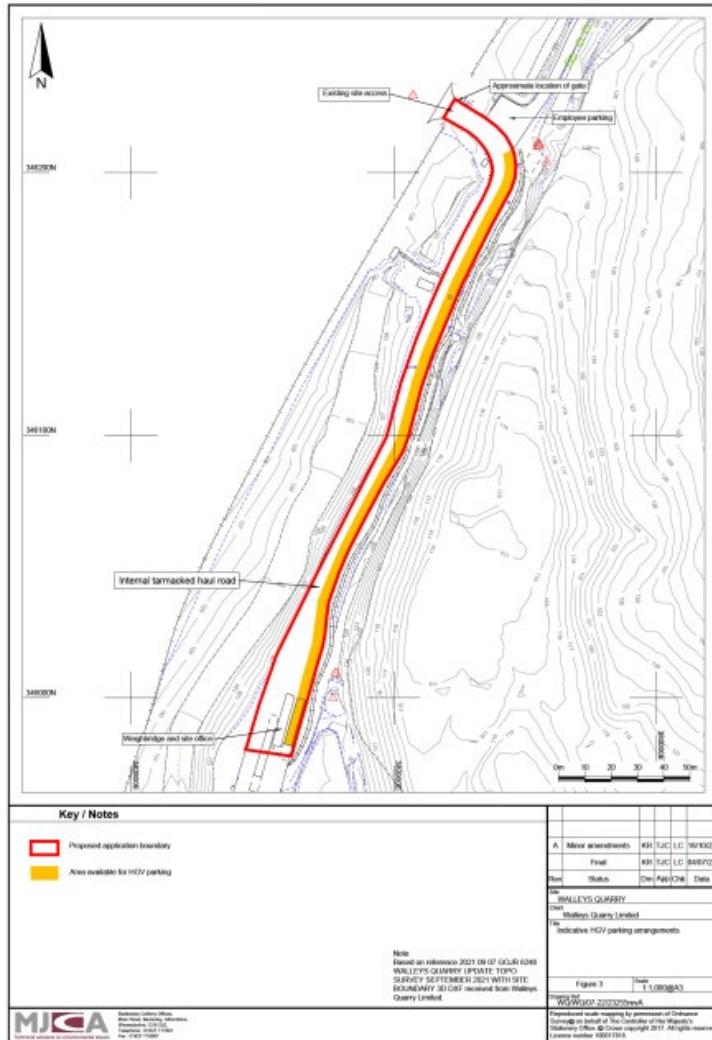
Photographs of the access (left) and the view along Cemetery Road towards the layby (right).



Photographs of the internal site haul road.

Summary of Proposals

9. This is an application to allow waste carrying vehicles to park on the internal haul road between 06:00 and 07:00 Monday to Friday (excluding Bank and Public Holidays).
10. The existing haul road and weighbridge area would provide temporary parking. The applicant initially indicated that between 12 HGVs or if doubled then up to 23 HGVs could be parking within the site. A revised plan (Indicative HGV Parking Arrangements) showing an area for the HGV parking rather than a specific number of HGV's was later submitted.



The Revised Indicative HGV Parking Arrangements plan

11. The landfill site operating hours are set out in Condition 10 of the planning permission (ref. [N.12/09/216 MW](#)). The condition states that:

No operations except for loading, water pumping, servicing, maintenance and testing of plant shall be carried out other than between the following hours except in the case of emergencies:

 - 07:00 to 19:00 Mondays to Fridays and
 - 07:00 to 13:00 on Saturdays,

No such operations shall take place on Sundays, Bank and Public Holidays.
12. The HGV parking would be linked to the life of the landfill and restoration operations at Walleye Quarry and would cease no later than 21 February 2042 (as stated in condition 2 planning permission [N.12/09/216 MW](#)).

13. There would be no change to the number of HGVs entering or leaving Walleys Quarry (880 movements per week (as stated in condition 15 of planning permission [N.12/09/216 MW](#)), and no change to the approved vehicle routing (ref. [IDO/N/1 216 MW D4](#)). No additional buildings, fixed plant or machinery would be erected.
14. The supporting statement indicates that all HGV drivers visiting the landfill site would be provided with an update to an existing leaflet. A copy of draft leaflet was submitted with the application along with a draft site induction for visitors, contractors and hauliers.
15. The application is accompanied by a number of documents and plans including:
 - Application Statement
 - Waste Development Statement
 - Application Submission Letter
 - Application Submission Letter (Additional Information)
 - Location Plan
 - Site Layout Plan
 - Indicative HGV Parking Arrangements plan (a revised plan was submitted)

The Applicant's Case

16. The applicant explained that they are aware of concerns raised by the local community regarding instances where HGVs importing waste to Walleys Quarry have arrived at the site prior to 07:00 and have been queuing on the local road network prior to the site gates opening at 07.00.
17. The applicant has explained that prior to 2021 the gates to the landfill site were opened from 06.00 to allow vehicles to park at the site and the application has been submitted to regularise historic operations that have been undertaken previously at the site.
18. The weighbridge is operational at 07.00, the vehicles parked on site would then be inspected and subject to approval would enter the landfill area to unload.
19. The revised plan showing the area for the HGV parking would maximise the number of HGVs that can park at the site and address some of the concerns regarding parking raised by the local community.
20. The applicant contends that the environmental effects of the proposed

development have been assessed and the conclusion reached that the proposal is consistent with local planning policy and would not give rise to materially harmful impacts in terms of traffic and amenity and would not conflict with the wider operations at the site.

Relevant Planning History

21. The landfill site operates in accordance with the First periodic review of conditions (under the Environment Act 1995) of permission IDO/N/1(ref. [N.12/09/216 MW](#) dated 26 May 2016).
22. [Appendix 1](#) lists other relevant planning permissions and approved details.

Environmental Impact Assessment (EIA)

23. As the proposed development does not fall within the applicable thresholds and criteria for screening for EIA development (ref. Schedules 1 and 2 to the [Town and Country Planning \(Environmental Impact Assessment\) Regulations 2017](#)), the County Council has not issued a "Screening Opinion".

Findings of Consultations

Internal

24. **Highways Development Control** (on behalf of the Highways Authority) (HA)
 - no objections. The HA reviewed the submitted information and commented as follows:
 - a) a site visit was carried out on 10 August 2022.
 - b) Current Personal Injury Collisions records show that there were not any Collisions on Cemetery Road within 43 metres either side of the Quarry access for the previous five years.
 - c) the Site is served from a Priority Junction on Cemetery Road which is an unclassified, street-lit, publicly maintained highway subject to a 30mph speed limit.
 - d) the creation a holding area for quarry HGV traffic within the internal haulage road prior to operations commencing at 7am which will allow quarry traffic to queue within the site rather than on Cemetery Road which is fully supported by the Highway Authority for highway safety reasons.
 - e) the detail submitted states that between 12 -23 HGV's could be accommodated within the Internal Haul Road, however there are highway safety concern to more than 11 HGV's being parked within the Haul Road. More than 11 HGVs would impede staff car parking and parking on the outward access route has the potential to affect the

internal traffic circulation within the site which may impact the safe operation of the Priority Junction on Cemetery Road.

- f) A condition is recommended to ensure that a maximum of 11 Heavy Goods Vehicles are permitted to park within the internal Haul Road between the hours of 6.00am and 7:00 am Monday to Friday (see further response below).
25. Highways Development Control provided a further response in relation to the comments received from the Newcastle under Lyme Borough Council Environment Health (see response below) and the petition (see Publicity and Representations section below):
- a) a site visit was carried out on 12 October 2022 between the hours of 6.00 and 7.30 to observe the arrival and departure of staff vehicles and Heavy Goods Vehicles at the site access. and potential presence of HGV parking in the vicinity on Cemetery Road. No HGV parking on Cemetery Road and Layby opposite the site access was evident. The following vehicles were observed:
- | | | 12/10/2022 | | | | Walley's Quarry- Site Access, Cemetery Road, Silverdale | |
|------------------|------------|------------|-----|------------------|-----|---|--|
| 10 Minute Period | HGV (LGV*) | CAR | | HGV ACCUMULATION | | CAR ACCUMULATION | |
| | | IN | OUT | IN | OUT | | |
| 6:00-6:09 | 0 | 0 | 1 | 0 | 0 | 1 | |
| 6:10-6:19 | 0 | 0 | 2 | 0 | 0 | 3 | |
| 6:20-6:29 | 0 | 0 | 0 | 0 | 0 | 3 | |
| 6:30-6:39 | 0 | 0 | 5 | 0 | 0 | 8 | |
| 6:40-6:49 | 0 | 0 | 2 | 0 | 0 | 10 | |
| 6:50-6:59 | 1 | 0 | 2 | 0 | 1 | 12 | |
| 7:00-7:04 | 7 | 0 | 1 | 0 | 8 | 13 | |
| 7:05-7:09 | 4 | 0 | 1 | 0 | 12 | 14 | |
| 7:10-7:14 | 0 | 0 | 0 | 0 | 12 | 14 | |
| 7:15-7:19 | 2 | 1 | 0 | 0 | 13 | 14 | |
| 7:20-7:24* | 1 | 0 | 2 | 0 | 14 | 16 | |
| 7:25-7:29 | 0 | 1 | 0 | 0 | 13 | 16 | |
| 7:30-7:34 | 2 | 2 | 0 | 0 | 13 | 16 | |
| Total | | 17 | 4 | 16 | 0 | | |
- b) the Local Police also observed the site access on Cemetery Road on the 5th, 6th, 11th and 12th of October between the hours of 06:45 am and 7:30 am.
 - c) A convoy of slow-moving HGVs (approximately 7-8) arrived at the site from Silverdale Road direction at exactly 7am when the gates are open. This caused some congestion due to slow moving traffic entering the site between 7:00-7:05am. The arrival of a convoy of HGVs suggests they are parking locally possibly overnight and within residential areas.
 - d) The access was manned and operated well during the sit visit to permit all vehicles to enter the site without delay. During the site visit, an accumulation of HGVs within the site reached 14 during the survey period and did not present any operational difficulties at the site access.

- e) No one vehicle in/one vehicle out arrangement, queuing or parking on Cemetery Road was observed by the Highways Development Control and Local Police between 6:00am and 7:30am on 4 different occasions
- f) Having liaised with the Staffordshire County Council Community Infrastructure Manager, Highways Development Control are not aware of indiscriminate parking of vehicles occurring within nearby residential areas.
- g) There is concern about the option to prohibit HGV parking on residential streets and the layby on Cemetery Road. This option has the potential risk of displacing HGV parking elsewhere and does not fully resolve the issue. The implementation of a Traffic Regulation Order (TRO) would also require the Highway Authority to enforce this situation which presents some difficulties in practice.
- h) If a Section 106 Legal Agreement contribution was secured (provided the planning tests are met), HGV parking on residential streets could be monitored for a 5-year period by the Local Highway Authority and Traffic Regulation Order (TRO) put in place if an issue occurred or refunded.
- i) An alternative solution is for the applicant to set out ways to better manage the arrival and departure of HGVs throughout the day to reduce HGVs arriving at the same time particularly in the morning. A Waste Vehicle Management Plan could be secured via a Section 106 Legal Agreement (subject to planning tests) may be an option. Financial contributions could also be secured to monitor the situation and implement any TRO's as and when required.
- j) The implementation of a 'Red Route' on Cemetery Road would not be appropriate as these are primarily used on major busy routes to reduce congestion. Slow moving HGV traffic on Cemetery Road causes some congestion for a very short period when arriving at the site once the gates are open. Traffic flows during the site visit on Cemetery Road were light and a 30mph speed limit is in place. The highway safety risk to road users was not considered to be adverse and the collision record on Cemetery Road confirms no existing highway safety concerns are apparent.
- k) The proposal would potentially reduce congestion occurring by permitting vehicles to arrive at the site within a 1-hour window prior to waste operations commencing staggering the arrival of vehicles. The proposal therefore gives rise to no adverse safety issue that would require mitigation from a planning and highway perspective.
- l) A financial contribution/ planning obligation (Section 106 Legal Agreement) is not recommended, as is not considered necessary to

make the development acceptable in planning terms and would not be fairly and reasonably related in scale and kind to the development.

26. Highways Development Control concluded that the opening of the gates has the potential to stagger the arrival of HGVs to the site, minimizing some of the congestion that occurs on Cemetery Road therefore offers betterment of the current situation. However, they acknowledge that this may not fully remove all the congestion occurring on Cemetery Road. The Highway Authority acknowledge that indiscriminative HGV parking can raise concerns about highway safety, however in this case they consider that there are no grounds to recommend a requirement that the applicant enters into a Section 106 Legal Agreement to pay towards the cost of a traffic regulation order(s).
27. Having reviewed the additional information (the plan showing an area for HGV parking), Highways Development Control recommends a condition is included to ensure that Heavy Goods Vehicles are permitted to park within the internal Haul Road as specified within the HGV Parking Arrangement Plan (Figure 3) (dwg no WQ/WQ/07-22/23255 Revision A dated 18th October 2022) between the hours of 6.00 am and 7:00 am Monday to Friday.
28. **Planning Regulation Team** (the Regulation Team) – no objections subject to conditions. The Regulation Team reviewed the application and noted that:
 - a) Prior to 2021, the site operator would allow vehicles to park within the site before 7am (as proposed in this application).
 - b) The Regulation Team received complaints from members of the public that the operator was in breach of the planning permission because the operator was allowing vehicles to enter the site early.
 - c) The Regulation Team asked the operator to stop allowing HCVs into the site before 7 am, this led to the early morning queues on the public highway of HGVs waiting to enter the site as the gates open and complaints were received about the queuing vehicles.
 - d) If a second row of vehicles park on the haul road (23), the Planning Regulation Team would like clarification and consideration to be given to whether this would impact on access for site employees or emergency vehicles and arrangements for vehicles to leave the site (the revised plan submitted does not show a second row).
 - e) The Planning Regulation Team would recommend the inclusion of conditions to ensure that engines are turned off once vehicles are parked, that there is no sounding of horns from vehicles on site prior to 7am, and that the development ceases (and the land subject to suitable restoration) at a date which ties in with the main site permissions.

External

29. **Newcastle under Lyme Borough Council** - no objections to the principle of the development, however careful consideration should be given to the management of the vehicles entering the site during the proposed hours and the associated implications on noise, odour and traffic management.
30. **Newcastle under Lyme Borough Council Environment Health (Environment Health Team)** – raise some concerns. The Environment Health Team reviewed the application and noted that:
 - a) conditions relating to the operating hours of the landfill etc will not be altered as a result of this application.
 - b) a noise assessment (in accordance with BS4142:2014) was not submitted with the application. However, given the distance to noise sensitive receptors and the current landform and the noise levels generated by HGV's whilst in motion or parked, it is not considered that loss of amenity by virtue of noise would be caused. A noise assessment is not likely to add any value to the application.
 - c) There is a concern that by allowing vehicles to access the site from 6am and to tip from 7am (as currently permitted), this has the potential to move vehicle movements on the surrounding road network to earlier in the morning.
 - d) There is also a concern that given the apparent distance travelled by some of the operator's transporting waste into the site and restrictions on driver hours, there would be a temptation to arrive and park during the night for drivers to reserve their position. There is anecdotal evidence of vehicles parking and moving on Silverdale Road, Knutton Lane, Keele Road causing disturbance to residents due to noise from engines/trailers and odour from waste contained within the trailer.
 - e) The Environment Health Team requests that the County Council as the Highways Authority safeguard local residential amenity by putting in place restrictions to prevent HGVs from parking adjacent to residences or in residential areas through the imposition of a Section 106 Legal Agreement or an appropriate Traffic Regulation Order (TRO).
31. **Silverdale Parish Council** – object to the application. The Parish Council commented that:
 - a) there would additional noise generated along Silverdale Road to the junction with Cemetery Road arising from an earlier start at the quarry.
 - b) it is not clear how the planning proposal would ease congestion, as HGV's have to leave the parking area after 7am and the only access is at Cemetery Road.

- c) an alternative option is to require lorries to arrive at a pre-arranged times within the permitted access times to stagger arrival and departure.
32. **Environment Agency** (EA) - no objections. The EA reviewed the application and noted that the site operates under an Environmental Permit (ref. EPR/DP3734DC) and that the proposal to allow temporary parking on the haul road should not affect landfill operations and should not therefore have any environmental implications.
33. **Staffordshire Police** – no objection and commented as follows:
- a) The local police are aware of complaints from residents, businesses and visitors to Cemetery Road who are dissatisfied with the regular queuing of HGV traffic at peak times
 - b) The proposal to allow HGV traffic to occupy land within Walleys Quarry Ltd (WQL) when queuing for entry to the site is a positive step in addressing these concerns.
 - c) The majority of issues raised relate to peak time traffic between 0700-0900hrs daily.
 - d) The proposal would see Walleys Quarry Limited land occupied from 0600hrs which also supports a resolution to the problem and hopefully eases the volume of traffic impacting local road networks.
34. **Staffordshire Fire and Rescue** - no response.
35. **Cadent Gas Limited** – no objection and confirmed the existing gas asset/s in close proximity site (see Informative 3).
36. **Western Power Distribution (WPD)Limited** - provided a plan showing existing WPD Electricity / WPD Surf Telecom apparatus in the vicinity of the Site. Advice is also provided on work taking place in the vicinity of WPD plant (see Informative 4).

Publicity and Representations

37. Site notice: YES Press notice: YES
38. 13 neighbour notification letters were sent out. The Thistleberry Residents Association, the Poolfields Residents Association and the members of the Walleys Quarry Liaison Committee were also notified. 6 representations have been received and are summarised below:
- a) More HGVs would arrive on site and would result in a similar unsafe situation in future or during the earlier period.
 - b) The timing should be kept to the current permission and a parking area

- provided inside the site after the opening.
- c) There is no guarantee that waste disposal would not start earlier than the currently permitted.
 - d) Deliveries should be planned with allocated slots to arrive and agree on timings.
 - e) Noise and smell pollution.
 - f) Increase in the number of HGVs.
 - g) Disturbance to the local community.
 - h) Environmental Impact Assessment should be carried out [see Environmental Impact Assessment (EIA) section above].
 - i) The operator (Red Industries/Walleys Quarry Limited) are continually abusing the rules and regulations, local people, the Borough Council and the Environment Agency.
39. The Thistleberry Residents Association welcome and support the application and have commented that it is surprising that HGV have not been prohibited before now from forming, sometimes, large queues outside the site, that yellow and red lines were mooted some years ago but never came to fruition and the County Council seems somewhat averse to spending money to resolve some of its highway issues. The Association has also highlighted a right of way (Newcastle 0.766(a)) within the site (the right of way is not affected by this proposal).
40. Aaron Bell MP is 'broadly supportive' and has made the following comments:
- a) the problem of HGVs queuing to enter Walleys Quarry on the roads surrounding the landfill has been causing major and increasing concerns to residents.
 - b) the queues have impeded residents getting to work and school, and some minor traffic accidents have occurred.
 - c) there is increasingly concerned about the risk of a serious accident.
 - d) the proposal would alleviate some of the traffic problems on Cemetery Road at the busiest time of the day.
 - e) allowing HGVs to park on the site of the landfill an hour earlier would mean that they do not block Cemetery Road during the rush hour period and would not park elsewhere in the vicinity while waiting for access to the site.
 - f) there is a concern that the proposed change could push the problem forward by an hour (HGVs parking and queuing outside the site in the lead up to 06:00). This scenario would reduce the likelihood of traffic delays and accidents; however, it would create an additional noise impact at a period when most residents are asleep.
 - g) HGVs should not be parking or waiting on Cemetery Road. The Planning Officers and the Planning Committee should insist on stringent measures to prevent this from happening, either by proposing a suitable enforcement regime (e.g. road marking) or include penalties (e.g. loss of permission) to ensure that their customers comply.

- h) The operator should be reminded that HGVs from the site should not deposit mud on the roads.
41. Councillor Simon Tagg – no comments.
42. Councillor Derrick Huckfield requested that the following condition be added to any planning permission:

"Mindful of the problems at this site over a number of years, in the event that the operators, Walleys Red Industries fail and or above the planning condition, the operators agree that Staffordshire County Council can request that the Environmental Agency terminate the permit to deposit waste other than hardcore, soils and clay that is needed to cap the site".

[Note: The inclusion of conditions should meet the 6 tests set out in the Planning Practice Guidance ([Use of conditions](#), [What approach should be taken to using conditions](#))? What should a local planning authority do to ensure that the tests in national policy have been met? (paragraph: 003 Reference ID: 21a-003-20190723)). The condition relates to the termination of operations at the wider site. Your Officers consider the condition is not related to the development and would not meet the tests.]

43. An [ePetition](#) and a paper petition signed by a total of 2,765 people was submitted to the County Council, and requested the following action:
- a) Make Cemetery Road around Walleys Quarry a no parking area, indicated by double red lines painted on the road between Keele Road and Silverdale Road.
 - b) Make the Silverdale Cemetery layby across from Walleys Quarry closed to lorry parking, with this made clear through signage.
 - c) Make clear what agency is responsible for addressing daily complaints about this hazard and who is responsible for enforcing road traffic and safety measures.
44. The following context was included on the petition:

'HGVs parked on Cemetery Road in Silverdale, Newcastle-under-Lyme, create dangerous obstructions and make the road unsafe to travel on. Cemetery Road is a main road in the area and is busy, particularly in the mornings and evenings. Queues of lorries, sometimes up to a dozen or more, on Cemetery Road between Keele Road and Silverdale Road (approximately 0.3 miles) turn that stretch into a one lane road and reduce or eliminate visibility around curves and at junctions, and it makes the road dangerous for all road users (cars, cyclists, pedestrians, motorbikes, work vehicles, lorries, etc). This is a daily occurrence,

starting around 6:30am and lasting through the entire morning. The lorries are queuing to enter Walleys Quarry Landfill site.

Lorries are meant to wait at designated areas, but they do not. Walleys Quarry has proposed that the gates of the landfill open earlier as a way to address the problem. The community does not feel that this is an appropriate solution - the capacity for stationary lorries in Walleys Quarry is small (8) and could not accommodate all lorries that park on Silverdale Road at most given times. Further, as the worst of the queues tend to form mid-morning, opening the gates earlier would not solve anything. We have tried reporting this to the police, to the county council, to the highways agency, to the borough council, to our local MP, to the landfill owner, and even through complaints pertaining to non-compliance with planning permission. Every agency tells us that the responsibility lies somewhere else. In the meantime, we wait to hear news about a tragic accident caused by lorries on Cemetery Road.

In light of the hazards of this situation, the community is asking that Staffordshire County Council act with urgency.'

44. The petition was submitted to the meeting of the County Council's Prosperous Overview and Scrutiny Committee on 29 September 2022 where the Committee was advised that the petition related to this planning application which would be reported to the Planning Committee ([see agenda item 6](#)). Since then, your officers have re-consulted the Highways Development Control Team specifically about the concerns raised in the petition (see above).

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

45. 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.'

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

Observations

47. 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:
- The general development plan policy and other material planning policy considerations.
 - The site-specific development plan policy considerations including highway safety and the matters raised by consultees and in representations.

The general development plan policy and other material planning policy considerations.

48. The [National Planning Policy Framework](#) (NPPF) contains no specific waste policies. Instead, the [National Planning Policy for Waste](#) (NPPW) explains the need to:
- drive waste management up the waste hierarchy;
 - promote a more sustainable and efficient approach to resource use; and,
 - ensure that waste is considered alongside other spatial planning concerns.
49. The NPPW also emphasises the importance of:
- putting in place the right waste management infrastructure at the right time and in the right location;
 - providing a framework in which communities and businesses are engaged to take more responsibility for their own waste;
 - securing the re-use, recovery or disposal of waste without endangering human health and without harming the environment; and,
 - ensuring that the design and layout complements sustainable waste management.
50. The Planning Practice Guidance (Planning Practice Guidance; [Waste](#); Should existing waste facilities be expanded/extended?) advises that:

'The waste planning authority should not assume that because a

particular area has hosted, or hosts, waste disposal facilities, that it is appropriate to add to these or extend their life. It is important to consider the cumulative effect of previous waste disposal facilities on a community's wellbeing...'.

51. Policy 1.1 of the [Staffordshire and Stoke on Trent Joint Waste Local Plan](#) (WLP) supports proposals for waste management facilities that demonstrate that there would be no unacceptable adverse impacts and that the economic, social and environmental benefits outweigh any material planning objections.
52. Policy 3.1 of the WLP supports proposals that would be compatible with nearby uses, and appropriate in scale and character to their surroundings, and which complement existing or planned activities, or form part of an integrated waste management facility.
53. Commentary: The proposal is intended to address a problem of HGVs parking on the road outside the site. The proposed parking of HGV's would create a temporary holding area within the site for HGV's between the hours of 06:00 and 07:00 (Monday to Friday).
54. The applicant has explained that the application would not result in an operational benefit for site operations but would restart a well-established practice which is not currently undertaken. The proposal would not result in any other changes to the operational activities or use of plant or machinery (in accordance with the requirements of planning permission).
55. Conclusion: Having regard to the general development plan policies and other material planning policy considerations referred to above, it is reasonable to conclude that the proposal is the right type, in the right place and the proposals are at the right time. Therefore, the proposal is acceptable in principle. The site-specific considerations are discussed below.

The site-specific development plan policy considerations including highway safety and the matters raised by consultees and in representations.

56. Policy 4.2 (Protection of Environmental Quality) of the WLP is relevant. This policy requires consideration to be given to the effect of the proposals on:
 - '(ii) The highway network and other public rights of way;'
57. The NPPF ([Section 9](#): Promoting sustainable transport – paragraphs 110 and 111 explain that:

'110 In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

 - a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of

- development and its location;
- b) safe and suitable access to the site can be achieved for all users; and
 - c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
111. Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.'
58. Commentary: Local representations and Newcastle Borough Council's EHO have raised highway concerns including the need for a Traffic Regulation Order /Section 106 Legal Agreement to restrict HGV parking on roads adjacent to the quarry (summarised above). A petition has also requested that Cemetery Road and the layby opposite the entrance to the site should be a no parking areas (double red lines painted on the road between Keele Road and Silverdale Road).
59. Guidance concerning Planning Obligations is set out in the National Planning Framework ([Section 4](#), paragraph 57) and these should only be sought when they meet all the following tests:
- '(a) necessary to make the development acceptable in planning terms
 - (b) directly related to the development; and
 - (c) fairly and reasonably related in scale and kind to the development'.
60. The applicant has explained that it not possible for HGVs to arrive at the site at prearranged times due to the nature of road haulage management within the business sector and the provision of HGV parking at the site will provide a practical solution to parking HGVs by removing some of the vehicles on Cemetery Road. Also, the company contend that they cannot enter into agreements regarding the management and control of privately operated vehicles off-site on the public highway, and that this is a matter for other agencies to address.
61. Highways Development Control's detailed response to the concerns raised by residents (including in the petition) and by the Newcastle under Lyme Borough Council's Environment Health Team concluded that it would not be appropriate to recommend a Section 106 Legal Agreement/Contributions (a Planning Obligation) to be put in place to require HGV parking restrictions or the implementation of a red route Cemetery Road. Highways Development Control have no objection to the proposal subject to a condition to ensure Heavy

Goods Vehicles within the internal Haul Road as specified within the HGV Parking Arrangement Plan (Figure 3) (dwg no WQ/WQ/07-22/23255 Revision A dated 18th October 2022).

62. Conclusion: Having regard to the site-specific development plan policies, it is reasonable to conclude that the proposed development would not give rise to any materially harmful impacts in terms of highway safety.

Site Management

63. The representations include concerns about the commencement of the landfill operations between the proposed additional hours, and the consequential additional noise and odour generated by the HGVs.
64. The day-to-day landfill operations are controlled by an Environmental Permit issued by the Environment Agency. Newcastle under Lyme Borough Council are responsible for monitoring air quality and statutory nuisance across the borough (e.g. noise and vibration, dust, odours and insects).
65. Members of the Planning Committee will be aware that the County Council has a Planning Regulation Team who check compliance with the planning permissions for minerals and waste developments, investigate complaints about minerals and waste sites and any unauthorised mineral and waste activity. Action can be taken by the Planning Regulation Team, if necessary, in accordance with the [Staffordshire County Council Local Monitoring and Enforcement Plan](#) (July 2012). [Paragraph 59](#) of the NPPF is also relevant along with the '[Enforcement and post-permission matters](#)' section of the Planning Practice Guidance.
66. The application relates to the parking of HGVs within the site between the hours of 06:00 and 07:00. It is also important to note that the government guidance on waste explains that:

'There exist a number of issues which are covered by other regulatory regimes and waste planning authorities should assume that these regimes will operate effectively (emphasis added). The focus of the planning system should be on whether the development itself is an acceptable use of the land and the impacts of those uses, rather than any control processes, health and safety issues or emissions themselves where these are subject to approval under other regimes. However, before granting planning permission they will need to be satisfied that these issues can or will be adequately addressed by taking the advice from the relevant regulatory body.' (ref. Guidance - Waste - [Regulatory regimes](#) (Paragraph: 050 Reference ID: 28-050-20141016)).

67. The existing planning permission already includes conditions relating:
- the duration of the development.

- b) the operating hours.
 - c) the access.
 - d) the number of vehicles.
 - e) the use of the weighbridge.
 - f) wheel cleaning and the prevention of mud, dirt or deleterious materials being deposited on the public highway.
 - g) the sheeting of waste carrying vehicles.
 - h) a sign to be erected detailing the approved routes.
 - i) vehicles, plant and machinery being operated with engine covers closed and with effective silencers.
 - j) the use of broadband "white" noise reversing alarms.
 - k) site attributable noise limits at the nearest sensitive locations; and,
 - l) noise monitoring and dust management.
68. Notwithstanding the above, it is considered appropriate to recommend conditions suggested by the Planning Regulation Team relating to the parking of HGVs, namely, HGVs engines are turned off once parked and that there should be no sounding of horns prior to 7 am. An informative is also recommended reminding the operator of the approved routes (shown on Route Options Report dated February 2007 – Appendix B ref [IDO/N/1 216 MW D4](#)).
69. Conclusion: Having regard to the site-specific development plan policies and the matters raised by consultees and in the representations referred to above, it is reasonable to conclude that the proposed development would not give rise to any materially harmful impacts, subject to the conditions recommended below.

Overall Conclusion

70. 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.

Recommendations

- **To permit** the proposed development to allow waste carrying vehicles to park on the internal haul road between 06:00 and 07:00 Monday to Friday (excluding Bank and Public Holidays) at Walley's Quarry Landfill, Cemetery Road, Newcastle-under-Lyme, ST5 6PJ, subject to the conditions including those listed below.
- **That the Committee Clerk inform** the County Council's Prosperous Overview and Scrutiny Committee of the Planning Committee's decision.

The conditions to include the following:

1. To define the consent with reference to documents and plans.
2. To define the commencement of the development.
3. To require notification of commencement
4. To require notification of cessation of the parking arrangements in the event that the parking arrangements cease prior to the expiry of the permission.
5. To allow HGV parking on the internal site haul road between:
 - 06:00 and 07:00 Monday to Friday; and,
 - No HGV parking on the internal site haul road on a Saturday, Sunday or a Public / Bank holiday.
6. To refer to the HGV parking arrangements shown on the Indicative HGV parking arrangements plan (dwg WQ WQ-07-22-23255 rev A).
7. To require HGV parking to be carried out in accordance with the conditions of the latest planning permission (ref. [N.12/09/216 MW](#)) for example the noise and dust management.
8. In addition to condition 8 above, to specifically require the following:
 - a) The engines of all HGVs to be turned off once parked
 - b) No sounding of horns of the HGVs parked up on the internal haul road other than in the case of an emergency.
 - c) A sign to be erected and maintained to instruct drivers about the 10-mph site speed.
 - d) HGV lights to be turned off once parked.
9. To define the expiry of the planning permission as the date of the cessation of the importation of waste in accordance with the landfill permission (ref. [N.12/09/216 MW](#)).

Informatics

1. To ensure that the terms of the planning permission are made known to the site operators.
2. To remind the applicant of the approved routes (shown on Route Options Report dated February 2007 ref [IDO/N/1 216 MW D4](#)) and that HGV drivers should be made aware of these routes.
3. Cadent Gas Limited - the applicant should be advised about the infrastructure located near to the proposal.
4. Western Power Distribution – the applicant should be advised that there are Electricity / Surf Telecom apparatus located near to the proposal.

Case Officer: David Bray

tel: (01785) 277273

email: david.bray@staffordshire.gov.uk

The list of background papers for this report is available on request by email sent to planning@staffordshire.gov.uk.

Appendix 1 Relevant Planning History

- a) [IDO/N/1](#) dated 14 November 1997 - Scheme of Conditions. The decision was issued by the [Secretary of State](#) following an appeal in 1997. A [Section 106 legal agreement](#) was signed on 15 July 1998. The Section 106 relates to the approval of the 'lorry route' (see below), the issue of instructions to HGV drivers detailing the route; a condition in contracts concerning the use of the approved route; the erection of a sign concerning the routes, to discipline any HGV driver not using the route; concerning the winning and working of mineral after December 2010 and that the County Council does not carry out any activity or use involving the exploitation of void space for waste management, waste disposal recycling and related activities and anything ancillary.
- b) [IDO/N/1 D3](#) dated 25 August 2005 - Submission of details in compliance with conditions 21, 22, 26, 29, 30, 31 and 34 of planning permission IDO/N1 relating to landfill details (condition 21), stability (condition 22), landscaping (condition 26), sheeting of vehicles (condition 29), lorry routeing (condition 30), drainage (condition 31) and skip storage (condition 34).
- c) [IDO/N/1 216 MW D4](#) dated 5 June 2007 - Submission of lorry routing details and options in connection with the requirements of the S106 legal agreement and condition 30 planning permission IDO/N/1.

- d) [N.12/09/216 MW](#) dated 26 May 2016- First periodic review of conditions (under the Environment Act 1995) of permission IDO/N/1. A Unilateral Undertaking signed on 25 May 2012 this relates to the use of the agreed routes; the County Council do not to use the site for any waste management purposes; to review the approved Final Restoration Plan every 5 years in consultation with interested parties; to provide for an extended 10-year period of aftercare in accordance with the approved 'Restoration and Aftercare Scheme' following the statutory minimum 5-year aftercare period and to formalise the liaison committee arrangements.

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

Appendix 2 The development plan policies (and proposals) and the other material planning considerations, relevant to this decision

The development plan policies and proposals

[Staffordshire and Stoke-on-Trent Joint Waste Local Plan \(2010 – 2026\)](#)
(adopted 22 March 2013):

- Policy 1: Waste as a resource
 - Policy 1.1 General principles
- Policy 2: Targets and broad locations for waste management facilities
 - Policy 2.3 Broad locations
- Policy 3: Criteria for the location of new and enhanced waste management facilities
 - Policy 3.1 General requirements for new and enhanced facilities
- Policy 4: Sustainable design and protection and improvement of environmental quality
 - Policy 4.1 Sustainable design
 - Policy 4.2 Protection of environmental quality

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

The [Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy](#) (2006 to 2026) (adopted October 2009) and in particular policies:

- Policy CSP1 – Design Quality
- Policy CSP3 – Sustainability and Climate Change
- Policy CSP4 – Natural Assets

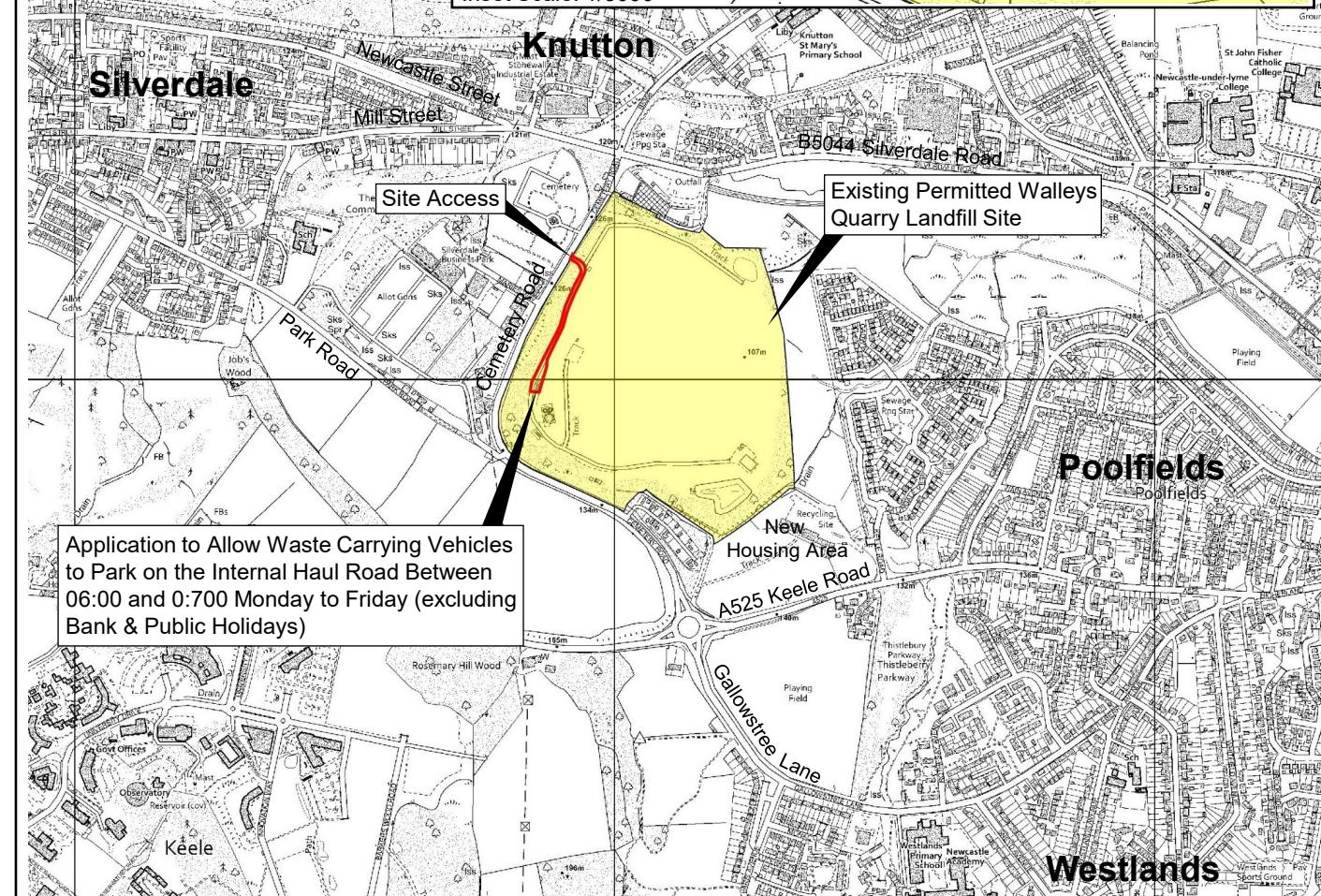
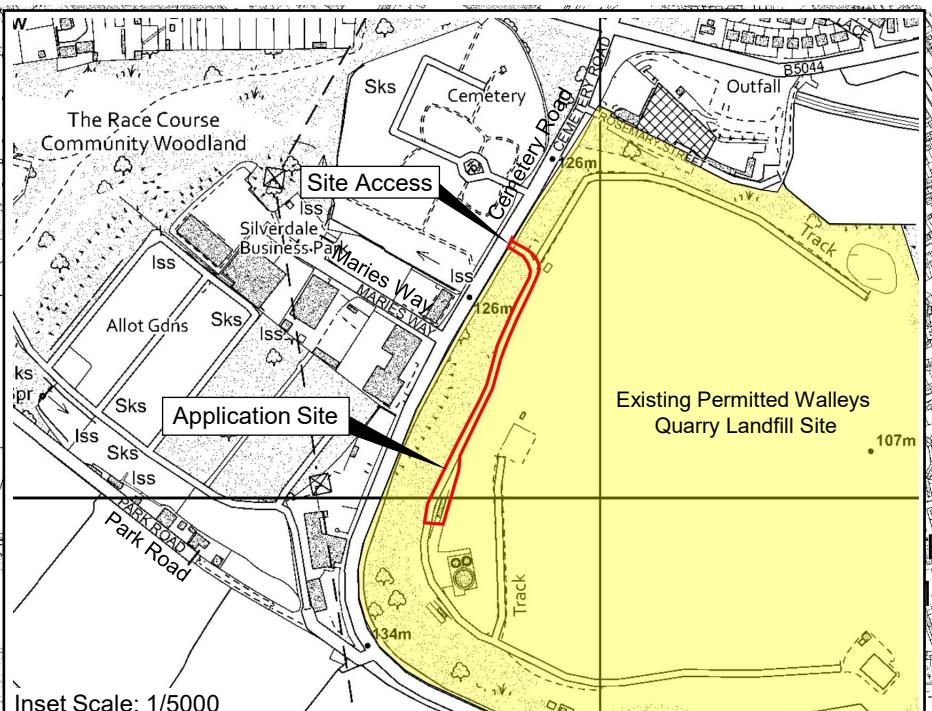
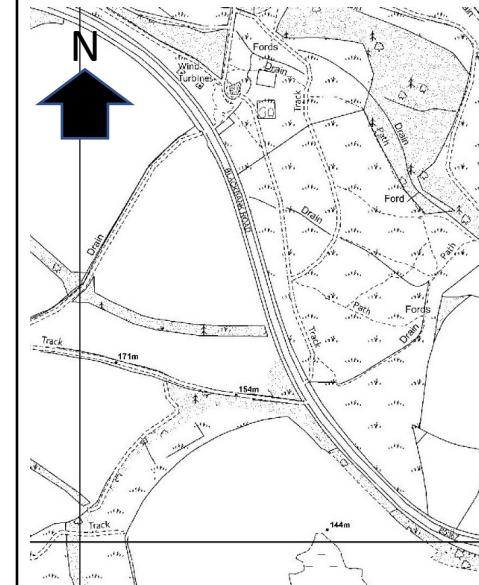
[Newcastle-under-Lyme Local Plan 2011 'saved policies'](#) (adopted 2003): and in particular policies

- Policy T18: Development - Servicing Requirements
- Policy N16: Protection of a Green Heritage Network (Poolfields)
- Policy N17: Landscape Character - General Considerations

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 5](#): Delivering a sufficient supply of homes
 - [Section 6](#): Building a strong, competitive economy
 - [Section 9](#): Promoting sustainable transport
 - [Section 11](#): Making effective use of land
 - [Section 12](#): Achieving well-designed places
 - [Section 13](#): Protecting Green Belt land
 - [Section 14](#): Meeting the challenge of climate change, flooding and coastal change;
 - [Section 15](#): Conserving and enhancing the natural environment;
- [Planning Practice Guidance](#)
 - [Design: process and tools](#)
 - [Environmental Impact Assessment](#)
 - [Health and wellbeing](#)
 - [Light pollution](#)
 - [Natural environment](#)
 - [Noise](#)
 - [Planning obligations](#)
 - [Transport evidence bases in plan making and decision taking](#)
 - [Travel Plans, Transport Assessments and Statements](#)
 - [Use of planning conditions](#)
 - [Waste](#)
 - [Determining planning applications](#)
 - [Regulatory regimes](#)
- [National Planning Policy for Waste](#) (published on 16 October 2014)
 - Determining planning applications (paragraph 7)
 - Appendix A - the waste hierarchy – in descending order - prevention; preparing for re-use; recycling; other recovery; disposal
 - Appendix B – locational criteria

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



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Planning, Policy & Development Control, Staffordshire County Council, No.1 Staffordshire Place, Stafford, ST16 2LP. Telephone 0300 111 8000

Walleyes Quarry Limited. Application to allow waste carrying Vehicles to park on the internal haul road between 06:00 and 07:00 Monday to Friday (excluding Bank and Public Holidays), Walleyes Quarry Landfill, Cemetery Road, Newcastle-under-Lyme.



Local Member

Councillor P.E.B. Atkins, OBE and Councillor P.A. Hudson	Uttoxeter Rural Uttoxeter Town
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Planning Committee 01 December 2022

Minerals County Matter

Application No (District): [SCC/21/0047/FULL-ES](#) (East Staffordshire)

Applicant: Aggregate Industries UK Ltd

Description Importation and temporary storage of limestone scalpings with the erection and use of an aggregate washing plant

Location: Uttoxeter Quarry, Spath, Uttoxeter, Staffordshire, ST14 5AP

Background/Introduction

1. Uttoxeter Quarry has been operating under a series of permissions since 2001 and the current planning permission, required the site to cease mineral extraction by 30 November 2016 (ref. [ES.11/13/524 MW](#) dated 13 December 2011). However, in December 2016 the Planning Committee approved an application to extend the cessation date to 30 November 2023 pending the completion of a Section 106 Legal Agreement (Section 106) ('the 2016 permission') (ref. [ES.16/15/524 MW](#)). The Section 106 is nearing completion, meanwhile sand and gravel extraction has continued and was expected to cease by the end of 2022.
2. In August 2022 the Planning Committee approved an application for a northern extension to the quarry that would extend the life of the quarry for a further 2.5 to 3 years (ref. [SCC/21/0025/FULL-ES](#)) ('the 2021 permission'). In accordance with the recommendation, the issue of the 2021 permission is pending the completion of the Section 106 to allow the 2016 permission to be issued. For more details see the 'Relevant Planning History' section below.
3. If the Planning Committee approve this application, and subject to the two Section 106s being completed, the proposed operations would continue in accordance with the latest permitted timescales for mineral extraction.
4. A Transport Assessment (TA) was submitted with the application which had proposed the use of local roads and national highways within Staffordshire for HCVs travelling between the quarries at Caldon Low and at Uttoxeter

('the original route'). In response to comments from consultee and local residents along the original route, the route was revised to use 'A' roads through Derbyshire and the TA updated accordingly ('the revised route').

5. In addition to proposing the revised route, the applicant has confirmed a willingness to accept a routing agreement secured by a Section 106 or Unilateral Undertaking. A Section 106 has now been drafted pending the Planning Committee's decision.
6. This application was on the agenda for the August Planning Committee meeting but was deferred to provide Derbyshire County Council and the Parish Councils along the revised route an opportunity to comment which they have now done.

Site and Surroundings

7. Uttoxeter Quarry lies approximately 100m to the north of the A50 Trunk Road, south of which lies the town of Uttoxeter, approximately 1.5 kilometres away. Access to the quarry is via a private road which runs from the B5030 Rocester Road immediately to the west of the quarry.
8. The surrounding area is predominantly agricultural in nature and the quarry is bounded to the north by agricultural land with Cottonmill Farm and Leasowes Farm lying immediately to the south of the quarry. The proposed development for a new wash plant, would be situated within the western part of the quarry's operational plant area with the greater extent of the operational quarry lying to the east. The eastern boundary of the quarry is formed by the River Dove which is the boundary between the counties of Staffordshire and Derbyshire. Agricultural land lies to the east of the quarry. To the west beyond the B5030 lies the village of Stramshall and hamlet of Spath.
9. The nearest properties lie either side of the quarry's access, 'Riversmede' to the north, and 'Spath Farm' and 'Spath Cottage' lying to the south of the quarry entrance.

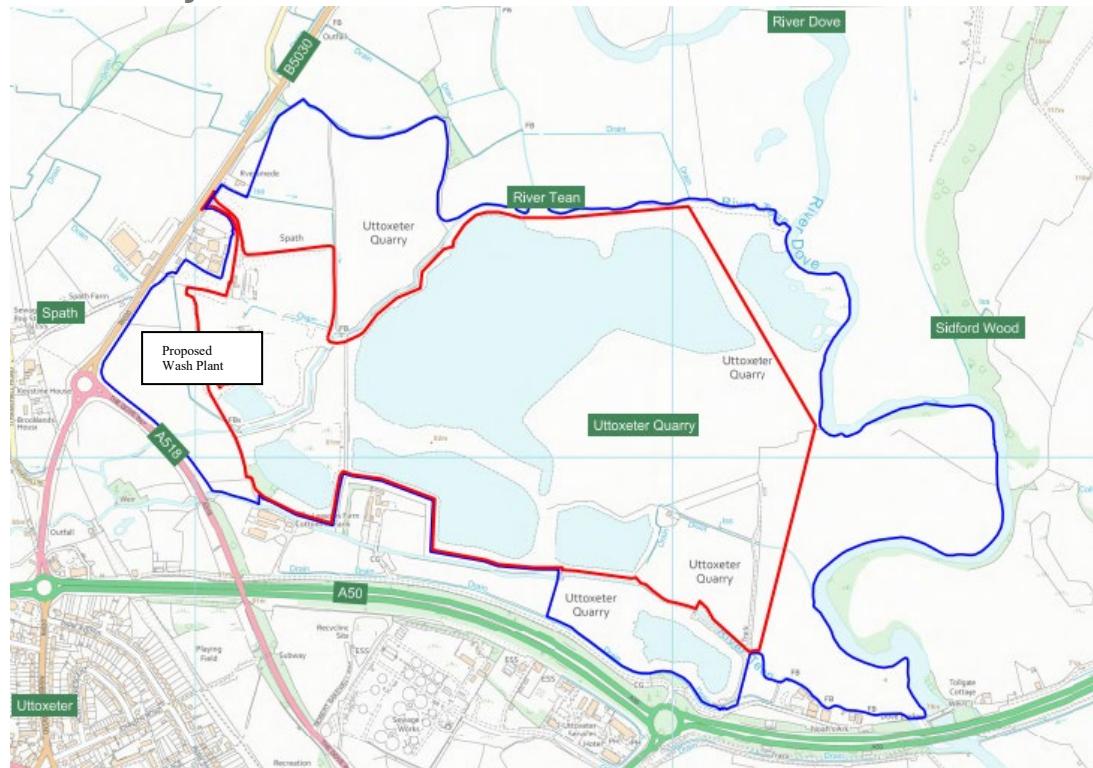


Figure 1: Site Location Plan

Summary of Proposals

10. This application which is accompanied by an Environmental Statement (ES) relates to part of the 74-hectare Uttoxeter Quarry site outlined by the red line on Figure 1 - Site Location Plan above.
11. The application seeks temporary permission to import 200,000 tonnes limestone scalplings per year from Caldon Low Quarry and to process the scalplings within a wash plant (indicated on Figure 1 – Site Location Plan above). The scalplings would be stockpiled, washed and stored as a limestone product ready for sale to construction markets.
12. The operations would cease when mineral extraction at Uttoxeter Quarry ends.
13. In response to objections to the original route between the quarries through Staffordshire (18 km), the applicant has proposed a revised route through Derbyshire (33km) shown on Figure 2 below. The applicant has also confirmed a willingness to enter into a legal agreement to secure the route.



Figure 2: The revised route

14. The breakdown of the vehicle movements is as follows:
 - 16,200 import movements per year (32,400 two-way movements),
 - 59 arrivals and 59 departures per day (based upon a standard 275 working days per year)
15. It is anticipated that the vehicles delivering limestone scalings would backhaul aggregate as far as possible to reduce mileage, to reduce associated emissions and to reduce fuel costs. It is proposed that this would result in vehicles arriving at the site with unwashed limestone and then collecting either washed limestone, separated silt or site-won sand and gravel for onward transport to customers.
16. The wash plant would be situated alongside other processing plant within the

existing plant and stockpile area (Figure 3 below) and would operate between the following hours:

- 07:00 and 18:00 Monday to Fridays (not including Bank or Public holidays); and
- 07:00 and 13:00 Saturdays.



Figure 3: Site Layout Plan

17. The wash plant would be erected on compacted ground over a 2-to-3-day period. The area required would measure 30m by 30m (including stockpile conveyors). The footprint of the wash plant without conveyors would be approximately 4m by 16m with a maximum height of 8m.



Figure 4: Typical Example of Wash Plant

18. Fresh water required for the washing process would be abstracted from the freshwater lagoon located immediately south of the proposed wash plant. The fresh water would either be recirculated within the wash plant or discharged to the silt lagoon in the south of the quarry dependent upon the type of plant employed.
19. The application is accompanied by a number of documents and plans including:
 - Environmental Statement
 - Non-Technical Summary
 - Transport Assessment – Technical Appendix 1
 - Flood Risk and Drainage Strategy – Technical Appendix 2
 - Planning Statement
 - Location Plan
 - Site Layout Plan
 - Current and Proposed Water Management Plan
20. Further information was also submitted in support of the proposed alternative route.

The Applicant's Case

21. The applicant contends that Caldon Low Quarry does not have a washing plant or silt lagoon to enable the on-site produced limestone scalplings to be washed on the site. It is also contended that storage of the scalplings at Caldon Low Quarry poses operational difficulties as space is limited and the stockpiled scalplings that do exist restrict access to the underlying mineral that is permitted for future extraction leading to double handling to move the material to other parts of the site.
22. The ES has considered the alternatives to locating the proposed development at Uttoxeter Quarry as follows:
 - The applicant considers that the 'do nothing' option would lead to the limestone scalplings remaining unwashed and without processing, the unwashed scalplings are unsuitable as secondary aggregates for construction and infrastructure projects and would most likely be sent to waste recovery facilities for use in inert fill for which a charge would be incurred.
 - The applicant has considered alternative operational locations within

Staffordshire and the West Midlands area under Aggregate Industries' ownership. The applicant concludes that Uttoxeter Quarry is the preferred location due to its close proximity to Caldon Low Quarry and would minimise road mileage and associated carbon emissions. Other operational locations are considered less favourable as it would result in the scalings being transported over greater distances and therefore, being less cost effective and unsustainable.

Relevant Planning History

23. Uttoxeter quarry has been operating since 2001 and a comprehensive list of the planning permissions for Uttoxeter Quarry is provided in [Appendix 1](#)

Environmental Impact Assessment (EIA)

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

Findings of Consultations

Internal

25. **Environmental Advice Team** (EAT) – no objections having reviewed the application documents in respect of landscape, tree protection, ecology, archaeology, the historic environment, and public rights of way.
26. **Highways Development Control** (on behalf of the Highways Authority) (HA) – no objections subject to a routing agreement being secured through a legal agreement and the proposed development being temporary to accord with the end date for quarrying operations (northern extension (3 years)).
27. **Flood Risk Management Team** – no objections, subject to conditions to require the development being carried out in accordance with the Flood Risk and Drainage Strategy and the Current and Proposed Water Management Document, and the mitigation measures detailed within these documents:
28. **Planning Regulation Team** – no objections subject to design details of the wash plant being provided.

External

29. **East Staffordshire Borough Council** - no objections.
30. **East Staffordshire Borough Council (Environmental Health) (EHO)** - no objections and commented that they are satisfied that the proposed controls should be adequate to minimise noise disturbance and unacceptable levels of dust.

31. **Derbyshire County Council** – initially raised concerns about the revised route due to the increase in traffic on the A515 through Derbyshire. Having reviewed further information, the concerns were withdrawn on the basis that the revised route forms part of the advisory lorry route through Derbyshire and confirmation that the increase in HGVs on the network would be well below 10%.
32. **Uttoxeter Rural Parish Council** – objected to the original route. The Parish Council objections are summarised below:
- The volume of traffic which would have an adverse impact on an already congested highway network within the Parish including traffic associated with JCB and Alton Towers Theme Park at peak times.
 - Quarry vehicles would try to avoid congested areas and the use of village roads would increase.
 - Currently, drivers use neighbouring villages as a rat-run (Crakemarsh, Stramshall, Beamhurst), to avoid existing congestion.
 - The operation is likely to compound issues and the Parish are aware that no policing of roads and weight limits occur. If drivers are on time limits to deliver, they will find the quickest way through neighbouring villages.
33. **Uttoxeter Town Council** – supports the revised route and requests that the route is secured by a legal agreement.
34. **Wootton Parish Council** – objected to the original route. The Parish Council objections are summarised below:
- Effect of traffic along the route between Cauldon Low and Spath through the villages of Wootton, Mayfield and Ellastone:
 - Unsuitable roads for HCVs
 - Impact on two bridges – Ellastone and Hudford
 - Effect on highway surface
 - Effect on other highway users including pedestrians
 - Effect on junction – B5030 with A50 roundabout
 - An alternative option to process material at Caldon Quarry should be pursued.
35. **Ellastone Parish Council** – objected to the original route. The Parish Council objections are summarised below:
- The effect of traffic on local communities between Caldon and Uttoxeter

Quarries and neighbouring communities, particularly Wootton.

- b) The Transport Assessment is misleading.
 - c) The increase in traffic travelling through nearby villages would be significant (severe).
 - d) The proposal to backhaul mineral would not involve transporting mineral to Caldon Low Quarry.
 - e) Local roads are not suitable for quarry traffic (narrow roads, difficult bends, bridges and junctions).
 - f) Effect of traffic on Ellastone Conservation Area.
 - g) Proposal should involve using 'A' roads (not 'B' roads).
36. **Denstone Parish Council** – objected to the original route. The Parish endorses the comments made by Ellastone Parish Council.
37. **Mayfield Parish Council** - objected to the proposals and the original route. The Parish Council's objections are summarised below:
- a) There is no explanation of how long 'temporary' might be (the applicant has a track record of applying to extend the lifetime of operations at its sites);
 - b) The transportation of limestone from one quarry to another over an 18km distance is not a justifiable proposition or compatible with sustainability to decrease the level and impact of carbon emissions;
 - c) The traffic would pass through a number of rural villages between Cauldon and Uttoxeter causing pollution (noise, emissions), and contributing to overall degradation of road surfaces and verges;
 - d) The application makes no effort to establish how their operations might minimise the inevitable negative environmental impacts on residential communities;
 - e) Attention has not been given to the 'Alternatives', far more thought should be given to confining all necessary activity to one site.
38. Mayfield Parish Council's objections to the revised route and other additional information provided by the applicant in response to the Parish Council's initial comments are summarised below:
- a) Insufficient justification has been provided and the activity should be undertaken at Caldon Low Quarry;

Applicant's Response: Potential space could exist at Caldon Low Quarry,

though a lack of space for stockpiling of washed and unwashed aggregate and the material currently stockpiled on the site poses operational difficulties due to insufficient space for stockpiling and manoeuvring of mobile plant resulting in the need for double handling, often due to the need to extract the mineral underlying the stockpiles. Also, because of the geology of the site, the quarry does not have silt lagoons that could manage wastewater from the washing process. Uttoxeter Quarry is the applicant's closest site which has sufficient space for washing and stockpiling of aggregate, as well as silt lagoons for the management of wash water.

- b) The new routeing solution is for 2 x 19-mile trips - which is nearly double the most direct route. Justification is questioned, both in terms of emissions and commercial viability. Result is likely to be the use of the largest trucks possible for the least number of journeys;

Applicant's Response: The more direct route was not considered acceptable by a number of consultees, including local residents and Parish Council's and therefore an alternative route (the revised route), is proposed which was considered acceptable by National Highways and by the County Council's Highways Development Control Team.

- c) Journeys are likely to generate more than 1.5 metric tonnes of CO₂ emissions each working day. Little analysis of the impact of extra emissions on the villages and residential communities has been carried out;

Applicant's Response: The majority of limestone scalpings would be transported from Caldon Low Quarry for use off-site, regardless of whether the material is washed or unwashed. The washing process enables the material to be used in higher end uses (construction), though other potential uses include quarry restoration and waste recovery schemes. To maximise the opportunities for the aggregate, this would require the material to be removed from the quarry that would inevitably result in a proportion of HCV's travelling south on the A515 and only calculating the HCV vehicle emissions travelling from Caldon Low Quarry to Uttoxeter Quarry is considered to be misleading.

- d) Have Derbyshire County Council Highways been consulted on the application in relation to additional HGV traffic movements along Mayfield Road?

Applicant's Response: The applicant defines the A52 as a designated lorry route.

[Note: Derbyshire County Council has now been consulted and have commented on the revised route – see above.]

- e) Efficiencies are questioned in respect of no backhauling and noise in residential communities from empty HGVs;

Applicant's Response: The 'no backhauling' scenario was only assessed as a worst-case trip generation for the Transport Assessment and the applicant would seek to backhaul as much as possible. It is contended that backhauling not only has environmental and sustainability benefits, but also financial benefits.
- f) Lack of realistic assessment and impact of 118 daily truck journeys on the roundabout on A50 at Uttoxeter;

Applicant's Response: The number of HCVs in any one hour would be low and would not create a junction capacity issue and the principle has been accepted by National Highways and Staffordshire County Council's Highways Team in respect of routing through busy junctions on the network.
- g) Questions the management and monitoring of legal agreement.
Requests prevention of HGVs passing through the centre of Mayfield on B5023 and suggests financial penalties if HGV contractors breach the legal agreement.

Applicant's Response: The applicant contends that the S106 agreement would be legally enforceable by Staffordshire County Council.
- h) If permission is granted, request is made for a 40mph speed limit for Swinscoe Hill and 30mph limit imposed at Hanging Bridge at the junction with the B5032.

Applicant's Response: Consideration of this issue should be for Derbyshire County Council Highways.

39. **Waterhouses Parish Council** – no objections in principle subject to conditions. The Parish Council recommends that the applicant ensures the following:

- Only use the revised route specified;
- That the route suffers no pollution by waste products;
- That the route is kept clean at all times.

40. **Cotton Parish Council** – support the operations. Assurance is sought that

wheel-washing and road cleanliness is enforced as there have been significant issues in the past. Concern is raised for road safety and suggestion is made that HGVs turn right out of Caldon Quarry into Waterhouses and turn right onto the A52.

41. **Ashbourne Town Council** – no comments to make.
42. **National Highways** – no objection to the revised route, but recommended conditions having reviewed the environmental information. The recommended conditions are intended to control traffic movements on the trunk road network and output from the quarry as follows:
 - Total number of vehicles associated with import and export of limestone should not exceed a 5-day average of 118 HCV two-way movements per day (59 in and 59 out) – Monday to Friday.
 - Total quantity of mineral exported from the quarry as a whole (including proposed northern extension), not exceeding 600,000 tonnes, which includes 400,000 tonnes of current mineral operations and 200,000 tonnes of limestone in any 12-month period. [Note: This is a matter for the main planning permission.]
43. **Environment Agency (EA)** - no objections having reviewed the environmental information (Flood Risk Assessment) and concur that the proposed plant will lie in flood zones 1 or 2 and therefore, have no objections on fluvial flood risk grounds. The EA comment that the proposal is within an existing area identified for stockpiling and processing, as such there will be no change to the flood risk situation as already covered by the original planning application for the processing plant.
44. The EA further comment that the limestone scalings are a waste biproduct of the mining process and therefore the washing of these can be controlled by an Environmental Permit, and that there are two existing Environmental Permits for activities at Uttoxeter Quarry:
 - Ref. EAWML 103654 (SR2010No12 Treatment of waste to produce soil, soil substitutes and aggregate), and
 - EAWML 102387 (S0908 No 8: Management of inert or extractive waste at mine).
45. The EA advise that neither Environmental Permit appears to cover the processing activity of washing the limestone scalings, including the discharge of the effluent from the washing process and recommend that the applicant seeks Advanced (paid for) Pre-Application advice to vary the relevant permit before any of these activities commence.
46. **Natural England** – have only provided general advice.

47. **Canal and River Trust** – advised that the proposed development lies close to the restoration line of the Uttoxeter Canal and recommended that the Caldon and Uttoxeter Canals Trust be consulted. The Caldon and Uttoxeter Canals Trust was subsequently consulted but no comments have been received.
48. **Western Power Distribution** – have provided details of their electricity/WPD Surf Telecom apparatus in the vicinity of the proposed development and have provided guidance on requirements for safe working procedures.
49. **Cadent Gas** – have provided details of their apparatus in the area which does not indicate the presence of assets within the site development area.

Publicity and Representations

50. Site notice: YES Press notice: YES
51. 23 neighbour notification letters were sent out and 48 representations have been received. Representations include objections from the Local Member for the area (Cllr P. Atkins, OBE), JC Bamford (JCB), The Alton Towers Estate and JE Greenhall Ltd and from residents along the original route between the two quarries. The representations are summarised below:
 - a) **Local Member (Cllr Philip Atkins, OBE)** –questioned the temporary nature of the proposals in context of the life of the quarry which has been extended since being granted planning permission, and the need for new plant as the existing apparatus should be taken down when finished with. Cllr Atkins also questioned the original route – specifically the impact at Hudford Bridge, Ramshorn, Toll Gate at Wootton both on the C3 or on Ellastone level at the B5030/A50 junction which would generate additional traffic hold-ups and higher carbon emissions. The additional HCV traffic will add to an existing problem which will only add pressure over the years to the potential damage to property and the highway at Wootton and Ellastone and extend the queues of traffic on the Rocester Corridor. In summary, Cllr Atkins objects on the grounds that there is no finite end to the works; no consideration has been given to potential off-site highway damage; no consideration has been given to traffic hold-ups leading to additional carbon emissions; and no screening of additional apparatus has been proposed and it should be taken down within the lifetime of the application.
 - b) **JC Bamford (JCB)** initially raised concerns about the original route but later welcomed the revised route and the willingness of the applicant to enter into a legal agreement.
 - c) **Alton Towers Estate** raised specific concerns about the original route and the effects on Alton, traffic flows through the village and into and out of the Alton Towers resort leading to a risk of severe congestion at

peak times.

- d) **JE Greenhall** raised concerns about the effects of the original route in terms of highway safety, local amenity and in terms of sustainable development.
- e) **Comments received from residents along the original route:**
 - i. A better solution would be to have a washing facility at Caldon Low Quarry.
 - ii. Increased traffic movements through local villages including Ellastone, Wootton, Ramshorn and Rocester and potential impacts to pedestrians, cyclists and horse riders using Class B and C roads with narrow footpaths and pinch-points, and impacts from traffic noise, vibration and dust;
 - iii. Inadequacy of local roads and their condition to cater for HCVs and dangers negotiating dog-leg junctions, blind bends and bridges on the B5417 and B5032 and the potential for congestion.
 - iv. Suggestion that a better route be considered along 'A' roads through Derbyshire (the A52 to A515, then A50 to Uttoxeter).
- 52. The applicant submitted further information in relation to the Environmental Statement to address issues raised during the initial consultation and this further information was publicised in accordance with [Regulation 25](#) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. As well as posting additional site notices and advertising a notice in the press, neighbour re-notification letters were sent. Two further representations have been received, one from a member of the public withdrawing their objection, and one from JC Bamford's solicitors (Hill Dickinson) related above, confirming that the objection would be resolved subject to a S106 agreement being secured for the routing of HCV traffic between the quarries along the A52, A515, A50 and B5030 ("the Specified Route").

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

- 53. National Planning Practice Guidance – Determining planning applications - [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.'

54. [Appendix 3](#) lists the development plan policies (and proposals) and the other material planning considerations, relevant to this decision.

Observations

55. 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:

- Minerals and waste planning policy considerations and other material planning considerations
- Site-specific development plan policy considerations and other matters raised by consultees or in representations.
- Need for the Section 106 Legal Agreement

Minerals and waste planning policy considerations and other material planning considerations

Maximising the best use of mineral resources

56. Strategic Objective 1 of the Minerals Local Plan for Staffordshire (the provision of minerals to support sustainable economic development) aims:
- 'to support sustainable economic development, the provision of minerals will:
 - 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.
 - so far as is practicable, to take account of the contribution that substitute, or secondary and recycled material can make as an alternative to primary minerals; and
 - to ensure that important economic mineral resources are not needlessly sterilised.'

57. The National Planning Policy Framework (NPPF) generally supports sustainable development and recognises the importance of minerals as an important element of economic growth. For example, paragraph 209 states that:
- 'It is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs'
58. The NPPF paragraph 210 promotes that planning policies should:
- '... (b) so far as practicable, take account of the contribution that substitute, or secondary and recycled materials and minerals waste would make to the supply of materials, before considering extraction of primary materials, whilst aiming to source minerals supplies indigenously.
- '... (f) set out criteria or requirements to ensure that permitted and proposed operations do not have unacceptable adverse impacts on the natural and historic environment or human health, taking into account the cumulative effects of multiple impacts from individual sites and/or a number of sites in a locality.
- '...(h) ensure that worked land is reclaimed at the earliest opportunity, taking account of aviation safety, and that high quality restoration and aftercare of mineral sites takes place'.
59. The Staffordshire and Stoke on Trent Joint Waste Local Plan (WLP) (Waste as a resource - Policy 1.1 (general principles)) promotes the principle that waste is a resource and seeks to encourage the diversion of waste away from landfill and supports waste development which manages waste higher in the 'waste hierarchy'. It sets out that permission for new development of new waste management facilities will be granted where the applicant can demonstrate that the proposal accords with the principles listed below:
- i. Waste is minimised;
 - ii. Waste is used as a resource, including the formation of waste synergies, for example through the creation of resource recovery parks;
 - iii. The proposals represent the most sustainable option for management of waste as high up the "waste hierarchy" as feasible (Refer to Appendix 4: The Waste Hierarchy);
 - iv. Protection of human health and the environment.
 - v. Unacceptable adverse impacts, including cumulative effects, should be avoided and adverse impacts minimised and mitigated

as part of the proposals;

- vi. The overall (economic, social and environmental) benefits outweigh any material planning objections.
60. WLP Policy 2.3 (Broad locations) requires waste management facilities to be located:
- ...as close as possible to where the waste arises to reduce the need to transport waste great distances;
61. Commentary: The applicant has sought to support an economic argument that promotes the proposed development. The applicant contends that because of the geology of the site, Caldon Low Quarry does not have silt lagoons to enable the on-site produced limestone scalings to be washed on site and wash water to be managed. It is also contended that the storage of the scalings at that quarry poses operational difficulties due to space being limited, and that stockpiled scalings that do exist restrict access to the underlying mineral that is permitted for future extraction leading to double handling on site. The issue of minerals waste arisings at Caldon Low Quarry was identified within the 'Cauldon Development Study' report produced by Bowman Planton Associates in 1998 and identified that waste arisings from mineral production equated to around 15% along with a future need for a new approach if the quarry is not to become operationally restricted. In addition, the applicant has stated that a 'do nothing' option would lead to the limestone scalings remaining unwashed and without processing, the scalings are unsuitable as secondary aggregates for construction and infrastructure projects and would most likely be sent to waste recovery facilities for use as inert fill for which a charge would be incurred. The applicant has considered alternative operational locations within Staffordshire and the West Midlands area under Aggregate Industries ownership and has concluded that Uttoxeter Quarry is the preferred location due to its close proximity to Caldon Low Quarry.
62. The contribution that the re-use of minerals waste (limestone scalings) would make to the supply of materials is supported in minerals policy terms and would maximise its value both practically and economically in promoting its use in lieu of primary aggregates.
63. In respect to waste planning policy, waste would be minimised in that it would be recycled and achieve a more sustainable option in the management of waste higher up the 'waste hierarchy'. The limestone scalings would be transported 33km by road along the revised route, and although it would be desirable to recover the waste as close as possible to where it arises to reduce the need to transport waste great distances, the waste limestone scalings would in any event be transported off the Caldon Low Quarry site and in that respect, there would be no greater or lesser impact than the development proposals present irrespective of any routes taken to transport

the material.

64. Conclusion: Having regard to the minerals and waste planning policies and guidance referred to above, it is reasonable to conclude that in principle, the proposals accord with planning policy and guidance and would aid and support economic growth, would maximise the permitted mineral reserve and minimise the waste at Caldon Low Quarry. The relevant site-specific impacts and related planning policy considerations are discussed below.

Ancillary development

65. Policy 4.6 of the Minerals Local Plan for Staffordshire states that:

'Proposals for ancillary development within or near to a mineral site will be assessed in accordance with this policy and where planning permission is granted, it will be limited to the duration of the mineral site.'

66. The reasons for this policy are set out in paragraph 7.45 where it states that:

'... Any proposals will be regarded as ancillary development where the principal purpose of the ancillary development would be any purpose in connection with the operation of the mineral site; the treatment, preparation for sale, consumption or utilisation of minerals won or brought to the surface at that mineral site, or the storage or removal from the mineral site of such minerals, their products or waste materials derived from them. Policy 4 requires that ancillary development should be limited to the duration of the mineral site and that the impacts of proposed development will be assessed in accordance with Policy 4.'

67. Commentary: The principle of ancillary development at quarries is well established and appropriate ancillary development often constitutes 'permitted development'. Planning permission has previously been granted at Uttoxeter Quarry for ancillary development to import, stockpile and process waste glass (25,000 tonnes per year - 20 daily vehicle movements) to produce recycled aggregate blended with on-site derived mineral (ref: [ES.11/10/524 MW](#) dated 06 January 2012). The principle is not dissimilar, however, in this case, most of the limestone scalplings would be washed at Uttoxeter Quarry as a single product with a proportion of the washed limestone to be mixed with site-won sand and gravel to provide a range of products to be sold from the site. Vehicle movements would be significantly greater however than that related to the waste glass permission which expired on 30 November 2016.
68. As explained in the Introduction earlier, the current planning permission required the site to cease mineral extraction by 30 November 2016. However, the Planning Committee approved an application to extend the

cessation date to 30 November 2023 ('the 2016 application'), pending the completion of a Section 106 ('the 2016 Section 106'). The 2016 Section 106 is nearing completion. Meanwhile sand and gravel extraction has continued and is expected to cease by the end of 2022. In August 2022 the Planning Committee accepted a recommendation to permit an application for a northern extension to the quarry which would extend the life of the quarry for a further 3 years ('the 2021 application'), subject to the completion of the 2016 Section 106 and issue of the 2016 application, and subject to the completion a Section 106 ('the 2021 Section 106').

69. The wash plant would be situated adjacent to existing plant within the quarry and would operate in conjunction with existing operations carried out at the quarry. As such, the proposed operations would be similar in nature to already permitted operations. The proposed development can therefore reasonably be considered to be ancillary to the permitted operations, in that a proportion of the washed limestone may be blended with site-won sand and gravel and therefore, related to the treatment, preparation for sale, consumption or utilisation of minerals won or brought to the surface at Uttoxeter Quarry.
70. In accordance with MLP Policy 6 it is recommended that this ancillary development is limited to the life of the quarry.
71. Conclusion: Having regard to the relevant site-specific policies, it is reasonable to conclude that proposed development does constitute ancillary development and is acceptable principle, subject to outstanding quarry planning permissions being issued before the limestone scalpings permission is issued. The site-specific development plan policy considerations are discussed below.

Site-specific development plan policy considerations and other matters raised by consultees and in representations

72. Policy 4 of the Minerals Plan for Staffordshire in general seeks to minimise the impact of mineral development. Policy 4.1 states that:

'In assessing the impact of proposals for mineral development on people, local communities, and the environment, where relevant, the following environmental considerations will be taken into account (summarised as relevant):

- a) Noise
- b) Air quality
- e) Traffic on the highway network
- n) Water environment

- p) Cumulative effects from a single site, or from a series of sites in a locality.

73. Policy 4.2 of the Minerals Local Plan for Staffordshire states that:

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

74. Policy 4.3 of the Minerals Local Plan (Overall Assessment), states that:

'Having assessed the impacts of the proposals for mineral development and the mitigation and / or compensatory measures, permission will only be granted where it has been demonstrated that there are no unacceptable adverse impacts on human health, general amenity and the natural and historic environment, or the material planning benefits of the proposals outweigh the material planning objections.'

75. Paragraph 211(b) of the National Planning Policy Framework (NPPF) seeks to:

'ensure that there are no unacceptable adverse impacts on the natural and historic environment, human health or aviation safety, and take into account the cumulative effect of multiple impacts from individual sites and/or from a number of sites in a locality';

76. Commentary: In general, no objections have been raised by technical consultees to the proposed operations, subject to conditions. However, concerns have been received from a Local Member for the area, the local Parish Council (Uttoxeter Rural), the neighbouring Parish Councils along the original route between the two quarries, Ellastone, Denstone, Wootton and Mayfield, and in the individual representations regarding the impact of traffic to be generated by the proposals. The comments remained largely unchanged after a second round of consultation and notification in response to the further information submitted including a revised route and updated the Transport Assessment.

77. National Highways who are responsible for management of trunk roads have recommend conditions to control the number of traffic movements per day (59 in and 59 out), and to restrict the throughput of limestone scalpings to 200,000 tonnes per year.

78. Staffordshire County Council's Highways Development Control Team (on behalf of the Local Highway Authority) requested further information to support the submitted Transport Assessment (TA). The further information included the revised route which the Team found to be acceptable subject to a legal agreement which the applicant has accepted.

79. The further information also addressed other matters that had been raised by consultees and in representations received relating to the breakdown and analysis of trip generation, vehicle sizes and the opportunities for backhauling.
80. In terms of the temporary nature of the proposed operations (questioned by a Local Member), as explained in paragraph 68 above, an extension to the life of the quarry has been approved and it is recommended below that this permission be tied to the life of the quarry.
81. The main thrust of the representations relates to the impacts of HCV traffic movements using narrow roads, difficult bends and bridges along routes passing through local villages along the original route. As well as proposing a revised route to address those concerns, the applicant has confirmed a willingness to enter into a Section 106 legal agreement to follow the revised route.
82. The revised route does address the concerns raised by residents of Ellastone, Wootton and Rocester, and the Alton Towers resort as the quarry traffic would not pass through those villages. In respect to the village of Mayfield, the route would use the main A road (A52) through the village. The proposed change of route has resulted in a response from one resident withdrawing their objection and a response from JC Bamford who are minded to withdraw their objections subject to the routing plan being secured by a legal agreement.
83. Conclusion: Having regard to the site-specific development plan policies and the matters raised by consultees and representations referred to above, it is reasonable to conclude that, subject the conditions and Section 106 Legal Agreement recommended below, the proposed development would not give rise to any unacceptable site-specific adverse effects.

Need for a Section 106 Legal Agreement

84. Paragraph 55 to the NPPF explains that:

'local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition'.
85. Paragraph 57 to the NPPF explains that:

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

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

86. These are also legal tests by virtue of the [Community Infrastructure Levy Regulations 2010](#) ([regulation 122](#)). The 2010 Regulations also prevent the use of a planning obligation to fund infrastructure if a Community Infrastructure Levy (CIL) has been adopted in the area ([regulation 123](#)). East Staffordshire Borough Council have not yet adopted a CIL Community Infrastructure Levy (CIL).
87. Commentary: It is recommended that the following undertakings to the manage Heavy Commercial Vehicle (HCV) routing on the public highway and driver behavior be secured by a Section 106 Legal Agreement (S106). The reasons why the undertakings meet the tests referred to above are explained below:
 - a) Heavy Commercial Vehicles (HCVs) associated with the transport of limestone scalpings shall use the 'specified route' (except in case of emergencies);
 - b) Notices showing the specified route shall be displayed on site;
 - c) All drivers (including any employees or contractors) associated with the transport of limestone scalpings shall be instructed to act in a considerate manner towards other road users and shall avoid driving over roadside verges;
 - d) All HCV drivers associated with the transport of limestone scalpings shall be reminded about the instruction in 3 above at regular intervals;
 - e) A condition shall be included in contracts with HCV companies associated with the transport of limestone scalpings to require their HCV drivers to use the specified route only (except in an emergency) and to require their HCV drivers to act in a considerate manner towards other road users and to avoid driving over roadside verges;
 - f) Any HCV driver associated with the transport of limestone scalpings who is found not to be using the specified route (except in an emergency situation), shall be subject to disciplinary action (in so far as the law permits). The disciplinary action shall include:
 - A verbal warning (first instance)

- A written warning and ban for three working days (second instance)
- A final written warning and a ban for one month (third instance)
- A permanent ban (fourth instance)

88. These undertakings would ensure that HCVs accessing and/ or egressing the application site would do so via the specified route and in a manner that would minimise the potential adverse environmental, highway safety and amenity impacts, in accordance with the MLP (Policy 4) and the NPPF (Sections 9 and 17).
89. Conclusion: Having regard to the policies and guidance referred to above, it is reasonable to conclude that the undertakings referred to above to be secured by a S106 are necessary; directly relate to the development; and are fairly and reasonably related in scale and kind to the proposed development.

Overall Conclusion

90. Overall, as an exercise of judgement, taking the relevant up-to-date development plan policies as a whole and having given consideration to the application, the supporting and environmental information, including the information subsequently received, the consultee comments, the representations and the other material considerations, all referred to above, it is reasonable to conclude that the proposed development accords with the development plan and as such represents sustainable development, and there are no clear and convincing reasons to indicate that the application for planning permission should not be permitted.

Recommendation

Permit the proposed development for the importation and temporary storage of limestone scalpings with the erection and use of an aggregate washing plant subject to:

- a) The applicant first completing the Section 106 Legal Agreement to allow the 2016 planning permission ref. ES.16/15/524 MW to be issued.
- b) The applicant and all other persons with a relevant interest in the land (for the purposes of Section 106 of the Town and Country Planning Act 1990) signing a Section 106 Legal Agreement - the heads of terms to include those listed below; and,
- c) Conditions including those listed below.

The **Section 106 Legal Agreement** heads of terms to include:

1. Heavy Commercial Vehicles (HCVs) associated with the transport of limestone scalpings shall use the 'specified route' (except in case of emergencies);
2. Notices showing the specified route shall be displayed on site;
3. All drivers (including any employees or contractors) associated with the transport of limestone scalpings shall be instructed to act in a considerate manner towards other road users and shall avoid driving over roadside verges;
4. All HCV drivers associated with the transport of limestone scalpings shall be reminded about the instruction in 3 above at regular intervals;
5. A condition shall be included in contracts with HCV companies associated with the transport of limestone scalpings to require their HCV drivers to use the specified route only (except in an emergency) and to require their HCV drivers to act in a considerate manner towards other road users and to avoid driving over roadside verges;
6. Any HCV driver associated with the transport of limestone scalpings who is found not to be using the specified route (except in an emergency situation), shall be subject to disciplinary action (in so far as the law permits). The disciplinary action shall include:
 - A verbal warning (first instance)
 - A written warning and ban for three working days (second instance)
 - A final written warning and a ban for one month (third instance)
 - A permanent ban (fourth instance)

The conditions to include:

Definition of the Consent

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

Commencement

2. To require the commence of the development within 3 years of the date of the planning permission and to require notice of the date when the development is first brought into use.

Waste Types

3. To specify that no waste material should be treated or stored at the site

Dates for Cessation of Development, Restoration and Expiry of the Permission

4. To require the importation of limestone scalpings to cease no later than the cessation date for mineral extraction.
5. To require the restoration of the site, including the removal of all plant and associated equipment and stockpiles in accordance with the approved Restoration and Aftercare Scheme programme for the quarry.
6. To define the expiry of the permission to be when the restoration and aftercare of the site has been completed in accordance with the latest approved Restoration and Aftercare Scheme for the quarry.

Detailed requirements

7. To require the submission of details of the washing plant and implementation of approved details.

Management of Site Operations

Hours of Operation

8. To limit the operation of the washing plant to:
 - 07:00 and 18:00 Monday to Fridays (not including Bank or Public holidays); and,
 - 07:00 and 13:00 on Saturdays.

Importation of Limestone Scalpings

9. To limit the import of limestone scalpings to 200,000 tonnes per year.

Site Access and Traffic Movements

10. To limit HCV traffic movements to a maximum of 59 movements in and 59 movements out per full working day.
11. To define the access to be used by HCVs.
17. To require all HCVs to turn left when leaving the Site.
13. To require that no vehicle associated with the development leaves the Site whereby mud, dirt or deleterious material is deposited on the public highway.

14. To require loaded HCVs entering or leaving the site to be sheeted.

Environmental Management

Water

15. To require the development to be carried out in accordance with the Flood Risk and Drainage Strategy and the Current and Proposed Water Management Document.

Noise

16. To require the operations to comply with the noise limits for the quarry.
17. To specify the use of reversing alarms and horns.

Air

18. To require the operations to comply with the air quality and dust management measures for the quarry.

Record Keeping

19. To require records to be kept and made available to the MPA of the HCV movements, the quantities of limestone scalpings imported to the site, the operating hours, and any complaints and remedial actions taken.

Case Officer: Graham Allen
tel: (07866) 912690
email: graham.allen2@staffordshire.gov.uk

The list of background papers for this report is available on request by email sent to planning@staffordshire.gov.uk.

Appendix 1 – Relevant Planning History

- [ES.23992/01](#) dated 05 June 2000 – for the winning and working of sand and gravel. This planning permission allowed the extraction of 4.8 million tonnes of sand and gravel over a period of 12 years (until 31 December 2012).

A Section 106 Legal Agreement (S106) - dated 1 June 2000 accompanied the permission ref: ES.23992/01 and this included undertakings for off-site highway works in association with creation of an access onto the B5030 and extended aftercare for nature conservation afteruses.

- [ES.05/10/524 M](#) dated 20 October 2005 – for change of use to permit the importation of 20,000 tonnes (approx.) of as-dug sand and gravel for stockpiling, processing and subsequent sale over a temporary period of 12 weeks.
- [ES.05/13/524 M](#) dated 14 November 2005 – to not comply with conditions 6, 29 and 44 of planning permission ES.23992/01 to change the phasing method working from wet to dry and to revise the restoration of the site.
- [ES.06/29/524 M](#) dated 19 October 2006 – to erect 5 aggregate storage bays and to permit the importation of type 1 granite.
- [ES.06/31/524 M](#) dated 22 December 2006 – for installation of replacement sand plant.
- [ES.06/34/524 M](#) dated 23 April 2007 – for the erection of 5 aggregate storage bays, the importation, storage, and stockpiling of type 1 aggregate, building sand and bagged cement and direct sales off-site of aggregated, building sand, bagged cement and surplus topsoil.
- [ES.07/02/524 M](#) dated 19 February 2007 – for installation of additional office cabin
- [ES.08/02/524 M](#) dated 31 July 2009 – to extend Uttoxeter Quarry to the north to extract approximately 200,000 tonnes of sand and gravel.
- [ES.09/05/524 M](#) dated 23 December 2010 – to extend Uttoxeter Quarry (Dove extension), to extract approximately 3 million tonnes of sand and gravel with restoration to agriculture and water-based recreation and nature conservation.
- [ES.09/09/524 M](#) dated 29 October 2009 – for erection of 5 aggregate storage bays, the importation, storage and stockpiling of aggregates, building sand and bagged cement and surplus topsoils.
- [ES.11/10/524 MW](#) dated 06 January 2012 – to import, stockpile and process waste glass to produce a recycled aggregate.
- [ES.11/13/524 MW](#) dated 13 December 2011 – to vary conditions 1, 2, 8, 9, 10, 32, 38, 39 and 42 of planning permission ES.09/05/524 M.
- [ES.16/15/524 MW](#) – reported to County Council Planning Committee 16 December 2016 (Permitted subject to signing of S106 legal agreement – not yet completed).
- [SCC/21/0025/FULL-ES](#) – reported to County Council Planning Committee on 04 August 2022 (Permitted subject to signing of S106 legal agreement – not

Return to Relevant Planning History

Appendix 2: Summary of the findings of the Environmental Statement

Section 1 – Introduction

This section sets out the context of the planning application and provides details concerning the applicant and project team for the preparation of environmental statement (ES) and sets out the summary context of the application and site history.

Section 2 – Site Appraisal

This section describes the application site, its location and setting.

Section 3 – Description of Development

This section describes the proposed development to erect a wash plant at Uttoxeter Quarry and explains the operations involved in transporting limestone scalpings from Cauldon Low Quarry, the washing process, traffic movements, operating hours, employment and a summary for foul drainage and utilities.

Section 4 – Planning Policy Context

This section sets out relevant policy in the Development Plan which consists of the Minerals Local Plan for Staffordshire (2015 to 2030), the East Staffordshire Borough Local Plan (2012 – 2031) and Uttoxeter Neighbourhood Plan (2012 – 2031). Material considerations are referenced including the National Planning Policy Framework (the NPPF). Having regard to the proposals, the Development Plan and other material considerations, this section lists the key policy considerations for the application.

Section 5 – Environmental Impact Assessment

This section explains the need for the environmental impact assessment and introduces the main environmental considerations for the proposals.

Section 6 – Alternatives

This section sets out the approach to consideration of alternatives to the proposal. It concludes that the proposals, as submitted, represent the preferred option and a 'do nothing' option would result in the limestone scalpings remaining unwashed and their potential use as a secondary aggregate would be lost.

Section 7 – Transport

This section sets out the policy context and the potential for impacts and baseline conditions which have been assessed within a Transport Assessment (TA) which is included as an appendix to the ES.

The TA focuses on highway capacity and road safety. It considers the proposed development in the context of existing site operations and non-site traffic and concludes that the impacts would not be 'severe'. The ES concludes overall that the proposed development and site operations would not have unacceptable direct or indirect impact on the population and human health, biodiversity, land, soil, water, air and climate, material assets, cultural heritage and the landscape or the interaction between these factors in accordance with the EIA Regulations.

Additional Information

In response to comments from National Highways and the Staffordshire County Council's Highways Development Control Team (as the Local Highway Authority), and in response to representations, additional information was submitted to update the Transport Assessment based on a revised route between the quarries (Uttoxeter Highways Comments prepared by AECOM). The additional information also included clarification about HCV backhauling, the size of HCV vehicles and trip generation.

Further consultation on the additional information was carried out and conditions were recommended by consultees. The applicant has also confirmed a willingness to enter into a legal agreement to secure the revised route for HCVs between the quarries.

Section 8 – Noise

This section considers the potential for significant noise effects associated with the proposed development. It sets out the policy context, the baseline conditions, and the potential for impact.

As the proposed wash plant is to be located adjacent to existing aggregate processing plant and remote from any noise sensitive dwellings, the noise contribution from the plant is concluded to be negligible. It is concluded overall that the proposed development would not give rise to levels of noise which would exceed the existing noise limits set at sensitive receptors and would not give rise to unacceptable levels of noise which could adversely affect nearby receptors or the surrounding environment and in terms of noise, would not have any unacceptable direct or indirect impacts on population and human health, biodiversity, land, soils, water, air and climate, material assets, cultural heritage and the landscape, or the interaction between these factors in accordance with the EIA Regulations.

Section 9 – Air Quality and Dust

This section considers fugitive dust emissions and mitigation. Its sets out the policy context, the baseline conditions and potential for impact.

The proposed washing process is a wet process and the potential for impact is considered to be 'very low', though the movement of HCVs across the site and the manoeuvring of aggregate to and from the wash plant, together with the loading and unloading of vehicles has the potential to generate dust, as does as dust generated from stockpiles of aggregate within the site. The proposed development would be carried out in accordance with the site's existing air quality and dust management measures set out within the approved dust management scheme. Given that the effective mitigation measures employed at the quarry would continue to be employed, it is concluded that no significant effects in terms of air quality or dust would result from the proposals and overall, in terms of air quality and dust, the proposed development and operations would not have an unacceptable direct or indirect impacts on population and human health, biodiversity, land, soils, water, air and climate, material assets, cultural heritage and the landscape, or the interaction between these factors in accordance with the EIA Regulations.

10 – Flood Risk and Drainage

This section considers the potential effects of the proposed development on the flood risk and surface water drainage within and surrounding the site. It sets out the policy context, the baseline conditions and the potential for impact. In support of the application, a Flood Risk and Drainage Strategy is included as an appendix to the ES.

The wash plant location lies in Flood Zone 1, but close to Flood Zone 2. The risk of groundwater flooding occurring at the natural ground surface at the site is expected to be 'high', particularly in areas which are close to the River Tean, given the shallow groundwater table, though it is not considered to pose a risk to the site or its operations. It is considered that there is a residual risk from reservoir flooding to the wash plant, though the risk of a reservoir failure resulting in the loss of life is assessed as being 'very low'.

The proposed wash plant would have a negligible footprint and would be sited on compacted ground with most of the plant on raised supports and would not result in an increase in the impermeable area within the site and material stockpiles would be located along with other stockpiles. It is considered that the proposals would not impact on the current flood risk status of the site and the future flood risk from all sources is concluded to be 'low'.

The proposed development would not result in any changes to surface water drainage from the application site. Surface water is currently monitored at Uttoxeter Quarry, including the discharge point into the River Tean and monitoring ensures that the on-site activities do not adversely affect the surface water within

the quarry surface water bodies, the River Tean or watercourses downstream of the site, including the River Dove.

The Flood Risk and Drainage Strategy concludes that the proposed development would not impact on the current flood risk status or the future flood risk from all sources and would not have an unacceptable effect on surface water drainage within or within the vicinity of the site and overall in terms of flood risk and surface water drainage, the proposed development and operations would not have unacceptable direct or indirect impacts on population and human health, biodiversity, land, soils, water, air and climate, material assets, cultural heritage and the landscape, or the interaction between these factors in accordance with the EIA Regulations.

Additional Information

In response to comments from the Environment Agency and the Staffordshire County Council's Flood Risk Team (as the Lead Local Flood Authority), the applicant accepted a condition recommended by the County Flood Risk Team to comply the submitted Flood Risk and Drainage Strategy.

11 – Landscape and Visual Impact

This section considers the potential for landscape and visual impacts and sets out the policy context, the baseline conditions and potential for impact.

The site does not fall within any areas or designations which seek to conserve or enhance areas or features of landscape interest. Views of the proposed site area from visual receptors outside that site are limited by seeded bunds and perimeter vegetation. Public rights of way run close to the application site that do have views into the site. It is considered that the only change in terms of potential effects on landscape character and visual receptors would be of the wash plant and stockpiles.

In terms of landscape and visual impact, it is concluded that the proposed development and operations would not have an unacceptable direct or indirect impact on the landscape and overall, in landscape terms, would not have an unacceptable direct or indirect impact on population and human health, biodiversity, land, soils, water, air and climate, material assets, cultural heritage and the landscape, or the interaction between these factors in accordance with the EIA Regulations.

12 - Ecology

As the site is an existing quarry and the proposed wash plant would be sited within the current mineral processing area and no other changes are proposed, it is concluded that the proposed development would not have an unacceptable impact on the ecology of the site or local area and overall, in terms of ecology and nature conservation, would not have an unacceptable direct or indirect impacts on

population and human health, biodiversity, land, soils, water, air and climate, material assets, cultural heritage and the landscape, or the interaction between these factors in accordance with the EIA Regulations.

13 – Public Rights of Way

This section considers the potential for significant effects on the Public Rights of Way (PROW) that lie within and close to the site and sets out the policy context, the baseline conditions and potential for impact.

Sections of PROW Uttoxeter Rural 89 and Uttoxeter Rural 84 lie to the west of the site. On the southern side of the River Tean, lie Uttoxeter Town 34 and Uttoxeter Town 38, the latter of which runs through the centre of the application area along the River Tean. In the east of the application site run footpath Uttoxeter Town 38 joins footpaths Uttoxeter Rural 28(a), Uttoxeter Town 39 and Uttoxeter Town 35 which form a north and south route running through both operational and restored areas of the wider quarry.

No PROW would be required to be diverted and only glimpsed views of the proposed wash plant would be gained from surrounding footpaths. Overall, in terms of public rights of way, it is concluded that the proposed development would not have an unacceptable direct or indirect impact on population and human health, biodiversity, land, soils, water, air and climate, material assets, cultural heritage and the landscape, or the interaction between these factors in accordance with the EIA Regulations.

14 – Climate Change

This section considers the potential effects of climate change and sets out the mitigation measures proposed to minimise the likelihood of significant environmental effects. It also considers how the proposed development can minimise its contribution towards climate change through reducing emissions and energy consumption. It sets out the policy context, the baseline conditions and potential for impact.

It is assessed that the development proposals for the wash plant would not impact on the current flood risk status of the site and the future flood risk from all sources is concluded to be 'low'.

In terms of transportation of limestone scalings from Caldon Low Quarry to Uttoxeter Quarry, it is not possible to transport materials using sustainable modes of transport, for example rail or water. However, where HCVs deliver limestone scalings, they would back haul loads as far as possible so that either site-won sand and gravel or washed limestone/ silt material would be collected and transported to customers minimising the number of empty vehicles leaving the site and reduce HCV numbers as far as practicable. All mobile plant and machinery would be regularly serviced, maintained and switched off when not in use. In terms of vehicles and emissions, since the Euro VI emission standards came into force in

2014, all vehicles supplied after September 2014 must comply with the Euro VI requirements. The applicant has been strategically replacing HCVs older than 2014 within the fleet at Uttoxeter Quarry.

It is concluded in terms of meeting the challenge of climate change, that the proposed development and operations would not have an unacceptable direct or indirect impact on population and human health, biodiversity, land, soils, water, air and climate, material assets, cultural heritage and the landscape, or the interaction between these factors in accordance with the EIA Regulations.

15 – Cumulative Impact Assessment

This section considers the cumulative impact of the proposed development and sets out the policy context, baseline conditions and potential impact. The impacts that development could potentially have on the site and surroundings have been assessed throughout the ES and associated technical appendices.

It is concluded that no sites or developments that were considered likely to result in a significant cumulative impact with the proposed development site were identified and therefore considered that significant cumulative impacts with other developments would be 'most unlikely' and overall, given the location of the site and the conclusions of the individual topic areas, it is also anticipated that significant in-combination effects from the proposed development would be 'most unlikely'.

16 – Conclusions

Overall, the findings of the ES conclude that the proposals are environmentally acceptable and support the economic, social and environmental roles of sustainable development required in the NPPF and accords with the Development Plan.

The additional information has not changed the overall findings of the ES.

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

Appendix 3 - The development plan policies (and proposals) and the other material planning considerations, relevant to this decision

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
- Policy 4.6: Ancillary development

- Policy 6: Restoration of Mineral Sites
- Strategic Objective 1 (The sustainable economic development of minerals)
- Strategic Objective 2 (Acceptable locations for mineral sites)
- Objective 3 (Operating to high environmental standards); and,
- Strategic Objective 4 (Restoration that enhances local amenity and the environment)

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

[Staffordshire and Stoke-on-Trent Joint Waste Local Plan \(2010 – 2026\)](#)
(adopted 22 March 2013):

- Policy 1: Waste as a resource
 - Policy 1.1 General principles
 - Policy 2.3 (Broad locations)

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

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

- Principle 1 - Presumption in Favour of Sustainable Development;
- Policy SP1 - Approach to Sustainable Development;
- Policy SP24 - High Quality Design;
- Policy SP27 - Climate Change, Water Body Management and Flooding;
- Detailed Policy 1 - Design of New Development; and,
- Detailed Policy 7 - Pollution and Contamination.

[Uttoxeter Neighbourhood Plan](#) (2012 – 2031) (Made March 2017)

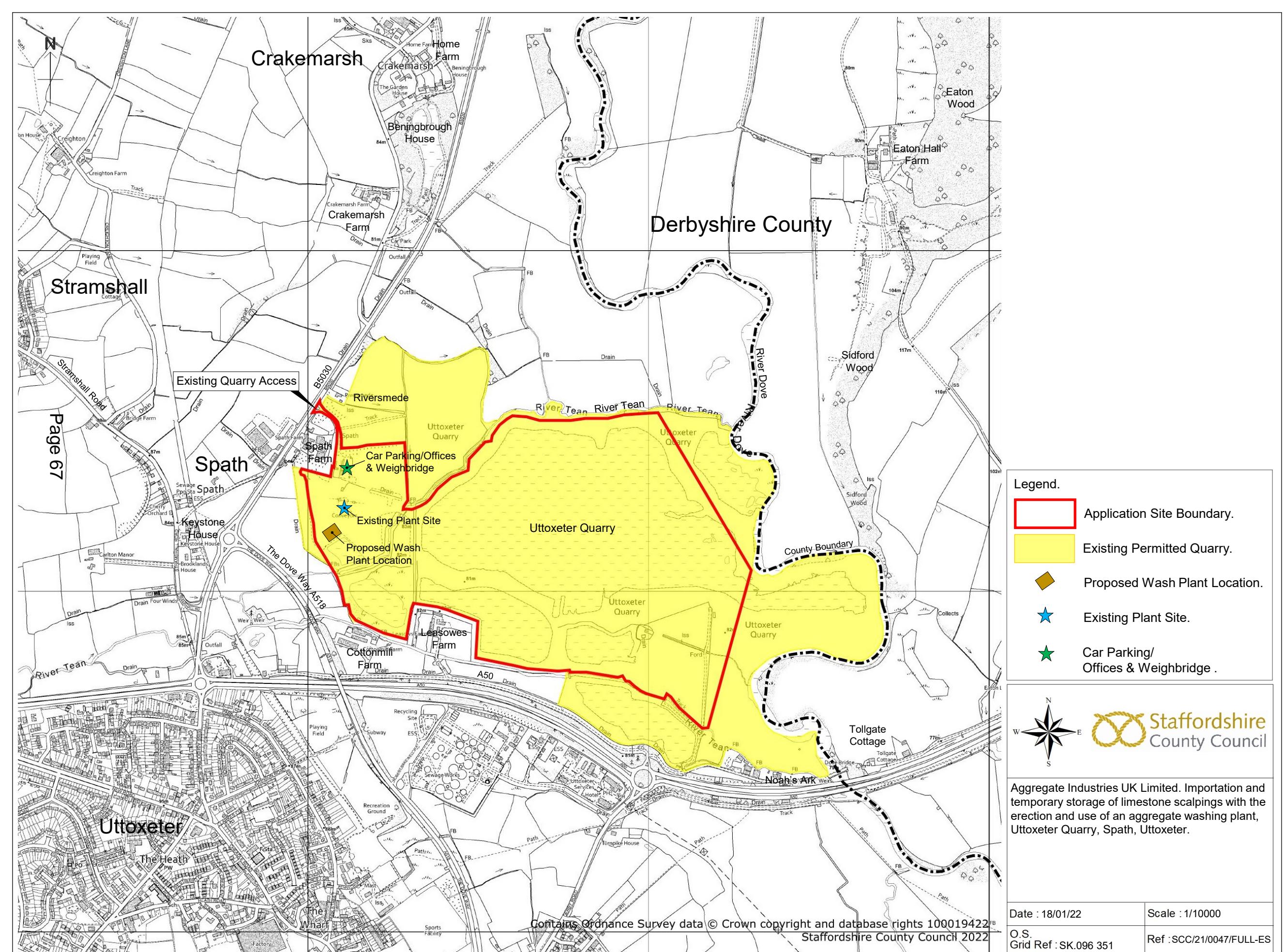
- Policy E2 – Landscape and Setting;

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 6](#): Building a strong, competitive economy
 - [Section 8](#): Promoting healthy communities
 - [Section 9](#): Promoting sustainable transport

- [Section 11](#): Making effective use of land
- [Section 12](#) Achieving well-designed places
- [Section 14](#): Meeting the challenge of climate change, flooding and coastal change;
- [Section 17](#): Facilitating the sustainable use of minerals
- [Planning Practice Guidance](#)
 - [Design](#)
 - [Environmental Impact Assessment](#)
 - [Flood risk and coastal change](#)
 - [Health and wellbeing](#)
 - [Light pollution](#)
 - [Minerals](#)
 - [Natural environment](#)
 - [Neighbourhood planning](#)
 - [Noise](#)
 - [Planning obligations](#)
 - [Transport evidence bases in plan making and decision taking](#)
 - [Travel Plans, Transport Assessments and Statements](#)
 - [Use of planning conditions](#)
 - [Waste](#)
 - [Determining planning applications](#)
 - [Regulatory regimes](#)
 - [Water supply, wastewater and water quality](#)
- [National Planning Policy for Waste](#) (published on 16 October 2014)
 - Determining planning applications (paragraph 7)
 - Appendix A - the waste hierarchy – in descending order - prevention; preparing for re-use; recycling; other recovery; disposal
 - Appendix B – locational criteria:
 - a) protection of water quality and resources and flood risk management
 - b) land instability
 - c) landscape and visual impacts
 - d) nature conservation
 - e) conserving the historic environment
 - f) traffic and access
 - g) air emissions
 - h) odours
 - i) vermin and birds
 - j) noise, light and vibration
 - k) litter
 - l) potential land use conflict

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





Local Member

Councillor S. Thompson	Cannock - Cannock Villages
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Planning Committee 01 December 2022

Waste County Matter

Application No (District): [SCC/22/0021/VOC-ES](#) (Cannock Chase)

Applicant: Biffa Waste Services Ltd ('Biffa')

Description Application to vary conditions 2 (approved plans), 3 (finished levels) and 23 (restoration and aftercare) of permission [CH.446/88](#) (as amended by [CH.446/88/721 MW D10](#) (revised restoration scheme) and [CH.446/88 PWA \(4\) D3](#) (phasing)) to relocate landfill void space, to revise the restoration profile and surface water management, and to update the phasing of the operations.

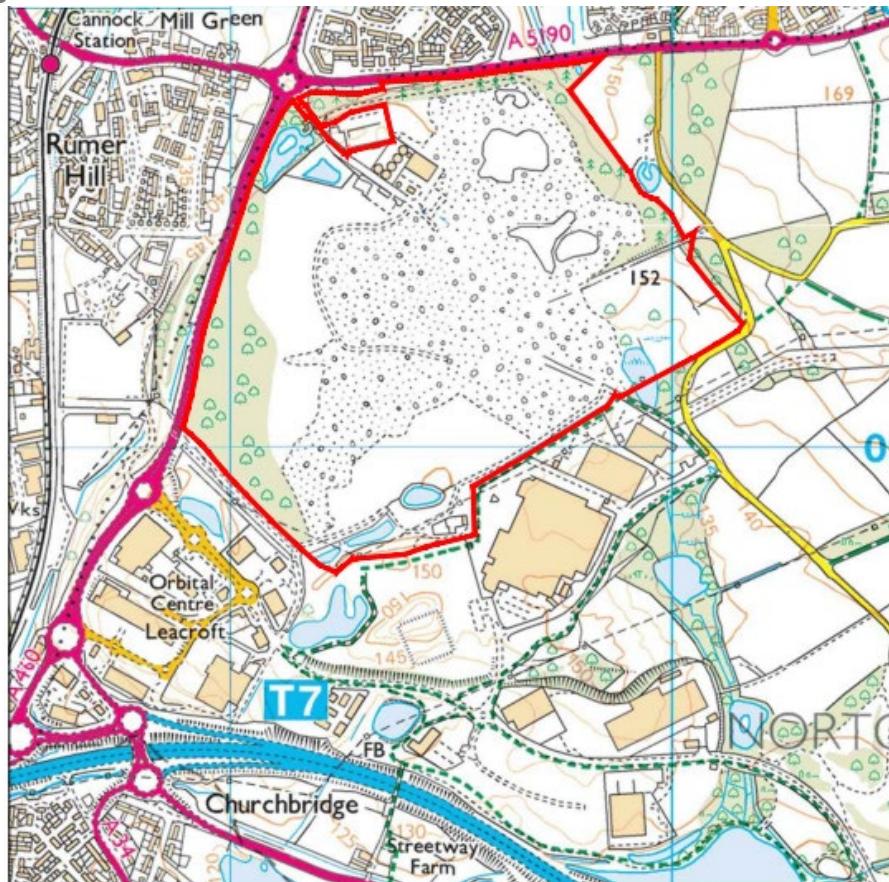
Location: Poplars Landfill Site, Lichfield Road, Cannock, WS11 8NQ

Background/Introduction

1. The Poplars Landfill site has been operating since the mid 1970's, originally as a County Council facility and since 1999 under lease to Biffa Waste Services Ltd in accordance with a permission issued in 1989 (ref: CH.446/88). This application seeks to amend the approved plans; to relocate landfill void space, to revise the restoration profile and surface water management, and to update the phasing of the operations.
2. Additional information and revisions to the plans have been submitted to address matters raised by the consultees and a neighbouring business.

Site and Surroundings

3. Poplars Landfill Site is located to the south-east of Cannock (approximately 1.8 kilometres), and to the north-west of Norton Canes (approximately 1.8 kilometres).



Location Map

4. The Cannock Household Waste Recycling Centre, Anaerobic Digestion (AD) facility and municipal collection depot are located within the landfill site boundary.
5. The landfill site is surrounded by a mix of residential, business/commercial uses including on:
 - Lichfield Road (to the north of the site);
 - Sparrowhawk Way; Peregrine Way and Nuthatch Close (to the north of the Lichfield Road (A5190))
 - Designer Outlet West Midlands (to the northwest of the site)
 - Oxford Green and Oxford Road (to the west of the A460)
 - Orbital Centre (Orbital Way)
 - Kingswood Lakeside (to the south of the site including Cley Road and Hickling Road).
 - the M6 Toll (to the south of the site)
6. The site is accessed via an existing arm off the A5190 (Lichfield Road)/A460 (Eastern Way) roundabout and an existing internal site road.
7. The landfill site is the South Staffordshire Green Belt.

Summary of Proposals

8. The proposal is to revise the approved plans to allow landfilling to take place in the south-east corner of the site rather than the northern part of the site. The relevant areas are shown on the [Current and Proposed Phasing plan](#) (Dwg No. BF5044/12/03).



Current and Proposed Phasing plan

9. Non-hazardous waste would be deposited on the land in the south-east corner of the site (adjacent to the Hickling Road). This is shown in 'orange' on the above plan and in the photograph below (taken on 23/3/22)).

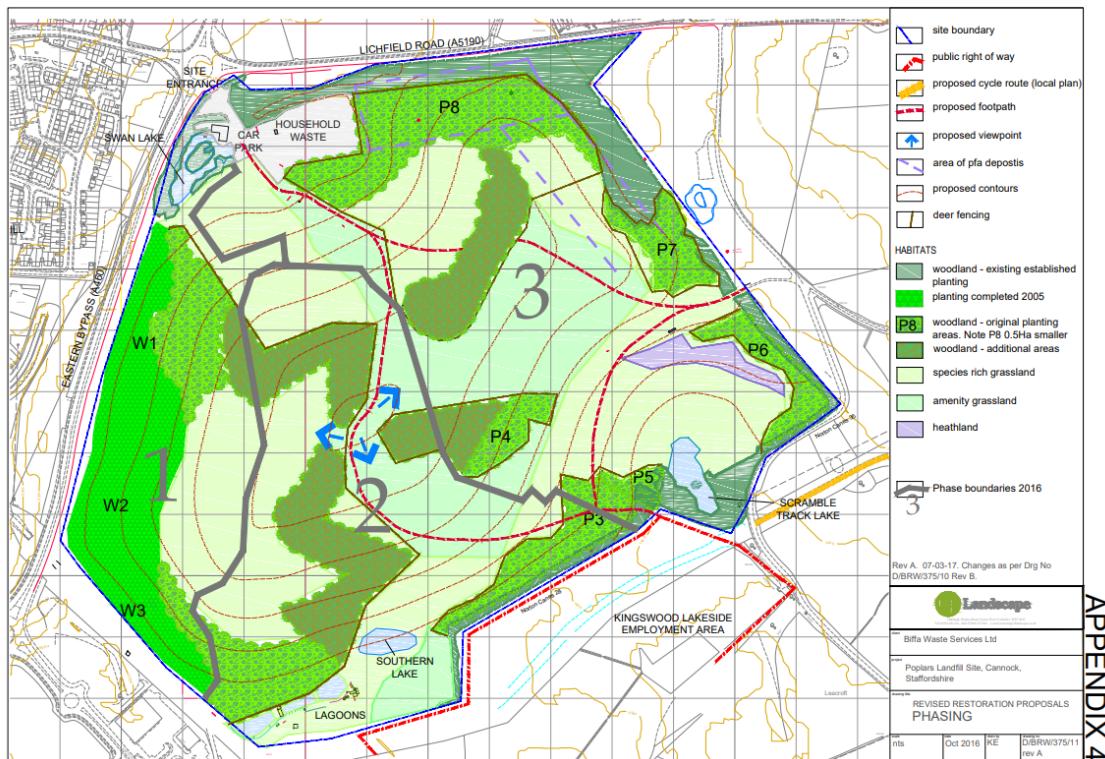


10. Biffa are proposing not to deposit waste in the northern phase of the site (the land adjacent to the Lichfield Road). This area would be graded using inert material to tie into surrounding levels. This is shown in 'yellow' on the Current and Proposed Phasing plan above and in the photograph below.
11. Biffa are currently landfilling the area shown in green on the above plan and in the photograph below.

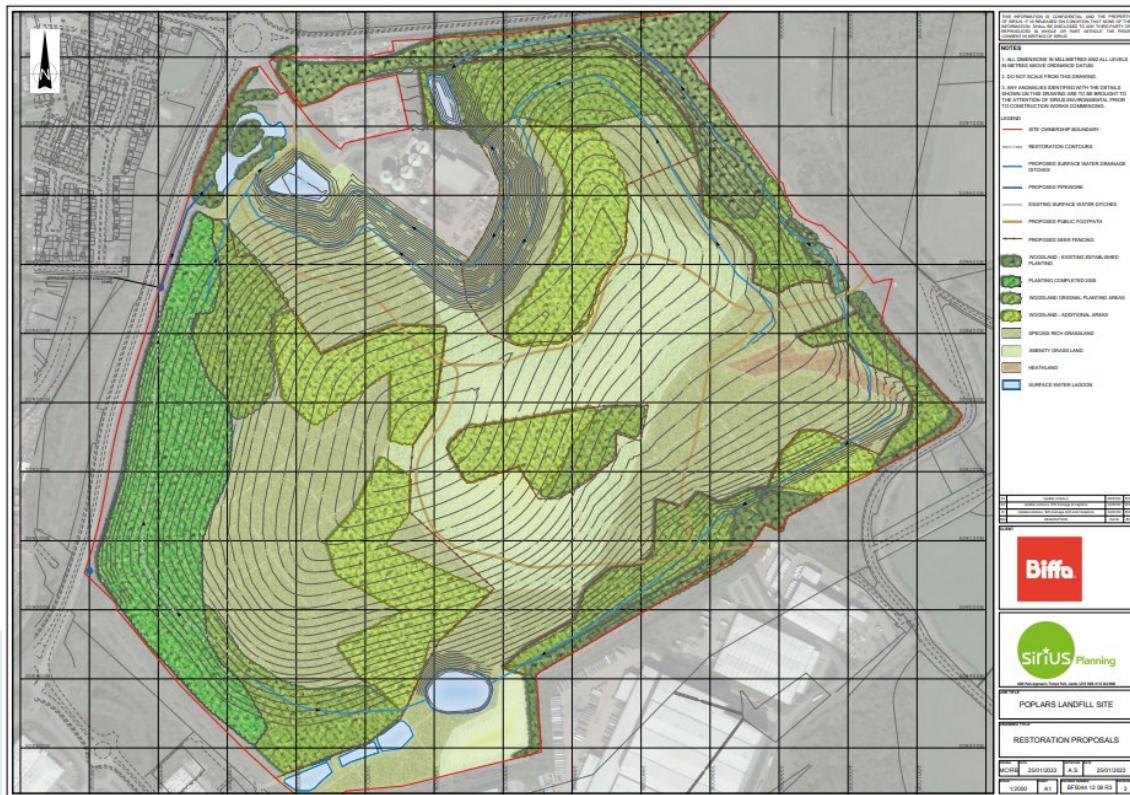


12. Due to the changes to the site, there is also a need to update the phasing and restoration plans.
13. A review of the phasing and restoration plans is required as the latest review was approved in July 2020 (ref. [CH.446/88 PWA \(4\) D3](#)). The Current and Proposed Phasing plan shows the revised direction of infilling.
14. Condition 23 of permission ref. [CH.446/88](#) requires the submission of a scheme for the progressive restoration, landscaping and aftercare of each

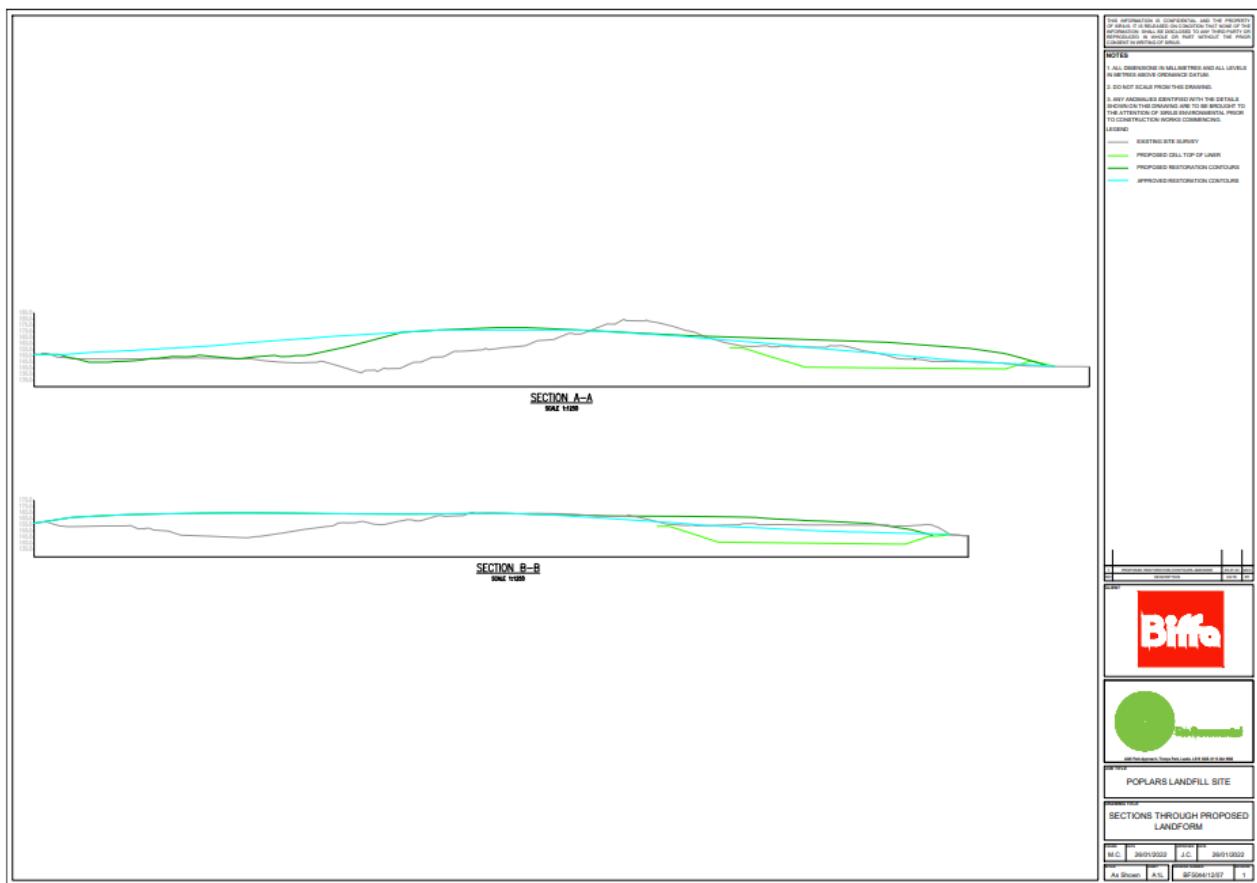
phase of the site (the latest scheme was approved in July 2017 (ref.[CH.446/88/721 MW D10](#)). The latest approved plan is shown below.



15. A plan has been submitted showing the revised restoration proposals for the site.



16. A plan has also been submitted showing the cross sections of the proposed restoration profile compared to the approved restoration profile. The plan shows the approved contours (blue line) and the proposed contours (dark green line). [The location of the cross sections is shown on the Sections Location Plan].



17. A surface water management scheme has also been submitted with the application.
18. Biffa have estimated that the site would provide approximately 9-years of void capacity (2031), and on completion of the non-hazardous waste tipping, approximately 10-years would be required to import soils and restore the landfill and to implement the scheme of restoration landscaping and aftercare (2041).
19. The application is accompanied by a number of documents and plans including
- Environmental Statement and Non-Technical Summary
 - Planning Statement
 - Statement of Community Involvement
 - Great Crested Newt Survey Report
 - Flood Risk Assessment
 - Surface Water Drainage Calculations

- Maintenance for the Surface Water Management Scheme
- Current and Proposed Phasing
- Pre-Settlement Contours and Post Settlement Contours plans
- Sections through proposed landform
- Restoration Plan
- Proposed Catchment Areas plan
- Proposed Surface Water plan

The Applicant's Case

20. The applicant has indicated that the void swap would reduce the potential for adverse effects to amenity for residents living along Lichfield Road. The proposal involves revisions to the restoration profile, amendment so the scheme of phasing and revisions to the scheme of surface water management. No other amendments are being proposed.
21. The applicant has indicated that the proposal would not result in a net loss/gain in overall void. The remaining landfill void capacity is approximately 3.9 million cubic metres and approximately 1.5 million cubic metres of the total void would be swapped from the north of the site to the south.
22. The supporting information also includes an estimate for the remaining void capacity at the site (9 years) and for the import soils, restore the landfill and to implement the scheme of restoration landscaping (approximately 10 years).
23. The applicant has indicated that the potential impacts have been fully assessed and where appropriate mitigated as a part of an iterative review process and through careful consideration of process management, abatement techniques and landscape design.
24. The applicant also considers there are no residual impacts which are significant in terms of intensity or characteristics.

Relevant Planning History

25. Planning permission of the landfill was granted on 17 July 1989 (ref. [CH.446/88](#)). This permission was for the 'Reclamation of the partly restored opencast site by controlled landfill using domestic, commercial and industrial wastes, earth, hardcore and similar materials, including 50 tonnes per annum of special waste at The Poplars, Cannock'.
26. [Appendix 1](#) lists the other planning permissions granted at the site.

Environmental Impact Assessment (EIA)

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

Findings of Consultations

Internal

28. **Environmental Advice Team** (EAT) – no objections, subject to conditions.

The EAT reviewed the application and commented as follows:

- a) Ecology – a great crested newt (GCN) survey was submitted which did not include a data search from Staffordshire Ecological Record (this would have shown a GCN record from the north of the site) or eDNA testing of the pond and site photographs appear to indicate that the margins of the pond are at least partly inaccessible. The survey concluded that GCN's are likely to be absent from the site, however, the County Ecologist had concerns. The County Council Ecologist recommended the submission of a reasonable avoidance measures method statement for GCNs or a certificate of participation in the District Level Licence Scheme. A GCN Method Statement was submitted, and the County Ecologist was satisfied with the information.
- b) Landscape – where working Phase C2 (A to C) would be restored, the proposed contours create an un-natural looking landform along the southeast corner and the section shows the proposed landform over this area to gently decrease in height before a steep drop towards the boundary. A gentler slope closer to the boundary would be preferable, however it is stepped back from the edge of the site, so local visual impact would be reduced. The existing planting to the south east also helps to mitigate visual impact of the proposed gradient and woodland planting around this area will soften the view of the restored landform. The proposed slope adjacent to the AD Facility is very steep and would benefit from some tree and shrub cover to stabilise the soil. If physical planting of whips is not possible, hydroseeding with a suitable species mix would be an alternative solution. A detailed restoration plan should be required and should include details of the planting scheme, maintenance and aftercare.
- c) Archaeology / Historic Environment - given the nature of the proposals and the developmental history of the site we do not wish to raise any archaeological/historic environment issues.
- d) Public Rights of Way - the application correctly identifies Public Footpath No. 28 Norton Canes Parish which runs alongside the southern site boundary. The development does not appear to directly affect the right of way. The applicant should be made aware that planning permission does not construe the right to divert, extinguish or obstruct any part of the public path. (Informative 2).
- e) Tree protection – no concerns.

29. EAT have also provided comments in relation to the existing conditions and recommend additional conditions:
- Condition 21 requires the submission of a scheme for the maintenance and management of the pond off Norton Lane. The management should cover all restored areas in the form for a restoration and habitat management plan.
 - Condition 23 requires the submission of a scheme for the progressive restoration, landscaping and aftercare of each phase of the site within 3 months of the commencement of each phase of filling. An overall scheme for the site should be submitted.
 - Condition 25 requires all the existing landscaping measures on the site not to be disturbed unless suitable alternative measures are approved. The wording of the condition should be updated.
- Additional conditions:
- To require approval of any new lighting
 - To require pre-commencement checks for badgers and ground nesting birds
 - To require the submission of reasonable avoidance measures for newts, birds and badgers as part of a Construction Environmental Management Plan (Ecology) (CEMP Ecol).
30. **Highways Development Control** (on behalf of the Highways Authority) (HA) – no objections. The HA reviewed the information submitted and the existing planning permission and has stated that conditions 5, 6 and 7 remain relevant and an amendment in relation to condition 22 is required to ensure that the wheel wash is provided and used by all vehicles leaving the site.
31. **Planning Regulation Team (Regulation Team)** – no comments.
32. **Noise Engineer** - no objections subject to a condition to ensure that noise attributable to the operations does not exceed an equivalent continuous noise level LAeq (1 hour) of 55 dB during the daytime operating hours at any noise sensitive properties.
33. **Flood Risk Management Team (FRMT)** –no objections subject to conditions. FRMT initially raised concerns in relation to the Flood Risk Assessment and Drainage Strategy submitted and the applicant has addressed these matters. The FRMT have confirmed that the measures detailed in the documents submitted with this application should be implemented and secured by way of a planning condition.

34. **Waste Management Team (WMT)** - no response.

External

35. **Cannock Chase Council** – ‘no adverse comments’.
36. **Cannock Chase Council Environmental Protection Team**- no objections.
37. **Norton Canes Parish Council** - no response.
38. **Heath Hayes and Wimblebury Parish Council** - no response.
39. **Environment Agency** (EA) - no objections and has indicated that the proposed activities may require a variation to their Environmental Permit and any pollution prevention measures in relation to the proposed activity would be enforced via this permit (see Informative 4). The EA have also confirmed that the permit will cover relevant pollution control activities such as engineering, site infrastructure, monitoring and waste types but won’t cover operating hours. The EA were unable to provide more detailed comments in relation to the existing conditions.
40. **Natural England** (NE) provided general advice concerning Landscape; Best and most versatile agricultural land and soils; Protected Species; Local sites and priority habitats and species; Ancient woodland, ancient and veteran trees; Environmental gains; Access and Recreation; Rights of Way, Access land, Coastal access and National Trails, and Biodiversity duty. NE did not provide detailed comments on the application. NE stated that the lack of detailed advice did not imply that there are no impacts on the natural environment, and it is for the local authority to determine whether or not the proposal is consistent with national and local environmental policies (guidance has been obtained from the County Council specialists - see above).
41. **UK Health Security Agency (formerly Public Health England) (UKHSA)** – stated they are not responding to local planning authority requests and only provide advice concerning the content of Environmental Statements accompanying an application under the Nationally Significant Infrastructure Planning Regime.
42. **Cannock Chase Area of Outstanding Natural Beauty (AONB) Landscape Planning Officer** – no comments.
43. **Cadent Gas Limited** – confirmed the existing medium and low-pressure asset in the vicinity of the Site (see Informative 6).
44. **Fulcrum Pipelines Limited** - confirmed there are currently or is planning to have gas pipes in the vicinity of the Site (see Informative 6).
45. **National Grid Electricity Transmission** - no apparatus in the vicinity of

the Site.

46. **Western Power Distribution** - existing Western Power Distribution (WPD) Electricity / WPD Surf Telecom apparatus in the vicinity of the Site. Advice is also provided on work taking place in the vicinity of WPD plant (see Informative 6).

Publicity and Representations

47. Site notice: YES Press notice: YES
48. 293 neighbour notification letters were sent out and 9 representations have been received. The concerns raised in the representations are summarised below:
- a) Air quality with gases and odours which are detrimental to humans and animal wildlife
 - b) Flooding from the site
 - c) What consultation will take place to explain the documents?
[Note: the applicant carried out pre-application consultation which was summarised in a Statement of Community Involvement]
 - d) Impact on property – prices/mortgages/insurance
 - e) Noise from vehicles and reversing alarms/bleepers
 - f) Dust
 - g) Poor site management
 - h) Impact on wildlife
 - i) Impact on the Designer Outlet West Midlands (McArthur Glenn)
 - j) Contaminated ponds
 - k) Impact on water table in the Hawkes Green Nature Reserve.
 - l) Traffic disruption around associated with the traffic island leading to landfill site
 - m) Compensation should be paid due to the impact
 - n) Unacceptable landform
 - o) Impact on food storage business including flooding and contamination of the facility (noise, odours, air quality, ground gasses and groundwater), insufficient detail has been provided
49. Cllr Samantha Thompson (Local Member) has stated a cessation date for the operations at the landfill site should be conditioned, the land should then become an area for residents/wildlife, the operations along Lichfield Road should be finished and the operations moved further away from residents. Cllr Thompson has also expressed her concern that the final levels should not exceed the levels set out in the submission.
50. Cllr John Kraujalis (Cannock Chase Council Councillor) has also requested a 'closure date as soon as possible'.

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

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

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

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

52. [Appendix 3](#) lists the development plan policies (and proposals) and the other material planning considerations, relevant to this decision.

Observations

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

- Any material changes to the site, its surroundings or in terms of general development plan policy considerations
- The site-specific development plan policy considerations including the cessation date for the landfill site and other uses with the site; the changes to the restoration scheme, the Green Belt and Flooding and drainage, and the matters raised by consultees and in representations.
- The need to review and update the planning conditions
- **The Need for a Legal Agreement**

Any material changes to the site, its surroundings or in terms of general development plan policy considerations

54. As indicated earlier, the landfill site has been operating since the mid 1970's and the current operations are being carried out in accordance with the

planning permission granted in 1989 (ref. [CH.446/88](#)). This permission allowed the reclamation of a partially restored opencast site by controlled landfill.

55. In 1989, the [Planning Committee report](#) stated that:

'The proposed enlargement of the landfill operation does not bring the deposit of waste any closer to the existing housing at Rumer Hill or the existing and proposed housing at Hawks Green'.

'The proposal fully accords with Structure Plan Policy 152 on the incorporation of waste disposal into the reclamation of land to beneficial after-uses, and with Policy 153 on the standard of access for waste disposal sites...'

56. Commentary: It is important to consider the effects of the changes with regard to the development plan policies, any other material considerations, the site and its surroundings, particularly with regard to any relevant changes since the decision was made.
57. In respect of the material changes to the site and the site's surroundings, the site continues to accept waste and there have been significant changes in the immediate vicinity of the site. The changes to the site include the construction of other waste developments – the Household Waste and Recycling Centre and the AD facility. The developments in the vicinity of the site including the construction of residential properties to the north and the Designer Outlet West Midlands to the northwest, and also Kingwoods Lakeside and the M6 Toll to the south.
58. In terms of the policy considerations, there have been material changes to the development plan policies and the other material planning policy considerations (see [Appendix 3](#)).
59. The [National Planning Policy Framework](#) (NPPF) contains no specific waste policies. Instead the [National Planning Policy for Waste](#) (NPPW) explains the need to:
- drive waste management up the waste hierarchy
 - promote a more sustainable and efficient approach to resource use; and,
 - ensure that waste is considered alongside other spatial planning concerns.
60. The Planning Practice Guidance ([Planning Practice Guidance](#); [Waste](#); Should existing waste facilities be expanded/extended?) advises that:

'The waste planning authority should not assume that because a particular area has hosted, or hosts, waste disposal facilities, that it is appropriate to add to these or extend their life. It is important to consider the cumulative

effect of previous waste disposal facilities on a community's wellbeing...'.

61. The NPPF ([Section 12](#) Achieving well-designed places - paragraph 130) also explains that:

'Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and,
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience'.

62. Policy 1.1 of the [Staffordshire and Stoke-on-Trent Joint Waste Local Plan](#) (WLP) supports proposals for waste management facilities that demonstrate that there would be no unacceptable adverse impacts and that the economic, social and environmental benefits outweigh any material planning objections.

63. Paragraph 5.53 of the WLP is also relevant:

'Although the Waste Local Plan promotes management of waste higher up the waste hierarchy, landfill will still continue to be required for the disposal of non-combustible residual waste and certain hazardous wastes. Policy 2.4 safeguards the strategic hazardous landfill site. The locally important landfill, non-hazardous and inert landfill sites, will be protected if necessary by Policy 2.5, however opportunities to reduce the disposal of waste to landfill and reduce the need to backfill mineral sites i.e. reduce void capacity/landfill, should be taken if the

opportunities arise'.

64. Policy 3.1 of the WLP supports proposals that would be compatible with nearby uses, and appropriate in scale and character to their surroundings, and which complement existing or planned activities, or form part of an integrated waste management facility.
65. Policy 4.1 (Sustainable design) of the WLP seeks to ensure that development is of a high-quality design, appropriate to the surroundings and respects and integrates with the character and appearance of the locality whilst protecting environmental quality. In particular the proposal should:
 - 'i. Be compatible with adjoining land uses and the locality, taking into account national and local policies for building design, landscape character, ecology, historic environment and sport and recreation; ...
 - x. Enhance biodiversity where possible and contribute where appropriate to green infrastructure initiatives as supported by local policies; ...'
66. Policy 4.2 (Protection of Environmental Quality) of the WLP states that 'waste management facilities will be supported provided that the proposals would not give rise to materially harmful impacts, except where the material planning benefits of the proposals outweigh the material planning objections'.
67. The policy also requires consideration of the effect of the proposals on:
 - 'i. People and local communities, including the potential health effects;..
 - iv. Natural environment features and landscape networks important for wildlife and amenity; ...
 - vi. The Landscape; ...
 - viii. The Green Belt;
 - ix. The Countryside;
 - x. Trees, hedgerows and woodland;...
 - xiii. Protection of air, soil and water and reduction of flood risk; ...'
68. The [Cannock Chase Council Local Plan](#) was adopted 11 June 2014 and more recently the [Cannock Chase Local Plan - Preferred Options](#) consultation took place between March and April 2021. The consultation document shows two areas of land to the east of the site proposed to be allocated as 'residential

strategic sites' and a 'safeguarded country park'. The document also shows the 'existing employment land' to the south of the site. The County Council's response to the consultation stated that:

'in June 2019, (the County Council) highlighted the need to recognise the importance of safeguarding underlying mineral resources, and existing waste and management facilities. These points appear to have been effectively addressed through Draft Policies SO8.7 and SO8.8. In the light of these draft policies, and Policy 2.5 of the Staffordshire and Stoke-on-Trent Waste Local Plan, concerns should be (are) raised over the proximity of Strategic Housing Site SH1 to the boundary of Poplars Landfill. Great care will be needed to ensure that proposals to introduce housing nearby do not lead to constraints on the continued operation of the site. Whilst landfill is at the bottom of the waste hierarchy, and other methods of disposal should be used wherever possible, the demand for this form of disposal will continue for the foreseeable future'

(source: page 23 of the [Feedback and Next Steps report to Cabinet on 21 December 2021](#))

69. Commentary: Planning permission allows the deposit of non-hazardous waste on the land adjacent to the Lichfield Road boundary. The proposal is to re-locate the permitted void space adjacent to the Lichfield Road on to previously tipped land in the south-east corner of the site. Inert waste material would be deposited on the land adjacent to the Lichfield Road to grade the land to tie into the surrounding levels.
70. The applicant has pointed out that the 'void swap' would move future landfill operations away from nearby residents thereby reducing the potential risk of adverse effects on the amenity for residents living along Lichfield Road.
71. WLP Policy 4.2 explains that proposals which do not give rise to materially harmful impacts should be supported, and where there is the potential for materially harmful impacts, then they should only be supported if the material planning benefits of the proposals outweigh the material planning objections. In this case the benefits of the proposal are that they would not increase void capacity, provide an opportunity to move the existing permitted capacity further away from existing residential properties, and provide an opportunity to apply new conditions, including a condition to set a cessation date. In terms of objections, the 'void swap' would move the future landfill operations on to an area of the site that has already been restored, closer to existing employment land and potentially closure to land which may be allocated for future housing development by Cannock Chase District Council. Significantly however, Cannock Chase District Council have not objected to the application and in any event limited weight should be attributed to potential future land allocations at the stage.

72. Conclusion: Having regard to the policies and other material considerations referred to above, it is reasonable to conclude the proposal is the right type, in the right place and at the right time. Therefore, the proposal is acceptable in principle. The site-specific considerations are discussed below.

The site-specific development plan policy considerations including the cessation date for the landfill site and other uses within the site; the changes to the restoration scheme, the Green Belt and Flooding and drainage, and the matters raised by consultees and in representations.

Cessation date for the landfill site and other uses within the site

73. Paragraph 6.4 of the WLP refers to the matters that should be controlled by conditions. These include the 'Commencement and duration of the permission (including cessation, site clearance, restoration and aftercare)'.
74. Commentary: No cessation date is specified in the 1989 permission other than a requirement that the operations should cease when the approved landform is achieved.
75. Condition 2 of the 1989 permission states that:

'The development hereby permitted shall accord with the submitted plans and development brief'.

76. Condition 3 states that:
- 'Any variation in the finished levels of the site (plan fLS/7/894) or in the sequence of phasing of the development (plan fLS/7/897 and plan fLS/7/896) shall be approved the County Planning Authority'.

77. The applicant has explained that:

'Given the uncertainty around future residual waste arisings, it is estimated that the remaining void at the site would provide approximately 9-years of void capacity. On completion of the non-hazardous waste tipping a period of approximately 10-years would be required to import soils, restore the landfill and implement the scheme of restoration landscaping and aftercare. Restoration will continue in tandem with waste filling to provide progressive restoration. There are no stockpiled restoration soils on the site for use in restoration so all soils have to be imported. The availability of suitable soils is dictated by the market place hence the time taken to restore the whole site'. (ref. paragraph 3.3.3 of the Environmental Statement)

78. The applicant has indicated it would take 9-years for the import of non-hazardous waste and 10-years for the import soils. Clarification has been sought concerning these timescales.

79. The applicant has confirmed that the remaining void for waste is approximately 3.9 million cubic metres and the current inputs are 450,000 cubic metres per annum. Based on the current input rate the void would take 8.6 years rounded up to 9 years (3.9 million cubic metres divided by 450,000 cubic metres).
80. The applicant has explained that calculating the time for final restoration (the import of soils) is significantly more complicated due to volatility in the marketplace and that the 10 years proposed is a conservative estimate. The final restoration could be completed ahead of the 10 years; however, this would depend on the availability of appropriate materials.
81. The applicant has also explained that there is about one third of the site (30 hectares) still to be restored and this would require 390,000 cubic metres of material (based on an average depth of 1.3 metres of restoration material). The applicant has confirmed that this equates to 351,000 cubic metres of soil and 39,000 cubic metres of compost. The total tonnage required is 702,000 tonnes of soil and 39,000 tonnes of compost (based on a ratio of 2 tonnes of soil to each cubic metre of void and 1 tonne of compost to each cubic metre of void).
82. The supply of compost is secured (delivered from an 'in-house' composting facilities) and the supply of soils (and quantities) would be subject to market availability and would vary with changes in economic activity. The applicant has also explained that over the last five years approximately 222,572 tonnes of soils have been imported to the site (ranging from approximately 8,696 per annum to 76,815 per annum). The average over the last 5 years is approximately 44,500 tonnes. The applicant therefore contends that allowing 10 years for restoration (assuming an average soil input of 37,000 tonnes per annum) would ensure the site is progressively restored and landscaped within the period and possibly sooner and would allow differential settlement (where areas of the site settle more than others leading to ponding on top of the restoration surface) to be dealt with by placing more soils and compost in these areas rather than returning at later dates to address this issue.
83. In this case, the applicant has provided an up-to-date estimate of the amount and timescale for the importation of non-hazardous waste and for the importation of soils to deliver the revised restoration landform (see Changes to the restoration scheme section).
84. It is also considered that conditions should be included to set out the end date for the import of non-hazardous waste and for the importation of soils to restore the site. This would ensure greater certainty, in terms of the duration of operations at the landfill site.
85. Specifying an end date for the restoration of the site would also confirm the cessation dates for the following permitted uses which are currently tied to the cessation of the landfill site:

- the AD facility (see Conditions 4 and 5 of planning permission CH.13/09/721 MW) - the cessation date is upon the cessation of landfilling within the Landfill site or in the event of early cessation of the anaerobic digestion operations (whichever is the sooner). An application has been submitted to make the facility permanent (ref. [SCC/22/0104/FULL-ES](#) – not yet determined here).
 - the Household Waste and Recycling Centre (HWRC) (see Condition 26 of planning permission CH.15/08/708 W) - the cessation date is if waste importation ceases for 6 month or no later than 3 months after the cessation of cessation of infilling and restoration of the landfill site (whichever is the sooner).
 - the site offices and visitor centre (see condition 11 ref. CH.04/08/721 MW) - the site shall be cleared of all structure, hard surfaces, foundations, and buildings within 3 years of the cessation of landfill operations on the landfill site.
 - the municipal collection depot (see conditions 3 and 4 of planning permission SCC/22/0045/FULL-MAJ) - the cessation date is the cessation of landfilling or in event the use of the municipal collection depot should permanently cease earlier than the cessation of landfilling operations.
86. The following approvals have no specified cessation dates, however they are not shown to be retained on the submitted restoration plans:
- the prior approval for the site operatives amenity block (ref. [CH.88/0446 PWA \(2\)](#)) and for fuel tank, washdown pad and oil store (ref. [CH.88/0446 PWA \(3\)](#))
 - the measures for the commercial extraction of gas from the landfill site (refs. CH.0446/88 Details, [CH.88/0446 D4](#), [CH.88/0446 D7](#), [CH.88/0446/721 MW D8](#), [CH.446/88/721 MW D11](#) and [CH.446/88/721 MW D12](#)).
87. Conclusion: Having regard to the guidance referred to above, it is reasonable to conclude that conditions should be included to set a cessation date for the import of non-hazardous waste and the importation of soils to restore the site and for the completion of the restoration and aftercare.
- Changes to the restoration scheme.
88. Policy 4.1 xii (Sustainable design) of the WLP seeks to ensure that proposal should 'where restoration and aftercare is applicable, provide comprehensive, detailed, practical and achievable restoration and aftercare proposals for the site, that would achieve at the earliest opportunity, an acceptable after-use'.
89. Paragraph 7 of the National Planning Policy for Waste states that when

determining planning application Waste Planning Authorities should 'ensure that landraising or landfill sites are restored to beneficial after uses at the earliest opportunity and to high environmental standards through the application of appropriate conditions where necessary' (bullet point 6).

90. Commentary: In this case, the applicant has submitted a revised restoration scheme due to the changes to the site. The revised scheme was also updated to reflect the comments from the County Council's Flood Risk Management Team and to address matters raised in one of the representations.
91. The revised restoration plan includes woodland, species rich grass land, amenity grassland, heathland and surface water lagoons (ref. [SCC/22/0021/VOC-ES - Restoration Plan \(dwg no BF5044 12 08 Rev 3\)](#)). These uses are similar to the uses shown on the approved plan ([Revised Restoration Proposal Phasing D/BRW/375/11 Rev A](#) ref. [CH.446/88/721 MW D10](#)). However, the revised restoration plan does not include details of the restoration of the wider landfill site including:
 - **the AD facility area** (see Condition 5 of planning permission [CH.13/09/721 MW](#)), requires the removal of the buildings following the cessation of landfilling or early cessation of the operation of the AD facility and the site restored in accordance with the approved restoration and aftercare scheme for the Landfill site.

[Note: A separate application (the 'AD facility application') has been submitted to make the facility permanent (ref. [SCC/22/0104/FULL-ES](#)). The applicant has proposed a condition with the AD facility application, to require, in the event of the permanent cessation of operations, the submission of a scheme for the restoration and aftercare of the area to a suitable restoration surface. As the 'AD facility application has not yet been determined; at this stage it is considered necessary to recommend a condition to require details for the restoration of the AD facility area to be the submitted.]

- **the Household Waste and Recycling Centre** (see Condition 26 of planning permission [CH.15/08/708 W](#)) requires in the event that waste materials cease to be imported on to the Site or a period of 6 months or no later than 3 months after the cessation date, the submission of a Restoration and 5-year Aftercare Scheme to restore the Site to a beneficial afteruse compatible with the latest approved restoration and aftercare scheme for the Poplars Landfill Site. In this case, a scheme would need to be submitted by the County Council.
- **the site offices and visitor centre** (see condition 12 ref. [CH.04/08/721 MW](#)) requires the submission of an amendment to the approved restoration and aftercare plan for the landfill shall incorporate the office, visitor centre and car parking area. An amended plan was not submitted in accordance with this permission. However, the site

offices and visitor centre are shown as being retained on the restoration plan. A separate approval from Cannock Chase Council would be required to retain the offices and visitors centre following the completion of the restoration of the site.

92. The County Council Environmental Advice Team have recommended a condition requiring a detailed restoration and aftercare scheme for the whole site to be submitted.
93. The County Council has sought financial guarantees in exceptional circumstances (in the form of bonds or other financial guarantees) to ensure that sites are restored to beneficial after uses at the earliest opportunity and to high environmental standards, albeit it should be acknowledged that this guidance specifically relates to mineral sites (paragraph 211 (e) of the NPPF).
94. Clarification has been sought concerning the restoration of the site. The applicant has indicated that it is established and responsible operator and take its obligations to restore and manage our landfill portfolio very seriously. The Companies Sustainability Strategy currently includes a target to manage 30% of the landfill estate for biodiversity and that target will increase over time and the landfill site has a key role to play in contributing to achieving the biodiversity target.
95. The applicant has also indicated that it is legally obliged to both cap and restore the landfill site and to ensure there are sufficient funds to secure this. Provision is made by putting aside money from each tonne of waste that is deposited at the site and the money is ringfenced specifically for site restoration and aftercare. The applicant has also explained that there is financial bond with the Environment Agency under the Permit (Environmental Permit (ref. EPR/BW0584IL) and the bond would be released and used for site restoration and aftercare (and for long-term leachate and gas management) at the site in the extremely unlikely event that it was no longer in control of the site.
96. Based on the above, it is considered appropriate to recommend conditions to ensure the restoration of the site is kept under review and for details of the financial provisions to be regularly confirmed. This matter is discussed in more detail in 'The Need for a Legal Agreement' section below.
97. Conclusion: Having regard to the guidance referred to above, it is reasonable to conclude that conditions should be included: to require the submission of an overall scheme for the restoration and aftercare of the site; to require regular reviews of the progress of the landfilling, restoration and aftercare; and, to require details of the financial provisions to be regularly confirmed (see 'The need to review and update the planning conditions' and the 'Need for a Legal Agreement' sections below).

98. The landfill site is located within the South Staffordshire Green Belt. The NPPF ([Section 13](#)), Policy 4.2 ((viii)) (Protection of environmental quality) of the [Staffordshire and Stoke on Trent Waste Local Plan](#) (WLP) and Policy CP1 of the Cannock Chase Council Local Plan seek to ensure that consideration is given the impact of development in the Green Belt and that substantial weight is given to any harm to the Green Belt.

99. The NPPF paragraph 137 states that:

‘The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.’

100. The National Planning Policy Framework (the NPPF) (paragraph 138) explains that the five purposes of the Green Belt are:

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and,
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

101. The NPPF paragraph 147 states that:

‘Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.’

102. Paragraph 148 states that local planning authorities should

....‘ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.’

103. The NPPF paragraph 150 states that:

‘Certain other forms of development (including engineering operations and changes in the use of land) are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it.

...(b) engineering operations’

104. The National Planning Policy for Waste (Section 6), states that

'Green Belts have special protection in respect to development. In preparing Local Plans, waste planning authorities, working collaboratively with other planning authorities, should first look for suitable sites and areas outside the Green Belt for waste management facilities that, if located in the Green Belt, would be inappropriate development. Local planning authorities should also recognise the particular locational needs of some types of waste management facilities when preparing their Local Plan.'

105. **Commentary:** The applicant contents that 'The proposal is a series of modifications to the existing restoration operations at Poplars Landfill Site including a void 'swap' and revised restoration scheme. The works are considered as engineering operations which is accepted in the Green Belt' (Paragraph 5.3.8 of the Planning Statement).
106. The applicant has also assessed the proposal in relation the Green Belt policy in the Waste Local Plan and the Cannock Chase Local Plan:
 - The application site is a designated waste management site. The works are considered as engineering operations which is accepted in the Green Belt (para 150 of the NPPF). The restoration scheme will not affect the openness of the green belt as the site will be used for public open space (Table 5.1 of the Planning Statement).
 - The restoration planting proposals have not been revised given they were recently approved in July 2017 however the revised restoration profile means that some of the proposed planting has been relocated. The restoration scheme will not affect the openness of the green belt as the site will be used for public open space (Table 5.2: of the Planning Statement).
107. In this case, given the size of the proposed changes at the landfill site, it is considered that they would harm the openness of the Green Belt and therefore represent inappropriate development. However, it is considered that very special circumstances exist to justify a departure from Green Belt policies, namely:
 - the principle of the landfill site has been accepted in this location.
 - the application relates to changes in the operation of the existing landfill site and does not involve any changes to the site boundary.
 - the changes to the operation of the landfill site would reduce the potential for adverse effects on local residents.
 - the majority of the site would be screened by the existing landscaping and other waste developments (e.g. AD facility).
 - an end date for the operations has been proposed rather than relying

on the timescale for the completion of the approved landform which would provide greater certainty.

- the proposed restoration for the site is similar to the existing restoration requirements (albeit with a changed profile).
108. When considering inappropriate development in Green Belt land, it is necessary to have regard to the [Town and Country Planning \(Consultation\) \(England\) Direction 2021](#). The Direction requires the Waste Planning Authority to consult the Secretary of State at the Department for Levelling Up, Housing & Communities on inappropriate developments in the Green Belt, where it intends to approve a building or buildings where the floor space to be created by the development is 1,000 square metres or more; or any other development which, by reason of its scale or nature or location, would have a significant impact on the openness of the Green Belt.
109. In this case, by reason of the scale (there is no change to the overall void capacity), the nature (a void 'swap') and the location (an existing landfill site), it is reasonable to conclude that the changes would not have a significant impact on the openness of the Green Belt and that there is no need to refer the decision to the Secretary of State c/o the National Planning Casework Unit before planning permission is issued.
110. Conclusion: Having regard to the policies and guidance referred to above, it is reasonable to conclude that the proposals do constitute inappropriate development in the Green Belt, however 'very special circumstances' exist that outweigh the harm to the openness of the Green Belt. Also, given the location, nature and scale of the proposals, there is no need to refer this matter to the Secretary of State.

Flooding and drainage

111. Paragraph 167 of the NPPF states that:

'When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:

- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
- b) the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment;

- c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
- d) any residual risk can be safely managed; and
- e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan'.

112. Planning Practice Guidance advises that the National Planning Policy Framework sets out strict tests to protect people and property from flooding which all local planning authorities are expected to follow and where these tests are not met, new development should not be allowed. The Planning Practice Guidance also details the steps that should be taken; the steps are designed to ensure that if there are lower risk sites available, or a proposed development cannot be made safe throughout its lifetime without increasing flood risk elsewhere, it should not be permitted. The measures to avoid, control, manage and mitigate flood risk should also not increase flood risk elsewhere [Planning Practice Guidance, [Flood risk and coastal change](#), What are the main steps in assessing flood risk? (Paragraph: 003 Reference ID: 7-003-20220825)].
113. Policy 4.2 (Protection of Environmental Quality) of the WLP states that 'waste management facilities will be supported provided that the proposals would not give rise to materially harmful impacts, except where the material planning benefits of the proposals outweigh the material planning objections'. The policy requires consideration of the effect of the proposals on:
- 'xiii. Protection of air, soil and water and reduction of flood risk; ...'
114. Policy CP16 (Climate Change and Sustainable Resource Use) of the Cannock Chase Local Plan states that all non-residential development proposals should protect the water environment and that 'developments should ensure there is adequate on and off-site drainage infrastructure in place to serve their needs without posing a risk to the environment...'
115. Commentary: The County Council's Flood Risk Management Team requested revisions to the information submitted (detailed above) and a business (Bidfood) adjacent to the south of the site raised concerns relating to drainage.
116. The applicant provided information to address the concerns raised. Letters were also provided to the Flood Risk Management Team and the local business detailing how the concerns have been addressed. The Flood Risk Management Team have confirmed that they have no objection and recommended a condition to ensure the implementation of the measures detailed in the submitted documents. The local business was reconsulted and did not provide any further comments.

117. Conclusion: Having regard to the policies and guidance referred to above, and notwithstanding the concerns of the neighbouring business, no unacceptable adverse impact due to flood risk is anticipated subject to the implementation of the measures detailed in the submitted Drainage Strategy documents.

Other matters raised in representations

118. Residents raised a number of other matters in relation to this application and these are discussed in more detail below.

Impact on property – prices/mortgages/insurance.

119. Local residents have raised concerns about house prices. Members will be aware that the courts have ruled that in general:

'planning is concerned with land use in the public interest, so that the protection of purely private interests such as the impact of a development on the value of a neighbouring property or loss of private rights to light could not be material considerations.' (ref. Planning Practice Guidance - [How must decisions on applications for planning permission be made?](#) paragraph 008 - 'What is a material planning consideration?').

Site Management

120. The representations include concerns about the site management. The day-to-day operations are controlled by an Environmental Permit regulated by the Environment Agency ('the EA'). The EA have no objection to the application and have stated that an amendment to the Environmental Permit would be required.
121. Members of the Planning Committee will be aware that the County Council has a Planning Regulation Team who check compliance with the planning permissions for minerals and waste developments, investigate complaints about minerals and waste sites and any unauthorised mineral and waste activity. Action can be taken by the Planning Regulation Team, if necessary, in accordance with the [Staffordshire County Council Local Monitoring and Enforcement Plan](#) (July 2012). Paragraph 59 of the NPPF is also relevant along with the '[Enforcement and post-permission matters](#)' section of the Planning Practice Guidance. The Planning Regulation Team have confirmed that the last complaint was received in 2020 and relating to odour and was directed to Cannock Chase Council Environmental Health and the Environment Agency to investigate.
122. It is also important to note the government guidance on waste which explains that:

'There exist a number of issues which are covered by other regulatory

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

123. This application also provides an opportunity to update the existing planning conditions (see 'The need to review and update the planning conditions').
124. Conclusion: Having regard to the site-specific development plan policies and the matters raised by consultees and representations referred to above, it is reasonable to conclude that the proposed development would not give rise to any materially harmful impacts, subject to the conditions recommended below.

The need to review and update the planning conditions

125. The NPPF ([Section 4](#), paragraph 55) states that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through conditions. Paragraph 56 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'.

126. Policies 4.1 and 4.2 in the [Staffordshire and Stoke on Trent Joint Waste Local Plan](#) seeks to ensure that waste management facilities are designed and operated to high environmental standards and should not give rise to materially harmful impacts except where the material planning benefits of the proposal outweigh the material planning objections.
127. The Planning Practice Guidance 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. For the purpose of clarity, decision notices for the grant of planning permission under section 73 should set out all of the conditions imposed on the new permission, and restate the conditions imposed on earlier permissions that continue to have effect'.([Planning Practice Guidance, Use of planning conditions](#), How are conditions treated under section 73?, paragraph 040).

128. The Planning Practice Guidance also advises that:

'When used properly, conditions can enhance the quality of development and enable development to proceed where it would otherwise have been necessary to refuse planning permission, by mitigating the adverse effects'. ([Planning Practice Guidance, Use of planning conditions, Why and how are conditions imposed?](#), paragraph: 001).

129. Commentary: In this case, the conditions of the 1989 planning permission addressed the:

- a) access to the site
- b) use of best practicable means to minimise injury to the amenities of the area or adjoining properties by reason of noise, vibration, smoke, fumes, dust, grit, smell or gas.
- c) measures to monitor and prevent the migration of landfill gas
- d) landfill gas boreholes and monitoring
- e) use of low permeability barrier around the perimeter of the site and the business park to the south
- f) details for the prevention of leachate migration
- g) monitoring of leachate levels
- h) capping of the site
- i) method for sealing any mineshafts
- j) maintenance and management of the pond off Norton Lane
- k) wheel wash/cleaning facilities.
- l) progressive restoration, landscaping and aftercare of each phase
- m) fencing of the site
- n) approval of any replacement facility provided under the Refuse Disposal (Amenity) Act, 1978
- o) approval of all temporary and permanent buildings.
- p) use of the site for recreation purposes
- q) controlled access to any recreation facilities within the site
- r) approval of measures for the commercial extraction of gas from the site

130. It is considered reasonable and necessary to update the conditions in addition to conditions 2, 3 and 23 of the 1989 permission (as amended by CH.446/88/721 MW D10 (revised restoration scheme) and CH.446/88 PWA (4) D3 (phasing)).

131. It is also considered reasonable and necessary to include additional conditions / informatics, for example:

- a) To update the waste types and include reference to the Environmental Permit.

- b) To ensure that noise attributable to operations at the site should not exceed an equivalent continuous noise level LAeq (1 hour) of 55 dB during the daytime operating hours at any noise sensitive properties.
 - c) To ensure that best practicable means are employed to minimise the noise generated by the operations/activities.
 - d) To ensure that best practicable means are employed to minimise the dust generated by the operations/activities.
 - e) To restrict the operating hours to the following: Monday to Friday - 0600 hours to 1800 hours and Saturdays, Sundays, Public and Bank Holidays - 0700 hours to 1300 hours.
 - f) To define the maximum number of HGV movements in and out of the site to deposit waste per day to be 500.
 - g) To require facilities for the storage of oils, fuels or chemicals to be sited on impervious bases and surrounded by impervious bund walls.
 - h) To require the submission of updates in the form of progress reports and plans.
 - i) To formalise the existing liaison committee arrangements.
132. Conclusion: Having regard to the policies and guidance referred to above, it is concluded that it is reasonable and necessary to recommend updates to existing conditions and to include additional conditions to minimise the impact of waste development and to ensure the landfill site continues to operate to high environmental standards.
- ### **The Need for a Legal Agreement**
133. Paragraph 55 in the NPPF also explains that planning obligations may be used to make otherwise unacceptable development acceptable. Paragraph 57 states that planning obligations should only be sought where they meet all of the following tests:
- necessary to make the development acceptable in planning terms;
 - directly related to the development; and,
 - fairly and reasonably related in scale and kind to the development.
134. These are also legal tests by virtue of the Community Infrastructure Levy Regulations 2010 ([Part 11](#)) (Note the Community Infrastructure Levy Regulations have been amended, the latest came into force on [1 September 2019](#)). The 2010 Regulations also prevent the use of a planning obligation to fund infrastructure if a Community Infrastructure Levy (CIL) has been adopted in the area (Regulation 123). In this case, Cannock Chase Council

do not currently have a relevant CIL.

135. Chapter 6 of the [Staffordshire and Stoke on Trent Joint Waste Local Plan](#) (Implementation and Monitoring of the Plan) provides guidance to ensure that development delivers the vision and objectives of the Local Plan including seeking legal agreements with developers where appropriate.
136. Commentary: It is considered that the following obligation / undertaking should be secured by a Section 106 Legal Agreement (S106) and the reasons are explained below taking into account the above tests:
 - To require the operator responsible for the restoration of the site to provide an up-to-date independent statement to confirm that adequate financial provisions are in place to secure the restoration and aftercare of the site at the same time as submitting the review of the restoration and aftercare and progress reports required by condition
137. It is understood that the operator sets-a-side ring fenced funds to pay for the restoration of landfill sites and that the Environmental Permit regulated by the Environment Agency (EA) requires a financial bond to be secured which may be released to pay for measures to control pollution in the event that the company responsible for the permit goes into liquidation and therefore there is no one responsible for the site. Notwithstanding, this statement would provide evidence that there are adequate financial provisions in place to satisfactorily fulfil the restoration and aftercare requirements of the planning permission from a planning point of view. More specifically to ensure that the site is restored and subject to aftercare to a high environmental standard in this green belt location, it is important that there are funds to ensure that the land would be restored, planted and subject to aftercare to protect the landscape and visual/local amenity. This undertaking accords with the [Staffordshire and Stoke on Trent Joint Waste Local Plan](#) (ref. Strategic Objective 3 and Policy 4.1 of the [Staffordshire and Stoke on Trent Joint Waste Local Plan](#)) and [National Planning Policy for Waste](#) (section 7, bullet point 6) and reflects the same approach that the County Council takes with respect to mineral sites were larger operators generally rely on membership of the Mineral Products Association and their Restoration Guarantee Fund.
138. Conclusion: Having regard to the policies and guidance referred to above, it is reasonable to conclude that the terms of the undertaking described above are necessary, relevant, and fairly and reasonably related in scale and kind to the development and should be secured as part of a S106.

Overall Conclusion

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

information subsequently received, the consultee comments, the representations and the other material considerations, all referred to above, it is reasonable to conclude that the proposed development accords with the development plan and as such represents sustainable development, and there are no clear and convincing reasons to indicate that the application for planning permission should not be permitted.

Recommendation

Permit the application to vary conditions 2 (approved plans), 3 (finished levels) and 23 (restoration and aftercare) of permission [CH.446/88](#) (as amended by [CH.446/88/721 MW D10](#) (revised restoration scheme) and [CH.446/88 PWA \(4\) D3](#) (phasing)) to relocate landfill void space, to revise the restoration profile and surface water management, and to update the phasing of the operations at Poplars Landfill Site, Lichfield Road, Cannock, WS11 8NQ subject:

- the applicant and all other persons with a relevant interest in the land (for the purposes of Section 106 of the Town and Country Planning Act 1990) signing a Section 106 Legal Agreement - the heads of terms to include those listed below; and,
- conditions including those listed below.

The **Section 106 Legal Agreement** to include a requirement that the operator responsible for the restoration of the site provides an up-to-date independent statement to confirm that adequate financial provisions are in place to secure the restoration and aftercare of the site at the same time as submitting the review of the restoration and aftercare and progress reports required by condition.

The conditions to include the following:

Definition of the consent

1. To define the consent with reference to documents, plans and approvals.

Commencement and Cessation of the development

2. To define the operational periods (19 years overall - 9 years waste disposal + 10 years for the deposit of soils and compost).
3. To confirm the date of commencement as being the date of the planning permission and to notify the Waste Planning Authority prior to the commencement and cessation of each phase of the development.
4. To define the expiry of the permission to be when the restoration and aftercare has been completed to the satisfaction of the Waste Planning Authority in accordance with the latest approved Restoration and Aftercare Scheme.

5. To define the requirements in the event that the operations cease prematurely including a revised date for the restoration of the site.

Site Layout

6. To require the site to be worked in accordance the submitted phasing plan.
7. To require a report to review the progress of the site and updated phasing plan at the same time as the review of the Restoration Masterplan takes place (see 39 below).

Waste types

8. To specify the broad waste categories as inert and non-hazardous wastes [see Informative 3 below].
9. To require the removal of any of non-conforming waste.

Management of the operations

Hours of Operation

10. To limit operating hours for all activities on site:
 - 0600 hours to 1800 hours - Monday to Friday
 - 0700 hours to 1300 hours - Saturdays, Sundays, Public and Bank Holidays

Development Restrictions

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

Maintenance of site infrastructure

12. To require all buildings, structures, perimeter security fencing, gates and hard surfaces to be maintained in place and in good condition and fit for purpose.

Site Access-and Highway Safety

13. To define the access to site from the roundabout on Lichfield Road (except as set out below).
14. To define the access to the site from the south for waste disposal purposes in the case of an emergency (off Blakeney Lane).

15. To require the wheel wash facility to be used and the wheel wash facility to be maintained in accordance with the manufacturer's specification / instructions.
16. To require the site access road and internal hard surfaced roads to be maintained in a good state of repair and kept clean and free of mud, dirt and other deleterious materials.
17. To define the maximum number of HGV movements in and out of the site to deposit waste per day to be 500.

Site Security

18. To require measures to be taken to prevent any unauthorised access to the site.

General Environmental Protection

Noise

19. To limit site attributable noise to 55 dB LAeq (1 hour) during the operating hours when measured at any noise sensitive properties.
20. To require a noise monitoring scheme to be submitted for approval.
21. To require best practicable means to be employed to minimise the noise generated by the operations/activities.
22. To require all vehicles and plant employed within the site to be fitted with effective silencers.
23. To require all vehicles and plant employed within the site to be fitted with appropriate reversing systems.
24. To specify that there should be no sounding of horns on vehicles or mobile plant other than in the case of an emergency.
25. To require that all plant engine covers are closed whilst the plant is in operation except when undertaking maintenance and repair work.

Air

26. To require best practicable means to be employed at all times to minimise generation and dispersal of odours caused by all operations/activities.
27. To require best practicable means to be employed at all times to minimise generation and dispersal of dust caused by all operations/activities.

28. To prevent the burning of waste on site.

Soils

29. To require soils to be removed, stored and replaced in accordance with Defra's Good Practice Guide for Handling Soils.

Water

30. To require the development to be carried out in accordance with the approved Drainage Strategy documents and the mitigation measures.
31. To require facilities for the storage of oils, fuels or chemicals to be sited on impervious bases and surrounded by impervious bund walls.

Nature Conservation

32. To require the submission of a scheme for the maintenance and management of the pond off Norton Lane.
33. To require the submission of a management plan for all the existing landscaping measures.
34. To require approval of any new lighting to protect wildlife.
35. To ensure that pre-commencement checks for badgers and ground nesting birds are carried out before commencing each phase by a suitably qualified and experienced ecologist.
36. To require the submission of reasonable avoidance measures for newts, birds and other protected species.

Restoration and Aftercare

37. To require the site to be generally restored in accordance with the submitted Restoration Masterplan (to agriculture; open water and tree planting on the steeper slopes).
38. To require a detailed Restoration and Aftercare Scheme for the whole site to be submitted within 12 months of the date of the permission.
39. To require a review of the approved Restoration Masterplan 12 months after the commencement of the development then every 5 years in conjunction with the Progress Reports, and if as a result to require revisions to the detailed Restoration and Aftercare Scheme. [see Informative 8 below].
40. To require the site to be restored and subject to aftercare in accordance with

the latest approved Restoration Masterplan and detailed Restoration and Aftercare Scheme.

Record Keeping

41. To keep and make the following records available to the WPA on request:
 - a) The operating hours
 - b) The quantities of waste deposited on the site
 - c) The numbers and times when HCVs enter and leave the site
 - d) Noise monitoring results
 - e) Any complaints and remedial actions taken.

Liaison Committee

42. To require the existing liaison committee meetings to continue and to require a scheme setting out the general meeting arrangements and terms of reference to be submitted for approval [see Informative 7].

INFORMATIVES to include the following:

1. To ensure that the terms of the planning permission are made known to the site operators.
2. To advise the applicant of the County Council's Environmental Advice Team comments that planning permission does not construe the right to divert, extinguish or obstruct any part of the public path.
3. To confirm that the detailed waste types within the broad categories named in the condition would be specified in the Environmental Permit issued by the Environment Agency.
4. The Environment Agency advises that the changes to the Environmental Permit may be required.
5. The Environment Agency advice regarding procedures, training and equipment that should be provided for the site to adequately control and respond to any emergencies including the clean-up of spillages.
6. To advise the applicant of the infrastructure in the vicinity of the Site (Cadent Gas Limited, Fulcrum Pipelines Limited and Western Power Distribution).
7. To advise on the general arrangements and terms of reference for liaison committees.
8. A reminder about the undertaking in the Section 106 Legal Agreement to

provide an up-to-date independent statement to confirm that adequate financial provisions are in place to secure the restoration and aftercare of the site and that this statement should accompany the review (condition 39 above).

Case Officer: David Bray
tel: (01785) 27727273.
email: david.bray@staffordshire.gov.uk

The list of background papers for this report is available on request by email sent to planning@staffordshire.gov.uk.

Appendix 1 Relevant Planning History

Planning permission of the landfill was granted on 17 July 1989 (ref. [CH.446/88](#)). This permission was for the 'Reclamation of the partly restored opencast site by controlled landfill using domestic, commercial and industrial wastes, earth, hardcore and similar materials, including 50 tonnes per annum of special waste at The Poplars, Cannock'.

Measures for the commercial extraction of gas from the landfill site (in accordance with condition 31 of CH.446/88 were approved in 1991 (ref. CH.0446/88 Details); in 2000 (ref. [CH.88/0446 D4](#)); in 2006 (ref. [CH.88/0446 D7](#)); in 2010 (ref. [CH.88/0446/721 MW D8](#)); in 2016 (ref. [CH.446/88/721 MW D11](#)) and in 2021 (ref. [CH.446/88/721 MW D12](#)). The infrastructure is located in the southern part of the landfill site.

Planning permission was first granted in January 2010 for an Anaerobic Digestion (AD) facility at the landfill site (ref. [CH.09/03/721 MW](#)) and the following permissions have subsequently been granted:

- [CH.10/07/721 MW](#) dated 15 November 2010 - Increase in capacity to the consented Anaerobic Digestion (AD) facility, from 80,000 to 120,000 tonnes per year, to treat organic (primarily food) wastes to recover biogas that will be used to generate electricity and a compost material (digestate) for use in restoration
- [CH.10/08/721 MW](#) dated 21 October 2010 - Installation of three GRP high voltage electricity kiosks at Poplars Landfill site associated with the Poplars Anaerobic Digestion Facility
- [CH.13/06/721 MW](#) dated 6 December 2013 - Planning application to regularise the use of a small area of hardstanding for access to the Poplars Anaerobic Digestion Facility

- [CH.13/09/721 MW](#) dated 29 January 2014 - Variation of Condition 1 of planning permission CH.10/07/721 MW to substitute the approved layout plan with a revised layout plan and elevations for the Anaerobic Digestion Facility.
- [CH.17/02/721 MW](#) dated 26 June 2017 - Retrospective application for planning permission for an additional utility tank and ancillary equipment.
- [SCC/22/0104/FULL-ES](#) - Application to vary conditions 1 (approved plans), 4 (cessation date), 5 (site clearance), 6 (expiry of permission), 30 (storage and management of digestate material) and 32 (surface water drainage) of planning permission CH.13/09/721 MW – not yet determined here.

Planning permission was first granted in March 1994 for a Household Waste and Recycling Centre (HWRC) now operated by Staffordshire County Council (ref. [CH.93/493](#)) and the following permissions have subsequently been granted:

- [CH.13/11/708 W](#) dated 1 July 2014 - Application not to comply with (to vary) planning permission CH.93/493 to extend the hours of operation (Condition 7) and to allow the acceptance of trade waste at the site and alterations to the site layout.
- [CH.15/08/708 W](#) dated 18 September 2015 - Application not to comply with (to Vary) conditions 9 and 10 of planning permission CH.13/11/708 W relating to hours of operation.

Planning permission was first granted in October 2006 to relocate the Biffa Waste Services South Staffordshire Municipal Waste Collection Depot (ref. [CH.06/11/721 W](#)). Planning permission was granted in July 2022 to regularise the layout of the municipal collection depot and to replace the existing single storey office accommodation with two storey accommodation on the same footprint (ref. [SCC/22/0045/FULL-MAJ](#) dated 18 July 2022).

There is also separate permission for site offices and visitor centre adjacent to the entrance of the landfill site (ref. [CH.04/08/721 MW](#) dated 29 Oct 2004)

Prior approvals have been granted for a site operatives amenity block (ref. [CH.88/0446 PWA \(2\)](#) dated 10 July 2006) and for a fuel tank, washdown pad and oil store (ref. [CH.88/0446 PWA \(3\)](#) dated 24 May 2007).

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

Appendix 2 - Summary of the Findings of the Environmental Statement (ES) (and the environmental information subsequently received)

1 – Introduction

This section introduces the application, provides a summary of the site and the

proposal; details the Screening and Scoping Opinions undertaken; details the Environment Impact Assessment methodologies sets out the structure for the statement. This section also explains the relevant qualifications of the competent experts involved in preparing the ES (ref. Planning Practice Guidance; Environmental Impact Assessment; Preparing an Environmental Statement and the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, Part 5, Regulation 18 (5) (b)), the consultation undertaken prior to the submission of the application and details of the publication and availability of the ES.

2 - The Site and Surroundings

This section describes the location, the site and surroundings, the site access, details the identified receptors and designations and the site history.

3 - Proposed Development

This section describes the proposed development including the 'void swap', revised phasing, revised restoration profile, the revised scheme of surface water management, and the updated scheme of restoration planting. This section also details 'other' operational consideration (e.g., hours of operation; traffic; vehicle routing, employment; lighting and security and office and welfare facilities) and provides details of the environmental Permit for the site.

4 - Policy Context

This section sets out the relevant planning policies set out in the Waste Strategy and Planning Policy for England, National Planning Policy Framework (NPPF); Planning Practice Guidance; National Planning Policy for Waste; the Staffordshire County Council's Waste Local Plan for Staffordshire and the Cannock Chase Council Local Plan.

5 - Need and Alternatives

This section outlines the main alternatives considered by the applicant to the proposed modifications including 'Do Nothing'; continuing the operations as currently permitted and an Alternative Scheme of Restoration.

6 - Environmental considerations not significantly affected by the proposals

This section describes the environmental considerations that have been taken in to account including Traffic and transport; Noise; Ecology (a Great Crested Newt report was submitted (Appendix 1.4)); Air Quality; Major accidents and/or disasters; Soils, Geology and Contaminated Land; Public Health and Wellbeing; Climate change; Socio economic; Cultural Heritage and Land Uses.

7 - Landscape and Visual Impact Assessment

This section describes the assessment of the site from a landscape and visual impact point of view and includes details the scope of the assessment and the methodology; the scoping opinion, the desk-based study and field study undertaken (including details of the Landscape and Visual Impact Assessment Methodology – Appendix 7.1). The section also detailed the proposed development and the restoration and mitigation, the review planning policy undertaken; the landscape designations and constraints identified; a landscape assessment; visual assessment; how the proposal complies with the relevant policies and an assessment of cumulative landscape and visual effects. The section concludes that some minor adverse landscape and visual effects during the operational phases; however, none of the landscape or visual effects would be considered significant in terms of the EIA Regulations.

8 - Hydrology and Drainage

This section provides details of the methodology and assessment criteria including sources of data, the baseline conditions (e.g. Site Description and Topography); identifies the sensitive receptors; details the proposed development. A Flood Risk Assessment (Appendix 7.1) and a Surface Water Management Plan (Appendix 8.2) was submitted with the ES. This section also provides details of the proposed mitigation measures included in the proposal.

9 - Summary of effect and cumulative impacts

This section summarises the predicted residual environmental effects of the proposed development and considers these in conjunction with other existing or proposed developments.

10 – Conclusion

This section provides a conclusion to the Environmental Statement. The applicant considers that the potential impacts have been fully assessed for the development and where appropriate mitigated. The applicant considers there are no residual impacts which are significant in terms of intensity or characteristics, there is limited potential for the creation of cumulative impacts resulting from the continued restoration operations. The EIA confirms that the proposed modifications at Poplars Landfill would not lead any significantly adverse impacts so long as the proposed mitigation measures are implemented.

Appendices - The Appendices to the ES are provided in separate documents and referred to where appropriate above.

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

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

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

The development plan policies and proposals

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

- Policy 1: Waste as a resource
 - Policy 1.1 General principles
 - Policy 1.6 Landfill or landraise
- Policy 2: Targets and broad locations for waste management facilities
 - Policy 2.3 Broad locations
- Policy 3: Criteria for the location of new and enhanced waste management facilities
 - Policy 3.1 General requirements for new and enhanced facilities
- Policy 4: Sustainable design and protection and improvement of environmental quality
 - Policy 4.1 Sustainable design
 - Policy 4.2 Protection of environmental quality

[Cannock Chase Council Local Plan](#) (2006 - 2028) (adopted 11 June 2014)

- Policy CP1 - Strategy
- Policy CP3 - Chase Shaping - Design
- Policy CP9 – A balanced Economy
- Policy CP10 – Sustainable Travel
 - “Proposed recreational footpath/cycle route” shown on the Policies Map (adjacent to the landfill site)
- Policy CP12 - Biodiversity and Geodiversity
- Policy CP14 - Landscape Character and Cannock Chase Area of Outstanding Natural Beauty (AONB)
- Policy CP16 - Climate Change and Sustainable Resource Use

[Preferred Options Consultation](#) - Land adjacent to the landfill site has been put forward for residential development as part of the Local Plan review

[Norton Canes Neighbourhood Area](#) designated in 2018

The other material planning considerations

[National Planning Policy Framework](#) (updated July 2021):

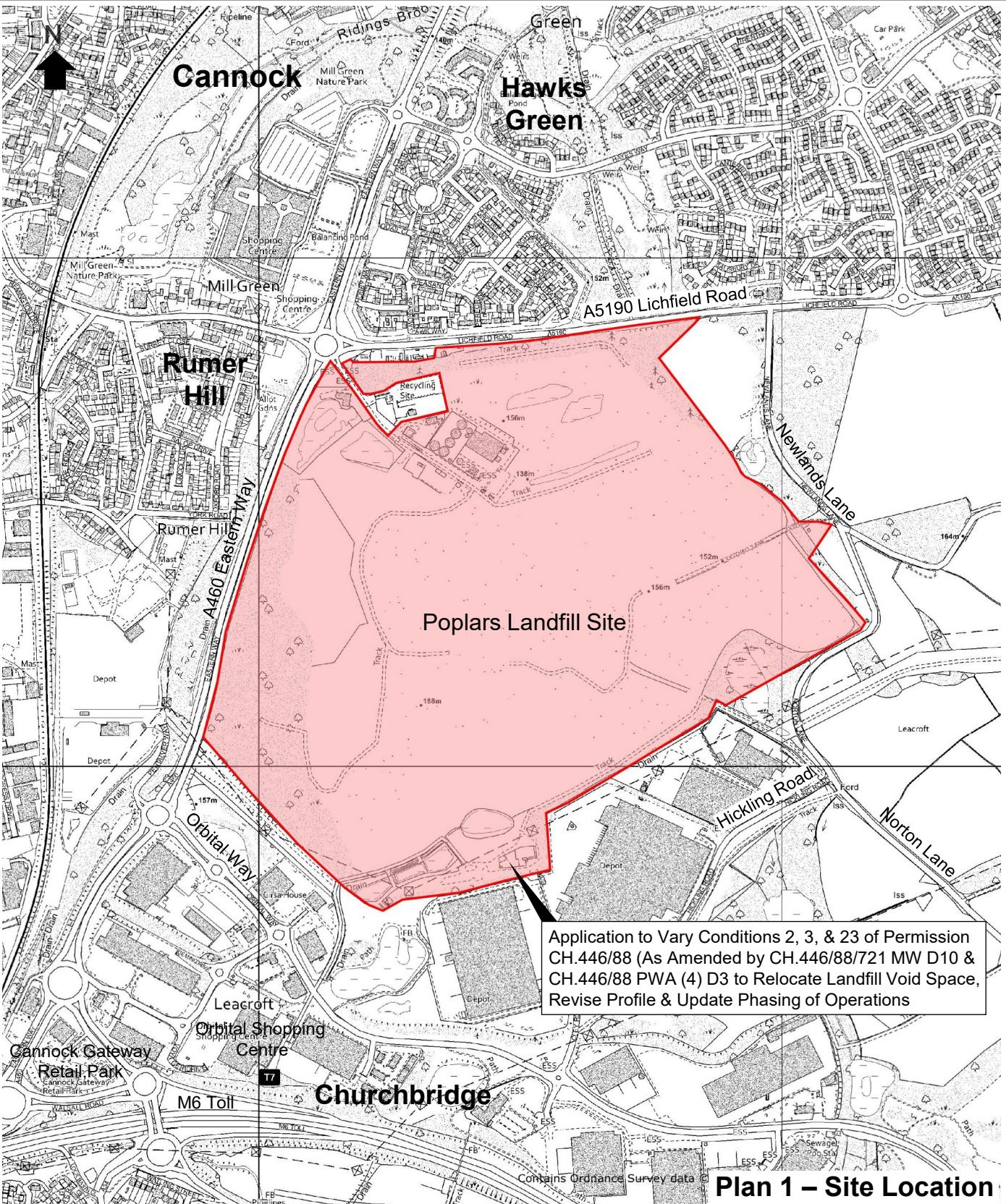
- [Section 1](#): Introduction
- [Section 2](#): Achieving sustainable development
- [Section 4](#): Decision-making
- [Section 6](#): Building a strong, competitive economy
- [Section 9](#): Promoting sustainable transport
- [Section 11](#): Making effective use of land
- [Section 12](#): Achieving well-designed places
- [Section 13](#): Protecting Green Belt land
- [Section 14](#): Meeting the challenge of climate change, flooding and coastal change.
- [Section 15](#): Conserving and enhancing the natural environment.

[Planning Practice Guidance](#)

- [Design: process and tools](#)
- [Environmental Impact Assessment](#)
- [Flood risk and coastal change](#)
- [Green Belt](#)
- [Health and wellbeing](#)
- [Light pollution](#)
- [Natural environment](#)
- [Noise](#)
- [Open space, sports and recreation facilities, public rights of way and local green space](#)
- [Planning obligations](#)
- [Transport evidence bases in plan making and decision taking](#)
- [Travel Plans, Transport Assessments and Statements](#)
- [Use of planning conditions](#)
- [Waste](#)
- [National Planning Policy for Waste](#) (published on 16 October 2014)
 - Determining planning applications (paragraph 7)
 - Appendix A - the waste hierarchy – in descending order - prevention; preparing for re-use; recycling; other recovery; disposal
 - Appendix B – locational criteria

[Planning for Landscape Change](#). Staffordshire County Council Supplementary planning guidance.

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



Plan 1 – Site Location

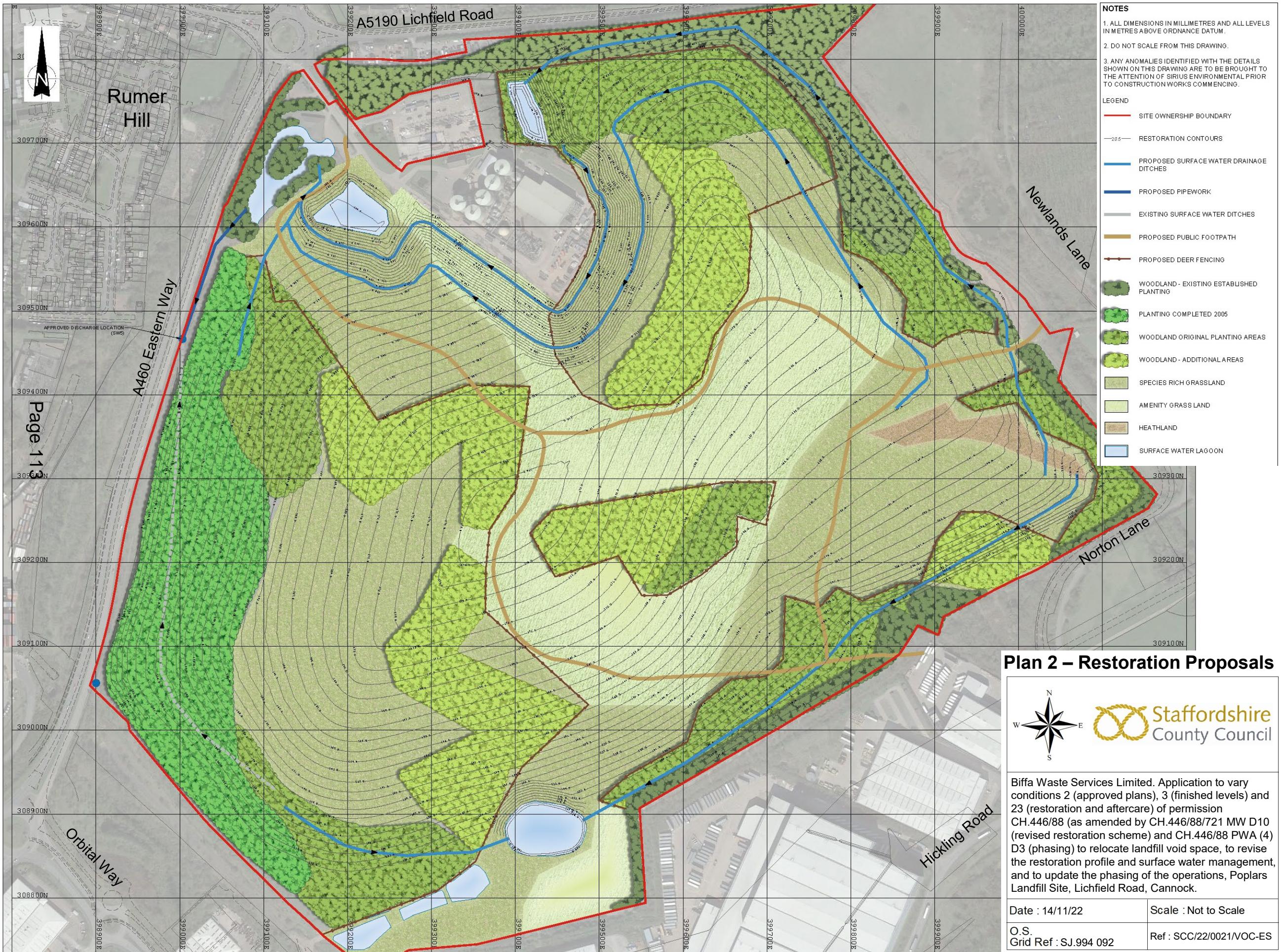
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Planning, Policy
& Development Control,
Staffordshire County Council,
No.1 Staffordshire Place,
Stafford, ST16 2LP.
Telephone 0300 111 8000

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Biffa Waste Services Limited. Application to vary conditions 2 (approved plans), 3 (finished levels) and 23 (restoration and aftercare) of permission CH.446/88 (as amended by CH.446/88/721 MW D10 (revised restoration scheme) and CH.446/88 PWA (4) D3 (phasing) to relocate landfill void space, to revise the restoration profile and surface water management, and to update the phasing of the operations, Poplars Landfill Site, Lichfield Road, Cannock.



Local Member	
Councillor M. A. Deaville	Staffordshire Moorlands - Cheadle and Checkley

Planning Committee 01 December 2022

Minerals County Matter

Application No (District): [SCC/21/0076/FULL-ES](#) (Staffordshire Moorlands)

Applicant: Tarmac Trading Ltd

Description Proposed lateral (northern) extension to extract a further 4.65 million tonnes of sand and gravel and a consolidating application covering all mineral extraction operations.

Location: Croxden Quarry, Freehay Road, Cheadle

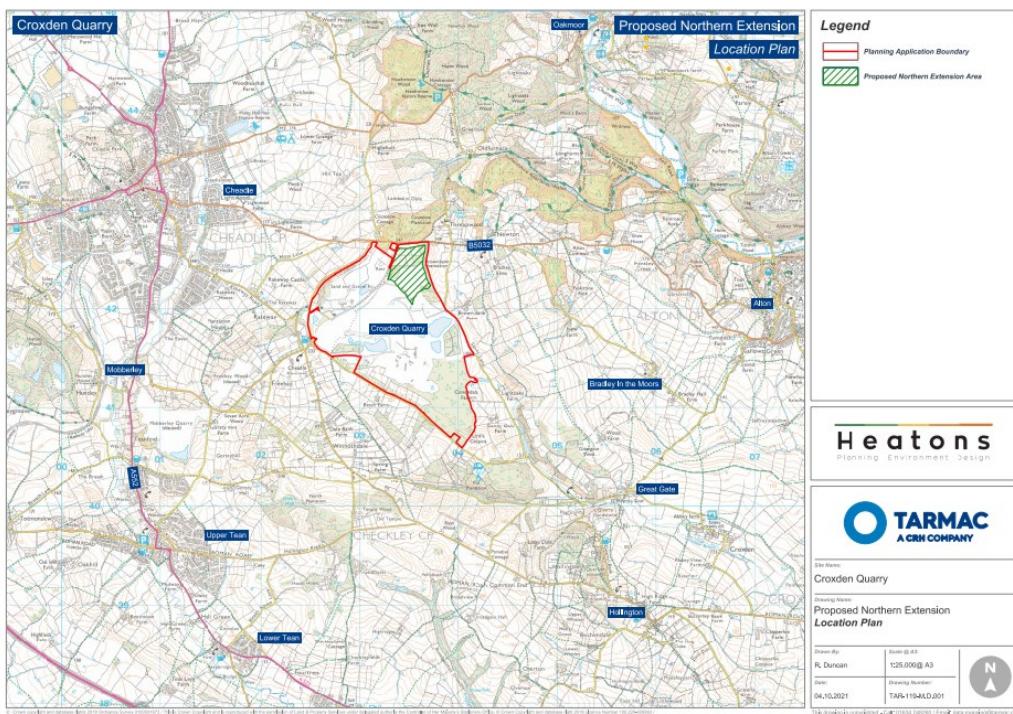
Background/Introduction

1. Croxden Quarry is an amalgamation of several sand and gravel quarries. The earliest quarrying permissions were granted in 1946 and 1948 but most of the major permissions were granted in the 1960's and 1970's and then consolidated under planning permission issued in 1996. The 1996 permission was varied by permissions issued in 2014 and earlier this year (see the 'Relevant Planning History' section and Appendix 1 for more details).
2. The latest permission and associated Section 106 Legal Agreement allows extraction of sand and gravel, the manufacture of concrete products, the removal of sand and gravel from stockpiles, and the manufacture and sale of ready mixed concrete up to 30 November 2023. Sand and gravel extraction is currently taking place in the southwestern part of the quarry.
3. This consolidating application is seeking permission to extend the quarry and extract 4.65 million tonnes of sand and gravel within part of the area allocated in the [Minerals Local Plan for Staffordshire](#) (MLP) (see '[Inset Map 2](#)' accompanying the MLP).

Site and Surroundings

4. Croxden Quarry is located within Staffordshire Moorlands District, lying northeast of the village of Freehay and approximately 1.5 kilometres to the southeast of Cheadle. The quarry covers approximately 200 hectares.
5. The Location Plan below shows the site, including the northern extension

area edged in red and the northern extension hatched in green.



Location Plan

6. The site is bounded by the B5032 Ashbourne Road to the north, Sandy Lane to the east, Coppice Lane to the South, and Counslow Road to the west.
7. Access to the site can be gained via an entrance off Coppice Lane. The vehicle routes to the quarry, secured in the Section 106 Legal Agreement, direct lorries to use the A522 Cheadle Road to the southwest of the quarry.
8. The nearest residential properties to the extension area are to the north, northeast and to the east. These include Counslow Lodge and Counslow Cottage and properties at Threapwood.



Photographs showing the extension area from within the quarry

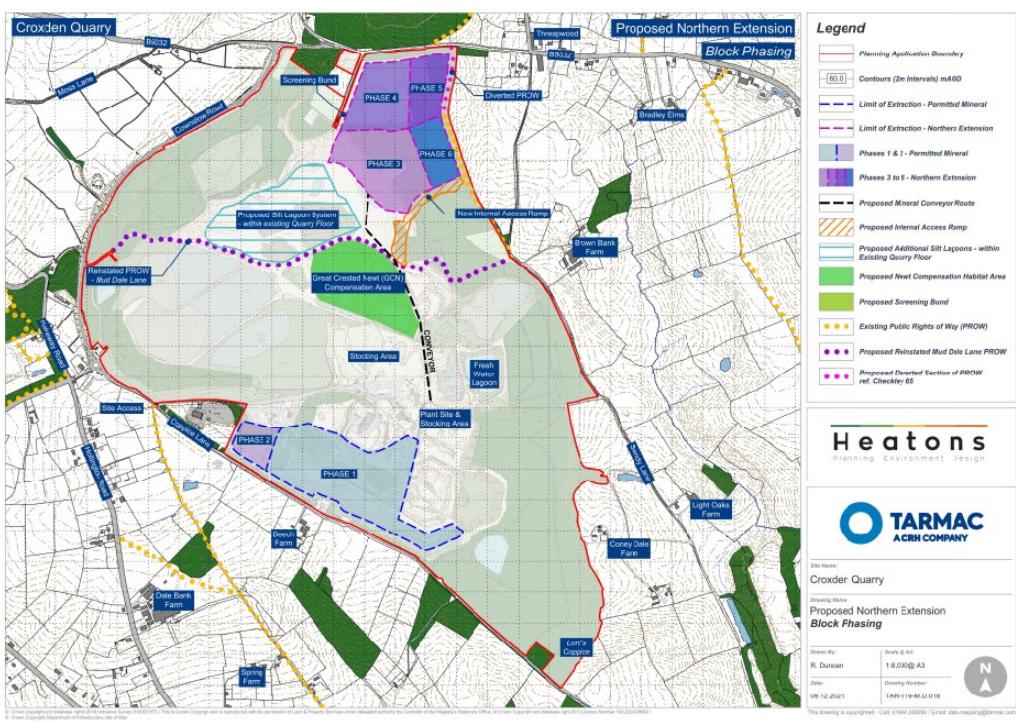


Photographs showing the extension area and across the quarry from the view platform on Counslow Road (adjacent to Laburnham Cottage)

Summary of Proposals

Mineral working

9. The application consists of the extraction of sand and gravel in the four phases shown on the Phasing Plan below (phases 3 to 6 to the north).



The Phasing Plan

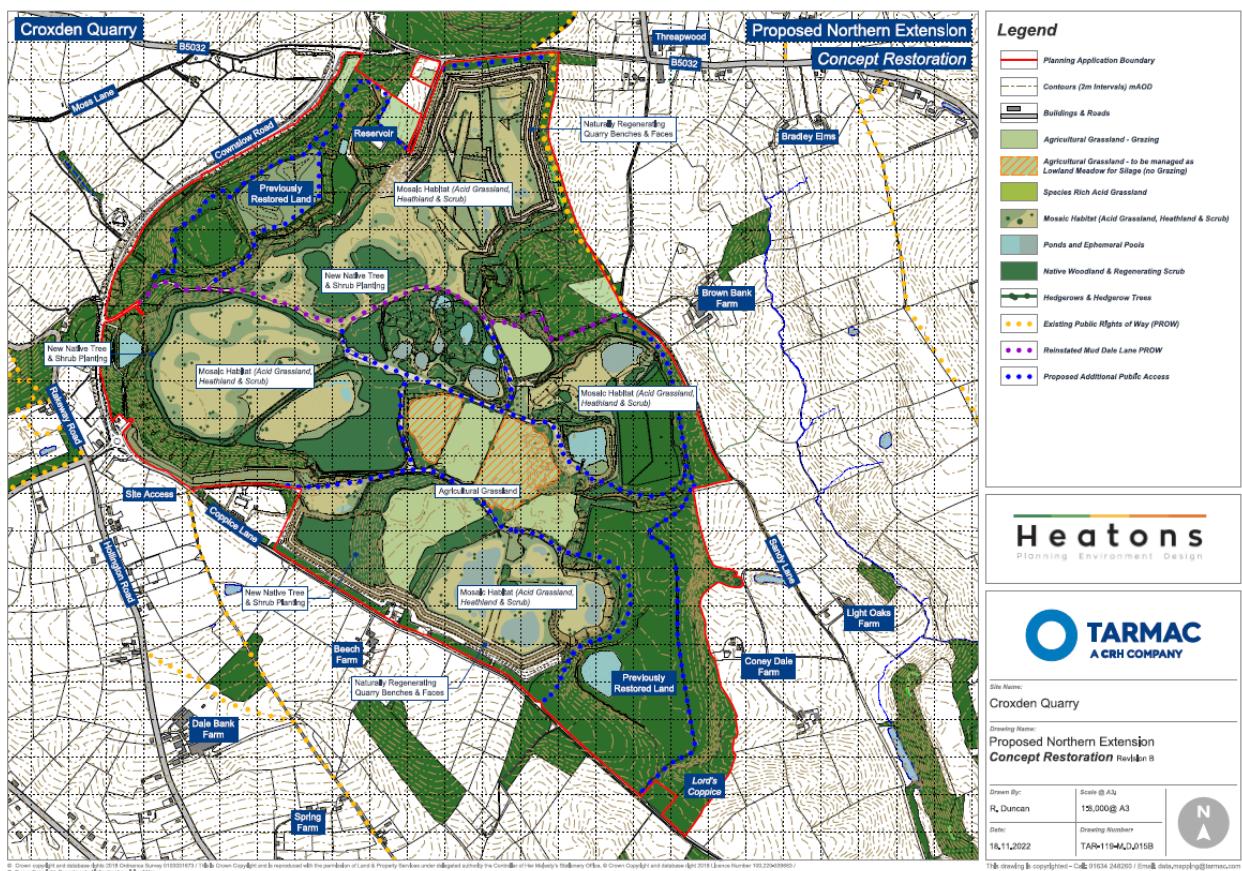
10. Phases 1 and 2 also shown on the plan are the changes to the extraction slopes permitted earlier this year (ref. [SM.20/02/110 M](#) ('the 2022 permission')). Together this represents a combined total sand and gravel output of approximately 6 million tonnes which the applicant estimates would take 10 years to work based on the current 600,000 tonnes per annum output, followed by a further 12 to 24 months to complete the

restoration.

11. The extraction of sand and gravel would take place using dozers, loading shovels, wheeled dump trucks and a conveyor. The conveyor would carry the sand and gravel from the extraction area to the existing processing plant / stocking areas.

Restoration and Aftercare

12. The quarry is currently undergoing progressive restoration in accordance with the latest 2022 permission. The restoration concept, incorporating the extension area, shows the plan to create a landscape which is in-keeping with the landscape character of the surrounding area.



The Concept Restoration Plan (Revision B)

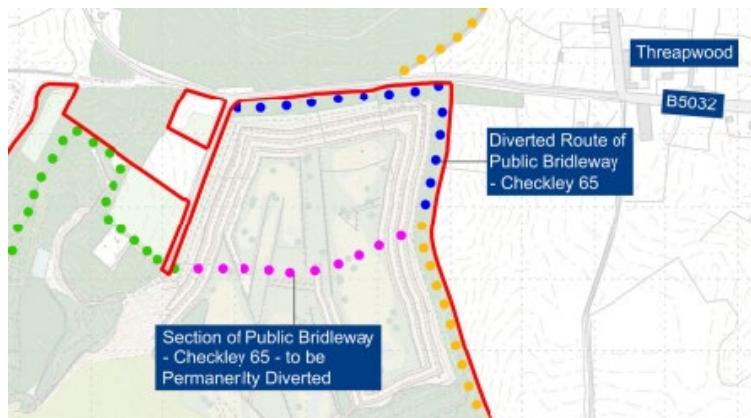
Transport

13. The existing transport arrangements would continue including adherence to the approved routes prescribed in the Section 106 Legal Agreement. HGV's leaving the quarry would also continue to use the wheel wash facility and be sheeted before leaving the quarry.

Rights of Way

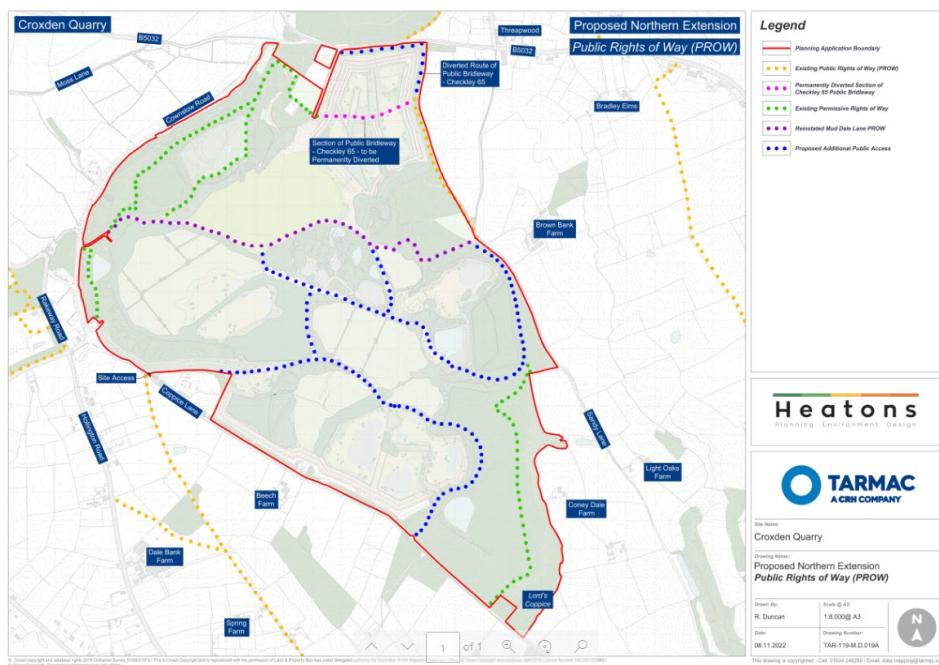
14. The extension to the quarry would result in the permanent diversion of

Bridleway Checkley 65 in Phase 3. The existing route is shown below in pink and the diversion shown in blue.



Map showing
Bridleway Checkley
65 (pink) and the
route of the
permanent diversion
(blue).

15. During Phase 1 it is proposed to reopen the former Muddale Lane PROW as a bridleway albeit along a slightly amended route from its 'historical alignment'. The bridleway would be fenced and clearly identifiable to ensure safety of users as it traverses active areas of Croxden Quarry.



Public Rights of Way Plan

The operating hours

16. No changes are proposed to the permitted operating hours (condition 8 of the 2022 permission).
17. The application is accompanied by a number of documents and plans including:
 - Planning Statement

- Environmental Statement including appendices
- Heritage Considerations Summary Statement
- Location Plan
- Current Situation Plan
- Block Phasing Plan
- Phase 1, 2, 3, 4, 5 and 6 plans
- Public Rights of Way Plan
- Concept Restoration Plan (Revision B)

Liaison Committee

18. The applicant has recently confirmed that a liaison committee has now been established.

The Applicant's Case

19. The applicant contends that as the proposed extension would be accessed via the operational quarry, using the existing site access road, internal haul roads and processed at the existing processing plant, and as there would be no requirement for any new processing plant or buildings, other than extension to the main site conveyor, any potential effects from the mineral extraction operations area would be satisfactorily controlled to an acceptable level.
20. The applicant also contends that the findings of the Environmental Statement demonstrate that overall, the development would be environmentally acceptable and would accord with the development plan.

Relevant Planning History

21. The latest consolidating permission to allow the release of an additional 1.5 million tonnes of sand and gravel and to revise the restoration plan was issued on 25 April 2022 (ref. [SM.20/02/110 M](#)) ('the 2022 permission'). The permission was issued after a [Section 106 Legal Agreement](#) was completed on 21 April 2022. The schedules of the legal agreement relate to: General Obligations; Restoration and Aftercare; Biodiversity Enhancement and Habitat Connectivity Improvement Plan; Extended Aftercare; Routing of Traffic; Transfer of the Land; and Restoration Guarantee Fund.
22. [Appendix 1](#) lists the earlier planning permissions.

Environmental Impact Assessment (EIA)

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

Findings of Consultations

Internal

24. **Environmental Advice Team** (EAT) – no objections, subject to conditions. The EAT reviewed the application and noted the following:
- Landscape – The Landscape and Visual Impact Assessment (LVIA), reasonably concludes that
 - the proposed development would not result in significant adverse landscape or visual effects and can be successfully accommodated and absorbed within its immediate operational and wider rural visual setting.
 - the vast majority of the site would be restored to a wildlife enhanced and agriculturally managed landscape where the only visual sign of quarrying would be the lowered land levels and remaining naturally regenerated quarry extension faces and benches. At this stage it is assessed that levels of significance of effect will be reduced to between slight adverse and moderate beneficial.
 - the restoration plan would reinstate permissive access routes through the quarry, and whilst the landscape will not replicate the mature wooded character of the Churnet valley, it should provide additional recreational capacity in a ‘man modified’ quarried landscape.
- EAT commented that it is vital to achieve the quality of the restoration and aftercare as set out in the Concept Restoration Plan and therefore recommended that the following matters be addressed by conditions:
- A comprehensive and detailed restoration and aftercare scheme for the whole site which should include a programme which is regularly monitored. The scheme should also demonstrate a commitment to longer term management of the quarry post aftercare stage e.g. the aftercare of woodland areas exposed to wind blow following removal of trees should be fully incorporated in the restoration proposals, and the restoration scheme should include contingency measures in case any of the restoration elements fail due to climate change or unforeseen erosion or fire damage etc.
 - The provision of an interpretation board to communicate information to the public on the works being carried out.
 - Hedgerow management of the established hedgerows adjacent

to the highway (Ashbourne Road / B5032) involving at least one operation of hedge laying ideally by a registered professional hedge layer.

- b) Ecology – The County Ecologist accepted the findings of the Ecological Impact Assessment and after changes to the wider quarry restoration concept plan were made to include additional grassland which resulted in an updated Biodiversity Net Gain calculation of 42.3 units (a net gain of 4 units or 10.4%). The County Ecologist recommended that the following matters be addressed by conditions:
 - i. An Environmental Management Plan (EMP) and a Landscape and Ecological Management Plan (LEMP) as recommended in the Ecological Impact Assessment. The EMP and LEMP should include provisions for updated protected species surveys if more than 24 months has passed since the last surveys were carried; details of measures to control invasive species (notably Himalayan balsam, but also possibly Rhododendron); provisions to ensure biosecurity; and provision for at least 10 years habitat monitoring, measured against a series of monitoring plans.
 - ii. A comprehensive and detailed restoration and aftercare scheme for the whole quarry. The scheme should incorporate the 'off-site' compensation which should provide heathland / acidic grassland in optimal proportions.
- c) Tree protection – a tree survey was provided and later the applicant confirmed that no veteran trees would be affected.
- d) Archaeology / Historic Environment – a comprehensive Archaeology and Cultural Heritage Chapter has been produced in line with the relevant guidance and informed by a Historic Environment Desk Based Assessment and the conclusions are generally supported. The proposed mitigation measures outlined in the ES should be secured as part of a Written Scheme of Archaeological Investigation submitted prior to the commencement in Phase 3 (this approach is supported by paragraphs paras 194 and 205 of the NPPF and Policy 4.1 (k) of the Minerals Local Plan for Staffordshire).

The County Council Archaeologist has advised that the mitigation works (where applicable), should be carried out sufficiently in advance of stripping and extraction works commencing to allow for any further archaeological mitigation works to be designed and implemented and, should any significant archaeological remains be encountered, discussions had on their potential for preservation in situ.

In relation to the potential impact of the proposals on the setting of designated heritage assets, the conclusions the Archaeology and Cultural Heritage Chapter, the Historic Environment Desk Based Assessment and Heritage Conservations Summary Statement are generally supported. The Staffordshire Moorlands District Council Conservation Officer and Historic England should be consulted on these matters.

The Historic Environment Desk Based Assessment identifies that the hedgerow along the application site's north-western boundary (identified as Hedge 1 in the report) is of historic importance. The County Archaeologist recommends that this heritage asset should be retained as part of the proposed restoration scheme (as per Section 7 of the Assessment) and should be appropriately protected during preparation, operation, and restoration works.

The County Archaeologist has also commented that the retention of this hedgerow is not particularly clear on the submitted Concept Restoration Plan and clarification should be provided [Note: the revised Concept Restoration Plan confirms the hedgerow would be retained.]

- e) Public Rights of Way – no objections to the principle of the diversion of Public Bridleway No 65 Checkley.
 - i. The diversion would need to be subject of an assessment on site, a formal application and public consultation.
 - ii. It is not clear whether equestrians, cyclists and walkers use the current route to access Counslow Road which, in turn, provides a more direct connection to Hares Lane. The proposed diversion will mean that for anyone heading northwest they will need to use the B5032. However, a more direct connection with Public Footpath No 14 Cheadle would be required should the diversion prove successful.
 - iii. Pre-application consultation should take place with local walking and riding groups prior to formal submission of the diversion of the footpath.
 - iv. The application mentions a proposal to downgrade byway open to all traffic (BOAT) No 40 and 55 Checkley Parish. BOAT's are part of the vehicular highway network and any changes will need to be discussed with the County Council's Land Charges Team.

The Public Rights of Way Team have requested further information concerning the proposed crossing of the conveyor belt.

25. **Highways Development Control** (on behalf of the Highways Authority) (HA) – no objections subject to conditions to ensure that the access on Coppice Lane is used (shown on the Block Phasing Plan - (Drawing No TAR-119-M-D-018)); no more than 88 HGVs shall enter or leave the Site per full working day (176 two-way HCV vehicle movements) and no more than 486 HCVs shall enter or leave the Site per full working week (972 two-way HCV vehicle movements); the internal access road between the public highway and the wheel cleaning facilities should be maintained in accordance with the approved details (ref. SM.91/1355 D3 dated 15 September 1997) and used for the cleaning on the wheel of haulage vehicles; the sign indicating the haulage route onto the A522 maintained in position for the duration of this permission and to ensure that no mud or deleterious materials shall be deposited on the public highway.
26. The HA also commented that their response was based on the understanding that the terms of the Section 106 Legal Agreement for associated with the 2022 permission would be carried forward.
27. **Planning Regulation Team** – no objections / comments.
28. **The County Council's Noise Engineer** – no objections, subject to conditions. The Noise Engineer reviewed the ES and noted that:
 - a) a noise assessment has been carried out including baseline noise levels being determined at nearby noise sensitive receptors as well as predicted site noise levels. The properties which would be affected by the proposed northern extension are located at Sandy Lane and Brown Banks Farm, Lightoaks Farm and Counslow Lodge.
 - b) the calculated site noise levels show that routine operations would be carried out within current noise limits at the nearest properties.
 - c) during the sandstone extraction/overburden, properties on Sandy Lane and Brown Banks Farm would have a predicted site noise level above the existing site noise limits.
 - d) the assessment recommends that the existing site noise limits for routine mineral extraction and processing are retained and a short-term site noise limit of 55 dB LAeq, 1 hour, free field at dwellings is used during the removal of the upper three metre sandstone layer.
 - e) the site noise levels would reduce as depth increases and once the sandstone extraction/overburden removal is complete the existing noise limits can be complied with.
29. **Flood Risk Management Team (FRMT)** – no objections, subject to conditions to require extraction to be carried out in accordance with the mitigation measures included in the Flood Risk Assessment and the Hydrological & Hydrogeological Impact Assessment, and to require the

site to be restored in accordance with the Concept Restoration Plan.

External

30. **Staffordshire Moorlands District Council** - no response.
31. **Staffordshire Moorlands District Council Environmental Health** – no objections, subject to conditions:
 - a) Noise - the existing planning conditions (SM.11/07/110 M) relating to noise and times of operations should apply to this permission having regard to the following:
 - i. there is a requirement to remove the soil overburden and subsequent sandstone overburden before the intended mineral products can be extracted. The removal of the sandstone overburden is not considered temporary as it would take longer than the permitted 8-weeks in any 12-month period.
 - ii. the noise impact assessment therefore identifies that a sound limit of 55 dB LAeq, 1 hour should apply to residential receptors for the period during the removal of sandstone overburden.
 - iii. the Mineral Planning Authority needs to be satisfied that in accordance with the NPPG, that complying with the existing sound limits will place an unreasonable burden on the mineral operator.
 - iv. the EHO have commented that it is unclear whether the sandstone is a “commercially saleable material”, this may be an important factor in determining the above and that it is also unclear as to the anticipated timescale for the removal of this material and therefore the length of time the increase sound limit will apply for.
 - v. if the removal of the sandstone overburden is to continue for a notable period of time, this may be a consideration with regards to determining any unreasonable burden. In considering this aspect, it is worth noting that during background sound level measurements for this assessment, site noise was noted at Brown Bank Farm, Lightoaks Farm, dwellings on Sandy Lane. The increase from the existing site noise limits to 55 db LAeq, 1 hour for the sandstone overburden removal could be significant.
 - b) Air quality - the existing conditions of planning permission

(SM.11/07/110 M) relating to access and transportation and dust are applied and to require the submission of a scheme for monitoring of dust from the development

32. **Checkley Parish Council** - no response.
33. **Cheadle Parish Council** - no response.
34. **Alton Parish Council (adjoining PC)** - no response.
35. **Environment Agency** (EA) - no objections. The EA reviewed the application in relation to 'Controlled Waters' and noted that the reports recognise the advice in the NPPF regarding the protection of water quality and the need to promote the sustainable management of water resources. The information submitted specifically seeks to identify and assess any potential risks to and from the proposed development on the water environment by ensuring that there is no pollution of groundwater or surface water resources and a safe management of water resources.
36. The EA also commented that the Hydrological and Hydrogeological Impact Assessment (HHIA) report makes valid, substantiated points about the various reasons the north- eastern quarry extension will not lead to impacts to either groundwater or surface water levels and/or quality.
37. The EA believe that there are no over-riding hydrogeological or hydrological reasons why the planned north-eastern quarry extension should not progress as described in the supporting documents to this application. However, this is based on the presumption that all recommendations set out (including in the EMS) are adhered to and also imposed by the Mineral Planning Authority. The EA strongly advise that, if granted, the planning permission should include the same environmental protection planning conditions as included within the original permission.
38. **Natural England (NE)** were unable to provide a bespoke response and referred to comments made in relation to the 2022 permission.
39. NE previously had no objection and commented that they consider that the proposed development would not have significant adverse impacts on designated sites. NE also commented in relation to soils, land quality and remediation. NE confirmed that they are satisfied that the site working and reclamation proposals provided in support of the application meet the requirements for sustainable minerals development set out in the [National Planning Policy Framework \(NPPF\)](#) and current Minerals Planning Practice Guidance. NE general advice on the agricultural aspects of site working and reclamation; soil handling; consideration of protected species; and other natural environment issues have been included in the recommended informative (see Informative 4).

40. **Historic England** – no comments and recommend the views of the Council's specialist conservation and archaeological advisers are sought.
41. **Severn Trent Water** - no response.
42. **Ramblers Association** – commented that Footpath Cheadle 7 would be affected, and measures must be in place, to make this path safe for the public to use [Note: sections of Checkley 65 and Checkley 40 are located within the existing quarry and a section of Checkley 65 is within the extension area].
43. **Forestry Commission** – provided guidance concerning Ancient Woodland.
44. **Cadent Gas Limited** – confirmed the existing medium and low-pressure asset in the vicinity of the Site (see Informative 5).
45. **Western Power Distribution** - a plan is provided showing existing Western Power Distribution (WPD) Electricity / WPD Surf Telecom apparatus in the vicinity of the Site. Advice is also provided on work taking place in the vicinity of WPD plant (see Informative 6).

Publicity and Representations

46. Site notice: YES Press notice: YES
47. 52 neighbour notification letters were sent out and 1 representation has been received. The concerns raised in the representation are summarised below:
 - Loss of habitat (woodland, wetland and meadow).
 - Noise pollution.
 - Dust and air pollution.
 - Light pollution.
 - Dangerous proposal regarding Public Right of Way adjustment.
 - Lack of consideration to the loss of amenity to local residents.
 - Safety concerns regarding 60 mph B5032 and associated distractions.

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

48. 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.'

49. [Appendix 3](#) lists the development plan policies (and proposals) and the other material planning considerations, relevant to this decision.

Observations

50. 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:
 - Mineral planning policy and other material planning considerations
 - Mineral Local Plan development considerations
 - Other matters raised by consultees and in the representation
 - The need to review and update the planning conditions
 - The Need for a Legal Agreement

Mineral planning policy and other material planning considerations

51. National and local planning policies recognise the importance of minerals for sustainable economic growth. The [National Planning Policy Framework](#) (NPPF) contains specific mineral planning policy guidance and provides general planning policy guidance which is underpinned by a presumption in favour of sustainable development (Section 2). Paragraph 211 of the NPPF explains that:

'When determining planning applications, great weight should be given to the benefits of mineral extraction, including to the economy.'

52. Policy 1 of the [Minerals Local Plan \(MLP\) for Staffordshire](#) sets out how provision will be made for sand and gravel in the county up to the end of 2030 based on maintaining a landbank of at least 7 years of permitted

reserves to support a level of provision of 5 million tonnes per annum (Mtpa); and refers to 11 proposals for the extension of quarries. One of these proposals involves the land subject of this application (refer to Inset Map 2 (Croxden North) in appendix 1 to the MLP [appendices](#)).

53. Policy 1.3 of the MLP requires that:

'Planning permission to extend a site will normally be conditioned so that the extension area can only be worked following cessation of mineral working within the existing site unless it has been demonstrated that there are operational reasons why this is not practicable.'

54. Footnote 73 to paragraph 213 (f) of the NPPF which relates to maintaining landbanks of at least 7 years for sand and gravel states that:

'Longer periods may be appropriate for landbanks of aggregate minerals to take account of the need to supply a range of types of aggregates, locations of permitted reserves relative to markets, and productive capacity of permitted sites.'

55. Commentary: As explained in the Introduction earlier, the 2022 permission requires the site to cease mineral extraction by 30 November 2023. The northern extension area is land that has been allocated in the MLP as shown on Inset Plan 2 of [Appendix 1 to the MLP](#).

56. The most up to date assessment of the sand and gravel landbank in Staffordshire indicates that the size of the landbank was sufficient for 11.8 years as of 1 January 2021 ([Local Aggregate Assessment 2022](#)), based on a level of provision of 5 million tonnes per year as defined in the MLP, (using data from the West Midlands Aggregate Working Party Survey).

57. There is no current need for additional reserves to maintain the county's sand and gravel landbank, the proposed extension would maintain production at the quarry following the exhaustion of the quarry's permitted reserves which is anticipated to be next year. The proposal, therefore, would accord with Policy 1.3 of the MLP; and the guidance of footnote 73 to paragraph 213 (f) of the NPPF by maintaining the productive capacity of a permitted site.

58. Conclusion: Having regard to the mineral planning policies and other material planning considerations referred to above, it is reasonable to conclude that the proposal is acceptable in principle given that it would maintain the provision of sand and gravel from a site allocated in the MLP.

Mineral Local Plan development considerations

59. Policy 1.2 of the MLP requires that:

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

60. Policy 4.3 of the Minerals Local Plan states that:

'Having assessed the impacts of the proposals for mineral development and the mitigation and/ or compensatory measures, permission will only be granted where it has been demonstrated that there are no unacceptable adverse impacts on human health, general amenity and the natural and historic environment, or the material planning benefits of the proposals outweigh the material planning objections.'

61. In accordance with Policy 1.2 of the MLP, it is necessary to consider whether the submitted proposals address the development considerations identified for the allocation as set out in Appendix 1. A table submitted with the application lists the [Development Considerations](#) and the sections of the Environmental Statement where each point are addressed (see [Appendix 2](#) for a summary of the findings of the ES).
62. The table below summarises how these considerations have been addressed by the applicant and also considered by consultees.

Development considerations for the Croxden (North) allocation	Addressed in the application / Environmental Statement (ES) by:
Need to ensure that working does not open up unacceptable views of the operational area of the quarry from sensitive receptors	<p>Applicant</p> <ul style="list-style-type: none"> A Landscape and Visual Impact Assessment (LVIA) has been prepared. Chapter 7 of the LVIA provides an assessment of the impact of the proposed development on nearby landscape designations, on the landscape character and identified sensitive visual receptors. These receptors include nearby Public Rights of Way, residential dwellings and farms. The LVIA concludes that the proposed extension would be in accordance with guidance and relevant policies and that no significant cumulative landscape or visual effect would result from the proposals in combination with either existing or proposed developments. <p>Consultees</p> <ul style="list-style-type: none"> No objections have been raised by the County Council's Environmental Advice

	<p>Team subject to conditions including the submission of a comprehensive and detailed restoration and aftercare scheme.</p>
<p>There is a Grade II heritage asset to the north of the proposed allocation. Developers will need to ensure that it is protected and conserved, together with its setting.</p>	<p>Applicant</p> <ul style="list-style-type: none"> Counslow Lodge is a Grade II listed asset to the northwest of the site. The impact on this listed building has been considered in several chapter of the ES (Archaeology and Cultural Heritage, Dust and Air Quality Impact Assessment and in the LVIA). <p>Consultees</p> <ul style="list-style-type: none"> No objections have been raised by the County Council's Environmental Advice Team regarding the impact on the listed building. Historic England had no comments to make and recommend the views of the Council's specialist conservation and archaeological advisers are sought. Staffordshire Moorlands District Council did not respond to the consultation.
<p>Restoration should involve a sensitive approach to design, and integration with entire quarry area.</p>	<p>Applicant</p> <ul style="list-style-type: none"> Concept Restoration Plan Revision B Consideration of the impacts/benefits of the restoration proposals were included within the LVIA and the Ecological Impact Assessment (EcIA). Creation of the Restoration Scheme was an iterative process guided by the findings within the reports and their associated surveys building on the currently consented scheme for the wider Quarry. This is outlined in paragraph 5.7.5 of the ES. <p>Consultees</p> <ul style="list-style-type: none"> No objections have been raised by the County Council's Environmental Advice Team subject to a number of conditions including the submission of a comprehensive and detailed restoration and aftercare scheme.
<p>Should ensure that new woodland and other BAP priority habitats such as heathland and acidic grassland with enhanced connectivity are established to mitigate and/ or compensate for loss of the large area of</p>	<p>Applicant</p> <ul style="list-style-type: none"> This matter was addressed in the Ecology Impact Assessment and elsewhere in the ES at paragraphs 7.3.11-7.3.15 & 7.4.6. The Concept Restoration Plan shows the extension area as part of the wider restoration plan for the quarry <p>Consultees</p>

BAP priority woodland.	<ul style="list-style-type: none"> • Environmental Advice Team have accepted that the proposed revisions to add grassland to the restoration concept would off-set the loss of the habitats and achieve an overall net gain of 10%. • The Environmental Advice Team have therefore raised no objections subject to a several conditions including a requirement to monitor the habitat creation over a 10 year period.
The site is affected by a ground water protection zone.	<p>Applicant:</p> <ul style="list-style-type: none"> • A Hydrological & Hydrogeological Impact Assessment was prepared and submitted as part of the application. • The assessment concluded that there are no over-riding hydrogeological or hydrological reasons why the planned development should not proceed in the manner described in the application. <p>Consultees</p> <ul style="list-style-type: none"> • No objections have been raised by the County Council's Flood Risk Management Team subject to a condition to require mineral extraction and restoration to be carried out in accordance with the Flood Risk Assessment and the Hydrological & Hydrogeological Impact Assessment, and the Concept Restoration Plan. • No objection from the Environment Agency who commented that there are no over-riding hydrogeological or hydrological reasons why the planned north-eastern quarry extension should not progress, subject to the same environmental protection planning conditions as included within the original planning permission being applied here. The EA also recommend a condition to require the submission of an Environmental Management Scheme in accordance with the recommendations of the Hydrological & Hydrogeological Impact Assessment.

63. Conclusion: Having regard to the policies, other material considerations and the consultee comments, it is reasonable to conclude that the application satisfactorily addresses the development considerations associated with the Croxden North allocation in the MLP, subject to the recommended conditions and terms for the Section 106 Legal Agreement referred to below.

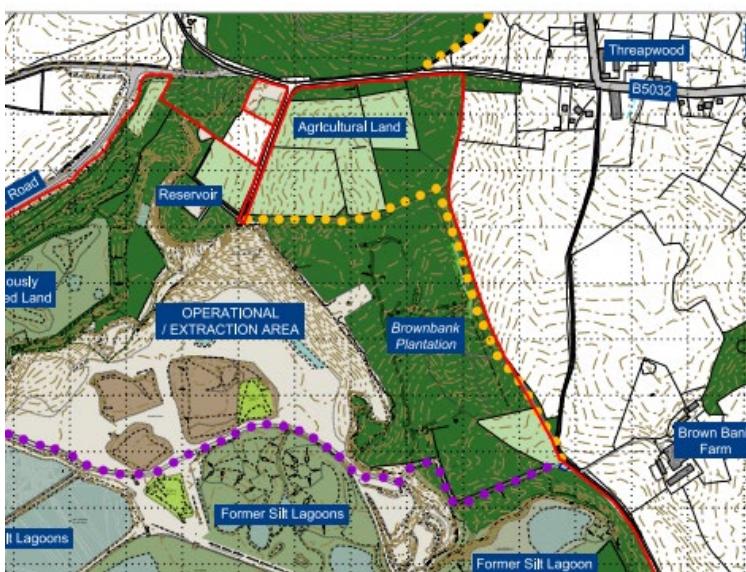
Other matters raised by consultees and in the representation

Loss of habitat – visual impact and ecology

64. The representation raised concerns in relation to loss of woodland, wetland and meadow habitat and the impact on ecology and the County Council's Environmental Advice Team (EAT) commented on the restoration scheme and biodiversity net gain.
65. Paragraph 174 of the NPPF states that decisions should contribute to and enhance the natural and local environment by:
 - '(a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan).
 - (b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.
 - (d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures'
66. Policy 4.1 of the MLP requires consideration to be given to the impact of proposal for mineral development on people, local communities and the environment. The environmental considerations that should be taken into account include:
 - 'c) Visual amenity....
 - h) The countryside;
 - i) Landscape....
 - j) Natural environment....'
67. Planning Practice Guidance states that planning authorities need to consider the potential impacts of development on protected and priority species, and the scope to avoid or mitigate any impacts when considering site allocations or planning applications ([Natural environment, Biodiversity, geodiversity and ecosystems](#) (paragraph: 016 Reference ID: 8-016-20190721)).
68. 'Biodiversity Net Gain' (BNG) is a new requirement set out in the [Environment Act 2021](#). When this comes into law it will require all planning permissions granted (with a few exemptions) to deliver a minimum 10% gain calculated using a biodiversity metric, the approval of

a net gain plan and habitats to be secured for at least 30 years (via obligations / conservation covenants). The changes to bring BNG into effect for England will require amendments to the Town & Country Planning Act 1990 and are likely to become law in November 2023.

69. Commentary: A Landscape and Visual Impact Assessment and Ecological Impact Assessment have been submitted as part of the ES. The assessments conclude that the proposed development would not result in significant adverse landscape or visual effects and that the impact on nature conservation / ecology would be not significant, subject to the recommended mitigation measures to protected individual species including badgers, bats, reptiles, amphibians, birds, invertebrates, other mammals, and other protected species.
70. A plan accompanying the application shows the current situation for the site including the extension area. The extension area currently contains agricultural land with mixed woodland along the northern and eastern boundaries.



Extract of the current situation plan showing the extension area.

71. The applicant has indicated that the site would be screened from the Ashbourne Road; the tree belt along the northern boundary would be retained. This would maintain landscape and ecological connectivity and localised screening. A new hedgerow is also to be established along the western, northern and eastern boundaries.
72. The applicant has now submitted a revised Concept Restoration plan and an updated Biodiversity Net Gain 'Defra v3 metric' ('the BNG metric') to address comments from the County Council's Environmental Advice Team.
73. The County Council's Environmental Advice Team has confirmed that the

restoration of the site would create large areas of habitats including species rich acid grassland and broad-leaved woodland which are intended to qualify as priority habitat and these habitats would be suitable for nesting birds, foraging bats, foraging badgers, reptiles, invertebrates and amphibians. The County Council's Environmental Advice Team has confirmed that the updated metric, which now includes habitat creation on fields agreed for restoration to grassland on the existing quarry site, does provide sufficient 'off-site' compensation for the loss of habitat within the extension site.

74. Overall, the County Council's Environmental Advice Team has raised no objections subject to several conditions referred to earlier, including the need for a comprehensive and detailed Restoration and Aftercare Scheme for the whole site and habitat monitoring.
75. Conclusion: Having regard to the site-specific development plan policies referred to above, it is reasonable to conclude that subject to the conditions recommended below, the proposed development would not give rise to any materially harmful impacts in terms of biodiversity, landscape or visual amenity.

Noise

76. The representation raised concerns in relation to noise generated at the quarry.
77. The NPPF states that when determining planning applications, great weight should be given to the benefits of mineral extraction, including to the economy and when considering proposals for mineral extraction, and minerals planning authorities should:

ensure that any unavoidable noise, dust and particle emissions and any blasting vibrations are controlled, mitigated or removed at source, and establish appropriate noise limits for extraction in proximity to noise sensitive properties (paragraph 211 (c));

78. Policy 4.1 of the MLP requires consideration to be given to the impact of proposal for mineral development on people, local communities and the environment and that environmental considerations should be taken into account including 'Noise' (Policy 4.1 (a))
79. Planning Practice Guidance states that for mineral proposals, a noise impact assessment carried out, which should identify all sources of noise and, for each source, take account of the noise emission, its characteristics, the proposed operating locations, procedures, schedules and duration of work for the life of the operation, and its likely impact on the surrounding neighbourhood.
80. The Planning Practice Guidance also states that

'Mineral planning authorities should take account of the prevailing acoustic environment and in doing so consider whether or not noise from the proposed operations would:

- give rise to a significant adverse effect;
- give rise to an adverse effect; and
- enable a good standard of amenity to be achieved'.

([Minerals, Assessing-environmental-impacts-from-minerals-extraction](#); Noise emissions (Paragraph: 019 Reference ID: 27-019-20140306 and Paragraph: 020 Reference ID: 27-020-20140306)).

81. Planning Practice Guidance includes the following noise standards for mineral operators for normal operations and for noisy short-term activities (e.g. soil-stripping, the construction and removal of baffle mounds, soil storage mounds and spoil heaps, construction of new permanent landforms and aspects of site road construction and maintenance):

Noise standards for normal operations

'Mineral planning authorities should aim to establish a noise limit, through a planning condition, at the noise-sensitive property that does not exceed the background noise level (LA90,1h) by more than 10dB(A) during normal working hours (0700-1900). Where it will be difficult not to exceed the background level by more than 10dB(A) without imposing unreasonable burdens on the mineral operator, the limit set should be as near that level as practicable. In any event, the total noise from the operations should not exceed 55dB(A) LAeq, 1h (free field). For operations during the evening (1900-2200) the noise limits should not exceed the background noise level (LA90,1h) by more than 10dB(A) and should not exceed 55dB(A) LAeq, 1h (free field). For any operations during the period 22.00 – 07.00 noise limits should be set to reduce to a minimum any adverse impacts, without imposing unreasonable burdens on the mineral operator. In any event the noise limit should not exceed 42dB(A) LAeq,1h (free field) at a noise sensitive property.'

([Minerals, Assessing-environmental-impacts-from-minerals-extraction; Noise emissions](#) (Paragraph: 021 Reference ID: 27-021-20140306)).

Noisy short-term activities

'Increased temporary daytime noise limits of up to 70dB(A) LAeq 1h (free field) for periods of up to 8 weeks in a year at specified noise-sensitive properties should be considered to facilitate essential site

preparation and restoration work and construction of baffle mounds where it is clear that this will bring longer-term environmental benefits to the site or its environs.

Where work is likely to take longer than 8 weeks, a lower limit over a longer period should be considered. In some wholly exceptional cases, where there is no viable alternative, a higher limit for a very limited period may be appropriate in order to attain the environmental benefits. Within this framework, the 70 dB(A) LAeq 1h (free field) limit referred to above should be regarded as the normal maximum.'

([Minerals, Assessing-environmental-impacts-from-minerals-extraction; Noise emissions](#) (Paragraph: 022 Reference ID: 27-022-20140306)).

82. Commentary: A noise assessment was submitted as part of the ES which accompanied the application. The assessment concluded that the mitigation measures would ensure that the impacts from noise would be acceptable.
83. The 2022 permission includes conditions 30 to 37 which provides a range of measures to limit and monitor noise levels.
84. The County Council's Noise Engineer and Staffordshire Moorlands District Council Environmental Health Officer have no objections on noise grounds, subject to the existing noise conditions being retained and an additional condition being imposed to set a temporary noise limit of 55 dB during the period when the sandstone overburden is being removed.
85. Conclusion: Having regard to the site-specific development plan policies and guidance referred to above, it is reasonable to conclude that subject to the conditions recommended above, the proposed development would not give rise to any materially harmful impacts in terms of noise.

Dust and Air Pollution

86. The representation has raised concerns in relation to dust and air pollution caused by the quarry.
87. Paragraph 211 of the NPPF referred to above is also relevant in relation to dust and air pollution.
88. Policy 4.1 of the MLP requires consideration to be given to the impact of proposal for mineral development on people, local communities and the environment and that environmental considerations should be taken into account including 'Air Quality' (Policy 4.1 (b)).
89. Planning Practice Guidance indicates that where dust emissions are likely to arise, mineral operators are expected to prepare a dust assessment

study, which should be undertaken by a competent person/organisation with acknowledged experience of undertaking this type of work ([Minerals, Assessing-environmental-impacts-from-minerals-extraction; How should mineral operators seek to minimise dust emissions?](#) (Paragraph: 023 Reference ID: 27-023-20140306))

90. Commentary: A Dust & Air Quality Impact Assessment has been submitted which concludes that the existing mitigation measures, which would be applied to the extension area, would ensure that the air quality impacts are acceptable.
91. The mitigation measures detailed in the assessment include the adoption of best practicable means to ensure dust and fumes from the site are effectively suppressed, mobile plant should be regularly serviced and equipped with effective exhausts to prevent fume emissions, the haul roads should be adequately maintained, the use of a water bowser during dry conditions on the access road and any other trafficked areas, vehicle speed control along the access road and other trafficked areas, and the use of a road sweeper.
92. The 2022 permission includes a condition which requires a range of measures to be carried out to control dust.
93. The Staffordshire Moorlands EHO has indicated that the existing condition of planning permission relating to dust should be applied and a dust monitoring scheme condition should be required added.
94. Conclusion: Having regard to the site-specific development plan policies and guidance referred to above, it is reasonable to conclude that subject to the conditions recommended above, the proposed development would not give rise to any materially harmful impacts in terms of dust.

Light Pollution

95. The representation has raised concerns in relation to light pollution from the quarry.
96. Paragraph 185 of the NPPF states that:

...decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:

 - (c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation'.
97. Policy 4.1 of the MLP requires consideration to be given to the impact of

proposal for mineral development on people, local communities and the environment and that environmental considerations should be taken into account including 'Visual amenity, including the effects of light pollution (Policy 4.1 (c)).

98. Planning Practice Guidance states that 'artificial lighting needs to be considered when a development may increase levels of lighting, or would be sensitive to prevailing levels of artificial lighting' ([Light pollution, What light pollution considerations does planning need to address?](#) (paragraph 001 Reference ID: 31-001-20191101)).
99. Commentary: The applicant has responded that the main requirement for lighting is within the existing plant site to maintain operational safety and within extraction areas lighting is limited to the lighting on mobile plant or on quarry vehicles.
100. The applicant has also explained that the operational hours would in accordance with the 2022 permission and that operations at the quarry face or in extraction areas would typically finish earlier than the main plant/processing areas to allow for shut down and the return of plant and personnel before the quarry closes.
101. There are differing hours depending on the type of operations taking place with the quarry as set out in condition 8 of the 2022 permission. For example, working or restoration operations should only be carried out between 0700 and 1900 Monday to Friday and 0700 and 1300 on Saturdays, with no operations on Sundays, Bank or Public Holidays. Therefore, it is considered reasonable and necessary to recommend a condition to remind the operator to control external lighting to minimise light pollution.
102. Conclusion: Having regard to the site-specific development plan policies and guidance referred to above, it is reasonable to conclude that subject to the condition recommended above, the proposed development would not give rise to any materially harmful impacts in terms of light pollution.

Right of Way

103. The representation has raised concerns in relation to the proposal to diversion of the Public Right of Way (Bridleway Checkley 65), at the point where the diverted right of way ceases on the Ashbourne Road (B5032) (opposite another right of way (Cheadle 14)) due to the speed of traffic on the road
104. Paragraph 100 of the NPPF states that planning decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails.

105. Policy 4.1 of the MLP requires consideration to be given to the impact of proposal for mineral development on people, local communities and the environment and that environmental considerations should be taken into account including 'Public rights of way...' (Policy 4.1 (f))
106. Planning Practice Guidance states that public rights of way form an important component of sustainable transport links and should be protected or enhanced ([Open space, sports and recreation facilities, public rights of way and local green space](#), [Public rights of way and National Trails](#) (Paragraph 004 Reference ID: 37-004-20140306)).
107. Commentary: The applicant has explained that the extension would result in the permanent diversion in Public Right of Way Checkley 65 and considers that the diversion would improve connectivity of the wider rights of way network as the diverted route would exit the site opposite Checkley 14.
108. In response to the representation, the applicant has revised the route of the diverted path to include a section of right of way along the northern boundary of the site (along the Ashbourne Road (B5032) to the junction with Counslow Road (towards Hares Lane). The revised route is shown on the revised Concept Restoration and Public Rights of Way plans.
109. The County Council's Right of Way Team have no objections in principle to the diversion of Public Bridleway No 65 Checkley and have explained that the diversion would need to be subject to assessment on site, a formal application and public consultation. A condition is recommended below to require more details of the footpath diversion to be submitted for approval.
110. The applicant has also provided information concerning the relationship between the proposed right of way and the conveyor serving the northern extension area. The right of way would be fenced on both sides with gated access to allow for quarry vehicles to cross which when open become a gate/block to users of the right of way whilst vehicles cross. The conveyor would be situated within a tunnel that runs underneath the bridleway. A condition is recommended below to require more details of the design/layout arrangements to be submitted for approval.
111. Conclusion: Having regard to the site-specific development plan policies and guidance referred to above, it is reasonable to conclude that subject to the conditions recommended above, the proposed development would not give rise to any materially harmful impacts in terms of public rights of way.

Highway Safety

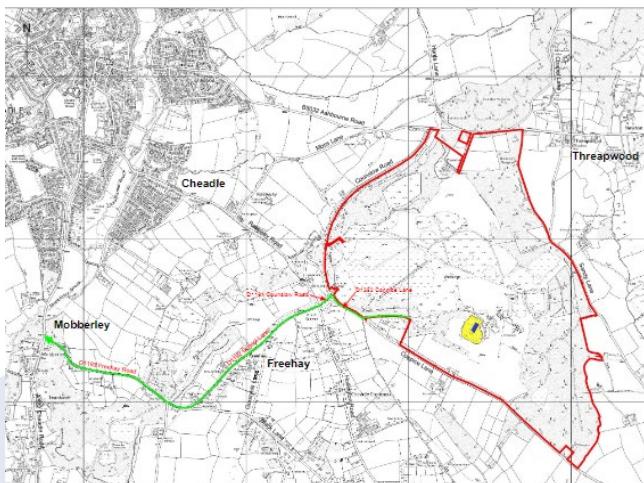
112. The representation has raised concerns in relation to the use of the B5032 (Ashbourne Road).

113. The NPPF (Section 9: Promoting sustainable transport – paragraphs 108 and 109 explain that:

- '108 In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:
- appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
 - safe and suitable access to the site can be achieved for all users; and
 - any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
109. Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.'

114. Policy 4.1 of the MLP requires consideration to be given to the impact of proposal for mineral development on people, local communities and the environment and that environmental considerations should be taken into account including 'Traffic on the highway network' (Policy 4.1 (e))

115. Commentary: The applicant has explained that the existing transport arrangements would continue including the use of the approved route (shown in green below) (and see 'The Need for a Legal Agreement' section below).



The approved HCV routes taken from the legal agreement

116. The 2022 permission includes a number highway or traffic related conditions, and the Section 106 Legal Agreement specifies the routes that should be used.
117. The Highways Development Control Team have no objection subject to inclusion of the 2022 permission highway or traffic related conditions and continuation of the lorry routing specified in the legal agreement.
118. Conclusion: Having regard to the site-specific development plan policies and guidance referred to above, it is reasonable to conclude that subject to the conditions and routing in the legal agreement recommended above, the proposed development would not give rise to any materially harmful impacts in terms highways safety.

The need to review and update the planning conditions

119. The NPPF ([Section 4](#), paragraph 55) states that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through conditions. Paragraph 56 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.....'.
120. Strategic Objective 4 and Policy 4.5 in the [Mineral Local Plan for Staffordshire \(MLP\)](#) seek to ensure that mineral sites operate to high environmental standards and paragraph 6.11 in the MLP states that Mineral Developers will be expected to demonstrate how they will operate to high environmental standards, for example by: reporting on progress and reviewing working, restoration and aftercare schemes.
121. Strategic Objective 4 and Policies 6.2 and 6.3 in the MLP also explain the importance of regularly reviewing restoration plans / strategies so that new opportunities to enhance the restoration and aftercare can be maximised.
122. The Planning Practice Guidance advises that:

'When used properly, conditions can enhance the quality of development and enable development to proceed where it would otherwise have been necessary to refuse planning permission, by mitigating the adverse effects'. ([Planning Practice Guidance, Use of planning conditions, Why and how are conditions imposed?](#), paragraph: 001).
123. Commentary: The applicant has confirmed a willingness to accept the latest conditions from the 2022 permission.

124. Having regard to the above objectives, policies and guidance, it is considered that most of the conditions included in the 2022 permission are still reasonable, necessary and up to date subject to minor modifications. For example, to refer to the latest approved plans and documents submitted with the application. However, as mentioned earlier, there is also a need to add new conditions to address the matters raised by the Noise Engineer and EAT.
125. In this case, having regard to the proposed mineral extraction cessation date (10 years from commencement) it is now reasonable to require a further review of working and restoration after 5 years.
126. Conclusion: Having regard to the objectives, policies, guidance and consultee comments referred to above, it is reasonable to conclude that it is necessary to recommend several updates to existing conditions and to add new conditions to minimise the impact of mineral development and to ensure the quarry continues to operate to high environmental standards as well as achieve high quality restoration.

The Need for a Legal Agreement

127. Paragraph 55 in the NPPF also explains that planning obligations may be used to make otherwise unacceptable development acceptable. Paragraph 57 states that planning obligations should only be sought where they meet all of the following tests:
 - necessary to make the development acceptable in planning terms.
 - directly related to the development; and,
 - fairly and reasonably related in scale and kind to the development.
128. These are also legal tests by virtue of the Community Infrastructure Levy Regulations 2010 ([Part 11](#)) (Note the Community Infrastructure Levy Regulations have been amended, the latest came into force on [1 September 2019](#)). The 2010 Regulations also prevent the use of a planning obligation to fund infrastructure if a Community Infrastructure Levy (CIL) has been adopted in the area (Regulation 123). In this case, Staffordshire Moorlands District do not currently have an adopted CIL.
129. Chapter 8 of the [Mineral Local Plan for Staffordshire](#) (Implementation and Monitoring of the Plan) and Appendix 7 (B) provides guidance on the ways the Mineral Planning Authority will implement the objectives and policies of the Mineral Local Plan including negotiating legal agreements or modifications to existing legal agreements. Appendix 7 (B) states that planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.
130. Commentary: As indicated in the 'Relevant Planning History' section

earlier, a [Section 106 Legal Agreement \(S106\)](#) (a supplemental deed to an earlier agreement) was signed on 21 April 2022 and it is necessary to consider whether or not the undertakings secured in the legal agreement still meet the tests referred to above and then decide if there is a need to modify/update the undertakings or to secure any additional undertakings as part of a new legal agreement.

131. In this case it is considered that there is a need to retain and update the existing undertaking. The undertaking and the reasons why they meet the tests are explained below:
 - To retain the requirement to carry out the restoration and aftercare of the land (Schedule 2).
132. This undertaking would secure the existing requirement to carry out the restoration and aftercare of the land to high environmental standards and as such accords with the [Mineral Local Plan for Staffordshire](#) (Strategic Objective 4 and Policy 6) and the [NPPF](#) (section 17).
 - To retain the requirement for a 'Biodiversity Enhancement and Habitat Connectivity Improvement Plan' (Schedule 3).
133. The existing S106 includes a requirement to submit a 'Biodiversity Enhancement and Habitat Connectivity Improvement Plan' within 18 months of the supplemental agreement (by 18 April 2024). The retention of this undertaking would ensure that appropriate habitat enhancement / creation is provided to offset the loss of habitat/newts and habitat enhancement/creation in accordance with the [Mineral Local Plan for Staffordshire](#) (Strategic Objective 4 and policy 6) and the [NPPF](#) (sections 15 and 17).
 - To retain the requirement for an extended aftercare period and management plan (Schedule 4).
134. This undertaking requires an additional 5-year aftercare (10 years aftercare in total) and the submission of a management plan for the extended aftercare period. A plan has not yet been submitted. The retention of the existing undertaking would ensure the site is restored to a high quality in accordance with the [Mineral Local Plan for Staffordshire](#) (Strategic Objective 4 and policy 6) and the [NPPF](#) (sections 15 and 17).

[Note. the applicant provided information in relation to the 2022 permission concerning areas within the planning permission boundary, which are outside the area of mineral extraction (land to the west of Freehay Lane) or "unregistered land". These areas (shown in pink on Plan 2 Rev A of the S106) have been excluded from the extended aftercare requirement.]

- To retain the requirement that all the HCV traffic to and from the

quarry avoids Rakeway Road (shown on Plan 1 of the Legal Agreement) (Schedule 5).

135. It is considered reasonable and necessary to retain this undertaking to accord with the recommendations of the Highways Development Control Team, and to accord with the [Mineral Local Plan for Staffordshire](#) (Strategic Objective 3 and Policy 4) and the [NPPF](#) (Sections 9 and 17).

[Note: The existing S106 also includes reference to ancillary development planning permissions [SM.12/03/110 M](#) and [SM.12/04/110 M](#)].

- To retain the requirement that the operator responsible for the restoration of the site continues to be a member of the Mineral Products Association (MPA) (or equivalent) in order to provide the safeguard of the MPA's [Restoration Guarantee Fund](#), or as an alternative provides an equivalent financial guarantee to cover the costs of restoration and aftercare (Schedule 6).

136. The existing S106 includes an undertaking that the operator responsible for the restoration of the site continues to be a member of the Mineral Products Association (MPA) (or equivalent). The retention of this undertaking would ensure that there are financial provisions in place to fulfil the restoration and aftercare requirements for the site. The Mineral Product Association (MPA) Restoration Guarantee Fund has a limit of £1 million on any one project. This undertaking accords with the [Mineral Local Plan for Staffordshire](#) (Strategic Objective 3 and policy 6) and [NPPF](#) (sections 15 and 17). The applicant (Tarmac) is a [member](#) of the MPA.
137. Conclusion: Having regard to the policies and guidance referred to above, it is reasonable to conclude that the terms of the undertakings described above are necessary, relevant and fairly and reasonably related in scale and kind to the development and should continue to be secured as part of a S106 / Deed of Variation.

Overall Conclusion

138. Overall, as an exercise of judgement, taking the relevant up-to-date development plan policies as a whole and having given consideration to the application, the supporting and environmental information, including the information subsequently received, the consultee comments, the representation 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

To permit the proposed lateral (northern) extension to extract a further 4.65 million tonnes of sand and gravel and a consolidating application covering all mineral extraction operations at Croxden Quarry, Freehay Road, Cheadle subject to:

- the applicant and all other persons with a relevant interest in the land (for the purposes of Section 106 of the Town and Country Planning Act 1990) signing a Section 106 Legal Agreement - the heads of terms to include those listed below; and,
- conditions including those listed below.

The **Section 106 Legal Agreement** heads of terms to include:

1. To retain the requirement to carry out the restoration and aftercare of the land.
2. To retain the requirement for a 'Biodiversity Enhancement and Habitat Connectivity Improvement Plan'.
3. To retain the requirement for an extended aftercare period and management plan.
4. To retain the requirement that all the HCV traffic to and from the quarry avoids Rakeway Road (shown on Plan 1 of the existing Legal Agreement).
5. To retain the requirement that the operator responsible for the restoration of the site continues to be a member of the Mineral Products Association (MPA) (or equivalent) in order to provide the safeguard of the MPA's [Restoration Guarantee Fund](#), or as an alternative provides an equivalent financial guarantee to cover the costs of restoration and aftercare.

The conditions to include:

Define the consent

1. To define the consent with reference to the documents, plans and approvals.

Commencement and Cessation of the development

2. To define the dates for the commencement of mineral working and final restoration.
3. To require notification of commencement and completion of working and restoration in each phase.

4. To define the expiry of the permission to be when the restoration and aftercare has been completed to the satisfaction of the Mineral Planning Authority in accordance with the latest approved Restoration and Aftercare Scheme.

Phasing and Site Layout

5. To require the site to be operated in accordance with the approved phasing / site layout plan(s).
6. To require a progress report after 5 years on the mineral working of the quarry as a whole and if necessary, because of the report, to submit updates to the Phasing / Site Layout Plan(s) (also see 49 below regarding the progress report on the restoration and aftercare).

Management of the operations

Hours of Operation

7. To limit the operating hours to the following:
 - a) working or restoration operations:
 - 0700 to 1900 Monday to Friday and
 - 0700 to 1300 on Saturdays.
 - b) mineral processing operations:
 - 0600 to 2100 Monday to Saturday.
 - c) No transportation of sand and gravel from the Site
 - 0600 to 2100 Monday to Saturday.
 - d) Servicing or maintenance of plant or machinery may be carried out at any time (except on a Bank or Public) (subject to the requirements of condition 34 below)
 - e) Temporary operations including construct or remove soil screening mounds
 - 0830 to 1730 Mondays to Fridays
 - 0830 to 1300 on Saturdays

No such operations / activities to take place on Sundays, Bank or Public Holidays, other than the servicing or maintenance of plant or machinery.

Development Restrictions

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

Maintenance of site infrastructure

9. To require all buildings, structures, perimeter security fencing, gates and hard surfaces to be maintained in place and in good condition and fit for purpose.

Site Access-and Highway Safety

10. To define the access to the quarry from the existing access off Coppice Lane.
11. To limit the number of HCV movements to:
 - 88 per full working day (176 two-way HCV movements)
 - 486 per full working week (972 two-way HCV movements).
12. To require the internal access road to be maintained in good condition and fit for purpose in accordance with manufacturer's recommendations and in accordance with the approved details (ref. SM.91/1355 D3 dated 15 September 1997).
13. To require the approved wheel cleaning facilities (ref. [SM.91/1355 D3](#) dated 15 September 1997) to be maintained in good condition, fit for purpose in accordance with manufacturer's recommendations and be available and used as necessary by all HCVs prior to leaving the site.
14. To require a sign indicating the haulage route onto the A522 to be erected and thereafter maintained in position until the Site has been restored.
15. To require that no vehicles leave the site in a condition whereby mud, dirt, dust or other deleterious material could be deposited on the public highway.
16. To require the submission of further details of public right of way diversions.

General Environmental Protection

Meteorological Monitoring Station

17. To require the use and maintenance of the approve meteorological monitoring station (ref. [SCC/22/0114/DA](#) dated 26 Oct 2022).

Soil Management

18. To require stripping of topsoil, subsoil and soil-making materials to be carried out in accordance with the Environmental Statement (Chapter 9 - Soils and Agriculture Assessment) attached to planning permission SM.11/07/110 M, in accordance with the Institute of Quarrying Good Practice Guide for Handling Soils in Mineral Workings and as set out in Condition 20 of planning permission [SM.20/02/110 M.](#)

Landscaping / Nature Conservation

19. To require the submission of Landscape and Ecological Management Plan (LEMP) prior to the commencement in Phase 3. The LEMP to include details of:
 - a) an interpretation board to be provided to communicate information to the public on the works being carried out; and,
 - b) the hedgerow management of the established hedgerows adjacent to the highway (Ashbourne Road / B5032)
20. To require the submission of Environmental Management Plan prior to the commencement in Phase 3 in accordance with the recommendations in the Ecological Impact Assessment.
21. To require retained trees and woodland blocks to be protected in accordance with BS 5837: 2012 'Trees in relation to design, demolition and construction – Recommendations'.
22. To require the submission of an updated protected species surveys as necessary prior to commencement of Phase 3.
23. To require the submission of a strategy for the translocation of flora and amphibians.
24. To require that no stripping of vegetation or soils takes place within the site during the bird breeding season (March – August) unless preceded by a bird survey carried out by a suitably qualified person to confirm the presence or otherwise of breeding birds.

Archaeology

25. To require the submission of a Written Scheme of Archaeological Investigation be submitted prior to the commencement in Phase 3.
26. To require the submission of a Final Report of the Archaeological Investigations for the site for the written approval of the Mineral Planning Authority.

27. To require that access at all reasonable times is given to archaeologists nominated by the Mineral Planning Authority for the purposes of observing and monitoring the working operations within the site to record items of interest and finds.

Dust

28. To require dust management to be carried out in accordance with the Environmental Statement and the mitigation measures set out in Section 12.6 of Chapter 12 (Dust and Air Quality Assessment) attached to planning permission SM.11/07/110 M dated 19 August 2014 and the measures set out in Condition 29 of planning permission [SM.20/02/110 M](#).

Noise

29. To limit site attributable noise during the operating hours when measured at any noise sensitive properties set out in condition 30 of planning permission [SM.20/02/110 M](#).
30. To limit site attributable noise during the removal of the upper three metre sandstone layer to 55 dB LAeq (1 hour) during the operating hours when measured at any noise sensitive properties.
31. To require an update to the approved Noise Monitoring Scheme (ref. [SM.91/1355 D6](#) dated 18 October 1999) to take account of the extension and operations referred to in condition 30 above.
32. To require noise management to continue to be carried out in general accordance with the measures described in Environmental Statement (Section 11.5 of Chapter 11 (Noise Assessment)).
33. To require best practicable means to be employed to minimise the noise generated by the operations/activities.
34. To require the maintenance and running repairs of any plant or machinery to take place within the working area or within the confines of the fixed buildings and structures, except in the case of an emergency.
35. To require all vehicles and plant employed within the site to be fitted with effective silencers.
36. To require all vehicles and plant employed within the site to be fitted with appropriate reversing systems
37. To specify that there should be no sounding of horns of the HGVs other than in the case of an emergency.

38. To require that all plant engine covers are closed whilst the plant is in operation except when undertaking maintenance and repair work.

Water

39. To require the monitoring of the natural winter water table to continue to be carried out in accordance with the approved Groundwater Monitoring Scheme (ref. [SM.91/1355 D12](#) dated 14 July 2003).
40. To require that no excavations take place within 3 metres of the natural winter water table as defined by the piezometer readings submitted in accordance with the Groundwater Monitoring Scheme.
41. To require that no facilities for the storage of oils, fuels or chemicals are sited other than on impervious bases and surrounded by impervious bund walls (see Informative 3).
42. To require that no contaminated surface water shall be allowed to drain into a soakaway.
43. To require the restoration to be carried out using clean on-site material only.
44. To require the development to be carried out in accordance with the Flood Risk Assessment dated December 2021.
45. To require the development to be carried out in accordance with the measures stated in the Hydrological & Hydrogeological Impact Assessment dated December 2021, including the provision of an Environmental Management Scheme.

Lighting

46. To require external lighting to be positioned in such a way that it minimises light pollution.

Restoration and Aftercare

47. To require the quarry as a whole to be progressively restored to the required standard for nature conservation, commercial forestry, conservation grazing land, woodland and heathland in accordance with the Concept Restoration Revision B.
48. To require a comprehensive and detailed Restoration and Aftercare Scheme for the quarry as a whole to be submitted for approval within 12 months of the date of the permission. The scheme should include details of how the habitats would be monitored against a series of monitoring

plans over a 10-year period [Note: the legal agreement has an undertaking to carry out an additional 5-years aftercare].

49. To require a progress report after 5 years on the restoration and aftercare of the quarry as a whole, including a review of the restoration concept. If necessary, because of the report and review, to submit a revised Restoration Concept Plan and revised detailed Restoration and Aftercare Scheme (also see 7 above regarding the report on the progress of the mineral working).

Record Keeping

50. To keep and make the following records available to the MPA on request:
 - a) The daily operating dates and times of the quarry
 - b) The date and times of any emergency operations
 - c) The date and times of any temporary operations.
 - d) The HCV movements in and out of the site per day
 - e) The results of ecological surveys
 - f) The results of archaeological investigations
 - g) Dust management/mitigation measures carried out
 - h) Noise monitoring data
 - i) Groundwater monitoring data
 - j) Any complaints received, and the steps taken to investigate and address them.

Liaison Committee

51. To require the existing liaison committee meetings to continue and to require a scheme setting out the general meeting arrangements and terms of reference to be submitted for approval [see Informative 8].

INFORMATIVES to include the following:

1. To ensure that the terms of the planning permission are made known to the site operators.
2. To advise the applicant of the County Council's Environmental Advice Team comments that planning permission does not construe the right to divert, extinguish or obstruct any part of the public path. The applicant should contact the County Council's [Right of Way Team](#) concerning the diversion of the 'Checkley 65' the reinstatement of Muddale Lane and the provision of additional public access.
3. The Environment Agency advice regarding procedures, training and equipment that should be provided for the site to adequately control and respond to any emergencies including the clean-up of spillages.

4. Natural England's general advice detailed in [Annex A of the letter dated 30 July 2020](#) should be consider concerning protected species and other natural environment issues.
5. Cadent Gas Limited advice about the existence of their medium and low-pressure asset located in the vicinity of the Site
6. Western Power Distribution - Electricity / Surf Telecom advice about their apparatus is located adjacent to the proposal and their safe working practices guidance.
7. To ensure that soil handling and storage should take into account the [Institute of Quarrying Good Practice Guide for Handling Soils in Mineral Workings](#) or the latest equivalent best practice advice.
8. To advise on the general arrangements and terms of reference for liaison committees.
9. A reminder about the undertakings in the Section 106 Legal Agreement.

Case Officer: David Bray
tel: (01785) 27727273.
email: david.bray@staffordshire.gov.uk

The list of background papers for this report is available on request by email sent to planning@staffordshire.gov.uk.

Appendix 1 Relevant Planning History

[SM.91/1355](#) dated 9 October 1996 – Extension of sand and gravel quarry with progressive restoration of land. A Section 106 Legal Agreement was signed on 3 October 1996.

[SM.11/07/110 M](#) dated 19 August 2014 - Application to vary Condition 4 of the extant planning consent, [SM.91/1355](#), to allow for a 10-year extension of time at Croxden Quarry. This enables the remaining 7.1 million tonnes (m/t) of permitted sand and gravel reserves from approximately 34 hectares (ha) of land to be fully worked, securing the viability of the quarry up to 2023. Also, the associated [Section 106 Legal Agreement](#) dated 18 August 2014. The schedules of the legal agreement relate to: General Obligations; Restoration and Aftercare; Management Plan for Pond 9; Extended Aftercare; Routing of Traffic; Transfer of the Land; and Highway Works.

[SM.12/03/110 M](#) dated 19 August 2014 - Variation of Condition 3 of planning consent SM.03/32/110 M to extend the end date of the sand products plant at Croxden Quarry until 30 November 2023.

[SM.12/04/110 M](#) dated 19 August 2014 - Variation of Condition 2 of planning permission SM.99/0954 to extend the end date of the bagging plant and storage shed until 30 November 2023.

[SM.20/02/110 M](#) in dated 25 April 2022 - Application to allow for the additional release of 1.5 million tonnes of sand and gravel reserve and a revised Restoration Masterplan, compiled to allow a new consolidated planning permission (superseding planning permission SM.11/07/110 M). Also, the associated [Section 106 Legal Agreement](#) dated 21 April. The schedules of the legal agreement relate to: General Obligations; Restoration and Aftercare; Biodiversity Enhancement and Habitat Connectivity Improvement Plan; Extended Aftercare; Routing of Traffic; Transfer of the Land; and Restoration Guarantee Fund.

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

Appendix 2 - Summary of the Findings of the Environmental Statement (ES) (and the environmental information subsequently received)

1 - Introduction and Background to Proposal

This section of the Environmental Statement (ES) introduces the application, the applicant and the relevant planning and site history.

2 - Site Location

This section describes the location, the site and surroundings, including the site access and the extension area.

3 - Development Proposals

This section describes the mineral reserves and the geology. This section also provides a summary of the proposed phased working (Phases 1 to 6) and progressive restoration of the quarry, the aftercare, the transport arrangements (including the use of the approved HGV Route), rights of way (diversion of Checkley 65), the operating hours (as per the existing permission) and the employment.

4 - Environmental Impact Assessment

This section provides the background to the Environmental Impact Assessment, details the Scoping Opinion undertaken, sets out the topics and format of the ES report. This section also details the consultation undertaken prior to the submission of the application (Statement of Community Involvement) and the Main Environmental Considerations covered in the ES.

5 – Alternatives

This section outlines the main alternatives considered by the applicant including 'Do Nothing' and alternative sources of sand and gravel in Staffordshire (alternative locations) and at Croxden Quarry (an area not allocated in the Local Plan), alternatives to sand and gravel (the use of Recycled Aggregates and Secondary Aggregates), alternative designs for the extension (considering the phasing, extent of extraction, access to the area and mitigation required) alternative means of transport and extraction.

6 - Landscape and Visual Considerations

This section refers to the policy context (the National Planning Policy Framework, the Minerals Local Plan for Staffordshire, and the Staffordshire Moorlands Local Plan), the Methodology and Scope of the Landscape and Visual Impact Assessment (Appendix A). This section then considers the potential impacts, the potential mitigation and enhancement measures and the visual effects post mitigation. This section concludes that no significant cumulative landscape or visual effect would result from the proposals in combination with either existing or proposed developments.

7 - Nature Conservation and Ecology

This section starts by referring to the policy context, then considers the baseline conditions and studies including an Ecological Impact Assessment (Appendix B) and the potential impact and mitigation. This section provides a conclusion and details the enhancements, it concludes the mitigation measures proposed are highly likely to succeed, the mitigation measures may need to be secured by conditions and a Landscape and Ecological Management Plan (LEMP) will be produced.

8 – Arboriculture

This section starts by referring to the policy context, then considers the potential impact and potential mitigation. A Tree Survey Report was also submitted (Appendix C). This section indicates the development proposal would result in a significant loss of woodland and that although no replacement woodland is proposed in the northern extension area, the wider quarry site benefits from significant areas of woodland planting. The mitigation proposed would minimise the impact on remaining woodland and ensure a sufficient long-term management and aftercare.

9 -Noise

This section starts by referring to the policy context, then considers the potential impact and potential mitigation. A noise assessment was also submitted (Appendix D). The section proposes to retain the existing site noise limits for routine mineral extraction and processing and a short-term site noise

limit 55 dB LAeq, 1-hour, free field) is included due to the need to remove the upper three metre sandstone layer. It is concluded that the proposal complies with the policies contained within the Development Plan to control impacts associated with noise on nearby sensitive receptors.

10 - Air Quality and Dust

This section starts by referring to the policy context, then considers the potential impact of dust on sensitive receptors (including the operations that generate dust e.g., soil stripping / extraction of the sand and gravel) and potential mitigation (detailing the best practicable means). An Air Quality Assessment was submitted with the ES (Appendix E). This section concludes that potential for fugitive dust emissions from the proposed excavation of sand and gravel is minimal due to the inherently high moisture content of the quarried material and the proposed development (subject to appropriate mitigation) would not give rise to unacceptable impacts.

11 - Archaeology and Cultural Heritage

This section starts by referring to the policy context, then identifies the baseline conditions including Designated Heritage Assets (set out in an Archaeology and Cultural Heritage Desk Based Assessment (Appendix F)). This section then considers the potential impact and potential mitigation including the submission of a Written Scheme of Investigation. The section states that best practice working would be used onsite following the recommendations set out in this section of the ES.

12 - The Impact on Water Resources and Flood Risk

This section starts by referring to the policy context, then refers to a Hydrogeological and Hydrological Impact Assessment and Flood Risk submitted with the ES (Appendix G). This section then considers the potential impact (offsite discharge and increased surface flooding) and potential mitigation. This section concludes that there are no over-riding hydrogeological or hydrological reasons why the planned development should not be approved.

13 - Transportation and Traffic

This section starts by referring to the policy context, then identifies the baseline conditions including existing planning conditions and HGV route (Transport Assessment (Appendix H)). This section then considers the potential impact and potential mitigation. This section concludes that the extension should not result in an increased in traffic movements and shall not impact on the operation of the local highway network.

14 - Soils and Agricultural Land Classification

This section starts by referring to the policy context, then refers to the soil

resource assessment and agricultural land assessment carried out (Appendix I), and the baseline conditions including the results of the assessment. This section then considers the potential impact (the loss of 5.1 hectares of existing agricultural land and site restoration to a Mosaic Habitat of acid grassland, heathland and scrub) potential mitigation (soil handling techniques). This section concludes that the proposed development would not have unacceptable direct or indirect impacts on soil resource.

15 - Rights of Way

This section starts by referring to the policy context, then considers the potential direct and indirect impacts from the development proposals on the Rights of Way. The permanent diversion of the Checkley 65 would take place to allow extraction in the northern extension area. The route of the diverted footpath is shown on the Public Rights of Way Plan (TAR-119- M.D.019). Mud Dale Lane would be reopened (this was closed to allow mineral extraction within the quarry) as a Bridleway/footpath prior to the extraction of sand and gravel within Phase 3. This section also identifies the changes in the landscape of the site, noise and dust during operations has the potential to impact users of the Right of Way. This section concludes that the proposed development would have transient effects on users of the other nearby Rights of Ways, all active connections would be maintained, and the routes would continue to extend alongside an active quarrying site and that the impacts on the amenity of users of the Right of Way would be mitigated.

16 - Climate Change

This section starts by referring to the policy context, then considers the potential impact and potential mitigation. The effects of climate change were considered as part of the scheme design and the EIA work and Tarmac have a business commitment to managing the impact their operations have on climate change including operational practices. The section concludes that development proposal would not result in any significant adverse impacts / any unacceptable level of harm in respect of hydrology/ hydrogeology or flood risk and on habitats, species and wider biodiversity

17 - Socio Economic Assessment

This section starts by referring to the policy context and then identifies the site-specific considerations including direct employment and maintaining supplies to existing customer, and general considerations including indirect employment, investment, and tax. This section concludes that proposed extension includes a series of positive economic and social contributions to the immediate and wider economy and that these factors should be given appropriate weight.

18 - Cumulative Impact

This section begins by explaining the approach and methodology used in

addressing the cumulative impact. This section assesses the successive impacts of the on-going operations at the quarry, the simultaneous impacts with other major developments in the locality and the in-combination effects. This section concludes that the successive and simultaneous impacts of the proposal would be negligible. This section also includes an assessment of potential combined effects for each area of potential impact (for example Landscape and Visual Impact and Cultural Heritage) and the combination of potential positive effects (need for the sand and gravel, the socio-economic benefits; and environmental benefits as part of restoration). The section concludes that there are no cumulative impacts that would arise from the scheme in combination either within itself or with other existing/ proposed developments that would render the proposed quarry extension unacceptable.

19 - Environmental Statement Conclusion

This section provides a Summary and Conclusion to the ES. The ES concludes that the proposals are environmentally acceptable and support the economic, social and environmental roles of sustainable development required in NPPF.

The ES also includes a statement detailing the relevant qualifications of the competent experts involved in preparing the ES (ref. Planning Practice Guidance, Environmental Impact Assessment, Preparing an Environmental Statement and the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, Part 5, Regulation 18 (5) (b)).

Appendices - The Appendices to the ES are provided in separate documents and include the Drawings (Appendix 1) Scoping Comments (Appendix 2) and Statement of Community Involvement (Appendix 4). Separate Appendices also accompanied the ES and are referred to where appropriate above.

Non-technical summary (Appendix 4): In accordance with the requirements for environmental assessment, the main findings are set out in a non-technical summary.

The following additional information was submitted to address matters raised in the consultation responses / representation. [Note: This information was not provided in response to a formal request to update the ES in accordance with regulation 25 of the EIA regulations.]

- Biodiversity Metric 3 1 Calculation Tool - Croxden Quarry, Cheadle - Grassland Offset Areas
- Letter dated 2 November 2022 from RammSanderson
- Email from Heatons dated 14 October 2022 concerning representation and EAT response
- Email from Heatons dated 20 September 2022 -response to Environmental Advice Team including Biodiversity Net Gain calculation 21 Sep 2022
- Grassland Survey and BIA dated 2 September 2022
- A revised Public Rights of Way Plan

- Concept Restoration Revision A
- General Arrangement Bridle Way re-route

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

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

The development plan policies and proposals

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

- Policy 1: Provision for Sand and Gravel
- Policy 4: Minimising the impact of mineral development
- Policy 6: Restoration of Mineral Sites

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

[Staffordshire Moorlands District Council Local Plan](#) (2014 to 2033) (adopted September 2020)

- Policy SS1 - Development principles
- Policy SD 4 - Pollution and water quality
- Policy SD 5 - Flood Risk
- Policy DC 1 - Design considerations
- Policy DC 2 - The Historic Environment
- Policy DC 3 - Landscape and Settlement Setting
- Policy NE 1 - Biodiversity and Geological Resources
- Policy T 1 - Development and Sustainable Transport

The other material planning considerations

[National Planning Policy Framework](#) (updated July 2021):

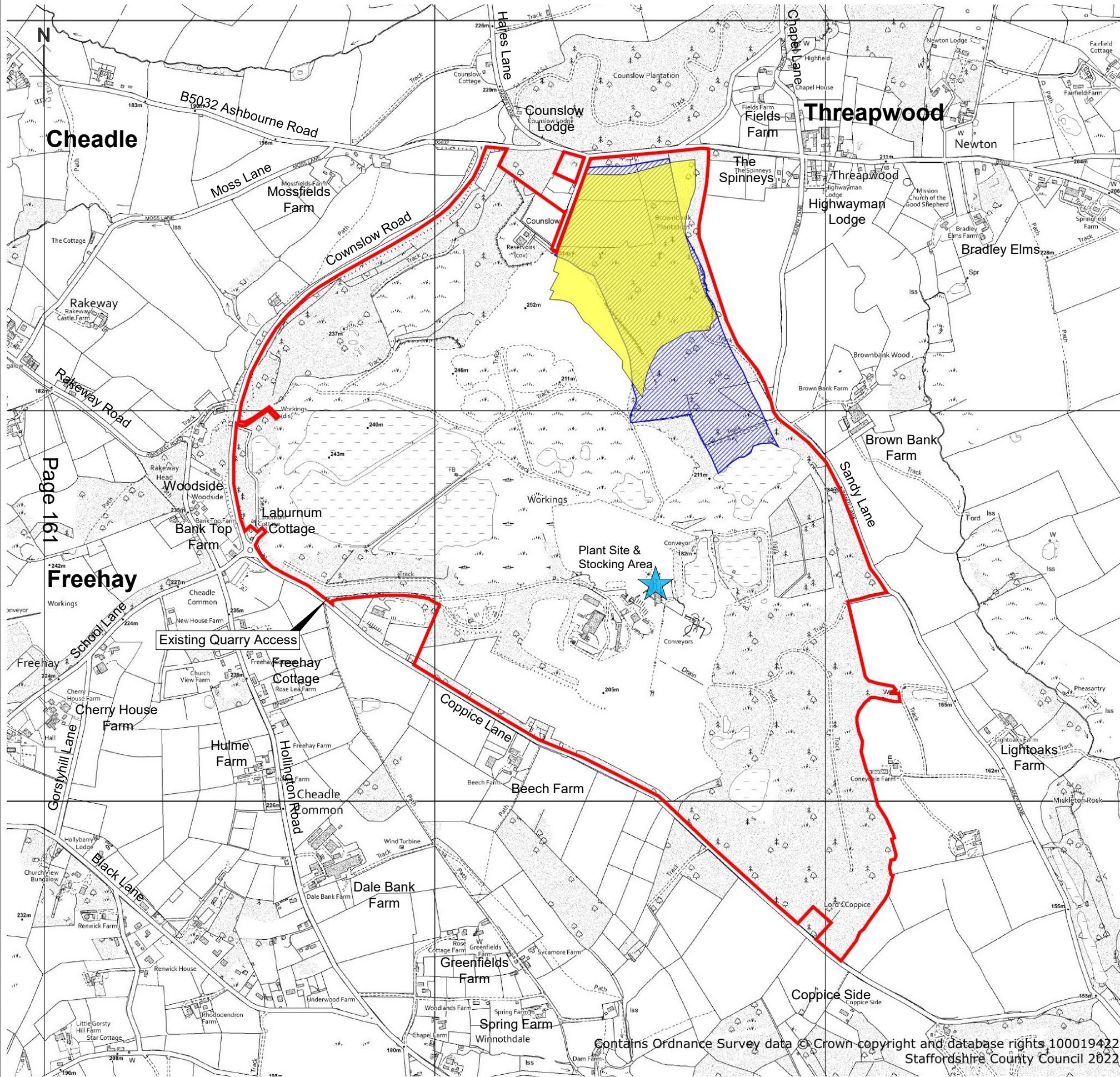
- [Section 2](#): Achieving sustainable development
- [Section 4](#): Decision-making
- [Section 9](#): Promoting sustainable transport
- [Section 11](#): Making effective use of land
- [Section 12](#): Achieving well-designed places
- [Section 14](#): Meeting the challenge of climate change, flooding and coastal change;
- [Section 15](#): Conserving and enhancing the natural environment

- [Section 16](#): Conserving and enhancing the historic environment
- [Section 17](#): Facilitating the sustainable use of minerals

[Planning Practice Guidance](#)

- [Conserving and enhancing the historic environment](#)
- [Design](#)
- [Environmental Impact Assessment](#)
- [Flood risk and coastal change](#)
- [Light pollution](#)
- [Minerals](#)
- [Natural environment](#)
- [Noise](#)
- [Open space, sports and recreation facilities, public rights of way and local green space](#)
- [Planning obligations](#)
- [Transport evidence bases in plan making and decision taking](#)
- [Travel Plans, Transport Assessments and Statements](#)
- [Use of planning conditions](#)

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



Plan 1 - Site Location

Legend.

- Application Site Boundary.
- Proposed Northern Extension.
- Croxden North Site Allocation
(Adopted Minerals Local Plan
2015-30).



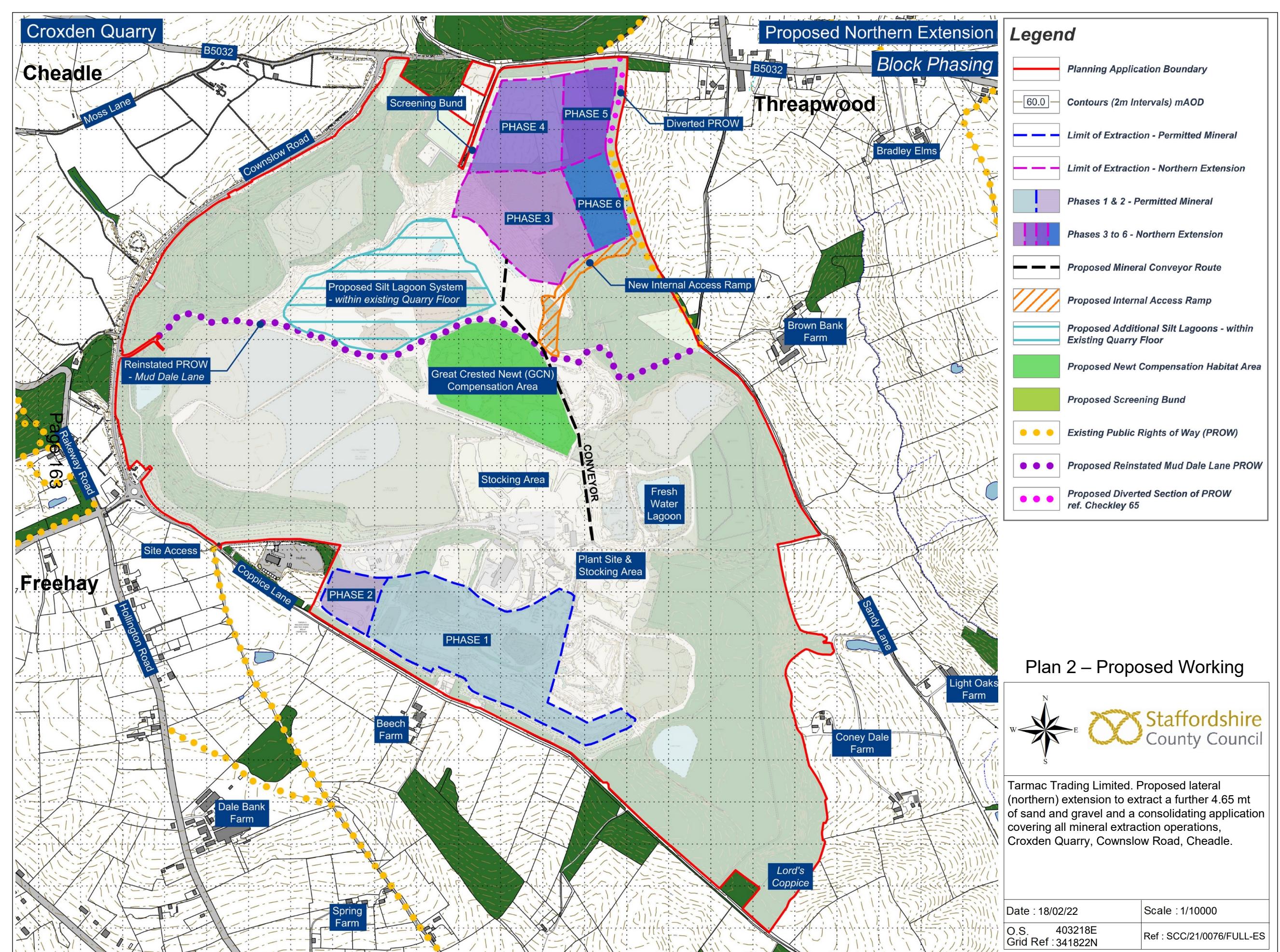
Tarmac Trading Limited. Proposed lateral (northern) extension to extract a further 4.65 mt of sand and gravel and a consolidating application covering all mineral extraction operations, Croxden Quarry, Cownslow Road, Cheadle.

Date : 18/02/22

Scale : 1/10000

O.S. 403218E
Grid Ref : 341822N

Ref : SCC/21/0076/FULL-ES



Croxden Quarry

Cheadle

Proposed Northern Extension

Concept Restoration

Threapwood

Legend



Plan 3 – Concept Restoration



Tarmac Trading Limited. Proposed lateral (northern) extension to extract a further 4.65 mt of sand and gravel and a consolidating application covering all mineral extraction operations, Croxden Quarry, Cownslow Road, Cheadle.

Date : 21/11/22

Scale : 1/10000

O.S. 403218E
Grid Ref : 341822N

Ref : SCC/21/0076/FULL-ES

Local Members
N/A

Planning Committee – 01 December 2022

Report of the Director for Economy, Infrastructure and Skills

Planning, Policy and Development Control Team Half Year Report

Purpose of the Report

This report is to inform the Planning Committee about our planning policy-making and planning development control activities and related matters in the first half of 2022-2023.

Recommendation

That the report be noted.

Summary

Planning policy-making performance

We are continuing to monitor our Mineral and Waste Local Plans and we have now published our 17th [Annual Monitoring Report \(AMR\)](#). The AMR concluded that there was no immediate need to update our Minerals or Waste Local Plans. We are currently finalising our new AMR which indicates that we still have sufficient permitted reserves and there is still no immediate need to update our plans

Planning development control performance – Q1 and Q2 of 2022-23

- a) Speed - major development decisions
90% (9 out of 10)
- b) Quality – major development decisions overturned at appeal
Nil (0 out of 18)
- c) Speed - County Council's 'non-major development' decisions
100% (1 out of 1)
- d) Speed - County Council's major development decisions
100% (1 out of 1)
- e) Delegated decisions
83% (10 out of 12)

Staffing and Caseload

An officer who had been absent due to long-covid is now increasing her hours but to fill the gap a former member of the team has continued to be employed on a casual basis. Our Planning Information Officer left for a different job in the County Council in July, and we have recently held interviews and selected a replacement who we anticipate will be able to join us shortly. Meanwhile a member of the team retired last month, and another member of the team will retire next April. Options to replace them are currently being considered. Notwithstanding, we have continued to maintain our good performance.

A comparison with the first half of the previous 2 years shows that:

- the number of minerals and waste applications determined was higher than in the same period last year and the same as that in the year before that (10 compared to 6 and 10).
- the number of approvals of detail was also higher (57 compared to 34 and 34)
- the total number of cases received (applications, submissions, and consultations) was similar to last year but down on the year before that (60 compared to 66 and 87). Notably the difference can be accounted for in the reduction in the number of consultations we have received since we introduced standing advice (down from 36 in the same period in 2020-21 to 16 and to 10 in the first half of this year).

Background

We report our policy-making and development control activities half way through and at the end of each financial year. This is the report on the first half of 2022-23.

Planning policy-making performance

We have published our 17th [Annual Monitoring Report](#) (AMR) for the period April 2020 to March 2021 and we are currently finalising the AMR for 2021-22. The findings of the new AMR are that:

- a) we still 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; and,
- b) there is still no immediate need to update our Minerals or Waste Local Plans.

Work on preparing for the review of our local plans remains on hold as we have

insufficient staff to commit to it full-time but also because the government is taking a fresh look at planning reforms (see [Levelling Up and Regeneration Bill](#)).

Planning development control performance

[Appendix 2](#) provides a summary of performance by quarter in 2022-23.

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

Staffing and Caseload

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

An officer who had been absent due to long-covid is now increasing her hours but to fill the gap a former member of the team has continued to be employed on a casual basis. Our Planning Information Officer left for a different job in the County Council in July, and we have recently held interviews and selected a replacement who we anticipate will be able to join us shortly. Meanwhile a member of the team retired last month, and another member of the team will retire next April. Options to replace them are currently being considered. Notwithstanding, we have continued to maintain our good performance.

A comparison with the first half of the previous 2 years shows that:

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- the total number of cases received (applications, submissions, and consultations) was similar to last year but down on the year before that (60 compared to 66 and 87). Notably the difference can be accounted for in the reduction in the number of consultations we have received since we introduced standing advice (down from 36 in the same period in 2020-21 to 16 and to 10 in the first half of this year).

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

- Annual Performance Report 2021-22 to Planning Committee on 9 June 2022 ([see Committee agenda - item 8](#))
- [MHCLG - Improving planning performance: criteria for designation \(updated October 2022\)](#)
- [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.

[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, agreed to re-invest the additional income in the planning

The total accumulated in the ring-fenced planning reserve since 2018 was just over £120,000 at the end of quarter 2 (2022-23).

The temporary recruitment is being funded by the service from savings and the ring-fenced planning reserve.

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- 2022-23

	Target Description	Target (Local)	Quarter 1	Quarter 2	Quarter 3	Quarter 4	Performance (outturn)
National	Speed of 'major development' decisions	60% (90%)	86% 6 out of 7	100% 3 out of 3			90% 9 out of 10
	Quality of 'major development' decisions	10% (5%)	Nil	Nil			Nil
Local	Speed of the County Council's own 'non-major development' decisions	(90%)	100% 1 out of 1	Nil			100% 1 out of 1
	Speed of the County Council's own 'major development' decisions	(80%)	Nil	100% 1 out of 1			100% 1 out of 1
	Applications determined under delegated powers	(80%)	75% 6 out of 8	100% 4 out of 4			83% 10 out of 12

* 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 – Half Year Performance – 2022-23

		National (Local Target)	
Speed of 'major development' decisions			
2022-23	60% (90%)	90% 9 out of 10	
2021-22	60% (90%)	100% 6 out of 6	
2020-21	60% (90%)	100% 10 out of 10	
Speed of the County Council's own 'non-major development' decisions			
2022-23	(90%)	100% 1 out of 1	
2021-22	(90%)	100% 5 out of 5	
2020-21	(90%)	100% 5 out of 5	
Speed of the County Council's own 'major development' decisions			
2022-23	(90%)	100% 1 out of 1	
2021-22	(90%)	Nil 0 out of 0	
2020-21	(90%)	Nil 0 out of 0	
Applications determined under delegated powers			
2022-23	(80%)	83% 10 out of 12	
2021-22	(80%)	82% 9 out of 11	
2020-21	(80%)	100% 15 out of 15	

