

Planning Committee

Thursday 8 June 2023

10:00

Oak Room, County Buildings, Stafford

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

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

John Tradewell
Director of Corporate Services
31 May 2023

A G E N D A

Please see attached notes

1. **Apologies**
2. **Declarations of Interest**
3. **Minutes of the meeting held on 6 April 2023** (Pages 3 - 6)
4. **Appointment of Members to the Countryside and Rights of Way Panel** (Pages 7 - 8)
5. **Annual Report on Safety of Sports Grounds** (Pages 9 - 30)
6. **Applications for Permission**
Reports of the Director for Economy, Infrastructure and Skills
 - a) Application by Cemex UK Operations Ltd at Pyford Brook Quarry, Kings Bromley Road, Orgreave, Alrewas – SCC/23/0053/CON-PWA (Pages 31 - 42)

Request for prior written approval in compliance with condition 9 (f) (Extension of operating hours for concrete plant) of planning permission L.20/03/867 M
7. **Planning, Policy and Development Control – Full Year Report** (Pages 43 - 50)

8. Exclusion of the public

The Chairman to move:-

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

Part Two

(All reports in this section are exempt)

Nil

9. Planning Regulation - Performance and Delegated Decisions Report

(Pages 51 - 62)

Membership

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

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 April 2023

Present: Mark Winnington (Chair)

Attendance

David Smith (Vice-Chair)	Tom Loughbrough-Rudd
Paul Snape	Mike Sutherland
Jak Abrahams	Johnny McMahon
Richard Cox	Carolyn Trowbridge
Philip Hudson	

Apologies: Jeremy Oates, Arshad Afsar, John Francis, Robert Pritchard and Jill Waring

Part one

33. County Councillor Ian Lawson

The Committee observed a silence for 1 minute in memory of County Councillor Ian Lawson, a member of the Committee, who passed away recently.

34. Introductions

The Chairman welcomed the new Committee Member Councillor Carolyn Trowbridge.

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

Councillor McMahon and Councillor Snape both declared an interest of item 4.b due to it being on the border of their electoral divisions. Mr Snape advised that he also sits on the Poplars Landfill Site Liaison Committee

36. Minutes of the meeting held on 1 December 2022

Resolved – That the minutes of the meeting held on 1 December 2022 be confirmed and signed by the Chairman.

37. Applications for Permission

a) Application by Wood Farm Golf and Leisure Ltd on land off Bursnips Road, Essington - SS.20/08/6012 W

The Committee received a presentation by the Case Officer on the proposed application by Wood Farm Golf and Leisure Ltd for the importation of inert waste materials and topsoil to continue until 15th May 2024 so as to complete the extension of the golf course for a further nine holes.

In accordance with the County Council's scheme for public speaking at meetings, the Committee received a representation from Councillor C Steel from Essington Parish Council who, although not objecting to the application, wished to submit comments on behalf of the Parish Council.

Councillor Perry, as Local Member, informed the Committee that to refuse the application would not be beneficial to any of the parties involved. She added that she would advise a condition be put in place for this to be the last extension application and should they require a further extension then a completely new planning application be submitted.

The Committee discussed the concerns raised by the Local Member and the public speaker. Cllr Snape stated his views on the application and whilst he understood the reasons to approve this application, he did make the proposal (which he later withdrew) that Members go against the Officer's recommendations. Cllr McMahon expressed his support with the Officer's recommendations. It was also queried by Members that should the application be approved if it was possible to put an end time on the application. The Case Officer advised that should the applicants require a further extension they would be required to submit a Section 73 planning application.

Following a vote it was:

Resolved – To **Permit** the proposed variation (not comply with) of condition 4 of planning permission SS.15/14/6012 W for the importation of inert waste materials and topsoil to continue until 15th May 2024 at Wood Farm and Golf and Leisure, off Bursnips Road, Essington subject to the conditions including those listed in the report.

b) Application by Biffa Waste Services Ltd. at the Poplars Landfill Site, Anaerobic Digestion Facility, Lichfield Road, Cannock - SCC/22/0104/FULL-ES

The Committee received a presentation by the Case Officer on the proposed application by Biffa Waste Services Ltd for the variation of 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) in relation to the Poplars Landfill Site, Anaerobic Digestion Facility.

In accordance with the County Council's scheme for public speaking at the meeting, the Committee received a representation from Mrs M Tappenden on behalf of the applicant supporting the application.

The Chairman reported that the Local Member Cllr Thompson had commented that although it would be ideal to see the site finished and restored fully, she understood that this wasn't always a viable option. Having spoken to her colleagues and knowing that there were no comments from the residents in regards to the consultation on the application, Cllr Thompson had stated that she did not feel that she could recommend refusal of the application, however, she did have concerns about the area would be managed when the landfill site was closed and restored within the next 19 years as she believes this would then become an area where members of the public could visit.

Councillor Hudson proposed to support the Officer's recommendations. It was also discussed by Members that almost 15 years ago there were numerous complaints due to the smells being emitted from the site, however, Cllr Snape stated that he had not received any complaints in the last three years. In response to a question by Cllr Trowbridge she was informed that the Section 106 agreement was almost completed in connection with the landfill application approved by the December Committee. The Case Officer also advised that there would be no increase in traffic movements as a consequence of approving the application.

Following a vote it was:

Resolved – As the proposed variation of 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 at Poplars landfill site Anaerobic Digestion Facility, Lichfield Road, Cannock is inappropriate development on land allocated as Green Belt in the adopted South Staffordshire Core Strategy, to consult the Secretary of State at the Department for Levelling Up, Housing and Communities c/o the Planning Casework Unit in accordance with the relevant Direction and to advise that having regard to the matters referred to in the report, the County Council is **MINDED TO PERMIT** the proposed development, subject to the planning conditions referred to in the report.

c) Application by Aggregate Industries UK Limited at Newbold Quarry, Concrete Products Factory, Barton under Needwood - SCC/23/0012/VOC

The Committee received a presentation by the Case Officer on the proposed application not to comply with conditions 5, 6 and 7 of planning permission ref ES.21/01/501 MW following the temporary 'trial' period to allow the

concrete product factory to continue to operate on a 24/7 basis, to allow bulk tanker deliveries to continue on Sundays and to allow the associated mobile plant to continue to operate at night.

In accordance with the County Council's scheme for public speaking at the meeting, the Committee received a representation from Mrs S Gaskarth on behalf of the applicant supporting the application.

Councillor Jessel, as Local Member, had sent via email her thoughts on this application and indicated that since the trial she had not received any complaints about noise or nuisance.

The Committee discussed a concern raised by the Parish Council about the length of the permission, the link to the cessation of the quarry operations (2030) and the impact of the HS2 works being stalled. The Case Officer advised that there had already been a trial and that the length of the permission would be unlikely to change as the quarry is already ahead of schedule. Also, even though the operators have applied to extend the quarry, it is proposed to complete the mineral extraction before the end date (2030).

Following a vote it was:

Resolved – To **Permit** the application not to comply with (to vary) conditions 5, 6 and 7 of planning permission ref ES.21/01/501 MW following the temporary 'trial' period to allow the concrete product factory to continue to operate on a 24/7 basis, to allow bulk tanker deliveries to continue on Sundays and to allow the associated mobile plant to continue to operate at night, subject to conditions listed in the report.

Chairman

Local Members Interest
N/A

Planning Committee - Thursday 08 June 2023

Appointment of Members to the Countryside and Rights of Way Panel

Recommendation

I recommend that the Planning Committee appoint seven Members to sit on the Countryside and Rights of Way Panel

Report of the Director of Corporate Services

Background

1. The Countryside and Rights of Way Panel will be appointed at the first meeting of the Planning Committee following the annual Council meeting in each municipal year.
2. The Chairman and Vice-Chairman of the Planning Committee must serve as the Chairman and Vice-Chairman (respectively) of the Countryside and Rights of Way Panel.
3. The recommendation from the Group leaders are that the following Members be appointed to the Countryside and Rights of Way Panel.
 - Mark Winnington
 - David Smith
 - Jill Waring
 - Jak Abrahams
 - Paul Snape
 - Robert Pritchard
 - Phillip Hudson

Equalities Implications

N/A

Legal Implications

4. The Council Constitution states that "the Planning Committee will establish a Countryside and Rights of Way Panel of seven members of the Committee".

Resource and Value for Money Implications

N/A

Risk Implications

Non-compliance with constitution.

Climate Change Implications

N/A

List of Background Documents/Appendices:

N/A

Contact Details

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Planning Committee - Thursday 08 June 2023

Annual Report - Safety of Sports Grounds 1 April 2022 – 31 March 2023

Recommendation(s) / Action(s) Required

- a. The Planning Committee notes the activity completed in respect of Safety of Sports Grounds for the period 1 April 2022 – 31 March 2023

Report of the Director of Economy, Infrastructure and Skills

Summary

- 1.1 This report informs the Committee of the Safety of Sports Grounds work completed during the period 1 April 2022 to 31 March 2023. It describes the County Council's statutory obligations and outlines the activity to ensure that these duties have been met. The Report details the performance and highlights how this work influences the Council's priority outcomes.

2. Background

- 2.1 Staffordshire County Council is responsible for administering the Safety of Sports Grounds Act 1975, and the Fire Safety and Safety at Sports Grounds Act 1987, in respect of sports grounds within Staffordshire.
- 2.2 This duty relates to "designated grounds" - which are sports grounds with a capacity of over 10,000 (5,000 for football). "Designated Grounds" require a safety certificate granted by the local authority. Within the County of Staffordshire, Burton Albion Football Club is the only club that is recognised a "designated ground."
- 2.3 Sports stadiums with a covered stand of a capacity of over 500 standing or seated spectators (a regulated stand) require a "safety certificate" under the Act, granted by the local authority.
- 2.4 During 2022/23 Staffordshire County Council had responsibility for seven "regulated stands":
 - Staffordshire County Showground – displays / exhibitions.
 - Hednesford Hills Raceway – stock car racing
 - Hednesford Town Football Club – football
 - Leek Town Football Club – football
 - Stafford Rangers Football Club – football

- Tamworth Football Club – football
- Uttoxeter Racecourse – horse racing

- 2.5 The Act places a statutory duty on the Local Authority and the Emergency Services to provide advice and guidance to managers of sports grounds on their responsibility under the Act, and how best to discharge their responsibility.
- 2.6 It is the responsibility of the County Council to form and administer a Safety Advisory Group (SAG) for each venue. The SAG brings key partners (emergency services, emergency planning and other key local authority officers) together to plan and prepare for spectator safety. Each SAG is chaired by an officer of the County Council and has representatives from the sports club and other partners.
- 2.7 The involvement of the SAG does not absolve the venue management of the responsibility for spectator safety. When applying the guidance and recommendations, the principal objective is “to secure reasonable safety at the sports ground when it is in use for the specified activity” (section 2(1) of the Safety of Sports Ground Act 1975).
- 2.8 The Safety of Sports Grounds team, along with key SAG partners, provide support and guidance to the management of the sporting venues to facilitate on-going crowd safety whilst ensuring that regulation is not over burdensome or restrictive on the growth of the venue. This support and guidance enable the business to progress, develop and on occasion diversify from the intended use of the venue.
- 2.9 During May 2011, following a full review of the Safety of Sports Grounds function, Staffordshire County Council’s Audit Committee abolished the Safety of Sports Grounds Panel. It was agreed that the Planning Committee should receive an annual report on the work of the Spectator Safety Officer team. This report covers the period for the 2022/2023 financial year.

3. Risk Management

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

- 3.2 Home Office guidance, which relates to stands with a capacity of less than 2000, recommends inspection once every alternate calendar year. This requirement only relates only to the “regulated stands” listed above at 2.4.
- 3.3 The inspections carried out during the year inform the planning of inspections for the following year. All venues are risk assessed to assess the efficacy of the safety of spectator controls.
- 3.4 The criteria listed below formed the basis of the assessment for each site:
- Construction and maintenance of the venue
 - Operation and management
 - Training and development of safety staff
 - Fire safety
 - Provision of adequate medical facilities
 - Appropriate contingency plans are in place and tested.
- 3.5 To ensure there is an appropriate use of resource, the risk for each venue has been reviewed enabling the highest risk stands to be prioritised. Each venue has been categorised as High or Medium risk.

4. Risk Assessment – Designated Ground

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

5. Risk Assessment – Regulated Stands

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

6. Inspections

6.1 Designated ground

- 6.1.1 During 2022/23 the Trading Standards team continued to work with Burton Albion Football Club and SAG partners to ensure the safety management controls in place at the club were fit for purpose.
- 6.1.2 The team provided support and advice to the incumbent safety officer in her role as well as the wider club safety management team. The safety officer left the role in March 2023 at short notice, however the Trading Standards team worked closely with the club management during this period to ensure continued and uninterrupted spectator safety. The club are currently seeking to appoint a suitably qualified replacement as a matter of urgency. This has necessitated a high level of involvement from trading standards officers. The Club have put in place temporary arrangements and have engaged the support of a suitably experienced safety officer to enable the club to continue to host their home fixtures without interruption.
- 6.1.3 The completed activity for Burton Albion for the year 2022 / 2023 was:
- The club's compliance with the requirements of the current Safety Certificate, including capacity calculations was reviewed.
 - An annual inspection of the ground was completed.
 - Two event day inspections were carried out, focussing on high-risk games.
 - The Safety Certificate was revised and updated to reflect changes in the SGSA template.
 - Three Safety Advisory Group meetings took place together with additional multi agency conversations relating to the safety officer departure.
 - Officers continued to work closely with the SGSA Local Authority Inspector, and a SGSA audit was carried out in December 2022, with a positive outcome which recognised and complemented the work and progress of the service.

6.2 High Risk Regulated Stands

- 6.2.1 Two regulated stands, Staffordshire County Showground and Uttoxeter racecourse, are risk rated as high and as such should receive an annual inspection. The remaining medium risk venues

with regulated stands are scheduled to receive an inspection, on average, every two years.

6.2.2 The completed activity for high risk regulated stands for the year 2022 / 2023 was:

- Non-Event Day inspection work was carried out on 7th December 2022 at Staffordshire County Showground, with broad compliance reported. Visit was supported by Staffordshire Fire & Rescue and Stafford Borough Building Control teams from the SAG. Event Day inspection work was carried out on 1st June 2022 during day one of the Staffordshire County Show 2022 event.
- Non-Event Day inspection work was carried out on 8th December 2022 at Uttoxeter Racecourse, with broad compliance reported. Visit was supported by SAG members. Event Day inspection work was carried out on 28th January 2023 during the Super Saturday racing fixture.

6.2.4 Engagement with high-risk venues has continued by email, telephone, or via virtual / face-to-face SAG meetings during 2022/23.

6.2.5 Detail of the activity carried out at each of the venues is attached as Appendix 1 to this Report for information.

6.3 Medium Risk Regulated Stands

6.3.1 This year, Officers have also engaged with all medium risk venues with regulated stands to ensure completion of planned work in respect of SAG meetings, Non-Event Day inspections and Event Day inspections.

6.3.2 The decision to visit all medium risk venues during 2022/23 has given the team assurance of the ongoing safety of the grounds following a period during Covid where physical inspections were not possible.

6.3.3 Detail of the activity carried out at each of the venues is attached as Appendix 1 to this Report for information.

6.4 2023/24 Inspection Planning

- 6.4.1 Inspection Plans and related activities for 2023/24 have been scheduled and are attached as Appendix 3 to this report for information.
- 6.4.2. The Inspection Plans for 2023/24 include assisting venue safety management team with planning towards the implementation of Martyn's Law.
- 6.4.3 Martyn's Law is also known as the Protect Duty and is a new piece of legislation designed to ensure the public is better protected from a "multifaceted, diverse and continually evolving" terror threat.
- 6.4.4 The Duty places a requirement on those responsible for certain venues including sports grounds to consider the threat from terrorism and implement appropriate and proportionate mitigation measures.

7. Ironman 70.3 Staffordshire 2022

- 7.1 During 2022/23 the Technical and Business Manager was invited to establish and chair a SAG for the Ironman event in June 2022. This was achieved and the SAG Chair was actively involved with the development of the plans and procedures and the practical implementation of safety management systems for the event. The event was successfully held and well received by competitors, stakeholders, and responsible agencies.
- 7.2 However, as the Committee will be aware, an incident occurred within the swim element of the event at the Chasewater venue. Unfortunately, this resulted in the tragic death of a competitor. Following an investigation, the cause of death was determined as natural causes.
- 7.3 The SAG Chair, supported by Catherine Mann - Interim Assistant Director for Culture Rural and Safer Communities, facilitated an Extraordinary Safety Advisory Group meeting following the event to review the multi-agency response to the tragic incident. A high level of engagement and participation was received from a core of SAG members.

8. Resources

- 8.1 Following the outcome from the Hillsborough Inquests (where the jury found errors and omissions in the safety certification and

oversight, and that a lack of pre-match and contingency planning contributed to the deaths), it is important that an appropriate level of resource for this area of work is maintained.

- 8.2 The resources for this area are drawn from within Trading Standards, the Safety of Sports Grounds work forms part of the team's overall activity. This enables the resourcing for a specialist area to be managed efficiently. The Trading Standards Operations Manager holds the FSOA (Football Safety Officers Association) Certificate in Event and Match Day Safety Management and a Diploma in Spectator Safety Management Level 4 NVQ. The lead for the function has become the responsibility of the Trading Standards Technical and Business Manager for the Local Authority following the January 2021 trading standards redesign.
- 8.3 In addition to the Trading Standards Technical and Business Manager, the Trading Standards Operations Manager continues to support the activity, and a Trading Standards Team Leader has responsibility as the designated officer for conduct of the inspection work for the designated ground. Both provide comprehensive reports to the SAGs and relevant sports grounds following inspection. Additional administrative support has been provided from within the trading standards team to ensure any issues are addressed and prioritised by the risks associated with each stand.
- 8.4 Both the Technical and Business Manager and Team Leader have increased their knowledge and maintained their competence during 2022/23 to the satisfaction of the SGSA.
- 8.5 The resources committed to this activity during 2022/23 were increased from 0.5 FTE to 0.7 FTE to ensure resilience and capacity to discharge statutory duties effectively and efficiently. These resources were be drawn from the operational trading standards team. This approach will continue for 2023/24.

9. Sports Grounds Safety Authority (SGSA) Audit

- 9.1 Following the Grenfell fire, Central Government reviewed areas of risk to the public to ensure that all local authorities responsible for licensing designated grounds, such as Burton Albion, received an audit to check that there were consistent and adequate safety criteria in place. The Audits took place in December 2022, several recommendations were made following each audit and have subsequently been completed.

- 9.2 The recommendations are detailed at Appendix 2, however in summary the SGSA Inspector found that we have continued to improve on our previous "Good" inspection and was complimentary about the work of the officers engaged in the activity.
- 9.3 During 2022/2023 Trading Standards officers worked closely with the Sports Grounds Safety Authority (SGSA) Local Authority Inspector to update the processes for Safety of Sports grounds controls at Burton Albion.
- 9.4 The County Council's scheme of delegation has been updated to ensure that references to legislation are correct. Required to ensure officers are able to issue a prohibition notice under the Fire Safety and Safety of places of Sport Act 1987 when the risk to spectators at a ground is so great that until steps have been taken to reduce it to a reasonable level, the admission of spectators can be restricted or prohibited.
- 9.4 During 2023/2024 officers will continue to work with the SGSA inspector to update and enhance the way the Safety Advisory Group operates and are included in Appendix 2 of this report for information.

10. Conclusion

- 10.1 2022/2023 has been a successful year for the Trading Standards team. All planned work at the designated ground, high and medium risk venues with regulated standards has been fully completed.
- 10.2 Training and development to maintain the competence of the team has been undertaken by officers in their roles. Existing qualified officers have (and will continue to) provided support for officers to ensure the delivery of roles and responsibilities within the current structure.
- 10.3 All formal inspection process has been completed this year and the team continues to engage with venues' Safety Management Teams and Partners to ensure that all events that have gone ahead, have done so safely. This has been achieved via SAG's as well as providing individual advice and support within a fluid and challenging environment.
- 10.4 During 2022/2023 significant focus was required by the team to ensure that the facilities were operated in accordance with the required standards, safe and considered manner.

11. Link to Strategic Plan

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

12. Link to Other Overview and Scrutiny Activity

N/A

13. Community Impact

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

List of Background Documents/Appendices:

- Appendix 1 - details of inspections and engagement programme carried out during 2022/23
- Appendix 2 - SGSA Audit - Action Plan December 2022
- Appendix 3 - details of planned inspections, engagement, and related activities to be carried out during 2023/24

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Appendix 1 - details of inspections / engagement programme 2022/23

Risk rating	Stand	Last Inspection Date	Comments
High	Staffordshire County Showground	07/12/2022 Non-Event Day 01/06/2022 Event Day	<p>The 2022 event returned to its traditional date of early summer. Between 3rd and 17th May 2022 Event SAG meetings held regarding County show event on 1st and 2nd June 2022. The team worked with SAG partners on safety measures and event planning, including new requirements for adoption of Zone Ex around the venue. Event Management Plan reviewed for event and additional Queens Jubilee Garden Party.</p> <p>New General Safety Certificate issued on 5th April 2022 following revision of Operations Manual and Risk Assessments.</p> <p>Event Day Inspection (EDI) completed – 1st June 2022 during day one of Staffordshire County Show event 2022.</p> <p>Full SAG and Non-Event Day Inspection (NEDI) in relation to the County Showground venue held on 7th December 2022.</p> <p>SAG process commenced for 2023 event in March 2023.</p>
High	Uttoxeter Racecourse	08/12/2022 Non-Event Day	Special Safety Certificates issued for three events: 14 th May / 9 th June / 22 nd July 2022 for non-racing events at venue, subject to review of Event Management Plan,

		13/09/2022 and 28/01/2023 Event Days	<p>Safety Policy, and Risk Assessments, including necessary event SAG engagement.</p> <p>Completed revision of General Safety Certificate and issued revised version.</p> <p>Completed full Event Day Inspection (EDI) – 13th September 2022.</p> <p>Full SAG and Non-Event Day Inspection (NEDI) held 8th December 2022.</p> <p>Full Event Day Inspection (EDI) completed – 28th January 2023 - Super Saturday Event – Racing Fixture.</p> <p>SAG / Tabletop exercise pre-Midlands Grand National held on 8th March 2022.</p>
Medium	Stafford Rangers Football Club	<p>23/03/2023 Non-Event Day</p> <p>04/03/2023 Event Day</p>	<p>Completed revision of General Safety Certificate and new Safety Certificate issued 6th December 2022.</p> <p>4th March 2023 – Event Day Inspection (EDI) undertaken.</p> <p>23rd March 2023 – SAG meeting conducted.</p> <p>23rd March 2023 – Annual inspection undertaken.</p>
Medium	Leek Town Football Club	03/02/2023 Non-Event Day	Full SAG and Non-Event Day Inspection (NEDI) completed – 22 nd April 2022.

		26/11/2022 Event Day	<p>Application for Special Safety Certificate received on 16th May 2022 for community event "Aloha" on 4th June 2022.</p> <p>Special Safety Certificate issued on 1st June 2022</p> <p>Completed Event Day Inspection (EDI) – 26th November 2022 (Leek Town v Colne)</p> <p>3rd February 2023 - SAG and Non-Event Day Inspection (NEDI) completed.</p>
Medium	Hednesford Hills Raceway	<p>13/02/2023 Non-Event Day</p> <p>12/03/2023 Event Day</p>	<p>Non-Event Day inspection (NEDI) completed – 11th August 2022</p> <p>Reviewed compliance with the requirements of the current Safety Certificate, including capacity calculations. Revised and updated the Safety Certificate to reflect changes in SGSA template. – re-issued September 2022</p> <p>SAG / Non-Event Day Inspection (NEDI) completed – 13th February 2023</p> <p>Event Day Inspection (EDI) completed – Sunday 12th March 2023</p>

Medium	Hednesford Town Football Club	<p>28/11/2022 Non-Event Day</p> <p>19/11/2022 Event Day</p>	<p>Meeting held with venue owners re: new General Safety Certificate requirements on 1st April 2022</p> <p>Event Day Inspection (EDI) completed – 9th April 2022</p> <p>Full SAG and Non-Event Day Inspection (NEDI) completed – 20th May 2022. Reviewed compliance with the requirements of the current Safety Certificate, including capacity calculations.</p> <p>Application for Special Safety Certificate received 5th July 2022 for community event “Party in the Park” on 30th July 2022.</p> <p>Event SAG held on 6th July 2022. Event Safety Policy, Event Management Plan and Risk Assessments to be reviewed.</p> <p>Special Safety Certificate issued 26th July 2022</p> <p>New General Safety Certificate issued 26th September 2022</p> <p>Event Day Inspection (EDI) completed 19th November 2022 (HTFC vs Rushden & Diamonds)</p> <p>SAG and Non-Event Day Inspection (NEDI) completed 28th November 2022</p>
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Medium	Tamworth Football Club	<p>29/04/2022 and 30/03/2023 Non-Event Days</p> <p>04/02/2023 and 25/02/2023 Event Days</p>	<p>Full SAG and Non-Event Day Inspection (NEDI) completed – 29th April 2022.</p> <p>Event Day Inspection (EDI) completed - 4th February 2023 vs Mickleover Sports</p> <p>Incident occurred 21st February vs Nuneaton Borough. Match abandonment</p> <p>Event Day Inspection (EDI) completed - 25th February vs Bromsgrove Sporting – Completed</p> <p>Extraordinary SAG held on 3rd March to debrief incident from 25th February. No issue with SAG post incident. SAG informed and understood that the game was not abandoned on safety grounds and it was due to away team refusing to continue, despite assurances from the Club and local policing team.</p> <p>SAG and Non-Event Day Inspection (NEDI) – Completed 30th March</p> <p>Engagement with Club, Safety Team and key SAG partners continued post FA and League review of incident, including potential replay of home league fixture vs Nuneaton Borough before mid-April 2023 – Completed</p>
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Appendix 2

SGSA Audit 20th December 2022 - Action Plans from LA audit report

Action Point	Detail	Review date
1.	Complete a thorough review of the Operations Manual, including reviewing content as well as headings, and ensure that it includes an appropriate level of detail against all relevant headings and addresses the safety of all people throughout. (modified from a previous action)	December 2023
2.	Implement a process for annual review of the safety certificate, including obtaining an up to date copy of, and reviewing the capacity calculations and P&S factor assessments for the ground, using GG6 methodology	December 2023
3.	Ensure that there is a clear process for the annual inspection of the ground, including physical inspection and inspection of documentation provided by the ground, and that this process is completed within a reasonable timeframe.	December 2023
4.	Encourage the club to implement a programme of testing and exercising of the contingency and major incident plans, working with the emergency services.	December 2023

Appendix 2 cont.

Compliance with recommended actions from LA audit report – 9th December 2021

Action Point	Detail	Progress
1	Carry out a thorough review of the Operations Manual, including reviewing content as well as headings, and ensure that it includes an appropriate level of detail against all relevant headings and addresses the safety of all people throughout. (modified from a previous action)	Partially Complete / Ongoing
2	Exercise service business continuity plans to ensure the resilience of the safety at sports grounds function.	Complete
3	Implement a process for annual review of the safety certificate, including obtaining and up to date copy of, and reviewing the capacity calculations and P&S factor assessments for the ground, using GG6 methodology.	Partially Complete / Ongoing
4	Ensure that technical documents submitted by the club as part of the annual inspection are checked by competent persons, and any omissions or actions are followed up with the club.	Complete
5	Amend the scheme of delegation to ensure that references to legislation are correct: 44 refers to the Fire Safety and Safety of Places of Sport Act 1987 rather than the Safety of Sports Grounds Act 1975 Act for prohibition notices. 43 also requires correcting as there is no application to a court required for a prohibition notice under this legislation.	Complete

Appendix 3 - Planned inspections, engagement, and related activities 2022/23

The planned activity for Burton Albion is:

- Continue to support the club during the critical transition to a new safety officer.
- Assist venue safety management team with planning towards the implementation of Martyn's Law.
- Review the club's compliance with the requirements of the current Safety Certificate, including capacity calculations.
- Complete a review of the Club's Operation Manual and Procedures.
- Support the club to carry out a tabletop contingency test exercise with key staff from Club's safety team and SAG partners.
- Complete an annual inspection of the ground.
- Carry out at least two event day inspections, focussing on high-risk games.
- Revise and update the Safety Certificate to reflect changes in the SGSA template, to include SIA model term.
- Safety Advisory Group meetings on a regular basis.
- Continue to work closely with the SGSA Local Authority Inspector (next planned audit – December 2023)

Risk rating	Stand	Planned Activity
High	Staffordshire County Showground	<p>Hold a full SAG - Mid April 2023 in relation to the County Showground venue to ensure all safety management controls are in place pre-County Show event.</p> <p>Event SAG and tabletop exercise scheduled for early-May 2023</p> <p>Event Day Inspection to be completed – 31st May - 1st June 2023 during day one of Staffordshire County Show event 2023. The focus for EDI for 2022/23 will be on Traffic Management and management the ticketing process. Carry out a review of compliance with the requirements of the current Safety Certificate, including capacity calculations.</p> <p>Assist venue safety management team with planning towards the implementation of Martyn's Law.</p>
High	Uttoxeter Racecourse	<p>Focus for 2023 / 24 is on compliance with the requirements of the new Safety Certificate, including capacity calculations.</p> <p>Attend Anti Counter Terrorism Training carried out at the venue.</p> <p>Complete a full Event Day Inspection</p> <p>Hold two full SAGs and Non-Event Day Inspection</p>

		<p>Consider attendance at Club tabletop exercise</p> <p>Assist venue safety management team with planning towards the implementation of Martyn's Law</p>
Medium	Stafford Rangers Football Club	<p>Focus for 2023 / 24 is on compliance with the requirements of the new Safety Certificate, including capacity calculations.</p> <p>Complete a full Event Day Inspection</p> <p>Hold two full SAGs and Non-Event Day Inspections</p> <p>Assist venue safety management team with planning towards the implementation of Martyn's Law.</p>
Medium	Leek Town Football Club	<p>Focus for 2023 / 24 is on renewal of current Safety Certificate and assessment of compliance with the requirements, including capacity calculations.</p> <p>Complete a full Event Day Inspection</p> <p>Hold a full SAG and Non-Event Day Inspection.</p> <p>Assist venue safety management team with planning towards the implementation of Martyn's Law.</p>

Medium	Hednesford Town Football Club	<p>Focus for 2023 / 24 is on renewal of current Safety Certificate and assessment of compliance with the requirements, including capacity calculations (following change of ownership at Club).</p> <p>Complete a full Event Day Inspection</p> <p>Hold a full SAG and Non-Event Day Inspection.</p> <p>Assist venue safety management team with planning towards the implementation of Martyn's Law.</p>
Medium	Hednesford Hills Raceway	<p>Focus for 2023 / 24 is on compliance with the requirements of the new Safety Certificate, including capacity calculations.</p> <p>Complete a full Event Day Inspection</p> <p>Hold a full SAG and Non-Event Day Inspection.</p> <p>Assist venue safety management team with planning towards the implementation of Martyn's Law.</p>
Medium	Tamworth Football Club	<p>Focus for 2023 / 24 is on renewal of current Safety Certificate and assessment of compliance with the requirements, including capacity calculations (following retirement of Safety Officer and</p>

		<p>expected changes to Safety Management Team, in addition to Club gaining promotion to the National League South or North).</p> <p>Complete a full Event Day Inspection</p> <p>Hold a full SAG and Non-Event Day Inspection.</p> <p>Assist venue safety management team with planning towards the implementation of Martyn's Law.</p>
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Local Member	
Councillor J Eagland	Lichfield Rural North

Planning Committee**8 June 2023****Minerals County Matter****Application No (District):** [SCC/23/0053/CON-PWA](#) (Lichfield District)**Applicant:** Cemex UK Operations Limited

Description: Request for prior written approval in compliance with condition 9 (f) (Extension of operating hours for concrete plant) of planning permission L.20/03/867 M

Location: Pyford Brook Quarry, Kings Bromley Road, Orgreave, Alrewas

Background/ Introduction

1. Pyford Brook Quarry is a new sand and gravel quarry which was granted planning permission in March 2022 (ref. [L.20/03/867 M](#)) and is being developed by Cemex principally to supply concrete to construct the phase 1 section of the HS2 railway.
2. When the original planning application was considered by the Planning Committee, Cemex proposed that the concrete plant at the quarry would be required to occasionally operate over extended hours in connection with construction works on the HS2 railway which would be authorised under [Section 61](#) (prior consent for work on construction sites) of the Control and Pollution Act 1974. Consequently, a condition was imposed to require the quarry operator to seek prior written approval on the occasions when the concrete plant would be required to operate during extended hours.
3. This report considers a request for extended operation of the concrete plant in anticipation of weekend / evening / night-time works taking place on the HS2 railway during the summer. A similar request has been made in relation to operation of the applicant's other concrete plant at Weeford Quarry off A38 at Weeford (ref. [SCC/23/0054/CON-PWA](#)) and as there were no objections it has been approved by your officers in accordance with the County Council's delegation scheme.

Site and Surroundings

4. The quarry lies to the south of the A513 near to the hamlet of Orgreave, between Alrewas village (1.2km to the east) and Kings Bromley (2.1km to the northwest). To the south is the Trent and Mersey canal and the village of Fradley (1km).
5. The nearest residential properties to the site are Alrewas Hayes Cottages 360m to the southwest, Wellfield Farm 510m to the north-west, Orgreave Lodge (230m) and Hall to the north (440m), and Mill Acres House 320m to the south-east. There is also a marina to the south (230m).
6. The proposed HS2 works to be supplied with concrete from the quarry will take place to the north of Streethay, about 4.4 miles to the south by road.

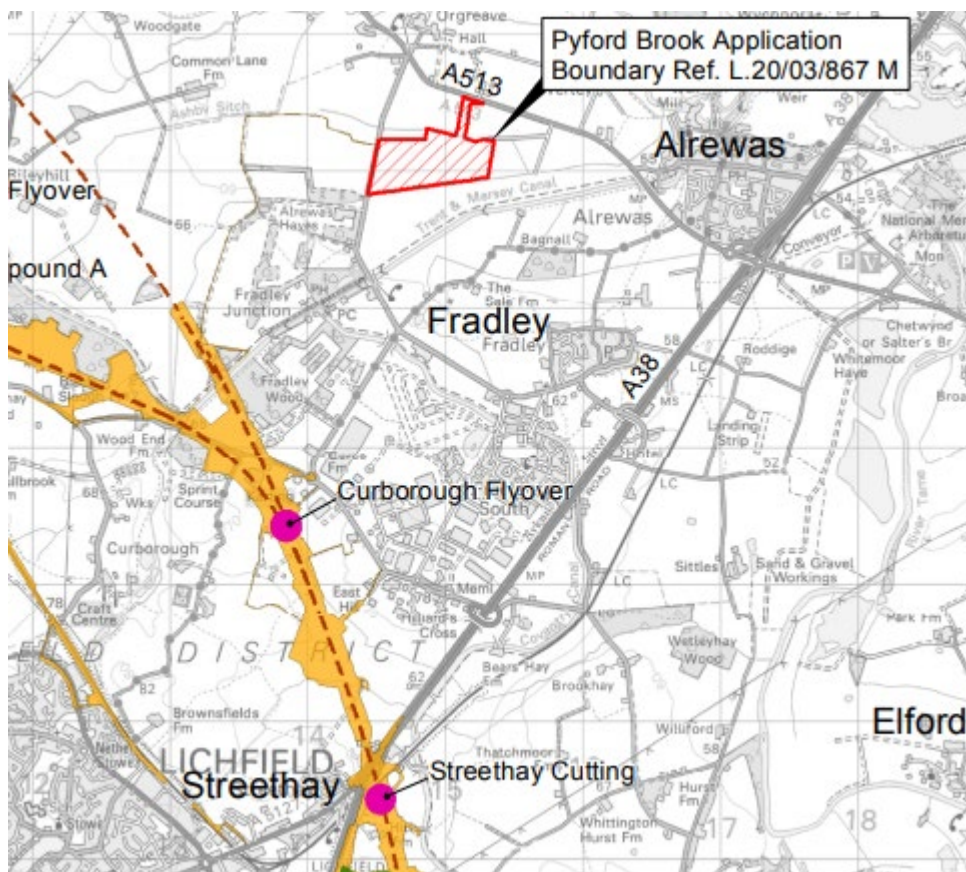


Figure 1: Extract from [Plan 5](#) accompanying report to Planning Committee on 15 July 2021 showing quarry's location relative to construction works on the HS2 railway.

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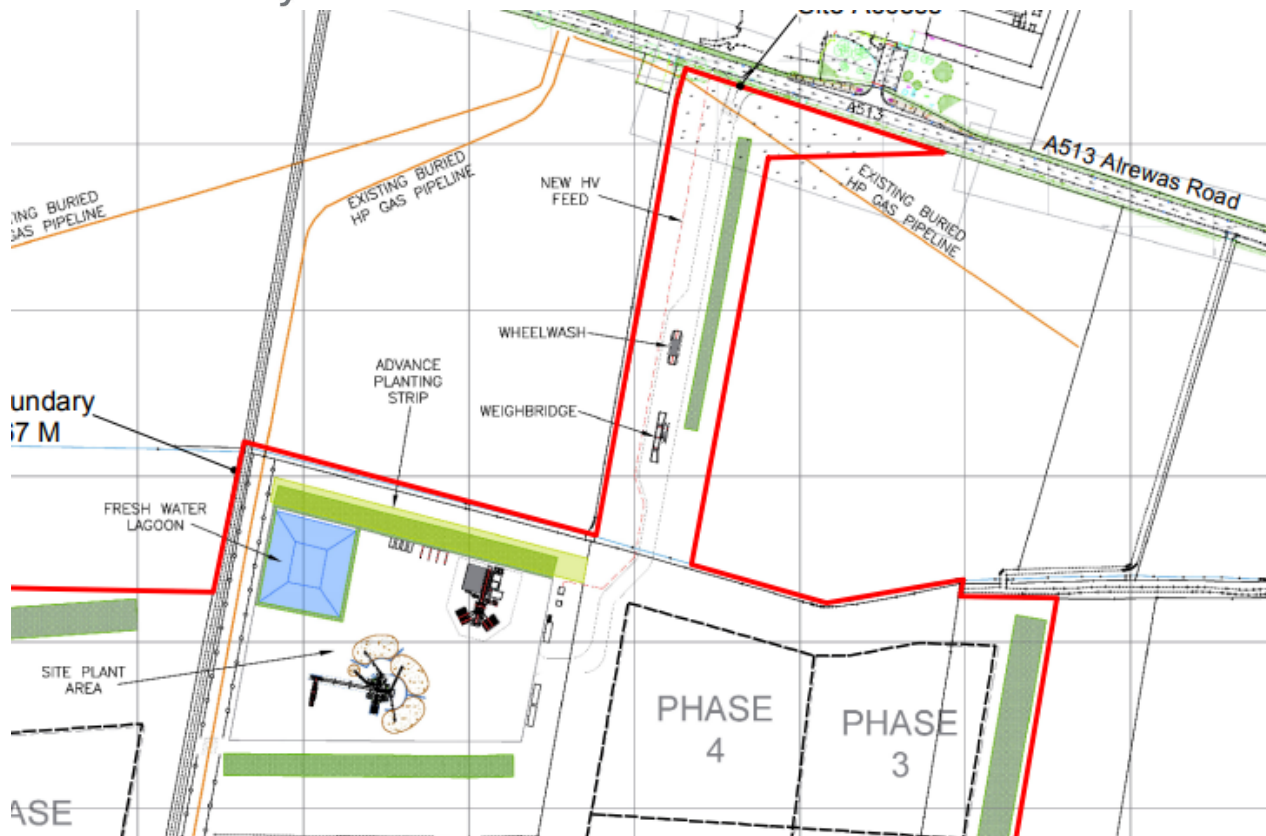


Figure 2: Extract from [Plan 2](#) accompanying report to Planning Committee on 15 July 2021 showing the location of the plant area including concrete plant and access onto A513.

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Summary of Proposals

7. The proposed extended operating hours for the concrete plant, export of concrete and import of cement are requested from 1 May 2023 to 31 July 2023 but during that time, it is likely that the supply of concrete during extended hours would only be required for 6 weeks in total.
8. The works requiring concrete during the proposed period of extended hours are as follows:
 - a) Piling and Foundations on South Staffordshire Railway and A38 Overbridges (ID5/ ID14/ ID23) – works taking place 3rd April 2023 – 31st March 2024 as required between 1800-0000 hours. This is required to allow for piles to be bored into the ground and concrete placed. To meet quality requirements, this needs to be completed within 1 working day to eliminate the risk of cold jointing and cracking within the piles that arise from staggered pours.
 - b) Roadworks on A38 Overbridge (ID25) – works taking place 3rd April 2023 – 31st March 2024 between 2200-0600 hours as required. Due to

health and safety requirements whilst working near live traffic, these works have been agreed with National Highways to take place under night-time closures to reduce the risk of public interface with the works.

- c) South Staffordshire Railway Line Blockade (ID10-11, ID13, ID15) – 24-hour working between 22nd May 2023 – 20th August 2023. The railway will have to be shut during this period due to the intrusive works that will be taking place. The importance of reopening this national piece of infrastructure on time will only be made possible by 24-hour working.
9. HGV movements will be within the existing limits controlled by Condition 26 that requires that lorry movements should not exceed:
- 170 movements within a 24-hour period Monday to Friday.
 - 86 movements on Saturdays; and,
 - 17 during each evening and night-time period (if approved under condition 9)
10. It is proposed that if this request is approved, then the movements on Saturdays could be spread across the day (0800-1800 hours) without being in breach of Condition 26. In addition, as there are no restrictions on vehicle movements on Sunday daytimes, it is proposed that these could be the same as Saturdays, i.e., 86 movements spread across the day (0800-1800 hours). Sunday evenings (1800-0800 hours) would be covered by the limit of 17 movements as this restriction does not specify any days of the week.
11. Monitoring of limits on noise levels as defined in the planning permission would be undertaken in accordance with the approved noise monitoring scheme. Cemex propose to monitor night-time operations every two weeks and monthly for the daytime operations.

The Applicant's Case

12. Balfour Beatty Vinci (BBV) a principal contractor for HS2, have recently made an [application](#) under Section 61 of the Control of Pollution Act 1974, to Lichfield District Council for prior consent in respect of construction works associated with the proposed overbridge for the South Staffordshire Railway line and the A38-A5127 Junction in Streethay [the applicant subsequently provided copies of the section 61 approvals and the approvals have been confirmed by the District Council's Environment Protection Officer]. Some of the proposed works will need to be undertaken 'out of hours' including some during night-time hours for short periods.
13. The applicant contends in support of this submission that supplying concrete from Pyford Brook Quarry is sustainable and minimises the distances HGVs must travel. The applicant also contends that there is a clear need to supply

'out of hours' for some elements of the HS2 project as detailed in the information sent as part of the submission. The noise and vehicle movements associated with the out of hours supply have already been assessed and appropriate conditions imposed with the planning permission. There is, therefore, no reason why this site cannot be used in conjunction with another concrete plant at Weeford Quarry for out of hours supply. Both plants are required for flexibility, in case one breaks down, as set out in the original application.

Relevant Planning History

14. Details of the relevant planning permission and other planning decisions are listed as follows:

- [L.20/03/867 M](#) dated 16 March 2022 – Permission for proposed sand and gravel extraction, the erection of plant and infrastructure and creation of new access, in order to supply the HS2 project with ready mix concrete, with export of surplus sand and gravel

A Section 106 Legal Agreement (S106) dated 11 March 2022 includes obligations on the quarry operator to restrict the sale of ready-mix concrete for purposes related to the N2 section of the HS2 phase 1 works as well as to manage lorries to follow a specific route to and from the quarry.

- [SCC/22/0044/DA](#) dated 13 June 2022 – Approval of submission of details in compliance with condition 20 (Construction Environmental Management Plan) relating to planning permission L.20/03/867 M.
- [SCC/22/0074/DA](#) dated 5 August 2022 – Approval of submission of details in compliance with conditions 24 (wheel cleaning) and 33 (flood lighting) of planning permission ref. L.20/03/867 M.
- [SCC/22/0101/DA](#) dated 15 August 2022 – Acknowledgement of notification in compliance with condition 2(a) (notification of commencement of site preparation works) of planning permission L.20/03/867 M.
- [SCC/23/0058/DA](#) received 21 April 2023 - Submission of details in compliance with Condition 19 (Cycle Shelter) of planning permission L.20/03/867/M. Not yet determined.

15. Cemex have also applied for extended operating hours at a concrete plant located within Weeford Quarry (off the A38 London Road, Weeford) that would also supply to the same HS2 construction works mentioned above (ref. [SCC/23/0054/CON-PWA](#)). This request was approved on XX May 2023 for a period up to 31 July 2023.

Findings of Consultations

Internal

16. **Highways Development Control** (on behalf of the Highways Authority) (HA) – no objection. The transport assessment submitted in support of application ref. L.20/03/867 M provided an assessment of HGV movements anticipated to be generated by the site within a 12-hour period and for the traditional weekday morning and evening network peak hours. This was considered to be acceptable. As the proposals for the extended operational hours would result in traffic movements generated by the site spread out over a 24-hour period, rather than a 12-hour period, and remain within the limits set out in Condition 26 of the planning permission, it is not considered that there would be a significant impact on the surrounding highway network.
17. The proposed temporary operating hours on a Sunday are in line with those on a Saturday and the HA consider that they would not result in a significant impact on the surrounding highway network.
18. **HS2 and Integrated Transport Projects Team** – refer to the [Code of Construction Practice](#) for HS2 phase 1 works and in particular, the limits on hours on operations to protect residential amenity. In this case, however, Cemex as a concrete supplier to HS2 are required to carry out 24/7 working due to factors beyond their control. A period of noise monitoring at specific locations should be carried out at the properties nearest to the quarry and A513.
19. **Planning Regulation Team** – confirm that they have no comments.

External

20. **Lichfield District Council (Planning)** - Object. The Council refers to previous concerns raised about the quarry including the impact of traffic on residential amenity and highway safety, and noise. The Council considers that the restricted hours of operation alleviates some of the potential impacts, however the proposed alteration to the working hours condition would result in detriment to neighbours' amenities for a sustained length of time (three months). If the alteration to working hours is necessary, it should be restricted to the shortest period to alleviate impacts on residents, the highway and the environment.
21. The District Council also questions the justification for the proposal and recommends that any changes to the hours of operation should be reviewed against the requirements to limit lorry movements; and requirements to protect wildlife habitat.
22. **Lichfield District Council (Environmental Protection)** – No objection.

The EHO confirmed that Section 61 approvals have been granted for the HS2 works referred to by the applicant.

23. **Alrewas Parish Council** - Object. The Parish Council are concerned about the justification for the extended hours and support comments made by one of their councillors (see below).
24. **Fradley Parish Council** – No response received.
25. **Kings Bromley Parish Council** - No response received.
26. **National Highways** - No objection.

Publicity and Representations

27. No publicity is required by the relevant regulations in respect of an application for the approval of details reserved by planning condition. The applicant has notified members of the quarry liaison committee of the proposed extended operational hours at the meeting on 3 April 2023.
28. County Councillor Eagland, the local Member, objects to the proposed extension of hours for 24-hour deliveries and operations at weekends on the grounds of the impact on the amenity of residents.
29. As noted above, a parish councillor has made an objection to the proposed extended operation of the concrete plant. The parish councillor considers it to be wrong that the first operation at this quarry will be 24/7 working because this site was particularly controversial, and the community needs a soft start to allow the site's procedures to bed in. Residents were told during the planning process that the out of hours working would only be rarely needed yet even before the site has started there is a three-month extended hours application. It is noted that three months of 24/7 working has been applied for but only a maximum of 6 weeks is needed by HS2. It should not be for the community to suffer just because third party programmes slip.

The condition and reasons for it

30. Condition 9 of the permission restricts the hours of operation on mineral operations and activities at the quarry in the interests of local amenity including residents living near to the A513 and visitors to the Trent and Mersey canal in accordance with [Minerals Local Plan for Staffordshire](#) (Policy 4); the [Lichfield District Local Plan Strategy](#) (Core Policy 3 and Policy BE1); and the [National Planning Policy Framework](#) (Sections 15 and 17).
31. The relevant sections of condition 9 are listed as follows:
 - c) No operation of the concrete plant and export of concrete shall be carried out other than between:

- 0800 and 1800 Monday to Friday
 - 0800 and 1300 Saturday
- d) No import of cement shall be carried out other than between:
- 0730 and 1800 Monday to Friday
 - 0730 and 1300 Saturday
- f) Subject to the prior written approval of the Mineral Planning Authority and following a Section 61 approval on the HS2 Phase 1 site, cement may be imported and concrete exported outside of the concrete plant operational hours (Conditions 9 (c) and 9 (d)).

Observations

32. Having given careful consideration to the submission, the condition and the reason for it, the comments from the consultees, the Local Member and the representee, referred to above, the key issues are considered to be:
- The requirements of the condition; and
 - The other matters raised by consultees or in the representations.

The requirements of the condition

33. When the planning application for development of Pyford Brook Quarry was reported to the Planning Committee for determination in [July 2021](#), it was explained that there was a need for the concrete plant at Pyford Brook to supply the HS2 construction project together with another new plant to be operated at Weeford Quarry. Proposals for occasional extended operating hours for the production and export of concrete at Pyford Brook were accepted and a condition was recommended as set out above (condition 9 f)), to allow for extended operating hours.
34. A pre-requisite of the condition is that Lichfield District Council has granted approval for potentially noisy but essential works on the HS2 railway in accordance with section 61 of the Control of Pollution Act 1974. The District Council's Environmental Protection Officer has confirmed that the Section 61 approvals to allow such works to be carried out on HS2 near to the A38 and the South Staffordshire railway have now been approved.
35. Conclusion: Having regard to the submission, the condition and the reasons for it, and the guidance and confirmation given by the District Council's Environmental Protection Officer that Section 61 approvals have been issued, it is reasonable to conclude that the request to extend the operating hours for the concrete plant to 31 July 2023 accords with the requirements of condition 9 (f), and subject to consideration of the other matters raised by

consultees, the Local Member and the representee, discussed below, should be approved.

The other matters raised by consultees or representations

36. Policy 4 of the Minerals Local Plan states that in assessing the impact of proposals for mineral development on people, local communities, and the environment, where relevant, noise will be taken into account.
37. Paragraph 205 (c) of the NPPF requires that mineral planning authorities must:
 - ‘ensure that any unavoidable noise, dust, and particle emissions and blasting vibrations are controlled, mitigated or removed at source, and establish appropriate noise limits for extraction in proximity to noise sensitive properties.
38. Commentary: The Local Member has raised concerns about the effect of the extended hours on the amenity of local residents. Previously, in relation to the original planning application, similar objections were raised about the operation of the concrete plant on a 24-hour basis, but the noise assessment carried out as part of the environmental impact assessment accompanying the application confirmed that the plant could be operated within acceptable noise limits. The assessment also considered the effect of night-time traffic on properties near to the A513 at Alrewas. The change in night-time noise levels due to the traffic generated by the proposal was considered of negligible impact.
39. A Parish Councillor has raised concerns that as the quarry has not commenced production of concrete, the plant has not been tested in terms of proving environmental performance. Notwithstanding, the operation of the concrete plant, the export of concrete as well as the import of cement (required to make the concrete) would be controlled by the conditions of the permission e.g. condition 29 sets noise limits (including reduced limits relating to the night-time hours) and condition 26 sets limits on HGV movements (including a limit of 17 during night-time hours).
40. The proposals include lorry movements on a Sunday up to the limit imposed on a Saturday (86 daytime + 17 night-time) and the Highway Authority has commented that this would not result in a significant impact on the surrounding highway network. Furthermore, lorries would be managed in accordance with the Section 106 Legal Agreement which includes an undertaking by Cemex that they would not travel through Kings Bromley village and that they would be directed to and from the junction of the A513 with the A38 to the east of the quarry.
41. Condition 31 of the permission requires that noise mitigation is undertaken in

accordance with the approved Noise Monitoring and Mitigation Plan ('the Plan'). The Plan includes details of procedures for monitoring noise and the investigation of complaints. More specifically in relation to the night-time operation of the concrete plant, Cemex confirm in the Plan that they will manage the plant so that concrete loading and cement deliveries do not occur simultaneously. In addition, it is now proposed that noise monitoring be undertaken by the operator every 2 weeks during the night-time and monthly for Sunday daytime operations.

42. Concrete production has not yet commenced as works are currently taking place to construct the new site access and condition 17 of the permission requires the access to be completed before the export of concrete can commence. Cemex estimate that the new access works will be completed by mid-June at the earliest. In effect therefore Cemex are seeking a 6-week period for extended operations from mid-June to the end of July.
43. It is relevant to note that condition 43 of the permission requires records of the occasions when operations take place outside the normal operating hours as well as the number of lorry movements and any complaints received.
44. Conclusion: Having regard to the submission, the condition and the reasons for it, and the matters raised by consultees, the Local Member and the representee referred to above, it is reasonable to conclude that due to the scale, location and duration, the extended operations would not give rise to any materially harmful impacts, subject to compliance with the conditions of the permission, the lorry routeing arrangements required by the Section 106 Legal Agreement, and the proposals to carry out noise monitoring and to limit HGV movements.

Overall Conclusion

45. Overall, as an exercise of judgement, taking the relevant up-to-date development plan policies as a whole and having given consideration to submission, the condition and the reasons for it, the consultee comments, the representations and the other material considerations, all referred to above, it is reasonable to conclude that the application for prior written approval in compliance with condition 9 (f) (Extension of operating hours for concrete plant) of planning permission L.20/03/867 M, should be approved.

Recommendation

To Approve the request to extend the operating hours for the concrete plant to 31 July 2023 in compliance with condition 9 (f) of the planning permission (ref. L.20/03/867 M) as described in the submitted documents listed below:

- Application Form dated 21 March 2023;
- Applicant's letter dated 20 March 2023 – details of request for prior approval;

- Applicant's email sent 25 May 2023 – proposals for noise monitoring.

For the avoidance of doubt, and as stated in the submission, during the extended operating hours for the concrete plant to 31 July 2023:

- A) Noise monitoring shall be carried out when the concrete plant is operating every 2 weeks during the night-time periods between 22:00 and 07:00; and monthly during the daytime (including Sundays) between 08:00 and 18:00 in accordance with the approved Noise Management and Monitoring Plan (condition 28 of the permission ref. L.20/03/867 M) and the site attributable noise shall not exceed the approved noise limits (condition 29 of the permission ref. L.20/03/867 M); and,
- B) The total number of HGV movements in and out of the Site shall not exceed:
- 170 in a 24-hour period (Monday to Friday) of which no more than 17 shall take place between 18:00 to 07:00; and,
 - 103 in a 24-hour period (Saturday and Sunday) of which no more than 17 shall take place between 18:00 to 07:00.

Informatives

1. Knowledge of this approval

To enable easy reference and to encourage compliance with the requirement of this approval and the orderly operation of the Site; the terms of this approval, including all the approved documents and plans hereby approved should be made known and easily accessible to any person(s) given responsibility for the management or control of the activities / operations on the Site.

2. Condition 43 (Record Keeping)

A reminder that condition 43 of the permission requires records of the occasions when operations take place outside the normal operating hours as well as the number of lorry movements and any complaints received.

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

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

Local Members
N/A

Planning Committee – 08 June 2023

Report of the Director for Economy, Infrastructure and Skills

Planning, Policy and Development Control Team Full Year Report

Purpose of the Report

This report is to inform the Planning Committee about our planning policymaking and planning development control activities and related matters at the end 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 latest [Annual Monitoring Report \(AMR\)](#).

Overall, the AMR concluded that there was no immediate need to update our Minerals or Waste Local Plans.

Work on preparing for the review of our local plans remains on hold.

Planning development control performance – 2022-23

- a) Speed - major development decisions
94% (17 out of 18)
- b) Quality – major development decisions overturned at appeal
Nil (0 out of 18)
- c) Speed - County Council's 'non-major development' decisions
100% (2 out of 2)
- d) Speed - County Council's major development decisions
100% (1 out of 1)

- e) Delegated decisions
81% (17 out of 21)

Staff and Caseload

Staff changes during 2022-23 included: the return to full-time working of Team Leader who had been absent due to long-covid is now back working full time; the continued casual employment of a former member of the team; the replacement and training of our Planning Information Officer (our Planning Information Team Leader has recently retired (April 2023)); the retirement of a Senior Planning Officer and the training of a Planning, Policy and Enabling Officer to pick up some of the officer's work.

Notwithstanding, we have continued to maintain our good performance as can be demonstrated by the caseload comparison summarised below:

- the number of minerals and waste applications determined was the same as last year and down compared to the year before that.
- the number of other approvals was significantly higher than in the previous two years.
- the overall total number of cases determined was higher than in the previous two years.

Background

We report our policymaking and development control activities halfway through and at the end of each financial year. This is our end of year report for 2022-23.

Planning policy-making performance

We have recently published our latest [Annual Monitoring Report](#) (AMR) for the period April 2021 to March 2022. The findings of the AMR are as follows:

Minerals: The 10-year average sales of sand and gravel from Staffordshire sites is 4.531 million tonnes. This is less than the level of provision made under Policy 1 of the Minerals Local Plan (MLP) i.e., 5 million tonnes of sand and gravel per annum, used to assess the allocation of additional sand and gravel resources to meet needs up to the end of 2030. Using the MLP level of provision of 5 million tonnes per annum would mean the landbank of permitted reserves as of 1 January 2021 would last for 12.3 years. This exceeds the target of maintaining a 7-year landbank.

As of 31 March 2023, of the 11 extension sites and the area of search allocated in the MLP, 7 extension sites and a site in an area of search have now been granted planning permission or approved subject to the completion of Section 106 Legal Agreements. A further 2 sites are the subject to current applications which are yet to be determined.

Demand for sand and gravel remains in line with planned provision although the impact of the construction of HS2 on sales and reserves of construction aggregates is being monitored.

Waste: The number of waste related planning applications during the reporting period was small, and not all planning applications relating to waste treatment facilities lead to an increase in treatment capacity, or an increase in the number of operational sites. However, data from planning applications does show that there was an overall increase in treatment capacity. It is reasonable to conclude that waste treatment capacity is keeping pace with production; we are maintaining net self-sufficiency for waste management within the Plan area; and the criteria-based policies for locating waste sites are working.

The Waste Local Plan (WLP) was reviewed in 2018 and since then there have been no significant changes. The WLP policies are working as intended, the targets are being met on time or ahead of schedule, and there have been no significant changes to national waste planning policy, strategic priorities, or local circumstances.

Overall, the AMR concluded that there was no immediate need to update our local plans. Consequently, work on preparing for the review of our local plans remains on hold but also because the government is taking a fresh look at planning reforms (see [Levelling Up and Regeneration Bill](#) and [reforms to national planning policy](#) which include the introduction of a reformed plan-making system).

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.

Staff 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 Policy and Enabling Officer (shared)
1 Planning Information Team Leader* and 1 Planning Information Officer

* Now retired and post currently vacant

Staff changes during 2022-23 included:

- a Team Leader who had been absent due to long-covid is now back working full time;

- a former member of the team has continued to be employed on a casual basis;
- we replaced and are currently training our new Planning Information Officer (our Planning Information Team Leader has recently retired (April 2023)); and,
- a Senior Planning Officer retired (November 2022) and we are training a Planning, Policy and Enabling Officer who was recruited by the wider Planning, Policy and Enabling team in June 2022 to carry out some of the officer's work for the team.

Options to replace the above-mentioned retirees are currently being considered.

Notwithstanding, we have continued to maintain our good performance as demonstrated by the caseload comparison below:

- the number of minerals and waste applications determined was the same as last year and down compared to the year before that (18 compared to 18 and 24).
- the number of other approvals was significantly higher than in the previous two years (100 compared to 76 and 75)
- the overall total number of cases determined (applications, submissions, and consultations) was higher than in the previous two years (150 compared to 122 and 137). Notably the difference can be accounted for by the increase in the other approvals mentioned above.

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Definitions

'Major development' is defined in the [Town and Country Planning \(Development Management Procedure\) \(England\) Order 2015](#)

In so far as it is relevant to applications determined by the County Council, a 'major development' means development involving the winning and working of minerals or the use of land for mineral-working deposits; waste development; the provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more; or development carried out on a site having an area of 1 hectare or more.

List of Background Papers

- Half Year Performance Report 2022-23 to Planning Committee on 1 December 2022 ([see Committee agenda – item 31](#))

- 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 service. This ring-fenced reserve now stands at just over £132,000.

The temporary recruitment is being funded by the service from savings and the ring-fenced 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	100% 1 out of 1	100% 7 out of 7	94% 17 out of 18
	Quality of 'major development' decisions	10% (5%)	Nil	Nil	Nil	Nil	Nil
Local	Speed of the County Council's own 'non-major development' decisions	(90%)	100% 1 out of 1	Nil	100% 1 out of 1	Nil	100% 2 out of 2
	Speed of the County Council's own 'major development' decisions	(80%)	Nil	100% 1 out of 1	Nil	Nil	100% 1 out of 1
	Applications determined under delegated powers	(80%)	75% 6 out of 8	100% 4 out of 4	100% 2 out of 2	71% 5 out of 7	81% 17 out of 21

Speed is measured (in so far as it relates to applications dealt with by the County Council) by the proportion of major applications dealt with within 13 weeks, or within 8 weeks for non-major development decisions, unless the application is accompanied by an Environmental Statement when the target is 16 weeks, or within an agreed extension of time.

Quality is measured (in so far as it relates to applications dealt with by the County Council) by the proportion of major applications that are subsequently overturned at appeal.

Generally, a 'major development' (in so far as it relates to applications dealt with by the County Council) is defined as an application for the winning and working of minerals or the use of land for mineral-working deposits; and, waste development. A 'non-major development' is defined as an application which is not a 'major development'.

Appendix 3 Comparison with the previous two years

Planning Development Control – Full Year Performance – 2022-23

	National (Local Target)	
Speed of 'major development' decisions		
2022-23	60% (90%)	94% 17 out of 18
2021-22	60% (90%)	100% 18 out of 18
2020-21	60% (90%)	96% 23 out of 24
Speed of the County Council's own 'non-major development' decisions		
2022-23	(90%)	100% 2 out of 2
2021-22	(90%)	100% 6 out of 6
2020-21	(90%)	100% 7 out of 7
Speed of the County Council's own 'major development' decisions		
2022-23	(90%)	100% 1 out of 1
2021-22	(90%)	100% 1 out of 1
2020-21	(90%)	Nil 0 out of 0
Applications determined under delegated powers		
2022-23	(80%)	81% 17 out of 21
2021-22	(80%)	72% 18 out of 25
2020-21	(80%)	87% 27 out of 31

Not for publication by virtue of paragraph(s) 1, 2, 3, 5, 7
of Part 1 of Schedule 12A
of the Local Government Act 1972

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