

## **Planning Committee**

Thursday 7 December 2023

**10:00**

Oak Room, 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  
29 November 2023

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## **Agenda**

**Please see attached notes**

1. **Apologies**
2. **Declarations of Interest**
3. **Minutes of the meeting held on 8 June 2023** (Pages 9 - 12)
4. **Appointment of a New Member to the Countryside and Rights of Way Panel** (Pages 13 - 14)
5. **Application for Permission**
  - a) Application by The Cabinet, Staffordshire County Council at Littleton Green Community School, Colliers Way, Huntington, Cannock WS12 4UD ref. SCC/23/0079/FULL-MIN (Pages 15 - 34)  
  
Provision of stand-alone building to provide an Alternative Centre for Learning
  - b) Application by Land Recovery Ltd. at Biddulph, Staffordshire, ST8 7RU ref. SM.15/02/101 MW (Pages 35 - 140)  
  
Application for the Periodic Review (under the Environment Act 1995) of the Scheme of

Conditions ref. SM.EA/4

6. **Planning, Policy and Development Control - Half Year Report** (Pages 141 - 150)

7. **Exclusion of the Public**

The Chairman to move:

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

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**Part Two**

(All reports in this section are exempt)

Nil.

| <b>Membership</b>        |                      |
|--------------------------|----------------------|
| 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 County Council Website ([www.staffordshire.gov.uk](http://www.staffordshire.gov.uk)) (click on Browse site, click Environment > Planning > Planning Committee Homepage, and then click on "Planning Committee – Public Speaking Protocol", under the Related information heading). Alternatively, a copy of the Protocol may be obtained by contacting Member and Democratic Services on 01785 278246 or emailing [desu@staffordshire.gov.uk](mailto:desu@staffordshire.gov.uk)

Parties wishing to make oral representations must submit their request to Member and Democratic Services either by emailing [desu@staffordshire.gov.uk](mailto:desu@staffordshire.gov.uk), or by telephoning 01785 278246 **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 8 June 2023**

Present: Mark Winnington (Chair)

**Attendance**

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

**Part One**

**1. Apologies:** Robert Pritchard and Jill Waring

**2. Declarations of Interest**

Councillor Loughbrough-Rudd declared an interest in item 5a due to residing at Streethay where the concrete would be required in connection with the construction of HS2.

Councillors Francis, Winnington, Hudson and Snape declared an interest in item 4 on the agenda due to all being members of Staffordshire County Showground committee.

**3. Minutes of the meeting held on 6 April 2023**

**Resolved** – That the minutes of the meeting held on 6 April 2023 be confirmed and signed by the Chairman.

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

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

- Mark Winnington (C)
- David Smith (VC)
- Jak Abrahams
- Paul Snape
- Jill Waring
- Robert Pritchard
- Philip Hudson

## **5. Annual Report on Safety of Sports Grounds**

The Committee considered a report detailing the work of the Safety of Sports Grounds team carried out from 1 April 2022 to 31 March 2023. 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.

Councillor Snape asked why policing wasn't supplied for the Tamworth v Nuneaton football match and what planning was completed ahead of this? The Officer advised he would enquire further about this with the relevant people and get his feedback forwarded to Members once completed.

Councillor Sutherland questioned if there were any time delays implementing Martin's Law. The Officer confirmed that there is a summary to ensure Martin's Law is incorporated and they will implement this on a case-by-case basis. The cases that are a higher risk will be completed first, but it is expected that all are to be completed in the financial year.

**Resolved** – That the activity completed in respect of Safety of Sports Ground for the period 1 April 2022 to 31 March 2023 be noted.

## **6. Applications for Permission**

a) Application by Cemex UK Operations Ltd at Pyford Brook Quarry, Kings Bromley Road, Orgreave, Alrewas – SCC/23/0053/CON-PWA

The Committee received a presentation by the Case Officer on the submission requesting written approval in compliance with condition 9(f) (Extension of operating hours for concrete plant) of planning permission L.20/3/867 M at Pyford Brook Quarry, Kings Bromley Road, Alrewas.

In accordance with the County Council's scheme for public speaking at meetings, the Committee received representation from Mr S Threlfall, objecting to the submission and Ms E Pearman, supporting the submission. Ms Pearman mentioned that Cemex would keep the liaison committee informed about any extended working hours.

Councillor Eagland, as Local Member, informed the Committee that she feels this submission should not be approved due to the adverse effects of the constituents within the local residents and visitors to Fradley Junction.

The Committee discussed the effects of HS2 and that the contention by Mr Threlfall that the submission is premature at this stage as even before the site has started, Cemex are asking to extend their operating hours to produce concrete for HS2. Councillor Cox agreed that it was premature and

commented about the increased highway safety risk, the effects on residential amenity and the Section 61 approval process handled by Lichfield District Council. Councillor McMahon questioned the alternatives to supplying concrete from this site, and the wider implications in terms of disruption to the HS2 programme and the planned night-time closures to the A38 and railway. The Case Officer advised that Cemex would have to go further afield to supply concrete to meet their contractual requirements to HS2 resulting in HGV traffic having to travel further.

Councillor Loughbrough-Rudd commented about the impact of the HS2 works on residents living at Streethay before leaving the meeting and did not take part in the votes.

Councillor Cox proposed that on the basis of the impact of traffic to residential amenities, the quality of life of residents, noise pollution, highway safety, the prematurity of the application and the detrimental impact on health that this submission should not be approved. This was seconded by Councillor Snape.

Following a vote Councillor Cox's proposal was not carried and vote in favour of the original recommendation then took place.

Following a vote it was:

- **Resolved** – 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 report.

## **7. Planning, Policy and Development Control – Full Year Report**

The Committee received a report of the Director for Economy, Infrastructure and Skills on the Planning, Policy and Development Control team annual report over the period 1 April 2022 to 31 March 2023.

The Committee were presented with details of the activities of the Planning Policy and Development Control team related to policy-making, development control performance against national and local targets and the staffing situation within the team.

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

Councillor Snape briefly stated that he also wished to thank the Officers that had been working with the Judicial Review for the Countryside and Rights of Way Panel for all their hard work.

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

## **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”.

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

The Committee received a report of the Director for Economy, Infrastructure and Skills on the work of the Planning Regulation team including details of the notices served from 1 April 2022 to 1 May 2023.

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

**Chairman**

|                               |
|-------------------------------|
| <b>Local Members Interest</b> |
| N/A                           |

## **Planning Committee - Thursday 07 December 2023**

### **Appointment of a New Member to the Countryside and Rights of Way Panel**

#### **Recommendation**

- a. I recommend that the Planning Committee appoint Councillor Trowbridge to sit on the Countryside and Rights of Way Panel in place of Councillor Hudson.

#### **Report of the Director of Corporate Services**

#### **Background**

1. The Planning Committee, at its meeting on 8<sup>th</sup> June 2023 appointed seven Members to the Countryside and Rights of Way Panel:
  - Mark Winnington
  - David Smith
  - Jill Waring
  - Jak Abrahams
  - Paul Snape
  - Robert Pritchard
  - Phillip Hudson
2. The Committee are requested to replace Councillor Hudson with Councillor Trowbridge on the Countryside and Rights of Way Panel.

#### **Equalities Implications**

N/A

#### **Legal Implications**

3. The Council Constitution states that "the Planning Committee will establish a Countryside and Rights of Way Panel of seven members of the Committee". Currently the membership stands as six members currently appointed.

## **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**

**Assistant Director:** Kate Loader

**Report Author:** Joanna Piech  
**Job Title:** MaDS Support Officer

**Telephone No.:** 01785 276539

**E-Mail Address:** [joanna.piech@staffordshire.gov.uk](mailto:joanna.piech@staffordshire.gov.uk)

| <b>Local Member</b>      |           |
|--------------------------|-----------|
| Councillor D.J. Williams | Penkridge |

## **Planning Committee                      7 December 2023**

### **County Development**

**Application No (District):**                      [SCC/23/0079/FULL-MIN](#) (South Staffordshire)

**Applicant:**    The Cabinet, Staffordshire County Council

**Description:**    Provision of a stand-alone building to provide an Alternative Centre for Learning

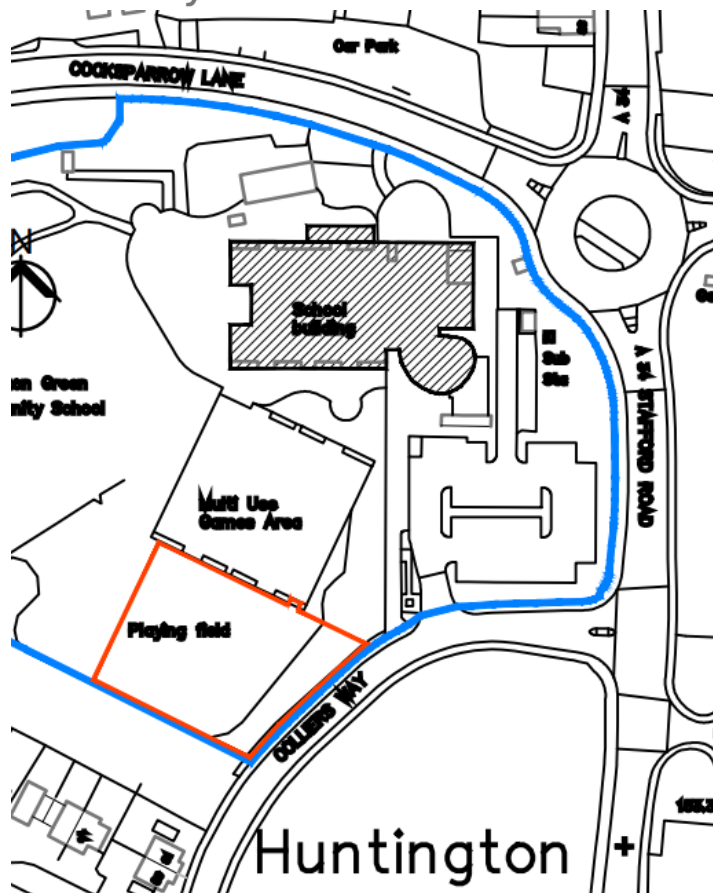
**Location:**    Littleton Green Community School Colliers Way  
Huntington Cannock WS12 4UD

### **Background/Introduction**

1. In 2006, planning permission was granted to construct the Littleton Green Community School to replace the former Huntington Primary School which comprised of older buildings on two sites situated either side of the A34, to the north of the current school's location.
2. Littleton Green is a 2-form entry primary school and nursery catering for children between the ages of 2 and 11.
3. This report relates to a proposal for a new building to support the education of pupils with Special Educational Needs and Disabilities (SEND) and is supported by the government's 'High Needs Provision Capital Allocations' funding which aims to deliver new places and improve existing provision in education settings for pupils with SEND, particularly those with more complex needs, and for those pupils who require alternative provision.

### **Site and Surroundings**

4. The school is in Huntington village, north of Cannock and vehicular access to the school is achieved via Colliers Way, which connects to the Stafford Road (A34). The school is located on part of the former Littleton Colliery.



Extract from applicant's 'Location Plan' (Dwg no 5924/A001 rev P2).

5. The application site comprises of 2.6 hectares of land mainly used as a playing field within the boundary of the school and is situated to the south of the existing school buildings and a 'multi-use games area' (MUGA). Part of the school's playing field area is within the Green Belt but not that part subject to the current planning application.
6. Along the southern boundary of the application site, there is a landscaped boundary separating the school from residential properties accessed via Colliers Way and King Cup Drive. Along the eastern part of the application site, is another landscaped area which provides part of the school's frontage with Colliers Way. Within this area, there is an existing pedestrian access used for maintaining the school's playing field. To the west of the proposed building is a playing field area.





Extract from 'Proposed Site Plan Showing Development Area' (Dwg no 5924/A004 rev P3) showing location of proposed building and access onto Colliers Way.



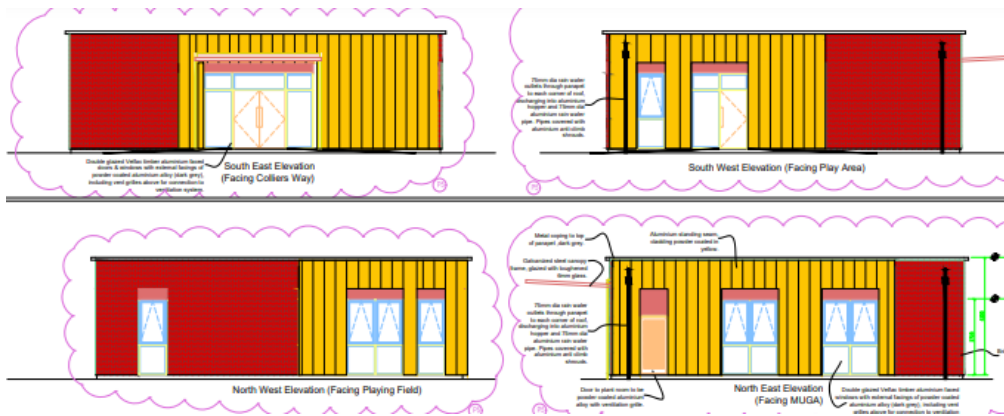
View of application site looking south with multi-use games area to left taken during site visit on 18 October 2023.

## Summary of Proposals

7. The development would consist of the key elements described below.

**Proposed Alternative Learning Centre**

8. The proposed development comprises of accommodation to support the education of up to 10 pupils. The single storey building would measure 13.2 metres x 12.6 metres with a height of 4.2 metres above floor level up to the roof parapet. The surrounding ground levels range up to 153.8 metres Above Ordnance Datum (AOD) and it has been agreed with the Lead Local Flood Authority that the finished floor level should be 300 millimetres above existing ground levels. The gross internal floor area of the proposed new accommodation is 135 square metres and would include a classroom, kitchen, meeting rooms, toilets, and plant room.
9. Externally, the wall facings would be a combination of brick or powder coated aluminium cladding with double glazed windows and vent grilles above. The roof would be screened by a parapet with metal coping. The shallow sloping roof would be covered with a synthetic rubber roofing membrane. External wall-mounted lighting fitted to the building would be shielded to reduce spillage upwards.



Extract from 'Proposed Site Elevations and Sections' (Dwg No 5924 -A006 Rev P5) showing design of the proposed building [Note: a condition is recommended to approve the colours of cladding].

10. The proposed building is near to storm and foul sewers which cross the site and connections to these sewers would be installed. Rainwater from the building and external play area would be drained into the storm sewer via a below ground rainwater attenuation installation. To avoid any problems with the sewers passing under the application site, the position of the proposed building has been moved closer to the MUGA to increase the stand-off between the proposed building and the sewers.

**External works**

11. The 'Proposed Site and Floor Plan' indicates that a new play area with a rubber crumb surface would be provided measuring 166 square metres. This would be enclosed with a 2 metres high steel mesh fence with a gated access onto the new pedestrian access to the Learning Centre.

12. An existing double gated pedestrian access off Colliers Way would be used to provide access for pupils to the proposed building and this would involve the provision of steps and ramps. Access to the main school building to and from the proposed building would be provided via the MUGA with a new gate installed into the MUGA.
13. As the scale and design of the proposed building would be seen in the context of existing buildings, no additional landscape screening is proposed but in accordance with policies to enhance biodiversity, the 'Biodiversity Net Gains Report' proposes that five medium sized trees would be planted to the south of the proposed building within the school's grounds.
14. The proposals would not include any increase of staff or pupil numbers at the school, and therefore, no additional parking provision is associated with the scheme.
15. The proposed construction period is anticipated to be about 23 weeks and construction works would take place Monday to Friday 07:00 to 19:00 hours. Access for delivery of materials would involve the existing double gated pedestrian access off Colliers Way.
16. The application is accompanied by several documents and plans including:
  - Planning Application Form
  - Planning Statement
  - County Development Statement
  - Outline Construction Environmental Management Plan (CEMP)
  - Arboricultural Report
  - Preliminary Ecological Appraisal
  - Biodiversity Net Gains Report
  - Coal Mining Risk Assessment
  - Gound Investigation Report
  - Drainage Strategy Plan

## **The Applicant's Case**

17. The [Staffordshire Accessibility Strategy 2021-2024](#) outlines the County Council's priorities which include improving the physical environment of schools to increase access for children and young people with disabilities.
18. The government funding would support the school to develop and increase the provision for pupils with special educational needs and disabilities and in accordance with the aims of that funding, the proposal would increase access to mainstream school placements for children who might otherwise require specialist provision. This enables children to be educated within their local community and reduces the time, children would otherwise spend travelling to and from their educational setting.
19. An appraisal of 'off-site' and existing 'on-site' accommodation indicates that there are no safe facilities available that would provide a value for money

solution over the medium to long-term. Therefore, the recommendation and school's preference to ensure the safety of pupils and staff, is to provide on-site accommodation in a detached building. Alternative sites for the proposed building have been considered within the school grounds but the ability to manage pedestrian access, provide for safe external play as well as provide access to the school's facilities e.g., library, would be best served in the proposed location.

## Relevant Planning History

20. Planning permissions granted in relation to the development of the school include:
- [SS.08/13](#) dated 12 September 2006 – planning permission for a new two-form entry primary school.
  - [SS.14/14](#) dated 14 October 2014 - planning permission for a timber double classroom building.

## Environmental Impact Assessment (EIA)

21. 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

22. **Environmental Advice Team (EAT)** – no objections, subject to conditions to require site clearance and construction works to comply with the precautionary measures set out in the Preliminary Ecological Appraisal; implementation of lighting designed in accordance with Bat Conservation Trust/ Institution of Lighting Professionals Guidance Note 08/18 'Bats and artificial lighting in the UK'; submission and implementation of an approved landscape plan; and colours of the roof and cladding to be agreed prior to installation.
23. **Flood Risk Management** (on behalf of the Lead Local Flood Authority) – no objection subject to floor level being 300mm above surrounding ground level and that any alteration to the existing access onto Colliers Way should not impede surface water flow routes (refer to standing advice).
24. **Highways Development Control** (on behalf of the Highways Authority) (HA) – no objection.

### External

25. **South Staffordshire District Council** (Planning) - no objections. The

Council commented that the proposed building is closer to existing residential development than the existing buildings, but it is considered that the proposed building would have a negligible additional impact on the amenity of residential neighbours.

26. **South Staffordshire District Council** (Environmental Health) – no response.
27. **Huntington Parish Council** - no objections. The Parish Council ask for concerns about parking during school drop off and pick up times, and the drainage of the site be considered.
28. **Coal Authority** - no objections. The application site falls within the defined 'Development High Risk Area' [for coalfields] but the proposed building is outside the zones of influence of two former mine entries within the application site. Having regard to the site's location, the Coal Authority recommend an informative note should permission be granted.
29. **Sport England** (SE)– object on grounds that the proposal would lead to the loss of playing field in an area where there is a deficiency in the provision of playing fields. SE commented that the proposed development does not accord with any of their [playing fields policy](#) exceptions or any of the specified justifications in paragraph 99 of the NPPF [refer to [section 8](#) – 'Promoting healthy and safe communities'] which both seek to protect playing fields from development. SE advise that if the County Planning Authority be minded to grant planning permission for the proposal, contrary to Sport England's objection, then in accordance with the [Town and Country Planning \(Consultation\) \(England\) Direction 2021](#), the application should be referred to the Secretary of State via the Planning Casework Unit. [Note: further correspondence with Sport England is referred to in the Observations section below].
30. **Staffordshire Police Architectural Liaison Officer**- no objections and commented that the development should be built to 'Secured by Design' Standards (SBD), which considers security within the design of any development.
31. **Severn Trent Water Limited** (STW) - no objections subject to the usual sewer connection applications being approved. Regarding concerns raised by the Parish Council, STW have confirmed that there is no outstanding drainage matter associated with the school.
32. **Linesearch enquiry** - provided responses from Cadent Gas and National Grid Electricity Distribution about their services in the area and safe working practices (recommended as an informative below).

## Publicity and Representations

33. Site notice: YES      Press notice: NO

34. 10 neighbour notification letters were sent out and two representations have been received. One of the representations raises concerns about the traffic impact on Colliers Way particularly regarding construction traffic and associated deliveries.
35. A second representation submitted by the school's Headteacher supports the proposal and refers to the provision of the Alternative Learning Centre supporting pupils from across the county, but in particular the districts of South Staffordshire and Cannock Chase. This provision offers these children a last chance to access mainstream education that they may not get at any other provision. Throughout trials, the provision has been extremely successful, and all children have been successfully moved to suitable provisions in special or back to their host mainstream school. No permanent exclusion from the alternative provision has been issued.
36. The Headteacher also explains that the school field, where the proposed building would be located, is on a section of field that was deemed unusable by the Football Association for any community sport in 2018. The topsoil is not deep enough and due to the capping of the mine shaft located nearby, the drainage of the field is not adequate and therefore, the field is regularly waterlogged. In the school's 'Ten-year Asset Management Plan', it is agreed that topsoil for the fully drained field would be a priority so that community use could be re-instated. The school does support community sport in many other ways, with the hall used for Zumba, Kick boxing, Dodgeball and Yoga every weekday. The school's practical area and dance studio are also hired for dance classes, community events and NHS health and wellbeing clinics.

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

37. 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.'

38. [Appendix 1](#) lists the development plan policies (and proposals) and the other

material planning considerations, relevant to this decision.

## Observations

39. 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 considerations.
  - The site-specific development plan policy considerations and matters raised by consultees – loss of playing field and design.

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

#### Development at Schools

40. The Government's '[Policy statement: planning for schools development](#)' (2011) states that:

'The Government wants to enable new schools to open, good schools to expand, and all schools to adapt and improve their facilities. This will allow more provision and greater diversity in the state-funded school sector to meet both demographic needs and the drive for increased choice and higher standards.'

41. The National Planning Policy Framework (the NPPF) ([Section 8](#): 'Promoting healthy communities' – paragraph 95) similarly states that:

'It is important that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive, and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:

- a) give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications.'

42. The NPPF ([Section 11](#): Making effective use of land - paragraph 123) explains that:

'Local planning authorities should also take a positive approach to applications for alternative uses of land which is currently developed but not allocated for a specific purpose in plans, where this would help to meet identified development needs. In particular, they should support proposals to:

- a) make more effective use of sites that provide community services such as schools and hospitals, provided this maintains or improves the quality of service provision and access to open space’.

43. The [South Staffordshire Local Plan](#) (Core Policy 10) states that:

‘The Council will support proposals and activities that protect, retain or enhance existing community facilities and services or lead to the provision of additional facilities that improve the wellbeing and cohesion of local communities and ensure that communities are sustainable.’

44. Commentary: The ‘Applicant’s Case’ above explains the need for the proposal in terms of improving the accommodation and facilities of the school and the need for specialist provision within a mainstream school. The Headteacher’s representation explains that the school is already making provision for children with special educational needs and the applicant confirms that the current accommodation within the existing school building is not suitable for the longer term.
45. Conclusion: Having regard to the development plan policies and other material considerations referred to above, it is reasonable to conclude that the proposed development is acceptable in principle.

### **The site-specific development plan policy considerations and matters raised by consultees – loss of playing field and design.**

Loss of playing field.

46. The NPPF ([Section 8](#): Promoting healthy and safe communities – paragraph 99) requires that:

‘Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- (a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- (b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location;
- (c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.’

47. [South Staffordshire Local Plan](#) (Core Policy 14 - Open Space, Sport and Recreation and Policy HWB1- Protection of Open Space, Sport and Recreation



Facilities) both aim to protect playing fields consistent with national policy. Policy HWB1 states that:

'The Council will not permit the loss or displacement of existing indoor and outdoor open space, sport and recreation facilities to other uses unless it can be demonstrated through up-to-date and robust evidence that:

- a) there is a proven surplus of provision and the site is no longer needed, or is unlikely to be required in the future;'

48. Commentary: Having considered the original objection to the proposal from Sport England, additional information was submitted by the applicant including:

- a) A letter from the Department of Education dated 29 June 2023 confirming that approval for the change of use has been granted in accordance with Section 77 of the School Standards and Framework Act 1998 (with reference to the School Playing Fields General Disposal and Change of Use Class Consent (No 7) 2023) on the basis that the net loss would be 0.46% of the total playing field available.
- b) A statement dated 18 August 2023 confirming that the school playing field is provided for the delivery of the school curriculum only. A calculation on the amount of external play area required for the school in accordance with guidance provided by the Department of Education indicates that the school has an excess of 3,920 square metres of soft outdoor PE area which would be reduced by 357 square metres by the proposed development so that there remains an excess of 3,563 square metres.
- c) Having regard to the statement indicating an excess of soft outdoor PE area, a further statement confirming that if permission is granted for the proposal, then there is sufficient surplus playing field area for a sports pitch should one be needed.

49. In addition, Sport England were asked to consider the representations made by the Headteacher (referred to in paragraph 36 above) and South Staffordshire District Council's [Playing Pitch Assessment Report \(January 2020\)](#) and [Playing Pitch Strategy and Action Plan \(September 2020\)](#).

50. Regarding the additional information and having sought the views of the Football Foundation (FF), Sport England maintain their objection. In assessing the proposal, Sport England refer to the following concerns:

- a) The wider sporting and community need for playing fields assessed by the South Staffordshire Playing Pitch Strategy (PPS) and the neighbouring Cannock Chase PPS. As confirmed by the FF, in consultation with the Football Association (FA), both PPSs

confirm that there are playing pitch shortfalls in football, particularly for youth 9v9 pitches and 5v5 pitches.

- b) Referring to the South Staffordshire District Council's Playing Pitch Strategy Assessment Report (2020), the pitches at the school are given a standard quality rating. The comments of the FF and the County FA confirm that they are unaware of any formal consultation deeming the playing field at the school as unfit to be used for community use.

51. While a 'community use scheme' was required by planning condition for the school (ref. condition 25 of permission SS.08/13), no such scheme was approved and although it is evident from the Headteacher's representation and Sport England's response that the school's playing field has been used previously for community football, there is no current use by a local football club. Moreover, that part of the playing field affected by the proposal could only accommodate a mini 5v5 pitch and does not appear to have ever had any community use (Table 4.3 of the Playing Pitch Strategy and Action Plan (September 2020) indicates that Huntington Harriers FC were using a mini 7v7 pitch at the school This pitch is not affected by the proposal.
52. The Football Foundation (FF) who act as Sport England's technical advisors in relation to football and its facilities, advise that there is a mini 5v5 pitch shortfall in the South Staffordshire district and that if the proposal is permitted, the loss of the playing field which could accommodate such a pitch would add to this shortfall. Referring to the Playing Pitch Strategy and Action Plan (September 2020) for South Staffordshire, it is noted that no such shortfall is identified for this part of the district (refer to Table 1.4). Furthermore, the report refers to the potential for additional provision for a mini 5v5 pitch at a nearby recreation ground (refer to Table 4.6).
53. As noted above, the applicant has confirmed that there is sufficient surplus playing field area at the school for a mini 5v5 pitch should one be needed but Sport England maintain their objection as they do not consider that this assurance is sufficient to meet their policy requirements (paragraph 69 of '[Playing Fields Policy and Guidance \(March 2018\)](#)') because it does not provide a new area of playing field and may also cause deterioration in the quality of the existing playing field.
54. Having considered a site plan showing a reconfiguration of the football pitches, Sport England have indicated that there might be scope to reconsider their objection if proposals were submitted to improve the remaining playing field land to allow 3 playing pitches to be marked out and for a Community Use Agreement (CUA) to be secured for the use of the 7v7 and the 5v5 pitches. The applicant confirms, however, that the school does not currently have the funds to improve the ground conditions of the playing field by including additional soil cover and drainage.
55. Having regard to the national tests for imposing planning conditions, it is considered by your officers that the measures suggested by Sport England to

overcome their objection are not reasonable or necessary, and in any event are outweighed by the material planning benefits of the case for the reasons discussed above and summarised below:

- a) Government policy places great weight behind improvements to schools and local planning policy supports proposals that enhance community facilities and lead to the provision of additional facilities that improve the wellbeing and cohesion of local communities.
  - b) The Department of Education has issued a Section 77 approval for the change of use on the basis that the net loss would only be 0.46% of the total playing field available.
  - c) There is surplus space elsewhere on the playing field that could easily accommodate a mini 5v5 football pitch even though the latest Playing Pitch Strategy and Action Plan for the District shows that there is no local need for a mini 5v5 pitch, and there is potential for additional provision at a nearby recreation ground.
  - d) The proposal does not affect the 7v7 football pitch which was previously used by a local football club.
  - e) Funding to achieve the mitigation suggested by Sport England is not available.
56. Finally as mentioned earlier, it is important to note that as the proposal affects a school playing field and Sport England has objected, if the Planning Committee accept the recommendation to permit the development, it would be necessary to consult the Secretary of State c/o the Planning Casework Unit in accordance with the [Town and Country Planning \(Consultation\) \(England\) Direction 2021](#) before planning permission can be issued.
57. Conclusion: Having regard to the development plan policies, material considerations, representations and the consultee comments referred to above, it is reasonable to conclude that although there would be an impact on the school's playing field capacity, this is outweighed by the material planning benefits of the proposed development. However, having regard to the objection by Sport England, it would be necessary to refer the decision to the Secretary of State.

## Design

58. [South Staffordshire Local Plan](#) (Core Policy 4 - Promoting High Quality Design) sets an expectation that all development proposals achieve a high quality of design of buildings and the policy lists requirements including the need to provide an attractive, functional, accessible, safe, healthy and secure environment; and to incorporate measures to reduce the risk of flooding.
59. The NPPF ([Section 12](#)) similarly seeks to secure good design to create 'better

60. The NPPF, paragraph 130 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’

61. The NPPF, paragraph 134 also explains that:

‘Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents which use visual tools such as design guides and codes...’

62. The [NPPF is under review](#). The consultation period ended on 2 March 2023. The following underlined [proposed tracked change](#) to Section 12, paragraph 137 is relevant.

‘Local planning authorities should ensure that relevant planning conditions refer to clear and accurate plans and drawings which provide visual clarity about the design of the development, and are clear about the approved use of materials where appropriate, to make

enforcement easier.

63. Commentary: No objections have been received regarding design from consultees but in response to landscape comments received from the County Council's Environmental Advice Team, the applicant has proposed that details relating to the proposed colour of the roof and cladding are matters to be agreed by planning condition.
64. Conclusion: Having regard to the development plan policies, material considerations, and the consultee comments referred to above, it is reasonable to conclude that that the design of the proposed development is acceptable and would not give rise to any materially harmful impacts, subject to the conditions recommended below.

#### Traffic Impact

65. [South Staffordshire Local Plan](#) (Policy EQ9 - Protecting Residential Amenity) requires that all development proposals should take into account the amenity of any nearby residents.
66. An objection received from a resident raised concerns about the traffic impact on Colliers Way particularly associated with construction traffic and associated deliveries. No objection to the proposal is raised on behalf of the Highway Authority. In response to this objection, however, the applicant has confirmed that to minimise disruption to the school and their neighbours, contractors' deliveries would be managed to avoid peak times (school drop off and pick up) during the construction of the new building. It is recommended that a detailed Construction and Environmental Management Plan is agreed prior to the commencement of construction works.
67. Regarding the issue raised by the Parish Council about extending the yellow 'zig-zag' lines outside the school and thereby reducing parking along Colliers Way, the applicant has confirmed that there are no such proposals in connection with the planning application and the Highway Authority has raised no objection to the application.
68. Conclusion: Having regard to the development plan policy and the matters raised by the representation referred to above, it is reasonable to conclude that the proposed development would not give rise to any materially harmful traffic impacts on users of the local highway network or on local amenity, subject to the conditions recommended below.

#### Overall Conclusion

69. 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.

70. As the proposal represents 'playing field development', it would be necessary to refer this case to the Secretary of State at the Department for Levelling Up, Housing and Communities c/o the Planning Casework Unit before planning permission can be issued.

## **Recommendation**

As the proposed stand-alone building to provide an Alternative Centre for Learning at Littleton Green Community School Colliers Way Huntington Cannock is 'playing field development' and Sport England has objected...

... to consult the Secretary of State at the Department for Levelling Up, Housing & Communities c/o the Planning Casework Unit to advise that having regard to the matters referred to in the report, the County Council is **MINDED TO PERMIT** the proposed development under Regulation 3 of the Town and Country Planning General Regulations 1992 (as amended), subject to the planning conditions referred to below.

**The conditions** to include the following:

### **Definition of the consent**

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

### **Commencement and Cessation of the development**

2. To define the date of commencement and to require notification of that date and the date when the development is brought into use.

### **Construction Environmental Management**

3. To require submission of a detailed Construction Environmental Management Plan.

### **Site Preparation and Construction Hours**

4. To define hours when site preparation or construction works shall take place.
5. To define hours when site preparation or construction vehicles shall enter or leave the Site.

### **External Cladding**

6. To require the approval of the colour(s) of the cladding and roofing.

### **External Lighting**

7. To require external lighting not to cause glare and to accord with the 'Bat

**Flood Risk Protection**

8. To define the finished floor level of the proposed building relative to surrounding ground levels.

**Landscaping, Aftercare and Biodiversity Enhancement**

9. To require the approval of a detailed Landscaping, Aftercare and Biodiversity Enhancement Scheme.

**Crime Protection**

10. To require a monitored intruder alarm and CCTV system to be installed.

**INFORMATIVES to include the following:**

1. Advice that the terms of the planning permission should be made known to any person(s) given responsibility for the management or control of the development of the Site.
2. The Environmental Advice Team’s advice regarding the colour of the cladding and roofing.
3. The Lead Local Flood Authority’s [‘standing advice 2’](#) and advice regarding the existing access onto Colliers Way.
4. Advice regarding the preparation of the Landscaping, Aftercare and Biodiversity Enhancement Scheme.
5. The Police Architectural Liaison Officer’s advice on security measures.
6. The Coal Authority’s advice.
7. The responses from utility providers about their services in the area and safe working practices.

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

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

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

#### [South Staffordshire Local Plan](#) (adopted December 2012)

- Core Policy 1: The Spatial Strategy for South Staffordshire
- Policy EQ1: Protecting, Enhancing and Expanding Natural Assets
- Core Policy 3: Sustainable Development and Climate Change
- Policy EQ9: Protecting Residential Amenity
- Core Policy 4: Promoting High Quality Design
- Policy EQ11: Wider Design Considerations
- Core Policy 10: Sustainable Community Facilities and Services
- Policy EV9: Provision and Retention of Local Community Facilities and Service
- Core Policy 13: Community Safety
- Core Policy 14: Open Space, Sport and Recreation
- Policy HWB1: Protection of Open Space, Sport and Recreation Facilities
- Core Policy 15: Children and Young People

#### [South Staffordshire Site Allocations Document](#) (adopted September 2018)

- Policy SAD6: Green Belt, Open Countryside and Development Boundary Amendments

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

- [National Planning Policy Framework](#) (updated 5 September 2023):
  - [Section 1](#): Introduction
  - [Section 2](#): Achieving sustainable development
  - [Section 4](#): Decision-making
  - [Section 8](#): Promoting healthy communities
  - [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;
  - [Section 16](#): Conserving and enhancing the historic environment

The NPPF is under review. The consultation ended on 2 March 2023. The [proposed tracked changes](#) to the following sections are relevant:

- Section 2 - Achieving sustainable development - paragraph 7 – added ‘supporting infrastructure in a sustainable manner’.



- Section 12 - Achieving well-designed places – paragraph 137 – added Local planning authorities ...'should ensure that relevant planning conditions refer to clear and accurate plans and drawings which provide visual clarity about the design of the development, and are clear about the approved use of materials where appropriate, to make enforcement easier.'
- [Planning Practice Guidance](#)
  - [Design](#)
  - [Flood risk and coastal change](#)
  - [Health and wellbeing](#)
  - [Land affected by contamination](#)
  - [Land stability](#)
  - [Natural environment](#)
  - [Open space, sports and recreation facilities, public rights of way and local green space](#)
- [Government policy statement: planning for schools development](#) dated 15 August 2011
- The emerging [South Staffordshire Local Plan Review 2018 – 2039](#) (at publication stage as of December 2022, then following a pause in progress the intention is to undertake a new public consultation in early 2024 [July 2023]).
  - Policy HC10: Design Requirements
  - Policy HC11: Protecting Amenity
  - Policy HC15: Education
  - Policy HC18: Sports Facilities and Playing Pitches
  - Policy NB2: Biodiversity
- [Town and Country Planning \(Consultation\) \(England\) Direction 2021](#)
- Sport England's [Playing Fields Policy and Guidance \(March 2018\)](#)
- South Staffordshire District Council's [Playing Pitch Assessment Report \(January 2020\)](#) and [Playing Pitch Strategy and Action Plan \(September 2020\)](#)
- The [Staffordshire Accessibility Strategy 2021-2024](#)

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



|                        |                |
|------------------------|----------------|
| <b>Local Member</b>    |                |
| Councillor N. R. Yates | Biddulph North |

## Planning Committee    7 December 2023

### Minerals County Matter

**Application No (District):** [SM.15/02/101 MW](#) (Staffordshire Moorlands).

**Applicant:** Land Recovery Ltd.

**Description:** Application for the Periodic Review (under the Environment Act 1995) of the Scheme of Conditions SM.EA/4.

**Location:** Hurst Quarry, Biddulph, Staffordshire, ST8 7RU.

### Background/Introduction

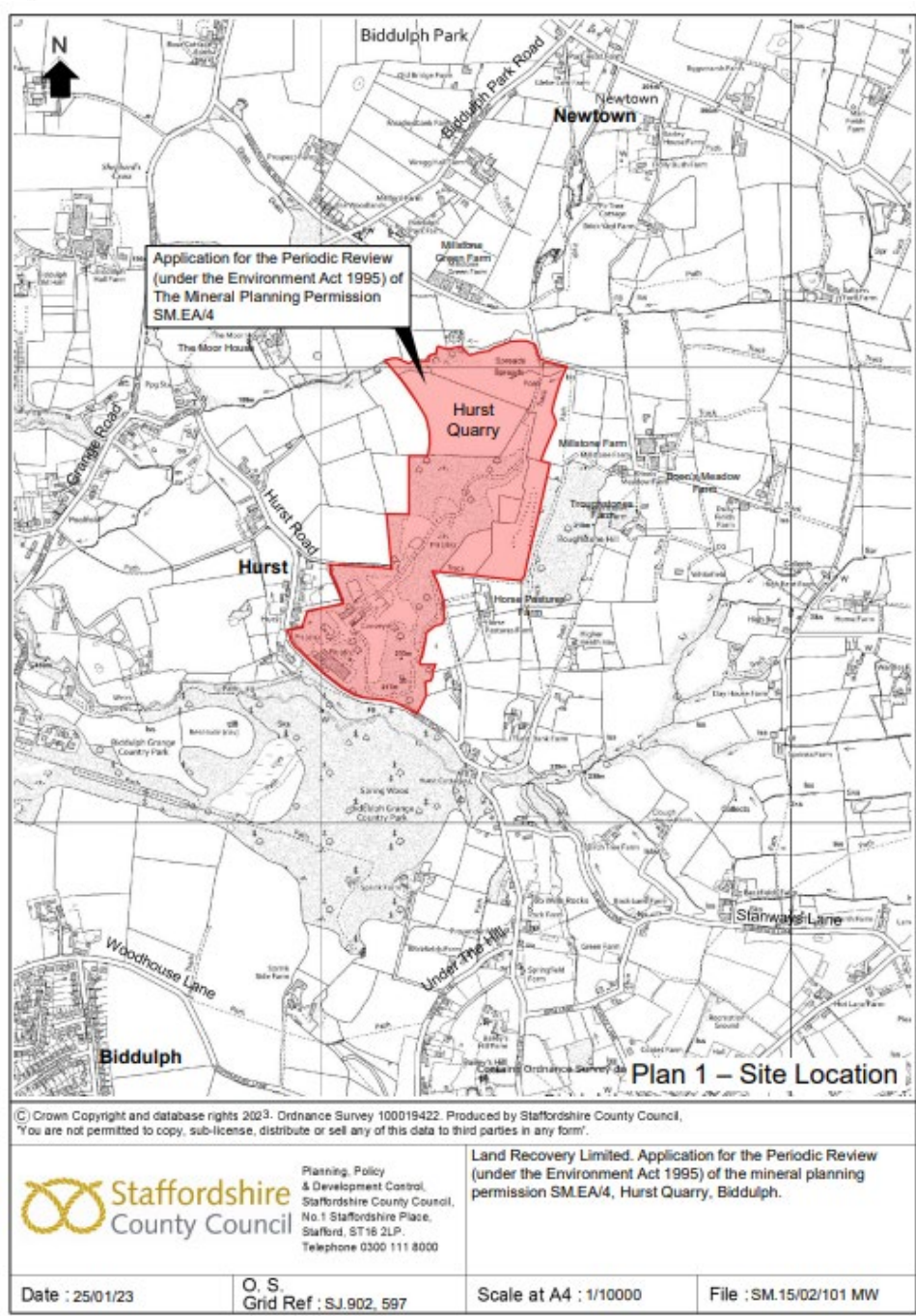
1. The application for the Periodic Review of the Scheme of Conditions was submitted in 2015 (ref. [SM.EA/4](#) dated 29 March 1999). It was determined that an Environmental Statement (ES) was required to make the application valid. The applicant was duly informed in accordance with regulation 49 of the [Town and Country Planning \(Environmental Impact Assessment\) Regulations 2011](#) (now regulation 54 of the [Town and Country Planning \(Environmental Impact Assessment\) Regulations 2017](#)), that failure to provide the ES resulted in the automatic suspension of minerals development as of 25 August 2016. The County Council is not aware that mineral extraction has taken place since this date.
2. In the meantime, the applicant applied on two occasions to Staffordshire Moorlands District Council for outline residential planning permission at the site (see the 'Relevant Planning History' section below). The applicant indicated that if the residential applications were approved "it would override the necessity for a ROMP since the mineral permission would be relinquished without compensation". The residential applications were subsequently withdrawn before determination.
3. New information along with an ES was submitted in October 2022. A List of Proposed Conditions accompanied the ES (Appendix 1 to the ES). The proposed conditions were later updated and set out in a "Statement of Common Ground" (see Conditions Version 2.0 dated 17 May 2023).

## **Review of Mineral Permissions (ROMPs)**

4. The [Environment Act 1995](#) introduced the Review of Mineral Permissions (ROMPs) as a mechanism to update older mineral permissions and the Periodic Review of all mineral permissions thereafter. The operation of sites can change significantly over time and so there is sometimes a need to review the conditions to ensure that modern environmental standards are applied.
5. It is important to note that when determining conditions different from those submitted by the applicant, the Mineral Planning Authority (MPA) should not restrict working rights and should not prejudice adversely to an unreasonable degree either the economic viability of operating the site or the asset value of the site as the applicant whose interests have been adversely affected by the restrictions imposed may be entitled to claim compensation. An exception to the working rights restriction are conditions relating to the restoration and aftercare (paragraph 213 [Reference ID: 27-213-20140306] of the [Planning Policy Guidance, Minerals, Review of minerals planning conditions](#), 'Can the applicant claim compensation as a result of any reviews of planning conditions?').
6. In addition, if the MPA determines conditions different from those submitted by the applicant, it must be stated whether the effect of the restriction would be such as to prejudice to an unreasonable degree either the economic viability of the operation or the asset value of the site.
7. The ROMP process is very similar to that for processing planning applications except that the Scheme of Conditions cannot be refused. The proposals must be checked and registered, and consultations sent out. The Scheme of Conditions must be considered in the light of any representations received; the Planning Policy Guidance (PPG); the National Planning Policy Framework and the Development Plan.
8. The original Hurst Quarry permission dates back to 1948. The review of the 1948 permission was issued in 1999 (see Planning History below). This report relates to the Periodic Review of the ROMP permission and the determination of a Scheme of Conditions to control the remaining development of the site. [Appendix 1](#) contains 'The Proposed Scheme of Conditions, the recommended modifications and additional conditions'. [Appendix 2](#) contains 'The Recommended Scheme of Conditions' in full.

## **Site and Surroundings**

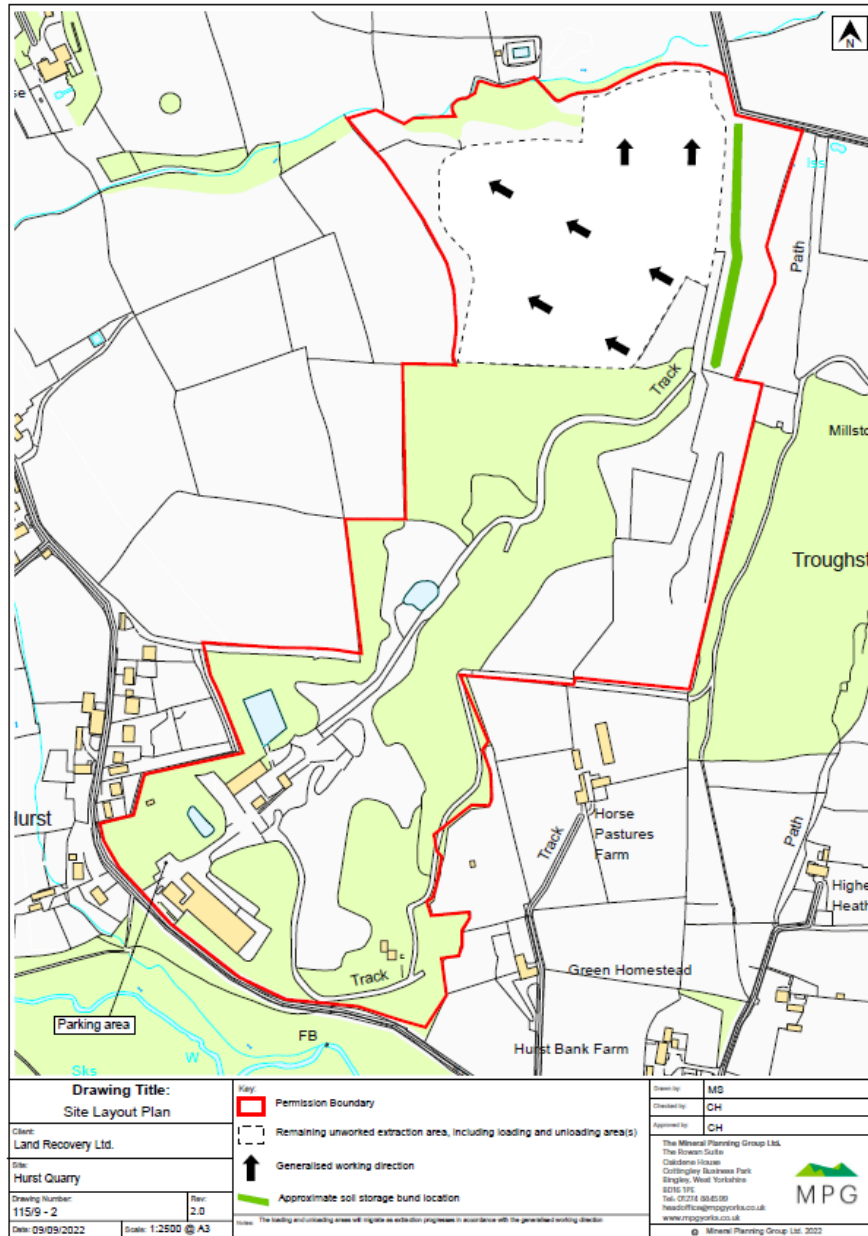
9. Hurst Quarry sits in open countryside to the north of Biddulph, adjacent to Biddulph Grange Garden Park (a National Trust managed Grade 1 Historic Park). The quarry is accessed from the A527 Congleton Road via Grange Road and Hurst Road (see Plan 1 - Site Location).



Plan 1 - Site Location (the area subject of the review is shown in red).

10. The quarry lies in the North Staffordshire Green Belt.
11. The nearest residential properties to the quarry are location on Hurst Road immediately to the south /south-west. There are a number of properties adjacent to the access including Sunny View, West View and Hurst Vale House and Densbury House. There are also industrial buildings adjacent to the entrance.

12. The applicant has provided 'operational' details in relation to the quarry. This confirms that extraction of the sandstone would take place in the northern part of the quarry (shown by the dotted line on the Site Layout Plan (Dwg No 115-9-2) below). This area is Phases 3 to 6 shown on the approved '[Phased Working](#)' (ref. [SM.EA/4](#)).



Site Layout Plan (Drawing No 115-9-2) (submitted by the applicant).

13. The sandstone would be "ripped" from the quarry face using an excavator. A mobile crushing and screening plant would then be used to produce graded products. The products would be loaded into HGVs for export. No changes to HGV movements or to the access are proposed.



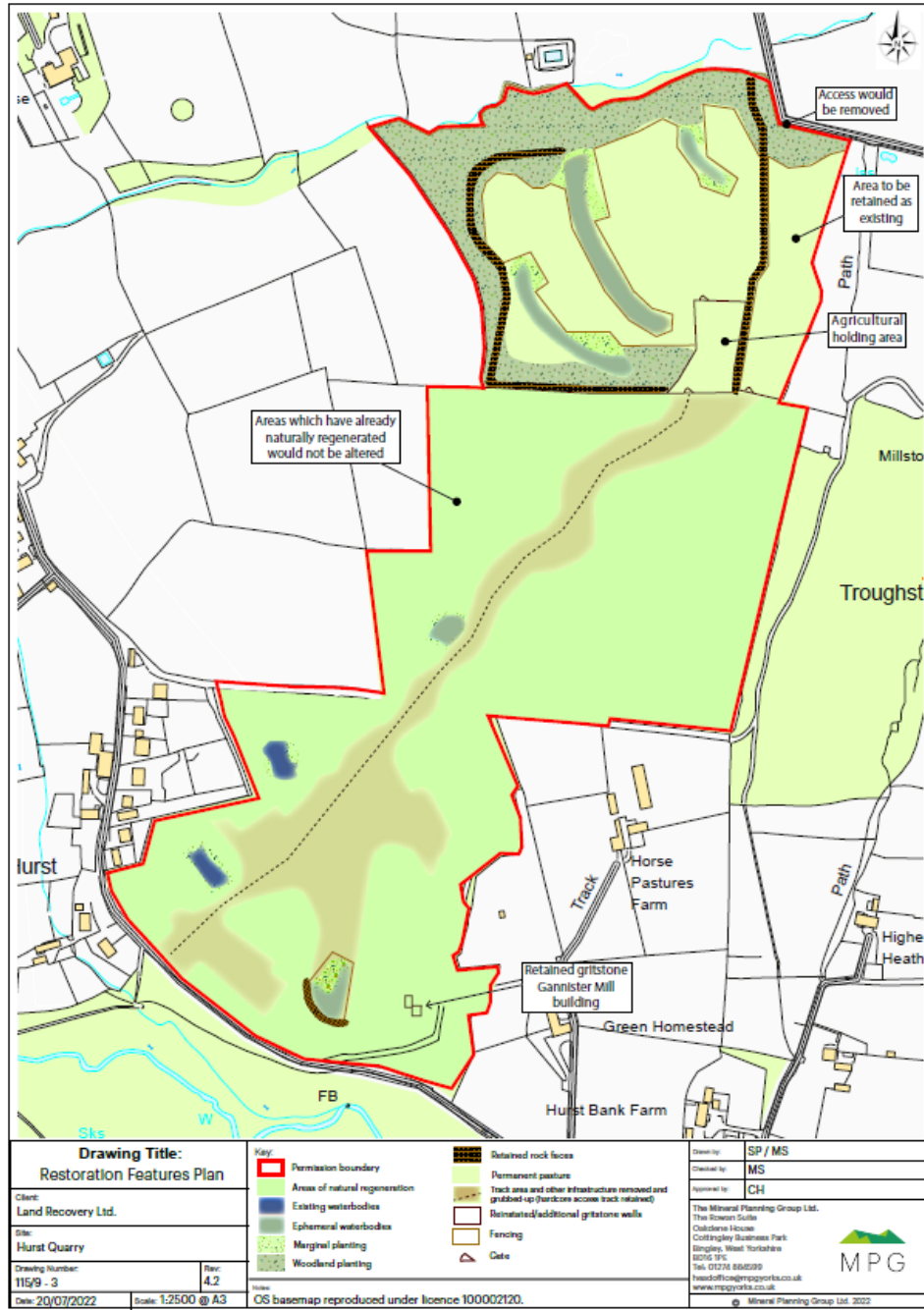
The existing access from Hurst Road (taken from the Landscape and Visual Appraisal).



Internal View of the existing quarry void (taken from the Landscape and Visual Appraisal).

14. Topsoil and subsoils would need to be stripped from the extraction area. The soils would be stored separately in a bund formed on the eastern boundary to be used in the restoration of the quarry.
15. The applicant has explained that any silica sand outside the extraction area would be from existing stockpiles, or if material is required to be removed for geotechnical purposes. The applicant has explained that "geotechnical purposes" would be for example to make quarry faces safe.
16. It is estimated that an estimated 800,000 tonnes of mineral remains to be extracted from the quarry. The current annual extraction limit is 150,000 tonnes, with an upper limit of 30 two-way HGV movements per day. The applicant has explained the quarry could be "worked out" in less than 6 years at these maximum rates, however, due to economic and market variability this is unlikely, and it is not proposed to alter the current end-date of 2036 (condition 4 of the 1999 ROMP ref. [SM.EA/4](#)).
17. A revised restoration plan has been submitted which would replace the approved scheme (ref. [SM.EA/4 D3](#) dated 27 April 2005). The proposed

restoration scheme includes the retention of existing areas of quarry (shown as “areas which have already naturally regenerated would not be altered” on the Restoration Features Plan (Drawing No 115-9-3) below.



Restoration Features Plan (Drawing No 115-9-3) (submitted by the applicant).

18. The restoration plan includes agricultural grassland, woodland planting, ephemeral water bodies, marginal planting and rock faces in the areas still to be worked. A hardcore access track would be retained, other infrastructure would be removed. Condition 40 in the List of Proposed Conditions sets out the requirement to submit a detailed restoration scheme.



19. The ES confirmed that no material would be imported, except for the purposes of restoration for example, clay for lining ponds and materials for buttressing faces if required.
20. No changes to the working hours are proposed (currently set out in Condition 10 of the 1999 ROMP ref. [SM.EA/4](#)). The permitted hours are as follows:
  - Surface mineral workings and the depositing of mineral wastes and the removal of sands and silica stone won and worked at the site shall only be carried out at the site between:
    - Monday – Friday: 07:30 – 18:00
    - Saturdays: 08:30 – 14:00(Except in the emergencies to maintain safe quarry working which shall be notified to the MPA as soon as practicable).
  - No such operations on Sundays or Public Holidays.
  - No servicing, maintenance or testing of plant shall be carried out at the site between 20:00 hours and 07:30 hours on any day and at no time on Sundays, or Bank or Public Holidays.
21. The site entrance would be locked outside the operating hours and any necessary maintenance of security fencing would be carried out.
22. The applicant contends that although the silica sand previously extracted at the quarry was predominately used as a horticulture product it is not appropriate to limit the silica sand for use as horticultural product only (paragraph 4.4.4 of the ES).
23. The application is accompanied by a large number of documents and plans including:
  - Mineral Review form dated 7 November 2022
  - Environmental/Supporting Statement dated 17 October 2022 including the List of Proposed Conditions
  - Landscape and Visual Appraisal updated on 11 February 2023.
  - Noise Impact Assessment dated 16 December 2021.
  - Biodiversity Net Gain Assessment dated September 2022.
  - Heritage Impact Assessment dated May 2022.
  - High Level Assessment of Water Issues dated October 2022.
  - Watercourse Diversion Risk Assessment dated 12 October 2022.
  - Location Plan (Drawing No 116-9-1).
  - Site Layout Plan (Drawing No 115-9-2).
  - Excavation Design Plan (Drawing No HRQ-22-02).
  - Topographical Survey Plan (Drawing No HRQ-11-01).
  - Aerial Restoration Plan (Drawing No 115-9 - Resto-4).

- Restoration Features Plan (Drawing No 115-9-3).
- Letter from the Mineral Planning Group dated 24 February 2023 (ref 115-9-20221122-L1.1-ES) including Statement of Common Ground – Conditions Version 1.0 dated 2 February 2023.
- Letter from the Mineral Planning Group dated 17 May 2023 (ref 115-9-20221122-L1.1-ES) including Statement of Common Ground – Conditions Version 2.0 dated 17 May 2023.

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

24. The applicant states that as this application is a ROMP (explained above), the quarry has an 'extant' planning permission, and as such the principle of development has been established.
25. The applicant explains that the proposed conditions (initially set out in Appendix 1 of the Environmental Statement and later updated and set out in a "Statement of Common Ground" dated 17 May 2023) have been reviewed having regard local and national policies relevant to quarry. Many of the conditions have not been changed as they remain appropriate for the operation of quarry.
26. The applicant contends that assessments/surveys submitted with the ROMP application have confirmed that "there should be no unacceptable damage generated from operations at the site. Any mitigation measures recommended from such assessments have been incorporated as part of this ROMP application".

### **Relevant Planning History**

27. The quarry was classified by the County Council as a Phase 1 Active site under the provisions of the [Environment Act 1995](#) ([Schedule 13](#)). A Planning Committee report dated 16 July 1998 relating to review of the permission stated that:

"The existing 1948 planning permission under which the quarry is operating contained no environmental controls."
28. A new Scheme of Conditions was issued on 29 March 1999 (ref. [SM.EA/4](#)). [Appendix 3](#) lists the planning permissions / approvals have been issued by the County Council.
29. An outline planning application with all matters reserved (except access) for residential development (up to 28 dwellings) was submitted to Staffordshire Moorlands District Council (ref. [SMD/2017/0129](#)) (this was a resubmission of an earlier application ref. [SMD/2016/0127](#)). This application was later withdrawn.

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

30. The findings of the ES (and the environmental information subsequently received) are summarised in [Appendix 4](#).

### **Findings of Consultations**

#### **Internal**

31. **Environmental Advice Team (EAT)** – no objections, subject to conditions. EAT reviewed the submission and commented as follows:

#### **a) Landscape**

- i) **Visual Impact:** - The Landscape and Visual Assessment (LVA) refers to the Statutory Planning Guidance 'Planning for Landscape Change' showing the northern section of the site to be within Landscape Character Type Gritstone Uplands (sub type: farmland) and the appropriate Landscape Policy Objective for the area is Landscape Restoration, indicating a landscape of medium to low quality. Characteristic features include upland ridge landform with small steep side valleys, broadleaved woodlands, gritstone walls, pasture farming, hedgerows and hedgerow trees. These elements are still present locally, but there has been a gradual decline in the landscape quality, due to lack of maintenance, land use change and the introduction of incongruous elements.
- ii) EAT have indicated that the LVA viewpoint photography shows the proposed extraction of the northern section is likely to be visible to certain sensitive receptors on the north and east of the site. EAT stated that it would be helpful to show the location and extent of the proposed quarry extraction extension on the photographs. Following the receipt of a revised LVIA showing the views with the extent of proposed quarry operations, the proposed bund would provide some mitigation, but it would not completely screen quarry operations as they progress west. The degree of harm would need to be balanced against other policy considerations in the overall assessment of the application.
- iii) Mitigation measures such as suitably located grassed screening bunds would help to reduce visual intrusion – an eastern boundary bund is shown on plan 115/9-2 of the Supporting Statement document. The existing topography and local vegetation restrict views into the existing quarry void.
- iv) **Restoration** - The submitted restoration features plan drawing no. 115/9-3 differs from the restoration plan approved under SM.EA/4

and the 2004 updated drawing no. HQ LAN 01A (ref. [SM.EA/4 D3](#) dated 27 April 2005).

- v) The amount of rockface to be left exposed at final restoration is excessive, the restoration plan should be sympathetic to and contribute towards the landscape character and quality, therefore a less steep side valley restoration would be more in keeping. EAT have indicated that a plan and sections should be submitted to demonstrate the proposed restoration topography with potential height and gradient of the retained rockfaces.
- vi) The applicant has confirmed that the mineral waste from the quarrying operations could be pushed up against sections of the cliff wall to reduce the extent of cliff face on view. EAT have indicated that this would be an acceptable alternative, and the locations of this treatment should be indicated on a plan along with some small sandy banks for invertebrates.
- vii) The proposed woodland planting block has been increased, extending down the western side into to the southern edge. The change to the woodland planting to create a larger area of Sessile Oak woodland is welcomed. EAT would like assurance that the existing vegetation along the whole length of the watercourse on the northern boundary would be retained and protected during works. The retained vegetation provides visual mitigation and would function as woodland edge during the restoration planting phase of the proposed woodland. Restoration of gritstone walls is also included, which is supported. Hedgerow restoration is encouraged where retained hedgerows are in poor condition.
- viii) EAT have indicated that the following information is required:
  - Location and extent of proposed works shown on viewpoint photographs (this information has been submitted).
  - Details of the revised restoration scheme including plans and sections of proposed final levels, modification or reduction of rock faces, the restoration planting scheme with species composition, any seed mixes, and maintenance and aftercare details (information submitted in response and the conditions were revised on 2 February 2023 and 17 May 2023).
  - Updated plans for the working and restoration phases.

## **b) Ecology**

- i) The Biodiversity Net Gain Assessment states that a Landscape Environmental Management Plan (LEMP) is proposed to be conditioned as part of the ROMP. The LEMP would need to set out

the actions required to achieve and maintain the biodiversity value of the site for a period of 30 years. The LEMP should cover management of the whole site to maximise biodiversity, including the existing woodland (which should probably be thinned), the Plan should focus on invertebrates. The design of ponds should 'design out' use for fishing by including ponds that dry out in summer, and ponds with large areas of shallow water / islands.

- ii) Noting the landscape comments above concerning the exposed rockfaces; EAT have suggested that these could be benched and/or varied (such as adding sections of boulders) to reduce their impact on the landscape, while providing additional biodiversity benefits.
- iii) Invertebrates: The site is of importance for invertebrates, particularly previously worked areas with exposed substrate. The restoration should be designed to favour these species, including the creation of small, sandy exposed slopes with a variety of aspects; northern exposures are of least value.
- iv) Great Crested Newt: The application site is in an amber Impact Risk Zone (IRZ) for Great Crested Newt, and as such further surveys, and mitigation or a certificate of participation in the District Level Licence Scheme would usually be needed. However, the submitted Ecology Report includes DNA test results for 5 ponds, all of which were negative for GCN. The report concludes that GCN are likely to be absent from the site and that no further action is needed. EAT accept this conclusion.
- v) Other species: Common toad was found to be present on site and precautionary measures (including fencing of ponds during operations) were recommended in the Ecology Report which are acceptable. The restoration is also intended to provide additional ponds for amphibia.
- vi) Biodiversity Net Gain: The applicant has submitted a Biodiversity Net Gain report which is supported by landscape plans. The report demonstrates a net gain of 52 habitat units (>37%). EAT accept this assessment and are satisfied with the increase.
- vii) Habitats Regulations Assessment and designated sites: The proposal site is not within any Natural England SSSI Impact Risk zone for this type of development (Magic Map, accessed 11-01-23).
- viii) EAT have recommended conditions:
  - To require the submission for approval of a Landscape and Ecological Environmental Management Plan (LEEMP).

- To require the submission of a Construction Environmental Management Plan (Ecology) (CEMP Ecology) prior to the commencement of any site works. The CEMP (Ecology) should specify regular intervals for attendance of on-site ecologist and the specific tasks that will be supervised by the ecologist.
- To ensure the restoration and subsequent management of the site for a minimum of 30 years to deliver a Biodiversity Net Gain of no fewer than 52 habitat units (as measured by the Defra Metric v3, or its replacements.) [To require the submission of a detailed restoration and aftercare scheme for the quarry].

**c) Tree protection**

There are no tree protection concerns.

**d) Archaeology / Historic Environment**

- i) The application has been reviewed against the information held by the Staffordshire Historic Environment Record (HER) and the Landscape & Visual Appraisal (LVA - Collington Winter Environmental) and Heritage Impact Assessment (HIA – Solstice Heritage) submitted with the application.
- ii) The HIA focusses on the potential impact of the proposals on the significance of designated heritage assets (such as scheduled monuments and listed buildings) in the wider area. This document, which was supported by site visits, is comprehensive in nature, and generally follows the relevant Historic England guidance, such as 'Historic Environment Good Practice in Planning Note 3 – The Setting of Heritage Assets' (2017). The conclusions reached in this study, i.e., that the proposed development will have an overall neutral impact on the settings of the designated heritage assets assessed, are generally supported, particularly considering that proposed workings will be taking place at the level of older workings, which are considerably lower than the current surrounding ground level. The Staffordshire Moorlands District Council Conservation Officer and Historic England should be consulted on these matters. As there are no archaeological concerns, archaeological conditions would not be appropriate.

**e) Public Rights of Way**

- i) The Definitive Map of Rights of Way shows there are rights of way within / adjacent to the site:

- Public Bridleways No.150(a) and 150(b) Biddulph Town run within the site boundary.
  - Public Footpath No. 1R/2261 Biddulph Town runs along the southwestern boundary.
  - Public Footpath No Biddulph Town 31 runs along part of the eastern boundary.
- ii) The Rights of Way Team have advised that as public rights of way may be affected by the quarry workings, the applicant would need to be made aware of the timescales and legislative requirements for reorganising public rights of way. The Rights of Way Team have advised that any planning permission given does not construe the right to divert, extinguish or obstruct any part of the public path network and have provided advice / guidance concerning footpaths (see recommended Informative).
32. **Highways Development Control** (on behalf of the Highways Authority) (HA) – no objections. The HA reviewed the submission and commented as follows:
- a) The quarry is existing, although operations were suspended (site visit undertaken on 11 January 2023).
  - b) Access to the quarry was partially fenced off but still open for the other uses within the site.
  - c) Accidents records show there were no Personal Injury Collisions on Hurst Road within 215m either side of the quarry access in the previous five years.
  - d) There are no proposals to alter maximum extraction rate or increase HCV movements. Paragraph 4.5.27. of the environmental Supporting Statement states "It is not proposed to alter the condition relating to HGV numbers, or any other conditions that relate to vehicle movements". No new impacts are therefore considered to be introduced.
  - e) This ROMP is likely to have no additional effect on the highway over the existing quarry operation.
  - f) HA have also confirmed that conditions 12, 13 and 39 included in the List of Proposed Conditions are acceptable. Condition 11 does not include a definition of 'good state of repair' or a timescale for mud to be removed from the road. [Note: this condition was revised by the applicant on 2 February 2023 and 17 May 2023].

33. **Planning Regulation Team** – no objections. The Planning Regulation Team have reviewed the conditions (“Statement of Common Ground – Conditions” document updated 2 February 2023) and commented as follows:
- a) Condition 3 – The availability of the approved documents for inspection of the Mineral Planning Authority is not necessary as we should have copies of any documents ourselves [Note: see recommended Informative concerning Knowledge of the Conditions].
  - b) Condition 5 – relates to stockproof fencing and warning signs and reference should be included to refer to the specific approval (ref. [SM.EA/4 D1](#) dated 12 July 1999).
  - c) Condition 11 – the condition should state that no mud or other material shall be deposited onto the highway rather than it should be removed within 24 hours [Note: this condition was revised by the applicant on 17 May 2023 to specify a timescale for the removal of mud].
  - d) Condition 17 – details should be submitted and approved by the MPA prior to any blasting being carried out rather than submitted for approval.
  - e) Condition 23 – EAT should confirm the height of the topsoil mounds and a maximum height of 5 metres is acceptable.
  - f) Condition 35 – relates to approved landscape and boundary treatment scheme and reference should be included to specify the approval (ref. [SM.EA/4 D3](#) dated 27 April 2005). [Note: the condition was revised by the applicant on 17 May 2023].
  - g) Condition 40 – the detailed restoration scheme should include a programme of implementation with clear timescales. [Note: reference to an approved programme of implementation is included in Condition 41].
34. **Flood Risk Management Team** (FRMT) – no objections subject to conditions requiring the submission of detailed engineering drawings of any proposed diversion works of Ordinary Watercourses and to ensure that no works (mineral extraction) shall take place until an Ordinary Watercourse Consent has been obtained. The FRMT comments as follows:
- a) Flood Zone - The site is located on the interfluvium between two unnamed tributaries of Biddulph Brook, which is located 1.4 km to the west of the site. The site is within FZ1.
  - b) Surface water risk - Yes, the updated Flood Map for Surface Water (uFMfSW) does affect the proposed site, however, the surface water ponding is isolated to the southern areas of the site and not where



mining activities are proposed in the northern site extent.

- c) Past flooding within 20m of site - None known. Our information about past flooding is based on data that the Flood Risk Management team holds. Where other authorities (such as LPAs) have been made aware of issues, we cannot guarantee they have passed this information on to us.
- d) Watercourse within 5m of site - Yes. An unnamed watercourse flows in a westerly direction past the northern site boundary.
- e) There are two unnamed watercourse which flow within the northern extents of the proposed mining area, as shown on the location plan in the Watercourse Diversion Risk Assessment submitted with the application. These watercourses are to be impacted by the mining activities and works would be subject to Ordinary Watercourse Consent for SCC
- f) FRMT have no objections to the proposals at this time as the mining works are unlikely to be affected by surface water flooding and the works would not increase the risk of surface water flooding to 3rd parties or the surrounding area.
- g) The high-level assessment of water issues document demonstrates that the proposed mining works will have hydrological impacts upon localised ordinary watercourses, particularly those located within the site boundary in the northern extent of the mining footprint (these watercourses are labelled as the 'Eastern' and 'Western' Watercourses respectively on the site features plan 3348/TL/01).
- h) The FRMT are the statutory authority overseeing the management of ordinary watercourses and as such, whilst we do not object to the proposals subject to the conditions referred to above.

[Note: additional conditions were included in the "Statement of Common Ground – Conditions" document updated on 17 May 2023 to address the need for the Ordinary Watercourse Consent.]

35. **Noise Engineer** – no response.

#### **External**

36. **Staffordshire Moorlands District Council - Planning** - no response.

37. **Staffordshire Moorlands District Council – Environmental Health Department** - no objections subject to the retention of all "Environmental Protection" conditions and approved mitigation measures being made a condition of renewal. The Environmental Health reviewed the application and commented as follows:

**a) Noise**

- i. A Noise Impact Assessment has been submitted and it predicts the impact of noise from activity at the quarry would not adversely impact neighbouring residential properties and mitigation measures are set out in the assessment and these should be conditioned.
- ii. Compliance visits should be undertaken to ensure the mitigation measures are in place upon receipt of complaint and upon permission being granted.
- iii. The Environmental Health Department have no record of validated noise complaint and notes that the County Council Planning Regulation Team should be consulted (see above response).
- iv. The conditions concerning the hour of operation (condition 9) and blasting (condition 16) should be retained to protect neighbour amenity during unsocial hours.
- v. It is unclear what the agreed noise limit is from condition 18. It would appear the default levels of 55 db Laeq (60 mins) for general operations and 70 db Laeq (60 mins) for temporary site preparations would be achieved, see table 6.0 of the noise assessment [Note; proposed condition 18 requires the submission of a blast monitoring scheme within 2 months of the first blast and duplicates the requirements of the condition 18 of 1999 ROMP ref. [SM.EA/4.1](#)]
- vi. Conditions 22 and 23 should be retained.
- vii. Environmental Health Department have highlighted the following noise recommendations and mitigation measures included in the Noise Impact Assessment:

Best working practices should be implemented during each phase of the quarry works and close attention should be paid to work within the immediate vicinity of NSRs. The works will follow the guidelines in BS5228-1:2009 (updated BS 5228-1:2009+A1:2014 and BS 5228-2:2009+A1:2014) and the guidance in BRE Controlling particles, vapor and noise pollution from construction sites, Parts 1 to 5 2003.

- Noise levels should not exceed 55 dB (free field) at any NSR (Noise Sensitive Receptor) during operational periods.
- Crushing, screening and loading activities should be located as shown in Figure 2.0 of the submitted noise assessment.

- Stationary plant such as generators should be located as far as possible away from the nearest sensitive receptors and engines should be turned off whilst idling.
- Plant should be used in accordance with the manufacturers' recommendations.
- Plant which may be used intermittently should be shut down between work periods or throttled down to a minimum.
- Appropriate screens or enclosures should be provided where practicable.
- All plant and machinery should be regularly maintained to control noise emissions, with emphasis on lubrication of bearings and integrity of silencers.
- Use quiet reversing alarms/methods white noise alarms should be employed where applicable.
- Site staff should be aware that they are working adjacent to residential properties and avoid all unnecessary noise due to misuse of tools and equipment, shouting and radios.
- Adherence to any restrictions of operating hours or activities imposed by the Local Authority.

b) **Lighting** – condition 26 should be retained to protect neighbour amenity.

c) **Importation of material** - conditions 31 to 34 should be retained.

d) **Air Quality / dust** - conditions 11 – 16 should be retained to control site dust. The crushing, grinding or other size reduction of the sand is a prescribed process set out in the Environmental Permitting Regulations 2016 (as amended) and will require an Environmental Permit (Staffordshire Moorlands District Council should be contacted) (see recommended conditions and Informatives).

38. **Staffordshire Moorlands District Council – Conservation** - no comments.

39. **Biddulph Town Council**- no negative comments and recommend approval.

40. **Rushton Parish Council (adjoining)** - no response.

41. **Environment Agency (EA)** - not in a position to make a formal comment.

42. **Historic England** - no objections. Historic England reviewed the submission and commented as follows:

a) **Significance of Biddulph Grange**

- i) Biddulph Grange, expanded from a vicarage into an Italianate mansion, and its elaborate gardens, were the imaginative creation of James and Maria Bateman in the mid-19th century. Its ambitious designed landscape features several enclosures and thematic gardens that transport the visitor on a journey between imagined places. A small park extends to the east from the gardens, which is bordered by Spring Wood to the north and east.
- ii) The more than special historic interest of Biddulph Grange (the house) is recognised in its listing at Grade II\*. The exceptional significance of the registered park and garden is recognised in its listing at Grade I.

#### **b) Impact of the proposals**

- i) The proposal is to extract silica sand in the currently unworked area within a permitted extraction boundary. The area is 4.26ha, at the north of the site, furthest from the boundary adjacent to Biddulph Grange.
- ii) The Landscape and Visual Appraisal (LVA) and Heritage Impact Assessment (HIA) both indicate that there are no views to the new area of extraction from the registered park and garden. The HIA has also assessed views from other heritage assets, including scheduled monument (NHLE 1014688) and Grade II\* listed building at Biddulph Old Hall, and the scheduled monument Ringwork castle in Bailey's Wood (NHLE 1014690), and found that there is no intervisibility. We consider that the conclusion of a negligible impact on these heritage assets is therefore reasonable.

#### **c) Policy and guidance considerations for this proposal**

- i) Section 16 of the National Planning Policy Framework.
- ii) [The Setting of Heritage Assets \(GPA3\)](#) provides general advice on understanding setting, and how it may contribute to the significance of heritage assets and allow that significance to be appreciated, as well as advice on how views contribute to setting.

#### **d) Historic England's position and recommendation**

- i) The proposed area for new extraction is within the permitted extraction boundary, at the furthest extent from the registered park and garden at Biddulph Grange.
- ii) The conclusion of negligible harm in the HIA to be reasonable, on

the basis of the assessments in the HIA and LVA, and we therefore have no objection on heritage grounds to the proposal.

- iii) Biddulph Grange and its park and garden are heritage assets of the highest heritage significance. The application contains a thorough assessment of the significance of the heritage assets at Biddulph Grange, and other heritage assets at a further distance from the application site, and the potential impact of the proposal to continue extraction in a new section at the north of the permitted area. We consider the conclusions of the HIA that the proposals are likely to cause a negligible impact on the significance of heritage assets at Biddulph Grange, and other assets, to be reasonable.
- iv) It is considered the application meets the requirements of the NPPF, in particular paragraph numbers 194 and 195.

43. **Natural England (NE):** NE did not provide detailed comments on the application. Instead, 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; green infrastructure, access and recreation; rights of way, access land, coastal access and national trails; and biodiversity duty. However, NE did state 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 the proposal is consistent with national and local environmental policies. [Note: the County Council's Environmental Advice Team and Staffordshire Moorlands District Council were consulted, amongst others - see above and below.]
44. **The Gardens Trust** - no response.
45. **The National Trust** - no response.
46. **Cadent Gas Limited** – confirmed the existing medium and low-pressure asset in the vicinity of the Site (see Informative).
47. **National Grid Electricity Distribution (NGED)** - a plan is provided showing existing NGED / National Grid Telecoms (NGT) apparatus in the vicinity of the Site. Advice is also provided on work taking place in the vicinity of NEGD plant (Informative).

## **Publicity and Representations**

48. Site notice: YES      Press notice: YES
49. 54 neighbour notification letters were sent out and 4 representations (including a letter from the Poolfold Residents' Group on behalf of 33 residents) have been received. The concerns raised in representations are

summarised below:

- a) Loss of habitat - the quarry has returned to nature.
- b) Vehicles associated with the quarry including number of HGV movements, the condition of the road, road safety, footpaths (impact on walkers) and the speed of vehicles.
- c) Impact on wildlife including a lack of full environmental surveys (an Ecological Impact Assessment was submitted which refer to ecological reports submitted to Staffordshire Moorlands Council.
- d) There is no requirement for the quarry to become operational in terms of the landbank set out in the Minerals Local Plan / Local Aggregate Assessment.
- e) There are inconsistencies and errors included on the application form and in the ES.
- f) The unacceptable impact on openness and the green belt.

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

50. As explained in the ROMP section earlier, the Scheme of Conditions must be considered in the light of any representations received; the Planning Policy Guidance (PPG); the National Planning Policy Framework and the Development Plan.
51. [Appendix 5](#) lists the development plan policies (and proposals) and the other material planning considerations, relevant to this decision.

### **Observations**

52. Having given careful consideration to the proposed Scheme of Conditions, the 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.
  - The site-specific development plan policy considerations - Green Belt, Loss of habitat / Impact on wildlife and Traffic / Highways Safety.
  - The need to update the planning conditions.
  - Other matters raised in the representations.

## Mineral planning policy and other material planning considerations

53. There have been material changes to the development plan policies and the other material planning policy considerations (see [Appendix 5](#)) since the ROMP Scheme of Conditions was issued on 29 March 1999 (ref. [SM.EA/4](#)). The Scheme of Conditions was first considered by Planning Committee in July 1998 and then deferred to the September 1998 and March 1999 Committees. [Section 4 of the Planning Committee report dated 16 July 1998](#) refers to "Planning Policy" and includes reference to "Policy MLP10 in the draft Mineral Local Plan", "MPG14", "MPG7" and "MPG11". Paragraph 9.2 of the 16 July 1998 Committee report concluded that "the amended Scheme of Conditions reflects the status of Hurst Quarry and imposes adequate environmental and amenity controls on the mineral operations". The conditions were amended following this Committee, the Scheme of Conditions was deferred to allow discussions to take place concerning the conditions and to address a late objection from the Environment Agency. The March 1999 Committee then accepted the recommendation contained in the report.
54. 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.'
55. No changes were proposed to paragraph 214 in the NPPF review (paragraphs 149, 150 and 152 in the [draft text for consultation](#)).
56. The [Minerals Local Plan for Staffordshire](#) was adopted in 2017 and Strategic Objective 4 and Policy 4.5 seek to ensure that mineral sites operate to high environmental standards of working, restoration and aftercare 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.
57. Paragraph 5.3 of the [Minerals Local Plan for Staffordshire](#) (MLP) states that:
- 'Silica sand is only produced at Hurst Quarry, north of Biddulph and the sand from this quarry is used as a horticultural product rather than as industrial sand'.
- [Note: as indicated earlier, mineral extraction is not currently taking place].
58. Commentary: The periodic review of the mineral permission being considered

in this report does not constitute a planning application but rather a Scheme of Conditions which seek to update and replace the existing planning conditions covering the mineral working and restoration operations at Hurst Quarry. As such planning permission already exists for the quarrying activities and therefore any new conditions should not have an adverse impact on the economic viability of the further working quarry as this may give rise to compensation claims.

59. Silica sand extracted at the quarry was predominately used as a horticulture product and paragraph 5.3 of the MLP states sand from the quarry is used as a horticultural product rather than as industrial sand. It is however relevant to highlight, the applicant has referred to the definition of silica sand as an 'Industrial mineral' in the Planning Practice Guidance (PPG). The PPG states that:

'Industrial minerals – minerals which are necessary to support industrial and manufacturing processes and other non-aggregate uses. These include minerals of recognised national importance including: ..... silica sand (including high grade silica sands)..'

([Definitions/terms used in the minerals guidance](#) [Reference ID: 27-221-20140306] of the [Planning Policy Guidance, Minerals](#)).

60. As highlighted above, the applicant explained that it is not considered appropriate to limit the silica sand for use as horticultural product only. Members should be aware that planning permission [SM.EA/4](#) does not prescribe the use of the mineral.
61. Conclusion: Having regard to the Minerals Local Plan and the other material planning considerations referred to above, it is reasonable to conclude that the Scheme of Conditions is an important opportunity to update and replace the existing planning conditions covering the mineral working and restoration to ensure that the site can operate to high environmental standards and to bring the conditions in to line with current policies and practices.

### **The site-specific development plan policy considerations including - Green Belt, Loss of habitat / Impact on wildlife and Traffic / Highways Safety**

Green Belt

62. The quarry is located within the North Staffordshire Green Belt. The NPPF ([Section 13](#)), Policy 4 (g) of the [Minerals Local Plan for Staffordshire](#) (MLP) and Policy SS 10 (6) of the [Staffordshire Moorlands District 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. 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.'

63. 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"

64. Paragraph 150 of the NPPF states that

'Certain other forms of development 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. These are:

(a) mineral extraction'...

65. No changes were proposed to paragraphs 147, 148 and 150 in the NPPF review (paragraphs 149, 150 and 152 in the [draft text for consultation](#)).

66. Commentary: The quarry is in the Green Belt. The applicant has explained in the ES (paragraph 4.3.19) that:

'...although the site is within a Green Belt, the proposed mineral extraction is not necessarily inappropriate. As this application is a ROMP, the site already has an extant Planning Permission and therefore the principle of development is already established for this site. Therefore, there would be no change in effect upon openness'.

67. As this case relates to the review of the Scheme of Conditions for an existing site to ensure that the operations are carried out to modern environmental standards, it is reasonable to accept the applicant's case that the review would not have a significant effect on the openness of the Green Belt.

68. Conclusion: Having regard to policies, guidance and other material considerations referred to above, it is reasonable to conclude that the Proposed Scheme of Conditions, as modified and set out in full in [Appendix 2](#) would not have a significant effect on the openness of the Green Belt.

Loss of habitat / Impact on wildlife

69. 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.
  - c) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures’
70. 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....’
71. 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)).
72. ‘Biodiversity Net Gain’ (BNG) is a new requirement set out in the [Environment Act 2021](#). 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 from an as-yet unconfirmed date currently in January 2024. The Government have advised that secondary legislation and further guidance concerning the implementation of BNG will be provided prior to January 2024.
73. Commentary: The residents have raised concerns about the impact on wildlife, the assessments and natural regeneration of the quarry has taken place. A Landscape and Visual Impact Assessment, Ecological Impact Assessment and a Biodiversity Net Gain Assessment (BNGA) have been submitted as part of the ES.
74. The voluntary BNGA demonstrates that the proposed habitat creation and enhancements will create a positive net gain of +37.81% in Habitat Area Units. The BNGA indicates that a Landscape Environmental Management Plan (LEMP) is proposed to be conditioned as part of the ROMP to set out the actions required to achieve and maintain the biodiversity value of the site for

a period of 30 years. The applicant has subsequently proposed a 21-year period for aftercare (proposed condition 52 in the Statement of Common Ground - Conditions V2.0 (dated 17 May 2023)) and stated that all habitats would have reached their target condition in 21 years and no further aftercare would be required. ([Letter from MPG dated 17 May 2023 \(ref 115-9-20231705--L1 1-ROMP\)](#)). Condition 42 was also amended to require the submission of an aftercare scheme which would deliver “no fewer than 52 habitat unit”.

75. The applicant has indicated that mineral extraction would take place in the northern part of the quarry (shown on the Site Layout Plan included earlier in the report) and the restoration scheme includes the retention of existing areas in the southern part of the quarry (shown on Restoration Features Plan).
76. The applicant has explained that the restoration scheme has been re-designed to maximise biodiversity net gains and aims to deliver meaningful improvements and the only works that may be carried out in the ‘areas of natural regeneration’ would involve the removal of invasive or inappropriate species and works were there are slope / face stability issues.
77. The County Council’s Environmental Advice Team has no objections subject to conditions and has confirmed that the 21-year aftercare period is acceptable. The Environmental Advice Team has highlighted that the Government’s response to the [Consultation on Biodiversity Net Gain regulations and implementation](#) provided clarification concerning the BNG in relation to ROMPs. The response states that:
- “We recognise concerns raised about our proposal that Reviews of Old Minerals Permissions (ROMPs) should remain out of scope of BNG. We believe that these can be addressed through existing policy and discussions with minerals planning authorities, and that applying the new mandatory approach to old permissions with existing restoration plans would be disproportionately complex. We will instead use policy to support an approach based on appropriate ecological outcomes rather than percentage targets”.
78. The updated List of Proposed Condition to reflect the response from the County Council’s Environmental Advice Team was submitted and includes conditions relating to:
- The submission of a detailed restoration scheme (to deliver the 52 habitat units (as measured by the Defra Metric V3 or its replacements).
  - The submission of a detailed aftercare scheme.
  - The submission of a Construction and Environmental Management Plan (CEMP) (Ecology).

- The submission of a Landscape and Ecological Environmental Management Plan (LEEMP).

79. Conclusion: Having regard to the site-specific development plan policies referred to above, it is reasonable to conclude that the review of the Scheme of Conditions has provided an opportunity to update the conditions to raise environmental standards and to bring them in to line with current policies and practices.

#### Traffic / Highways Safety

80. 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.’

81. No changes were proposed to paragraphs 110 and 111 in the NPPF review (paragraphs 112 and 113 in the [draft text for consultation](#)).

82. 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))

83. Commentary: The residents have raised concerns about the impact of Heavy Goods Vehicles (HGVs) travelling to and from the quarry including the number of HGV movements (an upper limit of 30 two-way movements per day per day), the condition of the road, road safety, footpaths (impact on walkers) and the speed of vehicles.

84. The applicant has explained that there are no proposals to alter the condition relating to HGV numbers, or any other conditions that relate to vehicle

movements.

85. The List of Proposed Condition includes conditions relating to:
- a) The maximum of number of HGVs per day (inc. tractors and trailers) for the transport mineral from the quarry (30 per day) (60 movements).
  - b) To require HGV (inc. tractors and trailers) loaded with minerals to be sheeted.
  - c) Vehicles loaded with minerals shall not enter the public highway unless their wheels have been cleaned.
  - d) The surfacing of the site access should be maintained in a good state of repair.
  - e) The access should be kept clean, free of mud and other debris at all times until completion of site restoration and aftercare.
  - f) No mud or other material shall be deposited onto the highway from vehicles using the site.
  - g) To ensure that all parking, loading and unloading of vehicles should take place within the area as shown on the Site Layout Plan.
86. Highways Development Control has no objection to the conditions. A condition has been included to require a Site Liaison Committee is formed to provide a forum for communication between the quarry operator and neighbours (see below).
87. Conclusion: Having regard to the site-specific development plan policies, it is reasonable to conclude that the review has provided an opportunity to update the conditions to raise environmental standards and to bring them in to line with current policies and practices.

### **The need to update the planning conditions.**

88. 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’.
89. No changes were proposed to paragraphs 55 and 56 in the NPPF review (paragraphs 55 and 56 in the [draft text for consultation](#)).
90. The Planning Practice Guidance (ref. [Minerals, Review of minerals planning conditions](#), Are there any restrictions on planning conditions that may be imposed as part of the review of planning conditions?, paragraph: 186) indicates there are three main restrictions on planning conditions that can be imposed as part of the review of planning conditions, these are that:

- all conditions must meet the policy tests, be necessary and should not affect the economic viability of the operation (e.g. conditions which restrict the total quantity of mineral for extraction).
- all final applications must include a condition that the winning and working of minerals or depositing of mineral waste must cease not later than 21 February 2042, except where the original permission is already time limited.
- conditions may be used to withdraw any outstanding permitted development rights only if there are exceptional and sound planning reasons for doing so.

[Note: condition 4 of 1999 ROMP ref. [SM.EA/4](#) requires mineral working and the deposit of mineral waste to permanently cease and the site to be restored on or before 31 December 2036).

91. Paragraph: 194 of the Planning Practice Guidance (ref. [Minerals, Review of minerals planning conditions](#), What types of conditions will be appropriate?) also states that

'The appropriate types of conditions to impose will vary on each particular case, but regard should be had to all material planning conditions including:

- type of mineral;
- nature and extent of existing working;
- the location of the site;
- the length of time that minerals extraction has taken place at the site;
- land quality and proposed after-use; and
- the availability of suitable restoration materials'.

92. As mentioned earlier, 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 of working, restoration and aftercare.
93. Commentary: A Scheme of Conditions was initially submitted with the ES. The Scheme of Conditions was later revised by the applicant in response to comments from consultees (ref. the 47 conditions included in the Statement of Common Ground – Conditions Version 2.0 dated 17 May 2023).
94. As mentioned earlier in the report, consideration must be given when revising the conditions and including conditions to [Planning Policy Guidance](#) concerning the [Review of minerals planning conditions](#) which explains that MPA's should not restrict working rights and should not prejudice adversely to an unreasonable degree either the economic viability of operating the site or the asset value of the site due to potential compensation claims. [Appendix 1](#) provides details of this assessment for each condition ("Working Rights Restricted?" and "Unreasonable prejudice applies?").

95. The Proposed Scheme of Conditions has been reviewed and modifications and additional conditions are recommended to ensure that they are clear, precise, reasonable, necessary and reflect current policies and practices (see [Appendix 2](#)). For example, there are conditions to:
- a) Require the County Council to be notified on the re-commencement of mineral extraction, the dates when restoration has re-commenced and has been completed and in the event of early cessation.
  - b) Define the expiry of the permission.
  - c) Define the location for the crushing, screening and loading activities (the location shown in Figure 2 of the Noise Impact Assessment for the Recommencement of Extraction at an Existing Quarry dated 16 December 2021 (ref. 6960MP)).
  - d) Require the submission of a Progress Plan (on the fifth anniversary of the submission of the mineral review).
  - e) Ensure that no fixed plant or machinery, buildings, structures and erections, or private ways is erected, extended, installed or re-arranged without the benefit of planning permission.
  - f) Ensure that all buildings, plant and machinery are maintained in a good condition and fit for purpose in accordance with the manufacturer's recommendations.
  - g) Require the site to be securely fenced, and lockable gates provided.
  - h) Define the vehicular access (shown on the Site Layout Plan (Dwg No 115-9-2)).
  - i) Ensure that no stripping of vegetation or soils shall take place within the Site during the bird breeding season (March – August).
  - j) Define the restoration of the site to agriculture (pasture), woodland planting, waterbodies, marginal planting, rock features in accordance with Restoration Features Plan (Dwg No 115-9-3) and Aerial Restoration Plan (Dwg No 115-9 - Resto-4) ('the Restoration Strategy').
  - k) Require a review of the approved Restoration Strategy and the detailed Restoration and Aftercare Scheme.
  - l) Define the actions if operations cease for a period of 24 months.
  - m) Require the formation of a Site Liaison Committee to provide a forum for discussion concerning site quarry and in accordance with the [Mineral Local Plan for Staffordshire](#) (Strategic Objective 3 and Policy 4.4) and the NPPF (Section 17).

96. The recommended Scheme of Conditions also re-order the Proposed Scheme of Conditions to reflect current practices. The reasons for conditions have also been updated to refer to the latest policies in the development plan.
97. The applicant was given the opportunity to comment on the recommended modifications and additional conditions and has not objected to them.
98. Conclusion: Having regard to the above-mentioned policy and consultee comments, it is reasonable to conclude that the recommended Scheme of Conditions would ensure that the site can operate and be restored to higher environmental standards and would bring them in to line with current policies and practices. It is also reasonable to conclude that the recommended Scheme of Conditions would not prejudice to an unreasonable degree the economic viability of the operation or the asset value of the site.

### **Other matters raised in the representations.**

99. The other matters raised by the Poolfold Residents' Group (PFRG) are considered below:
  - a) The Minerals Local Plan / Local Aggregate Assessment does not identify a shortfall in sand and gravel supply and therefore no requirement for Hurst Quarry to become operational.

Commentary: As indicated earlier, this report relates to a Scheme of Conditions seeking to update and replace the existing planning conditions covering the mineral working and restoration operations at an existing site. In this case, the need for the mineral is not a material planning consideration as this is a review of the conditions of an extant planning permission.

- b) Applicant's name – the form for the residential applications states the applicant is Renew Land Developments Ltd & Keyworker Homes Ltd and the application form submitted with this Scheme of Conditions states that the applicant is Land Recovery Ltd. PFRG has indicated that clarity is required concerning this matter. Information concerning Land Recovery Ltd is available on the [Companies House website](#).

Commentary: It is considered that the application form submitted with the residential applications is not relevant to the determination of this Mineral Review and in any event, the planning permission runs with the land.

- c) Demand and Market - PFRG have questioned the contradictory information provided in the ES as a Mineral Sterilisation Report submitted with the outline planning application to Staffordshire Moorlands District Council (ref. SMD/2017/0129) concludes that it is not economically viable to mine minerals for the foreseeable future.



Commentary: The demand or market for the mineral is not a material planning consideration as this is a review of the conditions of an extant planning permission.

- d) Sensitive areas – PFRG have questioned paragraph 3.15.3 of the ES which relates to “EIA Assessment” (Environmental Impact Assessment) and the location of Troughstones Hill (Site of Biological Interest).

Commentary: Sites of Biological Interest are ranked as of local importance whereas ‘sensitive areas’ referred to in [the Town and Country Planning \(Environmental Impact Assessment\) Regulations 2017](#) (Part 1, Regulation 2(1)) are sites / areas of national or international importance.

- e) Footpaths – PFRG have highlighted the presence of footpaths /rights of way including Public Bridleways No.150(a) and 150(b) Biddulph Town and 31. 1R/2261 Biddulph Town is located to the west of the quarry.

Commentary: The County Council’s Environment Advice Team have highlighted the presence of the Rights of Way. The applicant is aware of the footpaths /rights of way and have stated that no existing public rights of way would be affected by the proposed continuation of quarrying (an Informative is recommended).

- f) Diversion of a natural spring – PFRG have stated that the Watercourse Diversion Risk Assessment does not consider that the watercourse is a very important natural spring. The High-Level Assessment of Water Issues identifies springs within a 2-kilometre radius of the quarry including one within the quarry.

Commentary: The County Council’ Flood Risk Management Team have no objection subject to conditions requiring the submission of detailed engineering drawings of any proposed diversion works of Ordinary Watercourses and that mineral extraction does not recommence until an Ordinary Watercourse Consent has been obtained (a condition is recommended - see [Appendix 2](#)).

## Overall Conclusion

100. Overall, as an exercise of judgement, taking the relevant up-to-date development plan policies as a whole and having given consideration to the Scheme of Conditions, 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 Scheme of Conditions, as modified, would:

- ensure that the site can operate and be restored to higher environmental standards;
- bring the conditions in to line with current policies and practices; and,
- not prejudice to an unreasonable degree the economic viability of the operation or the asset value of the site.

## Recommendation

To APPROVE the Proposed Scheme of Conditions, as modified by the County Council, and set out in full in [Appendix 2](#).

Case Officer: David Bray - Tel: (01785) 277273  
email: [david.bray@staffordshire.gov.uk](mailto: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](mailto:planning@staffordshire.gov.uk).

## Appendix 1 – The Proposed Scheme of Conditions, the recommended modifications and additional conditions

| No               | Applicant's Proposed Conditions/Reasons<br>(updated in the Statement of Common Ground - Conditions V2.0 (dated 17/05/2023)).  | SCC Comment/<br>Recommended Modifications<br>(Changes highlighted in <b>bold</b> )  | Reasons for Modifications  | Working Rights Restricted<br>Y/N | Unreasonable Prejudice Applies<br>Y/N |
|------------------|---|---|--|----------------------------------|---------------------------------------|
| 1<br><br>Page 67 | This permission relates only to surface mineral workings and the depositing of mineral wastes. For the avoidance of doubt this includes the stockpiling of minerals but not the importation of waste materials for infilling and restoration. | Agreed  | No change<br><br>[Now Condition 2 of Appendix 2].  | N                                | N                                     |
| 2                | The development hereby permitted shall only be carried out in accordance with the approved plans and documents, as amended by any conditions attached to this permission or by any subsequent approved amendment or permission.               | <p><b>The conditions shall relate to the site edged red on 'Location Plan (Dwg No 115-9-1)' hereafter referred to as 'the Site' and the development shall only be carried out within the Site in accordance with the approved documents, plans and details referred to below:</b></p> <p><b>a) Approved documents and plans referred to in permission ref: <a href="#">SM.EA/4</a> dated 29 March 1999) except where they have been superseded.</b></p> | For precision, to define the permission and to ensure the permission is implemented in all respects in accordance with all the approved documents, plans and details<br><br>[Now Condition 1 of Appendix 2]. | N                                | N                                     |

| <b>No</b> | <b>Applicant's Proposed Conditions/Reasons</b><br>(updated in the Statement of Common Ground - Conditions V2.0 (dated 17/05/2023)). | <b>SCC Comment/ Recommended Modifications</b><br>(Changes highlighted in <b>bold</b> )   | <b>Reasons for Modifications</b> | <b>Working Rights Restricted</b><br>Y/N | <b>Unreasonable Prejudice Applies</b><br>Y/N |
|-----------|---|--|----------------------------------|---|--|
| Page 68   |   | <p><b>b) Approved details related to permission ref: <a href="#">SM.EA/4</a>.</b></p> <ul style="list-style-type: none"> <li>• <b><a href="#">SM.EA/4 D1</a> dated 12 July 1999 – approved details in compliance with Condition 5 of planning permission <a href="#">SM.EA/4</a> relating to fencing and warning signs.</b></li> <li>• <b><a href="#">SM.EA/4 D2</a> dated 10 Jan 2002 – part approved details in compliance with Conditions 17, 18, 19 and 20 of planning permission <a href="#">SM.EA/4</a> relating to blasting, noise, plant, landscaping, stockpiles &amp; parking (approval of conditions 19 and 20).</b></li> <li>• <b><a href="#">SM.EA/4 D3</a> dated 27 April 2005 – approved details in compliance with Conditions 35, 36,40 and 42 of planning permission <a href="#">SM.EA/4</a> relating to Landscape and restoration and aftercare</b></li> </ul> |                                  |   |  |

| No      | Applicant's Proposed Conditions/Reasons<br>(updated in the Statement of Common Ground - Conditions V2.0 (dated 17/05/2023)). | SCC Comment/<br>Recommended Modifications<br>(Changes highlighted in <b>bold</b> )   | Reasons for Modifications | Working Rights Restricted<br>Y/N | Unreasonable Prejudice Applies<br>Y/N |
|---------|--|--|---------------------------|----------------------------------|---------------------------------------|
| Page 69 |  | <p style="text-align: center;"><b>scheme.</b></p> <p>c) <b>Approved documents and plans referred to in permission ref: <u>SM.EA/4 V1</u> dated 9 October 2000.</b></p> <p>d) <b>Approved details related to permission ref: <u>SM.EA/4 V1</u>.</b></p> <ul style="list-style-type: none"> <li>• <b><u>SM.EA/4/V1/D1</u> dated 11 March 2002 – approved details relating to wheel washing facilities.</b></li> </ul> <p>e) <b>Approved documents and plans referred to in permission ref: <u>SM.02/12/101 MW</u> dated 16 September 2002.</b></p> <p>f) <b>Approved documents and plans submitted with this application.</b></p> <p><b>Documents</b></p> <ul style="list-style-type: none"> <li>• <b>Mineral Review form and</b></li> </ul> |                           |                                  |                                       |

| <b>No</b> | <b>Applicant's Proposed Conditions/Reasons</b><br>(updated in the Statement of Common Ground - Conditions V2.0 (dated 17/05/2023)). | <b>SCC Comment/ Recommended Modifications</b><br>(Changes highlighted in <b>bold</b> )  | <b>Reasons for Modifications</b> | <b>Working Rights Restricted</b><br>Y/N | <b>Unreasonable Prejudice Applies</b><br>Y/N |
|-----------|---|---|----------------------------------|---|--|
| Page 70   |   | <p><b>certificates dated 7 November 2022.</b></p> <ul style="list-style-type: none"> <li>• <b>Environmental/Supporting Statement dated 17 October 2022 (ref. 115/9--R1.1 - ROMP).</b></li> <li>• <b>Letter from MPG dated 22 November 2022 (ref. 115-9-20221122-L1.1-EcoMDS).</b></li> <li>• <b>Letter from MPG dated 22 November 2022 (ref. 115-9-20221122-L1.1-ES).</b></li> <li>• <b>Landscape and Visual Appraisal (ref CW0162-RPT-001C Rev C dated 11 02 2023).</b></li> <li>• <b>Ecological Impact Assessment dated October 2022 (ref. CW20-102 RPT 001 Rev 4).</b></li> <li>• <b>Noise Impact Assessment for the Recommencement of Extraction at an Existing Quarry dated 16 December 2021 (ref. 6960MP).</b></li> <li>• <b>Biodiversity Net Gain Assessment dated September 2022 (ref. CW20-102 Rev 2 dated 06/09/2022).</b></li> </ul> |                                  |   |  |

| <b>No</b> | <b>Applicant's Proposed Conditions/Reasons</b><br>(updated in the Statement of Common Ground - Conditions V2.0 (dated 17/05/2023)). | <b>SCC Comment/ Recommended Modifications</b><br>(Changes highlighted in <b>bold</b> )   | <b>Reasons for Modifications</b> | <b>Working Rights Restricted</b><br>Y/N | <b>Unreasonable Prejudice Applies</b><br>Y/N |
|-----------|---|--|----------------------------------|---|--|
| Page 71   |   | <ul style="list-style-type: none"> <li>• <b>Heritage Impact Assessment dated May 2022 (ref. DOC2122-85).</b></li> <li>• <b>High Level Assessment of Water Issues dated October 2022 (ref. 3348/HLA).</b></li> <li>• <b>Watercourse Diversion Risk Assessment dated 12 October 2022</b></li> <li>• <b>Email from Mineral Planning Group dated 22 December 2022 in relation to blasting.</b></li> </ul> <p><b>Plans</b></p> <ul style="list-style-type: none"> <li>• <b>Location Plan (Dwg No 115-9-1).</b></li> <li>• <b>Site Layout Plan (Dwg No 115-9-2).</b></li> <li>• <b>Excavation Design Plan (Dwg No HRQ-22-02).</b></li> <li>• <b>Topographical Survey Plan (Dwg No HRQ-11-01).</b></li> <li>• <b>Aerial Restoration Plan (Dwg No 115-9 - Resto-4).</b></li> <li>• <b>Restoration Features Plan (Dwg No 115-9-3).</b></li> </ul> <p><b>except in so far as the approved documents, plans and details</b></p> |                                  |   |  |

| No           | Applicant's Proposed Conditions/Reasons<br>(updated in the Statement of Common Ground - Conditions V2.0 (dated 17/05/2023)).  | SCC Comment/<br>Recommended Modifications<br>(Changes highlighted in <b>bold</b> )   | Reasons for Modifications  | Working Rights Restricted<br>Y/N | Unreasonable Prejudice Applies<br>Y/N |
|--------------|---|--|--|----------------------------------|---------------------------------------|
|              |   | <b>listed above are amended by the conditions specified below.</b>   |  |                                  |                                       |
| 3            | A copy of the permission including all documents hereby approved and any other documents subsequently approved in accordance with this permission, shall always be available at the site office for inspection by the Mineral Planning Authority (during normal working hours). | Deleted  | Now include as an informative to the permission<br><br>[see Informative 1 of Appendix 2].  | N                                | N                                     |
| 4<br>Page 72 | Surface mineral workings and the depositing of mineral wastes shall permanently cease and the site shall have been restored in accordance with the scheme approved pursuant to Condition 40 below on or before 31 December 2036.  | <b>Mineral extraction and restoration including the deposit of mineral waste shall cease on or before the 31 December 2036 ('the cessation date').</b>   | For clarification and precision.<br><br>Separate condition concerning restoration requirement.<br><br>[Now Condition 4 of Appendix 2]. | N                                | N                                     |
| 5            | Stockproof fencing and warning signs to the specification previously agreed in writing with the MPA via Planning Permission ref: SM.EA/4 D1 shall continue to be maintained throughout the life of this permission. Any   | <b>Stockproof fencing and warning signs in accordance with the approved details (ref. <a href="#">SM.EA/4 D1</a> dated 12 July 1999) shall be maintained for the duration of the development hereby permitted.</b> | To ensure the permission is implemented in all respects in accordance with the approved details.<br><br>Recommended by the             | N                                | N                                     |



| <b>No</b>        | <b>Applicant's Proposed Conditions/Reasons</b><br>(updated in the Statement of Common Ground - Conditions V2.0 (dated 17/05/2023)).  | <b>SCC Comment/ Recommended Modifications</b><br>(Changes highlighted in <b>bold</b> )  | <b>Reasons for Modifications</b>  | <b>Working Rights Restricted</b><br><b>Y/N</b> | <b>Unreasonable Prejudice Applies</b><br><b>Y/N</b> |
|------------------|--|---|---|--|---|
|                  | new fencing required shall be of a suitable standard, with warning signs attached.   |   | Planning Regulation Team.<br><br>[Now Condition 18 of Appendix 2].        |  |   |
| 6<br><br>Page 73 | The working of the site shall be carried out in accordance with the approved working programme and plans 115/9 – 1, 115/9 – 2, 115/9 – 3, 115/9 – 4, HRQ/22– 01, and HRQ/22-02, and no surface mineral working shall take place below the contours shown on HRQ/22-02 unless agreed otherwise in writing with the MPA. | <b>No mineral extraction shall take place other than within the area defined as "Remaining unworked extraction area, including loading and unloading area(s)" shown on the Site Layout Plan (Dwg No 115-9-2) and below the contours shown on Excavation Design Plan (Dwg No HRQ-22-02) and more specifically in accordance with the latest approved detailed Site Layout Plan(s) required by Conditions 43 to 45.</b> | For clarification and precision.<br><br>[Now Condition 8 of Appendix 2].  | N  | N   |
| 7                | The amount of mineral removed from the site each year shall not exceed a level of 150,000 tonnes.  | <b>No more than 150,000 tonnes of mineral per annum shall be removed from the Site.</b>   | For clarification and precision.<br><br>[Now Condition 12 of Appendix 2]. | N  | N   |
| 8                | A maximum of 30 HGVs per day (inc. tractors and trailers) shall transport mineral from the site.   | <b>No more than 30 HGVs associated with the transport of mineral shall enter or leave the Site per day (60 two-way HGV movements).</b>  | For clarification and precision.<br><br>[Now Condition 22 of Appendix 2]. | N  | N   |

| <b>No</b> | <b>Applicant's Proposed Conditions/Reasons</b><br>(updated in the Statement of Common Ground - Conditions V2.0 (dated 17/05/2023)).   | <b>SCC Comment/ Recommended Modifications</b><br>(Changes highlighted in <b>bold</b> )   | <b>Reasons for Modifications</b>  | <b>Working Rights Restricted</b><br>Y/N | <b>Unreasonable Prejudice Applies</b><br>Y/N |
|-----------|---|--|---|---|--|
| 9         | The operators shall maintain records of vehicle numbers and of their annual output and shall make them available to the MPA at any time upon request. All records shall be kept for a minimum of 3 years. | <p><b>The following records shall be retained and shall be provided to the Mineral Planning Authority within 7 days of a request being made. In making a request, the Mineral Planning Authority shall specify the dates between which the following records shall be provided.</b></p> <p>a) <b>The daily operating dates and times of the quarry (ref. Condition 13 and 14).</b></p> <p>b) <b>The date and times of any emergency operations or activities (ref. Conditions 13 and 14).</b></p> <p>c) <b>The date and times of any temporary operations (ref. Condition 13).</b></p> <p>d) <b>The total number of HGV movements in and out of the Site per day</b></p> | <p>Updated to assist with the monitoring of the planning permission.</p> <p>[Now Condition 47 of Appendix 2].</p> | N                                       | N  |

| <b>No</b> | <b>Applicant's Proposed Conditions/Reasons</b><br>(updated in the Statement of Common Ground - Conditions V2.0 (dated 17/05/2023)).  | <b>SCC Comment/ Recommended Modifications</b><br>(Changes highlighted in <b>bold</b> )  | <b>Reasons for Modifications</b>  | <b>Working Rights Restricted</b><br>Y/N | <b>Unreasonable Prejudice Applies</b><br>Y/N |
|-----------|--|---|---|---|--|
| Page 75   |  | <p style="text-align: center;"><b>(ref Condition 22).</b></p> <p><b>e) Dust management/mitigation measures carried out (ref. Condition 33).</b></p> <p><b>f) Noise monitoring and management data (ref. Condition 35).</b></p> <p><b>g) Blasting monitoring and management data (ref. Condition 36).</b></p> <p><b>h) Any complaints received, and the steps taken to investigate and address them.</b></p> |   |   |  |
| <b>10</b> | Except in emergencies in order to maintain safe quarry working (which shall be notified to the MPA as soon as practicable) surface mineral workings and the depositing of mineral wastes and the removal of sands + silica stone won and worked at the site shall only be carried out at the site between 0730 and | <p><b>No mineral extraction, deposit of mineral wastes and the transportation of mineral shall be carried, except for emergency operations or activities, other than between:</b></p> <ul style="list-style-type: none"> <li>• <b>0730 to 1800 Monday to Friday; and,</b></li> <li>• <b>0830 to 1400 on Saturdays.</b></li> </ul>   | For clarification and precision, the condition amended to split the hours for mineral extraction, deposit of mineral wastes and the transportation of mineral and the servicing, maintenance or | N                                       | N  |

| <b>No</b> | <b>Applicant's Proposed Conditions/Reasons</b><br>(updated in the Statement of Common Ground - Conditions V2.0 (dated 17/05/2023)).  | <b>SCC Comment/ Recommended Modifications</b><br>(Changes highlighted in <b>bold</b> )  | <b>Reasons for Modifications</b>  | <b>Working Rights Restricted</b><br>Y/N | <b>Unreasonable Prejudice Applies</b><br>Y/N |
|-----------|--|---|---|---|--|
| Page 76   | 1800 hours Monday to Friday and between 0830 and 1400 hours on Saturdays. No operations shall take place on Sundays or Bank or Public Holidays. No servicing, maintenance or testing of plant shall be carried out at the site between 2000 hours and 0730 hours on any day and at no time on Sundays, or Bank Holidays or Public Holidays, except in the case of necessary emergency maintenance to be notified to the MPA within 48 hours of any occurrence. | <p><b>No such operations or activities shall take place on Sundays, Bank or Public Holidays.</b></p> <p><b>In the case of emergency operations or activities, the Mineral Planning Authority shall be notified in writing within 48 hours of the occurrence.</b></p> <p><b>No servicing, maintenance or testing of plant shall be carried out, except for emergency operations or activities, other than between:</b></p> <ul style="list-style-type: none"> <li>• <b>0730 to 2000 Monday to Saturdays.</b></li> </ul> <p><b>No servicing, maintenance or testing of plant shall take place on Sundays, Bank or Public Holidays.</b></p> <p><b>In the case of emergency operations or activities, the Mineral Planning Authority shall be notified in writing within 48</b></p> | <p>testing of plant.</p> <p>[Now Conditions 13 and 14 of Appendix 2].</p> |   |  |

| <b>No</b> | <b>Applicant's Proposed Conditions/Reasons</b><br>(updated in the Statement of Common Ground - Conditions V2.0 (dated 17/05/2023)).  | <b>SCC Comment/ Recommended Modifications</b><br>(Changes highlighted in <b>bold</b> )   | <b>Reasons for Modifications</b>   | <b>Working Rights Restricted</b><br>Y/N | <b>Unreasonable Prejudice Applies</b><br>Y/N |
|-----------|--|--|--|---|--|
|           |  | <b>hours of the occurrence.</b>  |  |   |  |
| 11        | The surfacing of the site access shall be maintained in a good state of repair and kept clean and free of mud and other debris at all times until completion of site restoration and aftercare. No mud or other material shall be deposited onto the highway from vehicles using the site. | <p><b>The surfacing of the Site access shown on 'Site Layout Plan (Dwg No 115-9-2)' shall be maintained in a good state of repair and kept clean and free of mud and other debris at all times until completion of the restoration and aftercare of the Site.</b></p> <p><b>No vehicles associated with the development hereby permitted shall leave the Site in a condition whereby mud, dirt, dust or other deleterious material shall be deposited on the public highway.</b></p> | <p>To refer to submitted plan for clarification and precision.</p> <p>[Now Conditions 23 and 25 of Appendix 2].</p>      | N                                       | N  |
| 12        | No HGVs (inc. tractors and trailers) loaded with minerals shall leave the site unless they are sheeted.  | <b>No loads of mineral shall leave the Site unless the load has first been securely contained or sheeted.</b>  | <p>For clarification and precision.</p> <p>[Now Condition 24 of Appendix 2].</p>   | N                                       | N  |
| 13        | No vehicles loaded with minerals shall enter the public highway unless their wheels have been cleaned. Any effluent or water from any wheel wash installed shall be recycled within the site or  | <b>The approved wheel cleaning facilities (ref. <a href="#">SM.EA/4/V1/D1</a> dated 11 March 2002) shall be maintained in good condition, fit for purpose in accordance with manufacturer's recommendations and be</b>   | To ensure the permission is implemented in all respects in accordance with the approved details and to ensure that wheel | N                                       | N  |

| <b>No</b>         | <b>Applicant's Proposed Conditions/Reasons</b><br>(updated in the Statement of Common Ground - Conditions V2.0 (dated 17/05/2023)).                                 | <b>SCC Comment/ Recommended Modifications</b><br>(Changes highlighted in <b>bold</b> )   | <b>Reasons for Modifications</b>  | <b>Working Rights Restricted</b><br>Y/N | <b>Unreasonable Prejudice Applies</b><br>Y/N |
|-------------------|---|--|---|---|--|
|                   | conveyed to a sealed tank.  | <b>available and used as necessary by all HGVs prior to leaving the Site until such time as the wheel cleaning facilities are required to be removed in accordance with the approved Restoration and Aftercare Scheme (Conditions 43 to 45)</b>  | cleaning facilities are appropriate and effective.<br><br>[Now Condition 26 of Appendix 2].                       |   |  |
| 14<br><br>Page 78 | Measures shall be taken to prevent dust blowing off the site. This shall include the use of a water bowser to spray the access roads, working areas and stockpiles. | <b>Best practicable means shall be used during the life of the development to minimise dust emissions from the Site.</b><br><br><b>The means shall include but may not be limited to the following:</b><br><br>a) <b>The use of water bowsers to spray all internal haul roads and accessways.</b><br><br>b) <b>The use of a sweeper vehicle on all internal hard surfaced haul roads and at the entrances to the Site.</b><br><br>c) <b>The seeding of all soil mounds as soon as is practicable with an agreed seed mixture.</b> | Condition amended to include requirements of conditions 15 and 16 below.<br><br>[Now Condition 33 of Appendix 2]. | N                                       | N  |

| <b>No</b> | <b>Applicant's Proposed Conditions/Reasons</b><br>(updated in the Statement of Common Ground - Conditions V2.0 (dated 17/05/2023)). | <b>SCC Comment/ Recommended Modifications</b><br>(Changes highlighted in <b>bold</b> )   | <b>Reasons for Modifications</b>                            | <b>Working Rights Restricted</b><br>Y/N | <b>Unreasonable Prejudice Applies</b><br>Y/N |
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| Page 79   |   | <p>d) <b>The regular spraying of all stockpiled materials.</b></p> <p>e) <b>Exhausts on site vehicles shall be set so that exhaust gases cannot be emitted in a downward direction.</b></p> <p>f) <b>The fitting of dust hoods to all potentially dust emitting plant and machinery.</b></p> <p>g) <b>Site operations giving rise to dust shall be suspended in the event that dust can be seen escaping from the confines of the working area until such time as steps have been taken to prevent the emission of dust from the confines of the working area or the weather conditions have improved.</b></p> |   |   |  |
| <b>15</b> | The water bowser/dust suppression equipment installed in accordance with Condition 14 shall be kept                                 | <b>Deleted</b>   | Merged with Condition 14 above.<br><br>[Now Condition 31 of | N                                       | N  |

| No      | Applicant's Proposed Conditions/Reasons<br>(updated in the Statement of Common Ground - Conditions V2.0 (dated 17/05/2023)).  | SCC Comment/<br>Recommended Modifications<br>(Changes highlighted in <b>bold</b> )  | Reasons for Modifications   | Working Rights Restricted<br>Y/N | Unreasonable Prejudice Applies<br>Y/N |
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|         | within the site and in full working order at all times and shall be used to water areas within the site at such intervals as may be necessary to control the raising of dust.   |   | Appendix 2].  |                                  |                                       |
| 16      | Drilling equipment shall be fitted with appropriate dust suppression facilities. Exhausts on site vehicles will be set so that exhaust gases cannot be emitted in a downward direction.   | <b>Deleted</b>  | Merged with Condition 14 above.<br><br>[Now Condition 31 of Appendix 2].  | N                                | N                                     |
| Page 80 | <p>Prior to any blast being carried out the following details shall have been submitted to and approved by the MPA.</p> <ul style="list-style-type: none"> <li>i. The method and techniques to be used.</li> <li>ii. The proposed number of blasts per week.</li> <li>iii. The date of the first blast.</li> <li>iv. The ppv levels which are to be achieved for ground vibration and the maximum levels for air over pressure.</li> <li>v. The arrangements for the notification of blasting to</li> </ul> | <p><b>Prior to the commencement of blasting, a detailed Blasting and Blast Monitoring Scheme ('the Scheme') shall be submitted and approved by the Mineral Planning Authority.</b></p> <p><b>The Scheme shall include but may not necessarily be limited to the following details:</b></p> <ul style="list-style-type: none"> <li><b>a) The method and techniques to be used.</b></li> <li><b>b) The proposed number of blasts per week.</b></li> </ul> | <p>Details of blasting and blast monitoring have been merged into one scheme.</p> <p><b>Recommended by the Planning Regulation Team.</b></p> <p>[Now Condition 36 of Appendix 2].</p> | N                                | N                                     |



| <b>No</b> | <b>Applicant's Proposed Conditions/Reasons</b><br>(updated in the Statement of Common Ground - Conditions V2.0 (dated 17/05/2023)). | <b>SCC Comment/ Recommended Modifications</b><br>(Changes highlighted in <b>bold</b> )  | <b>Reasons for Modifications</b> | <b>Working Rights Restricted</b><br>Y/N | <b>Unreasonable Prejudice Applies</b><br>Y/N |
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| Page 81   | <p>the local community. Blasting shall thereafter only be carried out in accordance with the approved scheme.</p>                   | <p><b>c) The date of the first blast.</b></p> <p><b>d) The ppv levels which are to be achieved for ground vibration and the maximum levels for air over pressure.</b></p> <p><b>e) The arrangements for the notification of the Mineral Planning Authority and the local residents likely to be affected by blasting operations shall be notified in advance, in writing, of the times and dates when the blasting operations are to take place at the Site.</b></p> <p><b>f) The blast monitoring equipment.</b></p> <p><b>g) The blast monitoring locations including vibration sensitive buildings and structures.</b></p> <p><b>h) The blast monitoring period and frequency of measurements.</b></p> |                                  |   |  |

| <b>No</b> | <b>Applicant's Proposed Conditions/Reasons</b><br>(updated in the Statement of Common Ground - Conditions V2.0 (dated 17/05/2023)). | <b>SCC Comment/ Recommended Modifications</b><br>(Changes highlighted in <b>bold</b> )   | <b>Reasons for Modifications</b> | <b>Working Rights Restricted</b><br>Y/N | <b>Unreasonable Prejudice Applies</b><br>Y/N |
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|           |   | <p><b>i) The arrangements for the monitoring of weather conditions at the time of the blast, including air over pressure.</b></p> <p><b>j) The procedures to be adopted if the readings/measurements exceed the levels agreed above (d).</b></p> <p><b>k) The retention and presentation of results (Condition 47).</b></p> <p><b>l) The arrangements for regular reviews of the Scheme.</b></p> <p><b>m) The programme for the implementation of the Scheme.</b></p> <p><b>Blasting and blast monitoring shall be carried out in accordance with the approved Scheme.</b></p> |                                  |   |  |
| <b>18</b> | Within two months of the first blast a scheme of ground   | <b>Deleted</b>   | Merged with Condition 17 above.  | N                                       | N  |

| <b>No</b> | <b>Applicant's Proposed Conditions/Reasons</b><br>(updated in the Statement of Common Ground - Conditions V2.0 (dated 17/05/2023)).  | <b>SCC Comment/ Recommended Modifications</b><br>(Changes highlighted in <b>bold</b> ) | <b>Reasons for Modifications</b>  | <b>Working Rights Restricted</b><br>Y/N | <b>Unreasonable Prejudice Applies</b><br>Y/N |
|-----------|--|--|-----------------------------------|---|--|
| Page 83   | <p>vibration and air over pressure monitoring shall be submitted for the written approval of the MPA.</p> <p>The scheme shall include the following details:</p> <ul style="list-style-type: none"> <li>i. Monitoring locations including vibration sensitive buildings and structures.</li> <li>ii. Frequency of measurement.</li> <li>iii. Procedures to be adopted if the readings/measurements exceed the levels agreed in Condition 17 above.</li> <li>iv. Presentation of results.</li> <li>v. Annual review meeting to discuss the frequency of monitoring.</li> <li>vi. Programme of implementation.</li> </ul> <p>The scheme shall then be implemented in accordance with the agreed 'Programme of Implementation'.</p> |  | [Now Condition 36 of Appendix 2]. |   |  |

| <b>No</b> | <b>Applicant's Proposed Conditions/Reasons</b><br>(updated in the Statement of Common Ground - Conditions V2.0 (dated 17/05/2023)).  | <b>SCC Comment/ Recommended Modifications</b><br>(Changes highlighted in <b>bold</b> )   | <b>Reasons for Modifications</b>   | <b>Working Rights Restricted</b><br>Y/N | <b>Unreasonable Prejudice Applies</b><br>Y/N |
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| 19        | The site shall be worked in accordance with the approved levels set out in the approved noise scheme, referenced 6960MP – Noise Impact Assessment for the Recommencement of Extraction at an Existing Quarry, carried out by NOVA Acoustics Ltd. | <b>Site attributable noise shall not exceed a limit of 55 dB LAeq (1 hour) (free field) and temporary operations shall not exceed a limit of 70 dB LAeq 1 hour (free field) at any noise sensitive property. Temporary operations shall not take place for more than 8 working weeks in a calendar year.</b> | Updated to include the noise limit set out in Noise Impact Assessment for the Recommencement of Extraction at an Existing Quarry dated 16 December 2021 (ref. 6960MP).<br><br>Recommended by the Staffordshire Moorlands Environmental Health Department.<br><br>[Now Condition 34 of Appendix 2]. | N                                       | N  |
| 20        | The approved noise scheme shall be maintained until the cessation of mineral extraction operations at the site.  | <b>Deleted</b>   | Merged with Condition 28 below.<br><br>[Now Condition 35 of Appendix 2].   | N                                       | N  |
| 21        | The stripping and movement of topsoil and subsoil shall only be carried out when the material to be moved is sufficiently dry and friable to minimise structural damage in   | <b>No stripping of topsoil, subsoil and soil-making materials ('the soils') shall take place other than in accordance with the <a href="#">Institute of Quarrying Good Practice Guide for Handling</a></b>   | Revised to refer to the Institute of Quarrying Good Practice guidance.<br><br>Merged with  | N                                       | N  |

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|-----------|--|--|--|---|--|
| Page 85   | dry weather conditions.  | <p><b><u>Soils in Mineral Workings</u> and as described below:</b></p> <p><b>a) The soils shall be retained on the Site for the purposes of restoration.</b></p> <p><b>b) Topsoil and subsoil mounds shall be constructed to a maximum height of 3 metres for topsoil mounds and 5 metres for subsoil, and with only the minimum of compaction necessary to ensure stability.</b></p> <p><b>c) Any overlap of soil types in a storage mound shall be kept to the minimum necessary for the effective formation of the mound.</b></p> <p><b>d) Soil mounds shall not be traversed by heavy vehicles or machinery except during the construction or removal of these mounds.</b></p> <p><b>e) Prior to the replacement of subsoil, the upper layers of</b></p> | <p>Condition 22, 24, 25, 26 and 37 below.</p> <p>[Now Condition 28 of Appendix 2].</p> |   |  |

| <b>No</b> | <b>Applicant's Proposed Conditions/Reasons</b><br>(updated in the Statement of Common Ground - Conditions V2.0 (dated 17/05/2023)). | <b>SCC Comment/<br/>Recommended Modifications</b><br>(Changes highlighted in <b>bold</b> )  | <b>Reasons for Modifications</b> | <b>Working Rights Restricted</b><br>Y/N | <b>Unreasonable Prejudice Applies</b><br>Y/N |
|-----------|---|---|----------------------------------|---|--|
| Page 86   |   | <p><b>overburden or in-situ materials on areas to be returned to agriculture shall be rooted with a heavy duty subsoiler so as not to impede agriculture operations. Such treatment should ensure that for a total depth of at least one metre below the topsoil surface, there is:</b></p> <ul style="list-style-type: none"> <li><b>i. No shale, bind or other material injurious to plant life.</b></li> <li><b>ii. No rock, stone, boulder or other material capable of preventing or impeding normal agricultural or land drainage operations including mole ploughing or subsoiling.</b></li> <li><b>iii. No wire rope, cable or other foreign objects.</b></li> <li><b>iv. A reasonably level, but uncompacted, surface suitable to receive</b></li> </ul> |                                  |   |  |

| <b>No</b> | <b>Applicant's Proposed Conditions/Reasons</b><br>(updated in the Statement of Common Ground - Conditions V2.0 (dated 17/05/2023)). | <b>SCC Comment/ Recommended Modifications</b><br>(Changes highlighted in <b>bold</b> )   | <b>Reasons for Modifications</b> | <b>Working Rights Restricted</b><br>Y/N | <b>Unreasonable Prejudice Applies</b><br>Y/N |
|-----------|---|--|----------------------------------|---|--|
| Page 87   |   | <p style="text-align: center;"><b>topsoil.</b></p> <p><b>f) All available subsoil shall be respread evenly over those areas agreed to receive such subsoil. No layer of replaced soil shall exceed 450mm thickness before it is subsoiled (rooted) and the subsoiling operation must penetrate at least 150mm into the underlying layer to relieve compaction at the interface. Subsoil shall be treated in accordance with the general requirements of Condition (e) above.</b></p> <p><b>g) All operations involving the movement, replacement and cultivation of the soils shall only be carried out when the full volume of the soils involved is in a suitably dry soil moisture condition to minimise damage to the structure of the soils and to maximise the effectiveness of subsoiling operations.</b></p> |                                  |   |  |

| <b>No</b>            | <b>Applicant's Proposed Conditions/Reasons</b><br>(updated in the Statement of Common Ground - Conditions V2.0 (dated 17/05/2023)).  | <b>SCC Comment/ Recommended Modifications</b><br>(Changes highlighted in <b>bold</b> )  | <b>Reasons for Modifications</b>   | <b>Working Rights Restricted</b><br>Y/N | <b>Unreasonable Prejudice Applies</b><br>Y/N |
|----------------------|--|---|--|---|--|
|                      |  | <b>h) The operator shall take all reasonable precautions to prevent the mixing of the soils and the mixing of the soils with overburden during the restoration of the Site.</b>   |  |   |  |
| <b>22</b>            | No movement of soil shall take place except when the full depth of the soil is in a suitably dry condition.  | <b>Deleted</b>  | Merged with Condition 21 above.<br><br>[Now Condition 26 of Appendix 2].                                   | N                                       | N  |
| <b>23</b><br>Page 88 | Topsoil and subsoil mounds shall be constructed to a maximum height of 5 metres and with only the minimum compaction necessary to ensure stability. Mounds shall be graded and seeded with the grass seed mixture stipulated in the supporting statement, referenced 115/9—R1.1 –ROMP. | <b>Topsoil and subsoil mounds shall be graded and seeded with the grass seed mixture in accordance with Section 3.2.2 of the Environmental Statement (ref. 115/9—R1.1 –ROMP).</b> | Part of proposed condition removed and including in condition 21.<br><br>[Now Condition 27 of Appendix 2]. | N                                       | N  |
| <b>24</b>            | Any overlap of soil types in any storage mound shall be kept to a minimum necessary for the effective formation of the mound and the interface shall be defined on-site and on a plan. A copy of the plan shall be submitted to the MPA prior  | <b>Deleted</b>  | Merged with Condition 21 above.<br><br>[Now Condition 26 of Appendix 2].                                   | N                                       | N  |



| <b>No</b> | <b>Applicant's Proposed Conditions/Reasons</b><br>(updated in the Statement of Common Ground - Conditions V2.0 (dated 17/05/2023). | <b>SCC Comment/ Recommended Modifications</b><br>(Changes highlighted in <b>bold</b> )   | <b>Reasons for Modifications</b>  | <b>Working Rights Restricted</b><br><b>Y/N</b> | <b>Unreasonable Prejudice Applies</b><br><b>Y/N</b> |
|-----------|--|--|---|--|---|
|           | to the completion of the formation of the soil mound.  |  |   |  |   |
| <b>25</b> | Soils shall not be traversed by heavy vehicles or machinery except during the construction or removal of these mounds.             | <b>Deleted</b>   | Merged with Condition 21 above.<br><br>[Now Condition 28 of Appendix 2].  | N  | N   |
| <b>26</b> | All soils or soil forming materials shall be permanently retained on the site.   | <b>Deleted</b>   | Merged with Condition 21 above.<br><br>[Now Condition 28 of Appendix 2].  | N  | N   |
| <b>27</b> | The Site shall be restored in accordance with the restoration scheme approved under Condition 40.                                  | <b>The Site shall be restored in accordance with the latest approved Restoration Strategy and Restoration and Aftercare Scheme-(Conditions 43 to 45).</b>  | Update to refer the latest Restoration Strategy and the Restoration and Aftercare Scheme.<br><br>[Now Condition 5 of Appendix 2].   | N  | N   |
| <b>28</b> | All quarry vehicles shall use 'white noise' reversing alarms (or suitable alternative).  | <b>The operations hereby permitted shall be managed in accordance with measures described in the Recommendations and Mitigation of the Noise Impact Assessment for the Recommencement of Extraction at an Existing Quarry dated 16 December 2021 (ref. 6960MP)</b> | Update to include the Recommendations and Mitigation of the Noise Impact Assessment for the Recommencement of Extraction at an Existing Quarry dated 16 December 2021 (ref. 6960MP) and | N  | N   |

| <b>No</b> | <b>Applicant's Proposed Conditions/Reasons</b><br>(updated in the Statement of Common Ground - Conditions V2.0 (dated 17/05/2023)). | <b>SCC Comment/ Recommended Modifications</b><br>(Changes highlighted in <b>bold</b> )   | <b>Reasons for Modifications</b>  | <b>Working Rights Restricted</b><br>Y/N | <b>Unreasonable Prejudice Applies</b><br>Y/N |
|-----------|---|--|---|---|--|
| Page 90   |   | <p><b>and best practicable means shall be employed to minimise the noise generated by mineral extraction and restoration operations hereby permitted. The means shall include but may not be limited to those listed below:</b></p> <p><b>a) All vehicles, plant and machinery capable of being fitted with engine covers shall be operated with closed engine covers.</b></p> <p><b>b) All vehicles, plant and machinery shall be shut down between work periods or throttled down to a minimum.</b></p> <p><b>c) All engines capable of being fitted with silencers shall be fitted with silencers which shall be regularly maintained in accordance with manufacturer's instructions.</b></p> | <p>the requirements of Conditions 25 and 29.</p> <p>Recommended by the Staffordshire Moorlands District Council Environmental Health Department.</p> <p>[Now Condition 35 of Appendix 2].</p> |   |  |

| <b>No</b> | <b>Applicant's Proposed Conditions/Reasons</b><br>(updated in the Statement of Common Ground - Conditions V2.0 (dated 17/05/2023)). | <b>SCC Comment/ Recommended Modifications</b><br>(Changes highlighted in <b>bold</b> )  | <b>Reasons for Modifications</b> | <b>Working Rights Restricted</b><br>Y/N | <b>Unreasonable Prejudice Applies</b><br>Y/N |
|-----------|---|---|----------------------------------|---|--|
| Page 91   |   | <p><b>d) All plant engine covers are closed whilst the plant is in operation except when undertaking maintenance and repair work.</b></p> <p><b>e) All plant or equipment used in association with the operations hereby permitted capable of being fitted with a reversing alarm system shall be fitted with a white noise or warbler type alarms to minimise, sofar as is reasonably practicable and subject to maintaining safety, the level and generation of noise emissions from reversing warnings.</b></p> <p><b>f) Except in the case of an emergency, the maintenance and running repairs of any plant or machinery shall only take place within the working area or within the confines of the fixed buildings and</b></p> |                                  |   |  |

| <b>No</b>                         | <b>Applicant's Proposed Conditions/Reasons</b><br>(updated in the Statement of Common Ground - Conditions V2.0 (dated 17/05/2023)).  | <b>SCC Comment/ Recommended Modifications</b><br>(Changes highlighted in <b>bold</b> )  | <b>Reasons for Modifications</b>  | <b>Working Rights Restricted</b><br>Y/N | <b>Unreasonable Prejudice Applies</b><br>Y/N |
|-----------------------------------|--|---|---|---|--|
|                                   |  | <p><b>structures.</b></p> <p><b>g) Other than in the case of an emergency, the beeping of horns shall not be used for signalling purposes such as when a vehicle arrives or is required to reverse to unload.</b></p> |   |   |  |
| <b>29</b><br>Page 92<br><b>30</b> | All mobile plant, equipment and vehicles shall be fitted with appropriate silencing equipment, which shall be maintained to the manufacturer's standard.                           | <b>Deleted</b>  | Merged with Condition 28 above.<br><br>[Now Condition 35 of Appendix 2].  | N                                       | N  |
|                                   | All plant and machinery on site, except for mobile plant, shall be coloured 12B29 woodpecker/holly green, as specified in BS colour code 4800 or its nearest available equivalent. | <b>All fixed plant and machinery on the Site shall be coloured juniper (BS 4800 12 B 29) or holly green (BS 4800 14 C 39).</b>  | For clarification and precision to protect the visual amenity in this Green Belt location.<br>BS 4800 12 B 29 is not "woodpecker".<br><br>[Now Condition 16 of Appendix 2]. | N                                       | N  |
| <b>31</b>                         | On the permanent cessation of surface mineral workings and the depositing of mineral wastes or on the 31st   | <b>Deleted</b>  | Merged with Condition 40 below.<br><br>[Now Condition 42 of   | N                                       | N  |

| <b>No</b> | <b>Applicant's Proposed Conditions/Reasons</b><br>(updated in the Statement of Common Ground - Conditions V2.0 (dated 17/05/2023)).   | <b>SCC Comment/ Recommended Modifications</b><br>(Changes highlighted in <b>bold</b> )  | <b>Reasons for Modifications</b>  | <b>Working Rights Restricted</b><br>Y/N | <b>Unreasonable Prejudice Applies</b><br>Y/N |
|-----------|---|---|---|---|--|
|           | December 2036 whichever is the sooner, all plant, buildings, equipment, vehicles, scrap machinery, stockpiles and any other extraneous material shall be removed from the site and the site shall be restored in accordance with the scheme approved under Condition 40.                                  |   | Appendix 2].  |   |  |
| Page 93   | Any lighting equipment used within the site shall be so designed and directed so as to illuminate only that which is necessary for the safe and efficient operation of the quarry. No lights shall be positioned, directed or be of such intensity as to illuminate land or buildings outside the quarry. | <p><b>No flood lighting or other external illumination</b> within the Site shall be installed or positioned other than:</p> <p><b>a) In accordance with the <a href="#">'Bat Conservation Trust / Institution of Lighting Professionals Guidance Note 08/18 Bats and artificial lighting in the UK'</a>; and,</b></p> <p><b>b) To prevent glare to other properties and to users of the public highway.</b></p> | <p>Updated to include reference to appropriate guidance.</p> <p>[Now Condition 42 of Appendix 2].</p> | N                                       | N  |
| 33        | Any facilities for the storage of oils, fuels, or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The size of the   | <b>No facilities for the storage of oils, fuels or chemicals shall be sited other than on impervious bases and surrounded by impervious bund walls (see</b>   | Updated to reflect general guidance received from the Environment Agency and include as               | N                                       | N  |

| No      | Applicant's Proposed Conditions/Reasons<br>(updated in the Statement of Common Ground - Conditions V2.0 (dated 17/05/2023)).  | SCC Comment/<br>Recommended Modifications<br>(Changes highlighted in <b>bold</b> )  | Reasons for Modifications  | Working Rights Restricted<br>Y/N | Unreasonable Prejudice Applies<br>Y/N |
|---------|---|---|--|----------------------------------|---------------------------------------|
|         | bund compound should be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank plus 10%. All filling points, vents and sight glasses must be located within the bund. There shall be no drain in the bund floor or walls. | <b>Informative 4).</b>  | informative to the permission (see Informative 4.<br><br>[Now Condition 38 of Appendix 2].   |                                  |                                       |
| Page 94 | Except as may be permitted by the Environment Agency (or other authorising body) there shall be no discharge of contaminated site drainage into any ditch or water course.  | <b>No contaminated surface water shall drain into any ditch or water course.</b>  | For clarification and precision.<br><br>[Now Condition 39 of Appendix 2].  | N                                | N                                     |
| 35      | The approved landscape and boundary treatment scheme, that particularly addresses the site's frontage onto Hurst Road, shall be maintained in conjunction with the agreed programme of implementation via Planning Permission ref: SM.EA/4 D3.  | <b>The approved landscape and boundary treatment shall be maintained for the duration of the development hereby permitted (ref. <a href="#">SM.EA/4 D3</a> dated 27 April 2005). Any plants which die, are removed or become damaged or diseased shall be replaced in the next planting season with others of a similar size and species.</b> | To ensure the permission is implemented in all respects in accordance with the approved details.<br><br>Recommended by the Planning Regulation Team.<br><br>[Now Condition 29 of | N                                | N                                     |

| <b>No</b> | <b>Applicant's Proposed Conditions/Reasons</b><br>(updated in the Statement of Common Ground - Conditions V2.0 (dated 17/05/2023)).   | <b>SCC Comment/ Recommended Modifications</b><br>(Changes highlighted in <b>bold</b> )   | <b>Reasons for Modifications</b>   | <b>Working Rights Restricted</b><br><b>Y/N</b> | <b>Unreasonable Prejudice Applies</b><br><b>Y/N</b> |
|-----------|---|--|--|--|---|
|           |   |  | Appendix 2].   |  |   |
| <b>36</b> | Trees, shrubs and hedges planted in accordance with the scheme approved under Condition 35 above shall be maintained and any plants which, within 5 years of planting die are removed or become damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing with the MPA. | <b>Deleted</b>   | Merged with Condition 35 above.<br><br>[Now Condition 29 of Appendix 2].         | N  | N   |
| <b>37</b> | Care shall be taken at all times during the handling of topsoil, subsoil and overburden to avoid mixing wherever possible.  | <b>Deleted</b>   | Merged with Condition 21 above.<br><br>[Now Condition 28 of Appendix 2].         | N  | N   |
| <b>38</b> | All stockpiles of minerals shall remain on the floor of the quarry and within the approved red- line boundary. No stockpiles shall exceed a height of 6m.   | <b>All stockpiles of minerals shall be located on the quarry floor within the area defined as "Remaining unworked extraction area, including loading and unloading area(s)" shown on the Site Layout Plan (Dwg No 115-9-2) and shall not exceed a height of 6 metres from the floor of the quarry.</b> | Amended to include details of the plan.<br><br>[Now Condition 10 of Appendix 2]. | N  | N   |
| <b>39</b> | All parking, loading and  | <b>The loading and unloading of</b>  | Updated to include   | N  | N   |

| <b>No</b>         | <b>Applicant's Proposed Conditions/Reasons</b><br>(updated in the Statement of Common Ground - Conditions V2.0 (dated 17/05/2023)).   | <b>SCC Comment/ Recommended Modifications</b><br>(Changes highlighted in <b>bold</b> )   | <b>Reasons for Modifications</b>  | <b>Working Rights Restricted</b><br>Y/N | <b>Unreasonable Prejudice Applies</b><br>Y/N |
|-------------------|---|--|---|---|--|
|                   | unloading of vehicles in connection with the development hereby permitted shall take place only within the area as shown on the drawing referenced 115/9 - 2.   | <b>vehicles in connection with the development hereby permitted shall take place only within the area defined as "Remaining unworked extraction area, including loading and unloading area(s)" on the Site Layout Plan (Dwg No 115-9-2).</b>   | details of the plan.<br><br>[Now Condition 21 of Appendix 2].   |   |  |
| 40<br><br>Page 96 | <p>Within 12 months of the approval of these conditions, or upon permanent cessation of mineral extraction at the site (whichever is the sooner), a detailed restoration scheme shall be submitted to the MPA, based on the schematic restoration scheme and as shown in drawings referenced 115/9 - 3, and 115/9 - 4. The detailed scheme shall include:</p> <ul style="list-style-type: none"> <li>• A Landscape Masterplan, including final contours and cross-sections, and details of overburden emplacement against quarry faces</li> <li>• details of planting and / or seeding methodology</li> <li>• planting species mixes</li> </ul> | <p><b>No later than 12 months after the date of this permission, a detailed Restoration and 21-year Aftercare Scheme ('the Scheme') to deliver no fewer than 52 habitat units (as measured by the Defra Metric V3 or its replacements), based on the Restoration Strategy shall be submitted for the written approval of the Mineral Planning Authority.</b></p> <p><b>The Scheme shall include but may not necessarily be limited to the following details:</b></p> <p><b>a) Details of any restoration and aftercare works that have already been carried out.</b></p> | <p>Updated to include aftercare requirements (see condition 42 below).</p> <p>The requirement to submit a programme of implementation was recommended by the Planning Regulation Team.</p> <p>[Now Condition 44 of Appendix 2].</p> | N                                       | N  |



| <b>No</b> | <b>Applicant's Proposed Conditions/Reasons</b><br>(updated in the Statement of Common Ground - Conditions V2.0 (dated 17/05/2023)).  | <b>SCC Comment/ Recommended Modifications</b><br>(Changes highlighted in <b>bold</b> )   | <b>Reasons for Modifications</b> | <b>Working Rights Restricted</b><br>Y/N | <b>Unreasonable Prejudice Applies</b><br>Y/N |
|-----------|--|--|----------------------------------|---|--|
| Page 97   | <ul style="list-style-type: none"> <li>and quantities / percentages</li> <li>• details of the construction of the proposed water bodies and any associated drainage infrastructure</li> <li>• proposals to remove any buildings and / or fixed plant from The Site</li> <li>• a Landscape Management Plan, including details of new and existing habitat creation and management across the site, including invertebrate habitats using sand embankments</li> <li>• Details of proposed timescales and phasing and a programme of implementation.</li> </ul> | <ul style="list-style-type: none"> <li><b>b) The final restoration levels and cross sections.</b></li> <li><b>c) The details of overburden placement against quarry faces.</b></li> <li><b>d) The soil management including replacement depths, ripping, cultivation and stone picking.</b></li> <li><b>e) The profiles of the restored land to show how the restored land will tie in with the surrounding land.</b></li> <li><b>f) The use of fertilisers.</b></li> <li><b>g) Drainage, irrigation, and watering including the maintenance.</b></li> <li><b>h) The management of weeds and invasive species.</b></li> <li><b>i) A programme for the</b></li> </ul> |                                  |   |  |

| <b>No</b> | <b>Applicant's Proposed Conditions/Reasons</b><br>(updated in the Statement of Common Ground - Conditions V2.0 (dated 17/05/2023)). | <b>SCC Comment/ Recommended Modifications</b><br>(Changes highlighted in <b>bold</b> )  | <b>Reasons for Modifications</b> | <b>Working Rights Restricted</b><br>Y/N | <b>Unreasonable Prejudice Applies</b><br>Y/N |
|-----------|---|---|----------------------------------|---|--|
| Page 98   |   | <p><b>removal of the site infrastructure including buildings, structures, fixed plant and machinery and hard standings accesses, perimeter security fencing and gates.</b></p> <p><b>j) The planting of trees/shrubs/hedgerows, including ground preparation, plant species, size, density, protection and maintenance.</b></p> <p><b>k) The provisions for the creation and aftercare of agricultural land (permanent pasture).</b></p> <p><b>l) The provisions for the creation and aftercare of woodland planting in order to achieve an 85% survival rate at the end of the aftercare period.</b></p> <p><b>m) The provisions for the</b></p> |                                  |   |  |

| <b>No</b> | <b>Applicant's Proposed Conditions/Reasons</b><br>(updated in the Statement of Common Ground - Conditions V2.0 (dated 17/05/2023)). | <b>SCC Comment/ Recommended Modifications</b><br>(Changes highlighted in <b>bold</b> )  | <b>Reasons for Modifications</b> | <b>Working Rights Restricted</b><br>Y/N | <b>Unreasonable Prejudice Applies</b><br>Y/N |
|-----------|---|---|----------------------------------|---|--|
| Page 99   |   | <p><b>creation and aftercare of water bodies and the arrangements for drainage.</b></p> <p>n) <b>The provisions for the creation and aftercare of invertebrate habitats using sand embankments.</b></p> <p>o) <b>The arrangements for annual meetings and annual reports describing the previous year's aftercare measures, including comments on the successes and failures and plans for the next year's aftercare.</b></p> <p>p) <b>The programme for the implementation of the Scheme.</b></p> <p><b>The latest approved Scheme shall be carried out in full and in accordance with the approved programme of implementation.</b></p> |                                  |   |  |
| <b>41</b> | The restoration works   | <b>Deleted</b>  | Repeats the                      | N                                       | N  |

| <b>No</b>                 | <b>Applicant's Proposed Conditions/Reasons</b><br>(updated in the Statement of Common Ground - Conditions V2.0 (dated 17/05/2023)).   | <b>SCC Comment/ Recommended Modifications</b><br>(Changes highlighted in <b>bold</b> ) | <b>Reasons for Modifications</b>   | <b>Working Rights Restricted</b><br>Y/N | <b>Unreasonable Prejudice Applies</b><br>Y/N |
|---------------------------|---|--|--|---|--|
|                           | approved under Condition 40 above shall be carried out in accordance with the approved plans and the approved programme of implementation.  |  | requirement of condition 27.<br><br>[Now Condition 5 of Appendix 2].   |   |  |
| <b>42</b><br><br>Page 100 | Within 6 months of the approval of details under Condition 40, a detailed Aftercare Scheme shall be submitted to and approved in writing by the MPA. The Aftercare Scheme shall detail ongoing requirements post-restoration for a period of 21 years after restoration has been completed (to allow the longest target time for proposed habitats to be achieved). The Aftercare Scheme shall ensure that no fewer than 52 habitat units (as measured by the Defra Metric V3 or its replacements) are delivered by the restoration scheme approved via Condition 40. | <b>Deleted</b>   | Merged with requirement to submit a detailed restoration and aftercare scheme (see condition 40 above).<br><br>[Now Condition 44 of Appendix 2]. | N                                       | N  |
| <b>43</b>                 | There shall be no dewatering within the site.   | <b>No dewatering shall take place within the Site.</b>                                 | For clarification and precision.   | N                                       | N  |

| No | Applicant's Proposed Conditions/Reasons<br>(updated in the Statement of Common Ground - Conditions V2.0 (dated 17/05/2023)).   | SCC Comment/<br>Recommended Modifications<br>(Changes highlighted in <b>bold</b> )   | Reasons for Modifications  | Working Rights Restricted<br>Y/N | Unreasonable Prejudice Applies<br>Y/N |
|----|--|--|--|----------------------------------|---------------------------------------|
|    |  |  | [Now Condition 37 of Appendix 2].  |                                  |                                       |
| 44 | Within 6 months of the approval of these conditions, a Landscape and Ecological Environmental Management Plan (LEEMP) shall be submitted to and approved in writing by the Mineral Planning Authority. The LEEMP shall provide details on how operations will protect identified areas of the site, such as naturally regenerated areas, and how mitigation, shall be implemented. | <b>No later than 6 months after the date of this planning permission, a Landscape and Ecological Environmental Management Plan (LEEMP) shall be submitted for the written approval of the Mineral Planning Authority. The LEEMP shall provide details of how identified areas of the Site such as naturally regenerated areas would be protected and any mitigation measures. The LEEMP shall thereafter be implemented in accordance with the approved details.</b> | For clarification and precision.<br><br>[Now Condition 30 of Appendix 2].  | N                                | N                                     |
| 45 | No recommencement of extraction operations shall occur until such time that a Construction and Environmental Management Plan (CEMP) (Ecology) has been submitted to and approved in writing by the Mineral Planning Authority. The CEMP (Ecology) should be made available to all operatives on site and should  | <b>Prior to the re-commencement of mineral extraction within the area defined as "Remaining unworked extraction area, including loading and unloading area(s)" shown on the Site Layout Plan (Dwg No 115-9-2), a Construction and Environmental Management Plan (CEMP) (Ecology) shall be submitted for the written approval of the Mineral</b>  | Updated to include reference to the submitted Ecological Impact Assessment.<br><br>[Now Condition 31 of Appendix 2]. | N                                | N                                     |

| No       | Applicant's Proposed Conditions/Reasons<br>(updated in the Statement of Common Ground - Conditions V2.0 (dated 17/05/2023)).   | SCC Comment/<br>Recommended Modifications<br>(Changes highlighted in <b>bold</b> )   | Reasons for Modifications  | Working Rights Restricted<br>Y/N | Unreasonable Prejudice Applies<br>Y/N |
|----------|--|--|--|----------------------------------|---------------------------------------|
| Page 192 | specify regular intervals for the attendance of an Ecologist and those tasks that must be supervised by a suitably qualified Ecologist.  | <b>Planning Authority. The (CEMP) (Ecology) shall include but may not necessarily be limited to the mitigation measures detailed in Section 6 of the Ecological Impact Assessment dated October 2022 (ref. CW20-102 RPT 001 Rev 4) and shall specify regular intervals for the attendance of an Ecologist and those tasks that must be supervised by a suitably qualified Ecologist. The CEMP (Ecology) shall be made known to all operatives on the Site.</b> |  |                                  |                                       |
| 192      | No recommencement of extraction operations shall begin until the applicant has applied for and received a confirmed Ordinary Watercourse Consent for any works affecting ordinary watercourses within the site boundary. | <b>No recommencement of mineral extraction shall take place until the applicant has applied for and received a confirmed Ordinary Watercourse Consent for any works affecting ordinary watercourses within the boundary of the Site (Condition 41 below).</b>  | Recommended by the County Council's Flood Risk Management Team.<br><br>[Now Condition 40 of Appendix 2]. | N                                | N                                     |
| 47       | No recommencement of extraction operations shall begin until the applicant has submitted detailed engineering drawings of any proposed diversion works of  | <b>Prior to the re-commencement of mineral extraction within the area defined as "Remaining unworked extraction area, including loading and unloading area(s)" shown on the Site</b>   | Recommended by the County Council's Flood Risk Management Team.<br><br>[Now Condition 41 of              | N                                | N                                     |

| <b>No</b> | <b>Applicant's Proposed Conditions/Reasons</b><br>(updated in the Statement of Common Ground - Conditions V2.0 (dated 17/05/2023)). | <b>SCC Comment/ Recommended Modifications</b><br>(Changes highlighted in <b>bold</b> )   | <b>Reasons for Modifications</b> | <b>Working Rights Restricted</b><br>Y/N | <b>Unreasonable Prejudice Applies</b><br>Y/N |
|-----------|---|--|----------------------------------|---|--|
| Page 103  | Ordinary Watercourses for review and approval by the Mineral Planning Authority and the LLFA.                                       | <p><b>Layout Plan (Dwg No 115-9-2), a Watercourse Diversion Scheme ('the Scheme') shall be submitted and approved in writing by the Mineral Planning Authority.</b></p> <p><b>The Scheme shall include but may not necessarily be limited to the following details:</b></p> <p><b>a) Detailed engineering drawings of the proposed diversion works required to obtain an Ordinary Watercourses Consent including:</b></p> <ul style="list-style-type: none"> <li><b>i. The location and channels of watercourses prior to the works</b></li> <li><b>ii. The location and channels of watercourses and the overflow swale following any diversion works as detailed within the Watercourse</b></li> </ul> | Appendix 2].                     |   |  |

| <b>No</b> | <b>Applicant's Proposed Conditions/Reasons</b><br>(updated in the Statement of Common Ground - Conditions V2.0 (dated 17/05/2023)). | <b>SCC Comment/ Recommended Modifications</b><br>(Changes highlighted in <b>bold</b> )  | <b>Reasons for Modifications</b> | <b>Working Rights Restricted</b><br>Y/N | <b>Unreasonable Prejudice Applies</b><br>Y/N |
|-----------|---|---|----------------------------------|---|--|
| Page 104  |   | <p style="text-align: center;"><b>Diversion Risk Assessment dated 12th October 2022.</b></p> <p>iii. <b>The existing/ proposed bed levels, top of bank etc., along with hydraulic calculations to demonstrate that the conveyance capacity of any diverted watercourses is in line with that of the existing hydrological scenario.</b></p> <p>b) <b>Method statement(s) detailing how the proposed diversion works would be undertaken and what temporary measures would be put in place during the diversion works.</b></p> <p><b>Any watercourse diversions shall be carried out in accordance with the approved Scheme.</b></p> |                                  |   |  |



**The recommended additional conditions**

| No   | SCC Comment/ Recommended Addition   | Reason(s) for Addition   | Working Rights Restricted Y/N | Unreasonable Prejudice Applies Y/N |
|--|---|--|-------------------------------|------------------------------------|
| <p><b>A1</b></p> <p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 105</p> | <p><b>The development hereby permitted shall be deemed to have commenced on the date of this planning permission and the developer shall notify the Mineral Planning Authority in writing within two weeks of the following dates:</b></p> <p><b>a) The date when mineral extraction has re-commenced in the unworked areas (Condition 8).</b></p> <p><b>b) The date when restoration has commenced in the areas where mineral extraction has re-commenced.</b></p> <p><b>c) The date when final restoration has been completed.</b></p> <p><b>d) The date when the Aftercare Scheme has commenced in each part of the Site.</b></p> <p><b>e) The date when the Aftercare Scheme has been completed in each part of the Site.</b></p> | <p>To assist with monitoring the development.</p> <p>[Condition 3 of Appendix 2].</p>            | <p>N</p>                      | <p>N</p>                           |
| <p><b>A2</b></p>   | <p><b>If the mineral extraction and restoration operations including the deposit of mineral waste ('the working operations'), cease at a date earlier than the cessation date (Condition 4), then the operator shall notify the Mineral Planning Authority in writing of the date on which the working operations ceased within 14 days of the cessation of the working operations.</b></p>   | <p>To assist with monitoring of the planning permission.</p> <p>[Condition 6 of Appendix 2.]</p> | <p>N</p>                      | <p>N</p>                           |
| <p><b>A3</b></p>   | <p><b>This planning permission shall expire when the Mineral Planning Authority has provided written confirmation that</b></p>  | <p>To assist with monitoring of the</p>  | <p>N</p>                      | <p>N</p>                           |

|           |  |   |   |   |
|-----------|--|---|---|---|
|           | <b>the Site has been restored and subject to aftercare in accordance with the requirements of the latest approved Restoration Strategy and Restoration and Aftercare Scheme (Conditions 43 to 45).</b>   | planning permission.<br>[Condition 7 of Appendix 2].  |   |   |
| <b>A4</b> | <b>No Crushing, Screening and Loading activities shall take place other than in the location shown in Figure 2 of the Noise Impact Assessment for the Recommencement of Extraction at an Existing Quarry dated 16 December 2021 (ref. 6960MP).</b>   | For clarification and precision, as set out in the Noise Impact Assessment for the Recommencement of Extraction at an Existing Quarry<br><br>[Condition 9 of Appendix 2].                                   | N | N |
| <b>A5</b> | <b>No later than 28 November 2027 and every 5 years thereafter until the cessation of restoration, a 'Progress Report' shall be submitted for the written approval of the Mineral Planning Authority.</b><br><br><b>The Progress Report shall include an updated Site Layout Plan which shall show but may not be limited to the following details:</b><br><br><b>a) The permitted boundary of the Site shown as a red line.</b><br><b>b) The areas that have been subject to mineral extraction.</b><br><b>c) The areas that have been restored.</b><br><b>d) The areas currently subject to mineral extraction.</b><br><b>e) The areas currently being restored.</b><br><b>f) The areas to be subject to mineral extraction in the next 5 years.</b> | To enable easy reference to up-to-date plans and to enable effective monitoring.<br><br>The date is the 5th anniversary of the submission date of this mineral review.<br><br>[Condition 11 of Appendix 2]. | N | N |

- g) The areas to be restored in the next 5 years.**
- h) The approved final restoration levels in the restored areas.**
- i) The surface water drainage.**
- j) The location of subsoil and topsoil mounds and their profiles and treatment.**
- k) Site infrastructure including buildings, fixed structures, plant and machinery and hard standings.**
- l) The perimeter security fencing and gates.**

**The Progress Report shall also include but may not be limited to the following details:**

- a) an explanation of the progress being made relative to the "Remaining unworked extraction area, including loading and unloading area(s)" shown on the Site Layout Plan (Dwg No 115-9-2) and the contours shown on Excavation Design Plan (Dwg No HRQ-22-02) and the latest approved Restoration and Aftercare Scheme for the Site.**
- b) an assessment of the need to submit revised details for the working and restoration of the Site if insufficient progress has been made relative to the dates for the cessation of the working operations (Condition 4) and restoration operations (Conditions 43 to 45).**

**The Site shall not operate other than in accordance with the latest approved Site Layout Plan.**

|           |   |                     |   |   |
|-----------|---|---------------------|---|---|
| <b>A6</b> | <b>Notwithstanding the provisions of Schedule 2, Part 17 of the</b> | Included to protect | N | N |
|-----------|---|---------------------|---|---|

|            |   |   |   |   |
|------------|---|---|---|---|
|            | <b><u>Town and Country Planning (General Permitted Development) Order 2015</u> (or any Order amending, replacing or re-enacting that Order), no fixed plant or machinery, buildings, structures and erections, or private ways shall be erected, extended, installed or re-arranged within the Site unless approved in writing by the Mineral Planning Authority.</b> | the visual amenity in this Green Belt location.<br><br>[Condition 15 of Appendix 2].            |   |   |
| <b>A7</b>  | <b>All buildings, plant and machinery hereby permitted shall be maintained in a good condition and fit for purpose in accordance with the manufacturer's recommendations for the duration of the development hereby permitted.</b>  | To protect the visual amenity in this Green Belt location.<br><br>[Condition 17 of Appendix 2]. | N | N |
| <b>A8</b>  | <b>The Site shall be securely fenced, and lockable gates provided which shall be kept locked outside the permitted hours referred to in Conditions 13 and 14.</b>   | To secure the site<br><br>[Condition 19 of Appendix 2].   |   |   |
| <b>A9</b>  | <b>No vehicular access to the Site from the public highway and egress from the Site to the public highway shall be obtained other than by way of the access on Hurst Road, marked 'X' on the Site Layout Plan (Dwg No 115-9-2).</b>   | To define the access to the site.<br><br>[Condition 20 of Appendix 2].                          | N | N |
| <b>A10</b> | <b>No vehicular access to the Site from the public highway and egress from the Site to the public highway shall be obtained other than by way of the access on Hurst Road, as shown on the Site Layout Plan (Dwg No 115-9-2).</b>   | To define the access to the quarry.<br><br>[Condition 20 of Appendix 2].                        | N | N |
| <b>A11</b> | <b>No stripping of vegetation or soils shall take place within the Site during the bird breeding season (March – August) unless preceded by a bird nesting survey carried out by a suitably qualified person to confirm the presence or otherwise of breeding birds.</b>  | To provide protection during the bird breeding season.<br><br>[Condition 32 of Appendix 2].     | N | N |
| <b>A12</b> | <b>The Site shall be restored to the required standard for agriculture (pasture), woodland planting, waterbodies, marginal planting, rock features in accordance with</b>   | For clarification and precision and to confirm the land   | N | N |

|            |   |   |   |   |
|------------|---|---|---|---|
|            | <b>Restoration Features Plan (Dwg No 115-9-3) and Aerial Restoration Plan (Dwg No 115-9 - Resto-4) ('the Restoration Strategy').</b>  | uses.<br>[Condition 43 of Appendix 2].  |   |   |
| <b>A13</b> | <b>No later than 28 November 2027, and thereafter every 5 years until such time as the Mineral Planning Authority confirms that no further review is necessary, a review of the approved Restoration Strategy and the approved detailed Restoration and Aftercare Scheme (Conditions 43 and 44) shall be submitted for the written approval of the Mineral Planning Authority. The Site shall be restored and subject to aftercare in accordance with the latest approved Restoration Strategy and the detailed Restoration and Aftercare Scheme.</b>   | To ensure that the site is restored in accordance with an up-to-date scheme.<br><br>The date is the 5th anniversary of the submission date of this mineral review.<br><br>[Condition 45 of Appendix 2]. | N | N |
| <b>A14</b> | <b>In the event that the mineral extraction and restoration including the deposit of mineral waste hereby permitted ceases for a period of 24 months prior to the cessation date (Condition 4), then the working operations shall be deemed to have ceased ('the new cessation date'). No later than 3 months after the new cessation date, a revised detailed Restoration and Aftercare Scheme (the 'Revised Scheme') shall be submitted for the written approval of the Mineral Planning Authority. The Site shall be restored and subject to aftercare in accordance with the approved Revised Scheme.</b> | To ensure the site is restored in the event of early cessation.<br><br>[Condition 46 of Appendix 2].  | N | N |
| <b>A15</b> | <b>No later than 3 months after the date of the permission, details of the Hurst Quarry Site Liaison Committee shall be submitted for the written approval of the Mineral Planning Authority.</b><br><br><b>The details shall include but may not be limited to the following:</b><br><br><b>a) The number of committee members which shall include:</b>  | To provide a forum for discussion concerning the progress of the working and restoration of the site and for concerns that may arise or opportunities to  | N | N |

|  |  |  |  |  |
|--|--|--|--|--|
|  | <ul style="list-style-type: none"> <li><b>i) Locally elected councillors on behalf of the County, District and Parish Councils.</b></li> <li><b>ii) Officers on behalf of the County and District Councils and on behalf of the Environment Agency.</b></li> <li><b>iii) Local residents / local group representatives where applicable.</b></li> <li><b>iv) The representatives on behalf of the Owner / Operator.</b></li> </ul> <p><b>b) The venue and / or virtual meeting arrangements.</b></p> <p><b>c) The secretarial support.</b></p> <p><b>d) The terms of reference which shall include:</b></p> <ul style="list-style-type: none"> <li><b>i) The purpose of the liaison committee which shall be to provide a forum for discussion, the exchange of information and the creation and maintenance of communication channels between the Owner /Operator and the local community.</b></li> <li><b>ii) The receipt of regular progress reports from the Owner / Operator regarding activities relating to the operation of the Site, including complaints received and any remedial action taken or proposed to be taken in respect thereof.</b></li> <li><b>iii) Consideration of complaints from the local community arising from any development and / or activities carried out on the Site and, where reasonable, necessary and possible,</b></li> </ul> | <p>improve the working and restoration to be discussed, in accordance with the <a href="#">Mineral Local Plan for Staffordshire</a> (Strategic Objective 3 and policy 4.4) and the NPPF (Section 17).</p> <p>[Condition 48 of Appendix 2].</p> |  |  |
|--|--|--|--|--|

|  |  |  |  |  |
|--|--|--|--|--|
|  | <p><b>recommendations for appropriate remedial action.</b></p> <p><b>iv) The chairing and voting arrangements including voting in respect of recommended actions that may arise.</b></p> <p><b>v) The frequency of meetings, the timing of the circulation of agendas and minutes of the meetings, and the arrangements to hold additional meetings.</b></p> |  |  |  |
|--|--|--|--|--|

## The recommended informatives

### 1. Knowledge of the Conditions

To enable easy reference and to encourage compliance with the requirement of the planning permission and the orderly operation of the Site; we ask that the terms of this planning permission, including all the approved documents and plans hereby permitted and any details subsequently approved in accordance with this planning permission are 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. Environmental Permit

Staffordshire Moorlands District Council (Environmental Health) have advised that the crushing, grinding or other size reduction of sand is a prescribed process set out in Part B ([Section 3.5](#)) of [Schedule 1](#) of the [Environmental Permitting Regulations 2016](#) (as amended) and will require an Environmental Permit issued by Staffordshire Moorlands District Council. The applicant should contact Staffordshire Moorlands District Council for further information ([EHealth.Consultation@highpeak.gov.uk](mailto:EHealth.Consultation@highpeak.gov.uk)).

### 3. Statutory Nuisance Action

Staffordshire Moorlands District Council (Environmental Health) have advised that granting planning permission does not in any way indemnify against statutory nuisance action being taken should substantiated complaints within the

remit of Part III of the Environmental Protection Act 1990 be received.

#### **4. Storage of oils, fuels or chemical**

Appropriate procedures, training and equipment should be provided for the Site to adequately control and respond to any emergencies including the clean-up of spillages, to prevent environmental pollution from the site operations. Additional information and guidance is available at:

[Oil storage regulations for businesses](#)

[Ciria: Containment systems for the prevention of pollution](#)

#### **5. Rights of Way**

The County Council's Environmental Advice Team (Right of Way) have advised public rights of way may be affected by the quarry workings and should be aware of the timescales and legislative requirements for reorganising public rights of way:

- The relevant guidance and forms are available on the County Council's website:

[Advice for applicants wanting to submit a Public Path Diversion Order](#)

- Planning permission does not construe the right to divert, extinguish or obstruct any part of the public path. For further information the applicant should be advised to read section 7 of DEFRA's Rights of Way Circular (1/09).
- It is important that users of the footpaths/bridleway are still able to exercise their public rights safely and that they are reinstated if any damage to the surface occurs as a result of the proposed development or use of the site if the application is approved. The surface of the rights of way must be kept in a state of repair such that the public right to use them can be exercised safely and at all times. Heavy vehicular use can cause the way to become unsuitable for use and in some instances dangerous. Some attention needs to be drawn to this and that surface works may be required. The County Council is only responsible for the surface of the footpath for pedestrians, and; in the case of bridleways; pedestrians, horse riders and cyclists, not vehicles.



- The County Council has not received any application under Section 53 of the Wildlife and Countryside Act 1981 to add or modify the Definitive Map of Public Rights of Way, which affects the land in question. It should be noted, however, that this does not preclude the possibility of the existence of a right of way at common law, or by virtue of a presumed dedication under Section 31 of the Highways Act 1980. It may, therefore, be necessary to make further local enquiries and seek legal advice in respect of any physically evident route affecting the land, or the apparent exercise of a right of way by members of the public.

## **6. Cadent Gas Limited**

Cadent Gas Limited have advised that medium and low-pressure assets are in the vicinity of the proposal. The applicant should therefore be aware:

- There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist.
- The applicant should apply online to have any apparatus diverted in advance of any works, by visiting [cadentgas.com/diversions](http://cadentgas.com/diversions)
- Prior to carrying out works, including the construction of access points, please register on [www.linerearchbeforeudig.co.uk](http://www.linerearchbeforeudig.co.uk) to submit details of the planned works for review, ensuring requirements are adhered to.

## **7. National Grid Electricity Distribution**

Electricity apparatus is located in the vicinity of the proposal. The applicant should therefore be aware of the National Grid safe working practices. These are available from: [National Grid - Public safety advice](#)

## **8. Monitoring Visits - fees payable**

Regulations that came into effect on 6 April 2006 provide for the payment of fees to Mineral and Waste Planning

Authorities in England when they carry out monitoring visits to sites with mineral extraction and / or landfill permissions to help in ensuring that those permissions are monitored in accordance with good practice.

For more information and contact details visit the Regulation page on the Staffordshire Planning web site at [www.staffordshire.gov.uk/planning](http://www.staffordshire.gov.uk/planning).

## **9. Progress Reports and the Reviews of the Restoration Strategy (Conditions 11 and 45)**

It is recommended that the Progress Reports required by condition 11 and the reviews of the Restoration Strategy and detailed Restoration and Aftercare Scheme required by condition 45 are submitted at the same time.

## **Appendix 2 The Recommended Scheme of Conditions**

(Updated reasons for each condition to be added later).

Having previously approved:

- Scheme of Conditions (the quarry was classified by the County Council as a Phase 1 Active site under the provisions of the [Environment Act 1995](#) ([Schedule 13](#)) (ref [SM.EA/4](#) dated 29 March 1999).

The Staffordshire County Council in pursuance of powers under [Schedule 14](#) of the above mentioned 1995 Act hereby approves:

Application for the Periodic Review (under the Environment Act 1995) of the Scheme of Conditions (ref. [SM.EA/4](#)) (as modified) at Hurst Quarry, Biddulph, Staffordshire, ST8 7RU (ref. [SM.15/02/101 MW](#)).

The above-mentioned permission shall with effect from the date of this Decision Notice be subject to the conditions herein.

### **Definition of the Permission/ Decision Notice**

**1. The conditions shall relate to the site edged red on 'Location Plan (Dwg No 115-9-1)' hereafter referred to as 'the Site' and the development shall only be carried out within the Site in accordance with the approved documents, plans and details referred to below:**

- a) Approved documents and plans referred to in permission ref: [SM.EA/4](#) dated 29 March 1999) except where they have been superseded.**
- b) Approved details related to permission ref: [SM.EA/4](#).**
  - [SM.EA/4 D1](#) dated 12 July 1999 – approved details in compliance with Condition 5 of planning permission [SM.EA/4](#) relating to fencing and warning signs.
  - [SM.EA/4 D2](#) dated 10 Jan 2002 – part approved details in compliance with Conditions 17, 18, 19 and 20 of planning permission [SM.EA/4](#) relating to blasting, noise, plant, landscaping, stockpiles & parking (approval of conditions 19 and 20).
  - [SM.EA/4 D3](#) dated 27 April 2005 – approved details in compliance with Conditions 35, 36, 40 and 42 of planning permission [SM.EA/4](#) relating to Landscape and restoration and aftercare scheme.
- c) Approved documents and plans referred to in permission ref: [SM.EA/4 V1](#) dated 9 October 2000.**

- d) **Approved details related to permission ref: [SM.EA/4 V1](#)**
- **[SM.EA/4/V1/D1](#) dated 11 March 2002 –approved details relating to wheel washing facilities.**
- e) **Approved documents and plans referred to in permission ref: [SM.02/12/101 MW](#) dated 16 September 2002.**
- f) **Approved documents and plans submitted with this application.**

### **Documents**

- **Mineral Review form and certificates dated 7 November 2022**
- **Environmental/Supporting Statement dated 17 October 2022 (ref. 115/9--R1.1 - ROMP)**
- **Letter from MPG dated 22 November 2022 (ref. 115-9-20221122-L1.1-EcoMDS)**
- **Letter from MPG dated 22 November 2022 (ref. 115-9-20221122-L1.1-ES)**
- **Landscape and Visual Appraisal (ref CW0162-RPT-001C Rev C dated 11 02 2023)**
- **Ecological Impact Assessment dated October 2022 (ref. CW20-102 RPT 001 Rev 4)**
- **Noise Impact Assessment for the Recommencement of Extraction at an Existing Quarry dated 16 December 2021 (ref. 6960MP)**
- **Biodiversity Net Gain Assessment dated September 2022 (ref. CW20-102 Rev 2 dated 06/09/2022)**
- **Heritage Impact Assessment dated May 2022 (ref. DOC2122-85)**
- **High Level Assessment of Water Issues dated October 2022 (ref. 3348/HLA)**
- **Watercourse Diversion Risk Assessment dated 12 October 2022**
- **Email from Mineral Planning Group dated 22 December 2022 in relation to blasting.**

### **Plans**

- **Location Plan (Dwg No 115-9-1)**
- **Site Layout Plan (Dwg No 115-9-2)**
- **Excavation Design Plan (Dwg No HRQ-22-02)**
- **Topographical Survey Plan (Dwg No HRQ-11-01)**
- **Aerial Restoration Plan (Dwg No 115-9 - Resto-4)**
- **Restoration Features Plan (Dwg No 115-9-3)**

**except in so far as the approved documents, plans and details listed above are amended by the conditions specified below.**

**2. This permission relates only to surface mineral workings and the depositing of mineral wastes. For the avoidance of doubt this includes the stockpiling of minerals but not the importation of waste materials for infilling and restoration.**

### **Commencement of the Development and Notifications**

**3. The development hereby permitted shall be deemed to have commenced on the date of this planning permission and the developer shall notify the Mineral Planning Authority in writing within two weeks of the following dates:**

- a) The date when mineral extraction has re-commenced in the unworked areas (Condition 8).**
- b) The date when restoration has commenced in the areas where mineral extraction has re-commenced.**
- c) The date when final restoration has been completed.**
- d) The date when the Aftercare Scheme has commenced in each part of the Site.**
- e) The date when the Aftercare Scheme has been completed in each part of the Site.**

### **Cessation of the Development and Expiry of the Permission**

**4. Mineral extraction and restoration including the deposit of mineral waste shall cease on or before the 31 December 2036 ('the cessation date').**

**5. The Site shall be restored in accordance with the latest approved Restoration Strategy and Restoration and Aftercare Scheme-(Conditions 43 to 45).**

**6. If the mineral extraction and restoration operations, including the deposit of mineral waste ('the working operations'), cease at a date earlier than the cessation date (Condition 4), then the operator shall notify the Mineral Planning Authority in writing of the date on which the working operations ceased within 14 days of the cessation of the working operations.**

**7. This planning permission shall expire when the Mineral Planning Authority has provided written confirmation that the Site has been restored and subject to aftercare in accordance with the requirements of the latest approved Restoration Strategy and Restoration and Aftercare**

**Scheme-(Conditions 43 to 45).**

## **Detailed Working Strategy and Review**

**8. No mineral extraction shall take place other than within the area defined as "Remaining unworked extraction area, including loading and unloading area(s)" shown on the Site Layout Plan (Dwg No 115-9-2) and below the contours shown on Excavation Design Plan (Dwg No HRQ-22-02) and more specifically in accordance with the latest approved detailed Site Layout Plan(s) required by Conditions 43 to 45.**

**9. No Crushing, Screening and Loading activities shall take place other than in the location shown in Figure 2 of the Noise Impact Assessment for the Recommencement of Extraction at an Existing Quarry dated 16 December 2021 (ref. 6960MP).**

**10. All stockpiles of minerals shall be located on the quarry floor within the area defined as "Remaining unworked extraction area, including loading and unloading area(s)" shown on the Site Layout Plan (Dwg No 115-9-2) and shall not exceed a height of 6 metres from the floor of the quarry.**

**11. No later than 28 November 2027 and every 5 years thereafter until the cessation of restoration, a 'Progress Report' shall be submitted for the written approval of the Mineral Planning Authority.**

**The Progress Report shall include an updated Site Layout Plan which shall show but may not be limited to the following details:**

- a) The permitted boundary of the Site shown as a red line.**
- b) The areas that have been subject to mineral extraction.**
- c) The areas that have been restored.**
- d) The areas currently subject to mineral extraction.**
- e) The areas currently being restored.**
- f) The areas to be subject to mineral extraction in the next 5 years.**
- g) The areas to be restored in the next 5 years.**
- h) The approved final restoration levels in the restored areas.**
- i) The surface water drainage.**

- j) The location of subsoil and topsoil mounds and their profiles and treatment.**
- k) Site infrastructure including buildings, fixed structures, plant and machinery and hard standings.**
- l) The perimeter security fencing and gates.**

**The Progress Report shall also include but may not be limited to the following details:**

- a) An explanation of the progress being made relative to the "Remaining unworked extraction area, including loading and unloading area(s)" shown on the Site Layout Plan (Dwg No 115-9-2) and the contours shown on Excavation Design Plan (Dwg No HRQ-22-02) and the latest approved Restoration and Aftercare Scheme for the Site.**
- b) An assessment of the need to submit revised details for the working and restoration of the Site if insufficient progress has been made relative to the cessation date (Condition 4).**

**The Site shall not operate other than in accordance with the latest approved Site Layout Plan.**

**12. No more than 150,000 tonnes of mineral per annum shall be removed from the Site.**

## **Management of the operations**

### **Hours of Operation**

**13. No mineral extraction, deposit of mineral wastes and the transportation of mineral shall be carried, except for emergency operations or activities, other than between:**

- 0730 to 1800 Monday to Friday; and,**
- 0830 to 1400 on Saturdays.**

**No such operations or activities shall take place on Sundays, Bank or Public Holidays.**

**In the case of emergency operations or activities, the Mineral Planning Authority shall be notified in writing within 48 hours of the occurrence.**

**14. No servicing, maintenance or testing of plant shall be carried out, except for emergency operations or activities, other than between:**

- **0730 to 2000 Monday to Saturdays.**

**No servicing, maintenance or testing of plant shall take place on Sundays, Bank or Public Holidays.**

**In the case of emergency operations or activities, the Mineral Planning Authority shall be notified in writing within 48 hours of the occurrence.**

### **Restriction of Permitted Development Rights**

**15. Notwithstanding the provisions of Schedule 2, Part 17 of the [Town and Country Planning \(General Permitted Development\) Order 2015](#) (or any Order amending, replacing or re-enacting that Order), no fixed plant or machinery, buildings, structures and erections, or private ways shall be erected, extended, installed or re-arranged within the Site unless approved in writing by the Mineral Planning Authority.**

### **Ancillary Buildings and Plant**

**16. All fixed plant and machinery on the Site shall be coloured juniper (BS 4800 12 B 29) or holly green (BS 4800 14 C 39).**

**17. All buildings, plant and machinery hereby permitted shall be maintained in a good condition and fit for purpose in accordance with the manufacturer's recommendations for the duration of the development hereby permitted.**

### **Site security and fencing**

**18. Stockproof fencing and warning signs in accordance with the approved details (ref. [SM.EA/4 D1](#) dated 12 July 1999) shall be maintained for the duration of the development hereby permitted.**

**19. The Site shall be securely fenced, and lockable gates provided which shall be kept locked outside the permitted hours referred to in Conditions 13 and 14.**

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

**20. No vehicular access to the Site from the public highway and egress from the Site to the public highway shall be obtained other than by way of the access on Hurst Road, marked 'X' on the Site Layout Plan (Dwg No 115-9-2).**

**21. The loading and unloading of vehicles in connection with the development hereby permitted shall take place only within the area**



defined as “Remaining unworked extraction area, including loading and unloading area(s)” on the Site Layout Plan (Dwg No 115-9-2).

22. No more than 30 HGVs associated with the transport of mineral shall enter or leave the Site per day (60 two-way HGV movements).

23. The surfacing of the Site access shown on ‘Site Layout Plan (Dwg No 115-9-2)’ shall be maintained in a good state of repair and kept clean and free of mud and other debris at all times until completion of the restoration and aftercare of the Site.

24. No loads of mineral shall leave the Site unless the load has first been securely contained or sheeted.

25. No vehicles associated with the development hereby permitted shall leave the Site in a condition whereby mud, dirt, dust or other deleterious material shall be deposited on the public highway.

26. The approved wheel cleaning facilities (ref. [SM.EA/4/V1/D1](#) dated 11 March 2002) shall be maintained in good condition, fit for purpose in accordance with manufacturer’s recommendations and be available and used as necessary by all HGVs prior to leaving the Site until such time as the wheel cleaning facilities are required to be removed in accordance with the approved Restoration and Aftercare Scheme (Conditions 43 to 45).

## General Environmental Protection

### Soils

27. Topsoil and subsoil mounds shall be graded and seeded with the grass seed mixture in accordance with Section 3.2.2 of the Environmental Statement (ref. 115/9–R1.1 –ROMP).

28. No stripping of topsoil, subsoil and soil-making materials (‘the soils’) shall take place other than in accordance with the [Institute of Quarrying Good Practice Guide for Handling Soils in Mineral Workings](#) and as described below:

- a) The soils shall be retained on the Site for the purposes of restoration.
- b) Topsoil and subsoil mounds shall be constructed to a maximum height of 3 metres for topsoil mounds and 5 metres for subsoil, and with only the minimum of compaction necessary to ensure stability.
- c) Any overlap of soil types in a storage mound shall be kept to the minimum necessary for the effective formation of the mound.

- d) Soil mounds shall not be traversed by heavy vehicles or machinery except during the construction or removal of these mounds.**
- e) Prior to the replacement of subsoil, the upper layers of overburden or in-situ materials on areas to be returned to agriculture shall be rooted with a heavy duty subsoiler so as not to impede agriculture operations. Such treatment should ensure that for a total depth of at least one metre below the topsoil surface, there is:
  - i) No shale, bind or other material injurious to plant life.**
  - ii) No rock, stone, boulder or other material capable of preventing or impeding normal agricultural or land drainage operations including mole ploughing or subsoiling.**
  - iii) No wire rope, cable or other foreign objects.**
  - iv) A reasonably level, but uncompacted, surface suitable to receive topsoil.****
- f) All available subsoil shall be respread evenly over those areas agreed to receive such subsoil. No layer of replaced soil shall exceed 450mm thickness before it is subsoiled (rooted) and the subsoiling operation must penetrate at least 150mm into the underlying layer to relieve compaction at the interface. Subsoil shall be treated in accordance with the general requirements of Condition (e) above.**
- g) All operations involving the movement, replacement and cultivation of the soils shall only be carried out when the full volume of the soils involved is in a suitably dry soil moisture condition to minimise damage to the structure of the soils and to maximise the effectiveness of subsoiling operations.**
- h) The operator shall take all reasonable precautions to prevent the mixing of the soils and the mixing of the soils with overburden during the restoration of the Site.**

### **Landscaping and Nature Conservation**

**29. The approved landscape and boundary treatment shall be maintained for the duration of the development hereby permitted (ref. [SM.EA/4 D3](#) dated 27 April 2005). Any plants which die, are removed or become damaged or diseased shall be replaced in the next planting season with others of a similar size and species.**

**30. No later than 6 months after the date of this planning permission, a**

**Landscape and Ecological Environmental Management Plan (LEEMP) shall be submitted for the written approval of the Mineral Planning Authority. The LEEMP shall provide details of how identified areas of the Site such as naturally regenerated areas would be protected and any mitigation measures. The LEEMP shall thereafter be implemented in accordance with the approved details.**

**31. Prior to the re-commencement of mineral extraction within the area defined as "Remaining unworked extraction area, including loading and unloading area(s)" shown on the Site Layout Plan (Dwg No 115-9-2), a Construction and Environmental Management Plan (CEMP) (Ecology) shall be submitted for the written approval of the Mineral Planning Authority. The (CEMP) (Ecology) shall include but may not necessarily be limited to the mitigation measures detailed in Section 6 of the Ecological Impact Assessment dated October 2022 (ref. CW20-102 RPT 001 Rev 4) and shall specify regular intervals for the attendance of an Ecologist and those tasks that must be supervised by a suitably qualified Ecologist. The CEMP (Ecology) shall be made known to all operatives on the Site.**

**32. No stripping of vegetation or soils shall take place within the Site during the bird breeding season (March – August) unless preceded by a bird nesting survey carried out by a suitably qualified person to confirm the presence or otherwise of breeding birds.**

#### **Dust**

**33. Best practicable means shall be used during the life of the development to minimise dust emissions from the Site.**

**The means shall include but may not be limited to the following:**

- a) The use of water bowsers to spray all internal haul roads and accessways.**
- b) The use of a sweeper vehicle on all internal hard surfaced haul roads and at the entrances to the Site.**
- c) The seeding of all soil mounds as soon as is practicable with an agreed seed mixture.**
- d) The regular spraying of all stockpiled materials.**
- e) Exhausts on site vehicles shall be set so that exhaust gases cannot be emitted in a downward direction.**
- f) The fitting of dust hoods to all potentially dust emitting plant and machinery.**

- g) Site operations giving rise to dust shall be suspended in the event that dust can be seen escaping from the confines of the working area until such time as steps have been taken to prevent the emission of dust from the confines of the working area or the weather conditions have improved.**

### **Noise and Vibration**

**34. Site attributable noise shall not exceed a limit of 55 dB LAeq (1 hour) (free field) and temporary operations shall not exceed a limit of 70 dB LAeq 1 hour (free field) at any noise sensitive property. Temporary operations shall not take place for more than 8 working weeks in a calendar year.**

**35. The operations hereby permitted shall be managed in accordance with measures described in the Recommendations and Mitigation of the Noise Impact Assessment for the Recommencement of Extraction at an Existing Quarry dated 16 December 2021 (ref. 6960MP) and best practicable means shall be employed to minimise the noise generated by mineral extraction and restoration operations hereby permitted.**

**The means shall include but may not be limited to those listed below:**

- a) All vehicles, plant and machinery capable of being fitted with engine covers shall be operated with closed engine covers.**
- b) All vehicles, plant and machinery shall be shut down between work periods or throttled down to a minimum.**
- c) All engines capable of being fitted with silencers shall be fitted with silencers which shall be regularly maintained in accordance with manufacturer's instructions.**
- d) All plant engine covers are closed whilst the plant is in operation except when undertaking maintenance and repair work.**
- e) All plant or equipment used in association with the operations hereby permitted capable of being fitted with a reversing alarm system shall be fitted with a white noise or warbler type alarms to minimise, sofar as is reasonably practicable and subject to maintaining safety, the level and generation of noise emissions from reversing warnings.**
- f) Except in the case of an emergency, the maintenance and running repairs of any plant or machinery shall only take place within the**

**working area or within the confines of the fixed buildings and structures.**

- g) Other than in the case of an emergency, the beeping of horns shall not be used for signalling purposes such as when a vehicle arrives or is required to reverse to unload.**

### **Blasting and Blast Monitoring**

**36. Prior to the commencement of blasting, a detailed Blasting and Blast Monitoring Scheme ('the Scheme') shall be submitted and approved by the Mineral Planning Authority.**

**The Scheme shall include but may not necessarily be limited to the following details:**

- a) The method and techniques to be used.**
- b) The proposed number of blasts per week.**
- c) The date of the first blast.**
- d) The ppv levels which are to be achieved for ground vibration and the maximum levels for air over pressure.**
- e) The arrangements for the notification of the Mineral Planning Authority and the local residents likely to be affected by blasting operations shall be notified in advance, in writing, of the times and dates when the blasting operations are to take place at the Site.**
- f) The blast monitoring equipment.**
- g) The blast monitoring locations including vibration sensitive buildings and structures.**
- h) The blast monitoring period and frequency of measurements.**
- i) The arrangements for the monitoring of weather conditions at the time of the blast, including air over pressure.**
- j) The procedures to be adopted if the readings/measurements exceed the levels agreed above (d).**
- k) The retention and presentation of results (Condition 47).**
- l) The arrangements for regular reviews of the Scheme.**

- m) **The programme for the implementation of the Scheme.**

**Blasting and blast monitoring shall be carried out in accordance with the approved Scheme.**

## **Water**

**37. No dewatering shall take place within the Site.**

**38. No facilities for the storage of oils, fuels or chemicals shall be sited other than on impervious bases and surrounded by impervious bund walls (see Informative 4).**

**39. No contaminated surface water shall drain into any ditch or water course.**

**40. No recommencement of mineral extraction shall take place until the applicant has applied for and received a confirmed Ordinary Watercourse Consent for any works affecting ordinary watercourses within the boundary of the Site (Condition 41 below).**

**41. Prior to the re-commencement of mineral extraction within the area defined as "Remaining unworked extraction area, including loading and unloading area(s)" shown on the Site Layout Plan (Dwg No 115-9-2), a Watercourse Diversion Scheme ('the Scheme') shall be submitted and approved in writing by the Mineral Planning Authority.**

**The Scheme shall include but may not necessarily be limited to the following details:**

- a) **Detailed engineering drawings of the proposed diversion works required to obtain an Ordinary Watercourses Consent including:**
- i) **The location and channels of watercourses prior to the works**
  - ii) **The location and channels of watercourses and the overflow swale following any diversion works as detailed within the Watercourse Diversion Risk Assessment dated 12th October 2022.**
  - iii) **The existing/ proposed bed levels, top of bank etc., along with hydraulic calculations to demonstrate that the conveyance capacity of any diverted watercourses is in line with that of the existing hydrological scenario.**
- b) **Method statement(s) detailing how the proposed diversion works would be undertaken and what temporary measures would be put in**

place during the diversion works.

**Any watercourse diversions shall be carried out in accordance with the approved Scheme.**

### **Lighting**

**42. No flood lighting or other external illumination within the Site shall be installed or positioned other than:**

- a) In accordance with the approved Lighting Assessment and the '[Bat Conservation Trust / Institution of Lighting Professionals Guidance Note 08/18 Bats and artificial lighting in the UK](#)'; and,**
- b) To prevent glare to other properties or to users of the public highway.**

### **Restoration and Aftercare**

**43. The Site shall be restored to the required standard for agriculture (pasture), woodland planting, waterbodies, marginal planting, rock features in accordance with Restoration Features Plan (Dwg No 115-9-3) and Aerial Restoration Plan (Dwg No 115-9 - Resto-4) ('the Restoration Strategy').**

**44. No later than 12 months after the date of this permission, a detailed Restoration and 21-year Aftercare Scheme ('the Scheme') to deliver no fewer than 52 habitat units (as measured by the Defra Metric V3 or its replacements), based on the Restoration Strategy shall be submitted for the written approval of the Mineral Planning Authority.**

**The Scheme shall include but may not necessarily be limited to the following details:**

- a) Details of any restoration and aftercare works that have already been carried out.**
- b) The final restoration levels and cross sections.**
- c) The details of overburden placement against quarry faces.**
- d) The soil management including replacement depths, ripping, cultivation and stone picking.**
- e) The profiles of the restored land to show how the restored land will tie in with the surrounding land.**

- f) The use of fertilisers.**
- g) Drainage, irrigation, and watering including the maintenance.**
- h) The management of weeds and invasive species.**
- i) A programme for the removal of the site infrastructure including buildings, structures, fixed plant and machinery and hard standings accesses, perimeter security fencing and gates.**
- j) The planting of trees/shrubs/hedgerows, including ground preparation, plant species, size, density, protection and maintenance.**
- k) The provisions for the creation and aftercare of agricultural land (permanent pasture).**
- l) The provisions for the creation and aftercare of woodland planting in order to achieve an 85% survival rate at the end of the aftercare period.**
- m) The provisions for the creation and aftercare of water bodies and the arrangements for drainage.**
- n) The provisions for the creation and aftercare of invertebrate habitats using sand embankments.**
- o) The arrangements for annual meetings and annual reports describing the previous year's aftercare measures, including comments on the successes and failures and plans for the next year's aftercare.**
- p) The programme for the implementation of the Scheme.**

**The latest approved Scheme shall be carried out in full and in accordance with the approved programme of implementation.**

**45. No later than 28 November 2027, and thereafter every 5 years until such time as the Mineral Planning Authority confirms that no further review is necessary, a review of the approved Restoration Strategy and the approved detailed Restoration and Aftercare Scheme (Conditions 43 and 44) shall be submitted for the written approval of the Mineral Planning Authority. The Site shall be restored and subject to aftercare in accordance with the latest approved Restoration Strategy and detailed Restoration and Aftercare Scheme.**



## **Premature cessation of the permitted operations**

**46. In the event that the mineral extraction and restoration including the deposit of mineral waste hereby permitted ceases for a period of 24 months prior to the cessation date (Condition 4), then the working operations shall be deemed to have ceased ('the new cessation date'). No later than 3 months after the new cessation date, a revised detailed Restoration and Aftercare Scheme (the 'Revised Scheme') shall be submitted for the written approval of the Mineral Planning Authority. The Site shall be restored and subject to aftercare in accordance with the approved Revised Scheme.**

## **Record Keeping**

**47. The following records shall be retained and shall be provided to the Mineral Planning Authority within 7 days of a request being made. In making a request, the Mineral Planning Authority shall specify the dates between which the following records shall be provided.**

- a) The daily operating dates and times of the quarry (ref. Condition 13 and 14).**
- b) The date and times of any emergency operations or activities (ref. Conditions 13 and 14).**
- c) The date and times of any temporary operations (ref. Condition 13).**
- d) The total number of HGV movements in and out of the Site per day (ref Condition 22).**
- e) Dust management/mitigation measures carried out (ref. Condition 33).**
- f) Noise monitoring and management data (ref. Condition 35).**
- g) Blasting monitoring and management data (ref. Condition 36).**
- h) Any complaints received, and the steps taken to investigate and address them.**

## **Hurst Quarry Liaison Committee**

**48. No later than 3 months after the date of the permission, details of the Hurst Quarry Site Liaison Committee shall be submitted for the written approval of the Mineral Planning Authority.**

**The details shall include but may not be limited to the following:**

- a) The number of committee members which shall include:**
  - i) Locally elected councillors on behalf of the County, District and Parish Councils.**
  - ii) Officers on behalf of the County and District Councils and on behalf of the Environment Agency.**
  - iii) Local residents / local group representatives where applicable.**
  - iv) The representatives on behalf of the Owner / Operator.**
- b) The venue and / or virtual meeting arrangements.**
- c) The secretarial support.**
- d) The terms of reference which shall include:**
  - i) The purpose of the liaison committee which shall be to provide a forum for discussion, the exchange of information and the creation and maintenance of communication channels between the Owner / Operator and the local community.**
  - ii) The receipt of regular progress reports from the Owner / Operator regarding activities relating to the operation of the Site, including complaints received and any remedial action taken or proposed to be taken in respect thereof.**
  - iii) Consideration of complaints from the local community arising from any development and / or activities carried out on the Site and, where reasonable, necessary and possible, recommendations for appropriate remedial action.**
  - iv) The chairing and voting arrangements including voting in respect of recommended actions that may arise.**
  - v) The frequency of meetings, the timing of the circulation of agendas and minutes of the meetings, and the arrangements to hold additional meetings.**

## **Informatives**

### **1. Knowledge of the Conditions**

To enable easy reference and to encourage compliance with the requirement of the planning permission and the orderly operation of the Site; we ask that the terms of

this planning permission, including all the approved documents and plans hereby permitted and any details subsequently approved in accordance with this planning permission are to 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. Environmental Permit**

Staffordshire Moorlands District Council (Environmental Health) have advised that the crushing, grinding or other size reduction of sand is a prescribed process set out in Part B ([Section 3.5](#)) of [Schedule 1](#) of the [Environmental Permitting Regulations 2016](#) (as amended) and will require an Environmental Permit issued by Staffordshire Moorlands District Council. The applicant should contact Staffordshire Moorlands District Council for further information ([EHealth.Consultation@highpeak.gov.uk](mailto:EHealth.Consultation@highpeak.gov.uk)).

## **3. Statutory Nuisance Action**

Staffordshire Moorlands District Council (Environmental Health) have advised that granting planning permission does not in any way indemnify against statutory nuisance action being taken should substantiated complaints within the remit of Part III of the Environmental Protection Act 1990 be received.

## **4. Storage of oils, fuels or chemical**

Appropriate procedures, training and equipment should be provided for the Site to adequately control and respond to any emergencies including the clean-up of spillages, to prevent environmental pollution from the site operations. Additional information and guidance is available at:

[Oil storage regulations for businesses](#)

[Ciria: Containment systems for the prevention of pollution](#)

## **5. Rights of Way**

The County Council's Environmental Advice Team (Right of Way) have advised public rights of way may be affected by the quarry workings and should be aware of the timescales and legislative requirements for reorganising public rights of way:

- The relevant guidance and forms are available on the County Council's website:

[Advice for applicants wanting to submit a Public Path Diversion Order](#)

- Planning permission does not construe the right to divert, extinguish or obstruct any part of the public path. For further information the applicant

should be advised to read section 7 of DEFRA's Rights of Way Circular (1/09).

- It is important that users of the footpaths/bridleway are still able to exercise their public rights safely and that they are reinstated if any damage to the surface occurs as a result of the proposed development or use of the site if the application is approved. The surface of the rights of way must be kept in a state of repair such that the public right to use them can be exercised safely and at all times. Heavy vehicular use can cause the way to become unsuitable for use and in some instances dangerous. Some attention needs to be drawn to this and that surface works may be required. The County Council is only responsible for the surface of the footpath for pedestrians, and; in the case of bridleways; pedestrians, horse riders and cyclists, not vehicles.
- The County Council has not received any application under Section 53 of the Wildlife and Countryside Act 1981 to add or modify the Definitive Map of Public Rights of Way, which affects the land in question. It should be noted, however, that this does not preclude the possibility of the existence of a right of way at common law, or by virtue of a presumed dedication under Section 31 of the Highways Act 1980. It may, therefore, be necessary to make further local enquiries and seek legal advice in respect of any physically evident route affecting the land, or the apparent exercise of a right of way by members of the public.

## **6. Cadent Gas Limited**

Cadent Gas Limited have advised that medium and low-pressure assets are in the vicinity of the proposal. The applicant should therefore be aware:

- There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist.
- The applicant should apply online to have any apparatus diverted in advance of any works, by visiting [cadentgas.com/diversions](http://cadentgas.com/diversions)
- Prior to carrying out works, including the construction of access points, please register on [www.linesearchbeforeudig.co.uk](http://www.linesearchbeforeudig.co.uk) to submit details of the planned works for review, ensuring requirements are adhered to.

## **7. National Grid Electricity Distribution**

Electricity apparatus is located in the vicinity of the proposal. The applicant should therefore be aware of the National Grid safe working practices. These are available from: [National Grid - Public safety advice](#)

## 8. Monitoring Visits - fees payable

Regulations that came into effect on 6 April 2006 provide for the payment of fees to Mineral and Waste Planning Authorities in England when they carry out monitoring visits to sites with mineral extraction and / or landfill permissions to help in ensuring that those permissions are monitored in accordance with good practice.

For more information and contact details visit the Regulation page on the Staffordshire Planning web site at [www.staffordshire.gov.uk/planning](http://www.staffordshire.gov.uk/planning).

## 9. Progress Reports and the Reviews of the Restoration Strategy (Conditions 11 and 45)

It is recommended that the Progress Reports required by condition 11 and the reviews of the Restoration Strategy and detailed Restoration and Aftercare Scheme required by condition 45 are submitted at the same time.

## Appendix 3 Relevant Planning History

The following planning permissions / approvals have been issued by the County Council:

- a) [SM.EA/4](#) dated 29 March 1999 – the Scheme of Conditions.
- b) [SM.EA/4 D1](#) dated 12 July 1999 – approved details - condition 5 - fencing and warning signs.
- c) [SM.EA/4 V1](#) dated 9 October 2000 – permission to vary conditions 6 and 35 to extend the extraction and phased working scheme and landscaping.

This variation related the approval of landscaping and boundary treatment and a minor extension of the extraction boundary and infilling with mineral waste over an 18-month period (from notification).

- d) [SM.EA/4 D2](#) dated 10 Jan 2002 - approved details - blasting, noise, plant, landscaping, stockpiles and parking.
- e) [SM.EA/4/V1/D1](#) dated 11 March 2002 - approved details - wheel washing facilities.
- f) [SM.02/12/101 MW](#) dated 16 September 2002 - permission to vary conditions 2 and 6 of the Scheme of Conditions and permission to vary condition 1 of SM.EA/4 V1.

This variation was to regularise mineral extraction outside the extraction boundary permitted by [SM.EA/4 V1](#).

- g) [SM.EA/4 D3](#) dated 27 April 2005 - approved details - conditions 35, 36,40 and 42 - landscape and restoration and aftercare scheme.
- h) [SM.03/04/101 MW](#) dated 29 August 2003 - permission for a new access to mineral extraction site, relocation of the wheel wash and installation of a new weighbridge and office. Note - this access has not been constructed.
- i) [SM.10/22/101 MW](#) – application for the recycling of construction and demolition material into a secondary aggregate - refused.
- j) [SCE.213/SM.15/02/101 MW](#) dated 22 December 2015 – EIA screening opinion in connection with the application for the Periodic Review (under the Environment Act 1995) of the Scheme of Conditions.
- k) [SCO.77/SM.15/02/101 MW](#) dated 28 September 2016 – EIA scoping opinion for application for the Periodic Review (under the Environment Act 1995) of the Scheme of Conditions.
- l) [SCE.325/101 MW](#) dated 28 January 2021 - EIA screening opinion in connection with the Periodic Review (under the Environment Act 1995) of the Scheme of Conditions.
- m) [SCO.88/101 MW](#) dated 9 March 2021 - EIA scoping opinion in connection with the Periodic Review (under the Environment Act 1995) of the Scheme of Conditions.

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

## **Appendix 4 Summary of the Findings of the Environmental Statement (ES) (and the environmental information subsequently received).**

### 1 – Introduction

This section introduces the ROMP application, the aims of the application and sets out the structure for the ES.

### 2 - Site Description

This section describes the location (general description), a site description topography, hydrology and hydrogeology, geology and planning history.

### 3 – Operational Details

This section provides operational information concerning details of the method of mineral extraction, soil stripping, the extraction area (shown on Site Layout Plan (Dwg No 115-9-2)), rate of extraction (150,000 tonnes per annum / 30 two way HGV movements per day, end dated (2036), hours of operation (Monday- Friday

7.30 – 18.00 and Saturdays 0.30 – 14.00), access arrangement (existing access), water management (see below section), site security (locked outside operating hours), export and import of materials, noise, dust / air quality, final restoration (shown on Restoration Features Plan (Dwg No 115-9-3) and Aerial Restoration Plan (Dwg No 115-9 - Resto-4)), ecology (see below section) and EIA Assessment.

#### 4 – Policy Review

This section sets out the relevant planning policies set out in the National Planning Policy Framework (2021), the Staffordshire Minerals Local Plan (2017) and the Staffordshire Moorlands Local Plan 2014 – 2033 (2020). This section concludes that the principle of development has been established, and the proposed conditions are in accordance with the Development Plan and have considered against the relevant local and national policies.

#### 5 – Flood Risk Assessment (FRA)

This section includes an instruction to the FRA, details of the site, the proposals, and a risk assessment. A Hydrological Assessment and Technical Note for the diversion of the watercourse were submitted which concluded that the proposals do not alter the surface water or groundwater regimes at or away from the site. The section concludes that the risk of flooding from all sources, both at and way from the site is very low.

#### 6 – Restoration Scheme

This section provides general details of the restoration scheme along with the Restoration Scheme Aims, Restoration Scheme Features (specifically the Entrance and Internal Access, Natural Regeneration (southern area), Extraction Area, waterbodies (retention of the waterbodies in the southern part of the site and three proposed in the north), dry stone walls and building), recommended species (woodland planting, aquatic, and grassland), final landform (including the retention of the southern and central landform).

Appendices - The Appendices to the ES are provided in separate documents in relation to the following chapters of the ES:

#### 7 – Noise Survey (produced by Nova Acoustics).

This appendix includes the survey including an overview, scope and objectives, and the local policy guidance (County Council's Noise Engineer comments from the scoping opinion), details of the noise survey undertaken (measurement methodology, context & subjective impression and the survey results (Appendix D of the survey), noise assessment including on-site activities, specific sound levels (HGV movements, locations of site activities, predictive noise modelling), planning Practice Guidance Mineral Extraction Noise Assessment, BS5228:2009-1 Construction Noise Assessment and recommendations and mitigation. The survey

details the measures that should be in place to minimise noise emissions (see page 15).

## 8 – Landscape and Visual Appraisal (produced Collington Winter Ltd)

This appendix includes an introductory section which details the scope and purpose of the appraisal (location, proposal), the landscape baseline (landscape character, the site and landscape setting, and landscape designations), planning policy context (national and local context), visual baseline (assessment context, visual assessment, visual envelope, visual context, and assessment of effects on visual amenity), landscape and visual effects (predicted impacts, effects on landscape character and visual effects). The Landscape and Visual Appraisal appendix concludes that 'the application site is able to successfully accommodate the proposal to extract the remaining mineral, in landscape and visual terms, without having an unacceptable effect or loss of landscape character or visual amenity'.

9 – Ecological Impact Assessment (produced Collington Winter Ltd). (Note the applicant has confirmed that the previous ecological reports undertaken in 2016/2016 inform the application and are publicly available via the Staffordshire Moorlands Council planning system (ref. SMD/2017/0129).

This appendix includes an introductory section which details the scope and purpose of the assessment, the location, the objective, planning policy biodiversity action plans. The methodology section details the ecological impact assessment, zone of influence, likely significant impacts, details of the various assessments undertaken and survey limitations. The baseline ecological conditions section of the appendix identifies the designated sites (Special Scientific Interest (SSSI) and Sites of Biological Importance (SBI), describes the habitats, identifies invertebrates, amphibians, reptiles, bats, birds, badgers and European hedgehog found within the site. The assessment of impact and proposed mitigation section details the general pollution control measures and general lighting control measures to be implemented.

The section also describes the potential impacts, mitigation measures and compensation measures (as required) for the designated sites and habitats, and in relation to badgers, amphibians, roosting bats, bat activity, birds, invertebrates and European hedgehog. A summary table details the mitigation/compensation measures required to be secured by condition.

The Ecological Impact Assessment concludes that the avoidance, mitigation, compensation, and enhancement proposals will minimise risk of no unlawful actions occurring during the extraction phase and the enhancements will ensure the site is to be of greater benefit to the local wildlife following the completion of the extraction and restoration phases.

A Biodiversity Net Gain Assessment (produced Collington Winter Ltd) has been submitted. This includes an introduction (scope & purpose, location, objectives and



planning context), methods (existing habitat, restoration features, the biodiversity metric, habitat scoring, limitations of assessment), baseline conditions (strategic significance, condition assessment, retained and enhanced habitats, lost habitats and pre- development habitat baseline) and details of habitat creation. The Biodiversity Net Gain Assessment concludes that assessment and the DEFRA 3.0 Metric demonstrates that the habitat creation and enhancements would create a positive net gain of +37.81% in Habitat Area Units.

#### 10 – Heritage Impact Assessment (produced by Solstice Heritage LLP)

This appendix includes an executive summary, introduction (background, location and description, the aims of the assessment), baseline information including details of a site walkover, the geology and geomorphology, the surrounding heritage assets within 1 kilometres of the site including Biddulph Grange, Bailey’s Wood Ringwork, Biddulph Old Hall, Shepherd’s Cross, The Moor House, Elmhurst and Hurst Silk Mill and a review of historic mapping. The significance of each of the designated Heritage Assets is assessed and the potential impacts of the quarry. The Heritage Impact Assessment concludes that there would be an overall neutral impact on the setting of the designated heritage assets based on no change to their current settings.

#### 11 – Hydrogeology / High Level Assessment of Water Issues (produced by Hafren Water Ltd).

This appendix includes details of the background and scope of the assessment, the Environment Agency comments in relation to a scoping opinion ref. SCO.88/101 MW) and data sources. The assessment also includes the baseline conditions and potential water issues in relation to the removal of the mineral (extraction would take place above the water table). The assessment summary states many of the potential water-related issues associated with the location of the site (raised by the EA) are negated as dewatering will not take place and that the depth of proposed mineral extraction is relatively small. The risk of accidental spillage of hydrocarbons (from plant operating) can be managed by implementing spill prevention and emergency response procedures. The watercourse which flows into the proposed extraction area would need to be management and this would require the diversion of this watercourse (northwards) and this would require an Ordinary Watercourse Consent (see below).

A Watercourse Diversion Risk Assessment has also submitted which includes a conceptual design for the watercourse diversion. The Assessment indicates that a more detailed design will be needed to acquire an Ordinary Watercourse Consent from the Lead Local Flood Authority.

Appendix 1 of the ES - List of Proposed Conditions.

This appendix includes 44 conditions and the “reasons” for the conditions.

Appendix 2 of the ES - Non-technical summary: In accordance with the

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

Appendix 3 of the ES - Alternatives Assessment. This section outlines the main alternative considered by the applicant to work a much larger areas of the quarry. This would have involved working area of the quarry which have naturally regenerated and now have a higher ecological value and potentially requiring the draining or re-profiling of established water bodies. The 'Do Nothing' alternative was not considered as the site would have been left unrestored and permitted reserves would have been sterilised.

Two letters accompanied the ES which provide:

- 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)).
- Details of the publication and availability of the ES.
- Clarification concerning the Mineral Development Statement.
- Clarification concerning the previous surveys referred to in the Ecological Impact Assessment.

Additional information submitted:

- An email dated 22 December 2022 provided clarification concerning blasting at the site.
- Letter from the Mineral Planning Group dated 24 February 2023 (ref 115-9-20221122-L1.1-ES) addressed the comments from the County Council's Environmental Advice Team and the Lead Local Flood Authority, and the provided a revised list of conditions.
- Letter from the Mineral Planning Group dated 17 May 2023 (ref 115-9-20221122-L1.1-ES) addressed the further comments from the County Council's Environmental Advice Team, the Planning Regulation Team and the provided a further revised list of conditions.

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

## **Appendix 5 The development plan policies (and proposals) and the other material planning considerations, relevant to this decision.**

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

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

- Policy 1: Provision for Sand and Gravel.
- Policy 3: Safeguarding Minerals of Local and National Importance and Important Infrastructure.
- Policy 4: Minimising the impact of mineral development.
- Policy 6: Restoration of Mineral Sites.

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

[Staffordshire 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.

[Biddulph Neighbourhood Plan](#) (Proposed – Draft February 2020).

- Policy NE1 – Natural Environment Features.
- Policy NE 3 – Local Green Space
  - Local Green Space designation - [Appendix H](#) of the Neighbourhood Plan “Hurst Road verge” and “Biddulph Grange Country Park”).
- Policy INF2 – Sustainable Drainage.
- Policy DES 1 – Design.

The [Examiner's Report](#) received on the 2 February 2022 recommended (subject to the recommended modifications) that the Biddulph Neighbourhood Plan and the Neighbourhood Development Order should proceed to a referendum.

The [Biddulph Neighbourhood Plan and NDO \(Neighbourhood Development Order\) Referendum](#) will take place on 7 December 2023.

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

- [National Planning Policy Framework](#) (updated 5 September 2023):
  - [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.
  - [Section 16](#): Conserving and enhancing the historic environment.
  - [Section 17](#): Facilitating the sustainable use of minerals.

The Department for Levelling Up, Housing, and Communities has recently undertaken a consultation on a review of the NPPF. [The consultation ended on 2 March 2023](#). None of the [proposed tracked changes](#) are considered to be relevant to this case.

- [Planning Practice Guidance](#)
  - [Conserving and enhancing the historic environment](#)
  - [Design: process and tools](#)
  - [Environmental Impact Assessment](#)
  - [Flood risk and coastal change](#)
  - [Green Belt](#)
  - [Health and wellbeing](#)
  - [Land stability](#)
  - [Light pollution](#)
  - [Minerals, Review of minerals planning conditions](#)
  - [Natural environment, Biodiversity, geodiversity and ecosystems](#)
  - [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](#)

|                      |
|----------------------|
| <b>Local Members</b> |
| N/A                  |

## Planning Committee – 7 December 2023

### 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 2023-24.

#### 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 recently published our latest [Annual Monitoring Report \(AMR\) for 2022-23](#).

Our AMR concludes that:

- we still have sufficient permitted mineral reserves / allocated resources except for brick clay;
- we have adequate facilities to process our waste; and,
- our policies are working well, so there is still no immediate need to update our plans.

Our AMR also contains some contextual commentary that it is worth mentioning, namely that:

- a) The [government has announced that the outcome of its review of the National Planning Policy Framework](#) is expected in the autumn 2023.
- b) [The new wide-ranging Levelling up and Regeneration Act 2023](#) (LURA) which will come into effect on 26 December 2023.
- c) The [government announcement that it intends to cancel HS2 Phase 2\(a\) and beyond](#).

- d) The [government announcement that it intends to simplify waste collection services in England](#), including a requirement from 2026 that all food waste is collected once a week.
- e) The [introduction of Bio-diversity Net Gain \(BNG\) from January 2024](#).

### **Planning development control performance – Q1 and Q2 of 2023-24**

- a) Speed - major development decisions  
**100%** (9 out of 9)
- b) Quality – major development decisions overturned at appeal  
**Nil** \*  
  
\* 1 appeal decision is awaited – Whiston Golf Course - [SCC/21/0033/FULL](#)
- c) Speed - County Council's 'non-major development' decisions  
**80%** (4 out of 5)
- d) Speed - County Council's major development decisions  
**100%** (3 out of 3)
- e) Delegated decisions  
**94%** (16 out of 17)

### **Staffing and Caseload**

Two members of the team retired in November 2022 and April 2023 respectively and the Team Manager is due to retire at the end of March 2024. Options to replace them are currently being considered. Notwithstanding, we have continued to maintain our good performance.

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

- the number of minerals and waste applications determined was similar to that in the same period last year and higher than that in the year before (9 compared to 10 and 6).
- the number of approvals of detail was lower than last year but similar to the same period in the year before (36 compared to 57 and 34)
- the total number of cases received (applications, submissions, and consultations) was slightly higher than the same period in the previous 2 years (69 compared to 60 and 66).

### **Background**

We report our policy-making and development control activities halfway through

and at the end of each financial year. This is the report on the first half of 2023-24.

### **Planning policy-making performance**

We are continuing to monitor our Mineral and Waste Local Plans and we have recently published our latest [Annual Monitoring Report \(AMR\) for 2022-23](#).

Our AMR concludes that:

- a) We still have enough reserves of most minerals.
- b) There is some uncertainty about the longer-term supply of clay to some of the county's brickworks.
- c) A few of our older mineral sites have yet to produce detailed restoration plans.
- d) We have adequate facilities to process our waste.
- e) Our policies are working well, so there is still no immediate need to update our Minerals or Waste Local Plans.

Our AMR also contains some contextual commentary that it is worth mentioning, namely;

- a) The [government has announced that the outcome of its review of the National Planning Policy Framework](#) is expected in the autumn 2023.
- b) The government's new wide ranging [Levelling up and Regeneration Act 2023](#) (LURA).

By way of example, the new Act contains new powers related to:

- i. Changes to the Town and Country Planning Act;
- ii. Changes to the plan-making arrangements - including the introduction of a 'minerals and waste plan timetable' and the prescribed content of minerals and waste plans
- iii. National development management policies;
- iv. Environmental Outcome Reports which will replace Environmental Statements; but also, other powers related to:
- v. Combined County Authorities;
- vi. Street votes;
- vii. Compulsory purchase; and,

viii. Childcare

Some of the new powers will come into effect on 26 December 2023 whereas others will require new regulations to bring them into effect.

- c) The [government announcement that it intends to cancel HS2 Phase 2\(a\) and beyond](#).

From a mineral planning perspective, the implications for Staffordshire are that:

- i. the 5 Phase 2(a) borrow pits will no longer be required (including 2 within the Area of Search allocated in our Minerals Local Plan, between Alrewas and Kings Bromley) (note: officers have agreed to attend a Parish Council meeting to discuss the implications of the HS2 announcement for the Area of Search);
  - ii. the extra demand for mineral from Staffordshire quarries to supply HS2 Phase 2(a) has gone. However, it is worth adding that the Pyford Brook Quarry near Alrewas was specifically permitted and legally bound to support the construction of Phase 1(a). The permissions to allow an increase in production from the existing Newbold, Alrewas and Hints quarries were also granted to supply HS2.
  - iii. Regarding Pyford Brook, I wish to take this opportunity to update the Planning Committee following the decision on 8 June 2023 to allow temporary nighttime production of concrete up to 31 July 2023 for the construction of HS2 (ref. [SCC/23/0053/CON-PWA](#)). As production of sand and gravel at the quarry did not start in time, the temporary approval was not implemented. Meanwhile the quarry liaison committee, attended by the Local Member, a District Councillor, Parish Councillors, a local resident and a member of the Planning Regulation Team, is meeting on a regular basis. I also wish to take this opportunity to mention that a complaint from a neighbour about the colour of the cement silos erected at the site has been investigated and upheld. Discussions are on-going with Cemex to try to minimise the impact of the silos. Cemex has also advised that it intends to apply to regularise the plant layout which has turned out to be slightly different to that which was originally envisaged and approved.
- d) The [government announcement that it intends to simplify waste collection services in England](#), including a requirement from 2026 that all food waste is collected once a week.

From a waste planning perspective, the implications for Staffordshire are that there may be a need for additional waste management facilities /



capacity to transfer, sort and process waste (e.g. to turn waste food into energy at anaerobic digestion facilities). However, at this stage, in the absence of an updated Municipal Waste Management Strategy produced by the Staffordshire districts / boroughs (the waste collection authorities) and the County Council (the waste disposal authority), there is no immediate need to plan for new facilities / capacity.

- e) The [introduction of Bio-diversity Net Gain \(BNG\) from January 2024](#) means developers will be required to provide 10% BNG, for example by including proposals to create new habitats and green spaces when submitting for planning applications for major development.

Finally, as mentioned in my previous full year report, work on preparing for the review of our local plans remains on hold as we currently have insufficient staff to commit to it full-time. We will of course be reviewing our plan-review timetable and the staff allocated to this work in the light of the LURA and the regulations that emerge from it next year.

### **Planning development control performance**

[Appendix 2](#) provides a summary of performance by quarter in 2023-24.

[Appendix 3](#) provides a comparison with the same period in 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 Planning Policy and Enabling Officer (shared)  
1 Planning Information Officer

Two members of the team retired in November 2022 and April 2023 respectively, and the Team Manager is retiring at the end of March next year. Options to replace them are currently being considered. Notwithstanding, we have continued to maintain our good performance.

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

- The number of minerals and waste applications determined was similar to that in the same period last year and higher than that in the year before (9 compared to 10 and 6).
- The number of approvals of detail was lower than last year but similar to the same period in the year before (36 compared to 57 and 34)

- The total number of cases received (applications, submissions, and consultations) was slightly higher than the same period in the previous 2 years (69 compared to 60 and 66).

### **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**

- Planning Committee - 8 June 2023 - Full Year Report 2022-3 ([see Committee agenda - item 7](#))
- [DLUHC - 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 2017 fee regulations 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.

The total accumulated in the ring-fenced planning reserve since 2018 was just over £132,000 at the end of quarter 4 (2022-23).

New [2023 fee regulations](#), effective from 6 December 2023, have increased planning application fees for major applications by 35%. Also, from April 2025 fees will increase annually with inflation.

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– 2023-24

|                 | Target Description  | Target (Local) | Quarter 1                 | Quarter 2                  | Quarter 3 | Quarter 4 | Performance (outturn)      |
|-----------------|---|----------------|---------------------------|----------------------------|-----------|-----------|----------------------------|
| <b>National</b> | Speed of 'major development' decisions                              | 60% (90%)      | <b>100%</b><br>4 out of 4 | <b>100%</b><br>5 out of 5  |           |           | <b>100%</b><br>9 out of 9  |
|                 | Quality of 'major development' decisions                            | 10% (5%)       | <b>Nil</b>                | <b>Nil</b>                 |           |           | <b>Nil*</b>                |
| <b>Local</b>    | Speed of the County Council's own 'non-major development' decisions | (90%)          | <b>100%</b><br>1 out of 1 | <b>75%</b><br>3 out of 4   |           |           | <b>80%</b><br>4 out of 5   |
|                 | Speed of the County Council's own 'major development' decisions     | (80%)          | <b>100%</b><br>1 out of 1 | <b>100%</b><br>2 out of 2  |           |           | <b>100%</b><br>3 out of 3  |
|                 | Applications determined under delegated powers                      | (80%)          | <b>100%</b><br>6 out of 6 | <b>91%</b><br>10 out of 11 |           |           | <b>94%</b><br>16 out of 17 |

\* 1 appeal decision is awaited – Whiston Golf Course – [SCC/21/0033/FULL](#)

\* 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 – 2023-24

|  | <b>National<br/>(Local Target)</b> |                             |
|--|------------------------------------|-----------------------------|
| <b>Speed of 'major development' decisions</b>                              |                                    |                             |
| <b>2023-24</b>   | <b>60%<br/>(90%)</b>               | <b>100%<br/>9 out of 9</b>  |
| 2022-23  | 60%<br>(90%)                       | 90%<br>9 out of 10          |
| 2021-22  | 60%<br>(90%)                       | 100%<br>6 out of 6          |
| <b>Speed of the County Council's own 'non-major development' decisions</b> |                                    |                             |
| <b>2023-24</b>   | <b>(90%)</b>                       | <b>80%<br/>4 out of 5</b>   |
| 2022-23  | (90%)                              | 100%<br>1 out of 1          |
| 2021-22  | (90%)                              | 100%<br>5 out of 5          |
| <b>Speed of the County Council's own 'major development' decisions</b>     |                                    |                             |
| <b>2023-24</b>   | <b>(90%)</b>                       | <b>100%<br/>3 out of 3</b>  |
| <b>2022-23</b>   | (90%)                              | 100%<br>1 out of 1          |
| 2021-22  | (90%)                              | Nil<br>0 out of 0           |
| <b>Applications determined under delegated powers</b>                      |                                    |                             |
| <b>2023-24</b>   | <b>(80%)</b>                       | <b>94%<br/>16 out of 17</b> |
| 2022-23  | (80%)                              | 83%<br>10 out of 12         |
| 2021-22  | (80%)                              | 82%<br>9 out of 11          |

