

Planning Committee

Thursday, 2 November 2017
10.00 am
Oak Room, County Buildings, Stafford

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

John Tradewell
Director of Strategy, Governance and Change
25 October 2017

Agenda

Part One

PLEASE SEE ATTACHED NOTES (Pages 1 - 2)

1. Apologies

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

3. Minutes of the meeting held on 5 October 2017 (Pages 3 - 6)

4. Applications for Permission

Reports of the Director for Economy, Infrastructure and Skills

- (a) Wilnecote Quarry, Hedging Lane, Wilnecote, Tamworth - T.16/02/905 MW (Pages 7 - 42)

Forterra Building Products Limited's application for an eastern extension to the existing clay quarry with associated restoration

- (b) John Pointon and Sons, Bones Land, Cheddleton, Leek - SM.17/02/1138 W (Pages 43 - 76)

John Pointon and Sons application for a renewable energy facility to provide electricity and heat to existing industrial operations at the wider John Pointon and Sons' site, including regrading of existing embankments

- (c) Greener Composting, Watling Street, Wall, Lichfield - L.16/04/823 W (Pages 77 - 80)

Greener Composting application to construct a biomass boiler facility to

replace the permitted in-vessel composting facility at Manor Farm, Birmingham Road, Wall – amendment to the decision of the Planning Committee made on 5 October 2017

5. Planning Policy and Development Control - Half Year Performance Report (Pages 81 - 90)

Report of the Director for Economy, Infrastructure and Skills

6. Decisions taken under Delegated Powers (Pages 91 - 94)

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”.

Part Two

(All reports in this section are exempt)

8. Exempt minutes of the meeting held on 5 October 2017 (Pages 95 - 96)
(Exemption Paragraph 5 & 7)

Membership

David Brookes	Trevor Johnson
Ron Clarke	Alastair Little
Alan Dudson	Robert Marshall
Keith James	Kath Perry
David Smith (Chairman)	Kyle Robinson
Ben Adams (Vice-Chairman)	Paul Snape
John Cooper	Mike Worthington
Julia Jessel	

Planning Committee Agenda Notes

Note 1

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

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

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

Note 2

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

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

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

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

Note 3

Policy for Committee Site Visits

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

Minutes of the Planning Committee Meeting held on 5 October 2017

Present: David Smith (Chairman)

Attendance	
David Brookes	Alastair Little
Ron Clarke	Robert Marshall
Alan Dudson	Kath Perry
Keith James	Kyle Robinson
Ben Adams (Vice-Chairman)	Paul Snape
Julia Jessel	Mike Worthington
Trevor Johnson	

PART ONE

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

Name of Member	Nature of Association	Minute No./ Application No.
Paul Snape	Personal Interest in Item 6 as he sits on the Planning Committee at Cannock Chase District Council	Item 6
Mike Worthington	Personal Interest in Item 6 as he sits on the Planning Committee at Staffordshire Moorlands District Council	Item 6
Alan Dudson	Personal Interest in Item 6 as he sits on the Planning Committee at Cannock Chase District Council	Item 6

13. Minutes of the meeting held on 06/07/2017

RESOLVED – That the minutes of the meeting held on 6 July 2017 be confirmed as a true record and signed by the chairman.

14. Annual Safety of Sports Grounds Report

The Committee considered a report detailing the work of the Safety of Sports Grounds team carried out during April 2016 to March 2017. Members noted the County Council's statutory obligations under the relevant legislation and the activities carried out to ensure that those duties had been met.

The statutory duty under the Safety of Sports Ground Act 1975 requires that every local authority should enforce within their area the provisions of the Act. The Committee noted that the Safety of Sports Ground team achieved their business objectives and carried out inspections at all designated grounds and 7 of the 8 regulated stands.

The Committee were informed that due to changes in use and spectators attendance, Newcastle Speedway had not received a formal inspection however visits to the premises had taken place. The Committee were also informed that Burton Albion, when promoted to the Championship had 3 years to convert their stadium to an all seater stadium. Burton Albion at that time determined that expansion to capacity was not viable. This is the clubs second year in the Championship and no work has currently been planned to convert to an all seater stadium.

RESOLVED – that the annual report on the Safety of Sports Grounds for 2016/17 be noted.

15. Applications for Permission

- a) Greener Composting, Watling Street, Wall, Lichfield - L.17/02/823 W

The Committee received a presentation by the Case Officer on the proposed application to vary condition 13 of the composting facility planning permission to allow receipt of compostable green waste from Local Authority Household Waste Recycling Centres on Sundays and Public/ Bank Holidays.

The Members sought clarification from the officers regarding the proposed hours and the Shenstone Parish Council objections; expressed some concerns about the general introduction of working on Sundays and Bank Holidays from a local amenity point of view; and, acknowledged the lack of objections to this application.

Following a vote it was:

RESOLVED – To **PERMIT** the application to vary condition 13 of the composting facility planning permission to allow receipt of compostable green waste from Local Authority Household Waste Recycling Centres on Sundays and Public/Bank Holidays.

- b) Greener Composting, Watling Street, Wall, Lichfield - L.16/04/823 W

The Committee received a presentation by the Case Officer on the proposed application to construct a biomass boiler facility to replace the permitted in-vessel composting facility.

The Committee were informed that there have been no objections to the application, however Shenstone Parish Council had some concerns.

Members commented that this is a basic agricultural building and the visual appearance and quality of the design could be improved by extending the cladding to the ground; made a general point about the impact of HGV traffic on small country lanes and the costs of repair falling on the County Council and officers explained the circumstances when it would be reasonable to impose conditions to address the impact on local roads;

sought clarification and assurances about the source of biomass and officers explained that the source would be over-sized wood from the adjacent composting facility and the conditions of the permission would limit it to that source.

Members voted that a condition be added to the recommendation to improve the visual appearance of the proposed building in addition to the recommended condition to update the approved landscaping scheme.

Members expressed concern that the Applicant could import wood fuel from outside of Staffordshire in order to produce more electricity.. Members voted that a condition be added to the recommendation, that in the event that further wood fuel be required, it should be locally sourced in accordance with Policy SC2 of the Lichfield Local Plan.

Following a vote it was:

RESOLVED: To **PERMIT** the application to construct a biomass boiler facility to replace the permitted in-vessel composting facility subject to additional conditions:

- a) To require details to improve the visual appearance of the building to be submitted for approval; and,
- b) Should further wood fuel be required, it should only be with wood fuel sourced locally in accordance with Policy SC2 of the Lichfield Local Plan.
- c) Kevin Quarry, Ramshorn, Oakamoor, Stoke-on-Trent - ES. 17/01/511 MW

The Committee received a presentation by the Case Officer on the proposed application to construct a demonstration facility to incorporate workshops, welfare and customer hospitality and changing rooms together with separate covered grandstand and associated works.

Members sought clarification about the consultation responses and requirements to remove the grandstand should mineral operations re-commence. Officers confirmed the limited response from consultees and the reason for the requirement to remove the grandstand was to avoid mineral sterilisation. Members welcomed the application by JCB and the investment in Staffordshire.

Following a vote it was:

RESOLVED: To **PERMIT** the application to construct a demonstration facility to incorporate workshops, welfare and customer hospitality and changing rooms together with separate covered grandstand and associated works.

16. Decisions taken under Delegated Powers

The Committee considered the 'county matters' and consultation with Staffordshire County Council dealt with by the Director for Economy, Infrastructure and Skills under delegated powers.

RESOLVED: That the report be received.

17. Exclusion of the public

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

18. Planning Regulation - Performance and Delegated Decisions Report

(Exemption Paragraph 5 & 7)

Chairman

Local Members' Interest	
Mr. M. Greatorex	Tamworth - Watling South

PLANNING COMMITTEE – 2 November 2017

MINERAL COUNTY MATTER

Tamworth: [T.16/02/905 MW](#)

Date Received: 18 July 2016

Date Revised/Further Details Received:

- 21 April 2017 (Revised restoration plan, cross sections and highway report; response to Environmental Advice Team; Transport Development Control; Flood Risk Team and Natural England);
- 30 May 2017 (Revised restoration plan and response to Environmental Advice Team; Transport Development Control; Flood Risk and Natural England); and,
- 7 June and 9 October 2017 (Details of void space).

Forterra Building Products Limited, application for eastern extension to the existing clay quarry with associated restoration on land at Wilnecote Quarry, Hedging Lane, Wilnecote, Tamworth.

Background/Introduction

1. The extraction of clay and restoration by the importation of waste has been taking place in this location for a number of years. The applicant has confirmed that clay extraction commenced in the late 1940s'. The quarry is operated in conjunction with Biffa Waste Services Limited (landfilling).
2. The current planning permission states that the winning and working of mineral, landfill operations and restoration should be completed by 31 December 2035. However, when the application was submitted, details were provided that the existing quarry is almost exhausted with only 12 months reserves remaining to be worked (shown on the Permitted Reserves (Removal of Internal Haul Roads) plan (Dwg No W22/65)). Since then the quarry has been worked at a reduced rate pending the determination of the application.
3. The permitted landfill void capacity is 2.8 million tonnes and the landfilling operation is currently closed (since approximately 2005).

The Site and Surroundings

4. Wilnecote Quarry is located some 3.5 kilometres south of the centre of Tamworth, to the east of Dosthill and to the south-west of Hockley (shown on Plan 1). Access for the clay extraction operation is from the associated brickworks on Hedging Lane and for the waste disposal operations, off Rush Lane only.

5. The quarry is bounded to the west by the Birmingham-Derby railway line, to the north by the company's brickworks and to the east by agricultural land. To the south the boundary is formed by Rush Lane which also delineates the County boundary with Warwickshire at this point. 'Kingsley Brickworks' lies to the south of Rush Lane (operated by Weinerberger).
6. The proposal includes an area of the permitted quarry (16 hectares); the proposed extension is located to the east. The extension area comprises two agricultural fields (shown on Plan 1). Two public rights of ways [Tamworth 81(c) and Tamworth 83] are located in the permitted quarry (to the north-eastern) and shown on Plan 1.

Summary of Proposals

7. The application is to extend the existing quarry to the east to release at least 806,000 tonnes of Etruria Marl. The application site also includes part of the existing quarry.
8. Mineral extraction within the extension would take place in three phases over 12 to 13 years and would take 15 to 16 years for the quarry to be restored from commencement.
9. The extension area consists of agricultural land to the east of the existing quarry and south of Hockley Hall Farm (8.4 hectare area in total) and includes the extraction area (6.4 hectares); temporary soil storage (0.5 hectares) and undisturbed areas for boundary planting (1.5 hectares).
10. The three phases of mineral extraction are summarised below.

	Area	Top Soil / Subsoil (m3)	Overburden (m3)	Reserves (Tonnes)
Current working	-	0	0	80,000
Phase 1	3.0 ha	12,200/36,600	515,200	479,000
Phase 2	1.8 ha	8,800/26,400	247,000	157,000
Phase 3	1.55 ha	7,400/22,200	190,700	170,000

Method of Working

11. Soil stripping, the removal of overburden and clay extraction would take place in three phases; however the quarry would develop on an incremental basis.
12. The soil stripping would be undertaken using an excavator which would load all-terrain dump trucks. The first 1.2 metre depth of top and subsoil would be removed and placed into the soil stores. The Halesowen sandstone overburden would also be stripped back to its final gradients and used to backfill the existing quarry void.
13. Clay would also be extracted and removed using an excavator and fed into two or three all-terrain dump trucks. The dump trucks would be used to transfer the excavated clay to the existing clay stocking area located on the western edge of the

quarry (adjacent to the brickworks). The clay would then be weathered in the stockpile area.

Working Depth

14. The maximum working depth of the existing quarry is 41 metres Above Ordnance Datum (AOD). The extraction of the clay in Phase 2 at the lowest bench level would be 54 metres AOD and in Phase 3 the maximum depth would be 60 metres AOD. A dewatering system is currently used to pump water to a higher level settling lagoon system to allow clay extraction. This system would also be used in the eastern extension.

Operating Hours

15. The applicant has not proposed to change the operating hours. The winning and working of minerals generally takes place between the hours of 0800 to 1800 Monday to Friday and 0900 to 1300 on Saturdays. No winning and working of minerals are permitted to take place on Sundays, Bank and Public Holidays (see the recommended conditions for more details).

Extraction rate

16. Clay would be extracted at a rate of 80,000 tonnes per annum for use in the adjacent brickworks to produce 25,000,000 bricks per annum. Between 5,000 and 10,000 tonnes of bulk clay would also be exported to other brickworks.
17. Clay extraction would take place on a campaign basis and involve two 40,000 tonne campaigns per annum.

Vehicle numbers

18. Access to the site would continue via the adjacent brickworks entrance off Hedging Lane and vehicles would generally access the strategic highway network using Hedging Lane on to the A51 (Tamworth Road) or via Hedging Lane and Ninian Way on to the A5 for onward distribution (there is no formal routing agreements in place). The quarry and brickworks are linked by an internal haul road and there is no direct access from the quarry onto the public highway.
19. The applicant has indicated that the proposed extension would not intensify output of clay to the brickworks, which in any event is the subject of a separate planning permission issued by Tamworth Borough Council. There would also be approximately 450 to 500 vehicle loads per annum (approximately 8,000 tonnes per annum) containing 'bulk clay' to supply other brickworks. The frequency of vehicle movements would average 1 load per hour and it is unlikely that there would be more than 5 loads per hour leaving the Site as a worst case (based on 270 effective working days per annum and a 10 hour operational day).

Site Restoration

20. Unlike the existing site, the restoration of the extension area would not require the importation of waste material to backfill the void i.e. 'a low level restoration scheme'.

21. The applicant has explained that the 'extant' planning permissions (ref. [T.13/01/905 MW](#); [T.13/02/905 MW](#) and [T.13/03/905 MW](#)) allow the backfilling of the site with imported waste to restore the land to original ground levels and there is currently 2.8 million cubic metres of permitted void space. However, the proposed extension provides for a low level restoration scheme [this matter is discussed later in the report].
22. The low level restoration scheme includes three areas: agricultural land including an area with potential for development; open water; and, tree planting on the steeper slopes. A revised restoration plan has been submitted following discussion with consultees (Restoration Plan, dwg no LD57-WIL-002d).
23. *Agriculture*: - An area of agriculture land would be created along the northern boundary of the site. The land would be backfilled with overburden and soils placed on to a depth of 1.2 metres. This area would replace an equivalent area of agricultural land lost.
24. A separate agricultural area would be created to the east of the Hedging Lane Industrial Estate. This area would form a 'potential development platform'. The area would be restored to agriculture and discussions would need to take place with Tamworth Borough Council to assess the potential to extend the existing brick stock yard and the industrial estate southwards. The 'potential development platform' would not be available until 2030.
25. *Open Water*: - To create the open water, the dewatering pumps would be turned off and the quarry void would be allowed to fill with surface and rain water. The final water depth would vary and at its deepest along the centre of the restored lake it would be 13 metres deep. The slope gradients into the lake would be 1 in 3.5 which would mean that all margins of the lake would be no more than 2 metres deep within 6 metres of the shore. The shoreline would be developed as a reed bed with occasional water loving tree species.
26. *Tree Planting and Rough Grassland*: - The slopes around the quarry between the water body and agricultural land would be graded to approximately 1 in 3.5 or less and tree planted and seeded to produce areas of grassland. This would create new habitat and also help to stabilise the quarry faces, reducing the risk of long term erosion of the slopes. The slopes would be planted and seeded throughout the lifetime of the operations when the slope faces have reached the maximum limit. The upper sandstone overburden faces would also be restored soon after each strip. The hydro seeding (the use of a slurry of seed and mulch) of the faces would provide quick greening to the most visible faces. This would allow the early restoration of the most visible areas.

The Applicant's Case

27. The applicant acknowledges the '*proposed extension is not specifically allocated in the adopted Mineral Local Plan or the emerging MLP, both documents recognise the need for a further extension at this site to maintain a steady and adequate supply of brick clay from a nationally important mineral resource and to provide the minimum 25 year land bank requirement set out in NPPF*'. (Note: The 'adopted Mineral Local Plan' referred to by the applicant has now been replaced by the Minerals Local Plan for Staffordshire which was adopted on 16 February 2017 and is 'the emerging MLP')

referred to by the applicant).

28. The applicant considers that on balance whilst there are some adverse environmental impacts; the impacts are not considered to be significant; mitigation can be provided to lessen most effects; and there are no effects identified which are considered to be unacceptable.
29. The applicant also considers that '*when balanced against the national need for bricks and the socio economic benefits that arise from the continuation of the business and the associated jobs, the proposal is considered to be positive and accord with planning policy*'.
30. It is the applicant's view that the proposals should be supported by a presumption in favour of granting planning permission as required by the NPPF paragraph 14 and on this basis planning permission for the development should be granted.

Relevant Planning History

31. Wilnecote Quarry operated under a consolidating planning permission (ref [T.17380](#) dated 22 November 1994), which replaced a number of permissions that allowed the extraction of clay and waste disposal. The consolidating planning permission was varied in July 1995 (ref. [T.22183](#) dated 19 July 1995), July 1997 (ref. [T.22910](#) dated 7 July 1997) and in July 2002 (ref. [T.02/09/905 MW](#) dated 22 July 2002).
32. Separate planning permissions have also been granted to:
 - extract clay mineral for brickmaking and subsequent refilling and restoration (ref. [T.22208](#) dated 22 June 1998);
 - retain brick built office accommodation (ref. [T.0088/99](#) dated 20 October 1999);
 - extend the brickworks factory which is directly linked to the life of the quarry (whereas the main brickworks is the subject of a separate planning permission issued by Tamworth Borough Council) and to install a 25m flue stack for the use in the production of brick specials (ref. [T.03/02/905 MW](#) dated 4 June 2003);
 - extend the quarry and restore the site using imported waste material (ref. [T.0252/00](#) dated 14 January 2003) which was varied in 2005 (ref. [T.05/08/905 MW](#));
 - construct a replacement settlement lagoon (ref. [T.06/11/905 MW](#) dated 2 November 2007).
 - vary condition 7 of planning permission [T.17380](#) to amend the approved quarry development drawings in order to maximise reserve recovery from the site ([T.13/03/905 MW](#) dated 27 January 2015);
 - vary conditions 1, 9 and 16 of planning permission [T.05/08/905 MW](#) to amend the approved quarry development drawings in order to maximise reserve recovery from the site (ref. [T.13/02/905 MW](#) dated 27 January 2015);

- permit a minor extension to the existing mineral working area to allow construction of an internal site access road (ref. [T.13/01/905 MW](#) dated 27 January 2015);
- permit a water management system (ref. [T.15/02/905 MW](#) dated 20 August 2015)

Environmental Impact Assessment

Screening Opinion: YES **Environmental Statement:** YES

33. A Scoping Opinion request was submitted by the applicant in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2011, prior the submission of the application. Following consultations a scoping opinion was issued to advise on the scope and content of an Environmental Statement (ES) to accompany the application (ref. [SCO.75/Wilnecote Quarry](#) dated 8 June 2016).
34. The application was accompanied by an Environmental Statement (ES). The ES considered a number of topics including the Environmental Effects; Landscape / Visual Impact Ecology; Highways and traffic and Noise.
35. The findings of the ES (and the environmental information subsequently received) are summarised in [Appendix 1](#)).

Findings of Consultations

Internal

36. The Environment Advice Team (EAT) commented as follows:-
 - *Ecology:* no significant ecological features were recorded but some potential to support protected species. The County Principal Ecologist has commented that the revised restoration plan has taken on board the comments made and is an improvement in regard to the delivery of ecological mitigation and enhancement. The County Principal Ecologist however remains unconvinced that the approach to rely on natural regeneration for habitat restoration below 80 metres AOD and has stated that a more nuanced approach to natural regeneration could also be appropriate. Conditions are recommended to require:
 - the submission of a method statement prior to commencement for protection of great crested newts (to include measures such as timing of vegetation removal and soil stripping to avoid the hibernation period, destructive search of habitat likely to support great crested newts and the timing and nature of ecological supervision);
 - an ecological walkover survey prior to vegetation stripping for each phase;
 - the submission of a plan showing the tree and hedgerow protection measures;
 - the protection of breeding birds;
 - the re-survey of the site for other protected species which could be included in the ecological walk-over survey;

- the submission of a revised restoration plan that revises the approach to natural colonisation and to include detail of species mixes and establishment and aftercare; and,
 - the submission of a hedgerow improvement management plan to include planting details and proposed timescale.
- *Landscape:* modifications to the restoration proposals were recommended and revisions were submitted. Conditions are recommended to require the planting up of gaps in the eastern and southern hedgerow including a hedgerow improvement plan and to require interim management measures for areas outside the extraction area.
 - *Archaeology:* An Archaeological desk-top study has been submitted which concluded there is low potential for the presence of archaeological remains but recognises the potential for previously unrecorded archaeological remains within the area of the proposed extension. It is therefore recommended that a programme of archaeological monitoring during site stripping of top and sub-soil be undertaken and that where significant archaeological remains are identified as part of this monitoring process, adequate time and staff should be made available to enable the cleaning, investigation and recording of these archaeological deposits.
 - *Historic Landscape Character:* The Staffordshire Historic Landscape Character for the area indicates the presence of small rectilinear fields to the south of Grade II Listed Hockley Hall Farm (dating to the early 17th century hall) and the current field boundaries delineating the extension boundary are part of the historic landscape. The restoration scheme should be informed by the historic landscape character and every effort should be made to retain these boundary features within the final restoration scheme for the extension.
 - *Rights of Way:* A meeting has been held with applicant concerning the long term obstructed Public Footpath No's 81(c) and No 83 Tamworth which cross through the area of Wilnecote Quarry. The Rights of Way team has commented that that the proposed extension of the quarry would lead to more of the footpaths potentially becoming obstructed. The applicant should therefore continue with discussions to resolve this matter.
37. The Highways Development Control Team (on behalf of the Highways Authority) have no objections subject to requirements related to: the reconstruction and resurfacing of the vehicular access on to Hedging Lane; the HGV route between the quarry and the Strategic Highway Network; and, a strategy to prevent soil/debris being carried onto the adopted highway.
38. The Staffordshire County Council Noise Engineer – no objection.
39. Planning Regulation Team - no comments.
40. Flood Risk Management Team (on behalf of the Lead Local Flood Authority) – no objection subject to conditions to require the submission of scheme for the provision of the drainage details as part of the restoration scheme.

External

41. Tamworth Borough Council Environmental Health is satisfied with the recommendations of the technical reports (Noise Assessment and Dust Impact Assessment).
42. The Environment Agency has no objection and guidance has been provided concerning groundwater policies (Groundwater Protection: Principles and Practice).
43. The Coal Authority has no objection.
44. Natural England (NE) has no objections and welcomes the quarry restoration an opportunity to create new areas of priority habitats. NE has recommended conditions to secure appropriate restoration in terms of soils and agricultural land quality together with biodiversity enhancements and recommended that consideration be given to local information sources such as the Biodiversity Action Plans for Staffordshire and Warwickshire to identify suitable wildlife habitat types when the concept restoration plan is developed into an 'implementation plan'.
45. Historic England has confirmed that the application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.
46. Network Rail - no response.
47. Staffordshire Wildlife Trust - no response.

Views of District/Parish Council

48. Tamworth Borough Council - no response.
49. Warwickshire County Council has made no specific comments concerning this application. Warwickshire County Council did however provided comments on Kingsley Brickworks located to the south of Wilnecote Quarry.
 - Planning permission for extraction runs to February 2042; in May 2016 it was estimated there were 4 - 6 years of clay left;
 - Biffa have infilled one area and are working on finishing restoration of that area;
 - Biffa are unlikely to be doing any more landfilling for the next couple of years as Wienerberger are working in the quarry void currently;
 - There appears to be no shortage of landfill void space overall. The last survey information from Biffa for Kingsbury was that gross void space in July 2014 was recorded as 3.5 million tonnes.

Publicity and Representations Received

50. Site notice: YES Press notice: YES
51. 98 neighbour notification letters were sent out and 2 representations have been

received. The representations are summarised below:

- An existing right of way has been fenced off and the right of way needs to be re-routed [Tamworth 81(c) and Tamworth 83 are located to the north-east];
- The site is not allocated in the Minerals Local Plan for Staffordshire and does not accord with the plan;
- The Minerals Local Plan is out of date and the new Local Plan has not been adopted (the letter was received prior to the adoption of the new Local Plan);
- Impact on visual amenity;
- Ownership (Hockley Hall Farm);
- The proposed restoration scheme assumes landfilling (Biffa) which will not take place;
- The agricultural land including hedgerows / Green Belt should not be lost in favour of Etruria marl;
- Impact on Historic Environment (Peel Estate);
- Sufficient bricks will be produced at Kingsbury brickworks (Weinerberger) and clay extracted has not been used in the adjacent brickworks;
- The soils are of high quality;
- The hedges will only screen the site part of the year;
- Impact on wildlife including bats;
- Employment creation is not relevant;

52. Biffa Waste Services Ltd (Biffa) (who operator the site in conjunction with the applicant) has commented as follows on the application:

- Landfilling was suspended and transferred to the Kingsbury site in 2005 (to the south of the site in Warwickshire) to allow clay to be extracted to release new void space;
- Landfilling at the Kingsbury site was also suspended in November 2014 (as there is currently insufficient void space).
- Waste is currently being diverted to the Poplars landfill site in Cannock, with the intention that it would return to the Wilnecote and Kingsbury sites when void space becomes available.
- There has been a reduction in landfill inputs, alongside this there has been a reduction in the number of landfill sites across the UK in recent years.
- No planning permissions for new landfill sites have been granted. The last permission for a new landfill secured by Biffa was in Leeds in 2001.
- The Environment Agency estimates nationally that there is sufficient consented void for 7 years and in the West Midlands sufficient for 10 years.
- There are now 10 counties in England with no non-hazardous void space.
- Overall, Biffa contend that the Wilnecote site should be '*viewed as a long term and increasingly important strategic asset which could even also potentially be rail linked in the future*' and that '*Wilnecote Quarry is part of Biffa's own strategic void bank that, in the Midlands, also includes Kingsbury and Poplars*'.

- As a consequence Biffa, as an interested party confirmed that they would be unwilling to sign a Section 106 Legal Agreement that would remove all existing rights to carry out further landfilling.

The development plan policies and proposals relevant to this decision

53. The relevant development plans include the Minerals Plan for Staffordshire, the Staffordshire and Stoke-on-Trent Waste Local Plan and the Tamworth Borough Council Local Plan 2006-2031. The other material considerations include the Government's National Planning Policy Framework, National Planning Policy for Waste and Planning Practice Guidance. The relevant development plan policies and other material considerations are listed in [Appendix 2](#).

Observations

54. This is an application for an eastern extension to the existing clay quarry with associated restoration on land at Wilnecote Quarry, Hedging Lane, Wilnecote, Tamworth.
55. Having given careful consideration to the application, the supporting and environmental information, including the information subsequently received, the relevant development plan policies and other material considerations, the consultation responses and the representations, all referred to above, the key issues are considered to be:
- The minerals and waste planning policy considerations;
 - The Green Belt policy considerations;
 - Environmental and highway considerations;
 - Restoration;
 - Other matters raised by consultees or in representations;
 - The Need for a Legal Agreement;

The minerals and waste planning policy considerations

The minerals planning policy considerations

56. Both national and local planning policies recognise the importance of minerals for sustainable economic growth. The [National Planning Policy Framework](#) (NPPF) contains specific mineral planning policy guidance (Section 13), and provides general planning policy guidance which is underpinned by a presumption in favour of sustainable development. The NPPF advises that:

'Minerals are essential to support sustainable economic growth and our quality of life. It is therefore important that there is a sufficient supply of material to provide the infrastructure, buildings, energy and goods that the country needs. However, since minerals are a finite natural resource, and can only be worked where they are found, it is important to make best use of them to secure their long-term conservation' (ref. NPPF paragraph 142).

57. The National Planning Practice Guidance states that the planning for the supply of minerals has a number of special characteristics that are not present in other

development; minerals can only be worked (i.e. extracted) where they naturally occur, so location options for the economically viable and environmentally acceptable extraction of minerals may be limited; working is a temporary use of land, although it often takes place over a long period of time; working may have adverse and positive environmental effects, but some adverse effects can be effectively mitigated; and following working, land should be restored to make it suitable for beneficial after-use (ref. Planning Practice Guidance; [Minerals, Minerals Overview, What are mineral resources and why is planning permission required?](#)).

58. Paragraph 146 of the NPPF states that:

'Mineral Planning Authorities should plan for a steady and adequate supply of industrial minerals by.... providing providing a stock of permitted reserves to support the level of actual and proposed investment required for new or existing plant and the maintenance and improvement of existing plant and equipment, as followsat least 25 years for brick clay....'

59. The Minerals Local Plan for Staffordshire does not include allocations for additional reserves of brick clay as there is a sufficient stock of permissions in the county as a whole. Reference to this application is made in the Plan and 'additional resources' at the Wilnecote Quarry, paragraph 3.11 states:

'...Wilnecote Brickworks at Tamworth is the only works in the county where there is a clay supply of less than 15 years. Permission was granted in 2015 for a modified working scheme at Wilnecote Quarry which would add an additional 2 years supply to the works and the site operator has indicated that additional resources are being investigated for development of the quarry but at this stage there is insufficient information about these resources to justify an allocation for future working'.

60. Paragraph 3.13 of the Minerals Local Plan for Staffordshire also confirms that:

'National policy requires that a stock of permitted reserves of 25 years is provided for each works using brick clay and our assessment of the requirements of the local works in Staffordshire indicates that there are sufficient reserves except in relation to the Wilnecote works....'

61. The Minerals Local Plan for Staffordshire also indicates that there is a need to safeguard clays from sterilisation caused by built development due to the scarcity of the resource. This includes the urban periphery of Newcastle under Lyme, Cheslyn Hay and Tamworth.

62. The applicant has indicated that:

'...even with the proposed extension, this will not provide a full 25 year landbank for the Wilnecote site, but it does provide for as long a period as can be reasonably expected given the geological constraints. The key constraint is an increasing depth of overburden heading east from the existing quarry to a point where the removal of that overburden becomes increasingly commercially unviable'.

63. The [Minerals Local Plan for Staffordshire](#) policy 4.1 requires that consideration

should be given to the impact of proposal for mineral development on people, local communities and the environment. For example the impacts from noise, traffic on the highways network and the Green Belt. This policy also requires that mitigation measures to overcome or minimise any adverse impacts of the development will be taken into account (policy 4.2) and states that permission will be granted when it can be demonstrated that there are no unacceptable adverse impacts on human health, general amenity and the natural and historic environment, except where the material planning benefits of the proposals outweigh the material planning objections. The Minerals Local Plan for Staffordshire policy 4.5 seeks to encourage mineral operators to introduce higher environmental standards during working, restoration and aftercare when preparing new proposals.

64. The applicant considers that the proposal accords with the requirements of the emerging MLP (now adopted plan). The applicant has stated that:

'It is therefore clear that emerging policy envisages a need for the release of further reserves at Wilnecote but, at the time that the nMLP was being prepared, insufficient information was available upon which to assess any potential extension there'; and,

'In summary there is a recognised and major shortage of brick clay reserves at the Site; as the environmental impacts of working the extension can be achieved within acceptable limits; as the Site is an established producer of high quality bricks for which there is a national need; and as the granting of permission will help secure existing jobs for a further 10 years or more; it is the Applicants view that the proposed development accords with the requirements of the MLP'.

65. The [Annual Monitoring report for 2014/2015](#) states that:

'All works in Staffordshire have adequate landbanks except for the Wilnecote works in Tamworth although permission was granted for revised working arrangements to release additional clay reserves in 2014 (ref T.13/01-03/905 MW)'.

The extension to the quarry would provide additional reserves which would allow the continued operation of the quarry and associated brickworks for an additional 12 to 13 years. The applicant has indicated that the extension appears to be the last in the quarry.

66. *Conclusion: the minerals planning policy considerations:* It is considered that an extension to Wilnecote Quarry would allow the remaining clay in the immediate vicinity of the brickworks to be extracted which would support the continued operation of the brickworks. It is therefore reasonable to conclude that in principle the proposals accord with the relevant mineral planning policies and guidance referred to above.

The waste planning policy considerations

67. The applicant has proposed a low level restoration scheme for the extension area to 'replace' the current high level restoration scheme so that it is no longer reliant on imported waste to restore the site. The applicant has explained that:

'As the current waste market and environmental policies promote reducing the volume of waste going to landfill, the future landfill market for the site is unclear, the proposed restoration therefore takes a precautionary approach and proposes a scheme that is achievable using only materials already on site'.

68. The applicant has acknowledged the proposed low level restoration scheme would result in a conflict between the proposed and the approved restoration schemes. The applicant has also explained that the proposed scheme:

'now provides a restoration option that has a greater certainty for delivery compared to the infill based scheme'; and,

This will ensure that the site quarry can be restored in a timely fashion but maintains the option of using the permitted landfill capability should the need arise as a result of increased waste to landfill flows'.

69. The applicant has explained that the proposed scheme could 'be adapted with little effort to maintain the long term aims of site restoration and that this approach would provide a robust strategy for site restoration'. The applicant has also explained that the scheme is flexible enough to accommodate a re-opening of the landfill operations should Biffa decide to reopen the site under the existing planning permissions. This would require an element of adjustment to both schemes in the event that infilling did recommence but the changes are expected to be easily accommodated and should not compromise the completion of restoration work.
70. The extension to the site would allow clay to be extracted for a 12 to 13 year period (i.e. to 2029/2030) followed by a 2 to 3 year period for the site to be restored (i.e. by 2032/2033) [followed by a 5 year period of aftercare]. The operations would therefore cease 2 years earlier than the currently permitted timescale (31 December 2035).
71. The applicant has explained that the landfill operations have been static since the late 2005 and no waste has been imported since then. As a consequence site restoration *'is therefore currently held in indefinite abeyance until sufficient infill material is found to complete the restoration scheme'*.
72. The restoration of the site to a low level restoration could be delivered and achieved in a satisfactory timescale; however the permission to allow the infilling of waste would still remain 'valid' and could be implemented. The implications of the 'high level' and 'low level' restoration scheme therefore need to be considered.
73. The ['Waste Management Plan for England'](#) sets out the Government's ambition to work towards a more sustainable and efficient approach to resource use and waste management and highlights the importance of putting in place the right waste management infrastructure at the right time and in the right place. The Plan sets out the need to drive waste management up the waste hierarchy, ensuring that waste is considered alongside other spatial planning concerns, to provide a framework in which communities and businesses are engaged to take more responsibility of their own waste, helping to secure the re-use, recovery or disposal of waste without endangering human health and without harming the environment, and in ensuring design and layout complements sustainable waste management. The Waste

Management Plan for England also stated that the disposal of inert waste in or land i.e. landfill, remains a valid way of restoring quarries and worn out mineral workings where there is a planning requirement.

74. The [Staffordshire and Stoke-on-Trent Joint Waste Local Plan](#) seeks to ensure that there is provision of sufficient waste management capacity available to cover the period of the plan.
75. Paragraph 5.53 of the Waste Local Plan states that
- “Although the Waste Local Plan promotes management of waste higher up the waste hierarchy, landfill will still continue to be required for the disposal of non-combustible residual waste and certain hazardous wastes. Policy 2.4 safeguards the strategic hazardous landfill site. The locally important landfill, non-hazardous and inert landfill site will be protected if necessary by Policy 2.5, **however opportunities to reduce the disposal of waste to landfill and reduce the need to backfill mineral sites i.e. reduce void capacity/landfill, should be taken if the opportunities arise.**” (emphasis added)*
76. It is considered that this is an opportunity to reduce the need to backfill the site with imported waste and reduce the overall landfill capacity in the county.
77. The Annual Monitoring report for 2014/2015 states there are enough landfill sites in Staffordshire and Stoke-on-Trent to meet local demand for the period up until 2025/2026 (the end of the current Waste Local Plan period). The Annual Monitoring Report also confirms there are 11 non-hazardous landfills in Staffordshire (4 operational, 2 non-operational and 5 planning obligated). The figures in the draft Annual Monitoring report for 2015/2016 for the number of landfill sites have not changed.
78. The applicant has confirmed that the permitted landfill void capacity is 2.8 million cubic metres and that this figure would be reduced by 1/3 (an estimated 0.95 million cubic metres) as a result of the backfilling with overburden from the extension area. Your officers have discussed the possibility of the applicant and other interested parties agreeing to give up the remaining void capacity, however, for the reasons stated in their representation referred to earlier, Biffa are unwilling to do so. Nevertheless, your officers consider that the proposed low level restoration scheme, along with the recommended conditions to require the applicant to regularly report on the progress of the site and to review the restoration scheme would reduce the requirement to backfill the site and keep open the opportunity to reduce the requirement still further should landfill operations not recommence.
79. *Conclusion: the waste planning policy considerations:* Having regard to the above mentioned policies and guidance, it is reasonable to conclude that the proposals do provide an opportunity to reduce the need for backfill with imported waste to restore the site.
80. *Overall Conclusion minerals and waste planning policy considerations:* Having regard to the minerals and waste planning policies, and other material considerations, the consultation responses and representations, all referred to above, it is reasonable to conclude in general mineral and waste planning policy terms that the proposals are acceptable in principle. It is however also necessary to consider the Green Belt policy

and environmental and highway impacts of the proposed development in order to assess whether any site specific potential impacts outweigh the benefits.

Green Belt policy considerations

81. The site lies in the South Staffordshire Green Belt. It is therefore necessary to assess the proposals against the Tamworth Borough Council Local Plan (Policy EN2); the Minerals Local Plan (Policy 4.1 (g)), and, the National Planning Policy Framework (the NPPF) (section 9), which all aim to protect the Green Belt from inappropriate development and aim to preserve its openness.
82. It is relevant to note that when the most recent applications at the quarry were determined in August 2015 (refs. T.13/01/905 MW; T.13/02/905 MW and T.13/03/905 MW) it was concluded that the proposal would not be inappropriate in Green Belt policy terms as they do preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt for the following reasons:
- Minerals can only be worked where they occur;
 - The limited scale, duration and temporary nature of the mineral operations;
 - Controls can be imposed by planning conditions to minimise visual impact and require the site to be well restored to high environmental standards.
83. Section 9 of the NPPF indicates that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
84. NPPF paragraph 80 sets out the five purposes of the Green Belt:
- to check the unrestricted sprawl of large built-up areas;
 - to prevent neighbouring towns merging into one another;
 - to assist in safeguarding the countryside from encroachment;
 - to preserve the setting and special character of historic towns; and,
 - to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
85. NPPF paragraph 87 states that *'As with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances'*. Paragraph 88, states that *'there will be harm to the Green Belt if inappropriateness and any harm are not clearly outweighed by other considerations'*.
86. Paragraph 90 of the NPPF explains that:
- 'Certain other forms of development are not inappropriate in Green Belt provided that they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt'*.
87. The *'other forms of development'* referred to in paragraph 90 include mineral

extraction which can demonstrate a requirement for a Green Belt location.

88. The Minerals Local Plan (Policy 4) and para. 7.33 explains that:

'National policy requires the protection of Green Belt but recognises that mineral extraction need not be inappropriate in the Green Belt provided that the mineral extraction preserves the openness of the Green Belt and does not conflict with the purposes of including land in the Green Belt' [emphasis added].

89. The applicant has stated that the proposals would be temporary and retain the openness of the Green Belt and the proposed development is acceptable in the Green Belt.

90. For the following reasons it is considered that the proposals would not harm the openness of the Green Belt or conflict with the purposes of including land in the Green Belt and as such they are not inappropriate in Green Belt policy terms:

- Minerals can only be worked where they occur;
- The limited scale, duration and temporary nature of the mineral operations;
- Controls can be imposed by planning conditions to minimise visual impact and require the site to be well restored to high environmental standards.
- The proposals include a low level restoration scheme which would reduce the current reliance on landfill to restore the site and secure the earlier restoration of the site.

91. As the proposals are not considered to be inappropriate in Green Belt policy terms, there is no need to consult the Secretary of State for Communities and Local Government in accordance with the [Town and Country Planning \(Consultation\) \(England\) Direction 2009](#).

92. *Conclusion:* Having regard to policies, guidance and other material considerations referred to above, it is reasonable to conclude in this case that the proposed development is not inappropriate development in the Green Belt policy terms and would not harm the openness of the Green Belt or conflict with the purposes of including land in the Green Belt.

Environmental and highway considerations

93. The submitted Environmental Statement (ES) considered the impact of the proposal Soil and Construction Management; Ecology and Nature Conservation; Environmental Health (Flood Risk and Groundwater, Noise, Dust, Lighting); Transportation & Access; Landscape and Visual Impact Assessment; Archaeology and Heritage and Restoration and Aftercare. The findings of the ES are summarised in Appendix 1.

Highways safety

94. The National Planning Policy Framework paragraphs 32 and 144 of the NPPF and Mineral Local Plan (Policy 4 (e)) seek to ensure that development does not cause

unacceptable adverse impacts and that highways safety is not compromised. The applicant has indicated in the Highways and Traffic section of the Environmental Statement that proposed development does not seek to intensify output from the brickworks and may reduce as the applicant seeks to maximise the value from the remaining reserves.

95. The Transport Statement (TA) states that HGV traffic generated by the proposals would continue to use Hedging Lane to travel south towards Kingsbury and the M42 south, or head north along the A51 Tamworth Road to the A5, M42 north and the M6 Toll. Wilnecote Quarry traffic has been using this route for approximately 40 years with no known detrimental issues. The TA concludes the proposal would have no material adverse impacts on the safety or operation of the adjacent highway network.
96. No objections have been received from the Highways Development Control Team, subject to a number of requirements related to: the reconstruction and resurfacing of the vehicular access on to Hedging Lane; the HGV route between the quarry and the Strategic Highway Network; and, a strategy to prevent soil/debris being carried onto the adopted highway. The HGV traffic generated from the quarry would use Hedging Lane or Ninian Way to meet the 'A' roads (A51 Tamworth Road or A5). The route would need to be secured as part of a Section 106 Legal Agreement (see 'Need for Legal Agreement' below). The applicant has accepted the need to provide details of the approved HGV route.
97. *Conclusion:* Having regard to the above mentioned policies, guidance and consultee comments, it is reasonable to conclude that, subject to the recommended conditions and measures secured by a Section 106 Legal Agreement, the proposals can reasonably be controlled such that they would not give rise to any unacceptable adverse impact in terms of traffic or harm to the transport network.

Rights of Way

98. A local resident has raised concerns related to the right of way located to the northeast of the site (Tamworth 81(c) and Tamworth 83).
99. The applicant has explained that there are no public rights of way within the proposed extension area and a historic public right of way on the northern boundary of the site, between Hedging Lane and Hockley Hall (Tamworth 83) has become impassable. Discussions between the applicant and Staffordshire County Council are ongoing to try to resolve this matter.
100. The applicant has also suggested that the restoration scheme could include a revised alignment for Tamworth 83 and is willing to consider alternative routes to the footpath.
101. *Conclusion:* Having regard to the material considerations, consultee comments and representations, all referred to above, it is recommended that the condition requiring a detailed restoration scheme include a requirement to reinstate existing footpaths unless alternative routes are agreed and an informative be included on the Decision Notice to remind the applicant to continue the discussions concerning Tamworth 83 and the provision of other footpaths as part of the restoration of the site.

Restoration Guarantee Fund

102. As indicated above, the applicant has proposed a low level restoration scheme which does not rely on the importation of waste, the principle of which is considered acceptable.
103. Paragraph 144 of the NPPF indicates that local authorities, should through the application of appropriate conditions, require restoration and aftercare to be achieved at the earliest opportunity, carried out to high environmental standards and that bonds or other financial guarantees should only be sought in exceptional circumstances. Policy 9 in the adopted MLP requires extraction and restoration to take place in 'phases' wherever practicable to ensure that the period for which the land is in use for mineral development before being restored is minimised.
104. The National Planning Practice Guidance also indicated that a financial guarantee to cover restoration and aftercare costs would normally only be justified in exceptional cases. The National Planning Practice Guidance explains that where an operator is contributing to an established mutual funding scheme, such as the Mineral Products Association (MPA) Restoration Guarantee Fund or the British Aggregates Association (BAA) Restoration Guarantee Fund, it should not be necessary for a minerals planning authority to seek a guarantee against possible financial failure, even in such exceptional circumstances (ref. Planning Practice Guidance; [Minerals, Restoration and Aftercare of mineral sites](#), *When is a financial guarantee justified?*, paragraph 048).
105. Policy 6 in the Mineral Local Plan requires any restoration proposals to be sufficiently comprehensive, detailed, practicable and achievable within the proposed timescales (Policy 6.2); kept under review to take advantage of opportunities that may arise (Policy 6.3); and, in accordance with government policy, in exceptional circumstances a financial guarantee should be in place (Policy 6.4).
106. The applicant has submitted a restoration scheme for the site which includes agriculture (with an area for potential development subject to the appropriate permission from Tamworth Borough Council); open water; tree planting and rough grassland.
107. The applicant has explained that accounting provisions are made for the cost of restoring the quarry throughout the life of the development, including restoration and aftercare. The applicant has also explained that the company is a member of the British Ceramics Confederation (BCC) and that discussions have taken place at the BCC regarding a restoration guarantee fund or whether the BCC could become affiliated to the MPA and on that basis benefit from the Restoration Guarantee Fund.
108. The Environmental Advice Team has raised concerns relating to the approach to rely on natural regeneration for habitat restoration below 80 metres AOD and that revisions are required for the restoration plan. There is also some doubt about if and when landfilling would re-commence on the site in accordance with the current planning permissions.
109. It is therefore considered appropriate to recommend conditions to ensure the restoration of the site is kept under review and details of the financial provisions are regularly confirmed.

110. *Conclusion:* Having regard to policies, guidance and other material considerations referred to above, and subject to the conditions recommended below related to the requirement to regularly review the restoration scheme and require an independent financial statement to demonstrate that adequate financial provisions are in place to secure the restoration and aftercare of the site, it is reasonable to conclude that the restoration of the site would be achieved at the earliest opportunity, carried out to high environmental standards, and would be sufficiently comprehensive, detailed, practicable and achievable within the proposed timescales.

Other matters raised by consultees or in representations

111. *The application cannot be considered until the ownership of the void space following mineral extraction and the soils belong to Hockley Hall Farm are resolved.* The applicant has explained that the land subject of the ownership dispute would not be subject to landfill under the proposal or the permitted extraction and that the applicant notified the owner of Hockley Hall Farm prior to the submission and any operations on this land would need permission from the landowner.
112. The National Planning Practice Guidance states that' planning is concerned with land use in the public interest, so that the protection of purely private interests such as the impact of a development on the value of property' (ref. [Determining a planning application](#), [Planning for minerals extraction](#), [How must decisions on applications for planning permission be made?](#), paragraph: 008).
113. *Impact on Wildlife.* The application was accompanied by an Ecological Appraisal including enhancement recommendations and additional information was also submitted to address matters raised by the Environmental Advice Team. The Environmental Advice Team has recommended a number of conditions to protect flora and fauna and to require revisions to the restoration plan.
114. *Impact on Visual Amenity.* A Landscape and Visual Impact Assessment accompanying the Environmental Statement and the Environmental Advice Team has recommended conditions to require the planting up of gaps in the eastern and southern hedgerow, including a hedgerow improvement plan and to require interim management measures for areas outside the extraction area.
115. *Agricultural land should not be lost in favour of Etruria marl and the agricultural land should be retained.* The restoration scheme would restore an equivalent area of agricultural land.
116. *Impact on Historic Environment (Peel Estate).* The County Council's Environmental Advice Team have indicated that the current field boundaries delineating the boundary to the extension area are part of the historic landscape and that the restoration scheme should be informed by the historic landscape character and every effort should be made to retain these boundary features within the final restoration scheme for the extension. A condition is therefore recommended to protect and enhance these boundary features and incorporate them into the restoration and aftercare scheme.
117. *The soils are of high quality.* The soil resource would be retained and used in the site restoration.

118. *Employment creation is not relevant.* The Planning Practice Guidance explains that retaining jobs should be taken into account when considering extensions to existing sites (ref. [Minerals, Planning for minerals extraction, Under what circumstances would it be preferable to focus on extensions to existing sites rather than plan for new sites?](#), paragraph: 010).

The Need for a Legal Agreement

119. Guidance in the NPPF relating to the use of planning conditions and obligations explains that consideration should be given to whether otherwise unacceptable development can be made acceptable through the use of conditions or planning obligations. The guidance (paragraph 204) indicates that planning obligations should only be sought where they meet all of the following tests:
- necessary to make the development acceptable in planning terms;
 - directly related to the development; and,
 - fairly and reasonably related in scale and kind to the development.

[Note: These are also legal tests by virtue of the Community Infrastructure Levy Regulations 2010 [[Part 11, Regulation 122 and 123](#)] (as amended by the [2011](#), [2013](#) and [2014](#) Regulations). The Planning Practice Guidance ([Community Infrastructure Levy](#), 'Do the planning obligations restrictions apply to neighbourhood funds?') indicates that the [Community Infrastructure Levy \(Amendment\) Regulations 2014](#) prevents section 106 planning obligations being used in relation to those things (infrastructure) that are intended to be funded through the levy (Community Infrastructure Levy) by the charging authority. In this case, a CIL has not been adopted in this area].

120. Chapter 8 of the Mineral Local Plan (Implementation and Monitoring of the Plan) and Appendix 7 (B) provides guidance on the ways the Mineral Planning Authority will implement the objectives and policies of the Mineral Local Plan including negotiating legal agreements or modifications to existing legal agreements. Appendix 7 (B) states that planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.
121. It is recommended that the following undertaking be secured by a Section 106 Legal Agreement (S106) and the reasons why the undertakings meet the tests referred to above are explained below each undertaking:
1. *To require the applicant to agree the HGV route between the quarry and the Strategic Highway Network (Hedging Lane or Ninian Way to meet the 'A' roads (A51 Tamworth Road or A5) in connection with the bulk clay sales traffic.*

This undertaking would ensure that a suitable route(s) from Wilnecote Quarry to the Strategic Highway Network for the bulk clay sales traffic are formalised. This undertaking accords with the Mineral Local Plan (policy 4); Waste Local Plan (policy 4) and the NPPF (section 4).

2. *To require the applicant to reconstruct, resurface, repair and maintain the vehicular access on to Hedging Lane in accordance with approved details;*

This undertaking would ensure that the vehicular access on to Hedging Lane is reconstructed, resurfaced, repaired and maintained. This undertaking accords with the Mineral Local Plan (policy 4); Waste Local Plan (policy 4) and the NPPF (section 4).

3. *To require the applicant to establish a site liaison committee and to invite key stakeholders including local residents/land owners and representatives on behalf of the County, and Borough Councils to attend in accordance with approved terms of reference.*

This undertaking would ensure that a forum exists for key stakeholders to be kept informed about the progress of the working and restoration of the site and for concerns that may arise or opportunities to improve the working and restoration to be discussed. This undertaking accords with the Mineral Local Plan (policy 4.4), and the NPPF (sections 11 and 13).

122. *Conclusion:* In this case, it is reasonable to conclude that the terms of the undertakings described above are necessary, relevant and fairly and reasonably related in scale and kind to the development and should be secured as part of a S106.

Overall Conclusion

123. Overall, as an exercise of judgement, taking the relevant development plan policies as a whole and having given consideration to the application; the supporting and environmental information (including the supporting and environmental information subsequently received); the relevant development plan policies; the other material considerations; the consultation responses and representations received; all referred to above, it is reasonable to conclude that the proposals should be permitted, subject to planning conditions and the applicant and any other parties with an interest in the land entering into a Section 106 Legal Agreement, the heads of terms of which are recommended below.

RECOMMENDATION

PERMIT the application for an eastern extension to the existing clay quarry with associated restoration on land at Wilnecote Quarry, subject to the applicant and all parties with an interest in the land first signing a Section 106 Legal Agreement to secure the terms listed below and subject to the planning conditions listed below.

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

1. To require the applicant to agree the HGV route between the quarry and the Strategic Highway Network in connection with the bulk clay sales traffic;
2. To require the applicant to reconstruct, resurface, repair and maintain the vehicular access on to Hedging Lane in accordance with approved details; and,

3. To require the applicant to establish a site liaison committee and to invite key stakeholders including local residents/land owners and representatives on behalf of the County, and Borough Councils to attend in accordance with approved terms of reference.

The planning conditions to include the following:

Define the consent

1. To define the permission with reference to documents and plans;
2. To define the mineral working and restoration operations;

Commencement of the development

3. To define the commencement of the development;
4. To require notice of commencement under the terms of this permission;

Cessation of the development

5. To define the duration of the development – winning and working of mineral shall cease no later than 13 years from the date of commencement; and, the site shall be restored no later than 16 years from the date of commencement.
6. To require notification of commencement and cessation of working and restoration operations in each phase of the development;
7. To define the expiry of the permission to be when the restoration and aftercare has been completed to the satisfaction of the Mineral Planning Authority in accordance with the latest approved Restoration and Aftercare Scheme;
8. To define the requirements in the event that the operations cease prematurely;
9. To define the cessation date in event that the permitted operations cease for a period of 5 years;

Knowledge of the Conditions

10. To ensure that the terms of the planning permission are made known to the site operators;

Record keeping

11. To keep records for the following:-
 - a) The total number of bulk loads of mineral leaving the site per day;
 - b) The operating hours;
 - c) Noise, dust and water monitoring in accordance with the approved schemes;
 - d) Any complaints and remedial actions taken.

Definition of the Working Strategy

12. To limit output to no more than 80,000 tonnes of clay per annum;
13. To limit clay extraction to a base level of 45 metres AOD in Phase 1; 54 metres AOD in Phase 2; and 60 metres AOD in Phase 3;
14. To require the submission of a detailed Progress Report and Site Layout Plan 12 months after commencement of the development and thereafter at years 5 and 10;
15. To define the site layout, appearance and height of stockpiled materials;

Management of the operations

Hours of Operation

16. To limit operating hours for all activities on site:
 - 0800 to 1800 Monday to Friday;
 - 0800 to 1300 Saturday;
 - No such activities shall be carried out on Sundays, Bank or Public Holidays.

The exception to the above hours would be emergency operations for reasons of health and safety or to prevent pollution;

Development Restrictions

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

Site Access, Vehicle Numbers and Highway Safety

18. To define the vehicular accesses;
19. The number of HGV movements associated with the bulk clay sales to and from the site shall not exceed 1000 per year (500 loads) with a maximum of 24 movements (12 loads) per day and an average of 4 movements (2 loads) per full working day based on 270 working days per year;
20. To require loads of clay to be securely sheeted or otherwise contained before entering the public highway;
21. To require the submission of a strategy to prevent soil/debris being carried onto the public highway;

General Environmental Protection

Soil Management

22. To ensure that no soil is removed from the site;

23. Notification of soil stripping, replacement of soil making material or sub soil and the completion of topsoil replacement;
24. To ensure soils are removed, stored and replaced in accordance with Defra's Good Practice Guide for Handling Soils;

Noise

25. To require the submission of a noise monitoring scheme;
26. To limit noise during extraction operations at nearest noise sensitive properties to 55 dB LAeq freefield (1 hour);
27. To limit noise during temporary operations such as soil removal, storage or replacement to 70dB LAeq freefield (1 hour) at nearest noise sensitive properties;
28. To require all vehicles and plant employed within the site to be fitted with effective silencers;
29. To require all vehicles and plant employed within the site to be fitted with appropriate reversing systems;
30. To require that all plant engine covers are closed whilst the plant is in operation except when undertaking maintenance and repair work;

Dust

31. To require the dust mitigation measures included in the Environmental Statement (Appendix 8 – Dust Impact Report) to be followed;
32. To ensure best practicable means are employed at all times to minimise generation and dispersal of dust caused by all operations;

Maintenance

33. To ensure that all buildings, structures, perimeter security fencing, gates and hard-surfaces on site are maintained in good order and fit for purpose;

Water Environment

34. To require that any facilities for the storage of oils, fuels or chemicals to be sited on impervious bases and surrounded by impervious bund walls;

Pollution Control

35. To prevent burning of waste on site;

Site Security

36. To ensure that measures are taken to prevent any unauthorised access to the site;

Nature Conservation and Archaeology

37. To require the submission of a method statement prior to commencement of the eastern extension for protection of great crested newts (to include measures such as timing of vegetation removal and soil stripping to avoid the hibernation period, destructive search of habitat likely to support great crested newts and the timing and nature of ecological supervision);
38. To require an ecological walk over survey prior to the any soil stripping or soil placement;
39. To require an ecological walkover survey prior to vegetation stripping for each phase
40. To require the submission of a plan showing the tree and hedgerow protection measures;
41. To ensure the protection of breeding birds;
42. To require the re-survey of the site for protected species;
43. To require the submission of a hedgerow improvement management plan including planting details and proposed timescale;
44. To require the planting up of gaps in the eastern and southern hedgerow;
45. To require the submission of interim management measures for areas outside the extraction boundary;
46. To require the submission of a written scheme of archaeological investigation;

Restoration and Aftercare

47. To require the site to be generally restored in accordance with the submitted Restoration Masterplan (to agriculture; open water and tree planting on the steeper slopes);
48. To require a detailed Restoration and Aftercare Scheme to be submitted within 12 months of the date of the permission; the scheme to include (but not limited) to details of:
 - a) soil handling
 - b) depths of soil forming materials
 - c) soil amelioration;
 - d) full details of the proposed landform;
 - e) revisions to the approach to natural colonisation;
 - f) details of site drainage including following the removal of the settlement ponds;
 - g) details of the rights of way through the site;
 - h) full details of habitat restoration with planting details including plant species, percentage mixes, planting densities, plant protection;

- i) details of annual reports and site meetings to monitor restoration and aftercare progress;
 - j) the programmes for restoration and aftercare; and,
 - k) full details of the five year aftercare.
49. To require a review of the approved Restoration Masterplan 12 months after the commencement of the development then at years 5 and 10 in conjunction with the Progress Reports, and if as a result to require revisions to the detailed Restoration and Aftercare Scheme. The review to include an up to date independent statement to demonstrate that adequate financial provisions are in place to secure the restoration and aftercare of the site in accordance with the approved scheme, unless the operator has joined the MPA or equivalent and as a consequence a restoration guarantee fund / bond exists.
50. To require the site to be restored and subject to aftercare in accordance with the latest approved Restoration Masterplan and detailed Restoration and Aftercare Scheme.
51. To define the expiry of the permission.

Informatives

1. Environmental Advice Team (Rights of Way) advised as follows:

The applicant to be advised that discussions should continue to take place to resolve the obstruction of Tamworth 83 and to provide a revised alignment for path Tamworth 83 as part of the restoration scheme.

2. Highways Development Control advised as follows:

The applicant to be advised that prior to the commencement of work within the public highway to reconstruct/resurface the existing site access the applicant will need to obtain a Permit to Dig from Staffordshire County Council Network Management Unit.

3. The Coal Authority advised as follows:

The applicant to be advised that the proposed development lies within an area that has been defined by The Coal Authority as containing potential hazards arising from former coal mining activity.

The Coal Authority recommends that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Regulations approval (if relevant). Your attention is drawn to the Coal Authority policy in relation to new development and mine entries available at www.coal.gov.uk.

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority.

4. The Environment Agency advised as follows:

The applicant to be advised to refer to the Environment Agency's 'Groundwater Protection: Principles and Practice' (GP3) document, available from gov.uk. This sets out our position on a wide range of activities and developments, including:

- Waste management
- Discharge of liquid effluents
- Land contamination
- Drainage
- Storage of pollutants and hazardous substances
- Management of groundwater resources

All precaution must be taken to avoid discharges and spills to ground both during and after construction. For advice on pollution prevention measures, the applicant should refer to guidance available on our website (www.gov.uk/environment-agency).

Case Officer: David Bray
tel: (01785) 277273
email: david.bray@staffordshire.gov.uk

A list of background papers for this report is available on request and for public inspection at the offices of Staffordshire County Council, 1 Staffordshire Place, Stafford during normal office hours Monday to Thursday (8.30 am – 5.00 pm); Friday (8.30 am – 4.30 pm).

Appendix 1: Summary of the findings of the Environmental Statement

Section 1 Introduction

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

Section 2 - The Site

This section of the ES includes an introduction to the application site; its surroundings; details of the planning application area; site layout including application areas; details of the adjacent brick factory; the existing quarry; the 'Biffa landfill'; and the quarry extension.

Section 3 Development Proposal

This section describes the proposed scheme; the proposed extraction and restoration phases; details of the working of the existing reserves;; the restoration scheme s including details of the agriculture; open water; possible employment area; the tree planting and rough grassland; details of the method of working; the working depth; the method of quarry dewatering; the hours of operation; and the amount of clay extracted per year and the vehicle numbers.

Section 4 - Environmental Impact Assessment (EIA)

This section provides details of the Environmental Impact Assessment which was submitted voluntarily and the formal scoping process which preceded the submission.

Section 5 - Planning History (including Appendix 9)

This section of the ES includes details of the background to the existing operations and lists the relevant planning permissions in Appendix 9.

Section 6 - Land Ownership

This section of the ES details the landownership (Forterra – the applicant) and tenant (Biffa Waste Services Limited) in connection with the existing quarry and the two landowners in connection with the eastern extension area (comprising two agricultural fields).

Section 7 - Planning Policy

This section highlights and assesses the relevant planning policies set out in the National Planning Policy Framework (NPPF); Staffordshire and Stoke on Trent Minerals Local Plan; The new Minerals Local Plan for Staffordshire and the Tamworth Borough Local Plan.

Section 8 - Geology, Mineral Reserve and Water Table

This section explains that the current quarry is almost exhausted and the remaining reserves are expected to have been extracted by mid-2017. This Section details the geology of the area and provides details of the geotechnical parameters governing the design; the water table; the water courses and water features within the existing quarry and the extension area and the overburden and soils.

Section 9 - Sensitive Receptors

This section of the ES identifies the key residential receptors around the site (shown in Table 9.1); the commercial receptors; the Public Rights of Way; Airfield Safeguarding (note: there are no major airfields within 13 kilometres of the quarry); the environmental receptors (e.g. SBI, SSSI's) and the cultural heritage receptors (listed building).

Section 10 - Environmental Effects

This section provides an introduction to the environmental matters taken into account in the ES.

Section 11 - Landscape / Visual Impact (including Appendix 1)

This section of the ES provides background to the assessment; Landscape Character and Landscape Summary. The Landscape and Visual Impact Assessment (Appendix 1) provides details of the Landscape & Visual Impact Assessment Methodology; the baseline information; the development proposals; landscape impacts; visual impacts; mitigation; effects of the mitigation proposals; residual effects and cumulative Impacts. The Assessment summarises the effects following mitigation, during the operational phases and following restoration. The Landscape and Visual Impact Assessment concludes that during the operational phases of the quarry, the residual impacts on landscape character of the area is considered to be slight/negligible with minor adverse significance and landscape features within the quarry have been assessed as slight with minor beneficial significance and residual effect on residential receptors is considered to be slight/medium with minor adverse significance.

Section 12 - Ecology (including Appendix 2)

This section of the ES details the ecological assessment undertaken. The Section describes the site and provides details of great crested newt; invasive plant species; birds; bats; water vole, otter and crayfish; reptiles and the enhancement recommendations.

The Ecological Appraisal (Appendix 2) provides background to the report; the relevant legislation and planning policy; details of the methodology used and the results of the desk study; the Phase 1 Habitat Survey; the Preliminary Protected / Notable Species Assessment and recommendations. The conclusion refers to the enhancement recommendations such as the provision of additional habitats for the local amphibian populations including newts, the creation of several ponds within the restoration area and incorporation of bird nest boxes and hedgehog boxes.

Section 13 Archaeology / cultural heritage (including Appendix 5)

This section of the ES indicates the assessment of direct impacts shows the archaeological potential of the Site is considered 'low', however there could be an impact to presently unrecorded archaeological remains.

The Archaeology & Cultural Heritage Assessment (Appendix 5) provides details of the assessment methodology; detail of the significance criteria; the baseline conditions; the predicted likely effects; the scope of mitigation; the cumulative impacts; the residual effects and conclusion. The Archaeology & Cultural Heritage Assessment concludes that

archaeological monitoring across each quarry phase prior to development in that particular phase is required and that this could be secured by a condition.

Section 14 - Soils and agricultural land classification (including Appendix 3)

This section of the ES confirms that the agricultural land is grades 3a – 1 with the vast majority being grade 2 best and most versatile land and 6.4 hectares of predominantly grade 2 agricultural land but would be permanently removed and used to restore an equivalent area elsewhere in the quarry. The top/sub soils to a depth of 1.2 metres would be removed and placed in temporary stores before being used to restore the two areas of agricultural land in the existing quarry. No material would be imported which would leave some parts of the wider quarry as a deep excavation which would be used for leisure, amenity and habitat creation uses comprising conservation grassland and woodland planting around a body of open water. The ES concludes that overall there is a neutral impact on soils and agriculture from the proposals but in the wider quarry there will be a loss of agricultural land.

The Agricultural Land Classification (Appendix 3) provides an introductory section which details the background to the assessment; the methodology used and the structure of the report; the agricultural land classification section details the assessment of the quality of agricultural undertaken including desktop study.

Section 15 - Hydrology / hydrogeology and flood risk (including Appendix 6)

This section of the ES provides a summary of the finds of Hydrogeological Impact Assessment and Flood Risk Assessment (Appendix 6) and details of the methodology; site setting; hydrology; geology; hydrogeology; conceptual hydrogeological model; environmental setting; the water management plan; the flood risk assessment; the hydrological /hydrogeological impact assessment and the scheme of monitoring. The Assessment concludes that the impacts of the current and proposed activities are considered to be “none” provided that the current mitigation measures remain in place, are carried forward; frequently assessed and adjusted, if required.

Section 16 - Highways and traffic (including Appendix 4)

In this section of the ES it is explained that the proposal would not seek to intensify output from the brick works and may reduce. This section concludes that proposal would have no material adverse impacts on the safety or operation of the adjacent highway network and that the proposal is acceptable on transport grounds.

The Transport Statement (Appendix 4) details the existing conditions including the site description; the existing quarry traffic; the access junction on to Hedging Lane; the traffic routing and accident history; sustainable transport; planning policy; details of the proposed development including the site access; vehicle movements (80,000 tonnes of clay per annum and 11 HGV arrivals and departures across a working day); and the highway impact. The Transport Statement concludes that proposal would have no material adverse impacts on the safety or operation of the adjacent highway network.

Section 17 - Noise (including Appendix 7)

This section of the ES concludes there would not result in any exceedances of Planning Practice Guidance at any of the surrounding noise sensitive locations provided that the work is carried out within weekday working hours.

The Noise Assessment (Appendix 7) provides the results of the noise survey undertaken and noise assessment. The Noise Assessment concludes that additional mitigation measures are not required and prior to soil and overburden stripping taking place relevant residential properties in the proximity of the work should be advised that work is due to commence and provided with details of the predicted working hours and timescale of the works.

Section 18 - Dust (including Appendix 8)

This section of the ES details the Dust Impact Assessment (Appendix 8) undertaken and concludes that the significance of the potential effects of the development on potentially sensitive receptors is negligible.

The Dust Impact Assessment provide mitigation measures including the minimising drop height; profiling top-soil mounds to reduce wind entrainment of surface soil and seeded of storage mounds and the use of bowsers control dust emissions on haul routes and regular dust assessments. The Dust Impact Assessment concludes that the sensitivity of surrounding receptors to potential dust soiling and respirable particulates is low and that the significance of the potential dust soiling and respirable particulates before mitigation is predicted to be 'Minor' to 'Negligible' at all receptors.

Section 19 - Socio economic effects

This section of the ES concludes that the scheme shows positive environmental effects and provides some significant socio-economic benefits including the supply of Etruria marl products; direct and indirect jobs.

Section 20 - Material assets

This section of the ES concludes the significant adverse impact would be on two agricultural fields and the impacts would be mitigated through negotiation with the landowners.

Section 21 - Cumulative effects

This section considers there are few committed or proposed developments in the vicinity of the site and there are no unacceptable cumulative impacts.

Section 22 - Alternatives

This section of the ES outlines the main alternatives studied by the applicant and considers the environmental assessment work undertaken. The section details the alternative assessment methodology; the alternative – do nothing option; the alternative to extending the quarry; the alternative resources; the alternative methods of working; the alternative restoration options; and, the alternative means of transport.

Section 23 - Public consultation

This section of the ES details the pre-application discussion undertaken including the scoping process; the discussions with landowners on and adjacent to the proposed extension; and, discussions with Biffa regarding the proposed development and restoration.

Section 24 - Environmental Statement Conclusion

This section of the ES provides a conclusion to the Environmental Statement. The applicant considers there is a need for the extension; the environmental impacts are temporary; the proposals have been designed not to be unacceptable; the proposals accord with the development plan; and, that it is the applicant's view that the proposals should be supported by a presumption in favour of granting planning permission.

Section 25 - Copies of environmental statement

This section of the ES provides details of where copies of the Environmental Statement can be obtained.

Section 26 - Appendices

The Appendices to the ES are provided in a separate document and referred to where appropriate above.

Appendix 2: The development plan policies and other material considerations relevant to this decision

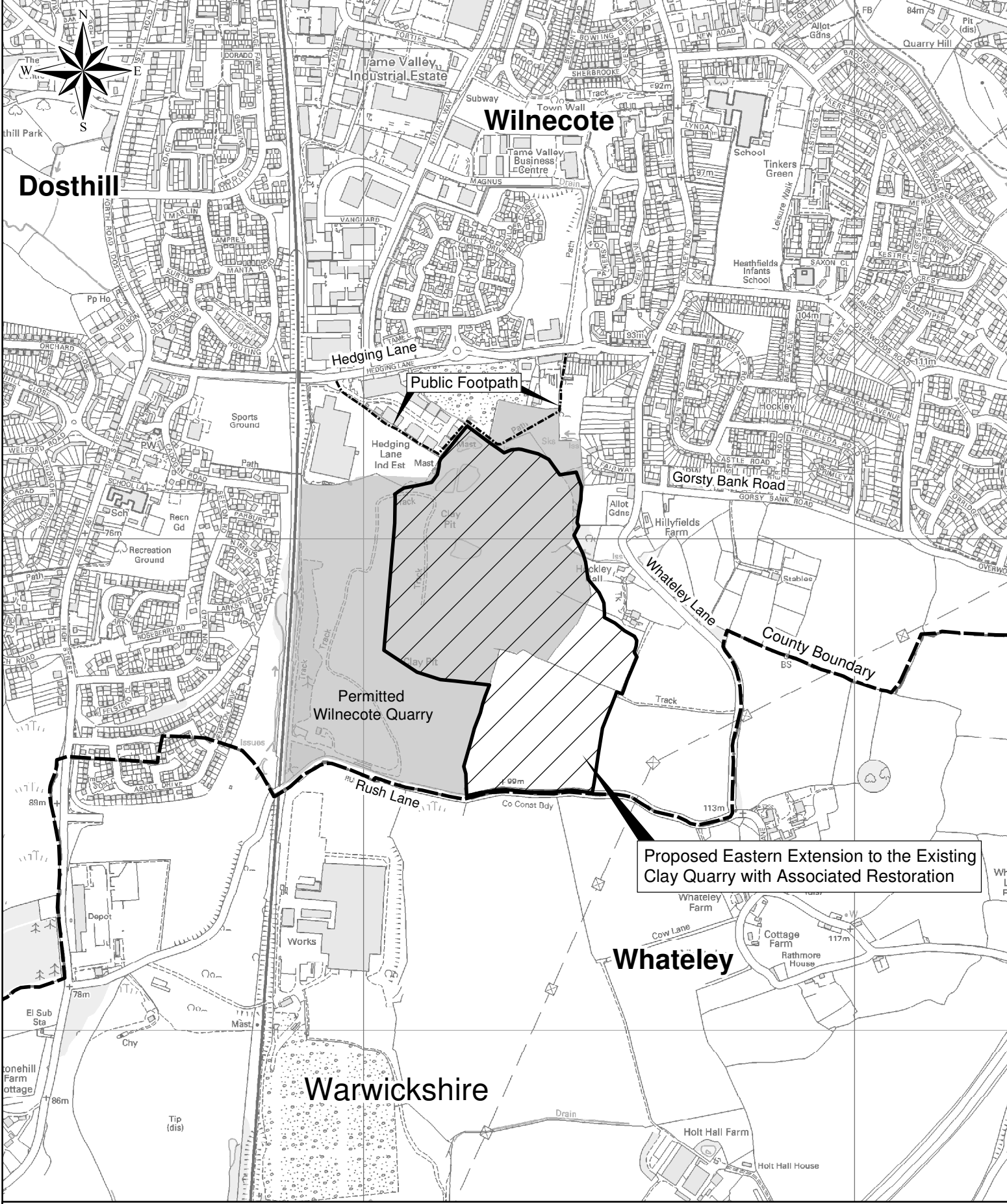
The development plan policies:

- a) The [Minerals Local Plan for Staffordshire](#) (2015 to 2030) (adopted 16 February 2017)
- Strategic Objective 1: the provision of minerals to support sustainable economic development;
 - Policy 4: Minimising the impact of mineral development;
 - Policy 4.1: environmental considerations;
 - Policy 4.5: higher environmental standards;
 - Policy 6: Restoration of mineral sites.
 - Policy 6.1: restoration requirements;
 - Policy 6.3: regular review of the restoration strategies / plans;
 - Policy 6.4: financial guarantees.
 - Paragraph 3.7 and 3.10 to 3.15 of the MLP concerning 'Brick Clays'.
- b) The [Staffordshire and Stoke on Trent Joint Waste Local Plan](#) (2010 to 2026) (adopted 22 March 2013):
- Policy 1: Waste as a resource
 - Policy 1.1 General principles;
 - Policy 1.3 Construction, demolition and excavation waste;
 - Policy 1.6 Landfill or landraise;
 - Policy 2: Targets and broad locations for waste management facilities
 - Policy 2.1 Landfill diversion targets;
 - Policy 4: Sustainable design and protection and improvement of environmental quality
 - Policy 4.2 Protection of environmental quality.
- c) [Tamworth Borough Council Local Plan 2006-2031](#) (adopted February 2016):
- Policy SS1 - The Spatial Strategy for Tamworth;
 - Policy SS2 - Presumption in Favour of Sustainable Development;
 - Policy EN2 - Green Belt;
 - Policy EN5 - Design of New Development;
 - Policy EN4 - Protecting and Enhancing Biodiversity;
 - Policy EN6 - Protecting the Historic Environment;
 - Policy SU1 - Sustainable Transport Network;
 - Policy SU2 - Delivering Sustainable Transport;
 - Policy SU3 - Climate Change Mitigation;
 - Policy SU4 - Flood Risk and Water Management; and,
 - Policy SU5 - Pollution, Ground Conditions and Minerals and Soils.

The other material planning considerations:

- [National Planning Policy Framework \(NPPF\)](#) (published 27 March 2012):
 - Section 1 - Building a strong, competitive economy;

- Section 4 - Promoting sustainable transport;
 - Section 7 - Requiring good design;
 - Section 8 - Promoting healthy communities;
 - Section 9 - Protecting Green Belt land;
 - Section 10 - Meeting the challenge of climate change, flooding and coastal change;
 - Section 11 - Conserving and enhancing the natural environment;
 - Section 12 - Conserving and enhancing the historic environment;
 - Section 13 - Facilitating the sustainable use of minerals.
- [The National Planning Policy for Waste](#) (October 2014)
 - [Planning Practice Guidance](#) including [Minerals](#); [Noise](#); [Conserving and enhancing the historic environment](#); [Travel Plans, Transport assessments and statements](#) and the [Natural Environment](#).
 - [Planning for Landscape Change](#) (formerly Supplementary Planning Guidance to the Structure Plan, however referenced as a material consideration in Appendix 3 of the Joint Waste Local Plan).



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

Forterra Building Products Limited. Eastern extension to the existing clay quarry with associated restoration, Wilnecote Quarry, Hedging Lane, Wilnecote, Tamworth.
 Page 41

Date : 17/01/17

O. S. Grid Ref : SK.222 998

Scale at A4 : 1/10000

File : T.16/02/905 MW

Local Members' Interest	
Mr. M Worthington	Churnet Valley

PLANNING COMMITTEE – 2 November 2017

WASTE COUNTY MATTER

District: Application No. Staffordshire Moorlands: [SM.17/02/1138 W](#)

Date Received as valid: 4 July 2017

Date Revised/Further Details Received: 4 April 2017 (Application Form); 10 April 2017 (Environmental Statement); 11 April 2017 (Fee); 25 May 2017 (Revised General Layout Plan, missing LVIA documents, Elevations, Revised Red Line Plan / Application Boundary and Routing of HGVs around wider site); 12 June 2017 (Revised Red Line Plan); 4 July 2017 (Additional Fee); 11 October 2017 (Landscape Mitigation Planting Plan); 13 October 2017 (Supplementary Information on Waste Wood Source, Surface Water Drainage and Landscaping); 23 October 2017 (Additional drainage information and revised traffic movements and throughput)

John Pointon and Sons' application for renewable energy facility to provide electricity and heat to existing industrial operations at the wider John Pointon and Sons' site, including regrading of existing embankments at John Pointon and Sons site, Bones Lane, Cheddleton, Leek.

Background/Introduction

1. [John Pointon and Sons Limited](#) is one of very few animal rendering operations in the UK, and also the largest single site rendering and recycling company uniquely operating both Category 1 (high risk animal by-products) and Category 3 (low risk animal by-products otherwise fit for human consumption) processing facilities from the same site. The Cheddleton site has been occupied by a rendering facility for over 80 years and the facility was relocated here from a Leek town centre location by the Local Authority. The primary activity at the plant is the extraction of tallow and meat and bone meal from animal by-products and food waste and production of pet food and supplier of raw materials to the Oleochemical industry. Approximately half a million tonnes of animal by-products and food waste is collected every year from UK mainland destinations including from Port Authorities, Customs and Excise and Local Authorities and processed at the Cheddleton site. The operations are undertaken within enclosed buildings and under Environmental Permits issued by the Environment Agency. A Site Liaison Group meets quarterly with members including local residents, Parish Councillors, Environment Agency Officers, District Councillors, and Staffordshire County Council Trading Standards – Animal Health.
2. Energy requirements for the rendering process are provided by 4 gas fired (formerly tallow fired) boilers which are connected to four flues in a common stack 28 metres

high. Also the main process odours for the rendering operations pass through 2 thermal oxidisers and are discharged via two flues from a 28 metre high stack. With a view to minimising the environmental impact of their meat and bone meal rendering operations, to safeguard future employment at the plant and associated supply industries and to minimise costs, the Company is proposing a waste wood fired Combined Heat and Power (CHP) Plant at the Cheddleton site to generate heat, in the form of steam, and electricity, to displace the fossil fuels being consumed on the site each year.

3. An Energy Resource Centre consisting of a bio-diesel production plant (using tallow from the rendering operations) on the current application site was granted planning permission in May 2010 by Staffordshire Moorlands District Council ([SMD/2008/0936](#)) to support the operations at the wider Pointon's site. This however was not implemented and an Anaerobic Digestion (AD) facility (using meat and bone meal and food waste from the rendering operations as the fuel source) was approved in September 2010 as a replacement to the bio-diesel production plant ([SMD/2010/0411](#)). The AD facility however was not considered a viable efficient option as heat rather than electricity generation is required for the wider rendering operations and so this facility was also never implemented.
4. As the fuel source for the proposed Combined Heat and Power (CHP) Plant is waste wood (not originating from the Pointon's site), this is classed as a waste operation and the application for uses of land for energy from waste incineration and other waste incineration are a '[county matter](#)' which should be dealt with by the County Council as the Waste Planning Authority.

Site and Surroundings

5. The Pointons site lies approximately 1.5 kilometres south of Cheddleton and 6 kilometres south of Leek. Access is gained via Bones Lane, a private access which connects to the A520 to the west. The wider surroundings are predominantly in agricultural use, with housing and a sports facility (provided by John Pointons & Sons Limited as part of the permission [SMD/2008/0936](#)) to the west.
6. The application site is located in the eastern part of the established Pointon's industrial operations on a hillside, approximately 3.2 hectares in extent comprising a cleared man-made terrace of land (2.05 hectares in area) and a long access road to and from the A520 through the rendering site utilising the site's entrance and weighbridge and wheel cleaning facilities (1.15 hectares in area). The main rendering facility is at a higher level to the southwest and the water treatment plant for the wider site is at a higher level to the south. (Refer to Plan 1 – Site Location).
7. Three terraces were formed in advance of the construction of the Energy Resource Centre, consented under [SMD/2008/0936](#), which descend a north-easterly facing slope to the east/northeast of the existing main industrial plant for the rendering operations. The land slopes downwards from the southwest (235 metres Above Ordnance Datum (AOD)) to the northeast (192 metres AOD) and the three terraces are separated by steep engineered slopes with gradients of approximately 1:1.5 to 1:1.8 each achieving a level change of approximately 4 - 5 metres.
8. The application site lies on the middle terrace at an elevation of approximately 209.5 metres AOD, and comprises compacted subsoil surfaces, part bounded by remnant

stone walls. An industrial warehouse, used as a store for pet food and equipment, occupies the northern (lowest) terrace with surrounding ground levels at approximately 204.5 metres AOD, with the warehouse roof height extending to approximately 219 metres AOD. The southern (highest) terrace lies at approximately 216.5 metres AOD and is undeveloped land /open compacted subsoil surfaces currently used as a lorry park.

9. An access road defines the southern boundary of the highest terrace and also the eastern boundary of the terraces including the application site. A Public Right of Way (Cheddleton 39) follows the natural slope of the hillside (approximately 1:13 gradient) to the east of the access road, separated from agricultural land by a stone wall.
10. The closest residential properties to the wider Pointon's site boundary are located to the immediate west at the site access Bones Lane. The closest residential receptors to the proposed Renewable Energy Facility are Felt House Farm and Woodlands Hall Cottage, located approximately 250 metres to the northeast.
11. Churnet Valley SSSI is a distance of 1.1 kilometres east/southeast of the site and an Ancient woodland is 495 metres east/southeast of the site. Caldon Canal Site of Biological Importance (SBI) is approximately 665 metres northeast and there are a further 5 SBI's within 1.2 kilometres and 1.6 kilometres from the site, and also 3 Biodiversity Alert Sites 265 metres, 300 metres and 1.6 kilometres from the site. Ashcombe Park, a Grade II* Listed Building is located 410 metres to the north of the site at its closest point. A hotel is located 55 metres southwest of the main Pointon's site entrance off the A520. There are no schools or hospitals or other such sensitive receptors within 500 metres of the site.

Summary of Proposals

12. Planning permission is sought for the construction of a purpose built Renewable Energy Facility (REF) which would comprise of a biomass Combined Heat and Power (CHP) plant, with a thermal input capacity of 44MWth and an electrical generating capacity of 6.5MWe, and associated infrastructure in the eastern part of the established Pointon's industrial operations.
13. The footprint of the development would lie on a north-west to southeast axis and would comprise two buildings referred to as the turbine hall and the fuel hall, and several ancillary structures such as silos, skips and adiabatic condensers adjacent to the sides of the buildings which are required to operate the plant in accordance with regulatory requirements. (Refer to Plan 2 – Site Layout).
14. A three biomass boiler system configuration is proposed which would provide an energy generation package which allows the full thermal (steam) demand for the rendering business to be met while at the same time generating sufficient on-site electricity to meet the electricity requirements of the established business. On completion of the development it is envisaged that 3 of the 4 existing gas fired steam producing boilers for the rendering operations would be utilised as standby boilers.
15. The development would reduce greenhouse gas emissions by approximately 25,000 tonnes of CO₂ equivalent per annum by producing energy from renewable fuels rather than gas. Whilst there are no plans currently, there is however also potential in the future for any electricity generated, when not required for the existing operations,

to be transferred to the National Grid.

The Process

16. All delivery, shredding and processing of the wood waste would be undertaken within the fuel hall in the eastern part of the Renewable Energy Facility. The fuel would be fed into the three boilers in the turbine hall by conveyors from the adjacent fuel hall, which would then heat thermal oil. The combustion process would use moving grate technology to drive an Organic Rankine Cycle (ORC) turbine for electricity generation, and to produce heat for use by the wider site. The equipment to be used within the plant would be of proven design used extensively throughout Europe. A CHP plant of similar design located in Sheffield is currently in the commissioning phase (refer to [decision notice 12/00752/FUL](#), and Environmental Permit [EPR/CP3936CA](#)).

The Turbine Hall

17. The turbine hall would be approximately 47 metres wide (north-west to south-east) by 83 metres long (south-west to north-east) with a roofline at 20.5 metres Above Ground Level (AGL) (extending to 227.5 metres AOD) and a Finished Floor Level (FFL) of 207 metres AOD. The plant would incorporate equipment to ensure compliance of combustion emissions with the limits and emission standards set by the [Industrial Emissions Directive](#). The exhaust gas would be passed to three emissions stacks at the north-western end of the turbine hall which would rise to a height of up to 35 metres AGL, i.e. 14.5 metres higher than the turbine hall roofline (approximately 242 metres AOD). Note that following the review of results of preliminary air quality modelling the stack heights have been increased to 35 metres.

The Fuel Hall

18. The fuel hall which would lie to the east of the turbine hall would be approximately 47 metres wide (north-west to south-east) by 76 metres long (south-west to north-east) with a roofline at between 15.5 and 10.0 metres AGL (extending to 222 metres AOD) with FFL of between 207 metres AOD in the west and 212 metres AOD in the east adjacent to the existing track due to the change in slope.

Design

19. The proposed buildings would share many of the same characteristics as the existing more recent elements of the wider industrial plant site, including the adjacent warehouse building, in terms of style, massing and colour (muted dark and light green metal sheet cladding to blend in with the surrounding green infrastructure). The main body of the buildings would be faced in Leaf Green (RAL 6002) and Dark Green (RAL 6003) metal sheet cladding with grey louvre ventilation panels and opaque polycarbonate windows approximately 5 metres below the roofline. The facades of each building would also contain roller shutter doors which would remain closed during evening / night-time periods when no HGV deliveries are occurring. The modular, regular appearance of the buildings is indicative of the industrial architecture of the wider site. (Refer to Plan 3 - Elevations).
20. The three emission stacks on the turbine hall would be grey in colour. The tops of the new stacks would be at a lower elevation (242 metres AOD) than the tops of the

existing stacks at the main rendering plant site (estimated to be approximately 250-255 metres AOD). The stack heights would also be 4 metres less than the previously consented chimney for the electricity generation engines associated with the Anaerobic Digestion facility ([SMD/2010/0411](#)).

21. All external lighting would be restricted to down lighting in vehicle and pedestrian circulation areas.

Waste Wood

22. Approximately 90,000 tonnes per annum (tpa) of recycled and recovered waste wood would be delivered to the plant for use as fuel for power generation. The waste wood would comprise of blended grade A, B and C wood (where A category wood is clean, and B category wood is painted, glued or varnished; and C Category includes Category A and B materials plus fencing products, flat pack furniture made from board products and DIY materials). The waste wood would be sourced from within a 50 mile radius of the site from contracted suppliers e.g. well-established waste management companies such as local skip companies, and Material Recycling Facility (MRF) operators; and other major handlers of waste wood or producers of waste wood companies such as furniture, kitchen and board manufacturers; storage operators; demolition contractors; sawmills; and construction companies. Quality and consistency of fuel and permitted waste types to ensure the fuel meets the specification dictated for the facility's boilers would be controlled through the Environmental Permit issued by the Environment Agency. D grade wood wastes, which includes heavily painted wood wastes or wood that has been treated with preservatives such as copper chrome arsenates (known as CCA wood and includes telegraph poles, and railway sleepers) would not be permitted to be delivered to the facility.

Vehicle Movements

23. All material / fuel for the facility would be imported by road, utilising the existing site access and weighbridge, and would be similar Heavy Good Vehicles (HGVs) to those servicing the rendering plant. A maximum of 25 loads of waste wood would be delivered per day (50 vehicle movements) and 1 load of ash would be removed from the site per week to a licenced waste management facility. The number of existing daily HGVs associated with the wider rendering operations is on average 130 loads / 260 movements per day. There are no vehicle restrictions or routing agreements associated with delivery of animal by-products and food waste to the Pointons site.
24. A one-way system would be employed to and from the proposed facility; vehicles would approach the site from the existing access road to the south and east of the application site and would turn west along the northern boundary and then reverse to deliver the fuel to the fuel hall. Upon leaving the building vehicles would turn left/west along the northern boundary of the facility and leave using a newly constructed access track to the north-west of the turbine hall.

Regrading of existing embankments

25. The new buildings would be located on the middle terrace (currently at an elevation of approximately 209.5 metres AOD), which would be re-graded to achieve formation levels of 207 metres AOD in the north-west of the site sloping up to 212 metres AOD

in the south-east. Use of the available space across the slope would be optimised by extending the middle terrace to the south and by using retaining structures on the slopes between the application site and the terraces to the north and south. The existing track and Public Right of Way (PRoW) would be regraded to achieve the 212 metres AOD level required to provide vehicular access to the development from the east.

Associated infrastructure

26. The transformer and metering equipment for the electricity generated by the proposed facility would be located inside the building. The steam generated by the process would be piped below ground to provide a resource for the existing industrial plant processes. Other utilities (electricity, telecoms, mains water and sewerage) would be installed beneath new hard standing areas where necessary within the development area with connections to services within the existing industrial plant area. Surface water run off from the site is currently collected and treated in the water treatment plant for the site and surface water run off from the development site would also be channelled using piped drainage systems to an underground retaining tank from where the water would be pumped to the water treatment plant prior to discharge in accordance with the discharge consent regulated by the Environment Agency.

Hours of Operation

27. During operation the facility would generate electricity and steam 24 hours a day 7 days a week. Vehicle movements however would be restricted to between 7am and 7pm Monday to Friday and 7am to 2pm on Saturdays. No deliveries would take place on a Sunday, Bank or Public Holiday.

Construction Phase

28. Construction of the facility and external areas is anticipated to take approximately 12 - 18 months. Works would involve clearance of any remaining vegetation prior to the start of the bird nesting season, earthworks and construction of retaining walls, construction of the fuel hall and turbine hall including the use of cranes where necessary, utility connections to the existing site and external hard surfacing to allow vehicle circulation.

Landscaping

29. Planting as part of the consented Energy Resource Centre has already been implemented around the wider site and in particular along the haul road and to the north of the warehouse on the lower northern terrace. Additional landscape mitigation planting is proposed on the regraded slopes around the proposed Renewable Energy Facility to provide a higher level of visual screening on the approach to the site from the north and south along the Public Right of Way. Regraded slopes would be seeded with a Conservation Grass mix and two belts of woodland screen planting each 6 – 10 metres wide with irregular edges are proposed to the south. The applicant has also indicated a willingness to submit a comprehensive landscape management plan for the entire operations within their land ownership.

The Applicant's Case

30. The proposed development aims to reduce reliance of fossil fuels as a means of energy generation and reduce greenhouse gas emissions with significant CO₂ savings. The facility design is purpose built to meet the current energy demands of the wider rendering operations at the Cheddleton site.
31. In terms of environmental protection, the development has been designed to be sensitive to the surrounding environment and landscape mitigation is proposed for the wider site.
32. The operation of the facility would require an Environmental Permit that would ensure an acceptable level of enforceable controls in terms of fuel source and quality. Grades A, B & C recycled/recovered wood fuel comprises the primary fuel for the proposed biomass fired CHP plant. This waste wood fuel would be the only fuel consumed during normal operation of the plant. When the plant is however shut down for maintenance or abnormal operation, gas would be used.
33. All waste wood fuel for the facility would be subject to completion of long term (10 year) commercial fuel supply agreements with suppliers fully aware of the requirements, and the consequences of delivering loads that do not meet the specification of the facility. The fuel is subject to minimum requirements on input (in particular in respect of calorific value and moisture content) to ensure compliance with the boiler manufacturer's specification and to reduce the scope for variation in quality of the wood fuel. The delivered fuel would be sampled in accordance with the "Fuel Measurement and Sampling" (FMS) requirements published by OFGEM and these samples would be independently tested by a suitably accredited laboratory, again in accordance with OFGEM's FMS procedures, to determine and confirm the make-up and characteristics of the fuel (calorific value, the levels and type of any contaminants, biogenic content etc.) and to ensure that only the consented biomass fuels are consumed on the site. This specification, along with effective fuel store management procedures would ensure the homogeneity of the fuel from sourcing through to the grate on the combustion chamber.
34. The Environmental Permit would also regulate the operations placing strict controls on stack emissions, as well as a statutory requirement for continuous 24/7 monitoring. The Permit would also regulate other operational aspects of the plant including the management and use of water resources on site and the storage and use of thermal oils, lubricants and any chemicals used in the process. The Permit would be subject to regular inspection and enforcement by the Environment Agency to ensure the installation is operated in an appropriate manner.
35. It is a requirement; under both the Waste Incineration Directive (WID) and the Industrial Emissions Directive (IED) that the plant is operated and controlled at all times to prevent the formation or re-formation of dioxins in the exhaust flue gasses. This is controlled, under the Environment Agency Licenses to operate, by ensuring that the boiler design is capable of maintaining combustion that generates exhaust gas temperatures in excess of 850 degrees Celsius for at least 3 seconds prior to entry into the exhaust gas exit stack. This particular plant is actually designed with a furnace temperature in excess of 1,000 degrees Celsius.

36. The process to achieve these temperatures and flow rates is demonstrated in advance of the plant being granted a license to operate by the Environment Agency by the use of Computational Fluid Dynamics (CFD) modelling. In operation this is achieved by meticulously monitored Continuous Emissions Monitoring Systems (CEMS) that link into the plant control systems. The CFD modelling has to be analysed and approved by the Environment Agency as part of the licensing process and the results from the CEMS monitoring equipment are also reported to the Environment Agency each month. Any excursions beyond the consented emissions to land, air or water must also be reported to the Environment Agency.
37. To ensure that these furnace and exhaust gas temperatures are always maintained, the boilers are fitted with high capacity gas burners which are used during the start-up procedures to bring the furnace and exhaust gas temperatures up to in excess of 850 degrees Celsius prior to the introduction of the wood fuel onto the furnace grate.
38. The furnace and exhaust gas temperatures are continuously monitored and if it appears that the furnace or exhaust gas temperature may drop below the minimum set point (usually 875 degrees Celsius) then the gas fired burners are brought into operation to ensure the minimum temperatures are maintained. This is a safety and emissions compliance control and it would be very unusual for this to happen in normal operation.
39. When the plant is shut down for maintenance or abnormal operation, as the wood fuel supply is stopped and the remaining fuel on the grate is consumed the temperatures in the furnace and exhaust gas temperatures would start to drop, once again the gas fired burners would come into automatic operation as the temperatures approach the 875 degrees Celsius set point. Gas fired operation would continue to maintain the temperature until all wood fuel has been consumed and the furnace grate is cleared. After the grate is cleared the gas fired burners would slowly drop the furnace and exhaust gas temperature, in accordance with agreed and licensed parameters, to prevent thermal shock to the boiler and furnace plant.
40. In practice it is anticipated that the plant would operate for around 7,890 hours each year with two or three planned shutdown each year for maintenance etc. Gas would only be used in the circumstances described above and would represent only a very minor proportion of the thermal input for the plant.

Relevant Planning History

41. The Cheddleton site has been occupied by a rendering facility for over 80 years as a result of the local authority re-locating the facility from Leek town centre. All planning permissions for the site have been issued by Staffordshire Moorlands District Council as the relevant determining authority.

Adjacent Land

42. [SMD/2002/0974](#) [Old ref = 02/00598/FUL] granted on 18/11/2002 Erection of material reception building, odour abatement unit, offices, two amenity buildings, security lodge, two weighbridges and car parking and access road.
43. [SMD/2005/0179](#) granted on 31 March 2005 for Change of use from agriculture to game bird rearing.

Application Site

44. [SMD/2008/0936](#) [Old ref = 08/01715/FUL_MJ]. granted on 29 May 2010 for Development of energy resource centre consisting of bio-diesel production plant and silos, renewable energy power regeneration unit, 30m chimney and silos and associated equipment, meal and packaged food stores, plant and vehicle maintenance facilities and associated access, turning and parking areas and landscaping and surface water attenuation area; and 2) development of community recreational facilities including provision of football and other playing pitches and changing rooms and associated access off Felthouse Lane, car parking and landscaping; and new access road off Cheadle Road to link with the eastern end of Felthouse Lane to main factory site including stopping up of part of western end of Felthouse Lane to prevent vehicular access to main factory site; and 3) renovation and conversion of former farmhouse to police and first responder base. *Note the energy resource centre has not been implemented.*
45. [SMD/2010/0411](#) [Old ref = 10/00343/FMAJEI] granted on 6 September 2010 for the development of an anaerobic digestion facility in place of a bio-diesel production plant included in planning permission 08/01715/FUL_MJ (for an energy resource centre) including a 39m chimney for the electricity generation engines in place of the 30m chimney previously proposed. Note the Anaerobic Digestion facility has not been implemented.

Environmental Impact Assessment (EIA)

Screening Opinion: NO **Environmental Statement:** YES

46. The Environmental Statement (ES) considered: Air Quality; Ecology; Flood Risk; Landscape and Visual Impact; and Noise. The findings of the ES (and the environmental information subsequently received) are summarised in [Appendix 1](#).

Findings of Consultations

Internal

47. The Environment and Countryside Unit (ECU) – proposals for landscape and visual mitigation were originally requested. It is considered that the concept proposals submitted have the potential to achieve some mitigation. A condition is recommended requiring further detail regarding soils, de-compaction, amelioration and seeding and planting techniques. It is also advised to submit detailed planting mixes based on the conceptual proposals that are native species tolerant of the ground conditions, including ‘nurse’ species which can be thinned later. The Landscape Management Plan for both the application site and other areas of land in the applicant’s ownership is welcomed and a condition is recommended for the submission of these details within 6 months of any approval. The Management Plan should include where appropriate additional planting to supplement and reinforce areas of planting to deliver landscape and biodiversity enhancement. In respect of ecology, conditions are recommended requiring development to take place in accordance with the Extended Phase 1 Habitat Survey Report (s 5.2.2 – 5.2.8). Pre-commencement conditions are also recommended for a protected species survey and also a breeding bird survey if commencement is inside the bird breeding season.

An informative relating to Public Footpath No. 39 Cheddleton is recommended.

48. Highways Development Control (on behalf of the Highways Authority) – no objections.
49. Staffordshire County Council's Noise Engineer – no comments received.
50. Planning Regulation Team – no comments received.
51. Flood Risk Management Team (on behalf of the Lead Local Flood Authority) has no objection subject to a condition requiring further details of the sustainable drainage system to be approved.

External

52. The following consultees have no objections: Environment Agency; Natural England; Staffordshire Police Crime Prevention Design Advisor; Historic England; Public Health England.
53. The Environment Agency has explained, in respect of Environmental Permitting, that an application to vary the existing bespoke permit to include the new activities would need to be made to them for technical review and determination. *Note an Environmental Permit has been submitted in parallel to this Planning Application.*
54. Staffordshire Police Crime Prevention Design Advisor commented that no crime, disorder or anti-social behaviour implications have been identified or are likely to arise from the proposed installation of a renewable energy facility at this location nor have any issues of security been identified that would warrant pertinent security advice to be offered appertaining to the installation.
55. The following consultees have not responded: Staffordshire Moorlands District Council Environmental Health; Health and Safety Executive; Campaign for the Protection of Rural England (CPRE); Staffordshire Wildlife Trust; Staffordshire Fire and Rescue Service – Fire Safety Officer; Severn Trent Water.

District/Parish Council

56. Staffordshire Moorlands District Council – no response received.
57. Cheddleton Parish Council – no objections.
58. Consall Parish Council (adjacent Parish Council) – no response received.

Publicity and Representations

59. Site notice: YES Press notice: YES
60. 111 residents (within 250 metres of the site) were notified by letter and 1 representation has been received which raises concerns about excessive light pollution. It is commented that good lighting practice has already been recognised by an award from the Commission for Dark Skies re the Pointon's sports facility. It is

requested that downward facing, and shielded external lighting should be specified for the new facility. *Note: Paragraph 21 above in respect of design confirms this will be undertaken.*

The development plan policies and proposals relevant to this decision

61. The relevant development plans include the [Staffordshire and Stoke-on-Trent Waste Local Plan](#) and the [Staffordshire Moorlands District Local Plan](#). The other material considerations include European and National Policy on waste, on energy, on air quality policy together with the National Planning Policy Framework and Planning Practice Guidance. The relevant development plan. The relevant development plan policies and other material considerations are listed in [Appendix 2](#).

Observations

62. This is an application for a Renewable Energy Facility to provide electricity and heat to existing industrial operations at the wider John Pointon and Sons' site, including regrading of existing embankments.
63. Having given careful consideration to the application, environmental and other information, including the environmental information subsequently received, the consultation responses and the representation received, the relevant development plan policies and the other material considerations, all referred to above, the key issues are considered to be:
- Planning Policy considerations
 - Green Belt considerations
 - Design and landscape mitigation
 - Site specific environmental considerations: air quality, traffic and flood risk

Planning Policy considerations

64. The principle of energy generation (comprising a bio-diesel production plant and an Anaerobic Digestion facility) in support of the operations at the wider Pointons site has already been established by the granting of two planning permissions in 2010 by Staffordshire Moorlands District Council at this specific location (permissions [SMD/2008/0936](#) and [SMD/2010/0411](#)). It is nevertheless important to consider the proposed Renewable Energy Facility against development plan policies, and any other material considerations, since the 2010 decisions.

Energy planning policy considerations

65. The [UK Renewable Energy Strategy](#) (published by the Department for Energy and Climate Change in 2009) states that the Government's goal is to ensure that 15% of energy is generated from renewable sources by 2020. The Strategy indicates that: the planning system must enable renewable development in appropriate places, at the right time and in a way that gives business the confidence to invest; the generation of renewable energy from waste biomass could provide a significant contribution to renewable energy targets and could also significantly reduce the total amount of waste that is landfilled in the UK; and, the benefits identified and impacts associated with renewable energy include climate change benefits and environmental impacts; security of supply, business benefits; impact on jobs; impact

on economy; impact on energy prices and bills and impact on energy markets.

66. The [National Policy Statements for Energy Infrastructure](#) (NPS) published in July 2011 sets out national policy for the energy infrastructure. . The National Planning Policy Framework (NPPF) specifically references the NPS for [Renewable Energy Infrastructure](#) (EN-3). Paragraph 1.1.1 states that ‘Electricity generation from renewable sources of energy is an important element in the Government’s development of a low-carbon economy’. Paragraph 2.4.2 makes the following statement ‘Proposals for renewable energy infrastructure should demonstrate good design in respect of landscape and visual amenity, and in the design of the project to mitigate impacts such as noise and effects on ecology’. Paragraph 2.5.2 also confirms that ‘the recovery of energy from the combustion of waste, where in accordance with the waste hierarchy, will play an increasingly important role in meeting the UK’s energy needs. Where the waste burned is deemed renewable, this can also contribute to meeting the UK’s renewable energy targets’.
67. The UK Bioenergy Strategy for England ([UK Bioenergy Strategy](#)) published in 2012 sets out the Government’s approach to achieving sustainable, low-carbon bioenergy deployment by defining a framework of principles that will govern future policies. Paragraph 1.4 states that ‘bioenergy is one of the most versatile forms of low carbon and renewable energy as it can contribute towards energy generation across the energy spectrum of electricity, heat and transport.... biomass can also provide a continuous and constant flow of energy with less variability than some renewable energy sources’. Paragraph 1.7 also states that ‘if waste is used as a feedstock for bioenergy, quantities of waste being sent to landfill can be reduced.....’.

Waste Planning Policy considerations

68. In March 2014 the Government introduced the [Planning Practice Guidance](#) and published the [National Planning Policy for Waste](#) in October 2014, which set out detailed waste planning policies and guidance and should be read in conjunction with the [National Planning Policy Framework](#) introduced in 2012. The [Staffordshire and Stoke on Trent Joint Waste Local Plan](#) was also adopted in 2013. These documents promote the principles of sustainable waste management, and also recognise waste as a resource and offer guidance on the provision of waste management facilities that are *the right type, in the right place and at the right time*.
69. Paragraph 5.23 of the [Staffordshire and Stoke-on-Trent Joint Waste Local Plan](#) indicates that ‘energy from waste and waste derived fuels has an important role to play alongside recycling and composting in a system of integrated sustainable waste management’. Policy 1.5 states energy recovery proposals should demonstrate that they:
- are consistent and comply with the requirements of Policy 4 (Sustainable design and protection and improvement of environmental quality);
 - will not undermine the provision of waste management facilities operating further up the waste hierarchy (the waste to be treated cannot practically be suitable for reuse, recycling or processing to recover materials);
 - are in close proximity to the source of waste in order to obtain reliable and regular supply of feedstock and minimise transport emissions;

- maximise energy recovery, either by combined heat and power (CHP) or electricity generation, or be CHP ready, with a realistic prospect of a market for the energy in the area; and,
- meet the locational approach set out in Policy 2 (Targets and broad locations for waste management facilities).

70. *Conclusion:* The proposed development would bring an innovative, renewable and clean technology to the site and enable the substitution of fossil fuels in an established industrial process on an industrial site. Valuable use would be made of the wood fuel which would otherwise be treated as a waste material and may be sent to landfill. The Renewable Energy Facility is designed to meet the current energy demands of the wider rendering site operations and it is therefore reasonable to conclude that in general terms the facility is the right type, in the right place at the right time. However it is also important to have regard to the site specific considerations discussed below.

Green Belt considerations

71. The application site is situated on a hill side, and comprises a cleared man-made terrace of land between operational units within the Pointon's site. The site is however within the North Staffordshire Green Belt and it is therefore necessary to assess the proposed development against the [National Planning Policy Framework \(Section 9\)](#), the [National Planning Policy for Waste](#) and the relevant Local Plan policies (the [Staffordshire and Stoke on Trent Waste Local Plan](#) Policy 4.2 (viii) and the [Staffordshire Moorlands District Local Plan](#) Policies SS6a and R1) which all seek to protect the Green Belt from inappropriate development and to preserve its openness.
72. Paragraph 89 of the [National Planning Policy Framework](#) states that 'new buildings should be regarded as inappropriate in the Green Belt unless they fall within one of the listed exceptions'. One of the exceptions is: 'limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development'. Paragraph 91 states that 'When located in the Green Belt, elements of many renewable energy projects will compromise inappropriate development. In such cases developers will need to demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources'.
73. When Staffordshire Moorlands District Council determined [SMD/2008/0936](#) for the Energy Resource Centre, it concluded that the very special circumstances included the delivery of renewable energy on the site the fuel for which would be derived as a by-product of the factory immediately adjacent to the site; a significant reduction in vehicle movements on the local highway network; provision of an improved junction with the Cheadle Road; re-alignment of the access road away from residential properties; creation of new jobs; provision of community facilities and cessation of use of the Staffordshire Farmers site and its laying out as woodland. It was not considered that the development would give rise to significant concerns relating to

contamination, air quality, protected species, loss of trees, flood risk, nor would the proposal give rise to highway safety concerns or a loss of neighbouring amenity.

74. In this case, it is again considered that the proposed Renewable Energy Facility would constitute inappropriate development in the Green Belt and should therefore not be approved except in very special circumstances. However, it is considered that very special circumstances do exist in this case for the reasons explained below:
- The Renewable Energy Facility would replace the permitted Energy Resource Centre and Anaerobic Digestion facility;
 - The facility would maximise the use of waste as a resource and would comprise of a biomass Combined Heat and Power (CHP) plant, with a thermal input capacity of 44MWth and an electrical generating capacity of 6.5MWe, thereby making a contribution to the targets for energy generation from 'renewable' sources which accords with government policy; in addition to meeting the existing energy demand of the existing rendering operations at the site; which accords with [Staffordshire and Stoke on Trent Waste Local Plan](#) policy 1.5
 - The scale of the proposed buildings is indicative of existing industrial units on the Pointon's site, in terms of style, massing and colour so as to minimise any visual intrusion which accords with [Staffordshire and Stoke on Trent Waste Local Plan](#) policies 4.1 and 4.2.
75. When considering inappropriate development in Green Belt land, it is necessary to have regard to the [Town and Country Planning \(Consultation\) \(England\) Direction 2009](#). The Direction requires the Waste Planning Authority to consult the Secretary of State for Communities and Local Government on inappropriate developments in the Green Belt, where it intends to approve a building or buildings where the floor space to be created by the development is 1,000 square metres or more or the site area is 1 hectare or more; or any other development which, by reason of its scale or nature or location, would have a significant impact on the openness of the Green Belt.
76. In this case, the two buildings for the proposed biomass Combined Heat and Power facility would have a combined floor space in excess of the 1,000 square metres (7,473 square metres) and the site area is 2.05 hectares (excluding the access road); and, by reason of scale or nature or location would have a significant impact on the openness of the Green Belt. Given the recommendation below is to approve the development it would be necessary to refer the decision to the Secretary of State for Communities and Local Government c/o the National Planning Casework Unit before planning permission can be issued.
77. *Conclusion:* Having regard to policies and guidance referred to above, it is reasonable to conclude that the proposals do constitute inappropriate development in the Green Belt, and that 'very special circumstances' exist that outweigh the harm to the openness of the Green Belt. However, before planning permission can be issued it would be necessary to refer this case to the Secretary of State c/o the National Planning Casework Unit.

Design and landscape mitigation

78. The documents submitted in support of the application considered the effects of the

proposal on landscape and visual amenity. The [National Planning Policy Framework](#) (section 11), [Staffordshire Moorlands District Local Plan](#) (policies SS6c and DC3) and [Staffordshire and Stoke on Trent Waste Local Plan](#) (policy 4.2) all seek to protect and / or enhance the landscape and visual amenity and ensure that development is informed by, or sympathetic to, the character and qualities of its surroundings, its location, scale and design. National Waste Policy and NPPF promotes high quality design and the Waste Local Plan (policy 3.1) promotes the general requirements for new and enhanced facilities, and with particular regard to this application aims to ensure that new waste management facilities are:

- Fully contained within well designed purpose built or appropriately modified existing buildings or enclosed structures appropriate to the technology or process;
- Compatible with nearby uses, and appropriate in scale and character to their surroundings giving careful consideration to any cumulative effects that may arise (Refer to 'Policy 4: Sustainable design and protection and improvement of environmental quality'); and,
- Complement existing or planned activities or form part of an integrated waste management facility and demonstrate an overall enhancement of the site.

79. The previous consented Energy Resource Centre approved the construction of a bio-diesel production plant with buildings 14 metres to the ridgeline, 10 metres to the eaves and a 30 metre high chimney. Also the previous consented Anaerobic Digestion (AD) facility included a 39 metre high chimney for the tallow fuelled electricity generation engines, a 23.2 metre stack for the AD plant's CHP engines, and two anaerobic digestion tanks of 20.3 metres in height. In comparison the proposed Renewable Energy Facility is larger in scale: the Turbine Hall has a roofline 20.5 metres Above Ground Level (AGL) and a Fuel Hall with a roofline between 15.5 metres and 10 metres AGL, and the three stacks are 35 metres AGL. The facility is however purpose built to meet the energy demands of the wider rendering plant; the air quality modelling has dictated the height of the stacks at 35 metres, which incidentally are 4 metres lower than the consented chimney for the Anaerobic Digestion proposal; and the turbine hall, whilst being 6.5 metres higher than the consented Energy Resource Centre is designed to accommodate the infrastructure inside.

80. The Landscape and Visual Impact Assessment accompanying the application concludes that there would be no significant visual effect in terms of the strategic visual amenity of the Green Belt and wider effect on the Peak District National Park. The proposed facility would be similar to the existing industrial plant and stacks and given the proximity of the two areas and taking account of the higher elevation of the existing industrial plant and the existing warehouse on the lower northern terrace, the views of the site may include an extended industrial component, however the overall impact is unlikely to be increased. Whilst the proposed development would have no change or slight adverse change from the majority of visual receptors, it however would result in a very localised significant adverse effect on views from a section of Footpath Cheddleton 39 which passes adjacent to the site and which would also involve views of regrading works to the access track on which the Public Right of Way is located. The degree to which this effect would result in 'unacceptable visual harm' (Waste Local Plan Policy 4.2) should be considered in the context of the

current appearance of the application site, the previous consented uses for the application site, the industrial architecture on the wider site and any proposed mitigation.

81. The modular, regular appearance of the proposed buildings is indicative of the industrial architecture of the wider site, and the colour (muted dark and light green metal sheet cladding) is proposed to blend in with the surrounding green infrastructure and match existing buildings.
82. It has previously been concluded by Staffordshire Moorlands District Council, in consideration of the two previous energy facility applications, that despite the size of the proposed Energy Resource Centre, and the Anaerobic Digestion facility, the specific siting and the nature of the proposed developments are such that the benefits outweigh the modest environmental impacts which are, in any event, either within accepted standards or can be mitigated further.
83. A scheme of landscape and visual mitigation consisting of a perimeter screen bund with planting alongside the south eastern site boundary to mitigate the views from the Public Right of Way, and other perimeter tree / woodland planting was proposed as part of the consented Energy Resource Centre, which was later revised by the proposed Anaerobic Digestion facility. Some planting as part of the consented Energy Resource Centre has already been implemented around the wider site and in particular along the haul road and to the north of the warehouse on the lower northern terrace.
84. Due to the design of the proposed Renewable Energy Facility (Turbine Hall and Fuel Hall) there are constraints to the level of mitigation that can be achieved for users of the Public Right of Way given the limited available space within the application site and no feasible use of off-site locations due to the adjacent access track which forms the eastern boundary. Landscape mitigation planting is however proposed on the regraded slopes around the proposed facility to provide a higher level of visual screening on the approach to the site from the north and south along the Public Right of Way. Regarded slopes would be seeded with a Conservation Grass mix and two belts of woodland screen planting each 6 – 10 metres wide with irregular edges are proposed to the south. The applicant has also indicated a willingness to submit a comprehensive landscape management plan for land within the Company's ownership.
85. The County Council Environmental Advice Team have confirmed that the submitted concept proposals have potential to achieve some mitigation and could develop into an area of woodland planting capable of filtering and screening views of southwest elevations. A condition is recommended requiring further detail regarding soils, de-compaction, amelioration and seeding and planting techniques. It is also advised to submit detailed planting mixes based on the conceptual proposals that are native species tolerant of the ground conditions, including 'nurse' species which can be thinned later. It is commented however that the scheme remains deficient in that it offers no mitigation between the facility and the Public Right of Way leaving this open to views from receptors to the east and there is no option of reducing the height of the buildings which would be of landscape benefit. The applicant's offer of a Landscape Management Plan for both the application site and also land in the applicant's ownership is however welcomed and a condition is recommended for the submission of these details within 5 months of any approval and that the

Management Plan should include where appropriate additional planting to supplement and reinforce areas of planting to deliver landscape and biodiversity enhancement. Pre-commencement conditions are also recommended in respect of ecology in respect of protected species survey and breeding bird survey and also a condition for the development to take place in accordance with the Extended Phase 1 Habitat Survey.

86. The representation received raised concerns of light pollution. All external lighting however would be restricted to down lighting in vehicle and pedestrian circulation areas, as is the practice on the main industrial plant. This can be required by condition.
87. *Conclusion:* Having regard to the policies, guidance, other material considerations and consultation responses, and the representation referred to above, it is reasonable to conclude that, subject to the recommended conditions, the Combined Heat and Power Renewable Energy Facility would not give rise to any unacceptable adverse landscape or visual impact.

Site specific environmental considerations: air quality, traffic and flood risk

88. [Paragraph 123 of the NPPF](#) requires that local planning authorities make decisions that:
- *“avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development”;*
 - *“mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions”;* and,
 - *“recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established.”*
89. The [Staffordshire and Stoke on Trent Waste Local Plan policy 4.2](#) and the [National Planning Policy for Waste](#) explain that consideration should be given to the likely impact on the local environment and on amenity including air emissions including noise and odour.
90. Planning Practice Guidance on [Noise and Air quality](#) explains that the planning system controls the development and use of land in the public interest. The guidance also explains that these matters are covered by other regulatory regimes and waste planning authorities should assume that these regimes will operate effectively.
91. The noise impact assessment submitted as part of the application concludes that noise levels for the operation of the facility are likely to be a low impact at residential dwellings in the vicinity of the site.
92. The plant will be covered by the waste incineration elements (Annex VI) of the Industrial Emissions Directive (referred to as the IED) and as such the plant will need to incorporate equipment to ensure compliance of combustion emissions with the

limits and emission standards set by the IED. The air quality assessment submitted as part of the application considered various stack height options for the proposed development and concluded that a stack height of 35 metres was the most appropriate. Public Health England have confirmed that an analysis of the modelled stack emissions has concluded that there is no significant impact with regard to human health as a result of the proposals and they have no significant concerns regarding risk to health of the local population providing that the applicant takes all appropriate measures to prevent or control environmental emissions, in accordance with industry best practice.

93. The Environment Agency raised no objections and it is important to note that the Environmental Permit issued by the Environment Agency would regulate the operations at the facility, placing strict controls on emissions and quality of fuel source and quality as well as a statutory requirement for continuous 24/7 monitoring.
94. Having regard to the debate at the October Planning Committee meeting regarding a biomass development. It is important to be clear that the fuel for the facility is waste wood as described in paragraph 22 above, and any other fuel or waste materials were not applied for and would raise environmental and amenity issues which would need consideration afresh and therefore the subject of a planning application.
95. In respect of traffic impacts Government guidance (the [National Planning Policy Framework](#) paragraphs 32 and 144 and the [National Planning Policy for Waste](#)) and local plan policies (the [Staffordshire and Stoke on Trent Waste Local Plan](#) policy 4.2) aim to protect the local highway network and the safety of residents. Highways Development Control has no objections to the proposal. Traffic limits and hours of delivery can however be restricted by condition to protect local amenity.
96. In respect of surface water drainage, the Flood Risk Management Team received additional information and as a result has no objection, subject to a condition requiring further details of the sustainable drainage system to be approved.
97. An existing Site Liaison Group meets quarterly with members including local residents, Parish Councillors, Environment Agency Officers, District Councillors, and Staffordshire County Council Trading Standards – Animal Health. This was set up in relation to the District Council permissions and rendering operations. The applicant has confirmed that this group would be expanded to include County Councillors and County Council Officers in relation to permitted operation of the Renewable Energy Facility.
98. *Conclusion:* Having regard to the policies, guidance, other material considerations and consultee responses, referred to above, it is reasonable to conclude that, subject to the imposition of the recommended conditions the proposed development would not give rise to any unacceptable adverse impact on air quality, or noise impacts, flood risk, or any unacceptable adverse impacts on the highway network or in terms of highway safety.

Overall Conclusion

99. Overall, as an exercise of judgement, taking the relevant development plan policies as a whole and having given consideration to the application, the supporting and environmental information, the consultation responses, the representation and the

other material considerations, all referred to above, it is reasonable to conclude that the proposed development is acceptable and should be permitted subject to planning conditions.

RECOMMENDATION

As the proposal is inappropriate development on land in the North Staffordshire Green Belt the recommendation is....

.....to consult the Secretary of State for Communities and Local Government (c/o the National 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, subject to planning conditions (the heads of terms are listed below).

The planning conditions to include the following:

Definition of Permission

1. To define the permission with reference to approved documents and plans;
2. To define the commencement of the development;
3. To limit the use of the site to the uses hereby permitted;

Cessation of Operations

4. To require a site clearance scheme in the event that the use of the site should cease;
5. To define cessation;
6. To require a Restoration and Aftercare Scheme should the use cease
7. To define the expiry of the permission should the use cease.

Fuel / Waste Types, Quantity and Vehicle Loads

8. To limit the fuel to recycled and recovered waste wood within the category Construction, Demolition and Excavation waste which would comprise of blended grade A, B and C waste wood (where category A wood is clean, and category B wood is painted, glued or varnished; and category C includes Category A and B materials plus fencing products, flat pack furniture made from board products and DIY materials).
9. To limit the tonnage of waste wood to 90,000 tonnes per annum;
10. To limit deliveries of wood waste to 25 loads per day

Non-Conforming Waste

11. To require the removal of non-conforming wastes;

Site preparation, clearance and construction phase

12. To limit site preparation, site clearance and construction operations to:

- 07.00 to 19.00 Monday to Fridays; and,
- 07.00 to 14.00 on Saturdays;

No such operations / activities to take place on Sundays, Public or Bank Holidays;

13. To require all vehicles, plant and machinery associated with site preparation, site clearance and construction to be operated with engine covers closed, with effective silencers, maintained in accordance with the manufacturer's recommendations and fitted with non-audible reversing/warning safety systems.

14. To require protected species surveys prior to carrying out site preparation, site clearance and construction and such operations / activities to take place outside the bird breeding season unless preceded by a survey in accordance with the recommendations in the Phase 1 Habitat Survey Report.

General Environmental Protection

15. To limit the import of waste, export of ash or shredding, grinding and separation of waste wood to:

- 07.00 to 19.00 Monday to Fridays; and,
- 07.00 to 14.00 on Saturdays;

No such operations / activities to take place on Sundays, Public or Bank Holidays;

16. To require details of the external finishes of the buildings to be submitted for approval.

17. To require the buildings, structures and hard-surfaces to be maintained in good condition and fit for purpose

18. To require details of surface water drainage based on sustainable drainage principles to be submitted for approval.

19. To require no handling, storage or processing of wood waste other than in the fuel hall and no external storage of ash other than in the enclosed ash skips.

20. To require the storage of oils, fuels or chemicals on an impervious base and within bunds / tanks.

21. To require Public Right of Way to be kept open and safe for users at all times

22. To control external floodlighting

23. To define the site access
24. To require the use of quick close roller shutter doors at all times when operations are being carried out within the buildings
25. To require loads of wood waste or ash to be sheeted or otherwise contained
26. To require the existing wheel cleaning facilities to be used as necessary to prevent mud or other deleterious materials being deposited on the public highway.

Landscaping and Ecology

27. To require a detailed Landscape Mitigation Planting Scheme
28. To require a Landscape Management Plan for the wider site

Record Keeping and Knowledge of the Permission

29. To require record keeping of the quantity, source and type of waste wood used to fuel the boilers; vehicle movements
30. To require a copy of the permission and all associated documents to be available to the person person/s responsible for the operations on site;

Informatives

1. **The Environment Agency** advised as follows:

The site is subject to an Environmental Permit issued by them and a modification to the Environmental Permit may be required as a result of this permission.

2. **The Environmental Advice Team (Rights of Way)** advised as follows:

It is important that users of the Footpath Cheddleton 39, which runs adjacent to the proposed development sites, are still able to exercise their public rights safely and that the path is reinstated if any damage to the surface occurs as a result of the proposed development. The surface of the footpath must be kept in a state of repair such that the public right to use it 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.

Any planning permission given does not construe the right to divert, extinguish or obstruct any part of the public path. If the path does need diverting as part of these proposals the developer would need to apply to Staffordshire County Council under section 257 of the Town and Country Planning Act 1990 to divert the footpath to allow the development to commence. The County Council will need to be formally consulted on the proposal to divert this footpath. The applicants should be reminded that the granting of planning permission does not constitute authority for interference

with the right of way or its closure or diversion. For further information the applicant should be advised to read section 7 of DEFRA's Rights of Way Circular (1/09).

3. Site liaison:

The operator to be encouraged to expand the existing Site Liaison Group which meets quarterly to include County Councillors and SCC Planning Officers regarding the operation of the Renewable Energy Facility.

Case Officer: Julie Castree-Denton
tel: (01785) 277293
email: planning@staffordshire.gov.uk

A list of background papers for this report is available on request and for public inspection at the offices of Staffordshire County Council, 1 Staffordshire Place, Stafford during normal office hours Monday to Thursday (8.30 am – 5.00 pm); Friday (8.30 am – 4.30 pm).

Appendix 1: Summary of the findings of the Environmental Statement

Section 1 Introduction

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

Section 2 Site Location and Context

This section of the ES provides a general description of the application site; its surroundings, including baseline landscape character, ecology baseline conditions, background sound levels and baseline air quality and observations of the Floor Risk Assessment.

Section 3 Proposed Development

This section describes the proposed scheme, including the site layout, building and stack dimensions, vehicular access, hours of operation and construction timeframe.

Section 4 Design Statement

This section describes how the nature and extent and operational requirements of all energy consumption on the wider Pointon's site has been identified and how the CHP (Combined Heat and Power) energy generation facility has been designed to maximise the renewable thermal and electricity energy generation required. The different design iterations are described and analysis confirms that all of the steam demands from the three main steam boilers at the rendering facility could be displaced by the same grade and temperature of steam being generated as part of the CHP process.

Section 5 Environmental Considerations

This section considers the following topic areas in terms of impact and is supported where necessary by mitigation measures:

- Landscape and Visual Impact

This describes the visual assessment undertaken for three stages of activity (construction, Year 1 and Year 15 of operation) in relation to the baseline situation which comprises the terraced slope, an in the context of the adjacent existing industrial plant site to the west/south west and the existing industrial warehouse to the north. The summary identifies the visual impacts of the proposed scheme and focuses on significant effects.

It concludes that the proposed development is likely to be similar or less than that of the existing industrial plant and stacks taking account of the higher elevation of the existing plant site and close proximity of the two areas and while views of the site may include an extended industrial component the overall visual impact is unlikely to be increased. The effect on the visual amenity of the PROW adjacent to the Application Site would however be great.

The proposed development would have No Change or Slight Adverse Change from the majority of visual receptors, however would result in a very localised Significant

adverse effect on views from a section of Footpath Cheddleton 30 which passes adjacent to the site and which would also involve views of regrading works to the access track on which the Public Right of Way is located. No additional mitigation is proposed due to the constraints associated with limited available space within the Application Site and no feasible use of off-site locations.

- Ecology

This details the ecological assessment undertaken and the potential impacts and effects arising from activities relating to the construction and operational phases of the proposed development on habitats and fauna. It is considered that there would be no likely important adverse effects from the proposed development on fauna, flora, habitats and designated wildlife sites. The habitats at the Site are of Negligible – Low ecological importance. No further surveys are required. Recommendations include vegetation removal outside the bird breeding season (March – September); removal of spoil heaps and dry stone wall before the hibernation period for Great Crested Newts and/or inactive period for Reptiles (October – February inclusive). If protected species are found to be present within the Site during construction of the proposed development, then appropriate surveys, mitigation and compensation measures should be devised and implemented prior to any construction work taking place.

- Flood Risk

This details the Flood Risk Assessment undertaken. It is considered that there is a negligible risk of flooding occurring at the site and a low risk of any consequential impacts to adjoining land uses because of the re-grading of the existing landform required to develop the site. The existing surface waste management regime will be maintained and where necessary developed.

- Noise

Potential sound levels from the proposed scheme have been predicted at nearby noise sensitive locations. The detailed Noise Impact Assessment indicates that there is likely to be a low impact at residential dwellings in the vicinity of the site.

- Air Quality

Methodology is provided of the detailed Air Quality Assessment which considers the potential impacts of aerial emissions from the proposed operations on local receptors, including a stack emissions assessment. This concludes that the operation of the proposed Renewable Energy Facility is unlikely to cause significant adverse air quality impacts in the vicinity of the site; on the basis that a high standard of emissions management and control is maintained and the site is operated in accordance with Environmental Permitting requirements.

- Alternatives

This section confirms that no alternatives have been explored. It is stated that as the proposed development uses proven technology and is a logical compliment to the existing industrial operations at the wider John Pointon and Sons site.

- Cumulative Impact and Interaction Effects

The consented operations are part of the baseline for the proposed development and the proposed development is for the establishment of a renewable energy facility that will provide a sustainable source of heat and electricity to the established operations undertaken by the applicant company. The proposals envisage the retention and continued use of the existing plant site and ancillary features and the main sources of potential interaction effects have been identified as the air quality impact on landscape, ecology and human health; the appropriate siting of the plant in relation to landscape and ecological impacts; and, the appropriate siting of stacks and general site design to minimise the scope for impact in relation to noise, dust and landscape. This section concludes that many options have been considered to secure an appropriate balance between the various technical disciplines to minimise the scope of interaction effects.

Section 6 Summary and Conclusions

This section provides a conclusion to the ES. The applicant considers the proposals represent a sustainable and logical compliment to the existing industrial operations at the wider John Pointon and Sons operational site. The proposals will enable the replacement of fossil fuels with a more sustainable form of energy generation with minimal impact on surrounding environment.

In respect of Landscape and Visual Amenity a significant cumulative adverse effect is not considered likely. The localised significant effect on the visual amenity of Footpath Cheddleton 39 is not considered so great that the overall benefit to the application site cannot be accepted.

With regard to Ecology it is considered that there would be no likely important adverse effects from the proposed development on fauna, flora, habitats and designated wildlife sites. If protected species are found to be present within the Site during construction of the Proposed Development, then appropriate surveys, mitigation and compensation measures should be devised and implemented prior to any construction work taking place.

With regard to Noise the overall outcome of the assessment indicates that there is likely to be a low impact at residential dwellings in the vicinity of the site.

In respect of Air Quality overall the site is considered to be suitable for the proposed use. The facility will require an Environmental Permit to operate; this will entail provision of detailed risk assessments and management plans to the Environment Agency and control of potential aerial emissions to ensure the facility does not result in unacceptable pollution.

Appendices

- 1 Landscape and Visual Impact Assessment
- 2 Ecological Assessment
- 3 Noise Impact Assessment
- 4 Air Quality Impact Assessment
- 5 Flood Risk Assessment
- 6 Development Scheme

Appendix 2: The Development Plan policies and other material considerations relevant to this decision

The development plan policies

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

- Policy 1: Waste as a resource
 - Policy 1.1 General principles
 - Policy 1.2 Make better use of waste associated with non-waste related development
 - Policy 1.5 Energy Recovery
 - Policy 1.6 Landfill or landraise
- Policy 2: Targets and broad locations for waste management facilities
 - Policy 2.1 Landfill diversion targets
 - Policy 2.2 Targets for new waste management facilities required by 2026 to manage municipal, commercial & industrial, and construction, demolition & excavation waste streams
 - Policy 2.3 Broad locations
 - Policy 2.5 The location of development in the vicinity of waste management facilities
- Policy 3: Criteria for the location of new and enhanced waste management facilities
 - Policy 3.1 General requirements for new and enhanced facilities
- Policy 4: Sustainable design and protection and improvement of environmental quality
 - Policy 4.1 Sustainable design
 - Policy 4.2 Protection of environmental quality

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

- Policy SS1 Development principles
- Policy SS1a Presumption in favour of sustainable development
- Policy SS6a Larger villages area strategy
- Policy SS6c Other rural areas area strategy
- Policy SD1 Sustainable use of resources
- Policy SD2 Renewable /low-carbon energy
- Policy SD4 Pollution and flood risk
- Policy E1 New employment development
- Policy DC1 Design considerations
- Policy DC2 Historic environment
- Policy DC3 Landscape and settlement setting
- Policy R1 Rural diversification

Other material considerations

National Guidance

The [National Planning Policy Framework](#) (the NPPF) (published on 27 March 2012).

- Section 1: Building a strong, competitive economy;
- Section 4: Transport;
- Section 7: Requiring good design;
- Section 8: Promoting healthy communities;
- Section 9: Protecting Green Belt Land
- Section 10: Meeting the challenge of climate change, flooding and coastal change; and,
- Section 11: Conserving and enhancing the natural environment.

[Planning Practice Guidance](#) (last updated 28 July 2017)

- [Waste](#);
- [Design](#);
- [Renewable and low carbon energy](#);
- [Noise](#);
- [Travel Plans, Transport assessments and statements](#)

Waste

[National Planning Policy for Waste](#) (16 October 2014):

- Section 1: Key Planning Objectives;
- Section 6: Identifying Suitable Sites and Areas – Green Belt;
- Section 7: Determining Planning Applications.

[The Waste \(England and Wales\) Regulations 2011](#)

Public Health England's (PHE) Position Statement on Municipal Solid Waste Incineration – [‘The Impact on Health of Emissions to Air from Municipal Waste Incinerators’](#) (September 2009)

[Environmental Permitting \(EP\) \(England and Wales\) Regulations 2016\)](#)

Energy

National Policy Statements for energy infrastructure:

- [Overarching National Policy Statement for Energy](#) (EN-1);
- [Renewable Energy Infrastructure](#) (EN-3).

[Energy White Paper 2003](#) (Our Energy Future – Creating a Low Carbon Economy)

[Energy White Paper 2007](#) (Meeting the Energy Challenge);

[Climate Change Act 2008](#)

[The UK Renewable Energy Strategy \(2009\)](#)

[The UK Low Carbon Transition Plan \(2009\)](#)

[The UK Low Carbon Industrial Strategy \(2009\)](#)

[UK Renewable Energy Roadmap](#) (DECC, July 2011, updated December 2012, updated January 2013 and November 2013);

[UK Bioenergy Strategy](#) (April 2012 published by Defra, Department for Transport, Department of Energy & Climate Change); and,

[‘Energy from Waste – A guide to the debate’](#) (published by Defra February 2014 (revised edition))

European Policy

National policy on waste is derived from European legislation, of which the most relevant to this application are:

[The Revised European Framework Directive on Waste](#) (2008/98/EC adopted by the European Council on 17 October 2008);

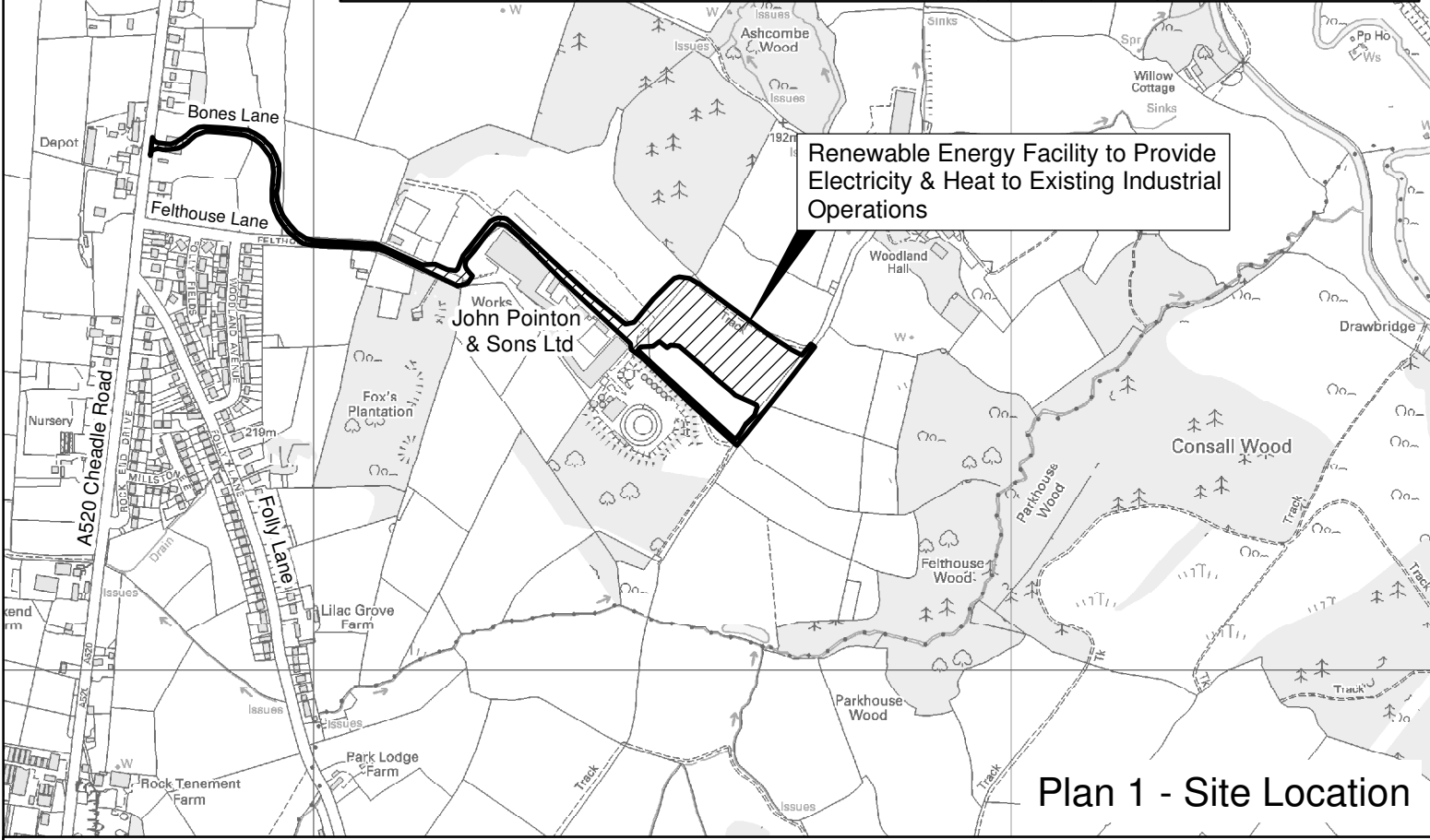
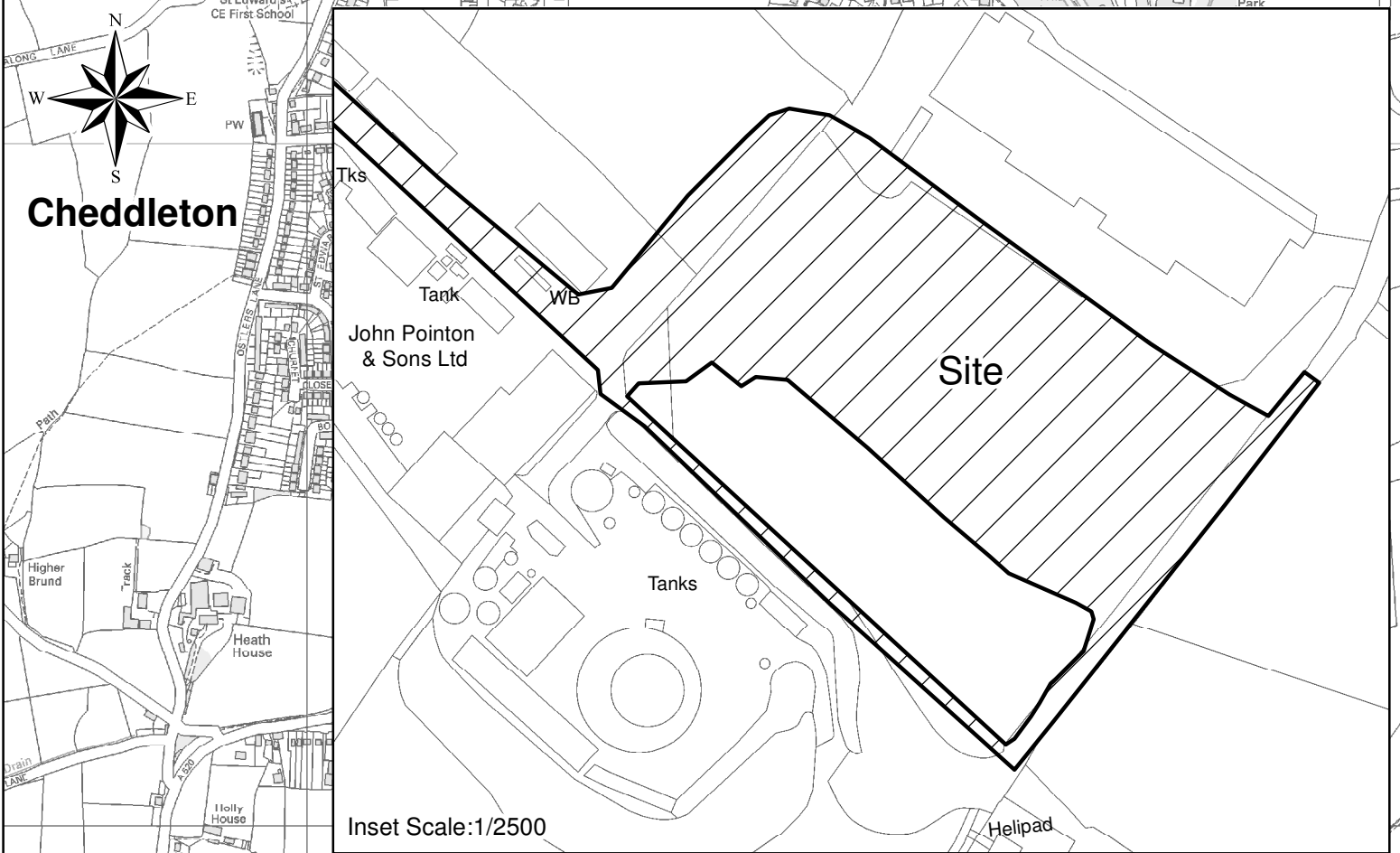
[The Waste Incineration Directive](#) (2000/76/ec)

[The Industrial Emissions Directive \(IED\) 2010/75/EU](#)


Local Guidance

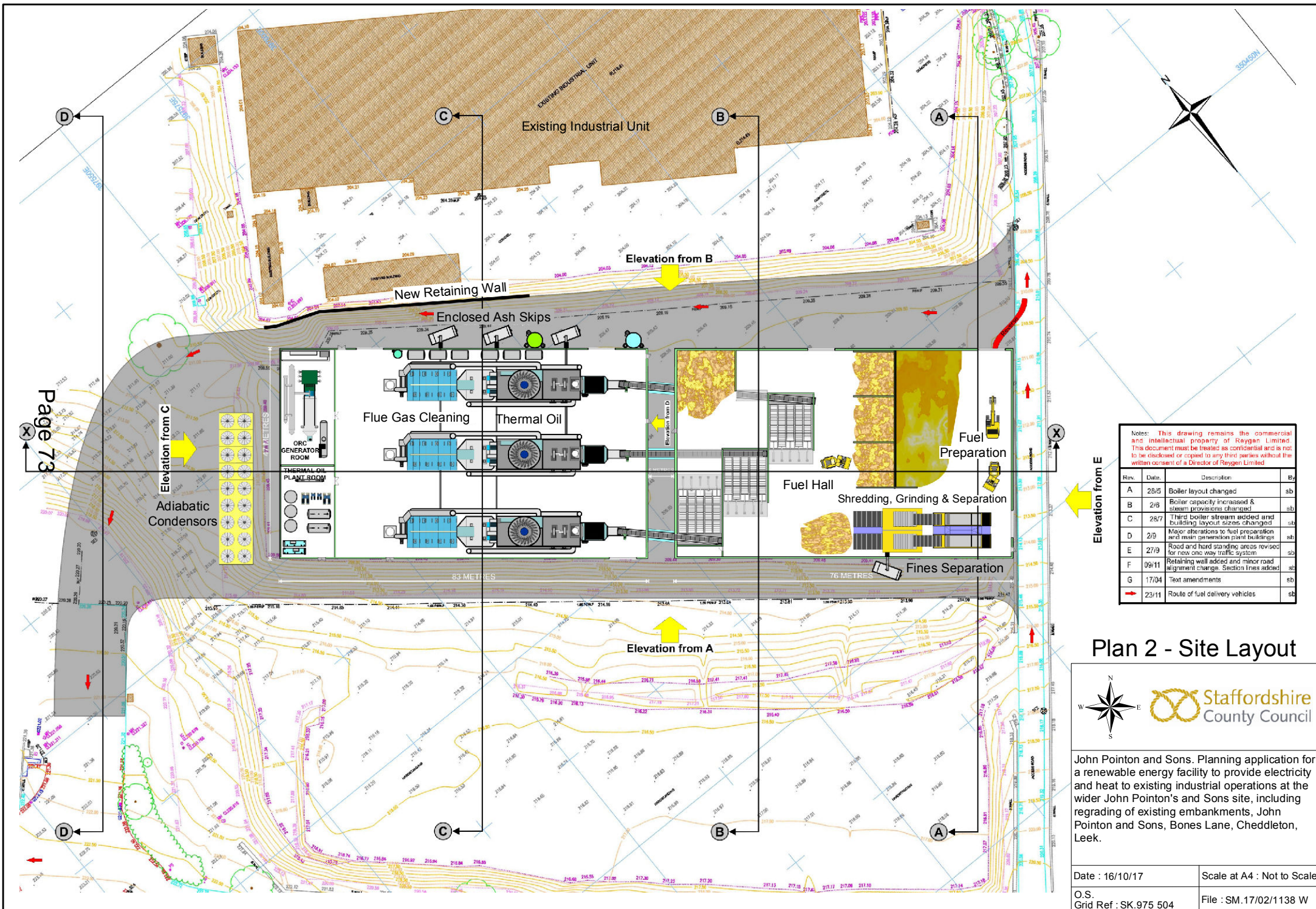
[Planning for Landscape Change](#) (formerly Supplementary Planning Guidance to the Structure Plan referenced as a material consideration in Appendix 3 of the Joint Waste Local Plan)

Staffordshire County-wide Renewable / Low Carbon Energy Study (September 2010)



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 <p>Staffordshire County Council</p>	<p>Planning, Policy & Development Control, Staffordshire County Council, No.1 Staffordshire Place, Stafford, ST16 2LP. Telephone 0300 123 8000</p>	<p>John Pointon and Sons. Planning application for a renewable energy facility to provide electricity and heat to existing industrial operations at the wider John Pointon's and Sons site, including regrading of existing embankments, John Pointon and Sons, Bones Lane, Cheddleton, Leek.</p>
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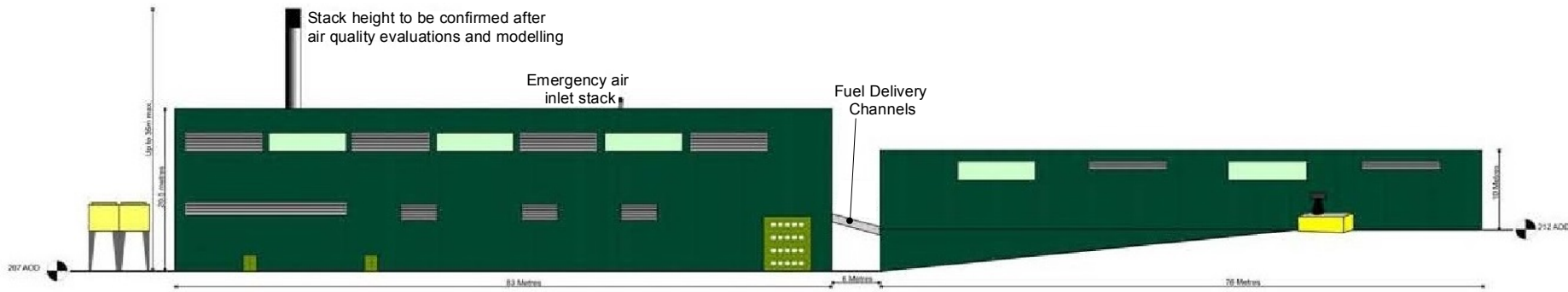
Rev.	Date.	Description	By
A	25/5	Boiler layout changed	sb
B	2/6	Boiler capacity increased & steam pressure changed	sb
C	25/7	Third boiler stream added and building layout sizes changed	sb
D	2/9	Major alterations to fuel preparation and main generation plant buildings	sb
E	27/9	Road and hard standing areas revised for new one way traffic system	sb
F	09/11	Retaining wall added and minor road alignment change. Section lines added	sb
G	17/04	Text amendments	sb
	23/11	Route of fuel delivery vehicles	sb

Plan 2 - Site Layout

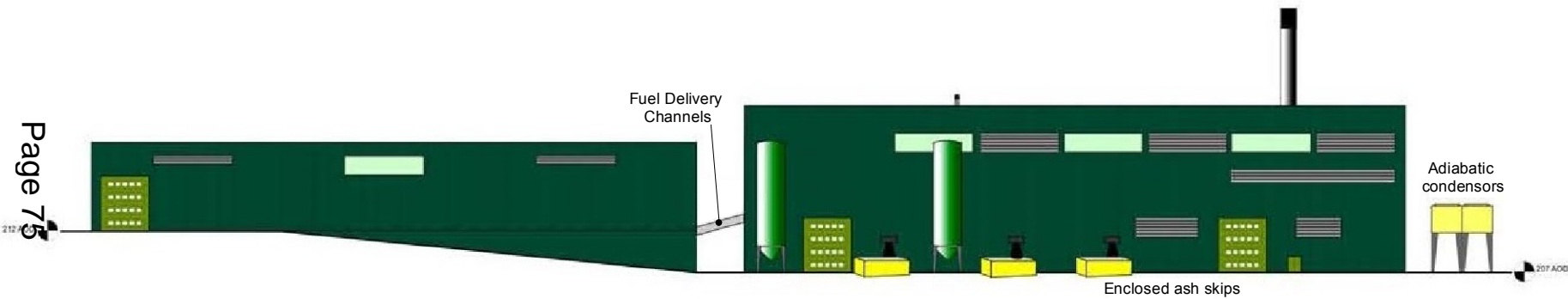


John Pointon and Sons. Planning application for a renewable energy facility to provide electricity and heat to existing industrial operations at the wider John Pointon's and Sons site, including regrading of existing embankments, John Pointon and Sons, Bones Lane, Cheddleton, Leek.

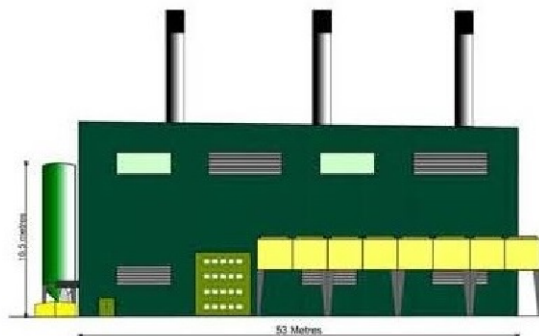
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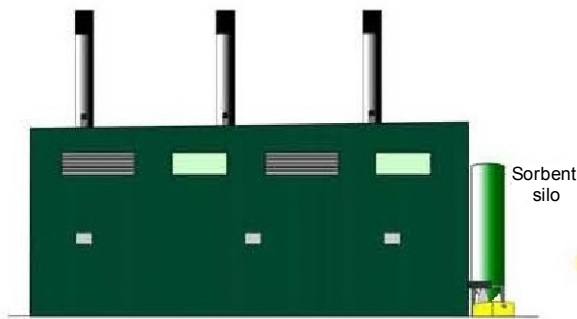
Elevations from viewpoint A



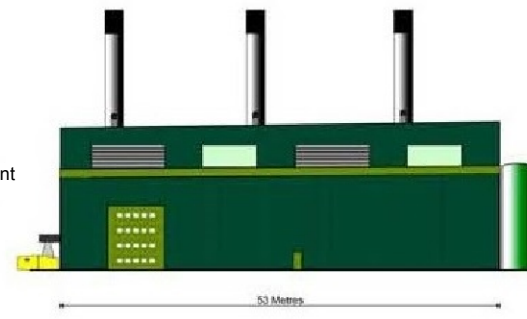
Elevations from viewpoint B



Elevations from viewpoint C



Elevations from viewpoint D



Elevations from viewpoint E

External finishes to be approved plastic coated steel panels coloured to match existing RAL 6003 Dark Green and BS 12 b 21 Moorland Green
 Windows to be polycarbonate sheeting in matching plastic coated frames. Louvres to colour coded to match the agreed plastic coated steel panels.

Plan 3 - Elevations



John Pointon and Sons. Planning application for a renewable energy facility to provide electricity and heat to existing industrial operations at the wider John Pointon's and Sons site, including regrading of existing embankments, John Pointon and Sons, Bones Lane, Cheddleton, Leek.

Date : 16/10/17	Scale at A4 : Not to Scale
O.S. Grid Ref : SK.975 504	File : SM.17/02/1138 W

Local Members' Interest	
Mr. D. S. Smith	Lichfield - Rural South
Mr. C. Greatorex	Lichfield - City South

PLANNING COMMITTEE: 2 November 2017

WASTE COUNTY MATTER

District: Application No. Lichfield: [L.16/04/823 W](#)

Date Received: 1 December 2016

Date Revised/Further Details Received: 9 January 2017, 12 January 2017 and 13 January 2017

Greener Composting, Watling Street, Wall, Lichfield application to construct a biomass boiler facility to replace the permitted in-vessel composting facility at Manor Farm, Birmingham Road, Wall

Purpose of the report

1. This report has been prepared to recommend that the decision of the Planning Committee to modify the recommendation to add a condition to the planning permission should not be made.

Background

2. The [5 October 2017 Planning Committee](#) considered a report on this application. Following a discussion regarding the potential sources of fuel for the biomass boiler facility the following modification to the recommended conditions was made:

'should further wood fuel be required, it should only be wood fuel sourced locally in accordance with Policy SC2 of the Lichfield Local Plan.'

Observations

3. The planning application is for a biomass boiler fuelled by waste wood arising from the adjacent composting facility. This is stated in the report. For example:

- a) Paragraph 17 explains that:

'The applicant has indicated that the proposal would ensure that waste wood and woodchip which is produced as a by-product of the composting operations could be effectively managed in situ; and would provide a "logical minor diversification" of the existing operations, which would ensure that energy is recovered from waste material and would help to create a more comprehensive waste management facility.'

- b) Paragraph 116 explains that:

'The applicant has not proposed to amend the amount of chipped wood

exported and therefore the amount of chipped wood 'exported' to the biomass boiler facility would continue to be restricted to 35% of the total amount of waste brought to the site for composting (20,000 tonnes per annum), which equates to 7,000 tonnes per annum being processed to produce wood chip to fuel the boilers.'

c) The heads of terms of the planning conditions include:

5. To define waste types - green waste or organic waste;

4. Furthermore, the applicant has agreed to the following draft condition:

'No fuel other than waste wood arising from the adjacent open windrow composting facility (ref. condition 7 of permission [L.17/02/823 W](#)) shall be used as the feedstock for the biomass boilers.'

Conclusion

5. For the reasons explained above, and having regard to [the 6 tests in the National Planning Policy Framework \(paragraph 206\)](#), it is reasonable to conclude that the modification to the recommendation is not necessary or relevant to the development to be permitted as the applicant has applied specifically to use waste wood arising from the adjacent composting facility to fuel the biomass boilers and the planning permission would include a condition to that effect.

RECOMMENDATION

That the amendment to the recommendation made by the Planning Committee on 5 October 2017, namely to add a condition to the planning permission that:

'should further wood fuel be required, it should only be wood fuel sourced locally in accordance with Policy SC2 of the Lichfield Local Plan.'

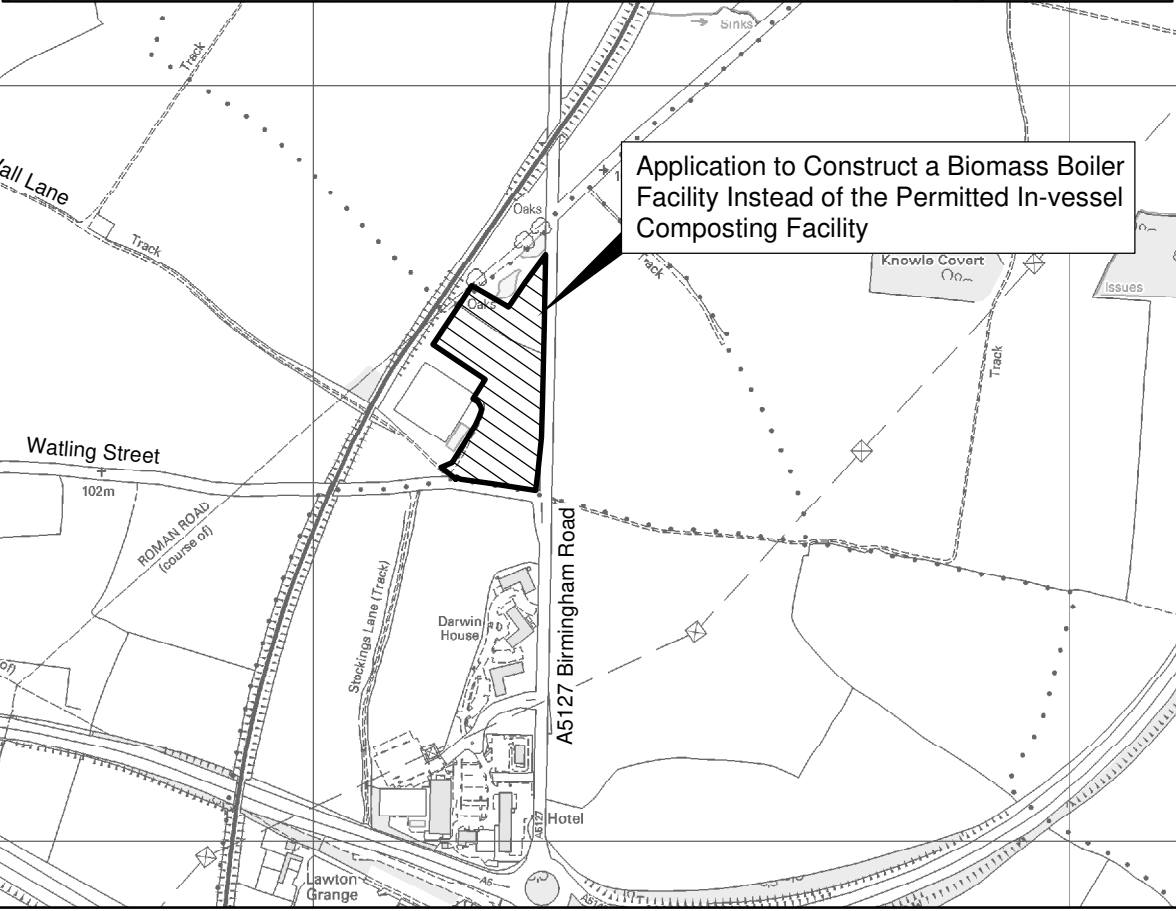
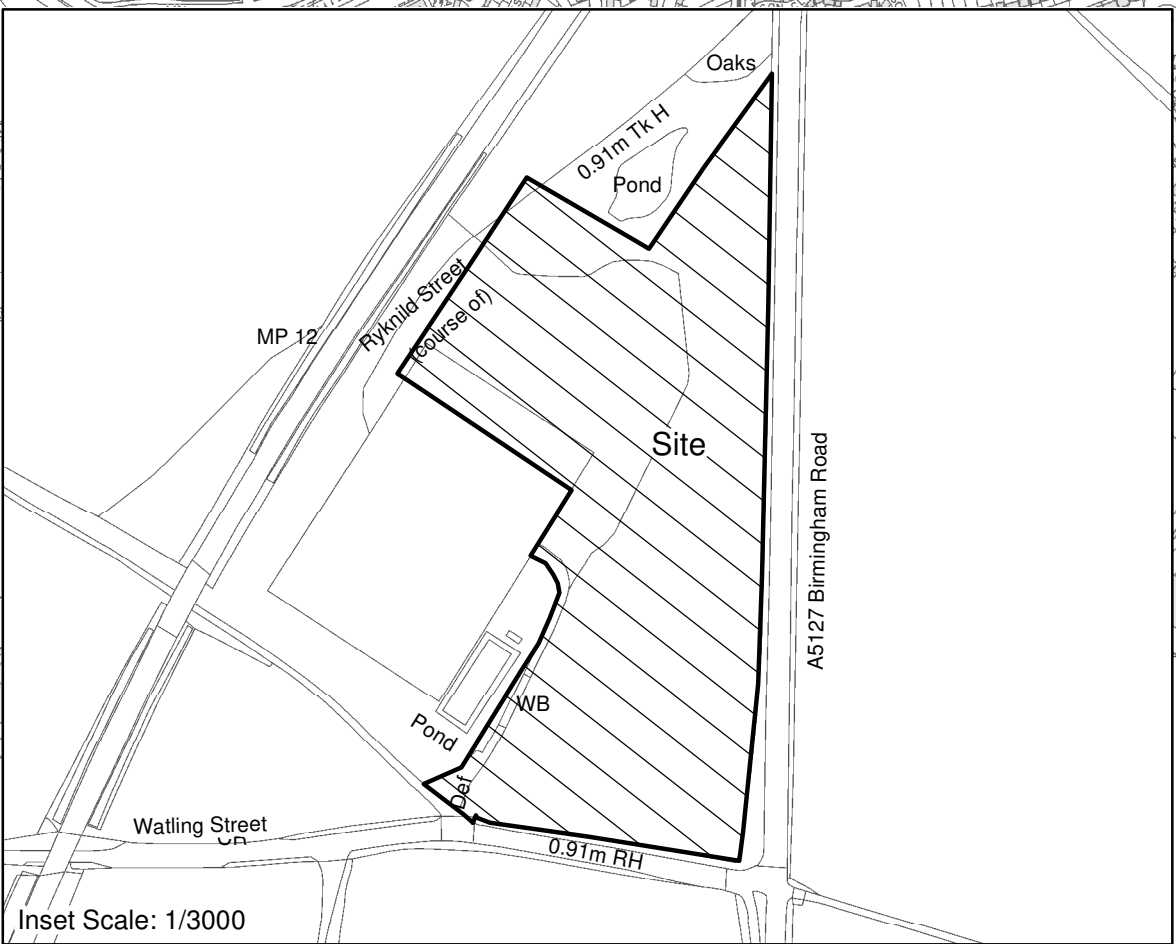
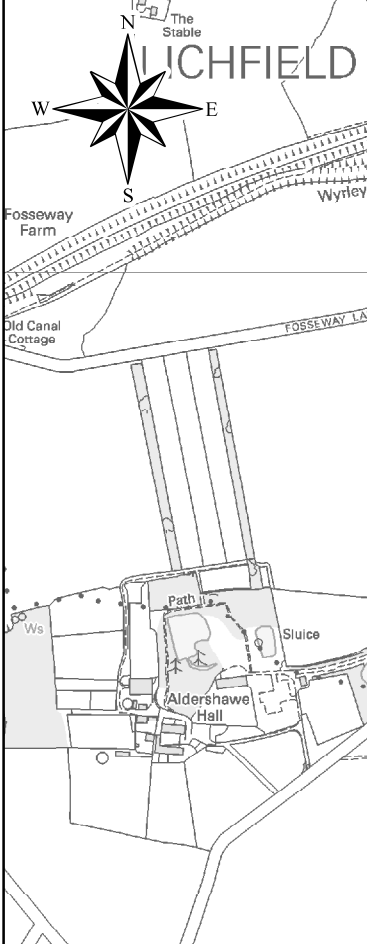
should not be made as it is not necessary or relevant to the development to be permitted.

Background documents

[Planning Committee report and minutes of the meeting - 5 October 2017 \(item 5 \(b\)\)](#)

Case Officer: Mike Grundy
tel: (01785) 277297
email: mike.grundy@staffordshire.gov.uk

A list of background papers for this report is available on request and for public inspection at the offices of Staffordshire County Council, 1 Staffordshire Place, Stafford during normal office hours Monday to Thursday (8.30 am – 5.00 pm); Friday (8.30 am – 4.30 pm).



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

Greener Composting. Application to construct a biomass boiler facility instead of the permitted in-vessel composting facility, Watling Street, Wall, Lichfield.

Local Members' Interest
N/A

Planning Committee – 2 November 2017

Report of the Director for Economy, Infrastructure and Skills

Planning, Policy and Development Control – Half Year Performance Report

Purpose of Report

- 1 To inform Members about our planning policy-making and planning development control performance over the previous six months (1 April 2017 to 30 September 2017) and related matters.

Summary and Recommendation

2. Planning policy-making performance:

The Staffordshire and Stoke-on-Trent Joint Waste Local Plan was adopted in March 2013 and so the 5-year review is due in 2018. Preparatory work on the review of the plan has now commenced. This work will help us determine the extent of the review that is required.

3. Planning development control performance:

a) Speed of major development decisions

The proportion of the minerals and waste applications determined within 13 / 16 weeks or within an agreed extension of time:

- National target 60% measured over two years
- **Performance 96%** (50 out of 52)
- Local target 70% measured over the financial year
- **Performance 100%** (7 out of 7 after two quarters)

b) Quality of major development decisions

The proportion of the minerals and waste decisions overturned at appeal:

- National target 10% measured over two years
- **Performance 1%** (1 out of 67)
- Local target 5% measured over the financial year
- **Performance Nil** (0 out of 7 after two quarters)

c) Speed of the County Council's major development decisions

The proportion of the County Council's major development applications determined within 13 / 16 weeks or within an agreed extension of time:

- Local target 80% measured over the financial year
- **Performance Nil** (after two quarters)

d) Speed of the County Council's 'non-major development' applications

The proportion of the County Council's non-major development applications determined within 8 weeks or within an agreed extension of time:

- Local target 80% measured over the financial year
- **Performance 100%** (5 out of 5 after two quarters)

[* For the definitions of 'major development' and 'non-major development' go to the end of the report.]

e) Delegated decisions on all applications

The proportion of all applications determined by your officers in accordance with delegated powers:

- Local target 80% measured over the financial year
- **Performance 75%** (9 out of 12 after two quarters)

4. Pre-application Advice Service:

The service commenced on 1 February 2017.

- 12 requests and fee income of £4,200 (inc VAT) (after two quarters)

5. Staffing: The adoption of the Minerals Local Plan in February released three officers to do other work. One officer was seconded to the Planning Regulation Team and this has now been extended to April 2018. The offer of support to the Strategic Property Team to assist them with the capital receipts programme during 2017-18 has not so far been taken up, however some planning support has been given to the County Farms team. Meanwhile, although the total number of minerals, waste and county development applications is down: the approval of details remains similar to previous years; the number of planning consultations has doubled; the paid for pre-application service is generating additional work and income; and, preparatory work on the review of the Waste Local Plan has commenced. As a consequence the staffing requirement of the team is being kept under review.

6. Recommendation: That the report be noted.

Background

7. Performance in planning policy-making and planning development control is reported on an annual basis with an update at six months. Quarterly performance updates are reported to the Cabinet Member for Economy and Infrastructure and published on our Staffordshire Planning '[A to Z of Planning](#)' web page ('P' for Performance).
8. This is a report about planning policy-making and planning development control performance over the six months from 1 April 2017 to 30 September 2017.

Planning policy-making performance

9. The Staffordshire and Stoke-on-Trent Joint Waste Local Plan was adopted in March 2013 and so the 5-year review is due in 2018. Preparatory work on the review of the plan has now commenced. This work will help us determine the extent of the review that is required. The adopted plan is available on our '[Waste Local Plan](#)' web page.

Planning development control performance

10. Appendix 2 provides a summary of performance after two quarters in 2017-18.
11. Appendix 3 provides a comparison after two quarters in the previous two years.
12. The numbers and commentary on the major and non-major development decisions:

a) Speed of major development decisions

The proportion of the minerals and waste applications determined within 13 / 16 weeks or within an agreed extension of time:

- National target - 60% (measured over a two year period - October 2015 to September 2017)
- **Performance 96%** (50 out of 52)
- Local target - 70% (measured over the financial year)
- **Performance - 100%** (7 out of 7 after two quarters)

b) Quality of major development decisions

The proportion of the minerals and waste decisions overturned at appeal:

- National target -10% (measured over a two year period - April 2015 to March 2017)
- **Performance - 1%** (1 out of 67)
- Local target - 5% (measured over the financial year)

- **Performance - Nil** (0 out of 7 after two quarters)

Commentary: The proportion of the mineral and waste applications determined on time, or within an agreed extension of time, remains high and the proportion of those decisions appealed, let alone overturned on appeal, remains very low as we continue to try to resolve outstanding matters before reaching a decision. However the number of mineral and waste applications determined after two quarters is half that of the same period in the previous two years (7 compared to 15) (see Appendix 3). The number of applications received in the same period has dropped from 30 in 2015-16, to 17 last year and to 12 so far this year. The number of other submissions received has also dropped from around 60 in the previous 2 years to just below 50. No appeals have been made against decisions so far this year.

c) Speed of the County Council's major development decisions

The proportion of the County Council's major development applications determined within 13 / 16 weeks or within an agreed extension of time:

- Local target - 80% (measured over the financial year)
- **Performance - Nil** (after two quarters)

d) Speed of the County Council's 'non-major development' applications

The proportion of the non-major development applications determined within 8 weeks or within an agreed extension of time:

- Local target - 80% (measured over the financial year)
- **Performance 100%** (5 out of 5 after two quarters)

Commentary: The proportion of County Council applications determined on time, or within within an agreed extension of time, remained at 100% as we continue to resolve outstanding matters with the applicant before reaching a decision. The number of County Council major development applications is generally low, however none have been determined so far this year, compared to 2 and 4 in the previous two years (see Appendix 3). The number of non-major County Council development applications continues the downward trend of recent years as more schools are now independently funded (see Appendix 3). The total number of County Council applications received has also declined from 11 and 13 in the same period in the previous two years to 8 so far this year.

[Note: The County Council's major development applications typically involve large projects such as new schools e.g. the Branston Road High School near Burton; and, major highway improvement schemes e.g. the Stafford Western Access Road. Non-major applications typically involve much smaller projects e.g. additional classrooms at schools and new barns on the County Farms.]

e) **Delegated decisions on all applications**

The proportion of all applications determined by your officers in accordance with delegated powers

- Local target - 80% (measured over the financial year)
- Performance - **75%** (9 out of 12 after two quarters)

Commentary: The proportion of applications dealt with by your officers under delegated powers is below the target. More generally, the total number of applications dealt with has dropped from nearly 30 two years ago, to 23 last year and less than half of that number so far this year (see Appendix 3). However, the total number of matters dealt with by your officers (applications, the review of old mineral permissions, submissions of detail, applications for non-material amendments and consultations from the districts), is just over 120 which is similar to the number in the same period in the previous two years. For more details refer to the 'Quarterly Performance Reports' published on our Staffordshire Planning '[A to Z of Planning](#)' web page ('P' for Performance).

[Note: The delegated powers apply to applications that do not involve a substantial new site or significant extension; applications for county developments; applications where there are no objections from a statutory consultee, district / parish council or local member; or applications where there are no more than 4 objections on material planning grounds.]

Pre-application Advice Service

13. The service commenced on 1 February 2017.
 - 12 requests and fee income of £4,200 (inc VAT) (after two quarters)

Staffing update

14. The primary policy-making work of the team ended with the adoption of the Minerals Local Plan in February 2017 which released three officers to do other work. One officer was temporarily seconded to the Planning Regulation Team in April. This secondment has recently been extended until April 2018. The offer of support to the Strategic Property Team to assist them with the capital receipts programme during 2017-18 has not so far been taken up, however some planning support has been given to the County Farms teams. The review of the Waste Local Plan, the Local Aggregates Assessment and Annual Monitoring Reports, will generate new policy work for the team in the next twelve months.
15. Although the total number of minerals, waste and county development applications is down: the approval of details remains similar to previous years; the number of planning consultations has doubled (51 compared to 23 and 20); and, the paid for pre-application service is generating additional work and income.

16. As a consequence of the above, the staffing requirements of the team is being kept under review.

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Definitions

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

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

A 'non-major development' is defined in the [Town and Country Planning \(Section 62A Applications\) \(Amendment\) Regulations 2016](#) as an application which is not 'major development'

List of Background Papers

- Planning Committee – 1 June 2017 - Planning, Policy and Development Control - Annual Performance Report ([see agenda item 5](#))
- 'Quarterly Performance Reports' published on our Staffordshire Planning '[A to Z of Planning](#)' web page ('P' for Performance).
- [DCLG - Improving planning performance: criteria for designation \(November 2016\)](#)
- [DCLG - Live tables on planning application statistics](#)
- [Town and Country Planning \(Section 62A Applications\) \(Amendment\) Regulations 2016](#)

Appendix 1

Equalities implications:

This report has been prepared in accordance with the County Council's policies on Equal Opportunities.

Legal implications:

Officers are satisfied that there are no direct legal implications arising from this report.

Resource and Value for money implications:

Officers are satisfied that there are no direct resource and value for money implications arising from this report. Improvements in performance may require additional resources which would have financial implications. Decisions to refuse applications may lead to appeals being made. Funds to cover the cost of appeals would need to be found from the County Council's contingencies. The review of the Waste Local Plan will require funds to cover the cost of the examination of the updated plan by an Independent Inspector appointed by the Planning Inspectorate on behalf of the Secretary of State for Communities and Local Government.

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 10](#)), 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.

Planning Development Control - Quarterly Performance– 2017-18 (after two quarters)

	Target Description	Target (Local)	Quarter 1	Quarter 2	Quarter 3	Quarter 4	Performance (final outturn)
National	Speed of 'major development' decisions*	60% (70%)	100% 6 out of 6	100% 1 out of 1			100% 7 out of 7
National	Quality of 'major development' decisions**	10% (5%)	Nil 0 out of 6	Nil 0 out of 1			Nil 0 out of 7
Local	Speed of the County Council's own 'non-major development' decisions	(80%)	100% 1 out of 1	100% 4 out of 4			100% 5 out of 5
Local	Speed of the County Council's own 'major development' decisions	(80%)	Nil	Nil			Nil
Local	Applications determined under delegated powers	(80%)	83% 5 out of 7	80% 4 out of 5			75% 9 out of 12

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

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

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

Planning Development Control – Half Year Performance – 2017-18**Comparison with the previous two years**

Year	National (Local Target)	Performance
Speed of 'major development' decisions		
2017-18	60% (70%)	100%
		7 out of 7
2016-17	50% inc to 60% (70%)	93%
		14 out of 15*
2015-16	30% inc to 50% (70%)	100 %
		15 out of 15
Speed of the County Council's own 'non-major development' decisions		
2017-18	(80%)	100 %
		5 out of 5
2016-17	(80%)	100 %
		4 out of 4
2015-16	80%	100 %
		12 out of 12
Speed of the County Council's own 'major development' decisions		
2017-18	80%	Nil
		Nil
2016-17	80%	100 %
		4 out of 4
2015-16	80%	100 %
		2 out of 2
Applications determined under delegated powers		
2017-18	80%	75%
		9 out of 12
2016-17	80%	83%
		19 out of 23
2015-16	80%	90%
		26 out of 29



Planning applications dealt with under the 'Scheme of Delegation to Officers'

Categories

AA	Adjoining Authority	MC	Mineral Consultation	SU	Statutory Undertakers
CC	Affects County Council land	MCM	Mineral County Matter	TC	(Tipping Consultation) affects waste disposal land
CD	County Development	MEM	Mineral Enforcement Matter	WC	Waste Policy Consultation
CDW	County Development Waste	SO (5)	Screening Opinion	WCM	Waste County Matter
CLU	Certificate of Lawful Use on Development	SO (10)	Scoping Opinion	WDLC	Waste Disposal Licence Consultation
DC	District Council proposal	SP	Strategic Planning	WEM	Waste Enforcement Matter
GPDO	Prior Approval for Permitted Development				

Application No	Received	CAT	Applicant	Proposal	Location	Decision Taken
						Decision date
N.06/20/639 W	25-Oct-2006	WCM	Mr K Houghton	Erection of building to house vibratory screen, picking line and stone crusher together with feed hopper, dust receiver and collector bay for recycling of materials in connection with preparation of site for childrens farm. Recycling of onsite materials and importation as appropriate	Land adjacent to 5 Wolverhampton Road, Shareshill	undetermined - 28/09/2017
N.05/20/214 M D6	14-Aug-2017	MCM	Ibstock Brick Ltd.,	Submission of details in compliance with condition 45 of planning permission N.05/20/214 M relating to revised Dust Monitoring arrangements	Knutton Quarry	Approve details - 13/10/2017
CH.15/14/780 W D1	13-Dec-2016	WCM	The Raw Material Co. Ltd.	Submission of details in compliance with condition 28 of planning permission CH.15/14/780 W relating to Noise Management and Monitoring scheme	163 Walford Works, Longford Road, Cannock	Approve details - 17/10/2017
SS.16/04/691 W D1	18-Aug-2017	WCM	Senwood Contracting Limited	Submission of details in compliance with conditions 7 and 22 of planning permission SS.16/04/691 W relating to Landscaping and Noise Management	Sunshine Farm, Hilton Lane, Hilton	Approve details - 11/10/2017

Application No	Received	CAT	Applicant	Proposal	Location	Decision Taken
						Decision date
SMD/2017/0398 MSA	13-Jul-2017	MSA	Mr Peter Wilkinson	Consultation from Staffordshire Moorlands District Council in connection with an application to them for alterations and extensions at The Raddle Inn and erection of 3 holiday lodges	The Raddle Inn, Quarry Bank, Hollington	No Objections - 26/09/2017
SMD/2017/0621 MSA	05-Oct-2017	MSA	Mr K Duke	Consultation from Staffordshire Moorlands District Council in connection with an application to them for planning permission for Construction of a 40m x 20m menege and non permanent construction for storage and tractor parking	Land South Of MILL LANE, WETLEY ROCKS	No Objections - 19/10/2017
N.17/00787 MSA	05-Oct-2017	MSA	Muller Property Holdings,	Consultation from Newcastle Borough Council in connection with an application to them for outline planning permission for residential development of up to 70 dwellings including details of access	Gravel Bank Mucklestone Road Loggerheads	No Objections - 23/10/2017
N.17/00787 MSA	26-Jul-2017	CD	The Cabinet (Staffordshire County Council)	Extension to provide 3 No. classrooms and an IT suite with associated toilets, temporary mobile classroom and accessible pathways	Bishop Lonsdale Church of England Primary School, Shaws Lane, Eccleshall, Stafford	Grant - with conditions - 20/10/2017
N.05/20/214 M NMA3	14-Aug-2017	MCM	Ibstock Brick Ltd.,	Application for non-material amendment to planning condition 46 of planning permission N.05/20/214 M relating to submission of results of the background/baseline dust monitoring	Knutton Quarry	Non-Material Amendment - 13/10/2017
SMD/2017/0496 MSA	30-Aug-2017	MSA	Mr F Klucznik	Consultation from Staffordshire Moorlands District Council in connection with an application to them for planning permission for erection of 4 no. houses	Land Off Shawe Park Road SHAWE PARK ROAD KINGSLEY HOLT	No Objections - 26/09/2017

Application No	Received	CAT	Applicant	Proposal	Location	Decision Taken	Decision date
SMD/2017/0578 MSA	27-Sep-2017	MSA	Acorus Rural Property Services Ltd	Consultation from Staffordshire Moorlands District Council in connection with an application to them for planning permission for outline permission for a single dwelling	PROCTORS NURSERY LEEK ROAD ENDON	No Objections -	03/10/2017
SS.15/13/627 M D3	04-Aug-2017	MCM	JPE Holdings Limited	Submission of details in compliance with condition 33 of planning permission SS.15/13/627 M relating to a 6 month progress report (second review)	Seisdon Quarry	Part approval -	28/09/2017
N.05/20/214 M D7	18-Aug-2017	MCM	Ibstock Brick Ltd.,	Submission of details in compliance with condition 9 of planning permission N.05/20/214 M relating to working and restoration report	Knutton Quarry	Approve details -	11/10/2017
S.17/00768 MSA	05-Sep-2017	MSA	Prime Energy Development Limited	Consultation from South Staffordshire Council in connection with an application to them for planning permission for an emergency generation facility	Land to the north of Hinksford substation, Swindon Road, Staffordshire	No Objections -	26/09/2017
SMD/2017/0660 MSA	12-Oct-2017	MSA	B Cheadle Property Holdings Ltd	Consultation from Staffordshire Moorlands District Council in connection with an application to them for planning permission for 121 dwellings	Land at Cecilly Mill, Oakamoor Road/Churchill Road, Cheadle	No Objections -	23/10/2017
S.17/04	18-Aug-2017	CD	The Cabinet (Staffordshire County Council)	Three storey extension and associated works to provide 9.5FE school	Alleynes High School, Oulton Road, Stone	Grant - with conditions -	20/10/2017
SOT.61554 AA	13-Sep-2017	AA	R A H Perkins	Consultation from Stoke City Council in connection with an application to them for planning permission for a small residential development comprising 5 detached executive homes and associated landscaping	Land at Copshurst, Lightwood Road, Longton	No Objections -	27/09/2017

Page 93

Application No	Received	CAT	Applicant	Proposal	Location	Decision Taken	Decision date
SOT.61472/HAZ AA	14-Sep-2017	AA	Recticel Insulation	Consultation from Stoke on Trent City Council in connection with an application to them for planning permission to increase storage capacity of hazardous substances (originally approved under permission ref HAZ/0026)	Recticel Insulation, Enterprise Way, Meir Park, Stoke on Trent	No Objections -	26/09/2017

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of Part 1 of Schedule 12A
of the Local Government Act 1972

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