

| <b>Local Members' Interest</b> |                       |
|--------------------------------|-----------------------|
| Mr. M. Sutherland              | Etching Hill & Heath  |
| Mr. J. Francis                 | Stafford Trent Valley |

PLANNING COMMITTEE – 07 June 2018

MINERAL COUNTY MATTER

Stafford and Cannock Chase: Application No. [CH.17/01/709 M](#)

Date Received: 28 February 2017

Date Further Details Received:

- Letter to Staffordshire County Council (Ver. 3) dated 24 April 2017

Freeland Horticulture Ltd: Application not to comply with (to vary) Condition 7 of planning permission CH.16/03/709 M regarding vehicle movements associated with the manufacture of topsoil at Rugeley Quarry.

### **Background/Introduction**

1. Planning permission has previously been granted for the manufacture of topsoil by blending screened sand with PAS:100 compost using a loading shovel at Rugeley Quarry (ref. [CH.16/03/709 M](#) - dated 14 November 2016).
2. Condition 7 of the permission restricts the number of loads of compost materials imported into the site for soil manufacture, and the manufactured soil exported from the site to 13 loads (26 vehicle movements) per full working day.
3. The planning permission has not yet been implemented.
4. A report on the application had previously been prepared to be presented to a meeting of the Planning Committee on 6 July 2017. Following discussions with the applicant in respect of traffic matters and the concerns that had been raised in representations received on the proposals which had not been fully resolved at the time of completing that report it was withdrawn at short notice. The applicant agreed to an extension of time to determine the application to allow consideration of a Transport Assessment (TA) which was to be prepared by the quarry operator (Cemex) in association with another planning application (ref. [CH.16/05/709 M](#)) which is also being reported to this Planning Committee meeting (see 'Relevant Planning History' below). A TA was provided on 22 November 2017 by the quarry operator which in addition to assessing traffic matters in association with their own application, also assesses the approved and proposed amended vehicle movements for the soil manufacturing facility. The TA is therefore relevant to these proposals.

## **The Site and Surroundings**

5. Rugeley Quarry lies within the northern part of the Cannock Chase Area of Outstanding Natural Beauty (AONB) at an elevated position (161m AOD) on the wooded slopes to the south of the River Trent, approximately 10km south east of Stafford, 12km north east of Cannock and 1.5km west of Rugeley town centre. The quarry lies adjacent to the Cannock Chase Special Area of Conservation (SAC) and SSSI and within the South Staffordshire Green Belt.
6. The soil manufacturing facility although not yet operational would sit within the base of Rugeley Quarry in an area adjacent to the site's existing plant, equipment and workshops. Associated traffic would use the quarry's internal haul road and the existing access from Stafford Brook Road. The nearest property lies around 800m to the south on Kingsley Wood Road, with other properties being located along the routes to and from the quarry on Stafford Brook Road and Bower Lane.

## **Summary of Proposals**

7. The application seeks to vary condition 7 of the planning permission to replace the maximum of 26 movements per day with an average of 26 per day and introduce a new maximum of 70 per day to take account of peaks in demand following times of inclement weather and reduced demand.
8. The application does not propose to increase the overall amount of compost that would be imported (16,250 tonnes per year) and does not propose to increase the overall amount of manufactured soil that would be exported from the site (65,000 tonnes per year). All other conditions would remain unchanged.

## **Environmental Impact Assessment**

9. In accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2011, the County Council has conducted a "Screening Opinion" on the proposals which concluded that the proposed development is not EIA development and therefore need not be supported by an Environmental Statement (ref: [SCE.238/CH.17/01/709 M](#) dated 05 April 2017).

## **Relevant Planning History**

10. Rugeley Quarry has operated under a number of historic planning permissions which were consolidated under one overall mineral permission issued on 23 June 2006 (ref. [CH.00/0577 & S.400/18](#)) (also ref. S.400/18 & CH.00/0577). This permission was accompanied by a Section 106 Legal Agreement which secures the following undertakings:
  - a) to not further implement the previous planning permissions;
  - b) to carry out aftercare for an additional 5-year period;
  - c) to give instructions to all drivers visiting the site to follow the designated routes to the A51 (via Stafford Brook Road - Bower Lane) and A34 (via

Stafford Brook Road - Penkridge Bank Road); to make it a condition of future contracts with contractors or employees that HCVs visiting the site should follow the designated routes; to erect a notice at the exit displaying the routes; to warn and ban drivers found not to be complying with the routes; and, provisions in the event that the routes are unavailable or to make local deliveries;

- d) to implement the approved Initial Conservation Scheme for the adjoining land (known as 'Bevins Birches') until the Revised Conservation Scheme is approved;
- e) to pay £10,000 towards the highway improvements to the junction of Bower Lane and A51 and a sum of £12,500 towards the highway improvements to the junction of Stafford Brook Road and Penkridge Bank Road;
- f) to form a liaison group which should meet at least once per year. The long list of interested parties to be invited to attend includes at least 2 local residents who should be invited to attend within 6 months of the date of the agreement; and,
- g) tree felling to be carried out in accordance with the approved Forest Management Plan.

The legal agreement was modified on 12 January 2016 to allow a registered charity or public body, the primary purpose or object of which is the conservation of nature and natural habitats to lease or buy (freehold) part of the land subject to the Section 106 Legal Agreement (ref. [CH.00/0577 & S.40018 M/D S106-1](#)) (see 'The need to review and update the planning conditions and Section 106 Legal Agreement' later in the report).

11. A number of detailed approvals have been granted in accordance with the requirements of the consolidating consent, the most relevant being:
  - Restoration and Aftercare Scheme approved on 25 November 2015 (ref: [CH.00/0577 and S.40018 D13](#)).
12. Planning permission was first granted for an **aggregates packing plant** on 30 April 2001 (ref: [S.40019 & CH.00/0588](#)). The permission was amended on 15 February 2017 (ref. [CH.16/08/709 M](#)) in order to allow the limited importation of aggregates for bagging in the aggregates packing plant. This permission restricts imports of mineral from elsewhere for blending and bagging to 2 loads per day (4 movements), and exports of bagged aggregate are limited to 10 export loads per day (20 movements) (24 movements in total).
13. Planning permission for the **manufacture of topsoil** by blending screened sand with PAS:100 Compost using a wheeled loading shovel was granted 14 November 2016 (ref. [CH.16/03/709 M](#)). This permission restricts imports of compost to 13 loads per day and restricts exports of manufactured soil to 13 loads per day (26 movements). This planning application seeks to vary this permission.

14. An application to retain a **sand blending plant** was approved by the Staffordshire County Council's Planning Committee on 01 October 2015 (ref. [CH.15/01/709 M](#)). The Committee resolved that the applicant should formalise the liaison committee arrangements, however, the existing Section 106 Legal Agreement already has a requirement to hold liaison committee meetings. Notwithstanding, the decision has not yet been issued as this application has provided an opportunity to review and update the terms of reference for the liaison committee, which the applicant has accepted in principle. The approved heads of terms for the conditions include a condition to restrict imports of limestone for mixing with indigenous sand to 2 loads per day (4 movements).

*[Note: A separate application to vary conditions 3 and 8 of planning permission CH.00/0577 & S.400/18 to revise the phasing of the working and restoration of the quarry is the subject of a separate report on the agenda to this Planning Committee (ref. [CH.16/05/709 M](#)).*

### **The development plan policies and proposals relevant to this decision**

15. The relevant development plan policies are as follows:
- a) The [Minerals Local Plan](#) for Staffordshire (2015 to 2030) (adopted February 2017):
- Strategic Objective 1 (The sustainable economic development of minerals);
  - Strategic Objective 3 (Operating to high environmental standards); and,
  - Policy 4: Minimising the impact of mineral development.
- b) [The Cannock Chase District Local Plan \(Part 1\)](#) (adopted 2014)
- Policy CP1 - Strategy (refers to the presumption in favour of sustainable development);
  - Policy CP3 - Chase Shaping – Design (refers to protection of amenity);
  - Policy CP13 - Cannock Chase Special Area of Conservation (SAC);
  - Policy CP14 - Landscape Character and Cannock Chase Area of Outstanding Natural Beauty (AONB).
- c) [The Plan for Stafford Borough](#) (2011 – 2031) (adopted 19 June 2014)
- Policy N5 – Sites of European, National & Local Nature Conservation Importance;
  - Policy N6 – Cannock Chase Special Area of Conservation (SAC);
  - Policy N7 – Cannock Chase AONB;
  - Spatial Principle (SP1) – Presumption in Favour of Sustainable Development.

## **The other material considerations**

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

- Section 1 – Building a Strong, Competitive Economy
- Section 4 – Promoting Sustainable Transport
- Section 9 - Protecting Green Belt land
- Section 13 - Minerals
- Paragraphs 14 (Presumption in favour of sustainable development); 17 (Core planning principles); 91 (Green Belt); 115 & 116 (conserving landscape and scenic beauty in AONBs and conservation of wildlife and cultural heritage); 144 (determining planning applications), are important considerations.

[\* Note: a [review of the NPPF](#) has taking place. The consultation period started on 5 March and ended on 10 May 2018. Having regard to the sections referred to above, the changes in the revised document are not considered to be significant in the determination of this application.]

b) [Planning Practice Guidance \(Minerals\)](#)

## **Findings of Consultations**

### **Internal**

16. Highways Development Control (on behalf of the Highways Authority) - no objections.

### **External**

17. Cannock Chase Council (Environmental Health) - no objections.
18. Stafford Borough Council (Environmental Health) - no objections.
19. The AONB Joint Committee objects. It is commented that the AONB Joint Committee previously had no objections with respect to the original application for the soil manufacturing facility and that this was on the basis that the operations stayed within the parameters set out in the application. Concern is now raised that there could be sustained periods of higher levels of vehicle movements and it would be preferable from an environmental and landscape perspective, if sales and deliveries could stay within existing approved limits. Recommendation is made that if approved, the average figure of 26 daily vehicle movements as applied for should be achieved on a weekly basis and that the calculation starts afresh every week.

### **Views of District/Parish Council**

20. Cannock Chase Council (Planning), no objections.
21. Brindley Heath Parish Council objects. The Parish Council states that the potential threefold increase in traffic movements will have a significant

detrimental effect on the area, will increase the effects of the business activity, and have an unacceptable environmental impact on the nationally designated and protected area. The Parish Council comments that HCV traffic on local roads is a major cause for concern to local residents along Bower Lane and Stafford Brook Road who suffer the negative effects of passing HCVs along with noise, vibration, diesel pollution, access difficulties and other road issues. The Parish Council questions the assertions put forward by the applicant in the original application for the soil manufacturing facility in promoting consistent demand as a trend at their other sites, and that seasonal differences had become less pronounced. The Parish Council also questions the applicant's ability to forecast and estimate volumes accurately given that in the time since planning permission has been granted there is a requirement to treble vehicle movements. The response also reflects the general concerns raised by residents at a Parish Council meeting that discussed the proposals and highlights the same concerns raised within the representations that have been received, including the cumulative impacts with other developments that have been granted at the quarry. Recommendation is made that the quarry operator (Cemex) should manage HCV movements for all business operations, and that a liaison committee is set up.

22. Stafford Borough Council (Planning) and Colwich Parish Council did not comment on the application.

### **Publicity and Representations Received**

23. Site notice: **YES** – (7 March 2017)      Press notice: **YES** – (16 March 2017)
24. Neighbour notification letters were sent out to nearby properties and to residents who had made representation to the original planning application for the development of the soil manufacturing facility.
25. Six representations have been received. The representations are summarised as follows:
- Local roads are narrow and inadequate for HCVs resulting in difficulty in two HCVs passing, damage to roads, verges, services including blocked drains, mud on roads, and danger to pedestrians and horses;
  - Increase in number and size of HCVs and associated noise, emissions and vibration and associated impacts on health;
  - Speed limits being exceeded by HCV drivers;
  - Adverse impacts on the AONB and Cannock Chase recreation area;
  - Cumulative impact with HCVs associated with other ancillary facilities located at Rugeley Quarry and with another local quarry (Pottal Pool Quarry), including early starting times;
  - Application follows on from a permission that has only been granted a matter of months. It is questioned following the preparation of a detailed business plan, why an application is necessary to increase vehicle movements.

### *Procedural Matters:*

- The notification process and extent of those properties notified;
- Rubber stamping of planning permissions at planning meetings by those who have no idea of day to day conditions on the ground;
- Only one resident is allowed to speak;
- The approach of officers within the planning and highways authority in their perception of matters of concern raised by residents.

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

26. The application seeks to vary condition 7 of the planning permission in order to allow an average of 26 daily traffic movements, along with a proposed maximum limit of 70 vehicle movements per day. The applicant contends that the current maximum of 26 vehicle movements per day imposes an unsustainable commercial restriction, as the operation relies upon a degree of production flexibility to accommodate variations in customer demand due to weather conditions.
27. The applicant also contends that the application seeks to correct an error in the original application which was intended to refer to 13 daily loads (26 daily vehicle movements) as the average not the maximum.
28. In order to specify a maximum number, as opposed to an average number of vehicle movements, the applicant has considered data from their other sites including meteorological data. The applicant contends that sales tend to increase during the days following periods of wet weather as customers try to make up for lost operational time. As a worst case, the applicant assumes that topsoil sales and hence vehicle movements could fall to zero during periods of wet weather. Accordingly, the applicant feels that a limit of 35 loads (70 vehicle movements) per day would accommodate the variation in demand.
29. The applicant contends that an average figure is a more accurate measure of the impact of vehicle movements on local residents. Moreover, the applicant contends that the permitted limit for the importation of compost (16,250 tonnes per annum), represents an effective and appropriate overall limit to production.

### **Observations**

30. This is an application to vary condition 7 of planning permission to increase the number of vehicle movements associated with the manufacture of topsoil at Rugeley Quarry.
31. Having given careful consideration to the application, supporting information, 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 mineral planning policy considerations, specifically:

- The effects of the increase in traffic on local amenity and the Area of Outstanding Natural Beauty (AONB)
- The Green Belt
- The need for a Section 106 Legal Agreement
- Other matters raised in consultations and representations

### **The Mineral Planning Policy Considerations**

32. The [Minerals Local Plan](#) (the vision, strategic objective 3 and policy 4), the [Cannock Chase Local Plan](#) (policy CP3), the [NPPF \(section 4, and section 11 \(paragraph 144\)\)](#), and [Planning Practice Guidance \(Minerals\)](#) all seek to minimise the adverse impacts of minerals development by ensuring that sites are well located and operate to high environmental standards. The policies and guidance also advise planning authorities, when determining planning applications, to ensure that there are no unacceptable adverse impacts on the highway network or local amenity, and to take into account cumulative effects. The National Planning Policy Framework (NPPF) generally: supports sustainable development and the sustainable use of minerals; and, requires restoration and aftercare to take place at the earliest opportunity and to high environmental standards; through the application of appropriate conditions where necessary.
33. *Conclusion:* As the principle of the ancillary development has already been accepted, it is the effects of the change the permitted development, specifically the impact of increase in traffic movements, including any cumulative effects, on local amenity and the AONB that need to be considered. These matters are discussed below.
- The effects of the increase in traffic on local amenity and the Area of Outstanding Natural Beauty (AONB)*
34. This application proposes to replace the maximum of 26 movements per day with an average of 26 per day and introduce a new maximum of 70 per day to provide operational flexibility. However, the overall amount of compost imported, and manufactured soils exported would not change.
35. The Cannock Chase District Local Plan (policy CP10) promotes sustainable transport and the NPPF (paragraph 32) seeks to minimise the impact of development on the transport network and states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. The NPPF (paragraph 144) also states that local authorities should ensure that any unavoidable noise, dust, vibration and particle emissions are controlled, mitigated or removed at source and that cumulative effects should be taken into account. Minerals Local Plan (policy 4) supports this policy guidance.
36. The Plan for Stafford Borough (policy N8), along with the NPPF (section 11), seek to protect and enhance the natural environment including landscape.
37. Local residents, Brindley Heath Parish Council, and the AONB Joint Committee



have raised objections and concerns relating in the main to traffic and the potential cumulative impacts of traffic on the surrounding environment and on local amenity from impacts such as noise, vibration, fumes, damage to road verges, drains and to the safety of road users. However, Stafford Borough Council and Cannock Chase Council's Environmental Health Officers have not objected to the proposed change.

38. As explained in the other Rugeley Quarry report, there is currently no restriction on the mineral traffic. However, following consideration of a new TA, the Highway Authority has recommended a condition to limit mineral traffic to 280 movements per day. Also, as explained earlier in the 'Relevant Planning History' section of this report, in addition to the mineral operations there are several ancillary operations which generate traffic (26 soil + 24 bagging + 4 limestone = 54). There is therefore the potential risk that overall there could be up to 378 movements per day (280 mineral + 70 soil + 24 bagging + 4 limestone).

39. Having regard to:

- a) the current quarry permission (based on 600,000 tpa, equivalent to 212 movements per day);
- b) the actual output from the quarry since 2007 (from 130,265 to 271,857 tpa - equivalent to 46 to 95 movements per day);
- c) the current limits on traffic from the ancillary operations (total 54 movements per day);
- d) the implication of the proposed increase from a maximum of 26 to 70 movements per day and new average of 26 movements per day; and,
- e) the concerns of local residents, the Parish Council and the AONB Joint Committee summarised earlier in the report;

your officers have therefore sought to negotiate with the quarry operator to agree an acceptable overall limit that would:

- f) retain sufficient operational flexibility to accommodate all the HCV traffic entering and leaving the site;
- g) secure higher environmental standards in this AONB location; and,
- h) be straight forward to monitor and enforce.

40. Regrettably the quarry operator has been unwilling to accept responsibility for controlling the overall number of HCV movements to and from the site nor accept a maximum of less than 280.

41. *Conclusion:* Having regards to the policies, guidance and other material considerations referred to above, your officers have concluded that it is reasonable and necessary to impose a condition on the main quarry permission to limit / restrict all HCV traffic movements into and out of the quarry as follows:

- 212 HCV movements per day (Monday to Friday);
- 106 HCV movements on Saturdays; and,
- 50% of the HCV movements shall enter or leave the site using Bower Lane (A51)

42. Therefore, the proposed increase in traffic movements resulting from the soil manufacture can be accommodated if the recommendation in the other Rugeley report is accepted and a new main quarry planning permission (containing the condition setting an overall limit on all HCV movements) has been issued. However, to determine this application, it is necessary to recommend a 'Grampian style' condition whereby the new planning permission allowing the increase in HCV traffic movements cannot be implemented until the new main quarry planning permission has been issued. In effect the recommended condition would only allow up to 70 HCV movements per full working day, on condition that the overall number of HCV movements to and from the quarry does not exceed 212 movements. In these circumstances it is not considered necessary or easily enforceable to include a condition to set an average of 26 movements per full working day.

### **Green Belt**

43. The site lies in the South Staffordshire Green Belt. It is therefore necessary to assess the proposals against the [Cannock Chase District Local Plan](#) (policies CP1, CP3 and CP14), 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.

44. 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.

45. 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.

46. 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'.

47. [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’.*

48. The ‘*other forms of development*’ referred to in paragraph 90 include mineral extraction which can demonstrate a requirement for a Green Belt location.

49. 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].*

50. In this case it is considered that the proposed variation to increase the permitted vehicle movements for the ancillary soil manufacturing operations may be regarded as inappropriate development, however, it is reasonable to conclude that ‘very special circumstances’ exist for the following reasons:

- very special circumstances were previously accepted when the ancillary operations to which the proposed traffic movements relate were accepted (ref. [CH.16/03/709 M](#) dated 14 November 2016 for the development of an soil manufacturing facility); and,
- the proposed traffic movements, if accepted as part of the recommended overall limit on traffic movements from the quarry, would not increase the overall number of traffic movements.

### **Other matters raised by consultees and representations**

#### *Damage to road verges, drains and to the safety of road users*

51. In addition to the general concerns of local residents about traffic numbers and the adequacy of local roads, they have also raised specific concerns about the damage to road verges, drains, safety of road users, and consequential impacts on health.

52. These matters have been discussed with the Highways Development Control Team. The Highways Development Control Team has no objections to the proposals. In separate correspondence with the Highways Liaison Officer for the area, it is confirmed that the local roads around the quarry are subject to routine inspections and are not in a state of repair that requires immediate remedial attention. The Highways Liaison Officer advises that Bower Lane has a good road safety record and has been subject to various improvements in previous years which include a reduction of speed limit, improved signage and lining, surface treatment and realignment. It is also advised that all reported injury incidents across the county are continually reviewed by a dedicated team to identify those sites and routes where actions can be taken to reduce the number of people hurt on our roads.

53. No objections have been received from Stafford Borough or Cannock Chase (Environmental Health Services).

54. *Conclusion:* Having regard to the development plan policies, guidance, other material considerations, consultation responses and representations referred to above, it is reasonable to conclude that the proposals would not give rise to any unacceptable adverse impact on the highway network or in terms of cumulative impact, subject to the conditions recommended below

*Questions about the applicant's demand forecast*

55. Brindley Heath Parish Council, along with one of the representations, questions the assertions put forward by the applicant and the ability to forecast demand, particularly given the time since the grant of planning permission.
56. The applicant contends that an average of vehicle movements as opposed to a maximum limit had been intended when the application for the soil manufacturing facility was made, and that an average of movements provides a more accurate measure of the impact of vehicle movements on local residents. It is contended that the current restriction imposes an unsustainable commercial restriction, as the operation relies upon a degree of production flexibility in order to accommodate variations in customer demand due to weather conditions. The applicant further contends that they would not be able to comply with the currently permitted average number of 13 loads (26 vehicle movements) per day.
57. In addressing a case for need to increase vehicle movements, it is relevant to highlight that the development has not yet commenced. When the application for the soil manufacturing facility was considered in November 2016, it was evaluated on the basis of the information that was provided to support that application. It had been promoted (at that time) that there were trends at the applicants' other sites and that seasonal differences were becoming less pronounced, and, that in terms of traffic generation, it was promoted that that there would be an approximate average export of 11 HCV loads per day (22 movements). It had also been promoted that maximum levels of production would not be achieved until around two to three years of the facility being operational. Correspondence was entered into with the applicant at that time in respect of traffic movements, and in providing flexibility there had been general agreement by the applicant to the condition (Condition 7) to restrict traffic movements to 26 daily movements (13 in / 13 out). The limit imposed provided security in controlling vehicle movements associated with the ancillary facility and also presented within the supporting information that estimated yearly traffic movements to be around 7,704 movements.
58. Further information provided to support the current application (letter to Staffordshire County Council dated 24 April 2017), seeks to support the increase in traffic movements to accommodate variations in customer demand. The information includes weather data and data from other sites. The applicant contends that in allowing a higher limit of 35 export loads per day (70 movements), the variation in demand due to periods of wet weather could be met.
59. *Conclusion:* Having regard to the policies, guidance, the other material considerations, the consultee comments, and representations referred to above, and also having regard to the proposed increase in HCV traffic movements such

that they do not exceed the numbers anticipated in the application which resulted in the 2006 permission, and taking into consideration the recommended condition to restrict overall traffic movements from the quarry as part of the new quarry planning permission, it is reasonable to conclude that an increase in daily traffic movements would provide flexibility to cater for periods when demand for manufactured soil fluctuates.

*Cumulative impact of traffic from the nearby Pottal Pool Quarry*

60. Local residents have also raised concerns about the cumulative impact of the traffic from Pottal Pool Quarry, including the impact of early start times.
61. Pottal Pool Quarry lies around 5 miles to the west of Rugeley on Broadhurst Green Road. Quarry traffic which would travel to reach destinations east from the quarry would travel onto Penkridge Bank Road to the south of Rugeley Quarry with the junction of Stafford Brook Road to reach the A51 in Rugeley. This quarry operates at an earlier start time than Rugeley Quarry (5am), and there are no restrictions on traffic movements, or routes that should be taken. In the event that quarry traffic turned onto Stafford Brook Road and along Bower Lane as an alternative to accessing the A51, this is something that could not be controlled, and which Rugeley Quarry would have no responsibility for. The Highways Development Control Team offers no objections on highways grounds.
62. One of the representations which referred to procedural matters was sent to the Chief Executive of Staffordshire County Council as a complaint and a response has been sent. The matters raised, and responses given, are summarised below:

- *Many more residents on Stafford Brook Road and Bower Lane should be notified of applications.*

*Response:* It was explained that publicity is carried out on all planning applications and that the planning authority is obliged to undertake a formal period of public consultation (21 days). Publicity on planning applications can be by site notice served at the site, notice being given to any adjoining land owner or occupier and by publication of the notice in the local press. It was also explained that in respect of this application, publicity has been carried out by site notices served at the site, by notice placed in the local press (Staffordshire Newsletter - 16 March 2017), and by writing to local residents who have previously raised concerns with respect to earlier planning applications associated with Rugeley Quarry.

- *The planning authority continue to rubber stamp the regular planning applications (including retrospective applications).*

*Response:* It was explained that every planning application is dealt with on its individual merits. It was also explained that consultation is carried out with relevant statutory and non-statutory consultees including the Highways Authority, the District Authority's Environmental Health Departments amongst others, with comments being taken into consideration when compiling a report and making a recommendation. With respect to the previous application for the soil manufacturing facility, it was explained that the application was reported to Staffordshire County Council's Planning

Committee on 3 November 2016, and that Members of the Committee were given a presentation in which the concerns/objections raised by residents were conveyed, along with photographic slides to aid understanding, and that Members came to a democratic decision and resolved to permit that application.

- *The planning officer stated at a site meeting that economic factors take priority over all other issues.*

*Response:* It was explained that the meeting held with residents which was in respect of the previous application allowed discussion with them about the considerations that would be taken into account in preparing a planning report, including responses received from consultees, the comments made in representations, and other considerations not least any economic considerations.

### **Overall Conclusion**

63. Overall, as an exercise of judgement, taking the relevant development plan policies as a whole and having given consideration to application, the supporting information, the consultation responses, the representations and the other material considerations, all referred to above, it is reasonable to conclude that the application should be permitted, subject to a 'Grampian style' condition whereby the new planning permission allowing the increase in HCV traffic movements cannot take effect until the new main quarry planning permission has been issued.

### **RECOMMENDATION**

**PERMIT** the application not to comply with (to vary) Condition 7 of planning permission CH.16/03/709 M regarding vehicle movements associated with the manufacture of topsoil at Rugeley Quarry) subject to the amended planning conditions listed below.

- 1) To define **approved documents**
- 2) **This permission shall not begin until the new main quarry planning permission (containing the condition setting an overall limit on all HCV movements) has been issued.**
- 7) The maximum number of loads of compost materials imported to the Site and manufactured soil exported from the Site shall not exceed **35 loads (70 vehicle movements)** per full working day.

*Case Officer: Graham Allen - Tel: (01785) 277299  
email: [graham.allen@staffordshire.gov.uk](mailto:graham.allen@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, No. 1 Staffordshire Place, Stafford during normal office hours Monday to Thursday (8.30 am – 5.00 pm); Friday (8.30 am – 4.30 pm).*