

<b>Local Members</b>	
Mrs. J. Jessel and Mrs J. Eagland	Needwood Forest and Lichfield Rural North

**Planning Committee      6 August 2020**

**Minerals County Matter**

**Application No (District):**      S.17/11/502 M (East Staffordshire)

**Applicant:**                              Hanson Quarry Products Europe Ltd

**Description**                              Western extension to Barton Quarry between A38 road and railway line to extract 6 million tonnes of sand and gravel over a period of 10 years and to restore the site to landscaped water areas with biodiversity, landscape and flood alleviation benefits

**Location:**                                  Barton Quarry (Western Extension), Walton Lane, Barton under Needwood

**Background/ Introduction**

1. Barton Quarry produces sand and gravel and ready mixed concrete; and mineral extraction has been carried out since 1981.
2. This report relates to the proposed extension to Barton Quarry on land which has been allocated in the Minerals Local Plan. Available permitted reserves are anticipated to be exhausted during 2021 despite the current permission allowing mineral extraction to the end of 2030.

**Site and Surroundings**

3. Barton Quarry is located to the east of Barton under Needwood and the A38 dual carriageway as shown on Plan 1 attached to this report. The western boundary of the quarry formed by the River Trent is also the county boundary with Derbyshire. The mineral processing plant site including concrete batching plant as well as offices are accessed via a 2-kilometres surfaced private access road off Walton Lane. Currently, all operations are to the east of the rail line connecting Lichfield and Burton upon Trent.
4. The proposed western extension lies between the A38 trunk road and the rail line, and to the west of the existing processing plant. The extension area is bounded to the north by Catholme Lane and to the south by the River Trent. The extension area covers 60 hectares consisting largely of intensively farmed arable land. The application area involves 126 hectares of land as it includes the mineral processing area, access and former mineral working areas that would be used as lagoons for the disposal of silt resulting from mineral processing.



Figure 1: View looking northwards of application site with A38 and Barton under Needwood to left and railway and current Barton Quarry on right. Lake in foreground is used as a silt lagoon for Alrewas Quarry to south.



Figure 2: View looking south-westwards across application site towards Wychnor Bridges Farm from the bridge over the railway at Catholme.

## Summary of Proposals

5. The development would consist of the following key elements:

## **Winning and working of 6 million tonnes of sand and gravel**

6. Mineral reserve to be extracted - The proposal is to extract 6 million tonnes of sand and gravel at a maximum output of 650,000 tonnes per annum. The historic output levels from the site have varied between 400,000 and 900,000 tonnes per year although the current level is up to approximately 600,000 tonnes per year. It is anticipated that future output will continue at this rate.
7. The proposed duration of mineral working is anticipated to be 9 to 10 years.
8. The western extension area would be worked in a similar way to the existing quarry with soils and overburden being removed before sand and gravel is extracted and transported to the processing plant. Soils and overburden would be used around the margins of the extraction area to form the banks of the water bodies to be created as part of the proposed restoration of the quarry.
9. Soils and overburden would be removed by hydraulic excavator and transported by dump truck. Sand and gravel would be extracted using a hydraulic excavator and transported to the processing plant by dump truck and conveyor. The extraction area would be dewatered using diesel generator-powered pumps to allow dry mineral working. Water pumped from the extraction area would be discharged into the silt lagoons and then into the River Trent.



Figure 3: View of mineral extraction within current permitted area east of railway.

10. The western extension area would be worked in a series of phases as shown on Plan 1 with separate summer and winter working areas to account for higher water levels in the winter. The summer working areas are located closer to the river in the southern part of the proposed extension area.

## **Mineral Processing and Ancillary Industry**

11. Extracted mineral would be processed by the existing processing plant and therefore, it would be necessary to transport mineral using a conveyor supported by a new gantry bridge over the railway. The applicant is already in negotiations to secure an appropriate construction window with Network Rail to install the bridge and the associated conveyor structure.
12. The mineral would be processed to produce various grades of aggregate minerals and most would be used to maintain the current supply of concreting aggregate.

13. Some mineral would continue to be imported for blending purposes and for the on-site manufacture of concrete at the existing batching plant.
14. The proposal does not involve any increase in the current limit on HGV movements which is 500 per day (refer to condition 24 of the extant permission)
15. As part of mineral processing, a silt residue would be produced, and this would be deposited in lagoons for disposal. Lagoons to be used would be incorporated into the restoration concept which has been approved for the existing site.

### **Restoration and After-use**

16. Following mineral extraction, restoration would be carried out on a phased basis to create new water features with shallow margins, islands, seasonal and permanent ponds and tributary streams. The restoration concept is intended to complement the approved restoration concept for the existing site. The proposed biodiversity enhancements include the following:
  - a. Open water, extending to 24 hectares. By virtue of the nature of quarry development, this expanse of open water cannot be avoided as the use of available restoration materials has been focused on the creation of riverine habitats in the south.
  - b. Shallow water habitats for reedbed and swamp vegetation extending to 8 hectares and islands covering an approximate 1 hectare, designed to provide a varied habitat mosaic from inundation vegetation to exposed muds and gravels suitable for a range of plant, invertebrate and bird species.
  - c. A mosaic of floodplain meadow, to be managed as species-rich grassland of higher biodiversity value than the existing species-poor improved grassland, with wet woodland, to provide habitat connectivity and improve flood attenuation along the River Trent, extending to 18 hectares.
  - d. Seasonal ponds and scrapes covering 2 hectares specifically designed and managed for species such as lapwing and waders.
  - e. Provision of specific features for fauna including artificial otter holts, a raised nesting bank suitable for kingfisher and sand martin, gravel islands, bat boxes and refugia.



Figure 4: Wetland / woodland restoration as already established within existing quarry

17. The application is accompanied by a large number of documents and plans including:
- Planning Statement including addendum
  - Environmental Statement (including a Mineral Development Statement and a Waste Development Statement)
  - Technical Summary of Environmental Statement
  - Technical reports in the Environmental Statement include:
    - Agriculture and Soils
    - Archaeology Assessment
    - Heritage Assessment
    - Landscape and Visual Impact Assessment (LVIA) including Arboricultural Assessment
    - Ecological Impact Assessment
    - Hydrological and Hydrogeological Impact Assessment
    - Noise Impact Assessment
    - Air Quality Assessment
    - Transport Assessment
  - Further information to the Environmental Statement including:
    - Stability assessments on the A38 embankment and bridge structures as well as railway line
    - Supplementary Ecological information

- Report to inform Habitat Regulations Assessment
- Archaeological assessments of dewatering and ploughing impacts.

## **The Applicant's Case**

18. The western extension would provide continuity of aggregate supply and employment locally. A substantial level of employment exists at the site with 40 people directly or indirectly employed. These jobs are full time and not seasonal and would be maintained for a further 10 years due to the extension. Every year Hanson spends over £8 million at the quarry on purchases including transport, wages, equipment, consumables and fuel, much of which benefits the economy in the area, this expenditure would also continue.
19. The restoration concept would have considerable biodiversity and flood storage benefits and would complement National Forest objectives, the RSPB Nature after Minerals (NAM) project for the Trent and Tame river valleys, the Central Rivers Initiative and the Transforming the Trent Valley scheme.

## **Relevant Planning History**

20. Barton Quarry has been operational for nearly 40 years and details of the relevant permission and other planning decisions can be found listed in [Appendix 1](#).

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

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

## **Appropriate Assessment**

22. In accordance with the Habitats Directive (Council Directive 92/43/EEC) and Regulation 48 of the Habitats Regulations 1994, a screening assessment has been carried out on the effects of the proposal on the River Mease Special Area of Conservation (SAC). The reason for the designation is that the river provides habitat for two types of fish, the spined loach and the bullhead.
23. The Hydrological & Hydrogeological Impact Assessment (H&HIA) undertaken as part of the Environmental Impact Assessment concludes that the proposed extension would not affect the waters of the SAC and there is no risk of indirect effects in the unlikely event of accidental spillage within the proposed extension area from contaminants. Natural England considers that the proposed development would not have likely significant effects on the River Mease Special Area of Conservation.
24. Based on the information submitted, it is considered that the proposed development would not have a negative effect on the key features and/ or site integrity of the River Mease SAC and therefore no further assessment is required.

## **Findings of Consultations**

### **Internal**

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

require:

- a) submission of detailed phasing and vegetation to be retained, advance planting and transplanting;
- b) submission of Tree Protection and Management Plan including an Arboricultural Method;
- c) archaeological mitigation as outlined in Table 5 of the Archaeological Assessment; that is those elements relating to the revised extraction area;
- d) submission of access and interpretation plan describing the heritage and archaeological assets on and adjacent to the quarry site;
- e) management plan for the scheduled monument;
- f) former mill pond, mill race/ canal arm within the restoration proposals, it is recommended that the restoration proposals in this area should be revisited based on the results of the archaeological mitigation works in this area;
- g) information boards/ interpretation panels highlighting the important archaeological resource;
- h) submission of Invasive Species and Biosecurity Management Plan; and,
- i) submission of Site Biodiversity Management Plan.

The County Ecologist has considered the impact of the proposals on European Protected Species and a record of that consideration is found in [Appendix 3](#) to this report.

26. **Highways Development Control** (on behalf of the Highways Authority) (HA) – no objections subject to conditions relating to the implementation of Highways Construction Method Statement as approved by the Mineral Planning Authority; and the monitoring and remediation of damage to the public highway (Dogshead Lane/ Catholme Lane).

The Highways Development Control Officer has confirmed that there are no significant changes to the impact on the public highway in association with the use of the existing access off Walton Lane. Conditions are recommended, however, to address additional movements on the public highway associated with the delivery and removal of plant to the extension site which is not accessible using the existing quarry access.

27. **Flood Risk Management Team** (acting as the Local Lead Flood Authority) – no objection subject to condition requiring mitigation measures as detailed in the submitted Flood Risk Assessment/ Drainage Strategy.
28. **Noise engineer** – no objection.
29. **Planning Regulation Team** – confirmed no comments.

## **External**

30. **East Staffordshire Borough Council (Planning)** - no objections.
31. **East Staffordshire Borough Council (Environmental Health)** – no objections subject to conditions to secure the mitigation measures described in the ES relating to noise and dust.
32. **Lichfield District Council (Planning)** – no objections.
33. **Lichfield District Council (Environmental Health)** – no objection.
34. **Derbyshire County Council (Planning)** (as an adjoining Mineral Planning Authority) – no objection. They advise that Staffordshire County Council consider to what extent the restoration of this phase of development or indeed previously worked out phases will contribute to the aspirations of the Nottinghamshire and Lowland Derbyshire Local Nature Partnership LNP.
35. **South Derbyshire Council (Planning)** (as an adjoining local planning authority) – confirmed no comments.
36. **Barton under Needwood Parish Council** – objects on the following grounds:
  - a) the lack of advanced structural and strategic planting, particularly on the eastern and western boundaries;
  - b) the distinct lack of any assessment or analysis of sustainable transport modes other than by road, not just for distribution but also for employees;
  - c) no account has been taken of the impact of the proposals on the likely construction of the Walton bypass and the proposed changes to the Barton Turns roundabout;
  - d) as the proposed workings will have an impact on the environment of the parish it is suggested that the Applicant provides a goodwill financial gesture for the Village Enhancement Scheme, to mitigate the impact of traffic on village life;
  - e) the developer should enter into a routing agreement for HGVs;
  - f) more attention needs to be paid to the setting of the Ancient Monument especially in terms of a more appropriate land-based setting after working;
  - g) no assessment has been made of how the proposals will preserve and, particularly, enhance the Trent and Mersey Canal Conservation Area;
  - h) appropriate interpretation measures are called for in order to understand the significance of heritage features in the Trent Valley;
  - i) the need for the applicant to reduce the amount of water-based restoration in favour of a more balanced approach and to restore land to either agricultural use or woodland planting;
  - j) need for a more detailed breakdown of the claimed financial socio-economic benefits to the village;

- k) the need for a comprehensive strategy for public rights of way and permissive paths so that there are meaningful links with adjoining areas;
  - l) need for a joined-up approach to this part of the Trent Valley so we can see the proposed after use of this proposal in a wider context;
  - m) the need to make explicit long-term management arrangements;
  - n) the lack of any substantial attention to the importance of the National Forest aims and objectives, such that we feel the proposal is contrary to ESBC Policy SP 26.
37. No further comments have been received from the Parish Council in respect of the additional information submitted by the applicant in November 2019 to address their concerns.
  38. **Alrewas Parish Council** and **Wychnor Parish Council** – no comments received.
  39. **Edingale Parish Council** (as adjoining Parish) – no objection.
  40. **Walton Parish Council** (as adjoining Parish within Derbyshire) – confirmed no comments.
  41. **Canal and Rivers Trust** – no objection subject to the terms of conditions broadly agreed with the applicant relating to safeguarding drainage of the canal during quarrying and upon reclamation of the quarry.
  42. Initially, concerns were raised by the Trust regarding the diversion of existing overflow channels which allows excess waters from the canal to drain into the River Trent. The applicant has provided additional information and confirms that existing drainage arrangements would not be disturbed until satisfactory alternative arrangements as broadly indicated in the application have been agreed with the Mineral Planning Authority in consultation with the Trust.
  43. **Environment Agency (EA)** - no objections in principle subject to conditions to require groundwater monitoring in the existing 5 groundwater level monitoring boreholes with the installation of an additional monitoring borehole and submission of annual monitoring reports.
  44. No flood risk objections to the proposals are raised but the Agency advises that the works to divert the on-site watercourse would require a Flood Risk Activity Permit from them prior to commencement.
  45. The risk of a river break is the responsibility of the developer and the Agency recommends that on the outside of the two bends where the river bends to the north, the stand-off strip should be increased to reduce this risk. In addition, it is recommended that the whole of the stand-off strips between the A38 and the railway be planted with willow prior to commencing extraction.
  46. **Historic England (HE)** – no objection in principle to the quarry extension and the amended restoration scheme is welcomed. HE maintain that there would be a negative impact to the setting and some harm to the significance of the adjacent scheduled monument(s), and advise that the Council needs to be satisfied that the restoration proposals have sufficient justification, and weigh the harm against the

public benefits of this scheme.

47. HE considers there to be opportunities in which these proposals could enhance the adjacent scheduled monument and support the requirement for a management plan and its implementation [refer to Observations below].
48. **Sport England** - no comment.
49. **RSPB** – no comment on the extension proposal but support the proposed restoration scheme, based on the biodiversity enhancements that it should deliver.
50. Although the proposed extension lies within 0.8 kilometres of the River Mease Special Area of Conservation (SAC) / Site of Special Scientific Interest (SSSI) at its closest point, we are satisfied that the proposed development should not cause any significant adverse effects on the SAC / SSSI. This is based on the fact that the SAC/ SSSI: (i) lies well beyond the worst-case calculated limit of the estimated drawdown zone; and (ii) will be hydraulically isolated from the superficial aquifer associated with the proposed extension area.
51. **National Forest Company** – no objection. The concept restoration proposals focus on floodplain woodland and are therefore broadly supported. These would complement the habitats being created at the existing quarry and contribute towards National Forest woodland creation targets. The proposed wet woodland species mix and specimen tree species set out on the Restoration Proposals Plan are considered appropriate.
52. Conditions should ensure that restoration is phased and undertaken promptly following extraction in each phase. Detailed landscaping plans should also be agreed for each restoration stage to ensure plans reflect emerging priorities in the landscape.
53. **Ramblers Association** – no objection.
54. **Public Health England** - no significant concerns regarding risk to health of the local population from this proposed activity, providing that the applicant takes all appropriate measures to prevent or control environmental emissions and pollution, in accordance with the relevant sector technical guidance or industry best practice.
55. **Network Rail (NR)** – no objection subject to recommended conditions and advisories which have been considered by the applicant and revised accordingly. The conditions include:
  - a) No overburden shall be tipped, or any buildings erected on the 15 metre berm between the edge of the excavation and the railway boundary.
  - b) The exposed face of the working, adjacent to the railway boundary, shall be maintained in a stable condition until backfilling and restoration takes place.
  - c) Backfilling against the open quarry sidewall adjacent to the railway shall be undertaken as soon as practicable.
  - d) There must be no reduction in the effectiveness of any drainage assets or watercourse belonging to Network Rail.

- e) Without the prior approval of Network Rail, the works shall not generate an increase in the existing flow rates into any culvert that passes beneath the railway.
  - f) Without the prior approval of Network Rail storm or surface water must not be discharged from the development site onto Network Rail property. Suitable drainage or other works must be provided and maintained by the developer to prevent surface flows or run-off arising from the development affecting the railway.
  - g) Cranes and jibbed machines, used in connection with the works, must be so positioned that the jib or any suspended load does not swing over railway infrastructure or within 3 metres of the nearest rail if the boundary is closer than 3 metres.
  - h) Trees planted close to the railway should be located at a distance in excess of their estimated mature height from railway property.
56. NR have withdrawn a holding objection to the proposals on the basis of additional information and reassurances regarding the effect of quarrying and restoration proposals on the adjacent railway including its bridge over the river Trent.
57. In addition, NR confirm that they would require separate agreements with the developer regarding access for the conveyor over the railway, earthworks, drainage and safety of operations adjacent to the operational railway infrastructure and boundary treatments and plantings schemes for any restoration plan. The developer must enter into the necessary Asset Protection and Easement and Wayleaves agreements with NR prior to any work taking place on site.
58. **Natural England (NE)** – considers that the proposed development would not have significant adverse impacts on designated sites and has no objection.
59. NE considers that the proposed development would not have likely significant effects on the River Mease Special Area of Conservation and has no objection to the proposed development.
60. There is considerable loss of BMV land proposed, however, due to the technical difficulties, it is not feasible to restore the land to agricultural use. NE welcomes the measures to create and enhance BAP habitat as well as the contribution towards the aims of the National Forest, RSPB Nature after Minerals and the Central Rivers Initiative.
61. Further general advice on the consideration of protected species and other natural environment issues was provided.
62. **Staffordshire Wildlife Trust** – no comments received.
63. **NATS Safeguarding** – no objection.
64. **Highways England** - no objection subject to recommended conditions requiring that:
- a) Prior to commencing any construction work or preparatory earthwork affecting the Strategic Road Network earthwork asset, the applicant shall prepare geotechnical assessments, designs and reports in accordance with the Design

Manual for Roads and Bridges, which shall be certified by Highways England in accordance with standard CD622 therein.

- b) Upon completion of works affecting the Strategic Road Network earthwork asset, the applicant shall prepare a geotechnical feedback report to Highways England, in accordance with standard CD622.

65. Highways England initially responded with a holding objection until they were satisfied with understanding the effect of quarrying on the adjacent A38 dual carriageway. The applicant has submitted additional information to provide the required assurances.

## **Publicity and Representations**

66. Site notice: YES      Press notice: YES

67. 28 neighbour notification letters were sent out and one representation has been received. The concerns raised are summarised below:

- Hanson have much work still to do to return the present workings to something anywhere near completion.
- Between existing workings and the railway, is a permissive footpath from Wychnor to the Mythaholme bridge over the river. This pathway is part of the Birmingham/ Humber footpath and must be retained for recreational purposes passing as it does through the National Memorial Arboretum.
- Concern about the creation of additional water bodies and the effect on health.
- Safety concerns about the difference in water levels between the proposed lake and adjacent ground levels.
- The excavations should be backfilled to reinstate agricultural land.

68. The applicant submitted further information in relation to the Environmental Statement to address issues raised during the initial consultation and this further information was publicised in accordance with [regulation 25](#) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. As well as posting additional site notices and re-advertising in the press notice, 27 neighbour re-notification letters were sent. No further representations were received from members of the public.

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

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

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

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

70. [Appendix 4](#) lists the development plan policies (and proposals) and the other material planning considerations, relevant to this decision.

## **Observations**

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

- The mineral planning policy and other material planning considerations.
- The site-specific mineral planning policy considerations and the matters raised in representation and response from Barton under Needwood Parish Council.
- Need for the Section 106 Legal Agreement

### **The mineral planning policy and other material planning considerations.**

73. 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 and provides general planning policy guidance which is underpinned by a presumption in favour of sustainable development. Paragraph 205 of the NPPF explains that:

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

74. Policy 1 of the Minerals Local Plan (MLP) for Staffordshire sets out how provision will be made for sand and gravel in the county up to the end of 2030 and refers to 11 proposals for the extension of quarries. One of these proposals is the land subject of this application (refer to Inset Map 5 in the appendix 1 to the MLP). Policy 1.2 of the MLP requires that:

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

75. Furthermore, policy 1.3 requires that:

'Planning permission to extend a site will normally be conditioned so that the extension area can only be worked following cessation of mineral working within the existing site unless it has been demonstrated that there are

operational reasons why this is not practicable.’

76. Commentary: On the basis that the application site relates to an allocation promoted in the MLP, the principle of developing the proposed extension is accepted. The proposed extension would maintain production at the quarry following the exhaustion of permitted reserves east of the railway (except for reserves remaining under the existing plant site) and on the basis of current sales trends and within current limits on the number of HGV movements, it is anticipated that the reserves within the western extension could be extracted within 10 years.
77. In accordance with policy 1.2 of the MLP, it is necessary to consider whether the submitted proposals address the development considerations identified for the allocation as set out in Appendix 1. The table below lists the information provided in the application to address these considerations.

<b>Development considerations for the Barton (Wychnor) allocation</b>	<b>Addressed in the application/ environmental statement (ES) by:</b>
<p>There is a risk of adverse impacts on a scheduled barrow cemetery within the site, and previously unrecorded outlying burials may also be found. Historic England must be consulted at an early stage and it is clear that Scheduled Monument Consent will be required for any extraction or associated works. The site contains many features of archaeological significance and further investigation will be required to inform the process of mitigation of impact. The Scheduled Monument will be preserved in situ subject to an agreed Management Plan.</p>	<p>The Scheduled Monument (SM) is outside the application boundary and therefore, will be preserved in situ. An archaeological assessment submitted as part of the ES considers the impact on the historic environment and in response to initial comments made regarding the impacts of quarrying on the SM, the proposal was amended to exclude 4.3 hectares of land (equating to a loss of 300,000 tonnes of reserves) from the extraction area to preserve more of the setting of the SM. Furthermore, changes to land to be extracted to the east of the SM would mean that this land is reinstated as woodland rather than open water as originally proposed. Further information was submitted to address concerns about impacts from dewatering operations on the adjacent SM. There is no remaining objection to the proposals relating to this consideration.</p>
<p>Restoration should include enhancement of heritage assets and their setting, and interpretation of their context within the wider historic environment.</p>	<p>Proposals for the restoration of the proposed excavations have been amended to improve the setting of the SM. Proposals for a management plan include improving public access around the SM and provision of interpretation boards. The applicant is also prepared to support a scheme whereby sensitive agricultural management of the land could be secured for the benefit of the</p>

Development considerations for the Barton (Wychnor) allocation	Addressed in the application/ environmental statement (ES) by:
	<p>SM. Historic England and the County Archaeologist welcome the amended scheme but seek an agreement to secure agricultural management of the SM and adjoining land (see observations below).</p>
<p>The site is close to River Mease SAC. Experience from existing mineral sites in the vicinity suggests that adverse impacts are unlikely, but Habitats Regulation Assessment will be required before any permission could be granted.</p>	<p>Refer to 'Appropriate Assessment' section above. No further assessment is required.</p>
<p>Proximity to sensitive properties at Wychnor Bridge and Catholme Lane needs to be considered as well as the adjacent railway.</p>	<p>Refer to noise impact and air quality assessments submitted with ES and further information relating to Stability assessments for railway as well as A38 road. No objections are now raised against this consideration. The additional information provided in relation to ground stability effects have overcome objections from Network Rail and Highways England. Also note that the drainage concerns of the Canal and Rivers Trust have been addressed with proposed conditions.</p>
<p>There is a high risk of best &amp; most versatile land being present, so this land should be considered in the restoration of the site.</p>	<p>Refer to section in ES relating to agriculture and soils which concludes that the proposals will result in the loss of more than 20 hectares of grade 3a, which is assessed to be a 'major adverse' impact. There is, however, no viable opportunity to backfill excavations and it is proposed to use soils to create the proposed restored landform to enhance biodiversity. Topsoil will be placed to dress the lake margins and wet woodland and grassland areas.</p> <p>Natural England does not object to the proposal and welcomes the measures to create and enhance BAP habitat as well as the contribution towards the aims of the National Forest, RSPB Nature after Minerals and the Central Rivers Initiative.</p>

<b>Development considerations for the Barton (Wychnor) allocation</b>	<b>Addressed in the application/ environmental statement (ES) by:</b>
Potential to contribute significantly to enhancement of ecological networks and resilience to climate change through restoration to BAP priority habitats including wet woodland, wet grassland and reedbed.	See comments from Natural England above. The County Ecologist accepts that that a net gain in biodiversity will result if the proposed restoration and mitigation measures are carried out.
Part of the site is located within the floodplain of the River Trent (Flood Zones 2 & 3). It must be ensured that there is no net loss of floodplain storage as a result of the excavations. Any excavated material should be stored outside of the extent of the 1 in 100-year (with climate change) floodplain unless its temporary storage would be acceptable to the Environment Agency. Any extraction or restoration works should not increase flood risk upstream or downstream of the site. Any ancillary development should be located in areas of lowest risk.	Refer to Hydrological & Hydrogeological Impact Assessment submitted as part of the ES and appendix 10 to that report providing a formal Flood Risk Assessment. No flood risk objections have been raised.
Opportunities to contribute to the Central Rivers Initiative, Trent and Tame Futurescapes project and objectives of the National Forest should be considered.	The Central Rivers Initiative and Transforming the Trent Valley initiative are concerned with the future landscape of the Trent. The restoration scheme would contribute towards the aims and objectives of these initiatives in providing wetland habitat conservation, creation, enhancement and connectivity. Natural England, the RSPB and National Forest Company have recognised the opportunities for these local/ regional environmental initiatives.
Restoration should include enhancement of the river channel and seek to improve the connectivity between the river and the floodplain. Habitat complexity could be improved which would support a greater number of species. These works would help bring the site in line with WFD objectives.	Refer to section 4.8 of the Planning Application Statement. Braided channels would be provided together with backwaters, oxbow lakes and ponds along the margins to the Trent to reinstate river-floodplain connectivity. Water vole and otter are particular target species for this habitat. As within the existing quarry, a number of otter holts would be made from live willow logs.

78. Regarding the timing of development within the western extension, the proposal is

that mineral operations would commence as soon as permitted reserves east of the railway have been extracted (except for those under the plant site). Policy 1.3 requires that extension areas can be only worked following cessation of mineral working within the existing site and substantially the proposal would accord with this requirement.

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

### **The site-specific mineral planning policy considerations and the matters raised in representation and response from Barton under Needwood Parish Council**

Restoration issues – loss of agricultural land, setting of scheduled monument, biodiversity and public benefits

80. Policy 6 in the MLP requires any restoration proposals to be sufficiently comprehensive, detailed, practicable and achievable within the proposed timescales and that where relevant (amongst other matters):
- the long-term potential of best and most versatile agricultural land would be safeguarded and the soil resources would be conserved; [policy 6.2 d)]
  - the flood risk would not be increased and opportunities to reduce flooding would be maximised; [policy 6.2 e)]
  - the restoration enhances the natural environment and net gains in biodiversity would be achieved by contributing to the delivery of local ecological networks...; [policy 6.2 f)]
  - the restoration enhances valued landscapes, the setting of heritage assets and is informed by and sympathetic to landscape character (including heritage assets and the historic landscape character); [policy 6.2 g)]
81. Paragraph 205 (e) of the NPPF requires that mineral planning authorities, should provide for restoration and aftercare at the earliest opportunity, to be carried out to high environmental standards, through the application of appropriate conditions.
82. Commentary: The main concerns raised about the proposal relate to the restoration of the extension area. Concerns relate to several matters, but an overarching theme is that restoration should involve reinstatement of the agricultural land to be disturbed by proposed excavations. It is contended that this would safeguard the best and most versatile agricultural land that is affected by excavations; provide opportunity to create an appropriate setting for the Scheduled Monument immediately to the north of application site; and retain land in proximity to the railway and the A38 road. There is also a wider concern about the cumulative effect on the landscape relating to the creation of lakes along the Trent Valley
83. The loss of more than 20 hectares of best and most versatile land, is assessed to be a 'major adverse' impact in the Environmental Statement and this impact has to be weighed against the benefits of winning and working the sand and gravel aggregate as well as the biodiversity gains associated with a water based restoration.

84. In the context of safeguarding agricultural land and preserving the current setting of the scheduled monument, the applicant has assessed the viability of a landfill scheme at this site and concludes that there would be adverse impacts associated with backfilling in terms of access and availability of backfill materials that could hinder the viability of a restoration scheme based on backfilling the excavated area with imported inert materials. The bridge between the plant site and the proposed western extension is not suitable for HGVs or dump trucks that would be necessary to deliver backfill materials; and the A38 Dogshead Lane slip-road on to Catholme Lane is also not suitable for large movements of HGVs. The use of conveyors to deliver wastes are also considered inappropriate due to operational difficulties; and the costs of transporting backfill material in this way is considered prohibitive to a viable scheme.
85. In mitigation, the proposed restoration scheme which now involves a reduced open water area can provide net gains for biodiversity with the areas of stream braiding and wet woodland particularly welcomed. In addition, as stated in the application, the existing site has only a small area that may be flooded in extreme events. Additional areas of flood capacity will be provided, therefore, which will alleviate flooding rapidly but release water slowly back into the river system via the wetland marshes and existing river connection as well as recharging the water table via connectivity with extensive peripheral gravels around the lake shoreline. The contribution of the scheme to local/ regional environmental initiatives is recognised by Government/ environmental agencies as mentioned above.
86. Historic England are of the view that creation of a large lake would constitute a negative impact upon the setting of the Scheduled Monument (SM) resulting in a degree of harm to its significance. Any harm to significance requires clear and convincing justification (NPPF 194) and should be weighed against the public benefits of the proposals (NPPF 196).
87. The application has been submitted on the basis of retaining the SM in situ and in addressing the concerns of Historic England regarding the setting of the SM (taking into account that a restoration scheme involving significant backfilling is not feasible), the applicant has amended the proposals to exclude land from the proposed excavation area between the SM and the A38 as well as to introduce a silt lagoon which would be reinstated as woodland between the SM and the railway. The extent of reserves proposed to be extracted have been reduced by 300,000 tonnes and the revised proposal means that the amount of mineral to be extracted would be one million tonnes less than the amount anticipated to be recovered from the Barton (Wychnor) allocation.
88. The applicant also proposes in accordance with the development considerations for the Plan allocation, a management plan for the enhancement of the SM which would upon restoration of the quarry provide improved access to the land around the SM and interpretation boards of local heritage features. In addition, the applicant also offers to provide a financial contribution that would be set aside to secure the appropriate management of the land within the SM (for example, removing or reducing the depth of arable cultivation), thereby, enhancing its condition and better protecting any surviving archaeology. Historic England is concerned about the scale of the contribution on offer to secure a viable management plan for the SM and its setting but the applicant contends that the offer is appropriate in view of the reserves relinquished from the proposals and the other proposed elements of the

management plan. In this matter, it would be necessary for the applicant to agree terms under a section 106 legal agreement and in securing an appropriate agreement, the Mineral Planning Authority would continue to be advised by Historic England and the County Archaeologist.

89. Conclusion: Having regard to the mineral planning policies and other material planning considerations referred to above, it is reasonable to conclude that the proposed restoration as amended is acceptable in this location and that the material planning benefits of the restoration proposals outweigh the material planning objections. Regarding the specific mitigation proposed for the SM, it is considered that there is a good level of public benefit (provision of aggregates and restoration benefits) to outweigh the less-than-substantial harm to the significance of the SM. Measures required as part of the management plan would be secured by planning condition but in relation to securing public access around the monument and the contribution to support an appropriate Agricultural Management Scheme for the SM, a section 106 legal agreement would be necessary.

Other matters as raised by Barton under Needwood Parish Council

Traffic

90. Policy 4 of the MLP requires that in assessing the impact of proposals for mineral development consideration should be given to traffic on the highway network.
91. Paragraph 109 to the NPPF explains states that:
- ‘Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.’
92. Commentary: The quarry and the proposed extension are separated from the village centre by the A38 dual carriageway but a concern for the Parish Council relates to the impact of lorries passing through the village. Since the comments were made by the Parish Council, however, the Highways Development Control Team (HDC) confirm that additional HGV restrictions have been implemented between various roads which link the A38 and A515 and a further HGV ban (except for access) has been implemented in May 2020 to prevent HGV’s turning off the B5016 at the western side of Barton under Needwood and turning north along Forest Road (Road No. C0018). There is considered to be no reason, therefore, to seek HGV routing restrictions given the newly implemented HGV restrictions between the A38 and A515, nor reasonable to seek a contribution towards the ‘Better Barton’ scheme aimed at mitigating the impact of traffic through the village.
93. In relation to highway maintenance, the applicant has already provided a £30,000 contribution to the costs of maintaining Walton Lane in accordance with a current legal agreement associated with the extant permission which would allow quarrying to continue to 2030. HDC confirm that there is no reason to increase this contribution for Walton Lane but in relation to the use of Dogshead/ Catholme Lanes in order to gain access for the delivery and removal of plant and machinery to the proposed extension, HDC recommend that the applicant be required to survey the condition of the highway and fund any repairs to the highway if damage occurs.
94. The Parish Council also consider that the applicant should have considered more

fully alternative options for the haulage of minerals and mineral products. The applicant considers that the potential use of the canal or railway for transporting sand and gravel could not be justified, particularly in terms of cost, to serve a 10 year extension to an existing mineral site at which the traffic impact is deemed acceptable. No current evidence is apparent to your officers to suggest that a rail or waterway connection could be viable in these circumstances.

#### Landscape Issues

95. Policy 4 of the MLP requires that in assessing the impact of proposals for mineral development, consideration should be given to landscape and policy 6 of the MLP requires that restoration proposals are informed by and sympathetic to landscape character.
96. Commentary: The Parish Council are supportive of proposals for restoration within the southern part of the extension area but are concerned with that part of the restoration which results in the formation of a large area of open water, and do not feel that sufficient account has been taken of the wider context of the Trent Valley in the creation of yet more wetland areas.
97. This concern about wetland restoration is considered above and in response to these comments from the Parish Council, the applicant suggests that the restoration proposals would provide a more natural riverscape with wetland features within a river floodplain-woodland context which compliments the National Forest designation. The restoration plan indicates the extent of the open water to be created which has been reduced to mitigate the impact on the setting for the scheduled monument and shows that shallow margins would be formed around the lake to create habitat using soils and overburden available within the site.
98. The applicant is one of the partners to the 'Transforming the Trent Valley' Landscape Partnership which aims to restore and enhance the natural and cultural heritage of the Trent Valley. As part of the project, there is an aim to create walks and trails along the River Trent (to form the Trent Valley Way) and the applicant under an existing section 106 agreement is obliged to use reasonable endeavours to secure land to dedicate towards the creation of a public right of way along the river from the Mythaholme footbridge (accessing land adjoining the National Memorial Arboretum) to Walton Lane. The current proposals are also able to further contribute to the project's aims by dedicating a right of way on land within their ownership being on the eastern side of the railway, running from the end of Catholme Lane to the Mythaholme bridge. Linked to this route, the applicant also offers as part of the management plans for the SM to provide public access along the boundary of the monument to the proposed lakeside which would include information boards relating to the heritage assets of the area. In relation to establishing the proposed habitats, there would also be requirement to extend the 5 year period of aftercare management required by planning condition so that the overall management period is 10 years which is consistent with the period of aftercare management required at the existing site.
99. The Parish Council acknowledge the proposals for planting on the western and eastern boundaries of the extension area but are concerned that the planting would take place after extraction has taken place. In submitting further information, the applicant has proposed that for each phase of working, there is a requirement to agree details of advance planting and transplanting. Such planting should enhance

any views from the west including views from the Trent and Mersey canal situated to the west of the A38.

100. Conclusion: Having regard to the mineral planning policies and other material planning considerations referred to above, it is reasonable to conclude that in spite of the concerns raised by Barton under Needwood Parish Council the material planning benefits of the proposals outweigh the material planning objections.

### **Need for a Section 106 Legal Agreement**

101. Paragraph 54 to the NPPF explains that:

‘local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition’.

102. Paragraph 55 explains that:

‘Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.’

103. Paragraph 56 explains states:

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

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

104. Commentary: It is recommended that the following undertakings be secured by a Section 106 Legal Agreement (S106). The reasons why the undertakings meet the tests referred to above are explained below:

- a. To contribute to the costs incurred by the Council in securing an agreement for the management of the Scheduled Monument for a period of 10 years.

This would secure funds to support the Council in agreeing the agricultural management of the land for a period of 10 years within the area of the scheduled monument immediately to the north of the proposed excavation area. This would address the requirements of the development considerations listed under inset map 5 for the Barton (Wychnor) allocation in the MLP as required by policy 1.2 of the MLP and the mitigation that would be required under policy 4 of the MLP. The proposed mitigation is also part of the assessment required under paragraph 196 of the NPPF.

- b. To use reasonable endeavours to secure sufficient interest in the land to dedicate land for public rights of way to (i) enable viewing the Scheduled Monument and (ii) link Catholme Lane to the Mythaholme bridge.

The provision of enhanced access upon restoration of the site would provide benefits and address the requirements of the requirements of the development considerations listed under inset map 5 for the Barton (Wychnor) allocation in the MLP as required by policy 1.2 of the MLP. The provision of access would also address the requirements of policy 6.2 (i) and contribute to the aims of the local/ regional environmental initiatives within the Trent Valley.

- c. To continue and update the arrangements for the site liaison committee.

This undertaking ensures 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 about site operations or opportunities to improve the working and restoration of the site to be discussed in accordance with the Minerals Local Plan (policy 4) and the NPPF (sections 4 and 17).

- d. To provide 5 years extended aftercare in addition to 5 years statutory aftercare required by legislation and planning condition, in accordance with a scheme to be agreed with the Mineral Planning Authority.

This undertaking would support the establishment of the proposed after uses including wetland habitat in accordance with the Mineral Local Plan (policy 6) and the NPPF (sections 15 and 17).

- e. To secure a Restoration Guarantee Bond either by being a member of the Mineral Products Association and eligible to draw on their scheme, or by arranging another financial guarantee to cover the costs of restoration and aftercare.

This undertaking would ensure that there are financial provisions in place for restoration and aftercare in case the operator goes out of business in accordance with the Mineral Local Plan (policy 6) and the NPPF (section 17).

- 105. Conclusion: Having regard to the policies and guidance referred to above, it is reasonable to conclude that the undertakings within the proposed Section 106 Legal Agreement are necessary; directly relate to the development; and are fairly and reasonably related in scale and kind to the proposed development.

## **Overall Conclusion**

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

## **Recommendation**

**Permit** the application for the western extension to Barton Quarry between A38 road and railway line to extract 6 million tonnes of sand and gravel over a period of 10

years and to restore the site to landscaped water areas with biodiversity, landscape and flood alleviation benefits subject to the applicant 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 (consistent with relevant undertakings from the current agreements):

- To contribute to the costs incurred by the Council in securing an agreement for the management of the Scheduled Monument for a period of 10 years.
- To use reasonable endeavours to secure sufficient interest in the land to dedicate land for public rights of way to (i) enable viewing the Scheduled Monument and (ii) link Catholme Lane to the Mythaholme bridge.
- To continue and update the arrangements for the site liaison committee.
- To provide 5 years extended aftercare in addition to 5 years statutory aftercare required by legislation and planning condition, in accordance with a scheme to be agreed with the Mineral Planning Authority.
- To secure a Restoration Guarantee Bond either by being a member of the Mineral Products Association and eligible to draw on their scheme, or by arranging another financial guarantee to cover the costs of restoration and aftercare.

**The conditions** to include the following:

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

### **Commencement**

2. Planning permission shall be deemed to have commenced from the date of the permission and shall require notice of commencement of soil stripping, cessation of working and restoration operations in the western extension area;

### **Dates for Cessation of Mineral Extraction, Restoration Operations and Expiry of the Permission**

3. To require mineral extraction to cease within 10 years of the commencement of soil stripping in advance of mineral extraction in the western extension area as notified under 2 above;
4. To require the completion of restoration operations no later than 2 years from the cessation of mineral extraction which shall include the removal of all processing plant and ancillary development;
5. To define the expiry of the permission when the restoration and aftercare has been completed in accordance with the latest approved Restoration and Aftercare Scheme;
6. To define the requirements if working operations cease prematurely;

7. To define expiry of permission;

### **Phasing and Limit of Extraction,**

8. To require working and restoration operations to be carried out in within the limits of working and in the phases as shown on the 'Proposed final quarry design with phasing' (Dwg no B124/270c) and no mineral extraction to be carried out within 30 metres of the edge of the bank of the River Trent.;
9. To require a review of working and restoration operations no later than the 5th anniversary of the commencement of the first soils being stripped as notified under condition 2 above;
10. To ensure that no more than 650,000 tonnes of sand and gravel is exported from the site during any one calendar year;
11. Any clay encountered beneath the sand and gravel deposits shall only worked for on-site uses and shall not to be removed from the Site;

### **Management of Site Operations**

#### Development Restrictions

12. To restrict permitted development rights. No fixed plant or machinery, buildings, structures and erections, or private ways shall be erected, extended, installed or replaced outside the area edged purple shown on 'Site Plan' (Dwg. no. B124/284) without the prior agreement in writing of the Mineral Planning Authority (MPA).

#### Hours of Operation

13. To limit operating hours as follows:
  - a) No winning and working of sand and gravel, restoration and aftercare works and formation of permanent acoustic mounds to be carried out on the Site, except between the following times:  
  
07:00 and 19:00 Monday to Fridays; and  
07:00 and 13:00 Saturdays;
  - b) No operations for the formation and subsequent removal of material from screen mounds/soil storage areas within 250 metres of any residential property shall be carried out at the Site except between the following times:  
  
0800 and 1700 Monday to Friday; and  
0800 and 1200 Saturdays
  - c) No restrictions on the hours of working for the transportation of mineral including the importation of crushed stone dust, mineral processing operations including the manufacture of concrete, servicing, maintenance and testing of plant, except that no operations to be carried out on

Sundays, Christmas Day/Boxing Day, New Year's Day, Good Friday and Easter Monday.

- d) No restrictions on the hours of working for environmental monitoring and water pumping at the Site.
- 14. No servicing, maintenance and testing of plant and equipment to be carried out other than within the area edged purple shown on 'Site Plan' (Dwg. no. B124fc/284).
- 15. Prior to erection of the conveyor bridge over the railway, details shall be submitted for approval including arrangements for cladding the structure and maintaining access for the permissive right of way.

#### Site Access and Lorry Movements

- 16. No vehicular access to the Site to be gained other than via the existing access off Walton Lane shown on the 'Application Area' (Dwg. no. B124/268c) other than to deliver, service, operate and remove plant and machinery required for mineral and restoration operations on the Site using the access off Catholme Lane.

To repeat conditions 19 to 27 of permission ES.14/13/502 M as follows:

- 17. The existing access to the Site shall continue to be maintained in accordance with the 'Proposed Improvement to Site Access' plan (dwg. no. W1/SA/95/300/A01) which includes the retention of the frontage 1.5m footway.
- 18. No surface water shall be discharged onto the public highway.
- 19. The highway verge at the access point to the Site shall be maintained such that it remains clear of all vegetation in excess of 600mm in height above the adjacent carriageway and overhanging growth within a visibility splay of 6.0 metres x 90.0 metres and the highway verge for the duration of this permission.
- 20. The surface of the site access road and internal hard surfaced roads shall be maintained in a good state of repair and kept clean and free of mud and other deleterious materials at all times until completion of restoration and aftercare of the Site.
- 21. All heavy commercial vehicles carrying open loads when entering or leaving the Site shall be sheeted.
- 22. The use of the existing access shown on the 'Application Area' (Dwg. no. B124/268c) by commercial vehicles bringing in material for concrete production, including vehicles importing crushed stone dust, and taking out concrete and sand and gravel shall not exceed 500 movements per day, unless a ghost right turn priority junction with a 2.0m wide footway along the full length of the development's highway frontage on Station Road has been provided in accordance with details agreed in writing with the Mineral Planning Authority.
- 23. There shall be no importation of sand and/or gravel to the Site for any purpose.

For the avoidance of doubt, this permission allows the importation of up to 50,000 tonnes per annum of crushed stone dust for blending with sand and gravel won from the Site for the purpose of concrete production.

24. No mud or deleterious materials shall be deposited on to the public highway by vehicles leaving the site.
25. Prior to the delivery of heavy plant via Catholme Lane, a Highways Construction Method Statement shall be submitted to and approved in writing by the Mineral Planning Authority. The approved Statement shall be adhered to throughout the life of the western extension. The statement shall provide for:
  - a) Appropriate routing agreement for the delivery and removal of plant associated with the working out of the western extension along with deliveries of fuel to the mobile plant. The route shall be broadly in accordance with Drawing No. HBN-ACM-XX-XX-DR-CE-02003. All HGV movements in and out shall be via the A38 slips off Dogshead Lane.
  - b) Times of low loader deliveries including details of loading/ unloading areas and turning facilities within the site;
  - c) Details of any site compound (for the storage of plant and materials) along with any associated temporary buildings;
  - d) Details of any on-site parking facilities within the western extension for the parking of vehicles of site operatives and or visitors;
  - e) Quantity and duration of low loader deliveries to the western extension;
  - f) Wheel wash facilities in order to prevent any loose materials from being carried back onto the public highway.
26. No delivery of plant or machinery to the western extension shall take place until a joint survey along Dogshead Lane (D3480) from the exit slip of the A38(T) to the end of adopted highway close to the site access on Catholme Lane (D3496) has been completed. Thereafter, an annual joint survey shall be conducted to assess the impact of all deliveries of heavy plant via low-loader along the aforementioned route. A final joint survey shall be conducted immediately following the removal of all heavy plant via low-loader from the site. The extent of the damage attributed to the development hereby permitted shall then be jointly agreed and then rectified in accordance with details to be first submitted to, and approved in writing by, the Mineral Planning Authority.

#### Safeguarding the railway

27. No overburden shall be tipped, or any buildings erected on the 15-metre berm between the edge of the excavation and the railway boundary.
28. The exposed face of the working, adjacent to the railway boundary, shall be maintained in a stable condition until restoration takes place.
29. Backfilling against the open quarry sidewall adjacent to the railway shall be undertaken as soon as practicable.
30. Without the prior approval of the Mineral Planning Authority (in consultation with Network Rail), permitted operations or works shall not generate an increase in the existing flow rates into any culvert that passes beneath the railway.

31. Without the prior approval of Mineral Planning Authority (in consultation with Network Rail) storm or surface water must not be discharged from the development site onto Network Rail property. Suitable drainage or other works must be provided and maintained by the developer to prevent surface flows or run-off arising from the development affecting the railway. [For the avoidance of doubt the development is not required to prevent the flow of flood waters from the river network entering the site or passing onto 3rd part land.]
32. Cranes and jibbed machines, used in connection with the works, must be so positioned that the jib or any suspended load does not swing over railway infrastructure or within 3 metres of the nearest rail if the boundary is closer than 3 metres.
33. Trees planted close to the railway should be located at a distance in excess of their estimated mature height from railway property.
34. No new lighting shall be installed above ground level and within 25m of the railway boundary without the prior approval of the Mineral Planning Authority. Any new lighting installed on the site shall not present a dazzle hazard to train crew, and any coloured lighting does not conflict with the railway signalling system to the satisfaction of Network Rail

#### Safeguarding A38 Trunk Road

35. Prior to commencing any construction work or preparatory earthwork affecting the Strategic Road Network earthwork asset, the applicant shall prepare geotechnical assessments, designs and reports in accordance with the Design Manual for Roads and Bridges, which shall be certified by Highways England in accordance with standard CD622 therein.
36. Upon completion of works affecting the Strategic Road Network earthwork asset, the applicant shall prepare a geotechnical feedback report to Highways England, in accordance with standard CD622.

#### Safeguarding overflow channels for canal

37. Other than as a consequence of river flooding, for the duration of development the flow of water in the Backwater as shown on 'Proposed Final Quarry Design' (Dwg no B124/269d) shall not be interrupted at any point in time or any location along the temporary diversion.
38. Prior to the commencement of mineral extraction within 10m of the Backwater as shown on 'Proposed Final Quarry Design' (Dwg no B124/269d), a scheme for the temporary diversion of the Backwater shall be submitted for the written approval of the Mineral Planning Authority. The scheme shall include details of:
  - a) the route of the diversion;
  - b) construction design and channel capacity assessment;
  - c) construction, operation and maintenance method statement; and,
  - d) closure and removal.

The approved design shall be constructed and brought into use prior to the stopping up of the Backwater and thereafter maintained until such time as the site is suitably restored and the water is permitted to safely enter the new braided channel.

39. Prior to the commencement of mineral extraction within 10m of the Wychnor Ditch a diversion shall be provided to allow an outfall to the River Trent at all times until the site is suitably restored and the water is permitted to safely enter the new braided channel.

## **Environmental Management**

### Noise

40. To require a noise monitoring scheme and implementation of the approved scheme.
41. To require that the noise generated by the operations except for the construction and removal of soil mounds, do not exceed a maximum level of background LA90 + 10 dB with an upper limit of 55 dB LAeq.
42. Noise levels at the nearest noise sensitive properties resulting from the construction and removal of soil screening mounds shall not exceed 70 dB LAeq (1-hour) (free-field) during an 8 week period in any 12 month period.
43. To follow best practicable means to minimise the potential impact on receptor locations in accordance with measures described in section 6.2 of Noise Impact Assessment.

### Dust

44. To review the Dust Action Plan (ref. ES.4079/16/502 M D1 dated 14 February 2008) and implement in accordance with approved details.

### Flood Risk and Safeguarding the Water Environment

45. To ensure the implementation of the submitted Flood Risk Assessment.
46. To require a review of the approved ground water monitoring scheme and implementation of the approved scheme.
47. To define the requirements for the storage of oils, fuels and chemicals.

### Landscaping and visual screening

48. To require the submission prior to the commencement of soils tripping within each working phase as shown on the 'Proposed final quarry design with phasing' (Dwg no B124/270c) of the vegetation to be retained, details of advance planting and transplanting and soil/overburden screening mounds to be formed; and implementation of the approved scheme.
49. To require the submission of Tree Protection and Management Plan including

an Arboricultural Method; and implementation of the approved scheme.

## **Nature Conservation and Archaeology**

50. To require submission of details for the archaeological mitigation as outlined in Table 5 of the Archaeological Assessment technical report submitted with the Environmental Statement; and implementation of the approved scheme.
51. To require submission of details for an Invasive Species and Biosecurity Management Plan; and implementation of the approved scheme.
52. To require submission of details for a Site Biodiversity Management Plan; and implementation of the approved scheme.

## **Restoration and Aftercare**

53. To require the site to be progressively restored in general accordance with the 'Restoration proposals' (Dwg no B124/267d);
54. To require a detailed Restoration and Aftercare Scheme for the Site within 12 months of the commencement of soil stripping. The Restoration and Aftercare Scheme shall include but may not be limited to the following details:
  - a) final restoration contours, gradients and levels;
  - b) a programme for the removal of the accesses, ancillary plant and equipment, buildings, structures, conveyors, hoppers, perimeter security fencing, gates and hard-surfaces;
  - c) soil management including replacement depths, ripping, cultivation and stone picking;
  - d) preparation of the land to be restored to woodland;
  - e) the management of weeds and any invasive species;
  - f) tree planting and woodland management techniques during the aftercare period including the protection measures and the provision for replacement of failures of individual trees, shrubs and plant species to secure 85 % survival rate at the end of the aftercare period;
  - g) maintenance of the permissive footpath from Catholme Lane to the Mythaholme bridge over the river
  - h) access and interpretation plan describing the heritage and archaeological assets on and adjacent to the quarry site;
  - i) information boards/ interpretation panels highlighting the important archaeological resource;
  - j) creation of water features including mill race/ canal arm based on the results of the archaeological mitigation works in this area;
  - k) indicative timetable of implementation of restoration and aftercare works including extended aftercare required by the Section 106 Legal Agreement.
55. To require a review of the Restoration and Aftercare Scheme within 5 years of the approval of the detailed scheme;
56. In the event that the working operations hereby permitted cease for a period of 24 months prior to the cessation date a Revised Restoration and Aftercare

Scheme shall be submitted;

57. To require the site to be restored and subject to aftercare in accordance with the latest approved Restoration Strategy and detailed Restoration and Aftercare Scheme;

## **Record Keeping**

58. To require records to be kept of the following:
  - a) The total number of loads of mineral, concrete and imported mineral entering or leaving the site per day (as applicable);
  - b) The quantities of mineral exported;
  - c) The operating hours;
  - d) Noise and ground water monitoring in accordance with the approved schemes;
  - e) Any complaints and remedial actions taken.

INFORMATIVES to include the following:

### 1. Network Rail

Network Rail advised as follows:

- a) Dewatering operations must not compromise railway operations or damage railway infrastructure. Prior to the commencement of any dewatering operations, Network Rail requires the installation of piezometers to monitor the effect of the operations on water pressures in ground adjacent to or on railway property.
- b) There must be no reduction in the effectiveness of any drainage assets or watercourse belonging to Network Rail.

### 2. Environment Agency

The Environment Agency advised as follows:

#### Flood Risk

The works to divert the on-site watercourse will require a Flood Risk Activity Permit from the Environment Agency prior to commencement.

Under the terms of the Environmental Permitting Regulations (EPR), a permit will be required from the Environment Agency for any proposed works or structures in, under, over or within 8 metres from the top of the bank of the River Trent, which is designated a 'main river'.

Information on how to apply for a permit and application forms can be found on our website at: <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>

Any application for a permit should be submitted to the following email address:  
[SWWMFloodConsent@environment-agency.gov.uk](mailto:SWWMFloodConsent@environment-agency.gov.uk)

#### Pollution Prevention

We advise the operator may require an environmental due to any mining waste they produce during the lifetime of the quarry.

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

Due to current Coronavirus restriction, the list of background papers for this report is only available on request by email sent to [planning@staffordshire.gov.uk](mailto:planning@staffordshire.gov.uk) and can only be provided by email.

## Appendix 1: Relevant Planning History

Details of relevant planning permissions and other planning decisions are listed as follows:

- [ES.4079/16](#) dated 6 February 2007 – permission for the continuation and extension of quarry operations, with restoration to water areas with potential for recreation, nature conservation and amenity uses.

[Section 106 Legal Agreement](#) dated 29 January 2007 in connection with permission ES.4079/16 includes clauses relating to:

- the relinquishment of earlier permissions;
- an additional 5 years aftercare beyond the statutory 5-year aftercare period in each phase of the development;
- a £30,000 highway contribution towards the maintenance of Walton Lane from the site access to A38(T);
- arrangements of liaison committee;
- relinquishment of permitted reserves at Wetmore Hall and Wetmore Hall South; and,
- reasonable endeavours to secure land to dedicate towards the creation of a public right of way (forming part of a long-distance footpath).

Relevant approved details associated with this permission include:

- [ES.4079/16/502 M D1](#) dated 14 February 2008 – approved details in compliance with conditions 28 (dust action plan) and 33 (noise monitoring scheme) of planning permission ES.4079/16.
- [ES.4079/16/502 M D2](#) dated 5 August 2009 - approved details in compliance with conditions 6 (scheme of working and restoration for the southern half of Phase V11C and Phase V11D), 37 (scheme for the monitoring of local groundwater) and 38 (scheme of groundwater mitigation measures to maintain groundwater water levels within Barton Turn SBI) of planning permission ES.4079/16.
- [ES.12/04/502 M](#) dated 2 June 2014 – an application not to comply with (to vary) condition 7 of planning permission ES.4079/16 to extend the time to complete mineral extraction in phases 7, VIIC and VIID from 6 February 2012 to 31 December 2014 and those parts of the site to be restored by 31 December 2015.

[Section 106 Legal Agreement](#) dated 16 May 2014 in connection with permission ES.12/04/502 M modified and updated the agreement completed under the planning permission ES.4079/16 and includes clauses relating to:

- taking account of the planning permission ES.12/04/502 M
- a clause to take account of variation to the new permission without the need to make further modifications to the agreement should they arise in the future;
- take account of any payment that should have now been made towards the maintenance of Walton Lane.

Relevant approved details associated with this permission include:

- [ES.12/04/502 M D2](#) dated 23 December 2014 – Part approval of details in compliance with conditions 34 (acoustic mounds), 35 (noise screening), 39 (archaeology) and 41 (landscaping) of planning permission ES.12/04/502 M.
- [ES.14/13/502 M](#) dated 27 January 2015 - Minor material amendment to planning permission ES.12/04/502 M - the variation of conditions 23 and 25 to allow the importation of crushed stone dust.

Relevant approved details associated with this permission include:

- [ES.14/13/502 M D2](#) dated 23 April 2018 – Approval of details in compliance with conditions 41(Planting), 49 (Restoration Scheme) and 52 (Aftercare Scheme) of ES.14/13/502 M
- [ES.14/13/502 M D3](#) dated 26 June 2015 – Approval of details in compliance with condition 32 of planning permission ES.14/13/502 M relating to reversing alarms
- [ES.18/05/502 M](#) dated 20 November 2018 – Permission for Installation of an additional site office to be used in connection with existing quarry site.
- [ES.20/02/502 M](#) dated 7 May 2020 – Permission (part retrospective) to install administration and control offices

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

## **Appendix 2: Summary of the findings of the Environmental Statement**

### **Section 1 – Introduction**

This section outlines the purpose and contents of the environmental statement as well as providing a summary of the proposed development.

### **Section 2 – Project Summary and Objectives**

This section describes the site and provides background to the development proposals.

### **Section 3 – Geology**

This section provides a summary of the geology of the site and explains that the sand and gravel deposit is associated with the historical deposition of minerals by the river. Based on borehole data, the economic deposit thickens in a south-easterly direction across the extension area, from about 3 metres in the west to 10 metres in the east. The sand and gravel deposits are underlain by mudstones.

### **Section 4 – Project Description**

This section provides details of the proposals for extracting the sand and gravel and restoring the site including an explanation of the environmental benefits resulting from the proposed restoration of the extension area which include the creation of wetland habitats as well as increased flood water storage capacity.

### **Section 5 - Community and Stakeholder Engagement**

In preparing the application the applicant has sought pre application advice from the mineral planning authority involving the County Council's technical specialists. Liaison has also been held with the local community by way of the quarry liaison group and meetings with residents.

### **Section 6 – Scope of the Environmental Impact Assessment**

This section explains how the scope of the environmental impact assessment has been established and how the effects of the proposal are considered in relation to each relevant aspect of the environment.

### **Section 7 – Assessment of Alternatives**

As a matter of good practice, this section considers the alternatives to the proposals and in this case considers the no development option; alternatives to extraction in the western extension; alternative methods of extraction and processing; alternative methods of transportation; and alternative restoration. The applicant's conclusion is that the proposals put forward, having taken into account the alternative options and the advice of the specialist consultants, are the most appropriate in environmental terms for the site and for the local area.

### **Section 8 – Agriculture and Soils**

The agricultural impact assessment has been prepared by Richard Stock who holds an honours degree in Agricultural Science and a diploma in Soil and Water Engineering and is a member of the Institute of Agricultural Engineers.

The proposals would result in the loss of more than 20 hectares of grade 3a, which is assessed to be a 'major adverse' impact.

Several alternative proposals for the sustainable use of soils have been explored, but rejected on the grounds of archaeology interest, poor road access and lack of backfill material. Any reduction in the volumes of soils and overburden on the site would reduce the quality of the proposed restoration to enhance biodiversity. The soils and overburden would, therefore, be used to create the proposed restored landform to enhance biodiversity. Topsoil would be placed to dress the lake margins, wet woodland and grassland areas.

## **Section 9 – Archaeological Assessment**

This assessment has been compiled by Andy Richmond, Director with Phoenix Consulting Archaeology Ltd., who holds a BA degree in archaeology from the University of Wales and a Doctorate from Reading University. He is a full Member of the Chartered Institute for Archaeologists, with over twenty five years' experience as an archaeologist.

The assessment of direct impacts on archaeology within the proposed development boundary shows that significant impacts comprise a high magnitude of change to the suspected Prehistoric archaeological evidence, and the undated, but probably pre-Medieval archaeological evidence (based on a trial trench survey). There may also be an impact to the former 18th Century canal basin and associated iron foundry that lies within the site, if it is considered viable to work this area. The foundry was founded c. 1765 under a partnership including novelist Charles Bage and Dr Erasmus Darwin and is thought to have replaced an earlier mill.

Whilst the predicted impacts to these areas are of moderate significance, they can be appropriately mitigated in each case by the implementation of an approved scheme of archaeological works prior to development. This would preserve the archaeological interest of these parts of the site 'by record'. With regard to the former foundry and its associated canal, information gathered from any archaeological investigations would be used during the quarry restoration phase, in order to guide the recreation of the canal arm together with the footprint of any associated historic elements relating to the former industrial site.

## **Section 10 – Heritage Setting Assessment**

This report has been prepared by Jonathan Edis of Heritage Collective, who holds a M.A. in Architectural Building Conservation and Ph.D., and he is a full Member of the Institute of Historic Building Conservation and a full member of the Chartered Institute for Archaeologists.

In terms of the impacts on the setting and significance of designated heritage receptors beyond the site, the operational effect of the quarry would have a negligible impact in most cases, rising to moderate effects in the case of a Scheduled Monument adjacent to the north-eastern margin of the site (a group of four scheduled suspected Bronze Age ring ditches and associated linear features now levelled by ploughing) and the three listed buildings at Wychnor Bridges Farm. Given that these are high/ medium sensitivity receptors, the impacts are significant, although in the case of the listed buildings the "buffer zone" created by the modern farm buildings to the east and south-east noticeably reduces that impact. For this reason, the impact on the three listed buildings at Wychnor Bridges Farm is not regarded as being significant.

In the case of the scheduled monument the change from agri-industrial surroundings to

lake-type surroundings will have a permanent impact on setting that cannot be fully mitigated. A buffer zone of 10m is therefore proposed along the southern, eastern and western edges of the Monument. Beyond the buffer zone there would be a battered edge at a slope of 1 in 1.5 forming the edge of mineral workings. Following extraction, a phased programme of restoration shall take place, paying due regard to the protection of the Monument. As part of the restoration clay from the excavation floor, together with additional soils, would be carefully placed along the formerly created battered edge to extend the stand-off and create a shallow edge with a slope of 1 in 6, affording increased protection from any future threat of erosion.

Note: Further information was submitted in October 2019, to address concerns raised by Historic England and the County Archaeologist relating to the effect of development on the scheduled monument immediately to the north-east of the application site. In conjunction with the further information (including an assessment of the effects of dewatering the extraction area on the monument) substantial changes were made to the extent of sand and gravel extraction and to the proposed restoration scheme. This would mean that upon restoration of the quarry, the western boundary of the monument would adjoin agricultural land which has been excluded from the extraction area and land to the immediate east of the Scheduled Monument would be restored at about natural ground level to wet woodland rather than open water as was originally proposed.

## **Section 11 - Landscape Character and Visual Impact Assessment**

The landscape and visual impact assessment has been prepared by SLR Consulting Ltd., and the lead author was Simon Higson, who is a Chartered Landscape Architect and Chartered Horticulturist.

The main landscape and visual elements of the proposed development include the disturbance and clearance of existing vegetation and soils/overburden, formation of new landform (heaps and voids), land-cover pattern (new and enlarged quarry, access tracks/haul roads/conveyor/over-rail bridge, new mitigation planting and final restoration). The spatial extent of landscape and visual effects are principally local. Overall, there are no significant landscape or visual effects predicted as a result of the proposed development.

The extraction area is set back from the planning application boundary and this would allow for advance native tree planting at the outset of the proposed development. All peripheral vegetation is to be retained and protected as necessary; those trees that are worthy of retention, particularly towards the western boundary surrounding Wychnor Bridges Farm, would be retained and measures incorporated to protect them during the extraction and restoration phases.

As the proposed extension would be worked using mobile plant and processed through the existing processing plant east of the railway, there would be no new buildings or structures, other than the new conveyors taking material up to and over the railway line. The more visible elevated gantry (and two of the support towers) would be clad to create a simple appearance. The cladding would be matt goosewing grey in colour which would recede in views. The over-rail bridge is positioned close to the existing road bridge on Catholme Lane so that in landscape and visual terms, as far as possible, the two structures are viewed together.

The final restoration scheme is focused upon the potential for landscape and biodiversity enhancements based on the incorporation of new habitats as follows:

- Wetland within a woodland framework, as per the approved restoration scheme for the existing Barton Quarry east of the railway line. Furthermore, the restoration scheme aims to contribute to the National Forest objectives of enhancing biodiversity and landscape through development of wooded sites.
- New open water lake, with floodplain and wet woodland to enhance flood alleviation.
- New water features fringed by complex shallows and offshore islands.
- Tributary stream braiding to the south of the site to enhance biodiversity and enclosed and complex river-scape character. This would include seasonal and permanent ponds and riverine backwater channels.

Further information was submitted in October 2019, to address concerns relating to the mitigation of views of the quarry and the impact on trees. As indicated above, existing trees would be retained for as long as possible for the benefit of biodiversity and visual mitigation; and it is now proposed that a condition be included which would require submission of detailed phasing and to show existing vegetation to be retained, existing vegetation to be retained for as long as possible to aid screening, and advance planting and any transplanting. This includes the proposals for a block of planting along the eastern boundary with the mainline railway. In addition, it would be also necessary to show how temporary soil storage mounds might achieve further visual mitigation.

## **Section 12 - Ecological Impact Assessment**

The Ecological Impact Assessment (EclA) has been undertaken by SLR Consulting Limited. The principal author of the EclA was Mr Chris Mitchell who is a Chartered Ecologist (CEcol), Chartered Environmentalist (CEnv) and Full Member of the Chartered Institute of Ecology and Environmental Management (MCIEEM).

The principal habitat losses relate to the removal of approximately 35 hectares of arable farmland under the revised restoration scheme for the extension area and 25 hectares of improved grassland. Both habitat types occur frequently in the local area although 12 hectares of the improved grassland, whilst of limited botanical value and relatively recent origins, is identified as Coastal and Floodplain and Grazing Marsh, a Section 41 priority habitat. The proposed extension would also result in the loss 1.1ha of plantation woodland, 2.2 hectares willow scrub/carr woodland, 0.5 hectares of swamp and tall ruderal vegetation, 455 metres of species-poor hedgerow and a canal overflow channel of approximately 660 metres.

Overall, no significant adverse ecological impacts have been predicted and it is considered that the proposal would provide a net gain for biodiversity following completion of mineral extraction and restoration operations. The presence of protected and notable species has also been identified, including bats, otter and birds although the predicted impacts in most cases are not assessed as being significant as the residual situation is one of increased habitat resources when compared to the baseline situation. The possible exception to this relates to farmland birds, due to a loss of arable farmland, although the current management regime does not favour nature conservation and the overall wider gains predicted for most bird species and other protected and notable fauna are considered to justify the loss of arable land.

New habitats proposed as part of the revised restoration scheme submitted with the further information in October 2019 include open water extending to 24 hectares, shallow water

habitats for reed bed and swamp vegetation extending to 8 hectares and islands covering an approximate 1 hectare, a mosaic of floodplain meadow and wet woodland extending to 18 hectares a, seasonal ponds and scrapes covering 2 hectares and provision of specific features for fauna including artificial otter holts, a raised nesting bank suitable for kingfisher and sand martin, gravel islands, bat boxes and refugia. An invasive species control programme would also be implemented with respect to Japanese knotweed and Himalayan balsam.

Mitigation measures for protected and notable species include:

- Update bat roost assessment surveys in advance of each phase of quarry development, update roost detection surveys as required and advance provision of alternative roosting opportunities as required.
- A suitable bat commuting route should be retained around the limit of the proposed extraction area and comparable habitat features to those being removed should be re-instated during restoration.
- A 30 metre standoff from the River Trent has been adopted which is considered sufficient to avoid any significant disturbance of otter using the River Trent during operational periods.
- The nature of the proposed restoration is such that virtually all the habitat mosaic to be created would directly benefit otter and five artificial holts are also proposed.
- Removal of nesting habitats can either be timed to avoid the nesting season (the season is March to August) in order to avoid the direct impact or, for situations where this is not possible, then a check for any active nests would need to be undertaken prior to removal taking place.
- Opportunities would be taken to provide smaller scale specific enhancements for invertebrates such provision of dead wood habitat.
- A fish mitigation and rescue method statement would be developed and implemented under agreement with, and approval from, the Environment Agency as required.
- As a consequence of the revisions to the extent of extraction, the retention of agricultural land provides opportunity to provide habitat for displaced farmland birds. It is proposed to include up to 5 metre wide uncultivated margins which will enable development of tussocky grassland alongside hedgerows to benefit species such as corn bunting and skylark.

Note that the supplementary ecological information submitted in October 2019 included an update on mitigation proposals in relation to the Catholme Sand and Gravel Pits Site of Biological Importance (SBI) located to the east of the railway which is being re-excavated as part of permitted quarrying operations and is proposed to be used for the disposal of silt in association with the proposed western extension. In October 2018 a Method Statement for the translocation of representative vegetation samples from the SBI to a dedicated receptor site prior to mineral extraction operations commencing in this area under the extant permission, was submitted. A survey undertaken in 2019 noted several desirable plant species had established in the receptor area, that were targeted for translocation. Further translocation and monitoring will take place as set out in the method statement, with

results being provided to the County Ecologist as has been the case in 2019.

### **Section 13 - Water Regime**

The Hydrogeological and Hydrological Impact Assessment was prepared by BCL Consultant Hydrogeologists Limited and Gavin Chaplin (the author of the report) holds a first degree (Geology) conferred by Keele University, 1990 and a Master of Science Degree (Groundwater Engineering) from Newcastle University, 1993.

Although assessment has determined that the proposed development would not cause any unacceptable impacts upon the water environment, a number of measures have been identified for the minimisation of potential effects:

- The existing programme of groundwater level monitoring should be maintained for the operation of the Proposed Development and into the aftercare period to provide information for review and the formulation of remedial action if necessary.
- Procedures have been advanced for the protection of water quality; by minimising the likelihood of occurrence in the first instance, and specification of reactive measures for the management of accidental spillage and/or long-term leakage of fuel, lubricating or hydraulic oils should this occur.
- Formulation and implementation of a programme of confirmatory groundwater quality sampling and analysis is recommended, as an adjunct to the existing programme of groundwater level monitoring, to provide data for review and formulation of remedial measures if required.
- Adherence to standard good practice measures for prevention of contamination of surface water by suspended solids when working adjacent to the River Trent and the Backwater.
- Continued compliance with the volumetric limits for off-site discharge imposed by existing discharge authorisations.
- Temporary flood defence bunding of active areas of mineral extraction.
- Provision of a design and methodology for the diversion of the Backwater that will ensure accommodation, as a minimum, of the 1:100 flood level.
- Provision of and adherence to a Flood Emergency Plan for the minimisation of flood risk hazard to personnel and machinery.

Further information was submitted in October 2019 which considers:

- highway drainage and confirms that the development of the extension area would not affect the operation of the existing highway drains.
- the impact on the overspill channels for the Trent and Mersey canal which was then supplemented by further details and agreement on conditions requiring details of any replacement drainage channels prior to existing channels being disturbed.
- the extent of the stand-off to the River Trent and conclude that it is not necessary to increase further the standoff width or plant additional willows.

## **Section 14 - Noise Impact Assessment**

The assessment of noise has been prepared by Vibrock Limited and Steven Edwards, the author of this report, has 7 years of experience with the company.

With the noise control recommendations listed in the report and the exercise of reasonable control over general site operations, it is concluded that the proposed mineral extraction and processing at Barton Quarry should be capable of being implemented in line with current planning practice guidance for mineral sites.

## **Section 15 - Air Quality Assessment**

The assessment of air quality has been prepared by Vibrock Limited and Steven Edwards, the author of this report, has 7 years of experience with the company.

The report concludes that it is unlikely that any significant decrease in local air quality would occur due to the proposed operations at Barton Quarry. Any dust occurrence event would be limited and of short duration and would be minimised by implementation of the dust control recommendations.

With regard to PM10 and PM2.5 dust levels from the site, analysis has been made of the air quality data. These results show that the Air Quality Objectives would not be exceeded and therefore the air quality would not be significantly affected by this development.

## **Section 16 – Highways**

The Transport Statement was prepared by the Hurlstone Partnership Limited and Jeremy Hurlstone, the author of this report, has 30 years of experience in the assessment of highway impact for a range of development types and scale.

The proposed development would continue to operate within the existing planning conditions insofar as they relate to highway matters. Notwithstanding this a review of the traffic impact was undertaken, which found that even if operating at peak permitted levels in terms of traffic movements for every working day, the quantum of development traffic was not significant in terms of having a material impact on the road network.

## **Section 17 – Public Rights of Way**

There are no public rights of way across the existing Barton Quarry although there is an agreement to create a new permissive right of way from Catholme Lane in a southerly direction along the east side of the rail line to a footbridge over the River Trent and beyond. The agreement has yet to be completed.

## **Section 18 Cumulative Impacts**

There are a number of sand and gravel sites in the vicinity of Barton Quarry including at Newbold to the north and Alrewas to the south which have been operational for a number of years. It is considered that there would be no cumulative impacts with these other quarry operations due to the intervening distances.

## **Section 19 – Socio – economic**

There exists a substantial level of employment at the site with 40 people directly or indirectly employed. These jobs are full time and not seasonal. Every year Hanson spends

over £8 million at Barton on purchases including transport, wages, equipment, consumables and fuel, much of which benefits the economy in the area. The continued operation of Barton Quarry would have a number of positive socioeconomic effects including the continuation of employment levels and financial expenditure within in the local economy.

## **Section 20 – Conclusions**

The environmental statement concludes that the proposed development has been subject to a thorough assessment as required by the Environmental Impact Assessment Regulations to determine the potential impacts on the environment and on local amenity. With the adoption of suitable mitigation measures, it is considered that the development would not have any significant adverse impacts.

## **Further Information**

As indicated above, further information to supplement the environmental statement was submitted in response to comments received during the initial consultation on the application. In addition to the information already indicated above, stability assessments were submitted in relation to the effects of excavating in proximity to the A38 embankments and associated bridge structures as well as the adjacent railway. In relation to the protection of the road and railway infrastructure, the analyses indicate that the proposals are unlikely to have adverse effects and conditions have been proposed to secure agreed safeguards.

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

### **Appendix 3: Record of consideration of European Protected Species**

The Local Planning Authority in exercising any of their functions, have a legal duty to have regard to the requirements of the Conservation of Species & Habitats Regulations 2017 which identifies 4 main offences for development affecting European Protected Species (EPS).

1. Deliberate capture or killing or injuring of an EPS.
2. Deliberate taking or destroying of EPS eggs.
3. Deliberate disturbance of a EPS including in particular any disturbance which is likely:
  - a. to impair their ability:
    - i. to survive, to breed or reproduce, or to rear or nurture their young, or
    - ii. in the case of animals of a hibernating or migratory species, to hibernate or migrate; or
  - b. to affect significantly the local distribution or abundance of the species to which they belong.
4. Damage or destruction of an EPS breeding site or resting place.

#### **Bats**

Ecological survey results indicate that a European Protected Species (bat species) is likely to be present.

The proposed development is likely to result in an offence under the Conservation of Species & Habitats Regulations 2017.

Officers therefore have a duty to consider whether the proposal would be likely to secure a licence. To do so the proposals must meet with the three derogation tests which are:

1. There are imperative reasons of overriding public interest (e.g. health and safety, economic or social)
2. There is no satisfactory alternative
3. The action will have no detrimental impact upon population of the species concerned e.g. because adequate compensation is being provided.

Your officers are of the opinion that the submitted evidence satisfies the three derogation tests because:

- 1 The proposed mineral extraction is an allocation in the Minerals Local Plan intended to meet the demand for construction aggregates within the county and beyond during the period up to 2030.
- 2 The principle of mineral working within the proposed site has been already established and determination of the application involves securing a scheme that achieves effective development of mineral reserves while securing a sustainable after use of the quarried land
- 3 Bat surveys have been undertaken that demonstrate that adequate mitigation can be provided for the species present including a bat mitigation strategy, update surveys,

and provision of alternative roosting and foraging habitats.

Recommendation: The evidence submitted clearly demonstrates that the three derogation tests are likely to be met and given this, your officers are of the opinion that Natural England are likely to grant a licence. As such the LPA do not need to consider this matter further.

### **Otter**

Our records, the habitat on and around the proposed development site and ecological survey results indicate that a European Protected Species (Otter) is likely to be present.

The Ecological Impact Assessment (SLR, Nov 2019) 5.5.2 submitted with the application details the following mitigation measures:

- No evidence of an otter holt has been found although this will be reviewed in advance of specific phases of works that impact upon potential otter habitat, to ensure the 2017 baseline remains current.
- A 30m standoff from the River Trent has been adopted which, given the wider baseline setting includes active mineral extraction at the existing quarry in a similar context, is considered sufficient to avoid any significant disturbance of otter using the River Trent during operational periods.
- The nature of the proposed restoration is such that virtually all of the habitat mosaic to be created will directly benefit otter by retaining and re-instating any existing commuting routes and providing significant areas for foraging.
- The creation of five artificial holts using felled tree material from the extension area will also represent an enhancement for otter and provide resting opportunities alongside the enhanced foraging opportunities presented by the habitat creation that is proposed.

The mitigation measures detailed within the survey are considered to be convincing and in your officers' opinion will secure "offence avoidance" measures.

Recommendation: Your officers consider that sufficient information has been submitted with the application which demonstrates that measures can be introduced which would ensure that an offence is avoided. The application is, therefore, not considered to have an adverse impact upon protected species provided that the stated mitigation measures are implemented.

[Return to the Findings of Consultations section of report](#)

## **Appendix 4: The development plan policies and proposals, and the other material planning considerations, relevant to this decision**

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

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

- Policy 1: Provision for Sand and Gravel
  - Policy 1.1 (e) – Barton (Wychnor) (Inset Map 5 including ‘Development Considerations’ ([Appendix 1](#)))
- Policy 4: Minimising the impact of mineral development
- Policy 6: Restoration of Mineral Sites

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

[East Staffordshire Borough Local Plan \(2012 – 2031\)](#) (adopted 15th October 2015)

- SP23 (Green Infrastructure);
- SP26 (National Forest);
- SP27 (Climate change, water body management and flooding);
- SP29 (Biodiversity and geodiversity);
- SP30 (Locally significant landscape);
- SP32 (Outdoor sports and open space policy);
- SP34 (Health and wellbeing);
- SP35 (Accessibility and Sustainable transport);
- DP5 (Protecting the Historic Environment: All Heritage Assets, Listed Buildings, and Conservation Areas and Archaeology);
- DP6 (Protecting the Historic Environment: Other Heritage Assets);
- DP8 (Tree protection); and
- DP10 (Blue Infrastructure and water based recreation)

[Lichfield District Local Plan Strategy \(2008 – 2029\)](#) (adopted 15 February 2015) (saved policies):

- Core Policy 13 (Our Natural Resources);
- Policy NR4 (Trees, Woodlands and Hedgerows)
- Policy NR6 (Linked Habitat Corridors and Multi -functional Greenspaces)
- Policy NR8 (River Mease Special Area of Conservation)

[Alrewas Neighbourhood Plan](#) (‘made’ 9 October 2018)

- Policy PR1 Protection and Enhancement of Public Open Spaces
- Policy PR4 Trees and Hedges

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

- [Planning for Landscape Change.](#)
- [National Planning Policy Framework](#) (updated February 2019):

- [Section 1](#): Introduction
  - [Section 2](#): Achieving sustainable development
  - [Section 4](#): Decision-making
  - [Section 8](#): Promoting healthy communities
  - [Section 9](#): Promoting sustainable transport
  - [Section 14](#): Meeting the challenge of climate change, flooding and coastal change;
  - [Section 15](#): Conserving and enhancing the natural environment;
  - [Section 16](#): Conserving and enhancing the historic environment
  - [Section 17](#): Facilitating the sustainable use of minerals
- [Planning Practice Guidance](#)
    - [Conserving and enhancing the historic environment](#)
    - [Environmental Impact Assessment](#)
    - [Flood risk and coastal change](#)
    - [Minerals](#)
    - [Natural environment](#)
    - [Noise](#)
    - [Open space, sports and recreation facilities, public rights of way and local green space](#)
    - [Planning obligations](#)
    - [Transport evidence bases in plan making and decision taking](#)
    - [Travel Plans, Transport Assessments and Statements](#)
    - [Use of planning conditions](#)
    - [Water supply, wastewater and water quality.](#)

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