

Local Member	
Councillors K.M. Perry and B. Williams	Cheslyn Hay, Essington and Great Wyrley

Planning Committee**6 October 2022****Minerals County Matter****Application No (District):** [SCC/21/0070/FULL-ES](#) (South Staffordshire)**Applicant:** NRS Saredon Aggregates Ltd**Description** The winning and working of sand and gravel within a southern extension to the quarry, with restoration to agriculture, and nature conservation by backfilling with inert waste or other inert material, and the use of the existing access, site offices, processing plant, and silt lagoons.**Location:** Saredon Hill Quarry, Saredon Road, Little Saredon**Background/ Introduction**

1. Saredon Quarry has been operating with the benefit of a several planning permissions since 1962 and the current planning permission for the main part of the site, requires that quarrying of sand and gravel should cease by 31 December 2028.
2. The applicant anticipates that the quarry's permitted reserves will be exhausted by the end of this year and now seeks planning permission to extract sand and gravel reserves within an area allocated in the Minerals Local Plan and adjacent to the southern boundary of the quarry.

Site and Surroundings

3. Saredon Quarry is located approximately 2.5 miles south-west of Cannock town centre and adjacent to the M6 motorway, north of junction 11. The quarry is within an agricultural area and the Green Belt.
4. Mineral processing is carried out within the southern part of the quarry and access to the quarry is via the Great Saredon Road which links to Saredon Road and then onto the A4601/ A460 roads.
5. The existing quarry comprises of about 28 hectares (Ha) of land and the southern extension area involves approximately 8Ha. The application site includes existing operational parts of Saredon Quarry that would be used to process and stockpile sand and gravel extracted from the proposed extension

area.

6. By extending the quarry southwards, the proposed boundary of the quarry would be extended to within 110 metres (m) of New Lane. The nearest property to the proposed extension area would be Saredon Hill Farm (approximately 110m to the south). Other properties in the vicinity of the extension area are: Upper Latherford Farm (approximately 510m to the west); and The Nook, off Great Saredon Road (approximately 365m to the east). Residential properties likely to be affected by the proposals are within the Saredon Hill Farm complex located off Saredon Road, which are situated along the specified route for vehicles travelling to and from the quarry (refer to Plan 1 attached to this report).

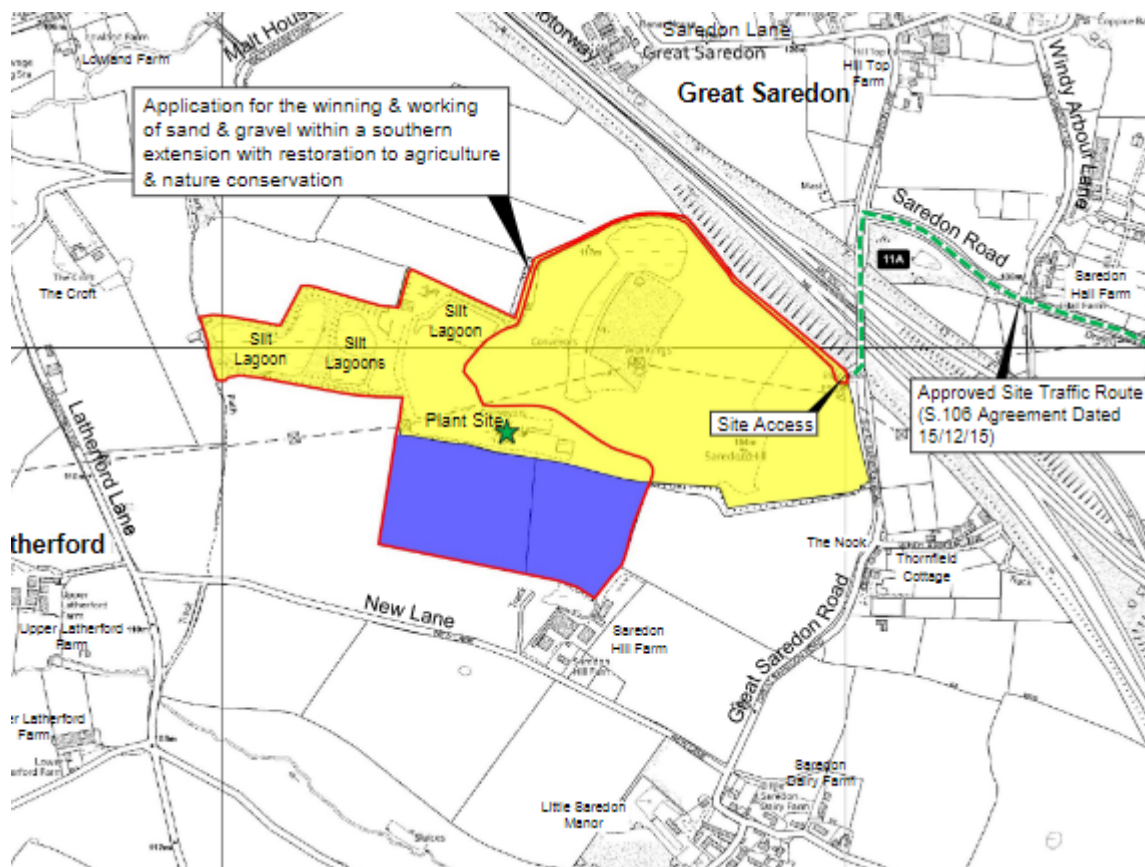


Figure 1: Extract from Plan 1 to this report showing extent of proposed extension area (coloured blue) and application site (edged red).

Summary of Proposals

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

Winning and working of 3 million tonnes of sand and gravel

8. It is proposed to extract 3 million tonnes of sand and gravel from the southern extension following the exhaustion of permitted reserves within the existing quarry.

9. Extraction would take place over a period up to 7 years with rates of output ranging from 400,000 to 500,000 tonnes per annum. This is likely to result in mineral extraction operations extending beyond the current cessation deadline of 31 December 2028 by up to 2 years.
10. It is anticipated that the sand and gravel would be used to supply existing markets which include concrete producers as well as general building merchants. Some of the mineral would also be used to supply the concrete plant at the quarry, operated by Breedon Group.
11. The proposed extension area would be developed in three extraction phases starting in the eastern part of the extension and working progressively to the west (refer to Plan 2 attached to this report). A ramp would be formed in the eastern part of the extension area so that access for vehicles and plant is provided for the haulage of mineral to the mineral processing area to the north of the extension area.

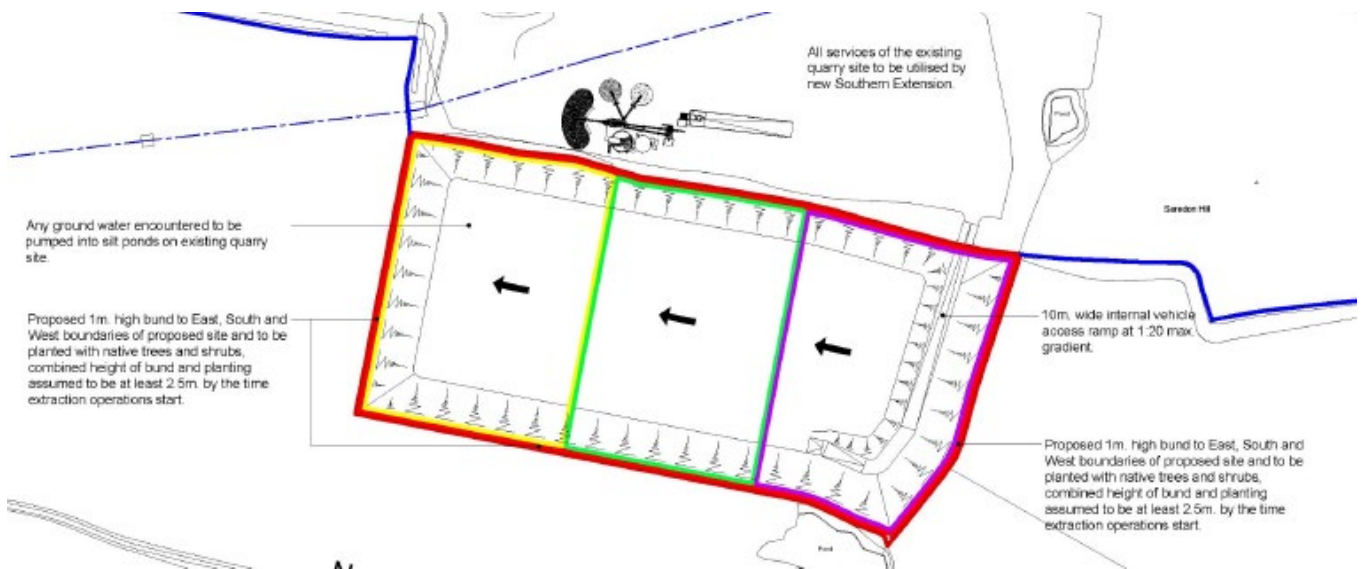


Figure 2: Extract from Plan 2 to this report showing the three extraction phases within the southern extension and access to processing plant.

12. Prior to the commencement of excavations, soils would be removed from the eastern part (or first working phase) of the extension area to form bunds up to 1m high along the western, southern and eastern boundaries of the site which would be then planted with native trees and shrubs. Thereafter, it is intended that soils to be removed from subsequent phases, are stored in the south-eastern corner of the extension area at heights of 4 to 5m.
13. During the first phase of working, it is proposed to excavate an attenuation pond and temporary sumps within the western part of the extension area which would collect surface water. Mineral is proposed to be excavated at varying depths with a maximum depth of excavation estimated to be 50m. The expected groundwater level is 107m Above Ordnance Datum (AOD) and with proposed depths of excavation to 95m AOD, it would be necessary for

some excavations to be dewatered to allow for the mineral to be worked dry. Discharge of groundwater into Saredon Brook would continue or alternatively, water would be pumped into the restored lake within the quarry.

14. The export of sand and gravel would continue to use the access onto Great Saredon Road. No changes are proposed to the existing lorry routing agreement, and it is anticipated that the number of lorry movements associated with the export of sand and gravel would not increase.
15. It is anticipated that 15% of the sands extracted, would be separated as silt and this material would be deposited in existing lagoons to the north-west of the processing plant site. No additional lagoon capacity is required for the disposal of silt.
16. No changes are proposed to the current permitted hours of operation for extractive, processing or restoration operations.

Restoration of the extension area to agricultural use by backfilling

17. Restoration of the proposed extension area is based on reclaiming land to mainly agricultural use as indicated on Plan 3 to this report and therefore, it would be necessary to backfill the quarry void with construction, demolition and excavation (CD&E) wastes brought onto the site. This would be a continuation of the existing backfill arrangement and it is estimated by the applicant that about 2.86 million tonnes of CD&E waste would be required. Based on an import rate of about 440,000 tonnes per annum, it is anticipated that restoration of the entire site would be achieved by 2031.



Figure 3: Extract from Plan 3 to this report showing proposed restoration of southern extension.

18. HGVs delivering backfill materials for restoration purposes would access the quarry at the existing entrance. To allow for additional flexibility to enable delivery of backfill materials, it is proposed by the applicant that the maximum permitted limits on lorry movements is increased by 100 movements per day on Mondays to Fridays with up to 50 extra movements

on a Saturday. This proposal is based on the fluctuations in traffic movements experienced with the restoration of the current quarry which are anticipated to continue with the restoration of the proposed southern extension.

19. While the aim of the proposed restoration is to reinstate land for agricultural use, it is also intended to provide net gains for biodiversity with an area of mixed scrub (1.5ha), new hedgerow planting and eight new trees scattered across the grassland area.
20. The application is accompanied by several documents and plans including:
 - Minerals Development/ Planning Statement
 - Environmental Statement including Landscape and Visual Assessment and Hydrogeological and Hydrological Assessment
 - Non-Technical Summary of Environmental Statement
 - Preliminary Ecological Appraisal
 - Protected Species Survey Reports
 - Tree Report
 - Heritage Statement
 - Archaeological Desk Based Assessment
 - Geophysical Survey Report
 - Noise and Dust Assessment
 - Dust Management Scheme

The Applicant's Case

21. The applicant extracts sand for making concrete and 10/20 mm gravels. Other operations at the quarry include concrete production using a plant operated by the Breedon Group, recycling of CD&E waste to produce soils and aggregates; and CD&E waste disposal to backfill the excavations. The applicant considers that the proposals will enable all the known mineral deposits at the Saredon Hill site to be extracted and would not result in any significant additional environmental impacts. It is likely to increase the duration of operations at the quarry by around two years.
22. Whilst it is not anticipated that the proposed extension would require the creation of new jobs, it would help to safeguard and prolong existing jobs on this site. The operators have so far invested more than £3.5 million in the site. There are currently a total of 12 members of staff employed at the

quarry, and around 60 lorry drivers a day visit the site.

23. The aggregate levy paid to the Government in the last financial year was £650,000. As of mid-2020, the business rates for the quarry were around £110,000 per annum. If this is multiplied by the remaining seven years of the planning permission for working the existing quarry, extended by another two years (estimate) to allow for the working of the southern extension area, it equates to a contribution of well over £990,000 into the local economy.

Relevant Planning History

24. Since 1962, sand and gravel has been extracted at Saredon Quarry and currently, the quarry operates under planning permission SS.20/03/602 MW that allows extraction of sand and gravel up to 31 December 2028 and permission SS.18/06/602 MW which is being restored. Restoration of the quarry involving the backfilling of the quarry with imported CD&E waste is required to be completed by 31 December 2030. Details of the permissions and other planning decisions relevant to this application can be found listed in [Appendix 1](#).

Environmental Impact Assessment (EIA)

25. The findings of the ES are summarised in [Appendix 2](#).

Findings of Consultations

Internal

26. **Environmental Advice Team (EAT)** – no objections, subject to conditions to require submission for approval and implementation of:
- A Construction Environmental Management Plan which must include precautionary methods for working to protect species including Great Crested Newts, Bats, Badgers, Breeding Birds, Bat flight routes (site lighting).
 - A detailed Restoration and Aftercare Scheme to include details of planting, seed mixes, bird and bat boxes.
 - Ecology and Landscape Management and Monitoring Plan; and
 - A Written Scheme of Archaeological Investigation.

In addition, updated reports on protected species are required and if necessary, mitigation measures should be submitted for approval every two years. Extended aftercare is also required for those parts of the site to be reclaimed for biodiversity net gains.

27. **Highways Development Control** (on behalf of the Highways Authority)

(HA) – no objection based on previous operations and that vehicular movements are similar.

28. **Flood Risk Management Team** (on behalf of the Lead Local Flood Authority) – no objection subject to a condition requiring the surface water mitigation measures as set out in appendix 6 to the Environmental Statement including measures to attenuate and allow for infiltration of the expected increased surface water runoff from the restored site.

External

29. **South Staffordshire District Council** - no objections. The District Council consulted with Ward Councillors and the Environmental Health Team and confirm that no comments were made on the proposals.
30. **Saredon Parish Council** - no comments were received.
31. **Environment Agency (EA)** - no objections subject to a condition to require that a revised ground water monitoring scheme is approved prior to commencement of operations and implemented; and that the Hydrogeological Impact Assessment is updated to identify private water supplies within 1.0 km of the boundary of the extension area. In addition, it is recommended that the applicant is informed of the need to apply for an abstraction licence from the Environment Agency prior to the commencement of any dewatering.
32. **Historic England** – confirm no comment to make.
33. **Natural England** – confirm no comment to make.
34. **National Highways** – no objection subject to a condition relating to limits on lorry movements including limits on movements during peak hours (0800 – 0900 and 1700 – 1800) to minimise the impact on the M6 motorway.
35. **National Grid** – provide guidance having identified that the application site is within a high-risk zone for National Grid Electricity Transmission plc’s apparatus.

Publicity and Representations

36. Site notice: YES, Press notice: YES
37. 41 neighbour notification letters were sent out and no representations have been received.
38. In support of the application, the applicant has supplied minutes of site liaison meetings at which the proposals for the southern extension of the quarry were discussed with representatives of the local community.

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

39. 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.’

40. [Appendix 3](#) lists the development plan policies (and proposals) and the other material planning considerations, relevant to this decision.

Observations

41. Having given careful consideration to the application, environmental and other information, and the consultee comments, the relevant development plan policies and the other material considerations, referred to above, the key issues are considered to be:
- Mineral planning policy and other material planning considerations.
 - Mineral Local Plan development considerations.
 - Other matters raised by consultees
 - Need for a Section 106 Legal Agreement

Mineral planning policy and other material planning considerations

42. 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 (Section 2). Paragraph 211 of the NPPF explains that:

‘When determining planning applications, great weight should be given

to the benefits of mineral extraction, including to the economy.'

43. 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 based on maintaining a landbank of at least 7 years of permitted reserves to support a level of provision of 5 million tonnes per annum (Mtpa); and refers to 11 proposals for the extension of quarries. One of these proposals involves the land subject of this application (refer to Inset Map 8 in appendix 1 to the MLP [appendices](#)).
44. Policy 1.3 of the MLP 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.'
45. Footnote 73 to paragraph 213 (f) of the NPPF which relates to maintaining landbanks of at least 7 years for sand and gravel states that:

'Longer periods may be appropriate for landbanks of aggregate minerals to take account of the need to supply a range of types of aggregates, locations of permitted reserves relative to markets, and productive capacity of permitted sites.'
46. Commentary: The sand and gravel landbank in Staffordshire is currently greater than 7 years as required by Policy 1 in the MLP (11.8 years as of 1 January 2021, using data from the West Midlands Aggregate Working Party survey). Therefore, there is no current need for additional reserves to maintain the county's sand and gravel landbank.
47. The quarry's main planning permission allows mineral extraction to continue until 31 December 2028, but the applicant indicates that permitted reserves at the quarry will be exhausted before the end of 2022.
48. The application site is situated within land allocated in the MLP as shown on Plan 1 to this report and sand and gravel to be extracted from this allocated site is expected to contribute to the provision of sand and gravel aggregates over the period up to 2030. The applicant indicates that the recoverable reserve exceeds the amount of resource previously assessed for the allocation by about 1.7 million tonnes. More recent investigations suggests that there is more mineral at depth.
49. Having regard to the guidance of footnote 73 to paragraph 213 (f) of the NPPF, the proposal has merit by maintaining the productive capacity of an established quarry for up to 7 years. The proposals would also accord with

the requirement of Policy 1.3 of the MLP because mineral extraction would only commence within the proposed extension following the exhaustion of remaining permitted reserves within the existing quarry.

50. 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 would maintain the provision of sand and gravel from a site identified in the MLP.

Mineral Local Plan development considerations

51. 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.'

52. Policy 4.3 of the Minerals Local Plan states that:

'Having assessed the impacts of the proposals for mineral development and the mitigation and/ or compensatory measures, permission will only be granted where it has been demonstrated that there are no unacceptable adverse impacts on human health, general amenity and the natural and historic environment, or the material planning benefits of the proposals outweigh the material planning objections.'

53. Commentary: 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 to the MLP. The table below summarises how these considerations have been addressed by the applicant and considered by consultees.

Development considerations for the Saredon South allocation	Addressed in the application/ environmental statement (ES) by:
Proximity to sensitive properties to the south needs to be considered as well as current planning controls imposed to manage traffic associated with the site.	The application is accompanied by assessments of noise and dust. The applicant confirms that mineral extraction will not involve blasting. In addition, a landscape and visual impact assessment, assesses views into the extension area including the effect of proposed mitigation measures. No adverse comments have been received regarding potential

Development considerations for the Saredon South allocation	Addressed in the application/ environmental statement (ES) by:
	<p>impacts on nearby properties by the District Council's Environmental Health Team nor by the County Council's Environment Advice Team (EAT). Regarding traffic impact, the Mineral Development Statement confirms that the same number of lorry movements is anticipated as currently experienced at the quarry albeit that the statement refers to proposals made to allow additional flexibility in terms of maximum daily lorry movements in association with the importation of backfill materials (the proposed effect on current planning controls is considered below).</p>
<p>There are two Grade II heritage assets adjacent to this proposed allocation. Developers will need to ensure that the significance of these heritage assets, and their setting, is protected.</p>	<p>A Heritage Statement accompanies the application and concludes that there would be no significant negative impact on the setting of nearby heritage assets. The Historic England and the County Council's Environment Advice Team (EAT) have raised no objection.</p>
<p>There is a high risk of best & most versatile land being present, so this land should be considered in the restoration of the site.</p>	<p>The Mineral Development Statement confirms that all soil resources within the extension area are to be retained for use in the subsequent site restoration. To ensure that the soil at the restoration stage is returned to its former 'best and most versatile' quality, the land is to be restored in accordance with the best practice advice provided by the Institute of Quarrying's Good Practice Guide for Handling Soils in Mineral Workings (2021).</p>
<p>Restoration should include elements typical of the landscape character.</p>	<p>This consideration is assessed as part of the landscape and visual assessment. Proposals for</p>

Development considerations for the Saredon South allocation	Addressed in the application/ environmental statement (ES) by:
	<p>restoration to agricultural use would mean that there would be no adverse effect on landcover once restoration is completed. By the end of the restoration phase, the advance and enhancement planting would be well established developing into long term landscape elements.</p> <p>No objections have been received in respect of the restoration proposals (refer to further consideration of restoration below).</p>
<p>There is potential to contribute to BAP habitats by establishing new woodland and grassland habitats and improving connectivity.</p>	<p>The extension area falls within the 'Central Farmland' zone for Ecosystem Action Plans where objectives for habitat involve maintaining the net extent of hedgerows and the number of hedgerow trees. The Preliminary Ecological Appraisal accompanying the application recommends measures to enhance biodiversity and the restoration plan confirms proposals for extending/ improving hedgerows as well as creating areas of mixed scrub.</p>
<p>Wildlife and Countryside Act 1981 Schedule 1 species are present at the existing quarry, so this will need to be considered in proposals.</p>	<p>The applicant employs ecological consultants to monitor this matter and monitoring reports are updated and forwarded to the County Council's EAT.</p>
<p>Geo-Conservation Staffordshire should be consulted about recording existing geological interest, and potential for creating a new exposure.</p>	<p>Restoration proposals involve returning the land to agricultural use and therefore, there would be no scope for exposing geological features within the extension area.</p>
<p>There is low to medium level of archaeological potential, but a desk-based assessment would still be required to inform the scope of any further work that may be needed.</p>	<p>A separate archaeological desk-based assessment indicates that the proposed extension has moderate to high potential for prehistoric and Roman remains to be found; and a low to moderate</p>

Development considerations for the Saredon South allocation	Addressed in the application/ environmental statement (ES) by:
	<p>potential for features of a later date to be encountered within the proposed extension.</p> <p>The County Council's EAT has agreed with the applicant's consultant that a programme of archaeological monitoring would be required as a condition of consent, and that this would take the form of an archaeological watching brief during soil stripping works.</p>

Planning controls imposed to manage traffic associated with the site

54. Paragraph 111 of the NPPF advises that:

'Development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.'

55. Policy 4.1 (e) of the MLP requires that the effects of traffic on the public highway network should be assessed.
56. Similarly, Policy 4.2 of the Waste Local Plan requires that consideration will be given to the effect of proposals on the highway network.
57. Commentary: As indicated above, the applicant anticipates that the number of lorry movements associated with the export of sand and gravel would not increase but has sought additional flexibility to increase the number of lorry movements associated with the import of CD&E waste brought into the quarry for restoration purposes. A separate application (ref: [SCC/21/0027/VOC](#)) has been submitted which intends to vary condition 23 attached to the permission SS.20/03/602 MW for the existing quarry to allow for an increase of the limits on lorry movements. This application was made in response to complaints that the number of lorry movements during the second quarter of 2021 had exceeded the limits as defined by condition 23.
58. While the application for the variation of condition 23 remains to be formally determined, the applicant has requested that should permission be granted for the proposed additional 100 lorry movements (50 in, 50 out) per day on Mondays to Fridays, with up to 50 extra movements (25 in, 25 out) on Saturdays, that similar flexibility in lorry movements should be allowed in relation to the development of the southern extension. The applicant confirms that since July 2021, the overall number of vehicle movements has

returned to levels within the limits of condition 23. However, seasonal fluctuations in quarry activities and the need to bring in material as and when it becomes available means that such rises and falls in vehicular movements are likely to continue.

59. No objections are raised in relation to the proposed increase of lorry movements by the local highway authority nor by National Highways in relation to the strategic road network. It is considered, however, that the controls on lorry movements in working and restoring the extension should be consistent with the current permissions and therefore, the appropriate way forward would be to restrict lorry movements in accordance with condition 23 or any subsequent variation of that condition. Based on information provided by the applicant, the anticipation is that waste imports would continue for the next 1.5 years in the current quarry prior to commencing within the proposed extension area. There is sufficient time therefore, to resolve the applicant's separate proposals regarding limits on lorry movements.

Restoration should include elements typical of the landscape character

60. Policy 4 of the MLP requires that the impact of mineral development is minimised and includes a requirement for assessing the effect of mineral development on visual amenity, public rights of way, the landscape, countryside and the Green Belt.
61. Similarly, Policy 4.2 of the Waste Local Plan (WLP) requires consideration to be given to the effect of waste development on the landscape, countryside and the Green Belt.
62. Policy 6 of the MLP requires that proposals for restoration of mineral sites are sufficiently comprehensive, detailed, practicable and achievable within the proposed timescales and where relevant, that:
- g) 'The restoration ... is informed by and sympathetic to landscape character.'
63. Paragraph 137 of the NPPF states that:
- 'The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.'
64. Paragraph 150 of the NPPF states that:
- 'Certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These include:

(a) mineral extraction; and,

(b) engineering operations;'

65. National planning guidance (refer to Paragraph: 001 Reference ID: 64-001-20190722 - 'What factors can be taken into account when considering the potential impact of development on the openness of the Green Belt?') advises that:

'Assessing the impact of a proposal on the openness of the Green Belt, where it is relevant to do so, requires a judgment based on the circumstances of the case. By way of example, the courts have identified a number of matters which may need to be taken into account in making this assessment. These include, but are not limited to:

- openness is capable of having both spatial and visual aspects – in other words, the visual impact of the proposal may be relevant, as could its volume.
- the duration of the development, and its remediability – taking into account any provisions to return land to its original state or to an equivalent (or improved) state of openness; and
- the degree of activity likely to be generated, such as traffic generation.'

66. Commentary: The application site is not affected by any landscape designations but Policy 4 of the MLP requires that restoration be informed by and sympathetic to landscape character. Referring to the landscape and visual impact assessment included in the Environmental Statement, the application site lies within the 'Settled Plateau Farmland Slopes' landscape character type within the Cannock Chase and Cankwood Regional Character Area.

67. The quarry is also situated within the West Midlands Green Belt and although the inclusion of an area of land in the Green Belt is not a formal landscape designation, the openness of the Green Belt is considered to be linked to landscape character.

68. Proposals following mineral extraction involve restoring the existing landform so that the restored land can be mainly returned to agricultural use. As with the current permission, it is recommended, that there should a requirement to review the backfilling operations to secure a timely restoration of the extension area. This would be precautionary measure acknowledging that restoration of the existing quarry is anticipated to be achieved ahead of anticipated timescales.

69. A characteristic of the landscape type are hedgerows, and the proposals include protection, enhancement and replacement of existing hedges as well as the creation of new hedgerows that would be planted prior to the commencement of mineral extraction around the western and southern boundaries of the extension area. While the proposals for hedgerows have merit in terms of mitigating visual effects as well as benefits for the landscape, conditions are recommended to secure the maintenance of the proposed planting. In addition, conditions are also recommended to ensure that temporary soil storage mounds are managed so that incongruous features are not introduced into the landscape.
70. It is considered that the proposals address the development consideration relevant to landscape and that the proposals accord with Policies 4 and 6 of the MLP which include ensuring that the openness of the Green Belt is maintained.
71. Conclusion: Having regard to the policies, other material considerations and the consultee comments, it is reasonable to conclude that the application satisfactorily addresses the development considerations associated with the Saredon South allocation in the MLP.

Other matters raised by consultees

Protecting groundwater resources

72. Paragraph 174 of the NPPF advises that:

Planning policies and decisions should contribute to and enhance the natural and local environment by:

(e) preventing new and existing development from contributing to, ..., unacceptable levels of soil, air, water or noise pollution or land instability.

73. Policy 4.1 (n) of the MLP requires assessment of effects of mineral proposals on the 'Water environment, having regard to the flow and quantity of surface and ground water, managing flood risk and water quality; and having regard to the ability of impacted watercourses to meet the required ecological status under the relevant River Basin Management Plan; to ensure that proposals avoid increasing vulnerability to impacts arising from climate change and prevent contributing to unacceptable risks from water pollution.'
74. Similarly, Policy 4.2 of the Waste Local Plan requires that consideration should be given to the effect of proposals on water.
75. Commentary: The proposals include extraction of sand and gravel to a depth of about 12m beneath the water table which has the potential to lower groundwater levels away from the site. As explained in appendix 2 to this

report, a Hydrological and Hydrogeological Impact Assessment (HHIA) has been produced as part of the Environmental Impact Assessment and this has been considered by the Environment Agency.

76. The HHIA indicates that the faulted block within which mineral extraction and dewatering would take place is hydraulically isolated from the wider sandstone outcrop. Therefore, the applicant concludes that no groundwater impact mitigations are required as they have not identified any groundwater dependent receptors within the fault block and any potential losses to the Saredon Brook are compensated by the discharge of 'dewatered' water.
77. The Environment Agency (EA) tentatively agree with the applicant's interpretation, and as a precaution, recommend that the groundwater monitoring infrastructure is extended to ensure that the effects of the quarry extension can be confidently monitored and assessed by the addition of further monitoring boreholes to the south of the extension. Prior to any dewatering taking place, the EA also advise that it would be necessary for the applicant to apply for an appropriate abstraction or transfer licence from them.
78. Conclusion: Having regard to the policies, other material considerations and the comments from the EA, it is reasonable to conclude that there would be no unacceptable adverse effect on water resources subject to imposition of conditions as recommended by the EA.

Need for a Section 106 Legal Agreement

79. Paragraph 55 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'.

80. Paragraph 57 to the NPPF explains that:

'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.'

81. These are also legal tests by virtue of the [Community Infrastructure Levy Regulations 2010](#) ([regulation 122](#)). The 2010 Regulations also prevent the use of a planning obligation to fund infrastructure if a Community

Infrastructure Levy (CIL) has been adopted in the area ([regulation 123](#)). South Staffordshire District Council have not yet adopted a CIL Community Infrastructure Levy (CIL).

82. 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 continue the HCV routing arrangements.

This existing undertaking should be retained as it would ensure that an appropriate route is used by HGVs to and from the quarry in accordance with the Mineral Local Plan (policy 4), Waste Local Plan (policy 4) the NPPF (sections 9 and 17) and in the interests of highway safety and to safeguard the public highway.

b) To continue the existing arrangements for the site liaison committee.

This undertaking ensures that a forum continues 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).

c) To provide 10 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 for the benefit of biodiversity net gains in accordance with the MLP (Policy 6) and the NPPF (Sections 15 and 17).

d) To secure a Restoration Guarantee Bond to cover the costs of restoration and aftercare.

This undertaking would ensure that there is a financial provision in place for restoration and aftercare in case the operator goes out of business which is consistent with the provision made for the existing site. This would also be in accordance with the MLP (Policy 6) and the NPPF (Section 17).

e) To continue to secure a contribution towards the maintenance of public highway based on the results of regular condition surveys.

This existing undertaking should be retained as it would ensure that contributions are secured from the operator towards the maintenance of the public highway in the vicinity of the quarry in accordance with the Mineral Local Plan (policy 4), Waste Local Plan (policy 4) the NPPF (sections 9 and

17) and in the interests of highway safety and to safeguard the public highway.

83. 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

84. 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, 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 winning and working of sand and gravel within a southern extension to the quarry, with restoration to agriculture, and nature conservation by backfilling with inert waste or other inert material, and the use of the existing access, site offices, processing plant, and silt lagoons subject to:

- a) The applicant and all other persons with a relevant interest in the land (for the purposes of Section 106 of the Town and Country Planning Act 1990) signing a Section 106 Legal Agreement - the heads of terms to include those listed below: and,
- b) Conditions including those listed below

The **Section 106 Legal Agreement** heads of terms to include:

1. To continue the HCV routing arrangements.
2. To continue the existing arrangements for the site liaison committee.
3. To provide 10 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.
4. To secure a Restoration Guarantee Bond to cover the costs of restoration and aftercare.
5. To continue to secure contributions towards the maintenance of the public highway.

The conditions to include the following:

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

Commencement

2. To commence within 3 years of the date of the planning permission.
3. To require notice of commencement of soil stripping, mineral extraction, and backfilling in each extension area phase; and notice of cessation of extraction, completion of restoration and commencement of aftercare works in each extension area phase.

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

4. To require the winning and working of sand and gravel to cease no later than 7 years after the commencement of soil stripping within the first phase of working as notified under 3 above.
5. To require the restoration of the site to be completed no later than 2 years after the cessation of winning and working of sand and gravel which shall include the removal of all mineral stockpiles, processing and ancillary plant, internal roads and hard standings.
6. If winning and working of sand and gravel should cease prematurely, then the Site to be restored and subject to aftercare in accordance with a revised restoration and aftercare scheme previously agreed in writing.
7. To define the expiry of the permission to be when the restoration and aftercare has been completed in accordance with the latest approved Restoration and Aftercare Scheme.

Phasing and Limit of Extraction,

8. To require the winning and working of sand and gravel as well as progressive restoration to be carried out in accordance with the approved plans.
9. To require that no mineral extraction is carried out within 3 metres of the bunds formed along the western and southern boundaries of the extraction area as shown on the Proposed Site Plan and that final excavation slopes are not steeper than 1:1.
10. To limit sand and gravel exports from the site during any one calendar year to no more than 500,000 tonnes.
11. Restriction on imports of material for use in the ancillary concrete making plant.
12. To submit a Progress Report 4 years after commencement of development to demonstrate progress in terms of backfilling for restoration purposes. If progress with restoration by the required date is considered unlikely, then a revised scheme should be submitted for the approval of the MPA to ensure that restoration is achieved by the date required by condition 5 above.

Management of Site Operations

Development Restrictions

13. To restrict permitted development rights.

Hours of Operation

14. To limit the winning and working of sand and gravel to:

- 07:00 and 18:00 Monday to Fridays (not including Bank or Public holidays); and
- 07:00 and 13:00 Saturdays.

And to restrict the hours of operation as per condition 21 of permission SS.20/03/602 MW relating to HGVs parking on a section of the internal access road; and to the movement of two mixer vehicles.

Stockpiling

15. To define the area for stockpiling mineral and the height of stockpiles consistent with condition 15 of permission SS.20/03/602 MW.

Waste Management

16. To restrict the type of waste materials deposited on the site for restoration purposes consistent with condition 18 of permission SS.20/03/602 MW.
17. Non-conforming waste materials brought onto the site to be stored in skips and removed from the site within 7 days.

Soil Management

18. To require soils to be managed in accordance with Section 10 of the Mineral Development Statement consistent with condition 44 of permission SS.20/03/602 MW; and to require details for the storage of soils following the formation of bunds shown on the Proposed Site Plan (Dwg no 511/221/11).

Site Access and Lorry Movements

19. To define the access to be used by HGVs.
20. To require a sign requiring vehicles to turn left only out of the site to be maintained.
21. To require wheel cleaning facilities to be operated and maintained so that any vehicle leaving the site will not deposit mud, dirt and other deleterious materials on the public highway.
22. To require the site's access road and internal hard surfaced roads to be

maintained in a good state of repair and kept clean and free of mud, dirt and other deleterious materials.

23. To require loaded HGVs leaving the site to be sheeted or their loads otherwise contained.
24. To limit HGV movements to and from the site in accordance with the requirements of condition 23 of permission SS.20/03/602 MW or any subsequent variation of that condition.

Environmental Management

Noise

25. To require a review of the approved Noise Monitoring Scheme (ref: [SS.12/15/602 MW D3](#)) prior to the commencement of soil stripping within phase 1 and for noise monitoring to be carried out in accordance with the latest approved scheme.
26. To limit noise at the nearest noise sensitive properties to levels consistent with condition 31 of permission SS.20/03/602 MW.
27. To require best practicable means to minimise noise including non- intrusive reversing alarms to be used on vehicles and plant capable of using such alarms and to avoid the use of vehicle horns in non-emergency circumstances.
28. To require that no blasting is carried out.

Dust

29. To require a review of the approved Dust Management Plan (ref: [SS.12/15/602 MW D3](#)) prior to the commencement of soil stripping within phase 1 and for dust management to be carried out in accordance with the latest approved plan.

Flood Risk and Safeguarding the Water Environment

30. To require that development is carried out in accordance with surface water mitigation measures as set out in the 'Hydrogeological, Hydrological and Flood Risk Assessment (June 2021)'.
31. Prior to commencement of excavations within the southern extension area, to require a review of the approved Groundwater Monitoring Scheme (ref: [SS.18/05/602 MW D2](#)) which shall include additional monitoring boreholes to the south and south-east of the extension; definition of action levels within the additional boreholes; and mitigation measures if investigations confirm that quarry dewatering is adversely affecting any hydraulically linked receptor.

32. Prior to commencement of excavations within the southern extension area, to require an update to the Hydrogeological, Hydrological and Flood Risk Assessment (June 2021) so that any private water supplies within one kilometre of the permission are identified.

Nature Conservation and Archaeology

33. Prior to the commencement of development to require a Written Scheme of Archaeological Investigation to be submitted which shall be implemented in accordance with the approved details.
34. Prior to the commencement of development to require a Landscape Environmental Management Plan (LEMP) to be submitted, which shall be implemented in accordance with approved details. The LEMP shall include:
 - a) Precautionary methods for working to protect species including Great Crested Newts, Bats, Badgers, Breeding Birds, Bat flight routes (site lighting).
 - b) To require the enhancement of hedgerows on the northern boundary of the extension area.
 - c) Planting on the bund formed along the western and southern boundaries of the extension area which shall be carried out during the first planting season after commencement of development.
 - d) All new trees and hedges to be managed in accordance with details previously agreed with the MPA.
 - e) Provision to ensure the protection of trees and hedgerows in accordance with the BS5837 Tree Report (May 2021) including tree identified in proximity to western boundary of extension area.
35. To require the results of protected species surveys to be submitted every two years from commencement of soil stripping and if necessary to also submit mitigation measures which shall be implemented in accordance with approved details.

Restoration and Aftercare

36. To require the site to be progressively restored to agriculture in general accordance with the 'Proposed Restoration Plan' (Dwg no 511/221/12), the 'Biodiversity Plan' (Dwg no 511/221/13), section 3 of the Mineral Development Statement (February 2022) including Appendix C to the Mineral Development Statement; and section 5.5 of the Environmental Statement.
37. To require a detailed Restoration and Aftercare Scheme for the site within 24 months of the commencement of soil stripping that is compatible with the approved restoration and aftercare scheme for the existing quarry (ref:

Record Keeping

38. To require records of HGV movements, the quantities of mineral exported from the site, the operating hours, the noise, dust and groundwater monitoring, and any complaints and remedial actions taken.

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

Appendix 1: Relevant Planning History

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

- [SS.12/15/602 MW](#) dated 16 December 2015 – planning permission to continue the existing mining permission at Saredon Quarry; to extend the quarry and extract sand and gravel; and restore the quarry by infilling with inert waste or inert material.

A [Section 106 Legal Agreement](#) dated 15 December 2015 accompanied this permission and includes obligations on the operator which apply to the land to control lorry routes on the local highway; to improve the public highway near to the site access; to contribute to local highway maintenance; to provide extended aftercare; to support a quarry liaison committee; and to contribute to a restoration guarantee fund.
- [SS.16/10/602 MW](#) dated 11 November 2016 – planning permission to vary condition 3 of planning permission SS.12/15/602 MW to allow the importation of limestone to produce higher strength concrete.
- [SS.16/08/602 MW](#) dated 23 November 2016 – planning permission for the development of an aggregates recycling facility including associated plant and storage areas.
- [SS.17/10/602 MW](#) dated 3 July 2018 – planning permission to vary conditions 1, 12, 13, 14, 24, 46 and 47 of planning permission SS.16/10/602 MW to deepen parts of the permitted extraction area and to confirm the working scheme details.
- [SS.17/11/602 MW](#) dated 3 July 2018 - temporary planning permission for variation of condition 23(e) of planning permission SS.16/10/602 MW to

allow two concrete mixer lorries to enter and leave the site outside of normal operation hours, with departures (loaded) daily at 19:00 (Monday to Friday) and single inward journeys (returning unloaded) at 06:00 daily (Tuesday to Saturday) between 15/11/17 and 31/8/18.

- [SS.18/05/602 MW](#) dated 7 December 2019 – planning permission for variation of condition 22 of planning permission SS.17/10/602 MW to allow restricted entry into quarry from 06:30 hours Monday to Saturday and to allow parking of HCVs along part of internal access road prior to commencement of working and restoration operations, as well as operation of the ready mixed concrete plant commencing at 0700 hours.
- [SS.18/06/602 MW](#) dated 4 June 2019 – planning permission for extraction of mineral within the woodland area at Saredon Quarry and an additional area outside the woodland that was omitted from the original application and subsequent restoration by infilling with inert waste or inert material.
- [SS.20/03/602 MW](#) dated 23 October 2020 – planning permission to vary (not comply with) condition 22 (e) of planning permission SS.18/05/602 MW to a) allow the use of the lorry holding area on the internal access road between 06:30 and 07:00, Mondays to Saturdays, including retention of the Internal Barrier for the duration of permitted quarrying operations; and b) to allow two concrete mixer lorries to enter or leave the site between 06:00 and 19:00 Mondays to Fridays and 06:00 to 13:00 on Saturdays.
- [SS.20/06/602 MW](#) received 3 February 2021 – Application to relocate the existing Aggregates Recycling Facility. Not yet determined.
- [SCC/21/0027/VOC](#) received 12 October 2021 - Application to vary (not comply with) condition 23 of planning permission SS.20/03/602 MW to allow an increase of the limits on HGV movements. Not yet determined.

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

Appendix 2: Summary of the findings of the Environmental Statement (ES)

Section 1 – Introduction

This section sets out the requirements for the environmental impact assessment (EIA); the structure of the ES; and those involved with producing the ES.

Section 2 – Environmental Setting and Existing Operations

This section describes the site location and its surroundings; the planning history of the quarry; and explains the land use, geology, topography and hydrology of the site.

Section 3 – Proposed Scheme

The need for the proposals is explained together with a consideration of alternatives. A description is then provided for each phase of development i.e., the preparation (construction), operational, and restoration phases as well as explaining the proposed timescale for works.

Section 4 - Environmental Assessment Process

This section explains the scoping of the EIA to determine those aspects of the environment that should be assessed as part of the EIA. Based on the limited potential for significant environmental effects the following aspects are scoped out: ecology; air quality; noise; heritage and archaeology; traffic; climate change; socioeconomics; and human health. An explanation is also provided of how the assessment was undertaken and the terms used.

Section 5 – Landscape and Visual Impact

The Landscape and Visual Impact Assessment (LVIA) was undertaken by Connected Landscapes.

The LVIA considers the effects on landscape features and elements, local landscape character and local visual amenity as well as the openness of the Green Belt.

Mitigation for visual impact includes:

- A 1m high bund along the southern and western boundaries of the extension upon which trees and shrubs would be planted on the outer facing slope of the bund as well as on top. The bund and tree/ shrub planting on the southern and western boundaries would be retained after the restoration of the site to create a new and locally appropriate landscape and ecologically valuable feature.
- Retention of boundary vegetation with stand-offs of 10m between the extraction area and the trees.
- Enhancement of vegetation along the eastern boundary.
- Soil storage bunds would be located in the south-eastern corner of the proposed extension in order to assist in reducing the visibility of the main extraction and restoration operations from the residential property at Saredon Hill Farm.

The assessment concludes that having regard to the presence of existing minerals operations in the local landscape, as well as major transport infrastructure (the M6 and M6 Toll motorways and their intersection), together with the generally limited inter-visibility within the local landscape, means that significant adverse effects would be limited to:

- Landcover/ land use and topography within the proposed scheme.
- Landscape character within the proposed scheme; and
- Visual amenity as experienced by users of Footpath Saredon 5 to the west of

the proposed scheme, users of New Lane to the south of the proposed scheme, and occupiers of the residential property at Saredon Hill Farm.

It is considered that the proposed scheme could be accommodated on the proposed site without unacceptable effects on the openness of the Green Belt, on local landscape character or landscape features and elements, or on the overall visual amenity experienced within the local area.

Section 6 Hydrogeological, Hydrological and Flood Risk Assessment

A Hydrological and Hydrogeology Impact Assessment (HHIA) and Flood Risk Assessment (FRA) were undertaken by GWP Consultants LLP to assess the potential impacts of the proposed scheme on groundwater and surface water regimes, as well as flood risk.

The site is located within the Coven Groundwater Management Unit (GMU), which supports public water supply boreholes. A tributary to the Saredon Brook is located 500m south of the proposed scheme. A smaller ditch system is located at the western end of the current quarry site and is flowing north-west into the Saredon Brook. Surface water runoff from the proposed scheme is expected to flow into this minor ditch.

Mitigation is proposed for the management of surface water as follows:

- An attenuation pond is proposed in the south-west corner of the proposed scheme to capture any potential turbid runoff from soil stripping activities. Silt treatment would be undertaken before the discharge of site runoff at a rate that does not exceed the pre-development runoff rate. The attenuation pond would also allow for infiltration of increased surface water runoff from the restored site.
- Boundary drains would be left in place after the site is restored to route the runoff generated within the extension area to the infiltration pond.

It is considered that the proposed scheme would have no adverse effect on the hydrogeological and hydrological regimes. It is possible that the surface water management schemes as part of the proposed scheme would provide local flood alleviation benefit.

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

Appendix 3: 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 4: Minimising the impact of mineral development
- Policy 6: Restoration of Mineral Sites

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

[Staffordshire and Stoke-on-Trent Joint Waste Local Plan \(2010 – 2026\)](#)

(adopted 22 March 2013):

- Policy 1: Waste as a resource
 - Policy 1.1 General principles
 - Policy 1.3 Construction, demolition and excavation waste
- Policy 4: Sustainable design and protection and improvement of environmental quality
 - Policy 4.1 Sustainable design
 - Policy 4.2 Protection of environmental quality

A [5-year review of the Waste Local Plan](#), completed in December 2018, concluded that there is no need to update the plan policies and therefore they continue to carry weight in the determination of planning applications for waste development.

The [South Staffordshire Core Strategy](#) (adopted 11 December 2012):

- Policy GB1: Development in the Green Belt
- Core Policy 2: Protecting and Enhancing the Natural and Historic Environment
- Policy EQ1: Protecting, Enhancing and Expanding Natural Assets
- Policy EQ3: Conservation, Preservation and Protection of Heritage Assets
- Policy EQ4: Protecting and Enhancing the Character and Appearance of the Landscape
- Core Policy 3: Sustainable Development and Climate Change
- Policy EQ7: Water Quality
- Policy EQ9: Protecting Residential Amenity
- Core Policy 11: Sustainable Transport

The [South Staffordshire Site Allocations document](#) (SAD) (adopted 11 September 2018) confirms that the quarry remains within the Green Belt.

The other material planning considerations

- [National Planning Policy Framework](#) (updated 20 July 2021):

- [Section 2](#): Achieving sustainable development
- [Section 4](#): Decision-making
- [Section 6](#): Building a strong, competitive economy
- [Section 9](#): Promoting sustainable transport
- [Section 13](#): Protecting Green Belt land
- [Section 14](#): Meeting the challenge of climate change, flooding and coastal change
- [Section 15](#): Conserving and enhancing the natural environment.
- [Section 16](#): Conserving and enhancing the historic environment
- [Section 17](#): Facilitating the sustainable use of minerals

- [Planning Practice Guidance](#)
 - [Conserving and enhancing the historic environment](#)
 - [Environmental Impact Assessment](#)
 - [Flood risk and coastal change](#)
 - [Land stability](#)
 - [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](#)
 - [Waste](#)

- [National Planning Policy for Waste](#) (published on 16 October 2014)
 - Determining planning applications (paragraph 7)
 - Appendix B – locational criteria:
 - a) protection of water quality and resources and flood risk management
 - b) land instability
 - c) landscape and visual impacts
 - d) nature conservation
 - e) conserving the historic environment
 - f) traffic and access
 - g) air emissions
 - h) odours
 - i) vermin and birds
 - j) noise, light and vibration
 - k) litter
 - l) potential land use conflict

- The emerging [South Staffordshire Local Plan Review 2018 to 2038](#) (currently at preferred options stage – November 2021) does not include allocations that might affect the quarry or the proposed extension.

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