

Local Member	
Councillor J Eagland	Lichfield Rural North

Planning Committee**8 June 2023****Minerals County Matter****Application No (District):** [SCC/23/0053/CON-PWA](#) (Lichfield District)**Applicant:** Cemex UK Operations Limited**Description:** Request for prior written approval in compliance with condition 9 (f) (Extension of operating hours for concrete plant) of planning permission L.20/03/867 M**Location:** Pyford Brook Quarry, Kings Bromley Road, Orgreave, Alrewas**Background/ Introduction**

1. Pyford Brook Quarry is a new sand and gravel quarry which was granted planning permission in March 2022 (ref. [L.20/03/867 M](#)) and is being developed by Cemex principally to supply concrete to construct the phase 1 section of the HS2 railway.
2. When the original planning application was considered by the Planning Committee, Cemex proposed that the concrete plant at the quarry would be required to occasionally operate over extended hours in connection with construction works on the HS2 railway which would be authorised under [Section 61](#) (prior consent for work on construction sites) of the Control and Pollution Act 1974. Consequently, a condition was imposed to require the quarry operator to seek prior written approval on the occasions when the concrete plant would be required to operate during extended hours.
3. This report considers a request for extended operation of the concrete plant in anticipation of weekend / evening / night-time works taking place on the HS2 railway during the summer. A similar request has been made in relation to operation of the applicant's other concrete plant at Weeford Quarry off A38 at Weeford (ref. [SCC/23/0054/CON-PWA](#)) and as there were no objections it has been approved by your officers in accordance with the County Council's delegation scheme.

Site and Surroundings

4. The quarry lies to the south of the A513 near to the hamlet of Orgreave, between Alrewas village (1.2km to the east) and Kings Bromley (2.1km to the northwest). To the south is the Trent and Mersey canal and the village of Fradley (1km).
5. The nearest residential properties to the site are Alrewas Hayes Cottages 360m to the southwest, Wellfield Farm 510m to the north-west, Orgreave Lodge (230m) and Hall to the north (440m), and Mill Acres House 320m to the south-east. There is also a marina to the south (230m).
6. The proposed HS2 works to be supplied with concrete from the quarry will take place to the north of Streethay, about 4.4 miles to the south by road.

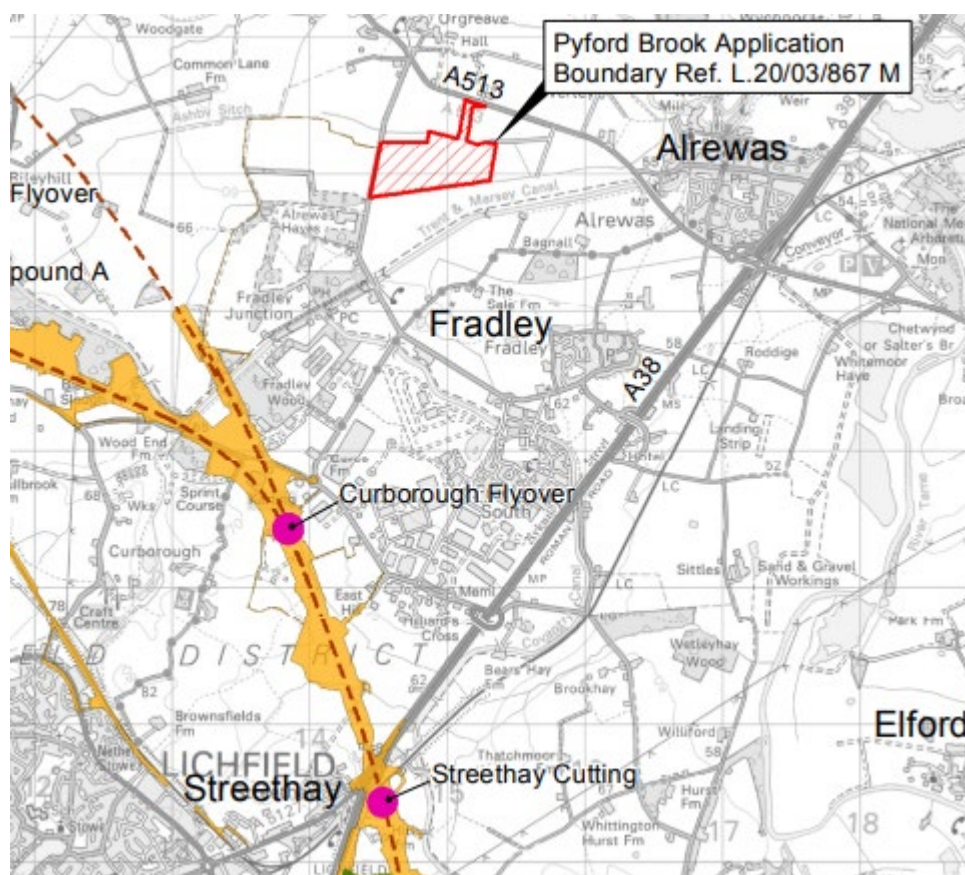


Figure 1: Extract from [Plan 5](#) accompanying report to Planning Committee on 15 July 2021 showing quarry's location relative to construction works on the HS2 railway.

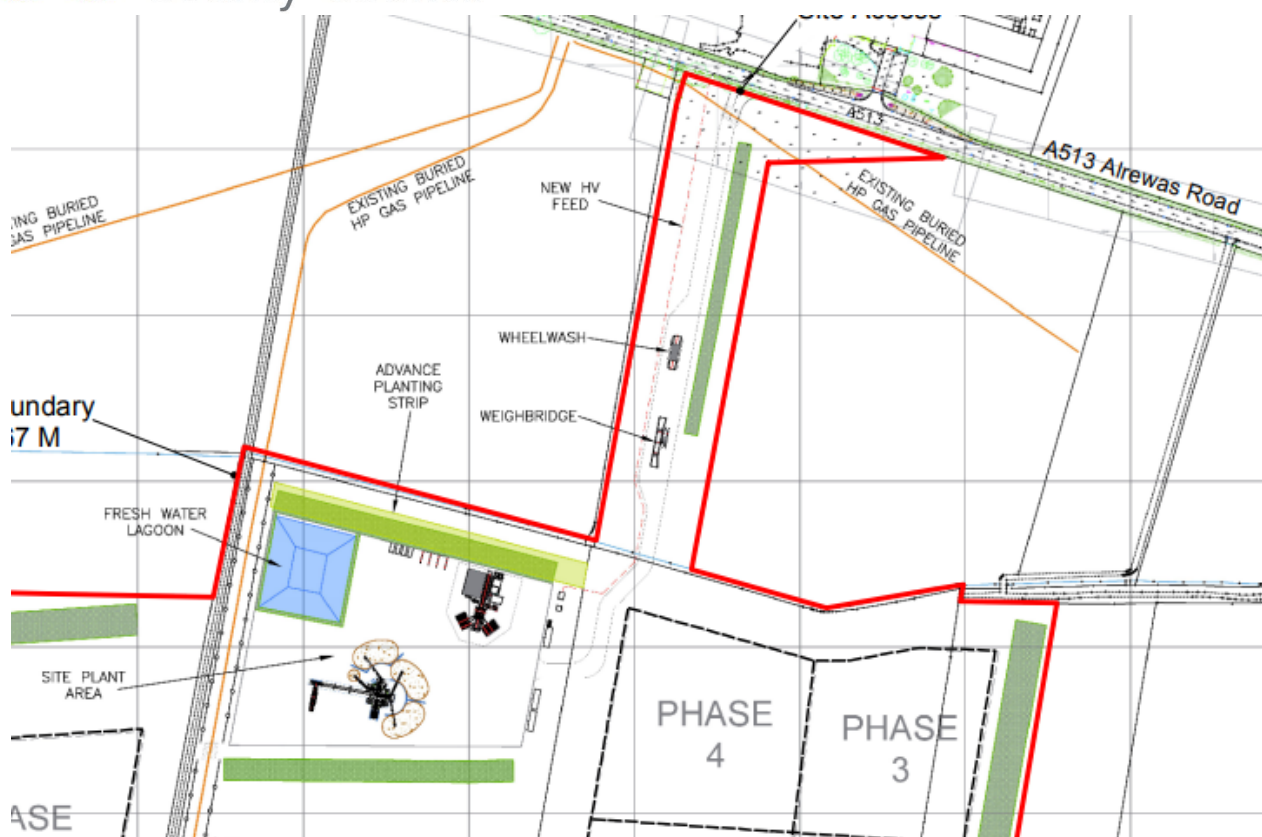


Figure 2: Extract from [Plan 2](#) accompanying report to Planning Committee on 15 July 2021 showing the location of the plant area including concrete plant and access onto A513.

© Crown copyright and database rights 2021 OS 100019422

Summary of Proposals

7. The proposed extended operating hours for the concrete plant, export of concrete and import of cement are requested from 1 May 2023 to 31 July 2023 but during that time, it is likely that the supply of concrete during extended hours would only be required for 6 weeks in total.
8. The works requiring concrete during the proposed period of extended hours are as follows:
 - a) Piling and Foundations on South Staffordshire Railway and A38 Overbridges (ID5/ ID14/ ID23) – works taking place 3rd April 2023 – 31st March 2024 as required between 1800-0000 hours. This is required to allow for piles to be bored into the ground and concrete placed. To meet quality requirements, this needs to be completed within 1 working day to eliminate the risk of cold jointing and cracking within the piles that arise from staggered pours.
 - b) Roadworks on A38 Overbridge (ID25) – works taking place 3rd April 2023 – 31st March 2024 between 2200-0600 hours as required. Due to

health and safety requirements whilst working near live traffic, these works have been agreed with National Highways to take place under night-time closures to reduce the risk of public interface with the works.

- c) South Staffordshire Railway Line Blockade (ID10-11, ID13, ID15) – 24-hour working between 22nd May 2023 – 20th August 2023. The railway will have to be shut during this period due to the intrusive works that will be taking place. The importance of reopening this national piece of infrastructure on time will only be made possible by 24-hour working.
9. HGV movements will be within the existing limits controlled by Condition 26 that requires that lorry movements should not exceed:
 - 170 movements within a 24-hour period Monday to Friday.
 - 86 movements on Saturdays; and,
 - 17 during each evening and night-time period (if approved under condition 9)
 10. It is proposed that if this request is approved, then the movements on Saturdays could be spread across the day (0800-1800 hours) without being in breach of Condition 26. In addition, as there are no restrictions on vehicle movements on Sunday daytimes, it is proposed that these could be the same as Saturdays, i.e., 86 movements spread across the day (0800-1800 hours). Sunday evenings (1800-0800 hours) would be covered by the limit of 17 movements as this restriction does not specify any days of the week.
 11. Monitoring of limits on noise levels as defined in the planning permission would be undertaken in accordance with the approved noise monitoring scheme. Cemex propose to monitor night-time operations every two weeks and monthly for the daytime operations.

The Applicant's Case

12. Balfour Beatty Vinci (BBV) a principal contractor for HS2, have recently made an [application](#) under Section 61 of the Control of Pollution Act 1974, to Lichfield District Council for prior consent in respect of construction works associated with the proposed overbridge for the South Staffordshire Railway line and the A38-A5127 Junction in Streethay [the applicant subsequently provided copies of the section 61 approvals and the approvals have been confirmed by the District Council's Environment Protection Officer]. Some of the proposed works will need to be undertaken 'out of hours' including some during night-time hours for short periods.
13. The applicant contends in support of this submission that supplying concrete from Pyford Brook Quarry is sustainable and minimises the distances HGVs must travel. The applicant also contends that there is a clear need to supply

'out of hours' for some elements of the HS2 project as detailed in the information sent as part of the submission. The noise and vehicle movements associated with the out of hours supply have already been assessed and appropriate conditions imposed with the planning permission. There is, therefore, no reason why this site cannot be used in conjunction with another concrete plant at Weeford Quarry for out of hours supply. Both plants are required for flexibility, in case one breaks down, as set out in the original application.

Relevant Planning History

14. Details of the relevant planning permission and other planning decisions are listed as follows:

- [L.20/03/867 M](#) dated 16 March 2022 – Permission for proposed sand and gravel extraction, the erection of plant and infrastructure and creation of new access, in order to supply the HS2 project with ready mix concrete, with export of surplus sand and gravel

A Section 106 Legal Agreement (S106) dated 11 March 2022 includes obligations on the quarry operator to restrict the sale of ready-mix concrete for purposes related to the N2 section of the HS2 phase 1 works as well as to manage lorries to follow a specific route to and from the quarry.

- [SCC/22/0044/DA](#) dated 13 June 2022 – Approval of submission of details in compliance with condition 20 (Construction Environmental Management Plan) relating to planning permission L.20/03/867 M.
- [SCC/22/0074/DA](#) dated 5 August 2022 – Approval of submission of details in compliance with conditions 24 (wheel cleaning) and 33 (flood lighting) of planning permission ref. L.20/03/867 M.
- [SCC/22/0101/DA](#) dated 15 August 2022 – Acknowledgement of notification in compliance with condition 2(a) (notification of commencement of site preparation works) of planning permission L.20/03/867 M.
- [SCC/23/0058/DA](#) received 21 April 2023 - Submission of details in compliance with Condition 19 (Cycle Shelter) of planning permission L.20/03/867/M. Not yet determined.

15. Cemex have also applied for extended operating hours at a concrete plant located within Weeford Quarry (off the A38 London Road, Weeford) that would also supply to the same HS2 construction works mentioned above (ref. [SCC/23/0054/CON-PWA](#)). This request was approved on XX May 2023 for a period up to 31 July 2023.

Findings of Consultations

Internal

16. **Highways Development Control** (on behalf of the Highways Authority) (HA) – no objection. The transport assessment submitted in support of application ref. L.20/03/867 M provided an assessment of HGV movements anticipated to be generated by the site within a 12-hour period and for the traditional weekday morning and evening network peak hours. This was considered to be acceptable. As the proposals for the extended operational hours would result in traffic movements generated by the site spread out over a 24-hour period, rather than a 12-hour period, and remain within the limits set out in Condition 26 of the planning permission, it is not considered that there would be a significant impact on the surrounding highway network.
17. The proposed temporary operating hours on a Sunday are in line with those on a Saturday and the HA consider that they would not result in a significant impact on the surrounding highway network.
18. **HS2 and Integrated Transport Projects Team** – refer to the [Code of Construction Practice](#) for HS2 phase 1 works and in particular, the limits on hours on operations to protect residential amenity. In this case, however, Cemex as a concrete supplier to HS2 are required to carry out 24/7 working due to factors beyond their control. A period of noise monitoring at specific locations should be carried out at the properties nearest to the quarry and A513.
19. **Planning Regulation Team** – confirm that they have no comments.

External

20. **Lichfield District Council (Planning)** - Object. The Council refers to previous concerns raised about the quarry including the impact of traffic on residential amenity and highway safety, and noise. The Council considers that the restricted hours of operation alleviates some of the potential impacts, however the proposed alteration to the working hours condition would result in detriment to neighbours' amenities for a sustained length of time (three months). If the alteration to working hours is necessary, it should be restricted to the shortest period to alleviate impacts on residents, the highway and the environment.
21. The District Council also questions the justification for the proposal and recommends that any changes to the hours of operation should be reviewed against the requirements to limit lorry movements; and requirements to protect wildlife habitat.
22. **Lichfield District Council (Environmental Protection)** – No objection.

The EHO confirmed that Section 61 approvals have been granted for the HS2 works referred to by the applicant.

23. **Alrewas Parish Council** - Object. The Parish Council are concerned about the justification for the extended hours and support comments made by one of their councillors (see below).
24. **Fradley Parish Council** – No response received.
25. **Kings Bromley Parish Council** - No response received.
26. **National Highways** - No objection.

Publicity and Representations

27. No publicity is required by the relevant regulations in respect of an application for the approval of details reserved by planning condition. The applicant has notified members of the quarry liaison committee of the proposed extended operational hours at the meeting on 3 April 2023.
28. County Councillor Eagland, the local Member, objects to the proposed extension of hours for 24-hour deliveries and operations at weekends on the grounds of the impact on the amenity of residents.
29. As noted above, a parish councillor has made an objection to the proposed extended operation of the concrete plant. The parish councillor considers it to be wrong that the first operation at this quarry will be 24/7 working because this site was particularly controversial, and the community needs a soft start to allow the site's procedures to bed in. Residents were told during the planning process that the out of hours working would only be rarely needed yet even before the site has started there is a three-month extended hours application. It is noted that three months of 24/7 working has been applied for but only a maximum of 6 weeks is needed by HS2. It should not be for the community to suffer just because third party programmes slip.

The condition and reasons for it

30. Condition 9 of the permission restricts the hours of operation on mineral operations and activities at the quarry in the interests of local amenity including residents living near to the A513 and visitors to the Trent and Mersey canal in accordance with [Minerals Local Plan for Staffordshire](#) (Policy 4); the [Lichfield District Local Plan Strategy](#) (Core Policy 3 and Policy BE1); and the [National Planning Policy Framework](#) (Sections 15 and 17).
31. The relevant sections of condition 9 are listed as follows:
 - c) No operation of the concrete plant and export of concrete shall be carried out other than between:

- 0800 and 1800 Monday to Friday
 - 0800 and 1300 Saturday
- d) No import of cement shall be carried out other than between:
- 0730 and 1800 Monday to Friday
 - 0730 and 1300 Saturday
- f) Subject to the prior written approval of the Mineral Planning Authority and following a Section 61 approval on the HS2 Phase 1 site, cement may be imported and concrete exported outside of the concrete plant operational hours (Conditions 9 (c) and 9 (d)).

Observations

32. Having given careful consideration to the submission, the condition and the reason for it, the comments from the consultees, the Local Member and the representee, referred to above, the key issues are considered to be:
- The requirements of the condition; and
 - The other matters raised by consultees or in the representations.

The requirements of the condition

33. When the planning application for development of Pyford Brook Quarry was reported to the Planning Committee for determination in [July 2021](#), it was explained that there was a need for the concrete plant at Pyford Brook to supply the HS2 construction project together with another new plant to be operated at Weeford Quarry. Proposals for occasional extended operating hours for the production and export of concrete at Pyford Brook were accepted and a condition was recommended as set out above (condition 9 f)), to allow for extended operating hours.
34. A pre-requisite of the condition is that Lichfield District Council has granted approval for potentially noisy but essential works on the HS2 railway in accordance with section 61 of the Control of Pollution Act 1974. The District Council's Environmental Protection Officer has confirmed that the Section 61 approvals to allow such works to be carried out on HS2 near to the A38 and the South Staffordshire railway have now been approved.
35. Conclusion: Having regard to the submission, the condition and the reasons for it, and the guidance and confirmation given by the District Council's Environmental Protection Officer that Section 61 approvals have been issued, it is reasonable to conclude that the request to extend the operating hours for the concrete plant to 31 July 2023 accords with the requirements of condition 9 (f), and subject to consideration of the other matters raised by

consultees, the Local Member and the representee, discussed below, should be approved.

The other matters raised by consultees or representations

36. Policy 4 of the Minerals Local Plan states that in assessing the impact of proposals for mineral development on people, local communities, and the environment, where relevant, noise will be taken into account.
37. Paragraph 205 (c) of the NPPF requires that mineral planning authorities must:
 - 'ensure that any unavoidable noise, dust, and particle emissions and blasting vibrations are controlled, mitigated or removed at source, and establish appropriate noise limits for extraction in proximity to noise sensitive properties.
38. Commentary: The Local Member has raised concerns about the effect of the extended hours on the amenity of local residents. Previously, in relation to the original planning application, similar objections were raised about the operation of the concrete plant on a 24-hour basis, but the noise assessment carried out as part of the environmental impact assessment accompanying the application confirmed that the plant could be operated within acceptable noise limits. The assessment also considered the effect of night-time traffic on properties near to the A513 at Alrewas. The change in night-time noise levels due to the traffic generated by the proposal was considered of negligible impact.
39. A Parish Councillor has raised concerns that as the quarry has not commenced production of concrete, the plant has not been tested in terms of proving environmental performance. Notwithstanding, the operation of the concrete plant, the export of concrete as well as the import of cement (required to make the concrete) would be controlled by the conditions of the permission e.g. condition 29 sets noise limits (including reduced limits relating to the night-time hours) and condition 26 sets limits on HGV movements (including a limit of 17 during night-time hours).
40. The proposals include lorry movements on a Sunday up to the limit imposed on a Saturday (86 daytime + 17 night-time) and the Highway Authority has commented that this would not result in a significant impact on the surrounding highway network. Furthermore, lorries would be managed in accordance with the Section 106 Legal Agreement which includes an undertaking by Cemex that they would not travel through Kings Bromley village and that they would be directed to and from the junction of the A513 with the A38 to the east of the quarry.
41. Condition 31 of the permission requires that noise mitigation is undertaken in

accordance with the approved Noise Monitoring and Mitigation Plan ('the Plan'). The Plan includes details of procedures for monitoring noise and the investigation of complaints. More specifically in relation to the night-time operation of the concrete plant, Cemex confirm in the Plan that they will manage the plant so that concrete loading and cement deliveries do not occur simultaneously. In addition, it is now proposed that noise monitoring be undertaken by the operator every 2 weeks during the night-time and monthly for Sunday daytime operations.

42. Concrete production has not yet commenced as works are currently taking place to construct the new site access and condition 17 of the permission requires the access to be completed before the export of concrete can commence. Cemex estimate that the new access works will be completed by mid-June at the earliest. In effect therefore Cemex are seeking a 6-week period for extended operations from mid-June to the end of July.
43. It is relevant to note that condition 43 of the permission requires records of the occasions when operations take place outside the normal operating hours as well as the number of lorry movements and any complaints received.
44. Conclusion: Having regard to the submission, the condition and the reasons for it, and the matters raised by consultees, the Local Member and the representee referred to above, it is reasonable to conclude that due to the scale, location and duration, the extended operations would not give rise to any materially harmful impacts, subject to compliance with the conditions of the permission, the lorry routeing arrangements required by the Section 106 Legal Agreement, and the proposals to carry out noise monitoring and to limit HGV movements.

Overall Conclusion

45. Overall, as an exercise of judgement, taking the relevant up-to-date development plan policies as a whole and having given consideration to submission, the condition and the reasons for it, the consultee comments, the representations and the other material considerations, all referred to above, it is reasonable to conclude that the application for prior written approval in compliance with condition 9 (f) (Extension of operating hours for concrete plant) of planning permission L.20/03/867 M, should be approved.

Recommendation

To Approve the request to extend the operating hours for the concrete plant to 31 July 2023 in compliance with condition 9 (f) of the planning permission (ref. L.20/03/867 M) as described in the submitted documents listed below:

- Application Form dated 21 March 2023;
- Applicant's letter dated 20 March 2023 – details of request for prior approval;

- Applicant's email sent 25 May 2023 – proposals for noise monitoring.

For the avoidance of doubt, and as stated in the submission, during the extended operating hours for the concrete plant to 31 July 2023:

- A) Noise monitoring shall be carried out when the concrete plant is operating every 2 weeks during the night-time periods between 22:00 and 07:00; and monthly during the daytime (including Sundays) between 08:00 and 18:00 in accordance with the approved Noise Management and Monitoring Plan (condition 28 of the permission ref. L.20/03/867 M) and the site attributable noise shall not exceed the approved noise limits (condition 29 of the permission ref. L.20/03/867 M); and,
- B) The total number of HGV movements in and out of the Site shall not exceed:
- 170 in a 24-hour period (Monday to Friday) of which no more than 17 shall take place between 18:00 to 07:00; and,
 - 103 in a 24-hour period (Saturday and Sunday) of which no more than 17 shall take place between 18:00 to 07:00.

Informatives

1. Knowledge of this approval

To enable easy reference and to encourage compliance with the requirement of this approval and the orderly operation of the Site; the terms of this approval, including all the approved documents and plans hereby approved should be made known and easily accessible to any person(s) given responsibility for the management or control of the activities / operations on the Site.

2. Condition 43 (Record Keeping)

A reminder that condition 43 of the permission requires records of the occasions when operations take place outside the normal operating hours as well as the number of lorry movements and any complaints received.

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

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