

<b>Local Member</b>	
Councillor N. R. Yates	Biddulph North

## **Planning Committee      7 December 2023**

### **Minerals County Matter**

**Application No (District):** [SM.15/02/101 MW](#) (Staffordshire Moorlands).

**Applicant:** Land Recovery Ltd.

**Description:** Application for the Periodic Review (under the Environment Act 1995) of the Scheme of Conditions SM.EA/4.

**Location:** Hurst Quarry, Biddulph, Staffordshire, ST8 7RU.

### **Background/Introduction**

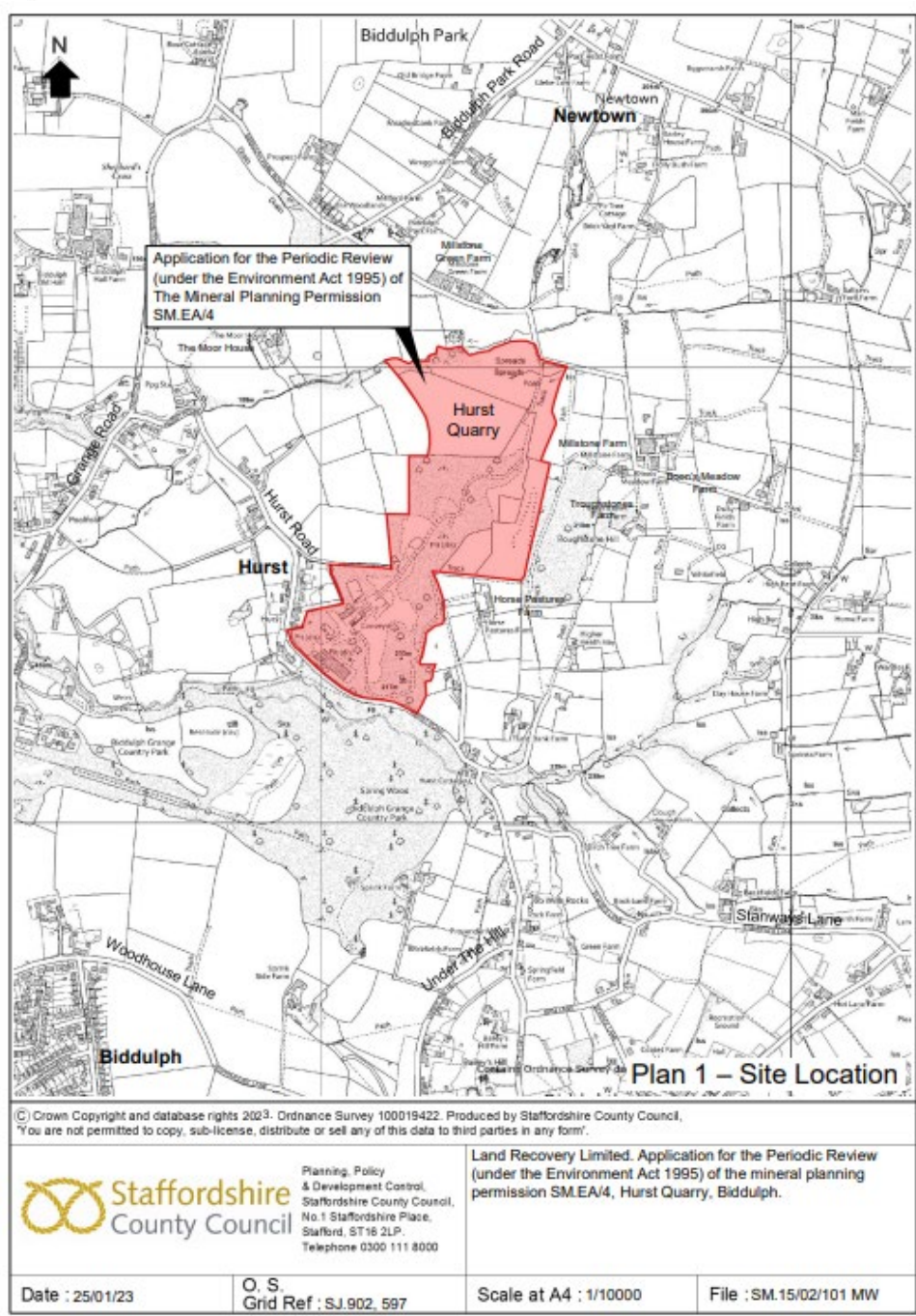
1. The application for the Periodic Review of the Scheme of Conditions was submitted in 2015 (ref. [SM.EA/4](#) dated 29 March 1999). It was determined that an Environmental Statement (ES) was required to make the application valid. The applicant was duly informed in accordance with regulation 49 of the [Town and Country Planning \(Environmental Impact Assessment\) Regulations 2011](#) (now regulation 54 of the [Town and Country Planning \(Environmental Impact Assessment\) Regulations 2017](#)), that failure to provide the ES resulted in the automatic suspension of minerals development as of 25 August 2016. The County Council is not aware that mineral extraction has taken place since this date.
2. In the meantime, the applicant applied on two occasions to Staffordshire Moorlands District Council for outline residential planning permission at the site (see the 'Relevant Planning History' section below). The applicant indicated that if the residential applications were approved "it would override the necessity for a ROMP since the mineral permission would be relinquished without compensation". The residential applications were subsequently withdrawn before determination.
3. New information along with an ES was submitted in October 2022. A List of Proposed Conditions accompanied the ES (Appendix 1 to the ES). The proposed conditions were later updated and set out in a "Statement of Common Ground" (see Conditions Version 2.0 dated 17 May 2023).

## **Review of Mineral Permissions (ROMPs)**

4. The [Environment Act 1995](#) introduced the Review of Mineral Permissions (ROMPs) as a mechanism to update older mineral permissions and the Periodic Review of all mineral permissions thereafter. The operation of sites can change significantly over time and so there is sometimes a need to review the conditions to ensure that modern environmental standards are applied.
5. It is important to note that when determining conditions different from those submitted by the applicant, the Mineral Planning Authority (MPA) should not restrict working rights and should not prejudice adversely to an unreasonable degree either the economic viability of operating the site or the asset value of the site as the applicant whose interests have been adversely affected by the restrictions imposed may be entitled to claim compensation. An exception to the working rights restriction are conditions relating to the restoration and aftercare (paragraph 213 [Reference ID: 27-213-20140306] of the [Planning Policy Guidance, Minerals, Review of minerals planning conditions](#), 'Can the applicant claim compensation as a result of any reviews of planning conditions?').
6. In addition, if the MPA determines conditions different from those submitted by the applicant, it must be stated whether the effect of the restriction would be such as to prejudice to an unreasonable degree either the economic viability of the operation or the asset value of the site.
7. The ROMP process is very similar to that for processing planning applications except that the Scheme of Conditions cannot be refused. The proposals must be checked and registered, and consultations sent out. The Scheme of Conditions must be considered in the light of any representations received; the Planning Policy Guidance (PPG); the National Planning Policy Framework and the Development Plan.
8. The original Hurst Quarry permission dates back to 1948. The review of the 1948 permission was issued in 1999 (see Planning History below). This report relates to the Periodic Review of the ROMP permission and the determination of a Scheme of Conditions to control the remaining development of the site. [Appendix 1](#) contains 'The Proposed Scheme of Conditions, the recommended modifications and additional conditions'. [Appendix 2](#) contains 'The Recommended Scheme of Conditions' in full.

## **Site and Surroundings**

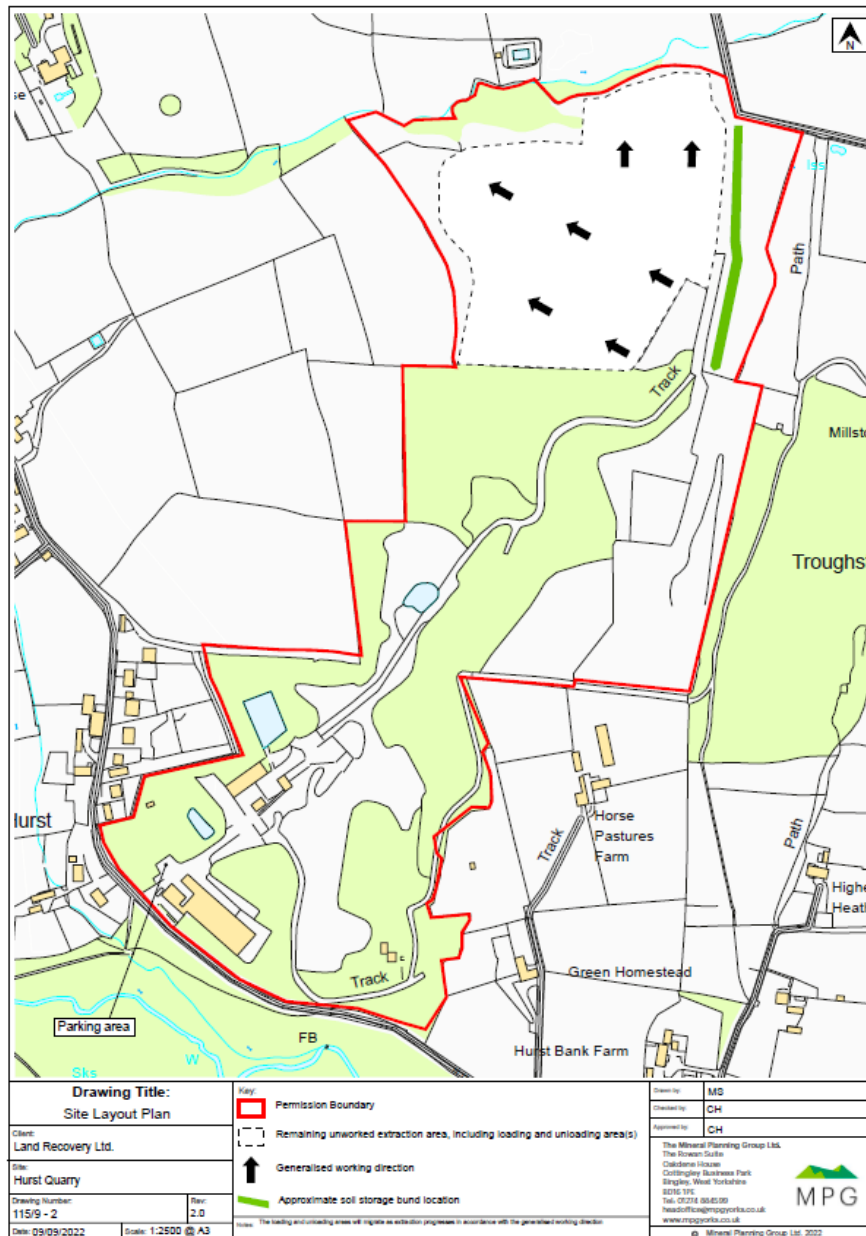
9. Hurst Quarry sits in open countryside to the north of Biddulph, adjacent to Biddulph Grange Garden Park (a National Trust managed Grade 1 Historic Park). The quarry is accessed from the A527 Congleton Road via Grange Road and Hurst Road (see Plan 1 - Site Location).



Plan 1 - Site Location (the area subject of the review is shown in red).

10. The quarry lies in the North Staffordshire Green Belt.
11. The nearest residential properties to the quarry are location on Hurst Road immediately to the south /south-west. There are a number of properties adjacent to the access including Sunny View, West View and Hurst Vale House and Densbury House. There are also industrial buildings adjacent to the entrance.

12. The applicant has provided 'operational' details in relation to the quarry. This confirms that extraction of the sandstone would take place in the northern part of the quarry (shown by the dotted line on the Site Layout Plan (Dwg No 115-9-2) below). This area is Phases 3 to 6 shown on the approved '[Phased Working](#)' (ref. [SM.EA/4](#)).



Site Layout Plan (Drawing No 115-9-2) (submitted by the applicant).

13. The sandstone would be "ripped" from the quarry face using an excavator. A mobile crushing and screening plant would then be used to produce graded products. The products would be loaded into HGVs for export. No changes to HGV movements or to the access are proposed.



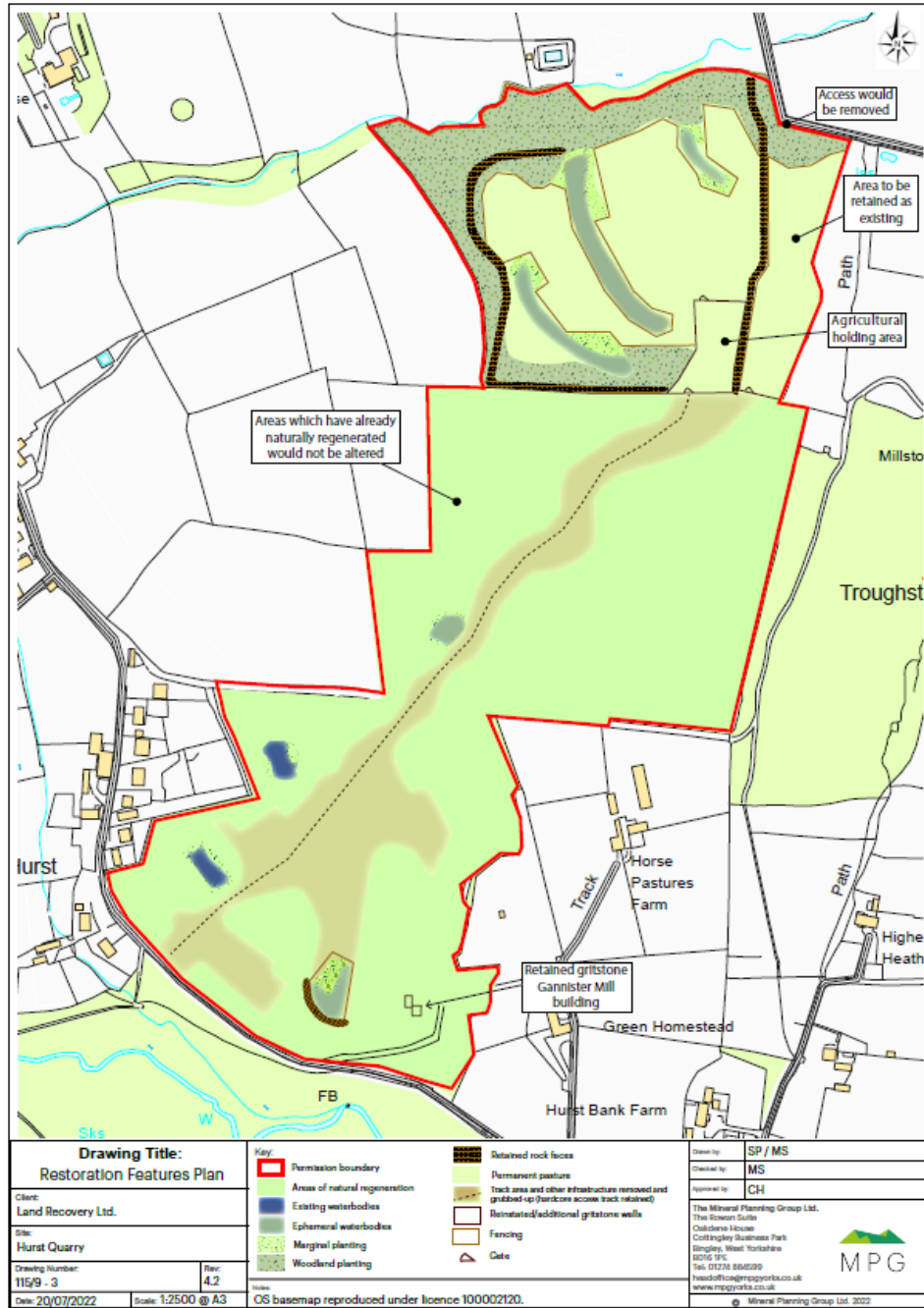
The existing access from Hurst Road (taken from the Landscape and Visual Appraisal).



Internal View of the existing quarry void (taken from the Landscape and Visual Appraisal).

14. Topsoil and subsoils would need to be stripped from the extraction area. The soils would be stored separately in a bund formed on the eastern boundary to be used in the restoration of the quarry.
15. The applicant has explained that any silica sand outside the extraction area would be from existing stockpiles, or if material is required to be removed for geotechnical purposes. The applicant has explained that "geotechnical purposes" would be for example to make quarry faces safe.
16. It is estimated that an estimated 800,000 tonnes of mineral remains to be extracted from the quarry. The current annual extraction limit is 150,000 tonnes, with an upper limit of 30 two-way HGV movements per day. The applicant has explained the quarry could be "worked out" in less than 6 years at these maximum rates, however, due to economic and market variability this is unlikely, and it is not proposed to alter the current end-date of 2036 (condition 4 of the 1999 ROMP ref. [SM.EA/4](#)).
17. A revised restoration plan has been submitted which would replace the approved scheme (ref. [SM.EA/4 D3](#) dated 27 April 2005). The proposed

restoration scheme includes the retention of existing areas of quarry (shown as “areas which have already naturally regenerated would not be altered” on the Restoration Features Plan (Drawing No 115-9-3) below.



Restoration Features Plan (Drawing No 115-9-3) (submitted by the applicant).

- The restoration plan includes agricultural grassland, woodland planting, ephemeral water bodies, marginal planting and rock faces in the areas still to be worked. A hardcore access track would be retained, other infrastructure would be removed. Condition 40 in the List of Proposed Conditions sets out the requirement to submit a detailed restoration scheme.

19. The ES confirmed that no material would be imported, except for the purposes of restoration for example, clay for lining ponds and materials for buttressing faces if required.
20. No changes to the working hours are proposed (currently set out in Condition 10 of the 1999 ROMP ref. [SM.EA/4](#)). The permitted hours are as follows:
  - Surface mineral workings and the depositing of mineral wastes and the removal of sands and silica stone won and worked at the site shall only be carried out at the site between:
    - Monday – Friday: 07:30 – 18:00
    - Saturdays: 08:30 – 14:00(Except in the emergencies to maintain safe quarry working which shall be notified to the MPA as soon as practicable).
  - No such operations on Sundays or Public Holidays.
  - No servicing, maintenance or testing of plant shall be carried out at the site between 20:00 hours and 07:30 hours on any day and at no time on Sundays, or Bank or Public Holidays.
21. The site entrance would be locked outside the operating hours and any necessary maintenance of security fencing would be carried out.
22. The applicant contends that although the silica sand previously extracted at the quarry was predominately used as a horticulture product it is not appropriate to limit the silica sand for use as horticultural product only (paragraph 4.4.4 of the ES).
23. The application is accompanied by a large number of documents and plans including:
  - Mineral Review form dated 7 November 2022
  - Environmental/Supporting Statement dated 17 October 2022 including the List of Proposed Conditions
  - Landscape and Visual Appraisal updated on 11 February 2023.
  - Noise Impact Assessment dated 16 December 2021.
  - Biodiversity Net Gain Assessment dated September 2022.
  - Heritage Impact Assessment dated May 2022.
  - High Level Assessment of Water Issues dated October 2022.
  - Watercourse Diversion Risk Assessment dated 12 October 2022.
  - Location Plan (Drawing No 116-9-1).
  - Site Layout Plan (Drawing No 115-9-2).
  - Excavation Design Plan (Drawing No HRQ-22-02).
  - Topographical Survey Plan (Drawing No HRQ-11-01).
  - Aerial Restoration Plan (Drawing No 115-9 - Resto-4).

- Restoration Features Plan (Drawing No 115-9-3).
- Letter from the Mineral Planning Group dated 24 February 2023 (ref 115-9-20221122-L1.1-ES) including Statement of Common Ground – Conditions Version 1.0 dated 2 February 2023.
- Letter from the Mineral Planning Group dated 17 May 2023 (ref 115-9-20221122-L1.1-ES) including Statement of Common Ground – Conditions Version 2.0 dated 17 May 2023.

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

24. The applicant states that as this application is a ROMP (explained above), the quarry has an 'extant' planning permission, and as such the principle of development has been established.
25. The applicant explains that the proposed conditions (initially set out in Appendix 1 of the Environmental Statement and later updated and set out in a "Statement of Common Ground" dated 17 May 2023) have been reviewed having regard local and national policies relevant to quarry. Many of the conditions have not been changed as they remain appropriate for the operation of quarry.
26. The applicant contends that assessments/surveys submitted with the ROMP application have confirmed that "there should be no unacceptable damage generated from operations at the site. Any mitigation measures recommended from such assessments have been incorporated as part of this ROMP application".

### **Relevant Planning History**

27. The quarry was classified by the County Council as a Phase 1 Active site under the provisions of the [Environment Act 1995](#) ([Schedule 13](#)). A Planning Committee report dated 16 July 1998 relating to review of the permission stated that:

"The existing 1948 planning permission under which the quarry is operating contained no environmental controls."
28. A new Scheme of Conditions was issued on 29 March 1999 (ref. [SM.EA/4](#)). [Appendix 3](#) lists the planning permissions / approvals have been issued by the County Council.
29. An outline planning application with all matters reserved (except access) for residential development (up to 28 dwellings) was submitted to Staffordshire Moorlands District Council (ref. [SMD/2017/0129](#)) (this was a resubmission of an earlier application ref. [SMD/2016/0127](#)). This application was later withdrawn.



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

30. The findings of the ES (and the environmental information subsequently received) are summarised in [Appendix 4](#).

### **Findings of Consultations**

#### **Internal**

31. **Environmental Advice Team (EAT)** – no objections, subject to conditions. EAT reviewed the submission and commented as follows:

#### **a) Landscape**

- i) **Visual Impact:** - The Landscape and Visual Assessment (LVA) refers to the Statutory Planning Guidance 'Planning for Landscape Change' showing the northern section of the site to be within Landscape Character Type Gritstone Uplands (sub type: farmland) and the appropriate Landscape Policy Objective for the area is Landscape Restoration, indicating a landscape of medium to low quality. Characteristic features include upland ridge landform with small steep side valleys, broadleaved woodlands, gritstone walls, pasture farming, hedgerows and hedgerow trees. These elements are still present locally, but there has been a gradual decline in the landscape quality, due to lack of maintenance, land use change and the introduction of incongruous elements.
- ii) EAT have indicated that the LVA viewpoint photography shows the proposed extraction of the northern section is likely to be visible to certain sensitive receptors on the north and east of the site. EAT stated that it would be helpful to show the location and extent of the proposed quarry extraction extension on the photographs. Following the receipt of a revised LVIA showing the views with the extent of proposed quarry operations, the proposed bund would provide some mitigation, but it would not completely screen quarry operations as they progress west. The degree of harm would need to be balanced against other policy considerations in the overall assessment of the application.
- iii) Mitigation measures such as suitably located grassed screening bunds would help to reduce visual intrusion – an eastern boundary bund is shown on plan 115/9-2 of the Supporting Statement document. The existing topography and local vegetation restrict views into the existing quarry void.
- iv) **Restoration** - The submitted restoration features plan drawing no. 115/9-3 differs from the restoration plan approved under SM.EA/4

and the 2004 updated drawing no. HQ LAN 01A (ref. [SM.EA/4 D3](#) dated 27 April 2005).

- v) The amount of rockface to be left exposed at final restoration is excessive, the restoration plan should be sympathetic to and contribute towards the landscape character and quality, therefore a less steep side valley restoration would be more in keeping. EAT have indicated that a plan and sections should be submitted to demonstrate the proposed restoration topography with potential height and gradient of the retained rockfaces.
- vi) The applicant has confirmed that the mineral waste from the quarrying operations could be pushed up against sections of the cliff wall to reduce the extent of cliff face on view. EAT have indicated that this would be an acceptable alternative, and the locations of this treatment should be indicated on a plan along with some small sandy banks for invertebrates.
- vii) The proposed woodland planting block has been increased, extending down the western side into to the southern edge. The change to the woodland planting to create a larger area of Sessile Oak woodland is welcomed. EAT would like assurance that the existing vegetation along the whole length of the watercourse on the northern boundary would be retained and protected during works. The retained vegetation provides visual mitigation and would function as woodland edge during the restoration planting phase of the proposed woodland. Restoration of gritstone walls is also included, which is supported. Hedgerow restoration is encouraged where retained hedgerows are in poor condition.
- viii) EAT have indicated that the following information is required:
  - Location and extent of proposed works shown on viewpoint photographs (this information has been submitted).
  - Details of the revised restoration scheme including plans and sections of proposed final levels, modification or reduction of rock faces, the restoration planting scheme with species composition, any seed mixes, and maintenance and aftercare details (information submitted in response and the conditions were revised on 2 February 2023 and 17 May 2023).
  - Updated plans for the working and restoration phases.

## **b) Ecology**

- i) The Biodiversity Net Gain Assessment states that a Landscape Environmental Management Plan (LEMP) is proposed to be conditioned as part of the ROMP. The LEMP would need to set out

the actions required to achieve and maintain the biodiversity value of the site for a period of 30 years. The LEMP should cover management of the whole site to maximise biodiversity, including the existing woodland (which should probably be thinned), the Plan should focus on invertebrates. The design of ponds should 'design out' use for fishing by including ponds that dry out in summer, and ponds with large areas of shallow water / islands.

- ii) Noting the landscape comments above concerning the exposed rockfaces; EAT have suggested that these could be benched and/or varied (such as adding sections of boulders) to reduce their impact on the landscape, while providing additional biodiversity benefits.
- iii) Invertebrates: The site is of importance for invertebrates, particularly previously worked areas with exposed substrate. The restoration should be designed to favour these species, including the creation of small, sandy exposed slopes with a variety of aspects; northern exposures are of least value.
- iv) Great Crested Newt: The application site is in an amber Impact Risk Zone (IRZ) for Great Crested Newt, and as such further surveys, and mitigation or a certificate of participation in the District Level Licence Scheme would usually be needed. However, the submitted Ecology Report includes DNA test results for 5 ponds, all of which were negative for GCN. The report concludes that GCN are likely to be absent from the site and that no further action is needed. EAT accept this conclusion.
- v) Other species: Common toad was found to be present on site and precautionary measures (including fencing of ponds during operations) were recommended in the Ecology Report which are acceptable. The restoration is also intended to provide additional ponds for amphibia.
- vi) Biodiversity Net Gain: The applicant has submitted a Biodiversity Net Gain report which is supported by landscape plans. The report demonstrates a net gain of 52 habitat units (>37%). EAT accept this assessment and are satisfied with the increase.
- vii) Habitats Regulations Assessment and designated sites: The proposal site is not within any Natural England SSSI Impact Risk zone for this type of development (Magic Map, accessed 11-01-23).
- viii) EAT have recommended conditions:
  - To require the submission for approval of a Landscape and Ecological Environmental Management Plan (LEEMP).

- To require the submission of a Construction Environmental Management Plan (Ecology) (CEMP Ecology) prior to the commencement of any site works. The CEMP (Ecology) should specify regular intervals for attendance of on-site ecologist and the specific tasks that will be supervised by the ecologist.
- To ensure the restoration and subsequent management of the site for a minimum of 30 years to deliver a Biodiversity Net Gain of no fewer than 52 habitat units (as measured by the Defra Metric v3, or its replacements.) [To require the submission of a detailed restoration and aftercare scheme for the quarry].

**c) Tree protection**

There are no tree protection concerns.

**d) Archaeology / Historic Environment**

- i) The application has been reviewed against the information held by the Staffordshire Historic Environment Record (HER) and the Landscape & Visual Appraisal (LVA - Collington Winter Environmental) and Heritage Impact Assessment (HIA – Solstice Heritage) submitted with the application.
- ii) The HIA focusses on the potential impact of the proposals on the significance of designated heritage assets (such as scheduled monuments and listed buildings) in the wider area. This document, which was supported by site visits, is comprehensive in nature, and generally follows the relevant Historic England guidance, such as 'Historic Environment Good Practice in Planning Note 3 – The Setting of Heritage Assets' (2017). The conclusions reached in this study, i.e., that the proposed development will have an overall neutral impact on the settings of the designated heritage assets assessed, are generally supported, particularly considering that proposed workings will be taking place at the level of older workings, which are considerably lower than the current surrounding ground level. The Staffordshire Moorlands District Council Conservation Officer and Historic England should be consulted on these matters. As there are no archaeological concerns, archaeological conditions would not be appropriate.

**e) Public Rights of Way**

- i) The Definitive Map of Rights of Way shows there are rights of way within / adjacent to the site:

- Public Bridleways No.150(a) and 150(b) Biddulph Town run within the site boundary.
- Public Footpath No. 1R/2261 Biddulph Town runs along the southwestern boundary.
- Public Footpath No Biddulph Town 31 runs along part of the eastern boundary.

ii) The Rights of Way Team have advised that as public rights of way may be affected by the quarry workings, the applicant would need to be made aware of the timescales and legislative requirements for reorganising public rights of way. The Rights of Way Team have advised that any planning permission given does not construe the right to divert, extinguish or obstruct any part of the public path network and have provided advice / guidance concerning footpaths (see recommended Informative).

32. **Highways Development Control** (on behalf of the Highways Authority) (HA) – no objections. The HA reviewed the submission and commented as follows:

- a) The quarry is existing, although operations were suspended (site visit undertaken on 11 January 2023).
- b) Access to the quarry was partially fenced off but still open for the other uses within the site.
- c) Accidents records show there were no Personal Injury Collisions on Hurst Road within 215m either side of the quarry access in the previous five years.
- d) There are no proposals to alter maximum extraction rate or increase HCV movements. Paragraph 4.5.27. of the environmental Supporting Statement states "It is not proposed to alter the condition relating to HGV numbers, or any other conditions that relate to vehicle movements". No new impacts are therefore considered to be introduced.
- e) This ROMP is likely to have no additional effect on the highway over the existing quarry operation.
- f) HA have also confirmed that conditions 12, 13 and 39 included in the List of Proposed Conditions are acceptable. Condition 11 does not include a definition of 'good state of repair' or a timescale for mud to be removed from the road. [Note: this condition was revised by the applicant on 2 February 2023 and 17 May 2023].

33. **Planning Regulation Team** – no objections. The Planning Regulation Team have reviewed the conditions (“Statement of Common Ground – Conditions” document updated 2 February 2023) and commented as follows:
- a) Condition 3 – The availability of the approved documents for inspection of the Mineral Planning Authority is not necessary as we should have copies of any documents ourselves [Note: see recommended Informative concerning Knowledge of the Conditions].
  - b) Condition 5 – relates to stockproof fencing and warning signs and reference should be included to refer to the specific approval (ref. [SM.EA/4 D1](#) dated 12 July 1999).
  - c) Condition 11 – the condition should state that no mud or other material shall be deposited onto the highway rather than it should be removed within 24 hours [Note: this condition was revised by the applicant on 17 May 2023 to specify a timescale for the removal of mud].
  - d) Condition 17 – details should be submitted and approved by the MPA prior to any blasting being carried out rather than submitted for approval.
  - e) Condition 23 – EAT should confirm the height of the topsoil mounds and a maximum height of 5 metres is acceptable.
  - f) Condition 35 – relates to approved landscape and boundary treatment scheme and reference should be included to specify the approval (ref. [SM.EA/4 D3](#) dated 27 April 2005). [Note: the condition was revised by the applicant on 17 May 2023].
  - g) Condition 40 – the detailed restoration scheme should include a programme of implementation with clear timescales. [Note: reference to an approved programme of implementation is included in Condition 41].
34. **Flood Risk Management Team** (FRMT) – no objections subject to conditions requiring the submission of detailed engineering drawings of any proposed diversion works of Ordinary Watercourses and to ensure that no works (mineral extraction) shall take place until an Ordinary Watercourse Consent has been obtained. The FRMT comments as follows:
- a) Flood Zone - The site is located on the interfluvium between two unnamed tributaries of Biddulph Brook, which is located 1.4 km to the west of the site. The site is within FZ1.
  - b) Surface water risk - Yes, the updated Flood Map for Surface Water (uFMfSW) does affect the proposed site, however, the surface water ponding is isolated to the southern areas of the site and not where

mining activities are proposed in the northern site extent.

- c) Past flooding within 20m of site - None known. Our information about past flooding is based on data that the Flood Risk Management team holds. Where other authorities (such as LPAs) have been made aware of issues, we cannot guarantee they have passed this information on to us.
- d) Watercourse within 5m of site - Yes. An unnamed watercourse flows in a westerly direction past the northern site boundary.
- e) There are two unnamed watercourse which flow within the northern extents of the proposed mining area, as shown on the location plan in the Watercourse Diversion Risk Assessment submitted with the application. These watercourses are to be impacted by the mining activities and works would be subject to Ordinary Watercourse Consent for SCC
- f) FRMT have no objections to the proposals at this time as the mining works are unlikely to be affected by surface water flooding and the works would not increase the risk of surface water flooding to 3rd parties or the surrounding area.
- g) The high-level assessment of water issues document demonstrates that the proposed mining works will have hydrological impacts upon localised ordinary watercourses, particularly those located within the site boundary in the northern extent of the mining footprint (these watercourses are labelled as the 'Eastern' and 'Western' Watercourses respectively on the site features plan 3348/TL/01).
- h) The FRMT are the statutory authority overseeing the management of ordinary watercourses and as such, whilst we do not object to the proposals subject to the conditions referred to above.

[Note: additional conditions were included in the "Statement of Common Ground – Conditions" document updated on 17 May 2023 to address the need for the Ordinary Watercourse Consent.]

35. **Noise Engineer** – no response.

### **External**

36. **Staffordshire Moorlands District Council - Planning** - no response.

37. **Staffordshire Moorlands District Council – Environmental Health Department** - no objections subject to the retention of all "Environmental Protection" conditions and approved mitigation measures being made a condition of renewal. The Environmental Health reviewed the application and commented as follows:

**a) Noise**

- i. A Noise Impact Assessment has been submitted and it predicts the impact of noise from activity at the quarry would not adversely impact neighbouring residential properties and mitigation measures are set out in the assessment and these should be conditioned.
- ii. Compliance visits should be undertaken to ensure the mitigation measures are in place upon receipt of complaint and upon permission being granted.
- iii. The Environmental Health Department have no record of validated noise complaint and notes that the County Council Planning Regulation Team should be consulted (see above response).
- iv. The conditions concerning the hour of operation (condition 9) and blasting (condition 16) should be retained to protect neighbour amenity during unsocial hours.
- v. It is unclear what the agreed noise limit is from condition 18. It would appear the default levels of 55 db Laeq (60 mins) for general operations and 70 db Laeq (60 mins) for temporary site preparations would be achieved, see table 6.0 of the noise assessment [Note; proposed condition 18 requires the submission of a blast monitoring scheme within 2 months of the first blast and duplicates the requirements of the condition 18 of 1999 ROMP ref. [SM.EA/4.1](#)]
- vi. Conditions 22 and 23 should be retained.
- vii. Environmental Health Department have highlighted the following noise recommendations and mitigation measures included in the Noise Impact Assessment:

Best working practices should be implemented during each phase of the quarry works and close attention should be paid to work within the immediate vicinity of NSRs. The works will follow the guidelines in BS5228-1:2009 (updated BS 5228-1:2009+A1:2014 and BS 5228-2:2009+A1:2014) and the guidance in BRE Controlling particles, vapor and noise pollution from construction sites, Parts 1 to 5 2003.

- Noise levels should not exceed 55 dB (free field) at any NSR (Noise Sensitive Receptor) during operational periods.
- Crushing, screening and loading activities should be located as shown in Figure 2.0 of the submitted noise assessment.



- Stationary plant such as generators should be located as far as possible away from the nearest sensitive receptors and engines should be turned off whilst idling.
- Plant should be used in accordance with the manufacturers' recommendations.
- Plant which may be used intermittently should be shut down between work periods or throttled down to a minimum.
- Appropriate screens or enclosures should be provided where practicable.
- All plant and machinery should be regularly maintained to control noise emissions, with emphasis on lubrication of bearings and integrity of silencers.
- Use quiet reversing alarms/methods white noise alarms should be employed where applicable.
- Site staff should be aware that they are working adjacent to residential properties and avoid all unnecessary noise due to misuse of tools and equipment, shouting and radios.
- Adherence to any restrictions of operating hours or activities imposed by the Local Authority.

b) **Lighting** – condition 26 should be retained to protect neighbour amenity.

c) **Importation of material** - conditions 31 to 34 should be retained.

d) **Air Quality / dust** - conditions 11 – 16 should be retained to control site dust. The crushing, grinding or other size reduction of the sand is a prescribed process set out in the Environmental Permitting Regulations 2016 (as amended) and will require an Environmental Permit (Staffordshire Moorlands District Council should be contacted) (see recommended conditions and Informatives).

38. **Staffordshire Moorlands District Council – Conservation** - no comments.

39. **Biddulph Town Council**- no negative comments and recommend approval.

40. **Rushton Parish Council (adjoining)** - no response.

41. **Environment Agency (EA)** - not in a position to make a formal comment.

42. **Historic England** - no objections. Historic England reviewed the submission and commented as follows:

a) **Significance of Biddulph Grange**

- i) Biddulph Grange, expanded from a vicarage into an Italianate mansion, and its elaborate gardens, were the imaginative creation of James and Maria Bateman in the mid-19th century. Its ambitious designed landscape features several enclosures and thematic gardens that transport the visitor on a journey between imagined places. A small park extends to the east from the gardens, which is bordered by Spring Wood to the north and east.
- ii) The more than special historic interest of Biddulph Grange (the house) is recognised in its listing at Grade II\*. The exceptional significance of the registered park and garden is recognised in its listing at Grade I.

#### **b) Impact of the proposals**

- i) The proposal is to extract silica sand in the currently unworked area within a permitted extraction boundary. The area is 4.26ha, at the north of the site, furthest from the boundary adjacent to Biddulph Grange.
- ii) The Landscape and Visual Appraisal (LVA) and Heritage Impact Assessment (HIA) both indicate that there are no views to the new area of extraction from the registered park and garden. The HIA has also assessed views from other heritage assets, including scheduled monument (NHLE 1014688) and Grade II\* listed building at Biddulph Old Hall, and the scheduled monument Ringwork castle in Bailey's Wood (NHLE 1014690), and found that there is no intervisibility. We consider that the conclusion of a negligible impact on these heritage assets is therefore reasonable.

#### **c) Policy and guidance considerations for this proposal**

- i) Section 16 of the National Planning Policy Framework.
- ii) [The Setting of Heritage Assets \(GPA3\)](#) provides general advice on understanding setting, and how it may contribute to the significance of heritage assets and allow that significance to be appreciated, as well as advice on how views contribute to setting.

#### **d) Historic England's position and recommendation**

- i) The proposed area for new extraction is within the permitted extraction boundary, at the furthest extent from the registered park and garden at Biddulph Grange.
- ii) The conclusion of negligible harm in the HIA to be reasonable, on

the basis of the assessments in the HIA and LVA, and we therefore have no objection on heritage grounds to the proposal.

- iii) Biddulph Grange and its park and garden are heritage assets of the highest heritage significance. The application contains a thorough assessment of the significance of the heritage assets at Biddulph Grange, and other heritage assets at a further distance from the application site, and the potential impact of the proposal to continue extraction in a new section at the north of the permitted area. We consider the conclusions of the HIA that the proposals are likely to cause a negligible impact on the significance of heritage assets at Biddulph Grange, and other assets, to be reasonable.
- iv) It is considered the application meets the requirements of the NPPF, in particular paragraph numbers 194 and 195.

43. **Natural England (NE):** NE did not provide detailed comments on the application. Instead, NE provided general advice concerning landscape; best and most versatile agricultural land and soils; protected species; local sites and priority habitats and species; ancient woodland, ancient and veteran trees; environmental gains; green infrastructure, access and recreation; rights of way, access land, coastal access and national trails; and biodiversity duty. However, NE did state that the lack of detailed advice did not imply that there are no impacts on the natural environment, and it is for the local authority to determine whether the proposal is consistent with national and local environmental policies. [Note: the County Council's Environmental Advice Team and Staffordshire Moorlands District Council were consulted, amongst others - see above and below.]
44. **The Gardens Trust** - no response.
45. **The National Trust** - no response.
46. **Cadent Gas Limited** – confirmed the existing medium and low-pressure asset in the vicinity of the Site (see Informative).
47. **National Grid Electricity Distribution (NGED)** - a plan is provided showing existing NGED / National Grid Telecoms (NGT) apparatus in the vicinity of the Site. Advice is also provided on work taking place in the vicinity of NEGD plant (Informative).

## **Publicity and Representations**

48. Site notice: YES      Press notice: YES
49. 54 neighbour notification letters were sent out and 4 representations (including a letter from the Poolfold Residents' Group on behalf of 33 residents) have been received. The concerns raised in representations are

summarised below:

- a) Loss of habitat - the quarry has returned to nature.
- b) Vehicles associated with the quarry including number of HGV movements, the condition of the road, road safety, footpaths (impact on walkers) and the speed of vehicles.
- c) Impact on wildlife including a lack of full environmental surveys (an Ecological Impact Assessment was submitted which refer to ecological reports submitted to Staffordshire Moorlands Council.
- d) There is no requirement for the quarry to become operational in terms of the landbank set out in the Minerals Local Plan / Local Aggregate Assessment.
- e) There are inconsistencies and errors included on the application form and in the ES.
- f) The unacceptable impact on openness and the green belt.

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

50. As explained in the ROMP section earlier, the Scheme of Conditions must be considered in the light of any representations received; the Planning Policy Guidance (PPG); the National Planning Policy Framework and the Development Plan.
51. [Appendix 5](#) lists the development plan policies (and proposals) and the other material planning considerations, relevant to this decision.

### **Observations**

52. Having given careful consideration to the proposed Scheme of Conditions, the 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:
  - Mineral planning policy and other material planning considerations.
  - The site-specific development plan policy considerations - Green Belt, Loss of habitat / Impact on wildlife and Traffic / Highways Safety.
  - The need to update the planning conditions.
  - Other matters raised in the representations.

## Mineral planning policy and other material planning considerations

53. There have been material changes to the development plan policies and the other material planning policy considerations (see [Appendix 5](#)) since the ROMP Scheme of Conditions was issued on 29 March 1999 (ref. [SM.EA/4](#)). The Scheme of Conditions was first considered by Planning Committee in July 1998 and then deferred to the September 1998 and March 1999 Committees. [Section 4 of the Planning Committee report dated 16 July 1998](#) refers to "Planning Policy" and includes reference to "Policy MLP10 in the draft Mineral Local Plan", "MPG14", "MPG7" and "MPG11". Paragraph 9.2 of the 16 July 1998 Committee report concluded that "the amended Scheme of Conditions reflects the status of Hurst Quarry and imposes adequate environmental and amenity controls on the mineral operations". The conditions were amended following this Committee, the Scheme of Conditions was deferred to allow discussions to take place concerning the conditions and to address a late objection from the Environment Agency. The March 1999 Committee then accepted the recommendation contained in the report.
54. 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.'
55. No changes were proposed to paragraph 214 in the NPPF review (paragraphs 149, 150 and 152 in the [draft text for consultation](#)).
56. The [Minerals Local Plan for Staffordshire](#) was adopted in 2017 and Strategic Objective 4 and Policy 4.5 seek to ensure that mineral sites operate to high environmental standards of working, restoration and aftercare and paragraph 6.11 in the MLP states that Mineral Developers will be expected to demonstrate how they will operate to high environmental standards, for example by: reporting on progress and reviewing working, restoration.
57. Paragraph 5.3 of the [Minerals Local Plan for Staffordshire](#) (MLP) states that:
- 'Silica sand is only produced at Hurst Quarry, north of Biddulph and the sand from this quarry is used as a horticultural product rather than as industrial sand'.
- [Note: as indicated earlier, mineral extraction is not currently taking place].
58. Commentary: The periodic review of the mineral permission being considered

in this report does not constitute a planning application but rather a Scheme of Conditions which seek to update and replace the existing planning conditions covering the mineral working and restoration operations at Hurst Quarry. As such planning permission already exists for the quarrying activities and therefore any new conditions should not have an adverse impact on the economic viability of the further working quarry as this may give rise to compensation claims.

59. Silica sand extracted at the quarry was predominately used as a horticulture product and paragraph 5.3 of the MLP states sand from the quarry is used as a horticultural product rather than as industrial sand. It is however relevant to highlight, the applicant has referred to the definition of silica sand as an 'Industrial mineral' in the Planning Practice Guidance (PPG). The PPG states that:

'Industrial minerals – minerals which are necessary to support industrial and manufacturing processes and other non-aggregate uses. These include minerals of recognised national importance including: ..... silica sand (including high grade silica sands)..'

([Definitions/terms used in the minerals guidance](#) [Reference ID: 27-221-20140306] of the [Planning Policy Guidance, Minerals](#)).

60. As highlighted above, the applicant explained that it is not considered appropriate to limit the silica sand for use as horticultural product only. Members should be aware that planning permission [SM.EA/4](#) does not prescribe the use of the mineral.
61. Conclusion: Having regard to the Minerals Local Plan and the other material planning considerations referred to above, it is reasonable to conclude that the Scheme of Conditions is an important opportunity to update and replace the existing planning conditions covering the mineral working and restoration to ensure that the site can operate to high environmental standards and to bring the conditions in to line with current policies and practices.

### **The site-specific development plan policy considerations including - Green Belt, Loss of habitat / Impact on wildlife and Traffic / Highways Safety**

Green Belt

62. The quarry is located within the North Staffordshire Green Belt. The NPPF ([Section 13](#)), Policy 4 (g) of the [Minerals Local Plan for Staffordshire](#) (MLP) and Policy SS 10 (6) of the [Staffordshire Moorlands District Council Local Plan](#) seek to ensure that consideration is given the impact of development in the Green Belt and that substantial weight is given to any harm to the Green Belt. The NPPF paragraph 147 states that:

'Inappropriate development is, by definition, harmful to the Green Belt

and should not be approved except in very special circumstances.'

63. Paragraph 148 states that local planning authorities should
- ...."ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations"
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 are:
- (a) mineral extraction'...
65. No changes were proposed to paragraphs 147, 148 and 150 in the NPPF review (paragraphs 149, 150 and 152 in the [draft text for consultation](#)).
66. Commentary: The quarry is in the Green Belt. The applicant has explained in the ES (paragraph 4.3.19) that:
- '...although the site is within a Green Belt, the proposed mineral extraction is not necessarily inappropriate. As this application is a ROMP, the site already has an extant Planning Permission and therefore the principle of development is already established for this site. Therefore, there would be no change in effect upon openness'.
67. As this case relates to the review of the Scheme of Conditions for an existing site to ensure that the operations are carried out to modern environmental standards, it is reasonable to accept the applicant's case that the review would not have a significant effect on the openness of the Green Belt.
68. Conclusion: Having regard to policies, guidance and other material considerations referred to above, it is reasonable to conclude that the Proposed Scheme of Conditions, as modified and set out in full in [Appendix 2](#) would not have a significant effect on the openness of the Green Belt.
- Loss of habitat / Impact on wildlife
69. Paragraph 174 of the NPPF states that decisions should contribute to and enhance the natural and local environment by:
- a) 'protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan).

- b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.
  - c) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures’
70. Policy 4.1 of the MLP requires consideration to be given to the impact of proposal for mineral development on people, local communities and the environment. The environmental considerations that should be taken into account include:
- ‘c) Visual amenity....
  - h) The countryside;
  - i) Landscape....
  - j) Natural environment....’
71. Planning Practice Guidance states that planning authorities need to consider the potential impacts of development on protected and priority species, and the scope to avoid or mitigate any impacts when considering site allocations or planning applications ([Natural environment, Biodiversity, geodiversity and ecosystems](#) (paragraph: 016 Reference ID: 8-016-20190721)).
72. ‘Biodiversity Net Gain’ (BNG) is a new requirement set out in the [Environment Act 2021](#). It will require all planning permissions granted (with a few exemptions) to deliver a minimum 10% gain calculated using a biodiversity metric, the approval of a net gain plan and habitats to be secured for at least 30 years (via obligations / conservation covenants). The changes to bring BNG into effect for England from an as-yet unconfirmed date currently in January 2024. The Government have advised that secondary legislation and further guidance concerning the implementation of BNG will be provided prior to January 2024.
73. Commentary: The residents have raised concerns about the impact on wildlife, the assessments and natural regeneration of the quarry has taken place. A Landscape and Visual Impact Assessment, Ecological Impact Assessment and a Biodiversity Net Gain Assessment (BNGA) have been submitted as part of the ES.
74. The voluntary BNGA demonstrates that the proposed habitat creation and enhancements will create a positive net gain of +37.81% in Habitat Area Units. The BNGA indicates that a Landscape Environmental Management Plan (LEMP) is proposed to be conditioned as part of the ROMP to set out the actions required to achieve and maintain the biodiversity value of the site for



a period of 30 years. The applicant has subsequently proposed a 21-year period for aftercare (proposed condition 52 in the Statement of Common Ground - Conditions V2.0 (dated 17 May 2023)) and stated that all habitats would have reached their target condition in 21 years and no further aftercare would be required. ([Letter from MPG dated 17 May 2023 \(ref 115-9-20231705--L1 1-ROMP\)](#)). Condition 42 was also amended to require the submission of an aftercare scheme which would deliver “no fewer than 52 habitat unit”.

75. The applicant has indicated that mineral extraction would take place in the northern part of the quarry (shown on the Site Layout Plan included earlier in the report) and the restoration scheme includes the retention of existing areas in the southern part of the quarry (shown on Restoration Features Plan).
76. The applicant has explained that the restoration scheme has been re-designed to maximise biodiversity net gains and aims to deliver meaningful improvements and the only works that may be carried out in the ‘areas of natural regeneration’ would involve the removal of invasive or inappropriate species and works were there are slope / face stability issues.
77. The County Council’s Environmental Advice Team has no objections subject to conditions and has confirmed that the 21-year aftercare period is acceptable. The Environmental Advice Team has highlighted that the Government’s response to the [Consultation on Biodiversity Net Gain regulations and implementation](#) provided clarification concerning the BNG in relation to ROMPs. The response states that:

“We recognise concerns raised about our proposal that Reviews of Old Minerals Permissions (ROMPs) should remain out of scope of BNG. We believe that these can be addressed through existing policy and discussions with minerals planning authorities, and that applying the new mandatory approach to old permissions with existing restoration plans would be disproportionately complex. We will instead use policy to support an approach based on appropriate ecological outcomes rather than percentage targets”.
78. The updated List of Proposed Condition to reflect the response from the County Council’s Environmental Advice Team was submitted and includes conditions relating to:
  - The submission of a detailed restoration scheme (to deliver the 52 habitat units (as measured by the Defra Metric V3 or its replacements).
  - The submission of a detailed aftercare scheme.
  - The submission of a Construction and Environmental Management Plan (CEMP) (Ecology).

- The submission of a Landscape and Ecological Environmental Management Plan (LEEMP).

79. Conclusion: Having regard to the site-specific development plan policies referred to above, it is reasonable to conclude that the review of the Scheme of Conditions has provided an opportunity to update the conditions to raise environmental standards and to bring them in to line with current policies and practices.

#### Traffic / Highways Safety

80. The NPPF (Section 9: Promoting sustainable transport – paragraphs 110 and 111 explain that:

‘110. In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
- b) safe and suitable access to the site can be achieved for all users; and
- c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

111. 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.’

81. No changes were proposed to paragraphs 110 and 111 in the NPPF review (paragraphs 112 and 113 in the [draft text for consultation](#)).

82. Policy 4.1 of the MLP requires consideration to be given to the impact of proposal for mineral development on people, local communities and the environment and that environmental considerations should be taken into account including ‘Traffic on the highway network’ (Policy 4.1 (e))

83. Commentary: The residents have raised concerns about the impact of Heavy Goods Vehicles (HGVs) travelling to and from the quarry including the number of HGV movements (an upper limit of 30 two-way movements per day per day), the condition of the road, road safety, footpaths (impact on walkers) and the speed of vehicles.

84. The applicant has explained that there are no proposals to alter the condition relating to HGV numbers, or any other conditions that relate to vehicle

movements.

85. The List of Proposed Condition includes conditions relating to:
- a) The maximum of number of HGVs per day (inc. tractors and trailers) for the transport mineral from the quarry (30 per day) (60 movements).
  - b) To require HGV (inc. tractors and trailers) loaded with minerals to be sheeted.
  - c) Vehicles loaded with minerals shall not enter the public highway unless their wheels have been cleaned.
  - d) The surfacing of the site access should be maintained in a good state of repair.
  - e) The access should be kept clean, free of mud and other debris at all times until completion of site restoration and aftercare.
  - f) No mud or other material shall be deposited onto the highway from vehicles using the site.
  - g) To ensure that all parking, loading and unloading of vehicles should take place within the area as shown on the Site Layout Plan.
86. Highways Development Control has no objection to the conditions. A condition has been included to require a Site Liaison Committee is formed to provide a forum for communication between the quarry operator and neighbours (see below).
87. Conclusion: Having regard to the site-specific development plan policies, it is reasonable to conclude that the review has provided an opportunity to update the conditions to raise environmental standards and to bring them in to line with current policies and practices.

### **The need to update the planning conditions.**

88. The NPPF ([Section 4](#), paragraph 55) states that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through conditions. Paragraph 56 of the NPPF 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’.
89. No changes were proposed to paragraphs 55 and 56 in the NPPF review (paragraphs 55 and 56 in the [draft text for consultation](#)).
90. The Planning Practice Guidance (ref. [Minerals, Review of minerals planning conditions](#), Are there any restrictions on planning conditions that may be imposed as part of the review of planning conditions?, paragraph: 186) indicates there are three main restrictions on planning conditions that can be imposed as part of the review of planning conditions, these are that:

- all conditions must meet the policy tests, be necessary and should not affect the economic viability of the operation (e.g. conditions which restrict the total quantity of mineral for extraction).
- all final applications must include a condition that the winning and working of minerals or depositing of mineral waste must cease not later than 21 February 2042, except where the original permission is already time limited.
- conditions may be used to withdraw any outstanding permitted development rights only if there are exceptional and sound planning reasons for doing so.

[Note: condition 4 of 1999 ROMP ref. [SM.EA/4](#) requires mineral working and the deposit of mineral waste to permanently cease and the site to be restored on or before 31 December 2036).

91. Paragraph: 194 of the Planning Practice Guidance (ref. [Minerals, Review of minerals planning conditions](#), What types of conditions will be appropriate?) also states that

'The appropriate types of conditions to impose will vary on each particular case, but regard should be had to all material planning conditions including:

- type of mineral;
- nature and extent of existing working;
- the location of the site;
- the length of time that minerals extraction has taken place at the site;
- land quality and proposed after-use; and
- the availability of suitable restoration materials'.

92. As mentioned earlier, Strategic Objective 4 and Policy 4.5 in the [Mineral Local Plan for Staffordshire \(MLP\)](#) seek to ensure that mineral sites operate to high environmental standards of working, restoration and aftercare.
93. Commentary: A Scheme of Conditions was initially submitted with the ES. The Scheme of Conditions was later revised by the applicant in response to comments from consultees (ref. the 47 conditions included in the Statement of Common Ground – Conditions Version 2.0 dated 17 May 2023).
94. As mentioned earlier in the report, consideration must be given when revising the conditions and including conditions to [Planning Policy Guidance](#) concerning the [Review of minerals planning conditions](#) which explains that MPA's should not restrict working rights and should not prejudice adversely to an unreasonable degree either the economic viability of operating the site or the asset value of the site due to potential compensation claims. [Appendix 1](#) provides details of this assessment for each condition ("Working Rights Restricted?" and "Unreasonable prejudice applies?").

95. The Proposed Scheme of Conditions has been reviewed and modifications and additional conditions are recommended to ensure that they are clear, precise, reasonable, necessary and reflect current policies and practices (see [Appendix 2](#)). For example, there are conditions to:
- a) Require the County Council to be notified on the re-commencement of mineral extraction, the dates when restoration has re-commenced and has been completed and in the event of early cessation.
  - b) Define the expiry of the permission.
  - c) Define the location for the crushing, screening and loading activities (the location shown in Figure 2 of the Noise Impact Assessment for the Recommencement of Extraction at an Existing Quarry dated 16 December 2021 (ref. 6960MP)).
  - d) Require the submission of a Progress Plan (on the fifth anniversary of the submission of the mineral review).
  - e) Ensure that no fixed plant or machinery, buildings, structures and erections, or private ways is erected, extended, installed or re-arranged without the benefit of planning permission.
  - f) Ensure that all buildings, plant and machinery are maintained in a good condition and fit for purpose in accordance with the manufacturer's recommendations.
  - g) Require the site to be securely fenced, and lockable gates provided.
  - h) Define the vehicular access (shown on the Site Layout Plan (Dwg No 115-9-2)).
  - i) Ensure that no stripping of vegetation or soils shall take place within the Site during the bird breeding season (March – August).
  - j) Define the restoration of the site to agriculture (pasture), woodland planting, waterbodies, marginal planting, rock features in accordance with Restoration Features Plan (Dwg No 115-9-3) and Aerial Restoration Plan (Dwg No 115-9 - Resto-4) ('the Restoration Strategy').
  - k) Require a review of the approved Restoration Strategy and the detailed Restoration and Aftercare Scheme.
  - l) Define the actions if operations cease for a period of 24 months.
  - m) Require the formation of a Site Liaison Committee to provide a forum for discussion concerning site quarry and in accordance with the [Mineral Local Plan for Staffordshire](#) (Strategic Objective 3 and Policy 4.4) and the NPPF (Section 17).

96. The recommended Scheme of Conditions also re-order the Proposed Scheme of Conditions to reflect current practices. The reasons for conditions have also been updated to refer to the latest policies in the development plan.
97. The applicant was given the opportunity to comment on the recommended modifications and additional conditions and has not objected to them.
98. Conclusion: Having regard to the above-mentioned policy and consultee comments, it is reasonable to conclude that the recommended Scheme of Conditions would ensure that the site can operate and be restored to higher environmental standards and would bring them in to line with current policies and practices. It is also reasonable to conclude that the recommended Scheme of Conditions would not prejudice to an unreasonable degree the economic viability of the operation or the asset value of the site.

### **Other matters raised in the representations.**

99. The other matters raised by the Poolfold Residents' Group (PFRG) are considered below:
  - a) The Minerals Local Plan / Local Aggregate Assessment does not identify a shortfall in sand and gravel supply and therefore no requirement for Hurst Quarry to become operational.

Commentary: As indicated earlier, this report relates to a Scheme of Conditions seeking to update and replace the existing planning conditions covering the mineral working and restoration operations at an existing site. In this case, the need for the mineral is not a material planning consideration as this is a review of the conditions of an extant planning permission.

- b) Applicant's name – the form for the residential applications states the applicant is Renew Land Developments Ltd & Keyworker Homes Ltd and the application form submitted with this Scheme of Conditions states that the applicant is Land Recovery Ltd. PFRG has indicated that clarity is required concerning this matter. Information concerning Land Recovery Ltd is available on the [Companies House website](#).

Commentary: It is considered that the application form submitted with the residential applications is not relevant to the determination of this Mineral Review and in any event, the planning permission runs with the land.

- c) Demand and Market - PFRG have questioned the contradictory information provided in the ES as a Mineral Sterilisation Report submitted with the outline planning application to Staffordshire Moorlands District Council (ref. SMD/2017/0129) concludes that it is not economically viable to mine minerals for the foreseeable future.

Commentary: The demand or market for the mineral is not a material planning consideration as this is a review of the conditions of an extant planning permission.

- d) Sensitive areas – PFRG have questioned paragraph 3.15.3 of the ES which relates to “EIA Assessment” (Environmental Impact Assessment) and the location of Troughstones Hill (Site of Biological Interest).

Commentary: Sites of Biological Interest are ranked as of local importance whereas ‘sensitive areas’ referred to in [the Town and Country Planning \(Environmental Impact Assessment\) Regulations 2017](#) (Part 1, Regulation 2(1)) are sites / areas of national or international importance.

- e) Footpaths – PFRG have highlighted the presence of footpaths /rights of way including Public Bridleways No.150(a) and 150(b) Biddulph Town and 31. 1R/2261 Biddulph Town is located to the west of the quarry.

Commentary: The County Council’s Environment Advice Team have highlighted the presence of the Rights of Way. The applicant is aware of the footpaths /rights of way and have stated that no existing public rights of way would be affected by the proposed continuation of quarrying (an Informative is recommended).

- f) Diversion of a natural spring – PFRG have stated that the Watercourse Diversion Risk Assessment does not consider that the watercourse is a very important natural spring. The High-Level Assessment of Water Issues identifies springs within a 2-kilometre radius of the quarry including one within the quarry.

Commentary: The County Council’ Flood Risk Management Team have no objection subject to conditions requiring the submission of detailed engineering drawings of any proposed diversion works of Ordinary Watercourses and that mineral extraction does not recommence until an Ordinary Watercourse Consent has been obtained (a condition is recommended - see [Appendix 2](#)).

## Overall Conclusion

100. Overall, as an exercise of judgement, taking the relevant up-to-date development plan policies as a whole and having given consideration to the Scheme of Conditions, 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 Scheme of Conditions, as modified, would:

- ensure that the site can operate and be restored to higher environmental standards;
- bring the conditions in to line with current policies and practices; and,
- not prejudice to an unreasonable degree the economic viability of the operation or the asset value of the site.

## **Recommendation**

To APPROVE the Proposed Scheme of Conditions, as modified by the County Council, and set out in full in [Appendix 2](#).

Case Officer: David Bray - Tel: (01785) 277273  
email: [david.bray@staffordshire.gov.uk](mailto:david.bray@staffordshire.gov.uk)

The list of background papers for this report is available on request by email sent to [planning@staffordshire.gov.uk](mailto:planning@staffordshire.gov.uk).



## Appendix 1 – The Proposed Scheme of Conditions, the recommended modifications and additional conditions

No	Applicant's Proposed Conditions/Reasons (updated in the Statement of Common Ground - Conditions V2.0 (dated 17/05/2023)).	SCC Comment/ Recommended Modifications (Changes highlighted in <b>bold</b> )	Reasons for Modifications	Working Rights Restricted Y/N	Unreasonable Prejudice Applies Y/N
1	This permission relates only to surface mineral workings and the depositing of mineral wastes. For the avoidance of doubt this includes the stockpiling of minerals but not the importation of waste materials for infilling and restoration.	Agreed	No change  [Now Condition 2 of Appendix 2].	N	N
2	The development hereby permitted shall only be carried out in accordance with the approved plans and documents, as amended by any conditions attached to this permission or by any subsequent approved amendment or permission.	<p><b>The conditions shall relate to the site edged red on 'Location Plan (Dwg No 115-9-1)' hereafter referred to as 'the Site' and the development shall only be carried out within the Site in accordance with the approved documents, plans and details referred to below:</b></p> <p><b>a) Approved documents and plans referred to in permission ref: <a href="#">SM.EA/4</a> dated 29 March 1999) except where they have been superseded.</b></p>	For precision, to define the permission and to ensure the permission is implemented in all respects in accordance with all the approved documents, plans and details  [Now Condition 1 of Appendix 2].	N	N

No	Applicant's Proposed Conditions/Reasons (updated in the Statement of Common Ground - Conditions V2.0 (dated 17/05/2023)).	SCC Comment/ Recommended Modifications (Changes highlighted in <b>bold</b> )	Reasons for Modifications	Working Rights Restricted Y/N	Unreasonable Prejudice Applies Y/N
		<p><b>b) Approved details related to permission ref: <a href="#">SM.EA/4</a>.</b></p> <ul style="list-style-type: none"> <li>• <b><a href="#">SM.EA/4 D1</a> dated 12 July 1999 – approved details in compliance with Condition 5 of planning permission <a href="#">SM.EA/4</a> relating to fencing and warning signs.</b></li> <li>• <b><a href="#">SM.EA/4 D2</a> dated 10 Jan 2002 – part approved details in compliance with Conditions 17, 18, 19 and 20 of planning permission <a href="#">SM.EA/4</a> relating to blasting, noise, plant, landscaping, stockpiles &amp; parking (approval of conditions 19 and 20).</b></li> <li>• <b><a href="#">SM.EA/4 D3</a> dated 27 April 2005 – approved details in compliance with Conditions 35, 36,40 and 42 of planning permission <a href="#">SM.EA/4</a> relating to Landscape and restoration and aftercare</b></li> </ul>			

<b>No</b>	<b>Applicant's Proposed Conditions/Reasons</b> (updated in the Statement of Common Ground - Conditions V2.0 (dated 17/05/2023)).	<b>SCC Comment/ Recommended Modifications</b> (Changes highlighted in <b>bold</b> )	<b>Reasons for Modifications</b>	<b>Working Rights Restricted</b> Y/N	<b>Unreasonable Prejudice Applies</b> Y/N
		<p><b>scheme.</b></p> <p>c) <b>Approved documents and plans referred to in permission ref: <u>SM.EA/4 V1</u> dated 9 October 2000.</b></p> <p>d) <b>Approved details related to permission ref: <u>SM.EA/4 V1</u>.</b></p> <ul style="list-style-type: none"> <li>• <b><u>SM.EA/4/V1/D1</u> dated 11 March 2002 – approved details relating to wheel washing facilities.</b></li> </ul> <p>e) <b>Approved documents and plans referred to in permission ref: <u>SM.02/12/101 MW</u> dated 16 September 2002.</b></p> <p>f) <b>Approved documents and plans submitted with this application.</b></p> <p><b>Documents</b></p> <ul style="list-style-type: none"> <li>• <b>Mineral Review form and</b></li> </ul>			

<b>No</b>	<b>Applicant's Proposed Conditions/Reasons</b> (updated in the Statement of Common Ground - Conditions V2.0 (dated 17/05/2023)).	<b>SCC Comment/ Recommended Modifications</b> (Changes highlighted in <b>bold</b> )	<b>Reasons for Modifications</b>	<b>Working Rights Restricted</b> Y/N	<b>Unreasonable Prejudice Applies</b> Y/N
		<p><b>certificates dated 7 November 2022.</b></p> <ul style="list-style-type: none"> <li>• <b>Environmental/Supporting Statement dated 17 October 2022 (ref. 115/9--R1.1 - ROMP).</b></li> <li>• <b>Letter from MPG dated 22 November 2022 (ref. 115-9-20221122-L1.1-EcoMDS).</b></li> <li>• <b>Letter from MPG dated 22 November 2022 (ref. 115-9-20221122-L1.1-ES).</b></li> <li>• <b>Landscape and Visual Appraisal (ref CW0162-RPT-001C Rev C dated 11 02 2023).</b></li> <li>• <b>Ecological Impact Assessment dated October 2022 (ref. CW20-102 RPT 001 Rev 4).</b></li> <li>• <b>Noise Impact Assessment for the Recommencement of Extraction at an Existing Quarry dated 16 December 2021 (ref. 6960MP).</b></li> <li>• <b>Biodiversity Net Gain Assessment dated September 2022 (ref. CW20-102 Rev 2 dated 06/09/2022).</b></li> </ul>			

<b>No</b>	<b>Applicant's Proposed Conditions/Reasons</b> (updated in the Statement of Common Ground - Conditions V2.0 (dated 17/05/2023)).	<b>SCC Comment/ Recommended Modifications</b> (Changes highlighted in <b>bold</b> )	<b>Reasons for Modifications</b>	<b>Working Rights Restricted</b> Y/N	<b>Unreasonable Prejudice Applies</b> Y/N
		<ul style="list-style-type: none"> <li>• <b>Heritage Impact Assessment dated May 2022 (ref. DOC2122-85).</b></li> <li>• <b>High Level Assessment of Water Issues dated October 2022 (ref. 3348/HLA).</b></li> <li>• <b>Watercourse Diversion Risk Assessment dated 12 October 2022</b></li> <li>• <b>Email from Mineral Planning Group dated 22 December 2022 in relation to blasting.</b></li> </ul> <p><b>Plans</b></p> <ul style="list-style-type: none"> <li>• <b>Location Plan (Dwg No 115-9-1).</b></li> <li>• <b>Site Layout Plan (Dwg No 115-9-2).</b></li> <li>• <b>Excavation Design Plan (Dwg No HRQ-22-02).</b></li> <li>• <b>Topographical Survey Plan (Dwg No HRQ-11-01).</b></li> <li>• <b>Aerial Restoration Plan (Dwg No 115-9 - Resto-4).</b></li> <li>• <b>Restoration Features Plan (Dwg No 115-9-3).</b></li> </ul> <p><b>except in so far as the approved documents, plans and details</b></p>			

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		<b>listed above are amended by the conditions specified below.</b>			
<b>3</b>	A copy of the permission including all documents hereby approved and any other documents subsequently approved in accordance with this permission, shall always be available at the site office for inspection by the Mineral Planning Authority (during normal working hours).	Deleted	Now include as an informative to the permission  [see Informative 1 of Appendix 2].	N	N
<b>4</b>	Surface mineral workings and the depositing of mineral wastes shall permanently cease and the site shall have been restored in accordance with the scheme approved pursuant to Condition 40 below on or before 31 December 2036.	<b>Mineral extraction and restoration including the deposit of mineral waste shall cease on or before the 31 December 2036 ('the cessation date').</b>	For clarification and precision.  Separate condition concerning restoration requirement.  [Now Condition 4 of Appendix 2].	N	N
<b>5</b>	Stockproof fencing and warning signs to the specification previously agreed in writing with the MPA via Planning Permission ref: SM.EA/4 D1 shall continue to be maintained throughout the life of this permission. Any	<b>Stockproof fencing and warning signs in accordance with the approved details (ref. <a href="#">SM.EA/4 D1</a> dated 12 July 1999) shall be maintained for the duration of the development hereby permitted.</b>	To ensure the permission is implemented in all respects in accordance with the approved details.  Recommended by the	N	N

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	new fencing required shall be of a suitable standard, with warning signs attached.		Planning Regulation Team.  [Now Condition 18 of Appendix 2].		
<b>6</b>	The working of the site shall be carried out in accordance with the approved working programme and plans 115/9 – 1, 115/9 – 2, 115/9 – 3, 115/9 – 4, HRQ/22– 01, and HRQ/22-02, and no surface mineral working shall take place below the contours shown on HRQ/22-02 unless agreed otherwise in writing with the MPA.	<b>No mineral extraction shall take place other than within the area defined as "Remaining unworked extraction area, including loading and unloading area(s)" shown on the Site Layout Plan (Dwg No 115-9-2) and below the contours shown on Excavation Design Plan (Dwg No HRQ-22-02) and more specifically in accordance with the latest approved detailed Site Layout Plan(s) required by Conditions 43 to 45.</b>	For clarification and precision.  [Now Condition 8 of Appendix 2].	N	N
<b>7</b>	The amount of mineral removed from the site each year shall not exceed a level of 150,000 tonnes.	<b>No more than 150,000 tonnes of mineral per annum shall be removed from the Site.</b>	For clarification and precision.  [Now Condition 12 of Appendix 2].	N	N
<b>8</b>	A maximum of 30 HGVs per day (inc. tractors and trailers) shall transport mineral from the site.	<b>No more than 30 HGVs associated with the transport of mineral shall enter or leave the Site per day (60 two-way HGV movements).</b>	For clarification and precision.  [Now Condition 22 of Appendix 2].	N	N

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9	The operators shall maintain records of vehicle numbers and of their annual output and shall make them available to the MPA at any time upon request. All records shall be kept for a minimum of 3 years.	<p><b>The following records shall be retained and shall be provided to the Mineral Planning Authority within 7 days of a request being made. In making a request, the Mineral Planning Authority shall specify the dates between which the following records shall be provided.</b></p> <p>a) <b>The daily operating dates and times of the quarry (ref. Condition 13 and 14).</b></p> <p>b) <b>The date and times of any emergency operations or activities (ref. Conditions 13 and 14).</b></p> <p>c) <b>The date and times of any temporary operations (ref. Condition 13).</b></p> <p>d) <b>The total number of HGV movements in and out of the Site per day</b></p>	<p>Updated to assist with the monitoring of the planning permission.</p> <p>[Now Condition 47 of Appendix 2].</p>	N	N



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		<p>(ref Condition 22).</p> <p>e) <b>Dust management/mitigation measures carried out (ref. Condition 33).</b></p> <p>f) <b>Noise monitoring and management data (ref. Condition 35).</b></p> <p>g) <b>Blasting monitoring and management data (ref. Condition 36).</b></p> <p>h) <b>Any complaints received, and the steps taken to investigate and address them.</b></p>			
<b>10</b>	Except in emergencies in order to maintain safe quarry working (which shall be notified to the MPA as soon as practicable) surface mineral workings and the depositing of mineral wastes and the removal of sands + silica stone won and worked at the site shall only be carried out at the site between 0730 and	<p><b>No mineral extraction, deposit of mineral wastes and the transportation of mineral shall be carried, except for emergency operations or activities, other than between:</b></p> <ul style="list-style-type: none"> <li>• <b>0730 to 1800 Monday to Friday; and,</b></li> <li>• <b>0830 to 1400 on Saturdays.</b></li> </ul>	For clarification and precision, the condition amended to split the hours for mineral extraction, deposit of mineral wastes and the transportation of mineral and the servicing, maintenance or	N	N

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	<p>1800 hours Monday to Friday and between 0830 and 1400 hours on Saturdays. No operations shall take place on Sundays or Bank or Public Holidays. No servicing, maintenance or testing of plant shall be carried out at the site between 2000 hours and 0730 hours on any day and at no time on Sundays, or Bank Holidays or Public Holidays, except in the case of necessary emergency maintenance to be notified to the MPA within 48 hours of any occurrence.</p>	<p><b>No such operations or activities shall take place on Sundays, Bank or Public Holidays.</b></p> <p><b>In the case of emergency operations or activities, the Mineral Planning Authority shall be notified in writing within 48 hours of the occurrence.</b></p> <p><b>No servicing, maintenance or testing of plant shall be carried out, except for emergency operations or activities, other than between:</b></p> <ul style="list-style-type: none"> <li>• <b>0730 to 2000 Monday to Saturdays.</b></li> </ul> <p><b>No servicing, maintenance or testing of plant shall take place on Sundays, Bank or Public Holidays.</b></p> <p><b>In the case of emergency operations or activities, the Mineral Planning Authority shall be notified in writing within 48</b></p>	<p>testing of plant.</p> <p>[Now Conditions 13 and 14 of Appendix 2].</p>		

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		<b>hours of the occurrence.</b>			
<b>11</b>	The surfacing of the site access shall be maintained in a good state of repair and kept clean and free of mud and other debris at all times until completion of site restoration and aftercare. No mud or other material shall be deposited onto the highway from vehicles using the site.	<b>The surfacing of the Site access shown on 'Site Layout Plan (Dwg No 115-9-2)' shall be maintained in a good state of repair and kept clean and free of mud and other debris at all times until completion of the restoration and aftercare of the Site.</b>  <b>No vehicles associated with the development hereby permitted shall leave the Site in a condition whereby mud, dirt, dust or other deleterious material shall be deposited on the public highway.</b>	To refer to submitted plan for clarification and precision.  [Now Conditions 23 and 25 of Appendix 2].	N	N
<b>12</b>	No HGVs (inc. tractors and trailers) loaded with minerals shall leave the site unless they are sheeted.	<b>No loads of mineral shall leave the Site unless the load has first been securely contained or sheeted.</b>	For clarification and precision.  [Now Condition 24 of Appendix 2].	N	N
<b>13</b>	No vehicles loaded with minerals shall enter the public highway unless their wheels have been cleaned. Any effluent or water from any wheel wash installed shall be recycled within the site or	<b>The approved wheel cleaning facilities (ref. <a href="#">SM.EA/4/V1/D1</a> dated 11 March 2002) shall be maintained in good condition, fit for purpose in accordance with manufacturer's recommendations and be</b>	To ensure the permission is implemented in all respects in accordance with the approved details and to ensure that wheel	N	N

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	conveyed to a sealed tank.	<b>available and used as necessary by all HGVs prior to leaving the Site until such time as the wheel cleaning facilities are required to be removed in accordance with the approved Restoration and Aftercare Scheme (Conditions 43 to 45)</b>	cleaning facilities are appropriate and effective.  [Now Condition 26 of Appendix 2].		
<b>14</b>	Measures shall be taken to prevent dust blowing off the site. This shall include the use of a water bowser to spray the access roads, working areas and stockpiles.	<b>Best practicable means shall be used during the life of the development to minimise dust emissions from the Site.</b>  <b>The means shall include but may not be limited to the following:</b>  a) <b>The use of water bowsers to spray all internal haul roads and accessways.</b>  b) <b>The use of a sweeper vehicle on all internal hard surfaced haul roads and at the entrances to the Site.</b>  c) <b>The seeding of all soil mounds as soon as is practicable with an agreed seed mixture.</b>	Condition amended to include requirements of conditions 15 and 16 below.  [Now Condition 33 of Appendix 2].	N	N

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		<p>d) <b>The regular spraying of all stockpiled materials.</b></p> <p>e) <b>Exhausts on site vehicles shall be set so that exhaust gases cannot be emitted in a downward direction.</b></p> <p>f) <b>The fitting of dust hoods to all potentially dust emitting plant and machinery.</b></p> <p>g) <b>Site operations giving rise to dust shall be suspended in the event that dust can be seen escaping from the confines of the working area until such time as steps have been taken to prevent the emission of dust from the confines of the working area or the weather conditions have improved.</b></p>			
<b>15</b>	The water bowser/dust suppression equipment installed in accordance with Condition 14 shall be kept	<b>Deleted</b>	Merged with Condition 14 above.  [Now Condition 31 of	N	N

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	within the site and in full working order at all times and shall be used to water areas within the site at such intervals as may be necessary to control the raising of dust.		Appendix 2].		
<b>16</b>	Drilling equipment shall be fitted with appropriate dust suppression facilities. Exhausts on site vehicles will be set so that exhaust gases cannot be emitted in a downward direction.	<b>Deleted</b>	Merged with Condition 14 above.  [Now Condition 31 of Appendix 2].	N	N
<b>17</b>	Prior to any blast being carried out the following details shall have been submitted to and approved by the MPA.  i. The method and techniques to be used. ii. The proposed number of blasts per week. iii. The date of the first blast. iv. The ppv levels which are to be achieved for ground vibration and the maximum levels for air over pressure. v. The arrangements for the notification of blasting to	<b>Prior to the commencement of blasting, a detailed Blasting and Blast Monitoring Scheme ('the Scheme') shall be submitted and approved by the Mineral Planning Authority.</b>  <b>The Scheme shall include but may not necessarily be limited to the following details:</b>  <b>a) The method and techniques to be used.</b>  <b>b) The proposed number of blasts per week.</b>	Details of blasting and blast monitoring have been merged into one scheme.  <b>Recommended by the Planning Regulation Team.</b>  [Now Condition 36 of Appendix 2].	N	N

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	<p>the local community. Blasting shall thereafter only be carried out in accordance with the approved scheme.</p>	<p><b>c) The date of the first blast.</b></p> <p><b>d) The ppv levels which are to be achieved for ground vibration and the maximum levels for air over pressure.</b></p> <p><b>e) The arrangements for the notification of the Mineral Planning Authority and the local residents likely to be affected by blasting operations shall be notified in advance, in writing, of the times and dates when the blasting operations are to take place at the Site.</b></p> <p><b>f) The blast monitoring equipment.</b></p> <p><b>g) The blast monitoring locations including vibration sensitive buildings and structures.</b></p> <p><b>h) The blast monitoring period and frequency of measurements.</b></p>			

<b>No</b>	<b>Applicant's Proposed Conditions/Reasons</b> (updated in the Statement of Common Ground - Conditions V2.0 (dated 17/05/2023)).	<b>SCC Comment/ Recommended Modifications</b> (Changes highlighted in <b>bold</b> )	<b>Reasons for Modifications</b>	<b>Working Rights Restricted</b> Y/N	<b>Unreasonable Prejudice Applies</b> Y/N
		<p><b>i) The arrangements for the monitoring of weather conditions at the time of the blast, including air over pressure.</b></p> <p><b>j) The procedures to be adopted if the readings/measurements exceed the levels agreed above (d).</b></p> <p><b>k) The retention and presentation of results (Condition 47).</b></p> <p><b>l) The arrangements for regular reviews of the Scheme.</b></p> <p><b>m) The programme for the implementation of the Scheme.</b></p> <p><b>Blasting and blast monitoring shall be carried out in accordance with the approved Scheme.</b></p>			
<b>18</b>	Within two months of the first blast a scheme of ground	<b>Deleted</b>	Merged with Condition 17 above.	N	N



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	<p>vibration and air over pressure monitoring shall be submitted for the written approval of the MPA.</p> <p>The scheme shall include the following details:</p> <ul style="list-style-type: none"> <li>i. Monitoring locations including vibration sensitive buildings and structures.</li> <li>ii. Frequency of measurement.</li> <li>iii. Procedures to be adopted if the readings/measurements exceed the levels agreed in Condition 17 above.</li> <li>iv. Presentation of results.</li> <li>v. Annual review meeting to discuss the frequency of monitoring.</li> <li>vi. Programme of implementation.</li> </ul> <p>The scheme shall then be implemented in accordance with the agreed 'Programme of Implementation'.</p>		[Now Condition 36 of Appendix 2].		

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<b>19</b>	The site shall be worked in accordance with the approved levels set out in the approved noise scheme, referenced 6960MP – Noise Impact Assessment for the Recommencement of Extraction at an Existing Quarry, carried out by NOVA Acoustics Ltd.	<b>Site attributable noise shall not exceed a limit of 55 dB LAeq (1 hour) (free field) and temporary operations shall not exceed a limit of 70 dB LAeq 1 hour (free field) at any noise sensitive property. Temporary operations shall not take place for more than 8 working weeks in a calendar year.</b>	Updated to include the noise limit set out in Noise Impact Assessment for the Recommencement of Extraction at an Existing Quarry dated 16 December 2021 (ref. 6960MP).  Recommended by the Staffordshire Moorlands Environmental Health Department.  [Now Condition 34 of Appendix 2].	N	N
<b>20</b>	The approved noise scheme shall be maintained until the cessation of mineral extraction operations at the site.	<b>Deleted</b>	Merged with Condition 28 below.  [Now Condition 35 of Appendix 2].	N	N
<b>21</b>	The stripping and movement of topsoil and subsoil shall only be carried out when the material to be moved is sufficiently dry and friable to minimise structural damage in	<b>No stripping of topsoil, subsoil and soil-making materials ('the soils') shall take place other than in accordance with the <a href="#">Institute of Quarrying Good Practice Guide for Handling</a></b>	Revised to refer to the Institute of Quarrying Good Practice guidance.  Merged with	N	N

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	dry weather conditions.	<p><b><u>Soils in Mineral Workings</u> and as described below:</b></p> <p><b>a) The soils shall be retained on the Site for the purposes of restoration.</b></p> <p><b>b) Topsoil and subsoil mounds shall be constructed to a maximum height of 3 metres for topsoil mounds and 5 metres for subsoil, and with only the minimum of compaction necessary to ensure stability.</b></p> <p><b>c) Any overlap of soil types in a storage mound shall be kept to the minimum necessary for the effective formation of the mound.</b></p> <p><b>d) Soil mounds shall not be traversed by heavy vehicles or machinery except during the construction or removal of these mounds.</b></p> <p><b>e) Prior to the replacement of subsoil, the upper layers of</b></p>	<p>Condition 22, 24, 25, 26 and 37 below.</p> <p>[Now Condition 28 of Appendix 2].</p>		

<b>No</b>	<b>Applicant's Proposed Conditions/Reasons</b> (updated in the Statement of Common Ground - Conditions V2.0 (dated 17/05/2023)).	<b>SCC Comment/ Recommended Modifications</b> (Changes highlighted in <b>bold</b> )	<b>Reasons for Modifications</b>	<b>Working Rights Restricted</b> Y/N	<b>Unreasonable Prejudice Applies</b> Y/N
		<p><b>overburden or in-situ materials on areas to be returned to agriculture shall be rooted with a heavy duty subsoiler so as not to impede agriculture operations. Such treatment should ensure that for a total depth of at least one metre below the topsoil surface, there is:</b></p> <ul style="list-style-type: none"> <li><b>i. No shale, bind or other material injurious to plant life.</b></li> <li><b>ii. No rock, stone, boulder or other material capable of preventing or impeding normal agricultural or land drainage operations including mole ploughing or subsoiling.</b></li> <li><b>iii. No wire rope, cable or other foreign objects.</b></li> <li><b>iv. A reasonably level, but uncompacted, surface suitable to receive</b></li> </ul>			

<b>No</b>	<b>Applicant's Proposed Conditions/Reasons</b> (updated in the Statement of Common Ground - Conditions V2.0 (dated 17/05/2023)).	<b>SCC Comment/ Recommended Modifications</b> (Changes highlighted in <b>bold</b> )	<b>Reasons for Modifications</b>	<b>Working Rights Restricted</b> Y/N	<b>Unreasonable Prejudice Applies</b> Y/N
		<p style="text-align: center;"><b>topsoil.</b></p> <p><b>f) All available subsoil shall be respread evenly over those areas agreed to receive such subsoil. No layer of replaced soil shall exceed 450mm thickness before it is subsoiled (rooted) and the subsoiling operation must penetrate at least 150mm into the underlying layer to relieve compaction at the interface. Subsoil shall be treated in accordance with the general requirements of Condition (e) above.</b></p> <p><b>g) All operations involving the movement, replacement and cultivation of the soils shall only be carried out when the full volume of the soils involved is in a suitably dry soil moisture condition to minimise damage to the structure of the soils and to maximise the effectiveness of subsoiling operations.</b></p>			

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		<b>h) The operator shall take all reasonable precautions to prevent the mixing of the soils and the mixing of the soils with overburden during the restoration of the Site.</b>			
<b>22</b>	No movement of soil shall take place except when the full depth of the soil is in a suitably dry condition.	<b>Deleted</b>	Merged with Condition 21 above.  [Now Condition 26 of Appendix 2].	N	N
<b>23</b>	Topsoil and subsoil mounds shall be constructed to a maximum height of 5 metres and with only the minimum compaction necessary to ensure stability. Mounds shall be graded and seeded with the grass seed mixture stipulated in the supporting statement, referenced 115/9—R1.1 –ROMP.	<b>Topsoil and subsoil mounds shall be graded and seeded with the grass seed mixture in accordance with Section 3.2.2 of the Environmental Statement (ref. 115/9—R1.1 –ROMP).</b>	Part of proposed condition removed and including in condition 21.  [Now Condition 27 of Appendix 2].	N	N
<b>24</b>	Any overlap of soil types in any storage mound shall be kept to a minimum necessary for the effective formation of the mound and the interface shall be defined on-site and on a plan. A copy of the plan shall be submitted to the MPA prior	<b>Deleted</b>	Merged with Condition 21 above.  [Now Condition 26 of Appendix 2].	N	N

<b>No</b>	<b>Applicant's Proposed Conditions/Reasons</b> (updated in the Statement of Common Ground - Conditions V2.0 (dated 17/05/2023).	<b>SCC Comment/ Recommended Modifications</b> (Changes highlighted in <b>bold</b> )	<b>Reasons for Modifications</b>	<b>Working Rights Restricted</b> <b>Y/N</b>	<b>Unreasonable Prejudice Applies</b> <b>Y/N</b>
	to the completion of the formation of the soil mound.				
<b>25</b>	Soils shall not be traversed by heavy vehicles or machinery except during the construction or removal of these mounds.	<b>Deleted</b>	Merged with Condition 21 above.  [Now Condition 28 of Appendix 2].	N	N
<b>26</b>	All soils or soil forming materials shall be permanently retained on the site.	<b>Deleted</b>	Merged with Condition 21 above.  [Now Condition 28 of Appendix 2].	N	N
<b>27</b>	The Site shall be restored in accordance with the restoration scheme approved under Condition 40.	<b>The Site shall be restored in accordance with the latest approved Restoration Strategy and Restoration and Aftercare Scheme-(Conditions 43 to 45).</b>	Update to refer the latest Restoration Strategy and the Restoration and Aftercare Scheme.  [Now Condition 5 of Appendix 2].	N	N
<b>28</b>	All quarry vehicles shall use 'white noise' reversing alarms (or suitable alternative).	<b>The operations hereby permitted shall be managed in accordance with measures described in the Recommendations and Mitigation of the Noise Impact Assessment for the Recommencement of Extraction at an Existing Quarry dated 16 December 2021 (ref. 6960MP)</b>	Update to include the Recommendations and Mitigation of the Noise Impact Assessment for the Recommencement of Extraction at an Existing Quarry dated 16 December 2021 (ref. 6960MP) and	N	N

<b>No</b>	<b>Applicant's Proposed Conditions/Reasons</b> (updated in the Statement of Common Ground - Conditions V2.0 (dated 17/05/2023)).	<b>SCC Comment/ Recommended Modifications</b> (Changes highlighted in <b>bold</b> )	<b>Reasons for Modifications</b>	<b>Working Rights Restricted</b> Y/N	<b>Unreasonable Prejudice Applies</b> Y/N
		<p><b>and best practicable means shall be employed to minimise the noise generated by mineral extraction and restoration operations hereby permitted. The means shall include but may not be limited to those listed below:</b></p> <p><b>a) All vehicles, plant and machinery capable of being fitted with engine covers shall be operated with closed engine covers.</b></p> <p><b>b) All vehicles, plant and machinery shall be shut down between work periods or throttled down to a minimum.</b></p> <p><b>c) All engines capable of being fitted with silencers shall be fitted with silencers which shall be regularly maintained in accordance with manufacturer's instructions.</b></p>	<p>the requirements of Conditions 25 and 29.</p> <p>Recommended by the Staffordshire Moorlands District Council Environmental Health Department.</p> <p>[Now Condition 35 of Appendix 2].</p>		



<b>No</b>	<b>Applicant's Proposed Conditions/Reasons</b> (updated in the Statement of Common Ground - Conditions V2.0 (dated 17/05/2023)).	<b>SCC Comment/ Recommended Modifications</b> (Changes highlighted in <b>bold</b> )	<b>Reasons for Modifications</b>	<b>Working Rights Restricted</b> Y/N	<b>Unreasonable Prejudice Applies</b> Y/N
		<p><b>d) All plant engine covers are closed whilst the plant is in operation except when undertaking maintenance and repair work.</b></p> <p><b>e) All plant or equipment used in association with the operations hereby permitted capable of being fitted with a reversing alarm system shall be fitted with a white noise or warbler type alarms to minimise, sofar as is reasonably practicable and subject to maintaining safety, the level and generation of noise emissions from reversing warnings.</b></p> <p><b>f) Except in the case of an emergency, the maintenance and running repairs of any plant or machinery shall only take place within the working area or within the confines of the fixed buildings and</b></p>			

<b>No</b>	<b>Applicant's Proposed Conditions/Reasons</b> (updated in the Statement of Common Ground - Conditions V2.0 (dated 17/05/2023)).	<b>SCC Comment/ Recommended Modifications</b> (Changes highlighted in <b>bold</b> )	<b>Reasons for Modifications</b>	<b>Working Rights Restricted</b> Y/N	<b>Unreasonable Prejudice Applies</b> Y/N
		<p><b>structures.</b></p> <p><b>g) Other than in the case of an emergency, the beeping of horns shall not be used for signalling purposes such as when a vehicle arrives or is required to reverse to unload.</b></p>			
<b>29</b>	All mobile plant, equipment and vehicles shall be fitted with appropriate silencing equipment, which shall be maintained to the manufacturer's standard.	<b>Deleted</b>	Merged with Condition 28 above.  [Now Condition 35 of Appendix 2].	N	N
<b>30</b>	All plant and machinery on site, except for mobile plant, shall be coloured 12B29 woodpecker/holly green, as specified in BS colour code 4800 or its nearest available equivalent.	<b>All fixed plant and machinery on the Site shall be coloured juniper (BS 4800 12 B 29) or holly green (BS 4800 14 C 39).</b>	For clarification and precision to protect the visual amenity in this Green Belt location. BS 4800 12 B 29 is not "woodpecker".  [Now Condition 16 of Appendix 2].	N	N
<b>31</b>	On the permanent cessation of surface mineral workings and the depositing of mineral wastes or on the 31st	<b>Deleted</b>	Merged with Condition 40 below.  [Now Condition 42 of	N	N

<b>No</b>	<b>Applicant's Proposed Conditions/Reasons</b> (updated in the Statement of Common Ground - Conditions V2.0 (dated 17/05/2023)).	<b>SCC Comment/ Recommended Modifications</b> (Changes highlighted in <b>bold</b> )	<b>Reasons for Modifications</b>	<b>Working Rights Restricted</b> <b>Y/N</b>	<b>Unreasonable Prejudice Applies</b> <b>Y/N</b>
	December 2036 whichever is the sooner, all plant, buildings, equipment, vehicles, scrap machinery, stockpiles and any other extraneous material shall be removed from the site and the site shall be restored in accordance with the scheme approved under Condition 40.		Appendix 2].		
<b>32</b>	Any lighting equipment used within the site shall be so designed and directed so as to illuminate only that which is necessary for the safe and efficient operation of the quarry. No lights shall be positioned, directed or be of such intensity as to illuminate land or buildings outside the quarry.	<p><b>No flood lighting or other external illumination</b> within the Site shall be installed or positioned other than:</p> <p><b>a) In accordance with the <a href="#">'Bat Conservation Trust / Institution of Lighting Professionals Guidance Note 08/18 Bats and artificial lighting in the UK'</a>; and,</b></p> <p><b>b) To prevent glare to other properties and to users of the public highway.</b></p>	<p>Updated to include reference to appropriate guidance.</p> <p>[Now Condition 42 of Appendix 2].</p>	N	N
<b>33</b>	Any facilities for the storage of oils, fuels, or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The size of the	<b>No facilities for the storage of oils, fuels or chemicals shall be sited other than on impervious bases and surrounded by impervious bund walls (see</b>	Updated to reflect general guidance received from the Environment Agency and include as	N	N

<b>No</b>	<b>Applicant's Proposed Conditions/Reasons</b> (updated in the Statement of Common Ground - Conditions V2.0 (dated 17/05/2023)).	<b>SCC Comment/ Recommended Modifications</b> (Changes highlighted in <b>bold</b> )	<b>Reasons for Modifications</b>	<b>Working Rights Restricted</b> Y/N	<b>Unreasonable Prejudice Applies</b> Y/N
	bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank plus 10%. All filling points, vents and sight glasses must be located within the bund. There shall be no drain in the bund floor or walls.	<b>Informative 4).</b>	informative to the permission (see Informative 4.  [Now Condition 38 of Appendix 2].		
<b>34</b>	Except as may be permitted by the Environment Agency (or other authorising body) there shall be no discharge of contaminated site drainage into any ditch or water course.	<b>No contaminated surface water shall drain into any ditch or water course.</b>	For clarification and precision.  [Now Condition 39 of Appendix 2].	N	N
<b>35</b>	The approved landscape and boundary treatment scheme, that particularly addresses the site's frontage onto Hurst Road, shall be maintained in conjunction with the agreed programme of implementation via Planning Permission ref: SM.EA/4 D3.	<b>The approved landscape and boundary treatment shall be maintained for the duration of the development hereby permitted (ref. <a href="#">SM.EA/4 D3</a> dated 27 April 2005). Any plants which die, are removed or become damaged or diseased shall be replaced in the next planting season with others of a similar size and species.</b>	To ensure the permission is implemented in all respects in accordance with the approved details.  Recommended by the Planning Regulation Team.  [Now Condition 29 of	N	N

<b>No</b>	<b>Applicant's Proposed Conditions/Reasons</b> (updated in the Statement of Common Ground - Conditions V2.0 (dated 17/05/2023)).	<b>SCC Comment/ Recommended Modifications</b> (Changes highlighted in <b>bold</b> )	<b>Reasons for Modifications</b>	<b>Working Rights Restricted</b> <b>Y/N</b>	<b>Unreasonable Prejudice Applies</b> <b>Y/N</b>
			Appendix 2].		
<b>36</b>	Trees, shrubs and hedges planted in accordance with the scheme approved under Condition 35 above shall be maintained and any plants which, within 5 years of planting die are removed or become damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing with the MPA.	<b>Deleted</b>	Merged with Condition 35 above.  [Now Condition 29 of Appendix 2].	N	N
<b>37</b>	Care shall be taken at all times during the handling of topsoil, subsoil and overburden to avoid mixing wherever possible.	<b>Deleted</b>	Merged with Condition 21 above.  [Now Condition 28 of Appendix 2].	N	N
<b>38</b>	All stockpiles of minerals shall remain on the floor of the quarry and within the approved red- line boundary. No stockpiles shall exceed a height of 6m.	<b>All stockpiles of minerals shall be located on the quarry floor within the area defined as "Remaining unworked extraction area, including loading and unloading area(s)" shown on the Site Layout Plan (Dwg No 115-9-2) and shall not exceed a height of 6 metres from the floor of the quarry.</b>	Amended to include details of the plan.  [Now Condition 10 of Appendix 2].	N	N
<b>39</b>	All parking, loading and	<b>The loading and unloading of</b>	Updated to include	N	N

<b>No</b>	<b>Applicant's Proposed Conditions/Reasons</b> (updated in the Statement of Common Ground - Conditions V2.0 (dated 17/05/2023)).	<b>SCC Comment/ Recommended Modifications</b> (Changes highlighted in <b>bold</b> )	<b>Reasons for Modifications</b>	<b>Working Rights Restricted</b> Y/N	<b>Unreasonable Prejudice Applies</b> Y/N
	unloading of vehicles in connection with the development hereby permitted shall take place only within the area as shown on the drawing referenced 115/9 - 2.	<b>vehicles in connection with the development hereby permitted shall take place only within the area defined as "Remaining unworked extraction area, including loading and unloading area(s)" on the Site Layout Plan (Dwg No 115-9-2).</b>	details of the plan.  [Now Condition 21 of Appendix 2].		
<b>40</b>	<p>Within 12 months of the approval of these conditions, or upon permanent cessation of mineral extraction at the site (whichever is the sooner), a detailed restoration scheme shall be submitted to the MPA, based on the schematic restoration scheme and as shown in drawings referenced 115/9 - 3, and 115/9 - 4. The detailed scheme shall include:</p> <ul style="list-style-type: none"> <li>• A Landscape Masterplan, including final contours and cross-sections, and details of overburden emplacement against quarry faces</li> <li>• details of planting and / or seeding methodology</li> <li>• planting species mixes</li> </ul>	<p><b>No later than 12 months after the date of this permission, a detailed Restoration and 21-year Aftercare Scheme ('the Scheme') to deliver no fewer than 52 habitat units (as measured by the Defra Metric V3 or its replacements), based on the Restoration Strategy shall be submitted for the written approval of the Mineral Planning Authority.</b></p> <p><b>The Scheme shall include but may not necessarily be limited to the following details:</b></p> <p><b>a) Details of any restoration and aftercare works that have already been carried out.</b></p>	<p>Updated to include aftercare requirements (see condition 42 below).</p> <p>The requirement to submit a programme of implementation was recommended by the Planning Regulation Team.</p> <p>[Now Condition 44 of Appendix 2].</p>	N	N

<b>No</b>	<b>Applicant's Proposed Conditions/Reasons</b> (updated in the Statement of Common Ground - Conditions V2.0 (dated 17/05/2023)).	<b>SCC Comment/ Recommended Modifications</b> (Changes highlighted in <b>bold</b> )	<b>Reasons for Modifications</b>	<b>Working Rights Restricted</b> Y/N	<b>Unreasonable Prejudice Applies</b> Y/N
	<ul style="list-style-type: none"> <li>and quantities / percentages</li> <li>• details of the construction of the proposed water bodies and any associated drainage infrastructure</li> <li>• proposals to remove any buildings and / or fixed plant from The Site</li> <li>• a Landscape Management Plan, including details of new and existing habitat creation and management across the site, including invertebrate habitats using sand embankments</li> <li>• Details of proposed timescales and phasing and a programme of implementation.</li> </ul>	<ul style="list-style-type: none"> <li><b>b) The final restoration levels and cross sections.</b></li> <li><b>c) The details of overburden placement against quarry faces.</b></li> <li><b>d) The soil management including replacement depths, ripping, cultivation and stone picking.</b></li> <li><b>e) The profiles of the restored land to show how the restored land will tie in with the surrounding land.</b></li> <li><b>f) The use of fertilisers.</b></li> <li><b>g) Drainage, irrigation, and watering including the maintenance.</b></li> <li><b>h) The management of weeds and invasive species.</b></li> <li><b>i) A programme for the</b></li> </ul>			

<b>No</b>	<b>Applicant's Proposed Conditions/Reasons</b> (updated in the Statement of Common Ground - Conditions V2.0 (dated 17/05/2023)).	<b>SCC Comment/ Recommended Modifications</b> (Changes highlighted in <b>bold</b> )	<b>Reasons for Modifications</b>	<b>Working Rights Restricted</b> Y/N	<b>Unreasonable Prejudice Applies</b> Y/N
		<p><b>removal of the site infrastructure including buildings, structures, fixed plant and machinery and hard standings accesses, perimeter security fencing and gates.</b></p> <p><b>j) The planting of trees/shrubs/hedgerows, including ground preparation, plant species, size, density, protection and maintenance.</b></p> <p><b>k) The provisions for the creation and aftercare of agricultural land (permanent pasture).</b></p> <p><b>l) The provisions for the creation and aftercare of woodland planting in order to achieve an 85% survival rate at the end of the aftercare period.</b></p> <p><b>m) The provisions for the</b></p>			



<b>No</b>	<b>Applicant's Proposed Conditions/Reasons</b> (updated in the Statement of Common Ground - Conditions V2.0 (dated 17/05/2023)).	<b>SCC Comment/ Recommended Modifications</b> (Changes highlighted in <b>bold</b> )	<b>Reasons for Modifications</b>	<b>Working Rights Restricted</b> Y/N	<b>Unreasonable Prejudice Applies</b> Y/N
		<p><b>creation and aftercare of water bodies and the arrangements for drainage.</b></p> <p><b>n) The provisions for the creation and aftercare of invertebrate habitats using sand embankments.</b></p> <p><b>o) The arrangements for annual meetings and annual reports describing the previous year's aftercare measures, including comments on the successes and failures and plans for the next year's aftercare.</b></p> <p><b>p) The programme for the implementation of the Scheme.</b></p> <p><b>The latest approved Scheme shall be carried out in full and in accordance with the approved programme of implementation.</b></p>			
<b>41</b>	The restoration works	<b>Deleted</b>	Repeats the	N	N

<b>No</b>	<b>Applicant's Proposed Conditions/Reasons</b> (updated in the Statement of Common Ground - Conditions V2.0 (dated 17/05/2023)).	<b>SCC Comment/ Recommended Modifications</b> (Changes highlighted in <b>bold</b> )	<b>Reasons for Modifications</b>	<b>Working Rights Restricted</b> Y/N	<b>Unreasonable Prejudice Applies</b> Y/N
	approved under Condition 40 above shall be carried out in accordance with the approved plans and the approved programme of implementation.		requirement of condition 27.  [Now Condition 5 of Appendix 2].		
<b>42</b>	Within 6 months of the approval of details under Condition 40, a detailed Aftercare Scheme shall be submitted to and approved in writing by the MPA. The Aftercare Scheme shall detail ongoing requirements post-restoration for a period of 21 years after restoration has been completed (to allow the longest target time for proposed habitats to be achieved). The Aftercare Scheme shall ensure that no fewer than 52 habitat units (as measured by the Defra Metric V3 or its replacements) are delivered by the restoration scheme approved via Condition 40.	<b>Deleted</b>	Merged with requirement to submit a detailed restoration and aftercare scheme (see condition 40 above).  [Now Condition 44 of Appendix 2].	N	N
<b>43</b>	There shall be no dewatering within the site.	<b>No dewatering shall take place within the Site.</b>	For clarification and precision.	N	N

<b>No</b>	<b>Applicant's Proposed Conditions/Reasons</b> (updated in the Statement of Common Ground - Conditions V2.0 (dated 17/05/2023)).	<b>SCC Comment/ Recommended Modifications</b> (Changes highlighted in <b>bold</b> )	<b>Reasons for Modifications</b>	<b>Working Rights Restricted</b> <b>Y/N</b>	<b>Unreasonable Prejudice Applies</b> <b>Y/N</b>
			[Now Condition 37 of Appendix 2].		
<b>44</b>	Within 6 months of the approval of these conditions, a Landscape and Ecological Environmental Management Plan (LEEMP) shall be submitted to and approved in writing by the Mineral Planning Authority. The LEEMP shall provide details on how operations will protect identified areas of the site, such as naturally regenerated areas, and how mitigation, shall be implemented.	<b>No later than 6 months after the date of this planning permission, a Landscape and Ecological Environmental Management Plan (LEEMP) shall be submitted for the written approval of the Mineral Planning Authority. The LEEMP shall provide details of how identified areas of the Site such as naturally regenerated areas would be protected and any mitigation measures. The LEEMP shall thereafter be implemented in accordance with the approved details.</b>	For clarification and precision.  [Now Condition 30 of Appendix 2].	N	N
<b>45</b>	No recommencement of extraction operations shall occur until such time that a Construction and Environmental Management Plan (CEMP) (Ecology) has been submitted to and approved in writing by the Mineral Planning Authority. The CEMP (Ecology) should be made available to all operatives on site and should	<b>Prior to the re-commencement of mineral extraction within the area defined as "Remaining unworked extraction area, including loading and unloading area(s)" shown on the Site Layout Plan (Dwg No 115-9-2), a Construction and Environmental Management Plan (CEMP) (Ecology) shall be submitted for the written approval of the Mineral</b>	Updated to include reference to the submitted Ecological Impact Assessment.  [Now Condition 31 of Appendix 2].	N	N

No	Applicant's Proposed Conditions/Reasons (updated in the Statement of Common Ground - Conditions V2.0 (dated 17/05/2023)).	SCC Comment/ Recommended Modifications (Changes highlighted in <b>bold</b> )	Reasons for Modifications	Working Rights Restricted Y/N	Unreasonable Prejudice Applies Y/N
	specify regular intervals for the attendance of an Ecologist and those tasks that must be supervised by a suitably qualified Ecologist.	<b>Planning Authority. The (CEMP) (Ecology) shall include but may not necessarily be limited to the mitigation measures detailed in Section 6 of the Ecological Impact Assessment dated October 2022 (ref. CW20-102 RPT 001 Rev 4) and shall specify regular intervals for the attendance of an Ecologist and those tasks that must be supervised by a suitably qualified Ecologist. The CEMP (Ecology) shall be made known to all operatives on the Site.</b>			
46	No recommencement of extraction operations shall begin until the applicant has applied for and received a confirmed Ordinary Watercourse Consent for any works affecting ordinary watercourses within the site boundary.	<b>No recommencement of mineral extraction shall take place until the applicant has applied for and received a confirmed Ordinary Watercourse Consent for any works affecting ordinary watercourses within the boundary of the Site (Condition 41 below).</b>	Recommended by the County Council's Flood Risk Management Team.  [Now Condition 40 of Appendix 2].	N	N
47	No recommencement of extraction operations shall begin until the applicant has submitted detailed engineering drawings of any proposed diversion works of	<b>Prior to the re-commencement of mineral extraction within the area defined as "Remaining unworked extraction area, including loading and unloading area(s)" shown on the Site</b>	Recommended by the County Council's Flood Risk Management Team.  [Now Condition 41 of	N	N

<b>No</b>	<b>Applicant's Proposed Conditions/Reasons</b> (updated in the Statement of Common Ground - Conditions V2.0 (dated 17/05/2023)).	<b>SCC Comment/ Recommended Modifications</b> (Changes highlighted in <b>bold</b> )	<b>Reasons for Modifications</b>	<b>Working Rights Restricted</b> Y/N	<b>Unreasonable Prejudice Applies</b> Y/N
	<p>Ordinary Watercourses for review and approval by the Mineral Planning Authority and the LLFA.</p>	<p><b>Layout Plan (Dwg No 115-9-2), a Watercourse Diversion Scheme ('the Scheme') shall be submitted and approved in writing by the Mineral Planning Authority.</b></p> <p><b>The Scheme shall include but may not necessarily be limited to the following details:</b></p> <p><b>a) Detailed engineering drawings of the proposed diversion works required to obtain an Ordinary Watercourses Consent including:</b></p> <ul style="list-style-type: none"> <li><b>i. The location and channels of watercourses prior to the works</b></li> <li><b>ii. The location and channels of watercourses and the overflow swale following any diversion works as detailed within the Watercourse</b></li> </ul>	<p>Appendix 2].</p>		

<b>No</b>	<b>Applicant's Proposed Conditions/Reasons</b> (updated in the Statement of Common Ground - Conditions V2.0 (dated 17/05/2023)).	<b>SCC Comment/ Recommended Modifications</b> (Changes highlighted in <b>bold</b> )	<b>Reasons for Modifications</b>	<b>Working Rights Restricted</b> Y/N	<b>Unreasonable Prejudice Applies</b> Y/N
		<p><b>Diversion Risk Assessment dated 12th October 2022.</b></p> <p><b>iii. The existing/ proposed bed levels, top of bank etc., along with hydraulic calculations to demonstrate that the conveyance capacity of any diverted watercourses is in line with that of the existing hydrological scenario.</b></p> <p><b>b) Method statement(s) detailing how the proposed diversion works would be undertaken and what temporary measures would be put in place during the diversion works.</b></p> <p><b>Any watercourse diversions shall be carried out in accordance with the approved Scheme.</b></p>			

<b>The recommended additional conditions</b>				
<b>No</b>	<b>SCC Comment/ Recommended Addition</b>	<b>Reason(s) for Addition</b>	<b>Working Rights Restricted Y/N</b>	<b>Unreasonable Prejudice Applies Y/N</b>
<b>A1</b>	<p><b>The development hereby permitted shall be deemed to have commenced on the date of this planning permission and the developer shall notify the Mineral Planning Authority in writing within two weeks of the following dates:</b></p> <p><b>a) The date when mineral extraction has re-commenced in the unworked areas (Condition 8).</b></p> <p><b>b) The date when restoration has commenced in the areas where mineral extraction has re-commenced.</b></p> <p><b>c) The date when final restoration has been completed.</b></p> <p><b>d) The date when the Aftercare Scheme has commenced in each part of the Site.</b></p> <p><b>e) The date when the Aftercare Scheme has been completed in each part of the Site.</b></p>	<p>To assist with monitoring the development.</p> <p>[Condition 3 of Appendix 2].</p>	N	N
<b>A2</b>	<p><b>If the mineral extraction and restoration operations including the deposit of mineral waste ('the working operations'), cease at a date earlier than the cessation date (Condition 4), then the operator shall notify the Mineral Planning Authority in writing of the date on which the working operations ceased within 14 days of the cessation of the working operations.</b></p>	<p>To assist with monitoring of the planning permission.</p> <p>[Condition 6 of Appendix 2.]</p>	N	N
<b>A3</b>	<p><b>This planning permission shall expire when the Mineral Planning Authority has provided written confirmation that</b></p>	<p>To assist with monitoring of the</p>	N	N

	<b>the Site has been restored and subject to aftercare in accordance with the requirements of the latest approved Restoration Strategy and Restoration and Aftercare Scheme (Conditions 43 to 45).</b>	planning permission. [Condition 7 of Appendix 2].		
<b>A4</b>	<b>No Crushing, Screening and Loading activities shall take place other than in the location shown in Figure 2 of the Noise Impact Assessment for the Recommencement of Extraction at an Existing Quarry dated 16 December 2021 (ref. 6960MP).</b>	For clarification and precision, as set out in the Noise Impact Assessment for the Recommencement of Extraction at an Existing Quarry  [Condition 9 of Appendix 2].	N	N
<b>A5</b>	<b>No later than 28 November 2027 and every 5 years thereafter until the cessation of restoration, a 'Progress Report' shall be submitted for the written approval of the Mineral Planning Authority.</b>  <b>The Progress Report shall include an updated Site Layout Plan which shall show but may not be limited to the following details:</b>  <b>a) The permitted boundary of the Site shown as a red line.</b> <b>b) The areas that have been subject to mineral extraction.</b> <b>c) The areas that have been restored.</b> <b>d) The areas currently subject to mineral extraction.</b> <b>e) The areas currently being restored.</b> <b>f) The areas to be subject to mineral extraction in the next 5 years.</b>	To enable easy reference to up-to-date plans and to enable effective monitoring.  The date is the 5th anniversary of the submission date of this mineral review.  [Condition 11 of Appendix 2].	N	N



	<p><b>g) The areas to be restored in the next 5 years.</b></p> <p><b>h) The approved final restoration levels in the restored areas.</b></p> <p><b>i) The surface water drainage.</b></p> <p><b>j) The location of subsoil and topsoil mounds and their profiles and treatment.</b></p> <p><b>k) Site infrastructure including buildings, fixed structures, plant and machinery and hard standings.</b></p> <p><b>l) The perimeter security fencing and gates.</b></p> <p><b>The Progress Report shall also include but may not be limited to the following details:</b></p> <p><b>a) an explanation of the progress being made relative to the "Remaining unworked extraction area, including loading and unloading area(s)" shown on the Site Layout Plan (Dwg No 115-9-2) and the contours shown on Excavation Design Plan (Dwg No HRQ-22-02) and the latest approved Restoration and Aftercare Scheme for the Site.</b></p> <p><b>b) an assessment of the need to submit revised details for the working and restoration of the Site if insufficient progress has been made relative to the dates for the cessation of the working operations (Condition 4) and restoration operations (Conditions 43 to 45).</b></p> <p><b>The Site shall not operate other than in accordance with the latest approved Site Layout Plan.</b></p>			
<b>A6</b>	<b>Notwithstanding the provisions of Schedule 2, Part 17 of the</b>	Included to protect	N	N

	<b><u>Town and Country Planning (General Permitted Development) Order 2015</u> (or any Order amending, replacing or re-enacting that Order), no fixed plant or machinery, buildings, structures and erections, or private ways shall be erected, extended, installed or re-arranged within the Site unless approved in writing by the Mineral Planning Authority.</b>	the visual amenity in this Green Belt location.  [Condition 15 of Appendix 2].		
<b>A7</b>	<b>All buildings, plant and machinery hereby permitted shall be maintained in a good condition and fit for purpose in accordance with the manufacturer's recommendations for the duration of the development hereby permitted.</b>	To protect the visual amenity in this Green Belt location.  [Condition 17 of Appendix 2].	N	N
<b>A8</b>	<b>The Site shall be securely fenced, and lockable gates provided which shall be kept locked outside the permitted hours referred to in Conditions 13 and 14.</b>	To secure the site  [Condition 19 of Appendix 2].		
<b>A9</b>	<b>No vehicular access to the Site from the public highway and egress from the Site to the public highway shall be obtained other than by way of the access on Hurst Road, marked 'X' on the Site Layout Plan (Dwg No 115-9-2).</b>	To define the access to the site.  [Condition 20 of Appendix 2].	N	N
<b>A10</b>	<b>No vehicular access to the Site from the public highway and egress from the Site to the public highway shall be obtained other than by way of the access on Hurst Road, as shown on the Site Layout Plan (Dwg No 115-9-2).</b>	To define the access to the quarry.  [Condition 20 of Appendix 2].	N	N
<b>A11</b>	<b>No stripping of vegetation or soils shall take place within the Site during the bird breeding season (March – August) unless preceded by a bird nesting survey carried out by a suitably qualified person to confirm the presence or otherwise of breeding birds.</b>	To provide protection during the bird breeding season.  [Condition 32 of Appendix 2].	N	N
<b>A12</b>	<b>The Site shall be restored to the required standard for agriculture (pasture), woodland planting, waterbodies, marginal planting, rock features in accordance with</b>	For clarification and precision and to confirm the land	N	N

	<b>Restoration Features Plan (Dwg No 115-9-3) and Aerial Restoration Plan (Dwg No 115-9 - Resto-4) ('the Restoration Strategy').</b>	uses. [Condition 43 of Appendix 2].		
<b>A13</b>	<b>No later than 28 November 2027, and thereafter every 5 years until such time as the Mineral Planning Authority confirms that no further review is necessary, a review of the approved Restoration Strategy and the approved detailed Restoration and Aftercare Scheme (Conditions 43 and 44) shall be submitted for the written approval of the Mineral Planning Authority. The Site shall be restored and subject to aftercare in accordance with the latest approved Restoration Strategy and the detailed Restoration and Aftercare Scheme.</b>	To ensure that the site is restored in accordance with an up-to-date scheme.  The date is the 5th anniversary of the submission date of this mineral review.  [Condition 45 of Appendix 2].	N	N
<b>A14</b>	<b>In the event that the mineral extraction and restoration including the deposit of mineral waste hereby permitted ceases for a period of 24 months prior to the cessation date (Condition 4), then the working operations shall be deemed to have ceased ('the new cessation date'). No later than 3 months after the new cessation date, a revised detailed Restoration and Aftercare Scheme (the 'Revised Scheme') shall be submitted for the written approval of the Mineral Planning Authority. The Site shall be restored and subject to aftercare in accordance with the approved Revised Scheme.</b>	To ensure the site is restored in the event of early cessation.  [Condition 46 of Appendix 2].	N	N
<b>A15</b>	<b>No later than 3 months after the date of the permission, details of the Hurst Quarry Site Liaison Committee shall be submitted for the written approval of the Mineral Planning Authority.</b>  <b>The details shall include but may not be limited to the following:</b>  <b>a) The number of committee members which shall include:</b>	To provide a forum for discussion concerning the progress of the working and restoration of the site and for concerns that may arise or opportunities to	N	N

	<ul style="list-style-type: none"> <li><b>i) Locally elected councillors on behalf of the County, District and Parish Councils.</b></li> <li><b>ii) Officers on behalf of the County and District Councils and on behalf of the Environment Agency.</b></li> <li><b>iii) Local residents / local group representatives where applicable.</b></li> <li><b>iv) The representatives on behalf of the Owner / Operator.</b></li> </ul> <p><b>b) The venue and / or virtual meeting arrangements.</b></p> <p><b>c) The secretarial support.</b></p> <p><b>d) The terms of reference which shall include:</b></p> <ul style="list-style-type: none"> <li><b>i) The purpose of the liaison committee which shall be to provide a forum for discussion, the exchange of information and the creation and maintenance of communication channels between the Owner /Operator and the local community.</b></li> <li><b>ii) The receipt of regular progress reports from the Owner / Operator regarding activities relating to the operation of the Site, including complaints received and any remedial action taken or proposed to be taken in respect thereof.</b></li> <li><b>iii) Consideration of complaints from the local community arising from any development and / or activities carried out on the Site and, where reasonable, necessary and possible,</b></li> </ul>	<p>improve the working and restoration to be discussed, in accordance with the <a href="#">Mineral Local Plan for Staffordshire</a> (Strategic Objective 3 and policy 4.4) and the NPPF (Section 17).</p> <p>[Condition 48 of Appendix 2].</p>		
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	<p><b>recommendations for appropriate remedial action.</b></p> <p><b>iv) The chairing and voting arrangements including voting in respect of recommended actions that may arise.</b></p> <p><b>v) The frequency of meetings, the timing of the circulation of agendas and minutes of the meetings, and the arrangements to hold additional meetings.</b></p>			
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## The recommended informatives

### 1. Knowledge of the Conditions

To enable easy reference and to encourage compliance with the requirement of the planning permission and the orderly operation of the Site; we ask that the terms of this planning permission, including all the approved documents and plans hereby permitted and any details subsequently approved in accordance with this planning permission are 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. Environmental Permit

Staffordshire Moorlands District Council (Environmental Health) have advised that the crushing, grinding or other size reduction of sand is a prescribed process set out in Part B ([Section 3.5](#)) of [Schedule 1](#) of the [Environmental Permitting Regulations 2016](#) (as amended) and will require an Environmental Permit issued by Staffordshire Moorlands District Council. The applicant should contact Staffordshire Moorlands District Council for further information ([EHealth.Consultation@highpeak.gov.uk](mailto:EHealth.Consultation@highpeak.gov.uk)).

### 3. Statutory Nuisance Action

Staffordshire Moorlands District Council (Environmental Health) have advised that granting planning permission does not in any way indemnify against statutory nuisance action being taken should substantiated complaints within the

remit of Part III of the Environmental Protection Act 1990 be received.

#### **4. Storage of oils, fuels or chemical**

Appropriate procedures, training and equipment should be provided for the Site to adequately control and respond to any emergencies including the clean-up of spillages, to prevent environmental pollution from the site operations. Additional information and guidance is available at:

[Oil storage regulations for businesses](#)

[Ciria: Containment systems for the prevention of pollution](#)

#### **5. Rights of Way**

The County Council's Environmental Advice Team (Right of Way) have advised public rights of way may be affected by the quarry workings and should be aware of the timescales and legislative requirements for reorganising public rights of way:

- The relevant guidance and forms are available on the County Council's website:

[Advice for applicants wanting to submit a Public Path Diversion Order](#)

- Planning permission does not construe the right to divert, extinguish or obstruct any part of the public path. For further information the applicant should be advised to read section 7 of DEFRA's Rights of Way Circular (1/09).
- It is important that users of the footpaths/bridleway are still able to exercise their public rights safely and that they are reinstated if any damage to the surface occurs as a result of the proposed development or use of the site if the application is approved. The surface of the rights of way must be kept in a state of repair such that the public right to use them can be exercised safely and at all times. Heavy vehicular use can cause the way to become unsuitable for use and in some instances dangerous. Some attention needs to be drawn to this and that surface works may be required. The County Council is only responsible for the surface of the footpath for pedestrians, and; in the case of bridleways; pedestrians, horse riders and cyclists, not vehicles.

- The County Council has not received any application under Section 53 of the Wildlife and Countryside Act 1981 to add or modify the Definitive Map of Public Rights of Way, which affects the land in question. It should be noted, however, that this does not preclude the possibility of the existence of a right of way at common law, or by virtue of a presumed dedication under Section 31 of the Highways Act 1980. It may, therefore, be necessary to make further local enquiries and seek legal advice in respect of any physically evident route affecting the land, or the apparent exercise of a right of way by members of the public.

## **6. Cadent Gas Limited**

Cadent Gas Limited have advised that medium and low-pressure assets are in the vicinity of the proposal. The applicant should therefore be aware:

- There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist.
- The applicant should apply online to have any apparatus diverted in advance of any works, by visiting [cadentgas.com/diversions](http://cadentgas.com/diversions)
- Prior to carrying out works, including the construction of access points, please register on [www.linerearchbeforeudig.co.uk](http://www.linerearchbeforeudig.co.uk) to submit details of the planned works for review, ensuring requirements are adhered to.

## **7. National Grid Electricity Distribution**

Electricity apparatus is located in the vicinity of the proposal. The applicant should therefore be aware of the National Grid safe working practices. These are available from: [National Grid - Public safety advice](#)

## **8. Monitoring Visits - fees payable**

Regulations that came into effect on 6 April 2006 provide for the payment of fees to Mineral and Waste Planning

Authorities in England when they carry out monitoring visits to sites with mineral extraction and / or landfill permissions to help in ensuring that those permissions are monitored in accordance with good practice.

For more information and contact details visit the Regulation page on the Staffordshire Planning web site at [www.staffordshire.gov.uk/planning](http://www.staffordshire.gov.uk/planning).

## **9. Progress Reports and the Reviews of the Restoration Strategy (Conditions 11 and 45)**

It is recommended that the Progress Reports required by condition 11 and the reviews of the Restoration Strategy and detailed Restoration and Aftercare Scheme required by condition 45 are submitted at the same time.



## Appendix 2 The Recommended Scheme of Conditions

(Updated reasons for each condition to be added later).

Having previously approved:

- Scheme of Conditions (the quarry was classified by the County Council as a Phase 1 Active site under the provisions of the [Environment Act 1995 \(Schedule 13\)](#) (ref [SM.EA/4](#) dated 29 March 1999).

The Staffordshire County Council in pursuance of powers under [Schedule 14](#) of the above mentioned 1995 Act hereby approves:

Application for the Periodic Review (under the Environment Act 1995) of the Scheme of Conditions (ref. [SM.EA/4](#)) (as modified) at Hurst Quarry, Biddulph, Staffordshire, ST8 7RU (ref. [SM.15/02/101 MW](#)).

The above-mentioned permission shall with effect from the date of this Decision Notice be subject to the conditions herein.

### Definition of the Permission/ Decision Notice

**1. The conditions shall relate to the site edged red on 'Location Plan (Dwg No 115-9-1)' hereafter referred to as 'the Site' and the development shall only be carried out within the Site in accordance with the approved documents, plans and details referred to below:**

- a) Approved documents and plans referred to in permission ref: [SM.EA/4](#) dated 29 March 1999) except where they have been superseded.**
- b) Approved details related to permission ref: [SM.EA/4](#).**
  - [SM.EA/4 D1](#) dated 12 July 1999 – approved details in compliance with Condition 5 of planning permission [SM.EA/4](#) relating to fencing and warning signs.
  - [SM.EA/4 D2](#) dated 10 Jan 2002 – part approved details in compliance with Conditions 17, 18, 19 and 20 of planning permission [SM.EA/4](#) relating to blasting, noise, plant, landscaping, stockpiles & parking (approval of conditions 19 and 20).
  - [SM.EA/4 D3](#) dated 27 April 2005 – approved details in compliance with Conditions 35, 36, 40 and 42 of planning permission [SM.EA/4](#) relating to Landscape and restoration and aftercare scheme.
- c) Approved documents and plans referred to in permission ref: [SM.EA/4 V1](#) dated 9 October 2000.**

- d) **Approved details related to permission ref: [SM.EA/4 V1](#)**
- **[SM.EA/4/V1/D1](#) dated 11 March 2002 –approved details relating to wheel washing facilities.**
- e) **Approved documents and plans referred to in permission ref: [SM.02/12/101 MW](#) dated 16 September 2002.**
- f) **Approved documents and plans submitted with this application.**

### **Documents**

- **Mineral Review form and certificates dated 7 November 2022**
- **Environmental/Supporting Statement dated 17 October 2022 (ref. 115/9--R1.1 - ROMP)**
- **Letter from MPG dated 22 November 2022 (ref. 115-9-20221122-L1.1-EcoMDS)**
- **Letter from MPG dated 22 November 2022 (ref. 115-9-20221122-L1.1-ES)**
- **Landscape and Visual Appraisal (ref CW0162-RPT-001C Rev C dated 11 02 2023)**
- **Ecological Impact Assessment dated October 2022 (ref. CW20-102 RPT 001 Rev 4)**
- **Noise Impact Assessment for the Recommencement of Extraction at an Existing Quarry dated 16 December 2021 (ref. 6960MP)**
- **Biodiversity Net Gain Assessment dated September 2022 (ref. CW20-102 Rev 2 dated 06/09/2022)**
- **Heritage Impact Assessment dated May 2022 (ref. DOC2122-85)**
- **High Level Assessment of Water Issues dated October 2022 (ref. 3348/HLA)**
- **Watercourse Diversion Risk Assessment dated 12 October 2022**
- **Email from Mineral Planning Group dated 22 December 2022 in relation to blasting.**

### **Plans**

- **Location Plan (Dwg No 115-9-1)**
- **Site Layout Plan (Dwg No 115-9-2)**
- **Excavation Design Plan (Dwg No HRQ-22-02)**
- **Topographical Survey Plan (Dwg No HRQ-11-01)**
- **Aerial Restoration Plan (Dwg No 115-9 - Resto-4)**
- **Restoration Features Plan (Dwg No 115-9-3)**

**except in so far as the approved documents, plans and details listed above are amended by the conditions specified below.**

**2. This permission relates only to surface mineral workings and the depositing of mineral wastes. For the avoidance of doubt this includes the stockpiling of minerals but not the importation of waste materials for infilling and restoration.**

### **Commencement of the Development and Notifications**

**3. The development hereby permitted shall be deemed to have commenced on the date of this planning permission and the developer shall notify the Mineral Planning Authority in writing within two weeks of the following dates:**

- a) The date when mineral extraction has re-commenced in the unworked areas (Condition 8).**
- b) The date when restoration has commenced in the areas where mineral extraction has re-commenced.**
- c) The date when final restoration has been completed.**
- d) The date when the Aftercare Scheme has commenced in each part of the Site.**
- e) The date when the Aftercare Scheme has been completed in each part of the Site.**

### **Cessation of the Development and Expiry of the Permission**

**4. Mineral extraction and restoration including the deposit of mineral waste shall cease on or before the 31 December 2036 ('the cessation date').**

**5. The Site shall be restored in accordance with the latest approved Restoration Strategy and Restoration and Aftercare Scheme-(Conditions 43 to 45).**

**6. If the mineral extraction and restoration operations, including the deposit of mineral waste ('the working operations'), cease at a date earlier than the cessation date (Condition 4), then the operator shall notify the Mineral Planning Authority in writing of the date on which the working operations ceased within 14 days of the cessation of the working operations.**

**7. This planning permission shall expire when the Mineral Planning Authority has provided written confirmation that the Site has been restored and subject to aftercare in accordance with the requirements of the latest approved Restoration Strategy and Restoration and Aftercare**

**Scheme-(Conditions 43 to 45).**

## **Detailed Working Strategy and Review**

**8. No mineral extraction shall take place other than within the area defined as "Remaining unworked extraction area, including loading and unloading area(s)" shown on the Site Layout Plan (Dwg No 115-9-2) and below the contours shown on Excavation Design Plan (Dwg No HRQ-22-02) and more specifically in accordance with the latest approved detailed Site Layout Plan(s) required by Conditions 43 to 45.**

**9. No Crushing, Screening and Loading activities shall take place other than in the location shown in Figure 2 of the Noise Impact Assessment for the Recommencement of Extraction at an Existing Quarry dated 16 December 2021 (ref. 6960MP).**

**10. All stockpiles of minerals shall be located on the quarry floor within the area defined as "Remaining unworked extraction area, including loading and unloading area(s)" shown on the Site Layout Plan (Dwg No 115-9-2) and shall not exceed a height of 6 metres from the floor of the quarry.**

**11. No later than 28 November 2027 and every 5 years thereafter until the cessation of restoration, a 'Progress Report' shall be submitted for the written approval of the Mineral Planning Authority.**

**The Progress Report shall include an updated Site Layout Plan which shall show but may not be limited to the following details:**

- a) The permitted boundary of the Site shown as a red line.**
- b) The areas that have been subject to mineral extraction.**
- c) The areas that have been restored.**
- d) The areas currently subject to mineral extraction.**
- e) The areas currently being restored.**
- f) The areas to be subject to mineral extraction in the next 5 years.**
- g) The areas to be restored in the next 5 years.**
- h) The approved final restoration levels in the restored areas.**
- i) The surface water drainage.**

- j) The location of subsoil and topsoil mounds and their profiles and treatment.**
- k) Site infrastructure including buildings, fixed structures, plant and machinery and hard standings.**
- l) The perimeter security fencing and gates.**

**The Progress Report shall also include but may not be limited to the following details:**

- a) An explanation of the progress being made relative to the "Remaining unworked extraction area, including loading and unloading area(s)" shown on the Site Layout Plan (Dwg No 115-9-2) and the contours shown on Excavation Design Plan (Dwg No HRQ-22-02) and the latest approved Restoration and Aftercare Scheme for the Site.**
- b) An assessment of the need to submit revised details for the working and restoration of the Site if insufficient progress has been made relative to the cessation date (Condition 4).**

**The Site shall not operate other than in accordance with the latest approved Site Layout Plan.**

**12. No more than 150,000 tonnes of mineral per annum shall be removed from the Site.**

## **Management of the operations**

### **Hours of Operation**

**13. No mineral extraction, deposit of mineral wastes and the transportation of mineral shall be carried, except for emergency operations or activities, other than between:**

- 0730 to 1800 Monday to Friday; and,**
- 0830 to 1400 on Saturdays.**

**No such operations or activities shall take place on Sundays, Bank or Public Holidays.**

**In the case of emergency operations or activities, the Mineral Planning Authority shall be notified in writing within 48 hours of the occurrence.**

**14. No servicing, maintenance or testing of plant shall be carried out, except for emergency operations or activities, other than between:**

- **0730 to 2000 Monday to Saturdays.**

**No servicing, maintenance or testing of plant shall take place on Sundays, Bank or Public Holidays.**

**In the case of emergency operations or activities, the Mineral Planning Authority shall be notified in writing within 48 hours of the occurrence.**

### **Restriction of Permitted Development Rights**

**15. Notwithstanding the provisions of Schedule 2, Part 17 of the [Town and Country Planning \(General Permitted Development\) Order 2015](#) (or any Order amending, replacing or re-enacting that Order), no fixed plant or machinery, buildings, structures and erections, or private ways shall be erected, extended, installed or re-arranged within the Site unless approved in writing by the Mineral Planning Authority.**

### **Ancillary Buildings and Plant**

**16. All fixed plant and machinery on the Site shall be coloured juniper (BS 4800 12 B 29) or holly green (BS 4800 14 C 39).**

**17. All buildings, plant and machinery hereby permitted shall be maintained in a good condition and fit for purpose in accordance with the manufacturer's recommendations for the duration of the development hereby permitted.**

### **Site security and fencing**

**18. Stockproof fencing and warning signs in accordance with the approved details (ref. [SM.EA/4 D1](#) dated 12 July 1999) shall be maintained for the duration of the development hereby permitted.**

**19. The Site shall be securely fenced, and lockable gates provided which shall be kept locked outside the permitted hours referred to in Conditions 13 and 14.**

### **Site Access and Highway Safety**

**20. No vehicular access to the Site from the public highway and egress from the Site to the public highway shall be obtained other than by way of the access on Hurst Road, marked 'X' on the Site Layout Plan (Dwg No 115-9-2).**

**21. The loading and unloading of vehicles in connection with the development hereby permitted shall take place only within the area**

defined as “Remaining unworked extraction area, including loading and unloading area(s)” on the Site Layout Plan (Dwg No 115-9-2).

**22. No more than 30 HGVs associated with the transport of mineral shall enter or leave the Site per day (60 two-way HGV movements).**

**23. The surfacing of the Site access shown on ‘Site Layout Plan (Dwg No 115-9-2)’ shall be maintained in a good state of repair and kept clean and free of mud and other debris at all times until completion of the restoration and aftercare of the Site.**

**24. No loads of mineral shall leave the Site unless the load has first been securely contained or sheeted.**

**25. No vehicles associated with the development hereby permitted shall leave the Site in a condition whereby mud, dirt, dust or other deleterious material shall be deposited on the public highway.**

**26. The approved wheel cleaning facilities (ref. [SM.EA/4/V1/D1](#) dated 11 March 2002) shall be maintained in good condition, fit for purpose in accordance with manufacturer’s recommendations and be available and used as necessary by all HGVs prior to leaving the Site until such time as the wheel cleaning facilities are required to be removed in accordance with the approved Restoration and Aftercare Scheme (Conditions 43 to 45).**

## **General Environmental Protection**

### **Soils**

**27. Topsoil and subsoil mounds shall be graded and seeded with the grass seed mixture in accordance with Section 3.2.2 of the Environmental Statement (ref. 115/9–R1.1 –ROMP).**

**28. No stripping of topsoil, subsoil and soil-making materials (‘the soils’) shall take place other than in accordance with the [Institute of Quarrying Good Practice Guide for Handling Soils in Mineral Workings](#) and as described below:**

- a) The soils shall be retained on the Site for the purposes of restoration.**
- b) Topsoil and subsoil mounds shall be constructed to a maximum height of 3 metres for topsoil mounds and 5 metres for subsoil, and with only the minimum of compaction necessary to ensure stability.**
- c) Any overlap of soil types in a storage mound shall be kept to the minimum necessary for the effective formation of the mound.**

- d) Soil mounds shall not be traversed by heavy vehicles or machinery except during the construction or removal of these mounds.**
- e) Prior to the replacement of subsoil, the upper layers of overburden or in-situ materials on areas to be returned to agriculture shall be rooted with a heavy duty subsoiler so as not to impede agriculture operations. Such treatment should ensure that for a total depth of at least one metre below the topsoil surface, there is:
  - i) No shale, bind or other material injurious to plant life.**
  - ii) No rock, stone, boulder or other material capable of preventing or impeding normal agricultural or land drainage operations including mole ploughing or subsoiling.**
  - iii) No wire rope, cable or other foreign objects.**
  - iv) A reasonably level, but uncompacted, surface suitable to receive topsoil.****
- f) All available subsoil shall be respread evenly over those areas agreed to receive such subsoil. No layer of replaced soil shall exceed 450mm thickness before it is subsoiled (rooted) and the subsoiling operation must penetrate at least 150mm into the underlying layer to relieve compaction at the interface. Subsoil shall be treated in accordance with the general requirements of Condition (e) above.**
- g) All operations involving the movement, replacement and cultivation of the soils shall only be carried out when the full volume of the soils involved is in a suitably dry soil moisture condition to minimise damage to the structure of the soils and to maximise the effectiveness of subsoiling operations.**
- h) The operator shall take all reasonable precautions to prevent the mixing of the soils and the mixing of the soils with overburden during the restoration of the Site.**

### **Landscaping and Nature Conservation**

**29. The approved landscape and boundary treatment shall be maintained for the duration of the development hereby permitted (ref. [SM.EA/4 D3](#) dated 27 April 2005). Any plants which die, are removed or become damaged or diseased shall be replaced in the next planting season with others of a similar size and species.**

**30. No later than 6 months after the date of this planning permission, a**



**Landscape and Ecological Environmental Management Plan (LEEMP) shall be submitted for the written approval of the Mineral Planning Authority. The LEEMP shall provide details of how identified areas of the Site such as naturally regenerated areas would be protected and any mitigation measures. The LEEMP shall thereafter be implemented in accordance with the approved details.**

**31. Prior to the re-commencement of mineral extraction within the area defined as "Remaining unworked extraction area, including loading and unloading area(s)" shown on the Site Layout Plan (Dwg No 115-9-2), a Construction and Environmental Management Plan (CEMP) (Ecology) shall be submitted for the written approval of the Mineral Planning Authority. The (CEMP) (Ecology) shall include but may not necessarily be limited to the mitigation measures detailed in Section 6 of the Ecological Impact Assessment dated October 2022 (ref. CW20-102 RPT 001 Rev 4) and shall specify regular intervals for the attendance of an Ecologist and those tasks that must be supervised by a suitably qualified Ecologist. The CEMP (Ecology) shall be made known to all operatives on the Site.**

**32. No stripping of vegetation or soils shall take place within the Site during the bird breeding season (March – August) unless preceded by a bird nesting survey carried out by a suitably qualified person to confirm the presence or otherwise of breeding birds.**

#### **Dust**

**33. Best practicable means shall be used during the life of the development to minimise dust emissions from the Site.**

**The means shall include but may not be limited to the following:**

- a) The use of water bowsers to spray all internal haul roads and accessways.**
- b) The use of a sweeper vehicle on all internal hard surfaced haul roads and at the entrances to the Site.**
- c) The seeding of all soil mounds as soon as is practicable with an agreed seed mixture.**
- d) The regular spraying of all stockpiled materials.**
- e) Exhausts on site vehicles shall be set so that exhaust gases cannot be emitted in a downward direction.**
- f) The fitting of dust hoods to all potentially dust emitting plant and machinery.**

- g) Site operations giving rise to dust shall be suspended in the event that dust can be seen escaping from the confines of the working area until such time as steps have been taken to prevent the emission of dust from the confines of the working area or the weather conditions have improved.**

### **Noise and Vibration**

**34. Site attributable noise shall not exceed a limit of 55 dB LAeq (1 hour) (free field) and temporary operations shall not exceed a limit of 70 dB LAeq 1 hour (free field) at any noise sensitive property. Temporary operations shall not take place for more than 8 working weeks in a calendar year.**

**35. The operations hereby permitted shall be managed in accordance with measures described in the Recommendations and Mitigation of the Noise Impact Assessment for the Recommencement of Extraction at an Existing Quarry dated 16 December 2021 (ref. 6960MP) and best practicable means shall be employed to minimise the noise generated by mineral extraction and restoration operations hereby permitted.**

**The means shall include but may not be limited to those listed below:**

- a) All vehicles, plant and machinery capable of being fitted with engine covers shall be operated with closed engine covers.**
- b) All vehicles, plant and machinery shall be shut down between work periods or throttled down to a minimum.**
- c) All engines capable of being fitted with silencers shall be fitted with silencers which shall be regularly maintained in accordance with manufacturer's instructions.**
- d) All plant engine covers are closed whilst the plant is in operation except when undertaking maintenance and repair work.**
- e) All plant or equipment used in association with the operations hereby permitted capable of being fitted with a reversing alarm system shall be fitted with a white noise or warbler type alarms to minimise, sofar as is reasonably practicable and subject to maintaining safety, the level and generation of noise emissions from reversing warnings.**
- f) Except in the case of an emergency, the maintenance and running repairs of any plant or machinery shall only take place within the**

**working area or within the confines of the fixed buildings and structures.**

- g) Other than in the case of an emergency, the beeping of horns shall not be used for signalling purposes such as when a vehicle arrives or is required to reverse to unload.**

### **Blasting and Blast Monitoring**

**36. Prior to the commencement of blasting, a detailed Blasting and Blast Monitoring Scheme ('the Scheme') shall be submitted and approved by the Mineral Planning Authority.**

**The Scheme shall include but may not necessarily be limited to the following details:**

- a) The method and techniques to be used.**
- b) The proposed number of blasts per week.**
- c) The date of the first blast.**
- d) The ppv levels which are to be achieved for ground vibration and the maximum levels for air over pressure.**
- e) The arrangements for the notification of the Mineral Planning Authority and the local residents likely to be affected by blasting operations shall be notified in advance, in writing, of the times and dates when the blasting operations are to take place at the Site.**
- f) The blast monitoring equipment.**
- g) The blast monitoring locations including vibration sensitive buildings and structures.**
- h) The blast monitoring period and frequency of measurements.**
- i) The arrangements for the monitoring of weather conditions at the time of the blast, including air over pressure.**
- j) The procedures to be adopted if the readings/measurements exceed the levels agreed above (d).**
- k) The retention and presentation of results (Condition 47).**
- l) The arrangements for regular reviews of the Scheme.**

**m) The programme for the implementation of the Scheme.**

**Blasting and blast monitoring shall be carried out in accordance with the approved Scheme.**

## **Water**

**37. No dewatering shall take place within the Site.**

**38. No facilities for the storage of oils, fuels or chemicals shall be sited other than on impervious bases and surrounded by impervious bund walls (see Informative 4).**

**39. No contaminated surface water shall drain into any ditch or water course.**

**40. No recommencement of mineral extraction shall take place until the applicant has applied for and received a confirmed Ordinary Watercourse Consent for any works affecting ordinary watercourses within the boundary of the Site (Condition 41 below).**

**41. Prior to the re-commencement of mineral extraction within the area defined as "Remaining unworked extraction area, including loading and unloading area(s)" shown on the Site Layout Plan (Dwg No 115-9-2), a Watercourse Diversion Scheme ('the Scheme') shall be submitted and approved in writing by the Mineral Planning Authority.**

**The Scheme shall include but may not necessarily be limited to the following details:**

- a) Detailed engineering drawings of the proposed diversion works required to obtain an Ordinary Watercourses Consent including:
  - i) The location and channels of watercourses prior to the works**
  - ii) The location and channels of watercourses and the overflow swale following any diversion works as detailed within the Watercourse Diversion Risk Assessment dated 12th October 2022.**
  - iii) The existing/ proposed bed levels, top of bank etc., along with hydraulic calculations to demonstrate that the conveyance capacity of any diverted watercourses is in line with that of the existing hydrological scenario.****
- b) Method statement(s) detailing how the proposed diversion works would be undertaken and what temporary measures would be put in**

place during the diversion works.

**Any watercourse diversions shall be carried out in accordance with the approved Scheme.**

### **Lighting**

**42. No flood lighting or other external illumination within the Site shall be installed or positioned other than:**

- a) In accordance with the approved Lighting Assessment and the '[Bat Conservation Trust / Institution of Lighting Professionals Guidance Note 08/18 Bats and artificial lighting in the UK](#)'; and,**
- b) To prevent glare to other properties or to users of the public highway.**

### **Restoration and Aftercare**

**43. The Site shall be restored to the required standard for agriculture (pasture), woodland planting, waterbodies, marginal planting, rock features in accordance with Restoration Features Plan (Dwg No 115-9-3) and Aerial Restoration Plan (Dwg No 115-9 - Resto-4) ('the Restoration Strategy').**

**44. No later than 12 months after the date of this permission, a detailed Restoration and 21-year Aftercare Scheme ('the Scheme') to deliver no fewer than 52 habitat units (as measured by the Defra Metric V3 or its replacements), based on the Restoration Strategy shall be submitted for the written approval of the Mineral Planning Authority.**

**The Scheme shall include but may not necessarily be limited to the following details:**

- a) Details of any restoration and aftercare works that have already been carried out.**
- b) The final restoration levels and cross sections.**
- c) The details of overburden placement against quarry faces.**
- d) The soil management including replacement depths, ripping, cultivation and stone picking.**
- e) The profiles of the restored land to show how the restored land will tie in with the surrounding land.**

- f) The use of fertilisers.**
- g) Drainage, irrigation, and watering including the maintenance.**
- h) The management of weeds and invasive species.**
- i) A programme for the removal of the site infrastructure including buildings, structures, fixed plant and machinery and hard standings accesses, perimeter security fencing and gates.**
- j) The planting of trees/shrubs/hedgerows, including ground preparation, plant species, size, density, protection and maintenance.**
- k) The provisions for the creation and aftercare of agricultural land (permanent pasture).**
- l) The provisions for the creation and aftercare of woodland planting in order to achieve an 85% survival rate at the end of the aftercare period.**
- m) The provisions for the creation and aftercare of water bodies and the arrangements for drainage.**
- n) The provisions for the creation and aftercare of invertebrate habitats using sand embankments.**
- o) The arrangements for annual meetings and annual reports describing the previous year's aftercare measures, including comments on the successes and failures and plans for the next year's aftercare.**
- p) The programme for the implementation of the Scheme.**

**The latest approved Scheme shall be carried out in full and in accordance with the approved programme of implementation.**

**45. No later than 28 November 2027, and thereafter every 5 years until such time as the Mineral Planning Authority confirms that no further review is necessary, a review of the approved Restoration Strategy and the approved detailed Restoration and Aftercare Scheme (Conditions 43 and 44) shall be submitted for the written approval of the Mineral Planning Authority. The Site shall be restored and subject to aftercare in accordance with the latest approved Restoration Strategy and detailed Restoration and Aftercare Scheme.**

## **Premature cessation of the permitted operations**

**46. In the event that the mineral extraction and restoration including the deposit of mineral waste hereby permitted ceases for a period of 24 months prior to the cessation date (Condition 4), then the working operations shall be deemed to have ceased ('the new cessation date'). No later than 3 months after the new cessation date, a revised detailed Restoration and Aftercare Scheme (the 'Revised Scheme') shall be submitted for the written approval of the Mineral Planning Authority. The Site shall be restored and subject to aftercare in accordance with the approved Revised Scheme.**

## **Record Keeping**

**47. The following records shall be retained and shall be provided to the Mineral Planning Authority within 7 days of a request being made. In making a request, the Mineral Planning Authority shall specify the dates between which the following records shall be provided.**

- a) The daily operating dates and times of the quarry (ref. Condition 13 and 14).**
- b) The date and times of any emergency operations or activities (ref. Conditions 13 and 14).**
- c) The date and times of any temporary operations (ref. Condition 13).**
- d) The total number of HGV movements in and out of the Site per day (ref Condition 22).**
- e) Dust management/mitigation measures carried out (ref. Condition 33).**
- f) Noise monitoring and management data (ref. Condition 35).**
- g) Blasting monitoring and management data (ref. Condition 36).**
- h) Any complaints received, and the steps taken to investigate and address them.**

## **Hurst Quarry Liaison Committee**

**48. No later than 3 months after the date of the permission, details of the Hurst Quarry Site Liaison Committee shall be submitted for the written approval of the Mineral Planning Authority.**

**The details shall include but may not be limited to the following:**

- a) The number of committee members which shall include:**
  - i) Locally elected councillors on behalf of the County, District and Parish Councils.**
  - ii) Officers on behalf of the County and District Councils and on behalf of the Environment Agency.**
  - iii) Local residents / local group representatives where applicable.**
  - iv) The representatives on behalf of the Owner / Operator.**
- b) The venue and / or virtual meeting arrangements.**
- c) The secretarial support.**
- d) The terms of reference which shall include:**
  - i) The purpose of the liaison committee which shall be to provide a forum for discussion, the exchange of information and the creation and maintenance of communication channels between the Owner / Operator and the local community.**
  - ii) The receipt of regular progress reports from the Owner / Operator regarding activities relating to the operation of the Site, including complaints received and any remedial action taken or proposed to be taken in respect thereof.**
  - iii) Consideration of complaints from the local community arising from any development and / or activities carried out on the Site and, where reasonable, necessary and possible, recommendations for appropriate remedial action.**
  - iv) The chairing and voting arrangements including voting in respect of recommended actions that may arise.**
  - v) The frequency of meetings, the timing of the circulation of agendas and minutes of the meetings, and the arrangements to hold additional meetings.**

## **Informatives**

### **1. Knowledge of the Conditions**

To enable easy reference and to encourage compliance with the requirement of the planning permission and the orderly operation of the Site; we ask that the terms of



this planning permission, including all the approved documents and plans hereby permitted and any details subsequently approved in accordance with this planning permission are to 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. Environmental Permit**

Staffordshire Moorlands District Council (Environmental Health) have advised that the crushing, grinding or other size reduction of sand is a prescribed process set out in Part B ([Section 3.5](#)) of [Schedule 1](#) of the [Environmental Permitting Regulations 2016](#) (as amended) and will require an Environmental Permit issued by Staffordshire Moorlands District Council. The applicant should contact Staffordshire Moorlands District Council for further information ([EHealth.Consultation@highpeak.gov.uk](mailto:EHealth.Consultation@highpeak.gov.uk)).

## **3. Statutory Nuisance Action**

Staffordshire Moorlands District Council (Environmental Health) have advised that granting planning permission does not in any way indemnify against statutory nuisance action being taken should substantiated complaints within the remit of Part III of the Environmental Protection Act 1990 be received.

## **4. Storage of oils, fuels or chemical**

Appropriate procedures, training and equipment should be provided for the Site to adequately control and respond to any emergencies including the clean-up of spillages, to prevent environmental pollution from the site operations. Additional information and guidance is available at:

[Oil storage regulations for businesses](#)

[Ciria: Containment systems for the prevention of pollution](#)

## **5. Rights of Way**

The County Council's Environmental Advice Team (Right of Way) have advised public rights of way may be affected by the quarry workings and should be aware of the timescales and legislative requirements for reorganising public rights of way:

- The relevant guidance and forms are available on the County Council's website:

[Advice for applicants wanting to submit a Public Path Diversion Order](#)

- Planning permission does not construe the right to divert, extinguish or obstruct any part of the public path. For further information the applicant

should be advised to read section 7 of DEFRA's Rights of Way Circular (1/09).

- It is important that users of the footpaths/bridleway are still able to exercise their public rights safely and that they are reinstated if any damage to the surface occurs as a result of the proposed development or use of the site if the application is approved. The surface of the rights of way must be kept in a state of repair such that the public right to use them can be exercised safely and at all times. Heavy vehicular use can cause the way to become unsuitable for use and in some instances dangerous. Some attention needs to be drawn to this and that surface works may be required. The County Council is only responsible for the surface of the footpath for pedestrians, and; in the case of bridleways; pedestrians, horse riders and cyclists, not vehicles.
- The County Council has not received any application under Section 53 of the Wildlife and Countryside Act 1981 to add or modify the Definitive Map of Public Rights of Way, which affects the land in question. It should be noted, however, that this does not preclude the possibility of the existence of a right of way at common law, or by virtue of a presumed dedication under Section 31 of the Highways Act 1980. It may, therefore, be necessary to make further local enquiries and seek legal advice in respect of any physically evident route affecting the land, or the apparent exercise of a right of way by members of the public.

## **6. Cadent Gas Limited**

Cadent Gas Limited have advised that medium and low-pressure assets are in the vicinity of the proposal. The applicant should therefore be aware:

- There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist.
- The applicant should apply online to have any apparatus diverted in advance of any works, by visiting [cadentgas.com/diversions](https://www.cadentgas.com/diversions)
- Prior to carrying out works, including the construction of access points, please register on [www.linesearchbeforeudig.co.uk](https://www.linesearchbeforeudig.co.uk) to submit details of the planned works for review, ensuring requirements are adhered to.

## **7. National Grid Electricity Distribution**

Electricity apparatus is located in the vicinity of the proposal. The applicant should therefore be aware of the National Grid safe working practices. These are available from: [National Grid - Public safety advice](#)

## **8. Monitoring Visits - fees payable**

Regulations that came into effect on 6 April 2006 provide for the payment of fees to Mineral and Waste Planning Authorities in England when they carry out monitoring visits to sites with mineral extraction and / or landfill permissions to help in ensuring that those permissions are monitored in accordance with good practice.

For more information and contact details visit the Regulation page on the Staffordshire Planning web site at [www.staffordshire.gov.uk/planning](http://www.staffordshire.gov.uk/planning).

## **9. Progress Reports and the Reviews of the Restoration Strategy (Conditions 11 and 45)**

It is recommended that the Progress Reports required by condition 11 and the reviews of the Restoration Strategy and detailed Restoration and Aftercare Scheme required by condition 45 are submitted at the same time.

## **Appendix 3 Relevant Planning History**

The following planning permissions / approvals have been issued by the County Council:

- a) [SM.EA/4](#) dated 29 March 1999 – the Scheme of Conditions.
- b) [SM.EA/4 D1](#) dated 12 July 1999 – approved details - condition 5 - fencing and warning signs.
- c) [SM.EA/4 V1](#) dated 9 October 2000 – permission to vary conditions 6 and 35 to extend the extraction and phased working scheme and landscaping.

This variation related the approval of landscaping and boundary treatment and a minor extension of the extraction boundary and infilling with mineral waste over an 18-month period (from notification).

- d) [SM.EA/4 D2](#) dated 10 Jan 2002 - approved details - blasting, noise, plant, landscaping, stockpiles and parking.
- e) [SM.EA/4/V1/D1](#) dated 11 March 2002 - approved details - wheel washing facilities.
- f) [SM.02/12/101 MW](#) dated 16 September 2002 - permission to vary conditions 2 and 6 of the Scheme of Conditions and permission to vary condition 1 of SM.EA/4 V1.

This variation was to regularise mineral extraction outside the extraction boundary permitted by [SM.EA/4 V1](#).

- g) [SM.EA/4 D3](#) dated 27 April 2005 - approved details - conditions 35, 36,40 and 42 - landscape and restoration and aftercare scheme.
- h) [SM.03/04/101 MW](#) dated 29 August 2003 - permission for a new access to mineral extraction site, relocation of the wheel wash and installation of a new weighbridge and office. Note - this access has not been constructed.
- i) [SM.10/22/101 MW](#) – application for the recycling of construction and demolition material into a secondary aggregate - refused.
- j) [SCE.213/SM.15/02/101 MW](#) dated 22 December 2015 – EIA screening opinion in connection with the application for the Periodic Review (under the Environment Act 1995) of the Scheme of Conditions.
- k) [SCO.77/SM.15/02/101 MW](#) dated 28 September 2016 – EIA scoping opinion for application for the Periodic Review (under the Environment Act 1995) of the Scheme of Conditions.
- l) [SCE.325/101 MW](#) dated 28 January 2021 - EIA screening opinion in connection with the Periodic Review (under the Environment Act 1995) of the Scheme of Conditions.
- m) [SCO.88/101 MW](#) dated 9 March 2021 - EIA scoping opinion in connection with the Periodic Review (under the Environment Act 1995) of the Scheme of Conditions.

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

## **Appendix 4 Summary of the Findings of the Environmental Statement (ES) (and the environmental information subsequently received).**

### 1 – Introduction

This section introduces the ROMP application, the aims of the application and sets out the structure for the ES.

### 2 - Site Description

This section describes the location (general description), a site description topography, hydrology and hydrogeology, geology and planning history.

### 3 – Operational Details

This section provides operational information concerning details of the method of mineral extraction, soil stripping, the extraction area (shown on Site Layout Plan (Dwg No 115-9-2)), rate of extraction (150,000 tonnes per annum / 30 two way HGV movements per day, end dated (2036), hours of operation (Monday- Friday

7.30 – 18.00 and Saturdays 0.30 – 14.00), access arrangement (existing access), water management (see below section), site security (locked outside operating hours), export and import of materials, noise, dust / air quality, final restoration (shown on Restoration Features Plan (Dwg No 115-9-3) and Aerial Restoration Plan (Dwg No 115-9 - Resto-4)), ecology (see below section) and EIA Assessment.

#### 4 – Policy Review

This section sets out the relevant planning policies set out in the National Planning Policy Framework (2021), the Staffordshire Minerals Local Plan (2017) and the Staffordshire Moorlands Local Plan 2014 – 2033 (2020). This section concludes that the principle of development has been established, and the proposed conditions are in accordance with the Development Plan and have considered against the relevant local and national policies.

#### 5 – Flood Risk Assessment (FRA)

This section includes an instruction to the FRA, details of the site, the proposals, and a risk assessment. A Hydrological Assessment and Technical Note for the diversion of the watercourse were submitted which concluded that the proposals do not alter the surface water or groundwater regimes at or away from the site. The section concludes that the risk of flooding from all sources, both at and way from the site is very low.

#### 6 – Restoration Scheme

This section provides general details of the restoration scheme along with the Restoration Scheme Aims, Restoration Scheme Features (specifically the Entrance and Internal Access, Natural Regeneration (southern area), Extraction Area, waterbodies (retention of the waterbodies in the southern part of the site and three proposed in the north), dry stone walls and building), recommended species (woodland planting, aquatic, and grassland), final landform (including the retention of the southern and central landform).

Appendices - The Appendices to the ES are provided in separate documents in relation to the following chapters of the ES:

#### 7 – Noise Survey (produced by Nova Acoustics).

This appendix includes the survey including an overview, scope and objectives, and the local policy guidance (County Council's Noise Engineer comments from the scoping opinion), details of the noise survey undertaken (measurement methodology, context & subjective impression and the survey results (Appendix D of the survey), noise assessment including on-site activities, specific sound levels (HGV movements, locations of site activities, predictive noise modelling), planning Practice Guidance Mineral Extraction Noise Assessment, BS5228:2009-1 Construction Noise Assessment and recommendations and mitigation. The survey

details the measures that should be in place to minimise noise emissions (see page 15).

## 8 – Landscape and Visual Appraisal (produced Collington Winter Ltd)

This appendix includes an introductory section which details the scope and purpose of the appraisal (location, proposal), the landscape baseline (landscape character, the site and landscape setting, and landscape designations), planning policy context (national and local context), visual baseline (assessment context, visual assessment, visual envelope, visual context, and assessment of effects on visual amenity), landscape and visual effects (predicted impacts, effects on landscape character and visual effects). The Landscape and Visual Appraisal appendix concludes that 'the application site is able to successfully accommodate the proposal to extract the remaining mineral, in landscape and visual terms, without having an unacceptable effect or loss of landscape character or visual amenity'.

9 – Ecological Impact Assessment (produced Collington Winter Ltd). (Note the applicant has confirmed that the previous ecological reports undertaken in 2016/2016 inform the application and are publicly available via the Staffordshire Moorlands Council planning system (ref. SMD/2017/0129).

This appendix includes an introductory section which details the scope and purpose of the assessment, the location, the objective, planning policy biodiversity action plans. The methodology section details the ecological impact assessment, zone of influence, likely significant impacts, details of the various assessments undertaken and survey limitations. The baseline ecological conditions section of the appendix identifies the designated sites (Special Scientific Interest (SSSI) and Sites of Biological Importance (SBI), describes the habitats, identities invertebrates, amphibians, reptiles, bats, birds, badgers and European hedgehog found within the site. The assessment of impact and proposed mitigation section details the general pollution control measures and general lighting control measures to be implemented.

The section also describes the potential impacts, mitigation measures and compensation measures (as required) for the designated sites and habitats, and in relation to badgers, amphibians, roosting bats, bat activity, birds, invertebrates and European hedgehog. A summary table details the mitigation/compensation measures required to be secured by condition.

The Ecological Impact Assessment concludes that the avoidance, mitigation, compensation, and enhancement proposals will minimise risk of no unlawful actions occurring during the extraction phase and the enhancements will ensure the site is to be of greater benefit to the local wildlife following the completion of the extraction and restoration phases.

A Biodiversity Net Gain Assessment (produced Collington Winter Ltd) has been submitted. This includes an introduction (scope & purpose, location, objectives and

planning context), methods (existing habitat, restoration features, the biodiversity metric, habitat scoring, limitations of assessment), baseline conditions (strategic significance, condition assessment, retained and enhanced habitats, lost habitats and pre- development habitat baseline) and details of habitat creation. The Biodiversity Net Gain Assessment concludes that assessment and the DEFRA 3.0 Metric demonstrates that the habitat creation and enhancements would create a positive net gain of +37.81% in Habitat Area Units.

#### 10 – Heritage Impact Assessment (produced by Solstice Heritage LLP)

This appendix includes an executive summary, introduction (background, location and description, the aims of the assessment), baseline information including details of a site walkover, the geology and geomorphology, the surrounding heritage assets within 1 kilometres of the site including Biddulph Grange, Bailey’s Wood Ringwork, Biddulph Old Hall, Shepherd’s Cross, The Moor House, Elmhurst and Hurst Silk Mill and a review of historic mapping. The significance of each of the designated Heritage Assets is assessed and the potential impacts of the quarry. The Heritage Impact Assessment concludes that there would be an overall neutral impact on the setting of the designated heritage assets based on no change to their current settings.

#### 11 – Hydrogeology / High Level Assessment of Water Issues (produced by Hafren Water Ltd).

This appendix includes details of the background and scope of the assessment, the Environment Agency comments in relation to a scoping opinion ref. SCO.88/101 MW) and data sources. The assessment also includes the baseline conditions and potential water issues in relation to the removal of the mineral (extraction would take place above the water table). The assessment summary states many of the potential water-related issues associated with the location of the site (raised by the EA) are negated as dewatering will not take place and that the depth of proposed mineral extraction is relatively small. The risk of accidental spillage of hydrocarbons (from plant operating) can be managed by implementing spill prevention and emergency response procedures. The watercourse which flows into the proposed extraction area would need to be management and this would require the diversion of this watercourse (northwards) and this would require an Ordinary Watercourse Consent (see below).

A Watercourse Diversion Risk Assessment has also submitted which includes a conceptual design for the watercourse diversion. The Assessment indicates that a more detailed design will be needed to acquire an Ordinary Watercourse Consent from the Lead Local Flood Authority.

Appendix 1 of the ES - List of Proposed Conditions.

This appendix includes 44 conditions and the “reasons” for the conditions.

Appendix 2 of the ES - Non-technical summary: In accordance with the

requirements for environmental assessment, the main findings are set out in a non-technical summary.

Appendix 3 of the ES - Alternatives Assessment. This section outlines the main alternative considered by the applicant to work a much larger areas of the quarry. This would have involved working area of the quarry which have naturally regenerated and now have a higher ecological value and potentially requiring the draining or re-profiling of established water bodies. The 'Do Nothing' alternative was not considered as the site would have been left unrestored and permitted reserves would have been sterilised.

Two letters accompanied the ES which provide:

- The relevant qualifications of the competent experts involved in preparing the ES (ref. Planning Practice Guidance; Environmental Impact Assessment; Preparing an Environmental Statement and the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, Part 5, Regulation 18 (5) (b)).
- Details of the publication and availability of the ES.
- Clarification concerning the Mineral Development Statement.
- Clarification concerning the previous surveys referred to in the Ecological Impact Assessment.

Additional information submitted:

- An email dated 22 December 2022 provided clarification concerning blasting at the site.
- Letter from the Mineral Planning Group dated 24 February 2023 (ref 115-9-20221122-L1.1-ES) addressed the comments from the County Council's Environmental Advice Team and the Lead Local Flood Authority, and the provided a revised list of conditions.
- Letter from the Mineral Planning Group dated 17 May 2023 (ref 115-9-20221122-L1.1-ES) addressed the further comments from the County Council's Environmental Advice Team, the Planning Regulation Team and the provided a further revised list of conditions.

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



## **Appendix 5 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 3: Safeguarding Minerals of Local and National Importance and Important Infrastructure.
- 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 Moorlands District Council Local Plan](#) (2014 to 2033) (adopted September 2020)

- Policy SS1 - Development principles.
- Policy SD 4 - Pollution and water quality.
- Policy SD 5 - Flood Risk.
- Policy DC 1 - Design considerations.
- Policy DC 2 - The Historic Environment.
- Policy DC 3 - Landscape and Settlement Setting.
- Policy NE 1 - Biodiversity and Geological Resources.
- Policy T 1 - Development and Sustainable Transport.

[Biddulph Neighbourhood Plan](#) (Proposed – Draft February 2020).

- Policy NE1 – Natural Environment Features.
- Policy NE 3 – Local Green Space
  - Local Green Space designation - [Appendix H](#) of the Neighbourhood Plan “Hurst Road verge” and “Biddulph Grange Country Park”).
- Policy INF2 – Sustainable Drainage.
- Policy DES 1 – Design.

The [Examiner's Report](#) received on the 2 February 2022 recommended (subject to the recommended modifications) that the Biddulph Neighbourhood Plan and the Neighbourhood Development Order should proceed to a referendum.

The [Biddulph Neighbourhood Plan and NDO \(Neighbourhood Development Order\) Referendum](#) will take place on 7 December 2023.

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

- [National Planning Policy Framework](#) (updated 5 September 2023):
  - [Section 1](#): Introduction.
  - [Section 2](#): Achieving sustainable development.
  - [Section 4](#): Decision-making.
  - [Section 6](#): Building a strong, competitive economy.
  - [Section 9](#): Promoting sustainable transport.
  - [Section 11](#): Making effective use of land.
  - [Section 12](#): Achieving well-designed places.
  - [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.

The Department for Levelling Up, Housing, and Communities has recently undertaken a consultation on a review of the NPPF. [The consultation ended on 2 March 2023](#). None of the [proposed tracked changes](#) are considered to be relevant to this case.

- [Planning Practice Guidance](#)
  - [Conserving and enhancing the historic environment](#)
  - [Design: process and tools](#)
  - [Environmental Impact Assessment](#)
  - [Flood risk and coastal change](#)
  - [Green Belt](#)
  - [Health and wellbeing](#)
  - [Land stability](#)
  - [Light pollution](#)
  - [Minerals, Review of minerals planning conditions](#)
  - [Natural environment, Biodiversity, geodiversity and ecosystems](#)
  - [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](#)

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