

Local Members' Interest	
Mr. P. E. B. Atkins	Uttoxeter Rural

PLANNING COMMITTEE – 5 October 2017

MINERAL COUNTY MATTER

District: Application No. Staffordshire Moorlands - [ES.17/01/511 MW](#)

Date Received: 11 January 2017

Date Revised/Further Details Received: 21 February 2017, 22 March 2017, 27 March 2017, 28 April 2017, 11 July 2017 and 20 July 2017

J. C. Bamford Excavators Ltd. for the construction of a demonstration facility to incorporate workshops, welfare and customer hospitality and changing rooms together with separate covered grandstand and associated works at Kevin Quarry, Ramshorn, Oakamoor, Stoke-on-Trent.

Background/Introduction

1. The first planning permissions for Kevin Quarry were granted in the early 1960's. Limestone has been extracted from the quarry; however the site was 'mothballed' in 2000's by the quarry operators and mineral extraction operations were temporarily suspended.
2. Operations at the quarry re-commenced in December 2013 when JCB purchased the site from Tarmac (formerly Lafarge Tarmac). JCB have explained that they intend to continue to use the site for '*low-key quarrying and related operations, under the Interim Strategy principally to operate, monitor and demonstrate the performance of machinery within the quarry environment in a controlled manner*'.
3. Planning permission granted in December 2013 (the 'December 2013 planning permission') for the operation of the quarry (ref. [ES.07/16/511 MW](#)) includes two operational strategies for the quarry: an 'Interim Strategy' (i.e. limited mineral operations); and, a 'Working Strategy' (i.e. a return to a fully operational quarry).

Site and Surroundings

4. Kevin Quarry occupies undulating land on the south western flanks of the Weaver Hills, adjacent to Wredon Quarry (to the north). Ramshorn village lies about 600 metres to the south of the site and Wootton village is about 2 kilometres to the south. The proposed development is located within East Staffordshire Borough Council's administrative area and the boundary with Staffordshire Moorlands District Council's administrative area lies between Kevin Quarry and Wredon Quarry (approximately 850 metres to the north of the proposal).
5. The demonstration facility would be located towards the southern boundary of Kevin Quarry and the covered grandstand would be located in centre of the quarry linked

by an internal haul road (see Plan 1).

6. Access to the demonstration facility and covered grandstand would be from the existing entrance on Ellastone Road (C0003).

Summary of Proposals

7. The application relates to the construction of a demonstration facility separate covered grandstand in association with the approved use of the site for low key quarrying to enable to the operation, monitoring and demonstration of JCB machines within a quarry environment in accordance with the 'Interim Strategy' referred to earlier.
8. The demonstration facility would be 'T' shaped and would measure approximately 50.2 metres in length; the upper part of the 'T' would 27.5 metres by 14.9 metres. The lower part of the 'T' would measure 35.4 metres by 17.7 metres.
9. The walls and roof of the demonstration facility would be constructed using khaki green coloured composite wall/roof panels. There would be windows and curtain walling on the western elevation; external doors including the vehicle doors on the north and southern elevations; a cantilevered entrance canopy; and, the coping/flashing/gutting/downpipes would be a merlin grey in colour. Two 'JCB' non-illumination signs would be located on the western and southern elevations. 124 photovoltaic panels would be mounted to the demonstration facility roof. Concrete hardstanding would be provided around the demonstration facility (see Plan 2).
10. Inside the demonstration facility there would be a double height 'Customer Welcome Area & Machine 'walk round' Zone'; a 25 seat theatre; a double height 4 bay demonstration maintenance workshop and a single storey parts area; drying room; a demonstration office/live link area; a kitchen; an entrance lobby; male and female W.C./shower; WC and disabled W.C; PPE changing area; store room and lift to the first floor. The first floor includes a demonstration welfare area and three meeting rooms.
11. The grandstand would measure approximately 25 metres (including roof overhang on the south western elevation) by 23.2 metres. The roof would slope from north east to south east (7.4 metres to 5.6 metres). A canopy/lobby measuring 4 metres by 4 metres and 4 metres in height would be located to the south east.
12. The walls and roof of the grandstand would be constructed using khaki green coloured composite wall/roof panels. The windows would be a frameless glazing system on the south western elevation; there would be a canopy/lobby; a sliding vehicle door on the south eastern elevation to access the hospitality exhibition area; and, again the coping/flashing/gutting/downpipes would be a merlin grey in colour. Two 'JCB' non-illumination signs would be located on the north eastern and south eastern elevations (see Plan 3).
13. The grandstand building would consist of a glass fronted tiered seating area (332 seats) including an office; hospitality exhibition area; lobby area; kitchen; male and female/disabled W.C and store room. A plant area would be located to the north of the building and a vehicle drop off area would be sited to the east of the building.

14. The proposal also includes 44 car park spaces provided adjacent to the demonstration facility (to the east) and grandstand (to the north east) and a vehicle wash bay to the south of the demonstration facility.

The Applicant's Case

15. The applicant has indicated the demonstration facility and covered grandstand at Kevin Quarry South would be used to support the JCB's existing activities on the site which entail the demonstration of construction equipment to JCB dealers and customers. JCB intend to continue to use the Kevin Quarry South for low key quarrying operations and related operations, in accordance with the approved 'Interim Strategy'.
16. The demonstration facility and covered grandstand would allow customers to see machines working in a 'truly impressive environment, which would inevitably increase machine sales and 'allow JCB to consider expanding its factory infrastructure elsewhere in the county, creating the potential for new jobs'.
17. The demonstration facility and covered grandstand would form a part of the "JCB Experience" delivered at its World Headquarters in Rocester which would provide a 'world class demonstration facility and hospitality suite to showcase its world class products and to enable JCB to compete with its global competitors who have first rate demonstrating facilities'.
18. JCB currently have a demonstration arena near their World HQ (Woodseat, Rocester) which is now within the bounds of JCB's golf course and which is currently under construction. The applicant has explained that the existing arena site is outdated and not suitable to demonstrate the latest generation and emerging product range (including the larger machines) effectively in a working environment.
19. The applicant considers the technical reports submitted conclude that no significant environmental effects or other unacceptable adverse impacts would be caused as a result of the development which would significantly and demonstrably outweigh the benefits of the development. The proposal is also compatible with the existing quarry and would not sterilise the working of any valuable mineral reserves.

Relevant Planning History

20. Planning permission was granted in July 2001, subject to a Section 106 Legal Agreement, for an extension and revised restoration scheme (ref. [ES.16711/03](#)).
21. Planning permission was granted in December 2013, subject to a supplemental to the Section 106 Legal Agreement, to vary conditions 8, 14, 47 and 48 of planning permission ES.16711/03 to extend the dates for submission of details relating to soil stripping, noise monitoring and restoration (ref. [ES.07/16/511 MW](#)) [the 'December 2013 planning permission'].
22. In June 2017 an Interim Strategy (condition 11), an Interim Restoration and Landscaping Scheme (condition 16), wheel cleaning facilities (condition 30a), nature conservation measures (condition 34) and an Interim Noise Monitoring Scheme (condition 45) were approved (ref. [ES.07/16/511 MW D1](#) and [ES.07/16/511 MW D2](#)).

23. Two non-material amendments were approved to extend the dates for the submission of the above details (ref. [ES.07/16/511 MW NMA1](#) and [ES.07/16/511 MW NMA2](#)).
24. Planning permission was also granted in May 2010 to regularise the importation of stone to the coating plant operated by Tarmac (ref. [ES.09/23/511 MW](#)).

Environmental Impact Assessment (EIA)

Screening Opinion: YES* **Environmental Statement:** NO

[* Note: In accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2011, the County Council issued a “Screening Opinion” on the proposals which concluded that the proposed development is not EIA development and therefore need not be supported by an Environmental Statement (ref: [SCE.237/ES.17/01/511 MW](#) dated 28 March 2017).].

Findings of Consultations

Internal

25. The Environmental Advice Team (EAT) commented as follows:

Ecology – the revised Preliminary Ecological Appraisal is appropriate and conditions are recommended to ensure ecological protection and enhancement in accordance with the [Minerals Local Plan for Staffordshire](#) policy 4. The County Ecologist has indicated that the potential for impacts is considered negligible given the inclusion of the mitigation proposals. The following conditions are recommended to require:

- the submission of a plan showing the tree and woodland protection and compensation and watercourse protection described in Preliminary Ecological Appraisal;
- the submission of a Himalayan balsam control implementation plan covering the measures advised in Preliminary Ecological Appraisal;
- the submission of a pre-clearance and construction Precautionary Working Method Statement for protection of species in accordance with Preliminary Ecological Appraisal; to include measures for badger, breeding birds and great crested newt protection;
- the submission of drainage plans to include ecological assessment and mitigation; and,
- the submission of an ecological enhancement plan;

Landscape – the Landscape and Visual Impact Assessment demonstrates that the impact of development on landscape character would not be significant, and from most viewpoints visual effects would be negligible or nil. A condition is recommended to require planting details of the vegetated landscape bund to the south of the development to be submitted. The Environmental Advice Team have

also advised that the Staffordshire Wildlife Trust is keen to work with the quarry manager on low-cost creation, by green hay strewing or local seed spreading, of species-rich grassland on non-operational areas such as bunds

Archaeology and Historic Environment – the site appears to have been substantially impacted by previous extraction and quarry workings and therefore archaeological mitigation would not be appropriate in this instance.

Rights of Way - the County Council's Definitive Map of Public Rights of Way shows that no rights of way cross the proposed application site.

26. Highways Development Control (on behalf of the Highways Authority) has no objection to the proposal subject to the submission of an Events Management Plan (i.e. for large events over 100 attendees the plan to include details of the routing of vehicles including coaches; the management of all traffic entering and leaving the site; the methods for reducing single occupancy journeys to the event; the parking arrangements throughout the event and provisions for review and updates to the Plan); and, details of a low-loader HGV route to and from the site.
27. County Council's Noise Engineer has commented that based on the additional information submitted and knowledge of the location, it is accepted that the proposals is likely to be acceptable on noise grounds and conditions are recommend to controls on hours, frequency, quantity of mineral to be extracted/processed to ensure there is no opportunity to intensify the proposals with the potential of causing unacceptable levels of noise.
28. Planning Regulation Team has no objection.
29. Flood Risk Management Team (on behalf of the Lead Local Flood Authority) has no comments to make.

External

30. Severn Trent (Asset Protection Team) – no objection subject to a condition to require the submission of drainage plans for the disposal of four and surface water flows and their implementation.
31. Natural England – considers that the proposed development would not have significant adverse impacts on designated sites and has no objection.
32. Environment Agency – no objection.
33. East Staffordshire Borough Council Environmental Health Officer (EHO) – is satisfied that the proposal would not have an unacceptable noise impact and have recommended the inclusion of an informative concerning contaminated land.
34. Staffordshire Moorlands District Council Environmental Health Officer (EHO) – no response.

District/Parish Council

35. East Staffordshire Borough Council - no objection.

36. Staffordshire Moorlands District Council – no response.
37. Ramshorn Parish Council - no response.
38. Wootton Parish Council - no response.
39. Farley Parish Council - no response.

Publicity and Representations

40. Site notice: YES Press notice: YES
41. Notification letters were sent to 9 neighbours and no representations have been received.

The development plan policies and other material planning policy considerations relevant to this decision

42. The relevant development plan policies are:

- a) [Minerals Local Plan for Staffordshire \(2015 - 2030\)](#) (adopted February 2017):

- Policy 3: Safeguarding Minerals of Local and National Importance and Important Infrastructure;
- Policy 4: Minimising the impact of mineral development;
- Policy 4.5: Higher environmental standards; and
- Policy 4.6: Ancillary development;
- Policy 6: Restoration of Mineral Sites.

- b) The [East Staffordshire Borough Council Local Plan](#) (October 2015)

- Principle 1 - Presumption in Favour of Sustainable Development;
- Policy SP14 - Rural Economy;
- Policy SP24 - High Quality Design;
- Policy SP27 - Climate Change, Water Body Management and Flooding;
- Policy SP28 - Renewable and Low Carbon Energy Generation;
- Policy SP29 - Biodiversity and Geodiversity;
- Policy SP30 - Locally Significant Landscape;
- Policy SP35 – Accessibility and Sustainable Transport;
- Detailed Policy 1 - Design of New Development;
- Detailed Policy 2 – Designing in Sustainable Construction;
- Detailed Policy 7 - Pollution and Contamination; and,
- Detailed Policy 8 – Tree Protection.

43. The other material planning policy considerations are:

- a) [The National Planning Policy Framework](#) (the NPPF) (27 March 2012)

- Section 1: Building a strong, competitive economy
- Section 4: Transport

- Section 7: Requiring good design
- Section 10: Meeting the challenge of climate change, flooding and coastal change;
- Section 11: Conserving and enhancing the natural environment;
- Section 12: Conserving and enhancing the historic environment
- Section 13: Minerals

b) [Planning Practice Guidance](#) (last updated 28 July 2017)

- [Design](#);
- [Flood risk and coastal change](#);
- [Health and wellbeing](#);
- [Minerals](#);
- [Natural environment](#);
- [Transport evidence bases in plan making and decision taking](#);
- [Travel Plans, Transport Assessments and Statements](#);
- [Use of planning conditions](#);
- [Waste](#);
- [Water supply, wastewater and water quality](#).

Observations

44. This is an application for the construction of demonstration facility to incorporate workshops, welfare and customer hospitality and changing rooms together with separate covered grandstand and associated works at Kevin Quarry, Ramshorn, Oakamoor, Stoke-on-Trent.
45. Having given careful consideration to the application and supporting information, the relevant development plan policies other material considerations, and the consultation responses received, all referred to above, the key issues are considered to be:
- The planning policy considerations (specifically the presumption in favour of sustainable development and design);
 - The minerals planning policy considerations (specifically mineral sterilisation and ancillary development);
 - The environmental considerations (specifically the impacts on the landscape and visual amenity, ecology, and the noise and traffic impacts); and,
 - The need for a new / supplemental Section 106 Legal Agreement.

The planning policy considerations

The presumption in favour of sustainable development

46. Government guidance in the [National Planning Policy Framework](#) refers to the presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking (paragraph 14). Furthermore, the National Planning Practice Guidance explains that:

'Where a proposal accords with an up-to-date development plan it should be approved without delay, as required by the presumption in favour of sustainable development' [ref. Determining a planning application; [How must decisions on applications for planning permission be made?](#), Paragraph: 006].

47. This presumption is re-stated in the local planning policies including paragraph 1.3 of the [Minerals Local Plan for Staffordshire](#) and in Principle 1 of the [East Staffordshire Borough Council Local Plan](#), which also refer to the positive approach in favour of sustainable development when considering proposals.
48. *Conclusion:* For the reasons discussed below with regard to the up to date, planning policies related to design, minerals and the environment, it is concluded that the proposals do represent sustainable development, hence the recommendation is to permit the proposed development.

Design

49. The [National Planning Policy Framework](#) and the [East Staffordshire Borough Council Local Plan](#) set out the general planning policies and detailed development management policies that should be considered when determining planning applications. Of particular relevance in this case are the design considerations and the relevant guidance in the [National Planning Policy Framework \(Section 7: Design\)](#) and the relevant policies in the [East Staffordshire Borough Council Local Plan](#) (policy SP24 and Detailed Policy 1 (Design of New Development) and Detailed Policy 2 (Designing in Sustainable Construction)).
50. The demonstration facility would be located on an area that has previously been worked and existing landscaping would screen the building. Quarry infrastructure ('plant site') is located to the east of the demonstration facility. The demonstration facility would be finished using green panels and tinted grey curtain glass walling with photovoltaic roof mounted panels. The covered grandstand would be located within the confines of the quarry void and therefore would be screened. The covered grandstand would also be finished using green panels with tinted grey curtain glass walling. Disabled access/ disabled WC would be provided. The car park associated with the demonstration facility would be permeable ('hydropave block paving').
51. The application is accompanied by a Design and Access Statement, a Landscape and Visual Assessment, a Noise Assessment, a Transport Statement, an Ecological Appraisal, and, a Planning and Sustainability Statement. No objections to the design of the proposals by consultees including the County Council's Environmental Advice Team and East Staffordshire Borough Council. It is therefore reasonable to accept the applicant's contention that *'The design of the buildings, their massing and siting are well related to and appropriate to the location and proposed use.'*
52. *Conclusion:* Having regard to the application supporting information, policies, guidance, other material considerations and consultee comments, all referred to above, it is reasonable to conclude that the proposed development would be acceptable in design terms.
53. *Overall Conclusion:* Having regard to the relevant general planning policy considerations, it is reasonable to conclude that the proposals are acceptable in

principle. The site specific mineral and environmental planning policy considerations are discussed below.

The minerals planning policy considerations

Mineral sterilisation

54. Both national and local planning policies recognise the importance of minerals for sustainable economic growth. The [National Planning Policy Framework](#) (NPPF) contains specific mineral planning policy guidance (Section 13) and the [Minerals Local Plan for Staffordshire](#) (Vision and Strategic Objective 1).
55. In this case, the proposal does not involve mineral extraction, albeit that limestone extracted at Kevin Quarry would be used in the demonstration of machinery. A key consideration in this case is mineral sterilisation, i.e. whether the proposed development would permanently sterilise the underlying permitted mineral reserves.
56. The NPPF advises that:

‘Minerals are essential to support sustainable economic growth and our quality of life. It is therefore important that there is a sufficient supply of material to provide the infrastructure, buildings, energy and goods that the country needs. However, since minerals are a finite natural resource, and can only be worked where they are found, it is important to make best use of them to secure their long-term conservation’ (ref. NPPF paragraph 142).
57. The implications of the location of the demonstration facility and grandstand at Kevin Quarry and the implications relating to the continued mineral extraction therefore need to be assessed.
58. Reference is made in paragraph 2.22 of the Mineral Local Plan to the provision of limestone reserves from quarries in Staffordshire such as Kevin Quarry over the plan period:

‘Limestone reserves used for crushed rock are more than sufficient to meet the anticipated requirements for crushed rock aggregate over the Plan period’.
59. Specific reference is also made to the use of Kevin Quarry by JCB (paragraph 2.24 of the plan):

‘JCB has taken a long term interest in the complex of quarries known as Wardlow/ Wredon and Kevin to assist them with the development of new vehicles. As a result, it is anticipated that the permitted minerals will remain as a long term reserve. In the event that the quarries are re-activated then we will also encourage Tarmac, who have retained an option to work the minerals, to consider the benefits of co-ordinated working and restoration here’.
60. It should be noted that although JCB has a long term interest in the quarry to ‘assist them with the development of new vehicles’, the permitted mineral remains a long term reserve. The construction of the demonstration facility and covered grandstand would therefore have a potential impact on the continuation of mineral extraction at the site.

61. Policy 3.2 of the [Minerals Local Plan for Staffordshire](#) states that proposals for non-mineral development in the vicinity of permitted mineral sites or mineral site allocations should not unduly restrict the mineral operations.
62. JCB have confirmed that the site is currently operating in accordance with the approved 'Interim Strategy' and approved 'Interim Restoration and Advanced Landscaping Scheme' (ref. [ES.07/16/511 MW D1](#)).
63. The definitions of 'interim' and 'working' operations are set out in condition 4 which states that:
- a) *'interim operations' are defined as any operations resulting in the export of mineral from the Site of less than 1000 tonnes in a 12 month period.*
 - b) *'working operations' are defined as any operations resulting in the export of mineral from the Site of 1000 tonnes or more in a 12 month period'.*
64. The permission also includes a requirement for a Working Strategy (condition 12) if it is intended that 'working operations' re-commence.
65. The applicant has indicated that there would be no loss, temporary or permanent of the permitted reserve and has confirmed that the demonstration building and car park area would have no impact on the resumption of mineral working as these are located outside the permitted extraction areas (the permitted extraction areas are shown on approved phasing plans ref. [ES.16711/03](#)) and the grandstand would be removed before the commencement of the 'Working Strategy' and would not have an effect on the resumption of mineral extraction.
66. The applicant has also confirmed that Tarmac have 'retained the rights to continue with its coating process at the site' and the proposals would have no impact on the coating and power plant operation as the development has been designed to allow both operations to take place concurrently in different parts of the quarry and access arrangements for the coating and powder plant operations will also be unaffected by the development.
67. Based on these assurances, the proposal is not considered to be contrary to Policy 3.5 of the [Minerals Local Plan for Staffordshire](#) that aims to safeguard minerals infrastructure sites but the provision for stockpiling areas should be reviewed.

Ancillary development

68. [Minerals Local Plan for Staffordshire](#) Policy 4.6 requires ancillary development such as this proposal to be limited to the life of the mineral site. Paragraph 7.45 of the Mineral Local Plan states that:

'...Any proposals will be regarded as ancillary development where the principal purpose of the ancillary development would be any purpose in connection with the operation of the mineral site; the treatment, preparation for sale, consumption or utilisation of minerals won or brought to the surface at that mineral site, or the storage or removal from the mineral site of such minerals, their products or waste materials derived from them. Policy 4 requires that

ancillary development should be limited to the duration of the mineral site and that the impacts of proposed development will be assessed in accordance with Policy 4'.

[Note: The relevant Policy 4 environmental considerations are discussed later in the report].

69. Conditions 6 and 7 of the December 2013 planning permission define the relevant dates as follows:
- The winning and working of minerals within the Site and importation of mineral waste to the Site shall cease no later than 31 December 2028 ('the cessation date') [Condition 6].
 - 'The Site shall be restored no later than 31 December 2029 or within 12 months of the cessation date, whichever is the sooner' [Condition 7].
70. As the proposed development would be temporary it would be necessary to include conditions to require the site to be restored in accordance with the restoration and aftercare requirements in the December 2013 planning permission.
71. *Conclusion: (mineral safeguarding and ancillary development:* Having regard to the relevant policies and guidance it is reasonable to conclude that a temporary planning permission should be issued with a condition to require the removal of the grandstand prior to the re-commencement of the 'working operations' and the removal of the demonstration building in accordance with the restoration requirements for the mineral site.

The environmental considerations (specifically the impacts on the landscape and visual amenity, ecology and the noise and traffic impacts)

Landscape and visual amenity

72. Government policy in the [NPPF](#) and local plan policies in the [East Staffordshire Local Plan](#) (policy SP30) and in the [Minerals Local Plan for Staffordshire](#) (policy 4) all seek to protect and / or enhance the landscape and visual amenity and ensure that development is informed by, or sympathetic to, the character and qualities of its surroundings, its location, scale and design.
73. The applicant has provided a revised Landscape and Visual Impact Assessment which concludes that the visual impacts on Public Rights of Way, roads and residential properties would be limited to locations at a medium-distance from the quarry and there would be very limited long-distance views of the quarry from public vantage points, including from the Peak District National Park, however these are generally screened by intervening vegetation and topography.
74. The Landscape and Visual Impact Assessment states that where possible, the existing hedgerows and hedgerow trees on the site boundaries would be retained and enhanced and that the existing vegetated landscape bund located to the south of the proposed demonstration building site would be retained and would continue to provide screening.

75. The Environmental Advice Team has commented that the Landscape and Visual Impact Assessment demonstrates the impact of development on landscape character would not be significant, and from most viewpoints the visual effects would be negligible or nil. The assessment states that properties on the northern fringes of Ramshorn would experience glimpsed views of the development. The Environmental Advice Team has also stated that a condition should be included requiring planting details of the vegetated landscape bund to the south of the development to be submitted.
76. *Conclusion:* Having regard to the policies, guidance, other material considerations consultation responses, referred to above, it is reasonable to conclude that, subject to the recommended condition, the proposals would not give rise to any unacceptable adverse impact on the landscape or visual amenity.

Ecology

77. Section 11 of the [NPPF](#) indicates that proposals should aim to conserve and enhance biodiversity. Local planning policies in the [East Staffordshire Local Plan](#) (policy SP29) and in the [Minerals Local Plan for Staffordshire](#) (policy 4.1 (ii)) all support development that restores landscape character provided that environmental interests such as flora and fauna of acknowledged importance and existing landscape character are protected, conserved or enhanced.
78. A revised Preliminary Ecological Appraisal was submitted to address matters raised by the Environmental Advice Team. The Environmental Advice Team has recommended a number of conditions to protect flora and fauna.
79. *Conclusion:* Having regard to the above mentioned policies and other material considerations, consultee comments, referred to above, it is reasonable to conclude that subject to the recommended conditions, the proposals would not give rise to an unacceptable adverse impact on the ecology of the site or the surroundings.

Traffic

80. Government guidance (NPPF paragraphs 32 and 144) and local plan policies in the East Staffordshire Local Plan (policies SP1, SP35 and DP1) and in the [Minerals Local Plan for Staffordshire](#) (policy 4) aim to protect the local highway network and the safety of residents.
81. The applicant has submitted a Transport Statement which indicates that visitors (typically about 20 and for an annual large event over 100) who would arrive by car, coach or minibus and concludes that the existing access is safe and suitable to cater for the traffic associated with the proposed development; the traffic generated would be relatively low; and, groups of visitors would be taken to quarry site by minibus/coach from the JCB headquarters in Rocester.
82. No objections have been raised by the Highways Development Control Team subject to the submission of a Large Events Management Plan and details of the low-loader HGV route to and from the site to be approved. As these details would involve off-site measures the requirements would need to be secured by a Section 106 Legal Agreement – see later.]

83. *Conclusion:* Having regard to the policies, guidance, other material considerations and, consultation response, referred to above, it is reasonable to conclude that, subject to the recommended undertakings secured by a Section 106 Legal Agreement), the proposals would not give rise to any unacceptable adverse impact on the transport network.

Noise

84. Paragraph 144 of the [NPPF](#) explains that local authorities should ensure that any unavoidable noise, dust and particle emissions.....are controlled, mitigated or removed at source and appropriate noise limits set for extraction in close proximity to noise sensitive properties. Guidance concerning noise can also be found in the Planning Practice Guidance ([Noise and Minerals; Assessing environmental impacts from minerals extraction; What are the environmental issues of minerals working that should be addressed by mineral planning authorities?; Noise Emission](#)). The [Minerals Local Plan for Staffordshire](#) (policy 4.1) also seeks to ensure that developments should not cause unacceptable adverse impacts.
85. The applicant submitted a Noise Assessment which concluded that the operation of the site would not give rise to adverse noise effects for the closest potentially noise sensitive residential receptors located hundreds of metres to the south and south-west of the facility and that no additional noise mitigation measures are considered to be necessary.
86. A Technical Memorandum was also submitted which states that it is “*reasonable to conclude that the proposals would produce less noise than the existing Tarmac stone crushing activities; as these appear to be operating without causing disturbance to the nearest residents, it seems reasonable to conclude that JCB’s proposals can be permitted without undue concern for local residential amenity.*”
87. The ‘December 2013 planning permission’ includes conditions concerning the submission of noise monitoring schemes for Interim Strategy and also Working Strategy (Conditions 45 and 46). A noise monitoring scheme for Interim Strategy submitted to comply with condition 45 was approved in June 2017 (ref. [ES.07/16/511 MW D2](#)).
88. The County Council’s Noise Engineer advised that based on the additional information and knowledge of the location, it is broadly accepted that the proposals are likely to be acceptable on noise grounds and that conditions are recommended to controls on hours, frequency, quantity of mineral to be extracted/processed to ensure there is no opportunity to intensify the proposals with the potential of causing unacceptable levels of noise.
89. *Conclusion:* Having regard to the above mentioned policies and guidance, consultee comments received, and the conditions recommended below, it is reasonable to conclude that the proposals can be controlled such that they would not give rise to any unacceptable adverse noise impacts.
90. *Overall Conclusion - the environmental considerations:* Having regard to the policies, guidance, other material considerations, consultation responses, all referred to above, it is reasonable to conclude that, subject to the recommended conditions and undertakings secured by a Section 106 Legal Agreement, the proposals would not

give rise to any unacceptable adverse impact on the environment.

The need for a new / supplemental Section 106 Legal Agreement

91. Before a new / supplemental Section 106 Legal Agreement (S106) can be taken into account as a material consideration in deciding whether or not to grant planning permission, it is first necessary to determine whether or not the undertaking(s) meet the tests set out in the NPPF paragraph 204. The 3 tests are that the undertakings should be:
- necessary to make the development acceptable in planning terms;
 - directly related to the development; and
 - fairly and reasonably related in scale and kind to the development.

[Note: These are also legal tests by virtue of the Community Infrastructure Levy Regulations 2010 [[Part 11, Regulation 122 and 123](#)] (as amended by the [2011](#), [2013](#) and [2014](#) Regulations). The Planning Practice Guidance ([Community Infrastructure Levy, Do the planning obligations restrictions apply to neighbourhood funds?](#)) indicates that the [Community Infrastructure Levy \(Amendment\) Regulations 2014](#) prevents section 106 planning obligations being used in relation to those things (infrastructure) that are intended to be funded through the levy (Community Infrastructure Levy) by the charging authority. East Staffordshire District Council has not yet adopted a CIL for their area].

92. It is considered that the recommended undertakings to require the submission of a Large Events Management Plan and a Low-loader HGV Routing Plan would meet the tests referred to above as it is considered that the undertakings are necessary, directly related and fair and reasonable to minimise the impact on the highway network in accordance with the [Minerals Local Plan for Staffordshire](#) (policy 4); the [East Staffordshire Borough Council Local Plan](#) (policies SP1, SP35, DP1) and the [National Planning Policy Framework](#) (section 4).
93. *Conclusion:* It is reasonable to conclude that the undertakings described above are necessary, relevant and fairly and reasonably related in scale and kind to the development and should be secured as part of a new / supplemental S106.

Overall Conclusion

94. Overall, as an exercise of judgement, taking the relevant development plan policies as a whole and having given careful consideration to application and supporting information, the consultation responses and the other material considerations, all referred to above, it is reasonable to conclude that planning permission should be granted, subject to a new / supplemental S106 and planning conditions.

RECOMMENDATION

PERMIT the proposed development for the construction of demonstration facility to incorporate workshops, welfare and customer hospitality and changing rooms together with separate covered grandstand and associated works at Kevin Quarry, Ramshorn, Oakamoor, Stoke-on-Trent subject to the applicant and all other persons

with an interest in the land first signing a new / supplemental Section 106 Legal Agreement and subject to planning conditions (the heads of terms are listed below).

The new / supplemental Section 106 Legal Agreement – the heads of terms to include the following:

1. Prior to the first large event* to submit a Large Events Management Plan for approval. The Plan shall include details the following matters:
 - a) Routing of vehicles including coaches
 - b) Management of all traffic entering and leaving the site
 - c) Methods for reducing single occupancy journeys to the event
 - d) Parking arrangements throughout the event
 - e) Provisions for review and updates to the Plan

(* Note: a large event shall be an event that attracts by more than 100 attendees)

2. Prior to the development being brought into use to submit a Low-loader HGV Routing Plan for approval.

The planning conditions - the heads of terms to include the following:

Definition of Permission

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

Commencement

2. To define the commencement of the development;

Cessation of Operations

3. To require the removal of the grandstand prior to the commencement of the 'working operations' defined in the mineral planning permission;
4. To require the removal of the demonstration facility in accordance with the approved restoration and aftercare scheme for the mineral site;
5. To define the expiry of the permission;

Hours of Operation

6. To limit the operating hours to 08:00 and 17:30 Monday to Fridays only and no such operations on Bank or Public Holidays;

Landscaping

7. To require the submission of planting details for the landscape bund to the south of the proposed demonstration building;

Ecology

8. To require the submission of a Tree and Watercourse Protection Plan;
9. To require the submission of a Himalayan Balsam Control Implementation Plan;
10. To require the submission of a pre-clearance and construction Precautionary Working Method Statement for protected species;
11. To require the submission of an Ecological Enhancement Plan;

Access and Transportation

12. To define the vehicular access to the site;
13. To require the access road to be maintained in a good state of repair;
14. To require that no mud or deleterious material is deposited on the public highway from vehicles leaving the site;

Environmental Protection

Maintenance

15. To require the site and buildings to be maintained in good condition and fit for purpose;

Drainage

16. To require the submission of a detailed foul and surface water drainage scheme
17. To require the safe storage of oils, fuels and chemicals;

Noise

18. To require the development to be carried out in accordance with the approved Interim Noise Monitoring Scheme (ref. [ES.07/16/511 MW D2](#) approved 15 June 2017);

Dust

19. To require the development to be carried out in accordance with the dust mitigation measures described in the Environmental Statement (section 10.7) of planning permission [ES.07/16/511 MW](#);

Lighting

20. To require that any lighting, including site security lighting, required on-site for safe working outside of daylight hours to be directed to minimise light spillage;

Burning of material

21. To require that no materials are burnt on the site;

Site Security

22. To require the site to be secured outside of the operating hours;

Knowledge of the Permission

23. To require a copy of the permission and all associated documents to be available to the person/persons responsible for the operations on site.

INFORMATIVES

1. The Section 106 Legal Agreements

To remind the applicant about the terms of the Section 106 Legal Agreements.

2. The County Council's Environmental Advice Team

To inform the applicant that the Staffordshire Wildlife Trust is keen to work with JCB on low-cost creation, by green hay strewing or local seed spreading, of species-rich grassland on non-operational areas such as bunds.

3. East Staffordshire Borough Council Environmental Health Officer (EHO)

To advise the applicant that the proposed development is situated within a "Radon Affected Area".

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

A list of background papers for this report is available on request and for public inspection at the offices of Staffordshire County Council, 1 Staffordshire Place, Stafford during normal office hours Monday to Thursday (8.30 am – 5.00 pm); Friday (8.30 am – 4.30 pm).