

Local Members' Interest	
Mr. M. Greatorex	Tamworth - Watling South

PLANNING COMMITTEE – 2 November 2017

MINERAL COUNTY MATTER

Tamworth: [T.16/02/905 MW](#)

Date Received: 18 July 2016

Date Revised/Further Details Received:

- 21 April 2017 (Revised restoration plan, cross sections and highway report; response to Environmental Advice Team; Transport Development Control; Flood Risk Team and Natural England);
- 30 May 2017 (Revised restoration plan and response to Environmental Advice Team; Transport Development Control; Flood Risk and Natural England); and,
- 7 June and 9 October 2017 (Details of void space).

Forterra Building Products Limited, application for eastern extension to the existing clay quarry with associated restoration on land at Wilnecote Quarry, Hedging Lane, Wilnecote, Tamworth.

Background/Introduction

1. The extraction of clay and restoration by the importation of waste has been taking place in this location for a number of years. The applicant has confirmed that clay extraction commenced in the late 1940s'. The quarry is operated in conjunction with Biffa Waste Services Limited (landfilling).
2. The current planning permission states that the winning and working of mineral, landfill operations and restoration should be completed by 31 December 2035. However, when the application was submitted, details were provided that the existing quarry is almost exhausted with only 12 months reserves remaining to be worked (shown on the Permitted Reserves (Removal of Internal Haul Roads) plan (Dwg No W22/65)). Since then the quarry has been worked at a reduced rate pending the determination of the application.
3. The permitted landfill void capacity is 2.8 million tonnes and the landfilling operation is currently closed (since approximately 2005).

The Site and Surroundings

4. Wilnecote Quarry is located some 3.5 kilometres south of the centre of Tamworth, to the east of Dosthill and to the south-west of Hockley (shown on Plan 1). Access for the clay extraction operation is from the associated brickworks on Hedging Lane and for the waste disposal operations, off Rush Lane only.

5. The quarry is bounded to the west by the Birmingham-Derby railway line, to the north by the company's brickworks and to the east by agricultural land. To the south the boundary is formed by Rush Lane which also delineates the County boundary with Warwickshire at this point. 'Kingsley Brickworks' lies to the south of Rush Lane (operated by Weinerberger).
6. The proposal includes an area of the permitted quarry (16 hectares); the proposed extension is located to the east. The extension area comprises two agricultural fields (shown on Plan 1). Two public rights of ways [Tamworth 81(c) and Tamworth 83] are located in the permitted quarry (to the north-eastern) and shown on Plan 1.

Summary of Proposals

7. The application is to extend the existing quarry to the east to release at least 806,000 tonnes of Etruria Marl. The application site also includes part of the existing quarry.
8. Mineral extraction within the extension would take place in three phases over 12 to 13 years and would take 15 to 16 years for the quarry to be restored from commencement.
9. The extension area consists of agricultural land to the east of the existing quarry and south of Hockley Hall Farm (8.4 hectare area in total) and includes the extraction area (6.4 hectares); temporary soil storage (0.5 hectares) and undisturbed areas for boundary planting (1.5 hectares).
10. The three phases of mineral extraction are summarised below.

	Area	Top Soil / Subsoil (m3)	Overburden (m3)	Reserves (Tonnes)
Current working	-	0	0	80,000
Phase 1	3.0 ha	12,200/36,600	515,200	479,000
Phase 2	1.8 ha	8,800/26,400	247,000	157,000
Phase 3	1.55 ha	7,400/22,200	190,700	170,000

Method of Working

11. Soil stripping, the removal of overburden and clay extraction would take place in three phases; however the quarry would develop on an incremental basis.
12. The soil stripping would be undertaken using an excavator which would load all-terrain dump trucks. The first 1.2 metre depth of top and subsoil would be removed and placed into the soil stores. The Halesowen sandstone overburden would also be stripped back to its final gradients and used to backfill the existing quarry void.
13. Clay would also be extracted and removed using an excavator and fed into two or three all-terrain dump trucks. The dump trucks would be used to transfer the excavated clay to the existing clay stocking area located on the western edge of the

quarry (adjacent to the brickworks). The clay would then be weathered in the stockpile area.

Working Depth

14. The maximum working depth of the existing quarry is 41 metres Above Ordnance Datum (AOD). The extraction of the clay in Phase 2 at the lowest bench level would be 54 metres AOD and in Phase 3 the maximum depth would be 60 metres AOD. A dewatering system is currently used to pump water to a higher level settling lagoon system to allow clay extraction. This system would also be used in the eastern extension.

Operating Hours

15. The applicant has not proposed to change the operating hours. The winning and working of minerals generally takes place between the hours of 0800 to 1800 Monday to Friday and 0900 to 1300 on Saturdays. No winning and working of minerals are permitted to take place on Sundays, Bank and Public Holidays (see the recommended conditions for more details).

Extraction rate

16. Clay would be extracted at a rate of 80,000 tonnes per annum for use in the adjacent brickworks to produce 25,000,000 bricks per annum. Between 5,000 and 10,000 tonnes of bulk clay would also be exported to other brickworks.
17. Clay extraction would take place on a campaign basis and involve two 40,000 tonne campaigns per annum.

Vehicle numbers

18. Access to the site would continue via the adjacent brickworks entrance off Hedging Lane and vehicles would generally access the strategic highway network using Hedging Lane on to the A51 (Tamworth Road) or via Hedging Lane and Ninian Way on to the A5 for onward distribution (there is no formal routing agreements in place). The quarry and brickworks are linked by an internal haul road and there is no direct access from the quarry onto the public highway.
19. The applicant has indicated that the proposed extension would not intensify output of clay to the brickworks, which in any event is the subject of a separate planning permission issued by Tamworth Borough Council. There would also be approximately 450 to 500 vehicle loads per annum (approximately 8,000 tonnes per annum) containing 'bulk clay' to supply other brickworks. The frequency of vehicle movements would average 1 load per hour and it is unlikely that there would be more than 5 loads per hour leaving the Site as a worst case (based on 270 effective working days per annum and a 10 hour operational day).

Site Restoration

20. Unlike the existing site, the restoration of the extension area would not require the importation of waste material to backfill the void i.e. 'a low level restoration scheme'.

21. The applicant has explained that the 'extant' planning permissions (ref. [T.13/01/905 MW](#); [T.13/02/905 MW](#) and [T.13/03/905 MW](#)) allow the backfilling of the site with imported waste to restore the land to original ground levels and there is currently 2.8 million cubic metres of permitted void space. However, the proposed extension provides for a low level restoration scheme [this matter is discussed later in the report].
22. The low level restoration scheme includes three areas: agricultural land including an area with potential for development; open water; and, tree planting on the steeper slopes. A revised restoration plan has been submitted following discussion with consultees (Restoration Plan, dwg no LD57-WIL-002d).
23. *Agriculture*: - An area of agriculture land would be created along the northern boundary of the site. The land would be backfilled with overburden and soils placed on to a depth of 1.2 metres. This area would replace an equivalent area of agricultural land lost.
24. A separate agricultural area would be created to the east of the Hedging Lane Industrial Estate. This area would form a 'potential development platform'. The area would be restored to agriculture and discussions would need to take place with Tamworth Borough Council to assess the potential to extend the existing brick stock yard and the industrial estate southwards. The 'potential development platform' would not be available until 2030.
25. *Open Water*: - To create the open water, the dewatering pumps would be turned off and the quarry void would be allowed to fill with surface and rain water. The final water depth would vary and at its deepest along the centre of the restored lake it would be 13 metres deep. The slope gradients into the lake would be 1 in 3.5 which would mean that all margins of the lake would be no more than 2 metres deep within 6 metres of the shore. The shoreline would be developed as a reed bed with occasional water loving tree species.
26. *Tree Planting and Rough Grassland*: - The slopes around the quarry between the water body and agricultural land would be graded to approximately 1 in 3.5 or less and tree planted and seeded to produce areas of grassland. This would create new habitat and also help to stabilise the quarry faces, reducing the risk of long term erosion of the slopes. The slopes would be planted and seeded throughout the lifetime of the operations when the slope faces have reached the maximum limit. The upper sandstone overburden faces would also be restored soon after each strip. The hydro seeding (the use of a slurry of seed and mulch) of the faces would provide quick greening to the most visible faces. This would allow the early restoration of the most visible areas.

The Applicant's Case

27. The applicant acknowledges the '*proposed extension is not specifically allocated in the adopted Mineral Local Plan or the emerging MLP, both documents recognise the need for a further extension at this site to maintain a steady and adequate supply of brick clay from a nationally important mineral resource and to provide the minimum 25 year land bank requirement set out in NPPF*'. (Note: The 'adopted Mineral Local Plan' referred to by the applicant has now been replaced by the Minerals Local Plan for Staffordshire which was adopted on 16 February 2017 and is 'the emerging MLP')

referred to by the applicant).

28. The applicant considers that on balance whilst there are some adverse environmental impacts; the impacts are not considered to be significant; mitigation can be provided to lessen most effects; and there are no effects identified which are considered to be unacceptable.
29. The applicant also considers that '*when balanced against the national need for bricks and the socio economic benefits that arise from the continuation of the business and the associated jobs, the proposal is considered to be positive and accord with planning policy*'.
30. It is the applicant's view that the proposals should be supported by a presumption in favour of granting planning permission as required by the NPPF paragraph 14 and on this basis planning permission for the development should be granted.

Relevant Planning History

31. Wilnecote Quarry operated under a consolidating planning permission (ref [T.17380](#) dated 22 November 1994), which replaced a number of permissions that allowed the extraction of clay and waste disposal. The consolidating planning permission was varied in July 1995 (ref. [T.22183](#) dated 19 July 1995), July 1997 (ref. [T.22910](#) dated 7 July 1997) and in July 2002 (ref. [T.02/09/905 MW](#) dated 22 July 2002).
32. Separate planning permissions have also been granted to:
 - extract clay mineral for brickmaking and subsequent refilling and restoration (ref. [T.22208](#) dated 22 June 1998);
 - retain brick built office accommodation (ref. [T.0088/99](#) dated 20 October 1999);
 - extend the brickworks factory which is directly linked to the life of the quarry (whereas the main brickworks is the subject of a separate planning permission issued by Tamworth Borough Council) and to install a 25m flue stack for the use in the production of brick specials (ref. [T.03/02/905 MW](#) dated 4 June 2003);
 - extend the quarry and restore the site using imported waste material (ref. [T.0252/00](#) dated 14 January 2003) which was varied in 2005 (ref. [T.05/08/905 MW](#));
 - construct a replacement settlement lagoon (ref. [T.06/11/905 MW](#) dated 2 November 2007).
 - vary condition 7 of planning permission [T.17380](#) to amend the approved quarry development drawings in order to maximise reserve recovery from the site ([T.13/03/905 MW](#) dated 27 January 2015);
 - vary conditions 1, 9 and 16 of planning permission [T.05/08/905 MW](#) to amend the approved quarry development drawings in order to maximise reserve recovery from the site (ref. [T.13/02/905 MW](#) dated 27 January 2015);

- permit a minor extension to the existing mineral working area to allow construction of an internal site access road (ref. [T.13/01/905 MW](#) dated 27 January 2015);
- permit a water management system (ref. [T.15/02/905 MW](#) dated 20 August 2015)

Environmental Impact Assessment

Screening Opinion: YES **Environmental Statement:** YES

33. A Scoping Opinion request was submitted by the applicant in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2011, prior the submission of the application. Following consultations a scoping opinion was issued to advise on the scope and content of an Environmental Statement (ES) to accompany the application (ref. [SCO.75/Wilnecote Quarry](#) dated 8 June 2016).
34. The application was accompanied by an Environmental Statement (ES). The ES considered a number of topics including the Environmental Effects; Landscape / Visual Impact Ecology; Highways and traffic and Noise.
35. The findings of the ES (and the environmental information subsequently received) are summarised in [Appendix 1](#)).

Findings of Consultations

Internal

36. The Environment Advice Team (EAT) commented as follows:-
 - *Ecology:* no significant ecological features were recorded but some potential to support protected species. The County Principal Ecologist has commented that the revised restoration plan has taken on board the comments made and is an improvement in regard to the delivery of ecological mitigation and enhancement. The County Principal Ecologist however remains unconvinced that the approach to rely on natural regeneration for habitat restoration below 80 metres AOD and has stated that a more nuanced approach to natural regeneration could also be appropriate. Conditions are recommended to require:
 - the submission of a method statement prior to commencement for protection of great crested newts (to include measures such as timing of vegetation removal and soil stripping to avoid the hibernation period, destructive search of habitat likely to support great crested newts and the timing and nature of ecological supervision);
 - an ecological walkover survey prior to vegetation stripping for each phase;
 - the submission of a plan showing the tree and hedgerow protection measures;
 - the protection of breeding birds;
 - the re-survey of the site for other protected species which could be included in the ecological walk-over survey;

- the submission of a revised restoration plan that revises the approach to natural colonisation and to include detail of species mixes and establishment and aftercare; and,
 - the submission of a hedgerow improvement management plan to include planting details and proposed timescale.
- *Landscape:* modifications to the restoration proposals were recommended and revisions were submitted. Conditions are recommended to require the planting up of gaps in the eastern and southern hedgerow including a hedgerow improvement plan and to require interim management measures for areas outside the extraction area.
 - *Archaeology:* An Archaeological desk-top study has been submitted which concluded there is low potential for the presence of archaeological remains but recognises the potential for previously unrecorded archaeological remains within the area of the proposed extension. It is therefore recommended that a programme of archaeological monitoring during site stripping of top and sub-soil be undertaken and that where significant archaeological remains are identified as part of this monitoring process, adequate time and staff should be made available to enable the cleaning, investigation and recording of these archaeological deposits.
 - *Historic Landscape Character:* The Staffordshire Historic Landscape Character for the area indicates the presence of small rectilinear fields to the south of Grade II Listed Hockley Hall Farm (dating to the early 17th century hall) and the current field boundaries delineating the extension boundary are part of the historic landscape. The restoration scheme should be informed by the historic landscape character and every effort should be made to retain these boundary features within the final restoration scheme for the extension.
 - *Rights of Way:* A meeting has been held with applicant concerning the long term obstructed Public Footpath No's 81(c) and No 83 Tamworth which cross through the area of Wilnecote Quarry. The Rights of Way team has commented that that the proposed extension of the quarry would lead to more of the footpaths potentially becoming obstructed. The applicant should therefore continue with discussions to resolve this matter.
37. The Highways Development Control Team (on behalf of the Highways Authority) have no objections subject to requirements related to: the reconstruction and resurfacing of the vehicular access on to Hedging Lane; the HGV route between the quarry and the Strategic Highway Network; and, a strategy to prevent soil/debris being carried onto the adopted highway.
38. The Staffordshire County Council Noise Engineer – no objection.
39. Planning Regulation Team - no comments.
40. Flood Risk Management Team (on behalf of the Lead Local Flood Authority) – no objection subject to conditions to require the submission of scheme for the provision of the drainage details as part of the restoration scheme.

External

41. Tamworth Borough Council Environmental Health is satisfied with the recommendations of the technical reports (Noise Assessment and Dust Impact Assessment).
42. The Environment Agency has no objection and guidance has been provided concerning groundwater policies (Groundwater Protection: Principles and Practice).
43. The Coal Authority has no objection.
44. Natural England (NE) has no objections and welcomes the quarry restoration an opportunity to create new areas of priority habitats. NE has recommended conditions to secure appropriate restoration in terms of soils and agricultural land quality together with biodiversity enhancements and recommended that consideration be given to local information sources such as the Biodiversity Action Plans for Staffordshire and Warwickshire to identify suitable wildlife habitat types when the concept restoration plan is developed into an 'implementation plan'.
45. Historic England has confirmed that the application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.
46. Network Rail - no response.
47. Staffordshire Wildlife Trust - no response.

Views of District/Parish Council

48. Tamworth Borough Council - no response.
49. Warwickshire County Council has made no specific comments concerning this application. Warwickshire County Council did however provided comments on Kingsley Brickworks located to the south of Wilnecote Quarry.
 - Planning permission for extraction runs to February 2042; in May 2016 it was estimated there were 4 - 6 years of clay left;
 - Biffa have infilled one area and are working on finishing restoration of that area;
 - Biffa are unlikely to be doing any more landfilling for the next couple of years as Wienerberger are working in the quarry void currently;
 - There appears to be no shortage of landfill void space overall. The last survey information from Biffa for Kingsbury was that gross void space in July 2014 was recorded as 3.5 million tonnes.

Publicity and Representations Received

50. Site notice: YES Press notice: YES
51. 98 neighbour notification letters were sent out and 2 representations have been

received. The representations are summarised below:

- An existing right of way has been fenced off and the right of way needs to be re-routed [Tamworth 81(c) and Tamworth 83 are located to the north-east];
- The site is not allocated in the Minerals Local Plan for Staffordshire and does not accord with the plan;
- The Minerals Local Plan is out of date and the new Local Plan has not been adopted (the letter was received prior to the adoption of the new Local Plan);
- Impact on visual amenity;
- Ownership (Hockley Hall Farm);
- The proposed restoration scheme assumes landfilling (Biffa) which will not take place;
- The agricultural land including hedgerows / Green Belt should not be lost in favour of Etruria marl;
- Impact on Historic Environment (Peel Estate);
- Sufficient bricks will be produced at Kingsbury brickworks (Weinerberger) and clay extracted has not been used in the adjacent brickworks;
- The soils are of high quality;
- The hedges will only screen the site part of the year;
- Impact on wildlife including bats;
- Employment creation is not relevant;

52. Biffa Waste Services Ltd (Biffa) (who operator the site in conjunction with the applicant) has commented as follows on the application:

- Landfilling was suspended and transferred to the Kingsbury site in 2005 (to the south of the site in Warwickshire) to allow clay to be extracted to release new void space;
- Landfilling at the Kingsbury site was also suspended in November 2014 (as there is currently insufficient void space).
- Waste is currently being diverted to the Poplars landfill site in Cannock, with the intention that it would return to the Wilnecote and Kingsbury sites when void space becomes available.
- There has been a reduction in landfill inputs, alongside this there has been a reduction in the number of landfill sites across the UK in recent years.
- No planning permissions for new landfill sites have been granted. The last permission for a new landfill secured by Biffa was in Leeds in 2001.
- The Environment Agency estimates nationally that there is sufficient consented void for 7 years and in the West Midlands sufficient for 10 years.
- There are now 10 counties in England with no non-hazardous void space.
- Overall, Biffa contend that the Wilnecote site should be '*viewed as a long term and increasingly important strategic asset which could even also potentially be rail linked in the future*' and that '*Wilnecote Quarry is part of Biffa's own strategic void bank that, in the Midlands, also includes Kingsbury and Poplars*'.

- As a consequence Biffa, as an interested party confirmed that they would be unwilling to sign a Section 106 Legal Agreement that would remove all existing rights to carry out further landfilling.

The development plan policies and proposals relevant to this decision

53. The relevant development plans include the Minerals Plan for Staffordshire, the Staffordshire and Stoke-on-Trent Waste Local Plan and the Tamworth Borough Council Local Plan 2006-2031. The other material considerations include the Government's National Planning Policy Framework, National Planning Policy for Waste and Planning Practice Guidance. The relevant development plan policies and other material considerations are listed in [Appendix 2](#).

Observations

54. This is an application for an eastern extension to the existing clay quarry with associated restoration on land at Wilnecote Quarry, Hedging Lane, Wilnecote, Tamworth.
55. Having given careful consideration to the application, the supporting and environmental information, including the information subsequently received, the relevant development plan policies and other material considerations, the consultation responses and the representations, all referred to above, the key issues are considered to be:
- The minerals and waste planning policy considerations;
 - The Green Belt policy considerations;
 - Environmental and highway considerations;
 - Restoration;
 - Other matters raised by consultees or in representations;
 - The Need for a Legal Agreement;

The minerals and waste planning policy considerations

The minerals planning policy considerations

56. 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 provides general planning policy guidance which is underpinned by a presumption in favour of sustainable development. 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 National Planning Practice Guidance states that the planning for the supply of minerals has a number of special characteristics that are not present in other

development; minerals can only be worked (i.e. extracted) where they naturally occur, so location options for the economically viable and environmentally acceptable extraction of minerals may be limited; working is a temporary use of land, although it often takes place over a long period of time; working may have adverse and positive environmental effects, but some adverse effects can be effectively mitigated; and following working, land should be restored to make it suitable for beneficial after-use (ref. Planning Practice Guidance; [Minerals, Minerals Overview, What are mineral resources and why is planning permission required?](#)).

58. Paragraph 146 of the NPPF states that:

'Mineral Planning Authorities should plan for a steady and adequate supply of industrial minerals by.... providing providing a stock of permitted reserves to support the level of actual and proposed investment required for new or existing plant and the maintenance and improvement of existing plant and equipment, as followsat least 25 years for brick clay....'

59. The Minerals Local Plan for Staffordshire does not include allocations for additional reserves of brick clay as there is a sufficient stock of permissions in the county as a whole. Reference to this application is made in the Plan and 'additional resources' at the Wilnecote Quarry, paragraph 3.11 states:

'...Wilnecote Brickworks at Tamworth is the only works in the county where there is a clay supply of less than 15 years. Permission was granted in 2015 for a modified working scheme at Wilnecote Quarry which would add an additional 2 years supply to the works and the site operator has indicated that additional resources are being investigated for development of the quarry but at this stage there is insufficient information about these resources to justify an allocation for future working'.

60. Paragraph 3.13 of the Minerals Local Plan for Staffordshire also confirms that:

'National policy requires that a stock of permitted reserves of 25 years is provided for each works using brick clay and our assessment of the requirements of the local works in Staffordshire indicates that there are sufficient reserves except in relation to the Wilnecote works....'

61. The Minerals Local Plan for Staffordshire also indicates that there is a need to safeguard clays from sterilisation caused by built development due to the scarcity of the resource. This includes the urban periphery of Newcastle under Lyme, Cheslyn Hay and Tamworth.

62. The applicant has indicated that:

'...even with the proposed extension, this will not provide a full 25 year landbank for the Wilnecote site, but it does provide for as long a period as can be reasonably expected given the geological constraints. The key constraint is an increasing depth of overburden heading east from the existing quarry to a point where the removal of that overburden becomes increasingly commercially unviable'.

63. The [Minerals Local Plan for Staffordshire](#) policy 4.1 requires that consideration

should be given to the impact of proposal for mineral development on people, local communities and the environment. For example the impacts from noise, traffic on the highways network and the Green Belt. This policy also requires that mitigation measures to overcome or minimise any adverse impacts of the development will be taken into account (policy 4.2) and states that permission will be granted when it can be demonstrated that there are no unacceptable adverse impacts on human health, general amenity and the natural and historic environment, except where the material planning benefits of the proposals outweigh the material planning objections. The Minerals Local Plan for Staffordshire policy 4.5 seeks to encourage mineral operators to introduce higher environmental standards during working, restoration and aftercare when preparing new proposals.

64. The applicant considers that the proposal accords with the requirements of the emerging MLP (now adopted plan). The applicant has stated that:

'It is therefore clear that emerging policy envisages a need for the release of further reserves at Wilnecote but, at the time that the nMLP was being prepared, insufficient information was available upon which to assess any potential extension there'; and,

'In summary there is a recognised and major shortage of brick clay reserves at the Site; as the environmental impacts of working the extension can be achieved within acceptable limits; as the Site is an established producer of high quality bricks for which there is a national need; and as the granting of permission will help secure existing jobs for a further 10 years or more; it is the Applicants view that the proposed development accords with the requirements of the MLP'.

65. The [Annual Monitoring report for 2014/2015](#) states that:

'All works in Staffordshire have adequate landbanks except for the Wilnecote works in Tamworth although permission was granted for revised working arrangements to release additional clay reserves in 2014 (ref T.13/01-03/905 MW)'.

The extension to the quarry would provide additional reserves which would allow the continued operation of the quarry and associated brickworks for an additional 12 to 13 years. The applicant has indicated that the extension appears to be the last in the quarry.

66. *Conclusion: the minerals planning policy considerations:* It is considered that an extension to Wilnecote Quarry would allow the remaining clay in the immediate vicinity of the brickworks to be extracted which would support the continued operation of the brickworks. It is therefore reasonable to conclude that in principle the proposals accord with the relevant mineral planning policies and guidance referred to above.

The waste planning policy considerations

67. The applicant has proposed a low level restoration scheme for the extension area to 'replace' the current high level restoration scheme so that it is no longer reliant on imported waste to restore the site. The applicant has explained that:

'As the current waste market and environmental policies promote reducing the volume of waste going to landfill, the future landfill market for the site is unclear, the proposed restoration therefore takes a precautionary approach and proposes a scheme that is achievable using only materials already on site'.

68. The applicant has acknowledged the proposed low level restoration scheme would result in a conflict between the proposed and the approved restoration schemes. The applicant has also explained that the proposed scheme:

'now provides a restoration option that has a greater certainty for delivery compared to the infill based scheme'; and,

This will ensure that the site quarry can be restored in a timely fashion but maintains the option of using the permitted landfill capability should the need arise as a result of increased waste to landfill flows'.

69. The applicant has explained that the proposed scheme could 'be adapted with little effort to maintain the long term aims of site restoration and that this approach would provide a robust strategy for site restoration'. The applicant has also explained that the scheme is flexible enough to accommodate a re-opening of the landfill operations should Biffa decide to reopen the site under the existing planning permissions. This would require an element of adjustment to both schemes in the event that infilling did recommence but the changes are expected to be easily accommodated and should not compromise the completion of restoration work.
70. The extension to the site would allow clay to be extracted for a 12 to 13 year period (i.e. to 2029/2030) followed by a 2 to 3 year period for the site to be restored (i.e. by 2032/2033) [followed by a 5 year period of aftercare]. The operations would therefore cease 2 years earlier than the currently permitted timescale (31 December 2035).
71. The applicant has explained that the landfill operations have been static since the late 2005 and no waste has been imported since then. As a consequence site restoration *'is therefore currently held in indefinite abeyance until sufficient infill material is found to complete the restoration scheme'*.
72. The restoration of the site to a low level restoration could be delivered and achieved in a satisfactory timescale; however the permission to allow the infilling of waste would still remain 'valid' and could be implemented. The implications of the 'high level' and 'low level' restoration scheme therefore need to be considered.
73. The ['Waste Management Plan for England'](#) sets out the Government's ambition to work towards a more sustainable and efficient approach to resource use and waste management and highlights the importance of putting in place the right waste management infrastructure at the right time and in the right place. The Plan sets out the need to drive waste management up the waste hierarchy, ensuring that waste is considered alongside other spatial planning concerns, to provide a framework in which communities and businesses are engaged to take more responsibility of their own waste, helping to secure the re-use, recovery or disposal of waste without endangering human health and without harming the environment, and in ensuring design and layout complements sustainable waste management. The Waste

Management Plan for England also stated that the disposal of inert waste in or land i.e. landfill, remains a valid way of restoring quarries and worn out mineral workings where there is a planning requirement.

74. The [Staffordshire and Stoke-on-Trent Joint Waste Local Plan](#) seeks to ensure that there is provision of sufficient waste management capacity available to cover the period of the plan.
75. Paragraph 5.53 of the Waste Local Plan states that

*“Although the Waste Local Plan promotes management of waste higher up the waste hierarchy, landfill will still continue to be required for the disposal of non-combustible residual waste and certain hazardous wastes. Policy 2.4 safeguards the strategic hazardous landfill site. The locally important landfill, non-hazardous and inert landfill site will be protected if necessary by Policy 2.5, **however opportunities to reduce the disposal of waste to landfill and reduce the need to backfill mineral sites i.e. reduce void capacity/landfill, should be taken if the opportunities arise.**” (emphasis added)*
76. It is considered that this is an opportunity to reduce the need to backfill the site with imported waste and reduce the overall landfill capacity in the county.
77. The Annual Monitoring report for 2014/2015 states there are enough landfill sites in Staffordshire and Stoke-on-Trent to meet local demand for the period up until 2025/2026 (the end of the current Waste Local Plan period). The Annual Monitoring Report also confirms there are 11 non-hazardous landfills in Staffordshire (4 operational, 2 non-operational and 5 planning obligated). The figures in the draft Annual Monitoring report for 2015/2016 for the number of landfill sites have not changed.
78. The applicant has confirmed that the permitted landfill void capacity is 2.8 million cubic metres and that this figure would be reduced by 1/3 (an estimated 0.95 million cubic metres) as a result of the backfilling with overburden from the extension area. Your officers have discussed the possibility of the applicant and other interested parties agreeing to give up the remaining void capacity, however, for the reasons stated in their representation referred to earlier, Biffa are unwilling to do so. Nevertheless, your officers consider that the proposed low level restoration scheme, along with the recommended conditions to require the applicant to regularly report on the progress of the site and to review the restoration scheme would reduce the requirement to backfill the site and keep open the opportunity to reduce the requirement still further should landfill operations not recommence.
79. *Conclusion: the waste planning policy considerations:* Having regard to the above mentioned policies and guidance, it is reasonable to conclude that the proposals do provide an opportunity to reduce the need for backfill with imported waste to restore the site.
80. *Overall Conclusion minerals and waste planning policy considerations:* Having regard to the minerals and waste planning policies, and other material considerations, the consultation responses and representations, all referred to above, it is reasonable to conclude in general mineral and waste planning policy terms that the proposals are acceptable in principle. It is however also necessary to consider the Green Belt policy

and environmental and highway impacts of the proposed development in order to assess whether any site specific potential impacts outweigh the benefits.

Green Belt policy considerations

81. The site lies in the South Staffordshire Green Belt. It is therefore necessary to assess the proposals against the Tamworth Borough Council Local Plan (Policy EN2); the Minerals Local Plan (Policy 4.1 (g)), and, the National Planning Policy Framework (the NPPF) (section 9), which all aim to protect the Green Belt from inappropriate development and aim to preserve its openness.
82. It is relevant to note that when the most recent applications at the quarry were determined in August 2015 (refs. T.13/01/905 MW; T.13/02/905 MW and T.13/03/905 MW) it was concluded that the proposal would not be inappropriate in Green Belt policy terms as they do preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt for the following reasons:
 - Minerals can only be worked where they occur;
 - The limited scale, duration and temporary nature of the mineral operations;
 - Controls can be imposed by planning conditions to minimise visual impact and require the site to be well restored to high environmental standards.
83. Section 9 of the NPPF indicates that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
84. NPPF paragraph 80 sets out the five purposes of the Green Belt:
 - to check the unrestricted sprawl of large built-up areas;
 - to prevent neighbouring towns merging into one another;
 - to assist in safeguarding the countryside from encroachment;
 - to preserve the setting and special character of historic towns; and,
 - to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
85. NPPF paragraph 87 states that *'As with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances'*. Paragraph 88, states that *'there will be harm to the Green Belt if inappropriateness and any harm are not clearly outweighed by other considerations'*.
86. Paragraph 90 of the NPPF explains that:

'Certain other forms of development are not inappropriate in Green Belt provided that they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt'.
87. The *'other forms of development'* referred to in paragraph 90 include mineral

extraction which can demonstrate a requirement for a Green Belt location.

88. The Minerals Local Plan (Policy 4) and para. 7.33 explains that:

'National policy requires the protection of Green Belt but recognises that mineral extraction need not be inappropriate in the Green Belt provided that the mineral extraction preserves the openness of the Green Belt and does not conflict with the purposes of including land in the Green Belt' [emphasis added].

89. The applicant has stated that the proposals would be temporary and retain the openness of the Green Belt and the proposed development is acceptable in the Green Belt.

90. For the following reasons it is considered that the proposals would not harm the openness of the Green Belt or conflict with the purposes of including land in the Green Belt and as such they are not inappropriate in Green Belt policy terms:

- Minerals can only be worked where they occur;
- The limited scale, duration and temporary nature of the mineral operations;
- Controls can be imposed by planning conditions to minimise visual impact and require the site to be well restored to high environmental standards.
- The proposals include a low level restoration scheme which would reduce the current reliance on landfill to restore the site and secure the earlier restoration of the site.

91. As the proposals are not considered to be inappropriate in Green Belt policy terms, there is no need to consult the Secretary of State for Communities and Local Government in accordance with the [Town and Country Planning \(Consultation\) \(England\) Direction 2009](#).

92. *Conclusion:* Having regard to policies, guidance and other material considerations referred to above, it is reasonable to conclude in this case that the proposed development is not inappropriate development in the Green Belt policy terms and would not harm the openness of the Green Belt or conflict with the purposes of including land in the Green Belt.

Environmental and highway considerations

93. The submitted Environmental Statement (ES) considered the impact of the proposal Soil and Construction Management; Ecology and Nature Conservation; Environmental Health (Flood Risk and Groundwater, Noise, Dust, Lighting); Transportation & Access; Landscape and Visual Impact Assessment; Archaeology and Heritage and Restoration and Aftercare. The findings of the ES are summarised in Appendix 1.

Highways safety

94. The National Planning Policy Framework paragraphs 32 and 144 of the NPPF and Mineral Local Plan (Policy 4 (e)) seek to ensure that development does not cause

unacceptable adverse impacts and that highways safety is not compromised. The applicant has indicated in the Highways and Traffic section of the Environmental Statement that proposed development does not seek to intensify output from the brickworks and may reduce as the applicant seeks to maximise the value from the remaining reserves.

95. The Transport Statement (TA) states that HGV traffic generated by the proposals would continue to use Hedging Lane to travel south towards Kingsbury and the M42 south, or head north along the A51 Tamworth Road to the A5, M42 north and the M6 Toll. Wilnecote Quarry traffic has been using this route for approximately 40 years with no known detrimental issues. The TA concludes the proposal would have no material adverse impacts on the safety or operation of the adjacent highway network.
96. No objections have been received from the Highways Development Control Team, subject to a number of requirements related to: the reconstruction and resurfacing of the vehicular access on to Hedging Lane; the HGV route between the quarry and the Strategic Highway Network; and, a strategy to prevent soil/debris being carried onto the adopted highway. The HGV traffic generated from the quarry would use Hedging Lane or Ninian Way to meet the 'A' roads (A51 Tamworth Road or A5). The route would need to be secured as part of a Section 106 Legal Agreement (see 'Need for Legal Agreement' below). The applicant has accepted the need to provide details of the approved HGV route.
97. *Conclusion:* Having regard to the above mentioned policies, guidance and consultee comments, it is reasonable to conclude that, subject to the recommended conditions and measures secured by a Section 106 Legal Agreement, the proposals can reasonably be controlled such that they would not give rise to any unacceptable adverse impact in terms of traffic or harm to the transport network.

Rights of Way

98. A local resident has raised concerns related to the right of way located to the northeast of the site (Tamworth 81(c) and Tamworth 83).
99. The applicant has explained that there are no public rights of way within the proposed extension area and a historic public right of way on the northern boundary of the site, between Hedging Lane and Hockley Hall (Tamworth 83) has become impassable. Discussions between the applicant and Staffordshire County Council are ongoing to try to resolve this matter.
100. The applicant has also suggested that the restoration scheme could include a revised alignment for Tamworth 83 and is willing to consider alternative routes to the footpath.
101. *Conclusion:* Having regard to the material considerations, consultee comments and representations, all referred to above, it is recommended that the condition requiring a detailed restoration scheme include a requirement to reinstate existing footpaths unless alternative routes are agreed and an informative be included on the Decision Notice to remind the applicant to continue the discussions concerning Tamworth 83 and the provision of other footpaths as part of the restoration of the site.

Restoration Guarantee Fund

102. As indicated above, the applicant has proposed a low level restoration scheme which does not rely on the importation of waste, the principle of which is considered acceptable.
103. Paragraph 144 of the NPPF indicates that local authorities, should through the application of appropriate conditions, require restoration and aftercare to be achieved at the earliest opportunity, carried out to high environmental standards and that bonds or other financial guarantees should only be sought in exceptional circumstances. Policy 9 in the adopted MLP requires extraction and restoration to take place in 'phases' wherever practicable to ensure that the period for which the land is in use for mineral development before being restored is minimised.
104. The National Planning Practice Guidance also indicated that a financial guarantee to cover restoration and aftercare costs would normally only be justified in exceptional cases. The National Planning Practice Guidance explains that where an operator is contributing to an established mutual funding scheme, such as the Mineral Products Association (MPA) Restoration Guarantee Fund or the British Aggregates Association (BAA) Restoration Guarantee Fund, it should not be necessary for a minerals planning authority to seek a guarantee against possible financial failure, even in such exceptional circumstances (ref. Planning Practice Guidance; [Minerals, Restoration and Aftercare of mineral sites](#), *When is a financial guarantee justified?*, paragraph 048).
105. Policy 6 in the Mineral Local Plan requires any restoration proposals to be sufficiently comprehensive, detailed, practicable and achievable within the proposed timescales (Policy 6.2); kept under review to take advantage of opportunities that may arise (Policy 6.3); and, in accordance with government policy, in exceptional circumstances a financial guarantee should be in place (Policy 6.4).
106. The applicant has submitted a restoration scheme for the site which includes agriculture (with an area for potential development subject to the appropriate permission from Tamworth Borough Council); open water; tree planting and rough grassland.
107. The applicant has explained that accounting provisions are made for the cost of restoring the quarry throughout the life of the development, including restoration and aftercare. The applicant has also explained that the company is a member of the British Ceramics Confederation (BCC) and that discussions have taken place at the BCC regarding a restoration guarantee fund or whether the BCC could become affiliated to the MPA and on that basis benefit from the Restoration Guarantee Fund.
108. The Environmental Advice Team has raised concerns relating to the approach to rely on natural regeneration for habitat restoration below 80 metres AOD and that revisions are required for the restoration plan. There is also some doubt about if and when landfilling would re-commence on the site in accordance with the current planning permissions.
109. It is therefore considered appropriate to recommend conditions to ensure the restoration of the site is kept under review and details of the financial provisions are regularly confirmed.

110. *Conclusion:* Having regard to policies, guidance and other material considerations referred to above, and subject to the conditions recommended below related to the requirement to regularly review the restoration scheme and require an independent financial statement to demonstrate that adequate financial provisions are in place to secure the restoration and aftercare of the site, it is reasonable to conclude that the restoration of the site would be achieved at the earliest opportunity, carried out to high environmental standards, and would be sufficiently comprehensive, detailed, practicable and achievable within the proposed timescales.

Other matters raised by consultees or in representations

111. *The application cannot be considered until the ownership of the void space following mineral extraction and the soils belong to Hockley Hall Farm are resolved.* The applicant has explained that the land subject of the ownership dispute would not be subject to landfill under the proposal or the permitted extraction and that the applicant notified the owner of Hockley Hall Farm prior to the submission and any operations on this land would need permission from the landowner.
112. The National Planning Practice Guidance states that' planning is concerned with land use in the public interest, so that the protection of purely private interests such as the impact of a development on the value of property' (ref. [Determining a planning application](#), [Planning for minerals extraction](#), [How must decisions on applications for planning permission be made?](#), paragraph: 008).
113. *Impact on Wildlife.* The application was accompanied by an Ecological Appraisal including enhancement recommendations and additional information was also 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 and to require revisions to the restoration plan.
114. *Impact on Visual Amenity.* A Landscape and Visual Impact Assessment accompanying the Environmental Statement and the Environmental Advice Team has recommended conditions to require the planting up of gaps in the eastern and southern hedgerow, including a hedgerow improvement plan and to require interim management measures for areas outside the extraction area.
115. *Agricultural land should not be lost in favour of Etruria marl and the agricultural land should be retained.* The restoration scheme would restore an equivalent area of agricultural land.
116. *Impact on Historic Environment (Peel Estate).* The County Council's Environmental Advice Team have indicated that the current field boundaries delineating the boundary to the extension area are part of the historic landscape and that the restoration scheme should be informed by the historic landscape character and every effort should be made to retain these boundary features within the final restoration scheme for the extension. A condition is therefore recommended to protect and enhance these boundary features and incorporate them into the restoration and aftercare scheme.
117. *The soils are of high quality.* The soil resource would be retained and used in the site restoration.

118. *Employment creation is not relevant.* The Planning Practice Guidance explains that retaining jobs should be taken into account when considering extensions to existing sites (ref. [Minerals, Planning for minerals extraction, Under what circumstances would it be preferable to focus on extensions to existing sites rather than plan for new sites?](#), paragraph: 010).

The Need for a Legal Agreement

119. Guidance in the NPPF relating to the use of planning conditions and obligations explains that consideration should be given to whether otherwise unacceptable development can be made acceptable through the use of conditions or planning obligations. The guidance (paragraph 204) indicates that planning obligations should only be sought where they meet all of the following tests:
- 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. In this case, a CIL has not been adopted in this area].

120. Chapter 8 of the Mineral Local Plan (Implementation and Monitoring of the Plan) and Appendix 7 (B) provides guidance on the ways the Mineral Planning Authority will implement the objectives and policies of the Mineral Local Plan including negotiating legal agreements or modifications to existing legal agreements. Appendix 7 (B) states that planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.
121. It is recommended that the following undertaking be secured by a Section 106 Legal Agreement (S106) and the reasons why the undertakings meet the tests referred to above are explained below each undertaking:
1. *To require the applicant to agree the HGV route between the quarry and the Strategic Highway Network (Hedging Lane or Ninian Way to meet the 'A' roads (A51 Tamworth Road or A5) in connection with the bulk clay sales traffic.*

This undertaking would ensure that a suitable route(s) from Wilnecote Quarry to the Strategic Highway Network for the bulk clay sales traffic are formalised. This undertaking accords with the Mineral Local Plan (policy 4); Waste Local Plan (policy 4) and the NPPF (section 4).

2. *To require the applicant to reconstruct, resurface, repair and maintain the vehicular access on to Hedging Lane in accordance with approved details;*

This undertaking would ensure that the vehicular access on to Hedging Lane is reconstructed, resurfaced, repaired and maintained. This undertaking accords with the Mineral Local Plan (policy 4); Waste Local Plan (policy 4) and the NPPF (section 4).

3. *To require the applicant to establish a site liaison committee and to invite key stakeholders including local residents/land owners and representatives on behalf of the County, and Borough Councils to attend in accordance with approved terms of reference.*

This undertaking would ensure that a forum exists for key stakeholders to be kept informed about the progress of the working and restoration of the site and for concerns that may arise or opportunities to improve the working and restoration to be discussed. This undertaking accords with the Mineral Local Plan (policy 4.4), and the NPPF (sections 11 and 13).

122. *Conclusion:* In this case, it is reasonable to conclude that the terms of 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 S106.

Overall Conclusion

123. Overall, as an exercise of judgement, taking the relevant development plan policies as a whole and having given consideration to the application; the supporting and environmental information (including the supporting and environmental information subsequently received); the relevant development plan policies; the other material considerations; the consultation responses and representations received; all referred to above, it is reasonable to conclude that the proposals should be permitted, subject to planning conditions and the applicant and any other parties with an interest in the land entering into a Section 106 Legal Agreement, the heads of terms of which are recommended below.

RECOMMENDATION

PERMIT the application for an eastern extension to the existing clay quarry with associated restoration on land at Wilnecote Quarry, subject to the applicant and all parties with an interest in the land first signing a Section 106 Legal Agreement to secure the terms listed below and subject to the planning conditions listed below.

Section 106 Legal Agreement - heads of terms to include the following undertakings:

1. To require the applicant to agree the HGV route between the quarry and the Strategic Highway Network in connection with the bulk clay sales traffic;
2. To require the applicant to reconstruct, resurface, repair and maintain the vehicular access on to Hedging Lane in accordance with approved details; and,

3. To require the applicant to establish a site liaison committee and to invite key stakeholders including local residents/land owners and representatives on behalf of the County, and Borough Councils to attend in accordance with approved terms of reference.

The planning conditions to include the following:

Define the consent

1. To define the permission with reference to documents and plans;
2. To define the mineral working and restoration operations;

Commencement of the development

3. To define the commencement of the development;
4. To require notice of commencement under the terms of this permission;

Cessation of the development

5. To define the duration of the development – winning and working of mineral shall cease no later than 13 years from the date of commencement; and, the site shall be restored no later than 16 years from the date of commencement.
6. To require notification of commencement and cessation of working and restoration operations in each phase of the development;
7. To define the expiry of the permission to be when the restoration and aftercare has been completed to the satisfaction of the Mineral Planning Authority in accordance with the latest approved Restoration and Aftercare Scheme;
8. To define the requirements in the event that the operations cease prematurely;
9. To define the cessation date in event that the permitted operations cease for a period of 5 years;

Knowledge of the Conditions

10. To ensure that the terms of the planning permission are made known to the site operators;

Record keeping

11. To keep records for the following:-
 - a) The total number of bulk loads of mineral leaving the site per day;
 - b) The operating hours;
 - c) Noise, dust and water monitoring in accordance with the approved schemes;
 - d) Any complaints and remedial actions taken.

Definition of the Working Strategy

12. To limit output to no more than 80,000 tonnes of clay per annum;
13. To limit clay extraction to a base level of 45 metres AOD in Phase 1; 54 metres AOD in Phase 2; and 60 metres AOD in Phase 3;
14. To require the submission of a detailed Progress Report and Site Layout Plan 12 months after commencement of the development and thereafter at years 5 and 10;
15. To define the site layout, appearance and height of stockpiled materials;

Management of the operations

Hours of Operation

16. To limit operating hours for all activities on site:
 - 0800 to 1800 Monday to Friday;
 - 0800 to 1300 Saturday;
 - No such activities shall be carried out on Sundays, Bank or Public Holidays.

The exception to the above hours would be emergency operations for reasons of health and safety or to prevent pollution;

Development Restrictions

17. To limit the use of the site to the uses hereby permitted and to restrict permitted development rights;

Site Access, Vehicle Numbers and Highway Safety

18. To define the vehicular accesses;
19. The number of HGV movements associated with the bulk clay sales to and from the site shall not exceed 1000 per year (500 loads) with a maximum of 24 movements (12 loads) per day and an average of 4 movements (2 loads) per full working day based on 270 working days per year;
20. To require loads of clay to be securely sheeted or otherwise contained before entering the public highway;
21. To require the submission of a strategy to prevent soil/debris being carried onto the public highway;

General Environmental Protection

Soil Management

22. To ensure that no soil is removed from the site;

23. Notification of soil stripping, replacement of soil making material or sub soil and the completion of topsoil replacement;
24. To ensure soils are removed, stored and replaced in accordance with Defra's Good Practice Guide for Handling Soils;

Noise

25. To require the submission of a noise monitoring scheme;
26. To limit noise during extraction operations at nearest noise sensitive properties to 55 dB LAeq freefield (1 hour);
27. To limit noise during temporary operations such as soil removal, storage or replacement to 70dB LAeq freefield (1 hour) at nearest noise sensitive properties;
28. To require all vehicles and plant employed within the site to be fitted with effective silencers;
29. To require all vehicles and plant employed within the site to be fitted with appropriate reversing systems;
30. To require that all plant engine covers are closed whilst the plant is in operation except when undertaking maintenance and repair work;

Dust

31. To require the dust mitigation measures included in the Environmental Statement (Appendix 8 – Dust Impact Report) to be followed;
32. To ensure best practicable means are employed at all times to minimise generation and dispersal of dust caused by all operations;

Maintenance

33. To ensure that all buildings, structures, perimeter security fencing, gates and hard-surfaces on site are maintained in good order and fit for purpose;

Water Environment

34. To require that any facilities for the storage of oils, fuels or chemicals to be sited on impervious bases and surrounded by impervious bund walls;

Pollution Control

35. To prevent burning of waste on site;

Site Security

36. To ensure that measures are taken to prevent any unauthorised access to the site;

Nature Conservation and Archaeology

37. To require the submission of a method statement prior to commencement of the eastern extension for protection of great crested newts (to include measures such as timing of vegetation removal and soil stripping to avoid the hibernation period, destructive search of habitat likely to support great crested newts and the timing and nature of ecological supervision);
38. To require an ecological walk over survey prior to the any soil stripping or soil placement;
39. To require an ecological walkover survey prior to vegetation stripping for each phase
40. To require the submission of a plan showing the tree and hedgerow protection measures;
41. To ensure the protection of breeding birds;
42. To require the re-survey of the site for protected species;
43. To require the submission of a hedgerow improvement management plan including planting details and proposed timescale;
44. To require the planting up of gaps in the eastern and southern hedgerow;
45. To require the submission of interim management measures for areas outside the extraction boundary;
46. To require the submission of a written scheme of archaeological investigation;

Restoration and Aftercare

47. To require the site to be generally restored in accordance with the submitted Restoration Masterplan (to agriculture; open water and tree planting on the steeper slopes);
48. To require a detailed Restoration and Aftercare Scheme to be submitted within 12 months of the date of the permission; the scheme to include (but not limited) to details of:
 - a) soil handling
 - b) depths of soil forming materials
 - c) soil amelioration;
 - d) full details of the proposed landform;
 - e) revisions to the approach to natural colonisation;
 - f) details of site drainage including following the removal of the settlement ponds;
 - g) details of the rights of way through the site;
 - h) full details of habitat restoration with planting details including plant species, percentage mixes, planting densities, plant protection;

- i) details of annual reports and site meetings to monitor restoration and aftercare progress;
 - j) the programmes for restoration and aftercare; and,
 - k) full details of the five year aftercare.
49. To require a review of the approved Restoration Masterplan 12 months after the commencement of the development then at years 5 and 10 in conjunction with the Progress Reports, and if as a result to require revisions to the detailed Restoration and Aftercare Scheme. The review to include an up to date independent statement to demonstrate that adequate financial provisions are in place to secure the restoration and aftercare of the site in accordance with the approved scheme, unless the operator has joined the MPA or equivalent and as a consequence a restoration guarantee fund / bond exists.
50. To require the site to be restored and subject to aftercare in accordance with the latest approved Restoration Masterplan and detailed Restoration and Aftercare Scheme.
51. To define the expiry of the permission.

Informatives

1. Environmental Advice Team (Rights of Way) advised as follows:

The applicant to be advised that discussions should continue to take place to resolve the obstruction of Tamworth 83 and to provide a revised alignment for path Tamworth 83 as part of the restoration scheme.

2. Highways Development Control advised as follows:

The applicant to be advised that prior to the commencement of work within the public highway to reconstruct/resurface the existing site access the applicant will need to obtain a Permit to Dig from Staffordshire County Council Network Management Unit.

3. The Coal Authority advised as follows:

The applicant to be advised that the proposed development lies within an area that has been defined by The Coal Authority as containing potential hazards arising from former coal mining activity.

The Coal Authority recommends that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Regulations approval (if relevant). Your attention is drawn to the Coal Authority policy in relation to new development and mine entries available at www.coal.gov.uk.

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority.

4. The Environment Agency advised as follows:

The applicant to be advised to refer to the Environment Agency's 'Groundwater Protection: Principles and Practice' (GP3) document, available from gov.uk. This sets out our position on a wide range of activities and developments, including:

- Waste management
- Discharge of liquid effluents
- Land contamination
- Drainage
- Storage of pollutants and hazardous substances
- Management of groundwater resources

All precaution must be taken to avoid discharges and spills to ground both during and after construction. For advice on pollution prevention measures, the applicant should refer to guidance available on our website (www.gov.uk/environment-agency).

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).

Appendix 1: Summary of the findings of the Environmental Statement

Section 1 Introduction

This Section of the Environmental Statement (ES) provides an introduction to the submission; the applicant and the development proposal.

Section 2 - The Site

This section of the ES includes an introduction to the application site; its surroundings; details of the planning application area; site layout including application areas; details of the adjacent brick factory; the existing quarry; the 'Biffa landfill'; and the quarry extension.

Section 3 Development Proposal

This section describes the proposed scheme; the proposed extraction and restoration phases; details of the working of the existing reserves;; the restoration scheme s including details of the agriculture; open water; possible employment area; the tree planting and rough grassland; details of the method of working; the working depth; the method of quarry dewatering; the hours of operation; and the amount of clay extracted per year and the vehicle numbers.

Section 4 - Environmental Impact Assessment (EIA)

This section provides details of the Environmental Impact Assessment which was submitted voluntarily and the formal scoping process which preceded the submission.

Section 5 - Planning History (including Appendix 9)

This section of the ES includes details of the background to the existing operations and lists the relevant planning permissions in Appendix 9.

Section 6 - Land Ownership

This section of the ES details the landownership (Forterra – the applicant) and tenant (Biffa Waste Services Limited) in connection with the existing quarry and the two landowners in connection with the eastern extension area (comprising two agricultural fields).

Section 7 - Planning Policy

This section highlights and assesses the relevant planning policies set out in the National Planning Policy Framework (NPPF); Staffordshire and Stoke on Trent Minerals Local Plan; The new Minerals Local Plan for Staffordshire and the Tamworth Borough Local Plan.

Section 8 - Geology, Mineral Reserve and Water Table

This section explains that the current quarry is almost exhausted and the remaining reserves are expected to have been extracted by mid-2017. This Section details the geology of the area and provides details of the geotechnical parameters governing the design; the water table; the water courses and water features within the existing quarry and the extension area and the overburden and soils.

Section 9 - Sensitive Receptors

This section of the ES identifies the key residential receptors around the site (shown in Table 9.1); the commercial receptors; the Public Rights of Way; Airfield Safeguarding (note: there are no major airfields within 13 kilometres of the quarry); the environmental receptors (e.g. SBI, SSSI's) and the cultural heritage receptors (listed building).

Section 10 - Environmental Effects

This section provides an introduction to the environmental matters taken into account in the ES.

Section 11 - Landscape / Visual Impact (including Appendix 1)

This section of the ES provides background to the assessment; Landscape Character and Landscape Summary. The Landscape and Visual Impact Assessment (Appendix 1) provides details of the Landscape & Visual Impact Assessment Methodology; the baseline information; the development proposals; landscape impacts; visual impacts; mitigation; effects of the mitigation proposals; residual effects and cumulative Impacts. The Assessment summarises the effects following mitigation, during the operational phases and following restoration. The Landscape and Visual Impact Assessment concludes that during the operational phases of the quarry, the residual impacts on landscape character of the area is considered to be slight/negligible with minor adverse significance and landscape features within the quarry have been assessed as slight with minor beneficial significance and residual effect on residential receptors is considered to be slight/medium with minor adverse significance.

Section 12 - Ecology (including Appendix 2)

This section of the ES details the ecological assessment undertaken. The Section describes the site and provides details of great crested newt; invasive plant species; birds; bats; water vole, otter and crayfish; reptiles and the enhancement recommendations.

The Ecological Appraisal (Appendix 2) provides background to the report; the relevant legislation and planning policy; details of the methodology used and the results of the desk study; the Phase 1 Habitat Survey; the Preliminary Protected / Notable Species Assessment and recommendations. The conclusion refers to the enhancement recommendations such as the provision of additional habitats for the local amphibian populations including newts, the creation of several ponds within the restoration area and incorporation of bird nest boxes and hedgehog boxes.

Section 13 Archaeology / cultural heritage (including Appendix 5)

This section of the ES indicates the assessment of direct impacts shows the archaeological potential of the Site is considered 'low', however there could be an impact to presently unrecorded archaeological remains.

The Archaeology & Cultural Heritage Assessment (Appendix 5) provides details of the assessment methodology; detail of the significance criteria; the baseline conditions; the predicted likely effects; the scope of mitigation; the cumulative impacts; the residual effects and conclusion. The Archaeology & Cultural Heritage Assessment concludes that

archaeological monitoring across each quarry phase prior to development in that particular phase is required and that this could be secured by a condition.

Section 14 - Soils and agricultural land classification (including Appendix 3)

This section of the ES confirms that the agricultural land is grades 3a – 1 with the vast majority being grade 2 best and most versatile land and 6.4 hectares of predominantly grade 2 agricultural land but would be permanently removed and used to restore an equivalent area elsewhere in the quarry. The top/sub soils to a depth of 1.2 metres would be removed and placed in temporary stores before being used to restore the two areas of agricultural land in the existing quarry. No material would be imported which would leave some parts of the wider quarry as a deep excavation which would be used for leisure, amenity and habitat creation uses comprising conservation grassland and woodland planting around a body of open water. The ES concludes that overall there is a neutral impact on soils and agriculture from the proposals but in the wider quarry there will be a loss of agricultural land.

The Agricultural Land Classification (Appendix 3) provides an introductory section which details the background to the assessment; the methodology used and the structure of the report; the agricultural land classification section details the assessment of the quality of agricultural undertaken including desktop study.

Section 15 - Hydrology / hydrogeology and flood risk (including Appendix 6)

This section of the ES provides a summary of the finds of Hydrogeological Impact Assessment and Flood Risk Assessment (Appendix 6) and details of the methodology; site setting; hydrology; geology; hydrogeology; conceptual hydrogeological model; environmental setting; the water management plan; the flood risk assessment; the hydrological /hydrogeological impact assessment and the scheme of monitoring. The Assessment concludes that the impacts of the current and proposed activities are considered to be “none” provided that the current mitigation measures remain in place, are carried forward; frequently assessed and adjusted, if required.

Section 16 - Highways and traffic (including Appendix 4)

In this section of the ES it is explained that the proposal would not seek to intensify output from the brick works and may reduce. This section concludes that proposal would have no material adverse impacts on the safety or operation of the adjacent highway network and that the proposal is acceptable on transport grounds.

The Transport Statement (Appendix 4) details the existing conditions including the site description; the existing quarry traffic; the access junction on to Hedging Lane; the traffic routing and accident history; sustainable transport; planning policy; details of the proposed development including the site access; vehicle movements (80,000 tonnes of clay per annum and 11 HGV arrivals and departures across a working day); and the highway impact. The Transport Statement concludes that proposal would have no material adverse impacts on the safety or operation of the adjacent highway network.

Section 17 - Noise (including Appendix 7)

This section of the ES concludes there would not result in any exceedances of Planning Practice Guidance at any of the surrounding noise sensitive locations provided that the work is carried out within weekday working hours.

The Noise Assessment (Appendix 7) provides the results of the noise survey undertaken and noise assessment. The Noise Assessment concludes that additional mitigation measures are not required and prior to soil and overburden stripping taking place relevant residential properties in the proximity of the work should be advised that work is due to commence and provided with details of the predicted working hours and timescale of the works.

Section 18 - Dust (including Appendix 8)

This section of the ES details the Dust Impact Assessment (Appendix 8) undertaken and concludes that the significance of the potential effects of the development on potentially sensitive receptors is negligible.

The Dust Impact Assessment provide mitigation measures including the minimising drop height; profiling top-soil mounds to reduce wind entrainment of surface soil and seeded of storage mounds and the use of bowsers control dust emissions on haul routes and regular dust assessments. The Dust Impact Assessment concludes that the sensitivity of surrounding receptors to potential dust soiling and respirable particulates is low and that the significance of the potential dust soiling and respirable particulates before mitigation is predicted to be 'Minor' to 'Negligible' at all receptors.

Section 19 - Socio economic effects

This section of the ES concludes that the scheme shows positive environmental effects and provides some significant socio-economic benefits including the supply of Etruria marl products; direct and indirect jobs.

Section 20 - Material assets

This section of the ES concludes the significant adverse impact would be on two agricultural fields and the impacts would be mitigated through negotiation with the landowners.

Section 21 - Cumulative effects

This section considers there are few committed or proposed developments in the vicinity of the site and there are no unacceptable cumulative impacts.

Section 22 - Alternatives

This section of the ES outlines the main alternatives studied by the applicant and considers the environmental assessment work undertaken. The section details the alternative assessment methodology; the alternative – do nothing option; the alternative to extending the quarry; the alternative resources; the alternative methods of working; the alternative restoration options; and, the alternative means of transport.

Section 23 - Public consultation

This section of the ES details the pre-application discussion undertaken including the scoping process; the discussions with landowners on and adjacent to the proposed extension; and, discussions with Biffa regarding the proposed development and restoration.

Section 24 - Environmental Statement Conclusion

This section of the ES provides a conclusion to the Environmental Statement. The applicant considers there is a need for the extension; the environmental impacts are temporary; the proposals have been designed not to be unacceptable; the proposals accord with the development plan; and, that it is the applicant's view that the proposals should be supported by a presumption in favour of granting planning permission.

Section 25 - Copies of environmental statement

This section of the ES provides details of where copies of the Environmental Statement can be obtained.

Section 26 - Appendices

The Appendices to the ES are provided in a separate document and referred to where appropriate above.

Appendix 2: The development plan policies and other material considerations relevant to this decision

The development plan policies:

- a) The [Minerals Local Plan for Staffordshire](#) (2015 to 2030) (adopted 16 February 2017)
- Strategic Objective 1: the provision of minerals to support sustainable economic development;
 - Policy 4: Minimising the impact of mineral development;
 - Policy 4.1: environmental considerations;
 - Policy 4.5: higher environmental standards;
 - Policy 6: Restoration of mineral sites.
 - Policy 6.1: restoration requirements;
 - Policy 6.3: regular review of the restoration strategies / plans;
 - Policy 6.4: financial guarantees.
 - Paragraph 3.7 and 3.10 to 3.15 of the MLP concerning 'Brick Clays'.
- b) The [Staffordshire and Stoke on Trent Joint Waste Local Plan](#) (2010 to 2026) (adopted 22 March 2013):
- Policy 1: Waste as a resource
 - Policy 1.1 General principles;
 - Policy 1.3 Construction, demolition and excavation waste;
 - Policy 1.6 Landfill or landraise;
 - Policy 2: Targets and broad locations for waste management facilities
 - Policy 2.1 Landfill diversion targets;
 - Policy 4: Sustainable design and protection and improvement of environmental quality
 - Policy 4.2 Protection of environmental quality.
- c) [Tamworth Borough Council Local Plan 2006-2031](#) (adopted February 2016):
- Policy SS1 - The Spatial Strategy for Tamworth;
 - Policy SS2 - Presumption in Favour of Sustainable Development;
 - Policy EN2 - Green Belt;
 - Policy EN5 - Design of New Development;
 - Policy EN4 - Protecting and Enhancing Biodiversity;
 - Policy EN6 - Protecting the Historic Environment;
 - Policy SU1 - Sustainable Transport Network;
 - Policy SU2 - Delivering Sustainable Transport;
 - Policy SU3 - Climate Change Mitigation;
 - Policy SU4 - Flood Risk and Water Management; and,
 - Policy SU5 - Pollution, Ground Conditions and Minerals and Soils.

The other material planning considerations:

- [National Planning Policy Framework \(NPPF\)](#) (published 27 March 2012):
 - Section 1 - Building a strong, competitive economy;

- Section 4 - Promoting sustainable transport;
 - Section 7 - Requiring good design;
 - Section 8 - Promoting healthy communities;
 - Section 9 - Protecting Green Belt land;
 - 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 - Facilitating the sustainable use of minerals.
- [The National Planning Policy for Waste](#) (October 2014)
 - [Planning Practice Guidance](#) including [Minerals](#); [Noise](#); [Conserving and enhancing the historic environment](#); [Travel Plans, Transport assessments and statements](#) and the [Natural Environment](#).
 - [Planning for Landscape Change](#) (formerly Supplementary Planning Guidance to the Structure Plan, however referenced as a material consideration in Appendix 3 of the Joint Waste Local Plan).