

Local Member	
Mrs. J. Eagland	Lichfield Rural North

Planning Committee 15 July 2021

Minerals County Matter

Application No (District): [L.20/03/867 M](#) (Lichfield)

Applicant: Cemex UK Operations Limited

Description Proposed sand and gravel extraction, the erection of plant and infrastructure and creation of new access, in order to supply the HS2 project with ready mix concrete, with export of surplus sand and gravel

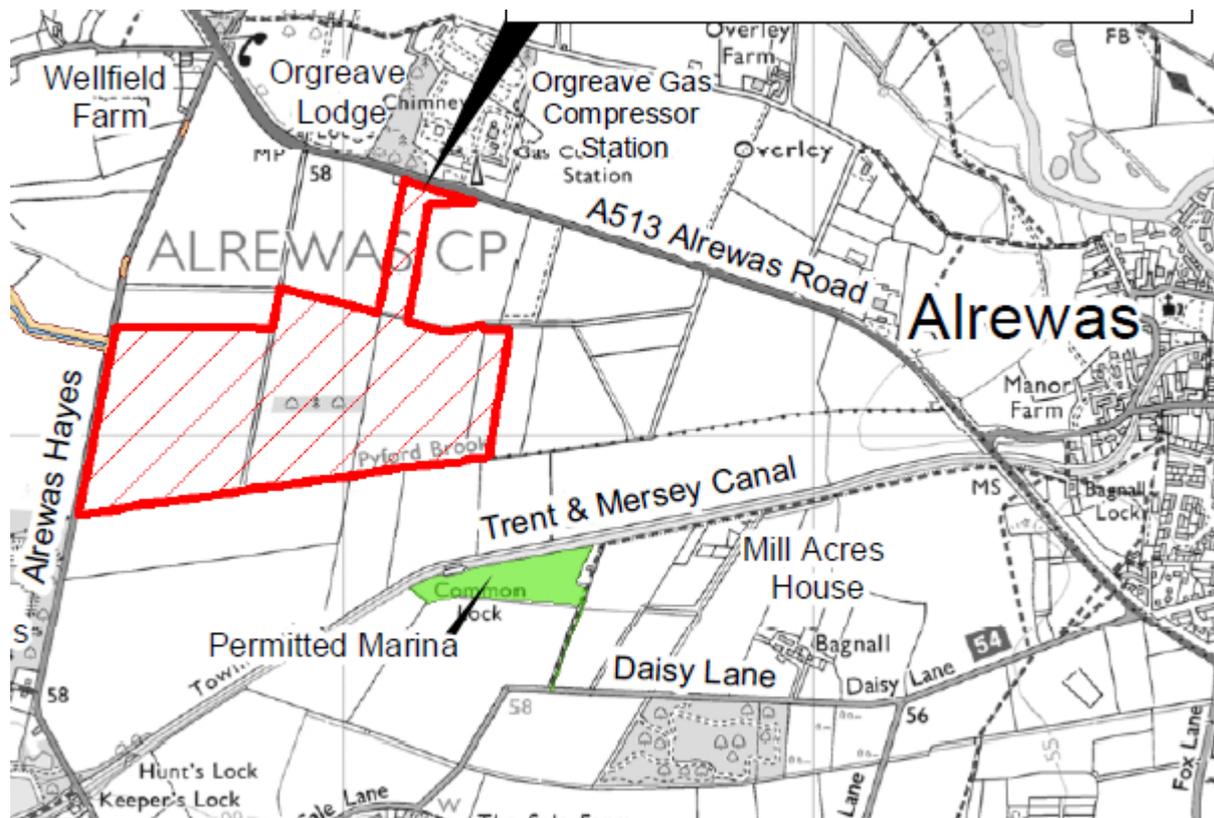
Location: Land south of the A513, Orgreave, Alrewas

Background/ Introduction

1. This proposal relates to the development of a new sand and gravel quarry within an area of search allocated for future mineral working in the Minerals Local Plan for Staffordshire ('the MLP').
2. The applicant seeks to develop a quarry to help fulfil its contract to supply concrete to a principal contractor involved with the construction of the HS2 railway.
3. The proposal is submitted in advance of the timescale anticipated in the MLP for the development of quarries within the area of search and as result the application is being treated as a departure from the MLP (refer to Planning Practice Guidance for [Determining a planning application](#) - 'Can the local planning authority decide not to follow the policies in the development plan?' Paragraph: 013 Reference ID: 21b-013-20150327).

Site and Surroundings

4. The application site is within the broad floodplain of the River Trent, to the south of the A513 near to the hamlet of Orgreave, between Alrewas village (1.2km to the east) and Kings Bromley (2.1km to the north west). To the south is the Trent and Mersey canal conservation area and the village of Fradley (1km).



Extract from Committee Report - Plan 1 showing the application site edged red.

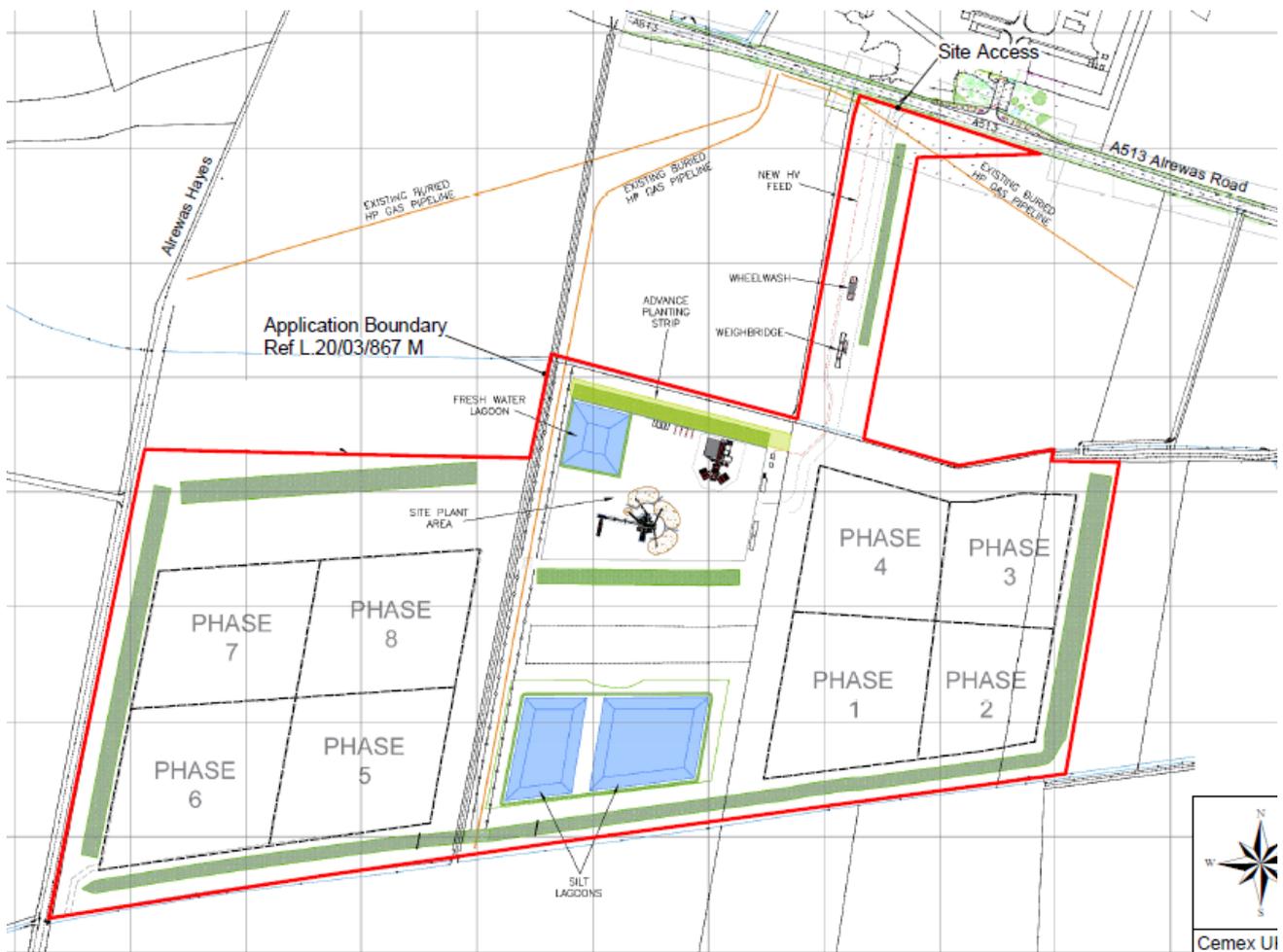
5. The application site comprises of 32.2 hectares of mainly agricultural land which is bounded by the Pyford Brook to the south; Hay End Lane to the west; and agricultural land to the east and north. Access to the site would be developed off the A513 road to the north of the site.
6. The nearest residential properties to the site are Alrewas Hayes Cottages 360m to the southwest, Wellfield Farm 510m to the north-west, Orgreave Lodge (230m) and Hall to the north (440m), and Mill Acres House 320m to the south-east. There is also a marina under construction to the south (230m).
7. There is a National Grid Gas Compressor Station to the north on the other side of the A513 and a small Transco station on the northern boundary adjacent to the proposed access. There are two gas pipelines that run through the application site.
8. There are no public rights of way crossing the application site.

Summary of Proposals

9. The proposal would involve:
 - a) The extraction of 1.4 million tonnes of sand and gravel.
 - b) Installation of a mineral processing and concrete batching plant.
 - c) Progressive restoration of the site to create two lakes, new woodland, agricultural fields, and enhancement of the Pyford Brook.

The extraction of 1.4 million tonnes of sand and gravel

10. The sand and gravel resource within the site is estimated to be 1.4 million tonnes which would be extracted over a period of up to 5 years, principally to produce concrete (see below).
11. The proposed maximum extraction rate is 300,000 tonnes per annum.
12. Most of the sand and gravel extracted would be used to produce concrete both on site and to less significant scale at a proposed plant at Weeford Quarry (the subject of two separate planning applications ref: [L.20/06/810 MW](#) and [L.21/04/810 MW](#)). Given that not all the mineral extracted may be suitable for concrete production, the applicant also proposes that some of the mineral (an estimated 15% of the resource) would be exported from the Site for other construction aggregate uses on the HS2 project and for the benefit of the general construction market.
13. Mineral extraction would take place within two main areas of the site. Phases 1 to 4 would be within the eastern part of the site and followed by phases 5 to 8 within the western part of the site. The thickness of the mineral varies but the maximum depth of working would be approximately 12m.



Extract from Committee Report – Plan 2 showing extraction phases and site layout

14. Extracted mineral would be loaded onto dump trucks which would then haul the mineral to the processing plant located within the centre of the site. During mineral extraction, the excavations which would be mainly below the water table would be

pumped so that water is left only within the lowest 4 metres of the excavated void.

15. As mineral excavations progress, soil mounds or bunds would be formed around the site's boundaries so that there would be a 5m high subsoil bund along most of the southern boundary of the site; and there would be 3m high topsoil bunds around the northern sides of both extraction areas, the western and the eastern edges of the site and around the plant site.
16. The proposed hours of operation for mineral extraction are 0730-1800 hours Monday to Friday and 0730-1230 hours on Saturdays.

The mineral processing and concrete batching plant

17. The plant site would comprise of an aggregate processing plant, a concrete plant with cement silos, aggregate storage bays, site offices and welfare buildings, workshop, store and laboratory, vehicle and cycle parking, HGV parking, stockpiling areas, and a freshwater lagoon.
18. The tallest structures within the site would be the four silos associated with the proposed concrete batching plant at 16 metres above ground level.
19. The applicant proposes that approximately 500,000 cubic metres of concrete is to be produced in total using processed sand and gravel.
20. The applicant proposes that the concrete plant hours of operation would normally be consistent with HS2's Code of Construction Practice but occasionally 24 hour working of the concrete plant would be necessary to meet the requirements for specific construction pours on the HS2 railway. On these occasions, details of the out of hours operations within the HS2 construction area would be subject to an approval under [section 61](#) of the Control of Pollution Act 1974 granted by Lichfield District Council and proposed extended hours operations would involve prior consultation with the local communities.
21. The plant site would connect to the A513 to the north of the site via a haul road joining the eastern side of the plant site. Along this haul road and to the north of the plant site, there would be a weighbridge and vehicle cleaning facilities.
22. For the purposes of the Transport Assessment carried out on a worst-case scenario, the total HGV movements per annum divided by 260 working days equates to a maximum of 170 movements per day (i.e. 85 loads per day). This is based on:

Cement imports	6 loads/day
Ready-mix exports	69 loads/day
Aggregate exports	10 loads/day

23. All HGV traffic is proposed to enter and exit the site from and to the east of the access onto the A513. No HGVs would travel through Kings Bromley village to the west unless there was an emergency diversion preventing use of the A38.

of the site to be established for habitat/biodiversity purposes. Restored agricultural land would be subject to a 5-year aftercare management programme.

28. The application is accompanied by a large number of documents and plans including:

- Planning, Mineral and Economic Development Statement
- Arboricultural Impact Assessment and accompanying plans
- Geological Investigation Report
- Restoration/ Aftercare Details
- Slope Stability Report
- Statement of Community Involvement
- Need Argument Addendum
- Environmental Statement and Technical Appendices (see [Appendix 1](#))

The Applicant's Case

29. The applicant's justification for the proposal is summarised as follows:

- a) The development is proposed to supply the nationally important HS2 infrastructure project.
- b) Supplying concrete from this location will minimise the environmental impact of HS2 by reducing the distances that concrete must travel, the number of HGVs on the road, and prevent journeys importing aggregate to the site for concrete production.
- c) The site is within the Area of Search west of the A38 [allocated in the Minerals Local Plan for Staffordshire], and sites within this area are expected to come forward at some point within the plan period, before 2030.
- d) It is considered necessary to bring this site forward now, given the demand for concrete for HS2 phase 1 works, the demand for aggregate from HS2 and other housing projects in the immediate vicinity of the site.
- e) Guidance in national policy indicates that sites can come forward even with a landbank in excess of 7 years in certain circumstances, and Policy 1 of the Minerals Local Plan justifies sites when material planning benefits outweigh material planning objections.
- f) The development provides significant economic, environmental, and social benefits in terms of the environmentally sustainable facilitation of HS2, providing flood storage capacity, biodiversity benefits, local employment, business rates, aggregate levy, landscape benefits and the provision of high quality, local building materials.
- g) The development is short in duration and restoration will be progressive, to

nature conservation and farmland, and the habitats to be created are Biodiversity Action Plan priority habitats and will support a large number of species. The restoration and soil handling methods during operations will also preserve the 'Best and Most Versatile agricultural land' and high-quality soils.

- h) The noise, air quality and visual impact assessments included in the Environmental Statement demonstrate that the site can be worked without causing any significant harm to amenity.

Relevant Planning History

30. The application site has been the subject of the following previous planning applications:
- L.870048 - an application for extraction of sand & gravel and importation of suitable fill for restoration of part of the area to agriculture submitted in January 1987 by Western Aggregates Limited. The application involved 346 hectares of land, with reserves of 39 million tonnes. The application was refused in April 1987.
 - L.900439 - an application for the extraction of sand and gravel and importation of suitable fill for restoration to lakes; erection of low level processing plant and low level RMC plant; ancillary buildings and works and widening of Hay End Lane on land forming part of Wychnor estate, east side of Hay End Lane, Alrewas. The application involved 24.47 hectares of land and proposals to extract 2.4 million tonnes of sand and gravel over 13 years at a rate of 185,000 tonnes per annum with restoration which would have involved the importation of waste. The application was submitted in April 1990, not determined and was then the subject of an appeal. The appeal (reference APP/N3400/A/90/166511) made in September 1990 against the non-determination of application was dismissed in January 1992.
 - L.900914 – an application submitted in October 1990 duplicated the above proposals and was refused in May 1991.
 - L.920414 – an application for the extraction of sand and gravel and importation of suitable fill for restoration to lakes. The proposals involved a reduced scheme of extraction of 1.75 million tonnes to be extracted over 10 years. The application, submitted in May 1992, was not determined. An appeal was made but withdrawn in March 1993.
31. The proposal is located within an area of search allocated in the Minerals Local Plan for Staffordshire (2015 – 2030) which was adopted in February 2017. In respect of the proposed area of search west of the A38, the Inspector assessing the soundness of the Plan stated that: 'Wide ranging development considerations have been included in the Plan which I consider appropriate and should enable mineral extraction to be permitted with due regard to balancing the protection of the environment with planning for a steady and adequate supply of sand and gravel.'
32. The applicant has recently submitted two planning applications relating to the erection of concrete plant which would be also required for the supply of concrete for the construction of the HS2 railway. Both proposals relate to Weeford Quarry which is

operated by H. D. Ricketts Limited and not the applicant) and involve increasing existing capacity to produce concrete. Both proposals, would rely on the supply of sand and gravel from the proposed Pyford Brook Quarry. The details of the applications are as follows:

- [L.20/06/810 MW](#) – application for the continuation of sand extraction with progressive restoration to agriculture/ biodiversity using recycled inert materials together with the retention and enhancement of existing on-site processing, office and workshop facilities, erection of a new ready-mix concreting facility and importation of aggregates for blending and associated works. The application was submitted jointly by Cemex with H. D. Ricketts Limited on 23 March 2021 and remains to be determined.
- [L.21/04/810 MW](#) – application for a replacement concrete plant. The application was submitted by Cemex on 3 June 2021 and remains to be determined.

Environmental Impact Assessment (EIA)

33. The findings of the ES (and the environmental information subsequently received) are summarised in [Appendix 1](#).

Appropriate Assessment

34. In accordance with the Habitats Directive (Council Directive 92/43/EEC) and Regulation 48 of the Habitats Regulations 1994, a screening assessment has been carried out on the effects of the proposal on the River Mease Special Area of Conservation (SAC). Based on the information submitted, it is considered that the proposed development would not result in a negative impact on the River Mease Special Area of Conservation (SAC).

Findings of Consultations

Internal

35. **Environmental Advice Team (EAT)** - No objections subject to conditions relating to: the submission of soil testing data before seeding of areas for meadow creation; monitoring targets for habitat creation as determined by the Biodiversity Metric 2.0 2020 (DEFRA), provision of lighting in accordance with details agreed prior to commencement; and for archaeological site work to be undertaken in accordance with an approved written scheme of investigation. Following initial comments on the proposals, a detailed Construction Environment Management Plan for biodiversity has been agreed as well as a Habitat Management Plan.
36. Regarding the further information received on landscape and visual impacts, it is acknowledged that the potential additional viewpoints have been covered. The conclusions drawn in the reports are a fair and accurate assessment of the potential impacts from the additional viewpoints (8 and 9). The additional photomontages from viewpoints (2, 6 and 7) are also clearly presented. The most significant visual impact is from Common Lock on the Trent and Mersey canal (Viewpoint 7) where a soil bund occupies the whole of the middle ground view north with silos protruding above into the skyline.
37. Whilst initial comments on the visual impact of the proposed plant site contended

that the cumulative impact of the existing Gas Station on the A513 plus the 14-16m high concrete plant silos would have the effect of industrialising a relatively intact rural agricultural landscape; the revised Landscape and Visual Impact Assessment argues that the new concrete plant fits well into an already industrialised landscape as a result of the Gas Station and the busy A513.

38. The County Archaeologist has reviewed the additional information, including the Archaeological Trial Trenching report, the updated Archaeology and Heritage Chapter 11 of the Environmental Statement, and the proposed Written Scheme of Investigation (WSI) for archaeological mitigation, and is satisfied that, in terms of below ground archaeology, Chapter 11 of the ES has been suitably updated to reflect the results of the trial trenching exercise, and that the proposed mitigation strategy, which comprises a combination of targeted strip, map and sample exercise and intermittent watching brief, is appropriate.
39. The County Ecologist has considered the impact of the proposals on European Protected Species and a record of that consideration is found in [Appendix 2](#) to this report
40. **Highways Development Control** (on behalf of the local Highways Authority) (HA) – no objections subject to conditions relating to implementation of an approved Construction Environmental Management Plan; completion of access works prior to development of the site; provision of parking and turning areas prior to site being brought into use; limits on HCV movements; vehicle route control; for the site to be ungated during operation of the site; provision of cycle parking facilities; and formation of an agricultural access upon restoration of the site. An informative is also recommended to advise that the proposed site access works would require a Highway Works Agreement with Staffordshire County Council.
41. **Planning Regulation Team** – no comments.
42. **Noise Engineer** – The assessment of noise has been carried out in accordance to the relevant guidance and appropriate methodology used. For the daytime period, predicted levels are shown to be at or below the appropriate levels and the noise engineer has no objection should permission be granted for the daytime period. The submitted noise monitoring scheme is acceptable along with the proposed noise limits.
43. Night-time operation of the concrete mixing plant would only be acceptable with a limit of 42 dB LAeq and the provision of additional information to demonstrate that the effects of night-time lorry movements would be acceptable.
44. **Flood Risk Management Team** (on behalf of the Lead Local Flood Authority) – no objection subject to the imposition of a condition relating to development not being brought into use until the approved drainage scheme shown in the Technical Note: Alrewas Orgreave Quarry: Drainage Strategy, Stantec UK Limited, February 2020 has been implemented. Thereafter, the application site should be restored to agricultural and nature conservation uses with the bunds created for the operational phase removed.
45. **Head of HS2 and Integrated Transport Projects**– advises that there are two key elements that need to be taken into account with this planning application:

- a. As the intended purpose of the proposed quarry is to supply the HS2 project with ready mix concrete, the proposed site must therefore comply with the Code of Construction Practice where it is relevant (CoCP - [Code of Construction Practice.pdf \(publishing.service.gov.uk\)](#)). Paragraph 5.2.2 of the CoCP states:

Core working hours will be from 08:00 to 18:00 on weekdays (excluding bank holidays) and from 08:00 to 13:00 on Saturdays. The nominated undertaker will require that its contractors adhere to these core working hours for each site as far as is reasonably practicable or unless otherwise permitted under Section 61 of the Control of Pollution Act 1974.

Furthermore, paragraph 5.2.4 states:

Except in the case of an emergency, any work required to be undertaken outside core hours (not including repairs or maintenance) will be agreed with the local authority prior to undertaking the work under Section 61 of the Control of Pollution Act 1974 within the framework set out by the Local Environmental Management Plans (LEMP) and this CoCP.

- b. The proposed quarry is in a particularly sensitive location with regard to HGV movements and Staffordshire County Council and Kings Bromley Parish Council secured an undertaking from HS2 Ltd. during the Phase 2a parliamentary process that no HGV traffic associated with the HS2 project would travel through the Kings Bromley village.

External

46. **Lichfield District Council (LDC)** –object. The consultations were considered by the Council’s Planning Committee on 14 September 2020, 18 December 2020 and on 10 May 2021. The Council as Local District Planning Authority reiterate previous comments submitted to the County Council, and do not consider that the additional information addresses all concerns previously expressed.
47. The Council raises strong concerns in respect of the justification for the proposals and question whether the proposal complies with Policy 1 of the Minerals Local Plan (MLP). It is considered that sufficient justification has not be provided and LDC request that SCC fully interrogate this matter prior to determination. If the applicant cannot demonstrate full compliance with the polices in the adopted MLP, the Council raises an objection to the principle of development.
48. The stated need for the development and link to the construction of HS2 is questioned. LDC recommends that SCC review this important matter prior to determination as a principal concern.
49. LDC also raise concerns in relation to the following:
 - a) the long-term impact of the proposal, the erosion of the rural area, the reduction of farming capacity and the effect on local communities;
 - b) the impact of the development upon nearby tourist and leisure attractions, such as Fradley Junction.
 - c) the impact of the proposal upon the environment and biodiversity. The impact

of the proposal upon climate change must also be considered, particularly with regards to air quality.

- d) the impact upon the nearby watercourses and the potential for increased flooding in Alrewas.
- e) the impact upon the existing gas pipelines which cross this site. It is recommended that SCC seek the advice and reassurance from National Grid and Cadent Gas.
- f) the increase in HGV's and traffic movement is expressed and the capacity of the road network, particularly should the A38 be closed and traffic diverted along country roads.
- g) the proposed 24-hour operation of the site and the impact this would have upon nearby residential amenity. LDC request that SCC determine whether there is a justified need for a 24-hour operation of the site.
- h) SCC must ensure that the use of dumper trucks would not result in further detrimental effects.
- i) If SCC are minded to approve the application, it is recommended that permitted development rights are removed to prevent the site being used for other industrial/ commercial uses once the proposed four/ five-year period of use has lapsed.
- j) If the County Council, having taken all other factors into account, is minded to approve the application LDC would request a condition be attached to any permission necessitating all traffic be routed to the east towards and via the A38.

50. In addition, detailed comments were provided by LDC specialists:

- a) Lichfield District Council's Conservation Officer considers that the proposals would cause less than substantial harm to the setting of the Fradley Junction Conservation Area and the Trent and Mersey Canal Conservation Area and to Orgreave Hall and Upper Lupin Farm. This harm needs to be weighed against the public benefits of the proposal in accordance with paragraph 196 of the NPPF.
- b) Lichfield District Council's Ecology Officer has commented on the biodiversity net gain proposals and due to the medium-term net loss of habitat, suggested that there should be a much higher net gain. Comments were also provided on the need for a Construction Environment Management Plan and a Habitat Management Plan. Further information was submitted in response to these comments which has been considered by the County Ecologist.
- c) Lichfield District Council's Arboricultural Officer requires that an existing track along a row of trees (identified as G2/ G13 on the Revised Tree plans (survey) (Dwg no 1909-L2-ALWAS-1-2-3 TPP TCP Rev L)) is not used in connection with the development. In addition, assurances are sought on the effectiveness of post and wire fencing for tree protection and the effects of dewatering on trees. Appropriate assurances have been provided by the applicant.

- d) Lichfield District Council's Environmental Health Officer is satisfied that the impacts of the proposed development are likely to be acceptable in terms of environmental protection, subject to conditions relating to noise limits and other mitigation measures proposed in Chapter 7 of the ES forming part of a noise control scheme; implementation of the submitted noise monitoring scheme to ensure adherence with the agreed limits; bunding referred to in section 7.5 of the ES should be installed prior to the proposed development being brought into first use (i.e. prior to extracted minerals being exported from the site, or the batching plant being brought into first use); and implementation of the submitted dust management plan (appendix 8.1 of the ES).

51. **Alrewas Parish Council** — object. In response to the third consultation, the Parish Council re-affirmed their objection on the following grounds: increased risk of flooding in Alrewas (in this matter, the Parish has been in direct correspondence with the Environment Agency); safety of the gas pipelines; traffic particularly when there are closures of the A38; increased CO2 emissions when compared with alternative sources of supply; proposal does not conform with the requirement to restore existing quarries in the area before quarrying in the area of search; adverse impact on tourism and local businesses e.g., Alrewas Hayes, Fradley Junction and other canal side locations; and the cumulative effect of other developments on the Alrewas area, including major housing schemes and HS2.
52. Previously, the Parish Council also raised to the following grounds for objection: they disputed the need for HS2 works (taking into account information from HS2 Limited derived from a Freedom of Information request); they do not accept that other sites cannot continue to supply HS2 without the use of this new proposed site and believe that SCC should not disregard its own Minerals Local Plan in assessing this application; they consider that it does not accord with the Alrewas Neighbourhood Plan; concerns are also raised about air quality; traffic volumes; traffic noise; health risks associated with concrete plant; the landscape impact of plant; the noise particularly that associated with the proposed night-time operation of the concrete plant; the timeframe for development; visual impact and inadequate proposals for screening; impact on wildlife; loss of farmland; and, they question the benefits from employment/ investment in local economy.
53. **Edingale Bromley Parish Council** (neighbouring parish) - raise concerns about the cumulative increase in Heavy Goods Vehicles joining the A38 which will result if this application is granted. The Parish Council has recently been consulted on extensions to the existing quarries in the Barton and Fradley areas which will increase the amount of vehicles using the A38, and the additional increase proposed by this application will increase HGV traffic levels to an unsustainable extent.
54. **Fradley and Streethay Parish Council** (adjoining parish) – object on the following grounds: they consider that the proposals do not accord with the Alrewas Neighbourhood Plan; they do not conform with the approved Staffordshire Mineral Plan; the adverse cumulative impact with other development including housing, quarries and HS2; the impact on health and air quality; the increased traffic would increase the danger on the roads and pressure on local infrastructure; the noise from vehicles, including reversing warning signals; there are inadequate plans for either screening of the proposed operations or restoration of the site; there is inadequate information in the proposals about the impact on local wildlife and the loss of local farmland; the risk of flooding; the safeguarding gas pipelines; the sale of mineral to markets other than HS2 undermines justification for proposal; they dispute the

advantage of local supply compared with impact of the quarry and an alternative supply of mineral is available; the negative impact on the canals at Alrewas and Fradley Junction and the wedding events business at Alrewas Hayes; they consider that conveyors should be used for haulage within the site rather than dump trucks due to noise; they have concerns about the effectiveness of dust management proposals; the risks associated with translocation of an existing hedgerow; and, they question the benefits in terms of local employment;

55. The grounds for objection also relate to the concrete plant and include: the risks to health from air quality; the scale and size of the proposed buildings which would not be compatible with a rural setting; the unacceptable levels of noise from machinery and vehicles, especially if the plant is allowed to run 24/7 in contravention of the HS2 Code of Construction for Phase 1; the uncertainty that the proposal is required to support HS2; and, a concern that plant is intended to be retained in the long term.
56. While the Parish Council objects to the whole proposal being approved, the Council is especially concerned that night-time and 24-hour operations should not be allowed, as this would cause further disruption to residents and would cause more traffic on local roads and is contrary to HS2's policy. If the application is granted, the Parish Council request that no site traffic should be allowed in the village, even if the A38 is closed in an emergency.
57. The Parish Council also support the objection made by Alrewas Parish Council
58. **Kings Bromley Parish Council** (adjoining parish) – object on the following grounds: the restoration of Manor Park Quarry should be completed prior to mineral extraction taking place at the quarry in conformity with the requirements of the Minerals Local Plan; they want an assurance that no vehicles would be diverted through Kings Bromley village onto the A515; the unacceptable adverse cumulative impact with HS2 work including borrow pits; and, the proposal could result in a permanent concrete plant being retained at the site.
59. The Parish Council also endorse the objections made by the other Parish Councils on grounds of need and environmental impact. If the application is granted the Council also asks that an enforceable restriction is put in place to prevent quarry traffic from travelling through Kings Bromley even if there are diversions or other difficulties on the A38.
60. **Environment Agency** (EA) - no objections subject to conditions relating to mitigation of flood risk; compliance with the water management plan; and, that a scheme be agreed to ensure that enhancement measures for Pyford Brook are implemented.
61. The Agency has reviewed the Stantec Report "Orgreave (Alrewas) Water Management Plan" Report reference: 330201543TN1Rev01, dated October 2020 and confirm that the measures outlined within the plan to identify and mitigate any further impacts on the water environment from proposed dewatering activities are acceptable. Whilst accepting the plan is based on information gathered to date, the Agency have advised that this should be viewed as a 'dynamic' document open to revision as a result of ongoing collection and assessment of monitoring data gathered.
62. The current degraded nature of the Pyford Brook makes it ideal for restoration in line with the Humber River Basin Management Plan. The Agency recommend that the

proposed development is used as an opportunity to restore more natural processes to the watercourse. This would offer a significant environmental gain both for biodiversity and fulfil Water Framework Directive objectives.

The proposed development will therefore only be acceptable if a planning condition is included requiring a scheme to be agreed to ensure that the Pyford Brook is restored once mineral workings cease.

63. **Historic England (HE)** – no objection.
64. The quarry would impact the settings of the Trent and Mersey Canal, Fradley Junction and Alrewas Conservation Areas, as well as the prehistoric causewayed enclosure on Daisy Lane, which is a scheduled monument.
65. HE recommends opportunities are taken to ensure any visual impacts are minimised as far as possible, and appropriate hydrological monitoring is undertaken.
66. HE does not have any recommendations for specific mitigation in relation to the monument. However, a well-maintained screening/ vegetation buffer on the south of the quarry is key to ensuring any visual intrusions are minimised. This should be considered in the approval of any landscaping plans or proposals.
67. **Natural England (NE)** – no objection subject to conditions to safeguard soil resources and promote a satisfactory standard of reclamation appropriate to the proposed afteruses, as set out in the applicant's proposals. NE also provide the following comments:
 - a) NE confirm that they are generally satisfied that the site working, and reclamation proposals meet the requirements for sustainable minerals development set out in the NPPF and current Minerals Planning Practice Guidance.
 - b) While the restoration proposals on (some of) the Best and Most Versatile agricultural land (BMV land) are for non-agricultural purposes, Natural England considers the proposed reclamation to a biodiversity afteruse acceptable, provided the methods used in the restoration and aftercare would enable the land to retain its longer term capability to be farmed to its land classification potential, thus remaining a high quality resource for the future.
 - c) NE have noted that the following Chapters, Appendices and Plans of the Environmental Statement are sufficient to demonstrate that an equivalent area of the BMV land disturbed as a result of the development, would be reinstated to a similar quality.
 - d) NE acknowledge that the applicant has taken into account Defra's Good Practice Guide for Handling Soils which provides detailed advice on the choice of machinery and method of their use for handling soils at various phases. NE welcome the adoption of "Loose-handling" methods (as described by Sheets 1-4 of the Guide), to minimise damage to soil structure and achieve high standards of restoration.
68. **Forestry Commission** – no comment.
69. **Highways England (HEng)**– no objection.

70. HEng has reviewed the traffic methodology outlined in the submitted Transport Assessment (TA). It is understood that the proposed development will have an HGV routing strategy which would ensure that all operational HGVs route to/ from the site via the A38. To safeguard the Strategic Road Network at this location, HEng sought confirmation that output movements from the site would be limited to the numbers outlined in the TA. The applicant has now stated that the site will not generate more than 170 two-way daily trips. Based on previous calculations, 170 two-way daily trips would not result in a significant impact on any SRN junctions during the AM or PM peak hours.
71. **Canal and River Trust** – no objection.
72. The application site is located some 210m north of the Trent and Mersey Canal and as such is beyond the area notified to you as requiring consultation with the Canal and River Trust. We have nonetheless reviewed the application and can advise that it appears unlikely that there will be any adverse impacts on the canal or canal users from the proposed development. We would comment that the restoration proposals for the site once sand and gravel extraction is complete provide an opportunity to complement and enhance the biodiversity value of the canal corridor and should consider the potential for creating habitats suitable for water vole, otter, bat species, pollinators and amphibians.
73. **National Air Transport Service (NATS)** – no objection.
74. **South Staffs Water** – concerns raised have been taken into account by the Environment Agency (see response above).
75. **Severn Trent Water Limited** – no objection.
76. **National Grid** – no objection.
77. **Cadent Gas** –no objection. The pipeline operator confirms that all matters regarding the effect of the quarrying works on their pipeline would be considered by one of their specialist consultants and the appropriate safe stand off and slope angles of the extraction area agreed between Cadent and Cemex. This could lead to a larger separation between the pipeline and extraction zone, and pipeline and tailings lagoons, than is shown on their current plans but it is not anticipated that this will be a major change.
78. **Health and Safety Executive (Inspectorate of Quarries)** – After reviewing the latest geotechnical report and site plans, they had no adverse comments to make.
79. **Staffordshire Fire and Rescue Service** – no objection but advise that:
- Appropriate supplies of water for firefighting and vehicle access should be provided at the site, as indicated in Approved Document B Volume 2 requirement B5, section 15 and 16.
 - The roads and drives upon which appliances would have to travel in order to proceed to within 45 metres of any point within the property, should be capable of withstanding the weight of a Staffordshire firefighting appliance (G.V.W. of 17800 Kg).
80. **Staffordshire Wildlife Trust** – no comment.

81. **Cannock Chase Area of Outstanding Natural Beauty (AONB) Partnership** - no objection.
82. **HS2 Limited** – no objections to the planning application in safeguarding terms.
83. HS2 Ltd is not in a position to provide advice requested by the Planning Officer for the following reasons:
- The application site is located outside HS2 Act limits and area subject to formal safeguarding directions.
 - The proposed works are not HS2 works and were not assessed in any HS2 Environmental Statement.
 - HS2 Ltd is not the applicant.
 - None of HS2 Ltd's appointed contractors are the applicant.
 - So far as we can establish no one in HS2 Ltd has advised on or supported the planning application.
 - Despite the above facts the application seems to be basing its justification for being on the HS2 programme, but it is not for HS2 Ltd to comment on this application made by a third party.

Publicity and Representations

84. Site notice: YES Press notice: YES
85. The application was advertised as a departure to the Development Plan.
86. Prior to submission of the application, a public exhibition was held by the applicant at Alrewas Parish Hall on 20th February 2020. The exhibition attracted over 100 residents and members of the local Parish Councils. The proposal was explained by way of a series of exhibition boards with the applicant's staff available to answer questions. The feedback received from this event is reported in the applicant's Planning, Mineral and Economic Development Statement.
87. When the application was received, 31 neighbour notification letters were initially sent out and 668 representations were received. The matters raised in representations are summarised in the table below and a more detailed summary is provided in [appendix 3](#).

Grounds for objection/ concern	Number of representations
Visual impact of buildings/ structures	213
Landscaping/ screening of site	46

Landscape impact	212
Impact on wildlife/ biodiversity	120
Safeguarding high pressure gas pipelines and public safety	69
Impact on canal	44
Flood risk	9
Loss of farmland	120
Hours of operation	200
Traffic – number of movements, speed, size of vehicles	479
Traffic – access and suitability of local highways	187
Restoration	66
Cumulative impact including the impact of other development e.g. HS2	125
Need based on HS2	159
Air quality including dust	402
Noise	364
Impact on water resources	17
Contrary to Minerals Local Plan in terms of phasing of mineral workings	261

- Note that representations were made on behalf of the Alrewas Residents' Group which represents 400 to 500 supporters of which 99.5% are deemed to

object to the application following a canvassing exercise of its members. Objections of the Group are based on the proposal not conforming with the Minerals Local Plan; uncertainty about how the HS2 demand for ready-mix concrete has been assessed; traffic impact in terms of volume and routes; safeguarding gas pipelines; extended hours of operation; and the impact of the concrete plant, particularly its visual intrusion.

- Representations have also been made by the CPRE Staffordshire. CPRE remain concerned about the wider impacts on the rural landscape and environment; and question the effectiveness of the proposed translocation of 200 metres of hedgerow. With regard to the statement by Cemex that there will be “no significant adverse effect on the landscape and from many viewpoints” CPRE consider that in view of the substantial amount of woodland, roadside trees and hedgerows that have been felled in and around Fradley Junction as part of the enabling works for HS2, it is questionable whether this statement is still valid.
- The Inland Waterways Association (Lichfield Branch) highlighted the use of the Trent and Mersey Canal, noting 8,000 boat passages a year on the local section as well as 100,000 users of the towpath (walkers and cyclists). The Associations’ concerns relate to the effect of screening the plant from views taken along the towpath and the noise that would be experienced by visitors to the canal as well as boat users on moorings along the canal.
- Representations have been received from Michael Fabricant MP who objects on the grounds of the proposals not conforming with the Minerals Local Plan; traffic; and the introduction of a concrete plant in this location.
- Objections are also made on the basis that the application fails to comply with the Environmental Impact Assessment regulations with objections to the methodology, accuracy and impartiality of the reports forming the Environmental Statement. It is considered by objectors that the submission of further information by the applicant, does not address these inadequacies and appear largely just to be a validation of their previous conclusions. The errors are considered so numerous and of such importance they cannot be addressed by subsequent planning condition. A concern raised is that reasonable alternatives as required by regulations have not been considered for the provision of sand and gravel. The applicant is therefore, considered to have failed in complying with the Common Law obligation of ‘full and frank disclosure’ and to ensure that the appropriate body has all material facts to enable it to reach a full and fair decision as provided for in *Berkeley v Secretary of State for the Environment* [2001] 2 AC 603.
- By using a third party to fulfil HS2 need, HS2 Limited are circumnavigating the intention of Parliament under the 2017 Act and avoiding paying compensation and blight to those that suffer loss because of the HS2 project and stripping the local community of HS2 safeguards from excessive working practices. An objector believes this to be a matter of ‘public interest’ for the purpose of Judicial Review.

88. The applicant submitted further information in relation to the Environmental Statement accompanying the application to address issues raised during the initial consultation and to explain amendments to the proposal including changes to the

plant site layout as well as the method of haulage of mineral within the site. This information was first publicised during November 2020 in accordance with Regulation 25 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. As well as posting additional site notices and re-advertising in the press notice, neighbour re-notification letters/ emails were sent to those residents who had previously been notified together with those persons who had previously submitted representations on the initial consultation. 53 additional representations were received.

89. On 10 December 2020, Councillor Eagland as the Local Member, informed the County Council at its meeting of the receipt of objections from residents of Orgreave, Alrewas, Kings Bromley and Fradley to proposals by Cemex to construct a concrete factory on land south of the A513 near Orgreave and Alrewas.
90. The applicant submitted further information in relation to the Environmental Statement to address issues raised during the second consultation and included additional information about the need for the proposal and its link to the construction of the HS2 railway. This information was also publicised during April 2021 in accordance with Regulation 25. As well as posting additional site notices and re-advertising in the press notice, neighbour re-notification letters/ emails were sent as before to any person who had previously submitted representations. 45 additional representations were received.
91. In response to information about the commencement of the HS2 Phase 2a works, an addendum to the Environmental Statement was submitted by the applicant to review the cumulative effects that would be associated with an overlap of those works with proposed quarrying at the application site. Again, the information was publicised in accordance with Regulation 25 and to date 38 additional representations have been received. An update on the representations to the consultation on further information will be reported to Members during the meeting.
92. As a result of the three consultations on further information submitted by the applicant, many of the representations received, endorsed objections originally made and several objections have been updated in view of the information submitted by the applicant. Appendix 3 to this report provides a more detailed summary of the objections in respect of the application and includes the matters raised in response to the consultations on the further information received.

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

93. National Planning Practice Guidance – Determining planning application - [How must decisions on applications for planning permission be made?](#) explains that:

‘To the extent that development plan policies are material to an application for planning permission the decision must be taken in accordance with the development plan unless there are material considerations that indicate otherwise.

The National Planning Policy Framework represents up-to-date government planning policy and is a material consideration that must be taken into account where it is relevant to a planning application or appeal. This includes the presumption in favour of development found at [paragraph 11 \[not 14 as](#)

[stated\] of the \[National Planning Policy\] Framework](#). If decision takers choose not to follow the National Planning Policy Framework, where it is a material consideration, clear and convincing reasons for doing so are needed.'

94. [Appendix 4](#) lists the development plan policies (and proposals) and the other material planning considerations, relevant to this decision.

Observations

95. Having given careful consideration to the application, environmental and other information, including the further information subsequently received, consultee comments and the representations received, the relevant development plan policies and the other material considerations, referred to above, the key issues are considered to be:
- The development plan and other material considerations
 - The MLP development considerations
 - Other matters raised by consultees or in representations
 - The need for a Section 106 Legal Agreement.

The development plan and other material considerations

Need for the mineral

96. 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 (Section 17) and is underpinned by a presumption in favour of sustainable development (Section 2 'meeting the needs of the present without compromising the ability of future generations to meet their own needs'). Paragraph 205 of the NPPF states that:

'When determining planning applications, great weight should be given to the benefits of mineral extraction, including to the economy.'

Furthermore, paragraph 203 states that:

'It is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs.'

97. 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 (refer to [Minerals, Minerals Overview, What are mineral resources and why is planning permission required?](#)).

98. Policy 1 of the Minerals Local Plan for Staffordshire (MLP) sets out how provision will be made for sand and gravel in the county up to the end of 2030 based on maintaining a landbank of at least 7 years of permitted reserves to support a level of provision of 5 million tonnes per annum (Mtpa); and refers to 11 proposals for the extension of quarries as well as an area of search to the west of the A38. Policy 1.4 of the MLP states that:

‘Proposals for new sites within the area of search to the west of the A38 shown on the Policies and Proposals Map will only be supported where it has been demonstrated that permitted reserves or allocated extensions to existing sites listed above cannot meet the required level of provision stated in paragraph 1.1.’

99. National planning guidance advises that ‘local planning authority may depart from development plan policy where material considerations indicate that the plan should not be followed’ (refer to Paragraph: 013 Reference ID: 21b-013-20150327 of PPG). A material planning consideration is one which is relevant to making the planning decision in question and is concerned with land use in the public interest.

100. Planning Practice Guidance sets out reasons why sites could be permitted even with a landbank in excess of 7 years (refer to Paragraph: 084 Reference ID: 27-084-20140306 of PPG), as follows:

- Significant future increases in demand that can be forecast with reasonable certainty;
- The location of the consented reserve is inappropriately located relative to the main market areas;
- The nature, type and qualities of the aggregate such as its suitability for a particular use within a distinct and separate market; and,
- Known constraints on the availability of consented reserves that might limit output over the plan period.

Note also footnote 67 to paragraph 207 (f) of the NPPF states that longer periods may be appropriate for landbanks of aggregate minerals.

101. Paragraph 7.9 of the Minerals Local Plan states that:

‘...there is no reason to indicate that the existing pattern of supply and demand for sand and gravel will change in Staffordshire over the next 15 years and there is no reason to change the strategy in our old Plan that favoured extensions to existing sites until 2025, when a new site(s) would be needed. The extension sites and area of search to the west of the A38 will maintain the pattern of supply.’

102. Commentary: The proposal has been advertised as a Departure from MLP (refer to policy 1.4) given that:

- a) There is no evidence in the Council’s Annual Monitoring Report (AMR)/ Local Aggregate Assessment (LAA) to suggest that the level of provision as set out

in the MLP cannot be met based on current demand – (note that the sand and gravel landbank was 12.8 years as of 1 January 2020 based on 2019 survey data and it is not anticipated that the size of the landbank will have depleted to less than 7 years);

- b) There is no evidence reported in the AMR/ LAA to indicate that the level of sand and gravel provision of 5Mtpa should be reviewed (note that the 10 years sales average for sand and gravel is 4.261Mtpa/ 3 years sales average is 4.873Mtpa based on 2019 survey data and that both averages are less than the level of provision defined in the MLP).

103. Furthermore, the application site is situated within the allocated area of search west of the A38. As such, the intention is for a site or several sites to come forward within this area within the plan period, and the MLP indicates that the expectation is that development within the area of search would take place from 2025 onwards when existing sites could not meet the level of provision. Therefore, a key issue relates to the timing of this application and the need to release sand and gravel resources from this area in advance of the timescale anticipated in the MLP.

104. Having regard to national planning guidance, the applicant contends that a significant increase in demand over and above that considered when the MLP was prepared can now be forecast due to construction of the HS2 railway. The principal contractor to HS2 for earthworks on the northern section of the phase 1 construction of the railway has forecast the overall requirements for that northern section of phase 1 works to be follows:

Total aggregates required for Area North (N1 & N2)	14.5 million tonnes
Unbound aggregates are required for non-concrete aggregates	In excess of 10 million tonnes (9 million tonnes to be supplied via rail and rock quarries outside Staffordshire - 1 million tonnes of the above will be drainage aggregates, sourced from existing quarries within Staffordshire).
Concrete production (2.3 million cubic metres)	4.5 million tonnes (including 0.5 million tonnes from crushed rock sources, supplied from outside the county by rail). The applicant has a contract to supply the principal contractor Balfour Beatty Vinci (BBV) with 500,000 cubic metres of concrete for section N2 (refer to Committee Report Plan 5 showing section N2 [referred to as subplot 8 on the plan]) which will require approximately 1 million tonnes of sand and gravel. BBV's supply strategy indicates that approximately 430,000m ³ of concrete is

	<p>supplied from the application site and that 61,000m³ is supplied from a proposed plant at Weeford Quarry which would be supplied with sand and gravel from Pyford Brook.</p> <p>Examples of significant structures requiring concrete include the Streethay cutting (100,000m³); rough Flyover (11,000m³); and Harvey's Rough flyover (23,000m³). The locations of these works are shown on Plan 5.</p>
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Sources: Need Argument addendum (March 21) and BBV's N1 and N2 supply strategy

105. Regarding the concreting requirements for the N2 contract, the applicant contends that it is essential that a consistent source of concreting aggregate is supplied to ensure consistency in terms of concrete strength, quality and performance, given the large amounts required for single pours, and the need for plants to back each other up in the event of breakdown. While other sources may have spare capacity, multiple sources with varying properties would be impractical to control and adversely affect the control and performance of the concrete.
106. In view of the above information, the issue of need in respect of this application focusses on the availability of one million tonnes of sand and gravel to produce 500,000m³ of concrete over a period of up to 5 years.
107. The table below lists the quarries which are considered local to the HS2 phase 1 works within Staffordshire and indicates that all but two quarries have permission to maintain existing production capacity for the next 5 years.

Quarry	Operator	Date for cessation of mineral extraction based on current permission
Alrewas	Tarmac	2029
Barton	Hanson	2030* [current reserves are anticipated to deplete within the next year and an approved extension provides for 10 years of production]
Hints	Tarmac/ Cemex	2025
Newbold	Aggregate Industries	2029*
Rugeley	Cemex	2031
Saredon	NRS Aggregates	2028*
Shire Oak	JPE Holdings	2025
Weeford (Moneymore)	Hanson	2042*

Weeford (Ricketts)	H.D. Ricketts	2042 [subject of current application which will review extent of remaining reserves].
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* Sites with unimplemented extension allocation in MLP

108. The applicant has assessed all the above options and contends that the option to supply an additional one million tonnes of concreting aggregate from a consistent source is not currently available. Other significant local sites are planning or already supplying HS2 contracts (Alrewas/ Newbold) or committed to the supply of general market demands (Barton). Regarding permitted reserves in Staffordshire under the control of the applicant, the applicant indicates that reserves at Hints are being supplied to meet Tarmac's concreting contract for HS2 (N1 of Area North) and to supply drainage materials for HS2. The reserves at Rugeley are being used to supply the existing market and given restrictions on the ability to increase production capacity are unable to contribute to HS2 demands.
109. In response to enquiries about other reserves available to the applicant, the applicant has confirmed that the remaining reserves at Weeford Quarry (now owned by H.D Ricketts Limited) are no longer under their control and would be insufficient to produce 500,000m³ of concrete. Proposals for a new concrete plant at Weeford Quarry would not rely on supply from that quarry. Instead it is proposed by the applicant to import sand and gravel from Pyford Brook to produce concrete at this site. The applicant also operates a sand and gravel quarry at Willington in Derbyshire, and about 15 miles from the Streethay access to the HS2 route. Production from Willington Quarry is used, however, to serve existing markets mainly in the East Midlands.
110. The applicant's justification for the proposal demonstrates a need for the additional mineral due to:
- constraint on the availability of permitted reserves due to the demand of existing markets; and,
 - the requirements for a consistent source of concreting aggregate capable of producing without disruption at up to 300,000 tonnes per annum for a period of up to 5 years.
111. To provide an assurance to the Mineral Planning Authority that all the concrete produced on site would be used in the construction of HS2 (Phase 1), the applicant is prepared to enter into a Section 106 Legal Agreement which provides such an undertaking.
112. Conclusion (need for the mineral): Current evidence provided from monitoring sales and reserves of sand and gravel indicates that there is no immediate general need for additional reserves. However, the HS2 principal contractor's supply strategy reasonably demonstrates that permitted production capacity is not capable of providing the additional concreting aggregate that will be required for the HS2 construction project.

Need for the concrete plant

113. Commentary: The applicant has demonstrated that two plant sites intended to supply concrete for HS2 railway construction are no longer feasible due to site constraints and other competing uses within the compound sites e.g. need to stockpile aggregate delivered by rail. Consequently, BBV has amended plans originally put forward by HS2 Limited to include the proposed concrete plant at this site and another plant proposed at Weeford Quarry (the subject of separate applications - see the Relevant Planning History section earlier). BBV require these two plant sites to have a maximum combined capacity to produce 8,000 cubic metres of concrete per month. The proposed plant at Pyford Brook would be capable of producing the greatest proportion of concrete at a maximum of 7,000 cubic metres per month.
114. The applicant contends that the benefits of the proposed concrete plant are its proximity to the HS2 construction site and that by using mineral extracted from the quarry, there would be a benefit in terms of reducing potential lorry movements. The applicant estimates that a total of 40,000 vehicle movements would be avoided based on the whole volume of concrete stated (500,000m³) by not supplying the aggregates to originally planned concrete plant sites.
115. In considering alternative options for the supply of concrete, the applicant contends that:
- The outputs from the existing concrete plants in the area are insufficient to meet the demands of Area North as most of the existing plants are urban plants with a low production capacity and with small storage areas for materials.
 - A search was made for alternative locations along the construction route, however, compounds are required to be at the intersection of major routes, to avoid using small local roads. There are no other such locations available in the vicinity of where the concrete will be used.
 - There will be no continuous route through HS2's land take, and as such, even concrete produced within the land take would have to go back out on the public highway to reach the appropriate destinations.
116. Conclusion (need for the concrete plant): Having regard to the difficulties faced by the HS2 contractor in securing concrete making facilities within the HS2 land take as originally intended, the application offers an opportunity to meet this shortfall in concrete making capacity. There would be also a significant reduction in vehicle movements by removing the need for haulage on the public highway of aggregate to the concrete plant. It is reasonable to conclude that there is a need for the concrete plant, as an ancillary operation, to supply the HS2 construction project.
117. Overall conclusion (need and principle of development): Based on the evidence secured from BBV, the proposal has merit in view of the supply of construction minerals for HS2 and would accord with national guidance for aggregate mineral provision whereby additional demand has been identified over and above the amounts anticipated at the time of preparing the Minerals Local Plan. While there may be scope for permitted sites to potentially meet the demand now identified for concrete required for structures on the northern section of the HS2 phase 1 railway,

existing local quarries are supplying other markets or are already committed to the supply of minerals to HS2. The requirements for a steady and adequate supply are important in the context of constructing a major infrastructure scheme where the scale of demand for aggregate minerals is possibly unprecedented in recent times. Capacity to produce within project timescales at the required rates of demand will be important to the efficient construction of the railway and the proposal offers a dedicated mineral supply which can support plant of sufficient concrete making capacity for the project.

118. While the principle for the proposal is found acceptable, the proposals for development within the Area of Search would be at least 4 years earlier than anticipated. It is considered, however, that the material planning benefits of providing a local supply of construction aggregates to meet the additional demands of the HS2 project together with the reduction of lorry movements in the supply of concrete are material considerations on which to justify a departure from policy 1.4 of the MLP in terms of earlier commencement of mineral development within the Area of Search provided that the proposals are able to satisfactorily address the development considerations identified in the MLP for the Area of Search and accord with policies 4 and 6 of the MLP.

The MLP development considerations

119. Policy 1.5 of the Minerals Local Plan states that:

‘Any proposals to develop new sites within the area of search to the west of the A38 will only be supported where it has been demonstrated that they accord with the Plan policies, including Policy 4 and address the development considerations listed in appendix 1.’

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

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

121. Policy 4.6 of the Minerals Local Plan states that:

‘Proposals for ancillary development within or near to a mineral site will be assessed in accordance with this policy [4] and where planning permission is granted, it will be limited to the duration of the mineral site.’

122. Policy 6.2 in the MLP requires that:

‘Proposals for the restoration of mineral sites ... will only be supported where it has been demonstrated that the proposals are sufficiently comprehensive, detailed, practicable and achievable within the proposed timescales.’

123. Commentary: The following table lists the MLP development considerations relevant to mineral development within the Area of Search west of the A38 as referred to

under policy 1.5 of the MLP and summarises how these considerations have been addressed by the applicant and considered by consultees:

Development considerations for the Area of Search west of the A38	Addressed in the application/ environmental statement (ES) by:
<p>Wychnor Park is an area of high sensitivity to change, so high levels of landscape mitigation would be required to avoid adverse impact.</p>	<p>Chapter 9 of the ES assesses the impact upon landscape. Also refer to 'Response to Landscape Comments (March 2021).' The assessment concludes that there are no significant effects on views from the network of public rights of way linking Alrewas and Meadow Lane, Yoxall.</p> <p>As reported earlier, the Council's Environmental Advice Team have considered the further information and do not raise an objection. However, Alrewas Parish Council and representations raise concerns about the impact on the landscape.</p>
<p>Some areas north of the A513 retain historic field patterns and water meadows, and these should be retained where possible.</p>	<p>Not applicable as the proposed site lies to the south of the A513.</p>
<p>Careful consideration should be given to screening around Kings Bromley, Alrewas, Fradley, Orgreave, and Overley to ensure satisfactory visual mitigation. The phasing of any workings between Kings Bromley and Alrewas will need to minimise the erosion of landscape character ensuring that previous mineral workings to the east of Alrewas and west of Kings Bromley are subject to restoration works prior to commencement of development within the area of search.</p>	<p>Chapter 9 of the ES assesses the impact upon landscape and visual mitigation in detail and concludes that: 'Due to the flat nature of the landscape, visibility of the Application Site would be well contained by mature hedgerow tree vegetation and localised woodland blocks. Existing and proposed tree cover would limit the visual intrusion of the upper part of the silos and plant housing into the landscape.'</p> <p>Significant mineral working remains to be completed east of the A38 at Alrewas Quarry as well as restoration. At Manor Park Quarry mineral working ceased in 2003 but restoration remains to be completed. The applicant contends that the requirement for restoration at nearby sites is outweighed by the specific need regarding concrete supply for HS2.</p> <p>Paragraph 9.9.9 of chapter 9 of the ES in relation to the cumulative effect of current</p>

	<p>mineral workings east of the A38 (2km east of the application site) states: 'Due to the flat topography and the coalescence of mature tree cover within the landscape there would be little to no inter-visibility between these sites and the Application Site, and there is little potential for sequential views. The addition of plant and extraction operations at the Application Site would slightly increase the disturbed nature of the wider Trent Valley landscape in the Medium term and slightly increase wetland habitats via restoration. Effects would however be limited in scale and extent and significant effects would be unlikely.'</p> <p>The Council's EAT do not raise an objection in relation to the landscape/ visual assessment. As mentioned above, concerns in relation to this issue have been raised by Lichfield District Council and the Parish Councils and in representations. This development consideration is examined further below.</p>
<p>Proximity to sensitive properties within and adjacent to the area of search should be considered as well as the canal conservation area including Fradley Junction and the Alrewas and Kings Bromley conservation areas. Appropriate stand offs should be defined to safeguard amenity and structures.</p>	<p>Chapter 9 of the ES assesses the impact upon landscape and includes assessment of views along the canal towpath (viewpoints 4 and 7). Revised Chapter 11 of the ES also refers to assessment of the impact of the proposal on the setting of heritage assets. Paragraph 11.5.14 states: 'In particular, the mature rectilinear woodland block to the south of the proposed Plant Site is well established and, together with riparian tree cover along Pyford Brook along the southern application site boundary, limits visibility to the south and thus from the relatively closely located scheduled monument and the Trent and Mersey Canal and Fradley Junction Conservation Areas.' Overall, the impact of the proposal is assessed as 'minor adverse' upon the setting of the Fradley Junction Conservation Area, the Trent and Mersey Canal Conservation Area, though these are largely mitigated by the restoration proposals.</p>

	<p>No assessment of visual impact on residential properties is made in the ES as it is judged that the proposed development would not give rise to effects meeting the thresholds for assessment. Chapter 7 relating to the assessment of noise and chapter 8 relating to air quality do consider nearby residential properties. No significant impacts on neighbouring properties including the marina are identified in the assessments.</p> <p>No objections are raised in relation to noise and dust effects during daytime hours on neighbouring properties by the technical consultees, however, there remains uncertainty about the effects of night-time operations.</p> <p>Objectors are also concerned about the impact on the Canal and in respect of the canal's conservation area designation. Lichfield District Council's Conservation Officer advises that the 'less than substantial harm' to the conservation area should be weighed against the public benefits of the proposal. This development consideration is examined further below.</p>
<p>The presence of the Bourne/ Bilson Brook. Should sub-water table working be necessary then evidence will be required that such activities will not impact on flows in the brook.</p>	<p>The brook has been considered in Chapter 12 of the ES. The dewatering assessment refers to an estimated radius of influence for the groundwater dewatering operations of 700m with 880m being a worst case. As the Bilson Brook is 915m away from the site, then the dewatering operations should have no impact upon the flows of the brook.</p> <p>No objections have been raised by the Environment Agency in respect of this development consideration or the assessment.</p>
<p>There should be no net loss of floodplain storage as a result of the excavations. Any excavated material</p>	<p>Floodplain storage and compensation is considered in Chapter 12 and Appendix 5.7 Drainage Assessment. The plant site is</p>

<p>should normally be stored outside of the extent of the 1 in 100-year (with climate change) floodplain unless its temporary storage would be acceptable to the Environment Agency. Any ancillary development should be located in areas of lowest risk.</p>	<p>in Flood Zone 1 and as such has the lowest risk of flooding.</p> <p>The proposals do involve the storage of soils in the floodplain, but this temporary storage is compensated by the additional flood storage created by excavations.</p> <p>The Environment Agency and the Council's Flood Risk Management Team are satisfied that the proposals should not cause additional flood risk.</p> <p>The risk of flooding caused by proposed dewatering operations at the quarry is the subject of residents' objections which has resulted in a petition and representations direct to the Environment Agency. This development consideration is examined further below.</p>
<p>Proposals may need to consider proximity to the HS2 construction areas for phases 1 and 2 of the route.</p>	<p>The proposal is not within the safeguarding zone for the construction of the HS2 railway and this consideration does not apply in terms of affecting proposed railway infrastructure.</p>
<p>Proposals for mineral working and restoration should take into account the need to safeguard pipelines and associated infrastructure as well as overhead power lines.</p>	<p>The proposals would involve crossing a pipeline at the site's access and excavations are proposed in the vicinity of another pipeline. The safeguards for the pipelines are set out in Appendix 6 to the Planning Statement – the Slope Stability Assessment.</p> <p>Assurances required by Cadent Gas the pipeline operator, have been addressed in the development of proposals.</p> <p>This development consideration is examined further below as it was a concern raised by the District and Parish Councils and in the representations.</p>
<p>Proposals for mineral operations including operations associated with the processing of sand and gravel and quarry restoration should take into account the cumulative effect of</p>	<p>This development consideration is included in the cumulative impact sections at the end of each Chapter of the ES, and the need section in Chapter 12 of the Planning Statement. An addendum to the ES was</p>

<p>other mineral operations within the area and other significant non-mineral related development in the area such as the proposed HS2 railway. New mineral site infrastructure should be designed to minimise impact on the area and consideration should be given to the most effective use of plant in developing the resource.</p>	<p>also submitted in June 2021 which reviews the assessment of cumulative impacts for noise, air quality, transport, and landscape/ visual effects. This addendum concludes that with the commencement of HS2 phase 2a works in 2023, there are not likely to be any significant cumulative effects.</p> <p>This development consideration is examined further below as it was a concern raised by the Parish Councils and in the representations.</p>
<p>Across the whole area, retention of small woodland blocks, riparian vegetation, hedgerows, and trees will help with mitigation of visual impact, and advance planting should also be considered.</p>	<p>Trees and hedgerows will be retained apart from small sections for access as shown on the Tree Plans and Arboricultural Impact Assessment in Appendix 3 to the Planning Statement. The proposals include translocating existing hedgerows to mitigate the loss of 35 metres of hedgerow as well as the planting of 1.09 kilometres of new hedgerow.</p> <p>Early planting is proposed along the northern boundary although objectors contend that the planting should have already been undertaken for improved effect.</p> <p>Regarding concerns about the effect of dewatering on trees, the applicant confirms that this is addressed as part of the ES and no concerns have been raised by the Environmental Advice Team.</p>
<p>There is a high risk of best and most versatile land being present, so safeguarding its long-term potential and conserving soil resources should be considered in designing the restoration proposals.</p>	<p>The impact on Best and Most Versatile agricultural land (BMV land) is considered in Chapter 14 of the ES. Most of the site is Grades 3a and 3b with a small amount of Grade 2.</p> <p>Natural England confirm that while the restoration proposals on (some of) the MBMV land are for non-agricultural purposes, the proposed reclamation to a biodiversity afteruse acceptable, provided the methods used in the restoration and aftercare would enable the land to retain its</p>

	<p>longer term capability to be farmed to its land classification potential.</p> <p>This development consideration is examined further below as the loss of farmland was a concern raised by the District and Parish Councils and in the representations.</p>
<p>Consideration should be given to the public rights of way affecting the area.</p>	<p>Not applicable as there are no public rights of way crossing the site.</p>
<p>Transport Assessment is required and should ensure that HGV traffic does not travel through Kings Bromley village.</p>	<p>A Transport Assessment was submitted as Appendix 6.1 to the ES and no traffic is proposed to travel through Kings Bromley. This is a matter that the applicant is prepared to manage under the terms of a legal agreement if permission is granted.</p> <p>The proposed routeing arrangement complies with agreements with HS2 Ltd to avoid traffic using the A513 through Kings Bromley village and is also required by the local Highways Authority (except in cases of an emergency).</p> <p>This development consideration is examined further below as it was a concern raised by Kings Bromley Parish Council.</p>
<p>Restoration of mineral workings in this area should contribute where applicable to the Staffordshire Washlands project, the Staffordshire BAP River Gravels Ecosystem Area objectives and to the objectives of the National Forest. There is also the potential to extend the Central Rivers Initiative into this area [now part of the Transforming the Trent Valley (TTTV) project].</p>	<p>The restoration has had regard to the objectives of the Staffordshire BAP River Gravels Ecosystem Area objectives. Proposed habitats are highlighted as being appropriate to create and maintain within the River Gravels Ecosystem Area.</p> <p>Biodiversity net gains are specified for habitats (17.67%), hedgerows (11.72%) and rivers (35.71%). This includes amendments to the proposals for the creation of meadow upon reinstatement of the lagoon area and enhancement of the brook course along the southern boundary of the site.</p> <p>No objections have been raised by Natural England, the Environment Agency, or the Environmental Advice Team.</p>

Further examination of some of the development considerations

- a) Cumulative impact – considering other mineral development and non-mineral development including construction of the HS2 railway
124. Policy 4.1 p) requires that in assessing the impact of proposals for mineral development, the cumulative effects from a single site, or from a series of sites in a locality shall be taken into account.
125. This policy reflects national planning policy for minerals (refer to paragraph 205 (b) of the NPPF) and in relation to the area of search, the above table indicates that the cumulative effects of proposals with other mineral operations and other significant non-mineral related development such as the proposed HS2 railway should be addressed.
126. Commentary: A key concern raised by objectors is the erosion of landscape character due to disturbance to the landscape caused by mineral working to the east of the A38 and west of Kings Bromley (refer to Plan 4 to this report). Having regard to the requirements of policy 6.2 (a) of the MLP for any individual site, there is a requirement that the land affected at any one time should be minimised by including phased working and restoration; and in planning for the wider sand and gravel resource within the Trent valley, here the past strategy has been to concentrate mineral development mainly east of the A38 rather than surround Alrewas with land disturbed by mineral working. Likewise, for Kings Bromley village, the development considerations for proposals within the area of search include a requirement that mineral development should not take place until restoration within the Manor Park quarry west of Kings Bromley has commenced.
127. Restoration is progressing at Alrewas Quarry but there are significant parts of the quarry nearest Alrewas village that are either being extracted, to be extracted or being restored. Mineral working will not cease east of A38 at Alrewas quarry until 2029 and restoration operations are required to be completed by 2033.
128. Manor Park Quarry west of Kings Bromley village ceased mineral extraction in 2003 and the site has remained closed since; with the offices, processing plant and infrastructure being removed in 2008. Two lakes on either side of the River Trent now remain where mineral extraction previously took place.
129. The applicant contends that the requirement for restoration at nearby sites is outweighed by the specific need regarding concrete supply for HS2. The landscape assessment submitted with the application suggests that there would be little to no inter-visibility between these sites and the application site, and there is little potential for sequential views. This conclusion is accepted but the development of a new site between Alrewas and Kings Bromley would introduce another element of quarrying activity with associated disturbance within the Trent valley in advance of more substantive reclamation of the existing mineral workings.
130. The assessment of cumulative effects of noise, dust and traffic has been considered in the Environmental Statement that accompanies the application and has been updated to address potential cumulative impact associated with construction of

phase 2a of the HS2 railway (see [Appendix 1 – ES - Addendum](#)). No unacceptable adverse impact associated with potential cumulative effects has been identified in that statement or by technical consultees. An update on responses to the latest consultation will be reported verbally to the Committee.

131. In addition to the assessment of cumulative effects from mineral working, representations received refer to the disturbance to landscape associated with other development. Residents are concerned about the effect of development of new housing in the area and in particular, the disturbance caused by construction works and the operation of the HS2 railway.
132. Plan 4 to this report shows the proximity of these other developments. Regarding the housing, development is away from the area of the quarry and therefore, does not affect those properties nearest the application site. Construction traffic routes affect different sections of the local highway network.
133. HS2 construction works are 1.3 to 1.5 kilometres south and west of the application site. The nearest part of the rail route will be to the west of Fradley junction and works have now commenced on the phase 1 part of the route. The nearest works carried out as part of the phase 2a works would be the development of a borrow pit 1.3 kilometres to the west of the application site. As mentioned previously, the ES has been updated to assess the impact of these phase 2a works given that new information indicates that phase 2a could now overlap with this development. The environmental impact assessment considered the effects of the railway construction and no significant cumulative effects were identified in terms of noise, dust, traffic, and landscape/ visual impact.
134. Conclusion (cumulative impact): The representations received highlight the amount of development including other non-mineral development now taking place in the locality. The MLP anticipated that this was a matter that would need to be addressed in considering any proposals within the broad area of search allocated in the Plan. Undoubtedly, there will be a significant change in the wider landscape as a result of HS2 and it is reasonable to conclude that the proposed quarrying would result in cumulative impacts due to the timing of the development, however, due to the location, scale and duration of the proposals, it is also reasonable to conclude that the effects of this proposal would not be so significant as to result in an unacceptable adverse cumulative impact.

b) Impact on the canal conservation area including Fradley Junction

135. Policy 4.1 of the MLP requires that effects on visual amenity, landscape (including the historic landscape character) and the countryside should be taken into account. Policy NR1 (Countryside Management) of the Lichfield District Local Plan Strategy states that the countryside of Lichfield District is valued as an asset in its own right and will be protected. Policy NR5 (Natural and Historic Landscapes) states that the character and significance of the natural and historic landscape will be safeguarded through decisions which protect sites of importance.
136. Having regard to paragraph 196 of the NPPF, the District Council's conservation officer advises that the 'less than substantial harm' to the conservation area should be weighed against the public benefits of the proposal.

137. Commentary: Fradley Junction is 450 metres to the south of the application site and is a busy venue attracting tourists and local walkers as well as users of the canal. The location would not be affected by proposed traffic associated with the development, but the noise and visual impacts have been assessed.
138. The most significant viewpoints were assessed to be from the canal towpath to the north-east of Fradley Junction near a new marina that is being constructed. Photomontages were provided by the applicant to illustrate the effect of existing planting and soil mounds that would be used to screen the proposed site. No significant impacts are identified noting that views from this location are also affected by structures associated with the gas compound to the north of the A513.
139. Noise assessments have been revised to take account of the long-term moorings that would be used within the new Fradley Marina (considered a more sensitive receptor than transitory users of the canal towpath or in a boat on the canal). No significant adverse noise impact has been identified subject to implementation of the soil mounds as proposed and the imposition of limits for short term noisy operations e.g. formation of soil bunds (refer to [‘What type of operations may give rise to particularly noisy short-term activities and what noise limits may be appropriate?’](#) Paragraph 022 Reference ID: 27-022-20140306).
140. The impact of the proposal on the setting of the Fradley Junction Conservation Area and Trent and Mersey Canal Conservation Area has been categorised as ‘minor adverse’ in the landscape assessment of the environmental statement due to minor changes in landscape setting and for the Trent and Mersey Canal Conservation Area visibility from this conservation area. The further assessment of views from the canal has been considered by the Environmental Advice Team and the Canal and Rivers Trust and no objections are raised. Views from the canal are important and it would be necessary to ensure that the proposed mitigation through the creation of screening mounds and retention of existing vegetation is maintained.
141. Conclusion (impact on canal conservation area): Having regard to the above policy considerations and the consultation responses, it is reasonable to conclude that the site’s relative distance from the canal, the extent of existing trees and hedgerows, and the proposed screen mounds would ensure that there would be no unacceptable adverse impacts on the canals. In addition, the temporary nature of the development and the benefits of the proposals in terms of local supply to the HS2 project as well as the landscape and biodiversity benefits to be secured through the restoration of the site would outweigh any material planning objection.
- c) Flood risk – petition to Environment Agency (EA)
142. Policy 4.1 of the MLP requires that effects on managing flood risk are considered. Paragraph 163 of the NPPF states that when determining planning applications, local planning authorities should ensure that flood risk is not increased elsewhere.
143. During the application process the area has endured flooding along the Pyford Brook and River Trent as these watercourses flow past Alrewas. Local concerns particularly from resident on Mill End Lane nearest the Pyford Brook have been raised with the Environment Agency (EA) including a petition with aerial filming of the extent of flooding.

144. In association with these concerns, the EA were asked by Alrewas Parish Council and residents to consider the effects of the proposal on future flood management in the area and the risks of exacerbating any flooding with dewatering of the excavations at the quarry. The proposals have been assessed in terms of flood risk and as a consequence of new regulation that would separately control dewatering operations, the applicant has submitted a water management plan that sets out procedures to be followed to allow for the discharge of pumped water into the adjacent Pyford Brook. The EA have found this plan to be acceptable and it is noted that the applicant has separately made an application to the EA for an environmental permit for water discharge operations.
145. The application site does affect the flood plain associated with Pyford Brook and the proposals include the formation of soil mounds within that floodplain. The proposals, however, compensate for the loss of this flood capacity with the excavations taking place elsewhere on the site and the areas of the processing plant are outwith the area of the floodplain.
146. For the longer term, the proposals have been revised so that restoration proposals include improvements to the morphology of the Pyford Brook by reshaping the channel of the brook course. These modifications to the brook together with the creation of two areas of open water should enhance flood capacity upstream of Alrewas village.
147. Conclusion (flood risk): Having regard to the policy considerations and the response of the Environment Agency as well as the Council's Flood Risk Management Team acting as the Lead Local Flood Authority, notwithstanding the concerns of the Alrewas Parish Council and residents, no unacceptable adverse impact due to flood risk is anticipated subject to the implementation of the water management plan.

d) Safeguarding agricultural land and conserving soil resources

148. Policy 4.1 of the MLP requires that effects on agricultural land having regard to conserving soils resources should be assessed. Paragraph 170 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by means including recognising the economic and other benefits of the best and most versatile agricultural land, and preventing new and existing development from being adversely affected by unacceptable levels of soil pollution.
149. Policy 6 in the MLP requires any restoration proposals to be sufficiently comprehensive, detailed, practicable and achievable within the proposed timescales and that where relevant (amongst other matters):
- the long-term potential of best and most versatile agricultural land would be safeguarded, and the soil resources would be conserved; [policy 6.2 d)];
 - the restoration enhances the natural environment and net gains in biodiversity would be achieved by contributing to the delivery of local ecological networks...; [policy 6.2 f)]

- the restoration enhances valued landscapes, the setting of heritage assets and is informed by and sympathetic to landscape character (including heritage assets and the historic landscape character); [policy 6.2 g)]
150. Paragraph 205 (e) of the NPPF requires that mineral planning authorities, should provide for restoration and aftercare at the earliest opportunity, to be carried out to high environmental standards, through the application of appropriate conditions.
 151. An assessment of the agricultural land quality of the application site found that the site contains mostly Grades 3a (23.75ha) and 3b (6.09ha) with a small amount of Grade 2 (0.93ha). As such the site does contain Best and Most Versatile (BMV) Agricultural Land.
 152. The phasing plans indicate how the soils of different grades, and the top and sub soils will be separated to form the bunds surrounding the site during the operation of the development. The restoration includes the reinstatement of agricultural land on the plant site and the silt lagoon area, using the higher quality soils for this area with an aim to restore this to Grades 2 and 3a. The lower quality soils would be used around the water areas.
 153. While there will be a loss of BMV land overall the proposed restoration has significantly higher biodiversity benefits than the existing site, and as such the loss of some BMV land must be weighed against these benefits. As mentioned previously in this report, neither Natural England or the Council's Environmental Advice Team object to the restoration proposals and with the enhancement to the Pyford Brook, the proposals contribute to the objectives of the Transforming the Trent/ Tame Valley project.
 154. Restoration of all the land to original levels would require backfill material to be imported which would amongst other impacts increase the timescale for restoration as well as generating more traffic.
 155. Conclusion (agricultural land): Having regard to the mineral planning policies, consultees comments and other material planning considerations referred to above, it is reasonable to conclude that the proposed restoration as amended, is acceptable and that the material planning benefits of the restoration proposals outweigh the loss of agricultural land.

e) Safeguarding pipelines

156. Policy 4.1 (m) of the MLP requires that stability of land should be assessed and in relation to the proposals as noted above, there is a requirement to ensure that proposals safeguard gas pipelines located within the area of search.
157. A pipeline along the proposed access would be crossed and there is another pipeline running south to north through the site in respect of which the proposed development has been designed to provide stand-offs as well as a crossing point. In considering the applicant's proposals, the pipeline operator has been in negotiation with the applicant and has confirmed that they are satisfied with the safeguards afforded to the protection of the pipelines including the effects of dewatering. The Fire and Rescue Service and the Health Safety Executive were also consulted, and they have no objections to the proposals.

158. Conclusion (pipelines): Having regard to the mineral planning policies, consultees comments and other material planning considerations referred to above, it is reasonable to conclude that the applicant has provided sufficient assurances that development can take place safely in the vicinity of the pipelines.
- f) HGV traffic and Kings Bromley village.
159. Paragraph 109 of the NPPF asserts that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or if the residual cumulative impacts on the road network would be severe.
160. Policy 4.1 (e) of the MLP requires that effects of traffic on the highway network should be assessed.
161. The applicant proposes that HGVs would turn right out of the new access and travel east along the A513, with most vehicles then travelling south along the A38, towards the HS2 route. The applicant is prepared to enter a legal agreement to ensure management of vehicle routes.
162. Despite this assurance Kings Bromley Parish Council remain concerned that HGVs would still travel through the village particularly when the A38 is affected by traffic problems. No objections are raised by the local Highways Authority or Highways England to the proposed routeing and the local Highways Authority confirms its requirement that all HGVs should travel from the east when entering the site and turning eastwards when leaving the site except in the case of emergencies.
163. Conclusion (HGV traffic and Kings Bromley): Having regard to the planning policies, consultee comments and other material planning considerations referred to above, it is reasonable to conclude that the proposed restriction on lorry routing is reasonable and would be consistent with the requirements of the MLP and other measures taken to reduce the impact of HGV through Kings Bromley.
164. Overall conclusion (The development plan, other material considerations and the MLP development considerations): The development of a site within the area of search allocated in the MLP at least 4 years earlier than anticipated, is a departure from policy 1.4 of the MLP on timing grounds and as such is a material planning objection. However, the additional demand for aggregates from HS2 (a national infrastructure project) is a material consideration and the local supply of concrete to the project is a material planning benefit which it is reasonable to conclude outweighs the material planning objection. Furthermore, even though on careful examination of the 'development considerations' listed in the MLP for the area of search, the proposals would have a number of impacts, overall it is reasonable to conclude that there are unlikely to be any unacceptable adverse impacts subject to the implementation of the proposed mitigation measures, and the terms of the legal agreement and conditions recommended below.

Other matters raised by consultees or in representations

165. In addition to the matters raised by consultees and in representations with respect to the MLP development considerations discussed above, the other matters raised are considered below.

a) Evening/Night-time operations

166. Policy 4 of MLP states that in assessing the impact of proposals for mineral development on people, local communities, and the environment, where relevant, noise will be taken into account.
167. Paragraph 205 (c) of the NPPF requires that mineral planning authorities must:
'ensure that any unavoidable noise, dust and particle emissions and any blasting vibrations are controlled, mitigated or removed at source, and establish appropriate noise limits for extraction in proximity to noise sensitive properties.'
168. Commentary: A concern raised by the local Parish Councils and many of the representations relates to the proposed operation of the concrete plant during evening and night-time hours in connection with construction works on the HS2 railway. The applicant has clarified that they do not propose 'out of hours' operation of the site as standard practice but it is proposed that any extended hours operation would be carried out subject to an agreement with the District Council under section 61 of the Control of Pollution Act for specific works on the HS2 railway. The applicant confirms that a condition restricting operations to the hours as specified in the Code of Construction Practice for HS2 works (core working hours will be from 08:00 to 18:00 on weekdays (excluding bank holidays) and from 08:00 to 13:00 on Saturdays) would be accepted subject to an exemption for extended hours as agreed under any section 61 approval.
169. The noise assessment submitted by the applicant has assessed the operation of the concrete plant during night-time hours and confirms that the plant could be operated to a night-time limit of 42dB(A) LAeq,1h (free field) at any noise sensitive property. The assessment also considers the effect of night-time traffic on properties near to the A513 at Alrewas. The change in night-time levels due to the additional traffic generated by the proposal is +0.3 dB. This change in noise level is assessed as negligible in the ES.
170. The County Council's noise engineer has indicated that although concrete production at night would be unlikely to result in an unacceptable impact, additional information would be required to assess the effects of night-time lorry movements. Such night-time operations would only be required if a Section 61 application related to the HS2 construction site has been approved. It is therefore recommended that a condition requiring prior written approval for night-time concrete production is reasonable and necessary, together with conditions to limit night-time noise and lorry movements.

b) Air quality – effect of concrete plant/ lorries

171. Policy 4 of MLP states that in assessing the impact of proposals for mineral development on people, local communities, and the environment, where relevant, air quality will be taken into account.
172. Commentary: As indicated above concerns have been raised regarding the emissions of dust particulates from quarry operations and associated traffic. In particular, concerns were raised about the nature of the concrete making operation.

173. The proposal includes the installation and operation of a concrete plant but would not involve the manufacture of cement (cement would be brought onto the site by tanker for mixing with sand and gravel). The plant is typical of plant used on other mineral sites and would be subject to separate regulation by the District Council under the Environmental Permitting (England and Wales) Regulations 2016, including conditions on dust control. The air quality assessment submitted with the application explains the mitigation measures proposed for use of the plant including daily monitoring by site personnel.

174. Concerns have been raised particularly from residents in Alrewas living near to the A513 leading up to the A38 about emissions from HGVs. The applicant's air quality assessment refers to guidance from the Highways England Design Manual for Roads and Bridges which indicates that detailed assessment is only required when daily traffic flows are likely to increase by more than 200 annual average daily Heavy-Duty Vehicles movements along a section of road near any potentially sensitive receptor. The guidance therefore suggests that there would be no significant increases in nitrogen dioxide or inhalable particulates (PM10s) to roadside receptors as a result. In respect of the submitted assessment, no objections have been raised by the District Council's Environmental Health Officer.

c) Carbon emissions

175. As indicated above, Policy 4 of MLP requires that in assessing the impact of proposals for mineral development, the effect of traffic on the highway network should be considered.

176. Paragraph 148 of the NPPF states that the planning system should support the transition to a low carbon future in a changing climate and should help to shape places in ways that contribute to radical reductions in greenhouse gas emissions.

177. Commentary: The HS2 Code of Construction Practice and the Sustainability Policy requires nominated contractors and their contractors to minimise carbon emissions. Objectors dispute the applicant's calculations for carbon emissions based on predicted journeys for the supply of concrete.

178. The applicant's ES concludes that while an increase in carbon emissions would arise from the development, supplying HS2 with concrete and aggregate from the application site would reduce HGV miles and associated emissions when compared to supply from further afield.

179. The Highways Development Control Officer concurred with the ES conclusion that the local production of concrete would significantly reduce vehicle movements.

d) Duration of use of concrete plant

180. Policy 4.6 of the MLP requires that any ancillary development will be limited to the permitted duration of the mineral site.

181. Commentary: Concerns have been raised about the duration of concrete production and that the plant could be retained on a permanent basis after mineral extraction has ceased. If permission is granted, the District Council has recommended that

permitted development rights are removed to prevent the site being used for other industrial or commercial uses once the proposed five-year period has lapsed.

182. The concrete plant would be ancillary to the quarrying operation and in accordance with policy 4.6 of the MLP, a condition is recommended to require the plant to be removed from the site after the quarry ceases mineral production. The plant site area would then be restored to agriculture as shown on the restoration plan.

e) Consultation on further information (EIA) – legal challenge

183. In consideration of the proposals, it is considered by objectors that the original Environmental Statement had shortfalls in information to assess the likely significant effects and that the submission of further information by the applicant, does not address these inadequacies and appears largely just to be a validation of their previous conclusions. The errors are considered so numerous and of such importance that they cannot be addressed by subsequent planning conditions.

184. Your officers believe that correct procedures have been carried out to ensure that persons wishing to make representations have had opportunity to consider the Environmental Statement and further information which is directly relevant to reaching a reasoned conclusion on the likely significant effects of the development. As indicated above, the Mineral Planning Authority has consulted on the Environmental Statement and when this report is presented to the Planning Committee, the County Council will have completed a fourth consultation on information relating to the assessment of environmental impacts associated with the proposal. It is acknowledged that the documentation has been considerable with revisions to assessments based on the comments received from previous consultations. On this basis, it is considered reasonable to conclude that the applicant has responded to all identified shortfalls of information in the assessment of likely significant effects.

f) HS2 Ltd cannot delegate their power to a third party to invoke material national need to facilitate the acquisition of land or procure planning consent for the benefit of a third party – legal challenge

185. An objector has questioned whether HS2, by using a third party to fulfil HS2 need, are circumnavigating the intention of Parliament under the 2017 Act and avoiding paying compensation and blight to those that suffer loss because of the HS2 project and stripping the local community of HS2 safeguards from excessive working practices.

186. As already indicated in the report, the proposals do not involve HS2 Limited and are part of a contractual arrangement between the applicant and the principal contractor for HS2's earthworks on the northern part of the phase 1 section. It is considered that by its nature this objection in all the circumstances of this case is not a material consideration in the determination of the planning application. However, as previously indicated, the issues of need for the construction of the railway are material considerations in the determination of the application. Furthermore, the applicant would be required to ensure that its proposals provide relevant environmental safeguards consistent with HS2's codes and requirements.

The need for a Section 106 Legal Agreement

187. Paragraph 54 to the NPPF explains that:

'local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition'.

188. Paragraph 55 explains that:

'Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.'

189. Paragraph 56 explains that:

'Planning obligations must only be sought where they meet all of the following tests:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and,
- (c) fairly and reasonably related in scale and kind to the development.'

190. Commentary: It is recommended that the following undertakings be secured by a Section 106 Legal Agreement (S106). The reasons why the undertakings meet the tests referred to above are explained below:

- a. To ensure that all concrete produced on the site is used for the benefit of construction of phase 1 of the HS2 railway.

This undertaking would ensure that the development proceeds on the basis described in the planning application i.e. to supply concrete for the construction of the HS2 railway.

- b. To manage vehicle routes so that HGVs do not pass through Kings Bromley village except in emergency/ exceptional circumstances whereby HGVs are prevented from accessing the A38.

This undertaking would fulfil one of the development considerations for mineral proposals within the area of search west of the A38 as allocated in the MLP

- c. To make arrangements for a site liaison committee.

This undertaking ensures 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 about site operations or opportunities to improve the working and restoration of the site to be discussed in accordance with the Minerals Local Plan (policy 4) and the NPPF (sections 4 and 17).

- d. To provide 20 years extended aftercare in addition to 5 years statutory aftercare required by legislation and planning condition, for those parts of the

site to be restored as wildlife habitat, in accordance with a scheme to be agreed with the Mineral Planning Authority.

This undertaking would support the establishment of the proposed nature conservation after uses including wetland habitat in accordance with the Mineral Local Plan (policy 6) and the NPPF (sections 15 and 17).

- e. To secure a Restoration Guarantee Bond either by being a member of the Mineral Products Association and eligible to draw on their scheme, or by arranging another financial guarantee to cover the costs of restoration and aftercare.

This undertaking would ensure that there are sufficient financial provisions in place for restoration and aftercare in case the operator goes out of business or responsibility for completing the restoration and aftercare of the land passes to another party in accordance with the Mineral Local Plan (policy 6) and the NPPF (section 17).

- 191. Conclusion: Having regard to the policies and guidance referred to above, it is reasonable to conclude that the undertakings within the proposed Section 106 Legal Agreement are necessary; directly relate to the development; and are fairly and reasonably related in scale and kind to the proposed development.

Overall Conclusion

- 192. Overall, as an exercise of judgement, taking the relevant up-to-date development plan policies as a whole and having given consideration to the application, the supporting and environmental information, including the information subsequently received, the consultee comments, the representations and the other material considerations, all referred to above, it is reasonable to conclude that the departure from the MLP on timing grounds is outweighed by other material considerations and in all other respects it is reasonable to conclude that the proposed development accords with the development plan and as such represents sustainable development, and there are no clear and convincing reasons to indicate that the application for planning permission should not be permitted.

Recommendation

Permit the application for sand and gravel extraction, the erection of plant and infrastructure and creation of new access, in order to supply the HS2 project with ready mix concrete, with export of surplus sand and gravel subject to the applicant and all other persons with an interest in the land 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 (carried forward from the current agreement):

1. To ensure that all concrete produced on the site is used for the benefit of construction of phase 1 of the HS2 railway.
2. To manage vehicle routes so that HGVs do not pass through Kings Bromley village except in emergency/ exceptional circumstances whereby HGVs are

prevented from accessing the A38.

3. To make arrangements for a site liaison committee.
4. To provide 20 years extended aftercare in addition to 5 years statutory aftercare required by legislation and planning condition, for those parts of the site to be restored as wildlife habitat, in accordance with a scheme to be agreed with the Mineral Planning Authority.
5. To secure a Restoration Guarantee Bond either by being a member of the Mineral Products Association and eligible to draw on their scheme, or by arranging another financial guarantee to cover the costs of restoration and aftercare.

The conditions to include the following:

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

Commencement

2. The development shall commence within three years of the date of the planning permission and the operator shall provide prior written notice of the commencement of: site preparation works for the construction and formation of site infrastructure and the initial screen bunds shown on the Phasing Plans (Dwg no 20-01-P2-ALWAS-6F Phasing Rev F); thereafter, notice of the commencement of soils stripping within phase 5 shall be provided as shown on the drawing 'Proposed Site Plan' (Dwg no TD 22021 Sheet 1 of 4 Rev E2) and the commencement of soil replacement operations;

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

3. No winning and working of sand and gravel shall take place later than 5 years from the commencement of soils stripping within the first phase of working as notified under condition 2.
4. Restoration of the Site shall be completed no later than 12 months following the cessation of the winning and working of sand and gravel which shall include the removal of all processing plant and ancillary development.
5. The permission shall expire when the restoration and aftercare has been completed in accordance with the latest approved Restoration and Aftercare Scheme.
6. If winning and working of sand and gravel should cease prematurely, the Site shall be restored and subject to aftercare in accordance with a revised restoration and aftercare scheme previously agreed in writing.

Phasing and Limits on Output

7. No winning and working of mineral and restoration operations shall be carried out other than in a phased manner in accordance with the approved plans.

8. No more than 125,000 cubic metres of concrete and 60,000 tonnes of sand and gravel shall be exported from the site per annum.

Management of Site Operations

Development Restrictions

9. Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015, no additional fixed plant or machinery, buildings, structures, or private ways shall be erected, extended, or installed without planning permission.

Hours of Operation

10. No operations/ works shall take place other than in accordance with the following hours:
 - a) winning and working of mineral including export of mineral and restoration operations shall be carried out between:
 - 0730 and 1800 Monday to Friday; and
 - 0730 and 1230 Saturday.
 - b) maintenance of the plant and vehicles shall be carried out between:
 - 0730 and 1900 Monday to Friday; and
 - 0730 and 1800 Saturday.
 - c) operation of the concrete plant and export of concrete shall be carried out between:
 - 0800 and 1800 Monday to Friday
 - 0800 and 1300 Saturday
 - d) import of cement shall be carried out between:
 - 0730 and 1800 Monday to Friday
 - 0730 and 1300 Saturday
 - e) subject to the prior written approval of the Mineral Planning Authority and following a section 61 approval on the HS2 (Phase 1 site), cement may be imported and concrete exported outside of the above permitted hours, subject to a limit of 17 HGV movements.

The only other exception to the above hours shall be essential operations including pumping, environmental monitoring and due to emergencies for reasons of health and safety or to prevent pollution.

Stockpiling

11. No minerals or processed minerals shall be stockpiled other than in accordance with the locations shown on the drawing 'Plant Layout and Traffic Management'

(Dwg no TD 22021 Sheet 2 of 4 Rev E2).

12. No mineral shall be stored in stockpiles exceeding a height of 6 metres as shown on the drawing 'Aggregate Plant Elevation' (Dwg No .TD 22021 Rev E Sheet 4 of 4).

Soil management

13. No soil shall be managed other than in accordance with Section 14.5 of the Soil Resource Assessment of the Environmental Statement.
14. No topsoil shall be stored in mounds that exceed 3 metres in height and similarly, no subsoil shall be stored in mounds that exceed 5 metres in height.
15. Soil mounds as shown on the plan 'Phasing Plans' (Dwg no 20-01-P2-ALWAS-6F Phasing Rev F) shall be seeded in accordance with details previously agreed in writing and shall be maintained in a weed free condition until the mounds are removed.
16. The enhancement of hedgerows on the northern, eastern and western boundaries as shown on the plan 'Restoration Planting Details' (Dwg no 21-01-ALREW-P2-1222-RES PI DETL Rev A) shall be carried out during the first planting season after commencement of development except for Hedge H3 north of Phases 5-8 which shall be planted during the aftercare phase.

Site Access, Vehicle Numbers and Highway Safety

17. No other access shall be used by HGVs other than the access onto the A513 shown on the drawing 'Proposed Site Plan' (Dwg no TD 22021 Sheet 1 of 4 Rev E2).
18. Prior to the export of concrete or sand and gravel, the new site access onto the A513 shall have been completed within the limits of the public highway in accordance with drawing 'Proposed Site Access Arrangement' (Dwg no J000122/SK101 Rev A). A visibility splay shall be provided as per submitted drawing 'Proposed Site Access Arrangement Visibility Splays' (Dwg no J000122/SK102 Rev B) which shall thereafter be kept free of all obstructions to visibility with nothing placed or allowed to remain forward of the visibility splays that exceeds 0.9m in height above the adjacent carriageway.
19. No export of concrete or sand and gravel shall take place until the parking and turning areas have been provided in accordance with submitted drawing 'Plant Layout and Traffic Management' (Dwg no TD 22021 SHT 2 OF 4 Rev E). The parking and turning areas shall be sustainably drained and hard surfaced in a bound material and shall thereafter be retained and maintained for the duration of the winning and working of mineral.
20. No export of concrete or sand and gravel shall take place, until full details of safe, secure, and weatherproof cycle parking facilities and shower/ locker facilities for staff, have been submitted to and approved in writing by the Mineral Planning Authority. The cycle parking, shower and locker facilities shall be constructed in accordance with the approved details and thereafter be

retained for the duration of the winning and working of mineral.

21. A Construction Environmental Management Plan (CEMP) shall be submitted to, and approved in writing by, the Mineral Planning Authority. The CEMP shall include details relating to construction access, hours of construction, routing of HGVs, delivery times and the location of the contractors compounds, cabins, material storage areas and contractors parking and a scheme for the management and suppression of dust and mud from construction activities including the provision of a vehicle wheel wash. All site operations shall then be undertaken in accordance with the approved CEMP for the duration of the construction programme.
22. The internal access road from the A513 to the wheel cleaning facility as shown on the plan 'Proposed Site Plan' (Dwg no TD 22021 Sheet 1 of 4 Rev E2) shall be constructed in a hard-bound material, kept clean and maintained in a good state of repair.
23. No loads of mineral or concrete shall leave the site unless the load has first been securely sheeted or is contained.
24. The average number of HGV movements to and from the site as measured over a week shall not exceed:
 - a) 170 movements (85 in and 85 out) per full working day (Monday to Friday); and,
 - b) 86 movements (43 in and 43 out) on Saturdays.

For the avoidance of doubt, the limits referred to above refer to all HGV movements in and out of the site, including HGV movements associated with any permitted ancillary operations (including any night-time movements).

25. Following completion of the quarrying works, the site access shall be downgraded to an agricultural access in accordance with details provided on submitted drawing 'Potential Post Restoration Access' (Dwg no J000122/SK201 Rev A). Any gates provided shall open away from the highway.

Environmental Management

Noise

26. Noise monitoring shall be carried out in accordance with Appendix 1.7 to the Environmental Statement - Noise Management and Monitoring Plan.
27. Noise generated with the exception of the construction and removal of soil mounds, shall not exceed the limits as set out in Table 7.7 (daytime limits) and Table 7.10 (night-time limits) in Chapter 7 Noise Rev A September 2020.
28. Noise levels resulting from the construction and removal of soil screening mounds shall not exceed 70 dB LAeq (1-hour) (free-field) during an 8 week period in any 12 month period; and shall be restricted to between the hours of

0830 and 1730 on Mondays to Fridays and between the hours of 0830 and 1230 on Saturdays.

29. Noise mitigation shall be undertaken as necessary in accordance with the measures as described in Appendix 1.7 to the Environmental Statement - Noise Management and Monitoring Plan.

Dust

30. Dust mitigation shall be undertaken as necessary in accordance with the measures as described in Appendix 8.1 to the Environmental Statement - Dust Management Plan.

Lighting

31. Prior to the operation of any flood lighting a lighting contour plan that demonstrates that there would be minimal impact on receptor habitats such as hedges, trees and watercourses, night skies, and neighbouring viewpoints shall be submitted to and for the written approval of the Mineral Planning Authority. The lighting shall be designed in accordance with Bat Conservation Trust/ Institution of Lighting Professionals Guidance Note 08/18 Bats and artificial lighting in the UK. The lighting shall be installed in accordance with approved details.

Flood Risk and Safeguarding the Water Environment

32. The development shall be undertaken in accordance with the Environmental Statement including:
- Volume 2 - Environmental Statement (ES) - Chapter 12 - Hydrogeology and Flood Risk Rev A October 2020
 - Volume 2 - Environmental Statement (ES) - Chapter 12 - Hydrogeology - Figures 12.1 - 12.19
 - Revised Appendix 5.6 to ES - Dewatering Assessment Rev A October 2020
 - Appendix 5.7 to ES - Alrewas Quarry Drainage Assessment Rev A
 - Revised Appendix 5.10 to ES - Water Management Plan Rev A Mar 21
33. No facilities for the storage of oils, fuels or chemicals shall be sited other than on impervious bases and surrounded by impervious bund walls (see Informative).

Nature Conservation and Archaeology

34. Development shall take place in accordance with the Revised Appendix 3.11 to ES - Construction Environment Management Plan (CEMP) Rev A March 2021 and New Habitat Management Plan (both confidential).
35. Archaeological investigations shall be carried out in accordance with the 'Archaeological Written Scheme of Investigation (May 2021)'.

Restoration and Aftercare

36. The Site shall be progressively restored and subject in accordance with:
- Concept Restoration Masterplan (Dwg no 20-02-ALREW-P2-1222-RES Rev D)
 - Restoration Planting Details (Dwg no 21-01-ALREW-P2-1222-RES PI DETL Rev A)
 - Restoration Plan: Marginal Details for Habitat Enhancement (Dwg No 20-09 ALREW P1 1222 REST DETAIL)
 - Appendix 5a to Volume 1 - Outline Restoration and Aftercare Scheme Rev C Mar 2021
 - Appendix 5b to Volume 1 - Annual Schedule of Landscape Operations
37. Prior to the commencement of the winning and working of sand and gravel within phase 3 as shown on the 'Phasing Plans' (Dwg no 20-01-P2-ALWAS-6F Phasing Rev F), a detailed Restoration and Aftercare Scheme shall be submitted for the approval of the MPA. The Restoration and Aftercare Scheme shall review the approved details referred to under condition 35 above and include the following details:
- a) Provision for soil testing data (phosphates) before seeding of areas for meadow creation.
 - b) Naturalisation features for Pyford Brook.
 - c) Restoration contours including formation of lake margins.
 - d) Provision for annual meetings and reports for monitoring aftercare works as well as the achievement of a final total of 91 habitat units and 23 hedgerow units as determined by the Biodiversity Metric 2.0 2020 (DEFRA) or any revision to that metric, and be sustained by good management until at least the end of the aftercare period (An updated biodiversity metric for the site shall be submitted no later than one year after restoration and at the end of the aftercare period;

Record Keeping

38. To require records to be kept of the following:
- a) The total number of loads of mineral, concrete and cement entering or leaving the site per day, including supply to HS2 (as applicable) and times of movements (outside daytime operating hours).
 - b) The quantities of concrete/ mineral exported.
 - c) The night-time operating hours.
 - d) Noise and dust monitoring in accordance with the approved schemes.
 - e) Any complaints and remedial actions taken.

INFORMATIVES to include the following:

1. Environment Agency advise that under the Land Drainage Act, the developer should contact the Lead Local Flood Authority in relation to the haulage road crossing Drain A, ordinary watercourse details can be found here <https://www.staffordshire.gov.uk/environment/Flood-Risk-Management/Applying-for-consent-for-watercourse-works.aspx>

Materials and chemicals likely to cause pollution should be stored in appropriate containers; in an area with sealed drainage; and, operators should adhere to the relevant regulations and guidance for the storage of drums and intermediate bulk containers:

2. Highways Authority – The proposed site access works shall require a Highway Works Agreement with Staffordshire County Council.
3. A reminder of the undertakings in the Section 106 Legal Agreement

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

Due to current Coronavirus restriction, the list of background papers for this report is only available on request by email sent to planning@staffordshire.gov.uk and can only be provided by email.

Appendix 1: Summary of the findings of the Environmental Statement (ES) (and the environmental information subsequently received)

Chapter 1 - Introduction

This chapter outlines the purpose and contents of the environmental statement as well as providing a description of the application site.

Chapter2 – The Proposal (Updated October 2020)

This chapter describes the proposals including information about phasing of mineral extraction operations and restoration.

Chapter 3 – EIA Regulations and Scope of Assessment

This chapter explains the requirements of legislation relating to environmental impact assessment and that the applicant decided that an ES is required due to the size, nature, and scale of the proposal. No scoping opinion was requested from the Mineral Planning Authority on environmental effects to be assessed but a summary of the effects considered by the applicant in the ES is listed.

Chapter 4 – Methodology

This chapter lists the objectives for the environmental impact assessment, and provides the methodology for assessment including explanations for defining the sensitivity of receptors, the magnitude of impacts, and the significance of effects (an assessment based on the magnitude of impact compared with receptor sensitivity). Explanations are also provided

for the determination of levels of confidence and mitigation measures. A list of existing/ proposed developments that have been considered in assessment cumulative effects is also provided.

Chapter 5 – The Assessment Team

In accordance with regulations, this chapter explains the relevant expertise and qualifications of those carrying out the assessment.

Chapter 6 – Consideration of Alternatives

In accordance with regulations, the ES is required to include a description of reasonable alternatives studied by the developer and this chapter explains the way in which alternatives have been considered based on issues of demand, location, process (changes resulting from the assessment process) and scheduling (timescale for the development).

Chapter 7 – Noise (September 2020)

This chapter has been prepared by Ms Rachel Canham and Dr Paul Cockcroft, Partners of the Walker Beak Mason Partnership.

In predicting noise levels from the proposal, the assessment concludes:

- The calculated site noise levels, with embedded mitigation measures (i.e. screening effect of soil bunds), comply with the suggested site noise limits at the noise sensitive receptors.
- For calculated noise levels due to temporary operations (e.g. soil stripping and bund formation), the magnitude of impact for Receptors R1 (Mill Acre House to south of site next to Fradley Marina), R4 (Dwellings off Overley Lane north east of site) and R5 (Long term moorings within Fradley Marina) is major/ moderate and the significance of impacts is an 'adverse effect'.
- For calculated noise levels at noise sensitive receptors due to routine daytime and night-time operations the magnitude of impact is moderate/ minor and the significance of impacts is 'good standard of amenity'.
- The changes in road traffic noise level due to the development, both during the day and at night, are assessed as negligible at the nearest dwellings to the A513.
- The cumulative noise levels should be no higher than the suggested noise limits for the noise sensitive receptors, indicating moderate/ minor impact and the significance of impacts is 'good standard of amenity'.

In addition to mitigation of noise by the formation of soil mounds, the assessment also recommends for night-time operations, that concrete loading and cement delivery do not occur simultaneously; and, at all times all plant and vehicles under the control of the operator must employ white noise (broadband) reversing alarms when operating on the site.

A noise management and monitoring plan is appended to the noise assessment that confirms monitoring locations and noise limits for those locations.

Chapter 8 – Air Quality (September 2020)

This chapter has been prepared by Tim Pinder from EA LTD.

An assessment has been made of all sources of dust from the site and the management controls which would be in place to ensure that the potential for any emissions is low. The proximity of all potential dust sensitive activities surrounding the site have been identified and assessed. An analysis of wind patterns in the area has also been carried out and used to calculate susceptibility to dust dispersal.

The assessment has concluded that there are ineffective pollution pathways, that the dust impact risk is negligible and the overall magnitude of effect from the proposal is also negligible.

A dust management plan is appended to the air quality assessment that confirms management practices including procedures for dealing with complaints.

Chapter 9 – Landscape (September 2020)

This chapter has been prepared by Chartered Landscape Architects Stephenson Halliday Ltd.

The baseline review of potential receptors considers and maps those within 2km of the proposed Application Site, concentrating on those within 1km whilst also considering potential for more distant receptors, if necessary.

The assessment concludes that due to the flat nature of the landscape, visibility of the application site would be well contained by mature hedgerows, tree vegetation and localised woodland blocks. Existing and proposed tree cover would limit the visual intrusion of the upper part of the silos and plant housing into the landscape. Medium term, temporary operational landscape effects would be limited in both scale and extent. No significant operational landscape effects are predicted.

On completion of the works the application site would be restored to areas of agricultural land, waterbodies with wetland marginal habitat and meadow grassland with additional woodland and hedgerow planting, bringing permanent beneficial landscape impacts.

Established hedgerow and tree cover would filter views of the short-term screening bund construction operations, and extraction operations would be largely screened. No significant visual effects are predicted during the medium-term operations or in the long-term post-restoration.

No significant cumulative effects are predicted.

A response on landscape was made in March 2021 to address concerns raised by objections about the effect of the proposals on views from the public footpath network between Alrewas and Orgreave or the footpaths linking Alrewas and Meadow Lane Yoxall. No significant effects on views were identified.

Chapter 10 – Ecology (October 2020)

Crestwood Environmental Ltd. was appointed to undertake the Ecological Impact Assessment.

The faunal surveys identified suitable habitat for a range of protected species and confirmed breeding Birds and foraging and commuting Bats present at the application site. Overall, the protected species recorded, and the suitability of the habitat present indicates that the application site is of 'Site - Local Level of ecological Importance' in relation to fauna.

Restoration will result in an overall Positive (Significant) effect on habitats due to a significant increase in a variety of habitats including habitats designated as Habitats of Principal Importance (HPI) and UKBAP Priority Habitats, increasing floral diversity, suitability for protected and notable faunal species and overall biodiversity.

In response to consultation responses, a Construction and Environmental Management Plan in relation to biodiversity was submitted in March 2021. This sets out measures to avoid or reduce the impact on species and habitat. In addition, a Habitat Management Plan was also submitted in March 2021 with the aim to enhance the application site's value for wildlife through the retention of any existing ecological features, the creation of new habitats and the provision of faunal enhancements as part of the proposals.

Chapter 11 – Archaeology and Heritage (March 2021)

This chapter has been prepared by Worcestershire Archaeology.

A study area extending 500m from the application site has been used. This is supported by the results of a geophysical survey, covering the application site along with an area to the north, and the results of evaluation trenching.

There is one Scheduled Monument within the study area, Alrewas Causewayed Enclosure which is located at its closest approximately 440m from the southern boundary of the application site. Two Conservation Areas fall within the study area, the Conservation Area of the Trent and Mersey Canal (at its closest approximately 210m from the southern boundary of the application site) and the Fradley Junction Conservation Area (approximately 450m south of the proposed development site). There are three Grade II listed buildings recorded within the study area as follows: Orgreave Hall and attached stables is located approximately 455m from the north end of the site access; Upper Lupin Farmhouse is located approximately 800m to the north-west of the site access; and a listed milepost is located approximately 200m west of the site access.

The assessment concluded that the application site will have no significant impacts on any designated assets but that the site includes heritage assets of prehistoric and later date, waterlogged deposits and/ or material of paleo-environmental interest. These include sites of local and regional interest identified from cropmark, cartographic, geophysical, and trenching evidence. The impacts of the proposal on these assets have been defined and if permission is granted a programme of archaeological mitigation would be necessary.

A written scheme of investigation for archaeological work was submitted in March 2021 and subject to some amendments has been agreed with the County Archaeologist.

Chapter 12 – Hydrogeology and Flood Risk

This chapter has been prepared by Stantec UK Ltd and considers the potential hydrogeological and hydrological impacts associated with the proposal. It also includes an assessment of flood risk both to and from the application site.

It is proposed to dewater part of the quarry voids dry. The final 4 metres of each void would be worked wet and dewatering would be undertaken to this level to maintain these levels. Water derived from the dewatering process would be used on-site under the terms of a full abstraction licence for wheel washing, dust suppression and mineral processing. Water abstracted from the quarry void that is not consumed, would be discharged to the Pyford Brook under the conditions of an abstraction (transfer) licence and a discharge activity permit. Suspended solids would be allowed to settle out of suspension in settlement lagoons prior to discharge off-site.

Drainage from the site would be conveyed to waterbodies and quarry voids at the site prior to discharge off-site to the Pyford Brook. Once restored, drainage from the site would be captured by the restored lake in the quarry void.

The assessment concludes that:

- Effects from spillages are mitigable to insignificant using standard water quality control measures.
- Effects on water levels, water quality, licenced abstractions and baseflow have been assessed and these are largely expected to be insignificant. Potential impacts on the Pyford Brook and abstractions from it will be revisited as part of the abstraction (transfer) licence application.
- Dewatering would be undertaken under the terms of an abstraction (transfer) licence (to be obtained).
- Discharge from the application site would be undertaken under a new discharge activity permit and impacts will be insignificant.
- There will be no increased flood risk from the site, during operation or following restoration, to neighbouring receptors and a drainage strategy has been developed to demonstrate that greenfield runoff rates are not exceeded during the operational and restoration stages.
- Screening bunds would be constructed in the floodplain during the operational phase however, level by level compensation calculations indicate that there will be sufficient compensatory storage provided by the quarry voids.
- Available flood storage would increase compared to greenfield conditions for the operational and restoration stages. This will have a beneficial effect on downstream flood risk.

Appended to the hydrogeological and hydrological assessment is a Drainage Strategy (revised February 2021) providing an outline drainage design to ensure that flood risk is not increased by the proposed development. In addition, a Water Management Plan (March 2021) has been submitted as required by the Environment Agency. This plan is required to ensure that the proposed development, including dewatering activities, does not harm the water environment in line with paragraph 170 of the National Planning Policy Framework and Position Statement N7 - Hydrogeological risk assessment of the 'The Environment Agency's approach to groundwater protection'.

Chapter 13 – Transport

This chapter has been prepared by Focus Transport Planning (Focus TP) and considers the impact of the proposed development on the environment in respect of transport and access.

The assessment focusses on the anticipated future changes in car and HGV traffic demand levels over the immediate local network i.e. A513/ slip roads onto and off the A38/ and A38 north and south of the A513.

Typically, changes in baseline traffic demand of less than 30% due to development are not anticipated to result in readily perceived traffic related environmental effects.

Review of the traffic flow information identifies that total traffic flows on the A513 in vicinity of the application site across the 12-hour daytime period total 6,342 two-way movements. HGV composition of the link flow at the A513 was less than 5% across all study time periods. Approximately 9,500 two-way vehicles movements were recorded at the A513 in the vicinity of the A38 across the 12-hour period. The surveys also recorded flows of almost 48,000 over the 12-hour period at the A38(T).

Review of daily link flows across the highway network, under typical operational conditions, demonstrates that increases in two-way traffic flows as a consequence of the development would remain significantly below 30% over the core 12-hour period for all links on the local highway network within the study area. Accordingly, it can be concluded that all the assessed links would experience changes in flow well below the 30% increase screening threshold under typical operational conditions.

Reviewing increases in HGV movements, the 30% threshold is anticipated to be exceeded at the A513, for the sections immediately east of the site access and immediately west of the A38, where 42.7% and 33.9% increases in HGVs could be experienced respectively. Having considered key traffic related environmental criteria (pedestrian delay, amenity, severance, driver delay, road safety, noise and air pollution), the assessment concludes the increases in HGV traffic related movements, as a result of the proposed development would have only a negligible adverse effect upon the section of A513 between the application site and A38. These effects are therefore not considered to be significant. No requirement for off-site transport improvement/ mitigation works, is identified.

Chapter 14 – Soils

This chapter has been prepared by Richard Stock who has been an independent advisor of in soils and agriculture since 1991 and considers the impact of the proposed development on agricultural land quality and soil resources.

The predominant Agricultural Land Classification grade of the application site is Grade 3a (23.75ha) with a small patch of Grade 2 (0.93ha) and isolated areas of Grade 3b (6.09ha). the remainder of the 32.2ha site is defined non-agricultural (1.4ha). Grades 2 and 3a agricultural land, are classified as Best and Most Versatile Land (BMV).

The application area includes 12.2 hectares for extraction and 20 hectares for operational use incorporating the access haul road, soil storage areas, the plant site, tailing lagoons and silt pond, tracks, and undisturbed woodland. The operational areas would be restored to agriculture and the extraction areas will be restored as lakes with potential for use as agricultural reservoirs.

The main potentially negative agricultural impact is the temporary loss of approximately 20 hectares and the permanent loss of 12.2 hectares of agricultural land and potential damage to the soil quality during the soil handling processes.

The net result is the loss of approximately 9 hectares of grade 3a land and 3.2 hectares of grade 3b, and the creation of 2 lakes covering 12.2 hectares. The opportunity is taken to use the available soil resources to restore the land to a minimum grade 3a with potential for grade 2.

Based on the assessment methodology, the significance of the impact on soils is 'Minor adverse', and the impact on agricultural land quality is 'Moderate adverse'. The latter is therefore considered to be significant.

Chapter 15 – Conclusion

This chapter summarises the findings of the previous sections of the ES.

As part of each assessment, cumulative effects have been considered having regard to other developments taking place in the locality, principally Alrewas Quarry, Barton Quarry, housing development in nearby Fradley as well as the impact of constructing the HS2 railway. HS2 contractors had advised that Phase 2a would not be operational at the same time as Phase 1 and as such cumulative impacts of Phase 2a did not need to be taken into account in terms of this proposal, which seeks to serve Phase 1 only. No significant cumulative impacts have been identified for any of the above sites in conjunction with this proposal although it has been necessary to review cumulative effects on the basis of new information about the commencement of HS2 phase 2a works (see below).

The impact on climate change has been assessed in the relevant chapters of the ES. In terms of transport and air quality, while a net increase in carbon emissions would arise from the development, supplying HS2 with concrete and aggregate from this site would avoid HGVs travelling from further afield to supply the route, and as such reduces the likelihood of longer journeys and additional HGV emissions.

In this chapter, it is concluded that the ES demonstrates that the proposal can be developed with no unacceptable adverse effects on the environment or amenity with the proposed mitigation measures.

Addendum – Cumulative impact with HS2 Phase 2a

Following the receipt of information that the construction works for Phase 2a may start during the 2nd quarter of 2023, and as such there could be some overlap between the proposals in the application and the construction of Phase 2a, an addendum to the ES was prepared by the consultants who produced the chapters and appendices for noise, air quality, transport and landscape as summarised above.

The nearest construction activities of HS2 Phase 2a to the application site relate to the extraction and infill of borrow pits in the vicinity of Kings Bromley. The proposed rail line will pass approximately 1.5km south-west of the application site and includes a combination of viaducts, cuttings, and embankments.

Regarding noise impact, the closest borrow pit to the application site is referred to as Kings Bromley South, located 1.3km west of the nearest receptor location considered within the

noise assessment chapter. Regarding the cumulative noise from HS2 construction activities and operations at the application site, the magnitude of impact remains at moderate/ minor at all receptors and the significance of impacts is 'good standard of amenity'. No additional impact on the section of the A513 between the application site and A38 is predicted in terms of traffic noise.

The potential air quality impacts from the quarrying proposal has been identified as negligible and the detailed assessment of air quality impacts from the HS2 Phase 2A construction has also identified negligible impacts on air quality. There is, therefore, no evidence or indication that the proximity of the proposals will lead to any cumulative air quality impacts that could lead to a deterioration in local air quality.

Review of the HS2 Phase 2a documents confirms that no traffic associated with HS2 Phase 2a construction, including the Kings Bromley borrow pits, would route via the A513 between the application site and A38 at Alrewas. The transport section of the ES indicates that the relative impact of the quarrying proposals would be negligible. Accordingly, it can be considered unlikely that there would be any significant cumulative traffic related environmental effects associated with the potential overlap of HS2 Phase 2a with the proposed quarry.

The assessment concludes that no significant additional cumulative landscape or visual effects would arise in the short to medium term because of the operation/ construction of both the proposed quarry and HS2 Phase 2a at the same time. Likewise, no significant additional cumulative landscape or visual effects would arise in the long-term following restoration of the quarry and as a result of the operation of HS2 Phase 2a.

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

Appendix 2: Record of consideration of European Protected Species

The Local Planning Authority in exercising any of their functions, have a legal duty to have regard to the requirements of the Conservation of Species & Habitats Regulations 2017 which identifies 4 main offences for development affecting European Protected Species (EPS).

1. Deliberate capture or killing or injuring of an EPS
2. Deliberate taking or destroying of EPS eggs
3. Deliberate disturbance of a EPS including in particular any disturbance which is likely:
 - a. to impair their ability:
 - i. to survive, to breed or reproduce, or to rear or nurture their young, or
 - ii. in the case of animals of a hibernating or migratory species, to hibernate or migrate; or
 - b. to affect significantly the local distribution or abundance of the species to which they belong.

4. Damage or destruction of an EPS breeding site or resting place.

Otter / Hazel Dormouse / Floating-leaved water plantain (Luronium natans)

Our records, the habitat on and around the proposed development site and ecological survey results indicate that Otter / Hazel Dormouse / Floating-leaved water plantain (Luronium natans) are unlikely to be present. Therefore, no further consideration of the Conservation of Species & Habitats Regulations for these species is necessary.

Great Crested Newt

Our records, the habitat on and around the proposed development site and ecological survey results indicate that a European Protected Species - Great Crested Newt is unlikely to be present. However, the survey submitted with the application details the following measures – method statement containing precautionary working methods (Appendix 3.3 of Chapter 10 of the Environmental Statement.) The mitigation measures detailed are considered to be convincing and in your officer's opinion will secure "offence avoidance" measures in the unlikely event of a GCN being found.

Bat species

Ecological survey results indicate that European Protected Species (Bats) are likely to be present. Bat species are known to forage across the site; however, no roosts have been found.

The Environmental Statement submitted with the application details the following mitigation measures – stand-off from retained habitat and habitat corridors. The mitigation measures detailed are considered to be convincing and in your officer's opinion will secure "offence avoidance" measures.

Recommendation:

European Protected Species (Otter / Hazel Dormouse / Floating-leaved water plantain (Luronium natans)) are unlikely to be present.

Your officers consider that sufficient information has been submitted with the application which demonstrates that measures can be introduced which would ensure that an offence is avoided. The application is, therefore, not considered to have an adverse impact upon protected species (Great Crested Newt / Bat Species) provided that the stated mitigation measures are implemented.

[Return to the Findings of Consultations section of report](#)

Appendix 3: Summary of concerns raised in objection to the application

1. Need based on HS2

- a) There is no direct relationship or supply from Cemex to HS2. Only part of the supply from the site is to BBV for their HS2 contract. HS2 Limited have stated that they have nothing to do with this application which is asserted by the applicant to be critical to them.

- b) Support from BBV for the application should be set aside and they do not have authority to designate the site 'critical'. Need can be met from existing sites. The application site does not have any special designation in terms of the HS2 works.
- c) If this site is critical to the success of the HS2 North N1 and N2 sections, why did HS2 not safeguard this land and indeed compulsory purchase it to secure the success and environmental requirements of this public company?
- d) The need for sand and gravel extraction alone must be made before the question of plant is considered. Any need for a batching plant is not relevant to that decision.
- e) The sand and gravel resource from the application site is not so critical that if the application was turned down that the HS2 project would be materially adversely impacted. There are alternative sites within a reasonable distance of the HS2 route.
- f) There is no proof that HS2 need a dedicated supply.
- g) The only need the applicant asserts HS2 has, is for a batching plant. Need for concrete is irrelevant for assessing need for the mineral so the Council must discount any need be it material or otherwise for concrete and assess the application for sand and gravel alone.
- h) It is not accepted that one site must provide the same sand and gravel for large pours of concrete for large structures on the HS2 railway. Multiple sources can be used provided the specification for concrete is met. Differences in grading can be catered for, if the water-cement ratio is chosen correctly, a wide range in grading can be used without a major effect on strength.
- i) The HS2 Environmental Minimum Requirements (EMRs) are not binding on the determination of the application and should not be used to overcome planning policy. In any event, it is questionable if the application site is the most efficient in respect of vehicle movement restrictions on specific routes on the highway network. It is noted that Tarmac's site at Alrewas is sending sand and gravel long distances to supply other parts of phase 1, so distance to supply cannot be an overriding factor in the selection of suppliers.
- j) Regarding carbon emissions, for some of the required movements there are CO2 savings by having the quarry and batching plant in other locations. Movements are not the key to environmental benefits, but distance to be travelled.
- k) The applicant has put in a joint planning application at Weeford to extract and process 900,000 sand and gravel for HS2. The Application states it is to supply HS2 both sand and gravel, not just concrete. There is no need for the Alrewas site.
- l) Need to find alternative sites for batching plants is disputed. The Cappers Lane compound is very close to Streethay where 100,000m³ of concrete is needed and is a far more sensible position for the concreting plant.
- m) Strategy for concrete supply based on two plant sites is considered riskier than using multiple sites.

2. Contrary to Minerals Local Plan in terms of phasing of mineral workings

- a) There are no material considerations which require this application to be dealt with other than in accordance with the Development Plan.
- b) There is no need for additional sand and gravel resources. The existing supply has plenty of capacity, and indeed has been running under the 5 million tonnes per annum. There was also a 16-year landbank available. There is no evidenced shortfall in provision over the Plan period up to 2030. Permitted reserves are far in excess of the amount required as per the test at Policy 1.4 of MLP and the Council must refuse the application otherwise the MLP is meaningless. The Council must stand by its strategic plan.
- c) Resources remain available in permitted sites and allocated extensions to existing

sites not yet allocated.

- d) The application does not satisfy the MLP development considerations that need to be satisfied as pre-requisite to any applicant being allowed to access reserves within the Area of Search to the West of the A38;
- e) The material objections to the application outweigh the benefits of the development (if any) (refer to MLP policy 4.3) and the development is not 'sustainable' and NPPF therefore directs the Application should be refused.

3. Contrary to Lichfield District Local Plan Strategy

- a) Adverse impact on alternative modes of transport due to increased HGVs (Core policy 5).
- b) Adverse impact on tourism based on canal network and green corridors (Core policy 9).
- c) Adverse impact on canal towpath which serves as a resource for exercise (Core policy 10).
- d) Adverse impact on the Trent and Mersey Canal conservation Area (Core policy 14).
- e) The proposals are out of character with the area and would have a detrimental impact on public views and landscape (Policy BE1).
- f) The proposals would degrade the countryside and its amenity for residents in Fradley and visitors (Policies NR1 and FRAD 1)
- g) A significant industrial development on the boundary working 24/7 with 170 HGV traffic movements being created every day generating noise and dust is not consistent with policy Alrewas 1.

4. Contrary to Alrewas Neighbourhood Plan

- a) The proposals would conflict with policy TT to 'Reduce noise impact from traffic on main roads.'
- b) The proposals would have a damaging impact on the amenity of the canal in respect of landscape and noise pollution and will damage tourist income (Policy PR1).
- c) The proposals would damage the tourist industry by degrading the canal and local environment that attracts visitors (Policy ED4)

5. Visual impact of buildings/ structures

- a) Damage to visual amenity of the Alrewas -Fradley Canal Conservation Area towpath visited by 100,000 visitors a year.
- b) From Wychnor Park the view is across the plain towards Cannock Chase. The quarry and plant will be dead front and centre in the view from this elevated walk and popular venue.
- c) The report does not consider highly visible operational mounds. We know from the Tarmac Quarry that sand and gravel extraction in this area necessitates the creation of large mounds which sit far above the water filled area of abstraction and above tree level.
- d) How does a concrete factory in a rural area respects local character? There are only fields and houses surrounding a proposed 16m tall building.

6. Landscaping/ screening of site

- a) The bunding will be unsightly and the view from the Alrewas to Fradley Junction Conservation Area will be compromised and the quarry visible during the winter, autumn, and spring when there are no leaves.

- b) The 1.7m hedge shown on the tow-path revised sightline is only 400m long and the path is over 2 miles long with waist high hedging with many gaps.
- c) No advance planting has been carried out.

7. Landscape impact

- a) The proposed development is out of character with the area and has a detrimental impact on public views and landscape.

8. Impact on wildlife/ biodiversity

- a) Environmental impact and damage to habitat and fast disappearing wildlife because of the quarrying works and clearance.
- b) The biodiversity gain is not accepted. The constant draining and development of the wetlands along the A38 corridor has seen species after species disappear.
- c) The proposals will not mitigate the loss of habitat. The site will be devoid of wildlife frightened by the noise and with no food because the land is stripped bare. No imaginative or other compensation has been offered by way of s106 for example improvements to wildlife reserves in the area such as Fradley Junction or Croxall Lakes.

9. Safeguarding high pressure gas pipelines and public safety

- a) The works are around the main national strategic high-pressure gas-pipeline network, the access is constructed over it, the entrance directly opposite one of the high-pressure gas pumping stations and a supplemental gas station hard against the west boundary of the entrance. The development of this site has inherent dangers because of the presence of the 3 gas mains.

10. Impact on canal

- a) The proposals do not respect the Trent and Mersey Canal Conservation Area or Fradley Junction which will be two of the most impacted areas with noise, loss of landscape (analysis below) and loss of amenity to 100,000 visitors a year, 8000 boaters and 30,000 water-way users (IWA figures) and consequential loss of income (rates and income).
- b) No compensatory amenity for the community such as enhancements to the tow-path hedging.

11. Flood risk

- a) Flooding of Pyford Brook and a high risk of damage to property at Mill End Lane and its historic and listed buildings in the Alrewas Conservation Area and into which excess water is to be pumped.
- b) The Mill End Lane Residents Petition showed that the proposed scheme will cause flooding along the Pyford Brook into which the applicant proposes to pump excess water. This has been confirmed by a report for the PC which says it will cause flooding and it possesses a risk of damage to property at Mill End Lane.
- c) If the site will stop if a flooding risk appears (which it will do possibly for 2-3 months in the winter) how this will be dealt with to maintain excavation. With no pumping, the site will fill with water. Is the intention to have high levels of stockpiling which will add another detrimental change to the landscape and be in view of the surrounding areas?

12. Hours of operation

- a) HS2 night-time working is forbidden and therefore the applicant has no need to have it included in this application. If night-time working (for which HS2 has very limited exceptions) is required, a temporary consent could be obtained.
- b) The proposal is for 24/7 working with noise from the concrete factory in proximity to residential areas. Tarmac who are supplying the lion's share of concrete for this part of HS2 haven't asked for 24/7.
- c) HGV traffic passing within 12 metres of residential housing (the Cricketers at Alrewas) through the night.
- d) Proposals for night-time working are contrary to the hours of operation required in HS2's Code of Construction Practice.
- e) BBV may want out of hours works, but why didn't HS2 set up this plant on its land take on the route where it could control the operation times? A plant at Cappers Lane would be a much better solution for the out of hours working.

13. Traffic – number of movements, speed, size of vehicles

- a) The calculation of carbon emissions by Cemex from this Site are unreliable and of no value.
- b) Increase in the already high volume of HGV construction traffic to and from the HS2 depot/Gate at Streethay and other HS2 associated traffic (e.g., employees) along the A38, around the Lichfield ring-roads and on all local A and B roads.

14. Traffic – access and suitability of local highways

- a) Kings Bromley is not able to take large numbers of HGVs and there is an absolute need for a legal agreement to be in place so quarry traffic would not be able to go through Kings Bromley or Alrewas when the A38 is closed or at any other time. .
- b) Dangerous access onto an unlit section of the A513.
- c) The 170 HGV movements along the A513 will have a negative impact on Sustrans 54 with which it intersects and discourage cycle usage along this designated route as will the mud on the roads which make it dangerous for cyclists.

15. Restoration

- a) The restoration plan may be unachievable because Cemex does not own the site and there are no letters in support from the Landowners who will agree to Cemex proposals.
- b) The quarrying in this area should be restored to agriculture as it had been before the works.
- c) There are already too many lakes created from previous quarrying proposals.

16. Cumulative impact including the impact of other development e.g. HS2

- a) There are significant and unacceptable levels of damaging impacts from multiple developments in this area.
- b) At face value the benefits of this development will be short lived – 4 years - but the damage will be long-term. The restoration which will go on for longer than actual extraction.
- c) As agreed with the communities, to ensure Alrewas or Kings Bromley never had two quarries operating concurrently on the boundaries of both villages, existing quarries must be closed before a new quarry is consented in the Area of Search to the West

of the A38.

- d) The ES reports do not fully consider important impacts and sites and the EIA is deeply flawed on cumulative assessment.
- e) The impact of construction works for phase 1 and phase 2a of the railway will last many years in this locality including the excavation of borrow pits near Kings Bromley. There will be a high volume of construction traffic; loss of agricultural land; disruption to the existing public highway network; dust and loss of air-quality; noise; loss of wildlife habitat; landscape impacts which has already started with clearance works around Fradley Junction; increased flood risk; economic damage to existing businesses; and social disruption to local communities.
- f) The public hearing to discuss the MLP acknowledged the cumulative impact risk and required quarrying to be in other locations until HS2 was completed in this area.
- g) The applicant did not include within its impact baseline the Crest Nicholson development at Alrewas, the Anson Road development in Alrewas, the Sustrans Route, the huge industrial zoning at Fradley, the outline consents at Fradley at Hay End Lane for 250 houses adjacent to the site with a further 300 houses currently under Appeal also at Hay End Lane, the proposed zoning for 1750 houses at Fradley, the tourist zoning of the canals and other current proposed developments in the area.
- h) Concern that the plant would be retained either to be used in conjunction with the extraction of resources on adjoining land or as a permanent 'stand-alone' concrete plant.

17. Air quality including dust

- a) Increased dust: In Alrewas in hot weather, red dust from Tarmac settles on our windscreens and the roads get slippery with mud in rainy weather and winter. There is a difference between theorising about these quarries and living with them.
- b) Dust management proposals are reactive and therefore, residents will suffer from dust.
- c) Paragraph 5.15.1 of the HS2 Code of Construction Practice and the Sustainability Policy requires nominated contractors and their contractors to minimise carbon emissions. The point has been made repeatedly that the claims for carbon efficiency are not proven and the applicant's calculations are disputed.

18. Noise

- a) See comments relating to hours of operation
- b) Paragraph 13 of the HS2 Code of Construction Practice requires all HS2 contractors to minimise noise. The application is for 24/7 operation of the concrete factory and traffic in proximity to dwellings and will create a disturbance.

19. Impact on water resources

- a) Concern about discharge of pumped ground water into the Pyford Brook and its impact on the watercourse and floodplain downstream.

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Appendix 4: The development plan policies (and proposals) and the other material planning considerations, relevant to this decision

The development plan policies and proposals

[The Minerals Local Plan for Staffordshire \(2015 - 2030\)](#)

(adopted 16 February 2017)

- Policy 1: Provision for Sand and Gravel
 - Policies 1.4 and 1.5 – Area of Search west of the A38 (Inset map 14 including ‘Development Considerations’ (Appendix 1))
- Policy 4: Minimising the impact of mineral development
- Policy 6: Restoration of Mineral Sites

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

[Lichfield District Local Plan Strategy \(2008 – 2029\)](#) (adopted 15 February 2015)

- Core Policy 1 (The Spatial Strategy)
- Core Policy 2 (Presumption in Favour of Sustainable Development)
- Core Policy 3 (Delivering Sustainable Development)
- Core Policy 5 (Sustainable Transport)
- Core Policy 7 (Employment & Economic Development)
- Core Policy 9 (Tourism)
- Core Policy 13 (Our Natural Resources)
- Core Policy 14 (Our Built & Historic Environment)
- Policy SC1 (Sustainability Standards for Development)
- Policy ST1 (Sustainable Travel)
- Policy ST2 (Parking Provision)
- Policy NR1 (Countryside Management)
- Policy NR3 (Biodiversity, Protected Species & their Habitats)
- Policy NR4 (Trees, Woodland & Hedgerows)
- Policy NR5 (Natural & Historic Landscapes)
- Policy NR7 (Cannock Chase Special Area of Conservation)
- Policy NR9 (Water Quality)
- Policy BE1 (High Quality Development)
- Policy Rural 1 (Rural Areas)
- Policy Rural 2 (Other Rural Settlements)
- Policy Frad1 (Fradley Environment)
- Policy Alr1 (Alrewas Environment)
- Policy Alr3 (Alrewas Economy)

[Lichfield District Local Plan Allocations \(2008-2029\)](#) (adopted July 2019)

Policy BE2 (Heritage Assets)

[Alrewas Neighbourhood Plan](#) (‘made’ 9 October 2018)

- TT1 (Traffic)

- PR4 (Trees and Hedges)

The other material planning considerations

- [National Planning Policy Framework](#) (updated February 2019):
 - [Section 1](#): Introduction
 - [Section 2](#): Achieving sustainable development
 - [Section 4](#): Decision-making
 - [Section 6](#): Building a strong, competitive economy
 - [Section 9](#): Promoting sustainable transport
 - [Section 14](#): Meeting the challenge of climate change, flooding and coastal change;
 - [Section 15](#): Conserving and enhancing the natural environment;
 - [Section 16](#): Conserving and enhancing the historic environment
 - [Section 17](#): Facilitating the sustainable use of minerals
- [Planning Practice Guidance](#)
 - [Conserving and enhancing the historic environment](#)
 - [Environmental Impact Assessment](#)
 - [Flood risk and coastal change](#)
 - [Light pollution](#)
 - [Minerals](#)
 - [Natural environment](#)
 - [Noise](#)
 - [Planning obligations](#)
 - [Transport evidence bases in plan making and decision taking](#)
 - [Travel Plans, Transport Assessments and Statements](#)
 - [Use of planning conditions](#)
 - [Water supply, wastewater and water quality](#)
- Emerging [Lichfield District Local Plan Review 2018-2040](#) (November 2019 Preferred Options Document)

The following SPDs have also been adopted by Lichfield which are relevant to the proposal:

- Lichfield District Trees, Landscaping and Development SPD 2016 (TLD SPD)
- Lichfield District Biodiversity and Development SPD 2016 (BD SPD)
- Lichfield District Historic Environment SPD 2015 (HE SPD)
- Lichfield District Sustainable Design SPD 2015 (updated 2019) (SD SPD)
- Lichfield District Landscape Character Assessment 2019 (LDLCA)
- Staffordshire [Local Aggregate Assessment](#) (LAA) 2019 (based on 2018 data)
- Staffordshire [Annual Monitoring Report](#) (AMR) 2018-2019

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