

Local Member	
Councillor J. Jessel	Needwood Forest

**Planning Committee:** 02 December 2021

### **Minerals County Matter**

**Application No (District):** [ES.20/06/501 MW](#) (East Staffordshire)

**Applicant:** Aggregate Industries U.K. Limited

**Description:** Application to vary (not to comply with) conditions 8 and 17 of planning permission ES.20/03/501 MW to facilitate an increase in the site's output from 1 million tonnes to 1.4 million tonnes per year by extending the hours of operation for mineral extraction and processing from 1900 to 2200 Monday to Friday, extending the hours for the maintenance of processing plant from 0600 to 2000 Monday to Saturday to 24 hours/day Monday to Saturday and permitting up to 5 lorries associated with the on-site mineral operations to enter the site and park overnight after 1900 Monday to Friday and after 1600 on Saturdays

**Location:** Newbold Quarry, Lichfield Road, Barton  
Under Needwood

### **Background**

1. In August 2014 planning permission was granted for a 160-hectare extension to Newbold (and Tucklesholme) Quarry. The planning permission permitted the extraction of 13.5 million tonnes of sand and gravel up to 31 December 2029.

### **Site and Surroundings**

2. Newbold Quarry lies approximately 4 kilometres to the south-west of Burton upon Trent; to the south of Tatenhill village; to the west of the Branston Water Park, the A38, the Branston Industrial Estate and the Trent and Mersey Canal; and to the north-east of the village of Barton under Needwood (see Plan 1).
3. The site is being progressively worked and restored. These proposals relate to additional working hours in the phase 4 and 5 extraction areas, and in the mineral processing area – see extracts from the approved plans and aerial photographs below.



The phase 4 and 5 extraction areas



The mineral processing plant area



Source: The County Council's aerial photography supplied by Bluesky International Ltd and Getmapping Plc 2021

## Summary of Proposals

4. It is proposed to vary the conditions of the planning permission to allow an increase in the maximum annual output of sand and gravel from 1 million tonnes to 1.4 million tonnes per annum by increasing the operational hours and Heavy Goods Vehicle (HGV) movements. The proposed changes to the conditions are shown emboldened below.

a) extending the operational hours:

- i. **mineral extraction in phases 4 and 5 and mineral processing:**

From:

07:00 to 19:00 Mondays to Fridays; and 07:00 to 13:00 on Saturdays

To:

07:00 to **22:00** Mondays Fridays; and 07:00 to 13:00 on Saturdays

- ii) the maintenance operations on the processing plant:

From:

06:00 to 20:00 Mondays to Saturday; and, at no time on Sundays, Bank or Public Holidays (unless within an enclosed building)

To:

**24 hours/day** Mondays to Saturday and, at no time on Sundays, Bank or Public Holidays (unless within an enclosed building)

- iii) the movement of HCVs in and out of the site:

From:

06:00 to 19:00 Mondays to Fridays; 06:00 to 16:00 on Saturdays; and no such movements on Sundays, Bank and Public Holidays (except in association with the operation of the Ready Mixed Concrete Plant)

To:

06:00 to 19:00 Mondays to Fridays; 06:00 to 16:00 on Saturdays; and no such movements on Sundays, Bank and Public Holidays (except in association with the operation of the

Ready Mixed Concrete Plant) **and up to 5 lorries associated with the on-site mineral operations to enter the site and park up after 19:00 hours Mondays to Fridays, and after 16:00 on Saturdays.**

- iv) **between 19:00 and 22:00 the site to operate to a lower noise limit measured at the nearest dwellings of 45 dB(A) in phases 4 and 5 and a lower noise limit of 50 dB(A) measured at the nearest dwellings to the processing plant.**
- b) **updating the approved Mineral Transport Plan (2010) (MTP)** which estimated the output from the site to be 750,000 tonnes per annum (tpa) (500,000 from Newbold and 250,000 from Tucklesholme). Having regard to the accompanying Transport Assessment (TA), the increase in HGV movements would be:

From:

536 total HGV movements per day based on 750,000 tpa

This is the sum total of the movements associated with the processed and unprocessed aggregate (200), the ready mixed concrete plant (160), the bagging plant (46), the landfill operations (130) (the separate concrete products factory operations were not included (44)).

To:

**840** total movements per day based on **1,400,000** tpa

The TA explains that 712 is the current total daily average based on production from Newbold only as Tucklesholme has ceased (1,000,000 tpa). The current sum total is the movements associated with the processed and unprocessed aggregate (320), the ready mixed concrete plant (36), the bagging plant (12), the landfill operations (300), and including the concrete products factory operations (44).

840 is the sum total of the current total daily average (712) based on the current output (1,000,000 tpa) and the additional movements to increase output to 1,400,000 tpa (128).

5. The application is supported by several documents and plans including:
- Planning and Environmental Statement
  - Minerals Development Statement
  - Mineral Transport Plan



- Transport Assessment
- Environmental Scheme (Noise and Dust)
- Supplementary Noise Submission
- Noise Monitoring Results (February 2021)
- Agent response to comments received (February 2021)
- Agent response to 3-month trial recommendation

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

6. The applicant contends that a high demand for the sand and gravel produced at Newbold Quarry and the need to be able to demonstrate a capability to supply High Speed Rail 2 (HS2) construction project has led to the application. Consequently, mineral extraction could potentially cease 18 months earlier than the current permitted cessation date (31 July 2028 instead of 31 December 2029).

### **Relevant Planning History**

7. The planning history:
  - a) [SCC/21/0020/DA](#) (currently out for consultation - not yet determined) - submission of details to discharge conditions 11 (Working Strategy), 12 (Progress Report) and 41 (Revised Restoration and Aftercare Scheme) of planning permission ES.20/03/501 MW, and to discharge the requirements of Schedule 4 of the Section 106 Legal Agreement (Periodic Review of the Restoration Plan).
  - b) [ES.21/01/501 MW](#) (not yet determined – report on this Committee agenda) - application to vary conditions 5, 6 and 7 of permission ES.17/13/501 MW to allow the concrete product factory and associated mobile plant to operate on a 24/7 basis and to extend the hours during which HGVs can access the concrete product factory for a temporary 12 month 'trial' period.
  - c) [ES.20/03/501 MW](#) dated 20 October 2020 – (the most recent quarry planning permission) - planning permission to amend the approved Restoration Plan to facilitate the change of use of land from agricultural to equestrian uses and the erection of a barn.
  - d) [ES.12/03/501 MW](#) dated 22 August 2014 – (the original extension planning permission) - planning permission for a 160-hectare extension to Newbold (and Tucklesholme) Quarry to extract 13.5 million tonnes of sand and gravel before 31 December 2029 and to progressively restore the land to agriculture, woodland and wetland

for nature conservation, recreation and amenity uses by 31 December 2031, followed by a 5-year period of aftercare (extended to 15 years by the Section 106 Legal Agreement).

- e) The [Section 106 Legal Agreement](#) dated 15 August 2014 includes planning obligations related to: vehicle routing (all HGV traffic leaving the site to use the A38 other than for local deliveries); extended aftercare (and additional 10 years); the periodic review of the restoration plan (every 5 years); and the establishment and terms of reference for the quarry liaison committee.

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

- 8. The application was accompanied by an Environmental Statement (ES). The findings of the ES (and the environmental information subsequently received) are summarised in [Appendix 1](#).

## **Findings of Consultations**

### **Internal**

- 9. **Highways Development Control** (on behalf of the Highways Authority) (HA) – no comments received.
- 10. **County Council's Noise Engineer** –no objection after some initial concerns and a request for an additional background noise survey was addressed by the applicant. The Noise Engineer also supports the officer recommendation, accepted by the applicant, that a 3-month trial be carried out, based on an approved noise monitoring scheme.
- 11. **Planning Regulation Team** – no objection. The team reported that they had received 2 complaints on file from 2007/8 relating to noise and the operating hours.
- 12. **County Council's HS2 Manager** referred to [The Code of Construction Practice](#) for HS2 which says that:

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.

To maximise productivity within the core hours, the nominated undertaker's contractors will require a period of up to one hour before and up to one hour after normal working hours for start-up and close-down of activities. This will include (but not be limited to) deliveries, movement to place of work, unloading, maintenance and general preparation work. This will not include operation of plant or machinery likely to cause a disturbance to local residents or businesses. These periods will not be considered an extension of core working hours.

[Note: as mentioned earlier, the applicant's case is that they wish to demonstrate a capability to supply HS2 construction project, but they are not proposing to change the current hours when mineral would be despatched from the site to supply HS2.]

### **External**

13. **East Staffordshire Borough Council (Planning)** – comments repeated the initial comments of the Environmental Protection Officer – see below.
14. **East Staffordshire Borough Council (Environmental Protection)** – no objection after consideration of the additional background noise survey and subject to a 50 dBA noise limit between 19:00 and 22:00. The Environmental Protection Officer did initially comment that even though the noise environment around the properties along the A38, closest to the plant site, is dominated by the traffic noise from the A38, the rear gardens do benefit from the sound barrier effect created by the properties.
15. **Environment Agency (EA)** - no objections.
16. **National Highways** (formerly Highways England) – no comments.
17. **Natural England** – no comments.
18. **Barton under Needwood Parish Council** - object. The Parish Council expressed disappointment that the application was submitted without prior consultation with the Quarry Liaison Committee and commented that there is no justification other than commercial reasons and that the impact of noise, dust and HGV movements on nearby residents would be even more intrusive, particularly in the summer.
19. **Dunstall Parish Council** – object. The Parish Council commented that there would be increased noise from the slip road and in the buildings; and additional light pollution due to 24-hour working.
20. **Tatenhill and Rangemore Parish Council** - no response.

### **Publicity and Representations**

21. Site notice: YES      Press notice: YES
22. 150 neighbour notification letters were sent out and 28 representations have been received. The concerns raised in the representations are summarised below:
  - a) Noise – from empty lorries bumping over road humps on access road which is made worse as the road is in a poor state of repair; noise on both sides of property - A38 and from plant and quarry; lorries

papping horns, squeaky conveyer belts and lorry reversing alarms; the level of the existing noise is not the issue it is the duration and the impact that this would have on quality of life / wellbeing and a truck stop business; the night time traffic should be limited so the quarry is not open at night and thus preventing quarry traffic travelling through Barton village.

- b) Dust – the existing poor management / lack of responsiveness to concerns raised; experience of dust and concerned about a lack of air quality monitoring.
- c) Additional hours – the proposed hours would result in an unacceptable impact on quality of life / wellbeing.
- d) Light pollution.
- e) Subsidence – in the back garden of a property off the Lichfield Road.
- f) A dangerous access onto the A38 (small canal bridge) by site staff and the risk potentially being made worse by later hours.
- g) Poor site management – poor responsiveness to concerns about dust management and monitoring; a resistance to complying with the planning permission e.g., failure to construct a screen bund in phase 3a; a reluctance to maintaining communications with the local community.

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

23. 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.'

24. [Appendix 2](#) lists the development plan policies (and proposals) and the other material planning considerations, relevant to this decision.

## **Observations**

25. Having given careful consideration to the application, environmental and other information, including the environmental information subsequently received, consultee comments and the representations received, the relevant development plan policies and the other material considerations, referred to above, the key issues are considered to be:
- Any material changes to the development plan policies and other material considerations (including the site and the surroundings);
  - The matters raised by the Parish Councils and representees; and,
  - The need to review and update the planning conditions.

### **Any material changes to the development plan policies and other material considerations (including the site and the surroundings)**

26. When determining an application to vary a planning permission, national planning guidance [refer to [Annex A: summary comparison table of 'Flexible options for planning permissions'](#)] advises that local planning authorities should focus their attention on national and development plan policies and other material considerations which may have changed significantly since the original grant of permission.
27. Commentary: The quarry is currently allowed to extract and processes mineral between 7am to 7pm Monday to Friday and between 7am and 1pm on a Saturday. Maintenance is allowed between 6am and 8pm Monday to Saturday (and on Sundays, Bank or Public Holidays if it is within an enclosed building). HGVs are allowed to enter and leave the site between 6am and 7pm Monday to Friday and 6am to 4pm on a Saturday. No HGV movements are allowed on Sundays, Bank and Public Holidays (except from the Ready Mixed Concrete Plant). When the Mineral Transport Plan was approved, the maximum quarry output was estimated to be 0.75 million tonnes per annum and HGV movements were estimated to be up to 536 per day.
28. The proposed changes would allow the quarry to extract mineral from phases 4 and 5, and process mineral, for an additional 3 hours between 7pm and 10pm Monday to Friday. Maintenance would be extended to 24/7 Monday to Saturday. Output would be allowed to increase to a maximum 1.4 million tonnes per annum and HGV movements would increase to a maximum of 840 per day. The times of the HGV movements would remain unchanged, other than 5 HGVs allowed to enter and park up

after 7pm Monday to Friday, and after 4pm on a Saturday.

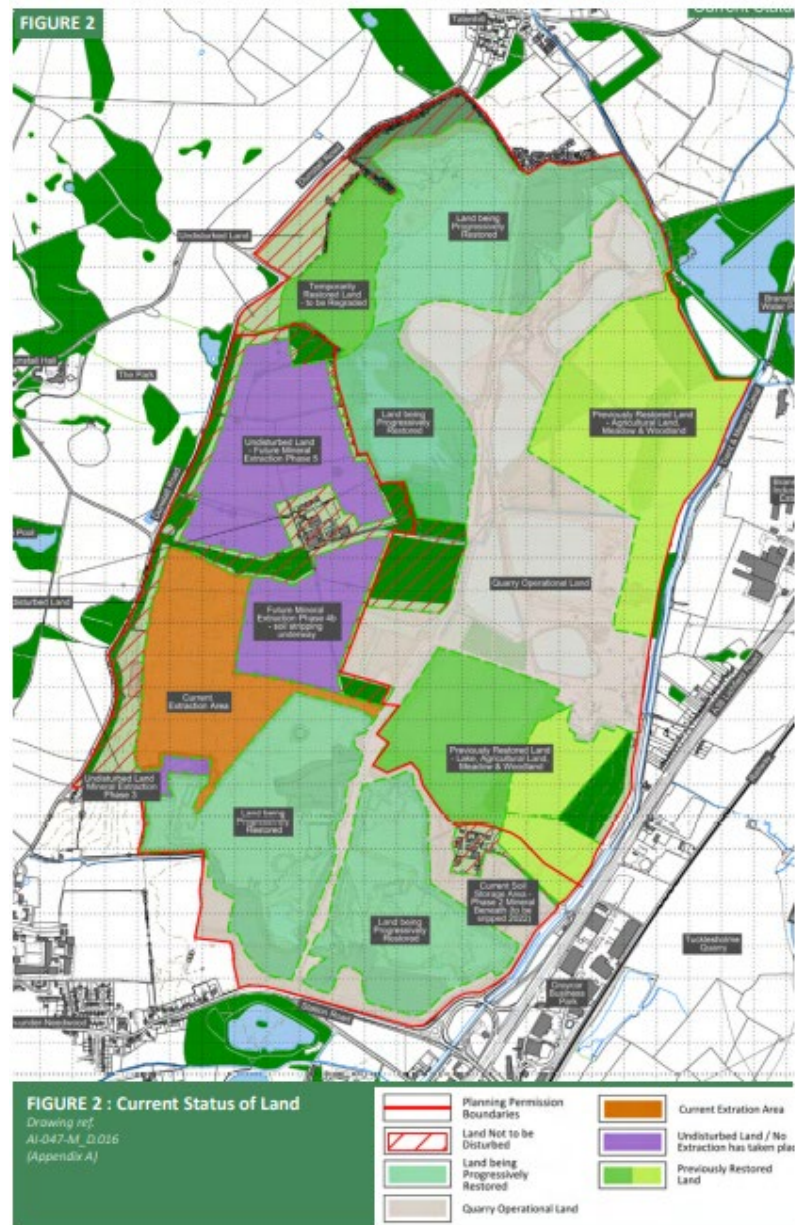
29. The potential implications of the increase in output and operating hours, the lorry movements, the noise, dust and lighting are all relevant considerations and the current permission includes conditions that require: HGV movements to comply with a Mineral Transport Plan (MTP) (a new MTP proposes to increase HGV movements); the operations to be carried out below noise limits (lower limits are now proposed during the addition hours); noise and dust management measures to be carried; and lighting to be controlled to minimise glare and light pollution. The conditions were imposed to ensure that the development is carried out in accordance with the provisions set out in the planning application and in the interests of highway safety, safeguarding the environment and the amenity of the local residents in accordance with the [Minerals Local Plan for Staffordshire](#) (MLP) (Policy 4); the National Planning Policy Framework (Sections 9, 15 and 17); Planning Practice Guidance (Minerals – Assessing environmental impacts from minerals extraction) and (Noise and Minerals – Assessing environmental impacts from minerals extraction).
30. Although the quarry extension permission was first issued in 2014, and the MLP was adopted later in 2017 (and subject to a partial review in 2019), the variation to the permission issued in 2020 took account of the latest policies.
31. The National Planning Policy Framework (NPPF), first issued in 2012, has been revised on several occasions since then, most recently in July 2021, after the latest permission was issued in 2020. However, the latest NPPF changes are not considered to be material in terms of the determination of this application.
32. The material changes to the site that have occurred since the 2014 or 2020 permissions were issued, include the progressive working and restoration, an increase in output of mineral, and the prospects of a further increase in output to support the construction of HS2. A Progress Report and review of the Restoration Plan has recently been submitted for approval (ref. [SCC/21/0020/DA](#) - see Relevant Planning History above). The Progress Report explains that:
  - a) Mineral extraction has been completed within the north-eastern part of the original quarry area.
  - b) Mineral extraction within the extension area has been carried out in phases 1, 2 (part) and 3 (the current working area).
  - c) Soils were stripped within the phase 4A in 2020.
  - d) Soil stripping of phase 4B is due to be completed before the end of 2021.

- e) Phase 2 remains part worked to enable soil storage to be kept within the phase 2B area. These soils are to be utilised for progressive restoration purposes, allowing the rest of phase 2 to be stripped and worked during 2022, alongside the initial part of phase 5.
  - f) Restoration works have concentrated principally upon the establishment of restoration formation levels within the original permission area utilising a combination of in-situ soils, overburden and imported inert materials. Progress has however been delayed due to the time needed to secure the Waste Recovery Environmental Permit from the Environment Agency, in combination with the operational stages of quarry extraction and water management requirements.
  - g) Importation of inert restoration materials began in 2018 in the north and towards the end of 2019 in the south.
33. The extracts from the Progress Report below explain the current status of the land within the site.



Figure 2 illustrates the current status of land within the site in respect of its progressive mineral extraction and restoration. This has been broken down into a series of land use status categories:

	Area (Ha)
1. Land Not to be Disturbed	47.0
2. Land being Progressively Restored	128.3
3. Quarry Operational Land (which includes the plan site, access, soil / overburden storage bunds and lagoons)	73.6
4. Current Extraction Area	22.3
5. Previously Restored Land	64.2
6. Future Mineral Extraction	36.0
<b>TOTAL</b>	<b>371.4</b>



## Extracts from the Progress Report

34. In terms of the surroundings, the current concrete products factory proposals to increase the hours and times when HGVs can enter the site, described in a separate report to this Committee meeting, are relevant as they have the potential to affect the same local residents as these proposals. Changes have occurred to the north of the site. These include the development of a new secondary school (the John Taylor Free School), the Burton Rugby Club, housing development and a road improvement scheme at Branston Locks. However, the nearest of these developments (the John Taylor Free School), is about 1.5 kilometres from the northern-most part of the phase 5 extraction area.

35. Conclusion: Having regard to the relevant development planning policy and other material considerations referred to above, it is reasonable to conclude that there have been no significant material changes to planning policy, guidance, or to the quarry site, since the 2014 or 2020 permissions were issued. Also, as the separate report to this Committee meeting recommends approval to the proposed temporary changes to the concrete products factory operations, subject to conditions, it is reasonable to conclude that there are no significant material changes to the surroundings.

### **The matters raised by the Parish Councils and representees**

36. As reported earlier, no technical consultees have objected to the proposals, however 2 Parish Councils objected, and 28 representations were received.
37. The matters raised relate to local amenity and as such Policy 4 in the [Minerals Local Plan](#) and the National Planning Policy Framework ([Section 12](#): Achieving well-designed places; [Section 15](#): Conserving and enhancing the natural environment, and [Section 17](#): Facilitating the sustainable use of minerals) are particularly relevant as they seek to minimise any unacceptable adverse impacts on local amenity.
38. The agent's response on behalf of the applicant and your officer's observations on the matters raised are set out below.
39. **Noise** – whilst some concerns were raised about the additional hours to carry out the mineral extraction e.g., reversing beepers, many of the concerns were about the noise from the processing plant site and traffic movements along the internal haul road to the access to the site from residents on the Lichfield Road (A38) and the impact that this would have on quality of life / wellbeing and a truck stop business. The concerns were put to the agent who responded by confirming that:
- a) a noise survey was carried out which confirmed that there is a high background noise level near to the processing plant due to the A38.
  - b) the applicant had carried out some repairs to improve the condition of the haul road and further repairs were planned to be carried (including the removal of more speed humps).
  - c) the applicant had lowered the speed limit along the haul from 20 to 15 mph.
  - d) no HGVs would leave the site during the additional hours and only 5 HGVs would enter the site overnight to park up.
  - e) maintenance of plant in buildings already takes place up to 22:00 in buildings without complaint.



- f) lower noise limits would be adhered to during the additional hours; and; and
  - g) the applicant has agreed in principle to a 3-month trial period in accordance with an approved noise monitoring scheme and to end the additional hours at the end of the trial period if noise monitoring proves that the operations cannot comply with the noise limit.
40. Commentary: After receiving a background noise survey, the County Council's Noise Engineer and East Staffordshire Borough Council's Environmental Protection Officer confirmed that they had no objection to the additional hours or lorry movements. Moreover, the County Council's Noise Engineer supported the recommended 3-month trial period. The reference to maintenance already taking place in buildings up to 22:00 may have been a typographical error as the permission currently limits maintenance to 20:00 (condition 8 (d)).
41. Dust – the concerns, particularly from residents on the Lichfield Road, were about the existing poor dust management. The concerns were put to the agent who responded by confirming that:
- a) the applicant complies with the approved Environmental Scheme which includes dust management measures such as the use of bowsers, and mentioning
  - b) the applicant has installed additional spray bars which have improved the dust suppression from the processing plant; and,
  - c) the applicant would remind staff and contactors about the importance of consistently applying the dust management measures.
42. Commentary: The current planning permission has an approved Environmental Scheme which includes dust (and noise) management measures which are appropriate.
43. **Light pollution** - the concerns, particularly from residents on the Lichfield Road, were about the light pollution from the processing plant site that would be made worse by the additional hours. The concerns were put to the agent who confirmed that:
- a) the applicant had received no complaints about light pollution; and,
  - b) the lighting is necessary to ensure safe operations but that only low-level lighting necessary to illuminate the operations taking place during the additional hours would continue to be used.
44. Commentary: Condition 25 of the permission already requires the

applicant to position external floodlighting to avoid glare to nearby residents and highway users and to minimise light pollution. In the circumstances of this case, it is recommended that an informative be added to remind the applicant of the requirements of this condition.

45. **Subsidence** – a local resident expressed a concern about subsidence (a 3-inch lowering of the back garden of a property off the Lichfield Road). This concern was put to the agent who confirmed that:
- a) the applicant was unaware of any subsidence concerns and that no evidence had been supplied to substantiate the claim; and,
  - b) the applicant questioned the validity of the claim due to the distance between the mineral operations and the nearest residential properties.
46. Commentary: There is no substantive evidence to confirm that the subsidence has been caused by the quarry operations.
47. **A dangerous access** - the representations from some residents on the Lichfield Road expressed a concern about the current practice by some staff to access the A38 via a small canal bridge and that the risk of an accident could potentially be made worse by the additional hours. This concern was put to the agent who confirmed that:
- a) the canal bridge is only used by staff in cars when travelling northbound on the A38; and,
  - b) the applicant had received no complaints about this practice.
48. Commentary: Only one access is currently permitted to the site (condition 13). It is therefore recommended that the applicant be reminded about this limitation in an informative.
49. **Poor site management** – the representees expressed dis-satisfaction due to the poor responsiveness of site staff when concerns were raised and about the lack of community engagement. The concerns were put to the agent who confirmed that:
- a) under normal circumstances bi-annual liaison meetings were held, which included a tour of the site, and which provided an opportunity for the applicant to discuss current concerns and future plans; and,
  - b) a meeting was due to be held in March 2021 and at the time of preparing this report, a meeting is due to take place on 24 November 2021.
50. Commentary: The Section 106 Legal Agreement includes an undertaking to hold liaison committee meetings. Covid restrictions and staff furlough

arrangements disrupted the 'normal' arrangements. The operator has now re-started the liaison meetings (a meeting was held in March 2021 and a meeting is scheduled for November 2021).

51. Conclusion: Having regard to the policy, guidance, consultee comments and representations, referred to earlier and above, it is reasonable to conclude that subject to the existing, updated, and additional conditions and informatives recommended below, the proposals would not result in an unacceptable adverse impact on local amenity.

### **The need to review and update the planning conditions**

52. The NPPF ([Section 4](#), paragraph 54) states that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through conditions. Paragraph 55 of the NPPF explains that:

'Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects'.
53. The Vision, Strategic Objective 3 and Policy 4 of the MLP seek to ensure that mineral sites operate to high environmental standards and seek to minimise the impact of mineral development on people, local communities and the environment.
54. The Planning Practice Guidance explains that:

'To assist with clarity decision notices for the grant of planning permission under [section 73 of the Town and Country Planning Act 1990](#) should also repeat the relevant conditions from the original planning permission, unless they have already been discharged' ([Planning Practice Guidance, Flexible options for planning permissions](#); [How can a proposal that has planning permission be amended?](#), What is the effect of a grant of permission? paragraph 015).
55. The Planning Practice Guidance also explains that:

'In granting permission under section 73 the local planning authority may also impose new conditions – provided the conditions do not materially alter the development that was subject to the original permission and are conditions which could have been imposed on the earlier planning permission' ([Planning Practice Guidance, Use of planning conditions](#), [The use of pre-commencement conditions](#), How are conditions treated under section 73? paragraph: 040).

56. Commentary: In this case, the most recent planning permission was issued in 2020. Having regard to the above guidance, most of the conditions remain relevant and up to date as they take account of the current policies and approved details. However, in order to take account of the proposed variations, the recommended conditions, and the recent submission, it is considered reasonable and necessary to update the conditions as follows:
- a) Condition 1 (Definition of the Consent) updated to refer to the latest approved details and the documents submitted with this application.
  - b) Condition 8 (Hours of Operation) updated to refer to the proposed additional hours, out of hours HGV movements, commencement after the approval of the 3-month noise monitoring scheme and revert to the previous hours if noise exceeds the limit at the end of the trial period.
  - c) Condition 12 (Progress Report) updated if applicable to take account of the separately submitted Working Strategy (not yet approved).
  - d) Condition 17 (Site Access and Transportation) updated to refer to the submitted Mineral Transport Plan (including the proposal to review every 3 years), Transport Assessment, and additional mitigation measures.
  - e) Condition XX (Output and HGV movements) a new condition to refer to the proposed maximum output of mineral (1,400,000 tpa), and to refer to the maximum HGV movements (840).
  - f) Condition 18 (Noise Monitoring) updated to include the recommended requirement for a noise monitoring scheme for a 3-month trial period.
  - g) Condition 20 (Noise Limits) updated to include the proposed limits during the additional hours 19:00 to 22:00:
    - i. extraction phases 4 and 5 - 45 dB LAeq (1-hour) (free field)); and,
    - ii. processing plant area - 50 dB LAeq (1-hour) (free field).
57. Conclusion: Having regard to the policies and guidance referred to above, it is concluded that it is reasonable and necessary to recommend the updates to the existing conditions referred to above and below.

### **Overall Conclusion**

58. 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 environmental information subsequently received, the consultee comments, the representations and the other material considerations, all referred to above, it is reasonable to conclude that the proposed 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 to vary (not to comply with) conditions 8 and 17 of planning permission ES.20/03/501 MW to facilitate an increase in the site's output from 1 million tonnes to 1.4 million tonnes per year by extending the hours of operation for mineral extraction and processing from 1900 to 2200 Monday to Friday, extending the hours for the maintenance of processing plant from 0600 to 2000 Monday to Saturday to 24 hours/day Monday to Saturday and permitting up to 5 lorries associated with the on-site mineral operations to enter the site and park overnight after 1900 Monday to Friday and after 1600 on Saturdays, subject to conditions.

**The conditions** to be updated to include the following:

**Condition 1 (Definition of the Consent)** updated to refer to the latest approved details and this application.

**Condition 8 (Hours of Operation)** updated to refer to the proposed additional hours and out of hours HGV movements:

- a) mineral extraction in phases 4 and 5

07:00 to **22:00** Mondays Fridays; and 07:00 to 13:00 on Saturdays

- b) mineral processing:

07:00 to **22:00** Mondays Fridays; and 07:00 to 13:00 on Saturdays

- d) the maintenance operations on the processing plant:

**24 hours/day** Mondays to Saturday and, at no time on Sundays, Bank or Public Holidays (unless within an enclosed building)

- g) the movement of HCVs in and out of the site:

06:00 to 19:00 Mondays to Fridays; 06:00 to 16:00 on Saturdays; and no such movements on Sundays, Bank and Public Holidays (except in association with the operation of the Ready Mixed Concrete Plant) **and up to 5 lorries associated with the on-site mineral operations to enter the site and park up after 19:00**



**hours Mondays to Fridays, and after 16:00 on Saturdays.**

And updated to refer to:

- the additional hours shall commence after the noise monitoring scheme has been submitted and approved (Condition 18). Also, if during the trial period noise is found to be exceeding the permitted limit then the additional hours shall cease until the noise has been investigated and mitigated.
- a requirement that the operational hours shall revert to the previously approved hours if at the end of the 3-month trial period the noise from the operations carried out during additional hours exceeds the noise limit.

**Condition 12 (Progress Report)** updated if applicable to take account of the separately submitted Working Strategy (not yet approved)

**Condition 17 (Site Access and Transportation)** updated to refer to the submitted Mineral Transport Plan (including the proposal to review every 3 years), Transport Assessment, and to refer to the further measures offered by the applicant including access road repairs, speed hump removal, and a reduction in the speed limit to 15 mph along the full length.

**Condition XX (Output and HGV movements)** a new condition to refer to the proposed maximum output of mineral (1,400,000 tpa), and to refer to the maximum HGV movements (840) to accord with the Mineral Transport Plan and Transport Assessment.

**Condition 18 (Noise Monitoring)** updated to include a requirement to submit for approval a noise monitoring scheme for a 3-month trial period.

**Condition 20 (Noise Limits)** updated to include limits during the additional hours 19:00 to 22:00:

- extraction phases 4 and 5 - 45 dB LAeq (1-hour) (free field)); and,
- processing plant area - 50 dB LAeq (1-hour) (free field)

**Informative (Site access)** new – to remind the applicant that there is only one permitted access to the site (current condition 13).

**Informative (Lighting)** new – to remind the applicant that any external floodlighting used during the addition hours (or at any other time) should avoid glare to nearby residents and highway users and minimise light pollution (current condition 25).

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*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](mailto:planning@staffordshire.gov.uk) and can only be provided by email.*

## **Appendix 1: The findings of the ES (and the environmental information subsequently received)**

A Planning and Environmental Statement (PES) accompanies the planning application. The PES has 3 appendices (Staffordshire County Councils Revised Screening Opinion, a Mineral Transport Plan, and a Supplementary Noise Submission) and 2 technical appendices (a Transport Assessment and an Environmental Scheme). In accordance with the EIA regulations a non-technical summary of the Environmental Statement has also been provided.

Section 4 to the PES describes the proposals, including the proposed changes to the conditions, and refers to an updated Mineral Transport Plan and an updated Site Layout Plan.

Section 5 refers to the development plan policies and other material considerations.

Section 6 explains the need for each element of the proposals.

Section 7 considers the alternatives to the proposals, including 'do nothing'

Section 8 considers the potential environmental impacts:

### **A) Traffic**

The Mineral Transport Plan (MTP) describes the nature of the HCV movements, the type of HCV, the related infrastructure including the weighbridge, plant, service areas and wheel cleaning facilities, and the hard standing areas and internal haul roads which need to be maintained in good condition. The current total daily average HCV movements (712). The mitigation measures which include wheel cleaning, sheeting of vehicles, speed limits of 15 mph inbound and 25 mph outbound road, lorry routing via the A38 except for local deliveries (typically more than 97% use the A38), and instructions to drivers. It is proposed to review the MTP every 3 years

The Transport Assessment (TA) reviewed the relevant development plan policies and the National Planning Policy Framework, had regard to the site access improvements previously carried out, the permitted total HCV movements per day (536) (excluding the block-making plant (44)) and the current total daily average (712), the current and proposed operational hours, considered the results of traffic surveys (including modelling for traffic growth) and considered traffic accident records. To accommodate the proposed increase in output it was

calculated that based on the current average HGV load (22.7 tonnes) then there would be an additional 128 HGV movements on a working day. It was calculated that the site access has the capacity to accommodate the increase in HCV movements. Similarly, it was concluded that the site access has the capacity to handle the out of hours vehicle movements. The TA also looked at the potential cumulative impact from additional quarry traffic associated with proposals if permitted at nearby quarries (Hints and Alrewas). It was concluded that the impacts would not be significant in EIA terms.

Overall, the TA concluded that the site access has sufficient capacity to handle the proposed increase in traffic.

## **B) Noise**

The noise assessment, based on an assumptions that the proposals would not require additional plant; existing noise management controls and noise limits would continue to be applied; a lower noise limit of 45 dB(A) at the nearest dwellings to phases 4 and 5 during mineral extraction and 50 dB(A) in the 'evening' for the properties close to the A38 and nearest to the processing operations; concluded that the noise impact would not be significant / unacceptable in EIA terms.

## **C) Other impacts**

The other impacts that were considered included the ecological impacts and the effects of dust. In both cases it was concluded that as the existing mitigation measures would continue to be applied, then the impacts would not be significant / unacceptable in EIA terms.

## **Additional information**

In response to consultee comments / representations received, further comments were provided, and mitigation measures proposed, including the following:

- i. Repairs have been made to the haul road; some new concrete pads have been installed to improve the road surface and reduce the potential for traffic noise.
- ii. Most speed humps have already been removed from the haul road to reduce 'rattling' caused by unladen vehicles passing over speed humps. A singular remaining speed hump situated adjacent to the Café on the A38 (No. 304 Lichfield Rd) is planned for removal within the next month. The applicant will continue to monitor the road condition and implement works as required.
- iii. The applicant will reduce the speed limit of the haul road to a maximum of 15mph along the entire stretch of the haul road. At present, a speed limit of 20mph is in place along the section of the road closest to the site

access.

- iv. All site staff and contractors will be reminded to consider the site's neighbours when moving about the site.
- v. It is also proposed to conduct noise surveys, should permission be granted, once the plant is operational after 1900 hours. This will ensure that there are no adverse noise impacts. Should noise from site operations be identified as unacceptable, all processing operations will cease.
- vi. Maintenance of plant indoors already takes place until 2200 hours without complaint (note: the condition of the permission refers to 20:00).
- vii. Additional spray bars have been added to processing plant to suppress dust, which have further improved dust suppression on-site.
- viii. The site will continue to only use external low-level lighting when necessary to ensure safe operations. When external lighting is used between the hours of 1900-2200, it will be used only when required.
- ix. No complaint regarding subsidence has been received. No evidence of subsidence (or that the reason for any subsidence relates to mineral operations) has been provided. Given the distance between mineral operations and the closest residential properties to existing operations, it is not considered likely that any subsidence experienced at any residential property in the wider vicinity of the site would be caused by mineral operations at Newbold Quarry.
- x. With specific regard to the access onto the A38 small canal bridge, only cars use this route and only when travelling north. The applicant has not received any complaints to date regarding this practice.
- xi. No mineral will leave the site in the proposed extended hours of 1900 – 2200 hours. There will be no HGV movements exporting mineral from the site between 1900 – 2200 hours and therefore there are no potential impacts on amenity and health associated with traffic to consider in the proposed three hour extended period.
- xii. An increase in output from the site would diminish reserves quicker, resulting in a decrease in the duration of operations at this site. As a consequence, potential noise and other associated dis-amenity impacts will cease at a comparably earlier date than if operations continue at the site's current rate of output of 1mtpa.
- xiii. Agreement in principle to a suggested 3-month trial period.

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## **Appendix 2: 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 4: Minimising the impact of mineral development

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.

#### [East Staffordshire District Local Plan](#) (2012-2031) (adopted 15 October 2015)

- Principle 1 - Presumption in Favour of Sustainable Development
- Strategic Policy SP1 - Approach to Sustainable Development
- Strategic Policy SP24 - High quality design
- Strategic Policy SP34 - Health and wellbeing
- Strategic Policy SP35 - Accessibility and sustainable transport
- Detailed Policy DP1 - Design
- Detailed Policy DP7 - Pollution and contamination

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

- [National Planning Policy Framework](#) (updated 20 July 2021):
  - [Section 1](#): Introduction
  - [Section 2](#): Achieving sustainable development
  - [Section 4](#): Decision-making
  - [Section 9](#): Promoting sustainable transport
  - [Section 11](#): Making effective use of land
  - [Section 12](#): Achieving well-designed places
  - [Section 15](#): Conserving and enhancing the natural environment
  - [Section 17](#): Facilitating the sustainable use of minerals
- [Planning Practice Guidance](#)
  - [Design](#)
  - [Environmental Impact Assessment](#)
  - [Health and wellbeing](#)
  - [Minerals](#)
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