

<b>Local Members</b>	
Councillor D. Smith Councillor A. White	Lichfield Rural South Lichfield Rural East

**Planning Committee**

02 December 2021

**Minerals County Matter****Application No (District):** [L.19/04/805-808 MW](#) (Lichfield)**Applicants:** Tarmac and Cemex UK

**Description** To vary (not to comply with) conditions 17 (hours of working), 19 (quantity of exported sand and gravel) and 20 (limits on HGV movements) of planning permission L.15/04/805-808 MW

**Location:** Hints Quarry, Watling Street, Hints

**Background/ Introduction**

1. Tarmac and Cemex UK Operations Ltd have jointly operated Hints Quarry since the former Hopwas Quarry was merged into a single quarry operation using the processing plant and infrastructure associated with Hints Quarry.
2. Current mineral operations are regulated by a planning permission issued in October 2018 which requires that mineral extraction ceases no later than 22 October 2025 and that no more than 700,000 tonnes per annum (tpa) of sand and gravel is produced from the quarry.
3. Due to contracts secured by Tarmac to supply sand and gravel to concrete making plants and aggregates associated with HS2 works as well as to maintain supplies to the general market, it is proposed to increase quarry output to 1,000,000 tonnes per annum, raise the limits on lorry movements, and extend the hours of operation.

**Site and Surroundings**

4. Hints Quarry is located within the Green Belt, approximately 4 km west of Tamworth and 6km south-east of Lichfield (refer to Location Plan accompanying this report).
5. Access to the quarry is from 'Watling Street' (C0036, formerly the A5) as it passes through Weeford village. No lorries are allowed to pass through Hints village which is to the east of the quarry's access onto Watling

Street.

6. The route of the High-Speed railway (HS2) lies to the west of the site and construction traffic associated with the HS2 project will be using Watling Street to access the construction area for the railway.
7. There are several public rights of way around the quarry including the bridleway (Hints 3), which shares the route of the quarry access.

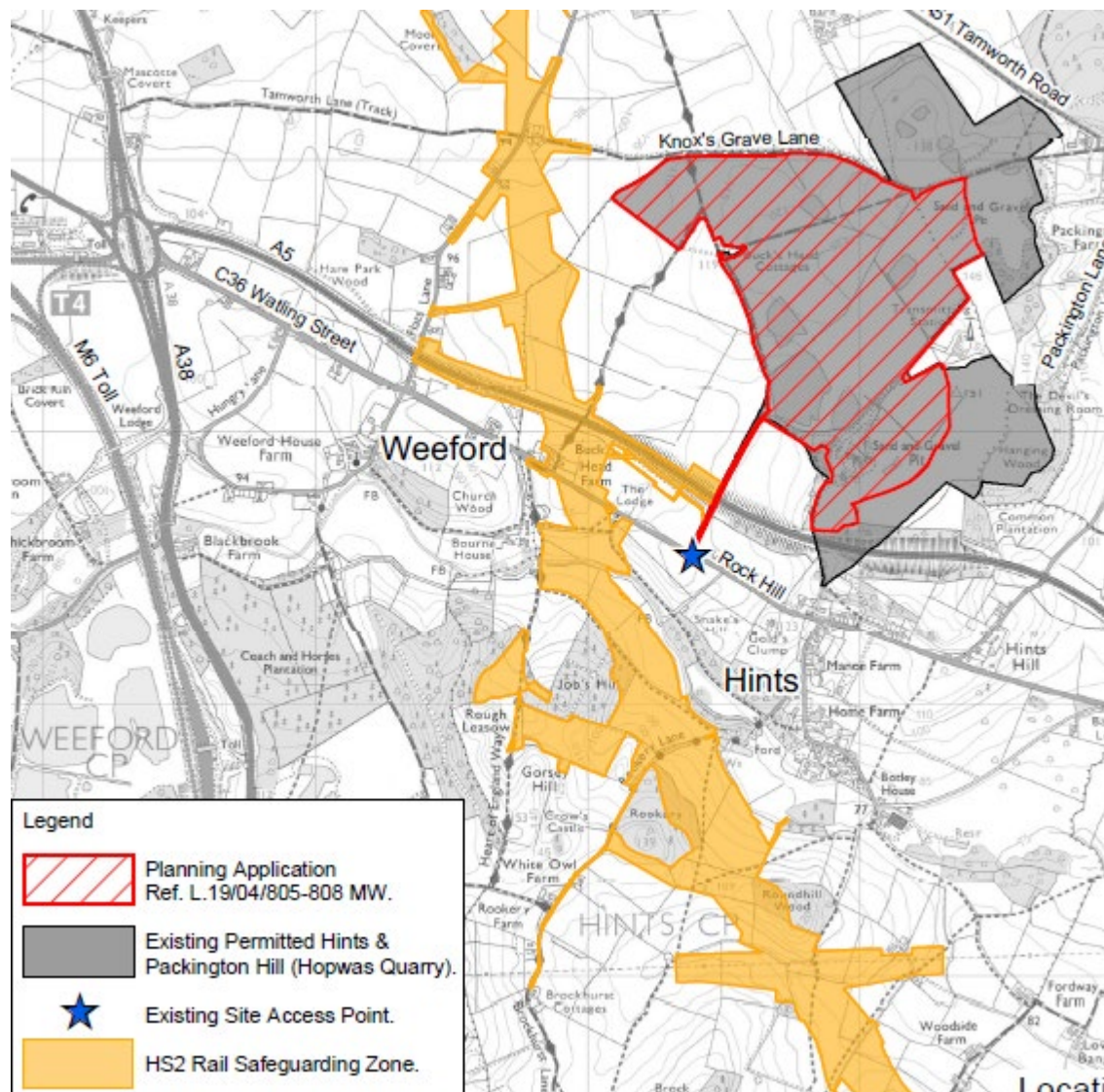


Figure 1: Extract from Location Plan showing Hints Quarry, its access and Watling Street which provides access to the A5 and A38.

## Summary of Proposals

8. The proposal is to amend three conditions imposed by the current planning permission to enable the quarry to meet projected increased demand for sand and gravel. The proposed amendments to the conditions are explained below:

### **Hours of Operation (Condition 17)**

9. Currently operational hours are restricted as follows:

No operations shall be carried out, with the exception of emergency operations, site security, environmental monitoring or water pumping operations, other than within the periods stated between:

- a) No working operations shall be carried out within the Site other than within the periods stated below:
  - 0700 to 1900 Mondays to Fridays; and,
  - 0700 to 1300 on Saturdays.
- b) No processing of mineral shall be carried out within the Site other than within the periods stated below:
  - 0600 to 2200 hours Mondays to Fridays; and,
  - 0600 to 1300 on Saturdays.
- c) No temporary operations comprising soil stripping, placement, construction and removal of bunds, restoration and aftercare shall be carried out within the Site other than within the periods stated below:
  - 0700 to 1900 Mondays to Fridays; and,
  - 0700 to 1300 on Saturdays.

No such operations shall take place on Sundays, Bank and Public Holidays.

10. It is proposed that hours of operation for HGV movements are defined separately from 'working operations' so that compared with the hours of operation for working operations (see part (a) above) an additional hour at the start and end of the day is allowed as set out below:

No HGVs shall enter or leave the Site other than within the periods stated below:

- 0600 to 2000 Mondays to Fridays; and,
- 0600 to 1400 on Saturdays.

### **Limit on Exports of Sand and Gravel (Condition 19)**

11. As indicated previously, the amount of sand and gravel that can be exported from the quarry is limited to no more than 700,000 tonnes per annum in accordance with the operators' proposals for the development of

the quarry's north-western extension. It is proposed to increase this limit to 1,000,000 tonnes per annum.

### **Limit on Number of Daily Lorry Movements (Condition 20)**

12. The number of lorry movements is currently limited as follows:

The number of HCV movements to and from the Site shall not exceed:

- a) a maximum of 350 movements per full working day (175 in and 175 out); and,
  - b) an average of 254 movements per full working day (127 in and 127 out) when calculated over a 12-month period commencing from the date of this permission.
13. The current limits on lorry movements are consistent with the current limit on exports of sand and gravel. Consequently, the proposed increase in output would require lorry movements limit to be raised to 450 movements per day. It is also proposed that the annual average be removed.
14. The application is accompanied by documents and plans including:
- Environment and Minerals Development Statement
  - Transport Statement
  - HGV Noise Assessments

### **The Applicants' Case**

15. When Tarmac submitted the application, it was with an intention to supply HS2 both with aggregates and ready-mix concrete (RMX). Tarmac had secured the contract to supply these materials to specific sections of the HS2 route, and at the time of submitting the application in April 2019, proposed to meet that demand through a combination of outputs from Hints and Alrewas quarries.
16. Since submission, and as HS2 has ramped up its construction schedule, the needs of HS2 and its delivery partners BBV have changed in so much that they now require the aggregates to be of a consistent specification and therefore supplied by an individual site. As such, Alrewas now provides all the primary aggregate demands of HS2 for concrete relative to the sections that Tarmac have been awarded a supply contract.
17. As the majority of, if not all the output from Alrewas is now focused on supplying HS2 and added value activities on site (including the RMX plant), the company is unable to meet existing market demand from this



site. Alrewas has provided aggregates to a range of fixed outlets, and collect customers, and in order to fulfil ongoing demand, there is a need for Hints to pick up the sales displaced from Alrewas by HS2, as well as maintain its own sales output and supply drainage aggregates to HS2.

18. Hints therefore needs to supply materials to these fixed outlets (RMX plants, precast concrete etc), and the application provides for an increase in annual outputs from 700,000 tpa to 1,000,000 tpa to accommodate this increase in demand.
19. Tarmac's application also seeks a variation in approved hours of HGV activity from Hints. This was initially with a view to try to flatten out or spread-out HGV activity over the working day. This remains the case, although the focus has slightly changed as Tarmac still needs the early morning hours and early evening hours to re-stock the fixed outlets.
20. It is confirmed that the extra HGV activity in these hours is all associated with maintaining stocks at concrete plants and other outlets around Birmingham and the wider West Midland region.
21. There is no flexibility at Alrewas as this site is now largely committed to supplying HS2, and there is little flexibility in daytime hours for the operations at Hints, and the proposals seek to optimise the use of HGVs to supply the ongoing demand. Inevitably, the increase in output would mean that permitted reserves would be depleted sooner.

## **Relevant Planning History**

22. Details of relevant planning permissions and other planning decisions are listed as follows:
  - a) [L.02/09/805-808 MW](#) dated 27 April 2005 – Permission for the amalgamation and consolidation of mineral extraction including lateral extensions to the working area and a comprehensive low level restoration scheme to forestry and agriculture, and an aggregates recycling facility to receive construction and demolition waste to produce soils for restoration and secondary aggregate.
  - b) This permission is accompanied by a [Section 106 Legal Agreement](#) (S106) dated 22 December 2004 which includes a requirement for a Mineral Transport Plan to identify measures to encourage safe access and egress to and from the Site.
  - c) [L.13/03/805-808 MW](#) dated 23 June 2017 – Permission to vary (not comply with) condition 4 of planning permission L.02/09/805-808 MW to allow an extension of time until 31 December 2016 (i.e. completion of restoration).
  - d) This permission is accompanied by a [Deed of Variation to the S106](#)

dated 7 February 2017 so that the obligations of the 2004 S106 were extended in conjunction with the amended permission.

- e) [L.15/04/805-808 MW](#) dated 22 October 2018 – Permission for north-western extension to Hints Quarry; continued use of existing processing plant and site access onto Watling Street; comprehensive phased quarrying and restoration scheme for existing quarry and north-western extension area as consolidation application.
- f) This permission is also accompanied by a [S106](#) dated 18 October 2018 which supplements the 2004 agreement and includes a requirement for a Mineral Transport Plan and additional obligations such as arranging a site liaison committee.
- g) [L.15/04/805-808 MW D2](#) received 22 November 2018 – Undetermined submission of details in compliance with conditions 29 (Noise monitoring), 49 (Archaeological investigation scheme) and 41 (Ecological assessment) of planning permission L.15/04/805-808 MW (SHORT\_REF\_00163)

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

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

## **Findings of Consultations**

### **Internal**

- 24. **Environmental Advice Team** – no objections. The public rights of way officer notes that Public Bridleway No. 3 Hints Parish runs along the private access road leading to the quarry and advises that the applicants should be reminded that although the access road leading to the quarry is private, the fact that the route is a public highway (bridleway) takes precedence. Pedestrians, horse riders and cyclists have a public right and vehicles need to give way to them not the other way around. In light of this and from a Health and Safety aspect it would be in the quarry operators interest that they remind all drivers entering and leaving the quarry to give way to all path users and to erect 'speed' and 'be aware of path users' signs along the route used by vehicles.
- 25. **Highways Development Control** (on behalf of the Highways Authority) – no objections subject to a condition that the extended hours of operation and revised limits on output and lorry movements are restricted to the period during which the quarry supplies HS2 contracts.
- 26. **Regulation Team** – confirm no comments to make.
- 27. **County Council's Noise Engineer** – no objection. The main noise

related issue with this application is the potential impact from additional HGV vehicles travelling along Watling Street and the impact this would have on residential dwellings.

28. The noise engineer welcomes the further reduction in working hours during the evening period which now ends at 2000 as opposed to the 2200 hours as originally proposed. Some concerns do still remain about movements between 1900 and 2000 from the impact around individual discrete noise events as each vehicle passes sensitive receptors, although it is accepted that the potential impact on sleep is diminished due to movements ending by 2000. Therefore, should permission be granted, it is recommended that a condition is imposed limiting the number of movements to/ from the quarry between 1900 and 2000 (note the applicants have now proposed to limit movements in the morning and evening – see recommended conditions below).
29. **County Council's HS2 Project Manager (PM)** - The PM referred to the [Code of Construction Practice](#) works and in particular, the limits on hours on operations to protect residential amenity. Core working hours for construction works are 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 deliveries of materials.

### **External**

30. **Lichfield District Council (Planning)**- no objections, subject to the County Council being satisfied that the proposal is acceptable on highways and residential amenity grounds.
31. **Lichfield District Council (Environmental Health) (EHO)** – no objection. The IEMA Guidelines for Environmental Noise Impact Assessment recognises that the evening period (19:00–23:00 hours) is particularly sensitive as it is during this evening period residents are generally at home relaxing and preparing for bed (especially those with younger children). Having considered the revisions submitted by Tarmac, the EHO confirmed that the proposed reduction in hours has largely addressed these concerns. The EHO recommended that the changes be carried out on a temporary basis to enable the impacts and the effectiveness of the site management to be evaluated. The EHO also recommended that the site movements during the extended hours are limited to 20 movements per hour in the evening as per the applicants' noise report dated June 2021.
32. **Swinfen and Packington Parish Council** - raised concerns and questioned the justification for the increase in traffic on Jerry's Lane and the additional noise which would be generated. The concerns about use of

Jerry's Lane have been forwarded to HS2 Limited because quarry traffic would not use this lane.

33. **Wigginton and Hopwas Parish Council** - no objections.
34. **Weeford Parish Council** - object on grounds of highway safety; the excessive speed of lorries; increased volumes of traffic; traffic noise; air pollution; extended evening and weekend lorry movements; and damage to property from vibration caused by lorries.
35. **National Highways** (formerly Highways England) - no objections following consideration of further information which included a Transport Statement.
36. In response to concerns about the cumulative impact of increased lorry movements from quarries in proximity to the A38, National Highways have advised that no cumulative impact assessment is required, and that specific advice would be given by them in relation to each individual proposal.
37. **HS2 Limited** have been consulted as Watling Street would provide access to the construction area of the HS2 railway. Balfour Beatty VINCI (BBV) the principal contractor to HS2 in this area anticipate that the construction of the access would be during Q2 2022. Forecasted vehicle movements along Watling Street are as follows:

Table 3: Estimated Movements (up to a maximum)

Dates	Estimated Vehicle Movements/ day
September 2021 to December 2021	Maximum of 100 2-way movements
January 2022 to December 2022	Maximum of 220 2-way movements
January 2023 to December 2023	Maximum of 445 2-way movements
January 2024 to September 2025	Maximum of 110 2-way movements for demobilisation

38. BBV are currently finalising design for the temporary road diversion of Watling Street which is required to safely allow construction of the new overbridge on the existing alignment, whilst maintaining traffic routes. Construction is scheduled for Q3 2022. The construction is built offline and tie ins to the existing carriageway will be completed on nights/ weekends to reduce impact to the local traffic. This is then intended to be operational for circa 18 months whilst the overbridge is completed.
39. **Environment Agency** - no objections.

## Publicity and Representations

40. Site notice: YES      Press notice: YES
41. 95 neighbour notification letters were sent out and 30 representations



were initially received. The concerns raised in representations are summarised below:

Traffic on the highway network
Impact on other highway users.
Watling Street has leisure users e.g. horse riders, cyclists, users of the Heart of England Way which are at risk.
Existing issue with lorry speeding >50mph.
Why are speed limits not reduced to 30mph? Note limit through Hints is 40mph.
Why has a speed survey not been conducted independently to gather collision and speed data?
Current frequency of traffic excessive (30 – 40 per hour).
Volume of traffic (increasing back to levels when Watling Street was A5).
Why can't an alternative access off the A5 bypass be provided as part of HS2 works?
Concern about compliance with weight restriction on Watling Street through Hints village.
Noise
Excessive noise from vehicles travelling to and from the quarry.
Noise from empty wagons travelling to the quarry would be escalated.
Noise from lorry convoys
Adequacy of noise survey.
Affects residential amenity including enjoyment of gardens.
Air Quality
Concern about health impacts from air pollution generated by traffic.
Cumulative Effects
Proposal would double output given the quarry has been operating 500,000tpa.
Existing compliance issue with planning condition relating to hours of operation.
Residents will be affected HS2 works at same time.
Quarry access is a bridleway used by horse riders – lorries using access at speed.
Anticipated adverse impact on local horse-riding centre.
Existing impact on amenity from shooting range near Weeford village.

42. Mr Christopher Pincher MP has written on behalf of residents living in the Hints and Weeford areas to highlight concerns about noise and air

pollution; about the effect of increased lorry movements for residents and their properties; and the impact on pedestrians and cyclists using local roads. The MP reports that residents are already concerned about the frequency of lorries passing their properties and a suggestion has been made that the quarry should be provided with a slip road direct onto the A5 bypass.

43. One response from a neighbouring resident confirms no objection to the proposals.

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

44. 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.’

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

### **Observations**

46. 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 development plan policy considerations and other material considerations (including the site and surroundings).
  - The matters raised by consultees and in the representations

- The need to review and update the planning conditions

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

47. When determining an application to vary a planning permission, national planning guidance [refer to [Annex A: summary comparison table](#) of the section '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.
48. Commentary: Current restrictions on output from the quarry and the number of lorry movements were imposed in accordance with the proposals included in the original application. Restrictions on the hours of operation were imposed to protect the amenity of residents and to ensure the orderly operation of the quarry in its Green Belt location in accordance with policy 4 of the MLP; policy BE1 of the [Lichfield Local Plan Strategy](#) and sections 9 (Promoting sustainable transport), 15 (Conserving and enhancing the natural environment) and 17 (Facilitating the sustainable use of minerals) of the NPPF.
49. The original application (ref: L.15/04/805-808 MW) was approved by Committee in February 2016, before the [Minerals Local Plan for Staffordshire](#) (MLP) was adopted in February 2017. Notwithstanding, the emerging MLP policies were taken into account when the application was approved, and the adopted MLP policies were taken into account before the decision was issued.
50. The National Planning Policy Framework (NPPF) has been revised since the original permission was issued but none of the changes to the NPPF are material to the consideration of this application.
51. In terms of the site and its surroundings, there are no significant changes to circumstances that were existing or anticipated when the original application was considered. This included the proximity of the HS2 construction project.
52. The construction of the HS2 railway is relevant to the current application because Tarmac is supplying mineral for its construction and this has led to the proposed increase in quarry output. Furthermore, the use of Watling Street which provides access to the quarry from the A5 and A38 will be also used in connection with the HS2 construction works.
53. 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 material changes to planning policy,

guidance, or to the site, since the 2018 permission was issued.. However, the demand arising from the HS2 construction is a material consideration.

### **The matters raised by consultees and in representations**

Proposed increase in lorry movements (condition 20)

54. Paragraph 111 of the NPPF advises that:

‘Development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.’

55. Policy 4.1 (e) of the MLP requires that the effects of traffic on the public highway network should be assessed.

56. Commentary: Objections are raised by residents and Weeford Parish Council regarding the impact of traffic on other highway users including the safety of horse riders and cyclists. Residents have been monitoring the traffic and report that there are between 30 and 40 lorries every hour going to and coming from the quarry. These lorries range in size from the smaller HGV's through to the larger articulated lorries. The Parish Council reports that lorries are already operating for over 10 hours a day resulting in over 300 lorries per day, and consider that the consequences of having even more traffic on this road is absurd as the traffic has drastically increased over the last 10 years.

57. In response to objections received, the applicants have lowered the proposed maximum number of HGV movements from 500 to 450 per day. The local Highways Authority and National Highways have confirmed that they have no objections in terms of impact on the local and strategic highway network.

58. The local Highway Authority has recommended that the proposed changes to the conditions are acceptable for the period when the quarry is supplying HS2 contracts. It is anticipated, however, based on information provided by HS2 Ltd that contracts in association with HS2 works would continue beyond the permitted cessation date for quarrying at Hints i.e. beyond 22 October 2025, noting that it would be likely that remaining permitted reserves would be depleted before the cessation date if output is increased.

59. To mitigate the impact of the traffic impact, it has been suggested by residents that access to the quarry could be provided directly off the A5 trunk road. Notwithstanding the feasibility of providing an access onto the A5, National Highways have confirmed that they are constrained in

accepting an access off the A5, by Department for Transport Circular 02/13 which sets out governance on connection to the Strategic Road Network, the A5 being part of that network.

60. Concerns are raised about the speed at which HGVs already travel along Watling Street. The current limit is 50mph but in association with the greater use of this road by HS2 traffic, it is understood that further restrictions on speed are being considered by the local Highway Authority which if introduced would also apply to quarry traffic.
61. Conclusion (traffic): Having regard to the relevant development planning policy and other material planning policy considerations referred to above, it is reasonable to conclude that, subject to the conditions recommended below, the proposals would not give rise to any unacceptable adverse impacts in terms of highway safety.

Proposed extension of hours of operation (condition 17)

62. Policy 4 of the MLP requires the effects of noise and air emissions to be assessed as well as traffic.
63. Policy BE1 of the Lichfield District Local Plan Strategy states that (amongst other matters):

‘Development will be permitted where it can be clearly and convincingly demonstrated that it will have a positive impact on:

Amenity, by avoiding development which causes disturbance through unreasonable traffic generation, noise, light, dust, fumes or other disturbance;’

64. Paragraph 209 of the NPPF advises that:

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

65. Furthermore, paragraph 81 of the NPPF states:

‘Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.’

66. More generally, paragraph 9 of the NPPF advises that:

‘Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs



and opportunities of each area.’

67. Objectives of the MLP include:

‘Aim to achieve an acceptable balance between the steady and adequate supply of minerals and the impact of mineral operations on local communities and the environment’ (part of strategic objective 1); and,

‘To ensure that mineral sites operate to high environmental standards by avoiding, reducing or mitigating as far as possible the adverse impacts on local communities and the environment close to mineral operations and along the routes used to transport minerals.’ (strategic objective 3)

68. Commentary: The current planning permission allows for mineral processing at Hints quarry to take place between 0600 – 2200 hours Monday to Friday and 0600 – 1300 hours on a Saturday but operations associated with mineral extraction and exporting minerals are more tightly restricted. As indicated in the applicants’ case above, the proposed changes would enable the quarry to export more mineral so that Tarmac can fulfil new supply contracts in association with HS2 phase 1 works and maintain supply to existing general markets that are served by production at both Hints and Alrewas quarries.
69. National planning policy indicates that in making planning decisions, significant weight should be attached to mineral supply and in supporting productivity. In this case, the proposals are linked to the supply of minerals essential for construction of national infrastructure while ensuring that there remains adequate capacity to supply general market demand.
70. National policy also advises on sustainable development and the MLP is based on achieving the correct balance between the economic need for minerals and avoiding, reducing or mitigating as far as possible, the adverse impacts on local communities and the environment.
71. Noise and disturbance from mineral operations is controlled with restrictions on noise limits and hours of operation imposed by planning conditions. The benefit of controls on hours of operation also includes safeguarding the amenity of residential properties situated along the roads providing access to the quarry.
72. Objections have been received regarding the potential impact on local amenity from traffic noise. In response, the applicants carried out a traffic noise assessment, which confirmed that the findings of the original assessment were correct.

73. In response to concerns raised by the County Council's noise engineer and the District Council's Environmental Health Officer and local residents, about the original proposal to export mineral up to 2200 hours, the applicants have revised the proposal so that lorry movements would cease by 2000 hours on a weekday.
74. No objections from the technical consultees persist although concerns do remain about the number of movements between 1900 and 2000, although it is accepted that the potential for impact on sleep disturbance is diminished due to movements ending by 2000 hours. Consequently, it is recommended that a limit on lorry movements of 26 per hour is specified for the hours 0600 - 0700 and 1900 - 2000.
75. Objections are also raised concerning the impact on other road users such as cyclists and horse riders, noting that a bridleway runs along the private access road leading to the quarry. In response, the original proposals to operate on Saturday afternoons until 1600 hours have been reduced to 1400 hours to minimise the impact of extended operations at the weekend.
76. There will be a cumulative impact of traffic from the quarry with the addition of lorry movements associated with the construction of the HS2 railway. Activities associated with HS2 works will be subject to the hours of working specified in the Code of Construction Practice which is applicable to contractors involved with HS2 works. In this case, extended hours would facilitate output not connected with HS2 works. No technical objection is raised in respect of the revised proposals while also taking account of the use of Watling Street by HS2 construction traffic. Regarding the advice from the District Council's Environmental Health Officer that a trial period is allowed for the extended hours, it is considered that the proposals would be relatively short term in view of the permitted cessation date and the likelihood that permitted reserves would be depleted sooner.
77. Conclusion (hours of operation): Having regard to the relevant development planning policy and other material planning policy considerations referred to above, it is reasonable to conclude that subject to the conditions recommended below, the revised hours for transporting mineral would not give rise to an unacceptable adverse impact on local amenity. Furthermore, the proposals which would facilitate a steady and adequate supply of minerals in connection with meeting the demands from a national infrastructure project, also provide a material planning benefit which outweighs the objections.

#### Other environmental concerns about traffic

78. Concerns about the effect of increased lorries movements on air quality have been raised with the District Council's EHO but the scale of the

proposed increase in traffic is below the threshold for investigation and are not considered significant in terms of formal environmental assessment.

79. Concerns are also raised about disturbance caused by lorries arriving at the quarry prior to the quarry opening. In response to these concerns, the applicants have explained that HGVs are allowed to enter the main entrance of the quarry and park up on the haul road. The quarry incorporates a barrier system to prevent HGV's accessing the quarry stocking and loading area until authorised by the weighbridge clerk. This system prevents any haulier from entering on to the main site prior to the commencement time and this is strictly enforced by the weighbridge clerk. This is a matter for ongoing monitoring to ensure that there is no nuisance caused to residents.
80. A concern raised by a resident refers to the effect of the proposals as being an "infringement on human rights under Article 8". Article 8 gives the right to respect for private and family life and the home and the First Protocol Article 1 allows for the peaceful enjoyment of possessions. These have to be balanced proportionately against the rights and freedoms of others and the proper planning and development of the County in the interests of the community. This legislation has been taken into account in arriving at the recommendation

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

81. 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'.

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.

The Planning Practice Guidance states:

'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).

The Planning Practice Guidance also states:

‘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).

82. Commentary: In this case, the extant planning permission was granted in 2018. Having regard to the above guidance, most of the conditions remain relevant and up to date. In addition to conditions 17, 19 and 20 which the applicants have applied to vary, it is also considered to be reasonable and necessary to update the following conditions:

- Condition 1 to be updated to refer to the approved details, non-material amendment and this application.
- Condition 9 – delete as the requirement that knowledge of the permission by site managers are now included as an informative to the permission.
- Condition 11 – to be updated as the timescale for submission of site layout plan(s) has passed.
- Condition 12 – to be updated as the timescales for submission of Progress Reports have passed.
- Condition 39 – delete as the requirements for storage of oils, fuels or chemicals in accordance with latest guidance from the Environment Agency are now included as an informative to the permission.
- Conditions 42, 44, 45, 46 and 48 (Nature Conservation) –to be updated as the timescales for submission of details have passed.
- Conditions 51 and 52 (Restoration and Aftercare) – to be updated as the timescales for submission of details have passed.
- Condition 53 – updated to include the keeping of records of quantity of mineral exported.

83. Conclusion: Having regard to the policies and guidance referred to above,

it is concluded that it is reasonable and necessary to recommend updates to the existing conditions referred to above and below.

## Overall Conclusion

84. 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 17 (hours of working), 19 (quantity of exported sand and gravel) and 20 (limits on HGV movements) of planning permission L.15/04/805-808 MW subject to conditions.

**The conditions** to include the following:

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

**Condition 11 (Site Layout Plan)** updated to refer to a new timescale so that Site Layout Plan is submitted within 3 months of date of new permission.

**Condition 12 (Progress Reports)** updated to refer to new timescales so that Progress Reports are submitted within 2 years and 4 years of the date of the new permission.

**Condition 17 (Hours of Operation)** updated to refer to the new hours (change in **bold**):

No operations shall be carried out, with the exception of emergency operations, site security, environmental monitoring or water pumping operations, other than within the periods stated between:

- a) No working operations shall be carried out within the Site other than within the periods stated below:
- 0700 to 1900 Mondays to Fridays; and,
  - 0700 to 1300 on Saturdays.



- b) No processing of mineral shall be carried out within the Site other than within the periods stated below:
- 0600 to 2200 hours Mondays to Fridays; and,
  - 0600 to 1300 on Saturdays.
- c) No temporary operations comprising soil stripping, placement, construction and removal of bunds, restoration and aftercare shall be carried out within the Site other than within the periods stated below:
- 0700 to 1900 Mondays to Fridays; and,
  - 0700 to 1300 on Saturdays.
- d) **No HGVs shall enter or leave the Site other than within the periods stated below:**
- **06:00 to 20:00 Monday to Friday; and,**
  - **06:00 to 14:00 on Saturdays.**

No such operations shall take place on Sundays, Bank and Public Holidays.

**Condition 19 (Output)** updated to refer to the new output limit (change in **bold**):

No more than **1,000,000** tonnes of sand and gravel shall be exported from the Site per annum.

**Condition 20 (Limit on HGV movements)** updated to refer to the new HGV limits (changes in **bold**):

The number of HGV movements to and from the Site shall not exceed:

- a) **450 movements per full working day (225 in and 225 out).**
- b) **226 movements on a Saturday (113 in and 113 out); and**
- c) **26 movements per hour during the hours of 0600 – 0700 (Monday to Saturday) and 1900- 2000 (Monday to Friday).**

**Condition 39 (Storage of oils, fuels or chemicals)** deleted as the requirements for storage of oils, fuels or chemicals in accordance with latest guidance from the Environment Agency are now included as an informative to the permission

**Conditions 42, 44, 45, 46 and 48 (Nature Conservation)** – updated

to refer to a new timescale so that details are submitted within 6 months of date of the new permission.

**Condition 51 (Restoration and Aftercare)** – updated to refer to a new timescale so that review of restoration masterplan is submitted within 6 months of date of the new permission with subsequent reviews every two years starting from the date of the new permission until such time as the Mineral Planning Authority confirm in writing that no further review is necessary.

**Condition 52 (Restoration and Aftercare)** – updated to refer to a new timescale so that a detailed restoration and aftercare scheme is submitted within 12 months of date of new permission.

**Condition 52 (Record Keeping)** – updated to include a new requirement that records should be kept of the quantity of mineral exported from the site.

**Informative (Site access)** – new - to advise that in relation to the bridleway along the site's access that pedestrians, horse riders and cyclists have a public right and vehicles need to give way to them not the other way around.

**Informative (Storage of oils, fuels or chemicals)** – new - to refer to latest advice from the Environment Agency.

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<i>Due to current Coronavirus restriction, the list of background papers for this report is only available on request by email sent to <a href="mailto:planning@staffordshire.gov.uk">planning@staffordshire.gov.uk</a> and can only be provided by email.</i>
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## **Appendix 1: Summary of the Findings of the Environmental Statement (ES) (and the environmental information subsequently received)**

### **Section 1 – Introduction:**

Explains the context for the application and Environmental Statement as well the structure for the statement which includes information as required in a Mineral Development Statement. Assessment methodologies in assessing the potential impact of proposals are described.

### **Section 2 – Existing Situation:**

The general location of the quarry is described as well as the layout and operation of the quarry; hours of operation; landscape and visual setting; noise environment; and arrangements for transport.

### Section 3 – The Application:

The proposed variation/ amendments to conditions 17, 19 and 20 are explained (noting that proposals to conditions 17 and 20 are subsequently revised during the consideration of the application).

### Section 4 – Planning Statement:

Explains the planning history of the quarry and then considers the proposals in the context of the Development Plan which comprises of the Minerals Local Plan for Staffordshire 2015 – 2030; and the Lichfield District Local Plan. The proposals are considered in the context of the National Planning Policy framework and national planning guidance. The economic benefits of the proposals are also considered.

### Section 5 - Environmental Considerations:

#### Landscape and Visual

It is explained that the proposals would have no discernible impact on landscape character as the activities are broadly similar to existing and of a temporary nature.

#### Highways and Traffic

Initially, as the proposal did not propose an increase in the daily limit on lorry movements, it was considered that a detailed transport assessment was not required.

Subsequently, a Transport Statement (November 2019) as prepared by the Hurlestone Partnership was submitted as further information and this assessment considers the impact of increasing the daily limit of lorry movements from 350 to 500 per day although the proposal was subsequently changed to 450 per day. The assessment confirms that there are no inherent characteristics of the road layout that compromise safety for or as a result of HGV use. It is also found that there would be no unacceptable impact on highway safety or a severe residual cumulative effect on the road network.

#### Noise

The noise assessment appended to the ES concluded that there would be no significant impact as noise levels from the quarry would be contained within the 55dB limit.

Further assessment has been carried out to address concerns about road traffic noise as it would affect properties along Watling Street.

A report produced in March 2020 by SLR Consulting Limited as further information to the Environmental Statement concluded that:

- Noise levels from increasing the average number of daily HGV movements to match the currently permitted maximum daily HGV movements would not have a significant impact on noise levels; and
- Extending movements over a longer period would also not have a significant impact on noise levels, including early morning.

Another report produced in June 2021 by SLR Consulting Limited reviewed the impact of increased lorry movements over the proposed extended hours and concurred with the conclusions of the report produced in March 2020.

Other Matters including Interaction and Cumulative Effects

The application site is located in Flood Zone 1 and it is considered that no detailed Flood Risk Assessment is necessary.

The scope for cumulative impact via an intensification of use is considered to be minimal given the site's context.

In considering alternatives to the proposal, it is considered by the applicants that the "do nothing" scenario would not support continued economic growth and lead to loss of business.

Section 6 – Non-technical summary:

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

### **Additional information**

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

- The maximum number of lorry movements was reduced so that the increase would be from 350 to 450 per day.
- The extension of hours proposed in the evening was shortened from an original proposal to operate until 2200 hours, to an earlier finish of 2000 hours.
- During the extended hours in the morning and evening on weekdays, the

applicant has agreed a limit of 26 lorry movements per hour.

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

## **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 1: Provision for Sand and Gravel
- 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.

[Lichfield Local Plan Strategy](#) (2008 - 2029) (adopted 15 February 2015)

- Core Policy 2: Presumption in Favour of Sustainable Development
- Core Policy 3: Delivering Sustainable Development
- Policy ST1: Sustainable Travel

[Lichfield Local Plan Allocations](#) (2008-2029) (adopted 16 July 2019)

No allocations are relevant to the application.

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

- [National Planning Policy Framework](#) (updated July 2021):
  - [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 10](#): Supporting high quality communications
  - [Section 13](#): Protecting Green Belt land
  - [Section 15](#): Conserving and enhancing the natural environment;
  - [Section 17](#): Facilitating the sustainable use of minerals
- [Planning Practice Guidance](#)



- [Environmental Impact Assessment](#)
- [Minerals](#)
- [Noise](#)
- [Planning obligations](#)
- [Transport evidence bases in plan making and decision taking](#)
- [Travel Plans, Transport Assessments and Statements](#)
- [Use of planning conditions](#)
- The emerging [Lichfield District Local Plan Review 2040](#) (currently at regulation 19 publication stage – August 2021).
  - Strategic policy 2 (SP2): Sustainable transport
  - Strategic policy 3 (SP3): Sustainable travel
  - Strategic policy 10 (SP10): Sustainable development

**[Return to Observation section of the report.](#)**

