

Planning Application – Mineral Development Statement

Freehay Quarry

S73 Planning application for the continuation of development at variance to Conditions 2, 25 and 30 of Environment Act 1995 Schedule of Conditions SM.EA/5 to allow the development of a new silt lagoon and consequential amendments to phasing and restoration at Freehay Quarry, Cheadle.

LANDESIGN
PLANNING & LANDSCAPE

Hanson
HEIDELBERGCEMENT Group

January 2020

V5

Document Control

Project: Freehay Quarry – S73 – Phasing and lagoon amendments.

Client: Hanson

Job Number: LD123

File Origin: I:\landesign\projects\active\active\ld123 hanson freehay s73 silt lagoon\final report\outputs\validation\freehay s73 planning statement v5 - min dev statement.docx

Document Checking:

Change Management

Ref	Status	Purpose of Issue	Originated	Checked	Date
freehay s73 planning statement v3 20191031.docx	Third draft	Draft planning statement	IDB	IB /CN	30/10/2019
active working folder\freehay s73 planning statement v4.docx	Final	Submission planning statement	IDB		14/11/2019
freehay s73 planning statement v5 - min dev statement.docx	Validation	Validation 'mineral development statement'	IDB		06/01/2020

Issue Management

Version No	Status	Recipient	Hard Copy / Electronic	Date sent
V1	Draft for client comment	CN	e	22-8-2019
V2	Draft for client comment	CN	e	
V3	Final Draft	CN	e	30/10/2019
V4	Submission	Staffs CC / CN	e	14/11/2019
V5	Validation	Staffs CC / CN	e	28/01/20

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F37f/64	Silting Scheme (Freehay) (existing permitted scheme)
F37/195	Quarry development phases
F37/179	Development plan Stage 1
F37/186	Cross sections through Stage 1
F37/180	Development plan Stage 2
F37/185	Cross sections through Stage 2
F37/181	Development plan Stage 3
F37/184	Cross sections through Stage 3
F37/182	Development plan Stage 4
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F37/193	Development plan Stage 5
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1 Introduction

1.1 This planning application is made by Landesign Planning and Landscape Ltd (the Agent) on behalf of Hanson UK (the Applicant) which is part of the Hanson Heidelberg Cement Group Ltd at its Freehay Quarry site on School Lane, Freehay, Nr Cheadle, Staffordshire, see Figure 60602803.FRE.01.

1.2 This submission comprises: -

- Mineral Development Statement and associated plans;
- Planning application form and certificates;
- Planning application fee;
- A Flood Risk Assessment prepared by Hafren Water; and
- A noise assessment prepared by WBM.

2 S73 Planning Application

2.1 This planning application seeks approval for an amendment to the requirements set out in Environment Act approval ref SM.EA/5 which controls the working of Freehay Quarry. The proposal seeks to make minor alterations to the sequence of winning and working sand and gravel and the associated silting arrangements in order to allow operations to continue as shown on the plans submitted as part of this application. The proposal also makes necessary amendments to the final restoration scheme to accommodate these changes. There are no proposals to change the approved limit of mineral extraction or day to day operations e.g. operating hours.

2.2 The application is submitted under S73 of the Town and Country Planning Act 1990 and is accompanied by a noise report and a flood risk impact assessment.

2.3 The application proposes changes to conditions 2, 25 and 30 so that they can be altered to accommodate the proposed development plans within the quarry planning permission set out in decision EA/SM5. These changes include revisions to the phasing to accommodate the creation of a new silt lagoon and associated changes to the site operation and restoration.

2.4 The proposed planning application has been the subject of pre-application consultation with the Staffordshire County Council (SCC) acting as the relevant Mineral Planning Authority (MPA). It has been screened in accordance with Regulation 6 of the Environmental Impact Assessment Regulations 2017 and determined (by the MPA) not to be EIA development.

3 The Site

General

3.1 The proposal relates to Freehay Quarry, School Lane, Freehay, near. Cheadle, Staffordshire, ST10 1TR. For the purpose of this planning application 'the Site' is defined as the red line boundary of Environment Act approval SM.EA/5 as shown on Figure 60602803.FRE.02.

3.2 Mineral extraction at Freehay and close by Mobberley Quarry dates back to the 1940's, although dormant for a number of years the workings within Freehay were reopened by ARC Ltd (now Hanson) in the year 2000.

3.3 In 2018 due to the lack of sufficient long-term silt disposal capacity the quarry was closed. These proposals seek (inter alia) to amend the sequence of extraction in the remaining working area to provide new silting capacity and thus allow the quarry to reopen. Further details are provided in Section 6.

3.4 Section 13 of this mineral development statement contains a number of photographs to show the Site and its surroundings.

Site Description and Site Layout

3.5 Freehay Quarry has been in existence for over 50 years and has resulted in a 30m (approx.) deep cutting aligned north east to south west. The exhausted working areas sit in the southern half of the Site. The north eastern part comprises unworked ground, much of which is currently occupied by soil storage bunds arising from the stripping of soils from the earlier working phases.

3.6 Within the quarry void, at its south western end, there is a sand and gravel processing plant, weighbridge, offices and workshops.

3.7 The quarry works the Sherwood Sandstones which are approximately 20-30m thick, with the remaining unworked reserves being located in the north eastern extent of the Site. Plan F37/195 shows the current site layout. The quarry works a relatively soft sandstone which can be excavated by machinery without blasting; crushed, washed and screened to produce a range of construction aggregates, typically graded gravels, concreting and building sands which are supplied to the ready mixed concrete sector as well as to wholesalers, merchants and Hanson's own Packed Products division.

3.8 Access to the quarry is from a modern, dedicated access from School Lane / Freehay Road that was constructed circa 2000.

3.9 On the northern boundary of the Site there is a former tennis court that sits inside the planning permission area that has not been used for a number of decades. Whilst it sits inside the permitted excavation boundary, the current workings exclude that area from their excavation plans due to well documented land ownership complications. The current proposals do not seek to make any changes to the working scheme in this area.

Site Geology and Reserves

3.10 The quarry extracts the Sherwood Sandstones to produce sand and gravel for use as a construction aggregate. The provenance of the mineral at the site has previously been established resulting in the permissions that already exist at the Site.

3.11 The development proposals brought forward now do not seek extraction of additional reserves beyond those already permitted in SM/EA5.

Site Surroundings

North West

3.12 To the north west of the site the town of Cheadle sits in the River Tean valley and links to the village of Freehay via Rakeway road which climbs past the north eastern limit of the site to the Freehay / Rakeway Top cross roads.

3.13 The land north west of the quarry falls 40m steeply to the north west and there are a number of properties on the lower slopes, these being

- Plantation House;
- Freehay Old Farm;
- Pear Tree House;
- Ashlea.

3.14 Access to these properties is made via a separate access from Freehay road.

South East

3.15 The south eastern boundary of the site is largely defined by the line of School Lane which forms the main route to Tarmac's Croxden Quarry to the north east of the Site. Along Freehay Road and School Lane there are the following properties:

- Brow Nook Farm;
- St Chads Church;
- Freehay Village Hall;
- Cherry House Farm;
- Freehay Farm;
- New House Farm.

3.16 There is also a public footpath (Cheadle 61) crossing the site access and running parallel to the quarry's southern boundary alongside School Lane and wraps round the north eastern limit of the site to meet with footpath Cheadle 12 at Rakeway Wood.

South West

3.17 The south western limit of the Site comprises the site access onto Freehay Road, with a number of residential properties along this section of road:

- The Foxes;
- Gorsty Hill Farm;
- Blacks Farm;
- The Haven.

3.18 There is also a public footpath (Cheadle 7) crossing the Site access and running parallel to the quarry's northern boundary.

3.19 South of Freehay Road, the former Mobberley Quarry has been utilised for water storage and silt disposal since mineral extraction operations ended there. The former workings in Mobberley Quarry were then converted to use as part of the processing of minerals from Freehay Quarry, the two sites being linked by pipeline to allow silty water to feed from the plant in Freehay Quarry to the lagoon and fresh water to be returned.

North East

3.20 The North eastern boundary of the Site is dominated by Freehay cross roads which provides the main access route to and from Croxden Quarry.

3.21 Close to the cross roads there are a number of residential properties including the former village shop and the Queens public house. In addition, a further 5 residential properties sit alongside Rakeway Road, including:

- Bank Top Farm;
- Woodside;
- Woodside Cottage;
- Bank Top;
- Chapel View;
- Former Chapel site and its small cemetery (disused).

3.22 A small burial ground adjacent to Rakeway is no longer in active use, the former chapel having been demolished some time ago. All that remains is a small number of graves.

3.23 The properties along Rakeway sit closest to the proposed development area and are separated from it by a paddock west of Bank Top and Chapel view.

3.24 The eastern boundary of the Site is defined by footpath Cheadle 61. That path is fenced on both sides and skirts around the Site, being a route created by Hanson a few years ago. Between the limit of excavation and footpath Cheadle 61, there is a soil screening bund that wraps around the remaining

excavation areas. The bund is 3m high and prevents any views into the site from the path or the residential properties.

Topography

3.25 The general topography of the surrounding area is such that the Site sits on a high point at around 240m AOD and as a result most views of the Site from the surrounding area are generally ones that look up at woodland and vegetated screening mounds around the Site perimeter.

3.26 As a result of the topography and vegetation there are no significant views into the Site from the surrounding area.

Vegetation

3.27 Vegetation round the Site comprises mainly mature, dense deciduous woodland and hedgerows with some limited coniferous species.

3.28 The quarry itself comprises open land used for winning and working mineral, or sheep pasture on the land yet to be excavated and grassed temporary soil storage mounds.

Watercourses

3.29 There are no water courses close to the Site. The nearest water course is the River Tean approximately 1.5km to the north-west. The flood risk assessment submitted alongside this application sets out more detail regarding water courses.

Landscape Designations

3.30 There are no formal landscape designations for the area of the Site or in the wider local area.

Designated Nature Sites.

3.31 There are no Sites of Special Scientific, European Protected Sites or Ramsar Sites or Local Nature Reserves around the Site, the closest being at Threapwood some 2.5 km to the north east, beyond Croxden Quarry.

3.32 The SMDC interactive plan indicates that Rakeway Wood, Freehay Wood and a small number of fields to the north of the Site are all identified as being SMDC Conservation sites. None of these affect the proposed lagoon area.

Green Belt

3.33 The Site sits outside the Stock Green Belt which only affects land to the west of Cheadle.

Protected Trees.

3.34 To the north of the Site is Rakeway Head and Rakeway wood which is ancient and semi-natural woodland that is protected by Tree Preservation Order ref SM037W001. This wood sits entirely outside the quarry area and no trees will be affected by the proposals.

3.35 At St Chads church there are a number of trees within the churchyard which are subject to Tree Preservation Order SM261T23.

3.36 A separate block of ancient and semi-natural woodland occurs around the Site entrance at Freehay Road. There is no tree preservation order issued for that block of woodland.

Heritage Assets

3.37 From a site walkover survey there are no local heritage assets that are immediately visible to/from the proposed development. The nearest are as follows; -

Listed Grade ii*

- Mill House (900m north of the Site).

Listed Grade II

- Church school and School House of St Chad (140m south east of the Site); and
- Church of St Chad (140m south east of the Site);
- The Eaves (760m NE of the Site);
- Mobberley House (880 m west of the Site).

3.38 There are no scheduled monuments, registered parks / gardens or other notable heritage assets within 2km (a scheduled monument described as a Bowl Barrow at Hall Green House in Lower Tean) of the Site.

3.39 As none of the identified assets have any historic connection with the Site nor is there any direct inter visibility between them and the Site, we conclude that there will be no unacceptable impact on the heritage assets identified.

Silting and Water Storage

3.40 In common with almost all sand and gravel quarries the mineral reserve at Freehay contains fine material that needs to be removed from the as dug sandstone in order to produce aggregate materials that meet the appropriate British and EU standards for construction materials. This is done in the processing plant, where water is mixed with the excavated mineral in a dedicated wash plant; the fine material washes out and is piped to a lagoon where it settles out as silt. The clean water in the lagoon is then decanted off and returned to the

processing plant to repeat the process ensuring efficient use of water resources.

3.41 Water storage and silting for Freehay has until now been undertaken in a purpose-built lagoon in Mobberley Quarry. It is part of the approved development for Freehay that when the Mobberley lagoon is full, new silt lagoons will be created in the worked-out void within Freehay.

3.42 The ability to remove silt from the as dug sand and gravel is important as it is the best way to make aggregates that meet the various technical specifications required by the construction industry. The need for lagoons is therefore essential if the Site is to operate efficiently.

Source Protection Zone (SPZ)

3.43 The Site area lies within a Zone 3 water source protection zone, the area being an aquifer exploited at Teanford (1.6km south west) and Great Dale pumping station (.5km to the east.)

SPZ are located around existing points of water abstraction and are split into three zones. These zones are defined around a particular water abstraction based on travel times of the groundwater to the abstraction point (Zone 1 = 50 days; Zone 11 = 400 days) and the total catchment area of the abstraction (Zone 111).

4 Landholding / Ownership

4.1 The Site is held by the Applicant on a freehold basis. However, a small area on the northern side of the Site comprises a former tennis court with uncertain ownership.

4.2 The tennis court has not been used for tennis in the last 20 years and lies overgrown and unused.

4.3 Due to this uncertainty in the ownership the applicant has chosen to advertise the planning application in the local newspaper to ensure that any interested party has the opportunity to make representations.

5 Planning History

5.1 The Site is primarily regulated by three planning permissions two of which were addressed through an Environment Act 1995 scheme of conditions. There is also a separate planning permission for the mineral processing plant. Appendix 1 contains a schedule of the various planning permissions, schemes and amendments that control the Site namely: -

- SM89/232 – Processing plant (subject to various schemes). An associated 'Section 106 Agreement' relates to the construction of the access now serving the quarry;

- SM EA /5 – Environment Act Approval of new conditions for Freehay Quarry and a small section of Mobberley Quarry, dated 29 March 2000. Restoration details were approved via condition 30 on 24 November 2016, ref. SM.EA/5/107 MD6, as illustrated on plan F37fc/162a.

- IDO/SM 5 – Environment Act 1995 approval of new conditions in relation to Mobberley Quarry dated 29 March 2000.

6 Proposed Development

6.1 Hanson propose to continue development of the Site at variance to the phasing sequence approved under condition 2 and restoration scheme approved under condition 30 of planning permission reference SM.EA.5 (see Appendix 1) to:

- Reduce the number of extraction phases to three made up of six sub Stages (plus final restoration), amend the sequence of extraction and silting lagoon construction approved in Condition 2 to reflect that shown on plans F37/195, 179, 180, 181, 182, 193 & 194 and sections F37/183b, 184, 185 & 186;
- Alter the approved silt disposal plan from the three-lagoon scheme shown on F37/64 to the single lagoon scheme shown on plans F37/182, 193 and 194., while retaining clean water storage in Mobberley as long as possible;
- Amend condition 25 re soil handling and storage;
- Amend the approved restoration plan approved via Condition 30 (approval ref. SM.EA/5/107 MD6) from plan F37fc/162a to F37/162b; and,
- Create a temporary mineral stockpile in the worked-out quarry floor.

6.2 Silt disposal from the current extraction operations in Freehay Quarry takes place in the former Mobberley Quarry and the silt lagoon there is nearing capacity. It has also been determined by Hanson, that the approved scheme for silt disposal in Freehay Quarry (see plan F37/64) will compromise extraction operations due to the confined nature of the quarry and further will not provide adequate capacity for the silt generated by processing the remaining reserves at the Site.

6.3 To provide the necessary long-term silting capacity a new silt lagoon has been designed which will accommodate all of the quarry's future silt requirements. This lagoon will be formed at the eastern end of the quarry by leaving a bund of in-situ sand and gravel along the boundary between phases II and III (see plans F37/195 and 180, 181, 182 & 193). Mineral in phase II (see F37/195) will then be excavated during Stages 2-4 to create a suitable void for future silting. The process is illustrated on drawings F37/195, 179, 180, 181, 182, 193 & 194 and sections F37/183b, 184, 185 & 186.

6.4 To create the lagoon, mineral will be excavated in bulk following normal working practice (ripper and hydraulic excavator) from phase II (see plan F37/179). This will be a single campaign operation with transportation by articulated dump truck into a temporary stockpile within the existing quarry void, centred on phases I and III (the proposed storage area is coloured green on plans F37/181 and 182). The mineral storage area sits on the southern edge of the existing quarry face, between the proposed lagoon and the processing plant. The mineral store will then be used to supply the processing plant as required and when fully worked through, extraction will resume in the remaining phase areas until the mineral reserves are exhausted.

6.5 Ahead of mineral extraction the soils currently in store in the phase II area (see plan F37/179 and 195) will be relocated to the quarry floor and placed into temporary store for subsequent use in restoration. The outer edge of the soil stores will be retained as a noise screen until the completion of the main extraction phase (see Section 9 below).

6.6 To access the Phase II working area from the plant site, a new access ramp (see yellow dashed line on plan F37/ 180) will be constructed over a bund of unworked sand and gravel left for the proposed lagoon bund comprising insitu materials to ensure its integrity.

6.7 Processed 'dirty' water will be pumped to the new lagoon from the plant site and the decanted water returned by gravity or pump. Clean water will continue to be supplied from Mobberley supplemented by an abstraction from the River Tean regulated by an Environment Agency Permit.

6.8 Once exhausted, the quarry will be restored to a mix of heathland and woodland with steep faces being slackened with some faces left for biodiversity gain. The final lagoon restoration level will be slightly below the original ground level.

6.9 It is considered that the only potential change to the environmental impact arising from the proposed scheme (compared to the impacts arising from the approved scheme) will be; -

- The transporting of mineral via the proposed haul road (see phasing plans and sections) up and over the unworked bund of sandstone during the mineral extraction;
- Soil stripping Stages 1 to 4 of the operation; and
- The placement of mineral into the stockpile area between the heights of 221 and 224m AOD.

6.10 A noise survey report has been prepared on behalf of the applicant by WBM Acoustic Consultants (WBM) which has informed certain elements of the works to ensure compliance with appropriate noise limits set out in the existing planning permission. Following Stage 4, access will be maintained to the lagoon area for day to day site management but from Stage 5 onwards this route will not be a major production haulage route. Its use will be limited to

managing and restoring the silt lagoon area. The layout of that route is not shown on the plans and will be determined during the working of those stages 5.

6.11 To mitigate noise arising during proposed Stages 1 (see plan F37/179) and 4 (see plan F37/182), temporary noise screening bunds will be erected using unprocessed mineral on the limit of the quarry as shown on the plans. These will be retained until the respective working and stockpile areas have been reduced down to a level of 221m AOD after which the bunds will be recovered and removed. Both bunds will be hidden from view by the existing mature tree screen alongside School Lane.

Restoration and Aftercare

6.12 Restoration will accord to the principles approved in 2016, delivering a wide range of wet and dry heathland, woodland, small ponding, sandstone faces and scree. The proposed change in the extent of the silt lagoon will slightly reduce the area of heathland and increase the area of woodland including wet woodland, in line with the final scheme shown on drawing number F37/162b. Once restoration is complete, in line with the existing conditions, the restoration will be the subject of a programme of aftercare to ensure establishment, control weeds and promote natural development over the longer term.

Productive Capacity and Output

6.13 The proposal does not result in any changes to the permitted rates of working or established outputs.

Vehicle Movements and Sales

6.14 There are no proposals to change the established operational vehicle movements using the quarry access.

6.15 Sales will continue to be mainly within 25 miles of the Site.

Access

6.16 The proposed development will continue to use the existing Site access.

Office Accommodation and Staff Welfare

6.17 Staff facilities comprise converted steel shipping container portable units which will be retained as already exists and removed at the completion of all operations in accordance with the approved scheme

Car Parking

6.18 Car parking spaces will continue to be maintained in the existing quarry car park adjacent to the office and welfare facilities, to the west of the Site weighbridge.

Hours of Operation.

6.19 The Site will continue to operate within the approved working hours of:

- 7am and 5pm Monday to Friday;
- 7 am to 12 noon on Saturdays, with maintenance up to 5.30pm.

Employees

6.20 When operational the Site will employ 5 people directly and a number of additional private hauliers. In addition, there are further related supporting roles not based at the quarry but which provide management and administrative support to the proposed operation. The proposed development will not create new employment but reactivate jobs in the currently dormant Site.

7 Proposed Conditions

7.1 This application proposes the following conditions to replace permitted conditions 2, 25 and 30. New text is shown in bold italics.

Condition 2

7.2 All operations shall take place in accordance with the details set out in the submission documents listed below unless otherwise modified by any of the conditions set out below: -

- Freehay and Mobberley Quarries – Schedule of Conditions May 1999, Rec'd 26 May 1999 (F3 and F11 Superseded by F37fc/78 and 79 **and the *plans and documents submitted with the planning application dated [insert ref to this application] December 2019***);
- Freehay and Mobberley Quarries – Schedule of Conditions May 1999, Rec'd 26 May 1999;
- Freehay Quarry – Traffic Impact Assessment July 1999, Rec'd 23 July 1999;
- Letter 12 August 1999 and accompanying documents and plans;
- Letter 12 November 1999 and accompanying documents and plans;
- Letter 22 November 1999 and accompanying documents and plans;

- **Plans and documents submitted with the planning application dated [*insert ref to this application*] December 2019**.

Condition 25

7.3 ***Prior to stripping or storing soils in Phase I on plan F37/195, a scheme shall be submitted for the written approval of the Mineral Planning Authority setting out the method of soil stripping, storage and re-spreading in Phases I-III. The scheme shall be carried out in accordance with the approved plans and implemented accordingly.***

Condition 30

7.4 ***The mineral site shall be progressively restored in accordance with plan F37/162b.***

8 EIA Screening

8.1 The proposed development has been screened by Staffordshire County Council (SCC) and screened as being not EIA development.

8.2 A copy of the SCC screening opinion is set out in Appendix 2. Notwithstanding this position Hanson has undertaken assessments of various environmental issues which are reported below.

9 Environmental Considerations

Noise Control Measures

9.1 The most likely effect that could impact on the environment arising from this proposed rephasing that has not been already considered within the planning history of the Site, relates to noise due to transporting the dug mineral over the proposed lagoon wall via the proposed access ramps and the placement and working of mineral in the highest levels of the mineral stockpile between 221-224m AOD.

9.2 Consequently, a noise assessment report has been prepared by WBM which has informed certain elements of the design to ensure compliance with noise limits contained in the permission. The assessment recommends that a screening mound should be created along the southern boundary of the green stock pile (See F37/181) which should be retained until the stock pile has been reduced to a height of less than 221mAOD.

9.3 That stockpile will be made from as dug material and will be screened by the existing mature woodland and hedges alongside School Lane together with a temporary screening bund positioned on the south eastern edge of the stock pile (see F37/182), i.e. within the quarry boundary, north of, and immediately adjacent to, the perimeter site fence and tree screen.

9.4 The calculated overall "reasonable worst case" site noise levels for routine and temporary operations in the area of the new lagoon, with the introduction of the noise control measures, are at or below the proposed daytime site noise limits of 55 dB LAeq, 1 hour, free field for normal operations and 65 dB LAeq, 1 hour for temporary operations at all dwellings.

9.5 The report therefore demonstrates that the worst-case noise generated by the proposed development will not reach unacceptable levels based on the submitted designs providing the screening bunds are employed for the appropriate periods.

Landscape and Visual Impact

Existing Baseline

9.6 The Site sits on a plateau on top of a ridge east of Cheadle that forms a raised plateau to the east of that ridge, such that the excavation limits do not break the sky line when viewed from Cheadle and the Tean Valley.

9.7 Surrounding the quarry is extensive mature woodland, some of which was planted by the operator in the 1960/70s, to screen views particularly from School Lane and Rakeway Road, notably the Rakeway Top cross roads.

9.8 The remaining unworked reserves sit at the north eastern end of the quarry close to Rakeway Top and along the northern edge. The former is surrounded on the northern and eastern boundary by a 3m high grassed screening bund which prevents any views into the Site from surrounding land.

9.9 Within the remaining working area there are further stored soils which will be removed into the quarry floor, along with the soils and overburden from the same area.

9.10 As set out above, the remaining working areas are already well screened either by existing vegetation or, in the case of footpath Cheadle 61 around the eastern side of the Site, by the soil screening bunds.

9.11 Alongside School Lane, there is a mature dense woodland block that was planted in the late 1970s / early 1980s to screen the workings and beyond that there is a 2m high chain link fence that prevents access into the workings. Footpath Cheadle 61 runs between the woodland and School Lane but is separated from the highway by a tall (approx. 1.8m high) hedge. This hedge serves to block out views of the path and the working from School Lane its self.

9.12 East of footpath Cheadle 61, there is a tall and thick hedge separating the path from the paddock adjacent to Bank Top and Chapel View which impedes views of the quarry from those properties along Rakeway.

9.13 To the north of the Site the land falls away steeply and affords no views into the working area due to the steep topography and the established vegetation.

9.14 The proposed changes to the working and silting scheme all sit within the existing permitted extraction area and are only visible from within the quarry.

Proposed Development Changes to the Landscape

9.15 The proposed development does not result in any increase in the development area. The mineral extraction area will remain the same as permitted. The key change is that instead of having a series of three lagoons in the quarry (see plan F37f/64) a single lagoon will be developed that sits broadly in the same place of permitted lagoon No 2.

Proposed Changes

9.16 The visual and landscape changes resulting from the proposal primarily relate to a change in the layout of the permitted silt lagoons at the eastern end of the Site and the consequential changes required to the mineral extraction, overburden storage operations and the final restoration. Most of these changes will not be visible from outside the Site other than during the latter stages of restoration.

9.17 The existing permission (see plan F37/64) permits three lagoons at the eastern end of the quarry whereas the current scheme proposes only one lagoon, that will sit in the same location as permitted silt lagoon no 2. The proposed lagoon will have a smaller footprint than permitted lagoon no 2 but the final lagoon surface will be higher in order to accommodate the required volume of silt. Permitted silt lagoon number 1 and the fresh-water lagoon (see plan F37/64) will no longer be required.

9.18 The new lagoon (see F37/182) will be constructed by creating a retaining bund from in-situ and gravel that will have a final level of approximately of 220m aOD, approximately 8-10m below the surrounding ground level.

9.19 Soils and overburden currently stored on top of the proposed lagoon will be separately stripped and relocated into new temporary stores in the existing quarry void (see plans F37/179, 180 and 181), again, well below surrounding ground level.

9.20 The excavation of sand and gravel to create the lagoon will be undertaken on a campaign basis with the sand and gravel excavated to create the lagoon void. Excavated materials will be moved by all terrain dump trucks into a new stock pile (see green areas shown on plans F37/181 and 182.) The processing plant will then be fed directly from this stock pile.

9.21 The existing grassed outer slopes of the existing screening mound adjacent to path Cheadle 61 around the eastern limit of the Site, will be retained for the duration of the operations such that views into the Site will only be possible once these bunds are removed

9.22 Plan F37/195 provides an overview of the remaining extraction phasing at Freehay and breaks the remaining reserve down into three phases (Phases I –

III). The development of those three phases is then broken down into Stages 1-6 shown on plans F37/179, 180, 181, 182, 193 and 194. Restoration is shown on plan F37/162b.

9.23 The final restoration of the Site will be altered to result in a higher lagoon at approximately 220mAOD (although still approximately 7-8m below surrounding ground level) and will be returned to wet woodland appropriate to the Sites silt lagoon use.

9.24 The remaining faces will eventually be restored using soils and overburden and seeded and planted to avoid leaving extensive cliffs, although some cliff faces will be left as ecological habitat.

Visual Receptors

9.25 Section 3 above sets out the nearest properties and visual receptor locations.

9.26 No properties have direct views of the quarry due to the existing hedgerows and topography although a small number of properties at Rakeway Top have indirect and interrupted views of the existing screening mound around the eastern side of the Site.

9.27 Path Cheadle 61 sits adjacent to the screening bund and similarly has views of the bund but not of the quarry.

9.28 Once the Site is restored and the screening bund is removed the properties at Bank Top will have an indirect and interrupted view of the restored quarry. Meanwhile the view from path Cheadle 61, at the eastern end of the Site, will also afford views into the restored quarry once the bund has been removed.

9.29 No other views into the Site are possible from the south, west or north for any Stage of the mineral extraction operations.

Visual Impact

9.30 Despite the number of nearby properties, the existing screening and vegetation ensures that there are no new visual receptors for the proposed development.

9.31 In the longer term, the final restoration will become visible from the footpath Cheadle 61 once the screening bunds are removed. Intermittent views of the restoration may also be glimpsed from some properties near Bank Top.

9.32 Given that in its pre quarrying days this Site was part of Freehay Wood, the restoration will be returning the land back to something more in keeping with that original land use. The change from managed pasture to woodland is considered to be beneficial in ecological terms and will also result in a more interesting landscape that remains in keeping with the local landscape which comprises small blocks of woodland.

Landscape summary

9.33 During the working and silting Stages, the development will be unseen and the restored landscape will have a beneficial effect on both views and the character. The proposed mineral workings and new silt lagoon and restoration proposals will not have an unacceptable visual effect or result in inappropriate changes to the local landscape character as the proposal will be almost completely hidden from view.

Flood Risk

9.34 In accordance with the requirements of the National Planning Policy Framework this application is accompanied by a formal Flood Risk Impact Assessment (FRA). This concludes that the Site is located entirely within Flood Zone 1 as identified on the Environment Agency's on line Indicative Flood Map and the risk of fluvial flooding is not considered to be significant. The risk from flooding from surface water ('low'), groundwater ('very low') and sewage/water mains (negligible) has been considered. Therefore, no mitigation above that already included within the approved scheme is proposed.

9.35 The design of the proposed lagoon will contain a minimum freeboard allowance equivalent to a 100-year climate changed event over the lagoon and its embankments. An indicative estimate of the minimum freeboard is 0.1m and it is intended that the embankment profile will include a controlled overflow to the working area should water levels in the lagoon exceed the freeboard allowance. However, that is only expected to occur in exceptional circumstances as the lagoon has been assessed based on a worst-case flood event.

9.36 This FRA considers the proposed lagoon will not increase flood risk to either the existing Site or the surrounding area. As such, the development satisfies the flood risk requirements of the NPPF, associated technical guidance and local policy contained within the Staffordshire County Council's Minerals Local Plan (Policy 4: Minimising the impact of mineral development and Policy 6: Restoration of Mineral Sites).

Climate Change

9.37 The proposed changes are minor and seek in the main, a reconfiguration to an existing permitted development. The changes will not therefore result in significantly different climate change impacts compared to the permitted scheme. Notably the volume of mineral to be processed will remain substantially the same, as will internal haulage distances. Similarly, the level of vehicle movements will remain substantially the same as is already permitted.

9.38 As a result, it is not considered that the proposed changes will result in any increased effects that might impact on climate change more than is already permitted.

10 Need for the development

10.1 Freehay Quarry is a committed part of the county's sand and gravel landbank and therefore forms part of the steady and adequate supply required in NPPF. The current silt facilities at Mobberley are now full and a new lagoon is required. The location and suitability of the lagoons approved by the existing scheme have been reconsidered by Hanson (having been designed nearly 30 years ago). It is their conclusion that the existing configuration is inflexible and will result in the sterilisation of substantial reserves if developed at this time because a lagoon would have to be constructed over insitu /unworked mineral and due to the limited space available such a lagoon would not is unlikely to have sufficient capacity for the silt generated from processing the remaining reserve.

10.2 A new lagoon design is therefore needed to provide sufficient silting space for the remaining life of the operations. The single lagoon at the far eastern end of the quarry means that all subsequent extraction and restoration activities can progress unhindered.

10.3 Without the proposed changes, it will be difficult to reopen the quarry in the near future without sterilising greater amounts of the mineral reserve.

11 Policy Issues

Policy Introduction

11.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 require that a determination of any planning application must be in accordance with the development plan unless material considerations indicate otherwise.

11.2 Planning policy relevant to the proposed development arises at several different levels. National level policy is provided via the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG).

11.3 For mineral and waste development the SCC policy documents are most relevant, most notably the Minerals Local Plan.

11.4 At a district level, policy is less directly relevant to mineral operations and generally defers to the County Council development plans. However, some policies do still have a bearing on such developments.

National Planning Policy Framework (NPPF)

11.5 The National Planning Policy Framework sets out the Government's planning policies for England and how these are expected to be applied. It provides a

framework within which locally-prepared plans for housing and other development can be produced.

11.6 The National Planning Policy Framework must be taken into account in preparing all development plans and is also a material consideration in planning decisions. Planning policies and decisions must also reflect relevant international obligations and statutory requirements.

11.7 The Framework should be read as a whole (including its footnotes and annexes).

11.8 Paragraph 8 of NPPF sets out the three dimensions to sustainable development as being;

- An economic objective;
- A social objective;
- An environmental objective.

11.9 So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development.[1] Paragraph 11 sets out how development plans should be made[2] and how decisions should be made[3]. Where development proposals accord with an up to date development plan, it should be approved without delay.

11.10 Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission should be granted unless:

> i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
>
> ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

11.11 The proposed development fits the economic, social and environmental objectives by both underpinning built development, as well as providing jobs in its own right, all in a sustainable way. The materials produced by the proposed use will contribute to new housing and other facilities necessary for vibrant healthy communities to exist at all. Whilst the use is industrial in nature the new development has been designed to restrict its impacts up on the environment to acceptable levels whilst not compromising the ability to supply the construction sector with much needed materials. In this way the proposals meet these three dimensions.

11.12 When considering emerging policy, NPPF advises that decision makers can also give weight to relevant policies depending upon: -

[1] Para 1-11 NPPF
[2] Para 11a and 11b
[3] Para 11c and d.

- The Stage of preparation of the emerging plan;
- The extent to any unresolved objections to relevant policies;
- The degree of consistency of the emerging policies with NPPF.

Sustainable development

11.13 As set out above, the purpose of the planning system remains one of contributing to sustainable development and to that end any development that complies with the policies that form the NPPF is considered to be 'sustainable development.'

11.14 The NPPF notes that where proposed development accords with the development plan, paragraph 11c requires that approval should be granted without delay.

Conserving and enhancing the natural environment

11.15 Section 15 of the NPPF sets out the policy towards the natural environment seeking to protect vulnerable elements of it from unnecessary harm and provide enhancement where possible.

11.16 The proposed development does not affect any designated sites or landscapes, with the quarry having already been implemented to incorporate significant amounts of landscaping and screening to ensure that the development remains well screened and provides increased biodiversity compared to its pre quarried form.

11.17 The Site is already a quarry and the principle of mineral extraction is therefore well established. The unworked land affected by the proposed lagoon is currently grazed with sheep and contains no trees or hedges that would need to be removed as part of this proposal. Indeed, the whole area is already covered in temporary soils storage bunds.

11.18 The final restoration proposals are to be amended from the permitted scheme in order to reflect the revised site topography. The final restoration will provide increased biodiversity to the local setting when compared against the open quarry and former agricultural baseline.

Requiring Good Design

11.19 Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. [4]

11.20 The proposed development has been designed to ensure that it will not be visible from outside the existing Site boundaries. This design will ensure that people are not unacceptably affected either visually or aurally. Furthermore,

[4] NPPF Section 12

from the operator's point of view the design will make a much more efficient use of the existing Site by providing more operating space around the processing plant compared to the approved scheme.

Green Belt

11.21 Green Belt (Section 13 of the NPPF) seeks to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. [5]

11.22 The Site sits outside any Green belt, the nearest being the Stoke greenbelt to the west of the Site.

Noise and Air Quality

11.23 Paragraphs 180, 181 and 205c of NPPF promote the avoidance of development giving rise to significant adverse noise impacts. Further advice is then provided in the PPG.

11.24 A noise assessment is submitted alongside this application that demonstrates that the proposed development will not result in an unacceptable increase in noise levels compared to the background noise levels in the surrounding area. The extensive screening bunds ensure noise is already well controlled within the Site.

11.25 Air quality for the quarry is already controlled by the existing planning conditions to ensure that air quality linked to the proposed development will be properly managed. However, as the development is the management of wet silt, it is not considered likely that dust will arise from the proposed lagoon.

11.26 Noise and dust are not issues that should prevent the proposed development from being granted planning permission.

Conserving and enhancing the Historic Environment

11.27 NPPF Section 16 seeks to protect and enhance the historic environment and indicates how planning applications should be dealt with in this regard. Paragraph 189 advises that: -

11.28 In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. [6]

11.29 NPPF provides a hierarchy of heritage assets commencing with the most important e.g. Grade 1 and 11* listings, scheduled monuments, World Heritage Sites where substantial harm or loss should only occur in wholly exceptional

[5] NPPF paragraph 133
[6] NPPF paragraph 189

circumstances and where planning permission would usually be refused. Where less than substantial harm or loss arises to a designated heritage asset the harm should be weighed against the public benefit of the proposal. Finally, where the heritage asset is non designated, the significance of any impacts should be taken into account and a balanced judgement made having regard to the scale of any harm or loss against the significance of the asset. Non designated heritage assets that are of demonstrable equivalent significance as designated assets should be considered subject to the policies for designated heritage assets

11.30 No designated or undesignated heritage assets occur on Site nor does it fall within the setting of the nearest listed buildings, the closest of which are centred on St Chads Church to the east of School Lane, comprising both the church and the associated school building. Neither has a visual connection with the quarry nor does their grounds hold any especial connection with the quarry land that might be considered relevant to the setting of these assets.

Facilitating the Use of Minerals

11.31 Chapter 17 of the NPPF makes clear the important role that minerals development can play and advises that minerals are essential to support sustainable economic growth and our quality of life. It is therefore important that there is a sufficient supply of material to provide the infrastructure, buildings, energy and goods that the country needs.

11.32 Paragraph 203 of NPPF therefore sets out a strong message that without the provision of minerals the development of the country's infrastructure and buildings et al would be hindered. Planning authorities are encouraged to identify demand for national and local resources.

11.33 Paragraph 205 of NPPF is one of only a few policies that has 'great weight' which NPPF say should be given to the benefit of mineral extraction, including to the economy. The proposed development therefore benefits from having this great weight attached in its favour during the decision-making process.

Decision Making

11.34 NPPF encourages pre-application engagement[7] with both the planning authority and the local community. To this end pre-application discussions have taken place with the mineral planning authority.

11.35 In determining planning applications paragraphs 11 and 47 of NPPF make it clear that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise.

[7] NPPF paragraph 40

11.36 As the Minerals Local Plan for Staffordshire covers the period from 2015 – 2030 so it can be considered to be up to date for the purposes of paragraph 11 of the NPPF.

11.37 Paragraph 47 advises that in assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development.

11.38 Therefore, as the development accords with the development plan and as there is no clear policy reason under NPPF or other adopted policy to refuse the proposed development, under the current circumstances, there should be a presumption in favour of granting planning permission.

Development Plans

The development plan comprises three relevant documents these being: -

- Minerals Local Plan for Staffordshire 2015 -2030;
- Staffordshire Moorlands Core Strategy (2 Jan 2014); and
- Staffordshire Moorlands emerging Local Plan (submission version).

Minerals Local Plan for Staffordshire 2015 -2030

11.39 The Minerals Local Plan (MLP) for Staffordshire (2015 - 2030) was adopted by Staffordshire County Council on the 16 February 2017. The pre-application consultation provided by SCC in particular highlights policies 1, 4 and 6 as being relevant.

11.40 Policy 1 primarily refers to extensions to sand and gravel sites and allocates 11 sites to help maintain a minimum 7-year land bank based on a production capacity of 5.0 million tonnes per annum. Paragraph 1.6 of Policy 1 also allows for additional sites where a need argument can be supported. Freehay Quarry was included in the MLP as an active operation with substantial remaining reserves.

11.41 The proposals are not for an extension to the quarry and will not result in the release of additional mineral reserves. The proposals are wholly aimed at reconfiguring operations inside the existing quarry to facilitate the working of the already permitted reserves as the permitted lagoons are expected to be too small to accommodate the silt that is expected to be generated from the permitted reserve. The proposal therefore helps the county maintain its productive capacity and reduces the need for further reserves to be released elsewhere in the county if Freehay is unable to work all of its permitted reserves due to a shortage of silting space.

11.42 Policy 4 addresses the minimising the impact of mineral development. As set out above, the principle of having and operating a silt lagoon at the Site is

already well established. The environmental considerations are therefore limited to what new environmental issues might arise from the new design.

11.43 A review of the proposals has indicated that the likely significant effects are extremely limited in these circumstances. The most obvious change is that the changed working scheme will see quarry vehicles using an access route to climb over the proposed silt lagoon bund into the north eastern extraction area and creating the temporary stock pile shown on the plans. A noise report to assess those effects is submitted with the application and concludes that the proposals will not result in an unacceptable noise climate being created as a result of the proposals.

11.44 The size of the lagoon means that a flood risk assessment is required and to that end a report is submitted with this application which confirms that there is no unacceptable effect.

11.45 Other issues such as air quality, visual amenity, vibration form blasting, traffic, public rights of way, greenbelt, the countryside, landscape, natural environment, historic environment, land stability, contamination and cumulative effects will remain unchanged from the approved scheme.

11.46 Only a small number of policies are retained from this document and of these only policies M6 (consideration of applications), M7 d) (ancillary and secondary mineral development) and M9 – (restoration of mineral workings) are relevant to this application.

11.47 No unacceptable effects are envisaged on any of these matters.

11.48 Policy 6 relates to the restoration of mineral sites and sets out the restoration requirements. The Site already has an approved restoration scheme which the proposed scheme seeks only minor modification. These changes are considered to comply with the requirements of policy 6 and will result in a small reduction in heathland in favour of mixed woodland including wet woodland.

11.49 Compared to the original grazing use that occupied the Site, the proposed scheme will bring a significant increase in biodiversity to this Site. Overall the proposals are considered to meet the requirements set out in paragraph 6.5 of policy 6 i.e. that the restoration scheme is comprehensive, detailed, practicable and achievable within the proposed timescales.

Staffordshire Moorlands Policies

11.50 Staffordshire Moorland District Council (SMDC) is currently preparing a new Local Plan which will be used to decide the outcome of planning applications in the future. The new draft Local Plan was submitted to the Secretary of State for examination on 29th June 2018 and is expected to be subject to examination in September / October 2019. It therefore has some weight in the decision-making process and is thus considered below.

11.51 Adopted policy is therefore found in the Core Strategy which is a key strategic document within the Local Plan and influences how and where the area will develop in the future.

11.52 The Core Strategy also provides the framework for new Local Plan which contains many similar policies to the Core Strategy.

Core Strategy (March 2014)

11.53 The pre-application consultation identified 9 relevant policies from this document as follows: -

11.54 SS1 sets out development principles requiring it to contribute positively to the social, economic and environmental improvement of the Staffordshire Moorlands and that all proposals will be considered in the context of the spatial strategy for the district and the impacts over the longer term. Development is targeted towards previously developed land in order to take a sustainable approach to the location of development.

11.55 In this instance the proposal affects land already subject to an existing mineral planning permission. Furthermore, the silt lagoon will assist in the production of sand and gravel which will underpin the ability of the community to deliver the new development aspirations set out in the Core Strategy and new Local Plan. In very simple terms minerals can only be worked where they are found; and built development cannot be built without these essential resources. The need for this development in this location is therefore clear. The proposed development therefore accords with SS1.

11.56 SS1a promotes the principle of a presumption in favour of sustainable development established in the NPPF 2012. As set out above it is considered that the proposals accord with the current NPPF in this regard.

11.57 SD1 – Sustainable use of resources requires all development to make sustainable use of resources and adapt to climate change and promotes development on previously developed land; minimises energy needs; and considers the reuse of construction waste.

11.58 The proposed lagoon sits on developed land; is a temporary use of land linked to the life of the quarry and the silt generated by the processing is used in the final restoration to create an ecologically valuable habitat that does not currently exist. As the lagoon is to be constructed from in situ retention of sand and gravel to create the lagoon bund, the use of primary resources is minimised compared to the alternative of building a lagoon bund out of loose materials and all of the vehicle movement that would entail.

11.59 SD4 covers pollution and flood risk. The proposed development is accompanied by flood risk assessment which confirms that there is no unacceptable risk. As regards the potential for pollution from the lagoon, the only material placed into the lagoon will be water and inert silt that already occurs in the local bedrock such that there will be no pollution risk.

11.60 DC1 covers design objectives, requiring high quality design. As set out above, the revised lagoon is expected to produce a better final restoration scheme for the Site compared to the permitted design and is expected to result in an enhancement to the biodiversity of the restored site and will be significantly better than the original grazing monoculture. During the mineral extraction Stages the operations will be unseen from outside the quarry.

11.61 DC2 addresses the historic environment. As set out above, the Site is already developed and is not considered to have any unacceptable effects on any heritage assets or any area of historic landscape character.

11.62 DC3 seeks to prevent development that will have a harmful landscape impact and supports proposals that will enhance local landscape character and green infrastructure. In this regard the restoration proposals result in a much more interesting and ecologically diverse landscape than originally existed. Furthermore, the mature screen planting undertaken around the Site means that the proposed development will not be visible from outside the quarry and will not intrude in an unacceptable way, on the local landscape. Finally, the existing provision of new paths (by the applicant) has significantly added to the local green infrastructure and now allows for a circular walk around the Site, as well as providing a safe footway alongside school lane meaning that pedestrians do not have to share School Lane with quarry traffic travelling to and from Croxden Quarry.

11.63 NE1 seeks to protect and enhance ecological and geological resources. The proposed silt lagoon changes sit entirely within the existing permitted quarry boundary with no known protected species on site. The proposed development does not sit in any designated area nor does it contain any particular features of especial merit. The restoration proposal will eventually enhance the biodiversity of the Site and will link into the surrounding woodland and hedgerows.

11.64 Policies T1 and T2 cover sustainable transport. It is not considered that there will be any change in the transport effects of the Site resulting from this development as it is simply a rearrangement of the previously permitted silting arrangements at the quarry. The Site will continue to use the existing access and output will not alter from those rates already approved.

11.65 In summary the proposals accord with the relevant policies in the Core Strategy.

Local Plan Submission Version (submitted 28th July 2019)

11.66 The Local Plan Submission Version is not adopted, has not yet been examined and is therefore an emerging policy document but is nonetheless material even though it is likely to be subject to further changes before it reaches adoption. The following assessment therefore concentrates on the key policies, many of which derive from the Core Strategy. As the proposed policies have a strong basis in existing adopted policies and the current NPPF, it is reasonable

to assume that the relevant policies are likely to survive to adoption and are therefore material to this application.

11.67 In many cases the responses to the emerging policies are explained in relation to the Core Strategy policies and therefore, to avoid unnecessary repetition, the text below cross references to the appropriate responses to the Core Strategy policies (above) where there is commonality.

11.68 SS1 sets out development principles see Core Strategy Response at para 11.55.

11.69 SS1a sets out the presumption in favour of sustainable development see Core Strategy Response at para above11.56

11.70 SS12 covers planning obligations and community infrastructure levy. As this development is merely a reconfiguration of an existing permitted mineral development it is not considered that it will result in the need for any changes to local infrastructure therefore it is not considered that there is any reasonable need for further planning obligations.

11.71 SD1 makes small amendments to Core Strategy SD1. The response to Core Strategy SD1 is therefore still relevant 11.58.

11.72 SD4 and SD5 addresses pollution, water quality and flood risk. 11.59 confirms there is little potential for pollution or flood risk from the development.

11.73 DC1 covers design considerations and 11.60 set out the appropriate response.

11.74 DC2 considers the historic environment – see 11.61

11.75 DC3 provides the landscape policies which are also addressed in 11.62

11.76 NE1 covers the natural environment – see 11.63.

11.77 NE2 covers trees woodland and hedgerows, which the council will seek to protect. The Site contains no trees but the proposed restoration will introduce extensive tree planting into the landscape. The proposals therefore accord with policy NE2.

11.78 T1 and T2 address the transport effects of the proposal and this is addressed in 11.64.

11.79 In summary the proposed development accords with the emerging Local Plan.

Policy Summary

11.80 In summary, the Site is a well-established permitted mineral development. NPPF requires great weight to be given to the benefits of mineral extraction and NPPF paragraphs 11 and 45 require that where a proposed development accords with the development plan, that planning permission should be granted without delay.

11.81 The proposals have been assessed against three key policy documents, two of which are adopted and one which is emerging and about to be examined shortly but is nonetheless material. In all three cases the development proposals accord with the relevant policies.

11.82 Given the requirement of the NPPF and that the development accords with the development plan, we consider that proposal should be approved without delay.

12 Pre-Application Consultation

12.1 The applicant has undertaken a pre-application consultation with the MPA[8] and has also screened the proposals under the EIA regulations[9].

12.2 These consultation responses have informed the preparation of the application and the scheme design.

12.3 Separately Freehay Quarry also has a liaison committee made up of local residents and council representatives. The development proposals now being put forward were discussed with that committee at its meeting on 06/11/2018.

13 Conclusion

13.1 This planning application is submitted under S73 of the Town and Country Planning Act 1990 (as amended) and seeks to make various small changes to planning permission SM.EA/5 which allows sand and gravel extraction with associated silting and restoration works, at the Site.

13.2 The proposed development seeks the continuation of the operation while adopting a rearrangement of the internal operations within the Site in order to create a single new silt disposal lagoon rather than the three approved by the extant permission. Associated with this is a minor revision to the permitted restoration scheme.

13.3 The proposals affect land that is already in use for quarrying and will not be visible from outside the quarry. The quarry is a temporary development, final restoration will increase local biodiversity and will link via existing wildlife corridors to surrounding woodland and other habitat areas being created as part of other mineral operations in the area.

13.4 The iterative design of the proposals has been informed by pre-application consultation with the MPA and various technical assessments. In particular the design has been prepared to ensure that noise levels will be maintained to an acceptable level and flood risk will not be increased. The conclusion drawn by the applicant is that the proposals will not result in any unacceptable impact on the environment.

13.5 The proposals have been screened under the EIA Regulations and confirmed as not requiring an EIA to be undertaken.

13.6 Statute requires that development should accord with the development plan and to that end the proposal have been assessed against the NPPF and the

[8] Staffordshire county council ref PAS/121/SM/107 M
[9] Staffordshire county council ref SCE.311/107 M

local development plan documents. Those assessments conclude that the development accords with the relevant policies.

13.7 Given the above, the proposal has negligible adverse effects and accords with the development plan. NPPF also gives great weight to the benefits of mineral extraction. It is, therefore the applicant's view that planning permission should be granted without delay in accordance with NPPF paragraph 11.

14 Photographs



Figure 13.1 Proposed stockpile area looking north east from the southern side of the Site. When full, the stock pile will fill this area up to original ground level (approx. 224m AOD) and a temporary noise bund will be erected along the edge closest to the photographer. This bund will remain until the bulk of the stock pile has reduced down to a level of 221m AOD.



Figure 13.2 Footpath Cheadle 61 looking south from Rakeway Wood Towards Freehay Cross road. This shows the quarry screening bund on the right, the fence footpath in the centre and the paddock leading to Bank Top and Chapel View on the left. This is the lowest point of the hedge on the left, the remainder being much taller and denser.



Figure 13.3 Views north from Freehay cross roads towards Cheadle along Rakeway. This image demonstrated the dense vegetation between the road and the quarry which sits to the left of the road.



Figure 13.4 Views from the burial ground looking along Rakeway with Bank Top and Chapel View on the left and Bank Top Farm on the right



Figure 13.5 Soils storage bunds in the Phase II extraction area viewed from the northern boundary The two bunds can be seen on plan F37/179, the bund on the left being the 17,500m3 bund and the right being the 37,000m3 bund. In the background the mature tree screen that separates the quarry from School Lane can be seen. These bunds are removed as part of the Stage 1 development.



Figure 13.6 Freehay cross roads showing looking towards Croxden Quarry. The former village shop can be seen with the Queens public house just out of view on the opposite side of the cross roads.



Figure 13.7 View from the north western side of the quarry looking down into Cheadle This demonstrates how there are no views of the operations from the north west due to the topography.



Figure 13.8 Footpath Cheadle 61 alongside School Lane School Lane can be seen to the right whilst the dense vegetation between the footpath and the quarry can be seen to the left. This vegetation prevents views into the quarry from School lane.

15 Appendix 1 – Scheme of Conditions SM.EA/5

Application No.
SM.EA/5

STAFFORDSHIRE COUNTY COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990
ENVIRONMENT ACT 1995
NOTICE OF DETERMINATION

To: Hanson Quarry Products Ltd
c/o Hanson Aggregates
Regional Office
Ashby Road East
Shepshed
Nr. Loughborough

The Staffordshire County Council having received an application for approval of conditions in accordance with the requirements of Paragraph 9 of Schedule 13 of the Environment Act 1995 for a dormant site at Freehay and Mobberley Quarries, School Lane, Freehay, Nr. Cheadle, and having ascertained the conditions which should be included within the Scheme of Conditions:

HEREBY GIVE NOTICE that the proposed Scheme of Conditions at Freehay and Mobberley Quarries, School Lane, Freehay, Nr. Cheadle in the area of land shown on the accompanying plans and thereon edged in red ink which you set out in your application has been determined differently by the addition to/substitution for/amendment of the submitted conditions by the conditions set out below:

SITE DEFINITION

1. This permission relates to the winning and working and processing of sand and gravel, the depositing of silt, and restoration and aftercare as shown outlined in red on Plan F2 hereinafter called the "Mineral Site".

Reason: To define the permission.

2. All operations shall take place in accordance with the details set out in the submission documents listed below unless otherwise modified by any of the conditions set out below:

- Freehay and Mobberley Quarries - Schedule of Conditions May 1999, Rec'd 26 May 1999 (F3 and F11 Superseded by F37fc/78 and 79)
- Freehay and Mobberley Quarries - Environmental Statement May 1999, Rec'd 26 May 1999

Dated this 29th day of March 2000

.....
On behalf of the said Council

- Freehay Quarry - Traffic Impact Assessment July 1999, Rec'd 23 July 1999
- Letter 12 August 1999 and accompanying documents and plans.
- Letter 12 November 1999 and accompanying documents and plans.
- Letter 22 November 1999 and accompanying documents and plans.

Reason: To define the permission.

DURATION

3. The winning and working and processing of sand and gravel, and its removal from the Mineral Site shall cease on 31 December 2025 and the site shall be restored by 31 December 2027 or within 24 months of cessation, which ever is the sooner in accordance with Condition 30.

Reason: To define the permission.

4. Notice of the date of cessation of the winning and working and processing of sand and gravel shall be given in writing to the Mineral Planning Authority within 14 days of cessation.

Reason: To define the permission.

5. This permission shall expire on completion of restoration and aftercare of the mineral site carried out in accordance with the scheme(s) approved under Condition 30 below.

Reason: To define the permission.

ACCESS AND TRAFFIC

6. Upon completion of the new access, approved under planning permission SM89/232, no other access shall be used by traffic entering or leaving the Mineral site.

Reason: In the interests of highway safety and amenity.

7. Within 12 months of the date of this determination a Mineral Site Transport Plan shall be submitted to the Mineral Planning Authority for the written approval. The Plan will include inter alia:

- An assessment of all transport related activities associated with the quarry;
- Monitoring of all vehicles entering and leaving Freehay Quarry including details of the vehicle type, load type/weight, and time of entering/leaving the site;
- Lorry route arrangements;
- Parking arrangements (to provide adequate parking and discourage early morning parking on the public highway);
- Vehicle maintenance provision;
- A haulage code of practice;

- Vehicle and road cleaning arrangements;
- Any opportunities that may arise in future to transport freight by rail from the quarry.

The Mineral Site Transport Plan shall be implemented within one month of approval and complied with at all times and shall be reviewed 5 years from the date of approval.

Reason: In the interests of highway safety and amenity.

8. No Heavy Goods Vehicle loaded with sand and gravel shall leave the mineral site unless its load has been securely sheeted.

Reason: In the interests of highway safety and amenity.

9. Measures shall be taken, including the use and maintenance of wheel washing equipment at Freehay Quarry, to ensure that vehicles leaving the mineral site shall not deposit sand, gravel, mud or other debris on the public highway or public right of way.

Reason: In the interests of highway safety and amenity.

HOURS OF WORKING

10. No extraction, activities or operations hereby permitted shall take place, except in emergencies to maintain safe quarry working (which shall be notified to the Mineral Planning Authority as soon as practicable), including the entrance and exit of heavy goods vehicles, except between 7.00 a.m. and 5.30 p.m. Monday to Friday and 7.00 a.m. and 12 noon Saturday. Maintenance work shall only be carried out between these hours and up to 5.30 p.m. on Saturdays and within the confines of the plant area. No operations shall take place on Sundays, Public or Bank Holidays. In addition any operations taking place within the Mineral Site in areas coloured orange on Plan P37fc/78 and following the removal of the screening/acoustic bunds, shall not commence before 8.00 a.m. Monday to Saturday.

Reason: To protect the amenities of local residents.

PLANT AND MACHINERY

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or any order amending or re-enacting that order, no fixed plant or machinery, buildings, structures or erections, other than those hereby permitted, shall be erected, extended, installed or replaced at the mineral site without the prior written consent of the Mineral Planning Authority.

Reason: The site lies in a Special Landscape Area where landscape and visual issues are very important and to protect the amenities of local residents.

NOISE

12. All operations, except those set out in Condition 13 below, shall take place at all times such that the free field site attributable noise levels shall not exceed the levels set out below.

1.Plantation House	49 dB LAeq 1hour
2.Bank Top	52.5 dB LAeq 1hour
3.Freehay Farm	56.5 dB LAeq 1hour
4.West View	66.5 dB LAeq 1hour

5.Blacks Farm	58.5 dB LAeq 1hour
6.The Foxes	49 dB LAeq 1hour
7.Pear Tree House	47 dB LAeq 1hour
8.Property West of Freehay Quarry	46 dB LAeq 1hour
9.Corner Shop	57 dB LAeq 1hour

Reason: To protect the amenities of local residents.

13. During temporary operations such as soil stripping and respreading, bund formation and removal, restoration or any other activity approved in writing by the Mineral Planning Authority, the equivalent continuous noise level dB LAeq 1hour freefield at the noise sensitive properties set out in Condition 12 above, shall not exceed 70 dB(A). Seven days prior written notice shall be given to the Mineral Planning Authority for each such event (24 hours for soil stripping and soil spreading works). Temporary operations defined in this condition shall be limited to a total of 8 weeks in any 12-month period at any individual noise sensitive property. All measurements shall be undertaken at a height above ground level of between 1.2 and 1.5 metres and at least 3.5 metres from any other sound-reflecting surface.

Reason: To protect the amenities of local residents.

14. Prior to the 31 December 2000 a noise monitoring scheme shall be submitted for the written approval of the Mineral Planning Authority. This shall include:

(i) Monitoring locations.
(ii) Monitoring frequency.
(iii) Apparent sources of noise and extraneous noise corrections.
(iv) Monitoring methodology including equipment used, position of equipment and ambient weather conditions.
(v) Results expressed in LAeq, Lmin, Lmax, L5, L10, L50, and L90 all described in dB(A).
(vi) Measures to be taken in the event that levels set out in Condition 12 are exceeded.

Monitoring shall thereafter be carried out in accordance with the approved scheme for the duration of the permission.

Reason: To protect the amenities of local residents.

15. Notwithstanding the requirements of Condition 12 all vehicles, plant and machinery shall be efficiently maintained and fitted with effective silencers and acoustic housing and shall be operated at all times using the best practical means to minimise the emission of noise on Freehay and Mobberley Quarries. All mobile plant used in association with operations shall be fitted with bell tone or warbler reversing alarms unless otherwise agreed in writing with the Mineral Planning Authority.

Reason: To protect the amenities of local residents.

DUST

16. The emission and propagation of dust from all operations within the mineral site and along the access road shall be managed to ensure that dust shall not be deposited outside the site. The dust control measures as set out in Table 8.2 of the Environmental Statement shall be implemented and complied with at all times.

Reason: To protect the amenities of local residents.

BLASTING

17. No blasting shall commence at the mineral site until full details of the methods to be employed to reduce ground vibration and air overpressure to a minimum practical level have been submitted to and received the written approval of the Mineral Planning Authority. All blasting operations shall take place only in accordance with the scheme as approved by the Mineral Planning Authority. The scheme should address:

(a) The times, frequency, duration and method of warning of blasting episodes

(b) No blasting to be carried out on site except between 1000 and 1200 and 1400 and 1600 Mondays to Fridays, except in emergencies, and no blasting on Saturdays, Sundays, Bank Holidays or Public Holidays.

(c) The blasting methodology.

(d) The adequate confinement of all explosive charges through sufficient quantity and quality of stemming material.

(e) The adequate confinement of all charges by means of an accurate face survey and subsequent judicious placement of explosive charges.

(f) The precautions to be taken in areas known to exhibit weaknesses in the ground.

(g) The detonation techniques preferred, including the practicality of prohibiting the use of surface lines of detonating cord

(h) The practicality of prohibiting the use of secondary blasting.

(i) No blasting within 150 m of any inhabited property surrounding the mineral site.

(j) The procedure to be followed in the event of a misfire.

(k) A revised scheme of working and restoration where the blasting proposals necessitate modifications to the approved working and restoration schemes

Reason: To protect the amenities of local residents.

18. No blasting shall take place at the mineral site until details of a scheme for the monitoring of blasting has been submitted to and received the written approval of the Mineral Planning Authority. The Scheme should include:

(a) the location of monitoring points; and

(b) equipment to be used, presentation of results; and

(c) procedures to be adopted if vibration goes above an agreed level,

All blasting operations shall take place only in accordance with the scheme as approved or with such subsequent amendments as may receive the written approval of the Mineral Planning Authority. The results of monitoring shall be made available to the Mineral Planning Authority.

Reason: To protect the amenities of local residents.

SITE ILLUMINATION

19. Prior to 31 July 2001 details of all floodlighting and other illumination proposed for the mineral site, processing plant and its access shall be submitted for the written approval of the

Mineral Planning Authority. These shall include:

(a) height of floodlighting posts

(b) intensity of the lights (specified in lux levels)

(c) spread of light including approximate light spillage to the rear of floodlighting posts (in metres)

(d) any measures proposed to minimise the impact of floodlighting or disturbance through glare (such as shrouding)

(e) times when lights will be illuminated

No lighting shall be installed other than in accordance with details approved by the Mineral Planning Authority.

Reason: To protect the amenities of local residents.

LANDSCAPING

20. Details of advanced tree planting on the northern extraction boundary of the mineral site, as referred to on page 3 of letter 22 November 1999, shall be submitted for the written approval of the Mineral Planning Authority prior to 31 July 2000. The planting shall be implemented in accordance with the approved scheme and planted in the first available planting season following approval.

Reason: In the interests of visual amenity and landscape.

PROTECTION OF WATER RESOURCES

21. Any facility for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound shall be at least equivalent to the capacity of the largest tank, vessel or the combined capacity of the interconnected tanks or vessels plus 10%. All filling points, associated pipework, vents, gauges and sight glasses must be located within the bund or have separate secondary containment. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground and protected from accidental damage. All filling points and tank/vessels overflow pipe outlets shall be detailed to discharge downwards into the bund. Any alternative proposals for storage shall be submitted for the written approval of the Mineral Planning Authority prior to their installation.

Reason: To minimise the risk of pollution of watercourses and aquifers.

22. The developer shall ensure that all ground surface waters are protected from any pollution which may arise in respect of the development.

Reason: To minimise the risk of pollution of watercourses and acquifers.

SOIL STRIPPING AND STORAGE

23. Prior to the commencement of topsoil stripping in each phase, the developer shall give at least seven days notice in writing to the Mineral Planning Authority for each phase of working of the mineral site.

Reason: To protect the quantity and quality of soils for restoration.

24. Topsoil and subsoil stripping shall only be carried out when the full depth of soil to be stripped or otherwise handled is in a suitable dry and friable condition.

Reason: To protect the quantity and quality of soils for restoration.

25. Prior to stripping Phase 2 a scheme shall be submitted for the written approval of the Mineral Planning Authority setting out the method of soil stripping, storage and respreading so as to cause least damage to the soil structure including minimal handling to avoid mixing, loss and compaction, to confine soil handling to the dry period between 31 March and 30 September and setting out the location, angles, heights and maintenance of all proposed soil storage areas for Phases 2 - 11. The scheme shall be carried out in accordance with the approved plans and implemented in all respects.

Reason: To protect the quantity and quality of soils for restoration.

26. Topsoil and subsoil shall be stripped, stored and replaced separately and in sequence and where necessary stored in bunds. Topsoil shall be stripped from any subsoil storage areas prior to the placement of any subsoil.

Reason: To protect the quantity and quality of soils for restoration.

27. Any topsoil and subsoil storage bund created shall be seeded during the next available sowing season following construction and thereafter maintained in a weed free condition until required for the restoration of the mineral site.

Reason: To protect the quantity and quality of soils for restoration.

28. Unless otherwise agreed in writing with the Mineral Planning Authority, no stripped or stored topsoil or subsoil shall be removed from the mineral site.

Reason: To protect the quantity and quality of soils for restoration.

29. With the exception of internal haul routes plant and vehicles shall not cross areas of unstripped topsoil and subsoil except for the purposes of soil stripping and soil replacement operations.

Reason: To protect the quantity and quality of soils for restoration.

RESTORATION

30. The mineral site shall be progressively restored in accordance with revised details, to be submitted for the written approval of the Mineral Planning Authority, prior to 31 July 2001. The revised details shall provide for:

(a) a reduction in the quantity of tree planting on Freehay Quarry floor and benches, especially around wetland areas and in the vicinity of heathland and grassland

(b) no planting associated with heathland or grassland areas

(c) retention of some open cliff faces with no planting or hydroseeding

(d) details of planting and other matters required to satisfy Condition 23 of planning permission SM89/232

(e) the replacement of subsoil and topsoil by loose tipping and ripping

(f) a programme of implementation.

The mineral site shall be restored in accordance with the revised details and the approved programme of implementation.

Reason: To ensure the satisfactory reclamation of the site.

AFTERCARE

31. A 5 year aftercare scheme for land restored to woodland, and a 10 year aftercare scheme for land restored to nature conservation shall be submitted for the written approval of the Mineral Planning Authority 3 months prior to the implementation of the restoration of any phase of the mineral site. The aftercare scheme shall be implemented in accordance with the approved details.

Reason: To ensure the satisfactory reclamation of the site.

32. Any trees or shrubs, planted for landscaping or restoration purposes, that die or become diseased within a period of five years from the date of planting shall be replaced with the aim of achieving a 90% survival rate at the end of the five year period.

Reason: To ensure the satisfactory reclamation of the site.

16 Appendix 2 – Screening Opinion

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Web site: www.staffordshire.gov.uk/planning
Please ask for: David Bray

Sent by email

Our Ref: SCE.311/107 M

6 June 2019

Dear Mrs Kearns

Request for an EIA Screening Opinion in connection with proposal to amend the development to allow the construction of a new silt lagoon at Freehay Quarry, Freehay Road, Staffordshire

The Town and Country Planning (Environmental Impact Assessment) Regulations 2017: Regulation 6 - Screening Opinion.

I refer to your letter dated 17 May 2019 in connection with the above proposals and the regulations referred to above.

The County Council has considered the information you supplied and is of the opinion that the proposed development falls within the description provided within Schedule 2 paragraph 13 (a) to the above regulations, but in the opinion of the County Council, having taken into account the criteria in Schedule 3 to the above regulations and the 'Planning Practice Guidance – Screening Schedule 2 projects' (version 28/7/17), the proposed development would not be likely to have significant effects on the environment by virtue of factors such as its nature, size or location. Further details are provided in the accompanying 'Screening Opinion Checklist'.

Therefore, in accordance with the powers contained in the 'Scheme of Delegation to Officers', this letter confirms that the County Council is of the opinion that the proposed development **is not EIA development** and need not be accompanied by an Environmental Statement.

Yours sincerely

David Bray
Principal Planning Officer

Accompanied by a Screening Opinion Checklist

17 Appendix 3 – Planning History

Application Number	Description	Decision
SM.89/232	The erection and use of sand and gravel processing plant, office, weighbridge and garage building, construction of a new vehicle access, lowering of the quarry floor, erection of a ready mixed concrete plant, use of the land for stockpiling.	Approved - 24 December 1999
SM.89/232 D1	Submission of access design and landscaping details in compliance with Condition 9 of planning permission SM.89/232.	Approved - 10 October 2000
SM.89/0232 D2	Details in compliance with Condition 13 of planning permission SM.89/0232 - Wheel cleaning.	Approved - 21 March 2000
SM.89/232 D3/IDO	Details in compliance with Condition 23 and S.106 clauses 5.3 and 5.4 of planning permission SM.89/232, and Condition 20, revision of approved details of planning permission IDO/SM/5.	Approved - 12 September 2000
SM.89/232 D4	Details in compliance with Condition 7 (fencing) and Condition 19 (dust control measures) of SM.89/232, and Noise Monitoring Schemes, Condition 17 of SM.89/232, Condition 14 of SM.EA/5, and Condition 14 of IDO/SM/5.	Approved - 17 November 2000
SM.89/232 D5	Submission of details in compliance with Condition 9c of planning permission SM.98/232, design and construction of silt culvert between Freehay Quarry and Mobberley Quarries.	Approved - 18 April 2001
SM.EA/5	Scheme of conditions in accordance with the Environment Act 1990.	Approved - 29 March 2000
IDO/SM/5	Scheme of conditions in accordance with the Environment Act 1990.	Approved - 29 March 2000
SM.01/00295	Revised silting, overburden storage and restoration details pursuant to planning consent SM.98/232, approved schemes of condition IDO/SM/5 and EA/SM/5 (located in Mobberley Quarry).	Approved - 20 September 2001
SM.01/00295 D1	Details in compliance with Condition 6 (grass seeding) and Condition 3 (Ecological Survey).	Approved - 15 July 2002
SM.01/00295 D2	Submission of details pursuant to condition 1 of planning permission SM.01/00295.	Approved - 6 August 2002
SM.01/00295 D3	Submission of details in compliance with	Approved - 11

	Condition 3 (Ecological Survey) of planning permission SM.01/00295.	November 2002
SM.02/19 107 M	Variation of sand and gravel processing plant specification.	Approved - 6 December 2002
SM.EA/5 D1 107 M	Details pursuant to Condition 7 of planning permission SM.EA/5, mineral site transport plan.	Approved - 27 June 2003
SM.89/0232 D6 107 M	Submission of details in compliance with Condition 13 of planning permission SM.89/0232 (wheelwash).	Approved - 14 July 2003
SM.EA/5 D2 107 M	Submission of details in compliance with Condition 19 of planning permission SM.EA.5, site floodlighting and illumination.	Approved - 14 March 2003
SM.89/0232 D7 107 M	Submission in compliance with Condition 7 of planning permission SM.89/0232.	Approved - 15 May 2003
SM.EA/5 D3 107 M	Submission of details in compliance with condition 25 of planning permission SM.EA/5 relating to method of stripping, storage and re-spreading of soils.	Approved – 25 January 2007
SM.EA/5 107 M D4	Submission of details in compliance with Condition 7 of planning permission SM.EA/5 relating to a mineral transport plan 5 year review.	Approved - 17 September 2008
IDO/SM/5 107 M D1	Submission of details in compliance with Condition 7 of planning permission IDO/SM/5 relating to a mineral transport plan 5 year review.	Approved - 17 September 2008
SM.89/232 107 M NMA1	Non material amendment to Condition 23 of planning permission SM.89/232 - additional time until 30 March 2015 for the submission of the restoration scheme.	Approved – 13 January 2015
SM.01/00295 107 M NMA1	Non material amendment to Condition 4 and 5 of planning permission SM.01/00295 - additional time until 30 March 2015 for the submission of the restoration scheme.	1 Approved - 3 January 2015
IDO/SM/5 107 M NMA1	Non material amendment to Condition 22 of planning permission IDO/SM/5 - additional time until 30 March 2015 for the submission of the restoration scheme.	Approved - 13 January 2015
SM.EA/5 107 M NMA1	Non material amendment to Condition 30 of planning permission SM.EA/5 - additional time until 30 March 2015 for the submission of the restoration scheme.	Approved - 13 January 2015
SM.14/07/107 M	Application for postponement of the periodic review date to 31 December 2025 relating to	Approved - 21

	planning permissions SM.EA/5 and IDO/SM/5	April 2015
SM.01/00295 107 M NMA2	Non material amendment to Condition 4 of planning permission SM.01/00295, for the deferral of date for submission of a technical assessment proving the tip's stability to 31 December 2015.	Approved - 12 June 2015
SM.EA/5 107 M D6	Submission of details in compliance with Condition 30 of planning permission SM.EA/5 relating to a restoration scheme.	Approved - 24 November 2016
SM.01/00295 107 M D4	Submission of details in compliance with Conditions 4 and 5 of planning permission SM.01/000295 relating to a restoration scheme.	Part approved - 24 November 2016
SM.89/232/107 M D8	Submission of details in compliance with Condition 23 of planning permission SM.89/232 relating to a restoration scheme.	Approved - 24 November 2016

Table provided by Staffordshire County Council as part of the pre-application advice provided to Hanson - dated 11 May 2018.